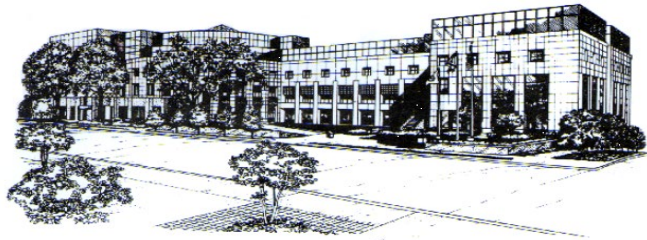


BOARD OF COUNTY COMMISSIONERS LEON COUNTY, FLORIDA

AGENDA REGULAR MEETING

**Tuesday, July 12, 2022
3:00 p.m.**

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



COUNTY COMMISSIONERS

Bill Proctor, Chairman
District 1

Nick Maddox, Vice Chair
At-Large II

Carolyn D. Cummings
At-Large I

Kristin Dozier
District 5

Vacant
District 2

Rick Minor
District 3

Brian Welch
District 4

Vincent S. Long
County Administrator

Chasity H. O'Steen
County Attorney

The Leon County Commission typically holds regular meetings on the second Tuesday of each month and workshops are held on the fourth Tuesday of the month. Regularly scheduled meetings are held at 3:00 p.m. and workshops are held at 1:00 p.m. A tentative schedule of meetings and workshops is attached to this agenda as a "Public Notice." Commission meeting agendas and minutes are available on the County Home Page at: www.leoncountyfl.gov. The media and the public can access the meeting in real time on Comcast channel 16, the Leon County Florida channel on Roku, the County's [Facebook](#) page, [YouTube](#) channel, [Twitter](#) and [web site](#).

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 (Section 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, July 12, 2022, 3:00 p.m.

Leon County Courthouse, Commission Chambers, 5th Floor
301 S. Monroe Street Tallahassee, Florida 32301

The media and the public can access the meeting in real time on Comcast channel 16, the Leon County Florida channel on Roku, the County's [Facebook](#) page, [YouTube](#) channel, [Twitter](#) and County [web site](#).

Citizens wishing to provide input on any item(s) on the published agenda (or a non-agenda subject) for the meeting may share public comment by using one of the following options:

- In-person at the meeting; or
- Register to provide comments using communications media technology during the meeting through the registration form using the following link <https://www2.leoncountyfl.gov/coadmin/agenda/>. Citizens wishing to provide virtual comment must register by 8 p.m. on the day before the meeting to provide County staff sufficient time to provide instructions to citizens for comment during the meeting. Anyone needing assistance with registration may contact County Administration at 850-606-5300.

Please note that Board of County Commissioners Policy 01-05, Article IX., Section E., titled "Addressing the Commission", and Article IX., Section F., entitled "Decorum", shall remain in full force and effect.

INVOCATION & PLEDGE OF ALLEGIANCE

Invocation by Mr. Harshad Desai from the Hindu Temple of Tallahassee

Pledge of Allegiance by Commissioner Kristin Dozier

AWARDS AND PRESENTATIONS

- Presentation 2022 Neighborhood of the Year Awards
(Chairman Bill Proctor)

CITIZENS TO BE HEARD ON CONSENT AND NON-AGENDAED ITEMS

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

CONSENT

1. Minutes: April 12, 2022 Regular Meeting and May 10, 2022 Regular Meeting.
(Clerk of Court)
2. Payment of Bills and Vouchers
(County Administrator/ Office of Financial Stewardship/ Office of Management & Budget)
3. Commissioner Appointments to the Code Enforcement Board and the Water Resources Committee
(County Administrator/ County Administration)

4. Voluntary Annexation of Property Located at 4075 Centerville Road
(County Administrator/ Development Support & Environmental Management)
5. State Emergency Management Preparedness and Assistance Trust Fund Base Grant Agreements for FY 2022-2023
(County Administrator/ Office of Financial Stewardship/ Emergency Management)
6. Request to Schedule a Tax Equity and Fiscal Responsibility Act (TEFRA) Public Hearing for The Holy Comforter Episcopal School, Inc. Conduit Refinancing Request
(County Administrator/ Office of Financial Stewardship)
7. Sheriff's Request for Utilization of Law Enforcement Trust Fund Assets
(County Administrator/ Office of Financial Stewardship)
8. Proposed Resolution Authorizing Conveyance of Easement Interest in County Amtrak Complex at 912-918 Railroad Avenue to the City of Tallahassee
(County Administrator/ County Attorney/ Office of Financial Stewardship)
9. Interlocal Agreement on the State Housing Initiative Partnership
(County Administrator/ Human Services & Community Partnerships)
10. Appointment of the Leon County Health Department Administrator
(County Administrator/ Human Services & Community Partnerships)
11. County Commitment of Funding Match for the Low Income Pool for Bond Community Health Center, Neighborhood Medical Center, and Apalachee Center, Inc.
(County Administrator/ Human Services & Community Partnerships)
12. Acceptance of Florida Health Literacy Initiative Grant and #PlantWildflowers Nationwide Library Initiative Grant for FY 2022
(County Administrator/ Library)
13. Joint Project Agreement with the City of Tallahassee for the Water and Wastewater Infrastructure Relocation for Maylor Road Drainage Improvement Project
(County Administrator/ Public Works)
14. Approval of Rivers Landing Phase IIA – Replat
(County Administrator/ Public Works)
15. Approval of the Plat for Unit 4 of Chastain Manor Phase 2 Subdivision
(County Administrator/ Public Works)
16. Third Performance Agreement and Surety Device for Unit 2 of Chastain Manor Phase 2 Subdivision
(County Administrator/ Public Works)
17. Proposed Revisions to Policy No. 21-6, "County Tourism Event Grant Programs"
(County Administrator/ Tourism)

Procurements: (These items are included under Consent.)

18. Authorization of Contracts for Sidewalk and Associated Work Construction, Continuing Services
(County Administrator/ Purchasing/ Public Works)
19. Bid Award for Construction of the Belair Sewer Phase II Wastewater Retrofit
(County Administrator/ Purchasing/ Public Works)

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

- 20. Public Information Campaign to Increase Awareness of Burning-Related Air Quality Issues
(County Administrator/ Community & Media Relations)
- 21. May 2022 Quarterly Economic Dashboard Report
(County Administrator/ PLACE/ Office of Economic Vitality)
- 22. Lake Munson Update
(County Administrator/ Public Works)
- 23. Status Update Regarding Curbside Collection Service Provided by Waste Pro, Inc.
(County Administrator/ Resource Stewardship)

CONSENT ITEMS PULLED FOR DISCUSSION

GENERAL BUSINESS

- 24. 2022 Florida Legislative Session Final Report and Request to Schedule the Board Workshop on 2023 State and Federal Legislative Priorities
(County Administrator/ County Administration)
- 25. Status Update on the Tourist Development Tax Funds Allocated to the Community Redevelopment Agency
(County Administrator/ County Administration)
- 26. Ratification of Board Actions Taken at the June 21, 2022, FY 2023 Budget Workshop
(County Administrator/ Financial Stewardship)
- 27. Acceptance of Federal Grants for Renovations to the Old Concord School
(County Administrator/ Financial Stewardship)
- 28. Full Board Appointments to the Big Bend Health Council, the CareerSource Capital Region Board, and the Investment Oversight Committee
(County Administrator/County Administration)

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

- 29. First and Only Public Hearing to Consider Adopting an Ordinance Amending the Official Zoning Map to Change Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle N.W.
(County Administrator/ PLACE/ Planning)
- 30. First and Only Public Hearing to Approve a Resolution Adopting the Annawood Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to the Tax Collector
(County Administrator/ Financial Stewardship/ Public Works)
- 31. First and Only Public Hearing to Approve the Resolution Adopting the Solid Waste Disposal Services Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
(County Administrator/ Financial Stewardship)

32. First and Only Public Hearing to Approve the Resolution Adopting the Fire Rescue Services Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
(County Administrator/ Financial Stewardship)
33. First and Only Public Hearing to Approve the Resolution Adopting the Stormwater Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
(County Administrator/ Financial Stewardship)

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

- Capital Region Community Development District meeting minutes of August 12, 2021, October 14, 2021, November 18, 2021, January 13, 2022, February 10, 2022, and April 14, 2022.
- Canopy Community Development District proposed Budget Fiscal Year 2023.

ADJOURN

*The next regular meeting of the Board of County Commissioners is tentatively scheduled for
Tuesday, September 13, 2022 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 contact the Board Secretary
or visit the County Clerk website at www.leoncountyfl.gov**

PUBLIC NOTICE

Leon County Board of County Commissioners

2022 Tentative Meeting Schedule

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

Date	Day	Time	Meeting
January 24	Monday	9:00 a.m.	Board Retreat
January 25	Tuesday	3:00 p.m.	Regular Board Meeting
February 8	Tuesday	3:00 p.m.	Regular Board Meeting
February 22	Tuesday	9:00 a.m.	Joint County/City Affordable Housing Workshop
March 8	Tuesday	3:00 p.m.	Regular Board Meeting
March 22	Tuesday	9:00 a.m.	Workshop on Alternatives to Incarceration for the Possession of Small Amounts of Marijuana
		10:30 a.m.	Leon County Detention Facility Population Management Workshop
		1:00 p.m.	Joint County/City Workshop on the 2022 Cycle Comprehensive Plan Amendments
April 12	Tuesday	3:00 p.m.	Regular Board Meeting
April 12	Tuesday	6:00 p.m.	Joint Transmittal Hearing on the 2022 Cycle Comprehensive Plan Amendments
May 10	Tuesday	3:00 p.m.	Regular Board Meeting
June 14	Tuesday	3:00 p.m.	Regular Board Meeting
June 14	Tuesday	6:00 p.m.	Joint Adoption Hearing on 2022 Cycle Comprehensive Plan Amendments
June 21	Tuesday	9:00 a.m.	Budget Workshop
July 12	Tuesday	3:00 p.m.	Regular Board Meeting
September 13	Tuesday	3:00 p.m.	Regular Board Meeting
September 13	Tuesday	6:00 p.m.	First Public Hearing on Tentative Millage Rate and Budgets
September 20	Tuesday		Workshop (TBD)
September 20	Tuesday	6:00 p.m.	Second Public Hearing on Final Millage Rate and Final Budgets
October 11	Tuesday	3:00 p.m.	Regular Board Meeting
October 25	Tuesday	1:00 p.m.	2023 State & Federal Legislative Priorities Workshop (Tentative)
November 22	Tuesday	3:00 p.m.	Installation, Reorganization & Regular Board Meeting
December 13	Tuesday	3:00 p.m.	Regular Board Meeting

Note: All regularly scheduled Board meetings are generally scheduled for the 2nd Tuesday of the month and workshops for the 4th Tuesday. If additional Board meetings are necessary, the meeting would be scheduled on the 4th Tuesday of the month in addition to or in place of a workshop.

PUBLIC NOTICE
Leon County Board of County Commissioners
2022 Tentative Meeting Schedule

Month	Day	Time	Meeting Type
January 2022	Tuesday 11	No meeting	BOARD RECESS
	Monday 17	Offices Closed	MARTIN LUTHER KING, JR. DAY
	Wednesday 19 – Thursday 20		FAC Legislative Day & Innovation Day Tallahassee, FL
	Monday 24	9:00 a.m.	Board Retreat North Florida Fairgrounds
	Tuesday 25	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	First of Two Public Hearings to Consider an Amendment to the Park Place Development Agreement
	Tuesday 18 Monday 31	1:30 p.m. 5:30 p.m.	Capital Region Transportation Planning Agency City Commission Chambers
	Tuesday 8	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
February 2022		6:00 p.m.	Second and Final Public Hearing to Consider an Amendment to the Park Place Development Agreement
		6:00 p.m.	First and Only Public Hearing to Consider an Ordinance Amending Article IV of Chapter 10 of the Leon County Code of Law, Entitled “Closed Basins and Standards”
		6:00 p.m.	First and only Public Hearing to consider the draft ordinance which repeals Chapter 11, Article VIII of the Code of Laws Entitled Solicitation on Public Street
	Saturday 12 – Wednesday 16		NACO Legislative Conference Washington, D.C.
	Monday 21	1:30 p.m.	Capital Region Transportation Planning Agency Meeting City Commission Chambers
	Tuesday 22	9:00 a.m.	Joint Workshop on Affordable Housing City Commission Chambers
	Thursday 24	3:00 p.m.	Blueprint Intergovernmental Agency Meeting City Commission Chambers
	Tuesday 8	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
March 2022		6:00 p.m.	First and Only Public Hearing to consider an Ordinance Adopting the Annual Update to the Tallahassee-Leon County Comprehensive Plan Capital Improvements Schedule
		6:00 p.m.	First and Only Public Hearing for the Camellia Oaks Type C Site and Development Plan Application
		6:00 p.m.	First and Only Public Hearing to Consider an Ordinance Amending Ordinance No. 07-18, as amended, to contract the boundaries of the Fallschase Community Development District
	Tuesday 15	1:30 p.m.	Capital Region Transportation Planning Agency Meeting City Commission Chambers
	Tuesday 22	9:00 a.m.	Workshop on Alternatives to Incarceration for the Possession of Small Amounts of Marijuana County Courthouse, 5 th Floor Commission Chambers
		10:30 a.m.	Leon County Detention Facility Population Management Workshop

Month	Day	Time	Meeting Type
March 2022 (cont.)	Tuesday 22	1:00 p.m.	Joint County/City Workshop on the 2022 Cycle Comprehensive Plan Amendments
	Thursday 31	3:00 p.m.	Blueprint Intergovernmental Agency Meeting City Commission Chambers
April 2022	Tuesday 12	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	Joint County/City Transmittal Hearing on Cycle 2022 Comprehensive Plan Amendments
		6:00 p.m.	First & Only Public Hearing to consider an Ordinance Amending the Official Zoning Map to Change Zoning Classification from the Bradfordville Commercial-1 (BC-1) and Bradfordville Commercial-2 (BC-2) Zoning Districts to the Bradfordville Office Residential (BOR) Zoning District for 10.16 Acres Located at 6785 Thomasville Road
	Tuesday 19 cancelled	1:30 p.m.	Capital Region Transportation Planning Agency Meeting City Commission Chambers
	Wednesday 20 – Saturday 24		National Organization of Black County Officials (NOBCO) Annual Economic Development Conference Memphis, TN
	Saturday 23		Honor Flight Tallahassee Washington D.C.
	Tuesday 26 cancelled	9:00 a.m.	Budget Policy Workshop County Courthouse, 5th Floor Commission Chambers
May 2022	Tuesday 10	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	First and Only Public Hearing to Consider Adopting an Ordinance Amending Section 10-1.101 of the Land Development Code Entitled “Definitions”, and Creating a New Section 10-7.545.1 Entitled “Electric Vehicle Charging Station Infrastructure and Electric Vehicle Parking Requirements”
		6:00 p.m.	First of Two Public Hearings to Consider Adoption of an Ordinance Amending Chapter 10 of the Land Development Code to Address Sign Regulations
		6:00 p.m.	First and only public hearing to consider adopting an Ordinance to repeal Section 18-142 of the Leon County Code of Laws Pertaining to Open Burning
	Tuesday 17	1:30 p.m.	Capital Region Transportation Planning Agency Meeting City Commission Chambers
	Thursday 19	1:00 p.m.	Blueprint Intergovernmental Agency Budget Workshop City Commission Chambers
		3:00 p.m.	Blueprint Intergovernmental Agency Meeting City Commission Chambers
	Friday 20	Offices Closed	EMANCIPATION DAY
	Tuesday 24		Meeting and/or Workshop (TBD) County Courthouse, 5th Floor Commission Chambers
	Monday 30	Offices Closed	MEMORIAL DAY
June 2022	Tuesday 14	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.	Joint County/City Adoption Hearing on Cycle 2022 Comprehensive Plan Amendments
		6:00 p.m.	Second & Final Public Hearing to Consider Adoption of an Ordinance Amending Chapter 10 of the Land Development Code to Address Sign Regulations

Month	Day	Time	Meeting Type
June 2022 (cont.)	Tuesday 14	6:00 p.m.	First & Only Public Hearing to Consider Adopting an Ordinance to Sunset the Leon County Contractors Licensing Program and the Contractors Licensing Board
		6:00 p.m.	First and Only Public Hearing to Consider Adopting an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Manufactured Home and Single Family Detached (R-5) Zoning District to the Office Residential (OR-2) Zoning District for the 11.07 Acres Located at 6034 W. Tennessee Street
	Monday 20	1:30 p.m. Cancelled	Capital Region Transportation Planning Agency Meeting City Commission Chambers
	Tuesday 21	9:00 a.m.	Budget Workshop County Courthouse, 5th Floor Commission Chambers
	<i>Tuesday 28 – Friday 1</i>		<i>FAC Annual Conference & Educational Exposition Orange County; Orlando, FL</i>
July 2022	Monday 4	Offices Closed	INDEPENDENCE DAY
	Tuesday 12	9:00 a.m. Cancelled	Budget Workshop (if necessary) County Courthouse, 5th Floor Commission Chambers
	Tuesday 12	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers
		6:00 p.m.	First and Only Public Hearing to Approve the Resolution Adopting 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 Approve the Resolution Adopting the Stormwater Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector
		6:00 p.m.	First and Only Public Hearing to Approve the Resolution Adopting 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 Approve Resolution Imposing Non-Ad Valorem Assessments for Sewer Services for Certain Real Property in Annawood, and Certifying the Roll to the Tax Collector
		6:00 p.m.	First and Only Public Hearing to Consider Adopting a Proposed Ordinance Amending Official Zoning Map to Change Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW
	Thursday 14	3:00 p.m. Cancelled	Blueprint Intergovernmental Agency Meeting City Commission Chambers
	<i>Wednesday 20 – Saturday 23</i>		<i>National Urban League Annual Conference Washington D.C.</i>
	<i>Thursday 21 - Sunday 24</i>		<i>NACo Annual Conference Adams County / Aurora, Colorado</i>
	Tuesday 26	No Meeting	BOARD RECESS
August 2022	<i>Thursday 18 - Sunday 21</i>		<i>Chamber of Commerce Annual Conference Amelia Island, Fernandina Beach, FL</i>
September 2022	Monday 5	Offices Closed	LABOR DAY
	Tuesday 13	3:00 p.m.	Regular Meeting County Courthouse, 5th Floor Commission Chambers

Month	Day	Time	Meeting Type
September 2022 (cont.)	Tuesday 13	6:00 p.m.*	First Public Hearing Regarding Tentative Millage Rates and Tentative Budgets for FY 21/22*
		6:00 p.m. <i>(tentative)</i>	<u>Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing to consider issuance of debt refinancing for Holy Comforter Episcopal School</u>
	Wednesday 14 – Friday 16		FAC Innovation & Policy Conference Miami-Dade County
	Sunday 18 – Wednesday 21		ICMA Annual Conference Franklin County / Columbus, Ohio
	Tuesday 20	1:00 p.m.	Workshop TBD County Courthouse, 5 th Floor Commission Chambers
		6:00 p.m.*	Second & Final Public Hearing on Adoption of Final Millage Rates and Budgets for FY 21/22*
	Tuesday 27	1:30 p.m.	Capital Region Transportation Planning Agency Meeting City Commission Chambers
	Thursday 15 Thursday 29	5:00 p.m.	Blueprint Intergovernmental Agency Meeting & 6:00 p.m. Budget Public Hearing City Commission Chambers
	TBD		Congressional Black Caucus Annual Legislative Conference - TBD
<i>*These public hearing dates may change because of the School Board's scheduling of its budget adoption public hearings</i>			
October 2022	Tuesday 11	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	Tuesday 18	9:00 a.m.	Capital Region Transportation Planning Agency Workshop/Retreat – City Commission Chambers
	Tuesday 25	1:00 p.m.	<u>Tentative</u> - Workshop on 2023 State and Federal Legislative Priorities County Courthouse, 5 th Floor Commission Chambers
November 2022	Tuesday 8	Offices Closed	ELECTION DAY
	Friday 11	Offices Closed	VETERAN'S DAY
	Tuesday 15	1:30 p.m.	Capital Region Transportation Planning Agency Meeting City Commission Chambers
	Tuesday 22	3:00 p.m.	Installation, Reorganization and Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	Thursday 24	Offices Closed	THANKSGIVING DAY
	Friday 25	Offices Closed	FRIDAY AFTER THANKSGIVING DAY
	Wednesday 30 – Friday 2		FAC Legislative Conference Pinellas County
December 2022	Thursday 8	3:00 p.m.	Blueprint Intergovernmental Agency Meeting City Commission Chambers
	Tuesday 13	3:00 p.m.	Regular Meeting County Courthouse, 5 th Floor Commission Chambers
	Tuesday 20	1:30 p.m.	Capital Region Transportation Planning Agency Meeting City Commission Chambers
	Monday 26	Offices Closed	CHRISTMAS OBSERVED
January 2023	Monday 2	Offices Closed	NEW YEAR'S DAY OBSERVED
	Tuesday 10	No Meeting	BOARD RECESS
	Monday 16		MARTIN LUTHER KING, JR. DAY

Citizen Committees, Boards, and Authorities

Current and Upcoming Vacancies

leoncountyfl.gov/committees

CURRENT VACANCIES

Advisory Committee for Quality Growth

Board of County Commissioners (1 appointments of nominee)

Affordable Housing Advisory Committee

Board of County Commissioners (1 appointment) from one of the following categories:

- b. A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- c. A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- e. A citizen who is actively engaged as a for-profit provider of affordable housing.
- j. A citizen who represents employers within the jurisdiction.
- k. A citizen who represents essential services personnel, as defined in the local housing assistance plan.
(*Essential Service Personnel includes teachers and educators, other school district, community college and university employees, police and fire personnel, health care personnel, skilled building trades personnel and active U.S. Armed Forces service members.*)

Animal Classification Committee

Board of County Commissioners (1 appointment) – Licensed Veterinarian

Board of County Commissioners (1 appointment) – Informed Citizen

Board of Adjustments & Appeals

Board of County Commissioners (2 appointments)

City of Tallahassee (1 appointment)

CareerSource Capital Region Board

Board of County Commissioners (3 appointments)

Contractors Licensing Board

Commissioner - District II Commissioner (1 appointment)

Joint City/County Bicycling Workgroup

City of Tallahassee (3 appointments)

UPCOMING VACANCIES

JULY 31, 2022

Big Bend Health Council

Board of County Commissioners (4 appointments)

Code Enforcement Board

Commissioner - District I: Bill Proctor (1 appointment)

Investment Oversight Committee

Board of County Commissioners (2 appointments)

Water Resource Committee

Commissioner - District II Commissioner (1 appointment)

Commissioner - District IV: Brian Welch (1 appointment)

SEPTEMBER 30, 2022

Community Development Block Grant Citizens Advisory Task Force

Board of County Commissioners (3 appointments)

Council on Culture & Arts

Board of County Commissioners (2 appointments)

Joint School Coordinating Committee

Board of County Commissioners (1 appointment)

Leon County Research & Development Authority

Board of County Commissioners (3 appointments)

Science Advisory Committee

Commissioner - District III: Rick Minor (1 appointment)

Commissioner - District IV: Brian Welch (1 appointment)

Tallahassee-Leon County Commission on the Status of Women & Girls

Commissioner - District III: Rick Minor (1 appointment)

Commissioner - District I: Bill Proctor (1 appointment)

Commissioner - District V: Kristin Dozier (1 appointment)

Board of County Commissioners (4 appointments- ratification of CSWG appointees)

OCTOBER 31, 2022

Canopy Roads Citizens Committee

Board of County Commissioners (2 appointments)

**Leon County
Board of County Commissioners
Notes for Agenda Item #1**

Leon County Board of County Commissioners

Agenda Item #1

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Minutes: April 12, 2022 Regular Meeting and May 10, 2022 Regular Meeting

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Edward Burke, Finance Director, Clerk of Court & Comptroller
Lead Staff/ Project Team:	Beryl Wood, Clerk to the Board

Statement of Issue:

This item seeks Board review and approval of the following minutes: April 12, 2022 Regular Meeting and May 10, 2022 Regular Meeting.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Approve the minutes of the April 12, 2022, Regular Meeting and May 10, 2022 Regular Meeting.

Attachments:

1. April 12, 2022 Regular Meeting Minutes
2. May 10, 2022 Regular Meeting Minutes

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
April 12, 2022**

The Board of County Commissioners of Leon County, Florida met in regular session at 3:01 p.m. with Chairman Bill Proctor presiding. Present were Vice-Chair Nick Maddox and Commissioners Rick Minor, Brian Welch, Kristin Dozier, Carolyn Cummings, and Jimbo Jackson. Also present were County Administrator Vincent Long, County Attorney Chasity O'Steen, and Clerk to the Board Beryl H. Wood.

Chairman Proctor called the meeting to order at 3:01 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation and Pledge of Allegiance were provided by Vice-Chair Maddox.

AWARDS AND PRESENTATIONS

- **Proclamation Recognizing the Leon County Chapter of the Charmettes Inc. for 50 years of Debutant Presentations and Scholarships, and its Support of the Howard University Cancer Center**
 - Commissioner Cummings presented the Proclamation recognizing the Leon County Chapter of the Charmettes Inc., for 50 years of debutant presentations and scholarships, and its support of the Howard University Cancer Center. Dr. Malinda James, President, accepted the Proclamation on behalf of the Charmettes and thanked the Commission, stating they support programs to assist families in need and cancer research. The Commissioners thanked the Leon County Chapter of Charmettes for all the support they have provided.
- **Proclamation Recognizing March as Multiple Sclerosis Awareness Month**
 - Commissioner Dozier presented the Proclamation recognizing March as Multiple Sclerosis Awareness Month. Ms. Natasha Scoff from the multiple sclerosis community accepted the Proclamation and thanked the Commission for the Proclamation and its continuous support. She then spoke about people in the community who are suffering from multiple sclerosis and resources available for assistance.
- **Proclamation recognizing Vaughn Wilson, president of Mega Ace Production, for his efforts for the first annual Tallahassee Black Business Expo**
 - Vice-Chair Maddox presented the Proclamation recognizing Vaughn Wilson, president of Mega Ace Production, for his efforts for the first annual Tallahassee Black Business Expo. Mr. Wilson accepted the Proclamation and spoke about the support of black business and how his business survived during the pandemic. He thanked the Commissioners for their support.
- **Presentation and Proclamation Recognizing Big Bend Hospice**

- Chairman Proctor presented the Proclamation recognizing Big Bend Hospice. Dr. Lenny Marshall accepted the Proclamation with gratitude and thanked Chairman Proctor and the Commission for their support.
- **Presentation Recognizing the County's Support to the Florida Veterans' Hall of Fame**
 - Chairman Proctor presented the Proclamation recognizing the County's support to the Florida Veterans' Hall of Fame. Bruce Host, with Florida Veterans' Hall of Fame Society, Inc., recognized the Leon County veterans who have been inducted into the Florida Veterans' Hall of Fame and presented a plaque to Chairman Proctor. Mr. Host provided an overview of the goals of the Florida Veterans' Hall of Fame Society and provided its website, FVHOFsociety.org.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS (3-MINUTE LIMIT PER SPEAKER; THERE WILL NOT BE ANY DISCUSSION BY THE COMMISSION)

- Whitfield Leland, III, 754 W. 7th Avenue, spoke on the Council on the Status of Men and Boys and suggested keeping in mind that this effort is critical for the community.
- Stanley Sims, 1320 Avondale Way, spoke about the Office of Economic Vitality's Minority, Women, and Small Business Enterprise (MWSBE) program and its work in developing a network for disadvantaged businesses.

Commissioner Dozier moved, duly seconded by Commissioner Minor, to approve the Consent Agenda. The motion carried 7-0.

CONSENT

1. Minutes: January 25, 2022, Regular Meeting and February 8, 2022, Regular Meeting

The Board approved Option #1: Approve the minutes of January 25, 2022, Regular Meeting and February 8, 2022, Regular Meeting.

2. Payment of Bills and Vouchers

The Board approved Option #1: Approve the payment of bills and vouchers submitted for April 12, 2022 and pre-approve the payment of bills and vouchers for the period of April 13, 2022, through May 9, 2022.

3. Commissioner Appointments to the Code Enforcement Board, the Library Advisory Board, and the Water Resources Committee

The Board approved Option #1: Ratify Commissioner Welch's appointment of a citizen, Dr. Marianne Arbulu, to the Code Enforcement Board for the remainder of the unexpired term followed by a three-year term ending July 31, 2025;

Option #2: Ratify Commissioner Minor's appointment of a citizen, David Low, to the Library Advisory Board for the remainder of the two-year term ending December 31, 2023; and

Option #3: Ratify Vice-Chair Maddox's appointment of a citizen, Eric Meyers, to the Water Resource Committee for the remainder of the unexpired term ending July 31, 2025.

4. Ratification of Board Actions Taken at the March 22, 2022, Leon County Detention Facility Population Management Workshop

The Board approved Option #1: Ratify the actions taken at the March 22, 2022, Leon County Detention Facility Population Management Workshop; and

Option #2: Adopt the Resolution and associated Budget Amendment Request to hire two additional Probation/Pretrial Officer positions for the remainder of FY 2022.

5. PULLED - Ratification of Board Actions Taken at the March 22, 2022, Workshop on Alternatives to Incarceration for the Possession of Small Amounts of Marijuana

6. Resolution of Support for the Universal Declaration of Human Rights

The Board approved Option #1: Adopt the Resolution in support of the Universal Declaration of Human Rights.

7. Agreement for Traffic Control on Private Roads within the Centerville Conservation Community

The Board approved Option #1: Approve the Traffic Control Agreement between the Centerville Community Owners' Association, Inc., Leon County, and the Leon County Sheriff's Office for traffic enforcement within the Centerville Conservation Community Subdivision.

8. Acceptance of the Final Draft Charter for the Council on the Status of Men and Boys

The Board approved Option #1: Accept the final draft charter for the Tallahassee-Leon County Council on the Status of Men and Boys; and

Option #2: Approve the Resolution and associated Budget Amendment Request realizing funding from the City of Tallahassee and Leon County Schools for the Council on the Status of Men and Boys in the amount of \$210,000.

9. Approval of the Leon County Research and Development Authority's \$4.0 Million Line of Credit from Florida State University Research Foundation for the Construction of the North Florida Innovation Labs

The Board approved Option #1: Adopt the Resolution approving the issuance by LCRDA of a debt obligation in the form of a \$4.0 million line of credit from the Florida State University Research Foundation for the purpose of constructing the North Florida Innovation Labs.

10. PULLED - Voluntary Annexation of Property Located at the Northeast Corner of the Intersection of Crawfordville Road and Capital Circle Southwest

11. Appropriation of Additional Workers' Compensation Funding for FY 2022

The Board approved Option #1: Approve the Resolution and Budget Amendment appropriating Fine and Forfeiture, Transportation, and Emergency Medical Services fund balances in the amount of \$960,000 to fund workers' compensation claims that will exceed the FY 2022 budget.

12. PULLED - Ratification of Citizen Review Teams for FY 2023 and FY 2024 Community Human Services Partnership Funding Cycle

13. Proposed Revised "Library Internet Access and Computer Use Policy"

The Board approved Option #1: Adopt the proposed revised Policy No. 02-07, "Library Internet Access and Computer Use Policy."

14. PULLED - Proposed Revisions to Policy No. 19-4, "Springs Restoration Grants and Septic System Upgrades Policy"

Procurements: (These items are included under Consent).

15. REMOVED - Authorization of Pre-Event Contracts for Debris Removal and Disposal Services

16. PULLED - Authorization of Pre-Event Contracts for Disaster Debris Monitoring Services

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

17. Annual Fiscal Year 2021 Investment Report

The Board approved Option #1: Accept the Annual Fiscal Year 2021 Investment Report.

18. PULLED - Update on the Establishment of a Syringe Exchange Program in Leon County

19. Midyear FY 2022 Commissioner Discussion Items Status Report

The Board approved Option #1: Accept the Midyear FY 2022 Commissioner Discussion Items Status Report.

20. PULLED - March 2022 Quarterly Economic Dashboard Report

21. Status Report on the Design Works Division of the Tallahassee-Leon County Planning Department

The Board approved Option #1: Accept the status report on the DesignWorks Division of the Tallahassee-Leon County Planning Department.

22. Status Update Regarding Curbside Collection Service Provided by Waste Pro, Inc.

The Board approved Option #1: Accept the status update regarding curbside collection service through Waste Pro, Inc.

CONSENT ITEMS PULLED FOR DISCUSSION

5. PULLED - Ratification of Board Actions Taken at the March 22, 2022, Workshop on Alternatives to Incarceration for the Possession of Small Amounts of Marijuana

Chairman Proctor pulled this item.

Chairman Proctor stated that he could not support agenda item #18 regarding the establishment of a syringe exchange program and reflected on the Board's reticence to adopt an ordinance providing law enforcement the discretion to issue a civil citation imposing a fine for the possession of small amounts of marijuana.

Commissioner Dozier stated that these two issues are separate. She stated that the ordinance would not have the support of the State Attorney. They need law enforcement partners to make it fair.

Commissioner Dozier moved, seconded by Commissioner Minor, to approve Option #1: Ratify the actions taken by the Board at the March 22, 2022 Workshop on Alternatives to Incarceration for the Possession of Small Amounts of Marijuana; and

Option #2: Adopt the Resolution encouraging local law enforcement officers' use of the State Attorney's existing Pre-Arrest Diversion Program for first-time offenders charged with possession of 20 grams or less of marijuana. The motion carried 6-1. (Chairman Proctor in opposition).

Commissioner Dozier reflected on legal cannabidiol (CBD) products that may cause a positive drug test and influence a citizen's employment.

Commissioner Dozier moved, seconded by Chairman Proctor, to direct staff to provide an agenda item reviewing the County's employee drug testing policy and the legal use of CBD products. The motion carried 7-0.

10. PULLED - Voluntary Annexation of Property Located at the Northeast Corner of the Intersection of Crawfordville Road and Capital Circle Southwest

Chairman Proctor pulled this item.

Chairman Proctor reflected that there are minority communities north of this property that have City utilities but have not been annexed into the City limits and therefore cannot vote in the City election. He stated that he could not support the annexation proposed in the item.

Vice-Chair Maddox confirmed with Barry Wilcox, Director of Development Support and Environmental Management (DSEM), that the request is for a voluntary annexation and that most, but not all, of the urban services area falls within the city limits.

Commissioner Cummings asked the County Administrator if the County has a role to assist property owners who may wish to request a voluntary annexation.

County Administrator Long provided an overview of the criteria for a voluntary annexation and stated that annexation typically occurs pre-development because it requires majority support from property owners. He stated that voluntary annexation is often unpopular because property taxes would increase to include City taxes.

County Attorney O'Steen provided an overview of voluntary and involuntary annexation, which are the two statutory ways that property can be annexed. She explained that as long as a voluntary annexation meets certain criteria, then arguably there is no basis to object to the annexation. County staff reviews voluntary annexation requests and evaluates if the application meets the criteria outlined in the Interlocal Agreement with the City. Under the voluntary annexation process, any property owner can go to the City to request annexation. On the other hand, involuntary annexation is triggered by action of the city. She stated that statutorily the County does not have the ability to annex any property into the City. The County's roll is limited to providing comments afforded under the Interlocal Agreement with the City.

Commissioner Minor asked how the Board could assist those neighborhoods in the southside that wish to be annexed.

Chairman Proctor confirmed with the County Administrator that the Tallahassee Police Department does not provide services to properties in the unincorporated areas that receive City utilities. He also confirmed with the County Attorney that these property owners do not have the option to choose their utility provider because of the high cost to build utility infrastructure.

Commissioner Dozier moved, seconded by Commissioner Welch, to approve Option #1: Do not object to the proposed voluntary annexation of property owned by the Robert C. & Theresa Wyche Family Trust and Ultimate Image Auto, Inc., located at the northeast corner of the intersection of Crawfordville Road and Capital Circle Southwest. The motion carried 6-1. (Chairman Proctor in opposition).

12. PULLED - Ratification of Citizen Review Teams for FY 2023 and FY 2024 Community Human Services Partnership Funding Cycle

This item was pulled from Consent by Commissioner Cummings due to a conflict of interest. She asked to be recused from the vote on Option #1.

Commissioner Minor moved, seconded by Vice-Chair Maddox, to approve Option #1: Ratify the Citizen Review Teams for the FY 2023 and FY 2024 Community Human Services Partnership funding cycle. The motion carried 6-0. (Commissioner Cummings recused).

Commissioner Minor moved, seconded by Vice-Chair Maddox, to approve Option #2: Direct \$61,900 be included in the proposed FY 2023 budget for the continued partnership with the FSU Askeew School of Public Administration and Policy and authorize the County Administrator to enter into an agreement with the City of Tallahassee and the FSU Askeew School of Public Administration and Policy, subject to legal review by the County Attorney. The motion carried 7-0.

14. PULLED – Proposed Revisions to Policy No. 19-4, “Springs Restoration Grants and Septic System Upgrades Policy”

Chairman Proctor pulled this item.

Chairman Proctor reflected on the need for public outreach to promote the Septic System Upgrade Program and asked if the payments should be paid directly to the septic installer.

Deputy County Administrator Rosenzweig confirmed that payments would be made directly to the septic installer upon job completion, or reimbursement made directly to the property-owner with proof of payment to the installer.

Commissioner Dozier asked the Deputy County Administrator if the option to pay the homeowner or septic installer is typical.

The Deputy County Administrator confirmed that the homeowner must be under contract with an installer, and the funds will not be distributed until the job is completed.

Commissioner Dozier moved, seconded by Commissioner Minor, to approve Option #1: Adopt the proposed revisions to Policy No. 19-4, “Springs Restoration Grants and Septic System Upgrades Policy.” The motion carried 6-0. (Vice-Chair Maddox out of Chambers).

16. PULLED – Authorization of Pre-Event Contracts for Disaster Debris Monitoring Services

Chairman Proctor pulled this item.

Chairman Proctor confirmed with the Deputy County Administrator that neither of the two contractors were Minority, Women, and Small Business Enterprise (MWSBE) firms. He reflected on the fact that Federal law prohibits prescribing MWSBE aspirational goals for this contract.

Commissioner Cummings reflected on the County’s encouragement of the utilization of MWSBE subcontractor participation. She confirmed with the Deputy County Administrator that the County will track MWSBE participation and doing so will not inhibit FEMA reimbursement.

Commissioner Jackson moved, seconded by Commissioner Dozier, to approve Option #1: Authorize the County Administrator to execute pre-event contracts with Tetra Tech, Inc., and Thompson Consulting Services, LLC, for disaster debris monitoring services, subject

to legal review by the County Attorney. The motion carried 4-2. (Chairman Proctor and Vice-Chair Maddox in opposition.) (Commissioner Welch out of Chambers).

18. PULLED – Update on the Establishment of a Syringe Exchange Program in Leon County

Chairman Proctor pulled this item.

Chairman Proctor stated that he could not support the establishment of syringe exchange program in Leon County.

Commissioner Cummings confirmed with the Deputy County Administrator that the County does not currently have a partner to administer the program. She reflected on the purpose of the program to prevent the spread of disease.

Vice-Chair Maddox confirmed with the County Attorney that the Board adopted an ordinance in 2019 authorizing the establishment of a syringe exchange program. He stated that he would not support the establishment of the program when a contract comes back to the Board for approval.

Vice-Chair Maddox moved, seconded by Commissioner Minor, to approve Option #1: Accept the status update on the establishment of syringe exchange program in Leon County. The motion carried 5-1. (Chairman Proctor opposed.) (Commissioner Welch out of Chambers).

20. PULLED - March 2022 Quarterly Economic Dashboard Report

Chairman Proctor pulled this item.

Chairman Proctor commended Office of Economic Vitality staff for the report and the favorable economic indicators.

Commissioner Minor moved, seconded by Commissioner Dozier, to approve Option #1: Accept the March 2022 Economic Dashboard Report. The motion carried 5-0. (Commissioners Welch and Cummings out of Chambers).

Chairman Proctor recessed the meeting at 5:26 p.m.

The Commissioners returned from recess at 6:01 p.m.

General Business

23. Status Report on Leon County and the Housing Finance Authority of Leon County's Role in Conduit Financing and Resolution Authorizing the Housing Finance Authority of Leon County to Issue Multifamily Housing Revenue Bonds

County Administrator Long provided an introduction of the item. As requested by the Board, this item provides an overview of the respective roles of Leon County and the Housing Finance Authority of Leon County (HFA) in conduit financing. Additionally, as requested by the HFA, the item seeks Board approval to authorize the HFA to issue

bonds in the amount of \$55 million for the Ridge Road development, which will involve building 250 rental units. Finally, the item seeks Board acceptance of \$50,000 from the HFA for the County's Emergency Home Repair Program, which provides assistance to low income homeowners.

Chairman Proctor stated that he would like to hear from the developer. He shared some of his concerns regarding the development. He passed the gavel to Vice-Chair Maddox.

Commissioner Cummings requested that she be recused from the vote due to the perception of a conflict with Option #2.

Commissioner Dozier moved, duly seconded by Commissioner Jackson, to approve Option #1: Approve the status report on Leon County and the Housing Finance Authority of Leon County's roles in conduit financing; and

Option #3: Approve the Resolution and associated Budget Amendment Request realizing funding from the Housing Finance Authority of Leon County for the County's Emergency Home Repair Program in the amount of \$50,000. The motion carried 6-0. (Chairman Proctor out of Chambers).

Commissioner Dozier moved, duly seconded by Commissioner Minor, to approve Option #2.

Discussion ensued on Option #2. Commissioner Dozier noted that she has met with the developer and the HFA. She asked for clarification that tonight's vote was the first step, and there would be other steps needed before the bonds are issued. County Administrator Long stated that she was correct. Commissioner Dozier noted that she has confidence in the neighborhood meetings.

Chairman Proctor recalled comments from Vice-Chair Maddox regarding Fort Braden, and how areas should be developed differently and uniquely. He shared that 250 units would be too much for the area on Ridge Road.

Chairman Proctor offered a substitute motion to postpone until after the HFA has had its next meeting (April 26), and the neighborhood has received notice.

Mark Henderson, HFA Administrator, stated that he preferred that the Board move forward at this time as this is a time-sensitive issue. He stated that every day they wait is a chance they could lose the bond allocation.

The substitute motion died for lack of second.

Mr. Shington Lamy, Director, Human Services and Community Partnerships, commented that the developer would be scheduling meetings in May with the neighborhood. Also, there is a development review meeting with the City DRC scheduled for April 25th. He stated that the project is in its beginning stage and there will be opportunities for community input in the future.

Commissioner Dozier moved, duly seconded by Commissioner Minor, to approve Option #2: Approve the Resolution authorizing the Housing Finance Authority of Leon County to

issue \$55,000,000 Multifamily Housing Revenue Bonds for the Ridge Road Development. The motion carried 5-1. (Chairman Proctor opposed.) (Commissioner Cummings recused.)

24. Status Report on the Open Burning Ordinance and Pollution Control Programs

County Attorney O'Steen introduced the item. She stated that an agenda item on open burning was initially provided to the Board in 2021. At that time, the Board requested further analysis, including the financial impacts and process for obtaining a delegation from the Florida Department of Environmental Protection (DEP) to administer a local air pollution control program. She provided an overview of the regulatory framework that exists in Florida, beginning with DEP, which is responsible for implementing the federal Clean Air Act. The Florida Forest Service, a division within the Florida Department of Agriculture and Consumer Services, is responsible for implementing and enforcing regulations pertaining to open burning, including open burning in Leon County. These two agencies overlap because of the air emissions that result from open burning. In addition, a number of years ago DEP delegated to the Florida Forest Service the authority to regulate open burning, with the exception of eight counties to which DEP had already granted authority for local air pollution control programs. DEP only responds to open burning complaints at commercial businesses and permitted facilities, whereas residential open burning complaints are referred to the Florida Forestry Service. The Florida Statutes and rules set the current standards for the different types of open burning. The Florida Forest Service currently has four fire rangers who respond to open burning complaints in Leon County. The fire rangers only respond to complaints where there is an active fire. She further explained that obtaining a delegation from DEP to administer a local air pollution control program, or just the open burning portion of the program, and developing such a program would take several years and have significant financial impacts. Finally, she indicated that the Leon County Code of Laws needs to be amended, as the State preempts the County in the regulation of open burning unless a delegation occurs, and the current language is inaccurate. She recommended that the Board adopt an ordinance to repeal the County Code on open burning.

Vice Chair Maddox asked if there was an air quality committee. County Administrator Long stated that the County has a Science Advisory Committee.

Public Comment:

- Linda Summerlin, 2012 Faulk Drive, requested the Commission to consider other options such as prohibiting burning in a subdivision with less than 1 acre of land. She stated that other counties have similar ordinances in place. She would like to address recreational fires.
- Rorey Reese, Carr Lane, provided information on previous fires in the area. She spoke on mandatory pickup of household garbage as a basis to prohibit burning.
- Cara Fleischer, 4706 Inisheer Court, Leon Soil and Water Conservation District 2 Supervisor, commented on burning in the area, including prescribed burning. She stated that they are trying to discourage backyard burning by promoting the "Mulch it, Don't Burn it" campaign launched by the Leon County Fire and Soil District. She also stated that an air quality report is provided twice a day on

Twitter. She stated that they need more air quality sensors to help report air quality and would like to partner with the County.

Commissioner Minor commented on the right to have a recreational fire on private property, but he also understands the issues with smoke from recreational fires coming onto the property of neighbors and becoming a nuisance. He moved for Options 1# and #2. He further requested the County Attorney to work with DEP and the Department of Agriculture to consider updating the rules to help citizens who are on the receiving end of nuisance burning, as well as an agenda item with ideas on informing the public on recreational burning.

Commissioner Dozier shared information on air quality and looked to partner with schools and other agencies. She stated that if the County were to explore some sort of program, it would need to include an option to partner with the City and schools to help monitor air quality.

Commissioner Cummings gave support for Commissioner Minor's motion. She asked for clarification on the current ordinance.

County Attorney O'Steen clarified that the County needs to adopt an ordinance to repeal the existing ordinance on open burning because the County is preempted and the existing ordinance is incorrect.

Chairman Proctor asked for further clarification.

County Attorney O'Steen explained that open burning is regulated by the Department of Agriculture and Consumer Services, and the County can adopt current standards but not more restrictive standards. DEP has jurisdiction over local air pollution control programs, which can be delegated. Under such delegation from DEP the County could adopt and enforce more stringent standards.

Commissioner Minor moved, seconded by Commissioner Dozier, to approve Option #1: Accept the Status Report on the Open Burning Ordinance and Pollution Control Programs; and

Option #2: Schedule the first and only public hearing to consider adopting a proposed Ordinance to repeal Section 18-142 of the Leon County Code of Laws for May 10, 2022 at 6:00 p.m.; and

Requested the County Attorney work with Florida Department of Environmental Protection (FDEP) and the Florida Forest Service (FFS), a division of the Florida Department of Agriculture and Consumer Services (FDACS), to consider updating open burning rules to address nuisance burning; and directed staff to bring back an agenda item providing information on opportunities for collaboration with the Leon Soil and Water Conservation Districts to increase public awareness of air quality related to burning. The motion carried 7-0.

25. Updated Analysis of Lake Hall School House Preservation Efforts

County Administrator Long gave the introduction.

Public Speakers:

- Nita Davis, 1111 East Paul Russell Road, spoke in support of preserving the schoolhouse. She provided insight on the oldest one room African American school in the state of Florida. She stated that the County Commissioners needed to understand the importance of the schoolhouse.
- Max Epstein, 1001 San Luis Road, shared that the property owner who listed the property for sale is waiting to sell to the County. He stated that this property would allow ingress to the schoolhouse.
- Delaitre Hollinger, 501 Alpha Avenue, commented on the importance of the Lake Hall School. He noted that Chairman Proctor witnessed a past funding issue with historic preservation that occurred in 2006. He discussed the estimated cost of eminent domain.
- Dr. Gerri Seay, 2014 Chuli Nene, asked for help to acquire property off of Thomasville Road. She provided a history of the school.

Commissioner Cummings thanked everyone who spoke and gave her support for the school's preservation. She suggested implementing the project in phases, such as acquiring the perimeter of the property first.

Commissioner Welch asked if it is feasible to acquire parcels #1-#3. He made a friendly amendment to approach the property owners about purchasing the property at fair market value.

County Administrator Long stated that staff could investigate if there are willing sellers and provided the minimal cost to provide public access to the schoolhouse.

Dr. Seay discussed that she owns and manages historic property and is familiar with the process to run successful businesses. She noted that the bigger plan wouldn't raise the overall price for the project.

Commissioner Dozier reflected on the need for a County/City archeologist to assist with the project. She reflected on whether acquiring the surrounding properties would qualify the project for grants.

Commissioner Cummings moved, seconded by Commissioner Welch, to approve Option #1 as amended: Accept the updated analysis of efforts to preserve the Lake Hall School House; and authorize the County Administrator to determine if the property owners of Parcels #1, #2 and #3, as listed in the agenda item, would agree to sell to the County for fair market appraised value, without the use of eminent domain. The motion carried 7-0.

26. Full Board Appointment to the Leon County Research and Development Authority Board of Governors and Adoption of Resolution Modifying Nominating Committee Membership

- Brian Bautista, 576 Rhoden Cove Road, thanked the Board for allowing him the opportunity to serve.

Commissioner Dozier moved, seconded by Commissioner Minor, to approve Option #1: Appoint one citizen, Brian Bautista, to the Leon County Research and Development Authority Board of Governors, based on the ratification of the recommendation by the Nominating Committee, for the remainder of the unexpired term ending September 30, 2024, and adopt the associated appointment Resolution; and

Option #2: Adopt the Resolution regarding LCRDA membership and appointment which authorizes each member of the LCRDA Nominating Committee to appoint a designee. The motion carried 7-0.

27. Full Board Appointment to the Minority Women & Small Business Enterprise Citizen Advisory Committee, the Tallahassee Sports Council, and the Tourist Development Council

Public Comment:

- Russell Daws, 2300 Orleans Drive, Tallahassee, Florida 32310, President/CEO of the Tallahassee Museum, expressed his desire to be appointed to the Tourist Development Council.

Commissioner Dozier moved, seconded by Commissioner Welch, to approve Option #4: Appoint one citizen, Russell Daws, to the tourist industry seat on the Tourist Development Council for the remainder of the unexpired term ending October 31, 2022, followed by a four-year term ending October 31, 2026. The motion carried 7-0.

Commissioner Jackson moved, seconded by Commissioner Cummings, to approve Option #1: Appoint two citizens, Ted Parker and Fabiola Antoine, to the Tallahassee-Leon County Minority, Women & Small Business Enterprise Citizen Advisory Committee for two-year terms ending April 30, 2024. The motion carried 7-0.

Commissioner Dozier moved, seconded by Commissioner Minor, to approve Option #2: Appoint two citizens, James Card and Isabella Egloff, to the Tallahassee Sports Council for three-year terms ending April 30, 2025. The motion carried 7-0.

Commissioner Dozier moved, seconded by Commissioner Cummings, to approve Option #3: Appoint one citizen, Carolanne Savage, to the hotelier seat on the Tourist Development Council for the remainder of the unexpired term ending October 31, 2022, followed by a four-year term ending October 31, 2026. The motion carried 7-0.

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

The County and City Commissioners met in a joint session on April 12, 2022, in the County Commission Chambers. Present were Chairman Bill Proctor, Vice-Chair Nick Maddox, and County Commissioners Brian Welch, Carolyn Cummings, Jimbo Jackson, Rick Minor, and Kristin Dozier. Present were Mayor John E. Dailey and City Commissioners Jack Porter, Jeremy Matlow (telephonic), Curtis Richardson, and Diane Williams-Cox (telephonic). Also present were County Administrator Vincent Long, City Manager Reese Goad, City Attorney Cassandra Jackson, County Attorney Chasity O'Steen, Clerk to the Board Beryl H. Wood, and County and City staff.

28. Joint County/City Transmittal Hearing on Cycle 2022 Comprehensive Plan Amendments

Commissioner Richardson moved, seconded by Commissioner Porter, to allow Commissioner Williams-Cox and Commissioner Matlow to telephonically participate in the public hearing. The motion carried 3-0.

Commissioner Williams-Cox and Commissioner Matlow participated telephonically.

Artie White, Director of the Planning Department, provided information about the annual Comprehensive Plan amendment process and spoke on the proposed seven Comprehensive Plan amendments.

Mindy Mohrman, Administrator of Comprehensive Planning, provided information on the first amendment, which was a joint amendment.

Commissioner Richardson moved, duly seconded by Commissioner Porter, to approve Option #1: Conduct the transmittal public hearing on the 2022 Cycle Comprehensive Plan Text Amendment TTA2022004 (Property Rights Element) and transmit the proposed amendment to the State Land Planning Agency and review agencies. The motion carried 5-0.

Commissioner Dozier moved, seconded by Commissioner Minor, to approve Option #1: Conduct the transmittal public hearing on the 2022 Cycle Comprehensive Plan Text Amendment TTA2022004 (Property Rights Element) and transmit the proposed amendment to the State Land Planning Agency and review agencies. The motion carried 7-0.

Mindy Morhman announced the second Comprehensive Plan amendment, which was a joint amendment.

Commissioner Porter moved, duly seconded by Commissioner Richardson, to approve Option #2: Conduct the transmittal public hearing on the 2022 Cycle Comprehensive Plan Text Amendment TTA2022003 (Future Right-of-Way Needs Map) and transmit the proposed amendment to the State Land Planning Agency and review agencies. The motion carried 5-0.

Commissioner Dozier moved, seconded by Commissioner Welch, to approve Option #2: Conduct the transmittal public hearing on the 2022 Cycle Comprehensive Plan Text Amendment TTA2022003 (Future Right-of-Way Needs Map) and transmit the proposed amendment to the State Land Planning Agency and review agencies. The motion carried 7-0.

Mindy Morhman announced the third Comprehensive Plan amendment, which was a joint amendment.

Commissioner Dozier requested discussing the amendments considered in Options #3-#6 prior to taking a vote.

Mr. White provided an overview, including the information requested at the March 22nd workshop.

Commissioner Minor posed a question on redevelopment opportunities for existing parcels.

Mr. White stated that the Gaines Street corridor is a recent example of redevelopment, but he cannot foresee other large-scale redevelopments.

Commissioner Porter made inquiries on southside development, redevelopment, and expanding the urban services area.

Mr. White stated that significant vacant land is not available on the southside. He further noted the challenges and opposition, including staff threats, to increasing development capacity in existing neighborhoods. He commented on the tradeoffs, whether to build up or build out.

Vice-Chair Maddox commented on growth and accommodating the growth, such as infill to prevent urban sprawl.

Commissioner Dozier commented on growth, infill, and building up versus building out, and asked questions on concurrency.

Ryan Guffey, Concurrency Management Planner, Development Support and Environmental Management, provided an overview of the concurrency process.

The following citizens provided in-person comments:

- Max Epstein, 1001 San Luis Road, spoke in support of the discussion to expand the USA and expressed concern regarding the English property.
- Tor Bejnar, 2354 Moondance Trail, spoke in support of mixed residential and commercial development. He expressed concern regarding the traffic on Old St. Augustine Road.
- Amy Handy, 2396 Grassroots Way, expressed concern regarding the April Road development, and stated that the intersection of April Road and St. Augustine Road is dangerous.
- Bobbie Jo Finer, Sweet Basil Lane, expressed concern regarding traffic on St. Augustine Road.
- Nita Davis, 1111 East Paul Russell Road, spoke against development on the head waters of Wakulla Springs. She reflected on the condition of Blue Sink.

Mayor Dailey confirmed with Mr. White that meeting local demand was unlikely without the approval of these amendments. He stated that he would support Options #3-#6 and stressed the importance of growth through a balance of expanding the USA and infill.

Commissioner Williams-Cox reflected on the need for smart growth and stated her support of Options #3-#6.

Commissioner Richardson reflected on the need for growth and equitable development and expressed concern about gentrification.

Commissioner Minor expressed that these amendments are the right steps at this time. He reflected on the need for salaries to increase to prevent gentrification. He recognized the representative for the applicant and requested that he speak on the type of housing that is expected.

Robert Volpe, 119 South Monroe Street, representative for the applicant, recognized Stewart Haire of D.R. Horton, Inc.

Stewart Haire, 3424 Garden View Way, stated that single-family housing will be the focus of the April Road development, and single-family and townhouses the focus of the Southwood Plantation Road development.

Commissioner Welch reflected on the need for growth and stated that he would support the transmittal.

Commissioner Cummings reflected on the need to balance the interests of the citizens and the developers while addressing the need for housing in the community.

Vice-Chair Maddox reflected on the need to be creative with growth in the nodes surrounding Tallahassee. He stated that urban infill needs to be part of future conversations and expressed his support of the transmittal of these amendments.

Commissioner Dozier expressed the need for responsible growth. She made a motion for Options #3-#6 and requested additional information on concurrency and transportation improvements in the Southwood area to come back at the June 14th public hearing, and requested a joint workshop on urban infill and USA expansion.

Commissioner Dozier moved, seconded by Vice-Chair Maddox, to approve Option #3, as amended: Conduct the transmittal public hearing on the 2022 Cycle Comprehensive Plan Text Amendment LTA202201 (Urban Services Area) and transmit the proposed amendment to the State Land Planning Agency and review agencies; and

Option #4: Conduct the transmittal public hearing on the 2022 Cycle Large-Scale Comprehensive Plan Map Amendment LMA202202 (Woodville Highway) and transmit the proposed amendment to the State Land Planning Agency and review agencies; and

Option #5: Conduct the transmittal public hearing on the 2022 Cycle Large-Scale Comprehensive Plan Map Amendment LMA202201 (April Road) and transmit the proposed amendment to the State Land Planning Agency and review agencies; and

Option #6: Conduct the transmittal public hearing on the 2022 Cycle Large-Scale Comprehensive Plan Map Amendment LMA202203 (Southwood Plantation Road) and transmit the proposed amendment to the State Land Planning Agency and review agencies; and

Direct staff to provide additional information for the June 14th Public Hearing on planned transportation improvements and concurrency in the Southwood area, and direct staff to schedule a joint workshop to address urban infill and the expansion of the urban services area (USA). The motion carried 7-0.

Commissioner Richardson moved, duly seconded by Commissioner Williams-Cox, to adopt Option #3: Conduct the transmittal public hearing on the 2022 Cycle Comprehensive Plan Text Amendment LTA202201 (Urban Services Area) and transmit the proposed amendment to the State Land Planning Agency and review agencies; and

Option #4: Conduct the transmittal public hearing on the 2022 Cycle Large-Scale Comprehensive Plan Map Amendment LMA202202 (Woodville Highway) and transmit the proposed amendment to the State Land Planning Agency and review agencies.

The motion carried 3-2. (Commissioner Matlow and Commissioner Porter opposed).

The following citizen provided in-person comment:

- Jim King, 6650 Havana Highway, the applicant, spoke regarding his property on Financial Plaza which he uses for Christmas tree sales, and in favor of the requested Comp Plan amendment (TMA 2022 01).

Commissioner Dozier expressed the need for an agenda item to review the policy for mailing notifications to neighboring property owners for land use and zoning changes for large-scale amendments. She made a motion, which was seconded.

Mayor Dailey requested of the County Attorney whether this was the appropriate forum for the motion. He further indicated that he would bring it up at the next City Commission meeting.

- County Attorney O'Steen stated that the request was not on the agenda and was not germane to the Comprehensive Plan public hearing. She recommended that the request be brought up during the Commissioner Discussion portion of the meeting.

Commissioner Dozier clarified with the County Attorney that if the City and County vote independently to include the item on the agenda for the June 14th public hearing, it could be discussed at that time.

Chairman Proctor commented on the upcoming Legislative Session that will likely impact his district.

The Joint Public Hearing ended at 8:37 pm. The County Commission returned at 8:41 pm.

29. First and Only Public Hearing to consider an Ordinance Amending the Official Zoning Map to Change Zoning Classification from the Bradfordville Commercial-1 (BC-1) and Bradfordville Commercial-2 (BC-2) Zoning Districts to the Bradfordville Office Residential (BOR) Zoning District for 10.16 Acres Located at 6785 Thomasville Road

Commissioner Jackson moved, seconded by Commissioner Dozier, to approve Option #1: Adopt the proposed Ordinance thereby amending the Official Zoning Map to change the zoning classification from the Bradfordville Commercial-1 (BC-1) and Bradfordville Commercial-2 (BC-2) zoning districts to the Bradfordville Office Residential (BOR) zoning district for the approximately 10.16-acre subject parcel located at 6785 Thomasville Road,

based on the findings of fact and conclusions of law of the Planning Commission and any evidence submitted at the hearing hereon. The motion carried 6-0. (Vice-Chair Maddox out of Chambers).

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

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

- Erica DeGlopper, 5871 Nightingale Loop, archivist for photographer Art Shay, spoke regarding a writ of replevin issue. County Attorney O'Steen clarified that a writ of replevin is a process whereby seized goods are returned to their owner. The matter seemed to be a private dispute between Ms. DeGlopper and another private party. To her knowledge, Leon County had nothing to do with the seizure of property at Ms. DeGlopper's residence.

COMMENTS/DISCUSSION ITEMS

County Attorney O'Steen:

- None

County Administrator Long:

- None

COMMISSIONER DISCUSSION ITEMS

Vice-Chair Maddox:

- None

Commissioner Minor:

- Stated that he was invited to be a panelist at the AWS Summit in Washington D.C. on May 23-25, 2022, and requested approval to pay for his flight and lodging expenses from his office account.

Commissioner Minor moved, seconded by Commissioner Dozier, to approve Commissioner Minor's travel expenses for the AWS Summit in Washington D.C. on May 23-25, 2022. The motion carried 6-0. (Commissioner Cummings out of Chambers).

Commissioner Cummings:

- None

Commissioner Jackson:

- Requested an agenda item to consider a Lake Talquin drawdown in coordination with state and federal agencies.

Commissioner Jackson moved, seconded by Chairman Proctor, to direct staff to provide an agenda item considering a Lake Talquin drawdown in coordination with state and federal agencies. The motion carried 7-0.

Commissioner Welch:

- Thanked the County Attorney and staff for the recent acquisition of the Man O'War and Pimlico Parks.

Commissioner Dozier:

- *Commissioner Dozier moved, seconded by Commissioner Cummings, to approve waiving Policy No. 01-05 and allow the addition of an item to the agenda for the approval of a resolution in support of preserving Congressional District #5 on the congressional redistricting map. The motion carried 7-0.*
- *Commissioner Dozier moved, seconded by Commissioner Cummings, to direct staff to draft a resolution in advance of the Florida Legislature's Special Session in support of the congressional redistricting map which preserves Congressional District #5 as recently passed by the Florida Legislature but subsequently vetoed by the Governor. The motion carried 7-0.*
- Commended the newly approved construction of the North Florida Innovation Lab incubator.
- Announced that the 850 Industrial Hemp Summit would be held at the Donald L. Tucker Civic Center on April 26-28, 2022.

Chairman Proctor:

- Requested staff to prepare an agenda item reviewing the proposal for a civil rights museum.
- *Chairman Proctor moved, seconded by Vice-Chair Maddox, to direct staff to provide an agenda item reviewing the proposal for a civil rights museum. The motion carried 7-0.*

RECEIPT AND FILE:

- Leon County Educational Facilities Authority Financial Statements, Years Ending September 30, 2021, and 2020 with Report of Independent Auditors

ADJOURN:

There being no further business to come before the Board, the meeting was adjourned at 10:49 p.m.

LEON COUNTY, FLORIDA

ATTEST:

BY: _____
Bill Proctor, Chairman
Board of County Commissioners

BY: _____
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
May 10, 2022**

The Board of County Commissioners of Leon County, Florida met in regular session at 3:00 p.m. with Chairman Bill Proctor presiding. Present were Vice-Chair Nick Maddox and Commissioners Rick Minor, Brian Welch, Kristin Dozier, Carolyn Cummings, and Jimbo Jackson (telephonic). Also present were County Administrator Vincent Long, County Attorney Chasity O'Steen, and Clerk to the Board Beryl H. Wood

Chairman Proctor called the meeting to order at 3:00 p.m.

Invocation and Pledge of Allegiance

The Invocation was provided by Gary Linton, Pastor Seminole Baptist Church.

The Pledge of Alliance was provided by Vice-Chair Nick Maddox.

Commissioner Minor moved, seconded by Vice-Chair Maddox, to allow Commissioner Jackson to attend the Board meeting telephonically.

The motion carried 6-0.

Awards and Presentations

- Proclamation Recognizing Florida High Winning the State 3A Basketball Championship and Coach Charlie Ward's Contribution to the Community
 - Vice-Chair Maddox presented the Proclamation recognizing Florida High winning the State 3A Basketball Championship and Coach Charlie Ward's contribution to the community.
 - Coach Charlie Ward thanked the Board for the recognition. He stated that this past season they will be remembered for all their work, and they are grateful to share the Proclamation with the rest of the team.
 - Chairman Proctor acknowledged Florida High.
 - Commissioner Dozier congratulated Coach Ward.
- Proclamation Recognizing May as National Bike Month
 - Commissioner Minor presented the Proclamation recognizing May as National Bike Month.
 - Jacob Fortunas, Tallahassee-Leon County Planning Department, and Justin Pogge, member of the Joint Bicycling Workgroup, accepted the Proclamation and thanked the Board for its support.

- Presentation and Proclamation Recognizing Elder Care Services, Inc.
 - Vice-Chair Maddox presented the Proclamation recognizing Elder Care Services, Inc.
 - Jocelyne Fliger, President & CEO, Elder Care Services, thanked the Board and provided a presentation on the services provided by Elder Care Services.
 - Chairman Proctor thanked Ms. Fliger for the services provided by Elder Care Services. He asked Ms. Fliger to provide more information about services for the 55 to 80+ age population.
 - Ms. Fliger provided information on the services provided to the 55 to 80+ population.
 - Commissioner Cummings thanked Ms. Fliger for the presentation and expressed appreciation to her and Elder Care Services for the dedication and services to seniors. She also congratulated Ms. Fliger for celebrating 50 years of great service to the community.
 - Commissioner Dozier congratulated Ms. Fliger for celebrating 50 years. She shared that she is grateful for the time spent with Ms. Fliger and Mr. Henderson, Director of Food Services, on the Meals on Wheels route. She asked Ms. Fliger to provide information on her work to provide for support to schools.
 - Ms. Fliger explained the process of delivering day care meals to different childcare facilities in the community.
 - Commissioner Welch thanked Ms. Fliger for her work, which is vital to the community.
 - Commissioner Minor thanked Ms. Fliger and her team for their excellent work. He spoke about the importance of delivering meals and providing wellness checks.
- Overview of the Upcoming 2022 Hurricane Season
 - Kevin Peters, Director of Emergency Management, provided information about the upcoming 2022 hurricane season. He stated that the hurricane season is from June 1st through November 30th, and initial indications show they are looking at another above average hurricane season. He shared that the busiest months will be August, September, and October. He stated that they are focused and staying prepared, and have begun their training cycle working with County staff and partners. He stated their main functions are sheltering, damage assessment, supply distribution, comfort stations, staffing the citizens' information line, and completing the FEMA National Incident Management System training courses. He shared the different lessons learned from emergency managers in Louisiana.
 - Kianna Gilley, Manager, Community and Media Relations, provided an overview of the County's public information and communication measures to prepare the County and the community for the hurricane season.
 - Commissioner Dozier thanked Mr. Peters and Ms. Gilley for all their work and the presentation. She added that they are always focused on the big storms, but they are also preparing for any other storms that might emerge and flooding as well.

- County Administrator Long shared that FEMA previously named Leon County the first “hurricane strong community” in the country. He stated they take hurricane season extraordinarily seriously and are ready.
- Chairman Proctor asked the County Attorney to provide information concerning the process to declare a state of emergency.
- County Attorney O’Steen stated that as a result of legislation that passed during the 2021 session, the County’s Code of Ordinances was modified to distinguish between emergencies caused by storm-related events versus a pandemic or other health-related emergency. She noted that, practically speaking, the Board and the public will not see any difference going forward if and when the County issues a state of emergency for a weather-related event.

Citizens to be Heard on Non-Agendaed Items

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

- Stanley Sims, 1320 Avondale Way, congratulated Elder Care Services for doing a tremendous job. He also expressed concern about yard waste pick-up.
- Jeremy Block, 1109 E. 6th Ave., spoke in support of the gun buyback program and shared his concern about gun violence.

Consent:

Commissioner Dozier moved, duly seconded by Commissioner Welch, to approve the Consent Agenda, as presented. The motion carried 7-0.

1. Minutes: March 8, 2022, Regular Meeting and March 22, 2022, Leon County Detention Facility Population Management Workshop

The Board approved Option #1: Approve the minutes of March 8, 2022, Regular Meeting and March 22, 2022, Leon County Detention Facility Population Management Workshop.

2. Payment of Bills and Vouchers

The Board approved Option #1: Approve the payment of bills and vouchers submitted for May 10, 2022, and pre-approve the payment of bills and vouchers for the Period of May 11, 2022 through June 13, 2022.

3. State of Florida Division of Elections Network Security Enhancements Election Security Grant for Fiscal Year 2022

The Board approved Option #1: Accept and authorize the Leon County Supervisor of Elections to recognize and spend the FY 2021-2022 Network Security Enhancements Election Security Grant award in the amount of \$32,252 within the requirements of the Memorandum of Agreement; and

Option #2: Approve the Resolution and associated Budget Amendment Request.

4. Approval of the Resolutions and Adoption Agreements for the Restatement of the 401(a) Retirement Savings Plans with AIG-VALIC, Mission Square (ICMA) and Nationwide

The Board approved Option #1: Approve the Resolutions and Adoption Agreements for the Restatement of 401(a) Retirement Savings Plans for AIG-VALIC, Mission Square-ICMA and Nationwide in accordance with federal laws and regulations and authorize the County Administrator to execute the Agreements, subject to legal review by the County Attorney.

5. Leon County Indigent Cremation and Burial Program Fee Schedule Update

The Board approved Option #1: Adopt the proposed Resolution to revise the fee schedule for the Leon County Indigent Cremation and Burial Program.

6. 9/11 Day of Remembrance and Service for 2022

The Board approved Option #1: Accept the status report on the 9/11 Day of Remembrance and Service for 2022.

7. Approval of the Plat for Bornino Commercial Subdivision

The Board approved Option #1: Approve the plat for Bornino Commercial Subdivision for recording in the Public Record.

8. Third Performance Agreement and Surety Device for Unit I of Chastain Manor Phase II Subdivision

The Board approved Option #1: Accept the Third Performance Agreement and Surety Device for Unit I of Chastain Manor Phase II Subdivision and authorize the County Administrator to execute the agreement and any future extensions thereto.

9. Second Performance Agreement and Surety Device for Summerfield Phase IV Subdivision

The Board approved Option #1: Accept the Second Performance Agreement and Surety Device for Summerfield Phase IV Subdivision and authorize the County Administrator to execute the agreement and any future extensions thereto.

10. Acceptance and Disposition of Roller Rink Equipment Donation from Tallahassee Indoor Sports, Inc.

The Board approved Option #1: Accept the donation of Roller Rink Equipment from Tallahassee Indoor Sports, Inc; and

Option #2: In the event staff determines the use of the Equipment is uneconomical or inefficient, or the Equipment serves no useful function to the County, direct staff to work with community sports providers to identify a permanent site for the Equipment and authorize the County Administrator to donate the Equipment to a viable nonprofit community group in compliance with applicable law and Board Policy No. 02-5.

Procurements: (These items are included under Consent).

11. Approval of Selection of Public Financial Management, Inc. to Provide Financial Advisory Services to Leon County

The Board approved Option #1: Approve the selection of Public Financial Management, Inc. to provide financial advisory services to Leon County, and authorize the County Administrator to execute the Agreement subject to legal review by the County Attorney.

12. Extension of the Debris Removal and Disposal Contracts

The Board approved Option #1: Approve the extension to the Debris Removal & Disposal Contracts with Ashbritt, Inc., Ceres Environmental Services, Inc. and DRC Emergency Services, LLC and authorize the County Administrator to execute the Agreements, subject to legal review by the County Attorney.

13. Approval of Award for the Leon County Solid Waste Yard Debris Processing Contract

The Board approved Option #1: Approve the award for the Leon County solid waste yard debris processing contract to Jimmie Crowder Excavating and Land Clearing, Inc., and authorize the County Administrator to execute the Agreement, subject to legal review by the County Attorney.

14. Bid Award for the Renovation of the Daniel B. Chaires Community Park Tennis Courts

The Board approved Option #1: Approve the bid award to Arris General Contractors Inc. in the amount of \$489,275 for the renovation of the Daniel B. Chaires Community Park Tennis Courts and authorize the County Administrator to execute the Agreement subject to legal review by the County Attorney.

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

15. Killearn Chain of Lakes

The Board approved Option #1: Accept the status update on the Killearn Chain of Lakes.

16. Report on Gun Buyback Programs

The Board approved Option #1: Accept the report on gun buyback programs and take no further action.

17. Opioid Litigation Status Report and Consideration of the Opioid Litigation CVS Health Corporation and CVS Pharmacy, Inc., Teva Pharmaceutical Industries Ltd., and Allergan Finance, LLC, Allergan Sales, LLC, Allergan USA, Inc., and Allergan Limited Settlement Agreements and Proposed Participation Agreements.

The Board approved Option #1: Accept the Opioid Litigation Status Report; and

Option #2: Approve the opioid litigation CVS Health Corporation and CVS Pharmacy, Inc., Teva Pharmaceutical Industries Ltd., and Allergan Finance, LLC, Allergan Sales, LLC, Allergan USA, Inc., and Allergan Limited Participation Agreements, and authorize the County Attorney to sign the Participation Agreements.

CONSENT ITEMS PULLED FOR DISCUSSION

GENERAL BUSINESS

18. Status Report on Parcels Associated with Lake Hall School House Preservation Efforts

County Administrator Long introduced this item. He stated as directed by the Board during the April 12, 2022, meeting, this item provides a report on three properties associated with the citizen-led efforts to acquire and restore the Lake Hall School House.

Public Comments:

- Dr. Geraldine Seay, 2014 Chuli Nene, spoke in support of preserving the Lake Hall School House.

Chairman Proctor asked Dr. Seay to explain why the Board should approve the \$3.3 million dollar proposition.

- Dr. Seay stated that the school has been sitting there for 154 years, is an example of the agency of free slaves, and evidence of the willingness, belief, and hope of ancestors to make sure their children could do better than they did. She also stated they should honor the school and make sure that people understand the tenacity of a free people. In terms of money, she suggested scenarios of buying the one property that gets most of the school house and eminent domain for the rest.

Chairman Proctor asked about the price of purchasing the one property and using eminent domain for the rest.

- County Administrator Long explained that in following the Board's previous direction to not exercise eminent domain but to seek a voluntary purchase, it would cost \$866,000. The total cost would be \$3.3 million, which includes infrastructure costs, that could conceivably be offset by grants.

Chairman Proctor inquired if the only way to know that grants are available is if the property came under the government's ownership.

- County Administrator Long stated in some cases that will be the only way to obtain the grant funding.
- Dr. Seay stated the longer they wait, the more grants they are missing. She mentioned two different grant opportunities that were missed because of not owning the property. She stated her concern that the school house is continuing to deteriorate.
- O'Neil Bossman, Jackson 844 N. Macomb St., spoke in support of preserving the school house. He shared that it represents the history of the black community.
- Stanley Sims, 1320 Avondale Way, spoke in favor of preserving the school house as an investment in history.

- Max Epstein, 1001 San Luis Rd., spoke in support of purchasing the land to preserve the school house. He added that this is not only about preserving history but would be an economic development project to bring money into the County.

Chairman Proctor asked how much land area encompasses the \$3.3 million figure.

Vice-Chair Maddox also asked about purchasing the land.

- County Administrator Long stated that it would be difficult to buy just one piece of property. To have full possession and control of the school house, the two lots the school is on, plus an adjacent lot, would have to be purchased. The \$866,000 figure is the cost to buy the three parcels and get constructive possession of the school house.

Chairman Proctor asked the County Attorney about other methods to obtain the property, such as eminent domain and a motion to quiet title.

- County Attorney O'Steen stated that there is no basis to file an action to quiet title, as the survey and property line are clear. There has been no assertion over time that the property owner to the South has owned or used that portion of the school house on the property to the North. Eminent domain is the only legal proceeding that could be used to obtain the portion of the property to the North.

Commissioner Welch thanked Andy Johnson and staff for the work done on this issue and offered various scenarios about purchasing the properties. He stated, at a minimum, the County needs to purchase the Thomasville Road property. After the County purchases the property to the south of the school house it could sell a portion of it after the property line is redrawn. He asked the County Attorney if his ideas might be possible.

- County Attorney O' Steen confirmed the ideas are possible.

Commissioner Welch stated this is something that can be done if they are creative about it.

Vice-Chair Maddox asked how much money is in the contingency fund.

- Deputy County Administrator Rosenzweig stated about \$110,000.00.

Vice-Chair Maddox proposed a budget discussion item for the upcoming FY 2023 budget, because at the moment the money is not in the budget. He stated that history is important, but they also need to be very thoughtful about moving forward because \$3.3 million is a lot of money when there are other needs in the community.

Commissioner Cummings asked the County Attorney and County Administrator if they purchase the one parcel where the majority of the Lake Hall School sits, would they have the opportunity to apply for grant funds for that one piece of property.

- County Administrator Long stated that if the Board provided that direction, they can bring back options on how to do that, but it would exhaust the general fund contingency and require the County to go to other fund contingencies. The school house would still be partly owned by another property owner.

Commissioner Cummings inquired if the County would have the legal ability to apply for grants on the one piece of property where the majority of the school sits.

- County Attorney O'Steen replied that the County would have legal ownership and access to a portion of the school house, but not all of the school house. Also, there

is no easement for ingress and egress, and legal access to the project will be important for the grant application. The purchase of the Thomasville Road parcel would address the access issue.

Chairman Proctor asked the County Attorney if Florida Courts are favorable toward granting easements for owner access to property.

- County Attorney O'Steen stated that right now the property is residential property. Ingress and egress to residential property is different than the ingress and egress needed for the public to access a public building. Potentially, if you do not have access off Thomasville Road, the County would be looking to obtain ingress and egress rights along the existing private road. Another concern would be whether the existing private road can sustain the traffic from the public to access the school house property in accord with its public purpose.
- Senior Assistant County Attorney Dan Rigo further added that the challenge with legal access to the parcels is, first, that Handsome Quarters is a private road coming off of Lake Hall Road, and there are no ingress/egress easements of record that provide legal access. Second, off of Handsome Quarters is a small private drive that leads to the two parcels. The County would have to obtain the legal right of ingress and egress over those properties, and the physical condition of the road would have to be improved. These are the challenges the County would face if the Thomasville Road property is not purchased.

Commissioner Welch stated that the Thomasville Road property is crucial for access. He asked if the County could put the Thomasville Road property under contract in the hopes that the property owner will give them a prolonged period to work through budget issues.

- County Administrator Long stated the money will be available in October if the Board included it in the 2022/23 budget.

Vice-Chair Maddox expressed concern from the standpoint of budget constraints, and asked the County Administrator if there is a possibility to replenish fund balances.

- County Administrator Long stated this would be an accounting exercise to keep other fund balances and reserves consistent with state statutes. He reiterated that purchasing the Thomasville Road property will not get the properties where the school house is situated.

Chairman Proctor asked if DOT would allow the County to build a public road.

- County Administrator Long replied that they would have to seek authorization from DOT.

Commissioner Jackson thanked Dr. Seay and the Friends of Lake Hall School. He felt that the County had done its due diligence. He expressed concern about funding the project, including facing the upcoming hurricane season without contingency funds. He stated he will support a budget discussion for Fiscal Year 2023. He asked if the County used eminent domain, would they lose the opportunity to apply for grant funds.

- County Attorney O'Steen stated yes.

Commissioner Minor asked about the historical preservation overlay.

- County Attorney O'Steen stated it would apply to the school structure itself, and any modifications to the structure would have to be approved first by the Architectural Review Board.

Commissioner Minor asked about the available financing tools, in terms of not buying the whole property at one time.

- County Administrator Long stated that the mechanics of these deals are not the issue, as the County frequently does complicated land deals. The issue is whether the Board wants to give the direction to appropriate the dollars.

Vice-Chair Maddox stated the County does not have the budget right now to deal with the project. He suggested a 12-month land lease on the Thomasville Road property to give the County time to talk through the budget for the project.

Chairman Proctor asked if the County would be considered the owners of the property under the lease.

- County Attorney O'Steen stated no, a lease will not convey title and ownership of the property.

Commissioner Dozier stated she does not support the idea of wiping out the contingency fund and going into the fund balance for the 2022 Fiscal Year. She stated there are many needs in the community and making a choice between core services and this project will be a real struggle. She expressed her concern on getting a budget discussion item before the June budget workshop. She asked the County Administrator if they can have it as a topic of discussion.

- County Administrator Long stated yes, they can bring it as a budget discussion item.

Commissioner Dozier asked about allowing public access once the properties are purchased.

- County Administrator Long stated there would be significant work required to make the properties accessible to the public.
- Dr. Seay stated public access would not be available for at least 2 years while restoration happens. She added she wants somebody to own the school so they can write the grants.

Chairman Proctor asked Dr. Seay if she has checked with the School Board about this matter.

- Dr. Seay stated yes, the School Board bought it in 1919 and closed it in the 60's.

Chairman Proctor stated the School Board has some responsibility in this matter.

Commissioner Dozier expressed her concern about the unknowns, such as insurance and providing access to the property to do the assessment work.

- County Attorney O'Steen stated the need to consider the County's obligation to maintain and secure the property for public invitees and for those who would utilize the property for their own purposes (non-invitees). Code compliance and ADA compliance are other obligations.

Vice-Chair Maddox offered a motion for Option #2, to allow staff to negotiate a land lease agreement with right of first refusal for the Thomasville Road property at a maximum of \$20,000 to be brought back for review, and to have a budget discussion item on the \$866,000 amount to own the property.

Commissioner Minor stated he supports the motion.

Commissioner Dozier asked for a summary of issues to consider in the future in the budget discussion item.

Commissioner Welch thanked everyone for the discussion and consideration.

Commissioner Cummings stated she supports the motion.

Commissioner Jackson stated he supports the motion.

Chairman Proctor expressed his concern that the School Board abandoned the property and believes the School District should have money to preserve the school.

Vice-Chair Maddox moved, duly seconded by Commissioner Welch, to approve Option #2: as amended: Accept the status report on three properties associated with Lake Hall School House preservation efforts and direct staff to present funding options, not to exceed \$900,000, for acquisition of the properties for the Board's consideration during the upcoming FY 2023 budget process; and direct staff to negotiate a land lease with first right of refusal with the 4664 Thomasville Road property owners at a maximum of \$20,000, and provide an agenda item for the Board's review. The motion carried 7-0.

19. Commissioner Appointments to the Value Adjustment Board

County Administrator Long introduced this item. He stated it seeks Board approval to appoint Commissioners to the Value Adjustment Board.

Commissioner Cummings moved, duly seconded by Commissioner Dozier, to approve Option #1: Full Board to appoint two commissioners, Vice-Chair Maddox and Commissioner Jackson, to the Value Adjustment Board for two-year terms ending April 30, 2024; and

Option #2: Full Board to select one of the two Commissioners appointed to the Value Adjustment Board, Vice-Chair Maddox, to serve as the Chair of the Value Adjustment Board. The motion carried 6-0 (Commissioner Jackson not attending telephonically).

20. Full Board Appointments to the Advisory Committee for Quality Growth

County Administrator Long introduced this item. It seeks the full Board's consideration of the appointment of citizens to the Advisory Committee for Quality Growth.

- Vice-Chair Maddox made a motion for Option #4 to appoint Jabaree Allen.
- Commissioner Dozier offered an amendment to add Option #5 to appoint Dr. Steven Karacic and to approve Options #1 through #3.
- Vice-Chair Maddox accepted the amendment.

Vice Chair Maddox moved, duly seconded by Commissioner Dozier, to approve Option #1: Reappoint one citizen, Elva Peppers, to Seat #2 on the Advisory Committee for Quality Growth as nominated by the Big Bend Contractors Association, for a three-year term ending on May 31, 2025; and

Option #2: Appoint one citizen, Heath Annin, to Seat #4 on the Advisory Committee for Quality Growth as nominated by the Associated Builders and Contractors, for a three-year term ending on May 31, 2025; and

Option #3: Reappoint one citizen, Michael Dobson, to Seat #8, a person who is employed by or represents a community-based environment-related organization, on the Advisory Committee for Quality Growth, for a three-year term ending on May 31, 2025; and

Option #4: Appoint one citizen, Jabaree Allen, to Seat #10, a resident of Leon County, on the Advisory Committee for Quality Growth, for a three-year term ending on May 31, 2025; and

Option #5: Appoint one citizen, Dr. Steven Karacic, to Seat #16, an archaeologist, on the Advisory Committee for Quality Growth, for a three-year term ending on May 31, 2025. The motion carried 6-0 (Commissioner Jackson not attending telephonically).

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

21. First and Only Public Hearing to Consider Adopting a Proposed Ordinance to Repeal Section 18-142 of the Leon County Code of Laws Regarding Open Burning

County Attorney O'Steen introduced this item. As directed at the April 12, 2022, meeting, this item requests the Board to conduct the first and only public hearing to consider adopting a proposed Ordinance to repeal Section 18-142 of the Leon County Code of Laws regarding open burning.

Commissioner Dozier moved, duly seconded by Commissioner Welch, to approve Option #1: Conduct the first and only public hearing and adopt the proposed Ordinance repealing Section 18-142 of the Leon County Code of Laws, regarding open burning. The motion carried 6-0 (Commissioner Jackson not attending telephonically).

22. ~~REMOVED - First and Only Public Hearing to Consider adopting an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Manufactured Home and Single Family Detached (R-5) Zoning District to Office Residential (OR-2) Zoning district for the 11.07 Acres Located at 6034 W. Tennessee St.~~ County Administrator Long announced this item was removed from the agenda.

23. First and Only Public Hearing to Consider Adopting an Ordinance Amending Section 10-1.101 of the Land Development Code Entitled "Definitions," and Creating a New Section 10-7.545.1 Entitled "Electric Vehicle Charging Station Infrastructure and Electric Vehicle Parking Requirements"

County Administrator Long introduced this item. It requests the Board to conduct the first and only public hearing to consider adopting a proposed Electric Vehicle Ready

Ordinance. The intent of the proposed Ordinance is to facilitate the use of electric vehicles and to further the establishment of convenient, cost-effective electric vehicle infrastructure that will also accommodate future technology advancement.

- Dory Larsen, 1846 Lexington Place, Tarpon Springs, Electric Transportation Program Manager with the Southern Alliance for Clean Energy (SACE), spoke in support of the Ordinance. She discussed formula funds that the State of Florida is expected to receive, which will be allocated to communities along designated alternative fuel corridors, and spoke of additional grant funding.
- Meta Calder, 3740 Ravine Dr., League of Women Voters, spoke in support of the Ordinance. She stated the Florida League of Women Voters is very interested in promoting all efforts to ease and encourage the transition to clean energy.

Commissioner Minor spoke in support of the Ordinance. He commented on an email from Dr. J.R. Harding, who shared that EV's are not currently designed to be used by people with disabilities. In addition, EV's cost more than gas vehicles.

Commissioner Dozier made the motion to approve Option #1. She also thanked the County for the efforts to make gas stations more accessible for persons with disabilities. She thanked Sustainable Tallahassee for its public information.

Commissioner Cummings spoke in support of the Ordinance and talked about the demand for electric vehicles and preserving clean air.

Vice-Chair Maddox confirmed his vote with the majority on Item #21 and spoke in support of the Ordinance for Item #23.

Chairman Proctor stated his opposition to the measure. He expressed concern with the wording on Attachment #2, which states that the Comprehensive Plan has no goals, adjectives, or policies to explicitly reference electric vehicles charging stations. He wanted language that was equitable and inclusive of other districts.

Commissioner Dozier confirmed with Barry Wilcox, Director of DSEM, that the Ordinance will be in effect in the entire unincorporated area of the County for future commercial and multi-family development.

- Mr. Wilcox confirmed that the wording in question is a statement of the current condition, that it is only in Welaunee, but the Ordinance will apply throughout the unincorporated area.

Chairman Proctor asked if there are any other charging stations in the community.

- County Attorney O'Steen shared examples of charging stations at the Capitol and in the Courthouse.

- Mr. Wilcox shared that the Ordinance will apply to commercial development, multifamily development, and townhomes in the unincorporated area, and would compel EV readiness.

Commissioner Dozier moved, duly seconded by Commissioner Minor, to approve Option #1: Conduct the first and only public hearing and adopt the proposed Ordinance amending Section 10-1.101 of the Leon County Land Development Code, entitled "Definitions" and creating a new Section 10-7.545.1, entitled "Electric Vehicle Charging Station Infrastructure and Electric Vehicle Parking Requirements." The motion carried 5-1 (Chairman Proctor in opposition) (Commissioner Jackson not attending telephonically).

24. First of Two Public Hearings to Consider Adopting an Ordinance Amending Chapter 10 of the Land Development Code to Address Sign Regulations

County Administrator Long introduced this item. It requests the Board to conduct the first of two required Public Hearings to consider adopting an Ordinance that amends the Land Development Code to address sign regulations.

Commissioner Dozier moved, duly seconded by Commissioner Welch, to approve Option #1: Conduct the first of two Public Hearings to consider adopting an Ordinance amending Chapter 10, the Land Development Code, to address the sign regulations, and schedule the second and final Public Hearing for June 14, 2022, at 6:00 p.m. The motion carried 6-0 (Commissioner Jackson not attending telephonically).

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS (3-minute limit per speaker; Commission may discuss issues that are brought forth by speakers.)

- Jeremy Block, 1109 E. 6th Ave., spoke in support of the gun buyback program. He provided facts about how the buyback program has worked in other communities.
 - Chairman Proctor thanked Mr. Block and commented on previous buybacks. He reflected on the gun shows held on the Southside every 3-4 months.
 - Commissioner Minor reflected on reducing gun violence and mentioned the efforts of the Sheriff with the CeaseFire Program, which is a non-traditional gun buyback program.

COMMENTS/DISCUSSION ITEMS

County Attorney O'Steen:

- Shared that there has been an opioid litigation settlement between the State of Florida and two different Walgreens entities. The deadline for local governments to participate in the settlement is June 3rd. She recommends the Board's participation in the settlement.

Vice-Chair Maddox moved, duly seconded by Commissioner Welch, to approve the proposed Walgreens opioid litigation settlement. The motion passed 6-0 (Commissioner Jackson not attending telephonically).

County Administrator Long:

- None

COMMISSIONER DISCUSSION ITEMS

Chairman Proctor:

- Reflected on the recent opening of the Fort Braden History Walk trail.
- Discussed mid-term grades for the County Administrator, County Attorney, and Commissioners.
- Congratulated Matt Cavell for the receipt of 8 awards.
- Asked that the County promote the FAMU Developmental Research School (DRS) summer reading and writing skills program, and the Leon County School District summer school to combat pandemic learning loss.
 - County Administrator Long stated that information will be distributed via various County platforms.
- Thanked the Leon County Sheriff's Office for its protection.
- Requested a public service announcement highlighting the services provided by Elder Services and Big Bend Hospice.
- Passed the gavel to Vice-Chair Maddox and made a motion for an agenda item to consider renaming Cascades Park to Cascades Park at Smokey Hollow. He amended the motion to request a resolution supporting the renaming of Cascades Park.
 - Commissioner Cummings asked if the action would have to be in conjunction with the City of Tallahassee.
 - County Administrator Long stated it would have to be an action taken by the City, as it is within their jurisdiction.
 - Commissioner Dozier stated that the City is considering renaming the amphitheater and asked if that is under the County's jurisdiction.
 - County Administrator Long stated that the renaming of the amphitheater would also be under the City's jurisdiction.
 - Commissioner Dozier stated her support for the motion.

Chairman Proctor moved, seconded by Vice-Chair Maddox, to approve a resolution in support of renaming Cascades Park to Cascades Park at Smokey Hollow. The motion carried 5-0 (Commissioner out of Chambers) (Commissioner Jackson not attending telephonically).

- Chairman Proctor made a motion for a resolution to rename the Capital City Amphitheater at Cascades Park for Nathaniel and Julian Adderley.
 - Commissioner Dozier suggested an amendment to combine the two motions into one resolution.
- Chairman Proctor amended the motion to tie it to the previous motion.

Chairman Proctor moved, seconded by Vice-Chair Maddox, to add to the previously approved resolution in support of renaming Cascades Park to Cascades Park at Smokey Hollow, the renaming of the Capital City Amphitheater to the Nathaniel and Julian Adderley Amphitheater. The motion carried 5-0 (Commissioner out of Chambers) (Commissioner Jackson not attending telephonically).

- Thanked Kerri Post and Cristina Paredes for their excellent work at the National Economic Development Week and National Tourist Development Week luncheon.
- Commended City Commissioner Curtis Richardson for the buyback program for unused plots at the Southside Cemetery and the possible acquisition of 3 acres adjacent to the cemetery.

Vice-Chair Maddox:

- Commended the Chairman for running a great meeting and commended staff for the great job they do.
- Mentioned a recent accident on Highway 20 where a young lady was walking in the middle of the street at night, got hit, and died. He inquired if a flashing cross walk could be installed.
 - County Administrator Long stated that staff would evaluate the situation and provide information to the Commissioners.

Commissioner Minor:

- Announced the May 20th Emancipation Day event at the Knott House Museum presented by Riley Center & Museum and the Knott House Museum.
- Recognized Mac Kemp, Leon County EMS, for chairing Honor Flight Tallahassee.

Commissioner Cummings:

- Reported that the Children's Services Council is moving forward with contracting for services for 2 months during the summer to help address the needs of children and families. Stated that the GAP analysis is expected within 30 days.
- Congratulated County Administrator Long, Matt Cavell, and staff for receiving 8 awards in communications and media.

Commissioner Jackson:

- (Not attending telephonically.)

Commissioner Welch:

- Commended Mac Kemp on the recent Honor Flight event, and thanked EMS staff.
- Thanked the Village Square for the Town Hall meeting last month.
- Congratulated the new Leadership Tallahassee Class.
- Wished good luck to 7 local high school baseball teams that will be playing in the regional state tournament this week.

Commissioner Dozier:

- Requested a proclamation celebrating June as Pride Month.

Commissioner Dozier moved, seconded by Vice-Chair Maddox, to approve a proclamation recognizing June as Pride Month. The motion carried 6-0 (Commissioner Jackson not attending telephonically).

- Requested an agenda item on expanding the notification requirements for large-scale Comprehensive Plan amendments and large-scale developments.

Commissioner Dozier moved, seconded by Vice-Chair Maddox, to request that staff provide an agenda item to evaluate expansion of the notification area for large-scale comprehensive plan

amendments and large-scale developments. The motion carried 6-0 (Commissioner Jackson not attending telephonically).

- Mentioned Boss Man Jackson for sharing his memories of celebrating Emancipation Day at Lake Hall.
- Recognized May as Celiac Disease Awareness Month and requested a proclamation for the Board meeting on June 14th.

Commissioner Dozier moved, seconded by Vice-Chair Maddox, to approve a proclamation recognizing May as Celiac Disease Awareness Month. The motion carried 6-0 (Commissioner Jackson not attending telephonically).

RECEIPT AND FILE:

- Leon County Research and Development Authority Financial Statements, Year ended September 30, 2021, and 2020 with Report of Independent Auditors
- Children's Services Council of Leon County Quarterly Financial Report, 2nd Quarter FY 2022

ADJOURN:

There being no further business to come before the Board, the meeting was adjourned at 7:12 p.m.

ATTEST:

BY: _____
Bill Proctor, Chairman
Board of County Commissioners

BY: _____
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

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

Leon County Board of County Commissioners

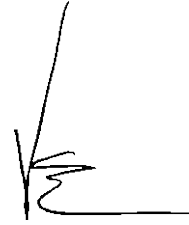
Agenda Item #2

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Payment of Bills and Vouchers



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Scott Ross, Director, Office of Financial Stewardship Roshaunda Bradley, Budget Manager
Lead Staff/ Project Team:	Amy McClure, Management Analyst

Statement of Issue:

This item requests Board approval of the payment of bills and vouchers submitted for July 12, 2022 and pre-approval of payment of bills and vouchers for the period of July 13, 2022 through September 12, 2022.

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 July 12, 2022 and pre-approve the payment of bills and vouchers for the period of July 13, 2022 through September 12, 2022.

Report and Discussion

Background:

The Office of Financial Stewardship/Management and Budget (OMB) reviews the bills and vouchers printout, submitted for approval during the July 12th meeting, the morning of Monday, July 11, 2022. 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 September 13, 2022, it is advisable for the Board to pre-approve payment of the County's bills for July 13, 2022 through September 12, 2022 so that vendors and service providers will not experience hardship because of delays in payment. In the event the Board meeting is cancelled, the payment of bills/vouchers will be approved until the next scheduled meeting. OMB will continue to review the printouts prior to payment; if for any reason OMB 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 July 12, 2022 and pre-approve the payment of bills and vouchers for the period of July 13, 2022 through September 12, 2022.
2. Do not approve the payment of bills and vouchers submitted for July 12, 2022, and do not pre-approve the payment of bills and vouchers for the period of July 13, 2022 through September 12, 2022.
3. Board direction.

Recommendation:

Option #1

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

Leon County Board of County Commissioners

Agenda Item #3

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Commissioner Appointments to the Code Enforcement Board and the Water Resources Committee

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Mary Smach, Agenda Coordinator

Statement of Issue:

This item seeks Board approval to ratify the Commissioner appointment of citizens to the Code Enforcement Board and the Water Resource Committee.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

- Option #1: Ratify Commissioner Proctor's reappointment of a citizen, Claudette Cromartie, to the Code Enforcement Board for a three-year term ending July 31, 2025.
- Option #2: Ratify Commissioner Welch's appointment of a citizen, Brandon Boyd, to the Water Resource Committee for a four-year term ending July 31, 2026.

Report and Discussion

Background:

Pursuant to Policy No. 03-15, “Board-Appointed Citizen Committees”, a consent item is presented to fill vacancies for individual Commissioner appointment of citizens to Authorities, Boards, Committees, and Councils.

Analysis:

Code Enforcement Board (CEB)

Purpose: The CEB conducts hearings and enters orders to enforce County laws relating to environmental management (storm water, trees and landscaping), zoning and land use, control of junk accumulations in the community, building code, lawn mowing, etc. The CEB has the authority to impose administrative fines and other non-criminal penalties where a violation of a code provision has occurred, with the goal of obtaining Code compliance. The purpose is to provide an equitable, expeditious, effective and inexpensive method for enforcement of local laws and to promote, protect and improve the health, safety and general welfare of the public.

Composition: The CEB is comprised of seven members, with each Commissioner appointing one member. Members serve three-year terms, expiring July 31, with no member serving more than three full consecutive terms.

Pursuant to Florida Statutes, the membership of the Code Enforcement Board shall, whenever possible, include a member from categories 1-6 as follows:

- 1) an architect
- 2) a business person
- 3) an engineer
- 4) a general contractor
- 5) a subcontractor
- 6) a realtor
- 7) a County resident

The current CEB membership includes two (2) Business Persons, one (1) Engineer, one (1) Realtor and (3) County Residents. Currently the architect, general contractor and subcontractor categories are not represented on the CEB. The preference is to have no more than two people appointed from any single category.

Diversity of Membership:

Total Seats	Vacant Seats	Gender	Race
7	0	Male - 4 Female - 3	White - 5 Black - 2

Title: Commissioner Appointments to the Code Enforcement Board and the Water Resources Committee

July 12, 2022

Page 3

Vacancies: The term of CEB member Claudette Cromartie is due to expire on July 31, 2022. Ms. Cromartie is eligible for and is seeking reappointment. Her application and attendance records are included as Attachment #1. The Commissioner has reviewed the eligible applications and selected the applicant as listed in Table #1.

Table #1: Code Enforcement Board

Vacancy / Category <i>Term Status</i>	Term Expiration	Eligible Applicant Application Attachment #	Gender - Race	Recommended Action
Claudette Cromartie / Resident (has served 1 partial term and 1 full term) Seeking reappointment	7/31/2022	1. Claudette Cromartie	Female - Black	Ratify Commissioner Proctor's appointment for a three-year term ending July 31, 2025.

Water Resources Committee (WRC)

Purpose: The WRC is responsible for addressing community-wide concerns, such as flooding, recreational and community economic value, watershed management, and funding priorities. Additionally, the WRC reviews waterbody conditions and impact of development. At its October 23, 2018 meeting, the Board reclassified the WRC as a Focus Group by adopting Resolution No. 18-33. Focus groups are created by the Board to be a fact-finding source of community input and technical resource for County staff in developing recommendations on matters which will be subsequently considered for Board approval.

Composition: The WRC consists of seven (7) citizen members who represent a balance of community interests, as follows: conservation/environment, legal/planning, real estate/economic development, and boating/fishing. Each Commissioner appoints one citizen as a member of the WRC. Members serve a four-year term, expiring on July 31, with no member serving more than three full consecutive terms.

Diversity of Membership:

Total Seats	Vacant Seats	Gender	Race
7	0	Male - 4 Female - 3	White - 7

Vacancies: The term of WRC member Terry Ryan, is due to expire on July 31, 2022. Mr. Ryan is not seeking reappointment. The Commissioner has reviewed the eligible applications and has selected the applicant listed in Table #2.

Table #2: Water Resources Committee

Vacancy <i>Term status</i>	Term Expiration	Eligible Applicant (Application Attachment #)	Gender - Race	Recommended Action
John (Terry) Ryan <i>Not seeking reappointment</i>	7/31/2022	2. Brandon Boyd	Male – White	Ratify Commissioner Welch’s appointment for a four-year term ending July 31, 2026.

Options:

1. Ratify Commissioner Proctor’s reappointment of a citizen, Claudette Cromartie, to the Code Enforcement Board for a three-year term ending July 31, 2025.
2. Ratify Commissioner Welch’s appointment of a citizen, Brandon Boyd, to the Water Resource Committee for a four-year term ending July 31, 2026.
3. Board direction.

Recommendation:

Options #1 and #2

Attachments:

1. Cromartie application, resume and attendance
2. Boyd application and resume



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
CODE ENFORCEMENT BOARD**

**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.
Applications will be discarded if no appointment is made after two years.**

Name: Ms. Claudette Cromartie		Date: 4/28/2021 10:42:37 PM	
Home Address:	7003 Atascadero Lane Tallahassee, FL 32317	Do you live in Leon County?	Yes
		Do you live within the City limits?	No
		Do you own property in Leon County?	Yes
Home Phone:	(850) 212-4940	Do you own property in the Tallahassee City Limits?	Yes
Email:	cromartiec08@gmail.com	How many years have you lived in Leon County?	21

(EMPLOYMENT INFORMATION)

Employer:	Retired	Work
Occupation:	Retired	Address:
Work/Other Phone:		

(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:	Black or African American	Gender:	Age: 68
District:	District II	Disabled?	No

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name:	Wilma Wiggs	Name:	Mike Clickner
Address:	2094 Foster Drive, Tallahassee, FL 32303	Address:	7033 Atascadero Lane, Tallahassee, FL 32317
Phone:	(850) 567-6367	Phone:	(850) 570-7154

Resume Uploaded? No

If no resume is available, 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. Please attach your resume, if one is available.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **Yes**

If yes, on what Committee(s) are you a member? **Code Enforcement Board**

Have you served on any previous Leon County committees?* **Yes**

If Yes, on what Committee(s) have you served? **CRA City and Leon County Citizens Advisory Committee**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Members must be a resident of Leon County.

Members must meet the membership eligibility criteria listed below. Please indicate your area of expertise.

- ☐ Business Person
- ☐ Engineer
- ☐ Architect
- ☐ General Contractor
- ☐ Subcontractor
- ☐ Realtor
- ☒ County Resident

Members on this board must file a [Financial Disclosure Form #1](#) from the Florida Commission on Ethics, per State Statute 112.3145. [Financial Disclosure Information - Ethics](#).

Are you willing to file a Financial Disclosure Form? **Yes**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Ms. Claudette Cromartie*

The application was electronically sent: 4/28/2021 10:42:37 PM

LEON COUNTY CODE ENFORCEMENT BOARD ATTENDANCE REPORT

Committee Name: Leon County Code Enforcement Board Attendance Report

Committee Member Name: Claudette Cromartie

2017-2018

09/20/2018
X

2018-2019

10/18/2018	11/15/2018	12/20/2018	01/17/2019	02/21/2019	03/21/2019	04/18/2019	05/16/2019	06/20/2019	07/18/2019	08/15/2019	09/19/2019
X	X	MC	X	X	A/E	X	X	MC	X	X	X

2019-2020

10/17/2019	11/21/2019	12/19/2019	01/16/2020	02/20/2020	03/19/2020	04/16/2020	05/21/2020	06/18/2020	07/16/2020	08/20/2020	09/17/2020
A/E	X	MC	X	X	MC	MC	MC	MC	MC	X	X

2020-2021

10/15/2020	11/19/2020	12/17/2020	01/21/2021	02/18/2021	03/18/2021	04/15/2021	05/20/2021	06/17/2021	07/15/2021	08/19/2021	09/16/2021
A/E	X	MC	X	X	X	X	MC	A/E	MC	X	X

2021-2022

10/21/2021	11/18/2021	12/16/2021	01/20/2022	02/17/2022	03/17/2022	04/21/2022
X	X	MC	X	X	X	X

X – Member in attendance.
A – Member absent
A/E – Member absent/excused
MC – Meeting cancelled
TE- Term Expired

Additional Information or Remarks:

Meetings were canceled March 2020 through July 2020 due to COVID-19



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
WATER RESOURCES COMMITTEE**

**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.
Applications will be discarded if no appointment is made after two years.**

Name: Mr. Brandon Boyd		Date: 4/4/2022 1:03:22 PM	
Home Address:	6507 wildemeade pl Tallahassee, FL 32309	Do you live in Leon County?	Yes
		Do you live within the City limits?	No
		Do you own property in Leon County?	Yes
Home Phone:	(336) 306-4850	Do you own property in the Tallahassee City Limits?	No
Email:	brandonboyd1221@gmail.com	How many years have you lived in Leon County?	7

(EMPLOYMENT INFORMATION)

Employer:	Self	Work
Occupation:	Agriculture Business	Address:
Work/Other Phone:	(305) 978-2317	

(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:	White	Gender:	M	Age:	39
District:	District IV	Disabled?	No		

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name:	Gavin Phipps	Name:	Dr. Michael Glaze
Address:	4300 n Meridian rd Tallahassee, Florida 32312	Address:	3784 Biltmore Ave Tallahassee FL 32311 United States
Phone:	(850) 766-1970	Phone:	(850) 766-9148

Resume Uploaded? Yes

If no resume is available, 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. Please attach your resume, if one is available.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **No**

Have you served on any previous Leon County committees?* **No**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Is your personal information exempt from public records disclosure in accordance with FS 119.071(2)(j)1 or FS 119.071(4)? **No**

Members must represent one of the four interest groups listed below. Please indicate which interest group you would represent.

☒ Conservation/environment

Please explain:

☐ Legal/planning

☐ Real estate/ economic development

☐ Boating/fishing

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Mr. Brandon Boyd*

The application was electronically sent: 4/4/2022 1:03:22 PM

BRANDON BOYD



BRANDON@THEBOYDGROUPAG.COM



336-306-4850

OBJECTIVE

I am driven by success and results not money when I represent your interests.

SKILLS

My passion has always been the latest technology in agriculture and building close lasting relationships in the Agriculture/Horticulture Industry. I have a pulse on Land, Farming and Politics in the State of Florida.

EXPERIENCE

Co-Owner of V&B Farms, LLC

Homestead, Florida

2010-Present

V&B Farms is a 500 acre produce farm. The day to day operation is run by my business partner and I manage the Accounting, Sales and R&D

ComReal Miami_Doral

Doral, Florida

2019-Present

I specialize in selling large tracts of farm land and produce packinghouses throughout the state of Florida. I moved into this area as an offseason interest due to my connections throughout the State of Florida.

Bernecker's Nursey

Homestead, Florida

2008-2010

Head Grower

Managed 50 employees on an 85-acre Horticulture Nursery operation. I Developed a new heating system in the winter time to prevent Carbon Monoxide build up in plants using ground water to heat greenhouses instead of using propane which was causing the damage. Around the time I started my produce farm the owner of Bernecker's wanted to sell the nursery operation, so using my family relationships I brokered a deal for Costa Farms to Purchase Bernecker's nursery.

Delray Plants

Venus, Florida

2005-2008

Head Grower

Growing area over 400 acres over 400 employees 8 managers and 8 growers

Delray Plants is one of the largest indoor foliage growers in the country. One of my major accomplishments is bringing down pesticide use by 86% in my first 2 years using beneficial insects to eat the harmful insects and also using different strains of Trichoderma to protect root systems just to name a few. At the time it was a major accomplishment because of the heavy pest pressure where we were located in central Florida.

<https://www.greenhousemag.com/article/biological-controls-keep-delray-pests-at-bay/>

Walt Disney World Company

Epcot- The Land

Advanced Internship

2004-2005

Managed the daily operations of the production and tropical hydroponic greenhouse, while communicating plant science and agriculture science. After harvesting I was responsible for coordinating produce deliveries to multiple restaurants within the Walt Disney Property. In my last 6 months I did the initial research for what is now the current Aquaponics system.

Boyd Seeds

1998-2003

Owner and Production Manager

Launched a seed company (different varieties of palm tree seed) to service local nurseries with fresh local seed. Marketed, processed, packaged and delivered seeds. Provided customers with hard to find seeds and that's when I started brokering seed from California.

EDUCATION

DEGREE / DATE EARNED

Abraham Baldwin Agricultural College

Tifton, Ga.

A.S. Environmental Horticulture Technology (Ornamental Production)

VOLUNTEER EXPERIENCE OR LEADERSHIP

I currently sit on the Board of The Kingsman's Club, a charitable organization focused on helping young men from ages 12 to 20 learn life skills in a safe environment, everything from how to tie a tie and dress for school or job interview.

Leon County
Board of County Commissioners
Notes for Agenda Item #4

Leon County Board of County Commissioners

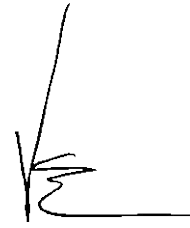
Agenda Item #4

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Voluntary Annexation of Property Located at 4075 Centerville Road



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Barry Wilcox, Director, Development Support and Environmental Management
Lead Staff/ Project Team:	Ryan Culpepper, Director, Development Services Weldon Richardson, Senior Planner, Development Services

Statement of Issue:

This item seeks Board consideration of a voluntary annexation request from Kendall Hill, LLC, for one parcel consisting of approximately 12.29 acres located at 4075 Centerville Road. As required by the Tallahassee-Leon County 2030 Comprehensive Plan, this voluntary annexation request is being brought to the Board for consideration prior to the City Commission's Public Hearing on September 21, 2022.

Fiscal Impact:

This item has a fiscal impact. The Public Works Department finds the proposed annexation of the subject parcel will result in a total loss of \$199 of annual revenue for stormwater and solid waste non-ad valorem assessments.

Staff Recommendation:

Option #1: Do not object to the proposed voluntary annexation of property owned by Kendall Hill, LLC, located at 4075 Centerville Road.

Report and Discussion

Background:

As required by the Tallahassee-Leon County 2030 Comprehensive Plan and implemented through the Tallahassee-Leon County Interlocal Agreement Annexation Procedures, this voluntary annexation item is being brought to the Board for review and comment prior to the City Commission's consideration of the annexation Ordinance scheduled for September 21, 2022. The property owners, Kendall Hill, LLC, are requesting voluntary annexation of one parcel consisting of approximately 12.29 acres, (Parcel Identification #11-11-20-603-000-0) located at 4075 Centerville Road, into the Tallahassee city limits.

On December 15, 2021, the Development Review Committee (DRC) approved, with conditions, a 33-lot detached residential subdivision on the subject parcel. The approved subdivision has yet to be platted; therefore, any infrastructure currently under construction has not been dedicated to the County and no annexation agreement is required. By default, the annexation will transfer all permitting and inspection responsibilities to the City of Tallahassee. Both the applicant's petition for voluntary annexation as well as the proposed City Ordinance (No. 22-O-19) are included as Attachment #1.

Analysis:

The referenced parcel consists of approximately 12.29 acres and is located inside the Urban Service Area. The subject parcel is zoned R-3 (Single- and Two-Family Residential Zoning District, Section 10-6.637 of the Leon County Land Development Code) and designated Urban Residential-2 on the Future Land Use Map of the Comprehensive Plan (Policy 2.2.24 of the Tallahassee/Leon County Comprehensive Plan). A map showing the location of the parcel proposed for annexation is included as Attachment #2.

Annexation by the City of Tallahassee shall be in accordance with the requirements of Chapter 171, Florida Statutes, and Policy 2.1.4 of the Intergovernmental Coordination Element of the Comprehensive Plan, and as set forth in the Interlocal Agreement for Annexation Procedures between Leon County and the City of Tallahassee. Specifically, the Interlocal Agreement provides in part that:

the City Annexation Plan, together with the petition for each annexation be provided by the City to the County Administrator, the Director of Development Support and Environmental Management and the County Attorney at least twenty (20) calendar days prior to the first reading of the Ordinance considering such annexation and at least five (5) calendar days prior to the next regularly scheduled County Commissioners ("Board") meeting. The Board shall have the opportunity to review, comment and suggest changes regarding the proposed annexation at a Board meeting prior to the adoption of the annexation Ordinance by the City Commission, and any Board comments will be provided to the City Manager at least five (5) calendar days prior to the public hearing on the annexation Ordinance.

The City of Tallahassee has indicated in its proposed Ordinance that they are committed to providing municipal services to the referenced property. The proposed Ordinance was introduced to the City Commission on June 22, 2022 and is scheduled to be presented at a Public Hearing by the City Commission on September 21, 2022, for the purposes of finalizing the annexation.

The County and City Administrations have instituted procedures to implement annexation provisions. The City submits information and analyses for review by County staff. County staff comments on the proposed voluntary annexation are:

1. County Attorney: The County Attorney has indicated that the proposed annexation appears to comply with Chapter 171 of the Florida Statutes, as the proposed annexation is contiguous to the municipal boundary, reasonably compact and does not create an enclave.
2. Public Works: The Public Works Department finds the proposed annexation of the subject parcel will result in a total loss of \$199 of annual revenue for stormwater and solid waste non-ad valorem assessments.
3. Development Services: The Division finds that the proposed annexation would not have any impacts to the County's Concurrency Management System.
4. Environmental Services: The subject property obtained a Leon County Environmental Management Permit (EMP), and development activities are taking place on-site. To facilitate the transfer of all responsibilities associated with the annexation of this particular parcel (project close-out via As-Built and Stormwater Operating Permit, dedication of Conservation Easement, etc.), Environmental Services staff has provided access to all files associated with the approved EMP within Project Dox to the City of Tallahassee Growth Management staff. With the understanding that upon annexation City staff will be responsible for the close out of the project, staff does not object to the proposed annexation request.
5. Planning, Land Management & Community Enhancement (PLACE): The Tallahassee/Leon County Department of PLACE finds the proposed annexation request consistent with the Comprehensive Plan, provided certain criteria of the Intergovernmental Element Policy 2.1.4 are adequately addressed. These criteria are outlined in a memorandum from the Planning Department, which is included as Attachment #3.

Pursuant to the Interlocal Agreement with the City, if the County objects to the annexation, a formal process for mediation is initiated. Results of the mediation are brought to the Board for consideration. If mediation is unsuccessful, the statutory dispute resolution process allows for the City and County to agree to binding arbitration, or either party may pursue legal remedies.

Options:

1. Do not object to the proposed voluntary annexation of property owned by Kendall Hill, LLC, located at 4075 Centerville Road.
2. Object to the proposed voluntary annexation of property owned by Kendall Hill, LLC, located at 4075 Centerville Road.
3. Board direction.

Recommendation:

Option # 1

Attachments:

1. Request for Voluntary Annexation from Kendall Hill, LLC, and Ordinance (No. 22-O-19)
2. Location Map of the Property Proposed for Voluntary Annexation
3. Memorandum from the Planning Department dated June 1, 2022



5/13/2022
Mr. Ryan Culpepper
Development Services Director
Leon County Department of Development Support
& Environmental Management
435 North Macomb Street
Tallahassee, FL 32301

RE: Annexation of Parcel 11-11-20-630-000-0

Dear Mr. Culpepper:

Attached is the ordinance introduction package for the annexation of Parcel 11-11-20-630-000-0 for your review and use. You are being provided a copy of the voluntary annexation petition as required by Policy 2.1.4 of the Intergovernmental Coordination Element of the Comprehensive Plan.

The annexation ordinance will go to the City Commission for introduction on June 22, 2022 and the public hearing will be September 21, 2022. Any comments from the Board of County Commissioners must be received by the City Manager prior to the public hearing.

Please contact me at 891-8152 if you have any questions regarding this transmittal.

Sincerely,

Christian Doolin
Assistant City Manager

CITY HALL
300 South Adams Street
Tallahassee, FL 32301-1731
850-891-0000
TDD: 711 • Talgov.com

JOHN E. DAILEY
Mayor

REESE GOAD
City Manager

CURTIS RICHARDSON
Mayor Pro Tem

CASSANDRA K. JACKSON
City Attorney

JACQUELINE "JACK" PORTER
Commissioner

JAMES O. COOKE, IV
City Treasurer-Clerk

JEREMY MATLOW
Commissioner

DENNIS R. SUTTON
Inspector General


DIANNE WILLIAMS-COX
Commissioner



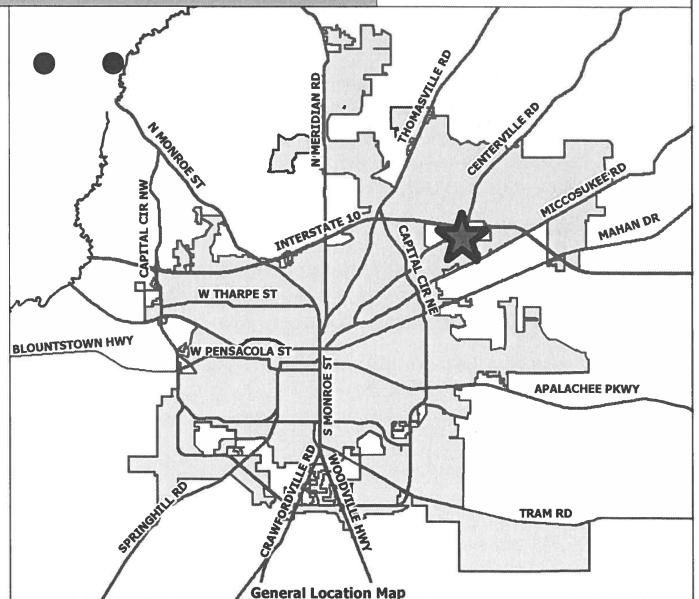
**Ordinance No. 22-O-XX
KENDALL HILL, LLC
PROPOSED ANNEXATION**

**Parcel ID:
11-11-20-630-0000**

LEGEND

-  **CURRENT CITY LIMITS**
-  **PROPOSED CITY LIMITS**

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT



CITY OF TALLAHASSEE
PETITION FOR VOLUNTARY ANNEXATION

The following information must be submitted to the Office of Resource Management for consideration to be annexed. You can deliver it in person, send in via U.S. mail or email it to:

Office of Resource Management
City of Tallahassee, City Hall – 4th Floor

Attn: Alex Thomas and Max Stout at alex.thomas@talgov.com and max.stout@talgov.com

300 South Adams Street
Tallahassee, Florida 32301

- Voluntary Petition – must include signature(s), date and address(es) of each applicant if there are multiple owners.
- Map indicating the area (shade or cross-hatch) to be annexed, must match the legal description of area to be annexed.
- Tax Parcel Identification (PID) number for the parcel(s) or portion therein, as recorded with the Leon County Property Appraiser's Office.
- A non-PDF version of the recorded legal document text (legal description in metes and bounds) of the property to be annexed. ***Important Note: The legal description defines the area to be annexed, please ensure it is correct. This will be reviewed and confirmed prior to any other steps proceeding.***
- The City of Tallahassee does not charge a fee for annexation; however, Leon County does charge \$600 per parcel or in some cases per submittal for annexation.
- If needed, the Office of Resource Management can schedule a pre-application conference with the relevant City and County staff to discuss the project and to provide the applicant with a Leon County contact person for payment of the fee and for contact regarding the County's review.

For more information on the requirements to be submitted or any further information about the process please contact Alex Thomas or Max Stout @ alex.thomas@talgov.com or max.stout@talgov.com.

To: The City Commission of the City of Tallahassee
From: KENDAW HILL, LLC
CARE OF SOUTHEASTERN CONSULTING
SERVICES, & EDWARD N. BASS III, P.E.
Date: 4/25/22
Re: Parcel ID or Parcel ID's: 11-11-20-630-000-0

The undersigned owner(s) of the referenced property,

4075 CENTERVILLE ROAD TALLAHASSEE, FLORIDA

legally described on the attached Exhibit A, and shown on the sketch attached as Exhibit B, hereby request(s) the annexation of said property by the City of Tallahassee in accordance with Chapter 171, Florida Statutes which authorizes the petitioning for voluntary annexation. Exhibits A and B are hereby incorporated by reference and made a part hereof.

The undersigned certify that he/she/they is/are the owners of the property described in the attached exhibits, and that all owners of the property have signed this petition. This petition and request shall be binding upon the owner(s), all successor owner of the subject property including the heirs, assigns, and devisees of the undersigned; and shall run with the land to any purchasers of the subject property.

PETITIONER(S):

Signature:

Print Name:


Address:

Phone:

Email

address:

Date:


EDWARD N. BASS, III AS MANAGING
MEMBER OF KENDALL HILL, LLC
253 PINWOOD DRIVE
TALLA. FLA 32303
(850) 544-6771
ebass@southeasternconsultingservices.com
4/25/22

State of:

County of:

FLORIDA
LEON

Before me, this 25th day of April, 2022,

personally, appeared Edward N. Bass, III who executed the foregoing
Petition for Voluntary Annexation, and acknowledged before me that same was executed for
the purposes therein expressed.

Personally known: ☒; or

Produced identification: _____.

Type of identification produced: _____.

Signature of Notary Public:  _____.

Printed name of Notary Public: _____.

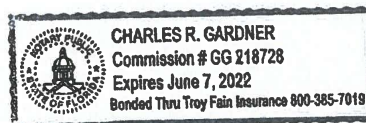


EXHIBIT "A"
Legal Description

A PORTION OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 EAST, LEON COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND IRON PIPE WITH SQUARE BOLT HEAD ACCEPTED AS THE SOUTHWEST CORNER OF SAID SECTION 11 AS PER THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER RECORD, DOCUMENT NUMBER 0025012; THENCE RUN SOUTH 89 DEGREES 53 MINUTES 20 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 11 FOR 369.25 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 03 DEGREES 30 MINUTES 12 SECONDS EAST FOR 482.10 FEET TO A POINT LYING ON THE SOUTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5151, PAGE 1939 OF THE PUBLIC RECORDS OF SAID LEON COUNTY; THENCE RUN NORTH 87 DEGREES 08 MINUTES 54 SECONDS EAST ALONG THE SOUTH LINE OF AFORESAID LANDS FOR 59.32 FEET TO A CONCRETE MONUMENT (#1254) MARKING THE SOUTHEAST CORNER OF SAID LANDS AND THE MOST SOUTHERLY CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 761, PAGE 406 OF THE PUBLIC RECORDS OF SAID LEON COUNTY; THENCE RUN NORTH 25 DEGREES 44 MINUTES 01 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LANDS FOR 65.39 FEET TO A CONCRETE MONUMENT (#1254); THENCE RUN NORTH 03 DEGREES 35 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF AFORESAID LANDS FOR 64.35 FEET TO A 1 ½" IRON PIPE (NO ID) ON THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS 5382, PAGE 23 OF THE PUBLIC RECORDS OF SAID LEON COUNTY; THENCE RUN SOUTH 89 DEGREES 57 MINUTES 13 SECONDS EAST ALONG THE SOUTH LINE OF SAID LANDS AND ITS EASTERLY PROLONGATION THEREOF FOR 133.38 FEET TO AN IRON ROD AND CAP (#4016); THENCE RUN NORTH 00 DEGREES 05 MINUTES 13 SECONDS EAST ALONG A LINE PARALLEL TO AND 13.85 FEET EAST OF, MORE OR LESS, TO THE EAST LINE OF SAID PREVIOUSLY DESCRIBED LANDS FOR 134.38 FEET TO AN IRON ROD AND CAP (#4016) LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF CENTERVILLE ROAD AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP OF STATE ROAD NO. 8, SECTION NO. 55320-2404, DATED DECEMBER 3, 1969; SAID POINT ALSO LYING ON THE ARC OF A CIRCULAR CURVE, THE CENTER OF WHICH BEARS NORTH 41 DEGREES 04 MINUTES 40 SECONDS WEST FROM SAID POINT; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2325.00 FEET; THROUGH A CENTRAL ANGLE OF 10 DEGREES 54 MINUTES 27 SECONDS FOR AN ARC LENGTH OF 442.61 FEET (CHORD BEARS NORTH 43 DEGREES 28 MINUTES 06 SECONDS EAST FOR 441.94 FEET) TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF A 30 FOOT INGRESS/EGRESS EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 464, PAGE 305 OF THE PUBLIC RECORDS OF SAID LEON COUNTY AND A SET IRON ROD AND CAP (LB 6745); THENCE RUN SOUTH 89 DEGREES 55 MINUTES 43 SECONDS EAST ALONG SAID SOUTH LINE FOR 128.98 FEET TO A SET IRON ROD AND CAP (LB 6745) AND A POINT OF INTERSECTION WITH THE WEST LINE OF SAID 30 FOOT INGRESS/EGRESS EASEMENT; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 31 SECONDS WEST ALONG SAID WEST LINE FOR 1063.45 FEET TO A SET IRON ROD AND CAP (LB 6745) ON THE SOUTH LINE OF SAID SECTION 11; THENCE RUN NORTH 89 DEGREES 53 MINUTES 20 SECONDS WEST ALONG THE SOUTH LINE OF AFORESAID SECTION 11 FOR 675.18 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 535,260 SQUARE FEET (12.29 ACRES) MORE OR LESS.

Ordinance No. 22-O-19

AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, AMENDING SECTION SIX OF THE CHARTER OF THE CITY OF TALLAHASSEE, TO ANNEX WITHIN THE CORPORATE AREA OF THE CITY OF TALLAHASSEE, FLORIDA, UPON ADOPTION OF SAID ORDINANCE, PROPERTY BEING SITUATED IN LEON COUNTY, FLORIDA ON CENTERVILLE ROAD, SOUTH OF INTERSTATE 10, IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, there has been filed with the City of Tallahassee, Florida, a petition containing the names and signatures of all of the property owners in the area described hereinafter requesting annexation into the corporate area of the City of Tallahassee, Florida; and,

WHEREAS, it has been determined that the property described hereinafter is reasonably compact and contiguous to the corporate area of the City of Tallahassee, Florida, and it has further been determined that the annexation of said property will not result in the creation of any pocket or enclave; and,

FURTHER WHEREAS, the City of Tallahassee, Florida, is in a position to provide municipal services to the property described herein, and that the City Commission of the City of Tallahassee, Florida, deems it in the best interest of the City to accept said petition and to annex said property.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF TALLAHASSEE, FLORIDA:

Section 1. That the property described below, situated in Leon County, Florida, be and the same is hereby annexed to and made a part of the City of Tallahassee, Florida, pursuant to the voluntary annexation provisions of Section 171.044, Florida Statutes, to wit:

Parcel IDs: 11-11-20-630-000-0

A PORTION OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 EAST, LEON COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT A FOUND IRON PIPE WITH SQUARE BOLT HEAD ACCEPTED AS THE SOUTHWEST CORNER OF SAID SECTION 11 AS PER THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CERTIFIED CORNER RECORD, DOCUMENT NUMBER 0025012; THENCE RUN SOUTH 89 DEGREES 53 MINUTES 20 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 11 FOR 369.25 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 03 DEGREES 30 MINUTES 12 SECONDS EAST FOR 482.10 FEET TO A POINT LYING ON THE SOUTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5151, PAGE 1939 OF THE PUBLIC RECORDS OF SAID LEON COUNTY; THENCE RUN NORTH 87 DEGREES 08 MINUTES 54 SECONDS EAST ALONG THE SOUTH LINE OF AFORESAID LANDS FOR 59.32 FEET TO A CONCRETE

MONUMENT (#1254) MARKING THE SOUTHEAST CORNER OF SAID LANDS AND THE MOST SOUTHERLY CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 761, PAGE 406 OF THE PUBLIC RECORDS OF SAID LEON COUNTY; THENCE RUN NORTH 25 DEGREES 44 MINUTES 01 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LANDS FOR 65.39 FEET TO A CONCRETE MONUMENT (#1254); THENCE RUN NORTH 03 DEGREES 35 MINUTES 20 SECONDS WEST ALONG THE EAST LINE OF AFORESAID LANDS FOR 64.35 FEET TO A 1 ½" IRON PIPE (NO ID) ON THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS 5382, PAGE 23 OF THE PUBLIC RECORDS OF SAID LEON COUNTY; THENCE RUN SOUTH 89 DEGREES 57 MINUTES 13 SECONDS EAST ALONG THE SOUTH LINE OF SAID LANDS AND ITS EASTERLY PROLONGATION THEREOF FOR 133.38 FEET TO AN IRON ROD AND CAP (#4016); THENCE RUN NORTH 00 DEGREES 05 MINUTES 13 SECONDS EAST ALONG A LINE PARALLEL TO AND 13.85 FEET EAST OF, MORE OR LESS, TO THE EAST LINE OF SAID PREVIOUSLY DESCRIBED LANDS FOR 134.38 FEET TO AN IRON ROD AND CAP (#4016) LYING ON THE EASTERLY RIGHT-OF-WAY LINE OF CENTERVILLE ROAD AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP OF STATE ROAD NO. 8, SECTION NO. 55320-2404, DATED DECEMBER 3, 1969; SAID POINT ALSO LYING ON THE ARC OF A CIRCULAR CURVE, THE CENTER OF WHICH BEARS NORTH 41 DEGREES 04 MINUTES 40 SECONDS WEST FROM SAID POINT; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2325.00 FEET; THROUGH A CENTRAL ANGLE OF 10 DEGREES 54 MINUTES 27 SECONDS FOR AN ARC LENGTH OF 442.61 FEET (CHORD BEARS NORTH 43 DEGREES 28 MINUTES 06 SECONDS EAST FOR 441.94 FEET) TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF A 30 FOOT INGRESS/EGRESS EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 464, PAGE 305 OF THE PUBLIC RECORDS OF SAID LEON COUNTY AND A SET IRON ROD AND CAP (LB 6745); THENCE RUN SOUTH 89 DEGREES 55 MINUTES 43 SECONDS EAST ALONG SAID SOUTH LINE FOR 128.98 FEET TO A SET IRON ROD AND CAP (LB 6745) AND A POINT OF INTERSECTION WITH THE WEST LINE OF SAID 30 FOOT INGRESS/EGRESS EASEMENT; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 31 SECONDS WEST ALONG SAID WEST LINE FOR 1063.45 FEET TO A SET IRON ROD AND CAP (LB 6745) ON THE SOUTH LINE OF SAID SECTION 11; THENCE RUN NORTH 89 DEGREES 53 MINUTES 20 SECONDS WEST ALONG THE SOUTH LINE OF AFORESAID SECTION 11 FOR 675.18 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 535,260 SQUARE FEET (12.29 ACRES) MORE OR LESS.

Section 2. That upon ordinance becoming effective, the property owners and any resident on the property described herein shall be entitled to all the rights and privileges and immunities as are from time to time granted to residents and property owners of the City of Tallahassee, Florida, as further provided in Chapter 171, Florida Statutes, and shall further be subject to the responsibilities of residence or ownership as may from time to time be determined by the governing authority of the City of Tallahassee, Florida, and the provisions of said Chapter 171, Florida Statutes.

Section 3. If any section or portion of a section of this ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to impair the validity, force, or effect of any other section or part of this ordinance.

Section 4. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

Section 5. That this ordinance shall become effective immediately upon its passage and adoption.

INTRODUCED in the City Commission on the 22nd day of June, 2022.

PASSED by the City Commission on the _____ day of _____, 2022.

CITY OF TALLAHASSEE

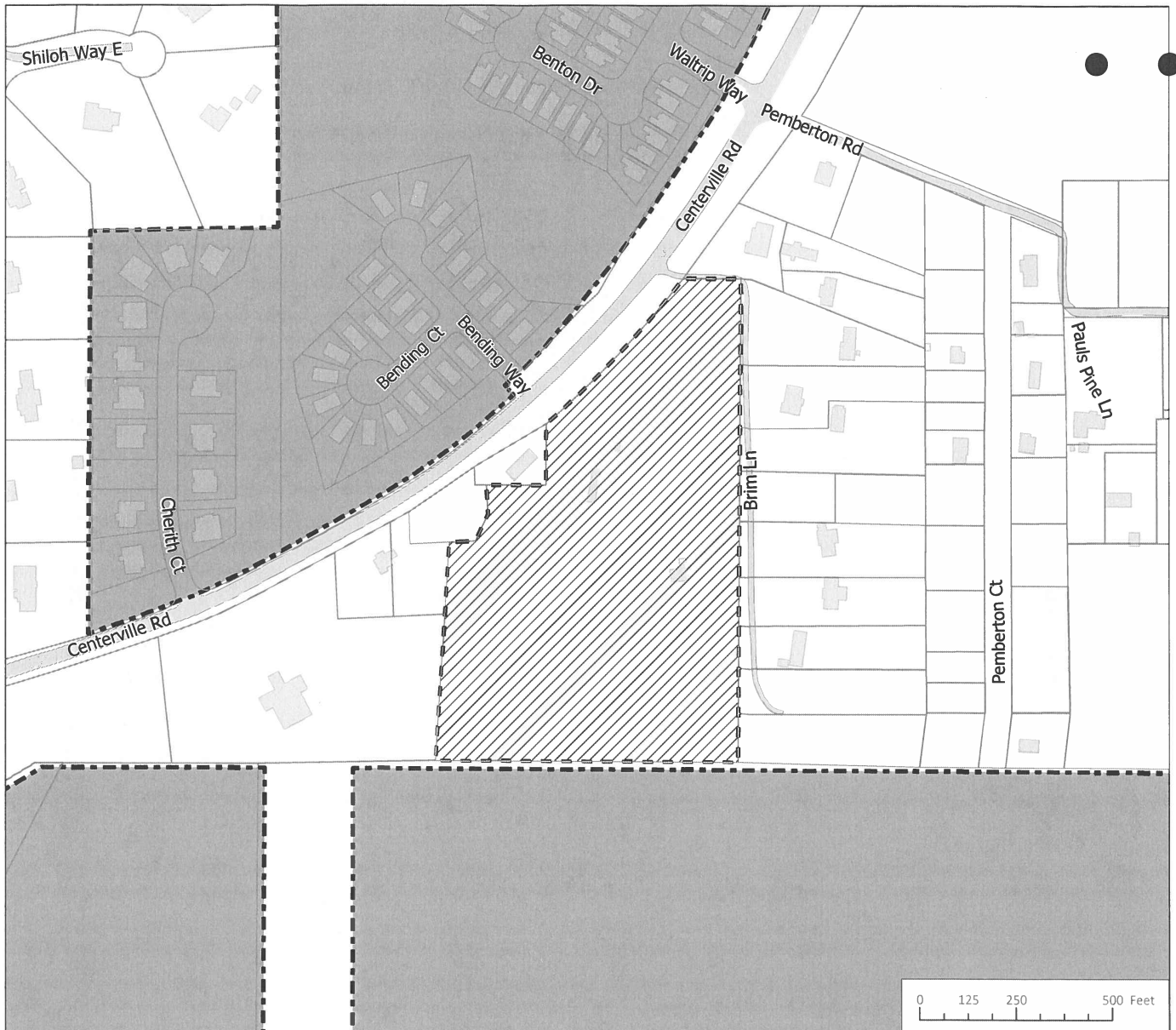
By: _____
John E. Dailey
Mayor

ATTEST:

APPROVED AS TO FORM

By: _____
James O. Cooke, IV
City Treasurer-Clerk



By: _____
Cassandra K. Jackson
City Attorney



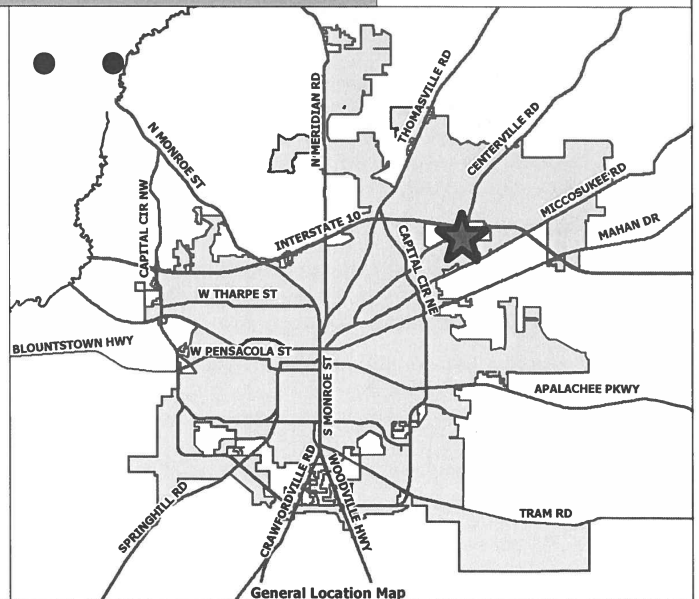
**Ordinance No. 22-O-XX
KENDALL HILL, LLC
PROPOSED ANNEXATION**

**Parcel ID:
11-11-20-630-0000**

LEGEND

-  **CURRENT CITY LIMITS**
-  **PROPOSED CITY LIMITS**

TALLAHASSEE-LEON COUNTY PLANNING DEPARTMENT





MEMORANDUM

TO: Weldon Richardson, Senior Planner
Development Services Division
Department of Development Support & Environmental Management
Leon County

THROUGH: Artie White, Planning Director
Tallahassee-Leon County Planning Department

FROM: Stephen Hodges, Senior Planner, Tallahassee-Leon County Planning Department

DATE: June 1, 2022

SUBJECT: Consistency Review of Parcel #1111206300000 Centerville Road

Staff has reviewed the proposed annexation of a currently single parcel of land located on the south side of Centerville Road south of Interstate 10 for consistency with the Tallahassee – Leon County Comprehensive Plan.

The owner (Kendall Hill LLC) of the subject parcel (tax identification number #1111206300000, totaling approximately 12.29 acres in size according to Leon County Property Appraiser records) has applied to be annexed by the City of Tallahassee. Property Appraiser records indicate that area surrounding the subject area is currently used for low- to medium-density, single-family residential. The subject parcel is being developed into a residential area consisting of a single-family residential subdivision with 33 lots. The previous use of the subject area was vacant.

Staff finds the proposal consistent with the Comprehensive Plan, subject to the following provisions of Intergovernmental Coordination Element Policy 2.1.4 [I] being adequately met:

- The annexation shall be implemented in accordance with the requirements of Chapter 171, Florida Statutes, and as set forth in an Interlocal Agreement for Annexation Procedures to be entered into by and between Leon County and the City of Tallahassee as set forth in Policy 2.1.4[I].

The following additional information applies to the subject property:

- The subject area is currently zoned as R-3 Single and Two-Family Residential District and the land use designation is Urban Residential 2 (UR-2). R-3 is both a City of Tallahassee and Leon County zoning designation.

Leon County
Board of County Commissioners
Notes for Agenda Item #5

Leon County Board of County Commissioners

Agenda Item #5

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: State Emergency Management Preparedness and Assistance Trust Fund Base Grant Agreement for FY 2022-2023



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Mathieu Cavell, Assistant to the County Administrator Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Kevin Peters, Director, Division of Emergency Management Roshaunda Bradley, Budget Manager Eryn Calabro, Principal Management and Budget Analyst

Statement of Issue:

This item seeks Board acceptance of a State Emergency Management Preparedness and Assistance (EMPA) Trust Fund Base Grant Agreement for FY 2022-2023. Annually, the County receives emergency management grants to assist with operating the Emergency Operations Center.

Fiscal Impact:

This item has a fiscal impact. The State has awarded an emergency management grant for \$105,806 to the County for the State's FY 2022-2023. These grant funds are contemplated in the FY 2023 budget. The grant requires a 100% County match. The matching funds are available in the tentative FY 2023 Emergency Management budget.

Staff Recommendation:

Option #1: Accept the Emergency Management Preparedness and Assistance (EMPA) Trust Fund Base Grant Agreement in the amount of \$105,806 (Attachment #1), and authorize the County Administrator to execute the Agreement, including any future modifications, subject to legal review by the County Attorney.

Report and Discussion

Background:

This item seeks Board acceptance of a State Emergency Management Preparedness and Assistance (EMPA) Trust Fund Base Grant Agreement for FY 2022-2023. Annually, the County receives emergency management grants to assist with operating the Emergency Operations Center. The County provides the matching dollars for the grants through the budget process and the grants are presented to the Board for approval.

During the 1993 Legislative Session, the Florida Legislature amended Florida Statutes Chapter 252, the "State Emergency Management Act." As part of this revision, the legislature created the Emergency Management Preparedness and Assistance Trust Fund (EMPA). Sixty percent (60%) of this trust fund is allocated annually to implement and administer state and county emergency management programs. These funds will be accepted on a quarterly reimbursement basis. Leon County has received funding from this Trust Fund since April 1993.

To ensure the County maximizes grant leveraging opportunities, the Office of Management and Budget (OMB) coordinates with department liaisons and actively seeks grant funding opportunities throughout the fiscal year. These efforts include contacting and communicating with previous funders for any new or forthcoming grant opportunities. Through timely submittals of reporting and invoices as well as satisfactory compliance with grant closeouts as well as on-site and desk monitoring by the granting agencies, Leon County has proactively positioned itself as a responsive and accountable funding partner. Because of this accountability, agencies often contact Leon County when grant funds become available.

In addition, the County's partnership with Patton Boggs also garners access to recently announced federal funding opportunities and OMB routinely monitors the federal Grants.gov portal for granting opportunities. The County aggressively seeks state and federal grant funding to support County projects and initiatives and has achieved considerable success in leveraging County dollars. With receipt of the CARES Act funding and the ARPA (American Rescue Plan Act) funding, the total County grant leverage ratio is \$11.70 to \$1; excluding the significant septic to sewer related grants which require one-to-one dollar match, the leveraging ratio would be \$45.26 to \$1.

Analysis:

The State Emergency Management Preparedness and Assistance (EMPA) Trust Fund Base Grant Agreement is designed to assist the County in facilitating the administration of the County's Emergency Management function. A few requirements of the grant include the following:

- Employment of a full-time County Emergency Management Director.
- Completion of continuing education in preparedness, response, recovery, mitigation, and finance/procurement activities by the County Emergency Management Director.
- Update points of contacts for activation of the Statewide Mutual Aid Agreement.

- Maintain a database of critical facilities.
- Provide updates for the statewide hurricane shelter space deficit strategy.
- Maintain the County disaster logistics strategy.

These tasks are supportive of the requirements for a County Emergency Management Agency found in Chapter 252, Florida Statutes.

Options:

1. Accept the Emergency Management Preparedness and Assistance (EMPA) Trust Fund Base Grant Agreement in the amount of \$105,806 (Attachment #1), and authorize the County Administrator to execute the Agreement, including any future modifications, subject to legal review by the County Attorney.
2. Do not accept the Emergency Management Preparedness and Assistance (EMPA) Trust Fund Base Grant in the amount of \$105,806.
3. Board direction.

Recommendation:

Option #1

Attachment:

1. FY 2022-2023 Emergency Management Preparedness and Assistance Trust Fund Base Grant Agreement

Agreement Number: A0272

**STATE-FUNDED GRANT AGREEMENT
EMERGENCY PREPAREDNESS AND ASSISTANCE GRANT**

THIS AGREEMENT is entered into by the State of Florida, Division of Emergency Management, with headquarters in Tallahassee, Florida (hereinafter referred to as the "Division"), and **Leon County**, (hereinafter referred to as the "Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING REPRESENTATIONS:

- A. The Recipient represents that it is fully qualified and eligible to receive these grant funds to provide the services identified herein; and
- B. The Division has received these grant funds from the State of Florida, and has the authority to subgrant these funds to the Recipient upon the terms and conditions below; and
- C. The Division has statutory authority to disburse the funds under this Agreement.

THEREFORE, the Division AND Recipient agree to the following:

(1) SCOPE OF WORK

- (a) The Recipient shall perform the work in accordance with the Scope of Work (Attachment A) and Proposed Budget Detail Worksheet (Attachment A (2)), of this Agreement.

(2) INCORPORATION OF LAWS, RULES, REGULATIONS, AND POLICIES

- (a) As required by section 215.971(1), Florida Statutes, this Agreement includes:
 - i. A provision specifying a scope of work that clearly establishes the tasks that the Recipient is required to perform.
 - ii. A provision dividing the agreement into quantifiable units of deliverables that must be received and accepted in writing by the Division before payment. Each deliverable must be directly related to the scope of work and specify the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable.
 - iii. A provision specifying the financial consequences that apply if the Recipient fails to perform the minimum level of service required by the agreement.
 - iv. A provision specifying that the Recipient may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period.
 - v. A provision specifying that any balance of unobligated funds which has been advanced or paid must be refunded to the Division.
 - vi. A provision specifying that any funds paid in excess of the amount to which the Recipient is entitled under the terms and conditions of the agreement must be refunded to the Division.

(b) In addition to the foregoing, the Recipient and the Division shall be governed by all applicable State and Federal laws, rules, and regulations, including those identified in the Scope of Work (Attachment A). Any express reference in this Agreement to a particular statute, rule, or regulation in no way implies that no other statute, rule, or regulation applies.

(3) PERIOD OF AGREEMENT

(a) This Agreement shall begin **July 1, 2022** and shall end on **June 30, 2023**, unless terminated earlier in accordance with the provisions of Paragraph (12) TERMINATION. In accordance with section 215.971(1)(d), Florida Statutes, the Recipient may expend funds authorized by this Agreement “only for allowable costs resulting from obligations incurred during” the period of Agreement.

(4) FUNDING CONSIDERATION

- (a) This is a cost-reimbursement Agreement, subject to the availability of funds.
- (b) The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with either chapter 216, Florida Statutes, or the Florida Constitution.
- (c) The Division will reimburse the Recipient only for allowable costs incurred by the Recipient for the completion of each deliverable. The maximum reimbursement amount for each deliverable is outlined in the Proposed Budget Detail Worksheet (Attachment A (2)) and Scope of Work (Attachment A). The maximum reimbursement amount for the entirety of this Agreement is **\$105,806.00**.
- (d) The Division will review any request for reimbursement by comparing the documentation provided by the Recipient against a performance measure, outlined in Scope of Work (Attachment A) and Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion (Attachment C) which clearly delineates:
- i. The required minimum acceptable level of service to be performed; and,
 - ii. The criteria for evaluating the successful completion of each deliverable.
- (e) The Division's Grant Manager, as required by section 215.971(2)(c), Florida Statutes, shall reconcile and verify all funds received against all funds expended during the period of agreement and produce a final reconciliation report. The final report must identify any funds paid in excess of the expenditures incurred by the Recipient.
- (f) For the purposes of this Agreement, the term “improper payment” means or includes:
- i. Any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and,

ii. Any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), any payment that does not account for credit for applicable discounts, and any payment where insufficient or lack of documentation prevents a reviewer from discerning whether a payment was proper.

(g) As required by the Reference Guide for State Expenditures, reimbursement for travel must be in accord with section 112.061, Florida Statutes. The Recipient must submit submission of the claim on either their local travel voucher with supporting documentation and their local travel policy, or on the approved state travel voucher.

(5) REPORTS

(a) The Recipient shall provide the Division with quarterly reports and a close-out report. These reports shall include the current status and progress by the Recipient and all Recipients and subcontractors in completing the work described in the Scope of Work (Attachment A) and the expenditure of funds under this Agreement, in addition to any other information requested by the Division.

(b) Quarterly reports are due to the Division no later than forty-five (45) days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are September 30, December 31, March 31, and June 30.

(c) The Form 5 - Close-Out Report is due sixty (60) days after termination of this Agreement or sixty (60) days after completion of the activities contained in this Agreement, whichever occurs first.

(d) If all required reports and copies are not sent to the Division or are not completed in a manner acceptable to the Division, the Division may withhold further payments until they are completed or may take other action as stated in Paragraph (11) REMEDIES. "Acceptable to the Division" means that the work product was completed in accordance with the Proposed Budget Detail Worksheet (Attachment A (2)) and Scope of Work (Attachment A).

(e) The Recipient shall provide additional program updates or information that may be required by the Division.

(f) The Recipient shall provide additional reports and information identified in the Quarterly Reports (Attachment A (3)).

(6) MONITORING

(a) Recipient is responsible for and shall monitor its performance under this Agreement. Recipient shall monitor the performance of its contractors, consultants, agents, and who are paid from funds provided under this Agreement or acting in furtherance of this Agreement.

(b) In addition to reviews of audits conducted in accordance with Exhibit 1 – Audit Requirements, monitoring procedures may include, but not limited to, desk reviews and on-site visits by Division staff, limited scope audits, and other procedures.

(7) SUBCONTRACTS

If the Recipient subcontracts any of the work required under this Agreement, a copy of the unsigned subcontract must be forwarded to the Division for review and approval before it is executed by the Recipient. The Recipient agrees to include in the subcontract that (i) the subcontractor is bound by the terms of this Agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the Division and Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law. The Recipient shall document in the quarterly report the subcontractor's progress in performing its work under this Agreement.

For each subcontract, the Recipient shall provide a written statement to the Division as to whether that subcontractor is a minority business enterprise, as defined in section 288.703, Florida Statutes.

(8) AUDITS

(a) In accounting for the receipt and expenditure of funds under this Agreement, the Recipient shall follow Generally Accepted Accounting Principles ("GAAP"). As defined by 2 C.F.R. §200.49, GAAP "has the meaning specified in accounting standards issued by the Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB)."

(b) When conducting an audit of the Recipient's performance under this Agreement, the Division shall use Generally Accepted Government Auditing Standards ("GAGAS"). As defined by 2 C.F.R. §200.50, GAGAS, "also known as the Yellow Book, means generally accepted government auditing standards issued by the Comptroller General of the United States, which are applicable to financial audits."

(c) If an audit shows that all or any portion of the funds disbursed were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to the Division of all funds not spent in accordance with these applicable regulations and Agreement provisions within thirty (30) days after the Division has notified the Recipient of such non-compliance.

(d) The Recipient shall have all audits completed by an independent auditor, which is defined in section 215.97(2)(i), Florida Statutes, as "an independent certified public accountant licensed under chapter 473." The independent auditor shall state that the audit complied with the applicable provisions noted above. The audits must be received by the Division no later than nine months from the end of the Recipient's fiscal year.

(e) The Recipient shall send copies of reporting packages required under this paragraph directly to each of the following:

The Division of Emergency Management

DEMSingle_Audit@em.myflorida.com

DEMSingle_Audit@em.myflorida.com

OR

Office of the Inspector General

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

The Auditor General

Room 401, Claude Pepper Building

111 West Madison Street

Tallahassee, Florida 32399-1450

(9) LIABILITY

(a) Unless Recipient is a state agency or subdivision, as defined in section 768.28, Florida Statutes, the Recipient is solely responsible to parties it deals with in carrying out the terms of this Agreement and shall hold the Division harmless against all claims of whatever nature by third parties arising from the work performed under this Agreement. For purposes of this Agreement, Recipient agrees that it is not an employee or agent of the Division but is an independent contractor.

(b) As required by section 768.28(19), Florida Statutes, any Recipient which is a state agency or subdivision, as defined in section 768.28(2), Florida Statutes, agrees to be fully responsible for its negligent or tortious acts or omissions which result in claims or suits against the Division, and agrees to be liable for any damages proximately caused by the acts or omissions to the extent set forth in section 768.28, Florida Statutes. Nothing herein is intended to serve as a waiver of sovereign immunity by any Recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

(10) DEFAULT

If any of the following events occur ("Events of Default"), all obligations on the part of the Division to make further payment of funds shall, if the Division elects, terminate and the Division has the option to exercise any of its remedies set forth in Paragraph (11) REMEDIES; however, the Division may make payments or partial payments after any Events of Default without waiving the right to exercise such remedies, and without becoming liable to make any further payment:

(a) If any warranty or representation made by the Recipient in this Agreement or any previous agreement with the Division is or becomes false or misleading in any respect, or if the Recipient fails to keep or perform any of the obligations, terms or covenants in this Agreement or any previous

agreement with the Division and has not cured them in timely fashion, or is unable or unwilling to meet its obligations under this Agreement;

(b) If material adverse changes occur in the financial condition of the Recipient at any time during the period of agreement, and the Recipient fails to cure this adverse change within thirty (30) days from the date written notice is sent by the Division.

(c) If any reports required by this Agreement have not been submitted to the Division or have been submitted with incorrect, incomplete, or insufficient information;

(d) If the Recipient has failed to perform and complete on time any of its obligations under this Agreement.

(11) REMEDIES

If an Event of Default occurs, then the Division shall, after thirty (30) calendar days, provide written notice to the Recipient and upon the Recipient's failure to cure within those thirty (30) days, exercise any one or more of the following remedies, either concurrently or consecutively:

(a) Terminate this Agreement, provided that the Recipient is given at least thirty (30) days prior written notice of the termination. The notice shall be effective when placed in the United States, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address in Paragraph (3) herein;

(b) Begin an appropriate legal or equitable action to enforce performance of this Agreement;

(c) Withhold or suspend payment of all or any part of a request for payment;

(d) Require that the Recipient refund to the Division any monies used for ineligible purposes under the laws, rules and regulations governing the use of these funds;

(e) Exercise any corrective or remedial actions, to include but not be limited to:

i. Request additional information from the Recipient to determine the reasons for or the extent of non-compliance or lack of performance;

ii. Issue a written warning to advise that more serious measures may be taken if the situation is not corrected;

iii. Advise the Recipient to suspend, discontinue or refrain from incurring costs for any activities in question or;

iv. Require the Recipient to reimburse the Division for costs incurred for any items determined to be ineligible;

(f) Exercise any other rights or remedies which may be available under law. Pursuing any of the above remedies will not stop the Division from pursuing any other remedies in this Agreement or provided at law or in equity. If the Division waives any right or remedy in this Agreement or fails to insist on strict performance by the Recipient, it will not affect, extend or waive any other right or remedy of the Division, or affect the later exercise of the same right or remedy by the Division for any other default by the Recipient.

(12) TERMINATION

(a) The Division may terminate this Agreement for cause after thirty (30) days written notice. Cause can include misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform on time, and refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under chapter 119, Florida Statutes, as amended.

(b) The Division may terminate this Agreement for convenience or when it determines, in its sole discretion, that continuing the Agreement would not produce beneficial results in line with the further expenditure of funds, by providing the Recipient with thirty (30) calendar days prior written notice.

(c) The parties may agree to terminate this Agreement for their mutual convenience through a written amendment of this Agreement. The amendment will state the effective date of the termination and the procedures for proper closeout of this Agreement.

(d) In the event this Agreement is terminated, the Recipient will not incur new obligations for the terminated portion of this Agreement after the Recipient has received the notification of termination. The Recipient will cancel as many outstanding obligations as possible. Costs incurred after receipt of the termination notice will be disallowed. The Recipient shall not be relieved of liability to the Division because of any breach of this Agreement by the Recipient. The Division may, to the extent authorized by law, withhold payments to the Recipient for the purpose of set-off until the exact amount of damages due the Division from the Recipient is determined.

(13) PROCUREMENT

(a) The Recipient shall ensure that any procurement involving funds authorized by the Agreement complies with all applicable federal and state laws and regulations, to include 2 C.F.R. §§ 200.318 through 200.327 as well as Appendix II to 2 C.F.R. Part 200 (entitled "Contract Provisions for Non-Federal Entity Contracts Under Federal Awards").

(b) As required by 2 C.F.R. § 200.318(i), the Recipient shall "maintain records sufficient to detail the history of procurement. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price."

(c) As required by 2 C.F.R. § 200.318(b), the Recipient shall “maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.” In order to demonstrate compliance with this requirement, the Recipient shall document, in its quarterly report to the Division, the progress of any and all subcontractors performing work under this Agreement.

(d) Except for procurements by micro-purchases pursuant to 2 C.F.R. § 200.320(a)(1) or procurements by small purchase procedures pursuant to 2 C.F.R. § 200.320(a)(2), if the Recipient chooses to subcontract any of the work required under this Agreement, then the Recipient shall forward to the Division a copy of any solicitation (whether competitive or non-competitive) at least fifteen (15) days prior to the publication or communication of the solicitation. The Division shall review the solicitation and provide comments, if any, to the Recipient within seven (7) business days. Consistent with 2 C.F.R. §200.325, the Division will review the solicitation for compliance with the procurement standards outlined in 2 C.F.R. §§ 200.318 through 200.327 as well as Appendix II to 2 C.F.R. Part 200. Consistent with 2 C.F.R. § 200.318(k), the Division will not substitute its judgment for that of the Recipient. While the Recipient does not need the approval of the Division in order to publish a competitive solicitation, this review may allow the Division to identify deficiencies in the vendor requirements or in the commodity or service specifications. The Division’s review and comments shall not constitute an approval of the solicitation. Regardless of the Division’s review, the Recipient remains bound by all applicable laws, regulations, and agreement terms. If during its review the Division identifies any deficiencies, then the Division shall communicate those deficiencies to the Recipient as quickly as possible within the seven (7) business day window outlined above. If the Recipient publishes a competitive solicitation after receiving comments from the Division that the solicitation is deficient, then the Division may:

- i. Terminate this Agreement in accordance with the provisions outlined in paragraph (12) above; and,
- ii. Refuse to reimburse the Recipient for any costs associated with that solicitation.

(e) Except for procurements by micro-purchases pursuant to 2 C.F.R. § 200.320(a)(1) or procurements by small purchase procedures pursuant to 2 C.F.R. § 200.320(a)(2), if the Recipient chooses to subcontract any of the work required under this Agreement, then the Recipient shall forward to the Division a copy of any contemplated contract prior to contract execution. The Division shall review the unexecuted contract and provide comments, if any, to the Recipient within seven (7) business days. Consistent with 2 C.F.R. § 200.325, the Division will review the unexecuted contract for compliance with the procurement standards outlined in 2 C.F.R. §§ 200.318 through 200.327 as well as Appendix II to 2 C.F.R. Part 200. Consistent with 2 C.F.R. § 200.318(k), the Division will not substitute its judgment for that of the Recipient. While the Recipient does not need the approval of the Division in order to execute a subcontract, this review may allow the Division to identify deficiencies in the terms and conditions of the

subcontract as well as deficiencies in the procurement process that led to the subcontract. The Division's review and comments shall not constitute an approval of the subcontract. Regardless of the Division's review, the Recipient remains bound by all applicable laws, regulations, and agreement terms. If during its review the Division identifies any deficiencies, then the Division shall communicate those deficiencies to the Recipient as quickly as possible within the seven (7) business day window outlined above. If the Recipient executes a subcontract after receiving a communication from the Division that the subcontract is non-compliant, then the Division may:

- i. Terminate this Agreement in accordance with the provisions outlined in Paragraph (12) above; and,
- ii. Refuse to reimburse the Recipient for any costs associated with that subcontract.

(f) The Recipient agrees to include in the subcontract that (i) the subcontractor is bound by the terms of this Agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the Division and Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law.

(g) As required by 2 C.F.R. § 200.318(c)(1), the Recipient shall "maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts."

(h) As required by 2 C.F.R. § 200.319, the Recipient shall conduct any procurement under this agreement "in a manner providing full and open competition." Accordingly, the Recipient shall not:

- i. Place unreasonable requirements on firms in order for them to qualify to do business;
- ii. Require unnecessary experience or excessive bonding;
- iii. Use noncompetitive pricing practices between firms or between affiliated companies;
- iv. Execute noncompetitive contracts to consultants that are on retainer contracts;
- v. Authorize, condone, or ignore organizational conflicts of interest;
- vi. Specify only a brand name product without allowing vendors to offer an equivalent;

vii. Specify a brand name product instead of describing the performance, specifications, or other relevant requirements that pertain to the commodity or service solicited by the procurement;

viii. Engage in any arbitrary action during the procurement process;
or,

ix. Allow a vendor to bid on a contract if that bidder was involved with developing or drafting the specifications, requirements, statement of work, invitation to bid, or request for proposals.

(i) Except in those cases where applicable Federal statutes expressly mandate or encourage otherwise, the Recipient, as required by 2 C.F.R. § 200.319(c), shall not use a geographic preference when procuring commodities or services under this Agreement.

(j) The Recipient shall conduct any procurement involving invitations to bid (i.e. sealed bids) in accordance with 2 C.F.R. § 200.320(b)(1) as well as section 287.057(1)(a), Florida Statutes.

(k) The Recipient shall conduct any procurement involving requests for proposals (i.e. competitive proposals) in accordance with 2 C.F.R. § 200.320(b)(2) as well as section 287.057(1)(b), Florida Statutes.

(l) FEMA has developed helpful resources for Sub-Recipients when procuring with federal grant funds because Sub-Recipients must comply with the Federal procurement standards outlined in 2 C.F.R. §§200.318 through 200.327 as well as Appendix II to 2 C.F.R. Part 200. These resources are generally *available at* <https://www.fema.gov/procurement-disaster-assistance-team>. FEMA periodically updates this resource page so please check back for the latest information. While not all the provisions discussed in the resources are applicable to this subgrant agreement, the Sub-Recipient may find these resources helpful when drafting its solicitation and contract for compliance with the Federal procurement standards outlined in 2 C.F.R. §§200.318 through 200.327 as well as Appendix II to 2 C.F.R. Part 200. FEMA provides the following hands-on resources for Recipients of federal funding:

i. 2018 PDAT Procurement Compliance Checklist for Public Assistance Applicants *available at* https://www.fema.gov/media-library-data/1569959172327-92358d63e00d17639d5db4de015184c9/PDAT_ProcurementChecklist_11-21-2018.pdf

ii. 2019 PDAT Contract Provisions Template *available at* https://www.fema.gov/media-library-data/1569959119092-92358d63e00d17639d5db4de015184c9/PDAT_ContractProvisionsTemplate_9-30-19.pdf

(14) ATTACHMENTS AND EXHIBITS

(a) All attachments to this Agreement are incorporated as if set out fully.

(b) In the event of any inconsistencies or conflict between the language of this Agreement and the attachments, the language of the attachments shall control, but only to the extent of the conflict or inconsistency.

(c) This Agreement has the following attachments:

Exhibit 1 – Audit Requirements

Exhibit 2 – Single Audits

Exhibit 3 – 27P-19 Administrative Code – EM Director Certification

Attachment A – Scope of Work

Attachment A (1) – Allowable Costs and Eligible Activities – Budget Directions

Attachment A (2) – Proposed Program Budget Detail Worksheet

Attachment A (3) – Quarterly Reports

Attachment B – Justification of Advance Payment

Attachment C – Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion

Attachment D – Warranties and Representations

Attachment E – Statement of Assurances

Attachment F – Reporting Forms

(15) NOTICE OF CONTACT

(a) All notices provided by Recipient under or pursuant to this Agreement shall be in writing to Division's Grant Manager and delivered by standard or electronic mail using the correct information provided in Subparagraph 15(b) below.

(b) The name and address of Division's Grant Manager for this Agreement is:

Contractual Point of Contact
Teresa A. Warner FDEM 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100 (850) 815-4351 Teresa.Warner@em.myflorida.com

- (c) The name and address of Division's Programmatic Reviewer for this Agreement is:

Programmatic Point of Contact
Novella Tise FDEM 2555 Shumard Oak Blvd. Tallahassee, FL 32399-2100 (850) 815-4303 Novella.Tise@em.myflorida.com

- (d) The name and address of Representative of the Recipient responsible for the administration of this Agreement is:

Name: Roshaunda Bradley
Title: Budget Manager
Address: 301 South Monroe Street, Suite 200 Tallahassee, Florida 32301
Phone: 850-606-5113
Email: Bradley@leoncountyfl.gov

(16) PAYMENTS

(a) Any advance payment under this Agreement is subject to section 216.181(16), Florida Statutes. All advances are required to be held in an interest-bearing account. If an advance payment is requested, the budget data on which the request is based, and a justification statement shall be included in this Agreement as Justification of Advance Payment as Attachment B. Justification of Advance Payment (Attachment B) will specify the amount of advance payment needed and provide an explanation of the necessity for and proposed use of these funds. No advance shall be accepted for processing if a reimbursement has been paid prior to the submittal of a request for advanced payment. After the initial advance, if any, payment shall be made on a reimbursement basis as needed. FDEM can only advance up to 75% of the total award amount.

(b) Invoices shall be submitted at least quarterly and shall include the supporting documentation for all costs of the project or services. The final invoice shall be submitted within forty-five (45) days after the expiration date of the agreement. An explanation of any circumstances prohibiting the submittal of quarterly invoices shall be submitted to the Division Grant Manager as part of the Recipient's quarterly reporting as referenced in Paragraph (5) REPORTS of this Agreement.

(c) If the necessary funds are not available to fund this Agreement as a result of action by the United States Congress, the federal Office of Management and Budgeting, the State Chief Financial

Officer or under Paragraph (4) FUNDING CONSIDERATION of this Agreement, all obligations on the part of the Division to make any further payment of funds shall terminate, and the Recipient shall submit its closeout report within thirty (30) days of receiving notice from the Division.

(17) REPAYMENTS

(a) All refunds or repayments due to the Division under this Agreement are to be made payable to the order of "Division of Emergency Management," and mailed directly to the following address:

Division of Emergency Management
Cashier
2555 Shumard Oak Boulevard
Tallahassee FL 32399-2100

(b) In accordance with section 215.34(2), Florida Statutes, if a check or other draft is returned to the Division for collection, Recipient shall pay the Division a service fee of \$15.00 or 5% of the face amount of the returned check or draft, whichever is greater.

(18) MANDATED CONDITIONS AND OTHER LAWS

(a) The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this Agreement, in any later submission or response to a Division request, or in any submission or response to fulfill the requirements of this Agreement. All of said information, representations, and materials are incorporated by reference. The inaccuracy of the submissions or any material changes shall, at the option of the Division and with (thirty) 30 days written notice to the Recipient, cause the termination of this Agreement and the release of the Division from all its obligations to the Recipient.

(b) This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall be in the Circuit Court of Leon County. If any provision of this Agreement is in conflict with any applicable statute or rule, or is unenforceable, then the provision shall be null and void to the extent of the conflict, and shall be severable, but shall not invalidate any other provision of this Agreement.

(c) Any power of approval or disapproval granted to the Division under the terms of this Agreement shall survive the term of this Agreement.

(d) The Recipient agrees to comply with the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), which prohibits discrimination by public and private entities on the basis of disability in employment, public accommodations, transportation, State and local government services, and telecommunications.

(e) Those who have been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list 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, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of \$25,000.00 for a period of thirty-six (36) months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

(f) Any Recipient which is not a local government or state agency, and which receives funds under this Agreement from the federal government, certifies, to the best of its knowledge and belief, that it and its principals:

- i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;
- ii. Have not, within a five-year period preceding this proposal been convicted of or had a civil judgment rendered against them for fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under 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;
- iii. Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any offenses enumerated in Paragraph (18)(f)(ii) of this certification; and
- iv. Have not within a five-year period preceding this Agreement had one or more public transactions (federal, state, or local) terminated for cause or default.

(g) If the Recipient is unable to certify to any of the statements in this certification, then the Recipient shall attach an explanation to this Agreement.

(h) In addition, the Recipient shall send to the Division (by email or by facsimile transmission) the completed "Certification Regarding Debarment, Suspension, Ineligibility And Voluntary Exclusion" (Attachment C) for each intended subcontractor which Recipient plans to fund under this Agreement. The form must be received by the Division before the Recipient enters into a contract with any subcontractor.

(i) The Division reserves the right to unilaterally cancel this Agreement if the Recipient refuses to allow public access to all documents, papers, letters or other material subject to the provisions of chapter 119, Florida Statutes, which the Recipient created or received under this Agreement.

(j) If the Recipient is allowed to temporarily invest any advances of funds under this Agreement, any interest income shall either be returned to the Division or be applied against the Division's obligation to pay the contract amount.

(k) The State of Florida will not intentionally award publicly-funded 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) [Section 274A(e) of the Immigration and Nationality Act ("INA")]. The Division shall 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 provisions contained in Section 274A(e) of the INA shall be grounds for unilateral cancellation of this Agreement by the Division.

(l) Section 287.05805, Florida Statutes, requires that any state funds provided for the purchase of or improvements to real property are contingent upon the contractor or political division granting to the state a security interest in the property at least to the amount of state funds provided for at least 5 years from the date of purchase or the completion of the improvements or as further required by law.

(m) The Division may, at its option, terminate the Contract if the Contractor is found to have submitted a false certification as provided under section 287.135(5), Florida Statutes, or been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or been engaged in business operations in Cuba or Syria, or to have been placed on the Scrutinized Companies that Boycott Israel List or is engaged in a boycott of Israel.

(19) FEDERAL REQUIREMENTS PERTAINING TO LOBBYING

(a) Section 216.347, Florida Statutes, prohibits "any disbursement of grants and aids appropriations pursuant to a contract or grant to any person or organization unless the terms of the grant or contract prohibit the expenditure of funds for the purpose of lobbying the Legislature, the judicial branch, or a state agency."

(b) No funds or other resources received from the Division under this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

(20) COPYRIGHT, PATENT AND TRADEMARK

EXCEPT AS PROVIDED BELOW, ANY AND ALL PATENT RIGHTS ACCRUING UNDER OR IN CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT ARE HEREBY RESERVED TO THE STATE OF FLORIDA. ANY AND ALL COPYRIGHTS ACCRUING UNDER OR IN CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT ARE HEREBY TRANSFERRED BY THE RECIPIENT TO THE STATE OF FLORIDA.

(a) If the Recipient has a pre-existing patent or copyright, the Recipient shall retain all rights and entitlements to that pre-existing patent or copyright unless this Agreement provides otherwise.

(b) If any discovery or invention is developed in the course of or as a result of work or services performed under this Agreement, or in any way connected with it, the Recipient shall refer the discovery or invention to the Division for a determination whether the State of Florida will seek patent

protection in its name. Any patent rights accruing under or in connection with the performance of this Agreement are reserved to the State of Florida. If any books, manuals, films, or other copyrightable material are produced, the Recipient shall notify the Division. Any copyrights accruing under or in connection with the performance under this Agreement are transferred by the Recipient to the State of Florida.

(c) Within thirty (30) days of execution of this Agreement, the Recipient shall disclose all intellectual properties relating to the performance of this Agreement that he or she knows or should know could give rise to a patent or copyright. The Recipient shall retain all rights and entitlements to any pre-existing intellectual property that is disclosed. Failure to disclose will indicate that no such property exists. The Division shall then, under Paragraph (b), have the right to all patents and copyrights that accrue during performance of this Agreement.

(d) If the Recipient qualifies as a state university under Florida law, then, pursuant to section 1004.23, Florida Statutes, any invention conceived exclusively by the employees of the Recipient shall become the sole property of the Recipient. In the case of joint inventions, that is inventions made jointly by one or more employees of both parties hereto, each party shall have an equal, undivided interest in and to such joint inventions. The Division shall retain a perpetual, irrevocable, fully paid, nonexclusive license, for its use and the use of its contractors of any resulting patented, copyrighted or trademarked work products, developed solely by the Recipient, under this Agreement, for Florida government purposes.

(21) LEGAL AUTHORIZATION.

(a) The Recipient certifies that it has the legal authority to receive the funds under this Agreement and that its governing body has authorized the execution and acceptance of this Agreement. The Recipient also certifies that the undersigned person has the authority to legally execute and bind Recipient to the terms of this Agreement.

(22) STATEMENT AND ASSURANCES

(a) The Recipient shall comply with any Statement of Assurances incorporated as Attachment E.

(23) RECORDS

(a) As a condition of receiving state financial assistance, and as required by sections 20.055(6)(c) and 215.97(5)(b), Florida Statutes, the Division, the Chief Inspector General of the State of Florida, the Florida Auditor General, or any of their authorized representatives, shall enjoy the right of access to any documents, financial statements, papers, or other records of the Recipient which are pertinent to this Agreement, in order to make audits, examinations, excerpts, and transcripts. The right of

access also includes timely and reasonable access to the Recipient's personnel for the purpose of interview and discussion related to such documents. For the purposes of this section, the term "Recipient" includes employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement.

(b) The Recipient shall maintain all records related to this Agreement for the period of time specified in the appropriate retention schedule published by the Florida Department of State. Information regarding retention schedules can be obtained at: <http://dos.myflorida.com/library-archives/records-management/general-records-schedules/>.

(c) Florida's Government in the Sunshine Law (section 286.011, Florida Statutes) provides the citizens of Florida with a right of access to governmental proceedings and mandates three, basic requirements: (1) all meetings of public boards or commissions must be open to the public; (2) reasonable notice of such meetings must be given; and, (3) minutes of the meetings must be taken and promptly recorded. The mere receipt of public funds by a private entity, standing alone, is insufficient to bring that entity within the ambit of the open government requirements. However, the Government in the Sunshine Law applies to private entities that provide services to governmental agencies and that act on behalf of those agencies in the agencies' performance of their public duties. If a public agency delegates the performance of its public purpose to a private entity, then, to the extent that private entity is performing that public purpose, the Government in the Sunshine Law applies. For example, if a volunteer fire department provides firefighting services to a governmental entity and uses facilities and equipment purchased with public funds, then the Government in the Sunshine Law applies to board of directors for that volunteer fire department. Thus, to the extent that the Government in the Sunshine Law applies to the Recipient based upon the funds provided under this Agreement, the meetings of the Recipient's governing board or the meetings of any subcommittee making recommendations to the governing board may be subject to open government requirements. These meetings shall be publicly noticed, open to the public, and the minutes of all the meetings shall be public records, available to the public in accordance with chapter 119, Florida Statutes.

(d) Florida's Public Records Law provides a right of access to the records of the state and local governments as well as to private entities acting on their behalf. Unless specifically exempted from disclosure by the Legislature, all materials made or received by a governmental agency (or a private entity acting on behalf of such an agency) in conjunction with official business which are used to perpetuate, communicate, or formalize knowledge qualify as public records subject to public inspection. The mere receipt of public funds by a private entity, standing alone, is insufficient to bring that entity within the ambit of the public record requirements. However, when a public entity delegates a public function to a private entity, the records generated by the private entity's performance of that duty become public records. Thus, the nature and scope of the services provided by a private entity determine whether that entity is acting on behalf of a public agency and is therefore subject to the requirements of Florida's Public Records Law.

(e) The Recipient shall maintain all records for the Recipient and for all subcontractors or consultants to be paid from funds provided under this Agreement, including documentation of all program costs, in a form sufficient to determine compliance with the requirements and objectives of the Attachment A(2) – Proposed Budget Detail Worksheet and Scope of Work (Attachment A) - and all other applicable laws and regulations.

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: (850) 815-4156, Records@em.myflorida.com, or 2555 Shumard Oak Boulevard, Tallahassee, FL 32399.

(24) TERMS AND CONDITION

(a) This Agreement contains all the terms and conditions agreed upon by the parties.

(25) EXECUTION

(a) This Agreement may be executed in any number of counterparts, any one of which may be taken as an original.

(26) MODIFICATION

(a) Either Party may request modification of the provisions of this agreement. Modifications of provisions of this Agreement are valid only when reduced to writing and duly signed by the Parties.

(27) CONSTRUCTION and RENOVATION

Construction and renovation projects for a local government’s principal Emergency Operations Center (EOC), are allowable under the EMPA Program. The Division must provide written approval prior to the use of any EMPA Program funds for construction or renovation. Requests for EMPA Program funds for construction of an EOC must be accompanied by a justification to their EMPA Grant Manager for review and processing. The above examples are not intended to exclude other construction projects as potentially allowable costs. For example, construction of a facility for the storage of critical emergency supplies, as a Point of Distribution (POD) for emergency distribution, and/or to serve as a staging area for deployment of emergency response resources is potentially an allowable expense. Other construction or renovation projects, such as a secondary or local EOC, will be considered on a case-by-case basis, with advance written approval.

(28) REAL PROPERTY

Section 287.05805, Florida Statutes, Contract requirement for use of state funds to purchase or improve real property—Each state agency shall include in its standard contract document a requirement that any state funds provided for the purchase of or improvements to real property are contingent upon the contractor or political subdivision granting to the state a security interest in the property at least to the amount of state funds provided for at least 5 years from the date of purchase or the completion of the improvements or as further required by law.

(29) CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS

(a) If the Sub-Recipient, with the funds authorized by this Agreement, seeks to procure goods or services, then, in accordance with 2 C.F.R. § 200.321, the Sub-Recipient shall take the following affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used whenever possible:

- i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- v. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (i). through v. of this subparagraph.

(b) The requirement outlined in subparagraph a. above, sometimes referred to as "socioeconomic contracting," does not impose an obligation to set aside either the solicitation or award of

a contract to these types of firms. Rather, the requirement only imposes an obligation to carry out and document the six affirmative steps identified above.

(c) The “socioeconomic contracting” requirement outlines the affirmative steps that the Sub-Recipient must take; the requirements do not preclude the Sub-Recipient from undertaking additional steps to involve small and minority businesses and women's business enterprises.

(d) The requirement to divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises, does not authorize the Sub-Recipient to break a single project down into smaller components in order to circumvent the micro-purchase or small purchase thresholds so as to utilize streamlined acquisition procedures (e.g. “project splitting”).

STATE OF FLORIDA
FLORIDA DIVISION OF EMERGENCY MANAGEMENT
STATE - FUNDED SUBAWARD AND GRANT AGREEMENT
SIGNATURE PAGE

IN WITNESS WHEREOF, the Parties have duly executed and delivered this Agreement as of the date set forth below.

RECIPIENT: LEON COUNTY

By: _____

Vincent S. Long, County Administrator

(Name and Title)

Date: _____

59-6000708

Federal Identification Number

MMVSQVGLSK98

UEID/SAM Number

A0272

Agreement Number

STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT

By: _____

Kevin Guthrie, Division Director

Date: _____

**FY 2022 – 2023 EMPA AGREEMENT
EXHIBIT 1 – AUDIT REQUIREMENTS**

The administration of resources awarded by the Division to the Recipient may be subject to audits and/or monitoring by Division as described in this section.

MONITORING

Monitoring visits are performed to confirm grant requirements are being fulfilled to ensure correct and accurate documentation is being generated and to assist with any questions or concerns Recipients may have related to the grant. Recipients will be monitored programmatically and financially by the Division to ensure that all grant activities and project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

On-site monitoring visits will be performed according to Division schedules, as requested, or as needed. At minimum, Recipients will receive monitoring from Division per year. If an on-site visit cannot be arranged, the Recipient may be asked to perform desk review monitoring. Additional monitoring visits may be conducted throughout the period of performance as part of corrective action when Recipients are demonstrating non-compliance.

(a) The Recipient shall monitor its performance under this Agreement, as well as that of its subcontractors and/or consultants who are paid from funds provided under this Agreement, to ensure that time schedules are being met, the Schedule of Deliverables and Scope of Work are being accomplished within the specified time periods, and other performance goals are being achieved. A review shall be done for each function or activity in the Proposed Budget Detail Worksheet (Attachment A(2)) and Scope of Work (Attachment A) to this Agreement and reported in Quarterly Reports (Attachment A(3)).

(b) In addition to reviews of audits, monitoring procedures may include, but not be limited to, on-site visits by Division staff, limited scope audits, and/or other procedures. The Recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Division. If the Division determines that a limited scope audit of the Recipient is appropriate, the Recipient agrees to comply with any additional instructions provided by the Division to the Recipient regarding such audit. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Florida Chief Financial Officer or Auditor General. In addition, the Division will monitor the performance and financial management by the Recipient throughout the contract term to ensure timely completion of all tasks.

AUDITS

The Recipient shall comply with the audit requirements contained in 2 C.F.R. Part 200, Subpart F. In accounting for the receipt and expenditure of funds under this Agreement, the Recipient shall follow Generally Accepted Accounting Principles ("GAAP"). As defined by 2 C.F.R. § 200.49, GAAP "has the meaning specified in accounting standards issued by the Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB)."

When conducting an audit of the Recipient's performance under this Agreement, the Division shall use Generally Accepted Government Auditing Standards ("GAGAS"). As defined by 2 C.F.R. § 200.50, GAGAS, "also known as the Yellow Book, means generally accepted government auditing standards issued by the Comptroller General of the United States, which are applicable to financial audits."

If an audit shows that all or any portion of the funds disbursed were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to the Division of all funds not spent in accordance with these applicable regulations and Agreement provisions within 30 days after the Division has notified the Recipient of such non-compliance.

(a) The Recipient shall have all audits completed by an independent auditor, which is defined in section 215.97(2)(i), Florida Statutes, as "an independent certified public accountant licensed under chapter 473." The independent auditor shall state that the audit complied with the applicable provisions noted above. The audit must be received by the Division no later than nine months from the end of the Recipient's fiscal year.

(b) The Recipient shall send copies of reporting packages for audits conducted in accordance with 2 C.F.R. Part 200, by or on behalf of the Recipient, to the Division at the following address:

DEMSingle_Audit@em.myflorida.com

OR

Office of the Inspector General
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

(c) The Recipient shall send the Single Audit reporting package and Form SF-SAC to the Federal Audit Clearinghouse by submission online at:

<http://harvester.census.gov/fac/collect/ddeindex.html>

(d) The Recipient shall send any management letter issued by the auditor to the Division at the following address:

DEMSingle_Audit@em.myflorida.com

OR

Office of the Inspector General
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

REPORTS

- (a) Consistent with 2 C.F.R. §200.328, the Recipient shall provide the Division with quarterly reports and a close-out report. These reports shall include the current status and progress by the Recipient and all subcontractors in completing the work described in the Scope of Work and the expenditure of funds under this Agreement, in addition to any other information requested by the Division.
- (b) Quarterly reports are due to the Division no later than forty-five (45) days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are September 30, December 31, March 31, and June 30.
- (c) The close-out report is due sixty (60) days after termination of this Agreement or sixty (60) days after completion of the activities contained in this Agreement, whichever first occurs.
- (d) If all required reports and copies are not sent to the Division or are not completed in a manner acceptable to the Division, then the Division may withhold further payments until they are completed or may take other action as stated in Paragraph (11) REMEDIES. "Acceptable to the Division" means that the work product was completed in accordance with the Budget and Scope of Work.
- (e) The Recipient shall provide additional program updates or information that may be required by the Division.
- (f) The Recipient shall provide additional reports and information identified in Quarterly Reports (Attachment A(3)).

**FY 2022 – 2023 EMPA AGREEMENT
EXHIBIT 2 – SINGLE AUDITS**

AUDIT COMPLIANCE CERTIFICATION	
Email a copy of this form at the time of agreement submission to the Division at: DEMSingle_Audit@em.myflorida.com .	
Recipient: Leon County	
FEIN: 59-6000708	Sub- Recipient's Fiscal Year: 2021
Contact Name: Eryn Calabro	Contact's Phone: 850.606.5112
Contact's Email: CalabroE@leoncountyfl.gov	
<p>1. Did Recipient expend the State Financial Assistance, during its fiscal year, that it received under any agreement (e.g., contract, grant, memorandum of agreement, memorandum of understanding, economic incentive award agreement, etc.) between Recipient and the Florida Division of Emergency Management (Division)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If the above answer is yes, answer the following before proceeding to item 2.</p> <p>Did Recipient exceed \$750,000 or more of State financial assistance (from DIVISION and all other sources of State financial assistance combined) during its fiscal year? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, Recipient certifies that it will timely comply with all applicable State single or project specific audit requirements of section 215.97(2)(i), Florida Statutes, and the applicable rules of the Department of Financial Services and the Auditor General.</p>	
<p>2. Did Recipient expend Federal awards during it fiscal year that it received under any agreement (e.g. contract, grant, memorandum of agreement, memorandum of understanding, economic incentive award agreement, etc.) between Recipient and Division? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If the above answer is yes, answer the following before proceeding to item 2.</p> <p>Did Recipient exceed \$750,000 or more of federal awards (from Division and all other sources of federal awards combined) during its fiscal year? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, Recipient certifies that it will timely comply with all applicable single or program – specific audit requirements of title 2 C.F.R. part 200, subpart F, as adopted and supplement by DHS at 2 C.F.R. part 200.</p>	
By signing below, I certify, on behalf of Recipient, that the above representations for items 1 and 2 are correct.	
Signature of Authorized Representative Vincent S. Long	Date County Administrator
Printed Name of Authorized Representative	Title of Authorized Representative

**FY 2022 – 2023 EMPA AGREEMENT
EXHIBIT 3– 27-19 FLORIDA ADMINISTRATIVE CODE
EM DIRECTOR CERTIFICATION**

In accordance with the 2022-2023 Emergency Management Preparedness and Assistance Grant agreement, which shall begin July 1, 2022 and shall end on June 30, 2023, and to remain consistent with section 252.38(1)(c), Florida Statutes and Rules 27P-19.005(4) and (5), Florida Administrative Code, in order to receive EMPA funding, each County Emergency Management Agency shall annually certify on their Exhibit 3 their commitment to employ and maintain a Director.

I, Vincent S. Long (Name) certify compliance with the requirements for the 2022-2023 Emergency Management Preparedness and Assistance grant program.

Leon County (Recipient) has employed an EM Director
(EM Director) pursuant to Section 252.38(3)(b), Florida Statutes.

I, Vincent S. Long also certify that I am the official representative for

Leon County (Recipient) and have authority to bind Leon County
(Recipient) to this certification of compliance.

Signed by: _____

Printed Name: Vincent S. Long

Title: County Administrator

Date: _____

Phone/Email: 850.606.5300/ LongV@leoncountyfl.gov

**FY 2022 – 2023 EMPA AGREEMENT
ATTACHMENT A – SCOPE OF WORK**

I. GENERAL POLICY

The intent of the Emergency Management Preparedness and Assistance Grant (EMPA) is to provide state funds to assist local governments in preparing for all hazards as authorized by section 252.373, Florida Statutes. Funds shall be allocated to implement and administer county emergency management programs, to ensure that the following activities are adhered to:

- **Planning;**
- **Organization;**
- **Equipment;**
- **Training;**
- **Exercise; and**
- **Management and Administration**

Consistent with Rule 27P-19.010(11), Florida Administrative Code, the Division shall determine allowable costs in accordance with 2 C.F.R. Part 200, entitled “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.”

II. RECIPIENT RESPONSIBILITIES

Recipient shall support efforts to build and sustain core capabilities across the Prevention, Protection, Mitigation, Response, and Recovery mission areas described in the National Preparedness Goal.

Counties must be able to prepare for, respond to, recover from, and mitigate against natural and man-made disasters/emergencies.

TASKS AND QUARTERLY DELIVERABLES

The Recipient must successfully complete the following tasks and deliverables throughout the period of performance. Quarterly deliverables must be submitted through the Salesforce portal.



TASK 1: CERTIFICATION OF COUNTY EMERGENCY MANAGEMENT STAFF

A. EMERGENCY MANAGEMENT STAFF

Each County Emergency Management Agency must annually certify on (Exhibit 3) their commitment to employ and maintain a director consistent with Rule 27P-19.005(4) and (5), Florida Administrative Code.

Pursuant to section 252.38(1)(c), Florida Statutes, the County Emergency Management Agency shall perform emergency management functions throughout the territorial limits of the county in which it is organized. Additionally, the County Emergency Management Agency shall conduct such activities outside its territorial limits as required by law and in accordance with state and county emergency management plans and mutual aid agreements.

To demonstrate successful completion of task 1 for quarter 1, the Recipient must submit the following item Salesforce portal:

DELIVERABLES:

- **The Division Exhibit 3**, Certification letter for the Emergency Management Director in accordance with Rule 27P-19.004, Florida Administrative Code each quarter;
- **The Division Form 4** – Staffing Detail and position descriptions for funded emergency management staff;

Reporting Requirements:

Quarter 1	Quarter 2	Quarter 3	Quarter 4
Deliverables Due	Submit – Updates Only	Submit – Updates Only	Submit – Updates Only

TASK 2: LOCAL BUDGET MATCH CERTIFICATION

A. MATCH

Throughout the period of this Agreement, and as required by Rule 27P-19.011(1), Florida Administrative Code, the Recipient shall match EMPA grant funds “at the amount either equal to the average of the previous three years’ level of county general revenue funding for the County Emergency Management Agency budget or the level of funding for the County Emergency Management Agency budget for the last fiscal year, whichever is lower.”

In accordance with Rule 27P-19.011(2), Florida Administrative Code states

(2) If the Base Grant recipient demonstrates that exceptional financial circumstances prevent the Base Grant recipient from complying with the match requirements in subsection 27P-19.011(1), F.A.C., then the Base Grant recipient may request that the Division authorize a reduction in the amount of match required. The match required shall not be reduced by a percentage amount in excess of reductions in funding for county 911 services, emergency medical services, law enforcement, criminal justice, public works or other emergency management related services. To be eligible for any reduction, the Base Grant recipient shall demonstrate and certify that the reduction is due to reductions in county general revenue funding and that

the amount of the requested reduction is equivalent to across the board reductions in all county budgets. County requests for reduction shall be signed by the county's chief elected officer and the certification of reduction in county budget funding shall be signed by the county's chief financial officer. Requests shall certify the intent to return to pre-reduced funding as soon as practicable, and shall provide an estimate of the date at which the county will return to the current level of funding. Requests for reduction shall also be accompanied by financial data for the previous three years indicating: the level of county funding for the County Emergency Management Agency budget; budget detail regarding all individual items of the County Emergency Management Agency budget; and the proposed level of funding, for all budget items, if the reduction is authorized by the Division. All requests for match reduction shall be submitted no later than forty-five (45) days after the county budget has been approved by the governing body of the jurisdiction, or the opportunity to request shall be waived.

To demonstrate successful completion of task 2 for quarter 2, the Recipient must submit the following items in the Division's Salesforce system:

DELIVERABLES:

- **The Division Form 3** - Local Budget Match Certification;
- A copy of the current and accurate County Emergency Management Local Budget (General Revenue) including the budget approval date. All requests for a budget match reduction shall be requested no later than 45 days after the county budget has been approved;
- A copy of the local EM general revenue expenditure (general ledger) report.

Reporting Requirements:

Quarter 1	Quarter 2	Quarter 3	Quarter 4
N/A	Deliverables Due	Submit – Updates Only	Submit – Updates Only

TASK 3: RESPONSE CAPABILITIES

A. EQUIPMENT INVENTORY AND AVAILABILITY

Section 252.25 (2)(s) and (t) Florida Statutes requires state and local governments to complete an inventory of portable generators which can operate during a major disaster. Non-expendable equipment purchased with Grant funds designed to aid in the response or recovery to/from a declared or non-declared disaster shall be inventories no later than March 31st annually by the awardee.

Upon notification by the Director or State Emergency Response Team (SERT) Chief of the Division, the entity in possession of the non-expendable equipment item shall make the item available for deployment on behalf of the Division.

DELIVERABLES:

- Complete an inventory of portable generators owned by the local governments which are capable of operating during a major disaster. The inventory must identify, at a minimum,
 - the location of each generator, the number of generators stored at each specific location.
 - the agency to which each generator belongs,
 - the primary use of the generator by the owner agency, and

- the names, addresses, and telephone numbers of persons having the authority to loan the stored generators as authorized by the division during a declared emergency.

To demonstrate successful completion of task 3 for quarter 3, the Recipient must submit the following items to WEBEOC Equipment Inventory Board no later than March 31, 2023.

Reporting Requirements:

Quarter 1	Quarter 2	Quarter 3	Quarter 4
N/A	N/A	Deliverables Due	Submit – Updates Only

**FY 2022 – 2023 EMPA AGREEMENT
ATTACHMENT A (1)
ALLOWABLE COSTS AND ELIGIBLE ACTIVITIES – BUDGET DIRECTIONS**

I. CATEGORIES AND ELIGIBLE ACTIVITIES

The 2022 EMPA Funding Guidance allowable costs are divided into the following categories: **Planning, Organization, Equipment, Training, Exercise, and Management and Administration.**

A. PLANNING

Planning spans all five National Preparedness Goal (the Goal) mission areas and provides a baseline for determining potential threats and hazards, required capabilities, required resources, and establishes a framework for roles and responsibilities. Planning provides a methodical way to engage the whole community in the development of a strategic, operational, and/or community-based approach to preparedness.

Plans should have prior review and approval from the respective DEM state program. Funds may not be reimbursed for any plans that are not approved.

EMPA Program funds may be used to develop or enhance emergency management planning activities. Some examples include, but not limited to:

- Emergency Operation Plans/ Local Comprehensive Emergency Management Planning
- Communications Plans
- Administrative Plans
- Whole Community Engagement/Planning
- Resource Management Planning
- Sheltering and Evacuation Planning
- Recovery Planning
- Continuity Plans

For planning expenditures to qualify for reimbursement under this Agreement, the Recipient must submit a final plan to the Division and the Division's Natural Hazard Planning Manager must approve that plan. As part of any request for reimbursement for planning expenditures, the Recipient must submit the following to the Division:

- Copies of contracts or agreements prior to contracting with consultants or sub-contractors providing services;
- Invoice from any consultant/contractor involved in the planning (Note – grant agreement must be referenced on the invoice);
- Copies of all planning materials and work product (e.g. meeting documents, copies of plans);
- If a meeting was held by Recipient, an agenda and signup sheet with meeting date must be included;
- Proof of payment (e.g. canceled check, electronic funds transfer, credit card statement);
- Complete debarment form and/or Sam.gov for any contractors/consultants;
- Proof of purchase methodology (e.g. quotes, sole source, state contract, competitive bid results);
- Invoices and proof of payment for Travel costs (e.g., airfare, mileage, per diem, hotel) related to planning activities.

B. OPERATIONAL

EMPA Program funds may be used for all day-to-day preparedness activities in support of the four phases of emergency management (preparedness, response, recovery, and mitigation). Reimbursable personnel costs include salary, overtime, and backfill, compensatory time off, and associated fringe benefits.

Please Note: You can only charge 1% of the total award amount for apparel and promotional items.

Rules 27P-19.004 and 27P-19.0061, Florida Administrative Code., outline the minimum performance level (definition below). Each Emergency Management staff person must be available to work the number of hours and assume the responsibilities for the duties in their official position description as well as provide the coordination and support for all incidents within the jurisdiction on a 24-hour basis.

Personnel Cost - Rules 27P-11.004, 27P-11.0061, Florida Administrative Code:

Counties with populations of 75,000 or more must have a full-time emergency management director. Counties with populations of less than 75,000 or party to an inter-jurisdictional emergency management agreement entered into pursuant to section 252.38(3)(b), Florida Statutes, that is recognized by the Governor by executive order or rule, are encouraged to have a full-time director. However, as a minimum, such a county must have an emergency management coordinator who works at least twenty (20) hours a week in that capacity. "Full-time Emergency Management Director" means a single professional emergency management program Administrator working full-time as identified in the position description established by the governing body of the jurisdiction.

Eligible "**Operational Cost**" items include, but are not limited to:

- **Salaries and Fringe Benefits**
 - Copies of certified timesheets with employee and supervisor signature documenting hours worked or Division Form 6 - Time and Effort and proof employee was paid (paystubs, earning statements, and payroll expenditure reports).
- **Utilities (electric, water and sewage)**
- Service/Maintenance agreements (provide vendor debarment and service agreement for contractual services)
- Office Supplies/Materials
- IT Software Upgrades
- Memberships
- Publications
- Postage
- Storage
- **Other Personnel/Contractual Services**
 - Reimbursement for services by a person(s) who is not a regular or full-time employee filling established positions. This includes but is not limited to temporary employees, student or graduate assistants, fellowships, part time academic employment, board members, consultants, and other services.
 - Consultant Services require a pre-approved Contract or purchase order by the Division. Copies of additional quotes should also be supplied when requesting pre-approval. These requests should be sent to the grant manager for the Division for review.

Funding for Critical Emergency Supplies

Critical emergency supplies—such as shelf stable products, water, and basic medical supplies—are an allowable expense under EMPA. DHS/FEMA must approve a state's five-year viable inventory management plan prior to allocating grant funds for stockpiling purposes. The five-year plan should include a distribution strategy and related sustainment costs if the grant expenditure is over \$100,000.

Operational Costs Supporting Documentation

If the recipient seeks reimbursement for operational activities, then the following shall be submitted:

- For salaries, provide copies of certified timesheets with employee and supervisor signature documenting hours worked or Division Form 6 - Time and Effort and proof employee was paid (paystubs, earning statements, payroll expenditure reports).

- Expense items need to have copies of invoices, receipts and cancelled checks, credit card statements, bank statements for proof of payment. All documentation for reimbursement amounts must be clearly visible and defined (i.e., highlighted, underlined, circled on the required supporting documentation).

C. EQUIPMENT

Provided the cost of the item qualifies as reasonable and necessary for the successful completion of a task required by this Agreement, an item on the FEMA AEL that is specifically coded for the Emergency Management Performance Grant ("EMPG") Program satisfies the minimum level of service for an equipment purchase under this Agreement. If an item qualifies as reasonable and necessary, and if the item is EMPG-coded on the FEMA AEL, then the Recipient does not need to obtain permission from the Division prior to purchasing the item in order to seek reimbursement.

If the Recipient seeks reimbursement for the purchase of an item that is not EMPG-coded on the FEMA AEL, then the Recipient must receive permission from the Division prior to purchasing the item. If the Recipient purchases such an item without receiving permission from the Division beforehand, then the Division will not provide any reimbursement for that purchase.

Allowable equipment includes equipment from the following AEL categories:

- Personal Protective Equipment (PPE) (Category 1)
- Information Technology (Category 4)
- Cybersecurity Enhancement Equipment (Category 5)
- Interoperable Communications Equipment (Category 6)
- Detection Equipment (Category 7)
- Power Equipment (Category 10)
- Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Reference Materials (Category 11)
- CBRNE Incident Response Vehicles (Category 12)
- Physical Security Enhancement Equipment (Category 14)
- CBRNE Logistical Support Equipment (Category 19)
- Other Authorized Equipment (Category 21)

The Authorized Equipment List (AEL) is a list of approved equipment types allowed under FEMA's preparedness grant programs and can be located at <https://www.fema.gov/authorized-equipment-list>.

If Recipients have questions concerning the eligibility of equipment, they shall contact their Grant Manager for clarification.

Recipients should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Large equipment purchases must be identified and explained. For more information regarding property management standards for equipment, please reference 2 C.F.R. Part 200, including 2 C.F.R. §§ 200.310, 200.313, and 200.316.

Equipment Acquisition Costs Supporting Documentation

- Provide copies of invoices, receipts and cancelled checks, credit card statements, bank statements for proof of payment.
- Provide the Authorized Equipment List (AEL) # for each equipment purchase.

D. TRAINING

EMPA Training funds may be used for a range of emergency management-related training activities to enhance the capabilities of state and local emergency management personnel through the establishment, support, conduct, and attendance of training. Training should foster the development of a community-oriented approach to emergency management that emphasizes engagement at the community level, strengthens best practices, and provides a path toward building sustainable resilience.

The Recipient can successfully complete an authorized course either by attending or by conducting that course.

- In order to receive payment for successfully attending a training course, the Recipient must provide the Division with a certificate of completion; additionally, the Recipient must provide the Division with all receipts that document the costs incurred by the Recipient in order to attend the course.
- In order to receive payment for successfully conducting a course, the Recipient must provide the Division with the course sign-in sheet. Additionally, the Recipient must provide the Division with all receipts that document the costs incurred by the Recipient in order to conduct the course.
- In order to receive payment for successfully conducting a workshop, the recipient must provide the Division with workshop sign-in sheets and materials used for workshop. Additionally, the Recipient must provide the Division with all receipts that document the costs incurred by the Recipient in order to conduct the workshop.

For training, the number of participants must be a minimum of fifteen (15) in order to justify the cost of holding a course. For questions regarding adequate number of participants, please contact the Division State Training Officer for course specific guidance. Unless the recipient receives advance written approval from the State Training Officer for the number of participants, then the Division must reduce the amount authorized for reimbursement on a pro-rata basis for any training with less than fifteen (15) participants.

When conducting a training that shall include meals for the attendees, the recipient shall submit a request for approval to the Division no later than twenty-five (25) days prior to the event to allow for both the Division and the Department of Financial Services to review. The request for meals must be submitted on letterhead and must include the date of exercise, agenda, number of attendees, and costs of meals.

Allowable training-related costs include the following:

- **Develop, Deliver, and Evaluate Training.** This includes costs related to administering the training: planning, scheduling, facilities, materials and supplies, reproduction of materials, and equipment. Training should provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Any training or training gaps, including those for children and individuals with disabilities or access and functional needs, should be identified in the Integrated Preparedness Program (IPP) and addressed in the training cycle. States are encouraged to use existing training rather than developing new courses. When developing new courses states are encouraged to apply the Analyze, Design, Develop, Implement and Evaluate (ADDIE) model for instruction design.
- **Overtime and Backfill.** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of attendance at FEMA and/or approved training courses and programs are allowable. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the state or unit(s) of local government and has the approval of the state or FEMA, whichever is applicable. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.
- **Travel.** Travel costs (e.g., airfare, mileage, per diem, and hotel) are allowable as expenses by employees who are on travel status for official business related to approved training.
- **Hiring of Full or Part-Time Staff or Contractors/Consultants.** Full or part-time staff or contractors/consultants may be hired to support direct training-related activities. Payment of salaries and fringe benefits must be in accordance with the policies of the state or unit(s) of local government and have the approval of the state or FEMA, whichever is applicable.

- **Certification/Recertification of Instructors.** Costs associated with the certification and re-certification of instructors are allowed. States are encouraged to follow the FEMA Instructor Quality Assurance Program to ensure a minimum level of competency and corresponding levels of evaluation of student learning. This is particularly important for those courses which involve training of trainers.

Conferences

The Division recognizes the important role that conferences can play in the professional development of emergency managers.

2 C.F.R. § 200.432 defines the term conference as "a meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the non-Federal entity and is necessary and reasonable for successful performance under the Federal award."

Rule 69I-42.002(3), Florida Administrative Code, defines the term conference as:

The coming together of persons with a common interest or interests for the purpose of deliberation, interchange of views, or for the removal of differences or disputes and for discussion of their common problems and interests. The term also includes similar meetings such as seminars and workshops which are large formal group meetings that are programmed and supervised to accomplish intensive research, study, discussion, and work in some specific field or on a governmental problem or problems. A conference does not mean the coming together of agency or interagency personnel.

For travel to a conference or convention to qualify for reimbursement, the cost must be reasonable and attendance at the conference must be necessary for the successful completion of a task required by this Agreement.

Provided the cost qualifies as reasonable and necessary for the successful completion of a task required by this Agreement, travel to a conference that complies with the requirements of Rule 69I-42.004, Florida Administrative Code, satisfies the minimum level of service for conference travel under this Agreement.

In pertinent part, Rule 69I-42.004(1), Florida Administrative Code, states "No public funds shall be expended for attendance at conferences or conventions unless:

- The main purpose of the conference or convention is in connection with the official business of the state and directly related to the performance of the statutory duties and responsibilities of the agency participating;
- The activity provides a direct educational or other benefit supporting the work and public purpose of the person attending;
- The duties and responsibilities of the traveler attending such meetings are compatible with the objectives of the conference or convention; and
- The request for payment of travel expenses is otherwise in compliance with these rules.

Provided the cost qualifies as reasonable and necessary for the successful completion of a task required by this Agreement, and provided any related travel complies with the requirements of Rule 69I-42.004, Florida Administrative Code, conferences may qualify for reimbursement under this Agreement:

Requests for reimbursement for payment of the registration fee or for a conference or convention must include:

- A statement explaining how the expense directly relates to the Recipient's successful performance of a task outlined in this Agreement;
- A copy of those pages of the agenda that itemizes the registration fee;
- A copy of local travel policy; and,

- A copy of the travel voucher or a statement that no travel costs were incurred, if applicable.

When a meal is included in a registration fee, the meal allowance must be deducted from the reimbursement claim, even if the traveler decides for personal reasons not to eat the meal. See section 112.061(6)(c), Florida Statutes (“No one, whether traveling out of or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state”). A continental breakfast is considered a meal and must be deducted if included in a registration fee for a convention or conference. However, in the case where a meal is provided by a hotel or airline, the traveler shall be allowed to claim the meal allowance provided by law.

Class A, Class B, and Class C Travel:

- Class A travel is continuous travel of 24 hours or more away from official headquarters. The travel day for Class A is based on a calendar day (midnight to midnight).
- Class B travel is continuous travel of less than 24 hours which involves overnight absence away from official headquarters. The travel day for Class B travel begins at the same time as the travel period.
- Class C travel is short or day trips in which the traveler is not away from his/her official headquarters overnight. Class C allowances are currently not authorized for reimbursement.

Meal Allowance and Per Diem:
Section 112.061(6)(b), Florida Statutes, establishes the meal allowance for each meal during a travel period as follows:
\$6 for breakfast (when travel begins before 6 a.m. and extends beyond 8 a.m.);
\$11 for lunch (when travel begins before 12 noon and extends beyond 2 p.m.);
\$19 for dinner (When travel begins before 6 p.m. and extends beyond 8 p.m. or when travel occurs during nighttime hours due to special assignment.).
Section 112.061(a), Florida Statutes, establishes the per diem amounts.
All travelers are allowed: The authorized per diem for each day of travel; or, If actual expenses exceed the allowable per diem, the amount allowed for meals as provided in s. 112.061(6) (b), F.S., plus actual expenses for lodging at a single occupancy rate.

Per diem shall be calculated using four six-hour periods (quarters) beginning at midnight for Class A or when travel begins for Class B travel. Travelers may only switch from actual to per diem while on Class A travel on a midnight to midnight basis. A traveler on Class A or B travel who elects to be reimbursed on a per diem basis is allowed \$20.00 for each quarter from the time of departure until the time of return.

Reimbursement for Meal Allowances That Exceed the State Rates

The Division shall not reimburse for any meal allowance that exceeds \$6 for breakfast, \$11 for lunch, or \$19 for dinner unless:

- For counties – the requirements of section 112.061(14), Florida Statutes, are satisfied;
- The costs do not exceed charges normally allowed by the Recipient in its regular operations as the result of the Recipient's written travel policy (in other words, the reimbursement rates apply uniformly to all travel by the Recipient); and,
- The costs do not exceed the reimbursement rates established by the United States General Services Administration (“GSA”) for that locale (see <https://www.gsa.gov/portal/content/104877>).

Hotel Accommodations

- A traveler may not claim per diem or lodging reimbursement for overnight travel within fifty (50) miles (one-way) of his or her headquarters or residence unless the circumstances necessitating the overnight stay are fully explained by the traveler and approved by the Division.
 - Absent prior approval from the Division, the cost of any hotel accommodation shall not exceed \$150 per night.

Training Costs Supporting Documentation

- Copies of contracts or agreements with consultants or sub-contractors providing services;
- Copies of invoices, receipts and cancelled checks, credit card statements and bank statements for proof of payment;
- Copies of the agenda, certificates and/or sign in sheets (if using prepopulated sign in sheets they must be certified by the Emergency Management Director or Lead Instructor verifying attendance).

For travel and conferences related to EMPA activities:

- Copies of all receipts must be submitted (i.e., airfare, proof of mileage, toll receipts, hotel receipts, car rental receipts, etc.) Receipts must be itemized and match the dates of travel/conference;
- Copies of Conferences must be providing an agenda. Proof of payment is also required for all travel and conferences. If the Recipient seeks reimbursement for travel costs that exceed the amounts stated in section 112.061(6)(b), Florida Statutes (\$6 for breakfast, \$11 for lunch, and \$19 for dinner), then the Recipient must provide documentation that: The costs are reasonable and do not exceed charges normally allowed by the Recipient in its regular operations as a result of the Recipient's written travel policy; and participation of the individual in the travel is necessary to the Federal award.

E. EXERCISES

Exercises conducted with grant funds should test and evaluate performance towards meeting capability targets established in a jurisdiction's Integrated Preparedness Program (IPP) for the core capabilities needed to address its greatest risks.

Allowable Exercise-Related Costs

- **Design, Develop, Conduct and Evaluate an Exercise.** This includes costs related to planning, meeting space and other meeting costs, facilitation costs, materials and supplies, travel, and documentation. Recipients are encouraged to use free public space/locations/facilities, whenever available, prior to the rental of space/locations/facilities. Exercises shall provide the opportunity to demonstrate and validate skills learned, as well as to identify any gaps in these skills. Gaps identified during an exercise including those for children and individuals with disabilities or access and functional needs, shall be identified in the AAR/IP and addressed in the exercise cycle.
- **Hiring of Contractors or Consultants.** Contractors or Consultants may be hired to support direct exercise activities. Payment of salaries and fringe benefits must be in accordance with the policies of the state or unit(s) of local government and have the approval of the state. The services of contractors/consultants may also be procured to support the design, development, conduct and evaluation of exercises.
- **Overtime and Backfill.** The entire amount of overtime costs, including payments related to backfilling personnel, which are the direct result of time spent on the design, development and conduct of exercises are allowable expenses. These costs are allowed only to the extent the payment for such services is in accordance with the policies of the local government. In no case is dual compensation allowable. That is, an employee of a unit of government may not receive compensation from their unit or agency of government AND from an award for a single period of time (e.g., 1:00 p.m. to 5:00 p.m.), even though such work may benefit both activities.

Travel. Travel costs (e.g., airfare, mileage, per diem, hotel) are allowable as expenses by employees who are on travel status for official business related to the planning and conduct of the exercise activities.

- **Supplies.** Supplies are items that are expended or consumed during the course of the planning and conduct of the exercise activities (e.g., gloves, non-sterile masks, fuel, and disposable protective equipment).
- **Other Items.** These costs are limited to items consumed in direct support of exercise activities such as the rental of space/locations for planning and conducting an exercise, rental of equipment, and the procurement of other essential nondurable goods. Recipients are encouraged to use free public space/locations, whenever available, prior to the rental of space/locations. Costs associated with inclusive practices and the provision of reasonable accommodations and modifications that facilitate full access for children and adults with disabilities are allowable.

When conducting an exercise that shall include meals for the attendees, the recipient shall submit a request for approval to the Division no later than twenty-five (25) days prior to the event to allow for both the Division and the Department of Financial Services to review. The request for meals must be submitted on letterhead and must include the date of exercise, agenda, number of attendees, and costs of meals.

Unauthorized Exercise-Related Costs

- Reimbursement for the maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles) and emergency response apparatus (e.g., fire trucks, ambulances). The only vehicle costs that are reimbursable are fuel/gasoline or mileage;
- Equipment that is purchased for permanent installation and/or use, beyond the scope of exercise conduct (e.g., electronic messaging signs);
- Durable and non-durable goods purchased for installation and/or use beyond the scope of exercise conduct.

If the recipient seeks reimbursement for exercise activities, then the following shall be submitted:

- Documentation clearly indicating the purpose/objectives of the exercise (e.g. Situation Manual, Exercise Plan);
- After-action report with Improvement Plan (AAR/IP), Sign-In sheets, Agenda;
- Receipts and proof of payment (e.g. canceled check, electronic funds transfer confirmation, credit card statement, bank statement) for supplies expenditures (e.g. copying paper, gloves, tap, etc.);
- Invoices and proof of payment for Travel costs (e.g., internal travel voucher, airfare, mileage, per diem, hotel) related to exercise activities;
- Proof of purchase methodology, if applicable (e.g. quotes, sole source, state contract, competitive bid results).

No later than 90 days after completion of an exercise, the recipient must upload to the Division's SharePoint portal at: <https://portal.floridadisaster.org> an After Action Report (AAR) that includes the following:

**An Improvement Plan; and,
A roster of participants.**

F. MANAGEMENT AND ADMINISTRATIVE (M&A)

M&A activities are those defined as directly relating to the management and administration of EMPA Program funds, such as financial management and monitoring. It should be noted that salaries of state and local emergency managers are not typically categorized as M&A, unless the state or local EMA chooses to assign personnel to specific M&A activities.

Management and Administrative Costs Supporting Documentation

- Copies of certified timesheets with employee and supervisor signature documenting hours worked or Division Form 6 - Time and Effort and proof employee was paid (paystubs, earning statements, and payroll expenditure reports);
- Costs for M&A activities are allowed up to 5% of the total award amount.

Supplanting Prohibited

Section 252.372, Florida Statutes, states that the monies from the EMPA Trust Fund “may not be used to supplant existing funding.” Additionally, Rule 27P-19.003(3), Florida Administrative Code, states: “Funds received from the [EMPA] Trust Fund may not be used to supplant existing funding, nor shall funds from one program under the Trust Fund be used to match funds received from another program under the Trust Fund.”

II. OTHER CRITICAL INFORMATION

A. RULE 27P-19, FLORIDA ADMINISTRATIVE CODE

Rule 27P-19.010(11), Florida Administrative Code, states: “Allowable costs shall be determined in accordance with applicable Federal Office of Management and Budget Circulars...” Therefore, unless a specific exception applies, 2 CFR Part 200 Subpart A (Definitions) and Subpart E (Cost Principles) shall apply to this Agreement.

Expenses

To qualify for reimbursement under the terms of this Agreement, an expense incurred by the Recipient must be reasonable and necessary for the successful completion of a task required by this Agreement. If an expense fails to qualify as either reasonable or necessary to successfully complete a task, then the Division shall not provide any reimbursement for that expense.

NOTE: This Scope of Work recognizes that each Recipient:

- Might be at a different level of preparedness than another Recipient
- Operates within a unique geography
- Faces unique threats and hazards
- Serves a unique population

Therefore, what might qualify as reasonable and necessary for one Recipient to successfully complete a task under this Agreement might not qualify as reasonable and necessary for another Recipient to successfully complete a task. Conversely, what might not qualify for one may qualify for another.

To avoid a “one size fits all” approach, this Agreement provides some level of flexibility. If a unique cost (e.g. equipment not listed on the EMPG AEL) qualifies as reasonable and necessary for the successful completion of a task under this Agreement, and if the Recipient receives permission from the Division prior to incurring that unique cost, then the Division shall reimburse the Recipient for that cost.

Performance

To qualify for reimbursement under the terms of this Agreement, the Recipient’s performance must satisfy the minimum level of service required for the successful completion of a task required by this Agreement. If the performance fails to satisfy the minimum level of service, then the Division shall not provide any reimbursement for that performance.

B. INDIRECT COSTS

Indirect cost is allowable under this program as described in 2 C.F.R. Part 200, including 2 C.F.R. § 200.414. Recipients with a negotiated cost rate agreement that desire to charge indirect costs to an award must provide a copy of their negotiated indirect cost rate agreement at the time of application. Recipients that are not required by 2 C.F.R. Part 200 to have a negotiated indirect cost rate agreement but are required by 2 C.F.R. Part 200 to develop an indirect cost rate proposal must provide a copy of

their proposal at time of application. Post-award requests to charge indirect cost will be considered on case-by-case basis and based upon the submission of an agreement or proposal.

C. PROCUREMENT

All Procurement transactions will be conducted in a manner providing full and open competition and shall comply with the standards articulated in:

- 2 C.F.R. Part 200;
- Chapter 287, Florida Statutes; and,
- Any local procurement policy.

Per 2 CFR 200.318 through 200.326, Recipients are required to adhere to certain procurement standards for entering contracts for personnel or services. This includes full and open competition, methods of procurement to follow, federal or passthrough entity review, and including federal provisions into contracts.

D. FINANCIAL CONSEQUENCES:

If a recipient fails to comply with the terms and conditions of the State award, the Division may terminate the award in whole or part. If the noncompliance can be corrected, the Division may first attempt to direct the recipient to correct the noncompliance. This may take the form of a Compliance Notification. If the noncompliance cannot be correct or the recipient is nonresponsive, one or more of the following steps may be taken:

- (1) Temporarily withhold payments pending correction of the deficiency by the recipient.
- (2) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- (3) Wholly or partly suspend or terminate the award.
- (4) Take other remedies that may be legally available.

**FY 2022 – 2023 EMPA AGREEMENT
ATTACHMENT A (2)
PROPOSED PROGRAM BUDGET DETAIL WORKSHEET**

The Recipient shall use the Emergency Management Preparedness and Assistance (“EMPA”) Trust Fund monies authorized by this Agreement in order to complete the tasks outlined in the Scope of Work (Attachment A).

The “Proposed Program Budget Detail Worksheet” serves as a guide for both the Recipient and the Division during the performance of the tasks outlined in the Scope of Work (Attachment A).

Prior to execution of this Agreement, the Recipient shall complete the “Proposed Program Budget Detail Worksheet” listed below. If the Recipient fails to complete the “Proposed Program Budget Detail Worksheet”, then the Division shall not execute this Agreement.

After execution of this Agreement, the Recipient may change the allocation amounts in the “Proposed Program Budget Detail Worksheet.” If the Recipient changes the “Proposed Program Budget Detail Worksheet”, then the Recipient’s quarterly reports must include an updated “Proposed Program Budget Detail Worksheet” to reflect current expenditures.

BUDGET SUMMARY AND EXPENDITURES

RECIPIENT: LEON COUNTY
AGREEMENT: A0272

1. PLANNING	\$
2. ORGANIZATION	\$ 105,806.00
3. EQUIPMENT	\$
4. TRAINING	\$
5. EXERCISE	\$
6. MANAGEMENT AND ADMINISTRATION	\$
7. TOTAL AWARD	\$ 105,806.00

FY 2022-2023 PROPOSED PROGRAM BUDGET DETAIL WORKSHEET - ELIGIBLE ACTIVITIES (Not limited to activities below)			
Allowable Planning Costs	Quantity	Unit Cost	Total Cost
Emergency Operations Plan			
Salaries and Fringe Benefits			
Supplies			
Travel/per diem related to planning activities			
TOTAL PLANNING EXPENDITURES			\$
Allowable Organization Costs	Quantity	Unit Cost	Total Cost
Salaries and Fringe Benefits	1	\$105,806.00	\$105,806.00

Utilities (electric, water and sewage)			
Service/Maintenance agreements			
Supplies/Materials			
Memberships			
Publications			
Postage			
Storage			
TOTAL ORGANIZATION EXPENDITURES			\$ 105,806.00
Allowable Equipment Acquisition Costs	Quantity	Unit Cost	Total Cost
Personal protective equipment			
Information technology			
Cybersecurity enhancement equipment			
Interoperable communications equipment			
Detection Equipment			
Power equipment			
CBRNE Reference Materials			
CBRNE Incident Response Vehicles			
Physical Security Enhancement Equipment			
Logistics			
Other authorized equipment costs			
21GN-00-OCEQ - EOC Equipment & Supplies (provide description of EOC equipment & supplies)			
TOTAL EQUIPMENT EXPENDITURES			\$
Allowable Training Costs	Quantity	Unit Cost	Total Cost
Salaries and Fringe Benefits			
Develop, Deliver Training			

Workshops and Conferences			
Certification/Recertification of Instructors			
Travel			
Supplies			
Overtime and Backfill			
TOTAL TRAINING EXPENDITURES			\$
Allowable Exercise Costs	Quantity	Unit Cost	Total Cost
Salaries and Fringe Benefits			
Design, Develop, Conduct and Evaluate an Exercise in accordance with HSEEP standards			
Exercise Planning Workshop			
Travel			
Supplies			
Overtime and Backfill			
TOTAL EXERCISE EXPENDITURES			
Allowable Management and Administration Costs (Up to 5% of total award)	Quantity	Unit Cost	Total Cost
Salaries and Fringe Benefits			
TOTAL MANAGEMENT AND ADMINISTRATION EXPENDITURES			
TOTAL EXPENDITURES			\$105,806.00

REVISION DATE: _____

**FY 2022 – 2023 EMPA AGREEMENT
ATTACHMENT A (3) – QUARTERLY REPORTS**

Recipients must provide the Division with quarterly financial reports and a final close-out report.

- Quarterly financial reports are due to the Division no later than forty-five (45) days after the end of each quarter of the program year and must continue to be submitted each quarter until submission of the final close-out report. The ending dates for each quarter of this program year are September 30, December 31, March 31, and June 30.

Reporting Period	Report due to Division no later than
July 1 through September 30	November 15
October 1 through December 31	February 15
January 1 through March 31	May 15
April 1 through June 30	August 15

The Recipient shall provide the Division with full support documentation for the quarterly financial reports.

- A. The Recipient must provide the Division with supporting documentation for the quarterly financial reports. The Division shall accept back up documentation by email if the County is not able to upload on Salesforce.
- B. The Quarterly Tasks form 1B is due with your quarterly financial report each quarter. This form identifies all Emergency Management personnel's required training completed (or working towards completion) as well as quarterly deliverables during the agreement period.
- C. In order to ensure compliance with Rule 27P-19.011, Florida Administrative Code, the Local Budget Match Requirement Form shall be completed and sent when the Local County Budget is approved or by **November 15, 2022**. The County shall provide a copy of the current Emergency Management Local Budget (General Revenue) including approved budget date with the form. If the County's current budget is lower than the previous year, or the average of the last three years, the county is required to request a Waiver no later than forty-five (45) days after the county budget is approved.
- D. In a format provided by the Division, Form 4 – Staffing Detail and position descriptions of each funded county emergency management staff shall be submitted no later than **November 15, 2022**, or along with 1st quarter reimbursement submission, whichever occurs first.
- E. The final close-out report is due sixty (60) days after termination of this Agreement by **August 30, 2023**, or 60 days after completion of activities contained in this agreement, whichever occurs first.
- F. An administrative closeout may be conducted when a recipient is not responsive to the Division's reasonable efforts to collect required reports, forms, or other documentation needed to complete the standard award and/or closeout process. FDEM will make three written attempts to collect required information before initiating an administrative closeout. If an award is administratively closed, FDEM may decide to impose remedies for noncompliance per 2 C.F.R. § 200.338, consider this information in reviewing future award applications, or apply special conditions to existing or future award

**FY 2022– 2023 EMPA AGREEMENT
ATTACHMENT B
JUSTIFICATION OF ADVANCE PAYMENT**

RECIPIENT:

If you are requesting an advance, indicate same by checking the box below.

☐ **ADVANCE REQUESTED**

Advance payment of \$ _____ is requested. Balance of payments will be made on a reimbursement basis. These funds are needed to pay staff, award benefits to clients, duplicate forms and purchase start-up supplies and equipment. We would not be able to operate the program without this advance.

If you are requesting an advance, complete the following chart and line item justification below.

ESTIMATED EXPENSES

BUDGET CATEGORY/LINE ITEMS (list applicable line items)	Fiscal Year 2022 Anticipated Expenditures for First Three Months of Contract
<u>For example</u> ADMINISTRATIVE COSTS:	
<u>For example</u> PROGRAM EXPENSES:	
TOTAL EXPENSES:	

LINE ITEM JUSTIFICATION (For each line item, provide a detailed justification explaining the need for the cash advance. The justification must include supporting documentation that clearly shows the advance will be expended within the first ninety (90) days of the contract term. Support documentation should include, but is not limited to the following: quotes for purchases, delivery timelines, salary and expense projections, etc. to provide the Division reasonable and necessary support that the advance will be expended within the first ninety (90) days of the contract term. Any advance funds not expended within the first ninety (90) days of the contract term shall be returned to the Division Cashier, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, within thirty (30) days of receipt, along with any interest earned on the advance)

****REQUESTS FOR ADVANCE PAYMENTS WILL BE CONSIDERED ON A CASE BY CASE BASIS****

Signature of Recipient/Subcontractor's Authorized Official

Date: _____

Name and Title of Recipient/Subcontractor's Authorized Official

**FY 2022 – 2023 EMPA AGREEMENT
ATTACHMENT C
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY
EXCLUSION**

**Certification Regarding
Debarment, Suspension, Ineligibility
And Voluntary Exclusion**

Subcontractor Covered Transactions

- (1) The prospective subcontractor of the Recipient, _____, certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Recipient's subcontractor is unable to certify to the above statement, the prospective subcontractor shall attach an explanation to this form.

SUBCONTRACTOR:

By: _____

Signature

Recipient's Name

Name and Title

Division Contract Number

Street Address

Project Number

City, State, Zip

Date

**FY 2022– 2023 EMPA AGREEMENT
ATTACHMENT D
WARRANTIES AND REPRESENTATIONS**

Financial Management

Recipient's financial management system must include the following:

- (1) Accurate, current, and complete disclosure of the financial results of this project or program.
- (2) Records that identify the source and use of funds for all activities. These records shall contain information pertaining to grant awards, authorizations, obligations, unobligated balances, assets, outlays, income, and interest.
- (3) Effective control over and accountability for all funds, property, and other assets. Recipient shall safeguard all assets and assure that they are used solely for authorized purposes.
- (4) Comparison of expenditures with budget amounts for each Request for Payment. Whenever appropriate, financial information should be related to performance and unit cost data.
- (5) Written procedures to determine whether costs are allowed and reasonable under the provisions of the applicable OMB cost principles and the terms and conditions of this Agreement.
- (6) Cost accounting records that are supported by backup documentation.

Competition

- (1) All procurement transactions shall be done in a manner to provide open and free competition.
- (2) Recipient shall be alert to conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure excellent contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements.
- (3) Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the Recipient, considering the price, quality, and other factors.
- (4) Solicitations shall clearly set forth all requirements that the bidder or offeror must fulfill for the bid or offer to be evaluated by the Recipient. All bids or offers may be rejected when it is in the Recipient's interest to do so.

Codes of Conduct

Recipient warrants the following:

- (1) The Recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts.
- (2) No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by public grant funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated, has a financial or other interest in the firm selected for an award.
- (3) The officers, employees, and agents of the Recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
- (4) The standards of conduct shall provide for disciplinary actions to be applied for violations of the standards by officers, employees, or agents of the Recipient.

Business Hours

The Recipient shall have its offices open for business, with the entrance door open to the public, and at least one employee on site, from (Monday) through (Friday), and from (times) (8:00 a.m.) to (5:00 p.m.).

Licensing and Permitting

All subcontractors or employees hired by the Recipient shall have all current licenses and permits required for all the particular work for which they are hired by the Recipient.

**FY 2022 – 2023 EMPA AGREEMENT
ATTACHMENT E
STATEMENT OF ASSURANCES**

The Recipient hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including 2 C.F.R. Part 200; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also, the Applicant assures and certifies that:

16. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
16. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants (5 USC 1501, et. Seq.).
16. It will comply with the minimum wage and maximum hour's provisions of the Federal Fair Labor Standards Act.
16. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
5. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
6. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
7. It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
8. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1976, Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
9. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of Investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (See 36 CFR Part 800.8)

by the activity, and notifying the Federal grantor agency of the existence of any such properties and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.

10. It will comply, and assure the compliance of all its Recipients and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.

11. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.

12. It will comply, and all its contractors will comply, with the non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C,D,E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

13. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the Grounds of race, color, religion, national origin, sex, or disability against a Recipient of funds, the Recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

14. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.

15. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

16. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS) As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620.

FY 2022 – 2023 EMPA AGREEMENT ATTACHMENT F-REPORTING FORMS

FLORIDA DIVISION OF EMERGENCY MANAGEMENT EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT PROGRAM 2022-2023 EMPA REPORTING FORMS	
2022-2023 QUARTERLY REPORTING FORMS	
QUARTERLY REPORTS INCLUDE: Division Form 1A - Quarterly Financial Report, Division Form 1B - Quarterly Tasks, Division Forms 2A & 2B Detail of Claims	
1.	These forms are to be submitted to Division each quarter.
2.	Complete Division Form 1A - Quarterly Financial Report by entering all information needed to support the claim for reimbursement, sign and date. Include a narrative in the box. Outlines of quarterly events, nor calendars will suffice for the required narrative.
3.	Complete Division Form 1B - Quarterly Tasks to support that deliverables and tasks are being completed as required throughout the agreement, sign and date.
4.	The Division Form 1A - Quarterly Financial Report form must be signed by the grant manager or someone with equal authority.
5.	The Division Form 2A & 2B Detail of Claims forms <u>must</u> accompany the Division Form 1A - Quarterly Financial Report each quarter.
6.	Deliverables and Claims for reimbursement may be submitted via Salesforce or by email to the appropriate Division Grant Manager according to applicable region.
<div style="text-align: center; border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;"> FLORIDA DIVISION OF EMERGENCY MANAGEMENT 2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100 Attn: (Division Grant Manager) </div>	
7.	It is the responsibility of the Recipient to properly notify the assigned Division Grant Manager when they upload required documentation to Salesforce or required platform. The Division is not responsible for delays to claim processing due to failure to notify the Division Grant Manager of document submissions via Salesforce.
DIVISION Form 3 - Local Budget Match:	
1.	The Division Form 3 - Local Budget Match must be submitted to the Division in Quarter 2 submission.
2.	EMPA grants shall be matched at an amount equal to the average of the last three years' level of county general revenue funding of the County Emergency Management Agency or the level of funding for the County Emergency Management Agency for the last fiscal year, whichever figure is lower.
3.	Division Form 3 - Local Budget Match Requirement shall be submitted to the Division when the local county budget is approved or by November 15, 2022 . The County shall provide a copy of the current Emergency Management Local Budget (General Revenue) including approved budget date. If a Recipient's county's current local budget is lower than the previous year, or the average of the last three previous years, the recipient shall request a Waiver no later than 45 days after the county budget is approved.
DIVISION Form 4 - Staffing Detail:	
1.	List ALL Emergency Management Agency staff, regardless of funding. Provide a total anticipated annual amount of Salaries and Benefits to be paid for each position. This form is due no later than November 15, 2022 or along with 1st quarter reimbursement submission, whichever occurs first. Please provide the Division updates to this form as necessary.
2.	Along with Division Form 4 - Staffing Detail, please provide position descriptions for EMPA funded staff.
3.	Along with the Division Form 4- Staffing Detail, please provide documented policies for any fringe benefits, incentives or special pay to be claimed through the grant.
DIVISION Form 5 - Close Out Report:	
1.	The Division Form 5 - Close Out Report is due sixty (60) days after termination of this Agreement by August 30, 2023 , or 60 days after completion of activities contained in this agreement, whichever occurs first. Before submitting the Division Form 5 - Close Out Report, please verify that the local general revenue budget match amount as reported on Division Form 3 - Local Budget Match, has not changed since originally reported to the Division. If a difference is found please immediately notify the Division in writing of the discrepancy and provide a detailed justification for the change accompanied by supporting documentation.
2.	The agreement cannot be considered closed until the Division Form 5 - Close Out Report has been received and approved by the Division.
Required documentation to support project expenditures:	
1.	Recipients shall maintain a grant/financial file with copies of supporting documentation for all paid project/program expenditures claimed during the grant period. Documentation of expenditures claimed for reimbursement through the grant will be reviewed and verified by Division staff. Acceptable documentation includes copies of purchase orders and paid vouchers, paid invoices or cancelled checks, paystubs, journal transfers, credit card and bank statements, etc. These documents should be submitted when requesting reimbursement. □
2.	All claims for reimbursement shall be submitted on the approved Division Quarterly Financial Reporting forms. Claims not submitted on the proper forms or that are unsupported by proper documentation will not be processed and will be returned for additional support. □
3.	Please ensure that the documentation submitted for review is legible.
4.	Please verify form calculations for accuracy before submitting to the Division for review each quarter. □

**FY 2022 – 2023 EMPA AGREEMENT
ATTACHMENT F-REPORTING FORMS**

[illegible]

FY 2022 – 2023 EMPA AGREEMENT ATTACHMENT F-REPORTING FORMS

FLORIDA DIVISION OF EMERGENCY MANAGEMENT 2022-2023 EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT - EMPA DIVISION FORM 2A - DETAIL OF CLAIMS						
RECIPIENT:		INCURRED DATE RANGE: Example: July 1 through November 5, 2022				
Please use separate Division Form 2A-Detail of Claims per allocation category. Please add additional pages or lines as needed for each allocation category.						
Please provide FEMA AEL numbers for EQUIPMENT expenditures only.						
Please provide a budget revision along with this form, if expenses being claimed are not allocated on the most recently approved budget.						
Please include the Costs Incurred Date Range in the applicable cell above. This is usually the quarterly period; however, a recipient may incorporate a larger date range to include a forgotten claim for reimbursement for a payment made the previous quarter (within the period of agreement). This allowance does not circumvent the four (4) required quarterly reporting forms submissions.						
ALLOCATION CATEGORIES						
PLEASE SELECT FROM THE LIST BELOW						
CATEGORY:		ORGANIZATION				
#	VENDOR	DESCRIPTION OF SERVICE OR EXPENSE	DATE OF PAYMENT FOR SERVICE OR EXPENSE (Include full date)	PAYMENT REFERENCE (CHECK#, PO#, JT#, etc.)	PURCHASE AMOUNT	Equipment FEMA AEL# (N/A if equipment was not purchased)
1	Ex: Electric Company	Monthly Utilities for July 2022	8/5/22	CK# 1001	\$ 300.00	N/A
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
TOTAL					\$ 300.00	
By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, accurate and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the conditions of the 2022-2023 EMPA agreement.						
SIGNATURE:						
PRINTED NAME:		AUTHORIZED REPRESENTATIVE				
TITLE:						
DATE:						

**FY 2022 – 2023 EMPA AGREEMENT
ATTACHMENT F-REPORTING FORMS**

2022-2023 EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT PROGRAM								
DIVISION FORM 2B- DETAIL OF CLAIMS								
SALARIES AND FRINGE BENEFITS								
Pay Period:		From:		To:				
Sub-Recipient Name:								
Incurred Date Range:				Claim #:				
DOES THIS CLAIM FOR REIMBURSEMENT INCLUDE EXPENSES FOR ANY INCENTIVES OR SPECIAL PAY? Note: If this claim includes incentives or special pay, please provide FDEM with the written established policy for support.								
EM Funded staff Name	Total Salary Amount	FICA/Medicare	Retirement	Employee Life Insurance	Health/Dental Insurance	Workers Comp	Incentive Pay (If, Applicable)	Total Fringe Benefits
	\$ 15,000.00							
SubTotals	\$ 15,000.00							\$ -
Total Cost Charged to the Grant								\$ 15,000.00
<p>"By signing this report, I certify to the best of my knowledge and belief that the report is true, complete and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812)."</p>								
SIGNATURE:								
		AUTHORIZED REPRESENTATIVE						
PRINTED NAME:								
TITLE:								
DATE:								

FY 2022 – 2023 EMPA AGREEMENT ATTACHMENT F-REPORTING FORMS

FLORIDA DIVISION OF EMERGENCY MANAGEMENT 2022-2023 EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT - EMPA LOCAL BUDGET MATCH REQUIREMENT DIVISION FORM 3 - LOCAL BUDGET MATCH									
RECIPIENT	2022-2023 LOCAL (10/1/21- 9/30/22)	2021-2022 LOCAL (10/1/20- 9/30/21)	2020-2021 LOCAL (10/1/19- 9/30/20)	2019-2020 LOCAL (10/1/18- 9/30/19)	AVERAGE (PREVIOUS 3 YEARS)	LOWEST AVERAGE VS PREVIOUS YEAR	% 2021-2022 VS AVERAGE	\$ CHANGE 2021-2022 VS AVERAGE	\$ CHANGE 2021-2022 VS 2020-2021
Florida County (name)	\$100,000	\$95,000	\$90,000	\$85,000	\$90,000	2020-2021	10%	\$10,000	\$5,000
This form is to be completed and sent when the Local County Budget is approved or by the end of the first quarter. Required with this form the recipient shall provide a copy of the current Emergency Management Local Budget (General Revenue) with the approved buget date. If the Recipient's county's current budget is lower than the last year or the average of the last three previous years, the county is required to request a waiver from the Division no later than forty-five (45) days after the county budget is approved.									
RULE 27P-19, FLORIDA ADMINISTRATIVE CODE									
(1) Base Grants shall be matched at an amount either equal to the average of the previous three years' level of county general revenue funding of the County Emergency Management Agency or the level of funding for the County Emergency Management Agency for the last fiscal year, whichever figure is lower. County general revenue funding for 911 services, emergency medical services, law enforcement, criminal justice, public works or other services outside the emergency management responsibilities assigned to the County Emergency Management Agency by Section 252.38, F.S., shall not be included in determining the "level of county funding of the County Emergency Management Agency." Each county shall certify compliance with this rule chapter and this rule, as a condition precedent to receipt of funding.									
(2) If the Base Grant recipient demonstrates that exceptional financial circumstances prevent the Base Grant recipient from complying with the match requirements in subsection 27P-19.011(1), F.A.C., then the Base Grant recipient may request that the Division authorize a reduction in the amount of match required. The match required shall not be reduced by a percentage amount in excess of reductions in funding for county 911 services, emergency medical services, law enforcement, criminal justice, public works or other emergency management related services. To be eligible for any reduction, the Base Grant recipient shall demonstrate and certify that the reduction is due to reductions in county general revenue funding and that the amount of the requested reduction is equivalent to across the board reductions in all county budgets. County requests for reduction shall be signed by the county's chief elected officer and the certification of reduction in county budget funding shall be signed by the county's chief financial officer. Requests shall certify the intent to return to pre-reduced funding as soon as practicable, and shall provide an estimate of the date at which the county will return to the current level of funding. Requests for reduction shall also be accompanied by financial data for the previous three years indicating: the level of county funding for the County Emergency Management Agency budget; budget detail regarding all individual items of the County Emergency Management Agency budget; and the proposed level of funding, for all budget items, if the reduction is authorized by the Division. All requests for match reduction shall be submitted no later than forty-five (45) days after the county budget has been approved or by the first quarter by the governing body of the jurisdiction, or the opportunity to request shall be waived.									
REQUIRED CERTIFICATION BY AUTHORIZED REPESENTATIVE									
I, _____, certify that the above match requirements have been met in accordance with the 2022-2023 EMPA Agreement and Rule 27P-19, Florida Administrative Code.									
I, _____, certify that _____ (RECIPIENT'S COUNTY), will not meet the match requirement. Attached is the request for waiver.									
PRINTED NAME: _____									
TITLE: _____									
DATE: _____									

**FY 2022 – 2023 EMPA AGREEMENT
ATTACHMENT F-REPORTING FORMS**

FLORIDA DIVISION OF EMERGENCY MANAGEMENT									
2022-2023 EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT - EMPA									
DIVISION FORM 4 - STAFFING DETAIL									
COUNTY EMERGENCY MANAGEMENT AGENCY									
ANTICIPATED SALARIES & BENEFITS									
SUB-RECIPIENT:			POINT OF CONTACT: Jane Doe, Planner						
EMPLOYEE INFORMATION			LOCAL		STATE AND FEDERAL				
#	Only funded Staff Name, Position Title & Area of Responsibility (Preparedness, Response, Recovery, Mitigation & Finance) [1]	Annual Total Salaries & Benefits \$ by Position [2]	% County General Fund (Local) [3]	% Other Local Funds [4]	% EMPA Base Grant (State) [5]	\$ EMPA Base Grant (State) [6]	% EMPG Base Grant (Federal) [7]	\$ EMPG Base Grant (Federal) [8]	% Total All Funds [9]
1	Ex. Jane Doe, Director, ALL	\$ 60,000.00			50%	\$ 30,000.00	50%	\$30,000.00	100%
2						\$ -		\$0.00	0%
3						\$ -		\$0.00	0%
4						\$ -		\$0.00	0%
5						\$ -		\$0.00	0%
6						\$ -		\$0.00	0%
7						\$ -		\$0.00	0%
8						\$ -		\$0.00	0%
9						\$ -		\$0.00	0%
10						\$ -		\$0.00	0%
11						\$ -		\$0.00	0%
12						\$ -		\$0.00	0%
13						\$ -		\$0.00	0%
14						\$ -		\$0.00	0%
15						\$ -		\$0.00	0%
16						\$ -		\$0.00	0%
17						\$ -		\$0.00	0%
18						\$ -		\$0.00	0%
19						\$ -		\$0.00	0%
20						\$ -		\$0.00	0%
TOTAL						\$ 30,000.00		\$30,000.00	
DIRECTIONS:									
1. In Column #1, list the name, position title and area of responsibility(s) for all funded EMPA Emergency Management staff .									
2. In Column #2, list total anticipated annual amount of Salaries and Benefits to be paid for each EM funded position.									
3. In Columns #3-5 & 7, provide the funding distribution (%) in each applicable column.									
4. In Column #6, list the amount of Salaries and Benefits to be paid out of EMPA grant funds.									
5. In Column #8, list the amount of Salaries and Benefits to be paid out of EMPG grant funds.									
6. Column #9 calculates the sum of percentages entered in Columns 3 - 5 & 7 and must equal 100% of the anticipated annual salaries and benefits per EM position.									
7. Please provide to the Division updates or revisions to this form throughout the period of the agreement, as necessary									
8. This form is to be submitted to the Division along with the 1st Quarter submission, or by November 15, 2022, whichever occurs first.									

FY 2022 – 2023 EMPA AGREEMENT ATTACHMENT F-REPORTING FORMS

FLORIDA DIVISION OF EMERGENCY MANAGEMENT 2022-2023 EMERGENCY MANAGEMENT PREPAREDNESS AND ASSISTANCE GRANT - EMPA DIVISION FORM 5-CLOSE-OUT REPORT						
DIVISION FORM 5 - CLOSEOUT REPORT shall be completed and submitted to the Division no later than sixty (60) days after the termination date of the agreement. The 2022-2023 period of agreement ends on June 30, 2023. DIVISION Form 5 is due by August 30, 2023.						
RECIPIENT:			AGREEMENT#:			
POINT OF CONTACT:			EMPA AWARD AMOUNT:			
PHONE/EMAIL:			UNCLAIMED BALANCE:			
REIMBURSEMENTS RECEIVED BY THE RECIPIENT (Include any advanced funds and final requested payment)						
ALLOCATION CATEGORIES	ALLOCATIONS	DATE	AMOUNT			
1. PLANNING	\$ -		\$ -			
2. ORGANIZATION						
3. TRAINING						
4. EXERCISE						
5. EQUIPMENT						
6. MANAGEMENT AND ADMIN.						
\$	-		\$ -			
AWARD AMOUNT: \$			-			
(LESS ADVANCED FUNDS)						
(LESS REIMBURSEMENTS) \$			-			
UNCLAIMED BALANCE OF AWARD \$			-			
In accordance with Rule 27P-19.011, Florida Administrative Code, base grants shall be matched at an amount either equal to the average of the previous three years' level of county general revenue funding of the County Emergency Management Agency or the level of funding for the County Emergency Management Agency for the last fiscal year, whichever is lower. Required with this form, the county needs to provide a copy of the current EM local budget (general revenue) and general ledger expenditure report as of 6/30/2023.						
RECIPIENT	2022-2023 LOCAL	2021-2020 LOCAL	2020-2019 LOCAL	2019-2018 LOCAL	AVERAGE OF PREVIOUS 3 YEARS	2022-2023 EM LOCAL GENERAL REVENUE EXPENDITURES
Exmple: FL County						
SIGNATURE REQUIRED						
By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, accurate and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the conditions of the 2022-2023 EMPA agreement.						
SIGNATURE AND DATE:		AUTHORIZED REPRESENTATIVE				
PRINTED NAME AND TITLE:						
Refund and/or final interest checks are due no later than ninety (90) days after the expiration of the agreement. Please submit this form and supporting documentation to: Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, Attn: (Division Grant Manager)						
BELOW TO BE COMPLETED BY DIVISION						
SIGNATURE AND DATE:		DIVISION GRANT MANAGER				
SIGNATURE AND DATE:		DIVISION PROGRAMMATIC REVIEWER				

Leon County
Board of County Commissioners
Notes for Agenda Item #6

Leon County Board of County Commissioners

Agenda Item #6

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Request to Schedule a Tax Equity and Fiscal Responsibility Act (TEFRA)
Public Hearing for The Holy Comforter Episcopal School, Inc. Conduit
Refinancing Request

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

Statement of Issue:

This item seeks Board approval to conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) Public Hearing to consider a request for a conduit refinancing agreement with Holy Comforter Episcopal School, Inc at the September 13, 2022 meeting.

Fiscal Impact:

This item has a no fiscal impact. No revenues or assets of Leon County are pledged to secure the debt.

Staff Recommendation:

Option #1: Schedule a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing to consider issuance of debt refinancing for Holy Comforter Episcopal School Inc. for Tuesday, September 13, 2022 at 6:00 p.m.

Report and Discussion

Background:

On June 21, 2022 the County received an application for a conduit refinancing request in the amount of \$5.55 million for remaining debt on a \$6.0 million bond issuance for Holy Comforter Episcopal School, Inc. (School) (Attachment #1). As requested, this item seeks Board approval to conduct a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing to consider a request for a conduit refinancing agreement with the School at the September 13, 2022 meeting. The Board previously held a TEFRA Public Hearing on April 10, 2018, for the issuance of the original \$6.0 million in debt for the construction of a cafeteria and performing arts building.

Board Policy No. 08-3, “Leon County Conduit Financing Policy” adopted on December 9, 2014, provides for conduit financing as an arrangement involving a government or other qualified agency using its name in an issuance of fixed income securities for a nonprofit organization's large capital project. (Attachment #2).

Conduit financing is a means for private companies, nonprofit organizations, and public entities to raise capital via tax-exempt municipal bonds to fund large-scale projects that typically benefit the general public. The conduit borrower (e.g., nonprofit, developer, etc.) pledges the revenues from the project to repay the bonds, and the conduit issuer is not responsible for making payments to the bondholders. Additionally, conduit financing does not require direct financial support to a proposed project by the governmental entity.

The School, an incorporated Section 501(c)(3) Florida Not-for-Profit Corporation, has requested that the County issue refinancing of a tax-free bond not to exceed \$5.635 million this calendar year. This proposed bond would exist for a period not to exceed 25 years and Prime Meridian Bank has committed to refinance the entire issuance.

The purpose of the proposed bond issuance is for refinancing the debt related to the construction and improvements for a new cafeteria and performing arts building at the school. The School has been in operation since 1955 and is located at 2001 Fleischman Road. The school teaches over 550 students from Pre-K through the 8th grade and employs over 50 teachers.

To approve the conduit financing arrangement, the Board must hold the TEFRA public hearing and, by resolution, authorize the issuance of conduit refinancing for the School, and also approve by resolution the form of the refinancing document. This item seeks Board approval to schedule the TEFRA public hearing.

Analysis:

Pursuant to Policy No. 08-3, “Leon County Conduit Financing Policy,” Leon County requires entities seeking conduit financing to submit an application. The County Conduit Financing Policy has two criteria for financing:

1. The project must meet a community need and;

2. The project must be financially feasible.

The County's Financial Advisory Committee (Committee) which consists of the following members: Alan Rosenzweig, Deputy County Administrator; Scott Ross, Director of Office of Financial Stewardship; Edward Burke, Finance Director, Clerk of the Court; and Chasity O'Steen, County Attorney, met on Monday, June 27, 2022 and reviewed the application submitted by the School. The Committee determined that the School meets the criteria stated above. The Committee recommends proceeding with the TEFRA public hearing and adopting the authorizing Resolution.

In addition, the County's financial advisor, Public Financial Management, Inc. (PFM) also reviewed the application by the School (Attachment #3). PFM recommended that the Board approve the issuance of the bonds once the School satisfies the threshold standards covered under Section 4.ii of the County's Conduit Funding policy - System debt. The threshold standards are:

- Prime Meridian Bank will certify that it is an Accredited Investor; and
- The Company can demonstrate coverage of at least 1.10x max annual aggregate debt service on a pro-forma basis.

It is important to note that under the conduit financing arrangement, the bond would not be a debt or pledge of the faith and credit of Leon County, and the County is not liable for the debt service on the loans for these projects. As such, should the School default on the loan, the County's credit rating would not be adversely affected.

Conclusion

The School has complied with the policies regarding the application process for entities seeking conduit financing, and the County has received the School's non-refundable application fee of \$15,000. Should the Board decide to approve conduit financing for the School, a financing fee in the amount equal to 1% of the principal amount (\$40,519) of the issued bond actually issued, or \$5,000 whichever is greater, will be charged to the School in accordance with the Board's adopted guidelines.

The Committee has made the initial determination that these variables have been met and has forwarded this issue to the Board for consideration. Furthermore, PFM has reviewed the application and recommended approval of this bond issue. In addition, the County's Bond Counsel (Bryant, Miller and Olive), and the County Attorney have reviewed the application and supporting documentation, and have concluded that it meets the appropriate legal requirements.

Lastly, to approve the conduit financing arrangement, the Board must hold the TEFRA public hearing and, by resolution, authorize the issuance of conduit financing for the School, and also approve by resolution the form of the refinancing document. These resolutions will be included as attachments to the public hearing agenda item. This item recommends that a TEFRA public hearing be scheduled for September 13, 2022 at 6:00 p.m.

Options:

1. Schedule a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing to consider issuance of debt refinancing for Holy Comforter Episcopal School Inc., for Tuesday, September 13, 2022 at 6:00 p.m.
2. Do not schedule a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing to consider issuance of debt refinancing for Holy Comforter Episcopal School Inc., for Tuesday, September 13, 2022 at 6:00 p.m.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Conduit Financing Application Request
2. Leon County Conduit Financing Policy
3. Financial Advisors Recommendation Memo

Attachment #1: Expense and Indemnity Agreement

(Leon County, FL)

Proposed Bond Issue for:

Ladies and Gentlemen:

The undersigned corporation (The "Corporation") has requested you to consider its application to have you issue the bonds referred to above (the "Bonds") for the benefit of the Corporation and as an inducement to such consideration, hereby agrees with you as follows:

Section 1. Payment of Expenses:

Whether or not the Bonds are offered, sold or issued, the Corporation agrees to pay and be liable for, and to hold you harmless against the payment of any and all expenses relating to the Bond issue, including without limitation the fees and disbursements of your financial advisor, special counsel and bond counsel, your administrative charges and out-of pocket expenses, recording charges, expense of printing offering circulars, official statements, and the Bonds, legal advertising and expenses of registering the Bonds with the securities commission of any state.

Section 2. Indemnity:

Whether or not the Bonds are offered, sold or issued, the Corporation agrees to indemnify you, and each of your members, officers, agents, attorneys, advisors and employees against any and all claims and liability of whatsoever nature arising out of or relating directly or indirectly to the Bond issue, whether caused by you or the Corporation or otherwise, including, without limitation, claims based upon actual or alleged misrepresentation, fraud or other tortuous conduct, breach of contractual relationships, or violation of law or administrative rule, whether predicted upon federal or state statutes, common law, principles of equity or otherwise, excepting only claims based upon willful misfeasance or nonfeasance. In furtherance of the foregoing, the corporation agrees to pay any and all attorneys' fees and court costs incurred in the defense of any of the persons herein above indemnified shall be entitled to retain counsel acceptable to you or them to defend any such claim, but that neither you nor any such person will enter into any settlement of the same without the prior written approval of the Corporation.

Section 3. Survival of Agreement:

This Agreement shall survive the closing of the Bond issue and shall not merge into or be superseded by any other agreement other than by a written amendment hereto specifically denominated as such and executed by you and the Corporation.

If the forgoing is acceptable to you, please indicate your acceptance in the space provided below, whereupon the Agreement shall become a binding contract between us.

Policy No. 08-3
Leon County Conduit Financing Policy

9.10

Dated: June 14, 2022

NAME OF CORPORATION: Holy Comforter Episcopal School Inc

By: [Signature]

Its: President

Accepted and agreed to as of the date above written:

(LEON COUNTY, FLORIDA)

LEON COUNTY, FLORIDA

BY: _____
_____, Chairman
Board of County Commissioners

APPROVED AS TO LEGAL SUFFICIENCY:
_____, County Attorney
Leon County Attorney's Office

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

By: _____

By: _____

Leon County Application for Financing

(Submit three original fully executed application forms with all required attachments and ten copies of the Application form with attachments and the application fee to the County at 301 S. Monroe St., Ste. 502)

A. Applicant

Corporation Name: Holy Comforter Episcopal School, Inc

State of Incorporation: Florida

Business Physical & Mailing Address: 2001 Fleischmann Road Tallahassee, FL 32308

Telephone: (850) 383-1007 Fax: (850) 383-1021

Contact Person: Lorie Frederick

Applicant's Agent (if any) Name: N/A

Business Physical & Mailing Address: N/A

Telephone: N/A Fax: N/A Contact Person: N/A

Applicant's Legal Counsel: N/A

Contact Person: N/A

Telephone: N/A Fax: N/A

Management of Project (if other than Applicant): N/A

Applicant shall attach copies of items 1-6 below:

- Names and Business Address of Officers and Directors
- Articles of Incorporation
- By-Laws: If Applicant is a non-profit corporation, evidence that the Applicant is an Organization covered under Section 501(c) (3) of the Internal Revenue Code for prior three years.
- Audited Financial Statements of the Applicant for the preceding three years.
- Annual Report (if regularly issued)
- If Applicant is a public company under the securities and Exchange Act of 1934, a copy of form 10-K for the last three years.

Policy No. 08-3
Leon County Conduit Financing Policy

9.10

B. Project

Brief Description: (Include number and type of Jobs): This request is to Issue a new bond to refinance debt currently held on the properties listed below inclusive of all buildings and improvements.

Location: 2001/2100 Fleischmann Road Tallahassee, FL 32308

Real Property to be acquired, if any (attach legal description, if available): _____

Description of equipment or other personal property to be acquired (attach list, if applicable): N/A

If the project is a health care project for which a Certificate of Need is required, has Certificate of Need been obtained?

No: No

Yes:

Date:

(If yes, attach copy and give CON number: If no, give date of applications)

If no Certificate of Need is necessary, explain why: This will not need a certificate due to the project not being health care related.

Estimated total cost of project: \$ _____

Projects	Amount
Land Acquisition	
Design and Construction	
Acquisition of existing structures	
Equipment Purchase	
Other (Explain)	
Estimated Total Cost of Project	<u>5,551,862.76</u>

Has any feasibility study been performed? No: No Yes: _____
(If yes, attach copy)

Timetable: Attach as detailed a timetable as is available for the project.

Policy No. 08-3
Leon County Conduit Financing Policy

9.10

C. Financing

Note: If the applicant has not yet obtained this date, leave this part blank, and the County will assist in structuring the transaction and selecting underwriters, feasibility consultants, and other professionals.

Associated Expenditures	Project Cost
Amount of Bond or Note Issue	5,551,862.76
Total Project Cost	
Cost of Issuance	
Monies Available from Other Sources (attach explanation)	
Sources of Debt Service Payments	
Additional Security of Guaranties	
Credit Enhancement Provider (Letter of Credit, Bond Issuance, Surety Bond, etc.)	
Final Maturity	
Total	

Are the proposed bonds to be junior in status to any other obligations of Applicant? No: _____ Yes: _____
(If yes, explain) _____

Underwriter's name: _____

Business Physical & Mailing Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

Underwriter's Counsel: _____

Business Physical & Mailing Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

Policy No. 08-3
Leon County Conduit Financing Policy

9.10

C. Financing Cont'd

Feasibility Consultants: _____

Business Physical & Mailing Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

If any, list other Consultants, Contractors, and/or Agents: _____

D. Refunding Issues:

If the proposed bond issue is for purposes of refunding previous debt, attach an official statement and all other "refunding documents," and a summary of the debt to be refunded. - Refund of Leon County, FL educational facility revenue bond, series 2018 "Holy Comforter Episcopal School, Inc Project".

E. Date of Application:

Applicant is required to submit an executed "Expenses and Indemnity Agreement" as required by the Guidelines.

For the Applicant: _____



Its: _____

President

(Corporate Seal)

Board of County Commissioners Leon County, Florida

Policy No. 08-3

Title: Leon County Conduit Financing Policy

Date Adopted: December 9, 2014

Effective Date: December 9, 2014

Reference: N/A

Policy Superseded: Policy No. 08-3, adopted 11/25/08

It shall be the Policy of the Board of County Commissioners of Leon County, Florida, Policy No. 08-3, entitled “Leon County Conduit Financing Policy” adopted on November 25, 2008 is hereby superseded, and a revised Policy is hereby adopted in its place, to wit:

Purpose:

Leon County desires to provide appropriate access for non-governmental entities to tax exempt financing through conduit issuances.

Leon County acknowledges that, although each individual issue must be self-supporting and will not at any time require the direct financial support of the County, the issues will utilize the County’s authority and reputation for the issuance and that debt issues that do not ultimately perform to market expectations could negatively impact the County’s future capacity to issue debt and the overall reputation of the County.

Leon County further directs that all Authorities (other than the Leon County Housing Finance Authority)_seeking to request Tax Equity and Financial Responsibility Act (TEFRA) hearings from the County shall have policies adopted equal to this County policy.

CONDUIT FINANCING POLICY

1) Definitions. All terms in capitalized form that are defined in this Section shall have the same meanings as are ascribed to those terms herein, unless a different or additional meaning is given to those terms specifically. Unless the context shall otherwise indicate, words importing singular number shall include the plural number in each case and vice versa, and words importing persons shall include corporations and associations, including public bodies, as well as natural persons. The following terms shall have the meaning indicated below unless the context clearly requires otherwise:

- a) “*Credit Enhanced*” means a bond issue with a third party repayment guarantee such as a bank letter of credit, Federal program or insurance policy from a credit enhancer such as a bank or insurance company with credit ratings in the three highest categories, meaning at least A3 from Moodys, or A- from either FitchRatings or Standard and Poors, which repayment guarantee structure is binding for at least one year from date of issuance and results in the bonds being issued with the long-term credit ratings and the highest short-term rating, if applicable, of the credit enhancer.
- b) “*Credit Rating*” means a professional assessment of creditworthiness from either FitchRatings, Moodys, or Standard and Poors as nationally recognized credit rating agencies, or such other firm as may reasonably attain a similar role in the future.
- c) “*Financial Advisor*” or “*FA*” means a properly licensed firm retained by either the Issuer or Guarantor Applicant with a fiduciary responsibility to their client under the rules and procedures of the National Association of Securities Dealers, the Municipal Securities Rulemaking Board, Securities and Exchange Commission, and the Florida Statutes. The FA is expected to advise their client on structuring the debt, marketing the debt, and the investment or disposition of debt proceeds. Any FA retained by the Guarantor Applicant shall be acceptable to the Issuer.
- d) “*Guarantor Applicant*” means the entity that makes application to the County for the debt, sponsors the project, and provides the repayment funds. Notwithstanding the use of a conduit issuer and any credit enhancement, the Guarantor Applicant is the entity whose credit is reviewed by the investors or credit enhancers as the underlying source of repayment funds.
- e) “*Investment Grade Credit Rating*” means a Credit Rating of BBB- or higher from FitchRatings, Baa3 or higher from Moodys, and BBB- or higher from Standard and Poors, and such other similar minimum rating level from another similar nationally recognized Credit Rating firm as may reasonably attain a similar role in the future.
- f) “*Issuer*” means an Authority (other than the Leon County Housing Finance Authority) or Leon County as conduit issuer of the debt.
- g) “*Sophisticated Investor*” means a “qualified institutional buyer” as that term is defined under Rule 144A of the Securities and Exchange Commission or an “accredited investor” as that term is defined in Regulation D of the Securities and Exchange Commission.

2) Bond Issuance and TEFRA approval.

- a) Debt issues for more than \$10,000,000 undertaken for Guarantor Applicants with Credit Ratings below Investment Grade Credit Ratings must use the services of a Financial Advisor mutually acceptable to the Guarantor Applicant and the County.
- b) The Authority or Guarantor Applicant will cause an Official Statement and related offering documents to be produced in connection with all public sales of debt.
- c) To the extent possible, public hearings should be held in the Leon County Commission and televised to facilitate the most open process possible.
- d) Blanket (statewide) TEFRA hearings will not fulfill a local TEFRA hearing requirement. TEFRA approvals for projects involving multiple facilities over a period of time should be specific in identifying the names and locations of the multiple facilities and local TEFRA approvals should be obtained in all jurisdictions where appropriate.
- e) Standards for County TEFRA approval request:
 - i) The Authority or Guarantor Applicant will provide a detailed project description and a distribution list of the participants. The project description should include a description of the plan to obtain all necessary TEFRA approvals.
 - ii) TEFRA requests will include any related financials, feasibility studies, and required pro-forma statements that were part of the Guarantor Applicant's application to the Authority. For Credit Enhanced debt issues, the Guarantor Applicant's financials do not need to accompany the TEFRA request.
 - iii) The Authority or Guarantor Applicant will provide minutes of legally noticed hearings regarding the debt issue, along with copies of required legal notices (minutes should include the outcome of any votes that take place, hearing dates, and legal notice publication dates).
 - iv) The Authority or Guarantor Applicant will provide a description of the sale method, the proposed debt structure, and the minimum debt denominations. When an FA participates in the debt issue, the FA will provide the recommendation about sales method, debt structure, and minimum denominations.
 - v) The Authority or Guarantor Applicant will provide a credit discussion regarding such things as repayment sources, credit enhancements, ratings, insurance, and debt service reserve levels. When an FA participates in the debt issue, the FA will provide the credit description.
 - vi) The Authority or Guarantor Applicant will provide copies of resolutions; being certain those resolutions contain legal disclosure confirming that no County funds are pledged when that is the case.
 - vii) The Authority or Guarantor Applicant will provide notice of any waiver granted pursuant to Section 4 c).

3) Pooled Finance.

- a) The Authority or Guarantor Applicant will avoid blind-pools justified by demand surveys where funds are issued and invested until used to fund projects. Instead, the Authority or Guarantor Applicant will focus on individual issues for individual projects or focus on draw-down structures that issue debt proceeds from investors only as projects require funding.

4) Categorization of debt.

- a) For purposes of determining requirements for the Authority or Guarantor Applicant, there are three categories which provide threshold standards:

- i) **Rated and/or enhanced debt:** Bonds with credit enhancement and a rating in one of the three highest rating categories. Held by the borrower or a credit enhancer, or an affiliate of either, bonds with a rating in one of the three highest rating categories from a nationally recognized rating service (currently at least A3 from Moodys or A-from FitchRatings or Standard and Poors). These bonds do not have any additional restrictions required.

- ii) **System debt:** This is debt being issued to support an existing or on-going concern of at least five years. Revenues must be pledged from the entire enterprise, not from the specific project. The debt must be issued as a sole placement and is not divisible. The financial pro-forma should demonstrate coverage of at least 1.10 of maximum debt service.

- iii) **Other Financings:** This is debt being issued that does not meet the definition of either i) or ii), as previously stated. If either privately or publicly placed, these financings must meet the following criteria: (i) a feasibility study (market analysis, management structure, financial plans, etc.) with financial projections showing at least 1.10X coverage of maximum annual debt service, and (ii) explanation of supplemental financial support from parent corporations, provision for reasonable and prudent reserves. If publicly placed, the financing must also meet the following criteria:

- (a) shall be sold and subsequently transferred only to a Sophisticated Investor or Investors

- (b) receive an investment credit grade rating

- (c) shall comply with the conditions set forth in paragraph i – iii) or iv - vi), as determined prior to the issuance of the bonds:

- (i) The bonds shall be sold in minimum denominations of \$100,000; and

- (ii) The bonds shall be sold only to Sophisticated Investors who have executed and delivered an “investor’s letter”, in form and substance satisfactory to the County including, among other things, (A) stating that the purchase of the bonds will be solely for its own account, (B) stating that such Sophisticated Investor can bear the economic risk of its investment in the bonds, (C) stating that such Sophisticated Investor has such knowledge and experience in financial business matters in general and tax-exempt obligations in particular, that it is capable of evaluating the merits and risks of purchasing the bonds, (D) stating that such Sophisticated Investor has made the decision to purchase the bonds based on its own independent investigation regarding the bonds, the borrower and the project and if a disclosure document has been prepared, it has reviewed such disclosure document, and has received the information it considers necessary to make an informed decision to invest in the bonds, and (E) acknowledging that the County, its counsel and its advisors bear no responsibility for the accuracy or completeness of information with respect to the borrower and the project contained in any disclosure document related to the Sophisticated Investor’s purchase of the bonds; and
- (iii) The bonds shall bear a legend restricting subsequent transfers to other Sophisticated Investors who have executed and delivered an “investor’s letter” complying with the preceding paragraph (ii).

Or,

- (iv) The bonds shall be sold in minimum denominations of \$250,000; and
- (v) The bonds shall be sold initially only to Sophisticated Investors who have executed and delivered an “investor’s letter”, in form and substance satisfactory to the County including, among other things, (A) stating that the purchase of the bonds will be solely for its own account, (B) such Sophisticated Investor can bear the economic risk of its investment in the bonds, (C) stating that such Sophisticated Investor has such knowledge and experience in financial business matters in general and tax-exempt obligations in particular, that it is capable of evaluating the merits and risks of purchasing the bonds, (D) stating that such Sophisticated Investor has made the decision to purchase the bonds based on its own independent investigation regarding the bonds, the borrower and the project and if a disclosure document has been prepared, it has reviewed such disclosure document, and has received the information it considers necessary to make an informed decision to invest in the bonds, and (E) acknowledging that the County, its counsel and its advisors bear no responsibility for the accuracy or completeness of information with respect to the borrower and the project contained in any disclosure document related to the Sophisticated Investor’s purchase of the bonds; and

- (vi) The bonds shall bear a legend restricting subsequent transfers to investors who by their purchase of the bonds represent that they (A) are purchasing the bonds solely for their own account, (B) can bear the economic risk of their investment in the bonds, (C) have such knowledge and experience in financial business matters that they are capable of evaluating the merits and risks of purchasing the bonds, and (D) have made the decision to purchase the bonds based on their own independent investigation regarding the bonds and have received the information they consider necessary to make an informed decision to invest in the bonds.
- (d) Each indenture related to bonds that are subject to the restrictions, as set forth previously, shall provide that the trustee and the paying agent shall not authenticate or register a bond unless the conditions of this policy have been satisfied.
- (e) Guarantor Applicants can petition the County for a waiver to issue in smaller denominations than required within this Section. The Guarantor Applicant must demonstrate a compelling public purpose for smaller denominations. The demonstration of a compelling public purpose may require a formal presentation at the discretion of the County. Any waiver granted by the Authority may only be granted prior to submission of TEFRA materials to the County pursuant to Section 2 e).

5) Investment of Proceeds.

- a) The FA will recommend the investment structure for debt proceeds and bid the investment of proceeds. In the event an FA is not required for a debt amount under \$10,000,000 or for a Guarantor Applicant with Investment Grade Credit Ratings, a financial officer of the Guarantor Applicant should submit a signed plan for disposition, investment and safekeeping of the proceeds as a part of the application process which will then be included in the TEFRA request packet for the County. Prior to disbursement of proceeds of debt issued by the County, a trustee bank or financial institution approved by the County shall hold such proceeds.

6) Continuing Disclosure and Market Transparency.

- a) The Authority or the Guarantor Applicant will arrange to use a recognized agent as an information repository and dissemination agent for 15(c) 2-12 disclosure, to the extent applicable. Guarantor Applicants with Investment Grade Credit Ratings can choose to undertake any disclosure responsibilities under 15(c) 2-12 through a proprietary process.
- b) The Authority or the Guarantor Applicant will ensure that copies of all closing transcripts are forwarded to the Leon County Clerk, the County Attorney, and the County Administrator.

7) Criteria, Application and Fees.

a) Criteria for financing

- i) Community need: The primary criterion for financing any project will be the degree to which the community needs the proposed capital improvement. The issuer will require the presentation of all pertinent data and information, both objective and subjective, with respect to community needs before approving any project. In order to provide community need, a project shall make a significant contribution to the economic growth of Leon County; shall provide or preserve gainful employment; shall protect the environment; or shall serve a public purpose by advancing the economic prosperity, the public health, or the general welfare of the State and its people.
- ii) Financial feasibility: The County, as its discretion; shall have the authority to require a financial feasibility study to be completed by an independent financial feasibility consultant of recognized competence at the applicant's expense.

b) Fees

- i) A \$15,000 application fee is required at the time of application. The application fee is non-refundable in the event the bond issue does not close for any reason.
 - ii) A financing fee is required to be paid from the proceeds of the bonds at closing of the bond issue in an amount equal to (1%) of the principal amount of the bonds actually issued, or \$5,000 whichever is greater.
 - iii) The applicant shall pay to Leon County, an amount equal to all out-of pocket costs other than normal office expenditures for telephone charges, photocopying and the like incurred by the County in processing the application and issuing the bonds. The applicant shall reimburse the County for time expended by attorneys employed by the Office of the County Attorney in direct support of the bond issue. The applicant shall pay these expenses within ten (10) days after receipt of written invoice or demand for payment. These expenses may be deferred and collected from the proceeds of sale upon approval of the Board, provided the same shall not reduce the applicant's liability to pay the expenses in the event that no closing occurs.
 - iv) All fees and expenses of all such consultants required by the applicant (including but not limited to financial advisor, bond counsel, engineers, etc.) shall be the sole responsibility of the applicant.
- c) Application: The following is applicable to those entities seeking direct conduit financing through the County. The County Administrator and Finance Advisory Committee are hereby authorized to request any additional information deemed necessary to properly evaluate the request.
- i) Three original applications shall be submitted.
 - ii) The applicant shall execute an Expense and Indemnity Agreement in the form included as Attachment #1.
 - iii) Application questionnaire in the form included as Attachment

d) County Review

- i) Upon receipt of an application, the County's Finance Advisory Committee or designee shall determine whether an application is complete. No further processing of an incomplete application shall be done until the application is determined to be complete.
- ii) The County's Financial Advisor will prepare its written report to the County with respect to the issue.
- iii) A preliminary meeting will be scheduled of the County's Finance Advisory Committee.
 - (1) The committee may decide whether the applicant may make a presentation.
 - (2) The committee may recommend the project for further consideration by the Board of County Commissioners, contingent upon the applicant fulfilling all statutory requirements, the requirements of these Financing Guidelines, and any other requirements the County may deem appropriate depending on the circumstances; or
 - (3) The committee may reject the application; or
 - (4) The committee may request additional information.
 - (5) The committee shall submit its finding and recommendations to the Board for its consideration.

8) Authorities: It is the County's intent for all Authorities (other than the Leon County Housing Finance Authority) seeking a TEFRA of the County that the Authority adopt the same guidelines. Notwithstanding anything herein to the contrary, this Leon County Conduit Financing Policy shall not apply to any conduit bonds proposed to be issued by the Leon County Housing Finance Authority; provided, however, the Leon County Housing Finance Authority shall receive a positive recommendation from an independent credit underwriter before it gives final approval to the issuance of conduit bonds. Conduit bonds issued by the Leon County Housing Finance Authority shall comply with its Multi-Family Bond Program Application Procedures and Program Guidelines.

Attachment #1: Expense and Indemnity Agreement**(Leon County, FL)**

Proposed Bond Issue for:

Ladies and Gentlemen:

The undersigned corporation (The “Corporation”) has requested you to consider its application to have you issue the bonds referred to above (the “Bonds”) for the benefit of the Corporation and as an inducement to such consideration, hereby agrees with you as follows:

Section 1. Payment of Expenses:

Whether or not the Bonds are offered, sold or issued, the Corporation agrees to pay and be liable for, and to hold you harmless against the payment of any and all expenses relating to the Bond issue, including without limitation the fees and disbursements of your financial advisor, special counsel and bond counsel, your administrative charges and out-of pocket expenses, recording charges, expense of printing offering circulars, official statements, and the Bonds, legal advertising and expenses of registering the Bonds with the securities commission of any state.

Section 2. Indemnity:

Whether or not the Bonds are offered, sold or issued, the Corporation agrees to indemnify you, and each of your members, officers, agents, attorneys, advisors and employees against any and all claims and liability of whatsoever nature arising out of or relating directly or indirectly to the Bond issue, whether caused by you or the Corporation or otherwise, including, without limitation, claims based upon actual or alleged misrepresentation, fraud or other tortuous conduct, breach of contractual relationships, or violation of law or administrative rule, whether predicted upon federal or state statutes, common law, principles of equity or otherwise, excepting only claims based upon willful misfeasance or nonfeasance. In furtherance of the foregoing, the corporation agrees to pay any and all attorneys’ fees and court costs incurred in the defense of any of the persons herein above indemnified shall be entitled to retain counsel acceptable to you or them to defend any such claim, but that neither you nor any such person will enter into any settlement of the same without the prior written approval of the Corporation.

Section 3. Survival of Agreement:

This Agreement shall survive the closing of the Bond issue and shall not merge into or be superseded by any other agreement other than by a written amendment hereto specifically denominated as such and executed by you and the Corporation.

If the foregoing is acceptable to you, please indicate your acceptance in the space provided below, whereupon the Agreement shall become a binding contract between us.

Dated: _____

NAME OF CORPORATION:

By: _____

Its: _____

Accepted and agreed to as of the date above written:

(LEON COUNTY, FLORIDA)

LEON COUNTY, FLORIDA

BY: _____
_____, Chairman
Board of County Commissioners

APPROVED AS TO LEGAL SUFFICIENCY:
_____, County Attorney
Leon County Attorney's Office

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

By: _____

By: _____

Attachment #2: Leon County Application for Financing

(Please refer to pages 12-15)

Leon County Application for Financing

(Submit three original fully executed application forms with all required attachments and ten copies of the Application form with attachments and the application fee to the County at 301 S. Monroe St., Ste. 502)

A. Applicant

Corporation Name: _____

State of Incorporation: _____

Business Physical & Mailing Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

Applicant's Agent (if any) Name: _____

Business Physical & Mailing Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

Applicant's Legal Counsel: _____

Contact Person: _____

Telephone: _____ Fax: _____

Management of Project (if other than Applicant): _____

Applicant shall attach copies of items 1-6 below:

- Names and Business Address of Officers and Directors
- Articles of Incorporation
- By-Laws: If Applicant is a non-profit corporation, evidence that the Applicant is an Organization covered under Section 501(c) (3) of the Internal Revenue Code for prior three years.
- Audited Financial Statements of the Applicant for the preceding three years.
- Annual Report (if regularly issued)
- If Applicant is a public company under the securities and Exchange Act of 1934, a copy of form 10-K for the last three years.

Leon County Application for Financing

B. Project

Brief Description: (Include number and type of Jobs): _____

Location: _____

Real Property to be acquired, if any (attach legal description, if available): _____

Description of equipment or other personal property to be acquired (attach list, if applicable):

If the project is a health care project for which a Certificate of Need is required, has Certificate of Need been obtained?

No: _____ Yes: _____ Date: _____

(If yes, attach copy and give CON number: If no, give date of applications)

If no Certificate of Need is necessary, explain why: _____

Estimated total cost of project: \$ _____

Projects	Amount
Land Acquisition	
Design and Construction	
Acquisition of existing structures	
Equipment Purchase	
Other (Explain)	
Estimated Total Cost of Project	

Has any feasibility study been performed? No: _____ Yes: _____
(If yes, attach copy)

Timetable: Attach as detailed a timetable as is available for the project.

C. Financing

Note: If the applicant has not yet obtained this date, leave this part blank, and the County will assist in structuring the transaction and selecting underwriters, feasibility consultants, and other professionals.

Associated Expenditures	Project Cost
Amount of Bond or Note Issue	
Total Project Cost	
Cost of Issuance	
Monies Available from Other Sources (attach explanation)	
Sources of Debt Service Payments	
Additional Security of Guaranties	
Credit Enhancement Provider (Letter of Credit, Bond Issuance, Surety Bond, etc.)	
Final Maturity	
Total	

Are the proposed bonds to be junior in status to any other obligations of Applicant? No: ____ Yes: ____

(If yes, explain) _____

Underwriter's name: _____

Business Physical & Mailing Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

Underwriter's Counsel: _____

Business Physical & Mailing Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

C. Financing Cont'd

Feasibility Consultants: _____

Business Physical & Mailing Address: _____

Telephone: _____ Fax: _____

Contact Person: _____

If any, list other Consultants, Contractors, and/or Agents: _____

D. Refunding Issues:

If the proposed bond issue is for purposes of refunding previous debt, attach an official statement and all other "refunding documents," and a summary of the debt to be refunded.

E. Date of Application:

Applicant is required to submit an executed "Expenses and Indemnity Agreement" as required by the Guidelines.

For the Applicant: _____

Its: _____
(Corporate Seal)



June 27, 2022

Memorandum

To: Scott Ross, Director, Financial Stewardship

From: Jeremy Niedfeldt, PFM Financial Advisors LLC

RE: Holy Comforter Episcopal School – Private Activity Bond Application

Executive Summary

As financial advisor to Leon County (the “County”), PFM Financial Advisors LLC (“PFM”) has reviewed the proposed issuance of not to exceed \$5,635,000 Educational Facilities Refunding Revenue Bond, Series 2022 (the “Bond”) by the County on behalf of Holy Comforter Episcopal School, Inc. (the “Company”). The School was established in 1955 and the Company became incorporated as a Florida Not for Profit Corporation in 2001. The Bond is being issued for the purpose of refinancing the outstanding Series 2018 Education Facilities Revenue Bond originally issued to finance the acquisition, constructing and equipping of improvements to Holy Comforter Episcopal School constituting a new cafeteria and performing arts building. The Bond is being sold via private placement to Prime Meridian Bank (the “Bank” or “Lender”).

As financial advisor to the County, PFM is required to review all conduit bond financings for the County prior to a formal recommendation by staff for final approval by the Leon County Board of County Commission (the “Board”). Pursuant to the policy set forth in the Leon County Conduit Financing Policy No. 08-3, we have reviewed the proposed issuance of the Bonds for the purposes of: (1) assessing the financial position of the Company and its ability to pay debt service on the proposed Bond, (2) examining the categorization of debt and determining that criteria for issuing debt under one of the appropriate following three criteria are met for the bond (rated and/or enhanced debt, system debt, or other financings) and (3) identifying any risks and mitigating factors related to the proposed financing.

PFM has reviewed the financing structure and terms of the Bond and based on the Bond being privately placed with the Bank—a Sophisticated Investor—we believe the County’s Finance Advisory Committee (the “Committee”) has the information necessary to feel comfortable allowing the process to move forward towards approval by the Board for issuance of the Bond based on the proposed structure. Prior to formal approval of the Board being made, PFM recommends the Bank certifies that they are an accredited investor to comply with the Sophisticated Investor requirement before issuance of the Bond can take place. The balance of this report will provide further detail on the transaction structure.

Overview of Proposed Transaction

The following summarizes the terms and conditions of the Bond.

- **Par Amount:** Not to exceed \$5,635,000.
- **Purpose:** The Bond is being issued for the purpose of refinancing the Series 2018 Bond previously issued by the County for the Company for capital improvements.



- **Security/Collateral:** The loan will be secured by the following documents indicated below, all of which shall be satisfactory in form and substance to Lender:
 - a. Mortgage: A mortgage on all Company land with a loan-to-value ratio no greater than 80%.
 - b. Security Agreement: first lien on all personal property of the Company located within the facility.
- **Structure:** The Bond will be issued as a private placement with the Bank, at a fixed interest rate of 3.52% over the initial 7-year period (through July 31, 2029). The Bond will then reset annually based on the following formula: 79% x [the then 1-year Treasury Note Index plus a 3.00% margin] with a floor of 3.52%. The Bond will also include yield maintenance language which will be effective if a change in Federal Corporate Tax Rate were to negatively impact the Bank's benefit of owning a bank qualified tax exempt bond.
- **Term and Payment Structure:** The Bond will be fully funded at closing with a not-to-exceed par amount of \$5,635,000. Monthly payments of both principal and interest will be made through the life of the loan. Unless the loan is paid off early, the final maturity will be July 31, 2047.
- **Estimated Annual Debt Service:** Based on preliminary debt service schedules provided by the Bank, the estimated monthly payments at a rate of 3.52% for a deal structured to achieve level principal and interest payments over 25-years at the same rate, would be approximately \$30,000 (or \$360,000 annually). These figures are subject to change based on changes in the Federal Corporate Tax Rate (lowered from current 21%) and based on potential increases in market interest rates for future re-pricings after year 7 as market conditions change.
- **Other Conditions:** The Company will provide the Bank with audited financial statements within 120 days of the fiscal year-end, along with semi-annual statements within 30-days as requested by the Bank. The Company will also provide the Bank with all applicable tax returns within 30 days of filing.

Considerations

PFM's credit review was limited to a review of the Company's audited financial statements for fiscal years ended June 30, 2019 through June 30, 2021; Bank Term Sheet included in the commitment for financing; and other related documents. PFM has also reviewed the Loan Agreement associated with the 2018 Bond. PFM has not reviewed drafts of the 2022 Loan Agreement or Bond, as we understand those documents are currently being drafted in a form consistent with the 2018 Bond. PFM has not been engaged and has not undertaken to provide independent verification of the accuracy, completeness or fairness of this information.

The proposed 2022 Bond structure uniform to the 2018 Bond structure. Now that the interest only period has ended, monthly principal and interest payments will be similar to the 2018 Bond payments originally anticipated. The 2022 Bond adds an extra year of rate lock (at the same 3.52% rate) along with an extension of the final maturity by 1-year, which results in slightly lower payments. Issuance costs will be paid by the Bank.



Under no circumstances does the County have any financial obligation as it relates to payment of debt service on the Bond. As such, the issuance of the Bond should not have any adverse effect on the County's financial position.

The primary risk with the issuance of the proposed Bond is related to the Company's ability to continue operating the school in a manner that allows for timely debt service payments on the Bond.

PFM has reviewed the financial information provided by the Company. Based on this information, it is our opinion that the Company is well positioned to make the timely payment of debt service and if there is a failure to make payments there is no financial obligation on the part of the County to pay any shortfall.

Recommendation

Based on PFM's review of the financing structure and terms, it is our recommendation that the Committee recommend that the Board approve the issuance of the Bond once the School satisfies the threshold standards for System Debt in accordance with Leon County Conduit Financing Policy (Outlined below):

1. Prime Meridian Bank will certify that they are an Accredited Investor
2. The Company can demonstrate coverage of at least 1.10x maximum annual aggregate debt service on a pro-forma basis

Disclosure

PFM's services with respect to the issuance of the Bonds are limited solely to the matters set forth in the Leon County Conduit Financing Policy. The scope of such review does not include all matters that would normally be addressed by PFM for bonds secured by revenues of the County. In particular, PFM is not providing any opinion on the fairness of the interest rates on the Bonds or the various cost of issuing the Bonds, including the underwriter's discount. Our findings are limited to financial matters and we express no opinion as to any legal issues, including satisfaction of statutory requirements or compliance with regulatory rules or procedures.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #7

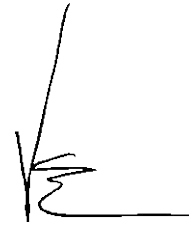
Leon County Board of County Commissioners

Agenda Item #7

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator



Title: Sheriff's Request for Utilization of Law Enforcement Trust Fund Assets

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:	Roshaunda Bradley, Budget Manager

Statement of Issue:

This item seeks the Board's approval to withdraw \$291,411 from the Law Enforcement Trust Fund as requested by the Sheriff for a variety of crime prevention and community safety programs.

Fiscal Impact:

This item has a fiscal impact of \$291,411. Adequate funding is available in the Law Enforcement Trust Fund. As of June 28, 2022, the fund has a balance of \$294,424.

Staff Recommendation:

Option #1: Approve the transfer of \$291,411 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for crime prevention and school resource deputy programs.

Report and Discussion

Background:

As requested by the Sheriff (Attachment #1), this item seeks the Board's approval to withdraw \$291,411 from the Law Enforcement Trust Fund for a variety of crime prevention and community safety programs.

Florida Statute addresses the disposition of liens and forfeited property and allows for the establishment of a special law enforcement trust fund that defines the conditions under which a Board of County Commissioners can allow proceeds from such a fund to be expended. Section 932.7055, Florida Statutes, provides for disposition of liens and forfeited property as follows:

- The proceeds from the sale of forfeited property shall be disbursed in the following priority: (a) payment of the balance due on any lien preserved by the court in the forfeiture proceedings, (b) payment of the cost incurred by the seizing agency in connection with the storage, maintenance, security, and forfeiture of such property, and (c) payment of court costs incurred in the forfeiture proceeding
- If the seizing agency is a county or municipal agency, the remaining proceeds shall be deposited in a special law enforcement trust fund established by the board of county commissioners or the governing body of the municipality. Such proceeds and interest earned shall be used for school resource officers, crime prevention, safe neighborhoods, drug abuse education and prevention programs, or for other law enforcement purposes, which include defraying the cost of protracted or complex investigations, providing additional equipment or expertise, purchasing automated external defibrillators for use in law enforcement vehicles, and providing matching funds to obtain federal grants. The proceeds and interest may not be used to meet normal operating expenses of the law enforcement agency.

The Statute gives the Sheriff's Office the discretion to determine which program(s) will receive the designated proceeds. The funds may be expended upon request by the Sheriff to the Board of County Commissioners, accompanied by a written certification that the request complies with the provisions of the Statute.

Analysis:

Sheriff Walt McNeil has requested a draw of \$291,411 from the Law Enforcement Trust Fund for crime prevention and community safety programs (Attachment #1). The Attachment lists the programs (e.g. crime prevention safe neighborhood, drug abuse, etc.) that have or will be funded through this request. In addition, this request will assist in providing \$70,000 in funding for the Council on Men and Boys as previously approved by the Board. The Sheriff has certified that the expenses related to the Law Enforcement Trust Fund assets are in accordance with the requirements of Florida Statutes.

As of June 28, a balance of \$294,424 is available in the Law Enforcement Trust Fund. The funds will be disbursed directly from the trust fund.

Options:

1. Approve the transfer of \$291,410 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for crime prevention and school resource deputy programs.
2. Do not approve the transfer of \$291,410 from the Law Enforcement Trust Fund to the Sheriff's Office General Operating budget for crime prevention and school resource deputy programs.
3. Board direction.

Recommendation:

Option #1

Attachment:

1. Law Enforcement Trust Fund letter from the Sheriff

**Sheriff Walt McNeil****LEON COUNTY SHERIFF'S OFFICE****HONESTY & INTEGRITY ACCOUNTABILITY TEAMWORK TRUST & RESPECT COMMITMENT TO EXCELLENCE**

June 26, 2022

Honorable Chairman Bill Proctor
Board of County Commissioners
Leon County Courthouse
301 S. Monroe Street
Tallahassee, FL 32301

Dear Chairman Proctor,

The Leon County Sheriff's Office respectfully requests a draw from the Law Enforcement Trust Fund in the amount of \$291,410.87 to be utilized in support of various crime prevention activities and programs.

I hereby certify the expenditures are allowable and comply with Section 932.7055 F.S. Please feel free to call me if you have questions.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Walt McNeil".

C55841F868C045F...

Walt McNeil
Sheriff

WM/emg

**Post Office Box 727 ★ Tallahassee, Florida 32302-0727****Office (850) 606-3300 ★ Detention (850) 606-3500**www.leoncountysos.com

Page 177 of 1559

The logo for "ALLin" with a large "A" containing a star. Below it, the text "ALLin" is in a large, bold, sans-serif font. Underneath that, in smaller text, it says "Posted July 1, 2022" and "Working together to make Leon County safer".

**LEON COUNTY SHERIFF'S OFFICE****MEMORANDUM**

DATE: 2/23/2022 **MEMORANDUM #:** 22-1680

TO: Sheriff Walt McNeil DocuSigned by: Walt McNeil C55841F868C045F...

THROUGH: Assistant Sheriff Ron Cave DocuSigned by: Ronald Cave 15DD0AF490E941A...

FROM: Elise Gann, Chief Financial Officer DocuSigned by: Elise Gann C4F6472C739A4AF...

SUBJECT: 2021-2022 State Forfeiture Forfeiture Fund Request

MESSAGE:

The following request is for reimbursement of forfeiture funds from the Board of County Commissioners for funds spent in FY 2021 and FY 2022 in the amount of \$291,410.87. The Florida Contraband Act (F.S. 932.7055) allows for expenditures to support school resource officer, crime prevention, safe neighborhood, drug abuse education, or drug prevention programs or such other law enforcement purposes.

150-700-58272 LETF Crime Prevention – Aid to Private Organizations \$ 291,410.87

Total Forfeiture Request **\$291,410.87**

At this time, the law enforcement trust fund has been depleted and any future approved contributions will be made from the general fund.

Leon County Sheriff's Office
FY 22 LETF Expenditures

Row Labels	Sum of Amount		
THE LOVE IDENTITY FOUNDATION AND EN	50,000.00		
BIG BEND CRIME STOPPERS	25,000.00		
TALLAHASSEE COMMUNITY COLLEGE	10,000.00		
WE ARE ALL WE NEED INC.	7,500.00		
SUWANNEE RIVER AREA COUNCIL	5,350.00	FY 21 Fund Balance	\$ 79,056.19
BOYS TOWN NORTH FLORIDA	5,000.00	FY 22 Expenditures to date	\$ 132,076.00
FELLOWSHIP OF CHRISTIAN ATHLETES	4,250.00	Council on Men and Boys	\$ 70,000.00
BOYS & GIRLS CLUBS OF THE BIG BEND	3,000.00	Anticipated FY 22 and FY 23 donations*	\$ 10,278.68
BIG BROTHERS BIG SISTERS OF THE BIG	2,500.00		<u>\$ 291,410.87</u>
THE MLK FOUNDATION OF FLORIDA INC	1,500.00		
RECLAIMING THE LAND INC	1,500.00		
2/25/2022 EB 12TH ANNUAL LINKS	1,025.00		
SOUL CITY FOUNDATION	1,000.00		
CITY WALK URBAN MISSION	1,000.00		
NFC QB CLUB	1,000.00		
KAPPA ALPHA PSI	1,000.00		
MEGA ACE MEDIA, LLC	1,000.00	* up to available balance per Clerk's Office	
211 BIG BEND INC	711.00		
UNITED WAY	700.00		
LEON COUNTY SCHOOL BOARD	600.00		
FLORIDA SHERIFFS YOUTH RANCHES INC	500.00		
PEYTON TUTHILL FOUNDATION	500.00		
WINTHROP PARK BASEBALL	500.00		
PROJECT ANNIE INC	500.00		
TALLAHASSEE LEON BABE RUTH	500.00		
BIG BEND HOSPICE	500.00		
THE PACE CENTER FOR GIRLS	500.00		
ROTARY CLUB OF TALLAHASSEE	500.00		
MADD	500.00		
SALVATION ARMY TALLAHASSEE	500.00		
CAPITAL PARK BASEBALL	500.00		
WOODVILLE LITTLE LEAGUE	500.00		
LAW ENFORCEMENT GALA	400.00		
POLICE UNITY TOUR INC	400.00		
CHAIRES CAPITOLA LITTLE LEAGUE	400.00		
CAPITAL CITY CLASSIC	350.00		
MOTHERS IN CRISIS, INC	300.00		
FLORIDA MISSING CHILDRENS DAY FOUND	250.00		
BBVAC	140.00		
ZETA PHI BETA SORORITY, INC	100.00		
CITIZENS FOR A SUSTAINABLE FUTURE I	100.00		
Grand Total	132,076.00		

Leon County Sheriff's Office
FY 21 LETF Expenditures

Row Labels	Sum of Amount
DREAM BUILDERS	25,500.00
SUWANNEE RIVER AREA COUNCIL	22,500.00
BOYS & GIRLS CLUBS OF THE BIG BEND	8,000.00
BOYS TOWN NORTH FLORIDA	3,500.00
REFUGE HOUSE	3,000.00
ORANGE COUNTY SHERIFFS OFFICE	3,000.00
A CHILD IS MISSING INC	3,000.00
FELLOWSHIP OF CHRISTIAN ATHLETES	2,500.00
NEW MT ZION AME CHURCH	2,000.00
THE MLK FOUNDATION OF FLORIDA INC	1,500.00
CAPITAL PARK BASEBALL	1,500.00
THE SOUTH FOUNDATION INC	1,500.00
FOUNDATION FOR LEON COUNTY SCHOOLS	1,100.00
BIG BEND CRIME STOPPERS	1,050.00
WHOLE CHILD LEON	1,000.00
MADD	1,000.00
TALLAHASSEE UNCONQUERED INC	1,000.00
FAMU FOUNDATION INC	1,000.00
THE KINGSMAN CLUB	1,000.00
BIG BEND MINORITY CHAMBER OF COMMER	1,000.00
POLICE UNITY TOUR INC	1,000.00
DYNAMIC EXPLOSION CHEER INC	1,000.00
NFC QB CLUB	1,000.00
KAPPA ALPHA PSI	1,000.00
BIG BEND HOSPICE	800.00
FLORIDA JUVENILE JUSTICE FOUNDATION	500.00
ACHIEVE HIGHER GROUND	500.00
THE JOHN G RILEY CENTER / MUSEUM	500.00
JAMES S RICKARDS HIGH SCHOOL	500.00
ROTARY CLUB OF TALLAHASSEE	500.00
SPIRIT OF A CHILD FOUNDATION LLC	500.00
EQUALITY FLORIDA INSTITUTE	500.00
TALLAHASSEE LEON BABE RUTH	500.00
P&A STRATEGIES INC	500.00
THE PACE CENTER FOR GIRLS	500.00
CAPITAL CITY CHAMBER OF COMMERCE	500.00
TOM BROWN JUNIOR MAJOR LEAGUE	500.00
PROJECT ANNIE INC	500.00
SALVATION ARMY TALLAHASSEE	500.00
CHAIRES CAPITOLA LITTLE LEAGUE	400.00
CAPITAL CITY CLASSIC	350.00
MOTHERS IN CRISIS, INC	300.00
FLORIDA MISSING CHILDRENS DAY FOUND	250.00
JACKSON COUNTY SHERIFFS OFFICE	175.00
BIG BEND CARES INC	100.00
ROTARY CLUB OF TALLAHASSEE SOUTHSID	100.00
COUNCIL FOR A STRONG AMERICA	100.00
Grand Total	99,225.00

10/1/2020 Fund Balance	\$ (20,068.81)
FY 21 Expenditures	\$ 99,225.00
9/30/2021 Fund Balance	<u>\$ 79,156.19</u>

* did not request LETF Draw

**Leon County
Board of County Commissioners
Notes for Agenda Item #8**

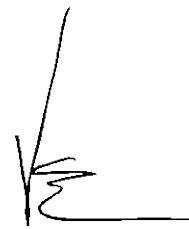
Leon County Board of County Commissioners

Agenda Item #8

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator



Title: Proposed Resolution Authorizing Conveyance of Easement Interest in County Amtrak Complex at 912-918 Railroad Avenue to the City of Tallahassee

Review and Approval:	Vincent S. Long, County Administrator Chasity H. O'Steen, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Scott Ross, Director, Office of Financial Stewardship Brent Pell, Director, Public Works Charles Wu, Director, Engineering Services
Lead Staff/ Project Team:	Kim Vickery, Real Estate Manager Dan Rigo, Senior Assistant County Attorney

Statement of Issue:

This item seeks Board adoption of a Resolution authorizing conveyance to the City of Tallahassee of a perpetual parking and maintenance easement interest in the County Amtrak Complex at 912-918 Railroad Avenue. This easement will allow the City to provide for the maintenance and operation, and future reconstruction as needed, of three public parking spaces on the Bike Boulevard right-of-way along the northerly boundary of the Amtrak Complex which will partially encroach into the County's property.

Fiscal Impact:

This item has no fiscal impact.

Recommendation:

- Option #1: Adopt the Resolution authorizing the conveyance of a perpetual parking and maintenance easement interest in the County's Amtrak Complex, located at 912-918 Railroad Avenue, to the City of Tallahassee (Attachment #1), and authorize the Chairman to execute the associated Easement Agreement, subject to legal review by the County Attorney.
- Option #2: Authorize the Chairman and/or County Administrator to execute any associated documents subject to legal review by the County Attorney.

Report and Discussion

Background:

This item seeks Board adoption of a Resolution (Attachment #1) authorizing conveyance a 471-square-foot perpetual parking and maintenance easement interest in the County Amtrak Complex at 912-918 Railroad Avenue. This easement will allow the City to provide for the maintenance and operation, and future reconstruction as needed, of three public parking spaces on the City's Bike Boulevard right-of-way along the northerly boundary of the Amtrak Complex, which will partially encroach into the County's property. A map showing the location of the Amtrak Complex and a sketch of the parking and maintenance easement area are attached to the proposed Resolution as Exhibits "A" and "B," respectively.

As part of the County's redevelopment project at the Amtrak Complex, improvements will be constructed along the Bike Boulevard frontage including, but not limited to, curbing, landscaping, sidewalks, and public parking spaces. The City of Tallahassee is owner of the Bike Boulevard right-of-way and is responsible for its operation and maintenance, including the public parking spaces to be constructed as part of the County's redevelopment project. The design and construction of the Bike Boulevard public parking spaces will result in an encroachment of approximately 417 square feet into the northern boundary of the Amtrak Complex and, in order for the City to properly operate and maintain the public parking spaces, and perform any future reconstruction as needed, the County and the City have agreed that a perpetual parking and maintenance easement will need to be conveyed from the County to the City. That will permit the City to enter on to the County's Amtrak Complex from Bike Boulevard for purposes of operating and maintaining the public parking spaces and performing any future reconstruction as needed.

Analysis:

Pursuant to Section 125.38, Florida Statutes (2022), the City of Tallahassee may make a request to the Board for the conveyance of all, or a portion, of its real property interests in a parcel to be used for the purposes of the public or community interests and welfare. This request is part of the broader area improvements including the Railroad Avenue Improvements project managed and funded by the City. The new on-street parking spaces created on the south side of Bike Boulevard will be available to the public including the visitors to Tourist Development, DOMI, and Dental Clinic. The Board, if satisfied that the property is required for such use by the City and is not needed for County purposes, may convey the property interests to the City at a private sale. A price, whether nominal or otherwise, may be set for the conveyance of the property interests. This procedure requires the adoption of a resolution by the Board.

The County's redevelopment project at the Amtrak Complex is anticipated to be completed in fall 2022. In order to allow for the City's operation and maintenance of the Bike Boulevard public parking spaces upon completion of the County's project, it is recommended that the Board adopt the Resolution authorizing the conveyance of the parking and maintenance easement interest in the County's Amtrak Complex, and that there be no purchase price or fee for the conveyance.

Options:

1. Adopt the Resolution authorizing the conveyance of a perpetual parking and maintenance easement interest in the County's Amtrak Complex, located at 912-918 Railroad Avenue, to the City of Tallahassee (Attachment #1) and authorize the Chairman to execute the associated Easement Agreement, subject to legal review by the County Attorney.
2. Authorize the Chairman and/or County Administrator to execute any associated documents, subject to legal review by the County Attorney.
3. Do not adopt the proposed Resolution authorizing the conveyance of a perpetual parking and maintenance easement interest in the County's Amtrak Complex, located at 912-918 Railroad Avenue, to the City of Tallahassee.
4. Board direction

Recommendation:

Options #1 and #2

Attachment:

1. Resolution conveying a perpetual parking and maintenance easement in the County's Amtrak Complex to the City of Tallahassee.

RESOLUTION: R22-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, PURSUANT TO FLA. STAT. §125.38, AUTHORIZING THE CONVEYANCE OF AN EASEMENT INTEREST IN THE COUNTY PROPERTY KNOWN AS THE AMTRAK COMPLEX, LOCATED AT 912-918 RAILROAD AVENUE, TO THE CITY OF TALLAHASSEE FOR USE IN CONSTRUCTION, OPERATION AND MAINTENANCE OF NON-EXCLUSIVE PUBLIC PARKING

WHEREAS, Leon County, Florida (the “County”) is the owner of the 2.47-acre parcel located at the southwest corner of Railroad Avenue and Bike Boulevard, with a mailing address of 912-918 Railroad Avenue, and commonly known as the Amtrak Complex as depicted in the area location map attached hereto and incorporated herein as Exhibit “A” (the “County Property”); and

WHEREAS, as part of the County’s redevelopment project at the Amtrak Complex, improvements will be constructed along the Bike Boulevard frontage of the County Property including, but not limited to, curbing, landscaping, sidewalks, and public parking spaces; and

WHEREAS, the City of Tallahassee is owner of the Bike Boulevard right-of-way and is responsible for the operation and maintenance of Bike Boulevard, including the public parking spaces to be constructed as part of the County’s redevelopment project at the Amtrak Complex; and

WHEREAS, the design and construction of the Bike Boulevard public parking spaces will result in an encroachment of approximately 417 square feet into the northern boundary of the County Property and, in order for the City to properly operate and maintain the public parking spaces, and perform any future reconstruction as needed, the County and the City have agreed that a perpetual parking and maintenance easement will need to be conveyed from the County to the City, thereby permitting the City to enter on to the County Property from Bike Boulevard, in the 417-square-foot area as shown in Exhibit “B” attached hereto and incorporated herein (the “Easement Area”), for purposes of operating and maintaining the public parking spaces and performing any future reconstruction as needed; and

WHEREAS, this Resolution is adopted pursuant to the provisions of Section 125.38, Florida Statutes, which allows the County to convey its real property interests to a municipality of the State of Florida if the Board of County Commissioners is satisfied that such real property interests are not needed for County purposes, are used for a public purpose or to promote community interest and welfare, and are needed for such use, which findings and price for such conveyance are to be recited in a resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida (the “Board”), assembled in regular session this 12th day of July, 2022, as follows:

1. That the City is a municipality under the laws of the State of Florida within the meaning of Section 125.38, Florida Statutes.

2. That the City, for purposes of operating and maintaining the Bike Boulevard public parking spaces, and performing and future reconstruction as needed, has requested that the County convey to the City a perpetual parking and maintenance easement interest in, over, across, under, and through the Easement Area (the "Parking and Maintenance Easement").

3. That the City's use of the Easement Area will be for a public use within the meaning of Section 125.38, Florida Statutes, as a component of operation and maintenance of the Bike Boulevard right-of-way.

4. That the conveyance of the Parking and Maintenance Easement to the City is required for such public use by the City, and that the Easement Area is not needed for any County purpose.

5. That the consideration paid to the County for conveyance of the Parking and Maintenance Easement shall be ZERO AND 00/100 DOLLARS (\$0.00).

6. That, in accordance with the terms and conditions set forth herein, the Parking and Maintenance Easement interest in, over, across, under, and through the Easement Area, depicted as the shaded area in Exhibit "B," may be conveyed to the City.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the 12th day of July, 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of the
Court & Comptroller, Leon County, Florida

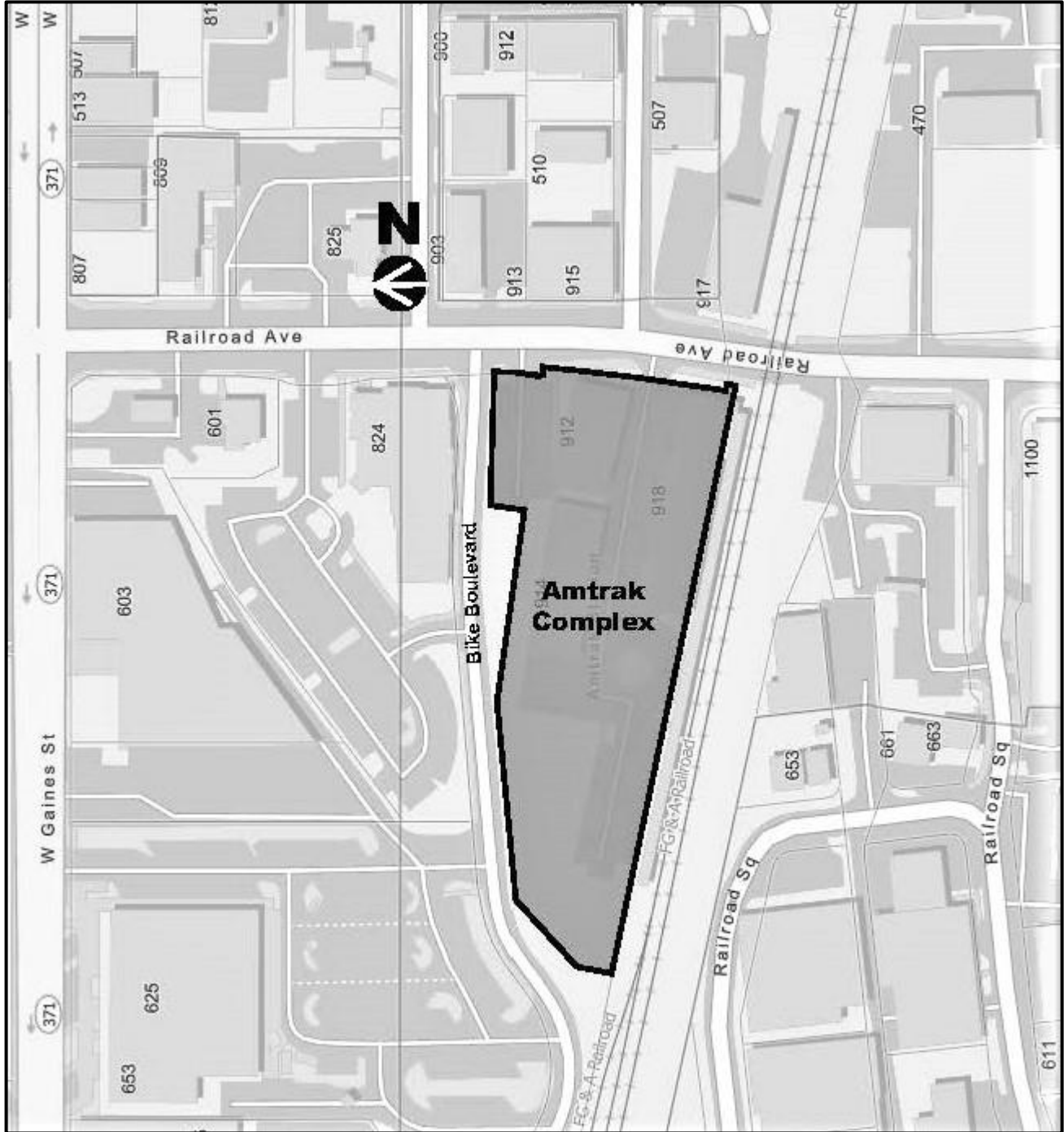
BY: _____

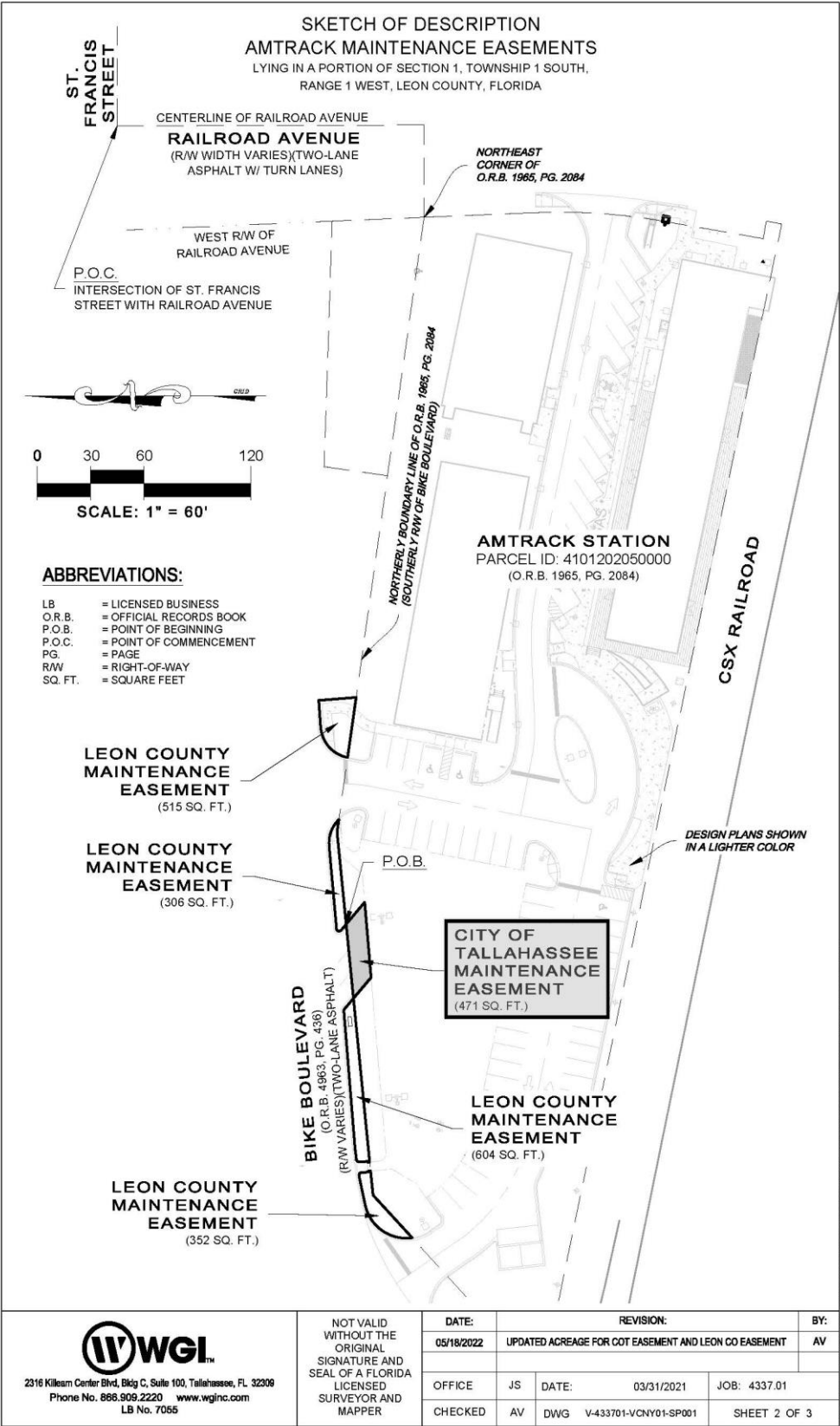
APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

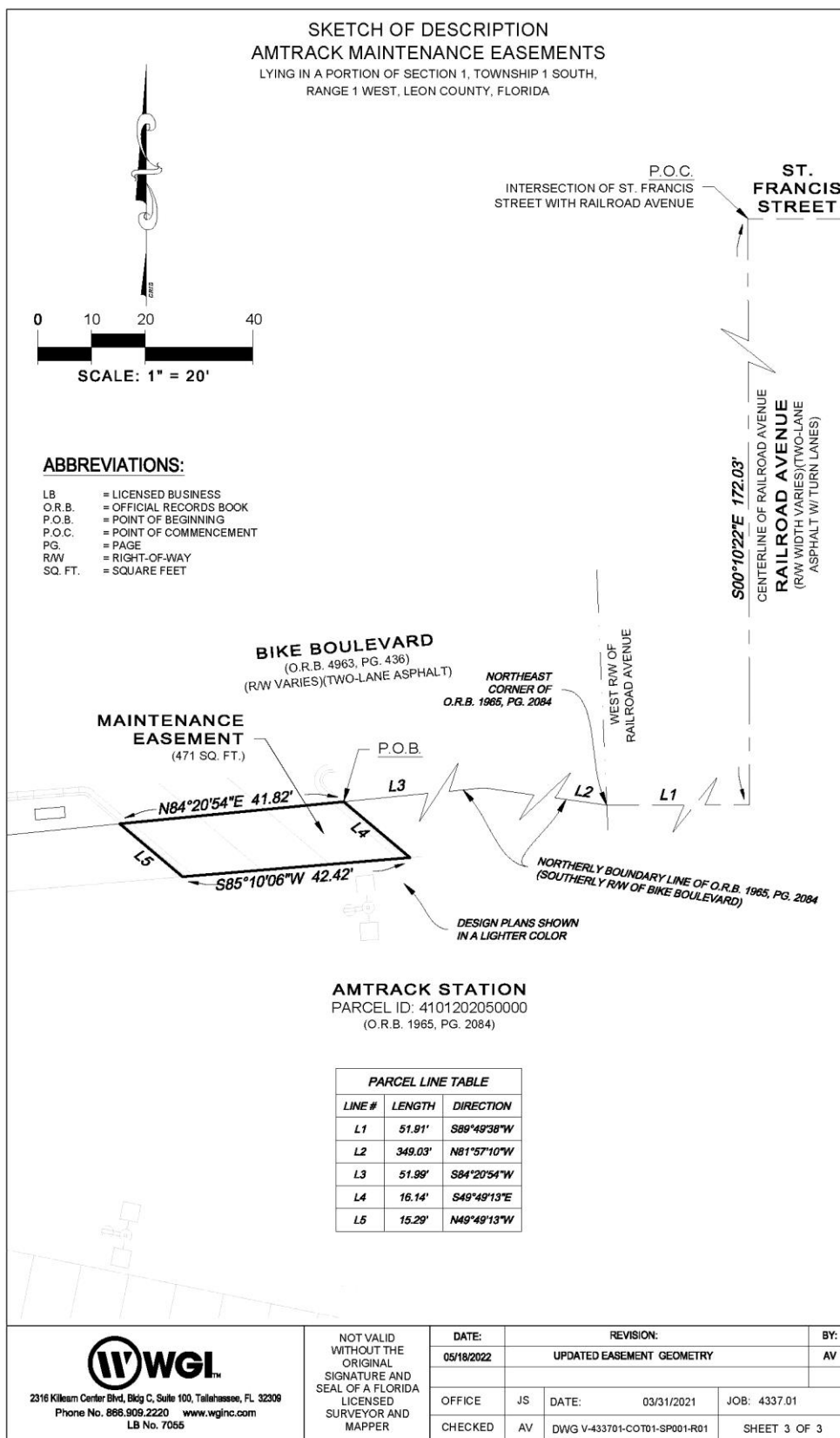
By: _____

Exhibit "A"
The County Property

Amtrak Complex
(912-918 Railroad Avenue)







**Leon County
Board of County Commissioners**

Notes for Agenda Item #9

Leon County Board of County Commissioners

Agenda Item #9

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Interlocal Agreement with the City of Tallahassee on the State Housing Initiative Partnership

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator Shington Lamy, Director, Office of Human Services and Community Partnership
Lead Staff/ Project Team:	Matthew Wyman, Housing Services Manager

Statement of Issue:

This item seeks Board approval of the proposed Interlocal Agreement with the City of Tallahassee on the State Housing Initiatives Partnership to better align County and City housing programs. Additionally, this item requests Board approval to realize \$70,000 from the Housing Finance Authority of Leon County to support the Phase I redevelopment of the Orange Avenue Apartments.

Fiscal Impact:

This item has a fiscal impact. The State Housing Initiatives Partnership (SHIP) allocation is contemplated in the preliminary FY 2023 County budget. In addition, the Housing Finance Authority of Leon County has allocated \$70,000 to support the Tallahassee Housing Authority's Phase I redevelopment of the Orange Avenue Apartments

Staff Recommendation:

See next page.

Staff Recommendation:

- Option #1: Approve the proposed Interlocal Agreement with the City of Tallahassee on the State Housing Initiative Partnership and authorize the County Administrator to execute the Agreement (Attachment #1).
- Option #2: Adopt the Resolution approving the proposed revisions to FY 2021-2023 Leon County SHIP Local Housing Assistance Plan (Attachment #2).
- Option #3: Approve the proposed expenditures for the FY 2022-2023 SHIP allocation and authorize the County Administrator to reallocate funds within the State Housing Initiative Partnership program when necessary to maximize opportunities to increase or preserve affordable housing.
- Option #4: Approve the Resolution and associated Budget Amendment realizing funding from the Housing Finance Authority of Leon County in the amount of \$70,000, to support the Phase I redevelopment of the Orange Avenue Apartments (Attachment #3).

Report and Discussion

Background:

As requested at the February 22, 2022 joint workshop on affordable housing, this item seeks Board approval of the proposed Interlocal Agreement with the City of Tallahassee (City) on the State Housing Initiatives Partnership to better align County and City housing programs. Additionally, this item requests Board approval to realize \$70,000 from the Housing Finance Authority of Leon County to support the Phase I redevelopment of the Orange Avenue Apartments.

The proposed Interlocal Agreement with the City of Tallahassee on the SHIP program advances the following FY2022-FY2026 Strategic Initiative:

- *Work with the City of Tallahassee on the development and implementation of the Neighborhood First Program to engage residents and develop plans to address poverty and inequity in targeted neighborhoods including 32304 (2022-33)*

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

- *(Q5) Promote livability, health and sense of community by supporting strong neighborhoods, enhancing mobility, encouraging human scale development, and creating public spaces for people of all ages.*

The SHIP Program is administered by the Florida Housing Finance Corporation (FHFC) and funded by the Documentary Stamp Tax (Doc Stamp Tax). A portion of the Doc Stamp Tax is deposited into the State of Florida's Local Government Housing Trust Fund to be considered by the Florida Legislature for budgeting for the SHIP to support affordable housing. SHIP funds are distributed to local governments based on population size. Earlier this year, the State Legislature approved a \$209 million budget for the SHIP for the State's Fiscal Year 2022-2023, beginning on July 1, 2022. Leon County will receive \$936,449 and the City will receive \$1,904,718.

SHIP is the primary funding source for the County's affordable housing programs, which include Down Payment Assistance, Emergency Home Repair, Home Rehabilitation, Home Replacement, Rental Development, and Homeownership Development. In accordance section 420.9072(2), Florida Statutes, and with Rule 67-37.005, Florida Administrative Code, to participate in the SHIP, local governments must maintain an LHAP which serves as Board policy governing the provision of SHIP funded affordable housing programs benefitting low- to moderate-income households.

On February 22, 2022, the Board held a joint workshop on affordable housing with the City Commission and directed its respective staff to draft an interlocal agreement for the collaboration on the SHIP program, for future consideration. The Board ratified its actions taken at the joint workshop at its March 8, 2022 regular meeting. As presented at the workshop, an interlocal agreement authorizing the use of County SHIP funds within the City limits would strengthen both the County and City's mutual goals of increasing the stock of the affordable housing the community needs most – rental units for households that earn 50% or less of the area median income (AMI). An interlocal agreement would also support the City's Neighborhood First Program, which focuses on improving the social and economic outlook for the Bond, Frenchtown, Griffin Heights, Providence, and South City neighborhoods that have historically experienced generational poverty.

Analysis:

As presented in this item, Leon County is committed to increasing the stock of affordable housing in the community in coordination with local partners and stakeholders. The following sections of the Analysis details the proposed interlocal agreement with the City to invest County SHIP funds within the City limits to build new single-family homes and multi-family housing in neighborhoods that have historically experienced poverty and economic inequities. As explained later in this section, proposed developments within the City limits that are determined appropriate for County SHIP funds would be brought to the Board for its consideration. The next section highlights proposed changes to the County's LHAP to better align County and City housing programs. Subsequently, the proposed expenditure for the County's FY 2023 SHIP allocation is presented that will increase the stock of affordable housing through the development of new homes and down payment assistance as well as preserve homes of low-income families through home rehabilitation and replacements. Finally, the Analysis section describes the financial collaboration with the Housing Finance Authority of Leon County for the redevelopment of the Orange Avenue Apartments Phase I.

Interlocal Agreement on the State Housing Initiative Partnership

The proposed Interlocal Agreement (Agreement) authorizes the County to expend a portion of its SHIP funds within the City limits for projects that increase the stock of affordable housing for low-income residents. The Rental Development and the Homeownership Development Programs provide funding to developers to build rental units or owner-occupied housing (e.g., single-family, townhomes, etc.) for residents that earn 80% or below the AMI. The funds may also be utilized for land acquisition, infrastructure, rezoning, permitting and other development costs. The residential units produced using funds from these programs must remain affordable to low-income households for a minimum of 30 years. Rental Development and Homeownership Development projects within the City limits proposed for utilization of County SHIP funds would be brought to the Board for its consideration as explained later in the analysis.

Additionally, County SHIP funds earmarked for the SHIP Disaster Recovery Program may also be utilized within the City limits. When a disaster is declared by the President of the United States or the Governor of Florida, impacted communities receive additional funding, including special or one-time allocations from the FHFC as part of the SHIP to support recovery among households with income at or below 120% of area median income. Recovery assistance includes services such as roof and structural repairs to the home; rental assistance when displaced from the home; debris removal; and insurance deductibles.

In support of the Board's strategic initiatives to engage residents and develop plans to address poverty and inequity in targeted neighborhoods, County SHIP funds would be utilized in concert with City SHIP funds to build affordable housing primarily within neighborhoods identified in the City's Neighborhood First Program, which include Bond, Frenchtown, Griffin Heights and Providence. The County and City would coordinate and collaborate with partners such as Big Bend Habitat for Humanity, the Community Land Trust, and Promise Land Community Development Corporation (recently established by Bethel Missionary Baptist Church) to build affordable homes within these neighborhoods.

To ensure the County maintains sufficient SHIP funds to support programs for citizens residing in unincorporated areas, the proposed Agreement limits the amount of County's contribution for projects within the City to no more than 20% for rental units and no more than 30% for homeownership units of the County's annual SHIP allocation. As outlined in the proposed Agreement and LHAP, County SHIP funding will continue to be distributed directly to the County, and the County will maintain responsibility for administering its program funds.

The City will consider the proposed Agreement at its July 13, 2022 Commission meeting. Communities with an interlocal agreement must incorporate the agreement into their respective LHAPs which, as noted previously, serves as policy governing the provision of SHIP funded affordable housing programs. The following section of the analysis presents the proposed revisions to the County LHAP that serve to better align the County and City's housing programs.

Proposed Revisions to the Local Housing Assistance Plan (LHAP)

The following revisions are proposed for the Disaster Recovery Program and are reflected in the amended LHAP (Attachment #2):

- Reduce grant assistance from up to \$150,000 to up to \$30,000 for purchase of emergency supplies as well as services such as rental, mortgage and purchase assistance, storm damage mitigation and prevention, home repair, etc. ***(the reduction was required by FHFC after determining the current County and City maximums were too high)***.
- Include site-built (block structures or modular homes and mobile homes built after June 1994 including those on rented land as eligible for the Disaster Recovery Program).
- Assist eligible applicants through existing programs such as Home Rehabilitation (up to \$75,000) and Home Replacement (up to \$200,000 if the cost of the rehabilitation of the home is expected to surpass 50% of the value of the home) if home repairs and other needs exceed \$30,000.
- Recipients of the Disaster Recovery Program are not required to be 55 years of age or older or meet the 20% Special Needs set aside criteria established in Florida Statutes (a disabled person including those in receipt of such benefits; a young adult formerly in foster care; a survivor of domestic violence; or an adult requiring independent living services) to be assisted through the Home Rehabilitation and Home Replacement programs.

To improve access, transparency and awareness of programs that benefit eligible homeowners, the amended LHAP proposes that applicants be required to participate in a Leon County SHIP program educational workshop, that would present home maintenance best practices and inform citizens of program rules and requirements, including actions citizens must take to successfully complete an application for assistance.

On June 21, 2022 the proposed revisions to the County LHAP were preliminarily approved by FHFC. City staff is reviewing its LHAP to ensure it closely mirrors the County's programs as they pertain to the proposed Agreement.

State Housing Initiative Partnership Proposed Funding Expenditures

As previously discussed, local governments that participate in the SHIP receive funding annually to support activities such as down payment assistance, financial counseling, home rehabilitation (including repairs and replacement) and the Rental Development and Homeownership Development programs. Funding is made available at the start of each state fiscal year (July 1) and must be expended in three years. The approved SHIP budget for the state Fiscal Year 2022-2023 (signed by the Governor June 2, 2022) will result in the County being allocated \$936,449 compared to \$673,269 for the year prior.

At the June 21, 2022 Budget workshop, the Board preliminarily approved the Preliminary Fiscal Year 2023 funding levels which includes the annual SHIP allocation of \$936,449. Additionally, as part of workshop, SHIP funded personnel costs were preliminarily approved for the creation of a new Affordable Housing Coordinator position that will support the Homeowner Development and Rental Development programs, and enhance the service level for program participants, contractors and developers, throughout the application and case management process across all housing programs.

Historically, the County's SHIP funded programs assisted approximately 30 households annually, including 20 that received Home Rehabilitation services and 10 homebuyers receiving down payment assistance. However, with the new funding allocation, additional families will be assisted through the rental and homeownership development programs. Actual numbers of units developed will be provided annually as part of the SHIP agenda item. In consideration of the increase in SHIP funding, recent program activity and the need for more housing units, it is recommended that the Board incorporate SHIP program funding for State Fiscal Year 2022-2023 at the levels presented below in Table #1 and authorized the County Administrator to realign funds within the various program activities, when necessary, to maximize opportunities to increase or preserve affordable housing and meet grant requirements.

Table 1: Fiscal Year 2022-2023 Proposed State Housing Initiative Partnership Expenditure Budget

SHIP Program Activity	Amount
Personnel Costs	\$81,119
Home Rehabilitation program (including Emergency Home Repair and Home Replacement)	\$400,000
Rental Development and Homeownership Development	\$320,330
Down Payment Assistance & Financial Counseling	\$135,000
TOTAL	\$936,449

As required by FHFC, public notices regarding the availability of the funding for the housing programs (Home Rehabilitation, Homeowner Development, Rental Development, Down Payment Assistance, and Financial Counseling) will be advertised in the Tallahassee Democrat, the Capital Outlook and promoted on the Division of Housing Services' website for at least 30 days prior to accepting applications.

Following advertisement of funding availability, homeowners interested in participating in the County's SHIP Home Rehabilitation programs must attend the SHIP program workshop.

Applications will be reviewed on a first come, first serve basis and eligible applications will be prioritized in accordance with SHIP requirements. Applications for Down Payment Assistance and Financial Counseling will also be reviewed on a first come, first serve basis and eligible applications will be prioritized to meet SHIP requirements which includes households with a special needs individual. Applications for the Homeownership Development program would primarily be accepted for proposed development of single-family homes on County-owned properties through a competitive bid process. Request for proposals in accordance with the County's Purchasing Policy would be released for homeownership development on County-owned property deemed suitable for affordable housing by the Board. Annually, the Board approves a list of properties escheated to the County as suitable for affordable housing. County staff would evaluate the applications based on cost.

If County-owned properties are not identified for homeownership development, then applications will be solicited from developers to build affordable single-family homes on private properties for low-income residents. Applications will be reviewed by County staff on criteria that will include ownership or site control of the property or properties; the number of affordable single-family homes to be built; the number of homes built within a Neighborhood First Plan neighborhood; and the number of homes that will be included within the Community Land Trust (CLT) to ensure long-term affordability. The CLT was established jointly by the County and City as tool to preserve the affordability of homes by separating the cost of a home from the cost of the land. This allows the land to be leased by the CLT to the homeowner and limits the increase of the sales price of the home to ensure it remains affordable. Awards for Home Rehabilitation, Homeowner Development in the unincorporated area, Down Payment Assistance, and Financial Counseling will be made at the staff level in accordance with all local, state, and federal laws. Homeownership Development projects within the City limits deemed appropriate for County SHIP funding would be brought to the Board for its consideration.

Rental Development program applications for funding by developers will be solicited jointly with the Housing Finance Authority of Leon County (HFA) as established in the Interlocal Agreement between the County and the HFA for multi-family developments approved by the Board on May 11, 2021. (Attachment #4). As outlined in the Interlocal Agreement, applications will be reviewed by County and HFA staff to evaluate the development, operational, and financial feasibility of proposed rental projects. Following the review by County and HFA staff, recommendations would be presented to the Board on funding for rental development projects for its consideration.

Funding for the Redevelopment of the Orange Avenue Apartments

In addition to coordination and collaboration on future rental development projects, the HFA recently committed to provide assistance for the redevelopment of the Orange Avenue Apartments Phase I in partnership with the County, to address federal restrictions on the American Rescue Plan Act (ARPA) funds.

On March 8, 2022, the Board approved the use of ARPA funds (\$1,002,853) as a loan at the request of the Tallahassee Housing Authority (THA) to support Phase I redevelopment of the Orange Avenue Apartments. However, subsequently the HFA, FHFC and THA determined that the U.S. Treasury limits the amount of ARPA funding that can be utilized as a loan. According to FHFC

approximately \$70,000 of the County's loan to the project must be a non-ARPA funding source to comply with this limit. At their June 9, 2022 meeting, the HFA approved providing the \$70,000 towards this project. This item recommends approving a budget amendment realizing these funds from the HFA into the County budget, which in turn, will be provided to THA. According to THA, the funds need to come from the County (as a local government) and cannot come directly from the HFA.

Also, as discussed in the March 8 item, the funds from the County are being provided as a loan at the request of THA to satisfy their credit underwriters. According to THA, the credit underwriters would not allow the County funds to be provided as a grant. The loan has a payback period of approximately 50 years.

Options:

1. Approve the Interlocal Agreement with the City of Tallahassee on the State Housing Initiative Partnership and authorize the County Administrator to execute the Agreement (Attachment #1).
2. Adopt the Resolution approving the proposed revisions to FY 2021-2023 Leon County SHIP Local Housing Assistance Plan (Attachment #2).
3. Approve the proposed expenditures for the FY 2022-2023 SHIP allocation and authorize the County Administrator to reallocate funds within the State Housing Initiative Partnership program when necessary to maximize opportunities to increase or preserve affordable housing.
4. Approve the Resolution and associated Budget Amendment realizing funding from the Housing Finance Authority of Leon County in the amount of \$70,000, to support the Phase I redevelopment of the Orange Avenue Apartments (Attachment #3).
5. Do not approve the proposed Interlocal Agreement with the City of Tallahassee on the State Housing Initiative Partnership.
6. Do not adopt the Resolution approving the proposed revisions to FY2021-2023 Leon County SHIP Local Housing Assistance Plan.
7. Do not approve the proposed expenditures for the FY 2022-2023 SHIP allocation and do not authorize the County Administrator to reallocate funds within the State Housing Initiative Partnership program when necessary to maximize opportunities to increase or preserve affordable housing.
8. Do not approve the Resolution and associated Budget Amendment realizing funding from the Housing Finance Authority of Leon County in the amount of \$70,000, to support the Phase I redevelopment of the Orange Avenue Apartments.
9. Board direction.

Recommendations:

Options #1, #2, #3 and #4

Attachments:

1. Interlocal Agreement with the City of Tallahassee on the State Housing Initiative Partnership
2. Proposed Resolution and revised FY2021-2023 Leon County Housing Assistance Plan
3. Resolution and associated Budget Amendment realizing \$70,000 funding from HFA
4. Interlocal Agreement with the Housing Finance Authority of Leon County

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (“Agreement”), is made and entered into as of the date of last signature below (“Effective Date”), by and between Leon County, Florida, a charter county and a political subdivision of the State of Florida (the “County”) and the City of Tallahassee, a municipal corporation of the State of Florida (“City”). The County and City may be referenced herein individually as a “Party” or collectively as “Parties”.

WHEREAS, the County and City are dedicated to promoting, maintaining, and providing safe, sanitary, and affordable homes for low to moderate-income citizens of Leon County; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, Sections 420.907 through 420.9079, Florida Statutes, provides for the establishment of local housing assistance programs; and

WHEREAS, the County is a participant of the SHIP and the City is an eligible municipality within the County; and

WHEREAS, the SHIP Act encourages the establishment of partnerships to further affordable housing; and

WHEREAS, the Parties desire to address the housing needs of their respective residents, promote the efficient location, design, and provision of affordable housing in their respective jurisdictions; and

WHEREAS, on February 22, 2022, at their joint workshop on affordable housing, the Parties expressed a mutual commitment to the coordination and collaboration of the development of new affordable housing units in the community; and

WHEREAS, the Parties have determined that it is in the best interests of the citizens of the County and City to enter into this Agreement to express the Parties’ responsibilities for the utilization of a portion of the County’s SHIP Program Funds to address housing needs within the boundaries of the City.

NOW THEREFORE, the Parties agree to the following:

1. Purpose and Objective

- a. The purpose of this is to establish the administration of County SHIP funded affordable housing efforts inside the limits of the City.

2. Definitions

As used herein, the following terms (whether or not such terms are capitalized) shall have the following meanings:

- a. “Affordable” shall have the meaning ascribed to same at Section 420.9071(2), Florida Statutes, as may be amended from time to time.
- b. “AHAC” shall have the meaning ascribed to the term “Affordable Housing Advisory Committee” at Section 420.9071(3), Florida Statutes, as may be amended from time to time.
- c. “Corporation” means the Florida Housing Finance Corporation.
- d. “Disaster Recovery Program” means a program authorized by section 420.9073(5), Florida Statutes, and Rule 67-37.007(2), Florida Administrative Code, both as may be amended from time to time, which provides various forms of assistance to citizens affected by a disaster, such as relocation assistance, home repairs and rehabilitation.
- e. “Housing Program(s)” means a program(s) that increases the inventory of housing that is affordable to income-eligible residents for affordable housing such as the County’s current programs titled homeownership development and rental development.
- f. “Local Housing Assistance Plan” shall have the meaning ascribed to same at Section 420.9071(15), Florida Statutes, as may be amended from time to time.
- g. “SHIP Program Funds” means the funding provided by the SHIP program administered by the Florida Housing Finance Corporation, including funding for disaster recovery, as established in Chapter 67-37, Florida Administrative Code and the State of Florida annual budget.
- h. “SHIP Program Income” shall have the meaning ascribed to “Program income” at Section 420.9071(26), Florida Statutes, as may be amended from time to time.

3. Responsibilities of the Parties

The responsibilities of the Parties for the coordination and collaboration of Housing Programs will be as follows:

- a. Mutual Responsibilities
 - i. Each respective Party shall be responsible for the administration and implementation of its SHIP Program Funds received from the Corporation for Housing Programs in accordance with the SHIP Act and Chapter 67-37, Florida Administrative Code, including the following:
 - 1. Each respective Party shall be responsible for all files, monitoring, annual reports, audits, release or satisfaction of liens, and all other requirements under the SHIP Act and Chapter 67-37, Florida Administrative Code.
 - 2. Each respective Party shall retain the maximum amounts allowable for administrative expenses from all funds related to the SHIP Program Funds, including, but not limited to, SHIP Program Income for each fiscal year.
 - 3. All SHIP Program Income shall be the property of the originating party as identified in funding agreements with the recipient of SHIP Program Funds.

- ii. The County and City shall mutually agree to the administrative criteria and requirements necessary to implement any portion of the County's Housing Programs utilized inside City limits including, but not limited to, total budget for each Housing Program, the maximum individual award for each Housing Program, eligibility criteria for the Housing Program participants, and advertising requirements for the availability of SHIP Program Funds no later than the start of the fiscal year (October 1).
 - iii. The County AHAC and City AHAC shall hold at least one joint meeting each calendar year for the purpose of identifying opportunities for greater collaboration and coordination of County and City policies and operations focused on increasing the stock of affordable housing in Tallahassee-Leon County.
 - iv. Each Party shall submit an individual Annual Report to the Corporation pursuant to Section 420.9075(10), Florida Statutes, and provide a copy thereof to the other Party.
- b. County Responsibilities
- i. The County may, in its discretion, administer its Housing Programs using SHIP Program Funds within City limits.
 - ii. The County may, in its discretion, administer its Disaster Recovery Program using SHIP Program Funds within City limits and in coordination with the City.
 - iii. The County will ensure that all recipients of funds meet all eligibility requirements established by the SHIP program and administered by the Corporation and as authorized by the Board of County Commissioners in its Local Housing Assistance Plan.
- c. City Responsibilities
- i. The City authorizes the County to administer its Housing Programs and Disaster Recovery Program using SHIP Program Funds within City limits.
 - ii. The City and its AHAC shall have an Affordable Housing Incentive Plan which is established in the third section of its Local Housing Assistance Plan and agree that there shall be coordination, monitoring, and implementation of said Plan with the County and its AHAC.

4. Changes in Responsibilities

- a. Changes in the responsibilities of either Party will be mutually agreed upon by the Parties and will be incorporated by written amendments to this Agreement.

5. Funding and Budgeting

- a. Nothing contained herein shall be deemed or otherwise construed to modify the distribution and allocation of SHIP Program Funds by the Corporation to the Parties, and such SHIP Program Funds shall continue to be allocated by the Corporation to each Party according to population pursuant to Sections 420.9072(4) and 420.9073, Florida Statutes, as may be amended.
- b. Prior to the start of each fiscal year (October 1), the County will determine, in its sole discretion, the County Housing Programs to be administered inside City limits.
- c. Prior to the start of each fiscal year (October 1), the County will determine, in its sole discretion, the amount of SHIP Program Funds to be administered inside City limits. The County is authorized, but not obligated to appropriate such funding, and any funding shall further be subject to the following limitations:
 - i. Funding for projects that support the development of rental units inside City limits shall not exceed 20% of each annual amount of County SHIP Program Funds.
 1. Funding for projects that leverage City SHIP Program Funds shall be prioritized.
 - ii. Funding for projects that support development of units for homeownership inside City limits shall not exceed 30% of each annual amount of County SHIP Program Funds.

6. Required Information

- a. Each Party agrees to provide the other Party with any and all information necessary to meet their respective obligations as identified herein.

7. Term

- a. The term of this Agreement (the “Term”) will commence on the Effective Date and will be for a term of four (4) years.
- b. If either Party does not desire to renew this Agreement at the expiration of its Term, notice in writing must be given at least thirty (30) calendar days before expiration by such Party to the other Party informing it that the Agreement is not to be renewed; otherwise the Agreement shall be automatically renewed for another four (4) years. This requirement of 30-day notice will also apply to any subsequent renewals; otherwise, it shall be construed that the Agreement shall be automatically renewed for another four (4) years.

8. Termination

- a. Either the City or the County may terminate this Agreement without cause by giving at least thirty (30) calendar days written notice to the other Party.

- b. The City's authorization for the expenditure of County SHIP Program Funds for Housing Program(s) within the City limits shall survive termination of this Agreement for all SHIP Program Funds which have been allocated by the County for such purpose prior to the date of termination.

9. Audits, Records and Records Retention

- a. The Parties agree to establish and maintain its own respective 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. The Parties further agrees to retain all 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, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records will be retained until resolution of the audit findings or any litigation which may be based on the terms of this Agreement.

10. Dispute Resolution

- a. The Parties shall attempt to resolve any disputes that arise under this Agreement in good faith and in accordance with this section. The provision of the "Florida Governmental Conflict Resolution Act" shall not apply to disputes under this Agreement, as an alternative dispute resolution process is hereby set forth in this section.
- b. The aggrieved Party shall give written notice to the other Party in writing, setting forth the nature of the dispute, date of occurrence (if known), and proposed resolution, hereinafter referred to as the "Dispute Notice."
- c. Should the Parties be unable to reconcile any dispute, the City Manager and County Administrator, or their designees, shall meet at the earliest opportunity, but in any event within ten (10) days from the date that the Dispute Notice is received, to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of the Parties, they shall report their decision, in writing, to the City Commission and Board of County Commissioners. If the City Manager and County Administrator, or their designees, are unable to reconcile the dispute, they shall report their impasse to the City Commission and Board of County Commissioners.
- d. If a dispute is not resolved by the foregoing step, within forty-five (45) days after receipt of the Dispute Notice, unless such time is extended by mutual agreement of the Parties, then either Party may require the dispute to be submitted to mediation by delivering written notice thereof (the "Mediation Notice") to the other Party. The Mayor shall represent the City and the Chair shall represent the County. The mediator shall meet the qualifications set forth in Rule 10.100(d), Florida Rules for Mediators, and shall be selected by the Parties within ten (10) days following receipt of the Mediation Notice. The mediator shall also have sufficient knowledge and experience in the subject of the dispute. If agreement on a mediator cannot be reached in that ten (10) day period, then either Party can request that a mediator be

selected by an independent conflict resolution organization, and such selection shall be binding on the Parties. The costs of the mediator shall be borne equally by the Parties.

- e. If an amicable resolution of a dispute has not been reached within sixty (60) calendar days following selection of the mediator, or by such later date as may be mutually agreed upon by the Parties, then, upon the agreement of both Parties, such dispute may be referred to binding arbitration; otherwise, each Party may pursue whatever remedies may be available at law, in equity, or otherwise. If the dispute is so referred, such arbitration shall be conducted in accordance with the Florida Arbitration Code (Chapter 682, Florida Statutes).
 - i. Such arbitration shall be initiated by delivery, from one Party (the “Petitioner”) to the other (the “Respondent”), of a written Arbitration Notice therefore containing a statement of the nature of the dispute involved. The Respondent, within ten (10) days following its receipt of such Arbitration Notice, shall deliver an answering statement to the Petitioner. After the delivery of such statements, either Party may make new or different claims by providing the other with written notice thereof specifying the nature of such claims involved.
 - ii. Within ten (10) days following the delivery of such Arbitration Notice, each Party shall select an arbitrator and shall deliver written notice of that selection to the other. If either Party fails to select an arbitrator within such time, the other Party may make application to the court for such appointment in accordance with the Florida Arbitration Code. Within ten (10) days following delivery of the last of such written notices, the two arbitrators so selected shall confer and shall select a third arbitrator.
 - iii. The arbitration hearing shall be commenced in Leon County, Florida within sixty (60) days following selection of the third arbitrator. Except as may be specifically provided herein, the arbitration shall be conducted in accordance with Rules R-23 - R-48 of the Commercial Arbitration Rules of the American Arbitration Association.

11. Choice of Law, Venue, and Severability

- a. This Agreement shall be construed and interpreted in accordance with Florida law. Venue for any actions brought in relation to this Agreement shall be placed in a court of competent jurisdiction in Leon County, Florida. If any provision of this Agreement is subsequently held invalid, the remaining provisions shall continue in effect.

12. Amendment

- a. This Agreement may be amended in writing from time to time by mutual consent of the Parties. All amendments to this Agreement will be in writing and fully executed by the Parties.

13. Public Bodies.

- a. It is expressly understood between the Parties that the City is a duly incorporated municipal corporation of the State of Florida and that the County is a charter county and a political subdivision of the State of Florida. Nothing contained herein shall be construed as a waiver or relinquishment by either of the Parties to claim such exemptions, privileges or immunities as may be provided to that Party by law.

14. Notice

- a. If written notice is required in this Agreement, such notice shall be given in writing and personally delivered or mailed, by prepaid, certified mail or overnight courier, or transmitted by electronic mail transmission, to the Party to whom such notice is directed, to the mailing address or regularly monitored electronic mail address of such Party representative as follows:

As to the County:

Office of Human Services and Community Partnerships
Housing Services Division
Attention: Housing Division Manager
615 Paul Russell Road
Tallahassee, FL 32301
Via email to: HSCP-HousingServices@leoncountyfl.gov
850-606-1900

As to the City:

Department of Housing and Community Resilience
Housing Division
Attention: Housing Division Manager
300 South Adams Street, B-27
Tallahassee, FL 32301
Via email to: housing@talgov.com
850-891-6566

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the Parties hereto, through their duly authorized representative, have executed this Agreement as of the date last written below.

Leon County, Florida

City of Tallahassee, Florida

Vincent S. Long, County Administrator
Date: _____

Reese Goad, City Manager
Date: _____

ATTESTED BY:

Gwendolyn Marshall Knight, Clerk of Court &
Comptroller, Leon County, Florida

Jim Cooke, Treasurer-Clerk
City of Tallahassee

AS APPROVED TO LEGAL SUFFICIENCY:

Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

Cassandra Jackson, City Attorney
City of Tallahassee's Attorney's Office

By:_____

By:_____

LEON COUNTY RESOLUTION NO. 22-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; AUTHORIZING AND DIRECTING THE COUNTY ADMINISTRATOR TO EXECUTE ANY NECESSARY DOCUMENTS AND CERTIFICATIONS NEEDED BY THE STATE; AUTHORIZING THE SUBMISSION OF THE LOCAL HOUSING ASSISTANCE PLAN FOR FINAL REVIEW AND APPROVAL BY THE FLORIDA HOUSING FINANCE CORPORATION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317, Laws of Florida, allocating a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, ss. 420.907-420.9079, Florida Statutes (2022), and Rule Chapter 67-37, Florida Administrative Code, requires local governments to develop a one- to three-year Local Housing Assistance Plan outlining how funds will be used; and

WHEREAS, the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each strategy; and

WHEREAS, the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefiting from awards made pursuant to the Act. The methodology and purchase prices used are defined in the attached Local Housing Assistance Plan; and

1 WHEREAS, it is found that 5 percent of the local housing distribution plus 5 percent of program
2 income is insufficient to adequately pay the necessary costs of administering the local housing
3 assistance plan. The cost of administering the program may not exceed 10 percent of the local housing
4 distribution plus 5 percent of program income deposited into the trust fund, except that small counties,
5 as defined in s. 120.52(19), Florida Statutes (2022) and eligible municipalities receiving a local housing
6 distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs;
7 and

8 WHEREAS, the Department of Human Services and Community Partnerships has prepared a
9 three-year Local Housing Assistance Plan for submission to the Florida Housing Finance Corporation;
10 and

11 WHEREAS, the County Commission finds that it is in the best interest of the public for Leon
12 County Government to submit the Local Housing Assistance Plan for review and approval so as to
13 qualify for documentary stamp tax funds; and

14 WHEREAS, Rule Chapter 67-37, Florida Administrative Code, requires an approved local
15 housing assistance plan be adopted by resolution.

16 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
17 COUNTY, FLORIDA, that:

18
19 **Section 1. Approve the Local Housing Assistance Plan.**
20

21 1. The Board of County Commissioners of Leon County hereby approves the Local
22 Housing Assistance Plan, as attached and incorporated hereto for submission to the Florida Housing
23 Finance Corporation as required by ss. 420.907-420-9079, Florida Statutes, for years 2020-2021, 2021-
24 2022 and 2022-2023.

2. The County Administrator is hereby designated and authorized to execute any documents and certifications required by the Florida Housing Finance Corporation as related to the Local Housing Assistance Plan, and to do all things necessary and proper to carry out the term and conditions of said program.

Section 2. Effective Date.

This Resolution shall become effective immediately upon its adoption.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 12th day of July 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

LEON COUNTY

SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

2020-2021, 2021-2022, 2022-2023

As Revised by the Leon County Board of County Commissioners on ~~December 14, 2021~~TBD

Table of Contents

Description	Page #
Section I, Program Details	3
Section II, Housing Strategies	8
A. Down Payment Assistance	8
B. Home Ownership Development	10
C. Home Rehabilitation	13
D. Home Replacement	15
E. Emergency Housing Repair & Housing Resilience	17
F. Disaster Recovery	19
G. Foreclosure Avoidance	21
H. Rental Development & Rehabilitation	24
I. Housing Rental Assistance	26
Section III, Incentive Strategies	
A. Expedited Permitting	28
B. Ongoing Review Process	28
C. Flexibility in Densities	28
D. Modification of Impact Fee Requirements	29
E. Allowance of Accessory Dwelling Units	29
F. Inventory of Public Lands Suitable for Affordable Housing	29
Exhibits	29
A. Administrative Budget for each fiscal year covered in the Plan	
B. Timeline for Estimated Encumbrance and Expenditure	
C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the plan	
D. Signed LHAP Certification	
E. Signed, dated, witnessed or attested adopting resolution	
F. Community Land Trust Purchase Assistance Additional Information	
F.G. Interlocal Agreement, Leon County, Florida & the City of Tallahassee, Florida	

I. Program Details:

A. LG(s)

Name of Local Government	Leon County
Does this LHAP contain an interlocal agreement?	No
If yes, name of other local government(s)	N/A

B. Purpose of the program:

- To meet the housing needs of the very low, low and moderate-income households;
- To expand production of and preserve affordable housing; and
- To further the housing element of the local government comprehensive plan specific to affordable housing.

C. Fiscal years covered by the Plan: 2020-2021, 2021-2022, 2022-2023

D. Governance: The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, Florida Administrative Code. Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process.

E. Local Housing Partnership: The SHIP Program encourages building active partnerships between government, lending institutions, builders and developers, not-for-profit and community-based housing providers and service organizations, providers of professional services related to affordable housing, advocates for low-income persons, real estate professionals, persons or entities that can provide housing or support services and lead agencies of the local continuums of care.

F. Leveraging: The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs.

G. Public Input: Public input was solicited via advertising of public meetings and the Public Hearing for the Affordable Housing Advisory Committee to adopt their Report of Recommendations. Public input was also obtained through meetings with housing providers, social service providers, local lenders, neighborhood associations and Affordable Housing Advisory Committee meetings.

H. Advertising and Outreach: SHIP funding availability shall be advertised in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I. Waiting List/Priorities: A waiting list will not be established when there are eligible applicants for strategies that no longer have funding available.

Priorities: The following priorities for funding described/listed here apply to all strategies unless otherwise stated in an individual strategy in Section II: The County will accept applications during the advertised "Application Period" which will be at least 30 days. Once the application period ends, eligible applications will be categorized

based on the most appropriate program strategy to address their needs and prioritized based upon the following ranking priority.

Ranking Priority:

1. Special Needs Households
 - a. Very low
 - b. Low
 - c. Moderate (If Applicable)
2. Essential Services Personnel
 - a. Very low
 - b. Low
 - c. Moderate (If Applicable)
3. Non-Special Needs and Non-ESP
 - a. Very Low
 - b. Low
 - c. Moderate (If Applicable)

If funds are available after applications are categorized and set asides have been met, funds will be expended on a first qualified first served basis.

J. Discrimination: In accordance with the provisions of Section 760.20-760.37 Fla. Stat., it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in the award application process for eligible housing.

K. Support Services and Counseling: Support and counseling services are available from various sources in the community. The County will provide Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling, and Foreclosure Counseling through referral to qualified HUD approved agencies, which includes, but is not limited to, Tallahassee Lenders Consortium.

L. Purchase Price Limits: The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

U.S. Treasury Department	X
Local HFA Numbers	

M. Income Limits, Rent Limits and Affordability: The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at www.floridahousing.org.

“Affordable” means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Sections 420.9071, F.S. However, it is not the intent to limit an individual household’s ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30%

of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.

- N. Welfare Transition Program:** Should an eligible sponsor be used, a qualification system and selection criteria for applications for Awards to eligible sponsors shall be developed, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process.
- O. Monitoring and First Right of Refusal:** In the case of rental housing, the staff and any entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$10,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 15 years or the term of assistance whichever is longer, when required as specified above.

Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible non-profit organizations for purchase at the current market value for continued occupancy by eligible persons.

- P. Administrative Budget:** A line-item budget of proposed Administrative Expenditures is attached as Exhibit A. Leon County finds that the moneys deposited in the local housing assistance trust fund are necessary to administer and implement the local housing assistance plan.

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states: "A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan."

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, further states: "The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(19), and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs."

The applicable local jurisdiction has adopted the above findings in the resolution attached as Exhibit E.

- Q. Program Administration:** Administration of the local housing assistance plan will be performed by:

Entity	Duties	Admin. Fee Percentage
Local Government	All Strategies Other than Down Payment Assistance	80%
Third Party Entity/Sub-recipient	Down Payment Assistance Program Strategies	20%

- R. First-time Homebuyer Definition:** For any strategies designed for first-time homebuyers, the following definition will apply: *An individual who has had no ownership in a principal residence during the 3-year period*

ending on the date of purchase of the property. This includes a spouse (if either meets the above test, they are considered first-time homebuyers). A single parent who has only owned a home with a former spouse while married. An individual who is a displaced homemaker and has only owned with a spouse. An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.

- S. Project Delivery Costs:** The County will charge a reasonable project delivery cost that will not exceed three percent (3%) of the contracted SHIP award and will be included in the amount of the recorded mortgage and note.
1. Title Search
 2. Recordation Fee
 3. The County will utilize a contractor to assess the appropriate level of housing rehabilitation necessary to improve accessibility and enhance independence for participating households having special needs.
 4. The County may utilize a contractor to assess home(s) and provide a professional Home Inspection Report to be used to generate a scope of work.
 5. To determine post-Home Replacement or post-Home Rehabilitation (when livable square footage is added to the home), the County may:
 - i. contract with a Real Estate Agent/Realtor to provide a Broker Price Opinion and/or
 - ii. contract with a Certified Residential Appraiser to provide an appraisal.
- T. Essential Service Personnel Definition (ESP):** ESP includes teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, skilled building trades personnel and active U.S. Armed Forces Service Members.
- U. Describe efforts to incorporate Green Building and Energy Saving products and processes:**
The County will require participating homeowners to obtain a Home Energy Audit from their electric service provider if they are eligible for Home Rehabilitation and/or whenever a Heating, Ventilation and Cooling unit is being considered for replacement. The findings of the audit will be used to incorporate repairs into a cost-effective scope of work that are intended to increase the energy efficiency of the home and possibly lead to lower heating and cooling costs.

Additionally, the County and/or sponsors will, when economically feasible, employ the following Green Building requirements on Home Rehabilitation, Home Replacement, Emergency Repairs & Disaster Resilience, Homeownership Development or Rental Development:

1. Low-flow water fixtures in bathrooms—WaterSense labeled products or the following specifications:
 - a. Toilets: 1.4 gallons/flush or less;
 - b. Faucets: 1.5 gallons/minute or less;
 - c. Showerheads: 2.0 gallons/minute or less;
2. Energy Star certified exhaust/ventilation fans in all bathrooms;
3. Energy Star certified water heater minimum efficiency specifications;
4. Energy Star certified lighting and ceiling fans with lighting;
5. Energy Star certified Air Conditioning unit(s) with minimum SEER of 14. Packaged units are allowed in studios and one-bedroom units with a minimum of 11.7 EER;

6. Low or No-VOC paint for all interior walls (Low-VOC means 50 grams per liter or less for flat paint; 150 grams per liter or less for non-flat paint);
7. Energy Star certified refrigerator;
8. Energy Star certified dishwasher, if provided;
9. Energy Star certified washing machine, if provided in units.

V. Describe efforts to meet the 20% Special Needs set-aside: The County will continue to obtain referrals from partner social service agencies serving the targeted population to achieve the goal of the special needs set-aside. The goal will be met through Housing Rehabilitation, Home Replacement, Down Payment Assistance, Emergency Housing Repair & Housing Resilience, Homeownership Development, Rental Development, and Rental Assistance program strategies. The County will utilize a contractor to identify ways to improve the accessibility of homes and enhance independence for participating households having special needs through the Home Rehabilitation and Home Replacement program strategies.

W. Describe efforts to reduce homelessness:

The County will collaborate with the Big Bend Continuum of Care and other agencies serving the target population to assist in rapid rehousing and to prevent homelessness primarily through the Rental Subsidy program strategy, the Leon County Direct Emergency Assistance Program (DEAP) and the Leon County Veteran Emergency Assistance Program (VEAP). When funding is available, Leon County may use SHIP funds to place this target population in rental or transitional housing for the purpose of providing a stable housing situation pursuant to applicable program strategies herein.

Section II. LHAP Strategies:

A. Down Payment Assistance	Code 1, 2
-----------------------------------	-----------

a.	Summary: Funds will be awarded to First Time Homebuyers for down payment and closing costs for new and existing homes, including homes purchased from a community land trust (CLT).
----	---

b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023

c. Income Categories to be served: Very low, low and moderate (Moderate not eligible for purchase in CLT)

d. Maximum award:

Income Category	Existing Homes not Rehabilitated OR not in a CLT	CLT Homes	Newly Constructed or Rehabilitated Homes
Very Low	\$10,000	\$20,000	\$25,000
Low	\$10,000	\$20,000	\$25,000
Moderate	\$7,500	N/A	\$20,000

- Newly constructed homes are defined as homes that have never been occupied; and have obtained a certificate of occupancy within the 12-months preceding the purchase; or was built as a model home.
- Rehabilitated homes are defined as existing homes that receive repairs or rehabilitation needed for safe or sanitary habitation, correction of substantial code violations, the creation of additional living space or other repairs approved by the Leon County Division of Housing Services and are paid by the seller, the buyer or another source. Proof that the repair or rehabilitation was completed within the 12-months preceding purchase must be provided prior to closing unless a first mortgage renovation loan (FHA 203k, Freddie Mac, Fannie Mae or similar lender managed renovation purchase and renovation loan) is used to pay for the rehabilitation. When a first mortgage renovation loan is used, the project must be completed, including proof of payment, and the home must be occupied within six months of closing.

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred subordinate loan secured by a recorded subordinate mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: 10 years for Fee Simple; 30 years for CLT
4. Forgiveness: If the loan remains in good standing, assistance will be forgiven at the end of the loan term.
5. Repayment: Not required if the loan is in good standing.
6. Default: The loan will be determined to be in default if any of the following occurs:
 - Homeowner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.) If sold in a CLT, the loan will not be determined to be in default if the sale is approved by the CLT and provision is made for the subsequent income eligible purchaser to assume the loan to ensure homes remain affordable;
 - Homeowner no longer occupies the unit as his/her principal residence or qualifies for Homestead Property Tax Exemption;
 - Homeowner dies, or if a married couple, the survivor dies. However, the loan may be assumed

by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.

- Homeowner fails to maintain homeowner's insurance.
- Homeowner refinances the assisted unit. However, refinancing is allowed under the following conditions:
 - purpose of preventing foreclosure;
 - lowering the interest rate that results in a minimum monthly mortgage payment reduction of at least seventy-five (\$75.00) dollars per month or to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
 - for payment of outstanding bills with no cash out to the homeowner unless the funds are to finance repairs needed to resolve a threat to the health and safety of the occupants or to prevent further damage to the structure.

If a superior mortgage holder accelerates the loan or forecloses upon the home, the County will attempt to obtain repayment of funds via the legal process if the County determines that adequate funds may be available to justify pursuing repayment.

f. Recipient Selection Criteria:

- Applications will be ranked for assistance based on a first-qualified, first-ready-to-close basis.
- A recipient must secure a first mortgage by an approved lender.
- A recipient must be able to contribute five hundred dollars (\$500.00) towards the transaction but their total liquid assets (liquid assets include all assets that can be accessed without penalty) may not exceed Thirty Thousand Dollars (\$30,000). However, the asset limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- Homebuyer Education
 - Fee Simple homebuyers must complete an approved homebuyer education class from a HUD certified agency and obtain a certificate of completion.
 - CLT homebuyers must complete a homebuyer education class from a HUD certified agency that contains a community land trust component and/or session with the CLT in addition to a homebuyer education class that requires CLT buyers to demonstrate and attest to a clear understanding of the terms of community land trust homeownership and obtain a certificate of completion.

g. Sponsor Selection Criteria: N/A

h. Additional Information:

- All eligible units must be in unincorporated Leon County.
- Mobile homes are not eligible for this program.
- Households receiving Down Payment assistance must obtain and maintain homeowner's insurance for the duration of the lien period.
- Homes in a 100-year flood plain or properties required by a first mortgage lender to be covered by flood insurance are not eligible for this program.
- Leon County will be placed in second lien position behind the first mortgage for all Down Payment Assistance transactions unless authorization is received from the Leon County Division of Housing Services to be placed in third (3rd) or fourth (4th).
- Down Payment Assistance can be used on properties previously assisted with SHIP funds that have

a Land Use Restriction Agreement (LURA), deed restriction and/or an assumable conveyance agreement with affordability covenants if the maximum subsidy was not provided to the previous homebuyer(s).

- Except for Disaster Recovery, previous Down Payment Assistance recipients are not eligible to receive additional SHIP assistance until ten (10) years after lien origination. Down Payment Assistance may be provided simultaneously with Home Ownership Development to a recipient eligible for both strategies.

Terms for CLT home purchases: Purchase assistance is assumable by an income-eligible purchaser. The terms of the Note and Mortgage shall allow subsequent purchasers to assume the loan with approval by the CLT. Otherwise, no repayment is required during the term of the loan, provided the loan remains in good standing.

Please see Exhibit F for additional instructions and information for CLT purchases.

B. Home Ownership Development	Code 10
--------------------------------------	----------------

- | | |
|----|---|
| a. | Summary: SHIP funds will be awarded to for-profit and not-for-profit organizations, including Community Land Trusts (CLT), for land acquisition, infrastructure and development costs, and all other associated fees and permits for the construction of housing units to pay-down the development costs to further reduce the sale price to income eligible First Time Homebuyers. |
|----|---|

b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023

c. Income Categories to be served: Very low, low

d. Maximum award: \$75,000

One hundred percent (100%) of the County's investment shall be converted to an assumable mortgage with a Land Use Restriction Agreement (LURA), deed restriction, and/or other affordability restrictions or covenants to the benefit of the prospective homebuyer subordinate to the first mortgage to ensure homes remain affordable in perpetuity. A CLT will satisfy this requirement. Please see Additional Terms and Exhibit F for additional instructions and information.

e. Terms:

Sponsor Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage, note and restrictive covenant.
2. Interest Rate: 0%
3. Years in loan term: Up to 18 months
4. Forgiveness: If the loan is in good standing upon sale of the property to an eligible homebuyer with affordability restrictions and/or covenants (homes built on land in a CLT satisfies this requirement) to ensure homes remain affordable in perpetuity, the loan will be considered paid in full, the loan will be reflected in the contract for sale to the benefit of the eligible homebuyer and the County will satisfy the promissory note and release restrictive covenant with the Developer.
5. Repayment: Not required if the loan is in good standing.
6. Default: The loan will be in default if: the developer fails to construct and sell the assisted unit(s) with

affordability restrictions and/or covenants recorded on the property to an eligible homebuyer within six (6) months after the final certificate of occupancy is issued and within the contractual timeframe. The County will recapture the subsidy and/or property within ninety (90) days of maturity of the recorded Mortgage Agreement.

Recipient Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: 30 years
4. Forgiveness: If the loan remains in good standing, assistance will be forgiven at the end of the loan term.
5. Repayment: Not required if the loan is in good standing.
6. Default: The loan will be determined to be in default if any of the following occurs:
 - Homeowner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.). The loan will not be considered in default if the loan to be assumed is reflected in the contract for sale, the loan is assumed by an income-eligible purchaser, and the sale is approved by the County or CLT to ensure homes remain affordable in perpetuity;
 - Homeowner no longer occupies the unit as his/her principal residence or qualifies for Homestead Property Tax Exemption;
 - Homeowner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
 - Homeowner fails to maintain homeowner's insurance.
 - Homeowner refinances the assisted unit. However, refinancing is allowed under the following conditions:
 - purpose of preventing foreclosure;
 - lowering the interest rate that results in a minimum monthly mortgage payment reduction of at least seventy-five (\$75.00) dollars per month or to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
 - for payment of outstanding bills with no cash out to the homeowner unless the funds are to finance repairs needed to resolve a threat to the health and safety of the occupants or to prevent further damage to the structure.

If a superior mortgage holder accelerates the loan or forecloses upon the home, the County will attempt to obtain repayment of funds via the legal process if the County determines that adequate funds may be available to justify pursuing repayment.

f. Recipient/Tenant Selection Criteria:

- Applications will be ranked for assistance based on a first-qualified, first-ready-to-close basis.
- Recipients must secure a first mortgage by an approved lender.
- Recipients must contribute five hundred dollars (\$500.00) towards the transaction but their total liquid assets (liquid assets include all assets that can be accessed without penalty) may not exceed Thirty Thousand Dollars (\$30,000). However, the asset limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- Homebuyer Education
 - Fee Simple homebuyers must complete an approved homebuyer education class from a HUD

- certified agency and obtain a certificate of completion.
- CLT homebuyers must complete an approved homebuyer education class from a HUD certified agency that contains a community land trust component and/or session with the CLT in addition to a homebuyer education class that requires CLT buyers to demonstrate and attest to a clear understanding of the terms of community land trust homeownership and obtain a certificate of completion.

g. Sponsor Selection Criteria: Applications from potential sponsors will be reviewed on an ongoing basis.

Sponsors/developers are required to be awarded construction financing through other local, state, federal, private programs, or show sufficient liquid assets necessary to construct new affordable homes. Funding for each project will be based upon the gap demonstrated by the developer in the project budget. The project gap is the difference between the cost incurred by the developer to construct the unit and the sales price the market will bear to sell the unit to an eligible buyer.

Not-for-profit sponsors used to implement this program must have received a tax-exempt ruling as a non-profit agency from the IRS under Section 501(c) of the Internal Revenue Code. The not-for-profit must have in its mission statement, Articles of incorporation, or bylaws that it is dedicated to the provision of housing and services for eligible households.

For-profit sponsors administering the program must have experience performing housing activities for eligible households.

The criteria to select for-profit or non-profit agencies may include, but is not limited to, the following:

- Consistency of the project with basic goals and objectives of the County;
- The financial strength of the sponsor, including the ability to leverage funds from other sources;
- The ability of the sponsor to complete the project by the deadlines established by the County;
- The capacity of the sponsor;
- The quantity and quality of experience in affordable housing development;
- Willingness to contractually commit to SHIP and other County requirements;
- ~~Proof of site control;~~
- Agreement to select recipients based on compliance with all eligibility requirements imposed by the program;
- Preference shall be given to 1) Community Land Trusts and 2) not-for-profit entities; and
 - Sponsors with ~~Proof of~~ verified site control; and
 - ~~Preference for s~~Sponsors that employ personnel from the Welfare Transition Program.

h. Additional Information:

- All eligible units must be in ~~unincorporated~~ Leon County.
- Units to be developed shall be site-built; or block structures; or modular homes. Mobile homes are not eligible for this program.
- Homes may not be developed in a 100-year flood plain or on properties that a first mortgage lender would require to be covered by flood insurance.
- Leon County will be placed in second lien position behind the first mortgage for all homebuyer transactions unless authorization is received from the Leon County Division of Housing Services to be placed in third (3rd) or fourth (4th).
- SHIP funds may be used alone or in conjunction with CDBG and any other Housing funds to cover

the cost of repairs described under this strategy.

- Except for Disaster Recovery, previous Homeownership Development homebuyers are not eligible to receive additional SHIP assistance until ten (10) years after lien origination. Down Payment Assistance maybe provided simultaneously with Home Ownership Development by a recipient eligible for both strategies if needed.
- If funds are given to an entity that is not a CLT, a Land Use Restriction Agreement (LURA) deed restriction, and/or other affordability restrictions or covenants shall be recorded in the county records ensuring permanent affordability.

Homeownership Development assistance is assumable to an income-eligible purchaser. The terms of the Note and Mortgage shall allow subsequent purchasers to assume the loan with approval by the County or the CLT. The loan to be assumed will be reflected in the contract for sale to the benefit of the eligible subsequent homebuyer and the County will satisfy the existing mortgage & promissory note.

Please see Exhibit F for additional instructions and information for CLT purchases.

C. Home Rehabilitation	Code 3
-------------------------------	--------

a.	Summary: SHIP funds will be awarded to owner-occupied households in need of repairs for health, safety, insurability, correct code violations and to prepare for future disasters. This will include structural improvements, accessibility rehabilitation, repairs to support aging in place and water and sewer connections including tap fees. If the county finds that rehabilitation of the home is expected to surpass 50% of the current value of the home, replacement of the home will be considered.
----	--

b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023

c. Income Categories to be served: Very low, low

d. Maximum award: \$75,000 (which includes Emergency Repair assistance received while on the waitlist prior to December 14, 2021) for rehabilitation, ~~which-and~~ may include \$1,500 for temporary relocation.

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: Five (5) years: \$0 - \$30,000; Ten (10) years: \$30,001 - \$75,000
4. Forgiveness: If the loan remains in good standing, forgiveness is prorated in the following manner:
 - a. Five-year loans on a prorated basis of 20% per year
 - b. Ten-year loans on a prorated basis of 10% per year
5. Repayment: Not required if the loan is in good standing.
6. Default: The loan will be determined to be in default if any of the following occurs:
 - Homeowner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
 - Homeowner no longer occupies the unit as his/her principal residence or qualifies for Homestead Property Tax Exemption;
 - Homeowner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP

eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.

- Homeowner fails to maintain homeowner's insurance and flood insurance, if in a 100-year flood plain or required by a first mortgage lender to be covered by flood insurance.
- Homeowner refinances the assisted unit. However, refinancing is allowed under the following conditions:
 - purpose of preventing foreclosure;
 - lowering the interest rate that results in a minimum monthly mortgage payment reduction of at least seventy-five (\$75.00) dollars per month or to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
 - for payment of outstanding bills with no cash out to the homeowner unless the funds are to finance repairs needed to resolve a threat to the health and safety of the occupants or to prevent further damage to the structure.

If a superior mortgage holder accelerates the loan or forecloses upon the home, the County will attempt to obtain repayment of funds via the legal process if the County determines that adequate funds may be available to justify pursuing repayment.

f. Recipient/Tenant Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups as referenced in Program Details (I).

- A recipient must be the owner occupant of a home in an unincorporated area of Leon County (unless administering Disaster Recovery) for at least a year prior to application and qualify for Homestead Property Tax Exemption; or if the property has not been owned for at least a year, the needed repair, improvement or modification must be related to a circumstance that could not have reasonably been known prior to purchase of the property.
- A recipient must household qualify to meet the Special Needs set aside as established in Florida Statutes or have at least one-member age 55 years or older.
- A recipient must be current on all property taxes (including assessments), mortgages, debts, or other security instruments associated with the property that may bring threat of foreclosure, tax lien, default, clouded title or other loss of ownership.
- Prior to participation, a recipient will be required to make code related improvements that are not repair oriented (i.e. nuisance, trash, environmental or health codes). Such improvements must be made if there is an active code complaint.
- A recipient may not have total liquid assets (liquid assets include all assets that can be accessed without penalty) that exceed Thirty Thousand Dollars (\$30,000). However, the asset limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- Rehabilitation projects of \$20,000 or more will be eligible for relocation assistance.

g. Sponsor Selection Criteria: N/A

h. Additional Information:

- Eligible units shall be either site-built or block structures; or modular homes; or mobile homes (built after June 1994). Mobile homes assisted with SHIP funds must be registered as real property with the Leon County Tax Collector's Office and the household must qualify as "Special Needs" in accordance with Section 420.0004 Fla. Stat.
- A recipient must participate in a Leon County homeowner and SHIP program education workshop.

- Recipients who have homeowner's insurance in place may be required to submit a claim to the insurer and use proceeds for repairs if the needed repairs are related to an event reasonably believed to be insurable.
- Homes older than 50 years may not be eligible if determined to be of historical significance.
- Homeowner must obtain and/or maintain homeowner's insurance.
- Homes in a 100-year flood plain or properties required by a first mortgage lender to be covered by flood insurance must have and maintain sufficient flood insurance coverage.
- Combined loan-to-value, including the anticipated SHIP project quote, may not exceed one-hundred twenty percent (120%) of the value of the property. However, the loan-to-value limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- Properties with a reverse mortgage are not eligible. However, the reverse mortgage limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- The actual project quote may not exceed ninety percent (90%) of the value of the property or the maximum award.
- SHIP funds may be used alone or in conjunction with CDBG and any other Housing funds to cover the cost of repairs described under this strategy.
- No contractor may have more than five home replacement/rehabilitation contracts at one time unless the contractor is the sole bidder for a home replacement/rehabilitation project.
- Except for Disaster Recovery, previous Home Rehabilitation recipients are not eligible to receive additional SHIP assistance until ten (10) years after lien origination or after the lien matures, whichever is less.

D. Home Replacement	Code 4
----------------------------	--------

- | | |
|----|---|
| a. | Summary: SHIP funds will be awarded for the demolition and replacement of existing owner-occupied single-family homes to homeowners who qualify for Home Rehabilitation if the county finds that rehabilitation of the home surpasses 50% of the current value of the home. |
|----|---|
- b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023
- c. Income Categories to be served: Very low, low
- d. Maximum award: \$200,000 (which includes Emergency Repair assistance received while on the waitlist prior to December 14, 2021) for site built and modular homes, which includes \$1,500 for temporary relocation.
- e. Terms:
1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.
 2. Interest Rate: 0%
 3. Years in loan term: 20 years
 4. Forgiveness: If the loan remains in good standing, forgiveness is prorated at 5% per year
 5. Repayment: Not required if the loan is in good standing

6. Default: The loan will be determined to be in default if any of the following occurs:
- Homeowner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
 - Homeowner no longer occupies the unit as his/her principal residence or qualifies for Homestead Property Tax Exemption;
 - Homeowner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
 - Homeowner fails to maintain homeowner's insurance and flood insurance, if in a 100-year flood plain.
 - Homeowner refinances the assisted unit. However, refinancing is allowed under the following conditions:
 - purpose of preventing foreclosure;
 - lowering the interest rate that results in a minimum monthly mortgage payment reduction of at least seventy-five (\$75.00) dollars per month or to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
 - for payment of outstanding bills with no cash out to the homeowner unless the funds are to finance repairs needed to resolve a threat to the health and safety of the occupants or to prevent further damage to the structure.

If a superior mortgage holder accelerates the loan or forecloses upon the home, the County will attempt to obtain repayment of funds via the legal process if the County determines that adequate funds may be available to justify pursuing repayment.

- f. Recipient/Tenant Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups as referenced in Program Details (I).
- A recipient must be the owner occupant of a home in an unincorporated area of Leon County (unless administering Disaster Recovery) for at least a year prior to application and qualify for Homestead Property Tax Exemption; or if the property has not been owned for at least a year, the needed repair, improvement or modification must be related to a circumstance that could not have reasonably been known prior to purchase of the property.
 - A recipient must household qualify to meet the Special Needs set aside as established in Florida Statutes or have at least one-member age 55 years or older.
 - A recipient must be current on all property taxes (including assessments), mortgages, debts, or other security instruments associated with the property that may bring threat of foreclosure, tax lien, default, clouded title or other loss of ownership.
 - Prior to participation, a recipient will be required to make code related improvements that are not repair oriented (i.e. nuisance, trash, environmental or health codes). Such improvements must be made if there is an active code complaint.
 - A recipient may not have total liquid assets (liquid assets include all assets that can be accessed without penalty) that exceed Thirty Thousand Dollars (\$30,000). However, the asset limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- g. Sponsor Selection Criteria: N/A

h. Additional Information:

- Eligible units, including Mobile Homes, shall be replaced with either site-built; or block structures; or modular homes. Mobile homes may be replaced with another mobile home during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- A recipient must participate in a Leon County homeowner and SHIP program education workshop.
- Recipients who have homeowner's insurance in place may be required to submit a claim to the insurer and use proceeds for repairs if the needed repairs are related to an event reasonably believed to be insurable.
- Homes older than 50 years may not be eligible if determined to be of historical significance.
- The property may not be encumbered by an existing mortgage to be eligible for Home Replacement.
- Homeowner must obtain and maintain homeowner's insurance.
- Homes in a 100-year flood plain must obtain and maintain sufficient flood insurance coverage. No part of a replacement home shall be built in a 100-year flood plain.
- The actual project quote may not exceed ninety percent (90%) of the value of the property or the maximum award.
- SHIP funds may be used alone or in conjunction with CDBG and any other Housing funds to cover the cost of repairs described under this strategy.
- No contractor may have more than five home replacement/rehabilitation contracts at one time unless the contractor is the sole bidder for a home replacement/rehabilitation project.
- Except for Disaster Recovery, previous Home Replacement recipients are not eligible to receive additional SHIP assistance until ten (10) years after lien origination.

E. Emergency Housing Repair & Housing Resilience

Code 6

- a. Summary: SHIP Funds will be awarded to owner-occupied households in need of rehabilitation or repair of their home related to a dire situation that needs to be mitigated immediately. Eligible rehabilitation or repairs are:

- remediation of an immediate health hazard to the occupants;
- elimination of a developing threat to the dwelling or infrastructure; or
- improving the home's resilience to the impact of a future disaster.

SHIP funds may be awarded to applicants requiring emergency power generator installation if: 1. a member of the household meets the Special Needs set a side criterion; and 2. a written statement from a healthcare provider indicating that electricity is a bona fide medical necessity.

~~When an applicant is assisted with this strategy, they will not be required to be removed from the Home Rehabilitation/Replacement waiting list. However, the amount of funds expended for emergency repairs will be counted towards the maximum award if the applicant receives subsequent assistance.~~

- b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023
- c. Income Categories to be served: Very low, low
- d. Maximum award: \$30,000

e. Terms:

1. Repayment loan/deferred loan/grant:

- Projects funded for more than Funds above \$1,650 will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.
- Projects funded for Funds of \$1,650 or less will be awarded as a grant. As a result, the following terms (2-6) only apply to deferred loans.

2. Interest Rate: 0%

3. Years in loan term: Five (5) years

4. Forgiveness: If the loan remains in good standing, forgiveness is prorated at 20% per year

5. Repayment: Not required if the loan is in good standing

6. Default: The loan will be determined to be in default if any of the following occurs:

- Homeowner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
- Homeowner no longer occupies the unit as his/her principal residence or qualifies for Homestead Property Tax Exemption;
- Homeowner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
- Homeowner fails to maintain homeowner's insurance and flood insurance, if in a 100-year flood plain or required by a first mortgage lender to be covered by flood insurance.
- Homeowner refinances the assisted unit. However, refinancing is allowed under the following conditions:
 - purpose of preventing foreclosure;
 - lowering the interest rate that results in a minimum monthly mortgage payment reduction of at least seventy-five (\$75.00) dollars per month or to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
 - for payment of outstanding bills with no cash out to the homeowner unless the funds are to finance repairs needed to resolve a threat to the health and safety of the occupants or to prevent further damage to the structure.

If a superior mortgage holder accelerates the loan or forecloses upon the home, the County will attempt to obtain repayment of funds via the legal process if the County determines that adequate funds may be available to justify pursuing repayment.

f. Recipient/Tenant Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups as referenced in Program Details (I).

- A recipient must be the owner occupant of a home in an unincorporated area of Leon County (unless administering Disaster Recovery) for at least a year prior to application and qualify for Homestead Property Tax Exemption; or if the property has not been owned for at least a year, the needed repair, improvement or modification must be related to a circumstance that could not have reasonably been known prior to purchase of the property.
- A recipient must be current on all property taxes (including assessments), mortgages, debts, or other security instruments associated with the property that may bring threat of foreclosure, tax lien, default, clouded title or other loss of ownership.
- Prior to participation, a recipient will be required to make code related improvements that are not repair oriented (i.e. nuisance, trash, environmental or health codes). Such improvements must be

made if there is an active code complaint.

- A recipient may not have total liquid assets (liquid assets include all assets that can be accessed without penalty) that exceed Thirty Thousand Dollars (\$30,000). However, the asset limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.

g. Sponsor Selection Criteria: N/A

h. Additional Information:

- Eligible units shall be either site-built or block structures; or modular homes; or mobile homes (built after June 1994). Mobile homes assisted with SHIP funds must be registered as real property with the Leon County Tax Collector's Office and the household must qualify as "Special Needs" in accordance with Section 420.0004 Fla. Stat.
- Recipients who have homeowner's insurance in place may be required to submit a claim to the insurer and use proceeds for repairs if the needed repairs are related to an event reasonably believed to be insurable.
- A recipient must review a Leon County homeowner and SHIP program education workshop.
- Homes older than 50 years may not be eligible if determined to be of historical significance.
- Homeowner must obtain and/or maintain homeowner's insurance.
- Homes in a 100-year flood plain or properties required by a first mortgage lender to be covered by flood insurance must have and maintain sufficient flood insurance coverage.
- Combined loan-to-value, including the anticipated SHIP project quote, may not exceed one-hundred twenty percent (120%) of the value of the property. However, the loan-to-value limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- Properties with a reverse mortgage are not eligible. However, the reverse mortgage limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- The actual project quote may not exceed ninety percent (90%) of the value of the property or the maximum award.
- SHIP funds may be used alone or in conjunction with CDBG and any other Housing funds to cover the cost of repairs described under this strategy.
- Other than Disaster Recovery and Home Rehabilitation (only if Emergency Repairs were received while on ~~on~~ the ~~existing~~ waitlist prior to December 14, 2021 and will be counted towards the maximum award if the applicant receives subsequent assistance), previous Emergency Housing Repair & Housing Resilience recipients are not eligible to receive additional SHIP assistance until five (5) years after lien origination ~~or entering into a construction contract.~~

F. Disaster Recovery

Code 5.16

a. Summary: The Disaster Strategy provides assistance to owner-occupied households following a disaster as declared by the President of the United States or Governor of the State of Florida. This strategy will only be implemented in the event of a disaster using any funds that have not yet been encumbered or with additional disaster funds allocated by Florida Housing Finance Corporation. SHIP funds may be used for activities such as, but not limited to the following:

1. purchase of emergency supplies for eligible households to weatherproof damaged homes;
2. rental assistance (including security deposit) for eligible recipients that have been displaced from their homes due to a disaster;
3. purchase assistance for eligible recipients that have been displaced from their homes due to a disaster;
4. temporary utility, mortgage and/or rent payments for citizens financially impacted by a declared disaster.

SHIP funds may also be used for Home Repair, Rehabilitation and Replacement activities that benefit homeowners ~~occupants of properties in unincorporated~~ Leon County such as, but not limited to, the following:

1. post-disaster interim repairs to avoid further damage and to make the individual housing unit habitable, such as roof repair and tree and debris removal;
2. payment of insurance deductibles for rehabilitation of homes covered under homeowners' insurance policies;
3. elevation and/or rehabilitation or waterproofing of the structure or critical components to comply with local housing code and with Chapter 553, F.S.; and
4. post-disaster repair, rehabilitation, demolition and/or replacement for structural and non-structural damages.

If the maximum award herein is not sufficient to fully repair the structure, funds may be administered under the applicable Home Rehabilitation or Home Replacement Strategy established in this Plan.
~~Immediate threats to health and safety (sewage, exposed wiring, damaged windows, roof) in cases where the home is still habitable~~

2. ~~Imminent residual damage to the home (such as damage caused by water intrusion)~~
3. ~~Repairs necessary to make the home habitable and insurable~~
4. ~~Other assistance, such as relocation assistance, tree and debris removal, insurance deductible reimbursement.~~

b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023

c. Income Categories to be served: Very low, low and moderate

d. Maximum award: \$~~150~~30,000

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a grant.
2. Interest Rate:
3. Years in loan term: N/A
4. Forgiveness: N/A
5. Repayment: N/A

6. Default: N/A

- f. Recipient/Tenant Selection Criteria: Applicants will be awarded assistance on a first-qualified, first-served however, Special Needs households, Very-Low and Low-income categories will be prioritized to meet SHIP requirements.

~~A recipient must be the owner-occupant of a home in an unincorporated area of Leon County to benefit from Home Repair, Home Rehabilitation and Home Replacement activities. a recipient must be the owner occupant of a home. If the maximum award herein is not sufficient to fully repair the structure, a recipient household otherwise eligible for the Home Rehabilitation or Home Replacement strategies in this plan are not required to meet the Special Needs set aside or have at least one member age 55 years or older. Applicants eligible for Disaster Recovery assistance may be prioritized over any existing waitlist.~~

- g. Sponsor/Sub-recipient Selection Criteria: ~~Sponsors used to implement this program must have received a tax-exempt ruling as a non-profit agency from the IRS under Section 501(c) of the Internal Revenue Code. The non-profit agency must have in its mission statement, Articles of Incorporation, or bylaws that it is dedicated to provision of these services. In reviewing proposals from potential sponsor, the County shall consider the following criteria: Applications from potential sponsors will be reviewed on an ongoing basis. Sponsors may assist in screening applicants, determining what disaster resistant measures are necessary and assisting applicants with the installation and construction of disaster resistant mitigations measures. Eligible sponsors may employ the assistance of subcontractors for the installation and/or construction of disaster-resistant mitigation measures. Sponsors used to implement this program must have received a tax-exempt ruling as a non-profit agency from the IRS under Section 501(c) of the Internal Revenue Code. The non-profit agency must have in its mission statement, Articles of Incorporation, or bylaws that it is dedicated to provision of housing and services for eligible households or persons. In reviewing proposals from potential sponsor, the County will consider the following criteria:~~

- The financial strength of the sponsor;
- The ability of the sponsor to complete repairs efficiently and meet the deadlines established by the County, SHIP rule or statute;
- The capacity of the sponsor;
- The level of experience;
- Willingness to contractually commit to SHIP and other County requirements; and
- Agreement to select recipients based on compliance with all eligibility requirements imposed by the program;

~~Preference for sponsors that employ personnel from the Welfare Transition Program.~~

Eligible sponsors may assist in screening applicants, determining what disaster-resilient measures are necessary, and assisting applicants, directly or through subcontractors with disaster-resilient measures including installation, repair and construction. The County shall announce the availability of funding for this strategy on its website and/or in the local newspaper.

- h. Additional Information:
- Eligible units shall be either site-built or block structures; or modular homes; or mobile homes (built after June 1994). ~~Mobile homes assisted with SHIP funds must be registered as real property with the Leon County Tax Collector's Office and the household must qualify as "Special Needs" in accordance with Section 420.0004 Fla. Stat.~~
 - Recipients who have homeowner's insurance in place may be required to submit a claim to the insurer and use proceeds for repairs if the needed repairs are related to an event reasonably believed

to be insurable.

- Additional retrofitting activities that are eligible include, but are not limited to: waterproofing, elevating structures, elevating water heaters and heating/cooling units in flood prone areas; demolition; replacement; removal of trees and limbs which represent a hazard during high wind events; and other approved improvements.
- -As established in the Interlocal agreement between the County and the City of Tallahassee, the County may, in its discretion, administer its Disaster Recovery Program in coordination with the City and, as a result, may align its program rules with the City for equitable administration.
- SHIP funds may be used alone or in conjunction with CDBG and any other Housing funds to cover the cost of repairs described under this strategy.

G. Foreclosure Avoidance

Code 7

a. Summary: SHIP Funds will be awarded to owner-occupant households to bring the existing first mortgage of their primary residences current to avoid foreclosure.

b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023

c. Income Categories to be served: Very low, low and moderate

d. Maximum award: \$7,500

e. Terms:

1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.
2. Interest Rate: 0%
3. Years in loan term: Ten (10) years
4. Forgiveness: If the loan remains in good standing, assistance will be forgiven at the end of the loan term.
5. Repayment: Not required if the loan is in good standing.
6. Default: The loan will be determined to be in default if any of the following occurs:
 - Homeowner sells, transfers or disposes of the assisted unit (by either sale, transfer, bankruptcy or foreclosure, etc.);
 - Homeowner no longer occupies the unit as his/her principal residence or qualifies for Homestead Property Tax Exemption;
 - Homeowner dies, or if a married couple, the survivor dies. However, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.
 - Homeowner fails to maintain homeowner's insurance and flood insurance, if in a 100-year flood plain or required by a first mortgage lender to be covered by flood insurance.
 - Homeowner refinances the assisted unit. However, refinancing is allowed under the following conditions:
 - purpose of preventing foreclosure;

- lowering the interest rate that results in a minimum monthly mortgage payment reduction of at least seventy-five (\$75.00) dollars per month or to change from an adjustable rate mortgage (ARM) to a fixed rate mortgage;
- for payment of outstanding bills with no cash out to the homeowner unless the funds are to finance repairs needed to resolve a threat to the health and safety of the occupants or to prevent further damage to the structure.

If a superior mortgage holder accelerates the loan or forecloses upon the home, the County will attempt to obtain repayment of funds via the legal process if the County determines that adequate funds may be available to justify pursuing repayment.

f. Recipient/Tenant Selection Criteria: Applicants will be ranked for assistance based on a first-qualified, first-served basis with the priorities for Special Needs, Essential Services Personnel and income groups.

- A recipient must be the owner occupant of a home in an unincorporated area of Leon County for at least a year prior to application and qualify for Homestead Property Tax Exemption; or if the property has not been owned for at least a year, the needed repair, improvement or modification must be related to a circumstance that could not have reasonably been known prior to purchase of the property.
- A recipient may not have a reverse mortgage and must be current on all property taxes (including assessments), or other obligations associated with the property that may bring threat of tax lien, default, clouded title or other loss of ownership.
- Prior to participation, a recipient will be required to make code related improvements that are not repair oriented (i.e. nuisance, trash, environmental or health codes). Such improvements must be made if there is an active code complaint.
- A recipient may not have total liquid assets (liquid assets include all assets that can be accessed without penalty) that exceed Thirty Thousand Dollars (\$30,000).
- Applicant(s) must be at least two (2) months, but not more than six (6) months, in arrears in mortgage payments and have received notification in writing from their lender that proceeding to foreclosure is eminent. The maximum arrears for eligibility will be determined by the Lender's willingness to accept program maximum award to solve the client's issue via direct payment, modification, repayment plan, reinstatement, or any other viable solution acceptable to the client and Lender.
- Applicant(s) must have received in writing, from their lender, a denial of default resolution, forbearance, or payment arrangement.
- Applicant(s) must provide proof of sufficient income to maintain all mortgages and property taxes after foreclosure assistance is received. The ability to pay the affordable mortgage after receiving program assistance. Affordable means that monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in Section 420.9071 (19), (20) and (28), F.S.
- A hardship letter, as detailed in the Qualification Criteria must demonstrate the nonpayment of the mortgage is due to: sudden loss of income, sudden medical expenses, divorce or separation, death of spouse or joint-property owner, or unforeseen home repair bills.
- If approved to receive assistance, the applicant(s) must demonstrate:
 - Proof of completion in a credit counseling/budgeting course offered by an approved local provider.
 - Proof of residency in the unincorporated area of Leon County.
 - Assistance being sought is for the applicant(s) primary residence.
 - Applicant(s) must demonstrate proof of extraordinary hardship. Assistance will be provided

where an extraordinary hardship exists and has been demonstrated through adequate documentation, resulting in the delinquency on the first mortgage. If the applicant(s) has a variable rate mortgage, the applicant(s) must agree and show proof of approval for a modified fixed rate mortgage. Examples of an extraordinary hardship include, but are not limited to:

- Loss of employment, through no fault of the applicant; however, the applicant has secured new employment.
- Substantial decrease in the household income, through no fault of the applicant(s).
- Temporary or permanent disability that reduces income.
- Changes in the household composition that reduces income.
- Demonstrated medical hardship.
- Weather events such as fire, hurricane, or other disaster, resulting in unforeseen home repair bills not covered by the Federal Emergency Management (FEMA).
- Substantial increase of the mortgage payment due to participation in an adjustable rate mortgage or "ramp up" mortgage.
- Substantial increase in payment due to escrow shortages.

g. Sponsor Selection Criteria: N/A

h. Additional Information:

- Eligible units shall be either site-built or block structures; modular homes; or mobile homes (built after 1994). Mobile homes assisted with SHIP funds must be registered as real property with the Leon County Tax Collector's Office and the household must qualify as "Special Needs" in accordance with Section 420.0004 Fla. Stat.
- Homeowner must obtain and/or maintain homeowner's insurance.
- Homes in a 100-year flood plain or properties required by a first mortgage lender to be covered by flood insurance must have and maintain sufficient flood insurance coverage.
- Combined loan-to-value, including the anticipated SHIP lien, may not exceed one-hundred twenty percent (120%) of the value of the property. However, the loan-to-value limitation will be suspended during recovery from a disaster that is declared by an Executive Order of the President of the United States or the Florida Governor and to expend SHIP Disaster Recovery funds.
- Properties with a reverse mortgage are not eligible.
- Except for Disaster Recovery, previous Foreclosure Avoidance recipients are not eligible to receive additional SHIP assistance until ten (10) years after lien origination.

H. Rental Development & Rehabilitation	Code 14, 21
---	-------------

a.	Summary: SHIP Funds will be awarded to developers to that are awarded financing through other programs build new or to rehabilitate affordable rental units (single family detached or multi).
----	--

	In cases where a development is being proposed that includes at least 30% Special Needs units, the County may provide a larger amount of the overall construction financing.
--	--

b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023

c. Income Categories to be served: Very low, low

- d. Maximum award:
- | | |
|--|--|
| Single Family Maximum:
\$50,000 per unit – Non-homeless
\$75,000 per unit – Special Needs & Homeless | Multi Family Maximum:
\$50,000 per unit
Up to \$200,000 per multi-unit project maximum
\$100,000 may be added to the project maximum if 30% of units are set aside for Special Needs households. However, Leon County may use SHIP funds to meet the minimum LGAOF requirement to support a 9% Low Income Housing Tax Credit application. |
|--|--|
- e. Terms:
1. Repayment loan/deferred loan/grant: Funds will be awarded as a deferred loan secured by a recorded subordinate mortgage and note.
 2. Interest Rate: 0%
 3. Years in loan term: 30 years.
 4. Forgiveness:
 - a. For-profit developers: If the loan remains in good standing, assistance will be forgiven at the end of the loan term.
 - b. Non-profit developers: Loan is forgiven on a prorated basis beginning in year ten until year 30 at 5% annually.
 5. Repayment: Not required if the loan is in good standing.
 6. Default: The loan will be due and payable before the end of the term only if the units are sold or are no longer occupied by income-eligible households or used to house eligible households or persons who are homeless (if homeless rental development). Units must remain affordable for at least 30 years.
- If the property is foreclosed by a superior mortgage holder, the County will make every effort to recapture funds through the legal process if it is determined that adequate funds may be available after satisfaction of all superior liens.
- In the event the sponsor ceases to use the property to house eligible households or persons who are homeless, does not maintain the property to meet minimum housing quality standards, or offers the property for sale prior to the end of the term of the loan, the sponsor must give a right of first refusal to an the Community Land Trust then an eligible not-for-profit, for purchase at the current market value for continued occupancy by eligible persons.
- f. Recipient/Tenant Selection Criteria: Applications from potential tenants will be reviewed for eligibility by the program sponsors and will be ranked for assistance based on a first-qualified, first-served basis with the priorities for eligible households or persons who are homeless (if homeless rental development), Special Needs, Essential Services Personnel and income groups as referenced in Program Details (I).
- g. Sponsor Selection Criteria: Applications from potential sponsors will be reviewed on an ongoing basis if funding is available.

Sponsors/developers are required to be awarded construction financing through other local, state, federal, or private housing programs to construct new affordable rental units. This funding may be used as gap financing required for the project.

Not-for-profit sponsors used to implement this program must have received a tax-exempt ruling as a non-profit agency from the IRS under Section 501(c) of the Internal Revenue Code. The not-for-profit must have in its mission statement, Articles of incorporation, or bylaws that it is dedicated to the provision of housing and services for eligible households or persons who are homeless (if homeless rental development).

For-profit sponsors administering the program must have experience performing housing activities for eligible households or persons who are homeless (if homeless rental development).

The criteria to select for-profit or non-profit agencies may include, but is not limited to, the following:

- Consistency of the project with basic goals and objectives of the County;
- The financial strength of the sponsor, including the ability to leverage funds from other sources;
- The ability of the sponsor to complete the project by the deadlines established by the County;
- The capacity of the sponsor;
- The quantity and quality of experience in affordable housing development;
- ~~Proof of site control;~~
- Willingness of the sponsor to contractually commit to SHIP and other County requirements; and
- Agreement to select tenants based on compliance with all eligibility requirements imposed by the program;
- Preference shall be given to 1) Community Land Trusts and 2) not-for-profit entities; and
 - Sponsors with verified site control; and
 - Sponsors that employ personnel from the Welfare Transition Program.

h. Additional Information: Eligible units shall be either site-built or block structures; modular homes.

The County shall conduct annual monitoring visits or rely on the monitoring reports resulting from monitoring visits conducted as a requirement for other federal, state, or local funding sources to verify that the development is compliant with SHIP affordable housing rules, requirements and the terms herein.

To the maximum extent possible, the County and all contracted agencies shall encourage the incorporation of energy efficiency features, and green building and design techniques into rehabilitation or construction projects for sustainability and affordability.

All eligible units must be in ~~unincorporated~~ Leon County. Any homes on the National Registry of Historic Places may not be eligible.

I. Housing Rental Assistance	Code 13,23,26
<p>a. Summary: SHIP funds will be awarded for: (1) first and last month's rent, security and utility deposit assistance, moving costs and storage fees; and (2) past due rent and late fees not to exceed six months' rent to prevent eviction and (3) Rent Subsidies paying the monthly rent for up to 12 months. To be eligible for Rent Subsidies, the household receiving assistance must include at least one adult who is a person with special needs as defined in S. 420.0004 or homeless as defined in S. 420.621 and be considered very-low income.</p>	

- b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023
- c. Income Categories to be served: Very low and Low
- d. Maximum award: \$10,000
- e. Terms:
 - 1. Repayment loan/deferred loan/grant: Funds will be awarded as a grant.
 - 2. Interest Rate: N/A
 - 3. Years in loan term: N/A
 - 4. Forgiveness: N/A
 - 5. Repayment: N/A
 - 6. Default: N/A
- f. Recipient/Tenant Selection Criteria: Applicants who are homeless or at risk of homelessness (i.e., seeking eviction prevention) will be referred to the local Continuum of Care Coordinated Entry system, as appropriate and be assisted on a first-qualified, first-served basis. Applicants with one or more special needs household members may apply directly to the Leon County Housing Division or may be referred by a special needs service provider. If applications are received simultaneously, priority will be given to the household with the lowest income.
- g. Sponsor Selection Criteria: Sponsors may be selected to administer the Rental Subsidies program. Criteria for selection of sponsor organization will include:
 - 1. past experience working with the target population;
 - 2. past experience administering similar rental assistance programs;
 - 3. financial and human resource capacity to administer the program;
 - 4. participation in the Continuum of Care Coordinated Entry system; and
 - 5. such other criteria as may be determined appropriate.
- h. Additional Information:
 - All eligible units must be in unincorporated Leon County.
 - A twelve (12) month lease is required.
 - Rent Subsidy is provided to households once in a lifetime.
 - Reentry and Eviction Prevention recipients are eligible to receive additional SHIP assistance one (1) year after assistance is provided.

III. LHAP Incentive Strategies

In addition to the **required Incentive Strategy A and Strategy B**, include all adopted incentives with the policies and procedures used for implementation as provided in Section 420.9076, F.S.:

A. **Expedited Permitting**

Permits as defined in s. 163.3177 (6) (f) (3) for affordable housing projects are expedited to a greater degree than other projects.

The procedures used to implement this strategy are as follows:

Leon County expedites permitting of affordable housing projects by administrative direction, close coordination and team work. Specific processes that have been established include:

- 1) Using pre-permitting review to determine project status, identify and resolve potential legal problems that might preempt permitting, and otherwise expedite affordable housing.
- 2) Obtain assistance and cross-training from Building Inspection with the initial inspection of rehabilitation projects to ensure all code compliance issues are addressed in write-ups and permit applications. This expedites plan review and minimizes changes that delay permitting and project completion.
- 3) The Director of the Office of Human Services & Community Partnerships and the staff are the designated liaisons with the Affordable Housing Program and assists with the resolution of difficult permitting issues.

These processes will promote a reduction in building permitting time for affordable housing projects by 50% from the average of ten (10) days to an average of five (5) days.

B. **Ongoing Review Process**

An ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption.

The procedures used to implement this strategy:

By administrative direction, all Local Comprehensive Plan and Land Development Regulations (LDR) with the potential to impact the cost of affordable housing are referred to the Leon County Division of Housing Services. Any of these Plan or LDR amendments potentially affecting affordable housing costs can be brought up to a meeting of the Department of Development Support and Environmental Management, the Planning Department, and the Division of Housing Services for modification and transmittal to the Board of County Commissioners or other appropriate review or approval entities.

C. **Flexibility in Densities**

The allowance of flexibility in densities for affordable housing.

The procedures used to implement this strategy:

The Land Development Code (LDC) provides incentives for affordable housing regarding the required review level. For example, projects with 50% or more affordable housing units can have their review threshold increased by 50% thereby potentially allowing a lower review level leading to potentially lower permitting costs. [Section 10-7.402(4)(h) of the LDC]

D. Modification of Impact Fee Requirements

The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

The procedures used to implement this strategy:

The County eliminated its transportation impact fee in 1995; therefore, housing developers do not pay any county impact fees. The Public Works Department supports affordable housing by waiving landfill dumping (tipping) fees for disposal of construction debris by the County's affordable housing contractors.

E. Allowance of Accessory Dwelling Units

The allowance of affordable accessory residential units in residential zoning districts.

The procedures used to implement this strategy:

The LDC allows accessory dwelling units in conjunction with the following principal structures: single-family detached dwellings; retail establishments; offices; and principal industrial structures. [Section 10-6.803(b) of the LDC]

F. Inventory of Public Lands Suitable for Affordable Housing

The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

The procedures used to implement this strategy:

County staff prepares, and makes available to the public, a printable inventory of County-owned lands suitable for affordable housing.

IV. EXHIBITS:

- A. Administrative Budget for each fiscal year covered in the Plan.
- B. Timeline for Estimated Encumbrance and Expenditure.
- C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the plan.
- D. Signed LHAP Certification.
- E. Signed, dated, witnessed or attested adopting resolution.
- F. Community Land Trust Additional Instructions and Information.
- G. Interlocal Agreement, Leon County, Florida & the City of Tallahassee, Florida

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2021/2022; 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 12th day of July, 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

FISCAL YEAR 2021/2022 BUDGET AMENDMENT REQUEST

No: BAB22035
Date: 6/24/2022

Agenda Item No: _____
Agenda Item Date: 7/12/2022

County Administrator

Deputy County Administrator

Vincent S. Long

Alan Rosenzweig

Request Detail

<u>Revenues</u>							
<i>Fund</i>	<i>Org</i>	<i>Account Information</i>		<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
		<i>Acct</i>	<i>Prog</i>				
001	000	366000	000	Contributions and Donations	-	70,000	70,000
Subtotal:							
<u>Expenditures</u>							
<i>Fund</i>	<i>Org</i>	<i>Account Information</i>		<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
		<i>Acct</i>	<i>Prog</i>				
001	820	58200	519	Aids to Private Organizations	44,500	70,000	114,500
Subtotal:						70,000	

Purpose of Request

This budget amendment realizes \$70,000 from the Housing Finance Authority of Leon County (HFA) for the redevelopment of the Orange Avenue Apartments (Magnolia Family Phase I).

Division/Department
2308/23

Roshaunda Bradley, Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: Resolution ☒

Motion ☐

Administrator ☐

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (AGREEMENT), is made and entered into as of the date of last signature below (“Effective Date”), by and between Leon County, Florida, a charter county and a political subdivision of the State of Florida (the “County”) and the Housing Finance Authority of Leon County, a separate public body, corporate and politic (the “HFA”). The County and HFA may be referenced herein individually as (“Party”) or collectively as (“the Parties”).

WHEREAS, the County is dedicated to promoting, maintaining, and providing safe, sanitary, and affordable homes for low to moderate-income citizens of Leon County; and

WHEREAS, on June 10, 1980 the Leon County Board of County Commissioners (the “Board”) adopted Ordinance No. 80-39, creating the HFA pursuant to Chapter 159, Part IV, Florida Statutes (the Florida Housing Finance Authority Law) and as most recently amended by Ordinance No. 2017-02 adopted on February 7, 2017; and

WHEREAS, the HFA functions to alleviate a shortage of affordable housing and investment capital for residents in Tallahassee-Leon County; and

WHEREAS, the HFA encourages investments by private enterprises, stimulates construction and rehabilitation of housing through the use of public financing and provides low-cost loans to make housing purchase affordable; and

WHEREAS, the Parties have expressed a mutual commitment to the coordination and collaboration of affordable housing efforts in the community; and

WHEREAS, the Parties seek to collaborate on the investment of any funds recaptured from the Down Payment Assistance Loans that were funded by the County during the period of October 1, 1998 through September 30, 2008 through the State Housing Initiative Partnership (SHIP) funds, in accordance with the guidelines of SHIP.

NOW THEREFORE, the Parties agree to the following:

1. Purpose and Objective

- a. The purpose of this Agreement is for the coordination and collaboration of affordable housing efforts between the Parties.

2. Definitions

- a. Down Payment Assistance Loans: Loans prepared and recorded in the name of the HFA that were funded by the County through the State Housing Initiative Partnership funds or from other sources.
- b. County-HFA Cooperative Parcels: County-owned parcels that have been deemed suitable for affordable housing in accordance with Florida Statutes and the

County's Real Estate Policy and presented to and accepted by the HFA for cooperation in the sale or lease.

- c. Housing Programs: County-adopted or HFA-adopted programs that provide financial support to low-income residents for affordable housing.
- d. Fee: any sum of money collected by the HFA from a developer as part of the application process for Local Government Area of Opportunity Funding and other Florida Housing Finance Corporation programs that require local government funding on behalf of Leon County.
- e. Real Estate Policy: The County's Real Estate Policy, Policy No. 16-5, adopted June 19, 2018, as may be amended from time to time.

3. Responsibilities of the Parties

The Parties responsibilities for the coordination and collaboration of Housing Programs will be as follows:

a. County Responsibilities

- i. The County, in mutual agreement with the HFA, will administer programs adopted by the HFA that seek to address the affordable housing needs of residents in Leon County, at no administrative cost to the HFA, in accordance with guidelines established by the HFA and the County Administrator, or his or her duly authorized designee.
- ii. The programs will be administered by accomplishing the following:
 - 1. Determine client eligibility;
 - 2. Assess home rehabilitation needs;
 - 3. Solicit bids for housing rehabilitation services;
 - 4. Complete any required agreements with clients or contractors;
 - 5. Monitor the work of contractors; and
 - 6. Process invoices.
- iii. The County will utilize funds provided by the HFA for the County housing program.
 - 1. HFA funds, approved by the HFA, will supplement funding from other sources for projects that meet the criteria of County-adopted housing programs. Other sources include, but are not limited to, the SHIP, Community Development Block Grant, and County General Revenue funds. The HFA authorizes the County to use designated HFA funds to support the SHIP program and/or projects.
 - 2. The County will ensure that all recipients of funds meet all eligibility requirements mutually agreed upon and authorized by the

HFA and the County Administrator, or his or her duly authorized designee.

- b. In the event an award is made through a County-adopted program funded with HFA funds that is not in compliance with the mutually agreed upon program guidelines, the County agrees to fund, from other sources, an amount corresponding to the award to be used for the County-adopted program.
 - i. The County will maintain the records of housing programs that it administers. The records will include:
 - 1. The number of applicants seeking funding,
 - 2. The name of clients served,
 - 3. Name of all vendors utilized for each project,
 - 4. The total amount of funds utilized for each project including HFA and funds from other sources,
 - 5. The types of housing projects,
 - 6. The date each project started and the date the project was completed, and
 - 7. The types of services requested.
 - ii. The County will provide the HFA with a monthly report on HFA funds used for projects in the form attached hereto as Exhibit A.
- c. HFA Responsibilities
 - i. Upon the HFA's approval of this Agreement, the HFA, in mutual agreement with the County, will become a strategic and financial partner of programs and projects adopted by the County that seek to address the affordable housing needs of residents in Leon County.
 - ii. The HFA, in mutual agreement with the County, will determine annually the HFA programs to be administered by the County no later than June 15 prior to the start of each fiscal year. HFA will determine the level of its funding and the limits to its funding of County-adopted housing programs on an annual basis no later than June 15 prior to the start of each fiscal year.
 - iii. Upon the HFA's approval of this Agreement, the HFA will serve as a strategic planning and financial partner in the promotion of County and HFA Housing Programs and Services mutually agreed upon by the Parties. Annual Programs will be determined in advance by both Parties no later than June 15 prior to the start of the fiscal year. Annual funding, if any, will be determined in advance by the HFA no later than June 15 prior to the start of the fiscal year.

- iv. The HFA may serve as a strategic planning and financing partner on County events that seek to promote affordable housing efforts to include, but not be limited to, the Leon County Annual Home Expo and the Leon County 9/11 Day of Service. Annual funding for promotional efforts will be determined in advance by the HFA no later than June 15 prior to the start of the fiscal year.
- v. The HFA will continue to evaluate housing projects for potential investments through the issuance of bonds and other financial resources in order to increase the inventory of affordable housing in Leon County through programs such as, but not limited to, the development of new units (rental or homeownership) and down payment and/or closing cost assistance.
- vi. The HFA will establish, in collaboration with the Leon County Administrator, or his or her duly authorized designee, a comparative application process based on local priorities for considering requests from developers for Local Government Area of Opportunity Funding (LGAOF) for the Florida Housing Finance Corporation (FHFC) Housing Credit program providing low-income housing 9% tax credits and other FHFC programs that require a local government contribution.
 - 1. At the direction of the Leon County Administrator, or his or her duly authorized designee, the HFA will solicit applications for LGAOF and other competitive FHFC funding programs;
 - 2. The HFA will comparatively evaluate applications and provide a report that analyzes all applications received via the process mutually agreed upon in this subsection (3)(c)(vi) herein;
 - 3. The HFA will make a recommendation to the Board on affordable multi-family housing development projects to support as the local priority via LGAOF or other FHFC programs that require a local contribution with sufficient time for action by the Board and submission of an application pursuant to the FHFC's applicable Request for Applications.
 - 4. Any Fees established and/or collected by the HFA in association with subsection (3)(c)(vi) herein must be approved by the Leon County Administrator, or his or her duly authorized designee.

4. Budget

- a. Budget adoption. The HFA will adopt an estimated budget for both County-adopted and HFA-adopted programs administered by the County by June 15 prior to the start of each fiscal year.
- b. Advancement of funds. The HFA will, based on its adopted budget and upon specific designation by the HFA for a given program, advance funds to the County annually or semi-annually for HFA programs administered by the County and/ or

County-adopted programs funded by the HFA. The County will retain unencumbered funds at the end of a fiscal year.

- c. Previously Administered Programs. If the HFA decides not to have the County administer any previously administered programs, any funds previously paid by the HFA to the County, but not encumbered or spent for their designated purpose, will be returned to the HFA.

5. Investment of Previous Down Payment Assistance Loans

- a. Coordination on the Investment of DPA Loans. The Parties agree to coordinate on the investment of any funds that may be repaid from the Down Payment Assistance Loans issued during the period of October 1, 1998 through September 30, 2008 attached as in Exhibit B (the "Exhibit B DPA Loans") for strategies provided in the County's SHIP-LHAP and in accordance with SHIP criteria.
- b. Deposit of Exhibit B DPA Repaid Loan Funds. The Parties agree that the HFA will transfer any funds repaid after the date hereof from the Exhibit B DPA Loans into the County's Local Housing Trust Fund. The HFA agrees to execute such documents as necessary to grant the County the authority to release, satisfy or take such other actions as the County shall deem necessary with respect to the Exhibit B DPA Loans, and for the County to directly receive funds repaid from the Exhibit B DPA Loans.
- c. Exhibit C DPA Loans. The Parties agree that any funds repaid from the Down Payment Assistance Loans set forth in Exhibit C attached hereto (the "Exhibit C DPA Loans") shall be the property of the HFA, and the County agrees (i) to transfer any such funds to the HFA, and (ii) not to release or otherwise enter into any agreement regarding an Exhibit C DPA Loan without the HFA's approval.

6. Changes in Responsibilities

- a. Changes in the responsibilities of either Party will be mutually agreed upon by the Parties and will be incorporated by written amendments to this Agreement.

7. Affordable Housing Parcels

- a. In accordance with County's Real Estate Policy the HFA and the County will cooperate in the sale or lease of any County-HFA Cooperative Parcels as evidenced by jointly advertising and contributing to the costs associated with preparing such parcels for sale or lease. All activity and action for the disposition of affordable housing parcels will be in accordance with Article 11 of the Real Estate Policy and include the following:
 - i. The payment, if any, and the use of funds requested from the HFA.
 - ii. The process and timeline for selling the property.

- iii. Any conditions regarding the sale, including the nature of subsequent use and ownership.

8. HFA Correspondence

- a. The address listed for the County's Housing Services Division will serve as the physical address for the HFA. Any correspondence addressed to the HFA and received by the County's Housing Services Division will be forwarded to the HFA in a timely manner.

9. Employee Designation

- a. All employees of the County involved in carrying out the obligations of the County under this Agreement remain employees of the County and are subject to the County's personnel rules and regulations therein.

10. Required Information

- a. Each Party agrees to provide the other Party with any and all information necessary to meet their respective obligations as identified herein.

11. County Staff

- a. The use of County staff and other resources, will only be authorized for projects that are directly associated with the responsibilities of the County and HFA-adopted programs mutually agreed to be administered by the County.

12. Term

- a. The term of this Agreement (the "Term") will commence on the Effective Date and will be for a term of three (3) years. This Agreement may be renewed for additional three-year terms upon mutual agreement by the Parties of the satisfaction of performance of both Parties, unless the Agreement is terminated earlier pursuant to the terms of this Agreement.

13. Termination

- a. Either the HFA or the County may terminate this Agreement without cause by giving at least thirty (30) calendar days written notice to the other party.

14. Audits, Records and Records Retention

- a. The HFA agrees 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. The HFA further agrees to retain all 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, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records will be retained until resolution of the audit findings or any litigation which may be based on the terms of this Agreement. The County or any of its duly authorized representatives will have access to and the right to examine, audit, excerpt and transcribe any directly pertinent books, documents, papers and records of the HFA, involving transactions relating to this Agreement. Upon completion or termination of this Agreement, and at the request of the County, the HFA 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.

15. Choice of Law, Venue, and Severability

- a. This Agreement shall be construed and interpreted in accordance with Florida law. Venue for any actions brought in relation to this Agreement shall be placed in a court of competent jurisdiction in Leon County, Florida. If any provision of this Agreement is subsequently held invalid, the remaining provisions shall continue in effect.

16. Several Liability

- a. Liability of the Parties will be several and not joint, and in no event will a party have any liability with respect to the acts or omissions of any other party to this Agreement.

17. Amendment

- a. This Agreement may be amended in writing from time to time by mutual consent of the Parties. All amendments to this Agreement will be in writing and fully executed by the Parties.

18. Notice

- a. If written notice is required in this Agreement, such notice shall be given by hand-delivery, recognized overnight delivery service, or by first class mail, registered and return receipt requested as follows:

To the County as follows:

Leon County Office of Human Services and Community Partnerships
Shington Lamy, Director
615 Paul Russell Road
Tallahassee, Florida 32301

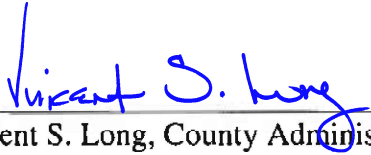
To the HFA as follows:

Housing Finance Authority of Leon County
Mark Hendrickson, Administrator
615 Paul Russell Road
Tallahassee, Florida 32301

REST OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties hereto, through their duly authorized representative, have executed this Agreement as of the date last written below.

Leon County, Florida



Vincent S. Long, County Administrator

Date: May 14, 2021

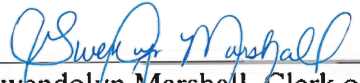
Housing Finance Authority of Leon County



Marnie George, Chair


Date: APRIL 8, 2021

ATTESTED BY:



Gwendolyn Marshall, Clerk of Court &
Comptroller, Leon County, Florida






Jeffrey Sharkey, Secretary
Housing Finance Authority of Leon County

AS APPROVED TO LEGAL SUFFICIENCY:


Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: 

Kyle L. Kemper, Assistant County Attorney

Digitally signed by Kyle L. Kemper
DN: cn=Kyle L. Kemper, o=Leon
County Attorney's Office, ou,
email=KemperK@leoncountyfl.go
v, c=US
Date: 2021.05.14 11:33:13 -04'00'

Nabors, Giblin & Nickerson, P.A.



Mark T. Musman, Attorney
Housing Finance Authority of Leon County

EXHIBIT A

Report of Housing Projects Funded by HFA

Date: _____

Application/ Designation Date	First Name	Last Name	Income Level	Address	Status¹	Project Type	Project Description	Date Work Performed	Date Vendor Paid/Project Closed	Actual Expenditure To Date	HFA Funding Allocated	Notes

EXHIBIT B

LEON COUNTY HFA SUBORDINATE MORTGAGES (DPA)				
FOUND IN LEON COUNTY RECORDS; RECORDED MORTGAGES (AND NOTE ATTACHED)				
CONFIRMED CURRENT OWNER ON LEON COUNTY PROPERTY APPRAISER WEBSITE				
LAST NAME	FIRST NAME	DATE RECORDED	Date of Mortgage	ADDRESS
Fritzen	Ramona	10/20/1998	10/9/1998	3688 Wood Hill Dr
McNeil	Reshecia	1/5/1999	12/30/1998	4128 Red Cedar Court
Wattu	Linda	2/29/2000	2/25/1999	802 Peggy Dr
Hirst	Jennifer	4/13/2000	3/30/1999	1540 Twin Lakes Circle
McKnight	Paula	5/7/1999	5/4/1999	8255 Balmoral Dr
Taff	Charlene	5/28/1999	5/14/1999	9579 Old Woodville Hwy
Roberts	Cathy	6/14/1999	6/8/1999	841 Alice Wester Dr
Blackburn	Misty	9/17/1999	6/30/1999	1607 Misty Garden Way (also in some records as 1609)
Neel	Charlie	8/24/1999	8/20/1999	3418 Cherokee Ridge Trail
Lewand	Georgia	9/10/1999	9/10/1999	818 Brent Drive

Donner	Barbara	9/29/1999	9/27/1999	3706 Bellwood Dr
Odom	David	10/27/1999	10/25/1999	1303 Burgess Dr
Burke	Minnie	11/18/1999	11/15/1999	4020 Wiggington Road
Vivas	Renee	12/2/1999	11/29/1999	4146 Laurel Oak Circle
Gordon	Paulette	12/30/1999	12/22/1999	916 Crossway Road
Kraeft	Diane	1/10/2000	12/30/1999	3359 Baum Road
Harris	Yolanda	9/7/2000	3/31/2000	8232 Little Terry Circle
Crump	Lejune	6/6/2000	4/27/2000	1479 Grey Fox Run
Lamoute	Sherri	5/8/2000	4/28/2000	5714 Eunice Court
Borecky	William	5/26/2000	5/24/2000	5756 Bombadil Ct

Joshua	Michelle	5/31/2000	5/25/2000	1907 Longview Dr
Dewall	Kathleen	6/5/2000	5/26/2000	4850 Jackson Cove Road
Pater	Mary Ann	5/31/2000	5/30/2000	4537 Hickory Forest Circle
Duce (McClellan)	Margaret	7/18/2000	5/31/2000	5406 Claredon Court
Coon	Regina	10/13/2000	7/12/2000	2163 Portsmouth Circle
Parker-Hart	Yolanda	8/3/2000	7/21/2000	5821 Marblewood Lane
Jones	Evangeline	8/7/2000	8/2/2000	2059 Little River Street
McQueen	Shenella	8/11/2000	8/8/2000	8317 Balmoral Drive
Smith	Katina	8/28/2000	8/25/2000	5415 Water Valley Court

Kalista (Weiss)	Alicia	9/12/2000	9/6/2000	1310 Tom Still Road
Brown	Sharon	10/5/2000	10/4/2000	1850 Folkstone Road
Davis	Debbie	11/29/2000	11/28/2000	5375 Dawn Court
Potts	Michael	12/5/2000	11/30/2000	281 Fern Hollow Road
Jackson	Twan	12/5/2000	11/30/2000	4732 Hibiscus Avenue
McNealy	Ruby	12/18/2000	12/15/2000	2335 Southhampton Drive
Cohen	Marvin	1/18/2001	1/11/2001	5640 Mossy Top Way
Morgan	Susan	2/26/2001	2/23/2001	8849 Road to the Lake
Gordon	Jeri	3/8/2001	3/1/2001	6271 Alamo Drive

Pye	Brenda	5/25/2001	3/22/2001	5788 Cypress Circle
Hoffler	Charles	4/11/2001	4/5/2001	5412 Debbie Street
Otuonye	Gabriel	5/4/2001	4/24/2001	1744 Rodeo Drive
Tucker	Edward	5/18/2001	4/26/2001	9455 Liska Drive
Thomas	Lakeidra	5/1/2001	4/27/2001	2094 Little River Lane
Allen (Miles)	Ivy	5/3/2001	5/1/2001	4077 Bothwell Terrace
Hatten	Ryan	5/24/2001	5/18/2001	3450 Wood Hill Drive
Coya	Manuel	6/5/2001	5/30/2001	1805 Rodeo Drive
Phippin	Aleksandra	6/6/2001	5/30/2001	1379 Idlewild Drive
Jahn	Janet	6/11/2001	5/31/2001	7226 Garrett Road
Ausness	Patricia	7/9/2001	6/29/2001	4099 Blind Brook Court

Cronin	Matthew	8/3/2001	7/27/2001	2630 Faversham Drive
Parker	Gladys	9/19/2001	7/30/2001	9870 Wadesboro Road
Pierce	Candice	9/18/2001	8/16/2001	8300 Balmoral Drive
Gensel	Linda Marie	9/11/2001	8/20/2001	5714 Bombadil Court
Thomas	Melissa	9/5/2001	8/29/2001	2009 Balmoral Court
Hilliard	Richard	10/3/2001	9/26/2001	1902 Katherine Speed Court
Mathena	Judith	3/29/2002	10/26/2001	11224 Kelli Loop
McCoy	Felicia	10/31/2001	10/26/2001	12296 Wilderness Drive/12438 Jamison Way
Harrington	Milton	11/19/2001	11/8/2001	5648 Rustic Drive
Youngblood	Terry	1/4/2002	11/30/2001	4616 Autumn Wood Way

King (Annis)	Martha	12/28/2001	12/18/2001	3328 Wood Hill Drive
Leonard	Daniel	2/4/2002	1/31/2002	8504 SouthMinster Court
Stacknik	Suzanne	2/1/2002	1/31/2002	5048 Easy Street
McFadden	Constance	2/15/2002	2/12/2002	4006 Duncan Lane
Bissett	Joel	3/27/2002	3/22/2002	5748 Cypress Circle
White	Kevin	4/2/2002	3/28/2002	5419 Sombra del Lago
Diamond	Ashante	4/8/2002	3/28/2002	8472 Titus Lane
Burns	Audrey	4/11/2002	4/1/2002	7018 Veterans Memorial Hwy
Bailey	Stephen	4/25/2002	4/15/2002	4759 Orchid Drive
Harris	Dianne	5/30/2002	5/24/2002	5294 Water Valley Drive

Nichols	Robert	5/31/2002	5/24/2002	1950 Fleischmann Road/ or 3362 Thomas Butler Road
Radke	Lana	7/8/2002	6/27/2002	5610 Grove Valley Court
McKinnie	Lisa	7/5/2002	6/28/2002	5787 Bombadil Court
Hayden	Connie	7/10/2002	6/28/2002	4535 Russell's Pond Lane
Deverteuil	Elizabeth	7/3/2002	6/28/2002	4192 Red Oak Drive
Folsom	Jennifer	9/4/2002	8/13/2002	5286 Water Valley Drive
Ichite	Barry	8/30/2002	8/20/2002	4122 Sonnet Drive
Porter	Clifford	8/28/2002	8/23/2002	3837 Castleberry Drive
Lewis	Katherine	9/13/2002	8/30/2002	1550 Twin Lakes Circle
Williams	Opal	9/12/2002	8/30/2002	2020 Canewood Court
Profitt	Steven	9/8/2002	8/30/2002	1573 Clifford Hill Road

Essig	Stephanie V.	9/5/2002	8/30/2002	4104 Wiggington Road
Davis	April	10/11/2002	9/20/2002	1226 Brafforton Drive
Washington-Frison	Cantouria	10/28/2002	10/17/2002	5358 Tower Road
Watts	Laura	11/1/2002	10/29/2002	5795 Bombadil Court
Woodard	Denise	11/4/2002	10/31/2002	5575 Tower Wood Trail
Cox (Lewis)	Tanya	11/21/2002	11/12/2002	6201 Bombadil Drive
Sunday	Patricia	12/6/2002	11/22/2002	4717 Center Drive
Dantzler	Phyllis	12/11/2002	12/6/2002	2765 Sandalwood Drive
Miller	Kista	1/23/2003	1/15/2003	5346 Tower Road
Williams	Shawanda	2/28/2003	1/24/2003	4750 Shelfer Road
Lanier	Linda	2/4/2003	1/24/2003	2141 Shangri La Lane
Cain	Roger	2/5/2003	1/28/2003	4554 Sunray Place
Baker	Winifred	4/1/2003	2/21/2003	3878 Cromwell Court

McVay	James	3/21/2003	3/5/2003	8751 Centerville Road
Durbin	Rebecca	4/29/2003	4/2/2003	1172 Brafforton Drive
Wright	Devetrianna	4/17/2003	4/11/2003	1408 Westheaven Drive
Elliott	Elisabeth	4/28/2003	4/18/2003	2901 Cathedral Drive
Johnson	Willie Lee	5/3/2003	4/28/2003	2033 Natural Bridge Road
Pye	Ramona Cox	5/23/2003	4/30/2003	5789 Japonica Court
Hickman	Stephen	5/27/2003	5/22/2003	4111 Susan Avenue
Haas	Terri	6/4/2003	5/23/2003	5318 Tower Road
Youmas	Katronda	6/4/2003	5/28/2003	5354 Tower Road
Miller	Jeremy	6/4/2003	5/29/2003	5338 Tower Road

Hanks	Joseph	6/2/2003	5/29/2003	1108** Brafforton Drive
Lawrence	Deron	8/4/2003	7/25/2003	8512 SouthMinster Court
Englert	Gabriel	8/19/2003	8/14/2003	3808 Cottingham Drive
Adkins	Jessee	9/25/2003	8/28/2003	7560 Talley Ann Drive
Wynn	Elouise	9/10/2003	9/5/2003	107 Ponce de Leon Boulevard
Brown	Demetris	11/4/2003	10/29/2003	8835 Old Woodville Highway
Stovall	Salina	12/1/2003	11/21/2003	2584 Chateau Lane
Dickson	Christopher	1/29/2004	1/16/2004	2221 Mandrell Court
Felix (Colson)	Paulane	6/23/2004	5/27/2004	5330 Tower Road
Plaster	Michael	6/29/2004	6/22/2004	4129 Wiggington Road
Hunt	Clara	7/2/2004	6/25/2004	810 Annawood Street

Sahagun	Jose	1/19/2005	9/24/2004	815 Annawood Circle
McAtee	Heather	10/4/2004	9/29/2004	2605 Onyx Trail
Stachurski	Michael	2/9/2005	2/1/2005	2426 Manzanita Court
Montgomery	Ervin	2/25/2005	2/16/2005	8979 Blountstown Highway
Haynes	Pamela	6/29/2005	3/3/2005	??? Sandyrock Lane Cannot find a solid address except for a property that is not in her name
Cosby	Damion	6/15/2005	4/8/2005	5770 Jodphur Court
Miller	Charlene	5/4/2005	4/29/2005	8201 Hunters Ridge Trail
Beam	Christopher	5/11/2005	5/2/2005	8261 Balmoral Drive
Kogot	Joshua	6/7/2005	5/12/2005	7710 Talley Ann Drive
Knight	Janine	5/19/2005	5/16/2005	809 Briandav
Simmons	Travis	6/8/2005	5/31/2005	2026 Nena Hills Drive
Claridge (Williams)	Amanda	6/27/2005	6/24/2005	2620 Chandalar Lane

St. Germaine	Joseph	9/8/2005	8/12/2005	4612 Autumn Way
McHenry	Alison	1/9/2006	8/15/2005	2807 Misty Garden Circle
Brown	Jermaine	10/26/2005	8/15/2005	4736 Shelfer Road
Richmond	Lea	8/25/2005	8/19/2005	1169 Brafforton Way
Auguste	Sandra	9/12/2005	9/9/2005	5445 Tallapoosa Road
Ballentine	Karen	11/7/2005	9/23/2005	4752 Hibiscus Avenue
Hudson	Marie	11/7/2005	9/30/2005	4754 Hibiscus Avenue
Goings	Angela	12/8/2005	11/22/2005	5932 Friendly Avenue
Lyons	Joanne	12/6/2005	11/30/2005	314 Folsom Drive
Coleman	Felicia	12/12/2005	12/2/2005	4733 Hibiscus Avenue
Chukes	Hope	12/30/2005	12/16/2005	10160 Sandyrock Lane

Dugan	Eunice	2/14/2006	2/10/2006	4712 Hibiscus Avenue
Storm	Jeffrey	3/6/2006	2/17/2006	5810 Bombadil Court
Hadley	Tiffany	3/17/2006	2/22/2006	1001 Shady Wood Trail
Rumph	Laura	4/3/2006	3/27/2006	1503 Grey Fox Run
Moore	Dan	4/5/2006	3/31/2006	5389 Sombra del Lago Drive
Green	Ebony	5/4/2006	4/28/2006	711 Briandav Street
Fisher	Yolanda	8/21/2006	5/25/2006	4660 Cypress Point Road
Wilson	Melanie	9/5/2006	5/25/2006	3080 Whirlaway Trail
Chambers	KeyannaShabar	1/23/2007	11/30/2006	1052 Shady Wood Trail
Hormuth	Jason	12/11/2006	11/30/2006	2405 Manzanita Court
Zubr	Yelitza	12/8/2006	12/5/2006	3046 Layla Street
Simpson	Meredith	12/28/2006	12/14/2006	518 Patty Lynn Drive

Claitt	Requista	12/22/2006	12/15/2006	7214 Turner Street
Cumberbatch	Jurelle	1/4/2007	12/28/2006	4753 Hibiscus Avenue
Robbins (Stoutamire)	Elizabeth	2/15/2007	2/12/2007	16923 Aqua Lane
Barley	Benjamin	3/2/2007	2/28/2007	7764 Talley Ann Drive
Paris	Antwon	3/6/2007	2/28/2007	1325 Success Way
Pounds	Sean	3/27/2007	3/23/2007	1668 Corey Wood Circle
Moldstad	John & Amanda	7/6/2007	6/28/2007	523 Brooke Hampton Drive

Exhibit C

LEON COUNTY HFA SUBORDINATE MORTGAGES (DPA)			
FIND IN LEON COUNTY RECORDS; RECORDED MORTGAGES (AND NOTE ATTACHED TO CONFIRMED CURRENT OWNER ON LEON COUNTY PROPERTY APPRAISER WEBSITE)			
LAST NAME	FIRST NAME	DATE RECORDED	Date of Mortgage
Smith	Mary & Jerome	9/29/1992	9/15/1992
Edwards	Anthony & Fay	11/6/1992	10/30/1992
Jordan	Cynthia	11/17/1992	11/16/1992
Dodson (now Brumbley)	Karalyn	10/1/1993	9/29/1993
Brown	Michael A.	11/4/1996	10/30/1995
Reichwein	Eyvonne	1/19/1996	1/12/1996
Bascom	Blondie	2/7/1996	1/16/1996
Marshall	Elizabeth	1/30/1996	1/24/1996
Toothman	Wayne	2/27/1996	2/16/1996
Peterson	Ricky	5/13/1996	10/30/1996

Bryan	Marvin A Jr	10/31/1996	10/31/1996
Fitzsimmons	Michael	11/1/1996	10/31/1996
Huntley	Dorothy L	1/16/1997	12/20/1996
Jefferson	Pamela	1/24/1997	1/17/1997
Bryant	Barbara	2/20/1997	2/12/1997
Pringle	Sherese	3/5/1997	2/28/1997
Harper	William	3/5/1997	2/28/1997
Sellers	Darrell	4/23/1997	3/31/1997
Mitchell	Cynthia	4/2/1997	3/31/1997
Lindsey	Connie	6/4/1997	5/22/1997
Scott	Fran	6/10/1997	6/4/1997

Johnson	Jeannette	7/11/1997	7/1/1997
Hayes	Gwendolyn	8/6/1997	7/31/1997
Nichols	Victoria	9/9/1997	9/5/1997
Adams	Carmen	11/12/1997	10/10/1997
Dotson	Kimberly	12/31/1997	10/10/1997
Colbert	James	11/18/1997	10/20/1997
Massenburg	Aneta	10/31/1997	10/24/1997
McNulty	Carolyn	12/9/1997	11/25/1997
Watson (Ashby)	Joanne	12/9/1997	11/25/1997
De Polit	Maria	1/13/1998	12/24/1997

Bearden	Michael	2/9/1998	1/30/1998
Glenn	Zabrina	3/23/1998	3/20/1998
Newman	Darryl	3/24/1998	3/23/1998
Monroe	Lorenzo	7/13/1998	4/6/1998
Whitfield	Timothy	4/22/1998	4/17/1998
Jamil	Mohtashim	5/14/1998	5/8/1998
Freeland	Kay	6/12/1998	6/3/1998
Lansberry	Cindy	6/3/1998	6/4/1998
Pennywell	Vivian	6/23/1998	6/15/1998
Bowens	Lue Anna	9/2/1998	6/20/1998
Baker	Pamela	7/10/1998	7/2/1998
Fleck	Jared	7/10/1998	7/2/1998

Ferrell	Gregory	7/10/1998	7/2/1998
Prenatt	Michelle	9/2/1998	7/3/1998
Staalenburg	Heidi	8/27/1998	7/31/1998
Schaefer	Michele	8/11/1998	7/31/1998
Anderson	Maxine	9/8/1998	8/7/1998
Phillips/Lancos	Dawnette	8/26/1998	8/21/1998
Monlyn	Karen	8/31/1998	8/24/1998
Peters	Johnnie Mae	9/9/1998	8/31/1998
Milton	Mindy	9/8/1998	8/31/1998
Baggett	Shiela	9/17/1998	9/10/1998
Kneer	Dolores	9/22/1998	9/16/1998

Wilson	Tiffany	11/6/1998	9/28/1998
Miller	Denise	11/24/1998	9/28/1998
Maher	Verena	10/20/1998	9/28/1998
West	Troy	10/5/1998	9/30/1998
Garrison	Bridget	10/23/1998	10/16/1998
Lee	Genevia	11/3/1998	10/23/1998
Cleggett	Velda	11/13/1998	11/6/1998
Mantay	Shawn	12/9/1998	11/6/1998
McClure	Tonya	12/3/1998	11/23/1998

Notley	Todd	12/23/1998	11/27/1998
Williams	Linda	12/7/1998	11/30/1998
Caldwell	Kathleen	11/18/1998	11/30/1998
Stanley	Michael	12/17/1998	12/10/1998
Peacock	Stephen	7/13/1999	12/31/1998
Lusher	William	1/12/1999	12/31/1998
Ferchow	Stuart/Evelyn	2/8/1999	2/1/1999
Carter	Paul	2/18/1999	2/11/1999
Nelson	Sharon	3/5/1999	2/25/1999

Floyd	Sandra	3/9/1999	3/5/1999
Hunt	Kenneth	3/11/1999	3/5/1999
Wood	Patricia	3/17/1999	3/9/1999
Rhodes	Carrie	3/19/1999	3/9/1999
Lane	Robert	3/12/1999	3/9/1999
Chapman	James	4/1/1999	3/26/1999
Holden	Tammy	4/6/1999	3/29/1999
Kelly	Carolyn	4/6/1999	3/30/1999
Hagan	Lee Ann	4/6/1999	3/31/1999

Milton	Shonder	4/28/1999	4/23/1999
Jackson	shonder,	4/30/1999	4/27/1999
Kelly	Carolyn L	5/4/1999	4/28/1999
Browning	Regina	5/6/1999	4/30/1999
Thiemer	Diana	5/21/1999	5/18/1999
Moore	Latashia	5/24/1999	5/19/1999
Harris	Susan	5/24/1999	5/19/1999
Andrews	Sharon	6/3/1999	5/28/1999

Cotton	Kerry	6/8/1999	5/28/1999
Hall	Brenda	6/10/1999	6/4/1999
Lanham	Crystal	6/10/1999	6/4/1999
Brown	Michael K	6/15/1999	6/7/1999
Kalogera	Ryan	6/25/1999	6/8/1999
Pender	Sherry	6/16/1999	6/8/1999
Armstrong	Patricia	7/13/1999	6/30/1999
Jugger	Mary	7/13/1999	7/1/1999
Davis	Landon	7/9/1999	7/6/1999

Byrne	Marsha	8/12/1999	7/30/1999
Parent	Rachel	8/4/1999	7/30/1999
Jones	Rebecca	9/2/1999	8/26/1999
Harrison	Gerald	9/2/1999	8/27/1999
Bennett	Sara	9/29/1999	9/24/1999
Reis	Rebecca	11/4/1999	10/29/1999
Kelly	Roy	9/29/1999	10/30/1999

**Leon County
Board of County Commissioners**

Notes for Agenda Item #10

Leon County Board of County Commissioners

Agenda Item #10

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Appointment of the Leon County Health Department Administrator

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, Humans Services & Community Partnerships

Statement of Issue:

This item seeks the Board's consideration to concur with the appointment of Brandi Knight, as recommended by the State Surgeon General, as the Administrator of the Florida Department of Health in Leon County. Pursuant to Section 154.04(1), Florida Statutes, county health department directors or administrators are appointed by the State Surgeon General following concurrence by the respective Board of County Commissioners.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Concur with the appointment of Brandi Knight as the Administrator of the Florida Department of Health in Leon County.

Report and Discussion

Background:

This item seeks the Board's consideration to concur with the appointment of Brandi Knight, as recommended by the State Surgeon General, as the Administrator of the Florida Department of Health in Leon County (Leon County Health Department). Pursuant to Section 154.04(1), Florida Statutes, county health department directors or administrators are appointed by the State Surgeon General following concurrence by the respective Board of County Commissioners. Chapter 154, Florida Statutes, provides for a statewide system of coordinated county health department services. Each of Florida's 67 county health departments is overseen by a director or administrator who is responsible for the management and oversight of the daily operations of all public health programs in that respective county. County health department employees, including health department administrators, are State of Florida employees through the Florida Department of Health (FDOH). Consistent with Florida Statutes, however, FDOH works in partnership with county governments in meeting the public health needs of the State, including the appointment of health department directors or administrators.

The appointment process of health department administrators, as provided under Section 154.04(1), Florida Statutes, is as follows:

"...A county health department administrator trained in public health administration may be appointed by the State Surgeon General after the concurrence of the boards of county commissioners of the respective counties."

After the retirement of the sitting administrator, on December 1, 2021, following an initial recruitment and interview process, FDOH requested the Board's concurrence with the appointment of a candidate from Ohio as the Administrator of the Leon County Health Department. However, the request was subsequently rescinded by the FDOH. Additional interviews were conducted in May 2022 to identify and select an appropriate candidate for appointment. On June 16, 2022, the State Surgeon General sent a formal request to Leon County recommending Brandi Knight, MPH, be appointed as the Administrator of the Florida Department of Health in Leon County (Attachment #1). As requested by FDOH, this item seeks the Board's consideration to concur with the appointment of Ms. Knight.

Analysis:

As part of its standard hiring process, FDOH convened a committee to interview and evaluate candidates for the position in May 2022. The committee consisted of representatives from Leon County as well as several other local entities that work directly with the Leon County Health Department Administrator in addressing the community's public health needs, including:

- Dr. Temple Robinson, Chief Executive Officer of Bond Community Health Center (Bond)
- Jeanne Freeman, Chief Executive Officer of Neighborhood Medical Center (NMC)
- Shington Lamy, Director, Leon County Human Services & Community Partnerships
- Becky Keyes, Chief, Medical and Health Services, FDOH
- Sandon Speedling, Interim Leon County Health Department Administrator

Following the interview phase, the Committee evaluated and ranked the two qualified candidates interviewed for the position. The Committee recommended Brandi Knight as the highest ranked candidate. Subsequently, Ms. Knight proceeded to the next phase of interviews with the State Surgeon General, Interim Deputy Secretary for County Health Systems, and FDOH Chief of Staff.

As reflected in her resume, Ms. Knight has a diverse background in public health and is professionally familiar with the Leon County community (Attachment #2). She earned her master's degree in Public Health from Florida A&M University and previously served as the Community Health and Planning Manager for the Leon County Health Department which allowed her to engage with partners including the County, Bond, NMC, Capital Medical Society, and other local organizations on addressing the communal public health needs in Leon County. As requested by FDOH, this item seeks the Board's consideration to concur with the appointment of Ms. Knight, as recommended by the State Surgeon General, as the Administrator of the Leon County Health Department.

Options:

1. Concur with the appointment of Brandi Knight as the Leon County Health Department Administrator.
2. Do not concur with the appointment of Brandi Knight as the Leon County Health Department Administrator.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Letter from the State Surgeon General re: appointment of Brandi Knight as Administrator of Leon County Health Department
2. Brandi Knight Résumé

Ron DeSantis
Governor

Joseph A. Ladapo, MD, PhD
State Surgeon General



Mission:

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

Vision: To be the Healthiest State in the Nation

June 16, 2022

Bill Proctor, Chairman
Leon County Board of County Commissioners
301 S. Monroe Street, 5th Floor
Tallahassee, Florida 32301

Dear Chairman Proctor:

The Florida Department of Health requests concurrence from the Leon County Board of County Commissioners on the appointment of Brandi Knight as the Administrator of the Florida Department of Health in Leon County. County health departments sustain the partnership between the Florida Department of Health and county government pursuant to section 154.04, Florida Statutes. In keeping with state law, as well as our desire to maintain this important partnership, the Florida Department of Health works collectively with county government when selecting a new health department administrator.

Ms. Knight has an excellent and diverse background in all aspects of public health and has demonstrated her ability as a skilled leader. I believe Ms. Knight will be an asset to the Florida Department of Health and Leon County as their new health department administrator.

The Florida Department of Health is requesting time on the agenda during your upcoming meeting to request concurrence on the appointment of Brandi Knight, as the Administrator of the Florida Department of Health in Leon County. If you or any member of the Leon County Board of County Commissioners have questions or would like more information regarding Ms. Knight, please feel free to contact Mark Lander, Interim Deputy Secretary for County Health Systems at 850-245-4243.

I appreciate the support of the Leon County Board of County Commissioners and the community in selecting the best candidate for the people of Leon County.

Sincerely,

Joseph A. Ladapo, MD, PhD
State Surgeon General

cc: Vincent Long, County Administrator
Brandi Knight

Brandi N. Knight, MPH
8741 Opal Drive • Tallahassee, FL 32309
Phone: 850.322.0509
Email: bknight076@gmail.com

CAREER SYNOPSIS

November 2017 – Present
Section

Programmatic Operations Manager, HIV/AIDS

Florida Department of Health, Tallahassee, FL

- Serving as Interim Administrator for the HIV/AIDS Section
 - Provide technical assistance and supervision to the 7-member Senior Management Team and one administrative assistant. Indirect oversight for over 100 staff members in the section.
 - Develop and manage statewide policies, objectives, and strategic planning for the HIV/AIDS program units.
 - Responsible for managing and allocating the budget for the HIV/AIDS Section including federal and state funding at a current amount of \$211M.
 - Work closely with other Bureau programs to integrate and streamline initiatives and processes.
- Supervise the Section's 5-member planning, data reporting, evaluation, and quality improvement process team.
- Collaboratively prepare and plan grant projects by assisting with grant applications, preparing budget summaries or amendments, and monitoring grant expenditures for compliance with grant requirements across all program units.
- Direct the implementation and evaluation of Florida's Unified Ending the HIV Epidemic and Statewide Integrated HIV Prevention and Care plans. Work with local planning councils to ensure timely update and completion of objectives during the semi-annual review.
- Lead the planning, implementing, monitoring, and reporting of the bureau's strategic plan and state health improvement plan objectives. Manage performance management activities and projects for the Bureau of Communicable Diseases.
- Lead oversight of program evaluation and quality improvement (QI) projects conducted within the HIV/AIDS Section
 - Ensuring projects follow the Department's QI model, are documented and shared statewide and nationally.
- Manage implementation oversight on the HIV Patient Care Clinical Quality Management Plan
 - Ensure quarterly review of clinical indicators and identification of improvement opportunities.
- Manage the quality improvement site visit process to county health departments based on an annual review of key indicators across the HIV/AIDS Section as well as quarterly reports from regional staff, including the HIV/AIDS Program Coordinators, Early Intervention Consultants, Regional Minority AIDS Coordinators.
- Assure application indicators are used to make programmatic decisions and improve current workflows and processes.

March 2015 – November 2017

Community Health and Planning Manager

Florida Department of Health in Leon County, Tallahassee,

FL

- Supervised the Department's 4-member community planning and quality improvement team.
 - Managed and coordinated department-wide efforts to ensure that performance management and quality improvement (PMQI) programs are developed and managed using a data driven focus that sets priorities for improvements aligned to ongoing strategic initiatives. This resulted in:
 - Development and communication of a departmental strategic vision, scope, and mission.
 - Department-wide PMQI initiatives which are focused and aligned with improving operational and program efficiencies and effectiveness.
 - Identified opportunities to constantly improve the quality of thinking applied to department business, which has resulted in a 20% decrease in clinic wait times, a 50% decrease in IT helpdesk calls, and 20% decrease in wait time for septic tank permits.

B. Knight, MPH

- o Led the Performance Management Council, which has led to the department moving from Stage 3 to Stage 4 in developing a culture of quality in the workplace.
- o Provided technical assistance and served as the liaison between the local health department and the state department of health, consult with other agencies or divisions, and any individuals that contribute to the accreditation process by providing documentation or otherwise contributing to the organizational self-assessment, which resulted in a comprehensive communications plan that provides up to date and detailed information on project activities to all relevant stakeholders.
- o Planned and directed the department's strategic and long-range goals, which led to the completion of a strategic plan and annual progress reports.
- o Led community health planning initiatives which help to promote individual and population health.
- o Developed and implemented community health assessment and planning cycles in collaboration with department staff, community based organizations, elected officials, and community partners.
- Provided operational oversight of the dental clinic with the lead dental hygienist as a direct report.
 - o Ensured clinic operations ran smoothly and were client-centered through the scheduling structure and initial interaction with front desk upon patient's arrival for an appointment.
 - o Assisted the lead dentist with managing the monthly operational budget to track revenue and expenditure rates of the clinic.
 - o Facilitated capacity building and training opportunities for clinic staff.

November 2012 – February 2015
Fellow

CDC Evaluation

CDC/Oak Ridge Institute for Science and Education, Atlanta,

GA

- Developed a tracking system to monitor and evaluate performance of 52 grantees funded by the CDC Early Hearing Detection and Intervention program.
- Coordinated development of an evaluation framework, methods, data collection and analysis plan for a comprehensive program-wide assessment of activities and initiatives with key program stakeholders.
- Provided technical assistance to 52 state EHDI programs by facilitating bi-monthly webinar sessions, developing evaluation tools, and conducting quarterly conference calls to increase evaluation capacity.
- Provided technical assistance in evaluating program activity affecting the delivery of state EHDI programs.
- Conducted data abstraction and analysis of performance measures which resulted in the development of a trends report for the National Comprehensive Cancer Control Program.
- Wrote and reviewed abstracts, manuscripts, reports, funding opportunity announcements (FOA) and contracts for various EHDI projects, for example;
 - o FOA: Development, Maintenance and Enhancement of Early Hearing Detection and Intervention Information System (EHDI-IS)
- Administered program evaluation and technical assistance to other CDC programs;
 - o Office of Smoking and Health and Comprehensive Cancer Control Branch to further develop an evaluation plan and performance measurement system for grantees.
 - o Authored a report on evaluation results of performance measures for the Comprehensive Cancer Control Demonstration Project.
 - o Prepared evaluation methodology documents including logic model, evaluation questions, data collection, and analysis plan to assess the impact of fellowships on host programs and fellows for the Division of Scientific Education and Professional Development.

B. Knight, MPH

- o Provided technical consultation on development of an evaluation logic model, evaluation questions, and evaluation plan for the Haiti DriveCam Project developed by the National Center for Injury Prevention and Control.

January 2010 – September 2012

Program Evaluator

Florida Department of Health, Tallahassee, FL

- Developed tracking system to monitor and evaluate performance of three state regions conducting colorectal cancer screening and health promotion activities.
- Monitored, assessed, and conducted compliance review of cancer unit annual work plans and outcomes to ensure milestones were achieved.
- Developed education and program evaluation materials to communicate public health information related to colorectal cancer prevention and control for the faith-based community.
- Collaborated with program manager on planning and evaluating colorectal cancer screening education trainings for health practitioners and other professionals.
- Evaluated and analyzed data collection related colorectal cancer prevention and control program impact to identify needs for improvement.
- Assessed legislation to determine need for cancer related programs in the state and coordinated with other public health programs to make policy and systems change to minimize burden of colorectal cancer.
- Developed and implemented a survey designed to assess barriers to colorectal cancer screening in patients of the Jackson Health system in Miami, FL. Trained culturally competent surveyors and completed the Institutional Review Board approval process.
- Developed a Behavioral Risk Factor Surveillance System call back survey addressing attitudes and beliefs toward colorectal cancer screening, knowledge of risk factors associated with colorectal cancer, and cancer information seeking.
- Facilitated the application of research-based knowledge and evidence-based approaches to program selection and implementation to meet state goals.
- Served as a program representative with the Florida Asthma Coalition to gain cooperation among key internal and external stakeholder organizations to coordinate and implement statewide asthma programs.

June 2008 – January 2010

Senior Health Planner

Houston Department of Health and Human Services, Houston, TX

- Developed evaluation component for training and intervention activities by developing surveys and reporting forms to determine if expected outcomes were met.
- Planned, implemented, and presented trainings to community-based organizations and program stakeholders in utilization of evidence-based interventions and implementation of comprehensive evaluation plans.
- Served as a program representative to develop the Houston Area HIV/STD and Viral Hepatitis Prevention Comprehensive Plan through a participatory process with 15 community stakeholders and professionals.
- Coordinated a 12-person Materials Review Panel to identify and develop education materials for targeted audiences related to HIV/ AIDS and STD prevention.
- Developed a strategy for program education, communication, and outreach for young, black, professional women on safe sex practices and relationships.
- Utilized qualitative and quantitative methods to review, evaluate, and improve local HIV / AIDS and STD related programs and initiatives.
- Provided technical assistance to five community-based organizations on evaluating program activities and impact.

B. Knight, MPH

TEACHING EXPERIENCE

May 2010 – Present

Adjunct Faculty
University of
Phoenix

- Facilitate undergraduate and masters level courses related to public health.
- Provide regular, accurate, and timely student-specific assistance, feedback, and support to 20 students relative to their performance.
- Create an online environment that builds a virtual community, incorporates collaborative approaches to work, and encourages successful completion of assignments.

CONFERENCE PRESENTATIONS & WORKSHOPS

Knight, B. (2021) Ending the HIV Epidemic in Southern States with Community. Positive Living Conference, Fort Walton, FL

Knight, B. (2020) Community Engagement, The Critical Piece. United Partners for Human Services Virtual Meeting

Curry, J., Dale, K., Harris, C., **Knight, B.**, Nunnally, K., Stoney, L., & McKinley-Beach, L., (2020) – We The People Townhall Panelist. The Black AIDS Institute Virtual Townhall Meeting

Knight, B. (2017) Leon County Community Health Assessment Findings. United Partners for Human Services Annual Meeting, Tallahassee, FL

Dickey, F. & **Knight, B.** (2011) Overcoming Cultural Barriers to Colorectal Cancer Outreach and Screening. A Dialogue for Action on Cancer Screening: Hitting the Targets Conference, Atlanta, GA

Knight, B. (2011) Results of the Asthma Prevention Practices in School Survey. Florida Department of Health Education Conference, Orlando, FL

Knight, B. (2009) Evaluation of Population Specific HIV/STD and Viral Hepatitis Prevention Task Forces in Houston, Texas. National HIV Prevention Conference, Atlanta, GA

PROFESSIONAL MEMBERSHIP & AFFILIATIONS

Abstract Reviewer, American Evaluation Association

Member, CityMatCH Equity Action Group

Grant Reviewer, Office of Planning, Research & Evaluation (OPRE)

EDUCATION & CERTIFICATIONS

April 2008 - Master of Public Health, Florida A & M University

May 2002 - Bachelor of Science in Biology, Tuskegee University

May 2016 - Certified Quality Improvement Associate (CQIA), American Society for Quality

June 2017 - Lean Six Sigma Yellow Belt, DMAIC Method, and Project Management, Florida Sterling Council

B. Knight, MPH

March 2018 - Certified Site Visitor, Public Health Accreditation Board (PHAB)

November 2008 - Certified Health Education Specialist (CHES), National Commission for Health Education
Credentialing, Inc.

EXTERNAL CANDIDATE

Knight, Brandi

850.322.0509 bknight076@gmail.com

Application		Comments	
Status:	New	There are no items in this section.	
Country:	United States	Correspondence	
Attachments to be included in all Job Submissions:	Submission Attachments 0 attached	03/23/2022 People First Thank You for Your Interest in Job COUNTY HEALTH D... Email	
Attachments Added After Submission	Submission Attachments 0 attached	Offer Letter	
Vacancy Source:	Agency Website	There are no items in this section.	
Relatives: To your knowledge, do you have any relatives working in this agency?	No	Application Status Audit Trail	
Right To First Interview	Not Applicable	03/23/2022 People First New	
	If you responded yes to the above statement, attach a copy of your official layoff letter when applying for this vacancy.	Tags	
		There are no items in this section.	
Veteran Status	None of the Above	More Information	
ARE YOU CURRENTLY EMPLOYED WITH THE AGENCY TO WHICH YOU ARE CURRENTLY APPLYING?	Yes	Alternate Phone Number:	850.322.0509
		*Mailing Address :	8741 Opal Drive
		*City	Tallahassee
		*State:	Florida
		*ZIP Code:	32309
		*Country	United States
		*Exemption from public record: Are you a current or former law enforcement officer, other covered employee** or the spouse or child of one, whose information is exempt from public records disclosure under Section 119.071(4)(d), Florida Statutes (F.S)?	No
		*Citizenship: The State of Florida hires only U.S. citizens and lawfully authorized alien workers. You will be required to provide identification and either proof of citizenship or proof of authorization to work in the U.S. Are you a U.S. citizen or legally authorized to accept employment with the specific hiring authority to which you are	Yes

	<div>Background Information</div> <div>A "yes" answer to these questions will not automatically bar you from employment. The nature, job-relatedness, severity, and date of the offense in relation to the position you are applying are considered. [see 112.011, F.S.].</div>
Have you ever been convicted of a felony or a first degree misdemeanor ?	No

If yes, what were the charges ?	
Where ? (City/State)	
Date	
Have you ever pled nolo contendere or guilty to a crime which is a felony or a first degree misdemeanor ?	No
If yes, what were the charges ?	
Where ? (City/State)	
Date	
Have you ever had the adjudication of guilt withheld for a crime which is a felony or first degree misdemeanor ?	No
If yes, what were the charges ?	
Where ? (City/State)	
Date	

***Selective Service:** Section 110.1128, Florida Statutes, prohibits employment by the state (including re-hire after a break in service) of any male born on or after October 1, 1962, who failed to register with the Selective Service System, under the provisions of the U.S. Military Selective Service Act, during the person's period of eligibility (ages 18 through 25). Additionally, if currently employed by the state, this law prohibits the promotion of such person. You may be required to provide documentation. If you are a male born on or after October 1, 1962, have you registered with the Selective Service or do you have proof of an exemption from this requirement?

Not Applicable

Signature

I am aware that any omissions, falsifications, misstatements, or misrepresentations above may disqualify me for employment and, if I am hired, may be grounds for termination at a later date. I understand that any information I give may be investigated as allowed by law. I consent to the release of information about my ability, employment history, and fitness for employment by employers, schools, law enforcement agencies, and other individuals and organizations to investigators, human resources staff, and other authorized employees of Florida state government for employment purposes. The consent shall continue to be effective during my employment if I am hired. I understand that applications submitted for state employment are public records. I certify to the best of my knowledge and belief all of the statements contained herein and on any attachments are true, correct, complete, and made in good faith.

If applicable, Complete Qualifying Questions prior to submitting your application.

By checking this box, I certify that I have read and agree with these statements	Yes
Interview Result	
overdueInterviews	

Screening Details

Candidates for this position must be a physician that currently	Yes
---	-----

holds, or is eligible for, a Florida Medical license (Chapters 458 or 459, Florida Statutes). OR a non-physician with at least a master's degree from an accredited college or university and extensive public health experience. Please respond with "Yes" if you can meet this requirement and "No" if you cannot. (must be evident on application)	
Describe your experience working in a public health setting. (must be evident on application)	I have worked in the Florida Department of Health, HIV/AIDS Section since 2017. In this role I develop and manage statewide policies, objectives, and strategic planning for the HIV/AIDS program units; responsible for managing and allocating the budget; and work closely with other programs to integrate and streamline initiatives and processes. As Programmatic Operations Manager, I collaboratively prepare and plan grant projects by assisting with grant applications, preparing budget summaries or amendments, and monitoring grant expenditures for compliance with grant requirements across all program units. While at the Leon County Health Department, I managed and coordinated department-wide efforts to ensure that performance management and quality improvement programs were developed and managed using a data-driven focus that set priorities for improvement. I also provided operational oversight of the dental clinic to ensure clinic operations ran smoothly and were client-centered.
Describe your experience in working with community-based organizations. (must be evident on application)	Many providers funded by the HIV/AIDS Section are community-based organizations and/or non-profits. I work with these entities to assist in meeting grant or contract deliverables. When warranted, assist in planning local events, present or speak at a planned event, or support their local efforts in another capacity. While working at the Leon County Health Department, I worked with local community-based organizations to plan and implement the community health assessment and community improvement plan process. I was responsible for securing the participation of these entities to ensure a collaborative process that had a positive impact on the local community. In addition, I worked with several organizations to develop and conduct local events that addressed key health issues in our county.
How many years of senior-level executive management experience do you have (ex: Director, vice-president, CEO, COO, program director)? (must be evident on application)	6
Describe your personnel management experience including the largest staff you have supervised both directly and indirectly. (must be evident on application)	As the Interim HIV/AIDS Section Administrator, provide direct supervision of the 7-member Senior Management Team, 3-person medical team, and one administrative assistant; with indirect oversight for over 100 staff members in the Section. In the role of Programmatic Operations Manager, provide direct supervision to the Section's 5-member planning, data reporting, evaluation, and quality improvement process team. Supervised the Leon County Health Department's 4-member community planning and quality improvement team. As operational oversight of the dental clinic, that included 25 employees.
Describe your financial management experience including the	Currently responsible for \$210M budget as Interim Administrator of the HIV/AIDS Section. I am responsible for making sure each program unit expends its funds as intended with less than a three-

largest budget you have been responsible for and your specific role? (must be evident on application)	percent reversion. I meet with the budget manager monthly to track overall spending and propose adjustments where needed. Prior to that, I had management oversight of the State HOPWA Program and was responsible for managing a \$30M budget that included unspent funds from previous grant cycles. I was responsible for assisting the program staff in identifying projects to expend funds and track the spending. In both instances, working with program and budget staff to produce a spending plan.
Describe your experience monitoring organizational performance and utilizing quality improvement tools. (must be evident on application)	I have over five years of experience leading performance management activities and using quality improvement tools to identify gaps and improve processes. I am a Certified Quality Improvement Associate through the American Society for Quality. I was hired into the HIV/AIDS Section and Leon County Health Department to lead strategic planning and quality improvement efforts. Manage performance management activities and projects for the Bureau of Communicable Diseases. Lead oversight of program evaluation and quality improvement (QI) projects conducted within the HIV/AIDS Section, ensuring projects follow the Department's QI model, are documented and shared statewide and nationally.
This position could require travel with little notice to different parts of the state. If you are selected, are you willing to travel under those conditions?	Yes
Are you willing to work during or beyond normal work hours or days in the event of an emergency? Emergency duty required of the incumbent of this position includes working in Special Needs or Red Cross Shelters, or performing other emergency duties including, but not limited to, responses to or threats involving any disaster or threat of disaster, man-made or natural.	Yes

Periods of Employment

*Name of Employer	Florida Department of Health
*Your Job Title	Programmatic Operations Manager, HIV/AIDS Section
*Currently Employed	Yes
*Start Date	11/01/2017
*End Date	MM/DD/YYYY
*Hours Per Week	40
Employer's Address	4025 Esplanade Way, Tallahassee, FL 32399
Supervisor's Name	
Supervisor's Phone Number	
*Duties and Responsibilities	Serving as Interim Administrator for the HIV/AIDS Section. Supervise the Section's 5-member planning, data reporting, evaluation, and quality improvement process

	team. Direct the implementation and evaluation of Florida's Unified Ending the HIV Epidemic and Statewide Integrated HIV Prevention and Care plans. Work with local planning councils to ensure timely update and completion of objectives during the semi-annual review.
*Reason For Leaving	Currently employed.
Your name, if different during employment	

*Name of Employer	Florida Department of Health in Leon County
*Your Job Title	Community Health and Planning Manager
*Currently Employed	No
*Start Date	03/01/2015
*End Date	11/01/2017
*Hours Per Week	40
Employer's Address	2965 Municipal Way, Tallahassee, FL 32304
Supervisor's Name	Claudia Blackburn, Health Officer
Supervisor's Phone Number	850-404-6300
*Duties and Responsibilities	Managed and coordinated department-wide efforts to ensure that performance management and quality improvement (PMQI) programs are developed and managed using a data driven focus that sets priorities for improvements aligned to ongoing strategic imperatives. Planned and directed the department's strategic and long-range goals, which led to the completion of a strategic plan and annual progress reports. Developed and implemented a community health assessment and planning cycle in collaboration with department staff, community stakeholders, elected officials, and community partners.
*Reason For Leaving	Accepted a position with the state health office.
Your name, if different during employment	

*Name of Employer	CDC/Oak Ridge Institute for Science and Education
*Your Job Title	CDC Evaluation Fellow
*Currently Employed	No
*Start Date	11/01/2012
*End Date	02/28/2015
*Hours Per Week	40
Employer's Address	1600 Clifton Rd, Atlanta, GA 30329
Supervisor's Name	Tonya Williams
Supervisor's Phone Number	
*Duties and Responsibilities	Coordinated development of an evaluation framework, methods, data collection and analysis plan for a comprehensive program-wide assessment of activities and initiatives with key program stakeholders.
*Reason For Leaving	Fellowship ended.
Your name, if different during employment	

*Name of Employer	Florida Department of Health
*Your Job Title	Program Evaluator
*Currently Employed	No
*Start Date	01/01/2010
*End Date	09/30/2012
*Hours Per Week	40
Employer's Address	4052 Bald Cypress Way, Tallahassee, FL 32399
Supervisor's Name	Felisha Dickey
Supervisor's Phone Number	
*Duties and Responsibilities	Monitored, assessed, and conducted compliance review of cancer unit annual work plans and outcomes to ensure milestones were achieved. Developed education and program evaluation materials to communicate public health information related to colorectal cancer prevention and control for the faith-based community.
*Reason For Leaving	Accepted a program evaluation fellowship position with the CDC.
Your name, if different during employment	

*Name of Employer	Houston Department of Health and Human Services
*Your Job Title	Senior Health Planner
*Currently Employed	No
*Start Date	06/01/2008
*End Date	01/01/2010
*Hours Per Week	40
Employer's Address	8000 N Stadium Dr, Houston, TX 77054
Supervisor's Name	Tamara Bourda
Supervisor's Phone Number	504-782-5533
*Duties and Responsibilities	Planned, implemented, and presented trainings to community-based organizations and program stakeholders in utilization of evidence-based interventions and implementation of comprehensive evaluation plans. Served as a program representative to develop the Houston Area HIV/STD and Viral Hepatitis Prevention Comprehensive Plan through a participatory process with 15 community stakeholders and professionals.
*Reason For Leaving	Moved back to the Tallahassee, FL area.
Your name, if different during employment	

*Name of Employer	University of Phoenix
*Your Job Title	Adjunct Faculty
*Currently Employed	Yes
*Start Date	05/01/2010
*End Date	MM/DD/YYYY
*Hours Per Week	20
Employer's Address	4035 S Riverpoint Pkwy, Phoenix, AZ 85040

Supervisor's Name	Richard Shultz
Supervisor's Phone Number	
*Duties and Responsibilities	Facilitate undergraduate and masters level courses related to public health.
*Reason For Leaving	Currently employed.
Your name, if different during employment	

Formal Education

*Name of School	Florida A & M University
*Location	Tallahassee, FL
*Start Date	08/21/2006
End Date	04/30/2008
Course of Study	Public health with a concentration in health education and behavioral sciences.
*Degree Earned (transcripts may be required)	Masters
Credit Hours – Quarter	
Credit Hours – Semester	

*Name of School	Tuskegee University
*Location	Tuskegee, AL
*Start Date	08/17/1998
End Date	05/31/2002
Course of Study	Biology
*Degree Earned (transcripts may be required)	Bachelors
Credit Hours – Quarter	
Credit Hours – Semester	

Language Skills

There are no items in this section.

License, Registration or Certification

*License, Registration or Certification	Certified Health Education Specialist
Number	
State Licensing Agency	National Commission for Health Education Credentialing, Inc.
Received	MM/DD/YYYY
Expires	MM/DD/YYYY

*License, Registration or Certification	Lean Six Sigma Yellow Belt
Number	
State Licensing Agency	Florida Sterling Council

Received	MM/DD/YYYY
Expires	MM/DD/YYYY
*License, Registration or Certification	Certified Quality Improvement Associate
Number	
State Licensing Agency	American Society for Quality
Received	MM/DD/YYYY
Expires	MM/DD/YYYY

Job-Related Training or Course Work

There are no items in this section.

Knowledge, Skills and Abilities

Knowledge, Skills and Abilities	Analytical, yet creative public health professional with experience in state-level program planning, implementation, and evaluation. Qualifications include formal education in public health practice and program planning and evaluation; certification as a health education specialist; and experience using analytical software (SPSS) in the content areas of HIV/AIDS and chronic disease prevention.
--	--

**Leon County
Board of County Commissioners**

Notes for Agenda Item #11

Leon County Board of County Commissioners

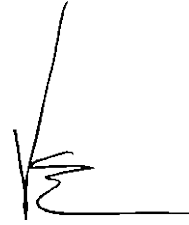
Agenda Item #11

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: County Commitment of Funding Match for the Low Income Pool for Bond Community Health Center, Neighborhood Medical Center, and Apalachee Center, Inc.



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, Humans Services & Community Partnerships Tiffany Harris, Health Care Services Coordinator

Statement of Issue:

As requested by the County's health care partners, this item seeks Board commitment to provide required local match funding to Bond Community Health Center (Bond), Neighborhood Medical Center (NMC) and Apalachee Center, Inc. (Apalachee) for Low Income Pool (LIP) funding in FY2023.

Fiscal Impact:

This item has a fiscal impact. Bond is requesting \$116,593 and NMC is requesting \$185,349 in local match funding (\$301,942 in total) in FY 2023 from the Competitive Provider Reimbursement Pool funds for primary health care service visits. Apalachee is requesting a local match of \$337,800 from the Baker and Marchman Act funds. The County match will allow the providers to leverage an estimated \$992,202 in Low Income Pool (LIP) funds from the State of Florida Agency for Health Care Administration. Funding has been contemplated in the Human Services & Community Partnerships FY 2023 Budget.

Staff Recommendation:

- Option #1: Approve up to \$301,942 in Primary Healthcare Competitive Provider Reimbursement Pool funding for primary health care category as a local match for the Low Income Pool funding for Bond Community Health Center (\$116,593) and Neighborhood Medical Center (\$185,349).
- Option #2: Approve up to \$337,800 in Baker and Marchman funding as a local match for the Low Income Pool funding for Apalachee Center Inc.
- Option #3: Authorize the County Administrator to execute all necessary documents related to the implementation of the Low Income Pool, subject to legal review by the County Attorney.

Report and Discussion

Background:

As requested by the County's health care partners, this item seeks Board commitment to provide required local match funding to Bond Community Health Center Inc.(Bond), Neighborhood Medical Center Inc. (NMC) and Apalachee Center, Inc. (Apalachee) for Low Income Pool (LIP) funding in FY 2023. Leon County's collective local match of \$639,742 will leverage an additional \$992,202 for uninsured County residents for primary and mental health care services. A letter of commitment to the Agency for Health Care Administration (AHCA) is required to affirm the Board's intent.

The approval to submit letters of commitment to provide the required local match funding to Bond, NMC and Apalachee for the local match of Low Income Pool (LIP) funds advances the following FY 2022-FY 2026 Strategic Initiative:

- *Continue County support of primary health care through participation in Carenet in order to increase access to affordable health care for those in need. (2022-24)*

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.*

In June 2022, Bond, NMC and Apalachee respectively requested that the County provide a letter of funding commitment in order to draw down LIP funding (Attachments #1, #2 and #3). In Florida, the LIP program provides federal funds to health care safety net providers for the costs of care to uninsured patients. Historically, these funds have been available to hospitals, rural health clinics, and federally qualified health centers (FQHCs) like Bond and NMC. In 2018, the Agency for Health Care Administration (AHCA) received authorization from the U.S. Center for Medicare and Medicaid Services to provide LIP funding for behavioral health services. As a result, Apalachee is also eligible to receive LIP funding, and it has received such funding with the local match since 2018.

The County has consistently supported requests for support and financial commitment from the health care partners to facilitate access to LIP funds. During FY 2022, the County set aside a total of \$615,764 as the required local match for Bond, NMC, and Apalachee to leverage an additional \$977,504 in federal funds for primary health care and behavior health services.

Analysis:

AHCA determines the amount of LIP funds available for each agency. Bond, NMC, and Apalachee are each eligible for Florida's FY 2023 LIP funds as reflected in Table #1. Leon County's collective local match of \$639,742 will leverage an additional \$992,202 for uninsured County residents for primary and mental health care for a combined total of \$1,631,944.

Table #1. FY 2023 LIP Funding

Health Care Provider	County Match	AHCA LIP Funds	Total Funds Available for Health Care Services
Bond Community Health Center	\$116,593	\$175,254	\$291,847
Neighborhood Medical Center	\$185,349	\$319,638	\$504,987
Apalachee Center, Inc.	\$337,800	\$497,310	\$835,110
Total	\$639,742	\$992,202	\$1,631,944

Each health care provider would receive their respective total allocation (local match and the LIP funds) from AHCA following the execution of Letters of Agreement and transfer of the required County match funds to AHCA. A local match is required for the providers to draw down the federal funding. A letter of commitment is required to be submitted to AHCA. The local match must be transferred to AHCA and AHCA would then transfer the LIP funds as well as the local match to the health care provider.

The County contracts annually with Bond and NMC to provide primary care services to uninsured and indigent residents. In accordance with the agreements, each provider is reimbursed at a rate of \$125 for each primary care patient visit. The FY 2023 agreements with Bond and NMC will stipulate that the funding provided as the LIP match will be treated as advance funding from the primary health care pool funds. Upon adoption of the FY 2023 budget, the Health Care Pool would be used for the local match totaling \$301,942 for Bond and NMC's LIP funding, which would leverage an additional \$494,892 in funding which will increase the total FY 2023 funds available for primary health care services for uninsured County residents to \$1,253,847.

As previously mentioned, for the last few years AHCA has received authorization from the U.S. Center for Medicare and Medicaid Services to utilize LIP funding for behavioral health which allowed Apalachee to receive funding. The County contracts with Apalachee to provide alcohol and drug detoxification and crisis stabilization services in compliance with the Baker Act and Marchman Act. Upon adoption of the FY 2023 budget, funds allocated for Baker Act and Marchman Act services will be used as the local match for Apalachee to access the LIP funds. The FY 2023 Baker and Marchman Act Agreement with Apalachee will stipulate that the County's local match, \$337,800, will to be used to leverage an additional \$497,310 in federal funding.

The FY 2023 annual contracts with Bond, NMC, Apalachee will be presented at the Board's September meeting and will include the LIP matching requirements and the required formal Letters of Agreement to be approved and submitted to AHCA.

The County's matching funds must be transferred to AHCA. After these actions, AHCA will transfer the matching funds along with the LIP funds to the three health care providers.

Options:

1. Approve up to \$301,942 in Primary Healthcare Competitive Provider Reimbursement Pool funding for primary health care category as a local match for the Low Income Pool funding for Bond Community Health Center (\$116,593) and Neighborhood Medical Center (\$185,349).
2. Approve up to \$337,800 in Baker and Marchman funding as a local match for the Low Income Pool funding for Apalachee Center Inc.
3. Authorize the County Administrator to execute all necessary documents related to the implementation of the Low Income Pool, subject to legal review by the County Attorney.
4. Do not approve up to \$301,942 in Primary Healthcare Competitive Provider Reimbursement Pool funding for primary health care category as a local match for the Low Income Pool funding for Bond Community Health Center (\$116,593) and Neighborhood Medical Center (\$185,349).
5. Do not approve up to \$337,800 in Baker and Marchman funding as a local match for the Low Income Pool funding for Apalachee Center Inc.
6. Do not authorize the County Administrator to execute any and all necessary documents related to the implementation of the Low Income Pool.
7. Board direction.

Recommendation:

Options #1, #2 and #3

Attachments:

1. Bond Community Health Center Low Income Pool Request Letter
2. Neighborhood Medical Center Low Income Pool Request Letter
3. Apalachee Center Low Income Pool Request Letter



Bond Community Health Center, Inc.

June 22, 2022

Shington Lamy, Director
Office of Human Services and Community Partnerships
615 Paul Russell Road
Tallahassee, Florida 32301

Dear Mr. Lamy,

Once again Bond Community Health Center has the opportunity to participate in the Low-Income Pool. This letter is generated to request that the Leon County Board of County Commissioners provide a Letter of Commitment for cash matching funds in the amount of \$116,592.75 to The Agency for Health Care Administration (AHCA) on behalf of Bond Community Health Center, Inc. for SFY 2022-23. These funds, to be provided via an Intergovernmental Transfer, will permit Bond to leverage an additional \$175,253.93 to care for underserved residents of Leon County.

Thanking you in advance for your continued support of the Bond Community Health Center.

Temple O. Robinson, MD
Chief Executive Officer

1720 S. Gadsden Street ,Tallahassee, FL 32301
Telephone: 850-576-4073 www.bondchc.com



June 22, 2022

Shington Lamy, Director
Leon County Human Services & Community Partnerships
615 Paul Russell Road
Tallahassee, FL 32301

Dear Mr. Lamy,

Neighborhood Medical Center (NMC) is a Federally Qualified Health Center in Tallahassee, Florida that provides primary care, maternal health, dental services, case management and mental health services to residents of the Big Bend Area. NMC has a very productive and collaborative relationship with the Leon County Board of County Commissioners, and it is because of this continued partnership that NMC is asking for continued commitment of providing IGT (local matching funds) to leverage Low Income Pool Funding through the Agency of Health Care Administration. A commitment of \$185,349 will allow NMC to draw down a total of \$319,638 to further our mission of primary care services to the community.

The Low-Income Pool (LIP) is a program operated under Florida's 1115 Medicaid Waiver to ensure continuing support for the safety net providers that furnish uncompensated care to the Medicaid, uninsured, and underinsured populations. The Low-Income Pool provides local governments the opportunity to leverage funds to draw down additional matching dollars, which results in even greater resources provided for uncompensated care. Florida's Agency for Health Care Administration (AHCA) oversees the Low-Income Pool and coordinates between local entities, providers, and CMS in securing letters of agreement, invoices, and distributions of funds.

These funds demonstrate a partnership aimed at increasing access to, stabilizing, and strengthening providers that serve uninsured, low-income populations in the community. Neighborhood Medical Center appreciates your continued partnership to help us care for our most vulnerable residents of Leon County. Thank you for your consideration in this matter. Please feel free to contact me if you need any further information.

Sincerely,

Jeanne' S. Freeman, MSP, MSW
Neighborhood Medical Center, Inc.
Chief Executive Officer



CHIEF EXECUTIVE OFFICER
Jay A. Reeve, Ph.D.

June 22, 2022

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

Re: Budget Request for Low Income Pool Funding

To Whom It May Concern:

Apalachee Center, Inc. would like to request Low Income Pool match funding in the amount of \$337,800 for the 22/23 fiscal year. This request will not require any additional dollars from the county as the annual Baker/Marchman act funding of \$636,156 will be split with the \$337,800 being paid directly to ACHA in the name of Apalachee Center and the remaining \$298,356 being paid directly to Apalachee Center. This match funding will allow the agency to bring in an additional \$497,310 of Medicaid dollars into the community to provide mental health services to uninsured patients.

Please contact me at (850)523-3333 if you need any additional information.

Sincerely,

Dean Hilton
CFO

**Leon County
Board of County Commissioners**

Notes for Agenda Item #12

Leon County Board of County Commissioners

Agenda Item #12

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Acceptance of Florida Health Literacy Initiative Grant and #PlantWildflowers
Nationwide Library Initiative Grant for FY 2022

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator Pamela Monroe, Library Director
Lead Staff/ Project Team:	Chris Gorsuch, Grants and Contracts Specialist Karen Strange, Library Services Specialist Coordinator Savannah Cole, Information Professional

Statement of Issue:

This item seeks Board acceptance of two grants. One from the Florida Health Literacy Initiative for FY 2022 programming in Health Literacy, and the second from #PlantWildflowers Nationwide Library Initiative for FY 2022 STEM programming.

Fiscal Impact:

This item has a fiscal impact. The County will receive a total of \$6,000 in grants (Florida Health Literacy Initiative - \$5,000 and #Plant Wildflowers Initiative (\$1,000) with no County match required. Board approval of a resolution and Budget Amendment is needed to realize the \$6,000 into the FY 2022 budget.

Staff Recommendation:

Option # 1: Accept the Florida Health Literacy Initiative (\$5,000) and #PlantWildflowers Nationwide Library Initiative (\$1,000) grants, and approve the Resolution and associated Budget Amendment Request (Attachment #1) to realize the \$6,000 into the FY 2022 budget.

Report and Discussion

Background:

This item seeks Board acceptance of a grant from the Florida Health Literacy Initiative in the amount of \$5,000, and a grant from the #PlantWildflowers Initiative in the amount of \$1,000 to fund STEM environmental programming in the LeRoy Collins Leon County Public Library System, and approval of the Budget Amendment to realize the funds into the FY 2022 Budget.

The Florida Health Literacy Initiative and #PlantWildflowers Initiative grants will advance the following FY2022-FY2026 five-year Target:

- Support 900 community events, sporting competitions, festivals, performances, and cultural programming. (T10)

This 5-year Target aligns with the Board's Quality of Life Strategic Priorities:

- Provide relevant and essential offerings thorough our libraries and community centers which promote literacy, life-long learning, and social equity. (Q2)
- Support and promote access to basic healthcare, mental health, affordable housing, and homeless prevention services to our community members most in need. (Q4)

In February 2022, the Library submitted a grant application to support Health Literacy education targeting participants in the Library's English as a Second Language (ESL) program and other community members who may not have access to health literacy resources. The Library was notified on April 4, 2022 that the project was selected to receive the \$5,000 grant.

Learners who have participated in the Library's Literacy Program have requested education and resources that focus on health-related topics. This grant will assist in funding a Health Literacy series that will provide education on physical health, mental health, nutrition, and disaster preparedness topics. This program began in May 2022 and will continue until April 2023. Additionally, this grant will help fund a community-wide health fair to give community members an opportunity to engage with community partners and discover health-related resources that are available in Leon County.

In December 2021, the Library submitted a grant application to support STEM programming through the #PlantWildflowers Initiative. The Library was notified in February of 2022 that the project was selected to receive the \$1,000 grant. This grant required the Library to pay up front costs associated with programming and receive reimbursement. The #PlantWildflowers Initiative complements the Library's long-running food seed library by providing wildflower seeds and information that supports natural pollinators. The Initiative was a collaborative effort in partnership with the World Wildlife Fund and Air Wick Scented Oils, whose One Square Foot initiative aims to replant one billion square feet of grasslands in the Northern Great Plains, and to get people all over the country to plant their own one square foot of native wildflowers.

To ensure the County maximizes grant leveraging opportunities, the Office of Management and Budget (OMB) coordinates with department liaisons and actively seeks grant funding

opportunities throughout the fiscal year. These efforts include contacting and communicating with previous funders for any new or forthcoming grant opportunities. Through timely submittals of reporting and invoices as well as satisfactory compliance with grant closeouts as well as on-site and desk monitoring by the granting agencies, Leon County has proactively positioned itself as a responsive and accountable funding partner. Because of this accountability, agencies often contact Leon County when grant funds become available.

In addition, the County's partnership with its contracted federal lobbyist, Patton Boggs also garners access to recently announced federal funding opportunities and OMB routinely monitors the federal Grants.gov portal for granting opportunities. The County aggressively seeks state and federal grant funding to support County projects and initiatives and has achieved considerable success in leveraging County dollars. With receipt of the CARES Act funding and the ARPA (American Rescue Plan Act) funding, the total County grant leverage ratio is \$11.70 to \$1; excluding the significant septic to sewer related grants which require one-to-one dollar match, the leveraging ratio would be \$45.26 to \$1.

Analysis:

Should the Board accept both the Florida Health Literacy Initiative and the #PlantWildflowers Initiative awards, the Library would provide funding towards expanding the Library's Health Literacy programming and serve as a reimbursement for the STEM initiative, #PlantWildflowers program.

The Florida Health Literacy Initiative grant was applied for in collaboration with the University of Florida/IFAS Extension, Florida A&M University, Big Bend 211, the Southeastern School for Health Sciences, and the Red Cross. For the Health Literacy Program, volunteer tutors and participants will be provided the *Staying Healthy: An English Learner's Guide to Health Care and Healthy Living* publication for personal use. Participants in the learning series will complete a pre-test and post-test to assess the effectiveness of the program. In addition to the weekly ongoing tutoring sessions using the *Staying Healthy* curriculum, the Library will host monthly classes on various health-related topics with trainers who are subject matter experts.

Topics planned for the classes are:

CPR/AED Training & Certification	Nutrition
Finding Health Care Services	Water Safety
Emergency Preparedness	Mental Wellness
Understanding Medication Labels	Chronic Disease Prevention & Management
Vaccination Information	Outdoor Exercise
Mosquito Control	Fire Safety

Fifty families will receive a "Florida Outdoors Survival Bag" which will include insect repellent, sunscreen, and a quick guide to treating stings and bites. The Library will organize a Health Fair to provide more information to the community and provide basic health services such as screenings for blood pressure, cholesterol, and BMI. The total budget for the Health Literacy Initiative is \$18,407 with \$5,000 in grant funds and \$13,407 being provided through in-kind services.

The #PlantWildflowers Library Initiative grant application was applied for in collaboration with WFSU-TV, the Fort Braden Community Group, and the Frenchtown Community Group. The program kicked off on Earth Day, April 22, 2022, and was held in all seven library locations. The Library distributed 2,810 packets of Wildflower seeds for planting throughout Leon County, to promote attracting local pollinators, such as bees and butterflies. The initiative also included promotion of adult and youth BioBlitzs (identification of local pollinators), the promotion and screening of the film “My Garden of a Thousand Bees”, and teaming with local Girl Scouts to host a virtual craft and discussion session on the importance of pollinators. The total budget for the #PlantWildflowers Initiative is \$1,000.

Options:

1. Accept the Florida Health Literacy Initiative (\$5,000) and #PlantWildflowers Nationwide Library Initiative (\$1,000) grants, and approve the Resolution and associated Budget Amendment Request to realize the \$6,000 into the FY 2022 budget (Attachment #1).
2. Do not accept the Florida Health Literacy Initiative (\$5,000) and #PlantWildflowers Nationwide Library Initiative (\$1,000) grants.
3. Board direction.

Recommendation:

Option # 1

Attachment:

1. Resolution and associated Budget Amendment Request

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2021/2022; 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 12th day of July, 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

FISCAL YEAR 2021/2022 BUDGET AMENDMENT REQUEST

No: BAB22033
Date: 6/16/2022

Agenda Item No: _____
Agenda Item Date: 7/12/2022

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			
125	913202	366201	000	Florida Health Literacy Grant 2022	-	5,000	5,000
Subtotal:						5,000	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
125	913202	55200	571	Operating Supplies	-	5,000	5,000
Subtotal:						5,000	

Revenues

Account Information					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
125	913076	366313	000	Plant Wildflowers Grant	-	1,000	1,000
Subtotal:						1,000	

Expenditures

Account Information					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
125	913076	55200	571	Operating Supplies	-	1,000	1,000
Subtotal:						1,000	

Purpose of Request

The budget amendment allocates \$6,000 in funding from the Florida Literacy Coalition and the Plant Wildflowers Initiative. The Health Literacy grant (\$5,000) will provide education on physical health, mental health, nutrition, and disaster preparedness topics. The Plant Wildflowers Initiative (\$1,000) is designed to complement the Library's long-running food seed library by providing wildflower seeds and information that supports natural pollinators.

Division/Department
0202/02

Roshaunda Bradley, Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: Resolution ☒

Motion ☐ Administrator ☐

**Leon County
Board of County Commissioners**

Notes for Agenda Item #13

Leon County Board of County Commissioners

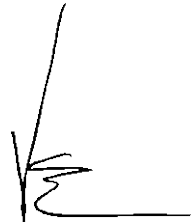
Agenda Item #13

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Joint Project Agreement with the City of Tallahassee for the Water and Wastewater Infrastructure Relocation for Maylor Road Drainage Improvement Project



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Brent Pell, Director, Public Works Charles Wu, Director, Engineering Services
Lead Staff/ Project Team:	Chris Muehlemann, Chief of Engineering Design Samuel Ijeoma, Senior Design Engineer

Statement of Issue:

This item seeks Board approval of a Joint Project Agreement with City of Tallahassee for the water and wastewater infrastructure relocation and upgrades for the Maylor Road Drainage Improvement Project. The project will raise the road in order to provide access during extreme rainfall events.

Fiscal Impact:

This item has a fiscal impact. Under the proposed Agreement with the City of Tallahassee (City), the City agrees to pay all upgrade costs incurred for construction of the water and wastewater utility work in an estimated amount of \$220,000. Final costs to be paid by the City will be determined and brought back to the Board during the award of the construction bid in fall 2022. The County has budgeted approximately \$2.48 million for the construction of the Maylor Road drainage improvements.

Staff Recommendation:

Option # 1: Approve the Joint Project Agreement with City of Tallahassee for the water and wastewater infrastructure relocation for Maylor Road Drainage Improvement Project (Attachment #1), and authorize the County Administrator to execute the Agreement, subject to legal review by the County Attorney.

Report and Discussion

Background:

This item seeks Board approval of a Joint Project Agreement (JPA) with the City of Tallahassee (City) for utility relocation and upgrades for the Maylor Road Accessibility and Drainage improvement project. Under the proposed JPA, the City will pay for, and the County will administer, water and wastewater utility relocation as part of the construction of the project.

Maylor Road crosses the bottom of a 431-acre closed basin located east of Dempsey Mayo Road between Mahan Drive and Miccosukee Road. The bottom of this basin floods Maylor Road for extended period during extreme rainfall events. The project will raise the road in order to support vehicular access during extreme weather events.

Analysis:

The proposed Joint Project Agreement with the City (Attachment #1) outlines the roles and responsibilities of each party to support the construction of the Maylor Road Accessibility and Drainage Improvement Project.

Under the proposed JPA, the City agrees to pay all upgrade costs incurred for construction of the water and wastewater utility work. The City will also pay the County an administrative fee of 2% of all construction costs paid by the City for contract management services and a pro-rata share of the lump sum contract prices for mobilization and maintenance of traffic (M&MOT). The current estimated cost to be paid by the City is \$220,000. The City will deposit with the County the proposed contract price payable by the City for such utility work and the contract management services fee within 30 days after the County delivers to the City a notice of proposed bid award. Final costs to be paid by the City will be determined and brought back to the Board during the award of the construction bid.

Following receipt of bids for the project, the County will promptly notify the City of the proposed contract price, pay item prices, and the pro-rata share of M&MOT. If the City desires to proceed with the utility work, or portion thereof, within 30 calendar days, the City will deposit the proposed contract price for the utility work and the contract management service fee into an escrow account as set forth in the JPA. The City, should it choose not to have the County contractor perform any of the utility work, shall cooperate with the County's contractor to schedule the sequence of the utility adjustments and relocations required for the project. The County has budgeted approximately \$2.48 million for the construction of the Maylor Road drainage improvements. The project is anticipated to be bid in August 2022 with construction commencing in the fall.

Options:

1. Approve the proposed Joint Project Agreement with the City of Tallahassee for the water and wastewater infrastructure relocation and upgrades for Maylor Road Drainage Improvement Project (Attachment #1), and authorize the County Administrator to execute the Agreement, subject to legal review by the County Attorney.
2. Do not approve the proposed Joint Project Agreement with the City of Tallahassee for the water and wastewater infrastructure relocation and upgrades for Maylor Road Drainage Improvement Project.
3. Board direction.

Recommendation:

Option #1

Attachment:

1. Draft proposed Joint Project Agreement with the City of Tallahassee for the water and wastewater infrastructure relocation and upgrades for the Maylor Road Drainage Improvement Project

**LEON COUNTY – CITY OF TALLAHASSEE JOINT PROJECT AGREEMENT
WATER AND WASTEWATER INFRASTRUCTURE RELOCATION OR INSTALLATION
FOR MAYLOR ROAD DRAINAGE IMPROVEMENTS**

THIS AGREEMENT is made and entered into this _____ day of _____, 20____, by and between the **City of Tallahassee**, a Florida municipal corporation (“**City**”), and **Leon County, Florida** (“**County**”), a charter county and political subdivision of the State of Florida.

WITNESSETH:

WHEREAS, the County is constructing, reconstructing or otherwise improving the Maylor Road Drainage Improvements, (“**Project**”); and,

WHEREAS, completion of the Project requires the adjustment, relocation, upgrade or installation of certain City water distribution and wastewater collection infrastructure within the area of the Project (such work or portion thereof being hereafter referred to as “**Utility Work**”); and,

WHEREAS, the City has expressed its desire to have such Utility Work constructed by the County’s contractor for the Project, simultaneously with construction of the Project, and has agreed to pay all costs associated with the construction of such Utility Work; and,

WHEREAS, the City has requested the County to include, in its bid documents for the Project, both the plans and specifications for the Project (“**Project Plans**”) and the plans and specifications furnished by the City for construction of the Utility Work; and,

WHEREAS, the plans and specifications for the said Utility Work will be reviewed and approved by the County and the City; and

WHEREAS, the County and the City have determined that it would be in the best interest of the general public and to the economic advantage of both parties to enter into this Joint Project Agreement (“**JPA**”) to provide for completion of the Utility Work simultaneously with, and as part of the same contract as, the Project;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. This JPA will apply to all Utility Work located within the limits of the Project, as included in the plans, specifications, and estimate for the Utility Work prepared by the City and approved by the County.

2.

(a) The City shall deliver to the County, in a form suitable for reproduction by the County, certain design documents, plans, and specifications for the Utility Work, which are more specifically identified as “Maylor Road Drainage Improvements Water Main Relocation Plans” (“**Utility Work Plans**”), including a Utility Work Schedule (“**UWS**”). Such Utility Work Plans shall include a summary of the unit price elements of work (“**Utility Pay Items**”) and associated estimated quantities included within the Utility Work. The City shall pay for the quantities of all such Utility Pay Items actually installed in construction of the Utility Work.

(b) The City shall pay a pro-rata share of the lump sum contract prices for mobilization and maintenance of traffic (“**M&MOT**”). Such share shall be the percentage of the total Project contract price, less M&MOT costs, that comprises the construction costs associated with the Utility Work. For example, if the total Project Contract Price, less M&MOT, is \$1 million and the construction cost associated with the Utility Work is \$250,000, the City’s share would be 25%. The result shall be expressed as a percentage to the nearest one-hundredth percent. The City’s pro-rata share of costs for M&MOT shall be equal to the total cost of M&MOT multiplied by the above computed percentage.

(c) The City shall also pay a Project administration fee to the County in the amount of 2% of the total of all costs paid by the City in accordance with paragraphs 2(a) and 2(b) above. This fee shall be considered full compensation to the County for services provided by the County in administration of the Agreement.

3. All of the work on the JPA shall be completed in accordance with the Project Plans and the Utility Work Plans, which are by reference made a part hereof. The City shall be responsible for verifying the accuracy of the County's underground survey information for pipe size and material. The County and the City, as applicable, shall promptly notify the other of any errors or omissions discovered in such survey information. All errors, omissions and changes in the Utility Work Plans shall be the sole responsibility of the City, except for those changes resulting from or caused by errors, omissions or changes in the Project

Plans after completion of the 100% design documents, which changes shall be the sole responsibility of the County and shall be made by the City's design professional at the County's sole cost. In the event of conflict between the Utility Work Plans and the Project Plans, the Project Plans shall take precedence, except in the event of conflicts between the Utility adjustment plan sheets and the Utility Work Plans, the Utility Work Plans shall take precedence.

4. The City, at its sole expense, shall furnish all engineering inspection, testing and monitoring of the Utility Work and shall furnish the County's engineer, at her/his request, copies of log books and quantities of work performed by the Contractor. The County shall provide all necessary Project contract administration and enforcement. The coordination of the Utility Work with that of the County's Contractor, and with work by other utility owners or their contractors, shall be the responsibility of the County, and the City shall cooperate fully in this matter. The City, upon request of the County, shall promptly furnish to the County all information required for change orders or supplemental agreements pertaining to the Utility Work.

5. The County shall receive bids for the Utility Work at the same time as bids for the Project. All bids for said Utility Work shall be taken into consideration in the award of a contract for construction of the Project, which award shall be based on the lowest responsive, responsible bid for all work (i.e., both the Project and the Utility Work). The City shall have the right to review the bid for the Utility Work and to (i) proceed with construction, by the County's contractor, of all Utility Work, or (ii) reject the bid of the County's contractor and arrange, at its own expense, for the prompt construction of the Utility Work. In proceeding with the Project, the following shall apply:

(a) The City shall notify the County of its decision with respect to how to proceed with construction of the Utility Work.

(b) Upon the receipt of such notice, the County shall amend the contract documents for the Project, as appropriate, prior to award.

(c) The City, should it choose not to have the County contractor perform any of the Utility Work, shall cooperate with the County's contractor to schedule the sequence of the utility adjustments and relocations required for the Project.

(d) Should the City choose not to have the County's contractor construct any of the Utility Work, the City, or its contractor for the Utility Work, shall defend any legal claims asserted against the County by the County's contractor due solely to delays caused by the City's failure to comply with the UWS provided by the City to the County; provided, however, that neither the City

nor its contractor for the Utility Work shall be responsible for delays in construction of the Utility Work caused by circumstances beyond its reasonable control.

(e) In performance of the Utility Work, the City shall require its contractor to comply with all applicable laws and with the applicable maintenance of traffic plan. In addition, the City's contractor shall comply with the same conditions required of the County's contractor in paragraph 8 below including, but not limited to, the posting of a performance bond and the naming of the County as an additional insured.

6. All adjustments, relocations, repairs and other work required to be performed in relation to utility infrastructure, if any, within this Project which are owned by the City but not included in the Utility Work Plans shall be the sole responsibility of the City and shall be the subject of either a separate agreement and utility relocation schedule or a change order to the County's contract for construction of the Project. All such work shall be coordinated with the construction of this Project and performed in a manner that will not cause delay to the County's contractor.

7. All services and work under the construction contract for the Project shall be performed to the satisfaction of the Leon County Director of Public Works, or his designee; provided, however, that all Utility Work performed under that contract shall also be performed to the satisfaction the City's General Manager – Underground Utilities & Public Infrastructure, or designee. The said County and City representatives shall decide all questions, difficulties and disputes of whatever nature, which may arise under or by reason of such contract, the prosecution and fulfillment of the services thereunder, and the character, quality, amount and value thereof; and their decision upon all claims, questions and disputes thereunder, with the exception of those related to the Utility Work, shall be final and conclusive upon the parties hereto. All such questions, difficulties, claims, and disputes regarding the Utility Work Plans or the Utility Work shall be decided or resolved, in good faith, in accordance with the following process:

(a) The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with this paragraph. The provisions of the "Florida Governmental Conflict Resolution Act" shall not apply to disputes under this Agreement, as an alternative dispute resolution process is hereby set forth in this paragraph. The aggrieved Party shall give notice to the other Party in writing, setting forth the name of the Party involved in the dispute, the nature of the dispute, the date of occurrence (if known), and the proposed resolution, hereinafter referred to as the "Dispute Notice."

(b) Should the parties be unable to reconcile any dispute, the City Manager and County Administrator, or their designees, shall meet at the earliest opportunity, but in any event within ten

(10) days from the date that the Dispute Notice is received, to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of the Parties, they shall report their decision, in writing, to the City Commission and the Board of County Commissioners. If the City Manager and County Administrator, or their designees, are unable to reconcile the dispute, they shall report their impasse to the City Commission and the Board of County Commissioners, who shall then convene a meeting at their earliest appropriate opportunity, but in any event within forty-five (45) days following receipt of a Dispute Notice, to attempt to reconcile the dispute.

(c) If a dispute is not resolved by the foregoing steps within forty-five (45) days after the receipt of the Dispute Notice, unless such time is extended by mutual agreement of the Parties, then either Party may require the dispute to be submitted to mediation by delivering written notice thereof (the "Mediation Notice") to the other Party. The mediator shall meet the qualifications set forth in Rule 10.100(d), Florida Rules for Mediators, and shall be selected by the Parties within ten (10) days following receipt of the Mediation Notice. The mediator shall also have sufficient knowledge and experience in the subject of the dispute. If agreement on a mediator cannot be reached in that ten (10) day period, then either Party can request that a mediator be selected by an independent conflict resolution organization, and such selection shall be binding on the Parties. The costs of the mediator shall be borne equally by the Parties.

(d) If an amicable resolution of a dispute has not been reached within sixty (60) calendar days following selection of the mediator, or by such later date as may be mutually agreed upon by the Parties, then, upon the agreement of both Parties, such dispute may be referred to binding arbitration; otherwise, each Party may pursue whatever remedies may be available at law, in equity, or otherwise. If the dispute is so referred, such arbitration shall be conducted in accordance with the Florida Arbitration Code (Chapter 682, Florida Statutes).

(1) Such arbitration shall be initiated by delivery, from one Party (the "Claimant") to the other Party (the "Respondent"), of a written demand therefore containing a statement of the nature of the dispute and the amount, if any, involved. The Respondent, within ten (10) days following its receipt of such demand, shall deliver an answering statement to the Claimant. After the delivery of such statements, either Party may make new or different claims by providing the other(s) with written notice thereof specifying the nature of such claims and the amount, if any, involved.

(2) Within ten (10) days following the delivery of such demand, each Party shall select an arbitrator and shall deliver written notice of that selection to the other. If either Party fails to select an arbitrator within such time, the other Party may make application to the court for such appointment in accordance with the Florida Arbitration Code. Within ten (10) days following

delivery of the last of such written notices, the two arbitrators so selected shall confer and shall select an additional arbitrator.

(3) The arbitration hearing shall be commenced in Leon County, Florida within sixty (60) days following selection of the additional arbitrator. Except as may be specifically provided herein, the arbitration shall be conducted in accordance with Rules R-23 – R-48 of the Commercial Arbitration Rules of the American Arbitration Association.

8. Following receipt of bids for the Project, the County will promptly notify the City of the proposed contract price, Pay Item prices, and the pro-rata share of M&MOT, and the City, if it desires to proceed with the Utility Work, or portion thereof, as part of the County's contract for the Project, shall deposit with the County the proposed contract price payable by the City for such Utility Work and the contract management services fee as set forth in paragraph 2 of this Agreement, which amounts shall be held in escrow by the County and disbursed only in accordance with this Agreement. Said deposit must be made within 30 calendar days after the County delivers to the City a notice of proposed bid award. As required by Florida law, the County will require its contractor to post a performance and payment bond for all work on the Project, including the Utility Work, and will ensure that the City is named as a beneficiary or insured under such bond. The bond shall be issued by a surety and in a form reasonably acceptable to both the City and the County. The County shall also cause the City to be named as an additional insured with respect to insurance coverage, other than Workers' Compensation or Professional Liability, provided by the County's contractor and will provide the City with a copy of any certification of coverage received by the County from its contractor.

9. At any time after award of the contract for the construction of the Project, the County may request the City to make an additional deposit if it determines that the cost of the Utility Work will exceed the amounts previously deposited by the City as a result of an increase in the quantity of one or more Utility Pay Items, or construction delay caused by the City, or changes in the Utility Work for which the City is responsible under paragraph 3 of this Agreement. The County shall request such additional deposit by delivery of invoices to the City. The City, subject to resolution of any disputes in accordance with paragraph 7 hereinabove, shall make such additional deposit within thirty (30) days following delivery of such invoice to the City. Should the total amount of all deposits for the Utility Work made by the City exceed the actual cost of the Utility Work, the County shall refund such difference to the City within ten (10) days following final payment for such work to the County's contractor.

10. The Utility Work shall be performed in accordance with the Utility Work Plans, which include the City's Technical Specifications for Water and Sewer Construction. The County shall neither accept nor make payment for any portion of the Utility Work that fails to meet such requirements unless the City consents, in writing, to such payment. All requests for payment for any portion of the Utility Work must be approved by the City before payment. Each month, the County's construction contractor shall submit to the County and the City a separate invoice for the Utility Work that has been completed and accepted. The City's project manager shall have seven (7) calendar days from receipt of an invoice to review the invoice and shall raise any objections or issues he or she may have with respect to the invoice. The County shall not pay any invoices of the County's contractor for which the City has raised objection or taken issue until said issues have been resolved to the City's satisfaction. Upon completion and acceptance of the Utility Work, the City shall own, control, maintain and be responsible for all such facilities, according to the terms of the applicable utility permit.

11. The City and County covenant and agree that each shall indemnify, defend, save and hold the other harmless from any and all legal actions, claims or demands by any person or legal entity caused by the negligent or wrongful act or omission of any employee of the party while acting within the scope of their employment or office. The liability of the parties, as set forth in this paragraph, is intended to be consistent with limitations of Florida law, including the state's waiver of sovereign immunity pursuant to Section 768.28, Florida Statutes. No obligation imposed by this paragraph shall be deemed to alter said waiver or to extend the liability of either party beyond such limits, nor shall any such obligation be deemed or construed as a waiver of any defense of sovereign immunity to which a party may be entitled.

12. Within one hundred eighty (180) days following the date of final payment under the contract for the Project, the County shall furnish the City with two (2) copies of its final and complete billing statement for all costs incurred in connection with the Utility Work and for the City's pro-rata share of the M&MOT, such statement to follow as closely as possible the order of the items contained in the job estimate. The final accounting will show the following with regard to the Project and the Utility Work: a description of the work and the site; the date on which the first work was performed and the date on which the last work was performed or the last item of billed expense was incurred; and the location where the records and accounts billed can be audited. All cost records and accounts maintained by the County or their consultant managing construction of the Project shall be subject to audit by a representative of the City within three (3) years after acceptance of the Project.

13. Should either party be required to file litigation to enforce any terms or provisions of this Agreement, the prevailing party in such litigation shall be entitled to an award of its reasonable attorneys' fees and court costs.

14. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written. It is further agreed that no modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

15. This Agreement shall be governed, interpreted and construed according to the laws of the State of Florida.

16. If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction, or by any other legally constituted body having the jurisdiction to make such determination, the remainder of this Agreement shall remain in full force and effect provided that the part of the Agreement thus invalidated or declared unenforceable is not material to the intended operation of this Agreement.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers, and their official seals hereto affixed, the day and year first above written.

CITY OF TALLAHASSEE

Attest:

By: _____
James O. Cooke, IV
City Treasurer-Clerk

By: _____
Reese Goad, City Manager

Date: _____

Approved as to form:

By: _____
Kristen Coons McRae
Senior Assistant City Attorney

LEON COUNTY, FLORIDA

By: _____
Vincent S. Long, County Administrator

Date: _____

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

By: _____

APPROVED AS TO LEGAL SUFFICIENCY:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____
Daniel J. Rigo, Senior Assistant County Attorney

Leon County
Board of County Commissioners
Notes for Agenda Item #14

Leon County Board of County Commissioners

Agenda Item #14

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of Rivers Landing Phase IIA - Replat



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Brent Pell, Director, Public Works Charles Wu, Director, Engineering Services
Lead Staff/ Project Team:	Joseph D. Coleman, County Surveyor Kimberly Wood, Chief of Engineering Coordination

Statement of Issue:

This item seeks Board approval of Rivers Landing Phase IIA - Replat for recording in the Public Record.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Approve Rivers Landing Phase IIA – Replat for recording in the Public Record (Attachment #1).

Report and Discussion

Background:

In accordance with Leon County Code of Laws, this item seeks Board approval of the plat for River's Landing Phase IIA - Replat for recording in the Public Record. The plat was initially approved by the Board at the March 8, 2022 meeting. Per Section 10-7.605 of the Leon County Code of Laws, the Board's approval is valid for 60 days, after which the plat must be resubmitted to the Board for approval. The applicant informed the County of unavoidable delays in obtaining necessary signatures which resulted in the plat not being recorded within the 60-day period.

This is a replat of the stormwater management facility (SWMF) and Homeowners Association (HOA) open space of the Rivers Landing Phase IIA Subdivision, a public residential subdivision as recorded in Plat Book 23, Page 38 of the Public Record. The replat is necessary to ensure that the SWMF has sufficient capacity for all four subphases of Rivers Landings Phase II. The area being replatted consists of 8.46 acres containing the original SWMF and the area identified as HOA open space. Rivers Landing Phase IIA - Replat is located in Section 36; Township 2 North; Range 2 West, on the south side of Tower Road at the end of Rivers Landing Way (Attachment #2).

The Rivers Landing Subdivision was approved by the Development Review Committee as a Type "C" site and development plan on October 5, 2005, which was later amended through a minor modification to approve the separation of the development into two phases on June 8, 2007. Development Services approved an additional minor modification to Rivers Landing Phase II allowing the reconfiguration of the SWMF on May 1, 2020 (Attachment # 3).

Analysis:

In accordance with Section 10-7.605 of the Leon County Code of Laws, a plat shall be recorded in the Public Records within 60-days of Board approval. The applicant, Devoro Homes, LLC, is requesting the Board to re-approve the plat for recording in the Public Record. All signatures and documentation have now been obtained.

Staff recommends the Board approve the plat for recording. There have not been any changes in the condition of the plat since the Board's initial approval in March 2022.

Options:

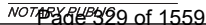
1. Approve Rivers Landing Phase IIA – Replat for recording in the Public Record (Attachment #1).
2. Do not approve Rivers Landing Phase IIA – Replat for recording in the Public Record.
3. Board direction.

Recommendation:

Option # 1

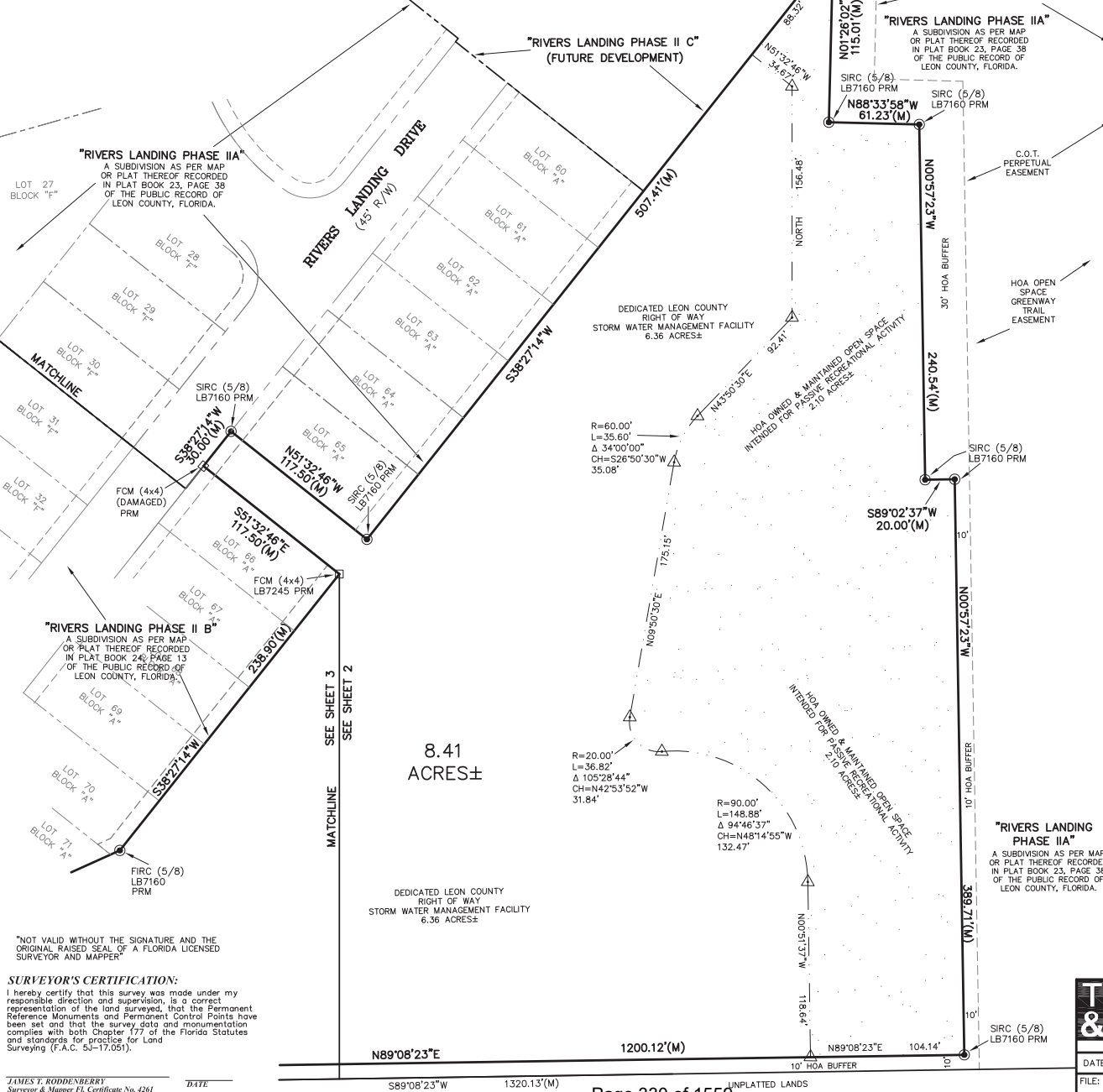
Attachments:

1. Rivers Landing Phase IIA - Replat
2. Location Map
3. Development Review Approval Letter



RIVERS LANDING PHASE II A-REPLAT

A REPLAT OF A PORTION OF RIVERS LANDING PHASE II A, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 23, PAGE 38 OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA, A SUBDIVISION LYING IN SECTION 36, TOWNSHIP 2 NORTH, RANGE 2 WEST, LEON COUNTY, FLORIDA



PLAT BOOK _____ PAGE _____

GRAPHIC SCALE



(IN U.S. FEET)
1 inch = 50 ft.

LEGEND

C.O.T. = CITY OF TALLAHASSEE
S.W.M.F. = STORM WATER MANAGEMENT FACILITY
HOA = HOME OWNERS ASSOCIATION
TEC = TALQUIN ELECTRIC COOPERATIVE, INC.
MAINT. = MAINTENANCE
ESMT. = EASEMENT
TYP. = TYPICAL
DRAIN = DRAINAGE
CONS. ESMT. = CONSERVATION EASEMENT
CO = COUNTY
ORT. = COURT
O.S. = OPEN SPACE
R/W = RIGHT OF WAY
Δ = Point not set or found
FCM = Found Concrete Monument (4" x 4")
FIR = Found Iron Rod (5/8")
FIRC = Found Iron Rod & Cap
SCM = Set 4" x 4" Concrete Monument with cap LB7160
SNC = Set Nail & Cap (LB7160)
M = Measured
D = Record Deed
RP = Record Plat
LP = Limited Partition
Δ = Delta Angle
R = Radius
L = Arc Length
CD = Chord bearing and distance
PT = Point of Tangency
PC = Point of Curvature
PI = Point of Intersection
PVC = Point of Reverse Curvature
POC = Point of Curve
ID = Identification Marker
O.R.B. = Official Record Book of Leon County, Florida
Pg. = Page
● = PRM = Permanent Reference Monument
● = 5/8" REBAR WITH 3" ROUND ID DISC LB7160
● = Set Nail & Cap LB7160
(PCP Permanent Control Point)
● = Found Iron Rod & Cap LB7160-5/8" (Unless noted otherwise)
— = All Interior Lot Corners Are Marked With Iron Rod & Cap LB7160-5/8" (Unless noted otherwise)
● = Found Iron 5/8" Re Bar with 3" ID Disc LB7160

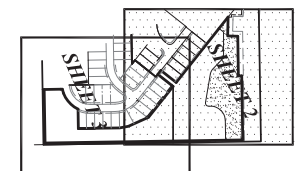
LINE LEGEND

S.W.M.F. = _____
EASEMENTS = _____
BOUNDARY = _____
LOT = _____
R/W CENTERLINE = _____

HATCH LEGEND

HOA COMMON AREA = _____

KEY MAP



NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.

TR & A THURMAN RODDENBERRY & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS AND MAPPERS
P.O. BOX 100 • 125 SHELTON STREET • SOPCHOPPY, FLORIDA 32358
PHONE NUMBER: 850-962-2338 FAX NUMBER: 850-962-1103
LB # 7160

DATE: 02/06/22 SCALE 1" = 50' DRAWN BY: BB COUNTY: LEON
FILE: 20637 PH 2A REPLAT.DWG SEC. 36, T-2-N, R-2-W, S-36-22-11-01 NUMBER: 20-637

RIVERS LANDING PHASE II A-REPLAT

A REPLAT OF A PORTION OF RIVERS LANDING PHASE II A, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 23, PAGE 38 OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA, A SUBDIVISION LYING IN SECTION 36, TOWNSHIP 2 NORTH, RANGE 2 WEST, LEON COUNTY, FLORIDA

GRAPHIC SCALE



LEGEND

C.O.T. = CITY OF TALLAHASSEE
S.W.M.F. = STORM WATER MANAGEMENT FACILITY
HOA = HOME OWNERS ASSOCIATION
TEC = TALQUIN ELECTRIC COOPERATIVE, INC.
MAINT. = MAINTENANCE
ESMT. = EASEMENT
TYP. = TYPICAL
DRAIN = DRAINAGE
CONS. ESMT. = CONSERVATION EASEMENT
CD = COUNTY
CRF. = COUNTY
O.S. = OPEN SPACE
R/W = RIGHT OF WAY
Δ = Point not set or found
FCM = Found Concrete Monument (4" x 4")
FIR = Found Iron Rod (5/8")
FIRC = Found Iron Rod & Cap
SCM = Set 4" x 4" Concrete Monument with cap LB7160
SNC = Set Nail & Cap (LB7160)
M = Measured
ID = Record Deed
RP = Record Plat
LP = Limited Partition
Δ = Delta Angle
R = Radius
L = Arc Length
CD = Chord bearing and distance
PT = Point of Tangency
PC = Point of Curvature
PI = Point of Intersection
PRC = Point of Reverse Curvature
POC = Point of Curve
ID = Identification Marker
O.R.B. = Official Record Book of Leon County, Florida
Pg. = Page
● = PRM = Permanent Reference Monument
= 5/8" REBAR WITH 3" FOUND ID DISC LB7160
① = Set Nail & Cap LB7160
(PCP Permanent Control Point)
● = Found Iron Rod & Cap LB7160-5/8"
(Unless noted otherwise)
= All Interior Lot Corners Are Marked With
(Iron Rod & Cap LB7160-5/8")
② = Found Iron 5/8" Re Bar with
3" ID Disc LB7160

LINE LEGEND

S.W.M.F. =
EASEMENTS =
BOUNDARY =
LOT =
R/W CENTERLINE =

HATCH LEGEND

HOA COMMON AREA =

PARCEL ID NO. 2213209010000
JIMMY CROWDER EXCAVATING
UNPLATTED LANDS

"RIVERS LANDING PHASE II D"
(FUTURE DEVELOPMENT)

"RIVERS LANDING PHASE II B"
A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 24, PAGE 13 OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.

"RIVERS LANDING PHASE II A"
A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 23, PAGE 38 OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.

"RIVERS LANDING PHASE II B"
A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 24, PAGE 13 OF THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.

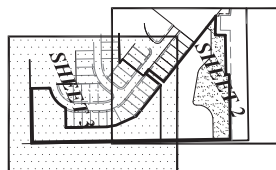
RIVERS LANDING DRIVE
(45' R/W)

DEDICATED LEON COUNTY
RIGHT OF WAY
STORM WATER MANAGEMENT FACILITY
6.36 ACRES±

8.41
ACRES±

DEDICATED LEON COUNTY
RIGHT OF WAY
STORM WATER MANAGEMENT FACILITY
6.36 ACRES±

KEY MAP



"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"

SURVEYOR'S CERTIFICATION:

I hereby certify that this survey was made under my responsible direction and supervision, is a correct representation of the land surveyed, that the Permanent Reference Monuments and Permanent Control Points have been set and that the survey data and monumentation complies with both Chapter 177 of the Florida Statutes and standards for practice for Land Surveying (F.A.C. 5J-17.051).

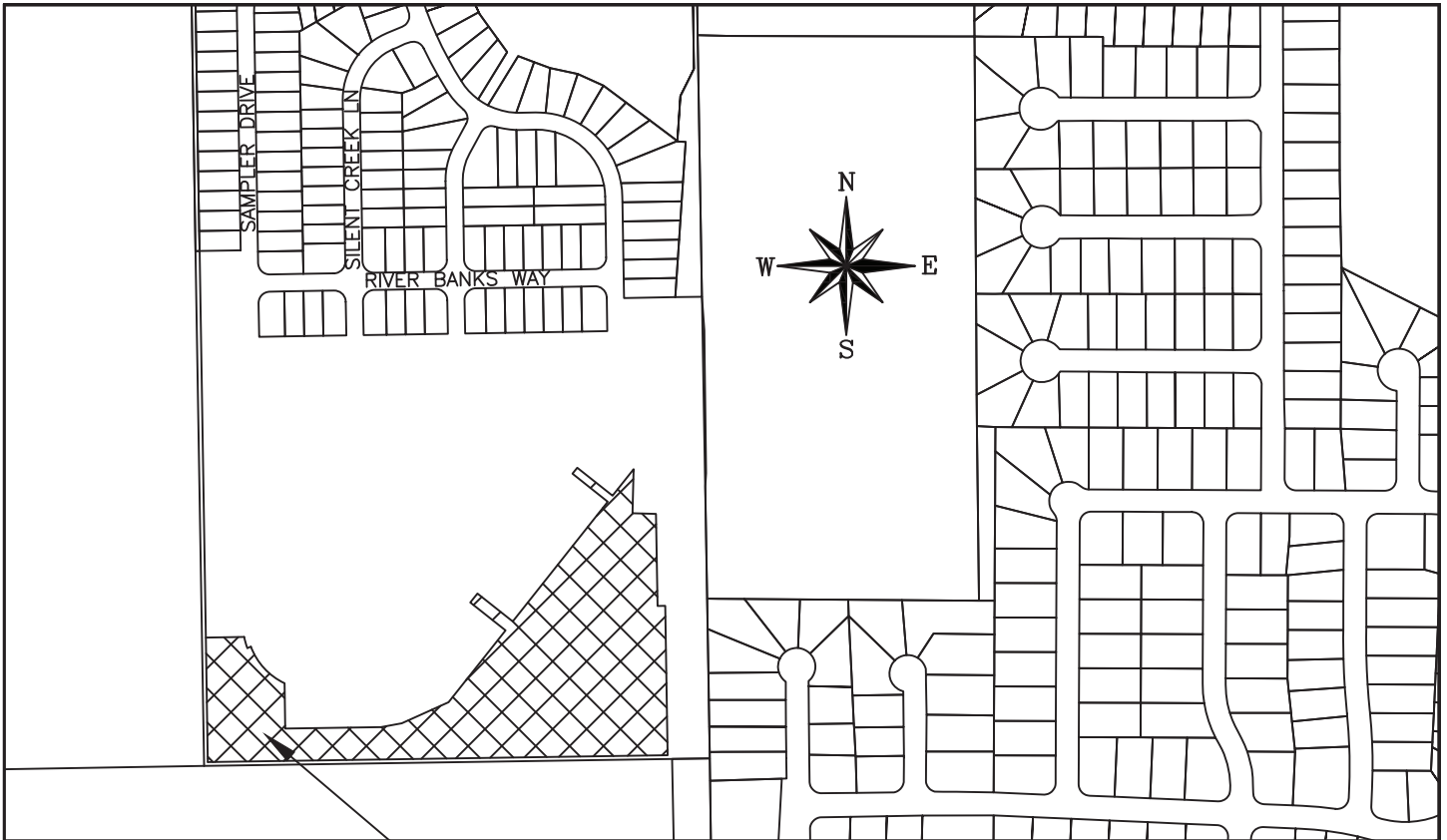
JAMES T. RODDENBERRY
Surveyor & Mapper Pl. Certificate No. 4261

DATE

UNPLATTED LANDS
PARCEL ID NO. 2213209010000
THE INTERNAL IMPROVEMENT TRUST FUND

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.

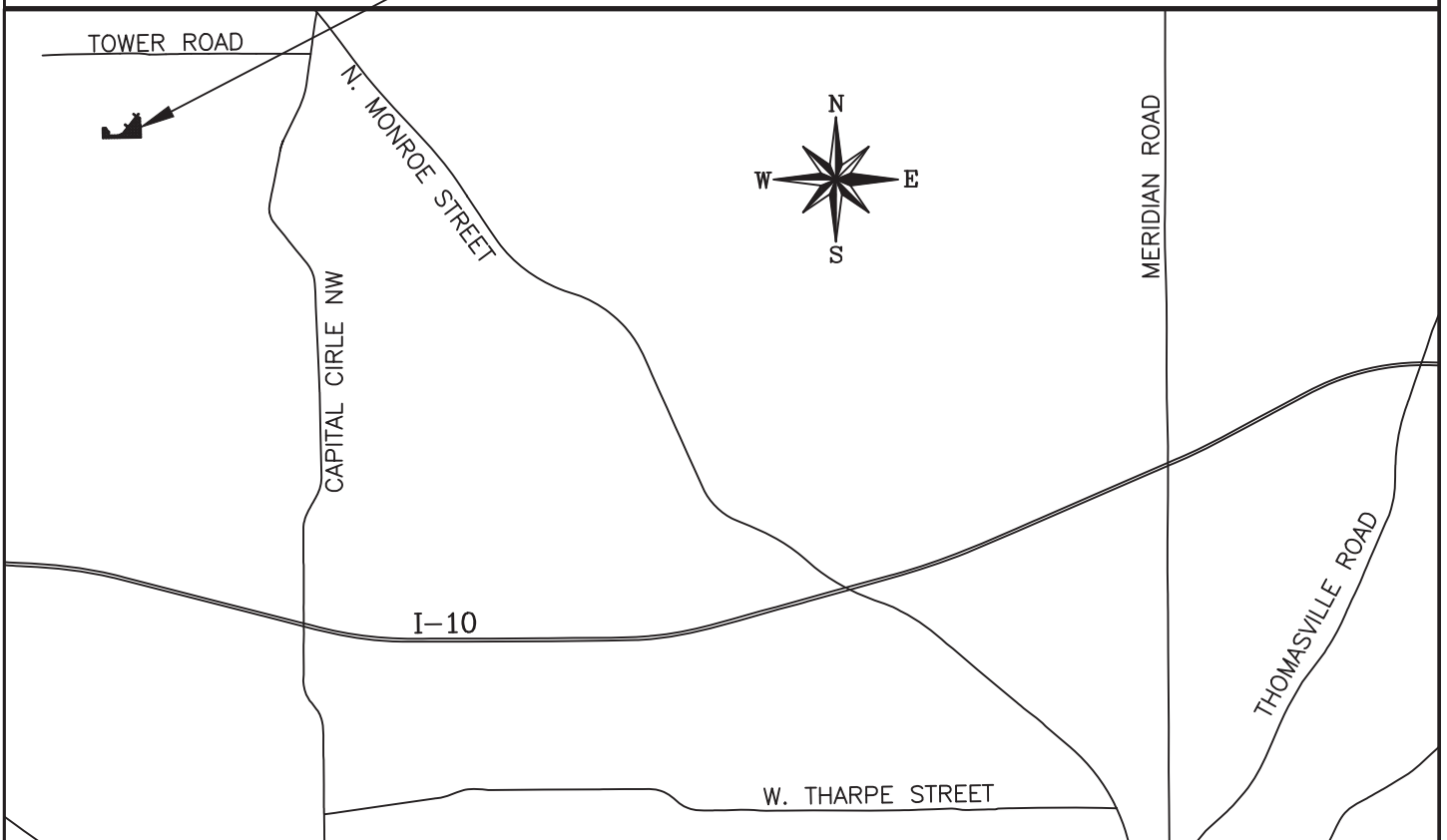
THURMAN RODDENBERRY & ASSOCIATES, INC.			
PROFESSIONAL SURVEYORS AND MAPPERS			
P.O. BOX 100 • 125 SHELTON STREET • SOPCHOPPY, FLORIDA 32358			
PHONE NUMBER: 850-963-2538 • FAX NUMBER: 850-963-1163			
L.B. # 7160			
DATE: 02/06/22	SCALE 1" = 50'	DRAWN BY: BB	COUNTY: LEON
FILE: 20637 PH 2A REPLAT.DWG	SEC. 36, T-2-N, R-2-W	PLAT NUMBER: 20-637	SHEET 3 OF 3



SITE MAP

SCALE 1" = 500'

RIVERS LANDING PHASE IIA—REPLAT



LOCATION MAP

SCALE 1" = 7500'



Leon County

Board of County Commissioners

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

Commissioners

BRYAN DESLOGE
District 4
Chairman

RICK MINOR
District 3
Vice Chairman

BILL PROCTOR
District 1

JIMBO JACKSON
District 2

KRISTIN DOZIER
District 5

MARY ANN LINDLEY
At-Large

NICK MADDOX
At-Large

VINCENT S. LONG
County Administrator

HERBERT W.A. THIELE
County Attorney

Department of Development Support
& Environmental Management
Development Services Division
Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301-1019
Phone (850) 606-1300

May 1, 2020

Mr. Roger Wynn, PE
Moore Bass Consulting, Inc.
805 N. Gadsden Street
Tallahassee, FL. 32303

RE: Rivers Landing Minor Modification Approval – Phase II (LSP050038)

Mr. Wynn:

The Minor Modification for the reconfiguration of the stormwater management facility (SWMF) for Phase II of Rivers Landing is approved. The Minor Modification allowed for the enlargement of the SWMF, which required reallocation of some of the Homeowner's Association open space (approximately 0.70 ac) to the SWMF, and other related adjustments for maintenance access.

The plans were reviewed and approved consistent with the procedures and criteria set forth in Section 10-7.411 of the Leon County Land Development Code, "Modifications to Approved Subdivisions or Site and Development Plans." All reviewing parties have found the proposed plans set modifications acceptable. The approved Minor Modification plan sheets are uploaded to the "Approved Documents" folder in Project Dox.

Please be informed the change in dedications and reconfiguration of the SWMF will require a replat of Phase IIA. Phase IIB is required to be platted before building permits can be issued or transfer of title lots can occur.

If you have any questions, please do not hesitate to contact me at (850) 606-1300 or send email to "brockmeiers@leoncountyfl.gov".

Sincerely,

Scott Brockmeier, CPM
Development Services Administrator
Development Services Division

**Leon County
Board of County Commissioners
Notes for Agenda Item #15**

Leon County Board of County Commissioners

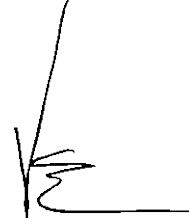
Agenda Item #15

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Approval of the Plat for Unit 4 of Chastain Manor Phase 2 Subdivision



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Brent Pell, Director, Public Works Charles Wu, Director, Engineering Services
Lead Staff/ Project Team:	Joseph Coleman, County Surveyor Kimberly Wood, Chief of Engineering Coordination

Statement of Issue:

This item seeks Board approval of the plat for Unit 4 of Chastain Manor Phase 2 Subdivision for recording in the Public Record.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Approve the plat for Unit 4 of Chastain Manor Phase 2 Subdivision for recording in the Public Record (Attachment #1).

Report and Discussion

Background:

In accordance with Leon County Code of Laws, this item seeks Board approval of the plat for Unit 4 of Chastain Manor Phase 2 Subdivision for recording in the Public Record. The Subdivision is a replat of Lot 7 Block F and the adjacent Common Area of Unit 3 Chastain Manor Phase 2 Subdivision, a Public subdivision as recorded in Plat Book 24, Page 64 of the Public Record. The Subdivision being platted consists of 0.16 acres containing one residential lot and a portion of the recorded Common Area. Unit 4 of Chastain Manor Phase 2 Subdivision is located in Section 8; Township 2 North; Range 1 East, on the north side of Bannerman Road approximately 0.15 miles east of the Bull Headley and Bannerman Roads intersection (Attachment #2).

The Unit 4 of Chastain Manor Phase 2 Subdivision was approved by the Department of Development Support and Environmental Management as a Type “B” site and development plan on May 7, 2020 with a minor modification for this replat approved on June 8, 2022 (Attachment #3).

In accordance with Chapter 10, Article VII, Division 6 of the Leon County Code of Laws, plats submitted to the Board of County Commissioners for approval must meet all requirements of Chapter 10 and be certified by the County Engineer. Once approved, the original approved plat will be forwarded to the Clerk of Court for recording in the Public Record.

Analysis:

The applicant, Golden Oak Land Group, LLC, is requesting Board approval of the plat contingent upon staff’s final review and approval, due to date-sensitive contractual obligations. The plat has been circulated and is still under review by the appropriate departments and agencies. The plat presented herein is a conditional final plat, in that it is substantially complete, and staff does not anticipate any changes other than possible minor corrections to text.

Since Unit 4 of Chastain Manor Phase 2 Subdivision is a single residential lot in a public subdivision, and does not contain any public infrastructure to be maintained by the County, no performance or maintenance agreement/surety device are required.

Staff recommends the Board approve the plat for recording upon completion of the final review and approval from reviewing departments and agencies. Should there be a need for any substantive changes to the plat, staff will resubmit it to the Board at a future regularly scheduled Board meeting for approval.

Options:

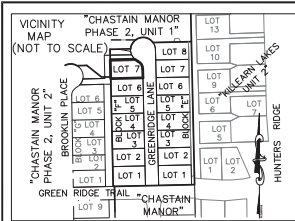
1. Approve the plat for Unit 4 of Chastain Manor Phase 2 Subdivision for recording in the Public Record (Attachment #1).
2. Do not approve the plat for Unit 4 of Chastain Manor Phase 2 Subdivision for recording in the Public Record.
3. Board direction.

Recommendation:

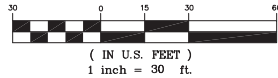
Option #1

Attachments:

1. Plat of Unit 4 of Chastain Manor Phase 2 Subdivision
2. Location Map
3. Development Review Approval Letters



GRAPHIC SCALE



CURVE	LENGTH	RADIUS	DIRECTION	CHORD	DELTA
C1	12.40	42.50	S56°33'49"E	12.35	16°42'42"
C2	39.29	42.50	N21°43'36"W	37.90	52°57'46"

LEGEND

C.O.T. = CITY OF TALLAHASSEE
S.W.M.F. = STORM WATER MANAGEMENT FACILITY
HOA = HOME OWNERS ASSOCIATION
TEC = TALQUIN ELECTRIC COOPERATIVE, INC.
MAINT. = MAINTENANCE
ESMT. = EASEMENT
TYP. = TYPICAL
DRAIN = DRAINAGE
CONS. ESMT. = CONSERVATION EASEMENT
CO = COUNTY
ORT. = COURT
O.S. = OPEN SPACE
R/W = RIGHT OF WAY
Δ = Point not set or found
FCM = Found Concrete Monument (4" x 4")
FIR = Found Iron Rod (5/8")
FIRC = Found Iron Rod & Cap
SCM = Set 4" x 4" Concrete Monument with cap LB7160
SNC = Set Nail & Cap (LB7160)
M = Measured
D = Record Deed
RP = Record Plat
LP = Limited Partition
Δ = Delta Angle
R = Radius
L = Arc Length
CD = Chord bearing and distance
PT = Point of Tangency
PC = Point of Curvature
PI = Point of Intersection
PRC = Point of Reverse Curvature
POC = Point of Curve
ID = Identification Marker
D.R.B. = Official Record Book of Leon County, Florida
Pg. = Page
PRM = Permanent Reference Monument
5/8" REBAR WITH 3" ROUND ID DISC LB7160
① = Set Nail & Cap LB7160 (PCP Permanent Control Point)
② = Found Iron Rod & Cap LB7160-5/8"
(Unless noted otherwise)
③ = All interior Lot Corners Are Marked With
= Iron Rod & Cap LB7160-5/8"
(Unless noted otherwise)
④ = Found Iron 5/8" Re Bar with 3" ID Disc LB7160

LINE LEGEND

S.W.M.F. = STORM WATER MANAGEMENT FACILITY
EASEMENTS
BOUNDARY =
LOT =
R/W CENTERLINE =
NOT TO SCALE =

NOTES:

- This survey is dependent upon EXISTING MONUMENTATION.
- BEARING REFERENCE: Westerly boundary of subject parcel being North 01 degrees 18 minutes 52 seconds West as per record plat.
- NO IMPROVEMENTS have been located other than shown hereon. All platted utility easements shall also allow for Cable Television Services in accordance with Florida Statutes, Chapter 177.091 (29).
- The construction of permanent structures including fences but excluding driveways by property owners is prohibited within utility and drainage easements.
- An iron rod with plastic cap stamped "LB7160" has been set at all lot corners unless otherwise noted.
- Subject property is located in Zone "X" as per Flood Insurance Rate Map, Community Panel No. 120143 0150F, index date: August 16, 2009, Leon County, Florida.
- Platted utility easements shall allow for cable television services per Florida Statute 177.091 (28).
- Platted utility easements shall allow for "Internet" infrastructure to be placed within the dedicated easements including, but not limited to cables, wires and any other hardware required to provide Internet service.
- Coordinates based on Florida Grid North datum (NAD 83).

NOTICE:

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF LEON COUNTY, FLORIDA.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

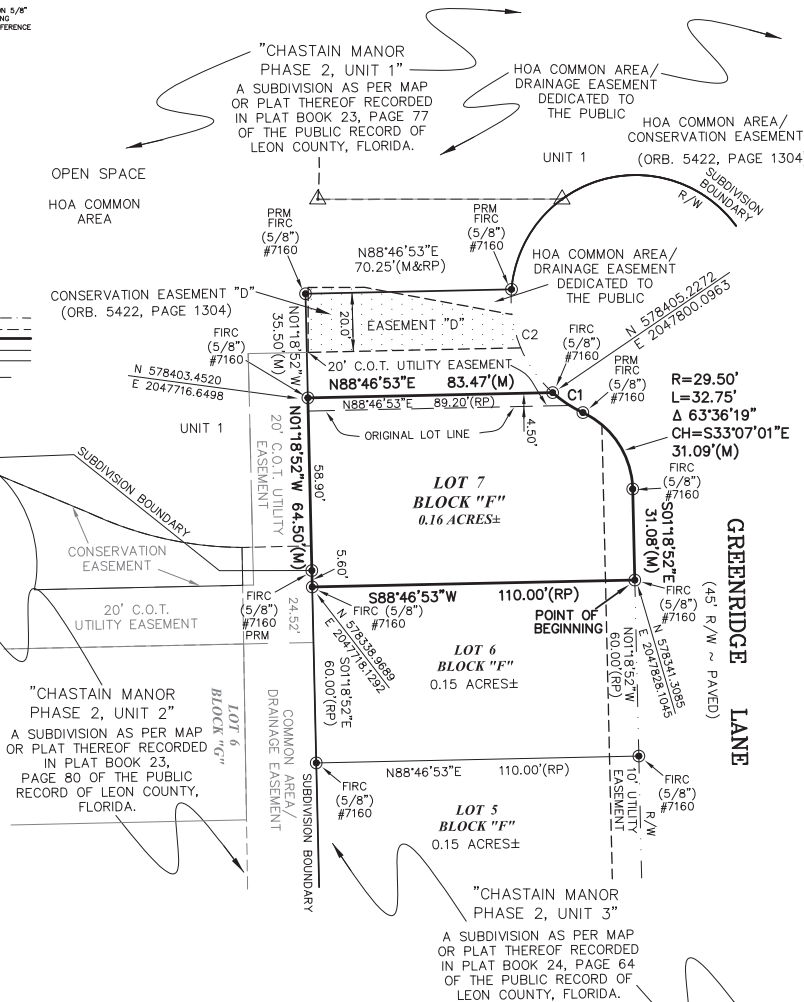
SURVEYOR'S CERTIFICATION:

I hereby certify that this survey was made under my responsible direction and supervision, is a correct representation of the land surveyed, that the Permanent Reference Monuments and Permanent Control Points have been set and that the survey data and monumentation complies with both Chapter 177 of the Florida Statutes and standards for practice for Land Surveying (F.A.C. 5J-17.051).

JAMES T. RODDENBERRY DATE
Surveyor & Mapper FL Certificate No. 4261

CHASTAIN MANOR PHASE 2, UNIT 4

A REPLAT OF LOT 7, BLOCK "F" OF CHASTAIN MANOR PHASE 2, UNIT 3, A SUBDIVISION AS PER MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 24, PAGE 64 OF THE PUBLIC RECORD OF LEON COUNTY, FLORIDA.



JOINDERS IN DEDICATION:

NAME	O.R. Book / Page	Date
	O.R. Book Page	
	O.R. Book Page	
	O.R. Book Page	
	O.R. Book Page	

PLAT REVIEW

PLAT REVIEWED FOR COMPLIANCE WITH CHAPTER 177, FLORIDA STATUTES.

COUNTY SURVEYOR

GWENDOLYN MARSHALL KNIGHT CLERK OF THE CIRCUIT COURT:

Accepted for files and recorded this ____ day of

_____, A.D. 2022, in

Plat Book _____ Page _____
of the Public Records of Leon County, Florida

By:
Deputy Clerk of the Circuit Court,
Leon County, Florida

DATE OF LAST
FIELD WORK:

DEDICATION STATE OF FLORIDA COUNTY OF LEON

Know all by these present that Golden Oak Land Group, LLC, the owners' in fee simple of the land shown hereon platted as Lot 7, Block "F" of Chastain Manor Phase 2, Unit 3, and being more particularly described as follows:

Lot 7, Block "F" of Chastain Manor Phase 2, Unit 3, a subdivision as per map or plat thereof recorded in Plat Book 24, Page 64 of the Public Records of Leon County, Florida, AND ALSO a 4.5 foot wide strip of land lying Northerly of and adjacent to said Lot 7, being more particularly described as follows:

BEGIN at an iron rod and cap (marked 7160) marking the Southeastly corner of Lot 7, Block "F" of Chastain Manor Phase 2, Unit 3, a subdivision as per map or plat thereof recorded in Plat Book 24, Page 64 of the Public Records of Leon County, Florida, said point also lying on the Westerly right of way boundary of Greenridge Lane, thence leaving said Westerly right of way boundary run South 88 degrees 46 minutes 53 seconds West along the Southerly boundary of said Lot 7 a distance of 110.00 feet to an iron rod and cap (marked 7160) marking the Southwestly corner of said lot; thence leaving said Southerly lot boundary run North 01 degree 18 minutes 52 seconds West along the Westerly boundary of said lot and an extension thereof a distance of 64.50 feet to an iron rod and cap (marked 7160); thence leaving said Westerly lot boundary run North 88 degrees 46 minutes 53 seconds East 83.47 feet to an iron rod and cap (marked 7160) lying on said Westerly right of way boundary, said point also lying on a curve concave to the Northeastly; thence run Southeastly along said Westerly right of way boundary and said curve with a radius of 42.50 feet; through a central angle of 16 degrees 42 minutes 42 seconds, for an arc distance of 12.40 feet; chord being South 56 degrees 33 minutes 49 seconds East 12.35 feet to an iron rod and cap (marked 7160), marking a point of reverse curve, thence run Southeastly along said Westerly right of way boundary and said reverse curve having a radius of 29.50 feet, through a central angle of 63 degrees 36 minutes 19 seconds, for an arc distance of 32.75 feet, chord being South 33 degrees 07 minutes 01 seconds East 31.09 feet to an iron rod and cap (marked 7160); thence leaving said reverse curve run South 01 degree 18 minutes 52 seconds East along said Westerly right of way boundary 31.08 feet to the POINT OF BEGINNING.
Containing 0.16 acres, more or less.

SUBJECT TO: A 20 foot wide City of Tallahassee Utility Easement lying over and across the Northerly 4.5 feet thereof AND ALSO a 10 foot wide Utility Easement lying over and across the Easterly 10 feet thereof as depicted on the record plat for Chastain Manor Phase 2, Unit 3, a subdivision as per map or plat thereof recorded in Plat Book 24, Page 64 of the Public Records of Leon County, Florida

Have cause said lands to be divided and subdivided as shown hereon and does hereby dedicate the following:

To the Public, City of Tallahassee and Talquin Electric Cooperative, Inc. all utility easements depicted hereon.

To the Public All Roadways and Drainage Easements as depicted hereon.

To the Chastain Manor Homeowners Association all HOA Common Areas as depicted hereon.

Reserving in all cases however, the reversions thereof should the same be renounced, disclaimed, abandoned or the use thereof discontinued or prescribed by law by appropriate official action of the proper officials having charge or jurisdiction thereof.

This the ____ day of _____, A.D. 2022

By: _____ Witness Signature: _____
Authorized Signature
Managing Member of Golden Oak Land Group, LLC

Print name _____

ACKNOWLEDGEMENT STATE OF FLORIDA

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____ who is personally known to me or has produced a drivers license as identification acknowledges that he/she executed the foregoing dedication as the managing member of Golden Oak Land Group, LLC

COUNTY COMMISSION

Approved and Joined in by The Board of County Commissioners of Leon County, Florida.

THIS ____ DAY OF _____
A.D. 2022.

By: _____ NOTARY PUBLIC
Chairperson

By: _____
County Attorney

By: _____
County Engineer

SITE PLAN REVIEW APPROVAL

This plat conforms to the Site and Development Plan approval provisions made by the Department of Development Support and Environmental Management. This ____ day of _____, 2022

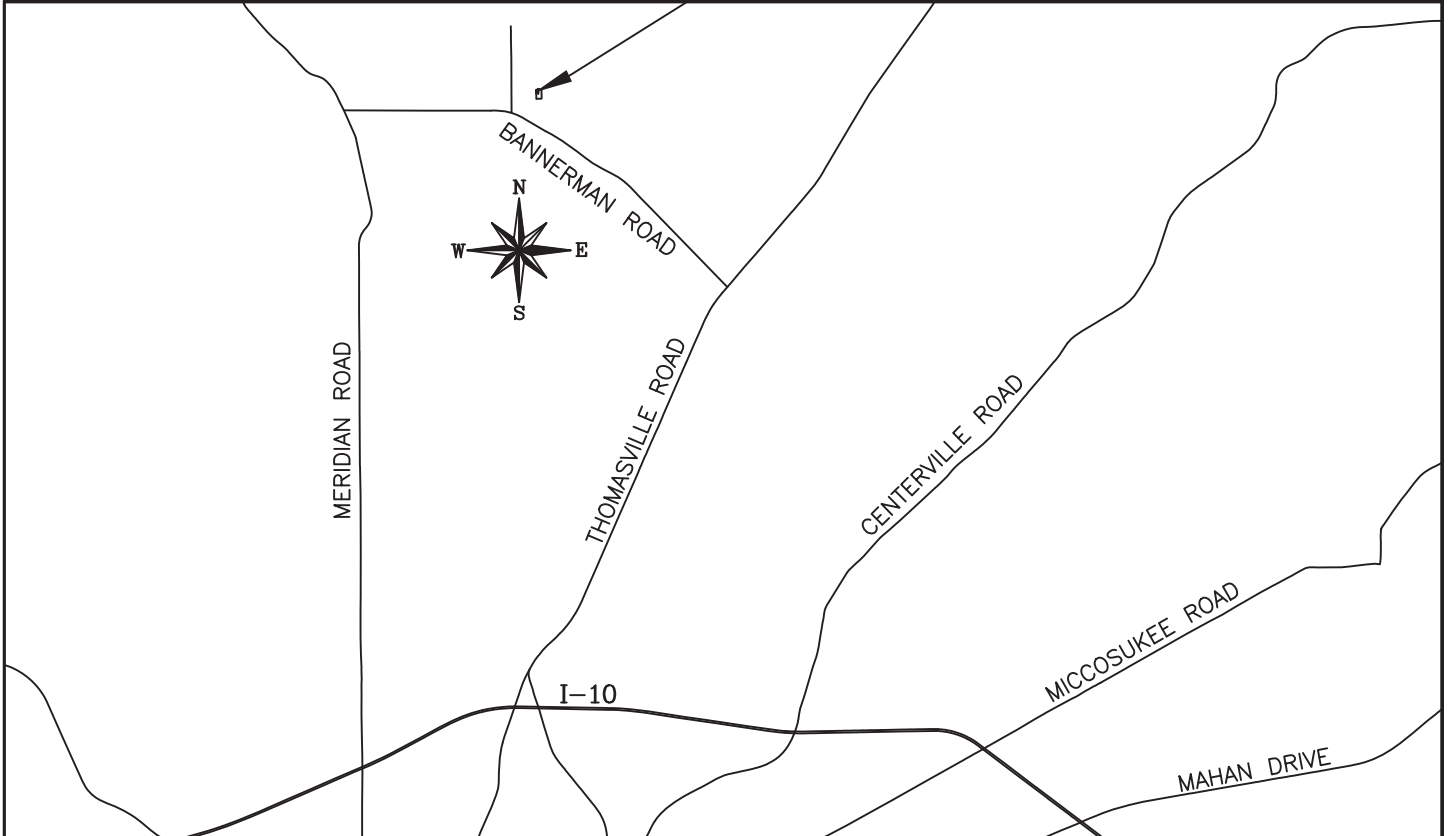
By: _____
County Administrator or designee

PREPARED BY:		THURMAN RODDENBERRY & ASSOCIATES, INC.	
P.O. BOX 100 • 125 SHELTON STREET • SOPCHOPPY, FLORIDA 32358		PROFESSIONAL SURVEYORS AND MAPPERS	
PHONE NUMBER: 850-962-2538 • FAX NUMBER: 850-962-1103		LB # 7160	
DATE: 05/22/2022	SCALE: 1" = 30'	DRAWN BY: BB	COUNTY: LEON
FILE: 18066-PH2-U3	SEC. 8, T-2-N, R-1-E	JOB NUMBER: 18-066	
REPLAT 7F.DWG			

Posted July 1, 2022



CHASTAIN MANOR PHASE 2 , UNIT 4 **SITE MAP**
SCALE 1" = 500'



LOCATION MAP
SCALE 1" = 10,000'



Leon County

Board of County Commissioners

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

Commissioners

BRYAN DESLOGE
District 4
Chairman

RICK MINOR
District 3
Vice Chairman

BILL PROCTOR
District 1

JIMBO JACKSON
District 2

KRISTIN DOZIER
District 5

MARY ANN LINDLEY
At-Large

NICK MADDOX
At-Large

VINCENT S. LONG
County Administrator

HERBERT W.A. THIELE
County Attorney

Department of Development Support &
Environmental Management
Development Services Division
Renaissance Center, 2nd Floor
435 North Macomb Street
Tallahassee, Florida 32301-1019
Phone (850) 606-1300

May 7, 2020

Brad Begue, PE
Urban Catalyst Consultants
2851 Remington Green Circle, Suite D
Tallahassee, FL 32308

RE: Chastain Manor II Type "B" Site and Development Plan
Minor Modification Approval for Phasing
Leon County Project ID No.: LSP180018 (FDPA Track)

Dear Mr. Begue:

Your request for Minor Modification to the Chastain Manor II Type "B" site and development plan has been approved in accordance with the requirements for modifications to approved site and development plans established in Article VII, Division 4 (§ 10-7.411) of the Leon County Land Development Code (LDC) – Chapter 10, Leon County Code of Laws. This approval allows for the separation of the Chastain Manor Phase II development into three sub-phases.

Pursuant to Article VII, Division 6, § 10-7.601 of the LDC, building permits will not be issued for a project that requires platting until a plat has been accepted and approved by the Board of County Commissioners and recorded in the plat books of Leon County pursuant to the provisions of the LDC and § 177, Florida Statutes. No plat shall be approved and accepted by the County unless and until the developer has installed all infrastructure improvements in the proposed development as required by the LDC and the site and development plan, or shall be guaranteed their installation with a surety device, as provided in Article VII, Division 6, LDC.

This site and development plan approval shall remain in effect until full development build-out. However, the approval shall expire if substantial and observable development has not begun within three (3) years of the date of approval or substantial and observable development ceases for a period of three (3) years before the project is complete and certificates of occupancy have been issued.

Chastain Manor II
Type "B" Minor Modification Approval (LSP180018)

Should you have any questions regarding this approval, please contact Scott Brockmeier at 850-606-1317.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Culpepper".

Ryan Culpepper, AICP, Development Services Director
Department of Development Support and Environmental Management

cc: Project Dox – LSP180018



Leon County

Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301
(850) 606-5300 www.leoncountyfl.gov

DEVELOPMENT SUPPORT &
ENVIRONMENTAL MANAGEMENT
Development Services Division
435 N. Macomb Street
Renaissance Center, 2nd floor
Tallahassee, Florida 32301
850-606-1300

Commissioners

RICK MINOR
District 3
Chairman

BILL PROCTOR
District 1
Vice Chairman

JIMBO JACKSON
District 2

BRIAN WELCH
District 4

KRISTIN DOZIER
District 5

CAROLYN D. CUMMINGS
At-Large

NICK MADDOX
At-Large

VINCENT S. LONG
County Administrator

CHASITY H. O'STEEN
County Attorney

June 8, 2022

Golden Oak Land Group, LLC
c/o Urban Catalyst Consultants – Brad Begue, P.E.
2851 Remington Circle, Suite D
Tallahassee, FL 32308

RE: Chastain Manor Phase II - Type "B" Site and Development Plan
Request for Minor Modification #2
Tax Parcel Identification Number(s): PID(s): 14-08-27-00F-007-0 & 14-08-27-000-0001
Project Number: LSP180018

Dear Mr. Begue:

Your request for Minor Modification to the Chastain Manor Phase II, Type "B" site and development plan has been approved in accordance with the requirements for modification to the approved site and development plans established in Article VII, Division 4 (§ 10-7.411) of the Leon County Land Development Code (LDC) – Chapter 10, Leon County Code of Laws. The modification is limited to:

- Adjusting the common boundary line between 14-08-27-00F-007-0 & 14-08-27-000-0001 increase the lot width of Parcel ID #: 14-08-27-00F-0070 by 4.5 feet.

Pursuant to Article VII, Division 6, § 10-7.613 of the LDC, any change in a recorded plat, if such change effects any street layout shown on the plat, or area reserved or dedicated for public use, or any lot line, or it affects any map, plan, or plat legally reached prior to the adoption of any regulations controlling site development or subdivisions, shall constitute a replat, and shall comply with the procedures, rules, and regulations as for an initial plat.

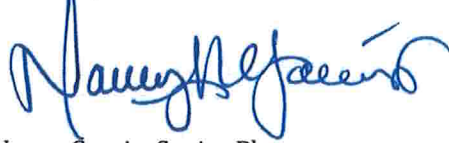
Finally, the site and development plan approval shall remain in effect until full development build-out and until transfer of ownership of all created lots. However, the approval shall expire if substantial and observable development has not begun within three years of the date of approval; or, substantial and observable development ceases for a before the project is complete and certificates of occupancy have been issued. If an extension is needed, you may request that the approval entity grant an additional three-year extension, upon demonstration of good faith effort and that the hardship is not self-created.

Chastain Manor Phase II -LSP180018
Minor Modification #2 Approval

Page 2 of 2

Please contact Nancy Garcia at (850) 606-1361 or send e-mail to "GarciaN@leoncountyfl.gov" if you have any questions regarding this approval.

Sincerely,



Nancy Garcia, Senior Planner
Development Services Division

cc:

Ryan Culpepper, AICP Director of Development Services
Ana Richmond, Development Services Administrator
Nawfal Ezzagaghi P.E., Environmental Services Supervisor
Deji Ajose-Adeogun P.E., Environmental Services Supervisor
Kimberly Wood P.E., Chief of Engineering Coordination, Public Works
Charley Schwartz P.E., Senior Design Engineer, Public Works
Jimmy Lee, P.E, Manager, COT Water & Sewer Development Review & Inspection
Brad Begue, P.E. (agent), Urban Catalyst Consultants

Project File No: LSP180018

**Leon County
Board of County Commissioners**

Notes for Agenda Item #16

Leon County Board of County Commissioners

Agenda Item #16

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Third Performance Agreement and Surety Device for Unit 2 of Chastain Manor Phase 2 Subdivision

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Brent Pell, Director, Public Works Charles Wu, Director, Engineering Services
Lead Staff/ Project Team:	Joseph Coleman, County Surveyor Kimberly Wood, Chief of Engineering Coordination

Statement of Issue:

This item seeks Board acceptance of the Third Performance Agreement and Surety Device for Unit 2 of Chastain Manor Phase 2 Subdivision, in accordance with Leon County land development regulations.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Accept the Third Performance Agreement and Surety Device for Unit 2 of Chastain Manor Phase 2 Subdivision and authorize the County Administrator to execute the Agreement and any future extensions thereto (Attachment #1).

Report and Discussion

Background:

In accordance with Leon County land development regulations for the recording of plats in the Public Records prior to infrastructure being completed, this item seeks Board acceptance of a Third Performance Agreement and Surety Device for Unit 2 of Chastain Manor Phase 2 Subdivision. Unit 2 of Chastain Manor Phase 2 Subdivision is located in Section 8; Township 2 North; Range 1 East, on the north side of Bannerman Road approximately 0.15 miles east of the Bull Headley and Bannerman Road intersection. The development consists of 23.6 acres containing 36 residential lots.

Chastain Manor Phase 2 Subdivision was approved by the Development Review Committee as a Type “B” site and development plan on January 7, 2020, with a minor modification to allow phasing of units for the subdivision on May 7, 2020. On May 21, 2020, the Board approved the plat of the Unit 1 of Chastain Manor Phase 2 Subdivision for recording in the public records prior to infrastructure being completed and accepted a Performance Agreement and Surety Device to guarantee completion of the infrastructure. The Developer requested a one-year extension of the Performance Agreement and Surety, which was approved by the Board on July 13, 2021. This Second Performance Agreement will terminate on July 13, 2022. The developer is requesting an additional one-year extension of the Performance Agreement to complete required infrastructure.

Analysis:

The developer is requesting the County accept the one-year extension of the Performance Agreement and Surety Device in the amount of \$205,000. The requested extension will allow the developer to complete additional buildings prior to installing the final lift of asphalt and repairing any damaged sidewalks or curbing. Public Works’ Division of Engineering has inspected the site and reviewed the construction estimates for completion of the remaining infrastructure, and concurs with the estimated amount (Attachment #2).

As allowed by Section 10-7.612 of the Land Development Code, the Director of Public Works will affect the release of the existing Second Agreement and Surety Device upon the acceptance of the Third Performance Agreement and Surety Device.

Title: Third Performance Agreement and Surety Device for Unit 2 of Chastain Manor Phase 2 Subdivision

July 12, 2022

Page 3

Options:

1. Accept the Third Performance Agreement and Surety Device for Unit 2 of Chastain Manor Phase 2 Subdivision and authorize the County Administrator to execute the Agreement and any future extensions thereto (Attachment #1).
2. Do not accept the Third Performance Agreement and Surety Device for Unit 2 of Chastain Manor Phase 2 Subdivision and do not authorize the County Administrator to execute the Agreement and any future extensions thereto.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Unit 2 of Chastain Manor Phase 2 Subdivision Third Performance Agreement and Surety Device
2. County Engineer Memorandum of Recommendation

THIRD PERFORMANCE AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 2022, between **GOLDEN OAK LAND GROUP, LLC.**, a Florida corporation, whose mailing address is **4708 Capital Circle NW, Tallahassee, Leon, FL 32303**, hereinafter collectively called the “DEVELOPER,” and **LEON COUNTY, FLORIDA**, a charter county and a political subdivision of the State of Florida, hereinafter called the “COUNTY.

WHEREAS, on July 14, 2020, the Developer presented to the Board of County Commissioners of Leon County, Florida, a certain map or plat of a subdivision named and designated **Unit 2 of Chastain Manor Phase 2 Subdivision** which map or plat, recorded at the Leon County Official Plat Book 23, Page 80, is hereby referred to and made a part hereof by reference; and,

WHEREAS, the Developer entered into an initial Performance Agreement with the County and said initial Performance Agreement is set to expire before the required work is completed; and,

WHEREAS, the Developer requested a one-year extension of the Performance Agreement to complete the construction of the infrastructure, which was approved by the Board of County Commissioners on July 13, 2021; and

WHEREAS, the Developer entered into a Second Performance Agreement with the County which is set to expire July 13, 2022; and

WHEREAS, the Developer has requested an additional one year extension to construct and install the final overlay of asphalt, any work/repair to the initial base asphalt, temporary pavement markings and final thermoplastic pavement markings on the subdivision streets, any work/repair of concrete sidewalks, curbing, driveways, etc., installation of all ADA mats at each curb ramp, any work/repair to the stormwater conveyance system, any work/repairs to the stormwater management facilities, all monumentation, installation of landscaping, and spreader swale and all other improvements in said subdivision in accordance with plans and specifications approved by the County; and,

WHEREAS, as a condition of the extension of time to construct the above stated improvements, the County required that the Developer enter into a third agreement to construct and install the above stated improvements in accordance with plans and specifications approved by the County within a period of one (1) year from date hereof and to post surety in the amount of \$205,000.00 conditioned for the faithful performance of said agreement.

NOW THEREFORE, THIS INDENTURE WITNESSETH: That the Developer hereby agrees to construct and install the final overlay of asphalt, any work/repair to the initial base asphalt, temporary pavement markings and final thermoplastic pavement markings on the subdivision streets, any work/repair of concrete sidewalks, curbing, driveways, etc., installation of all ADA mats at each curb ramps, any work/repair to the stormwater conveyance system, any work/repair to the stormwater management facilities, all monumentation, installation of landscaping, and spreader swale and all other improvements in **Unit 2 of Chastain Manor Phase 2 Subdivision** in accordance with plans and specifications approved by the County, within a period of one (1) year from date hereof.

PERFORMANCE OF THIS AGREEMENT by the Developer shall be secured by a Surety Bond in the amount of \$205,000.00 with surety thereon approved by the County.

IN WITNESS WHEREOF, **GOLDEN OAK LAND GROUP, LLC.**, and **LEON COUNTY** have caused these presents to be executed in their names on the date first above written, its corporate seal affixed by its appropriate officers and Leon County Commissioners and its seal affixed by the Clerk of said Board, the day and year first above written.

(Witnesses)
Donna Durrance (signature)
Donna Durrance (typed or printed name)
Ed [Signature] (signature)
Frank Le [Signature] (typed or printed name)

DEVELOPER:
GOLDEN OAK LAND GROUP, LLC.
By: [Signature] (seal)
As its: Manager
Date: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me by means of X physical presence or _____
online notarization, this 7th day of June, 2022, by JASON BLAZUS, as
MEM (Title of Officer or Agent), of Golden Oak Land Group, LLC, who (X) is
personally known to me; () produced W/A as identification.

NOTARY PUBLIC

Signature

Typed or Printed Name Franklin Michael Dimitroff
Commission Number HH164543
My Commission expires 10/22/25



LEON COUNTY, FLORIDA

By: _____
Vincent S. Long, County Administrator

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

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

By: _____



GREAT AMERICAN INSURANCE COMPANY

An Ohio Corporation with Administrative Office at 301 E. 4th Street, Cincinnati, Ohio 45202

Certificate Continuing In Force Bond No. 3036734

Name of Principal: Golden Oak Land Group, LLC

Name of Oblige: Leon County Board of County Commissioners

Amount of Bond: \$ 205,000.00

The **Great American Insurance Company** in consideration of the premium, does hereby continue in force the above described bond from the 16th day of July, 2022, to the 15th day of July, 2023, standard time at the obligee's address, but this certificate shall not be binding upon the said Company until countersigned by a duly authorized representative of the said Company.

This certificate is issued upon the condition that the liability of the **Great American Insurance Company** shall under no circumstances be cumulative in amounts from year to year, regardless of the number of years said bond be continued in force and the number of premiums that may be paid or payable.

Dated
June 7, 2022

GREAT AMERICAN INSURANCE COMPANY

By: Van A. Madsen
Van A. Madsen Attorney-in-Fact



GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by
this power of attorney is not more than SEVEN

No. 0 20577

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below, each individually if more than one is named, its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name	Address	Limit of Power
VAN A. MADSEN	ALL OF	ALL
WILLIAM A. MESSER	TALLAHASSEE, FLORIDA	\$100,000,000
ROBERT K. BACON		
ROBERT J. NYLEN		
PHILLIP E. BACON		
JOHN R. NYLEN, JR.		

This Power of Attorney revokes all previous powers issued on behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 25th day of JANUARY, 2018.

Attest

GREAT AMERICAN INSURANCE COMPANY



Atty L C. B.
Assistant Secretary

David C. Kitchen
Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss:

DAVID C. KITCHIN (877-377-2405)

On this 25th day of JANUARY, 2018, before me personally appeared DAVID C. KITCHIN, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



Susan A. Kohorst
Notary Public, State of Ohio
My Commission Expires 05-18-2020

Susan A. Kohorst

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 7th day of June, 2022.



Atty L C. B.
Assistant Secretary



Leon County Government

INTEROFFICE MEMO

DATE: June 8, 2022

TO: Brent Pell, P.E., Director of Public Works *BP*

FROM: Charles Wu, P.E., Director of Engineering Services *cw*

SUBJECT: Unit 2 Chastain Manor Phase II Subdivision Third Performance Agreement and Surety Device

I have reviewed the stage of completion of the infrastructure in the Unit 2 Chastain Manor Phase II Subdivision. It is my recommendation that the existing Performance Agreement and Surety Device be released and the infrastructure yet to be completed be guaranteed by the new Performance Agreement and new or amended Surety Device in the amount of \$205,000.00.

Cc: Emily Pepin., Assistant County Attorney

**Leon County
Board of County Commissioners**

Notes for Agenda Item #17

Leon County Board of County Commissioners

Agenda Item #17

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Proposed Revisions to Policy No. 21-6, "County Tourism Event Grant Programs"



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:	Kerri L. Post, Director, Division of Tourism Dionte F. Gavin, Senior Operations Manager, Division of Tourism

Statement of Issue:

As directed by the Board at its March 8, 2022, this item provides an analysis and proposed revisions for the administration of the "County Tourism Event Grant Programs," Policy No. 21-6, related to the grants process and out-of-cycle funding requests through the Division of Tourism.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Adopt the proposed revisions to Policy No. 21-6, "County Tourism Event Grant Programs" (Attachment #1).

Report and Discussion

Background:

As directed by the Board at its March 8, 2022, this item provides an analysis and proposed revisions for the administration of the “County Tourism Event Grant Programs,” Policy No. 21-6, related to the grants process and out-of-cycle funding requests through the Division of Tourism.

On March 8, 2022 the Board directed staff to provide an agenda item regarding the current policy and process for the out-of-cycle grant funding requests through the Division of Tourism. The Board’s direction followed its approval of \$50,000 in Tourist Development Taxes (TDT) for an out-of-cycle funding request by Tallahassee Community College to host the inaugural “Rock the Roost” concert on its campus this summer. A comprehensive review of Policy No. 21-6, “County Tourism Event Grant Programs,” (Tourism Grants Policy) was conducted by the Division of Tourism to analyze prior out-of-cycle funding requests, the competitive grant application and evaluation process, the need and potential impact of a midyear grant cycle, the anticipated FY 23 funding levels and programmatic needs, and revisions to the definition of “peak visitor period.”

The County’s Tourism Grants Policy provides the purpose, intent, eligibility, and procedures for the grant programs administered by the Division of Tourism to attract visitors to the destination. The policy represents the Board’s prior guidance and actions related to the Tourism Grant Programs. The proposed revisions to the County Tourism Event Grant Programs Policy advances the following FY2022-FY2026 Targets and Bold Goal:

- *Support 900 of community events, sporting competitions, festivals, performances, and cultural programming that will attract visitors and residents. (T10)*
- *Reach 100,000 more citizens across all County platforms and programming. (T14)*
- *Grow the five-year tourism economy to \$5 billion. (BG1)*

These particular Targets and Bold Goal align with the Board’s Economy Strategic Priority:

- *(EC4) Grow our tourism economy, its diversity, competitiveness, and economic impact.*

Each year, the County reinvests TDT generated from transient lodging sales, to promote Tallahassee/Leon County as a visitor destination. The Division of Tourism budget, as adopted by the Board each year, is comprised entirely of TDT revenues and includes funding for grant programs to support events designed to draw visitors to Leon County. The Division of Tourism administers competitive grant programs each year for event funding through five grant categories: Legacy, Signature and Emerging Signature, Special, and Sports events. The County’s Tourism event grants support many local organizations with a demonstrated history or significant potential to draw visitors to the community for an event. Separate from these grant programs, 20% of TDT revenues are also dedicated to the Council on Culture and Arts (COCA) to administer grants programs to support local cultural arts programs and activities.

In recent years, the Board has made intentional modifications to the Tourism Grants Policy to enhance the community’s economic return on investment. This includes the allocation of additional funding annually to the Tourism Event Grant Programs and the creation of new grant

categories (Legacy Event Grants and Emerging Signature Events). These new grant categories were added to serve the full spectrum of events in our community from the early start-ups to the established events seeking growth (Southern Shakespeare Festival), and the long-established, high-impact events synonymous with the destination (Springtime Tallahassee).

The County’s Tourism Grants Policy requires events to comply with Section 125.0104, *Florida Statutes* for the utilization of TDT funds, outlines the role of the TDC in evaluating and approving of grant awards, and provides for County grant funds to be paid on a reimbursement basis. Event grant applications are evaluated based on the potential to draw overnight visitors, interest to the general public, the ability to demonstrate out of area marketing activities, scheduled programming/activities with visitor appeal, and the timing for the event to be held. Based on the recommended funding allocation, the policy authorizes the TDC to approve the Tourism Event Grant awards.

The Tourism Grants Policy is designed to maximize resources to draw visitors when there is ample availability of hotel rooms in the market to lodge visitors. The policy analysis and proposed revisions seek to further align the policy with best grant management practices.

Analysis:

The County’s Tourism Grants Policy leverages private funding for community, civic, and sporting events to the benefit of the community by attracting visitors from state, regional, national, and international markets. The brand exposure associated with some of the larger events and festivals that take place each year promotes and positions Leon County as a vibrant and diverse destination. The County’s continued investment in the growth, stature, and participation in events that continue to draw visitors to the destination, provides an economic return on investment as demonstrated through hotel occupancy rates and visitor spending in the community. As a result, the overnight stays and visitor spending enhances TDT collections and provides additional revenues that support the County’s Tourism Event Grant Programs and the overall growth of the market as a destination.

In addition to the comprehensive review of the Tourism Grants Policy by staff, input and recommendations were sought from the Tourist Development Council (TDC) on potential revisions to the policy for the Board’s consideration. The remainder of this item addresses the competitive grant application and grant process, out-of-cycle funding requests and midyear grant cycles, sports events grants, and a revision to the definition of “peak visitor periods.”

Competitive Grant Application and Grant Process

Table #1 outlines the qualifications and guidelines for the Tourism Event Grants including the funding levels for each grant program category. Nearly 90 applications are submitted, evaluated, and awarded through these competitive grant programs each year. Legacy Event grants support the most established and highest tourism-producing events through three-year funding agreements approved by the Board and do not compete in the annual grant application cycle. Signature and Emerging Signature Events, Special Events, and Sports Events are administered annually. Special and Sports Events have no minimum room night requirement; however, the grant review committee takes into consideration projected number of room nights during the scoring process.

Table #1: Grant Program Qualifications and Guidelines for Recommended Funding Levels

Grant Program	Minimum Room Nights to Qualify	Room Night Range	Guidelines for Recommended Funding Level	FY22 Budgeted	FY23 Preliminary
Legacy	2,000	2,000-8,000	Up to \$100,000	\$280,000	\$340,000
Signature	1,500	1,500-5,000	\$15,000-\$59,999	\$130,000	\$140,000
Emerging Signature	1,250	1,250-1,499	\$10,000-\$14,999	Included in Signature Budget	Included in Signature Budget
Special	No minimum	1-1,499	\$0-\$14,999	\$60,000	\$110,000
Sports	No minimum	1-1,499	\$0-\$14,999	\$90,000	\$110,000
Total				\$560,000	\$700,000

The application cycle for the Tourism Event Grants launches in the summer months (June or July) each year for a 4-6 week period. The timing allows for the applications to be evaluated, recommended for funding, and considered for approval by the TDC prior to the start of the new fiscal year on October 1st. In addition to directly notifying all grantees that received funding over the previous five-year period about the opening of the annual grant cycle, the Division of Tourism issues press releases, posts on its social media platforms, shares the information through industry partner announcements and community organizations’ calendars, and utilizes CMR’s marketing channels (i.e., County LINK, website, Facebook, etc.) to encourage eligible applicants to apply. Prior to and during the open grant cycle application period, a minimum of four workshops are held over a five-week period to promote and educate applicants about the timing, funding, and the process for the various grant programs.

Out-of-Cycle and Midyear Grant Cycles

The Tourism Grants Policy authorizes the TDC to consider and award event grants outside the established grant application cycle provided Tourism Event Grant funds are available. Commonplace for grant programs in any industry or specialty, the funding requests typically exceed the availability of funds each year. This creates a competitive environment among applicants and requires the TDC to make funding decisions which best leverage the available resources to draw visitors to the destination.

With exception to Sports Events, all available grant funds are awarded before the start of the new fiscal year. Therefore, no grant funds remain for the consideration of out-of-cycle funding requests or the creation of a defined midyear grant cycle for nonsporting events. As a result, the use of Tourism Fund Balance is required in the limited cases whereby first-time or one-time events are considered after the grant funds have been awarded. This is the process that led to the Board’s consideration and approval of TCC’s “Rock the Roost” funding request in March 2022.

In the last five years, only two out-of-cycle funding requests have been received (Soul of the Southside and TCC’s Rock the Roost) and awarded funding. Both were first-time events that arose

after the completion of the Tourism grants cycle and were scheduled to take place in the last half of the respective fiscal year, 9 to 12 months after the closing of the grant cycle. In both cases, the Division of Tourism was contacted by event organizers seeking support for their first-year events. The Tourism Director determined that the proposed events met the statutory eligibility for TDT, was of interest to the general public, and demonstrated the potential to draw overnight visitors. This included scheduled programming/activities with visitor appeal, out of area marketing activities, and the events were scheduled to be held during a non-peak visitor period which could maximize the County’s return on investment. Given the potential visitor and economic impact associated with the two out-of-cycle funding requests in the last five years, the Director of Tourism presented the TDC with an analysis and recommendation for funding with the stipulation for the organizations seek future funding through the normal application cycle. “The Board approved the funding recommendation for TCC’s Rock the Roost using Tourism Fund Balance and the TDC approved the funding recommendation for Soul of the Southside last year as it did not require the use of Tourism Fund Balance.”

Although rare, the TDC considered options to both refine or restrict out-of-cycle funding requests for events in the future. For example, the TDC considered establishing criteria that would allow only for the consideration of large first-time events given the potential community and economic benefits (number of room nights generated, consumer spending, etc.) Similarly, the TDC deliberated whether to limit out-of-cycle funding requests for events that are scheduled to occur exclusively in the slower shoulder seasons – December and May through September. However, large events require greater funding support and the TDC expressed concerns about revisions to the Tourism Grants Policy leading to more frequent out-of-cycle funding requests seeking to utilize Tourism Fund Balance. The TDC was not supportive of these concepts as long-term strategies to be codified in County policy.

The TDC discussed designating some of the available grant funding at the start of the program to allow for a midyear grant process to be conducted for non-sporting events. However, the need has not been demonstrated in the past five years to establish a midyear cycle for new events or to consider supplemental funding for events previously awarded event grants. The TDC also expressed concerns that a second grant cycle may result in lower grant funding levels being awarded during the initial grant cycle for existing events.

After a robust discussion, the TDC voted unanimously to not pursue a midyear grant cycle for nonsporting events and to not consider out-of-cycle funding requests for event grants once funding has been exhausted. TDC members opined that out-of-cycle funding requests negatively impact the competitive nature of the grant process where the most thoughtfully proposed and impactful event scores the highest and therefore receives the most funding. Additionally, a “one-off” approach diminishes the accountability of the Tourism Grant Program evaluation and funding process. While it is commonplace for other local, state, and federal grant programs to not consider any out-of-cycle funding requests, and the TDC demonstrated the lack of demand for setting up a defined process for out-of-cycle funding, staff included in the proposed revisions an exception for the Director of Tourism to evaluate events in limited circumstances:

~~*Section F-11: The Board authorizes the TDC to consider and award event grants consistent with this policy and its procedures outside of the established grant application cycle provided Tourism Event Grant funds are available. Out-of-cycle non-sporting grant funding requests will not be considered. The funding requests for the non-sporting events will be referred to the annual grant cycle to seek funding. However, this does not preclude the Director of Tourism from evaluating and recommending funding, in limited circumstances, for one-time or first time events that can demonstrate significant visitation and economic impact.*~~

Should the Board support the proposed revisions, the Director of Tourism would still have the authority to evaluate a proposed event and provide a recommendation for County support after the grant cycle has concluded. Based on precedent, this would be for a compelling and/or unique one-time or first-time event presented to the County that can demonstrate significant visitation and economic impact.

Sports Event Grants

As noted previously, Tourism Event Grant funds have historically been awarded in full during each annual grant application cycle for all non-sporting events. Funding often remains available for sports events. This is due to amateur sporting events being added throughout the year based on the size and demand of competitive leagues and tournaments, as well as the availability of regional venues. Further, amateur sporting events and the benefit they bring to a destination relies upon the active participation and registration of competitors rather than an abundance of spectators or passive event participants (festivals). Since sporting events require amateurs to register, participate and being willing to travel, these events are often scheduled with less advance notice than community festivals and events which occur at a regularly scheduled time of year and implement a marketing plan over several months to attract large crowds and spectators for their event to be successful.

In the regular Tourism Event Grant cycle, approximately 50-60 Sports Event grants applications are reviewed by the Tallahassee Sports Council who then present their recommendations to the TDC. As allowed per policy currently, a second Sports Event Grant cycle has historically been conducted each February, which is 8+ months after the start regular grant cycle and 5 months into the fiscal year. The second-cycle typically consists of approximately 5-10 grant applications and these applications are also reviewed by the Tallahassee Sports Council with their recommendations being presented to the TDC. The proposed revision to the Tourism Grant Policy formalizes the process for the Director of Tourism to initiate a second grant cycle for sports events when funding remains available.

- *Section D-9: The TDC shall annually review and approve the Tourism Event Grant Guidelines and appoint a Grant Review Committee(s) from its membership to evaluate and score grant applications. The Tallahassee Sports Council (TSC) will evaluate and score sports grant applications and forward funding recommendations to the TDC for approval. The Director of Tourism may authorize a Sports Events grants second-cycle if there is grant funding available.*

Revision to “Peak Visitor Periods” Definition to Expand Grant Eligibility

The Tourism Grant Programs are designed to direct resources to attract tourists to the destination during non-peak visitor periods when there is ample availability of hotel rooms. This ensures that the County is leveraging its funding when visitation is most needed rather than when there is limited lodging availability in the market. Peak periods are generally defined as times when all hotel rooms in the market are anticipated to be filled by other events in the market. More specifically, the current policy defines Peak Visitor Periods as:

...FSU home football game weekends in the fall semester, FAMU homecoming weekend, FSU or FAMU graduation weekends, and Monday through Thursday during the state legislative session.

Peak visitor periods include FAMU homecoming weekend and all FSU home game weekends. Seeking to optimize room nights in the destination as there is increased hotel room inventory in the market, the TDC considered allowing Sports and Special Event Grants (smaller events) to be permitted during home football game weekends that are not anticipated to fill existing hotel room inventory. These smaller events have the potential to generate additional room nights without having the impact on occupancy rates that a larger event such as Signature and Emerging Events may have. The TDC is recommending changes to the Policy that would allow for the funding of smaller events on most FSU home game weekends. Events will continue to be eligible for all grant programs during FAMU home game weekends with the exception of homecoming.

Should the Board approve the TDC’s recommendation, each year the identified “Peak Visitor Period” dates will be presented to the TDC for approval as identified by the Tourism Director based upon dates when all hotel rooms are anticipated to be filled by other events in the market and will be included in the Tourism Event Grant Program Guidelines published annually, posted on the Tourism Grant Program website section, and shared in all communication and grant workshops to ensure all potential applicants are aware of the annual black-out dates and can adjust their event date accordingly. This proposed recommendation will positively impact grantees offering more available dates to hold their events. The TDC voted unanimously to revise the definition peak visitor periods and expand grant eligibility for Sports and Special events.

TDC recommended the revision to the definition of “peak visitor periods” to read:

- *Section F-5: Grant funding will not be considered for event that occurs during peak visitor periods. Peak visitor periods are generally defined as FSU home football game weekends anticipated to fill existing hotel room inventory ~~in the fall semester~~, FAMU homecoming weekend, FSU or FAMU spring and fall Graduation weekends, and Monday through Thursday during the regular state legislative session. Sports and Special Events grants may be permitted during some FSU home football game weekends except for those game weekends anticipated to fill existing hotel room inventory. Each year the Director of Tourism will provide the recommended “peak period” dates to the TDC for consideration/approval prior to the start of each grant cycle application period.*

The TDC carefully considered the Board’s request to identify revisions to the Tourism Event Grant Policy as outlined in this item. The proposed policy revisions would codify the prohibition of the TDC considering out-of-cycle funding requests. The revision also provides additional clarification

to how the “peak visitor period” is defined. The proposed modifications are important to advance Tourism’s FY2022-FY2026 Strategic Initiatives, Targets and Bold Goal as well as better serve community organizations with updated policies and procedures in order to ensure a continued transparent, accountable and predictable Tourism Event Grant process.

Options:

1. Adopt the proposed revisions to Policy No. 21-6, “County Tourism Event Programs” (Attachment #1).
2. Do not adopt the proposed revisions to Policy No. 21-6, “County Tourism Event Grant Programs”.
3. Board direction.

Recommendation:

Option #1

Attachment:

1. Proposed Revised Policy No. 21-6, “County Tourism Event Grant Programs”

Board of County Commissioners Leon County, Florida

Policy No. 21-6

Title: County Tourism Event Grant Programs

Date Adopted: ~~July 13, 2021~~ July 12, 2022

Effective Date: ~~July 13, 2021~~ July 12, 2022

Reference: Section 125.0104, Florida Statutes, Tourist Development Tax; Development procedures for levying; authorized uses; referendum; enforcement.

Policy Superseded: ~~N/A~~ Policy No. 21-6 "County Tourism Event Grant Programs" adopted on July 13, 2021

It shall be the policy of Leon County, Florida, that ~~a new~~ Policy No. 21-6 entitled "County Tourism Event Grant Programs" adopted on July 13, 2021, is hereby amended and a revised policy is adopted in its place, to wit:

Tourism Grant Programs

A. Purpose

The Leon County Division of Tourism event grant programs are funded by the Tourist Development Tax (TDT) which is generated from overnight lodging. The funds are designated to promote Tallahassee/Leon County as a preferred visitor destination for meetings and conventions, group leisure travel, special events, cultural activities and amateur sporting events. Event grant funds are awarded to groups and organizations that coordinate events open to the public with a demonstrated history of or show significant potential to generate overnight stays from visitors outside of Leon County. .

B. Definitions

1. **Event** - Per section 125.0104, Florida Statutes; to be an authorized use of Tourist Development Tax revenue, an event "shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue or event to tourists."
2. **Tourist** - Per section 125.0104, Florida Statutes, a tourist is "a person who participates in trade or recreation activities outside of the county of his or her permanent residence, or who rents or leases transient accommodations including any living quarters or accommodations in any hotel, motel, apartment motel, resort motel, apartment, apartment hotel, rooming house, mobile home park, recreational vehicle park, condominium or timeshare resort for a term of 6 months or less."

3. **Private Event** – A private event is an event hosted by an organization or league with access or participation restricted to members only. Private events are not eligible to receive Tourism grant funding. Events with paid admission are not considered a private event.

C. Grant Program Descriptions

1. **Legacy Event** – A Legacy Event is an event, festival or tournament that has been taking place in the community for a minimum of five years and annually generates a high number of room nights and the largest economic impact for the community. These events are large, multi-day events that are well known and draw visitors from across the country and internationally. The Legacy Event program was implemented to ensure that these events would have the assurance of funding at the levels necessary to consistently produce and market the event without having to compete for funding with small or new events.
2. **Signature/Emerging Signature Events** – Signature and Emerging Signature events are annual events that take place over one or more days and can demonstrate the ability to produce significant room nights. These events are generally well-established, multi-day larger events that have a broad visitor appeal for motivating travel. An Emerging Signature event is one that meets the criteria for a Signature event but is not yet able to generate the same economic impact as the Signature event. In order to be elevated to Signature Event status, these events must have been taking place in the community for a minimum of three years and be able to show an increase in visitation over that period.
3. **Special Events** – Special Events are a new or small events and festivals that are open to the public and attract overnight visitors to Leon County/Tallahassee. These events have a history of or show potential to generate overnight stays from visitors outside of Leon County/Tallahassee.
4. **Sports Events** – Sports Event grants are similar to Special Events grants regarding overnight stays and visitation requirements and are specially for events categorized as amateur sporting events.

D. Board Intent

1. The intent of the County Tourism Grant Program is to provide funding assistance for events that open to the public and attract overnight visitors to Tallahassee/Leon County and create business for the commercial lodging industry, (hotels/motels, campgrounds, condominiums, short-term vacation rentals) as well as restaurants, retail establishments and other businesses.
2. Annually as part of the budget process, the Board may establish an allocation for the County Tourism Grant Programs. The Tourist Development Council (TDC), through the County Administrator or his designee, may recommend specific funding levels for each grant program. The Director of Tourism has the flexibility to adjust budget allocations among the grant programs based on the need and market conditions as demonstrated in the grant applications.

3. Grant funds are intended to supplement the organization's marketing and event budget for Grant funding cannot be used for private events or administrative costs.
4. The number and extent of the grants offered will depend upon the availability of designated funds and specific allocations.
5. The Division of Tourism shall be responsible for facilitating the grant application process and contract management for events awarded County tourism funds. The TDC shall approve any revisions to the annual Grant Guidelines as deemed necessary for the grant cycle.
6. The TDC shall approve all grant award funding with the exception of Legacy Event grants which also require review and approval by the Board.

E. Eligibility

1. Any organization or agency with a defined marketing plan for an event that demonstrates the potential to attract overnight visitors who use commercial lodging establishments to Tallahassee/Leon County is eligible to apply for Tourism grant funding.
2. Events must meet criteria in section 125.0104, Florida Statutes, which outlines permissible uses of TDT funds.
3. Individual Tourism Event Grant Programs may include specific eligibility requirements such as the type of event (sports, leisure, business, civic, historic, , etc.), the number of anticipated visitors, the estimated number of room nights generated by event , the scale of regional, national, or international media exposure highlighting the destination, or other criteria deemed appropriate by the County in attracting tourists to Leon County in accordance with section 125.0104, Florida Statutes.

F. Procedures

The following procedures shall govern all funding requests made during the fiscal year:

1. The Tourism Grant Programs are competitive grant programs and subject to the restrictions and fulfillment of requirements set forth in section 125.0104, Florida Statutes. Funding will be awarded to organizations that meet the eligibility requirements and are based on a competitive evaluation that considers the description of the event seeking funds and the ability of the organization to fulfill the intended results.
2. Commercial lodging secured for the event must be located within Leon County.
3. Tourism Grant Program guidelines are prepared annually by Tourism staff which include definitions, policies, procedures, scoring criteria, appeals process, and reporting.

4. Grant funding is provided on a reimbursement basis and after all required documentation has been received by the Division of Tourism,
5. Grant funding will not be considered for event that occurs during peak visitor periods. Peak visitor periods are generally defined as FSU home football game weekends anticipated to fill existing hotel room inventory in the fall semester, FAMU homecoming weekend, FSU or FAMU spring and fall graduation weekends, and Monday through Thursday during the regular state legislative session. Sports and Special Events grants may be permitted during some FSU home football game weekends except for those games anticipated to fill existing hotel room inventory. Each year the Director of Tourism will provide the recommended "peak period" dates to the TDC for consideration/approval prior to the start of each grant cycle application period.
6. No event may receive grant funding from both the Tourism Grant Program and the Council on Culture & the Arts (COCA).
7. The Division of Tourism, with guidance from the TDC, shall establish an application period and submittal deadline for Tourism Grant Program funding requests. The Grant Application Cycle should be open for 4-6 weeks in the summer prior to the next fiscal year.
8. The Division of Tourism staff shall review grant applications for eligibility and present eligible applications to the Grant Review Committee(s) appointed by the TDC. The Grant Review Committee reviews and scores applications then recommendations are presented to the TDC no later than the September TDC meeting.
9. The TDC shall annually review and approve the Tourism Event Grant Guidelines and appoint a Grant Review Committee(s) from its membership to evaluate and score grant applications. The Tallahassee Sports Council will evaluate and score sports grant applications and forward funding recommendations to the TDC for approval. The Director of Tourism may authorize a Sports Events grants second-cycle if there is grant funding available.
10. Legacy Event grants are multi-year grants with measurable deliverables presented to the TDC for review and approval then presented to the Board for final review and approval.
11. ~~The Board authorizes the TDC to consider and award event grants consistent with this policy and its procedures outside of the established grant application cycle provided Tourism Event Grant funds are available.~~ Out-of-cycle non-sporting grants funding requests will not be considered. The funding requests for the non-sporting events will be referred to the annual grant cycle to seek funding. However, this does not preclude the Director of Tourism from evaluating and recommending funding, in limited circumstances, for one-time or first time events that can demonstrate significant visitation and economic impact.

Revised 7/12/2022

**Leon County
Board of County Commissioners**

Notes for Agenda Item #18

Leon County Board of County Commissioners

Agenda Item #18

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Authorization of Continuing Service Contracts for Sidewalk Construction

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Brent Pell, Director, Public Works Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Charles Wu, Director, Engineering Services Chris Muehlemann, Chief of Engineering Services Shelly Kelley, Purchasing Director

Statement of Issue:

This item seeks Board authorization for the County Administrator to execute continuing service contracts for sidewalk and associated work with Allen's Excavation, Inc. and Sandco, Inc.

Fiscal Impact:

This item has a fiscal impact. Funding for sidewalk projects is included in the FY 2022 and proposed FY 2023-2025 capital improvement budgets. These Agreements, if authorized by the Board, would be used to complete projects for the remainder of FY 2022 through FY 2025. This is a unit price contract and the Contractors will be paid based on the actual quantity used for each project.

Staff Recommendation:

Option #1: Authorize the County Administrator to execute contracts for sidewalk and associated work, continuing services (Attachments #1 and #2) with Allen's Excavation and Sandco, LLC, subject to legal review by the County Attorney.

Report and Discussion

Background:

This item seeks Board authorization for the County Administrator to execute contracts for sidewalk and associated work, continuing services with Allen's Excavation, Inc. and Sandco, Inc. (Attachments #1 and #2) for the construction of sidewalks and any work associated with the construction of sidewalks at various locations in the County.

This Sidewalk and Associated Work Construction, Continuing Services Contract advances the following 5-Year Target:

- *Construct an additional 90 miles of sidewalks, greenways, trails and bike lanes. (T11)*

These particular 5-Year Target aligns with the Board's Quality of Life Strategic Priority:

- *(Q5) Promote livability, health and sense of community by supporting strong neighborhoods, enhancing mobility, encouraging human scale development, and creating public spaces for people of all ages.*

Analysis:

The Invitation to Bid for Construction of the Sidewalk and Associated Work, Continuing Services was advertised locally on April 21, 2022. A total of 1,698 vendors were notified through the automated procurement system. Twenty-six vendors requested bid packages, and the County received five bids on June 2, 2022 (Attachment #3). One bid was deemed non-responsive because the respondent failed to provide the required E-Verify documentation. The lowest responsive bidder was Allen's Excavation, Inc. for an estimated total bid price of \$6,558,595. The second lowest responsive bid was received from Sandco, LLC for an estimated total of \$6,894,163. 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).

Although Pyramid Excavation, Inc.'s bid was the lowest bidder, they were considered nonresponsive by the Purchasing Division; as they did not provide the required E-Verify documentation at the time of bid opening (Attachment #3).

The Minority, Women and Small Business Enterprise (MWSBE) Division reviewed MWBE Participation Plans, submitted by the four responsive bidding firms, to determine if the 14% MBE and 9% WBE targets were achieved for the Construction bid. Both the primary and secondary bidders met the aspirational targets placed in this bid (Attachment #5).

The lowest bidder, Allen's Excavation, Inc., will be the primary contractor while the second lowest bidder, Sandco, LLC, will be the secondary contractor. When the primary contractor cannot fulfill its contractual obligations, such as responding to project requests in a timely manner, or delivery of the project according to the County's schedule, the County can give the assignment to the secondary contractor.

Staff recommends approval of the bid award to Allen's Excavation, Inc., and Sandco, LLC, the low bid firms, and authorization for the County Administrator to execute both Agreements. If

approved, the Agreements will be for a two-year period with the option for the County to approve one, one-year extension. Funding for sidewalk projects is included in the FY 2022 and proposed FY 2023-2025 capital improvement budgets.

Options:

1. Authorize the County Administrator to execute contracts for sidewalk and associated work, continuing services (Attachments #1 and #2) with Allen's Excavation and Sandco, LLC, subject to legal review by the County Attorney.
2. Do not authorize the County Administrator to execute contracts for sidewalk and associated work, continuing services with Allen's Excavation and Sandco, LLC.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Draft Agreement for sidewalk and associated work, continuing services – Allen
2. Draft Agreement for sidewalk and associated work, continuing services – Sandco
3. Bid Tabulation Sheet
4. Bid Pricing Sheets
5. MWBE Analysis

AGREEMENT

THIS AGREEMENT, by and between **LEON COUNTY, FLORIDA**, 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"), both collectively referred to as (the "Parties") is entered into as of the date of last signature below ("Effective Date"). For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. SERVICES TO BE PROVIDED

The Contractor agrees to provide its services to the County to perform the Work related to the continued supply of sidewalk and associated work construction set forth in: 1) Bid# BC-2022-021, attached hereto and incorporated herein as Exhibit A; and 2) the Contractor's bid submission, attached hereto and incorporated herein as Exhibit B (collectively "Work"). If any provision contained in this Agreement conflicts with any provision in Exhibit A or Exhibit B, the provision contained in this Agreement shall govern and control.

2. WORK

Contractor understands that no amount of Work is guaranteed to it nor is the County under any 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 designee, which request shall set forth the commencement 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.

In their discretion, the Parties may negotiate for any related products or Work not specifically addressed herein, provided that this Agreement does not create any enforceable obligations regarding such products and Work.

3. TERM

The Agreement shall be for a period of two (2) years, commencing on August 1, 2022, and shall continue until July 31, 2024. After the initial two (2) year period, at the sole option of the County, this Agreement may be renewed for no more than one additional one (1) year periods. Such one (1) year renewals will be automatic unless the County provides written notice of non-renewal to the Contractor no less than thirty (30) days prior to the expiration date of the then current term.

4. TIME OF THE ESSENCE

Time is of the essence in performing the duties, obligations, and responsibilities required by this Agreement.

The term "Business Day" as it applies to a notice requirement or other such deadline in this Agreement, means any day occurring Monday through Friday, except when such day is deemed to be a Holiday. The term "Holiday" means any day observed as a holiday by the Leon County Board of County Commissioners pursuant BCC Policy 03-16, as may be amended, which, as of the Effective Date of this Lease, are the following days: New Year's Day, Martin Luther King Jr. Day, Florida Emancipation Day (May 20), Memorial Day, Independence Day, Labor Day, Election Day (first Tuesday after the first Monday in November in even-numbered years), Veteran's Day, Thanksgiving Day, Friday After Thanksgiving Day, and Christmas Day; provided, however, that when any of these observed holidays fall on a Saturday, the preceding Friday

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.

BC-2022-021

shall be the day observed as a holiday, and when any of these observed holidays falls on a Sunday, the following Monday shall be the day observed as a holiday. In addition, when New Year's Day and Christmas Day fall on a Thursday, the Friday

following those days shall also be observed as a holiday, and when New Year's Day and Christmas Day fall on a Tuesday, the Monday preceding those days shall also be observed as a holiday.

5. CONTRACT SUM

The Contractor agrees that for the performance of the Work 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 (Contract Sum).

6. PAYMENTS

The County shall make payments to the Contractor within forty-five (45) days of submission and approval of invoice for Work.

7. PROMPT PAYMENT INFORMATION REQUIREMENTS AND NOTICES

A. The County Project Manager is:

Name: Chris Muehlemann
Street Address: 2280 Miccosukee Road
City, State, Zip Code: Tallahassee, FL 32308
Telephone: 850-606-1536
E-mail: MuehlemannC@leoncountyfl.gov

B. The Contractor's Project Manager is:

Name: David Ward
Street Address: 6403 Woodville Highway
City, State, Zip Code: Tallahassee, FL 32305
Telephone: 850-421-6872
E-mail: Davward01@aol.com

C. Notices to the Contractor are to be submitted to:

Name: David Ward
Street Address: 6403 Woodville Highway
City, State, Zip Code: Tallahassee, FL 32305
Telephone: 850-421-6872
E-mail: Davward01@aol.com

D. Invoices are to be submitted to:

Name: Chris Muehlemann
Street Address: 2280 Miccosukee Road
City, State, Zip Code: Tallahassee, FL 32308
Telephone: 850-606-1536
E-mail: MuehlemannC@leoncountyfl.gov

E. Proper form for an invoice is:

A numbered document with date of invoice; reference to the County purchase order number; itemized listing

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

of all goods and Work 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, and it shall be of no force and effect.

- F. Payment Dispute Resolution: Section 14.1 of the Leon County Purchasing Policy details the policy and procedures for payment disputes under this Agreement.

8. PRICE ESCALATION/DE-ESCALATION

Upon written request from the vendor no less than 45 days prior to each anniversary date of the agreement, and at the discretion of the County, a price increase may be negotiated. It is the intent of the County to not allow a price increase greater than the Producers Price Index-Composite as published by the U.S. Bureau of Labor Statistics at the time of the request for the previous twelve months or up to a maximum of 5% increase on the current pricing, whichever is lower. In the event that the PPI-Concrete is substantially higher than the PPI-Composite (when the PPI for concrete is 50% higher than the composite PPI), the County may allow the unit price for concrete to be adjusted using the PPI for concrete while the unit prices for remaining pay items to be adjusted using the composite PPI. Other price adjustments may be considered only in the event of an extraordinary factor such as a larger than 10% increase/decrease in the cost of petroleum products. The County may consider a price adjustment on a case-by-case basis upon the written request of the contractor. All adjustments in Product pricing shall be at the sole discretion of the County.

9. DISPUTES/REMEDIES

- A. All disputes arising under or relating to this Agreement shall be resolved in accordance with this Section, except for disputes related to payments and payment disputes, which shall be addressed and resolved in accordance with Leon County Policy 96-1, as amended.
- B. The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with the following procedure:
- 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) 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.
 - 5) 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.

10. 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.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

11. INSURANCE

Contractor shall, at its sole expense, 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 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 and property damage per occurrence with a \$3,000,000 annual aggregate. Completed operations coverage will be provided for a period of three (3) years beyond termination and/or completion of the Project. Coverage must include bodily injury and property damage, including Premise/Operations: a per location aggregate, Broad Form Contractual liability; Broad Form Property Damage; Fire Legal liability; Independent Contractors coverage; Cross Liability & Severability of Interest Clauses; and Personal Injury, and coverage for explosion, collapse, and underground (X, C, U).
- 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.
- 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.

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 or self-insurance maintained by the County, its officers, officials, employees, or volunteers shall be in excess of the Contractor's insurance and shall

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

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 are 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. 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.
- 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 the requirements stated herein.

12. PERMITS

The Contractor shall obtain all necessary permits as required by law to lawfully perform the obligations under this Agreement.

13. LICENSES & REGISTRATIONS

The Contractor shall be responsible for obtaining and maintaining any licenses, certifications, and/or registrations required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida, or any other applicable state or Federal law. Should the Contractor, by reason of revocation, failure to renew, or any other reason, fail to maintain its license, certification, and/or registration necessary to operate, the Contractor shall be in default of this Agreement as of the date such license, certification, and/or registration is lost.

The Contractor shall be registered to do business with the Florida Department of State prior to execution of this Agreement unless Contractor provides written verification of its exempt status (See applicable sections of Title XXXVI, Chapters 605 through 623, Florida Statutes).

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

14. WARRANTY OF PERFORMANCE

A. Warranty

The Contractor represents and warrants that it possesses the knowledge, skill, experience, and financial capability required to perform and provide all Work under this Agreement and that each person and entity that will perform the Work is duly qualified to perform such Work by all appropriate governmental authorities, where required, and is sufficiently experienced and skilled in the area(s) for which such person or entity will perform such Work. The Contractor represents and warrants that the Work shall be performed in a skillful and respectful manner, and that the quality of all such Work shall equal or exceed prevailing industry standards for the performance of such Work.

B. Breach of Warranty

In entering into this Agreement, the Contractor acknowledges that the County is materially relying on the warranties stated in this paragraph. The County shall be entitled to recover any damages it incurs to the extent any such warranty is untrue. In addition, if any such warranty is untrue, the County shall have the right, at its sole discretion, to terminate this Agreement without any further liability to the County, to deduct from any amounts due Contractor under this Agreement the full amount of any value paid in violation of a warranty, and to recover all sums paid to Contractor under this Agreement.

15. ASSIGNMENTS

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

16. PAYMENT AND PERFORMANCE BOND

A Payment and Performance Bond in the amount of 100% of the estimated Contract Sum shall be supplied by the Contractor at the time of Agreement execution. Also, a Payment and Material Bond for the Contract Sum 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 Agreement dated _____, between Principal and Owner for construction of _____, the Agreement 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 Agreement; and

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

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 Agreement for the time specified in the Agreement, 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 Agreement documents and compliance or noncompliance with any formalities connected with the Agreement 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.

17. INDEMNIFICATION

The Contractor shall indemnify and hold harmless the County, its officials, officers and employees from and against all claims, liabilities, damages, losses, costs, including, but not limited to, reasonable attorneys' fees, 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. 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 Contract Sum paid to the Contractor, and the promises and covenants herein, constitutes sufficient consideration for the Contractor's indemnification of the County, its officials, officers, and employees.

18. MINORITY BUSINESS ENTERPRISE (M/WBE) PARTICIPATION

The Contractor shall meet or exceed the M/WBE participation levels stated in the Contractor's M/WBE Participation Statement included as part of the Contractor's response for this project, see Exhibit B, attached hereto and made a part hereof.

The Contractor shall provide a monthly report to the Leon County Minority, Women and Small Business Enterprise Division in a format and manner prescribed by the Division. The report shall, at a minimum, indicate the business name of each certified Minority Business Enterprise or Women Business Enterprise sub-contractor utilized, the amount paid, the type of work performed, the appropriate invoice date, and the payment date to the Division.

Should Contractor's sub-contractor utilization fall below the level required in this Agreement or should Contractor substitute MWBE sub-contractors without prior written approval of the Division, the Contractor may be in breach of the Agreement. Contractors found in breach of the Agreement with the County may be suspended from bidding on and/or participating in any future County projects for up to three (3) years as provided in Section 15 of the Purchasing Policy 96-1, as may be amended.

Any change in the subcontractor utilization as listed on the participation plan (Exhibit B), must be approved by the

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

MWSBE Division. Should the Contractor determine that the MWBE named in their participation plan submittal is unavailable or cannot perform the Work, the Contractor shall request a change order. Such change order must be submitted to the MWSBE Division in writing at 315 S. Calhoun Street, Suite 450, Tallahassee, Florida 32301 or by email

to Darryl Jones, Deputy Director at DJones@oevforbusiness.org, LaTanya Raffington at lraffington@oevforbusiness.org, or Shanea Wilks at swilks@oevforbusiness.org.

19. 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 this 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 Subsection B 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. That 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 this 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 AGREEMENT, 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**

20. MONITORING

The Agreement will require the Contractor to permit persons duly authorized by the County to inspect any records,

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

papers, documents, facilities, goods, and Work of the Contractor 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 Contractor a written report of its findings and will include written recommendations with regard to the Contractor's performance of the terms and conditions of this

Agreement. The Contractor will correct all noted deficiencies identified by the County within the specified period of time set forth in the

recommendations. The Contractor'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 Contractor being deemed in breach or default of this Agreement; (2) the withholding of payments to the Contractor by the County; and (3) the termination of this Agreement for cause.

21. 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, in the County's opinion, the Work being performed is not satisfactory. In such case, the County may immediately terminate the Agreement effective upon mailing a notice of termination to the Contractor.

22. RIGHT TO INSPECT PLANT

The County may, at its discretion, inspect the part of the plant or place of business of the Contractor or any subcontractor which is related to the performance of this Agreement. The right expressed herein shall also be included in all contracts or subcontracts that involve the performance of any work or service involving the County.

23. PURCHASES BY OTHER PUBLIC AGENCIES

With the consent and agreement of the successful bidder(s), purchases may be made under this bid by other governmental agencies or political subdivisions within the State of Florida. Such purchases shall be governed by the same pricing, terms and conditions stated herein with no deviations allowed. This Agreement in no way restricts or interferes with the right of any public agency or political subdivision to bid any or all of the items or Work independently.

24. PUBLIC ENTITY CRIMES STATEMENT

In accordance with Section 287.133, Florida Statutes, Contractor hereby certifies that to the best of its knowledge and belief neither Contractor nor its affiliates has been convicted of a public entity crime. Contractor and its 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 termination of this Agreement by the County.

25. UNAUTHORIZED ALIEN(S)

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 grounds for termination of this Agreement by the County.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

26. EMPLOYMENT ELIGIBILITY VERIFICATION

- A. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. Contractor further agrees to provide to the County, within thirty (30) days of the Effective Date of this Agreement, 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).
- B. Contractor further agrees that it will require each subcontractor that performs Work under this Agreement to enroll and participate in the E-Verify Program within sixty (60) days of the Effective Date of this Agreement or within sixty (60) days of the Effective Date of the Agreement 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.
- C. 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 this Agreement by Contractor to perform employment duties within Florida; and (b) all persons (including subcontractors) assigned by Contractor to perform Work pursuant to this Agreement.
- 1) Contractor must use E-Verify to initiate verification of employment eligibility for all persons employed during the term of this Agreement by Contractor to perform employment duties within Florida within three (3) Business Days after the date of hire.
 - 2) Contractor must initiate verification of each person (including subcontractors) assigned by Contractor to perform Work pursuant to this Agreement within sixty (60) days of the date of execution of this Agreement or within thirty (30) days of assignment to perform Work pursuant to this Agreement, whichever is later.
- D. 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 other authorized state entity consistent with the terms of the Memorandum of Understanding.
- E. 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.

27. 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.

28. 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

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

the part of the County or its agents. Otherwise, the Contractor shall be entitled only to extensions of this Agreement time as the sole and exclusive remedy for such resulting delay, in accordance with and to the extent specifically provided above.

29. 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 this Agreement, Contractor shall obtain the prior written consent of the County.

30. FORCE MAJEURE

If either of the Parties 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 (collectively "Force Majeure"), then the affected party shall be excused from performance hereunder during the period of inability to perform. 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 related to increased costs associated with fuel, labor, labor disputes, insurance, or other expenses of performing the obligations hereunder.

31. SOVEREIGN IMMUNITY

Nothing herein is intended to serve as a waiver of sovereign immunity by the County nor shall anything included herein be construed as consent by the County to be sued by third parties in any matter arising out of this Agreement. The County is included within the definition of "state agencies or subdivisions" in Section 768.28, Florida Statutes, and shall be responsible for the negligent or wrongful acts or omissions of its employees pursuant to Section 768.28, Florida Statutes.

32. THIRD PARTY BENEFICIARIES

Neither the County nor the Contractor intends to directly or substantially benefit a third party by this Agreement. Therefore, the Parties acknowledge that there are no third-party beneficiaries to this Agreement and no third party shall be entitled to assert a right or claim against either of the Parties based upon this Agreement.

33. LAW, JURISDICTION, VENUE, WAIVER OF JURY TRIAL

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Venue for all actions arising from, related to, or in connection with this Agreement shall be in the state courts of the Second Judicial Circuit in and for Leon County, Florida. If any claim arising from, related to, or in connection with this Agreement must be litigated in Federal court, the exclusive venue for any such lawsuit shall be in the United States District Court or United States Bankruptcy Court for the Northern District of Florida. By entering into this Agreement, the County and Contractor hereby expressly waive any rights either Party may have to a trial by jury of any civil litigation related to this Agreement.

34. CONSTRUCTION

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

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

35. SEVERABILITY

It is intended that each section of this Agreement shall be viewed as separate and divisible, and in the event that any section, or part thereof, shall be held to be invalid, the remaining sections and parts shall continue to be in full force and effect.

36. AMENDMENTS

No modification, amendment, or alteration in the terms or conditions contained in this Agreement shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by duly authorized representatives of the County and Contractor.

37. 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.

38. JOINT PREPARATION

The Parties have jointly prepared this Agreement, and this Agreement shall not be construed more strictly against either of the Parties.

39. COUNTERPARTS AND MULTIPLE ORIGINALS

This Agreement may be executed in multiple originals and in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

ORDER OF PRECEDENCE

1. Agreement
2. Exhibit A
3. Exhibit B

ATTACHMENTS

Exhibit A – Solicitation Document #BC-2022-021

Exhibit B – Contractor's Response to Solicitation #BC-2022-021

The remainder of this page intentionally left blank.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND ALLEN'S EXCAVATION, INC.
BC-2022-021

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 Knight, Clerk of the Court &
Comptroller, Leon County, Florida

BY: _____

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

Date: _____

ALLEN'S EXCAVATION, INC.

By: _____

Printed
Name _____

Title: _____

Date: _____



Leon County
Procurement
Shelly Kelley, Director of Purchasing
1800-3 North Blair Stone Road, Tallahassee, FL 32308

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 1 OF 26

QUESTION & ANSWER REPORT
ITB No. BC-2022-021
Sidewalk and Associated Work Construction, CS

RESPONSE DEADLINE: June 2, 2022 at 2:00 pm

Tuesday, June 14, 2022

1. Question posed during Pre-Bid

May 13, 2022 12:47 PM

Question:

Inlets specified in bid pricing are for less than 10' in depth and no depth associated for pipe installation.

May 13, 2022 12:46 PM

Answered by Melanie Hooley:

Sidewalk projects typically do not have drainage structures and pipes that are deeper than 10'. A note is added to the bid pricing sheet: If sidewalk plans call for structures and pipes deeper than 10 feet, then the unit prices and quantity of those structures and pipes deeper than 10 feet will be negotiated prior to issuance of NTP.

May 13, 2022 12:47 PM

2. MWBE Aspirational Targets

May 18, 2022 1:04 PM

Question:

MWBE question posed during Pre-Bid: Can the MBE be addressed just by a percentage and not a dollar amount.

May 18, 2022 1:02 PM

Answered by Melanie Hooley:

Yes, Per MWSBE policy, when there are no dollar amounts ascribed to a project, like a continuing service solicitation, the assigned aspirational targets will still be applied. Respondents should list the certified firms and percentages that they intend to utilize.

May 18, 2022 1:04 PM

3. Maintenance of Traffic - FDOT

May 31, 2022 11:32 AM

Question:

Question received via e-mail after deadline, however in the interest of clarity Leon County has decided to address the question. Q: A course must be taken to receive this Certification and The FDOT require a Certified person with a card for MOT. Will a copy of this certification card suffice?

May 31, 2022 11:29 AM

QUESTION & ANSWER REPORT

ITB No. BC-2022-021

Sidewalk and Associated Work Construction, CS

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 2 OF 26

Answered by Melanie Hooley:

Yes, a copy of the certification card will suffice. Please note that this certification must be current and up to date.

May 31, 2022 11:32 AM



INVITATION TO BID

FOR

SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS

BID NUMBER BC-2022-021

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA

RELEASE DATE: April 21, 2022

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 4 OF 26

Sidewalk and Associated Work Construction, CS

- I. Introduction
- II. Bidding Process
- III. Contractor Qualifications
- IV. Award and Contracting Process
- V. Minority, Women, Small Business (MWSBE) Enterprise
- VI. Required Certifications
- VII. Insurance Requirements
- VIII. Terms and Conditions
- IX. Specifications
- X. Vendor Questionnaire

Attachments:

- A - Bid Response Cover Sheet
- B - Forms for Solicitation_(withoutTeam Summary) 2022
- C - ITB MWBE Forms
- D - D-Bid Pricing Sheet-UPDATED
- E - Supplemental Specifications
- F - Porous Concrete Specifications
- G - Leon County Skip Curb Sidewalk
- H - Leon Typical s_w with curb and gutter SOD only
- I - Leon Typical s_w with Open Ditch SOD Only
- J - Draft Agreement

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 5 OF 26

I. INTRODUCTION

A. Summary

Leon County is seeking the continuing supply services of a qualified vendor for the construction of sidewalks at various locations within Leon County, Florida. The scope of work to be performed under this bid will include sidewalk construction and any work associated with construction of a sidewalk within an open swale system or a curb & gutter system between the edge of the vehicular travel lane and the Right-of-way line including but not limited to enhancing and maintaining existing drainage system, driveway reconstruction, embankment or retaining wall construction to support the sidewalk, and shoulder reworking. All quantities represent good faith estimates made by Leon County. Actual in-place quantities may vary from those shown and described in the contract documents. Leon County does not guarantee purchase of the full amounts shown or indicated for any item within this document.

The Contractor must be either prequalified by the Florida Department of Transportation (FDOT) for the Sidewalks Specialty Class of Work or provide proof of three sidewalk projects constructed by the Contractor in the past three years totaling a minimum of 2,000 linear feet.

Copies of both the contractor's, and any proposed subcontractors' Certificate of Pre-Qualifications or proof of required sidewalk projects shall be submitted to Leon County concurrent with the bid. Failure to demonstrate FDOT Pre-Certification or required sidewalk projects in the fashion described shall result in the rejection of the bid.

It is the intent of the County to award to a primary and secondary vendor. The lowest bidder will be the primary contractor while the second lowest will be the secondary contractor. When the primary contractor cannot fulfill its contractual obligations such as responding to project requests in a timely manner, or delivery of the project according to the County's schedule, the County can give the assignment to the secondary contractor.

B. Contact Information

Melanie Hooley

Procurement Administrator

1800-3 Blair Stone Rd

Tallahassee, FL 32308

Email: hooleym@leoncountyfl.gov

Phone: [\(850\) 606-1600](tel:(850)606-1600)

Department:

Procurement

Department Head:

Shelly Kelley

Director of Purchasing

C. Timeline

Below 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

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS

Bid Number BC-2022-021

Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT

PAGE 6 OF 26

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: <https://secure.procurenow.com/portal/leoncounty/>.

Release Project Date	April 21, 2022
Pre-Bid Meeting (Mandatory)	May 11, 2022, 11:00am Leon County Purchasing Conference Room 1800-3 Blair Stone Road Tallahassee, FL 32308
Question Submission Deadline	May 17, 2022, 5:00pm
Proposal Submission Deadline	June 2, 2022, 2:00pm

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 7 OF 26

II. BIDDING PROCESS

A. BIDDER INSTRUCTIONS

Bidders are expected to examine the specifications, delivery schedule, freight requirements, 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. Bids must be submitted electronically via ProcureNow.

B. 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 Leon County Administrator's Office using the Florida Relay Service which can be reached at 1(800) 955 8771 (TDD).

C. 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:

- A. Any person or person's representative seeking an award from such competitive solicitation; and
- B. 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, lawyer, relative, 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, communications with the County Attorney or communications with the Purchasing Director.

Violation of this section may result in disqualification from this solicitation and shall be grounds for suspension from doing business with the County.

D. 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. In order to register, you must create an account on the County's eProcurement Portal (<https://secure.procurenow.com/portal/leoncounty/>), browse to the bid, and then click the "Follow" button.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 8 OF 26

Failure to register through the Purchasing Division (<https://secure.procurenow.com/portal/leoncounty/>) may cause your submittal to be rejected as non-responsive.

E. 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 <https://secure.procurenow.com/portal/leoncounty/>. For those projects with separate plans, blueprints, or other materials that cannot be accessed through the internet, the Purchasing Division will make them available for pick up at the Purchasing Division. 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.

F. QUESTIONS AND CLARIFICATIONS

Questions may be submitted directly through the County's e-Procurement Portal located at <https://secure.procurenow.com/portal/leoncounty/>. Alternatively, if using email, questions pertaining to bid procedures or regarding the specifications should be addressed to both Shelly Kelley and Melanie Hooley, telephone (850) 606-1600; E-mail: kelleys@leoncountyfl.gov and hooleym@leoncountyfl.gov.

If using email, bidders are requested to send such requests to both representatives of the Purchasing Division. Electronic inquiries are preferred over phone.

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.

G. 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. The County's only method of submission is electronically via ProcureNow. Bids containing any conditions or irregularities of any kind may be rejected by the County. It is the intention of the County to award this bid based on the lowest total bid price based on the options selected by the County and/or other criteria herein contained meeting all specifications.

H. 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.

I. 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 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

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 9 OF 26

opening of bids, the bid tabulation will be made public and will be posted on the Purchasing Division website at:
<https://secure.procurenow.com/portal/leoncounty/>.

Sealed bids 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.

J. BID GUARANTEE

Bids shall be accompanied by a \$50,000.00 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 the agreement 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.

K. 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: <https://secure.procurenow.com/portal/leoncounty/> by clicking the "Followers" tab on the the advertisement of the respective solicitation. A listing of the registered bidders with their email address is designed to assist bidders in preparation of their responses.

L. 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.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 10 OF 26

III. CONTRACTOR QUALIFICATIONS

The Contractor must be either prequalified by the Florida Department of Transportation (FDOT) for the Sidewalks Specialty Class of Work or provide proof of three sidewalk projects constructed by the Contractor in the past three years totaling a minimum of 2,000 linear feet.

Copies of both the contractor's, and any proposed subcontractors' Certificate of Pre-Qualifications or proof of required sidewalk projects shall be submitted to Leon County concurrent with the bid. Failure to demonstrate FDOT Pre-Certification or required sidewalk projects in the fashion described shall result in the rejection of the bid.

Contractors shall be licensed in the State of Florida as required by Chapter 489, Florida Statutes. Specific license type for this project shall be as indicated in F.S. sections 489.105(3)(a)-(q) as applicable to the scope of work of the project.

Proposed sub-contractors and/or if self-performing, the employee that is performing the work, must hold a license for any specialty work, based on the work required to complete this project.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 11 OF 26

IV. AWARD AND CONTRACTING PROCESS

A. AWARD OF BIDS

It is the intent of the County to award to a primary and secondary vendor. The lowest bidder will be the primary contractor while the second lowest will be the secondary contractor. When the primary contractor cannot fulfill its contractual obligations such as responding to project requests in a timely manner, or delivery of the project according to the County's schedule, the County can give the assignment to the secondary contractor. 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: <https://secure.procurenw.com/portal/leoncounty/> 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 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.

Any bid award recommendation may be protested on the grounds of irregularities in the specifications, bid procedure, or the evaluation of the bid. Such notice of intent of bid protest shall be made in writing to the Purchasing Director within 72 hours after receipt of the intended recommendation of award and the protestor shall file a formal written bid challenge within 10 days after the date in which the notice of intent of bid protest has been submitted. Failure to file a notice of intent of bid protest or failure to file a formal written bid protest shall constitute a waiver of all rights granted under this section. At the time fixed for the opening of bids, the contents of the Bid Form will be made public for the information of Bidders and other interested parties, who may be present either in person or by representatives.

B. Agreement

After the bid award, the County, at its discretion, will prepare a purchase order or an agreement that specifies the terms and conditions resulting from the award of this bid. Every procurement for contractual services shall be evidenced by a written agreement. The awarded Bidder will have ten 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.

C. Payments

The County shall make payments to the Contractor within forty-five (45) days of submission and approval of invoice for services. The form of payment for the agreement may be through a County-issued purchase order and a check upon receipt and approval of invoices, or through a government credit card. Leon County has implemented a purchasing card program, using the Visa platform. Contractors may receive payment from County personnel by the purchasing card in the same manner as other Visa purchases. Visa acceptance is mandatory under this solicitation.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
 Bid Number BC-2022-021
 Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
 PAGE 12 OF 26

D. Termination

The County may terminate the agreement without cause, by giving the Contractor thirty (30) days written notice of termination. Either party may terminate the 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.

The agreement may be terminated by the County if the Contractor is found to have submitted a false certification as required under section 215.471 (5), Florida Statutes, been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or been engaged in business operations in Cuba or Syria.

E. 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 _____, 20__.

(Name of Principal)

By: (As Attorney-In-Fact)

(Name of Surety)

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 13 OF 26

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.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 14 OF 26

V. MINORITY, WOMEN, SMALL BUSINESS (MWSBE) ENTERPRISE

A. MWSBE Overview

The Minority Women Small Business Enterprise (MWSBE) Policy of the City of Tallahassee, Leon County Government, and Blueprint Intergovernmental Agency applies to this solicitation. This solicitation has a project specific goal for the participation of Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) firms certified by the Office of Economic Vitality (OEV) MWSBE Division.

- Certified MBE Participation Project Specific Goal: 14%
- Certified WBE Participation Project Specific Goal: 9%

All respondents, including MBE firms, and WBE firms will meet the project specific goal(s) or demonstrate in their response that a good faith effort was made to meet the project specific goal(s). When an MBE or WBE firm is the prime contractor or consultant, the goal is fulfilled for their certification designation and the other portion of the goal, if present, must be fulfilled. For example, if a certified MBE firm responds to a solicitation as a prime contractor, the goal for MBE participation is fulfilled. The MBE prime contractor remains responsible for meeting the goal for WBE participation.

Certified MBE and WBE firms may participate by providing goods or services in support of the project as subcontractors or subconsultants identified on the Respondent and Team Summary Form.

B. MWSBE Responsive Responses

The MWSBE Division will deem responses responsive to the MWBE Section of the solicitation if they include a completed MWBE Participation Plan that is eligible for points and/or Good Faith Effort documentation.

Please complete an MWBE Participation Plan Form, include the MBE and WBE firms on your Respondent and Team Summary Form, and, if you are unable to meet the project specific goal, complete a Good Faith Effort Form. **To be eligible for evaluation, all MWBE Section Forms must be located in your response .**

If you are unable to meet the project specific goal for MBE and WBE participation, you must submit a Good Faith Effort Form documenting your efforts to identify MBE and WBE firms to participate in order for your response to remain responsive to this solicitation.

C. MWSBE Contact Information

Each Respondent is strongly encouraged to secure MBE and WBE firm participation. Respondents needing assistance or guidance with these requirements should contact LaTanya Raffington of the MWSBE Division at Lraffington@oeforbusiness.org OR Shanea Wilks of the MWSBE Division at Swilks@oeforbusiness.org. A directory of certified MBE and WBE firms is available on the OEV website: <https://oeforbusiness.mwsbe.com>.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 15 OF 26

VI. REQUIRED CERTIFICATIONS

A. Licenses and Registrations

The contractor shall be responsible for obtaining and maintaining throughout the contract period any licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida.

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.

B. Local Preference in Purchasing and Contracting

- A. 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:
 1. 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.
 2. 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.
 3. 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.
 4. For the purposes of this section, "home office" shall mean a business's principal office or headquarters constituting the center for administration and policymaking.
- B. Local business definition. For purposes of this section, "local business" shall mean a business which:
 1. 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
 2. Holds any business license required by the County, and, if applicable, the City of Tallahassee; and
 3. 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.
- C. 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

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 16 OF 26

such certifications, and shall have the sole discretion to determine if a bidder meets the definition of a "local business."

C. 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 the agreement by the County. As part of the bid response to this solicitation, please complete and submit the attached form AFFIDAVIT CERTIFICATION IMMIGRATION LAWS.

D. 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.

E. 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.

F. Employment Eligibility Verification

- A. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. Contractor further agrees to provide to the County, within thirty days of the effective date of the agreement, 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).
- B. Contractor further agrees that it will require each subcontractor that performs work under the agreement to enroll and participate in the E-Verify Program within sixty days of the effective date of the agreement 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 Agency upon request.
- C. 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.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS

Bid Number BC-2022-021

Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT

PAGE 17 OF 26

-
1. 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.
 2. 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 the agreement or within 30 days after assignment to perform work pursuant to the Agreement, whichever is later.
- D. 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 other authorized state entity consistent with the terms of the Memorandum of Understanding.
- E. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of the agreement and the County may treat a failure to comply as a material breach of the contract.

G. 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 origin, 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.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 18 OF 26

VII. INSURANCE REQUIREMENTS

A. Overview

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. If an apparent low bidder fails to comply strictly with the insurance requirements, that bidder may be disqualified from award of the contract.

The awarded 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.

B. General, Automobile, and Workers' Insurance

Contractor shall maintain limits no less than:

General Liability: \$1,000,000 combined single limit for bodily injury and property damage per occurrence with a \$3,000,000 annual aggregate. Completed operations coverage will be provided for a period of three (3) years beyond termination and/or completion of the project. Coverage must include bodily injury and property damage, including Premise/Operations: a per location aggregate, Broad Form Contractual liability; Broad Form Property Damage; Fire Legal liability; Independent Contractors coverage; Cross Liability & Severability of Interest Clauses; and Personal Injury, and coverage for explosion, collapse, and underground (X, C, U).

Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage, with a "Coverage Symbol 1:Any Auto" (Non-owned, Hired Car).

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.

C. Additional Required Insurance

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.

D. 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.

E. Other Insurance Provisions

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

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 19 OF 26

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 in respect to 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 are made or suit is brought, except with respect to the limits of the insurer's liability.

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 written notice has been given to the County.

F. Acceptability of Insurers

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

G. 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.*

H. 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.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 20 OF 26

VIII. TERMS AND CONDITIONS

A. Standard Terms and Conditions

The terms and conditions associated with this solicitation are as set forth in the draft Agreement contained in the "Attachments" section of this solicitation. After the award of the solicitation, the County will finalize the preparation of the Agreement and forward it to the Firm awarded the bid, after which the Firm will have five days to execute the Agreement and return it to the County.

B. 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.

C. 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.

D. Penalties

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

- A. Failure to perform according to agreement provisions.
- B. Conviction in a court of law of any criminal offense in connection with the conduct of business
- C. 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.
- D. 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.
- E. Other reasons deemed appropriate by the Board of County Commissioners.

E. Price Escalation/De-Escalation

Upon written request from the vendor no less than 45 days prior to each anniversary date of the agreement, and at the discretion of the County, a price increase may be negotiated. It is the intent of the County to not allow a price increase greater than the Producers Price Index-Composite as published by the U.S. Bureau of Labor Statistics at the time of the request for the previous twelve months or up to a maximum of 5% increase on the current pricing, whichever is lower. In

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 21 OF 26

the event that the PPI-Concrete is substantially higher than the PPI-Composite (when the PPI for concrete is 50% higher than the composite PPI), the County may allow the unit price for concrete to be adjusted using the PPI for concrete while the unit prices for remaining pay items to be adjusted using the composite PPI. Other price adjustments may be considered only in the event of an extraordinary factor such as a larger than 10% increase/decrease in the cost of petroleum products. The County may consider a price adjustment on a case-by-case basis upon the written request of the contractor. All adjustments in Product pricing shall be at the sole discretion of the County.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 22 OF 26

IX. SPECIFICATIONS

A. PURPOSE/SCOPE

Leon County is seeking the continuing supply services of a qualified vendor for the construction of sidewalks at various locations within Leon County, Florida. The scope of work to be performed under this bid will include sidewalk construction and any work associated with construction of a sidewalk within an open swale system or a curb & gutter system between the edge of the vehicular travel lane and the Right-of-way line including but not limited to enhancing and maintaining existing drainage system, driveway reconstruction, embankment or retaining wall construction to support the sidewalk, and shoulder reworking. All quantities represent good faith estimates made by Leon County. Actual in-place quantities may vary from those shown and described in the contract documents. Leon County does not guarantee purchase of the full amounts shown or indicated for any item within this document.

The initial agreement term will be two (2) years. After the initial two (2) year period, at the sole discretion of the County, this contract may be extended for no more than one additional one (1) year period. Such one year extension will be automatic unless the County provides written notice of non-renewal to the Contractor no less than thirty days prior to the expiration date of the current term.

B. GENERAL REQUIREMENTS

This is to be a segmented project. Each segment will be a particular roadway in Leon County. Leon County will secure all necessary permits, excluding Permits specifically mentioned in the Special Provisions of these Technical Specifications and Permits mentioned in the plans that are the contractor's responsibility, prior to notifying the Contractor to proceed with particular segment. Upon receiving Notice to Proceed (NTP), the Contractor will have 15 calendar days to begin work on specified section.

The construction sequence and design notes will be shown on the construction plans and may be adjusted on site with Engineer's approval. Except when modified by the specifications for individual projects, the technical specifications herein, construction, procedure, materials, and equipment shall be in accordance with the following specifications and contract documents:

- A. Leon County Technical Specifications
- B. All standards and specifications called out on the construction plans.
- C. Manual on Uniform Traffic Control Devices (MUTCD), Federal Highway Administration, Latest Edition.
- D. Leon County Supplemental Specifications to FDOT Standard Specifications, July 2021
- E. Florida Department of Transportation Standard Specifications for Road and Bridge Construction, 2021 Edition.
- F. Florida Department of Transportation Design Standards, 2021 Edition.
- G. Americans with Disabilities Act, Latest Edition.

In the event of any conflict between the F.D.O.T. standard specifications and the specifications of this contract the specifications of this contract shall govern.

The County's project manager reserves the right to inspect projects at all stages of completion. In the event of unsatisfactory work, the Contractor shall make corrections or changes at no cost to Leon County. The Contractor shall consult with the County's project manager and Chief of Construction Management, or their designees for final inspection upon completion of each sidewalk installation.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 23 OF 26

C. SPECIAL PROVISIONS

- A minimum width of sidewalk shall be 5 feet with sufficient buffer between edge of road and sidewalk.
- Where insufficient buffer zone is present, other alternatives may be considered by the Engineer including but not limited to curb & gutter and boardwalk.
- The details of the sidewalk construction are depicted on the Typical Section Sheets.
- The minimum width of the sidewalk directly behind the concrete curb is six feet.
- Raised Sidewalk with French Drain may be used in environmentally sensitive area if required by Environmental Agencies.
- A National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities applies to this Contract when the project area is greater than one acre. It is the Contractor's responsibility to secure the NPDES permit prior to commencement of construction. Cost for the NPDES is incidental to project. A copy of the NPDES permit application form can be obtained through the Florida Department of Environmental Protection's web site at http://www.dep.state.fl.us/water/stormwater/npdes/permits_forms.htm.
- The Contractor shall exercise extreme care during all construction activities in proximity to utility poles and buried utilities. The Contractor shall be responsible to obtain and verify all necessary utility locations.
- The Contractor must be either prequalified by the Florida Department of Transportation (FDOT) for the Sidewalks Specialty Class of Work or provide proof of three sidewalk projects constructed by the Contractor in the past three years totaling a minimum of 2,000 linear feet.
- The Contractor or its subcontractor shall be certified by FDOT for maintenance of traffic.
- The Contractor shall furnish signage, barricades, lights and flagmen in accordance with the MUTCD and the FDOT's Maintenance of Traffic Specifications, within all construction areas. Safety equipment shall be kept and maintained in good working order. Should the County's project manager determine that an unsafe condition exists; the Contractor shall be required to stop work until the condition has been corrected. The correction of unsafe condition does not warrant extension of contract time.
- The pedestrian boardwalk pay item may be used at the discretion of the County.
- When the pedestrian boardwalk is used to connect the sidewalks over a wetland area or through an area with extremely steep back slopes, the minimum width (clearance) for pedestrian access on the bridge is five feet while sufficient buffer is provided between the edge of pavements and the pedestrian bridge.
- The price of the pedestrian boardwalk will be negotiated under the term of this contract and on the individual basis when the respective sidewalk project calls for it. The cost will include the installation of guardrail and end treatments along the length of boardwalk, if called for in plans.
- This contract is a Unit Price Contract and the work will be paid based on the actual quantities used during construction.
- Contractor understands that no amount of work is guaranteed 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.
- The liquidated damages are set based on the contract amount for each individual assigned project and according to the latest FDOT Standard Specifications for Road and Bridge Construction.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 24 OF 26

-
- The Contractor shall provide, as needed, a Sheriff's Deputy at their hourly rate, per Leon County's discretion. The Contractor shall pay the weekly invoice from the Sheriff's Department, and submit it to Leon County Public Works Department without any markup cost for reimbursement.
 - Construction Layout and Certified As-Built Survey are incidental to each Sidewalk Project.
 - Item No. 110-1-1 Clearing and Grubbing - Consists of complete removal and disposal of all vegetation, debris, drainage structures, flexible pavement, buildings or any other obstructions in all areas where excavation is to be done, or where embankments or structures will be constructed. This includes roadway area, ditch area, borrow and material pits, and areas where culverts or pipe lines will be constructed. Also includes shrub and tree trimming identified in the contract documents. This item will be paid on an Acre Basis and shall not be co-mingled with any excavation material. Clearing and Grubbing material will not be paid as excavation.
 - The Contractor shall provide a minimum one-year warranty on the materials and workmanship for the work performed under this contract including but not limited to the grass establishment and sidewalk pavement. The warranty shall commence upon completion of construction and after final acceptance by the County for each project.

D. SUPPLEMENTAL SPECIFICATIONS AND ADDITIONAL INFORMATION

For further information please see:

Attachment E - Supplemental Specifications

Attachment F – Porous Concrete Specifications

Attachment G - Leon County Skip Curb Sidewalk

Attachment H - Typical Sidewalk Location (with curb and gutter)

Attachment I – Typical Sidewalk Location (with open ditch)

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 25 OF 26

X. VENDOR QUESTIONNAIRE

Bids must be submitted electronically via ProcureNow..

A. ACCEPTANCE OF COUNTY TERMS AND CONDITIONS*

Leon County objects to and shall not consider any additional terms or conditions submitted by a bidder, including any appearing in documents attached as part of a bidder's response. In submitting its bid response, a bidder 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 bid response, shall be grounds for rejecting a bid response or placing a bidder in default.

☐ Please confirm

*Response required

B. Human Trafficked Labor*

I certify that this firm does not utilize human trafficked labor in compliance with Section 787.06, Florida Statutes.

☐ Please confirm

*Response required

C. Bid Guarantee*

A Bid Bond is required for this project. Please upload your Bid Bond here.

If submitting a Cashier's Check in lieu of a Bid Bond, please scan a copy of the cashier's check, upload here, and also mail the original cashier's check to:

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

The mailing must have the Project ID (BC-2022-021), the Project Title (Sidewalk and Associated Work Construction, CS), and the Company Name printed clearly on the front of the envelope.

This must be postmarked no later than the date of the bid opening or your bid may be considered non-responsive.

*Response required

D. Payment and Performance Bond*

A Payment and Performance Bond will be required for this project of the SUCCESSFUL BIDDER. Please confirm.

☐ Please confirm

*Response required

E. Bid Response Cover Sheet with Signature*

*Response required

F. Bid Pricing Form*

Please refer to Attachments for the Bid Pricing Form. Download, complete, and upload your response here.

Bid Title: SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS
Bid Number BC-2022-021
Opening Date: June 2, 2022, 2:00 pm

EXHIBIT A - SOLICITATION DOCUMENT
PAGE 26 OF 26

*Response required

G. MWBE Information / Good Faith Effort*

All Respondents, including Minority Business Enterprise (MBE) firms and Women Business Enterprise (WBE) firms, must complete and submit the MWBE Participation Plan Form and any required documentation with your responses.

If you are unable to meet the project specific goal for MBE and WBE participation, in addition to the MWBE Participation Plan Form, you must also submit all Good Faith Effort Forms documenting your efforts to identify MBE and WBE firms to participate in order for your response to remain responsive to this solicitation.

To reiterate, regardless of whether you can meet the Goals or not, you must complete and submit the MWBE Participation Plan Form and any required documentation with your responses.

*Response required

H. Additional Forms to Fill Out and Submit*

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.

Please see the Attachments section for all the necessary forms for the bidder to complete for this solicitation.

- Affidavit Immigration Laws
- Equal Opportunity and Affirmative Action Statement
- Identical Tie Bid Statement
- Contractor's Business Information & Applicable Licenses/Registrations
- Non-Collusion Affidavit
- Insurance Certification Form
- Certification/Debarment Form
- Local Vendor Certification (if applicable)
- Employment Eligibility (E-Verify)
- Leon County Substitute Form W-9

*Response required

I. Prime Contractor or Sub-contractor Qualifications*

Submit all licenses, certifications, registrations, work class pre-qualifications, or other qualifying documentation required in the solicitation.

*Response required

BID RESPONSE COVER 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

Bill Proctor, Chairman
Leon County Government

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
(Printed or Typed Name)

ADDRESS

6403 Woodville Hwy
Talla, FL 32305

EMAIL ADDRESS

dw@allens.com

TELEPHONE

850-421-6872

FAX

850-421-2391

ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)

Addendum #1 dated 5-13-22 Initials SW

Addendum #2 dated 5-17-22 Initials SW

Addendum #3 dated 6-1-22 Initials SW

QUESTIONNAIRE

EXHIBIT B - VENDOR RESPONSE

PAGE 2 OF 27 ☒ Pass ☐ Fail**1. ACCEPTANCE OF COUNTY TERMS AND CONDITIONS***

Leon County objects to and shall not consider any additional terms or conditions submitted by a bidder, including any appearing in documents attached as part of a bidder's response. In submitting its bid response, a bidder 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 bid response, shall be grounds for rejecting a bid response or placing a bidder in default.

☒ Confirmed**2. Human Trafficked Labor***☐ Pass ☐ Fail

I certify that this firm does not utilize human trafficked labor in compliance with Section 787.06, Florida Statutes.

☒ Confirmed**3. Bid Guarantee***☐ Pass ☐ Fail

A Bid Bond is required for this project. Please upload your Bid Bond here.

If submitting a Cashier's Check in lieu of a Bid Bond, please scan a copy of the cashier's check, upload here, and also mail the original cashier's check to:

Leon County Government - Purchasing Division

1800-3 N. Blair Stone Road

Tallahassee, Florida 32308

The mailing must have the Project ID (BC-2022-021), the Project Title (Sidewalk and Associated Work Construction, CS), and the Company Name printed clearly on the front of the envelope.

This must be postmarked no later than the date of the bid opening or your bid may be considered non-responsive.

 [20220602072156028.pdf](#)

4. Payment and Performance Bond*☐ Pass ☐ Fail

A Payment and Performance Bond will be required for this project of the SUCCESSFUL BIDDER. Please confirm.

☒ Confirmed**5. Bid Response Cover Sheet with Signature***☐ Pass ☐ Fail

 [20220602072347304.pdf](#)

6. Bid Pricing Form*☐ Pass ☐ Fail

Please refer to Attachments for the Bid Pricing Form. Download, complete, and upload your response here.

 [20220602072500872.pdf](#)

7. MWBE Information / Good Faith Effort*☐ Pass ☐ Fail

All Respondents, including Minority Business Enterprise (MBE) firms and Women Business Enterprise (WBE) firms, must complete and submit the MWBE Participation Plan Form and any required documentation with your responses.

If you are unable to meet the project specific goal for MBE and WBE participation, in addition to the MWBE Participation Plan Form, you must also submit all Good Faith Effort Forms documenting your efforts to identify MBE and WBE firms to participate in order for your response to remain responsive to this solicitation.

To reiterate, regardless of whether you can meet the Goals or not, you must complete and submit the MWBE Participation Plan Form and any required documentation with your responses.

 [20220602072647864.pdf](#)

8. Additional Forms to Fill Out and Submit*

☐ Pass ☐ Fail

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.

Please see the Attachments section for all the necessary forms for the bidder to complete for this solicitation.

- Affidavit Immigration Laws
- Equal Opportunity and Affirmative Action Statement
- Identical Tie Bid Statement
- Contractor's Business Information & Applicable Licenses/Registrations
- Non-Collusion Affidavit
- Insurance Certification Form
- Certification/Debarment Form
- Local Vendor Certification (if applicable)
- Employment Eligibility (E-Verify)
- Leon County Substitute Form W-9

 [20220602072819695.pdf](#)

9. Prime Contractor or Sub-contractor Qualifications*

☐ Pass ☐ Fail

Submit all licenses, certifications, registrations, work class pre-qualifications, or other qualifying documentation required in the solicitation.

 [20220602072929468.pdf](#)

BID PRICING SHEET SIDEWALK CONTINUING SUPPLY CONTRACT 2022

PAY ITEM	UNIT	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
101-1	LS	MOBILIZATION (Note 1)	LS	\$451,038.56	\$451,038.56
102-1	DA	MAINTENANCE OF TRAFFIC (Note 6)	1095	\$250.00	\$273,750.00
102-99	PS/ED	PORTABLE CHANGEABLE MESSAGE SIGN, TEMP (Note 5)	1095	\$35.00	\$38,325.00
104-10-3	LF	SEDIMENT BARRIER	6,000	\$5.00	\$30,000.00
104-18	EA	INLET PROTECTION SYSTEM	60	\$135.00	\$8,100.00
110-1-1	AC	CLEARING AND GRUBBING (Note 9)	20.00	\$15,000.00	\$300,000.00
110-4-10	SY	REMOVAL OF EXISTING CONCRETE	60.00	\$135.00	\$8,100.00
110-7-1	EA	MAILBOX (FURNISH AND INSTALL)	150	\$350.00	\$52,500.00
120-1	CY	EXCAVATION REGULAR	7,500.00	\$15.00	\$112,500.00
120-6	CY	EMBANKMENT	6,500.00	\$30.00	\$195,000.00
160-4	SY	TYPE B STABILIZATION	180.00	\$15.00	\$2,700.00
285704	SY	OPTIONAL BASE GROUP 04 - LIMEROCK, LBR 100	180.00	\$30.00	\$5,400.00
285704	SY	OPTIONAL BASE GROUP 04 - RECYCLED CONCRETE AGGREGATE, LBR 150	180.00	\$40.00	\$7,200.00
400-1-2	CY	CONCRETE CLASS I (ENDWALL)	60	\$1,000.00	\$60,000.00
400-1-11	SY	CONCRETE CLASS I (RETAINING WALL)	200	\$1,100.00	\$220,000.00
425-1521	EA	INLETS (DITCH BOTTOM) TYPE 'C' <10'	20	\$5,000.00	\$100,000.00
425-1541	EA	INLETS (DITCH BOTTOM) TYPE 'D' <10'	25	\$6,000.00	\$150,000.00
425-1549	EA	INLETS (DITCH BOTTOM) TYPE "Modified" (Note 2)			
425-6	EA	VALVE BOX (ADJUST)	30	\$150.00	\$4,500.00
430174118	LF	PIPE CULVERT OPT. MATERIAL CLASS II (18") RCP	2,000	\$66.00	\$132,000.00
430174124	LF	PIPE CULVERT OPT. MATERIAL CLASS II (24") RCP	2,000	\$88.00	\$176,000.00
430174130	LF	PIPE CULVERT OPT. MATERIAL CLASS II (30") RCP	300	\$110.00	\$33,000.00
430174136	LF	PIPE CULVERT OPT. MATERIAL CLASS II (36") RCP	175	\$135.00	\$23,625.00
430174224	LF	PIPE CULVERT OPT. MATERIAL, OTHER-ELIP/ARCH 24"S/CD	100	\$200.00	\$20,000.00
430984125	EA	MITERED END SECTION (18")	26	\$2,000.00	\$52,000.00
430984129	EA	MITERED END SECTION (24")	16	\$2,600.00	\$41,600.00
430984133	EA	MITERED END SECTION (30")	10	\$3,300.00	\$33,000.00
430984138	EA	MITERED END SECTION (36")	10	\$4,000.00	\$40,000.00
515-1-2	LF	PIPE HANDRAIL - GUIDERAIL (ALUMINUM)	500	\$200.00	\$100,000.00
515-2311	LF	PEDESTRIAN/BICYCLE RAILING, ALUMINUM, POWDER COATED	950	\$250.00	\$237,500.00
520-1-10	LF	CURB & GUTTER CONC. (TYPE F)	15,000	\$35.00	\$525,000.00
522-1	SY	SIDEWALK (4" THICK) W/ FIBER MESH ADDED	7,500.00	\$72.00	\$540,000.00
522-2	SY	SIDEWALK (6" THICK) W/ FIBER MESH ADDED	12,000.00	\$110.00	\$1,320,000.00
523-1	SY	PATTERNED/TEXTURED PAVEMENT (Paveway System)	250.00	\$150.00	\$37,500.00
527-2	SF	DETECTABLE WARNING (truncated dome mat)	300	\$65.00	\$19,500.00
536-1-1	LF	GUARDRAIL	400	\$160.00	\$64,000.00
550-10212	LF	FENCING, TYPE B, 0.5-5.0' W/ VINYL COATING	1,000	\$52.00	\$52,000.00
550-10420	LF	FENCING, WOOD FENCE, 5.1-6.0'	500	\$66.00	\$33,000.00
550-10228	LF	FENCE (RESET EXISTING)	750	\$26.00	\$19,500.00
570-1-1	SY	PERFORMANCE TURF	15,000.00	\$2.00	\$30,000.00
570-1-2	SY	PERFORMANCE TURF, SOD, CENTIPEDE	25,000.00	\$6.00	\$150,000.00
700-1-11	AS	SIGN, SINGLE POST	100	\$500.00	\$50,000.00
700-1-50	EA	SIGN, EXISTING (RELOCATE)	75	\$132.00	\$9,900.00
710-11123	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 12"	4,640.00	\$10.00	\$46,400.00
710-11101	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 6"	2,100.00	\$4.00	\$8,400.00
710-11201	LF	PAINTED PAVT MARK, STD, YELLOW, SOLID 6"	500.00	\$4.00	\$2,000.00
710-11123	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 12"	800.00	\$10.00	\$8,000.00
711-11123	LF	TRAFFIC STRIPE SOLID (THERMO) NON-SKID (WHITE) 12"	4,640.00	\$15.00	\$69,600.00
711-11101	LF	TRAFFIC STRIPE SOLID (THERMO) NON-SKID (WHITE) 6"	6,000.00	\$12.00	\$72,000.00
LC-010	LF	TREE PROTECTION	5,000	\$5.00	\$25,000.00
LC-030	SY	SIDEWALK (8" THICK) W/ FIBER MESH ADDED (Note 3)	1,000.00	\$135.00	\$135,000.00
LC-050	LF	PEDESTRIAN BOARDWALK (Note 4)			
LC-070	CY	2" BEDROCK SAND	782.00	\$30.00	\$23,460.00
LC-090	CY	30% AGGREGATE (SILICA OR GRANITIC BASED W/ MIN. 30% POROSITY)	185.00	\$75.00	\$14,825.00
LC-110	SY	D-3 FILTER FABRIC	5,182.00	\$6.00	\$31,092.00
LC-130	LF	CONCRETE SIDEWALK SKIP CURB (Note 7)	5,182.00	\$40.00	\$207,280.00
LC-180	CY	POROUS CONCRETE SIDEWALK (Note 8)	500.00	\$150.00	\$75,000.00
LC-220	LF	SAW CUT ASPHALT	15,000.00	\$3.00	\$45,000.00
LC-240	SY	SUPERPAVE ASPHALTIC CONCRETE, SP 9.5, 2 INCHES	500.00	\$75.00	\$37,500.00
GRAND TOTAL:					\$6,558,595.56

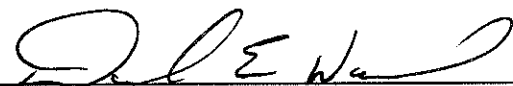
- Note 1 8% of Final construction cost, excluding Maintenance of Traffic and Portable Changeable Message Sign, on an individual project basis
- Note 2 Modified DBI may be required Size and Quantity will be determined on a project specific basis. Price will be negotiated on actual assignment.
- Note 3 Needed at Intersecting Roads for Buses, Garbage Trucks, etc.
- Note 4 Cost & quantity of Pedestrian Boardwalk Construction will be negotiated with actual assignment. The cost will include all materials and labor to construct boardwalk and the cost of installing appropriate guardrail and end treatments if needed based on separation from roadway and specified on plans.
- Note 5 Item 102-99 used prior to construction for community outreach and during construction as part of MOT
- Note 6 Item 102-1 shall not include VMS daily charge
- Note 7 See Raised Sidewalk with French Drain Typical Section
- Note 8 See Porous Concrete Technical Specifications
- Note 9 Refer to special provisions Item 19 in the Technical Specifications

THE AMERICAN INSTITUTE OF ARCHITECTS**AIA Document A310
Bid Bond**KNOW ALL MEN BY THESE PRESENTS, THAT WE Allen's Excavation, Inc.6403 Woodville Highway, Tallahassee, FL 32305as Principal, hereinafter called the Principal, and U.S. Specialty Insurance Company13403 Northwest Freeway, Houston, TX 77040-6094a corporation duly organized under the laws of the State of TXas Surety, hereinafter called the Surety, are held and firmly bound unto Leon County Board of County Commissioners301 South Monroe Street, Tallahassee, FL 32301as Obligor, hereinafter called the Obligor, in the sum of Five Percent of Amount BidDollars (\$ 5%),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for BC-2022-021; Sidewalk Contract

NOW, THEREFORE, if the Obligor shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligor in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and materials furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligor the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligor may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 2nd day of June, 2022
(Witness)

Allen's Excavation, Inc.

(Principal)

(Seal)

By:



(Title)

U.S. Specialty Insurance Company

(Surety)

(Seal)

Kristie E. Shaw

(Witness)

By:



Attorney-in-Fact Benjamin Richmond Campbell Jr.

(Title)

TOKIO MARINE
HCC**POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS:

That, U.S. SPECIALTY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint,

BENJAMIN RICHMOND CAMPBELL JR.

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver bond number Bid issued in the course of its business and to bind the Company thereby, in an amount not to exceed ***** UNLIMITED ***** (**UNLIMITED**).

Said appointment is made under and by authority of the following resolutions of the Board of Directors of U. S. Specialty Insurance Company:

"Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." Adopted by unanimous written consent in lieu of meeting on September 1st, 2011.

The Attorney-in-Fact named above may be an agent or a broker of the Company. The granting of this Power of Attorney is specific to this bond and does not indicate whether the Attorney-in-Fact is or is not an appointed agent of the Company.

IN WITNESS WHEREOF, U.S. Specialty Insurance Company has caused its seal to be affixed hereto and executed by its Senior Vice President on this 18th day of December 2017.

State of California
County of Los Angeles



U.S. SPECIALTY INSURANCE COMPANY

By: Adam S. Pessin
Adam S. Pessin, Senior Vice President

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

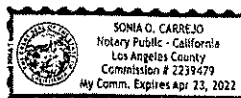
On this 1st day of June, 2018, before me, Sonia O. Carrejo, a notary public, personally appeared Adam S. Pessin, Senior Vice President of U.S. Specialty Insurance Company, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(seal)



I, Kio Lo, Assistant Secretary of U.S. Specialty Insurance Company, do hereby certify that the Power of Attorney and the resolution adopted by the Board of Directors of said Company as set forth above, are true and correct transcripts thereof and that neither the said Power of Attorney nor the resolution have been revoked and they are now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of June, 2022.

Bond No. BidAgency No. 12285

Kio Lo
Kio Lo, Assistant Secretary

HCCSZ POAUSSIC06/2018

**Florida Department of Transportation**RON DESANTIS
GOVERNOR605 Suwannee Street
Tallahassee, FL 32399-0450JARED W. PERDUE, P.E.
SECRETARY

May 12, 2022

ALLEN'S EXCAVATION, INC.
6403 WOODVILLE HIGHWAY
TALLAHASSEE, FLORIDA 32305**RE: CERTIFICATE OF QUALIFICATION**

The Department of Transportation has qualified your company for the type of work indicated below.

FDOT APPROVED WORK CLASSES:

DRAINAGE, FENCING, FLEXIBLE PAVING, GRADING, GRASSING, SEEDING AND SODDING, GUARDRAIL, ROADWAY SIGNING

Unless notified otherwise, this Certificate of Qualification will expire **6/30/2023**.

In accordance with Section 337.14(4), Florida Statutes, changes to Ability Factor or Maximum Capacity Rating will not take effect until after the expiration of the current certificate of prequalification (if applicable).

In accordance with Section 337.14(1), Florida Statutes, an application for qualification must be filed within (4) months of the ending date of the applicant's audited annual financial statements.

If the company's maximum capacity has been revised, it may be accessed by logging into the Contractor Prequalification Application System via the following link:

[HTTPS://fdotwp1.dot.state.fl.us/ContractorPreQualification](https://fdotwp1.dot.state.fl.us/ContractorPreQualification)

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

The company may apply for a Revised Certificate of Qualification at any time prior to the expiration date of this certificate according to Section 14-22.0041(3), Florida Administrative Code (F.A.C.), by accessing the most recently approved application as shown above and choosing "Update" instead of "View." If certification in additional classes of work is desired, documentation is needed to show that the company has performed such work.

All prequalified contractors are required by Section 14-22.006(3), F.A.C., to certify their work underway monthly in order to adjust maximum bidding capacity to available bidding capacity. You can find the link to this report at the website shown above.

Sincerely,

for Alan Autry, Manager
Contracts Administration Office

AA:cg

Improve Safety, Enhance Mobility, Inspire Innovation
www.fdot.gov



Contractor Pre-Qualification (CPQ)



Annual Application

[Logout](#) HWELDON9@HOTMAIL.COM[Home](#) [Update Work Underway](#) [Help](#)

5/4/2022 8:36:36 AM EST

[Vendor](#) [Stakeholders](#) [Affiliates](#) [Work Classes](#) [Financial](#) [Contracts](#) [Manage](#)
[Attach Financial Statements](#) [Additional Documentation](#) [Submit](#) [Application Summary](#)

Vendor Number: F592584971002

Name: ALLEN'S EXCAVATION, INC.

Application Status: COMPLETED

Fiscal Year End Date: 12/31/2021

Application Due Date:
4/30/2022

Expiration Date: 6/30/2023

NOTE: The Capacity shown below will not be effective until 06/30/2022

NOTE: The Capacity shown below will be reduced by your Work Underway to determine your Available Bidding Capacity.

Adjusted Current Ratio:	2		
Ability Score:	80	Surety Multiplier:	3
Ability Factor:	8	Calculated Maximum Bid Capacity:	\$ 90,450,000.00
Adjusted Net Worth:	\$ 5,653,564.00		

Document	Attached	Received	Document Attached
Audited or Reviewed Financial Statements	4/30/2022	4/30/2022	N/A
Affidavit	4/28/2022		2021 AFFIDAVIT.PDF Request Document
Equipment	4/26/2022		2021 EQUIPMENT LIST_FDOT PRE-QUALIFICATION.XLSX Request Document
Surety Letter	4/28/2022		2021 SURETY LETTER.PDF Request Document
Letters of Recommendation			
<input checked="" type="radio"/> Audited <input type="radio"/> Reviewed Financial or Statements	N/A	N/A	ALLEN'S EXCAVATION 2021 FINANCIAL STATEMENTS.PDF Request Document
Additional Document	N/A	N/A	
337.14(1) Requirement	N/A	N/A	

*Approved: Yes ☒ No ☐

Event	Date	Comment
APPLICATION CREATED	4/26/2022	
APPLICATION SUBMITTED	4/28/2022	NO COMMENT SUBMITTED
ADDITIONAL INFO REQUESTED	4/29/2022	Sent back due to Contractor's request to attach a Final copy of the Financial Statements.
REQUEST FOR ADDTL INFO ATTCHD	4/30/2022	
APPLICATION SUBMITTED	4/30/2022	NO COMMENT SUBMITTED
APPLICATION RECEIVED	5/2/2022	
APPLICATION REVIEW COMPLETE	5/4/2022	The Department has completed the review of your application. While the new prequalification is effective immediately, the new capacity will become effective upon the expiration of the current certificate(if applicable). A signed certificate of qualification will be sent via electronic mail to the primary account holder for this application within 10 to 14 business days. If the signed certificate should be e-mailed to a recipient other than the primary account holder, please provide the recipient's e-mail address to CO-CPQStaff@dot.state.fl.us. You can access your firm's maximum bid capacity and approved work classes on the capacity and work class tabs of the application. You can access your approved work classes, but not your maximum bid capacity, by accessing our public database at: https://fdotwp1.dot.state.fl.us/contractorprequalification/public/PrequalifiedVendorSearch.aspx .



FLORIDA DEPARTMENT OF TRANSPORTATION
 Report Technical Problems to the Service Desk @ 1-866-955-4357
 or email: [Service Desk](#)
 Send Prequalification Questions or Comments to [Contracts Administration Office](#)
[Internet Privacy Policy](#), [Disclaimers & Credits](#)



THE OFFICIAL SITE OF THE FLORIDA DEPARTMENT OF BUSINESS &
PROFESSIONAL REGULATION



dbpr Florida
Department of Business
& Professional Regulation

[HOME](#) [CONTACT US](#) [MY ACCOUNT](#)

ONLINE SERVICES

- [Apply for a License](#)
- [Verify a Licensee](#)
- [View Food & Lodging Inspections](#)
- [File a Complaint](#)
- [Continuing Education Course Search](#)
- [View Application Status](#)
- [Find Exam Information](#)
- [Unlicensed Activity Search](#)
- [AB&T Delinquent Invoice & Activity List Search](#)

LICENSEE DETAILS

4:35:49 PM 5/31/2022

Licensee Information

Name: **WELDON, GREGORY HEATH (Primary Name)**
Main Address: **ALLEN'S EXCAVATION INC (DBA Name)**
6403 WOODVILLE HWY.
TALLAHASSEE Florida 32305
County: **LEON**

License Information

License Type: **Certified Underground Utility and Excavation Contractor**
Rank: **Cert Under**
License Number: **CUC1224114**
Status: **Current,Active**
License Date: **09/01/2005**
Expires: **08/31/2022**

Special Qualifications

Construction Business **09/01/2005**

Alternate Names

**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").

1324 A(e) {Section 274A(e) of the 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

Company Name: FINES ESTATE
Signature: Allen Weldon Title: President

STATE OF FLA
COUNTY OF Leon

Sworn to and subscribed before me this 2 day of June, 2022

Personally known

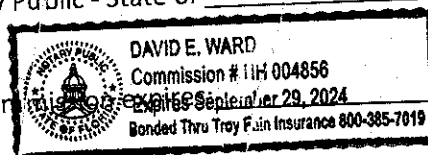

NOTARY PUBLIC

OR Produced identification _____

Notary Public - State of

(Type of
identification)

My com



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.**

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 Weldon
Title: President
Firm: Allen's Excavation Inc
Address: 6403 Woodrille Hwy
Talla, FL 32305

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

President
Title

6-2-2022
Date

CONTRACTOR'S BUSINESS INFORMATION

COMPANY INFORMATION

Name: <u>Allen's Excavation Inc.</u>	
Street Address: <u>6453 Woodville Hwy.</u>	
City, State, Zip: <u>Tallah, FL 32305</u>	
Taxpayer ID Number: <u>59-2584971</u>	
Telephone: <u>850-421-6872</u>	Fax: <u>850-421-2391</u>
Trade Style Name: <u>Excavation / Underground Utilities</u>	

TYPE OF BUSINESS ORGANIZATION (check one)

<input type="checkbox"/>	Sole Proprietorship	<input type="checkbox"/>	Limited Liability Company
<input type="checkbox"/>	General Partnership	<input type="checkbox"/>	Joint Venture
<input type="checkbox"/>	Limited Partnership	<input type="checkbox"/>	Trust
<input checked="" type="checkbox"/>	Corporation	<input type="checkbox"/>	Other (specify)
<input type="checkbox"/>	Sub-chapter S Corporation		

State of Incorporation: FLA Date Established: 1985

AUTHORIZED SIGNATORIES/NEGOTIATORS

The Bidder represents that the following persons are authorized to sign and/or negotiate contracts and related documents to which the bidder will be duly bound:

Name	Title	Telephone	E-Mail
<u>Allen Weldon</u>	<u>President</u>	<u>850-421-6872</u>	<u>darward01@ag1.com</u>

FLORIDA CONSTRUCTION INDUSTRIES LICENSING BOARD

Please provide the following information for all licenses required by Florida Statutes of the Prime Contractor for the performance of the work in this project.

Primary Licensee: <u>Heath Wilson</u>	
License Type: <u>Underground / Excavation</u>	
License Number: <u>LUC1224114</u>	Expiration Date: <u>8-31-2022</u>
Qualified Business License (certificate of authority) number:	
Alternate Licensee:	
License Type:	
License Number:	Expiration Date:

Bidder may use additional sheets to provide information for all applicable licenses and shall provide copies of each license as a part of the bid submittal.

LIST COMPANIES FROM WHOM YOU OBTAIN SURETY**BONDS Surety Company 1**

Company Name	<u>US Specialty Ins Company</u>
Contact's Name	<u>Chip Campbell</u>
Telephone	<u>850-933-1094</u>
Fax	
Address	<u>C.C.N.E Tallahassee 32309</u>

Surety Company 2

Company Name	
Contact's Name	
Telephone	
Fax	
Address	

Present Amount of Bonding Coverage (\$): <u>25,000.00</u>	Has your application for surety bond ever been declined? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, please provide detailed information on reverse)	During the past 2 years, have you been charged with a failure to meet the claims of your subcontractors or suppliers? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, please provide detailed information on reverse)
---	---	--

THE UNDERSIGNED, A DULY AUTHORIZED OFFICER OR EMPLOYEE, HEREBY CERTIFIES THAT THE ABOVE INFORMATION IS TRUE AND CORRECT AND HAS HEREUNTO SET HIS SIGNATURE

THIS 2 DAY OF June, 2022

By: Allen Weldon Title: President

Printed Name and Title: Allen Weldon President

NON-COLLUSION AFFIDAVIT

The undersigned being first duly sworn as provided by law, deposes and says:

1. This Affidavit is made with the knowledge and intent that it is to be filed with Leon County Government, Leon County, Florida and that it will be relied upon by said County, in any consideration which may give to and any action it may take with respect to this Proposal.

2. The undersigned is authorized to make this Affidavit on behalf of,

Allen's Excavation Inc
(Name of Corporation, Partnership, Individual, etc.)

a Excavation/underground utility formed under the laws of Fla
(Type of Business) (State or Province)

of which he is President
(Sole Owner, partner, president, etc.)

3. Neither the undersigned nor any other person, firm or corporation named in above Paragraph 2, nor anyone else to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action for this Proposal by the County, also that no head of any department or employee therein, or any officer of Leon County, Florida is directly interested therein.

4. This Proposal is genuine and not collusive or a sham; the person, firm or corporation named above in Paragraph 2 has not colluded, conspired, connived or agreed directly or indirectly with any bidder or person, firm or corporation, to put in a sham Proposal, or that such other person, firm or corporation, shall refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the prices of said proposal or proposals of any other bidder; and all statements contained in the proposal or proposals described above are true; and further, neither the undersigned, nor the person, firm or corporation named above in Paragraph 3, has directly or indirectly submitted said proposal or the contents thereof, or divulged information or data relative thereto, to any association or to any member or agent thereof.

Allen Walton
AFFIANT'S NAME

President
AFFIANT'S TITLE

TAKEN, SWORN AND SUBSCRIBED TO BEFORE ME this 2 Day of June, 2022

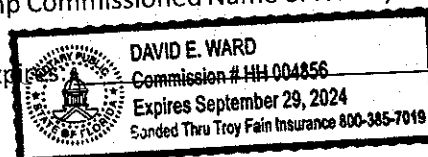
Personally Known ✓ Or Produced Identification

Type of Identification

David E. Ward
NOTARY PUBLIC

(Print, Type or Stamp Commissioned Name of Notary Public)

My Commission Expires



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:

A+

XV

Business Auto:

Indicate Best Rating:
Indicate Best Financial Classification:

A+

XV

Professional Liability:

Indicate Best Rating:
Indicate Best Financial Classification:

N/A

N/A

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:

A-

VIII

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.

Professional Liability Policy Declaration sheet as well as claims procedures for each applicable policy to be provided

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

Date 5/31/2022

Signature Lynda Turner

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



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

EXHIBIT B - VENDOR RESPONSE

02/17/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Brown & Brown of Florida, Inc. 3520 Thomasville Rd., Ste. 500 Tallahassee FL 32309		CONTACT NAME: Lynda Turner PHONE (A/C, No, Ext): (850) 656-3747 FAX (A/C, No): (850) 656-4065 E-MAIL ADDRESS: Lynda.Turner@bbbrown.com	
INSURED Allen's Excavation, Inc. 6403 Woodville Hwy Tallahassee FL 32305		INSURER(S) AFFORDING COVERAGE INSURER A: Zurich American Insurance Company NAIC # 16535 INSURER B: FFVA Mutual Insurance Co. 10385 INSURER C: XL Specialty Insurance Company 37885 INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 22/23WC-21/22BAL

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY	Y	Y	GLO0235747-04	08/01/2021	08/01/2022	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						MED EXP (Any one person) \$ 10,000
	<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PERSONAL & ADV INJURY \$ 1,000,000
	OTHER:						GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY	Y	Y	BAP0235748-04	08/01/2021	08/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS ONLY						PROPERTY DAMAGE (Per accident) \$
							\$
	<input type="checkbox"/> UMBRELLA LIAB						EACH OCCURRENCE \$
	<input type="checkbox"/> EXCESS LIAB						AGGREGATE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						\$
B	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	N/A	Y	WC840-0797547-2022A	02/15/2022	02/15/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Equipment Floater			UM00089616MA21A	08/01/2021	08/01/2022	Rented/Leased Equipmet \$ 580,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)


RE: Sidewalk and Associated Work Construction, continuing Services.

Certificate Holder is included as an additional insured on a primary and noncontributory basis with regard to general liability and auto liability coverage as required by written contract or agreement signed prior to loss. A Waiver of Subrogation applies on behalf of the Certificate Holder.

30 Day Notice of Cancellation / 10 Day for Nonpayment of premium.

CERTIFICATE HOLDER

CANCELLATION

Leon County BOCC 301 South Monroe Street Tallahassee FL 32301	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

**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 Weller
Signature

President
Title

Allen's Excavation Inc
Contractor/Firm

6403 Woodville Hwy, Tallahassee, FL 32305
Address

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.
Failure to provide the information requested will result in denial of certification as a local business.

Business Name: <u>Allen's Excavation Inc</u>		Phone: <u>850-421-6872</u>
Current Local Address: <u>6403 Woodville Hwy</u> <u>Talla, FL 32305</u>		Fax: <u>850-421-2391</u>
If the above address has been for less than six months, please provide the prior address.		
Length of time at this address: <u>N-A</u>		Phone:
Home Office Address:		Fax:

Allen Weldon
Signature of Authorized Representative

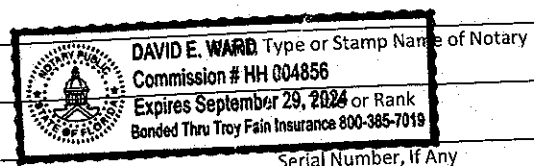
June 2, 2022
Date

STATE OF FL
COUNTY OF Leon

The foregoing instrument was acknowledged before me this 2 day of June, 2022
By Allen Weldon of _____ (Name of corporation acknowledging)
(Name of officer or agent, title of officer or agent)


a FLA 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.

David E. Ward
Signature of Notary



Employment Eligibility Verification

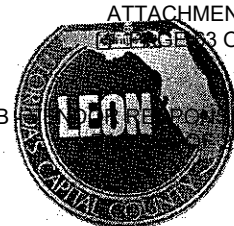
1. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. Contractor further agrees to provide to the County, within thirty days of the effective date of this 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 Agency 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 other authorized state entity consistent with the terms of the Memorandum of Understanding.
5. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of this contract and the County may treat a failure to comply as a material breach of the contract.


Signature

June 2, 2022
Date

SUBSTITUTE FORM W-9
REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION

EXHIBIT B



MAIL COMPLETED FORM AND DOCUMENTS TO:

CLERK OF CIRCUIT COURT & COMPTROLLER LEON COUNTY 301 S. Monroe Street #100 Tallahassee FL32301

PLEASE REFER TO FORM W9 INSTRUCTIONS FOR MORE INFORMATION

PART I: VENDOR INFORMATION

1. Legal Business Name: (As it appears on the IRS Income Tax return IRS EIN records, CP575, 147C - or - Social Security Administration records, Social Security Card, certified Form SSA7028)

Allen's Excavation Inc.

2. If you use a DBA/Trade Name, please list below:

N/A

3. Entity Type (Check only one),

- ☐ Individual / Sole Proprietor or single-member LLC
- ☐ C Corporation
- ☒ S Corporation
- ☐ Partnership
- ☐ Trust/estate

- ☐ Government (Local, State, Federal)
- ☐ Tax-Exempt organization under IRC Section 501 C _____
- ☐ Limited liability company. Enter tax classification (C=Corporation, S=S corporation, P=partnership) _____

4. 1099 Reporting: Services provided to the Board of County Commissioners Leon County by vendor, if not applicable skip:

- ☐ Health care or medical service
- ☐ Legal or attorney services
- ☐ Rental of Real Property
- ☐ Royalties
- ☐ Other _____

PART II: TAXPAYER IDENTIFICATION NUMBER (TIN) & TAXPAYER IDENTIFICATION TYPE

1. Enter your TIN here (DO NOT USE DASHES)

592584971

2. Taxpayer Identification Type (check appropriate box):

☒ Employer ID No. (EIN)☐ Social Security No. (SSN)☐ N/A (Non United States Business Entity)

PART III: ADDRESS

1. Address:

Address Line #1

6403 Woodville Hwy

Address Line #2

Address Line #3

2. Remittance Address, IF DIFFERENT:

Address Line #1

Address Line #2

Address Line #3

City

State

Zip + 4 Code

City

State

Zip + 4 Code

PART IV: CERTIFICATION

Under penalties of perjury, I certify that:

- The number shown on this form is my correct tax payer 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.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding

Printed Name

President

Printed Title

Allen Weldon

Signature

Allen Weldon

Email

dawward01@aol.com

Telephone Number

850-421-6872

Date (mm/dd/yyyy)

6-02-2022

PART V: DIRECT DEPOSIT (ACH) This is the County's preferred payment method

Warning: The Board of County Commissioners Leon County will not process International ACH Transactions (IAT). If any payment to you from the County will ever result in an IAT under National Automated Clearing House Association (NACHA) operating rules or if you are not sure if the rules apply to you DO NOT FILL OUT THIS SECTION OF THE FORM. Please provide a copy of a voided check or letter from bank confirming information indicated above.

Include a voided check or letter from financial institution if requesting ACH payments

Type of Account

☒ Checking☐ Savings

I acknowledge the IAT warning and authorize the Board of County Commissioners Leon County to initiate direct deposit of funds to the account and financial institution indicated, and to recover funds deposited in error if necessary in compliance with NACHA regulations.

Signature

Printed Name

Allen Weldon

PART VI: OFFICE USE ONLY

OFFICIAL / POC USE ONLY
BUSINESS UNIT

DATE (mm/dd/yyyy)

PHONE NO.

Page 434 of 1559

POC Initials

CLERK OF COURT FINANCE DEPARTMENT USE ONLY

Posted July 1, 2022

POC (Print name)

MINORITY AND WOMEN BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN

RESPONDENT: Allen's Excavation Inc

SOLICITATION NUMBER: BC-2022-021

DATE: 6-2-2022

All Respondents, including Minority Business Enterprise (MBE) firms and Women Business Enterprise (WBE) firms, must complete and submit this MWBE Participation Plan with their responses to be deemed responsive to the MWBE Section of this solicitation.

For MWBE participation in Leon County Government, City of Tallahassee, and Blueprint Intergovernmental Agency projects, certified MBE and WBE firms are certified by the Office of Economic Vitality Minority, Women, and Small Business Enterprise (MWSBE) Division. MBE and WBE firms that have their primary business location in Leon, Gadsden, Wakulla, or Jefferson County and that are certified by the Florida Department of Management Services Office of Supplier Diversity also qualify for MWBE participation.

To remain responsive, Respondents must utilize certified MBE and/or WBE firms to fulfill the project specific goal(s). The project specific goal(s) for this solicitation are specified in **Section 1.4** (City of Tallahassee and Blueprint solicitations) or in the **Minority, Women, and Small Business Enterprise (MWSBE) Overview** (Leon County Government solicitations). Respondents that do not meet or exceed the project specific goals must complete the Good Faith Effort Documentation Form to remain responsive, even if they meet a portion of the project specific goal(s).

All necessary MWBE information should be included on the MWBE Forms.

SECTION 1 – MWBE Participation

Complete the following tables for the base bid and any alternates, if applicable. Corresponding Respondent and Team Summary Tables should support the totals in the base bid/alternates. The Total Percentage is calculated by dividing the Total Dollar Amount of Certified Firm Participation by the Total Project Amount. The Certified MBE Firm Participation Total Dollar Amount will correspond to the sum of all dollars spent with Certified MBE Firms listed in the corresponding Respondent and Team Summary Table. The Certified WBE Firm Participation Total Dollar Amount will correspond to the sum of all dollars spent with Certified WBE Firms listed in the corresponding Respondent and Team Summary Table. Round to the nearest whole dollar.

Base Bid		
BASE BID	Total Dollar Amount	Total Percentage (Firm Participation ÷ Total Project Amount)
Total Project Amount	\$ 6,558,595.56	100%
Certified MBE Firm Participation	\$ 918,204.00	14 %
Certified WBE Firm Participation	\$ 570,274.00	9 %

Page 436 of 1559 ²

MINORITY AND WOMEN BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN
FOR RESPONSE
PAGE 27 OF 27**ACKNOWLEDGEMENT**

I hereby certify, as Respondent to this Solicitation, that the information provided herein is true and correct. I affirm that I have authority to bind Respondent to contractual agreements.

Respondent has communicated with the subcontractors and subconsultants identified herein, and those subcontractors and subconsultants understand that Respondent intends to utilize them on this project, if awarded. Respondent agrees that bad faith or dishonesty in the information provided on this MWBE Participation Plan Form is a violation of MWSBE Policy Section VIII.G. If awarded, Respondent agrees to utilize the firms identified herein, to endeavor to pay those firms the amounts identified herein to meet the project specific goals for this solicitation, to monitor the work of the firms, to provide subcontractor or subconsultant payment information to the MWSBE Division, and to abide by the MWSBE Policy.

Allen's Excavation Inc

Name of Respondent

Allen Weldon

Signature

Allen Weldon

Print Name

President

Title of Signatory

6-2-2022

Date

AGREEMENT

THIS AGREEMENT, by and between **LEON COUNTY, FLORIDA**, a charter county and a political subdivision of the State of Florida, hereinafter referred to as the ("County"), and **SANDCO LLC** hereinafter referred to as the ("Contractor"), both collectively referred to as (the "Parties") is entered into as of the date of last signature below ("Effective Date"). For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. SERVICES TO BE PROVIDED

The Contractor agrees to provide its services to the County to perform the Work related to the continued supply of sidewalk and associated work construction set forth in: 1) Bid# BC-2022-021, attached hereto and incorporated herein as Exhibit A; and 2) the Contractor's bid submission, attached hereto and incorporated herein as Exhibit B (collectively "Work"). If any provision contained in this Agreement conflicts with any provision in Exhibit A or Exhibit B, the provision contained in this Agreement shall govern and control.

2. WORK

Contractor understands that no amount of Work is guaranteed to it nor is the County under any 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 designee, which request shall set forth the commencement 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.

In their discretion, the Parties may negotiate for any related products or Work not specifically addressed herein, provided that this Agreement does not create any enforceable obligations regarding such products and Work.

3. TERM

The Agreement shall be for a period of two (2) years, commencing on August 1, 2022, and shall continue until July 31, 2024. After the initial two (2) year period, at the sole option of the County, this Agreement may be renewed for no more than one additional one (1) year periods. Such one (1) year renewals will be automatic unless the County provides written notice of non-renewal to the Contractor no less than thirty (30) days prior to the expiration date of the then current term.

4. TIME OF THE ESSENCE

Time is of the essence in performing the duties, obligations, and responsibilities required by this Agreement.

The term "Business Day" as it applies to a notice requirement or other such deadline in this Agreement, means any day occurring Monday through Friday, except when such day is deemed to be a Holiday. The term "Holiday" means any day observed as a holiday by the Leon County Board of County Commissioners pursuant BCC Policy 03-16, as may be amended, which, as of the Effective Date of this Lease, are the following days: New Year's Day, Martin Luther King Jr. Day, Florida Emancipation Day (May 20), Memorial Day, Independence Day, Labor Day, Election Day (first Tuesday after the first Monday in November in even-numbered years), Veteran's Day, Thanksgiving Day, Friday After Thanksgiving Day, and Christmas Day; provided, however, that when any of these observed holidays fall on a Saturday, the preceding Friday shall be the day observed as a holiday, and when any of these observed holidays falls on a Sunday, the following Monday shall be the day observed as a holiday. In addition, when New Year's Day and Christmas Day fall on a Thursday, the Friday

following those days shall also be observed as a holiday, and when New Year's Day and Christmas Day fall on a Tuesday, the Monday preceding those days shall also be observed as a holiday.

5. CONTRACT SUM

The Contractor agrees that for the performance of the Work 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 (Contract Sum).

6. PAYMENTS

The County shall make payments to the Contractor within forty-five (45) days of submission and approval of invoice for Work.

7. PROMPT PAYMENT INFORMATION REQUIREMENTS AND NOTICES

A. The County Project Manager is:

Name: Chris Muehlemann
Street Address: 2280 Miccosukee Road
City, State, Zip Code: Tallahassee, FL 32308
Telephone: 850-606-1536
E-mail: MuehlemannC@leoncountyfl.gov

B. The Contractor's Project Manager is:

Name: Abraham Aviles
Street Address: 4708 Capital Circle NW
City, State, Zip Code: Tallahassee, FL 32303
Telephone: 850-519-2937
E-mail: aaviles@sandcofl.com

C. Notices to the Contractor are to be submitted to:

Name: Abraham Aviles
Street Address: 4708 Capital Circle NW
City, State, Zip Code: Tallahassee, FL 32303
Telephone: 850-519-2937
E-mail: aaviles@sandcofl.com

D. Invoices are to be submitted to:

Name: Chris Muehlemann
Street Address: 2280 Miccosukee Road
City, State, Zip Code: Tallahassee, FL 32308
Telephone: 850-606-1536
E-mail: MuehlemannC@leoncountyfl.gov

E. Proper form for an invoice is:

A numbered document with date of invoice; reference to the County purchase order number; itemized listing of all goods and Work 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, and it shall be of no force and effect.

- F. Payment Dispute Resolution: Section 14.1 of the Leon County Purchasing Policy details the policy and procedures for payment disputes under this Agreement.

8. PRICE ESCALATION/DE-ESCALATION

Upon written request from the vendor no less than 45 days prior to each anniversary date of the agreement, and at the discretion of the County, a price increase may be negotiated. It is the intent of the County to not allow a price increase greater than the Producers Price Index-Composite as published by the U.S. Bureau of Labor Statistics at the time of the request for the previous twelve months or up to a maximum of 5% increase on the current pricing, whichever is lower. In the event that the PPI-Concrete is substantially higher than the PPI-Composite (when the PPI for concrete is 50% higher than the composite PPI), the County may allow the unit price for concrete to be adjusted using the PPI for concrete while the unit prices for remaining pay items to be adjusted using the composite PPI. Other price adjustments may be considered only in the event of an extraordinary factor such as a larger than 10% increase/decrease in the cost of petroleum products. The County may consider a price adjustment on a case-by-case basis upon the written request of the contractor. All adjustments in Product pricing shall be at the sole discretion of the County.

9. DISPUTES/REMEDIES

- A. All disputes arising under or relating to this Agreement shall be resolved in accordance with this Section, except for disputes related to payments and payment disputes, which shall be addressed and resolved in accordance with Leon County Policy 96-1, as amended.
- B. The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with the following procedure:
- 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) 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.
 - 5) 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.

10. 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.

11. INSURANCE

Contractor shall, at its sole expense, 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 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 and property damage per occurrence with a \$3,000,000 annual aggregate. Completed operations coverage will be provided for a period of three (3) years beyond termination and/or completion of the Project. Coverage must include bodily injury and property damage, including Premise/Operations: a per location aggregate, Broad Form Contractual liability; Broad Form Property Damage; Fire Legal liability; Independent Contractors coverage; Cross Liability & Severability of Interest Clauses; and Personal Injury, and coverage for explosion, collapse, and underground (X, C, U).
- 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.
- 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.

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 or self-insurance maintained by the County, its officers, officials, employees, or volunteers shall be in 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 are 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. 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.
- 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 the requirements stated herein.

12. PERMITS

The Contractor shall obtain all necessary permits as required by law to lawfully perform the obligations under this Agreement.

13. LICENSES & REGISTRATIONS

The Contractor shall be responsible for obtaining and maintaining any licenses, certifications, and/or registrations required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida, or any other applicable state or Federal law. Should the Contractor, by reason of revocation, failure to renew, or any other reason, fail to maintain its license, certification, and/or registration necessary to operate, the Contractor shall be in default of this Agreement as of the date such license, certification, and/or registration is lost.

The Contractor shall be registered to do business with the Florida Department of State prior to execution of this Agreement unless Contractor provides written verification of its exempt status (See applicable sections of Title XXXVI, Chapters 605 through 623, Florida Statutes).

14. WARRANTY OF PERFORMANCE

A. Warranty

The Contractor represents and warrants that it possesses the knowledge, skill, experience, and financial capability required to perform and provide all Work under this Agreement and that each person and entity that will perform

the Work is duly qualified to perform such Work by all appropriate governmental authorities, where required, and is sufficiently experienced and skilled in the area(s) for which such person or entity will perform such Work. The Contractor represents and warrants that the Work shall be performed in a skillful and respectful manner, and that the quality of all such Work shall equal or exceed prevailing industry standards for the performance of such Work.

B. Breach of Warranty

In entering into this Agreement, the Contractor acknowledges that the County is materially relying on the warranties stated in this paragraph. The County shall be entitled to recover any damages it incurs to the extent any such warranty is untrue. In addition, if any such warranty is untrue, the County shall have the right, at its sole discretion, to terminate this Agreement without any further liability to the County, to deduct from any amounts due Contractor under this Agreement the full amount of any value paid in violation of a warranty, and to recover all sums paid to Contractor under this Agreement.

15. ASSIGNMENTS

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

16. PAYMENT AND PERFORMANCE BOND

A Payment and Performance Bond in the amount of 100% of the estimated Contract Sum shall be supplied by the Contractor at the time of Agreement execution. Also, a Payment and Material Bond for the Contract Sum 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 Agreement dated _____, between Principal and Owner for construction of _____, the Agreement 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 Agreement; 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 Agreement for the time specified in the Agreement, 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 Agreement documents and compliance or noncompliance with any formalities connected with the Agreement 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.

17. INDEMNIFICATION

The Contractor shall indemnify and hold harmless the County, its officials, officers and employees from and against all claims, liabilities, damages, losses, costs, including, but not limited to, reasonable attorneys' fees, 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. 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 Contract Sum paid to the Contractor, and the promises and covenants herein, constitutes sufficient consideration for the Contractor's indemnification of the County, its officials, officers, and employees.

18. MINORITY BUSINESS ENTERPRISE (M/WBE) PARTICIPATION

The Contractor shall meet or exceed the M/WBE participation levels stated in the Contractor's M/WBE Participation Statement included as part of the Contractor's response for this project, see Exhibit B, attached hereto and made a part hereof.

The Contractor shall provide a monthly report to the Leon County Minority, Women and Small Business Enterprise Division in a format and manner prescribed by the Division. The report shall, at a minimum, indicate the business name of each certified Minority Business Enterprise or Women Business Enterprise sub-contractor utilized, the amount paid, the type of work performed, the appropriate invoice date, and the payment date to the Division.

Should Contractor's sub-contractor utilization fall below the level required in this Agreement or should Contractor substitute MWBE sub-contractors without prior written approval of the Division, the Contractor may be in breach of the Agreement. Contractors found in breach of the Agreement with the County may be suspended from bidding on and/or participating in any future County projects for up to three (3) years as provided in Section 15 of the Purchasing Policy 96-1, as may be amended.

Any change in the subcontractor utilization as listed on the participation plan (Exhibit B), must be approved by the MWSBE Division. Should the Contractor determine that the MWBE named in their participation plan submittal is unavailable or cannot perform the Work, the Contractor shall request a change order. Such change order must be submitted to the MWSBE Division in writing at 315 S. Calhoun Street, Suite 450, Tallahassee, Florida 32301 or by email

to Darryl Jones, Deputy Director at DJones@oevforbusiness.org, LaTanya Raffington at lraffington@oevforbusiness.org, or Shanea Wilks at swilks@oevforbusiness.org.

19. 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 this 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 Subsection B 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. That 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 this 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 AGREEMENT, 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**

20. MONITORING

The Agreement will require the Contractor to permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and Work of the Contractor 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 Contractor a written report of its findings and will include written recommendations with regard to the Contractor's performance of the terms and conditions of this

Agreement. The Contractor will correct all noted deficiencies identified by the County within the specified period of time set forth in the

recommendations. The Contractor'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 Contractor being deemed in breach or default of this Agreement; (2) the withholding of payments to the Contractor by the County; and (3) the termination of this Agreement for cause.

21. 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, in the County's opinion, the Work being performed is not satisfactory. In such case, the County may immediately terminate the Agreement effective upon mailing a notice of termination to the Contractor.

22. RIGHT TO INSPECT PLANT

The County may, at its discretion, inspect the part of the plant or place of business of the Contractor or any subcontractor which is related to the performance of this Agreement. The right expressed herein shall also be included in all contracts or subcontracts that involve the performance of any work or service involving the County.

23. PURCHASES BY OTHER PUBLIC AGENCIES

With the consent and agreement of the successful bidder(s), purchases may be made under this bid by other governmental agencies or political subdivisions within the State of Florida. Such purchases shall be governed by the same pricing, terms and conditions stated herein with no deviations allowed. This Agreement in no way restricts or interferes with the right of any public agency or political subdivision to bid any or all of the items or Work independently.

24. PUBLIC ENTITY CRIMES STATEMENT

In accordance with Section 287.133, Florida Statutes, Contractor hereby certifies that to the best of its knowledge and belief neither Contractor nor its affiliates has been convicted of a public entity crime. Contractor and its 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 termination of this Agreement by the County.

25. UNAUTHORIZED ALIEN(S)

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 grounds for termination of this Agreement by the County.

26. EMPLOYMENT ELIGIBILITY VERIFICATION

- A. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. Contractor further agrees to provide to the County, within thirty (30) days of the Effective Date of this Agreement, 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).

- B. Contractor further agrees that it will require each subcontractor that performs Work under this Agreement to enroll and participate in the E-Verify Program within sixty (60) days of the Effective Date of this Agreement or within sixty (60) days of the Effective Date of the Agreement 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.
- C. 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 this Agreement by Contractor to perform employment duties within Florida; and (b) all persons (including subcontractors) assigned by Contractor to perform Work pursuant to this Agreement.
 - 1) Contractor must use E-Verify to initiate verification of employment eligibility for all persons employed during the term of this Agreement by Contractor to perform employment duties within Florida within three (3) Business Days after the date of hire.
 - 2) Contractor must initiate verification of each person (including subcontractors) assigned by Contractor to perform Work pursuant to this Agreement within sixty (60) days of the date of execution of this Agreement or within thirty (30) days of assignment to perform Work pursuant to this Agreement, whichever is later.
- D. 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 other authorized state entity consistent with the terms of the Memorandum of Understanding.
- E. 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.

27. 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.

28. 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 this Agreement time as the sole and exclusive remedy for such resulting delay, in accordance with and to the extent specifically provided above.

29. 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 this Agreement, Contractor shall obtain the prior written consent of the County.

30. FORCE MAJEURE

If either of the Parties 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 (collectively "Force Majeure"), then the affected party shall be excused from performance hereunder during the period of inability to perform. 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 related to increased costs associated with fuel, labor, labor disputes, insurance, or other expenses of performing the obligations hereunder.

31. SOVEREIGN IMMUNITY

Nothing herein is intended to serve as a waiver of sovereign immunity by the County nor shall anything included herein be construed as consent by the County to be sued by third parties in any matter arising out of this Agreement. The County is included within the definition of "state agencies or subdivisions" in Section 768.28, Florida Statutes, and shall be responsible for the negligent or wrongful acts or omissions of its employees pursuant to Section 768.28, Florida Statutes.

32. THIRD PARTY BENEFICIARIES

Neither the County nor the Contractor intends to directly or substantially benefit a third party by this Agreement. Therefore, the Parties acknowledge that there are no third-party beneficiaries to this Agreement and no third party shall be entitled to assert a right or claim against either of the Parties based upon this Agreement.

33. LAW, JURISDICTION, VENUE, WAIVER OF JURY TRIAL

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Venue for all actions arising from, related to, or in connection with this Agreement shall be in the state courts of the Second Judicial Circuit in and for Leon County, Florida. If any claim arising from, related to, or in connection with this Agreement must be litigated in Federal court, the exclusive venue for any such lawsuit shall be in the United States District Court or United States Bankruptcy Court for the Northern District of Florida. By entering into this Agreement, the County and Contractor hereby expressly waive any rights either Party may have to a trial by jury of any civil litigation related to this Agreement.

34. CONSTRUCTION

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

35. SEVERABILITY

It is intended that each section of this Agreement shall be viewed as separate and divisible, and in the event that any section, or part thereof, shall be held to be invalid, the remaining sections and parts shall continue to be in full force and effect.

36. AMENDMENTS

No modification, amendment, or alteration in the terms or conditions contained in this Agreement shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by duly authorized representatives of the County and Contractor.

37. 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.

38. JOINT PREPARATION

The Parties have jointly prepared this Agreement, and this Agreement shall not be construed more strictly against either of the Parties.

39. COUNTERPARTS AND MULTIPLE ORIGINALS

This Agreement may be executed in multiple originals and in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

ORDER OF PRECEDENCE

1. Agreement
2. Exhibit A
3. Exhibit B

ATTACHMENTS

Exhibit A – Solicitation Document #BC-2022-021

Exhibit B – Contractor's Response to Solicitation #BC-2022-021

The remainder of this page intentionally left blank.

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 Knight, Clerk of the Court &
Comptroller, Leon County, Florida

BY: _____

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

Date: _____

SANDCO LLC

By: _____

Printed
Name _____

Title: _____

Date: _____

QUESTION & ANSWER REPORT
ITB No. BC-2022-021
Sidewalk and Associated Work Construction, CS

RESPONSE DEADLINE: June 2, 2022 at 2:00 pm

Tuesday, June 14, 2022

1. Question posed during Pre-Bid

May 13, 2022 12:47 PM

Question:

Inlets specified in bid pricing are for less than 10' in depth and no depth associated for pipe installation.

May 13, 2022 12:46 PM

Answered by Melanie Hooley:

Sidewalk projects typically do not have drainage structures and pipes that are deeper than 10'. A note is added to the bid pricing sheet: If sidewalk plans call for structures and pipes deeper than 10 feet, then the unit prices and quantity of those structures and pipes deeper than 10 feet will be negotiated prior to issuance of NTP.

May 13, 2022 12:47 PM

2. MWBE Aspirational Targets

May 18, 2022 1:04 PM

Question:

MWBE question posed during Pre-Bid: Can the MBE be addressed just by a percentage and not a dollar amount.

May 18, 2022 1:02 PM

Answered by Melanie Hooley:

Yes, Per MWSBE policy, when there are no dollar amounts ascribed to a project, like a continuing service solicitation, the assigned aspirational targets will still be applied. Respondents should list the certified firms and percentages that they intend to utilize.

May 18, 2022 1:04 PM

3. Maintenance of Traffic - FDOT

May 31, 2022 11:32 AM

Question:

Question received via e-mail after deadline, however in the interest of clarity Leon County has decided to address the question. Q: A course must be taken to receive this Certification and The FDOT require a Certified person with a card for MOT. Will a copy of this certification card suffice?

May 31, 2022 11:29 AM

Answered by Melanie Hooley:

Yes, a copy of the certification card will suffice. Please note that this certification must be current and up to date.

May 31, 2022 11:32 AM



INVITATION TO BID

FOR

SIDEWALK AND ASSOCIATED WORK CONSTRUCTION, CS

BID NUMBER BC-2022-021

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA

RELEASE DATE: April 21, 2022

Sidewalk and Associated Work Construction, CS

- I. Introduction
- II. Bidding Process
- III. Contractor Qualifications
- IV. Award and Contracting Process
- V. Minority, Women, Small Business (MWSBE) Enterprise
- VI. Required Certifications
- VII. Insurance Requirements
- VIII. Terms and Conditions
- IX. Specifications
- X. Vendor Questionnaire

Attachments:

- A - Bid Response Cover Sheet
- B - Forms for Solicitation_(withoutTeam Summary) 2022
- C - ITB MWBE Forms
- D - D-Bid Pricing Sheet-UPDATED
- E - Supplemental Specifications
- F - Porous Concrete Specifications
- G - Leon County Skip Curb Sidewalk
- H - Leon Typical s_w with curb and gutter SOD only
- I - Leon Typical s_w with Open Ditch SOD Only
- J - Draft Agreement

I. INTRODUCTION

A. Summary

Leon County is seeking the continuing supply services of a qualified vendor for the construction of sidewalks at various locations within Leon County, Florida. The scope of work to be performed under this bid will include sidewalk construction and any work associated with construction of a sidewalk within an open swale system or a curb & gutter system between the edge of the vehicular travel lane and the Right-of-way line including but not limited to enhancing and maintaining existing drainage system, driveway reconstruction, embankment or retaining wall construction to support the sidewalk, and shoulder reworking. All quantities represent good faith estimates made by Leon County. Actual in-place quantities may vary from those shown and described in the contract documents. Leon County does not guarantee purchase of the full amounts shown or indicated for any item within this document.

The Contractor must be either prequalified by the Florida Department of Transportation (FDOT) for the Sidewalks Specialty Class of Work or provide proof of three sidewalk projects constructed by the Contractor in the past three years totaling a minimum of 2,000 linear feet.

Copies of both the contractor's, and any proposed subcontractors' Certificate of Pre-Qualifications or proof of required sidewalk projects shall be submitted to Leon County concurrent with the bid. Failure to demonstrate FDOT Pre-Certification or required sidewalk projects in the fashion described shall result in the rejection of the bid.

It is the intent of the County to award to a primary and secondary vendor. The lowest bidder will be the primary contractor while the second lowest will be the secondary contractor. When the primary contractor cannot fulfill its contractual obligations such as responding to project requests in a timely manner, or delivery of the project according to the County's schedule, the County can give the assignment to the secondary contractor.

B. Contact Information

Melanie Hooley

Procurement Administrator

1800-3 Blair Stone Rd

Tallahassee, FL 32308

Email: hooleym@leoncountyfl.gov

Phone: [\(850\) 606-1600](tel:(850)606-1600)

Department:

Procurement

Department Head:

Shelly Kelley

Director of Purchasing

C. Timeline

Below 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: <https://secure.procurenow.com/portal/leoncounty/>.

Release Project Date	April 21, 2022
Pre-Bid Meeting (Mandatory)	May 11, 2022, 11:00am Leon County Purchasing Conference Room 1800-3 Blair Stone Road Tallahassee, FL 32308
Question Submission Deadline	May 17, 2022, 5:00pm
Proposal Submission Deadline	June 2, 2022, 2:00pm

II. BIDDING PROCESS

A. BIDDER INSTRUCTIONS

Bidders are expected to examine the specifications, delivery schedule, freight requirements, 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. Bids must be submitted electronically via ProcureNow.

B. 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 Leon County Administrator's Office using the Florida Relay Service which can be reached at 1(800) 955 8771 (TDD).

C. 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:

- A. Any person or person's representative seeking an award from such competitive solicitation; and
- B. 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, lawyer, relative, 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, communications with the County Attorney or communications with the Purchasing Director.

Violation of this section may result in disqualification from this solicitation and shall be grounds for suspension from doing business with the County.

D. 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. In order to register, you must create an account on the County's eProcurement Portal (<https://secure.procurenow.com/portal/leoncounty/>), browse to the bid, and then click the "Follow" button.

Failure to register through the Purchasing Division (<https://secure.procurenow.com/portal/leoncounty/>) may cause your submittal to be rejected as non-responsive.

E. 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 <https://secure.procurenow.com/portal/leoncounty/>. For those projects with separate plans, blueprints, or other materials that cannot be accessed through the internet, the Purchasing Division will make them available for pick up at the Purchasing Division. 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.

F. QUESTIONS AND CLARIFICATIONS

Questions may be submitted directly through the County's e-Procurement Portal located at <https://secure.procurenow.com/portal/leoncounty/>. Alternatively, if using email, questions pertaining to bid procedures or regarding the specifications should be addressed to both Shelly Kelley and Melanie Hooley, telephone (850) 606-1600; E-mail: kelleys@leoncountyfl.gov and hooleym@leoncountyfl.gov.

If using email, bidders are requested to send such requests to both representatives of the Purchasing Division. Electronic inquiries are preferred over phone.

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.

G. 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. The County's only method of submission is electronically via ProcureNow. Bids containing any conditions or irregularities of any kind may be rejected by the County. It is the intention of the County to award this bid based on the lowest total bid price based on the options selected by the County and/or other criteria herein contained meeting all specifications.

H. 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.

I. 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 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 bid tabulation will be made public and will be posted on the Purchasing Division website at: <https://secure.procurenow.com/portal/leoncounty/>.

Sealed bids 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.

J. BID GUARANTEE

Bids shall be accompanied by a \$50,000.00 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 the agreement 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.

K. 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: <https://secure.procurenow.com/portal/leoncounty/> by clicking the "Followers" tab on the the advertisement of the respective solicitation. A listing of the registered bidders with their email address is designed to assist bidders in preparation of their responses.

L. 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.

III. CONTRACTOR QUALIFICATIONS

The Contractor must be either prequalified by the Florida Department of Transportation (FDOT) for the Sidewalks Specialty Class of Work or provide proof of three sidewalk projects constructed by the Contractor in the past three years totaling a minimum of 2,000 linear feet.

Copies of both the contractor's, and any proposed subcontractors' Certificate of Pre-Qualifications or proof of required sidewalk projects shall be submitted to Leon County concurrent with the bid. Failure to demonstrate FDOT Pre-Certification or required sidewalk projects in the fashion described shall result in the rejection of the bid.

Contractors shall be licensed in the State of Florida as required by Chapter 489, Florida Statutes. Specific license type for this project shall be as indicated in F.S. sections 489.105(3)(a)-(q) as applicable to the scope of work of the project.

Proposed sub-contractors and/or if self-performing, the employee that is performing the work, must hold a license for any specialty work, based on the work required to complete this project.

IV. AWARD AND CONTRACTING PROCESS

A. AWARD OF BIDS

It is the intent of the County to award to a primary and secondary vendor. The lowest bidder will be the primary contractor while the second lowest will be the secondary contractor. When the primary contractor cannot fulfill its contractual obligations such as responding to project requests in a timely manner, or delivery of the project according to the County's schedule, the County can give the assignment to the secondary contractor. 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:

<https://secure.procurenw.com/portal/leoncounty/> 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 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.

Any bid award recommendation may be protested on the grounds of irregularities in the specifications, bid procedure, or the evaluation of the bid. Such notice of intent of bid protest shall be made in writing to the Purchasing Director within 72 hours after receipt of the intended recommendation of award and the protestor shall file a formal written bid challenge within 10 days after the date in which the notice of intent of bid protest has been submitted. Failure to file a notice of intent of bid protest or failure to file a formal written bid protest shall constitute a waiver of all rights granted under this section. At the time fixed for the opening of bids, the contents of the Bid Form will be made public for the information of Bidders and other interested parties, who may be present either in person or by representatives.

B. Agreement

After the bid award, the County, at its discretion, will prepare a purchase order or an agreement that specifies the terms and conditions resulting from the award of this bid. Every procurement for contractual services shall be evidenced by a written agreement. The awarded Bidder will have ten 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.

C. Payments

The County shall make payments to the Contractor within forty-five (45) days of submission and approval of invoice for services. The form of payment for the agreement may be through a County-issued purchase order and a check upon receipt and approval of invoices, or through a government credit card. Leon County has implemented a purchasing card program, using the Visa platform. Contractors may receive payment from County personnel by the purchasing card in the same manner as other Visa purchases. Visa acceptance is mandatory under this solicitation.

D. Termination

The County may terminate the agreement without cause, by giving the Contractor thirty (30) days written notice of termination. Either party may terminate the 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.

The agreement may be terminated by the County if the Contractor is found to have submitted a false certification as required under section 215.471 (5), Florida Statutes, been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or been engaged in business operations in Cuba or Syria.

E. 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 _____, 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.

V. MINORITY, WOMEN, SMALL BUSINESS (MWSBE) ENTERPRISE

A. MWSBE Overview

The Minority Women Small Business Enterprise (MWSBE) Policy of the City of Tallahassee, Leon County Government, and Blueprint Intergovernmental Agency applies to this solicitation. This solicitation has a project specific goal for the participation of Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) firms certified by the Office of Economic Vitality (OEV) MWSBE Division.

- Certified MBE Participation Project Specific Goal: 14%
- Certified WBE Participation Project Specific Goal: 9%

All respondents, including MBE firms, and WBE firms will meet the project specific goal(s) or demonstrate in their response that a good faith effort was made to meet the project specific goal(s). When an MBE or WBE firm is the prime contractor or consultant, the goal is fulfilled for their certification designation and the other portion of the goal, if present, must be fulfilled. For example, if a certified MBE firm responds to a solicitation as a prime contractor, the goal for MBE participation is fulfilled. The MBE prime contractor remains responsible for meeting the goal for WBE participation.

Certified MBE and WBE firms may participate by providing goods or services in support of the project as subcontractors or subconsultants identified on the Respondent and Team Summary Form.

B. MWSBE Responsive Responses

The MWSBE Division will deem responses responsive to the MWBE Section of the solicitation if they include a completed MWBE Participation Plan that is eligible for points and/or Good Faith Effort documentation.

Please complete an MWBE Participation Plan Form, include the MBE and WBE firms on your Respondent and Team Summary Form, and, if you are unable to meet the project specific goal, complete a Good Faith Effort Form. **To be eligible for evaluation, all MWBE Section Forms must be located in your response .**

If you are unable to meet the project specific goal for MBE and WBE participation, you must submit a Good Faith Effort Form documenting your efforts to identify MBE and WBE firms to participate in order for your response to remain responsive to this solicitation.

C. MWSBE Contact Information

Each Respondent is strongly encouraged to secure MBE and WBE firm participation. Respondents needing assistance or guidance with these requirements should contact LaTanya Raffington of the MWSBE Division at Lraffington@oevforbusiness.org OR Shanea Wilks of the MWSBE Division at Swilks@oevforbusiness.org. A directory of certified MBE and WBE firms is available on the OEV website: <https://oevforbusiness.mwsbe.com>.

VI. REQUIRED CERTIFICATIONS

A. Licenses and Registrations

The contractor shall be responsible for obtaining and maintaining throughout the contract period any licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida.

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.

B. Local Preference in Purchasing and Contracting

- A. 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:
 1. 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.
 2. 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.
 3. 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.
 4. For the purposes of this section, "home office" shall mean a business's principal office or headquarters constituting the center for administration and policymaking.
- B. Local business definition. For purposes of this section, "local business" shall mean a business which:
 1. 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
 2. Holds any business license required by the County, and, if applicable, the City of Tallahassee; and
 3. 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.
- C. 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."

C. 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 the agreement by the County. As part of the bid response to this solicitation, please complete and submit the attached form AFFIDAVIT CERTIFICATION IMMIGRATION LAWS.

D. 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.

E. 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.

F. Employment Eligibility Verification

- A. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. Contractor further agrees to provide to the County, within thirty days of the effective date of the agreement, 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).
- B. Contractor further agrees that it will require each subcontractor that performs work under the agreement to enroll and participate in the E-Verify Program within sixty days of the effective date of the agreement 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 Agency upon request.
- C. 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.

1. 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.
 2. 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 the agreement or within 30 days after assignment to perform work pursuant to the Agreement, whichever is later.
- D. 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 other authorized state entity consistent with the terms of the Memorandum of Understanding.
- E. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of the agreement and the County may treat a failure to comply as a material breach of the contract.

G. 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 origin, 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.

VII. INSURANCE REQUIREMENTS

A. Overview

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. If an apparent low bidder fails to comply strictly with the insurance requirements, that bidder may be disqualified from award of the contract.

The awarded 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.

B. General, Automobile, and Workers' Insurance

Contractor shall maintain limits no less than:

General Liability: \$1,000,000 combined single limit for bodily injury and property damage per occurrence with a \$3,000,000 annual aggregate. Completed operations coverage will be provided for a period of three (3) years beyond termination and/or completion of the project. Coverage must include bodily injury and property damage, including Premise/Operations: a per location aggregate, Broad Form Contractual liability; Broad Form Property Damage; Fire Legal liability; Independent Contractors coverage; Cross Liability & Severability of Interest Clauses; and Personal Injury, and coverage for explosion, collapse, and underground (X, C, U).

Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage, with a "Coverage Symbol 1:Any Auto" (Non-owned, Hired Car).

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.

C. Additional Required Insurance

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.

D. 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.

E. Other Insurance Provisions

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

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 in respect to 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 are made or suit is brought, except with respect to the limits of the insurer's liability.

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 written notice has been given to the County.

F. Acceptability of Insurers

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

G. 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.*

H. 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.

VIII. TERMS AND CONDITIONS

A. Standard Terms and Conditions

The terms and conditions associated with this solicitation are as set forth in the draft Agreement contained in the "Attachments" section of this solicitation. After the award of the solicitation, the County will finalize the preparation of the Agreement and forward it to the Firm awarded the bid, after which the Firm will have five days to execute the Agreement and return it to the County.

B. 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.

C. 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.

D. Penalties

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

- A. Failure to perform according to agreement provisions.
- B. Conviction in a court of law of any criminal offense in connection with the conduct of business
- C. 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.
- D. 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.
- E. Other reasons deemed appropriate by the Board of County Commissioners.

E. Price Escalation/De-Escalation

Upon written request from the vendor no less than 45 days prior to each anniversary date of the agreement, and at the discretion of the County, a price increase may be negotiated. It is the intent of the County to not allow a price increase greater than the Producers Price Index-Composite as published by the U.S. Bureau of Labor Statistics at the time of the request for the previous twelve months or up to a maximum of 5% increase on the current pricing, whichever is lower. In

the event that the PPI-Concrete is substantially higher than the PPI-Composite (when the PPI for concrete is 50% higher than the composite PPI), the County may allow the unit price for concrete to be adjusted using the PPI for concrete while the unit prices for remaining pay items to be adjusted using the composite PPI. Other price adjustments may be considered only in the event of an extraordinary factor such as a larger than 10% increase/decrease in the cost of petroleum products. The County may consider a price adjustment on a case-by-case basis upon the written request of the contractor. All adjustments in Product pricing shall be at the sole discretion of the County.

IX. SPECIFICATIONS

A. PURPOSE/SCOPE

Leon County is seeking the continuing supply services of a qualified vendor for the construction of sidewalks at various locations within Leon County, Florida. The scope of work to be performed under this bid will include sidewalk construction and any work associated with construction of a sidewalk within an open swale system or a curb & gutter system between the edge of the vehicular travel lane and the Right-of-way line including but not limited to enhancing and maintaining existing drainage system, driveway reconstruction, embankment or retaining wall construction to support the sidewalk, and shoulder reworking. All quantities represent good faith estimates made by Leon County. Actual in-place quantities may vary from those shown and described in the contract documents. Leon County does not guarantee purchase of the full amounts shown or indicated for any item within this document.

The initial agreement term will be two (2) years. After the initial two (2) year period, at the sole discretion of the County, this contract may be extended for no more than one additional one (1) year period. Such one year extension will be automatic unless the County provides written notice of non-renewal to the Contractor no less than thirty days prior to the expiration date of the current term.

B. GENERAL REQUIREMENTS

This is to be a segmented project. Each segment will be a particular roadway in Leon County. Leon County will secure all necessary permits, excluding Permits specifically mentioned in the Special Provisions of these Technical Specifications and Permits mentioned in the plans that are the contractor's responsibility, prior to notifying the Contractor to proceed with particular segment. Upon receiving Notice to Proceed (NTP), the Contractor will have 15 calendar days to begin work on specified section.

The construction sequence and design notes will be shown on the construction plans and may be adjusted on site with Engineer's approval. Except when modified by the specifications for individual projects, the technical specifications herein, construction, procedure, materials, and equipment shall be in accordance with the following specifications and contract documents:

- A. Leon County Technical Specifications
- B. All standards and specifications called out on the construction plans.
- C. Manual on Uniform Traffic Control Devices (MUTCD), Federal Highway Administration, Latest Edition.
- D. Leon County Supplemental Specifications to FDOT Standard Specifications, July 2021
- E. Florida Department of Transportation Standard Specifications for Road and Bridge Construction, 2021 Edition.
- F. Florida Department of Transportation Design Standards, 2021 Edition.
- G. Americans with Disabilities Act, Latest Edition.

In the event of any conflict between the F.D.O.T. standard specifications and the specifications of this contract the specifications of this contract shall govern.

The County's project manager reserves the right to inspect projects at all stages of completion. In the event of unsatisfactory work, the Contractor shall make corrections or changes at no cost to Leon County. The Contractor shall consult with the County's project manager and Chief of Construction Management, or their designees for final inspection upon completion of each sidewalk installation.

C. SPECIAL PROVISIONS

- A minimum width of sidewalk shall be 5 feet with sufficient buffer between edge of road and sidewalk.
- Where insufficient buffer zone is present, other alternatives may be considered by the Engineer including but not limited to curb & gutter and boardwalk.
- The details of the sidewalk construction are depicted on the Typical Section Sheets.
- The minimum width of the sidewalk directly behind the concrete curb is six feet.
- Raised Sidewalk with French Drain may be used in environmentally sensitive area if required by Environmental Agencies.
- A National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities applies to this Contract when the project area is greater than one acre. It is the Contractor's responsibility to secure the NPDES permit prior to commencement of construction. Cost for the NPDES is incidental to project. A copy of the NPDES permit application form can be obtained through the Florida Department of Environmental Protection's web site at http://www.dep.state.fl.us/water/stormwater/npdes/permits_forms.htm.
- The Contractor shall exercise extreme care during all construction activities in proximity to utility poles and buried utilities. The Contractor shall be responsible to obtain and verify all necessary utility locations.
- The Contractor must be either prequalified by the Florida Department of Transportation (FDOT) for the Sidewalks Specialty Class of Work or provide proof of three sidewalk projects constructed by the Contractor in the past three years totaling a minimum of 2,000 linear feet.
- The Contractor or its subcontractor shall be certified by FDOT for maintenance of traffic.
- The Contractor shall furnish signage, barricades, lights and flagmen in accordance with the MUTCD and the FDOT's Maintenance of Traffic Specifications, within all construction areas. Safety equipment shall be kept and maintained in good working order. Should the County's project manager determine that an unsafe condition exists; the Contractor shall be required to stop work until the condition has been corrected. The correction of unsafe condition does not warrant extension of contract time.
- The pedestrian boardwalk pay item may be used at the discretion of the County.
- When the pedestrian boardwalk is used to connect the sidewalks over a wetland area or through an area with extremely steep back slopes, the minimum width (clearance) for pedestrian access on the bridge is five feet while sufficient buffer is provided between the edge of pavements and the pedestrian bridge.
- The price of the pedestrian boardwalk will be negotiated under the term of this contract and on the individual basis when the respective sidewalk project calls for it. The cost will include the installation of guardrail and end treatments along the length of boardwalk, if called for in plans.
- This contract is a Unit Price Contract and the work will be paid based on the actual quantities used during construction.
- Contractor understands that no amount of work is guaranteed 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.
- The liquidated damages are set based on the contract amount for each individual assigned project and according to the latest FDOT Standard Specifications for Road and Bridge Construction.

- The Contractor shall provide, as needed, a Sheriff's Deputy at their hourly rate, per Leon County's discretion. The Contractor shall pay the weekly invoice from the Sheriff's Department, and submit it to Leon County Public Works Department without any markup cost for reimbursement.
- Construction Layout and Certified As-Built Survey are incidental to each Sidewalk Project.
- Item No. 110-1-1 Clearing and Grubbing - Consists of complete removal and disposal of all vegetation, debris, drainage structures, flexible pavement, buildings or any other obstructions in all areas where excavation is to be done, or where embankments or structures will be constructed. This includes roadway area, ditch area, borrow and material pits, and areas where culverts or pipe lines will be constructed. Also includes shrub and tree trimming identified in the contract documents. This item will be paid on an Acre Basis and shall not be co-mingled with any excavation material. Clearing and Grubbing material will not be paid as excavation.
- The Contractor shall provide a minimum one-year warranty on the materials and workmanship for the work performed under this contract including but not limited to the grass establishment and sidewalk pavement. The warranty shall commence upon completion of construction and after final acceptance by the County for each project.

D. SUPPLEMENTAL SPECIFICATIONS AND ADDITIONAL INFORMATION

For further information please see:

Attachment E - Supplemental Specifications

Attachment F – Porous Concrete Specifications

Attachment G - Leon County Skip Curb Sidewalk

Attachment H - Typical Sidewalk Location (with curb and gutter)

Attachment I – Typical Sidewalk Location (with open ditch)

X. VENDOR QUESTIONNAIRE

Bids must be submitted electronically via ProcureNow..

A. ACCEPTANCE OF COUNTY TERMS AND CONDITIONS*

Leon County objects to and shall not consider any additional terms or conditions submitted by a bidder, including any appearing in documents attached as part of a bidder's response. In submitting its bid response, a bidder 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 bid response, shall be grounds for rejecting a bid response or placing a bidder in default.

☐ Please confirm

*Response required

B. Human Trafficked Labor*

I certify that this firm does not utilize human trafficked labor in compliance with Section 787.06, Florida Statutes.

☐ Please confirm

*Response required

C. Bid Guarantee*

A Bid Bond is required for this project. Please upload your Bid Bond here.

If submitting a Cashier's Check in lieu of a Bid Bond, please scan a copy of the cashier's check, upload here, and also mail the original cashier's check to:

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

The mailing must have the Project ID (BC-2022-021), the Project Title (Sidewalk and Associated Work Construction, CS), and the Company Name printed clearly on the front of the envelope.

This must be postmarked no later than the date of the bid opening or your bid may be considered non-responsive.

*Response required

D. Payment and Performance Bond*

A Payment and Performance Bond will be required for this project of the SUCCESSFUL BIDDER. Please confirm.

☐ Please confirm

*Response required

E. Bid Response Cover Sheet with Signature*

*Response required

F. Bid Pricing Form*

Please refer to Attachments for the Bid Pricing Form. Download, complete, and upload your response here.

*Response required

G. MWBE Information / Good Faith Effort*

All Respondents, including Minority Business Enterprise (MBE) firms and Women Business Enterprise (WBE) firms, must complete and submit the MWBE Participation Plan Form and any required documentation with your responses.

If you are unable to meet the project specific goal for MBE and WBE participation, in addition to the MWBE Participation Plan Form, you must also submit all Good Faith Effort Forms documenting your efforts to identify MBE and WBE firms to participate in order for your response to remain responsive to this solicitation.

To reiterate, regardless of whether you can meet the Goals or not, you must complete and submit the MWBE Participation Plan Form and any required documentation with your responses.

*Response required

H. Additional Forms to Fill Out and Submit*

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.

Please see the Attachments section for all the necessary forms for the bidder to complete for this solicitation.

- Affidavit Immigration Laws
- Equal Opportunity and Affirmative Action Statement
- Identical Tie Bid Statement
- Contractor's Business Information & Applicable Licenses/Registrations
- Non-Collusion Affidavit
- Insurance Certification Form
- Certification/Debarment Form
- Local Vendor Certification (if applicable)
- Employment Eligibility (E-Verify)
- Leon County Substitute Form W-9

*Response required

I. Prime Contractor or Sub-contractor Qualifications*

Submit all licenses, certifications, registrations, work class pre-qualifications, or other qualifying documentation required in the solicitation.

*Response required


BID RESPONSE COVER 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

Bill Proctor, Chairman
Leon County Government

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

	Sandco LLC
	_____ (Firm Name)
BY	 _____ (Authorized Representative)
	Behzad Ghazvini
	_____ (Printed or Typed Name)
ADDRESS	4708 Capital Circle NW
	_____ Tallahassee, FL 32303
EMAIL ADDRESS	aaviles@sandcofl.com
TELEPHONE	(850) 402-1111
FAX	(850) 402-7674

ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)

Addendum #1 dated 5/13/22 Initials Bh

Addendum #2 dated 5/17/22 Initials Bh

Addendum #3 dated 6/1/22 Initials Bh

QUESTIONNAIRE

1. ACCEPTANCE OF COUNTY TERMS AND CONDITIONS*☐ Pass ☐ Fail

Leon County objects to and shall not consider any additional terms or conditions submitted by a bidder, including any appearing in documents attached as part of a bidder's response. In submitting its bid response, a bidder 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 bid response, shall be grounds for rejecting a bid response or placing a bidder in default.

☒ Confirmed**2. Human Trafficked Labor***☐ Pass ☐ Fail

I certify that this firm does not utilize human trafficked labor in compliance with Section 787.06, Florida Statutes.

☒ Confirmed**3. Bid Guarantee***☐ Pass ☐ Fail

A Bid Bond is required for this project. Please upload your Bid Bond here.

If submitting a Cashier's Check in lieu of a Bid Bond, please scan a copy of the cashier's check, upload here, and also mail the original cashier's check to:


Leon County Government - Purchasing Division

1800-3 N. Blair Stone Road

Tallahassee, Florida 32308

The mailing must have the Project ID (BC-2022-021), the Project Title (Sidewalk and Associated Work Construction, CS), and the Company Name printed clearly on the front of the envelope.


This must be postmarked no later than the date of the bid opening or your bid may be considered non-responsive.

 [1-Bid_bond.pdf](#)

4. Payment and Performance Bond*☐ Pass ☐ Fail

A Payment and Performance Bond will be required for this project of the SUCCESSFUL BIDDER. Please confirm.

☒ Confirmed**5. Bid Response Cover Sheet with Signature***☐ Pass ☐ Fail

 [2-Bid_Response_Cover_sheet.pdf](#)

6. Bid Pricing Form*☐ Pass ☐ Fail

Please refer to Attachments for the Bid Pricing Form. Download, complete, and upload your response here.

 [3-_Bid_Pricing_sheet.pdf](#)

7. MWBE Information / Good Faith Effort*☐ Pass ☐ Fail

All Respondents, including Minority Business Enterprise (MBE) firms and Women Business Enterprise (WBE) firms, must complete and submit the MWBE Participation Plan Form and any required documentation with your responses.

If you are unable to meet the project specific goal for MBE and WBE participation, in addition to the MWBE Participation Plan Form, you must also submit all Good Faith Effort Forms documenting your efforts to identify MBE and WBE firms to participate in order for your response to remain responsive to this solicitation.

To reiterate, regardless of whether you can meet the Goals or not, you must complete and submit the MWBE Participation Plan Form and any required documentation with your responses.

 [4- MWBE.pdf](#)

8. Additional Forms to Fill Out and Submit*

☐ Pass ☐ Fail

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.

Please see the Attachments section for all the necessary forms for the bidder to complete for this solicitation.


- Affidavit Immigration Laws
- Equal Opportunity and Affirmative Action Statement
- Identical Tie Bid Statement
- Contractor's Business Information & Applicable Licenses/Registrations
- Non-Collusion Affidavit
- Insurance Certification Form
- Certification/Debarment Form
- Local Vendor Certification (if applicable)
- Employment Eligibility (E-Verify)
- Leon County Substitute Form W-9

 [5- Affidavit Certification, W9.pdf](#)

9. Prime Contractor or Sub-contractor Qualifications*

☐ Pass ☐ Fail

Submit all licenses, certifications, registrations, work class pre-qualifications, or other qualifying documentation required in the solicitation.

 [6- Licenses, Voided Ck.pdf](#)

Sandco LLC

BID PRICING SHEET SIDEWALK CONTINUING SUPPLY CONTRACT 2022

PAY ITEM	UNIT	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
101-1	LS	MOBILIZATION (Note 1)	1.5	\$430,106.90	\$430,106.90
102-1	DA	MAINTENANCE OF TRAFFIC (Note 6)	1095	\$650.00	\$711,750.00
102-99	PS/ED	PORTABLE CHANGEABLE MESSAGE SIGN, TEMP (Note 5)	1095	\$26.00	\$28,470.00
104-10-3	LF	SEDIMENT BARRIER	6,000	\$5.00	\$30,000.00
104-18	EA	INLET PROTECTION SYSTEM	60	\$300.00	\$18,000.00
110-1-1	AC	CLEARING AND GRUBBING (Note 9)	20.00	\$15,000.00	\$300,000.00
110-4-10	SY	REMOVAL OF EXISTING CONCRETE	60.00	\$15.00	\$900.00
110-7-1	EA	MAILBOX (FURNISH AND INSTALL)	150	\$150.00	\$22,500.00
120-1	CY	EXCAVATION REGULAR	7,500.00	\$9.00	\$67,500.00
120-6	CY	EMBANKMENT	6,500.00	\$15.00	\$97,500.00
160-4	SY	TYPE B STABILIZATION	180.00	\$5.00	\$900.00
285704	SY	OPTIONAL BASE GROUP 04 - LIMEROCK, LBR 100	180.00	\$18.00	\$3,240.00
285704	SY	OPTIONAL BASE GROUP 04 - RECYCLED CONCRETE AGGREGATE, LBR 150	180.00	\$18.00	\$3,240.00
400-1-2	CY	CONCRETE CLASS I (ENDWALL)	60	\$1,560.00	\$93,600.00
400-1-11	SY	CONCRETE CLASS I (RETAINING WALL)	200	\$1,560.00	\$312,000.00
425-1521	EA	INLETS (DITCH BOTTOM) TYPE 'C' <10'	20	\$7,080.00	\$141,600.00
425-1541	EA	INLETS (DITCH BOTTOM) TYPE 'D' <10'	25	\$9,450.00	\$236,250.00
425-1549	EA	INLETS (DITCH BOTTOM) TYPE "Modified" (Note 2)			
425-6	EA	VALVE BOX (ADJUST)	30	\$150.00	\$4,500.00
430174118	LF	PIPE CULVERT OPT. MATERIAL CLASS II (18") RCP	2,000	\$130.00	\$260,000.00
430174124	LF	PIPE CULVERT OPT. MATERIAL CLASS II (24") RCP	2,000	\$155.00	\$310,000.00
430174130	LF	PIPE CULVERT OPT. MATERIAL CLASS II (30") RCP	300	\$200.00	\$60,000.00
430174136	LF	PIPE CULVERT OPT. MATERIAL CLASS II (36") RCP	175	\$240.00	\$42,000.00
430174224	LF	PIPE CULVERT OPT. MATERIAL, OTHER-ELIP/ARCH 24"/S/CD	100	\$180.00	\$18,000.00
430984125	EA	MITERED END SECTION (18")	26	\$3,265.00	\$84,890.00
430984129	EA	MITERED END SECTION (24")	16	\$3,585.00	\$57,360.00
430984133	EA	MITERED END SECTION (30")	10	\$4,975.00	\$49,750.00
430984138	EA	MITERED END SECTION (36")	10	\$5,625.00	\$56,250.00
515-1-2	LF	PIPE HANDRAIL - GUIDERAIL (ALUMINUM)	500	\$55.00	\$27,500.00
515-2311	LF	PEDESTRIAN/BICYCLE RAILING, ALUMINUM, POWDER COATED	950	\$160.00	\$152,000.00
520-1-10	LF	CURB & GUTTER CONC. (TYPE F)	15,000	\$35.00	\$525,000.00
522-1	SY	SIDEWALK (4" THICK) W/ FIBER MESH ADDED	7,500.00	\$60.50	\$453,750.00
522-2	SY	SIDEWALK (6" THICK) W/ FIBER MESH ADDED	12,000.00	\$78.50	\$942,000.00
523-1	SY	PATTERNED/TEXTURED PAVEMENT (Paveway System)	250.00	\$185.00	\$46,250.00
527-2	SF	DETECTABLE WARNING (truncated dome mat)	300	\$28.60	\$8,580.00
536-1-1	LF	GUARDRAIL	400	\$55.00	\$22,000.00
550-10212	LF	FENCING, TYPE B, 0.5-5.0', W/ VINYL COATING	1,000	\$35.00	\$35,000.00
550-10420	LF	FENCING, WOOD FENCE, 5.1-6.0'	500	\$65.00	\$32,500.00
550-10228	LF	FENCE (RESET EXISTING)	750	\$55.00	\$41,250.00
570-1-1	SY	PERFORMANCE TURF	15,000.00	\$2.00	\$30,000.00
570-1-2	SY	PERFORMANCE TURF, SOD, CENTIPEDE	25,000.00	\$5.00	\$125,000.00
700-1-11	AS	SIGN, SINGLE POST	100	\$350.00	\$35,000.00
700-1-50	EA	SIGN, EXISTING (RELOCATE)	75	\$195.00	\$14,625.00
710-11123	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 12"	4,640.00	\$6.50	\$30,160.00
710-11101	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 6"	2,100.00	\$1.30	\$2,730.00
710-11201	LF	PAINTED PAVT MARK, STD, YELLOW, SOLID 6"	500.00	\$1.30	\$650.00
710-11123	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 12"	800.00	\$6.50	\$5,200.00
711-11123	LF	TRAFFIC STRIPE SOLID (THERMO) NON-SKID (WHITE) 12"	4,640.00	\$13.00	\$60,320.00
711-11101	LF	TRAFFIC STRIPE SOLID (THERMO) NON-SKID (WHITE) 6"	6,000.00	\$2.60	\$15,600.00
LC-010	LF	TREE PROTECTION	5,000	\$7.00	\$35,000.00
LC-030	SY	SIDEWALK (8" THICK) W/ FIBER MESH ADDED (Note 3)	1,000.00	\$99.50	\$99,500.00
LC-050	LF	PEDESTRIAN BOARDWALK (Note 4)			
LC-070	CY	2" BEDROCK SAND	782.00	\$55.00	\$43,010.00
LC-090	CY	30% AGGREGATE (SILICA OR GRANITIC BASED W/ MIN. 30% POROSITY)	195.00	\$75.00	\$14,625.00
LC-110	SY	D-3 FILTER FABRIC	5,182.00	\$1.15	\$5,959.30
LC-130	LF	CONCRETE SIDEWALK SKIP CURB (Note 7)	5,182.00	\$58.50	\$303,147.00
LC-180	CY	POROUS CONCRETE SIDEWALK (Note 8)	500.00	\$585.00	\$292,500.00
LC-220	LF	SAW CUT ASPHALT	15,000.00	\$2.50	\$37,500.00
LC-240	SY	SUPERPAVE ASPHALTIC CONCRETE, SP 9.5, 2 INCHES	500.00	\$35.00	\$17,500.00
GRAND TOTAL:					\$6,894,163.20

Note 1 8% of Final construction cost, excluding Maintenance of Traffic and Portable Changeable Message Sign, on an individual project basis

Note 2 Modified DBI may be required Size and Quantity will be determined on a project specific basis. Price will be negotiated on actual assignment.

Note 3 Needed at Intersecting Roads for Buses, Garbage Trucks, etc.

Note 4 Cost & quantity of Pedestrian Boardwalk Construction will be negotiated with actual assignment. The cost will include all materials and labor to construct boardwalk and the cost of installing appropriate guardrail and end treatments if needed based on separation from roadway and specified on plans.

Note 5 Item 102-99 used prior to construction for community outreach and during construction as part of MOT

Note 6 Item 102-1 shall not include VMS daily charge

Note 7 See Raised Sidewalk with French Drain Typical Section

Note 8 See Porous Concrete Technical Specifications

Note 9 Refer to special provisions Item 19 in the Technical Specifications

Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

Bid Bond

CONTRACTOR:

(Name, legal status and address)

Sandco, LLC
4708 Capital Circle NW
Tallahassee, FL 32303

OWNER:

(Name, legal status and address)

Board of County Commissioners, Leon County, FL
1800 North Blair Stone Road
Tallahassee, FL 32308

SURETY:

(Name, legal status and principal place of business)

United States Fire Insurance Company
305 Madison Avenue
Morristown, NJ 07960
Mailing Address for Notices
305 Madison Avenue
Morristown, NJ 07960

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

BOND AMOUNT: \$50,000.00 Fifty Thousand Dollars and 00/100

PROJECT:

(Name, location or address, and Project number, if any)

Sidewalk and Associated Work Construction, CS/ Bid #BC-2022-021/ Leon County, FL

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 2nd day of June, 2022.

(Witness)

(Witness) Margaret A. Schulz

Sandco, LLC

(Principal)

(Seal)

By:

(Title)

United States Fire Insurance Company

(Surety)

(Seal)

By:

(Title) Laura D. Mosholder, Attorney-in-Fact

**POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY**

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint: **Daniel Oaks; Jessica Reno; Kevin Wojtowicz; Laura Mosholder; John Neu**

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties not exceeding: **One Hundred Twenty Five Million Eight Hundred Dollars (\$125,800,000)**

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney revokes all previous Powers of Attorney issued on behalf of the Attorneys-In-Fact named above and expires on January 1, 2023.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;

(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 11th day of March, 2021.

UNITED STATES FIRE INSURANCE COMPANY



A.R.S.

Anthony R. Slimowicz, Executive Vice President

State of New Jersey }
County of Morris }

On this 11th day of March 2021, before me, a Notary public of the State of New Jersey, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

**SONIA SCALA
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES 3/25/2024
No. 2163686**

Sonia Scala

Sonia Scala, (Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 2nd day of June 2022

UNITED STATES FIRE INSURANCE COMPANY



Daniel Sussman

Daniel Sussman, Senior Vice President

*For verification of the authenticity of the Power of Attorney, please contact Pat Taber at 860-956-3424 or email: SuretyInquiries@amynntagroup.com

MINORITY AND WOMEN BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN**RESPONDENT:** Sandco LLC**SOLICITATION NUMBER:** BC-2022-021**DATE:** 05/31/22

All Respondents, including Minority Business Enterprise (MBE) firms and Women Business Enterprise (WBE) firms, must complete and submit this MWBE Participation Plan with their responses to be deemed responsive to the MWBE Section of this solicitation.

For MWBE participation in Leon County Government, City of Tallahassee, and Blueprint Intergovernmental Agency projects, certified MBE and WBE firms are certified by the Office of Economic Vitality Minority, Women, and Small Business Enterprise (MWSBE) Division. MBE and WBE firms that have their primary business location in Leon, Gadsden, Wakulla, or Jefferson County and that are certified by the Florida Department of Management Services Office of Supplier Diversity also qualify for MWBE participation.

To remain responsive, Respondents must utilize certified MBE and/or WBE firms to fulfill the project specific goal(s). The project specific goal(s) for this solicitation are specified in **Section 1.4** (City of Tallahassee and Blueprint solicitations) or in the **Minority, Women, and Small Business Enterprise (MWSBE) Overview** (Leon County Government solicitations). Respondents that do not meet or exceed the project specific goals must complete the Good Faith Effort Documentation Form to remain responsive, even if they meet a portion of the project specific goal(s).

All necessary MWBE information should be included on the MWBE Forms.

SECTION 1 – MWBE Participation

Complete the following tables for the base bid and any alternates, if applicable. Corresponding Respondent and Team Summary Tables should support the totals in the base bid/alternates. The Total Percentage is calculated by dividing the Total Dollar Amount of Certified Firm Participation by the Total Project Amount. The Certified MBE Firm Participation Total Dollar Amount will correspond to the sum of all dollars spent with Certified MBE Firms listed in the corresponding Respondent and Team Summary Table. The Certified WBE Firm Participation Total Dollar Amount will correspond to the sum of all dollars spent with Certified WBE Firms listed in the corresponding Respondent and Team Summary Table. Round to the nearest whole dollar.

MINORITY AND WOMEN BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN**Base Bid**

BASE BID		
	Total Dollar Amount	Total Percentage (Firm Participation ÷ Total Project Amount)
Total Project Amount	\$ 6,894,163.20	100%
Certified MBE Firm Participation	\$ 965,183.00	14% %
Certified WBE Firm Participation	\$ 620,475.00	9% %

BASE BID RESPONDENT AND TEAM SUMMARY

Firm Name (Prime and Subcontractor(s) or Subconsultant(s))	Vendor Phone & Email	Potential Scope of Work	Estimated Percentage of Services	Indicate the Category that Best Describes Each Firm Listed									
				Non-MWBE		Certified MWBE					Non-Certified MWBE		
				Non-Minority	Certified Small Business	African American	Asian American	Hispanic American	Native American	Non-Minority Female	African American	Asian American	Hispanic American
Sandco LLC	850-205-5229 aaviles@sandcofl.com	Entire Project	77	×									
Gaines & Son's LLC	850-693-4084 gainesandsons@hotmail.com	Striping etc.	14		×								
Persica Landscaping Co., Inc.	850-422-0002 jason@persica.com	Landscaping etc.	9										×
													×
TOTAL			100										

MINORITY AND WOMEN BUSINESS ENTERPRISE (MWBE) PARTICIPATION PLAN

ACKNOWLEDGEMENT

I hereby certify, as Respondent to this Solicitation, that the information provided herein is true and correct. I affirm that I have authority to bind Respondent to contractual agreements.

Respondent has communicated with the subcontractors and subconsultants identified herein, and those subcontractors and subconsultants understand that Respondent intends to utilize them on this project, if awarded. Respondent agrees that bad faith or dishonesty in the information provided on this MWBE Participation Plan Form is a violation of MWSBE Policy Section VIII.G. If awarded, Respondent agrees to utilize the firms identified herein, to endeavor to pay those firms the amounts identified herein to meet the project specific goals for this solicitation, to monitor the work of the firms, to provide subcontractor or subconsultant payment information to the MWSBE Division, and to abide by the MWSBE Policy.

Sandco LLC

Name of Respondent

Signature

Behzad Ghazvini

Print Name

Manager

Title of Signatory

05/31/22

Date

**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: Sandco LLC

Signature:  Title: Manager

STATE OF Florida
COUNTY OF Leon

Sworn to and subscribed before me this 31st day May, 2022.
of SANDCO, LLC

X

Personally known

OR Produced identification

(Type of
identification)


NOTARY PUBLIC

Notary Public - State of Florida

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.**

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: Manager
Firm: Sandco LLC
Address: 4708 Capital Circle NW, Tallahassee, FL 32303

Sandco, LLC

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.)

 X 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

Manager

Title

5/31/2022

Date

CONTRACTOR'S BUSINESS INFORMATIONCOMPANY INFORMATION

Name: Sandco, LLC	
Street Address: 4708 Capital Circle NW	
City, State, Zip: Tallahassee, FL 32303	
Taxpayer ID Number: 45-2536099	
Telephone: (850) 402-1111	Fax: (850) 402-7674
Trade Style Name:	

TYPE OF BUSINESS ORGANIZATION (check one)

<input checked="" type="checkbox"/>	Sole Proprietorship	<input checked="" type="checkbox"/>	Limited Liability Company
<input type="checkbox"/>	General Partnership	<input type="checkbox"/>	Joint Venture
<input type="checkbox"/>	Limited Partnership	<input type="checkbox"/>	Trust
<input type="checkbox"/>	Corporation	<input type="checkbox"/>	Other (specify)
<input type="checkbox"/>	Sub-chapter S Corporation		

State of Incorporation: Florida Date Established: 06/10/2011

AUTHORIZED SIGNATORIES/NEGOTIATORS

The Bidder represents that the following persons are authorized to sign and/or negotiate contracts and related documents to which the bidder will be duly bound:

Name	Title	Telephone	E-Mail
Behzad Ghazvini	Manager	(850) 402-1111	sghazvini@sandcofl.com
Mehran Ghazvini	Manager	(850) 402-1111	mghazvini@sandcofl.com
Jason Ghazvini	Manager	(850) 402-1111	jghazvini@homesbypremier.com

FLORIDA CONSTRUCTION INDUSTRIES LICENSING BOARD

Please provide the following information for all licenses required by Florida Statutes of the Prime Contractor for the performance of the work in this project.

Primary Licensee: Behzad Ghazvnini	
License Type: General Contractors and Underground Utility and Excavation	
License Number: CG1519107 and CUC051682	Expiration Date: 08/31/2022
Qualified Business License (certificate of authority) number: N/A	
Alternate Licensee: N/A	
License Type: N/A	
License Number: N/A	Expiration Date: N/A

Bidder may use additional sheets to provide information for all applicable licenses and shall provide copies of each license as a part of the bid submittal.

LIST COMPANIES FROM WHOM YOU OBTAIN SURETY**BONDS Surety Company 1**

Company Name	Nielson, Wojtowicz, Neu, & Associates
Contact's Name	Margie Schulz
Telephone	(727) 258-0802
Fax	(727) 209-1335
Address	1000 Central Avenue, Suite 200 St. Petersburg, FL 33705


Surety Company 2

Company Name	N/A
Contact's Name	N/A
Telephone	N/A
Fax	N/A
Address	N/A

Present Amount of Bonding Coverage (\$):	Has your application for surety bond ever been declined? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(If yes, please provided detailed information on reverse)</i>	During the past 2 years, have you been charged with a failure to meet the claims of your subcontractors or suppliers? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>(If yes, please provided detailed information on reverse)</i>
--	--	--

THE UNDERSIGNED, A DULY AUTHORIZED OFFICER OR EMPLOYEE, HEREBY CERTIFIES THAT THE ABOVE INFORMATION IS TRUE AND CORRECT AND HAS HEREUNTO SET HIS SIGNATURE

THIS 31st DAY OF May, 2022.

By:  Title: Manager

Printed Name and Title: Behzad Ghazvini, Manager



NIELSON, WOJTOWICZ, NEU & ASSOCIATES
A NIELSON HOOVER GROUP COMPANY



April 8, 2022

RE: Sandco, LLC

To Whom It May Concern:

This is to advise you that our office provides Bid, Performance, and Payment Bonds for **Sandco, LLC** with **Aspen American Insurance Company**, which carries an AM Best Rating of **A XV** and is listed in the Department of the Treasury's Federal Register. The home office address is 175 Capital Boulevard, Suite300, Rocky Hill, CT 06067.

Based upon normal and standard underwriting criteria at the time of the request, we should be in a position to provide Bid, Performance and Payment Bonds in the amount of **\$10,000,000** for a single project and **\$25,000,000** aggregately. We obviously reserve the right to review final contractual documents, bond forms and obtain satisfactory evidence of funding prior to final commitment to issue bonds, and we cannot assume liability to any third party, including you, if we do not execute said bonds.

Sandco, LLC is an excellent contractor and we hold them in highest regard. We are extremely confident in our contractor and encourage you to offer them an opportunity to execute any upcoming projects.

This letter is not an assumption of liability, nor is it a bid or performance and payment bond. It is issued only as a bonding reference requested by our respected client. We do not assume liability to any third party, including you, if we do not execute said bonds.

If you should have any questions, please do not hesitate to give me a call.

Sincerely,

Jessica Reno
Producer
JR/mas

1000 Central Avenue
Suite 200
St. Petersburg, FL 33705
P: 727.209.1803
F: 727.209.1335
W: nielsonbonds.com

NON-COLLUSION AFFIDAVIT

The undersigned being first duly sworn as provided by law, deposes and says:

1. This Affidavit is made with the knowledge and intent that it is to be filed with Leon County Government, Leon County, Florida and that it will be relied upon by said County, in any consideration which may give to and any action it may take with respect to this Proposal.
2. The undersigned is authorized to make this Affidavit on behalf of,
Sandco, LLC
(Name of Corporation, Partnership, Individual, etc.)
a Limited Liability Company, formed under the laws of Florida
(Type of Business) (State or Province)
of which he/she is Manager
(Sole Owner, partner, president, etc.)
3. Neither the undersigned nor any other person, firm or corporation named in above Paragraph 2, nor anyone else to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action for this Proposal by the County, also that no head of any department or employee therein, or any officer of Leon County, Florida is directly interested therein.
4. This Proposal is genuine and not collusive or a sham; the person, firm or corporation named above in Paragraph 2 has not colluded, conspired, connived or agreed directly or indirectly with any bidder or person, firm or corporation, to put in a sham Proposal, or that such other person, firm or corporation, shall refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the prices of said proposal or proposals of any other bidder; and all statements contained in the proposal or proposals described above are true; and further, neither the undersigned, nor the person, firm or corporation named above in Paragraph 3, has directly or indirectly submitted said proposal or the contents thereof, or divulged information or data relative thereto, to any association or to any member or agent thereof.

Behzad Ghazvini

AFFIANT'S NAME

Manager

AFFIANT'S TITLE

TAKEN, SWORN AND SUBSCRIBED TO BEFORE ME this 31st Day of May, 2022.

Personally Known X Or Produced Identification

Type of Identification


NOTARY PUBLIC

(Print, Type or Stamp Commission Name of Notary Public)

My Commission Expires:



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:

A

XV

Business Auto:

Indicate Best Rating:

Indicate Best Financial Classification:

A

XV

Professional Liability:

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:

A

XV

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.

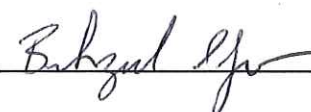
Professional Liability Policy Declaration sheet as well as claims procedures for each applicable policy to be provided

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 Behzad Ghazvini
Typed or Printed

Signature 

Date 05/31/2022

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



CERTIFICATE OF LIABILITY INSURANCE

ATTACHMENT #2

PAGE 59 OF 68

DATE (MM/DD/YYYY)

06/01/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Brown & Brown of Florida, Inc. 655 N. Franklin Street Suite 1900 Tampa FL 33602		CONTACT NAME: Patricia Oliver PHONE (A/C, No, Ext): (813) 349-2243 E-MAIL ADDRESS: Patricia.Oliver@bbrown.com FAX (A/C, No): (813) 226-1313	
INSURED Sandco, LLC 4708 Capital Cir NW Tallahassee FL 32303		INSURER(S) AFFORDING COVERAGE INSURER A: National Union Fire Insurance Company of Pittsburgh PA INSURER B: New Hampshire Insurance Company INSURER C: Arch Specialty Insurance Company INSURER D: INSURER E: INSURER F:	
		NAIC # 19445 23841 21199	

COVERAGES**CERTIFICATE NUMBER:** 22-23 Master**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		5857015	06/01/2022	06/01/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 25,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	Y		5717960	06/01/2022	06/01/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ PIP-Basic \$ 10,000
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ Nil	Y		UXP1043031-01	06/01/2022	08/01/2023	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	Y	WC 014-19-5912	06/01/2022	06/01/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Umbrella follows form with the General and Auto Policies as well as the Workers Compensation Policy.

30 Notice of Cancellation required

CERTIFICATE HOLDER**CANCELLATION**Leon County DSEM
435 N. Macomb Street
Renaissance Center, 2nd Flr.
Tallahassee

FL 32301

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

ADDITIONAL COVERAGES

Ref #	Description Medical payments	Coverage Code MEDPM	Form No.	Edition Date
Limit 1 5,000	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description Uninsured motorist combined single limit	Coverage Code UMCSL	Form No.	Edition Date
Limit 1 20,000	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description Each Occurrence Limit:	Coverage Code	Form No.	Edition Date
Limit 1 3,000,000	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description General Aggregate:	Coverage Code	Form No.	Edition Date
Limit 1 3,000,000	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description Products / Completed Ops Aggregate:	Coverage Code	Form No.	Edition Date
Limit 1 3,000,000	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description Experience Mod Factor 1	Coverage Code EXP01	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				\$0.00
Ref #	Description DRUG FREE WORK PLACE CR	Coverage Code DFREE	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description Workplace Safety Cr	Coverage Code SFTY2	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description Waive of Subrogation	Coverage Code WSUBR	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				
Ref #	Description	Coverage Code	Form No.	Edition Date
Limit 1	Limit 2	Limit 3	Deductible Amount	Deductible Type
Premium				

OFADTLCV

Copyright 2001, AMS Services, Inc.

**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

Manager

Title

Sandco, LLC

Contractor/Firm

4708 Capital Circle NW, Tallahassee, FL 32303

Address

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:

- 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 Leon County (or one of the other local counties), 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.

Please complete the following in support of the self-certification.

Failure to provide the information requested will result in denial of certification as a local business.

Business Name: Sandco, LLC	
Current Local Address: 4708 Capital Circle NW, Tallahassee, FL 32303	Phone: (850) 401-1111 Fax: (850) 402-7674
If the above address has been for less than six months, please provide the prior address. n/A	
Length of time at this address:	
Home Office Address: Same as above	Phone: Fax:

Behzad Ghazvini
Signature of Authorized Representative

5/31/2022

Date

Florida

STATE OF

COUNTY OF Leon

The foregoing instrument was acknowledged before me this 31st day of May, 2022
By Behzad Ghazvini of Sandco, LLC
(Name of officer or agent, title of officer or agent) (Name of corporation acknowledging)

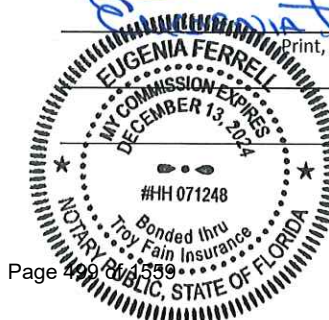
a Florida Corporation, on behalf of the corporation. He/she is personally known to me
(State or place of incorporation)
or has produced _____ as identification.

Eugenia Ferrell
Signature of Notary

Print, Type or Stamp Name of Notary

Title or Rank

Serial Number, If Any



Employment Eligibility Verification

1. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. 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 Agency 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 other authorized state entity consistent with the terms of the Memorandum of Understanding.
5. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of this contract and the County may treat a failure to comply as a material breach of the contract.



Signature

5/31/2022

Date

BOARD OF COUNTY COMMISSIONERS LEON COUNTY
SUBSTITUTE FORM W-9
REQUEST FOR TAXPAYER IDENTIFICATION NUMBER AND CERTIFICATION



DO NOT SEND TO
IRS - SUBMIT
FORM TO
REQUESTING
AGENCY

FCD 04/2016

MAIL COMPLETED FORM AND DOCUMENTS TO:

CLERK OF CIRCUIT COURT & COMPTROLLER LEON COUNTY 301 S. Monroe Street #100 Tallahassee FL32301

PLEASE REFER TO FORM W9 INSTRUCTIONS FOR MORE INFORMATION

PART I: VENDOR INFORMATION

1. Legal Business Name: (As it appears on the IRS Income Tax return IRS EIN records, CP575, 147C - or - Social Security Administration records, Social Security Card, certified Form SSA7028)

Sandco, LLC

2. If you use a DBA/Trade Name, please list below:

N/A

3. Entity Type (Check only one),

☐ Individual / Sole Proprietor or single-member LLC☐ C Corporation☐ S Corporation☐ Partnership☐ Trust/estate☐ Government (Local, State, Federal)☐ Tax-Exempt organization under IRC Section 501 C _____☒ Limited liability company. Enter tax classification (C=Corporation, S=S corporation, P=partnership)

4. 1099 Reporting: Services provided to the Board of County Commissioners Leon County by vendor, if not applicable skip:

☐ Health care or medical service☐ Royalties☐ Legal or attorney services☐ Other _____☐ Rental of Real Property**PART II: TAXPAYER IDENTIFICATION NUMBER (TIN) & TAXPAYER IDENTIFICATION TYPE**

1. Enter your TIN here (DO NOT USE DASHES)

4 5 2 5 3 6 0 9 9

2. Taxpayer Identification Type (check appropriate box):

☒ Employer ID No. (EIN)☐ Social Security No. (SSN)☐ N/A (Non United States Business Entity) ☐**PART III: ADDRESS**

1. Address:

Address Line #1

4708 Capital Circle NW

Address Line #2

Address Line #3

City
TallahasseeState
FLZip + 4 Code
32303-7256

2. Remittance Address, IF DIFFERENT:

Address Line #1

Address Line #2

Address Line #3

City

State

Zip + 4 Code

PART IV: CERTIFICATION

Under penalties of perjury, I certify that:

- The number shown on this form is my correct tax payer 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.

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding

Printed Name
Behzad GhazviniPrinted Title
ManagerTelephone Number
(850) 402-1111

Signature

Email
sghazvini@sandcofl.comDate (mm/dd/yyyy)
05/31/2022**PART V: DIRECT DEPOSIT (ACH) This is the County's preferred payment method**

Warning: The Board of County Commissioners Leon County will not process International ACH Transactions (IAT). If any payment to you from the County will ever result in an IAT under National Automated Clearing House Association (NACHA) operating rules or if you are not sure if the rules apply to you DO NOT FILL OUT THIS SECTION OF THE FORM. Please provide a copy of a voided check or letter from bank confirming information indicated above.

Include a voided check or letter from financial institution if requesting ACH payments

Type of Account



Checking



Savings

I acknowledge the IAT warning and authorize the Board of County Commissioners Leon County to initiate direct deposit of funds to the account and financial institution indicated, and to recover funds deposited in error if necessary in compliance with NACHA regulations.

Signature

Printed Name
Behzad Ghazvini**PART VI: OFFICE USE ONLY**

OFFICIAL / POC USE ONLY

BUSINESS UNIT

DATE (mm/dd/yyyy)

PHONE NO.

POC (Print name)

POC Initials

CLERK OF COURT FINANCE DEPARTMENT USE ONLY



Ron DeSantis, Governor

Halsey Beshears, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE GENERAL CONTRACTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES



LICENSE NUMBER: CGC1519107

EXPIRATION DATE: AUGUST 31, 2022

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



Ron DeSantis, Governor

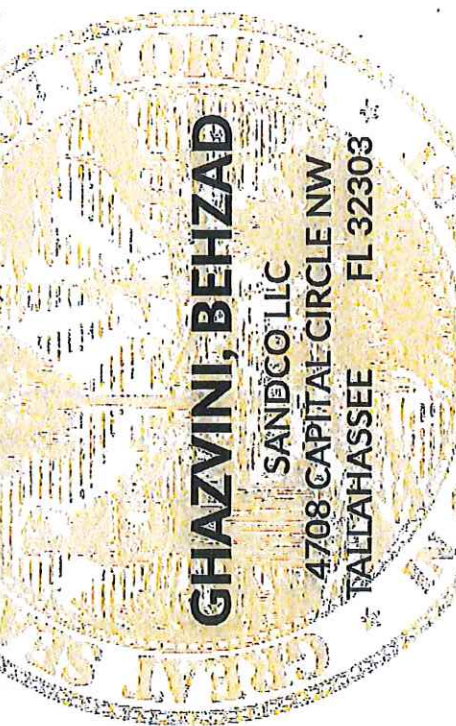
Halsey Beshears, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE UNDERGROUND UTILITY & EXCAVATION CO HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES



LICENSE NUMBER: CUC051682

EXPIRATION DATE: AUGUST 31, 2022

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

Certificate of Completion

MICHAEL CONNER

**Has Completed a Florida Department of
Transportation Approved Temporary Traffic
Control (TTC) Advanced Course.**

05/22/2024

186

Steven Corbitt

62391

Date Expires

FDOT Provider #

Instructor

Certificate #



North Florida Safety Council
2002 Old St. Augustine Rd. Ste E42
Tallahassee, FL 32301
www.nflasafety.com
nabshire@nflasafety.com



For more information about Temporary Traffic
Control (TTC) or to verify this certificate
www.motadmin.com



Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

KEVIN J. THIBAUT, P.E.
SECRETARY

June 2, 2021

SANDCO LLC
4708 CAPITAL CIRCLE, NW
TALLAHASSEE, FLORIDA 32303

RE: CERTIFICATE OF QUALIFICATION

Dear Sir/Madam:

The Department of Transportation has qualified your company for the type of work indicated below. Unless your company is notified otherwise, this Certificate of Qualification will expire 6/30/2022. However, the new application is due 4/30/2022.

In accordance with S.337.14 (1) F.S. your next application must be filed within (4) months of the ending date of the applicant's audited annual financial statements.

If your company's maximum capacity has been revised, you can access it by logging into the Contractor Prequalification Application System via the following link:
<HTTPS://fdotwpl.dot.state.fl.us/ContractorPreQualification/>

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

FDOT APPROVED WORK CLASSES:

DRAINAGE, FENCING, FLEXIBLE PAVING, GRADING, GRASSING, SEEDING AND SODDING, GUARDRAIL, HOT PLANT-MIXED BITUM. COURSES, MINOR BRIDGES, Underground Utilities (Water & Sewer)

You may apply for a Revised Certificate of Qualification at any time prior to the expiration date of this certificate according to Section 14-22.0041(3), Florida Administrative Code (F.A.C.), by accessing your most recently approved application as shown above and choosing "Update" instead of "View." If certification in additional classes of work is desired, documentation is needed to show that your company has done such work with your own forces and equipment or that experience was gained with another contractor and that you have the necessary equipment for each additional class of work requested.

All prequalified contractors are required by Section 14-22.006(3), F.A.C., to certify their work underway monthly in order to adjust maximum bidding capacity to available bidding capacity. You can find the link to this report at the website shown above.

Sincerely,

Darlene Anderson, for

Alan Autry, Manager
Contracts Administration Office

AA:cg

Improve Safety, Enhance Mobility, Inspire Innovation
www.fdot.gov

**LEON COUNTY PURCHASING DIVISION
BID TABULATION SHEET
BC-2022-021**

Attachment #3
Page 1 of 2

Bid Title: Sidewalk and Associated Work Construction, CS
Opening Date: Thursday, June 2, 2022 at 2:00 PM

Vendor	Allen's Excavation	Capital Asphalt	Hale Contracting	Pyramid Excavation
Response Sheet with Manual Signature	✓	✓	✓	✓
MWSBE Forms	✓	✓	✓	✓
Affidavit Immigration	✓	✓	✓	✓
Equal Opportunity and Affirmative Action	✓	✓	✓	✓
Identical Tie Bids	✓	✓	✓	✓
Contractor's Business Information/Applicable Licenses/Registrations	✓	✓	✓	✓
Non-Collusion Affidavit	✓	✓	✓	✓
Insurance Certification	✓	✓	✓	✓
Certification/Debarment	✓	✓	✓	✓
Local Vendor Certification	✓	✓	✓	✓
E-Verify	✓	✓	✓	
Leon County Substitute Form W-9				
FDOT Pre Qual or Equivalent	✓	✓	✓	✓
Bid Bond	✓	✓	✓	✓
Bid Pricing Form	6,558,545.56	8,494,140.72	9,628,330.00	6,334,775.98

Tabulated By:

W B Hooley

Jim Kunkel

**LEON COUNTY PURCHASING DIVISION
 BID TABULATION SHEET
 BC-2022-021**

Attachment #3
 Page 2 of 2

Bid Title: Sidewalk and Associated Work Construction, CS
Opening Date: Thursday, June 2, 2022 at 2:00 PM

Vendor	<i>Sandco</i>			
Response Sheet with Manual Signature	✓			
MWSBE Forms	✓			
Affidavit Immigration	✓			
Equal Opportunity and Affirmative Action	✓			
Identical Tie Bids	✓			
Contractor's Business Information/Applicable Licenses/Registrations	✓			
Non-Collusion Affidavit	✓			
Insurance Certification	✓			
Certification/Debarment	✓			
Local Vendor Certification	✓			
E-Verify	✓			
Leon County Substitute Form W-9				
FDOT Pre Qual or Equivalent	✓			
Bid Bond	✓			
Bid Pricing Form	<i>6,894,163.20</i>			

Tabulated By:

WBAoley

Jim Kouklund

ALLEN'S EXCAVATION, INC.

BID PRICING SHEET
SIDEWALK CONTINUING SUPPLY CONTRACT 2022

PAY ITEM	UNIT	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
101-1	LS	MOBILIZATION (Note 1)	LS	\$451,038.56	\$451,038.56
102-1	DA	MAINTENANCE OF TRAFFIC (Note 6)	1095	\$250.00	\$273,750.00
102-99	PS/ED	PORTABLE CHANGEABLE MESSAGE SIGN, TEMP (Note 5)	1095	\$35.00	\$38,325.00
104-10-3	LF	SEDIMENT BARRIER	6,000	\$5.00	\$30,000.00
104-18	EA	INLET PROTECTION SYSTEM	60	\$135.00	\$8,100.00
110-1-1	AC	CLEARING AND GRUBBING (Note 9)	20.00	\$15,000.00	\$300,000.00
110-4-10	SY	REMOVAL OF EXISTING CONCRETE	60.00	\$135.00	\$8,100.00
110-7-1	EA	MAILBOX (FURNISH AND INSTALL)	150	\$350.00	\$52,500.00
120-1	CY	EXCAVATION REGULAR	7,500.00	\$15.00	\$112,500.00
120-6	CY	EMBANKMENT	6,500.00	\$30.00	\$195,000.00
160-4	SY	TYPE B STABILIZATION	180.00	\$15.00	\$2,700.00
285704	SY	OPTIONAL BASE GROUP 04 - LIMEROCK, LBR 100	180.00	\$30.00	\$5,400.00
285704	SY	OPTIONAL BASE GROUP 04 - RECYCLED CONCRETE AGGREGATE, LBR 150	180.00	\$40.00	\$7,200.00
400-1-2	CY	CONCRETE CLASS I (ENDWALL)	60	\$1,000.00	\$60,000.00
400-1-11	SY	CONCRETE CLASS I (RETAINING WALL)	200	\$1,100.00	\$220,000.00
425-1521	EA	INLETS (DITCH BOTTOM) TYPE 'C' <10'	20	\$5,000.00	\$100,000.00
425-1541	EA	INLETS (DITCH BOTTOM) TYPE 'D' <10'	25	\$6,000.00	\$150,000.00
425-1549	EA	INLETS (DITCH BOTTOM) TYPE "Modified" (Note 2)			
425-6	EA	VALVE BOX (ADJUST)	30	\$150.00	\$4,500.00
430174118	LF	PIPE CULVERT OPT. MATERIAL CLASS II (18") RCP	2,000	\$66.00	\$132,000.00
430174124	LF	PIPE CULVERT OPT. MATERIAL CLASS II (24") RCP	2,000	\$88.00	\$176,000.00
430174130	LF	PIPE CULVERT OPT. MATERIAL CLASS II (30") RCP	300	\$110.00	\$33,000.00
430174136	LF	PIPE CULVERT OPT. MATERIAL CLASS II (36") RCP	175	\$135.00	\$23,625.00
430174224	LF	PIPE CULVERT OPT. MATERIAL, OTHER-ELIP/ARCH 24"S/CD	100	\$200.00	\$20,000.00
430984125	EA	MITERED END SECTION (18")	26	\$2,000.00	\$52,000.00
430984129	EA	MITERED END SECTION (24")	16	\$2,600.00	\$41,600.00
430984133	EA	MITERED END SECTION (30")	10	\$3,300.00	\$33,000.00
430984138	EA	MITERED END SECTION (36")	10	\$4,000.00	\$40,000.00
515-1-2	LF	PIPE HANDRAIL - GUIDERAIL (ALUMINUM)	500	\$200.00	\$100,000.00
515-2311	LF	PEDESTRIAN/BICYCLE RAILING, ALUMINUM, POWDER COATED	950	\$250.00	\$237,500.00
520-1-10	LF	CURB & GUTTER CONC. (TYPE F)	15,000	\$35.00	\$525,000.00
522-1	SY	SIDEWALK (4" THICK) W/ FIBER MESH ADDED	7,500.00	\$72.00	\$540,000.00
522-2	SY	SIDEWALK (6" THICK) W/ FIBER MESH ADDED	12,000.00	\$110.00	\$1,320,000.00
523-1	SY	PATTERNED/TEXTURED PAVEMENT (Paveway System)	250.00	\$150.00	\$37,500.00
527-2	SF	DETECTABLE WARNING (truncated dome mat)	300	\$65.00	\$19,500.00
536-1-1	LF	GUARDRAIL	400	\$160.00	\$64,000.00
550-10212	LF	FENCING, TYPE B, 0.5-5.0' W/ VINYL COATING	1,000	\$52.00	\$52,000.00
550-10420	LF	FENCING, WOOD FENCE, 5.1-6.0'	500	\$66.00	\$33,000.00
550-10228	LF	FENCE (RESET EXISTING)	750	\$26.00	\$19,500.00
570-1-1	SY	PERFORMANCE TURF	15,000.00	\$2.00	\$30,000.00
570-1-2	SY	PERFORMANCE TURF, SOD, CENTIPEDE	25,000.00	\$6.00	\$150,000.00
700-1-11	AS	SIGN, SINGLE POST	100	\$500.00	\$50,000.00
700-1-50	EA	SIGN, EXISTING (RELOCATE)	75	\$132.00	\$9,900.00
710-11123	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 12"	4,640.00	\$10.00	\$46,400.00
710-11101	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 6"	2,100.00	\$4.00	\$8,400.00
710-11201	LF	PAINTED PAVT MARK, STD, YELLOW, SOLID 6"	500.00	\$4.00	\$2,000.00
710-11123	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 12"	800.00	\$10.00	\$8,000.00
711-11123	LF	TRAFFIC STRIPE SOLID (THERMO) NON-SKID (WHITE) 12"	4,640.00	\$15.00	\$69,600.00
711-11101	LF	TRAFFIC STRIPE SOLID (THERMO) NON-SKID (WHITE) 6"	6,000.00	\$12.00	\$72,000.00
LC-010	LF	TREE PROTECTION	5,000	\$5.00	\$25,000.00
LC-030	SY	SIDEWALK (8" THICK) W/ FIBER MESH ADDED (Note 3)	1,000.00	\$135.00	\$135,000.00
LC-050	LF	PEDESTRIAN BOARDWALK (Note 4)			
LC-070	CY	2" BEDROCK SAND	782.00	\$30.00	\$23,460.00
LC-090	CY	30% AGGREGATE (SILICA OR GRANITIC BASED W/ MIN. 30% POROSITY)	185.00	\$75.00	\$14,825.00
LC-110	SY	D-3 FILTER FABRIC	5,182.00	\$6.00	\$31,092.00
LC-130	LF	CONCRETE SIDEWALK SKIP CURB (Note 7)	5,182.00	\$40.00	\$207,280.00
LC-180	CY	POROUS CONCRETE SIDEWALK (Note 8)	500.00	\$150.00	\$75,000.00
LC-220	LF	SAW CUT ASPHALT	15,000.00	\$3.00	\$45,000.00
LC-240	SY	SUPERPAVE ASPHALTIC CONCRETE, SP 9.5, 2 INCHES	500.00	\$75.00	\$37,500.00
GRAND TOTAL:					\$6,558,595.56

- Note 1 8% of Final construction cost, excluding Maintenance of Traffic and Portable Changeable Message Sign, on an individual project basis
- Note 2 Modified DBI may be required Size and Quantity will be determined on a project specific basis. Price will be negotiated on actual assignment.
- Note 3 Needed at Intersecting Roads for Buses, Garbage Trucks, etc.
- Note 4 Cost & quantity of Pedestrian Boardwalk Construction will be negotiated with actual assignment. The cost will include all materials and labor to construct boardwalk and the cost of installing appropriate guardrail and end treatments if needed based on separation from roadway and specified on plans.
- Note 5 Item 102-99 used prior to construction for community outreach and during construction as part of MOT
- Note 6 Item 102-1 shall not include VMS daily charge
- Note 7 See Raised Sidewalk with French Drain Typical Section
- Note 8 See Porous Concrete Technical Specifications
- Note 9 Refer to special provisions Item 19 in the Technical Specifications

Sandco LLC

BID PRICING SHEET SIDEWALK CONTINUING SUPPLY CONTRACT 2022

PAY ITEM	UNIT	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
101-1	LS	MOBILIZATION (Note 1)	1.5	\$430,106.90	\$430,106.90
102-1	DA	MAINTENANCE OF TRAFFIC (Note 6)	1095	\$650.00	\$711,750.00
102-99	PS/ED	PORTABLE CHANGEABLE MESSAGE SIGN, TEMP (Note 5)	1095	\$26.00	\$28,470.00
104-10-3	LF	SEDIMENT BARRIER	6,000	\$5.00	\$30,000.00
104-18	EA	INLET PROTECTION SYSTEM	60	\$300.00	\$18,000.00
110-1-1	AC	CLEARING AND GRUBBING (Note 9)	20.00	\$15,000.00	\$300,000.00
110-4-10	SY	REMOVAL OF EXISTING CONCRETE	60.00	\$15.00	\$900.00
110-7-1	EA	MAILBOX (FURNISH AND INSTALL)	150	\$150.00	\$22,500.00
120-1	CY	EXCAVATION REGULAR	7,500.00	\$9.00	\$67,500.00
120-6	CY	EMBANKMENT	6,500.00	\$15.00	\$97,500.00
160-4	SY	TYPE B STABILIZATION	180.00	\$5.00	\$900.00
285704	SY	OPTIONAL BASE GROUP 04 - LIMEROCK, LBR 100	180.00	\$18.00	\$3,240.00
285704	SY	OPTIONAL BASE GROUP 04 - RECYCLED CONCRETE AGGREGATE, LBR 150	180.00	\$18.00	\$3,240.00
400-1-2	CY	CONCRETE CLASS I (ENDWALL)	60	\$1,560.00	\$93,600.00
400-1-11	SY	CONCRETE CLASS I (RETAINING WALL)	200	\$1,560.00	\$312,000.00
425-1521	EA	INLETS (DITCH BOTTOM) TYPE 'C' <10'	20	\$7,080.00	\$141,600.00
425-1541	EA	INLETS (DITCH BOTTOM) TYPE 'D' <10'	25	\$9,450.00	\$236,250.00
425-1549	EA	INLETS (DITCH BOTTOM) TYPE "Modified" (Note 2)			
425-6	EA	VALVE BOX (ADJUST)	30	\$150.00	\$4,500.00
430174118	LF	PIPE CULVERT OPT. MATERIAL CLASS II (18") RCP	2,000	\$130.00	\$260,000.00
430174124	LF	PIPE CULVERT OPT. MATERIAL CLASS II (24") RCP	2,000	\$155.00	\$310,000.00
430174130	LF	PIPE CULVERT OPT. MATERIAL CLASS II (30") RCP	300	\$200.00	\$60,000.00
430174136	LF	PIPE CULVERT OPT. MATERIAL CLASS II (36") RCP	175	\$240.00	\$42,000.00
430174224	LF	PIPE CULVERT OPT. MATERIAL, OTHER-ELIP/ARCH 24"/S/CD	100	\$180.00	\$18,000.00
430984125	EA	MITERED END SECTION (18")	26	\$3,265.00	\$84,890.00
430984129	EA	MITERED END SECTION (24")	16	\$3,585.00	\$57,360.00
430984133	EA	MITERED END SECTION (30")	10	\$4,975.00	\$49,750.00
430984138	EA	MITERED END SECTION (36")	10	\$5,625.00	\$56,250.00
515-1-2	LF	PIPE HANDRAIL - GUIDERAIL (ALUMINUM)	500	\$55.00	\$27,500.00
515-2311	LF	PEDESTRIAN/BICYCLE RAILING, ALUMINUM, POWDER COATED	950	\$160.00	\$152,000.00
520-1-10	LF	CURB & GUTTER CONC. (TYPE F)	15,000	\$35.00	\$525,000.00
522-1	SY	SIDEWALK (4" THICK) W/ FIBER MESH ADDED	7,500.00	\$60.50	\$453,750.00
522-2	SY	SIDEWALK (6" THICK) W/ FIBER MESH ADDED	12,000.00	\$78.50	\$942,000.00
523-1	SY	PATTERNED/TEXTURED PAVEMENT (Paveway System)	250.00	\$185.00	\$46,250.00
527-2	SF	DETECTABLE WARNING (truncated dome mat)	300	\$28.60	\$8,580.00
536-1-1	LF	GUARDRAIL	400	\$55.00	\$22,000.00
550-10212	LF	FENCING, TYPE B, 0.5-5.0', W/ VINYL COATING	1,000	\$35.00	\$35,000.00
550-10420	LF	FENCING, WOOD FENCE, 5.1-6.0'	500	\$65.00	\$32,500.00
550-10228	LF	FENCE (RESET EXISTING)	750	\$55.00	\$41,250.00
570-1-1	SY	PERFORMANCE TURF	15,000.00	\$2.00	\$30,000.00
570-1-2	SY	PERFORMANCE TURF, SOD, CENTIPEDE	25,000.00	\$5.00	\$125,000.00
700-1-11	AS	SIGN, SINGLE POST	100	\$350.00	\$35,000.00
700-1-50	EA	SIGN, EXISTING (RELOCATE)	75	\$195.00	\$14,625.00
710-11123	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 12"	4,640.00	\$6.50	\$30,160.00
710-11101	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 6"	2,100.00	\$1.30	\$2,730.00
710-11201	LF	PAINTED PAVT MARK, STD, YELLOW, SOLID 6"	500.00	\$1.30	\$650.00
710-11123	LF	PAINTED PAVT MARK, STD, WHITE, SOLID 12"	800.00	\$6.50	\$5,200.00
711-11123	LF	TRAFFIC STRIPE SOLID (THERMO) NON-SKID (WHITE) 12"	4,640.00	\$13.00	\$60,320.00
711-11101	LF	TRAFFIC STRIPE SOLID (THERMO) NON-SKID (WHITE) 6"	6,000.00	\$2.60	\$15,600.00
LC-010	LF	TREE PROTECTION	5,000	\$7.00	\$35,000.00
LC-030	SY	SIDEWALK (8" THICK) W/ FIBER MESH ADDED (Note 3)	1,000.00	\$99.50	\$99,500.00
LC-050	LF	PEDESTRIAN BOARDWALK (Note 4)			
LC-070	CY	2" BEDROCK SAND	782.00	\$55.00	\$43,010.00
LC-090	CY	30% AGGREGATE (SILICA OR GRANITIC BASED W/ MIN. 30% POROSITY)	195.00	\$75.00	\$14,625.00
LC-110	SY	D-3 FILTER FABRIC	5,182.00	\$1.15	\$5,959.30
LC-130	LF	CONCRETE SIDEWALK SKIP CURB (Note 7)	5,182.00	\$58.50	\$303,147.00
LC-180	CY	POROUS CONCRETE SIDEWALK (Note 8)	500.00	\$585.00	\$292,500.00
LC-220	LF	SAW CUT ASPHALT	15,000.00	\$2.50	\$37,500.00
LC-240	SY	SUPERPAVE ASPHALTIC CONCRETE, SP 9.5, 2 INCHES	500.00	\$35.00	\$17,500.00
GRAND TOTAL:					\$6,894,163.20

Note 1 8% of Final construction cost, excluding Maintenance of Traffic and Portable Changeable Message Sign, on an individual project basis

Note 2 Modified DBI may be required Size and Quantity will be determined on a project specific basis. Price will be negotiated on actual assignment.

Note 3 Needed at Intersecting Roads for Buses, Garbage Trucks, etc.

Note 4 Cost & quantity of Pedestrian Boardwalk Construction will be negotiated with actual assignment. The cost will include all materials and labor to construct boardwalk and the cost of installing appropriate guardrail and end treatments if needed based on separation from roadway and specified on plans.

Note 5 Item 102-99 used prior to construction for community outreach and during construction as part of MOT

Note 6 Item 102-1 shall not include VMS daily charge

Note 7 See Raised Sidewalk with French Drain Typical Section

Note 8 See Porous Concrete Technical Specifications

Note 9 Refer to special provisions Item 19 in the Technical Specifications



Inter-Office Memorandum

Date: June 14, 2022
 To: Chris Muehlmann, Engineering
 From: Darryl Jones, Deputy Director
 Minority, Women, & Small Business Enterprise (MWSBE) - Office of Economic Vitality
 Subject: Sidewalk and Associated Work Construction, CS (BC-2022-021)

The Minority, Women, & Small Business Enterprise (MWSBE) Division reviewed the MWBE Participation Plans of four bid respondents to determine if the 14% MBE and 9% WBE Aspirational Goals for Construction Subcontracting was achieved for the Sidewalk and Associated Work Constructions, Continuing Supply projects.

The submitted MWBE Participation Plan is as follows:

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

Total Bid Amount	\$6,558,595.56				
Name of MWBE	Race/Gender	Certifying Agency	Goods & Services	MWBE Dollars	MWBE Utilization Percentage
Unique Concrete	African American Male	Tallahassee-Leon County OEV	Concrete Work	\$918,204	14%
Bannerman Landscaping	Non-Minority Female	Tallahassee-Leon County OEV	Sodding Arborist Landscaping	\$590,274	9%
Total MBE Utilization Percentage					14%
Total WBE Utilization Percentage					9%
Total MWBE Utilization Percentage					23%
Total MWBE Dollars					\$1,508,478
Satisfied Good Faith Effort					N/A

Sandco, LLC - met the MWBE Aspirational Goal 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	\$6,894,5163.20				
Name of MWBE	Race/Gender	Certifying Agency	Goods & Services	MWBE Dollars	MWBE Utilization Percentage
Gaines & Sons LLC	African American Male	Tallahassee-Leon County OEV	Striping Etc.	\$965,183	14%
Persica Landscaping	Non-Minority Female	Tallahassee-Leon County OEV	Landscaping Etc.	\$620,475	9%
Total MBE Utilization Percentage					14%
Total WBE Utilization Percentage					9%
Total MWBE Utilization Percentage					23%
Total MWBE Dollars					\$1,585,658
Satisfied Good Faith Effort					N/A

Capital Asphalt, Inc. - met the MWBE Aspirational Goal for Construction Subcontracting; therefore, the Good Faith Effort Form is not required. The MWBE firm listed below is the firm **Capital Asphalt, Inc.** intends to utilize on this project.

Total Bid Amount	\$8,494,140.72				
Name of MWBE	Race/Gender	Certifying Agency	Goods & Services	MWBE Dollars	MWBE Utilization Percentage
Gaines & Sons	African American Male	Tallahassee-Leon County OEV	Striping Signage	\$200,000.00	2.35%
RJW Construction	African American Male	Tallahassee-Leon County OEV	Concrete	\$1,000,000.00	11.77%
Hale Contracting	Non-Minority Female	Tallahassee-Leon County OEV	Hauling	\$775,000.00	9.12%
Total MBE Utilization Percentage					14.12%
Total WBE Utilization Percentage					9.12%
Total MWBE Utilization Percentage					23.24%
Total MWBE Dollars					\$1,975,000.00
Satisfied Good Faith Effort					N/A

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

Total Bid Amount	\$9,628,330				
Name of MWBE	Race/Gender	Certifying Agency	Goods & Services	MWBE Dollars	MWBE Utilization Percentage
Concrete Services Unlimited	African American Male	Tallahassee-Leon County OEV	Concrete	\$1,347,966.20	14%
Hale Contracting, Inc.	Non-Minority Female	Tallahassee-Leon County OEV	Sitework	\$7,500,000	77%
Total MBE Utilization Percentage					14%
Total WBE Utilization Percentage					77%
Total MWBE Utilization Percentage					91%
Total MWBE Dollars					\$8,847,966.20
Satisfied Good Faith Effort					N/A

**Leon County
Board of County Commissioners**

Notes for Agenda Item #19

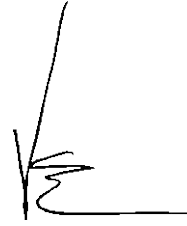
Leon County Board of County Commissioners

Agenda Item #19

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator



Title: Bid Award for Construction of the Belair Phase II Wastewater Retrofit

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Brent Pell, Director, Public Works Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Charles Wu, Director of Engineering Services Stephen Kelly, Chief of Building Engineering Shelly Kelley, Purchasing Director

Statement of Issue:

This item seeks Board approval to award the bid for construction of the Belair Phase II Wastewater Retrofit to Dowdy Corporation, in the amount of \$1,187,000. The scope of work for this project will include the septic to sewer connections for 31 homes including all required underground utilities, roadway and drainage system restoration, and ground restoration associated with the removal of septic tanks.

Fiscal Impact:

This item has a fiscal impact. Funding for this project is included in the Belair and Annawood Sewer Retrofit project budget. The project is supported by grant funds from the Florida Department of Environmental Protection (FDEP), American Rescue Plan Act (ARPA) funds and the County's share of the Blueprint 2020 water quality funds.

Staff Recommendation:

Option #1: Approve the bid award to Dowdy Corporation, in the amount of \$1,187,000 for construction of the Belair Phase II Wastewater Retrofit (Attachment #1), and authorize the County Administrator to execute the Agreement, subject to legal review by the County Attorney.

Report and Discussion

Background:

This item seeks Board approval to award the bid for construction of the Belair Phase II Wastewater Retrofit to Dowdy Corporation, in the amount of \$1,187,000. The project is located approximately ¼ mile northeast of the intersection of the Woodville Highway and Capital Circle Southwest intersection, within the Lake Munson/Four Points Unsewered Target Area identified in the 2025 City of Tallahassee Master Sewer Plan. The scope of work for this project will include the septic to sewer connections for 31 homes. This will also include all required underground utilities, roadway and drainage system restoration, and restoring any disturbances to the private properties occurring during the removal of septic tanks.

The award of this bid advances the following FY2022-FY2026 Bold Goal:

- *Upgrade or eliminate 500 septic tanks in the Primary Springs Protection Zone (BG2)*

These particular Bold Goal also align with the Board's Environmental Strategic Priorities:

- *(EN1) Protect the quality and supply of our water.*
- *(EN2) Conserve and protect environmentally sensitive lands and our natural ecosystems.*

At the June 20, 2017 Budget Workshop, the Board approved authorization to finalize the FDEP Springs Restoration Grant application for \$1.75 million for the Annawood and Belair area. The \$1.75 million grant was accepted by the Board at the February 13, 2018 meeting. The grant required a \$1.75 million local match for a total project budget of \$3.5 million (of which \$1,444,000 of ARPA funds have been allocated). At the December 11, 2018 meeting, the Board approved an Interlocal Agreement with the City of Tallahassee outlining the roles and responsibilities of each party to support the construction and transfer of the Belair/Annawood wastewater retrofit system. The wastewater collection system will be constructed by Leon County and transferred to the City of Tallahassee for ownership and operation upon completion.

Due to extensive right-of-way acquisition being required, the sewer work for Belair/Annawood was subsequently broken into multiple phases of work. The initial phase (West Flagg Street) was completed with the adjacent Woodside Heights sewer project. The second phase (Annawood/Belair Phase I) was completed in 2021. The phase associated with this bid completes the work in the Annawood and Belair neighborhoods, and includes the sewer outfall into Woodside Heights, and the location of new sewer lines across multiple private properties on Lewis Blvd., Wheeler Drive, and Susie B Lane.

To date, 16 property owners have signed up for connection to the new sewer system. To have additional septic tanks removed, the County will continue to accept applications for properties to connect to the sewer system. Funds are available to support additional property owners that wish to participate.

To ensure the County maximizes grant leveraging opportunities, the Office of Management and Budget (OMB) coordinates with department liaisons and actively seeks grant funding

opportunities throughout the fiscal year. These efforts include contacting and communicating with previous funders for any new or forthcoming grant opportunities. Through timely submittals of reporting and invoices as well as satisfactory compliance with grant closeouts as well as on-site and desk monitoring by the granting agencies, Leon County has proactively positioned itself as a responsive and accountable funding partner. Because of this accountability, agencies often contact Leon County when grant funds become available.

In addition, the County's partnership with Patton Boggs also garners access to recently announced federal funding opportunities and OMB routinely monitors the federal Grants.gov portal for granting opportunities. The County aggressively seeks state and federal grant funding to support County projects and initiatives and has achieved considerable success in leveraging County dollars. With receipt of the CARES Act funding and the ARPA (American Rescue Plan Act) funding, the total County grant leverage ratio is \$12.39 to \$1; excluding the significant septic to sewer related grants which require one-to-one dollar match, the leveraging ratio would be \$65.59 to \$1.

Analysis:

The Invitation to Bid for construction of the Belair Phase II Wastewater Retrofit was advertised locally in the Tallahassee Democrat on May 20, 2022. A total of 457 vendors were notified through the automated procurement system. A total of 31 bid packages were requested. The County received three bids on June 20, 2022, with the lowest responsive bidder being Dowdy Corporation, in the amount of \$1,187,000 (Attachment #2). The second lowest responsive bid was Davidson Contracting Corp. in the amount of \$1,604,127, a difference of \$414,127.

Local Preference and MWBE aspirational goals were not included in this solicitation because federal rule prohibit the use of use of local preference requirements when a project uses federal funds. These federal rules apply as this project is partially funded by federal American Rescue Plan Act (ARPA) funds. While there were no MWSBE aspirational goals prescribed for this solicitation, as required by federal rules and included in the County's contract, the winning bidder must take certain affirmative steps to assure that minority and women businesses are used when possible.

If the bid award is approved, the project is expected to commence within two months. This project is scheduled to last a total of six months. The completed sewer system will be turned over to the City for operations and maintenance pursuant to the Interlocal Agreement.

Options:

1. Approve the bid award to Dowdy Corporation, in the amount of \$1,187,000 for construction of the Belair Phase II Wastewater Retrofit (Attachment #1), and authorize the County Administrator to execute the Agreement, subject to legal review by the County Attorney.
2. Do not approve the bid award to Dowdy Corporation, in the amount of \$1,187,000 for construction of the Belair Phase II Wastewater Retrofit.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Draft Agreement for construction of the Belair Phase II Wastewater Retrofit
2. Bid Tabulation Sheet

AGREEMENT

THIS AGREEMENT, by and between **LEON COUNTY, FLORIDA**, a charter county and a political subdivision of the State of Florida, hereinafter referred to as the ("County"), and **DOWDY CORPORATION**, hereinafter referred to as the ("Contractor"), both collectively referred to as (the "Parties") is entered into as of the date of last signature below ("Effective Date"). For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. SERVICES TO BE PROVIDED

The Contractor agrees to provide its services to the County to perform the Work related to improvements to the existing sanitary sewer system along the Belair Neighborhood and provide property owners currently on septic systems to connect to the public City of Tallahassee sanitary sewer network infrastructure as part of the utility improvements set forth in: 1) Bid# BC-2022-031, a reduced portion of which is attached hereto and incorporated herein as Exhibit A, with a full version available to view at <https://secure.procurenow.com/portal/leoncounty>, to the extent that it is not inconsistent with this Agreement; and 2) the Contractor's bid submission, a reduced portion of which is attached hereto and incorporated herein as Exhibit B, with a full version available from the Purchasing Division, to the extent that it is not inconsistent with this Agreement nor Exhibits A or B (all collectively referred to herein as the "Work"). If any provision contained in this Agreement conflicts with any provision in Exhibit A or Exhibit B, the provision contained in this Agreement shall govern and control.

2. WORK

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

Contractor understands that no amount of Work is guaranteed to it nor is the County under any 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.

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.

In their discretion, the Parties may negotiate for any related products or Work not specifically addressed herein, provided that this Agreement does not create any enforceable obligations regarding such products and Work.

3. TIME AND LIQUIDATED DAMAGES

The work to be performed under the agreement shall be commenced within fifteen (15) days of the Notice to Proceed. All work to be performed under the agreement shall be completed within one hundred-eighty (180) consecutive calendar days of the Notice to Proceed to final completion. If the work to be performed under the agreement 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 based on the bid price and according to Section 8-10 of the FDOT's Standard Specifications for Road and Bridge Construction, 2021 Edition.

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

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

4. TIME OF THE ESSENCE

Unless the initial term is extended as provided in this Agreement or as may otherwise be agreed by the Parties in writing, all duties, obligations, and responsibilities of the Contractor required by this Agreement shall be completed no later than 180 days from notice to proceed. Time is of the essence in performing the duties, obligations, and responsibilities required by this Agreement.

The term "Business Day" as it applies to a notice requirement or other such deadline in this Agreement, means any day occurring Monday through Friday, except when such day is deemed to be a Holiday. The term "Holiday" means any day observed as a holiday by the Leon County Board of County Commissioners pursuant BCC Policy 03-16, as may be amended, which, as of the Effective Date of this Lease, are the following days: New Year's Day, Martin Luther King Jr. Day, Florida Emancipation Day (May 20), Memorial Day, Independence Day, Labor Day, Election Day (first Tuesday after the first Monday in November in even-numbered years), Veteran's Day, Thanksgiving Day, Friday After Thanksgiving Day, and Christmas Day; provided, however, that when any of these observed holidays fall on a Saturday, the preceding Friday shall be the day observed as a holiday, and when any of these observed holidays falls on a Sunday, the following Monday shall be the day observed as a holiday. In addition, when New Year's Day and Christmas Day fall on a Thursday, the Friday following those days shall also be observed as a holiday, and when New Year's Day and Christmas Day fall on a Tuesday, the Monday preceding those days shall also be observed as a holiday.

5. CONTRACT SUM

The Contractor agrees that for the performance of the Work as outlined in Section 1 above, it shall be remunerated by the County for a total sum of \$1,187,000 on completion of the Work and acceptance as satisfactory.

6. PAYMENTS

- A. Pay Requests. The Contractor shall submit to the County a schedule of values for the Project. Pay requests shall be sworn statements based upon the Work completed and stockpiled materials and submitted to the County on a monthly basis. Payment by the County to the Contractor of the statement amount shall be made within twenty-five (25) business days after approval of the County. Five percent (5%) retainage shall be held by the County from all pay requests.
- B. Final Payment. Final payment constituting the unpaid balance of the cost for the performance of the Work shall be due and payable within 25 business days of the delivery of the Project to the County, finished and ready for beneficial occupancy, or when the County occupies the Project, whichever event first occurs provided that the Project be then substantially completed(as determined by the County), and this Agreement substantially performed. However, if there should remain Work to be completed, the Contractor and the Engineer shall list those items prior to receiving final payment and the County may retain a sum equal to 200% of the estimated cost of completing any unfinished Work and the applicable portion of the Contractor's retainage, provided that said unfinished Work items are listed separately and estimated cost of completing any unfinished Work items are likewise listed separately. Thereafter, the County shall pay to Contractor, monthly, the amount retained from each incomplete Work item after each of said items is completed.
- C. Payments to Subcontractors. The Contractor shall promptly, but not later than 10 days after receipt of payment from the County, pay all the amount due subcontractors less a retainage of five percent (5%). If there should remain Work items to be completed, the Contractor and Engineer shall list those Work items required for completion and the Contractor shall require the retainage of a sum equal to 200% of the estimated cost of completing any unfinished Work items, provided that said unfinished Work items are listed separately and the estimated cost of completing any unfinished Work items likewise listed separately. Thereafter, the Contractor shall pay to the subcontractors, monthly, the amount retained for each incomplete Work item after each of said items is completed. Before issuance of final payment without any retainage, the subcontractor shall submit satisfactory evidence that all payrolls, material bills and other indebtedness connected with the Project have been paid or otherwise satisfied, warranty information is complete, as-built markups have been submitted and instruction for the County's operating and maintenance personnel is complete. Final payment may be made to

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

certain select subcontractors whose Work is satisfactorily completed prior to the total completion of the Project but only upon approval of the County.

- D. Delayed Payments by County. If the County shall fail to pay the Contractor within twenty-five (25) business days after the receipt of an approved payment request from the Contractor, then the Contractor may, upon fourteen (14) additional days advance written notice to the County and the Engineer stop the Project until payment of the amount requested has been received, provided that the payment request has been submitted in sufficient detail to comply with the guidelines of the Office of the Clerk of the Circuit Court for Leon County. In the event that there is a dispute in the amount of the pay request, then only the disputed amount shall be held until resolved and the undisputed amount shall be paid within the time limits as stated within this paragraph. If undisputed amounts are timely paid, then the Contractor shall not stop the Project in any fashion and the progress of the Project shall not be interrupted. Both parties agree that best efforts be made to resolve the disputed amount.
- E. Payment for Materials and Equipment. Payments will be made for material and equipment not incorporated in the Work but delivered and suitably stored at the site (or another location, subject to prior approval and acceptance by the County on each occasion).
- F. Notice of Commencement not Required. The Parties acknowledge and agree that the County, as a government owner of real property, is not subject to the Construction Lien Law of Chapter 713, Florida Statutes. Accordingly, the County shall not be required to sign and record the Notice of Commencement as referenced therein. Instead, as found by Florida courts, the protections afforded to materialmen and laborers under Chapter 713, Florida Statutes, relating to privately owned property, are adequately provided by either the contractor's execution and recording of a payment and performance bond as required by Section 255.05, Florida Statutes, relating to publicly-owned property or by the requirement of a retainage amount, as the case may be.

7. PROMPT PAYMENT INFORMATION REQUIREMENTS AND NOTICES

- A. The County Project Manager is:

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

- B. The Contractor's Project Manager is:

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

- C. Notices to the Contractor are to be submitted to:

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

- D. Invoices are to be submitted to:

Name:

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

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

E. Proper form for an invoice is:

For the purposes of this section, the term "Agent" shall refer to the Engineer when the County has engaged their professional services and to serve as an Agent for the Project. In those instances when no Agent has been retained for the Project, the County shall provide services as Agent with its own staff.

When the Contractor considers that the Work, or a portion thereof which the County agrees to accept separately, is substantially complete, the Contractor shall prepare and submit to the Agent/County a comprehensive list of items to be completed or corrected prior to final payment. For contracts less than \$10 million in value, the list must be developed within thirty (30) calendar days of substantial completion. For contracts more than \$10 million in value, the list must be developed within thirty (30) calendar days of substantial completion unless the Parties agree in writing to extend it up to sixty (60) days. Failure to include an item on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Agreement documents.

Upon receipt of the Contractor's list, the Agent/County will make an inspection to determine whether the Work or designated portion is substantially complete. If the Agent/County's inspection discloses any Work item, whether or not included on the Contractor's list, which is not sufficiently complete in accordance with the Agreement documents so that the County can occupy or utilize the Work or designated portion thereof for its intended use, it shall be added to the list and the Contractor shall, before the issuance of the Certificate of Substantial Completion, complete or correct such Work item upon notification by the Agent/County. In such case, the Contractor shall then submit a request for another inspection by the Agent/County to determine substantial completion.

Upon completion or correction of all the Work items on the list, the Contractor may submit a payment request for all remaining retainage. The County may withhold up to 150% of the cost of any incomplete Work items.

F. Payment Dispute Resolution: Section 14.1 of the Leon County Purchasing Policy details the policy and procedures for payment disputes under this Agreement.

8. PRICE INCREASES

Upon written request from the vendor no less than 45 days prior to each anniversary date of the agreement, and at the discretion of the County, an annual price increase for fixed pricing items may be negotiated. It is the intent of the County to not allow a price increase greater than the Consumer Price Index for All Consumers (CPI-U) for the latest twelve-month period reported at the time of request. In the event of an extraordinary factor (such an increase in the federal minimum wage) occurring out of the annual cycle, the County may consider a price adjustment on a case-by-case basis upon the written request of the contractor. All price increases shall be at the sole discretion of the County.

9. DISPUTES/REMEDIES

- A. All disputes arising under or relating to this Agreement shall be resolved in accordance with this Section, except for disputes related to payments and payment disputes, which shall be addressed and resolved in accordance with Leon County Policy 96-1, as amended.
- B. The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with the following procedure:
 - 1) 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.
 - 2) 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.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

- 3) 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.
- 4) 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.
- 5) 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.

10. 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.

11. INSURANCE

Contractor shall, at its sole expense, 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 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 and property damage per occurrence with a \$3,000,000 annual aggregate. Completed operations coverage will be provided for a period of three (3) years beyond termination and/or completion of the Project. Coverage must include bodily injury and property damage, including Premise/Operations: a per location aggregate, Broad Form Contractual liability; Broad Form Property Damage; Fire Legal liability; Independent Contractors coverage; Cross Liability & Severability of Interest Clauses; and Personal Injury, and coverage for explosion, collapse, and underground (X, C, U).
- 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.
- 4) Professional Liability Insurance, including errors and omissions: for all Work performed 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 four (4) years beyond the term of the Agreement. Proof of "tail coverage" must be submitted with the invoice for final payment.
- 5) 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.
- 6) Pollution Liability Insurance, and/or Environmental Impairment Liability Insurance: \$1,000,000 per occurrence and \$2,000,000 annual aggregate. The coverage shall provide protection for the site owners and operators against third-party liability for bodily injury, property damage and cleanup cost as a result of a pollution event on, at, under or coming from the insured's covered location and/or which may arise from, or in connection with, the performance by the insured, its agents, representatives, employees and/or members (**County is to be named as Additional Insured**).

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

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 or self-insurance maintained by the County, its officers, officials, employees, or volunteers shall be in 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 are 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. 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.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

- 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 the requirements stated herein.

12. PERMITS

The Contractor shall obtain all necessary permits as required by law to lawfully perform the obligations under this Agreement.

13. LICENSES & REGISTRATIONS

The Contractor shall be responsible for obtaining and maintaining any licenses, certifications, and/or registrations required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida, or any other applicable state or Federal law. Should the Contractor, by reason of revocation, failure to renew, or any other reason, fail to maintain its license, certification, and/or registration necessary to operate, the Contractor shall be in default of this Agreement as of the date such license, certification, and/or registration is lost.

The Contractor shall be registered to do business with the Florida Department of State prior to execution of this Agreement unless Contractor provides written verification of its exempt status (See applicable sections of Title XXXVI, Chapters 605 through 623, Florida Statutes).

14. WARRANTY OF PERFORMANCE

A. Warranty

The Contractor represents and warrants that it possesses the knowledge, skill, experience, and financial capability required to perform and provide all Work under this Agreement and that each person and entity that will perform the Work is duly qualified to perform such Work by all appropriate governmental authorities, where required, and is sufficiently experienced and skilled in the area(s) for which such person or entity will perform such Work. The Contractor represents and warrants that the Work shall be performed in a skillful and respectful manner, and that the quality of all such Work shall equal or exceed prevailing industry standards for the performance of such Work.

B. Breach of Warranty

In entering into this Agreement, the Contractor acknowledges that the County is materially relying on the warranties stated in this paragraph. The County shall be entitled to recover any damages it incurs to the extent any such warranty is untrue. In addition, if any such warranty is untrue, the County shall have the right, at its sole discretion, to terminate this Agreement without any further liability to the County, to deduct from any amounts due Contractor under this Agreement the full amount of any value paid in violation of a warranty, and to recover all sums paid to Contractor under this Agreement.

15. ASSIGNMENTS

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

16. PAYMENT AND PERFORMANCE BOND

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

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

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 Agreement dated _____, between Principal and Owner for construction of _____, the Agreement 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 Agreement; 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 Agreement for the time specified in the Agreement, 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 Agreement documents and compliance or noncompliance with any formalities connected with the Agreement 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.

17. INDEMNIFICATION

The Contractor shall indemnify and hold harmless the County, its officials, officers and employees from and against all claims, liabilities, damages, losses, costs, including, but not limited to, reasonable attorneys' fees, 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.

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 Contract Sum paid to the Contractor, and the promises and covenants herein, constitute sufficient consideration for the Contractor's indemnification of the County, its officials, officers and employees.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

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

18. 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 this 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 Subsection B 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. That 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 this 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. It is the duty of every state officer, employee, agency, special district, board, commission, contractor, and subcontractor to cooperate with the inspector general in any investigation, audit, inspection, review, or hearing pursuant to s.20.055(5), Florida Statutes.
- G. 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 AGREEMENT, 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**

19. MONITORING

The Agreement will require the Contractor to permit persons duly authorized by the County to inspect any records, papers, documents, facilities, goods, and Work of the Contractor 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.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

Following such evaluation, the County will deliver to the Contractor a written report of its findings and will include written recommendations with regard to the Contractor's performance of the terms and conditions of this Agreement. The Contractor will correct all noted deficiencies identified by the County within the specified period of time set forth in the recommendations. The Contractor'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 Contractor being deemed in breach or default of this Agreement; (2) the withholding of payments to the Contractor by the County; and (3) the termination of this Agreement for cause.

20. TERMINATION

The County may, by written notice to the Contractor, suspend any or all of the Contractor's obligations under this Agreement until such time as the event or condition resulting in such suspension has ceased or been corrected or the County may terminate this Agreement in whole or in part at any time the interest of the County requires such termination.

- A. If the County determines that the performance of the Contractor is not satisfactory, the County shall notify the Contractor of the deficiency in writing with a requirement that the deficiency be corrected within thirty (30) days of such notice. Such notice shall provide reasonable specificity to the Contractor of the deficiency that requires correction. If the deficiency is not corrected within such period, the County may either (a) immediately terminate the Agreement as set forth in paragraph b. below, or (b) take whatever action is deemed appropriate by the County to correct the deficiency. In the event the County chooses to take action and not terminate the Agreement, the Contractor shall, upon demand, promptly reimburse the County for any and all costs and expenses incurred by the County in correcting the deficiency.
- B. If the County terminates the Agreement with cause, the County shall notify the Contractor of such termination in writing at least thirty (30) days in advance. The notice from the County shall include instructions to the effective date of termination or specify the stage of work at which the Agreement is to be terminated. 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 Work being provided is not satisfactory. In such case, the County may immediately terminate the Agreement effective upon mailing a notice of termination to the Contractor.
- C. Either party may terminate this Agreement for cause by giving the other party hereto thirty (30) days written notice of termination. The notice shall include instructions to the effective date of termination or specify the stage of work at which the Agreement is to be terminated.
- D. If the Agreement is terminated before the Project is completed, the Contractor shall be paid only for the percentage of the Project satisfactorily performed for which costs can be substantiated. Such payment, however, shall not exceed the equivalent percentage of the contract sum. All Work in progress will become the property of the County and will be turned over promptly by the Contractor.
- E. The County reserves the right to unilaterally cancel this Agreement for refusal by the Contractor or any sub-contractor to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received in conjunction with this Agreement unless the records are exempt.
- F. Upon receipt of any final termination or suspension notice under this paragraph, the Contractor shall proceed promptly to carry out the actions required in such notice, which may include any or all of the following: (a) necessary action to terminate or suspend, as the case may be, Project activities and contracts and such other action as may be required or desirable to keep to a minimum the costs upon the basis of which the financing is to be computed; or (b) furnish a statement of the Project activities and contracts and other undertakings the cost of which are otherwise includable as Project costs. The termination or suspension shall be carried out in conformity with the latest schedule, plan, and cost as approved by the County or upon the basis of terms and conditions imposed by the County upon the failure of the Contractor to furnish the schedule, plan, and estimate within a reasonable time. The closing out of the Project shall not constitute a waiver of any claim which the County may otherwise have arising out of this Agreement.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

21. ERRORS & OMISSIONS BY THE CONTRACTOR

Acceptance of the Work by the County or termination of the Agreement does not constitute County approval and will not relieve the Contractor of the responsibility for subsequent corrections of any errors and/or omissions and the clarification of any ambiguities. The Contractor shall make all necessary revisions or corrections resulting from errors and/or omissions on the part of the Contractor without additional compensation. If these errors and/or omissions are discovered during the construction of the Project, they shall be corrected without additional compensation.

22. RIGHT TO INSPECT PLANT

The County may, at its discretion, inspect the part of the plant or place of business of the Contractor or any subcontractor which is related to the performance of this Agreement. The right expressed herein shall also be included in all contracts or subcontracts that involve the performance of any work or service involving the County.

23. PURCHASES BY OTHER PUBLIC AGENCIES

With the consent and agreement of the successful bidder(s), purchases may be made under this bid by other governmental agencies or political subdivisions within the State of Florida. Such purchases shall be governed by the same pricing, terms and conditions stated herein with no deviations allowed. This Agreement in no way restricts or interferes with the right of any public agency or political subdivision to bid any or all of the items or Work independently.

24. PUBLIC ENTITY CRIMES STATEMENT

In accordance with Section 287.133, Florida Statutes, Contractor hereby certifies that to the best of its knowledge and belief neither Contractor nor its affiliates has been convicted of a public entity crime

25. UNAUTHORIZED ALIEN(S)

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 grounds for termination of this Agreement by the County.

26. EMPLOYMENT ELIGIBILITY VERIFICATION

- A. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. Contractor further agrees to provide to the County, within thirty (30) days of the Effective Date of this Agreement, 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).
- B. Contractor further agrees that it will require each subcontractor that performs Work under this Agreement to enroll and participate in the E-Verify Program within sixty (60) days of the Effective Date of this Agreement or within sixty (60) days of the Effective Date of the Agreement 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.
- C. 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 this Agreement by Contractor to perform employment duties within Florida; and (b) all persons (including subcontractors) assigned by Contractor to perform Work pursuant to this Agreement.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

- 1) Contractor must use E-Verify to initiate verification of employment eligibility for all persons employed during the term of this Agreement by Contractor to perform employment duties within Florida within three (3) Business Days after the date of hire.
 - 2) Contractor must initiate verification of each person (including subcontractors) assigned by Contractor to perform Work pursuant to this Agreement within sixty (60) days of the date of execution of this Agreement or within thirty (30) days of assignment to perform Work pursuant to this Agreement, whichever is later.
- D. 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 other authorized state entity consistent with the terms of the Memorandum of Understanding.
- E. 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.

27. CONFLICT OF INTEREST

- A. The Contractor shall comply with and insert in all contracts entered into in connection with this Project and shall require its subcontractors to insert in each of their subcontracts, the following provision:
- “No member, officer or employee of the Recipient or of the locality during his tenure or for 2 years thereafter shall have any interest, direct or indirect, in this contract or the proceeds thereof.”
- B. The Contractor hereby certifies that it will completely disclose to the County all facts bearing upon any possible conflicts, direct or indirect, with its performance which it believes that any officer, employee, or agent of the Contractor now has or will have. Said disclosure shall be made by the Contractor contemporaneously with the execution of this Agreement and at any time thereafter that such facts become known to the Contractor. The Contractor at all times shall perform its obligations under this Agreement in a manner consistent with the best interests of the County. Failure to abide by this section shall result in the immediate termination of this Agreement.

28. 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.

29. 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 this Agreement time as the sole and exclusive remedy for such resulting delay, in accordance with and to the extent specifically provided above.

30. 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 this Agreement, Contractor shall obtain the prior written consent of the County.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

31. CONTRACTOR EVALUATION

The Contractor shall be evaluated within sixty (60) days upon completion of the Project. The evaluation will provide an indication of the Contractor's ability to develop practical, accurate, complete and cost-effective construction plans. The Contractor shall be given the opportunity to give written comments in response to the completed evaluation.

32. FORCE MAJEURE

If either of the Parties 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 (collectively "Force Majeure"), then the affected party shall be excused from performance hereunder during the period of inability to perform. 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 related to increased costs associated with fuel, labor, labor disputes, insurance, or other expenses of performing the obligations hereunder.

33. SOVEREIGN IMMUNITY

Nothing herein is intended to serve as a waiver of sovereign immunity by the County nor shall anything included herein be construed as consent by the County to be sued by third parties in any matter arising out of this Agreement. The County is included within the definition of "state agencies or subdivisions" in Section 768.28, Florida Statutes, and shall be responsible for the negligent or wrongful acts or omissions of its employees pursuant to Section 768.28, Florida Statutes.

34. THIRD PARTY BENEFICIARIES

Neither the County nor the Contractor intends to directly or substantially benefit a third party by this Agreement. Therefore, the Parties acknowledge that there are no third-party beneficiaries to this Agreement and no third party shall be entitled to assert a right or claim against either of the Parties based upon this Agreement.

35. LAW, JURISDICTION, VENUE, WAIVER OF JURY TRIAL

This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Venue for all actions arising from, related to, or in connection with this Agreement shall be in the state courts of the Second Judicial Circuit in and for Leon County, Florida. If any claim arising from, related to, or in connection with this Agreement must be litigated in Federal court, the exclusive venue for any such lawsuit shall be in the United States District Court or United States Bankruptcy Court for the Northern District of Florida. By entering into this Agreement, the County and Contractor hereby expressly waive any rights either Party may have to a trial by jury of any civil litigation related to this Agreement.

36. CONSTRUCTION

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

37. SEVERABILITY

It is intended that each section of this Agreement shall be viewed as separate and divisible, and in the event that any section, or part thereof, shall be held to be invalid, the remaining sections and parts shall continue to be in full force and effect.

38. AMENDMENTS

No modification, amendment, or alteration in the terms or conditions contained in this Agreement shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by duly authorized representatives of the County and Contractor.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

39. 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.

40. JOINT PREPARATION

The Parties have jointly prepared this Agreement, and this Agreement shall not be construed more strictly against either of the Parties.

41. COUNTERPARTS AND MULTIPLE ORIGINALS

This Agreement may be executed in multiple originals and in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

ORDER OF PRECEDENCE

1. Agreement
2. Exhibit A
3. Exhibit B
4. Exhibit C

ATTACHMENTS

Exhibit A – Solicitation Document #BC-2022-031
Exhibit B – Contractor's Response to Solicitation #BC- 2022-031
Exhibit C – Additional Federal Terms and Conditions

The remainder of this page intentionally left blank.

AGREEMENT BETWEEN LEON COUNTY, FLORIDA AND DOWDY CORPORATION
BC-2022-031

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 Knight, Clerk of the Court &
Comptroller, Leon County, Florida

BY: _____

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

Date: _____

DOWDY CORPORATION

By: _____

Printed
Name _____

Title: _____

Date: _____



INVITATION TO BID

FOR

BELAIR PHASE II WASTEWATER RETROFIT

BID NUMBER BC-2022-031

BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA

RELEASE DATE: May 20, 2022

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

Belair Phase II Wastewater Retrofit

- I. Introduction
- II. Bidding Process
- III. Contractor Qualifications
- IV. Award and Contracting Process
- V. Minority, Women, Small Business (MWSBE) Enterprise
- VI. Required Certifications
- VII. Insurance Requirements
- VIII. Terms and Conditions
- IX. Vendor Questionnaire
- X. Bid Table

Attachments:

- A - Technical Specifications - Belair Phase II
- B - Technical Specifications - COT Water & Sewer Construction
- C - Belair Phase II Construction Plans
- D - Belair Phase II Environmental Permit
- E - Belair Phase II ERP Exemption
- F - Federal Requirements - ARPA
- G - Draft Agreement
- H - Bid Response Cover Sheet
- I - Forms for Solicitation(with Team Summary) 2022
- J - Geotechnical Report - Belair Wastewater Retrofit

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

I. INTRODUCTION

A. Summary

Leon County is seeking the services of a qualified vendor to improve the existing sanitary sewer system along the Belair Neighborhood and provide property owners currently on septic systems to connect to the public City of Tallahassee sanitary sewer network infrastructure as part of the utility improvements in accordance with Attachment A - Technical Specifications - Belair Neighborhood Wastewater Retrofit - Phase II, Attachment B - Technical Specifications - COT Water & Sewer Construction, Attachment C - Belair Phase II Construction Plans, Attachment D - Environmental Permit, Attachment E - ERP Exemption, Attachment F - Draft Contract, and the Bid Pricing Table. The proposed project includes the installation of an underground sanitary sewer collection system within public rights of way and connection lines to existing single-family residences. No lift stations are proposed as part of this project.

The improvements will consist of the installation of approximately 2,601 linear feet (LF) of new 8-inch PVC sanitary sewer main lines along Lewis Boulevard (Blvd), Susie B. Lane, North Extension Utility Easement, and a Utility Easement terminating into Erie Street. The southern portion of phase II project limits start at the intersection of Lewis Blvd and Woodville Highway and extend east until it intersects both utility easements to the north and south, the North Extension and Erie Street, respectively. The northern portion of phase II projects limits begins at the entrance to the 40 FT HOA area to Susie B Lane. The new sanitary main facilities will be installed within the Public Right-of-Way (ROW) or easements along Lewis Blvd, Susie B. Lane, Erie Street, and the North Extension. The project is located in Section 19, of Township 01 South, and Range 01 East in Leon County, Tallahassee, Florida.

B. Contact Information

Shelly Kelley

Purchasing Director

1800-3 Blair Stone Road

Purchasing Division

Tallahassee, FL 32308

Email: kelleys@leoncountyfl.gov

Phone: (850) 606-1600

Department:

Procurement

Department Head:

Shelly Kelley

Director of Purchasing

C. Timeline

Below 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: <https://secure.procurenow.com/portal/leoncounty/>.

Exhibit A - Solicitation DocumentAttachment #1
Page 19 of 82

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

Release Project Date	May 20, 2022
2nd Pre-Bid Meeting (Mandatory)	<p>June 6, 2022, 10:00am IN PERSON:</p> <p>1800-3 North Blair Stone Road Tallahassee, FL 32308</p> <p>VIRTUALLY:</p> <p>To join our Zoom Meeting, go to https://zoom.us/j/9625341094 from your browser -OR- One tap mobile: +19292056099,,9625341094# US (New York) +13126266799,,9625341094# US (Chicago) Meeting ID: 962 534 1094 Dial by your location: +1 929 205 6099 US (New York) +1 312 626 6799 US (Chicago)</p> <p>Find your local number: https://zoom.us/u/abtKzzawIE</p> <p>Join by SIP: 9625341094@zoomcrc.com</p>
Question Submission Deadline	June 6, 2022, 5:00pm
Proposal Submission Deadline	June 20, 2022, 2:00pm

Exhibit A - Solicitation Document

Attachment #1
Page 20 of 82

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

1st Pre-Bid Meeting

May 26, 2022, 10:00am

IN PERSON:

1800-3 North Blair Stone Road
Tallahassee, FL 32308

VIRTUALLY:

To to <https://zoom.us/j/9625341094> from your browser
-OR-

One tap mobile:

+19292056099,,9625341094# US (New York)

+13126266799,,9625341094# US (Chicago)

Meeting ID: 962 534 1094

Dial by your location:

+1 929 205 6099 US (New York)

+1 312 626 6799 US (Chicago)

Find your local number: <https://zoom.us/u/abtKzzawIE>

Join by SIP:

9625341094@zoomcrc.com

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

II. BIDDING PROCESS

A. BIDDER INSTRUCTIONS

Bidders are expected to examine the specifications, delivery schedule, freight requirements, 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. Bids must be submitted electronically via ProcureNow.

B. 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 Leon County Administrator's Office using the Florida Relay Service which can be reached at 1(800) 955 8771 (TDD).

C. 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:

- A. Any person or person's representative seeking an award from such competitive solicitation; and
- B. 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, lawyer, relative, 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, communications with the County Attorney or communications with the Purchasing Director.

Violation of this section may result in disqualification from this solicitation and shall be grounds for suspension from doing business with the County.

D. 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. In order to register, you must create an account on the County's eProcurement Portal (<https://secure.procurenw.com/portal/leoncounty/>), browse to the bid, and then click the "Follow" button.

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

Failure to register through the Purchasing Division (<https://secure.procurenow.com/portal/leoncounty/>) may cause your submittal to be rejected as non-responsive.

E. 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 <https://secure.procurenow.com/portal/leoncounty/>. For those projects with separate plans, blueprints, or other materials that cannot be accessed through the internet, the Purchasing Division will make them available for pick up at the Purchasing Division. 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.

F. QUESTIONS AND CLARIFICATIONS

Questions may be submitted directly through the County's e-Procurement Portal located at <https://secure.procurenow.com/portal/leoncounty/>. Alternatively, if using email, questions pertaining to bid procedures or regarding the specifications should be addressed to both Shelly Kelley and Shelly Kelley, telephone (850) 606-1600; E-mail: kelleys@leoncountyfl.gov and kelleys@leoncountyfl.gov.

If using email, bidders are requested to send such requests to both representatives of the Purchasing Division. Electronic inquiries are preferred over phone.

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.

G. 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. The County's only method of submission is electronically via ProcureNow. Bids containing any conditions or irregularities of any kind may be rejected by the County. It is the intention of the County to award this bid based on the lowest total bid price based on the options selected by the County and/or other criteria herein contained meeting all specifications.

H. 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.

I. 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 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

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

opening of bids, the bid tabulation will be made public and will be posted on the Purchasing Division website at:
<https://secure.procurenow.com/portal/leoncounty/>.

Sealed bids 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.

J. 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 the agreement 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.

K. 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: <https://secure.procurenow.com/portal/leoncounty/> by clicking the "Followers" tab on the the advertisement of the respective solicitation. A listing of the registered bidders with their email address is designed to assist bidders in preparation of their responses.

L. 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.

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

III. CONTRACTOR QUALIFICATIONS

The primary contractor or the subcontractor doing the work shall be licensed by the State of Florida as a Licensed Underground Utility and Excavation Contractor pursuant to FS 489.105(3)(n). The Licensed Underground Utility and Excavation Contractor shall possess an active and current licensing placard issued by the Florida Department of Business and Professional Regulation (DBPR). Copies of primary contractor's licensing placard(s) shall be submitted to Leon County concurrent with bid.

The primary contractor or any subcontractors performing the road construction work shall be prequalified by FDOT in Flexible Paving or Grading Work Class.

Specific license type for this project shall be as indicated in F.S. sections 489.105(3)(a)-(q) as applicable to the scope of work of the project. Contractors, proposed sub-contractors and/or if self-performing, the employee that is performing the work, must hold a Florida license for any specialty work, based on the work required to complete this project. Copies of both the contractor's and any proposed subcontractors' licensing placards and Certificates of Qualifications shall be submitted to Leon County concurrent with bid.

Failure to demonstrate licensing and certifications in the fashion described may result in the bid being determined as non-responsive.

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

IV. AWARD AND CONTRACTING PROCESS

A. AWARD OF BIDS

The bid will be awarded to the lowest responsive, responsible bidder. 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:

<https://secure.procurenw.com/portal/leoncounty/> 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 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.

Any bid award recommendation may be protested on the grounds of irregularities in the specifications, bid procedure, or the evaluation of the bid. Such notice of intent of bid protest shall be made in writing to the Purchasing Director within 72 hours after receipt of the intended recommendation of award and the protestor shall file a formal written bid challenge within 10 days after the date in which the notice of intent of bid protest has been submitted. Failure to file a notice of intent of bid protest or failure to file a formal written bid protest shall constitute a waiver of all rights granted under this section. At the time fixed for the opening of bids, the contents of the Bid Form will be made public for the information of Bidders and other interested parties, who may be present either in person or by representatives.

B. Agreement

After the bid award, the County, at its discretion, will prepare a purchase order or an agreement that specifies the terms and conditions resulting from the award of this bid. Every procurement for contractual services shall be evidenced by a written agreement. The awarded Bidder will have ten 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.

C. Payments

Payments to the Contractor shall be made according to the requirements of the Local Government Prompt Pay Act, sections 218.70 - 218.79, Florida Statutes.

D. Termination

The County may terminate the agreement without cause, by giving the Contractor thirty (30) days written notice of termination. Either party may terminate the 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

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

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.

The agreement may be terminated by the County if the Contractor is found to have submitted a false certification as required under section 215.471 (5), Florida Statutes, been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or been engaged in business operations in Cuba or Syria.

E. 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 _____, 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.

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

V. MINORITY, WOMEN, SMALL BUSINESS (MWSBE) ENTERPRISE

A. Overview for Projects with Federal Funding Without a Specific MWSBE Goal

There is no Minority and Women Business Enterprise aspirational target prescribed for this solicitation. Each Proposer is strongly encouraged to secure MBE and WBE participation through purchase(s) of those goods or services to be provided by others. Each Proposer must take the following affirmative steps to ensure these firms are used when possible:

1. Place qualified small, minority, and woman-owned business on solicitation lists;
2. Assure that such business are solicited when they are potential sources;
3. Divide total requirement, when economically feasible, into smaller tasks or quantities to permit maximum participation by such businesses;
4. Establish delivery schedules, where requirements permits, which encourage such business to respond; and
5. Use service and assistance from such organization as SBA, Minority Business Development Agency of the Department of Commerce.

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. Alternate contacts are MWSBE Coordinators LaTanya Raffington, and Shanea Wilks by email at lraffington@oevforbusiness.org and swilks@oevforbusiness.org.

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

VI. REQUIRED CERTIFICATIONS

A. Licenses and Registrations

The contractor shall be responsible for obtaining and maintaining throughout the contract period any licenses required pursuant to the laws of Leon County, the City of Tallahassee, or the State of Florida.

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.

B. 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 the agreement by the County. As part of the bid response to this solicitation, please complete and submit the attached form AFFIDAVIT CERTIFICATION IMMIGRATION LAWS.

C. 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.

D. 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.

E. Employment Eligibility Verification

- A. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. Contractor further agrees to provide to the County, within thirty days of the effective date of the agreement, documentation of such

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

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).

- B. Contractor further agrees that it will require each subcontractor that performs work under the agreement to enroll and participate in the E-Verify Program within sixty days of the effective date of the agreement 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 Agency upon request.
- C. 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.
 - 1. 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.
 - 2. 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 the agreement or within 30 days after assignment to perform work pursuant to the Agreement, whichever is later.
- D. 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 other authorized state entity consistent with the terms of the Memorandum of Understanding.
- E. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of the agreement and the County may treat a failure to comply as a material breach of the contract.

F. 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 origin, 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.

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

VII. INSURANCE REQUIREMENTS

A. Overview

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. If an apparent low bidder fails to comply strictly with the insurance requirements, that bidder may be disqualified from award of the contract.

The awarded 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.

B. General, Automobile, and Workers' Insurance

Contractor shall maintain limits no less than:

General Liability: \$1,000,000 combined single limit for bodily injury and property damage per occurrence with a \$3,000,000 annual aggregate. Completed operations coverage will be provided for a period of three (3) years beyond termination and/or completion of the project. Coverage must include bodily injury and property damage, including Premise/Operations: a per location aggregate, Broad Form Contractual liability; Broad Form Property Damage; Fire Legal liability; Independent Contractors coverage; Cross Liability & Severability of Interest Clauses; and Personal Injury, and coverage for explosion, collapse, and underground (X, C, U).

Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage, with a "Coverage Symbol 1:Any Auto" (Non-owned, Hired Car).

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.

C. Additional Required Insurance

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 four (4) 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 four (4)-year period.

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.

Pollution Liability Insurance and/or Environmental Impairment Liability Insurance: \$1,000,000 per occurrence and \$2,000,000 annual aggregate. The coverage shall provide protection for the site owners and operators against third-party liability for bodily injury, property damage and cleanup cost as a result of a pollution event on, at, under or coming from the insured's covered location and/or which may arise from, or in connection with, the performance by the insured, its agents, representatives, employees and/or members (County is to be named as Additional Insured).

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

D. 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.

E. Other Insurance Provisions

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

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 in respect to 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 are made or suit is brought, except with respect to the limits of the insurer's liability.

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 written notice has been given to the County.

F. Acceptability of Insurers

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

G. 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.*

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

H. 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.

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

VIII. TERMS AND CONDITIONS

A. Purchases By Other Public Agencies

With the consent and agreement of the successful bidder(s), purchases may be made under the agreement by other governmental agencies or political subdivisions within the State of Florida. Such purchases shall be governed by the same pricing, terms and conditions stated herein with no deviations allowed. The agreement in no way restricts or interferes with the right of any public agency or political subdivision to bid any or all of the items or services independently.

B. 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 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 agreement resulting from this bid pending final determination of charges of unethical business practices. At its sole discretion, the Board may deny award or cancel the agreement if it determines that unethical business practices were involved.

C. Time and Liquidated Damages

The work to be performed under the agreement shall be commenced within fifteen (15) days of the Notice to Proceed. All work to be performed under the agreement shall be completed within one hundred-eighty(180) consecutive calendar days of the Notice to Proceed to final completion. If the work to be performed under the agreement 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 based on the bid price and according to Section 8-10 of the FDOT's Standard Specifications for Road and Bridge Construction, 2021 Edition.

Permitting the Contractor to continue and finish the work or any part of it after the expiration of the agreement 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 agreement.

D. Warranties

Bidder will warrant title to all goods sold as provided for in Chapter 672, Florida Statutes. Additionally, a minimum two-year warranty on the materials and workmanship as described in the Technical Specifications.

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

E. 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.

F. Penalties

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

- A. Failure to perform according to agreement provisions.
- B. Conviction in a court of law of any criminal offense in connection with the conduct of business
- C. 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.
- D. 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.
- E. Other reasons deemed appropriate by the Board of County Commissioners.

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

IX. VENDOR QUESTIONNAIRE

Bids must be submitted electronically via ProcureNow..

A. ACCEPTANCE OF COUNTY TERMS AND CONDITIONS*

Leon County objects to and shall not consider any additional terms or conditions submitted by a bidder, including any appearing in documents attached as part of a bidder's response. In submitting its bid response, a bidder 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 bid response, shall be grounds for rejecting a bid response or placing a bidder in default.

☐ Please confirm

*Response required

B. Human Trafficked Labor*

I certify that this firm does not utilize human trafficked labor in compliance with Section 787.06, Florida Statutes.

☐ Please confirm

*Response required

C. Bid Guarantee*

A Bid Bond is required for this project. Please upload your Bid Bond here.

If submitting a Cashier's Check in lieu of a Bid Bond, please scan a copy of the cashier's check, upload here, and also mail the original cashier's check to:

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

The mailing must have the Project ID (BC-2022-031), the Project Title (Belair Phase II Wastewater Retrofit), and the Company Name printed clearly on the front of the envelope.

This must be postmarked no later than the date of the bid opening or your bid may be considered non-responsive.

*Response required

D. Payment and Performance Bond*

A Payment and Performance Bond will be required for this project of the SUCCESSFUL BIDDER. Please confirm.

☐ Please confirm

*Response required

E. Bid Response Cover Sheet with Signature*

*Response required

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

F. Florida Trench Safety Act**

Bidders shall complete Certificate of Compliance with Florida Trench Safety Act, in accordance with the requirements of Chapter 553, Florida Statutes. Contractor shall be responsible for compliance with all trenching shoring safety requirements.

Please download the below document, complete, and upload.

- [Trench Safety Act Form.pdf](#)

*Response required

G. Additional Forms to Fill Out and Submit*

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.

Please see the Attachments section for all the necessary forms for the bidder to complete for this solicitation.

- Respondent and Team Summary Form
- Affidavit Immigration Laws
- Equal Opportunity and Affirmative Action Statement
- Identical Tie Bid Statement
- Contractor's Business Information & Applicable Licenses/Registrations
- Non-Collusion Affidavit
- Insurance Certification Form
- Certification/Debarment Form
- Local Vendor Certification (if applicable)
- Employment Eligibility (E-Verify)
- Leon County Substitute Form W-9

*Response required

H. Prime Contractor or Sub-contractor Qualifications*

Submit all licenses, certifications, registrations, and work class pre-qualifications required in the solicitation.

*Response required

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

X. BID TABLE

The County intends to award this solicitation on the base bid price in Table 1. The County reserves the right to award Alternate #1 to the successful bidder if it is in the best interest of the County.

TABLE 1 - BASE BID

Erie St. Utility Easement Sta: 80+ 00.00 to 85 + 55.15; North Extension Utility Easement Sta: 85 + 55.15 to 90 + 00.00; Lewis Boulevard Sta: 30 + 75.06 to 43 + 84.74

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
General Contract Item					
GCI-00	Mobilization	1	Lump Sum		
GCI-10	Temporary Traffic Control	1	Lump Sum		
GCI-30	Temporary erosion, sedimentation, and water pollution control	1	Lump Sum		
GCI-40	Tree Protection & Arboricultural Mitigation	1	Lump Sum		
GCI-50	Selective Clearing & Grubbing (Trees to be removed) within ROW & easements	1	Lump Sum		
GCI-50-1	Tree Removal (Private Property) 2" Dia. - 12" Dia.	6	Each		
GCI-50-2	Tree Removal (Private Property) 12.1" Dia. - 24" Dia.	9	Each		
GCI-50-3	Tree Removal (Private Property) 24.1" Dia. - 36" Dia.	9	Each		
GCI-50-4	Tree Removal (Private Property) 36.1" Dia. - 48" Dia.	1	Each		
GCI-60	4 FT High Chain-Link Fence Remove and Replace with New	450	Linear Foot		
GCI-61	6 FT High Wood Privacy Fence Remove and Replace with New	250	Linear Foot		
Road Surface Restoration Pay Items					
RSR-00	Subgrade Stabilization (LBR 40), 12"	3,497	Square Yard		
RSR-10	Base Course, Limerock (LBR 100), 6"	3,213	Square Yard		

Exhibit A - Solicitation DocumentAttachment #1
Page 38 of 82

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
RSR-30	Structural Asphalt, SP-9.5, 1" Thickness	3,200	Square Yard		
RSR-31	Structural Asphalt, SP-12.5, 1.5" Min.	3,200	Square Yard		
RSR-50	Asphalt Removal & Disposal	3,200	Square Yard		
120.2.4	Road Side Swale Ditch Excavation/Disposal/Grading	268	Cubic Yard		
Miscellaneous Surface Restoration					
MSR-02	Misc. Conc. Restoration (North Ext.) Remove and Replace Full Slab	134	Square Yard		
MSR-10	Solid Sod (ROW and Service Laterals)	3,150	Square Yard		
Gravity Sewer Main					
GSS-01-0808-PVC	Gravity Sewer Main, 8", 6.1 -8.0 FT Depth, PVC (DR26)	456	Linear Foot		
GSM-01-0810-PVC	Gravity Sewer Main, 8", 8.1-10.0 FT. Depth, PVC (DR26)	760	Linear Foot		
GSM-01-0812-PVC	Gravity Sewer Main, 8", 10.1-12.0 FT. Depth, PVC (DR26)	421	Linear Foot		
GSM-01-0814-PVC	Gravity Sewer Main, 8", 12.1-14.0 FT. Depth, PVC (DR26)	400	Linear Foot		
GSM-02-0816-PVC	Gravity Sewer Main, 8", 14.1-16.0 Ft. Depth, PVC (DR26)	90	Linear Foot		
GSM-02-0818-PVC	Gravity Sewer Main, 8", 18.1-20.0 Ft. Depth, PVC (C-900 DR18)	91	Linear Foot		
Pre-Cast Concrete Manholes					
SMH-0410	Sewer Manhole, 4' Dia., 8.1 - 10.0 FT Depth	3	Each		
SMH-0412	Sewer Manhole, 4' Dia., 10.1 - 12.0 FT Depth	4	Each		
SMH-0414	Sewer Manhole, 4' Dia., 12.1 - 14.0 FT Depth	1	Each		

Exhibit A - Solicitation DocumentAttachment #1
Page 39 of 82

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
SMH-0416	Sewer Manhole, 4' Dia., 14.1 - 16.0 FT Depth	1	Each		
SMH-0422	Sewer Manhole, 4' Dia., 20.1 - 22.0 FT Depth	1	Each		
Sanitary Sewer Services (ROW/Easement)					
GSS-01-0804-PVC-20	Sewer Services, 8"x4", PVC (DR26), 0-20 FT Length	7	Each		
GSS-01-0804-PVC-40	Sewer Services, 8"x4", PVC (DR26), 21-40 FT Length	18	Each		
Sanitary Sewer Services (On-Site)					
GSS-01-0804-PVC-60	Sewer Services, 8"x4", PVC (DR26), 0-60 FT Length	6	Each		
GSS-01-0804-PVC	Sewer Services, 8"x4", PVC (DR26), 61-300 FT Length	13	Each		
STA-01	Septic Tank Abandonment	19	Each		
CORE-DRILL Connection to Existing SEWER MANHOLE (INCLUDES BENCH MODIFICATIONS)					
CMH-08	Core-Drill Connection to Existing Sewer MH, 8" (SSMH 230)	1	Each		
TOTAL					

TABLE 2 - ALTERNATE #1

Susan B. Lane Sta: 203 + 46.54 to 207 + 22.63

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total	NOTE
General Contract Item						
GCI-00	Mobilization	1	Lump Sum			Included in base bid - Please enter 0 in the unit price.

Exhibit A - Solicitation DocumentAttachment #1
Page 40 of 82

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total	NOTE
GCI-10	Temporary Traffic Control	1	Lump Sum			Included in base bid - Please enter 0 in the unit price.
GCI-30	Temporary erosion, sedimentation, and water pollution control	1	Lump Sum			Included in base bid - Please enter 0 in the unit price.
GCI-40	Tree Protection & Arboricultural Mitigation	1	Lump Sum			Included in base bid - Please enter 0 in the unit price.
GCI-50	Selective Clearing & Grubbing (Trees to be removed) within ROW & easements	1	Lump Sum			Included in base bid - Please enter 0 in the unit price.
GCI-50-1	Tree Removal (Private Property) 2" Dia. - 12" Dia.	15	Each			
GCI-50-2	Tree Removal (Private Property) 12.1" Dia. - 24" Dia.	7	Each			
GCI-50-3	Tree Removal (Private Property) 24.1" Dia. - 36" Dia.	2	Each			
GCI-50-4	Tree Removal (Private Property) 36.1" Dia. - 48" Dia.	1	Each			
GCI-63	Remove, Salvage and Reinstall Field Wire Fence	1	Lump Sum			
Road Surface Restoration Pay Items						

Exhibit A - Solicitation DocumentAttachment #1
Page 41 of 82

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total	NOTE
RSR-00	Subgrade Stabilization (LBR 40), 12"	634	Square Yard			
RSR-10	Base Course, Limerock (LBR 100), 6"	449	Square Yard			
Miscellaneous Surface Restoration						
MSR-02	Misc. Conc. Restoration (Susie B. Lane) Remove and Replace Full Slab	16	Square Yard			
MSR-10	MSR-10 Solid Sod	215	Square Yard			
Gravity Sewer Main						
GSM-02-0806-DIP	Gravity Sewer Main, 8", 0-6.0 Ft. Depth, DI	307	Linear Foot			
Pre-Cast Concrete Manholes						
SMH-0406	Sewer Manhole, 4' Dia., 0 - 6.0 Ft. Depth	1	Each			
Sanitary Sewer Services (ROW/ Easement)						
GSS-01-0804-PVC-20	Sewer Services, 8"x4", PVC (DR26), 0-20 FT Length	3	Each			
Sanitary Sewer Services (ON-SITE)						
GSS-01-0804-PVC-60	Sewer Services, 8"x4", PVC (DR26), 0-60 FT Length	1	Each			
GSS-01-0804-PVC	Sewer Services, 8"x4", PVC (DR26), 61-300 FT Length	2	Each			
SA-01	Septic Tank Abandonment	3	Each			
Potable Water Services						

Exhibit A - Solicitation DocumentAttachment #1
Page 42 of 82

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total	NOTE
PWS-02-0801-99	Water Service, Complete, 8"x1" >40 Ft., HDPE (PE4710, CTS, DR9),1@5/8"	2	Each			
WMS-0158	Meter Setting, Single, 5/8"	2	Each			
Well Abandonment						
WA-01	3/4" Pressure Reducer Valve	2	Each			
WA-02	3/4" Backflow Preventer	2	Each			
Stormwater Utility						
SU-01	15 inch RCP, 0 - 6.0 Ft. Depth	17	LF			
SU-02	15" Mitered End Section, 0 - 6.0 Ft. Depth	2	Each			
TOTAL						

TABLE 3 - PAY ITEM NOTES

Line Item	Pay Item Notes	Unit of Measure	Unit Cost
PAY ITEM NOTES			
GCI-50	All costs associated with the removal and disposal of trees within the right-of-way and easements to ready the site for improvements only as shown on arborist sheets TR1.1 through TR5.1.	Each	
GCI-50-1; GCI-50-2; GCI-50-3; GCI-50-4	The existing conditions topographic survey, sheets C-101 to C-105, presented in the construction plans is partial and incomplete. The path of service laterals on private property as shown on the plans from the R.O.W. to the property owner home connection sump, may be required to deviate to avoid unforeseen items. To include all costs associated with the removal and disposal of trees as required to ready the site for service laterals improvements on private property.	Each	

Exhibit A - Solicitation DocumentAttachment #1
Page 43 of 82

Bid Title: BELAIR PHASE II WASTEWATER RETROFIT

Bid Number BC-2022-031

Opening Date: June 20, 2022, 2:00 pm

Line Item	Pay Item Notes	Unit of Measure	Unit Cost
CMH-08	All costs associated with the reconnecting the existing sewer main connections shall be included in this pay item and shall not be paid separately.	Each	

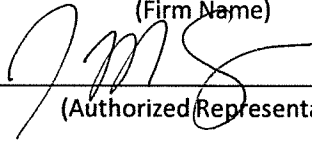
BID RESPONSE COVER SHEET

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

Bill Proctor, Chairman
Leon County Government

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

	<u>Dowdy Corporation</u>
	<u>(Firm Name)</u>
BY	<u></u>
	<u>(Authorized Representative)</u>
	<u>Jason M. Lewis</u>
	<u>(Printed or Typed Name)</u>
ADDRESS	<u>4425 Entrepot Blvd,</u>
	<u>TALLAHASSEE, FL 32310</u>
EMAIL ADDRESS	<u>kcrawford@teamdowdy.com</u>
TELEPHONE	<u>850-656-1211</u>
FAX	<u>850-877-1699</u>

ADDENDA ACKNOWLEDGMENTS: (IF APPLICABLE)

Addendum #1 dated JML Initials

Addendum #2 dated JML Initials

Addendum #3 dated _____ Initials

ADDENDA CONFIRMATION

Addendum #1

Confirmed Jun 20, 2022 10:52 AM by Kyle Crawford

Addendum #2

Confirmed Jun 20, 2022 10:52 AM by Kyle Crawford

QUESTIONNAIRE

1. ACCEPTANCE OF COUNTY TERMS AND CONDITIONS*

Leon County objects to and shall not consider any additional terms or conditions submitted by a bidder, including any appearing in documents attached as part of a bidder's response. In submitting its bid response, a bidder 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 bid response, shall be grounds for rejecting a bid response or placing a bidder in default.

Confirmed

2. Human Trafficked Labor*

I certify that this firm does not utilize human trafficked labor in compliance with Section 787.06, Florida Statutes.

Confirmed

3. Bid Guarantee*

A Bid Bond is required for this project. Please upload your Bid Bond here.

If submitting a Cashier's Check in lieu of a Bid Bond, please scan a copy of the cashier's check, upload here, and also mail the original cashier's check to:

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

The mailing must have the Project ID (BC-2022-031), the Project Title (Belair Phase II Wastewater Retrofit), and the Company Name printed clearly on the front of the envelope.

This must be postmarked no later than the date of the bid opening or your bid may be considered non-responsive.

Bid_Bond.pdf

4. Payment and Performance Bond*

A Payment and Performance Bond will be required for this project of the SUCCESSFUL BIDDER. Please confirm.

Confirmed

5. Bid Response Cover Sheet with Signature*

Bid_Response_Cover_Sheet.pdf

6. Florida Trench Safety Act**

Bidders shall complete Certificate of Compliance with Florida Trench Safety Act, in accordance with the requirements of Chapter 553, Florida Statutes. Contractor shall be responsible for compliance with all trenching shoring safety requirements.

Please download the below document, complete, and upload.

- [Trench Safety Act Form.pdf](#)

Trench_Safety.pdf

7. Additional Forms to Fill Out and Submit*

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.

Please see the Attachments section for all the necessary forms for the bidder to complete for this solicitation.

- Respondent and Team Summary Form
- Affidavit Immigration Laws
- Equal Opportunity and Affirmative Action Statement
- Identical Tie Bid Statement
- Contractor's Business Information & Applicable Licenses/Registrations
- Non-Collusion Affidavit
- Insurance Certification Form
- Certification/Debarment Form
- Local Vendor Certification (if applicable)
- Employment Eligibility (E-Verify)
- Leon County Substitute Form W-9

Non_Collusion_Affadavit.pdfInsurance_Certifcation_Form.pdfIdentical_Tie_Bid.pdfEqual_Opportunity_Affirmative_Action_Statement.pdfContractor_Business_Information.pdfCertification_Regarding_Debarment.pdfRespondent_and_Team_Summary.pdfAffidavit_-Immigration.pdflocal_vendor.pdfEmployment_Eligibility_Verification.pdfLeon_County_Substitute_W-9.pdf

8. Prime Contractor or Sub-contractor Qualifications*

Submit all licenses, certifications, registrations, and work class pre-qualifications required in the solicitation.

FDOT_Certification_2021-

2022.pdfCUC1224746_Primary_Site.pdfCUC1225091_Secondary_Site.pdfCFC057654_Primary_Plumbing.pdfCFC1429956_Secondary_Plumbing.pdfFPC13-000088_Class_V_Fire.pdf

PRICE TABLES

TABLE 1 - BASE BID

Erie St. Utility Easement Sta: 80+ 00.00 to 85 + 55.15; North Extension Utility Easement Sta: 85 + 55.15 to 90 + 00.00; Lewis Boulevard
Sta: 30 + 75.06 to 43 + 84.74

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
General Contract Item					
GCI-00	Mobilization	1	Lump Sum	\$71,220.00	\$71,220.00
GCI-10	Temporary Traffic Control	1	Lump Sum	\$25,000.00	\$25,000.00
GCI-30	Temporary erosion, sedimentation, and water pollution control	1	Lump Sum	\$20,000.00	\$20,000.00
GCI-40	Tree Protection & Arboricultural Mitigation	1	Lump Sum	\$25,000.00	\$25,000.00
GCI-50	Selective Clearing & Grubbing (Trees to be removed) within ROW & easements	1	Lump Sum	\$22,557.50	\$22,557.50
GCI-50-1	Tree Removal (Private Property) 2" Dia. - 12" Dia.	6	Each	\$650.00	\$3,900.00
GCI-50-2	Tree Removal (Private Property) 12.1" Dia. - 24" Dia.	9	Each	\$1,250.00	\$11,250.00
GCI-50-3	Tree Removal (Private Property) 24.1" Dia. - 36" Dia.	9	Each	\$3,125.00	\$28,125.00
GCI-50-4	Tree Removal (Private Property) 36.1" Dia. - 48" Dia.	1	Each	\$5,625.00	\$5,625.00
GCI-60	4 FT High Chain-Link Fence Remove and Replace with New	450	Linear Foot	\$32.00	\$14,400.00
GCI-61	6 FT High Wood Privacy Fence Remove and Replace with New	250	Linear Foot	\$37.00	\$9,250.00
Road Surface Restoration Pay Items					

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
RSR-00	Subgrade Stabilization (LBR 40), 12"	3,497	Square Yard	\$5.00	\$17,485.00
RSR-10	Base Course, Limerock (LBR 100), 6"	3,213	Square Yard	\$16.00	\$51,408.00
RSR-30	Structural Asphalt, SP-9.5, 1" Thickness	3,200	Square Yard	\$11.30	\$36,160.00
RSR-31	Structural Asphalt, SP-12.5, 1.5" Min.	3,200	Square Yard	\$16.85	\$53,920.00
RSR-50	Asphalt Removal & Disposal	3,200	Square Yard	\$6.65	\$21,280.00
120.2.4	Road Side Swale Ditch Excavation/Disposal/Grading	268	Cubic Yard	\$70.00	\$18,760.00
Miscellaneous Surface Restoration					
MSR-02	Misc. Conc. Restoration (North Ext.) Remove and Replace Full Slab	134	Square Yard	\$101.25	\$13,567.50
MSR-10	Solid Sod (ROW and Service Laterals)	3,150	Square Yard	\$9.50	\$29,925.00
Gravity Sewer Main					
GSS-01-0808-PVC	Gravity Sewer Main, 8", 6.1 -8.0 FT Depth, PVC (DR26)	456	Linear Foot	\$135.00	\$61,560.00
GSM-01-0810-PVC	Gravity Sewer Main, 8", 8.1-10.0 FT. Depth, PVC (DR26)	760	Linear Foot	\$150.00	\$114,000.00
GSM-01-0812-PVC	Gravity Sewer Main, 8", 10.1-12.0 FT. Depth, PVC (DR26)	421	Linear Foot	\$160.00	\$67,360.00
GSM-01-0814-PVC	Gravity Sewer Main, 8", 12.1-14.0 FT. Depth, PVC (DR26)	400	Linear Foot	\$175.00	\$70,000.00

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
GSM-02-0816-PVC	Gravity Sewer Main, 8", 14.1-16.0 Ft. Depth, PVC (DR26)	90	Linear Foot	\$225.00	\$20,250.00
GSM-02-0818-PVC	Gravity Sewer Main, 8", 18.1-20.0 Ft. Depth, PVC (C-900 DR18)	91	Linear Foot	\$250.00	\$22,750.00
Pre-Cast Concrete Manholes					
SMH-0410	Sewer Manhole, 4' Dia., 8.1 - 10.0 FT Depth	3	Each	\$8,050.00	\$24,150.00
SMH-0412	Sewer Manhole, 4' Dia., 10.1 - 12.0 FT Depth	4	Each	\$8,693.00	\$34,772.00
SMH-0414	Sewer Manhole, 4' Dia., 12.1 - 14.0 FT Depth	1	Each	\$9,300.00	\$9,300.00
SMH-0416	Sewer Manhole, 4' Dia., 14.1 - 16.0 FT Depth	1	Each	\$10,500.00	\$10,500.00
SMH-0422	Sewer Manhole, 4' Dia., 20.1 - 22.0 FT Depth	1	Each	\$13,000.00	\$13,000.00
Sanitary Sewer Services (ROW/Easement)					
GSS-01-0804-PVC-20	Sewer Services, 8"x4", PVC (DR26), 0-20 FT Length	7	Each	\$2,950.00	\$20,650.00
GSS-01-0804-PVC-40	Sewer Services, 8"x4", PVC (DR26), 21-40 FT Length	18	Each	\$3,250.00	\$58,500.00
Sanitary Sewer Services (On-Site)					
GSS-01-0804-PVC-60	Sewer Services, 8"x4", PVC (DR26), 0-60 FT Length	6	Each	\$4,500.00	\$27,000.00

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
GSS-01-0804-PVC	Sewer Services, 8"x4", PVC (DR26), 61-300 FT Length	13	Each	\$7,000.00	\$91,000.00
STA-01	Septic Tank Abandonment	19	Each	\$3,125.00	\$59,375.00
CORE-DRILL Connection to Existing SEWER MANHOLE (INCLUDES BENCH MODIFICATIONS)					
CMH-08	Core-Drill Connection to Existing Sewer MH, 8" (SSMH 230)	1	Each	\$4,000.00	\$4,000.00
TOTAL					\$1,187,000.00

TABLE 2 - ALTERNATE #1

Susan B. Lane Sta: 203 + 46.54 to 207 + 22.63

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total	NOTE
General Contract Item						
GCI-00	Mobilization	1	Lump Sum	\$0.00	\$0.00	Included in base bid - Please enter 0 in the unit price.
GCI-10	Temporary Traffic Control	1	Lump Sum	\$0.00	\$0.00	Included in base bid - Please enter 0 in the unit price.

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total	NOTE
GCI-30	Temporary erosion, sedimentation, and water pollution control	1	Lump Sum	\$0.00	\$0.00	Included in base bid - Please enter 0 in the unit price.
GCI-40	Tree Protection & Arboricultural Mitigation	1	Lump Sum	\$0.00	\$0.00	Included in base bid - Please enter 0 in the unit price.
GCI-50	Selective Clearing & Grubbing (Trees to be removed) within ROW & easements	1	Lump Sum	\$0.00	\$0.00	Included in base bid - Please enter 0 in the unit price.
GCI-50-1	Tree Removal (Private Property) 2" Dia. - 12" Dia.	15	Each	\$650.00	\$9,750.00	
GCI-50-2	Tree Removal (Private Property) 12.1" Dia. - 24" Dia.	7	Each	\$1,250.00	\$8,750.00	
GCI-50-3	Tree Removal (Private Property) 24.1" Dia. - 36" Dia.	2	Each	\$3,125.00	\$6,250.00	
GCI-50-4	Tree Removal (Private Property) 36.1" Dia. - 48" Dia.	1	Each	\$5,625.00	\$5,625.00	
GCI-63	Remove, Salvage and Reinstall Field Wire Fence	1	Lump Sum	\$3,125.00	\$3,125.00	
Road Surface Restoration Pay Items						
RSR-00	Subgrade Stabilization (LBR 40), 12"	634	Square Yard	\$10.00	\$6,340.00	

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total	NOTE
RSR-10	Base Course, Limerock (LBR 100), 6"	449	Square Yard	\$25.00	\$11,225.00	
Miscellaneous Surface Restoration						
MSR-02	Misc. Conc. Restoration (Susie B. Lane) Remove and Replace Full Slab	16	Square Yard	\$150.00	\$2,400.00	
MSR-10	MSR-10 Solid Sod	215	Square Yard	\$10.00	\$2,150.00	
Gravity Sewer Main						
GSM-02-0806-DIP	Gravity Sewer Main, 8", 0-6.0 Ft. Depth, DI	307	Linear Foot	\$235.00	\$72,145.00	
Pre-Cast Concrete Manholes						
SMH-0406	Sewer Manhole, 4' Dia., 0 - 6.0 Ft. Depth	1	Each	\$7,325.00	\$7,325.00	
Sanitary Sewer Services (ROW/ Easement)						
GSS-01-0804-PVC-20	Sewer Services, 8"x4", PVC (DR26), 0-20 FT Length	3	Each	\$4,000.00	\$12,000.00	
Sanitary Sewer Services (ON-SITE)						
GSS-01-0804-PVC-60	Sewer Services, 8"x4", PVC (DR26), 0-60 FT Length	1	Each	\$4,416.00	\$4,416.00	
GSS-01-0804-PVC	Sewer Services, 8"x4", PVC (DR26), 61-300 FT Length	2	Each	\$7,500.00	\$15,000.00	
SA-01	Septic Tank Abandonment	3	Each	\$3,125.00	\$9,375.00	

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total	NOTE
Potable Water Services						
PWS-02-0801-99	Water Service, Complete, 8"x1" >40 Ft., HDPE (PE4710, CTS, DR9), 1@5/8"	2	Each	\$3,700.00	\$7,400.00	
WMS-0158	Meter Setting, Single, 5/8"	2	Each	\$850.00	\$1,700.00	
Well Abandonment						
WA-01	3/4" Pressure Reducer Valve	2	Each	\$1,912.00	\$3,824.00	
WA-02	3/4" Backflow Preventer	2	Each	\$2,850.00	\$5,700.00	
Stormwater Utility						
SU-01	15 inch RCP, 0 - 6.0 Ft. Depth	17	LF	\$500.00	\$8,500.00	
SU-02	15" Mitered End Section, 0 - 6.0 Ft. Depth	2	Each	\$2,000.00	\$4,000.00	
TOTAL					\$207,000.00	

TABLE 3 - PAY ITEM NOTES

Line Item	Pay Item Notes	Unit of Measure	Unit Cost
PAY ITEM NOTES			
GCI-50	All costs associated with the removal and disposal of trees within the right-of-way and easements to ready the site for improvements only as shown on arborist sheets TR1.1 through TR5.1.	Each	\$0.00

Exhibit B - Vendor Response

Line Item	Pay Item Notes	Unit of Measure	Unit Cost
GCI-50-1; GCI-50-2; GCI-50-3; GCI-50-4	The existing conditions topographic survey, sheets C-101 to C-105, presented in the construction plans is partial and incomplete. The path of service laterals on private property as shown on the plans from the R.O.W. to the property owner home connection sump, may be required to deviate to avoid unforeseen items. To include all costs associated with the removal and disposal of trees as required to ready the site for service laterals improvements on private property.	Each	\$0.00
CMH-08	All costs associated with the reconnecting the existing sewer main connections shall be included in this pay item and shall not be paid separately.	Each	\$0.00

**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: Dowdy Corporation
Signature: [Signature] Title: Vice President

STATE OF FL
COUNTY OF Leon

Sworn to and subscribed before me this 20th day of June, 2022

Personally known [Signature]

OR Produced identification _____

(Type of
identification)



[Signature]
NOTARY PUBLIC

Notary Public - State of Florida

My commission expires: April 7, 2023

Janice L. Livingston
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.**

**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

Vice President
Title

Dowdy Corporation
Contractor/Firm

4425 Entrepot Blvd, Tallahassee, FL 32310
Address

CONTRACTOR'S BUSINESS INFORMATIONCOMPANY INFORMATION

Name: Dowdy Corporation	
Street Address: 4425 Entrepot Blvd,	
City, State, Zip: Tallahassee, FL 32310	
Taxpayer ID Number: FL 59-3289030	
Telephone: 850-656-1211	Fax: 850-877-1699
Trade Style Name: Construction	

TYPE OF BUSINESS ORGANIZATION (check one)

<input type="checkbox"/>	Sole Proprietorship	<input type="checkbox"/>	Limited Liability Company
<input type="checkbox"/>	General Partnership	<input type="checkbox"/>	Joint Venture
<input type="checkbox"/>	Limited Partnership	<input type="checkbox"/>	Trust
<input checked="" type="checkbox"/>	Corporation	<input type="checkbox"/>	Other (specify)
<input type="checkbox"/>	Sub-chapter S Corporation		

State of Incorporation: Florida Date Established: January 23, 1995

AUTHORIZED SIGNATORIES/NEGOTIATORS

The Bidder represents that the following persons are authorized to sign and/or negotiate contracts and related documents to which the bidder will be duly bound:

Name	Title	Telephone	E-Mail
Jason M. Lewis	Vice President	850-656-1211	jmlewis@teamdowdy.com
Jennifer Lewis	Office Manager	850-656-1211	jdlewis@teamdowdy.com
Richard Dowdy	President	850-656-1211	rdowdy@teamdowdy.com

FLORIDA CONSTRUCTION INDUSTRIES LICENSING BOARD

Please provide the following information for all licenses required by Florida Statutes of the Prime Contractor for the performance of the work in this project.

Primary Licensee: William Atkinson	
License Type: Underground Utilities & Excavation	
License Number: CUC1224746	Expiration Date: 8/2020
Qualified Business License (certificate of authority) number:	
Alternate Licensee: Jason M. Lewis	
License Type: Underground Utilities & Excavation	
License Number: CUC1225091	Expiration Date: 8/2020

Bidder may use additional sheets to provide information for all applicable licenses and shall provide copies of each license as a part of the bid submittal.

LIST COMPANIES FROM WHOM YOU OBTAIN SURETY**BONDS Surety Company 1**

Company Name	US Specialty Insurance Company
Contact's Name	Brad Bush
Telephone	904-858-4176
Fax	904-396-7432
Address	13403 Northwest Freeway, Houston, TX 77040


Surety Company 2

Company Name	
Contact's Name	
Telephone	
Fax	
Address	

Present Amount of Bonding Coverage (\$): 16,000,000	Has your application for surety bond ever been declined? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, please provide detailed information on reverse)	During the past 2 years, have you been charged with a failure to meet the claims of your subcontractors or suppliers? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, please provide detailed information on reverse)
---	---	--

THE UNDERSIGNED, A DULY AUTHORIZED OFFICER OR EMPLOYEE, HEREBY CERTIFIES THAT THE ABOVE INFORMATION IS TRUE AND CORRECT AND HAS HEREUNTO SET HIS SIGNATURE

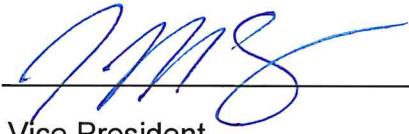
THIS 20th DAY OF J une, 2022.

By:  Title: Vice President

Printed Name and Title: Jason M. Lewis, Vice President

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: Vice President
Firm: Dowdy Corporation
Address: 4425 Entrepot Blvd, Tallahassee, FL 32310

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.)

X 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

Vice President

Title

6/20/2022

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:

- 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 Leon County (or one of the other local counties), 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.

Please complete the following in support of the self-certification.

Failure to provide the information requested will result in denial of certification as a local business.

Business Name: Dowdy Corporation	
Current Local Address: 4425 Entrepot Blvd Tallahassee, FL 32310	Phone: 850-656-1211 Fax: 850-877-1699
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:


Signature of Authorized Representative

6/20/2022

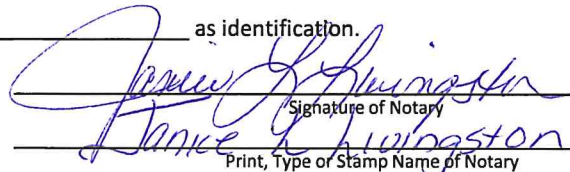
Date

STATE OF Florida
COUNTY OF Leon

The foregoing instrument was acknowledged before me this 20th day of June, 2022
By Jason Lewis of Dowdy Corporation
(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 _____ as identification.




Signature of Notary
Janice L. Livingston
Print, Type or Stamp Name of Notary

Title or Rank

Serial Number, If Any

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:	<u>A++</u>
	Indicate Best Financial Classification:	<u>XV</u>

Business Auto:	Indicate Best Rating:	<u>A++</u>
	Indicate Best Financial Classification:	<u>XV</u>

Professional Liability:	Indicate Best Rating:	<u>n/a</u>
	Indicate Best Financial Classification:	<u>n/a</u>

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:	<u>A</u>
Indicate Best Financial Classification:	<u>X</u>

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.

Professional Liability Policy Declaration sheet as well as claims procedures for each applicable policy to be provided

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 Jason M. Lewis
Typed or Printed

Signature 


Date 6/20/2022

Title Vice President
(Company Risk Manager or Manager with Risk Authority)

NON-COLLUSION AFFIDAVIT

The undersigned being first duly sworn as provided by law, deposes and says:

1. This Affidavit is made with the knowledge and intent that it is to be filed with Leon County Government, Leon County, Florida and that it will be relied upon by said County, in any consideration which may give to and any action it may take with respect to this Proposal.
2. The undersigned is authorized to make this Affidavit on behalf of,
Dowdy Corporation
 (Name of Corporation, Partnership, Individual, etc.)
 a Corporation, formed under the laws of Florida
 (Type of Business) (State or Province)
 of which he/she is Vice President
 (Sole Owner, partner, president, etc.)
3. Neither the undersigned nor any other person, firm or corporation named in above Paragraph 2, nor anyone else to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action for this Proposal by the County, also that no head of any department or employee therein, or any officer of Leon County, Florida is directly interested therein.
4. This Proposal is genuine and not collusive or a sham; the person, firm or corporation named above in Paragraph 2 has not colluded, conspired, connived or agreed directly or indirectly with any bidder or person, firm or corporation, to put in a sham Proposal, or that such other person, firm or corporation, shall refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the prices of said proposal or proposals of any other bidder; and all statements contained in the proposal or proposals described above are true; and further, neither the undersigned, nor the person, firm or corporation named above in Paragraph 3, has directly or indirectly submitted said proposal or the contents thereof, or divulged information or data relative thereto, to any association or to any member or agent thereof.


Jason M. Lewis

AFFIANT'S NAME

Vice President

AFFIANT'S TITLE

TAKEN, SWORN AND SUBSCRIBED TO BEFORE ME this 20th Day of June, 2022.

Personally Known ☒ Or Produced Identification

Type of Identification


 NOTARY PUBLIC

(Print, Type or Stamp Commissioned Name of Notary Public)

My Commission Expires: April 7, 2023



RESPONDENT AND TEAM SUMMARY FORM

RESPONDENT: Dowdy CorporationSOLICITATION NUMBER: BC-2022-031DATE: 6/20/2022PROJECT TITLE: Belair Phase II Wastewater Retrofit

Complete the following Table identifying your firm or company and ALL subcontractors or subconsultants you anticipate utilizing for purposes of responding to this solicitation. Both sections of this form must be completed. Use additional pages if needed.

Section A		RESPONDENT IDENTIFICATION											
Respondent intends to utilize the following Vendors in connection with this project. In the spaces provided below, list the firms and corresponding information.													
Firm Name (Prime and Subcontractor(s) or Subconsultant(s))	Vendor Phone & Email	Total Dollar Amount of Services	Scope of Work	Indicate the Category that Best Describes Each Organization Listed									
				Non-MWBE		Certified MWBE				Non-Certified MWBE			
				Non-Minority	Certified Small Business	African American	Asian American	Hispanic American	Native American	Non-Minority Female	African American	Asian American	Hispanic American
RJW Construction, Inc.	850-251-7123 rwillia_16@yahoo.com	\$195,160.00	Abandon Septic Tanks, Misc. Concrete, General Labor Asphalt Paving			X							
Bannerman Landscape	850-669-1189 lindahunkiar@comcast.net	\$33,322.00	Arborist Erosion controls							X			
Hale Contracting	850-575-2506 c.hale@halecontracting.net	\$53,138.00	Hauling							X			
Poole Engineering & Surveying	brandon@poole-eng.com 850-386-5117	\$39,000.00	Survey & Asbuilts							X			
Capital Asphalt	850-556-6661 marc@capitalasphalt.net	\$65,400.00	Paving	X									
TOTAL		\$386,020.00											

Section B	ACKNOWLEDGEMENT (to be completed by the Respondent)
I hereby certify that, as Respondent to this Solicitation, that the information provided herein is true and correct.	
Dowdy Corporation	
Name of Bidder/Respondent	
Signature	6/20/2022
Jason M. Lewis	Date
Print Name	Vice President
	Title

TRENCH SAFETY ACT COMPLIANCE FORM

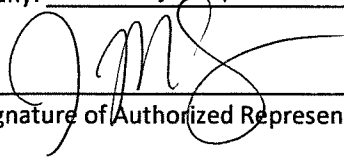
1. The bidder understands that Section 553.60, Florida Statutes through Section 553.64, Florida Statutes (The Florida Trench Safety Act hereinafter called the "Act") requires compliance with the Occupational Safety and Health Administration's excavation safety standards, 29 C.F.R. s. 1926.650 Subpart P.
2. The bidder will comply with all applicable trench safety standards, during all phases of the work, if awarded the contract, and will ensure that all subcontractors will also comply with the Act.
3. The bidder will consider the geotechnical information available from the County, from its own sources and all other relevant information in its design of the trench safety system it will employ on the subject project. The bidder acknowledges that the County is not obligated to provide such information, that bidder is not to rely solely on such information if provided, and that bidder is solely responsible for the selection of the data on which he relies in designing said safety system, as well as for the system itself.
4. The bidder acknowledges that included in the Total Price in the Bid Form are costs for complying with the Florida Trench Safety Act. The undersigned further identifies the costs to be \$ \$1.00 per linear foot.
5. The amount in Item 5 herein includes the following Trench Safety Compliance Methods and the units of each safety measure. The unit costs and the unit prices are shown solely for the purpose of compliance with the procedural requirements of the Act.

<u>Trench Safety Compliance Method</u>	<u>Unit (LF, SY)</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Extended Cost</u>
A. <u>Trench Box</u>	<u>LF</u>	<u>5598</u>	<u>\$ 1.00</u>	<u>\$ 5598.00</u>
B. _____	_____	_____	\$ _____	\$ _____
C. _____	_____	_____	\$ _____	\$ _____
D. _____	_____	_____	\$ _____	\$ _____
E. _____	_____	_____	\$ _____	\$ _____
TOTAL:				<u>\$ 5598.00</u>

Use additional blank sheets to further itemize if more room is required.

7. Acceptance of the bid to which this certification and disclosure applies in no way represents that the County or its representatives have evaluated or determined that the above costs are adequate to comply with the applicable trench safety requirements, nor does it in anyway relieve bidder of its sole responsibility to comply with all applicable safety requirements.

Company: Dowdy Corporation

By:  6/20/2022
Signature of Authorized Representative Date

*Florida Department of Transportation*RON DESANTIS
GOVERNOR605 Suwannee Street
Tallahassee, FL 32399-0450KEVIN J. THIBAUT, P.E.
SECRETARY

November 16, 2021

DOWDY PLUMBING CORPORATION
4425 ENTEPOT BLVD
TALLAHASSEE, FLORIDA 32310**RE: CERTIFICATE OF QUALIFICATION**

The Department of Transportation has qualified your company for the type of work indicated below.

FDOT APPROVED WORK CLASSES:

DRAINAGE, FLEXIBLE PAVING, GRADING, GRASSING, SEEDING AND SODDING, UNDERGROUND UTILITIES (WATER & SEWER)

Unless notified otherwise, this Certificate of Qualification will expire **12/30/2022**.

In accordance with Section 337.14(4), Florida Statutes, changes to Ability Factor or Maximum Capacity Rating will not take effect until after the expiration of the current certificate of prequalification (if applicable).

In accordance with Section 337.14(1), Florida Statutes, an application for qualification must be filed within (4) months of the ending date of the applicant's audited annual financial statements.

If the company's maximum capacity has been revised, it may be accessed by logging into the Contractor Prequalification Application System via the following link:

[HTTPS://fdotwpl.dot.state.fl.us/ContractorPreQualification](https://fdotwpl.dot.state.fl.us/ContractorPreQualification)

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

The company may apply for a Revised Certificate of Qualification at any time prior to the expiration date of this certificate according to Section 14-22.0041(3), Florida Administrative Code (F.A.C.), by accessing the most recently approved application as shown above and choosing "Update" instead of "View." If certification in additional classes of work is desired, documentation is needed to show that the company has performed such work.

All prequalified contractors are required by Section 14-22.006(3), F.A.C., to certify their work underway monthly in order to adjust maximum bidding capacity to available bidding capacity. You can find the link to this report at the website shown above.

Sincerely,

Alan Autry, Manager
Contracts Administration Office

AA:cg

Improve Safety, Enhance Mobility, Inspire Innovationwww.fdot.gov
Page 588 of 1559



Ron DeSantis, Governor

Melanie S. Griffin, Secretary



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

THE UNDERGROUND UTILITY & EXCAVATION CO HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

LEWIS, JASON MOORE

DOWDY PLUMBING CORPORATION
4425 ENTREPOT BLVD
TALLAHASSEE FL 32310

LICENSE NUMBER: CUC1225091

EXPIRATION DATE: AUGUST 31, 2024

Always verify licenses online at [MyFloridaLicense.com](https://myfloridalicense.com)



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

Licensee Details

Licensee Information

Name: **ATKINSON, WILLIAM ANDREW (Primary Name)**
DOWDY PLUMBING CORPORATION (DBA Name)

Main Address: **4425 ENTREPOT BLVD**
TALLAHASSEE Florida 32310

County: **LEON**

License Mailing:

LicenseLocation:

License Information

License Type: **Certified Underground Utility and Excavation Contractor**

Rank: **Cert Under**

License Number: **CUC1224746**

Status: **Current,Active**

Licensure Date: **07/29/2009**

Expires: **08/31/2022**

Special Qualifications **Qualification Effective**
Construction Business **07/29/2009**

Alternate Names

[View Related License Information](#)

[View License Complaint](#)

2601 Blair Stone Road, Tallahassee FL 32399 :: Email: **Customer Contact Center** :: Customer Contact Center: 850.487.1395

The State of Florida is an AA/EEO employer. **Copyright 2007-2010 State of Florida. Privacy Statement**

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact the office by phone or by traditional mail. If you have any questions, please contact 850.487.1395. *Pursuant to Section 455.275(1), Florida Statutes, effective October 1, 2012, licensees licensed under Chapter 455, F.S. must provide the Department with an email address if they have one. The emails provided may be used for official communication with the licensee.

However email addresses are public record. If you do not wish to supply a personal address, please provide the Department with an email address which can be made available to the public.



Ron DeSantis, Governor

Melanie S. Griffin, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE PLUMBING CONTRACTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

LEWIS, JASON MOORE

DOWDY PLUMBING CORPORATION
4425 ENTREPOT BLVD
TALLAHASSEE FL 32310

LICENSE NUMBER: CFC1429956

EXPIRATION DATE: AUGUST 31, 2024

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



Ron DeSantis, Governor

Halsey Beshears, Secretary



STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE PLUMBING CONTRACTOR HEREIN IS CERTIFIED UNDER THE
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES

DOWDY, HAROLD RICHARD

DOWDY PLUMBING CORPORATION
5121 WILLIAMS RD
TALLAHASSEE FL 32311

LICENSE NUMBER: CFC057654

EXPIRATION DATE: AUGUST 31, 2022

Always verify licenses online at MyFloridaLicense.com



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

Jimmy Patronis
CHIEF FINANCIAL OFFICER

Julius Halas
DIVISION DIRECTOR



John Gatlin
BUREAU CHIEF

Catherine Thrasher
SAFETY PROGRAM MANAGER

FLORIDA DEPARTMENT OF FINANCIAL SERVICES
DIVISION OF STATE FIRE MARSHAL
200 EAST GAINES STREET - Tallahassee, Florida 32399-0342
Tel. 850-413-3644

CERTIFICATE OF COMPETENCY
OFFICIAL COPY

THIS CERTIFIES THAT: Jason M. Lewis
 6978 Buck Lake Road
 Tallahassee FL 32310

BUSINESS ORGANIZATION: Dowdy Plumbing Corporation

Contractor V means a contractor whose business is limited to the execution of contracts requiring the ability to fabricate, install, inspect, alter, repair and service the underground piping for a fire protection system using water as the extinguishing agent beginning at the point of service as defined in the act and ending no more than 1 foot above the finished floor.

Issue Date: 07/01/2022
Type: 09
Class: 14
County: Leon
License/Permit #: FPC13-000088
Expiration Date: 06/30/2024



A handwritten signature in cursive script that reads "Jimmy Patronis".

Chief Financial Officer

Employment Eligibility Verification

1. Contractor agrees that it will enroll and participate in the federal E-Verify Program for Employment Verification under the terms provided in the "Memorandum of Understanding" governing the program. 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 Agency 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 other authorized state entity consistent with the terms of the Memorandum of Understanding.
5. Compliance with the terms of this Employment Eligibility Verification provision is made an express condition of this contract and the County may treat a failure to comply as a material breach of the contract.



Signature

June 20, 2022

Date

Exhibit C
ADDITIONAL FEDERAL TERMS AND CONDITIONS

Required Contract Provisions for Contracts Funded with Funds from the American Rescue Plan Act (ARPA)

1. DISPUTES/REMEDIES

- a. All disputes arising under or relating to this Agreement shall be resolved in accordance with this Section, except for disputes related to payments and payment disputes, which shall be addressed and resolved in accordance with Leon County Policy 96-1, as amended.
- b. The Parties shall attempt to resolve all disputes that arise under this Agreement in good faith and in accordance with the following procedure:
 - 1) 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.
 - 2) 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.
 - 3) 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.
 - 4) 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.
 - 5) 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.

2. EQUAL OPPORTUNITY

During the performance of this contract, the Contractor agrees as follows:

- a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- b. The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

- c. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.
- d. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- f. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- g. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- h. The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.

3. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

- a. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such work week.
- b. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph (a) of this section the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (a) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (a) of this section.

- c. Withholding for unpaid wages and liquidated damages. Leon County, Florida shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b) of this section.
- d. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraph (a) through (d) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (a) through (d) of this section."

4. COPELAND ANTI-KICKBACK ACT

- a. Contractor. The contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this contract.
- b. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause above and such other clauses as the Federal Government may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.
- c. Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a contractor and subcontractor as provided in 29 C.F.R. § 5.12."

5. ACCESS TO RECORDS

- a. The contractor agrees to provide the County, (insert name of grantee), the Federal Government, the Comptroller General of the United States, or any of their authorized representatives access to any books, documents, papers, and records of the Contractor which are directly pertinent to this contract for the purposes of making audits, examinations, excerpts, and transcriptions.
- b. The Contractor agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed.
- c. The contractor agrees to provide the County or his authorized representatives access to construction or other work sites pertaining to the work being completed under the contract."

6. RETENTION OF RECORDS

The contractor agrees to maintain all books, records, accounts and reports required under this contract for a period of not less than three years after the date of termination or expiration of this contract, except in the event of litigation or settlement of claims arising from the performance of this contract, in which case contractor agrees to maintain same until the State of Florida, Leon County Florida, the Comptroller General of the United States, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related to the litigation or settlement of claims."

7. CLEAN AIR ACT

- a. The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. § 7401 et seq.

- b. The contractor agrees to report each violation to the (name of the state agency or local or Indian tribal government) and understands and agrees that the (name of the state agency or local or Indian tribal government) will, in turn, report each violation as required to assure notification to the (name of recipient), Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.
- c. The contractor agrees to include these requirements in each subcontract exceeding \$100,000 financed in whole or in part with Federal assistance provided by ARPA.

8. ENERGY EFFICIENCY/CONSERVATION

The contractor agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act."

9. FEDERAL WATER POLLUTION CONTROL ACT

- a. The contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq.
- b. The contractor agrees to report each violation to the (name of the state agency or local or Indian tribal government) and understands and agrees that the (name of the state agency or local or Indian tribal government) will, in turn, report each violation as required to assure notification to the (name of recipient), Federal Emergency Management Agency, and the appropriate Environmental Protection Agency Regional Office.
- c. The contractor agrees to include these requirements in each subcontract exceeding \$150,000.

10. BYRD ANTI-LOBBYING AMENDMENT, 31 U.S.C. § 1352 (AS AMENDED)

Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

APPENDIX A, 44 C.F.R. PART 18-CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements (To be submitted with each bid or offer exceeding \$100,000)

11. SUSPENSION AND DEBARMENT

- a. This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).
- b. The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.
- c. This certification is a material representation of fact relied upon by (insert name of subrecipient). If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to (name of state agency serving as recipient and

name of subrecipient), the Federal Government may pursue available remedies, including but not limited to suspension and/ or debarment.

- d. The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

12. PROCUREMENT OF RECOVERED MATERIALS

- a. In the performance of this contract, the Contractor shall make maximum use of products containing recovered materials that are EPA designated items unless the product cannot be acquired –
 - 1) Competitively within a timeframe providing for compliance with the contract performance schedule;
 - 2) Meeting contract performance requirements; or
 - 3) At a reasonable price.
- b. Information about this requirement is available at EPA's Comprehensive Procurement Guidelines web site, <http://www.epa.gov/cpg/>. The list of EPA-designate items is available at <http://www.epa.gov/cpg/products.htm>.

13. COMPLIANCE WITH LOCAL, STATE, AND FEDERAL LAW, REGULATIONS, AND EXECUTIVE ORDERS

The contractor will comply will all applicable local, state, and federal law, regulations, executive orders, policies, procedures, and directives, to include 2 CFR 200.326 and 2 CFR 200, Appendix II, as applicable.

14. NO OBLIGATION BY FEDERAL GOVERNMENT

The Federal Government is not a party to this contract and is not subject to any obligations or liabilities to the non-Federal entity, contractor, or any other party pertaining to any matter resulting from the contract.

15. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENT OR RELATED ACTS

The contractor acknowledges that 31 U.S.C. Chap. 38 (Administrative Remedies for False Claims and Statements) applies to the contractor's actions pertaining to this contract.

16. PROHIBITION ON CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

The Contractor acknowledges that § 200.216 Prohibition on certain telecommunications and video surveillance services or equipment, applies to this contract. The Contractor shall insert the substance of this clause in all subcontracts and other contractual instruments.

17. DOMESTIC PREFERENCES FOR PROCUREMENT (2 C.F.R. § 200.322)

As appropriate and to the greatest extent consistent with law, state and non-state entities should, to the greatest extent practicable under its ARPA award, provide a preference for the purchase of goods, products or materials produced in the United States (including but not limited to iron, aluminum, steel, cement and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award. 2 C.F.R. § 200.322 also provides specific definitions for "Produced in the United States" and "manufactured products" that states should review.

18. TEXTING WHEN DRIVING

In accordance with Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving" (10/1/2009) and DOT Order 3902.10 "Text Messaging While Driving" (12/30/2009), the FAA encourages recipients of Federal grant funds to adopt and enforce safety policies that decrease crashes by distracted drivers, including policies to ban text messaging while driving when performing work related to a grant or sub-grant.

In support of this initiative, the County encourages the Contractor to promote policies and initiatives for its employees and other work personnel that decrease crashes by distracted drivers, including policies that ban text messaging while driving motor vehicles while performing work activities associated with the project. The Contractor must include the substance of this clause in all sub-tier contracts exceeding \$3,500 and involve driving a motor vehicle in performance of work activities associated with the project.

LEON COUNTY PURCHASING DIVISION
 BID TABULATION SHEET
 BC-2022-031

Attachment #2
 Page 1 of 1

Bid Title: REBID – Belair Phase II Wastewater Retrofit
 Opening Date: Monday, June 20, 2022 at 2:00 PM

Vendor	Davidson Contr.	Dowdy Corp.	Hale Contracting	
Response Sheet with Manual Signature	✓	✓	✓	
Respondent & Team Summary Form	✓	✓	✓	
Affidavit Immigration	✓	✓	✓	
Equal Opportunity and Affirmative Action	✓	✓	✓	
Identical Tie Bids	✓	✓	✓	
Contractor's Business Information/Applicable Licenses/Registrations	✓	✓	✓	
Non-Collusion Affidavit	✓	✓	✓	
Insurance Certification	✓	✓	✓	
Certification/Debarment	✓	✓	✓	
Local Vendor Certification	✓	✓	✓	
E-Verify	✓	✓	✓	
Trench Safety Form	✓	✓	✓	
Bid Bond	✓	✓	✓	
W-9	✓	✓	✓	
Alt #1	218,502.00	207,000.00	413,997.50	
Bid Price	1,404,127.00	1,187,000.00	2,605,015.00	

RECEIVED

2022 JUN 21 AM 2:02

PURCHASING DIVISION

Tabulated By:

M. H. Hooley

Shelly Kelley

**Leon County
Board of County Commissioners**

Notes for Agenda Item #20

Leon County Board of County Commissioners

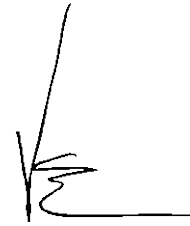
Agenda Item #20

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Public Information Campaign to Increase Awareness of Burning-Related Air Quality Issues



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Mathieu Cavell, Assistant to the County Administrator Kianna Gilley, Public Information and Communications Manager Shavonne McAndrew, Public Information Specialist

Statement of Issue:

As requested by the Board at its April 12, 2022 meeting, this item provides an update on public information and coordination efforts to increase awareness of air quality issues related to burning. The County's ongoing outreach was further enhanced through coordination with the Leon Soil and Water Conservation District as well as continued communication with the Florida Forest Service and other involved agencies.

Fiscal Impact:

This item has no fiscal impact. In alignment with community partner input, the Emergency Management's current FY 2022 budget includes \$7,500 to promote public safety measures and community resilience, which will include outdoor advertising focused on air quality. In addition, the County will leverage \$15,000 of in-kind promotion, including the County LINK, social media, etc.

Staff Recommendation:

Option #1: Accept the report on nuisance burning and air quality public information campaign and coordination.

Report and Discussion

Background:

As requested by the Board at its April 12, 2022 meeting, this item provides an update on public information and coordination efforts to increase awareness of air quality issues related to burning. Staff further enhanced the County's ongoing outreach through coordination with the Leon Soil and Water Conservation District (LSWCD) as well as continued communication with the Florida Forestry Service (FFS) and other involved agencies.

Leon County conducts a comprehensive year-round public information campaign to curtail nuisance burning by connecting citizens with County services such as rural waste service sites, mulching, and curbside garbage and yard waste collection. The County also coordinates with FFS throughout the year to educate citizens on wildfire safety and burn regulations to ensure fuel in the environment remains low and that citizens make the best choices when considering burning or burning alternatives.

Further, as outlined in the County's after-action reports following Hurricane Hermine (2016) and Hurricane Michael (2018), the County leverages all available media outlets and outreach efforts to promote curbside yard debris collection after disaster. Following any significant wind-related disaster, the community may experience long periods of power outage, leading many homes to open their windows and expose themselves to nuisance burning. As a result, in 2018 the County launched the "Curb It, Don't Burn It" public information campaign to encourage citizens with significant yard debris to leave piles at the curb for collection vendors to pick up at no charge.

In times of disaster and otherwise, the County uses all available communication platforms to consistently communicate burning alternatives and protect air quality at the neighborhood level. To reach as many groups as possible, the County leverages its relationships with community partners and responding agencies such as the Tallahassee Fire Department (TFD), FFS, Tall Timbers, Council of Neighborhood Associations (CONA), American Red Cross (ARC), Salvation Army of Tallahassee, and most recently the LSWCD and others.

Analysis:

Like with all public information campaigns, the County regularly meets with community partners to coordinate and expand outreach. Therefore, consistent with Board direction, CMR met with the LSWCD to discuss its past efforts to address air quality, and any enhancements the County could implement.

In addition, the County recently coordinated with FFS to launch the #LearnBeforeYouBurn campaign, a multimodal communication effort focused on education and behavior change. Following coordination with Emergency Management, Community and Media Relations, LSWCD, and other stakeholders, the County will implement the following enhancements:

- Enhance the County's Citizen Connect mobile application to issue push notifications and alerts during "red" air quality conditions.

- Launch engaging social media messaging to notify, educate, and promote behavior change related to nuisance burning. Messages will include health concerns, burning alternatives, and highlight the County's alternative programs including rural waste service centers and mulch.
- Secure three outdoor advertising locations to promote burning alternatives and community education.
- Leverage the County LINK to promote burning alternatives, meaning messaging would appear in the Tallahassee Democrat, Capitol Outlook, many local radio stations, County news bulletins, social media, and partner networks.
- Continue public education efforts on mulch collection and how to keep the County's mulch program uncontaminated by treated lumber, etc.
- Confirm and promote TFD's reporting process for nuisance burning and continue to explore other reporting options.
- Create and promote an educational, single-page flyer to facilitate neighbor-to-neighbor communication on burning alternatives and potential health concerns of burning.
- Coordinate with Leon County Tourism to receive a list of major community events and provide that list to FFS for its consideration during the burn permitting process.

In addition to the above enhancements, the County will remain in close coordination with LSWCD to ensure all their constituents and followers remain closely engaged and informed. The County will continue to leverage all available outlets to share important messaging on air quality concerns, burning alternatives, and County programs and services throughout the year and especially during a disaster.

Options:

1. Accept the report on nuisance burning and air quality public information campaign and coordination.
2. Do not accept the report on nuisance burning and air quality public information campaign and coordination.
3. Board direction.

Recommendation:

Option #1

**Leon County
Board of County Commissioners**

Notes for Agenda Item #21

Leon County Board of County Commissioners

Agenda Item #21

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: May 2022 Quarterly Economic Dashboard Report



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Benjamin H. Pingree, Director, PLACE (Planning, Land Management & Community Enhancement)
Lead Staff/ Project Team:	Drew Dietrich, Deputy Director, Office of Economic Vitality Dan Lucas, Research Coordinator, Office of Economic Vitality

Statement of Issue:

This item seeks Board acceptance of the May 2022 Quarterly Economic Dashboard Report, which analytically quantifies the economic health and growth of Leon County every quarter to evaluate local economic vitality.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Accept the May 2022 Quarterly Economic Dashboard Report (Attachment #1).

Report and Discussion

Background:

This item seeks Board acceptance of the May 2022 Quarterly Economic Dashboard Report, which analyzes the economic health and growth of Leon County every quarter to quantify local economic vitality.

Since February 2017, the Tallahassee-Leon County Office of Economic Vitality (OEV) has produced the *Quarterly Economic Dashboard* to give a consistent recurring snapshot of the local economy, and to demonstrate the ongoing efforts to support economic vitality and provide a return on investment. The Dashboard is designed to appeal to local decision-makers as well as business leaders outside Leon County who may be considering company expansion or relocation. In addition to the *Quarterly Economic Dashboard*, in 2019 OEV began producing a monthly data release, *Data Driver*, which has City and County employment, unemployment, and other statistics. OEV also produces [Annual Economic Review](#), a one-year and five-year retrospective of the same indicators featured in the *Quarterly Economic Dashboard* (to be updated later this summer after 2021 annual data becomes available for all 13 indicators). In 2020, the International City/County Management Association recognized the *Quarterly Economic Dashboard* with a Certificate of Achievement in Performance Management.

Analysis:

OEV staff monitors key economic metrics and tracks current economic trends and conditions important to the local economy. [The Data Center](http://www.OEVforBusiness.org/data-center) [www.OEVforBusiness.org/data-center] is the community's most comprehensive database of over 80 economic indicators, updated continuously to ensure visitors can retrieve the most accurate data. [The Dashboard](#) supplements the Data Center as a snapshot of the local economy by focusing on the 13 key and most commonly requested economic indicators in a consistent format that is easy to read and follow.

The most recent Dashboard has data from the first quarter (Q1, January-March) of 2022 (or the latest information available) for the 13 indicators (see Attachment #1). The Dashboard metrics include:

- **Employment** levels for Q1 2022 were up 5.7% year-over-year to 192,579 in the Metropolitan Statistical Area (MSA); Gadsden, Jefferson, Leon and Wakulla counties.
- The **Unemployment Rate** in the MSA was 3.1% as of Q1 2022, unchanged from Q4.
- Q1 2022 **New Single-Family Construction Permits** were 15% lower than the ten-year Q1 average of 167 during 2012-2021 for the County and City.
- The **Median Single-Family Home Sales Price** rose 9.0% to \$280,000 in the MSA from Q4 2020 to Q4 2021.
- The **Average Weekly Wage** rose 9.6% year-over-year to \$1,005 in the MSA.
- The **Industrial Vacancy Rate** was 1.1% as of Q1 2022, down from 1.8% in Q1 of 2021.
- Average monthly MSA **Labor Force** was up 3.4% from Q1 2021.

- **Taxable Sales** in the MSA totaled \$1.51 billion in Q3 of 2021, up 18.8% from Q3 of 2020.

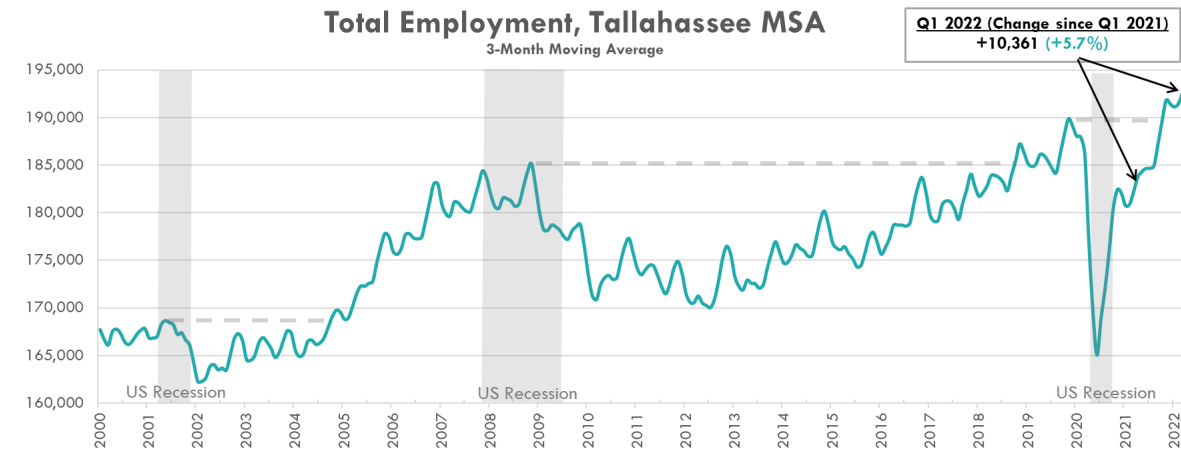
Unincorporated Leon County accounted for 64% of Q1 2022 new single-family construction permits; the City of Tallahassee 36%. The combined value of single-family construction permits in Q1 2022 totaled \$38 M, up 19% from the ten-year Q1 average of \$32 M. The median single-family home sales price was up 0.4% from Q3 2021, and has risen in 12 of the past 20 quarters in the MSA.

Mortgage foreclosures in Leon County totaled 60 in Q1 2022, up from 27 in Q1 2021. Foreclosures in Q1 2022 had the second lowest total for any Q1 since 2004, and there were only one-third as many foreclosures in Q1 2022 compared to the 2012-2021 Q1 average of 184. Foreclosures usually slow down over the winter holidays and pick back up after January 1. The suspension of foreclosures by executive order in 2020 expired and the foreclosure restrictions imposed by the US Consumer Financial Protection Bureau expired at the end of December 2021. Florida's foreclosure process involves court proceedings at each stage, with an average timeline of 1,378 days as of the end of 2021.

Industrial Vacancy was unchanged from 1.1% in Q4 2021 and has been under 3% since Q1 2018. The industrial vacancy rate has decreased or remained stable eight consecutive quarters since Q1 2020. Total existing industrial property inventory in the Tallahassee metro area has been steady around 14.4 million square feet since Q1 2020. The fixed supply and elevated demand for industrial space in the past two years has reduced the amount of available industrial space.

Average weekly wage four-quarter moving average has increased in all but one quarter since 2014, comparing the same quarter of the prior year. Year-over-year, average weekly wages increased about 9.6%. The quarterly average labor force size in Q1 2022 was about 2.9% larger than the pre-pandemic average size in Q1 2020. Labor force refers to the number of people actually working and the unemployed who are seeking work. MSA taxable sales in Q4 2021 were up 4.7% from the prior quarter, and were 21% higher than the Q4 average during 2016-2020. Taxable sales have gone up in 34 of the past 40 quarters, comparing sales to the same quarter of the previous year.

Seven consecutive quarters of employment growth since Q3 of 2020 have surpassed quarterly year-over-year employment losses that occurred at the start of the pandemic in Q1 and Q2 of 2020. The unemployment rate of 3.1% was unchanged from Q4 2021, and was 2.0 points less than the 5.1% rate in Q1 2021. The graphic below shows employment for the Tallahassee MSA with a three-month moving average (employment metric cited in *QED*), with Q1 2022 year-over-year change shown with arrows:



Source: Florida Department of Economic Opportunity, Labor Market Information, Local Area Unemployment Statistics

Comparing prepandemic (Q4 2019) conditions to the latest data available on the Dashboard (Q1 2022), the unemployment rate remains 0.2 percentage points higher than prepandemic levels, and average employment remains 1.8 percent above prepandemic conditions in Q4 2019.

Staff monitors and analyzes these and other indicators to support the further implementation of the adopted Economic Development Strategic Plan, and to ensure that policymakers, business operators, and the public have the information they need to make informed business decisions.

Options:

1. Accept the May 2022 Quarterly Economic Dashboard Report (Attachment #1).
2. Do not accept the May 2022 Quarterly Economic Dashboard Report.
3. Board direction.

Recommendation:

Option #1

Attachment:














1. May 2022 Quarterly Economic Dashboard

May 2022
Edition

QED

QUARTERLY ECONOMIC DASHBOARD

OFFICE OF
ECONOMIC
VITALITY

Indicator* – Most Recent Quarter	Since Last Year	What Does This Mean?
 EMPLOYMENT 192,579 (1 st qtr. 2022)	+5.7% Up 10,361 from Q1 2021	Employment was up 1,112 from Q4 2021, an increase of 0.6%. Seven consecutive quarters of employment gains since Q3 2020 have surpassed employment losses occurring in Q1 and Q2 2020 by over 3,400.
 UNEMPLOYMENT CLAIMS 440 (1 st qtr. 2022)	-94.7% 7,911 fewer than in Q1 2021	MSA Initial Claims for Unemployment Compensation in Q1 2022 were down 9% from Q4 2021 and 84% less than the 10-year Q1 average of 2,754 during 2012-2021.
 NEW SINGLE-FAMILY CONSTRUCTION PERMITS 141 (1 st qtr. 2022)	-37.9% 86 fewer than in Q1 2021	Single-Family Construction Permits in Leon Co. were 15% lower than the 10-year Q1 average of 167 during 2012-2021.
 MEDIAN SINGLE-FAMILY HOME SALES PRICE \$280,000 (4 th qtr. 2021)	+9.0% Up \$23,100 from Q4 2020	Median Sales Price was up 0.4% from Q3 2021, has risen in 13 of the past 20 quarters in the MSA, and has been lower than the statewide median sales price since Q4 2013.
 TOURIST TAX RECEIPTS \$2.19 M (4 th qtr. 2021)	+115% Up \$1.17M from Q4 2020	MSA Tourist Development Tax Receipts increased 10.6% from Q3 2021 and were 46% higher than the 10-year Q4 average of \$1.50M during 2011-2020.
 TALLAHASSEE PASSENGERS 184,927 (1 st qtr. 2022)	+93.9% 89,552 more than in Q1 2021	TLH Passengers in Q1 2022 were down 14.2% from Q4 2021, and nearly 12% higher than the 10-year Q1 average of 165,027 during 2012-2021.
 UNEMPLOYMENT RATE 3.1% (1 st qtr. 2022)	-2.0 pts. Down from 5.1% in Q1 2021	The MSA 3-month average Unemployment Rate was unchanged from 3.1% in Q4 2021.
 AVERAGE WEEKLY WAGE \$1,005 (3 rd qtr. 2021)	+9.6% \$88 more than in Q3 2020	MSA Average Weekly Wage 4-quarter moving average has increased in all but 1 quarter since 2014, comparing same quarter of the prior year.
 MORTGAGE FORECLOSURES 60 (1 st qtr. 2022)	+122% 33 more than in Q1 2021	Mortgage Foreclosures in Leon Co. were up 30% from the 46 in Q4 2021. Foreclosures in Q1 2022 were 67% lower than the 10-year Q1 average of 184 during 2012-2021.
 OFFICE VACANCY RATE 6.4% (1 st qtr. 2022)	+0.2 pts. Up from 6.2% in Q1 of 2021	Office Vacancy was unchanged from 6.4% in Q4 2021, and has been gradually increasing since Q1 2020 when the vacancy rate was 5.6%.
 INDUSTRIAL VACANCY RATE 1.1% (1 st qtr. 2022)	-0.7 pts. Down from 1.8% in Q1 of 2021	Industrial Vacancy was unchanged from 1.1% in Q4 2021, and has been in gradual decline since Q1 2020 when the vacancy rate was 2.9%.
 LABOR FORCE 198,633 (1 st qtr. 2022)	+3.4% Up 6,476 from Q1 2021	MSA avg. monthly Labor Force was up 0.5% from Q4 2021. Labor force has grown 2.9% since Q1 2020 and has increased in seven of the past 12 months.
 TAXABLE SALES \$1.58 B (4 th qtr. 2021)	+18.6% Up \$247M from Q4 2020	MSA Taxable Sales were up 4.7% from Q3 2021, were 21% higher than the Q4 average of \$1.30 B during 2016-2020, and have gone up in 34 of the past 40 quarters, comparing sales to the same quarter of the previous year.

Note: Q1 = January-March; Q2 = April-June; Q3 = July-September; Q4 = October-December.

Sources: Florida Department of Economic Opportunity, Labor Market Information, Local Area Unemployment Statistics (LAUS); Bureau of Labor Statistics, Quarterly Census of Employment and Wages (QCEW); Florida Department of Economic Opportunity, Reemployment Assistance Data; Florida Legislature's Office of Economic and Demographic Research; Florida Department of Revenue, Office of Tax Research; City of Tallahassee Growth Management Department and Leon County Department of Development Support & Environmental Management; Leon County Clerk of Courts; Tallahassee Board of Realtors; Tallahassee International Airport; CoStar Property.

***Leading:** May signal future changes; **Lagging:** May confirm performance already in progress; **Coincident:** Occurs in real time and clarifies condition of economy.

Put into Words...

Seven consecutive quarters of **Employment** gains since Q3 2020 have surpassed metro area employment losses occurring in Q1 and Q2 2020 by over 3,400. Month-to-month employment levels have increased in 17 of the past 24 months.

Initial Claims for Unemployment Compensation in Q1 2022 were down 84% from the 10-year Q1 average during 2012-2021. Q1 2022 had the lowest quarterly total going back to before 2010.

New Single-Family Construction Permits in Leon County in Q1 2022 were 15% lower than the 10-year Q1 average of 167 during 2012-2021. The City of Tallahassee accounted for 36% of Q1 2022 permits; unincorporated Leon County, 64%. Total permit value was \$38 million, up 19% from the 10-year Q1 average of \$32 million.

The Q4 2021 **Median Single-Family Home Sales Price** of \$280K for the Tallahassee metro area was 23% lower than the statewide median sales price of \$365K.

Tourist Development Tax Receipts in Q4 2021 were more than double the amount in Q4 2020, and were 46% higher than the 10-year Q4 average of \$1.50M during 2011-2020.

Almost 90,000 more **TLH Passengers** flew in Q1 2022 than in Q1 2021. Passenger volume was about 12% higher than the 10-year Q1 average of 165,027 during 2012-2021.

The 3-month average **Unemployment Rate** has been in year-over-year decline four consecutive quarters since Q2 2021. The monthly unemployment rate has been under 5% since March 2021 and under 4% since September 2021.

The Tallahassee metro area **Average Weekly Wage** in Q3 2021 was 89% of the State's average weekly wage, the highest proportion since Q1 2020.

Leon County **Mortgage Foreclosures** in Q1 2022 were only about one-third of the 10-year Q1 average of 184 during 2012-2021.

The **Office Vacancy Rate** has been gradually increasing over the past eight quarters, and has been over 5% since Q4 2019. The **Industrial Vacancy Rate** has fallen or remained stable eight consecutive quarters, and has been under 3% since Q1 2018.

The Tallahassee metro area average monthly **Labor Force** in Q1 2022 was up 3.4% year-over-year from Q1 2021. The labor force has increased in seven of the past 12 months. Quarterly labor force gains made since Q1 2020 have expanded the Q1 2022 labor force 2.9% higher than its pre-pandemic Q1 2020 size.

Taxable Sales have exceeded \$1.5 billion for the past three quarters.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #22

Leon County Board of County Commissioners

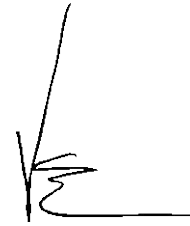
Agenda Item #22

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Lake Munson Update



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Brent Pell, Director of Public Works
Lead Staff/ Project Team:	Anna Padilla, Stormwater Management Coordinator

Statement of Issue:

As requested at the June 14, 2022 Board meeting, this item provides a status update on Lake Munson.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Accept the status update on Lake Munson.

Report and Discussion

Background:

As requested at the June 14, 2022 Board meeting, this item provides a status update on Lake Munson. The Board directed staff to address specific concerns raised during the meeting by a constituent including the status of the algal blooms, conducting mechanical harvesting of the algae, and assisting residents around the lake by pumping septic systems.

The Florida Department of Environmental Protection (FDEP) establishes the water quality standards for waterbodies in Florida and oversees the waterbody impairment process. For reports of algal blooms, FDEP collects and tests water quality samples in coordination with the Florida Department of Health and local jurisdictions. Blue-green algae (cyanobacteria) are common in Florida's fresh waters, including Lake Munson. Environmental factors such as sunny days, warm water temperatures, low rainfall amounts, still water conditions, and a plentiful supply of nutrients in the water can cause blue-green algae to rapidly grow and accumulate, resulting in an algal bloom. Algal blooms are a statewide problem as FDEP is currently monitoring 96 active algal blooms throughout the state.

Blue-green algae are not uncommon and intermittent algal blooms have historically been a challenge for several lakes in Leon County. Algal blooms can occur with or without toxins, such as a microcystin toxin produced in Lake Munson's most recent algal bloom. The following is a timeline and progression of the recent algal bloom and toxicity in Lake Munson.

- May 5, 2022: In response to a report of an algal bloom on Lake Munson, the FDEP conducted a site visit and confirmed an active algal bloom. Water samples were collected and sent to a lab for analysis; no toxins were detected at that time.
- May 10, 2022: The Florida Department of Health in Leon County (DOH Leon) issued a Health Caution at Lake Munson in response to the active algal bloom advising people to exercise caution in and around the lake and placed Caution signs at the boat ramps and the dam.
- May 18, 2022: FDEP conducted a follow-up site visit, and samples were collected and sent to a lab for analysis. The site visit confirmed the continued presence of the algal bloom; low-level microcystin toxins were detected in the samples.
- May 23, 2022: Following a recommendation from, and in coordination with DOH Leon, Leon County Government closed the Lake Munson boat ramps and dam until further notice due to the presence of toxic algae. Leon County Operations placed barricades at the boat ramps and DOH Leon placed Health Alert signs at the boat ramps and the dam.
- May 25, 2022: DOH Leon upgraded the Health Caution to a Health Alert at Lake Munson in response to the detected toxins. Residents and visitors to the lake were advised of additional precaution that should be taken around the lake.

- June 1, 2022: FDEP conducted another follow-up site visit where samples were collected and sent to a lab for analysis. The site visit confirmed the continued presence of the algal bloom and low-level microcystin toxins were again detected in the samples.
- June 12, 2022: At the behest of the neighborhood, the Leon County Public Works Director and Stormwater Management Coordinator attended a meeting with citizens in the Lake Munson area impacted by the algal bloom to discuss algal and water quality concerns, and also the status of the planned central sewer system upgrade project.
- June 14, 2022: FDEP conducted the third follow-up site visit and collected samples that were sent to a lab for analysis. The site visit confirmed the continued presence of the algal bloom with low-level microcystin toxins present.

FDEP will continue routine sampling of the lake until toxins are no longer detected, at which time the Health Alert will drop back to a Health Caution.

Analysis:

Lake Munson is an approximately 288-acre, cypress-rimmed lake located south of the City of Tallahassee. The lake is believed to have originally been a cypress swamp but has since been impounded and now functions as a shallow man-made lake. Lake Munson receives surface water flow from approximately 32,000 acres, much of which is located in the City of Tallahassee. Lake outflow continues southward via Munson Slough, through 8 Mile Pond, and finally drains into Ames Sink. Dye trace studies have confirmed a direct connection between Ames Sink and Wakulla Springs. In the early 1980s the effluent from the City of Tallahassee T.P. Smith Water Reclamation Facility was redirected from Munson Slough to the Tram Road Sprayfields and since then, effluent from T.P. Smith does not discharge into Lake Munson (neither directly nor indirectly). Decades of development in the Tallahassee Red-Clay Hills, wastewater treatment facilities discharging to the tributary system, and drainage activities focused on flood reduction contributed high nutrient loads entering Lake Munson resulting in poor water quality. Upstream improvements provide the most effective solution to improve Lake Munson.

Efforts to improve the water quality and reduce the nutrient loading in Lake Munson have been ongoing since the 1990s. The County, City, and Blueprint have dedicated hundreds of millions of dollars and completed numerous projects upstream of Lake Munson to provide water quality treatment, reduce sediment transport, and collect trash. The commitment to restoring Lake Munson and the completed projects have been successful; surface water quality testing results by the County and City indicate better quality water entering the lake than the water quality in the lake itself. Notable water quality improvement projects include Gum Swamp Restoration and Cascades Park as well as the Broadmoor, Martha Wellman, Bond, Carter-Howell-Strong, Tallahassee Junction, and Coal Chute stormwater management facilities (SWMFs). Many of these projects were water quality enhancements to larger projects such as the addition of Broadmoor SWMF with the widening of Capital Circle NW/SW and the creation of Coal Chute Pond and Tallahassee Junction SWMF expansion with the FAMU Way project. Blueprint has completed a substantial number of stormwater improvements along the Capital Cascades Trail corridor improving both

water quality and reducing area flooding. In all, these stormwater improvements represents a total investment of more than \$130 million and stretch approximately 2.5 miles.

One of the major projects to restore the lake was the Lake Munson Restoration Project which restored Lake Henrietta, made improvements to Munson Slough, removed trash and the sediment delta from Lake Munson, and restored wetlands around Lake Henrietta and Lake Munson. Construction of the restoration project began in November 1999 and the entire project was complete in May 2002 with a total project final cost of \$13.6 million. To protect Lake Munson from new sediment, the banks of upstream ditches have been protected to prevent erosion and some of the upstream SWMFs include sediment traps to prevent transport to Lake Munson. Lake Henrietta, a water quality facility located upstream of Lake Munson, collects excessive sediment and trash, preventing the sediment and trash from entering Lake Munson. Leon County crews then efficiently remove trash from Lake Henrietta. Leon County has several septic to sewer projects underway or complete which will also improve water quality. The NE Lake Munson septic to sewer project was prioritized due to its location immediately adjacent to the lake, on the northeast side. Construction of this project is anticipated to start later this year. The Board prioritized the Lake Henrietta sediment removal project as a 2022 Federal priority and has been awarded grant funding to complete the project. Future planned improvements on upstream water conveyance systems, creeks, and ponds will further improve the water quality and reduce the nutrients entering Lake Munson.

In 2018, Leon County partnered with the Florida Geological Survey (FGS) division of FDEP to conduct a Lake Munson sediment sampling and analysis project. Between September and November 2018, sediment samples were collected from a total of 37 sites with locations in Lake Munson, Munson Slough, and Lake Henrietta. The report attributed high nutrient levels in the lake-bottom sediment to the transporting of nutrient loads from upstream development activities over several decades. The FGS report states that upstream sampling may help identify any present-day sources; however, based on additional analysis and evaluation of the system and consultation with FDEP, upstream testing found to be unnecessary based on current building and environmental regulations and the known conditions of the basin.

The specific concerns raised during the June 14, 2022 meeting include the status of the lake and the algal blooms, conducting mechanical harvesting of the algae, and assisting residents around the lake by pumping septic systems.

Lake Munson Algal Bloom

While the lake continues to improve, one cannot correct long term damage in a short time period. Relict nutrients in the lake sediment will continue to impact Lake Munson for the foreseeable future; however, sediment removal is no longer recommended as a mitigation method. Sediment samples and analysis indicate that removing the sediments may cause more harm to the lake than benefits. The best method of slowing or stopping the algal bloom is to let nature take its course; algal growth will often slow with cooler weather, rainfall, or moving water.

Leon County and Lake Munson are not new to algal blooms. Algal blooms on Lake Munson and other lakes in the County have been consistently identified in Water Quality reports since the inception of the County's Water Quality Monitoring Program in the late 1990s. A notably bad

algal bloom occurred in 2005 when an invasive exotic Channeled Apple Snails consumed all of the aquatic vegetation (plants in the water) in the lake leaving higher nutrient concentrations and continued well into 2006. In 1954, one of the earliest surveys by the Florida Game and Fresh Water Fish Commission noted many people did not use the lake for hunting and fishing, in part due to algal blooms.

Lake Munson is currently experiencing an active algal bloom, some of which is producing toxins. The dominant algae in Lake Munson is currently filamentous algae, which is on the surface of the lake, mostly attached to tops of the aquatic vegetation that has grown to the surface. The aquatic vegetation is beneficial because it reduces the amount of nutrients in the water column and stabilizes the sediment. The algae in Lake Munson that are producing low-level microcystin toxins is *Microcystis aeruginosa*, a type of microalgae that floats in the water column.

The detected toxins in Lake Munson have triggered a Health Alert, which will remain in effect as long as toxins are detected by FDEP during routine algal bloom sampling. When toxins are no longer detected by FDEP, it is anticipated that DOH Leon will downgrade the Health Alert to a Health Caution. A Health Caution will remain in effect as long as there is an active algal bloom on the lake. Residents and visitors are advised to continue to take precautions in and around the lake, as recommended by DOH Leon.

Mechanical Algae Harvesting

Mechanical algae harvesting is not a long-term solution for algal blooms and comes with disadvantages. Any method of removal would be temporary; the algae will return and potentially result in an active bloom because the suitable environmental factors and plentiful supply of nutrients remain unchanged.

The two types of algae currently in Lake Munson each require a different type of mechanical harvesting. Mechanical harvesting of the filamentous algae usually involves netting or raking the algae mats from the pond surface, or skimming mats of algae from the water surface. The harvester is often a mobile system with the equipment mounted on top of a boat. The microalgae that floats in the water column is best removed by machines that filter out the algae and return clean water to the lake, such as the AECOM device previously located at Lake Munson. In any method of removal, the harvested algae and aquatic vegetation require proper disposal at a location away from any waterbodies to prevent nutrients from reentering the system.

In 2020, the Northwest Florida Water Management District was awarded an FDEP Innovative Technologies grant to conduct a pilot project in North Florida with an AECOM algae harvester that would harvest the microalgae from the water column. Lake Munson was selected due to its long history of algal blooms and high concentrations of nutrients. Staff contacted the Northwest Florida Water Management District after the algal bloom was identified in May 2022 to explore the possibility of bringing it back to Lake Munson. However, the dominant type of algae in Lake Munson is not the type that the harvester is designed to capture. Further, the AECOM algae harvester was found to no longer be operational for Lake Munson in April 2021, approximately seven months into the pilot project. It was inoperable because of the lack of algae passing through the harvester due to dense aquatic vegetation, which inhibits water flow within the lake and the

circulation of untreated water to the unit. The dense vegetation would negatively impact the performance of any similar units placed there in the future.

The primary concern with filamentous algae removal methods is the accidental removal of aquatic vegetation the filamentous algae are attached to. Removal of the aquatic vegetation would reduce the nutrient uptake in the lake and would disturb the sediments, thus releasing more nutrients. Some mechanical removal devices cut or chop the aquatic vegetation. This method could be used; however, the aquatic vegetation grows quickly and could potentially regrow with the filamentous algae reestablishing within weeks. Another concern with mechanical harvesting is accessibility and potential damage to the lake bottom. Lake Munson is a shallow lake, with some areas as shallow as two to four feet deep. The algae mats are not accessible from the boat landings, so any harvesting equipment must travel to the location of the algae. With the shallow water depths, any equipment is likely to disturb the lake bottom, uproot aquatic vegetation, and suspend the sediment, adding additional nutrients into the water column.

Septic Tanks in the Lake Munson Area

Septic tanks are utilized in residential neighborhoods surrounding Lake Munson and in neighborhoods upstream where sewer is not available at this time. Pumping a septic tank is a routine maintenance responsibility of homeownership. Even in ideal conditions with proper maintenance, much like a roof, a septic system eventually wears down and needs replacement. The frequency of pumping depends on several factors such as the size of the system, the number of people using the system, how often household tasks are completed (e.g., washing clothes, running dishwasher, etc.), and the age of the system. Newer systems are often pumped every two to three years but as a system ages it may need to be pumped out more frequently. In Leon County the average cost to pump out a septic tank is approximately \$350.

Because of the historically poor water quality of Lake Munson and the direct connection from the lake to Wakulla Springs, Leon County adopted the Primary Springs Protection Zone (PSPZ) into its Land Development Code in early 2009. Around the same time, Policy 4.2.5 [C] of the Tallahassee-Leon County Comprehensive Plan was adopted, including a provision that all new development and redevelopment in the PSPZ shall use Performance Based On-Site Treatment Disposal Systems (OSTDS) and existing traditional OSTDS shall be upgraded to Performance Based OSTDS when the traditional OSTDS fails.

In recent years, the County and the state of Florida have made large financial commitments to springs restoration. Through our partnership with FDEP, since 2014 Leon County has been awarded over \$20 million in grant funding to improve the water quality of Wakulla Springs, as well as Leon County waterbodies, through various septic to sewer projects and septic tank upgrade projects. Additional FDEP springs funding has been earmarked for future projects.

Through local matching dollars and state grant funding, Leon County is investing \$12.1 million dollars into the design, permitting, and construction of central sewer for the neighborhoods on the northeast side of Lake Munson (Attachment #1). The highly anticipated project will provide approximately 220 property owners the opportunity to connect to central sewer at no cost to the homeowners. Construction is anticipated to begin in the fall of this year. Areas around Lake Munson that are outside of the Northeast Lake Munson Sewer project will be eligible for the

County's Advanced On-Site Treatment Incentive Program, a \$1.11 million grant awarded to Leon County that will provide reimbursements to property owners to off-set the cost of installing an advanced nitrogen-treatment septic system. This grant agreement is anticipated to be brought to the Board for approval at the September meeting.

Conclusion

Algal blooms are common in Florida's fresh waters, including Lake Munson, and often occur in the summer months throughout the state. The County and the City have both prioritized and made improvements to benefit the water quality of Lake Munson and reduction of sediment transport. While the lake continues to improve, undoing decades of damage will take time and relict nutrients in the lake sediment will continue to impact Lake Munson for the foreseeable future. Sediment removal and algae harvesting are not recommended mitigation methods and may cause more harm to the lake than benefit. The best method of slowing or stopping the algal bloom is to let nature take its course; algal growth will often slow with cooler weather, rainfall, or moving water. FDEP will continue routine sampling of the algal bloom, the Department of Health will continue to make public health determinations, and the County will continue to coordinate with both organizations and advise residents.

Options:

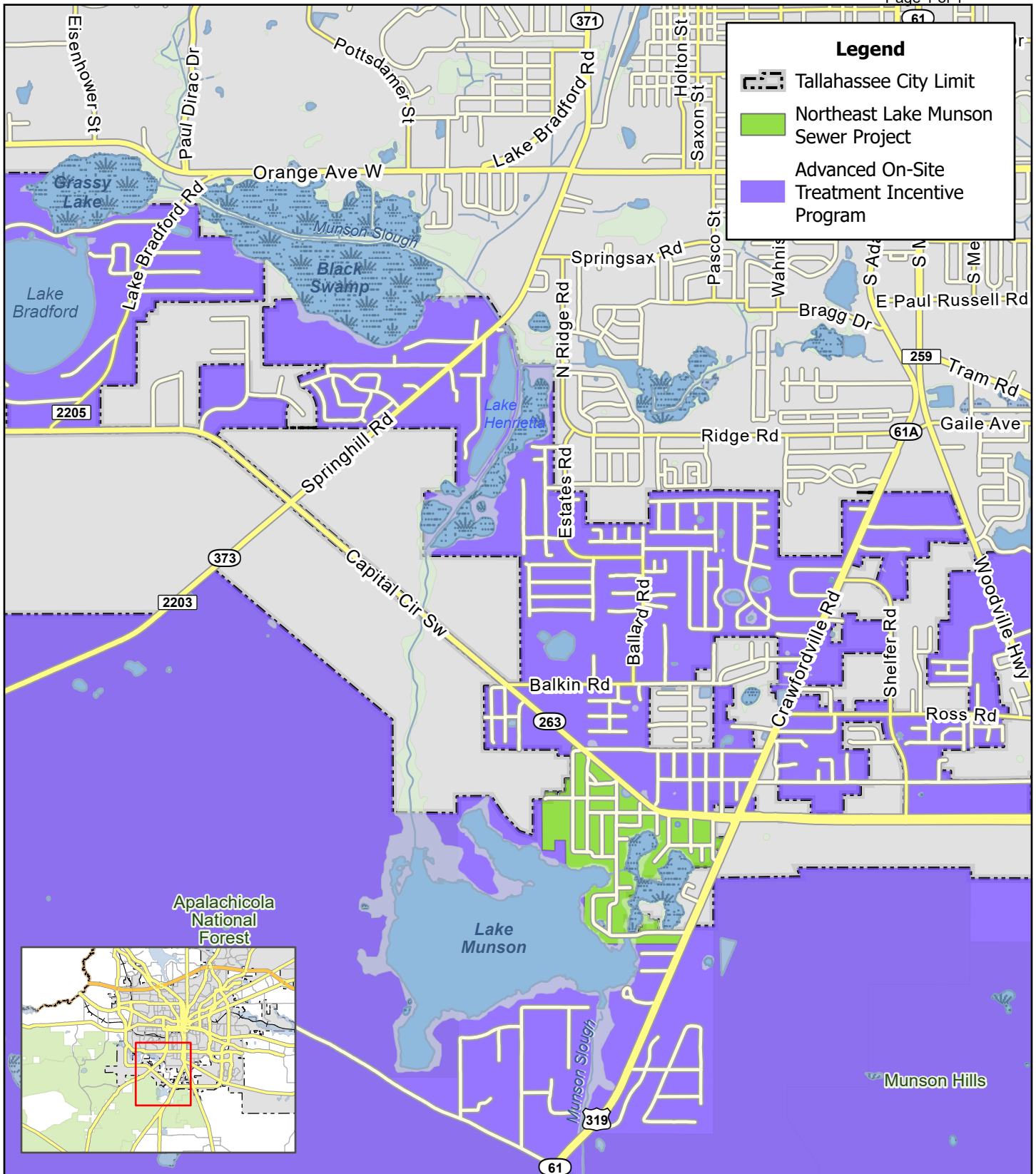
1. Accept the status update on Lake Munson.
2. Do not accept the status update on Lake Munson.
3. Board direction.

Recommendation:

Option #1

Attachment:

1. Northeast Lake Munson Sewer Project and Advanced On-Site Treatment Incentive Program Location Map



This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.



Northeast Lake Munson Sewer Project and Advanced On-Site Treatment Incentive Program Location Map

Date Drawn: 6/30/2022

**Leon County
Board of County Commissioners**

Notes for Agenda Item #23

Leon County Board of County Commissioners

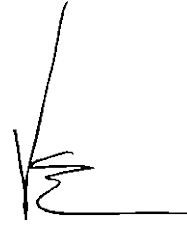
Agenda Item #23

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Status Update Regarding Curbside Collection Service Provided by Waste Pro, Inc.



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Maggie Theriot, Director, Office of Resource Stewardship Cassie Griffith, Solid Waste Manager

Statement of Issue:

This item seeks Board acceptance of the status update regarding curbside collection service provided by Waste Pro, Inc.

Fiscal Impact:

This item has no fiscal impact. The monthly subscription is paid for by residents opting to receive curbside residential and commercial solid waste collection for the unincorporated area of Leon County.

Staff Recommendation:

Option #1: Accept the status update regarding curbside collection service through Waste Pro, Inc.

Report and Discussion

Background:

This item seeks Board acceptance of the status update regarding curbside collection service provided by Waste Pro, Inc. (Waste Pro). At the February 10, 2020 meeting the Board approved continuing service with Waste Pro through a renewal of the Solid Waste Franchise Agreement (Agreement). At the same February meeting the Board directed staff to prepare a quarterly status reports regarding the Agreement. As requested by the Board, status reports will be presented on a routine basis to monitor performance of Waste Pro and ensure Waste Pro meets the expectations of the Agreement. The first status report was included in the July 14, 2020 meeting agenda, and subsequent reports were provided on November 17, 2020, February 16, 2021, May 11, 2021, September 21, 2021, January 24, 2022, and April 12, 2022.

The Agreement includes the exclusive collection of commercial solid waste, residential solid waste, recyclable materials, yard debris, and bulky waste on a subscription (i.e. voluntary) basis and commercial collection. Currently an estimated 29,600 residents in the unincorporated area subscribe. Although commercial recycling is not an exclusive service, Waste Pro is required to offer commercial recycling collection service within the unincorporated area. There are currently an estimated 620 commercial accounts.

Analysis:

To ensure performance, the Agreement provides for liquidated damages to be assessed against Waste Pro in the event of unresolved customer complaints for infractions not meeting the requirements of the Agreement. Per the Agreement, the ability to levy liquidated damages is a tool the County uses to address non-compliance with terms of the Agreement. In addition to levied liquidated damages, the volume and nature of customer calls is another indicator used to monitor Waste Pro service. Table #1 provides the annual number of inquiries and requests for service received by Waste Pro, as well as the annual number of liquidated damages assessments, and the amount paid to the County for liquidated damages.

Table #1. Waste Pro Inquiries, Requests for Services, and Liquidated Damages Assessments 2019-2022

Calendar Year	# Inquiries/ Grievance	# Requests for Service	# Liquidated Damages Legitimate Complaints	\$ Liquidated Damages
2019	4,064	21,074	2,245	\$201,780
2020	3,126	25,499	355	\$30,950
2021	3,696	24,390	573	\$50,115
2022 ¹	1,882	9,395	1,214	\$115,005

¹ 2022 totals reflect January - May

The *Inquiries/Grievance* column represents incoming calls/email by customers to Waste Pro which involve delivery of routine service for waste, recycling, and yard debris. Generally, these calls are regarding missed pick-up.

The *Requests for Service* column includes calls regarding specialized service that is not included in routine weekly service such as scheduling bulk items, service of oversized yard debris, or waste/recycling carts to be repaired.

The *Liquidated Damages Legitimate Complaints* column correlates to, but is not directly derived from, the *Inquiries/Grievance* or *Requests for Service* columns. For example, Waste Pro has 24 hours to take corrective action on a grievance of missed pick-up and 7 business days to service bulky items before such an inquiry would become a *Legitimate Complaint* as included in Table #1. Additionally, the Agreement includes liquidated damages for items that are not customer-facing, such as hydraulic leaks. The amount levied for individual liquidated damages varies based on the type and duration of the noncompliance. For the beginning of 2022, \$115,005 in liquidated damages have been assessed, indicating the largest culmination of damages since March and April of 2019.

The recent increase in liquidated damages is indicative of an overall service decline. Culminating in June, Waste Pro experienced a reduction in service delivery to unacceptable levels. Most notably this reduction has impacted collection of yard debris, with some areas not receiving service for several weeks. Numerous garbage and recycling routes also were incomplete. Staff remained in near constant contact with Waste Pro leadership in the field and met with impacted residents to validate complaints and ensure citizens receive the service they pay for.

Waste Pro acknowledged the broader sentiment of operations not being acceptable in preceding months. Indeed, there have been recent changes in management in light of needed improvements. New interim leadership has made numerous corrective actions to improve staffing, equipment, and service response. To ensure all routes are caught up, additional trucks have been added to service yard debris and Waste Pro is running an extra day (Saturdays) until further notice. It is expected that all customers will receive service as required by the Agreement.

More broadly, service of garbage, recycling, yard debris, and bulky waste have been impaired by a combination of COVID, hiring and retention troubles, supply chain interruptions, and equipment failures. As noted, new management continues to make numerous process improvements focusing on internal and external service delivery. Enhancements have been made in areas such as employee pay, training, investment in technology, hiring of third-parties, transparency, and customer service. Specifically, wages have been increased 30% for field staff; Waste Pro supervisors are temporarily driving service trucks and weekends are being worked to complete routes; contractor labor was supplemented to double the capacity of bulky pickup as well as double the capacity of fleet repair; and Waste Pro has rented numerous trucks to supplement inoperable fleet. Regarding yard debris, a unique approach has been taken to improve the efficiency of service delivery. A large trailer is staged near the neighborhood being serviced for yard debris, allowing the trucks to deposit the collected materials in the nearby trailer avoiding the long drive to deposit the material at the Solid Waste facility. Additionally, spare fleet was sourced from the region to

collect on the weekend, with County staff opening the Solid Waste Facility to aide Waste Pro in the efforts to catch up delayed yard debris service.

As detailed in the April status report to the Board, Waste Pro made recent investments in the collection fleet following a string of hydraulic leaks. The efforts continue to yield positive results, and there have been no reported leak concerns in over three months. Evidence of Waste Pro's new trajectory is occurring; however, large-scale changes will take time to be felt system wide. In the meantime, County staff remain diligent to ensure Waste Pro resolves customer concerns as they occur.

Conclusion

With liquidated damages at a three-year high, both yard waste and standard service day misses continue to be the root cause of complaints. Assurances to improve service have been made by Waste Pro, and several steps have been taken by the company to deliver on those commitments. Staff continues to actively engage with Waste Pro and monitor contract performance to ensure satisfactory service levels are maintained.

Options:

1. Accept the status update regarding curbside collection service through Waste Pro, Inc.
2. Do not accept the status update regarding curbside collection service through Waste Pro, Inc.
3. Board direction.

Recommendation:

Option #1

**Leon County
Board of County Commissioners
Notes for Agenda Item #24**

Leon County Board of County Commissioners

Agenda Item #24

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator



Title: 2022 Florida Legislative Session Final Report and Request to Schedule the Board Workshop on 2023 State and Federal Legislative Priorities

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator

Statement of Issue:

This item seeks Board approval of the 2022 Florida Legislative Session Final Report, and to schedule a workshop on the 2023 State and Federal Legislative Priorities for October 25, 2022 at 1:00 p.m.

Fiscal Impact:

This item has a fiscal impact. The final legislative report summarizes legislation that may have an immediate and/or future impact on the County budget.

Staff Recommendation:

Option #1: Accept the 2022 Florida Legislative Session Final Report.

Option #2: Schedule the Board Workshop on the 2023 State and Federal Legislative Priorities for October 25, 2022 at 1:00 p.m.

Report and Discussion

Background:

Each year, staff presents a report to the Board that summarizes significant bills passed during the annual Florida Legislative Session. This item seeks Board approval of the 2022 Florida Legislative Session Final Report, and to schedule a workshop on the 2023 State and Federal Legislative Priorities for October 25, 2022 at 1:00 p.m.

At the 2022 State and Federal Legislative Priorities Workshop held on September 28, 2021 (Attachment #1), staff presented verbal and written reports to the Board and proposed a slate of appropriations and policy requests for the 2022 federal and state legislative sessions. During the Workshop, the Board approved a slate of legislative priorities consisting of six appropriation requests, eleven state policy issues, and seven federal policy issues, described in detail below. In addition to pursuing all of the County's policy and appropriations priorities, the County's legislative team also actively monitors all legislation that may affect Leon County in coordination with Capitol Alliance Group and the Florida Association of Counties (FAC) at the state level and Squire Patton Boggs and the National Association of Counties (NACo) at the federal level.

Appropriations Requests:

Working with the County's state contract lobbyist, Leon County submitted appropriation requests to the Florida Legislature for the following projects:

Table 1: Appropriation Requests for the 2022 Legislative Session

Request:	Amount Requested:	Project Phase:
Backup Generators – Branch Libraries and Community Centers	\$500,000	Capital/Fixed Assets
Leon Works Expo and Junior Apprenticeship	\$50,000	Program Funding
Old Plank Road Drainage Project	\$500,000	Construction
Baum Road Drainage Project	\$450,000	Construction
Fords Arm/Timberlane Tributary Restoration	\$500,000	Design/Construction
Fred George Wetland Restoration	\$400,000	Construction

During the September 2021 legislative priorities workshop, the Board also discussed state and federal substantive policy issues that were expected to be considered during the 2022 state and federal legislative sessions. The Board approved the following state and federal policy statements at that time:

State Policy Priorities:

1. Support the protection of the state workforce and oppose any reductions to state employee benefits.
2. Support legislation requiring a study to review and identify recommendations for establishing an independent statewide public health agency.

3. Oppose legislation that would limit the State of Florida's or local governments' ability to implement mitigative measures to slow the spread of COVID-19.
4. Support legislation authorizing virtual meetings of local government bodies during a declared state of emergency
5. Support legislation requiring the relocation of the Confederate monument that is currently located at the State of Florida Capitol Complex.
6. Support legislation establishing May 20, Florida's Emancipation Day, as a state holiday.
7. Support the expansion of the Medicaid program in Florida to provide coverage eligibility for adults under the age of 65 with incomes up to 138% of the federal poverty level, as provided in the Affordable Care Act.
8. Support efforts to restore passenger rail service between New Orleans and Jacksonville through Leon County.
9. Oppose statutory changes to Section 790.06, F.S. that would allow the concealed carrying of weapons into college or university facilities.
10. Support an amendment to Sec. 119.071(4)(d)(2), F.S. to exempt personally identifying information of elections personnel from public records requests.
11. Support the Florida Association of Counties 2021-2022 legislative efforts unless specific issues conflict with Leon County's interests.

In addition to these policy priorities, at the December 14, 2021 meeting the Board adopted a resolution urging the Legislature to support a redistricting plan which preserves existing political and geographic boundaries and the existing rural and urban/suburban nature of Florida House Districts 7 and 9 (Attachment #2). Also, during the April 12, 2022 meeting, the Board adopted a separate resolution (Attachment #3) supporting the Legislature's adoption of a congressional redistricting plan during Special Session 2022C that preserves existing political and geographic boundaries of Congressional District 5 and affords minority voters residing in that district the opportunity to continue electing candidates of their choice. Upon their adoption by the Board, these resolutions were delivered to House and Senate leadership, the Governor, and the County's legislative delegation. Additional discussion regarding redistricting and other legislation related to the County's legislative priorities is included in the Analysis section below.

Federal Policy Priorities:

1. Support the inclusion of Leon County's Community Project Funding requests for the Lake Henrietta Restoration project and the Concord School Restoration project in the federal FY 2022 appropriations package.
2. Support the passage of the Infrastructure Investments and Jobs Act, including direct federal funding to support local infrastructure projects.
3. Support federal funding through programs such as CRISI and REG and through the Infrastructure Investment and Jobs Act to facilitate the restoration of passenger rail service in the Gulf Coast region.

4. Support the passage of the Federal Disaster Housing Stability Act of 2021 (H.R. 5043) or similar federal legislation to provide an automatic eviction and foreclosure moratorium during federally declared disasters.
5. Support the Marijuana Opportunity Reinvestment and Expungement Act, the Cannabis Administration and Opportunity Act, or similar legislation related to the decriminalization of marijuana at the federal level.
6. Support the City of Tallahassee's application for a Foreign Trade Zone at the Tallahassee International Airport.
7. Support the National Association of Counties 2021-2022 legislative efforts unless specific issues conflict with Leon County's interests.

Analysis:

The 2022 Florida Legislative Session began on January 11, 2022 and adjourned *sine die* on Monday, March 14 after a short extension to finalize the FY 2023 appropriations bill. As discussed in further detail below, the Legislature subsequently convened in special sessions in April and May 2022 to consider bills related to congressional redistricting, property insurance reform, and other legislation.

On December 9, 2021, Governor Ron DeSantis released a proposed \$99.7 billion spending plan for FY 2022-2023. Prior to the start of the legislative session, the Legislature's Office of Economic and Demographic Research (EDR) published a report providing an economic overview of the state, which noted that the state collected \$398.8 million more in November 2021 in general revenue taxes than expected, continuing a series of months of higher-than-projected revenues. This increase in revenue was largely attributed to the influx of federal stimulus funding in response to the COVID-19 pandemic as well as a faster-than-expected reopening of the state. As a result, EDR projected a general revenue surplus of up to \$7 billion for the FY 2022-23 budget, comprised mostly of nonrecurring dollars. As discussed in further detail below, the House and Senate ultimately approved a budget of approximately \$112.1 billion, which represents a 10.37% increase from the FY 2021-2022 General Appropriations Act. The Governor signed the budget into law on June 6, 2022 with line-item vetoes totaling approximately \$3.1 billion.

Of more than 3,700 bills that were filed for the 2022 session, over 1,700 were local funding requests, as required by a House procedural rule which requires members to file an individual bill for each funding request. These local funding requests, which included Leon County's legislative funding priorities, totaled approximately \$2.6 billion. The FY 2023 state budget approved by the Legislature (HB 5001) included more local funding requests than previous years, due in part to the Legislature leveraging a portion of its COVID-19 relief funding provided by Congress in the American Rescue Plan Act to support shovel-ready infrastructure projects across the state. The budget included funding for two of Leon County's legislative appropriations requests, although one of these appropriations was subsequently vetoed by the Governor, as discussed in greater detail below.

Throughout the 2022 session, Leon County's legislative team worked closely with Capitol Alliance Group and Squire Patton Boggs to advocate for the County's legislative priorities and to address other emerging issues affecting county governments. Status updates on these issues were presented to the Board and senior County staff throughout the legislative session through weekly *Capitol Update* newsletters. A more detailed account of Capitol Alliance Group's efforts during the 2022 Florida Legislative Session is included as Attachment #4 to this item. Also, the Florida Association of Counties has compiled a 2022 Legislative Session Final Report which is included as Attachment #5. Finally, Squire Patton Boggs' most recent federal legislative update is included as Attachment #6.

The following subsections provide an overview of bills during the 2022 Florida Legislative Session related to Leon County's adopted legislative priorities as well as other significant bills impacting county governments. Additional details on these and other bills is included in Attachments #4 and #5 to this agenda item.

Leon County Appropriation Requests:

Prior to the start of the 2022 session, Leon County's legislative team worked with the County's delegation members to submit appropriation requests for the concise, targeted set of County projects described earlier in this item. In the beginning weeks of session, several of the County's funding requests were heard and reported favorably by their respective House appropriations subcommittees. Two of the County's priority projects were included in the Legislature's adopted budget:

- Fred George Wetland Restoration: \$400,000
- Leon Works Expo and Junior Apprenticeship: \$50,000

As discussed earlier in this item, the Governor signed the budget (HB 5001, the General Appropriations Act) on June 2, 2022. At that time, the Governor vetoed \$3.1 billion in budget line items, including the \$50,000 that was included in the Legislature's approved budget for the Leon Works initiative. However, the \$400,000 in funding provided for the Fred George Wetland Restoration project was not vetoed, and the County is coordinating with the Florida Department of Environmental Protection to initiate a grant agreement for this project, which is expected to be presented to the Board for consideration in fall 2022.

Leon County Policy Priorities:

Following is a recap of significant legislation that passed during the 2022 session related to Leon County's adopted policy priorities.

- *Protection of the State Workforce:*

Recognizing that the state employees who live in Leon County are vital to our community, economy, and diversity, protecting the jobs of these workers from privatization and advocating for fair wages has continuously been a top priority of the Board. Accordingly, the Board again adopted "Protection of the State Workforce" as one of its top priorities for the 2022 legislative session. Following substantial reductions to the state workforce and

reforms to the state's retirement and health insurance programs in recent years, this is an issue also strongly supported by members of Leon County's legislative delegation.

The FY 2023 state budget (HB 5001) includes funding to provide a 5.38% across-the-board salary increase for all state employees in the Career Service, the Selected Exempt Plan, the Senior Management Service, the lottery pay plan, the legislative pay plan, the judicial branch pay plan, and several other categories. This pay increase became effective as of July 1, 2022. Also, after the application of the 5.38% raise, the budget provides funding to increase the minimum rate of pay for state employees to \$15 per hour. This increase will also be effective as of July 1, 2022. The budget also includes funding to increase the minimum annual salary for several classes of state employees, including state law enforcement officers, state correctional officers, juvenile detention and probation officers, and state firefighters.

- *Public Health Emergencies:*

During the 2022 Session, the Legislature passed SB 254 which disallows emergency orders issued under the State Emergency Act that prohibit a religious organization from conducting regular religious services or activities. According to a legislative staff analysis of the bill, the U.S. Supreme Court has rejected other states' COVID-19 restrictions on religious exercises several times over the past two years. Under SB 254, emergency orders would be permitted to restrict religious activities if such a restriction was part of a general provision which applied uniformly to all entities in an affected jurisdiction, the restriction served a compelling governmental interest, and if it was the least restrictive means of furthering that compelling governmental interest.

- *State Legislative and Congressional Redistricting:*

During the 2022 Session, the Legislature passed SJR 100, which is a joint resolution that provides for the apportionment of the Florida House of Representatives and the Florida Senate. The Florida Constitution requires the Legislature, by joint resolution at its regular session in the second year after the United States decennial census, to apportion state legislative districts. All 40 Senate districts are up for election this year as part of the once-per-decade reapportionment process. During the 2024 and 2026 elections, Senate candidates will run for four-year terms. Under SB 100, all of Leon County will remain within the Senate District 3, currently represented by Senator Loranne Ausley. Calhoun County would no longer be within that district, but Suwannee, Lafayette, and Dixie Counties would be added to the district. SB 100 also provides for new state House districts; as reported to the Board in weekly *Capitol Updates* during the legislative session, the House redistricting plan largely preserves the existing urban/rural character of districts representing Leon County, consistent with a resolution adopted by the Board during the December 14, 2021 meeting (Attachment #2).

With respect to congressional redistricting, the Board also adopted a separate resolution (Attachment #3) supporting the Legislature's adoption of a congressional redistricting plan that preserves existing political and geographic boundaries of Congressional District 5 and affords minority voters residing in that district the opportunity to continue electing candidates of their choice. The Legislature passed SB 102 during the 2022 session which

established new congressional districts for the state; however, the Governor vetoed SB 102 and called the Legislature back for a special session from April 19 to April 22, 2022 to consider a new map. In vetoing SB 102, the Governor asserted that the configuration of Congressional District 5, which represents a portion of Leon County and is currently held by Congressman Al Lawson, “is an unconstitutional gerrymander that unnaturally connects communities in Jacksonville with communities hours away in in Tallahassee and Gadsden counties” and violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. The Governor’s Office subsequently developed and presented its own congressional redistricting proposal, which the Legislature passed during the special session (SB 2C). Overall, the Governor’s plan is expected to increase the number of Republican-held congressional seats in the state from 16 to 20, based on 2020 voting patterns, and would also make vast changes to historically Black districts held by Congressman Lawson as well as Congresswoman Val Demings in the Orlando area. Under the redistricting plan established by SB 2C, Leon County would be represented by a single Congressional district (Congressional District 2) that would stretch from Walton County in the Panhandle to the Suwannee River:

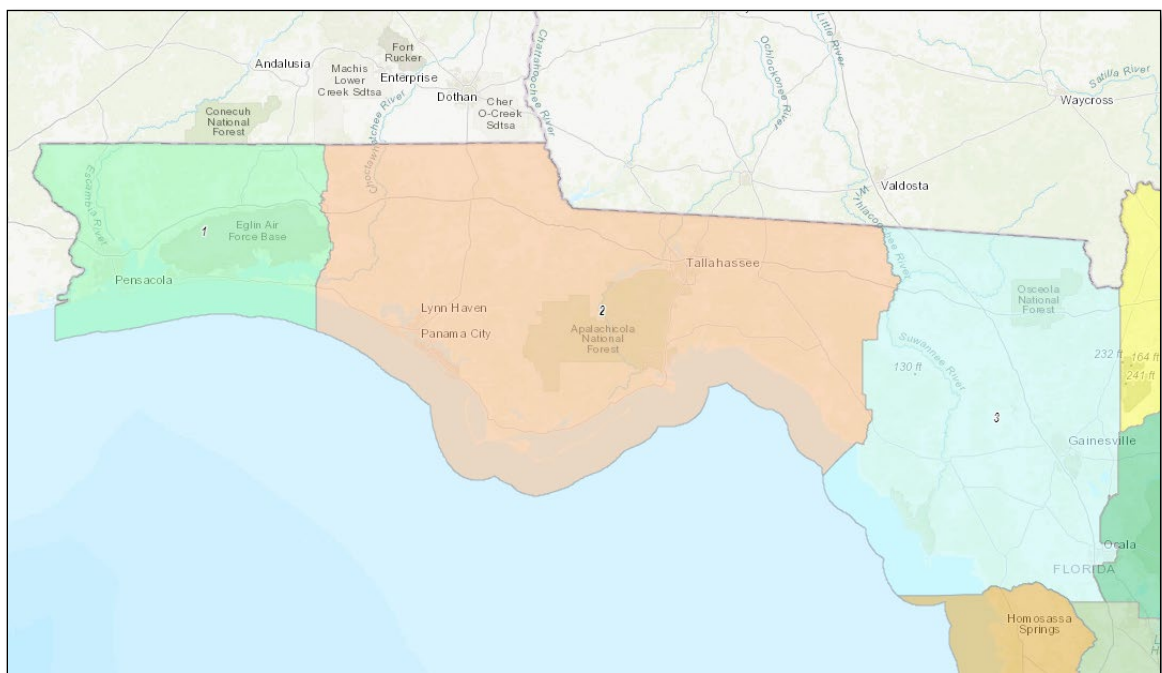


Figure 1: Proposed Configuration of CD2 Representing Leon County under the Legislature's Approved 2022 Congressional Redistricting Map

The congressional redistricting plan approved by the Legislature has been challenged by voting rights groups and other plaintiffs. At this time, the lawsuit challenging the redistricting plan remains pending in state court, and a separate challenge is pending in federal court. However, based upon recent actions by the Leon County Circuit Court and the 1st District Court of Appeal, it is expected that the congressional redistricting plan established by SB 2C will be utilized during the 2022 election.

Additional Significant Issues during the 2022 Florida Legislative Session:

Following is an overview of other major legislation that emerged during the 2022 session affecting county governments in Florida. A complete report on the 2022 Florida Legislative Session from FAC is included as Attachment #5 to this agenda item.

- *Budget (HB 5001):*

On March 14, following a brief extension of the 2022 Legislative Session, the Florida House of Representatives and the Florida Senate agreed to the budget for the State Fiscal Year (SFY) 2022-2023. The Florida Legislature is constitutionally required to pass a state budget, officially referenced as the General Appropriations Act, during the annual regular session. The Legislature's budget for State Fiscal Year 2022-2023 totaled approximately \$112.1 billion, representing a 10.37% increase from the previous SFY 2021-2022 General Appropriations Act. General Revenue expenditures for the SFY 2022-2023 budget total approximately \$43.7 billion, a 20.3% increase from the current year.

As discussed above, the Governor signed HB 5001 on June 2, 2022 and vetoed \$3.1 billion in spending, including the \$50,000 that was included in the Legislature's approved budget for the Leon Works initiative. However, the final budget includes a line-item appropriation of \$400,000 for the County's Fred George Wetland Restoration project.

HB 5001 also included a provision creating a "Local Support Grant" program through which members of the Legislature may request nonrecurring Local Support Grants for local governments, education entities, or privately-operated programs to support local initiatives. Applications for Local Support Grants are due July 15, 2022, and the County is in the process of submitting grant applications for the five remaining appropriation requests that were not funded in the FY 2023 budget:

- Backup Generators – Branch Libraries and Community Centers (\$500,000)
- Leon Works Expo and Junior Apprenticeship (\$50,000)
- Old Plank Road Drainage Project (\$500,000)
- Baum Road Drainage Project (\$450,000)
- Fords Arm/Timberlane Tributary Restoration (\$500,000)

Additional budget highlights related to county governments are included in FAC's legislative session final report (Attachment #5).

- *Tax Package (HB 7071):*

During the 2022 session, the Legislature approved HB 7071, a tax cut package that includes the following provisions:

- A fourteen-day "back-to-school" tax holiday in July and August 2022 for certain clothing, school supplies, learning aids and puzzles, and personal computers;
- A fourteen-day "disaster preparedness" holiday in May and June of 2022 for specified disaster preparedness supplies;

- A “Freedom Week” tax holiday in July for specified recreational items and activities, including the purchase of tickets to music events, sporting events, movies, theaters, parks, fairs and museums, purchases of items for camping, fishing, and boating and purchases of surfboards, canoes, kayaks, and bicycles; and
- A new seven-day tax holiday in September for tools and equipment needed in skilled trades, including the purchases of work boots, power tools, toolboxes for vehicles and LED flashlights.

Other major provisions of the tax cut package include property tax relief for homestead property rendered uninhabitable for 30 days or more due to a catastrophic event and an increase to the value of property exempt from ad valorem taxation for residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000. The proposal also includes a reduction in the sales tax for new mobile homes from 6 percent to 3 percent. Additional details regarding the tax provisions in HB 7071 are included in FAC’s legislative session final report (Attachment #5).

- *Sheriffs’ Budget Authority (HB 3):*

The Legislature passed HB 3 during the 2022 legislative session. Most notably for county governments, the bill was amended late in this year’s session with language that allows a sheriff to move budgeted funds across all budget levels, without review or approval by the Board of County Commissioners. As currently required under state law, each sheriff must annually prepare and submit to its Board of County Commissioners a proposed budget for carrying out the powers, duties, and operations of the office for the next fiscal year. The proposed budget must show the estimated amounts of all proposed expenditures for operating and equipping the sheriff’s office and jail and must be categorized at the appropriate fund and functional level. At a public hearing, the Board of County Commissioners may amend, modify, increase, or reduce any or all items of expenditures in the proposed budget and must ultimately approve the budget.

In January 2022, the Florida Supreme Court ruled in *Alachua County, FL v. Watson, Jr.* (Alachua County’s Sheriff) that, following approval of the sheriff’s budget, a sheriff does not have the authority to make changes to the budget without approval by the board of county commissioners. The ruling concluded that current law requires a sheriff to follow the budget amendment process as described above prior to making budgetary changes.

As enacted by the Legislature, HB 3 makes significant statutory changes to provide sheriffs the authority to make certain budgetary changes outside the budget amendment process. Specifically, the bill authorizes sheriffs to transfer funds between fund and functional categories and object and sub-object code levels of the budget as previously approved by the Board of County Commissioners. In effect, this allows sheriffs to transfer funding between budgetary objects, such as personnel services to capital outlay, as well as between broader functional categories, such as general law enforcement to court services, which could result in recurring fiscal impacts in future years.

HB 3 also provides for a series of benefits, financial incentives, educational and training opportunities, and service recognition for State of Florida law enforcement bodies. These include, among other provisions:

- The Florida Law Enforcement Recruitment Bonus Program, which provides for a one-time signing bonus of up to \$5,000 for newly employed law enforcement officers
 - The Florida Law Enforcement Academy Scholarship Program, which covers up to \$1,000 in tuition and fees for enrollment in any basic recruit training program
 - A \$25,000 benefit for law enforcement officers who adopt a special needs child from within the State's child welfare system, or \$10,000 for law enforcement officers who similarly adopt a child without special needs
 - Scholarship opportunities for dependent children of a law enforcement officer to attend private school.
 - Base salary increases for each county sheriff of \$5,000
 - Exemption from the basic skills test for veterans and applicants with an associate degree or higher
 - A requirement that law enforcement officers receive training in health and wellness principles, both upon initial certification training and for continued employment training
 - Designation of May 1 of each year as "Law Enforcement Appreciation Day"
- *Homestead Exemption for Critical Public Sector Workforce (HJR 1 and HB 1563):*
HJR 1 and its implementing bill, HB 1563, propose an amendment to the Florida Constitution which if approved by voters would authorize the Legislature to provide an additional \$50,000 homestead exemption for classroom teachers, law enforcement officers, correctional officers, firefighters, child welfare services professionals, active-duty members of the United States Armed Forces, and members of the Florida National Guard. Under current law, all homesteaded properties are eligible for an exemption on the first \$25,000 of property value, and an additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. The proposal contemplated in HB 1 and HB 1563, if ultimately approved by 60% of voters during the 2022 general election, would authorize the Legislature to provide, through general law, an additional homestead exemption on the value greater than \$100,000 and up to \$150,000 for the classes of employees listed above.

The implementing bill would provide the conditions and process by which these qualified workforce members may receive the additional homestead property tax exemption, as well as punitive measures a Property Appraiser may take in response to improper claims. The bill also provides for a distribution to eligible "fiscally constrained" counties to offset the impacts the measure would have on their tax base. The distribution would begin in 2023-24. FAC opposed the measure throughout each committee stop, citing concerns about the

shifting tax burden to renters and non-qualified professional groups, as well as the burgeoning bureaucracy needed to process claims of exemption.

- *Election Administration (SB 524):*

During the final week of the 2022 session, the Legislature passed SB 524, which makes several changes to Florida's voting laws. Among other provisions, the bill makes the following key changes to the Florida Election Code:

- Creates the Office of Election Crimes and Security within the Department of State to conduct investigations related to election law violations or election irregularities;
- Increases the annual cap on fines up to \$50,000 from \$1,000 assessed against a third-party voter registration organization that does not timely deliver completed voter registration applications;
- Increases criminal penalties for ballot harvesting and crimes related to ballot petition signatures;
- Prohibits ranked-choice voting in the State of Florida for the nomination of any candidate to any local, state, or federal office. Any existing or future ordinances enacted by a local government allowing ranked-choice voting are declared void. Ranked-choice voting is a method that allows voters to rank candidates for office in order of preference, following multiple rounds until a single candidate attains a majority; and
- Requires county elections supervisors to conduct reviews of voter-registration rolls at least once a year, which is currently required to be conducted every other year.

- *Political Communications (HB 921):*

HB 921 restricts local governments from utilizing public funds to send communications to voters related to an issue, referendum, or amendment that is subject to a vote of the electors. Under current law, local governments may engage the public regarding the passage or defeat of an issue, referendum, or amendment so long as that communication is limited to factual information. As approved by the Legislature this year, HB 921 prohibits local governments from initiating certain communications, such as sending mailers to voters regarding proposed referenda, initiatives, or issues on the ballot, regardless of whether the communication is limited to factual information. The bill does not prohibit local governments from "posting factual information on a government website or in printed materials," hosting or providing information at public forums, or providing "factual information in response to an inquiry."

- *Legal Notices (HB 7049):*

HB 7049 allows a local governmental agency the option to publish legal notices on a publicly accessible website owned or designated by the local government instead of in a print newspaper. The bill defines the terms "governmental agency" to mean a county, municipality, school board, or other local government unit or political subdivision of the state; and also defines the term "publicly accessible website" to mean a county website or private website designated by the county for publication of legal notices. Any governmental agency that publishes its advertisements and public notices on a publicly

accessible website must once per year provide notice in a newspaper of general circulation, or another publication that is mailed or delivered to all residents and property owners throughout government's jurisdiction indicating that residents may receive required advertisements or notices from the government by first-class mail or email after registering their name and address or email address with the government agency.

- *Local Regulation of Smoking in Parks (HB 105):*

HB 105 allows counties and municipalities to restrict smoking and/or vaping within the boundaries of any beaches or parks under their jurisdiction. The bill changes the title of the "Florida Clean Indoor Air Act" to the "Florida Clean Air Act" to reflect this change. Additionally, filterless cigars were made exempt from the regulations permitted by this bill.

- *Tree Trimming and Removal (SB 518):*

SB 518 revises conditions under a local government's authority to require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property. A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA (International Society of Arboriculture) or a Florida license landscape architect that the tree poses an unacceptable risk. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as determined. The bill defines "documentation" as an onsite tree risk assessment performed with the tree risk assessment procedures as outlined in Best Management Practices-Tree Risk Assessment, Second Edition (2017).

Of note, the following bill was passed by the Legislature during the 2022 Session but was subsequently vetoed by the Governor. This bill is included in this agenda item due to its significance and because it was included in weekly *Capitol Update* newsletters to the Board during session.

- *Business Claims Against Local Governments (SB 620) - VETOED:*

As reported to the Board in weekly *Capitol Update* newsletters, the Legislature considered several bills during the 2022 session related to the impact of local government ordinances on private businesses. One such bill which was passed by the Legislature, SB 620, would have allowed businesses to sue a city or county if an ordinance enacted by the local government caused at least 15 percent losses of the business' profits. The bill provided exemptions to local governments' liability for business damages under the bill, including a provision that would prohibit businesses from challenging ordinances that comply with a state or federal law. The bill would have applied to businesses that have been in operation for at least three years and would have allowed them to file lawsuits seeking lost profits for seven years or the number of years the businesses had been in operation, whichever was less. However, the Governor vetoed this bill on June 24, noting that the bill was "broad and ambiguous" and could result in "unintended and unforeseen consequences and costly litigation." The Governor suggested the Legislature instead pursue "targeted preemption

legislation when local governments act in a way that frustrates state policy and/or undermines the rights of Floridians.”

2022 Congressional Update:

Each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or substantive legislative issues at the federal level. Leon County’s federal legislative priorities are coordinated through the County’s National Association of Counties (NACo) representation and Squire Patton Boggs, the County’s federal contract lobbying firm. The County’s legislative team coordinates regularly with Squire Patton Boggs to strategize on key federal budget issues and to identify new federal funding opportunities for County projects.

At the 2022 State and Federal Legislative Priorities Workshop, the Board approved several policy priorities for the second session of the 117th U.S. Congress. Following is an overview of federal legislation related to the County’s legislative priorities, as well as a summary of the upcoming federal Fiscal Year 2023 appropriations process and other notable legislation in Congress. A complete report on current federal policy and appropriation issues from Squire Patton Boggs is included as Attachment #6 to this agenda item.

- *FY 2022 Federal Appropriations:*

On March 10, 2022, Congress passed its federal FY 2022 budget (H.R. 2471, the Consolidated Appropriations Act). As approved by the Board during the 2022 Legislative Priorities Workshop, Leon County submitted several requests for funding in the federal budget to support County projects. The FY 2022 appropriations package approved by Congress and signed by the President includes funding for the following two Leon County projects, both of which were sponsored by Congressman Al Lawson:

- Concord School Restoration project: \$1 million request to make enhancements to the Miccosukee Concord School building’s exterior, air condition, plumbing, and electrical system. If funded, this project request will support the advancement of the County’s Miccosukee Rural Community Sense of Place Plan.
- Lake Henrietta Stormwater Facility project: \$1.6 million request to support the restoration of the 18-year old stormwater facility including hydraulic dredging to remove and dispose of sediments, as well as the installation of a debris interceptor. This project will serve as the long-term solution to reducing sediment and litter from the lake improving water quality to Lake Munson and Wakulla Springs.

Congress’ passage of the FY 2022 budget marks the first time since 2011 that “congressionally-directed spending,” previously referred to as “earmark” spending, has been allowed in the federal budget. According to an analysis by Bloomberg Government, there were 3,019 House requests in the FY 2022 budget totaling \$7.1 billion, and only 2,449 projects were funded in the FY 2022 omnibus for a total of \$3.6 billion. At this time, the County’s legislative team and contract lobbying team are working with the appropriate federal agencies to develop grant agreements for this funding, and it is anticipated that draft grant agreements will be presented for the Board’s consideration later in 2022.

- *FY 2023 Federal Appropriations:*

The U.S. House of Representatives began considering its FY 2023 spending bills in June 2022 with the goal of completing subcommittee and full committee markups for all twelve bills before Congress' July 4th recess. The House started its work without a bicameral, bipartisan budget agreement on a discretionary funding cap; hence, the committee is adhering to the \$1.6 trillion topline that the President proposed in his FY 2023 Budget Request. The six bills released so far include increased funding levels over FY 2022 spending: Agriculture (+ \$2 billion); Defense (+ \$32 billion); Financial Services (+ \$4 billion); Homeland Security (+ nearly \$3 billion); Legislative Branch (+ \$955 million); and Military Construction-VA (+ \$23 billion).

The House and Senate Appropriations Committees have also accepted project requests from members for the FY 2023 budget. Like the federal FY 2022 budget, Leon County submitted several requests for funding to support County projects, as approved by the Board during the 2022 Legislative Priorities Workshop. Once again, it is anticipated that securing direct federal funding for local projects will be a highly competitive process. More than 4,700 requests were submitted to the House Appropriations Committee for local project funding totaling \$12.4 billion. At this time, the House's Transportation, Housing, and Urban Development appropriation bill includes \$1.6 million in federal funding for the County's Veterans Memorial Bridge Replacement project. This request was sponsored by Congressman Lawson.

The Senate Appropriations Committee typically begins consideration of its spending bills after the House, and as of the publication of this agenda item, the Senate's schedule has yet to be determined. According to Squire Patton Boggs, despite the early momentum in the House, it appears likely that Congress may begin the new federal fiscal year in October under a Continuing Resolution (CR) for FY 2023, with Congress considering several "minibus" appropriations packages closer to the end of the calendar year.

- *Surface Transportation Reauthorization and Amtrak Passenger Rail Restoration:*

During the 2022 Legislative Priorities Workshop, the Board approved a federal policy priority expressing support for the passage of the federal Infrastructure Investment and Jobs Act (IIJA). As reported to the Board during the June 21, 2022 Budget Workshop, the IIJA was passed by Congress and signed into law by the President in November 2021. The IIJA provides an historic level of investment, totaling more than \$1 trillion over five years from federal FY 2022 through FY 2026, in the nation's infrastructure. The IIJA reauthorizes several existing surface transportation programs, and in addition, provides \$550 billion in new investments for all modes of transportation, water, power and energy, environmental remediation, public lands, broadband, and resilience nationwide.

Also during the 2022 Legislative Priorities Workshop, the Board approved a federal policy priority supporting federal funding to facilitate the restoration of passenger rail service in the Gulf Coast region. The primary federal funding programs that support passenger rail infrastructure are the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program and the Restoration and Enhancement Grants (REG) Program. The IIJA includes

\$66 billion in funding for passenger and freight rail infrastructure, which is the largest investment in rail transit since the creation of Amtrak 50 years ago. Specifically, the IIJA dedicates new federal funding to eliminate Amtrak's backlog of deferred rail maintenance, create new and renovate corridors nationwide, and increase funding for federal competitive grants that support intercity rail improvements.

As reported to the Board during the June 21 Budget Workshop, funding under the IIJA will be distributed through nearly 200 different programs to support a variety of infrastructure initiatives throughout the country. Leon County will be eligible to apply directly to many of these programs over the next five years to support local projects and initiatives and will be eligible to receive grant funding under several more IIJA programs through formula-based allocations and sub-grants from the State of Florida. As an approved Strategic Initiative, additional updates on the County's efforts to maximize leveraging the funding opportunities under the IIJA will be provided to the Board at the annual Retreat, during the annual budget process, and through regular agenda items seeking any policy direction that may be needed from the Board.

- *Federal Cannabis Decriminalization*

During the 2022 Legislative Priorities Workshop, the Board approved a policy priority supporting the Marijuana Opportunity Reinvestment and Expungement Act (the "MORE Act") or similar legislation related to the decriminalization of marijuana at the federal level. In recent years, several states have passed laws authorizing the use of cannabis for medical and/or recreational use. Following the November 2020 General Election, 36 U.S. states have approved measures to regulate cannabis for medical use, and 15 states approved measures to regulate personal recreational use of cannabis for adults. Regardless of state laws, however, Article VI of the United States Constitution provides that federal law preempts state law, even when those laws conflict. Accordingly, any possession or use of marijuana, even if legal under state law, remains illegal under federal law and is punishable under the CSA.

On April 1, 2022, the U.S. House passed the MORE Act (H.R.3617). As proposed, H.R. 3617 would decriminalize marijuana at the federal level by removing it from the Controlled Substances Act (CSA). The CSA places all controlled substances regulated under federal law into one of five "schedules" based upon the substance's medical use, potential for abuse, and safety or dependence liability. Marijuana is currently classified as a Schedule I drug in the CSA, which includes substances that the U.S. Food and Drug Administration and the Drug Enforcement Administration have determined to have a high potential for abuse, no currently accepted medical use, and a lack of safety for use under medical supervision.

The MORE Act would deschedule marijuana under federal law and effectively eliminate criminal penalties for the manufacturing, distribution, or possession of marijuana. If enacted, the bill would decriminalize marijuana retroactively, and would establish a process to expunge prior convictions for marijuana-related offenses. The bill would also establish a trust fund to support services for individuals most adversely affected by

cannabis-related convictions utilizing funds from a proposed excise tax on cannabis products. At this time, the MORE Act has not been considered in the Senate. The bill would likely require at least 60 votes for passage in the Senate in order to overcome a filibuster.

- *Bipartisan Safer Communities Act*

In late June 2022, the Senate took the first procedural vote to advance the Bipartisan Safer Communities Act, the result of recent bipartisan gun control negotiations in the Senate. 13 Republican Senators joined Democrats in voting to advance the measure. During the June 14, 2022 meeting, the Board approved a letter to Senators Rick Scott and Marco Rubio expressing the County's support for this legislation. The House passed the bill on June 24, and the President signed the bill into law on June 25.

The bill will:

- Provide funding (\$750 million) to assist states in development and implementing crisis intervention orders or "red flag" laws (to enable law enforcement to temporarily remove weapons from individuals deemed to pose a threat to themselves or others);
- Provide funding for mental health and school safety initiatives, including the expansion of community mental health clinics;
- Close the "boyfriend loophole" to prevent convicted domestic abusers, including dating partners, from purchasing a gun for five years following completion of their sentence if there are no similar offenses within that timeframe;
- Establish the first federal law against gun trafficking and straw purchases;
- Enhance background checks (including juvenile and mental health records) and establish a waiting period of three to ten days for gun purchasers under age 21; and
- Clarify laws governing licensed gun dealer registrations to ensure more sellers are licensed.

The bill also provides community-based (or directed) resources:

- \$1 billion to states under ESEA Title IV-A (Student Support and Academic Enrichment Grants) for activities to support safe and healthy students
- \$500 million to the Department of Education's School-Based Mental Health Service Professionals Program
- \$500 million to the School-Based Mental Health Services Program (state SEA pass-through)
- \$50 million to the 21st Century Community Learning Centers Program
- \$250 million over five years for the Community Violence Intervention Program
- \$300 million over five years to further support the STOP School Violence Act

- \$250 million over four years for SAMHSA's Community Mental Health Block Grant Program (state pass-through)
- \$120 million over four years for SAMHSA's Mental Health Awareness Training Grant Program
- \$240 million over four years for SAMHSA's Project AWARE, which provides training to address mental health issues among school-aged youth

2023 Florida Legislative Session:

The 2023 Legislative Session will begin on Tuesday, March 7, 2023 and is scheduled to conclude on May 5, 2023. As of the publication of this agenda item, dates for interim committee meetings for the 2023 session have not yet been announced. Also, FAC has scheduled its 2022 Innovation and Policy Conference for September 14-16, 2022 in Miami-Dade County and its Legislative Conference on November 30-December 2, 2022 in Pinellas County.

Based on the dates scheduled for FAC conferences and the start of the 2023 Florida Legislative Session, this item recommends the Board schedule its Workshop on the 2023 State and Federal Legislative Priorities for October 25, 2022 at 1:00 p.m. By establishing the County's policy and appropriations priorities for the 2023 session early in the legislative process, the County's legislative team will be best positioned to advocate for those priorities throughout interim committee weeks before the 2023 session convenes.

Options:

1. Accept the 2022 Florida Legislative Session Final Report.
2. Schedule the Board Workshop on the 2023 State and Federal Legislative Priorities for October 25, 2022 at 1:00 p.m.
3. Board direction.

Recommendation:

Options #1 and #2

Attachments:

1. Workshop on the 2022 State and Federal Legislative Priorities
2. Leon County Resolution No. R22-01 related to Florida House of Representatives Redistricting
3. Leon County Resolution No. R22-12 related to Congressional Redistricting
4. Capitol Alliance Group 2022 Session Final Report
5. Florida Association of Counties 2022 Legislative Session Final Report
6. Squire Patton Boggs January 2022 Federal Legislative and Regulatory Update

**Board of County Commissioners
Leon County, Florida**

2022 State and Federal Legislative Priorities Workshop

**Tuesday,
September 28, 2021
1:00 p.m.**

**Leon County Courthouse
County Commission Chambers, 5th Floor
301 S. Monroe St. Tallahassee, FL 32301**

The media and the public can access the meeting in real time on Comcast channel 16, the Leon County Florida channel on Roku, the County's [Facebook](#) page, [YouTube](#) channel, [Twitter](#) and County [web site](#).

Leon County Board of County Commissioners

Notes for Workshop

Leon County Board of County Commissioners

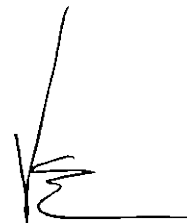
Workshop Agenda Item

September 28, 2021

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Workshop on the 2022 State and Federal Legislative Priorities



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Andy Johnson, Assistant to the County Administrator Nicki Paden, Management Analyst Miranda Hernandez, Management Intern

Statement of Issue:

This workshop item seeks the Board's approval of recommended state and federal legislative priorities for the 2022 Florida Legislative Session and the second session of the 117th Congress.

Fiscal Impact:

This item has no fiscal impact. However, it recommends requests for state and federal appropriations as well as substantive policy positions that seek to avoid unfunded mandates and cost shifts to the County.

Staff Recommendations:

Option #1: Approve the 2022 state and federal legislative priorities.

Option #2: Provide any additional Board direction on the County's 2022 state and federal legislative priorities.

Report and Discussion

Background:

Each year, the Board conducts a workshop with the County's legislative staff and contract lobbyists to develop priorities for the upcoming state and federal legislative sessions. This workshop enables the County's legislative team to receive important guidance from the Board regarding priority legislative issues and directs the County's lobbying efforts for the upcoming year at both the state and federal level. In recent years, the Board has directed staff to refine the County's substantive policy priorities only to the most pressing issues and to support the Florida Association of Counties (FAC) and National Association of Counties (NACo) in achieving their respective legislative goals. Consistent with this direction, staff is seeking Board approval of the County's 2022 State and Federal Legislative Priorities, comprised of the state and federal policy and appropriations issues proposed herein.

Analysis:

The 2022 Florida Legislative Session will be held from January 11 through March 11, 2022, with interim committee weeks beginning in September. The second session of the 117th U.S. Congress will convene on January 3, 2022. Staff recommends several policy and appropriations priorities for the 2022 state and federal legislative sessions, arranged as follows:

- 6 legislative appropriation requests;
- 22 County projects for potential state and/or federal grant funding;
- 11 state-level legislative policy priorities, including support of the FAC 2022 Legislative Priorities, for the 2022 Florida Legislative Session; and
- 7 federal legislative policy priorities, including support of the NACo 2022 Legislative Priorities, for the second session of the 117th United States Congress.

Similar to previous years, the policy and appropriations priorities recommended in this workshop item are organized to target the County's most pressing issues and best align with the anticipated priorities of the 2022 state and federal legislative sessions.

In August 2021, the Legislature's Office of Economic and Demographic Research (EDR) produced updated revenue estimates for the state's 2022-23 fiscal year. The report indicated that the state's economy experienced growth in FY 2021 as a result of the back-to-back federal stimulus packages provided to the state and a faster-than-expected reopening of the economy in the last quarter of the fiscal year. The most recent Long-Range Financial Outlook revised the state's anticipated revenue collections upward by \$1.4 billion for the current fiscal year and \$1.2 billion for FY 2023 compared to revenue projections published in December 2020. In this most recent forecast, EDR is estimating a surplus of \$6.9 billion for the State's FY 2022 budget and \$8.2 billion for FY 2023. EDR is expected to release another updated forecast prior to the start of the 2021 Legislative Session.

Looking ahead, the Legislature is not expected to provide substantial funding for local projects during the upcoming 2022 session. In recent years, the Legislature has reduced funding for local projects, instead promoting the availability of existing grant programs through the executive branch. Accordingly, this item recommends a concise list of County projects for which to seek

direct legislative funding that best align with the anticipated priorities of the Legislature during the 2022 session. The County's legislative team will continue to engage the local delegation members on the County's projects and policy priorities in preparation for and throughout the upcoming session. As of the publication of this item, this year's Legislative Delegation Meeting has not yet been scheduled; Senator Ausley currently chairs this annual delegation meeting, and her office is exploring dates in October or early November. An update will be provided to the Board once the date for this meeting has been finalized.

In addition to the list of proposed projects for legislative funding, this workshop item also seeks the Board's direction to pursue grant funding for specific County projects that best align with existing executive branch grant programs. The County has been successful in recent years securing funding through many of these programs, particularly for major infrastructure projects. To best align the County's top priority projects with their most likely sources of state and federal funding, this item recommends that the Board direct staff to continue the County's successful strategy of seeking grant funding for these projects through regional, state, or federal agency grant programs as applicable.

In addition to the issues specific to Leon County identified herein by staff, much of the County's legislative advocacy each session is focused on issues of statewide importance in conjunction with FAC. FAC will finalize its 2022 legislative program during its upcoming Legislative Conference, which will take place November 17-19, 2021 in Walton County. The statewide issues identified by the FAC membership will assist staff in identifying the most critical issues facing counties during the state legislative session.

The Board may wish to add, remove, and/or amend legislative priorities as deemed appropriate for the County's 2022 state and federal legislative priorities. Upon Board approval, staff and the County's contract lobbying teams will pursue all of the priority issues approved by the Board. Notwithstanding this, staff will assign priority to any issue that the Board designates to receive a special level of attention in the upcoming legislative cycle. As always, staff will keep the Board apprised of legislative issues through agenda items and weekly updates during the 2022 legislative session.

PROPOSED APPROPRIATIONS REQUESTS 2022 FLORIDA LEGISLATIVE SESSION

Throughout the year, staff works to identify projects most suitable for legislative appropriation requests to support County projects. The Board's practice of retaining professional contract lobbying services enhances the County's advocacy efforts for these requests. The County's contract lobbying team provides a daily presence by advocating for the County's appropriations requests with the County's legislative delegation and other legislative leaders. Most recently, Leon County secured a legislative appropriation of \$150,000 in the FY 2022 state budget to support the installation of a backup generator at the Leon County Health Department facility on Orange Avenue.

As discussed above, each year the County establishes a list of funding requests that aligns with the anticipated priorities of the Florida Legislature. In recent years, the Legislature has devoted considerable attention to economic and workforce development issues, disaster recovery and resilience, and has also allocated funding for local water projects. Generally, most local project

requests funded by the Legislature total approximately \$500,000 or less, include a one-to-one local match, and are “shovel-ready,” meaning that design and permitting for the project has already been completed. Accordingly, Table #1 below reflects a concise, targeted set of County projects that best align with these anticipated priorities of the Florida Legislature during the 2021 session and for which local funding is available to provide a one-to-one match. Of note, the U.S. House of Representatives has also accepted requests for “member-designated projects” (commonly known as “earmarks”) in the federal FY 2022 budget and in a surface transportation reauthorization bill expected to be finalized this fall. An overview of member-designated project requests submitted by Leon County is provided in a later section of this agenda item discussing federal legislative priorities.

Table 1: Proposed 2022 Legislative Funding Requests

<u>Request:</u>	<u>Amount Requested:</u>	<u>Project Phase:</u>
Backup Generators – Branch Libraries and Community Centers	\$500,000	Capital/Fixed Assets
Leon Works Expo and Junior Apprenticeship	\$50,000	Program Funding
Old Plank Road Drainage Project	\$500,000	Construction
Baum Road Drainage Project	\$450,000	Construction
Fords Arm/Timberlane Tributary Restoration	\$500,000	Design/Construction
Fred George Wetland Restoration	\$400,000	Construction

In addition to the list above, the Board may wish to support funding requests from community partner organizations for projects that align with the County’s strategic and legislative priorities. Most recently, for instance, during the 2021 Florida Legislative Session the Riley House Museum received \$720,000 from the Legislature to support the Florida African American Historic Preservation Network. As such, the Board may wish to provide direction to support such projects at any meeting during the Legislative Session or throughout the year.

ADDITIONAL HIGH-PRIORITY COUNTY PROJECTS RECOMMENDED FOR POTENTIAL STATE OR FEDERAL GRANT FUNDING

In recent years, the Florida Legislature and the Governor have placed a greater emphasis on existing funding programs through executive branch agencies for local infrastructure projects, including competitive and formula-based grant programs, the Florida Department of Transportation’s (FDOT) Five-Year Work Program for transportation projects, and others. During the 2021 Florida Legislative Session, Governor Ron DeSantis’ line-item vetoes in the FY 2021-22 budget totaled over \$1.5 billion, specifically striking projects that bypassed state agency review or that would not benefit the State as a whole.

This year, staff and the County’s contract lobbying team anticipate the Legislature and Governor once again maintaining an austere approach to budgeting during the upcoming 2022 session with a continued emphasis on funding for local projects through executive branch grant programs. Accordingly, staff is seeking Board direction to continue pursuing funding for the County projects listed in Table #2 below through existing state and/or federal agency funding processes such as grant programs, the FDOT Five-Year Work Program, etc., rather than through direct legislative appropriation.

Title: Workshop on the 2022 State and Federal Legislative Priorities
September 28, 2021
Page 5

Table 2: Proposed Projects for 2022 Executive Agency Grant Requests

<u>Request:</u>	<u>Amount:</u>	<u>Project Phase:</u>
Capital Circle Southwest	\$100 million	Construction
Woodville Highway (Capital Circle to Paul Russell Road)	\$29.7 million	Construction
Northeast Gateway (Welaunee Blvd./Shamrock St.)	\$25 million	Construction
Miccosukee Road Bridge Replacement	\$2 million	ROW/Construction
Orange Avenue Widening & Beautification	\$1.9 million	Design
Old Bainbridge/Capital Circle NW Intersection Improvements	\$955,000	ROW/Construction
North Monroe Gateway	\$520,000	Construction
Tram Road Crossdrain Replacement	\$600,000	Construction
Veterans Memorial Drive (CR 59) Bridge Replacement	\$530,000	Design/Construction
Magnolia Drive Trail	\$5 million	Construction
St. Marks Headwaters Greenway Trails	\$800,000	Construction
Orchard Pond Greenway Trail, Phase II	\$350,000	Design/Permitting
Capital Cascades Trail Segment 4	\$2.5 million	Design
Lake Henrietta Renovation	\$1.5 million	Design/Construction
Concord School Restoration	\$1 million	Construction
Fred George Greenway Boardwalk & Observation Decks	\$650,000	Design/Construction
J. Lee Vause Park Boardwalk & Observation Decks	\$650,000	Design/Construction
Williams Landing Improvements	\$900,000	Design/Construction
Coe Landing Improvements	\$220,000	Design/Construction
Harbinwood Estates Septic-to-Sewer Project	\$2.5 million	Design/Permit/Land Acquisition
Centerville Trace Septic-to-Sewer Project	\$4.25 million	Design/Permit/Construction
Leon South Regional Water System	\$750,000	Design/Construction
Springs Protection Projects*	Several	All Phases
Hazard and Flood Mitigation Projects**	Several	All Phases

* The County has grant agreements in place with the Florida Department of Environmental Protection to provide funding support for several additional septic-to-sewer projects in southside Leon County located in the Primary Springs Protection Zone to improve water quality for citizens.

** The County has submitted several hazard and flood mitigation projects consistent with the County's Local Mitigation Strategy for potential funding under the Hazard Mitigation Grant Program and the Community Development Block Grant (CDBG) Mitigation program. The Board adopted the most recent update to the Local Mitigation Strategy at the July 11, 2017 meeting.

PROPOSED POLICY REQUESTS 2022 STATE LEGISLATIVE SESSION

Like most legislation, Leon County's policy requests are generally incremental in nature, focusing on issues specific to Leon County that are built upon over the course of several legislative sessions. Additionally, staff annually evaluates the trends and issues affecting all County programs and services to identify potential legislative policy priorities. Statewide significant substantive issues range from maintaining the County's home rule authority to the state's current fiscal challenges and efforts to further reduce the size and scope of state government.

Leon County's lobbying team will monitor the budgetary and programmatic decisions made by the Legislature to determine their impact, if any, on local governments in the form of cost shifts or unfunded mandates. In addition to the substantive policy issues identified by the County, staff works closely with FAC to identify developing issues that affect counties throughout the state. In many cases, Leon County joins FAC to advocate for or against initiatives that would substantially impact counties. Following is a listing of the proposed Leon County 2022 state legislative policy priorities. A brief overview of each issue is provided that includes the specific recommended legislative action.

Protection of the State Workforce

Issue: Recognizing that the state employees who live in Leon County are vital to our community, economy, and diversity, protecting the jobs of these workers from privatization and advocating for fair wages has continuously been a top priority of the Board during the legislative cycle. In addition, following major cuts to state positions in recent years, this is an issue also strongly supported by members of Leon County's legislative delegation.

During the 2021 Session, the Legislature included funding in the FY 2021-22 state budget to raise the minimum wage for state employees to \$13 an hour. The minimum wage increase was effective July 1, 2021. In addition, the adopted state budget dedicated approximately \$280 million of the State's allocation of Coronavirus State Fiscal Recovery Funds under the federal American Rescue Plan Act to provide one-time \$1,000 bonus payments for first responders statewide, including certain state agency personnel, recognizing their work throughout the COVID-19 pandemic. Finally, an additional \$1.2 million was allocated in the budget to increase the salaries of certain state agency heads. Staff will continue to monitor for any legislation affecting state employee pay and benefits and will advocate on behalf of policies that benefit state employees during the 2022 session.

Action: Support the protection of the state workforce and oppose any reductions to state employee benefits.

County Health Department Structure

Issue: Florida's public health system was designed to provide shared state and local authority for public health governance. The Florida Department of Health (FDOH) operates 67 county health departments throughout the state to implement public health programs at the local level via agreements between the county and FDOH. As provided in Chapter 154, Florida Statutes, county health department staff are

employees of the state, and each county health department is led by a Health Officer or Administrator who is appointed by the State Surgeon General after the concurrence of the respective Board of County Commissioners. Each county health department Health Officer or Administrator reports to the FDOH Deputy Secretary for County Health Systems.

In light of the ongoing COVID-19 pandemic, the greatest public health challenge of modern times, it has never been more important to have in place a system of collaboration, coordination, and communication involving both the public health and emergency management communities. Unfortunately, the rapid escalation of the pandemic has been associated with confusing and sometimes contradictory communication about its spread and what individuals need to know and do to protect their lives and health, and that of others. These sometimes contradictory messages are confusing to the general public and may undermine both the public health response and public trust in official sources of critical public health information. Citizens need reliable and actionable information, based on expert, objective public health guidance, to help them understand their risk of exposure as they go about their lives. The public needs clarity and transparency about stay-at-home orders, travel bans, personal protection efforts, and social distancing. A responsible communication response to public health emergencies requires cooperation and coordination among all units and levels of government.

Throughout the COVID-19 pandemic, local governments in Florida have received insufficient information and communications from FDOH regarding situations, risks, and guidance relative to personal protective action inhibiting disease spread. As each community's situation is unique with respect to the prevalence of the coronavirus, community demographics and characteristics, and risk factors, it is critical for public health officials to provide guidance that is relevant to the specific community. However, decisions regarding re-opening, personal protective measures, vaccinations, and communicating risk to the public have been made at the highest levels of state government on the basis of politics rather than objective, expert public health guidance. As such, requests from local governments for official public health guidance or interpretation from FDOH have consistently been met with an inability or unwillingness to respond.

Communicating effectively with the public about specific threats is a critical, foundational element of successful emergency management and public health. It helps mitigate risks, supports the implementation of protective actions, and contributes to minimizing negative mental health impacts of public health emergencies. As such, it is recommended that the Legislature direct that a study be conducted to review and identify recommendations for establishing a statewide public health agency that is independent of direct executive or legislative control. The existence of such an independent public health agency would better ensure the consistent, timely, and objective communication of vital public health information during the current COVID-19 pandemic as well as future emergencies.

During the 2021 Legislative Session, Senator Ausley and Representative Alexander each filed bills which would have established a Public Health Task Force within the Legislature to assess the Florida Department of Health's resources and capacity

to sustainably deliver public health services in the state. The legislation would have also directed the task force to make recommendations for improvements to the Department's framework for statewide implementation of public health services. Neither bill was heard in committee.

Action: Support legislation requiring a study to review and identify recommendations for establishing an independent statewide public health agency.

Preemption of COVID-19 Mitigative Measures

Issue: As prescribed under Florida Statutes, the State Health Officer for Florida's Department of Health (DOH) is exclusively responsible for declaring a "public health emergency," and has the authority to take any action necessary to protect the public health such as issuing public health advisories and ordering isolation, quarantine, and vaccination mandates. Amid the COVID-19 pandemic, the State Legislature has sought to create new requirements and restrictions to address the State's vulnerability to public health emergencies. During the 2021 Legislative Session, SB 2006 was approved which, among other provisions, requires the DOH Health to develop a state public health emergency management plan which "must address each element of public health emergency planning and incorporate public health and epidemiological best practices to ensure that the state is prepared for every foreseeable public health emergency." In addition, the legislation established a statewide ban on "COVID-19 vaccine passports," specifically prohibiting governments, businesses, and education institutions from requiring documentation of COVID-19 vaccination or post-infection recovery in order to receive services or enter facilities. As enacted, the DOH is authorized to enforce the vaccine prohibition by issuing fines up to \$5,000 per violation.

Legislation has been filed for the 2022 Legislative Session which would further restrict the State of Florida's and local governments' ability to implement mitigative measures to slow the spread of COVID-19. Specifically, HB 75 would prohibit the State or any political subdivision from enacting face covering or vaccination requirements, among other provisions. In addition, HB 6009 would remove the authority of the State Health Officer under Sec. 381.00315, F.S. to require individuals to be vaccinated for communicable diseases, even when an individual poses a danger to the public health. As of the publication of this item, neither HB 75 nor HB 6009 has been assigned to committees, and no Senate companion to either bill has been filed at this time.

Action: Oppose legislation that would limit the State of Florida's or local governments' ability to implement mitigative measures to slow the spread of COVID-19.

Remote Public Meetings During Public Health Emergencies

Issue: As prescribed under Florida Statutes, local governing bodies are required to have a quorum physically present in a specific public place in order to conduct public meetings. On March 20, 2020, following the publication of the Centers for Disease Control and Prevention's social distancing guidelines for preventing the spread of COVID-19, Governor DeSantis issued Executive Order No. 20-69 suspending statutory physical quorum requirements for local government public meetings.

Specifically, the Executive Order authorized the use of Communications Media Technology (CMT), as provided in section 120.54(5)(b)2, Florida Statutes, to conduct meetings of local governing bodies, and enabled such governing bodies to use telephone and video conferencing as options to hold public meetings. Subsequently, at the April 14, 2020 meeting, the Board ratified a temporary modification to Policy No. 01-05, “Rules of Procedure for Meetings of the Leon County Board of County Commissioners,” to allow for the use of CMT to conduct virtual meetings of the Board as well as County advisory boards, councils, and committees. The Board continued to conduct virtual meetings, specifically to avoid congregating in-person, until expiration of the Executive Order on November 1, 2020.

During the 2021 Legislative Session, two bills were filed seeking to automatically suspend the physical quorum requirement for local governmental bodies during a declared state of emergency. HB 1217 and SB 1494 would have authorized meetings of any board or commission to be held via telephone, real-time videoconferencing or similar real-time electronic or video communication for up to six months following the declaration of an emergency by the Governor. Both bills were referred to committees but were not heard during Session.

Action: Support legislation authorizing virtual meetings of local government bodies during a declared state of emergency.

Monument to Confederate Soldiers from Leon County at the Florida Capitol Complex

Issue: In 1882, a group of local women commissioned a monument dedicated to Confederate Civil War soldiers from Leon County. It was originally placed on the west side of the Florida Capitol (which is now the Historic Capitol) and in 1923 was moved to its present location in front of the Historic Capitol facing Monroe Street. An inscription at the base of the monument indicates that it was built “To rescue from oblivion and perpetuate in the memory of succeeding generations the heroic patriotism of the men of Leon County who perished in the Civil War of 1861 to 1865” and was “raised by their country women.” Although the monument does not explicitly reference the Confederacy, Florida voted to secede from the United States in January 1861 and fought on behalf of the Confederacy during the Civil War before being readmitted to the Union in 1868. On the remaining three sides of the monument are inscribed the Civil War battles these men participated in.

Several members of the Florida Legislature, including members of Leon County’s legislative delegation, and others have called for the monument’s removal in recent years. At the June 16, 2020 meeting, the Board directed staff to explore the history of the monument as well as any options to potentially relocate it. Since that time, County staff, the County Attorney, and the County’s contract lobbyist have reached out to the Florida Department of Management Services (DMS), the Senate Secretary’s Office, and the Florida Historic Capitol Museum to determine which entity controls the monument, but these agencies have provided conflicting responses. The County Administrator subsequently sent letters to the DMS Secretary, Senate Secretary, Governor, and Senate President requesting assistance to determine who controls the monument, but the County has received no response.

As such, it remains unclear at this time which entity controls the monument. Given this uncertainty, it is recommended that the Board support legislation to effectuate the relocation of the monument.

Action: Support legislation to effectuate the relocation the Confederate monument that is currently located at the State of Florida Capitol Complex.

Establish Florida's Emancipation Day as a State Holiday

Issue: Emancipation Day in Florida is traditionally celebrated on May 20 to recognize the emancipation of African American slaves. The Emancipation Proclamation was issued by President Abraham Lincoln on January 1, 1863; however, it was more than two years later at the end of the Civil War, on May 10, 1865, that Union Brigadier General Edward M. McCook arrived in Tallahassee to take possession of the city from Southern forces. On May 20, 1865, after official control of the region was transferred to Union forces, General McCook declared the Emancipation Proclamation in effect. At the September 29, 2020 meeting, the Board approved a resolution of support for establishing May 20, Florida's Emancipation Day, as a state holiday in celebration of the past, present, and future of Black economic liberation and those who work toward that liberation. The resolution also supported establishing Juneteenth Day (June 19) as a federal holiday in commemoration of the date on which the announcement of emancipation of enslaved people was made in Texas on June 19, 1865. Although slavery in the United States was not formally abolished until the ratification of the 13th Amendment to the U.S. Constitution on December 6, 1865, Juneteenth is commonly observed nationwide to celebrate the end of the enslavement of people of African descent, primarily in the states of the former Confederacy.

During the 2021 Legislative Session, SB 490 was filed which would have designated Juneteenth Day (June 19) as a legal holiday and a paid holiday for employees of all branches and agencies of state government. The Senate bill was later laid on the table and replaced by HB 1553, which initially would have established a "Victims of Communism Day" in Florida but was amended by the Senate to also establish Juneteenth Day and Florida's Emancipation Day as legal holidays. Ultimately, however, the House did not take up the amended version of the bill prior to adjournment of the Legislature *sine die*.

Of note, the Board has in recent years adopted a federal legislative policy priority to establish a nationwide Juneteenth Day holiday. On June 17, 2021, President Biden signed the federal Juneteenth National Independence Day Act (S. 475) which established Juneteenth Day as a federal holiday.

Action: Support legislation establishing May 20, Florida's Emancipation Day, as a state holiday.

Medicaid Expansion

Issue: The Medicaid program was established in 1965 as a federal-state-local partnership to provide health insurance coverage to low-income children and their families, seniors and people with disabilities. The federal government provides oversight and broad guidelines for Medicaid, such as minimum eligibility and benefit

requirements, while states have flexibility within these guidelines in administering the program, often in partnership and with assistance from counties. This flexibility allows states to respond to unforeseen increases in health care needs and costs due to factors such as changing demographics, new medical technology and ways to deliver care as well as public health emergencies such as Zika and most recently, COVID-19.

The Affordable Care Act (ACA) granted states the ability to expand Medicaid eligibility to nearly all low-income adults, including those without children, earning up to 138% of the federal poverty level. In 2012, the U.S. Supreme Court ruled that this expansion of the Medicaid program is optional for states (*National Federation of Independent Business v. Sebelius*). Florida is currently one of twelve states that have not opted to expand coverage to low-income adults without children under the ACA. Voters in Missouri and Oklahoma approved referenda in 2020 to expand Medicaid in their states.

According to a 2019 report by the Florida Policy Institute, to qualify for Medicaid in Florida, a family of three with dependent children must not earn more than 32% of the federal poverty level, or \$6,825 per year. To qualify for marketplace health insurance assistance, a family of three with dependent children must earn at least \$21,330 per year. Families between \$6,825 and \$21,330 annual income are not eligible for any coverage, representing what is known as the “coverage gap.” If Florida were to expand Medicaid, the Legislature’s Office of Economic and Demographic Research has projected that for FY 2022-23, 964,056 Floridians would gain access to affordable health care. This includes adults in the coverage gap and those with incomes up to 138% of poverty.

To offset the financial burden of covering additional individuals, the federal government covered 100% of the Medicaid costs for newly eligible enrollees in 2016, 94% of costs starting in FY 2018, and 90% in 2020 and thereafter. According to the Florida Policy Institute report referenced above, the State of Florida would realize an estimated net savings of nearly \$200 million in FY 2022-23 by accessing these enhanced federal matching funds for income-based Medicaid beneficiaries under expansion. Additionally, in a paper published in 2020 in the *New England Journal of Medicine*, researchers from Harvard and the Massachusetts Institute of Technology concluded that Medicaid spending has been subsidized entirely by increased federal funding to states that have expanded access, with no significant changes in spending from state revenues associated with Medicaid expansion and no evidence that Medicaid expansion forced states to cut back on spending on other priorities, such as education, transportation, or public assistance. The paper also found that the enhanced federal matching dollars from Medicaid in expansion states also offset costs incurred by public hospitals, mental health centers, and health care providers for people involved in the criminal justice system.

As a result of the ongoing impacts of the COVID-19 pandemic, such as recent surge in cases caused by the delta variant of the coronavirus, the number of people needing medical care has increased significantly. In addition, the COVID-19 pandemic has also increased the number of Florida and Leon County residents who have fallen into lower income brackets due to unemployment. Given these

considerations, the Medicaid Matters for Florida Coalition and the League of Women Voters requested Leon County's support in advocating for the State of Florida to accept federal funding to expand Medicare coverage. The Board adopted a resolution of support for Medicaid expansion in Florida at the September 29, 2020 meeting.

Action: Support the expansion of the Medicaid program in Florida to provide coverage eligibility for adults under the age of 65 with incomes up to 138% of the federal poverty level, as provided in the Affordable Care Act.

Amtrak Passenger Rail Restoration

Issue: In August 2005, Amtrak's Sunset Limited, passenger rail service for the Gulf Coast region between New Orleans and Jacksonville through Leon County, was suspended due to the impacts of Hurricane Katrina. Shortly after, Leon County began to engage our local legislative delegation, CSX, FDOT, and others to advocate for the restoration of passenger rail service, which remains suspended today because of the cost and challenges associated with restoring service to this route.

Efforts are ongoing at this time to restore rail service between New Orleans, Louisiana and Mobile, Alabama; however, the State of Florida has not joined these efforts to extend passenger rail service into Florida. In August 2021, the Surface Transportation Board, which is an independent federal agency charged with the economic regulation of various modes of surface transportation including freight rail, determined that it will review a request by Amtrak to restore Gulf Coast service between New Orleans and Mobile. The CSX and Norfolk Southern railroads, on whose tracks the Amtrak service would operate, as well as the Port of Mobile previously requested that a study be completed first to assess how passenger rail service may affect freight rail and port operations. The decision by the Surface Transportation Board in August instituted a proceeding for evaluating Amtrak's request including a procedural schedule, with a hearing expected to be scheduled in late 2021 or early 2022.

Given the increased federal interest in investing in freight and passenger rail infrastructure (more detail provided in the following section regarding federal policy priorities), the State of Florida's participation can support efforts to secure federal funding for the future restoration of passenger rail service along the Gulf Coast.

Action: Support efforts to restore passenger rail service between New Orleans and Jacksonville through Leon County.

Public Safety on College and University Campuses

Issue: Gun rights legislation has taken a prominent role during recent legislative sessions, with a broad variety of bills introduced each year addressing how and where firearms can be carried in Florida, including college and university campuses. Under current law, it is illegal for a person to carry a weapon onto a college or university campus, regardless of whether that person holds a concealed carry permit. In 2015, the Board unanimously approved a resolution supporting Florida

State University, Florida A&M University, and Tallahassee Community College in their unified opposition to allowing concealed weapons on university and college campuses. This has also been a top priority of the Board during recent legislative sessions.

For the upcoming 2022 Florida Legislative Session, HB 6007 has already been filed which would allow concealed carry licensees to carry firearms into college or university facilities. At this time, the bill has not been referred to committees and there is no Senate companion bill.

Action: Oppose statutory changes to Section 790.06, F.S. that would allow the concealed carrying of firearms into college or university facilities.

Public Records Exemption for Election Workers

Issue: During the September 14, 2021 meeting, Leon County Supervisor of Elections Mark Earley requested the County's support for legislation that would create new exemptions from Florida's public records laws for elections personnel. Supervisor Earley reported that the proposal originates from the Florida State Association of Supervisors of Elections, and in light of the increasing number of physical threats against Supervisors of Elections and their deputies around the country, is one of the association's top legislative priorities for the 2022 Session. Specifically, the proposal seeks an amendment to Section 119.071(4)(d)(2), Florida Statutes, to create a new subparagraph which reads:

"The home addresses, telephone numbers, and dates of birth of current and former county supervisors of elections, current and former employees of county supervisor of election offices, and current and former poll workers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such supervisors of elections and employees of county supervisor of election offices; and the names and locations of schools and day care facilities attended by the children of such supervisors of elections and employees of county supervisor of election offices are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution."

The Board voted to approve Leon County's submittal of this policy proposal to the Florida Association of Counties for consideration during its upcoming policy development process.

Action: Support an amendment to Sec. 119.071(4)(d)(2), F.S. to exempt personally identifying information of elections personnel from public records requests.

Florida Association of Counties (FAC) Issues

Issue: FAC's mission is to help Florida's counties serve and represent Floridians by preserving county home rule through advocacy, education, and collaboration. Representing all 67 counties before the Florida Legislature, FAC addresses issues that have broad statewide appeal such as the opposition of unfunded mandates or cost shifts to counties, growth management, annexation, revenue-sharing, and water management issues.

Annually, FAC hosts the Innovation & Policy Conference and Legislative Conference to develop and finalize FAC's legislative policies for the upcoming

legislative session. The Innovation & Policy Conference is scheduled for September 21-22, 2021, and proposed policies that the FAC membership will consider during the conference is included as Attachment #1 to this workshop item. FAC will finalize its 2022 federal and state legislative program during the 2021-22 Legislative Conference which will take place November 17-19 in Walton County. The statewide issues identified by the FAC membership will assist staff in identifying the most critical issues facing counties during the state legislative session. Accordingly, staff recommends the Board's support of the 2022 FAC legislative program unless specific issues conflict with Leon County's interests.

PROPOSED POLICY REQUESTS

117TH UNITED STATES CONGRESS, SECOND SESSION

Each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or substantive legislative issues at the federal level. Most substantive issues affecting the County at the federal level are coordinated through the County's National Association of Counties (NACo) representation. Squire Patton Boggs, the County's federal contract lobbying firm, works closely with staff on select federal policy issues that have been identified as Leon County priorities by the Board. Staff coordinates regularly with the County's federal lobbying team by phone and e-mail to strategize on key budget issues and to identify federal grant opportunities that could potentially fund Leon County projects. In addition, Squire Patton Boggs assists staff in preparing regular updates to the Board on federal legislative activities. A comprehensive update on federal legislative and regulatory actions compiled by Squire Patton Boggs is included as Attachment #2 to this agenda item.

Following are the proposed Leon County 2022 federal legislative policy requests for the second session of the 117th Congress. Each request provides a brief overview of the issue and indicates the specific recommended legislative action.

FY 2022 Federal Appropriations

Issue: On February 26, 2021, the Chairman of the U.S. House Appropriations Committee announced that "Community Project Funding Requests" (commonly known as "earmarks") would be accepted from House members for consideration during the FY 2022 appropriation process. Each member was limited to submitting a total of 10 project requests for consideration by the House Appropriations Committee. Details regarding project eligibility for these funding requests was released by the House Appropriations Committee in mid-March, with a deadline for House members to submit their funding requests to the Appropriations Committee in early April. In light of the project request limit per member and competing interests within member districts, the County's legislative team worked quickly to identify Leon County projects which met the eligibility criteria for this funding opportunity and coordinate funding requests with delegation members' offices. Congressman Lawson sponsored the following two Leon County requests:

- Concord School Restoration project: \$1 million request to make enhancements to the Miccosukee Concord School building's exterior, air

condition, plumbing, and electrical system. If funded, this project request will support the advancement of the County's Miccosukee Rural Community Sense of Place Plan.

- Lake Henrietta Stormwater Facility project: \$1.6 million request to support the restoration of the 18-year old stormwater facility including hydraulic dredging to remove and dispose of sediments, as well as the installation of a debris interceptor. This project will serve as the long-term solution to reducing sediment and litter from the lake improving water quality to Lake Munson and Wakulla Springs.

In July 2021, these projects were included in the House's Interior and Environment and the Transportation, Housing, and Urban Development appropriations bills, respectively, which were approved by the House. However, in order to be funded, these projects must be included in an appropriations package that is approved by both the House and the Senate. As of the publication of this workshop item, the House has passed nine of its 12 annual appropriations bills, and the Senate Appropriations Committee approved three of its FY 2022 spending bills before departing for its August recess. With the start of federal FY 2022 looming on October 1, Congress is expected to adopt a Continuing Resolution (CR) to maintain federal government operations and programs into the next fiscal year; Squire Patton Boggs has reported that a CR may extend into early/mid-December. Additional information regarding the federal FY 2022 appropriations process is provided in the Squire Patton Boggs update which is included as Attachment #2 to this workshop item.

Also, in August 2021, Congressional Democrats adopted a \$3.5 trillion budget resolution to serve as the blueprint for a reconciliation package to include components of the President's *American Jobs Plan* and the *American Families Plan* into a package being referred to as the *Build Back Better Act*. The reconciliation framework calls for \$3.5 trillion in long-term investments in a variety of physical and social infrastructure initiatives, which would be fully offset by a combination of new tax revenues, health care savings, and long-term economic growth. A memo issued by Senate Majority Leader Chuck Schumer which provides a summary of initiatives that may be funded under a reconciliation bill is included as Attachment #3.

At this time, House and Senate committees are actively working to develop the specific policy proposals that would be enacted in the reconciliation bill. Timing for House floor consideration is uncertain; with a razor-thin majority, House Speaker Nancy Pelosi can only afford to lose three Democratic votes to pass legislation on a party-line basis. Several moderate Democrats have threatened to vote against the rule if the chamber did not also vote on the Infrastructure Investment and Jobs Act (IIJA), discussed in further detail in the following subsection of this item. While Senate committees have not begun formal consideration of the reconciliation package, Democratic Senators have been expressing disagreements with what the House committees have produced, particularly with regard to tax, health, and climate policy provisions. The most significant obstacles to finalizing the President's infrastructure agenda are Senators

Kyrsten Sinema and Joe Manchin, who remain opposed to a \$3.5 trillion package, with Senator Manchin expressing support for a package in the range of \$1-1.5 trillion.

Should Congress pass the reconciliation package discussed above, or a portion thereof, the County will quickly and immediately work to ensure that the community is well-positioned to take full advantage of any funding opportunities that may arise. Similar to the process utilized following Congress' passage of the American Rescue Plan Act, staff will work closely with Squire Patton Boggs to conduct an extensive analysis of the reconciliation package as enacted by Congress, evaluate the specific criteria for any local funding opportunities included in the legislation, and quickly engage community partners to identify local projects and initiatives that may be eligible for federal funding. As discussed above, it remains unclear at this time if and when Congress will approve a reconciliation package and what specific funding opportunities may be included therein; however, staff will continue to keep the Board apprised of the status of this legislation through future agenda items, status updates, and/or through the budget process as appropriate.

Action: Support the inclusion of Leon County's Community Project Funding requests for the Lake Henrietta Restoration project and the Concord School Restoration project in the federal FY 2022 appropriations package.

Surface Transportation Reauthorization and Member-Designated Projects

Issue: In December 2015, Congress enacted the Fixing America's Surface Transportation Act (FAST Act), a five-year authorization bill and commitment to investing in surface transportation infrastructure nationwide. Administered by the U.S. Department of Transportation, the FAST Act committed \$305 billion through FY 2020 for highways, roads, bridges, transit, rail and safety programs. Last year, Congress approved a one-year extension of the five-year authorization through September 30, 2021. In light of the upcoming expiration of federal surface transportation programs, both the House and Senate have been working to develop a surface transportation reauthorization bill.

In March 2021, the Chairman of the House Committee on Transportation and Infrastructure announced that similar to the FY 2022 appropriations process, requests for "member-designated projects" (or "earmarks") would be accepted for consideration in the House's proposed surface transportation reauthorization bill. Accordingly, the County's legislative team quickly coordinated with Blueprint staff and with the Capital Region transportation Planning Agency (CRTPA) to review local projects prioritized under the CRTPA's Transportation Improvement Program Project (TIP) in order to identify local projects that best meet the eligibility requirements for this funding opportunity. As reported in the 2021 Legislative Session Final Report, the County submitted a request to Congressman Lawson's office for the Magnolia Drive Trail project. This request seeks \$5 million to support three project phases, which will provide a 1.8-mile multiuse trail with associated utility improvements along Magnolia Drive. This project will provide enhanced multimodal connectivity between major commercial corridors in Tallahassee-Leon County's south side from South Monroe Street to Diamond Street. If awarded, the

federal funds would cover 30% of the overall project cost, saving \$5 million in Blueprint funding committed to the project.

On July 1, 2021, the House passed the Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act, a \$579 billion surface transportation reauthorization through FY 2026. The INVEST in America Act provides reauthorizations for a number of highway, road, bridge, transit, rail, climate, and safety programs, and included \$5.7 billion for member-designated earmark projects in FY 2022. The INVEST in America Act included the County's Magnolia Drive Trail project request as well as earmarked funding for three other local project requests within Leon County sponsored by Congressman Lawson: the CRTPA's Monroe Street Sidewalk Improvement project (\$2.4 million), the City of Tallahassee's South City StarMetro Transit Center project (\$2.4 million), and funding for the City to replace StarMetro buses (\$1.8 million). The Senate Commerce Committee has passed its own version of a five-year reauthorization bill, which did not include consideration of surface transportation earmark requests.

On August 10, 2021, the Senate passed the Infrastructure Investments and Jobs Act (IIJA), a bipartisan infrastructure package that includes surface transportation reauthorization, in addition to other infrastructure initiatives. The IIJA would provide \$1 trillion over five years for roads, bridges, ports, airports, rail, and transit – as well as water infrastructure, broadband, power infrastructure, and climate resiliency. At this time, however, the IIJA does not include member-designated projects such as Leon County's Magnolia Drive Trail project request. On August 24, the House passed a procedural rule that deemed the Senate-passed \$3.5 trillion budget resolution (discussed in the previous subsection) adopted by the lower chamber. In a concession to moderates – who threatened to vote against the rule if the chamber did not also vote on the IIJA – the rule includes a statement that the House will consider the IIJA by September 27.

Additional analysis of the proposed IIJA compiled by Squire Patton Boggs is included as Attachment #4 to this item. Major provisions of the IIJA include \$110 billion in new spending for roads, bridges, and major projects; \$55 billion for water infrastructure; \$66 billion for passenger and freight rail (discussed in more detail in the following subsection of this item regarding Amtrak passenger rail restoration); and billions in additional new spending for public transit, broadband, electrical vehicle charging and other clean energy infrastructure investments. While the IIJA does not include local surface transportation project earmarks as requested for consideration by the House, the proposed legislation does include over \$100 billion in competitive grant funding to support state and local infrastructure improvement. In addition, at this time, House and Senate committees are in the process of "marking up" the reconciliation bill discussed in the previous subsection; the Chairman of the House Transportation and Infrastructure Committee has indicated that he is seeking to use reconciliation to reinstate the 1,475 member-designated projects that were previously included in the House surface transportation bill.

Action: Support the passage of the Infrastructure Investments and Jobs Act, including direct federal funding to support local infrastructure projects.

Amtrak Passenger Rail Restoration

Issue: Amtrak’s Sunset Limited passenger rail service for the Gulf Coast Region between New Orleans and Jacksonville through Leon County was suspended following Hurricane Katrina in August 2005. Since that time, Leon County has engaged the local legislative delegation, CSX, FDOT, and federal and state partners to advocate for the resumption of passenger rail service along the Gulf Coast route which remains out of service today due to the costs and challenges associated with restoring this service route. The Gulf Coast Rail Service Working Group, established by Congress to evaluate the restoration of the Gulf Coast rail service route, presented its final report in July 2017 identifying sustained financial support for capital improvement needs and projected operating losses as a key challenge to service restoration. The final report identified short-term and long-term phase projects and federal funding opportunities to support restoration efforts including the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program and the Restoration and Enhancement Grants (REG) Program.

In recent years, state and local governments in Louisiana, Mississippi, and Alabama have been successful in securing grants through CRISI and REG to address key infrastructure needs and to support operations of passenger rail service between New Orleans, Louisiana and Mobile, Alabama. In 1982, these three states formed an interstate rail compact now known as the Southern Rail Commission (SRC) for the purpose of supporting rail service. The SRC allows for membership by contiguous states; however, Florida has not elected to join. Working with local, state, and federal governments, the SRC has secured funds to resume twice-daily passenger rail service between New Orleans and Mobile in 2023. In addition, as discussed in the “State Policy Priorities” section earlier in this item, the federal Surface Transportation Board has determined that it will review a request by Amtrak later this year to restore Gulf Coast service between New Orleans and Mobile along tracks owned by CSX and Norfolk Southern.

In addition, as discussed in the previous subsection, the House and Senate are considering the Infrastructure Investments and Jobs Act (IIJA) which, among other provisions, would provide for new and significant federal investments in the nation’s infrastructure through upcoming years. The IIJA calls for the investment of \$66 billion in passenger and freight rail infrastructure, which would be the largest investment in rail transit since the creation of Amtrak 50 years ago. Specifically, the IIJA seeks to dedicate new federal funding to eliminate Amtrak’s backlog of deferred rail maintenance, create new and renovate corridors nationwide, and increase funding for federal competitive grants that support intercity rail improvements. Notably, the proposal would invest a total of \$15 billion in competitive rail grants over five years, including the dedication of \$50 million annually for the Federal Railroad Administration Restoration and Enhancement Grants program to support the restoration of discontinued passenger rail service.

Action: Support federal funding through programs such as CRISI and REG and through the Infrastructure Investment and Jobs Act to facilitate the restoration of passenger rail service in the Gulf Coast region.

Federal Disaster Housing Stability Act of 2021

Issue: In response to the public health and economic impacts of the COVID-19 pandemic, the U.S. Centers for Disease Control and Prevention (CDC) issued a nationwide moratorium banning residential evictions beginning in September 2020. The eviction moratorium prohibited landlords from evicting tenants due to inability to pay rent and has since been extended multiple times during the past year. Following the recent expiration of the moratorium on July 31, 2021, the CDC announced a new nationwide moratorium on certain evictions, targeted to communities with high levels of COVID-19 transmission driven by the more contagious Delta variant; however, while the CDC's new moratorium order was set to remain in effect through October 3, 2021, the order been repeatedly challenged in court and, most recently, was blocked by the U.S. Supreme Court which indicated that Congress must specifically authorize legislation in order to impose an eviction moratorium.

On August 17, 2021, Congresswoman Val Demings introduced, and Congressman Al Lawson co-sponsored the Federal Disaster Housing Stability Act of 2021 (H.R. 5043), which would provide for an automatic moratorium on residential evictions and foreclosures during future federally declared disasters. Specifically, the legislation would automatically suspend residential evictions for 90 days and foreclosures for six months within the jurisdiction of the declared disaster. Under the legislation, the automatic moratorium would protect renters and homeowners during all emergency and major disaster declarations made by the President. H.R. 5043 has been referred to the House Committee on Financial Services but has not been scheduled to be heard; as of the publication of this workshop item, a companion bill has not yet been filed in the U.S. Senate. Staff will continue to monitor H.R. 5043 and any similar legislation filed during the upcoming session of Congress.

Action: Support the passage of the Federal Disaster Housing Stability Act of 2021 (H.R. 5043) or similar federal legislation to provide an automatic eviction and foreclosure moratorium during federally declared disasters.

Federal Cannabis Legislation

Issue: At the December 8, 2020 meeting, the Board added a policy priority to the County's 2021 federal legislative priorities to support the Marijuana Opportunity Reinvestment and Expungement Act of 2019 (the "MORE Act"), which was introduced in the U.S. House in July 2019. The MORE Act sought to decriminalize marijuana at the federal level by removing it from the Controlled Substances Act (CSA). The CSA places all controlled substances regulated under federal law into one of five "schedules" based upon the substance's medical use, potential for abuse, and safety or dependence liability. Marijuana is currently classified as a Schedule I drug in the CSA, which includes substances that the U.S. Food and Drug Administration and the Drug Enforcement Administration have determined to have a high potential for abuse, no currently accepted medical use, and a lack of safety for use under medical supervision.

In recent years, several states have passed laws authorizing the use of cannabis for medical and/or recreational use. Following the November 2020 General Election,

36 U.S. states have approved measures to regulate cannabis for medical use, and 15 states approved measures to regulate personal recreational use of cannabis for adults. Regardless of state laws, however, Article VI of the United States Constitution provides that federal law preempts state law, even when those laws conflict. Accordingly, any possession or use of marijuana, even if legal under state law, remains illegal under federal law and is punishable under the CSA. On September 17, 2019, the Board received a status report on Leon County's Adult Civil Citation (ACC) program and how possession of small quantities of marijuana is treated within the program. The report also included an overview of reform efforts throughout the state and nation to decriminalize the personal possession of small quantities of marijuana. At the October 15, 2019 meeting, the Board considered a draft ordinance to provide civil penalties for misdemeanor marijuana possession offenses. As discussed in the associated agenda materials, the State Attorney has indicated his opposition to any local marijuana decriminalization ordinance in Leon County, as such an ordinance would be contrary to state and federal law and therefore unenforceable, and the Leon County Sheriff has also indicated that the Sheriff's Office would not participate in issuing civil citations. The Board voted not to move forward with a local marijuana decriminalization ordinance.

While the MORE Act of 2019 was not approved by Congress during the 116th Congress, similar marijuana decriminalization legislation has been filed for consideration during the 117th Congress. On May 28, 2021, the MORE Act of 2021 (H.R.3617) was introduced in the U.S. House. As proposed, H.R. 3617 would deschedule marijuana under federal law and effectively eliminate criminal penalties for the manufacturing, distribution, or possession of marijuana. If enacted, the bill would decriminalize marijuana retroactively, and federal courts would be required to expunge any prior convictions for marijuana-related offenses. The bill would also establish a trust fund to support services for individuals most adversely affected by cannabis-related convictions utilizing funds from a proposed 5% tax on cannabis products.

In addition, on July 14, 2021, Senate Majority Leader Chuck Schumer and Senators Cory Booker and Ron Wyden released draft legislation titled the "Cannabis Administration and Opportunity Act," which also proposes the decriminalization of marijuana at a federal level. Like the MORE Act, the Cannabis Administration and Opportunity Act would deschedule marijuana from the CSA, and in turn, empower state regulation of the possession, production, or distribution of cannabis. Among other provisions, the Cannabis Administration and Opportunity Act seeks to provide funding for programs aimed to supporting individuals adversely impacted by the "War on Drugs" and would require each federal district to expunge any arrests and convictions for nonviolent federal cannabis offenses within one year of enactment of the legislation. While the draft legislation has not yet been formally filed in the U.S. Senate, staff will continue to monitor development of the Cannabis Administration and Opportunity Act, as well as the MORE Act and any similar legislation filed during the upcoming session of Congress.

Action: Support the Marijuana Opportunity Reinvestment and Expungement Act, the Cannabis Administration and Opportunity Act, or similar legislation related to the decriminalization of marijuana at the federal level.

Foreign Trade Zone Application

Issue: In 1934, the United States created the Foreign Trade Zone (FTZ) Program to improve the competitiveness of U.S. companies versus foreign based companies. The FTZ is a designated area within a country where imported goods can be stored or processed without being subject to import duty, helps level the playing field, and improves U.S. competitiveness by reducing operation costs. An FTZ helps to encourage value-added activities at U.S. facilities in competition with foreign alternatives by allowing delayed or reduced duty payments on foreign merchandise, as well as other savings. The advantages of having an FTZ can be the difference a company needs to have access to global markets and keep or locate manufacturing or distribution operations in the region. The benefits associated with businesses in the FTZs will vary depending upon the type of operation involved and authority granted by the Foreign-Trade Zones Board and Customs, but generally may include duty exemptions/deferrals, reduction or inverted tariffs, merchandise processing fee reductions, and others. In 2014, the Tallahassee City Commission authorized staff to pursue the creation of a FTZ at the Tallahassee International Airport. The City is currently in coordination with the Federal Government to complete prerequisite steps to finalize its formal application to establish an FTZ.

Action: Support the City of Tallahassee's application for a Foreign Trade Zone at the Tallahassee International Airport.

National Association of Counties (NACo) Issues

Issue: The National Association of Counties (NACo) advocates with a collective voice on behalf of America's 3,069 county governments. Its membership includes urban, suburban, and rural counties. NACo's advocacy efforts are guided by a policy platform and single-subject policy resolutions adopted at each annual conference by policy committees and the full membership. Each year, most of the County's substantive federal priorities align with NACo's policy platform. For the second session of the 117th Congress, NACo will be advocating for or against a variety of substantive federal issues on behalf of all counties across the nation including infrastructure funding, health care and mental health reform, economic and workforce development, development of broadband technology and infrastructure, disaster relief and resilience, and more. NACo's current federal policy priorities are included as Attachment #5 to this agenda item.

ANALYSIS OF MINORITY, WOMEN, AND SMALL BUSINESS ENTERPRISES (MWSBE) PARTICIPATION IN LOCAL GOVERNMENT LOBBYING CONTRACTS

On June 8, 2021, the Board directed staff to provide an analysis exploring trends and best practices related to Minority, Women, and Small Business Enterprises (MWSBE) participation in local government lobbying contracts. Leon County's MWSBE Program, managed and operated under the Office of Economic Vitality, is intended to promote equitable opportunities for minority,

women, and small businesses to participate in local government purchasing and contracting. The program ensures utilization of MWSBE firms in all aspects of the County's procurement activity, consistent with aspirational targets set forth in the County's purchasing policy.

Leon County has demonstrated a longstanding commitment to promoting minority participation through its contracted lobbying services. Since 2008, the County's contract with Capitol Alliance Group has included a minimum MWSBE participation level of 13.5%. In light of the upcoming expiration of the County's state lobbying contract, during the June 8, 2021 meeting the Board authorized the County Administrator to execute a new contract for state lobbying services with Capitol Alliance Group. At that time, the Board approved increasing the County's contracted rate with Capitol Alliance Group from \$70,000 to \$85,000 for the purposes of increasing the MWSBE subcontractor participation requirement in the contract. Accordingly, the County's contract with Capitol Alliance Group beginning October 1, 2021 requires a minimum MWSBE participation level of 28.8%.

During the June 8 meeting, the Board also requested an analysis on the approaches of other localities across the state related to MWSBE participation in contracted lobbying services. In preparing this item, staff reviewed the state and federal lobbying contracts of other like-sized counties across the state (Alachua, Escambia, Lake, Osceola, St. Johns, and St. Lucie Counties) for comparative purposes. Although some of these counties have included MWSBE participation as an evaluation criterion in recent solicitations for lobbying services, none currently include a provision in their lobbying contracts similar to Leon County's contract with Capitol Alliance Group which affirmatively requires MWSBE participation.

Conclusion:

This workshop item presents a slate of proposed legislative priorities for the 2022 Florida Legislative Session and the 2nd Session of the 117th U.S. Congress, including both legislative appropriation requests and substantive policy priorities. The Board may wish to approve the list of priorities as presented, or may wish to revise, add, or provide any additional direction. As always, the County's legislative team will continue to work closely with Capitol Alliance Group, Squire Patton Boggs, FAC, and NACo to advocate for the County's legislative priorities and to address other emerging issues affecting county governments. Status updates on legislative activity will be presented to the Board and senior County staff throughout the 2022 Florida Legislative Session through weekly *Capitol Update* newsletters. Following the adjournment of the 2022 Florida Legislative Session *sine die*, a final report will be presented to the Board in late spring or early summer 2022 to provide a summary of the County's progress toward its legislative priorities and any other significant bills affecting county governments.

Options:

1. Approve the 2022 state and federal legislative priorities.
2. Provide any additional Board direction on the County's 2022 state and federal legislative priorities.
3. Do not approve the 2022 state and federal legislative priorities.
4. Board direction.

Recommendation:

Options #1 and #2

Title: Workshop on the 2022 State and Federal Legislative Priorities

September 28, 2021

Page 23

Attachments:

1. Florida Association of Counties Proposed Policies for the 2022 Florida Legislative Session
2. Squire Patton Boggs September 2021 Federal Update
3. U.S. Senate Memorandum Regarding the FY2022 Budget Resolution Agreement Framework
4. Squire Patton Boggs Analysis of the Infrastructure Investments and Jobs Act
5. NACo Federal Policy Priorities



AGRICULTURE AND RURAL AFFAIRS

- ARA 1. The Florida Association of Counties recognizes the unique fiscal challenges of Florida's rural counties and state-designated fiscally constrained counties. The Association is dedicated to preserving established programs that provide critical resources for essential programs and infrastructure needs of these counties.
- ARA 2. The Florida Association of Counties supports enhancing programs to increase funding for rural infrastructure, job growth, and workforce development policies and efforts to reduce the digital divide and expand internet access to underserved areas through industry partnerships, new technologies, and collaboration with local stakeholders.
- ARA 3. The Florida Association of Counties supports enhancing the ability for Rural Areas of Opportunity (RAOs) to advance local rural economic development initiatives through allocation of additional resources.
- ARA 4. The Florida Association of Counties supports the development and maintenance of dedicated funding the Rural and Family Lands Protection Act to allow for the purchase of rural easements to prevent the subdivision and conversion of such land into other uses.
- ARA 5. The Florida Association of Counties supports increased state funding and policies that reduce food insecurity among Floridians, in order to: 1) increase the health and productivity of those currently without consistent access to healthy food, 2) consequently reduce the demand for public health and human services, 3) improve the financial security of those in need, and 4) accelerate the recovery and increase the resiliency of Florida's economy in the aftermath of the COVID-19 pandemic.



ARA-PP-01: RURAL INFRASTRUCTURE FUND RESTORATION

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT Rural Infrastructure Fund base-level funding restoration

BACKGROUND: The FY 2021-22 Florida budget eliminated base funding and provided non-recurring funds and limited access only for panhandle counties through the following:

2237	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SPACE, DEFENSE, AND RURAL INFRASTRUCTURE FROM STATE ECONOMIC ENHANCEMENT AND DEVELOPMENT TRUST FUND	5,000,000
------	---	-----------

From the funds in Specific Appropriation 2237, \$5,000,000 in recurring funds from the State Economic Enhancement and Development Trust Fund is provided as grant funding for the following Florida panhandle counties to facilitate the planning, preparing, and financing of infrastructure projects in these rural communities: Calhoun, Gadsden, Holmes, Jackson, Liberty, and Washington. Eligible uses of these funds include roads or other remedies to transportation impediments; storm water systems; water or wastewater facilities; and telecommunications facilities and broadband facilities. Grant funds are provided pursuant to section 288.0655(7), Florida Statutes.

2257	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONSTATE ENTITIES - FIXED CAPITAL OUTLAY SPACE, DEFENSE, AND RURAL INFRASTRUCTURE FROM STATE ECONOMIC ENHANCEMENT AND DEVELOPMENT TRUST FUND	1,600,000
------	---	-----------

Funds provided in Specific Appropriation 2257 may only be disbursed from the Department of Economic Opportunity directly to the grant award recipient when projects are certified to have met all contracted performance requirements.

ANALYSIS: The purpose of the Rural Infrastructure Fund Grant is to facilitate the planning, preparing and financing of infrastructure projects in rural communities which will encourage job creation, capital investment and the strengthening and diversification of rural economies. The RIF program is intended to facilitate access of rural communities to infrastructure funding programs. Grants may be awarded for up to 50 percent of the total infrastructure project costs related to specific job-creating or job-retention opportunities. Eligible uses of funds include:

- Improvements to public infrastructure for industrial or commercial sites;
- Upgrades to or development of public tourism infrastructure;
- Improvements to access and availability of broadband Internet service; and
- Improvements to inadequate infrastructure that has resulted in regulatory action.

The 2020 Florida Legislature passed legislation amending certain sections of the RIF statute (Section 288.0655, F.S.) and appropriating funds for the FY 2020-2021 RIF program. The



legislation also directed DEO to reevaluate existing RIF guidelines and criteria governing submission of applications for funding, review/evaluation of applications, and approval of funding by September 2021.

In the previous Florida budget (FY 2020-21), \$3.6 million in recurring funds were appropriated for the Rural Infrastructure Fund. The total funding for these projects was \$8.6 million with \$5 million set aside for rural communities in Florida's Panhandle including: Calhoun, Gadsden, Holmes, Jackson, Liberty, and Washington counties. Like the proviso in the FY 2021-22 Florida budget, the grant funds were specific to facilitate the planning, preparing, and financing of infrastructure projects (identical proviso as above).

FISCAL IMPACT: The current FY 2021-22 budget provided a reduction of \$2 million in recurring funds to \$1.6 million in base funding. This proposal seeks to restore this funding to the prior year funding of \$3.6 million.

SUBMITTING COUNTY: Okeechobee

ASSIGNED COMMITTEE: ARA

BOARD SUPPORT: Small County Coalition

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



ARA-PP-02: RURAL JOBS TAX CREDIT

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT a revised Rural Jobs Tax Credit to provide the following:

- Not require a minimum number of jobs be created at a new eligible business;
- Up to a \$2,500 tax credit for a new eligible business;
- At an existing business with less than 50 employees, for a 10 percent increase in the number of employees, allow up to a \$2,000 tax credit per job created;
- At an existing business with 50 or more employees, allow a \$1,500 tax credit per job created if the business adds at least 5 new employees.

BACKGROUND: Rural areas have experienced difficult times since the Great Recession. While more populated communities have experienced the benefit of an economic recovery from the Great Recession as well as an impressive recovery from the impacts of the pandemic, rural areas have been struggling to match those gains.

Rural Florida's recovery needs a specific focus and effort by the Governor and the Legislature. Rural areas encompass hard working Florida citizens employed in some of the most important industries to the state including agriculture, logistics, manufacturing, and tourism. Rural Florida's citizens are motivated and care about how their community is viewed by and in Tallahassee from the Legislature and the executive branch.

Rural communities are primed for growth. These citizens are looking to the state simply to help level the playing field not only within Florida but with the states they adjoin. Georgia and Alabama, in many cases, are their competition and those states have taken steps to enhance the attractiveness of their rural areas to investment. This upcoming legislative session is the right moment for the Governor and Legislature to show that rural communities are their priority.

With that in mind and with a view to leveraging existing state and federal programs, a legislative package tailored to Rural Florida's needs is recommended to assist this important segment of the state's population in catching up to and matching the recovery seen elsewhere in the state.

The State of Florida previously provided a tax refund if a new company was in a target industry, and demonstrated that the tax refund would make a material difference in the company's decision to locate or expand in a community, created at least 10 net new full-time equivalent Florida jobs and, if an expansion project, increased employment by at least 10 percent (whichever is greater). If the project was located in a rural community (county), the net increase in employment or wage level requirements could be waived in special circumstances.

ANALYSIS: This existing tax credit is provided to new or expanding employers in Rural Area of Opportunity (RAO) counties. It is valued up to \$1,000 per new job and is good for a two-year period, plus a 5-year carry-forward period. Depending on the number of current employees, an existing business has to have created at least 20 percent more jobs or 10 new employees one



year prior to the date of application. No pre-approval is needed prior to the company's decision to locate in the RAO county. This credit may only be taken against the Florida Corporate Income Tax or Sales and Use Tax owed by the company to the State. For the current fiscal year, \$100,000 of the available \$5 million has been used for this program.

FISCAL IMPACT: Indeterminate

SUBMITTING COUNTY: Okeechobee

ASSIGNED COMMITTEE: ARA

BOARD SUPPORT: No

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



ARA-PP-03: RURAL OPPORTUNITY TAX REBATE

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT the enactment of a Rural Opportunity Tax Rebate (ROTR) to provide projects in a rural community a tax refund of \$6000 for each new job where the business has a net increase in employment. SUPPORT streamlined reporting requirements for eligible businesses.

BACKGROUND: Rural areas have experienced difficult times since the Great Recession. While more populated communities have experienced the benefit of an economic recovery from the Great Recession as well as an impressive recovery from the impacts of the pandemic, rural areas have been struggling to match those gains.

Rural Florida's recovery needs a specific focus and effort by the Governor and the Legislature. Rural areas encompass hard working Florida citizens employed in some of the most important industries to the state including agriculture, logistics, manufacturing, and tourism. Rural Florida's citizens are motivated and care about how their community is viewed by and in Tallahassee from the Legislature and the executive branch.

Rural communities are primed for growth. These citizens are looking to the state simply to help level the playing field not only within Florida but with the states they adjoin. Georgia and Alabama, in many cases, are their competition and those states have taken steps to enhance the attractiveness of their rural areas to investment. This upcoming legislative session is the right moment for the Governor and Legislature to show that rural communities are their priority.

With that in mind and with a view to leveraging existing state and federal programs, a legislative package tailored to Rural Florida's needs is recommended to assist this important segment of the state's population in catching up to and matching the recovery seen elsewhere in the state.

The State of Florida previously provided a tax refund if a new company was in a target industry, and demonstrated that the tax refund would make a material difference in the company's decision to locate or expand in a community, created at least 10 net new full-time equivalent Florida jobs and, if an expansion project, increased employment by at least 10 percent (whichever is greater). If the project was located in a rural community (county), the net increase in employment or wage level requirements could be waived in special circumstances.

ANALYSIS: The State of Florida previously provided a tax refund if a new company was in a target industry, and demonstrated that the tax refund would make a material difference in the company's decision to locate or expand in a community, created at least 10 net new full-time equivalent Florida jobs and, if an expansion project, increased employment by at least 10 percent (whichever is greater). If the project was located in a rural community (county), the net increase in employment or wage level requirements could be waived in special circumstances.



FISCAL IMPACT: The fiscal impact of this tax refund would be equal to \$6,000 times the number of jobs created.

SUBMITTING COUNTY: Okeechobee

ASSIGNED COMMITTEE: ARA

BOARD SUPPORT: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



ARA-PP-04: RURAL ECONOMIC DEVELOPMENT ENHANCEMENTS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT rural economic development enhancements including:

- SUPPORT extending the sales tax exemption on building materials for new construction in Rural Areas of Opportunity (RAO) to include the building materials used in rehabilitation of property. SUPPORT increasing the amount of exemption available when the property is within an Opportunity Zone.
- SUPPORT reinstating the 50% Sales Tax Exemption for Electrical Energy to qualified businesses located in an opportunity zone within an RAO on the purchase of electrical energy. The exemption is only available if the municipality in which the business is located has passed an ordinance to exempt a qualified opportunity zone businesses from 50% of the municipality utility tax.

BACKGROUND: Opportunity Zones are an economic development tool that allows people to invest in distressed areas in the United States. Their purpose is to spur economic growth and job creation in low-income communities while providing tax benefits to investors. Opportunity Zones were created under the Tax Cuts and Jobs Act of 2017 (Public Law No. 115-97). Thousands of low-income communities in all 50 states, the District of Columbia and five U.S. territories are designated as Qualified Opportunity Zones. Taxpayers can invest in these zones through Qualified Opportunity Funds. Investors can support economic development in Qualified Opportunity Zones and temporarily defer tax on eligible gains by investing in a Qualified Opportunity Fund.

ANALYSIS: Currently, building materials for new construction located in a RAO are exempt from sales tax, under Ch. 212.08 (4)(r) F.S. if an owner, lessee, or lessor can demonstrate to the satisfaction of the Department of Revenue that the requirements of this paragraph have been met. A refund may not be granted unless the amount to be refunded exceeds \$500. A refund may not exceed the lesser of 97.5 percent of the Florida sales or use tax paid on the cost of the exempt goods and services as determined pursuant to sub-subparagraph 2.e. or \$10,000. This policy would extend the exemption to building materials for rehabilitation of property.

Previously, under Ch.212.08 (15) F.S., a sales tax exemption of municipal utility taxes on such businesses or in an enterprise zone jointly authorized by a county and a municipality which has enacted an ordinance pursuant to s. 166.231(8) which provides for exemption of municipal utility taxes on such businesses shall receive an exemption equal to 50 percent of the tax. The statute expired with the repeal of enterprise zones.

FISCAL IMPACT: Indeterminate

SUBMITTING COUNTY: Okeechobee

ASSIGNED COMMITTEE: ARA



BOARD SUPPORT: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



ARA-PP-05: AQUACULTURE

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY:

- Encourage state regulatory relief designed to encourage increased commercial production and harvest of aquacultured bivalve shellfish (e.g., clams, oysters) in state waters through review of submerged land leasing requirements and revision of restrictive or outdated regulatory policies.
- Direct the Florida Department of Agriculture and Consumer Services and/or Farm Service Agency to evaluate the reestablishment of a viable crop insurance program for shellfish aquaculture producers, specifically designed to cover crop and market losses due to mortality or extended harvest moratoriums and disrupted ability to sell product after environmental perturbations (hurricanes and harmful algal blooms).
- Direct FDEP to evaluate the potential for regulatory reform which considers the use of live clams to enhance the success of seagrass impact mitigation requirements.
- Direct FDEP to evaluate implementation of a nutrient credit program to incentivize production of commercial shellfish aquaculture.
- Encourage FDEP, FWC and other relevant state agencies to advance additional grant opportunities for the scientific research required to promulgate regulatory standards for deployment of bivalve shellfish for large scale water quality improvement and nearshore habitat creation.

BACKGROUND: Bivalve shellfish aquaculture is a rapidly growing sector of the seafood industry, and Florida currently ranks 4th in domestic production of farmed shellfish (clams and oysters). The industry provides economic value to the state of Florida, and shellfish aquaculture is estimated to support at least 550 jobs and contribute \$39 million annually to Florida's economy. In addition, this green agricultural enterprise is unique in its capacity to provide significant environmental benefit. Shellfish filter water to feed, thus improving water clarity, sequestering carbon, and perhaps most importantly, absorbing nutrients including nitrogen and phosphorous. This is especially relevant for bodies of water that must abide to Total Maximum Daily Load (TMDL) nutrient criteria (examples of regulated estuaries include Apalachicola Bay, Tampa Bay, Charlotte Harbor, Indian River Lagoon). Shellfish are being promoted in multiple US states (New York, Maryland, Virginia) as well as a large number of Florida counties making up the Indian River Lagoon, Panhandle, Cedar Key, Tampa Bay; Charlotte Harbor regional areas among others as water quality enhancers and restoration tools. A growing aquaculture industry benefits production for local consumption as well as a supply for these regional environmental efforts. However, the state of Florida consumer currently lacks the regulatory framework to compensate shellfish growers for the environmental benefits that their crops provide, nor the ability to incentivize shellfish farmers to produce additional product for



restoration initiatives. This mitigation framework, combined with enhanced lease availability, updates to overly restrictive or outdated regulations for harvest, and a viable crop insurance program would support existing farmers and provide incentive for the industry to expand in Florida.

ANALYSIS: Regulatory reform which incorporates live clams as part of a nutrient credit or seagrass impact mitigation strategy and development of additional grant opportunities for related supporting research provides an expanded market niche beyond production for table consumption for bivalve shellfish farmers across the state. One impediment to entering the shellfish aquaculture industry is the uncertainty inherent in loss of crop due to naturally occurring events such as hurricanes, red tide or other harmful algal blooms and the regulatory harvest closures which result. Extended harvest closures often result in a crop that has grown too large for profitable marketing to wholesalers and restaurants, resulting in devastating economic loss to farmers. Incorporating large clams into restoration efforts or mitigation strategies aimed to enhance water quality or habitat development would provide a secondary market and another level of profitability for the clam shellfish industry. Creation of a crop insurance program that accommodates for loss of marketability due to harvest restrictions because of hurricanes and harmful algal blooms would increase the commercial viability of locally grown and harvested clams and oysters and provide a level of protection that would encourage expansion of the industry.

FISCAL IMPACT: Bivalve shellfish aquaculture production in Florida ranks 4th in the nation. The industry supports over 550 jobs and contributes at least \$39 Million in gross revenue to the state economy. Highlights from a University of Florida study on environmentally beneficial ecosystem services provided by hard clam production in 2012: Almost 550 million gallons of seawater were filtered by the statewide production farmed clams in 2012. Through Florida's aquacultured hard clams harvested in 2012, over 25 thousand pounds of nitrogen were removed, and 760 thousand pounds of carbon were stored from the coastal environment. The economic value of these benefits was estimated at \$99,680, which represents the public good value that the industry generates to Florida citizens at no cost. This estimate was about 1% of the farm gate value of clam sales (\$11.9 million) in that year.

SUBMITTING COUNTY: Manatee; Requested resubmission by ARA Chair

ASSIGNED COMMITTEE: ARA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A





BROADBAND-PP-01: DIGITAL DIVIDE

STAFF RECOMMENDATION: Incorporate into FTA Guiding Principles

PROPOSED POLICY:

SUPPORT increased efforts to promote access to broadband, including competition and innovation in the marketplace, as well as provide resources to support accessibility, speed, and affordability of broadband in Florida.

SUPPORT improving service mapping accurately by requiring more granular data from service providers, allowing crowd sourced data to be used to inform the map, and creating an appeal process to challenge demonstrable inaccuracies.

BACKGROUND: For years, rural residents have argued that actual coverage is much lower than the FCC's data reflects and have questioned the accuracy of the data. In Florida, the barriers to internet ubiquity appear to be two-fold: (1) the lack of last-mile service due to the cost to construct and operate a network; and (2) refusal of prospective end-users to subscribe to available service, typically due to cost. The overreporting of connectivity in Florida, may have led Florida's State and Congressional officials to underestimate the extent of the problem. Florida counties are not alone in questioning the data provided by the FCC. The FCC's 2019 Broadband Deployment report counted 21.3 million Americans as lacking internet, while a 2019 Microsoft study found that 162 million Americans do not have access to an internet connection meeting the definition of broadband.

One of the primary factors creating this overreporting is the current requirement that providers information on coverage via the "Form 477" which allows an entire census tract to be considered "covered" if one person within that tract has access to broadband service. This creates a barrier to identifying those areas that actually lack service and to hold service providers accountable for providing services that they may have promised in consideration for public subsidies for broadband expansion. The poor quality of the FCC maps has been recognized both by Congress and the FCC with some movement toward improving the quality of the maps.

ANALYSIS: Several Federal programs have been created to fund expansion of broadband infrastructure. Two programs of note: United States Department of Agriculture – Rural Utilities Services. The March 2018 Federal omnibus spending plan created a new broadband pilot program within the USDA. The \$600 million authorization charged the USDA to "conduct a new broadband loan and grant pilot program under the Rural Electrification Act of 1936..." and requiring that at least 90% of the households to be served by a project be in rural areas with insufficient access to broadband. The newly authorized pilot program is supplemental to the USDA's Rural Utilities Service existing telecommunications programs aimed at expanding broadband access to rural areas, including the Rural Broadband Access Loans and Loan Guarantees Program. Federal Communications Commission—Rural Digital Opportunity Fund The FCC approved a Notice of Proposed Rulemaking for the Rural Digital Opportunity Fund



(RDOF), which would provide \$20.4 billion over 10 years to help companies expand broadband in unserved remote areas. RDOF will assign funding in two phases: Phase I will target areas with no broadband service and Phase II will target areas that are partially served. The program will leverage repurposed revenue from the Connect America Fund, which is set to expire in 2021. Activity to Improve Mapping: NACo's TestIT App: To address the FCC's broadband data disparities, NACo partnered with the Local Initiatives Support Corporation (LISC), the Rural Community Assistance Partnership (RCAP), the National Association of Development Organizations (NADO) and Farm Credit, to develop "TestIT" – a mobile app designed to crowdsource connectivity data in areas with little or no connectivity. Through TestIT, users can report their broadband speeds from anywhere with the push of a button. The data collected through this app will help identify areas where broadband service is overstated and underfunded by comparing the data to the FCC's National Broadband Map. Congressional Action: Broadband Deployment Accuracy and Technological Availability (DATA) Act (H.R. 4229 116th Congress) Requires the FCC to collect data more granularly and would establish process to challenge map data. FCC Action: Perhaps in an effort to preempt legislative action, on August the FCC proposed the Digital Opportunity Data Collection (DODC), a new process for collecting broadband data to better pinpoint where broadband service is lacking. The proposal would continue to rely on provider-supplied data, but it opens the door for crowdsourcing data collection – a method supported by counties. According to the FCC, the proposed order includes three significant changes to the process:

- Collects geospatial broadband coverage maps from broadband Internet service providers. This geospatial data will facilitate development of granular, high-quality fixed broadband deployment maps, which should improve the FCC's ability to target support for broadband expansion through the agency's Universal Service Fund programs.
- Adopts a process to collect public input on the accuracy of service providers' broadband maps, facilitated by a crowd-sourcing portal that will gather input from consumers as well as from state, local and tribal governments.
- Makes targeted changes to the existing Form 477 data collection to reduce reporting burdens for all filers and incorporate new technologies. Stakeholders will be allowed to provide comments to the FCC regarding the proposed rulemaking 30 days after the notice is published in the Federal Register, August 1, 2019.

During the 2021 legislative session, budget proviso language for the Rural Infrastructure Fund designated "telecommunications and broadband facilities" as an allowable use. \$1.6 million was appropriated including \$5 million for infrastructure projects in: Calhoun, Gadsden, Holmes, Jackson, Liberty, and Washington counties.

FAC's advocacy succeeded in securing additional funding for broadband mapping. Budget guidance directed the Florida Office of Broadband to start the procurement to develop, by June 30, 2022, geographic information system maps of broadband internet service availability throughout this state in a manner that is consistent with the FCC's new reporting standards.



Additionally, this past legislative session, HB 1239 created the Opportunity Grant Program within DEO's Office of Broadband. The Opportunity Grant was established to expand broadband Internet service to unserved areas of this state. The Opportunity Grants are to fund the installation or deployment of infrastructure that supports the provision of broadband Internet service. However, grant funds may not be used to install or deploy broadband Internet service to a geographic area in which broadband Internet service is already deployed by at least one provider. The grant program contains several limiting provisions prohibiting funding to nearly every region of the state. While implementation language was made law, the grant program was left unfunded for the current fiscal year.

FISCAL IMPACT: Unknown

SUBMITTING COUNTY: Small County Coalition

ASSIGNED COMMITTEE: Presidential Select Committee on Broadband

Board Support: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



CUA-PP-01: SEMI-TRUCKS

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT legislation requiring all trucks, including semis, to use lights when travelling on all roadways.

BACKGROUND: Highlands County has had many accidents, overturned semis, truck accidents, in the past. Accidents have involved fruit trucks, delivery trucks, etc., travelling through the county.

ANALYSIS: According to the Insurance Institute for Highway Safety, Highway Loss Data Institute (IIHS, HLDI), most deaths in large truck crashes are passenger vehicle occupants. The main problem is the vulnerability of people travelling in smaller vehicles. Trucks often weigh 20-30 times more than passenger cars and are taller with greater ground clearance, which can result in smaller vehicles underriding trucks in crashes. Truck braking capability can also be a factor in truck crashes. Loaded tractor-trailers take 20-40 percent farther than cars to stop, and the discrepancy is greater on wet and slippery roads or with poorly maintained brakes. In addition, truck driver fatigue is another known crash risk. Drivers of large trucks are allowed by federal hours-of-service regulations to drive up to 11 hours at a stretch. According to the IIHS, HLDI, surveys show many truck drivers violate the regulations and work longer than permitted.

Trucks are subject to a variety of federal and state regulations. The Federal Motor Carrier Safety Administration has established regulations applicable to all trucks and commercial motor vehicles engaged in interstate commerce. Federal regulations govern matters such as the number of hours a truck driver may drive before having to take a rest break, the weight of a truck's load, and the types of information a trucking company must obtain about persons hired to drive trucks.

Florida has trucking-related rules that apply to trucks solely engaged intrastate commerce, including dump trucks, fire trucks, garbage trucks, water and gas trucks, and construction vehicles. In addition, there are a variety of state rules applicable to commercial motor vehicles operating in the state. See Fla. Stat. §316.302. For example:

- Florida requires intrastate trucks to be registered with the Department of Transportation. Trucks must display either a valid US DOT number or a valid Florida registration number.
- Trucks must have a Department of Highway Safety and Motor Vehicles' fuel decal if the vehicle has a combined gross vehicle weight of 26,001 pounds, or if the truck has more than three axles.
- Florida has adopted the Federal Motor Carrier Safety Regulations found in 49 CFR Parts 382, 383, 385, 386, and 390-397. These regulations relate to licensing, truck safety equipment, fueling precautions, limitations on the use of electronic devices, and prohibited practices.



- Florida requires safety inspections to be conducted by law enforcement personnel or authorized agents at weigh stations and roadsides.
- Motor carriers in Florida are also subject to periodic compliance reviews to be conducted at the carrier's principal place of business. Reviews may cover vehicle maintenance records and alcohol testing requirements, in addition to general compliance with regulations.

Section §316.217, F.S., requires motor vehicles to display lights and illuminating devices from sunset to sunrise including during twilight hours; and during rain, smoke, or fog conditions., Stop lights, signals, and other signaling devices must also be lit for proper use. Other than in these conditions, there is no other requirement that vehicles maintain their lighting devices turned on.

FISCAL IMPACT: In 2007, the Federal Motor Carrier Safety Administration reported that the average economic cost of police reported crashes involving medium or heavy trucks stood at \$91,112 (in 2005 dollars). Today, after accounting for inflation, that cost would be about \$148,279. Accidents involving two or three truck trailers had a cost of \$289,549 per crash then (now about \$382,000 per crash). Medium/Heavy truck crashes then had an average cost of \$3,604,518 per crash - today, that economic cost of about \$4.8 million. These estimates, however, do not account costs related to mental health care costs for crash victims, roadside repair costs, cargo delay costs, or earnings lost by families caring for injured victims.

SUBMITTING COUNTY: Highlands

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: Not Applicable

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



CUA-PP-02: AFFORDABLE HOUSING

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: The Florida Association of Counties supports changing the formula for local housing fund distribution so that counties can allocate housing funds in a manner most effective for their local housing market. This includes reducing the percentage of funds required to be distributed for homeownership and allowing counties to increase the percentage reserved for rental housing up to 50% of the funds available.

BACKGROUND: During the 2021 State Legislative Session, Rep. Robin Bartleman and Sen. Annette Taddeo filed bills (HB 567 and SB 1068, Local Housing Assistance Plans) that would provide counties with discretionary flexibility by amending the existing distribution of State Housing Initiative Partnership (SHIP) funds. Currently, s. 420.9075(5)(a) requires at least 65% of SHIP funding to be used for home ownership, and s. 420.9075(5)(b), directs that up to 25% of funding may be used for rental housing. Due to the unique housing market constraints in Broward County, the bill was proposed to amend the current law to mandate up to 50% of SHIP funding for home ownership. This would have permitted local governments the option to use up to 50 % of the funds for multifamily rental housing, allowing for flexible spending and increased local control to address the housing crisis.

ANALYSIS: For counties like Broward in critical need of more affordable rental units, this would have provided an opportunity for additional gap financing for the construction of additional multifamily rental units at the same level of SHIP funding. The Florida Association of Counties supported this policy change in the 2020 legislative platform. In 2018, only 12.7% of all families in Broward County could afford the median price home of \$360,000, which has risen to \$498,203 in June 2021. Considering the extreme home prices, Broward is in desperate need of additional tools to solve the affordable housing crisis. Amending the current law would have provided a more equitable distribution of SHIP funds under the current reality of the housing market, but the proposed constitutional amendment would preclude any efforts to ameliorate the inequity for Broward's need of affordable housing. Broward County is a built-out, densely populated coastal county bordered by the Florida Everglades and needs the flexibility to invest in high-density, multiunit housing and rental assistance programs, in part due to the county's low real estate inventory and geographical boundaries. As the second most populous county in the state, Broward County expects affordable housing issues to continue to exacerbate due to the COVID-19 pandemic and the increase in Florida's population by almost 900 new residents daily.

While Broward County is expecting a significant increase in job growth, the shortage of affordable workforce housing has risen exponentially. In 2018, the Florida International University/Metropolitan Center conducted an Affordable Housing Needs Assessment of Broward County and found that Broward is one of the most unaffordable places to live in the country. Approximately 54% of its 760,312 households (homeowners and renters) are cost-burdened;



meaning more than 30% of family income is spent on housing. Further, with an average cost of a rental unit totaling \$1,902 a month, 147,313 renters are cost-burdened of which 77,677 renters are severely cost-burdened, spending more than 50% of family income on housing.

In Broward, severely cost-burdened households make up 84.3% of renters earning less than \$20,000 per year; 90.6% of renters earning \$20,000 to \$34,999 per year; and 74.1% of renters earning \$35,000 to \$49,999 per year. Due in part to low-income tourism jobs, Florida ranks thirty-sixth nationally for the annual median wage (\$46,010), twenty-fourth for the highest median home price (\$215,300), and twelfth highest for the median rentals (\$1,175). According to the Florida Housing Finance Corporation (FHFC), Broward County is the lowest ranked county in Florida for housing affordability and is the only county in the state with less than 25 housing units for each 100 families earning 60% of Area Median Income (\$52,800 for a family of four). This is over 50% of the county population. Furthermore, in FY 2020-21, the SHIP program was allocated \$94.5 million, and the State Apartment Incentive Loan (SAIL) program was allocated \$221.2 million. Of these amounts, Broward County taxpayers contributed \$29 million and received \$11.51 million in return. In the past nine years, Broward County taxpayers have contributed \$202.9 million in documentary stamp taxes, but the County has only received \$101.3 million in the aggregate. This is a systemic problem that Broward sought to address by filing a local bill (HB 1491), by Rep. Michael Gottlieb), during the 2020 and 2021 state legislative sessions. This local bill would have provided much needed funding for affordable housing options for the County's cost-burdened and severely cost-burdened homeowners and rental households by proposing a special act to allow a discretionary surtax on documents.

Currently, Miami-Dade County is the only county in the state where this is allowed, and the Legislature has to date refused to hear Broward's local proposal. Additionally, 73% of voters during the 2018 general election overwhelmingly approved a charter amendment to create the Broward County Affordable Housing Trust Fund (AHTF), finding yet another local solution to the affordable housing crisis. The Trust Fund creates a localized version of the state's affordable housing fund; but unlike the state, money in Broward's fund must be used exclusively on housing projects and programs. The idea behind the fund was to create a 'lock box' that would safeguard money earmarked only for affordable housing developments, first-time homebuyer assistance programs, and small home rehab and repair programs. Since 2018, the Broward County Commission has allocated \$25 million to the AHTF to provide gap financing for affordable housing developments and continues to seek innovative solutions to the housing crisis despite the many roadblocks to these efforts.

FISCAL IMPACT: The fiscal impact is indeterminate; however, any attempts to make permanent the requirement that 65% of the state and local housing dollars be dedicated solely to the purchase of homes will have a negative fiscal impact on large urban counties in need of additional funding for multifamily rental units. The FHFC has confirmed that Broward County is the lowest ranked Florida county in terms of housing affordability and is the only County in the State with less than 25 affordable rental units for every 100 families earning less than 60% AMI.



The economic impact is twofold. First, these residents must dedicate between 30 and 50 percent of their wages on housing, which means that other critical life costs such as food, health care, education, child care, insurance and transportation needs are cut short or eliminated entirely. Simultaneously, the ability of the business community to recruit and retain these key private and public sector jobs is compromised. As over 50% of all employees in Broward County earn less than 60% of AMI, the ability to find qualified workers is extremely difficult. We know that the median home price in Broward has increased from \$360,000 in 2018 to \$498,203 in June 2021, which makes home ownership less attainable for a growing number of residents. We need to acknowledge the reality that more very low and low-income Floridians need access to affordable rental units. Unlike Miami-Dade County, which is the only county in the state with a dedicated, recurring, annual affordable housing funding source; the Miami-Dade Doc Stamp Surtax (which generates over \$40 million per year), Broward County relies on the State SHIP and SAIL programs for new rental production. The county provides over 10% of total statewide revenue for the state housing program; however, over the past ten years, Broward County has only received \$0.50 for every \$1.00 collected and sent to the state.

SUBMITTING COUNTY: Broward

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



CUA-PP-03: TREE TRIMMING LAWS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: Support legislation amending tree trimming laws to require that a licensed arborist inspect and submit a tree risk assessment to the applicable local government prior to removal. Additionally, provide clear and defined standards using Tree Risk Assessment Qualification Standards when determining what constitutes a “danger” to persons or property and clarify the term “residential” property. Also, explicitly state that mitigation may still be required to meet local landscape plan minimum standards; and adding exemptions for certain circumstances.

BACKGROUND: During the 2019 Session, the Legislature approved Chapter 2019-155, L.O.F., which prohibits local governments from requiring a permit, application, notice, fee, approval, or mitigation for the pruning, trimming, or removal of a tree on residential property that has been certified to present a danger to persons or property. The certification must be provided by an arborist certified by the International Society of Arboriculture or a licensed landscape architect.

ANALYSIS: While the law provides that a certified arborist or licensed landscape architect provide the documentation necessary to exempt pruning, trimming or removal of a tree on a residential property from local government regulation, it does not require the certified arborist or landscape architect to physically inspect the tree to determine that the tree in fact presents a danger to persons or property. Furthermore, the law does not define or establish standards that constitute a “danger.” Local governments are spending scarce resources, including staff time, to respond to false reports of unlawful tree trimming or tree removal. Requiring an advance submission of a risk assessment to a local government will reduce these unnecessary expenditures. Local governments are prohibited from requiring a property owner to replant a tree that was removed according to these provisions.

The proposed legislation would clarify that local governments may still enforce landscape plan minimum standards, should removal of one or more trees on a property drop the property below the minimum number of trees required under the landscape plan ordinance. In addition, the proposal would protect trees with special status designation (e.g., heritage trees, historic trees, etc.) by exempting such trees from the preemption of local ordinances on residential properties contained in the statute. Broward County has tree ordinances that require a permit prior to trimming or removing trees or protect certain trees because they are considered a valuable community resource. The removal of any historical tree without first obtaining approval from the Board of County Commissioners is prohibited, as is the removal of any tree without first obtaining a tree removal license from the Environmental Protection and Growth Management Department. County tree regulations may be suspended during a state of emergency. Chapter 2019-155, L.O.F., limits the enforcement of these regulations to non-residential property only.

FISCAL IMPACT: Indeterminate.



SUBMITTING COUNTY: Broward

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



CUA-PP-04: VACATION RENTALS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation amending Section 509.032(7)(b) to allow changes to local laws, ordinances, and regulations relating to vacation rentals adopted on or before June 1, 2011, when such laws, ordinances, or regulations are amended to be less restrictive.

BACKGROUND: Vacation rentals are a unit in a condominium or a single, two, three, or four family house that is rented to guests more than three times a year for period of less than 30 days or one calendar month, whichever is shorter. Current law prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

ANALYSIS: During the 2021 Regular Session, the primary vacation rental legislation, CS/HB 219, at lines 342-345, and CS/CS/SB 522, at lines 344-350, provided for the proposed policy change. However, neither bill passed the Legislature. It is expected similar legislation will be filed for consideration in the upcoming 2022 Regular Session.

FISCAL IMPACT: An indeterminate increase in the collection of vacation rental licenses fees could be realized as less restrictive local policies may induce more real property owners to participate in vacation rentals.

SUBMITTING COUNTY: Volusia

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



CUA-PP-05: VACATION RENTAL ORDINANCES

STAFF RECOMMENDATION: Not Adopt, Covered by CUA –04

PROPOSED POLICY: SUPPORT legislation amending Section 509.032(7)(b) to allow changes to local laws, ordinances, and regulations relating to vacation rentals adopted on or before June 1, 2011, when such laws, ordinances, or regulations are amended to be less restrictive.

SUBMITTING COUNTY: Volusia

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



CUA-PP-06: SHIP FLEXIBILITY AND BROADENED USE

STAFF RECOMMENDATION: Adopt and Combine with CUA –02 for Legislative Conference

PROPOSED POLICY: SUPPORT legislation changing the formula for local housing fund distribution so that counties may allocate housing funds in a manner most effective for their local housing market, including use for constructing affordable housing.

BACKGROUND: Counties of all sizes and in all regions of the country are struggling with housing affordability. It's estimated that at least one-third of all American households (34 percent) were burdened by housing costs, meaning they spent more than 30 percent of their income on housing. While this challenge may be more pronounced in larger urban counties, or small rural counties are also struggling with housing cost burdens with about 46 percent of renters in small counties and 28 percent of homeowners with mortgages had housing costs that exceeded 30 percent of their household income. Likewise, although housing affordability affects counties of all sizes in Florida, each county is unique, facing its own set of obstacles, and requires maximum flexibility to use available tools, like the SHIP program, to navigate its housing affordability obstacles.

ANALYSIS: The State Housing Initiatives Partnership (SHIP) program is created and governed pursuant to §§420.907-420.9079. SHIP provides funds to local governments on a population-based formula as an incentive to produce and preserve affordable housing for very low-, low-, and moderate-income families. §420.9072, F.S. When SHIP funds are available, they are distributed on an entitlement basis to all 67 counties and 53 Community Development Block Grant entitlement cities in Florida. The guaranteed allocation to each county is \$350,000. However, counties may receive additional allocations as provided in §420.9073(2)(b), F.S.

SHIP dollars may be used to fund emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, foreclosure prevention, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing programs, and homeownership counseling. Generally, counties and eligible municipalities must expend SHIP funds as required in §420.9073(7).

In order to participate, local governments must establish a local housing assistance program by ordinance; develop a local housing assistance plan and housing incentive strategy; amend land development regulations or establish local policies to implement the incentive strategies; form partnerships and combine resources in order to reduce housing costs; and ensure that rent or mortgage payments within the targeted areas do not exceed 30 percent of the area median income limits, unless authorized by the mortgage lender. §420.9071(2), F.S.; §420.9072, F.S.

SHIP dollars may be used to fund emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling. SHIP funds may be used to assist units that meet the standards of chapter 553; SHIP funds may also be used to assist manufactured housing



constructed after June 1994 in accordance with the installation standards defined in the rules of the Department of Highway Safety and Motor Vehicles.

Section 420.9075(5) requires that a minimum of 65 percent of SHIP funds be spent on eligible homeownership activities, and up to 25 percent of available funds may be reserved for rental assistance to very low-income households with at least one adult who is a person with special needs or homeless. §420.9072(7)(b)3. Additionally, a minimum of 75 percent of available funds must be reserved for eligible construction activities. §420.9075(5)(b). Current law also requires that units constructed, rehabilitated or assisted with SHIP funds must be occupied by very-low income, low income, or moderate income persons. See §420.9075(5)(g).

FISCAL IMPACT: Indeterminate.

SUBMITTING COUNTY: Washington; Walton; and the Officers of the Small County Coalition

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



CUA-PP-07: UTILITY SERVICE AREAS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: Support legislation that provides that where a county has, by ordinance, established one or more utility service areas in the unincorporated area and where the county has the current ability to provide service, a municipality may not provide utility services within such county service area(s) without consent of the county.

BACKGROUND: Section 180.02, F.S. – Power of municipalities: The issue under consideration is the scope of power available to municipalities under Sec. 180.02, F.S., to establish extraterritorial utility zones or service areas within the unincorporated county. Once established, the municipality may require pursuant to subsection (3) that “all persons or corporations living or doing business within said area to connect, when available” with described municipal systems. Sec. 180.191, F.S., provides for a 25% surcharge under paragraph (1)(a) and the possibility, under paragraph (1)(b), that customers of the unincorporated area within such zone or service area may pay rates, fees and charges of up to 50% more than municipal customers pay for corresponding service. If only the surcharge is imposed over municipal rates, a public hearing is not even required under paragraph (1)(a).

A public hearing is required under paragraph (1)(b). This statutory scheme creates the possibility where customers in the unincorporated area will be paying higher rates to subsidize the lower rates of municipal customers, and the city’s elected officials have no political accountability to the customers in the unincorporated areas. This scenario recently occurred in the City of Dunnellon in Marion County, where the city acquired an investor-owned utility in the unincorporated area and, pursuant to the above-statute, imposed the surcharges, and other impositions on the customers of that system. This resulted in litigation that was costly to the city, and ultimately led to the system being acquired by the Florida Governmental Utility Authority. In addition to the above-described concerns for residents of the unincorporated county, the municipality’s unrestricted power under Sec. 180.02 to establish such utility zones or service areas creates a disruptive influence for the planning and system development of County-owned utility systems.

Section 180.02, F.S., was originally adopted in 1935 and was last revised in 1995. It is suggested that the statute is obsolete, and not reflective of the scope of services provided by county governments in medium and large counties. When originally adopted, and for years thereafter, counties typically did not provide “municipal” services in the unincorporated areas. All of that has changed with the advent of the county home rule powers act, §125.01, F.S., and many counties, including Marion, provide a broad range of municipal services. In fact, several of the municipalities in Marion County contract for the County to provide municipal services to their residents. What is most problematic for county utility departments is the ability of cities, under §180.02, F.S., to create such zones in unincorporated areas, regardless of the impact thereof on county utility operations, and with no agreement or consent required by the county. While a county may file objections under §§180.03(2), the city is free to ignore those objections.

ANALYSIS: It is urged that a reasonable resolution of the above situation is found in Sec. 180.06, F.S. – Activities authorized by municipalities and private companies – where the last paragraph



provides: “However, a private company or municipality shall not construct any system, work, project or utility authorized to be constructed hereunder in the event that a system, work, project or utility of a similar character is being actually operated by a municipality or private company in the municipality or territory immediately adjacent thereto, unless such municipality or private company consents to such construction.”

It is the foregoing requirement for consent that is lacking for counties. It is proposed that legislation be enacted that would provide that where a county has, by ordinance, established one or more utility service areas in the unincorporated area, and within such services, has the current ability to provide service, a municipality may not provide utility services within such county service areas. Within any county service area where the county does have the ability to provide service within months, a municipality may not provide service within such county service area without consent from the county. Counties and municipalities are encouraged to cooperatively establish utility service boundary agreements that will maximize the capacities and efficiencies of their respective systems, with the goal of providing the most cost-effective utility service to system customers.

FISCAL IMPACT: Indeterminant.

SUBMITTING COUNTY: Marion

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



CUA-PP-08: FLORIDA BUILDING CODE CARRYFOWARD FUNDS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT amending Section 553.80(7)(a), F.S., to clarify the ability of local governments to carry forward funds collected to enforce the Florida Building Code and ensure the carryforward of funds associated with outstanding (multi-year) building inspections are not subject to the carryforward limitation in current law.

BACKGROUND: In 2019, Legislation was passed stating “A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years.” This portion of the bill does not account for unexpended funds (liabilities) a local government holds for the completion of inspections on permits issued beyond the fiscal year, i.e., if a permit takes multiple years to have all inspections completed.

ANALYSIS: To rebate and reduce building permit fees in cases such as this place local government in a precarious position of having to use funds associated with open permits to complete inspections. This dollar amount can be significant and has rapidly grown in the last two years because of the upward economy. It is important to clarify that this amount can also be carried forward beyond just the average of the operating budget for the previous 4 fiscal years.

Suggested language change: Florida Statutes 553.80 Building Construction Standards - Enforcement (7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government’s responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term “operating budget” does not include reserve amounts nor funds set aside for the completion of inspections on issued permits. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government which established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government.



FISCAL IMPACT: Dependent on County.

SUBMITTING COUNTY: Marion

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



CUA-PP-09: WORKFORCE HOUSING

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT legislation to streamline state-level environmental permitting without reducing environmental protection. SUPPORT incentivizing counties to promote affordable housing through use of expedited permitting processes, greater density approvals, financial and other incentives including rewarding counties greater allocations of SHIP funds

BACKGROUND: Workforce housing has reached a critical shortage, and so many years of sweeping SHIP funds have not helped. The current 1/3rd is a big improvement over zero, but we need to address this issue, as it is getting worse. "Time is money" to developers, so making the process more efficient reduces the cost to build simply by going faster. This, and incentivizing local governments to prioritize workforce housing, are two ideas we have been discussing here

ANALYSIS: The State Housing Initiatives Partnership (SHIP) program is created and governed pursuant to §§420.907-420.9079. SHIP provides funds to local governments on a population-based formula as an incentive to produce and preserve affordable housing for very low-, low-, and moderate-income families. §420.9072, F.S. When SHIP funds are available, they are distributed on an entitlement basis to all 67 counties and 53 Community Development Block Grant entitlement cities in Florida. The guaranteed allocation to each county is \$350,000. However, counties may receive additional allocations as provided in §420.9073(2)(b), F.S.

SHIP dollars may be used to fund emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, foreclosure prevention, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing programs, and homeownership counseling. Generally, counties and eligible municipalities must expend SHIP funds as required in §420.9073(7).

In order to participate, local governments must establish a local housing assistance program by ordinance; develop a local housing assistance plan and housing incentive strategy; amend land development regulations or establish local policies to implement the incentive strategies; form partnerships and combine resources in order to reduce housing costs; and ensure that rent or mortgage payments within the targeted areas do not exceed 30 percent of the area median income limits, unless authorized by the mortgage lender. §420.9071(2), F.S.; §420.9072, F.S.

SHIP dollars may be used to fund emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy-downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling. SHIP funds may be used to assist units that meet the standards of chapter 553; SHIP funds may also be used to assist manufactured housing constructed after June 1994 in accordance with the installation standards defined in the rules of the Department of Highway Safety and Motor Vehicles.

Section 420.9075(5) requires that a minimum of 65 percent of SHIP funds be spent on eligible homeownership activities, and up to 25 percent of available funds may be reserved for rental



assistance to very low-income households with at least one adult who is a person with special needs or homeless. §420.9072(7)(b)3. Additionally, a minimum of 75 percent of available funds must be reserved for eligible construction activities. §420.9075(5)(b). Current law also requires that units constructed, rehabilitated or assisted with SHIP funds must be occupied by very-low income, low income, or moderate-income persons. See §420.9075(5)(g).

With the Suncoast Parkway rapidly making its way through Citrus County, economic development is happening. To achieve the desired economic development (e.g., higher paying jobs), counties must have affordable workforce housing (to support a larger community) and quality infrastructure

FISCAL IMPACT: Indeterminant.

SUBMITTING COUNTY: Citrus

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



CUA-PP-10: RIGHT-OF-WAY ACQUISITION FUNDING AND COOPERATION WITH FLORIDA DEPARTMENT OF TRANSPORTATION

STAFF RECOMMENDATION: Table until Legislative Conference

PROPOSED POLICY: Pending

BACKGROUND: Pending

ANALYSIS: Pending

SUBMITTING COUNTY AND CONTACT: Lake

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: No Action

UNFUNDED MANDATE: Pending

PROTECTIVE OF HOME RULE: Pending



CUA-PP-11: INTERCITY RAIL – BRIGHTLINE PROJECT REGIONAL TRANSPORTATION

STAFF RECOMMENDATION: Table

PROPOSED POLICY: Pending

BACKGROUND: Pending

ANALYSIS: Pending

SUBMITTING COUNTY: Lake

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: No Action

UNFUNDED MANDATE: Pending

PROTECTIVE OF HOME RULE: Pending



CUA-PP-12: AFFORDABLE HOUSING IMPACT FEES

STAFF RECOMMENDATION: Not Adopt

PROPOSED POLICY: SUPPORT amending §163.3180, F.S. – Concurrency, to include affordable housing unit construction in the definition of capital facility and require affordable housing units funded by impact fees to remain affordable for 30 years.

BACKGROUND: [Note: This proposal was adopted by the CUA Committee in December 2021]. In 2019, the Legislature approved Ch. 2019-165, L.O.F., which authorizes counties and municipalities to continue using inclusionary housing ordinances that require a developer to provide a specified number or percentage of affordable housing units within a development or, in lieu of, allow a developer to contribute to a housing fund or other alternative. In exchange, however, a county or municipality must provide incentives to fully offset all costs to the developer for its affordable housing contribution. Incentives may include: Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designations; Reducing or waiving fees, such as impact fees or water and sewer charges.

Additionally, the law codifies the dual rational nexus test by requiring an impact fee to be proportional and have a rational nexus both to the need for additional capital facilities and to the expenditure of funds collected and the benefits accruing to the new construction. Local governments must designate the funds collected from impact fees for acquiring, constructing, or improving capital facilities to benefit new users.

ANALYSIS: Amend s. 163.3180, F.S. – Concurrency, to include “affordable housing unit construction” in the definition of “capital facility.” This would provide stronger authority for the counties to apply impact fees for affordable housing to commercial development by defining affordable housing as a “capital facility” under state law. In addition, affordable housing impact fees would provide a source of revenue for the funding of affordable housing programs and projects, and, ultimately, increase the supply of affordable housing units. Require that affordable projects funded by impact fees remain affordable over the long term (e.g., minimum of 30 years); doing this will most likely result in commercial developments paying additional impact fees. County residents would benefit from an increased number of affordable housing units. Local governments would benefit from collection of impact fees to fund affordable housing programs and projects, and affordable housing developers and agencies would benefit from increased funding.

Affordable housing is one of the most critical issues facing Broward County. While we are expecting a significant increase in job growth across the county and region, the shortage of affordable workforce housing has risen exponentially. Recently, Florida International University’s



Metropolitan Center updated a 2014 Rational Nexus Study for Broward County. The Study found that new commercial and residential development create demand for new affordable housing, resulting in a rational nexus between development and the imposition of impact fees required under state law. More than 911,000 very low-income households pay more than 50% of their income on housing and these individuals and families are one missed paycheck away from homelessness. Local governments must designate the funds collected from impact fees for acquiring, constructing, or improving capital facilities to benefit new users.

FISCAL IMPACT: This proposal would increase county funding available for affordable housing.

SUBMITTING COUNTY: Broward

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



CUA-PP-13: NUISANCES IN UNPLATTED SUBDIVISIONS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: Support legislation relating to nuisance abatement to allow local governments to address nuisances within unrecorded subdivisions meeting certain criteria regarding size, ownership, and nuisance activities.

BACKGROUND: A few years ago, Polk County began exploring legislation to address the impact of several of the approximate 32 unrecorded subdivisions in the county meeting the criteria in the proposed legislation. This consideration was coupled with increased law enforcement efforts, creation of an MSTU, and installation of gates and fencing, which yielded positive short-term results and the proposed legislation suspended. However, the nuisance activities have expanded dramatically after the short-term reprieve and legislation is needed now more than ever. With approximately 32 such subdivisions, ranging from benign to major law enforcement problems, law enforcement agencies are challenged in enforcing the laws where property boundaries are difficult to determine, there is widespread lawlessness, and it is unsafe for deputies to respond to requests for services. It is believed based upon media searches that such problem areas exist in many other counties in the state of Florida. This problem also exists in Osceola, Highlands, and Leon County to name a few.

ANALYSIS: The legislation creates a new section of law §823.051, F.S., relating to the abatement or enjoinder of specified nuisance activities occurring in unrecorded subdivisions. The proposed bill defines an “unrecorded subdivision” as “an area of real property subdivided into 50 or more lots of less than five acres each; not under common ownership; not platted in accordance with Chapter 177, F.S.; containing unmarked, unstabilized, or unmaintained lots, roadways, trails, pathways, or easements; and with no material improvements to the property.”

The legislation further provides that: (a) Any person who establishes, continues, maintains, owns, uses, or leases one or more lot, or lots, within an unrecorded subdivision, the use of which tends to annoy the community or injure the health of the community, infringe on the quiet enjoyment of the surrounding property owners or become manifestly injurious to the morals or manners of the people by engaging in, permitting individuals to engage in, or resulting in any of the activities described in paragraph (b) is liable for maintaining a nuisance and such lots, places, or unrecorded subdivisions are declared a nuisance. All such lots, places, unrecorded subdivisions, or persons shall be abated or enjoined as provided in ss. 60.05 and 60.06.

(b) Prohibited nuisance activities on recorded subdivision property:

1. Trespass;
2. The use of unregistered vehicles, ATVs, off-highway motorcycles, off-highway vehicles, ROVs, or two-rider ATVs;
3. Operation of an unauthorized or unpermitted ATV, off-highway motorcycles, off-highway vehicles, or ROV parks;



4. Illegal dumping or littering;
5. Criminal mischief, theft, prostitution, or resisting arrest;
6. Possessing open containers in violation of s. 316.1936;
7. Underage drinking, driving under the influence in violation of s. 316.193, or illegal use of drugs;
8. Unlawful killing of livestock or unlawful breaking or injuring fences in violation of s. 810.115;
9. Arson or unlawful open burning;
10. Squatting, or possession of altered property in violation of s. 812.016;
11. Dealing in stolen property in violation of s. 812.019;
12. Child endangerment;
13. Driving a vehicle without a valid license in violation of s. 322.03;
14. Violations of Chapter 373 "Florida Water Resources Act of 1972";
15. Unpermitted damage, destruction or alteration of wetlands and water courses; or
16. Removing posted notices in violation of s. 810.10.

The proposed legislation provides an alternate notice process for action brought pursuant to §60.05, F.S., preserves the authority of local governments adopt and enforce nuisance laws, and construes the statute to not be preemptive. Lastly, the proposed bill allows government entities with jurisdiction over the conduct in violation of the statute, to institute civil action.

FISCAL IMPACT: Indeterminate. However, providing counties with additional tools to address the ongoing nuisance activities in unrecorded subdivisions are expected to result in positive cost-savings to counties' public safety budgets.

SUBMITTING COUNTY: Polk

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROETCTIVE OF HOME RULE: Yes



CUA-PP-14: FLEET ELECTRIFICATION

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: FAC SUPPORTS legislation to encourage the state to develop electric vehicle acquisition policies including preference for low/no emission vehicles, allowing cost to own to justify EV purchase and municipal leasing mechanisms to gain access to federal EV tax credits.

BACKGROUND: [Note: This proposal was adopted by the CUA Committee in December 2021]. The United States is in the midst of a transportation revolution. It is important that Florida — with the nation's third largest market share with over 60,000 light-duty electric vehicles — accelerate transportation electrification. The electrification of public fleets and clean transportation is also paramount and will demonstrate a commitment to public health especially for frontline communities. Electrifying transportation is key to protecting health by making the air we breathe cleaner. Also key during this time of economic insecurity, is the opportunity for citizens to save money is paramount. EVs save taxpayers money, as shown by recent analysis by the City of Seattle. When considering the lifetime costs of ownership, it is already less expensive to own an EV than a fossil-fueled vehicle for many Americans. With battery prices continuing to fall, the sticker price of EVs are expected to reach parity by 2024. And even with COVID-19 gasoline prices electricity is roughly 1/3 the cost of gasoline.

Additionally, EVs require much less in maintenance. Seattle determined they would save \$2 million over 10 years if they purchased 300 Nissan Leafs instead of hybrids for its passenger vehicles due to fuel and maintenance cost savings. These fleet goals could be achieved by, and we encourage the state to develop electric vehicle acquisition policies including preference for low/no emission vehicles, allowing cost to own to justify EV purchase and municipal leasing mechanisms to gain access to federal EV tax credits. Leveraging volume purchasing can encourage advantageous pricing and increase EV model availability. Additionally, modifying state contract procurement policies would reduce the barrier of limited model availability by allowing purchase of the flux of EV models entering the market. Florida is deploying VW settlement dollars to develop charging infrastructure.

ANALYSIS: We encourage the state to use remaining settlement funds to finance electrification of school, transit and shuttle buses at Florida's school districts, transit districts, and municipalities. Transportation electrification, from private vehicles to public transit and heavy-duty fleets, will benefit our State. We must also lower the barriers and incentivize uptake to ensure all Floridians realize the range of economic and environmental benefits electrification can produce. Florida's leaders must ensure that the state has a robust EV charging infrastructure. Encouraging the build-out of a statewide public EV charging network is key. To ensure chargers are deployed effectively, though, we need robust utility engagement and investment and routine reassessments



given the changing technology landscape. Data from the EV Roadmap being conducted by the Florida Energy Office which is housed in the Florida Department of Agriculture and Consumer Services will help identify gaps and identify optimal locations for new charging stations however this assessment should consider the needs of all transportation classes including light-duty, medium duty, buses and freight EVs.

FISCAL IMPACT: Indeterminate.

SUBMITTING COUNTY: Pinellas

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: No Action

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



CUA-PP-15: MOBILE HOME REGULATION REVIEW

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation requiring a review of state laws applicable to manufactured homes and park communities, as it relates to the clarification of state and municipal regulatory requirements, obligations, and authority.

BACKGROUND: [Note: This proposal was adopted by the CUA Committee in December 2021]. Manufactured housing is a significant form of unsubsidized affordable housing in the state. With approximately 612,900 manufactured housing units, of which 463,685 are owner-occupied, combined with the overall shortfall of affordable housing, preserving this type of housing remains a priority in addressing the broader discussion of present-day housing issues. Such an endeavor relies heavily on the clarity of state laws and the ability to effectively solve modern-day problems. Local governments, park owners, and residents alike are oftentimes uncertain of who ultimately has the authority to implement and enforce policies and procedures which ensure the safety, equity, and overall, well-being of these communities. In the absence of clarity, this can lead to situations where no such policies are followed.

ANALYSIS: A review of state statutes that are applicable to manufactured homes will identify any inconsistencies or shortfalls that may currently exist. Areas for consideration include, but are not limited to, owner and resident duties and responsibilities, rental increases and fees, the sale of manufactured home parks, and enforcement authority. This will enable state and local policy makers to put forward additional solutions for the challenges that exist. Manufactured homeowners are often low-to-moderate-income, senior citizens, or on a fixed income, creating the need to provide a range of adequate safe and resilient, affordable housing units. An example of issues that fuel these challenges include: environment of a high number of manufactured housing units that have exceeded their life span; reduced vacancies; rising land costs and interest to extract more value from the land via change of use; and absentee landowners.

FISCAL IMPACT: Indeterminant.

SUBMITTING COUNTY: Pinellas

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: N/A

UNFUNDED MANDATE: No



PROTECTIVE OF HOME RULE: N/A



CUA-PP-16: Residential Building Recertification & Periodic Inspection

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation adopting a statewide standard for the recertification of residential buildings to ensure the building continues to meet the applicable code standards when constructed including structural integrity; and a standard for conducting periodic inspections of a residential building's common elements.

BACKGROUND: On June 24, 2021, at 1:25 am EDT, the Champlain Towers South, a 12 story beachfront condominium in Surfside, Miami-Dade-County, Florida, partially collapsed. The building disintegration left 98 person dead. The event has triggered several investigations to determine the cause of the collapse, which are ongoing still. Miami-Dade County and Broward County, both of whom have 40-year building safety inspection programs have launched task forces to determine if additional regulations should be put in place and to develop proposed legislation for the 2022 Legislative Session.

ANALYSIS: Section 8-11(f), Miami-Dade County Code, requires that buildings and structures that have been in existence for 40 years or more be recertified. The requirement does not apply to single-family residences, duplexes, and minor structures that have a load occupant load of 10 or less and a gross area of 2,000 square feet or less. The County's Building Official send written not to the owners whose buildings and structures must be recertified, triggering 90-day period for the structural and electrical inspections to be conducted and a written report, prepared by a qualified, Professional Engineer or Architect registered in Florida, to be submitted to the County's Building Official. If the recertification inspection result in a need for repairs or modifications, the owner has 150 days from the date of the Notice of Required Inspection to complete the modifications in compliance with the applicable sections of the Florida Building Code.

The Broward County Board of Rules and Appeals (BORA), in 2005, adopted a similar safety inspection program for existing building and structures that are 40 years of age or older. See, §110.15 of Chapter 1, Florida Building Code; BORA Policy #05-05. The BORA program is largely based on Miami-Dade's program, except, the BORA program does not apply to one and two family dwellings or minor structures, regardless of occupancy category, with a gross area of 3,500 square feet or less. The BORA program also provides 180 days from the building inspection report to complete any needed repairs. Subsequent to the initial 40-year certification, both county programs require that subsequent recertifications be done at 10-year intervals.

FISCAL IMPACT: Building owners may incur costs for inspections necessary to determine structural and electrical safety condition of each existing building subject to recertification. In addition, if repairs are needed, building owners may incur the cost of such repairs. Governmental



entities that implement recertification programs may incur administrative expenses associated with such programs.

SUBMITTING COUNTY: Miami-Dade

ASSIGNED COMMITTEE: CUA

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



COMMUNITY AND URBAN AFFAIRS

Economic Development

Economic prosperity depends on communities with dependable basic services, but also where the quality of life encourages businesses and individuals to flourish. Maintaining and enhancing the standards that Floridians expect and deserve will require more innovative cooperation between the public and private sectors. Therefore, counties need flexible tools to develop economic strategies that target local strengths, enhance and expand employment opportunities, and maintain adequate infrastructure.

CUA 1. The Florida Association of Counties supports measures that empower local governments and provides resources to work with community partners towards the creation of quality jobs, more vibrant Florida communities, as well as an enhanced level of national and global competitiveness.

CUA 2. The Florida Association of Counties supports legislation and appropriation that enhances the efficiency and effectiveness of the state and local government partnership in economic development through the greater use of targeted strategic investments in infrastructure and programmatic enhancements designed to induce sustainable economic activity resulting in a consistent positive return on investment for both state and local governments.

CUA 3. The Florida Association of Counties supports state and local policies, programs, and funding mechanisms that not only preserve, but enhance as well, the Florida tourism and film industries.

Growth Management

The impact of growth and development in Florida during the last 30 years has brought significant benefits and costs to county government. Given Florida's expected future growth and because Florida's communities are remarkably diverse, Florida's counties must have flexibility in planning decisions to address unique local concerns and conditions. County officials must have the ability to make reasonable decisions for the advancement of the local community on zoning, comprehensive planning, transportation, and infrastructure issues without being subjected to prohibitive claims for damages for infringement on private property rights.

CUA 4. The Florida Association of Counties supports comprehensive policies that reduce a county's risk to the impacts of coastal and inland flooding.

CUA 5. The Florida Association of Counties recognizes and supports the critical role Regional Planning Councils play in supporting communities by coordinating intergovernmental solutions to growth problems on greater-than-local issues, providing technical assistance to local governments.



- CUA 6. The Florida Association of Counties supports policies that provide a mechanism to ensure the extra-jurisdictional impacts from large-scale development projects are adequately addressed within the impacted counties prior to development approval.
- CUA 7. The Florida Association of Counties supports retaining the full amount of dedicated documentary tax revenues to fund state and local affordable housing programs.
- CUA 8. The Florida Association of Counties supports the development and maintenance of dedicated funding of the Florida Forever Grant Program and Florida Communities Trust which provide recreational opportunities for parks, open space, greenways and trails to help meet growth challenges and protect natural resources.
- CUA 9. The Florida Association of Counties supports the distribution of land management appropriations to local governments in proportion to the percentage of public conservation lands managed within local jurisdictions.
- CUA 10. The Florida Association of Counties supports broad county authority to regulate the location and number of medical marijuana facilities within county boundaries.

Transportation

FAC believes that Florida's transportation system is a vital component in building and sustaining communities, moving people and goods, and developing competition at local and regional levels, and on a national scale. Florida's counties play a critical role in the state's transportation system. Florida's counties should be recognized as major partners in the maintenance and development of Florida's transportation infrastructure and provided levels of funding and authority that adequately reflect their role in the state's transportation system.

- CUA 11. The Florida Association of Counties supports funding for all modes of the state and local transportation infrastructure network.
- CUA 12. The Florida Association of Counties supports policies and funding that encourage and facilitate more efficient and effective use of regional transportation solutions.
- CUA 13. The Florida Association of Counties supports increased critical state funding for the Small County Road Assistance program (SCRAP).
- CUA 14. The Florida Association of Counties supports increased state funding for the Small County Outreach Program (SCOP).
- CUA 15. The Florida Association of Counties supports policies providing for Strategic Intermodal System funds to be used on roads and other transportation facilities not designated on the SIS network if the improvement relieves congestion on the SIS.



CUA 16. The Florida Association of Counties opposes any effort to divert revenues from the state transportation trust fund for non-transportation purposes.



FTA-PP-01: SMALL COUNTY SURTAX

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation that allows counties that levy the Small County Surtax to exceed a combined rate of more than 1% in combination with the levy of the Local Government Infrastructure Surtax

BACKGROUND: With slow population growth and slow economic development in Florida's small counties, gains in ad valorem tax revenue have been minimal. Allowing more flexibility in the mix of sales tax options available to small counties would allow them to use the existing revenue for existing expenses, but to raise additional funds for dedicated programs or projects. If approved by voters, proceeds from the levy of the tax may be used to service bonded indebtedness, to finance, plan and construct infrastructure and acquiring land for public recreation, conservation, or protection of natural resources. Infrastructure means any fixed capital expenditure associated with the construction, reconstruction, or improvement of public facilities having a life expectancy of more 5 years or more, and any related land acquisition, land improvement, design, and engineering costs. If approved by an extraordinary vote of the county's governing body, the proceeds and accrued interest may be used for operational expenses of infrastructure, or any public purpose authorized in the ordinance for counties with a population of 50,000 or less on April 1, 1992.

ANALYSIS: All authorized counties currently levy the Small County Surtax at the maximum rate of 1%, except Flagler at .5%. Levying this surtax at 1% prevents the county from levying the Local Government Infrastructure Surtax and, thus, from accessing the full capacity to apply surtax under the law. Of the currently discretionary sales taxes authorized by Florida law, the small county surtax is the only tax whose use is not limited to designated purposes and may be used for "any public purpose" authorized by an ordinance adopted by the county. However, under current law, counties sacrifice tax capacity that could be accessed if other taxes could be levied in conjunction with the small county tax.

Counties authorized to levy the Small County Surtax may also levy the Emergency Fire Rescue Services and Facilities Surtax, the Voter Approved Indigent Care Surtax (for those counties with population of 50,000 or less), and the Charter County and Regional Transportation System Surtax (if a charter county) in excess of a combined rate of 1%. Only the Local Government Infrastructure Surtax cannot be levied in excess of 1% in combination with the Small County Surtax for all counties eligible to levy the Small County Surtax.

FISCAL IMPACT: In Okeechobee County, an additional 1% allocated to local government infrastructure surtax would equal an estimated \$4.8M a year. Okeechobee County is in the process of planning the replacement of our aging jail of over 30 years due to the facility not



meeting the needs of the public. We would use this money to service bonded indebtedness to ease the burden on the ad valorem taxpayers and spread the tax burden across the overall residential population and anyone passing through the community.

SUBMITTING COUNTY: Okeechobee County and by the Officers of the Small County Coalition

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-02: TRANSPORTATION FUNDING GAS TAX INDEXING

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY STATEMENT: **SUPPORT** indexing local option fuel taxes to annual adjustments of the Consumer Price Index.

BACKGROUND: Local fuel tax revenues have been constantly eroding as the costs of road construction and maintenance has increased as well as vehicles becoming more fuel efficient. Unlike local governments, the Florida Department of Transportation has the ability to index their motor fuel tax rate as it relates to the Consumer Price Index (CPI). Without the ability for local governments to index, we are unable to keep pace with our growing transportation costs and needs.

ANALYSIS: The motor fuel taxes are the principle source of funding for the construction, maintenance, and operation for most of Florida's local transportation systems. The costs of transportation system construction and operation are linked to the costs of goods and services, which continues to rise. As the costs of goods and services – measured by the Consumer Price Index- continue to rise, the buying power from there revenue generated from motor fuel taxes will continue to decrease. Sec. 206.41(f) and (g) allows for the State Comprehensive Enhanced Transportation System Tax and "fuel sales tax" to be indexed to the Consumer Price Index. These taxes are state-levied. The fuel taxes authorized to be levied by counties, (contained in Sec. 206.41(1)(a)-(f) and Sec. 206.60) are not indexed.

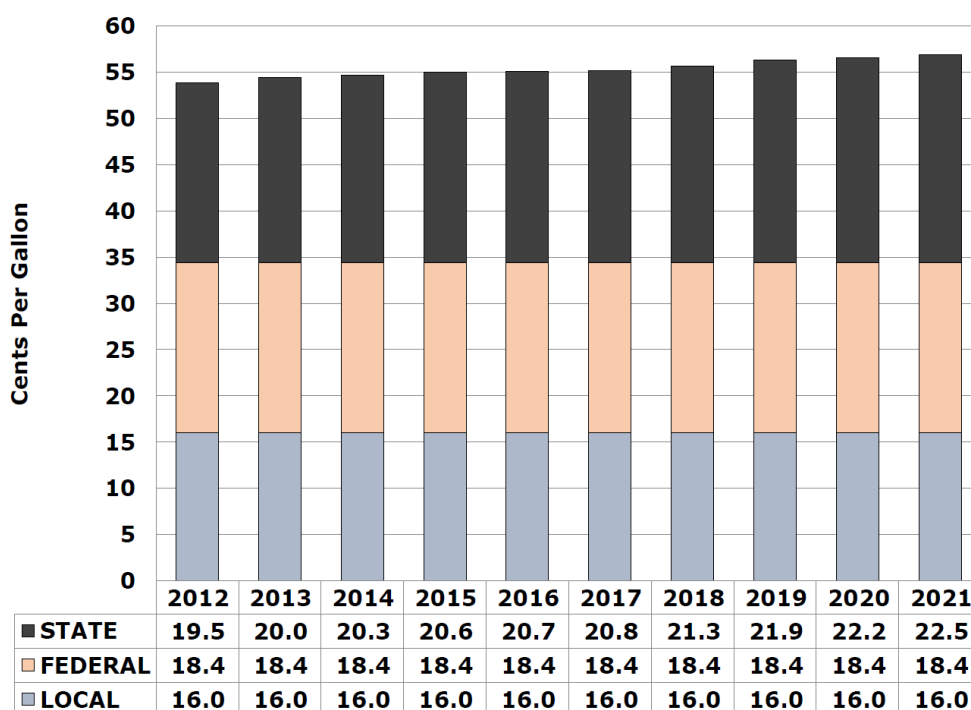
Since 1997, when State's Highway Fuel Sales Tax has been indexed, the CPI has risen 70.8%. The State's fuel tax, which was 6.9 cents/gallon has since risen to 14.5 cents/gallon in 2021. The local tax rate has been fixed since at least 2007. Though some costs were reduced during the great recession due to decreased demand for building materials, the long-term trend will continue to be increased costs and, thus, decreased value. Florida's local governments play an integral role in funding Florida's local, regional, and state transportation system and that system will see increasing deterioration if this vital funding source is not reinforced. In aligning the state and counties with the same indexing system, it would allow counties to strategically fund projects from revenue generated within their county thus allowing for maintenance, development, and investment. According to the FDOT website, "The department (FDOT) received about \$792 million additional revenue in fiscal year 2019-20 when compared to what collections would have been without fuel tax indexing." If aligned, counties would likewise see a funding increase.



Appendix 5 from FDOT's 2021 version of *Florida's Transportation Tax Sources: A Primer* shows the relative increase in historical fuel taxes by levying entity.

Appendix 5

Historical Fuel Taxes



FISCAL IMPACT: In aligning the state and counties with the same indexing system, it would allow counties to strategically fund projects from revenue generated within their county thus allowing for maintenance, development and investment into already failing infrastructure.

SUBMITTING COUNTY: Florida Association of County Engineers and Road Superintendents (FACERS) and Marion County

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Not Applicable

UNFUDED MANDATE: NO

PROTECTIVE OF HOME RULE: N/A



FTA-PP-03: EXTENDING THE CHARTER COUNTY AND REGIONAL TRANSPORTATION SYSTEM SURTAX TO NON-CHARTER COUNTIES

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT modification to existing laws to allow for enactment of the Transportation System Surtax for non-charter counties.

BACKGROUND: Tax reform measures that simplify administration and provide an economic boost to Florida's taxpayers are essential. These measures must consider and minimize the collective and cumulative negative impact on local revenues, including state-shared and local discretionary revenue sources that are critical to local governments in providing community services. To accomplish this objective, Marion County recommends the following: Enact a law allowing Marion County (a non-charter County) the opportunity to levy a transportation sales surtax similar to charter counties. This law will help not only Marion County, but other non-charter counties in Florida.

ANALYSIS: The enactment of the transportation sales surtax for non-charter counties will provide a much-needed revenue source to fund transportation capital projects especially since the local gas tax is not indexed and it has lost most of its purchasing power due to inflation.

The Charter County and Regional Transportation System Surtax is not limited in combination with other surtaxes. The surtax is available to all charter counties, as well as certain non-charter counties if they are within or under an interlocal agreement with a regional transportation or transit authority created under Chapter 343 or Chapter 349, Florida Statutes. Non-charter counties that are currently eligible are Bay, Escambia, Franklin, Gulf, Hernando, Manatee, Okaloosa, Pasco, Santa Rosa, and Walton Counties. Three counties currently levy this surtax – Broward at 1%, Duval at 0.5%, and Miami-Dade at 0.5%.

FISCAL IMPACT: Marion County has an annual shortfall of approximately \$10 million for capital maintenance projects and a backlog of \$300 million for local transportation capacity projects.

SUBMITTING COUNTY: Marion County

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-04: INFRASTRUCTURE FUNDING

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT instituting a registration fee on electric vehicles and/or a tax on electric charging stations to provide for and support transportation infrastructure.

BACKGROUND: The loss of gas taxes will continue to accelerate, and with a forecast 2 million new drivers in Florida by 2030, we must stay on top of executing our 5-year workplan for roads and bridges.

Florida's road system is currently funded primarily through state and local taxes on motor fuel and diesel fuel. Vehicles that do not use these fuels still impact the road system in terms of both maintenance needs and capacity needs. In order to provide for future needs as well as to share the burden of the costs of the road system across all users, the proposal would impose fees on the purchase of an electric vehicle or a tax upon electric charging stations.

ANALYSIS: The proposal would impose an annual registration of an electric vehicle. An additional registration fee on electric vehicles would create a recurring source of revenue and would capture all vehicles in Florida. During the 2021 Legislative Session, Senator Jeff Brandes proposed an additional registration fee on electric and plug-in hybrid vehicles in SB 140. FAC staff worked with Sen. Brandes to amend SB 140 to direct some of the fee to counties to be used as the current 1 to 6 local option fuel tax levy is used. SB 140 died in Senate Appropriations Committee.

The proposal also would create a tax on electric charging stations. A tax of this nature may create some equity challenges as only those using charging stations would pay the tax, while those charging at private residences would not pay the tax when using their own infrastructure. A tax on electric charging stations would spread the burden of supporting the road system to those vehicles driving long distances or traveling from out of state (which would not be subject to the registration fee).

FISCAL IMPACT: The Revenue Estimating Conference did not evaluate SB 140 during the 2021 Legislative Session.

SUBMITTING COUNTY: Citrus County

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-05: TOURIST DEVELOPMENT TAX - HIGH TOURISM IMPACT TAX

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT expanding the authorization of the High Tourism Impact Tax to additional counties while not exceeding the total of a 6% levy.

BACKGROUND: Presently, the State allows certain counties up to 5% of Tourist Development Tax (TDT) to supplement tourist-related costs. However, larger markets meeting certain dollar thresholds in collections are afforded a maximum tax of 6%. The State should allow the same taxable allowance to all Counties to implement at their discretion.

Manatee County has a strong tourism business but we are at times limited in our marketing and promotion by a lack of TDT funds when allocating to multiple municipalities. Further funding could allow for more enhanced services and promotion. As it stands, only those that already attract tourists have the ability to attract even more. It's a big can get bigger structure.

ANALYSIS: As stated above, we have four coastal municipalities and two core cities vying for these dollars. We have opportunities for more services and for bidding on larger events if we had the funds. We are actively working on a convention center hotel and promotion and events would facilitate more exposure to our County and the Gulf Coast region as a whole.

There are several provisions that allow certain counties to levy up to 6% of Tourist Development Taxes or up to 6% of combined Tourist Development and Convention Development Taxes (CDT). The most broadly utilized additional 1% is the High Tourism Impact Tax, which is available to counties that had taxable transient rental activity greater than \$600 million in the prior year or taxable transient rental activity in the prior year greater than \$200 million that is also more than 18% of the total sales subject to sales tax. Currently eight counties impose the High Tourism Impact Tax (Broward, Hillsborough, Monroe, Orange, Osceola, Palm Beach, Pinellas, and Walton Counties) and one additional county is shown as eligible to levy the 1% tax (Lee County) but not currently imposing it.

FISCAL IMPACT: This policy proposal would have limited negative fiscal impact to residents as TDT is collected through tourism. However, attraction of more events and the ability to provide more services would enhance our overall economic position.

SUBMITTING COUNTY: Manatee County

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-06: REMOTE MEETINGS FOR EMERGENCY BRIEFINGS

STAFF RECOMMENDATION: Not adopt, covered by HSJ-PP-08.

PROPOSED POLICY: SUPPORT legislation granting an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

BACKGROUND: This proposal seeks FAC's support for a bill amending s. 286.011, F.S., providing an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

The terrible COVID-19 pandemic has revealed serious opportunities across all levels of government to improve efficiency and effectiveness during a declared state of emergency. Several times throughout these rolling crises it has become increasingly clear that allowing an exemption for county elected officials to participate in emergency-related briefings would allow for a more fluid and responsive discussion and execution of policy issues among our county leadership.

ANALYSIS: A number of counties are concerned that the response in future rolling crises or multiple crises will be limited without such an exemption. The exemption provides a reasonable prevention of abuse given that this exemption only occurs during a declared state of emergency. This means that the initiating agent for this exemption of Sunshine Law isn't rooted in the county elected officials but the Governor of the State of Florida.

Previous legislative efforts revealed significant resistance to allowing such an exception when more than one commissioner is on-site. As such, this proposal has been limited to allowing commissioners to participate when remote.

FISCAL IMPACT: Indeterminate

SUBMITTING COUNTY: This proposal was a part of the FAC 2021 Legislative Program and was resubmitted by FAC Staff

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Unknown

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-07: REMOTE MEETINGS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation authorizing local governing bodies and other local boards and committees to meet remotely.

BACKGROUND: Governor Ron Desantis issued Executive Order No. 20-52 on March 9, 2020, declaring a state of emergency related to the spread of COVID-19 and instituting social distancing guidelines and other protective measures consistent with guidelines from the Centers for Disease Control. The effect of this order was to require local government meetings to comply with the CDC guidelines imposing social distancing and limiting the number of people who could be in a room at one time.

From March 20, 2020 until June 27, 2021, local governments were authorized by Executive Order 20-69 to hold remote meetings. This allowed commissioners and members of other local government boards attending remotely to count towards a quorum, allowing the body to take action. This allowance is particularly important for boards and bodies with members in at-risk groups (over age 65 or with pre-existing conditions), whose members live with at-risk individuals, or who had members that may have been subject to quarantine for exposure and thus unable to attend in person.

This order only affected the requirement that board members attend in person and did not affect any requirements related to public accessibility, notice, or input at meetings. Though the move to hybrid or remote meetings did require changes to local meeting practices and procedures, these changes were done consistent with the existing laws and statutes governing public access.

ANALYSIS: In many cases, the terms of Governor's emergency declaration and associated CDC guidelines required local government bodies to completely suspend public meetings or to develop remote meeting procedures to minimize physical interaction of the participants. Attorney General Ashley Moody issued an Advisory Opinion 2020-03 on March 19 opining that local government bodies could meet remotely, if authorized by statute or state of emergency declaration. Importantly, the provisions that required variance dealt only with statutorily implied in-person meeting requirements for *board members*.

Consistent with AGO 2020-03, on March 20, Governor Desantis issued Executive Order No. 20-69 suspending statutes requiring a quorum to be present, requiring a local government body to meet at a specific public place, and authorizing local government bodies to use communications media technology such as telephonic and video conferencing. EO 20-69 was extended in compliance with the Governor's emergency powers through June 27, 2021. This authorization allowed local governments, at their discretion, to meet remotely in compliance with social



distancing guidelines avoiding unnecessary physical interaction between elected officials, staff, and the public. Remote meetings have allowed local government to provide continuity for budgets, contracts, and procurement decisions; ensured that development approvals continued; and has permitted local elected officials to take action to protect the health, safety and welfare of their communities during the worst days of the pandemic to continue in the Sunshine.

Article 1, section 24(b) of the Florida Constitution requires that all meetings of the collegial boards governing counties be open and noticed to the public whenever official acts, such as the adoption of a budget, are taken or when other public business is to be transacted and discussed. Section 286.011(1) declares meetings of any board or commission of any state agency, county, city, or political subdivision to be public meetings to be taken and must be open to the public at all times. In AGO 20-03, Attorney General Moody notes that, though there is no case law on point, a series of Attorney General Opinions have established the general rule that members of a board may participate in and vote at meetings remotely, but that a quorum of the board's members must still be physically present to take action.¹

These general provisions govern the public meetings and, since neither expressly requires an in-person quorum or specifies a means to meet, the Legislature was free to authorize most state agencies to hold public meeting via "communications media technology" in 1997. The Legislature has subsequently authorized numerous other public entities to conduct meetings using communications media technology.² Florida court proceedings are not subject to the Sunshine Law, but the participants are entitled to due process under the constitution, which tends to require greater notice and access than that required by the Sunshine Law. Both Florida and Federal Courts have begun holding civil hearings virtually, allowing both evidence and testimony to be taken using communication meeting technology. A few Florida courts have also impaneled juries. This would imply that the courts believe that the virtual meeting procedures can comply with the due process requirements of both the U.S. and Federal Constitution.

FISCAL IMPACT: None

¹ Op. Att'y Gen. Fla. 83-100 (1983), opining that a county could not conduct a meeting unless members constituting a quorum were physically present; Op. Att'y Gen. Fla. 92-44 (1992), Op. Att'y Gen. Fla. 98-28, and Op. Att'y Gen. Fla. 2002-82 (2002) establishing that board members could vote in a meeting where a quorum was physically present; Op. Att'y Gen. Fla. 2003-41 (2003) concluding that a member participating remotely could not be counted toward a quorum; Op. Att'y Gen. Fla. 2010-34 (2010) finding that an ordinance could not authorize a local government board to meet the quorum requirement.

² Entities created under subsection (7) of the Florida Interlocal Cooperation Act of 1969 section 163.01, Fla. Stat. (2019); Water management district governing board, committees, and advisory boards. Section 373.079(7), Fla. Stat. (2019); Florida Inland Navigation District (Sec. 374.983(3)); Meetings of the Florida Building Commission and any meetings associated therewith. 553.75(3); Charter school governing boards 1002.33(9)(p)3; Jacksonville Transportation authority (though a quorum is still required to be physically present) § 349.04(8), Fla. Stat. (2019).



SUBMITTING COUNTY: This proposal was a part of the FAC 2021 Legislative Program and was resubmitted by FAC Staff. Also submitted by Orange and Okeechobee Counties and the Officers of the Small County Coalition.

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Not Applicable

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-08: REINSTITUTE THE QUALIFIED TARGETED INDUSTRIES TAX REFUND PROGRAM

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT reinstituting the Qualified Target Industry Tax Refund Program

BACKGROUND: The Qualified Target Industry Tax Refund Program (QTI), established in 1995, was intended to encourage the creation of highwage jobs (115 percent or more of the area or statewide annual wage) in targeted industries, with awards ranging from \$3,000 - \$13,500 per job. The targeted industries, as designated by Enterprise Florida, Inc., and the Department of Economic Opportunity (DEO), include: aviation and aerospace, clean technology, defense and homeland security, financial and professional services, headquarters, information technology, life sciences, logistics and distribution, and manufacturing. Unless waived by the DEO, the city or county government in which the project is located must provide 20 percent of the award. QTI is a grant program, subject to annual appropriation. Grants are contingent upon the verified creation of new jobs and taxes paid by the business in an amount equal to the grant in: corporate income taxes, insurance premium taxes, sales and use taxes, intangible personal property taxes, excise taxes on documents, ad valorem taxes, or state communications services taxes. Each QTI project has a performance-based contract, which outlines specific milestones that must be achieved and verified by the state prior to payment of the grant, distributed over four or more years. The program sunset in 2020. However, tax refund agreements in effect before June 30, 2020 continued in effect through the terms of the agreement. DEO reports there were 161 active QTI agreements in Fiscal Year 2019-2020, \$24.4 million in payments (state and local match), and 7,890 confirmed jobs created. To date, the program has made \$256.4 million in payments to qualified businesses.

ANALYSIS: In January 2020, the Office of Economic and Demographic Research (EDR) produced the report *Economic Evaluation for Select State Economic Development Incentive Programs*. The report evaluated the various economic development programs offered by the state of Florida. The QTI program rated the highest in terms of return on investment, which EDR measured at 4.34 times investment. This represents the highest measured return on investment (ROI) of the economic development programs measured and significantly higher than the next measured ROI of 1.51 for the Brownfields Bonus Redevelopment Tax Refund.

FISCAL IMPACT: The QTI program has always been subject to annual appropriation, limiting the impact to the amount appropriated in any given year.

SUBMITTING COUNTY: Citrus County

ASSIGNED COMMITTEE: FTA



BOARD SUPPORT: No Position

UNFUNDED MANDATE: Unless waived by the DEO, the city or county government in which the project is located must provide 20 percent of the award.

PROTECTIVE OF HOME RULE: N/A



FTA-PP-09: INCENTIVES FOR FILM, TELEVISION, AND DIGITAL MEDIA

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT a state funded economic development program for Film, Television and Digital Media Industry.

BACKGROUND: Florida is the only state in the Southeast, and one of just sixteen states in America, without a program to compete for film and television projects which puts us at a major competitive disadvantage. Just two decades ago, Florida was #3 in the country (behind California and New York) for film and television production. The last program for the film, television and digital media industry sunset in 2016. Since that time, Florida has lost close to 100 major film and television projects that would have spent over \$1.5 BILLION statewide, created 125,000+ cast and crew jobs, and booked more than 250,000 hotel room nights. Florida has great potential for filming and has shown what it can do with the proper support. We are committed to working with legislators and stakeholders to send the signal that despite the recent losses, Florida is open for business and competing for high wage jobs in the film, television and digital media industry. Putting Floridians back to work at home, generating new revenues and increasing tourism is an important step toward growing and diversifying our economy. During the 2021 Legislative Session, Senator Joe Gruters filed SB 704 and Rep Dana Trabulsy filed HB 757. These bills contained the framework for a targeted program that would allow Florida to compete with other states (and countries) in attracting film and television production work. The pair of bills had more co-sponsors than almost any other bills in session. The bills received bi-partisan support and had the backing of the Florida Chamber, Florida TaxWatch, and Associated Industries of Florida. SB 704 passed favorably out of its first committee by overwhelming vote. Unfortunately, Florida House Leadership would not allow HB 757 to be heard in committee, killing the bills.

ANALYSIS: This is a state wide industry. There is a massive economic impact when a television series and/or feature film sets up in a location. When an average feature film or television series films in a location, they spend \$20 million in the local community while hiring 1,500 Floridians. One single production can put \$150,000 per day directly in the pockets of citizens and small businesses. This also generates significant local and state tax revenues. In 2020, the average annual wage for a film and entertainment industry professional in Florida was \$89,390, exceeding the state's average annual wage for all industries of \$55,845 by 60.1% (according to DEO's Bureau of Workforce Statistics and Economic Research). Our industry produces high-wage jobs, the type of jobs we believe have a positive impact on our state. Additionally, a 2013 VISIT FLORIDA survey showed 22.7% of domestic tourists in Florida said something they saw on film or television contributed to their decision to visit our state. A study from the Association of Film Commissioners International (AFCI) showed 20% of worldwide tourists are influenced by film or television when choosing their destination. In the decade since Dolphin Tale was released, attendance at the Clearwater Marine Aquarium has skyrocketed from less than 200,000 per year



to a peak year of nearly 800,000 while the additional tourism in Pinellas County supports 11,000 permanent jobs in the area. The Clearwater Marine Aquarium recently completed an \$80 million expansion made possible in large part due to the success of Dolphin Tale and Dolphin Tale 2. Over the next decade, CMA is projected to have a \$7.1 billion economic impact in Pinellas County including \$437 million total state and local taxes generated and 4.7 million hotel room nights generated. According to the Monroe County Tourism Development Council, after Season 1 of Bloodline was filmed in the Florida Keys, more than \$65.5 million in incremental tourism spending was attributed to the Netflix series from people that watched Bloodline and decided to visit the Keys. The Netflix series filmed 3 seasons in the Keys before being cancelled prematurely due to the state's refusal to extend a previous incentive program for the industry. Every year an estimated 5,000+ students graduate from Florida-based colleges and universities with film or digital media degrees. Those students, many of which attend state-funded institutions, are taking their degree and moving to other states to find jobs. Florida is home to 30+ colleges and universities with film and/or digital media degree programs. Graduates from Florida-based institutions are some of the most sought-after talent in the world. Those students are graduating and leaving our state to find jobs because of the lack of jobs in Florida.

FISCAL IMPACT: The "Targeted High Wage Production Program" would bring more high-paying jobs (\$89,390 per worker), widen the industry's impact on the state by giving a bonus for underutilized areas, enhance tourism by choosing projects that encourages visitation to the state, and encourage more family-friendly productions to the state – the kind of projects we'd be proud of. Selection of projects (vetted by Florida Film and Entertainment Advisory Council, members appointed by Governor, President of the Senate, and Speaker of House) will be prioritized to those offering the highest ROI and economic benefit. The ROI will be at least 1:1, meaning the state makes money while creating at least \$5 of in-state spending for each dollar. That's better than any similar program in the country. This program is performance-based– awarded to a project after all spending has been made in the state and verified, safeguarding the program.

SUBMITTING COUNTY: Film Florida

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-10: LOCAL GOVERNMENT REPORT REDUCTION

STAFF RECOMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation to implement recommendation 3 of the Florida Local Government Efficiency Task Force Report regarding mandated local government reports to the State. Further, SUPPORT revising the manner in which the State publishes required reporting in order to eliminate misleading and erroneous conclusions.

BACKGROUND: Report of the Florida Local Government Efficiency Task Force

Carol Whitmore, Chair

May 5, 2021

3. Local government reporting

- a. The task force recommends that, as much as it is practical, the Legislature take steps to consolidate duplicative required local government reports into single reports or existing reports and eliminate any reports utilizing information that has already been developed for other reports, such as that found in the Comprehensive Annual Financial Report (CAFR).
- b. The task force recommends that the Legislature change reporting requirements that conflict with municipal fiscal years (e.g., CAFR and annual report).
- c. The task force recommends that the Legislature amend Florida statutes as needed to require that local government reporting requirements be reviewed every 10 years and unnecessary reports be sunset. Additionally, the task force recommends that when a new report is created, the same review process apply.
- d. The task force also recommends that local government reports submitted to the state be centralized and made readily available for use by the public and other agencies.

Example -- "Statement of County Funded Court-Related Functions, Section 29.0085" Report.

The **Statement of County Funded Court-Related Functions** is a report to show how much Counties expend on the courts. County Comptrollers or Clerks already report all of this information in the Comprehensive Annual Financial Report, but in a different format. This County Funded Court-Related Functions report is also audited separately by external auditors. This report is time consuming to put together in the prescribed format and costs the taxpayers additional money to have the auditors verify the report. This report does not seem necessary when the same revenues and expenditures are included in the Comprehensive Annual Financial Report.

Example -- Taxpayers Accountability and Transparency Project (TATP)



The Taxpayers Accountability and Transparency Project (TATP) was created by the Florida House of Representatives. A website <https://floridatxpayers.com> posts scores in the form a “grade” for local governments in five categories: (i) Government Spending, (ii) Government Debt, (iii) Government Size, (iv) Crime and (v) Education. The website states that the project is “...designed to show residents exactly how effective, both in performance and cost, their local government is when compared with other counties and cities – in areas like government spending, debt, and size.” With regard to debt, the website uses two factors: (1) debt per resident and (2) change in debt per resident (increase or decrease), then ranks each entity and assigns a letter grade (“A,” “B,” “C,” or “D”).

Duplicative – A lot of the same information required by the TATP is already required in the Comprehensive Annual Financial Report that all Counties must submit the CAFR to the State annually.

Misleading and erroneous conclusions – Many of the counties with the highest credit ratings (“AAA” or “AA”) from the rating agencies, received the lowest grade (“D”) by TATP in the Government Debt category. For instance, Orange County’s Debt grade was a “D” while its credit rating from financial institutions is AAA.

There are two dominant factors that lead to the disconnect between the TATP grades and credit ratings.

1. Special revenue-related debt. Most of the larger counties levy Tourist Development Taxes (TDT) and/or other special purpose revenues (voted sales tax, etc.). Special Revenue-related debt can constitute a material portion of an issuer’s outstanding debt. (As an example, 77% of Orange County’s debt is secured by and paid from TDT revenues.) In the case of TDT-secured debt, almost 100% of the debt is paid by non-residents. Therefore, including TDT-secured debt in the TATP ratio is inconsistent with the concept of “debt per resident,” as residents essentially do not pay the tax
2. Voter-approved sales tax and other special taxes. Voter-approved programs are presented to the public via a referendum with a plan that often includes large debt issuances in order for projects to be completed quickly. These special taxes create incremental revenue streams and accordingly, do NOT take away from traditional general governmental resources

Each county has its own unique fact pattern that should be considered when assigning debt management scores. Rating agencies consider all these factors and more — income, assessed value, management, etc. — when assigning credit ratings. The more simplistic TATP grading system does not. In order to provide an accurate grade, the analysis needs to move beyond debt per resident and consider the factors that lead to widely different debt levels or, at a minimum, adjust for debt that is not paid by residents.

ANALYSIS: The TATP program was an initiative of the Florida House of Representatives. While legislation establishing permanent reporting was considered, it did not pass into law. The House went ahead and developed a website posting the above-mentioned data and grading system, however, the website is no longer active and no evidence of it remains.



Additionally, the direction of the legislature has been to increase, rather than decrease, the required reporting by local governments, instating new reporting requirements to the Office of Economic and Demographic Research.

FISCAL IMPACT: Elimination of duplicative reporting will reduce local cost of generating reporting to the state.

SUBMITTING COUNTY: Orange County

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-11: PUBLIC RECORDS – COUNTY ATTORNEY

STAFF RECOMMENDATION: Defer to Committee

POLICY PROPOSAL: SUPPORT a public records exemption for information that could identify or locate current and former county attorneys or assistant county attorneys and their spouses and children.

BACKGROUND: This proposal was included in the FAC 19/20 Policy Platform. Bills were filed by members of the Pasco County delegation: Sen. Hooper filed SB 248, which passed the Senate but was not taken up by the House; Rep. Maggard filed HB 63, which did not get a hearing in the House. The bill would have made the information *exempt* from disclosure, but not *confidential and exempt*, which would allow the release of the information at the discretion of the records custodian under certain circumstances.

ANALYSIS: This proposal would provide an exemption from public records disclosure for personal identifying and location information of current and former county attorneys and assistant county attorneys, including names, personal identifying and location information of spouses and children of such attorneys. County Attorneys serve as the chief legal counsel for the county and are authorized to appoint assistant attorneys. County attorneys provide legal representation to the board, the county administrator, and various departments and boards organized under the authority of the board of county commissioners. They also draft and review contracts and ordinances and initiate and defend civil actions on behalf of the county in state and federal court.

From the legislative staff report for SB 248:

Because county attorneys are often tasked with, or directly involved in, firing disgruntled employees, prosecuting code enforcement violations, and resolving other controversial matters involving the use of someone's land or the removal of animals for suspected neglect and abuse, they find themselves in difficult and emotionally-inflamed situations. Instances have been reported in which persons who felt that they were mistreated by the county attorney or who were angry with an outcome retaliated. Forms of retaliation included attempts to confront the attorney away from the office, posts of personal identifying information on social media in an effort to intimidate the attorney, and threats issued in person and online. As a result of one reported instance, a law enforcement officer escorted a threatened county attorney for extended periods of time to ensure his protection while traveling to meetings and hearings.¹

FISCAL IMPACT: None

SUBMITTING COUNTY: This proposal was a part of the FAC 2021 Policy Program and was resubmitted by Okeechobee County and the Officers of the Small County Coalition



ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Not Applicable

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-12: PUBLIC RECORDS - COUNTY ADMINISTRATION STAFF

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT amending s. 119.071, F.S., to provide a public records exemption for county administrators, deputy county administrators and assistant county administrators.

BACKGROUND: Protecting the private information of senior county leadership and their families is a public necessity. Over the past several years, and particularly as a result of the COVID-19 pandemic, death threats have been made towards the County Administrator of Broward County that were subsequently investigated by law enforcement. It is imperative that the state make efforts to prevent threats from transforming into actionable capability to commit violence against the policymakers of county government. County administrators, deputy county administrators and assistant county administrators provide essential functions for the continuity of local government and must be protected. The abuse of the public records requests system has created security gaps that must be addressed to ensure that the first amendment is respected but is not mutually exclusive to the protection and safety of county leadership.

ANALYSIS: Broward County is concerned for the safety of its county administrators and the continuity of government should threats escalate.

There are currently 21 exemptions for stated state and local positions. Exempt positions include: sworn law enforcement, judges, state attorneys, correctional officers, probation officers, firefighters; human resource, labor relations, or employee relations officers; code enforcement officers, public defenders, revenue collection officials, county tax collectors, emergency medical technicians and paramedics, and personnel in an inspector general's office.

FISCAL IMPACT: The requested changes to public records laws are expected to yield an indeterminate reduction in the County's overall cost of servicing these requests.

SUBMITTING COUNTY: Broward County

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-13: PUBLIC RECORDS – COUNTY STAFF

STAFF RECOMENDATION: Defer to Committee

POLICY PROPOSAL: SUPPORT legislation granting public records exemptions to counties which allow the protection of security personnel and senior county leadership (county administration and county attorneys staff).

BACKGROUND: This proposal is seeking FAC's support for a bill amending s. 119.071(1), F.S., providing an exemption for county security personnel, county administration, and county attorney home addresses, telephone numbers, as well as, amending s. 119.07(1)(f) to include security system operation meetings.

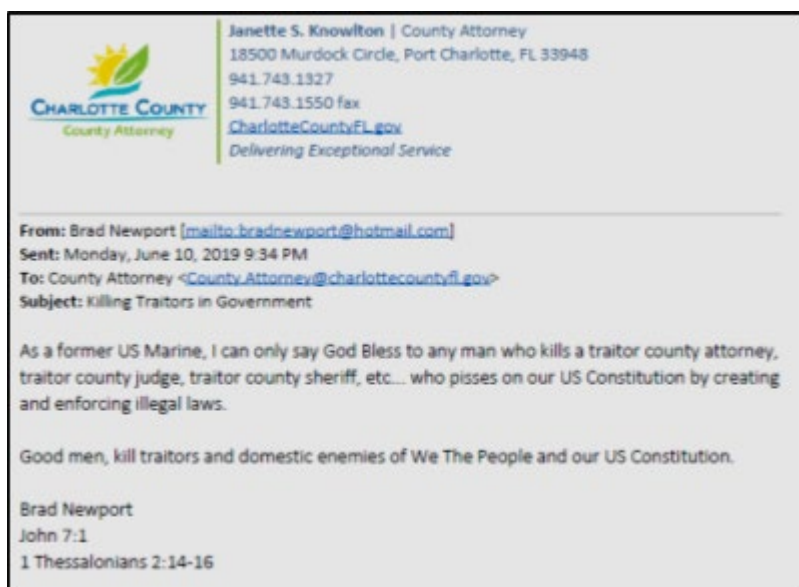


Figure 1: Email sent to Charlotte County Attorney

Over the last several years, at least one county has unfortunately experienced an uptick in anti-government activities and incidents from individuals and groups. These incidents include: stalking of County Attorney¹, filming of County security personnel and security systems², and harassing a stalking victim and witness^{3,4}. One such individual is being investigated by the Federal Bureau of Investigation and was found with 36 guns, including an AR-15-style rifle and a shotgun, along with thousands of rounds of ammunition^{5,6}. Of note, he specifically targeted the County Attorney and County security staff members.



This request is to impede a willingness to commit harm as shown in *Figure 1* from transforming into actionable capability to commit violence.

For a local community, these terrible incidents have created a chilling effect among staff and security personnel. We need a solution. Exempting the home addresses of security personnel, county administrators, and the county attorney's office maintains the necessary balance of freedom of speech and public safety. These positions provide essential functions for county safety, they must be protected. The abuse of public records requests system has created security gaps that must be addressed to ensure that the first amendment is respected, but that the continuity of county security and leadership is protected.

ANALYSIS:

- There is concern for county security given the heinous tactics and machinations that security personnel, county administration offices, and county attorney offices have experienced.
- At least one county has had serious difficulty recruiting and retaining security personnel given these abuses.
- The policy proposal requests that FAC act to reduce the paths of least resistance for domestic terrorist, harassers, and criminals.
- There are currently 21 exemptions for stated state and local positions. Exempt positions include: sworn law enforcement, judges, state attorneys, correctional officers, probation officers, firefighters; human resource, labor relations, or employee relations officers; code enforcement officers, public defenders, revenue collection officials, county tax collectors, emergency medical technicians and paramedics, and personnel in an inspector general's office.

FISCAL IMPACT: The requested changes to public records laws are expected to yield an indeterminate reduction in the County's overall cost of servicing these requests.

SUBMITTING COUNTY: This proposal was a part of the 2021 FAC Policy Program and was resubmitted by Okeechobee County and the by the Officers of the Small County Coalition

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Not Applicable

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-14: PUBLIC RECORDS - REQUEST AGGREGATION

STAFF RECOMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT legislation clarifying the aggregation of serial public records requests and requiring requesters pay outstanding record request bills before any further requests be processed is allowable.

Background: The proposal seeks FAC's support for a bill amending s. 119.07 (4)(d) to add clarifying language to allow for the aggregation of serial public records requests and require requestors to pay outstanding record request bills before any further requests be processed. Over the last couple of years, certain counties have seen an unprecedented rise in public records requests. The context of this influx appears to be attempts by requestors to constantly modify their requests to evade administrative charges. For example, a requestor will request emails from a specific time period.

Once a cost estimate is provided, the requestor will then break down the request by day to avoid fees, abusing administrative services.

These abuses must not be allowed to persist and strain administrative time and resources.

To reduce such abuses, certain counties have acted and instituted a policy of *"aggregating multiple related requests made by one individual (or multiple individuals belonging to one group or organization) within a thirty (30) day time period for the purpose of calculating special services fees for extensive use of information technology or excessive staff time."*

In *Figure 1* is a list of different policies on Public Records Aggregation throughout the state.



City of Pensacola's Public Records Policy- (Escambia County)

All past due fees for records compiled for a previous request for the City's public records must be paid before complying with the requester's subsequent request(s).

Multiple requests by one individual may be considered as one request and extensive use charges may be applied after the first thirty (30) minutes of staff or resource time.

City of Deltona's Public Records Policy- (Volusia County)

If a requestor makes multiple related requests in an attempt to evade these rules, the multiple requests will be aggregated and costs will be calculated as one request as to time spent and costs calculated under these policies.

For any and all requestors that have requested records and have not paid in full for those records, the Clerk will not process another public records request until the outstanding balance is paid in full.

University of South Florida's Public Records Law Compliance and Records Confidentiality- (Hillsborough County)

The special service charge may be based on the aggregate amount of time expended by all personnel and use of information technology resources, whether in response to a single request or multiple requests received from the same Requestor within a one-month period of time.

Figure 1: List of different policies on Public Records Aggregation

ANALYSIS:

- There is concerned that these abusive requesters will be able to continue using these tactics to avoid charges and hamper administrative resources.
- The goal of the proposal is to limit public record request abusers that seek to usurp standard cost charges and burden county administration services.

FISCAL IMPACT: The requested changes to public records laws are expected to yield an indeterminate reduction in the overall cost of servicing these requests.

SUBMITTING COUNTY: This proposal was a part of the 2021 FAC Policy Program and was resubmitted by Okeechobee County, and the Officers of the Small County Coalition

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: Not Applicable.

UNFUNDED MANDATE: No



PROTECTIVE OF HOME RULE: N/A



FTA-PP-15: PUBLIC RECORDS – SUPERVISOR OF ELECTIONS PERSONNEL

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT amending Chapter 119.071(4)(d)(2) to include the protection from public records requests of all personally identifying information to all personnel of the office of the Supervisor of Elections.

BACKGROUND: In light of the increasing number of physical threats on Supervisors of Elections and their deputies, it is imperative to offer each of these people the statutory protection of address protection afforded to judges, law enforcement personnel, and other public servants who regularly encounter such threats. This proposal would amend FS Chapter 119.071(4)(d)(2) to include the protection from public records requests of all personally identifying information to all elections personnel. Proposed Statutory language: 119.071(4)(d)(2)(u): The home addresses, telephone numbers, and dates of birth of current and former county supervisors of elections, current and former employees of county supervisor of election offices, and current and former poll workers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such supervisors of elections and employees of county supervisor of election offices; and the names and locations of schools and day care facilities attended by the children of such supervisors of elections and employees of county supervisor of election offices are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. NOTE: This policy proposal originates from the Florida State Association of Supervisors of Elections and is one of their top legislative priorities for 2022. For more information, please contact Alan Hays, Lake County SoE, at alan@lakevotes.gov or Mark Earley, Leon County SoE, at Vote@LeonCountyFL.gov. This policy proposal will be presented to the Leon County BOCC in September 2021 for its consideration and approval.

According to the Brennan Center, “violent threats against election workers reached an alarming level in 2020 and continue in 2021. ...One in three election officials feel unsafe because of their job, and nearly one in five listed threats to their lives as a job-related concern.” (Source: <https://www.brennancenter.org/our-work/policy-solutions/election-officials-under-attack>) The problem is severe enough that the U.S. Department of Justice recently launched a task force to address the rise in threats against election workers. “To protect the electoral process for all voters, we must identify threats against those responsible for administering elections, whether federal, state, or local,” said Deputy Attorney General Lisa O. Monaco. “A threat to any election official, worker, or volunteer is a threat to democracy. We will promptly and vigorously prosecute offenders to protect the rights of American voters, to punish those who engage in this criminal behavior, and to send the unmistakable message that such conduct will not be tolerated.” (Source: <https://www.justice.gov/opa/blog/justice-department-launches-task-force-combat-threats-against-election-workers-0>) As the 2022 elections approach, the Florida legislature can do its part in protecting the safety of election workers by protecting their personal addresses and phone numbers, as well as the personal information of their spouses and children.



ANALYSIS: This policy not only improves the safety of election workers and their families, but it should also reduce the increased attrition among elections personnel. Throughout the nation, many election administration workers are leaving their positions, resulting in a dramatic loss of institutional knowledge and expertise. In counties that have analyzed these resignations, “it is clear that many [elections personnel] have recently left because of the newfound partisan rancor around the jobs and the threats many local election workers faced leading up to [November 2020 election].” (Source: “Exodus of election officials raises concerns of partisanship”, AP, June 13, 2021. https://apnews.com/article/election-officials-retire-trump-2020-threats-misinformation-3b810d8b3b3adee2ca409689788b863f?utm_source=twitter&utm_medium=ap&utm_campaign=socialflow) This policy is meant to protect local elections personnel and their immediate family members. Exempting their home addresses and phone numbers from public records requests will provide them with additional security from personal threats and, consequently, should reduce the number of local elections personnel who leave their jobs out of concern for their safety. Enabling elections personnel to perform their duties -- while ensuring their safety and the safety of their families -- is an essential component of our nation’s democracy.

There are currently 21 exemptions for stated state and local positions. Exempt positions include: sworn law enforcement, judges, state attorneys, correctional officers, probation officers, firefighters; human resource, labor relations, or employee relations officers; code enforcement officers, public defenders, revenue collection officials, county tax collectors, emergency medical technicians and paramedics, and personnel in an inspector general’s office.

FISCAL IMPACT: The fiscal impact of this policy should be negligible, as the state and local processes and systems for implementing it are already in place.

SUBMITTING COUNTY: Leon County

ASSIGNED COMMITTEE: FTA

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FTA-PP-16: PUBLIC RECORDS – ANIMAL CONTROL OFFICERS

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT legislation creating a public records exemption for the personal information of current or former “animal control officers”, as defined in Section 828.27, Florida Statutes.

BACKGROUND: Animal control officers provide an invaluable service in the enforcement of state and local laws regarding the care and treatment of both companion animals and livestock. In the course of performing their duties, Animal Control Officers encounters with animal owners may result in threats and aggressive behavior from owners who may be cited for violations or face the removal of their animals due to neglect or abuse.

ANALYSIS: Section 119.07, Florida Statutes, currently includes a number of exemptions for governmental employees whose job duties may result in threats and/or danger to them and their family members. For example, Subsection 119.071(4)(d)2.g, exempts the personal information of code enforcement officers and their family members from public disclosure. The duties of code enforcement officer and animal control officers are in many ways similar as both are charged with enforcing elements of local codes of ordinances resulting in daily contact with community residents under circumstances which are often difficult or contentious. Despite efforts to approach each complaint with the professionalism necessary to resolve the matter in the manner best for both the owner and the animal, it is not uncommon for an owner to react adversely and threaten an animal control officer. The proposed amendment is intended to provide a statutory layer of protection to animal control officers and their families by shielding their personal information from disclosure as a public record.

There are currently 21 exemptions for stated state and local positions. Exempt positions include: sworn law enforcement, judges, state attorneys, correctional officers, probation officers, firefighters; human resource, labor relations, or employee relations officers; code enforcement officers, public defenders, revenue collection officials, county tax collectors, emergency medical technicians and paramedics, and personnel in an inspector general’s office.

FISCAL IMPACT: Not Applicable.

SUBMITTING COUNTY: Saint Lucie County

ASSIGNED COMMITTEE: FTA



BOARD SUPPORT: Not Available

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-01: COUNTY MEDICAID COST SHARE GROWTH

STAFF RECOMMENDATION: Not Adopt – Provide FAC and SCC staff discretion to monitor and act

PROPOSED POLICY: SUPPORT efforts to mitigate increases in Medicaid costs to counties.

BACKGROUND: During the 2013 Legislative Session, the Legislature passed Senate Bill 1520 modifying the method of calculating what each county is required to pay in the State County Medicaid Cost Share program. The statutes changed the criteria for calculating each county share from a formula based on “utilization” to a formula based on “enrollment”. The change in the county share calculation method outlined a seven-year implementation schedule that changes the County Cost Share formula from being 100% utilization based to 100% enrollment-based. In addition, the statutes determined that the level of overall growth of the County Cost Share program would be based on the percentage growth of the overall state Medicaid expenditures. Specifically, for fiscal years 2015-2016 through the 2019-2020 state fiscal year, the total amount of the counties’ annual contribution shall be the total contribution for the prior fiscal year adjusted by 50 percent of the percentage change in the state Medicaid expenditures as determined by the Social Services Estimating Conference.

ANALYSIS: For each fiscal year after the 2019-2020 state fiscal year, the total amount of the counties’ annual contribution shall be the total contribution for the prior fiscal year adjusted by the percentage change in the state Medicaid expenditures as determined by the Social Services Estimating Conference. The projections for FY 21-22 are greater than prior years. At a time of limited revenues and efforts to reduce the local tax burden – counties are facing a plethora of challenges.

FISCAL IMPACT: If no change is made to the statutes governing the method for calculating the rate of growth in the County Medicaid Cost Share program - after FY 2021-22 – the rate of growth in the County Medicaid Cost Share will likely continue to increase.

SUBMITTING COUNTY: Small County Coalition

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-02: INMATE HEALTH CARE COSTS

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT legislation to expand Florida Medicaid eligibility under the state's plan to cover inpatient services of inmates available under the "Medicaid Inpatient Exception" to the general coverage exclusion in compliance with CMS guidance and federal requirements and permit county governments to participate financially to make the expansion revenue neutral to the state.

BACKGROUND: Current law – F.S. 951.032 requires counties to provide medical care, treatment, hospitalization, and transportation to said treatments. However, the cost of inmate health care who are Medicaid eligible does not extend to inmates that have not yet been adjudicated as guilty. Medicaid exceptions at the federal level, that would provide coverage for inmate hospitalizations exceeding 24 hours are not included in the state's plan. The county and its citizens currently finance the total cost of medical care for the inmates. This approach closely resembles the state adopted initiative for Public Emergency Medical Transport (PEMT), administered by the Florida Agency for Health Care Administration (AHCA).

ANALYSIS: Adopting the proposed policy, would grant counties access to federal funding already allocated for by current federal regulations. Additionally, this would require counties to participate financially to make the coverage revenue neutral to the state. Ultimately, this would provide counties with a funding source to assist in alleviating budget shortfalls.

FISCAL IMPACT: Indeterminate – based on individual circumstances

SUBMITTING COUNTY: Volusia

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: Yes

UNFUNDED MANDATE: Yes

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-03: DRIVER'S LICENSE SUSPENSION (DMV)

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT legislation to remove the Department of Highway Safety and Motor Vehicles' authority to suspend a person's driver's license based on a failure to pay fines or fees if the underlying offense is not driving-related.

BACKGROUND: In recent years, governments have started using driver's license suspension as a tool to get residents to comply with obligations. Current Florida law allows driver's licenses to be suspended for various reasons, including failure to pay a fine, failure to appear in court, failure to complete traffic school, failure to pay child support, and more. Data from the Miami-Dade Clerk of Courts Office from June 2021 indicates that there are 599,430 residents in Miami-Dade County alone with a suspended driver's license. Additionally, research has demonstrated that this problem afflicts communities of color disproportionately, with a 2016 report indicating that 59% of people arrested for Driving with a Suspended License between 2012-2015 were black. Bill analysis from HB 903 (2020) also states that nearly 2 million of the more than 14 million driver's licenses issued in Florida are suspended for unpaid fines. Suspended licenses harm residents by making it harder for them to keep their job, get to school or work, and pay what they owe. A study in New Jersey found that 42% of people whose license was suspended, lost their job as a result. Data suggests that as many as 75% of people with a suspended driver's license continue to drive. This system can lead to a vicious cycle of debt where failure to pay a fine for a non-driving related offense can lead to a debt spiral and even jail. Bills filed around this issue include HB 903 (2020), and SB 838 (2021).

ANALYSIS: Passage of legislation would have a positive impact to the hundreds of thousands of Miami-Dade residents, and the more than 2 million statewide, who have had their licenses suspended for non-highway safety related reasons, allowing them to legally drive again and participate in the economy and their communities more.

FISCAL IMPACT: According to the bill analysis of HB 903 (2020), the limiting of driver's license suspensions to criminal offenses relating to the operation of a motor vehicle was estimated to reduce license reinstatement fee revenue by \$638,450 to the General Revenue Fund, and by \$302,423 to the Highway Safety Operating Trust Fund. Dr Steve Mello, an economist at Dartmouth College and a faculty research fellow at the National Bureau of Economic Research, found that license suspensions decrease individual consumer spending by 2.2% and that the practice of license suspension for unpaid debt results in a Statewide decline in consumer spending of about \$491 million. The bill analysis also stated it may have an indeterminate impact to fines and fees collected from the courts if there is no longer the threat of driver license suspension for nonpayment. But there would be a positive fiscal impact from hundreds of thousands of residents being able to fully participate in the economy, pay taxes, improve their economic standing, and overall reduce unemployment.



SUBMITTING COUNTY: Miami-Dade

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-04: PARAMEDIC PEDIATRIC CERTIFICATION

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT legislation to require Paramedic Pediatric Certification in addition to current certification requirements to become an Emergency Medical Technician (EMT) or Paramedic.

BACKGROUND: According to the Children's Defense Fund 2018 statistics, Florida has the third-largest population of children under the age of 5 (1,143,183) and under the age of 18 (4,229,081), behind California and Texas, respectively. The most well-known and accepted pediatric credentials are PALS, the National Association of Emergency Medical Technicians (NAEMT) Emergency Pediatric Care (EPC) programs, and Pediatric Education for Prehospital Providers (PEPP) by the American Academy of Pediatrics. All three certifications are 16-courses.

ANALYSIS: Currently, Florida requires paramedics to complete 30 hours of pediatric training every two years. Unfortunately, the training effectiveness varies widely. Completing a training course during certification would count toward required training and help to ensure paramedics are prepared to care for sick and injured children. If required by the state, every training institute would likely include the certification course into the standard paramedic school curriculum. EPC, for example is a 4-year certification (PALS and PEPP are each 2-year certifications), so paramedics would be required to maintain a pediatric credential to maintain their paramedic certification.

FISCAL IMPACT: N/A

SUBMITTING COUNTY: Pasco

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: No Position

UNFUNDED MANDATE: Yes

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-05: DERELICT VESSELS

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT adding County Code Enforcement Officers to the list of officers who can order the removal of derelict vessels.

BACKGROUND: Derelict vessels have become an increasingly problematic issue in Florida. Florida Statute 823.11(3) and s. 327.70 currently allows only sworn law enforcement officers to order the removal of derelict vessels. Local governments, sometimes with financial assistance from FWC, are often burdened with the responsibility and cost of derelict vessel removal and disposal. Derelict vessels contribute to water quality impairments, navigational hazards, and threats to public safety.

ANALYSIS: Many Sheriff Departments are understaffed and focused on more urgent law enforcement issues which leaves derelict vessel removal less of a priority. Adding County Code Enforcement Officers to the list of officers who can order the removal of derelict vessels will help expedite the process.

FISCAL IMPACT: N/A

SUBMITTING COUNTY: Escambia

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-06: 911 FEE INCREASE

STAFF RECOMMENDATION: Not Adopt – E911 Board is authorized to increase fee.

PROPOSED POLICY: SUPPORT legislation to modify existing language in state statute to increase the 911 fee.

BACKGROUND: The 911 fee was enacted over 30 years ago at an amount of \$0.50 per month per device accessing 911 services. In 2015, the 911 fee from was decreased from \$0.50 to \$0.40 as part of an expansion of the E911 fee to prepaid wireless service in a manner designed to be revenue neutral. Prior to this expansion and fee reduction, total E911 revenues had dropped each year from 2008-09 through 2014-15. Since 2014-15, total E911 revenues have increased each year. Additionally, the legislation that reduced the fee and expanded the base granted the authority to increase the fee to the E911 Board by a two-thirds vote. Counties have five representatives on the eleven-member board.

ANALYSIS: Thirty years ago cell phones didn't exist, there was no digital mapping, no text to 911, no routers, switches, gateways; 911 answering equipment was mechanical, not software driven and digital. Now, Next Generation 911 is emerging and the cost of providing 911 will rise yet again, increasing the fund deficit even more.

As the authority to increase the fee up to 50 cents is vested in the E911 Board, on which counties have five of eleven members, legislation is not necessary to increase the E911 fee.

FISCAL IMPACT: In FY19, Marion County supplemented 911 operations with \$1,644,883, or 50% of the total cost of allowable 911 expenditures.

SUBMITTING COUNTY: Marion

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-07: LOCAL GOVERNMENTS EMERGENCY POWERS

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT restoring local government emergency powers for public health emergencies.

BACKGROUND: SB 2006-Emergency Management passed during the 2021 legislative session. The bill amends the State Emergency Management Act to address the threat posed by a future pandemic or other public health emergency. More specifically, the bill specifies that the State Emergency Management Act applies to pandemics and other public health emergencies; requires the Division of Emergency Management to include in the state comprehensive emergency management plan provisions addressing public-health-emergency preparedness, response, recovery, and mitigation.

The bill requires the political subdivision imposing an ordinance or other measure that deprives a person of a right, a liberty, or property, to prove that the measure is “narrowly tailored” and serves a “compelling public health or safety purpose.”

ANALYSIS: Emergency orders to automatically expire after 7 days and may be extended by a majority vote of the political subdivision’s governing body. However, orders may not exceed more than 42 days and may not be substantially similar upon renewal.

The Governor has the authority to invalidate an emergency order that “unnecessarily restricts individual rights or liberties.” Lastly, the bill prohibits certain businesses government entities, and educational institutions from requiring documentation of COVID-19 vaccination or post-infection recovery, excluding health care providers. The Department of Health is authorized to issue fines to businesses and institutions who violate the terms, however, the fines may not exceed \$5,000 per violation.

The ability to protect life, health, safety, and welfare is the role of a local government. The inability to protect residents during a public health emergency should be restored.

FISCAL IMPACT: N/A

SUBMITTING COUNTY: Orange

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



HSJ-PP-08: EXEMPTION FOR EMERGENCY BRIEFINGS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation granting an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

BACKGROUND: Okeechobee County is seeking FAC's support for a bill amending s. 286.011, F.S., providing an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

The dreadful COVID-19 pandemic has revealed serious opportunities across all levels of government to improve efficiency and effectiveness during a declared state of emergency. Several times throughout this rolling crisis it has become increasingly clear that allowing an exemption for county elected officials to participate in emergency-related briefings would allow for a more fluid and responsive discussion and execution of policy issues among our county leadership.

ANALYSIS: Okeechobee County is concerned that our counties response in future rolling crises or multiple crises will be limited without such an exemption.

Okeechobee County believes that the exemption provides a reasonable prevention of abuse given that this exemption only occurs during a declared state of emergency. This means that the initiating agent for this exemption of Sunshine Law isn't rooted in the county elected officials but the Governor of the State of Florida.

FISCAL IMPACT: The requested changes to the sunshine laws are expected to yield an indeterminate reduction in the county's overall cost of servicing these requests.

SUBMITTING COUNTY: Okeechobee and the Small County Coalition

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-09: BAKER ACT SERVICES

STAFF RECOMMENDATION: Not Adopt

PROPOSED POLICY: SUPPORT funding to offset fiscally constrained counties with the costs associated with individuals committed to mental health facilities because of the Baker Act. Additionally, support evaluation and changes needed to the Baker Act to ensure that the process is used to appropriately to resolve immediate mental health related threats to person or others and to provide for evaluation, diagnosis, and services, as determined appropriate.

BACKGROUND: The Baker Act is a Florida law structured to provide emergency mental health services and temporary detention for people who are impaired because of their mental illness, and who are unable to determine their needs for treatment. The Act was named after Maxine Baker, former Miami State representative who sponsored the Act in 1972. People who require the use of the Baker Act have often lost the power of self-control, and they are likely to inflict harm to themselves or others. It is important that the Baker Act only be used in situations where the person has a mental illness and meets all the remaining criteria for voluntary or involuntary admission.

The Baker Act encourages the voluntary admission of persons for psychiatric care, but only when they can understand the decision and its consequences and are able to fully exercise their rights for themselves. When this is not possible due to the severity of the person's condition, the law requires that the person be extended the due process rights assured under the involuntary provisions of the Baker Act.

Public and Private Receiving Facilities are licensed by the Agency for Health Care Administration (some are hospitals and others are non-hospital CSU's) and both are designated by DCF. The only difference between a public and private receiving facility is that a public receiving facility is under contract with DCF and receives state appropriated funding for Baker Act services. There are multiple receiving facilities (public and/or private) in some of the more populous counties; some more rural counties have no designated receiving facility. In the latter situations, law enforcement is required to transport persons under involuntary status to the nearest receiving facility, which may be several counties away. Currently, the state contracts with both public and private Crisis Stabilization Units to provide emergency mental health treatment. The average cost is \$300 a day per bed regardless of whether there is someone receiving treatment. This is to guarantee that anyone who needs help can get it.



ANALYSIS: The operation and administration of the Baker Act is governed by Chapter 394.457. Fees and fee collections for patients in state-owned, state-operated, or state-supported treatment facilities shall be according to s. 402.33. In addition, the Dept of Children and Families receives funding from the Florida Legislature for Baker Act Services. (In FY 21-22 - \$72.7 million in general revenue was provided.) Baker Act funds for community inpatient, crisis stabilization, short-term residential treatment, and screening services must be allocated to each county pursuant to the department's funding allocation methodology.

The Department of Children and Families is designated the "Mental Health Authority" of Florida. The department and the Agency for Health Care Administration exercise executive and administrative supervision over all mental health facilities, programs, and services.

Criteria for Use - A person may be taken to a receiving facility for involuntary examination if the following three criteria are met:

1. There is reason to believe that he or she is mentally ill. This means an impairment of the mental or emotional processes that exercise conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with a person's ability to meet the ordinary demands of living, regardless of etiology. For the purposes of this part, the term does not include retardation or developmental disability as defined in Chapter 393, intoxication, or conditions manifested only by antisocial behavior or substance abuse impairment.
2. Because of his or her mental illness the person has refused voluntary examination or is unable to determine whether examination is necessary; and
3. Without care or treatment, the person is likely to suffer from neglect resulting in real and present threat of substantial harm that can't be avoided through the help of others; or there is substantial likelihood that without care or treatment the person will cause serious bodily harm to self or others in the near future, as evidenced by recent behavior.

Initiation of Involuntary Examination - An involuntary examination may be initiated by any one of the three following means:

- A circuit court may enter an ex parte order, based upon sworn testimony, directing a law enforcement officer to take the person to the nearest receiving facility. A law enforcement officer may serve and execute an ex parte order on any day of the week, at any time of the day or night and may use such reasonable physical force as is necessary to gain entry to take custody of the person.
- A law enforcement officer shall take a person who appears to meet the above criteria into custody and deliver the person to the nearest receiving facility.
- A physician, clinical psychologist, psychiatric nurse, or clinical social worker, each as defined in the statute, may execute a certificate stating that he or she has



- examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary
- examination and stating the observations upon which that conclusion is based. A law enforcement officer shall take the person into custody and deliver him or her to the nearest receiving.

Baker Act Involuntary Examination Criteria, Processes and Timeframes

According to Florida law, a person who is being taken in for an involuntary mental health examination must be transported by the police (unless the person is already in the hospital being treated for an emergency medical condition). The police are required to take the person to the nearest Baker Act Receiving Facility (BARF) in the county where the incident takes place. Parents should also be aware that the police are not required to get permission to Baker Act a child, or even to notify parents before it happens. However, most schools and districts do have policies in place requiring that parents be told if their child is being transported to a mental health facility under the Baker Act. The person involuntarily committed is admitted to an approved facility for the 72-hour examination. This is governed by Section 394.463, Florida Statutes. The 72 hours is the upper limit on how long an examination may be; there is no requirement that a person be kept for the entire three-day period. During that time, the facility has 24 hours to conduct a physical examination and can at any point conduct the psychiatric evaluation to determine if the person qualifies for a longer period of treatment. Within the 72-hour examination period, the facility must make one of three decisions. They can:

1. Ask the patient to admit himself on a voluntary basis (assuming he is mentally competent to make that determination).
2. Release the patient; or
3. Petition the court to admit the patient for a longer period of mental health treatment. If the facility petitions for further involuntary treatment, they have an additional five business days within which they must hold a hearing before a judge or magistrate. In these hearings, it is technically the State of Florida that is petitioning for further treatment, even though it was the facility that initially submitted the petition. This is because only the government has the authority to remove a person's liberty. And because this is an adversarial process between the State and the patient, every person who is subject to a petition for involuntary treatment is entitled to have a public defender at the hearing (this only applies after a petition for longer treatment is filed; you do not get an attorney simply because you've been taken in for a 72-hour examination).

FISCAL IMPACT: Indeterminate - The funds are distributed through an allocation formula. Additional information is being developed in discussion with DCF Budget Office.



SUBMITTING COUNTY: Washington, Walton, and the Small County Coalition

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-10: FIREFIGHTER EMPLOYMENT

STAFF RECOMMENDATION: Not Adopt – FAC and SCC staff will seek administrative remedies

PROPOSED POLICY: SUPPORT an expedited process for determination of equivalency and reciprocity allowing out-of-state certificated fire fighters to be hired in Florida on a reciprocal basis. Additionally, support a grace-period whereby a firefighter certified Out-of-State be employed while an application for equivalency is being evaluated.

BACKGROUND: The provision of firefighting services through certified full-time and/or part-time is difficult in certain areas around the State of Florida. Some counties have full-time employees, while some have a Fire Chief that oversee Volunteer Programs. The State Fire Marshal's Office has been very supportive in making adjustments to assist ways that make training more accessible through on-line courses and modifying assessment to be performance based rather than written tests. They also have established grants programs to help local fire departments – in addition, there is an existing process for firefighters that hold certificates from Out-of-State and/or the Dept of Defense to seek certification in Florida through an "Equivalency Process". Although all of these are helpful – local counties would like to expedite and/or streamline equivalency determination by allowing employment of Out-of-State firefighters as they seek equivalency. There is currently a process for review of equivalency based on application for review. There is an interest in further evaluation to determine where equivalency has been provided and the rate of approval and denial.

ANALYSIS: Firefighter Certification Requirements - Florida Fire departments in Florida require that firefighters be at least 18 years old, a high school diploma or GED, and a valid Florida driver's license. Firefighters also need to hold a State of Florida Firefighter Certificate of Compliance and a Paramedic or EMT Basic Certificate by the State of Florida. The minimum standards for firefighter certification in Florida include successful completion of the Firefighter Minimum Standards Course and submission of Application for Certification as a Firefighter II. Certified training centers for Florida firefighters provide courses on both Firefighting I and Firefighting II to meet minimum standard qualifications in the state of Florida. These courses provide the foundational techniques to deal with firefighting situations and emergencies. Firefighters need to know ventilation techniques, how to extinguish different types of fires (electrical, gas, oil, etc.), overhauling a fire scene, and rescue operations. An entry-level firefighter must meet the Firefighter I qualifications with firefighting training from an accredited community college program or fire department training program and EMS First-Responder certification. The Firefighter II level requires training from a Certified Training Center in the state of Florida. Firefighters learn the basics of firefighting hydraulics, fire apparatus operations, and optional aerial operations. Volunteer firefighter and fire department training can be invaluable education for those seeking the minimum standard firefighter certification.



Firefighter Equivalency Requirements - Florida Administrative Code (F.A.C) 69A-37.055(1) states: The Division of State Fire Marshal may issue a certificate to any person who has received basic employment training for firefighters in another state when the division has determined that such training was at least equivalent to that required by the division for approved firefighter education and training programs in this state and when such person has satisfactorily complied with all other requirements of this part.

To determine if an individual qualifies for the Firefighter Minimum Standards Equivalency Examination, they must submit the Preliminary Equivalency Application (DFS-K4-1309) along with documentation of the basic employment training for firefighters that has been completed. The applicant must include a cover letter from Chief of the department or the training center they attended, attesting to the fact that they have successfully completed basic training that meets or exceeds Florida's course content, both in total hours and subject matter, as outlined on the preliminary application.

The Preliminary Equivalency Application (DFS-K4-1309) and accompanying documentation will be reviewed by the Challenge Review Board. If all training requirements are met, the applicant will be mailed an Equivalency Examination Application for Certification as a Firefighter. If accepted – the applicant must pass a written and practical examination. If an application is denied, the applicant is required to attend a Firefighter Minimum Standards Course, at one of the many Certified Training Centers located throughout Florida, in order to be certified as a firefighter in this state.

FISCAL IMPACT: N/A

SUBMITTING COUNTY: Wakulla and the Small County Coalition

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-11: FLORIDA DEPARTMENT OF CORRECTIONS

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT the Florida Department of Corrections efforts to address the recruitment and retention of quality correctional officers for the safe care, custody, and control of inmates, which includes compensation reform for correctional officers and correctional probation officers and providing for 8.5 hour shifts for the correctional staff.

BACKGROUND: The location of State Correctional Institutions, Work Camps, and Re-entry Facilities have historically served as economic cornerstones in Florida's rural counties. These counties welcomed the location of these facilities in their communities and over-time – there is an important economic and social relationship between the State prison and the local community. In many instances, Correctional Institutions are major employers. Prison populations are important to revenue sharing formula and political districts. The families of C.I. employees work in the schools and their children attend the local public school district which relies of the student FTE for funding. Rural communities believe that the relocation, consolidation, and/or closure of C.I.'s in their communities will have a significant impact and request that priority consideration be given to keeping C.I.'s in Florida's fiscally constrained counties open.

ANALYSIS: During the 2020 Legislative Session, there was much discussion about the potential closure of up to as many as four prisons within the Dept. of Corrections System. As a compromise, the legislature included proviso language in the Appropriations bill that stated – “The Department of Corrections **may develop a comprehensive plan for the consolidation of a state operated correctional institution**, as defined in section 944.02, Florida Statutes. The plan shall include specific recommendations for aligning inmate populations with capacity and must identify:

1. The institution, by facility type, capacity, and historical officer vacancy rates.
2. The institution's location and proximity to others within the geographic region.
3. The local labor pool and availability of workforce for staffing the institution.
4. Estimated costs for the continued ongoing maintenance and upkeep needs of the institution identified for consolidation; and
5. Net annual savings generated by an institution consolidation.

The comprehensive plan shall also include recommendations to redirect identified cost savings to address correctional officer salaries and shall be utilized to specifically address current correctional officer employment attrition, turnover, and vacancy rates.

In the event the Department of Corrections elects to develop a comprehensive plan for the consolidation of a state operated correctional institution, a written report of the



plan must be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives no later than December 31, 2021.

Fortunately – no prisons were earmarked for closure, however, Unfortunately, the discussion of closure within the Legislature caused employees to evaluate their employment and since the end of the Legislative Session – the vacancy rates at the prisons across the state have continued to rise.

The Secretary previously testified; he will not be recommending a prison closure in the near term as it would exacerbate FDC from being a system in crisis to a system in collapse. The Secretary's top four recommended priorities for the upcoming session will be a funded comprehensive prison modernization and staffing 18-month study, comprehensive pay reform for correctional officers and correctional probation officers, 8.5 hour shifts for the correctional staff, and inmate programming.

FISCAL IMPACT: The closure of prisons and the elimination of work squads will have a tremendous fiscal impact on local communities. Loss of services, Loss of revenue sharing, reduction of students with the local school district. Overall Prison Employment is a major economic driver in small counties and the service of prison work squads provide valuable labor services in Fiscally Constrained counties.

SUBMITTING COUNTY: Levy, Washington, and the Small County Coalition

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



HSJ-PP-12: COVID-19 PROTECTION PROTOCOLS

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: OPPOSE any preemptions of counties' authority to adhere to CDC and other public health guidelines or mandates designed to protect individuals against the continuing spread of the coronavirus and its deadly variants.

BACKGROUND: As COVID-19 spread across the United States, the earliest efficient responses were driven by localities. However, as the pandemic progressed, many of the most affected counties were prohibited from taking comprehensive action in response to the pandemic. The broader trend of state preemption of local public health interventions accelerated as a result of COVID-19 and left local governments ultimately powerless against the coronavirus and its deadly variants.

ANALYSIS: In a pandemic as detrimental as the coronavirus, counties (especially urban) need the ability to respond in a way that is best for their respective communities.

On June 16, 2021, Governor Ron DeSantis issued Executive Order 21-132 giving a full pardon for offenses related to local government COVID-19 restrictions. He followed up with Executive Order 21-133 stating this would prevent "local government intrusion". September 25, 2020, Governor DeSantis issued Executive Order 20-244, despite the hesitancy local government officials expressed to protect citizens, allowing all Florida businesses to open regardless of local government restrictions and suspending the collection of local fines and penalties associated with COVID-19 regulations upon individuals.

Claiming to mitigate the adverse consequences of the pandemic and to accelerate Florida's recovery, on May 3, 2021, Governor DeSantis issued Executive Order 21-102, suspending all local government orders established and put in place adhering to the Centers for Disease Control (CDC) guidelines to protect citizens from the spread of the deadly coronavirus. This was followed by the passing of SB 2006 that became effective on July 1, 2021.

FISCAL IMPACT: N/A

SUBMITTING COUNTY: Miami-Dade

ASSIGNED COMMITTEE: HSJ

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No



PROTECTIVE OF HOME RULE: Yes



HEALTH, SAFETY & JUSTICE

Community, Health and Human Services Policy

County officials recognize the importance of adequately providing for quality health and human services to protect and assist citizens in need. As a critical link in the federal/state/county human services partnership, counties must be included in formulating and implementing policies that protect the health, safety, and welfare of all the citizens of the state.

- HSJ 1. The Florida Association of Counties supports allowing for flexibility in the delivery of health and human services within communities to achieve the desired level of services based on local needs and priorities.
- HSJ 2. The Florida Association of Counties supports expanding health care access and believe that efforts to refine and enhance state and local programs that provide access to affordable health care are essential.
- HSJ 3. The Florida Association of Counties supports policies that increase access to acute care behavioral health services for individuals and families.
- HSJ 4. The Florida Association of Counties supports policies that increase supportive housing, jail diversion, and employment and education initiatives for people with mental health, substance abuse issues, behavioral health issues and/or disabilities.
- HSJ 5. The Florida Association of Counties supports diverting, medically assisting, or treating the mentally ill outside of the criminal justice process through alternative programs, such as Crisis Intervention Teams.
- HSJ 6. The Florida Association of Counties supports Medicaid reform initiatives to ensure that persons with substance abuse and mental health treatment needs are appropriately served.
- HSJ 7. The Florida Association of Counties supports the implementation of discharge protocols and/or procedures for hospitals, correctional facilities, and mental health facilities when releasing homeless persons.
- HSJ 8. The Florida Association of Counties supports the development of policies that would allow local governments to work with the state and federal government to serve target populations: the chronically homeless, veterans, and families and children, with emphasis on children aging out of the foster care system.
- HSJ 9. The Florida Association of Counties supports policies that promote continued coordination with the state's Council on Homelessness, specifically as it recommends policies and practices in support of the Federal Strategic Plan to End Homelessness.
- HSJ 10. The Florida Association of Counties supports policies that lessen



fragmentation, inefficient operation, and costly duplication of transportation disadvantaged services.



HSJ 11. The Florida Association of Counties supports the implementation of guidance and regulations of Opportunity Zones tax benefits that prevent abuse, encourage developments that provide public benefits in low-income areas within the identifiable zone, and protect local governments and stakeholders.

Community, Health and Human Services Funding

While most health and human service programs and the laws that govern these programs are established by federal and state governments, many of these services are being provided through community-based services at the local level. Given the varying capacity and funding capabilities of counties, adequate federal and state funding to ensure uniformity in the human services continuum.

HSJ 12. The Florida Association of Counties supports, when feasible, directing existing funding from institutional care to community-based care programs.

HSJ 13. The Florida Association of Counties supports increased funding for core and crisis mental health services, including beds, statewide.

HSJ 14. The Florida Association of Counties supports life-saving interventions, including medication-assisted treatment, residential treatment, twelve-step recovery and detoxification programs, and diversions from the criminal justice system.

HSJ 15. The Florida Association of Counties supports increased funding of the Criminal Justice Mental Health and Substance Abuse Reinvestment Grant Program with recurring dollars in a trust fund.

HSJ 16. The Florida Association of Counties supports sustainable matching state funds to counties that have received both planning and implementation Reinvestment Grant funds.

HSJ 17. The Florida Association of Counties supports a system for distributing Low Income Pool dollars that ensures IGT-donor counties are able to direct the federal matching dollars generated by their local IGT contributions to best meet the health care needs of their constituents, rather than having those dollars redistributed throughout the state.

HSJ 18. The Florida Association of Counties supports adequate funding for the Community Care for the Elderly Program, which provides cost efficient diversion from nursing home placement for impaired elders.

HSJ 19. The Florida Association of Counties supports funding Graduate Medical Education programs to meet the healthcare needs of the state and its local communities, with an emphasis on programs that provide for specialties in need, as well as the development of physicians to practice in medically underserved areas.



- HSJ 20. The Florida Association of Counties supports funding for the Florida Healthy Start and Healthy Families program.
- HSJ 21. The Florida Association of Counties opposes policies that further shift state Medicaid costs to counties.
- HSJ 22. The Florida Association of Counties supports the continued evaluation of the county- state Medicaid cost-share arrangement, taking into consideration the impacts of state policies designed to contain growth in Medicaid costs, including statewide Medicaid managed care and diagnosis related group reimbursement for hospitals.
- HSJ 23. The Florida Association of Counties supports increasing state general revenue funding for county health departments (CHDs), and opposes any state reductions to the CHD Trust Funds.
- HSJ 24. The Florida Association of Counties supports maintaining a coordinated system of CHDs that is centrally housed within the Department of Health (DOH).
- HSJ 25. The Florida Association of Counties supports preserving the ability of CHDs to provide primary care and direct patient care services, particularly in communities without adequate substitutes or alternative providers for these services.
- HSJ 26. The Florida Association of Counties supports a dedicated state funding source for homeless programs.
- HSJ 27. The Florida Association of Counties supports the continuation of the Medically Needy program.
- HSJ 28. The Florida Association of Counties supports policies that allocate state funds to hire Veterans Services Officers in counties in order to increase services and federal benefits for Florida veterans.
- HSJ 29. The Florida Association of Counties supports policies that protect the Transportation Disadvantaged (TD) trust fund, as well as dedicated state funding for the TD program, including funding to address unmet TD needs in rural areas.
- HSJ 30. The Florida Association of Counties supports continuing enhanced state funding for cultural historic initiatives.

Public Safety and Emergency Services

Providing for public safety is one of the core functions of county governments. Counties provide for safety through support of first-responder services from sheriffs' offices, ambulance services, fire and rescue, and emergency management centers that protect the public during natural or man-made disasters, terrorism, emergencies, and public health threats.



- HSJ 31. The Florida Association of Counties supports policies that maintain and enhance established trauma care funding, including incentives for the development of new trauma centers.
- HSJ 32. The Florida Association of Counties opposes policies that shift the state's financial responsibility for the trauma system to counties or divert trauma care funding for purposes other than those intended by the existing legislation.
- HSJ 33. The Florida Association of Counties supports policies that protect the ability of counties to provide for coordinated, countywide systems of emergency medical services, and not limit the ability of ambulance and other emergency medical transportation providers to be reimbursed for their services.
- HSJ 34. The Florida Association of Counties opposes sentencing of state inmates to county jails, but supports counties' ability to contract with the Department of Corrections for housing state inmates.
- HSJ 35. The Florida Association of Counties supports funding for capital improvements to county courthouses and other court-related facilities, including jails.
- HSJ 36. The Florida Association of Counties supports policies designed to prevent human trafficking, protect victims, prosecute human traffickers, and create partnerships across all levels of government, the private sector, and state agencies to provide training opportunities for local government employees and their agents to recognize the signs of human trafficking including government inspectors, law enforcement, criminal justice, health care, transportation and public transit, educational partners, and employees working with vulnerable populations.
- HSJ 37. The Florida Association of Counties opposes policies that would shift funds or impede counties from building and maintaining an interoperable radio communication system as authorized by statute.
- HSJ 38. The Florida Association of Counties supports increased funding for locally-operated crime analysis laboratories.
- HSJ 39. The Florida Association of Counties supports policies and funding targeted at enhancing the quality of volunteer firefighting services in rural and unincorporated communities.
- HSJ 40. The Florida Association of Counties supports the provision of state matching funds for all disaster-related / emergency management projects deemed eligible and approved by FEMA including, but not limited to, backup generators for facilities for elders.
- HSJ 41. The Florida Association of Counties supports continued state funding for county EOCs to ensure each is able to meet the minimum structural survivability and operational space criteria established by the state and federal government.



HSJ 42. The Florida Association of Counties supports policies and funding that provide enhanced training and education opportunities for County Emergency Management employees.

Criminal Justice System

Florida's counties also play a critical role in state's criminal justice system, providing prevention, pre-trial, and reintegration services, juvenile programs, victims' assistance, and jail funding throughout the state. Success of such programs hinges on a comprehensive and coordinated approach across local agencies, jurisdictions, and with state and federal partners. When determining appropriate programming and funding, Florida's counties work to encourage improved outcomes for system participants and communities while also seeking cost reductions and efficiencies. Public safety and criminal justice services continue to have increased funding needs, however, as counties and their public safety partners face new and evolving threats to the safety and welfare of their communities and counties must be empowered to adequately address funding of necessary services. Furthermore, considering the interconnected nature of many of these threats, increased federal and state funding is essential to ensure that effective public safety systems are provided throughout Florida.

HSJ 43. The Florida Association of Counties supports policies preserving counties' ability to provide risk assessment pretrial release services that prevent new offenses and ensures appearance as obligated.

HSJ 44. The Florida Association of Counties opposes policies limiting the discretion of the first appearance judges.

HSJ 45. The Florida Association of Counties opposes policies that restrict pretrial services to only indigent defendants.

HSJ 46. The Florida Association of Counties supports policies that reduce county jail expenses, including juvenile and adult diversion programs.

HSJ 47. The Florida Association of Counties supports policies that provide Medicaid eligibility for persons incarcerated in county jails while waiting disposition of their cases and to ensure that existing Medicaid benefits are not terminated during incarceration.

HSJ 48. The Florida Association of Counties supports policies and initiatives which reduce juvenile detention through prevention, civil citation, treatment, and rehabilitation services.

HSJ 49. The Florida Association of Counties supports state investments in juvenile facilities to improve the conditions of secure confinement for detained youth without such costs being shifted to the counties.



- HSJ 50. The Florida Association of Counties supports policies that ensure that adequate safety, supervision, and facility maintenance is provided at juvenile residential assessment centers and secure detention facilities.
- HSJ 51. The Florida Association of Counties supports state funding of Juvenile Assessment Centers throughout Florida to strive to achieve equal treatment of youth offenders.
- HSJ 52. The Florida Association of Counties supports policies that increase judicial oversight and authority for charging and sentencing juvenile defendants as adults without creating additional county service requirements.

WATER AND ENVIRONMENTAL SUSTAINABILITY

Water

Increased demands on Florida's water supply are forcing many diverse interests to work with county government to plan the future of water policy in Florida. In an effort to achieve the best possible result, county government should continue to expand partnerships with the agricultural community, urban water users, regional government agencies, and environmental organizations to encourage water conservation, water resource, and water supply development projects. The primary goal of such water resource planning efforts should be ensuring resource availability for all reasonable beneficial uses, consistent with the protection of water and related natural resources.

- WES 1. The Florida Association of Counties supports the allocation of matching funds to county governments to restore impaired springs, estuaries, lagoons and other waterbodies in accordance with state policy and local needs.
- WES 2. The Florida Association of Counties supports state funding for water quality improvement projects designed to reduce nutrient pollution in Florida's impaired waterbodies, recognizing that multiple sources contribute to nutrient loading, including, but not limited to, wastewater and septic systems, industrial, agricultural, and residential water use.
- WES 3. The Florida Association of Counties supports efforts of the Water Management Districts to facilitate regional partnerships and prescribe regional resolutions to address the need of finding alternative water sources to accommodate the state's growing population.
- WES 4. The Florida Association of Counties supports policies that enhance regional and local financial capacity to address water supply development with allocation flexibility in all available funding sources.
- WES 5. The Florida Association of Counties supports the funding of the Water Protection and Sustainability Program within the Department of Environmental Protection for the development of alternative water supplies, water quality improvement projects, and comprehensive water infrastructure needs.
- WES 6. The Florida Association of Counties supports the "Florida Green Industries Best Management Practices" as a basic level of water quality protection, with more stringent protections authorized to address water bodies in need.
- WES 7. The Florida Association of Counties supports the establishment of legislative and budget policies that better recognize the return on investment in Green Infrastructure funding projects in response to nuisance flooding, water quality degradation, extreme weather, sea level rise, and climate change.



2020 GUIDING PRINCIPLES

- WES 8. The Florida Association of Counties supports the economically, technically and environmentally feasible use of reclaimed water.
- WES 9. The Florida Association of Counties supports state legislation to prohibit new well stimulation activities, including hydraulic fracturing (fracking).
- WES 10. The Florida Association of Counties opposes efforts to increase offshore drilling activities.
- WES 11. The Florida Association of Counties supports state funding to end the ocean outfalls in south Florida by the legislature's deadline of 2025.
- WES 12. The Florida Association of Counties supports prioritizing the reduction of the land application of human wastewater biosolids.
- WES 13. The Florida Association of Counties supports continued funding for research and mitigation for harmful algal blooms (HABs), including blue green algae, and red tide.
- WES 14. The Florida Association of Counties supports crediting new activities and regional projects and simplifying the process for existing activities to obtain nutrient removal credits towards a Basin Management Action Plans (BMAP).
- WES 15. The Florida Association of Counties supports repealing or modifying the preemption on local fertilizer ordinances in sec. 576.181, F.S.
- WES 16. The Florida Association of Counties supports developing strategies and prioritizing funding for regional efforts to protect Florida Estuaries and supports development of special state designation to estuaries and their watersheds in getting funding for water quality and resiliency projects.

Environment

Conservation and protection of Florida's natural resources is critical to managing growth, promoting economic development, and maintaining a healthy environment to ensure a high quality of life for Floridians.

- WES 17. The Florida Association of Counties supports the allocation of matching funds to county governments to purchase environmentally sensitive and endangered lands.



2020 GUIDING PRINCIPLES

- WES 18. The Florida Association of Counties supports a comprehensive state climate change action plan, with energy policies and other initiatives to reduce greenhouse gases and to address ecosystem sustainability, long term water supply, flood protection, public health and safety, and economic prosperity.
- WES 19. The Florida Association of Counties supports state and federal recognition of adaptation and mitigation as critical to any climate change plan, and the funding necessary to assist local governments in developing and implementing these initiatives.
- WES 20. The Florida Association of Counties supports collaboration among regional coalitions focused on resiliency and climate change in order to maximize resources, share information, analysis, and best practices, and foster useful collaboration.
- WES 21. The Florida Association of Counties supports streamlining the permitting and regulatory processes for solar product manufacturers, installers, and consumers, and further supports reducing burdensome regulations that hinder solar market penetration.
- WES 22. The Florida Association of Counties supports the ability of counties to utilize electricity produced at county-owned facilities at other adjacent and non-contiguous county-owned properties without penalty, or in the alternative, be able to sell surplus power at market rate.
- WES 23. The Florida Association of Counties supports state designation of the Southeast Florida Coral Reef Conservation Area.
- WES 24. The Florida Association of Counties supports maintaining funding of the Small County Consolidated Grant Program and maintaining the waste tire fee as a dedicated revenue source for funding mosquito control, solid waste and recycling programs.
- WES 25. The Florida Association of Counties supports policies that provide appropriate resources and incentives to local governments to achieve statewide recycling goals, and further supports comprehensive recycling initiatives that encourage increased participation of the residential, commercial, and industrial sectors.
- WES 26. The Florida Association of Counties supports the modification of the 75% Recycling Goal by 2020 in Section 403.7032, Florida Statutes.
- WES 27. The Florida Association of Counties supports the creation of a new dedicated and recurring statutory funding source for beach renourishment projects.



2020 GUIDING PRINCIPLES



WES-PP-01: BIOSOLIDS PILOT

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT establishing a pilot project program for funding new, state of the art wastewater technologies to improve recovery and afford more efficient use of human wastewater biosolids.

BACKGROUND: Florida's central sewer wastewater treatment facilities produce approximately 340,000 tons of biosolids which are the human waste effluents from central sewer wastewater treatment facilities. Approximately 100,000 dry tons of biosolids are designated as Class B biosolids which are treated sewage sludge that meets U.S. Environmental Protection Agency guidelines for land application as fertilizer and are allowed to have detectable levels of pathogens. Another 100,000 dry tons of biosolids are deposited in various landfills throughout the state. The final 140,000 dry tons of biosolids are further processed, dried, and composted with material from the landscape industry to produce approximately 200,000 tons of Class AA biosolids. These biosolids can then be distributed and marketed as fertilizer. This class of biosolids is unregulated and land applied mainly on pasture lands, and to a lesser extent on citrus. Both Class B biosolids and Class AA biosolid fertilizers contain approximately 5.5% Total Nitrogen (TN) and 2.2% Total Phosphorus (TP). Therefore, the 300,000 dry tons of land applied Class AA and Class B biosolids contribute over 33 million pounds of TN and 13.2 million pounds of TP to agricultural lands each year. While the practice of land-applying Class B biosolids was recently banned in the Lake Okeechobee, Caloosahatchee, St. Lucie River and Everglades watersheds, the St. Johns River Upper Basin in 2016 received nearly 74,000 tons of Class B biosolids in its watershed. One of the by-products or residuals of the wastewater treatment process is called biosolids, or the wet sludge that is left behind after the initial processing. In Florida, biosolids are either land applied as a soil amendment to improve agricultural productivity or disposed of in landfills. Either way it is an important source of water, energy, nitrogen, and phosphorus resources that some suggest could be recovered and used more efficiently. There is also a concern statewide that excess nutrients from land application of human waste biosolids could reach surface waters because of rainfall runoff and continue to increase the occurrence of chronic harmful algal blooms

ANALYSIS: During the 2021 legislative session, HB 1309 was signed into law on June 21, 2021, ratifying the proposed biosolids rule (see Chapter 2021-153, Laws of Florida). Based on Section 403.0855, F.S., and the deliberations of the biosolids technical advisory committee, the rule revisions were developed to minimize the migration of nutrients, specifically phosphorus, to prevent impairment to waterbodies.

Every county in the state is impacted by biosolid application and deals with growing utility infrastructure needs. While the cost of innovative biosolids infrastructure is high, more efficient and balanced biosolids products reduces the need for the costly water quality projects throughout the state.



FISCAL IMPACT: In the FY 2021-22 budget, the Legislature included \$10 million for “the purpose of supporting the evaluation and implementation of innovative technologies and short-term solutions to combat or clean up harmful algal blooms and nutrient enrichment of Florida’s fresh waterbodies, including lakes, rivers, estuaries and canals. While funding could be used for projects to mitigate red tide, funds may also be used to implement water quality treatment technologies, identified by the Department, near water control structures in Lake Okeechobee.

SUBMITTING COUNTY: Martin; Requested resubmission by WES Chair

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



WES-PP-02: SEPTIC TANK PERMITTING

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT a change in statutory language that will better supervise and coordinate appropriate septic tank permitting between the Department of Health, County Health Departments, and local county/municipal governments. Suggested language change that could be added to Sec. 381.0065(4), Fla. Stat. as follows: The department may not issue a construction permit until the department has received written notice from the municipality or county with land use jurisdiction over the property where the onsite sewage treatment and disposal system is to be constructed, confirming that the type of building or structure to be served by the onsite sewage treatment and disposal system is permissible on the property under applicable local regulations.

BACKGROUND: It appears that there is no step in the Department of Health's permitting evaluation to determine whether the structure to be served by a septic tank is permissible under a local government's relevant zoning regulations. As such, as we've been advised by DOH in Okeechobee County, under the current statutory regime, the county Department of Health would feel compelled to permit a septic tank to serve a structure, notwithstanding the fact that the structure violated zoning, such as a trailer on certain lots.

ANALYSIS: The potential local, regional, and statewide impact is that septic permits may be issued for non-conforming structures, thereby impacting the taxable values of properties. Further, once a non-conforming structure is discovered and required to be removed, an abandoned septic is left on property.

FISCAL IMPACT: Indeterminate

SUBMITTING COUNTY: Okeechobee; Requested resubmission by WES Chair

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



WES-PP-03: CONVERSION OF PRIVATE WELLS AND SEPTIC TANKS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT continued enhanced funding opportunities for conversion programs designed to move private wells to potable drinking water and private septic tanks to public wastewater collection systems. Support greater flexibility for programs that address the costs incurred by residents connecting to sewer and the proper abandonment of septic systems.

BACKGROUND: Modern permitting and environmental practices do not support the installation of septic systems in areas of dense populations, low-lying, tidally influenced areas, and other areas with high water tables. Densely populated areas on private wells and septic tanks are particularly vulnerable to these risks. However, many of these legacy systems remain thorough out the state which pose a public health challenge to homeowners on private wells and septic systems.

ANALYSIS: Utility programs are critical to the health of our current population and the success of future growth. These utility programs are also critical to the health of our ecosystem. Many counties need additional financial support to implement their utility plans. These utility programs directly support public and environmental health.

FISCAL IMPACT: Establish new or expand existing programs to provide a recurring funding source in the State's budget.

SUBMITTING COUNTIES: Collier; Requested resubmission by WES Chair ; Miami-Dade

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: Yes, Miami-Dade

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



WES-PP-04: WATER-USING APPLIANCE STANDARDS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT the Model Act for Establishing State Appliance and Equipment Water Efficiency Standards (model language attached)

BACKGROUND: State-level standards on water-using appliances in Florida can save millions of gallons of water a year and a significant amount of energy. The standards recommended in the forthcoming Model Bill are almost all based on the federal government's Watersense specifications.

ANALYSIS:

Faucets

- Faucet standards save water, energy, and money: By 2025, kitchen and bathroom faucet standards together would save Floridians an annual:
 - o 4.145 billion gallons of water o
 - 298.6 gigawatt-hours of electricity (equivalent to energy used by roughly 24,000 homes!)
 - o \$89.9 million in utility bills. This is money back in the pockets of Floridians!
- Faucet standards avoid carbon emissions: Kitchen, private bathroom, and public bathroom faucet standards together avoid the emission of 138.6 metric tons of carbon dioxide annually by 2025.
- Zero incremental cost: The Appliance Standards Awareness Project estimates that there is no additional incremental cost for an efficient faucet over an inefficient one; that is, it costs no more to buy a standards-compliant product than it does to buy a wasteful product. Florida officials should end the sale of wasteful products that don't economically benefit its citizens.
- Conserve water resources AND fight covid-19 at the same time: Faucet standards are particularly important during the nation's covid-19 crisis. A recent survey from Bradley Corporation, a large plumbing fixture manufacturer showed that 90% of respondents say they are "washing their hands more frequently or more thoroughly or longer." Americans are practicing responsible hygiene, and Florida's leaders should make sure that no water is wasted while we're washing our hands more often.

Showerheads

- Showerhead standards save water, energy, and money: By 2025, showerhead standards together would save Floridians an annual:
 - o 2.153 billion gallons of water
 - o 231.4 gigawatt-hours of electricity (equivalent to the energy use of 18,000+ homes!)



- o \$56.8 million in utility bills
- Showerhead standards also avoid carbon emissions: By 2025, showerhead standards in Florida would avoid the emission of 105.9 metric tons of carbon dioxide annually.
- Zero incremental cost: As with faucets, the Appliance Standards Awareness Project estimates there is no additional incremental cost for an efficient showerhead over an inefficient one; that is, it costs no more to buy a standards-compliant product than it does to buy a wasteful product. Spray sprinkler bodies
- Spray sprinkler body standards save Florida a MASSIVE amount of water and money: By 2025, spray sprinkler body standards together would save Floridians an annual:
 - 8,631 billion gallons of water!
 - \$102.7 million in utility bills

Toilets

- Toilet standards save water and money: By 2025, toilet standards together would save Floridians an annual:
 - 874 million gallons of water
 - \$10.4 million in utility bills
- Zero incremental cost: The Appliance Standards Awareness Project estimates there is also no additional incremental cost for an efficient toilet over an inefficient one; that is, it costs no more to buy a standards-compliant product than it does to buy a wasteful product.

Urinals

- Urinal standards save water and money: By 2025, urinal standards together would save Floridians an annual:
 - 126 million gallons of water
 - \$1.5 million in utility bills
- Zero incremental cost: The Appliance Standards Awareness Project estimates there is also no additional incremental cost for an efficient urinal over an inefficient one; that is, it costs no more to buy a standards-compliant product than it does to buy a wasteful product.

FISCAL IMPACT:

- Faucets - Zero incremental cost: The Appliance Standards Awareness Project estimates that there is no additional incremental cost for an efficient faucet over an inefficient one; that is, it costs no more to buy a standards-compliant product than it does to buy a wasteful product. Florida officials should end the sale of wasteful products that don't economically benefit its citizens.
- Toilets- Zero incremental cost: The Appliance Standards Awareness Project estimates there is also no additional incremental cost for an efficient toilet over an inefficient one; that is, it costs no more to buy a standards-compliant product than it does to buy a wasteful product.



- Showerheads - Zero incremental cost: As with faucets, the Appliance Standards Awareness Project estimates there is no additional incremental cost for an efficient showerhead over an inefficient one; that is, it costs no more to buy a standards-compliant product than it does to buy a wasteful product.
- Urinals- Zero incremental cost: The Appliance Standards Awareness Project estimates there is also no additional incremental cost for an efficient urinal over an inefficient one; that is, it costs no more to buy a standards-compliant product than it does to buy a wasteful product.

SUBMITTING COUNTY: Pinellas; Requested resubmission by WES Chair

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A

Model Act for Establishing State Appliance and Equipment Water Efficiency Standards

**Prepared by the
Appliance Standards Awareness Project, Boston, MA, and
American Council for an Energy-Efficient Economy, Washington, DC**

Version for 2021 legislative sessions (updated August 2020)

This model act sets specific, up-to-date efficiency standards for selected residential and commercial products. These water-efficiency standards are based on various sources including WaterSense specifications that have achieved high market shares, and standards developed and adopted by the California Energy Commission. If you have questions regarding this model act, contact Marianne DiMascio at the Appliance Standards Awareness Project at (339) 933-8140 or mdimascio@standardsASAP.org.

**An Act Establishing Minimum Water Efficiency Standards for
Certain Products Sold in the State**

1) Section 1. General Purpose.

- a) This Act establishes minimum efficiency standards for certain products sold or installed in the state.

2) Section 2. Findings.

- a) The legislature finds that:
 - i) Efficiency standards for certain products sold or installed in the state assure consumers and businesses that such products meet minimum efficiency performance levels, thus reducing energy and water waste and saving consumers and businesses money on utility bills.
 - ii) Efficiency standards contribute to the economy of this state by helping to better balance supply and demand for both energy and water, thus reducing pressure that creates higher natural gas, electricity, and water bills. By saving consumers and businesses money on utility bills, efficiency standards help the state and local economy, since utility bill savings can be spent on local goods and services.
 - iii) Such efficiency standards save energy and thus reduce pollution and other environmental impacts associated with the production, distribution, and use of electricity, natural gas, and other fuels.
 - iv) Such water efficiency standards save water and thus reduce the strain on the water supply. Furthermore, improved water efficiency can reduce or delay the need for water and sewer infrastructure improvements.

3) Section 3. Definitions.

- a) As used in the Act:
- i) "Commissioner" means the [Commissioner of Energy Resources or the head of another appropriate implementing agency].
 - ii) "Commercial dishwasher" means a machine designed to clean and sanitize plates, pots, pans, glasses, cups, bowls, utensils, and trays by applying sprays of detergent solution (with or without blasting media granules) and a sanitizing rinse.
 - iii) "Commercial steam cooker," also known as "compartment steamer," means a device with one or more food-steaming compartments in which the energy in the steam is transferred to the food by direct contact. Models may include countertop models, wall-mounted models, and floor models mounted on a stand, pedestal, or cabinet-style base.
 - iv) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.
 - v) The following definitions refer to faucets:
 - (1) "Faucet" means a private lavatory faucet, residential kitchen faucet, metering faucet, public lavatory faucet, or replacement aerator for a private lavatory, public lavatory or residential kitchen faucet.
 - (2) "Public lavatory faucet" means a fitting designed to be installed in nonresidential bathrooms that are exposed to walk-in traffic.
 - (3) "Metering faucet" means a fitting that, when turned on, will gradually shut itself off over a period of several seconds.
 - (4) "Replacement aerator" means an aerator sold as a replacement, separate from the faucet to which it is intended to be attached.
 - vi) The following definitions refer to showerheads:
 - (1) "Showerhead" means a device through which water is discharged for a shower bath and includes a hand-held showerhead but does not include a safety shower showerhead.
 - (2) "Hand-held showerhead" means a showerhead that can be held or fixed in place for the purpose of spraying water onto a bather and that is connected to a flexible hose.
 - vii) The following definitions refer to spray sprinkler bodies:
 - (1) "Pressure regulator" means a device that maintains constant operating pressure immediately downstream from the device, given higher pressure upstream.
 - (2) "Spray sprinkler body" means the exterior case or shell of a sprinkler incorporating a means of connection to the piping system designed to convey water to a nozzle or orifice.
 - viii) The following definitions refer to urinals and water closets:
 - (1) "Plumbing fixture" means an exchangeable device, which connects to a plumbing system to deliver and drain away water and waste.
 - (2) "Urinal" means a plumbing fixture that receives only liquid body waste and conveys the waste through a trap into a drainage system.
 - (3) "Water closet" means a plumbing fixture having a water-containing receptor that receives liquid and solid body waste through an exposed integral trap into a drainage system.
 - (4) "Dual-flush effective flush volume" means the average flush volume of two reduced flushes and one full flush.

- (5) “Dual-flush water closet” means a water closet incorporating a feature that allows the user to flush the water closet with either a reduced or a full volume of water.
- (6) “Trough-type urinal” means a urinal designed for simultaneous use by two or more persons.

4) Section 4. Scope.

- a) The provisions of this Act apply to:
 - i) Commercial dishwashers;
 - ii) Commercial steam cookers;
 - iii) Faucets;
 - iv) Showerheads;
 - v) Spray sprinkler bodies;
 - vi) Urinals;
 - vii) Water closets; and
 - viii) Any other products as may be designated by the Commissioner in accordance with Section 7 or by operation of law under Section 9.
- b) The provisions of this Act do not apply to:
 - i) New products manufactured in the state and sold outside the state;
 - ii) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state;
 - iii) Products installed in mobile manufactured homes at the time of construction; or
 - iv) Products designed expressly for installation and use in recreational vehicles.

5) Section 5. Standards.

- a) Not later than one year after the date of enactment of this Act, the Commissioner, in consultation with [heads of other appropriate agencies], shall adopt regulations, in accordance with the provisions of Chapter [number of section in state law dealing with setting regulations], establishing minimum efficiency standards for the types of new products set forth in Section 4.
- b) The regulations shall provide for the following minimum efficiency standards:
 - i. Commercial dishwashers included in the scope of the ENERGY STAR Program Requirements Product Specification for Commercial Dishwashers, Version 2.0, shall meet the qualification criteria of that specification.
 - ii. Commercial steam cookers shall meet the requirements of the ENERGY STAR Program Requirements Product Specification for Commercial Steam Cookers, Version 1.2.
 - iii. Faucets, except for metering faucets, shall meet the standards shown in this paragraph when tested in accordance with Appendix S to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations and compliance with those requirements shall be — “Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads”—as in effect on January 1, 2020.
 - (1) Lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 1.5 gallons per minute (gpm) at 60 pounds per square inch (psi).

- (2) Residential kitchen faucets and replacement aerators shall not exceed a maximum flow rate of 1.8 gpm at 60 psi, with optional temporary flow of 2.2 gpm, provided they default to a maximum flow rate of 1.8 gpm at 60 psi after each use.
 - (3) Public lavatory faucets and replacement aerators shall not exceed a maximum flow rate of 0.5 gpm at 60 psi.
- iv. Showerheads shall not exceed a maximum flow rate of 2.0 gpm at 80 psi when tested in accordance with Appendix S to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations and compliance with those requirements shall be — “Uniform Test Method for Measuring the Water Consumption of Faucets and Showerheads”—as in effect on January 1, 2020.
- v. Spray sprinkler bodies that are not specifically excluded from the scope of the WaterSense Specification for Spray Sprinkler Bodies, Version 1.0, shall include an integral pressure regulator and shall meet the water efficiency and performance criteria and other requirements of that specification.
- vi. Urinals and water closets, other than those designed and marketed exclusively for use at prisons or mental health facilities, shall meet the standards shown in subparagraphs (1) to (4) when tested in accordance with Appendix T to Subpart B of Part 430 of Title 10 of the Code of Federal Regulations—“Uniform Test Method for Measuring the Water Consumption of Water Closets and Urinals”—as in effect on January 1, 2020 and water closets shall pass the waste extraction test for water closets (Section 7.9) of the American Society of Mechanical Engineers (ASME) A112.19.2/CSA B45.1-2018.
 - (1) Wall-mounted urinals, except for trough-type urinals, shall have a maximum flush volume of 0.5 gallons per flush.
 - (2) Floor-mounted urinals, except for trough-type urinals, shall have a maximum flush volume of 0.5 gallons per flush.
 - (3) Water closets, except for dual-flush tank-type water closets, shall have a maximum flush volume of 1.28 gallons per flush.
 - (4) Dual-flush tank-type water closets shall have a maximum dual flush effective flush volume of 1.28 gallons per flush.

6) Section 6. Implementation.

- a) On or after January 1, 2022, no new commercial dishwasher, commercial steam cooker, faucet, showerhead, spray sprinkler body, urinal, or water closet may be sold or offered for sale, lease, or rent in the state unless the efficiency of the new product meets or exceeds the efficiency standards provided in Section 5.
- b) One year after the date upon which the sale or offering for sale of certain products becomes subject to the requirements of paragraph (a) of this section, no such products may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards provided in Section 5.

7) Section 7. New and Revised Standards.

The Commissioner may adopt regulations, in accordance with the provisions of Chapter [number of section in state law dealing with setting regulations], to establish increased efficiency standards for the

products listed or incorporated in Section 4. The Commissioner may also establish standards for products not specifically listed in Section 4. In considering such new or amended standards, the Commissioner, in consultation with the [heads of other appropriate departments], shall set efficiency standards upon a determination that increased efficiency standards would serve to promote energy or water conservation in the state and would be cost effective for consumers who purchase and use such new products, provided that no new or increased efficiency standards shall become effective within one year following the adoption of any amended regulations establishing such increased efficiency standards.

Commented [MD1]: This gives the [Commissioner or the Agency head] the authority to update standards for products with standards. The second sentence allows the [Commissioner or the Agency head] to set standards for new products. The second sentence is sometimes controversial. You can decide whether to keep it in or remove.

8) Section 8. Testing, Certification, Labeling, and Enforcement.

- a) The manufacturers of products covered by this Act shall test samples of their products in accordance with the test procedures adopted pursuant to this Act. The Commissioner may adopt updated test methods when new versions of test procedures become available.
- b) Manufacturers of new products covered by Section 4 of this Act shall certify to the Commissioner that such products are in compliance with the provisions of this Act. Such certifications shall be based on test results. The Commissioner shall promulgate regulations governing the certification of such products and shall coordinate with the certification programs of other states and federal agencies with similar standards.
- c) Manufacturers of new products covered by Section 4 of this Act shall identify each product offered for sale or installation in the state as in compliance with the provisions of this Act by means of a mark, label, or tag on the product and packaging at the time of sale or installation. The Commissioner shall promulgate regulations governing the identification of such products and packaging, which shall be coordinated to the greatest practical extent with the labeling programs of other states and federal agencies with equivalent efficiency standards. The Commissioner shall allow the use of existing marks, labels, or tags, which connote compliance with the efficiency requirements of this Act.
- d) The Commissioner may test products covered by Section 4. If products so tested are found not to be in compliance with the minimum efficiency standards established under Section 5, the Commissioner shall: (1) charge the manufacturer of such product for the cost of product purchase and testing, and (2) make information available to the Attorney General and the public on products found not to be in compliance with the standards.
- e) With prior notice and at reasonable and convenient hours, the Commissioner may cause periodic inspections to be made of distributors or retailers of new products covered by Section 4 in order to determine compliance with the provisions of this Act. The Commissioner shall also coordinate with the [head of building code administration] regarding inspections prior to occupancy of newly constructed buildings containing new products that are also covered by the [State Building Code].
- f) The Commissioner shall investigate complaints received concerning violations of this Act and shall report the results of such investigations to the Attorney General. The Attorney General may institute proceedings to enforce the provisions of this Act. Any manufacturer, distributor, or retailer, or any person who installs a product covered by this Act for compensation, who violates any provision of this Act, shall be issued a warning by the Commissioner for any first violation and subject to a civil penalty of up to one hundred dollars for each offense. Repeat violations shall be subject to a civil penalty of not more than five hundred dollars for each offense. Each violation shall constitute a separate offense, and each day that such violation continues shall constitute a separate

offense. Penalties assessed under this paragraph are in addition to costs assessed under paragraph (d) of this section.

- g) The Commissioner may adopt such further regulations as necessary to ensure the proper implementation and enforcement of the provisions of this Act.

9) Section 10. Severability of Provisions.

The provisions of this Act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section, or part of this Act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the application of any other clause, sentence, paragraph, subdivision, section, or part of this Act.



WES-PP-05: WASTE-TO-ENERGY FACILITIES

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT legislation that affords local governments that own Waste-to-Energy (WTE) facilities the opportunity for additional revenue to offset solid waste enterprise expenses and capital costs. The legislation seeks to net meter power generated from municipally owned WTE Facilities to other city/county facilities and provide a new basis for calculating individually operated utility (IOU) capacity cost avoidance.

BACKGROUND: Counties are challenged to dispose of municipal solid waste generated by residents, businesses and visitors. The two primary options of disposal in the state are landfilling or WTE Facilities. Densely populated counties have invested hundreds of millions of dollars to construct and operate WTE Facilities because the long-term strategy to landfill is not economical, non-renewable, and often not viable due to land constraints. To transport solid waste outside a county is less economically feasible and a burden on rate payers. WTE technology is defined as renewable energy by the Federal and State government. The State of Florida has 11 WTE facilities in 9 counties, more than any other state. The communities in which WTE is the primary method of solid waste disposal account for 48 percent of Florida's population and more than half of Florida's economy. To maintain economical sustainability to operate a WTE Facility and other solid waste operations, counties greatly rely on the sale of power to the local IOU. Additionally, some counties receive capacity revenue based on the IOU's avoided cost by not having to construct a power generation plant equal to the power generation capacity of the WTE Facility. Net Metering is the distribution of generated power from a non-utility company owned facility to another facility on the power grid. FWTEC is specifically interested in legislation for municipal net metering. The generation of WTE Facility power distributed to that same municipality's owned facilities. Capacity revenue is currently based on gas turbine generation technology, which is a fossil fuel and non-renewable. The IOUs operating with the State file 10-year Site Plans with the Public Service Commission. The larger IOUs currently focus new power generation construction on solar power technology. FWTEC plans to file legislation to change the revenue basis from gas turbine to solar power technology.

ANALYSIS: WTE avoids landfilling more than 6.5 million of tons of solid waste annually. By doing so, Florida WTE facilities annually reduce greenhouse gas emissions by 5.4 million tons of CO₂. That is the equivalent of taking 989,000 passenger vehicles off the road every year. In addition, Florida's WTE facilities produce 544 megawatts of electricity of baseload power. On a 24/7/365 basis, our facilities produce enough electricity to power 288,100 homes for a year. And there's a bonus, Florida's WTE facilities recycle 212,000 tons of metal a year, enough to build 156,000 cars.

FISCAL IMPACT: For Pinellas County alone, with the passing of a municipal net metering bill, the County could see \$24M in additional power sale revenue, which is \$17M more than having to accept IOU standard offer contract in 2024. Energy costs to the County could also be reduced



by 30-50%. The passing of a bill changing the capacity revenue basis would result in increased capacity revenues over the IOU standard offer contract.

SUBMITTING COUNTY: Pinellas

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



WES-PP-06: STATE RECYCLING GOALS

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT proposed legislation that addresses a new state recycling goal including:

- Background from the counties' workgroup
- State grant programs to encourage and incentivize the development of state recycling markets and improvements to local recycling infrastructure
- Strengthen Section 403.706(2)(c) to ensure that newly developed property including multifamily residential or commercial purposes, provide adequate space and an adequate receptacle for recycling by tenants and owners of the property.
- Remove Florida's labeling requirements in Section 403.708(7), Florida Statutes, from the chasing arrows symbol to something different and more apparent that it is the resin used in creating the product, and not the product's recyclability.

BACKGROUND: The state has a recycling goal of 75% by the year 2020. As 2020 is past and the goal was not met, there will be new legislation proposed that addresses a new state recycling goal.

In 2008, the Florida Legislature enacted House Bill 7135 which created Section 403.7032, Florida Statutes. This established a new statewide recycling goal of 75% to be achieved by the year 2020. Also, the statute directed DEP to develop a program designed to achieve this goal and submit it to the Legislature for approval, which was submitted in January 2010. Since then, the state has had recycling goal benchmarks to meet. In some years the benchmarks were met, in other years they were not. As the state's recycling goal legislation was to sunset in 2020, two bills were proposed in the 2020 legislative session - SB 724 and HB 1031: Local Government Recycling Programs – that created the Florida Recycling Working Group and required the working group to submit a report to the Legislature by a specified date. Both bills died in committee. However, a working group modeled after the legislation met and submitted a recycling recommendation report to the FDEP. Simultaneously, the county solid waste directors and recycling coordinators met to discuss a county proposed recycling recommendation, which was also sent to the FDEP. And parallel to these efforts is the work done by the Hinkley Center for Solid Waste Management around sustainable materials management to help guide recycling decisions.

In 2021, no recycling legislation was filed. While it is uncertain if a replacement state recycling goal bill will be proposed in the 2022 legislative session, the issue needs attention so coordination can be made with possible bill sponsors so the county recommendations are included in the development of proposed legislation. Since the work of the counties completed, other states have taken action on other recycle related issues that will need to be addressed into a Florida direction, such as extended producer responsibility and bottle bills.

It is the intent of this submission to:

- Have the work of the counties' workgroup be included to create a future state recycling goal



- Bring back or implement state grant programs to encourage and incentivize the development of state recycling markets and improvement to local recycling infrastructure
- Strengthen Section 403.706(2)(c) to ensure that newly developed property receiving a certificate of occupancy, or its equivalent, on or after July 1, 2012, that is used for multifamily residential or commercial purposes, provide adequate space and an adequate receptacle for recycling by tenants and owners of the property.
- Remove Florida's labeling requirements in Section 403.708(7), Florida Statutes, from the chasing arrows symbol to something different and more apparent that it is the resin used in creating the product, and not the product's recyclability. The chasing arrows (recycle symbol) seems to be the cause of resident confusion.

ANALYSIS: Counties are charged with implementing and paying for recycling programs in their jurisdictions through sections 403.702(2)(n) and 403.702(2)(p), Florida Statutes To implement changes to a new statewide recycling goal, counties may need to make additional capital improvements and/or contractual changes in an effort to meet the legislative direction.

FISCAL IMPACT: Counties are charged with implementing and paying for recycling programs in their jurisdictions through sections 403.702(2)(n) and 403.702(2)(p), Florida Statutes Each county will be fiscally impacted differently by this issue.

SUBMITTING COUNTY: Solid Waste Authority of Palm Beach County

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: No Position

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



WES-PP-07: LOCAL WATER COMMISSIONS

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT state policies allowing for local governments to establish a Water Commission.

BACKGROUND: Local governments need a framework for improving coordination and prioritization of funding for local and regional water projects similar to the organizational structure of the Florida Department of Transportation (FDOT), which has proven successful for transportation planning. Florida needs a more effective comprehensive framework for coordinating and prioritizing funding for local water projects to address challenges such as algal blooms, water conservation, minimum flows and levels, stormwater management, and climate change adaptation and resiliency. FDOT includes a Transportation Commission that's mission is to provide leadership in meeting Florida's transportation needs through policy guidance on issues of statewide importance and by maintaining oversight and public accountability for the Department of Transportation and other statutorily specified transportation authorities. The Florida Transportation Commission was created in 1987, under Section 20.23, Florida Statutes, to serve as a citizen's oversight board for the Florida Department of Transportation. The Commission is assigned to the Department for administrative and fiscal purposes; otherwise, it functions independently of the control and direction of the Department. Creating a Water Commission in state statute of similar structure would allow politically independent insight into the prioritization of Florida's water quality projects.

ANALYSIS: Improve coordination of local water projects planning and funding. Proposed framework would supplement regional water management district and state water planning efforts.

FISCAL IMPACT: Staffing and facilities for meetings would be provided by host local governments.

SUBMITTING COUNTIES: Martin; Alachua

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



WES-PP-08: SEPTIC SYSTEMS-PRIVATE WATER WELLS

STAFF RECOMMENDATION: Not Adopt

PROPOSED POLICY: Directs the County Mayor or County Mayor's Designee to compile data regarding properties that are served by septic systems or private water wells; Directs the Commissioner Auditor to review and verify such data; Urges the Office of the Property Appraiser to include a link to such septic system and private water well information on the Property Appraiser's website

BACKGROUND: In Miami-Dade County, approximately 108,000 properties are served by septic systems and are not connected to the County's or a municipal sanitary sewer system. In a December 2020 report from the County Mayor, entitled "Plan of Action Report: A Risk-Based Approach to Septic Systems Vulnerable to Sea Level Rise," the administration estimated that Miami-Dade County has 120,000 septic systems, which are located in both residential and commercial areas. On May 4, 2021, the Board of County Commissioners passed a resolution (File No. 210738) directing the County Mayor or County Mayor's designee of Miami-Dade County to conduct an educational campaign as to septic system maintenance. The Board requests the assistance of the Office of the Property Appraiser in providing all Miami-Dade County residents with information about septic tanks including, but not limited to, links to information regarding septic systems and private water wells and sending initial notices to such property owners to verify the accuracy of such information.

ANALYSIS: Homeowners and potential homeowners or renters may not be aware that a property is served by a septic system, the age of the septic system, or the necessary maintenance and other requirements to ensure the system's proper functioning, including, for example, what materials should and should not be placed into drains and toilets that discharge to a septic system, the type and frequency of recommended maintenance, and how to address an improperly functioning septic system. An improperly functioning septic system may need expensive repairs or replacement, and may damage the home or other structures connected to it. The location of a septic tank and drainfield may limit the use of a property and an improperly functioning septic system may also create health risks and environmental contamination, such as to the underground Biscayne Aquifer, which is the County's primary source of drinking water. Through proper maintenance of septic systems, property owners may be able to avoid or lessen financial, environmental, and health risks. Many properties within Miami-Dade County are served by private water wells, and homeowners, potential homeowners, and renters may not be aware that a property is served by a private water well, and they also may not know what maintenance or testing may be recommended for private water wells.

FISCAL IMPACT: N/A



SUBMITTING COUNTY: Miami-Dade

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: Yes

UNFUNDED MANDATE: Yes

PROTECTIVE OF HOME RULE: No



WES-PP-09: TRAIL IMPROVEMENTS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT state construction, improvement, and designation of additional trails for Floridians to increase accessibility between urban and rural areas.

BACKGROUND: According to the Florida Greenways & Trails 2019-2023 System Plan, “studies demonstrate that, in addition to economic prosperity, outdoor recreation delivers personal and social benefits on which healthy, happy communities thrive.” The Florida Department of Health has also stated that for every dollar spent on walking trails, approximately three dollars is saved in medical expenses. Based on empirical evidence, there is no doubt that recreational trails provide a benefit to local communities including contributing to economic development and personal health. Further, the US Treasury has recognized that investments in improving outdoor spaces is an appropriate and acceptable response to the negative impacts associated with the COVID-19 pandemic.

ANALYSIS: The Florida Department of Environmental Protection (DEP) Division (Division) of Recreation and Parks, through section 375.031(1), F.S., to develop and execute a comprehensive, multipurpose outdoor recreation plan with the assistance of other public recreation land managers. In addition, section 258.004(3), Florida Statutes, directs DEP to study and appraise the recreation needs of the state, and to assemble and disseminate information pertaining to recreation. To further emphasize the importance of providing outdoor recreation in Florida, DEP has identified as one of its objectives “to plan, promote and provide outdoor recreation opportunities through a network of trails, access and information.”

The Office of Greenways and Trails within the Division has the responsibility of leading, planning and facilitating the development of an interconnected Florida Greenways and Trails System. The Office works with local governments to compile trails data to track an interconnected system of trail networks. The Statewide Comprehensive Outdoor Recreation Plan (SCORP) is the state’s official document regarding outdoor recreation planning.

Currently, the Florida Department of Transportation administers multiple funding sources to help implement further development of trail systems. When combined with additional state appropriations and federal grants, local transportation planning organizations and county governments are able to realize trail network planning goals. Grant program funding sources include: Florida Forever, Florida Recreation Development Assistance Program, Recreational Trails Program and Florida Communities Trust.

FISCAL IMPACT: Indeterminate. Associated costs with additional trail expansion are indeterminate and based upon the potential appropriation of the Legislature.



SUBMITTING COUNTY: Lake

ASSIGNED COMMITTEE: WES

BOARD SUPPORT: To be voted on September 28th, 2021

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



Existing FEDERAL Policies/Adopted (2021)

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) REFORM

SUPPORT reauthorization of the NFIP with legislative, policy and programmatic modifications to ensure no coverage lapses and to improve the affordability, transparency, and financial stability of the program through reforms in the following areas: 1) Affordability/Rate Structure; 2) Mapping/Data Collection/Modeling; and, 3) Mitigation.

OPPOSE any reauthorization efforts that are detrimental to policy holders, local governments, and the integrity of the program.

COMMITTEE RECOMMENDATION: Retain

WATER (Water Resources Development Act)

SUPPORT bi-annual passage of the Water Resources Development Act that authorizes U.S. Army Corps of Engineers projects and policies that often have state-wide impacts to Florida, including Everglades' restoration, port and inlet construction, and beach nourishment projects.

SUPPORT restoration of congressionally directed spending.

COMMITTEE RECOMMENDATION: Retain

UPPER KISSIMMEE BASIN WATER STORAGE PROJECTS

SUPPORT the inclusion of funding in the Water Resources Development ACT (WRDA) for studies and implementation of water storage projects within the Upper Kissimmee Basin to reduce harmful discharges, enhance central Florida water supply, and to mitigate negative economic impacts on communities surrounding Lake Okeechobee.

SUPPORT including the following language in the next WRDA bill: The Secretary is authorized to conduct a feasibility study for the following - Expanding the Lake Okeechobee Watershed Program, to the fullest extent of the Comprehensive Everglades Restoration Program (CERP), to include the Upper Kissimmee Basin and the headwaters of the Kissimmee River at the Shingle Creek tributary.

COMMITTEE RECOMMENDATION: Retain

DISASTER RECOVERY & PREPAREDNESS

SUPPORT increased investment in mitigation programs such as the Pre-Disaster Mitigation Program, the Hazard Mitigation Grant Program and other partnerships between local and federal governments to complete mitigation projects and increase resiliency to disasters.



SUPPORT measures that ensure any supplemental disaster recovery assistance appropriated by Congress, including the Community Development Block Grant Disaster Relief (CDBG-DR), is expedited to states to be made available to disaster-impacted counties.

OPPOSE programmatic changes that would increase the local cost share for disaster recovery, such as implementation of a disaster deductible.

COMMITTEE RECOMMENDATION: Retain

OFFSHORE OIL DRILLING

SUPPORT the Gulf of Mexico Energy Security Act of 2006 (GOMESA), which bans oil and gas leasing within 125 miles off Florida's Gulf Coast until 2022.

SUPPORT keeping Florida's east coast free from offshore drilling and maintaining the Department of Interior's commitment to remove Florida from consideration in the next draft of the proposed leasing plan.

OPPOSE any legislation that moves the ban to an earlier date.

COMMITTEE RECOMMENDATION: Retain

FEDERAL APPROPRIATIONS

SUPPORT the continuation of adequate funding of critical programs that provide resources for the provision of local services and local public infrastructure. These funding programs include, but are not limited to, the following:

- Corps of Engineers funds – Everglades' restoration, port & inlet construction, maintenance, and beach nourishment
- Community Development Block Grant program
- Community Services Block Grant program
- Social Services Block Grant program
- Economic Development Administration
- State Criminal Alien Assistance Program

COMMITTEE RECOMMENDATION: Retain

VETERANS

SUPPORT legislation requiring the U.S. Department of Veterans Affairs (VA) to provide case management support to local housing authorities under the VA-supported housing program.

COMMITTEE RECOMMENDATION: Retain & Revise



INFRASTRUCTURE

SUPPORT federal legislation that ensures funding for locally owned infrastructure, including water and wastewater facilities, preserves the tax-exempt status of municipal bonds, streamlines the federal permitting process, promotes innovative financing, and ensures the long-term certainty and solvency of the Federal Highway Trust Fund.

COMMITTEE RECOMMENDATION: Not Retain

FEMA FLOOD MAPPING – RISK RATING 2.0

SUPPORT measures that ensures FEMA consults with counties as it develops its new Risk Rating 2.0 flood mapping initiative.

COMMITTEE RECOMMENDATION: Retain

HEALTH CARE FOR NON-CONVICTED PERSONS

SUPPORT the reinstatement of federal health care benefits, including those benefits awarded to veterans, for non-convicted justice involved individuals.

COMMITTEE RECOMMENDATION: Retain

DIGITAL DIVIDE

SUPPORT increasing public funding for construction and mapping of broadband infrastructure.

COMMITTEE RECOMMENDATION: Not Retain

NON-DOMESTIC SAND SOURCES

SUPPORT enabling the Secretary of the U.S. Army Corps of Engineers to allow counties to acquire sand by purchase, exchange or otherwise from non-domestic sources for the purpose of beach renourishment.

COMMITTEE RECOMMENDATION: Retain

RESTORING RESILIENT REEFS ACT

SUPPORT the Restoring Resilient Reefs Act (RRRA). This is a federal policy proposal that would provide funding to Florida to support the coral reef tract that has been plagued by the Coral Tissue Loss Disease since 2014.

COMMITTEE RECOMMENDATION: Not Retain



COVID-19 FEDERAL SUPPORT FOR STATE AND LOCAL GOVERNMENTS

SUPPORT the continuation of funding to state and local governments to assist with critical local response efforts to the COVID-19 pandemic.

COMMITTEE RECOMMENDATION: Retain



Florida Resolutions Adopted by NACo

Community, Economic and Workforce Development

- *Resolution on Protecting the Health and Safety of Sober Home Residents - Melissa McKinlay, Commissioner, Palm Beach County, Fla.*

Resolution on Protecting the Health and Safety of Sober Home Residents

Issue: Local governments continue to see a proliferation of sober homes within their boundaries and need additional clarity from the federal government on how they can protect the health and safety of sober home residents through reasonable regulations.

Policy: The National Association of Counties (NACo) supports further U.S. Department of Justice (DOJ) and U.S. Department of Housing and Urban Development (HUD) clarification on the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA) to allow local governments to enact reasonable regulations to protect the health and safety of sober home residents, and the residents of the surrounding communities.

- *Resolution to Support Legal Migration to Strengthen Local Economies and Workforce - Bill Truex, Commissioner, Charlotte County, Fla.; Jim Zwetzig, Commissioner, Morgan County, Colo.; Marion Greene, Commissioner, Hennepin County, Minn.; Bob Thomas, Commissioner, Franklin County, Pa.*

Resolution to Support Legal Migration to Strengthen Local Economies and Workforce

Issue: The role legal immigration plays in our nation's workforce and local economies.

Policy: The National Association of Counties (NACo) urges Congress and the administration to enact legislative and regulatory proposals that support and provide improved and efficient legal avenues for immigrants to enter the United States, both permanently and temporarily, and contribute to the workforce and local economies and maintain the area standard industry wages for the local marketplace.

Environment, Energy and Land Use

- *Resolution on National Estuary Program Designation - Robert "Bob" Cole, Commissioner, Santa Rosa County, Fla.*



Resolution on National Estuary Program Designation

Issue: Designating the Pensacola Bay System and Perdido Bay System as estuaries of national significance and the Pensacola & Perdido Bays Estuary Program as a National Estuary Program.

Policy: NACo urges Congress and the EPA Administrator to designate the Pensacola Bay System and Perdido Bay System as estuaries of national significance, and by extension recognize the Pensacola & Perdido Bays Estuary Program as a National Estuary Program, per Section 320 of the Clean Water Act.

- *Resolution Supporting the Reauthorization of the Coral Reef Conservation Act - Doug Smith, Commissioner, Martin County, Fla.*

Resolution Supporting the Reauthorization of the Coral Reef Conservation Act

Issue: Coral reefs in Florida and throughout the United States and its territories are critically threatened due to increasing global and local stressors. In particular, the Florida Reef Tract, North America's only coral barrier reef, is currently facing an unprecedented coral disease outbreak.

Policy: The National Association of Counties (NACo) supports the State of Florida delegation working with the State of Hawaii delegation, and other delegations represented on the U.S. All Islands Coral Reef Committee and NOAA's Coral Reef Conservation Program, to hold a Congressional hearing on the status, trends, and urgent issues facing the U.S.'s coral reefs. NACo also supports reauthorization of the Coral Reef Conservation Reauthorization Act of 2000, and additional recurring funding dedicated to improving the health of the nation's coral reefs.

- *Resolution in Support of Research into Harmful Algal Bloom Prevention and Mitigation - Doug Smith, Commissioner, Martin County, Fla.*

Resolution in Support of Research into Harmful Algal Bloom Prevention and Mitigation

Issue: Harmful algal blooms (HABs) and hypoxic events (severe oxygen depletion) are some of the most scientifically complex and economically damaging issues challenging our ability to safeguard the health of our nation's aquatic ecosystems. Almost every state in the U.S. now experiences a type of HAB event and the number of hypoxic water bodies in the U.S. has increased 30-fold since the 1960s with over 300 aquatic life systems now impacted.

Policy: The National Association of Counties (NACo) supports the renewal of the Harmful Algal Bloom and Hypoxia Research and Control Act and encourages the Environmental Protection Agency (EPA) to collaborate with the National Oceanic and Atmospheric Administration (NOAA) to identify nutrient reduction strategies and scalable Harmful Algal Bloom mitigation processes.



- *Proposed Resolution in Support of Reauthorization of the North American Wetlands Conservation Act - Doug Smith, Commissioner, Martin County, Fla.*

Resolution in Support of Reauthorization of the North American Wetlands Conservation Act

Issue: The North American Wetlands Conservation Act (NAWCA) expired in 2012. For now, the program continues to receive appropriations, but its future is uncertain unless Congress acts to reauthorize it. The bipartisan America's Conservation Enhancement Act (S. 3051 / H.R. 925) would reauthorize NAWCA through 2024 while increasing the authorized annual funding level to \$60 million. The Land Trust Alliance will continue to advocate for its passage.

Policy: The National Association of Counties (NACo) supports the reauthorization of the North American Wetlands Conservation Act (NAWCA).

- *Resolution in Support of Affordable Beach Renourishment Projects - Doug Smith, Commissioner, Martin County, Fla; Sally Heyman, Commissioner, Miami-Dade County, Fla.*

Resolution Supporting Affordable Beach Renourishment Projects

Issue: Allowing local governments to purchase sand from countries outside of the U.S. to replenish shorelines due to beach erosion.

Policy: The National Association of Counties (NACo) supports enabling the Secretary of the U.S. Army Corps of Engineers to allow counties to acquire sand by purchase, exchange or otherwise from non-domestic sources for the purpose of beach renourishment.

- *Resolution on the Inclusion of Waste-to-Energy - Melissa McKinlay, Commissioner, Palm Beach County, Fla.*

Resolution on the Inclusion of Waste-to-Energy

Issue: Local governments have invested billions of dollars in waste-to-energy (WTE) as an environmentally conscientious alternative to landfilling. Unfavorable treatment of WTE by the federal government in upcoming legislation could be detrimental to the financial viability of WTE and hinder the expansion of WTE, and its benefits, in the United States.

Policy: The National Association of Counties (NACo) supports the full inclusion of WTE in the Production Tax Credit, the Clean Energy Standard, climate programs, and other related policies.



Health

- *Proposed Resolution Urging the Federal Government to Suspend, Instead of Terminate, Medicaid Coverage for Incarcerated Individuals - Sally Heyman, Commissioner, Miami-Dade County, Fla.*

Resolution Urging the Federal Government to Suspend, Instead of Terminate, Medicaid Coverage for Incarcerated Individuals

Issue: Medicaid benefits may be withdrawn when an individual is incarcerated as opposed to convicted.

Policy: The National Association of Counties (NACo) urges Congress to pass legislation that: a) amends federal law to prohibit states from terminating eligibility for individuals who are inmates of public institutions or residents of Institutes for Mental Disease (IMD) based solely on their status as inmates or residents; and b) requires states to establish a process under which an inmate or resident of an IMD facility, who continues to meet all applicable eligibility requirements, is placed in a suspended status so that the state does not claim Federal Financial Participation (FFP) for services the individual receives, but the person remains on the state's rolls as being eligible for Medicaid; and c) once release or discharge from the facility is anticipated, require states to take whatever steps are necessary to ensure that an eligible individual is placed in payment status so that he or she can begin receiving Medicaid covered services immediately upon leaving the facility.

Justice and Public Safety

- *Resolution to Maintain Local Control and Public Safety Priorities Under Federal Immigration Laws - Bill Truex, Commissioner, Charlotte County, Fla.; Marion Greene, Commissioner, Hennepin County, Minn.*

Resolution to Maintain Local Control and Public Safety Priorities Under Federal Immigration Laws

Issue: Maintain local control and flexibility under federal immigration laws.

Policy: The National Association of Counties (NACo) supports the autonomy of counties in decisions related to the allocation of local law enforcement resources and setting of public safety priorities under federal immigration laws, as well as reimbursements to counties for any costs incurred while complying with federal immigration policies.



Transportation

- *Resolution Urging Congress to Enact Legislation Creating a National Infrastructure Bank to Finance Urgently Needed Infrastructure Projects - "Mary Alford, P. E.; Alachua County, Fla.; Tara Zrinski, Northampton County Council Member, NY ; Mary Jane Shimsky, Westchester County, NY, Anita Prizio, J.D., Allegheny County, Pa.; Catherine Borgia, Westchester County, N.Y.*

Resolution Urging Congress to Enact Legislation Creating a National Infrastructure Bank (NIB) to Finance Urgently Needed Infrastructure Projects

Issue: According to the American Society of Civil Engineers and the U.S. Congress, there is a budget shortfall of over \$2 trillion needed to finance urgently needed infrastructure programs. Current budget estimates cut discretionary funding. Also, this does not include much-needed programs such as broadband, passenger transit systems, high-speed rail, clean water supply projects, flood control systems, energy distribution systems and power grid upgrades. Therefore, the real financing need is well over \$4 trillion. The National Infrastructure Bank (NIB) would finance projects within all regions of the U.S. In the past, the United States has employed four National Banking systems to build out the infrastructure, and the proposed new legislation follows in that successful model and tradition.

Policy: The National Association of Counties (NACo) urges Congress to enact legislation to create a new National Infrastructure Bank system in the tradition of George Washington, John Quincy Adams, Abraham Lincoln and Franklin Roosevelt. This proposed bill has the following critical points:

1. It would create a new National Infrastructure Bank (NIB) by exchanging existing Treasury debt for preferred stock in the bank. The proposal is to raise \$500 billion, out of the \$23 trillion in Treasury debt, and put it in the Bank. This would require no new federal debt.
2. The NIB would pay 2 percent interest above the Treasury yield to the investors, with all transactions being federally insured. The 2 percent would be included in the U.S. budget and not go through appropriations. This model has been used in the past, initiated by the first Treasury Secretary, Alexander Hamilton.
3. The NIB would perform as a traditional commercial bank and be able to provide financing in the form of loans. The Bank would loan out \$4 trillion to states, cities, counties, authorities, and multi state entities to address the infrastructure crisis in the nation. Loans would be long-term, at Treasury rates, and for infrastructure projects only.
4. There would be a Board of Directors composed of mainly engineers and infrastructure experts; also a few state, local and county officials with experience in infrastructure construction to assist in the implementation of the projects. The Bank would report all banking transactions to Congress on a regular basis
5. The NIB would create 25+ million new high-paying jobs, which would increase the tax base and increase the productivity of the entire economy. Previous such entities have increased real GDP by 3-5 percent per year, and payback multiples have been anywhere from 2-10 times the investment.



Telecommunications & Technology

- *Proposed Resolution to Support Federal Solutions to the “Homework Gap” - Terry Burroughs, Chair, Board of Commissioners, Okeechobee County, FL; Tarryl Clark, Chair, Board of Commissioners, Stearns County, MN; John Peters, Supervisor, Mono County, CA; Paul Sachs, Director, Planning and Performance, Ottawa County, MI*

Resolution to Support Federal Solutions to the “Homework Gap”

Issue: Given the ever-increasing need for digital connectivity for children to successfully complete their schoolwork, the “homework gap” is leading to inequities in education in counties across America, which negatively impacts child development, the success of our economies and the quality of living in our communities.

Policy: To address internet affordability and adoption issues in K-12 education known as the “homework gap,” NACo urges Congress to establish a permanent program providing high quality, subsidized and discounted internet and computer access to low-income K-12 students through a shared cost formula spread between providers, families, and the federal government.

- *Proposed Resolution to Support a Permanent Federal Broadband Assistance Program - Terry Burroughs, Chair, Board of Commissioners, Okeechobee County, FL; Tarryl Clark, Chair, Board of Commissioners, Stearns County, MN; John Peters, Supervisor, Mono County, CA; Paul Sachs, Director, Planning and Performance, Ottawa County, MI*

Resolution to Support a Permanent Federal Broadband Assistance Program

Issue: The digital divide disproportionately impacts low-income households, who, due to affordability issues, have lower rates of technology adoption and access to broadband internet at home. This disparity creates additional barriers to accessing public benefits, employment opportunities, digital learning, telehealth services and opportunities for civic engagement, negatively impacting county economies, health outcomes and quality of life.

Policy: NACo urges Congress to establish a permanent program that helps low-income families afford internet service. A permanent broadband benefit program must include measures holding Internet Service Providers accountable to increasing access and providing affordable service to qualifying households. Additionally, such a program should incorporate relevant data, best practices and any key policy lessons learned during the Federal Communications Commission’s implementation of the Emergency Broadband Benefit (EBB) Program established under the American Rescue Plan Act.



FED-PP-01: INFRASTRUCTURE

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT federal legislation that would create a National Infrastructure Bank where infrastructure is backed by private investment (bonds, etc.).

BACKGROUND: The recent scoring of infrastructure by the American Society of Civil Engineers for the United States was dismal. Each of us in county government is aware of the need for funding not just for roads and bridges but for broadband, schools, sea level rise, affordable housing, transit, etc. The funding proposed by Biden's proposed infrastructure bill is far less than the trillions of dollars estimated by the ASCE to begin to address this problem. At the same time, we are faced with a soaring national deficit. HR 3339 proposes a National Infrastructure Bank based on the model used by Washington & Hamilton, Adams, Lincoln and Roosevelt - funding of infrastructure backed by private investment (bonds, etc.) and having a net positive effect on the federal budget. This proposed bank would provide up to five trillion dollars to cities, counties, regions and states to address these issues and which would be paid back at an interest rate less than the rate of inflation. There would be the ability to bundle projects and a portion of the money would also be put towards a grant program for the most challenged communities. A resolution in support of this bill was based at the last NACO conference.

Our counties are not provided adequate resources by the state to address the needs for maintenance of roads, of schools, or to address the growing issues with sea level rise and extreme weather events and effects on stormwater systems, wastewater treatment and water reclamation facilities. This problem is becoming dire in many counties, and they are not able to maintain the assets they have invested in.

ANALYSIS: This legislation would provide counties with infrastructure funding for public transportation, roads/bridges, broadband, water and wastewater facilities. The proposed bank would provide up to an estimated \$5 trillion to cities, counties, regions, and states to address infrastructure needs to be paid back at an interest rate less than the rate of inflation. There would be the ability to bundle projects, and a portion of the money would also be put towards a grant program for the most challenged communities. Our county is between \$600M and \$700M behind on just road maintenance. We are able to budget, in a best-case scenario, \$6M a year. This is affecting property values, public safety, and has, in some cases, become an equity issue for the outlying communities. In addition, we estimate a cost of \$40M to provide broadband to all our citizens. The past year has shown that the lack of broadband is costing our community in many ways. We struggle to provide adequate public transportation. We have thousands of homes that need to be connected to wastewater systems to protect our groundwater. Many of these issues cross county borders since small towns in neighboring counties are seen as "bedroom communities" and thousands of people commute into Alachua



County for jobs. Our county signed a resolution of the support for this bill and the North Central Florida Planning Council also unanimously signed a resolution of support.

FISCAL IMPACT: Should FAC support this bill and assist in having our legislators support this bill the fiscal impact would be positive for the state and for our counties should it pass the House and a bill is taken up by the Senate. Whether Biden's Infrastructure plan fails or not, this non-partisan grassroots bill would be ready to provide solutions that that bill does not address - in fact much of the proposed funding in Biden's Infrastructure bill in a reallocation of funding - not new dollars.

SUBMITTING COUNTY: Alachua

ASSIGNED COMMITTEE: FED

BOARD SUPPORT: Yes

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FED-PP-02: HEALTH CARE FOR NON-CONVICTED PERSONS

STAFF RECOMMENDATION: Not Adopt

PROPOSED POLICY: SUPPORT the reinstatement of federal health care benefits, including those benefits awarded to veterans, for non-convicted justice involved individuals.

BACKGROUND: The Social Security Act (Sec. 1905(a)(A)) prohibits use of federal funds and services, such as Veterans Affairs, Children's Health Insurance Program (CHIP) and Medicaid, for medical care provided to "inmates of a public institution." The federal law does not differentiate between a convicted inmate and a person incarcerated prior to conviction. Nationally, local jails admit nearly 11 million individuals a year, with approximately 60 percent of those individuals in pre-trial status and a large proportion qualifying for Medicaid. Loss of health benefits due to the MIEP contributes to jail recidivism for this population, creating undue administrative and financial burden on local jails, health care systems and taxpayers who assume the cost of care for inmate, the uninsured and the medically indigent.

This policy was in the 20-21 Legislative Program – documentation and rationale are available in last year's policy documents.

ANALYSIS: The Medicaid Inmate Exclusion Policy is only enacted for individuals confined inside the jail. Federal rules prohibit states from billing Medicaid for any inmate care unless the covered individual requires a hospital stay of at least 24 hours, as stated in section 409.9025, Florida Statutes. This policy denies federal benefits to individuals who are still presumed innocent under the Constitution, per rights outlined in the Due Process (5th Amendment) and Equal Protection (14th Amendment) clauses of the U.S. Constitution.

Furthermore, this policy negatively impacts youth and veterans. Specifically, by removing access to Children's Health Insurance Program (CHIP) benefits, more than 9,000 youths in juvenile facilities and awaiting trial are affected. Additionally, this policy limits access to veteran's health benefits as a veteran loses access to a VA (Veterans Affairs) medical care facility while incarcerated until such time as he or she is unconditionally released. More than half of justice-involved veterans have either mental health conditions, such as PTSD, depression or anxiety, or substance use disorders.

On August 11, Senator Bill Cassidy (R-La.) alongside democratic cosponsors Senators Ed Markey (D-Mass.) and Jeff Merkley (D-Ore.), [announced](#) they would be introducing the [Due Process Continuity of Care Act](#), which seeks to amend the federal Medicaid Inmate Exclusion Policy (MIEP), to ensure that pre-trial detainees – individuals awaiting adjudication that have not been convicted as a crime – can retain their Medicaid benefits.

The bipartisan *Due Process Continuity of Care Act* would amend the MIEP and allow for Medicaid coverage of health services for pretrial detainees, while also providing \$50 million in planning grants and technical assistance to states and local authorities for implementation.



FISCAL IMPACT: According to NACo, it is estimated that nationally counties spend about \$3.34 Billion each year to provide health services to pre-trial inmates. Counties may experience significant cost-savings if eligible pretrial detainees were able to access Medicaid health services while awaiting trial.

SUBMITTING COUNTY: Officers of the Small County Coalition

ASSIGNED COMMITTEE: FED

BOARD SUPPORT: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FED-PP-03: LOW INCOME HOUSING TAX CREDIT

STAFF RECOMMENDATION: Defer to Committee

PROPOSED POLICY: SUPPORT legislation expanding the 4% and 9% tax credits of the Low-Income Housing Tax Credit program to encourage more private development of affordable housing units.

BACKGROUND: All local governments in Florida are in desperate need of additional affordable and workforce housing. With the Sadowski Funds getting cut by 50% permanently, we will need to find more outside support for affordable housing. Each year, only about 20% of all LIHTC applications for 9% credits get funded. That means, only one in five units are getting built that were otherwise proposed by private developers. Many other interested groups are advocating for the expansion of the LIHTC program nationwide, including the Florida Housing Coalition. The lack of affordable housing for teachers, first responders, young professionals, etc., affects everyone statewide. This is even more apparent in counties such as Manatee, which so heavily relies on service and tourism workers, many of whom are presently unable to find sufficient and cost-effective housing.

ANALYSIS: The Low-Income Housing Tax Credit (LIHTC) program is a federal affordable housing program established under 26 U.S.C. §42. Unlike traditional affordable housing programs, the LIHTC program itself does not include rental assistance or any other type of direct government expenditure.

Instead, private investors fund a portion of project costs in exchange for a tax credit that is claimed over the course of 10 years. In return, units must be occupied by qualifying tenants paying no more than specified restricted rent levels for at least 30 years. There are two types of tax credits: 4% and 9% credits. These percentages refer to the “applicable percentage,” a rate established by the U.S. Treasury Department that is applied to a project’s “qualified basis” to determine the amount of tax credits available for a specific project, typically yielding enough capital to cover about 70% of project costs for 9% credit projects and about 30% of project costs for 4% credit projects. 26 U.S.C. §42(b); see also, 26 U.S.C. §42(a)-(d) for definitions of terms and additional rules on the valuation of tax credits.

In addition to financing original construction, 9% credits can also be used finance the acquisition or rehabilitation of a building not currently assisted by any federal program. The 4% credits can be used to rehabilitate federally assisted buildings; so, the credits have been the primary source of funding for the rehabilitation of existing federally assisted affordable housing.

The LIHTC program is regulated at the federal level by the U.S. Department of the Treasury. 26 U.S.C. §42(n). However, the tax credits are allocated by state tax credit agencies. These state tax credit agencies must allocate their states’ tax credits in accordance with a qualified allocation plan (QAP), and each state agency is responsible for preparing and formally adopting its own QAP. Every QAP must set forth selection criteria that reflect the state agency’s housing priorities based on local conditions. The QAP must also give preference in allocating tax credits to:

- Projects that serve the lowest income tenants;



- Projects obligated to serve qualified tenants for the longest periods; and
- Projects located in qualified census tracts where the projects contribute to a concerted community revitalization plan.

These preferences reflect Congress' intent that the LIHTC program serve the lowest-income population possible, maintain affordability restrictions for as long as possible, and support economic development in underserved communities. The QAP must also set out the procedures that the state tax credit agency will follow in monitoring program compliance. State tax credit agencies have broad interpretative discretion with respect to provisions dealing with the allocation process. As a result, allocation policies and practices can vary from state to state.

In Florida, The Florida Housing Finance Corporation administers the Low-Income Tax Credit program. The competitive (9%) and non-competitive (4%) Housing Credits program provides nonprofit and for-profit developers with federal tax credits. These credits are sold to investors to be used for a dollar-for-dollar reduction in their federal tax liability in exchange for equity to finance the acquisition, rehabilitation and/or new construction of affordable rental housing. Special consideration is given to properties that target specific demographic groups, such as people who are elderly or experiencing homelessness. Consideration is also given to properties that target certain geographic areas, such as the Florida Keys and developments in local revitalization areas.

In its 2020 Annual Report, the FHFC summarizes the program's activities as follows:

- \$61,991,452 in competitive (9%) housing credits was allocated in 2020. 3,360 units were funded (3,335 units will be set aside as affordable).
- \$110,608,320 in non-competitive (4%) housing credits was allocated in 2020. A total of 12,615 units were funded (12,438 units will be set aside as affordable).

FISCAL IMPACT: Positive; significant.

SUBMITTING COUNTY: Manatee

ASSIGNED COMMITTEE: FED

BOARD SUPPORT: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes



FED-PP-04: CORAL REEFS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT the State of Florida delegation working with the State of Hawaii delegation, and other delegations represented on the U.S. All Islands Coral Reef Committee and NOAA's Coral Reef Conservation Program, to hold a Congressional hearing on the status, trends, and urgent issues facing the U.S.'s coral reefs. SUPPORT reauthorization of the Coral Reef Conservation Reauthorization Act of 2000, and additional recurring funding dedicated to improving the health of the nation's coral reefs. Also, recommend that NOAA (National Oceanic & Atmospheric Administration), in coordination with the states and territories, update the economic value of coral reefs for each region and establish a regular update schedule for these studies.

BACKGROUND: Florida's Coral Reef has been experiencing an outbreak of a coral disease termed stony coral tissue loss disease. First reported in 2014 off the coast of Miami-Dade County, this outbreak has spread along Florida and to reefs in the Caribbean, including Jamaica, Mexico, St. Maarten, the US Virgin Islands and the Dominican Republic. Over half of Florida's Coral Reef has been affected – over 96,000 acres and the disease has continued to spread for more than three years. Over 20 of approximately 45 species of Florida's reef-building corals have been affected, including five species listed pursuant to the Endangered Species Act. Within certain species, disease is seen in 66-100 out of every 100 colonies surveyed. Once a coral begins to lose living tissue, observations show that the colony will die within weeks to months. Florida's coral reefs attract more than 16 million visitors every year, bring more than \$6 billion in sales and income revenue annually, and support more than 71,000 full- and part-time jobs. Additionally, coral reefs serve as the "rainforests of the sea" for their biodiversity and are an essential part of the food web for commercial and recreational fishing. The health of coral reefs has a direct impact on the condition of Florida's environment and on the health of the economy through the tourism and commercial fishing industries. Well-paying American jobs in the tourism, commercial fishing, recreational fishing, boating, and outdoor industries depend on the nation's coral reefs. Florida's reefs also provide more than \$675 million in flood protection benefits to people, property, and jobs every year, rising to as much as \$1.6 billion during a severe storm.

ANALYSIS: The Southeast Florida Coral Reef Tract starts in Martin County and goes through Palm Beach, Broward, Miami-Dade, and Monroe Counties.

FISCAL IMPACT: Coral reefs support jobs in the tourism, commercial and recreational fishing industries. Healthy coral reefs would have a positive employment impact on both urban and rural counties.

SUBMITTING COUNTY: Martin

ASSIGNED COMMITTEE: FED

BOARD SUPPORT: Yes



UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FED-PP-05: STREAMLINE TRANSPORTATION PERMITTING PROCESS

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation and other actions to streamline the federal permitting processes for transportation projects to reduce project study periods, accelerate project delivery, and achieve financial cost-savings for taxpayers, while protecting the environment and natural resources.

BACKGROUND: According to the U.S. Chamber of Commerce, the permitting process for major infrastructure projects is broken. It can take longer to get government permits than it takes to construct a project. On average, it takes approximately five years, and in some cases even longer, to complete an environmental impact statement, a federal requirement for many infrastructure projects. A project may be subject to a myriad of federal permits in addition to applicable state and local permits. Unreasonable delays resulting from lengthy and review processes, and litigation deny the public substantial benefits of infrastructure projects, including improving the economy, competitiveness, and improvements to quality of life.

In recent years, Congress and past administrations have taken steps to improve the federal permitting process. For example, Fixing America's Surface Transportation Act (FAST-41) established a process for environmental review which capped the amount of time for reviews, placed a statute of limitations on review-related lawsuits, and designated a lead agency to coordinate concurrent project reviews among all reviewing agencies. While this was a good start, more must be done to expand these environmental review streamlining steps and to speed up final federal permit decisions. Many of the United States' our global economic competitors, including Germany, Canada, and Australia complete environmental permitting reviews in under 2 years, while providing environmental protections equaling or exceeding those of the U.S.

ANALYSIS: The Florida Association of Counties, working with NACo, has strongly advocated for commonsense reforms to the NEPA process that preserves the environment while also facilitating the construction of critical infrastructure projects. On August 10, the U.S. Senate passed the Infrastructure Investments and Jobs Act (IIJA), H.R. 3684. The bipartisan infrastructure legislation would provide \$973 billion over five years from FY 2022 through FY 2026, including \$550 billion in new investments for all modes of transportation, water, power and energy, environmental remediation, public lands, broadband and resilience.

The bill contains several provisions to streamline the federal permitting process for transportation infrastructure projects. The bill codifies the "one federal decision" permit streamlining provisions under which:



- USDOT would be required to take several steps to implement new streamlining policies, including:
 - Developing a two-year timeline for completing environmental reviews on major projects—defined as a project requiring multiple reviews, permits or studies;
 - Issuing any related authorizations, no later than 90 days following a record of decision issuance;
 - Limiting reviews to 200 pages;
 - Require federal agencies to identify existing categorical exclusions that, if also applied by another agency, would have the potential to expedite project delivery; and
 - Require USDOT to annually report to Congress the time it takes to complete reviews required by the National Environmental Protection Act (NEPA)
- Evaluations for projects within an operational right-of-way are expedited. Federal agencies would be required to provide, at minimum, a preliminary review of applications for projects within an operational right-of-way within 45 days of submission. Other deadlines would also be created, and federal agencies not meeting a prescribed timeline would be subject to reporting requirements.
- Cost thresholds eligible for categorical exclusions are increased. For small projects, the threshold would increase from \$5 million to \$6 million; for large projects, it would increase from \$30 million to \$35 million, thereby making more projects eligible.

FISCAL IMPACT: Public and private developers of infrastructure projects would experience savings from streamlined federal project reviews and permitting processes.

SUBMITTING COUNTY: Lee

ASSIGNED COMMITTEE: FED

BOARD SUPPORT: No Action

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: Yes

FED-PP-06: HOUSING CHOICE VOUCHERS (SECTION 8) PORTABILITY

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation to reform the Housing Choice Voucher (HCV) Program's mobility feature by eliminating the negative fiscal impact to an initial Public Housing Agency (i.e., the PHA that initially issued the HCV to a family) that results when a voucher family moves to a high-cost area and the receiving PHA bills the initial PHA to administer the voucher instead of absorbing the moving family into its (i.e., the receiving PHA) program.

BACKGROUND: The Housing Choice Voucher (HCV) program is the Federal Government's largest program for assisting very low-income families, the elderly, and persons with disabilities to afford decent, safe, and sanitary housing in the private market. A key feature of the HCV program is the mobility of voucher assistance. Section 8(r) of the United States Housing Act of 1937 (1937 Act), as amended, provides that HCV participants may choose a unit that meets program requirements anywhere in the United States, provided that a PHA administering the tenant-based program has jurisdiction over the area in which the unit is located.

ANALYSIS: The HCV program is authorized by section 8(o) of the 1937 Act (42 U.S.C. §1473f(o)), as amended, and the HCV program regulations are found in 24 CFR part 982. Housing choice vouchers are administered locally by Public Housing Agencies (PHAs).

PHAs receive federal funds from HUD to administer the HCV program. Under the program, housing assistance is provided on behalf of the participating family who is responsible for finding a suitable housing unit of their choice where the owner agrees to rent under the program. The participant is free to choose any rental housing, including single family homes, townhouses, and apartments, that meets the requirements of the program and is not limited to units located in subsidized housing projects. Under certain circumstances, if authorized by the PHA, a family may use its voucher to purchase a modest home.

A housing subsidy is paid to the landlord directly by the PHA on behalf of the participating family. The family then pays the difference between the actual rent charged by the landlord and the amount subsidized by the program. The PHA determines the amount that the family will contribute toward rent, which is generally 30 percent of its adjusted annual income.

The term "portability" refers to the process of leasing a dwelling unit with tenant-based housing voucher assistance outside of the jurisdiction of the PHA that initially issued the family its voucher (the initial PHA). The HCV regulations, found at 24 CFR §§982.353 through 982.355, detail where a family may move and the responsibilities of the initial PHA and the receiving PHA (the PHA with jurisdiction over the area to which the family desires to move).

Generally, when a family moves to an area outside the initial PHA's jurisdiction using portability, the receiving PHA must administer the for the family if the PHA has jurisdiction in the area



where the unit is located. The receiving PHA cannot refuse to assist the porting family. Both the initial PHA and receiving PHA must follow the portability procedures in 24 CFR §982.355(c).

In the event the receiving PHA decides to bill the initial PHA (rather than absorbing the family) for assistance provided to the porting family, the initial PHA must reimburse the receiving PHA for the full amount of the housing assistance payments (HAP) made by the receiving PHA for the family, along with applicable administrative fees. The HAP amount for the porting family is determined in the same manner as for other families in the receiving PHA.

If the cost of the HAP will increase because of move (e.g., because the family moves to a higher cost area or, the initial PHA may deny the move if the initial PHA does not have sufficient funds to provide continued assistance. However, the initial PHA must notify HUD within 10 days of determining it's necessary to deny the family's move to a higher cost unit because of insufficient funds.

SUBMITTING COUNTY: Pasco

ASSIGNED COMMITTEE: FED

BOARD SUPPORT: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



FED-PP-07: OPPORTUNITY ZONES

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT legislation allowing county governments to select additional eligible census tracts within the limits of their boundaries to be designated as opportunity zones when an existing opportunity zone does not attract investment or is subject to documented insufficient investment.

BACKGROUND: The Opportunity Zone Program aims to foster economic development and job creation in economically distressed communities. According to the White House Opportunity and Revitalization Council, 52 million Americans live in economically distressed communities, including 35 million who reside in Opportunity Zones. A lack of investment has contributed to this economic distress, and the lack of access to economic opportunity can result in high unemployment rates, stagnant wages, low graduation rates, unsafe neighborhoods, and shorter life expectancy.

For instance, "on average, the median family income in an Opportunity Zone is 37 percent below the State median. More than one in five Opportunity Zones have a poverty rate higher than 40 percent, compared to just one in twenty census tracts nationwide. Of all Opportunity Zones, 71 percent meet the U.S. Department of the Treasury's (Treasury) definition of "severely distressed." Approximately 22 percent of adults living in Opportunity Zones have not attained a high school diploma, compared to 13 percent nationally. Most striking is that life expectancy for Opportunity Zone residents is on average three years shorter than it is nationally." White House Opportunity and Revitalization Council, *Report to the President*, at 7, (December 2019).

Opportunity Zones are economically distressed communities located in urban, rural, suburban, and tribal areas. Opportunity zones are defined at the census tract level and the Governor of each state may select up to 25 percent of these census tracts to be formally designated by the U.S. Department of the Treasury as qualified opportunity zones.

ANALYSIS: To assist these distressed communities, Qualified Opportunity Zones were introduced in the Tax Cuts and Jobs Act (Act), which President Trump signed into law in December 2017. Qualified opportunity zones are intended to encourage businesses, developers and financial institutions to invest long-term capital in low-income census tract areas.

Investments are made in Opportunity Zones through U.S. Treasury Qualified Opportunity Zone Funds, which must invest over 90 percent of their assets in Qualified Opportunity Zone properties and businesses. Qualified Opportunity Zone Funds attract investors through possible tax benefits. Tax benefits can accrue once unrealized capital gains from other investments are rolled into Qualified Opportunity Zone Funds. Benefits include the following:



- Taxes are deferred on capital gains rolled into Qualified Opportunity Zone Funds and the original tax bill through December 31, 2026, or the sale of the Opportunity Zone investment, whichever is earlier.
- Taxes are reduced on capital gains held in Qualified Opportunity Zone Funds for certain lengths of time; for investments held for 5-years, the cost basis for tax purposes is increased by 10% and for investments held for 7 years, the cost basis increases an additional 5%.
- The rolled over capital gain appreciates tax-free if the investment in the Qualified Opportunity Zone Fund is held for 10 years or longer.

A total of 427 Qualified Opportunity Zones are designated in Florida and located in every county in the state, stretching from the Panhandle through the Florida Keys. The nomination process in Florida included reviewing over 1,200 recommendations submitted by local governments, regional planning councils, nonprofits, developers, investors and others. Final nominations were based on a comprehensive review and detailed statistical analysis of relevant population, poverty and unemployment rates and other economic indicators.

SUBMITTING COUNTY: Pasco

ASSIGNED COMMITTEE: FED

BOARD SUPPORT: N/A

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: YES



FED-PP-08: IMMIGRATION

STAFF RECOMMENDATION: Adopt

PROPOSED POLICY: SUPPORT federal legislation that establishes a secure border, but ensures a reasonable and workable process for individuals who desire to better their economic prosperity to apply to come and work in the US, especially those in the agricultural and hospitality industries.

BACKGROUND: Congress has debated comprehensive immigration reform for more than a decade, balancing the need to reform the immigration system with increased border security concerns. In the debate to reform our nation's broken immigration system, however, the county perspective is widely unnoticed; yet, from an operational and managerial standpoint, counties are central players. As administrators of numerous federal benefits programs and front-line providers of the public's health and safety, counties are impacted directly by federal immigration policies and practices.

According to NACo, counties invest \$83 billion annually in community health for more than 300 million residents nationwide. Through ownership or partnerships with public hospitals, long-term care facilities, behavioral health authorities or coalitions, and through partnerships with county public health departments, counties deliver or support the delivery of healthcare and public health services to millions of Americans. "From preventative measures like administering flu shots to educating the public on health issues and other diseases, counties are involved in protecting the health of all communities across the country. Often serving as the health care providers of last resort for the uninsured and underinsured, counties provide health care to our nation's residents, regardless of immigration status, as mandated by federal and state laws and policies." *NACo, Immigration Reform Task Force Policy Brief (2019).*

In addition, counties invest over \$70 billion annually in providing justice and public safety services to all residents, working with state and federal partners to improve public safety, reduce jail populations and fight recidivism. Counties are often involved in the apprehension and detention of undocumented immigrants at the request of federal agencies.

"Counties fund and administer federal, state and local service systems and play a pivotal role in providing all residents with critical human services to break cycles of poverty. Each year, counties invest \$58 billion in federal, state and local funds in human services while serving as the front-line social safety net for residents." *NACo, Immigration Reform Task Force Policy Brief (2019).*

ANALYSIS: Congress' inaction and shifting federal administrative policies have created not only confusion and uncertainty for county governments, but also a humanitarian crisis at the nation's southern border, placing the safety of our county residents at risk, including immigrant populations. FAC calls on Congress to put aside political differences and urgently pass



meaningful immigration legislation that secures the nation's borders, provides clarity, and helps counties work more effectively with its federal partners on immigration issues.

Throughout America's history, immigrants have largely come to our shores for freedom and economic opportunity. Immigrant labor and expertise continues to be vital to local economies and industries in most states across the country. Counties have an interest in ensuring that its employers and industries of all types can hire and retain a qualified and legal workforce that meets their needs and helps to strengthen local economies. Therefore, federal laws should not only maintain legal immigration levels, but also support and provide legal avenues for immigrants who wish to come to the United States, and allow these individuals to contribute their skills and expertise to our economies and to maintain a sufficient workforce. Additionally, FAC urges the federal government to carry out its immigration law enforcement mission in a manner that minimizes negative impacts on families and children and does not increase reliance on local social safety net services or create new demands and administrative costs for counties.

FISCAL IMPACT: Indeterminate.

SUBMITTING COUNTY: Lee

ASSIGNED COMMITTEE: FED

BOARD SUPPORT: No Action

UNFUNDED MANDATE: No

PROTECTIVE OF HOME RULE: N/A



From: Squire Patton Boggs LLP
Date: September 15, 2021
Subject: Federal Legislative and Regulatory Action Relevant to General State and Local Government Interests

This report provides a comprehensive update for state and local governments and their partners, highlighting action on notable federal legislation, administration, and regulatory issues since our last update from April. It is important to note that the memorandum provides only a high-level perspective; detailed reports were provided as events unfolded, particularly with regard to the federal response to the COVID-19 pandemic and the Infrastructure Investment and Jobs Act (IIJA) (H.R. 3684) .

On August 10, the Senate passed the IIJA on a 69-30 bipartisan vote. The five-year, \$1 trillion comprehensive infrastructure package includes funding for transportation – roads, bridges, ports, airports, rail, and transit – as well as water infrastructure, broadband, power infrastructure, and climate resiliency. The following day, the Senate passed a \$3.5 trillion budget resolution on a party-line vote of 50-49. The budget resolution, which includes reconciliation instructions, will serve as the blueprint for the legislative vehicle Democrats will use to advance President Biden’s human infrastructure priorities.

On August 24, the House passed a procedural rule on a party line 220-212 vote that deemed the Senate-passed \$3.5 trillion budget resolution adopted by the lower chamber. In a concession to moderates – who threatened to vote against the rule if the chamber did not also vote on the IIJA – the rule includes a statement that the House will consider the IIJA by September 27.

Congress must also address FY 2022 appropriations, as the current spending bill expires on September 30. While Congress has made progress on passing its FY 2022 appropriations bill, it is likely it will have to pass a short-term stopgap measure to get the government funded. Several House Democrats are calling for any stopgap measure to also raise the debt ceiling – something that could further complicate negotiations.

Also expiring on September 30 is the Surface Transportation Authorization, the National Flood Insurance Program Authorization, the Temporary Assistance for Needy Families Authorization and related programs, COVID-19-related paid sick leave, and increased SNAP benefits.

The House is also expected to begin consideration of its FY 2022 National Defense Authorization Act (NDAA) the week of September 20.

ISSUE AREA REVIEW AND FORECASTS

▪ AGRICULTURE	1
▪ BUDGET AND APPROPRIATIONS	1
▪ ENERGY/ENVIRONMENT/WATER	3
▪ EDUCATION	6
▪ HEALTHCARE	7
▪ HOUSING/COMMUNITY DEVELOPMENT	9
▪ IMMIGRATION/HOMELAND SECURITY/PUBLIC SAFETY	11
▪ TAX	13
▪ TELECOMMUNICATIONS/BROADBAND	13
▪ TRANSPORTATION/INFRASTRUCTURE	14
▪ WORKFORCE	14

AGRICULTURE

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

The Biden Administration has approved the largest increase to food assistance benefits in the Supplemental Nutrition Assistance Program's history. Benefits will rise by an average of 25 percent, substantially reformulating the program to provide adequate assistance to families in need. This increase will bring average monthly benefits from \$121 per person to approximately \$157 per person (up to \$835 per family per month), providing additional aid to families struggling during the pandemic. Republican pushback to SNAP revisions has been swift as Members are requesting more transparency into the calculations by the U.S. Department of Agriculture (USDA). The USDA is expected to implement these changes beginning in October, assisting the 42 million Americans enrolled in the program.

BUDGET AND APPROPRIATIONS

FY 2022 PRESIDENT'S BUDGET REQUEST/APPROPRIATIONS

President Joe Biden released his FY 2022 Budget Request on May 28, 2021, following the earlier release of his shorter "Skinny Budget" in April. The President's FY 2022 Budget Request proposes \$769 billion for domestic spending, an almost 16 percent increase over FY 2021 enacted levels, and \$753 billion for defense programs, a 1.7 percent increase over FY 2021 enacted levels. Overall, President Biden proposed FY 2022 discretionary spending of \$1.522 trillion, 8.6 percent over FY 2021 enacted levels.

The House Appropriations Committee began marking up its FY 2022 spending bills in June, after adopting a deeming resolution to align with the President's proposal \$1.5 trillion discretionary cap, and approved all 12 bills by mid-July. On July 28, the House passed the Legislative Branch and State-Foreign Operations bills, and on July 29 passed a seven-bill minibus that included: Agriculture; Energy and Water; Financial Services; Interior-Environment; Labor-HHS-Education; Military Construction-Veterans Affairs; and Transportation-Housing. Policy disputes over proposed requirements on grant funding for local and state law enforcement agencies, immigration, and military spending held up consideration of the Commerce-Justice-Science, Homeland Security, and Defense bills, leaving them as the only FY 2022 appropriations bills not approved by the full chamber.

The Senate Appropriations Committee approved three of its FY 2022 spending bills before departing for the August recess: Agriculture; Energy and Water; and Military Construction-Veterans Affairs. The committee is tentatively planning to mark up the Legislative Branch and Transportation-Housing bills next week, but no other bills are scheduled for consideration.

With the start of FY 2022 looming on October 1, a Continuing Resolution (CR) to maintain federal government operations and programs is inevitable. The House will begin consideration of a CR when it returns from its committee work period next week and will have to address the duration of the CR (reports have referenced both December 3 and December 10 as possible expiration dates) and whether to keep the CR "clean" or add on other items, such as the debt ceiling extension, disaster aid for recent hurricanes and wildfires, and/or additional humanitarian aid to assist Afghan refugees.

DEBT CEILING

The debt ceiling is a limit imposed by Congress on the amount of money that the U.S. Treasury is authorized to borrow to meet its existing obligations.

The *Bipartisan Budget Act of 2019* temporarily suspended the debt ceiling through July 31, 2021. Since then, the Treasury Department has been utilizing accounting methods referred to as “extraordinary measures” to avoid defaulting on its obligations. Last week, Treasury Secretary Janet Yellen sent a letter to Congressional leaders estimating that the debt limit would be reached in October.

Democrats would typically combine a debt ceiling increase/suspension with the upcoming FY 2022 CR; however, Republicans in both chambers are vowing not to help Democrats raise the debt ceiling, noting that they hold the majority in both chambers of Congress, as well as the Executive Office. Senate Republicans will also likely force a 60-vote threshold on the debt ceiling. Notably, Democrats did not include a provision to raise the debt ceiling in the budget resolution that is being used as a blueprint for the reconciliation package, which would bypass the need for Republican support.

FY 2022 BUDGET RESOLUTION/RECONCILIATION

In August, Congressional Democrats adopted a \$3.5 trillion budget resolution to serve as the blueprint for a reconciliation package to include components of the President’s *American Jobs Plan* and the *American Families Plan* into a package being referred to as the *Build Back Better Act*.

The budget resolution provided instructions to House and Senate jurisdictional committees and set a September 15 deadline for those committees to draft their portions of the reconciliation package. House committees began holding markups on September 2 and met the September 15 deadline for completing their work. The Budget Committee will combine the committee measures into one package, which will be forwarded to the Rules Committee. The Rules Committee will likely make changes to the bill before it is brought to the House floor.

Timing for House floor consideration is uncertain. With a razor-thin majority, House Speaker Nancy Pelosi (D-CA) can only afford to lose three Democratic votes to pass legislation on a party-line basis. Leading up to the vote on the rule for the budget resolution, several moderate Democrats threatened to vote against the rule if the chamber did not also vote on the IIJA. To secure their support, the rule included a statement that the House will consider the IIJA by September 27. Alternatively, following the vote, the 96-Member House Progressive Caucus released a statement that they will “only vote for the infrastructure bill after passing the reconciliation bill.”

While Senate committees have not begun formal consideration of the reconciliation package, Democratic Senators have been expressing disagreements with what the House committees have produced, particularly with regard to tax, health, and climate policy provisions.

The biggest obstacles to finalizing the President’s infrastructure agenda are Senators Kyrsten Sinema (D-AZ) and Joe Manchin (D-WV), who remain opposed to a \$3.5 trillion package, with Senator Manchin expressing support for a package in the range of \$1-1.5 trillion.

ENERGY/ENVIRONMENT/WATER

ENERGY LEGISLATION

The IIJA includes historic levels of funding for water infrastructure and climate resiliency. Below are some of its high-level energy investments. The bill includes:

- **\$7.5 billion** for the deployment of EV chargers along highway corridors to facilitate long-distance travel and within communities to provide convenient charging where people live, work, and shop. Federal funding will have a particular focus on rural, disadvantaged, and hard-to-reach communities.
- **\$5 billion** for the deployment of zero-emission and clean buses and **\$2.5 billion** for ferries
- **\$17.6 billion** for improving grid infrastructure and resiliency
- **\$8.2 billion** to secure supply chains for clean energy technologies, including **\$6.4 billion** for a Department of Energy (DOE) grant program to support research and development regarding batteries
- **\$19.3 billion** for research and development of fuels and technology infrastructure, including **\$8 billion** for the establishment of at least four regional clean hydrogen hubs
- **\$5.5 billion** for improving energy efficiency and building infrastructure, including **\$3.5 billion** for FY 2022 for the Weatherization Assistance Program
- **\$4.6 billion** to promote wild fire risk reduction and **\$2.14 billion** for ecosystem restoration on federal lands

Speaker Nancy Pelosi has warned that the House will not approve the \$1 trillion IIJA until the larger \$3.5 trillion reconciliation bill, which would contain parts of President Biden's American Jobs Plan and American Families Plan, is passed. The reconciliation package, which is unlikely to gain bipartisan support, seeks to implement new polluter fees, create new consumer rebates for home electrification and weatherization, and provide clean energy, manufacturing, and transportation tax incentives and grants and electrifying the federal vehicle fleet and buildings. It would also fund agriculture conservation and drought and forestry programs to help reduce carbon emissions and prevent wildfires.

As part of the reconciliation package, congressional Democrats on the House Natural Resources Committee are set to approve a \$31.7 billion measure that would ban drilling in most U.S. offshore waters and the Arctic National Wildlife Refuge, place new fees on oil and mining companies, and fund drought relief and other conservation programs.

Meanwhile, members of relevant committees on Capitol Hill have also introduced a number of bills to update the clean energy tax code.

Sen. Jon Ossof (D-GA) introduced the Solar Energy Manufacturing for America Act to rapidly boost American solar manufacturing, accelerate the transition to clean energy, and support American energy independence. The bill would provide tax credits for American manufacturers at every stage of the solar manufacturing supply chain, from production of polysilicon to solar cells to fully assembled solar modules.

Chair of the Senate Energy and Natural Resources Committee Sen. Joe Manchin (D-WV) and Sens. Ben Cardin (D-MD), Tom Carper (D-DE), Sheldon Whitehouse (D-RI), and Cory Booker (D-NJ) introduced the Zero-Emission Nuclear Power Production Credit Act of 2021 that would make existing merchant nuclear

power owners/operators eligible for the same 1.5 cent/kilowatt hour credit (\$15/megawatt hour) proposed for wind operators. Current tax law provides a production tax credit for eligible nuclear power facilities only during the first eight years of operations. There is no tax credit for older nuclear power plants, many of which are retiring before the end of their useful life due to a drop in energy prices. The proposed credit would phase out if market revenues reach 2.5 cents/kilowatt hour (\$25/megawatt hour), if Greenhouse Gas Emissions (GHG) drop 50 percent from 2020 levels, or after 10 years.

Sens. Michael Bennet (D-CO) and Rob Portman (R-OH) introduced the Carbon Capture Improvement Act of 2021, which would authorize the use of tax-exempt private activity bonds (PABs) to help finance the purchase of carbon capture retrofit equipment for installation at power plants and industrial facilities.

In the House, Reps. Suzan DelBene (D-WA), John Larson (D-CT), and Donald Beyer (D-VA) introduced The Clean Hydrogen Production and Investment Tax Credit Act of 2021, which would provide a tax credit to companies that reduce carbon emissions by the production of hydrogen. The credit would be worth an applicable amount (a sliding percentage, based on the production method, multiplied by \$3, adjusted for inflation) multiplied by the kilograms of qualified clean energy produced by the taxpayer during the taxable year.

EXECUTIVE BRANCH

A recent [report](#) issued by the DOE Solar Energy Technologies Office and the National Renewable Energy Laboratory announced that solar energy has the potential to power 45% of the nation's electricity by 2050. The report states that by 2050, solar energy could provide 1,600 GW on a zero-carbon grid—producing more electricity than consumed in all residential and commercial buildings in the country today. Decarbonizing the entire energy system could result in as much as 3,000 GW of solar by 2050 due to increased electrification in the transportation, buildings, and industrial sectors, the report argues.

The solar power study on which the report is based is part of the Biden Administration's broader plan to transition to an emissions-free grid by 2035 and a completely decarbonized energy system by 2050. Other zero-carbon energy sources, most notably wind, would account for the generation not supplied by solar.

President Biden recently announced a similarly ambitious goal via Executive Order that sets a target to make half of all new vehicles sold in 2030 zero-emissions vehicles, including battery electric, plug-in hybrid electric, or fuel cell electric vehicles. The Executive Order also kicks off development of long-term fuel efficiency and emissions standards to save consumers money, cut pollution, boost public health, advance environmental justice, and tackle the climate crisis.

EPA ACTIONS

The Environmental Protection Agency (EPA) recently released the [Preliminary Effluent Guidelines Program Plan 15 \(Preliminary Plan 15\)](#), which identifies opportunities to better protect public health and the environment through regulation of wastewater pollution. Preliminary Plan 15 announces that the EPA will undertake three new rulemakings to reduce contaminants from key industries. The agency has determined that revised effluent limitations guidelines (ELGs) and pretreatment standards are warranted for:

- Organic Chemicals, Plastics and Synthetic Fibers category to address per- and polyfluoroalkyl substances (PFAS) discharges from facilities manufacturing PFAS
- Metal Finishing category to address PFAS discharges from chromium electroplating facilities

- Meat and Poultry Products category to address nutrient discharges

The EPA also announced that it is adding four sites and proposing to add another 13 sites to the Superfund National Priorities List (NPL) where releases of contamination pose significant human health and environmental risks. EPA is withdrawing a previously proposed site, following the Agency's science-based determination that placing the site on the NPL is not needed to protect human health and the environment. With this Superfund NPL [update](#), the Biden-Harris Administration is demonstrating a commitment to updating the NPL twice a year.

LOW-INCOME HOUSEHOLD DRINKING WATER AND WASTEWATER EMERGENCY ASSISTANCE PROGRAM

On August 12, the Office of Community Services (OCS) at the Administration for Children and Families held a webinar on the Low Income Household Water Assistance Program (LIHWAP), which provides funding to assist low-income households with water and wastewater bills. Congress appropriated the program \$638 million in the Consolidated Appropriations Act of 2021 and an additional \$500 million in the American Rescue Plan of 2021. There is no permanent authorization for the LIHWAP as of now.

Funds will be distributed to grantees (states, territories, and tribes) based on: 1) the percentage of households in the state with income equal to or less than 150 percent of the federal poverty line; and 2) the percentage of households in the state that spend more than 300 percent of monthly income on housing.

Grantees must provide funds to owners or operators of public water systems or treatment works to reduce arrearage of any rates charged to such household for these services. Grantees may self-administer the funds or can use subgrantees (i.e., local community based organizations, Low Income Home Energy Assistance Program (LIHEAP) local agency, or local governments) who will then be responsible for distributing them to water utility vendors. While grantees ultimately decide how to allocate funding, it is suspected most will distribute funds based on income eligibility in communities.

Funding can be used for arrearages for disconnected households, arrearages for households at risk of disconnecting, and reduction in rate charges for current bills. The LIHWAP can be used to enhance current local programs and the OCS encourages outreach to those already utilizing similar programs.

LIHWAP Grant Plans were due by grantees on August 9. The review process at OCS can take several weeks once they are received. Once a Grant Plan is approved, grantees will receive funding, with a specific allocation meant for administrative expenses. The OCS is asking grantees to begin opening household applications before the end of this fiscal year, September 30, 2021. The state allocations for the LIHWAP can be found [here](#).

WATERS OF THE UNITED STATES (WOTUS)

The EPA held federalism consultations and public meetings through the month of August on the two-step process to first roll back the Waters of the United States (WOTUS) to pre-2015 standards, which will be followed by a rewriting of the standards. Originally, there was a 30-day comment period, but that has been extended to 60 days and **comments are due by October 4**. Comments should be directed to CWAwotus@epa.gov and usarmy.pentagon.hqda-as-a-cw.mbx.asa-cwreporting@mail.mil. For more information, visit <https://www.epa.gov/wotus>.

EPA LEAD AND COPPER RULE

Over the course of the spring and summer, the EPA has held listening sessions, community roundtables, and a national stakeholder roundtable on its Lead and Copper Rule Revisions (LCRR). Feedback included: strengthening the Lead Service Line inventory requirements; requiring 100% lead service line replacement (LSLR) within 10-15 years; not requiring consumers to pay for LSLR and providing federal grants; establishing a health-based Maximum Contaminant Level (1 or 5 ppb) at the tap or lower the Action Level; expanding school and child care testing requirements; and improving communication about lead in drinking water. It is expected that EPA will rewrite the Lead and Copper rule in the near future.

INFRASTRUCTURE INVESTMENT AND JOBS ACT

The IIJA provides funding for the Bureau of Reclamation's western water programs, for which only 17 western states (Washington, Oregon, Idaho, Montana, North Dakota, South Dakota, Nebraska, Wyoming, California, Nevada, Utah, Colorado, Kansas, Oklahoma, Texas, New Mexico, and Arizona) are eligible.

It also provides **\$48.4 billion** for drinking and wastewater infrastructure, including funds for lead service line replacement and to address per- and polyfluoroalkyl substances (PFAS).

EDUCATION

STUDENT LOANS

On August 6, the Biden Administration announced the extension of the pause on collections of federal student loan payments for borrowers until January 31, 2022. The current pause on payments was set to expire on October 1 of this year. The extended pause on payments also includes an extension of the freeze on interest rates for the loans. In its announcement, the Administration emphasized that this will be the final extension of the pause. "The payment pause has been a lifeline that allowed millions of Americans to focus on their families, health, and finances instead of student loans during the national emergency," said Secretary of Education Miguel Cardona, "as our nation's economy continues to recover from a deep hole, this final extension will give students and borrowers the time they need to plan for restart and ensure a smooth pathway back to repayment." The extension also comes amid growing concerns that student loan servicing companies were not prepared to resume collections from borrowers. Democratic lawmakers are overwhelmingly in favor of the extended pause, although Republican Congress members have argued the freeze is too expensive for the Department of Education and does nothing to help prepare students for eventually resuming their payments.

However, during the month of August, the Department of Education did grant debt relief to two groups of students. First, the Department announced 323,000 disabled borrowers will receive a total of \$5.8 billion in debt relief. Additionally, disabled borrowers will no longer be required to apply for loan forgiveness nor comply with income verification requirements. Second, the Department announced it would forgive the debt of more than 47,000 current or former military service members who were mistakenly charged interest on their federal student loans during their deployments. The automatic forgiveness follows a new data-sharing agreement between the Departments of Defense and Education, which allow the Department of Education to automatically determine which military members qualify for the benefit.

The Department of Education will also be convening a regulatory rulemaking committee to consider Borrower Defense to Repayment (BDR) regulations, closed school discharges, public service loan forgiveness (PSLF), and income-contingent repayment, among other related student loan topics. The rulemaking committee will meet for three weeks across October, November, and December.

TITLE IX REGULATIONS

On July 20, the Department of Education released [new guidance](#) regarding schools' obligations under Title IX regulations adopted under former Secretary of Education Betsy DeVos. The guidance document "describes OCR's [Office for Civil Rights] interpretation of schools' responsibilities under Title IX, and the Department's current implementing regulations related to sexual harassment." The attached guidance includes answers to 67 questions related to the amendments made to the rule in 2020, under the Trump Administration. The Department published this new guidance document to provide clarity to schools on their obligations, as the Biden Administration begins its in-depth regulatory review of the rule. In the guidance, OCR emphasized the 2020 amendments set out only "minimum steps" that a school must take in response to sexual harassment reports and clarified that a student does not need to experience any loss in education to qualify the event as reportable sexual harassment. The Department of Education under former Secretary DeVos made various changes to Title IX, including changes to the definition of sexual misconduct and the standard of proof schools must use when reviewing cases. These changes were strongly opposed by victims' advocacy groups and Democrats, although Secretary DeVos argued these changes would ensure innocent students were not accused unfairly. The publication comes one month after the Department held a five-day virtual public hearing on Title IX regulations, during which the Department received 280 live comments from students and other higher education stakeholders. Once the Department has completed its regulatory review, it plans to publish a rulemaking notice in the Federal Register.

INNOVATION AND COMPETITION ACT

On June 8, the Senate passed the Innovation and Competition Act (S. 1260), Senate Majority Leader Schumer's (D-NY) trademark legislation providing over \$250 billion in new research funding in response to China's growing research and development activities. The legislation includes numerous provisions that would require enhanced reporting requirements on foreign gifts and research partnerships from colleges and universities. The Committee on Foreign Investment in the United States (CFIUS) would be given additional authority to review all foreign investments made to universities. Universities will be required to report any foreign gifts over \$50,000, as opposed to the previous limit of \$250,000. The CFIUS would also be given additional authority to review all foreign investments made to universities. The legislation now heads to the House of Representatives, although it has not yet scheduled consideration of the legislation.

HEALTHCARE

AFFORDABLE CARE ACT

On June 17, the Supreme Court ruled 7-2 to dismiss a case brought by a group of Republican attorneys general challenging the constitutionality of the Affordable Care Act (ACA). The attorneys general argued that since the insurance coverage mandate in the legislation is unconstitutional, the entire legislation should also be found unconstitutional. The justices did not issue a ruling on the constitutionality of the legislation, but instead argued the Republican states did not have standing to bring the case to court. The

two dissenting justices, Samuel Alito and Neil Gorsuch, indicated the case's dismissal does not eliminate the possibility of future litigation.

DRUG PRICING

On July 9, President Biden issued an [executive order](#) (EO) that, in part, focused on ways the federal government can lower drug prices. The EO directs the Food and Drug Administration (FDA) to work with states and territories on plans to safely import prescription drugs from Canada. The EO also orders the Department of Health and Human Services (HHS) to issue a report on combatting the "excessive pricing of prescription drugs." Released on September 9, the [report](#) identifies "guiding principles" for drug pricing reform, including allowing Medicare to negotiate drug prices and limiting manufacturers from unreasonable price increases. It also highlights a list of policies for Congress to consider, and suggests administrative actions that could be implemented to reduce drug prices. Finally, the EO directs HHS to increase transparency and support for generic drugs and requests the Secretary of Commerce to delay finalizing any proposed provisions on march-in rights. On August 12, President Biden also released a [Fact Sheet](#) on including drug-pricing reforms in the budget reconciliation bill. He called on Congress to allow Medicare to negotiate drug prices and extend those negotiated prices to the private insurance market, limit price increases to inflation, and cap out-of-pocket spending at around \$3,000 per year for Medicare beneficiaries.

CENTERS FOR MEDICARE AND MEDICAID SERVICES GUIDANCE UPDATES

On August 13, the Centers for Medicare and Medicaid Services (CMS) sent a State Health Official (SHO) [letter](#) to states regarding the resumption of normal Medicaid, Children's Health Insurance Program (CHIP), and Basic Health Program (BHP) operations once the COVID-19 public health emergency (PHE) ends. The letter revises CMS guidance from December 2020 to allow states one year after the PHE ends to complete any pending eligibility and enrollment actions. The agency encouraged states to revise their approaches to reviewing these actions given they will have 12 months (instead of 6 months) to complete eligibility determinations. In addition, the CMS made changes regarding additional redeterminations for individuals deemed ineligible for Medicaid.

Also in August, the CMS released additional [guidance](#) on coverage and reimbursement of COVID-19 testing and vaccines through state CHIP and Medicaid programs. The CMS also sent a SHO [letter](#) informing states of opportunities for enhanced federal medical assistance percentages (FMAP) through the American Rescue Plan.

Additionally, the CMS released the 2022 [payment methodology](#) for the BHP, incorporating the new premium tax credit formula from the American Rescue Plan. The agency estimates states will receive \$853 million in additional BHP payments.

EXPANDED HEALTH CARE NAVIGATOR FUNDING

On August 27, the Biden Administration announced the expansion of the Community Navigator program with \$80 million in grant awards for 2022. The funding for hospitals, community organizations, and tribes will help to quadruple the amount of community navigators available to help individuals access health insurance coverage. Community Navigator grants are awarded in 36-month periods, with 60 organizations receiving funding for 2021-2024. The list of 60 entities receiving funding can be found [here](#).

340B DRUG DISCOUNT PROGRAM

Over the summer, the Health Resources and Services Administration (HRSA) took a series of actions to enforce its December 2020 [Advisory Opinion](#) that interpreted the 340B statute to require drug companies to issue discounts to eligible entities that use contract pharmacies. On May 17, the HRSA sent a series of letters ordering six drug manufacturers to resume 340B Drug Discount Program (340B) for drugs delivered through contract pharmacies. In June, a district court in Delaware dismissed a request from the Biden Administration to require AstraZeneca to grant discounts to contract pharmacies because the judge ruled the 340B statute is unclear and Congress must provide additional language regarding the issue. In response, the HRSA withdrew its Advisory Opinion, although the agency indicated this would not stop its enforcement actions.

DEPARTMENT OF HEALTH AND HUMAN SERVICES CONFIRMATIONS

On June 24, the Senate confirmed Dawn O’Connell as the new Assistant Secretary for Preparedness and Response (ASPR) at HHS. Secretary O’Connell was confirmed by the Senate by voice vote and received widespread support. She previously served as the Senior Counselor to HHS Secretary Xavier Becerra for the COVID-19 response and as Director of the U.S. Office for the Coalition for Epidemic Preparedness and Innovation (CEPI). She also held positions at HHS under President Obama.

On August 30, CMS announced Dr. Ellen Montz will serve as Deputy Administrator and Director of the Center for Consumer Information and Insurance Oversight (CCIIO), the agency responsible for managing HealthCare.gov and the Federal Insurance Marketplace. Prior to her role at CMS, Dr. Montz served as the Chief Deputy at the state Medicaid department in Virginia and held positions on the Domestic Policy Counsel under President Obama.

The Biden Administration is still working to appoint a permanent FDA Commissioner. The current Acting Commissioner, Dr. Janet Woodcock, had received considerable pushback from Senators and likely will not be nominated for the permanent position.

MEDICAID WORK REQUIREMENTS

In addition to rescinding Section 1115 Medicaid waivers in Texas, Arkansas, New Hampshire, and Michigan earlier this year, the CMS also rescinded waivers in Indiana and Arizona that require certain Medicaid-eligible individuals to hold jobs or volunteer positions because those requirements do not “promote the objectives of the Medicaid program.” The Biden Administration is also considering similar actions against work requirements in Ohio, South Carolina, and Utah.

HOUSING/COMMUNITY DEVELOPMENT

AFFORDABLE HOUSING INITIATIVE

The Biden Administration, along with the Department of Housing and Urban Development (HUD), the Treasury Department, and the Federal Housing Finance Agency, have announced their plan to create nearly 100,000 affordable homes over the next three years. The plan will address the current housing supply shortage and boost construction in urban and rural areas. New policies will also limit the sale of these affordable units to individuals and nonprofits as opposed to investors, who are responsible for the purchase of one out of every six homes in the second quarter of this year. Senate Banking Chair Sherrod Brown (D-OH) praised the housing plan, stating that “building more affordable homes — and keeping the homes we have in the hands of homeowners, not investors — is key to bringing down housing costs,

including for communities that have been denied access to housing for too long.” A recent study by the National Association of Realtors suggests home supply in the U.S. is lagging by approximately six million units, far from the 100,000 units proposed by the Administration.

EVICTIION MORATORIUM

On July 30, the House of Representatives adjourned for August recess after failing to pass legislation that would have extended the federal eviction moratorium beyond the July 31 deadline. House Democrats made a last-minute attempt to pass the bill by unanimous consent, but the move was objected to by House Republicans. After announcing he would not extend the eviction moratorium, President Biden released a statement calling on state and local governments to “take all possible steps” to pay out Emergency Rental Assistance funds in light of the moratorium’s looming end. In a joint statement, the Departments of Housing and Urban Development, Agriculture, Veterans Affairs, Treasury, and the Housing Finance Agency announced that they extended their foreclosure-related moratorium until September 30.

On August 26, the U.S. Supreme Court lifted the Biden Administration’s eviction moratorium, terminating protections for millions of Americans who had fallen behind on rent payments during the course of the pandemic. The Supreme Court stated that the existing moratorium exceeded the authority of the Centers for Disease Control and Prevention (CDC) and subjected landlords to unwarranted hardships. Previously, the Supreme Court left intact the CDC eviction moratorium from June, but stated that Congressional authorization would be required for extension. The Court’s three liberal justices dissented, stating, “[P]ublic interest strongly favors respecting the CDC’s judgment at this moment, when over 90% of counties are experiencing high transmission rates.” After the ruling, House Financial Services Committee Chair Maxine Waters (D-CA) said that she would “immediately set to work on a legislative solution to address issues with the slow implementation of the emergency rental assistance program.”

2020 CENSUS DATA

On August 12, the Census Bureau held a news conference to discuss the release of 2020 data, highlighting results on race, origin, and voting-age population, which are used to determine the outcomes of the redistricting process. The press conference was moderated by Michael Cook, Chief of the Public Information Office of the Census Bureau, and involved a question and answer session with subject experts and other Census Bureau officials. Demographic and population information released through the Bureau marked the beginning of the Congressional redistricting process, which will ultimately benefit either Democrats or Republicans. Republicans need to pick up only five seats in the House to win back the majority and are already in control of the redistricting process, picking up seats in Florida and Texas. Key Democratic states such as California, New York, and Illinois will each lose one Congressional seat, as well as Pennsylvania, Michigan, and Ohio. State-specific data will become available in batches, making it highly likely the Congressional map will not be finalized until 2022. The data released on August 12 indicated a rise in diverse populations, specifically Blacks and Latinos. The white population remains the largest racial group; however, it has decreased by 8.6 percent. This is the result of higher mixed-race percentages, a 276 percent increase from 2010. In 2020, the Hispanic and Latino population was 62.1 million, a 23 percent increase from 2010. Primarily, the initial data showed an increase in the population of U.S. metro areas compared to 2010. The population of metro areas grew by nine percent in the last ten years, resulting in 86 percent of the U.S. population living in metro areas in 2020, compared to 85 percent in 2010. The census data also showed that the adult population (age 18 and older) grew by 10.1 percent to 258.3 million in the last ten years. The 2020 census data also showed that housing units in the U.S. have

increased by 6.7 percent since 2010. Although census officials said their numbers are sound, significant problems including natural disasters, the pandemic, and political pressures from the Trump Administration clouded 2020 data collection, according to demographers.

IMMIGRATION/HOMELAND SECURITY/PUBLIC SAFETY

BORDER CLOSURE

Since March 2020, the U.S.-Mexico and U.S.-Canada borders have been closed to non-essential travel because of COVID-19. This temporary border closure has been extended each month, including, [most recently](#), on August 20, 2021. As a result, both the northern and southern borders will remain closed until at least September 21.

ASYLUM/MIGRANT PROTECTION PROTOCOLS/TITLE 42

Since taking office, the Biden Administration has taken action to roll back some of the Trump-era restrictions on migrants entering the U.S. and on the asylum process in general, including the June 1 [rescission](#) of the Migrant Protection Protocols (MPP), or Remain in Mexico program. In addition, the Administration also [announced](#) expanded criteria for individuals enrolled in MPP for processing into the U.S., under which it would consider processing individuals who had their cases terminated or who had been ordered removed in absentia. In addition, Attorney General Merrick Garland revoked two Trump Administration rules ([Matter A-B](#) and [Matter L-E-A](#)) that permitted the U.S. to block asylum claims if asylum seekers stated they belonged to an eligible social group that, in most cases, included denying claims to domestic violence victims or those who said gangs had threatened them.

Despite that, a federal judge in the Northern District of Texas [issued a ruling](#) requiring the Administration to reinstate MPP until it can be “rescinded legally.” The judge found that the protocols were rescinded in violation of the Administrative Procedure Act (APA) that governs the process for federal agencies to develop and issue regulations. After deliberating for a few days on a White House request to enjoin the ruling, the Supreme Court chose not to do so, requiring the Administration to reinstate MPP until the case is litigated further, or until the rule is rescinded in a manner it deems legal. Shortly thereafter, the DHS [announced](#) it had “appealed the district court’s order” and would “continue to vigorously challenge it.”

In addition to MPP, however, for the duration of the COVID-19 pandemic, the CDC has been imposing COVID-19-related restrictions barring most asylum seekers from entering the U.S. under Title 42. With the change in Administration, many expected the Biden White House to terminate the existing CDC Title 42 orders; however, in August, the CDC issued a new version of [Title 42](#), and noted the DHS would continue to expel the majority of single adults and families where possible under an updated Title 42.

Relatedly, in June, the Supreme Court [ruled](#) 6-3 that foreign citizens who had been deported may not receive bond hearings if they return seeking humanitarian protection. Instead, the Court ruled that these individuals would be required to remain in government detention while their cases are processed. In August, the DHS and DOJ issued a [Notice of Proposed Rulemaking \(NPRM\)](#) seeking to streamline the asylum process. The deadline for public comment is October 19.

Also in June, Sens. Kyrsten Sinema (D-AZ) and John Cornyn (R-TX) and Reps. Henry Cuellar (D-TX) and Tony Gonzalez (R-TX) introduced the [Bipartisan Border Solutions Act](#). The bill would, among other things, establish at least four regional processing centers in high-traffic Border Patrol sectors and create pilot

programs to facilitate fairer and more efficient credible fear determinations and asylum decisions while ensuring access to counsel, language translation services, and legal orientations.

VISAS

In June, the Supreme Court unanimously [ruled](#) that Temporary Protected Status (TPS) recipients who had entered the U.S. illegally could not apply for lawful permanent residence (LPR, or “green card” status), as the TPS designation does not qualify as lawful admission to the U.S. At the same time, USCIS issued [updates](#) to its policy manual to “clarify the criteria and circumstances for expedited processing; improve request for evidence (RFE) and notice of intent to deny (NOID) guidance; and increase the validity period for initial and renewal employment authorization documents (EADs) for certain noncitizens with pending adjustment of status applications.”

In a surprise about-face, however, on June 17, DHS asked a federal court to uphold a Trump Administration “Timeline Repeal Rule” that removed a 30-day deadline for USCIS to complete review of work permits for asylum seekers, noting that the rule had been implemented through proper procedures. Secretary Mayorkas had ratified the Trump Administration rule on May 4.

AFGHAN REFUGEE RESETTLEMENT

As a result of the Administration’s actions to end the occupation of Afghanistan by U.S. troops, there quickly became a need to evacuate our Afghan allies who had assisted the U.S. military and intelligence community as it was deployed in Afghanistan. While the White House’s plans remained murky throughout most of the month, on August 2, the State Department [issued a notice](#) announcing “a Priority 2 (P-2) designation granting U.S. Refugee Admissions Program (USRAP) access for certain Afghan nationals and their eligible family members.” This provided protection to: “(1) Afghans who do not meet the minimum time-in-service for a SIV but who work or worked as employees of contractors, locally-employed staff, interpreters/translators for the U.S. Government, United States Forces Afghanistan (USFOR-A), International Security Assistance Force (ISAF), or Resolute Support; 2) Afghans who work or worked for a U.S. government-funded program or project in Afghanistan supported through a U.S. government grant or cooperative agreement; and 3) Afghans who are or were employed in Afghanistan by a U.S.-based media organization or non-governmental organization. Later, President Biden announced he had met with members of White House leadership to “discuss our ongoing efforts to evacuate American citizens, third-country civilians, Afghan allies, and vulnerable Afghans.” He said that the U.S. had made significant progress getting people out of Afghanistan. On August 30, the last U.S. troops departed Afghanistan, marking an end to the 20-year conflict. The President issued this [statement](#) on the departure and some of the surrounding events.

DHS PUBLIC CHARGE RULE

As we have noted in our previous coverage, the Supreme Court agreed to grant certiorari in the case of the *United States Department of Homeland Security, et al., Petitioners v. State of New York, et al.*, which focuses on the legality of the Trump Administration’s public charge rule. The Biden Administration [asked](#) the Court to dismiss the case, which it did. This allowed a Second Circuit ruling to stand, preventing the rule from being implemented. In August, the DHS announced an [Advance Notice of Proposed Rulemaking](#) (ANPRM) seeking public comment on a forthcoming rulemaking regarding the public charge, where it will create its own rule superseding the one from the Trump Administration. Published August 22, the ANPRM comment period ends on October 22.

PUBLIC SAFETY/POLICE REFORM

Negotiations led by Rep. Karen Bass (D-CA), Sen. Cory Booker (D-NJ), and Sen. Tim Scott (R-SC) on police reform legislation seemingly fell through after several weeks of dialogue in the spring. This stall in discussion came after [reports](#) that negotiators were no longer considering eliminating qualified immunity as a legal defense for law enforcement officers. This had been a point of controversy throughout the talks. Without qualified immunity included in a police reform bill, many progressives in the House are unlikely to support the measure. Discussions have continued into the summer, but have taken a back seat to more timely and pressing concerns such as infrastructure, reconciliation and the federal appropriations process.

TAX

As was previously the case, the Biden Administration has proposed increases to corporate and income taxes to pay for the \$3.5 trillion reconciliation package that would fund the American Families Plan. This is especially critical, as a number of Democrats, including pivotal moderates like Sens. Joe Manchin (D-WV) and Kirsten Sinema (D-AZ), want to make sure the proposal is paid for. The proposed changes include increasing both the corporate and individual tax rates on high-income individuals. They also include provisions that would restructure capital gains tax and estate taxes for the wealthy.

Republican lawmakers are opposed to both the reconciliation effort to expand what the White House is referring to as human infrastructure, and more broadly speaking, increasing taxes for any reason. At the same time, even some Democratic lawmakers are pushing for any tax legislation to repeal the \$10,000 deduction limit on state and local tax (SALT) payments. In addition, where some have proposed increasing the corporate tax rate to 28 percent and increasing the tax on corporate income earned overseas, Sen. Manchin has said he would oppose a corporate tax rate over 25 percent. Other Democrats have voiced concern about the overseas income provisions, expressing worry that it may make the U.S. a less competitive country in which to do business.

TELECOMMUNICATIONS/BROADBAND

The Federal Communications Commission's (FCC) Emergency Connectivity Fund (ECF) is a \$7.17 billion program to help schools and libraries provide the tools and services their communities need for remote learning during the COVID-19 emergency period. It was authorized as part of the American Rescue Plan Act of 2021. The FCC has announced that it had received \$5.137 billion in requests from the program and announced the **opening of a second application filing window, which will run from September 28 to October 13.**

Additionally, the FCC's \$3.2 billion Emergency Broadband Benefit Program, which is now available to help families and households struggling to afford internet service during the pandemic, is expected to continue to have funding for another 18 months or so. There is additional substantial funding in the bipartisan infrastructure bill that passed the Senate, should it also pass the House.

Beyond this, in August, the National Telecommunications and Information Administration (NTIA) began to host a series of webinars designed to explain new broadband programs established by the Consolidated Appropriations Act of 2021. Potential applicants for the Broadband Infrastructure Program, the Tribal Broadband Connectivity Program, and the Connecting Minority Communities Pilot Program can access

recordings of the webinars [online](#). Congressional activity outside of the IJA remains largely focused on supporting rural broadband expansion with the objective of ensuring the entire country is connected.

TRANSPORTATION/INFRASTRUCTURE

FY 2021 INFRA GRANT AWARDS

On July 8, the Department of Transportation (DOT) awarded \$905 million in FY 2021 Infrastructure for Rebuilding America (INFRA) Grant Program funding. In addition to previous project criteria, this year's grant selection process considered climate change, environmental justice, and racial equity – priorities of the Biden Administration. Of the 157 applications submitted, 24 received funding.

FY 2021 PASSENGER FERRY NOFO

On August 30, FTA issued a [NOFO](#) for the Passenger Ferry Grant program. The program “provides competitive funding for projects that support passenger ferry systems in urbanized areas.” Applications are due October 5, 2021.

FY 2021 AMERICAN RESCUE PLAN ADDITIONAL ASSISTANCE NOFO

On September 7, FTA issued a [NOFO](#) for \$2.2 billion in funding for transit agencies with additional service needs. The American Rescue Plan, which was enacted in March, included \$2.2 billion in competitive grant funding for transit systems “demonstrating additional assistance is needed to cover operating expenses related to maintaining day-to-day operations, cleaning and sanitization, combating the spread of pathogens on transit systems and maintaining critical staffing levels.” Competitiveness is based on financial need, including projections of future financial need to maintain service as a percentage of the 2018 operating costs.” Applications are due November 8, 2021.

WORKFORCE

The Department of Labor has been focused on providing support to state unemployment insurance programs. The unprecedented levels of people seeking unemployment benefits due to the pandemic highlighted the need for federal support in this area. Many states discovered flaws or inefficiencies within their unemployment insurance (UI) systems since the start of the pandemic. In efforts to remedy this, the Department of Labor [announced](#) the establishment of the Office of Unemployment Insurance Modernization on August 31. This followed an August 11 [announcement](#) outlining the Department's overall [strategy](#) for assisting in the modernization of UI systems.

On September 9, the Department of Labor (DOL) [announced](#) \$3.3 million in Women in Apprenticeship and Nontraditional Occupations grant funding to organizations across the country. This program is administered by the Women's Bureau and the Employment and Training Administration (ETA).

On September 8, the Occupational Safety and Health Administration [announced](#) over \$6.7 million in grants awarded through the Susan Harwood Workplace Safety and Health Training program. The Department awarded these grants to nonprofit organizations in order to fund educational and training opportunities regarding workplace hazards related to infectious diseases, including the coronavirus.

On July 15, the ETA [announced](#) \$92.6 million in funding for 47 states to “provide training and employment services to eligible workers affected adversely by foreign trade” through the Trade Adjustment Assistance for Workers Program.

Finally, the DOL announced a [final interpretive rule](#) that updates a rule interpreting anti-retaliation regulations established by the Occupational Safety and Health Act of 1970.

MEMORANDUM

TO: Democratic Senators

DATE: August 9th, 2021

RE: FY2022 Budget Resolution Agreement Framework

On July 13th, 2021, the Senate Budget Committee, with the support of Leader Schumer and President Biden, announced a framework agreement of \$3.5 trillion in FY2022 Budget Reconciliation instructions to enact the Build Back Better agenda. The agreement calls for the \$3.5 trillion in long-term investments to be fully offset by a combination of new tax revenues, health care savings, and long-term economic growth. In addition, the agreement would prohibit new taxes on families making less than \$400,000 per year, and on small businesses and family farms.

The Budget Committee's objective was to provide instructions that allow every major program proposed by President Biden to receive robust funding. The recommendations below should allow the proper flexibility for the Committees to make policy decisions based on CBO and JCT scores and other inputs from Committee members.

The Budget Resolution will allow the Senate to make the most significant investment in tackling the climate crisis in US history, and put America on a path to meet President Biden's climate change goals of 80% clean electricity and 50% economy-wide carbon emissions reductions by 2030.

The Chairs of the Committees are actively working to develop the specific policy proposals that would be enacted in the Reconciliation bill. If Senators or their staffs would like additional details on the programs, they can receive a briefing from the Committee Chairs and their staffs.

Please note: the list of items below is not final and not exclusive. This document is meant to provide a detailed understanding to Senators of what the resolution is designed to fund and it may be modified over the course of the bill drafting process and scoring process.

I. RECONCILIATION INSTRUCTIONS

Committee on Agriculture, Nutrition, and Forestry

The Agriculture Committee receives an instruction of \$135 billion.

- Agriculture conservation, drought, and forestry programs to help reduce carbon emissions and prevent wildfires
- Rural development and rural co-op clean energy investments
- Agricultural climate research and research infrastructure
- Civilian Climate Corps funding
- Child nutrition
- Debt relief

August 9, 2021

1

Committee on Banking, Housing, and Urban Affairs

The Banking Committee receives an instruction of \$332 billion.

- Creation and preservation of affordable housing by making historic investments in programs like the Housing Trust Fund, HOME, the Capital Magnet Fund, and rural housing
- Improve housing affordability and equity by providing down payment assistance, rental assistance, and other homeownership initiatives
- Community investment, development and revitalization through initiatives like Community Land Trusts, investments in CDBG, zoning, land use, and transit improvements and creating healthy and sustainable housing
- Public Housing Capital Investments and Sustainability

Committee on Commerce, Science, and Technology

The Commerce Committee receives an instruction of \$83 billion.

- Investments in technology, transportation, and more
- Research, manufacturing, and economic development
- Coastal resiliency, healthy oceans investments, including the National Oceans and Coastal Security Fund
- National Science Foundation research and technology directorate

Committee on Energy and Natural Resources

The Energy Committee receives an instruction of \$198 billion.

- Clean Electricity Payment Program
- Consumer rebates to weatherize and electrify homes
- Financing for domestic manufacturing of clean energy and auto supply chain technologies
- Federal procurement of energy efficient materials
- Climate research
- Research infrastructure for DOE National Labs
- Hard Rock mining
- Department of Interior programs

Committee on Environment and Public Works

The Environment and Public Works Committee receives an instruction of \$67 billion.

- Clean Energy Technology Accelerator that would fund low-income solar and other climate-friendly technologies
- Environmental justice investments in clean water affordability and access, healthy ports and climate equity
- EPA climate and research programs
- Federal investments in energy efficient buildings and green materials
- Appalachian Regional Commission and Economic Development Administration economic development and transition programs
- Investments in clean vehicles

- Methane polluter fee to reduce carbon emissions

Committee on Finance

The Finance Committee will receive an instruction that requires at least \$1 billion in deficit reduction. This will provide the Committee with flexibility to make investment, revenue and offset decisions consistent with the policy recommendations. Please see Section II of this memo for more information about this instruction.

Investments

- Paid Family and Medical Leave
- ACA expansion extension and filling the Medicaid Coverage Gap
- Expanding Medicare to include dental, vision, hearing benefits and lowering the eligibility age
- Addressing health care provider shortages (Graduate Medical Education)
- Child Tax Credit/EITC/CDCTC extension
- Long-term care for seniors and persons with disabilities (HCBS)
- Clean energy, manufacturing, and transportation tax incentives
- Pro-worker incentives and worker support
- Health equity (maternal, behavioral, and racial justice health investments)
- Housing incentives
- SALT cap relief
- Other investments within the jurisdiction of the Finance Committee

Offsets

- Corporate and international tax reform
- Tax fairness for high-income individuals
- IRS tax enforcement
- Health care savings
- Carbon Polluter Import Fee

Committee on Health, Education, Labor, and Pensions

The HELP Committee receives an instruction of \$726 billion.

- Universal Pre-K for 3 and 4-year olds
- Child care for working families
- Tuition-free community college
- Investments in HBCUs, MSIs, HSIs, TCUs, and ANNHIs
- Increase the maximum Pell grant award
- School infrastructure, student success grants, and educator investments
- Investments in primary care, including Community Health Centers, the National Health Service Corps, the Nurse Corps, and Teaching Health Center Graduate Medical Education
- Health equity (maternal, behavioral, and racial equity health investments)
- Pandemic preparedness
- Workforce development and job training

- Labor enforcement and penalties
- Civilian Climate Corps funding
- Research infrastructure, including for HBCUs, MSIs, HSIs, TCUs, and ANNHIs

Committee on Homeland Security and Governmental Affairs

The HSGAC Committee receives an instruction of \$37 billion.

- Electrifying the federal vehicle fleet (USPS and Non-USPS)
- Electrifying and rehabilitating federal buildings
- Improving our cybersecurity infrastructure
- Border management investments
- Federal investments in green materials procurement
- Resilience

Committee on the Judiciary

The Judiciary Committee receives an instruction of \$107 billion.

- Lawful permanent status for qualified immigrants
- Investments in smart and effective border security measures
- Community Violence Intervention Initiative

Committee on Indian Affairs

The Indian Affairs Committee receives an instruction of \$20.5 billion.

- Native health programs and facilities
- Native education programs and facilities
- Native American housing programs
- Native energy programs
- Native resilience and climate programs
- BIA programs and facilities
- Native language programs
- Native Civilian Climate Corps

Committee on Small Business and Entrepreneurship

The Small Business Committee receives an instruction of \$25 billion.

- Small business access to credit, investment, and markets

Committee on Veterans Affairs

The Veterans Affairs Committee receives an instruction of \$18 billion.

- Upgrades to VA facilities

II. BACKGROUND – FINANCE COMMITTEE INSTRUCTION

The FY 2022 budget resolution will provide the Finance Committee with an instruction that allows for:

- \$1.8 trillion in investments for working families, the elderly and the environment;
- A historic tax cut for Americans making less than \$400,000 a year;
- Ensuring that the wealthy and large corporations pay their fair share of taxes; and
- Hundreds of billions in additional savings by lowering the price of prescription drugs.

In order to give the Senate Finance Committee the flexibility it needs to accomplish these goals, the text of the Budget Resolution will provide the Finance Committee with an instruction to reduce the deficit by a nominal amount of \$1 billion over ten years.

There is ample precedent over the past fifteen years for using a nominal reconciliation instruction as a mechanism to allow a committee to bring forth legislation with larger budgetary implications than such an instruction suggests. Republicans used a nominal instruction amount to both the Finance and the Health, Education, Labor, and Pension (HELP) Committees to move forward with their efforts to repeal the Affordable Care Act in 2015 and 2017. The instruction to each committee in each case was to reduce the deficit by \$1 billion. Yet, those efforts had much larger implications. According to [CBO](#), the 2015 bill, H.R. 3762, would have reduced outlays by \$1.4 trillion and revenues by \$1.1 trillion over ten years.

In addition, Democrats used nominal reconciliation instructions in 2010 and 2007 to achieve important changes to health care and education programs. The 2010 example, the Health Care and Education Reconciliation Act (HCERA) included a nominal instruction of \$1 billion in deficit reduction to both the Senate Finance and HELP Committees. According to [CBO](#), That bill impacted hundreds of billions of dollars in meeting those targets. Finally, in 2007, Democrats used reconciliation to pass the College Cost Reduction Act. According to [CBO](#), the HELP Committee met its instruction by investing approximately \$20 billion in education investments with offsets over the reconciled time period.

The framework includes a mix of policies within the jurisdiction of the Finance Committee that both increase and decrease outlays and increase and decrease revenues. In other words, the Finance Committee's reconciliation product will both provide substantial portions of the investments contemplated by the \$3.5 trillion package but also nearly all of the stated offsets.

It is not possible to draft and score all of the expected policies prior to consideration of the budget resolution. Given that we will not have budgetary certainty for all of the expected policies prior to locking in the reconciliation instruction to the Finance Committee, the Budget Resolution will not require a specific level of revenue, outlay, or deficit amount in its reconciliation instruction.

It should be noted that the \$3.5 trillion framework agreement total represents the level of new investments, but does not represent the net budgetary impact of the expected reconciliation bill because the reconciliation bill will also include substantial offsets.

III. SECTION BY SECTION SUMMARY OF THE RESOLUTION

Section 1. Concurrent Resolution on the Budget for Fiscal Year 2022. This section declares that this resolution is the concurrent resolution for fiscal year 2022 and sets forth budgetary levels for the fiscal years 2023 through 2031. This section also displays the table of contents of the resolution.

Section 1101. Recommended Levels and Amounts. This section sets the budgetary levels for fiscal years 2022 through 2031. These budgetary levels include total federal revenues, new budget authority, budget outlays, deficits, public debt (debt that is subject to a statutory limit), and debt held by the public. The budget resolution assumes discretionary levels as proposed in President Biden's budget request and passage of policies in the envisioned reconciliation bill.

Section 1102. Major Functional Categories. This section breaks down the levels of new budget authority and outlays for fiscal years 2022 through 2031 by each of the 20 major functional categories, based on allocations of the total levels set in section 1101.

Section 1201. Social Security in the Senate. This section provides the amounts of Social Security revenues and outlays. The Congressional Budget Act of 1974 requires this. Further, there is a separate display of discretionary administrative expenses for the Social Security Administration, enabling these amounts to count towards the Appropriations Committee's 302(a) allocation.

Section 1202. Postal Service Discretionary Administrative Expenses in the Senate. This section provides a display of discretionary administrative expenses for the United States Postal Service, enabling these amounts to count towards the Appropriations Committee's 302(a) allocation.

Section 2001. Reconciliation in the Senate. This section provides reconciliation instructions to 11 committees to submit changes in laws within their jurisdictions that will increase the deficit over the period of fiscal years 2022 through 2031 by no more than the specified amounts for each committee. In addition, the Committee on Finance is instructed to submit changes in laws within its jurisdiction to *reduce* the deficit by at least \$1 billion over that same time period. These instructions are designed to give committees flexibility while still meeting the agreed-upon top-line level of \$3.5 trillion in investments over 10 years. The section also requires committees given reconciliation instructions to submit legislation to the Committee on the Budget by September 15 to carry out this section, though this date is not binding.

Section 2002. Reconciliation in the House of Representatives. This section provides reconciliation instructions to 12 committees to submit changes in laws within their jurisdictions that will increase the deficit over the period of fiscal years 2022 through 2031 by no more than the specified amounts for each committee. In addition, the Committee on Ways and Means is instructed to submit changes in laws within its jurisdiction to *reduce* the deficit by at least \$1 billion over that same time period. These instructions are designed to give committees flexibility while still meeting the agreed-upon top-line level of \$3.5 trillion in investments over 10 years. The section also requires committees given reconciliation instructions to submit legislation to the

Committee on the Budget by September 15 to carry out this section, though this date is not binding.

Section 3001. Reserve Fund for Legislation that Won't Raise Taxes on People Making Less than \$400,000 in the Senate. This section enables the Chairman of the Senate Budget Committee to revise committee allocations and other budgetary levels to accommodate tax legislation that does not raise taxes on people making less than \$400,000 per year.

Section 3002. Reserve Fund for Reconciliation Legislation. This section provides a reserve fund for reconciliation legislation enabling the Chairs of the House and Senate Budget Committees to revise committee allocations and other budgetary levels to accommodate that legislation, provided that it complies with reconciliation instructions under this concurrent resolution. This section also exempts reconciliation legislation from certain points of order.

Section 3003. Reserve Fund. This section enables the Chairs of the House and Senate Budget Committees to revise committee allocations and other budgetary levels to accommodate legislation, provided that such legislation would not increase the deficit over the stated period of years.

Section 4001. Emergency Legislation. This section updates the provision on emergency provisions last adopted in the fiscal year 2018 budget resolution. The section permits the Chairs of the House and Senate Budget Committees to adjust allocations, aggregates, and levels included in this resolution for emergency legislation. In addition, this section defines what constitutes an emergency. This section discontinues a 60-vote point of order against emergency designations in the Senate.

Section 4002. Point of Order against Advance Appropriations in the Senate. This section reinstates a longstanding 60-vote point of order against advance appropriations, with exemptions for certain accounts. Newly added to the list of exempt accounts is the Indian Health Service.

Section 4003. Point of Order against Advance Appropriations in the House of Representatives. This section reinstates a longstanding rule against advance appropriations, with exemptions for certain accounts.

Section 4004. Program Integrity Initiatives and Other Adjustments in the Senate. This section permits the Chairman of the Senate Budget Committee to adjust committee allocations, budgetary aggregates, and allocations for specified purposes. Further, if such adjustments are made, the Senate Appropriations Committee may report appropriately revised suballocations. As such, discretionary funding for these purposes may be made over and above the allocation to the Appropriations Committee, if it meets the requirements of this section. Those purposes are: 1) continuing disability reviews and redeterminations, 2) Internal Revenue Service enforcement, 3) health care fraud and abuse control, 4) reemployment services and eligibility assessments, 5) wildfire suppression, 6) disaster relief, and 7) veterans' medical care.

Section 4005. Program Integrity Initiatives and Other Adjustments in the House of Representatives. This section permits the Chair of the House Budget Committee to adjust

committee allocations, budgetary aggregates, and allocations for specified purposes. As such, discretionary funding for these purposes may be made over and above the allocation to the Appropriations Committee, if it meets the requirements of this section. Those purposes are: 1) continuing disability reviews and redeterminations, 2) Internal Revenue Service enforcement, 3) health care fraud and abuse control, 4) reemployment services and eligibility assessments, 5) wildfire suppression, 6) disaster relief, and 7) veterans' medical care.

Section 4006. Enforcement Filing. This section provides for the procedures for filing committee allocations in the House and the Senate in the event a concurrent resolution is adopted without the appointment of a conference committee and the filing of a joint explanatory statement accompanying a conference report. In such a circumstance, the Chairs of both the House and Senate Budget Committees shall submit a statement for publication in the *Congressional Record* establishing committee allocations.

Section 4007. Application and Effect of Changes in Allocations, Aggregates, and Other Budgetary Levels. This section establishes the timing of when any adjustments of allocations, aggregates, and other budgetary levels made pursuant to this resolution take effect and stipulates that any adjustment shall be published in the *Congressional Record* as soon as practicable. It also clarifies that for the purposes of the resolution budgetary levels are determined on the basis of estimates made by the Chair of the Committee on the Budget of the applicable House of Congress.

Section 4008. Adjustments to Reflect Changes in Concepts and Definitions. This section gives the Chairs of the House and Senate Budget Committees the authority to adjust budgetary levels in the concurrent resolution for any changes in budgetary concepts and definitions consistent with the Balanced Budget and Emergency Deficit Control Act of 1985.

Section 4009. Adjustment for Bipartisan Infrastructure Legislation in the Senate. This section gives the Chairman of the Senate Budget Committee the authority to adjust budgetary levels in the concurrent resolution upon enactment of an infrastructure package, such as the Infrastructure Investment and Jobs Act. This section also states that for such legislation the cost estimate shall be determined on the basis of estimates made by the Chairman of the Senate Budget Committee.

Section 4010. Adjustment for Infrastructure Legislation in the House of Representatives. This section gives the Chair of the House Budget Committee the authority to adjust budgetary levels in the concurrent resolution upon enactment of infrastructure legislation, such as legislation implementing the INVEST in America Act or a bipartisan infrastructure agreement.

Section 4011. Applicability of Adjustments to Discretionary Spending Limits. This section clarifies that, unless expressly provided in the budget resolution, the Balanced Budget and Emergency Deficit Control Act shall not effectuate adjustments to the budgetary levels described in Sec. 1101.

Section 4012. Budgetary Treatment of Administrative Expenses. This section states that the House and Senate Appropriations Committees will continue to appropriate discretionary

administrative expenses of the Social Security Administration and the United States Postal Service. These amounts will count towards the Appropriations Committees' 302(a) allocation.

Section 4013. Appropriate Budgetary Adjustments in the House of Representatives. This section gives the Chair of the House Budget Committee the authority to adjust budgetary levels in accordance with the provisions of this budget resolution.

Section 4014. Adjustment for Changes in the Baseline in the House of Representatives. This section gives the Chair of the House Budget Committee the authority to adjust budgetary levels to reflect changes resulting from the Congressional Budget Office's updates to its baseline for fiscal years 2022 through 2031.

Section 4015. Scoring Rule in the Senate for Child Care and Pre-Kindergarten Legislation. This section states that for the purposes of estimating the costs of the direct spending of any child care or pre-kindergarten legislation, the Congressional Budget Office shall assume funding for programs under the Head Start Act will continue at baseline levels.

Sec. 4016. Exercise of Rulemaking Powers. This section instructs that in each of the House and Senate the provisions in this title shall be considered as part of the rules of each House or of that House to which they specifically apply.

Memorandum

From: Squire Patton Boggs

Date: September 8, 2021

Subject: Infrastructure Investment and Jobs Act: Key Provisions Analysis

On August 10, the Senate passed the Infrastructure Investment and Jobs Act (IIJA) on a 69-30 bipartisan vote. The five-year, \$1 trillion comprehensive infrastructure package includes funding for transportation – roads, bridges, ports, airports, rail, and transit – as well as water infrastructure, broadband, power infrastructure, and climate resiliency.

The following day, the Senate passed a \$3.5 trillion budget resolution on a party-line vote of 50-49. The budget resolution, which includes reconciliation instructions, will serve as the blueprint for the legislative vehicle Democrats will use to advance President Biden’s human infrastructure priorities.

On August 24, the House passed a procedural rule on a party line 220-212 vote that deemed the Senate-passed \$3.5 trillion budget resolution adopted by the lower chamber. In a concession to moderates – who threatened to vote against the rule if the chamber did not also vote on the IIJA – the rule includes a statement that the House will consider the IIJA by September 27.

This memorandum provides an analysis of key provisions in the Senate-passed IIJA.

ISSUE AREAS

▪ SURFACE TRANSPORTATION	2
▪ MULTIMODAL GRANT PROGRAMS	2
▪ TRANSIT	3
▪ HIGHWAYS	4
▪ RAIL	6
▪ SAFETY	6
▪ AIRPORTS	7
▪ ENERGY	8
▪ WILDFIRE	13
▪ CYBER RESILIENCY	14
▪ BROADBAND	15
▪ WESTERN WATER INFRASTRUCTURE	17
▪ DRINKING WATER AND WASTEWATER	17
▪ BROWNFIELDS AND SUPERFUND	19
▪ ARMY CORPS OF ENGINEERS AND PORTS	19
▪ EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF DETERMINATION ACT OF 2000	20

SURFACE TRANSPORTATION

The bill includes the surface transportation reauthorization, which provides multi-year funding for federal highway and public transportation programs. The Fixing America's Surface Transportation (FAST) Act – the current surface transportation authorization – is running on a one-year extension that expires on September 30, 2021. The IIJA includes the Surface Transportation Reauthorization Act (highways) and the Surface Transportation Investment Act (rail, motor carriers, and safety) – both of which passed out of committee with bipartisan support – and a transit title.

The majority of the funding in the IIJA is directed towards the Department of Transportation (DOT), and includes over **\$100 billion** in competitive grant funding – significantly more than past surface transportation reauthorizations. This means that the Biden Administration will be able to (to a certain extent) include some of its priorities – such as climate change and equity – in the funding opportunities, despite their not being included in the base text.

One notable policy change includes the establishment of an Office of Multimodal Freight Infrastructure and Policy within DOT, which will be “responsible for developing and managing freight policy and funding programs within the DOT,” including the INFRA grant program. The Office will be led by the Senate-confirmable Assistant Secretary of Multimodal Freight.

MULTIMODAL GRANT PROGRAMS

The IIJA includes several significant grant programs that cross over a variety of modes, including:

- **National Infrastructure Project Assistance:** Establishes a competitive grant program to “provide single- or multi-year grants to projects generating national or regional economic, mobility, or safety benefits for large and smaller-scale projects.” Eligible entities include states, metropolitan planning organizations (MPOs), local governments, special purpose districts, and public authorities with a transportation function, among others. Authorizes **\$15 billion** over five years. Eligible costs include development-phase activities and construction-phase activities. Federal cost share is limited to 80 percent, with 50 percent of funding reserved for projects over \$500 million and 50 percent reserved for projects between \$100 and \$500 million.
- **Local and Regional Project Assistance:** Codifies the Rebuilding American Infrastructure with Sustainability and Equity (RAISE, formerly BUILD and TIGER) program, which “fund[s] eligible projects that will have a significant local or regional impact and improve transportation infrastructure.” Eligible entities include states, territories, local governments, public agencies and special purpose districts, federally recognized Indian Tribes, transit agencies, and multi-jurisdictional entities. Eligible projects include: highway or bridge projects; public transportation projects; and passenger or freight rail projects, all of which must be currently eligible for funding under their respective USC chapters. Other eligible projects include: port infrastructure projects (including inland port and land port-of-entry projects; surface transportation components of an airport project; surface transportation facilities located on Tribal land; those that will replace or rehabilitate a culvert or prevent stormwater runoff “for the purpose of improving habitat for aquatic species,” and any other surface transportation project the Secretary considers necessary to advance the goals of the program. Authorizes **\$15 billion** over five years.

- Primary selection criteria include: improving safety; improving environmental sustainability; improving the quality of life of rural areas or urbanized areas; increasing economic competitiveness and opportunity, including increasing tourism opportunities; contributing to a state of good repair; and improving mobility and community connectivity.
 - Secondary selection criteria include: 1) The project sponsors collaborated with other public and private entities; 2) the project adopts innovative technologies or techniques, including innovative technology, innovative project delivery techniques, and innovative project financing; 3) the project has demonstrated readiness; and 4) the project is cost effective.
 - Minimum grant size is \$1 million and \$5 million for rural and urban areas respectively; maximum grant size is \$25 million. Only 15 percent of funding can go to a single state each fiscal year. Funding is split evenly between urbanized and rural areas.
- **Nationally Significant Multimodal Freight and Highway Programs:** Also known as the Infrastructure for Rebuilding America (INFRA) discretionary grant program. Increases the percentage of funding available for multimodal projects to 30 percent. Reserves \$150 million for a new pilot program within the INFRA grant program for applicants with a greater non-federal share. Increases the amount reserved for small projects to 15 percent. Expands project eligibility to include “wildlife crossings, surface transportation improvements functionally connected to an international border crossing, projects on the National Multimodal Freight Network, and marine highway projects functionally connected to the National Highway Freight Network,” expands project considerations to include “enhancement of freight resilience to natural hazards or disasters such as high winds, heavy snowfall, flooding, rockslides, mudslides, wildfire, or steep grades.”

TRANSIT

The IIJA does not include significant policy changes for transit, likely due to the somewhat contentious nature of transit discussions during negotiations. Ultimately, the bill includes **\$89.9 billion** for transit, **\$39 billion** of which is new spending above baseline numbers.

Notable program developments and changes include:

- **Fixed Guideway Capital Investment Grants:** Increases federal assistance for a Small Start projects from \$100 million to **\$150 million**, and increases the estimated capital cost from \$300 million to **\$400 million**. It also expands the core capacity projected project length from five years to ten years. Provides **\$15 billion** over five years.
- **Public Transportation Emergency Relief Program:** Amends the program to require an applicant to submit proof of insurance before a grant can be issued.
- **Apportionment of Appropriations for Formula Grants:** Increases the amount of unapportioned funds for Small Transit Intensive Cities (population less than 200,000) to three percent and increases the “set-aside for state safety oversight grants from 0.5 percent to 0.75 percent.”
- **State of Good Repair Grants:** Establishes a new competitive grant program for rail rolling stock replacement. Eligible entities include states (including DC and Puerto Rico) and local governments. Eligible projects include: the replacement and rehabilitation of rolling stock; track; line equipment and structures; signals and communications; power equipment and substations; passenger stations and terminals; security equipment and systems; and maintenance facilities and equipment, among others. Federal share is 80 percent. Limit three

awards per fiscal year; multiyear grant agreements are permitted. Considerations for this program include the age and condition of rail rolling stock, whether the rolling stock exceeds its useful life in the five-year period following the grant, size of the rail system applying, and amount of funds available under the section.

- **Grants for Bus and Bus Facilities:** Increases the minimum amount of funding allocated to each state from \$1.75 million to **\$4 million** and each territory from \$500,000 to **\$1 million**. Increases the rural projects set-aside to 15 percent. Requires the Secretary of Transportation to release the Notice of Funding Opportunity (NOFO) for the project 30 days after funding is made available, and award grants within 75 days of the solicitation's expiration. Also requires Bus and Bus Facilities and Low or No Emission Vehicle applicants with projects related to zero emission vehicles to submit a "zero emission transition plan." Special consideration will be given to projects that "make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses." Twenty-five percent of funding is reserved for low or no emission buses and facilities that are not zero emission vehicles; five percent of grants shall be used to fund workforce development training.
- **All Stations Accessibility Program:** Establishes a new competitive grant program "to assist eligible entities in financing capital projects to upgrade the accessibility of legacy rail fixed guideway public transportation systems for persons with disabilities." Eligible entities include: state or local government authorities; eligible projects include projects which "repair, improve, modify, retrofit, or relocate infrastructure of stations or facilities for passenger use," and the development or modification of a plan "for pursuing public transportation accessibility projects, assessments of accessibility, or assessments of planned modifications to stations or facilities for passenger use." Authorizes **\$350 million** annually for five years.

HIGHWAYS

The highway portion of the IIJA largely follows the Senate Environment and Public Works Committee's unanimously approved Surface Transportation Reauthorization Act of 2021 (STRA-21). It continues the current highway formula programs with funding increases, and authorizes new programs focused on bridge projects, climate change, and reconnecting communities.

- **Bridge Investment Program:** Establishes a new competitive grant program to replace, rehabilitate, preserve, and protect bridges on the National Bridge Inventory and replace or rehabilitate culverts to improve flood control and improved habitat connectivity. Provides **\$3.265 billion** over five years from the Highway Trust Fund (HTF) and additional funding from the General Fund, subject to appropriations. Requires that not less than 50 percent of funding goes to large projects – which it defines as projects with over \$100 million in eligible costs. Creates a multi-year funding commitment process for large projects, similar to that of the Federal Transit Administration's New Starts program. Allows Letters of No Prejudice. Requires all projects to have completed preliminary engineering and reasonably expected to begin construction within 18 months after the date of its initial funding obligation. Allows for applications from states, groups of states, local governments, special purpose districts, federal land agencies, tribal governments, or other multi-jurisdictional groups. Creates a minimum grant size of \$50 million for large projects and \$2.5 million for small projects.
- **Reconnecting Communities Pilot Program:** Establishes a new pilot program to study, plan, and construct projects that will remove, retrofit, or mitigate highways and other community connectivity barriers. Planning grants may not exceed \$2 million, and eligible entities include states, local and Tribal governments, MPOs, and nonprofits. The federal cost share is 80

percent. Capital construction grants, which are available to owners of eligible facilities after planning activities have been completed, have a minimum grant size of \$5 million and a federal cost share of 50 percent.

- **Congestion Relief Program:** Establishes a discretionary grant program for congestion relief to advance innovative, integrated, and multimodal solutions to congestion in the most congested metropolitan areas. Includes: deployment and operation of congestion management systems; enforcement of vehicle toll lanes, cordon pricing, and congestion pricing; carpool incentive programs; and commuter, express operations, and on-demand microtransit projects; among others. Provides **\$50 million** annually from FY 2022 to FY 2026 and establishes a minimum grant size of \$10 million.
- **Alternative Refueling Infrastructure Grants:** Establishes a grant program to assist in the deployment of alternative recharging or refueling infrastructure for electric, hydrogen, propane, and natural gas vehicles. Provides **\$2.5 billion** from FY 2022 to FY 2026. Eligible entities include states, MPOs, local governments, special purpose districts, Indian tribes, and territories.
- **Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Grant Program:** Provides **\$7.3 billion** in formula funding and **\$1.4 billion** in competitive grants over five years to states and local governments for resilience projects. Funds may be used to implement resiliency measures related to highway, public transportation, port, and coastal infrastructure projects. The competitive grant program includes a 25 percent set aside for rural projects. The 80 percent federal share can be increased to 87 percent if the state or local government has a resilience plan in place. The federal share can be increased by an additional three percent if the entity incorporates the resiliency improvement plan into the long-range statewide transportation plan or metropolitan transportation plan.
- **Reduction of Emissions at Port Facilities:** Establishes a competitive grant program to fund testing, evaluation, and deployment projects designed to reduce port-related emissions from idling trucks, including the advancement of port electrification. Creates a reporting requirement for the Secretary on the efficacy of projects receiving grants. Provides **\$250 million** over five years.
- **Rural Surface Transportation Grant Program:** Establishes a rural surface transportation grant program for the development and construction of highway, bridge, and tunnel projects to increase connectivity, improve safety, and generate economic growth and improve quality of life in rural areas. Provides **\$2 billion** over five years. Ninety percent of funding is reserved for projects that cost more than \$25 million and sets the federal cost share at 80 percent. Eligible entities include states, regional transportation planning organizations, local governments, Tribal governments, and certain multi-jurisdictional entities.
- **Prioritization Process Pilot Program:** Establishes a pilot program to support data-driven approaches to transportation planning. Provides **\$10 million** annually for five years. The maximum grant size is \$2 million. Eligible entities include states and metropolitan planning organizations.
- **Healthy Streets Program:** Establishes a competitive grant program to expand tree cover and deploy cool pavements and porous pavement to improve air quality, mitigate urban heat islands, and reduce runoff and heat impacts. Eligible entities include states, MPOs, local and tribal governments, and nonprofits partnering with other eligible entities. Priority is given to projects in communities of color, projects that have a communities benefits agreement, and projects partnered with a qualified youth or conversation corps. Authorizes **\$100 million** annually for five years.

- **Active Transportation Infrastructure Program:** Establishes a competitive grant program to provide safe and connected sidewalks, bikeways, and pedestrian and bicycle trails in active transportation networks or spines. At least 30 percent of the funds are reserved for projects that connect people with public transit, businesses, workplaces, schools, residences, recreation areas, and other community activity centers. The federal cost share is 80 percent, unless the project sits in a census tract with a poverty rate greater than 40 percent, in which case the federal cost share can be increased to up to 100 percent.

RAIL

The rail portion of the IIJA largely follows the Senate Commerce Committee’s unanimously approved Surface Transportation Infrastructure Act of 2021 (STIA).

- **Consolidated Rail Infrastructure and Safety Improvements Grants:** Authorizes **\$1 billion** annually for five years for the Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program.
- **Federal-State Partnership for Intercity Passenger Rail Grants:** Authorizes **\$1.5 billion** a year for the Federal-State Partnership for Intercity Passenger Rail Grants program.
- **Interstate Rail Compacts:** Establishes a new competitive grant program “to provide financial assistance to entities implementing interstate rail compacts.” Maximum grant size is \$1 million per year, and the federal cost share is 50 percent.
- **Federal-State Partnership for Intercity Passenger Rail Grants:** Expands the program to allow privately operated intercity passenger rail service (if an eligible applicant is involved). Eligible projects include: “1) A project to replace, rehabilitate, or repair infrastructure, equipment, or a facility used for providing intercity passenger rail service to bring such assets into a state of good repair; 2) A project to improve intercity passenger rail service performance, including reduced trip times, increased train frequencies, higher operating speeds, improved reliability, expanded capacity, reduced congestion, electrification, and other improvements, as determined by the Secretary; and 3) A project to expand or establish new intercity passenger rail service.” Of the funding, 45 percent is reserved for projects along the Northeast Corridor and 45 percent is reserved for projects outside the Northeast Corridor. Twenty percent is reserved for projects that benefit a long-distance route.

SAFETY

- **Safe Streets and Roads for All Grant Program:** Establishes a competitive grant program “that supports local initiatives to prevent death and serious injury on roads and streets, commonly referred to as ‘Vision Zero’ or ‘Toward Zero Deaths’ initiatives.” Eligible entities include MPOs, state political subdivisions, and Tribal governments. Eligible projects include: the development of a comprehensive safety action plan; planning, design, and development activities for the comprehensive safety action plan; and carrying out the comprehensive safety action plan. Forty percent of funding is reserved for the development of comprehensive safety action plans. Federal cost share is 80 percent. Authorizes **\$1 billion** over five years.
- **Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program:** Establishes a competitive grant program to “to conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety.” Eligible entities include states, political subdivisions of states, public transit agencies, and MPOs, among others. Projects must demonstrate one of the following: coordinated automation, connected vehicles, intelligent,

sensor-based infrastructure, systems integration, commerce delivery and logistics, leveraging use of innovated aviation technology (like drones), smart grid, or smart technology traffic signals. Forty percent of funding is reserved for large communities (more than 400,000 people), 30 percent is reserved for midsized communities (not a large or rural community), and 30 percent is reserved for rural communities (communities located outside an urbanized area) or regional partnerships. Authorizes **\$100 million** annually for five years.

- **Railroad Crossing Elimination Program:** Creates a new competitive grant program for “highway-rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods.” Eligible entities include states, territories, local governments, MPOs, and port authorities, among others. Eligible projects include grade separation or closure, track relocation, and the improvement or installation of safety measures. Twenty percent of funding is reserved for rural or Tribal projects. The minimum grant size for general projects is \$1 million, although planning grants can be smaller. The federal cost share is 80 percent.

AIRPORTS

Although most of the programs covered by the bill are surface transportation-related, the IIJA does include provisions for airports. Notably, it expands eligibility for the Transportation Infrastructure Finance and Innovation Act (TIFIA) program for certain airport projects through September 30, 2025, capping the amount available for airports at 15 percent. It also makes certain airport projects subject to the Federal Aviation Administration (FAA) prevailing wage and Buy America requirements.

The IIJA includes **\$25 billion** for airports:

- **\$3 billion** a year will be distributed via Airport Improvement Program (AIP) formula for eligible projects, including airport development projects, terminal projects, noise capability planning, and gate construction, among others. Of the **\$3 billion** annually, **\$2.48 billion** is reserved for primary airports and **\$500 million** is reserved for general aviation and commercial service airports.
- **\$1 billion** a year is for the Airport Terminal Program for “terminal development and other landside projects,” with up to 55 percent reserved for large hub airports, up to 15 percent reserved for medium hub airports, up to 20 percent reserved for small hub airports, and up to ten percent reserved for nonhub and nonprimary airports.
- **\$1 billion** a year for the Federal Aviation Administration’s Facilities and Equipment program, including:
 - (1) replacing terminal and en route air traffic control facilities;
 - (2) improving air route traffic control center and combined control facility buildings;
 - (3) improving air traffic control en route radar facilities;
 - (4) improving air traffic control tower and terminal radar approach control facilities;
 - (5) national airspace system facilities OSHA and environmental standards compliance;
 - (6) landing and navigational aids;
 - (7) fuel storage tank replacement and management;
 - (8) unstaffed infrastructure sustainment;
 - (9) real property disposition;
 - (10) electrical power system sustain and support;
 - (11) energy maintenance and compliance;
 - (12) hazardous materials management and environmental cleanup;
 - (13) facility security risk management;

- (14) mobile asset management program; and
- (15) administrative expenses, including salaries and expenses, administration, and oversight.

ENERGY

The following section provides an overview of the IIJA's energy-related provisions, which include those concerning electric vehicles, grid infrastructure and resiliency, supply chains for clean energy technologies, fuels and technology infrastructure investments, as well as energy efficiency and building infrastructure.

Electric Vehicles and Climate Change

- **\$2.5 billion** to create a grant program for electric vehicle charging infrastructure:
 - The Secretary of Transportation is responsible for establishing the program within one year of enactment of the Surface Transportation Reauthorization Act of 2021;
 - States, local governments, tribes, and territories are eligible for funding;
 - Priority for funding will be given to projects that are expected to meet excess demand for charging stations in high-use travel corridors;
 - Entities can use funding to establish elective vehicle charging infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is public accessible;
 - **\$1.25 billion** will be reserved for community grants to states and local governments for projects that will reduce greenhouse gas emissions and provide additional access to electric vehicle charging infrastructure:
 - Priority will be given to low and moderate income areas and rural communities.
 - Federal cost share will be at least 80 percent.
- **\$5 billion** to establish an Electric Vehicle Formula program to provide funding to states to deploy electric vehicle charging infrastructure and to promote electric vehicle data collection.

The legislation also includes provisions requiring the Secretary of Energy to consider measures to promote greater electrification of the transportation sector and the environmental impact of electric vehicles and their supply chains.

Grid Infrastructure and Resiliency: \$17.6 billion

- **\$5 billion** to create a Department of Energy (DOE) grant program for electric grid operators, states, and Indian tribes to fund activities that will reduce the impact of extreme weather and wildfire to electric grids. This includes relocating power lines, replacing outdated lines and equipment, and any monitoring or control technologies.
 - States will receive funding via a formula based on population and the probability of natural disasters after they submit a plan for usage of the funding to the Secretary of Energy.
 - **\$2.5 billion** will go to states and tribes and **\$2.5 billion** will go to grid operators will be eligible for the rest of the funding.
 - In both grant programs, 30 percent of funding will be set aside for small utilities that sell less than four million megawatts of electricity annually.
 - The grants include a 15 percent matching requirement for states and a 100 percent matching requirement for electric grid operators.

- **\$5 billion** to create a competitive grant program to provide federal funding to states, localities, and public utilities for projects related to electricity transmission, storage, and related infrastructure for grid resilience.
 - The Secretary will develop the program within 180 days.
 - Projects will be implemented through states by public and publicly regulated entities on a cost-share basis depending on the nature of the project.
- **\$1 billion** for the Secretary of Energy to provide funding to remote and rural areas to promote grid resiliency in remote and rural areas with fewer than 10,000 inhabitants.
 - Funding can be used for siting or upgrading transmission lines and electricity grids, reducing greenhouse gases, and developing micro-grids.
- **\$2.5 billion** in borrowing authority to establish a revolving loan fund to allow DOE to serve as an “anchor-tenant” for a new transmission line or an upgrade of an existing line.
 - Eligible projects include replacing an existing power transmission line, connecting an isolated micro-grid to an existing transmission, or increasing transmission capacity. Eligibility is open to any entity carrying out these projects.
- **\$3 billion** for the Smart Grid Investment Matching Grant Program. The program provides matching grants for smart grid investments by private industry. The program was authorized in 2009 with an initial investment of \$3.4 billion, but ended in 2015.
- **\$500 million** for the State Energy Program. This legislation also amends the Energy Policy and Conservation Act to require State Energy Conservation Plans to support transmission-planning activities and allows them to include programs to reduce carbon emissions and accelerate the use of alternative fuels.
- **\$250 million** for a Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program to provide grants to utilities and rural electric cooperatives to deploy cybersecurity protections for electric grids. The program will be established within 180 days.
- **\$350 million** to establish research and development grants programs for energy sector cybersecurity and cyber-resilience.

Policy Provisions:

The legislation also includes provisions requiring the Secretary of Energy to enter into public-private partnerships to carry out a program to advance the cybersecurity of electric utilities. The Secretary will also issue a report on these cybersecurity concerns in one year. The bill also includes a provision to create an Energy Cyber Sense program to test technology that will be used in the energy sector for any cybersecurity vulnerabilities. The Federal Energy Regulatory Commission (FERC) is also directed to initiate a rulemaking process to encourage investment in cybersecurity. The bill also requires the Secretary of Energy to work with the Secretary of Homeland Security, the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, and other related energy infrastructure stakeholders to assess the resilience of energy infrastructure across the country, with a focus on high voltage transformers. The departments are required to publish a report within 180 days.

In addition, the bill includes provisions requiring states to establish rate mechanisms to promote demand-response practices at utilities within two years. The legislation directs the DOE to work with states to study capacity constraints and congestion in the electric transmission siting process. The bill also allows FERC to issue permits for construction or modification of transmission facilities if a state commission withholds the permit. The Secretary of Energy is also required to develop a study on the codes and standards for use of energy storage systems.

Supply Chains for Clean Energy Technologies: \$8.2 billion

- **\$320 million** for a national surface and subsurface mapping effort to better understand domestic mineral sources. Funding will go to the United States Geological Survey (USGS).
- **\$167 million** for FY 2022 for a USGS research facility to support energy and minerals research.
 - The Secretary of Energy will collaborate with an academic institution to build this research facility.
- **\$140 million** for FY 2022 for the DOE to carry out a demonstration project of a full-scale integrated rare earth element extraction, separation facility, and refinery, through a partnership with an academic institution.
- **\$6.4 billion** for a DOE grant program to support research and development regarding batteries, including:
 - **\$3 billion** to establish a Battery Material Processing Grant Program;
 - **\$3 billion** for battery manufacturing and recycling grants;
 - **\$10 million** for FY 2022 for a Lithium-Ion Battery Recycling Prize;
 - **\$200 million** to expand an existing program at the DOE for research, development, and demonstration of electric vehicle battery recycling; and
 - **\$125 million** for DOE battery recycling programs for states and local governments.
 - **\$60 million** will go to research and development grants to explore strategies to increase consumer participating in battery recycling and to more effectively recycle batteries.
 - Eligibility for this funding is limited to institutions of higher education (IHEs), state research agencies, nonprofit organizations, industrial and manufacturing entities, states, municipal governments, and related entities.
 - **\$50 million** to create a competitive grant program for states and localities to assist in establishing battery collection, recycling and reprocessing programs.
 - The program will have a non-federal cost share of 50 percent and the Secretary of Energy will be required to submit reports to Congress on the success of this program.
 - **\$15 million** to award retailers grant funding to become points of collection for battery recycling.
- **\$750 million** to establish a grant program focused on small- and medium-sized manufacturers to build new or retrofit existing industrial facilities to produce or recycle advanced energy products in communities where coal mines or coal power plants have closed. The program will be established within 180 days.
- **\$400 million** for grant programs to support pilot programs that process, recycle, or develop critical minerals. Funding is available for institutions of higher education, nonprofit organizations, and national laboratories.

The legislation creates a 21st Century Workforce Development Board to develop strategies to retrain displaced energy workers and support the new clean energy workforce. Members will be appointed by the Secretary of Energy and will work with the Secretary to submit a report on the findings of the group to the Senate Energy and Natural Resources Committee and the House Energy and Commerce Committee.

Fuels and Technology Infrastructure Investments: \$19.3 billion

- **\$310 million** for a competitive grant program for state and local governments to procure and use products derived from captured carbon oxides. The program will be established within one year of bill passage.
- **\$100 million** to expand the DOE's Carbon Capture Technology program to include front-end engineering and design for carbon dioxide transport infrastructure.
 - This program is administered through the National Energy Technology Laboratory (NETL).
- **\$2.1 billion** to establish a Carbon Dioxide Infrastructure Finance and Innovation Act (CIFIA) program, which will provide low-interest loans for carbon dioxide transport infrastructure projects and grants to build out capacity for transporting captured carbon dioxide. These projects include pipeline, shipping, rail, or related transportation infrastructure.
 - States and local governments can submit applications and identify a private entity to carry out the project at a later date. Maximum federal cost share for the program is 80 percent.
- **\$2.5 billion** to expand the DOE's Carbon Storage Validation and Testing program to include large-scale commercialization of new or expanded carbon sequestration projects and carbon dioxide transport infrastructure.
- **\$50 million** for states for the permitting of wells for geologic sequestration of carbon dioxide and the creation of a grant program for states to establish Class VI permitting programs.
- **\$3.5 billion** to establish four regional direct air capture hubs that capture and sequester carbon dioxide. At least two of the direct air capture hubs should be located in former coal, oil, or natural gas producing regions. Funding will be provided within three years of passage.
- **\$8 billion** for the establishment of at least four regional clean hydrogen hubs.
 - The Secretary will begin soliciting applications within 180 days of passage, with application selection occurring within one year.
 - The legislation requires that at least two hubs be located in areas with the highest natural gas resources.
- **\$500 million** to create a clean hydrogen manufacturing and recycling program. Funding eligibility will be determined by the Secretary but priority will be given to projects in economically distressed areas.
- **\$1 billion** for a hydrogen energy electrolysis demonstration, commercialization and deployment program. Funding eligibility is to be determined by the Secretary of Energy.
- **\$753 million** for hydroelectricity facilities, including:
 - **\$125 million** to incentivize hydroelectric production from eligible facilities;
 - **\$75 million** for hydroelectric efficiency improvement incentives; and
 - **\$553 million** for incentive payments for facilities to carry out capital improvements to increase efficiency.
- **\$10 million** to establish a grant program for demonstration projects for pumped storage hydropower to facilitate the storage of renewable energy.
 - Municipally owned electric utilities, electric cooperatives, institutions of higher education, and state energy offices are eligible for funding.
 - Funding will be awarded by September 30, 2023.
- **\$500 million** to establish a clean energy demonstration program on current and former mine land. Priority will be given to projects that lead to the most job creation. At least two of the five funded demonstration projects must be solar energy projects.

Policy Provisions:

The legislation includes a provision requiring the Secretary of Energy to work with other federal agencies in establishing a national clean energy strategy. In addition, the bill includes provisions granting authority for pumped storage hydropower development using Bureau of Reclamation reservoirs. In addition, the Secretary of Energy is required to develop a report on the viability of widespread solar production on current and former mine land.

The bill also includes multiple provisions regarding the Energy Information Administration (EIA), including directing the agency to:

- create a bulk power system data dashboard;
- expand multiple energy consumption surveys;
- enhance data collection relating to integrating electric vehicles into the electricity grid;
- collaborate with the USGS to develop a plan for the forecasting of demand for energy and mineral production equipment;
- improve international energy data collection;
- further the capabilities of the National Energy Modeling System; and
- submit a report to Congress on the possibility of using the levelized cost of carbon abatement as a method of comparing the system-level costs of emission reduction technology.

Energy Efficiency and Building Infrastructure: \$5.5 billion

- **\$250 million** for FY 2022 to provide capitalization grants to states in order for them to establish an energy efficiency revolving loan fund.
 - Within one year of receiving funding, the state must establish a revolving loan fund to provide funding to individual homeowners and businesses to carry out energy audits and energy efficiency building upgrades and retrofits.
 - States must submit a report on the use of this funding within two years of receipt.
- **\$40 million** to establish a competitive grant program for states to train energy auditors.
- **\$225 million** for state energy offices to update building energy codes to increase efficiency.
- **\$10 million** to provide grants to institutions of higher education to establish building and training assessment centers to promote research and development in energy efficiency.
- **\$10 million** for FY 2022 partnerships between non-profit organizations, state workforce boards, IHEs, small businesses, and related entities to establish a competitive grant program to support skills training programs with a 50 percent federal cost share.
- **\$150 million** for the creation of Industrial Research and Assessment Centers at IHEs and community colleges to aid small- and medium-sized manufacturers in identifying opportunities for energy efficiency and support research and development in smart manufacturing.
- **\$500 million** to establish a competitive grant program for schools, local education agencies, and their nonprofit and for-profit partners to carry out energy efficiency improvements and for the purchase of alternative fuel vehicles at schools.
- **\$50 million** for a demonstration program to provide energy efficient materials to non-profit buildings.
- **\$3.5 billion** for FY 2022 for the Weatherization Assistance Program.
- **\$550 million** for FY 2022 for the Energy Efficiency and Conservation Block Grant Program (EECBG). The bill also amends the Energy Independence and Security Act of 2007 to allow EECBG funding to be used in programs that finance clean energy capital investments.

WILDFIRE

The bill provides **\$4.6 billion** to promote wild fire risk reduction, including:

- **\$20 million** for the National Oceanic and Atmosphere Administration to establish a program to rapidly detect wildfires;
- **\$600 million** for increased salaries for federal wildland firefighters and related expenses;
- **\$10 million** for technology and infrastructure for responding agencies;
- **\$30 million** for assistance to states and local governments to operate Reverse-911 telecommunications systems;
- **\$50 million** to establish a pilot program to provide local governments funding for slip-on tanker units to quickly convert vehicles to fire engines;
- **\$1.2 million** for the Secretary of Agriculture to develop a map depicting communities at high risk for wildfires;
- **\$250 million** to establish a Forest Service Legacy Road and Trail Remediation Program to provide annual grants to repair roads and paths in national forests;
- **\$100 million** for a joint initiative between the Departments of Interior and Agriculture to carry out workforce training for firefighters and pre-planning fire response workshops;
- **\$20 million** for the Joint Fire Science Program;
- **\$20 million** for the Southwest Ecological Restoration Institute to engage in data gathering on wildfire risk in partnership with the Department of Agriculture;
- **\$100 million** for implementing projects under the Collaborative Forest Landscape Restoration Program;
 - The Secretary of Agriculture will begin soliciting proposals within 180 days.
- **\$500 million** for the Departments of Interior and Agriculture for thinning and timber harvesting in forests;
- **\$500 million** for the Secretary of Agriculture to award community wildfire defense grants to at-risk communities;
 - Within 180 days, the Department of Agriculture will work with states to award grants to develop community wildfire protection plans and carry out projects under these plans.
 - Federal cost share will be at least 10 percent for developing new protection plans and at least 25 percent for carrying out projects already outlined in a protection plan.
- **\$500 million** for planning and conducting prescribed fires;
- **\$500 million** for installing firebreaks and other control measures;
- **\$200 million** for hiring crews to remove flammable vegetation;
- **\$200 million** for post-fire restoration activities within three years of a community experiencing a wildfire;
- **\$10 million** for the Departments of Interior and Agriculture to purchase wildfire detection and monitoring equipment;
- **\$178 million** for the Department of Interior to carry out hazardous fuels reduction projects;
- **\$10 million** for any projects authorized under the Tribal Forestry Protection Act;
- **\$300 million** for the Emergency Watershed Protection Program;
- **\$225 million** for Burned Area Rehabilitation programs;
- **\$800,000** for a Government Accountability Office (GAO) report on the effectiveness of these wildfire mitigation practices; and
- **\$200 million** for State and Private Forestry grants, to include:

- **\$88 million** for State Fire Assistance Grants for hazardous fuel projects and **\$20 million** for Volunteer Fire Assistance grants.

Policy Provisions:

The bill also includes the REPLANT Act, which would remove the \$30 million annual cap on the Restoration Trust Fund, which will support the planning of 1.2 billion trees on national forest land. The bill also incorporates the Wildland Fire Mitigation & Management Commission Act of 2021 to create a federal agency-led commission to work with states and local governments to provide a report to Congress on mitigating wildfires to Congress within one year of formation.

Within 180 days of bill passage, the Secretary of Agriculture is also required to initiate a study on the potential placement of firebreaks to control wildfires and provide a report to Congress. The legislation also includes a provision directing the Secretaries of Interior and Agriculture to develop a five-year plan for monitoring, maintenance, and treatment to lower the risk of wildfires.

The legislation also provides **\$2.14 billion** for ecosystem restoration on federal lands. Of this funding:

- **\$300 million** for the federal government to enter into contracts to promote ecological restoration;
- **\$200 million** to states for restoration projects on federal lands;
- **\$400 million** for facilities that purchase and process byproducts from ecosystem restoration projects;
- **\$400 million** for grants for states to carry out restoration projects on public and private lands;
- **\$50 million** for states to establish rental programs for temporary water crossing structures to avoid ecosystem disturbance;
- **\$200 million** for invasive species detection, prevention, and eradication;
- **\$100 million** to adapt recreation sites on federal land in anticipation of increased visitation;
- **\$200 million** to restore native vegetation on mined land;
- **\$200 million** to support a national re-vegetation strategy on federal and non-federal land; and
- **\$80 million** to promote a landscape-scale restoration program to support water quality.
 - The Secretary of the Interior will begin soliciting proposals under this program within 180 days.

CYBER RESILIENCY

The bill addresses cyber resiliency, an increasingly important consideration in the wake of many cyberattacks over the past year. Specifically, the bill includes:

- **\$20 million** a year for five years (**\$100 million in total**) for the Cyber Response and Recovery Fund, which the Cybersecurity and Infrastructure Security Agency (CISA) can use to provide direct support to public or private entities in their response and recovery from significant cyberattacks;
- **\$200 million** in FY 2022 (**\$400 million** for FY 2023, **\$300 million** for FY 2024, and **\$100 million** for FY 2025) for a State and Local Cybersecurity Grant Program within the Department of Homeland Security (DHS). This program, to be administered by CISA and the Federal Emergency Management Agency (FEMA) will allow states and tribal governments to apply for funding to address cybersecurity risks or threats to information systems owned or operated by, or on behalf of, state, local, or tribal governments;

- **\$157 million** for the DHS Science and Technology Directorate for critical infrastructure security and resilience research, development, test, and evaluation; and
- **\$21 million** to fully fund the newly established Office of the National Cyber Director.

BROADBAND

Division F of the bill contains six titles, five of which address broadband and cover issues ranging from affordability to access. The following section provides an overview of these titles. However, summaries of Title II, which covers broadband for tribal communities, and Title VI, which addresses workforce issues in the telecommunications industry, are omitted.

Title I – Broadband Grants for States, District of Columbia, Puerto Rico, and Territories

Title I provides grants for broadband deployment to states, the District of Columbia, Puerto Rico, and U.S. territories through the newly formed Broadband Equity, Access, and Deployment Program. The bill authorizes **\$42.45 billion** for this Program to be administered by the National Telecommunications and Information Administration (NTIA) in the Department of Commerce. The funding will be allocated to eligible entities according to a formula outlined in the bill, with minimum initial allocations of **\$100 million** to each state. **\$100 million** will be divided equally among certain U.S. territories. The actual availability of the amounts allocated is subject to approval by the NTIA based on proposals made by the state or territory.

A focus of the program is on unserved and underserved locations, which are determined by broadband DATA maps developed by the FCC, and are defined in terms of access to certain speeds of broadband service. The specific definitions are as follows:

- The term “unserved location” means a broadband-serviceable location, as determined in accordance with the broadband DATA maps, that: 1) has no access to broadband service; or 2) lacks access to reliable broadband service offered with a speed of no less than 25 megabits per second (mbps) for downloads and three mbps for uploads and a latency sufficient to support real-time, interactive applications.
- The term “unserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations.
- The term “underserved location” means a location that: 1) is not an unserved location; and 2) as determined in accordance with the broadband DATA maps, lacks access to reliable broadband service offered with a speed of not less than 100 mbps for downloads and 20 mbps for uploads and a latency sufficient to support real-time, interactive applications.
- The term “underserved service project” means a project in which not less than 80 percent of broadband-serviceable locations served by the project are unserved locations or underserved locations.

Eligible entities whose proposals are approved by the NTIA may use their grant funds to competitively award subgrants for the following:

- Unserved service projects and underserved service projects;
- Connecting eligible community anchor institutions;
- Data collection, broadband mapping, and planning;
- Installing internet and Wi-Fi infrastructure or providing reduced-cost broadband within a multifamily residential building;

- Broadband adoption, including programs to provide affordable internet-capable devices; and
- Any use determined necessary by the NTIA to facilitate the goals of the program.

Title III – Digital Equity Act of 2021

This title includes establishment of the State Digital Equity Capacity Grant Program and the Digital Equity Competitive Grant Program within the Department of Commerce. This section comes from House Energy and Commerce Chair Frank Pallone’s (D-NJ) Leading Infrastructure for Tomorrow’s (LIFT) America Act (H.R. 1848), which included provisions that would have established these programs.

Under the State Digital Equity Capacity Grant Program, funds would be awarded to states to support digital inclusion activities, which are defined as any activities “that are necessary to ensure that all individuals...have access to, and the use of, affordable information and communication technologies such as: 1) reliable broadband service; 2) internet-enabled devices; and 3) applications and online content designed to enable and encourage self-sufficiency.” A state must develop a State Digital Equity Plan prior to being awarded this grant. The bill authorizes **\$60 million** for planning grants and for state capacity grants, **\$240 million** for FY 2022, **\$300 million** for each fiscal year 2023 to 2026, and thereafter such sums as may be necessary to carry out the program for subsequent fiscal years.

The Digital Equity Competitive Grant Program would award grants to local entities (including tribal entities), state agencies, non-profits, “community anchor institutions,” educational entities, and workforce development programs for digital inclusion activities. An “anchor institution” is defined as a “public school, a public or multi-family housing authority, a library, a medical or healthcare provider, a community college or other institution of higher education, a State library agency, and any other nonprofit or governmental community support organization.” The federal cost share under this program may not exceed 90 percent. The bill authorizes **\$250 million** per year for each of the first five fiscal years in which funds are made available for this program and thereafter such sums as may be necessary to carry out the program for subsequent fiscal years.

Title IV – Enabling Middle Mile Broadband Infrastructure

Title IV would support middle mile broadband infrastructure development and construction. This section aims to encourage expanding and extending middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to “last mile” internet infrastructure. It establishes middle mile grants to be awarded on a technology-neutral, competitive basis, for the construction, improvement, or acquisition of middle mile infrastructure. The federal cost share under this program may not exceed 70 percent of the total project cost. The bill authorizes **\$1 billion** for this program for FY 2022 through FY 2026.

Title V – Broadband Affordability

Finally, Title V of the bill addresses broadband affordability. The bill modifies the Emergency Broadband Benefit Program (EBB) by renaming it the Affordable Connectivity Program (ACP), extending it past the end of the COVID-19 public health emergency, and lowering the monthly subsidy from \$50 to \$30. The bill also outlines requirements for service providers related to the program. This title establishes regulations to require service providers to display consumer labels regarding their pricing and coverage. Lastly, this title discusses protection against digital discrimination. The bill states that: “1) subscribers should benefit from equal access to broadband internet access

service within the service area of a provider of such service; and 2) the term “equal access,” for purposes of this section, means the equal opportunity to subscribe to an offered service that provides comparable speeds, capacities, latency, and other quality of service metrics in a given area, for comparable terms and conditions.”

WESTERN WATER INFRASTRUCTURE

The bill provides funding for the Bureau of Reclamation’s western water programs, for which only 17 western states (Washington, Oregon, Idaho, Montana, North Dakota, South Dakota, Nebraska, Wyoming, California, Nevada, Utah, Colorado, Kansas, Oklahoma, Texas, New Mexico, and Arizona) are eligible.

Specifically, it provides:

- **\$1.15 billion** for water storage, ground water storage, and conveyance projects, of which \$100 million will provide grants to plan and construct small surface water and groundwater storage projects. Eligible projects must have either a feasibility study or construction approval authorized by Congress before passage of the bill to carry out the respective portion of the project.
- **\$3.2 billion** for the Aging Infrastructure Account, of which **\$100 million** is for reserved or transferred works that have suffered a critical failure and **\$100 million** is directed for the rehabilitation, reconstruction, or replacement of a dam.
- **\$1 billion** for water recycling and reuse projects, of which **\$550 million** is directed to Title XVI program and **\$450 million** is directed to large-scale water recycling and reuse projects. Eligible entities include states, Indian Tribes, municipalities, irrigation districts, water districts, wastewater districts, and other organizations with water or power delivery authority. Eligible Title XVI projects must already be authorized by Congress before the enactment of this bill.
- **\$250 million** for water desalination projects and studies. Eligible projects must have been authorized by Congress by July 1, 2021.
- **\$400 million** for WaterSMART grants, of which **\$100 million** will fund projects that improve the condition of a natural feature or nature-based feature.
- **\$300 million** for implementing the Colorado River Basin Drought Contingency Plan, of which **\$50 million** is directed for use for the Drought Contingency Plan for the Upper Colorado River Basin.

DRINKING WATER AND WASTEWATER

The bill provides **\$48.4 billion** for drinking and wastewater infrastructure. This includes:

- **\$23.4 billion** for the Drink Water State Revolving Fund (DWSRF) and the Clean Water State Revolving Fund (CWSRF).
- **\$15 billion** for lead service line replacement. The funding for lead service line replacement would allow up to 49 percent to be distributed as loans that can be forgiven and the remaining 51 percent would be awarded as low-interest loans that would have to be repaid. Funding priority is directed towards water treatment works in disadvantaged communities. Of the funding, **\$10 million** is directed to a new Lead Inventorying Utilization Grant Pilot Program, in which community water systems where over 30 percent of lines contain lead are eligible to carry out lead reduction projects.

- **\$200 million** to address lead contamination in school drinking water. The funding would establish a voluntary school and childcare program lead testing, compliance monitoring, and lead reduction grant program.
- **\$250 million** for the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program, for which public water systems serving a community with a population of 10,000 or more are eligible. The program is used to increase resilience to natural hazards, extreme weather events, and reducing cybersecurity vulnerabilities to water systems. Funding can be used to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project. Fifty percent of the funds must be directed to entities with populations between 10,000 and 100,000, and the other 50 percent must be awarded to entities with a population over 100,000.
- **\$1.4 billion** for sewer overflow and stormwater reuse municipal grants. States must use a minimum of 25 percent of awarded funds to carry out projects in rural and disadvantage communities.
- **\$10 billion** to address per- and polyfluoroalkyl substances (PFAS). Of the \$10 billion, **\$1 billion** is directed to address emerging contaminants in wastewater through the CWSRF, **\$4 billion** is directed to address PFAS in drinking water through the DWSRF, and **\$5 billion** is allocated for small and disadvantaged communities to address emerging contaminants. Participants in the programs would be eligible for loan forgiveness.
- **\$250 million** for the Water Infrastructure Finance and Innovation Act (WIFIA) program.
- **\$175 million** for technical assistance and grants for emergencies affecting public water systems. Within a year, EPA must submit a report to Congress that includes community water and wastewater systems' management plans show an emergency situation concerning lead contaminants in drinking water.
- **\$100 million** to establish a wastewater efficiency grant pilot program to award grants to owners or operators of publicly owned treatment works to carry out projects that create or improve waste-to-energy systems. Funding can be used for sludge collection, installation of anaerobic digesters, methane capture, methane transfer, facility upgrades, and retrofits necessary to create or improve waste-to-energy systems, and other new but proven technologies that transform waste to energy. A maximum of 15 entities can be selected and award amounts are capped at \$4 million.
- **\$125 million** to establish a grant program for alternative water source projects, including those that treat wastewater or stormwater for groundwater recharge or potable reuse.
- **\$125 million** for a clean water infrastructure resiliency and sustainability program, for which states and municipalities are eligible. Funding can be used for planning, designing, or constructing projects on a system wide or area-wide basis that increase the resilience of a publicly owned treatment works to a natural hazard or cybersecurity vulnerabilities.
- **\$250 million** for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income. Eligible entities are private nonprofit organizations to provide assistance to eligible individuals for: the construction, repair, or replacement of an individual household decentralized wastewater treatment system; or the installation of a larger decentralized wastewater system designed to provide treatment for two or more households.
- **\$200 million** for grants for publicly owned treatment works to assist low- or moderate-income individuals with connecting a household to the publicly owned treatment works.

BROWNFIELDS AND SUPERFUND

The IIJA provides the following funding for Brownfields and Superfund Programs:

- **\$1.5 billion** for the EPA Brownfields program to help communities, states, and tribes to assess, safely clean up, and sustainably reuse contaminated properties; and
- **\$3.5 billion** for the Hazardous Substance Superfund program to allow EPA to invest in clean-ups and continue moving forward on remedial actions for Superfund sites.

ARMY CORPS OF ENGINEERS AND PORTS

The IIJA includes the following funding for the U.S. Army Corps of Engineers and Ports:

U.S. Army Corps of Engineers

The IIJA includes **\$17 billion** to the U.S. Army Corps of Engineers (USACE) for investigations, construction, and maintenance/operations for already authorized projects, including flood mitigation and waterway management, among others. The USACE has some discretion under the legislation as to how it will use the funding and it will likely be guided by its annual work plans. Of the funding, **\$150 million** is directed to Investigations, **\$11.615 billion** to Construction, **\$4 billion** to Operations and Maintenance, and **\$251 million** to Flood Control and Coastal Emergencies.

Disaster Relief Fund - Building Resilient Infrastructure and Communities (BRIC) Competitive Grant Program

The IIJA provides **\$1 billion** over five years, or **\$200 million** per year, for the FEMA Building Resilient Infrastructure and Communities (BRIC) Competitive Grant Program. The funds are designated for pre-disaster mitigation programs operated by municipalities, states, tribes, and territories. Generally, the federal cost share for this program is 75 percent; however, economically disadvantaged rural communities may be eligible for up to a 90 percent federal share.

National Flood Insurance Fund – Flood Mitigation Assistance (FMA) Competitive Grant Program

IIJA also provides **\$3.5 billion** over five years, or **\$700 million** per year, for the Flood Mitigation Assistance (FMA) Competitive Grant Program. As defined by FEMA, the FMA “funds states, local communities, tribes, and territories to reduce or eliminate the risk of repetitive flood damage to buildings and structures insured under the National Flood Insurance Program (NFIP).” While this program has a 75 percent federal share, in cases of repetitive loss or severe repetitive loss, applications may be approved with up to a 90 or 100 percent federal share, respectively.

Under the existing statute (42 USC 4104c), “to be eligible to receive financial assistance under this section for mitigation activities, a State or community shall develop, and have approved by the Administrator, a flood risk mitigation plan (in this section referred to as a “mitigation plan”), that describes the mitigation activities to be carried out with assistance provided under this section, is consistent with the criteria established by the Administrator under section 4102 of this title, provides for reduction of flood losses to structures for which contracts for flood insurance are available under this chapter, and may be included in a multihazard mitigation plan.”

Electric or Low-Emitting Ferry Pilot Program

The IIJA provides **\$250 million**, or **\$50 million** per year for five years, to establish a pilot program providing grants for purchase of electric or low-emitting ferries, as well as for the electrification or reduction of emissions from existing ferries. The program stipulates that at least one grant must be awarded to the state with the largest number of Marine Highways System miles. It also stipulates that at least one grant must be for “bi-State ferry service: 1) with an aging fleet; and 2) whose development of zero and low emission power source ferries will propose to advance the state of the technology toward increasing the range and capacity of zero emission power source ferries.”

EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF DETERMINATION ACT OF 2000

The IIJA extends the Secure Rural Schools and Community Self-Determination Act of 2000. Specifically, it extends Title I secure payments for states and counties containing federal lands through 2023, extends Title II authority to conduct special projects on federal lands through 2025, and extends Title III authority to expend county funds through 2025.

Additionally, the IIJA adds both broadband telecommunication services and technology necessary for students to carry out remote learning as an authorized use of county funds under Title III. It also provides that counties may use Title III funds that were obligated before October 1, 2017, but unspent as of October 1, 2020, for any authorized use.

2021 NACo

POLICY PRIORITIES

NACo works to preserve local decision making, protect counties from unfunded mandates and preemption, and strengthen the federal-state-local partnership.



STRONGER COUNTIES. STRONGER AMERICA.

COUNTIES PLAY AN INSTRUMENTAL ROLE IN THE OVERALL PUBLIC ADMINISTRATION AND GOVERNANCE OF FEDERAL, STATE AND LOCAL POLICIES, PROGRAMS AND SERVICES.

America's 3,069 county governments provide essential building blocks for healthy, safe and vibrant communities. Counties invest nearly \$600 billion each year in taxpayer resources, through the leadership of nearly 40,000 county elected officials and 3.6 million county employees. Counties support and maintain key public and community infrastructure, help nurture and sustain a skilled workforce to support dynamic local economies, and promote public health and safety to protect our citizens.

NACo supports federal policies and programs that equip county governments with the resources and flexibility needed to effectively serve our residents. NACo works to preserve local decision making and protect counties from unfunded mandates and preemption of local authority. Since counties implement many federal programs at the local level and must enforce many federal regulations, NACo encourages meaningful intergovernmental consultation with counties throughout all federal policy, program and regulatory development processes.

NACo policy positions are introduced, debated and voted on by 10 policy steering committees with over 1,400 county officials, as well as NACo Board of Directors and full membership.



COUNTIES OWN AND OPERATE
45% OF AMERICA'S ROADS
AND **38%** OF BRIDGES



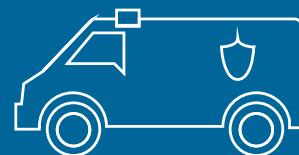
78% OF PUBLIC TRANSIT
AGENCIES ARE COUNTY
SUPPORTED



COUNTIES INVEST IN **\$134 BILLION** IN
INFRASTRUCTURE AND MAINTAINING
AND OPERATING PUBLIC WORKS



COUNTIES SUPPORT AND OPERATE NEARLY **1,000** HOSPITALS,
OVER **800** LONG-TERM CARE FACILITIES, **750** BEHAVIORAL
HEALTH CENTERS AND **1,900** PUBLIC HEALTH DEPARTMENTS



COUNTY GOVERNMENTS
OPERATE **2,875** OF OUR
NATION'S **3,160** LOCAL JAILS

TABLE OF CONTENTS

2020 NACo POLICY PRIORITIES

Advocate For Additional Federal Covid-19 Relief In The Form Of Direct, Flexible Aid To Counties Of All Sizes	4
Restore The Balance Of Federalism And Optimize Intergovernmental Partnerships	4
Promote County Infrastructure Priorities	5
Promote Mental Health And Substance Use Treatment And Address Essential Criminal Justice Reforms	6
Boost Advanced Broadband Deployment And Accessibility While Preserving Local Decision-Making	7
Support Full Funding For Payments In Lieu Of Taxes And The Secure Rural Schools Program	8
Promote County Priorities In Future U.s. Environmental Protection Agency (Epa) And Other Federal Rulemaking	8
Strengthen Election Security And Safety	9
Enhance Community Resilience Through Regional And Local Disaster Preparedness	10
Promote Workforce Opportunities And Supportive Services For County Residents In Changing Economies	10
NACo Government Affairs Staff Directory	11



**STRONGER COUNTIES.
STRONGER AMERICA.**

ADVOCATE FOR ADDITIONAL FEDERAL COVID-19 RELIEF IN THE FORM OF DIRECT, FLEXIBLE AID TO COUNTIES OF ALL SIZES

NACo supports federal efforts to provide direct, flexible COVID-19 relief to counties of all sizes as they continue to address and mitigate the impacts of the coronavirus pandemic. This financial and public health crisis continues to have massive budgetary effects on county governments – as much as \$202 billion through Fiscal Year 2021. This tremendous loss of revenue and increase in response costs are resulting in job losses, essential service reductions, and forced cuts and delays in job-creating capital investment projects. NACo is committed to deploying federal aid in a fiscally responsible manner, ensuring resources are invested wisely at the local level with the express purpose of addressing the COVID-19 pandemic.

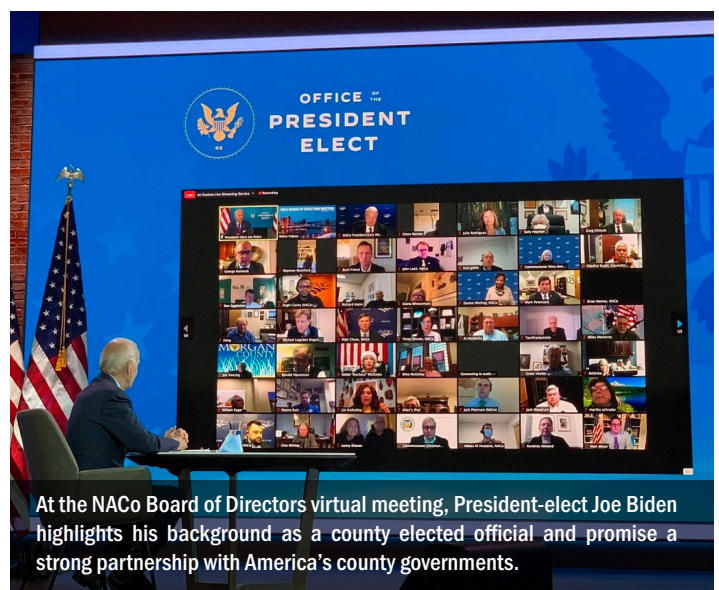
- Nationwide, counties serve more than **300 MILLION RESIDENTS** by supporting and operating nearly 1,000 hospitals, over 800 long-term care facilities, 750 behavioral health centers, 1,900 public health departments, emergency operations centers and 911 systems.
- Despite the detrimental fiscal impacts that counties of all sizes face due to the covid-19 pandemic, only **FIVE PERCENT OF THE NATION'S COUNTIES** were eligible to receive direct CRF funding through the CARES Act.



RESTORE THE BALANCE OF FEDERALISM AND OPTIMIZE INTERGOVERNMENTAL PARTNERSHIPS

NACo supports efforts that recognize and respect the unique roles and responsibilities of counties as essential partners — *not just stakeholders* — in our nation's intergovernmental system of federal, state, local and tribal government officials. Consistent and meaningful engagement and consultation between intergovernmental partners is vital in the development and implementation of effective policies, programs and regulations. County governments are tasked with implementing state and federal policies and regulations at the local level and should be included at all stages of the governing process.

NACo urges Congress to pass the Restore the Partnership Act and the Unfunded Mandates Information and Transparency Act to increase transparency to reduce regulatory burden, foster intergovernmental dialogue and unite all levels of government in supporting our unparalleled system of federalism.



2021 NACo POLICY PRIORITIES

PROMOTE COUNTY INFRASTRUCTURE PRIORITIES

NACo supports efforts by the administration and Congress to increase our nation's infrastructure investments to help promote economic development, public safety and overall mobility through a comprehensive infrastructure package, surface transportation reauthorization and water resources bill. Any federal infrastructure package should reflect county priorities, such as: allocate more federal seed capital and matching funds for locally owned infrastructure, increase local decision-making authority and flexibility, protect and restore tax-exempt municipal financing tools and streamline and shorten the federal permitting process while still requiring robust public participation and world-class environmental stewardship.

NACo supports a two-year authorization of the Water Resources and Development Act (WRDA) that will address county interests related to ports, inland waterways, levees, dams, wetlands, watersheds and coastal restoration. As owners, users and regulators of water resources and infrastructure, counties are directly impacted by the policies and funding authorized through WRDA authorizations. Any water infrastructure legislation should address the needs of counties, including: allocating federal matching funds for local governments to plan for and implement projects that reduce flood damage risks and address habitat restoration, connectivity and resiliency, ensuring counties are consulted prior to the federal government undertaking water resource projects within county boundaries, and strengthening the federal-state-local partnership in the decision-making process for water projects.

- Counties own and operate **45 PERCENT** of all public roads and almost **40 PERCENT** of the National Bridge Inventory and directly support **78 PERCENT** of all public transit systems and **34 PERCENT** of public airports
- Counties also invest **\$134 BILLION ANNUALLY** in maintaining and operating public works, including transportation, water systems, ports, dams, hospitals, schools, libraries and courthouses.



NACo's Transportation Policy Steering Committee Chair Liz Hausmann from Fulton County, Ga. highlights the importance of increased investments in, and reforms to, critical transportation programs during a Capitol Hill briefing.

PROMOTE MENTAL HEALTH AND SUBSTANCE USE TREATMENT AND ADDRESS ESSENTIAL CRIMINAL JUSTICE REFORMS

NACo supports measures that promote and advance the overall safety of the public, and enhances federal, state and local partnerships to provide evidence-based treatment services to justice involved individuals suffering with mental illness and substance use disorders. NACo urges Congress and the Administration to advance legislation and regulations that would amend the federal Medicaid Inmate Exclusion Policy (MIEP) and allow pre-trial individuals to have continued access to necessary treatment through federal health benefits such as Medicaid, Medicare, CHIP and VA health benefits. The current policy denies federal benefits to individuals who are pending disposition and still presumed innocent under the Due Process and Equal Protection clauses outlined under the 5th and 14th Amendments of the U.S. Constitution. Furthermore, NACo supports policies and programs that divert non-violent individuals struggling with mental illness and/or substance use disorders from local jails into more appropriate treatment services.

- Counties own and support **903 HOSPITALS** and operate **1,943 LOCAL HEALTH DEPARTMENTS**
- County governments operate 2,875 of our nation's 3,160 local jails, serving as the front door to our criminal justice system.
- America's counties annually invest \$176 billion in community health systems and justice and public safety services
- 10.6 million individuals cycle in and out of more than 3,000 local jails each year
- At least 20 percent of jail inmates have a serious mental illness

"The Medicaid Inmate Exclusion Policy (MIEP), which denies or revokes federal health and other benefits, is a violation of the equal protection and due process clauses of the Fifth and 14th Amendments of the U.S. Constitution, respectively."

COMMISSIONER NANCY SHARPE
Arapahoe County, Colo
Task Force Co-Chair

SHERIFF GREG CHAMPAGNE
Task Force Co-Chair
St. Charles Parish, La.



NACo-NSA JOINT TASK FORCE REPORT

ADDRESSING THE FEDERAL MEDICAID INMATE EXCLUSION POLICY



In February 2020, NACo and National Sheriffs' Association release report detailing the impact of the federal Medicaid Inmate Exclusion Policy, lays out steps governments can take to address the problem. <https://www.naco.org/resources/featured/naco-nsa-joint-task-force-report-addressing-federal-medicaid-inmate-exclusion-policy>

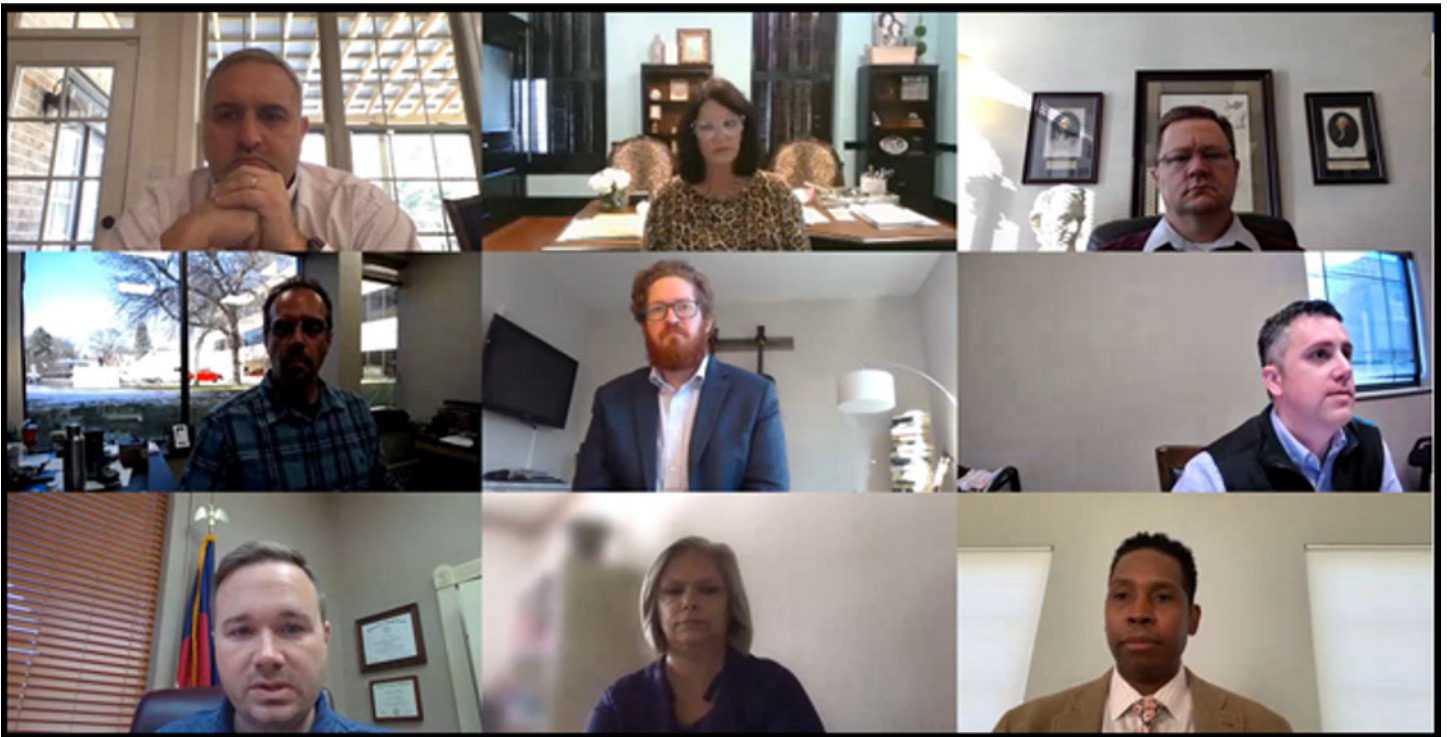
2021 NACo POLICY PRIORITIES

BOOST ADVANCED BROADBAND DEPLOYMENT AND ACCESSIBILITY WHILE PRESERVING LOCAL DECISION-MAKING

NACo supports a coordinated approach between federal, state and local governments to advance broadband deployment and accessibility while preserving local decision-making. Broadband is imperative to building resilient and future-ready communities in the 21st century. The COVID-19 pandemic has underscored the critical utility of broadband infrastructure. From the homework gap and workforce adaptations, to critical healthcare services and e-commerce – broadband is now the keystone to our nation's response to the global health pandemic. Counties are committed to bridging the digital divide by deploying accessible and reliable high-speed internet regardless of geographical location.

NACo supports preserving local broadband decision-making to expand internet services for residents. County governments in many states are restricted from making critical investments in local broadband networks due to state-imposed bans and restrictions. These barriers are preventing local governments from effectively and efficiently addressing the challenges of this public health pandemic and looming economic crisis. NACo supports legislation that would remove these state-imposed barriers and empower communities to provide connectivity solutions during this critical time.

- In rural areas, just **65 PERCENT OF RESIDENTS** have high-speed internet access via both fixed wireless services and mobile LTE broadband
- Data collected by NACo shows **77 PERCENT OF RURAL COUNTIES** are experiencing broadband below Federal Communication Commission (FCC) standards
- Approximately **14 MILLION RURAL AMERICANS** and **1.2 MILLION AMERICANS** living on tribal lands still lack access to broadband that meets the federal definition for minimum standards



In October 2020, NACo formed a Broadband Task Force comprised of nearly three dozen county government officials from across America, to study the lack of reliable broadband with a particular focus on the challenges facing underserved communities.

SUPPORT FULL FUNDING FOR PAYMENTS IN LIEU OF TAXES AND THE SECURE RURAL SCHOOLS PROGRAM

NACo supports restoring full mandatory funding for the Payments in Lieu of Taxes (PILT) program, which compensates public lands counties for untaxable federal land. NACo also supports extending the Secure Rural Schools (SRS) program as a transitional funding mechanism until the federal government fully implements a sustainable, long-term forest management program with adequate revenue sharing for forest counties and schools.

NACo supports legislation to ensure mandatory, full funding of PILT, including the reintroduction and passage of the Permanently Authorizing PILT Act and the PILT Reauthorization Act, which would make PILT mandatory for ten years.

NACo also endorses legislation to extend SRS for an additional two years as well as the reintroduction of the Forest Management for Rural Stability Act, which would create an endowment fund to make permanent SRS payments to national forest counties and schools while also granting more flexibility to counties in the use of SRS funds.



In March 2020, NACo held a press conference in support of Secure Rural Schools (SRS) and Payments in Lieu of Taxes (PILT), featuring several key members of Congress.

- **SIXTY-ONE PERCENT OF COUNTIES** have federal land within their boundaries, and unlike other local property owners, the federal government does not pay traditional property taxes
- PILT and SRS support critical county services, including emergency services, search and rescue, fire protection, forest maintenance, education and transportation infrastructure near and on federal lands

PROMOTE COUNTY PRIORITIES IN FUTURE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) AND OTHER FEDERAL RULEMAKING

Counties support federal policies that balance environmental, public health, safety and local economic needs. As both regulators and regulated entities, counties are responsible for protecting local air, water and land resources through delegated authority under state and federal laws. Federal regulations and guidelines are more effective if they are clear, understandable and can be easily administered at the local level.

As the EPA moves forward with future rulemakings, NACo supports further federal investments and consistent and meaningful engagement with local government officials. Counties support the administration and Congress increasing funding for existing programs to support the successful implementation of future rulemakings. Counties urge the EPA to continue to hold meaningful consultation early in the rulemaking process to reduce the risk of unfunded mandates caused by implementing federal policy.



- Counties are major owners, users and regulators of water resources and systems with the responsibility for funding **95 PERCENT** of all local public water infrastructure needs
- Under the Clean Air Act, states and counties serve as co-regulators with the federal government and are ultimately responsible for implementing new and existing air quality standards

2021 NACo POLICY PRIORITIES

STRENGTHEN ELECTION SECURITY AND SAFETY

NACo supports federal policies that provide flexibility for local decision making and increased federal investments in the nation's elections system. Counties play an essential role in the nation's election system, administering elections based on federal and state policies. As administrators and financiers of our elections, counties work to ensure our elections are fair, safe and secure. Therefore, NACo supports a consistent, predictable and dedicated federal funding stream to assist counties with meeting the significant federal requirements imposed on local governments administering elections. We also support efforts by Congress and the administration to combat cybersecurity threats in a way that is inclusive of county election and technology officials.

- More than **191 MILLION** people were registered to vote in the 2020 general election within jurisdictions where counties play a major role in administering and coordinating elections
- Between the 2016 and 2018 general elections, county jurisdictions processed over **73 MILLION** registration forms
- In 2018, counties oversaw more than **151,000 POLLING PLACES** and organized over 593,000 poll workers



America's 3,069 counties, parishes and boroughs are instrumental in every federal, state and local election – providing key funding, overseeing polling places and coordinating poll workers.

ENHANCE COMMUNITY RESILIENCE THROUGH REGIONAL AND LOCAL DISASTER PREPAREDNESS

NACo urges Congress and the administration to provide increased federal resources to counties for disaster planning, mitigation and recovery. Counties often serve as our nation's first line of defense before and after disasters strike. While state statutes and organizational structures vary, local emergency management responsibilities are commonly vested in county governments. NACo supports increased federal investment in support of local emergency management capabilities that improve public safety and environmental stewardship, along with social and economic security.

Furthermore, NACo supports rapid federal reimbursement of local costs associated with major disasters and encourages the U.S. Department of Homeland Security (DHS) to administer policies and regulations on a consistent manner during any presidentially declared disaster or emergency throughout the country. Counties also encourage DHS to apply any policy or regulation changes on a prospective basis, based on the declaration date of the emergency or disaster. NACo supports DHS and FEMA leadership as they work to reduce excessive paperwork as well as overly restrictive and bureaucratic regulations.



Through the Resilient Counties Initiative, NACo works to strengthen county resiliency by building leadership capacity to identify and manage risk and allow counties to become more flexible and responsive.

- On average, over **800 COUNTIES** per year experience a presidentially declared disaster
- In 2020, hurricanes, wildfires and other disasters across the United States caused an estimated **\$95 BILLION** in damage

PROMOTE WORKFORCE OPPORTUNITIES AND SUPPORTIVE SERVICES FOR COUNTY RESIDENTS IN CHANGING ECONOMIES

NACo supports federal investments and policies that help advance and leverage both regional and local strategies to engage children, youth, adults and older adults in the development of a competitive and quality workforce.

Due to the economic fallout caused by the COVID-19 pandemic, many counties face challenges in linking residents to sustainable employment opportunities that foster economic mobility. For example, counties are confronting increased demand and caseloads for services that help residents overcome barriers to employment, such as skills training, mental health and substance abuse disorders, accessible childcare and housing affordability. At the same time, county governments face reduced federal and state funding, along with growing federal and state mandates, limitations and oversight.

NACo encourages a strong federal partner committed to providing sustainable and predictable resources, enhancing program efficiency and maintaining local decision-making and flexibility to achieve better outcomes for county residents, especially those in transitioning local economies.



Franklin County, Ohio Director of the Department of Job and Family Services Joy Bivens testifying before U.S. House Committee on Ways and Means Subcommittee on Worker and Family Supports on combatting child poverty in America.

- **TWO-THIRDS OF COUNTIES** have poverty rates exceeding the national average
- Counties employ **3.6 MILLION** residents and provide services to **314 MILLION** county residents

NACo GOVERNMENT AFFAIRS STAFF DIRECTORY

Mark Ritacco

Director of Government Affairs
(202) 942-4240 | mritacco@naco.org

Blaire Bryant

Associate Legislative Director –
Health
(202) 942-4246 | bbryant@naco.org

Daria Daniel

Associate Legislative Director –
*Community, Economic & Workforce
Development*
*Liaison to the Large Urban County
Caucus*
(202) 942-4212 | ddaniel@naco.org

Eryn Hurley

Associate Legislative Director –
*Finance, Pensions &
Intergovernmental Affairs*
*Liaison to Immigration Reform Task
Force*
(202) 942-4204 | ehurley@naco.org

Jessica Jennings

Associate Legislative Director –
Transportation
(202) 942-4264 | jjennings@naco.org

Rachel Mackey

Associate Legislative Director –
Human Services & Education
*Liaison to the Veterans and Military
Services Standing Committee*
(202) 661-8843 | rmackey@naco.org

Brett Mattson

Associate Legislative Director –
Justice & Public Safety
(202) 942-4234 | bmattson@naco.org

Adam Pugh

Associate Legislative Director –
Environment, Energy & Land Use
(202) 942-4269 | apugh@naco.org

Arthur Scott

Associate Legislative Director -
Agriculture and Rural Affairs
*Telecommunications and
Technology*
Broadband Task Force
Liaison to the Rural Action Caucus
Political Outreach Manager
(202) 942-4230 | ascott@naco.org

Jonathan Shuffield

Associate Legislative Director –
Public Lands
*Liaison to the Western Interstate
Region*
(512) 965-7268 | jshuffield@naco.org

Zachary George

Legislative Assistant
Environment, Energy and Land Use
Transportation
*Telecommunications and
Technology*
(202) 661-8819 | zgeorge@naco.org

Nicolette Gerald

Legislative Assistant
Human Services & Education
Justice & Public Safety
*Veterans and Military Services
Committee*
(202) 942-4260 | ngerald@naco.org

Sarah Gimont

Legislative Assistant
*Community, Economic & Workforce
Development*
Health
Large Urban County Caucus
(202) 942-4256 | sgimont@naco.org

Aaliyah Nedd

Legislative Assistant
Agriculture and Rural Affairs
Rural Action Caucus
Public Lands
Western Interstate Region
(202) 661-8833 | anedd@naco.org

ABOUT NACo

The National Association of Counties (NACo) strengthens America's counties, including nearly 40,000 county elected officials and 3.6 million county employees. Founded in 1935, NACo unites county officials to advocate for county government priorities in federal policymaking; promote exemplary county policies and practices; nurture leadership skills and expand knowledge networks; optimize county and taxpayer resources and cost savings; and enrich the public's understanding of county government.

Each year, NACo's Board of Directors, in consultation with over 1,400 county officials on 10 policy steering committees, adopt the association's federal policy priorities. These policy priorities help shape NACo's advocacy efforts on behalf of America's counties.



660 NORTH CAPITOL ST. NW • SUITE 400 • WASHINGTON, D.C. 20001
202.393.6226 • www.NACo.org

 facebook.com/NACoDC

 twitter.com/NACoTweets

 youtube.com/NACoVideo

 www.NACo.org/linkedin



R22-01

LEON COUNTY RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, REJECTING STATE HOUSE REDISTRICTING MAP PROPOSAL #5 AND SUPPORTING STATE HOUSE REDISTRICTING MAP PROPOSAL #7 OR SIMILAR MAP TO PRESERVE THE EXISTING CHARACTER OF THE STATE HOUSE DISTRICTS REPRESENTING LEON COUNTY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Florida Legislature (“Legislature”) is responsible for adopting new district maps for the Florida House of Representatives, Florida Senate, and United States Congress following the decennial census; and

WHEREAS, plans for the redistricting of congressional and state legislative districts must comply with all requirements of the United States Constitution, the federal Voting Rights Act of 1965, the Florida Constitution, and other applicable federal and state requirements; and

WHEREAS, Florida voters approved the “Fair Districts” Constitutional Amendment during the 2010 General Election to establish constitutional standards for redistricting, which prohibit partisan and racial gerrymandering and require districts to be compact, as equal in population as feasible, and to follow existing political and geographical boundaries; and

WHEREAS, redistricting map proposals must be approved by a majority of both chambers of the Legislature by joint resolution following each decennial census; and

WHEREAS, prior to the start of the 2022 Florida Legislative Session, the Legislature is holding interim committee meetings, and initial map proposals have been released for consideration by both the Florida House Redistricting Committee and the Florida Senate Reapportionment Committee; and

WHEREAS, the redistricting map proposals for the Florida House of Representatives propose significant adjustments to the boundaries of State House Districts 7 and 9, altering the communities to be served within those districts; and

WHEREAS, the State House Redistricting Map Proposal H000H8005 (“Proposal #5”) would negatively impact the existing character of House District 7, which primarily represents smaller rural communities west of Leon County, by shifting the district boundaries to urban and suburban areas of Leon County currently represented in House District 9; and

WHEREAS, under the State House Redistricting Map Proposal #5, the proposed changes to District 9 would not follow existing political and geographic boundaries, as required by the Fair Districts amendment; and

WHEREAS, certain urban areas within Leon County, including a portion within zip code 32304, currently within House District 9, have vastly different needs than those of the rural areas

1 represented in House District 7; and

2
3 **WHEREAS**, the alternative State House Redistricting Map Proposal H000H8007 (“Proposal
4 #7”) is more closely aligned with provisions of state redistricting standards which require redistricting
5 plans to follow existing political and geographical boundaries and would preserve the existing rural
6 and urban/suburban character of House Districts 7 and 9, respectively.
7

8 **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON**
9 **COUNTY, FLORIDA, that:**
10

- 11 1. The Leon County Board of County Commissioners urges the Florida Legislature to reject
12 State House Redistricting Map Proposal H000H8005 as negatively impacting the character
13 of House District 7 and House District 9.
- 14 2. The Leon County Board of County Commissioners supports the Florida Legislature’s
15 adoption of State House Redistricting Map Proposal H000H8007, or a similar map which
16 preserves existing political and geographic boundaries and the existing rural and
17 urban/suburban nature of Florida House Districts 7 and 9, respectively, during the 2022
18 Legislative Session.
- 19 3. This resolution shall take effect immediately upon adoption hereof.
20

21 **DONE, ADOPTED AND PASSED** by the Board of County Commissioners of Leon County,
22 Florida, this 14th day of December, 2021.
23

24 **LEON COUNTY, FLORIDA**

25 DocuSigned by:
26 *Bill Proctor*
27 By: E6F9A59141C244C...
28 Bill Proctor, Chair
29 Board of County Commissioners
30

31 **ATTESTED BY:**
32 Gwendolyn Marshall Knight, Clerk of Court
33 & Comptroller, Leon County, Florida
34

35 DocuSigned by:
36 *Gwendolyn Marshall Knight*
37 By: 178D7F95C3774F4...
38

39 DocuSigned by:



39 **APPROVED AS TO FORM:**
40 Chasity H. O’Steen, County Attorney
41 Leon County Attorney’s Office
42

43 DocuSigned by:
44 *Chasity H. O’Steen*
45 By: BCE5E0EFD079484...
46

LEON COUNTY RESOLUTION NO. R22-12

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, URGING THE GOVERNOR AND FLORIDA LEGISLATURE TO PRESERVE THE EXISTING CHARACTER OF CONGRESSIONAL DISTRICT 5; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Florida Legislature (“Legislature”) is responsible for adopting new district maps for the Florida House of Representatives, Florida Senate, and United States Congress following the decennial census; and

WHEREAS, plans for the redistricting of congressional and state legislative districts must comply with all requirements of the United States Constitution, the federal Voting Rights Act of 1965 (“Voting Rights Act”), the Florida Constitution, and other applicable federal and state requirements; and

WHEREAS, the federal Voting Rights Act (52 U.S.C. 10101, et. seq.) prohibits states from enacting a map that results in the denial or abridgement of any U.S. citizen’s right to vote on account of race, color, or status as a member of a language minority group, and further protects against retrogression in the ability of racial and language minorities to elect representatives of their choice; and

WHEREAS, Florida voters approved Amendment No. 6 during the 2010 General Election , which created a new Article III, Section 20 of the Florida Constitution entitled “Standards for establishing congressional district boundaries” (“Fair Districts Amendment”); and

WHEREAS, Article III, Section 20(a) of the Florida Constitution provides that “[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory”; and

WHEREAS, Article III, Section 20(b) of the Florida Constitution further provides, in part, that “[congressional] districts shall, where feasible, utilize existing political and geographical boundaries”; and

WHEREAS, redistricting map proposals must be approved by a majority of both chambers of the Legislature following each decennial census; and

WHEREAS, following the 2010 United States Census, the Florida Legislature enacted SB 1174, which established a new congressional redistricting plan for the state, and which was signed into law by Governor Rick Scott on February 16, 2012; and

WHEREAS, the Florida Legislature’s congressional redistricting plan was challenged in Florida’s Second Judicial Circuit, and on July 10, 2014, Judge Terry P. Lewis ruled that two of the

1 districts in the Legislature's plan were drawn in contravention of state constitutional requirements, and
2 that the plan was therefore unconstitutional; and
3

4 **WHEREAS**, the Florida Legislature convened a special session in August 2014 and enacted a
5 new redistricting plan, which was later invalidated by the Florida Supreme Court in 2015, and the
6 Florida Supreme Court ordered that a new map be adopted and implemented for the 2016 elections;
7 and
8

9 **WHEREAS**, in August 2015, the Florida Legislature convened a special session for the
10 purpose of enacting a remedial congressional redistrict plan, but the Florida House and Florida Senate
11 failed to reach agreement and adjourned without having enacted a remedial congressional redistricting
12 plan as required by the Florida Supreme Court; and
13

14 **WHEREAS**, ultimately, in *League of Women Voters v. Detzner* (No. SC14–1905), the Florida
15 Supreme Court approved a congressional districting plan that increased the number of districts where
16 minorities, both racial and ethnic, have the opportunity to elect the representative of their choice and
17 that was determined to be compliant with the Fair Districts Amendment; and
18

19 **WHEREAS**, in the *Detzner* case the Florida Supreme Court specifically opined that the
20 resulting and current configuration of Congressional District 5, which was drawn by legislative staff,
21 passed by both the House and Senate, and agreed to by challengers in the *Detzner* case, and which
22 represents a portion of Leon County, is justified “[b]ecause the proposed district comports with this
23 Court’s [previous] directions . . . and does not diminish the ability of black voters to elect a candidate
24 of choice”; and
25

26 **WHEREAS**, the Florida Supreme Court further stated that “District 5 contains four whole
27 counties and parts of four others, and is more visually and statistically compact than both the 2012
28 enacted district that was previously invalidated and the Legislature’s 2014 remedial plan”; and
29

30 **WHEREAS**, during the 2022 Florida Legislative Session, the Florida Legislature enacted SB
31 102, entitled “[a]n act relating to establishing the congressional districts of the state” which included
32 both a “primary” and a “secondary” plan for establishing new congressional districts for the state; and
33

34 **WHEREAS**, on March 29, 2022, Governor DeSantis vetoed SB 102 and stated in an associated
35 letter to the Florida Secretary of State that “[a]s presented in both the primary and secondary maps
36 enacted by the Legislature, Congressional District 5 violates the Equal Protection Clause of the
37 Fourteenth Amendment to the U.S. Constitution”; and
38

39 **WHEREAS**, on March 29, 2022, Governor DeSantis issued a proclamation convening the
40 Florida Legislature in a Special Session from April 19, 2022 through April 2022, 2022 for the purpose
41 of considering legislation relating to the establishment of congressional districts for the state; and
42

43 **WHEREAS**, on April 11, 2022, Florida House Speaker Chris Sprowls and Florida Senate
44 President Wilton Simpson issued a joint memorandum which indicated, in part, that “Legislative
45 reapportionment staff is not drafting or producing a map for introduction during the special session”
46 and that the Legislature would afford Governor DeSantis the opportunity to present a redistricting plan
47 that he would support; and
48

49 **WHEREAS**, during the 2022 Florida Legislative Session, Governor DeSantis submitted two
50 congressional redistricting proposals to the Florida Legislature for its consideration, both of which

1 would substantially diminish the ability of minority voters to elect a candidate of their choice, which
2 is prohibited by the Voting Rights Act and Fair Districts Amendment; and
3

4 **WHEREAS**, the Florida Legislature previously approved a congressional redistricting
5 proposal during the 2022 Florida Legislative Session (redistricting plan number H000H8015, which
6 was included as the “secondary” map in SB 102) that would preserve the existing character of
7 Congressional District 5 and afford minority voters residing in that district the opportunity to continue
8 electing candidates of their choice.
9

10
11 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY,
12 FLORIDA, that:
13

- 14 1. The Leon County Board of County Commissioners supports the Florida Legislature’s
15 adoption of Congressional Redistricting Map Proposal H000H8015, or the adoption of a
16 similar map that comports with the Voting Rights Act and the Fair Districts Amendment
17 and which preserves existing political and geographic boundaries of Congressional District
18 5 and affords minority voters residing in that district the opportunity to continue electing
19 candidates of their choice, during the upcoming Special Session 2022C.
20

- 21 2. This resolution shall take effect immediately upon adoption hereof.
22

23 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,
24 Florida, this 12th day of April, 2022.
25

26 LEON COUNTY, FLORIDA
27

28 DocuSigned by:

29 *Bill Proctor*

30 By: _____

E6F9A59141C244C...

31 Bill Proctor, Chair

32 Board of County Commissioners

33 ATTESTED BY:

34 Gwendolyn Marshall Knight, Clerk of Court
35 & Comptroller, Leon County, Florida

DocuSigned by:

36 DocuSigned by:

37 *Gwendolyn Marshall Knight*

38 By: _____

178D7F95C3774F4...



40
41 APPROVED AS TO FORM:

42 Chasity H. O'Steen, County Attorney
43 Leon County Attorney's Office
44

DocuSigned by:

45 *Chasity H. O'Steen*

46 By: _____

BCE5E0EFD079484...

Leon County

End of Legislative Session Report

March 25th, 2022



Provided by:

Capitol Alliance Group
106 E. College Ave, Suite 1110
Tallahassee, FL 32301

I. FINAL WEEK OF SESSION

The final week of the 2022 Legislative session ended Monday, March 14th instead of the expected “Sine Die” on Friday, March 11th, due to a delay in finalizing the budget, bringing to end what has been a very controversial session.

The final vote on the budget represented by far the largest budget in state history, a record **\$112.1 billion** spending plan for the upcoming fiscal year that includes positive news for Leon County residents, a more than \$1 billion for pay raises for state workers and contractors. The budget represents a bump of more than **10.4%** from the 2021 FY **\$101.5 billion** budget and an increase of more than **20%** from the **2020** budget of **\$91 billion**. In addition to the massive budget, nearly \$9 billion would be held in reserves, with another \$1 billion held in an “inflation fund” to offset any increased costs for state projects.

The good news for state workers is that all will see across-the-board **5.38% pay raises**. No state workers will make less than \$15 per hour. And teachers, bus drivers, workers at state-contracted nursing homes and Medicaid contractors will all see their pay start at \$15 per hour. The spending plan includes \$43 billion in general revenue — a full \$8 billion more than the 2021-22 budget — that has flowed to the state amid a rebounding economy. The legislature is also spending federal money on arts and culture: \$30.3 million for African American cultural historical grants, \$13.8 million to build a state artifact facility and \$10 million for cultural facilities grants.

There were 2,812 bills filed this session, excluding appropriations bill requests, while only 285 bills passed both chambers.

II. TOP 2022 LEGISLATIVE ISSUES

A. REDISTRICTING & REAPPORTIONMENT:

Legislative Redistricting - (Joint Resolutions): Both the Florida Senate and the House of Representatives completed their work on their respective chambers’ maps and finalized passage (**SB 102**) (**CS/SJR 100**) on February 3rd. The Florida Supreme Court approved the House and Senate maps without any challenges. Under pressure from the Governor, the House passed their 2-map plan that reflects the Governor’s map concept and another one like the Senate map. The Senate abandoned their own bipartisan map and concurred in passing the House 2 map plan. The Governor has indicated that he still plans to veto the congressional map(s) setting up probably court litigation.

B. ABORTION

HB 5 /SB 146 — Reducing Fetal and Infant Mortality: The session's main abortion bills have created tremendous controversy since initially filed on the first day of session. The bills would ban abortions after 15 weeks with no exception for incest or

rape. Despite tremendous outpouring of opposition by opponents and Democrats.
Passed on 3/3/22

C. ELECTIONS:

HB 7061 and SB 524 – The bills create the Office of Election Crimes and Security within the Department of State and revises requirements for special officers who may investigate election law violations, expands the prohibition against use of private donations for election-related expenses to apply to any kind of expense, including but not limited to the costs of related litigation, increases the amount of total fines that may be assessed against a third-party voter registration organization within a calendar year and other items. **Passed on 03/09/22.**

SB 1194/HB 777 - Local Elections by Sen Boyd and Rep Robinson. The bill would require local governments to place local tax referendums on General Election ballots rather than Primary, local or Special Election ballots. The goal is to get input when voter turnout is highest. The affected taxes include things like tourist development taxes, tourist impact taxes, children's services independent special district taxes and school district millages, to name a few. **Passed on 03/02/22.**

III. LEON COUNTY LEGISLATIVE PRIORITIES

A. APPROPRIATIONS – *Final Budget Pending. Numbers in Bold are agreed to by House and Senate.*

- **State Worker salaries - \$1 billion** for pay raises for state workers and contractors, all state workers will see across-the-board **5.38% pay raises**, no state workers will make less than \$15 per hour.
- **Leon Works Expo & Junior Apprenticeship Program ... \$50,000**
- **Fred George Wetland Restoration \$400,000**

Other Community Partner Appropriations

- AMIkids Prevention Programs - Leon and Gadsden Counties\$720,000
- Leon County Sheriff's Office Behavioral, Health, Wellness Program..... \$187,500
- FLORIDA A&M Campus-Wide Utility Infrastructure ...\$27,700,000
- Leon Adults with Disabilities Program..... \$225,000

- New State Emergency Operations Center ... \$80,000,000
- FSU's Health Tallahassee Center \$125 million
- Cultural and Museum Grants ... \$23.2 million, (provides operational funding to 517 nonprofit organizations across the state including TLH Symphony)

B. AFFORDABLE HOUSING

Sadowski Housing Trust Funds

Senate budget = \$337,725,000 (SAIL \$128,250,00, SHIP \$209, 475,000)

House budget = \$268,100,000 (SAIL \$128,250*, SHIP \$268,100,000)

Proviso language - From the funds provided in Specific Appropriation 2290 (SHIP Funding) \$100,000,000 of nonrecurring funds shall be used for Funds in Specific Appropriation 2289 are appropriated to the Florida Housing Finance Corporation to establish a Florida Hometown Hero Housing Program to provide down payment and closing cost assistance to eligible homebuyers.

Details – 150% AMI, Max of \$25k or 5% of first mortgages whichever is less, 0% loan.

(The budget conference added \$25 million to the remaining \$28,250,000 in SAIL for a total of \$53,250,000)

SB 962/HB 981- Mixed-use Residential Development Projects for Affordable Housing – by Sen Bradley and Rep Payne

The bills authorize counties and municipalities to allow certain mixed-use residential development projects to be built on parcels of various zoning classifications if they that set aside at least 10 % of the units for affordable housing for an extended period and have not received funding from Florida Housing Finance Corporation. **Passed on 03/04/22**

C. SUPPORT FIRST RESPONDERS

HB 31/SB 264 Firefighter Inquiries and Investigation– This legislation allows firefighters due process during inquiries and investigations. **Passed on 2/18/22**

D. HOMESTEAD PROPERTY EXEMPTIONS

SB 1748/HB 1563 - Homestead Property Tax Exemption - Brodeur/Tomkow (Linked to SJR 1746/HJR 1).

Proposes an amendment to the Florida Constitution to authorize the Legislature to provide for a new homestead tax exemption for classroom teachers, law enforcement officers, firefighters, child welfare professionals, and active-duty United States Armed Forces and Florida National Guard servicemembers. The Revenue Estimating Conference estimated the joint resolution will reduce local property tax revenue for all levies other than school district levies by \$85.9 million beginning in Fiscal Year 2023-

2024. Joint Resolution will go on the ballot in November and require 60% passage.
Passed on 03/10/22.

E. PREEMPTION AND HOME RULE LEGISLATION

SB 620/ HB 569 Local Government – Sen Hutson and Rep McClure - The bills, dubbed the “Local Business Protection Act”, would require local governments to compensate businesses when their actions result in a loss of revenues. The legislation would allow businesses to sue local governments if a local amendment or ordinance causes their revenues or profits to drop by 15% or more. Changes to be bill include:

- Limiting the liability of counties or municipalities for business damages to seven years of lost profits
- Removing a provision that would have allowed businesses to sue because ordinances cause at least a 15 percent loss of revenue. The lawsuits could be based on lost profits.
- The measure would apply to businesses that have been operating for at least three years.
- The bill would also allow local governments to make changes to ordinances to help fend off potential lawsuits.
- Certain land development regulations, building codes, fire codes and debt financing changes would not factor into business damage claims.

Passed on 3/9/22

SB 280 Local Ordinances - by Hutson/HB 403 by Giallombardo –The original bills would require counties and cities to produce a “business impact statement” before passing ordinances and to suspend enforcement of the ordinances amid legal challenge, allow for award of attorney’s fees if petitioners prevail, requires suspension of the ordinance while awaiting legal action, etc. CAG worked hard with the League to amend SB 280. The law also provides a legal avenue for businesses to sue governments to stop ordinances from going into effect. However, the amendment empowers local governments to lift any stay on enforcement if they win in court, even if they are waiting on an appeal. **Failed to Pass**

HB 985/ SB 974 - Sovereign Immunity - By Rep. Beltran and Sen. Gruters
House Bill 985 increases the sovereign immunity caps for damages against state and local government entities to \$400,000 per person and \$600,000 per incident. It also allows a subdivision of the state to settle a claim and pay the settled amount without the need for a claim bill but does not provide for a state government entity to pay a claim above the statutory cap amount without a claim bill. **Failed to Pass**

HB 7/SB 148 - Individual Freedom by Rep. Avila & Sen. Diaz - House Bill 7 and SB 148 include provisions designed to “protect individual freedoms and prevent discrimination in the workplace and in public schools”. The bill specifies that subjecting any individual, as a condition of employment, membership, certification, licensing,

credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe certain specified divisive concepts constitutes unlawful discrimination. Before amending, this was labeled by opponents as the “Don’t Say Gay” bill. **Passed on 3/10/22**

F. BUILDING CODE ISSUES

SB 644/HB 423- Building Regulation by Rep LaMarca and Sen. Brodeur

The bill provides a number of revisions relating to building inspectors and plans reviewer’s licensure requirements and workforce availability. The bill:

- Allows a person with a provisional license from the BCAIB to be a duly authorized representative for a private provider in certain circumstances.
- Requires local governments to provide equal access to all permitting and inspection documents to a private provider, owner, and contractor in certain circumstances.
- Defines “reasonable administrative fee.”
- Increases the amount of time, local building officials must issue a certificate of occupancy or a notice of deficiencies for permits that are not related to single- or two-family dwellings.
- Provides that if a notice of deficiency is not issued within the required time-period:
 - A certificate is “automatically” granted, instead of “deemed” granted; and
 - Local building officials must provide the applicant with a certificate of occupancy within 10 days.
- Prohibits local governments from preventing private property owners from demolishing single-family buildings that are in certain flood zones, while exempting certain historic buildings.
- Limits the review process for applications for such demolition permits and provides.
- Prohibits local governments from requiring additional building requirements for new homes built on the construction site of such demolished single-family buildings.
- Requires local governments to review additional information for an application for certain building permits within a certain time-period.
- Provides a cause of action for certain individuals and associations to enforce the requirement that local governments must use excess funds generated by Building Code enforcement for lawful purposes

Passed on 3/4/22

G. RESILIENCY

SB 228/HB 101 - Resiliency Energy Environment Florida Programs – By Sen Rodriguez and Rep Fine; The bill allows a property owner to apply for a Resiliency Energy Environment Florida (REEF) program for funding to finance a qualifying improvement and may enter into an assessment financing agreement with a local government. The bill mimics the PACE program that allows homeowners to finance and install energy savings devices. It authorizes local governments to enter into agreements with program administrators to administer REEF programs. The legislation could provide valuable funding for homeowners to prepare their homes for sea level rise and the impact of climate change. **Failed to Pass**

H. CYBERSECURITY

HB7055/SB1670 - Cybersecurity - Rep. Giallombardo and Sen Hutson-

The bill requires counties and municipalities to report and submit after action reports to FLDS following a cybersecurity or ransomware incident. This bill also requires employees to undergo certain cybersecurity training within 30 days of employment and annually thereafter and adopt cybersecurity standards that safeguard the local government's data, information technology (IT), and IT resources. Municipalities with a population over 25,000 must comply by January 1, 2024. Municipalities with a population under 25,000 must comply by January 1, 2025. The bill also requires local governments to report cybersecurity incidents and ransomware incidents to the State Watch Office as soon as possible but no later than 48 hours after discovery for a cybersecurity incident and 12 hours after discovery for a ransomware incident. The bill also prohibits state agencies, counties, and municipalities from paying or otherwise complying with a ransom demand. **Passed on 3/9/22.**

I. OTHER LEGISLATION

HB 1435 - Code and Traffic Enforcement

The empowers local sheriffs and leaders to respond more effectively to large, unpermitted gatherings. Under the bill, a Sheriff may designate an area as a “special event zone” if a gathering is promoted on social media, attended by more than 50 individuals, and disrupts street traffic. Meanwhile, authorities may double fines for noncriminal traffic citations within the zone and may enforce occupancy limits and impound a vehicle for up to 72 hours for a traffic infraction. **Passed on 3/10/22.**

HB 105/SB 224 - Regulation of Smoking by Counties and Municipalities

Authorizes counties & municipalities to further restrict smoking within boundaries of public beaches & public parks under certain circumstances. **Passed on 3/2/22**

HB 157/SB 398 Transportation Projects by Rep Andrade and Sen. Hooper

Revises amount of state revenues committed by DOT for public transportation projects; includes progressive design-build contracts as innovative technique DOT may use;

provides exception to annual monetary cap on contracts for certain progressive design-build contracts; removes limits on types of projects DOT may combine into design-build contract; provides terms under which DOT may enter into progressive design-build contracts; provides for selection & award process; provides for advertising of such contracts; requires rulemaking; authorizes applicant to request to keep existing certificate of qualification. **Failed to Pass.**

SB 518 - Private Property Rights to Prune, Trim, and Remove Tree

Prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or a licensed landscape architect, that the tree *presents a danger* to persons or property. The bill amends this provision to provide that a local government may not burden a property owner's rights to prune, trim, or remove trees on his or her own property if the tree "poses an unacceptable risk" to persons or property. Under the bill, a tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as outlined in Best Management Practices – Tree Risk Assessment, Second Edition **Passed on 3/8/22**

HB 3 – Sheriffs Transfer of Funds

The **CAG** worked in concert w the Florida Association of Counties to oppose an amendment offered by Senator Hooper to **HB 3** by **Rep Brannan (R-Lake City)** allowing for obscure checks and balances, limiting transparency and accountability – and – compromising critical budget categories by allowing Sheriffs to alter major components of approved budgets without proper review or approval. The amendment was ultimately adopted by Senate and the entire bill voted up (34-0) with the House thereafter concurring. **Passed**

Contact Information:

Dr. Jeffrey Sharkey
Capitol Alliance Group
106 E. College Ave. Suite 1110
Tallahassee, FL 32301
(850)224-1660
jeff@capitolalliancegroup.com

Taylor Patrick Biehl
Capitol Alliance Group
106 E. College Ave. Suite 1110
Tallahassee, FL 32301
(850)224-1660
taylor@capitolalliancegroup.com



2022

LEGISLATIVE SESSION FINAL REPORT



TABLE OF CONTENTS

FAC EXECUTIVE COMMITTEE.....	3
PREEMPTIONS/MANDATES FAILED.....	4
PREEMPTIONS/MANDATES PASSED	7
HEALTH, SAFETY, JUSTICE PASSED	8
HEALTH, SAFETY JUSTICE FAILED	11
COMMUNITY AND URBAN AFFAIRS PASSED	13
COMMUNITY AND URBAN AFFAIRS FAILED	17
WATER AND ENVIRONMENTAL SUSTAINABILITY PASSED	21
WATER AND ENVIRONMENTAL SUSTAINABILITY FAILED.....	24
TECHNOLOGY PASSES	29
TECHNOLOGY FAILED	30
AGRICULTURE AND RURAL AFFAIRS PASSED	32
AGRICULTURE AND RURAL AFFAIRS FAILED.....	33
FINANCE, TAX, ADMINISTRATION PASSED.....	34
FINANCE, TAX, ADMINISTRATION FAILED	38
REDISTRICTING	42
NOVEMBER SPECIAL SESSION SIGNED INTO LAW	43
SFY 2022 HOUSE AND SENATE BUDGET	44
COUNTY FUNDING HIGHLIGHTS	46
FAC STAFF	51

FAC EXECUTIVE COMMITTEE



RALPH C. THOMAS, JR.
Wakulla County
President



LEE CONSTANTINE
Seminole County
President Elect



BILL TRUEX
Charlotte County
First Vice President



TERRY BURROUGHS
Okeechobee County
Second Vice President



MELISSA MCKINLAY
Palm Beach County
Immediate Past President

PREEMPTIONS/MANDATES-FAILED

LEGISLATION REQUIRING BUSINESS IMPACT STATEMENTS ON LOCAL ORDINANCES PASSES IN SENATE, FAILS WITHOUT HOUSE FLOOR ACTION

SB 280/HB 403- *Local Ordinances* by Sen. Hutson and Rep. Giallombardo failed this session. While SB 280 passed on the Senate floor with a vote of 28-8, the House companion, HB 403 was never heard on the House floor after passing all committee stops. The bill allows challenges to local ordinances on grounds they are expressly preempted by state law, conflict with state law, or are arbitrary or unreasonable, and allows the courts to award attorney fees and costs to the prevailing complainant. An award of attorney fees or cost and damages cannot exceed \$50,000. Similar to challenges under current law that are brought against local ordinances on express preemption grounds, allows a complainant to recover damages against the local government that enacted the local ordinance.

The bill requires a board of county commissioners to prepare a business impact statement before the adoption of certain ordinances. It also requires the preparation of a business impact estimate that must be published on a county's or city's website at the same time as notice of a proposed ordinance is published. The business impact statement must include: a summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the county; the estimated economic effect of the ordinance on private for-profit businesses in the county; an estimate of direct compliance costs businesses may reasonably incur if the ordinance is adopted, if any; identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible, if any; and an estimate of the county's regulatory costs, including an estimate of revenues from many new charges or fees that will be imposed on businesses to cover such costs. Additionally, a good faith estimate of the number of businesses likely to be affected by said ordinance and any additional information the board determines necessary.

The following local ordinances are excluded from the business impact statement requirement:

- Part II of chapter 163;
- Section 553.73;

- Section 633.202;
- Sections 190.005 and 190.046;
- Ordinances required to comply with federal or state law or regulation;
- Ordinances related to issuance or refinancing of debt;
- Ordinances related to the adoption of budgets or budget amendments;
- Ordinances required to implement a contract or an agreement; including but not limited to, any federal, state, local, or private grant or financial assistance accepted by a county government; or
- Emergency ordinances.

Additionally, a county must suspend enforcement of an ordinance that is subject of action if the legal action is filed no later than 90 days after the adoption of the ordinance, the complainant requests suspension in the initial complaint or petition, and the county that has been served with a copy of the complaint or petition. The bill only applies to ordinances adopted on or after October 1, 2022.

LOCAL WAGE MANDATE LEGISLATION FAILS

HB 943/SB 1124 - *Preemption of Local Wage Mandates* by Rep. Harding and Sen. Gruters failed this session. As filed, the bills substantially rewrote s. 218.077, F.S., to prohibit local governments from enacting any local wage mandate that established a minimum wage greater than the minimum wage established under Article X, §24, of the State Constitution (the Florida Minimum Wage Constitutional Amendment). The term "wage mandate" is defined as a requirement enacted (whether by charter, ordinance, purchase agreement, contract, regulation, rule, or regulation) by a political subdivision requiring an employer to pay any or all its employees a wage rate not otherwise required by state or federal law. The bill voids any wage mandate that conflicts with the bill's requirements. Additionally, the original bill removed certain exceptions in current law including: 1) allowing political subdivisions to set a higher minimum wage or require employment benefits when it contracts with an employer (including its subcontractors) to provide goods and services to the political subdivision; 2) allowing a political subdivision to specify a higher wage rate when it provides an employer with an a direct tax abatement or tax subsidy; and 3) excepted domestic violence or sexual abuse ordinances from the preemption in current law. The House bill, HB 943, was amended to delete the definition of "employer contracting to provide goods or services for the

political subdivision" and removed the statutory exception allowing local governments to require a different minimum wage for employees, or the employees of a subcontractor, of an employer who contracts to provide goods and services to the subdivision. The amendment also restored other exceptions (i.e., tax subsidy or abatement, and domestic violence or sexual abuse ordinances) deleted in the original bill, and does not limit, restrict, or expand a prevailing wage required under state law. Lastly, the amendment restored an exception under current law that allowed a subdivision to comply with the federal Davis-Bacon Act to allow receipt of federal funds. FAC spoke in opposition to the bills throughout session. HB 943 cleared two of three committees but stalled in House State Affairs. The Senate companion, SB 1124 passed one of three committees, failing to receive a hearing in Senate Commerce and Tourism.

VACATION RENTALS PREEMPTION FAILS

SB 512- *Vacation Rentals* by Sen. Burgess failed this legislative session, clearing two of three committees. SB 512 provides for a method of regulation and a registration program for local vacation rental registration programs. A local government may require vacation rentals to be registered. The registration fee may not exceed \$50 for an individual or \$100 for a collective vacation rental registration. A local government may impose a fine for failure to register a vacation rental. Additionally, the bill requires local governments to accept or deny a registration application within 15 days of receipt of an application.

Local laws, ordinances, or regulations adopted on or before June 1, 2011 ("grandfathered" regulations), may be amended to be less restrictive or to comply with local registration requirements. Vacation rental ordinances in jurisdictions located in an area of critical state concern are not affected by the bill. The bill preempts the regulation of advertising platforms to the state. In addition, the Division of Hotels and Restaurants (division) of the Department of Business and Professional Regulation (DBPR) may issue temporary licenses to permit the operation of the vacation rental while the license application is pending. The bill also authorizes the division to revoke or suspend state vacation rental licenses for violations of local registration requirements and violations of community association property restrictions. The bill requires advertising platforms to collect and remit taxes when guests use a payment through their platform.

Additionally, the bill authorizes the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to issue and deliver notice to cease and desist for certain violations. The Division may also revoke, refuse to issue

or renew, or suspend vacation rental licenses if the owner has code violations or fails to provide registration.

The House companion, HB 325- *Vacation Rentals* by Rep. Fischer was only heard in one committee, House Regulatory Reform Subcommittee.

BILL AMENDING RESTRICTIONS ON DANGEROUS DOGS TO NON-BREED SPECIFIC PASSES SENATE, FAILS THIS SESSION

SB 614/ HB 721- *Authorization of Restrictions Concerning Dangerous Dogs* by Rep. Buchanan and Sen. Garcia failed this session. While the bill passed in the Senate with a vote of (35-0), the bill stalled in the House in its third committee, House State Affairs. The bill allows public housing authorities to adopt ordinances, rules, or policies to address dangerous dogs, however, the rule or policy may not be breed specific. Additionally, the bill removes the grandfather provision in Florida statute, allowing for breed specific regulations, if the ordinance was adopted prior to October 1, 1990. This change would nullify Miami Dade County's regulations and restrictions on owners of pit bulldogs.

OUTDOOR KITCHEN EQUIPMENT PREEMPTION PASSES HOUSE, FAILS SENATE

HB 667/SB 714- *Department of Business and Professional Regulation* by Rep. McClain and Sen. Hooper failed this session. The bills represented the legislative package from the Department of Business and Professional Regulation. Amongst other provisions, the bill contains a preemption that would preempt counties and local governments from prohibiting the use of outdoor kitchen equipment. The bill passed in the House with a vote of 114-2, but ultimately failed in Senate returning messages.

BILL CONTAINING TOWING PREEMPTION FAILS

SB 990- *Towing Vehicles* and HB 867- *Towing, Storage, and Release of Motor Vehicles* by Sen. Diaz and Rep. Rizo failed this session. SB 990 contained a preemption that stated a state regulation of claiming a lien for the recovery, removal, towing, or storage of a vehicle or vessel and supersedes any county or municipal ordinance, resolution, rule, or regulation. SB 990 cleared all three committee stops, but was never heard on the floor; while HB 867 cleared one of three committees.

BILL RESTRICTING AIRPORT & SEAPORT PICKUP FEE RATES FAILS

HB 445/SB 696- *Transportation Network Companies* by Rep. Botana and Sen. Perry failed this session. The bill specifies that airports or seaports cannot charge pickup fees that exceed \$2 per ride to transportation network companies for their use of an airport's or seaport's facilities and pick-up operations. Additionally, SB 696 prohibits certain airports and seaports from intentionally removing, degrading, or impeding certain services, benefits, or infrastructure, which includes staging lots, curb access, and driver rest facilities made available to a TNC before January 1, 2021. Both bills were never heard this session.

PET REGULATION BILL FAILS

SB 994- *Pet Protection* by Sen. Diaz failed this session. The bill creates the "Florida Pet Protection Act", requiring the licensure of retail pet stores and limiting the sources from which retail pet stores may acquire household pets. SB 994 requires the Department of Business and Professional Regulation to conduct periodic inspections of retail pet stores and to audit sales records. The department is required to deny a retail pet store license if they do not abide by specific standards including where animals may be acquired and how old they must be at sale. There are also standards for treatment of animals in the pet store, including cleaning and veterinary check-ups. However, a county or municipality may adopt an ordinance or a regulation on or after 7/1/22, which regulates, but does not prohibit, the operation of retail pet stores or the breeding, purchase, or sale of household pets. FAC opposed the bill.

The linked bill, SB 996- *Fees/Pet Store License* by Sen. Diaz also failed this session. The bill requires an initial or renewal pet store license application to be accompanied by a specified nonrefundable license fee, that shall not exceed \$25 per licensed location. An amendment was adopted to require that the collected fees be deposited into the Department of Business and Professional Regulation's Professional Regulation Trust Fund. SB 994 and SB 996 passed one of three committee stops, but ultimately stalled in Senate Community Affairs. The House companion bill, HB 849- *Pet Protection* by Rep. Fernandez-Barquin, was never heard this session.

HOME KITCHEN OPERATIONS PREEMPTION FAILS

HB 707/SB 1158- *Home Kitchen Operations* by Rep. Learned and Sen. Jones failed this session. The bill preempts the regulation of home kitchen operations to the state. A local law, ordinance, or regulation may not prohibit a home kitchen operation or regulate the preparation, processing, storage, or sale of home kitchen products by a home kitchen operation; however, a home kitchen operation must comply with the conditions for the operation of a home-based business under s. 559.955, F.S. Both HB 707 and SB 1158 cleared one of three committees.

BILL PROHIBITING PUBLIC FUNDS FOR LOBBYING BY LOCAL GOVERNMENTS FAILS

HB 501- *Prohibition of Public Funds for Lobbying* by Local Governments by Rep. Gregory was never heard this session and there was no Senate companion legislation. The bill was withdrawn prior to introduction. Among other things, the bill prohibits a local government from using public funds to retain a lobbyist to represent the local government before the legislative or executive branch, providing for disciplinary action. However, a full-time employee of the local government may register as a lobbyist and represent that local government before the legislative or executive branch.

PREEMPTIONS/MANDATES- PASSED

BILL ALLOWING BUSINESS CLAIMS AGAINST LOCAL GOVERNMENTS PASSES

SB 620- *Local Business Protection Act* by Sen. Hutson passed this session. The bill was substituted for HB 569- *Local Business Protection Act* by Rep. McClure. HB 569 passed (69-45) in the House and (22-14) in the Senate. The bill authorizes private, for-profit businesses to claim business damages from a county or municipality of the county or municipality that enacts or amends certain ordinances or charter provisions.

A business conducting business in the jurisdiction for at least 3 years may claim business damages if a county or municipality enacts or amends an ordinance or a charter that causes a reduction of at least 15% of the business' profit.

Exempted ordinances from business damages include:

- Required to comply with state or federal law;
- Emergency ordinances, declarations, or orders under State Emergency Management Act;
- A temporary emergency ordinance in place no more than 90 days;
- Part II of Ch. 163 relating to growth policy, planning, and land development regulations, including zoning, development orders, and development permits;
- Florida Building Code (s.553.73);
- Florida Fire Prevention Code (s.633.202);
- Required to implement a contract or agreement, including federal, state, local grant;
- Relating to issuance or refinancing of debt;
- Relating to adoption of a budget or budget amendment, including revenue sources necessary to fund the budget;
- Relating to procurement;
- Intended to promote, enable, or facilitate economic competition.

Furthermore, the bill specifies procedures and methodologies for a business to recover business damages, attorney fees, and costs against a local government. Businesses must comply with a required 180-day pre-suit notice and settlement period. The business must provide copies of the business' records and potential additional data. A local government must accept, reject, or make a counteroffer within 120 days of receiving the offer, and may include an offer to grant a waiver to the application of the ordinance or charter provision.

A business must file an action within one year after the effective date of the relevant ordinance, ordinance amendment, or charter provision. A local government has the opportunity to cure by repealing the ordinance, amending the ordinance to the form before the business claim arose within 30 days, providing a waiver from enforcement of the ordinance to the business that asserted the claim for damages, or concerning county charters, providing notice of intent to repeal or amend, and voters repeal or amend the charter provision at an election within 90 days after publication of the notice.

If the business and local government do not agree on an award of fees and costs incurred during the pre-suit period, the business may file an action to recover fees and costs. The amount of business damages recovered is limited to the present value of the business's future lost profits for the lesser of seven years or the number of years the business has been in operation in the jurisdiction before the ordinance was enacted or amended. The court may award reasonable attorney fees and costs to the prevailing party. The bill applies only to county ordinances or charter provisions enacted or amended on or after the effective date of this act.

BILLS PREEMPTING COUNTIES FROM ESTABLISHING RULES AND RATES IN PRIVATE PARKING FACILITIES PASSES

SB 1380- *Real Property Rights* by Sen. Rodriguez (A) passed this session. The bill was substituted for HB 219- *Real Property Rights* by Rep. Tuck. The bill contains a preemption that would prohibit a county or municipality from enacting any ordinance or regulation restricting or prohibiting the owner or operator of a private parking facility from establishing rules and rates. The bill passed unanimously in both the House and Senate.

HEALTH, SAFETY, JUSTICE- PASSED

LEGISLATURE EMPOWERS LOCAL GOVERNMENTS TO REGULATE SMOKING IN PARKS AND BEACHES PASSES

HB 105 – *Regulation of Smoking by Counties and Municipalities* by Reps. Altman and Fine passed both chambers: 105-10 in the House, and 30-7 in the Senate. HB 105 was substituted for its Senate companion, SB 224 by Sen. Gruters. The bill would allow counties and municipalities to restrict smoking/vaping within the boundaries of any beaches or parks under their jurisdiction. The “Florida Clean Indoor Air Act” will be rebranded as the “Florida Clean Air Act” to reflect this change. Additionally, filterless cigars were made exempt from the regulations permitted by this bill.

BILL RAISING JUVENILE DETENTION LIMITS PASSES WITH POTENTIAL IMPLICATIONS FOR COUNTY COST SHARING

HB 7029- *Time Limitations for Preadjudicatory Juvenile Detention Care* by Rep. Brannan III extends the time limit for which a juvenile may be detained in a supervised release program from 21 days to 60 days and provides for electronic monitoring of juvenile offenders. Additionally, a hearing to show good cause to extend the detention period must be conducted every 21 days (current law specifies nine days) for both supervised release and secure detention of a juvenile. The bill was substituted for its Senate companion, SB 7040 by Senate Appropriations, and passed both chambers, 77-37 in the House and 27-10 in the Senate. This bill may have an indeterminate impact on the total number of detention days served. Moreover, this has implications for county cost sharing—as it stands, counties (excluding those which are fiscally constrained or provide their own detention infrastructure) are required to split the costs of detention with the Department of Juvenile Justice. In other words, the more total days spent by juveniles in detention, the greater the cost to counties.

SB 1236 – *County and Municipal Detention Facilities* by Sen. Jones passed with minimal resistance: 39-0 in the Senate and 109-0 in the House. SB 1236 was substituted for its House companion, HB 1561. The bill creates the Florida Model Jail Standards Working Group, a seven-member coalition between appointees by the Florida Association of Counties

and the Florida Sheriff’s Association. Specifically, the Florida Association of Counties is responsible for appointing a currently elected County Commissioner, an experienced county jail administrator, and an experienced correctional psychiatrist.

LAW ENFORCEMENT “TAKE-HOME VEHICLE” PROGRAM REGULATIONS PASS

SB 266 – *Motor Vehicle Insurance* by Sen. Diaz passed both chambers: in the Senate and 117-0 in the House, after being substituted for HB 139. The bill requires that any agency employing law enforcement officers and operating a “Vehicle Take-Home” Program provide motor vehicle insurance for travel to and from work, or any duties within the scope of their employment. The bills provide exemption for coverage if the law enforcement officer makes a distinct deviation from their route for a nonessential errand OR the law enforcement officer acts in bad faith or with malicious intent, or exhibits wanton or willful disregard for human rights, safety, or property.

PUBLIC RECORDS EXEMPTION FOR ARRESTED MINORS PASSES UNANIMOUSLY IN BOTH CHAMBERS

HB 197- *Public Records/Nonjudicial Arrest of a Minor* by Rep. Smith (D) passed unanimously this Session (115-0). The bill was substituted by the Senate Companion, SB 344 by Sen. Perry. The bill provides exemption from public records requirements for a nonjudicial record of arrest of a minor who has successfully completed a diversion program. Additionally, the bill provides retroactive application, future legislative review, and a statement of public necessity. The linked bill, HB 195/SB 342- *Juvenile Diversion Program Expunction*, also passed unanimously in both chambers. The bill requires the FDLE (Florida Department of Law Enforcement) to expunge nonjudicial arrest records of certain minors who successfully complete a diversion program for specified felony offenses, rather than only for misdemeanor offenses. Authorizes a minor who successfully completes a diversion program for any offense, rather than only for first-time misdemeanor offense, to lawfully deny or fail to acknowledge certain information.

LEGISLATION EXTENDING LIABILITY PROTECTIONS FOR HEALTH CARE PROVIDERS SIGNED BY GOVERNOR

SB 7014- *COVID-19-related Claims Against Health Care Providers* was approved by the Governor on February 24, 2022. The bill was substituted for HB 7021 - *Covid-19-related Claims Against Health Care Providers* by Rep. Burton and the House Health & Human Services Committee. The bill extends the timeframe of COVID-19-related claims brought against health care providers, passed last session, from March 29, 2022, to June 1, 2023.

Approved by: February 24, 2022; Chapter 2022-010;
Effective date: February 24, 2022

LEGISLATION PERMITTING RELIGIOUS SERVICES TO STAY OPEN DURING EMERGENCIES PASSES

SB 254- *Religious Institutions* by Sen. Brodeur passed this session. The bill was substituted for HB 215 by Rep. DiCeglie. The bill declares that an emergency order may not expressly prohibit religious services or activities, providing an exception that emergency orders would be permitted to restrict religious activities if such jurisdiction was part of a general provision which applied uniformly to all entities in an affected jurisdiction and the restriction served a compelling governmental interest, in the least restrictive way. The bill passed (31-3) in the Senate and (88-29) in the House.

HURRICANE LOSS MITIGATION PROGRAM EXTENSION PASSES

HB 837- *Hurricane Loss Mitigation Program* by Rep. Willhite passed this session. The bill was substituted for SB 578 by Sen. Hooper. The bill extends the Hurricane Loss Mitigation Program (HLMP) until June 30, 2032. The HLMP funds are used to improve wind resistance on residences and mobile homes, as well as public hurricane shelters. Current law has the HLMP is set to expire on June 30, 2022. The bill passed unanimously in the House and Senate.

CONTINUED EDUCATION FOR TELECOMMUNICATOR CARDIO PULMONARY RESUSCITATION PASSES

HB 593-*Telecommunicator Cardiopulmonary Resuscitation* by Reps. McClure and Trabulsy passed this session. The bill was substituted for SB 890 by Sen. Burgess. The bill requires certain 911 public safety telecommunicators to receive biennial telecommunicator cardiopulmonary resuscitation training. The bill passed unanimously in both chambers.

BILL REWORKING COURT COST PAYMENT PROGRAMS PASSES UNANIMOUSLY

HB 397 – *Court Fiscal Administration* by Rep. Clemons passed both chambers unanimously, 115-0 in the House, and 38-0 in the Senate. The Senate substituted Clemens’ bill for its own version, SB 310 by Sen. Wright. The bill revises various provisions relating to court payment plans. Among the provisions is a limitation on payment plan costs for indigent defendants—specifically, that a monthly payment plan may not exceed 2% of the person’s annual income divided by 12, or \$25, whichever is greater. Additionally, it streamlines coordination between the Clerks of Court and the Department of Highway Safety and Motor Vehicles, to ensure more efficient reinstatement of driver’s licenses following payment of outstanding fees and costs.

EXPANSION OF THE FIREFIGHTER’S BILL OF RIGHTS PASSES

HB 31- *Firefighter Inquiries and Investigations* by Rep. Busatta Cabrera passed unanimously (118-0). The bill was substituted for SB 264 by Sen. Hooper. The bill revises the Firefighters’ Bill of Rights to expand the rights of a firefighter during questioning under an informal inquiry when a firefighter is under investigation for alleged misconduct. Provides criteria for conducting informal inquiries including where the investigation will take place, the time, and duration, allowing the firefighter to rest. Furthermore, a firefighter may not be threatened with transfer, dismissal, or disciplinary action as an incentive to answer any questions.

BILL FOR FIRE INVESTIGATOR CANCER TREATMENT BENEFIT PASSES

SB 838- *Fire Investigator Cancer Treatment Benefits* by Sen. Wright passed (37-0). The bill was substituted for HB 557 by Rep. Salzman. The bill amends the definition of "firefighter" to include Florida-certified fire investigators, making fire investigators eligible for the special benefit package. The special benefit package provides that firefighters who are diagnosed with certain types of cancer are eligible for a \$25,000 payment and employer-sponsored health insurance, including repayment for any deductible, co-payment, or co-insurance amount the firefighter pays for the treatment of cancer. The firefighter must meet certain requirements. Twenty-one types of cancer are covered, and employment-sponsored health benefits must be made available for 10 years after the firefighter terminates employment, so long as the firefighter is not subsequently reemployed as a firefighter. If a firefighter becomes disabled or dies due to cancer, the employer must consider the cancer diagnosis as an injury or illness incurred in the line of duty. This makes the firefighter eligible for line-of-duty disability retirement benefits and makes surviving family members eligible for line-of-duty death benefits.

HEALTH, SAFETY, JUSTICE-FAILED

COPCN EXEMPTION STALLS IN BOTH CHAMBERS

SB 1144– *Advanced Life Support Nontransport Services and Medical Countermeasures* by Sen. Brodeur and its House companion, HB 1321 by Rep. Melo, both stalled early this cycle. Sen. Brodeur’s bill passed its first committee of reference, Senate Health Policy, while Rep. Melo’s version was never heard. The bill would have exempted first responders of eligible government fire rescue entities from Certificate of Public Convenience and Necessity (COPCN) requirements, with regard to licensure for advanced life support services. FAC was recorded as in opposition regarding concerns that it distorts the continuum of care and undermines the authority of a given county’s Common Medical Protocol. Moreover, one section of the bill prohibits counties from limiting, financially or otherwise, these government entities from providing advanced life support services. This could be interpreted to conflict with ordinances by certain counties requiring advanced life support services to carry insurance in excess of the coverage required by DOH.

PHOTOGRAPHIC SPEED LIMIT ENFORCEMENT STALLS IN BOTH CHAMBERS

HB 189 – *Photographic Enforcement of School Zone Speed Limits* by Rep. Duran never reached any of its committees of reference. Its Senate companion, SB 410 by Sen. A. Rodriguez, stalled on the floor on 2nd reading. A county or municipality may enforce school speed zones with a speed detection system and recording of photographs or videos for violations that are in excess of 10 miles per hour over the speed limit. The county or municipality may install, or contract with a vendor to install, a speed detection system within 1,000 feet of a school zone to enforce speed limits in school speed zones. A notification to the public must be made of the new speed detection system, adhering to the signage specified by the Department of Transportation. Furthermore, the bill requires specific rules for a county or municipality to abide by for the implementation of the new speed system, provides penalties assessed and collected by the county or municipality shall be paid to the Department of Revenue weekly, and finally, defines violations and penalties for drivers.

SHOPPABLE HEALTH CARE SERVICES MEASURE STALLS IN BOTH CHAMBERS

HB 1325 – *Health Care Cost Savings* by Rep. Fernandez-Barquin ultimately failed to be heard on the House floor this session, after moving favorably through each of its prior committee stops. Meanwhile, its Senate companion, SB 252 by Sen. Brodeur, stalled in its final committee of reference, Senate Appropriations. The bill would have expanded the classification of certain “shoppable” health care services.

REGULATIONS FOR FIREFIGHTING FOAM FAIL

HB 1257 and SB 1666- *Discharge and Use of Firefighting Foam* by Rep. Casello and Sen. Polsky failed. The House bill was not heard this Session, while the Senate bill stalled in its second committee, Governmental Oversight and Accountability. The bill states that a fire service provider may not discharge or otherwise use Class B firefighting foam that contains intentionally added PFAS chemicals unless such discharge or use occurs in fire prevention or in response to an emergency firefighting operation.

BILLS TO REPEAL CRIMINAL JUSTICE LEGISLATION FAIL

HB 857/ SB 1172- *Criminal Justice* by Rep. Nixon and Sen. Jones failed this Session, as both bills were not heard. The bill removes the following provisions from statute:

- allowing specified elected officials to file an appeal to the Administration Commission if the governing body of a municipality makes a specified reduction to the operating budget of the municipal law enforcement agency
- providing a municipality has duty to allow law enforcement agency to respond to riot or unlawful assembly in specified manner
- providing municipality is civilly liable for specified damages proximately caused by municipality’s breach of such duty
- reclassifying specified burglary offenses committed during riot or aggravated riot and facilitated by conditions arising from riot
- requiring a person arrested during a riot or aggravated riot to be held in custody until first appearance
- requiring criminal penalty for assault and battery committed in furtherance of riot or aggravated riot

DISABILITY CLAIMS COORDINATORS MEASURE STALLS

HB 671 – *Disability Claims Coordinators* by Rep. Busatta Cabrera and its Senate companion, SB 1014 by Sen. Burgess, both failed to gain any traction in any of their committees of reference. The bill would have created a new statute authorizing counties to request the local Department of Health to assign disability claims coordinators to their respective county health departments.

JUVENILE JUSTICE COST REFORM FAILS

SB 428 – *Elimination of Court-Related Financial Obligations for Juveniles* by Sen. Book never gained any traction in any of its committees of reference, nor did its House companion, HB 257 by Rep. Duran. The bill, as one might expect, would have eliminated certain court costs/fees for juvenile offenders.

MANDATORY MINIMUMS REEVALUATION FAILS TO GAIN TRACTION IN EITHER CHAMBER

SB 276 – *Sentencing* by Sen. Rouson passed its first committee before stalling out. Its House companion, HB 591 by Rep. Williams similarly failed to gain much traction. The bill would have retroactively applied the 2016 amendments to s. 775.087, F.S., the “10-20-Life” statute, removing aggravated assault and attempted aggravated assault charges from the “mandatory minimum” provisions under that statute. This includes allowing for resentencing of those already sentenced for these crimes under that statute.

BILL REPEALING OVER-THE-COUNTER PROPRIETY DRUGS AND COSMETICS PREEMPTION FAILS

HB 6019- *Preemption of Over-the-counter Drugs and Cosmetics* by Rep. Eskamani failed this session. The bill deletes a provision preempting the regulation of over-the-counter proprietary drugs and cosmetics to the state. The bill was never considered.

BILL REPEALING THE PREEMPTION OF REGULATION OF TOBACCO AND NICOTINE PRODUCTS FAILS

SB 1002/HB 6081- *Preemption of the Regulation of Tobacco and Nicotine Products* by Sen. Ausley and Rep. Hunschofsky failed this session. The bill repeals preemptions relating to tobacco and nicotine products, specifically, s.569.0025, F.S.

(the establishment of the minimum age for purchasing or possessing, and the regulation for the marketing, sale, or delivery of, tobacco products preempted to the state) and s.569.315, F.S. (the establishment of the minimum age for purchasing or possessing, and the regulation for the marketing, sale, or delivery of, nicotine products preempted to the state. Both bills were never considered.

BILL REPEALING FIREARMS AND AMMUNITION PREEMPTION FAILS

SB 496/HB 6049-*Preemption of Firearms and Ammunition* by Sen. Taddeo and Rep. Daley failed to receive a hearing this session. The bill specifies that local government entity is not preempted from regulating the sale of firearms or ammunition on property owned by that entity.

ALTERNATIVE MEETINGS DURING DECLARED EMERGENCIES LEGISLATION FAILS

SB 674-*Public Meetings During Declared States of Emergency* failed this session. The bill authorizes local or regional governing bodies under a state of emergency by the Governor to gather using communications media technology. A meeting conducted through communications media technology indicates a member’s presence and counts towards a quorum. If a meeting is conducted through communications media technology, a member is entitled to attend the meeting in person or via communications media technology. The bill did not receive a hearing this session

BILL ATTEMPTING TO REPEAL COVID-19 LAWS FAILS

SB 1230- *COVID-19 Mandates* by Sen. Pizzo failed to receive a hearing this session. The bill attempts to repeal the laws passed relating to COVID-19 mandates passed during the November 2021 special session. Particularly, the bill repeals provisions relating to a prohibition on public and private employee vaccination mandates, repeals the public records exemption for complaints and investigations regarding private employer COVID-19 vaccination mandate, repeals the prohibition on COVID-19 vaccination mandates for students, and deletes provisions on facial coverings and quarantine mandates in schools

LEGISLATION CREATING CITIZEN REVIEW BOARDS FAILS

SB 1176- *Citizen Review Boards* by Rep. Bracy failed this session. The bill creates and defines s.900.06, F.S. Citizen review board member participation in use of force investigations and s.900.061, F.S. Citizen review boards. The bill requires a county commission establish a citizen review board to provide “civilian oversight” of law enforcement agencies that investigates independently.

Members of the review board will be appointed by the county commission or other governing body within a county. By July 1, 2023 a county commission should establish a citizen review board to investigate law enforcement within a county.

Investigations of the board include, use of force, abuse of authority, discourtesy, and discriminatory language. Lastly, a creation of a standard procedure to deal with complaints is formed. The bill was never considered.

COMMUNITY AND URBAN AFFAIRS- PASSED

PRIVATE PROPERTY RIGHTS TO PRUNE, TRIM, AND REMOVE TREES PASSES

SB 518- *Private Property Rights to Prune, Trim, and Remove Trees* by Sen. Brodeur passed this session. The bill was substituted for HB 1555- *Private Property Rights to Prune, Trim, and Remove Trees* by Rep. McClain. FAC supported the bill throughout the process. The bill revises conditions under a local government’s authority to require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property.

A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA (International Society of Arboriculture) or a Florida license landscape architect that the tree poses an unacceptable risk. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as determined. The bill defines “documentation” as an onsite tree risk assessment performed with the tree risk assessment procedures as outlined in *Best Management Practices-Tree Risk Assessment, Second Edition* (2017). The bill passed unanimously in the Senate and (116,1) in the House.

ELECTION BILL PASSES

SB 524-*Election Administration* by Sen. Hutson passed this session. Among many other things, the bill makes the following key changes to the Election Code:

- Creates the Office of Election Crimes and Security within the Department of State to conduct investigations related to election law violations or election irregularities;
- Increases the annual cap on fines up to \$50,000 from \$1,000, assessed against a third-party voter registration organization that does not timely deliver completed voter registration applications;
- Increases criminal penalties for ballot harvesting and crimes related to ballot petition signatures;
- Prohibits ranked-choice voting in the state of Florida for the nomination of any candidate to any local, state, or federal office. Any existing or future ordinances enacted by a local government allowing ranked-choice voting is void. *Ranked-choice voting is a method that allows voters to rank candidates for office in order of preference, following multiple rounds until a single candidate attains a majority;*
- Requires county commissioners elected in single-member districts to run for re-election following decennial redistricting, excludes Miami-Dade County, any noncharter county, charter counties with term limits, and any county in which voters have not voted to impose term limits, regardless of any judicial nullification.

The bill passed (24-14) and (76-41) in the Senate and House, respectively.

LEGISLATURE NARROWLY PASSES COUNTY GAG ORDER ON POLITICAL COMMUNICATIONS

HB 921 – *Campaign Financing* by Rep. Drake and Rep. Roach passed both chambers, 80-40 in the House and 22-16 in the Senate. HB 921 was substituted for its Senate companion, SB 1352 by Sen. Brodeur. Late in the cycle, the Senate proposed amendment language wholly restricting communications by a local government concerning an impending referendum, amendment, or ballot initiative, including those communications limited to “factual information.” This language was softened by a later substitute amendment that allowed local governments *limited* communication on these topics; however, the language still includes constraints on certain electronic communications, among other means, by counties. Limited communication includes reporting actions in an accurate, fair, and impartial manner, posting factual information on a government website or in printed materials, hosting and providing information at a public forum, providing factual information in response to an inquiry, or providing information as authorized or required by law.

LEGISLATION FOR BUILDING REGULATION PASSES UNANIMOUSLY

HB 423- *Building Regulation* by Rep. LaMarca passed unanimously (113-0). The bill was substituted for the Senate companion, SB 644 by Sen. Brodeur. The bill makes several changes to building regulations, including changes concerning internships and licensing of building inspectors and plans examiners, private providers, demolition building permits, and request for information by building departments regarding the review of applications for building permits. In particular, with respect to building inspectors and plans examiners, the bill:

- Requires the Building Code Administrators and Inspectors Board (BCAIB) to create a rule allowing partial completion of an internship program to be transferred to any authorized internship among other jurisdictions, private providers, and private provider firms.
- Prohibits the BCAIB from placing any special condition or requirement on a provisional certificate that such certificate holder be employed by a municipality, county, or other local government agency.
- Allows a person to sit for the building inspector or plans examiner certification test by completing a 4-year internship with a private provider or a private provider’s firm that performs building code inspector or plans review services, while under the direct supervision of a licensed building official.

Relating to “demolition” building permits, the bill adds a new subsection (25) to s. 553.79, F.S., that:

- Provides that a local government may not prohibit or restrict a private property owner from obtaining a demolition permit for a single-family building located in a coastal high-hazard area, moderate flood zoned, or special flood hazard area according to a Flood Insurance Rate Map issued by FEMA for purposes of participating in the National Flood Insurance Program in certain flood elevations and if the flood zones and the permit complies with other provisions of the Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements and applicable local amendments.
- Limits the review process of an application for such demolition permit. Specifically, the permit application may only be reviewed administratively for compliance with the Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements, local amendments, and other regulation applicable to similarly-situated parcel. The application of additional land development regulations or public hearing are prohibited. In addition, a property owner may be penalized for a demolition that was in compliance with the demolition permit.
- Prohibits a local government from imposing additional regulatory or building requirements on any new single-family residential structure constructed on the site of the demolished structure that would not be applicable to a similarly situated vacant parcel.
- Exempts certain historic buildings from such demolition permits.

The bill makes several changes private providers, including:

- Allowing a person holding a provisional certificate under Part XII of Chapter 468, to be a duly authorized representative for a private provider if under the direct supervision of a licensed building official.
- Defining the “reasonable administrative fee” that may
- be charged by a local jurisdiction when an owner or contractor retains a private provider for plans review or building code services.
- Requiring a local government, when an owner or contractor retains a private provider, to provide equal access to all permitting and inspection documents to the private provider, owner, and contractor, if access is provided using software that protects exempt records from disclosure.
- Increasing the amount of time from 2 to 10 business days, local building officials have to issue a certificate of occupancy or a notice of deficiencies for permits unrelated to single- or two-family dwellings.
- Providing that if a notice of deficiency is not issued within the required time-period (10 business days or 2 business days):

- A certificate of occupancy or certificate of completion is “automatically” granted, and “deemed” issued as of the next business day; and
- Local building officials must provide the applicant with a certificate of occupancy or certificate of completion within 10 days it is automatically granted and issued.

Lastly, the bill addresses the process of building permits applications under s.553.792. Specifically, a local government:

- May not request additional information more than three times from an applicant unless the applicant waives the limitation in writing. The local government must:
- First request: If the applicant provides the requested information within 30 days, the local government must review the information and take certain actions within 15 days after receiving the additional information;
- Second request: If the local government makes a second request for additional information to complete the application, the applicant provides such information within 30 days, the local government must review the information and take action within 10 days;
- Before making a third request for additional information, the local government must meet with the applicant to resolve any outstanding issues. If the local government makes a third request for additional information, and the applicant provides the information within 30 days, the local government must within 10 days, deem the application complete and either approve the application, approve the application with conditions, or deny the application; unless the application has waived the limitation in writing.
- If the applicant believes a request for additional information to be unauthorized, the local government must, at the applicant's request, process the application and either approve the application, approve the application with conditions, or deny the application.

Finally, the bill authorizes an owner, builder with a valid permit issued by a local government for a fee, or an association of Florida owners and builders with building permits issued by local governments for a fee, to bring a civil action against the local government issuing the building permit to enforce the requirement the local government use excess funds generated by building code enforcement for the lawful purposes described in s. 553.80(7)(a)2, F.S.

LEGAL NOTICES PASSES

HB 7049 — *Legal Notices* by Reps. Fine and Grall passed (79-40) in the House and Senate (26-13). The bill allows a local governmental agency the option to publish legal notices on a publicly accessible website owned or designated by the county instead of in a print newspaper. The bill defines the terms “governmental agency” to mean a county, municipality,

school board, or other local government unit or political subdivision of the state; and also defines the term “publicly accessible website” to mean a county website or private website designated by the county for publication of legal notices. All advertisement on a publicly available website must be searchable and contain the date in which the advertisement was first published on the website. A governmental agency may use the publicly accessible website of a county in whose jurisdiction it lies if the costs of publishing the required advertisements or public notices is less than publishing in a newspaper. A governmental agency with at least 75 percent of its population located in a county with less than 160,000 may use the publicly accessible website of the county if the governmental agency, at a public hearing publicly noticed in a newspaper, determines residents have sufficient access to the internet by broadband service and publishing public notices on the county website will not unreasonably restrict public access.

A special district that spans the geographic boundaries of the county is authorized to publish its public notices on the public accessible website of the county it spans. Any governmental agency that published its advertisements and public notices on a publicly accessible website must once per year provide notice in a newspaper of general circulation, or another publication that is mailed or delivered to all residents and property owners throughout government's jurisdiction indicating that residents may receive required advertisements or notices from the government by first-class mail or email after registering their name and address or email address with the government agency. The bill requires each government agency to maintain a registry of the property owners or residents that requested in writing to receive required advertisement or public notices by first-class mail or email. A link to all advertisements and public notices on the publicly accessible website must be conspicuously placed on the homepage or on a page accessible through a direct link from the homepage.

If a governmental agency has a governmental access channel, the agency may provide a summary of advertisements and public notices that are published on its publicly accessible website. In addition, public bid advertisements made on a publicly accessible website, must include a methods to accept electronic bids.

The bill reverts the criteria a newspaper must satisfy to be qualified to publish all legal notices back to the criteria in place before the passage of Chapter 2021-17, Laws of Florida, with the exception that newspapers qualified to publish legal notices are no longer required to be for sale. Finally, the bill eliminates the obligations of the Florida Press Association relating to equitable legal notice access by minority populations.

SCHOOL CONCURRENCY REVISIONS PASS

SB 706 — *School Concurrency* by Sen. Perry passed unanimously (38-0). The bill was substituted for HB 851 by Rep. McClain. The bill amends s. 163.3180(6)(h) to provide that school concurrency is deemed satisfied when a developer tenders a written, legally binding commitment, rather than an executed commitment, to provide mitigation proportionate to the demand created by a development. The district school board must notify the local government that capacity is available for the development within 30 days after receiving the developer's legally binding commitment. In the addition, the bill provides that any developer paid mitigation, rather than being directed toward a school capacity improvement in the district's 5-year education facilities plan, must be set aside and not spent until an improvement is identified that satisfies the demand created by the development.

LOCAL BILL AMENDS ALACHUA COUNTY HOME RULE CHARTER TO SINGLE MEMBER DISTRICT ELECTIONS, REFERENDUM TO BE VOTED ON BY ALACHUA COUNTY IN GENERAL ELECTION

A local bill, HB 1493- *Alachua County* by Rep. Clemons passed this session. The bill amends the Alachua County Home Rule Charter to require members of the county commission to be elected by the qualified electors of the district they represent. *This is a change from the current election process for county commissioners in Alachua County from at-large districts to single member districts.* The charter amendment is subject to approval by the electors of Alachua County voting in a referendum to be held on the general election, November 8, 2022. The bill passed unanimously in the Senate and with opposition in the House with a vote of 80-35.

LEGISLATION LIMITING CERTAIN CIVIL ACTIONS DURING AN EMERGENCY PASSES

SB 542- *Evidentiary Standards for Actions Arising During an Emergency* by Sen. Rodriguez (A) passed this session. The bill was substituted for HB 411 by Rep. Melo. The bill provides that specified actions taken by a business during a declared emergency, may not be used as evidence in certain civil cause of action. The bill applies to civil actions relating to workers' compensation, retaliatory personnel actions, state minimum wage, labor pool violations, devices used in payment for labor, and unclaimed wages. Additionally, the bill applies to civil actions to recover lost wages, salary, employment benefits, or other compensation. The bill passed (115-2) in the House and (39-0) in the Senate.

MIXED-USE RESIDENTIAL DEVELOPMENT FOR AFFORDABLE HOUSING PROJECTS PASSES

SB 962-*Residential Development Projects for Affordable Housing* by Sen. Bradley passed this session. The bill was substituted for HB 981- *Residential Development Projects for Affordable Housing* by Rep. Payne. The bill authorizes a county or municipality, regardless of zoning ordinances or the locality's comprehensive plan, to approve mixed-use residential development projects on any parcel zoned for residential, commercial, or industrial use if 10% of the project is for affordable housing. The bill provides that approval of such projects is self-executing and does not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process. The bill passed unanimously.

COMMUNITY AND URBAN AFFAIRS- FAILED

SOVEREIGN IMMUNITY GOES FAR THIS SESSION, BUT ULTIMATELY FAILS

SB 974- *Sovereign Immunity* by Sen. Gruters and HB 985-*Sovereign Immunity* by Rep. Beltran and SB 974 failed this session. Throughout session, both bills were amended quite a few times. HB 985 cleared all its committees and was placed on second reading but was never heard on the House floor.

In its last committee, House Judiciary, a PCS was adopted that caps the sovereign immunity damages against state and local government entities to \$400,000 per person and \$600,000 per incident. Additionally, the bill allows a subdivision of the state to settle a claim and pay the settled amount without the need for a claim bill; however, it does not provide for a state government entity to pay a claim above the statutory cap amount without a claim bill. HB 985 eliminates any statute of limitations for filing a claim against the state or a local government entity for sexual battery actions involving a victim who was younger than 16 years old at the time of the incident. However, the bill does not resuscitate any such claim which would have been time-barred as of July 1, 2010. HB 985 provides for a three-month general pre-suit statutory time period for a government entity to review and dispose of a claim. Lastly, the bill applies to claims accruing on or after October 1, 2023.

The Senate counterpart, SB 974 passed three committees, but stalled in its fourth and last committee, Senate Appropriations. SB 974 differs from its House companion by creating a sovereign immunity tier system. The bill outlines the following tier system:

- For a county or municipality with less than a population of 50,000, a state university, public college, subdivision of the state, or any other entity covered by sovereign immunity, the limit is capped at \$200,000 per person injured and \$300,000 per incident.
- For a county or municipality with a population between 50,000 and 250,000, including the constitutional officers of such county, the limits are increased to \$300,000 per person injured and \$400,000 per incident.
- For the state, a state agency, a county or municipality with a population in excess of 250,000, including the constitutional officers of such county, the limits are increased to \$400,000 per person injured and \$600,000 per incident.

Additionally, if multiple sovereign entities are liable, the total liability for all of the entities may not exceed the amount for

the entity with the highest liability limit. The bill provides that a claim, other than the one against the state or a state agency, may be voluntarily paid by an entity in excess of the limits without the need for a claims bill. SB 974 effective date is October 1, 2022, and applies to any claim accruing on or after that date.

TRANSPORTATION BILL FAILS, MOBILITY FEE PROVISION NEUTRALIZED

HB 157 – *Transportation* by Rep. Andrade passed the House (114-1) but stalled in Senate messages. At one point, HB 157 contained language that would require local governments to provide mobility fee credits for capital improvements by residential developers, as determined necessary by the Department of Transportation. FAC opposed this language and was successful in getting it removed from the bill.

LEGISLATION ADDRESSING SURFSIDE TRAGEDY AND BUILDING SAFETY FAILS THE LAST WEEK OF SESSION

HB 7069- *Condominium and Cooperative Associations* by Reps. Perez and Toledo failed this session. The bill was substituted for SB 1702 by Sen. Bradley. In the wake of the Champlain Tower South collapse on June 24, 2021, in Surfside, Florida, in which 98 persons died, both chambers of the Legislature spent significant time developing legislation to require inspection of older condominium and cooperative buildings. However, the chambers failed reach agreement of reserve-related changes to be maintained by condominium and cooperative associations, and ultimately, could not reach agreement on the final provisions to pass the legislation on the last day of the session.

As amended and passed by the Senate on March 10, 2022, the bill required condominium and cooperative buildings three stories or taller to have “milestone” inspections by December 31 upon reaching 30 years of age, and then every 10 years thereafter. For such buildings located within 3 miles of the coastline, the milestone inspection must be conducted when the building reaches 25 years of age, and then every 10 years thereafter. Milestone inspection were required to be conducted in two phases. The first phase must be conducted a licensed engineer or architect with an experienced level specified in the bill. A phase two inspection is required if

substantial structural deterioration is identified during the milestone inspection.

The bill required a report of each inspection to be delivered to the condominium or cooperative association, and local building officials where the building is located. The bill specifies the report criteria that must be met. The association must distribute a copy of the report and summary prepared by the engineer or architect performing the inspection to each unit owner, and the report must be posted on the association's website. The bill authorized local enforcement agencies to prescribe timelines and penalties for compliance, and authorized the board of county commissioners to establish, by ordinance, timelines for commencing repairs for substantial structural deterioration but no later than 365 days after receiving the inspection report. The bill further required the Florida Building Commission to review the requirements for milestone inspection under the bill and consult with the State Fire Marshall regarding structural and life safety standards for maintaining and inspecting all types of buildings three stories or more in height, and to make recommendations to the Legislature. The commission was required to provide a written report to the Governor, the President of the Senate, and the Speaker of the House by December 31, 2022. The bill died in returning messages to the House of Representatives.

RECALL OF COUNTY COMMISSIONER LEGISLATION FAILS

HJR 663- *Recall of County Officers and Commissioners* and HB 1399-*Recall of County Commissioners* by Rep. Williamson passed only two committees this year, one more than last year. HJR 663, the joint resolution, proposes an amendment to the State Constitution to authorize the Legislature to provide to general law for the recall of county officers and commissioners. HB 1399, the implementing bill, provides that any member of a non-charter county may be removed from office by the electors of the non-charter county. FAC recorded its opposition to the bills. The Senate companion, SJR 1004-*Recall of County Officers and Commissioners* and SB 1938-*Recall of County Officials* by Sen. Gruters never received a hearing this session.

"FLORIDA HOMETOWN HERO PROGRAM" FUNDED IN BUDGET WITH NO SPECIFICATIONS ON PROGRAM

SB 788- *Florida Hometown Hero Housing Program* by Sen. Hooper despite failing as a bill and dying in its last committee, Senate Appropriations, funds for a program called "Hometown Hero Housing Program" were established within the budget. Funds will be allocated from the SAIL program (State Housing

Trust Fund), \$100,000,000 of nonrecurring fund to be used by the Florida Housing Finance Corporation to establish a Florida Hometown Hero Housing Program. The "Florida Hometown Hero Housing Program," is a down payment and closing cost assistance program within the Florida Housing Finance Corporation (FHFC).

The failed bill, SB 788 included a list of eligible homebuyers within the program. Please note this list of eligibility was not included within the budget.

Eligible homebuyers are those seeking first mortgages, of limited family income, and employed as any of the following:

- A sworn law enforcement officer;
- A correctional officer or correctional probation officer;
- A 911 public safety telecommunicator;
- A firefighter;
- An educator;
- A paramedic or emergency medical technician;
- A licensed health care practitioner;
- A physician assistant or medical assistant; or
- A home health aide.

LEGISLATION RELATING TO CIVIL ACTIONS FOR DEPRIVATION OF RIGHTS, PRIVILEGES, OR IMMUNITIES FAILS

HB 829- *Civil Actions for Deprivation of Rights, Privileges, or Immunities* by Rep. Byrd failed this session. HB 829 passed one of four committees. The bill creates a state equivalent to a section 1983 civil cause of action with respect to some of the provisions within the State Constitution. Specifically, the bill provides that it is unlawful for a person to, under color of law, including any statute, ordinance, regulation, measure, directive, rule, enactment, order, or policy, whether written or unwritten: Promulgate or cause to be enforced any statute, ordinance, regulation, measure, directive, rule, enactment, order, or policy, whether written or unwritten, that deprives any resident of the state or other person within the state's jurisdiction of any rights, privileges, or immunities secured by article I, sections 3, 4, 5, or 8 of the State Constitution; or otherwise cause any state resident or other person within the state's jurisdiction to be subjected to the deprivation of any rights, privileges, or immunities secured by article I, sections 3, 4, 5, or 8 of the State Constitution.

A person who violates the bill's provisions is liable to the injured party in a civil action, but injunctive relief may not be granted in an action brought against a judicial officer for an act or omission taken in such officer's judicial capacity unless a declaratory decree is violated or declaratory relief is unavailable. The bill waives sovereign immunity for the state

and its agencies and political subdivisions for causes of action brought under the bill.

The Senate companion, SB 1342- *Civil Actions for Deprivation of Rights, Privileges, or Immunities* by Sen. Diaz, was never considered.

BILL PROVIDING FOR AFFORDABLE HOUSING TAX CREDITS FAILS

HB 1089/SB 1924- *Affordable Housing* by Rep. Woodson and Sen. Rodriguez (A) failed this session. The bill provides tax credits to college students & recent college graduates. The bill specifies maximum amount of tax credit available in any one year, prohibits landlords from transferring tax credits except under specified conditions, authorizes DOR to adopt rules & coordinate with Shimberg Center for Affordable Housing, and requires Shimberg Center for Affordable Housing to determine certain affordable housing rental needs for certain purposes. Both bills were never heard.

CONSTRUCTION DEFECT CLAIM LEGISLATION FAILS

HB 583/ SB 736- *Construction Defect Claims* by Rep. Yarborough and Sen. Hutson failed this session. SB 736 passed in the Senate (26-13) and in the House (86-24) with an amendment adopted, but failed in returning messages back to the Senate. In the delete-all amendment adopted by the House, the bill provides a general 7-year repose period for bringing a construction defect action based on a latent defect and also provides exceptions which result in longer repose periods for defects to the common elements and common areas of a homeowners' association, condominium association, and cooperative associations; fraudulently concealed defects; and material violations of the building code. The House amendment does not limit actions for a building code violation to material violations of the code, as the Senate bill does. Further, the House amendment provides for the repeal of chapter 558, F.S., effective July 1, 2025. This chapter provides alternative dispute resolution procedures for construction defects. Due to the differences, the bill failed the last week of session.

BILL REQUIRING US PRODUCED IRON AND STEEL IN PUBLIC WORKS PROJECTS MAKES GAINS IN HOUSE, FAILS IN SENATE

HB 619/SB 1336- *United States-produced Iron and Steel in Public Works Projects* by Rep. Rodriguez (Ant.) and Sen. Boyd failed this session. HB 619 passed all committees, but was never heard on the House floor, while the Senate counterpart was never heard in committee. The bill provides that a government entity entering into a contract for a public works project or for the purchase of materials for a public works project must include in the contract a requirement that any iron or steel product used in or purchased for the project be produced in the U.S, with exceptions.

LOCAL GOVERNMENT LAND DEVELOPMENT LEGISLATION FAILS TO GAIN TRACTION

HB 739/SB 1248- *Local Government Land Development Actions* by Rep. Borrero and Sen. Gruters failed this session. The bill specifies the deficiencies a county or municipality may provide comments on regarding applications for development permits or development orders; requires local governments to adopt residential infill development standards; provides guidelines for local governments in developing residential infill development standards; requires local governments to adopt regulations to be used by applicants seeking designations as residential infill development; prohibits local government from denying applications if applicant has generally complied with regulations; requires local governments to amend their development regulations & comprehensive plans to incorporate residential infill developments as zoning classifications; specifies deficiencies over which local government may provide comments or request information on regarding applications for building permits. HB 739 passed one of three committees; SB 1248 was never heard.

LEGISLATION REVISING THE FLORIDA BUILDING CODE FAILS

SB 626- *Standards for Buildings and Firesafety* by Sen. Wright and HB 659- *Florida Building Code and Florida Fire Prevention Code Rules* by Rep. Harding were never considered this session. The bill provides updates to the Florida Building Code. The Florida Fire Prevention Code may take effect no sooner than 6 months after the latest occurrences of the publication of the updated Florida Building Code pursuant to s.553.73, F.S. and approval by the Building Commission of energy rating software, or the publication of the updated Florida Fire Prevention Code.

VACATION AND TIMESHARE PLANS LEGISLATION FAILS

HB 575/SB 1216- *Vacation and Timeshare Plans* by Rep. McClain and Sen. Hutson failed this session. HB 575 passed two of three committees; while SB 1216 passed one of three committees. The bill revises provisions relating to vacation & timeshare plans, including the creation of timeshare estates; public offering statements; delivery methods, including electronically; incidental benefits; cancellation rights of purchaser; termination of timeshare plans, termination trustees, & disputes relating to distribution of funds after termination; electronic meetings; emergency powers of managing entity or board of administration for owners' association; multisite timeshare plans; and trustee foreclosures of assessment & mortgage liens.

BILL CREATING COMMUNITY ASSOCIATION DATABASES FAILS

HB 329- *Community Association Databases* by Rep. Duran and SB 642-*Community Associations* by Sen. Rodriguez (A) was never heard this session. The bill directs the Division of Florida Condominiums, Timeshares, and Mobile Homes to create, maintain, and annually update a condominium association database by January 1, 2023. Additionally, directs the Division of Florida Condominiums, Timeshares, and Mobile Homes to create, maintain, and annually update a homeowners' association database by January 1, 2025. Both databases must include: the name, email address, and phone number of each board member, community association manager or community association management company; and a copy of the association's governing documents, annual budget, reserve study, and inspection report. SB 642 directs a condominium association database by January 1, 2024, and a homeowners' association database by January 1, 2026. Also, includes an indication of whether or not the association is self-managed.

FLORIDA BUILDING COMMISSION LEGISLATION FAILS

HB 771/SB 1604 - *Powers of the Florida Building Commission* by Rep. Andrade and Sen. Perry failed this session. The bill requires the Commission to develop uniform standards for the maintenance and periodic inspection of existing building structures and facilities across the state. The standards must be based on the Florida Building Code. Lastly, the commission may provide by rule for local maintenance and inspection programs that deviate from the statewide standards. Neither bill was heard this session.

AEROSPACE LEGISLATION FAILS

HB 65/SB 1466- *Aerospace Commerce* by Rep. Sirois and Sen. Wright were never considered this session. The bill exempts a spaceport user approved for the Zero G, Zero Fee program from any fees or charges that apply to cargo while transporting a space vehicle, launch equipment, or recovery equipment. The bill creates the Zero G, Zero Fee program for the purpose of granting tax exemptions for the sale, rental, storage, use, or consumption of certain aerospace materials and consumables by spaceport users and outlines how Space Florida will determine the eligibility of the program. Lastly, the bill requires the Secretary of Business and Professional Regulation to recommend to the Legislature elimination of certain aerospace industry rules or regulations that are detrimental to the commercial aerospace industry.

LEGISLATION REPEALING RENT CONTROL MEASURES FAILS

SB 580/HB 6017- *Rent Control Measures* by Sen. Torres, Jr. and Rep. Eskamani failed. The bill deletes requirements for the termination, expiration, extension, and renewal of local governmental rent control measures. Additionally, the bill deletes the provision that any ordinance that imposes a rent control will terminate and expire within one year and cannot be extended or renewed unless a new measure is adopted. Neither bill was heard.

WATER AND ENVIRONMENTAL SUSTAINABILITY – PASSED

BILLS TO IMPROVE VESSEL ANCHORING PASS

SB 1432 - *Vessel Anchoring* by Sen. Rodriguez (A) passed unanimously (38-0). The bill was substituted with HB 1065 by Rep. Mooney, Jr. The bill specifies that approved and permitted moorings or mooring fields in Monroe County have a 10-year limit on general tenancies and that a sovereign submerged land or other proprietary lease may not prohibit a vessel from an approved and permitted mooring or mooring field or limit the tenancy of a vessel because it is an established domicile or primary residence. SB 1432 clarifies requirements related to the designation of Monroe County as an anchoring limitation area and requires each vessel anchored on state waters within 10 nautical miles of a public mooring field or a designated anchoring area to pull anchor, move from its location using its propulsion system, and re-anchor in a new location no less than once every 90 days. The bill specifies that these requirements do not apply to vessels moored to approved and permitted moorings. Additionally, until at least 100 new moorings are available for public use within one mile of Key West Bight City Dock, these requirements do not apply to live-aboard vessels on state waters within Monroe County. Requires certain vessels within Monroe County on state waters that are equipped with a marine sanitation device to maintain a record of the date and location of each pump-out of the device, which must occur every 30 days.

GOLF COURSE BEST MANAGEMENT PRACTICES CERTIFICATION PASSES

HB 967- *Golf Course Best Management Practices Certification* by Rep. Truenow passed nearly unanimously (112-1). The bill was substituted for SB 1556- *Golf Course Best Management Practices Certification* by Sen. Gruters. The bill directs the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) in coordination with the Department of Environmental Protection (DEP) to administer a golf course BMPs certification to ensure compliance with fertilizer BMPs. The bill requires the UF/IFAS, in cooperation with the DEP, to provide training and testing certification programs. The bill requires an applicant for certification to submit a copy of the training certificate. Recertification is available when the certificate expires, for which the bill requires eight classroom hours of continuing education. The bill exempts a person certified in golf course BMPs from additional local training and local ordinances relating to water and fertilizer use blackout periods and

restrictions, unless a state of emergency is declared. Those certified under the program must continue to coordinate with the local government to ensure the BMPs adhere to local rules.

BILL TO PROMOTE FLOATING SOLAR FACILITIES PASSES UNANIMOUSLY

HB 1411 - *Floating Solar Facilities* by Rep. Avila passed unanimously (112-0) this Session. The bill was substituted for its Senate companion, SB 1338 by Sen. Diaz, which also passed unanimously (39-0). The bill promotes the use of floating solar facilities by requiring each local government to allow these facilities as a permitted use under certain conditions and amend its land development regulations to promote the use of floating solar. Under the bill, counties and municipalities may adopt ordinances specifying buffer and landscaping requirements for floating solar facilities, however, such requirements may not exceed the requirements for similar uses involving the construction of other solar facilities that are permitted uses in agricultural land use categories and zoning districts. The bill states that a floating solar facility may not be constructed in an Everglades Agricultural Area reservoir project if the local governments involved with the project determine that the facility will have a negative impact on that project. Under the bill, the Office of Energy within the Department of Agriculture and Consumer Services is tasked with submitting recommendations to the Legislature to provide a regulatory framework to private and public sector entities that implement floating solar facilities.

LEGISLATION FOR CRITICAL WETLANDS PASSES

SB 882 - *Inventories of Critical Wetlands* by Sen. Brodeur passed unanimously (38-0). The bill was substituted for HB 761 by Rep. Truenow. The bill requires each water management district governing board, in cooperation with local governments, to develop a list of critical wetlands for acquisition using funds from Land Acquisition Trust Fund. The board shall consider the following criteria in designating a wetland for inclusion on the list: The ecological value of the wetland, the effects of water quality and flood mitigation, the ecosystem restoration value, and the inherent susceptibility of the wetland to development.

PFAS TASK FORCE PASSES

HB 1475 - *Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances* by Rep. McClure passed unanimously (111-0). The bill was substituted for SB 7012 by Environment and Natural Resources Committee. The bill directs DEP to adopt by rule statewide cleanup levels for PFAS in drinking water, groundwater, and soil using criteria set forth in s. 376.30701, if the EPA does not finalize standards for PFAS in drinking water, groundwater, and soil by January 1, 2025. The rules for statewide cleanup target levels will not take effect until ratified by the Legislature. The bill specifies that a governmental entity or private water supplier may not be subject to any administrative or judicial action under chapter 376 until the department's rule for a particular PFAS constituent is ratified by the Legislature. A comparable bill, HB 1151 by Rep. Sirois was not heard this session. SB 1418 by Senator Albritton also contained similar provisions.

LEGISLATION FOR PRIVATE PROVIDER INSPECTIONS PASSES WITH WIDE SUPPORT

SB 856 - *Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems* by Sen. Brodeur passed unanimously (37-0). The bill was substituted for HB 309 by Rep. Fetterhoff. The bill authorizes private provider inspections of onsite sewage treatment and disposal systems under certain conditions. The bill prohibits the Department of Environmental Protection from charging certain inspection and permit fees. It specifies requirements for private providers and onsite sewage treatment and disposal system owners and authorized contractors. Further, the bill revises the list of authorized providers to perform onsite sewage treatment and disposal system evaluations. It authorizes the department to audit the performance of inspections. Additionally, it amends the acknowledgment form from the owner, such that the owner also acknowledges that in the event the onsite sewage treatment and disposal system (OSTDS) does not comply with applicable rules and law, the owner will be responsible for remediating the system in accordance with existing law. Lastly, it provides that the department may audit up to 25 percent of private providers each year to ensure the accurate performance of OSTDSs.

FISH AND WILDLIFE CONSERVATION COMMISSION REVISIONS PASS

SB 494 - *Fish and Wildlife Conservation Commission* by Sen. Hutson passed unanimously (116-0). The bill was amended several times throughout committee stops and is substituted for HB 323 by Rep. Sirois. The bill revises laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities. The bill amends the Florida Forever Act to require each lead land managing agency, in

consultation with FWC, to consider the feasibility of using a portion of state lands as a gopher tortoise recipient site for all state lands under the management of the agency that are greater than 40 contiguous acres. The bill directs FWC to improve the public and private gopher tortoise recipient site application review process by December 31, 2022. It directs FWC to encourage the establishment of new recipient sites and update its permitting systems by October 31, 2023. The bill requires FWC to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding gopher tortoise recipient sites by February 1, 2023. The bill specifies that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure. The bill specifies the circumstances in which law enforcement may destroy or dispose of a vessel and places liability for costs of vessel removal, storage, destruction, and disposition on the owner or responsible party after notice is given. The bill specifies that a certificate of title may not be issued for a public nuisance vessel. It adds public nuisance vessels to the definition of abandoned property. The bill authorizes operation of human-powered vessels in the marked channel of the Florida Intracoastal Waterway for specified reasons. It specifies that a local government cannot create a public bathing beach or swim area in the marked channel of the Florida Intracoastal Waterway or within 100 feet of the marked channel. Lastly, the bill authorizes FWC law enforcement officers to use drones to manage and eradicate invasive plants or animals on public lands and to suppress and mitigate wildfire threats.

RESTRICTIONS FOR TEMPORARY UNDERGROUND POWER PANELS PASSES

HB 481 - *Temporary Underground Power Panels* by Rep. Duggan passed unanimously (115-0). The bill was substituted for SB 1332 by Sen. Wright. The bill prohibits counties and municipalities from enacting ordinances, regulations, or policies that prevent certain electric utilities from installing temporary underground power panels if the panel meets the requirements of Article 590 of the National Electrical Code (2020). Additionally, it prevents counties and municipalities from requiring permanent inspections after a temporary inspection has been conducted.

WATER QUALITY ENHANCEMENT BILLS PASS

HB 965 - *Environmental Management* by Rep. Truenow passed unanimously (107-0). The bill was substituted for SB 1426 by Sen. Burgess. The bill authorizes the creation of water quality enhancement areas (WQEAs). In addition, it requires the construction, operation, management, and maintenance of a WQEA be approved through the ERP permitting process

and requires a WQEA to address the contributions of pollutants or constituents within a specific area determined by DEP that does not meet state water quality criteria. To obtain a WQEA permit, the bill requires an applicant to provide certain reasonable assurances about the proposed WQEA and to propose a performance and success criteria monitoring and verification plan. The bill also requires that the WQEA permit provide for the assessment, valuation, and award of credits based on units of pollutants removed. The bill specifies that a WQEA may only provide enhancement credits in an enhancement service area determined by DEP and specifies that enhancement credits may only be sold to governmental entities. The bill requires DEP or the water management districts to authorize the sale and use of enhancement credits to address adverse water quality impacts of permitted activities or to assist governmental entities seeking to meet certain required reductions assigned in a BMAP or Reasonable Assurance Plan. The bill specifies that whether or not a dwelling is owner occupied is not an eligibility criterion for a developer or homebuilder to receive density or intensity bonuses for implementing graywater technologies.

BILLS TO IMPROVE STATE RESILIENCY PASS

HB 7053- *Statewide Flooding and Sea Level Rise Resilience* by the Environment, Agriculture, & Flooding Subcommittee passed (114-1). The bill was substituted for SB 1940 by Rep. Brodeur. FAC waived in support of the bill throughout the committee meetings.

The bill establishes the Statewide Office of Resilience within the Executive Office of the Governor, providing the appointment of a Chief Resilience Officer. The bill requires the Department of Transportation (DOT) to develop a resilience action plan for the State Highway System. Additionally, the bill identifies goals of the action plan and requires it to include certain components. It also requires DOT to submit the action plan to the Governor and the Legislature by June 20, 2023, and a status report every third year on June 30 thereafter. The bill requires the Florida Flood Hub for Applied Research and Innovation to provide certain data to counties and municipalities for vulnerability assessments. Additionally, the bill:

- Authorizes the use of Resilient Florida Grant Program funds to fund preconstruction activities for Statewide Flooding and Sea-Level Rise Resilience Plan (Plan) projects in municipalities and counties meeting certain population thresholds, but not for projects that adapt critical assets to flooding and sea-level rise
- Pushes back by one year (to 2023 and 2024, respectively) the dates by which the Comprehensive Statewide Flood Vulnerability and Sea-Level Rise Data Set and the Assessment must be completed

- Revises the \$100 million cap on funding proposed for each year of the Plan to a minimum threshold of \$100 million.
- The bill establishes the responsibilities of the state Chief Resilience Officer, including:
- To work with federal, state, regional, and local governmental entities, and nongovernmental entities to align flood resilience and mitigation priorities.
- Collaborate with the Florida Flood Hub for Applied Research and Innovation and other appropriate entities to provide technical guidance to state agencies, as well as local and regional governmental entities, to incorporate future standards and projections regarding flooding, including sea level rise projections, into future state projects, plans, and programs.
- Engage with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to bolster flood resilience and mitigation activities.
- All state and local governmental entities are authorized and directed to assist the Chief Resilience Officer to the extent such assistance is consistent with law and budgetary constraints.

WASTE-TO-ENERGY GRANT PROGRAM PASSES

SB 1764- *Municipal Solid Waste-to-Energy Program* by Sen. Albritton passed. The bill was substituted for HB 1419 by Rep. Mariano (110-8.) The bill creates the Municipal Solid Waste-to-Energy Program, within the Department of Agriculture and Consumer Services, (DACS) comprised of a financial assistance grant program and an incentive grant program, subject to appropriation. The purpose of the program is to provide financial assistance grants and incentive grants to municipal solid waste-to-energy (MSWE) facilities to incentivize the production and sale of energy and reduce waste in landfills. The bill establishes the rate for DACS to distribute funds at a rate of 2cents/kw/hour. The bill appropriates \$159,816 from the General Revenue Fund to the DACS to implement and administer the grant program. The bill prohibits funds awarded under the grant program from being used to promote, establish, or convert a residential collection system that does not provide for the separate collection of residential solid waste from recovered materials that have recycling potential, such as metal, paper, glass, plastic, textile, or rubber materials.

WATER AND ENVIRONMENTAL SUSTAINABILITY- FAILED

LEGISLATION FOR RENEWABLE ENERGY GOALS FAILS

HB 81 / SB 366- *State Renewable Energy Goals* by Rep. Eskamani and Sen. Berman were not heard this session. The bill prohibits drilling or exploration for, or production of, oil, gas, or other petroleum products and permitting and construction of certain related structures. The bill requires statewide renewable energy electricity and carbon emission reductions by specified dates. Directs the Office of Energy within DACS to develop a unified statewide plan. Additionally, the bill requires state and public entities to cooperate as requested and provides plan requirements. Requires the Office to submit plan and updates to Governor and Legislature. Creates Renewable Energy Advisory Committee within Office of Energy and directs Commissioner of Agriculture to submit specified annual report to Legislature.

ENERGY CREDIT LEGISLATION FAILS

HB 491/SB 548 – *Energy* by Rep. Skidmore and Sen. Polsky were not heard this session. The bill establishes a tax credit for electricity produced from a renewable energy source located on an operational farm in Florida. Authorizes the Board of Trustees of the Internal Improvement Trust Fund to lease manmade stormwater management systems for floating solar energy systems. Requires the Public Service Commission, in consultation with the Department of Agriculture and Consumer Services and the Department of Environmental Protection, to adopt rules for a renewable and energy efficiency portfolio standard. Establishes the Residential Energy Efficiency Upgrades Program within the Department of Agriculture and Consumer Services for a specified purpose. The sum of \$250,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Office of Energy within the Department of Agriculture and Consumer Services.

LEGISLATION FOR THE PACE PROGRAM FAILS IN BOTH CHAMBERS

HB 101-*Improvements to Real Property* by Rep. Fine passed three committees, but stalled in its last, House Commerce. The bill refers to the creation of the Resiliency Energy Environment Florida program, otherwise known as property assessed clean energy (PACE) programs. Authorizes certain notices of lien to be recorded in public records of specified counties. The

bill revises types of items which local government or program administrator must reasonably determine before entering into assessment financing agreements with residential and nonresidential real property owners. The bill provides additional requirements to be met by program administrators when administering REEF program for qualifying improvements on residential real properties. The bill provides general, marketing, and communications guidelines to be used by program administrators dealing with certain contractors. The bill prohibits contractors from taking certain actions related to pricing of qualifying improvements. Lastly, the bill requires program administrators to appropriately develop and implement procedures to handle complaints and monitor contractors. The language of the bill adds more transparency and consumer protections. A comparable bill, SB 228 - Resiliency Energy Environment Florida Program by Sen. Rodriguez (A), cleared all of its committees, and was placed on second reading but never heard on the Senate floor. The bill substantially amends the Property Assessed Clean Energy program, which allows property owners to make qualifying improvements to real property and finance the cost through annual non-ad valorem tax assessments. Qualifying improvements are those that enhance energy efficiency, renewable energy, and wind resistance. The bill names the program the Resiliency Energy Environment Florida program and enhances protections for consumers entering into PACE contracts. The bill further allows governmental leased property to qualify for the program. Allows the use of third parties to determine the fair market value of real property for the purpose of establishing REEF loan limits.

RENEWABLE ENERGY EFFORTS FAIL

SB 182- *Renewable Energy* by Sen. Brandes was not heard this session. The bill authorizes owners of commercial, industrial businesses, or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device. The device can be on or about the structure in which the business operates or on a property that the business owns or leases. The bill authorizes owners or contracted third parties to sell electricity generated from the device to certain businesses regardless of whether the device is in a utility's service territory. The sale of electricity produced by such devices from regulation is exempted. Customers can challenge any cost recovered and receive refunds if successful. The Florida Public Service Commission is assigned to adopt rules.

WATER RESOURCES MANAGEMENT BILLS FAIL

SB 198 – *Water Resources Management* by Sen. Rodriguez (A) passed its first committee, Environment & Natural Resources, however, stalled in Senate Community Affairs. The bill authorizes the Board of Trustees of the Internal Improvement Trust Fund to establish seagrass mitigation banks under certain conditions. Ensures the preservation and regeneration of seagrass and offsets the unavoidable impacts of projects when seagrass mitigation banks meet the public interest criteria. An amendment was adopted, directing DEP to adopt and modify rules to ensure that required financial assurances are equivalent and sufficient to provide for the long-term management of mitigation. The bill also revises existing law to require only a one-time registration of certain floating vessel platforms to ensure compliance with listed exemption criteria or with local electrical or plumbing codes that are no more stringent than the exemption criteria. A comparable bill, HB 349 – *Water Resources Management* by Rep. Sirois was also stalled in its second committee, Agriculture & Natural Resources Appropriations. The bill authorizes Board of Trustees of Internal Improvement Trust Fund to grant easements on sovereignty submerged lands for specified mitigation banks. The bill directs DEP (Department of Environmental Protection) to create and modify specified rules, exempting certain docks on recorded easements from certain permit and verification requirements. It grants certain docks authorization to use submerged lands upon approval of board.

SANITARY SEWER INSPECTION PROGRAMS STALL IN THE SENATE AND FAIL IN THE HOUSE

HB 303/ SB 608 - *Sanitary Sewer Lateral Inspection Programs* by Rep. Truenow and Sen. Brodeur failed this session. The House version was not heard, however, the Senate bill cleared two committees before stalling in House Appropriations. The bill authorizes counties and municipalities to access sanitary sewer laterals within their jurisdiction for specified purposes. The bill requires counties and municipalities to notify private property owners within 14 days if county or municipality intends to access owner's sanitary sewer lateral. Counties and municipalities that establish programs are legally and financially responsible for all work done, including repair work. It provides requirements for any repair work done to a sanitary sewer lateral. The bill requires counties and municipalities that establish programs to consider economical methods for counties and municipalities. The bill authorizes programs established by county or municipality to use state or local funds allocated for environmental preservation or protection of water quality. Lastly, the bill defines the term "continuous monolithic pipe system" as a pipe system with no

joints or seams, including all points where it connects to the structure, the mainline, and the cleanout.

BILLS TO EXPAND PUBLIC HEALTH ADVISORIES FAIL

HB 393- *Public Bathing Places* by Rep. Hinson was not heard this Session. SB 604 - *The Safe Waterways Act* by Sen. Berman was heard once but stalled at its second committee, Senate Community Affairs. The bill revises the definition of term "public bathing place." The bill requires the Department of Health (DOH) to adopt and enforce certain rules and to issue health advisories under certain circumstances. DOH must notify a municipality or county if a health advisory is issued against swimming in public bathing places based on elevated bacteria levels. DOH shall monitor and arrange for certain signage to be posted around public bathing that have elevated levels of specified bacteria. The bill authorizes DOH to coordinate with DEP & FWCC to implement signage requirements.

BILLS TO ADDRESS CLEANUP OF WATER BODIES FAIL

HB 421/SB 834- *Long-term Cleanup of Water Bodies/ Long-term Cleanup of Harmful Algal Blooms* by Rep. Truenow and Sen. Brodeur failed. The House bill cleared two committees and stalled in House State Affairs. The Senate bill stalled in the Appropriations Subcommittee on Agriculture, Environment, and General Government. The bills, known as the "Implementation of Long-term Solutions for Cleaning Florida's Water Bodies Act", require the Department of Environmental Protection to acquire innovative technologies to physically remove harmful algal blooms, toxins, algae, and nutrients from water across the state through pilot programs.

BILLS TO LIMIT GREENHOUSE GAS EMISSIONS FAIL

HB 463/ SB 380 - *Greenhouse Gas Emissions* by Rep. Rodriguez (A) and Sen. Melo were not heard this session. The bill defines the term "greenhouse gas" as carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbon, and perfluorocarbon. The bill prohibits the adoption or enforcement of certain state and regional programs to regulate greenhouse gas emissions without specific legislative authorization.

BILLS TO IMPLEMENT BOTTLED WATER EXCISE TAXES FAIL

HB 473/ SB 798-*Bottled Water Excise Tax* by Rep. Casello and Sen. Taddeo were not heard this session. The bill imposes an excise tax on bottled water operators, specifying the tax rate and trust fund for tax proceeds. Additionally, the bill specifies procedures for bottled water operators related to tax payments. Authorizes Department of Revenue (DOR) to settle or compromise taxes. The bill explains DOR's authority to inspect books, records, and papers, as well as issue subpoenas and apply for certain judicial orders. The bill provides procedures for conducting audits and claiming refunds. Additionally, the bill states that taxes due remain lien on certain property and requires that suits brought by DOR for violations be brought in circuit court. The bill requires local governments to cooperate with the department and furnish information without cost to the DOR.

LEGISLATION FOR MUNICIPAL WATER AND SEWER UTILITY RATES FAILS

HB 515/ SB 886 - *Municipal Water and Sewer Utility Rates* by Rep. Robinson and Sen. Jones were not heard. The bill requires a municipality to charge customers receiving its utility services in another municipality the same rates, fees, and charges as it charges consumers within its municipal boundaries under certain circumstances.

LEGISLATION FOR THE BLUE-GREEN ALGAE TASK FORCE FAILS

HB 561/ SB 832- *Implementation of the Recommendations of the Blue-Green Algae Task Force* by Rep. Goff-Marcil and Sen. Stewart failed. The House bill was not heard this Session. The Senate bill made it to its last Committee, Senate Appropriations, and then stalled. The bill implements the remaining recommendations received from the Blue-Green Algae Task Force created by Governor Ron DeSantis in 2019. The bill requires owners of onsite sewage treatment and disposal systems to have the systems periodically inspected every 5 years by the Department of Environmental Protection (Effective: July 1, 2025). The department will assess certain projects and implement program standards, procedures, and requirements. The bill requires new or revised basin management action plans to include a list that identifies and prioritizes certain spatially focused projects.

BILLS TO EXPAND SALTWATER INTRUSION VULNERABILITY ASSESSMENTS FAIL

HB 1019/SB 1238- *Saltwater Intrusion Vulnerability Assessments* by Rep. Duggan and Sen. Polsky failed. The bill was not heard in the House. SB 1238 cleared its first committee and stalled in the Governmental Oversight and Accountability Committee.

The bill requires coastal counties to conduct vulnerability assessments, analyzing the effects of saltwater intrusion on their water supplies and their preparedness to respond to threats, including water utility infrastructure, wellfield protection, and freshwater supply management. Each coastal county will work with their respective water management districts to submit projects and assessments to the Department of Environmental Protection. Coastal counties with populations of 200,000 or less will receive 50 percent cost-share funding (up to \$250,000) from the Department for each vulnerability assessment. A county with a population of 50,000 or less is not required to contribute to the cost share. The Department shall make all vulnerability assessments accessible on their website.

LEGISLATION CONDUCTING STUDIES TO ESTABLISH RECYCLING GOALS FAILS

SB 1156 - *Study to Establish a Statewide Long-term Recycling Goal* by Sen. Stewart was heard in two committees, however, stalled in Senate Appropriations. HB 935 by Rep. Morales was not heard this Session. The bill directs the Department of Environmental Protection to conduct a study on the establishment of a new long-term recycling goal for state and local governmental entities, private companies and organizations, and the general public to achieve by the year 2030. The study must include updates on the progress that was made in reaching the previous goal from 2020. Upon completion of the study, the department shall submit a report of the results of the study and any policy recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

BILL FOR CERTIFIED PILE BURNING FAILS

HB 6027 - *Certified Pile Burning* by Rep. Sabatini was not heard. The bill removes provision specifying origin of debris authorized for certified pile burning. The debris no longer needs to be onsite to burn.

HEARTLAND HEADWATERS PROTECTION BILLS FAIL

HB 603/SB 1400 - *Land Acquisition Trust Fund* by Rep. Bell and Sen. Burgess did not pass. The House bill cleared its first committee, however, stalled in its second, Environment, Agriculture, & Flooding Subcommittee. The Senate bill stalled in its last committee, Appropriations. The bill provides an annual appropriation of \$20 million to the Department of Environmental Protection to implement the Heartland Headwaters Protection and Sustainability Act. The bill requires the funds to be used and distributed to finance the cost of designing or constructing projects that protect, restore, or enhance the headwaters of the river systems located in Heartland Region of Central Florida.

LEGISLATION FOR AT-RISK STRUCTURES AND INFRASTRUCTURE FAILS

HB 1077/SB 1434 - *Public Financing of Potentially At-risk Structures and Infrastructure* by Rep. Hunschofsky and Sen. Rodriguez (A) did not pass. The House bill cleared all of its committees, however, stalled after 2nd reading. The Senate bill stalled its last committee, Appropriations. The bill expands the requirement for public entities to conduct a SLIP study before commencing construction of certain state-financed coastal structures to apply the requirement to certain structures that are within any area that is at risk due to sea level rise, not just coastal areas. The structures subject to this requirement are any "potentially at-risk structures or infrastructure," which are defined as any major structures or infrastructure, including all infrastructure critical to public health, life, or safety, that are within an area at risk due to sea level rise.

BILLS TO REGULATE SINGLE-USE PLASTIC FAIL

HB 1145/SB 1580 - *Regulation of Single-use Plastic Products/Management of Single-use Plastic Products* by Rep. Mooney, Jr. And Sen. Rodriguez (A) were not heard. The bill authorizes coastal communities to establish pilot programs and adopt ordinances to regulate single-use plastic products within the community's jurisdiction. The bill defines a coastal community as a municipality with a population of less than 100,000 that abuts or borders the Gulf of Mexico; the Atlantic Ocean; or a saltwater bay, sound, strait, inlet, lagoon, salt marsh, coastal wetland, or other saltwater body immediately adjacent to the Gulf of Mexico or the Atlantic Ocean. The bill provides requirements and restrictions for the ordinances implemented. Requires the Department of Environmental Protection to submit updated retail bag reports with conclusions and recommendations to Legislature beginning in 2026.

LOCAL GOVERNMENT WASTE AND RECYCLING SERVICES LEGISLATION FAILS

HB 1241 / SB 1944- *Local Government Solid Waste and Recycling Collection Services* by Rep. Hawkins and Sen. Baxley failed. The bill was not heard in the Senate. The House bill cleared two committees, however, stalled in its last committee, House State Affairs. FAC spoke in opposition to this bill.

The bill amends the current statute on local government solid waste responsibilities and provides that no local government may seek liquidated damages, administrative fees, or other similar charges against a public or private solid waste management or recycling entity for any action or inaction of the entity when a local, state, or federal emergency is in effect and materially affects the ability of the solid waste management or recycling entity to provide residential municipal solid waste or recycling services. Specifically, the bill provides that a local government may not assess liquidated damages or impose administrative penalties for missed collections pursuant to a solid waste or recyclable materials collection contract if:

- The person collecting solid waste or recyclable materials for the local government fails to provide timely collection service to a residential customer as a direct result of a declared local, state, or federal emergency that is in effect within the local government's jurisdiction;
- The person notifies the local government that its failure was due to the emergency; and;
- The person provides the necessary collection service within 36 hours after the time when the service should have been provided.

Lastly, the bill specifies how a person facing liquidated damages or penalties for missed collections may obtain relief.

FLORIDA FOREVER BONDING EXTENSION FAILS

HB 1377/SB 1816 - *Land Acquisition Trust Fund* by Rep. Roth and Sen. Stewart failed this Session. The Senate bill cleared one committee, Environment and Natural Resources, but stalled in the Appropriations Subcommittee on Agriculture, Environment, and General Government. The bill extends the retirement date of Land Acquisition Trust Fund (LATF) bonds issued to fund the Florida Forever Act. The bill appropriates \$100 million from the LATF to the Florida Forever Trust Fund. The bill also provides that LATF funds may not be used for costs associated with certain budget entities of departments.

SOLAR PHOTOVOLTAIC FACILITY DEVELOPMENT BILLS FAIL

HB 745/SB 1562 - *Solar Photovoltaic Facility Development* by Rep. Alexander and Sen. Ausley did not pass. The House bill was not heard this session, while the Senate bill stalled in its last committee, Appropriations. The bill, cited as the "Brownfields to Brightfields Act," directs the Department of Environmental Protection, in coordination with the Office of Energy within the Department of Agriculture and Consumer Services, to conduct a study of brownfield sites and closed landfill sites to determine viable locations for redevelopment as solar photovoltaic facilities. The bill cites what must be included in the study. The bill directs DEP to submit a report on the findings and recommendations of the study to the Governor, the Legislature, the Florida Public Service Commission, and the chairs of each regional planning council by August 1, 2023.

ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTIONS FAIL

HB 1125 - *Onsite Sewage Treatment and Disposal System Inspections* by Rep. Caruso was not heard. The bill repeals s.381.00651, F.S. The bill directs the Department of Environmental Protection to administer onsite sewage treatment and the disposal system inspection program, adopt rules in consultation with OSTDS technical advisory committee, and submit reports to the Governor and Legislature. The bill requires owners of sewage systems to have periodic inspections if the onsite sewage treatment and disposal system meets certain conditions, requiring them to pay specified costs. The owner may not request a partial inspection or the omission of inspection portions. Provides program requirements and exemptions. The bill requires an advisory committee to determine criteria for advanced nutrient removal systems. The bill authorizes local governments to create grant programs for replacement costs.

LEGISLATION FOR PHOSPHOGYPSUM STACKS FAILS

HB 1339/ SB 1744 - *Phosphogypsum Stacks* by Rep. Diamond and Sen. Brandes were not heard this session. The bill requires the Department of Environmental Protection to submit annual reports of imminent hazards, abatement actions, and material violations for phosphogypsum stacks to the Governor, Legislature, the Division of Emergency Management, and each board of county commissioners. The department shall create, maintain, and update the database of reports and inspections on its website.

REGULATION FOR VESSELS FAILS

HB 1265 - *Local Regulation of Vessels* by Rep. Caruso was not heard this session. The bill authorizes local governments to regulate the anchoring of certain vessels as defined in s.327.40, F.S.

REPEAL OF STATE REGULATION OF RECYCLABLE AND POLYSTYRENE MATERIALS FAILS

SB 320/ HB 6063- *Preemption of Recyclable and Polystyrene Materials* by Sen. Stewart and Rep. Grieco failed this session. The bill deletes the state preemption of the regulation of disposable plastic bags including auxiliary containers and wrappings and repeals the state preemption of the use or sale of polystyrene products to FDACS. Neither bill received a hearing this session.

REPEAL OF LEGAL RIGHTS OF NATURAL ENVIRONMENT FAILS

HB 6003- *Legal Rights of Natural Environment* by Rep. Eskamani was never heard this session. The bill repeals provisions that prohibit local government from recognizing or granting legal rights to the natural environment or granting these rights to a citizen or political subdivision. There was no Senate companion.

TECHNOLOGY- PASSED

EXPANSIVE CYBERSECURITY BILLS PASS

HB 7055- *Cybersecurity* by State Administration & Technology Appropriations Subcommittee passed unanimously (110-0). The bill was substituted for SB 1670 by Sen. Hutson.

The bill requires state agencies and local government entities to report cybersecurity and ransomware incidents to the Cybersecurity Operations Center (CSOC) and the Cybercrime office of the Department of Law Enforcement. The bill prohibits a state agency or local government/ experiencing a ransomware incident from paying or otherwise complying with the demanded ransom. The bill defines the level of severity of a cybersecurity incident in accordance with the U.S. Department of Homeland Security's National Cyber Incident Response Plan. Additionally, the bill requires the advanced cybersecurity training offered to specified state agency and local government employees to include training on the cybersecurity incident severity levels. The bill differentiates reporting requirements based on the level of severity of a cybersecurity incident. The bill requires the Legislature to only be notified of high severity level cybersecurity incidents.

Local government entities are required to adopt cybersecurity standards that align with the National Institute for Standards and Technology and to provide notification to the Florida Digital Service when such standards are adopted. Counties with a population of 75,000 or more must adopt the standards by January 1, 2024. Counties with a population less than 75,000 must adopt the standards by January 1, 2025. The bill requires each local government to notify FLDS when it has adopted the standards.

The bill requires FLDS to develop a basic and advanced cybersecurity training curriculum. All local government employees with access to the local government's network must complete the basic training curriculum, and local government technology professionals and employees with access to highly sensitive information must complete the advanced training curriculum. The trainings must be completed by employees within 30 days of commencing employment and on an annual basis thereafter. The bill authorizes FLDS to provide the cybersecurity trainings in collaboration with the Cybercrime Office, a private sector entity, or an institution of the State

University System. The bill requires the advanced cybersecurity training curriculum provided to certain state and local government employees to include training on the identification of each cybersecurity incident severity level.

The bill expands the purpose of the Cybersecurity Advisory Council (CAC) to include advising local governments on cybersecurity and requires the CAC to examine reported cybersecurity and ransomware incidents to develop best practice recommendations. The bill requires the CAC to submit an annual comprehensive report regarding ransomware to the Governor and Legislature. Lastly, the bill establishes penalties and fines for certain ransomware offenses against a government entity.

The linked bill, HB 7057, also passed unanimously (111-0) in the House. The bill provides a public records exemption related to cybersecurity. Specifically, the bill makes confidential and exempt from public record requirements:

- Cybersecurity insurance coverage limits and deductible self-insurance amounts;
- Information related to critical infrastructure; and
- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents.

The bill also provides that any portion of a meeting that might reveal such information is exempt from public meeting requirements.

TECHNOLOGY- FAIL

“CRITICAL INFRASTRUCTURE” BILLS FAIL

HB 1147/ SB 828 - *Critical Infrastructure* by Rep. Giallombardo/ Hutson failed. The Senate bill stalled in its second committee, Military and Veterans Affairs, Space, and Domestic Security, while the House Bill was not heard. Cited as the “Critical Infrastructure Standards and Procedures Act”; the bill requires that, beginning on July 1, 2024, asset owners ensure that the operation and maintenance of operational technology comply with specified standards and practices. The bill requires that certain contracts for critical infrastructure meet ISA/IEC 62443 series of standards as referenced by the NIST (National Institute of Standards and Technology) 130 Cybersecurity Framework. The bill authorizes the Department of Law Enforcement to institute appropriate legal proceedings against a business, a service provider, or another person or entity that violates the act.

BROADBAND TASK FORCE FAILS

SB 1726- *Broadband* by Sen. Ausley was not heard. The bill establishes the Broadband Deployment Task Force within the Department of Economic Opportunity for the deployment of broadband Internet service throughout the state. The bill provides requirements for the composition of the Task force to include 16 members appointed by 9/1/22, including a designated member from the Florida Association of Counties. The bill requires the task force to submit annual reports to the Governor and the Legislature by 12/30/23. Provides that certain information provided to the department from broadband service providers retains its confidentiality and exemption from public disclosure requirements. The bill revises the grant application written challenge requirements. The bill establishes seven full-time positions within the Office of Broadband to implement grant programs, maintain information systems, and provide administrative support to the Task Force.

BILLS TO AUTHORIZE SMART REGION ZONES FAIL

HB 835/ SB 1098 - *Smart Region Zones* by Rep. Duggan and Sen. Brodeur were not heard this session. The bill authorizes contiguous groups of four or more counties to apply to Enterprise Florida, Inc., to receive designation as smart region zone. The bill provides requirements for such designation. These zones aim to improve knowledge transfer

across the state by tracking measurable impacts for pilot projects. Smart region zone centers are required to submit reports to the Governor, the Legislature, and Enterprise Florida, Inc.

TRANSPORTATION RESEARCH LED BY UF FAILS

HB 1031/ SB 1160 - *Transportation Research* by Rep. Andrade and Sen. Perry failed. The Senate bill stalled in its last committee, Rules, while the House bill stalled in the Higher Education Appropriations Subcommittee. The bill establishes the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) within the University of Florida. The research shall focus on intercampus transportation and related research activities among Florida universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research. The research findings shall be provided by July 1, 2023, and each July 1 thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. An advisory board shall consist of nine members in transportation-related areas who will oversee all research.

BILLS INITIATING CHANGE FOR ELECTRIC VEHICLES FAIL

SB 918 – *Electric Vehicle Charging Infrastructure* and SB 908 - *Fees/Electric Vehicles and Plug-in Hybrid Electric Vehicles* by Sen. Brandes was not heard. The bill creates an additional fee/license tax (\$135) for all electric vehicles weighing under 10,000 pounds on top of current fee, the fee will increase to \$150 in 2025. The bill creates an additional fee/license tax (\$235) for all electric vehicles weighing over 10,000 pounds on top of current fee, the fee will increase to \$250 in 2025. Of the additional flat fees, 64% will be allocated to the State Transportation Trust Fund and 36% will be allocated to the county where the vehicle was registered. For the next three years, until June 30, 2024, the funds allocated to the county will be used for electric vehicle infrastructure and equipment by the County Commission. Beginning July 1, 2024, the funds allocated to a county will be transferred to the Department of Revenue and then distributed to the County Commission and municipalities within the county in proportion to the previous month’s distribution of the 1 to 6 cent local option fuel taxes, to use for transportation expenditures. Creates fee schedule for plug-in hybrid electric vehicles; provides for CPI (Consumer Price Index) adjustments to tax/fee; exempts

certain electric vehicles from flat fee. The linked bill, SB 918 - *Electric Vehicle Charging Infrastructure* requires the Department of Transportation to include innovative technologies such as electric vehicles in their infrastructure goals. Establishes the Electric Vehicle Infrastructure Grant Program to provide financial assistance and encourage the installation of electric vehicle charging infrastructure. Beginning in fiscal year 2024-2025, all increased revenues from the State Transportation Trust Fund must be used to fund the EV (Electric Vehicle) Infrastructure Grant Program created by s. 339.286 (Expires on 12/31/31). The bill provides requirements for this grant to be awarded. The bill requires the Department of Transportation to seek programmatic federal approval for the issuance of permits and for the accommodation as a utility of the installation of electric vehicle charging stations in highway rights-of-way. By October 1, 2023, the department shall submit a program for approval including, if necessary, any revisions to the utility accommodation policy.

BROADBAND POLE REPLACEMENT BILLS FAIL

HB 1543/SB 1800 - *Broadband Infrastructure* by Rep. Tomkow and Sen. Boyd failed. The House bill died on the floor while the Senate bill died in messages. The bill creates the Broadband Pole Replacement Program, to be administered by the Office of Broadband (Office) within the Department of Economic Opportunity (Department). The Program will reimburse eligible broadband Internet service providers for their costs incurred for the removal and replacement of existing utility poles in areas of Florida that are unserved by broadband Internet service. Reimbursements under the program are limited to 50 percent of the broadband Internet service provider's eligible pole replacement costs, or \$5,000—whichever is less, in addition to their administrative costs related to the preparation and submission of the application for reimbursement. FAC expressed several concerns for the language in the bill throughout several committee stops that DEO should complete its strategic plan for broadband and submit additional grant plans prior to moving forward with this program.

The linked bills, HB 1545/SB 1802-*Trust Funds/Broadband Pole Replacement Trust Fund/DEO/ Broadband Pole Replacement Trust Fund* by Rep. Tomkow and Sen. Boyd also failed. The bill creates the Broadband Pole Replacement Trust Fund within DEO and provides that the trust fund is established as a depository for funds appropriated by the Legislature, federal funds received from the federal Coronavirus Capital Projects Fund, funds transferred by DEO, interest earnings, and grants, gifts, and other contributions made directly to the fund. In accordance with

article III, section 19(f)(2) of the Florida Constitution, the trust fund terminates four years after the effective date of the bill. Before its scheduled termination, the trust fund must be reviewed pursuant to state law.

AIR MOBILITY BILLS NEARLY PASS, YET DIE TOWARDS END OF SESSION

HB 1005/SB 728- *Advanced Air Mobility* made it quite far before failing this session. The House Bill cleared every committee, however, stalled after its second reading. The Senate bill passed (37-0) but died in messages. The bill creates the Advanced Air Mobility Study Task Force adjunct to the Department of Transportation (DOT). The bill specifies composition of task force members, including a designated member from the Florida Association of Counties. Members must serve without compensation but allow for per diem and travel expenses. The bill specifies duties of task force, including coordinating with local governments to evaluate potential integration of advanced air mobility into transportation plans. Requires a report to the Governor & Legislature by October 1, 2023 and task force will disassemble by December 1, 2023.

AGRICULTURE AND RURAL AFFAIRS – PASSED

AGRITOURISM BILL PASSES UNANIMOUSLY

SB 1186 – *Agritourism* by Sen. Albritton passed unanimously (38-0). The bill was substituted for HB 717 by Rep. Buchanan. The bill revises legislative intent regarding the promotion of agritourism by removing the term “secondary” to classify streams of revenue, prohibits denial or revocation of a property’s agricultural classification based on the conduct of agritourism activity on a bona fide farm, and specifies the criteria for land to be considered agricultural in nature, which shall be assessed by a property appraiser.

NEW POLLUTION CONTROL STANDARDS AND LIABILITY PROTECTIONS PASS

HB 909- *Pollution Control Standards and Liability* by Rep. Payne passed (98-16). The bill was substituted for SB 1210 by Sen. Albritton. The bill provides that the application of pesticides as part of agricultural operations is lawful, unless

a discharge exists, and is presumed not to be a recognized environmental condition pursuant to 40 C.F.R. part 312. The bill requires the Department of Environmental Protection to investigate claims and provide appropriate remedies for verifiable pesticide impacts. The bill provides that agricultural land that meets certain requirements is exempt from further regulation by the department. Additionally, the bill authorizes property owners to voluntarily apply for brownfield site rehabilitation activities. The bill adds a statute which assigns exclusive jurisdiction to the Secretary of Environmental Protection for all matters related to evaluating environmental conditions and assessing potential liability for the presence of contaminants on agricultural land. The secretary may not delegate the authority to a county, a municipality, or another unit of local government through a local pollution control program.

AGRICULTURE AND RURAL AFFAIRS – FAILED

RURAL DEVELOPMENT BILLS FAIL

HB 685- *Rural Development* by Rep. Drake cleared every committee, however, stalled after the 2nd reading. FAC waived in support of the bill.

The bill reduces the required non-state match amount for the Regional Rural Development Grants Program from 25 percent to 15 percent and allows in-kind contributions to count toward this threshold. The bill removes the requirement that repaid funds from the Rural Community Development Revolving Loan Fund be matched to be retained to fund future loans. Additionally, the bill revises the uses of the Rural Infrastructure Fund to remove the requirement that grants be linked to financing specific projects. The bill increases the proportion of an infrastructure project that may be covered by the grant from 50 percent to 75 percent and increases the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects. The bill removes the local match requirement for surveys, feasibility studies, and other activities related to the identification and preclearance review of land, which is suitable for preclearance review, and removes the requirement that a grant for an employment project create a minimum number of jobs.

The comparable bill, SB 800- *Economic Development* by Sen. Albritton, cleared its second committee, stalling in Senate Appropriations. FAC waived in support of the bill. The bill authorizes municipalities to exempt the public service tax of electrical energy purchases, starting on 7/1/23. Additionally, it exempts building materials from taxes imposed on the rehabilitation of real property. Electrical energy used in an opportunity zone of a municipality shall receive a municipal utility tax exemption equal to 50% for any qualified business. The bill revises the Rural Tax Credit program by removing the requirement that a new eligible business in a qualified area has at least 10 qualified employees. A tax credit of \$2,500 would be received for each employee, an increase of \$1,000. Lastly, it requires the Department of Economic Opportunity (DEO) to allocate 10% of the funds in the Florida Job Growth Grant Fund to projects within rural areas of opportunity. An amendment was adopted that gives more flexibility in the infrastructure fund relating to grants and fiscally constrained counties, which was offered by the Department of Economic Opportunity.

HEALTHY FOOD INITIATIVES FAIL

HB 1311 / SB 1450 - *Healthy Food Financing Initiative Program* by Rep. Mariano and Sen. Jones failed this session. The House bill stalled in its last committee, State Affairs, and the Senate Companion also stalled in its last committee, Appropriations. FAC waived in support of the bill. The bill expands the functions of the Healthy Food Financing Initiative program from the Department of Agriculture and Consumer Services (DACS). It directs DACS to provide grants and loans for the construction of independent grocery stores, supermarkets, community facilities, or other retail outlets to increase access to affordable fresh produce and other nutritious food in underserved communities. The bill requires a qualified non-profit to be able to demonstrate certain criteria to enter into a contract with DACS to carry out the program and requires any third-party administrator that contracts with DACS to provide quarterly updates to DACS.

The bill requires DACS to give preference to Florida-based grocers, local business owners with experience in grocery stores, and grocers and business owners with a business plan that includes opportunities to purchase from farmers and growers in the state before seeking out-of-state purchases. The bill specifies that for a project to be eligible for funding under the program, it must be located in an underserved community and provide for the construction of independent grocery stores or supermarkets; provide renovation, expansion, and infrastructure upgrades to stores and community facilities that improve the availability and quality of fresh produce and other healthy foods; or provide other projects that create or improve access to affordable fresh produce that meet the intent of the program. The bill requires the program to fund at least three eligible projects each year.

FINANCE, TAX, ADMINISTRATION- PASSED

LEGISLATURE GREENLIGHTS TAX PACKAGE

The conference report for HB 7071 – *Taxation*, originally a committee bill developed by Rep. Payne's Ways and Means committee, passed the House 107-0 and the Senate 33-0. The issue of greatest concern for FAC is an open-ended tax abatement for residential property rendered uninhabitable by a catastrophic event. FAC spoke about these concerns to the House Ways and Means and Appropriations committees. Under current law, tax abatements are granted on a case-by-case basis by the Legislature, rather than being given as a blanket policy for any event rendering a residence uninhabitable for 30+ days. The concern is that an extreme event (e.g. a hurricane, a dirty bomb) affecting a densely populated area would result in significant abatement payments at the same time the tax base is diminished, and service demands are increased due to the event. Other highlights of the tax package include:

Motor Fuel Tax Holiday - Creates the Florida Motor Fuel Tax Relief Act of 2022

- Provides for the reduction of total fuel taxes by 25.3 cents per gallon from October 1, 2022, to October 31, 2022.
- Suspends implementation of the following levies:
 - 1 cent County Fuel Tax
 - 1 cent Municipal Fuel Tax
 - 15 cent State Fuel Sales Tax
 - 8.3 cent State Comprehensive Enhanced Transportation System Levy
- The bill also provides for \$200 million in General Revenue, contingent upon the Department of Financial Services receiving the second distribution of the state's allocation from the federal Coronavirus State Fiscal Recovery Fund
- Includes \$7.9 million to be transferred to offset the impact to the County Fuel Tax

Additional Ad valorem provisions included:

- An abatement for sudden building collapse events in response and limited to the Surfside tragedy
- An increased ad valorem property tax exemption for widows, widowers, and blind or permanently disabled homeowners from \$500 to \$5000,
- Assessment of land used in the production of aquaculture
- Clarification of the treatment of homestead parcels where a portion of the property is used for agricultural purposes
- Identification of additional missions that qualify for the deployed service member exemption

- Revision of the date that determines when an affordable housing property may meet the 15-year requirement to qualify for the exemption provided by Section 196.1978(2)

Nine sales tax holidays:

- Back to School Holiday July 25 to August 7
- Disaster Preparedness Holiday May 28 to June 10
- Energy Star Appliances Holiday September 1 to February 28
- Freedom Week Holiday July 1 to July 7
- Tools Used by Skilled Trade Workers Holiday September 3 to September 9
- Diaper Holiday July 1, 2022, to June 30, 2023
- Baby and Toddler Clothing Holiday – July 1, 2022, to June 30, 2023
- Children's Books Holiday May 14 to August 14
- Impact resistant Windows and Doors Holiday July 1, 2022, to June 30, 2024

Other Provisions:

- Doc Stamp exemption for any federal loan related to a state of emergency declared by the Governor pursuant to s.252.36
- Sales Tax Exemption for admissions to World Cup matches
- Reduction in the sales tax rate for new mobile homes from 6% to 3%
- Allows for the purchase of school buses with the School Capital Outlay Sales Surtax authorized in section 212.055(6).
- Total sales tax exemption for all farm trailers. Previously only the first \$20,000 of sale price was exempt for trailers weighing 12,000 pounds or less
- Sales tax exemption for hog wire and barbed wire fencing, including gates and materials used to construct and repair such fencing, used in agricultural production on land classified as agricultural lands under 193.461
- Sales tax exemption for Machinery and equipment necessary in the production of electrical or steam energy resulting from the burning of hydrogen
- Increase in the amount of tax credits available from the Community Contribution Tax Credit Program from 14 million to \$19 million
- Sales tax exemption on the purchase of machinery and equipment used in the production of green hydrogen, ammonia derived from green hydrogen, or fuel cell development of energy from green hydrogen.

LAW ENFORCEMENT OFFICER BENEFITS PACKAGE PASSES ALONG WITH UNPRECEDENTED SHERIFF BUDGET PROVISION

HB 3 - *Law Enforcement* by Rep. Leek passed both chambers, 114-3 in the House and 34-0 in the Senate. The bill, purportedly in response to understaffing and recruiting challenges faced by state law enforcement, provides for a series of benefits, financial incentives, educational and training opportunities, and service recognition for state of Florida law enforcement bodies. These include:

- The Florida Law Enforcement Recruitment Bonus Program, which provides for a one-time signing bonus of up to \$5,000 for newly employed law enforcement officers
- The Florida Law Enforcement Academy Scholarship Program, which covers up to \$1,000 in tuition and fees for enrollment in any basic recruit training program
- A \$25,000 benefit for law enforcement officers who adopt a special needs child from within the State's child welfare system, or \$10,000 for law enforcement officers who similarly adopt a child without special needs
- Scholarship opportunities for dependent children of a law enforcement officer to attend private school.
- Base salary increases for each county sheriff of \$5,000
- Exemption from the basic skills test for veterans and applicants with an associate degree or higher
- A requirement that law enforcement officers receive training in health and wellness principles, both upon initial certification training and for continued employment training
- Designation of May 1 of each year as "Law Enforcement Appreciation Day"

Most notably for county government, some late amendment language was added to the bill that would allow a Sheriff to move budgeted funds across all budget levels, without review or approval by the Board of County Commissioners/Budget Commission. Under the status quo, the Florida Supreme Court issued a decision in *Alachua County v. Watson* that a Sheriff, or any other county constitutional officer, seeking to amend their budget would have to follow the budgetary amendment process laid out in Chapter 129 of Florida statute. FAC has concerns that, in addition to undermining the Florida Supreme Court decision, the language has dangerous implications for transparency and local checks and balances.

CRITICAL WORKFORCE HOMESTEAD EXEMPTION PASSES WITH MINIMAL RESISTANCE

HJR 1 – *Additional Homestead Property Tax Exemption for Specified Critical Public Sector Workforce and its implementing bill, HB 1563*, by Rep. Tomkow passed both chambers, 115-0 in the House and 37-1 in the Senate. The bills were substituted in the Senate for their counterparts, SB's 1746/1748 by Sen. Brodeur. The joint resolution would amend the state Constitution, authorizing the legislature to grant an additional homestead property tax exemption on \$50,000 of the assessed property value of homestead property owned by the following "critical" members of the public sector workforce:

- Classroom Teachers
- Law Enforcement Officers
- Correctional Officers
- Firefighters
- Emergency Medical Technicians
- Paramedics
- Child Welfare Services Professionals
- Active-Duty Military
- Members of the Florida National Guard

The implementing bill would provide the conditions and process by which these qualified workforce members may receive the additional homestead property tax exemption, as well as punitive measures a Property Appraiser may take in response to improper claims. The bill also provides for a distribution to eligible "fiscally constrained" counties to offset the impacts the measure would have on their tax base. The distribution would begin in 2023-24.

FAC opposed the measure throughout each committee stop, citing concerns about the shifting tax burden to renters and non-qualified professional groups, as well as the burgeoning bureaucracy needed to process claims of exemption.

The proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2022.

NEW EMERGENCY FUNDS FOR THE GOVERNOR APPROVED BY THE GOVERNOR

SB 96- *Emergency Preparedness and Response Fund* by Sen. Burgess was passed and signed by the Governor. The bill authorizes the Legislative Budget Commission to convene to transfer or appropriate certain funds to the Emergency Preparedness and Response Fund. Additionally, the bill authorizes the Governor to transfer and expend money from the Emergency Preparedness and Response Fund. The Governor may request that additional funds be transferred or appropriated to the Emergency Preparedness and Response

Fund as a budget amendment, subject to approval by the Legislative Budget Commission. An amendment was adopted to reduce the available emergency funds from \$1 billion to \$500 million.

SB 98- *Emergency Preparedness and Response Fund* by Sen. Burgess was passed and signed by the Governor. The bill creates the Emergency Preparedness and Response Fund within the Executive Office of the Governor, providing for the deposit, use of funds, and termination of the fund.

The House Companions, HB 7025 and HB 7023, were respectively substituted and passed.

LOCAL REFERENDA REFORM PASSES, SPARKS TIMELINE CONCERNS FROM FAC

HB 777 – *Local Tax Referenda Requirements* by Rep. W. Robinson passed both chambers, 111-2 in the House and 39-0 in the Senate. Rep. Robinson's bill was substituted for Sen. Boyd's Senate version, SB 1194. The bill will require referendum elections to coincide with a general election for the following taxes:

- Tourist development tax
- Areas of critical state concerning tourist impact tax
- Children's services independent special district tax
- **County temporary excess ad valorem millage**
- Municipal temporary excess ad valorem millage
- County transportation motor fuel tax
- Local option fuel taxes
- School district millage
- Other local government voted millage

FAC spoke in opposition to the bill regarding concerns around the timeline for implementing constitutionally authorized excess millage, often viewed as "emergency millage." Specifically, any referenda held in concurrence with a general election (in November) would occur after the tax bill has been issued, and the millage could not be levied until the following year. This could potentially have dangerous implications for fiscally constrained counties seeking to resolve time-sensitive community issues.

VISIT FLORIDA PROGRAM RECEIVES EXTENSION FROM LEGISLATURE

SB 434 – *Florida Tourism Marketing* by Sen. Hooper passed both chambers, having been substituted for its House companion, HB 489. The bill would extend the statutory provisions of the VISIT FLORIDA state tourism program, currently set to repeal in 2023. There was considerable deliberation between the two chambers regarding the length of the extension—however, they ultimately settled on October 1, 2028 as the new repeal date.

LEGISLATURE APPROVES BILL CONCERNING SWIMMING POOL CONTRACTORS

SB 222 – *Swimming Pool Specialty Contracting Services* by Sen. Gruters passed both chambers: 36-0 in the Senate and 112-0 in the House. SB 222 was substituted in the house for HB 267. The bill authorizes certain persons under the supervision of specified licensed contractors to perform construction, remodeling, repair, or improvement services for commercial or residential swimming pools, interactive water features, hot tubs, and spas. Such supervision does not require a direct contract between the contractor certified and the person performing the work, or for the person performing the work to be an employee of the contractor.

CHARTER SCHOOL BILL PASSES, INCLUDES LANGUAGE ON SCHOOL IMPACT FEES

SB 758 – *Education* by Sen. Diaz passed both chambers this session and now awaits the Governor's approval. SB 758 was substituted for its House companion, HB 865 – *Charter Schools* by Rep. Hawkins and Rep. Rizo, before being amended by the House and passed 86-28. The Senate concurred with the House amendment and ultimately passed the bill 27-11. The measure seeks to enforce greater equity between charter schools and non-charter public schools. Rep. Rizo's amendment language reworks existing statutory language to provide for "a proportionate share of costs per student station," as it pertains to educational impact fees for charter schools specifically created to mitigate the education impact of new residential development. It also expands the class of facilities eligible to provide space for charter school operations. Lastly, the amendment language provides that any entity that contributes toward construction of charter school facilities shall receive a credit towards any impact fees or exactions imposed for public educational facilities to the extent that the entity has not received a credit for such contribution pursuant to s. 163.3180 (6)(h).

BILL REQUIRING RETENTION OF PREEMPLOYMENT PHYSICAL RECORDS FOR CERTAIN PUBLIC SAFETY OFFICERS PASSES.

CS/HB 453 *Records of Physical Examinations of Officers* by Rep. Byrd and Rep. Dugan requires the employing agency of a law enforcement, correctional, or correctional probation officer to maintain records of an employee's pre-employment physical examination for at least 5 years after the officer separates from the employing agency. The 5-year records retention requirement also applies to firefighters who took a pre-employment physical upon employment with the employing fire service provider. If the employing agency fails to maintain a record of the pre-employment physical, the officer or firefighter is entitled to the presumption that his or her disability due to tuberculosis, heart disease, or hypertension is compensable as an occupational disease under workers' compensation law. For firefighters who did not undergo a pre-employment physical for the current employer, the firefighter may support a claim for benefits by using the medical exam required to enroll in training and become certified as a firefighter and may be eligible for the presumption so long as the medical exam failed to reveal any evidence of tuberculosis, heart disease, or hypertension. CS/HB 453 passed the House 115-0 and the Senate 38-0. The bill was substituted for CS/SB 1736 by Sen. Hooper.

FINANCE, TAX, ADMINISTRATION- FAILED

BILL TO LIMIT SCOPE OF CONSTITUTIONAL AMENDMENTS FAILS

HJR 1127/ SB 1412 - *Limiting Subject of Constitutional Amendments Proposed by Citizen Initiative/ Revisions or Amendments of the State Constitution by Citizen Initiative* by Rep. Beltran and Sen. Brodeur failed. The House Joint Resolution cleared all its committees, however, stalled at the 2nd reading. The Senate bill stalled in its second committee, Rules. The bill proposes an amendment to Section 3 of Article XI of State Constitution. Limits revisions or amendments of the State Constitution by citizen initiative to matters relating to procedural subjects or to the structure of government or of State Constitution.

CHANGES TO FINANCIAL DISCLOSURES FOR ELECTED LOCAL OFFICIALS FAIL

HB 301/SB 510- *Financial Disclosures for Elected Local Officers* by Rep. Roach and Sen. Brodeur failed this session. The bill requires certain locally elected officials file full financial disclosure including mayors, city commissioners, elected members of a city council, town council, village council, or other governing body of a city, town, or village. It requires city, county, town, and village managers also to file full financial disclosure. Conforms the definition of "local officers" in s.112.3145, F.S., to remove such elected officers from the requirement to file a statement of financial interests and clients represented before agencies; and removes the positions of mayor, county, or city managers from the definition. SB 510 passed (30-7) in the Senate, however, an amendment was adopted, and the bill died in House messages.

HEAVY EQUIPMENT RENTAL TAX EXEMPTION STALLS ON HOUSE FLOOR

HB 751 – *Ad Valorem Taxation of Construction Equipment* by Rep. Clemons stalled on 2nd reading, after passing its two committees of reference. The bill would have reclassified construction equipment, owned by a heavy equipment rental dealer for sale or short-term lease, as "inventory," exempt from ad valorem taxation. This exemption applies to only non-school levies—no other property held as inventory is subject to an ownership test or distinct treatment for school and non-school levies. FAC opposed this bill across both committee stops.

RENTAL OF HOMESTEAD MEASURE FAILS

HB 1345 – *Homestead Tax Exemptions* by Rep. McFarland stalled in its second committee of reference. Its Senate companion, SB 1056 by Sen. Hutson, met a similar fate this session. The bill would have removed restrictions of renting homestead property, revised the interest rate formula for back taxes due to improperly claimed homesteads, and lessened the penalty applied to property owners who unlawfully claimed a homestead tax exemption. FAC had concerns that the measure would pull previously ineligible properties (due to partial rental/commercial status) into tax exempt homestead status.

CONSTITUTIONAL AMENDMENT INDEXING THE HOMESTEAD EXEMPTION FAILS IN BOTH CHAMBERS

HJR 923 – *Ad Valorem Tax Exemption* and its implementing bill, HB 1523, both by Rep. Fischer, stalled in their second committee of reference, House Ways and Means. The Senate companions, SJR 1266 and SB 1264, similarly failed to pass. The joint resolution proposed an amendment to the State Constitution authorizing the legislature to periodically increase the current \$25,000 ad valorem tax exemption on a homestead property's assessed value that is greater than \$50,000. The implementing bills would have provided a method and index for calculating the additional tax exemption increase year over year.

LOW-INCOME SENIOR HOMESTEAD EXEMPTION FAILS

HJR 973 - *Homestead Property Tax Assessment Limitations and Tax Exemptions for Certain Low-income Elderly Persons* and its implementing bill, HB 975, both by Rep. Borrero, failed to pass this session. The joint resolution's Senate companion and its implementing bill, SB 1278 and SB 1280, respectively, failed to be considered in its first committee of reference. The measures would have amended the state Constitution to authorize the Legislature to prohibit increases in the assessed value of homestead property owned by an eligible low-income senior.

HOUSING ASSISTANCE BILLS FAIL

HB 1553/SB 1170- *State Housing Assistance Programs* by Rep. Plakon and Sen. Brandes failed this Session, as both bills were not heard. The bill removes powers of the Florida Housing Finance Corporation to develop and administer the State Apartment Incentive Loan Program. Renames the State Housing Initiatives Partnership Program to the State Housing Initiatives Partnership Block Grant Program. Removes municipalities from eligibility under the Grant Program. Authorizes participating counties to make subgrants to their municipalities according to interlocal agreements. Provides that the Florida Housing Finance Corporation shall distribute moneys appropriated by the Legislature for the program, rather than distribute moneys in the Local Government Housing Trust Fund. Revises eligible counties and distribution calculations under the State Housing Initiatives Partnership Block Grant Program. Revises the guaranteed amount for each state fiscal year to \$500,000.

BILL REVISING PROPERTY APPRAISER APPEAL THRESHOLDS FAILS

HB 417 – *Property Appraisers* by Rep. Fernandez-Barquin stalled in its final committee of reference, House State Affairs. The senate companion, SB 572 by Sen. Garcia, failed to be heard by any committees of reference. The bill would have raised the thresholds in valuation differences for property appraisers to appeal a valuation. FAC also worked to remove early language redefining “highest and best use” that was ultimately amended out in the House Ways and Means committee.

TOURIST DEVELOPMENT TAX MEASURE FAILS

HB 673 – *Tourist Development Taxes* by Rep. Shoaf advanced through its first two committees, before stalling in its final committee stop, House Commerce. Its Senate companion, SB 1542 by Sen. Gainer, failed to pass its first committee. The bill allows a county that is located adjacent to the Gulf of Mexico or Atlantic Ocean and is designated as a fiscally constrained county, as defined by current law, to use up to 10 percent of TDT revenue received to reimburse expenses for public safety services that are needed to address impacts related to increased tourism and visitors to an area. The bill provides that counties and municipalities who opt to use 10 percent of TDT revenues to reimburse for expenses incurred for public safety services may not use this money to supplant the normal operating expenses of an emergency medical services department, a fire department, a sheriff's office, or a police department. Under the bill, qualifying counties may utilize the 10 percent of TDT revenue to reimburse for expenses for public safety services even if they do not meet the following requirements currently in statute: generating

\$10 million in annual TDT proceeds; having at least 3 municipalities; and having a population less than 225,000.

PRE-DELINQUENCY TAX DISCOUNT NEVER HEARD

HB 839 – *Tax Discount Percentage Rates* by Rep. Fischer, and its Senate companion, SB 1152 by Sen. A. Rodriguez both stalled in their first committees. The bill would have raised the discount rates for county tax payments made before delinquency.

AIRCRAFT SALES AND LEASES TAX EXEMPTION FAILS

HB 6051 / SB 786- *Aircraft Sales and Lease Tax* by Rep. Overdorf and Sen. Hutson/Overdorf failed this Session. The House bill was not heard, while the Senate bill stalled in its last committee, Appropriations. The bill exempts all aircraft sales and leases, rather than the sales and leases of certain aircraft, from the sales and use tax.

COUNTY ATTORNEY'S RECORDS EXEMPTION FAILS

SB 1420- *Public Records/County and City Attorneys* by Sen. Burgess failed this session, passing two of three committee stops, but stalling in Senate Rules. The bill provides an exemption from public records requirements to protect the personal identifying and location information of current and former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys, including the names and personal identifying and location information of the spouses and children of these attorneys. FAC supports this public records exemption. The bill stands repealed on October 2, 2024, unless reviewed and saved through reenactment by Legislature. The House companion measure, HB 1213 - *Pub. Rec./ Current or Former County and City Attorneys* by Rep. Arrington, was never considered.

PUBLIC WORKS SALES TAX EXEMPTION STALLS EARLY, DIES

HB 589 – *Sales Tax Exemptions for Public Works* by Rep. Harding was not considered by its first committee of reference. Its identical Senate companion, SB 930 by Sen. Hooper, also stalled in its first committee of reference. The bill would have revised statute regarding tax exemptions for public works projects.

FIDUCIARY STANDARDS BILL FAILS TO MOVE

SB 508 - *Fiduciary Duty of Care for Appointed Public Officials and Executive Officers* by Sen. Diaz failed to pass its first committee of reference. No House counterpart was filed this session. The legislation would have set standards for a public officer's fiduciary duties.

HOMESTEAD ASSESSMENTS FOLLOWING PROPERTY TRANSFERS DIES

Neither HB 283 - *Homestead Assessments Following a Change in Ownership* by Rep. Duran nor its Senate companion, SB 460 by Sen. A. Rodriguez, were heard by any of their committees of reference. The bill would have allowed for exception from assessment of homestead property at just value upon transfer of property if property is transferred to child or grandchild of the deceased owner.

SMALL BUSINESS SALES TAX HOLIDAY FAILS

HB 439 - *Small Business Saturday Sales Tax Holiday* by Rep. C. Smith failed to gain any traction in any committees of reference. Its Senate companion, SB 712 by Sen. Taddeo, met a similar fate. The bill would have provided that the sales and use tax levied under Chapter 212 may not be collected on November 27, 2022.

LIENS AND BONDS REFORM MEASURE FAILS ON FLOOR

HB 345 - *Liens and Bonds* by Rep. Overdorf cruised through its committees of reference, before stalling on 2nd reading on the House floor. Its Senate companion, SB 1272 by Sen. Bradley, passed its first committee of reference before stalling in the Senate Judiciary committee. The bill would revise the regulations surrounding claims of construction liens.

BILL AMENDING PUBLIC RECORDS EXEMPTION HELD BY A LOCAL GOVERNMENT SECURITY FAILS

HB 1287- *Pub. Rec./Local Government Security* by Reps. Botana and Yarborough and SB 1740- *Pub. Records and Public Meetings/Certain Information Held by a Utility* by Sen. Wright failed this session. The bill amends the public record exemption for information held by a local government to include:

- Information related to insurance or other risk mitigation products or coverages for the protection of IT and

operational technology systems and data, including deductible or self-insurance amounts, coverage limits, and policy terms and conditions;

- Critical energy infrastructure information;
- Records which contain network schematics, hardware and software configurations, or encryption, identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, if the disclosure of such records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of data or information, whether physical or virtual, or information technology resources.

Additionally, the bill provides for future legislative review and repeal of exemption. Provides a statement of public necessity for the bill, which intends on maintaining the sensitivity of information shared from increased connectivity. HB 1287 cleared two of three committees; SB 1740 was never heard.

REBATE PROGRAM ENCOURAGING FLORIDA ENTERTAINMENT FAILS

HB 217- *Film Television, and Digital Media Project Rebate Program* by Rep. Trabulsy and SB 946-*Entertainment Industry* by Sen. Gruters failed this session. The bill creates the Targeted High Wage Production Program within the Department of Economic Opportunity (DEO) under the supervision of the Commissioner of Film and Entertainment. The bill authorizes applicants to receive rebates up to 23% of qualified expenditures, or \$2 million, whichever is less with the requirement to make a good faith effort to use existing providers of infrastructure or equipment, employ at least 60% of Florida residents, spend at least 70% of their production time in Florida, and additional guidelines. The Florida Film and Entertainment Advisory council must determine the score for each qualified project. The Targeted High Wage Production Program will expire June 30, 2026. FAC supported the bill as it aligns with FAC's guiding principle to support state and local policies, programs, and funding mechanisms that not only preserve, but enhance, the Florida tourism and film industries. SB 946 passed one of three committee stops; while HB 217 was never considered.

CONSTITUTIONAL AMENDMENT THRESHOLD CHANGE FAILS

HJR 177/SJR 950- *Requiring Broader Public Support for Constitutional Amendments or Revisions* by Rep. Roth and Sen. Rodriguez (A) failed this session. The bill proposes amendment to State Constitution to increase percentage of elector votes required to approve amendment to or revision of State Constitution from 60 percent to 66 & 2/3 percent. However, the repeal of an amendment or revision may be

approved by the same percentage of elector votes as was required at the time of passage of the amendment or revision. Both bills were never heard.

SUPERMAJORITY VOTE FOR PRE-EMPTION LEGISLATION FAILS

SJR 152- *Supermajority Vote for Legislative Preemption* by Sen. Farmer, Jr. was never heard this session. The joint resolution proposes amendments to the State Constitution to require a supermajority (two-thirds) of each House to approve a general law preempting legislation to the state. There was no House companion resolution.

BILLS REPEALING NUMEROUS PREEMPTIONS FAIL

SB 1900- *Preemption to the State* by Sen. Torres, Jr. The bill removes provisions preempting counties, municipalities, and other local governmental entities from enacting or adopting any limitation or restriction involving certain contributions and expenditures, or establishing contribution limits different than those established in the Florida Election Code. Among many other things, the bill removes provisions that require counties and entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities, removes provisions which require municipalities and other entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities.

HB 6113- *Preemption to the State* by Rep. Eskamani failed this session. The bill removes and repeals provisions preempting certain authority to the state, including but not limited to, provisions relating to rent control, affordable housing incentives, ad valorem taxes or fees on certain telecommunication facilities, pruning, trimming, or removal of trees on residential property, solar facility approval process, etc.

HB 6109 - *Campaign Finance* by Rep. Eskamani failed this session. The bill removes provisions that preempt counties and other local governmental entities from enacting or adopting limitations & restrictions involving certain contributions & expenditures or establishing contribution limits different than those established in Florida Election Code.

SB 1900, HB 6113, and HB 6109 were never considered.

BILL REVISING LEGISLATIVE REVIEW OF PROPOSED REGULATION FAILS

SB 1276/HB 1185- *Legislative Review of Proposed Regulation of Unregulated Functions* by Sen. Diaz and Rep. Plakon failed this session. The bill provides that certain requirement must be

met before adopting the regulation of an unregulated profession or occupation or the substantial expansion of regulation of a regulated profession or occupation. The bill requires the proponents of legislation that proposes such regulation to provide certain information to the state agency that would have jurisdiction over the proposed regulation and to the Legislature at least 30 days before the regular session. Additionally, requires the state agency to provide certain information to the Legislature within 25 days after the proponents of the Legislation submit the draft legislation to the state agency. HB 1185 passed three of four committees; SB 1276 was never heard.

LOCAL GOVERNMENT COMMUNICATION LEGISLATION FAILS

HB 6043- *Local Government Communications Services* by Rep. Eskamani failed this session. The bill removes provisions that require counties and entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities. The bill removes provisions that require municipalities and other entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities. Additionally, the bill deletes provisions relating to certain tax exemptions for property and the use of two-way telecommunications services. It removes provisions that identify procedures that must be followed by governmental entities before providing communications services. The bill was never heard.

Additionally, HB 6045- *Communication Services* by Rep. Eskamani failed this session. The bill deletes provisions limiting authority of, and prohibiting, municipalities and counties from functions related to communications service providers. Furthermore, the bill deletes references to, and administration and provisions of Advanced Wireless Infrastructure Deployment Act. The bill was never considered.

CAMPAIGN FINANCE BILL FAILS

HB 6109 - *Campaign Finance* by Rep. Eskamani failed this session. The bill removes provisions that preempt counties and other local governmental entities from enacting or adopting limitations & restrictions involving certain contributions & expenditures or establishing contribution limits different than those established in Florida Election Code. The bill was never considered this session.

REDISTRICTING

LEGISLATURE SELECTS FLORIDA HOUSE AND SENATE MAPS

SJR 100- *Apportionment* by Sen Rodrigues (R) passed this session. A joint resolution that provides for the apportionment of the House of Representatives and the Senate. The bill adopts the United States Decennial Census of 2020 for use in such apportionment, provides for the inclusion of omitted areas, clarifies that the apportioned districts constitute the legislative districts of the state and members of the Legislature will be elected for these representative and senatorial districts. Electronic maps will serve as the official maps of the legislative districts of the state. The Resolution includes House and Senate Map: H000H8013 and S027S8058.

CONGRESSIONAL MAPS HEAD TO GOVERNOR FOR APPROVAL

SB 102- *Establishing the Congressional Districts of the State* by Sen. Rodrigues (R) passed this session. The bill adopts the United States Decennial Census of 2020 as the official census of the state for the purpose of redistricting the state's

congressional districts. Provides for the inclusion of unlisted territory in contiguous districts in accordance with figures from the United States Decennial Census of 2020. Electronic maps will serve as the official maps of the congressional districts of the state and requires the maps to be made available to the public by the Office of Economic and Demographic Research within 10 days after the effective date of the act.

The bill includes a primary and secondary Congressional plan: H000C8019 and H000C8015.

- Plan H000C8019, the "primary" plan, apportions the state into 28 single-member congressional districts. This plan will serve as the map for elections beginning in 2022.
- Plan H000C8015, the "secondary" plan, apportions the state into 28 single-member congressional districts. Plan H000C8015 will take immediate effect and serve as Florida's congressional districts for elections beginning in 2022 and thereafter, if the "primary" plan above is not approved.

NOVEMBER SPECIAL SESSION: LEGISLATION SIGNED INTO LAW

BILL PROHIBITING VACCINE MANDATES IN PUBLIC AND PRIVATE INSTITUTIONS SIGNED INTO LAW

HB 1B- *COVID-19 Mandates* by Reps. Grall and Massullo, Jr. (SB 2B by Sen. Burgess) passed this special session. The bill prohibits a governmental entity or educational institution from imposing a COVID-19 vaccination mandate on any full-time, part-time, or contract employee. If a violation occurs by a government entity, the Department of Health may impose a fine not to exceed \$5,000 per violation. If a public employee is terminated based on the employee's noncompliance with a COVID-19 vaccine mandate, the terminated employee may be eligible for reemployment assistance. The bill also prohibits private employers from imposing a COVID-19 vaccine mandate without providing the ability to "opt-out." The following opt-out exemptions include: medical reasons, including pregnancy or anticipated pregnancy, religious reasons for those with a "sincerely held religious belief", COVID-19 immunity, periodic testing, or use of employer-provided personal protection equipment. Such exemptions must be submitted to the employer on forms adopted by the Department of Health (DOH). If a violation occurs (such as an improper termination) by a private employer, the Attorney General must impose administrative fines of \$10,000 for employers with fewer than 100 employees or \$50,000 for employers with 100 or more employees. Additionally, the bill prohibits school boards and local officials from requiring students to wear a face mask or covering without a parental exemption. These provisions sunset on June 1, 2023.

Approved by Governor: November, 18, 2022; Chapter 2022-272; Effective date: Upon becoming a law.

BILL PROVIDING A PUBLIC RECORDS EXEMPTION ON EMPLOYEE COMPLAINTS RELATED TO COVID-19 VACCINATION POLICIES SIGNED INTO LAW

HB 3B- *Public Records/Employer COVID-19 Vaccination Policies* by Reps. Grall and Massullo Jr. (SB 4B- By Sen. Burgess) passed this special session. The bill, linked to HB 1B, provides an exemption from public records requirements for employee complaints alleging a private employer COVID-19 vaccination policies or practices.

After an investigation is completed or ceases to be active, information relating to the investigation remains confidential

and exempt from public records requirements if disclosure of that information would:

- jeopardize the integrity of another active investigation;
- reveal medical information about an employee; or
- reveal information regarding an employee's religious beliefs.

The public records exemption expires on October 2, 2023.

Approved by Governor: November, 18, 2022; Chapter 2022-273; Effective date: Upon becoming a law.

LEGISLATION PROPOSING TO WITHDRAW FROM THE OSHA SIGNED INTO LAW

HB 5B- *Florida Occupational Safety and Health State Plan* by Rep. Zika (SB 6B by Sen. Hutson) passed this special session. The bill proposes to withdraw from the federal Occupational Safety and Health Administration (OSHA) and establishes the Florida Occupational Safety and Health State Plan. Specifically, the Executive Office of the Governor (EOG) will develop a proposal for a state plan by January 17, 2022, to assert state jurisdiction over occupational safety and health issues for both government and private employees. Additionally, the bill appropriates \$1 million to the EOG to implement the plan. Currently, 22 states have an OSHA approved state program, and 5 states and the U.S. Virgin Islands have OSHA approved state plans that only cover public sector employers. Approved by Governor: November, 18, 2022; Chapter 2022-274; Effective date: Upon becoming a law.

BILL REMOVING VACCINATION POWERS FROM THE STATE HEALTH OFFICER AUTHORITY SIGNED INTO LAW

HB 7B- *Vaccinations During Public Health Emergencies* by Rep. Andrade (SB 8 by Sen. Bean) passed this special session. The bill removes the authority from existing law that allowed the State Health Officer to order vaccinations on individuals during a public health emergency. However, the bill keeps intact the ability of the State Health Officer to order an individual to be examined, tested, treated, isolated, or quarantined when a communicable disease presents a severe danger to public health.

Approved by Governor: November, 18, 2022; Chapter 2022-275; Effective date: Upon becoming a law.

SFY 2022-23 HOUSE & SENATE BUDGET –

On March 14th 2021, the Florida House of Representatives and the Florida Senate agreed to the budget for the State Fiscal Year (SFY) 2022-2023. The budget is the culmination of many rounds of budget negotiations throughout the legislative session. The Florida Legislature is constitutionally required to pass a state budget, officially titled as the General Appropriations Act, or HB 5001, during the annual regular session. The Legislature extended the regular session to complete the budget during “overtime” with Sine Die

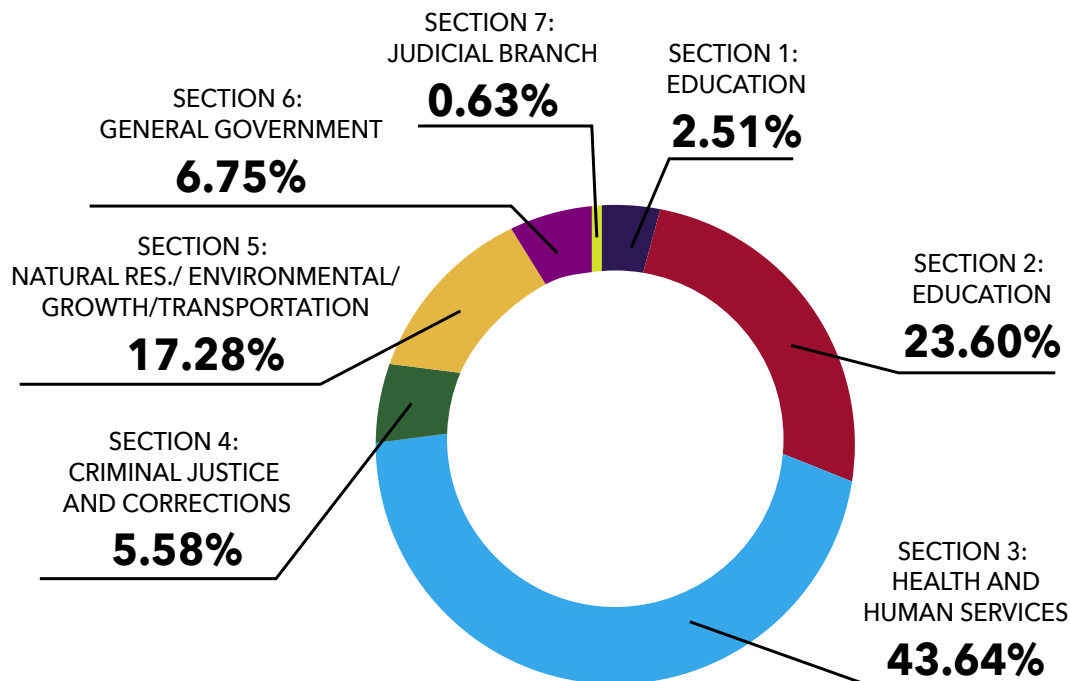
occurring three days later than expected. HB 5001 passed the House and Senate, 105-3 and 33-0 respectively. The House and Senate’s budget for State Fiscal Year 2022-2023 totals approximately \$112.1 billion, and represents a 10.37% increase from the previous SFY 2021-2022 General Appropriations Act. The chart below summarizes a comparison of this year’s SFY 2022-2023 budget and the budget approved from SFY 2021-2022.

Budget Comparison by Section	FY 2022 GAA	FY 2023 GAA	\$ Difference SFY 22 vs. SFY 2023	% Difference SFY 22 vs. SFY 2023	% of Total
Section 1. Education	\$ 2,409,443,736	\$ 2,817,456,263	\$408,012,527	16.93%	2.51%
Section 2. Education	\$ 27,695,500,142	\$26,450,922,960	\$(1,244,577,182)	-4.49%	23.60%
Section 3. Health and Human Services	\$44,570,570,233	\$48,909,546,871	\$4,338,976,638	9.74%	43.64%
Section 4. Criminal Justice and Corrections	\$5,218,482,465	\$6,257,148,587	\$1,038,666,122	19.90%	5.58%
Section 5. Natural Resources/Environment/Growth/Transportation	\$14,682,882,904	\$19,367,675,516	\$4,684,792,612	31.91%	17.28%
Section 6. General Government	\$ 6,299,539,128	\$7,565,508,833	\$1,265,969,705	20.10%	6.75%
Section 7: Judicial Branch	\$ 667,223,975	\$702,774,972	\$ 35,550,997	5.33%	0.63%
Total Budget	\$101,543,642,583	\$112,071,034,002	\$ 10,527,391,419	10.37%	100%

Health and Human Services received the largest portion of funding for the budget in SFY 2022-2023, totaling approximately \$48.9 billion. This represents a 9.74% increase in appropriation from the current year. All educational programs and services combined received the second largest amount of funding, totaling approximately \$29.3 billion. This represents a decrease of approximately 3% from the current fiscal year.

Finally, Natural Resources, Environmental Issues, Growth Management and Transportation Expenditures represent the third largest portion of the budget in SFY 2022-2023 with funding equaling approximately \$19.4 billion. This represents an increase of approximately 31.91% from the current fiscal year.

SFY 2023 GENERAL APPROPRIATIONS ACT: % OF TOTAL BUDGET



General Revenue expenditures for the SFY 2022-2023 budget equals approximately \$43.7 billion, while trust fund expenditures total approximately \$68.4 billion. The chart

below compares expenditures between the SFY 2022-2023 budget and the previous year's budget for SFY 2021-2022 by fund type.

Budget Comparison by Fund Type	FY 2022 GAA	FY 2023 GAA	\$ Difference SFY 22 vs. SFY 2023	% Difference SFY 22 vs. SFY 2023
General Revenue	\$ 36,343,570,215	\$ 43,717,505,227	\$7,373,935,012	20.29%
Trust Funds	\$ 65,200,072,368	\$68,353,528,775	\$3,153,456,407	4.84%
All Funds	\$101,543,642,583	\$112,071,034,002	\$ 10,527,391,419	10.37%

COUNTY FUNDING HIGHLIGHTS

HEALTH AND HUMAN SERVICES

Shared County/State Juvenile Detention: The SFY 2022-2023 budget estimates the counties' portion of total Shared County/State Juvenile Detention to be \$62,601,560. This represents an estimated increase of about \$833,213 from the current year budget, or approximately 1%.

Community Substance Abuse and Mental Health Services: Funded at approximately \$1.108 billion in the budget, which represents a \$56.5 million increase from the previous fiscal year.

Community Action Treatment (CAT) Teams: The SFY 2022-2023 budget allocates \$30.75 million, directed to DCF to contract with providers throughout the state for operation of CAT teams, which provide community-based services for children (aged 11 to 21) with mental health and/or substance abuse diagnoses, this is the same budget as the previous fiscal year.

Public Safety, Mental Health, and Substance Abuse Local Matching Grant Program: The SFY 2022- 2023 budget allocates \$9 million for the program, which supports county programs that serve adults or youth who are in behavioral crisis and at risk of entering the criminal justice system. This represents the same budget year funding as the previous fiscal year.

Crime Labs: The SFY 2022-2023 budget allocates slightly over \$63 million in grants and aids to local governments for criminal investigations, which represents a 3% increase over the previous fiscal year.

Homeless Programs Challenge Grants: The SFY 2022-2023 budget allocates approximately \$3.2 million respectively, to DCF for challenge grants, which are awarded to lead agencies of homeless assistance continuums of care. This represents the same budget year funding as the previous fiscal year.

AGRICULTURAL & ENVIRONMENT

Water Quality Highlights:

- **Septic-to-Sewer/Stormwater Improvements:** The SFY 2022-2023 budget allocates \$125 million from the Water Protection and Sustainability Program Trust Fund are provided for the wastewater grant program as established in section 403.0673, Florida Statutes. \$10

million is provided for the Septic Upgrade Incentive Program to incentivize homeowners in Priority Focus Areas to upgrade their septic system to include nitrogen reducing enhancements.

- **Wastewater Treatment Facility Construction:** \$264.8 million
- **Water Quality Enhancement and Accountability:** The budget allocates \$10.8 million for increased water quality monitoring, creation of a water quality public information portal, and for the establishment of the Blue-Green Algae Task Force. Funds may be used for administration and planning costs. The task force will support key funding and restoration initiatives to expedite nutrient reduction in Lake Okeechobee and the St. Lucie and Caloosahatchee estuaries. The task force will identify priority projects for funding that are based on scientific data and build upon Basin Management Action Plans (BMAPs) to provide the largest and most meaningful nutrient reductions in key waterbodies, as well as make recommendations for regulatory changes. \$4 million of those funds are provided to the DEP will continue to expand statewide water quality analytics for the nutrient over-enrichment analytics assessment and water quality information portal to include a comprehensive statewide flood vulnerability and sea level rise data set.
- **Total Maximum Daily Loads:** The SFY 2022-23 budget allocates \$50 million for Total Maximum Daily Loads, which represents a \$5 million increase over the previous fiscal year. The allocation may include innovative water treatment projects that demonstrate the ability to most rapidly achieve department verified phosphorous and/or nitrogen load reductions consistent with the nutrient load reduction goals and total maximum daily loads established by the department. The department may also provide cost-share funding for innovative nutrient removal projects.
- **Harmful Algal Blooms:** The SFY 2022-23 budget allocates \$15.6 million for the purpose of supporting the evaluation and implementation of innovative technologies and short-term solutions to combat or clean up harmful algal blooms and nutrient enrichment of Florida's fresh waterbodies, including lakes, rivers, estuaries and canals. Funds may be used for the Department's red tide emergency grant program to support local governments in cleaning beaches and coastal areas to minimize the impacts of red tide to residents and visitors. Funds may also be used to implement water quality treatment technologies,

identified by the Department, near water control structures in Lake Okeechobee.

- **Springs Restoration:** The SFY 2022-23 budget allocates \$75 million for land acquisition to protect springs and for capital projects that protect the quality and quantity of water that flows from springs.
- **Alternative Water Supply:** The SFY 2022-23 budget allocates \$50 million, all of which is contingent ARPA funds, to the water supply and water resource development grant program to help communities plan for and implement conservation, reuse and other water supply and water resource development projects.

Everglades Restoration: Approximately \$875.9 million total; \$350 million is specifically appropriated to achieve the greatest reductions in harmful discharges to the Caloosahatchee and St. Lucie Estuaries as identified in the Comprehensive Everglades Restoration Plan.

Florida Forever Programs and Land Acquisition:
\$168.7 million

Florida Recreation Development Assistance Grants:
\$10.7 million.

Beach Management Funding Assistance Program:

The SFY 2022-23 budget allocates \$50 million to the Department of Environmental Protection in Fixed Capital Outlay for distribution to beach and inlet management projects.

Resilient Florida Trust Fund and programs:

The SFY 2022-23 budget allocates \$504.2 million

- \$270.9 million provided to the Department of Environmental Protection for the Statewide Flooding and Sea Level Rise Resilience Plan, years one through three, as submitted on 12/1/2021. In the event that projects included in the plan are unable to continue, the department may include a revised list of projects in its Statewide Flooding and Sea Level Rise Resilience Plan submission on December 1, 2022.
- \$2 million is appropriated to regional resilience coalitions.
- \$2.9 million upgrading the Sea Level Impact Projection (SLIP) Study Tool, regional living shoreline restoration suitability modeling, and sea level rise modeling.
- \$7.1 million for data collection and analysis for the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Assessment.
- \$20 million for Resilient Florida Planning Grants as specified in HB 7053 passed this session.
- \$1.3 million for grants and aids to local governments for the Florida Coastal Zone Management Program for priority areas including Resilient Communities, Coastal

Resource Stewardship, Access to Coastal Resources, and Working Waterfronts.

- Section 197 of the GAA provides \$200 million from the Resilient Florida Trust Fund is appropriated in Fixed Capital Outlay and placed in reserve for the Resilient Florida Program pursuant to section 380.093, Florida Statutes. The department is authorized to submit budget amendments to request the release of funds pursuant to chapter 216, Florida Statutes. Up to \$20,000,000 may be used to provide grants for the Resilient Florida Grant Program. The remaining funds are provided for projects included in the Statewide Flooding and Sea Level Rise Resilience Plan to be submitted on December 1, 2022.

Mosquito control programs: The SFY 2022-23 budget allocates \$2.66 million

PFAS Testing: The SFY 2022-23 budget allocates \$32.86 million is provided for grants and aids to local governments for testing and remediation of any pollutant that is a perfluoroalkyl or polyfluoroalkyl substance (PFAS) or any pollutant identified by the Environmental Protection Agency Administrator as a contaminant of emerging concern.

TRANSPORTATION AND ECONOMIC DEVELOPMENT

Affordable Housing:

- State Housing Initiatives Partnership (SHIP) program: The SFY 2022-2023 budget allocates approximately \$209.48 million for the State Housing Initiatives Partnership (SHIP).
- State Apartment Incentive Loan Program (SAIL): The SFY 2022-2023 budget allocates \$153.25 million for the State Apartment Incentive Loan Program (SAIL), including a \$100 million allocation for a Florida Hometown Hero Housing Program. While SB 788 by Senator Hooper established a Hometown Hero program with eligibility criteria, that bill did not pass and was withdrawn from consideration. The proviso to line item 2289 in the General Appropriations Act provides that \$100,000,000 of nonrecurring funds from the State Housing Trust Fund, traditionally used for State Apartment Incentive Loan (SAIL) Program, shall be used by the Florida Housing Finance Corporation to establish a Florida Hometown Hero Housing Program to provide down payment and closing cost assistance. No other legislation passed providing any direction on this new program or how eligibility will be determined.

Job Growth Grant Fund: The SFY 2022-2023 budget allocates \$50 million.

Visit Florida: The SFY 2022-23 budget allocates \$50 million

Small County Outreach Program (SCOP): The SFY 2022-23 budget allocates \$114.9 million

Small County Road Assistance Program (SCRAP): The SFY 2022-23 budget allocates \$47.7 million

Transportation Disadvantaged Grants and Aids: The SFY 2022-23 budget allocates approximately \$60.4 million.

Broadband Opportunity Program: Section 197 of the GAA provides \$400 million from the General Revenue Fund is appropriated to the Department of Economic Opportunity in Fixed Capital Outlay to expand broadband Internet service to unserved areas of the state. Funds are provided for the Broadband Opportunity Program to award grants for the installation or deployment of infrastructure that supports the provision of broadband Internet service as provided in section 288.9962, Florida Statutes.

Rural Economic Development

- **Rural Infrastructure Fund:** The SFY 2022-23 budget allocates \$31.6 million to support local rural infrastructure projects such as broadband, roads, storm and wastewater systems, and telecommunications facilities. The eligible uses of these funds include roads or other remedies to transportation impediments; storm water systems; water or wastewater facilities; and telecommunications facilities and broadband facilities. Of this appropriation, \$5 million is specifically appropriated to the Hurricane Michael impacted counties. \$25 million is appropriated from the federal Coronavirus State Fiscal Recovery Fund.
- **Rural Community Development Revolving Loan Program:** The SFY 2022-23 budget allocates \$1.17 million to provide local governments with access to financial assistance to further promote the economic viability of Florida's rural communities.
- **Small County Wastewater Grants:** The SFY 2022-23 budget allocates \$12 million
- **Small and Disadvantaged Communities Water Infrastructure Improvements:** The SFY 2022-23 budget allocates \$34.7 million

GENERAL GOVERNMENT

Library Grants and Library Cooperatives: The SFY 2022-23 budget allocates \$23.45 million

Fiscally Constrained County Funding: The SFY 2022-23 budget allocates \$38.8 million, to offset the impacts of previously approved constitutional amendments.

Emergency Distributions: The SFY 2022-23 budget allocates \$31.1 million in emergency distributions revenue sharing for small counties.

Cybersecurity Technical Assistance: The SFY 2022-23 budget allocates \$35.4 million for local government cybersecurity technical assistance grants. The Department of Management Services shall administer the competitive grant program, and the State Chief Information Security Officer shall develop the criteria and process for awarding such assistance funds to municipalities and counties.

Cybersecurity Employee Training Standards: The SFY 2022-23 budget allocates \$30 million for to the Florida Center for Cybersecurity at the University of South Florida to conduct cybersecurity training for state and local government executive, managerial, technical, and general staff. Training standards are stipulated in HB 7055 passed this session.

BACK OF THE BUDGET

Citrus Canker Litigation Payments: Section 105 of the GAA provides for \$76.9 million for the Department of Agricultural and Consumer Services to make full and final payments on all amounts due under the Class action Settlement agreement dated January 10-11, 2022.

Emergency Distribution: Section 150 of the GAA provides for \$5.2 M from the Local Government Half cent Trust Fund to be distributed to counties during fiscal year 2021-22.

Fiscally Constrained Counties: Section 151 of the GAA provides \$4.4 M from General Revenue for the purpose of mitigating deficits in the Fiscally Constrained Counties and Fiscally Constrained Counties Conservation Lands Distributions as determined by the January 18, 2022, Revenue Estimating Conference.

Coronavirus State Fiscal Recovery Funds: Section 197 of the GAA outlines certain authorized appropriations for the 2021-22 fiscal year and provides for a reappropriation for 2022-23 if funds are not expended in 2021-22. Please note some of these amounts are included in the write-ups above:

- \$400 million for the Broadband Opportunity Program (included in the amounts above);
- \$300 million for Land Acquisition;
- \$205 million for Local Support Grants – the process for which will be established by July 15, 2022, and awards made by September 15, 2022. No more than \$125 million shall be used for grants to local governments for one time recognition payments of up to \$1000 per first responder;
- \$200 million to offset revenue losses associated with the Florida Motor Fuel Tax Relief Act of 2022;

- \$200 million for Resilient Florida Grant Program (included in the amounts above);
- \$30 million for Small County Outreach Program (included in the amounts above);
- \$20 million for Small County Road Assistance Program (included in the amounts above);
- \$50 million for the Florida Job Growth Fund (included in the amounts above);
- \$25 million for the Rural Infrastructure Fund (included in the amounts above);

IMPLEMENTING BILL

HB 5003 – Implementing the General Appropriations Act

Juvenile Detention Costs

The Implementing bill provides in section 34 that the Department of Juvenile Justice is required to review county juvenile detention payments to ensure that counties fulfill their financial responsibilities required in s. 985.6865, Florida Statutes. If the Department of Juvenile Justice determines that a county has not met its obligations, the department shall direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from the funds provided to the county under s. 218.23, Florida Statutes. The Department of Revenue shall transfer the funds withheld to the Shared County/State Juvenile Detention Trust Fund.

Affordable Housing – State Apartment Incentive Loan Program and Hometown Hero Program

Section 78 of HB 5003 provides that for 2022-23, funds may be used as provided in the General Appropriations Act, which directs \$100 million in proviso for line 2289 toward a Hometown Hero program for down payment assistance and closing costs established by the Florida Housing Finance Corporation. No substantive language providing for criteria for this new program was passed in any legislation during the 2022 session.

Florida State Guard

Section 80 of HB 5003 implements line items 3024 through 3033A of the General Appropriations Act, which provides \$10 million funding for the Florida State Guard. Section 80 creates section 251.001, F.S. the Florida State Guard Act, which creates a Florida State Guard that operates at the direction of the Governor, and which may have a maximum number of 400 members. The act is only approved for 2022-23 State Fiscal Year.

Financial Interest Disclosure Requirements Modified for 2022-23

Section 91 of HB 5003 delays the date where all Financial Disclosures must be provided electronically from January 1, 2022, to January 1, 2023. It also delays the time when a federal tax return may no longer be used for the purpose of

reporting income from January 1, 2022, to January 1, 2023. Section 93 of HB 5003 provides that all full and public disclosures filed electronically before the effective date of the implementing act are deemed filed. Also requires that Commission on Ethics to post a notice on their website that no additional electronic filings will be accepted from the effective date of this act through December 31, 2022.

Prohibition on Agreements or Grants from the Russian Federation

Section 96 of HB 5003 amends Section 288.860, F.S. to provide that for the 2022-23 fiscal year, a state agency, political subdivision, public school, state college, or state university may not enter into any agreement with or accept any grant from the Russian Federation. This subsection expires July 1, 2023.

CONFORMING BILLS

SB 2512 Aircraft (and drones)

- Provides for executive aircraft pool for state officials
- Creates new security standards for governmental agency use of drones to include:
- Provides definition for “Foreign country of concern” for China, Russia, Iran, North Korea, Cuba, Venezuela, or any other entity under the control of these foreign countries of concern
- Allows the Department of Management Services to update the approved manufacturers list and model numbers that meet security requirements for drone use
- Allows Department of Management Services to grant waivers to governmental agencies (including counties) so long as the public’s interest is protected. The department shall establish the process for waivers by rule.

HB 5007: Florida Retirement System

The conforming bill for the Florida Retirement System raised employer contribution rates into the fund. The legislature ultimately adopted the House’s contribution figures over the Senate’s, matching the Governor’s request.

Employer normal contribution rates for each membership class of Florida Retirement System (For both the Defined Benefit and Defined Investment plans) are amended as follows:

CONTRIBUTION RATES

CLASS	FY 2021-22	FY 2022-23
Regular	4.91%	5.96%
Special Risk	15.27%	16.44%
Special Risk Administrative	9.73%	10.77%
Elected Officers (Legislators)	8.49%	9.31%
Elected Officers (Judges)	13.38%	14.41%
Elected Officers (County Officers)	10.28%	11.30%
Senior Management	6.49%	7.70%
DROP	7.23%	7.79%

To address the unfunded actuarial liabilities (UAL) of the Florida Retirement System, the bill amends the current

contribution rates for each membership class as follows:

UNFUNDED ACTUARIAL LIABILITY

CLASS	FY 2021-22	FY 2022-23
Regular	4.19%	4.23%
Special Risk	8.90%	9.67%
Special Risk Administrative	26.31%	26.16%
Elected Officers (Legislators)	53.52%	56.76%
Elected Officers (Judges)	25.81%	27.64%
Elected Officers (County Officers)	39.42%	43.98%
Senior Management	20.80%	22.15%
DROP	9.45%	9.15%

In addition to adopting the contribution rates, HB 5007 increased the percent of total contribution to those employees in the defined contribution or investment retirement plan by 3% of gross compensation for each employment class. the above contribution rates reflect this additional amount allocated to the participants of the investment plan.

HB 5011 Inflation Fund

- Creates the Inflation Fund within the Executive Office of the Governor
- Established as the primary funding source to offset budget amendments by an agency or the judicial branch which are necessary to counter increased inflation that exceeds funds appropriated in the General Appropriations Act.

FAC STAFF



DAVIN J. SUGGS
Deputy Executive Director
dsuggs@flcounties.com



BOB McKEE
Deputy Director of Public Policy
bmckee@flcounties.com



JEFF SCALA
Associate Director of Public Policy
jscala@flcounties.com



EDDY LABRADOR, ESQ.
Senior Legislative Counsel
elabrador@flcounties.com



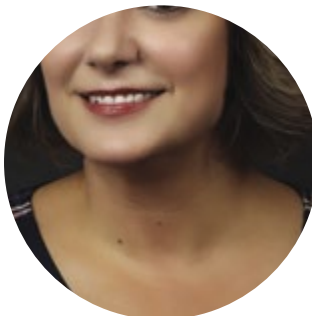
MILAN CLAYTON
Public Policy Coordinator
mclayton@flcounties.com



SARA HENLEY
Policy Analyst
shenley@flcounties.com



SHILOH McPHERSON
Policy Analyst
smcpherson@flcounties.com



JARED GRIGAS
Policy Analyst
jgrigas@flcounties.com

HOUSE BILL INDEX

HOUSE BILL	TITLE	PAGE
HJR 1/HB1563	Additional Homestead Property Tax Exemption for Specified Critical Public.....	35
HB 3	Law Enforcement	35
HB 31	Firefighter Inquiries and Investigations	9
HB 65	Aerospace Commerce.....	20
HB 81	State Renewable Energy Goals	24
HB 101	Improvements to Real Property	24
HB 105	Regulation of Smoking by Counties and Municipalities	8
HB 139	Motor Vehicle Insurance.....	8
HB 157	Transportation.....	17
HJR 177	Requiring Broader Public Support for Constitutional Amendments or	40
HB 189	Photographic Enforcement of School Zone Speed Limits.....	11
HB 197/HB 195	Public Records/ Nonjudicial Arrest of a Minor.....	8
HB 215	Religious Institutions	9
HB 217	Film Television, and Digital Media Project Rebate Program	40
HB 219	Real Property Rights	7
HB 257	Elimination of Court-Related Financial Obligations for Juveniles	12
HB 267	Swimming Pool Specialty Contracting Services	36
HB 283	Homestead Assessments Following a Change in Ownership	40
HB 301	Financial Disclosures for Elected Local Officers	38
HB 303	Sanitary Sewer Lateral Inspection Programs	25
HB 309	Private Provider Inspections of Onsite Sewage Treatment and Disposal.....	22
HB 323	Fish and Wildlife Conservation Commission	22
HB 325	Vacation Rentals.....	5
HB 329	Community Associations.....	20
HB 345	Liens and Bonds	40
HB 349	Water Resources Management	25
HB 393	Public Bathing Places	25
HB 397	Court Fiscal Administration.....	9
HB 403	Local Ordinances.....	4
HB 411	Evidentiary Standards for Actions Arising Firing an Emergency	16
HB 417	Property Appraisers	39
HB 421	Long-Term Cleanup of Water Bodies	25
HB 423	Building Regulation	14
HB 439	Small Business Saturday Sales Tax Holiday	40
HB 445	Transportation Network Companies	6
HB 453	Records of Physical Examinations of Officers	38
HB 463	Greenhouse Gas Emissions.....	25
HB 473	Bottled Water Excise Tax.....	26
HB 481	Temporary Underground Power Panels	22
HB 489	Florida Tourism Marketing.....	36
HB 491	Energy	24
HB 501	Prohibition of Public Funds for Lobbying by Local Governments	6
HB 515	Municipal Water and Sewer Utility Rates.....	26
HB 557	Fire Investigator Cancer Treatment Benefits	10
HB 561	Implementation of Recommendations of the Blue-Green Algae Task Force	26
HB 569	Local Business Protection Act	7
HB 575	Vacation and Timeshare Plans	20
HB 583	Construction Defect Claims	19
HB 589	Sales Tax Exemptions for Public Works.....	39
HB 591	Sentencing	12

HOUSE BILL INDEX

HOUSE BILL	TITLE	PAGE
HB 593	Telecommunicator Cardiopulmonary Resuscitation	9
HB 603	Land Acquisition Trust Fund	27
HB 619	United States-produced Iron and Steel in Public Works Projects	19
HB 659	Florida Building Code and Florida Fire Prevention Code Rules	19
HJR 663/HB 1399	Recall of County Officers and Commissioners	18
HB 667	Department of Business and Professional Regulation	5
HB 671	Disability Claims Coordinators	12
HB 673	Tourist Development Taxes	39
HB 685	Rural Development.....	33
HB 707	Home Kitchen Operations.....	6
HB 717	Agritourism.....	32
HB 721	Authorization of Restrictions Concerning Dangerous Dogs.....	5
HB 739	Local Government Land Development Actions.....	19
HB 745	Solar Photovoltaic Facility Development.....	28
HB 751	Ad Valorem Taxation of Construction Equipment.....	38
HB 761	Inventories of Critical Wetlands.....	21
HB 771	Powers of the Florida Building Commission	20
HB 777	Local Tax Referenda Requirements	36
HB 829	Civil Actions for Deprivation of Rights, Privileges, or Immunities.....	18
HB 835	Smart Region Zones.....	30
HB 837	Hurricane Loss Mitigation Program	9
HB 839	Tax Discount Percentage Rates	39
HB 849	Pet Protection	6
HB 851	School Concurrency	16
HB 857	Criminal Justice.....	11
HB 865	Charter Schools.....	36
HB 867	Towing, Storage, and Release of Motor Vehicles.....	5
HB 909	Pollution Control Standards and Liability	32
HB 921	Campaign Financing	14
HJR 923	Ad Valorem Tax Exemption	38
HB 935	Study to Establish Statewide Long Term Recycling Goal	26
HB 943	Preemption of Local Wage Mandates.....	4
HB 965	Environmental Management.....	22
HB 967	Golf Course Best Management Practices Certification.....	21
HJR 973/HB 975	Homestead Property Tax Assessment Limitations and Tax Exemptions for	38
HB 981	Residential Development Projects for Affordable Housing	16
HB 985	Sovereign Immunity.....	17
HB 1005	Advanced Air Mobility	31
HB 1019	Saltwater Intrusion Vulnerability Assessments.....	26
HB 1031	Transportation Research	30
HB 1065	Vessel Anchoring.....	21
HB 1077	Public Financing of Potentially At-Risk Structures and Infrastructure	27
HB 1089	Affordable Housing	19
HB 1125	Onsite Sewage Treatment and Disposal System Inspections	28
HJR 1127	Limiting Subject of Constitutional Amendments Proposed by Citizen Initiative	38
HB 1145	Regulation of Single-Use Plastic Products.....	27
HB 1147	Critical Infrastructure	30
HB 1185	Legislative Review of Proposed Regulation of Unregulated Functions.....	41
HB 1213	Public Records/ Current or Former County and City Attorneys.....	39
HB 1241	Local Government Solid Waste and Recycling Collection Services.....	27
HB 1257	Discharge and Use of Firefighting Foam	11

HOUSE BILL INDEX

HOUSE BILL	TITLE	PAGE
HB 1265	Local Regulation of Vessels	28
HB 1287	Pub. Rec./Local Government Security by Reps.....	40
HB 1311	Healthy Food Financing Initiative Program	33
HB 1321	Advanced Life Support Nontransport Services and Medical Countermeasures.....	11
HB 1325	Health Care Cost Savings	11
HB 1339	Phosphogypsum Stacks	28
HB 1345	Homestead Tax Exemptions	38
HB 1377	Land Acquisition Funding.....	27
HB 1411	Floating Solar Facilities.....	21
HB 1419	Municipal Solid Waste-to-Energy Program.....	23
HB 1475	Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances.....	22
HB 1493	Alachua County	16
HB 1543	Broadband Infrastructure.....	31
HB 1553	State Housing Assistance Programs.....	39
HB 1555	Private Property Rights to Prune, Trim, and Remove Trees.....	13
HB 6003	Legal Rights of the Natural Environment	28
HB 6017	Rent Control Measures	20
HB 6019	Preemption of Over-the-counter Drugs and Cosmetics	12
HB 6027	Certified Pile Burning	26
HB 6043/HB 6045	Local Government Communications Services	41
HB 6049	Preemption of Firearms and Ammunition.....	12
HB 6051	Aircraft Sales and Lease Tax	39
HB 6063	Preemption of Recyclable and Polystyrene Materials.....	28
HB 6081	Preemption of the Regulation of Tobacco and Nicotine Products.....	12
HB 6109	Campaign Finance.....	41
HB 6113/HB 6109	Preemption to the State	41
HB 7021	Covid-19 Related Claims Against Health Care Providers	9
HB 7023/HB 7025	Emergency Preparedness and Response Fund	35
HB 7029	Time Limitations for Preadjudicatory Juvenile Detention Care.....	8
HB 7049	Legal Notices.....	15
HB 7053	Statewide Flooding and Sea Level Rise Resilience.....	23
HB 7055	Cybersecurity	29
HB 7061	Elections.....	13
HB 7069	Condominium and Cooperative Associations	17
HB 7071	Taxation.....	34
HJR 7501	Joint Resolution of Apportionment	42
HB 7503	Establishing the Congressional Districts of the State.....	42
HB 1B	Covid-19 Mandates	43
HB 3B	Public Records/Employer COVID-19 Vaccination Policies.....	43
HB 5B	Florida Occupational Safety and Health State Plan.....	43
HB 7B	Vaccinations During Public Health Emergencies	43

SENATE BILL INDEX

SENATE BILL	TITLE	PAGE
SB 96/98	Emergency Preparedness and Response Fund	35
SJR 100	Joint Resolution of Apportionment	42
SB 102	Establishing the Congressional Districts of the State.....	42
SJR 152	Supermajority Vote for Legislative Preemption	41
SB 182	Renewable Energy	24
SB 198	Water Resources Management	25
SB 222	Swimming Pool Specialty Contracting Services	36
SB 224	Regulation of Smoking by Counties and Municipalities	8
SB 252	Health Care Cost Savings	11
SB 254	Religious Institutions	9
SB 264	Firefighter Inquiries and Investigations	9
SB 266	Motor Vehicle Insurance.....	8
SB 276	Sentencing	12
SB 280	Local Ordinances.....	4
SB 310	Court Fiscal Administration.....	9
SB 320	Preemption of Recyclable and Polystyrene Materials.....	28
SB 344/SB 342	Public Records/ Nonjudicial Arrest of a Minor.....	8
SB 366	State Renewable Energy Goals.....	24
SB 380	Greenhouse Gas Emissions.....	25
SB 398	Transportation.....	17
SB 410	Photographic Enforcement of School Zone Speed Limits.....	11
SB 428	Elimination of Court-Related Financial Obligations for Juveniles	12
SB 434	Florida Tourism Marketing.....	36
SB 460	Homestead Assessments Following a Change in Ownership	40
SB 494	Fish and Wildlife Conservation Commission	22
SB 496	Preemption of Firearms and Ammunition.....	12
SB 508	Fiduciary Duty of Care for Appointed Public Officials and Executive Officers	40
SB 510	Financial Disclosures for Elected Local Officers	38
SB 512	Vacation Rentals.....	5
SB 518	Private Property Rights to Prune, Trim, and Remove Trees.....	13
SB 524	Elections	13
SB 542	Evidentiary Standards for Actions Arising Firing an Emergency	16
SB 548	Energy	24
SB 572	Property Appraisers	39
SB 578	Hurricane Loss Mitigation Program	9
SB 580	Rent Control Measures	20
SB 604	Public Bathing Places	25
SB 608	Sanitary Sewer Lateral Inspection Programs	25
SB 610/SB 7014	Covid-19 Related Claims Against Health Care Providers	9
SB 614	Authorization of Restrictions Concerning Dangerous Dogs.....	5
SB 620	Local Business Protection Act	7
SB 626	Florida Building Code and Florida Fire Prevention Code Rules.....	19
SB 642	Community Associations.....	20
SB 644	Building Regulation	14
SB 674	Public Meetings During Declared States of Emergency.....	12
SB 696	Transportation Network Companies	6
SB 706	School Concurrency	16
SB 712	Small Business Saturday Sales Tax Holiday	40
SB 714	Department of Business and Professional Regulation	5
SB 728	Advanced Air Mobility	31

SENATE BILL INDEX

SENATE BILL	TITLE	PAGE
SB 736	Construction Defect Claims	19
SB 758	Charter Schools.....	36
SB 786	Aircraft Sales and Lease Tax	39
SB 788	Florida Hometown Hero Housing Program	18
SB 798	Bottled Water Excise Tax.....	26
SB 800	Rural Development.....	33
SB 828	Critical Infrastructure	30
SB 832	Implementation of Recommendations of the Blue-Green Algae Task Force	26
SB 834	Long-Term Cleanup of Water Bodies	25
SB 838	Fire Investigator Cancer Treatment Benefits	10
SB 856	Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems	22
SB 882	Inventories of Critical Wetlands.....	21
SB 886	Municipal Water and Sewer Utility Rates.....	26
SB 890	Telecommunicator Cardiopulmonary Resuscitation	9
SB 908/918	Electric Vehicle Charging Infrastructure.....	30
SB 930	Sales Tax Exemptions for Public Works.....	39
SB 946	Film Television, and Digital Media Project Rebate Program	40
SJR 950	Requiring Broader Public Support for Constitutional Amendments or Revisions.....	40
SB 962	Residential Development Projects for Affordable Housing	16
SB 974	Sovereign Immunity.....	17
SB 990	Towing, Storage, and Release of Motor Vehicles.....	5
SB 994	Pet Protection	6
SB 1002	Preemption of the Regulation of Tobacco and Nicotine Products.....	12
SJR 1004/SB 1938	Recall of County Officers and Commissioners	18
SB 1014	Disability Claims Coordinators	12
SB 1056	Homestead Tax Exemptions	38
SB 1098	Smart Region Zones.....	30
SB 1124	Preemption of Local Wage Mandates.....	4
SB 1144	Advanced Life Support Nontransport Services and Medical Countermeasures.....	11
SB 1152	Tax Discount Percentage Rates	39
SB 1156	Study to Establish Statewide Long Term Recycling Goal	26
SB 1158	Home Kitchen Operations.....	6
SB 1160	Transportation Research	30
SB 1170	State Housing Assistance Programs.....	39
SB 1172	Criminal Justice.....	11
SB 1176	Citizen Review Boards.....	13
SB 1186	Agritourism.....	32
SB 1194	Local Tax Referenda Requirements	36
SB 1210	Pollution Control Standards and Liability	32
SB 1216	Vacation and Timeshare Plans	20
SB 1230	COVID-19 Mandates	12
SB 1238	Saltwater Intrusion Vulnerability Assessments.....	26
SB 1248	Local Government Land Development Actions.....	19
SJR 1266/SB 1264	Ad Valorem Tax Exemption	38
SB 1272	Liens and Bonds	40
SB 1276	Legislative Review of Proposed Regulation of Unregulated Functions.....	41
SB 1278/SB 1280	Homestead Property Tax Assessment Limitations and Tax Exemptions for Certain Low-income Elderly Persons.....	38
SB 1332	Temporary Underground Power Panels	22
SB 1336	United States-produced Iron and Steel in Public Works Projects.....	19
SB 1338	Floating Solar Facilities.....	21

SENATE BILL INDEX

SENATE BILL	TITLE	PAGE
SB 1352	Campaign Financing	14
SB 1380	Real Property Rights	7
SB 1400	Land Acquisition Trust Fund	27
SB 1412	Limiting Subject of Constitutional Amendments Proposed by Citizen Initiative	38
SB 1420	Public Records/ Current or Former County and City Attorneys.....	39
SB 1426	Environmental Management	22
SB 1432	Vessel Anchoring.....	21
SB 1434	Public Financing of Potentially At-Risk Structures and Infrastructure	27
SB 1450	Healthy Food Financing Initiative Program	33
SB 1466	Aerospace Commerce	20
SB 1542	Tourist Development Taxes	39
SB 1556	Golf Course Best Management Practices Certification.....	21
SB 1562	Solar Photovoltaic Facility Development.....	28
SB 1580	Regulation of Single-Use Plastic Products.....	27
SB 1604	Powers of the Florida Building Commission	20
SB 1666	Discharge and Use of Firefighting Foam	11
SB 1670	Cybersecurity	29
SB 1702	Condominium and Cooperative Associations	17
SB 1726	Broadband	30
SB 1736	Records of Physical Examinations of Officers	37
SB 1740	Pub. Rec./Local Government Security by Reps.....	40
SB 1744	Phosphogypsum Stacks	28
SB 1746/1748	Additional Homestead Property Tax Exemption for Specified Critical Public Sector Workforce.....	35
SB 1764	Municipal Solid Waste-to-Energy Program.....	23
SB 1800	Broadband Infrastructure.....	31
SB 1816	Land Acquisition Funding.....	27
SB 1854	Legal Rights of the Natural Environment	28
SB 1900	Preemption to the State	41
SB 1924	Affordable Housing	19
SB 1940	Statewide Flooding and Sea Level Rise Resilience.....	23
SB 1944	Local Government Solid Waste and Recycling Collection Services.....	27
SB 7012	Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances.....	22
SB 7040	Time Limitations for Preadjudicatory Juvenile Detention Care.....	8
SB 2B	Covid-19 Mandates	43
SB 4B	Public Records/Employer COVID-19 Vaccination Policies.....	43
SB 6B	Florida Occupational Safety and Health State Plan.....	43
SB 8B	Vaccinations During Public Health Emergencies	43

BILL SUBJECT INDEX**TITLE****PAGE**

Ad Valorem Tax Exemption.....	38
Ad Valorem Taxation of Construction Equipment.....	38
Additional Homestead Property Tax Exemption for Specified Critical Public Sector Workforce.....	35
Advanced Air Mobility.....	31
Advanced Life Support Nontransport Services and Medical Countermeasures	11
Aerospace Commerce.....	20
Affordable Housing	19
Agritourism	32
Aircraft Sales and Lease Tax.....	39
Alachua County.....	16
Authorization of Restrictions Concerning Dangerous Dogs	5
Bottled Water Excise Tax.....	26
Broadband	30
Broadband Infrastructure	31
Building Regulation.....	14
Campaign Finance	41
Campaign Financing	14
Certified Pile Burning.....	26
Charter Schools	36
Citizen Review Boards.....	13
Civil Actions for Deprivation of Rights, Privileges, or Immunities.....	18
Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances.....	22
Community Associations	20
Condominium and Cooperative Associations.....	17
Construction Defect Claims.....	19
Court Fiscal Administration	9
COVID-19 Mandates.....	12
Covid-19 Mandates	43
Covid-19 Related Claims Against Health Care Providers	9
Criminal Justice	11
Critical Infrastructure.....	30
Cybersecurity	29
Department of Business and Professional Regulation	5
Disability Claims Coordinators	12
Discharge and Use of Firefighting Foam.....	11
Elections.....	13
Electric Vehicle Charging Infrastructure	30
Elimination of Court-Related Financial Obligations for Juveniles	12
Emergency Preparedness and Response Fund.....	35
Energy.....	24
Environmental Management.....	22
Establishing the Congressional Districts of the State	42
Evidentiary Standards for Actions Arising Firing an Emergency.....	16
Fiduciary Duty of Care for Appointed Public Officials and Executive Officers.....	40
Film Television, and Digital Media Project Rebate Program.....	40
Financial Disclosures for Elected Local Officers.....	38
Fire Investigator Cancer Treatment Benefits.....	10
Firefighter Inquiries and Investigations.....	9
Fish and Wildlife Conservation Commission	22
Floating Solar Facilities.....	21
Florida Building Code and Florida Fire Prevention Code Rules.....	19

BILL SUBJECT INDEX**TITLE****PAGE**

Florida Hometown Hero Housing Program	18
Florida Occupational Safety and Health State Plan	43
Florida Tourism Marketing	36
Golf Course Best Management Practices Certification	21
Greenhouse Gas Emissions.....	25
Health Care Cost Savings.....	11
Healthy Food Financing Initiative Program.....	33
Home Kitchen Operations.....	6
Homestead Assessments Following a Change in Ownership	40
Homestead Property Tax Assessment Limitations and Tax Exemptions for Certain Low-income Elderly Persons	38
Homestead Tax Exemptions.....	38
Hurricane Loss Mitigation Program	9
Implementation of Recommendations of the Blue-Green Algae Task Force	26
Improvements to Real Property	24
Inventories of Critical Wetlands.....	21
Joint Resolution of Apportionment	42
Land Acquisition Funding	27
Land Acquisition Trust Fund	27
Law Enforcement.....	35
Legal Notices	15
Legal Rights of the Natural Environment	28
Legislative Review of Proposed Regulation of Unregulated Functions	41
Liens and Bonds	40
Limiting Subject of Constitutional Amendments Proposed by Citizen Initiative.....	38
Local Business Protection Act.....	7
Local Government Communications Services	41
Local Government Land Development Actions	19
Local Government Solid Waste and Recycling Collection Services.....	27
Local Ordinances.....	4
Local Regulation of Vessels	28
Local Tax Referenda Requirements.....	36
Long-Term Cleanup of Water Bodies	25
Motor Vehicle Insurance	8
Municipal Solid Waste-to-Energy Program	23
Municipal Water and Sewer Utility Rates.....	26
Onsite Sewage Treatment and Disposal System Inspections	28
Pet Protection.....	6
Phosphogypsum Stacks.....	28
Photographic Enforcement of School Zone Speed Limits	11
Pollution Control Standards and Liability.....	32
Powers of the Florida Building Commission.....	20
Preemption of Firearms and Ammunition	12
Preemption of Local Wage Mandates	4
Preemption of Over-the-counter Drugs and Cosmetics.....	12
Preemption of Recyclable and Polystyrene Materials	28
Preemption of the Regulation of Tobacco and Nicotine Products.....	12
Preemption to the State.....	41
Private Property Rights to Prune, Trim, and Remove Trees	13
Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems.....	22
Prohibition of Public Funds for Lobbying by Local Governments.....	6
Property Appraisers.....	39

BILL SUBJECT INDEX

TITLE	PAGE
Pub. Rec./Local Government Security by Reps.	40
Public Bathing Places.....	25
Public Financing of Potentially At-Risk Structures and Infrastructure.....	27
Public Meetings During Declared States of Emergency	12
Public Records/ Current or Former County and City Attorneys.....	39
Public Records/ Nonjudicial Arrest of a Minor.....	8
Public Records/Employer COVID-19 Vaccination Policies	43
Real Property Rights.....	7
Recall of County Officers and Commissioners	18
Records of Physical Examinations of Officers.....	37
Regulation of Single-Use Plastic Products.....	27
Regulation of Smoking by Counties and Municipalities	8
Religious Institutions	9
Renewable Energy.....	24
Rent Control Measures	20
Requiring Broader Public Support for Constitutional Amendments or Revisions	40
Residential Development Projects for Affordable Housing.....	16
Rural Development	33
Sales Tax Exemptions for Public Works	39
Saltwater Intrusion Vulnerability Assessments	26
Sanitary Sewer Lateral Inspection Programs	25
School Concurrency	16
Sentencing.....	12
Small Business Saturday Sales Tax Holiday.....	40
Smart Region Zones.....	30
Solar Photovoltaic Facility Development	28
Sovereign Immunity	17
State Housing Assistance Programs	39
State Renewable Energy Goals.....	24
Statewide Flooding and Sea Level Rise Resilience	23
Study to Establish Statewide Long Term Recycling Goal.....	26
Supermajority Vote for Legislative Preemption	41
Swimming Pool Specialty Contracting Services.....	36
Tax Discount Percentage Rates	39
Taxation	34
Telecommunicator Cardiopulmonary Resuscitation.....	9
Temporary Underground Power Panels	22
Time Limitations for Preadjudicatory Juvenile Detention Care.....	8
Tourist Development Taxes	39
Towing, Storage, and Release of Motor Vehicles	5
Transportation	17
Transportation Network Companies.....	6
Transportation Research	30
United States-produced Iron and Steel in Public Works Projects.....	19
Vacation and Timeshare Plans.....	20
Vacation Rentals.....	5
Vaccinations During Public Health Emergencies	43
Vessel Anchoring	21
Water Resources Management	25



100 S Monroe Street, Tallahassee FL 32301
(850) 922-4300

flcounties.com



@flcounties /flcounties @flcounties



From: Squire Patton Boggs LLP
Date: January 19, 2022
Subject: Federal Legislative and Regulatory Action Relevant to General State and Local Government Interests

This report provides a comprehensive update for state and local governments and their partners, highlighting action on notable federal legislation, administration, and regulatory issues since our last update from September. It is important to note that the memorandum provides only a high-level perspective; detailed reports were provided as events unfolded, particularly with regard to the federal response to the COVID-19 pandemic and the Infrastructure Investment and Jobs Act.

Congress ended last year passing a long anticipated infrastructure package. On November 15, President Biden signed the Infrastructure Investment and Jobs Act (IIJA) into law. The five-year, \$1 trillion comprehensive infrastructure package includes funding for transportation – roads, bridges, ports, airports, rail, and transit – as well as water infrastructure, broadband, power infrastructure, and climate resiliency. Guidance and funding stemming from the bill is now being implemented.

The path to passing a social spending package, known as the Build Back Better Act, is still unclear. Congressional Democrats will likely try to revive a scaled-back version of the Build Back Better Act early this year. Democrats will need to win over Senator Joe Manchin (D-WV) (who did not support the bill as written last year) and maintain all other party votes in order to reach a simple majority in the Senate to pass the bill via a process known as reconciliation.

Despite long negotiations, Congress also passed its annual FY 2022 National Defense Authorization Act (NDAA) in December.

Congress starts 2022 facing a looming deadline of February 18 to pass a spending bill to prevent a government shutdown. The Senate has yet to pass any of its FY 2022 appropriations bills out of its chamber, while the House has passed nine of its 12 bills. It is unlikely that the two chambers will be able to pass and reconcile all 12 bills before the current deadline – making it more likely that it will pass a short-term stopgap measure while negotiations continue. As in years past, it is expected that Congress will likely pass an omnibus or several minibuses to fund FY 2022 instead of each individual bill separately.

Both chambers will gather together on March 1 when President Biden will lay out his priorities for the year at his State of the Union address. The President is expected to release his FY 2023 Budget Request following the address. Presidents are required to submit their requests for upcoming fiscal years by the first week in February; however, they are often delayed.

ISSUE AREA REVIEW AND FORECASTS

▪ BUDGET AND APPROPRIATIONS.....	1
▪ ENERGY/ENVIRONMENT/WATER	2
▪ EDUCATION	5
▪ HEALTHCARE	7
▪ HOUSING/COMMUNITY DEVELOPMENT	10
▪ IMMIGRATION/HOMELAND SECURITY/PUBLIC SAFETY	11
▪ TAX	13
▪ TELECOMMUNICATIONS/BROADBAND	13
▪ TRANSPORTATION/INFRASTRUCTURE.....	15
▪ WORKFORCE	15

BUDGET AND APPROPRIATIONS

FY 2022 APPROPRIATIONS

The current Continuing Resolution (CR) expires on February 18. Last week, the Chairmen and Ranking Members of the Senate and House Appropriations Committees met to discuss the outline of a spending bill to fund the government through the rest of the fiscal year. This follows a meeting earlier last week to discuss the matter by Senate leadership.

Discussions have focused on total spending levels for FY 2022 and how to split the funding between defense and non-defense bills. Senate Democrats are seeking a 13 percent increase in non-defense spending and a five percent increase in defense spending. Senate Republicans are calling for equal increases between the two. Republicans are also demanding that any funding bill not include any policy riders.

Last July, the House passed the Legislative Branch and State-Foreign Operations bills, and subsequently passed a seven-bill minibus that included: Agriculture; Energy and Water; Financial Services; Interior-Environment; Labor-HHS-Education; Military Construction-Veterans Affairs; and Transportation-Housing. Policy disputes over proposed requirements on grant funding for local and state law enforcement agencies, immigration, and military spending held up consideration of the Commerce-Justice-Science, Homeland Security, and Defense bills, leaving them as the only FY 2022 appropriations bills not approved by the full chamber.

So far, the Senate Appropriations Committee has only approved three of its spending bills for FY 2022: Agriculture; Energy and Water; and Military Construction-Veterans Affairs.

It is unlikely there will be an agreement on an omnibus package containing all 12 appropriations bills by the February 18 deadline. Instead, it is likely Congress will have to pass another CR to allow for more time for negotiations. It is also possible that a CR could contain additional COVID-19 relief or disaster aid funding.

The President is expected to release his FY 2023 Budget Request following his March 1 State of the Union address. Presidents are required to submit their requests for upcoming fiscal years by the first week in February; however, they are often delayed. It is not unexpected that the President will be delayed in submitting his request for FY 2023, as Congress has yet to pass a final spending package for the current fiscal year.

DEBT CEILING

The debt ceiling is a limit imposed by Congress on the amount of money that the Department of the Treasury (Treasury) is authorized to borrow to meet its existing obligations.

In December, Congress passed legislation to raise the statutory debt limit by \$2.5 trillion. This amount is expected to give the Treasury enough borrowing power through the 2022 midterm elections. The measure passed the Senate and House along party lines, with the exception of one Republican in the House also voting in favor.

ENERGY/ENVIRONMENT/WATER

ENERGY LEGISLATION

Aside from key energy and environmental investments in IIJA, Congressional Democrats continue to focus on the policies set forth by the House-passed Build Back Better Act (BBB). The current version of the bill sets aside **\$555 billion** for climate, energy, and environmental justice related initiatives. The bill includes:

- **\$300 billion** in tax incentives for clean energy/buildings, electric vehicles, advanced energy manufacturing, industrial de-carbonization, and other efforts;
- **\$40 billion** in Department of Energy (DOE) loan guarantee financing for new clean energy projects;
- **\$29 billion** for a greenhouse gas reduction fund;
- **\$20 billion** for passenger transit and rail improvements;
- **\$12 billion** in consumer rebates through a variety of programs;
- **\$9 billion** for lead remediation;
- **\$3 billion** to reduce air pollution at ports; and
- **\$3 billion** for community capacity building and pollution reductions through Environmental & Climate Justice Block Grants.

While Congressional Democrats attempt to reconcile disagreements in their own caucus over the BBB, members of Congress have introduced a variety of energy-related bills. In the Senate, Sen. John Hickenlooper (D-CO) introduced the Competitive Onshore Mineral Policy via Eliminating Taxpayer-Enabled Speculation (COMPETES) Act, which would put an end to non-competitive oil and gas leasing.

Sen. Steve Daines (R-MT), along with four of his Republican colleagues, introduced the Supporting Made in America Renewable and Traditional (SMART) Energy Act, which would promote domestic energy production by requiring onshore oil and natural gas lease sales, development of renewable energy on public lands, and offshore oil, natural gas, and wind lease sales.

Sen. Jon Ossoff (D-GA) introduced the Industrial Energy-Efficient Technology Act of 2021, which would fund new programs at the state level to facilitate energy efficient business practices and would assist facilities with installing emissions reducing technology. Rep. Paul Tonko (D-NY) introduced companion legislation in the House.

Rep. Val Demings (D-FL) introduced the Reclaiming the Solar Supply Chain Act, which calls on the Secretary of Energy to implement a program to support and expand domestic solar manufacturing supply chain capacity.

EXECUTIVE BRANCH

In early October, Secretary of the Interior Deb Haaland announced a plan to develop large-scale wind farms along the coastline of the United States, the first long-term strategy from the government to produce electricity from offshore turbines. Secretary Haaland said that her agency would begin to identify

federal waters in the Gulf of Mexico, Gulf of Maine and off the coasts of the Mid-Atlantic States, North Carolina, South Carolina, California, and Oregon, with the hope of leasing them to wind power developers by 2025.

At the end of October, President Biden attended the 2021 United Nations Climate Change Conference (COP26). The resulting agreement, the Glasgow Climate Pact (GCP), set new national emissions targets for 2030 and explicitly called for a “phase-out of unabated coal and inefficient fossil fuel subsidies.”

On December 8, President Biden signed an [executive order](#) aimed at further developing the clean energy economy. The order directs the federal government to use its scale and procurement power to achieve five ambitious goals:

- 100 percent carbon pollution-free electricity (CFE) by 2030, at least half of which will be locally supplied clean energy to meet 24/7 demand;
- 100 percent zero-emission vehicle (ZEV) acquisitions by 2035, including 100 percent zero-emission light-duty vehicle acquisitions by 2027;
- Net-zero emissions from federal procurement no later than 2050, including a Buy Clean policy to promote use of construction materials with lower embodied emissions;
- A net-zero emissions building portfolio by 2045, including a 50 percent emissions reduction by 2032; and
- Net-zero emissions from overall federal operations by 2050, including a 65 percent emissions reduction by 2030.

As per the IIJA, Secretary of Energy Jennifer Granholm and Secretary of Transportation Pete Buttigieg [unveiled](#) the Joint Office of Energy and Transportation to establish a national network of 500,000 electric vehicle chargers.

In late December, the Department of the Interior (DOI) approved two large-scale solar projects in California and moved to open up public lands in other Western States to solar power development. DOI issued a call to nominate land for development within “solar energy zones” in Colorado, Nevada, and New Mexico.

DEPARTMENT OF ENERGY (DOE) ACTIONS

In October, DOE [announced](#) a new National Community Solar Partnership target: to have community solar projects provide 26 GW of power and create \$1 billion in savings by 2025. In order to achieve this, DOE is offering free, on-demand technical assistance to NCSP partnership members. DOE also [provided](#) \$40 million in funding for projects aiming to extend the operational lifetime of solar PV projects to 50 years and support the development of advanced materials.

In November, in response to rising oil prices, the Biden Administration [announced](#) the release of 50 million barrels of crude oil from DOE’s Strategic Petroleum Reserve (SPR).

With funding made available by the IIJA, DOE established the Office of Clean Energy Demonstrations to help move along projects in clean hydrogen, carbon capture, grid-scale energy storage, and small modular reactors. The Administration aims to deliver 40 percent of clean energy investments to disadvantaged communities experiencing impacts of climate change.

PFAS

Last month, the Environmental Protection Agency (EPA) released a final rule that requires most drinking water utilities to monitor for 29 PFAS over the next three years. EPA has required prior rounds of monitoring for a handful of PFAS, but the new rule requires that utilities look for a broader range of the chemicals and detect them down to lower levels.

WATERS OF THE UNITED STATES (WOTUS)

EPA and the Army Corps of Engineers announced plans to propose a new definition of “Waters of the U.S.” (WOTUS) early this year. EPA said last September that it was relying on the regulations and guidance used prior to 2015 to determine which waterways are protected. However, it has not announced a date for finalizing President Biden’s planned repeal of the Trump Administration’s WOTUS rule.

EPA LEAD AND COPPER RULE

Last month, EPA announced that it will begin developing a new rule to strengthen the Lead and Copper Rule with a goal to remove 100 percent of lead service lines across the country. Additionally, the Biden Administration released its new [Lead Pipe and Paint Action Plan](#) which, in addition to discussing its plans to develop this new rule, provides insight on steps it may take to address lead paint, especially in schools, daycare centers, and underserved communities.

As of last month, the Lead and Copper Rule established by the Trump Administration went into effect as EPA works to begin developing a new proposed rule that will aim to replace all lead service lines as quickly as possible and potentially include measures to “strengthen tap sampling requirements and explore options to reduce the complexity and confusion associated with the action level and trigger level.”

The Trump Administration rule keeps the old action level for lead, which requires utilities to begin replacing lines when levels reach 15 parts per billion or higher at 10 percent of taps. However, it adds a new trigger level of 10 ppb, at which point a utility must undertake efforts to control corrosion through chemical treatment and begin preparing to replace lines should the system reach the action level. Once hitting the action level, utilities will be required to begin replacing service lines at a rate of three percent a year compared to the previous rule, which required lines to be replaced at seven percent per year.

EPA also announced the [state and territory allocations](#) of funding from the IIJA for lead service line replacement. This round of funding totals \$2.9 billion out of the \$15 billion included in the bill meant to be spread over five years.

EPA Administrator for Water Radhika Fox stated that EPA plans to finalize a new Lead and Copper Rule before the end of 2024. Additionally, she noted that EPA intends to provide technical assistance and create technical assistance hubs to support those implementing the new policies. She said states and territories will decide how funds are distributed once they receive their allocations and encouraged communication with state water officials in advance to communicate local needs or projects. Guidance to states on this funding is expected to be released early this year.

EPA SRF ALLOCATIONS - IIJA

Last month, EPA announced State Revolving Fund (SRF) allocations from the recently passed infrastructure bill. Specifically, EPA has announced the first-year allocation of nearly \$44 billion in total SRF funding that

will be provided to states, tribes, and territories over the next five years. The allotments by state can be found on [page four of EPA's announcement](#). 51 percent of the funds will be made available as low-interest loans to communities, while 49 percent will go out as grants or principal forgiveness loans. Of this funding, \$15 billion is directed towards lead service-line replacement and \$10 billion for PFAS mitigation.

EDUCATION

STUDENT LOANS

On December 22, 2021, the Biden Administration announced the current pause on student loans and interest accrual would be extended through May 1, 2022, instead of ending on January 31, 2022. The pause has been extended multiple times since it was passed as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act ([Pub. L. 116-136](#)) in March 2020. In an announcement, the Department of Education Secretary Miguel Cardona said, "this additional extension of the repayment pause will provide critical relief to borrowers who continue to face financial hardships as a result of the pandemic, and will allow our Administration to assess the impacts of Omicron on student borrowers." Congressional Democrats were largely in favor of extending the pause further. On December 8, Sen. Elizabeth Warren (D-MA), Rep. Ayanna Pressley (D-MA), and Senate Majority Leader Chuck Schumer (D-NY) sent a [letter](#) to President Biden highlighting a study from the Roosevelt Institute finding Black and Latinx borrowers would be disproportionately negatively impacted by the resumption of student loan payments. They urged the Biden Administration to take executive action to cancel all student loan debt and extend the freeze on student loans "until the economy reaches pre-pandemic employment levels."

PUBLIC SERVICE LOAN FORGIVENESS REFORMS

On October 6, the Department of Education [announced](#) new changes to the Public Service Loan Forgiveness Program (PSLF). The PSLF program was designed to provide loan forgiveness for students who spend ten years in public service positions while making qualifying payments on their student loans. However, the program came under fire in 2017 during the Trump Administration as 99 percent of borrower applications for the program were denied due to "not meeting requirements." The Department estimates that the policy changes outlined below will increase the number of qualifying PSLF payments for 550,000 borrowers who have previously consolidated their loans.

The new changes to the program will include:

- A limited waiver to ensure all payments made by student borrowers are counted towards the PSLF program, regardless of their loan type or any payment plans;
- Automatically granting military service members and federal employees credit for the PSLF program for any student loan payments, without requiring them to fill out an application; and
- Carrying out reviews of denied PSLF applications and granting borrowers the opportunity to have the Department reconsider their PSLF application decision.

The Department's announcement also noted there are other changes coming to the program in the coming weeks and months. Additional information can be found in the Department's newly released PSLF [fact sheet](#). In response, House Education and Labor Committee Ranking Member Virginia Foxx (R-NC) sent a [letter](#) to Secretary Cardona arguing that these changes are an overstep of executive authority and urged the Department instead to work with Congress in a bipartisan manner to reform the program. The Biden Administration began forgiving the loans of the individuals who qualified for the waiver in November.

Lawmakers have also proposed additional changes to the program. On November 1, Sen. Dianne Feinstein (D-CA) and Rep. Josh Harder (D-CA) sent a [letter](#) to Secretary of Education Miguel Cardona asking him to make changes to the PSLF program, to ensure physicians employed at private, nonprofit community hospitals in Texas and California are eligible. According to the letter, physicians are not eligible to receive loan forgiveness despite being employed in qualified positions due to current hiring structures in hospitals in those states. In the letter, the lawmakers argue, “inequity in the implementation of this program is hurting patients” and causing doctors to leave the states.

NEGOTIATED RULEMAKING HEARINGS

On December 10, the Department of Education concluded the 2021 rulemaking process for the Student Loans and Affordability Rulemaking Committee. The Committee met for three weeks, with the Prison Education Subcommittee also holding a week of meetings separate from those of the Committee. During their meetings, the Committee discussed further regulatory changes to: borrower defense to repayment (BDR); closed school discharges; false certification discharges; income-contingent repayment; interest capitalization on federal student loans; mandatory pre-dispute arbitration and prohibition of class action lawsuits; Public Service Loan Forgiveness (PSLF); prison education; and total and permanent disability discharge (TPD). The Committee was only able to reach consensus on four topics: TPD; interest capitalization; false certification discharge; and prison education. Over the coming weeks, the Department of Education will publish its proposed rules through the Federal Register and open them for public comment.

Additionally, the Department of Education will be establishing a new negotiated rulemaking committee in 2022. The Committee will discuss 90/10, gainful employment, change of ownership and change in control of colleges and universities, and financial responsibility for institutions. The Committee will meet for three weeks across January, February, and March.

TITLE IX REFORM TIMELINE

On December 10, the Biden Administration [announced](#) it would be releasing new Title IX regulatory proposals and protections for transgender students in April 2022. Rewriting Trump-era Title IX regulations has been a major focus for President Biden since assuming office. In response to the announcement, Assistant Secretary for the Office of Civil Rights at the Department of Education Catherine Lhamon said the new timeline “reflects the Department’s commitment to work as speedily as possible toward appropriate and effective regulation in recognition of the importance of ensuring equal access to education for all students.”

DEPARTMENT OF JUSTICE (DOJ) MEMO ON SCHOOL BOARD MEETINGS

On October 4, the DOJ issued a [memo](#) empowering local law enforcement to ensure the safety of school board members at meetings where parents become violent about mask or vaccine mandates. Teachers unions and educators across the country have voiced concern for their own safety at school board meetings, as parents sometimes threaten them and other school staff. The memo was met with swift backlash from Congressional Republicans such as Sens. Ted Cruz (R-TX), Marsha Blackburn (R-TN), and Mike Lee (R-UT). Additionally on October 26, Ranking Member of the House Education and Labor Committee Virginia Foxx (R-VA) and House Republican Leader Kevin McCarthy (R-CA) sent a [letter](#) to Attorney General Merrick Garland urging him to retract the memo. In the letter, they argued, “the Biden administration should be ashamed for attacking parents’ desire to protect their children.”

GUN VIOLENCE IN SCHOOLS

In honor of the nine-year anniversary of the shooting at Sandy Hook Elementary School, the White House released a [fact sheet](#) on their efforts to reduce gun violence. The fact sheet addresses actions taken by President Biden, such as: promoting safe storage of firearms; proposing a \$5 billion investment in community violence interventions through the BBB ([H.R. 5376](#)); stemming the market for “ghost guns”; and exploring strategies to stop firearm trafficking. On January 3, the DOJ also released a [new rule](#) implementing requirements from the Gun Control Act that ensures gun owners have “secure gun storage or safety devices.”

HEALTHCARE

CURES 2.0 Act

On November 16, Reps. Dianna DeGette (D-CO) and Fred Upton (D-MI) released the CURES 2.0 Act ([H.R. 6000](#)), in follow up to 2016’s 21st Century CURES Act ([Pub. L. 114-255](#)). The proposed legislation would permanently expand some Medicare telehealth flexibilities implemented during the COVID-19 pandemic; direct the Food and Drug Administration (FDA) to provide coverage of breakthrough medical devices; promote greater use of decentralized clinical trials; establish two new FDA centers of excellence on neuroscience and rare diseases; and support research on the impact of long COVID. CURES 2.0 also provides \$6.5 billion for President Biden’s new proposed Advanced Research Projects Agency for Health (ARPA-H). In addition, the bill includes the text of the RISE Act ([H.R. 7308](#)), Rep. DeGette’s legislation from the summer of 2020 that would have provided \$25 billion in research funding for federal science agencies, research centers, and universities.

Reps. DeGette and Upton hope to hold hearings on the legislation in the House Energy and Commerce Committee in the coming months. The bill may be combined with the reauthorization of the Prescription Drug and User Fee Act (PDUFA), which Congress must complete by September 2022, but the bill’s sponsors hope it can move through the legislative process on its own. Chair of the House Energy and Commerce Health Subcommittee Anna Eshoo (D-CA) has not yet cosponsored the legislation and there is no companion bill in the Senate.

PUBLIC HEALTH EMERGENCY

The current COVID-19 public health emergency (PHE) was renewed again, after being extended numerous times from the original declaration in January 2020. The Department of Health and Human Services (HHS) has said it will give states and other stakeholders a 60-day notice before deciding not to renew the PHE. The current PHE will be in place for 90 days until April 16. States, hospitals, and other health care providers have urged continued extension of the PHE because of the expanded telehealth flexibilities and increased Federal Medical Assistance Percentages (FMAP) of 6.2 percent connected to the PHE declaration.

SUPREME COURT HALTS VACCINE OR TEST RULE

On January 13, the Supreme Court blocked the COVID-19 vaccine mandate for large employers from the Occupational Health and Safety Administration (OSHA). However, the Court did allow the vaccine mandate for health care workers at facilities that receive Medicare and Medicaid funding to proceed. The majority [decision](#) argued OSHA had exceeded their authority to impose a vaccine mandate on workers, while the Department of Health and Human Services (HHS) was within their rights to mandate vaccines for health care workers. In response to the decision, President Biden said he was “disappointed that the Supreme Court has chosen to block common-sense life-saving requirements for employees at large businesses that were grounded squarely in both science and the law.” Notably, the Court did not consider

another mandate from the Biden Administration for government contractors, although this rule has been blocked by lower courts.

NEW MEDICAID TOOLS

In late November, the Centers for Medicare and Medicaid Services (CMS) released two new guidance tools for states:

- [Strategies States and the U.S. Territories Can Adopt to Maintain Coverage of Eligible Individuals as They Return to Normal Operations](#); and
- [Connecting Kids to Coverage: State Outreach, Enrollment and Retention Strategies](#).

The first tool provides strategies and tactics to ensure individuals who were deemed eligible for Medicaid coverage during the pandemic remain covered at the end of the PHE. The document recommends states engage in robust communication with beneficiaries, and gather updated email and physical addresses. The second document focuses on increasing enrollment of kids in the Children's Health Insurance Program (CHIP) and Medicaid through increased use of technology to streamline enrollment processes and ensure adequate data collection and analysis.

ABORTION POLICIES

On December 16, FDA rescinded certain restrictions for mifepristone, a pill prescribed to terminate early pregnancies. At the start of the COVID-19 pandemic, the agency implemented temporary flexibilities allowing for the medication to be taken at home instead of at a doctor's office; FDA revised its regulations to make that change permanent. These types of pills are most commonly used for women up to ten weeks pregnant and can be prescribed through a telehealth appointment. States are still permitted to make their own regulations regarding abortion medication, and 19 states currently prohibit telehealth appointments for abortion.

In addition, on December 1, the Supreme Court heard oral arguments in a case challenging a Mississippi law that would ban abortions if a woman were more than 15 weeks pregnant. Proponents of the Mississippi law view this case as an opportunity for the Court to overturn the protections enshrined in *Roe v. Wade* and *Planned Parenthood v. Casey*. In deciding this case, the Supreme Court may shorten the amount of time during which a woman can receive a legal abortion from 23 weeks to 15 weeks of gestation. An opinion on the case is expected by June. The Court has also declined to hear a case requesting an emergency stay on Texas' controversial abortion law, which would allow private individuals in the state to sue an abortion provider and challenges to that legislation have remained at federal appeals courts. However, the Court has not yet made a decision on the merits of the Texas legislation. In response to these lawsuits, Senate Majority Leader Chuck Schumer (D-NY) pledged in early December to bring the Women's Health Protection Act ([S. 1975](#)), which would codify the protections included in *Roe v. Wade*, to the floor for a vote. Abortion has also been a major point of contention in Congressional negotiations over the FY 2022 funding bill, as Democrats have removed the Hyde amendment and another provision prohibiting tax credits from funding abortions from their draft FY 2022 Labor, Health and Human Services, Education, and Related Agencies appropriations bill.

DRUG PRICING AND THE 340B DRUG DISCOUNT PROGRAM

While BBB's path forward is unclear, the proposed legislation contained a number of provisions related to drug pricing. The bill proposed to allow Medicare to negotiate the price of the ten highest-cost brand name drugs each year, with the amount increasing to 30 by 2028. Only those drugs that have been on the market for a certain number of years and have passed the initial exclusivity period will be made eligible. These initial ten drugs would include treatments for cancer and rheumatoid arthritis. Additionally, the

legislation includes an annual cap of \$2,000 per patient in drug spending and will apply inflation caps to drugs purchased by Medicare and on the commercial market. Notably, the BBB includes a provision to cap out-of-pocket insulin spending at \$35 a month. Democrats are reportedly considering drafting a stand-alone drug-pricing bill after Sen. Joe Manchin (D-WV) said he would not vote for the BBB as written. Sen. Manchin was in favor of the drug pricing provisions in the bill and may be in favor of a stand-alone bill on this topic.

HHS is also continuing to engage in lawsuits on the 340B Drug Pricing Program. At the end of December, the Department appealed three decisions in federal district court regarding enforcement letters it sent to five drug companies in May of 2021, which notified the manufacturers that their decisions not to offer discounts on certain drugs were in violation of the 340B statute. Judges in the three cases the Department appealed had ruled drug makers have some authority to limit discounts for contract pharmacies. The Biden Administration also included a proposed rule to create a new 340B dispute resolution process in its biannual regulatory agenda. The Health Resources and Services Administration (HRSA) is also engaged in multiple lawsuits against its proposed Administrative Dispute Resolution (ADR) process rule from January 2021.

NO SURPRISES ACT IMPLEMENTATION

On January 1, the No Surprises Act, passed as part of the Consolidated Appropriations Act ([Pub. L. 116-260](#)) in December 2020, took effect. The law protects patients by prohibiting health care providers and insurers from charging patients who receive care at an in-network facility more than the in-network cost for the services provided under most circumstances. If billing disputes arise, the new regulation allows for an independent dispute resolution process (IDR) to settle reimbursement between providers and insurers. The law also requires providers to give patients a “good faith estimate” of any costs prior to rendering services. In response to the implementation, HHS Secretary Xavier Becerra said, “the No Surprises Act is the most critical consumer protection law since the Affordable Care Act.” On December 30, 2021, CMS released [guidance](#) allowing individuals to pursue recourse from surprise bills through the state-based external review process established by the Affordable Care Act (ACA) ([Pub. L. 111-148](#)). States are also permitted to refer these cases to HHS or an accredited independent review organization (IRO), rather than handle them at the state level.

CONFIRMATIONS AND NOMINATIONS

On November 12, President Biden nominated Dr. Robert Califf to serve as Commissioner of Federal Drug Administration (FDA). Dr. Califf, who is a cardiologist and was a professor at the Duke University Medical School, previously served as FDA Commissioner under President Obama. He also served as an advisor to life sciences firms, including Verily. He received wide bipartisan support at his hearing on December 14, and he committed to addressing the opioid crisis and youth vaping if he is confirmed. However, Sens. Bernie Sanders (D-VT) and Richard Blumenthal (D-CT) have both said they will not be voting for Dr. Califf due to his work for private life sciences companies, and Sen. Joe Manchin (D-WV) has been critical of the role he played at the FDA at the beginning of the opioid crisis. However, Ranking Member Richard Burr (R-NC) voiced strong support for his candidacy. On January 13, the Senate HELP Committee voted 13-8 to advance his nomination to the Senate floor. Two Democrats, Sens. Sanders and Maggie Hassan (D-NH), voted against his nomination, citing concerns with Dr. Califf’s ties to private health care companies and his handling of the opioid crisis as FDA Commissioner under former President Obama.

President Biden has yet to announce his nominee for Director of the National Institutes of Health (NIH). Former Director Dr. Francis Collins retired on December 20 and Dr. Lawrence Tabak, the agency’s Principal Deputy Director, was appointed to fill in as Acting Director.

EXECUTIVE ORDER ON CUSTOMER SERVICE

On December 13, President Biden signed an executive order (EO) titled [Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government](#). The EO is meant to improve the services the federal government offers across agencies and departments. In the order, President Biden directs HHS to:

- Create “personalized online tools” for health care management for Medicare beneficiaries;
- Provide automated access to pre-natal and post-partum care for new mothers; and
- Assist more rural patients with connecting to telehealth services.

Additionally, the EO calls upon HHS to reduce barriers for individuals using safety net programs and streamline these applications. This provision strengthens the ACA’s “no wrong door” policy, which allows individuals who have been deemed ineligible for Medicaid or related programs to be automatically referred to subsidized ACA coverage.

988 SUICIDE HOTLINE

On December 20, the Biden Administration allocated \$282 million to establish the national suicide prevention hotline, 988. President Biden is hoping to have the hotline up and running for call and text by July 2022. The new number will be staffed by existing counselors from the National Suicide Prevention Lifeline, and \$177 million of this funding will be dedicated to increasing staffing.

HOUSING/COMMUNITY DEVELOPMENT

BBB HOUSING MEASURES

In November, the House passed the BBB including \$170 billion in affordable housing investments. The bill allocates \$25 billion to expand rental assistance through housing vouchers, which would assist low-income tenants and reduce homelessness. Specifically, the Housing Choice Vouchers would help approximately 300,000 low-income households. The bill also includes \$65 billion to preserve and rebuild public housing, which includes repairing and constructing properties and increasing energy efficiency and boosting resilience, as well as reducing health hazards. Additionally, the legislation includes \$15 billion for the Housing Trust Fund. This funding will help build and preserve over 150,000 rental homes for low-income families. According to the Biden Administration, this legislation would build and preserve over one million affordable homes and is the largest investment in affordable housing in the country’s history.

COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATIONS

The Department of Housing and Urban Development allocated over \$2 billion in CDBG-Disaster Recovery and CDBG-Mitigation funds appropriated through the Continuing Resolution extending government funding. This allocation works toward the Biden Administration’s goal of equitably improving the country’s disaster recovery and resilience to meet the impacts of climate change, particularly for disadvantaged communities. The funds are to be used for disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation.

ERA REALLOCATION

The Treasury Department is shifting over \$1.1 billion in Emergency Rental Assistance funding to states and cities that obligated at least 65 percent of its share from the first round of Treasury funding. As of the end of November, state and local governments spent only \$17.4 billion of the \$46.5 billion available, prompting the Department to launch the first round of reallocation for ERA 1 funds. Amounts recaptured were prioritized to grantees in the same states or localities that were eligible for reallocation. Additionally, grantees that made more rapid progress on distributing ERA 2 funds were highly prioritized in round-one reallocation efforts. Through reallocation, states and local governments are able to provide additional aid beyond the 665,000 renters who were assisted through ERA funds.

IMMIGRATION/HOMELAND SECURITY/PUBLIC SAFETY

BORDER CLOSURE

Among the border security sector's most significant events in the past quarter was President Biden lifting non-essential travel restrictions at border points of entry. As you know, since March 2020, points of entry along the U.S.-Mexico and U.S.-Canada borders had been closed to non-essential travel because of COVID-19 – but on October 12, the Administration [announced](#) it would reopen both the southern and northern borders to vaccinated travelers on November 8.

This development followed significant lobbying efforts from state and local leaders nationwide who had been engaging with the Administration and Congressional delegations for months citing the significant economic impact of the continued closures on communities on both sides of the border.

MIGRANT PROTECTION PROTOCOLS/TITLE 42/REVISED ENFORCEMENT PRIORITIES

Upon taking office, the Biden Administration immediately sought to revise immigration practices established by the Trump Administration, including [rescinding](#) the Migrant Protection Protocols (MPP), or Remain in Mexico program.

Unfortunately for the Biden Administration, a federal court ruled that the Administration had improperly terminated the Migrant Protection Protocols (MPP) program, and as such, was required to restart the MPP program, though the Department of Homeland Security (DHS) noted the program could not “be reimplemented, however, unless and until the Government of Mexico makes an independent decision to accept returns under the program.” The Government of Mexico and the DHS reached an agreement and DHS has restarted the [MPP program](#). It is worth noting that DHS has also issued a new [notice](#) terminating MPP in a manner that would better comply with the Court's ruling; however, at this time, it must maintain the program as the injunction remains in place. As a result, despite the agency's best efforts, DHS has implemented MPP along the southern border.

The Administration has requested that the Supreme Court set the MPP program aside, but at this time, the Court has taken no action to adhere to that request.

Relatedly, in September 16, a federal judge issued an [order](#) blocking the Administration from expelling families seeking asylum under Title 42. The ruling only applies to asylum-seeking families, so despite the

ruling, DHS was still permitted to expel single asylum-seeking adults. The Administration successfully appealed this ruling, and the Federal Court of Appeals for the District of Columbia issued a stay allowing the Administration to continue implementing Title 42 while the litigation persists.

DHS also announced new [Guidelines for the Enforcement of Civil Immigration Law](#) “to better focus the Department’s resources on the apprehension and removal of noncitizens who are a threat to our national security, public safety, and border security and advance the interests of justice by ensuring a case-by-case assessment of whether an individual poses a threat.”

For the first time, they explicitly guard against the use of immigration enforcement as a tool of retaliation for a noncitizen’s assertion of legal rights, such as the right to exercise workplace or tenant rights. The guidelines make clear that immigration enforcement authority shall not be used as an instrument of unscrupulous employers seeking to exploit their employees’ immigration status.”

DEFERRED ACTION AGAINST CHILDHOOD ARRIVALS

Last quarter, DHS and U.S. Citizenship and Immigration Services (USCIS) issued a [Notice of Proposed Rulemaking](#) (NPRM) seeking input from stakeholders as to how best to “preserve and fortify the Deferred Action for Childhood Arrivals (DACA) policy.” Comments were due in November.

While the NPRM reaffirmed the Administration’s position that DACA recipients are not a priority for deportation, it also acknowledged a July 16 Court Order barring issuance of any initial DACA requests, and acknowledged this NPRM would not impact any obligations under that order. Still, while that order barred granting initial requests, it did not prohibit DHS from accepting and processing renewal requests.

POLICE REFORM LEGISLATION

There has been no movement on major policing reform since talks led by Rep. Karen Bass (D-CA) and Sens. Cory Booker (D-NJ) and Tim Scott (R-SC) were stalled in late September. The FY 2022 appropriations bills and BBB continue to dominate floor space in Congress, and as a result, members have switched their focus from policing reform.

However, Congress has considered and passed some less significant policing bills. On November 18, President Biden signed the Protecting America’s First Responders Act of 2021 (PAFRA) ([Pub. L. 117-61](#)) and the Confidentiality Opportunities for Peer Support (COPS) Counseling Act ([Pub. L. 117-60](#)) into law.

The PAFRA was sponsored by Rep. Bill Pascrell (D-NJ) in the House and Sen. Chuck Grassley (R-IA) in the Senate. The bill would extend Public Safety Officer Benefits (PSOB) for police officers who die or become disabled as a result of COVID-19 infection until the end of the public health emergency (PHE) or at the end of 2023, whichever is earlier. The PHE is in place until April 16. The Department of Health and Human Services has also pledged to provide a 60-day notice for the PHE termination.

The COPS Counseling Act was led by Rep. Guy Reschenthaler (R-PA) and Rep. David Trone (D-MD) in the House, and Sen. Catherine Cortez Masto (D-NV) in the upper chamber. The new law will strengthen privacy protections for police officers who access peer support counseling services.

TAX

BUILD BACK BETTER

With Sen. Joe Manchin (D-WV) throwing a massive roadblock in the way of President Biden's BBB Reconciliation Agenda, the most significant development in the tax space during the last quarter was what did not occur. While the initial \$3.5 trillion proposal had been whittled down to roughly \$1.75 trillion, and did not include some of the significant changes that were in the initial draft, like increases to the corporate income tax rate or individual ordinary income tax, capital gains, and dividend tax rates, it still included several significant tax provisions, including a revised cap on State and Local Tax (SALT) deductions and a revised corporate Alternative Minimum Tax (AMT) on book value (as opposed to net income).

With Sen. Manchin's announcement that he would not be able to support the legislation and a 50-50 split in the Senate, its path forward remains uncertain. While the West Virginian has acknowledged he might be open to further discussion on the matter, Democratic leadership has seemingly put the BBB on the back burner in favor of a more immediate push for voting rights. As such, the current state of the tax code remains unchanged for the time being.

TELECOMMUNICATIONS/BROADBAND

BROADBAND LEGISLATION

Following the passage and pending implementation of the IIJA (H.R. 3684), broadband advocates have turned their attention to the BBB. The latest draft of the BBB features around \$1 billion in funding to improve broadband accessibility and affordability. The bill features:

- **\$475 million** for grants for devices, such as laptops and tablets, administered through the National Telecommunications and Information Administration (NTIA). Low-income consumers qualify through subsidies provided in the IIJA and the BBB, plus \$20 million for administration and \$5 million for outreach;
- **\$300 million** for the Federal Communications Commission's (FCC) Emergency Connectivity Fund in order to address distance-learning efforts for schools and libraries;
- **\$280 million** for NTIA grants to public-private partnerships to fund pilot projects for boosting access to affordable broadband in urban communities, including communities of color, alongside low- and middle-income consumers;
- **\$100 million** for FCC outreach and education about broadband affordability programs;
- **\$7 million** to create a Future of Telecommunications Council under the Commerce Department that would advise on next-generation 6G wireless and how it can help serve low-income communities;
- **\$5 million** to create an Urban and Suburban Broadband Advisory Committee on making Broadband more affordable in urban and suburban areas;
- **\$500 million** for the Federal Trade Commission's (FTC) Privacy Bureau to focus on unfair or deceptive practices pertaining to privacy, data security, identity theft, and other matters;
- **\$470 million** for next-gen 911 grants; and
- **\$400 million** for various cybersecurity initiatives with the Cybersecurity and Infrastructure Security Agency (CISA) including cybersecurity awareness training, securing cloud architecture, critical infrastructure, and other related matters.

Despite Sen. Manchin's issues with the broadband provisions in the BBB, Democrats remain hopeful that some will be included in other legislation if not passed as part of President Biden's framework. One senior Democratic aide revealed to the press that it is "very likely" that future packages - including the Senate-passed U.S. Innovation and Competition Act (USICA) - will feature additional funds for the FTC and DOJ as the Administration looks to augment antitrust and data privacy efforts.

EXECUTIVE BRANCH

Since the IIJA's passage, the FCC and NTIA have been working to implement its directives. On December 6, the NTIA announced a series of five public virtual listening sessions focused on the new broadband grant programs authorized and funded by the IIJA: the Broadband Equity, Access, and Deployment Program; the Enabling Middle Mile Broadband Infrastructure Program; and the Digital Equity Act Programs, which include the State Digital Equity Planning Grant Program, State Digital Equity Capacity Grant Program, and Digital Equity Competitive Grant Program, and additional funding for the Tribal Broadband Connectivity Program. These sessions, three of which have yet to occur, are designed to collect stakeholder input to help inform program development and implementation. On January 7, the NTIA issued a request for comment on the new programs. Comments are due by February 4.

In addition, the NTIA announced two additional grants as part of the Tribal Broadband Connectivity Program. These grants, totaling nearly \$1 million, were awarded to the Yavapai-Apache Nation in Arizona and the Lac Courte Oreilles (LCO) Band of Lake Superior Chippewa Indians in Wisconsin.

On January 7, the FCC released a draft Report and Order and Further Notice of Proposed Rulemaking that, if adopted, would establish the rules for the \$14.2 billion Affordable Connectivity Program ("Program"), pursuant to Congressional directives in the IIJA. The Program would provide eligible households with discounts of up to \$30 a month for broadband service, and up to \$75 a month if the household were on Tribal lands. It would also provide a one-time discount of up to \$100 on a computer or tablet for eligible households. The Report and Order, if adopted, would:

- Establish household eligibility requirements for the Program, including adding the Department of Agriculture's (USDA) Special Supplemental Nutrition Program for Women, Infants, and Children and expanding the income eligibility to 200 percent of the Federal Poverty Guidelines;
- Adopt technology neutral Program rules for participating broadband providers;
- Define the rules governing broadband plans and connected devices available in the new Program, and outline the reimbursement and claims processes providers must follow to receive the up to \$30 per month standard subsidy or the up to \$75 per month subsidy for eligible households on Tribal lands;
- Adopt consumer protection rules as well as disclosure and consumer consent requirements;
- Establish a dedicated FCC complaint process for Program participants;
- Establish a roadmap and consent requirements to assist legacy Emergency Broadband Benefit Program households transitioning to the Program; and
- Initiate the FCC's outreach program as permitted in the Infrastructure Act to encourage eligible households to enroll in the new Program.

Additionally, the Further Notice of Proposed Rulemaking would seek comment on the structure of and objectives for an outreach partner grant program and seek comment on a mechanism with which an eligible household in a high-cost area may receive an enhanced benefit of up to \$75 per month. This draft was circulated for tentative consideration by the Commission by January 14, 2022, the statutory deadline for promulgating rules for the ACP.

TRANSPORTATION/INFRASTRUCTURE

IIJA ENACTED

On November 15, 2021, President Joe Biden signed the *Infrastructure Investment and Jobs Act* into law. The five-year, \$1 trillion comprehensive infrastructure package includes funding for transportation – roads, bridges, ports, airports, rail, and transit – as well as water infrastructure, broadband, power infrastructure, and climate resiliency. SPB provided a memo summarizing the legislation, and continues to send real-time and comprehensive updates related to the bill.

FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR NOFO

On December 10, the Federal Railroad Administration (FRA) [issued](#) a NOFO for the Federal-State Partnership for State of Good Repair Program to “fund projects within the United States to repair, replace, or rehabilitate Qualified Railroad Assets to reduce the state of good repair backlog and improve Intercity Passenger Rail performance.” Approximately \$198 million in funding is available. Applications are due by 5 p.m. ET on March 7, 2022.

WORKFORCE

The Department of Labor (DOL) is continuing to work on modernizing the country’s unemployment systems. Following DOL’s establishment of the Office of Unemployment Insurance Modernization in August, the Department deployed teams to various states to identify challenges and potential technology-driven solutions. Michele Evermore, Deputy Director for Policy in the Office of Unemployment Insurance Modernization, has stated that the Office is receiving helpful input from the National Association of State Workforce Agencies. DOL will also be partnering with various states to pilot a new claimant experience process, and working with states to provide identity management services. Additionally, on September 30, DOL [awarded](#) \$195.7 million dollars to states and territories to help them identify and combat fraud in their unemployment insurance programs.

On September 29, DOL’s Mine Safety and Health Administration [announced](#) \$10.5 million in grant funding to support mine safety and health training. Funding will be used to provide miners with federally mandated training, as well as other training to ensure miners have access to safety resources. Grants were distributed to states, and will be administered by state mine inspectors’ offices, state departments of labor, and state colleges and universities.

Finally, on January 12, DOL [announced](#) a new funding opportunity for organizations to provide training and employing services to veterans combating homelessness. The program will be administered by DOL’s Veterans’ Employment and Training Service, as part of the VETS’ Homeless Veterans’ Reintegration Program. Entities eligible to apply for the grant include state and local workforce investment boards, local public agencies and nonprofit organizations, tribal governments, and faith-based and community organizations.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #25

Leon County Board of County Commissioners

Agenda Item #25

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Status Update on the Tourist Development Tax Funds Allocated to the Community Redevelopment Agency

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Ken Morris, Assistant County Administrator Nicki Paden, Special Projects Coordinator

Statement of Issue:

As requested during the Board's June 14, 2022 meeting, this item provides a status update on the disbursement of the Tourist Development Tax (TDT) funds allocated to the Community Redevelopment Agency (CRA) in accordance with the tri-party Interlocal Agreement between the County, City, and CRA Board.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Accept the status report on the Tourist Development Tax Funds allocated to the Community Redevelopment Agency.

Report and Discussion

Background:

During the June 14, 2022 meeting, the Board directed staff to provide a status update on the disbursement of the remaining Tourist Development Tax (TDT) funds allocated to the CRA for cultural projects, programs and expenses in either of the Community Redevelopment Agency (CRA) Districts. During the June 21, 2022 Budget Workshop, the Board discussed the availability of these funds during its consideration of a funding request by the Florida Civil Rights Museum, Inc. At that time, the Board approved the use of general fund balance for the \$60,000 funding request and affirmed that the status update on the TDT funds allocated to the CRA would be brought back to the Board at its regular meeting on July 12, 2022.

On October 14, 2014, the Board approved the Third Amendment to the CRA Interlocal Agreement to reallocate TDT revenues that had been dedicated to a downtown performing arts center, which never came to fruition (Attachment #1). At that time, the County had accrued a fund balance of approximately \$5 million in TDT for a downtown performing arts center. Pursuant to the Interlocal Agreement, the CRA Board was charged with making recommendations for the utilization of the remaining TDT funds within the Downtown or Frenchtown/Southside CRA Districts, subject to final approval by both the County and City Commissions. These funds must be utilized in accordance with section 125.0104, Florida Statutes, which governs the use of TDT funds. Further, the CRA Interlocal Agreement specifically calls for the TDT funds to be utilized for projects, programs, and expenses:

related to culture, visual arts, and heritage programs; performing arts space, as part of the convention center project; or other performing arts projects.

In accordance with the Third Amendment to the CRA Interlocal Agreement approved in 2014, approximately \$2.25 million of the TDT funds were allocated for capital improvements associated with the Amphitheater support space and redevelopment at Cascades Park. On May 25, 2017 the CRA Board approved the creation of a competitive grant program to solicit proposals and allocate the remaining \$3 million of TDT. In July 2018, the County, CRA Board, and City each approved awarding the remaining TDT funds to three organizations as a result of the grant program. This included a proposal by TLH Arts, Inc. for a "Performance and Rehearsal Venue Renovation" which originally involved the renovation of a State-owned building located on West Van Buren Street into a multipurpose assembly and performance venue. TLH Arts, Inc. was awarded \$1.8 million for its proposal which, over several years and multiple iterations, was unable to meet the required benchmarks (fundraising, securing a location, etc.) to receive funding.

In early 2021, the CRA Board sought to reallocate the \$1.8 million grant award to other organizations, but the County Commission expressed due process concerns related to TLH Arts, Inc. and requested the CRA Board provide TLH Arts, Inc. additional time to find a new venue location. On January 28, 2021, the CRA Board received a status update on each project that had been awarded the TDT grants in 2018 including the lack of progress made on the TLH Arts, Inc. At that time, the CRA Board sought to reallocate the \$1.8 million grant to other organizations and forwarded its recommendations to the County. On February 16, 2021, the County Commission

voted not to approve the CRA Board's recommendations for the reallocation of the \$1.8 million of TDT and directed the County Administrator to write a letter to the CRA Board requesting it extend the timeline and seek a revised proposal from TLH Arts, Inc. for a performance and rehearsal venue. On March 25, 2021, consistent with the County Commission's request, the CRA Board effectively rescinded its actions from January 28, 2021 and voted to provide additional time to TLH Arts, Inc. to submit a revised project proposal for consideration at its next meeting.

On May 13, 2021 the CRA Board considered the revised proposal for the TLH Arts, Inc. "Performance and Rehearsal Space" project at a new location in the Railroad Square Arts District following challenges in securing the original project site on West Van Buren Street. On June 8, 2021, the County Commission approved the CRA's recommendation to award \$1.8 million for the revised TLH Arts, Inc. "Performance and Rehearsal Space" project proposal. During the summer of 2021, TLH Arts Inc. pursued the new location in Railroad Square but was unable to acquire the property for the performance and rehearsal venue.

On January 26, 2022, TLH Arts Inc. provided a letter to the CRA stating that the organization had placed its plans for the venue on hold. The Analysis section provides an update on the remaining TDT funds allocated to the CRA, the CRA Board's plans to reallocate the funding through a grant solicitation process, and the parameters set forth in the CRA Interlocal Agreement.

Analysis:

On February 24, 2022, following the receipt of TLH Arts, Inc.'s letter stating that it had put its project on hold, the CRA Board rescinded the grant previously awarded to TLH Arts Inc. and directed staff to develop a new application process for the remaining funds (Attachment #2). CRA staff anticipates bringing an item back to the CRA Board on September 8th providing for the grant solicitation process to disburse the remaining TDT funds. Consistent with the Interlocal Agreement, the grant program is anticipated to solicit applications for projects, programs, and expenses related to culture, visual arts, and heritage programs. Approximately \$2.0 million of TDT funds remains in the County's interest-bearing account pursuant to the CRA Interlocal Agreement at this time. The County's Director of Tourism is coordinating with CRA staff to ensure the grant guidelines and applications meet the statutory requirements for TDT expenditures.

The Florida Civil Rights Museum, Inc. may be eligible for funding if it seeks to provide a project or programming within the Downtown or Frenchtown/Southside CRA Districts that meet the statutory requirements for TDT expenditures by offering programming or projects/exhibits that are publicly available and seeks to draw visitors to the destination.

The grant application and evaluation process could take approximately six months with funding recommendations to be brought back to the CRA Board in spring 2023. The CRA Board's utilization of the TDT funds remains subject to final approval by both the County and City Commissions. Accordingly, once the grant cycle has been completed and the CRA Board provides its recommendation(s) for funding, an agenda item will be placed on the Board's agenda for consideration. Should the CRA Board seek to expand the eligibility for grant funding beyond the

parameters set forth in the Interlocal Agreement (location or type of use), said recommendations would be brought to the Board prior to the commencement of the grant cycle.

The CRA Interlocal Agreement does not specify a timetable for the TDT funds to be spent. However, any unspent County funds (includes TDT and property taxes) must be returned to the County upon the termination or expiration (June 2039) of the Agency. Should the Board wish to redirect the \$2 million in TDT for the County's sole discretion, an amendment to the CRA Interlocal Agreement would need to be approved by all three parties (the Board, City Commission, and CRA Board).

Options:

1. Accept the status update on the Tourist Development Tax Funds allocated to the Community Redevelopment Agency.
2. Do not accept the status update on the Tourist Development Tax Funds allocated to the Community Redevelopment Agency.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. October 14, 2014 agenda item amending the CRA Interlocal Agreement to reallocate TDT.
2. February 24, 2022 CRA Board agenda item rescinding the TDT grant to TLH Arts, Inc.

Leon County Board of County Commissioners

Cover Sheet for Agenda #15

October 14, 2014

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax Currently Dedicated to the Performing Arts Center

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Ken Morris, Director of Economic Development & Business Partnerships

Fiscal Impact:

This item seeks the Board's direction regarding the City's Commission's counter-proposal to reallocate Tourism Development Tax revenues currently dedicated to a performing arts center(s) under a tri-party Interlocal Agreement with the City and Community Redevelopment Agency. Outstanding items to be addressed include: 1) the existing \$5 million balance for a performing arts center(s); 2) the annual recurring one-cent tourist development tax dedicated to a performing arts center; 3) the reimbursement of \$508,425 utilized for the demolition of the Johns Building; and, 4) the reallocation of said funds to support cultural arts and the operation of the proposed convention center.

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 2

Staff Recommendation:

- Option #1: Approve the County's proposal to amend the Interlocal Agreement and reallocate the Tourism Development Tax with the counter-proposal modifications offered by the City (in bold and underline):
- a. The CRA would maintain the \$5 million fund balance (plus what is collected through September 30, 2014) set aside for the performing arts center(s) under the current terms and conditions, which includes recommendations being subject to final approval by the County and City. Projects that may be considered include, but are not limited to:
 - i. The proposed Downtown Theatre Project on College Avenue.
 - ii. Performing arts space as part of convention center project.
 - iii. Or, other performing arts projects as recommended by the CRA.
 - b. Rather than require the City to pay back the \$508,425 owed to the County pursuant to the aforementioned agreement, the County would allow the City **five years** to make improvements of the Capital City Amphitheater and/or Meridian Building for the purpose(s) requested by the County in an amount equal to the \$508,425 utilized for the demolition of the Johns Building; any balance not utilized during this period of time will be reimbursed to the County's Tourist Development Trust Fund.
 - c. A formal acknowledgement that effective September 30, 2014, all future one-cent TDT currently dedicated to the performing arts center(s) shall no longer be dedicated for such purpose and shall be retained by the County to be utilized in accordance with Florida Law.
 - d. Following the amendment of the Interlocal Agreement, the County shall amend the Tourism Plan (Ordinance) to allocate a total of one-cent of TDT to support **both City and County** cultural grants starting in FY 2015.
 - i. **In addition, for five years beginning in FY 2015, the County shall dedicate an additional ¼ cent of the one-cent dedicated to a performing arts center(s) to support cultural grant programs. Monies accrued from the ¼ cent during FY 2015 shall be distributed during FY 2016 and continue through FY 2020. During this five-year term, the City and County will "continue to commit general revenues funds in the amount of about \$150,000 each towards the operation of COCA. The exact amount can be determined during FY 2015 in conjunction with COCA staff."**
 - e. Utilize the remaining **¼ cent** for tourism related expenses as determined by the Board and, upon a future determination by the Board, redirect these funds to support the operations of the convention center once it is operational.
- Option #2: Should the City determine to reduce its general revenue support for cultural grants, the Tourist Development Council shall be utilized to offer guidance on the eligibility of cultural agencies for TDT funds at that time.
- Option #3: Direct the Tourist Development Council to review and provide recommendations on all relevant Interlocal Agreements regarding the reallocation of TDT prior to execution.

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 3

Report and Discussion

Background:

Over the past year, the Board, the City Commission (City) and the Community Redevelopment Agency (CRA) have discussed the reallocation of the one-cent Tourism Development Tax (TDT) currently dedicated for a performing arts center(s), the \$5 million accumulated fund balance set aside for a performing arts center(s), and the \$508,425 owed to the County for the demolition of the Johns building. This item provides information on the most recent actions taken by the Board, the CRA, and the City respectively and seeks Board direction to resolve this matter.

Leon County Action

During the October 29, 2013 Workshop on the Future Uses for the One-Cent of TDT Dedicated to a Downtown Performing Arts Center, the Board acknowledged the substantial likelihood that the proposed performing arts center led by Florida Center of Performing Arts and Education (FCPAE) would not be realized given the lack of adequate private financial support and strong opposition by the Sales Tax Committee (Attachment #1). In addition, the latest extension of the FCPAE's option agreement with the City for the Johns Building site had expired a month prior to the workshop, on September 30, 2013, due to their inability to meet fundraising benchmarks. During this workshop, the Board gave preliminary direction to dedicate a full one-cent of TDT to culture in FY 2015 and authorized the County Administrator to take the necessary steps to return the encumbered balance (\$4.1 million at that time) set aside for a downtown performing art center(s) back into the TDT trust fund pursuant to the Interlocal Agreement.

On February 11, 2014, the Board held a workshop on the Cultural Plan Review Committee's Final Report and Recommendations (Attachment #2). Since 2003, Leon County has partnered with the Council on Culture & Arts (COCA) to implement the Cultural Plan and administer the cultural grant program. Included in this final report were several concerns regarding the current funding formula for COCA including the limitations associated with TDT funds, the desire for more general revenue funding, and the need for a capital grants program. Following a presentation by members of the Cultural Plan Review Committee and County staff, the Board reaffirmed its preliminary direction from the October 29, 2013 workshop to dedicate a full one-cent of TDT to culture in FY 2015 utilizing a portion of the penny currently dedicated to the performing arts center. Pending discussions with the City, the additional \$400,000 investment of County TDT funds would address some of the key priorities articulated in the Cultural Plan including the creation of a capital grants program for cultural institutions. The Board also modified its position with regard to the encumbered balance (\$4.1 million at that time) set aside for a downtown performing art center(s) through its support to keep the balance accumulated through September 30, 2014 under the tri-party Interlocal Agreement. Based on the numerous and overlapping issues associated with the reallocation of the TDT, the Board requested staff to bring back an agenda item reconciling each of the Board's directives for final approval prior to scheduling a joint meeting with City Commissioners.

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 4

Staff presented these issues back to the Board on April 8, 2014, at which time the Board directed staff to prepare an agenda item to propose specific changes to the Interlocal Agreement at the April 24, 2014 CRA meeting as follows (Attachment #3):

- The CRA would maintain the \$4.1 million (currently estimated at \$5 million) fund balance (plus what was collected through September 30, 2014) set aside for a performing arts center(s) under the current terms and conditions. Recommendations would be subject to final approval by the County and City. Projects that may be considered would include, but are not limited to:
 - The proposed Downtown Theatre Project on College Avenue.
 - Performing arts space as part of convention center project.
 - Or, other performing arts projects as recommended by the CRA.
- Rather than require the City to pay back the \$508,425 owed to the County pursuant to the aforementioned agreement, the County would allow the City three years to make improvements of the Capital City Amphitheater and/or Meridian Building for the purpose(s) requested by the County in an amount equal to the \$508,425 utilized for the demolition of the Johns Building; any balance not utilized during this period of time must be reimbursed to the County's Tourist Development Trust Fund.
- A formal acknowledgement by each party to the Interlocal Agreement that effective September 30, 2014, all future one-cent TDT currently dedicated to the performing arts center(s) shall no longer be dedicated for such purpose and shall be retained by the County to be utilized in accordance with Florida Law.
- Following the amendment to the Interlocal Agreement, the Board authorized staff to schedule a public hearing to amend the Tourism Plan (Ordinance) to allocate a total of one-cent TDT to support cultural arts starting in FY 2015 (utilizing approximately ½ cent from the penny dedicated to the performing arts center). The remaining ½ cent was to be utilized for tourism related expenses, as determined by the Board, and potentially redirected to support the convention center once it is operational.
- The Board directed the County Administrator, upon the approval of the sales tax extension, to negotiate with FSU and/or the appropriate parties for a ½ cent of the TDT to be utilized for the operational costs associated with the convention center once it is completed. An agreement would be brought back to the Board for its consideration.

Under the Board's proposal, amending the Interlocal Agreement would have ceased the collection of the one-cent TDT on September 30, 2014 for the purpose of a performing arts center(s) and restored the Board's full and independent discretionary authority for this County revenue source.

Community Redevelopment Agency Action

In response to the Board's actions, the CRA held a meeting April 24, 2014 to discuss matters relating to the performing art center and TDT funding. During the CRA meeting, City Commissioners agreed they wanted an opportunity to discuss this issue as a City body rather than discuss it for the first time at the CRA meeting.

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 5

City of Tallahassee Action

In May 2014, the City held two meetings to discuss matters relating to the performing art center and TDT funding, however Commissioners decided to defer any actions until a later date. On September 22, 2014, the City took up these issues again and recommended changes (indicated in bold and underline) to the Interlocal Agreement for the Board's consideration as follows (Attachment #4):

- The CRA would maintain the \$4.1 million (currently estimated at \$5 million) fund balance (plus what was collected through September 30, 2014) set aside for the performing arts center(s) under the current terms and conditions, which includes recommendations being subject to final approval by the County and City. Projects that may be considered include, but are not limited to:
 - The proposed Downtown Theatre Project on College Avenue.
 - Performing arts space as part of convention center project.
 - Or, other performing arts projects as recommended by the CRA.
- Rather than require the City to pay back the \$508,425 owed to the County pursuant to the aforementioned agreement, the County should allow the City **five years** to make improvements of the Capital City Amphitheater and/or Meridian Building for the purpose(s) requested by the County in an amount equal to the \$508,425 utilized for the demolition of the Johns Building; any balance not utilized during this period of time will be reimbursed to the County's Tourist Development Trust Fund.
- A formal acknowledgement that effective September 30, 2014, all future one-cent TDT currently dedicated to the performing arts center(s) shall no longer be dedicated for such purpose and shall be retained by the County to be utilized in accordance with Florida Law.
- Following the amendment of the Interlocal Agreement, the County shall amend the Tourism Plan (Ordinance) to allocate a total of one-cent of TDT to support **both City and County** cultural grants starting in FY 2015.
 - **In addition, for five years beginning in FY 2015, the County shall dedicate an additional ¼ cent of the one-cent dedicated to a performing arts center(s) to support cultural grant programs. Monies accrued from the ¼ cent during FY 2015 shall be distributed during FY 2016 and continue through FY 2020. During this five-year term, the City and County will “continue to commit general revenues funds in the amount of about \$150,000 each towards the operation of COCA. The exact amount can be determined during FY 2015 in conjunction with COCA staff.”**

Under the City's proposal, the Board would be obligated to provide an additional ½-cent to COCA (which the Board has previously supported) and an additional ¼-cent to COCA for a five-year period. Of the one-cent currently dedicated to a performing arts center(s), a ¼ cent would remain available to promote tourism as determined by the Board. The City did not address the Board's recommendation in dedicating a ½-cent to support the operational costs of the convention center from the one-cent currently dedicated to the performing arts center. Staff provides additional information in the analysis relating to the convention center so that the Board has the complete picture of all the moving pieces and recent actions regarding the reallocation of the one-cent dedicated to the performing arts center.

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 6

Analysis:

This analysis seeks to clarify the differences between the positions taken by the Board and the City Commission regarding the TDT currently dedicated to a performing arts center(s). The proposal adopted by the Board on April 8, 2014 sought to relinquish the one-cent TDT from the Interlocal Agreement in order to restore the Board's full and independent discretionary authority for this County revenue source. In turn, the Board sought to maximize these revenues by striking a balance between desired community projects and available resources by maintaining the existing \$5 million fund balance for a performing arts center(s) and utilizing future TDT revenues for other community efforts such as the implementation of the Cultural Plan and the operational support for the convention center. While there are some differences between the County and City proposals, the City's proposal would still allow the Board to realize its funding priorities with TDT revenues. The analysis portion of this item examines the County and City Commission's proposals and seeks Board direction to resolve some of the outstanding issues. The table below illustrates the County and City positions and offers staff comments.

Table #1: Comparison of County and City Proposals to Redirect One-Cent of the Tourist Development Tax

Issues	County Proposal	City Proposal	Staff Comments
Formal acknowledgement to no longer dedicate future TDT revenues to a performing art center(s)	Yes	Yes	Consistent with previous Board Direction.
\$5 Million Fund Balance	Remain in CRA, subject to City and County Approval.	Remain in CRA, subject to City and County Approval.	Consistent with previous Board Direction.
\$508,425 owed to County for Johns Building Demolition	City has three years to make improvements to Capital City Amphitheater or Meridian Building.	City has five years to make improvements to Capital City Amphitheater or Meridian Building.	City staff stated that a five-year period would allow for needed improvements. County staff has no objections.
Amend Tourism Plan to Allocate Additional TDT to COCA	Allocate an additional ½ cent to COCA from the one-cent dedicated to the performing arts center. This would provide COCA a total of one-cent of TDT annually (\$900,000).	Allocate an additional ½-cent TDT to COCA (same as County proposal). Allocate an additional ¼ cent to COCA FY 2015 – FY 2019* for a total of 1¼ cents (\$1.125 million).	Should the Board concur with the City, COCA would receive an additional \$225,000 more than initially proposed by the Board. In addition, the County may not be able to support the future operational needs of the convention center with a ½-cent TDT until 2020.
Administrative Funding to COCA	The Board's FY 2015 budget sustains administrative funding at the historic level of \$150,000. The Board did not discuss modifying its support of administrative funding in any way.	The City proposed a five-year annual commitment " of about \$150,000 each " as part of its counter-proposal to the Board.	City proposal makes the historic amounts for funding administration part of the proposed agreement. The proposal is to finalize the exact amount of administrative support during FY 2015 in conjunction with COCA staff.

*Monies accrued from the ¼ cent during FY 2015 shall be distributed in FY 2016 and continue through FY 2020.

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 7

Based on the direction provided on April 8, 2014, the Board sought to increase COCA funding by nearly \$400,000 annually by utilizing approximately a ½ cent from the one-cent currently dedicated to a performing arts center(s), for a total allocation of one-cent or approximately \$900,000 in FY 2015. When combined with the \$150,000 for administrative costs from general revenue, the proposed County budget for cultural arts in FY 2015 was anticipated to be over \$1 million pending the amendment to the Interlocal Agreement. Without the additional funding from the one-cent dedicated to the performing arts center, the Board maintained COCA's funding level in FY 2015 (\$150,000 for administrative costs and \$504,500 in TDT for grants). Table #2 illustrates the difference in COCA grant funding between the County and City proposals.

The distinction between these proposals is the funding level for COCA through 2020 and the availability of TDT for other tourism related expenses under Florida law. Based on the City's counter-proposal to reallocate the one-cent TDT dedicated to a performing arts center(s), COCA would receive an additional ½ cent of the TDT to implement the Cultural Plan starting FY 2015 (as supported by the Board) plus an additional ¼ cent in FY 2016 totaling approximately \$1,125,000 of TDT funds (or 1¼ cents of TDT) annually as reflected in Table #2. The additional ¼-cent allocation proposed by the City would be set aside for COCA starting in FY 2015 but payments would not commence until FY 2016.

Table #2: Proposed Cultural Grant Funding Through COCA (does not include administrative costs)

	FY 2014	FY 2015	FY 2016	
			County Proposal	City Proposal
County Cultural Grant Funding (TDT)	\$504,500	\$900,000* (one-cent TDT)	\$900,000* (one-cent TDT)	\$1,125,000* (1¼ cent TDT)
City Cultural Grant Funding (City GR)	\$403,338	\$403,338	TBD**	TBD**
Total	\$907,838	\$1,303,338	TBD**	TBD**

*Estimated figures based on TDT revenues and contingent upon amending the Interlocal Agreement.

**These figures are dependent on the amount of future general revenue support provided by the City.

COCA is supportive of increasing TDT funds, thereby increasing overall funding levels. However, concerns were raised at the City's meeting on September 22, 2014 about the City's future commitment of general revenue for cultural grants. While the City's proposal calls for a five-year commitment from both the City and County to support COCA's administrative costs, the City's long-term financial commitment of general revenue for cultural grants is unclear at this time. For example, the City's proposal indicates that the additional TDT funds to COCA would support "both the City and County cultural grants starting in FY 2015," which suggests that the additional TDT funds may supplant future City general revenue funding. While the City's FY 2015 budget maintains general revenue support to COCA for various cultural projects in the amount of \$403,338, City Commissioners expressed an interest in reducing that amount in future years with the offset of additional TDT revenues. Further, the Cultural Plan and the City's staff analysis recognize the importance of general revenue funding and the statutory limitations for the use of TDT that could impact local arts and cultural organizations if the TDT "becomes the sole source of funding for the Cultural Grant Program."

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 8

Given the City's proposal to increase TDT funding, COCA would realize a net increase in its budget regardless of the City's level of support with general revenue dollars. In response to COCA's concerns about a reduction in general revenue support and the limitations of the TDT, the City charged its staff to conduct meetings with affected organizations and other community stakeholders over the next year to review their eligibility for TDT funds and potentially identify alternative funding solutions. Should the City determine to reduce its general revenue support for cultural grants, staff would recommend that the Tourist Development Council be utilized to offer guidance on the eligibility of cultural agencies for TDT funds at that time.

Staff believes that additional cultural organizations and programs can be supported with TDT funds. One approach to better utilize existing general revenue funding could be to swap a portion of administrative funds (paid with County/City general revenue) and TDT cultural grants as needed to support local arts and cultural programs. Thus, general revenue would be redirected to support cultural programs that may not be eligible for TDT funds. Despite the best efforts to redirect TDT funds to support additional cultural organizations, the City acknowledges that a reduction in general revenue support could result in some agencies not being able to receive funding through COCA. If the Board were to concur with the City's counter-proposal, it may wish to ensure that the City agrees to backstop the shortfall of funding for cultural organizations and programs that are ineligible for TDT funding. This would help alleviate the concerns raised by COCA and affected organizations by ensuring that adequate resources will be available to support local arts and cultural programs.

Once the Interlocal Agreement is amended and the one-cent TDT is no longer committed to a performing arts center(s), and the penny sales tax referendum has been approved by the voters, the Board has authorized the County Administrator to commence discussions with FSU regarding the utilization of a ½ cent of TDT for the future operating costs associated with the proposed convention center. The Board provided this direction on April 8, 2014 for the County Administrator to bring back a discussion item outlining the due diligence and financial viability of the project so that the Board can make a final determination and commitment of ½ cent TDT for the future operational costs of the convention center. Once that determination is made by the Board, an agreement would be brought back for final approval at the appropriate time.

Should the Board concur with the City's counter-proposal, only a ¼ cent would remain for reallocation to the convention center until 2020 due to the proposed additional ¼-cent commitment to COCA. This may not be a significant concern as the construction of the proposed convention center is dependent on the renewal of the penny sales tax, which would not be collected until 2020, and the operational support with TDT would commence sometime thereafter. Under the City's proposal, should the Board wish to support the operational costs associated with the convention center once staff has performed its due diligence, a ¼ cent would be immediately available but a ½ cent TDT would not be available from the TDT funds currently dedicated to a performing arts center(s) until 2020. Given the Board's direction to commence preliminary discussions with FSU following the sales tax referendum, the need to amend the Interlocal Agreement to avail the TDT funds, and the unknown financial needs and timeline for the convention center, staff does not recommend any immediate action with regard to the convention center at this time.

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 9

Conclusion

The analysis finds that the County and City proposals share common goals including the formal acknowledgement to no longer dedicate TDT revenues to a performing arts center(s), retaining the \$5 million fund balance with the CRA under all of the current terms and conditions of the Interlocal Agreement, and utilizing the \$508,425 owed to the County for the Johns Building for improvements to the Capital City Amphitheater or Meridian Building within five years rather than three years as proposed by the County. Both the County and City seek to increase support for cultural grant programs utilizing TDT revenues but the City is seeking the Board's concurrence to allocate an additional $\frac{1}{4}$ cent of TDT to COCA above and beyond the full one-cent initially approved by the Board.

As noted in this analysis, COCA has concerns about the City reducing its general revenue support for cultural grants due to the statutory limitations associated with TDT funds. Staff believes that there are several approaches available to support additional cultural organizations and programs with TDT funds but a complete elimination of City general revenue support may result in some agencies not being able to receive funding through COCA. Given the City's acknowledgement of these concerns, staff would recommend that the Tourist Development Council be utilized to offer guidance on the eligibility of cultural agencies for TDT funds at such time that the general revenue reduction occurs.

And finally, the City is proposing a five-year annual commitment of about \$150,000 each in general revenue for COCA's administrative operations. While the Board had not specifically addressed its support of administrative funding as part of its negotiations with the City to amend the Interlocal Agreement, the County's FY 2015 budget does sustain administrative funding at its historic level of \$150,000. Therefore, the City is simply seeking to formalize what has been the Board's practice in recent years.

In summary, the County and City agree to increase COCA funding utilizing TDT revenues to \$900,000 (one-cent) in FY 2015, nearly \$400,000 more than what is currently budgeted. Under the City's counter-proposal, a total of $\frac{3}{4}$ of the one-cent TDT currently dedicated to a performing arts center(s) would be redirected to COCA in addition to the \$504,500 of TDT the Board currently provides for a total of $1\frac{1}{4}$ cents (approximately \$1.125 million annually) over a five year period starting in FY 2016. COCA's receipt of the additional $\frac{1}{4}$ cent under the City's proposal would expire in 2020 just as the penny sales tax (if approved by voters) revenue would start being collected, which may include approximately \$250,000 annually for the Quantum Leaps Program to support cultural arts programs. The remaining $\frac{1}{4}$ cent from the one-cent TDT dedicated to a performing arts center(s) would no longer be subject to the Interlocal Agreement and would revert to the Division of Tourism Development for tourism related expenses based upon prior Board guidance.

Should the Board concur with the City's counter-proposal, staff will prepare a modified Interlocal Agreement(s), which may be reviewed by the Tourist Development Council prior to being executed by Board, the City, and the CRA. Following the execution of the modified Interlocal Agreement to address any concerns related to the TDT, staff will schedule a public hearing to then modify the Tourism Plan (Ordinance) to reflect the Board's guidance.

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 10

Should the Board choose not to concur with the City's counter-proposal, the Board may wish to direct staff to schedule a meeting with the City Commission and/or CRA for further deliberation on this issue. In such a case, TDT funds will continue to be collected in the performing arts center(s) fund and COCA will proceed with the same funding level as last year until future action is taken. The Board may also wish to seek the counsel of the Tourist Development Council, which includes two City Commissioners and industry stakeholders, prior to taking any action on this matter.

Options:

1. Approve the County's proposal to amend the Interlocal Agreement and reallocate the Tourism Development Tax with the counter-proposal modifications offered by the City (in bold and underline):
 - a. The CRA would maintain the \$5 million fund balance (plus what is collected through September 30, 2014) set aside for the performing arts center(s) under the current terms and conditions, which includes recommendations being subject to final approval by the County and City. Projects that may be considered include, but are not limited to:
 - i. The proposed Downtown Theatre Project on College Avenue.
 - ii. Performing arts space as part of convention center project.
 - iii. Or, other performing arts projects as recommended by the CRA.
 - b. Rather than require the City to pay back the \$508,425 owed to the County pursuant to the aforementioned agreement, the County would allow the City **five years** to make improvements of the Capital City Amphitheater and/or Meridian Building for the purpose(s) requested by the County in an amount equal to the \$508,425 utilized for the demolition of the Johns Building; any balance not utilized during this period of time will be reimbursed to the County's Tourist Development Trust Fund.
 - c. A formal acknowledgement that effective September 30, 2014, all future one-cent TDT currently dedicated to the performing arts center(s) shall no longer be dedicated for such purpose and shall be retained by the County to be utilized in accordance with Florida Law.
 - d. Following the amendment of the Interlocal Agreement, the County shall amend the Tourism Plan (Ordinance) to allocate a total of one-cent of TDT to support **both City and County** cultural grants starting in FY 2015.
 - i. **In addition, for five years beginning in FY 2015, the County shall dedicate an additional ¼ cent of the one-cent dedicated to a performing arts center(s) to support cultural grant programs. Monies accrued from the ¼ cent during FY 2015 shall be distributed during FY 2016 and continue through FY 2020. During this five-year term, the City and County will "continue to commit general revenues funds in the amount of about \$150,000 each towards the operation of COCA. The exact amount can be determined during FY 2015 in conjunction with COCA staff."**
 - e. Utilize the remaining **¼ cent** for tourism related expenses as determined by the Board and, upon a future determination by the Board, redirect these funds to support the operations of the convention center once it is operational.

Title: Consideration of the City's Counter-Proposal to Reallocate the Tourism Development Tax
Currently Dedicated to the Performing Arts Center

October 14, 2014

Page 11

2. Should the City determine to reduce its general revenue support for cultural grants, the Tourist Development Council shall be utilized to offer guidance on the eligibility of cultural agencies for TDT funds at that time.
3. Direct the Tourist Development Council to review and provide recommendations on all relevant Interlocal Agreements regarding the reallocation of TDT prior to execution.
4. Do not concur with the City of Tallahassee's modifications and prepare an agenda item for discussion at a future CRA meeting.
5. Direct the Tourist Development Council to review this matter and provide a recommendation to the Board.
6. Board direction.

Recommendation:

Options #1, #2, and #3.

Attachments:

1. October 29, 2013 Ratification of the Actions Taken at the Workshop of the Future Uses for the One-Cent of TDT Dedicated to a Downtown Performing Arts Center.
2. February 11, 2014 Workshop for the Consideration of the Cultural Plan Review Committee's Final Report and Recommendation.
3. April 8, 2014 Agenda Item #13 Approval to Advance the Board's Direction on Projects Relating to the One Cent of Tourist Development Tax, Currently Dedicated to the Performing Arts Center, for Consideration by the Community Redevelopment Agency & Follow-Up.
4. September 22, 2014 City Agenda Item 13.01 Discussion Regarding Tourist Development Tax Funds.



Agenda Item Details

Meeting	Feb 24, 2022 - CRA Board Meeting
Category	9. Both Districts Policy Formation and DirectionNew Category
Subject	9.01 Discussion on TLH Arts, Inc. Tourist Development Tax (TDT) Funding – Sheila T. Williams, CRA
Type	Action, Discussion
Fiscal Impact	No
Budgeted	Yes
Budget Source	Tourist Development Tax (TDT) funds
Recommended Action	Option 1. Rescind the grant award to TLH Arts, Inc. for construction of a performing arts venue in Railroad Square

For more information, please contact: Stephen Cox, Executive Director, 850-891-8357 or Sheila T. Williams, Community Redevelopment Coordinator, 850-891-8355.

Statement of Issue

This agenda item seeks CRA Board direction regarding the TLH Arts, Inc. project TDT funding, in response to the information received from the representative. Per the 4th Amendment to the Interlocal Agreement (Attachment 1) governing the creation and operations of the CRA's Downtown District, the use of and/or non-use of the CRA managed TDT Arts Grant Funds must be recommended by the CRA and approved by both the Leon County Board of Commissioners and the City of Tallahassee Commission.

In July 2018, the City of Tallahassee Community Redevelopment Agency (CRA), the Tallahassee City Commission and the Leon County Commission approved the award of \$1.8 million in Tourist Development Tax (TDT) funds to TLH Arts Inc (TLH Arts) for the development of a multi-purpose and performing arts facility. In early 2021, issues with control of the property proposed for the facility resulted in TLH Arts revising their concept and identifying an alternate location.

At their May 13, 2021 meeting, the CRA Board approved a revised TLH Arts, Inc. (TLH) multi-purpose and performing arts project concept (Attachments 2 and 3) that, among other things, relocated the facility to Railroad Square in the Greater Frenchtown/Southside District. The CRA Board approval included the requirement that the draft TLH Arts, Inc. development agreement be returned to the CRA Board for review. The draft agreement disposition was scheduled to be presented to the CRA Board at their July 1, 2021 meeting.

On June 8, 2021 the Leon County Commission approved the revised TLH Arts concept with two conditions: (1) the city take ownership of the proposed site to ensure the public entity ownership requirement required by Section 125.0104(5)(a), Florida Statutes; and (2) the County Commission reviews the final agreement between the City and TLH Arts related to planned expenditures of the TDT funds (Attachment 4).

At their July 1, 2021 meeting, the CRA Board approved the draft agreement (Attachment 5) with the applicable identified terms and project timelines, among other things. There were questions from the County regarding City ownership of the proposed site and ensuring the TDT funds were used according to state statutes. Those questions would be addressed at the July 7, City Commission meeting.

At their July 7, 2021 meeting, the City Commission voted unanimously to approve (1) the revised TLH Arts Inc (TLH Arts) plan for the development of a multi-purpose and performing arts facility, and to (2) approve the revised concept with Leon County Commission conditions; and directed the City Manager to negotiate conditions for a lease agreement with TLH Arts ensuring for short- and long-term maintenance and operational costs of the new City facility.

TLH Art, Inc. was provided with the Draft Agreement several months ago, late 2021. The draft agreement has not been executed. Staff followed up regarding the status of the project and agreement with Jake Kiker THL Arts, Inc. representative on January 19 and January 26, 2022 respectively. Staff received response from Jake Kiker on January 26, 2022 (Attachment 6) which was addressed to Wayne Tedder, City of Tallahassee Assistant City Manager.

On February 16, 2022 CRA staff had discussion with Jake Kiker, THL Arts, Inc. representative who understands and is amenable to the \$1.8 million dollars in funding being rescinded.

Recommended Action

Option 1. Rescind the grant award to TLH Arts, Inc. for construction of a
performing arts venue in Railroad Square.

Fiscal Impact

There is no additional fiscal impact associated with this agenda item at this time. TLH Arts, Inc. was approved for \$1.8 million in TDT Arts funds in July 2018. If the CRA, City Commission and Leon County Commission decides to not further extend the TLH Arts, Inc. concept, the \$1.8 million in grant funds would remain available for programming consistent with the Interlocal Agreement.

Supplemental Material/Issue Analysis

History/Facts & Issues

The use of the TDT Arts Funds is governed by Section 125.0104(5)(a), Florida Statutes (Attachment 7), as well as the 4th Amendment to the Interlocal Agreement governing the creation and operations of the CRA's Downtown District.

Section 125.0104(5)(a) describes the authorized use of the TDT funds, which includes the requirement that the property be publicly owned. The proposed site for the TLH Arts center at 618 McDonnell Drive in Railroad Square is owned by Railroad Square, LLC, a for profit limited liability corporation. The property owner has offered to donate the property to either the City, County or CRA to comply with the publicly owned requirement. This transfer will have to occur prior to the use of any TDT funds toward the renovation of the TLH Arts center.

Section 6a(3) of the 4th Amendment to the Interlocal Agreement states the use of the funds is recommended by the CRA and is subject to approval by the City and County Commissions. The funds can be used for projects, programs and expenses related to culture, visual arts, and heritage programs; performing arts space as part of the convention center project; or other performing arts projects. A summary of the review process is provided below.

- The CRA Board recommended the proposed change in the use of the TLH Arts Funds on April 21, 2021. As part of this approval, the CRA Board required the draft TLH Arts development agreement be returned for the CRA Board for review. The CRA Board at its' July 1, 2021 meeting unanimously approved the draft agreement which completed the CRA review required on the use of the TDT funds per Section 6a(3) of the interlocal agreement.
- On June 11, 2021, the Leon County Commission approved the proposed change in the use of the TLH Arts Funds, with the conditions introduced above and discussed in more detail below. The CRA and City agreed to the terms which completed the County's required approval per Section 6a(3) of the Interlocal Agreement.
- On July 7, 2021 the City approved the changes to the approval recommended by the County. The County's requirement entailed that the City take ownership of the Railroad Square property as a condition to award the \$1.8 million in TDT Arts

funds to TLH Arts, Inc. and the condition that the County review the final agreement between the City/CRA and TLH Arts related to the planned expenditure of the TDT funds. Per Section [125.0104\(5\)\(a\)](#) of the Florida Statutes, TDT funds are collected and administered by the County.

- On July 7, 2021, the City Commission determined that the City will own the structure and the City Manager was directed to establish a lease agreement with TLH Arts, Inc. to provide for both short term and long term maintenance and operation funding needs of the potential new City asset.
- The City Commission agreed to the two conditions as provided by the Leon County Commission to complete the review process required by Section 6a(3) of the Interlocal Agreement.
- TLH Arts, Inc. was provided with the draft agreement, mid-to-late 2021. The draft agreement has not been executed. Follow-up regarding the status of the project and execution of the draft agreement was sent January 2022.
- TLH Arts, Inc. provided response indicating “TLH Arts has temporarily placed its work and plans for the RRSQ facility on hold in order to direct its’ immediate focus on expedited efforts to further explore and support this opportunity—and specifically, at the invitation of the Sheridan Center leadership, to directly engage and pursue formalization of a community partnership.”
- The Sheridan Center in the Northwood Center is not located within a CRA District and cannot receive CRA-administered funds (under the existing interlocal agreement with Leon County).
- On February 16, 2022 CRA staff had discussion with THL Arts, Inc representative Jake Kiker who understands and is amenable to the CRA Board/City Commission and County Commission rescinding the \$1.8 million dollar grant award.

Next Steps

- Further discussion/recommendation between the CRA Board/City Commission and County Commission will be necessary which will extend or change the process regarding the TLH Arts, Inc. project and TDT funding.

Department(s) Review

This agenda item has been reviewed by the City Attorney’s Office and Resource Management.

Options

1. Rescind the grant award to TLH Arts, Inc. for construction of a performing arts venue in Railroad Square.
2. Board direction.

Attachments/References

1. Draft Development Renderings - May 2021
2. CRA TLH Arts Approval Letter to Leon County
3. Leon County TLH Arts Approval Letter to City of Tallahassee
4. Draft Development Agreement
5. 4th Amendment to Downtown Interlocal Agreement
6. Excerpt from Section 125.0104(5)(a), Florida Statutes
7. Letter/Memo TLH Arts, Inc. Project Status – January 26, 2022

[Attachment 1.pdf \(2,217 KB\)](#)

[Attachment 2.pdf \(666 KB\)](#)

[Attachment 3.pdf \(82 KB\)](#)

[Attachment 4.pdf \(136 KB\)](#)

[Attachment 5.pdf \(251 KB\)](#)

[Attachment 6.pdf \(140 KB\)](#)

[Attachment 7.pdf \(735 KB\)](#)



TLH Arts, Inc.,
a Florida non-profit Corporation and 501(c)(3)

Mr. Tedder:

As requested, the board of directors of TLH Arts, Inc. ("TLH Arts") hereby provides this update regarding the status of its planned project and programming previously approved by the Tallahassee City Commission, Leon County Commission, and Community Redevelopment Agency ("CRA") to receive a \$1.8 million allocation of Tourist Development Tax ("TDT") dollars originally allocated for a performing arts center in our community, for utilization in creating a publicly-owned multi-purpose performing arts facility in Railroad Square (the "RRSQ Facility").

As you are aware, a major recent development has occurred with the announcement of the readiness of Michael and Judy Sheridan (via The Michael H. Sheridan and Judy W. Sheridan Center for the Arts Foundation, Inc., a non-profit entity with 501(c)(3) designation pending) to formally propose, and fund, a significant portion of the design, construction, and initial operations of a 450-seat performing arts center at the City's Northwood Center. While the intentions of the Sheridan Center benefactors to create a performing arts center in Tallahassee are not new, their apparent readiness to move forward with this specific location is, as well as their expressed desire to work directly with TLH Arts in the creation of the facility demonstrated by their direct outreach, invitation, and request to us.

The reality of the situation is that the success of both projects (TLH Arts and the Sheridan Center for the Arts) will require public support and significant fundraising efforts. Although the two projects (as currently proposed) would provide different end-products, we believe that two simultaneous fundraising campaigns for performing arts centers in our City could have detrimental impacts upon both projects, making each less likely to fully manifest. Therefore, we believe that the path most likely to result in our community accomplishing the desired end-goal of a multi-functional performing arts center – with the broadest possible appeal – would be for these two projects to work together.

It certainly appears that the Northwood Center could provide an accessible, central location (including proximity to schools in the area). Coupled with private, cash-on-hand contributions that at present are in excess of \$6 million, this may very well present the very best opportunity that our community has – or ever will have— to realize our shared vision of a performance center facility that can serve as home to the largest number and most diverse assembly of arts groups and patrons/users.

We believe that if the Sheridan Center were to partner with TLH Arts, TLH Arts will be able to help to ensure that the facility would have even greater appeal to a more diverse audience and users, provide opportunities for not only performances, but also the development of arts and creative entrepreneurship programming, as well create possibilities for even more innovative funding sustainability models.

Board of Directors:

Jon D. Brown
Adrian C. Crawford
Kim Kelling Engstrom
Gallop P. Franklin, II

Donald Gray, Jr.
Adam B. Kaye
Jack "Jake" E. Kiker, III
In Collaboration with:
Lily Boynton Kaye
Posted July 1, 2022

As such, TLH Arts has temporarily placed its work and plans for the RRSQ facility on hold in order to direct its immediate focus on expedited efforts to further explore and support this opportunity—and specifically, at the invitation of the Sheridan Center leadership, to directly engage and pursue formalization of a community partnership. These projects/proposals were never in competition, and are now actively working in collaboration. Although the specifics of such partnership are still progressing, given the Sheridan’s reputations both in the arts community and in business, and their expressed desire to bring the best of our respective proposals together, we are confident this is the most reasonable next step. As supporters of the performing arts in this community—and perhaps more importantly— stewards of the tourist development tax dollars that were collected to fulfill the community vision of a performing arts center befitting this Capital City, TLH Arts simply believes we would be doing a disservice to the groups and individuals we were created to serve if we did not use our good faith, best efforts to pursue any and every opportunity—particularly one as real as this—to make this facility a reality.

Board of Directors:

Jon D. Brown
Adrian C. Crawford
Kim Kelling Engstrom
Gallop P. Franklin, II

Donald Gray, Jr.
Adam B. Kaye
Jack “Jake” E. Kiker, III
In Collaboration with:
Lily Boynton Kaye
Posted July 1, 2022

**Leon County
Board of County Commissioners**

Notes for Agenda Item #26

Leon County Board of County Commissioners

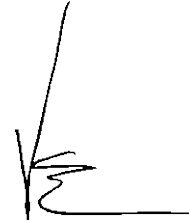
Agenda Item #26

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Ratification of Board Actions Taken at the June 21, 2022, Fiscal Year 2023 Budget Workshop



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Wanda Hunter, Assistant County Administrator Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Roshaunda Bradley, Budget Manager Jelani Marks, Senior Management & Budget Analyst

Statement of Issue:

This item seeks the Board's ratification of actions taken at the June 21, 2022 Fiscal Year 2023 Budget Workshop concerning the development of the FY 2023 Tentative Budget.

Fiscal Impact:

This item has a fiscal impact. It establishes Board direction for preparation of the Fiscal Year 2023 Tentative Budget.

Staff Recommendation:

See next page.

Staff Recommendation:

- Option #1: Ratify the direction provided by the Board during the June 21, 2022, FY 2023 Budget Workshop.
- Option #2: Approve the new pay plan (Attachment #1) establishing a minimum wage of \$15/hour effective October 1, 2022 and approve the associated revisions to the Leon County Personnel Policies (Attachment #2).
- Option #3: Approve the hiring of an Affordable Housing Coordinator in FY 2022 to immediately begin implementing the County's increased SHIP funding allocation.
- Option #4: Authorize the County Administrator to enter into an agreement with the Kearney Center, subject to legal review by the County Attorney, approving the use of CARES funds to reimburse the Kearney Center for expenses incurred housing homeless clients during the pandemic subject to the County being reimbursed by FEMA, as specified in the preliminary budget overview item.
- Option #5: Authorize the County Administrator to execute a contract with the Interim Medical Examiner, subject to legal review by the County Attorney, and adopt the related Fee Schedule (Attachments #3 and #4).
- Option #6: Approve the FY 2022 Resolution and Budget Amendment which funds capital improvement projects, purchasing new ambulances and the Sheriff's additional unanticipated off-site medical expenditures as specified in the preliminary budget overview item (Attachment #5).
- Option #7: Direct the County Administrator to include 5% raises for County and Constitutional Officer employees in the Preliminary FY 2023 Budget. Additionally, employees who have reached the ceiling of their current pay grade range will receive a one-time 5% pay out.
- Option #8: Approve the FY 2022 Budget Amendment allocating \$25,000 from general fund contingency for Frenchtown Rising events (Attachment #6) and bring back a budget discussion item during the FY 2024 budget process to consider future funding.
- Option #9: Approve \$60,000 to America's Second Harvest of the Big Bend for the purchase of a truck for the Mobile Pop-up Pantry Program.
- Option #10: Direct staff to bring back an agenda item on the establishment of the Trusted People Neighborhood Engagement Steering Committee in partnership with the City of Tallahassee and Children Services Council of Leon County as a focus group comprised of leaders and stakeholders of the neighborhood with the highest food insecurity rates to connect human service providers and resources with residents of the neighborhoods for greater awareness and access.

- Option #11: Approve \$5,000 annually to conduct programming and events in partnership with the City of Tallahassee, Children Services Council of Leon County, and the United Way of the Big Bend that directly engage neighborhood leaders and stakeholders to raise awareness of available resources in the community for basic needs, enhanced quality of life, and economic prosperity.
- Option #12: Direct staff to participate in the Florida Department of Health in Leon County's "Grow Leon" Initiative and partner with agencies such as Florida A&M University and University of Florida Institute of Food and Agricultural Sciences (IFAS) to support the collaboration and coordination of the local food system to address food insecurity in the community.
- Option #13: Establish the Neighborhood Engagement and Community Partnerships Manager position within the Office of Human Services and Community Partnerships to fully realize and implement the recommendations and solutions identified during the neighborhood meetings on food insecurity.
- Option #14: Accept the status report on County boat landing improvements and renovations.
- Option #15: Accept the update on the federal Infrastructure Investment and Jobs Act.
- Option #16: Approve the creation of a Grants Coordinator position within the Office of Financial Stewardship in the FY 2022 budget.
- Option #17: Approve the option agreement for the Thomasville Road Property (which affords the County the opportunity to purchase this property within the next 12 months), direct staff to continue to work with the City/School Board to assist financially in the purchase of the properties associated with the Lake Hall School House and encourage the Friend of the Lake Hall School House to continue to identify other possible funding sources.
- Option #18: Approve the Florida Civil Rights Museum, Inc.'s funding request in the amount of \$60,000 and direct the County Administrator to increase the use of General Fund Balance in the Preliminary FY 2023 Budget.
- Option #19: Establish the maximum countywide millage rate for FY 2023 at 8.3144.
- Option #20: Establish the maximum Emergency Medical Services (EMS) Municipal Services Taxing Unit (MSTU) for FY 2023 at 0.5 mills.
- Option #21: Authorize the purchase of new ambulances from Rev RTC, Inc. d/b/a Hall-Mark RTC utilizing the Florida Sheriff's Association cooperative purchasing agreement (Attachment #7) and authorize the County Administrator to execute any relevant documents and agreements and any future modifications, subject to legal review by the County Attorney.

Report and Discussion

Background:

As specified on the Board adopted Budget Calendar, a FY 2023 Preliminary Policy Workshop was conducted on June 21, 2022. The purpose of the workshop was to provide staff direction regarding the development of the FY 2023 Tentative Budget.

Analysis:

In accordance with the direction provided taken during the June 21, 2022 Budget Workshop, a summary of proposed action is summarized below:

1. Workshop Item #1: Fiscal Year 2023 Preliminary Budget Overview

The Board provided direction regarding the following options, as amended:

1. Accept the report on the Preliminary Budget overview.
2. Approve the new pay plan (Attachment #1) establishing a minimum wage of \$15/hour effective October 1, 2022 and approve the associated revisions to the Leon County Personnel Policies (Attachment #2).
3. Approve the hiring of an Affordable Housing Coordinator in FY 2022 to immediately begin implementing the County's increased SHIP funding allocation.
4. Authorize the County Administrator to enter into an agreement with the Kearney Center, subject to legal review by the County Attorney, approving the use of CARES funds to reimburse the Kearney Center for expenses incurred housing homeless clients during the pandemic, subject to the County being reimbursed by FEMA, as specified in the preliminary budget overview item.
5. Authorize the County Administrator to execute a contract with the Interim Medical Examiner, subject to legal review by the County Attorney, and adopt the related Fee Schedule (Attachment #3 and #4).
6. Approve the FY 2022 Resolution and Budget Amendment which funds capital improvement projects, purchasing new ambulances and the Sheriff's additional unanticipated off-site medical expenditures as specified in the preliminary budget overview item (Attachment #5).
7. Accept the status report on the FY 2022 – FY 2026 Strategic Plan.
8. Direct the County Administrator to include 5% raises for County and Constitutional Officer employees in the Preliminary FY 2023 Budget. Additionally, employees who have reached the ceiling of their current pay grade range will receive a one-time 5% pay out.
9. Approve the FY 2022 Budget Amendment allocating \$25,000 from general fund contingency for Frenchtown Rising events (Attachment #6) and bring back a budget discussion item during the FY 2024 budget process to consider future funding.

2. Recommended Actions to Address Findings from the Food Insecurity Neighborhood Meetings

The Board provided direction regarding the following options:

10. Approve \$60,000 to America's Second Harvest of the Big Bend for the purchase of a truck for the Mobile Pop-up Pantry Program.
11. Direct staff to bring back an agenda item on the establishment of the Trusted People Neighborhood Engagement Steering Committee in partnership with the City of Tallahassee and Children Services Council of Leon County as a focus group comprised of leaders and stakeholders of the neighborhood with the highest food insecurity rates to connect human service providers and resources with residents of the neighborhoods for greater awareness and access.
12. Approve \$5,000 annually to conduct programming and events in partnership with the City of Tallahassee, Children Services Council of Leon County, and the United Way of the Big Bend that directly engage neighborhood leaders and stakeholders to raise awareness of available resources in the community for basic needs, enhanced quality of life, and economic prosperity.
13. Direct staff to participate in the Florida Department of Health in Leon County's "Grow Leon" Initiative and partner with agencies such as Florida A&M University and University of Florida Institute of Food and Agricultural Sciences (IFAS) to support the collaboration and coordination of the local food system to address food insecurity in the community.
14. Establish the Neighborhood Engagement and Community Partnerships Manager position within the Office of Human Services and Community Partnerships to fully realize and implement the recommendations and solutions identified during the neighborhood meetings on food insecurity.

3. Status Report on County Boat Landing Improvements and Renovations

The Board provided direction regarding the following option:

15. Accept the status report on County boat landing improvements and renovations.

4. Update on the Federal Infrastructure Investment and Jobs Act

The Board provided direction regarding the following options:

16. Accept the update on the federal Infrastructure Investment and Jobs Act.
17. Approve the creation of a Grants Coordinator position within the Office of Financial Stewardship in the FY 2022 budget.

5. Consideration of Options to Purchase Properties Associated with Lake Hall School House Preservation Efforts

The Board provided direction regarding the following option:

18. Approve the option agreement for the Thomasville Road Property (which affords the County the opportunity to purchase this property within the next 12 months), direct staff to continue to work with the City/School Board to assist financially in the purchase of the properties associated with the Lake Hall School House and encourage the Friend of the Lake Hall School House to continue to identify other possible funding sources.

6. Florida Civil Rights Museum, Inc.'s Funding Request

The Board provided direction regarding the following option:

19. Approve the funding request in the amount of \$60,000 and direct the County Administrator to increase the use of General Fund Balance in the Preliminary FY 2023 Budget.

7. Establishing the Maximum Millage Rate for the FY 2023 Tentative Budget

The Board provided direction regarding the following options:

20. Establish the maximum countywide millage rate for FY 2023 at 8.3144.
21. Establish the maximum Emergency Medical Services (EMS) Municipal Services Taxing Unit (MSTU) for FY 2023 at 0.5 mills.

Final Budget Changes

As directed by the Board at the budget workshop, the tentative budget includes funding to support 5% raises for all County and Constitutional Officer employees and \$60,000 to support the Florida Civil Rights Museum funding request. The Board approved using fund balances to support these changes. In addition, the Property Appraiser has provided the final values for countywide property, the EMS MSTU and the Community Redevelopment Agency (CRA) Districts. Based on final values increasing 9.33%, property tax collections are estimated to increase \$149,924. At the workshop, the preliminary estimates had values increasing 9.24%. This increase in property tax collections allows for a lower use of fund balance. Table 1 shows fund balance usage for general fund supported positions, and fund balance use for special revenue fund positions (i.e., Tourism, Building, etc.) In addition, the State has provided a minor adjustment in the SHIP allocation for next year which is also reflected below. Final estimated Tax Collector commissions are also reflected in the table. Based on these changes, the FY 2023 Preliminary Budget is \$317,904,222 or an 8.1% change from the FY 2022 Adopted Budget. Table 1 reflects these budgetary changes.

Table 1: Post June 21, 2022 Budget Workshop Revenue and Expenditure Changes

Budget Category	Amount (+/-)
Revenues	
General Fund - Fund Balance	\$1,228,874
Other Fund Balance	\$238,426
Property Taxes	\$141,419
EMS MSTU	\$8,504
SHIP Funding	\$10,980
Total Change in Revenues	\$1,628,203
Expenses	
General Revenue Salary Increases from 3% to 5%	\$1,316,890
Special Revenue Salary Increases from 3% to 5%	\$237,501
Florida Civil Rights Museum	\$60,000
SHIP	\$10,980
Tax Collector (Property Tax Commissions)	\$5,074
CRA Payment	(\$2,242)
Total Change in Expenses	\$1,628,203

Vehicle Purchases

Consistent with Board direction and the budget amendment which provides funding for ambulances, this item seeks Board approval to utilize cooperative purchasing (piggybacking). The utilization of cooperative purchasing agreements must be authorized by the Board when the value exceeds \$250,000. Pursuant to the Purchasing Policy No. 96-1, Section 5.12, the County may take advantage of cooperative purchasing agreements when it is in the best interest of the County as determined by the award thresholds authorized in the policy.

This item requests Board authorization to purchase new ambulances from Hall-Mark RTC utilizing the Florida Sheriff's Association Contract #FSA 20-VEF 14.01 (Attachment #7). The contract contains cooperative purchasing language, allowing the County to utilize this contract. The EMS, Fleet Management, and Purchasing Divisions agree that this is the most cost-effective and efficient way to procure the ambulances. The terms and conditions of the Florida Sheriff's Association Contract will be added into the County's purchase order terms and conditions.

Options:

1. Ratify the direction provided by the Board during the June 21, 2022 FY 2023 Budget Workshop.
2. Approve the new pay plan (Attachment #1) establishing a minimum wage of \$15/hour effective October 1, 2022 and approve the associated revisions to the Leon County Personnel Policies (Attachment #2)
3. Approve the hiring of an Affordable Housing Coordinator in FY 2022 to immediately begin implementing the County's increased SHIP funding allocation.
4. Authorize the County Administrator to enter into an agreement with the Kearney Center, subject to legal review by the County Attorney, approving the use of CARES funds to reimburse the Kearney Center for expenses incurred housing homeless clients during the pandemic subject to the County being reimbursed by FEMA, as specified in the preliminary budget overview item.
5. Authorize the County Administrator to execute a contract with the Interim Medical Examiner, subject to legal review by the County Attorney, and adopt the related Fee Schedule (Attachment #3 and #4).
6. Approve the FY 2022 Resolution and Budget Amendment which funds capital improvement projects, purchasing new ambulances and the Sheriff's additional unanticipated off-site medical expenditures as specified in the preliminary budget overview item (Attachment #5).
7. Direct the County Administrator to include 5% raises for County and Constitutional Officer employees in the Preliminary FY 2023 Budget. Additionally, employees who have reached the ceiling of their current pay grade range will receive a one-time 5% pay out.
8. Approve the FY 2022 Budget Amendment allocating \$25,000 from general fund contingency for Frenchtown Rising events (Attachment #6) and bring back a budget discussion item during the FY 2024 budget process to consider future funding.
9. Approve \$60,000 to America's Second Harvest of the Big Bend for the purchase of a truck for the Mobile Pop-up Pantry Program.
10. Direct staff to bring back an agenda item on the establishment of the Trusted People Neighborhood Engagement Steering Committee in partnership with the City of Tallahassee and Children Services Council of Leon County as a focus group comprised of leaders and stakeholders of the neighborhood with the highest food insecurity rates to connect human service providers and resources with residents of the neighborhoods for greater awareness and access.
11. Approve \$5,000 annually to conduct programming and events in partnership with the City of Tallahassee, Children Services Council of Leon County, and the United Way of the Big Bend that directly engage neighborhood leaders and stakeholders to raise awareness of available resources in the community for basic needs, enhanced quality of life, and economic prosperity.
12. Direct staff to participate in the Florida Department of Health in Leon County's "Grow Leon" Initiative and partner with agencies such as Florida A&M University and University of Florida

Institute of Food and Agricultural Sciences (IFAS) to support the collaboration and coordination of the local food system to address food insecurity in the community.

13. Establish the Neighborhood Engagement and Community Partnerships Manager position within the Office of Human Services and Community Partnerships to fully realize and implement the recommendations and solutions identified during the neighborhood meetings on food insecurity.
14. Accept status report on County boat landing improvements and renovations.
15. Accept the update on the federal Infrastructure Investment and Jobs Act.
16. Approve the creation of a Grants Coordinator position within the Office of Financial Stewardship in the FY 2022 budget.
17. Approve the option agreement for the Thomasville Road Property (which affords the County the opportunity to purchase this property within the next 12 months), direct staff to continue to work with the City/School Board to assist financially in the purchase of the properties associated with the Lake Hall School House and encourage the Friend of the Lake Hall School House to continue to identify other possible funding sources.
18. Approve the Florida Civil Rights Museum, Inc.'s funding request in the amount of \$60,000 and direct the County Administrator to increase the use of General Fund Balance in the Preliminary FY 2023 Budget.
19. Establish the maximum countywide millage rate for FY 2023 at 8.3144.
20. Establish the maximum Emergency Medical Services (EMS) Municipal Services Taxing Unit (MSTU) for FY 2023 at 0.5 mills.
21. Authorize the purchase of new ambulances from Rev RTC, Inc. d/b/a Hall-Mark RTC utilizing the Florida Sheriff's Association cooperative purchasing agreement (Attachment #7) and authorize the County Administrator to execute any relevant documents and agreements and any future modifications, subject to legal review by the County Attorney.
22. Board direction.

Recommendation:

Options #1 through #21

Attachments:

1. Evergreen Pay Plan Recommendations
2. Revised Personnel Policies and Procedures Section 5.03.1 "Reclassifications"
3. Contract with the Interim Medical Examiner
4. Proposed FY 2023 Medical Examiner Fee Schedule, Including Leon County Morgue Use Fee
5. Resolution and Budget Amendment Request
6. Frenchtown Rising Contingency Statement and Budget Amendment Request
7. Florida Sheriff's Association Cooperative Purchasing Program Contract

PROPOSED LEON COUNTY GOVERNMENT 2022-23 PAY PLAN

CAREER SERVICE

Grade	Annual Minimum	Annual Midpoint	Annual Maximum	Range Spread	Hourly Minimum	Hourly Midpoint	Hourly Maximum	Range Spread
101	\$ 31,200.00	\$ 41,340.00	\$ 51,480.00	65.0%	\$ 15.00	\$ 19.88	\$ 24.75	65.0%
102	\$ 32,760.00	\$ 43,407.00	\$ 54,054.00	65.0%	\$ 15.75	\$ 20.87	\$ 25.99	65.0%
103	\$ 34,398.00	\$ 45,577.35	\$ 56,756.70	65.0%	\$ 16.54	\$ 21.91	\$ 27.29	65.0%
104	\$ 36,117.90	\$ 47,856.22	\$ 59,594.54	65.0%	\$ 17.36	\$ 23.01	\$ 28.65	65.0%
105	\$ 37,923.80	\$ 50,249.03	\$ 62,574.26	65.0%	\$ 18.23	\$ 24.16	\$ 30.08	65.0%
106	\$ 39,819.98	\$ 52,761.48	\$ 65,702.97	65.0%	\$ 19.14	\$ 25.37	\$ 31.59	65.0%
107	\$ 41,810.98	\$ 55,399.55	\$ 68,988.12	65.0%	\$ 20.10	\$ 26.63	\$ 33.17	65.0%
108	\$ 43,901.53	\$ 58,169.53	\$ 72,437.53	65.0%	\$ 21.11	\$ 27.97	\$ 34.83	65.0%
109	\$ 46,096.61	\$ 61,078.01	\$ 76,059.41	65.0%	\$ 22.16	\$ 29.36	\$ 36.57	65.0%

SENIOR MANAGEMENT

Grade	Annual Minimum	Annual Midpoint	Annual Maximum	Range Spread	Hourly Minimum	Hourly Midpoint	Hourly Maximum	Range Spread
201	\$ 37,923.80	\$ 50,249.03	\$ 62,574.26	65.0%	\$ 18.23	\$ 24.16	\$ 30.08	65.0%
202	\$ 39,819.98	\$ 52,761.48	\$ 65,702.97	65.0%	\$ 19.14	\$ 25.37	\$ 31.59	65.0%
203	\$ 41,810.98	\$ 55,399.55	\$ 68,988.12	65.0%	\$ 20.10	\$ 26.63	\$ 33.17	65.0%
204	\$ 43,901.53	\$ 58,169.53	\$ 72,437.53	65.0%	\$ 21.11	\$ 27.97	\$ 34.83	65.0%
205	\$ 46,096.61	\$ 61,078.01	\$ 76,059.41	65.0%	\$ 22.16	\$ 29.36	\$ 36.57	65.0%
206	\$ 48,401.44	\$ 64,131.91	\$ 79,862.38	65.0%	\$ 23.27	\$ 30.83	\$ 38.40	65.0%
207	\$ 50,821.51	\$ 67,338.50	\$ 83,855.50	65.0%	\$ 24.43	\$ 32.37	\$ 40.32	65.0%
208	\$ 53,362.59	\$ 70,705.43	\$ 88,048.27	65.0%	\$ 25.66	\$ 33.99	\$ 42.33	65.0%
209	\$ 56,030.72	\$ 74,240.70	\$ 92,450.68	65.0%	\$ 26.94	\$ 35.69	\$ 44.45	65.0%
210	\$ 58,832.25	\$ 77,952.74	\$ 97,073.22	65.0%	\$ 28.28	\$ 37.48	\$ 46.67	65.0%
211	\$ 61,773.87	\$ 81,850.37	\$ 101,926.88	65.0%	\$ 29.70	\$ 39.35	\$ 49.00	65.0%
212	\$ 64,862.56	\$ 85,942.89	\$ 107,023.22	65.0%	\$ 31.18	\$ 41.32	\$ 51.45	65.0%
213	\$ 68,105.69	\$ 90,240.04	\$ 112,374.38	65.0%	\$ 32.74	\$ 43.38	\$ 54.03	65.0%
214	\$ 71,510.97	\$ 94,752.04	\$ 117,993.10	65.0%	\$ 34.38	\$ 45.55	\$ 56.73	65.0%
215	\$ 75,086.52	\$ 99,489.64	\$ 123,892.76	65.0%	\$ 36.10	\$ 47.83	\$ 59.56	65.0%
216	\$ 78,840.85	\$ 104,464.13	\$ 130,087.40	65.0%	\$ 37.90	\$ 50.22	\$ 62.54	65.0%
217	\$ 82,782.89	\$ 109,687.33	\$ 136,591.77	65.0%	\$ 39.80	\$ 52.73	\$ 65.67	65.0%

SENIOR MANAGEMENT (CONT'D)

Grade	Annual Minimum	Annual Midpoint	Annual Maximum	Range Spread	Hourly Minimum	Hourly Midpoint	Hourly Maximum	Range Spread
218	\$ 86,922.04	\$ 115,171.70	\$ 143,421.36	65.0%	\$ 41.79	\$ 55.37	\$ 68.95	65.0%
219	\$ 91,268.14	\$ 120,930.28	\$ 150,592.43	65.0%	\$ 43.88	\$ 58.14	\$ 72.40	65.0%
220	\$ 95,831.55	\$ 126,976.80	\$ 158,122.05	65.0%	\$ 46.07	\$ 61.05	\$ 76.02	65.0%
221	\$ 100,623.12	\$ 133,325.64	\$ 166,028.15	65.0%	\$ 48.38	\$ 64.10	\$ 79.82	65.0%
222	\$ 105,654.28	\$ 139,991.92	\$ 174,329.56	65.0%	\$ 50.80	\$ 67.30	\$ 83.81	65.0%
223	\$ 110,936.99	\$ 146,991.52	\$ 183,046.04	65.0%	\$ 53.34	\$ 70.67	\$ 88.00	65.0%
224	\$ 116,483.84	\$ 154,341.09	\$ 192,198.34	65.0%	\$ 56.00	\$ 74.20	\$ 92.40	65.0%
225	\$ 122,308.04	\$ 162,058.15	\$ 201,808.26	65.0%	\$ 58.80	\$ 77.91	\$ 97.02	65.0%
226	\$ 128,423.44	\$ 170,161.05	\$ 211,898.67	65.0%	\$ 61.74	\$ 81.81	\$ 101.87	65.0%

COMMISSION AIDE

Grade	Annual Minimum	Annual Midpoint	Annual Maximum	Range Spread	Hourly Minimum	Hourly Midpoint	Hourly Maximum	Range Spread
97	\$ 47,298.00	\$ 62,670.00	\$ 78,042.00	65.0%	\$ 22.74	\$ 30.13	\$ 37.52	65.0%

EMS

Grade	Annual Minimum	Annual Midpoint	Annual Maximum	Range Spread	Hourly Minimum	Hourly Midpoint	Hourly Maximum	Range Spread
ESS	\$ 36,264.80	\$ 48,050.86	\$ 59,836.92	65.0%	\$ 15.85	\$ 21.00	\$ 26.15	65.0%
E1S	\$ 40,726.40	\$ 53,962.48	\$ 67,198.56	65.0%	\$ 17.80	\$ 23.59	\$ 29.37	65.0%
E2S	\$ 41,870.40	\$ 55,478.28	\$ 69,086.16	65.0%	\$ 18.30	\$ 24.25	\$ 30.20	65.0%
PS	\$ 52,166.40	\$ 69,120.48	\$ 86,074.56	65.0%	\$ 22.80	\$ 30.21	\$ 37.62	65.0%
P1S	\$ 53,310.40	\$ 70,636.28	\$ 87,962.16	65.0%	\$ 23.30	\$ 30.87	\$ 38.45	65.0%
P2S	\$ 54,454.40	\$ 72,152.08	\$ 89,849.76	65.0%	\$ 23.80	\$ 31.54	\$ 39.27	65.0%
P22S	\$ 55,026.40	\$ 72,909.98	\$ 90,793.56	65.0%	\$ 24.05	\$ 31.87	\$ 39.68	65.0%
CPS	\$ 58,458.40	\$ 77,457.38	\$ 96,456.36	65.0%	\$ 25.55	\$ 33.85	\$ 42.16	65.0%
E1	\$ 49,920.00	\$ 66,144.00	\$ 82,368.00	65.0%	\$ 15.00	\$ 19.88	\$ 24.75	65.0%
E2	\$ 51,584.00	\$ 68,348.80	\$ 85,113.60	65.0%	\$ 15.50	\$ 20.54	\$ 25.58	65.0%
P	\$ 59,238.40	\$ 78,490.88	\$ 97,743.36	65.0%	\$ 17.80	\$ 23.59	\$ 29.37	65.0%
P1	\$ 60,902.40	\$ 80,695.68	\$ 100,488.96	65.0%	\$ 18.30	\$ 24.25	\$ 30.20	65.0%
P2	\$ 62,566.40	\$ 82,900.48	\$ 103,234.56	65.0%	\$ 18.80	\$ 24.91	\$ 31.02	65.0%
P22	\$ 63,398.40	\$ 84,002.88	\$ 104,607.36	65.0%	\$ 19.05	\$ 25.24	\$ 31.43	65.0%

*EMS employees with the following years of service as of October 1, 2022 will receive the appropriate one-time increase.

3 to 4 years of service - 2%; 5 to 9 years of service - 4%; 10 to 14 years of service - 6%

Posted July 1, 2022

SECTION V

Pay Plan

11.01

5.01 Contents

The procedure for establishment, maintenance, and administration of an equitable pay plan shall be applicable to all positions. The salary schedules shall include the minimum and maximum rates of pay for all skill levels. For EMS, in addition to the salary schedule, the pay plan includes shift differentials and Special Pays. The guidelines for EMS shift differentials and special pays can be found in the Emergency Medical Services Standard Operating Guidelines Manual. When an employee reaches the ceiling of a salary range, they are considered “red circled”. Employees who are red circled are eligible for a performance bonus of a one-time lump sum payment equivalent to the average of the employee performance percent increases, not to exceed 3%, as approved by the County Administrator.

5.02 Administration

The Human Resources Division shall maintain the salary schedule, which includes the EMS shift differentials and special pays. This includes conducting a general salary survey periodically from which recommendations may be made to adjust the schedules. The salary survey shall consider prevailing pay rates and fringe benefits within the appropriate market. This also includes an annual adjustment to pay grade minimums and maximums in an amount equal to the percentage change in the Florida Minimum Wage (the “Florida Minimum Wage Adjustment”), which shall take effect on October 1, unless the County Administrator otherwise recommends, and the Board approves, that a Florida Minimum Wage Adjustment will not be made for a particular year. For example, if the Florida Minimum Wage increased 1% in January, the County’s pay grade minimums and maximums would automatically increase by 1% effective October 1 of the same calendar year, unless the County Administrator otherwise recommends, and the Board approves, that the Florida Minimum Wage Adjustment not occur.

The ~~maximum~~ increase to the pay grade minimums and maximums will not exceed 3% annually.

When Florida Minimum Wage Adjustments take effect, and when other proposed changes to the Pay Plan are approved by the Board, the Pay Plan shall constitute the County's pay schedule for pay grades of all positions, EMS shift differentials and special pays shall become effective as designated.

Human Resources will periodically review the various indicators such as the federal Consumer Price Index for Urban Wage Earners and Clerical Workers, the Social Security Cost of Living Adjustments, the Florida Minimum Wage Adjustment, the Florida Price Level Index and Living Wage Calculators and make a recommendation to the County Administrator on changing the indicator to be used.

5.03 Changes in Pay

5.03.1 Promotion

SECTION V Pay Plan

11.01

Career Service – Upon a promotion of one grade level, the employee ~~will receive \$2,000 added to their base pay or~~ will have 6% 5% added to their base pay or the new pay grade minimum, whichever is greater;

Upon a promotion of two grade levels, the employee will receive 12% 10% added to their base pay or the new pay grade minimum, whichever is greater;

Upon a promotion to a Senior Management position, the employee will receive 15% added to their base pay or the new pay grade minimum, whichever is greater.

Senior Management – Upon a promotion, the employee will receive 12% 10% added to their base pay or the new pay grade minimum, whichever is greater.

In no case will the promotional increase place an employee's salary above the maximum of the assigned pay grade, even if this results in less than a 6% 5% increase.

5.03.2 Demotion

Upon demotion for cause, the employee's salary will be placed on the new pay grade level at a rate determined by the Department Head based upon the recommendation of the Human Resources Director.

The employee pay rate will decrease a minimum of 6% per grade except in cases where the percent decrease would reduce the employee salary below the new range minimum.

If the adjusted salary is above the maximum of the lower grade, the salary will be red circled until changes in the pay grade schedule raise the maximum above the employee's salary.

5.03.3 Transfer to Lower Classification

An employee may be transferred to a position in a lower pay grade, without cause, and without a pay reduction, and the transfer may not be considered a demotion if the transfer is voluntary or if it is the result of the employee's position being terminated. The employee shall not be eligible for a subsequent promotional pay increase if the employee is later transferred to a position in a pay grade equal to the position occupied prior to the initial transfer as a result of a merit promotion for a period of two years. The employee shall be eligible for pay adjustments as they occur annually. Employees placed in a higher pay grade as a result of competitive selection shall have pay established in accordance with Competitive Initial Placement.

5.04 Education Incentive Program

Benefits-eligible full-time employees with six months of service and part-time employees with two years of service earning diplomas (GED) or degrees (associate, bachelor, masters, doctorate), in job-related areas may be eligible to receive educational incentive pay for

SECTION V

Pay Plan

11.01

job-related diploma **or** degree above that required for the position at the time the employee was hired into the position

Certifications are no longer eligible for the Education Incentive Program. However, the Departments/Divisions are encouraged to pay for those certifications which are deemed job-related and beneficial to the department from their department budgets. This policy shall become effective for certifications started or completed after October 23, 2007. Current employees who are enrolled in or have completed a certification program prior to October 23, 2007 and have received pre-approval may provide documentation and have the certification “grandfathered” in under the previous policy.

All diplomas (GED) and degrees (associates, bachelors, masters, and doctorate) earned in job-related areas may be eligible to receive a 5% educational incentive pay increase. All diplomas and degrees considered for educational incentive increases must be completed while employed with Leon County and without any financial assistance from the County. The maximum lifetime educational compensation benefit is 10%. No additional compensation will be approved for educational attainment once the 10% maximum has been reached. Employees who participate in the Tuition Assistance Program will not be eligible to participate in the Education Incentive Program. Requests for incentive pay increases must be received within six (6) months of completing the diploma **or** degree. No retroactive pay increases will be granted for diplomas or degrees completed prior to initial placement in the current position.

Employees contemplating completion of education to qualify for educational incentive pay should consult with the Human Resources Division to determine whether the diploma or degree is eligible for educational incentive compensation.

Degrees used for educational incentive pay must first be approved by Department/Division Director and Human Resources Director. The minimum class time requirement required for associate degrees must be at least 60 credit hours, bachelor degrees must be at least 120 credit hours, masters degrees must be at least 30 credit hours, and Ph.D. must be at least 72 credit hours. Degrees must be from an educational institution that is accredited by one of the accrediting bodies approved by the U. S. Department of Education.

Employees participating in the Tuition Assistance Program and/or receive any financial assistance from the County in obtaining their diploma or degree are not eligible to participate in the Education Incentive Program.

Educational Incentive pay is not an entitlement and is contingent upon the availability of funds.

In no case will an educational attainment increase place an employee's salary above the maximum of the assigned pay grade.

All educational attainment compensation must be approved by the County Administrator. The effective date of the salary increase shall be the date of approval.

This policy will become effective immediately, regardless of when diploma or degree was

SECTION V Pay Plan

11.01

obtained.

5.04.1 Procedure: Educational Incentive

Leon County encourages employee development and knowledge expansion.

Upon completion of the diploma or degree program, the supervisor shall request proof of attainment (e.g. a copy of diploma or degree), and all supporting documentation (course curriculum, copies of receipts for course, exam, books, etc.). This proof is presented through line management to the Human Resources Director with a letter of justification for salary adjustment along with a personnel action form (PAF). The Human Resources Director will evaluate the request in accordance with County policy and will make a recommendation to the County Administrator. The line management is notified of the disposition of the request by the Human Resources Director.

5.05 Performance Bonus

If funds for the purpose of awarding a Performance Bonus are appropriated by the Board, the Board shall determine the timing and range of amount for the award of the Performance Bonus. The Performance Bonus shall be based on a plan which:

- a. bases the award of a bonus on work performance;
- b. adequately describes the performance standards and evaluation process by which the bonus will be awarded;
- c. shall notify all employees of the applicability of a bonus plan before the beginning of the evaluation period on which a bonus will be based;
- d. provides that all regular full-time and part-time employees will be eligible to participate.

5.06 Annual Salary Adjustments

The Human Resources Director will recommend to the County Administrator, for approval by the Board, any adjustments in the salary structure or segments of the salary structure and levels of such adjustments.

Performance Pay

Career Service employees may receive an annual pay increase based on performance. The purpose of this increase is to recognize and reward those employees who are Fully Competent or Excelling in their positions during the rating period. The amount and timing of the performance pay will be determined annually by the Board of County Commissioners. Employees who are rated as Development Needed will receive a cost of living increase, which will be less than the increase that is approved for the Fully Competent and Excelling categories. Performance pay increases and cost of living increases are not guaranteed and may vary in amount contingent upon funding availability.

SECTION V

Pay Plan

11.01

Senior Management, Executive Support and EMS salary increases will be determined annually by the County Administrator.

In temporary (O.P.S.) positions of longevity or seasonal return the employee may meet the requirements of annual salary adjustment movement, when the incumbent has been in the same position at least six (6) months prior to salary adjustment period, or the incumbent has returned for three (3) consecutive seasons with total employment of six (6) months or more.

5.07 Other Pay Adjustments

It is anticipated that the needs of employees and departments will be met within the framework of the Wage and Salary Program; however, should unforeseen circumstances occur which may be considered in the best interest of the County, the Department Head may request a rate adjustment. This request may be submitted through the Human Resources Director to the County Administrator for approval.

5.07.1 Retention Increase

This provision is intended to provide consideration of critical and/or unusual administration problems. A retention increase may be approved, at the County Administrator's sole discretion, in accordance with the following provisions:

- A. The employee has received a documented bona fide job offer with an employer other than the County and the retention increase is a counter offer to retain the employee in their current position (job offers from other Leon County Board of County Commissioners offices, Property Appraiser, Clerk of the Circuit Court, Supervisor of Elections, Tax Collector, Sheriff or County Advisory Boards will not be deemed a bona fide job offer with an employer other than the County under this provision).
- B. Retention increase decisions are not grievable through Leon County's grievance procedure unless it is alleged that such a decision was made based upon unlawful discrimination.
- C. To be eligible for retention increase consideration, the affected employee must:
 - 1. currently be employed by the County in a full-time, non-OPS position;
 - 2. have been continuously employed in their current position for at least one (1) calendar year prior to the date the bona fide job offer was made;
 - 3. have received at least a "Meets Expectation" rating on their most recent performance evaluation, must currently be performing at an acceptable level, and may not have been issued a written warning within the previous twelve (12) months; and
 - 4. not have received a retention increase within the past twenty-four (24) calendar months from the date the increase request is submitted to Human Resources.

SECTION V Pay Plan

11.01

- D. The County Administrator has sole authority to determine amount offered as a retention increase within the range of 0% to 25% of the affected employee's salary. The County Administrator may approve retention increases as single or multiple salary adjustments; however, if multiple salary adjustments are made for one retention increase, the total of those salary adjustments may not exceed 25% of the affected employee's salary.
- E. The retention increase must not place the employee above the maximum for their current pay grade range.
- F. Retention increases are not permissible where the intent is to circumvent the provisions of other pay plan policies.
- G. Retention increases recommended under this provision are subject to the availability of funds.

5.07.2 Procedure: Retention Increase

To request a retention increase, the respective Division Director shall submit a retention increase request package to his/her Group Director and gain their approval prior to submitting the request to the Human Resources Director. Increase request packages will include, at a minimum, the following documentation:

- 1. validity of the job offer, preferably a copy of the written job offer;
- 2. the respective division's independent verification of the job offer;
- 3. the costs associated with replacing the employee (excluding recruitment costs);
- 4. a detail of the training costs Leon County incurred on the employee's behalf over the past twenty-four (24) months;
- 5. summation of the employee's satisfactory job performance (that the employee has performed and continues to perform at least at a "Meets Expectations" level and that they have not been issued a written warning within the previous twelve (12) months);
- 6. that the division's recommended increase, if approved, would not place the employee above the maximum for their current pay range;
- 7. salary relationships within the division;
- 8. recruitment and retention conditions in critical areas as may be demonstrated by (a) high turnover; (b) declined job offers; or (c) resignation letters from previous employees; and
- 9. whether the competitive job is comparable to the one the employee currently holds with the County.

The Human Resources Director will review the request and make his/her recommendation to the County Administrator.

SECTION V

Pay Plan

11.01

Increases approved by the County Administrator will become effective at the beginning of the pay period following the date the County Administrator approved the increase.

5.08 Part-Time Career Service

When employment is on a part-time basis, pay shall be on an hourly basis or salaried in proportion to the average number of hours worked weekly.

5.09 Compensation for Temporary Work in Higher Classification

In situations where the assignment or scheduling of work requires an employee to perform in a higher level classification to fill a temporary need, a new rate may be established by the Department Director after consultation with the Human Resources Director for the period of temporary assignment. In cases where a budget amendment is necessary to fund the temporary pay rate, County policies on budget amendment approvals shall apply. This provision is not to be applied in a situation of vacation replacement or cross training opportunities. An employee must work in the higher classification a minimum of three (3) full weeks and not more than three (3) months.

The rate of pay for the temporary assignment will be determined using the guidelines for a promotional increase. At the conclusion of the assignment, the employee's pay shall revert to his or her previous rate of pay. When it is established that the need may exceed three (3) months, and it is not for training, the replacement employee may be compensated at the higher rate immediately. Extensions may be approved by the County Administrator.

Any such temporary assignment shall not affect the employee's eligibility for merit pay.

5.10 Temporary Work in Training Status

Temporary Work in a training status may be initiated by either the employee or management by sending a Training Plan signed by the employee and a line manager to the Training Coordinator with a statement of understanding that there will be no adjustment in pay for training.

5.10.1 Procedure: Temporary Work in Training Status

If the assignment is solely for training purposes, the request must be accompanied by a Training Plan. The Training Plan must include a description of the task(s) to be learned, the standard measurement which will be used to determine if task(s) was/were learned, and time table for accomplishment.

5.11 Overtime

The established workweek is forty (40) hours within a seven (7) day period, Saturday through Friday. Overtime is calculated at 1-1/2 times an hour on hours worked over the established workweek. All overtime work must have prior authorization by Department/Division Director

SECTION V

Pay Plan

11.01

or designee. Not securing this authorization may result in disciplinary action.

Workers' Compensation Leave and Administrative Leave are "paid leave," not "hours worked." They will not be counted toward overtime.

Leave time earned and used is recorded daily on the Official time sheet ~~(See Appendix H1 & H2)~~ for Career Service, Executive Support, and EMS employees. For Senior Management Service employees, time used is recorded on the Official Leave/Compensation Request Form. ~~(See Appendix H3)~~

Compensation for overtime shall be administered by the following guidelines:

Executive Service and Senior Management Service employees are not eligible for overtime compensation.

Employees in exempt positions, according to F.L.S.A., shall not be eligible for overtime compensation. If an exempt employee is required to report to work in an "on-call" capacity outside of normal working hours, the employee can receive compensatory leave at the rate of one hour for each hour worked.

Career Service and Executive Support Service employees in non-exempt positions, according to F.L.S.A., who are authorized to work overtime, shall be granted either time off (compensatory leave) at the rate of one and one-half (1-1/2) hours for each overtime hour worked or cash payment for overtime worked at the rate of one and one-half (1-1/2) times that employee's regular hourly rate of pay. EMS employees in non-exempt positions, according to the FLSA, who are authorized to work overtime, shall be paid for overtime worked at the rate of one and one-half (1-1/2) times that employee's regular hourly rate of pay. EMS employees are not eligible for compensatory leave unless authorized by the EMS Chief.

The maximum accumulation of Compensatory Leave is 80 hours. Additional accumulation can only be extended with the approval of the County Administrator.

Employees who transfer to another department or office within the County will be paid out their Compensatory Leave balance at that time.

Additionally, employees must use Compensatory leave first (unless Sick Leave is applicable) when taking leave for absences.

Compensatory leave or cash compensation for overtime may only be granted when actual hours of work exceed forty (40) hours during the workweek. Holidays, however, shall be considered as hours worked for purposes of this section.

If overtime is authorized using compensatory leave only, employees must be notified before the overtime is worked. Every effort should be made to schedule such leave at the earliest possible date. Requests for compensatory leave shall be made on an Official Leave/Compensation Request Form or on the Official time sheet.

SECTION V Pay Plan

11.01

5.11.1 Assignment of Overtime

Overtime assignments are made on a fair and equitable basis. Any scheduled work time is required duty. Failure to perform overtime, except in cases of personal emergency, or other appropriate reasons, is deemed to be insubordination. Exceptions shall be granted in cases of such emergency or other appropriately approved reason.

5.11.2 Procedure: Overtime

Leave time earned and used is recorded daily on the official time sheet.

5.12 On-Call, Stand-By, and Call-Out Pay

Employees in positions that provide "emergency" service on a recurring basis may volunteer or be designated "on-call" during other than normal working hours. Employees in such "on-call" status are expected to be constantly available in order to respond immediately to the need for their services. Such employees shall receive "ON-CALL" pay consisting of a weekly premium in an amount designated by the Board, and shall be paid for the time worked.

When an emergency requires employees not scheduled for "ON-CALL" duty to be in preparedness status to come to work upon call, they are considered to be on "STAND-BY," and are compensated according to the established "ON-CALL" premium amount. Should these employees' status move from ON-CALL or STAND-BY into "CALL-OUT," or should any employee with no prior notice be called out, they are compensated from the time of the call and provided a minimum of two hours worked. Compensation differs between normal weekday (Monday thru Friday), weekend (Saturday & Sunday), and Holiday.

On-Call pay is \$10.00 per day, \$15.00 per weekend day and \$20.00 per Holiday. (Weekend days are defined as Saturday and Sunday.) Should the employee be called out, a minimum of two (2) hours pay will be granted

5.13 Shift Incentive Stipends for Emergency Medical Technicians and Paramedics

The County Administrator is authorized to allow the following shift incentive stipend payments for Emergency Medical Technicians (EMTs) and Paramedics during critical staffing periods, subject to funding availability within the EMS Division personnel budget. These stipends may be provided to personnel within all EMT, Paramedic, 213 and 215-17 and 119 C1, and C2 pay grades.

A. Extra Shift Incentive Stipend:

SECTION V Pay Plan

11.01

- i. Full-time employees working ambulance or dispatch shifts, in addition to their regularly scheduled shifts, and with no absences from work during the pay period (including the use of leave time on a scheduled day), may be eligible for a stipend of up to \$240 per shift for all extra shifts of 12 hours or more worked during any single pay period.
- ii. Part-time employees working additional ambulance or dispatch shifts beyond three 12-hour shifts in a week (36 hours), and with no absences from work during the pay period (including the use of leave time on a scheduled day), may be eligible for a stipend of up to \$180 per shift for all extra shifts of 12 hours or more worked during any single pay period.
- iii. PRN employees working additional ambulance or dispatch shifts beyond two 12-hour shifts in a week (24 hours), and with no absences from work during the pay period (unable to work a scheduled shift), may be eligible for a stipend of \$120 per shift for all extra shifts of 12 hours or more worked during any single pay period.

B. Special Day Stipend:

Certain days, such as holidays and days with major special event coverage demands (e.g., Florida State and Florida A&M University home football games, etc.), are designated as “Special Days” under the Leon County EMS Standard Operating Guidelines.

Pursuant to Section 7.05 of the Leon County Personnel Policies and Procedures Manual, EMTs and Paramedics that work Special Days on a County-designated holiday qualify for holiday pay. For Special Days unrelated to County holidays, the County Administrator may allow the following stipend payments to EMTs and Paramedics:

- i. All employees (full-time, part-time, and PRN) working a full, 12-hour ambulance, dispatch, or field operations shift, on an identified Special Day, may be eligible for a stipend of up to \$160 per shift.
- ii. All employees (full-time, part-time, PRN) working less than a 12-hour ambulance, dispatch, or field operations shift, on an identified Special Day, may be eligible for a stipend of up to \$80 per shift.

5.14 Emergency Guidelines for Compensation, Work Hours, and Work Assignments

The purpose of this policy is to provide guidelines for compensating employees and designating work hours and work assignments for employees under the County Administrator during a Declared Local State of Emergency (DLSOE). This policy applies to all employees—regular full-time and part-time, OPS and PRN. Participation is considered a condition of employment. All County employees are essential and important to the organization for the emergency service delivery system.

Employees may be reassigned to other work areas, locations, and work hours altered in order to ensure continuation and restoration of community services, maintain safety, and fulfill the County’s responsibilities to its citizens.

SECTION V

Pay Plan

11.01

The County shall make a reasonable effort to release employees from work prior to, during, and after any DLSOE to take care of personal and family related safety matters. It is the responsibility of employees to prepare and make arrangements for family and personal needs in advance of the emergency.

Whether the County remains operational or shuts down operations due to a DLSOE, all employees will be required to report to work, if needed. During a period of emergency, day-to-day operations may be altered and temporary duties outside the normal scope of employment may be required. All employees are required to work before, during and after a DLSOE. Employees may be required to perform their normal essential functions, or they may be required to perform work specific to an emergency (Emergency Operations Center, evacuation shelters, comfort stations or any other facility).

DEFINITIONS:

DLSOE: A Declared Local State of Emergency made pursuant to the authority granted the Board of County Commissioners under Chapter 252, F.S. in accordance with the Emergency Management Ordinance (93-16).

Emergency Critical: An employee designated by the County, who is required to report to their regular work assignment to assist with the department's essential functions as designated in the department's Continuity of Operation Plan or emergency operating procedures.

Emergency Support: An employee not designated as Emergency Critical will be designated as an Emergency Support employee and assist with assigned functions at the Emergency Operations Center (EOC), evacuation shelters, comfort stations, or any other duty to support emergency operations.

Non-Exempt (Hourly): An employee who is paid an hourly wage under the Fair Labor Standards Act (FLSA) to receive overtime pay for hours worked in excess of 40 in a workweek.

Exempt (Salaried): An employee who is paid a salary (not an hourly wage) to perform the duties and responsibilities of a job regardless of hours worked in a workweek. In accordance with the Fair Labor Standards Act, this category of employee is exempt from the overtime pay provisions of the Act.

PROCEDURE:

- A. All Leon County employees will be designated as either Emergency Critical in accordance with the Departments Continuation of Operations Plan (COOP) and/or emergency operating procedures; or Emergency Support. Each department is responsible for making this designation for its employees and providing an annual listing of employees assigned in each category to Human Resources annually, prior to the start of hurricane season.

SECTION V

Pay Plan

11.01

- B. Upon issuance of a DLSOE and activation of the County's EOC, the County Administrator, or designee, may initiate implementation of this policy. Emergency Management will issue the date and time that the EOC activation occurs.
- C. Upon activation of the EOC as identified above, all County employees designated as Emergency Support may be required to report to the EOC, or at any other location to assist in the County's disaster response efforts. Roles may be pre-assigned or assigned as the situation dictates. Only the County Administrator or designee may authorize the release of some employees from work.
- D. Administration: Volunteer Services will assume the responsibility for assigning and training County employees in their respective emergency management functions.

APPLICATION:

Non-Exempt Employees on Duty. Employees reporting for duty during a DLSOE will be compensated as follows:

- Pay equal to their regular rate of pay for the time they are required to work during a DLSOE, up to 40 hours actually worked.
- Overtime Pay at one and one-half times their regular pay for hours actually worked over 40 hours in accordance with FLSA.
- Pay equal to their regular rate of pay for the time they would otherwise be on Administrative leave (See Personnel Policy Section 7.19 D.)
- This provision does not apply to EMS Special Risk employees.

Exempt Employees on Duty. Exempt employees reporting for duty during a DLSOE will be compensated as follows:

- Senior Management employees designated as Emergency Support will be required to work, as needed, during a DLSOE. Senior Management employees will not receive any additional compensation for hours worked over 40 hours in a workweek.

Employees off Duty. Any employee who is off duty and is requested to report to work will be expected to report to work during a DLSOE.

- If the employee is unable to report to work due to hardship reasons at the time of the DLSOE, the employee will not be eligible for Administrative leave during a DLSOE.
- If it is determined that the employee is not needed to report to work or is not needed at the EOC, or any other location, the employee will be eligible for Administrative Leave.

Employees on Approved Scheduled Leave: Any employee on scheduled leave during a DLSOE may be called in and required to report for duty, if needed. Employees on previously approved leave and who report to work shall be eligible for Administrative Leave and/or regular pay, whichever is applicable. Employees on previously approved leave (annual, sick, personal, compensatory or unpaid), who do not report to duty, will not be eligible to receive Administrative Leave and will be charged leave time accordingly.

SECTION V

Pay Plan

11.01

Employees on Extended Leave: Any employee away from work on sick leave, extended FMLA, Military Leave, Workers Compensation, or other extended leave will not be required to report for duty during a DLSOE. Employees on extended leave will not be eligible for Administrative Leave.

Emergency Preparedness Process: Human Resources will administer a process for confirming the designation of employees as Emergency Critical or Emergency Support. This process will also allow employees to request a Hardship Exemption for certain circumstances.

Hardship Exemption: Employees who are already aware that they will not be able to work during a DLSOE should request a hardship exemption approval form from their supervisor. Upon approval by the Division Director and Department Director, the approved hardship exemption form shall be submitted to Human Resources and placed in the employee's personnel file. The Exemption Form must be turned in to Human Resources annually prior to hurricane season. Hardship Exemptions will be reviewed prior to each disaster occurrence to determine if the exemption still applies. Employees claiming hardship exemptions will not be eligible for Administrative Leave during a DLSOE.

Reassignment of Employees: Employees who are released from their regular job duties will be reassigned to other work areas, as needed, and will be expected to report for duty. Employees may be required to work alternative shifts during a DLSOE. Non-exempt employees shall be paid their normal rate of pay for all hours actually worked, including overtime when applicable.

If an employee and their spouse both work for the County, they may both be required to work; however, the County will allow them to work different shifts if requested. This applies to employees whose spouse works for another first responding agency, as determined by the appropriate supervisor(s).

Required Training: Annually, the Director of Volunteer Services will determine the Emergency Support employees that will be required to complete Training as appropriate.

Communications: In the event the employee has not heard where and when to report to work, it is each employee's responsibility to contact their Supervisor, Manager, and Director to receive instructions on where to report to work. Employees who willfully fail to make contact in order to receive instructions on where and when to report during an emergency will be subject to immediate disciplinary action up to and including termination. Employees should not assume that they are not required to work based solely on any media or news reports regarding closings.

Failure to Report for Duty: During a DLSOE, employees who refuse to report to work may be subject to disciplinary action up to and including termination of employment.

On Call/Stand By: Career Service employees who are directed by appropriate supervisory or management staff to remain available to return to work during an off-duty period, in anticipation of and/or immediately after a DLSOE, will receive on-call or stand by pay in accordance with established pay policies and procedures.

SECTION V

Pay Plan

11.01

Temporary (OPS) Positions: Temporary employees may be expected to report for duty in anticipation of, and/or immediately after a DLSE as requested by appropriate supervisory or management staff. Temporary employees will be paid for actual hours worked in accordance with established pay policies and pay procedures.

Non-assigned employees: Employees who have not been assigned to work during a DLSE should not report to work without the approval of appropriate supervisory or management staff. Due to FLSA restrictions, this includes non-exempt employees who wish to volunteer at the EOC. Employees who are confined to a facility only for safety or non-job related reasons and are not performing the duties of their regular jobs or assigned jobs shall not be compensated for the time otherwise spent on the premises.

Return to Normal Conditions: Employees will return to work when notified by appropriate means. The County will use internal communication systems (telephone, Internet, etc.) and external media such as television, radio, etc., to announce the "all clear" notice for employees to return to work under recovery or normal conditions. The employee is responsible for monitoring the communication media to ensure prompt notification. Senior Management employees may adjust hours as needed to allow for periods of rest from working extended hours during a DLSE, however, managers are still responsible to ensure that all County offices are properly staffed when returning to normal conditions.

Employees unable to report back to work that day, due to extenuating circumstances beyond their control (i.e., child care issues, storm related damages, road closures, flooding, etc.) shall not be required to return to work and may use personal annual, compensatory leave and swing days for this time.

Documentation: Employees shall be required to document and report to management all hours worked during an emergency in accordance with established pay practices, procedures and regulations.

5.15 Reinstatement Pay

When an employee is reinstated to a position in the same class, or in a different class within or below the same skill level from which he/she was previously demoted, transferred, or reclassified with no reduction in pay, the rate of pay shall not change unless it is below the minimum class to which the employee is reinstated, in which case it will go to the minimum.

5.16 Payroll

Each Department/Division is required to keep an accurate account of all hours worked and leave used by career service employees on the official time sheet. All leave taken must be documented on a Leave/Compensatory Request Form for Senior Management Service and the official time sheet for Career Service, Executive Support, and EMS employees.

SECTION V

Pay Plan

11.01

Paychecks are distributed on Thursday at 10:00 a.m. for the bi-weekly payroll and at 10:00 a.m. on the morning of the next to the last business day of the month for the monthly payroll. Paychecks are distributed on Fridays for bi-weekly EMS employees. Paychecks may be direct deposited into any banking institution. Contact the Finance/Payroll office to set up direct deposit.

**AGREEMENT FOR MEDICAL EXAMINER SERVICES
(Medical Examiner District 2)**

THIS AGREEMENT FOR MEDICAL EXAMINER SERVICES (“Agreement”) is made as of the “Effective Date” (as defined in Section 1.2 below), by and between **LEON COUNTY, FLORIDA**, a charter county and political subdivision of the State of Florida (“Leon County”), and **JON R. THOGMARTIN, M.D., P.A.**, a Florida profit corporation, and **MEDICAL EXAMINER DISTRICT 2**, a Florida independent statutory entity pursuant to Chapter 406, Florida Statutes (collectively Jon R. Thogmartin, M.D., P.A., and Medical Examiner District 2 shall hereinafter be referred to as “ME District 2”). Leon County and ME District 2 may also be referred to individually as a “Party” or collectively as the “Parties.”

WITNESSETH:

WHEREAS, Chapter 406, Florida Statutes (the “MEs Act”), in Part I, creates the Medical Examiner’s Commission (the “MEs Commission”) within the Department of Law Enforcement and provides for its membership, governance, and responsibilities including, but not limited to, (i) adopting rules to implement the provisions of the MEs Act, (ii) ensuring minimum and uniform standards of excellence, performance of duties, and maintenance of records, (iii) establishing medical examiner districts within the state, and (iv) submitting nominations to the Governor for appointments of a district medical examiner for each of the medical examiner districts; and

WHEREAS, pursuant to section 406.06(5), Florida Statutes, district medical examiners and associate medical examiners are public officers for purposes of section 112.313, Florida Statutes, and the standards of conduct prescribed thereunder; and

WHEREAS, among the rules adopted by the MEs Commission is Rule 11G-1.002, Florida Administrative Code, which provides that medical examiners are subject to the provisions of the Code of Ethics for Public Officers and Employees, Chapter 112, Part III, Florida Statutes, and that medical examiners shall become familiar with the Code of Ethics and ensure that they are in compliance with the requirements stated therein; and

WHEREAS, medical examiners are further subject to the prohibitions enumerated in Rule 11G-1.002, Florida Administrative Code; and

WHEREAS, the MEs Commission established Medical Examiner District 2 (“ME District 2”) as an independent statutory entity to include Leon County within its boundaries along with the following counties: Franklin County, Gadsden County, Jefferson County, Liberty County, Taylor County, and Wakulla County (collectively, the “Other D2 Counties”); and

WHEREAS, in addition to providing medical examiner services to Leon County and the Other D2 Counties, ME District 2 may also provide such services to other Florida counties contingent upon prior written approval of Leon County (any such counties and the Other D2 Counties are collectively referred to as the “Other District Counties”); and

WHEREAS, Leon County owns the facility utilized by ME District 2 located at 560 Leonard Gray Way, a site map of which is attached hereto as Exhibit “A” and is incorporated herein by this reference (the “Leon County ME Facility”), which houses the entire ME District 2 operation including, but not limited to, its administrative offices and autopsy space; and

WHEREAS, the MEs Act permits the autopsy and laboratory facilities to be provided on a permanent or contractual basis by the counties within the district; and

WHEREAS, the MEs Act further provides that the district medical examiner and associate medical examiners are entitled to fees, salaries and expenses from the general funds or other funds under the control of the board of county commissioners (“BCC”) within the respective medical examiner districts; and

WHEREAS, Leon County and ME District 2 wish to enter this Agreement to establish the terms and conditions upon which ME District 2 will (i) provide medical examiner services to Leon County, (ii) be compensated for its services provided to Leon County; (iii) be housed for its ME District 2 business operation in the Leon County ME Facility, and (iv) remit facility use fees to Leon County.

NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Leon County and ME District 2 agree as follows:

Article 1.

Effective Date; Term; Definitions

1.1. RECITALS. The recitals set forth above are true and correct and are hereby incorporated herein as if set forth in their entirety.

1.2. EFFECTIVE DATE. The effective date of this Agreement shall be the date Jon Thogmartin, M.D.’s appointment pursuant to section 406.15, Florida Statutes, as substitute medical examiner by the State Attorneys of the Second and Third Judicial Circuits becomes effective _____ (the “Effective Date”).

1.3. TERM. The term of this Agreement shall commence on the Effective Date and, unless otherwise terminated as provided herein, shall continue thereafter until its expiration on September 30, 2029 (the “Term”).

1.4. CONTINUATION OF TERM. The initial Term of this Agreement may be continued at Leon County’s option (hereinafter a “Continuation Period”) for two (2) additional periods of five (5) years each (hereinafter identified individually as a “Continuation Period” and collectively as the “Continuation Periods”), subject to the following conditions:

1.4.1. The exercise of Leon County’s options to continue shall be deemed to be automatic unless written notice of Leon County’s intent to not continue is delivered to ME District 2 on or before June 1, 2029 with regard to the first Continuation Period, and, if applicable, June 1, 2034 with regard to the second Continuation Period.

1.5. DEFINITIONS. Terms used but not defined herein, whether or not capitalized, shall have the meanings in Rule 11G-1.001, Florida Administrative Code.

Article 2.

Scope of ME Services; Responsibilities of ME District 2

2.1. MEDICAL EXAMINER SERVICES. The medical examiner services to be provided to Leon County by ME District 2 shall include any and all statutory responsibilities and duties of medical examiners required to be provided to the public as set forth in the MEs Act and for which

ME District 2 is entitled to compensation with public funds, together with any other public services to be provided to Leon County as contained within this Agreement (“ME Services”).

2.2. STANDARD OF CARE. In accordance with Rule 11G-2.006, Florida Administrative Code, the duties and standards of care of the medical examiners in providing the ME Services are to be consistent with those contained in the “Practice Guidelines for Florida Medical Examiners, sponsored by the Florida Association of Medical Examiners,” revised July 28, 2010 and as may be further revised but subject to adoption by the MEs Commission as a rule pursuant to Chapter 120, Florida Statutes. The Parties further acknowledge and agree that, with regard to any determination of the medical examiners’ compliance with such duties and standards of care, Leon County shall defer to the MEs Commission to make such determination in accordance with the duties and responsibilities of the MEs Commission as set forth in the MEs Act.

2.3. SCOPE OF ME SERVICES. The ME Services shall include, but not be limited to, the following:

- 2.3.1. Medico-legal autopsies;
- 2.3.2. Medico-legal observations;
- 2.3.3. Medico-legal investigations;
- 2.3.4. Approval of all requests for cremations, burials at sea, and scientific donations
- 2.3.5. Examination of selected death scenes;
- 2.3.6. Expert witness testimony provided by the medical examiners in their official capacities;
- 2.3.7. Selection of tissue recovery services and oversight of the use of the Tissue Recovery Room for such services in accordance with Section 4.2. below;
- 2.3.8. Providing education and instruction to law enforcement personnel, and emergency responders;
- 2.3.9. Consultation on reported and accepted Medical Examiner cases, as needed, 24 hours per day, seven days per week, including holidays;
- 2.3.10. Conducting meetings, as needed, for law enforcement personnel and prosecutors; and
- 2.3.11. Intake and storage of bodies delivered as part of Leon County’s Policy No. 98-25, “Disposition of Unclaimed and Indigent Bodies,” as that Policy may be amended from time to time.
- 2.3.12. ME District 2 shall conduct district medical examiner recruitment activities as part of this Agreement in liaison with the District 2 Medical Examiner Search Committee created by the State Attorney for the Second Judicial Circuit. These activities include:

2.3.12.1. Coordinating with the State Attorney for the Second Judicial Circuit and the District 2 Medical Examiner Search Committee regarding the timing of district medical examiner recruitment activities.

2.3.12.2. Advertising for and recruitment of ME District 2 medical examiner candidates.

2.3.12.3. Payment of reasonable interview costs for up to 6 candidates, including travel, lodging, and per diem.

2.3.12.4. Payment of moving expenses (up to \$10,000) for the chosen candidate.

2.3.13. AFTER-HOURS ACCESS. ME District 2 will provide on-call personnel for the after-hours intake of body deliveries and the admittance of tissue recovery personnel and coordinate with the appropriate agencies and entities.

2.4. ME PERSONNEL AND OFFICE ADMINISTRATION. ME District 2 shall be responsible for coordinating the provision of any and all personnel and administrative services associated with its business operation, including the provision of ME Services. Subject to supervision of the substitute medical examiner to ensure consistency and quality as required by Chapter 406, Florida Statutes, and Rule 11G-1.002, Florida Administrative Code, such personnel and administrative services may be provided by employees of ME District 2 or pursuant to an agreement with a third-party entity for such services and may include, but not be limited to, the following:

2.4.1. Associate medical examiner personnel;

2.4.2. Death investigation and autopsy personnel;

2.4.3. Office administrative and human resources personnel and services to include administering of employee salaries, benefits, and taxes, and of ME District 2 insurance requirements;

2.4.4. Billing, transcription, answering service, and postage equipment and servicing, and courier personnel and services;

2.4.5. Administering of professional licenses, memberships, dues, and continuing education;

2.4.6. Legal consultation and support, as needed;

2.4.7. Purchasing and receiving personnel and services; and

2.4.8. Selection and utilization of reference laboratories.

2.5. PRIVATE PRACTITIONER SERVICES. Leon County and ME District 2 acknowledge and agree that, pursuant to section 406.06(4), Florida Statutes, the medical examiners may engage in the private practice of medicine or surgery ("Private Practitioner Services") insofar as such private practice does not interfere with their duties as prescribed in the MEs Act. With regard to the Private Practitioner Services, the Parties acknowledge and agree to the following:

2.5.1. Any Private Practitioner Services engaged in by the medical examiners shall be deemed to be outside the scope, and not a part, of the ME Services as defined in this Article 2.

2.5.2. Unless otherwise agreed upon in writing by Leon County, the permitted uses of the Leon County ME Facility for Private Practitioner Services shall be limited to (i) the practice of conducting private autopsies at the request of either the family of the deceased or a hospital or member of its medical staff, subject to authorization of the substitute medical examiner, (ii) any expert witness testimony, consultation, or educational activities provided by the medical examiners in their capacities as private physician practitioners, and (iii) clerical and administrative activities associated with, or arising out of, the permitted Private Practitioner Services as set forth in this Section 2.5.2. Such use of the Leon County ME Facility shall be subject to the terms and conditions set forth in Article 4 and Article 5 below, and any private autopsy shall further require the payment to Leon County of a facility use fee as established in Section 3.1 below.

2.6 DISCLOSURE OF BUSINESS INTERESTS. In the event ME District 2 intends to obtain or utilize the equipment or services of a business or professional association in which the medical examiners, or their spouses or children, have a business interest, ME District 2 shall first provide written notification of such intent to Leon County and request a determination by Leon County, pursuant to Rule 11G-1.002(4)(d)1., Florida Administrative Code, that any one of the exemptions cited in section 112.313(12), Florida Statutes, is applicable and, thereby, will permit ME District 2 to obtain or utilize such equipment or services pursuant to Rule 11G-1.002(4)(c), Florida Administrative Code.

Article 3.

Payment for ME Services; Annual Budget

3.1. PAYMENT PER FEE SCHEDULES. Leon County's payment to ME District 2 for the provision of ME Services shall be based solely on a schedule of fees for such services to be approved annually by resolution adopted by the Leon County BCC (the "Master Fee Schedule"). Such payments shall be in accordance with biweekly invoices to be delivered by ME District 2 which shall reflect the fees charged for the actual ME Services provided to Leon County for that respective two week period. ME District 2 may supply electronic invoices in lieu of paper-based invoices utilizing the mechanism developed by the County, which may include e-mail or other medium of delivery. The development of the Master Fee Schedule shall proceed as follows:

3.1.1. ME District 2 shall, no later than April 1st of each year, deliver to Leon County's designated office of budget management the proposed Master Fee Schedule reflecting its fees for the upcoming fiscal year to begin October 1st.

3.1.2. The proposed Master Fee Schedule shall include the fees to be charged to Leon County and the Other District Counties for any and all of the ME Services that may be provided in the upcoming fiscal year. The fees for any Private Practitioner Services shall not be included in the Master Fee Schedule.

3.1.3. Leon County authorizes ME District 2 to charge a fee to cremation providers as included in the Master Fee Schedule.

3.1.4. The fees to be charged to the Other District Counties for the use of the Leon County ME Facility for autopsies, external examinations, cremation approvals and for any other such examinations of deceased persons performed within the scope of the ME Services (the “ME Facility Use Fee”) shall be developed by Leon County based on its past operating expenses actually incurred and any planned capital expenditures in future years. The development of the ME Facility Use Fee shall proceed as follows:

3.1.4.1. The total of operating expenses and planned capital expenditures shall be apportioned to the Other District Counties based on the total number of ME District 2 autopsies performed for the Other District Counties in the fiscal year just ended.

3.1.4.2. ME District 2 shall, no later than January 1st of each year, provide to Leon County the number of autopsies performed for each of the Other District Counties in the fiscal year just ended.

3.1.4.3. Leon County shall, no later than March 15th of each year, provide in writing to ME District 2 the ME Facility Use Fee applicable to the upcoming fiscal year to begin October 1st, which shall then be added to the proposed Master Fee Schedule.

3.1.5. The fees to be charged to families and hospitals for any authorized private autopsy use of the Leon County ME Facility (the “Private Facility Use Fee”) and to the third-party tissue recovery services provider for use of the Tissue Recovery Room (the “Tissue Recovery Use Fee”) shall be developed by Leon County based on a recapture of the construction costs for the Leon County ME Facility together with past operating expenses actually incurred and any planned capital expenditures in future years. The development of the Private Facility Use Fee and the Tissue Recovery Use Fee shall follow the same process as with the ME Facility Use Fee as set forth in Section 3.1.4. above.

3.1.6. Upon Leon County’s review of the proposed Master Fee Schedule and the annual budget upon which it is based, the Parties shall negotiate, as needed, to finalize the recommended Master Fee Schedule, no later than May 1st, to be presented to the BCC for approval by resolution.

3.2. ANNUAL BUDGET. ME District 2 shall, in accordance with the MEs Act, submit its proposed annual budget to Leon County by delivery to Leon County’s designated office of budget management no later than April 1st of each year. The proposed annual budget shall be sufficiently detailed to allow Leon County to ascertain the following information:

3.2.1. The total personnel and operating expenses for ME District 2 upon which each of the fees in the Master Fee Schedule is based;

3.2.2. The total of expenses paid to any business or professional association for personnel and administrative services provided to ME District 2;

3.2.3. The total fees received by ME District 2 for expert witness testimony in criminal and civil cases provided by the medical examiners in their official capacities;

3.3. PROMPT PAYMENT OF ME SERVICES INVOICES. Leon County shall make payment for ME Services no later than forty-five (45) days after Leon County’s receipt of the invoices

for ME Services. The ME case number and the service provided (per the Master Fee Schedule) for each case shall be included on the invoice, and this information shall be considered by Leon County to be sufficient information for prompt payment of the invoice. Unless otherwise notified in writing by Leon County, biweekly invoices for ME Services shall be delivered to: Leon County Office of Human Services & Community Partnerships, Attention: Director, 615 Paul Russel Road, Tallahassee, FL 32301. The Director of the Office of Human Services & Community Partnerships may be contacted by telephone at (850) 606-1900. If ME District 2 fails to receive any such payments in a timely manner, it shall provide notice to Leon County of such delinquency. Failure of Leon County to make payment within ten (10) days of its receipt of a delinquency notice shall constitute cause for termination under Section 7.2.3 below regardless of the availability of funds as set forth in Section 7.1 below.

3.4 JON R. THOGMARTIN, M.D., P.A., shall not be responsible for payment of invoices or fees remaining from examinations or cases accepted by any previous District 2 medical examiner or Ketchum, Wood & Burgert, Chartered, doing business as KWB Pathology Associates. If necessary, the ME District 2 shall complete the cause of death certification, autopsy reports, and other related paperwork required under the MEs Act and this Agreement for cases accepted prior to the Effective Date.

Article 4.

Use of Leon County ME Facility; Use Fees Remittance; Unclaimed Bodies; ME Equipment

4.1. PERMITTED USE. Except as otherwise provided herein, Leon County and ME District 2 acknowledge and agree that the use of the Leon County ME Facility shall be limited to the activities associated with, and necessitated by, the medical examiners' performance of the ME Services, as defined in Sections 2.1. and 2.3. above, and any of the Private Practitioner Services permitted in accordance with Section 2.5 above (collectively, the "Permitted Use"). Upon written request of the substitute medical examiner, Leon County may give written consent in advance of other uses of the Leon County ME Facility, which consent may be reasonably withheld in Leon County's sole discretion.

4.2. TISSUE RECOVERY ROOM. As set forth in Section 2.3.7. above, the scope of the ME Services will include the selection by ME District 2 of a third-party provider for tissue recovery services in accordance with any and all applicable federal and state laws. Such tissue recovery services will be conducted in a room designated within the Leon County ME Facility. It shall be the responsibility of ME District 2 to coordinate the use of the Tissue Recovery Room and remit the collected fee for such use as established in Section 3.1. above.

4.3. REMITTANCE OF USE FEES. ME District 2 shall be responsible for the collection and remittance of any and all ME Facility Use Fees, Private Facility Use Fees, and Tissue Recovery Use Fees, as those terms are defined in Section 3.1. above. Such use fees shall not be used to offset the fees charged to Leon County for ME Services and, instead, shall be separately remitted monthly by check payable to Leon County, Florida and delivered to Leon County together with the biweekly invoices for ME Services in accordance with Section 3.3. above.

4.4. TRANSPORTATION RECEIPTS & BILLING. Transportation receipts for the intake and storage of bodies delivered to the morgue as referenced in Section 2.3.11. will be collected by the ME District 2 for verification that the delivery is legitimate. Upon verification that a delivery

is legitimate, the receipt and the associated Medical Examiner case number will be forwarded to Leon County Office of Human Services and Community Partnerships for payment. The transport receipt and verified Medical Examiner case number shall be sufficient for Leon County to make prompt payment to the transport provider.

4.5. UNCLAIMED BODIES. The Leon County ME Facility has limited body cooler space. Leon County stores unclaimed bodies (including cases that do and do not fall under a medical examiner's jurisdiction) as part of Leon County's Policy No. 98-25, "Disposition of Unclaimed and Indigent Bodies." Absent exigent circumstances, Leon County shall not store an unclaimed body longer than 10 business days at the Leon County ME Facility.

4.6. ME EQUIPMENT. It shall be the responsibility of Leon County, at Leon County's expense, to provide and maintain any and all furnishings, fixtures, and equipment necessary for ME District 2 to adequately provide the ME Services as required under this Agreement (collectively, the "FF&E"). The parties acknowledge and agree that the use of the FF&E shall be subject to the following terms and conditions:

4.6.1. Any and all FF&E shall be stored and maintained at the Leon County ME Facility, unless agreed upon otherwise in writing by the Parties;

4.6.2. The ownership of the FF&E shall be vested in Leon County and, to the extent that the FF&E are titled, all titles shall be held in the name of Leon County;

4.6.3. Any FF&E deemed to be tangible personal property shall be held, inventoried, and disposed of in accordance with Leon County Policy 02-05, "Tangible Personal Property Policy and Procedures," as may be amended from time to time, which defines tangible personal property as that which (i) is not fixed in place and not an integral part of a structure or facility, (ii) is not an integral part or component of another piece of equipment, (iii) has an original acquisition cost of \$1,000 or more, (iv) is not consumed in use, and (v) has a useful life of one year or more after initial acquisition;

4.6.4. ME District 2 shall be responsible for the safekeeping and proper use of the FF&E entrusted to the care and use of ME District 2; and

4.6.5. Upon expiration or other termination of this Agreement, any and all FF&E shall be relinquished to Leon County.

4.7 SUPPLIES. The ME District 2 will procure operating supplies for the facility including expendable autopsy supplies. Leon County will provide One Hundred Thirty Five Thousand Five Hundred Eighty Eight Dollars (\$135,588) annually in biweekly payments of Five Thousand Two Hundred Fifteen Dollars (\$5,215) by direct deposit or electronic funds transfer to ME District 2. Leon County will recapture the costs of use of the Leon County ME Facility by Other District Counties through the annually established ME Facility Use Fee.

4.8 IMPROVEMENTS. ME District 2 shall be prohibited from making any improvements on or in the Leon County ME Facility without the consent and cooperation of Leon County. The payment of the costs for any such improvements shall be the responsibility of Leon County, which costs shall then be considered in the annual development of the Master Fee Schedule in accordance with Section 3.1. above.

4.9 SIGNS. ME District 2 shall not place any signs on the Leon County ME Facility except with the prior written consent of Leon County.

4.10 LEON COUNTY'S ACCESS. Leon County shall be entitled at all reasonable times and upon reasonable notice to enter the Leon County ME Facility to examine its condition and to make such repairs, alterations, or improvements thereto as Leon County is required by this Agreement to make or which Leon County considers necessary or desirable. ME District 2 shall not unduly obstruct any pipes, conduits, or mechanical or other electrical equipment so as to prevent reasonable access thereto. Leon County shall exercise its rights under this Section, to the extent possible in the circumstances, in such manner so as to minimize interference with ME District 2's use and operation of the Leon County ME Facility. Leon County shall have the right at all times to enter the Leon County ME Facility without prior notice to ME District 2 in the event of an emergency affecting the Leon County ME Facility.

4.11 PARKING. Leon County shall be responsible for providing a sufficient number of parking spaces, to be located on or adjacent to the Leon County ME Facility, in order for ME District 2 to adequately provide the ME Services as required under this Agreement. All motor vehicles (including all contents thereof) shall be parked in such spaces at the sole risk of ME District 2, its employees, agents, invitees and licensees, it being expressly agreed and understood that Leon County has no duty to insure any of said motor vehicles (including the contents thereof), and that Leon County is not responsible for the protection and security of such vehicles, or the contents thereof.

4.12 MAINTENANCE AND REPAIRS. Leon County shall be responsible, at its expense, to provide any and all maintenance and repairs of the Leon County ME Facility as needed in order for ME District 2 to adequately provide the ME Services as required under this Agreement, or to otherwise comply with any federal, state, and local laws, building codes, and rules and regulations in accordance with Section 4.14 below. Any requests by ME District 2 for such maintenance and repair may be made by email to Leon County's Office of Resource Stewardship at WorkOrder@LeonCountyFL.gov, or to such other email address as may be provided by Leon County.

4.13 TELECOMMUNICATIONS; WEBPAGE HOSTING; COMPUTER NETWORK; COMPUTERS & SOFTWARE. It shall be the responsibility of Leon County, at its expense, to coordinate the provision of any and all "Telecommunications Services," "Telecommunications Equipment," "Webpage Hosting Services," "Computer Networking," and "Computers and Software" reasonably necessary for ME District 2 to adequately provide the ME Services as required under this Agreement. For purposes of this provision:

4.13.1 "Telecommunications Services" shall refer to the various services available in the telecommunications industry including, but not limited to, telephone service and cable television service, and other similar services that may not exist as of the Effective Date of this Agreement but are created thereafter.

4.13.2 "Telecommunications Equipment" shall mean the equipment and devices that are installed, altered, modified, or replaced to provide Telecommunications Services, including the wires and all associated components necessary to operate such equipment and devices as intended.

4.13.3 “Webpage Hosting Services” shall refer to the provision of a webpage on Leon County’s website that provides general and contact information about ME District 2, but with no advanced functionality required to be provided as part of such services.

4.13.4 “Computer Networking” shall refer to providing servers and appropriate network connections necessary to sustain adequate connection for the computer network required for the ME District 2 to provide the ME Services under this Agreement.

4.13.5 “Computers and Software” shall refer to the actual personal computers, printers, scanners, or copiers required for ME District 2 personnel and the software required for the ME District 2 personnel to provide the ME Services under this Agreement.

4.14 BIOHAZARD WASTE; LINEN SERVICE. Leon County shall be responsible for the payment of the costs incurred for any biohazard waste removal service and linen service as are reasonably necessary for ME District 2 to adequately provide the ME Services required under this Agreement. ME District 2 shall coordinate with Leon County for the provision of such services, and such services shall be conducted in accordance with any and all applicable federal and state laws.

4.15 UTILITIES; HOUSEKEEPING; SECURITY. It shall be the responsibility of Leon County, at its expense, to coordinate the provision of any and all utilities and housekeeping services and security as reasonably necessary for ME District 2 to adequately provide the ME Services as required under this Agreement. Such services shall include, but not be limited to:

4.15.1 Electricity, water, sewer, and natural gas;

4.15.2 Janitorial services on a daily basis, excluding weekends and holidays, in only the office area, and excluding those areas designated as the autopsy suite and accessory spaces;

4.15.3 Pest control and upkeep of landscaping and grounds;

4.15.4 L.E.D. light fixtures and replacements thereof;

4.15.5 Electronic security monitoring services and equipment including, but not limited to, monitoring of doors, gates, and other such building access points throughout the Leon County ME Facility, with video monitoring as agreed upon by the Parties.

4.16 COMPLIANCE WITH LAWS. ME District 2 shall comply with all federal, state, and local laws, building codes, and rules and regulations related to its provision of ME Services on or in the Leon County ME Facility, and shall promptly comply with all governmental orders and directives for the correction, prevention, and abatement of any violation of such applicable laws.

4.16.1 With regard to compliance with such laws involving building codes or other matters necessitating repairs or improvements on or in the Leon County ME Facility, ME District 2 shall provide prompt written notice to Leon County of the need for such compliance.

4.16.2 ME District 2 shall be responsible for procuring all permits and licenses required for the transaction of its business in the Leon County ME Facility.

4.17 LICENSE FOR USE OF FACILITY. With regard to the Permitted Use of the Leon County ME Facility set forth in Section 4.1 above, such use shall be deemed to be a license for the use of the Leon County ME Facility and shall not be deemed to be a grant of any permanent possessory

interest in real property, nor shall this Agreement be construed as conveying any real property interest in the Leon County ME Facility.

Article 5.
Insurance; Indemnification.

5.1 ME DISTRICT 2'S INSURANCE RESPONSIBILITIES. ME District 2 shall ensure that, for the duration of this Agreement, insurance is in place which will protect against claims for injuries to persons or damages to property which may arise from, or in connection with, the performance by ME District 2, its agents, representatives, employees, and/or contractors and subcontractors of the rights, duties, and responsibilities pursuant to this Agreement, in the minimum coverage and amounts, and subject to the terms and conditions, as follows:

5.1.1 LIABILITY INSURANCE. ME District 2 shall ensure that an insurance policy is in place to provide commercial general liability insurance coverage with combined single limits for bodily injury, personal injury, and property damage of no less than \$1,000,000 per occurrence and a \$3,000,000 annual aggregate. Such insurance policy shall include Leon County as an additional insured as provided hereinbelow.

5.1.2 PROFESSIONAL LIABILITY INSURANCE. ME District 2 shall ensure that, in accordance with the MEs Act, the medical examiners obtain insurance policies to provide professional liability insurance, including errors and omissions, for all services provided by the medical examiners, with minimum limits of \$1,000,000 per occurrence; or claims made form with "tail coverage" extending three (3) years beyond the term of this Agreement. Proof of "tail coverage" must be submitted with the invoice for final payment of ME Services provided under this Agreement.

5.1.3 WORKERS' COMPENSATION EMPLOYERS' LIABILITY INSURANCE. ME District 2 shall ensure that, to the extent such coverage is required by law, an insurance policy is in place to provide workers' compensation insurance covering all employees meeting statutory limits in compliance with all applicable state and federal laws, and to provide employer's liability insurance with limits of \$500,000 per accident, \$500,000 disease policy limit, and \$500,000 disease limit for each employee. In lieu of naming Leon County as an additional insured, ME District 2 shall provide to Leon County a waiver of all rights of subrogation against Leon County with respect to losses payable under such workers' compensation policy(ies).

5.1.4 DEDUCTIBLES AND SELF-INSURED RETENTIONS. Any deductibles or self-insured retentions applicable to any of the insurance policies required under this Section 5.1 above shall be declared to and approved by Leon County.

5.1.5 LEON COUNTY AS ADDITIONAL INSURED. Leon County, its officers, officials, employees, and volunteers are to be named and covered as additional insureds, with no limitations on the scope of protection afforded, in all insurance policies required under this Section 5.1, other than workers' compensation policies.

5.1.6 ME DISTRICT 2'S INSURANCE AS PRIMARY. With regard to claims for injuries to persons or damages to property which may arise from, or in connection with, the performance by ME District 2, its agents, representatives, employees, and/or subcontractors of the rights, duties and responsibilities pursuant to this Agreement, the

insurance coverages provided pursuant to this Section 5.1 shall be primary insurance with respect to Leon County, its officers, officials, employees, and volunteers. As such, any insurance or self-insurance maintained by Leon County, its officers, officials, employees, or volunteers shall be excess of such insurance coverages and shall not contribute with it. In such instances when such insurance coverages are primary, ME District 2 hereby waives all rights of subrogation against Leon County with respect to losses payable under such insurance coverages.

5.1.7 CERTIFICATES OF INSURANCE. ME District 2 shall furnish Leon County with certificates of insurance and with any original endorsements evidencing the coverages described herein for any insurance policies carried by ME District 2 and for those of any of its contractors and subcontractors, as applicable pursuant to Section 5.1.9 below. Such certificates shall 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 Leon County prior to the Effective Date. Leon County reserves the right to require complete, certified copies of all required insurance policies at any time. Each of the required insurance policies shall be endorsed to state that coverage shall not be cancelled by ME District 2 except after at least thirty (30) days prior written notice has been given to Leon County. All required insurance policies shall be placed with insurers with a Best's rating of no less than A:VII and which are licensed in the state of Florida.

5.1.8 OTHER ENDORSEMENTS REQUIREMENTS FOR INSURANCE POLICIES. Each of ME District 2's required insurance policies shall contain endorsements for, or otherwise provide, the following:

5.1.8.1 that, to the extent of insurer's limits of liability, ME District 2's insurance coverage shall apply separately to each insured against whom claims are made or suit is brought (provided this provisions shall not apply to ME District 2's insurance policies maintained pursuant to Section 5.1.2 above); and

5.1.8.2 that the companies issuing the insurance policy(ies) shall have no recourse against Leon County for payment of premiums or assessments for any deductibles which are the sole responsibility and risk of ME District 2.

5.1.9 CONTRACTORS OF ME DISTRICT 2. ME District 2 shall ensure that any and all of its contractors and subcontractors doing business with ME District 2, including, but not limited to, any private pathology practice providing personnel and administrative services, satisfy one of the following conditions: (i) such contractors and subcontractors shall be included as insureds under any insurance policies carried by ME District 2, or (ii) separate certificates and endorsements shall be furnished for each such contractor and subcontractor in a form meeting the requirements set forth in Sections 5.1.7 and 5.1.8 above.

5.2 LEON COUNTY'S INSURANCE. Leon County shall carry and maintain a broad form commercial general liability insurance, written on an occurrence basis and including contractual liability coverage endorsement covering Leon County's indemnity obligations under this Agreement in limits it reasonably deems appropriate but in no event less than the limits required of ME District 2 pursuant to Section 5.1 above. In addition, Leon County shall carry and maintain property insurance, with replacement cost coverage, covering the Leon County ME Facility in the amount of

not less than the full replacement cost thereof with an agreed-value endorsement and without any co-insurance requirements.

5.2.1 Leon County's Insurance as Primary. With regard to claims for injuries to persons or damages to property which do not arise from, or are not in connection with, the performance by ME District 2, its agents, representatives, employees, and/or subcontractors of the rights, duties and responsibilities pursuant to this Agreement or claims resulting from the duties of the previous medical examiners providing services at the Leon County ME Facility, the insurance coverages provided pursuant to this Section 5.2 shall be primary insurance with respect to ME District 2, its agents, representatives, employees, and/or subcontractors. Leon County hereby waives all rights of subrogation against ME District 2 with respect to losses payable under such insurance coverages.

5.3 **WAIVER OF SUBROGATION RIGHTS.** Anything in the Agreement to the contrary notwithstanding, Leon County and ME District 2 hereby waive any and all rights of recovery, claim, action, or cause of action against the other, its agents, employees, officers, partners, servants, or shareholders for any loss or damage that may occur to the Leon County ME Facility, or any improvements thereto, or any personal property of such party therein by reason of fire, the elements, or any other cause which is insured against under the terms of the fire and extended coverage insurance policies obtained pursuant to this Agreement, or, if any such party fails to maintain the insurances and coverages such party is required to maintain under this Agreement, would have been insured had the applicable party maintained the insurances and coverages such party is required to maintain under this Agreement, regardless of cause or origin, including negligence of the other party hereto, its agents, employees, officers, partners, servants or shareholders, and each party covenants that no insurer shall hold any right of subrogation against such other party.

5.4 **ME DISTRICT 2'S INDEMNITY.** Without waiving any right to sovereign immunity, ME District 2 agrees to indemnify, defend, and hold harmless Leon 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 ME District 2, its delegates, employees and agents, arising out of or under this Agreement, including reasonable attorney's fees and costs. Leon County may, at its sole option, defend itself or require ME District 2 to provide the defense. Notwithstanding the foregoing, ME District 2 shall not be required to indemnify Leon County with respect to any liability, loss, damages, cost, or expense suffered as a result of the negligence or intentional misconduct of Leon County or any of the agents or employees of Leon County nor with respect to any liability, loss, damage, cost, or expense to the extent that the same is covered by insurance policies maintained by Leon County, or that would have been covered had Leon County maintained the insurance policies Leon County is required to maintain pursuant to the terms of this Agreement. ME District 2 acknowledges that the consideration recited hereinabove contains sufficient consideration of ME District 2's indemnification of Leon County. In addition, the Parties acknowledge and agree that ME District 2 shall not be liable for claims regarding storage or disposition of unclaimed bodies at the Leon County ME Facility as part of Leon County's Policy No. 98-25, "Disposition of Unclaimed and Indigent Bodies."

5.5 **LEON COUNTY'S INDEMNITY.** Without waiving its right to sovereign immunity, Leon County shall, to the extent allowed by law, indemnify, save harmless, and defend ME District 2 promptly and diligently at Leon County's sole expense from and against any and all claims and demands in connection with any injury or loss of property, personal injury, or death

occurring in, on, or about the Leon County ME Facility caused by the negligent or wrongful act or omission of Leon County. Notwithstanding the foregoing, Leon County shall not be required to indemnify ME District 2 with respect to any liability, loss, damages, cost, or expense suffered as a result of the negligence or intentional misconduct of ME District 2 or any of the agents or employees of ME District 2 nor with respect to any liability, loss, damage, cost, or expense to the extent that the same is covered by insurance policies required to be in place pursuant to Section 5.1 above, or would have been covered had such insurance policies been in place as required. In addition, the Parties acknowledge and agree that, pursuant to the MEs Act, Leon County shall not be liable for any acts of the medical examiners not within the scope of their official duties.

5.6 REMEDIES CUMULATIVE. Except as otherwise provided herein, the rights and remedies expressly provided herein are cumulative and not exclusive of any rights or remedies which the Parties hereto may otherwise have at law or in equity. Nothing herein shall be construed to require any of the Parties hereto to elect among remedies.

5.7 SURVIVAL. The provisions of this Article 5 shall survive the expiration or earlier termination of this Agreement.

Article 6.

Records; Records Retention; Audits

6.1 ME RECORDS. For purposes of this Agreement, and to be consistent with the definition of public records contained in section 119.011, Florida Statutes, the term “ME Records” shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by ME District 2. With regard to ME Records, the following terms and conditions shall apply:

6.1.1 The Parties acknowledge and agree that, with regard to the duties and responsibilities associated with the management of ME Records, Jon R. Thogmartin, M.D., P.A., and Medical Examiner District 2 shall each conduct itself as an “agency” as that term is defined in Section 119.011, Florida Statutes, and shall comply with all federal and state laws and rules related to the management of ME Records including, but not limited to, Chapter 119, Florida Statutes, pertaining to public records, Chapter 406, Florida Statutes, pertaining to maintenance of records and exemptions, and Rule Chapter 11G-2, Florida Administrative Code, regarding the management of records and disclosure.

6.1.2 Leon County has agreed to provide technology support to ME District 2; however, the Parties agree that Jon R. Thogmartin, M.D., P.A., and Medical Examiner District 2 are the custodians of all ME Records and shall comply with applicable law and this Article 6 with regard to redaction, production, retention, and disposition.

6.1.3 ME District 2, with regard to any contract for services entered into with an individual, partnership, corporation, or other business entity, shall comply with the provisions of Section 119.0701, Florida Statutes, pertaining to such contractor’s compliance with public records laws. For purposes of compliance with said statute, the Parties acknowledge and agree that ME District 2 shall conduct itself as a “public agency” as that term is defined therein.

6.1.4 The provisions of this Article 6, including the obligations of the Parties to this Agreement with regard to the production, retention, and disposition of ME Records, shall survive the expiration or earlier termination of this Agreement. Jon R. Thogmartin, M.D., P.A., and Medical Examiner District 2 expressly acknowledge and agree that they shall be responsible for jointly determining their continued responsibilities as records custodians of the ME Records subsequent to the expiration or earlier termination of this Agreement.

6.2 RETENTION OF ME RECORDS. ME District 2, with regard to the ME Records, shall comply with Section 119.021, Florida Statutes, pertaining to custodial requirements and the maintenance, preservation, and retention of ME Records which includes, but is not limited to, compliance with the General Records Schedule GS2 for District Medical Examiners adopted by the Division of Library and Information Services of the Department of State pursuant to Section 119.021(2)(a), Florida Statutes.

6.3 AUDITS. ME District 2 shall establish and maintain the ME Records in accordance with generally accepted accounting procedures and practices to sufficiently and properly reflect all revenues and expenditures of funds provided by the Leon County under this Agreement. Furthermore, the Parties acknowledge and agree that any and all ME Records shall be subject at all reasonable times to audit by personnel duly authorized by Leon County and, to the extent necessary to ensure the appropriate use of public funds, ME District 2 shall be subject to audit by such authorized personnel. For purposes of this Agreement, the term “audit” shall have the same meaning as defined in Section 11.45, Florida Statutes.

Article 7. Miscellaneous Provisions.

7.1 FUNDING. The County shall pay the fees, salaries, and expenses of ME District 2 in accordance with the terms of this Agreement and the requirements of Sections 406.06 and 406.08, Florida Statutes.

7.2 TERMINATION. With regard to any termination of this Agreement, the Parties acknowledge and agree that (i) notwithstanding such termination, the MEs Act would require ME District 2 to continue providing ME Services and would require Leon County to continue paying compensation and fees for such services, (ii) ME District 2 would require continued uninterrupted use of a facility to provide its ME Services to Leon County and the Other District Counties, and (iii) any failure of the medical examiners to perform their duties or to meet the required standards of care as prescribed by law would be a determination to be made by the MEs Commission rather than by Leon County. As such, any termination of this Agreement shall be subject to the following terms and conditions:

7.2.1 Either Party Termination Without Cause. Either Party may terminate this Agreement without cause by giving notice to the other Party no later than ninety (90) days before the effective date of such termination. ME District 2 shall, on or before the termination date, vacate the Leon County ME Facility unless arrangements for its continued use have been provided for in a new agreement. Notwithstanding either Party’s termination, ME District 2 shall continue to provide ME Services, and Leon County shall continue to pay compensation and fees for such services, as required in the MEs Act.

7.2.2 Leon County Termination For Cause. Leon County may terminate this Agreement for cause, subject to the following terms and conditions:

7.2.2.1 Any such termination resulting from the failure of the medical examiners to perform their duties or to meet the required standards of care shall, before becoming effective, require a determination by the MEs Commission that such a failure has occurred. Upon the Parties' receipt of notification that such determination has been made by the MEs Commission, Leon County may proceed with its termination to be effective thirty (30) days thereafter. However, if, prior to the effective date of termination, ME District 2 cures such failure to the satisfaction of Leon County, the termination process shall cease, and this Agreement shall continue in full force and effect.

7.2.2.2 Any termination for cause resulting from some act or inaction other than a failure of the medical examiners to perform their duties or to meet the required standards of care shall proceed by Leon County giving notice to ME District 2 no later than thirty (30) days before the effective date of such termination. However, if, prior to the effective date of termination, ME District 2 cures such failure to the satisfaction of Leon County, the termination process shall cease, and this Agreement shall continue in full force and effect.

7.2.2.3 If termination of this Agreement occurs pursuant to Section 7.2.2, ME District 2 shall, on or before the termination date, vacate the Leon County ME Facility unless arrangements for its continued use have been provided for in a new agreement. Notwithstanding Leon County's termination, ME District 2 shall continue to provide ME Services and Leon County shall continue to pay compensation and fees for such services as required in the MEs Act.

7.2.3 ME District 2 Termination For Cause. Except as provided in Section 3.3 above or otherwise in this Agreement, ME District 2 may terminate this Agreement for cause by giving notice to Leon County no later than thirty (30) days before the effective date of such termination. However, if, prior to the effective date of termination, Leon County cures such failure to the satisfaction of ME District 2, the termination process shall cease, and this Agreement shall continue in full force and effect. If Leon County fails to reach a satisfactory cure, ME District 2 shall, on or before the termination date, vacate the Leon County ME Facility unless arrangements for its continued use have been provided for in a new agreement. Notwithstanding ME District 2's termination, ME District 2 shall continue to provide ME Services, and Leon County shall continue to pay compensation and fees for such services as required in the MEs Act and consistent with the Master Fee Schedule referenced in this Agreement.

7.3 **INDEPENDENT ENTITY STATUS.** Leon County and ME District 2 acknowledge and agree that ME District 2 shall provide the ME Services as required under this Agreement as an entity independent of Leon County, and in no event shall ME District 2 nor any employees or sub-contractors under it be considered for any purpose employees, agents, or partners of Leon County, nor shall the relationship of the Parties be considered a joint venture.

7.4 **INTERPRETATION.** The captions of the Articles and Sections of this Agreement are to assist the Parties in reading this Agreement and are not a part of the terms or provisions of this

Agreement. Whenever required by the context of this Agreement, the singular shall include the plural, and the plural shall include the singular. The masculine, feminine, and neuter genders shall each include the other. In any provision relating to the conduct, acts, or omissions of ME District 2, the term "ME District 2" shall include ME District 2's agents, employees, contractors, subcontractors, invitees, successors, or others using the Leon County ME Facility with ME District 2's expressed or implied permission. This Agreement shall not be construed more or less favorably with respect to either party as a consequence of the Agreement or various provisions hereof having been drafted by one of the Parties hereto.

7.5 INCORPORATION OF PRIOR AGREEMENTS; MODIFICATIONS. This Agreement contains and embodies the entire agreement of the Parties hereto with respect to the matters set forth herein, and supersedes and revokes any and all negotiations, arrangements, letters of intent, representations, inducements or other agreements, oral or in writing, with respect to such matters. No representations, inducements, or agreements, oral or in writing, between the Parties with respect to such matters, unless contained in this Agreement, shall be of any force or effect. No amendment, modification, or other revision to this Agreement shall be valid unless contained in a written document duly executed by Leon County and ME District 2.

7.6 NOTICES. Any notice or document required or permitted to be delivered by the terms of this Agreement, other than routine notice of maintenance or repair needs, shall be delivered as follows:

7.6.1 Any of the following forms of delivery are acceptable:

7.6.1.1 by hand delivery;

7.6.1.2 by certified mail, return receipt requested; or

7.6.1.3 by guaranteed overnight delivery service.

7.6.2 Notices to ME District 2 shall be delivered to:

With a copy to the following:

JON R THOGMARITN, MD, PA
10900 ULMERTON RD
LARGO, FL 33778
Attn: Administrator

7.6.3 Notices to Leon County shall be delivered to:

Office of Human Services & Community Partnerships
Attention: Director
615 Paul Russel Road
Tallahassee, FL 32301

With copies delivered to:

Office of Financial Stewardship
Attention: Director
301 South Monroe Street, Suite 202
Tallahassee, FL 32301

Office of Resource Stewardship
Attention: Director
1907 South Monroe Street
Tallahassee, FL 32301

Leon County Attorney's Office
Attn: County Attorney
301 S. Monroe Street, Suite 202
Tallahassee, FL 32301

7.6.4 All notices shall be effective upon delivery. Any Party may change its notice address upon written notice to the other Part, given in accordance herewith by an authorized officer, partner, or principal.

7.7 WAIVERS. All waivers must be in writing and signed by the waiving Party. Leon County's failure to enforce any provision of this Agreement shall not be a waiver and shall not prevent Leon County from enforcing that provision or any other provision of this Agreement in the future. No statement on a payment check from ME District 2 or in a letter accompanying a payment check shall be binding on Leon County. Leon County may, with or without notice to ME District 2, negotiate such check without being bound to the conditions of such statement.

7.8 FORCE MAJEURE. The performance by any Party to this Agreement of its obligations shall be excused by delays attributable to events beyond that Party's control for a period of time that is sufficient for the Party to perform its obligations after the cessation of the force majeure event acting in a diligent, commercially reasonable manner. Events beyond a Party's control include, but are not limited to, acts of the other party, acts of God, war, civil commotion, labor disputes, strikes, fire, flood or other casualty, failure of power, shortages of labor or material, government regulation or restriction including extraordinary delay in the issuance of any permit, and unusually inclement weather conditions. Events beyond a Party's control shall not include changes in economic or market conditions, or financial or internal problems of the non-performing Party, or problems that can be satisfied by the payment of money.

7.9 FLORIDA LAW. This Agreement shall be governed by and construed in accordance with the laws of the state of Florida.

7.10 COUNTERPART. This Agreement may be executed in multiple counterparts, each counterpart of which shall be deemed an original and any of which shall be deemed to be complete of itself and may be introduced into evidence or used for any purpose without the production of the other counterpart or counterparts.

7.11 TIME IS OF THE ESSENCE. Time is of the essence of this Agreement and all provisions contained herein.

7.12 WAIVER OF TRIAL BY JURY. Leon County and ME District 2 each hereby knowingly, intentionally, and voluntarily waive trial by jury in any action, proceeding, or counterclaim brought by any of the Parties hereto against the other on any matter whatsoever arising out of or in any way connected with this Agreement.

7.13 EXHIBITS. All Exhibits attached hereto shall be deemed to be a part of this Agreement and are hereby incorporated.

7.14 ME DISTRICT 2 ASSIGNMENT. ME District 2 shall not assign this Agreement, in whole or in part without the prior written consent of Leon County, which consent shall not be unreasonably withheld, conditioned, or delayed. In no event shall ME District 2 be released from any obligation or liability under this Agreement following any such assignment or sublease.

7.15 LEON COUNTY ASSIGNMENT. Leon County shall have the right to sell, transfer, or assign, in whole or in part, its rights and obligations under this Agreement. Any such sale, transfer, or assignment shall operate to release Leon County from any and all liability under this Agreement arising after the date of such sale, assignment, or transfer.

7.16 BINDING AGREEMENT. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns (subject to the restrictions on assignment set forth in this Agreement).

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

IN WITNESS WHEREOF, ME District 2 and Leon County have caused this Agreement to be duly executed as of the date first above written.

LEON COUNTY, FLORIDA, a charter county and political subdivision of the State of Florida

MEDICAL EXAMINER DISTRICT 2, a Florida independent statutory entity pursuant to Chapter 406, Florida Statutes

By: _____
Vincent S. Long
Its County Administrator

By: _____
Jon R. Thogmartin, M.D., in his official capacity as Substitute Medical Examiner

Date: _____

Date: _____

Approved as to Legal Sufficiency:
Chasity H. O'Steen County Attorney
Leon County Attorney's Office

JON R. THOGMARTIN, M.D., P.A., a Florida profit corporation

By: _____
Kyle L. Kemper, Esq.
Assistant County Attorney

By: _____
Jon R. Thogmartin, M.D., Director

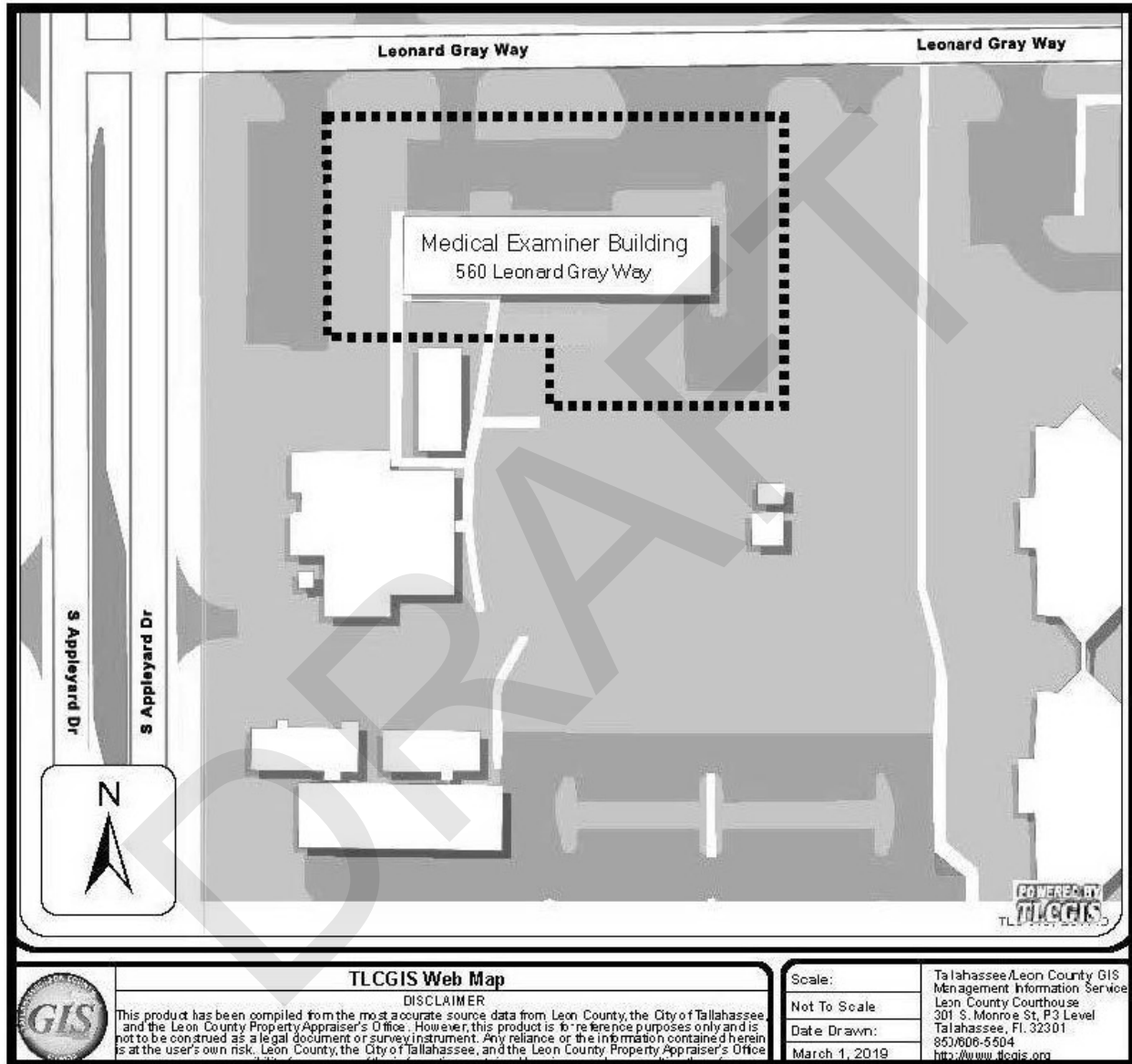
ATTEST:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

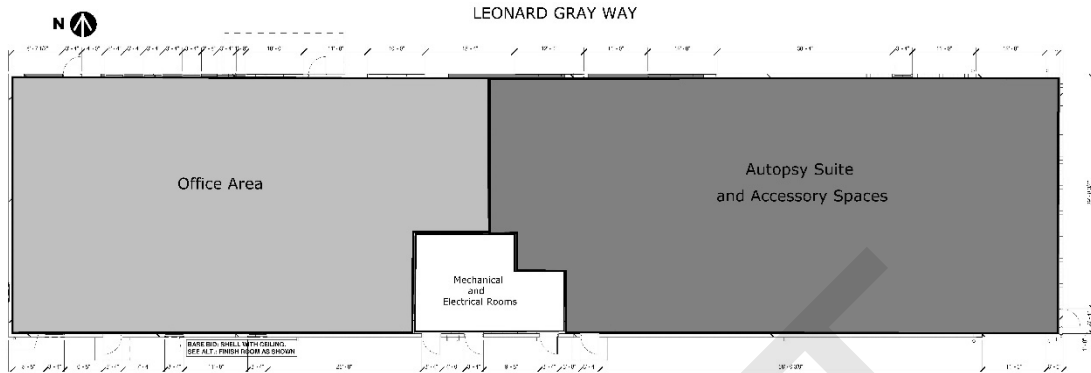
Date: _____

By: _____

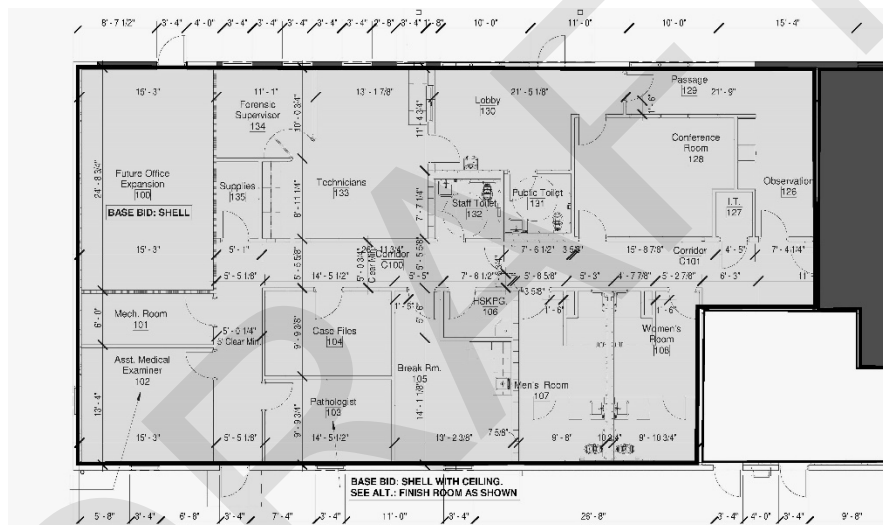
(print name)

Leon County ME Facility

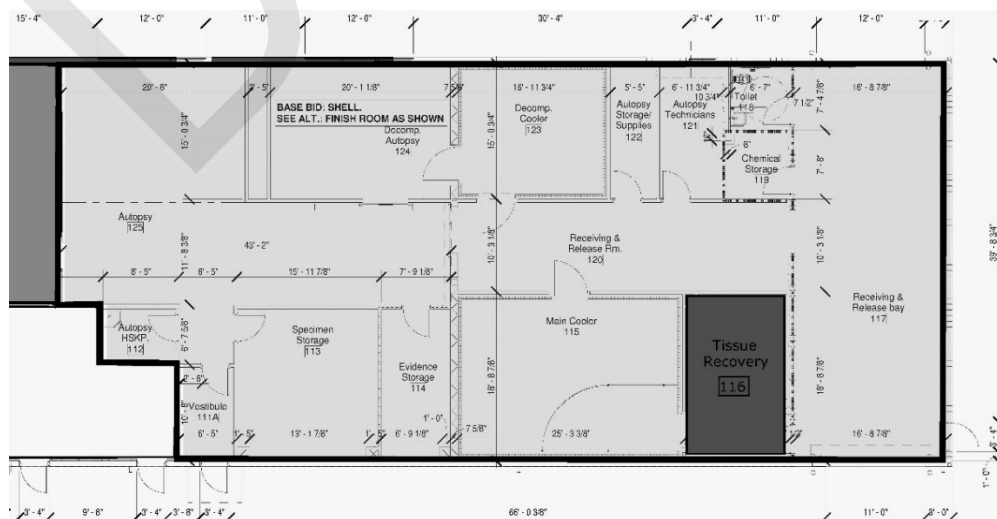




Office Area



Autopsy Suite and Accessory Spaces



LEON COUNTY RESOLUTION NO. R2022-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ADOPTING THE MASTER FEE SCHEDULE FOR MEDICAL EXAMINER SERVICES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Agreement for Medical Examiner Services (Medical Examiner District 2), by and between Leon County, Florida, Jon R. Thogmartin, M.D., P.A., and Medical Examiner District 2 (the “Agreement”) was approved by the Board on July 12, 2022; and

WHEREAS, Article 3 of the Agreement provides that Leon County shall pay ME District 2 for the provision of ME Services based on the Master Fee Schedule adopted annually by Board resolution; and

WHEREAS, in accordance with the Agreement, the Master Fee Schedule includes the fees to be charged to Leon County and the Other District Counties for all ME Services that may be provided in the upcoming fiscal year; and

WHEREAS, the Agreement also provides that the Master Fee Schedule includes the fees to be charged to the Other District Counties for the use of the Leon County ME Facility for autopsies, external examinations, cremation approvals and for any other such examinations of deceased persons performed within the scope of the ME Services; and

WHEREAS, the Master Fee Schedule for ME Services attached hereto and made a part hereof as Exhibit “A” provides for the schedule of said fees to be charged to Leon County and the Other District Counties for the upcoming fiscal year.

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

Section 1. Definitions.

Capitalized terms used but not defined herein shall have the meanings ascribed to same in the Agreement.

Section 2. Adoption of Master Fee Schedule for ME Services.

The Master Fee Schedule for ME Services, attached hereto as Exhibit “A” and made a part hereof, is hereby adopted.

Section 3. Effective Date.

This resolution shall have effect October 1, 2022.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 12th day of July 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chair
Board of County Commissioners

Date: _____

APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

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

By: _____

**Office of the Medical Examiner, District II
Master Fee Schedule
2022-2023**

	Current	Effective 10/1/2022
Autopsy		
Autopsy Fee	\$2,045	\$2,295
*Use of Morgue Facilities	\$700	\$850
M.E. Cases (w/o autopsy)		
External Examination	\$771	\$871
Use of Morgue Facilities	\$700	\$850
Limited Investigation (Death Certificate Only)	\$85	\$200
Limited Investigation (e.g. Bone ID)	\$92	\$92
Cremation Authorizations		
Billed and Collected by M.E.	\$47	\$47
Billed to County	\$0	\$30
Potential Additional Charges		
Toxicology Handling Fee – Per Case	\$30	\$35
Body Transport Invoice Handling Fee	At Cost	\$35
X-Rays (per view)	\$55	\$55
Laboratory and Outside Services	At Cost	At Cost
Tissue Recovery Fees		
Use of Morgue Facilities - Cornea	\$100	\$100
Use of Morgue Facilities - Tissue	\$500	\$500
Afterhours Access Tissue/Cornea (to M.E.)	N/A	\$100
Testimony/Expert Witness Fees		
Criminal Per Hour (minimum one hour)	\$241	\$241
Civil Cases Per Hour (minimum one hour)	\$620	\$500
Private Autopsy		
Autopsy Fee	\$4,994	\$2,295
Use of Morgue Facilities	\$700	\$850
Record Review Fee	N/A	\$500

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2021/2022; 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 12th day of July, 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

FISCAL YEAR 2021/2022 BUDGET AMENDMENT REQUEST

No: BAB22032
Date: 6/7/2022

Agenda Item No: _____
Agenda Item Date: 7/12/2022

County Administrator

Deputy County Administrator

Vincent S. Long

Alan Rosenzweig

Request Detail

Revenues

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	Current Budget	Change	Adjusted Budget
001	000	399900	000	Appropriated Fund Balance	6,223,758	1,036,807	7,260,565
					Subtotal:	1,036,807	

Expenditures

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	Current Budget	Change	Adjusted Budget
001	950	591110	581	Transfer to 110	70,000	1,036,807	1,106,807
					Subtotal:	1,036,807	

Revenues

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	Current Budget	Change	Adjusted Budget
110	950	381001	000	Transfer from General Fund	70,000	1,036,807	1,106,807
					Subtotal:	1,036,807	

Expenditures

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	Current Budget	Change	Adjusted Budget
110	511	59304	586	LCSSO Corrections	36,159,343	1,036,807	37,196,150
					Subtotal:	1,036,807	

Revenues

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	Current Budget	Change	Adjusted Budget
135	000	399900	000	Appropriated Fund Balance	3,273,405	2,320,000	5,593,405
160	000	399900	000	Appropriated Fund Balance	4,917,940	885,000	5,802,940
306	000	399900	000	Appropriated Fund Balance	9,487,362	1,081,000	10,568,362
					Subtotal:	4,286,000	

Expenditures

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	Current Budget	Change	Adjusted Budget
135	026014	56400	526	EMS Vehicle & Equipment Replacement	2,282,377	2,060,000	4,342,377
135	026021	56400	526	EMS New Vehicle & Equipment	-	260,000	260,000
160	086065	56201	552	Tourism Building Improvements	3,643,413	800,000	4,443,413
160	301	53400	552	Other Contractual Services	174,000	85,000	259,000
306	026005	56400	541	Public Works Vehicle & Equipment Replacement	802,331	1,081,000	1,883,331
					Subtotal:	4,286,000	

<u>Revenues</u>					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
137	000	399900	000	Appropriated Fund Balance	12,600,000	5,840,406	18,440,406
Subtotal:						5,840,406	

<u>Expenditures</u>					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
137	950	591305	581	Transfer to 305	-	5,840,406	5,840,406
Subtotal:						5,840,406	

<u>Revenues</u>					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
305	950	381137	000	Transfer from ARPA Grant Fund	-	5,840,406	5,840,406
Subtotal:						5,840,406	

<u>Expenditures</u>					Current Budget	Change	Adjusted Budget
Fund	Org	Acct	Prog	Title			
305	026003	56400	519	General Vehicle & Equipment Replacement	641,089	846,000	1,487,089
305	026004	55408	538	Stormwater Vehicle & Equipment Replacement	37,000	40,000	77,000
305	026004	56400	538	Stormwater Vehicle & Equipment Replacement	431,000	338,000	769,000
305	086031	54600	523	Sheriff Facilities Repairs & Maintenance	2,462,590	513,000	2,975,590
305	086031	56201	523	Sheriff Facilities Building Improvements	2,160,432	2,983,406	5,143,838
305	086031	56400	523	Sheriff Facilities Machinery & Equipment	129,702	120,000	249,702
305	086085	56201	571	Essential Libraries Initiative	300,000	1,000,000	1,300,000
Subtotal:						5,840,406	

Purpose of Request
<p>This budget amendment appropriates \$1,036,807 in General funds for the Sheriff's offsite medical contract; \$2,320,000 in EMS funds for the purchase of new and replacement equipment and vehicles; \$885,000 in Division of Tourism funds with \$800,000 for building renovations and \$85,000 to initiate an IMBA study to pursue the State's "Trail Town" designation; \$1,081,000 in Transportation funds for the purchase of replacement equipment and vehicles; and \$5,840,406 in ARPA grant funds for replacement vehicles and the Sheriff Facilities Capital Maintenance and the Essential Libraries</p>

<p>Division/Department 2508/25</p>	<p>Roshaunda Bradley, Budget Manager</p> <hr/> <p>Scott Ross, Director, Office of Financial Stewardship</p>
<p>Approved By: Resolution <input checked="checked" type="checkbox"/></p>	<p>Motion <input type="checkbox"/> Administrator <input type="checkbox"/></p>

FISCAL YEAR 2021/2022 BUDGET AMENDMENT REQUEST

No: BAB22034
Date: 6/21/2022

Agenda Item No: _____
Agenda Item Date: 7/12/2022

County Administrator

Deputy County Administrator

Vincent S. Long

Alan Rosenzweig

Request Detail

<u>Revenues</u>							
<i>Fund</i>	<i>Org</i>	<i>Account Information</i>		<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
		<i>Acct</i>	<i>Prog</i>				
					Subtotal:		
<u>Expenditures</u>							
<i>Fund</i>	<i>Org</i>	<i>Account Information</i>		<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
		<i>Acct</i>	<i>Prog</i>				
001	990	59900	599	General Fund Contingency	43,750	(25,000)	18,750
001	820	58200	519	Aids to Private Organizations	44,500	25,000	69,500
					Subtotal:	-	

Purpose of Request

This budget amendment realigns \$25,000 in general fund contingency to support additional funding for the Frenchtown Rising events.

Division/Department
2308/23

Roshaunda Bradley, Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: Resolution ☐

Motion ☒

Administrator ☐

BUDGET "OPERATING" CONTINGENCY RESERVES CONTINGENCY FUND UPDATE (FY 2021/22)				
			GENERAL FUND 001-990-59900-599	Beginning Balance: \$200,000.00
No.	APPROVAL DATE	AGENDA DATE	AMENDMENT TITLE	BALANCE
1	18-Oct-21	9-Nov-21	Hosting of Mental Health Outreach Events within 32304 Neighborhoods	\$10,000
2	8-Feb-22	8-Mar-22	Establishment on the Commission on the Status of Men and Boys	\$70,000
3	8-Mar-22	14-Jun-22	Additional funding for Dr. Martin Luther King Celebration event	\$1,500
4	8-Mar-22	14-Jun-22	Additional funding for Soul Santa event	\$6,000
5	8-Mar-22	14-Jun-22	Increased Funding Request from the Tallahassee-Leon County Commission on the Status of Women and Girls	\$48,750
6	10-May-22	14-Jun-22	Real Estate Option Agreement Related to Lake Hall School Preservation Efforts	\$20,000
7	21-Jun-22	12-Jul-22	<i>Frenchtown Rising Events Sponsorship</i>	<i>\$25,000</i>
 <i>Bold, Italic items are pending Board Approval</i>				
USAGE TO DATE (TOTAL AMENDMENTS)				<u><u>\$181,250.00</u></u>
ENDING BALANCE				18,750.00
END BALANCE AS % OF BEGIN BALANCE				9%
USAGE BALANCE AS % OF BEGIN BALANCE				91%

FSA Cooperative Purchasing Program



Contract #FSA20-VEF14.0
Fire Rescue Vehicles and
Other Equipment
-Ambulance 14.01
-Fire Rescue 14.02

Contract Terms and Conditions

Contents

1.0	General Conditions.....	5
1.01	BID CORRESPONDENCE	5
1.02	PURPOSE.....	6
1.03	TERM OF CONTRACT.....	6
1.04	QUANTITIES	6
1.05	SHERIFF AS COUNTY CONSTITUTIONAL OFFICER	6
1.06	FUNDING.....	6
1.07	CURRENCY.....	6
1.08	GENERAL DEFINITIONS	7
1.09	ELIGIBLE PURCHASERS OF CONTRACT.....	8
1.10	LEGAL REQUIREMENTS.....	8
1.11	PATENTS & ROYALTIES	8
1.12	FEDERAL AND STATE STANDARDS.....	9
1.13	UNDERWRITERS' LABORATORIES	9
1.14	AMERICANS WITH DISABILITIES ACT	9
1.15	REASONABLE ACCOMMODATION	9
1.16	MINORITY BUSINESS ENTERPRISE (MBE)	9
1.17	ANTI-DISCRIMINATION	9
1.18	BEST COMMERCIAL PRACTICES	10
1.19	PUBLIC ENTITY CRIMES (PEC)	10
1.20	TAX EXEMPTION	10
1.21	TAXES	10
1.22	ORDER OF PRECEDENCE IN THE EVENT OF CONFLICT	10
1.23	COMMUNICATIONS.....	10
1.24	CLARIFICATION AND ADDENDA.....	11
1.25	SIGNED BID CONSIDERED AN OFFER	11
1.26	ASSIGNMENT OF CONTRACT	11
1.27	TERMINATION OF PRODUCT LINE	12
1.28	METHOD OF AWARD	12
1.29	DEMONSTRATION OF COMPETENCY.....	12
1.30	VENDOR ABILITY TO PERFORM	13

1.31	FINANCIAL RESPONSIBILITY	13
1.32	QUALITY AND SAFETY	13
1.33	NONCONFORMANCE	13
1.34	GRATUITIES	14
1.35	TIE BIDS	14
1.36	RIGHT TO AUDIT	14
1.37	LIABILITY, INSURANCE, LICENSES AND PERMITS	15
1.38	BID BONDS, PERFORMANCE BONDS, AND CERTIFICATES OF INSURANCE	15
1.39	ELIMINATION FROM CONSIDERATION	15
1.40	COLLUSION	15
1.41	DEFAULT	16
1.42	PROTESTS AND ARBITRATION	16
1.43	NONPERFORMANCE	17
1.44	SEVERABILITY	18
1.45	TERMINATION FOR CAUSE	18
1.46	TERMINATION WITHOUT CAUSE	18
1.47	CONTRACT ADVERTISMENT AND USE OF LOGO	19
2.0	BIDDER INSTRUCTIONS	20
2.01	FIRST YEAR BIDDER QUALIFICATIONS	20
2.02	LICENSING & FACILITIES.....	20
2.03	INSURANCE AND INDEMNIFICATION	21
2.04	SPECIFICATIONS.....	22
2.05	FIXED PRICES.....	23
2.06	SEALED BIDS.....	23
2.07	EXCEPTIONS TO TERMS AND CONDITIONS	23
2.08	MISTAKES.....	23
2.09	EQUIVALENTS	23
2.10	MANDATORY PRE-BID MEETING	24
2.11	QUALIFICATION	24
2.12	PRICES QUOTED	25
2.13	OPTION PRICING	25
2.14	SUBMITTAL OF BID	26

2.15	EXECUTION OF BID	27
2.16	MODIFICATION OR WITHDRAWALS OF BIDS	27
2.17	LATE BIDS.....	27
2.18	PUBLIC BID OPENING.....	28
2.19	DETERMINATION OF RESPONSIVENESS	28
2.20	RESPONSIBLE BIDDER CRITERIA.....	28
2.21	BASIS FOR AWARD.....	28
2.22	FIRM BID	29
2.23	MINOR IRREGULARITIES / RIGHT TO REJECT	29
2.24	CONE OF SILENCE	29
3.01	GENERAL REQUIREMENTS FOR ALL VEHICLES AND EQUIPMENT	30
3.02	STATEMENT OF AUTHORITY	30
3.03	VENDOR CONTACT INFORMATION	30
3.04	OPTION TO RENEW & PRICE ADJUSTMENT.....	30
3.05	ADDITIONS AND DELETIONS.....	31
3.06	EQUITABLE ADJUSTMENT.....	31
3.07	DISCOUNTS	31
3.08	CONDITIONS	31
3.09	PRODUCTION CUTOFF	31
3.10	FACILITIES	32
3.11	SUBSTITUTIONS	32
3.12	EMERGENCY LIGHT AND SIREN CERTIFICATION STANDARDS.....	32
3.13	FACTORY INSTALLED	32
3.14	VENDOR INSTALLED.....	33
3.15	NON-SCHEDULED OPTIONS	33
3.16	REMOUNT (AMBULANCE)	33
3.17	FORCE MAJEURE	34
3.18	DELIVERY TIME.....	35
3.19	ORDER.....	35
3.20	VEHICLE DELIVERY	36
3.21	INSPECTION AND ACCEPTANCE.....	37
3.22	REGISTRATION, TAG AND TITLE.....	37

3.23	CAB AND CHASSIS PURCHASES.....	38
3.24	INVOICING AND PAYMENTS	38
3.25	WARRANTY REPAIRS AND SERVICE	38
3.26	INADEQUATE SERVICE	38
3.27	REPORTING: PURCHASE ORDERS & QUARTERLY REPORTS.....	39
3.28	ADMINISTRATIVE FEE	40
3.29	LIQUIDATED DAMAGES	41
	Appendix A – Drug-Free Workplace Form	42
	Appendix B – Insurance Checklist Form.....	43
	Appendix C – Vendor Change Form.....	44
	Appendix D - Confirmation of Order Form	45
	Appendix E – Manufacturer AuthorizationForm	46
	Appendix F – Quarterly Report	47
	Appendix G – Bid Calendar	48
	Appendix H – FSA Bid System Data Input Instructions for Bidders	49
	Appendix H – FSA Bid System Data Input Instructions for Bidders – Continued	50

1.0 General Conditions

1.01 BID CORRESPONDENCE

All correspondence regarding this bid should be directed to the Florida Sheriffs Association (FSA) using the contact information shown below. Please be sure to reference the bid number and your contact information.

The contacts for this bid are:

Lisa Gregor, FSA Cooperative Purchasing Program Coordinator
E-mail: lgregor@flsheriffs.org
Phone: 850-877-2165 ext. 5831
Fax : 850-878-5115

Craig Chown, FSA Cooperative Purchasing Program Manager
E-Mail: cchown@flsheriffs.org
Phone: 850-877-2165 ext 5833
Fax : 850-878-5115

Communication for this Invitation to Bid should be identified by contract number and title and directed to:

Florida Sheriffs Association
Attn: Cooperative Purchasing Program Coordinator
2617 Mahan Drive
Tallahassee, FL 32308
cpp@flsheriffs.org

1.02 PURPOSE

The purpose of this bid is to establish a thirty-six (36) month contract with manufacturers and authorized dealers for the purchase of vehicles and equipment on a “no trade-in basis”.

Trade-ins are not addressed in this contract. If a purchaser has a desire to offer vehicles/equipment for trade to the vendor, the purchaser and dealer may do so at their sole discretion, separate and apart from this contract.

1.03 TERM OF CONTRACT

This contract shall remain in effect for one (3) three year from date of contract execution by the FSA, and may be renewed by mutual agreement, at the sole option and discretion of the FSA, pursuant to the terms of Section 3.04.

The term of contract begins May 1, 2020 and ends March 31, 2023.

Contract extensions will only be executed when the FSA determines, based on then-existing conditions, that it is in the best interest of the FSA and the purchasers to do so.

1.04 QUANTITIES

FSA does not guarantee quantities future contract sales. Vendors are expected to engage in business marketing and sales best practices to participate in the contract.

1.05 SHERIFF AS COUNTY CONSTITUTIONAL OFFICER

The Offices of the Sheriff in the State of Florida are constitutional offices of the State of Florida. Each has the authority either individually or collectively to execute contracts for all goods and services for the proper conduct of that office. Section 30.53, Florida Statutes, exempts the sheriffs’ offices from the provisions of the Florida Statute that would otherwise require sealed and competitive bidding procedures.

It is the FSA’s practice to give consideration to the prices offered, but the Office of the Sheriff is not required by law to accept the lowest priced proposal and may reject any or all of the proposals without recourse. Bidders are solely responsible for their own bid preparation costs and nothing in this solicitation in any way obligates the participating sheriffs’ offices for any payment for any activity or costs incurred by any bidder in responding to this solicitation.

1.06 FUNDING

In the case of certain purchasers, including state agencies, funds expended for the purposes of the contract must be appropriated by the Florida Legislature, the individual participating agency or the agency’s appropriating authority for each fiscal year included within the contract period. For such agencies, their performances and obligations to pay for products or services under any resulting contract, or purchase order, are contingent upon such an annual appropriation by the Legislature, individual agency or by the appropriating authority. Therefore, any contract or purchase order with such an agency shall automatically terminate without penalty or termination costs in the event of non-appropriation.

1.07 CURRENCY

All transaction amounts, bids, quotes, provisions, payments or any part of this contract relating to currency are to be made in United States Dollar.

1.08 GENERAL DEFINITIONS

- a) Bidder: A proposer or enterprise that submits a formal offer to the FSA Cooperative Purchasing Program Administrator in accordance with the Contract Terms and Conditions.
- b) Bid System: The online forum used for the submission of electronic bids and review of bid results for the specifications connected to this Invitation to Bid. VendorLink is the software used for this bid.
- c) Dealer: A manufacturer's certified representative, authorized by the manufacturer to market, sell, or provide, the vehicles or equipment for the FSA Cooperative Purchasing Program. Dealers may be vendor-owned and controlled, in whole or in part, or independently owned and controlled.
- d) End User: The person or entity who ultimately uses or is intended to use a product or for whom a product is designed for use.
- e) Factory: Refers to the manufacturer produced products.
- f) Florida Sheriffs Association Cooperative Purchasing Program (FSA): The entity that administers the Invitation to bid and contract administration functions for this contract.
- g) Fleet Advisory Committee: An employee of a sheriff's office or local government, or any other person who FSA identifies as subject matter expert, who assists with the development of bid specifications and the evaluation of bid responses. The Fleet Advisory Committee makes recommendations to the FSA and is not responsible for final awards.
- h) Invitation to Bid: A competitive solicitation and award process established through the issuance of an invitation to vendors, dealers and manufacturers to submit a price offer on a specific product to be provided. This term shall include the bid specifications available to bidders on the bid system and references to solicitation documents. The term shall not include request for proposals, request for quotes, request for letters of interest, or the solicitation of purchase orders based on oral or written quotations.
- i) Manufacturer: The original producer or provider of vehicles or equipment offered on this contract.
- j) Manufacturer's Suggested Retail Price (MSRP): Manufacturer's Suggested Retail Price (MSRP) represents the Manufacturer's recommended retail selling price, list price, published list price, or other usual and customary price that would be paid by the Purchaser. The following are acceptable sources of current MSRPs and MSRP Lists for use in submission of the bid solicitation and the resulting contract:
 - 1. Manufacturer's Annual U.S. Price Book
 - 2. Manufacturer's official website
- k) Non-Scheduled Options: Any optional new or unused component, feature or configuration that is not included or listed in the base vehicle specifications or options.
- l) Production Cutoff: A term used by manufacturers to notify dealers that the factory has reached maximum capacity for orders. Vehicle manufacturers use this term when referring to any given model year for production.
- m) Published List Price: A standard "quantity of one" price currently available to government and educational purchasers, excluding cooperative, volume discounts, or other discounts.
- n) Purchase Order: A request for order from a purchaser to an awarded vendor for an item that has been awarded on this Contract. Purchaser orders placed using this contract formalize the terms and conditions of this contract under which a vendor furnishes vehicles or equipment to a purchaser.

- o) Purchaser: A purchaser is an entity that seeks to obtain vehicles off this contract by meeting the eligible user criteria or with vendor approval.
- p) Remount: To remove the ambulance box from an existing vehicle and mount it to a new vehicle cab and chassis.
- q) Specification Bid Document: The specification bid document contains the minimum base requirements and bond requirements for each specification within the competitive bid. This document also contains submission of bid pricing and discount, and must be included as part of the Submittal of Bid.
- r) Third Party Supplier: Businesses external to a bidder or vendor that provide products or services which contribute to the overall finished vehicle. Third Party Suppliers are contractors under the direction and responsibility of the bidder or vendor. Third party suppliers may also be referred to as upfitters or remount service providers within this document.
- s) Vendor: The bidder that has been awarded and agrees to provide products, vehicles, or equipment, which meet the requirements and base specifications to eligible purchasers. The vendor must agree to the contract terms and conditions before being awarded the contract.
- t) Vendor Installed: A product or service provided by the vendor or other third party; not the factory.

1.09 ELIGIBLE PURCHASERS OF CONTRACT

Awarded bids, or contract prices, will be extended and guaranteed to any unit of local government or political subdivision of the State of Florida. This includes, but is not limited to counties, municipalities, sheriffs' offices, clerks, property appraisers, tax collectors, supervisors of elections, school boards or districts, water management districts, police and fire departments, emergency response units, state universities and colleges, special districts, or other state, local or regional government entities within the State of Florida.

All purchasers are bound by state law, local ordinances, rules and regulations for purchases made under this contract. Participating agencies cannot guarantee any order other than those ordered by the individual agency.

In addition, bids can be extended and guaranteed to other entities approved by manufacturers to participate in this contract to include out of state sales. Vendors are governed by their manufacturer's agreement, and must agree to the terms and conditions of this contract. Vendors that wish to extend contract pricing to entities other than those defined here are governed by their manufacturer's agreement, and must agree to the terms and conditions of this contract.

1.10 LEGAL REQUIREMENTS

Federal, state, and local laws, ordinances, rules and regulations that affect the items covered herein apply. Lack of knowledge by the bidder or vendor will not be cause for relief from responsibility.

1.11 PATENTS & ROYALTIES

The bidder, without exception shall indemnify and hold harmless the FSA and its employees from liability of any nature or kind, including costs and expenses for, or on account of, any copyrighted, patented, or unpatented invention, process, or article manufactured or used in the performance of the contract, including its use by the FSA or a purchaser.

If the bidder uses any design, device or materials covered by letters, patent, or copyright, it is mutually understood and agreed, without exception, that the bid prices shall include all royalties or cost arising from the use of such design, device, or materials in any way involved in the work.

1.12 FEDERAL AND STATE STANDARDS

It is the intent of FSA that all specifications herein are in full and complete compliance with all federal and State of Florida laws, requirements, and regulations applicable to the type and class of commodities and contractual services being provided. This includes, but is not limited to, Federal Motor Vehicle Safety Standards (FMVSS), Occupational Safety and Health Administration (OSHA), Environmental Protection Agency (EPA) Standards, Society of Automotive Engineers (SAE), Fire Apparatus Vehicle Standards, and Federal Ambulance Standards (KKK-A-1822F), which includes all subsequent change notices. All fire apparatus manufacturers must meet the National Fire Protection Association (NFPA) 1901 and 1906 standards.

In addition, any applicable federal or state laws that become effective during the term of the Contract, regarding the commodities and contractual service specifications, safety, and environmental requirements shall immediately become part of the Contract. The vendor shall meet or exceed any such requirements of the laws and regulations. If an apparent conflict exists, the vendor shall contact the FSA Cooperative Purchasing Program Administrator immediately.

The bidder shall obtain and pay for all licenses, permits and inspection fees for this bid submission and contract.

1.13 UNDERWRITERS' LABORATORIES

Unless otherwise stipulated in the bid, all manufactured items and fabricated assemblies shall be Underwriters' Laboratories, (U.L.), listed or re-examination listing where such has been established by U.L. for the item(s) offered and furnished.

1.14 AMERICANS WITH DISABILITIES ACT

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, or any accommodation to review any document or to participate in any FSA proceeding, please contact FSA Human Resources at (850)877-2165 five days in advance to initiate your request. TTY users may also call the Florida Relay Service at 711.

1.15 REASONABLE ACCOMMODATION

In accordance with the Title II of the Americans with Disabilities Act, any person requiring an accommodation at the bid opening because of a disability must contact the FSA Human Resources at (850)877-2165.

1.16 MINORITY BUSINESS ENTERPRISE (MBE)

The policy of the Florida Sheriffs Association is that Minority Business Enterprises (MBE) shall have the opportunity to participate in this invitation to bid. Such process would be for supplying goods and services to FSA and Purchasers.

1.17 ANTI-DISCRIMINATION

The bidder certifies that he/she is in compliance as applicable by federal or state law with the non-discrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin.

1.18 BEST COMMERCIAL PRACTICES

The apparent silence of a specification and supplemental specifications as to any details or the omission from it of a detailed description concerning any point shall be regarded as meaning that only the best commercial practices, size, and design are to be used.

All workmanship is to be first quality. All interpretations of the specifications shall be upon the basis of this statement.

1.19 PUBLIC ENTITY CRIMES (PEC)

In accordance with the Public Entity Crimes Act, Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list maintained by the State of Florida Department of Management Services following a conviction for public entity crimes 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 public entity, may not be awarded or perform work as a vendor, supplier, sub-vendor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

1.20 TAX EXEMPTION

All State and Federal tax exemptions applicable to the units of local government of the State of Florida will apply, as appropriate certifications are furnished. Purchasers shall comply with all federal, state and local tax requirements.

The Florida Sheriffs Association is a 501(c)3 organization and is exempt from all Federal Excise and State Sales Taxes. State Sales Tax and Use Certificate Number is 85-8012646919C-3.

1.21 TAXES

Customers making a purchase pursuant to the awarded bid are generally exempt from Federal Excise and State Sales Tax. It is the responsibility of the vendor to verify that the purchaser is exempt by obtaining the purchaser's Federal Excise and State Taxes and Use Certificate Number.

1.22 ORDER OF PRECEDENCE IN THE EVENT OF CONFLICT

In the event of conflict, the conflict may be resolved in the following order of priority (highest to lowest):

1. Addenda to Contract Terms and Conditions, if issued
2. Contract Conditions
3. Addenda to Specification Bid Document, if issued
4. Specification Bid Document
5. Bidder Instructions
6. General Conditions

1.23 COMMUNICATIONS

Communications between a proposer, bidder, lobbyist or consultant and FSA are limited to matters of process or procedure and shall be made in writing to the contact persons identified in Section 1.01 of this procurement.

Bidders should not rely on representations, statements, or explanations other than those made in this Bid or in any written addendum to this Bid, and no oral representations, statements, or explanations shall be deemed to bind the FSA or eligible users.

1.24 CLARIFICATION AND ADDENDA

Any questions or clarifications concerning the Invitation to Bid shall be submitted by e-mail to CPP@flsheriffs.org. The bid title and number should be referenced on all correspondence. Final questions must be received by the date for Request for Clarification stated on the Bid Calendar. Questions and answers will be posted to the FSA Cooperative Purchasing Program website on the date indicated on the Bid Calendar.

Interpretation of specifications or solicitation documents will not be made verbally. If any verbal clarifications are provided, they are without legal effect.

Questions received after the cone of silence date listed on the bid calendar will not be addressed. The FSA reserves the right address technical questions.

The FSA shall issue a Formal Addendum if substantial changes which impact the submission of bids are required. Any such addenda shall be binding on the bidder and shall become a part of the solicitation document. In the event of conflict with the original specifications, addenda shall govern to the extent specified. Subsequent Addenda shall govern over prior Addenda only to the extent specified.

FSA will make every attempt to e-mail updates to registered bidders. However, posting on the FSA website constitutes proper notice of addenda.

The bidder shall be required to acknowledge receipt of the Formal Addendum by signing in the space provided. Failure to acknowledge Formal Addendum shall deem the bid non-responsive; provided, however, that pursuant to section 2.26, the FSA may waive this requirement in its best interest. The FSA will not be responsible for any explanation or interpretation made verbally or in writing except those made through the posting of a Formal Addendum.

The bid submission constitutes acknowledgement of the addenda to the specifications. Bids that fail to account for the addenda shall reflect in bids being declared nonresponsive; however, that pursuant to Section 2.26, the FSA may waive this requirement in its best interest.

After the start of the contract term, FSA will notify all awarded vendors of any addenda and will require acknowledgement of the new terms and conditions. If the awarded vendor does not agree to the new terms and conditions, the vendor's award can be removed or replaced by another vendor or qualified, responsive bidder.

1.25 SIGNED BID CONSIDERED AN OFFER

The signed Bid shall be considered an offer on the part of the bidder, which offer shall be deemed accepted upon approval by the FSA and in case of default on the part of successful bidder, after such acceptance, the FSA may procure the items or services from other sources. The bid submission must be signed by an authorized representative.

An electronic signature may be used and shall have the same force and effect as a written signature.

1.26 ASSIGNMENT OF CONTRACT

No right or interest in this Contract may be assigned, transferred, conveyed, sublet or otherwise disposed of, without prior written consent of the FSA.

If the original vendor sells or transfers all assets or the entire portion of the assets used to perform this Contract, a successor-in-interest must perform all obligations under this Contract. FSA reserves the right to reject the acquiring entity as a vendor. A change of name agreement does not change the contractual obligations of the vendor.

1.27 TERMINATION OF PRODUCT LINE

If an vendor terminates a product line (manufacturer or brand), the vendor is required to notify the FSA within 10 business days of the decision not to retain the product line.

In the event a manufacturer reassigns the product line to an alternate vendor, the manufacturer and the vendor are required to immediately notify the FSA in writing of the change within 10 business days confirming the reassignment. If the vendor is not already an approved FSA vendor, the vendor is required to apply to the FSA to become an approved vendor prior to conducting any qualified sales. The vendor and the manufacturer are required to honor the contract pricing and all of the applicable terms and conditions throughout the remaining term of the contract.

1.28 METHOD OF AWARD

The award is made to responsive and responsible bidders. FSA uses its discretion in determining if bids meet the requirements of this solicitation.

The FSA reserves the right to make multiple awards within a specification, if deemed in the best interest of the FSA and the purchasers.

Awards will be posted on the FSA website according to the date posted in the bid calendar.

1.29 DEMONSTRATION OF COMPETENCY

Bidders must be able to demonstrate a good record of performance for a reasonable period of time, and have sufficient financial support, equipment and organization to ensure they can satisfactorily execute the services if awarded a contract under the terms and conditions herein stated.

The terms "equipment" and "organization" as used herein shall be construed to mean a fully equipped and well established company in line with the best business practices in the industry and as determined by the FSA.

The FSA may consider any evidence available regarding the financial, technical and other qualifications and abilities of a Bidder, including past performance with the FSA in making the award.

The FSA may require Bidders to show proof that they have been designated as authorized representatives of a manufacturer or supplier which is the actual source of supply. In these instances, the FSA may also require information from the source of supply regarding the quality, packaging and characteristics of the products. Any conflicts between this material information provided by the source of supply and the information contained in the bid submission may render the bid nonresponsive.

Pre-award inspection of the Bidder's facility may be made prior to the award of contract. Bids will only be considered from firms which are regularly engaged in the business of providing the goods or services as described in this Bid.

Information submitted in the bid may not be plagiarized and, except in the case of materials quoted from this solicitation or developed by the manufacturer, must be the original work of the individual or company that submits the bid for evaluation.

1.30 VENDOR ABILITY TO PERFORM

During the contract period, FSA may review the vendor's record of performance to ensure that the vendor is providing sufficient financial support, equipment and organization.

If the FSA determines that the vendor no longer possesses the financial support, equipment and organization in order to comply with this section, FSA has the authority to immediately terminate the contract awarded.

By responding to this procurement the vendor warrants that, to the best of his or her knowledge, there is no pending or threatened action, proceeding, or investigation, or any other legal or financial condition that would in any way prohibit, restrain, or diminish the vendor's ability to satisfy the obligations of the Contract. The vendor warrants that neither it nor any affiliate is currently on the convicted vendor list maintained pursuant to section 287.133 of the Florida Statutes, or on any similar list maintained by any other state or the federal government. The vendor shall immediately notify the FSA and the purchaser in writing if its ability to perform is compromised in any manner during the term of the contract.

1.31 FINANCIAL RESPONSIBILITY

Bidder affirms by the signature on the contract signature page that the bidder:

- Has fully read and understands the scope, nature, and quality of work to be performed or the services to be rendered under this bid, and has the adequate facilities and personnel to fulfill such requirements;
- Accepts the financial responsibility associated with this bid, and declares that he or she has the access to capital (in the form of liquidity or credit lines) in order to meet the financial demands of such award; and
- Has assessed the *financial responsibility required to serve the contract as bid*, including such details as the obligations to perform all specifications bid and quantities that could be ordered, as well as timing of payment from purchasers, which can be 45 days from receipt of invoice.

1.32 QUALITY AND SAFETY

All materials used for the manufacture or construction of any supplies, materials or equipment covered by this bid shall be new. The items bid must be new, the current model year, of the best quality, and highest grade workmanship that meet or exceed federal safety standards.

Products requiring certification should require certification of options in cases where non-certified options could result in the decertification of the original product or warranty. In all cases where options are not certified, the vendor must disclose to the end user that the non-certified options are not required to be certified. All options must meet or exceed federal safety standards.

1.33 NONCONFORMANCE

Items may be tested for compliance with specifications. Items delivered that do not conform to specifications may be rejected and returned at the vendor's expense. Items not meeting the specifications and items not delivered within a reasonable period of time after expected delivery date may be purchased outside of the FSA contract.

Any violation of these stipulations may also result in:

- Vendor's name being removed from the awarded vendor list.
- FSA and purchasers being advised not to do business with vendor.

1.34 GRATUITIES

Proposers shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or agent of the FSA or the Fleet Advisory Committee, for the purpose of influencing consideration of this bid.

1.35 TIE BIDS

FSA has the right to award multiple bidders the primary or alternate award in the event of a tie.

In the event the FSA desires to break tie bids, and both businesses have qualifying drug-free work programs, the award will be made using the following criteria:

- Bidder within the State of Florida
- Vendors performance record with purchasers
- Coin toss

1.36 RIGHT TO AUDIT

Vendor shall establish and maintain a reasonable accounting system that enables FSA to readily identify vendor's sales.

FSA and its authorized representatives shall have the right to audit and to make copies of all related records pertaining to this contract, including all government sales and eligible users information whether kept by or under the control of the vendor, including, but not limited to those kept by its employees, agents, assigns, successors, sub-vendors, or third party suppliers in whatever form they may be kept – written or electronic. Such records shall include, but not be limited to:

- Accounting records, including paid vouchers, cancelled checks, deposit slips, ledgers, and bank statements;
- Written policies and procedures;
- Subcontract files (including proposals of successful and unsuccessful bidders, bid recaps, etc.);
- Original estimates or work sheets;
- Contract amendments and change order files;
- Insurance documents; or
- Memoranda or correspondence.

Vendor shall maintain such records during the term of this Contract and for a period of three (3) years after the completion of this Contract. At the vendor's expense and upon written notice from FSA, the vendor shall provide such records for inspection and audit by FSA or its authorized representatives. Such records shall be made available to FSA during normal business hours within three business days of receipt of the written notice. FSA may select the vendor's place of business or offsite location for the audit. The FSA may also request the vendor provide requested records via e-mail.

Vendor shall ensure FSA has these rights with vendor's employees, agents, assigns, successors, and third party supplier and the obligations of these rights shall be explicitly included in any subcontracts or agreements formed between the vendor and any sub-vendors to the extent that those subcontracts or agreements relate to fulfillment of the vendor's obligations to FSA.

Professional fees, personnel costs and travel costs incurred by FSA under its authority to audit and not addressed elsewhere will be the responsibility of FSA. However, if the audit identifies under reporting, overpricing or overcharges in excess of three percent (3%) of the total contract billings, the vendor shall reimburse FSA for the total costs of the audit not to exceed \$5,000. If the audit discovers substantive findings related to fraud, misrepresentation, or non-performance, FSA may recoup all the costs of the audit work from the vendor.

Any adjustments or payments that must be made as a result of any such audit or inspection of the vendor's invoices or records shall be made within a reasonable amount of time. This time period shall not exceed 60 days from FSA's presentation of findings to the vendor.

FSA has the right to assess damages or seek reimbursements or refunds based on audit results.

1.37 LIABILITY, INSURANCE, LICENSES AND PERMITS

Where bidders are required to enter or go onto FSA or purchaser property to deliver materials or perform work or services as a result of a bid award, the vendor will assume the full duty, obligation and expense of obtaining all necessary licenses, permits and insurance and assure all work complies with all applicable county and municipal code requirements.

The bidder shall be liable for any damages or loss to the FSA or purchaser occasioned by negligence of the bidder or any person the bidder has designated in the completion of the contract as a result of his or her bid.

1.38 BID BONDS, PERFORMANCE BONDS, AND CERTIFICATES OF INSURANCE

Bid Bonds shall be submitted with the bid in the amount of five (5) percent of each item bid.

After acceptance of bid, the FSA will notify the successful bidder to submit the applicable certificates of insurance in the amounts specified in the Bidder Instructions, Specification Bid Document or Insurance Checklist.

A letter from a bonding company licensed to do business in Florida must be submitted with the bid stating that the manufacturer will provide a 100% Performance Bond between the bidder and the purchaser upon award of this bid and upon request of the purchaser. Purchaser may request a performance bond from a vendor. Performance Bonds are recommended with pre-payment and will be at the expense of the requesting agency. Purchasers should determine the best practice in comparing performance bond expense against any prior discounts that may be available.

1.39 ELIMINATION FROM CONSIDERATION

This Invitation to Bid shall not be awarded to any person or bidder who has outstanding debts to the FSA, whether in relation to current or previous bid awards or for other business purposes.

1.40 COLLUSION

Collusion is a non-competitive secret or sometimes illegal agreement between bidders that attempts to disrupt the contract process. Collusion involves people or companies that would typically compete, but are conspiring or working together in which the outcome results in an unfair bid advantage. The parties may collectively choose to agree to increase or decrease its product base price to maximize awards thus denying the public a fair price.

Examples of Bid Collision:

- Cover bidding: a competitor agrees to submit a non-competitive bid that is too high to be accepted or contains terms that are unacceptable to the purchaser.
- Bid suppression or withdrawal: a competitor agrees not to bid or to withdraw a bid from consideration.
- Market sharing outside of a manufacturer's recognized territory: a competitor agrees to submit bids only in certain geographic areas or only to certain public organizations.
- Bid rotation: competitors agree to take turns at winning business while monitoring their market shares to ensure they all have a predetermined market share.

Bidders or vendors who have been found to have engaged in collusion will be considered nonresponsive, and will be suspended or barred from bid participation. Any contract award resulting from collusive bidding may be terminated for default. Further, any collusion that is detected by the FSA may be reported to relevant law enforcement and/or prosecutorial agencies.

Bidders may submit multiple bids without conflict of collusion if the bid submitted is not from the same manufacturer and product line. Vendors which share the same ownership may submit multiple bids without conflict of collusion if the bidders are not in the same region featuring the same manufacturer and product line.

1.41 DEFAULT

Failure or refusal of a bidder to execute a contract upon award or withdrawal of a bid before such award is made, may result in forfeiture of the bid surety required that is equal to damages incurred by the FSA, or where surety is not required, failure to execute a contract as described above may be grounds for removing the bidder from the awarded vendor's list.

In case of default on the part of awarded bidder, the FSA may take necessary steps to otherwise procure the products sought, including but not limited to procuring the products or services from the next highest ranked bidder or from other sources. A defaulting bidder may be held liable for costs incurred by the FSA in procuring replacement products.

1.42 PROTESTS AND ARBITRATION

Options are for informational purposes only and will not serve as a basis for protest.

Any person who is adversely affected by the decision or intended decision to award shall file a "Notice of Protest" in writing to the FSA within three (3) business days after the posting of the Intent to Award and shall file a formal written protest within five (5) business days after filing the Notice of Protest. Failure to file both a notice of protest and a formal written protest within the above referenced timelines shall constitute a waiver of proceedings.

The burden is on the party protesting the award of the bid to establish grounds for invalidating the award(s). The formal written protest must state with particularity the facts and law upon which the protest is based. Failure to do so will result in a denial of protest. Formal written protest which states with particularity the facts and law upon which the protest is based will be reviewed by FSA legal counsel for legal soundness and validity, and corrective action will be taken as needed contingent upon the validity of such claims. However, any additional time required and cost incurred by the FSA to substantiate a protesting party's claim(s) beyond the normal scope of its legal review due to the vague or inconclusive nature of the protesting party's filing will be reimbursable to the FSA and deducted from the protesting party's bond or security which must accompany their filing.

Any bidder who files an action protesting a decision or intended decision pertaining to this contract shall post a bond, cashier's check or money order payable to the Florida Sheriffs Association in the amount equal to ten percent of the

product line being protested. The bond, cashier's check or money order must be filed at the time of filing the formal written protest or within the five (5) business day period allowed for filing the formal written protest. FSA will provide the amount required within two (2) business days of the notice of protest received. This bond or security will be conditioned upon the payment of all costs which may be adjudged against the protesting party in a court of law and/or to reimburse the FSA for additional legal expenses incurred and required to substantiate the protesting party's claim(s). Failure to post the bond or security requirement within the time allowed for filing will result in a denial of protest. The filing of the protest shall not stay the implementation of the bid award by the Florida Sheriffs Association.

Should the unsuccessful bidder(s) decide to appeal the decision of the FSA, they shall file a notice to FSA within three (3) business days of the FSA bid protest decision regarding their intent to request arbitration. A demand for arbitration with the American Arbitration Association's (AAA) commercial panel under its rules and regulations must be made within ten (10) business days of the FSA bid protest decision. Any person who files for an arbitration with the AAA shall post with the Florida Sheriffs Association at the time of filing the formal written arbitration request, a bond, cashier's check or money order payable to the Florida Sheriffs Association in the amount equal to ten percent of the product line being protested. This amount will be the same amount as the FSA provided at the time of filing the initial protest. Failure to provide written notice to FSA, file a demand for arbitration with the AAA, or failure to post the required bond and security requirement within the specified timelines shall constitute a waiver of arbitration proceedings. By responding to this procurement the bidder expressly agrees to the use of mandatory binding arbitration to resolve any appeals of the decision of the FSA, and any claims arising from or in any way relating to the procurement process, and expressly waives any and all rights that it may otherwise have to pursue such claims in any other forum, judicial or otherwise.

If the party filing for arbitration does not prevail, it shall pay all costs, legal expenses and attorney fees of the prevailing party incurred in connection with the arbitration. However, if the filing party prevails, the parties shall share equally the fees and expenses of the arbitration and AAA and each shall bear the cost of their own attorney fees. The filing for arbitration shall not stay the implementation of the bid award by the Florida Sheriffs Association.

1.43 NONPERFORMANCE

By virtue of the bid submission, bidder acknowledges its obligation to sell vehicles and equipment for which it is awarded. Failure of the bidder to comply with these requirements may result in the imposition of liquidated damages of up to \$1,000 per vehicle/equipment, which amount the vendor agrees is reasonable, or probation, suspension, termination or a combination thereof from current and future bids at the FSA's discretion.

The vendor shall at all times during the contract term remain responsive and responsible. In determining vendor's responsibility, the FSA shall consider all information or evidence that demonstrates the vendor's ability or willingness to fully satisfy the requirements of the solicitation and the contract.

Vendors that are not in compliance with any of the provisions of this contract can be assessed liquidated damages, suspended or terminated from the contract. The FSA at its sole discretion may remove a noncompliant vendor from future competitive bid solicitations; or take other actions including suspension from the contract until compliance issues are resolved, limit current or future vendor participation by specifications or zones, or other actions as determined by FSA at its sole discretion.

At FSA's discretion, vendors may be required to develop corrective action plans to address contract compliance. Failure to abide by corrective action plans will result termination from the existing contract and future competitive bid solicitations at the discretion of the FSA.

In situations where there is evidence that the vendor has demonstrated egregious breaches of contract with the FSA or a purchaser, the contract can be terminated and the vendor will be removed from future solicitations for a period of three (3) years, or up to a permanent ban from the bid process at the sole discretion of FSA.

Specific conditions for termination include, but are not limited to, failure to perform, refusal to accept orders during the contract period while manufacturer orders are still being accepted for current model year or the new year if the vehicle is price protected by the factory, charging amounts exceeding MSRP on factory or dealer installed items and packages, requiring the purchase of additional options over and above the base vehicle as a condition of acceptance of order, providing aftermarket options where factory options are available without the consent of the purchaser, any misrepresentations of optional equipment or service as being factory that fails to meet the definition as described in this document, and any other practice deemed to be inconsistent with the intent of the contract.

Any vendor presented with a valid purchase order is required by this contract to accept the purchase order and deliver the product. Orders must be fulfilled if the vehicle or equipment is a base model or whether it includes options. The vendor must deliver the product if they were awarded the contract – regardless of profit or loss.

Failure to deliver the vehicle or equipment may result in the purchaser seeking damages for the difference of cost to issue the exact same order with another vendor plus any legal fees and damages that may be incurred in the process to facilitate a completed order. Additionally, FSA may seek damages for nonpayment of administrative fees, to which FSA is entitled, according to section 3.28, and any attorneys fees incurred in the recovery of these damages.

1.44 SEVERABILITY

In the event any provision of this contract is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of the contract which shall remain in full force and effect and enforceable in accordance with its terms.

1.45 TERMINATION FOR CAUSE

If through any cause within the reasonable control of the successful bidder, it shall fail to fulfill in a timely manner, or otherwise violate any of the terms of this contract, the FSA shall have the right to terminate the services remaining to be performed. Written notice shall be given to the vendor and unless the deficiencies are corrected within 10 (ten) business days, the Contract may be terminated for cause immediately. The right to exercise the option to terminate for cause shall be in the sole discretion of the FSA, and the failure to exercise such right shall not be deemed to constitute a waiver of this right.

In that event, the FSA shall compensate the successful bidder in accordance with the contract for all services performed by the bidder prior to termination, net of any costs incurred by the FSA as a consequence of the default.

Notwithstanding the above, the vendor shall not be relieved of liability to the FSA for damages sustained by the FSA by virtue of any breach of the contract by the vendor, and the FSA may reasonably withhold payments to the vendor for the purposes of offset until such time as the exact amount of damages due the FSA from the vendor is determined.

1.46 TERMINATION WITHOUT CAUSE

The FSA can terminate the contract in whole or part without cause by giving written notice to the vendor of termination for convenience which shall become effective 30 days following receipt by vendor of such notice.

In that event, all finished or unfinished documents and other materials shall be properly delivered to the FSA.

The vendor shall not furnish any product after it receives the notice of termination, except as necessary to complete the continued portion of the contract, if any. The vendor shall not be entitled to recover any lost profits that the vendor expected to earn on the balanced of the contract or cancellation charges.

Any payments to the vendor shall be only to the total extent of the FSA liability for goods or services delivered prior to the date of notice to terminate the contract.

1.47 CONTRACT ADVERTISMENT AND USE OF LOGO

The CPP logo is an official logo of the Florida Sheriffs Association designed to promote the program. The logo may be used by vendors in accordance with this policy. Use of the logo is limited to the original version received from the FSA. Modifications are not permitted.

Methods of use include, but are not limited to:

- Electronic mediums such as websites, digital marketing campaigns, social media and e-mail; or
- Print media such as forms, marketing campaigns, business cards, posters, banners, brochures, flyers and postcards.

Vendors may request the logo by contacting cpp@flsheriffs.org, and should include a brief description of the how the vendor intends to use the logo.

The official FSA sheriff's star and wreath logo may not be used without prior written permission.

2.0 BIDDER INSTRUCTIONS

2.01 FIRST YEAR BIDDER QUALIFICATIONS

In order for bids to be considered, bidders who are not currently parties to the existing contract, or who have previously had their participation limited by the FSA, must provide the following material at the time the mandatory qualifying documents are due. FSA reserves the right to accept this information up and until the final award. The purpose of requesting this information is to demonstrate that they are qualified to satisfactorily perform as an awarded vendor.

The bidder shall provide information as on the Bidder Qualifications Form:

- Bidder company name and parent company, if applicable
- Complete business address
- State of incorporation
- Length of time in business
- Names and contact information for key personnel
- Dun & Bradstreet number: By providing this number, the bidder agrees and authorizes FSA to obtain their financial information/reports from these entities
- Identify a minimum of three contracts of similar size and scope
- Identify a minimum of three references for vehicle or equipment sales to government agencies
- Any contracts the bidder has been disqualified from, terminated from or found in default on, to include the reason for disqualification, termination or default

2.02 LICENSING & FACILITIES

Bidders are required to possess a Florida Department of Highway Safety and Motor Vehicle Dealer's License in order to bid on any motor vehicle as required by Florida Statute, 320.27. Bidders that are manufacturers are required to possess a Florida Department of Highway Safety and Motor Vehicle Manufacturer's License as applicable by Florida Statute, 320.60-320.70.

Bidders must maintain a repair/warranty facility within the State of Florida to provide sales and service for the vehicles and equipment bid.

If a bidder does not maintain a facility to perform warranty work or repair service within the state of Florida, the bidder must provide a detailed plan at the time of bid submission as to how the bidder would service Florida purchasers if awarded the contract. This Service Standard Plan must include:

- Whether the warranty service provider is approved by the manufacturer;
- Estimated quantities sold per item bid;
- If the company plans to contract out for service a copy of the service agreement; and
- Zone specific service plans to include:
 - Response time to initial call from purchaser,
 - Number of personnel available to service the contract,
 - Qualifications of personnel providing warranty work, and
 - Any additional information that would detail how warranty service would be provided.

The sufficiency of Service Standard Plan will be evaluated by the FSA during the bid evaluation.

The FSA reserves the right to periodically request additional or updated information from a bidder regarding the repair/warranty facility during the solicitation and the term of the contract, if awarded. The FSA may also exercise discretion in examining such facility as deemed necessary.

2.03 INSURANCE AND INDEMNIFICATION

Vendor shall be fully liable for the actions of its agents, employees, partners, or third party suppliers and shall fully indemnify, defend, and hold harmless the Florida Sheriffs Association, the participating agencies, and their officers, agents, and employees from suits, actions, damages, and costs of every name and description, including legal counsels' fees, arising from or relating to personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by bidder, its agents, employees, partners, or third party suppliers; provided, however, that the bidder shall not indemnify for that portion of any loss or damages resulting directly from the negligent acts or omissions of the Florida Sheriffs Association and participating agencies or proximately caused by intentional wrongful acts or omissions of the Florida Sheriffs Association and participating agencies.

Vendor's obligations under the above paragraph with respect to legal action are contingent upon the Florida Sheriffs Association and/or participating agencies giving the bidder (1) written notice of any action or threatened action, and (2) the opportunity to take over and settle or defend any such action at bidder's sole expense. Vendor shall not be liable for any cost, expense or compromise incurred by the Florida Sheriffs Association, or participating agencies, in any legal action without bidder's prior written consent, which consent shall not be unreasonably withheld, conditioned, or delayed.

The vendor shall be responsible for the work and every part thereof, and for all materials, tools, appliances and property of every description, used in connection with this particular project.

The vendor shall specifically and distinctly assume, and does so assume, all risks of damage or injury to property or persons used or employed on or in connection with the work and of all damage or injury to any person or property wherever located, resulting from any action or operation under the contract or in connection with the work. It is understood and agreed that at all times the vendor is acting as an independent contractor.

The vendor at all times during the full duration of work under this contract, including extra work in connection with this project shall meet the requirements of this section.

The vendor shall maintain automobile liability insurance including property damage covering all owned, non-owned or hired automobiles and equipment used in connection with the work. The vendor shall maintain comprehensive general liability insurance and general aggregate insurance in the amount and coverage levels specified on the Insurance Checklist. The vendor shall maintain insurance to cover garage operations in the amount specified on the Insurance Checklist.

No change or cancellation in insurance shall be made without 30 days written notice to the FSA.

All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida and these companies must have a rating of at least B+: VI or better per Best's Key Rating Guide, latest edition.

Copies of original signed Certificates of Insurance, evidencing such coverages and endorsements as required herein shall be filed within five days after bid opening. The certificate must state Bid Number and Title. Vendor may not begin performance under the contract until such Certificates have been approved by the FSA.

Upon expiration of the required insurance, the vendor must submit updated certificates of insurance for as long a period as any work is still in progress.

It is understood and agreed that all policies of insurance provided by the vendor are primary coverage to any insurance or self-insurance the FSA possesses that may apply to a loss resulting from the work performed in this contract.

All policies issued to cover the insurance requirements herein shall provide full coverage from the first dollar of exposure. No deductibles will be allowed in any policies issued on this contract unless specific safeguards have been established to assure an adequate fund for payment of deductibles by the insured and approved by the FSA.

The liability insurance coverage shall extend to and include the following contractual indemnity and hold harmless agreement:

The vendor hereby agrees to indemnify and hold harmless the FSA, a 501(c)3, its officers, agents, and employees from all claims for bodily injuries to the public and for all damages to the property per the insurance requirement under the specifications including costs of investigation, all expenses of litigation, including reasonable legal counsel fees and the cost of appeals arising out of any such claims or suits because of any and all acts of omission or commission of any by the vendor, his agents, servants, or employees, or through the mere existence of the project under contract.

The foregoing indemnity agreement shall apply to any and all claims and suits other than claims and suits arising out of the sole and exclusive negligence of the FSA, its officers, agents, and employees, as determined by a court of competent jurisdiction.

The vendor will notify the insurance agent without delay of the existence of the Hold Harmless Agreement contained within this contract, and furnish a copy of the Hold Harmless Agreement to the insurance agent and carrier.

The vendor will obtain and maintain contractual liability insurance in adequate limits for the sole purpose of protecting the FSA under the Hold Harmless Agreement from any and all claims arising out of this contractual operation.

The vendor will secure and maintain policies of third party suppliers. All policies shall be made available to the FSA upon demand. Compliance by the vendor and all third party suppliers with the foregoing requirements as to carrying insurance and furnishing copies of the insurance policies shall not relieve the vendor and all third party suppliers of their liabilities and obligations under any section or provisions of this contract. Vendor shall be as fully responsible to the FSA for the acts and omissions of the third party suppliers and of persons employed by them as he is for acts and omissions of persons directly employed by the vendor.

Insurance coverage required in this contract and the Specification Bid Document shall be in force throughout the contract term. The required Insurance Checklist summarizes the bidder's insurance obligations, if awarded. Any insurance requirements listed in the Specification Bid Document supercedes the amounts listed in the Insurance Checklist.

Additionally, any vendor that uses a third party supplier for remount services must ensure that the third party supplier maintains the insurance requirements in Section 3.16 (Remount Ambulance).

The FSA can request and the vendor shall furnish proof of insurance within seven days of receipt of the written request from FSA. Should the vendor fail to provide acceptable evidence of current insurance during the contract term, the FSA shall have the right to consider the contract breached and justifying the termination thereof.

If bidder does not meet the insurance requirements; the FSA may consider alternate insurance coverage.

2.04 SPECIFICATIONS

All units covered by this contract and the base specifications shall be the manufacturer's current basic production model, and at a minimum shall be equipped with all standard factory equipment in accordance with the manufacturer's latest

literature unless otherwise noted in the specification bid document. If awarded, bidders must supply a unit that meets or exceeds the requirements included in the applicable base specifications.

The bid specifications are contained in the FSA Bid System, as specification bid documents. The FSA base specifications are incorporated in this document by reference.

Bidders are required to provide all information requested on the price sheets or may have their bid rejected.

All vehicles, equipment, options, and features provided must be designed, constructed, and installed to be fully suitable for their intended use and service.

2.05 FIXED PRICES

If the bidder is awarded a contract under this Invitation to Bid, the prices quoted by the bidder on the Bid Forms at the time of bid submission shall remain fixed and firm during the term of this contract, unless otherwise addressed in a contract extension or annual price adjustment as provided in this contract.

2.06 SEALED BIDS

For purposes of this solicitation, a sealed bid is considered a bid submitted using the FSA Bid System.

2.07 EXCEPTIONS TO TERMS AND CONDITIONS

Any exceptions, deviations, or contingencies a bidder may have to specifications or Contract Conditions, Section 3.0 of this document, must be documented in bidder's submission. Exceptions to the specifications at the time of the bid submission shall reference the specification or item number and a written explanation for the request for exception. At FSA's discretion, exceptions, deviations, or contingencies to the specifications or Contract Conditions stipulated by the bidder may result in disqualification of a bidder's submission.

Specifications are based on the most current manufacturer literature available. Bidders should immediately notify the FSA of any inaccuracies in the specifications or required submittal documents. All notifications of inaccuracies must be in writing and timely submitted.

Failure of a bidder to comply with these provisions will result in bidders being held responsible for all costs required to bring the vehicle into compliance with the contract specifications.

Exceptions, deviations or contingencies to the General Conditions or Bidder Instructions, other than those determined to constitute minor irregularities and waived by the FSA pursuant to Section 2.26, may be cause for the rejection of a bidder's submission.

2.08 MISTAKES

Bidders are expected to examine the specifications, delivery schedules, bid prices and all information pertaining to servicing this contract before submitting a bid. Failure to do so will be at the bidder's risk.

2.09 EQUIVALENTS

Bidders must first request approval from the FSA before submitting a bid that includes an equivalent that will supplement an item on the base specification. The FSA will determine whether the proposed equivalent is equal to or exceeds the quality, design and construction than the intended replacement item in the base specification.

Bidders must provide the manufacturer name and model number (or product identifier) of each equivalent when seeking approval. Complete, descriptive, technical literature should demonstrate that the equivalent conforms with specific replacement item.

If the equivalent is approved, the bidder must include the supporting material in the bid submission. Bids will not be considered without this information. If a bid uses equivalents without prior approval, the bid will be deemed nonresponsive.

Vendors offering alternate makes and manufacturers of vehicles or equipment that are not specifically identified in the bid, cannot publish or offer the unapproved equivalents. Offerings of this nature will cause the bid to be rejected. If such offerings are identified after the award has been granted, the offerings, specification or entire award can be removed by the FSA.

When selling equivalents, vendors must disclose to the purchaser that an approved equivalent is being offered.

2.10 MANDATORY PRE-BID MEETING

Prospective bidders are required to attend the **mandatory** Pre-Bid Meeting. The Pre-Bid Meeting is designed for vendors, the Fleet Advisory Committee and the FSA Cooperative Purchasing Team to meet in person to clarify questions on the terms and conditions and to confirm all base specifications are correct.

Bidders have the opportunity to suggest technical modifications or corrections before the specifications are finalized. Questions relating to the specifications, the bid process, or award can be asked at the Pre-Bid Meeting.

FSA reserves the right to grant attendance exceptions to the mandatory meeting if the bidder has requested prior authorization, has met all prequalification requirements, and agrees to sign a memo of understanding (MOU) and agree to meet all the terms and conditions without exception and further waive their right to protest the bid process in its entirety or any portion thereof.

2.11 QUALIFICATION

Prospective bidders are required to prequalify by completing all qualification forms by the date listed on the Bid Calendar. A bidder becomes a qualified bidder if they comply with this section and Section 2.10, Mandatory Pre-Bid Meeting.

Qualification forms include:

- Drug-Free Workplace Form,
- Insurance Checklist,
- Manufacturer Authorization Form for each manufacturer bid by bidder,
- Emergency Vehicle Technician (EVT) Certification, if bidder is offering emergency lighting and sirens, and
- Qualified Bidder documentation as required in Section 2.01.

The qualification forms are located in the Bid System.

2.12 PRICES QUOTED

Prices submitted as indicated in the sealed bid are final. Bidders acknowledge that prices quoted will be valid for a period of 60 calendar days from the date of bid opening. Each specification, make and model must be priced and bid separately.

Prices quoted in the bid submission should reflect the final amount the bidder can expect to receive for payment for the specifications bid for the duration of the contract award, unless otherwise addressed by a contract extension or price adjustment as provided in the contract. These prices must be inclusive of all of the components included in the base specification.

Discount percentage will be clearly indicated on the pricing sheet as a whole figure and will accurately reflect the amount the base vehicle has been discounted.

Prices bid, including options, must include the administrative fee FSA charges to administer the contract, as outlined in Section 3.28 Administrative Fee.

Prices must be Free On Board (FOB) destination.

Once awarded, the vendor has the authority to offer discounts for prompt payment. Cash or quantity discounts offered will not be a consideration in determination of award of the bid.

2.13 OPTION PRICING

Options may be sold, but only in connection with the sale of a base specification. The bidder shall offer discount below Manufacturer's Standard Retail Pricing (MSRP) or manufacturers published list price for any factory options included in the bid submission and quotes to purchasers, if awarded.

Options are intended to add or delete equipment or features from the base specification. Options can provide an upgrade or downgrade to a manufacturer's model, such as a slightly different engine size, horsepower, or equipment, and should not be made available for purchase separate from the base vehicle or equipment. Bidders shall NOT use options to create a vehicle or equipment that is entirely different than the FSA base specification or are available as another specification bid on this ITB.

The use of options to facilitate the sale of an alternate manufacturer's product which is outside the scope of the written base specification will be determined nonresponsive and the bid will be rejected in whole or part by the FSA.

The FSA has the discretion to disqualify bidders if the option pricing is excessive.

Option pricing will include all costs of labor associated with the option and cost of labor should not be listed separately within the bid.

If a bidder will offer registration and title services as a fee for service, the bidder must include the registration and title fee as a separate option (i.e. line item) for each item bid, see Section 3.23 for additional details. Government imposed fees should not be included in this option pricing.

No other additional charges or fees are admissible.

Purchasers are encouraged to negotiate option pricing with vendors. Discounts can be provided beyond option prices listed in the contract. The additional discounts for each add option shall be decided by the vendor.

Bidder must use proper factory codes for all factory options. Options available through the factory must be bid and supplied to purchaser as “factory” options, unless otherwise requested in writing by the purchaser.

2.14 SUBMITTAL OF BID

Bidders are required to submit a bid using the FSA Bid System. Bid submissions include pricing for the base specification, as well as all other required documentation.

The bid must be received by the date and time specified on the Bid Calendar. Failure to meet all submission requirements by the date indicated on the Bid Calendar will result in rejection of the bid.

FSA Bid System: VendorLink

Bidders must submit their bid electronically using the on Bid System, which is located at <https://www.myvendorlink.com>. Bids not submitted within FSA Bid System will be rejected. Bidders are encouraged to participate in training provided for the Bid System.

User names and passwords will be issued to qualified bidders after registering in Vendorlink, qualified bidders will be invited to bid.

Prices are to be rounded to the nearest whole dollar (i.e. \$10, not \$10.05). The bid system allows for cents, however the bid evaluation is based on the whole dollar. If a bidder submits bid pricing using cents, the following formula will be applied:

- \$.01-.49 will be rounded down to the prior dollar bid (e.g. \$50.49 = \$50)
- \$.50-.99 will be rounded to the next dollar (e.g. \$50.50 = \$51)

Bid Submission

To ensure correct bid submittal and formatting, Bidders shall:

1. Submit bid electronically through VendorLink for the applicable bid.
2. Upload files only in MS Word (.doc or .docx), Excel (.xls or .xlsx), and PowerPoint (.ppt or .pptx); Adobe Portable Document Format (.pdf); or Compressed File (ZIP) formats.
3. Enable printing on files submitted.
4. Separate and identify each part of the submission (i.e. document type, form type, content type) with a divider/separation page.)
5. Bids must be input into the standardized format in VendorLink.
6. Contact VendorLink technical support at support@evendorlink.com, if technical difficulties arise during bid submission.
7. Follow all instructions outlined in this Invitation to Bid and provide all requested information. Refer to Appendix H for bidder instructions for FSA bid system data entry.

The bid submitted in the Bid System shall include the following documents:

- Executed Contract Signature Page
- Completed pricing sheet
 - Pricing sheet must be downloaded from the Bid System (VendorLink), completed, and uploaded back into the Bid System. Modifications to the format of the predefined Excel spreadsheet are prohibited, and will cause the bid to be rejected.
- Bid Bond in the amount of five (5) percent of each item bid

- Performance bond letter from a bonding company
- Build sheet for each item bid
 - A build sheet is a document from the bidder or manufacturer that confirms that the vehicle or equipment bid matches the FSA base specification. If using the manufacturer's print-out, the document shall indicate the manufacturer's base model code and display the standard equipment required to provide the base vehicle or equipment as outlined in the FSA base specification. If vendor-installed aftermarket components are used to meet the base specification and these components must be identified on the build sheet. Build sheets for each item bid must be compiled into a single .pdf document. Build sheets should be in numerical order by specification, clearly identifiable by specification or item number, and include model name and number. If FSA cannot determine which specification the build sheet is for, the item bid can be rejected as nonresponsive.
- License and Certifications, as applicable
 - Emergency Vehicle Technician Certifications, as applicable
 - Florida Department of Highway Safety and Motor Vehicle Dealer License, as applicable
 - Florida Department of Highway Safety and Motor Vehicle Manufacturer License, as applicable
 - Any other safety certification or license applicable to specifications bid
- Explanation of how warranty claims will be handled in the State of Florida, or Service Standard Plan, Section 2.02, as applicable
- Any requested equivalents, Section 2.09, or exceptions, Section 2.07

FSA may ask awarded bidders to supply one hard copy set with original, written signatures and original compliance forms, prior to the contract execution. Hard copy bids should not be submitted unless specifically requested by FSA.

2.15 EXECUTION OF BID

By submitting a response to this Invitation to Bid, the bidder agrees to the terms and conditions of this contract and to be bound by such terms and conditions if selected for award. The bidder must submit the Contract Signature Page with the signature of an authorized representative no later than the date of the final award.

2.16 MODIFICATION OR WITHDRAWALS OF BIDS

A bidder may submit a modified bid to replace all or any portion of a previously submitted bid until the due date and time listed in the Bid Calendar. Modifications received after the bid due date and time will not be considered.

Bids can be withdrawn in writing prior to the contract award. If a bidder believes that the bidder must withdraw the bid, the bidder must contact the FSA Cooperative Purchasing Program Administrator immediately. Bid withdrawals are handled on a case by case basis, and can result in a limitation of participation in future bids.

2.17 LATE BIDS

The responsibility for submitting a bid before the stated due date and time on the bid calendar is solely and strictly the responsibility of the bidder. The FSA is not responsible for delays caused by technical problems, any internet outages or delays incurred by electronic delivery, or any other occurrence. Any reference to time will be based on Eastern Time.

2.18 PUBLIC BID OPENING

Bids shall be opened on the date and time specified on the Bid Calendar. The bid opening will occur at the Florida Sheriffs Association, 2617 Mahan Drive, Tallahassee, Florida.

FSA shall communicate the bidder name and if they have provided all the required information.

2.19 DETERMINATION OF RESPONSIVENESS

Determination of responsiveness will occur during the bid opening and evaluation. In order to be deemed a responsive bidder, the bid must conform in all material respects to the requirements stated in the Contract Terms and Conditions. As set forth in Section 2.24, FSA reserves the right to waive or allow a vendor to correct minor irregularities.

2.20 RESPONSIBLE BIDDER CRITERIA

Bids will be evaluated to determine if eligibility and contract requirements are met. Responses that do not meet all requirements of this Invitation to Bid or fail to provide all required information, documents or materials may be rejected as nonresponsive.

Bidders whose responses, past performance, or current status do not reflect the capability, integrity, or reliability to fully and in good faith perform the requirements of the Contract may be rejected as nonresponsive. In determining a responsible bidder, the following factors may be considered:

- Adequacy of facilities, staffing, and financial resources;
- Previous experience with FSA contract or other similar government contracts;
- Ability to provide excellent customer service, including previous FSA contracts; and
- Any other information relevant to the responsibility of a vendor that FSA is aware of.

In addition to the requirements of Section 2.01, FSA reserves the right to request staffing, performance and financial information from any bidder during the evaluation process if FSA determines this information is necessary to award the bid.

FSA reserves the right to determine which responses meet the requirements, specifications, terms and conditions of the solicitation, and which bidders are responsive and responsible.

FSA further reserves the right to limit participation of bidders who, in FSA's sole discretion, are determined to present responsibility concerns that call into question the bidder's ability to perform but that do not rise to the level of requiring rejection of the bidder as nonresponsive.

2.21 BASIS FOR AWARD

The FSA shall make awards to the lowest bidder by specification and by manufacturer to bidders deemed to be responsive and responsible. Awards may also be made to the second lowest bidder by specification and by manufacturer if applicable and determined to be in the best interest of the FSA and the purchaser.

The Fleet Advisory Committee serves as the initial review for bid submissions. The Fleet Advisory Committee's review is submitted to the FSA for final evaluation and determination of award.

The options in the bid shall be for informational purposes only and will not serve as a basis for bid protest. However, the FSA has the discretion to consider option pricing in making the award if doing so would be in the best interests of the FSA or the purchaser.

FSA reserves the right to accept or reject any and all bids, and to waive any minor irregularity, technicality or omission if it determines that doing so will serve the purchaser's best interest.

2.22 FIRM BID

Bidder warrants by virtue of bidding it is submitting a firm bid and the prices quoted in their bid response will be good for an evaluation period of sixty (60) calendar days from the date of bid opening, and if awarded through the duration of the contract unless otherwise addressed by a contract extension or price adjustment as provided in this contract.

By virtue of the bid submission, bidder acknowledges its obligation to sell vehicles and equipment for all bidder awards. Failure of the bidder to comply with these requirements may result in the imposition of liquidated damages of up to \$5,000 per vehicle or equipment, which amount the vendor agrees is reasonable, or probation, suspension, termination or a combination thereof from current and future bids at the FSA's discretion.

2.23 MINOR IRREGULARITIES / RIGHT TO REJECT

The FSA has the right to accept or reject any and all bids, or separate portions thereof, and to waive any minor irregularity, technicality or omission if the FSA determines that doing so will serve its best interest or the best interest of the purchasers. A minor irregularity is a variation from the terms and conditions of this procurement that does not affect the price of the bid or give the bidder a substantial advantage over other bidders and thereby restrict or stifle competition and does not adversely impact the interests of the FSA or the purchasers. At its option, the FSA may allow a bidder to correct minor irregularities but is under no obligation to do so. In doing so, the FSA may request a bidder to provide clarifying information or additional materials to correct the irregularity. However, the FSA will not request and a bidder may not provide the FSA with additional materials that affect the price of the bid, or give the bidder an advantage or benefit not enjoyed by other bidders.

The FSA may also reject any bids not submitted in the manner specified in this document.

2.24 CONE OF SILENCE

This Invitation to Bid is subject to the Cone of Silence that begins the date the bid submission opens as indicated in the Bid Calendar. During this period all communications regarding this solicitation between FSA and Bidder will cease, except for procedural questions, questions regarding problems incurred in the use of the the bid system, or communications initiated by the FSA. All permitted communications during this period shall be made in writing to the procurement contacts identified in Section 1.01 of this Invitation to Bid.

FSA is not responsible for bidder's improper use of the bid system. Exceptions will be granted to this section should any bid system malfunctions occur.

3.0 CONTRACT CONDITIONS

3.01 GENERAL REQUIREMENTS FOR ALL VEHICLES AND EQUIPMENT

Once the bid has been awarded, the terms and conditions of this document become the Contract between the FSA and the awarded vendor.

The terms and conditions apply to all vehicles or equipment purchased from the this contract.

3.02 STATEMENT OF AUTHORITY

Each person signing the Contract Signature Page warrants that he/she is duly authorized to do so and binds the respective party to the Contract.

3.03 VENDOR CONTACT INFORMATION

The vendor will maintain current contact information with FSA at all times.

If a change occurs during the contract period, the vendor must notify the Administrator immediately. The Vendor Change Document must be completed, signed by an authorized representative and submitted via e-mail to CPP@flsheriffs.org.

A sample Vendor Change Document is located in Appendix C and online at the FSA website.

3.04 OPTION TO RENEW & PRICE ADJUSTMENT

Renewal Option

The contract may be renewed by mutual agreement, initiated at the discretion of the FSA, for up to two (2) additional years, on a year to year basis. The FSA reserves the right to in its sole discretion elect to renew the contract in whole or in part.

In the event that the contract is held beyond the term provided herein, it shall be on a month-to-month basis only and shall not constitute an implied renewal of the contract. Such a month-to-month extension shall be upon the same terms of the contract and at the compensation and payment provided herein.

Price Adjustment

Prior to completion of each contract term, and on an annual basis, the FSA will consider a price adjustment due to manufacturer certified price adjustments or as a result of any changes to national or state standards that require substantial cost adjustments.

In the event of changes to national or state standards, the vendor must present verifiable changes in cost to FSA. The FSA will consider the cost changes and will make a final determination on the change in price.

For any vendor-initiated adjustment to commence on the first day of the renewed contract term, or on an annual basis, the vendor's request or adjustment should be submitted 90 (ninety) days prior to expiration of the then current contract. The vendor-initiated adjustment request must clearly substantiate the requested increase or decrease. For manufacturer certified price adjustments, vendors must provide documentation to FSA that such price adjustments are not in excess of other bid contracts or cooperative purchasing agreements and indicate the government concessions or discounts offered. If no request is received from the vendor, the FSA will assume that the vendor has agreed that the optional term may be

exercised without pricing adjustment. Any adjustment request received after the commencement of a new option period will not be considered. The

The FSA reserves the right to accept the renewal adjustment or to allow the contract to fully or partially terminate and readvertise for bids, whichever is in the best interest of the FSA.

3.05 ADDITIONS AND DELETIONS

The FSA can add, remove, discontinue or suspend any specifications, or portions thereof, from this bid or awarded contract when it is deemed to be in the best interest of FSA and the purchasers.

This decision to take action may be based upon and not limited to:

- Few or no sales;
- Product recalls and other safety issues;
- Vendor or Manufacturer performance; or
- Lack of relevance of products/commodities.

3.06 EQUITABLE ADJUSTMENT

The FSA may make an equitable adjustment to the contract terms or pricing at its discretion.

3.07 DISCOUNTS

Discounts must be offered under this contract and shall be below Manufacturer's Standard Retail Pricing (MSRP) or manufacturers published list price for each specification and option listed. Discounts must be clearly documented in the bidders submission.

The vendor has the authority to offer additional discounts based on quantity, as well as additional manufacturer or vendor discounts.

Discounts are not required on any state or federal fees and charges.

Discount ranges are not permissible. Discounts must be a whole percentage with no decimal place (e.g. 10%).

3.08 CONDITIONS

It is understood and agreed that any item offered or shipped as a result of this bid shall be the most current model offered, i.e. the most current production model at the time of this bid.

3.09 PRODUCTION CUTOFF

Production cutoff refers only to cab and chassis configurations within bid specifications. The vendor shall notify the FSA no less than 60 calendar days prior to the close of final order date by the manufacturer when the final order date is during the term of the contract. Notification shall be provided in writing.

Purchase orders received by the vendor 10 business days prior to the final order date must be accepted and entered into the order system with the manufacturer.

If a purchase order has been timely received by the vendor and the manufacturer fails to produce or deliver the production year vehicle, the vendor must provide the next year's equivalent model at current contract prices.

Purchase orders issued and received after the cutoff date will be subject to availability. In this case, the vendor and manufacturer have the discretion to choose whether to provide the next year's model at current year's prices until the end of the contract term.

If the manufacturer cutoff date is during the term of the contract and will affect the purchaser's ability to obtain the specifications, FSA may consider substitutions from the same manufacturer.

3.10 FACILITIES

The FSA reserves the right to inspect the vendor's facilities at any time with prior notice.

3.11 SUBSTITUTIONS

The FSA or purchasers will not accept substitute orders of any kind. Vendors are expected to furnish the brand quoted in the bid once awarded. Any substitutes will be returned at the vendor's expense. Delivery of substitutes and the delay in supplying the correct specification can be deemed grounds for termination for default.

3.12 EMERGENCY LIGHT AND SIREN CERTIFICATION STANDARDS

Under Florida Statute 316.003(1), authorized emergency vehicles are defined as:

Vehicles of the fire department (fire patrol), police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any of the various counties.

Bidders that will provide or contract to provide emergency light and siren installation must also submit Emergency Vehicle Technician Certifications for the individuals working for the bidder or the designated third-party supplier who will perform the installation. FSA reserves the right to accept certifications up and until final award.

Vendors that will install emergency lights and sirens are required to provide and install products that are Society of Automotive Engineers (SAE) certified. SAE Certifications must include Class 1 and Class 2 in order to be eligible for participation in the Contract. If a lighting or siren product installed on an emergency vehicle is not SAE Certified, the vendor can be found in default of the Contract.

3.13 FACTORY INSTALLED

All options specified as factory installed are to be installed on the vehicle at the primary site of assembly and is to be the manufacturer's standard assembly-line product. No aftermarket and no vendor-installed equipment will be accepted as factory installed. Vendors found supplying aftermarket or vendor-installed equipment where factory installed are specified may be required to retrieve all delivered vehicles and reorder new vehicles meeting the specifications.

All factory ordered options are to be original equipment manufacturer (OEM) and factory installed unless otherwise noted by the vendor and acknowledged in writing by the purchaser. Verbal agreements will not be recognized.

Aftermarket parts, modifications, and factory produced parts and components ordered and installed by a vendor that do not meet the requirements of factory installed components, will be rejected for noncompliance with the requirements of the specification.

In the event that a component that does not meet the specifications is found installed on a vehicle before or after the vehicle has been accepted by the Purchaser, the vendor shall be required to replace the vehicle with a vehicle that meets the required specifications, including factory installed components. In the alternative, the purchaser shall decide whether they will accept vendor installed components.

3.14 VENDOR INSTALLED

All vendor-installed accessories shall be installed according to the manufacturer's specifications. All such accessories must be manufactured by an established manufacturer of the product provided. Vendor is required to disclose Make and Model of product being offered and the location, design, and model must be approved by the purchaser prior to installation. Prior to any purchase, the vendor must also disclose the warranty of any item that is less than or exceeds the factory vehicle or equipment warranty coverage.

A vendor that employs a third-party supplier or subcontracts technicians to install emergency equipment on vehicles purchased on this contract is required to utilize technicians that are certified in Emergency Vehicle Installation through EVT Certification Commission, Inc. or an approved equivalent.

The FSA may at any time during the contract period request proof of the required certification.

Any vendor that violates this provision will be considered in default of the contract. FSA may terminate the contract in accordance with Section 1.45 of this Invitation to Bid.

3.15 NON-SCHEDULED OPTIONS

FSA attempts to include scheduled, factory and aftermarket options in the bid document. If a purchaser requests a non-scheduled option that is not included in the bid document, the vendor may provide this nonscheduled option. The purchaser has the opportunity to request the vendor's discount pricing for any nonscheduled options during the quote process. At no time should the non-scheduled option exceed MSRP or Published List Price.

Non-scheduled options should be listed as a separate line item and noted on the purchase order to include the price. All non-scheduled options are covered under these terms and conditions.

3.16 REMOUNT (AMBULANCE)

It is the responsibility of the awarded vendor to ensure that any remount services meet or exceed all insurance requirements under the terms and conditions of the FSA Fire/Rescue Vehicles and Other Equipment Contract. Remount service providers shall maintain a minimum of \$5,000,000 in Product Liability Insurance and a minimum of \$1,000,000 in Professional Garage Keepers Liability Insurance. Proof of adequate coverage shall be produced to the customer upon request.

All remount service providers are to be registered with National Highway Traffic Safety Administration(NHTSA), as a manufacturer. The remounter shall be familiar with, and follow, all applicable and/or recommended OEM guidelines and practices as published by the OEM chassis manufacturer. This shall include the strict compliance with the New Vehicle Standard, registration requirement, and the Incomplete Vehicle Document (IVD) for the appropriate chassis.

The remounter company shall be financially able to adequately support a warranty obligation offered to the purchaser and provide proof from a third party financial institution to the purchaser upon request. The warranty that shall be offered at a minimum to the customer shall be as follows:

1. The remounter shall warrant the ambulance and furnished equipment against parts failure or malfunction due to design, construction, or installation errors, defective workmanship, and missing or incorrect parts for a minimum period of 12 months or 12,000 miles (whichever occurs first).
2. However, if the remounter received from any supplier or subcontractor additional warranty on the whole or any component of the ambulance, in the form of time and/or mileage, including any prorate arrangements, or the remounter generally extends to their commercial customers a greater or extended warranty coverage, the customer shall receive corresponding warranty benefits.

It is also the responsibility of the awarded vendor to certify that it has inspected the remounted module for structural integrity and will supply a statement that includes date, time, and photographic proof of the inspection process to the purchaser. The remounter shall have written work process documentation to substantiate each step of the product and present to the awarded vendor upon completion of the remount.

This shall include:

1. The evaluation and the physical assessment of the original vehicle;
2. The production sequence and process; and
3. Written and verified quality control and function checks.

The remounter shall perform the following series of steps to determine viability of the proposed remount product:

1. The viability shall include a visual inspection of ambulance body module for overall condition to determine suitability for forward service life. This shall include the compatibility of the body to the proposed new chassis. This viability process shall include, and the remounter shall provide a Scope of Work to the awarded vendor, which shall include a detailed proposal to the customer: a notice of compliance of FMVSS requirements, including weight balance and payload projections and analysis.
2. The remounter shall inform the customer of any hidden deficiencies or defects discovered during the process; whereby remediation shall be mutually determined.
3. The remounter shall inspect and perform functionality testing in accordance to American Manufacturers Division of the National Truck Equipments Association standards.
4. The remounter shall provide final documentation of product and affix all applicable compliance labeling to the product.

If a purchaser utilizes a remount service on its own initiative, the remount service provided shall be excluded from the terms and conditions of this Contract.

3.17 FORCE MAJEURE

A vendor shall not be penalized for a delay resulting from the vendor's failure to comply with delivery requirements if neither the fault nor the negligence of the vendor or its employees contributed to the delay and the delay is due directly

to acts of God, wars, acts of public enemies, strikes, fires, floods, or other similar cause wholly beyond the vendor's control, or for any of the foregoing that third party suppliers if no alternate source of supply is available to the vendor.

3.18 DELIVERY TIME

Vendors shall specify the estimated delivery time in calendar days for each item. The purchaser should consult the vendor regarding vehicle production schedules. Delivery shall be within the normal working hours of the user, Monday through Friday, excluding holidays.

3.19 ORDER

The vendor shall submit a copy of the purchase order to the Coordinator within 14 days of receipt from the purchaser.

To initiate a purchase, a purchaser issues a purchase order to the vendor, which shall include:

- The contract number and title;
- Specification number and item(s) purchased;
- Prices broken down by FSA base specification item, and additional options;
- Purchaser's federal identification number, and
- Name, phone number and email address for the point of contact at the purchasing agency.

Delivery or due dates should be discussed with the vendor at the time the quote is provided to the purchaser, or if no quote is provided, when the purchase order is delivered to the vendor. It is important to note that vendors do not have any control over production delays in schedules from the manufacturer.

The purchaser should forward an executed copy of the purchase order to the FSA at the same time the purchase order is sent to the vendor. Emails or hard copies are accepted. Emails can be sent to coop@flsheriffs.org.

If a vendor receives a purchase order for a specification for which they were not awarded, the vendor must notify the purchaser and return the purchase order to the purchaser within three (3) business days.

All vehicles ordered prior to production cut off and in accordance with the contract shall be supplied in the manufacturer's next model run of that class vehicle even if it requires supplying a later model at the original bid prices.

Vendor shall place the order with the manufacturer within 10 business days of receipt of the purchase order. The vendor shall assure that all orders are placed in full compliance with the specifications and the terms and conditions of the Contract and the purchase order.

It is the vendor's responsibility to ensure that the vehicle or equipment ordered by the purchaser is fully compatible with all ordered options and that the vehicle complies with all applicable manufacturer and industry standards. The vendor's acceptance of a purchaser's order will indicate that the vendor agrees to deliver a vehicle that will be fully compatible with all of its options.

Any changes that are required to bring a vehicle or equipment into compliance with the various options due to an incorrect order will be accomplished at the vendor's expense.

A Confirmation of Order form shall be completed by the vendor and returned to the purchaser 14 calendar days from receipt of purchase order without notification by the purchaser. The Confirmation of Order form is included in Appendix D.

3.20 VEHICLE DELIVERY

At a minimum, pre-delivery service shall include the following:

- Standard Dealer and Manufacturer protocol for new vehicle delivery;
- Cleaning of vehicle, if necessary, and removal of all unnecessary tags, stickers, or papers;
- For cab and chassis, do not remove the window price sticker or supplied line sheet;
- Speedometer must be correct regardless of the tires provided by the vehicle manufacturer or axle ratio furnished;
- Owner's manual and warranty manual to accompany each vehicle; and
- A MSRP list sheet (window sticker) MUST be in the vehicle when it is delivered to the Purchaser, if applicable. Vehicles that are missing this form, or have forms that have been altered will not be accepted.

The successful bidder shall be responsible for delivering vehicles that are properly serviced, clean and in first class operating condition.

Vendor shall complete delivery of the vehicle to the purchaser within fourteen (14) calendar days of receipt of the vehicle from the manufacturer or equipment supplier. This deadline shall not apply to vehicles originating as an incomplete chassis.

Receipt of a vehicle by the vendor is defined as acceptance of the vehicle from a common carrier at the vendor's place of business or any third party's place of business.

Deliveries of less than 2,500 miles may be accomplished by driving the vehicle. Any delivery accomplished by driving the vehicle must be supervised and the driver must comply with manufacturer's break-in requirements and all applicable traffic laws. Any delivery accomplished by driving fire rescue or emergency response vehicle must use an "OUT OF SERVICE" cover on light bars.

All deliveries in excess of 2,500 miles shall be approved by the purchasing agency. Incomplete vehicles would be exempt. The purchaser has the option to reject a vehicle with more than 2,500 odometer miles, if not previously approved by the purchaser, or may deduct \$0.51 cents per mile in excess of 2,500 miles from the invoice, unless distance above 2,500 miles was previously approved by the purchaser. This requirement also applies to redelivery of vehicles that were rejected upon initial delivery.

All warranties shall begin at the time of delivery to the Purchaser. The purchaser's warranty should not be active for incomplete vehicles or vehicles delivered to an upfitter before final delivery.

Vendor shall notify the purchaser no less than twenty four (24) hours prior to delivery of the time and location, which shall reflect the mutually agreed upon delivery details. Transport deliveries must be unloaded and inspected by Purchaser. Deliveries not complying with these requirements may be rejected and will have to be redelivered at Vendor's expense.

All vehicles must contain no less than 1/4 tank of fuel as indicated by the fuel gauge at the time of delivery. For vehicles and equipment that have more than thirty five (35) gallons of capacity, a minimum of ten (10) gallons of fuel must be provided.

3.21 INSPECTION AND ACCEPTANCE

It is the responsibility of the Purchaser to inspect a vehicle for any damages.

Each Purchaser shall make a good faith effort to inspect the vehicles or equipment before or at the time of delivery for acceptance. One (1) day is the suggested period for inspection. However, if reasonable accommodations for inspection cannot be made upon delivery, the Purchaser may have up to three (3) days to inspect the vehicle or equipment for acceptance.

Inspection and acceptance will be at the Purchaser's destination unless otherwise previously agreed upon location was provided in the purchase order.

It is the purchaser's responsibility to thoroughly inspect each vehicle prior to acceptance. Copies of the bid specifications and purchase order will be delivered with the vehicle. Purchasers are to inspect the vehicle and compare bid specifications, purchase order and manufacturer's window sticker or manufacturer's invoice to ensure vehicle meets or exceeds the requirements of the technical bid specifications and the submitted purchase order. Purchasers should inspect the vehicle for physical damage.

Delivery of a vehicle to a purchaser does not constitute acceptance for the purpose of payment. Final acceptance and authorization of payment shall be given only after a thorough inspection indicates that the vehicle meets contract specifications and the requirements listed below.

Should the delivered vehicle differ in any respect from specifications, payment can be withheld until such time as the vendor completes the necessary corrective action.

Units shall be delivered with each of the following documents completed or included:

1. Copy of Customer's Purchase Order
2. Copy of the applicable Vehicle Specification
3. Copy of Manufacturer's Invoice or Window Sticker. Prices may be deleted from the manufacturer's invoice
4. Copy of Pre-Delivery Service Report
5. Warranty Certification
6. One complimentary copy of the printed owner's manual if requested, otherwise digital copies are acceptable
7. If the Vendor does not provide the tag and title, then the DHSMV 82040 (*Application for Certificate of Title and/or Vehicle Registration*) which requires a signature of authorized representative

Deliveries that do not include the above forms and publications will be considered incomplete and can be refused.

3.22 REGISTRATION, TAG AND TITLE

Costs of tag and title shall not exceed the statutory rates. FSA Administrative Fee does not apply to tag and title work.

Title items shall be the responsibility of the vendor. The purchaser, if a government agency, has the authority to choose to register and title the vehicle.

Reasonable administrative costs for registration and title services, including obtaining temporary tags, tag transfers, and new tags are permitted. All costs associated with obtaining, filing and shipping of tags shall be listed as an option during

the bid submission for each item bid. Registration and title costs can include convenience fees, cost reimbursements for filing, obtaining or delivery of tags, or any costs over the original purchase price of the registration and title. Registration and title costs for registration and titling can be negotiated between the purchaser and the vendor.

3.23 CAB AND CHASSIS PURCHASES

FSA highly recommends that all upfitting of cab and chassis be performed by vendors or third party suppliers that are licensed and/or certified to avoid unnecessary exposure to future liability.

Vendors are required to register and title the vehicle when the cab and chassis upfitting work is completed by the vendor or the vendor's selected third party supplier.

Cab and chassis can be purchased from vendors without any required additional fitting by the dealer. However, in this situation vendors are not required to register and title the chassis.

If an agency chooses to upfit the chassis with a third party supplier not selected by the vendor, then the third party supplier must perform the state mandated registration and title work upon completion of the upfitting.

The requirements of Florida Statute 319.21 related to the manufacturer statement of origin apply to cab and chassis purchases.

3.24 INVOICING AND PAYMENTS

Invoicing and payments shall be the responsibility of the vendor and purchaser placing orders using this contract. Vendors must invoice each purchaser independently.

A Purchaser has three (3) working days to inspect and accept the vehicles or equipment. The Vendor shall be paid upon submission of invoices to the Purchaser after satisfactory delivery and acceptance of the vehicles and/or equipment.

The Local Government Prompt Payment Act will apply to local governments to ensure timely payment of Vendor invoices. The Local Government Prompt Payment Act is defined in Sections 218.70–218.79 of Florida Statutes.

3.25 WARRANTY REPAIRS AND SERVICE

All warranties shall begin at time of delivery and final acceptance by the purchaser. Failure by any manufacturer's authorized representative to render proper warranty service or adjustments, including providing a copy of the warranty work order to the purchaser, may subject the vendor to suspension until satisfactory evidence of correction is presented to the FSA.

3.26 INADEQUATE SERVICE

When vehicles and equipment require service or adjustments upon delivery, the vendor shall either remedy the defect, or be responsible for reimbursing the manufacturer's local authorized dealer or other service provider to remedy the defect. Such service or adjustments shall be initiated by the vendor within 48 hours after notification by a purchaser, not to include weekends and holidays. Delivery will not be considered complete until all services or adjustments are satisfactory and the vehicle or equipment is redelivered.

The provisions of the delivery section shall remain in effect until the redelivery is accomplished. The cost of any transportation required shall be the responsibility of the vendor until the vehicles or equipment are satisfactory and accepted by the Purchaser.

3.27 REPORTING: PURCHASE ORDERS & QUARTERLY REPORTS

Purchase Orders

The Vendor must submit copies of purchase orders upon receipt to the FSA. Purchase orders are considered late if not submitted fifteen (15) days after the date of the purchase order.

Vendors should scan a complete copy of the purchase order and attach it as a .pdf. Place the document title in the subject line of the e-mail and send purchase order copies to coop@flsheriffs.org.

The files should be named using the following examples:

Examples:

County = Florida County, County of PO 12345

City = Florida City, City of PO 12345

Sheriff = Sheriff Office of PO 12345

Education = Institution Name PO12345

ABC County BCC PO 12345.pdf

ABC City PO 12345.pdf

ABC Sheriff PO 12345.pdf

ABC County College PO 12345.pdf

Quarterly Reports

Quarterly reports are the contractual responsibility of each awarded vendor. Quarterly Reports which do not adhere to the required format (Appendix F) or are not complete of all purchase orders will be returned to the reporting Vendor for correction of deficiencies.

Quarterly reports track the deliveries in a given quarter. Quarterly reports do not track purchase orders taken in a quarter, rather purchase orders are to be submitted at the time they are received by the vendor.

All quarterly reports are to be sent to reports@flsheriffs.org. Quarterly reports are found on-line in the [Vendors Only](#) section of the FSA website.

Quarterly Reports must be complete with the name of the vendor and the date. For example, "Spomot Motors" would be in the document header. Do not indicate the quarter on the top of the report. Do not send purchase orders with the quarterly report. An example of a Quarterly Report is in Appendix F.

Quarterly Reports are due no later than the 15th day of the month following the end of the quarter.

Quarterly reports should follow this schedule:

Year 1	Quarter Period	Reports and Administrative Fees Due
Y1Q1	April 1 – June 30	15-Jul-2020
Y1Q2	July 1 – September 30	15-Oct-2020
Y1Q3	October 1 – December 31	15-Jan-2021
Y1Q4	January 1 – March 31	15-Apr-2021

Year 2		
Y2Q1	April 1 – June 30	15-Jul-2021
Y2Q2	July 1 – September 30	15-Oct-2021
Y2Q3	October 1 – December 31	15-Jan-2022
Y2Q4	January 1 – March 31	15-Apr-2022
Year 3		
Y3Q1	April 1 – June 30	15-Jul-2022
Y3Q2	July 1 – September 30	15-Oct-2022
Y3Q3	October 1 – December 31	15-Jan-2023
Y3Q4	January 1 – March 31	15-Apr-2023

If a Vendor has no sales within a quarter, the vendor is required to submit a quarterly report and must indicate “NO SALES THIS QUARTER” on the report.

Deliveries beyond the Y3Q4 period are to be submitted as a “Y3Q4 Extended Delivery” sheet using the same report format until the contract deliveries are completed for the current contract.

FSA reserves the right to modify the procedure for submitting quarterly reports during the term of the contract. Such a change shall not materially modify the substance of the information to be reported, but may change the method by which future quarterly reports are to be submitted. In the event of such a change, FSA will provide written notice to all vendors of the method by which future quarterly reports are to be submitted.

3.28 ADMINISTRATIVE FEE

The Florida Sheriffs Association charges three quarters of one percent (.0075) to procure, process and administer the Contract.

After receipt of payment from contract purchases, the vendor shall remit all administrative fees to the FSA no later than 15 days after the end of each quarter. All fees payable to the FSA during any given quarter will be accompanied and supported by a Quarterly Report. Vendors are to make notation of payments in a separate column for each line item of each quarterly report of the check number submitted for administrative fees paid each quarter.

Bidders are to include the administrative fee of three quarters of one percent (.0075) in all bid prices. The fee should be incorporated into the price at the time of bid submission. This fee should also be included on all add options. The administrative fee will remain payable to FSA and no relief from payment of the administrative fee, nor any additional charge to recoup the administrative fee, will be permitted if a vendor fails to incorporate the administrative fee in its bid pricing.

The fee should never be listed as a separate line item on any purchase order.

The administrative fee to be paid is based on the total purchase order amount of new vehicles or equipment. This fee excludes any value given to Purchasers for trade-ins. Trade-ins, extended warranties and other exchanges will not reduce or impact the fee calculation.

The administrative fee is the contractual responsibility of each vendor.

By submission of the Quarterly Reports and administrative fee, the vendor is certifying the accuracy of the reports and deposits. All reports and fee submissions shall be subject to audit by the FSA or the designee.

All participating vendors are responsible for ensuring the Administrator has the contact e-mail address for the person responsible for quarterly reports. There will be no reminders for the Quarterly Reports or the administrative fee.

Checks for the administrative fee can be sent to:

Florida Sheriffs Association
Cooperative Purchasing Program
2617 Mahan Drive
Tallahassee, FL 32308

3.29 LIQUIDATED DAMAGES

The vendor warrants that the product supplied to the FSA or purchaser shall conform in all respects to the standards set forth and the failure to comply with this condition will be considered as a breach of contract. Any liquidated damages levied because of inadequacies or failures to comply with these requirements shall be borne solely by the vendor responsible for same.

Failure to submit the administrative fee with accompanying quarterly reports within 15 calendar days following the end of each quarter will result in the imposition of liquidated damages. Vendors failing to submit administrative fees and quarterly reports will incur liquidated damages in the amount of \$25 for each calendar day that fees and reports are past due, beginning on the 16th day following the end of the quarter.

If a civil action is initiated by the FSA to recover administrative fees or liquidated damages as set forth in this section and Section 3.28, the prevailing party shall be entitled to its reasonable attorneys' fees and costs incurred in the litigation. Venue shall lie in the Circuit Court for the Second Judicial Circuit in and for Leon County, Florida.

When quarterly reports are late, liquidated damages are to be included in vendor's Quarterly Report and administrative fee submission. Liquidated damages that remain unpaid beyond 45 days can result in FSA, at its sole discretion, implementing contract compliance actions, including but not limited to, suspension, limited participation by specifications, disqualification from future solicitations, or termination for cause pursuant to Section 1.45.

Schedule of Liquidated Damages

Failure to submit quarterly report on time	\$25.00 per day
Failure to report a Purchase Order to FSA within the 15 calendar days of the purchase order date	\$100.00 per Purchase Order
Failure to Report Sales	.0075 of the sales price plus 1.5% each month following the delivery date.

Vendor agrees and acknowledges that its failure to take any of the actions specified in the above schedule will damage the FSA, but by their nature such damages are difficult to ascertain. Accordingly, the above specified schedule of liquidated damages shall apply to this contract. Vendor agrees and acknowledges that these liquidated damages are not intended to be and do not constitute a penalty, but are instead intended solely to compensate the FSA for damages, and that these amounts are reasonably calculated to compensate the FSA for the damages that it will incur as a result of the vendor's failure to take the specified actions.

Appendix A – Drug-Free Workplace Form

FSA DRUG-FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that

_____ does:

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 employee 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 abuse 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 that this firm complies fully with the above requirements.

Bidder's Signature

Date

Appendix B – Insurance Checklist Form



INSURANCE CHECK LIST

- ___ 1. Workers' Compensation and Employer's Liability per the statutory limits of the State of Florida.
- ✓ 2. Comprehensive General Liability(occurrence form), limits of liability \$1,000,000 per occurrence for bodily injury property damage to include Premises/Operations; Products, Completed Operations and Contractual Liability. Contractual Liability and Contractual Indemnity (Hold harmless endorsement exactly as written in "insurance requirements" of specifications). General aggregate \$3,000,000
- ✓ 3. Automobile Liability - \$1,000,000 each occurrence - owned/non-owned/hired automobiles included.
- ___ 4. Excess Liability - \$ _____ per occurrence to follow the primary coverages.
- ✓ 5. The FSA must be named as an additional insured on the liability policies; and it must be stated on the certificate.
- ✓ 6. Other insurance as indicated:
 - ☐ Builders Risk completed value \$ _____
 - ☐ Liquor Liability \$ _____
 - ☐ Fire Legal Liability \$ _____
 - ☐ Protection and Indemnity \$ _____
 - ☐ Employee Dishonesty Bond \$ _____
 - ✓ ☒ Other (Garage) \$ 1,000,000
- ✓ 7. Thirty (30) days written cancellation notice required.
- ✓ 8. Best's guide rating B+:VI or better, latest edition.
- ✓ 9. The certificate must include the bid number and bid title and list FSA as the Certificate Holder.

Proposer and Insurance Agent Statement:

We understand the insurance requirements of these specifications, as noted by the items checked above, and that evidence of this insurance is required within five (5) days of Bid Award.

Bidder: _____

Signature: _____

Date: _____

Appendix C – Vendor Change Form

Florida Sheriffs Association Cooperative Purchasing Program Vendor Change Document

Please complete this form to validate a requested change to Company Addresses, Contacts or Contact Information below.
Include all sections where information has changed, old and new.

FSA Contract Number(s) affected by change: _____

Company Information Changes:	
Old Information	New Information
Old Company Name:	New Company Name:
Old Company Address:	New Company Address:
Old Company City:	New Company City:
Old Company State:	New Company State:
Old Company Zip:	New Company Zip:

Company Contact Changes:	
Old Contact Information	New Contact Information
Old Contact Name (First, Last):	New Contact Name (First, Last):
Old Contact E-Mail:	New Contact E-Mail:
Old Contact Office Phone:	New Contact Office Phone:
Old Contact Mobile Phone:	New Contact Mobile Phone:
Old Contact Fax Phone:	New Contact Fax Phone:

This information is requested by an authorized representative of _____.
This request will take effect as soon as it is received by FSA by e-mailing to coop@flsheriffs.org.

Name of Authorized Company Representative _____

Job Title _____ Date of Request _____

Authorized Company Representative Signature: _____

FSA Office Use:		
Date Received:	Change Effective:	FSA Agent:

Appendix D - Confirmation of Order Form

CONFIRMATION OF ORDER

**Florida Sheriffs Association
& Florida Fire Chiefs Association
Fire Rescue Vehicles and Other Equipment**

BID NO. FSA20-VEF14.0

A Confirmation of Order form shall be completed by the Vendor and returned to the Purchaser
14 calendar days from receipt of purchase order without notification by the Purchaser.

TO BE COMPLETED BY DEALERSHIP:

Vendor/Dealership: _____

Address: _____

City: _____ State: _____ Zip: _____

Contact Person: _____

Phone Number: _____ Fax: _____

Specification No. _____ Type Vehicle: _____

Purchase Order Number: _____ Purchase Order Received: _____

Order Was Placed With the Manufacturer on: _____

Under Production Number: _____

Delivery should occur within _____ calendar days after receipt of Purchase Order.
A Copy of the Required Production Sheet(s) are Attached for Your Files.

Comments: _____

Purchaser/Agency: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ Fax: _____

E-mail: _____

A copy of this form should be attached and submitted with the Purchase Order as the last page.

Appendix E – Manufacturer Authorization Form



MANUFACTURER'S AUTHORIZATION

Fire Rescue Vehicles, Ambulances
and
Other Equipment
BID NO. FSA20-VEF14.0

This is to certify that _____ is the manufacturer
(Vendor/Respondent's Name) or a
manufacturer's authorized dealer of _____
(Manufacturer/Brand Name)
in the State of Florida.

By:

Manufacturer Name: _____

Address: _____

City, State, Zip: _____

Office Phone: _____ Mobile Phone: _____

E-mail: _____

Signature: _____

Title: _____

PLEASE NOTE: This authorization form must be executed by an authorized employee of the manufacturer **ONLY**. Dealers/Representatives are not authorized to execute this authorization form on behalf of the manufacturer. The manufacturer must execute this authorization form even if they are offering their own products. Failure to submit this authorization form with your response as required shall result in the disqualification of the response.

Contract Terms and Conditions Section Qualification

Appendix F – Quarterly Report

[INSERT VENDOR NAME HERE]
QUARTERLY REPORT for BID #FSA20-VEF14.0
Effective Dates: April 1, 2020 thru March 31, 2023
Fire Rescue Vehicles and Other Equipment

April 1 - June 30/Y1-Q1						Zero Activity <input type="checkbox"/> Check Box	
Name of Purchasing Agency	PO #	Qty.	Spec. #	Vehicle Type	PO Date	Total PO Amount	Admin. Fee
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
July 1 - Sept 30/Y1-Q2						Zero Activity <input type="checkbox"/> Check Box	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
Oct 1 - Dec 31/Y1-Q3						Zero Activity <input type="checkbox"/> Check Box	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
Jan 1 - Mar 31/Y1-Q4						Zero Activity <input type="checkbox"/> Check Box	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
						\$ -	
Page Total						\$ -	\$ -

Fees and reports are due no later than the 15th of the month following the quarter end.

Appendix G – Bid Calendar



BID CALENDAR
Bid # FSA20-VEF14.0 Fire Rescue Vehicles,
Ambulances and Other Equipment
Contract Period: April 1, 2020 – March 31, 2023

CALENDAR ITEM	DATE
Bid System Training - All Interested Bidders	11/6/2019
Registration Open for Mandatory Pre-Bid	11/15/2019
Specification and Terms & Conditions Review Workshop	11/20/2019
Mandatory Pre-Bid Meeting	1/14/20-1/15/20
Requests for Clarifications	1/27/2020
FSA Response to Requests for Clarifications	1/29/2020
Bidder Qualifying Documents Due	1/29/2020
FSA Bid System Opens	2/3/2020
Cone of Silence	2/3/20-4/1/20
Bid Submissions Due	3/2/2020
Public Bid Opening	3/3/2020
FSA & Fleet Advisory Committee Bid Review	3/9/20-3/11/20
Intent to Award Posted	3/13/2020
Bid Award Announced	4/1/2020

Voluntary Teleconference Workshop Instructions:

Voluntary workshops are via teleconference. To participate, call in on the designated dates specified in the bid calendar at times TBD. Registration: <https://form.jotform.com/92945425925164>
Dial-In: 1-800-920-7487
Participant Code: 68495418

Mandatory Pre-Bid Location:

Volusia County Emergency Operations Center
3825 Tiger Bay Road
Daytona Beach, Florida 32124

Mandatory Pre-Bid Meeting Itinerary:

Fire Rescue Vehicles & Other Equipment - 1/14/2020
at 9:00 am - 4:00 pm (EDT)
Ambulances - 1/15/2020 at 9:00 am - 4:00 pm (EDT)

FLORIDA SHERIFFS ASSOCIATION
Cooperative Purchasing Program
Contract Terms and Conditions
Appendix H – FSA Bid System Data Input Instructions for Bidders

FSA BID SYSTEM DATA INPUT INSTRUCTIONS FOR BIDDERS:

FSA20-VEF14.01 – AMBULANCES & OTHER EQUIPMENT

FSA20-VEF14.02 – FIRE RESCUE VEHICLES & OTHER EQUIPMENT

Note: *The attached Exhibit 1 is an example bidder screen in the FSA bid system and is for illustration purposes only.*

- Step 1:** Insert bid price in the “Unit Price/Percent” data input field as illustrated in Exhibit 1.
- Step 2:** Insert the % discount represented by your bid amount for purchaser reference in the “Vendor Description” data input field as illustrated in Exhibit 1.
- Step 3:** Insert vehicle picture link (which must be a public domain) in the “Image Link” data input field (if desired) as illustrated in Exhibit 1.
- Step 4:** Insert vehicle options link (which must be a public domain) in the “Spec Link” data input field (if desired) as illustrated in Exhibit 1.
- Step 5:** Upload vehicle build sheet in PDF format in the “Select Files To Upload” field as illustrated in Exhibit 1

FLORIDA SHERIFFS ASSOCIATION

Cooperative Purchasing Program

Contract Terms and Conditions

Appendix H – FSA Bid System Data Input Instructions for Bidders – Continued

EXHIBIT 1

VendorLink Home Logout My Account Directory Bid Solicitations Contracts [Select Language](#) Help

Quote/Bid Spreadsheet

Quote/Bid Items Spreadsheet [VendorLink.xls](#) [Directions for using the Quote/Bid Items Spreadsheet](#) [Directions.pdf](#)

Upload Quote/Bid Items Spreadsheet

Quote/Bid Items Requested

Total: 1

Agency Item Description	Vendor Item Description	Unit Price/ Percent	Extended Price/ Percent
Item #: 1 Required: <input type="checkbox"/> Group: Fire Apparatus - Initial Attack Make: Pierce Manufacturing, Inc. Model: Ford F550 Model #: Description: Specification 1: Refer to specifications uploaded in bid system. <i>(Percent Discount to be filled in by bidder for each bid item in the Vendor Description field)</i> Quantity: 1 Unit of Measure: each Price/Percent: Price Brand Name/Equal Value/Service: Brand Name or Equal	Make: <input type="text" value="Pierce Manufacturing, Inc"/> Model: <input type="text" value="Ford F550"/> Model #: <input type="text"/> Description: <input type="text"/> Image Link: <input type="text"/> Spec Link: <input type="text"/>	<input type="text" value="\$ 0.00000"/> <small>*Select reason below if \$0.00/0.00%</small> <input type="text"/>	<input type="text"/> <input type="button" value="Update"/> <input type="button" value="Cancel"/>

Sub-Total: \$0.00
Shipping:

☐ Purchase Order

Vendor Files

The following files are required before a submission is made:

Proposal

1st Select a file type:
(Leave blank if a required file type is not listed. If a required file type listed above is not listed in the documents table when a response is ready to be submitted, you will not be able to submit your response.)
☐ Proposal

2nd Select the file(s) to upload:
(Hold Ctrl or Shift key down to select multiple files)
 #5 - Upload Vehicle Build Sheet in PDF Format

3rd Click on Add Document(s):

Contract Amendment

FSA20-VEF14.01 Ambulances & Other Equipment FSA20-VEF14.02 Fire Rescue Vehicles & Other Equipment

The Florida Sheriffs Association is modifying the contract terms and conditions of Contract FSA20-VEF14.01 and FSA20-VEF14.02, Section 2.13. This contract amendment is effective on May 1, 2020. The modification of the terms and conditions is permissible under Section 1.24 of the contract.

The following language under Section 2.13 will be amended as follows:

2.13 OPTION PRICING

Options may be sold, but only in connection with the sale of a base specification. The bidder shall offer discount below Manufacturer's Standard Retail Pricing (MSRP) or manufacturers published list price for any factory options included in the bid submission and quotes to purchasers, if awarded.

Options are intended to add or delete equipment or features from the base specification. Options can provide an upgrade or downgrade to a manufacturer's model, such as a slightly different engine size, horsepower, or equipment, and should not be made available for purchase separate from the base vehicle or equipment. Bidders shall NOT use options to create a vehicle or equipment that is entirely different than the FSA base specification or are available as another specification ~~bid~~ awarded on this ITB.

The use of options to facilitate the sale of an alternate manufacturer's product which is outside the scope of the written base specification will be determined nonresponsive and the bid will be rejected in whole or part by the FSA.

The FSA has the discretion to disqualify bidders if the option pricing is excessive.

Option pricing will include all costs of labor associated with the option and cost of labor should not be listed separately within the bid.

If a bidder will offer registration and title services as a fee for service, the bidder must include the registration and title fee as a separate option (i.e. line item) for each item bid, see Section 3.23 for additional details. Government imposed fees should not be included in this option pricing.

No other additional charges or fees are admissible.

Purchasers are encouraged to negotiate option pricing with vendors. Discounts can be provided beyond option prices listed in the contract. The additional discounts for each add option shall be decided by the vendor.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #27

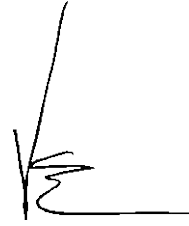
Leon County Board of County Commissioners

Agenda Item #27

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator



Title: Acceptance of Federal Grants for Renovations to the Old Concord School

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Scott Ross, Director, Office of Financial Stewardship Brent Pell, P.E., Public Works Director
Lead Staff/ Project Team:	Maggie Theriot, Director, Office of Resource Stewardship Roshaunda Bradley, Budget Manager Eryn Calabro, Principal Management & Budget Analyst Charles Wu, Engineering Services Director

Statement of Issue:

This item seeks Board acceptance of a \$3.6 million Department of Economic Opportunity (DEO) Small Cities Community Development Block Grant – Coronavirus (CDBG-CV) and a \$1.0 million federal appropriation through the U.S. Department of Housing and Urban Development (HUD) for renovations of the Old Concord School.

Fiscal Impact:

This item has a fiscal impact. The State of Florida, Department of Economic Opportunity, as the pass-through entity for this federal funding, has allocated \$3,604,207 to support the construction costs for renovations to the Old Concord School with no local match required. This item also realizes a \$1.0 million federal appropriation through the U.S. Department of Housing and Urban Development (HUD) towards the construction costs. The HUD funds require a local contribution of \$850,000 which is available in the L.I.F.E. Miccosukee Sense of Place capital improvement budget.

Staff Recommendations

See next page

Staff Recommendation:

- Option #1: Accept the Department of Economic Opportunity's (DEO) Small Cities Community Development Block Grant – Coronavirus (CDBG-CV) in the amount of \$3,604,207, and authorize the County Administrator to execute the forthcoming agreement, including any future modifications, subject to legal review by the County Attorney.
- Option #2: Accept the U.S. Department of Housing and Urban Development (HUD) grant of \$1,000,000, and authorize the County Administrator to execute the forthcoming agreement, including any future modifications, subject to legal review by the County Attorney.
- Option #3: Approve the Resolution and associated Budget Amendment for the Small Cities Community Development Block Grant Coronavirus (CDBG-CV) grant in the amount of \$3,604,207 and the U.S. Department of Housing and Urban Development (HUD) grant of \$1,000,000 realizing the funds into the FY 2022 budget (Attachment #1).
- Option #4: Adopt the Resolution adopting a policy for the protection of individuals engaging in non-violent civil rights demonstrations as a condition of the Department of Economic Opportunity's (DEO) Small Cities Community Development Block Grant Coronavirus (CDBG-CV) grant (Attachment #2).

Report and Discussion

Background:

This item seeks Board acceptance of a Department of Economic Opportunity (DEO) Small Cities Community Development Block Grant Coronavirus (CDBG-CV) in the amount of \$3,604,207 and supplemental funding from the U.S. Department of Housing and Urban Development (HUD) of \$1,000,000 for renovations of the Old Concord School to become the new Miccosukee Community Center. As detailed below, award of these funds allows the County to proceed with a complete renovation of the facility based on extensive public input and engagement.

The existing Miccosukee Community Center building originally served as barracks at the Dale Mabry Army Airfield during WWII. The building was later deconstructed and relocated to the Miccosukee community by citizens and used by the Home Demonstration Club. In 1958 the property and building were donated to Leon County for public use, eventually serving as a County-owned community center. Over the past decades, the Miccosukee Community Center has hosted hundreds of celebrations, meetings, classes, and events. Despite the many years of serving as a community gathering space, the current building has reached the end of its useful life.

Just blocks away, the Miccosukee Community Park features numerous amenities including ball fields, pavilion, restrooms, a playground, and a basketball court. In 2017 the School Board elected to convey the property to Leon County. Given the County's significant recreational investment in the property, the opportunity to own the property provided a long-term benefit to the County. The transferred property included the Old Concord School, a brick building circa 1940, which was being utilized by the Boys & Girls Club at the time of conveyance. As discussed in the February 16, 2021 Final Status Report on the Miccosukee Sense of Place Plan, conveyance of the Old Concord School brought a unique and previously unplanned opportunity to develop a community center that can meet the long-term needs of this rural community.

Florida Department of Economic Opportunity CDBG-CV Grant

In December 2020, the DEO issued a Notice of Funding Availability to alert eligible governments of the application requirements of the CDBG-CV program which requires funds to be expended on activities that help the County prepare for, prevent, or respond to the health and economic impacts of COVID-19. The CDBG-CV program requires that activities must be primarily for the benefit of low- and moderate-income residents of unincorporated Leon County as well as to prepare for, prevent, or respond to the health and economic impacts of COVID-19. Up to \$5,000,000 in funding, which must be expended prior to September 29, 2023, was available for the following categories:

- Buildings and Improvements, Including Public Facilities; or
- Assistance to Businesses, including Special Economic Development Assistance; or
- Public Services; or
- Planning.

Knowing the importance of the CDBG-CV project to be positioned as “shovel ready”, the County proceeded with identifying a project architect to develop multiple concept designs and oversee

implementation of the renovation. An engagement plan was developed with the architect ensuring community input could be considered throughout the project's design. Regarding the future of the Community Center, previous input was sought through an appointed Working Group as well as the general public and community members. Engagement has included numerous community meetings and 18 Working Group meetings throughout the initiative; furthermore, the Working Group hosted an evening town hall meeting on February 20, 2020 that focused on the community center project with more than 50 people present. Approximately 85 citizens contributed to input over the four meetings.

From February 2021 through February 2022, Leon County has complied with all DEO grant application processes including site visits, additional documentation requests, public hearings, etc.

During the February 2022 site visit, DEO requested additional information (Attachment #3) including the County's compliance with Public Law 101-625 Section 906 which would require the County to pass a Protection of Individuals Engaging in Non-Violent Civil Rights Demonstrations (or Excessive Force) Policy. Subsequently, the County provided the Sheriff's policy to DEO. However, it was determined by DEO that since the County does not oversee a law enforcement agency that the Board could adopt a resolution formally acknowledging the Leon County Sheriff's Office policy (Attachment #2). DEO provided the necessary information to assist the County in developing the Resolution to comply with this requirement.

On June 21, 2022, Leon County received notification that it had been selected as one of seventeen communities to receive the CDBG-CV funding in the amount of \$3,604,207 to support the Old Concord School renovations.

U.S. Department of Housing and Urban Development (HUD) Grant

On February 26, 2021, the Chairman of the U.S. House Appropriations Committee announced that "Community Project Funding Requests" (commonly known as "earmarks") would be accepted from House members for consideration during the FY 2022 appropriation process. Each member was limited to submitting a total of 10 project requests for consideration by the House Appropriations Committee. Details regarding project eligibility for these funding requests was released by the House Appropriations Committee in mid-March, with a deadline for House members to submit their funding requests to the Appropriations Committee in early April. In light of the project request limit per member and competing interests within member districts, the County's legislative team worked quickly to identify Leon County projects which met the eligibility criteria for this funding opportunity, and coordinate funding requests with delegation members' offices. Congressman Lawson sponsored the request for the Concord School Restoration project.

On March 10, 2022, Leon County received notification that the President signed the federal FY 2022 omnibus appropriations package, which included \$1.0 million for Leon County's Old Concord School renovations. These funds will be administered by HUD, and requires a local contribution of \$850,000. Adequate funding is available to meet the County's match requirements through the Board's previous allocation of L.I.F.E. funding for the Miccosukee Sense of Place capital improvement project and the tentative five-year L.I.F.E. Capital Improvement Program.

To ensure the County maximizes grant leveraging opportunities, the Office of Management and Budget (OMB) coordinates with department liaisons and actively seeks grant funding opportunities throughout the fiscal year. These efforts include contacting and communicating with previous funders for any new or forthcoming grant opportunities. Through timely submittals of reporting and invoices as well as satisfactory compliance with grant closeouts as well as on-site and desk monitoring by the granting agencies, Leon County has proactively positioned itself as a responsive and accountable funding partner. Because of this accountability, agencies often contact Leon County when grant funds become available.

In addition, the County's partnership with Patton Boggs also garners access to recently announced federal funding opportunities and OMB routinely monitors the federal Grants.gov portal for granting opportunities. The County aggressively seeks state and federal grant funding to support County projects and initiatives and has achieved considerable success in leveraging County dollars. With receipt of the CARES Act funding and the ARPA (American Rescue Plan Act) funding, the total County grant leverage ratio is \$11.70 to \$1; excluding the significant septic to sewer related grants which require one-to-one dollar match, the leveraging ratio would be \$45.26 to \$1.

Analysis:

As this 1940 era building will be the public gathering space in this rural community, the grant investments will ensure a critical site is available for the public to responsibly gather, receive needed services, and connect with neighbors.

Taking into consideration all of the community feedback, the planned improvements include a complete renovation of the building. The renovation will include creation of a large multi-use gathering space for the community, as well as dedicated space for the Boys and Girls Club, and other spaces for educational opportunities and smaller gatherings. The project includes replacement of exterior windows and exterior doors; replacement of HVAC equipment and ducts as well as installation of new fire sprinkler system and new data and communications systems to meet the need of a Community Center/Distance Learning Center. The project will allow critical programs and services offered typically to seniors and/or children of low to moderate income to commence during the COVID crisis. A standby generator and fuel tank installation will position the Concord School to be utilized as an emergency "comfort station" following hurricanes and tropical storms, giving the rural community a safe space to receive critical aide and responsibly gather.

The renovations include updating bathrooms and other spaces with touchless features, exterior recreational improvements such as picnic tables and new courtyard stage which provides outdoor classrooms and spaces where programming can commence and will enhance the outdoor offerings to allow the community to safely convene and strengthen connections with neighbors. Additional renovations include ADA compliance updates for accessibility pathways to and through the building for greater accessibility and new ADA parking and sidewalk for building access. In addition to mitigation efforts of social distance accommodations and outdoor amenities, the CDC also recommends improved ventilation as an additional prevention strategy.

Staff has taken the necessary steps to ensure the project was ready to commence upon award as Federal guidance stipulates that 80% of the CDBG-CV funds be expended by September 29, 2023. This item recommends Board acceptance of both grants and authorization for the County Administrator to execute the forthcoming grant agreements and all future grant modifications, subject to legal review by the County Attorney. Upon Board acceptance of the grants, the project will be put out to bid this fall with construction anticipated to begin by the end of the 2022 calendar year. The project is anticipated to be completed within ten months.

Options:

1. Accept the Department of Economic Opportunity's (DEO) Small Cities Community Development Block Grant Coronavirus (CDBG-CV) grant in the amount of \$3,604,207 and authorize the County Administrator to execute the forthcoming agreement, including any future modifications, subject to legal review by the County Attorney.
2. Accept the Housing and Urban Development (HUD) grant of \$1,000,000 and authorize the County Administrator to execute the forthcoming agreement, including any future modifications, subject to legal review by the County Attorney.
3. Approve the Resolution and associated Budget Amendment for the Small Cities Community Development Block Grant Coronavirus (CDBG-CV) grant in the amount of \$3,604,207 and the Housing and Urban Development (HUD) grant of \$1,000,000 realizing the funds into the FY 2022 budget (Attachment #1).
4. Adopt the Resolution adopting a policy for the protection of individuals engaging in non-violent civil rights demonstrations as a condition of the Department of Economic Opportunity's Small Cities Community Development Block Grant Coronavirus (CDBG-CV) (Attachment #2).
5. Board direction.

Recommendation:

Options #1 through #4

Attachments:

1. Resolution and Associated Budget Amendment
2. Resolution adopting a policy for the protection of individuals engaging in non-violent civil rights demonstrations
3. DEO Completeness Notice regarding the Special Conditions

RESOLUTION NO.

WHEREAS, the Board of County Commissioners of Leon County, Florida, approved a budget for fiscal year 2021/2022; 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 12th day of July, 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chairman
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

FISCAL YEAR 2021/2022 BUDGET AMENDMENT REQUEST

No: BAB22036
Date: 6/28/2022

Agenda Item No: _____
Agenda Item Date: 7/12/2022

County Administrator

Deputy County Administrator

Vincent S. Long

Alan Rosenzweig

Request Detail

Revenues

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
125	932517	331512	000	Small Cities CDBG-CV (Old Concord School)	-	3,604,207	3,604,207
Subtotal:					-	3,604,207	3,604,207

Expenditures

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
125	932517	56201	572	Building Improvements	-	3,604,207	3,604,207
Subtotal:					-	3,604,207	3,604,207

Revenues

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
125	932518	331513	000	HUD Grant Old Concord School	-	1,000,000	1,000,000
Subtotal:					-	1,000,000	1,000,000

Expenditures

<i>Fund</i>	<i>Org</i>	<i>Acct</i>	<i>Prog</i>	<i>Title</i>	<i>Current Budget</i>	<i>Change</i>	<i>Adjusted Budget</i>
125	932518	56201	572	Building Improvements	-	1,000,000	1,000,000
Subtotal:					-	1,000,000	1,000,000

Purpose of Request

This budget amendment realizes \$3,604,207 from the State of Florida, Department of Economic Opportunity, as the pass-through entity to support the construction costs for renovations to the Old Concord School with no local match required. This item also realizes a \$1.0 million federal appropriation through the U.S. Department of Housing and Urban Development (HUD) towards the construction costs. The HUD funds require a local contribution of \$850,000 which is available in the LIFE Miccosukee Sense of Place capital improvement budget.

Division/Department
2604/26

Roshaunda Bradley, Budget Manager

Scott Ross, Director, Office of Financial Stewardship

Approved By: Resolution ☒

Motion ☐

Administrator ☐

LEON COUNTY RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS ADOPTING A POLICY FOR THE PROTECTION OF INDIVIDUALS ENGAGING IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Leon County, Florida has received federal funds from the Department of Economic Opportunity (DEO) Small Cities Community Development Block Grant and the U.S. Department of Housing and Urban Development (HUD) for the renovations of the Old Concord School; and

WHEREAS, Section 906 of Public Law 101-625, enacted as Section 104 of the Housing and Community Development Act of 1974, as amended, requires subrecipients of federal funds to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

WHEREAS, Section 906 of Public Law 101-625, enacted as Section 104 of the Housing and Community Development Act of 1974, requires subrecipients of federal funds to adopt and enforce a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction; and

WHEREAS, the Leon County Board of County Commissioners acknowledges and supports, Leon County Sheriff's Office General Order 120, Response to Resistance.

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

Section 1. Protection of Individuals Engaging in Non-Violent Civil Rights Demonstrations.

1. It is the policy of the Leon County Board of County Commissioners to prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction with due and proper consideration given to the extent and limits of the County's power and authority to do so.
2. All other resolutions and policies or sections of resolutions and policies of the County in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.
3. If any section, paragraph, sentence, or clause hereof or any provision of this Resolution is declared to be invalid or unconstitutional, the remaining provisions of this Resolution shall be unaffected thereby and shall remain in full force and effect.

1 **Section 2. Effective Date.**

2
3 This resolution shall become effective immediately upon its adoption.

4
5 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,
6 Florida, this _____ day of _____, 20____.

7
8 LEON COUNTY, FLORIDA

9
10
11 By: _____
12 Bill Proctor, Chair
13 Board of County Commissioners
14

15 ATTESTED BY:
16 Gwendolyn Marshall Knight, Clerk of Court
17 & Comptroller, Leon County, Florida
18

19
20 By: _____
21

22
23 APPROVED AS TO FORM:
24 Chasity H. O'Steen, County Attorney
25 Leon County Attorney's Office
26

27
28 By: _____

Leon County - Enclosure A

1. **Additional Funding:** The County must provide documentation demonstrating that the \$328,183 in local funding referenced in the application has been committed to the project.
2. **National Objective:** The County must provide a written methodology explaining how the surveys used to establish that the proposed project will meet the LMI Benefit National Objective were conducted and demonstrating compliance with CPD Notice 14-013.
3. **Excessive Force Policy:** In order to comply with Public Law 101-625 Section 906, the County must pass a Protection of Individuals Engaging in Non-Violent Civil Rights Demonstrations policy as outlined in that Section. If such a policy is not passed in the Completeness Period, doing so will be added as a special condition to the County's subgrant agreement.

**Leon County
Board of County Commissioners**

Notes for Agenda Item #28

Leon County Board of County Commissioners

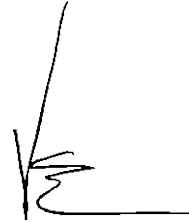
Agenda Item #28

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Full Board Appointments to the Big Bend Health Council, the CareerSource Capital Region Board, and the Investment Oversight Committee



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Mary Smach, Agenda Coordinator

Statement of Issue

This agenda item seeks the full Board's consideration of the appointment of citizens to the Big Bend Health Council, the CareerSource Capital Region Board, and the Investment Oversight Committee.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

- Option #1: Appoint two citizens to the health care provider seats on the Big Bend Health Council for two-year terms ending July 31, 2024. The eligible applicants are: Nathaniel Myers, Keemasheka Jones, Dr. Steven Harris and Laquanda Williams.
- Option #2: Appoint two citizens to the health care consumer seats on the Big Bend Health Council for two-year terms ending July 31, 2024. The eligible applicants are: Dr. Steven Harris, Wendy Wriggins Ernst and Sadaf Zendeheidel.
- Option #3: Reappoint one citizen, Amy (Beth) Cicchetti, to the CareerSource Capital Region Board for a three-year term ending June 30, 2025.
- Option #4: Reappoint two citizens, Ben Watkins and Renee McNeill, to the Investment Oversight Committee for three year terms ending July 31, 2025.

Report and Discussion

Background:

Pursuant to Policy No. 03-15, “Board-Appointed Citizen Committees”, a General Business item is presented to fill vacancies for full Board appointments of citizens to Authorities, Boards, Committees, and Councils.

Analysis:

Big Bend Health Council (BBHC)

Purpose: Provides for local representation in planning and evaluating health needs of a regional 14 county service district.

Composition: 21 members from 14 counties: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, and Washington. Members serve two-year terms, ending July 31. The members shall be representatives of health care providers, health care purchasers, and nongovernmental health care consumers, but not excluding elected government officials. A majority of council members shall consist of health care purchasers and health care consumers. The members of the consumer group shall include a representative number of persons over 60 years of age. Leon County has four appointments to the BBHC.

Diversity of Current Membership:

Total Seats	Vacant Seats	Gender	Race
4	0	Male - 3 Female - 1	White – 3 Black - 1

Vacancies: All four Board appointed seats representing Leon County have terms expiring on July 31, 2022. Stephen Rollins, and William McCort have served three terms and are not eligible for reappointment due to term limits. Nathaniel Myers and Keemasheka Jones are eligible for and are seeking reappointment. Their applications are included as Attachments #1 and #2.

No attendance records are available since the BBHC has been inactive due to the pandemic and the Executive Director’s health issues, but staff has been informed that they have plans to meet in the near future. Since no more than 50% of the BBHC can be health care providers, staff is recommending the Board appoint 2 health care providers and 2 health care consumers. The eligible applicants are listed in Table #1.

Table #1 – Big Bend Health Council

Vacancies <i>Term Status</i>	Term Expiration	Eligible Applicants (Application Attachment #)	Gender - Race	Recommended Action
Nathanial Myers <i>Seeking reappointment (has served two terms)</i>	7/31/2022	1. Nathanial Myers <i>health care provider</i>	Male - White	Appoint two citizens to the health care provider seats, for two-year terms expiring July 31, 2024
Keemasheka Jones <i>Seeking reappointment (has served one term)</i>	7/31/2022	2. Keemasheka Jones <i>health care provider</i>	Female - Black	
		3. Dr. Steven Harris <i>health care provider</i>	Male - White	
		4. Laquanda Williams <i>health care provider</i>	Female - Black	
Stephen Rollin <i>Not eligible for reappointment (has served three terms)</i>	7/31/2022	3. Dr. Steven Harris <i>health care purchaser / non-governmental health care consumer</i>	Male - White	Appoint two citizens to the health care consumer seats, for two-year terms expiring July 31, 2024
William McCort <i>Not eligible for reappointment (has served three terms)</i>	7/31/2022	5. Wendy Wriggins Ernst <i>nongovernmental health care consumer</i>	Female -White	
		6. Sadaf Zendechedel <i>nongovernmental health care consumer</i>	Female – Asian	

CareerSource Capital Region Board (CSCR)

Purpose: CareerSource Capital Region connects employers with qualified, skilled and talented Floridians with employment and career development opportunities to achieve economic prosperity in Gadsden, Leon and Wakulla counties. The CSCR Board develops the region’s strategic workforce development plan; identifies occupations for which there is a demand in the area and selects training institutions that may provide training; solicits the input and participation of the local business community in the provision of services for the residents of the region; provides policy guidance and procedures for programs established by CareerSource Capital Region; and provides oversight and monitoring activities.

Composition: The CSCR Board has twenty-three (23) voting members, including seven (7) private sector representative members appointed by the full Board. Nominations for the private sector seats are submitted by local business organizations including local chambers of commerce, downtown merchants’ associations, area business associations, etc., and must be compliant with the Workforce Innovation and Opportunity Act (WIOA) and Florida Statutes. Nominees are representative of the business community in optimal business leadership positions, such as CEOs, VPs of HR, General Managers, Presidents and executives of firms that require a large workforce

to maintain their business. The members serve a three-year term and members representing business can serve up to three rotations (for a total of up to nine (9) years) and then must sit off the CSCR Board for a minimum of one (1) year. Vacancies are filled for the remainder of the unexpired term.

Diversity of Current Board-Appointed Membership:

Total Seats	Vacant Seats	Gender	Race
7	3	Female – 3 Male – 1	White – 1 Black – 2

Vacancies: The term of Board-appointed member Beth Cicchetti expired on June 30, 2022. Ms. Cicchetti is eligible for and is seeking reappointment. Her application and letter of recommendation from CareerSource Capital Region are included as Attachment #7. The recommended applicant is listed in Table #2.

Table #2: CareerSource Capital Region

Vacancies <i>Term Status</i>	Term Expiration	Eligible Applicants Application Attachment #	Gender - Race	Recommended Action
Amy (Beth) Cicchetti <i>Seeking reappointment (has served 1 partial and 1 full term)</i>	6/30/2022	7. Amy (Beth) Cicchetti	Female – White	Reappoint one eligible, recommended applicant for a 3-year term ending June 30, 2025.

Investment Oversight Committee (IOC)

Purpose: Reviews and recommends changes in investment practices of Leon County; reviews the County's portfolio activity for compliance with the investment plan; reviews investment policies and makes recommendations to the Board for amendments.

Composition: The IOC consists of five members; two citizens appointed by the Board, one citizen appointed by the Clerk's office, the County Administrator or designee, and the Clerk of Courts or designee. Members serve three-year terms, expiring on July 31.

Diversity of Current Membership:

Total Seats	Vacant Seats	Gender	Race
5	0	Male - 3 Female - 2	White – 4 Black – 1

Vacancies: The term of IOC members Ben Watkins and Renee McNeill expire on July 31, 2022. Mr. Watkins and Ms. McNeill are eligible for and are seeking reappointment. Their applications and attendance records are included as Attachments #8 and #9. The eligible applicants are listed in Table #3.

Table #3: Investment Oversight Committee

Vacancies <i>Term Status</i>	Term Expiration	Eligible Applicants Application Attachment #	Gender - Race	Recommended Action
Ben Watkins <i>seeking reappointment</i>	7/31/2022	8. Ben Watkins	Male - White	Reappoint two citizens for three-year terms ending 7/31/2025.
Renee McNeill <i>seeking reappointment</i>	7/31/2022	9. Renee McNeill	Female -White	

Options:

1. Appoint two citizens to the health care provider seats on the Big Bend Health Council for two-year terms ending July 31, 2024. The eligible applicants are: Nathaniel Myers, Keemasheka Jones, Dr. Steven Harris and Laquanda Williams.
2. Appoint two citizens to the health care consumer seats on the Big Bend Health Council for two-year terms ending July 31, 2024. The eligible applicants are: Dr. Steven Harris, Wendy Wriggins Ernst and Sadaf Zendeheidel.
3. Reappoint one citizen, Amy (Beth) Cicchetti, to the CareerSource Capital Region Board for a three-year term ending June 30, 2025.
4. Reappoint two citizens, Ben Watkins and Renee McNeill, to the Investment Oversight Committee for three year terms ending July 31, 2025.
5. Board direction.

Recommendations:

Options #1 through #4

Attachments:

1. Myers application and resume
2. Jones application and resume
3. Harris application and resume
4. Williams application and resume
5. Wriggins Ernst application and resume
6. Zendeheidel application and resume
7. Cicchetti application and recommendation letter
8. Watkins application, resume and attendance record
9. McNeill application and attendance record



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
BIG BEND HEALTH COUNCIL**

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@leoncountyl.gov.
Applications will be discarded if no appointment is made after two years.

Name: Mr. Nathaniel Myers		Date: 3/31/2022 5:24:39 PM	
Home Address:	647 Chancey Ln Tallahassee, FL 32308	Do you live in Leon County?	Yes
		Do you live within the City limits?	Yes
		Do you own property in Leon County?	Yes
Home Phone:	(850) 853-9977	Do you own property in the Tallahassee City Limits?	Yes
Email:	nate.myers@tmh.org	How many years have you lived in Leon County?	13

(EMPLOYMENT INFORMATION)

Employer:	Tallahassee Memorial HealthCare	Work Address:	1326 East 6th Avenue Tallahassee, FL 32308
Occupation:	Director, Strategy & Business Planning		
Work/Other Phone:	(850) 431-4946		

(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: White	Gender: M	Age: 38
District: District I	Disabled? No	

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name: John Dailey	Name: Lauren Faison-Clark
Address: 703 Live Oak Plantation Road Tallahassee, FL 32312	Address: 1300 Miccosukee Rd Tallahassee, FL 32308
Phone: (850) 491-7384	Phone: (850) 766-3288

Resume Uploaded? Yes

If no resume is available, 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. Please attach your resume, if one is available.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **Yes**

If yes, on what Committee(s) are you a member? **Big Bend Health Council**

Have you served on any previous Leon County committees?* **No**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **Yes**

If yes, please explain **Contracts for Emergency Management, Emergency Medical Services, and other Health and Human Services provision.**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Is your personal information exempt from public records disclosure in accordance with FS 119.071(2)(j)1 or FS 119.071(4)? **No**

Members must meet one of the membership eligibility criteria listed below. Please indicate which category you would represent.

- ☒ Health Care Provider
☐ Health Care Purchaser
☐ Non-Governmental Health Care Consumer

The members of the consumer group shall include a representative number of persons over 60 years of age.

Are you 60 years of age or older? **No**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Mr. Nathaniel Myers*

The application was electronically sent: 3/31/2022 5:24:39 PM



Nate Myers

Director of Strategy & Business Planning

Profile

Experienced healthcare strategy leader providing tactical advice to achieve enterprise and service line goals. Adept in understanding healthcare company profiles and operations to successfully implement business plans focused on growth and diversification. Equipped with a diverse skill set across the health and human services spaces, including tech, data architecture, public policy, and project management.

Education

MBA, Rotman School of Management, University of Toronto

2020

Global Executive MBA in Healthcare and Life Sciences

MS, Demography & Population Health, Florida State University

2010

BS/BA, Economics and International Affairs, Florida State University

2007

Employment History

Director of Strategy & Business Planning at Tallahassee Memorial HealthCare, Tallahassee, Florida

October 2017 — Present

Pivoting to emergent organizational, market, and public health needs, I lead TMH Service Lines in integrated strategy and business operations planning. Leveraging analytics and thought leadership with a cross-functional team, recent accomplishments include winning a greenfield contract to construct a new hospital and ambulatory network in a competitor's market, supporting a targeted neonatal marketing and business development campaign, decreasing low case mix inpatient admissions, establishing an innovative inpatient and outpatient palliative care program, and expanding facilities for oncology, rehabilitation, and aftercare services to accommodate a growing market.

Partnering with leading market intelligence vendors, I report market trend data and benchmarks of strategic importance to the TMH Board, C-Suite, and clinical leadership. I also provide leadership to the TMH Decision Support team to formulate new methodologies and work flows, and partner with our Finance division to facilitate a Business Planning Council to support clinical and administrative stakeholders in managing their operational budgets and expanding the clinical portfolio. Co-led and co-authored the [2019 TMH Community Health Needs Assessment \(CHNA\)](#) and [2020 CHNA Implementation Strategy](#).

Details

647 Chancey Lane

Tallahassee, Florida, 32308

United States

850-853-9977

myers.nathanial@gmail.com

Nationality

USA, Australia

Skills

Business Analytics

Interpersonal Leadership

Planning

Communication and
Presentation

Facilitation

Business Design

Budgeting and Forecasting

Policy & Advocacy

Lean Six Sigma

Languages

English

Italian

Spanish

Links

[LinkedIn Profile](#)

Chief of Planning & Evaluation at Florida Department of Elder Affairs, Tallahassee, Florida

October 2015 — October 2017

I provided strategic oversight and direction of [Florida's public long term care services agency](#). I also supported Florida's 11 Area Agencies on Aging in fulfilling their strategic planning requirements by producing relevant planning templates and providing analytic support. In addition to applying State and Federal requirements to long term care strategies and outcomes, other duties included developing evaluative frameworks to measure effectiveness of long term care programs and services, analyzing demographic and health trends in our service population, publishing [Florida's State Plan on Aging](#), and disseminating information to stakeholders and legislators concerning the Bureau's statistical and methodological activities. Five direct reports and 10 indirect reports.

Quality Improvement Specialist & Contract Manager at Florida Department of Elder Affairs, Tallahassee, Florida

May 2013 — October 2015

I was the leader for data quality assurance in Florida's Client Information and Registration Tracking System (CIRTS), monitoring for efficient intake, assessment and enrollment of clients. I served on a joint Department/Area Agency on Aging CIRTS work group to identify business requirements, metrics, and methodologies that increased database efficiency and improved provider experience and client service prioritization. I enhanced the public-private partnerships between a state agency and service providers through on-site product marketing reviews to measure provider satisfaction, confirm and share best practices, and implement training for database improvements and innovations.

I was also a Florida Certified Contract Manager for DOEA programs and special projects worth approximately \$53 million for long term services and dementia care that were provided in and around the metropolitan areas of Jacksonville, Tampa and Miami, Florida, and served on aging network work groups for consumer targeting, business planning, and client data reporting and accuracy.

Research & Policy Analyst at Florida Department of Elder Affairs, Tallahassee, Florida

January 2011 — May 2013

I was the project leader for Centers for Medicare and Medicaid Services for State Profile Tool Grant deliverables, which included an employment census of [Florida's Direct Service Workforce](#) and a detailed overview of quality assurance methods and metrics for all Florida Medicaid Home and Community Based Services waivers then serving the elderly, physically, and developmentally disabled individuals. I also produced the first statewide analysis and written report for the 2011 Needs of Elder Floridians Survey, developed and facilitated an internship program, and supported policy analysis concerning new legislation and rule-making.

✎ Extra-curricular activities

Board Member at CarePoint and Big Bend Cares

June 2021

I serve on the Operations and Finance Committee of North Florida's largest HIV and AIDS care organization, which includes a new private, not-for-profit clinic providing primary, specialty and dental care to a significantly underserved community in southern Tallahassee.

Member at Big Bend Health Council

July 2018 — Present

Appointed by the Leon County Board of County Commissioners, I sit on a regional health council charged with developing a district health plan, promoting public health access and provider connectivity, and advising public and private entities on regional healthcare needs.

Co-Director at New Leaders Council - Tallahassee Chapter

June 2017 — June 2019

I co-led the local chapter of a national organization dedicated to training and empowering millennials to participate in our government at all levels, including fundraising, strategic communications, running for office, community organizing, and fulfilling various thought-leadership roles.

President at Southeast Evaluation Association

2015 — 2017

As President (Elect, Current, and Past), I provided board leadership and fiscal oversight, planned annual conferences, reviewed and approved submissions for annual conferences, maintained active liaisons with professional accountability organizations, recruited and retained members, maintained a volunteer database for service activities, and developed and facilitated policy evaluation trainings.

Consultant & Fundraiser at Various Political Campaigns

2016 — Present

I served in the "kitchen cabinet" for a successful mayoral campaign for the City of Tallahassee, advising on media relations, public outreach, and policy positions. I have also planned and hosted events and fundraisers for local, state, and federal candidates, including Florida House and Senate and U.S. Senate candidates and incumbents.

📖 References

Simon Mawer from Stanford Health Care

s.j.mawer@gmail.com · 650-518-6329

Sandy Lyall from Mass General Brigham

Slyall@partners.org · 413-330-7620

Kathryn Tinckam from University Health Network

kathryn.tinckam@uhn.ca · 416-710-1317

From: [Ashley Kelley](#)
To: [Mary Smach](#)
Cc: [Mike Hill](#)
Subject: Re: Big Bend Health Council
Date: Tuesday, May 17, 2022 12:03:07 PM
Attachments: [jmaoe001.png](#)

Hi Mary,
We have not been able to hold any BBHC meetings since August 2020 due to covid and then Mike being ill. He is currently still recovering, therefore we do not have any meetings scheduled at this time.
Thanks, Ashley

Ashley Kelley
Marketing Coordinator
PanCare of Florida, Inc.

850-747-5599
akelley@pancarefl.org
PanCareFL.org
403 E 11th Street, Panama City, FL, 32401

From: Mary Smach <SmachM@leoncountyfl.gov>
Sent: Friday, May 13, 2022 12:43 PM
To: Ashley Kelley <akelley@pancarefl.org>; Mike Hill <mhill@pancarefl.org>
Subject: RE: Big Bend Health Council

Good Afternoon Mike & Ashley,

Just wanted to let you know that both Nathaniel Myers and Keemasheka Jones has submitted applications for reappointment to the BBHC. The Board of County Commissioners will consider their applications and others to fill Leon County's four seats at its July 12th meeting.

What is the meeting schedule for the BBHC?

Regards,

Mary



From: Ashley Kelley <akelley@pancarefl.org>
Sent: Monday, March 21, 2022 9:27 AM
To: Mary Smach <SmachM@leoncountyfl.gov>
Subject: Big Bend Health Council

Hi Mary,
April Parbery forwarded your email to me. Mike Hill has been in the hospital so we don't currently have our next quarterly meeting scheduled. He is on the mend so we are hoping that he will be back soon. I will make sure that he is aware of the terms ending for the current members.
Thanks, Ashley

From: Mary Smach <SmachM@leoncountyfl.gov>
Sent: Friday, March 18, 2022 11:29:22 AM
To: Mike Hill <mhill@pancarefl.org>
Cc: April Parbery <aparbery@pancarefl.org>; Tiffany Harris <HarrisTi@leoncountyfl.gov>
Subject: Big Bend Health Council

Hi Mr. Hill,

The 4 citizens that Leon County appoints to the BBHC have terms that are due to expire on July 31, 2022.

Seat	Member Name	Date First Appointed	Term	Begin Term	End Term	Term Length	Seat Category	Appointed By
1	Rollin, Stephen Alter	07/13/2016	3	08/01/2020	07/31/2022	2 Year(s)	Health care provider	Board of County Commissioners
2	Jones, Keemasheka	07/14/2020	1	08/01/2020	07/31/2022	2 Year(s)	Health care purchaser	Board of County Commissioners
3	Myers, Nathaniel	07/10/2018	2	08/01/2020	07/31/2022	2 Year(s)	Health care provider	Board of County Commissioners
4	McCort, William M	07/13/2016	3	08/01/2020	07/31/2022	2 Year(s)	Nongovernmental health care consumer	Board of County Commissioners

Per the Leon County Board of County Commissioners policy, members may not serve more than 3 consecutive full terms. Therefore, Mr. Rollin and Mr. McCort would not be eligible to be reappointed, and Ms. Jones and Mr. Myers would be eligible for reappointment. I will reach out to them to let them know.

Is the BBHC meeting quarterly? When is the next meeting?

Regards,



Mary Smach
Agenda Coordinator
County Administration
301 S. Monroe St. | Tallahassee, FL 32301
(850) 606-5311 /work | (850) 606-5301 /fax
Smachm@leoncountyfl.gov

People Focused. Performance Driven.

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.

Ashley Kelley
Marketing Coordinator
PanCare of Florida, Inc.

■ [850-747-5599](tel:850-747-5599)
■ akelley@pancarefl.org
■ PanCareFL.org
■ 403 E 11th Street, Panama City, FL, 32401



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
BIG BEND HEALTH COUNCIL**

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 (850) 606-5300 or by e-mail at smachm@leoncountyfl.gov.

Applications will be discarded if no appointment is made after two years.

Name: Ms. Keemasheka T Jones

Date: 4/19/2022 7:48:12 PM

Home Address: 306 Carmen Rocio way
Tallahassee, DC 32305

Do you live in Leon County? Yes

Do you live within the City limits? Yes

Do you own property in Leon County? No

Home Phone: (850) 815-0660

Do you own property in the Tallahassee City Limits? No

Email: Joneskeema14@gmail.com

How many years have you lived in Leon County? 6

(EMPLOYMENT INFORMATION)

Employer: Youthful aging healthcare services llc

Work Address: 237 pinewood drive

Occupation: Nurse

Address: 237 pinewood drive

Work/Other Phone: (888) 447-6012

Tallahassee, FL 32305

(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: Black or African American

Gender: F

Age: 39

District:

Disabled? No

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name: Teresa smith

Name: PETA Reid

Address: 237 pinewood drive
237 pinewood drive

Address:

Phone: (888) 447-6012

Phone: (888) 447-6012

Resume Uploaded? Yes

If no resume is available, 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. Please attach your resume, if one is available.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **No**

Have you served on any previous Leon County committees?* **No**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Is your personal information exempt from public records disclosure in accordance with FS 119.071(2)(j)1 or FS 119.071(4)? **No**

Members must meet one of the membership eligibility criteria listed below. Please indicate which category you would represent.

- ☒ Health Care Provider
- ☐ Health Care Purchaser
- ☐ Non-Governmental Health Care Consumer

The members of the consumer group shall include a representative number of persons over 60 years of age.

Are you 60 years of age or older? **No**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Ms. Keemasheka T Jones*

The application was electronically sent: 4/19/2022 7:48:12 PM

Keemasheka Jones

LPN

Tallahassee, FL 32305

kymaniedwards14@gmail.com

+1 850 815 0660

I am a LPN with hospital, nursing home, and primary care environment experience. I have worked with New York Health and hospitals fighting COVID 19 for two months. I am a health coach of five years. I am a CNA instructor of 2 years. My goal is to become gainfully employed with an establishment in which I may apply my professional skills, as well as enhance my experience and knowledge as a LPN

Authorized to work in the US for any employer

Work Experience

Manager

Youthful Aging Healthcare Services LLC

June 2018 to Present

- Managed shifts
- Handled day-to-day operations
- Payroll
- Supervisor
- Pass medications
- Wound care

LPN (Licensed Practical Nurse)

Curative inc - Tallahassee, FL

January 2021 to February 2021

Covid 19 Vaccines

Site visit

Leadership skills

Manager

Innovative solutionz LLC

May 2020 to February 2021

Management

Managing day to day operations

Dispatching

Finding loads for carriers

COVID-19 Tester

Department of health - Tallahassee, FL

August 2020 to October 2020

Leadership position

Covid-19 swabs

Nasopharyngeal swabs

Oral swabs

LPN (Licensed Practical Nurse)

Krucial Staffing - New Orleans, LA
August 2020 to August 2020

Disaster relief Recovery for hurricane Laura.
Placement for patients
Helping those in need

LPN (Licensed Practical Nurse)

Favorite Healthcare Staffing
July 2020 to July 2020

Crisis Nurse
Providing specialized care to covid-19 patients.
Pass medication's
Oxygen care
Catheter care

LPN Charge Nurse

New York, NY
April 2020 to June 2020

Blue Water Staffing
Crisis Nurse/COVID ED Nurse/Pandemic Nurse: Medical ICU/ COVID ICU/ Surgical ICU

- Cared for COVID patients at NYC Health + Hospitals Level-1 Trauma Center; Lincoln Hospital, Bronx, NY, Queens NY
- Assignments included patients with COVID-19 on ventilators, all critical care service areas
- Assignments included trauma surgery patients, resuscitation, post-trauma surgery
- Epic Charting System

LPN Charge Nurse

CENTRE POINTE HEALTH & REHAB - Tallahassee, FL
December 2018 to May 2020

- Assist in the delivery of healthcare through patient assessments, interventions and monitoring.
- Administer medications to the patients and monitor and document the effectiveness of all medications.
- Assure the safety and comfort of residents and supervise caregivers.
- Perform skin assessments and implement standing orders as needed to treat skin breakdown/wounds.

LPN Charge Nurse

Johnsons Personal Care Home - Bainbridge, GA
September 2013 to December 2018

Responsibilities
Health coach
Customer service
Administer medications to patients.
Take telephone orders from physicians.
Follow treatment orders for wound care.
Admit patients to the facility.

Injections
Pediatric care

CNA Instructor

NEXT STEP HEALTHCARE TRAINING - Tallahassee, FL
March 2015 to January 2017

Help CNA students prepare for the CNA boards.
Test students
Help with skills testing.

LPN Supervisor

Southwestern State Hospital - Thomasville, GA
August 2008 to March 2013

Pediatric care
Health coach
Administer medications and treatments to psychiatric clients.
IV administration
Injections
Trache care
Wound care
Take telephone orders from physicians.
Administer psychotropic who have behavioral episodes.
Maintain Company Protocol for Patient Confidentiality and other Policy and Procedures provided by State regulations.

Certified Nursing Assistant

Capital Health Care - Tallahassee, FL
November 2005 to April 2008

Assisted residents with activities of daily living, bathing, grooming dressing, and toileting.
Assist residents with physical therapy and other activities. Clean patient rooms, make beds, assist with laundry. Chart any changes with patients as well as daily activities.

Army Food Service Specialist

Army - Fort Stewart, GA
November 2003 to October 2005

Prepare and serve meals to all soldiers.
Prepare special dietary meals for soldiers with special needs.
Ensure kitchen was properly sanitized, cleaned, and organized according to State rules and regulations
Build relationships with soldiers

.Certified Nursing Assistant

Riverchase care center - Quincy, FL
January 2000 to November 2003

1.Assist residents with activities of daily living, cleaning, grooming, bathing and toileting

1.Assist residents with physical therapy and other activities, clean patients rooms, makes beds, assist with laundry.

1. Chart any changes, monitor feeding tubes, change colostomy bags, and catheter

Education

Associate in RN

Excelsior College
May 2018 to Present

Associate

Gulf Coast College
2015 to Present

Associate in Lpn

Bainbridge College
2008 to 2011

Associate in Nursing

Bainbridge college
2005 to 2008

Skills

- Proficient with computer programs word, excel, and powerpoint. Thoroughly assess and provide wound care, and colostomy care. Proficient in documentation/record maintenance/paperwork to ensure accuracy and patient confidentiality.
- Medical Records Review (3 years)
- LPN
- Staff Nurse
- LVN
- Nutrition
- Tube Feeding
- Medication Administration
- EMR Systems
- Experience Administering Injections
- Laboratory Experience
- Special Needs
- Caregiving
- Home Care
- Patient Care
- Infection Control Training
- Vital Signs
- Hospice Care
- Medical Office Experience
- Primary Care Experience

- Venipuncture
- Phlebotomy
- Critical Care Experience
- Epic
- Managed Care
- Contact tracing (Less than 1 year)
- Computer Skills
- ICU Experience
- Management
- Supervising Experience
- Nurse Management
- Catheter Care

Military Service

Branch: ARMY

Service Country: United States

Rank: E-3

November 2003 to October 2005

Certifications and Licenses

Nurse's License: Class: PN, State: FL

CPR

LPN

Registered Nurse (RN)

BLS Certification

Additional Information

Great customer service skills

Work well with clients

Helps build relationships

From: Ashley Kelley
To: Mary Smach
Cc: Mike Hill
Subject: Re: Big Bend Health Council
Date: Tuesday, May 17, 2022 12:03:07 PM
Attachments: jmaoe001.png

Hi Mary,
We have not been able to hold any BBHC meetings since August 2020 due to covid and then Mike being ill. He is currently still recovering, therefore we do not have any meetings scheduled at this time.
Thanks, Ashley

Ashley Kelley
Marketing Coordinator
PanCare of Florida, Inc.

850-747-5599
akelley@pancarefl.org
PanCareFL.org
403 E 11th Street, Panama City, FL, 32401

From: Mary Smach <SmachM@leoncountyfl.gov>
Sent: Friday, May 13, 2022 12:43 PM
To: Ashley Kelley <akelley@pancarefl.org>; Mike Hill <mhill@pancarefl.org>
Subject: RE: Big Bend Health Council

Good Afternoon Mike & Ashley,

Just wanted to let you know that both Nathaniel Myers and Keemasheka Jones has submitted applications for reappointment to the BBHC. The Board of County Commissioners will consider their applications and others to fill Leon County's four seats at its July 12th meeting.

What is the meeting schedule for the BBHC?

Regards,

Mary



From: Ashley Kelley <akelley@pancarefl.org>
Sent: Monday, March 21, 2022 9:27 AM
To: Mary Smach <SmachM@leoncountyfl.gov>
Subject: Big Bend Health Council

Hi Mary,
April Parbery forwarded your email to me. Mike Hill has been in the hospital so we don't currently have our next quarterly meeting scheduled. He is on the mend so we are hoping that he will be back soon. I will make sure that he is aware of the terms ending for the current members.
Thanks, Ashley

From: Mary Smach <SmachM@leoncountyfl.gov>
Sent: Friday, March 18, 2022 11:29:22 AM
To: Mike Hill <mhill@pancarefl.org>
Cc: April Parbery <aparbery@pancarefl.org>; Tiffany Harris <HarrisTi@leoncountyfl.gov>
Subject: Big Bend Health Council

Hi Mr. Hill,

The 4 citizens that Leon County appoints to the BBHC have terms that are due to expire on July 31, 2022.

Seat	Member Name	Date First Appointed	Term	Begin Term	End Term	Term Length	Seat Category	Appointed By
1	Rollin, Stephen Alter	07/13/2016	3	08/01/2020	07/31/2022	2 Year(s)	Health care provider	Board of County Commissioners
2	Jones, Keemasheka	07/14/2020	1	08/01/2020	07/31/2022	2 Year(s)	Health care purchaser	Board of County Commissioners
3	Myers, Nathaniel	07/10/2018	2	08/01/2020	07/31/2022	2 Year(s)	Health care provider	Board of County Commissioners
4	McCort, William M	07/13/2016	3	08/01/2020	07/31/2022	2 Year(s)	Nongovernmental health care consumer	Board of County Commissioners

Per the Leon County Board of County Commissioners policy, members may not serve more than 3 consecutive full terms. Therefore, Mr. Rollin and Mr. McCort would not be eligible to be reappointed, and Ms. Jones and Mr. Myers would be eligible for reappointment. I will reach out to them to let them know.

Is the BBHC meeting quarterly? When is the next meeting?

Regards,



Mary Smach
Agenda Coordinator
County Administration
301 S. Monroe St. | Tallahassee, FL 32301
(850) 606-5311 /work | (850) 606-5301 /fax
Smachm@leoncountyfl.gov

People Focused. Performance Driven.

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.

Ashley Kelley
Marketing Coordinator
PanCare of Florida, Inc.

■ [850-747-5599](tel:850-747-5599)
■ akelley@pancarefl.org
■ PanCareFL.org
■ 403 E 11th Street, Panama City, FL, 32401



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
BIG BEND HEALTH COUNCIL**

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@leoncountyl.gov.
Applications will be discarded if no appointment is made after two years.

Name: Dr. Steven Lewis Harris MD		Date: 3/18/2022 2:00:49 PM	
Home Address:	7585 Old Saint Augustine Rd Tallahassee, FL 32311-9126	Do you live in Leon County?	Yes
		Do you live within the City limits?	No
		Do you own property in Leon County?	Yes
Home Phone:	(850) 999-1227	Do you own property in the Tallahassee City Limits?	No
Email:	harris_steve@yahoo.com	How many years have you lived in Leon County?	11

(EMPLOYMENT INFORMATION)

Employer:	Retired--State of Florida (Dept of Health and Dept of Corrections)	Work Address:	4052 Bald Cypress Way Tallahassee , FL 32311-9126
Occupation:	Physician		
Work/Other Phone:			

(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:	White	Gender:	M	Age:	69
District:	District V	Disabled?	No		

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name:	Karen Ashburn	Name:	Kristina Lynch Wiggins
Address:	Email: karenashburn63@gmail.com Tallahassee, FL	Address:	Email: klwospreys@gmail.com Tallahassee, FL
Phone:	(850) 933-6541	Phone:	(850) 251-8674

Resume Uploaded? Yes

If no resume is available, 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. Please attach your resume, if one is available.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **No**

Have you served on any previous Leon County committees?* **No**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Is your personal information exempt from public records disclosure in accordance with FS 119.071(2)(j)1 or FS 119.071(4)? **No**

Members must meet one of the membership eligibility criteria listed below. Please indicate which category you would represent.

- ☒ Health Care Provider
- ☒ Health Care Purchaser
- ☒ Non-Governmental Health Care Consumer

The members of the consumer group shall include a representative number of persons over 60 years of age.

Are you 60 years of age or older? **Yes**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Dr. Steven Lewis Harris MD*

The application was electronically sent: 3/18/2022 2:00:49 PM

Steven L Harris, MD, MSc

7585 Old Saint Augustine Rd

Tallahassee, FL 32311

Voice: 850.999.1227

Mobile: 214.228.5450

Email: harris_steve@yahoo.com

Country of citizenship: United States of America

WORK EXPERIENCE

- **Recharge, re-create, & refresh** 03/2016 – present
Tallahassee, FL
- **City of Houston Health Department** 11/2014 – 02/2016
Houston, TX

Chief Physician & Deputy Health Authority

As Deputy Health Authority, served as a State official in relation to state laws and regulatory agencies. Provided medical supervision and direction of epidemiologic and clinical staff, including physicians, nurse practitioners and registered nurses, as well as consultation for allied health professionals and non-medical staff. Supervised, evaluated and instructed clinic physicians and nurse practitioners. Developed, reviewed and updated standing orders, medical protocols, and division policies and procedures as required. Planned, designed and implemented medical quality improvement activities. Participated in community public health activities. Provided medical consultation for Division program managers and administration managers and directed patient care. Served as Medical Director of Houston City Jail and medical liaison for other agencies or medical facilities. Planned and conducted continuing medical education; conducted regular administrative meetings for problem resolution. Appointed by County Judge to Houston-Area Ryan White HIV Planning Council; member, Comprehensive HIV Planning Committee. Chair, HDHHS Research Misconduct Committee. Member: Quality Improvement Council; Pharmacy & Therapeutics Committee; US DHS BioWatch Advisory Committee, Houston Radiological/Nuclear Detection Program Working Group.

- **Sabbatical** 04/2014 - 10/2014
Served as caregiver to parent for end-of-life care.
- **United States Coast Guard** 10/2013 – 04/2014
Martinsburg, WV
Grade Level: GS 0602 - 14

Medical Officer, Designated Medical Examiner (DME) Program Manager

Located in the Medical Evaluation Division of the Coast Guard's National Maritime Center (NMC), the DME Program Manager is responsible for the establishment and maintenance of a nationwide network of Coast Guard-certified medical examiners with authority to make determinations of medical suitability for merchant mariner applicants. As the DME Team Lead, ensured consistency of agency medical evaluations conducted by those trained and certified examiners, and is a medical subject matter expert for the agency. Responsible for the quality improvement program for medical staff. Oversaw the development of and implementation of rules, regulations, guidance, and policy relative to the DME program. Provided official agency response to Congressional and other public inquiries and provided consultative services to occupational medicine physicians conducting merchant mariner physical examinations. Testified as an expert witness for the agency at hearings and in civil court cases. Provided professional analysis for marine casualty reports when there was an indication of medical incompetence. Maintained close liaisons with other transportation agencies (FAA, NTSB, DOT, etc).

- **Florida Department of Corrections** 8/2012 – 10/2013
Tallahassee, FL

Deputy Assistant Secretary for Health Services/ Director of Medical Services

Requested by Executive Office of the Governor to transfer to Florida Department of Corrections to assist in privatization of correctional health services. The Deputy Assistant Secretary/Director of Medical Services in the Office of Health Services is responsible for providing assistance in the direction and coordination of a comprehensive healthcare program for 100,000+ inmates of the department. Provided oversight of the statewide utilization management program. Identified cost improvement initiatives, training needs, etc. Provided oversight of the quality management program, including utilization management, infection control, mortality review, risk management, credentialing, peer review, and healthcare provider education. Provided clinical support and direction to regional medical executive directors and the hospital executive medical director. Developed standards, procedures, and guidelines for health services programs and facilities. Served as clinical liaison with FL Department of Health and county health departments. Served as Physician Advisor for Utilization Management, reviewing all consults and admissions. Served as Physician Mentor for Infection Control policies and procedures, including employee Occupational Medicine programs. Served as principal clinical advisor to the Assistant Secretary for Health Services. Provided direct supervision to nine professional staff, including Regional Medical Executive Directors, registered nurses (QM, UR, infection control, mortality review), and support staff.

- **Florida Department of Health** 8/2011 – 8/2012
Tallahassee, FL

Interim State Surgeon General / Deputy Secretary for Health / Director, Office of Minority Health

Appointed by Gov Rick Scott as Interim State Surgeon General , March – May 2012. In this role, headed the Florida Department of Health and its 18,000 employees with an annual budget of approximately \$3.1 billion. The Deputy Secretary for Health provides oversight of the divisions of Disease Control, Emergency Medical Operations, Environmental Health, and Family Health Services as well as the offices of Health Statistics and Assessment and Public Health Nursing and the bureaus of Statewide Pharmaceutical Services and Laboratory Services and the 67 County Health Departments (span of control of 15,000 FTEs). The Deputy Secretary for Health also serves as the Director of the Office of Minority Health and is responsible for the daily operations of that Office. The Deputy is a member of the Executive Management Team and assists with the planning, direction, evaluation, supervision, and administration of public health programs supported by the Department to ensure provisions of quality public health services meet the interest and needs of Florida's citizens and visitors. Appointed by the Governor to Council for the Deaf and Hard of Hearing, Feb 2012. Appointed by Attorney General to Statewide Task Force on Prescription Drug Abuse & Newborns, April 2012.

- **Dallas County Health & Human Services Department** 9/2010 - 8/2011
Dallas, TX

Health Authority / Medical Director

Directed the overall health activities of the department with approximately 350 FTEs, and served as the City and County Health Authority to protect the public health as mandated by law to prevent and control the spread of communicable diseases. Jurisdiction for a population of 2.3 million. Planned the direction of physician services with regards to policy and procedures; and worked closely with the organizations, institutions, agencies, individuals and news media with respect to appropriate release of health related information. Served as an official of the State in relation to state laws and regulatory agencies. Served as a physician for one or more public health programs. Supervised physicians and served as a Public Health Authority. Reviewed and authorized Medicaid/Medicare reimbursements. Appointed to Ryan White HIV Planning Council; member, Planning & Priorities Committee. Appointed to Dallas County Medical Society Task Force on Mass Critical Care; Community Emergency Response Committee. Co-Chair, North Central Texas BioWatch Advisory Committee. Member, Dallas Regional Chamber Health Care Committee.

- **Centers for Disease Control & Prevention 4/2009 – 8/2010**

Port au Prince, HAITI

Grade Level: GS 0602 - 15

Country Director, CDC - Haiti

As Country Director for the CDC-Haiti program, managed the President's Emergency Plan for AIDS Relief (PEPFAR) program for Haiti as well as the CDC public health emergency response and rebuilding effort as a result of the January 2010 earthquake. Oversaw a staff of 40 US direct-hires, Personal Services Contractors (PSC), and Locally Employed Staff (LES), plus responsible for 10-15 TDY staff. Managed an overall program budget of \$125M annually. USG representative to the Government of Haiti, other US government agencies (including State Department, USAID, DoD, DHS), non-governmental organizations, and local indigenous organizations. Served as Program Director for all Global AIDS Program (GAP) activities. Initiated, conducted and coordinated complex HIV/AIDS medical epidemiologic program activities concerned with the reduction of HIV transmission. Planned, developed, implemented, evaluated and reported on project goals and objectives through the Country Operational Plan (COP). Coordinated all scientific activities and provided leadership, direction and support to the efforts of the staff. Designed and oversaw implementation of targeted evaluations of new and ongoing HIV/AIDS prevention, care and/or treatment initiatives. Developed protocols, analyzed study data through statistical methods, disseminated study results through scientific journals, periodic reports and public presentations. Provided leadership, direction and technical expertise to universities, medical institutions, non-governmental organizations, the Ministry of Public Health and other participating agencies. Represented GAP, CDC, and the US Government at a variety of international forums with key US constituencies. Served as primary liaison with the Ambassador as representative of the Office of Global AIDS Coordinator (OGAC) for all PEPFAR issues. Member of Embassy Country Team; Emergency Operations Committee; Housing Board. Possessed Top Secret clearance and Diplomatic Passport.

- **United States Department of Defense, USMEPCOM 8/2007 - 4/2009**

North Chicago, IL

Grade Level: YG-02

Western Sector Branch Chief

As Western Sector Branch Chief, served as the Regional Medical Director for 31 Military Entrance Processing Stations (MEPS) located west of the Mississippi River for the US Military Entrance Processing Command (USMEPCOM). Ensured that applicants for military service are processed in accordance with DOD regulations. Ensured that practitioners at each MEPS facility are credentialed, in good standing, and abide by USMEPCOM policy (31 medical officers and 150 fee-basis physicians). Provided advice and guidance to the Western Sector and MEPS staff. Reviewed complex medical waiver issues with military service waiver authorities. Developed medical policy, initiatives, and

implementation guidance. Served as the Western Sector Commander's senior Special Staff Officer for technical advice and guidance regarding medical processing operations in the MEPS. Conducted MEPS medical section reviews and provided Chief Medical Officer training and certification/recertification. Conducted medical case reviews, analyses, and investigations. Developed and presented medical briefings at conferences and meetings. Conducted physician interviews and made recommendations to the hiring authority. Served as a MEPS Chief Medical Officer on an as-needed basis. Supervised Branch Medical Management Analysts (GS-11 level employees). Provided management oversight to CME conferences. Served on the USMEPCOM Credentials Committee. Possessed Secret Security Clearance. Possessed Official US Passport.

- **Centers for Disease Control & Prevention** 2/2005 - 8/2007
Houston, TX
Grade Level: GS 0602 - 14

Quarantine Medical Officer

Medical Officer for the CDC/Houston Quarantine Station in the Division of Global Migration and Quarantine, Quarantine and Border Health Services Branch. Jurisdiction for the international airports in Oklahoma and east Texas and the seaports in Texas. Worked closely with international, Federal, State, and local partners, including US Customs & Border Protection, US Fish & Wildlife Service, US Coast Guard, FBI, ICE, World Health Organization, CSTE, NACCHO, ASTHO, state and local health departments. Liaison to DGMQ Zoonoses Team and Travelers' Health Team; Quarantine Training & Education Team Medical Officer. Awarded Certificate of Appreciation in response to outbreak of Marburg in Angola. Received cash award for work on QARS Workgroup, 2005. Awarded Certificate of Appreciation by the US Food & Drug Administration for investigation of foodborne illness outbreak aboard a Mississippi River riverboat.

- **San Jose State University** 7/2003 - 10/2004
San Jose, CA

Director, Student Health Services

Director of Student Health Center at major metropolitan university with 30,000 students and 3,000 faculty and staff. Oversight of ambulatory outpatient health care facility on campus, with budget of \$5.3M and 50 FTEs. Campus public health officer, coordinator of campus emergency medical care, consultant to Human Resources Service Group for employee health issues. Direct supervision of 50 physicians, NPs, nurses, laboratory, x-ray, and clerical support staff. Chair: Continuous Quality Improvement Committee, Infection Control Committee. Member: School of Nursing Advisory Board, Disability Resource Center Advisory Board, School of Health Sciences Advisory Group, Student Affairs Management Team.

- **Massey University** 10/2002 - 6/2003
Palmerston North, NEW ZEALAND

Medical Officer

Locum tenens as Medical Officer in Student Health Center at New Zealand's largest university. Provided primary health care to students, staff, and faculty. Team member with other University officials in response to SARS.

- **Austin/Travis County Health & Human Services Department** 9/1997 - 10/2002
Austin, TX

Health Authority, City of Austin & Travis County

Health Authority for Austin and Travis County, TX, and Chief Medical Officer for the Austin/Travis County Health & Human Services Department (ATCHHSD). Jurisdiction for a population of 830,000. Medical oversight of public health programs, health planning for an \$80M agency with 600 FTEs. Supervised epidemiologist, nursing, support staff. Laboratory Medical Director. Supervised Family Medicine, Pediatrics, and Internal Medicine residents from Austin Medical Education Program. Key role in strategic planning, budgeting, daily operations. Executive Sponsor: Austin Community Wellness & Prevention Consortium. Chair, Infection Control Committee. Member: Executive Leadership Team, Lead Poisoning Prevention Team, Waterborne Disease Response Team, Health Partnership 2010, Austin Interagency School Health Collaboration, Community Action Network, Indigent Care Collaboration, Joint Terrorism Task Force.

- **Texas Department of Criminal Justice** 5/1994 - 9/1997
Huntsville, TX

Director of Preventive Medicine

Director of Preventive Medicine for the second-largest prison system in the U. S, with 147,000 inmates housed in 125 prison units statewide, and 50,000 employees. Oversight of all public health, infection control, and employee health programs for the agency. Responsibilities: health services policies, procedures; strategic planning; budget development and implementation; auditing; and directing daily operations. Direct supervision of central office public health advisors and clinical supervision of 125 Coordinators of Infectious Disease nurses at prison units across the State. Assistant Clinical Professor of Emergency Medicine, University of Texas Medical Branch at Galveston. Attending physician in the UTMB Hospital emergency department. Chair, Infection Control Committee. Member: Quality Improvement Committee, Continuing Medical Education Committee, Managed Healthcare Advisory Committee Health Care Review Board, Pharmacy & Therapeutics Committee, Chair, HIV Subcommittee. Member: Physician Peer Review Board, Prison Hospice Task Force.

- **Defense Nuclear Agency, United States Department of Energy** 10/1993 - 1/1994
Johnston Atoll, APO, AP

Consultant, Raytheon Services Nevada

Developed clinic policies and procedures, quality assurance plan, and established peer review activities for island medical clinic serving 1200 contractors and US military active duty troops working with US chemical weapons stockpile. Received training from USAMRIID in medical management of chemical casualties.

- **Harvard Medical School & Boston University School of Medicine** 9/1992 - 9/1993
Boston, MA

Faculty Preceptor and ACLS Instructor

Faculty Preceptor in Patient-Doctor II program at Harvard Medical School and in Introduction to Clinical Medicine program at Boston University School of Medicine. Preceptor for Primary Care Internal Medicine Residency and ACLS Instructor, Beth Israel Hospital Boston.

- **California State University, Los Angeles** 9/1988 - 9/1992
Los Angeles, CA

Medical Director, Student Health Center

Medical Director of large, inner-city metropolitan University Student Health Center, serving 25,000 students, faculty, and staff. Supervised physicians, PAs, NPs, lab, x-ray, and pharmacy staff. Served as consultant to HR Management for occupational health issues. Campus emergency coordinator. Active in strategic planning, budgeting, hiring. Provided clinical care to students, faculty, and staff. Assistant Clinical Professor of Family & Emergency Medicine, University of Southern California School of Medicine, LAC+USC Medical Center, 1988-92. Taught *Introduction to Clinical Medicine* to second-year students at USC School of Medicine plus emergency department preceptor. Earned MSc Degree in Healthcare Management during tenure at Cal State LA.

- **Medical Center of West Hollywood** 12/1982 - 9/1988
Los Angeles, CA

Medical Director

Medical Director of urgent care center. Provided urgent care and primary medical care to patients. Provided HIV care at onset of AIDS epidemic. Participant in numerous AIDS clinical trials as sub-investigator, co-investigator, or principal investigator. Supervised physician, nursing, and clerical support staff. Member: Immune Suppression Unit

Organizing Committee, Midway Hospital Medical Center. Medical Staff Secretary-Treasurer, West Hollywood Hospital (1985-86). Chair, Quality Assurance & Utilization Review Committee, West Hollywood Hospital. Member, Emergency Services & Infection Control Committees, Midway Hospital Medical Center. Chief of Medical Staff and CMRI Physician Advisor, West Hollywood Hospital (1987-88).

- **Daniel Freeman Memorial Hospital** 7/1980 - 1/1983
Inglewood, CA

Staff Physician, Emergency Department

Staff physician in busy, inner-city emergency department, serving 36,000 patient visits yearly. Supervised emergency medicine residents from King/Drew Postgraduate Medical School. Taught at Daniel Freeman Paramedic Training Institute. ACLS Instructor. Provided direct patient care to high trauma, high acuity patient mix.

EDUCATION

California State University, Los Angeles

Los Angeles, CA

45 Quarter Hours

Major: Health Care Management

GPA: 4.0 out of 4.0

Master of Science Degree (MSc), Healthcare Management awarded, August 1991.

University of Texas Medical School at San Antonio

San Antonio, TX

Pass/Fail System

Doctor of Medicine (MD) Degree awarded, May 1977.

Washington University

St Louis, MO

120 Semester Hours

Major: Biology/French

Bachelor's Degree (A. B.) in Biology and French awarded, May 1973.

Hillcrest High School

Dallas, TX

GPA: 4.0 out of 4.0

High school diploma awarded, May 1970. Graduated 1st of 620 students.

JOB RELATED TRAINING

- Residency in Emergency Medicine, PGY-3, Martin L. King General Hospital, Drew Postgraduate Medical School, Los Angeles, CA, 1979-1980. Elected Chief Resident.
- Residency in Emergency Medicine, PGY-2, University Hospital of Jacksonville, Jacksonville, FL, 1978-1979.
- Flexible Internship, PGY-1, San Joaquin General Hospital, Stockton, CA, 1977-1978.

LANGUAGES

- **French**
Spoken/Written/Read: Intermediate
- **Spanish**
Spoken: Intermediate
Written/Read: Novice

PROFESSIONAL PUBLICATIONS

Magloire R, Mung K, **Harris S**, et al, "Launching a National Surveillance System After an Earthquake—Haiti, 2010," **MMWR**, Vol 59, No 30, Aug 6, 2010, 933-938.

Importation of dogs into the United States: risks from rabies and other zoonotic diseases, *Zoonoses and Public Health*, doi: 10.1111/j.1863-2378.2008.01117.x
J. H. McQuiston¹, T. Wilson¹, **S. Harris¹**, R. M. Bacon¹, S. Shapiro¹, I Trevino², J. Sinclair¹, G. Galland¹ and N. Marano¹

¹ Division of Global Migration and Quarantine, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd, Atlanta, GA 30333, USA

² Office of Career and Workforce Development, Epidemiology Program Office, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd, Atlanta, GA 30333, USA

Persistent Gastroenteritis Outbreak Due to New Variant Norovirus Spanning Multiple Cruises of a Domestic Riverboat and Affecting On-Shore Contacts — Ohio and Mississippi Rivers, 2006 A. Sheth¹, G. Ewald¹, K. Kornlyo¹, K. Fleming¹, T. Allen¹, M. Menon¹, **S. Harris¹**, N. Seerpi², M. Sears², J. Vinjé¹, J. Sobel¹, and the Riverboat Outbreak Investigation Team; ¹Centers for Disease Control and Prevention, Atlanta, GA, ²Green River District Health Department, Owensboro, KY.

Smith, M, Bergmann, J, **Harris, S**, and Woods, G, "Evaluation of the Roche AMPLICOR MTB Assay for the Detection of Mycobacterium tuberculosis in Sputum Specimens from Prison Inmates," *Diagnostic Microbiology & Infectious Disease*, Jan 1997.

Bergmire-Sweet, D, Barnett, B, **Harris, S**, Taylor, J, and Mazurek, G, "Tuberculosis Outbreak in a Texas Prison-1994," *Epidemiology and Infection*, 117, 485-492, Dec 1996.

Woods, G, **Harris, S**, and Solomon, D, "Tuberculosis Knowledge and Beliefs Among Prison Inmates and Lay Employees," *Journal of Correctional Healthcare*, Aug 1996.

Guest Editor, *Clinical Infectious Diseases*, Los Angeles, CA, 1996.

Harris, S, and Diggs, C, "Issues in Ethnically & Culturally Underrepresented Students," *Principles and Practices of Student Health*, K Patrick, MD, MS, Ed, Third Party Publishing Co, Oakland, CA, 1992.

Harris, S, "A Study of Internal Jugular v Subclavian Venous Catheterization," Senior Resident Research Paper, MLK/Drew Postgraduate Medical School, June 1980.

Harris, S, Washington University Department of Sociology, and WU School of Medicine, Department of Physical Therapy & Rehabilitation, St Louis. "The Patient and Rehabilitation: A Study of Health Care Delivery in St Louis," senior field study project, 1973.

ADDITIONAL INFORMATION:

LICENSURE:

- State of CA (C-38229)
- State of FL (ME-32758)
- State of TX (E-8539)
- FLEX Examination, State of Texas, passed
- National Medical Board Examinations, Parts I and II: passed.
- US Drug Enforcement Administration

CERTIFICATIONS:

- Re-certification, American Board of Emergency Medicine
- Board-certified, American Board of Medical Management
- Board-certified, American Board of Emergency Medicine
- Certification in Basic Life Support & Advanced Cardiac Life Support (ACLS)

ACADEMIC AWARDS, HONORS, SCHOLARSHIPS:

- Secretary of State Distinguished Honor Award for Haiti earthquake emergency medical leadership, presented by Secretary Hillary Clinton.
- Selected, *Who's Who in America*.
- Selected, *Who's Who in Science and Engineering*.

- Examiner, American Board of Medical Management.
- Selected, *Who's Who Among Rising Young Americans*.
- Elected Fellow, American College of Emergency Physicians.

SCIENTIFIC AND MEDICAL RESEARCH EXPERIENCE:

- Principal Investigator, Rifabutin IND Protocol
- Principal Investigator, Dideoxyinosine IND Protocol
- Co-investigator, D4T Investigational New Drug (IND) Protocol
- Co-investigator, Fluconazole IND Protocol
- Sub-investigator, Azidothymidine IND Protocol

AWARDS & RECOGNITION @ Centers for Disease Control & Prevention (CDC):

- Secretary of State Distinguished Honor Award for Haiti earthquake emergency medical leadership.
- Certificates of Appreciation: National Guard Bureau, Bell County Public Health District, Area Maritime Security Committee, DGMQ-for preparedness planning and for QARS and MOATS Development
- CDC NCID Honor Award Certificate
- Letters of Appreciation: Southern California Safety Institute, Lower Rio Grande Valley Development Council, Federal Security Director, DFW TSA; Director CCID and Director, DVRD/NCZVED

AWARDS & RECOGNITION @ Department of Defense (DoD):

- Achievement Medal for Civilian Service.
- Joint Meritorious Unit Award.

Invited presenter at local, regional, statewide, national, and international meetings.



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
BIG BEND HEALTH COUNCIL, INC.**

**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@leoncountyl.gov.
Applications will be discarded if no appointment is made after two years.**

Name: Ms. Laquanda Williams		Date: 7/7/2021 9:29:45 PM	
Home Address:	2334 Sylvan Ct. Unit A Tallahassee, FL 32303	Do you live in Leon County?	Yes
		Do you live within the City limits?	Yes
		Do you own property in Leon County?	No
Home Phone:	(850) 212-5444	Do you own property in the Tallahassee City Limits?	No
Email:	helpinghandsprovider@gmail.com	How many years have you lived in Leon County?	15

(EMPLOYMENT INFORMATION)

Employer:	Helping Hands Provider Care, Inc.	Work Address:	2334 Sylvan Ct. Unit A Tallahassee , FL 32303
Occupation:	Nurse/ Owner		
Work/Other Phone:	(850) 211-2544		

(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:	Black or African American	Gender:	F	Age:	41
District:	District I	Disabled?	No		

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name:	Porscia Williams	Name:	Cecilia Knight
Address:	4041 E. Olive Rd. Apt. 451 Pensacola, FL 32514	Address:	159 Monroe Creek Dr. Midway, FL 32343
Phone:	(850) 778-6680	Phone:	(850) 933-3412

Resume Uploaded?	Yes
<p>If no resume is available, 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. Please attach your resume, if one is available.</p>	

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **No**

Have you served on any previous Leon County committees?* **No**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Members must meet one of the membership eligibility criteria listed below. Please indicate which category you would represent.

- ☒ Health Care Provider
- ☐ Health Care Purchaser
- ☐ Non-Governmental Health Care Consumer

The members of the consumer group shall include a representative number of persons over 60 years of age.

Are you 60 years of age or older? **No**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Ms. Laquanda Williams*

The application was electronically sent: 7/7/2021 9:29:45 PM

LAQUANDA WILLIAMS

2334 Sylvan Ct. Unit A Tallahassee, FL 32303 p: 850.212.5446

e-mail: lwilliams1979.lw@gmail.com

EMPLOYMENT

LICENSED PRACTICAL NURSE/CEO

9/2019- PRESENT

HELPING HANDS PROVIDER CARE, INC.
TALLAHASSEE, FL

I provide in-home support and skilled nursing care to seniors, children, persons with disabilities and those recently discharged from the hospital or rehabilitation center. I take and record measurements of blood pressure, temperature, heart rate etc. Observe patients under treatment to identify progress, side-effects of medications etc. I receive referrals from different referral services, determine the level of care needed by completing an assessment. I also provide medication reminders, light housekeeping, meal preparation, run errands and companion to the elderly.

LICENSED PRACTICAL NURSE

07/2018-3/2020

CENTRE POINTE HEALTH & REHABILITATION CENTER
TALLAHASSEE, FL

I record a patient's medical history accurately. I take and record measurements of blood pressure, temperature, heart rate etc. Observe patients under treatment to identify progress, side-effects of medications etc. I also monitor patients' condition including fluid intake and output and compose patient charts. I input and update patients' information as necessary using the electronic medical records systems PointCare Click. Administer injections, prescribed medications, enemas etc., clean and dress wounds and assist with other basic medical care tasks. Collect samples for lab testing as assigned. Provide emotional and psychological support when needed. Communicate with patients' family or friends to provide advice, comfort and release instructions.

New Patient Scheduler/Medical Assistant

05/2017- 07/2018

TMH Physician Partners- Pulmonary, Critical Care & Sleep Specialist
Tallahassee, FL

I received and record all new/returning patient referral information, set up new accounts and determine their need for consulting a physician then I schedule appointments with physicians by determining empty slots on calendars and provide patients with information about on-board medical service providers and their credentials. I greeted patients over the telephone becoming the first line of communication between the patients and the practice to provide them with specific information regarding the facility's services. I informed patients about the need of the appointments and provided them with information on the documents they need to bring to the appointment. I placed calls to referring physicians for patients expressing complexity with scheduling. I also entered information into the system for appointment scheduling, rescheduling, and cancellation. I updated patient information in the database using the electronic medical system Cerner to ensure that patients' files are complete at all times and coordinate legal records requests and perform a variety of other clerical tasks which includes answering incoming and making outbound calls politely and expertly, identifying patients with needs and solve problems accordingly and faxing/scanning documents using the HIE document retrieve system.

Eligibility Specialist/ Medical Assistant
Bond Community Health Center

07/2014 - 05/2017
Tallahassee, FL

I reviewed patient information and determined eligibility to receive assistance for government programs, grants and other agency resources, such as public health programs. I kept account data updated to ensure that correct billing information is present for each patient and that the amount is correct based on services provided. I also verified patient's insurance as well as determine if patient is eligible for Medicaid or Medicare. I performed data entry updating account information necessary to process accounts using the electronic medical records systems such Centricity EMR and Althea Medical. It was my responsibility for general correspondence, following up with concerns or questions patients may have about their accounts or other services. I made outbound phone calls to patient. I assisted with determining eligibility and referred applications to Medicaid. I also assisted with the check-in/check-out of patients, receiving all documentation needed to update patient's account, making updates as needed and collecting of co-payments for services received.

House Manager

06/2010 – 07/2014

Tallahassee Developmental Center
Tallahassee, FL

I managed a home for individuals with intellectual disabilities. It was my responsibility to ensure the needs and wants of the individuals are cared for and advocating when they cannot advocate for themselves. This is done by supervising, training and working with the Interdisciplinary Team to meet each individual need. I assisted in the coordination of ensuring consultants and medical services are followed up on or working with the Qualified Developmental Disabilities Professional (QDDP) to request services based on the needs of the individual. I also supervised 20 staff across three shifts and am responsible to ensuring the needs of the individuals are provided training and support in daily living skills, set-up and attend doctor appointments, managed residential group home, overseer of staff performance, writing monthly reports on the progress of the consumers, set-up staff trainings & meetings, attend support plan meetings, handle & maintain financial statements, develop implementation plans, responsible for staff scheduling, maintaining files for Individual along with files for staff. I was also my responsible to complete employee evaluations and take part in interviews hiring new staff.

Sr. Eligibility Coordinator

03/2008 - 06/2010

Affiliated Computer Services
Tallahassee, FL

I reviewed applicant information and determined eligibility to receive assistance for government programs and agency resources, such as public health programs. I kept account data updated to ensure that correct billing information to the applicant and that the amount was correct based on services provided. I also provided additional support and assisted in training of coworkers in all aspects of the job. I performed data entry updating account information necessary to process accounts. It was my responsibility for general correspondence, following up with concerns or questions people had with their accounts or other services. I made outbound phone calls to applicants. I provided assistance with determining eligibility and referred applications to Medicaid.

School Health Assistant/ Medical Assistant

08/2007 - 03/2008

Sabal Palm Elementary
Tallahassee, FL

I assisted with health screening, provided basic health care and first aid, along with evaluating students with signs of contagious illness. I was also responsible to call parents and notify of sick and illnesses and coordinate pick up for the student. I performed clerical duties and maintained clinic records along with writing reports and keeping records current and up to date. I was responsible to administer both oral and injectable medication ensuring the medication was given using the Right's of Medication Administration. I completed all other duties as assigned.

Medical Assistant

06/2006 - 10/2007

Prison Health Services

Tallahassee, FL

As Medical Assistant it was my responsibility to complete health screenings on all incoming inmates. I coordinated and managed the triage, clinic scheduling, and patient referrals. I provided health care to individuals in a prison setting, ensuring that individuals received medications & medical treatments such blood pressure checks, UA testing, diabetic needs, HIV/AIDS testing, EKG, dressing changes, pregnancy needs, mental health care, complete medical screening and assisted physician with medical procedures. I also administered daily doses of both oral and injectable medications ensuring the right time and dose was given. I performed vital sign checks to ensure that the physician's orders for the care of individuals were followed through and follow-up was completed.

Education History

Keiser University	04/2004
Associate's Degree	Medical Assisting
Graduated Summa Cum Laude	3.8 GPA

Lively Technical Center	05/2018
Certificate of Completion	Licensed Practical Nurse
Graduated with Honors	3.6 GPA

From: [Laquanda Williams](#)
To: [Mary Smach](#)
Subject: Re: Big Bend Health Council
Date: Friday, March 18, 2022 1:09:30 PM
Attachments: [image001.png](#)

Yes, I am still interested in the position. Everything is still the same. Thank you.

On Fri, Mar 18, 2022, 9:48 AM Mary Smach <SmachM@leoncountyfl.gov> wrote:

Dear Ms. Laquanda Williams,

The [Big Bend Health Council](#) has an upcoming vacancy to be appointed by the Leon County Board of County Commissioners. We have your 2021 application on file, and were wondering if you are still interested in being appointed to the BBHC. Please let us know, and if you are interested please check your application (attached) to see if it is still current. If you are interested in being appointed and your application is obsolete, please complete a new [online application](#) for consideration by the Board.

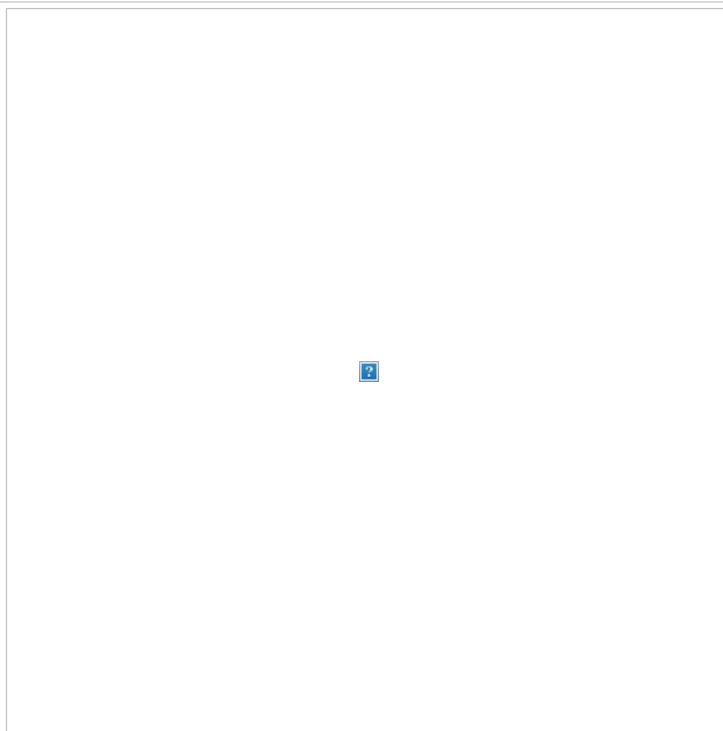
Regards,



Mary Smach
Agenda Coordinator
County Administration
301 S. Monroe St. | Tallahassee, FL 32301
(850) 606-5311 /work | (850) 606-5301 /fax
Smachm@leoncountyfl.gov

People Focused. Performance Driven.

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.





**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
BIG BEND HEALTH COUNCIL**

**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.
Applications will be discarded if no appointment is made after two years.**

Name: Ms. Wendy Reed Wriggins Ernst		Date: 3/18/2022 6:21:03 PM	
Home Address:	██████████ ██████████ ██████████	Do you live in Leon County?	Yes
		Do you live within the City limits?	Yes
		Do you own property in Leon County?	Yes
Home Phone:	██████████	Do you own property in the Tallahassee City Limits?	Yes
Email:	██████████	How many years have you lived in Leon County?	1

(EMPLOYMENT INFORMATION)

Employer:	Tallahassee Community College	Work	2932 Wakulla Center Division of Workforce
Occupation:	Instructor, Medical Administrative Specialist Program	Address:	Development
Work/Other Phone:	██████████		Crawfordville, FL 32303

(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:	White	Gender:	F	Age:	61
District:	District I	Disabled?	No		

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name:	Susan Walton	Name:	Elizabeth Peralta
Address:	7019 McBride Pointe Tallahassee, FL 32312	Address:	1306 Columbus Blvd. Coral Gables, FL 33134
Phone:	(850) 545-6632	Phone:	(305) 978-4624

Resume Uploaded? Yes

If no resume is available, 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. Please attach your resume, if one is available.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **No**

Have you served on any previous Leon County committees?* **No**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Is your personal information exempt from public records disclosure in accordance with FS 119.071(2)(j)1 or FS 119.071(4)? **Yes**

To exempt your information from County records, you MUST complete the [Leon County Government Public Records Exemption Request](#).

Members must meet one of the membership eligibility criteria listed below. Please indicate which category you would represent.

- ☐ Health Care Provider
- ☐ Health Care Purchaser
- ☒ Non-Governmental Health Care Consumer

The members of the consumer group shall include a representative number of persons over 60 years of age.

Are you 60 years of age or older? **Yes**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Ms. Wendy Reed Wriggins Ernst*

The application was electronically sent: 3/18/2022 6:21:03 PM

Wendy Wriggins Ernst, MBA

Healthcare Executive and Educator

Accomplished director and professor of higher education with 20+ years of success within the healthcare field

Innovative and results-driven leader with a history of strengthening the performance of diverse healthcare organizations as an expert in managed care and government business models, network management, provider relations, and business development. Analytical strategist with proven success implementing creative solutions to overcome the challenges facing payers and providers in today's healthcare market. Articulate and engaging communicator dedicated to influencing positive change as a leader, mentor, and champion for continuous improvement.

Highlights of Expertise

- ♦ Business Development and Management
- ♦ Medicare Advantage and Medicaid Operations
- ♦ Budgeting and Resource Allocation
- ♦ Strategic Planning and Project Management
- ♦ Performance Analysis and Improvement
- ♦ Quality and Regulatory Compliance
- ♦ Multispecialty Medical Group Management
- ♦ Staff Recruitment and Team Building
- ♦ Physician Relations and Provider Networks
- ♦ Contract and Policy Creation and Review
- ♦ Leadership Committees and Conferences
- ♦ Executive Advising and Consulting

Career Experience

TALLAHASSEE COMMUNITY COLLEGE, Tallahassee, FL

Provide instruction and support to students seeking the CMAA (Certified Medical Administrative Specialist) designation, including Microsoft Office Specialist (MOS) certification. Tallahassee Community College is a public community college, part of the Florida College System. It was named a top ten college in the nation by the Aspen Institute as a top ten finalist for the 2021 Aspen Prize for Community College Excellence, the nation's signature recognition of high achievement and performance among America's community colleges.

INSTRUCTOR, MEDICAL ADMINISTRATIVE SPECIALIST PROGRAM (2021 to Present)

Providing instruction and support for the Medical Administrative Specialist Program, designed to prepare individuals for a career as a Certified Medical Administrative Assistant (CMAA) in a variety of healthcare settings, including private medical practices, hospitals, clinics, public health departments, government agencies and/or insurance firms. Students become certified Microsoft Office Specialists and learn to work with health records, verify medical insurance, perform medical coding and billing, prepare correspondence and assist physicians with administrative functions.

CARECENTERED CONSULTING, LLC Miami, FL

Founded a healthcare consulting agency to address the needs of a wide range of healthcare provider organizations in the private practice to medical group setting, from primary to specialized care disciplines. Assist providers in optimizing people, processes, projects and technology to promote high quality, cost-efficient, patient-centric business operations and profitable growth.

PRINCIPAL CONSULTANT (2017 to Present)

Promote the adoption of patient-centered healthcare practices as an advisor and coach to physicians and administrators across all organizational levels. Conduct needs assessments to identify growth opportunities and develop tailored improvement strategies; create, review and negotiate payer and provider contracts; develop policies, procedures and operational workflows. Create and facilitate employee education, training and new hire onboarding programs. Evaluate operations and recommend strategies for process improvement; strengthen and expand key business partner and payer relationships.

continued...

Wendy Wriggins Ernst, MBA

Page 2

SIMPLY HEALTHCARE, Miami, FL

Directed network relations, contracting and operations for statewide ancillary and specialty physician networks for Anthem's government business plan insuring 700,000+ members in Florida's Statewide Medicaid Managed Care (SMMC) Medical Assistance and Long-Term Care (LTC) Programs, Florida Healthy Kids, Clear Health Alliance (CHA) - a health plan for people on Medicaid living with HIV/AIDS, and Medicare Advantage Programs.

DIRECTOR, NETWORK RELATIONS (2018 to 2019)

Directed the activities related to developing and maintaining the Company's physician and statewide ancillary delivery system through the provider contracting and vendor managers. Negotiated contracts and managed statewide delegated vendor relationships and ancillary networks to promote value-based care models. Directed communication and issues management resolution strategies; hired, trained, coached, counseled and evaluated the performance of direct reports. Developed and implemented growth strategies and cost-reduction initiatives.

- ♦ **Led contracting, operations and provider onboarding statewide** for newly expanded Medicaid services: Early Intervention, Medical Foster Care, Massage Therapy and Project AIDS Waiver providers; ensured quality, compliance and network accessibility standards were successfully met as required by State and Federal Regulatory agencies.
- ♦ **Initiated preferred agreement** with multi-payer Hospitalist groups to reduce readmission rates and medical costs in Miami-Dade and Broward County.
- ♦ **Expanded vendor and sub-contractor agreements for budget-neutral outcomes** to meet network adequacy standards for Florida Healthy Kids statewide expansion 12/1/2019.
- ♦ **Identified duplication of services in DME and Home Health** resulting in statewide cost reductions.

PRESS GANEY ASSOCIATES, Chicago, IL

Delivered consulting services centered on enhancing the patient experience in partnership with a leading provider of strategic advisory solutions within the healthcare arena.

ADVISOR (2017)

Forged strong relationships with hospital administrators and clinicians across the region to develop existing accounts in alignment with the corporate mission for growth. Evaluated organizational performance and presented new operational plans with clearly defined goals to ensure clients' sustainable success.

FEMWELL GROUP HEALTH, Miami, FL

Cultivated an expansive provider network as a representative of the management services organization for VitalMD, a multispecialty group practice with 500+ physician members.

SENIOR MANAGER, BUSINESS DEVELOPMENT (2014 to 2016)

Advanced revenue, growth, and service goals by spearheading physician recruitment, contracting, and onboarding initiatives; oversaw all project phases, from market research and initial planning to rollout. Served as the face of VitalMD at major industry events, including national and regional medical conferences.

- ♦ **Earned unanimous board approval** for a new vision for primary care physician growth centered on the principles of the Patient-Centered Medical Home; headed several supporting committees.
- ♦ **Expanded network to include 35+ new physicians**, including the first internal medicine and pediatric physician groups in Orlando and Lakeland, FL; doubled primary care physician membership.

AVMED HEALTH PLANS, Gainesville, FL

Orchestrated the daily efforts of a key business unit within a leading provider of not-for-profit health plans offering commercial, individual and Medicare Advantage coverage for 350K+ members in Florida.

DIRECTOR, PHYSICIAN CONTRACTING AND SERVICES (2010 to 2013)

Empowered 10 regional representatives with educational resources, tools, and support systems designed to facilitate the design and deployment of effective programs, such as pay-for-performance contracts and medical cost reduction initiatives. Ensured staff compliance with internal policies, budgets, and governing regulations.

- ♦ **Achieved <2% increase in medical costs** year over year through the expert management of primary care and specialty networks.
- ♦ **Attained highest physician satisfaction ratings** in the market for three consecutive years as measured by annual surveys and earned recognition for demonstrated commitment to enhancing service quality.

BLUE CROSS AND BLUE SHIELD OF FLORIDA, Jacksonville, FL

Progressed through five positions of increasing responsibility within a healthcare organization serving 4M+ members across Florida with an additional network of 15.5M+ members serviced through affiliate partnerships.

LEADER, PHYSICIAN AND PROVIDER SERVICES (2005 to 2010)

Appointed to head one of the organization's first multidisciplinary, cross-specialty service teams comprised of 11 professional-level employees overseeing key business relationships within the South Florida network of hospitals, ancillary, and physician groups. Launched numerous internal and external improvement initiatives with a special focus on provider education, clinical improvement, and management consulting.

PROVIDER CONTRACTING AND SERVICE REPRESENTATIVE (2000 to 2005)

Co-designed process automation and optimization initiatives for network-wide rollout as a key member of an elite team. Personally crafted physician recruitment and servicing strategies to drive market expansion across Florida; fostered a culture of continuous improvement founded in provider outreach and collaboration.

Prior success with BCBS of Florida as Channel Relationship Manager, Large Accounts Manager, and statewide Provider Consultant.

Education & Credentials

Master of Business Administration: Healthcare Programs and Policy, University of Miami, Coral Gables, FL

Bachelor of Arts: English and Economics, Texas Christian University, Fort Worth, TX

Professional Development

Medical Group Management Certification (CMPE), Medical Group Management Association, (In Progress)

Temporary Instructor Certification, Miami-Dade County Public Schools (2018-2019)

Six Sigma Yellow Belt Certified, Blue Cross Blue Shield of Florida

Negotiation Essentials Certificate, Notre Dame University

Human Resources Management Certificate, Florida International University

Affiliations

Guardian ad litem Child Advocate, Leon County Judicial System, 2nd Circuit (2020 – Present), Miami-Dade County Judicial System, 11th Circuit (2017 – 2020)

Faculty Panelist, National Committee for Quality Assurance, PCMH National Congress, 2017

Board Member, South Florida Medical Group Management Association, 2016 to 2018

Member, American College of Healthcare Executives; Medical Group Management Association

Network Council Member, Gerson Lehrman Group, Inc., 2020 – Present

Committee Chair, Leon County Public Schools Mentoring Program, St. John's Episcopal Church

Committee Member, Adult Education, St. John's Episcopal Church

Committee Member, Capital Area Justice Ministry, St. John's Episcopal Church

Independent Tutor, Healthcare Administration, Business, Communication, Wyzant Corporation

Community Mentor Alumni, Big Brothers Big Sisters



LEON COUNTY GOVERNMENT PUBLIC RECORDS EXEMPTION REQUEST

Florida law allows eligible persons and their employing agencies 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. If an employing agency is requesting for the employee, add agency name, and requester's name and title to the signature line.

NOTE: The officer, employee, justice, judge, other person entitled to the exemption, or employing agency of the designated employee, must submit this written and notarized request directly to the public records custodian for the agency to maintain the exemption for the records in its custody. Under Florida law, for certain exemptions this request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status. For records in the custody of the Leon County Board of County Commissioners and County Commission Departments, please return this completed form or a written notarized request directly to: Leon County Attorney's Office, Attn: Legal Records Manager, Leon County Courthouse, 301 S. Monroe Street, Ste. 202, Tallahassee, FL 32301 or by email to BOCCPublicRecordsRequests@leoncountyfl.gov. To have an exemption maintained in the records in the custody of any other agency, please contact that agency directly for information on how to make a written request.

If your spouse and/or children are subject to your exemption (not applicable for victim of battery, abuse, harassment, or stalking or for participant in address confidentiality program), please check here ☐ and attach a page with the name, date of birth, and relationship of each to assist in identifying each person in any public records within the custody of the County.

I hereby request exemption maintenance by the County based on the following category/categories for which I qualify (Check appropriate box):

Department(s) known to possess records (if applicable): County Admin - Committee Application

Check all that apply:

<input type="checkbox"/> Code Enforcement Officer. Section 119.071(4)(d)2.i, F.S.	<input type="checkbox"/> County Tax Collector. Section 119.071(4)(d)2.n, F.S.
<input type="checkbox"/> Depart. of Business and Prof. Reg. investigators or inspectors. Section 119.071(4)(d)2.m, F.S.	<input type="checkbox"/> Law enforcement personnel, including correctional officers and correctional probation officers. Section 119.071(4)(d)2.a, F.S.
<input type="checkbox"/> Dept. of Children and Family Services personnel whose duties involve investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities. Section 119.071(4)(d)2.a, F.S.	<input type="checkbox"/> Judicial or quasi-judicial officer (general/special magistrate, judge of compensation claims, administrative law judge of the Div. of Admin. Hearings, and child support enforcement hearing officer). Section 119.071(4)(d)2.g, F.S.
<input type="checkbox"/> Dept. of Health personnel whose duties support the investigations of child abuse or neglect. Section 119.071(4)(d)2.a, F.S.	<input type="checkbox"/> Emergency medical technicians or paramedics certified under chapter 401, F.S. Section 119.071(4)(d)2.q, F.S.
<input type="checkbox"/> Dept. of Health personnel whose duties include, or result in, the determination/adjudication of eligibility for social security disability benefits, investigation/ prosecution of complaints filed against health care practitioners, or inspection of health care practitioners or health care facilities licensed by the Dept. of Health. Section 119.071(4)(d)2.o, F.S.	<input type="checkbox"/> Inspector general or internal audit dept. personnel whose duties include auditing/investigating waste, fraud, abuse, theft, exploitation, or activities that could lead to criminal prosecution or admin. discipline. Section 119.071(4)(d)2.r, F.S.
<input type="checkbox"/> Dept. of Financial Services personnel whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations. Section 119.071(4)(d)2.b, F.S.	<input type="checkbox"/> Dept. of Revenue personnel or local government personnel whose duties include revenue collection and enforcement or child support enforcement. Section 119.071(4)(d)2.a, F.S.
<input type="checkbox"/> Prosecutor (state attorney, assistant state attorney, statewide prosecutor, assistant statewide prosecutor). Section 119.071(4)(d)2.f, F.S.	<input type="checkbox"/> Public defenders and criminal conflict and civil regional counsel (includes assistant public defenders, assistant criminal conflict and assistant civil regional counsel). Section 119.071(4)(d)2.i, F.S.
<input type="checkbox"/> Impaired practitioner consultant, retained by an agency, whose safety to practice licensed profession (includes consultant's employees). Section 119.071(4)(d)2.p, F.S.	<input type="checkbox"/> Justice of Florida Supreme Court; or judge of district court of appeal, circuit court, or county court. Section 119.071(4)(d)2.e, F.S.

<p><input type="checkbox"/> Firefighter certified in compliance with s. 633.408, F.S. Section 119.071(4)(d)2.d, F.S.</p>	<p><input checked="" type="checkbox"/> Guardian ad litem as defined in s. 39.820, F.S. Section 119.071(4)(d)2.j, F.S.</p>
<p><input type="checkbox"/> Juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I/II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Dept. of Juvenile Justice. Section 119.071(4)(d)2.k, F.S.</p>	<p><input type="checkbox"/> 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 and firing employees, labor contract negotiation, administration, or other personnel-related duties. Section 119.071(4)(d)2.h, F.S.</p>
<p><input type="checkbox"/> Directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2), F.S. and fulfills the screening requirement of s. 39.3035(3), F.S. and the members of a Child Protection Team as described in s. 39.303, F.S. whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team. Section 119.071(4)(d)2.t, F.S.</p>	<p><input type="checkbox"/> Directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility. The term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401, F.S. and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26), F.S. Section 119.071(4)(d)2.s, F.S.</p>
<p><input type="checkbox"/> Member of U.S. Armed Forces, reserve component of U.S. Armed Forces, or National Guard who served after 9/11/2001. † ‡ The exemption set forth at Section 119.071(5)(k), F.S. (2020) has been repealed and therefore applies only to records created before October 2, 2020.</p>	<p><input type="checkbox"/> Victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence Please attach official verification that crime occurred. Exemption for 5 years from date of this request. † ‡ Section 119.071(2)(j), F.S.</p>
<p><input type="checkbox"/> U.S. Attorney, Assistant U.S. Attorney, U.S. circuit judge, U.S. district judge, or U.S. magistrate judge. † ‡ Section 119.071(5)(i)2, F.S.</p>	<p>(Intentionally Left Blank)</p>

Printed name: Wendy Wriggins Ernst Date of Birth: 04/24/60 Phone No. [REDACTED]

Home Address: [REDACTED]

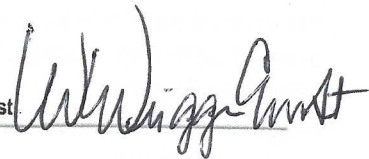
Signature (and Title, if app.) of Requester: _____ Date: 3-18-22

† If specifically indicated category selected, person also certifies, by signature herein, that he or she has made reasonable efforts to protect information from being publicly accessible through other means available to the public.

‡ Oath, affidavit and confirmation of status not required.

I, Wendy Wriggins Ernst, do solemnly swear that the statutory basis for my exemption request as set forth herein above is true and correct, under the pain and penalty of perjury.

Wendy Wriggins Ernst



STATE OF FLORIDA
COUNTY OF Leon

Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 31 day of March, 2022 by Wendy Wriggins Ernst, who is personally known to me or produced FL DL as identification.



(NOTARY SEAL)

CMD
Wendy Wriggins Ernst
Print Name: Caroline M. Durden
Notary Public, State of Florida
My Commission Expires: 3-18-22 CMD
08/07/2023

Attach confirmation of your status as a party eligible for exempt status.



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
BIG BEND HEALTH COUNCIL**

**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.
Applications will be discarded if no appointment is made after two years.**

Name: Ms. Sadaf Zendeheel		Date: 3/18/2022 3:43:17 PM	
Home Address:	3288 Gramercy Pl. Tallahassee, FL 32308	Do you live in Leon County?	Yes
		Do you live within the City limits?	Yes
		Do you own property in Leon County?	Yes
Home Phone:	(409) 770-3482	Do you own property in the Tallahassee City Limits?	Yes
Email:	sadaf.zendeheel@gmail.com	How many years have you lived in Leon County?	9

(EMPLOYMENT INFORMATION)

Employer:	Kikoda	Work Address:	2367 Centerville Rd Tallahassee, FL 32308
Occupation:	Data Analyst		
Work/Other Phone:	(409) 770-3482		

(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:	Asian	Gender:	F	Age:	32
District:	District I	Disabled?	No		

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name:	Brandie McCabe	Name:	Meade Grigg
Address:	429 W. 7th Ave. Tallahassee, FL 32303 mccabebbrandie@gmail.com	Address:	griggcm@gmail.com
Phone:	(850) 319-6736	Phone:	(850) 933-9382

Resume Uploaded? Yes

If no resume is available, 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. Please attach your resume, if one is available.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **No**

Have you served on any previous Leon County committees?* **No**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Is your personal information exempt from public records disclosure in accordance with FS 119.071(2)(j)1 or FS 119.071(4)? **No**

Members must meet one of the membership eligibility criteria listed below. Please indicate which category you would represent.

- ☐ Health Care Provider
- ☐ Health Care Purchaser
- ☒ Non-Governmental Health Care Consumer

The members of the consumer group shall include a representative number of persons over 60 years of age.

Are you 60 years of age or older? **No**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Ms. Sadaf Zendehtdel*

The application was electronically sent: 3/18/2022 3:43:17 PM

SADAF ZENDEHDEL

sadaf.zendehdel@gmail.com

3288 Gramercy Place • Tallahassee, FL 32308 • (409)770-3482

EDUCATION

THE FLORIDA STATE UNIVERSITY, College of Social Sciences and Policy- Tallahassee, Florida

August 2013

Master of Science in Applied Demography

Research: *The Shifting Age Structure of Metropolitan Areas*

THE UNIVERSITY OF TEXAS AT AUSTIN, College of Liberal Arts- Austin, Texas

August 2011

Bachelor of Arts in Sociology, Minor: Biology and Global Health Care Policy

CERTIFICATES AND SKILLS

- Lean Six Sigma Black Belt (Certified July 2017)
- Analyze quantitative and qualitative data using Qlik, Tableau, Excel, SQL, SPSS, Stata, SAS, and ArcGIS
- Evaluate data quality and adjust for deficiencies
- Experience in querying relational databases
- Ability to work with large data sets from multiple sources
- Produce and interpret descriptive and multivariate statistics
- Lead and manage quality and performance improvement projects
- Present research and analysis to leadership
- Demographic forecasting

PROFESSIONAL EXPERIENCE

Kikoda- Tallahassee, FL

2021 – Present

Data Analyst

- Identify, analyze, and interpret trends or patterns in complex data sets
- Communicate with and present technical and business information to technical and non-technical stakeholders
- Gather dashboard design and meta-data specifications for dynamic data visualizations, identifying additional improvements for data efficiency
- Extract, clean, validate and develop data sources per client specifications using SQL and various ETL tools, such as Tableau Prep and Alteryx
- Work with various customers to develop and maintain dashboards with BI tools such as Tableau and Power BI
- Develop, publish, test, and schedule data sources and visualizations based on the client's desired refresh schedule
- Define and implement Data Development Standards and Style Guides

FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES- Tallahassee, FL

2015 – Present

Data Analyst, Enterprise Data Management, Office of Information Technology

Data and Reporting Specialist, Office of Child Welfare

- Develop new custom SQL reports and update existing code based on report specifications
- Assist with developing the agency's Master Data Management project to identify individuals that receive services across programs
- Identify and validate Department wide crisis populations as identified by each program area
- Work with internal stakeholders to develop, enhance, and update the Crisis Population Dashboard
- Maintain, develop, and refresh Qlik and Tableau data visualizations for internal and public consumption
- Create and validate new Business Object reports using custom SQL queries
- Use Qlik, Tableau, SPSS, and Excel to produce monthly key indicator report
- Analyze performance measures and data to identify research-based areas for improvement
- Review and assist with secondary oversight of weekly Federal case reviews
- Lead Lean Six Sigma Black Belt team to develop goals, identify root causes, and create solutions and action plans for statewide projects

FLORIDA DEPARTMENT OF HEALTH- Tallahassee, FL

2013 – 2015

Workforce Development Data Analyst, Office of the Chief of Staff

Public Health Statistics Analyst, Division of Public Health Statistics & Performance Management

- Cleaned vital statistics data (births, deaths, fetal deaths, marriage and divorce) using SQL for production of the annual Florida Vital Statistics Report
- Used ArcGIS to geocode birth, death, and fetal death records at the census tract level
- Collaborated with various divisions to develop a comprehensive tool for county level performance and quality improvement data
- Presented training material to the public and various divisions on finding and interpreting data
- Responded to data and report requests from local county health departments and community stakeholders
- Created and import data sets into Microsoft SQL Server for data processing and analysis
- Coordinated Employee Satisfaction Survey for over 10,000 Department employees, result in an 82.2% response rate

THE FLORIDA STATE UNIVERSITY- Tallahassee, FL

2013 – 2014

Athletics Department Tutor (August 2013 – January 2014)

- Tutored student athletes in statistics and sociology courses
- Created weekly lesson plans for each student
- Worked with students to develop study habits and effective test preparation methods

THE UNIVERSITY OF TEXAS- Austin, TX

2011 – 2012

Student Development Specialist, Advise Texas

- Advised secondary school students about college admissions process
- Managed database of all senior students' college application and admission status
- Worked with counselors to encourage college applications from minority student populations
- Managed, organized and coordinated senior panels, financial aid nights, and various events educating students and parents
- Held monthly SAT tutoring group instructing students on test-taking strategies
- Collaborated with year-long mentor groups comprised of community member to enhance at-risk students' success



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
CAREERSOURCE CAPITAL REGION BOARD**

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 (850) 606-5300 or by e-mail at smachm@leoncountyfl.gov.
Applications will be discarded if no appointment is made after two years.

Name: Mrs. Amy (Beth) B. Cicchetti **Date:** 4/18/2022 9:38:26 AM

Home Address: 6290 Hines Hill Cir Tallahassee, FL 32312-1557 Home Phone: (850) 212-1056 Email: bkirkland@bkcllc.org	Do you live in Leon County? Yes Do you live within the City limits? Yes Do you own property in Leon County? Yes Do you own property in the Tallahassee City Limits? Yes How many years have you lived in Leon County? 28
---	---

(EMPLOYMENT INFORMATION)

Employer: Beth Kirkland Consulting, LLC Occupation: economic developer Work/Other Phone: (850) 212-1056	Work Address: 6290 Hines Hill Cir Tallahassee, FL 32312-1557
--	--

(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: White	Gender: F	Age: 57
District: District II	Disabled? No	

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name: Karen Moore Address: 2011 Delta Blvd, Tallahassee, FL 32303 Phone: (850) 224-0174	Name: Address: Phone:
--	--

Resume Uploaded? Yes

If no resume is available, 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. Please attach your resume, if one is available.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **Yes**

If yes, on what Committee(s) are you a member? *CareerSource Capital Region*

Have you served on any previous Leon County committees?* **No**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Is your personal information exempt from public records disclosure in accordance with FS 119.071(2)(j)1 or FS 119.071(4)? **No**

Members on this board must file a [Financial Disclosure Form #1](#) from the Florida Commission on Ethics, per State Statute 112.3145. [Financial Disclosure Information - Ethics](#).

Are you willing to file a Financial Disclosure Form? **Yes**

Members are nominated by a local business organization (Chambers of Commerce, Downtown Merchant Associations, area business associations, etc.) Nominations for the Board shall be representative of the business community in optimal business leadership positions, such as CEO's, VP's of HR, General Managers, Presidents and C Suite executives of firms that require a large workforce to maintain their business.

Have you been nominated by a local business organization? **Yes**

Name of nominating organization: *Chamber of Commerce*

Applicants must complete the [CSCR membership application](#).

Have you completed the CSCR Membership Application and emailed to Smachm@leoncountyfl.gov.? **Yes**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Mrs. Amy (Beth) B. Cicchetti*

The application was electronically sent: 4/18/2022 9:38:26 AM



Beth Cicchetti, CEcD

Executive Director

Florida Economic Development Council

Beth Cicchetti is the Executive Director of the Florida Economic Development Council (FEDC), a professional association of 430+ economic, workforce and community developers whose focus is improving local communities and elevating Florida's global competitiveness. Beth is responsible for the organization's membership development, strategic planning, advocacy efforts and commitments to the Florida 2030 Blueprint.

A certified economic developer (CEcD) since 2009 accredited by the International Economic Development Council, Beth has a 36-year career in business, economic and workforce development and is the owner of Beth Kirkland Consulting LLC. As a complement to her leadership of FEDC, Beth consults with communities and businesses on strategic planning, marketing, and project development. She has served communities that have announced new jobs and capital investment in the sectors of IT, Healthcare, Energy,

Advanced Materials, Warehousing/Distribution, Transportation Solutions, Backoffice, and Manufacturing. These jobs have occurred in rural and urban markets, at airports, and as greenfield and expansion projects. Each project required unique and innovative solutions in the areas of workforce training, infrastructure, permitting and financing.

From 2007 to 2012, Beth served as the Executive Director of the Economic Development Council of Tallahassee-Leon County where she was responsible for raising private sector funding and maintaining investments by the City of Tallahassee and Leon County, marketing, and project development. During her tenure with the EDC, Beth was instrumental in establishing the Tallahassee - Leon County Entrepreneurial Excellence Program designed to guide start-ups through the most vulnerable stages of business formation. Serving Northwest Florida with distinction, Beth positioned the region as a strategic partner in the Florida Economic Gardening Institute - an Edward Lowe Foundation resource for scaling second stage growth companies now known as GrowFL. Beth instituted a Business Retention & Expansion (BRE) program in the Tallahassee MSA connecting industry, education and government to expand workforce training options for multiple industry sectors. She also served on the Governance Board for northwest Florida's Workforce Innovation in Regional Economic Development (WIRED) - a \$45 MM federally funded sixteen-county initiative to align secondary and post-secondary education with the business needs in the sectors of defense, IT, aviation/aerospace and advance manufacturing.

Recently Beth has leveraged transportation infrastructure in support of strategic sites identification and preparation. This has resulted in the Gulf to Gadsden Freight Logistics Zone - a four county initiative aligning air, sea, rail and interstate infrastructure serving qualified industrial sites and two greenfield developments with an economic impact over \$10 M. She was also instrumental in finding a solution for Amazon's quest to establish a Robotic Sorting Center in the MSA.

Beth graduated from the University of Louisiana-Monroe with a B.S. in Computer Science. She is also a graduate of the University of Central Florida with a M.S. in Engineering Systems Analysis.

Beth has led numerous Boards of Directors and Committees. She is the Immediate Past Chair of CareerSource Capital Region and is a current director with the National Association of Workforce Boards. She is a 2020 member of Class V of the Florida TaxWatch Citizenship Institute focused on government operations, regulation & permitting, and budget & taxation and a member of Leadership Tallahassee Class 17. Beth resides in Tallahassee with her husband, Mark. Together they enjoy five adult children and five grandchildren.



May 2, 2022

Chair William Proctor
Leon County Board of County Commissioners
301 S. Monroe St. 5th Floor
Tallahassee, FL 32301

Dear Chair Proctor:

CareerSource Capital Region is please to support the appointment of the following board member for a three-year term to expire on June 30, 2025:

Beth Cicchetti

Ms. Cicchetti is the Principal Owner for Beth Kirkland Consulting, LLC and will continue to be an outstanding addition to the CareerSource Capital Region Board of Directors. Ms. Cicchetti has attended all Board and Committee meetings satisfactorily within the requirements of the CSCR Bylaws. She will serve a three-year term beginning, July 1, 2022 to June 30, 2025. Our Nominating Committee voted to approve Ms. Cicchetti's reappointment on April 26, 2022.

Should you have any questions, please do not hesitate to contact me at (850) 617-4601.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. McShane, III".

James H. McShane, III
Chief Executive Officer
CareerSource Capital Region

(850) 414-6085

(850) 410-2595

2639 North Monroe Street
Building C, Suite 100
Tallahassee, FL 32303



EDUCATE. ADVOCATE. CONNECT.

February 14, 2017

To Whom It May Concern:

I am writing to recommend Beth Kirkland to serve on the Board of CareerSource Capital Region. I have had the privilege of working with Beth Kirkland for several years as colleagues in the economic development profession. She understands the value of a collaborative approach between economic and workforce developers to affect job creation in Florida regions and communities. Beth served on the Board of Governors for the Florida's Great Northwest Workforce Innovation for Regional Economic Development (WIRED) federal grant program that transformed the way economic development is approached in northwest Florida. WIRED is a precedent for today's Workforce Innovation & Opportunity Act (WIOA) and the focus on sector strategies. Beth, as principal of her consulting practice, Beth Kirkland Consulting, LLC, is a leader in the implementation of sector strategies and, as such, will be of great value to CareerSource Capital Region.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cathy Chambers".

Cathy Chambers, Chairman
Florida Economic Development Council

3551 Blainstone Rd, Ste 105-138
Tallahassee, FL, 32301

www.fedconline.org

PH: 850.601.0871
FX: 850.601.0871



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
INVESTMENT OVERSIGHT COMMITTEE**

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 (850) 606-5300 or by e-mail at smachm@leoncountyfl.gov.
Applications will be discarded if no appointment is made after two years.

Name: Mr. Ben Watkins		Date: 6/15/2022 5:17:53 PM	
Home Address:	1330 Preakness Point Tallahassee, FL 32308	Do you live in Leon County?	Yes
		Do you live within the City limits?	Yes
		Do you own property in Leon County?	Yes
Home Phone:	(850) 570-8718	Do you own property in the Tallahassee City Limits?	Yes
Email:	ben.watkins@sbafla.com	How many years have you lived in Leon County?	28

(EMPLOYMENT INFORMATION)

Employer:	Florida Division of Bond Finance	Work Address:	1801 Hermitage Blvd. Tallahassee, FL 32308
Occupation:	Director		
Work/Other Phone:	(850) 413-1325		

(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:	White	Gender:	M	Age:	63
District:	District III	Disabled?	No		

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name:	Lawton Langford	Name:	
Address:	PO Box 2235 Tallahassee, Florida 32316	Address:	
Phone:	(850) 510-0200	Phone:	

Resume Uploaded? Yes

If no resume is available, 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. Please attach your resume, if one is available.

see attached resume.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **Yes**

If yes, on what Committee(s) are you a member? ***Current member of the Investment Oversight Committee***

Have you served on any previous Leon County committees?* **Yes**

If Yes, on what Committee(s) have you served? ***Investment Oversight Committee***

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Is your personal information exempt from public records disclosure in accordance with FS 119.071(2)(j)1 or FS 119.071(4)? **No**

Members must be a resident of Leon County.

Members may not be employed by any office of Leon County government.

Are you employed by an office of Leon County government? **No**

Members must have experience in either of the following areas. Please indicate your area of expertise.

- ☐ Experience involving portfolio management
- ☐ Experience involving institutional fixed income investments

Appointed members may not engage in any private financial dealings with the County directly related to the County's investment operations during their tenure on the committee and for a period of two (2) years thereafter.

Do you understand the above statement and agree to the terms? **Yes**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Mr. Ben Watkins*

The application was electronically sent: 6/15/2022 5:17:53 PM

J. BEN WATKINS III

EMPLOYMENT EXPERIENCE

Director - State of Florida Division of Bond Finance

July 1995 – Present

Mr. Watkins has been Director of the Division of Bond Finance since July, 1995. The Division of Bond Finance is responsible for issuing bonds for the State of Florida and advising on other debt management policies for the State. The Division administers bonding programs for the Departments of Education, Transportation, Environmental Protection and Management Services as well as borrowings for the Board of Regents, Florida Turnpike System, Florida Hurricane Catastrophe Fund and State Comptroller's consolidated equipment financing program. The Division is also responsible for allocating the private activity bond volume cap, maintaining a local government reporting system for bond issues, calculating federal arbitrage rebate liabilities and developing a system to insure compliance with the SEC's secondary market disclosure requirements.

Associate – Macfarlane Ausley Ferguson & McMullen, Tallahassee, Florida

April 1994 – June 1995

Practice area included all types of public finance including general obligation bonds, revenue bonds, COPs, limited tax/special assessment bonds and tax-exempt loans and leases. Experience as bond counsel and disclosure/underwriter's counsel in connection with bond transactions. Experience with securitization of cash flows from portfolio of Small Business Administration loans, notes and mortgages from the sale of Jim Walter Homes.

Associate – Sutherland, Asbill & Brennan, Atlanta, Georgia

April 1987 – April 1994

Extensive experience as bond counsel, bank counsel and underwriter's counsel on taxable and tax-exempt financings. Typical responsibilities included structuring financings, financial and disclosure due diligence, advising on tax issues and securities law matters, drafting and negotiating documents including indentures, loan agreements, lease agreements, reimbursement agreements, letters of credit, guaranties, pledge agreements, security deeds, official statements, prospectuses, other disclosure documents and closing transactions. Experience with tax-exempt derivative products such as interest rate SWAPs, inverse floaters, interest rate caps, etc., and innovative financing techniques involving reimbursement bonds, working capital deficit financings and asset sales.

Director of JVs and Partnerships – W. B. J. Properties, Atlanta, Georgia

Feb. 1983 – Jan. 1984

Responsible for administrative, financial and tax matters for joint ventures and partnerships associated with real estate developer and franchisor/management company for Ritz Carlton Hotels Company. Administrative responsibilities included negotiating joint venture agreements and maintaining relationships with joint venture partners, i.e., life insurance companies; supervising accounting department, construction accounting and cash management personnel. Financial responsibilities included monthly financial reporting, cash flow projections, financial reporting to joint venture partners, financial statement preparation, analytical review and reporting on operations.

Supervising Senior – KPMG Peat Marwick, Atlanta, Georgia

October 1979 – January 1983

Certified Public Accountant since May 1979. Responsible for planning, coordinating and supervising audit engagements on businesses including primarily commercial, manufacturing and real estate concerns. Quarterly review for 10-Q and annual audit for 10-K for SEC reporting clients.

EDUCATION

University of Florida College of Law

January 1984 – December 1986

Graduated in top eight percent of class with honors. Chief Tax Editor and Member, Florida Law Review; Student Member of Faculty Selection Committee; Business Manager, Student Government Productions.

Auburn University

Graduated 1979 with high honors; BSBA with concentration in accounting

PROFESSIONAL MEMBERSHIPS AND ACTIVITIES

Municipal Securities Rulemaking Board

Vice Chairman 2003 – 2004

Municipal Securities Rulemaking Board – Member 2001-2004

Nominating Committee 2000

Government Finance Officers Association

Committee on Governmental Debt and Fiscal Policy 1996-2001; 2007 to present

Debt Committee – Chair, Web Site Development Working Group 2002

Debt Committee – Chair, Financial Policies Subcommittee 1998

Debt Committee – Co-Chair, Working Group on IRS Audits 1998

Chair – Joint Task Force with the National Association of Bond Lawyers on Tax Reform 2002

Published Article in the Government Finance Review Magazine – “Using Your Website for Disclosure”

Published Article in the Government Finance Review Magazine – “What to do When the IRS Calls”

National Association of State Treasurers

State Debt Management Network since 1997

State Debt Management Network – Executive Board 1998, 1999

State Debt Management Network – Program Committee 1998

Recipient of Tanya Gritz Award for Excellence in Public Finance 2001

Representative on Muni Council

National Association of Bond Lawyers

National Federation of Municipal Analysts – 2009 Industry Contribution Award for Work on Disclosure Practices

The Bond Market Association – Recognized on the 2001 Muni Division’s Honor Roll

Florida Public Finance Forum – Acting Chair 1997

Member of the State Bar of Florida and the State Bar of Georgia since 1987

COMMUNITY ACTIVITIES

Tall Timbers Research, Inc. – Board Member; Finance and Investments Committee

Leon County School Board – Capital Improvement Review Team – Chair, Oversight Committee 2002 – 2007

Governor’s Mentoring Program

Friends of Leon County Public Library – Treasurer

Coach 6-8 year old Girls Volleyball and T-Ball Teams

Florida Forest Stewardship Advisory Committee

Florida Council for Advisors for Research and Extension in Natural Resources

Economic Club of Florida- Chairman

Maclay School Board of Trustees – Board Member

***INVESTMENT OVERSIGHT COMMITTEE
ATTENDANCE REPORT***

Committee Name: Investment Oversight Committee

Committee Member Name: Ben Watkins

9/25/2019	3/4/2020	8/12/2020	11/20/2020	3/30/2021	6/11/2021	10/28/2021	12/16/2021	3/8/2022	
X	X	X	X	X	A	X	X	X	

X – Member in attendance.
A – Member absent
A/E – Member absent/excused
MC – Meeting cancelled
TE- Term Expired

Additional Information or Remarks:



**LEON COUNTY BOARD OF COUNTY COMMISSIONERS
CITIZEN COMMITTEE APPLICATION
INVESTMENT OVERSIGHT COMMITTEE**

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 (850) 606-5300 or by e-mail at smachm@leoncountyfl.gov.
Applications will be discarded if no appointment is made after two years.

Name: Mrs. Renee McNeill		Date: 7/1/2022 2:22:57 PM	
Home Address:	919 Shadowlawn Dr Tallahassee, FL 32312	Do you live in Leon County?	Yes
		Do you live within the City limits?	Yes
		Do you own property in Leon County?	Yes
Home Phone:	(850) 570-0175	Do you own property in the Tallahassee City Limits?	Yes
Email:	rzmcneill@gmail.com	How many years have you lived in Leon County?	27

(EMPLOYMENT INFORMATION)

Employer:	Tallahassee National Bank a division of Thomasville National Bank	Work Address:	
Occupation:	SVP / Commercial Banker		
Work/Other Phone:			

(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: White	Gender: F	Age:
District:	Disabled? No	

(RESUME AND REFERENCES)

References (you must provide at least one personal reference who is not a family member):

Name: Edward Murray - Talcor Commercial Real Estate	Name: Charles Hodges - Thomasville National Bank
Address: 1018 Thomasville Road; Tallahassee FL 32301	Address:
Phone: (850) 224-2300	Phone: (229) 226-3300

Resume Uploaded? No

If no resume is available, 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. Please attach your resume, if one is available.

(COMMITTEE QUESTIONNAIRE)

IMPORTANT LEGAL REQUIREMENTS FOR COMMITTEE/BOARD/AUTHORITY MEMBERSHIP

Citizen participation is important in developing Leon County's programs and policies, and in providing quality public services to the community. We appreciate your interest in serving on a committee and would like to bring a few items to your attention. As a member of a committee/board/authority, 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 for violating these applicable laws include criminal penalties, civil fines, and the voiding of any committee/board/authority 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, please take a few minutes to complete the mandatory orientation. Your application will not be deemed complete until you have completed the orientation.

Have you completed the Applicant Orientation for membership on Citizen Committees, Board & Authorities?* **Yes**

Are you currently serving on a County Advisory Committee or other Committee/Authority/Board?* **No**

Have you served on any previous Leon County committees?* **No**

Are you willing to complete a financial disclosure form if applicable?* **Yes**

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**

Are you or your employer, or your spouse or child or their employers, currently doing business with Leon County?* **No**

Are you or your employer, or your spouse or child or their employers, currently doing business with the Committee/Board/Authority to which you are applying for membership?* **No**

Do you currently have any employment or contractual relationship that would create a continuing or frequently recurring conflict with regard to your participation on a Committee/Board/Authority? (i.e. would you have frequent or reoccurring voting conflicts?)* **No**

Do you foresee participating in any competitive bid process for Leon County business during your time serving on this committee/board/authority?* **No**

Do you foresee participating in any competitive bid process involving business with the Committee/Board/Authority to which you are applying, during your time serving on that entity?* **No**

Is your personal information exempt from public records disclosure in accordance with FS 119.071(2)(j)1 or FS 119.071(4)? **No**

Members must be a resident of Leon County.

Members may not be employed by any office of Leon County government.

Are you employed by an office of Leon County government? **No**

Members must have experience in either of the following areas. Please indicate your area of expertise.

☒ Experience involving portfolio management

Please explain: ***I currently manage a multi million dollar loan portfolio for Tallahassee National Bank***

☐ Experience involving institutional fixed income investments

Appointed members may not engage in any private financial dealings with the County directly related to the County's investment operations during their tenure on the committee and for a period of two (2) years thereafter.

Do you understand the above statement and agree to the terms? **Yes**

All statements and information provided in this application are true to the best of my knowledge.

Signature: *Mrs. Renee McNeill*

The application was electronically sent: 7/1/2022 2:22:57 PM

***INVESTMENT OVERSIGHT COMMITTEE
ATTENDANCE REPORT***

Committee Name: Investment Oversight Committee

Committee Member Name: Renee McNeill

9/25/2019	3/4/2020	8/12/2020	11/20/2020	3/30/2021	6/11/2021	10/28/2021	12/16/2021	3/8/2022	6/22/2022
X	A	X	X	A	X	A	A	A	X

X – Member in attendance.
A – Member absent
A/E – Member absent/excused
MC – Meeting cancelled
TE- Term Expired

Additional Information or Remarks:

**Leon County
Board of County Commissioners**

Notes for Agenda Item #29

Leon County Board of County Commissioners

Agenda Item #29

July 12, 2022

To: Honorable Chairman and Members of the Commission

From: Vincent S. Long, County Administrator

Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Benjamin H. Pingree, Director, Planning, Land Management & Community Enhancement Artie White, Director, Planning Department
Lead Staff/ Project Team:	Russell Snyder, Administrator, Land Use Planning Division Susan Denny, Senior Planner, Land Use Planning Division

Statement of Issue:

Northwoods Baptist Church has requested a rezoning on 32.18 acres of its 85.31-acre property at 3762 Capital Circle NW so that the entire site has the same zoning and would allow low density residential development on the undeveloped 32.18 acres, up to 8 units per acre. Rezoning requests by private entities require one public hearing and the adoption of an ordinance. This item requests the Board conduct the first and only **quasi-judicial** public hearing to consider adopting a proposed Ordinance amending the Official Zoning Map to change the zoning classification from Residential Acre (RA) to Single- and Two-Family Residential (R-3).

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Conduct the first and only public hearing and adopt the proposed Ordinance (Attachment #1), thereby amending the Official Zoning Map to change the zoning classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for the approximately 32.18-acre portion zoned RA of an overall 85.31-acre parcel located at 3762 Capital Circle NW, based on the findings of fact and conclusions of law of the Planning Commission, this report, and any evidence submitted at the hearing hereon.

Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

July 12, 2022

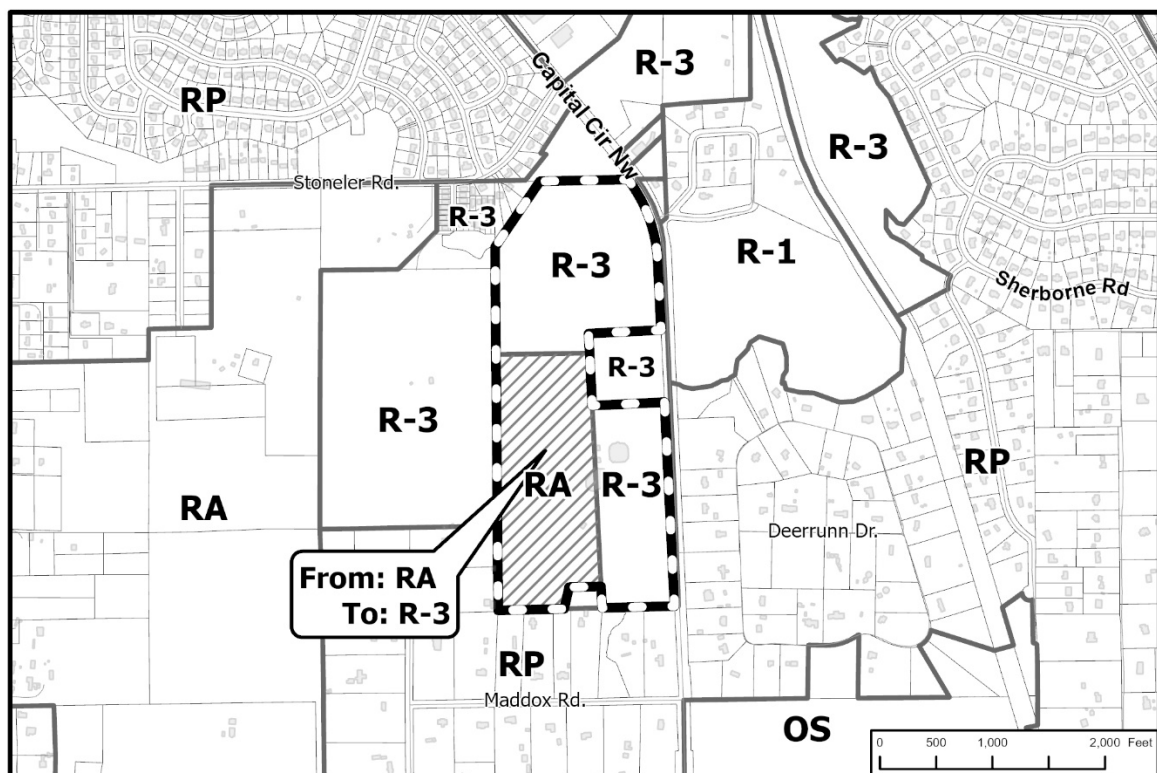
Page 2

Report and Discussion

Background:

This item requests the Board conduct the first and only public hearing to consider adopting a proposed Ordinance (Attachment #1) amending the Official Zoning Map to change the zoning classification from the RA zoning district to the R-3 zoning district for 32.18 acres located at 3762 Capital Circle NW, just west of the intersection of Capital Circle NW and Deerrun Drive. At its June 7, 2022 meeting, the Planning Commission voted 3-1 to find the request consistent with the Comprehensive Plan and to recommend approval of the proposed Ordinance (Attachment #1).

The applicant is Northwoods Baptist Church, and the agent is Poole Engineering and Surveying, Inc. Northwoods Baptist Church owns 85.31 acres which has two different low density residential zoning districts, most of which allow up to 8 units per acre (R-3). The 32.18-acre portion requested for rezoning currently only allows one unit per acre (RA). The rezoning request seeks to eliminate the split zoning on the property and allow the entire parcel to have low density residential development of up to 8 units per acre. The parcel proposed to be rezoned is surrounded by property that currently allows 8 units per acre of low density residential development (R-3) and by zoning which allows up to 6 dwelling units per acre (RP).



Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

July 12, 2022

Page 3

The criteria required for consideration of a proposed rezoning include consistency with the Comprehensive Plan, conformance with the Leon County Land Development Code, changed conditions on the site, land use compatibility, and other matters deemed relevant and appropriate. Based on the findings of fact outlined in this report, staff have determined that the proposed rezoning is consistent with the Comprehensive Plan and recommend approval. These criteria are more specifically described in the Analysis below.

Findings of Fact:

1. The property is designated as Suburban on the Future Land Use Map (FLUM).
2. The Comprehensive Plan defines low density residential development as between 0-8 dwelling units per acre. Adjacent zoning districts that allow residential densities within this range are considered compatible development.
3. Both the current and proposed zoning districts are low density residential districts. The neighboring properties are also low density residential (they are R-3 and Residential Preservation, which allows up to 6 units per acre).
4. The proposed zoning district (R-3) is considered compatible with the adjacent zoning districts (R-3 and RP) since they are all low density residential districts.
5. Low density residential development is allowed in areas designated as Suburban on the FLUM. Zoning districts in this category are determined by unique land use patterns, character, and availability of infrastructure.
6. When the site was originally zoned RA, it did not have access to the infrastructure to support development more intense than what is allowed under the current zoning. This zoning designation was consistent with the Suburban category's intent to provide a lower intensity interim use until infrastructure was available for higher intensity development.
7. Due to changed conditions, the property now has access to central sewer and water, which makes the current zoning inconsistent with the RA district's intent.
8. Given that the property is within the USA, has access to a principal arterial roadway (Capital Circle), has access to central sewer and water, and proposes a zoning district that maintains the low density residential development pattern of the area, the proposed rezoning is consistent with the Comprehensive Plan.

The current request is a rezoning of a portion of the property. This step determines the allowed uses and the density (number of dwelling units per acre) of development on the site. The next step in the development process, whether the rezoning is approved or whether the current zoning remains, would be site plan review. The site plan stage of development evaluates a proposed development plan for County's Code requirements for stormwater treatment and attenuation, environmental protection, traffic impacts, concurrency, buffers, open space requirements, and all other applicable development standards.

Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

July 12, 2022

Page 4

Legal Considerations

This hearing is a quasi-judicial proceeding; therefore, members of the Board shall not initiate or knowingly engage in ex parte communications regarding this item. Ex parte communications are verbal or written communications made to a member of the Board on a matter to come before the Board by, or on behalf of, a party outside of a Board meeting, and without notice to the other parties. All ex parte communications received by a Commissioner should be forwarded to the County Attorney's Office for inclusion in the agenda materials. If a communication is not included in the agenda materials or occurs after agenda materials are distributed to the Board, the Commissioner must disclose the details of the communication at the Board meeting before the Board takes action on the matter. Ex parte communications received and disclosed as of June 30, 2022, are attached as Attachment #8. To the extent subsequent ex parte communications are received and disclosed prior to July 12, 2022 public hearing, the communications will be provided as an additional attachment.

Quasi-judicial hearings require due process (notice and an opportunity to be heard and cross-examine), must comport with the essential requirements of the law (consideration of the correct criteria), and require that the decision of the Board be supported by competent, substantial evidence placed on the record before the Board. "Competent substantial evidence" is that which is "sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached." *De Groot v. Sheffield*, 95 So. 2d 912, 916 (Fla. 1957). Evidence relied upon must be fact-based, real, material, pertinent and relevant. Moreover, if the Board denies the rezoning request such denial must include a determination on the record that maintaining the existing conditions furthers a legitimate public purpose.

Property History

Historic Zoning: The 1990 Historic Zoning Atlas indicates that the historic zoning on the property was Agriculture (A-2).

1990: When the 1990 Tallahassee-Leon County Comprehensive Plan was adopted the subject parcel was placed in the Mixed Use-A Future Land Use Map (FLUM) Category.

1992: The Official Zoning Map for Leon County was adopted by Ordinance #92-11 to implement the 1990 Tallahassee-Leon County Comprehensive Plan. The subject parcel was split zoned Residential Acre (RA) and Single and Two-Family Residential (R-3).

June 7, 2022: The Planning Commission held a public hearing on the proposed ordinance and voted (3-1) to find the proposed Ordinance consistent with the comprehensive plan, and to recommend approval to the Board of County Commissioners.

July 12, 2022: The Board of County Commissioners will hold a public hearing on the proposed Ordinance.

Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

July 12, 2022

Page 5

Planning Commission Discussion

On June 7, 2022, the Planning Commission held a public hearing on this item and voted (3-1) to find the application consistent with the Comprehensive Plan and recommend that the Board of County Commissioners adopt the proposed Ordinance. There were multiple speakers for the item. Several representatives of the Church spoke in support of the item, stating that selling the land to be developed into housing will help the church to pay off debts and continue to exist.

Multiple speakers spoke against the rezoning, citing negative impacts to the existing quality of life in the area, including concerns over incompatible development, traffic, stormwater and flooding, impacts to wildlife and natural features, crime, and impacts to property values (see Attachment #7 for citizen comments and the Public Notification and Response section below for additional details). The Planning Commission discussed possible limitations and constraints for meeting the maximum allowed density and also discussed the scope of review in determining their recommendation, noting that their task was to review for consistency with the Comprehensive Plan and its policies. Given that no inconsistencies with policy were identified, the Planning Commission voted 3-1 to find the proposed ordinance consistent with the Tallahassee-Leon County Comprehensive Plan and to recommend that the Board of County Commissioners adopt said ordinance.

Analysis:

In accordance with Section 10-6.205(b)13 (Procedures for Ordinance and Official Zoning Map Amendments) of the *Leon County Code of Ordinances*, the County shall consider the following in determining whether to recommend approval or denial of an application:

1. *Comprehensive Plan.* Is the proposal consistent with all applicable policies of the adopted Comprehensive Plan?

Yes. The subject property is located within the Urban Services Area and within the Suburban Future Land Use Map (FLUM) Category (Policy 2.2.5: [L], Attachment #2) of the Comprehensive Plan. The Suburban FLUM category is intended as an environment for economic investment or re-investment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential areas. The Suburban FLUM category states that recreational opportunities, cultural activities, and commercial goods and services should be located nearby to complement the residential aspects of this development pattern. The subject site's current community facility use, and the proposed R-3 district are consistent with this intent.

The Suburban FLUM category identifies development patterns that all development within the category shall comply with. The implementing development pattern for this site is low density residential, which includes residential, recreation, light infrastructure and community service uses. This pattern allows between 0 to 8 dwelling units per acre and has an established intensity of 10,000 square feet of building area per acre for non-residential uses. In addition to the

adjacent R-3 districts, the surrounding RA and RP districts are also low density residential districts. The proposed residential densities and non-residential intensities are consistent with the low density residential development pattern (up to 8 du/ac). The proposed rezoning maintains the low density residential development pattern in the area and does not create incompatible development patterns (see #4 below for additional discussion of land use compatibility).

Availability of requisite infrastructure is a key determining factor in the appropriateness of an implementing zoning district in the Suburban FLUM category. Policy 2.2.5: [L] states that “allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.” It also notes that low density residential development patterns can have a minimum of 1 unit per acre if water and sewer are not available.

When the site was originally designated as RA, it did not have access to central sewer and water, so the designation was appropriate. Church-related development activities since then have resulted in the property gaining access to central sewer and water provided by Talquin Electric.

Given the land use patterns, character, and availability of requisite infrastructure in the area, the requested rezoning is consistent with Policy 2.2.5: [L]. The property has access to central sewer and water, access to a principal arterial roadway (Capital Circle NW), and it proposes a zoning district that is considered compatible with the adjoining low density residential properties. Thus, the request to rezone to a district that allows for the maximum intensities allowed under the low density residential development pattern is consistent with the intent of the Suburban FLUM category.

2. *Conformance with the Land Development Regulations.* Is the proposal in conformance with any applicable substantive requirements of the land development regulations, including minimum or maximum district size?

Yes. The R-3 district is intended to be located in areas designated Bradfordville Mixed Use Urban Residential, Urban Residential 2, or Suburban on the future land use map that contain or are anticipated to contain a wide range of single-family and two-family housing types. These conditions exist for the subject property given the suburban FLUM designation and the surrounding area’s zoning of R-3 and RP.

The RA zoning district intent states that it is “intended to apply to selected areas located on the periphery of the urban service area where sanitary sewer is not expected to be available or

Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

July 12, 2022

Page 7

environmental constraints exist. The regulations of this district are intended to permit low density or intensity development, consistent with environmental and infrastructure constraints, without precluding future expansion of urban services.” Given that the site has access to central sewer and water (confirmed by Talquin Electric) and is unencumbered by hydrologic features (see Attachment #3), the current zoning district is inconsistent with Code. The request to rezone to R-3 is consistent with Code and reflects the requisite infrastructure available on the site.

A comparison of the existing and proposed uses in the RA and R-3 zoning districts is provided in Table 1, and a comparison of the allowable density and intensity is contained in Table 2.

Table 1: Comparison of Existing and Proposed Permitted Uses

Permitted Uses	Zoning Districts	
	RA	R-3
Passive and Active Recreation Facilities	X	X
Agricultural Production - Crops	X	
Cemeteries	X	
Community services in accordance with section 10-6.806 of these regulations	X	X
Community facilities related to residential uses, including libraries, religious facilities, police/fire stations, and elementary/middle schools.	X	
Community facilities related to residential uses including religious facilities, police/fire stations, elementary/middle schools, and vocational and exceptional student education schools.		X
Single-Family Attached		X
Single-Family Detached	X	X
Two-Family Dwellings		X
Zero-Lot Line Single-Family Detached		X
Golf Courses		X

See Attachment #2: §10-6.634 RA Residential Acre; §10-6.637, R-3 Single- and Two-Family Residential district charts.

Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

July 12, 2022

Page 8

Table 2: Development Intensity Allowed by District

Zoning District	Maximum Residential Density	Maximum Non-Residential Building Size	Allowable Density for Subject Site (32.18 acres)	Allowable Non-Residential Intensity for Subject Site (32.18 acres)
R-3 (Proposed)	8 du/acre	10,000 square feet per acre of gross building floor area. Max. 3 stories.	257 dwelling units	321,800 sf of Non-Residential
RA (Existing)	1 du /acre	10,000 square feet per acre of gross building floor area. Max. 3 stories.	32 dwelling units	321,800 sf of Non-Residential
Net Change in Use			+ 225 dwelling units	+ 0 sf of Non-Residential

3. **Changed Conditions.** *Have the land use and development conditions changed since the effective date of the existing zoning district regulations involved, which are relevant to the properties?*

Yes. In 2018, the adjacent 61.09-acre parcel to the west was rezoned from RA to R-3 (LRZ180003, see Attachment #4). Also, the subject site is within Talquin Electric's Water/Sewer franchise, which was approved on December 31, 2006. According to Talquin Electric, the subject property has access to central sewer and water with limited capacity. Talquin Electric will need a development application to determine what kind of capacity the proposed development would require.

4. **Land Use Compatibility.** *Will the proposal result in any incompatible land uses, considering the type and location of uses involved?*

No. As indicated in Table #3 below, all the adjoining zoning districts are low-density residential. The subject property is adjacent to residential uses to the south and west, and community service and potentially residential (zoned R-3) uses to the north and east. Rezoning the subject property would provide for uniform R-3 zoning for the entire parcel and match the R-3 zoning to the north, east, and west of the site.

Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

July 12, 2022

Page 9

Table 3: Surrounding Zoning and Future Land Use

Area	Zoning	Future Land Use	Physical Use	Comments
Subject Property	RA	Suburban	Vacant/ Community Facility	Site of Northwoods Baptist Church
North	R-3	Suburban	Vacant	
South	RP	Residential Preservation	Single-family homes	
West	R-3, RP	Suburban, Residential Preservation	Vacant, Single-family homes	
East	R-3	Suburban	Community Facility	Site of Northwoods Baptist Church

5. School Considerations. *Is there capacity in area schools? What effects on enrollment could the proposed rezoning have on area schools?*

The Leon County Schools staff analyzed the zoning change and did not identify any issues (Attachment #5). The Leon County School Board approved the school impact analysis (SIA) on March 22, 2022. A final determination of school impacts will be made at the site plan stage.

6. Other Matters. *Are there any other matters, which the Commission may deem relevant and appropriate?*

No.

Public Notification and Response:

This request has been noticed and advertised in accordance with the provisions of the *Leon County Code of Ordinances* (Attachment #6). The Planning Department mailed 148 notices to property owners within 1,000 feet of the subject property, including representatives for the Lakewood Area Neighborhood Association and Lakewood Village Homeowners Association. To date, the Planning Department has received multiple responses in opposition to the proposed rezoning (Attachment #7). Most of the comments can be classified as concerns with negative impacts to the quality of life and property values in the area if the rezoning is adopted. Comments include concerns with incompatible development, increases in traffic, potential stormwater and flooding issues, negative impacts to wildlife and natural features, increased crime, and potential multi-family development on the site.

The current request is a rezoning of a portion of the property. This step determines the allowed uses and the density (number of dwelling units per acre) of development on the site. Many of the concerns expressed by citizens are addressed at the subsequent stage of development, the site plan stage. During the site plan stage, a development plan is evaluated for meeting the County's Code requirements for stormwater treatment and attenuation, protection of natural features, mitigation for traffic impacts, buffers, open space requirements, and all other applicable development standards. To date, no development application or site plan has been received. Even if such plans were available, at this rezoning stage, the applicant would not be bound by them because rezoning cannot be conditionally approved upon a specific site plan.

Additionally, based on Comprehensive Plan policies, the rezoning to R-3 is considered compatible development since it would result in adjoining low density residential zoning districts – RA, R-3, and RP are all defined in the Comprehensive Plan as low density residential because they allow densities between 0-8 dwelling units per acre. Although some of the adjacent RP neighborhoods have private deed restrictions that restrict the size of lots to be greater than two acres, those are private agreements, and the County's land development regulations allow for smaller lot sizes and, thus, are considered legally compatible. Furthermore, staff confirmed with Talquin Electric that the subject property has access to central sewer and water, which further justifies the request to have allowed densities greater than what is allowed under the current zoning.

As some residents have noted, the surrounding area has multiple hydrologic features and wetlands, but the subject property is one of the higher and drier sites in this area (see Attachment #3) and any protected features onsite will be identified in a required Natural Features Inventory (NFI) and protected upon submittal of a site plan or Environmental Management Permit (EMP) application. County Environmental Services staff stated that due to known flooding in the area, stormwater management facilities design shall ensure no adverse impacts onto the existing drainage system. Any runoff from development on this site is subject to the stormwater treatment and attenuation standards of the Leon County Environmental Management Act (EMA), so water quality and water quantity will be addressed when a development application is submitted.

Some residents raised concerns over multi-family development being allowed in the R-3 district. However, multi-family (i.e. an apartment building) is not allowed in the R-3 district, which is why multi-family is not shown in Table 1. The housing types allowed in R-3 are single-family detached houses, single-family attached houses (i.e. townhouses), and two-family dwellings (i.e. duplex). No more than a two-family dwelling (i.e. a duplex) would be allowed on a single lot. Attached single-family houses require each dwelling unit to be located on a separate lot. Each dwelling unit and lot must meet the minimum lot size requirements for single-family attached dwellings or townhouses. Single-family attached houses in R-3 are limited to no more than 8 attached units. Apartments are not an allowed use.

Ultimately, the site design and onsite conditions will determine the final unit counts for any future residential development on the subject property. Code requirements ensure that development impacts are properly mitigated. Given that the proposed rezoning is a low density residential district, it is a compatible development pattern according to the Comprehensive Plan. The access

Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

July 12, 2022

Page 11

to central sewer and water, access to a principal arterial roadway (Capital Circle NW), and the lack of environmental constraints on the subject site lend further support for the request to rezone from RA to R-3 since it appears that this site is one of the few places in the area that has the infrastructure and onsite conditions to support the types of development allowed in the R-3 district. Based on these findings, staff find the proposed rezoning consistent with the Comprehensive Plan and recommend approval.

Conclusion:

The zoning on a property establishes allowable uses as well as densities and intensities of those uses. The Northwoods Baptist Church property is currently zoned for low density residential. The majority of the approximately 85-acre property is zoned R-3, which allows up to eight units per acre. A roughly 32-acre portion is zoned for one unit per acre (RA). The proposed rezoning would provide for a single zoning district for the entire property that allows up to eight units per acre. The RA zoning was established as an interim zoning district because the site lacked access to central water and sewer. In the time since the site was zoned RA, the property has gained access to central water and sewer. The rezoning is consistent with this change and is consistent with the site's location within the Urban Service Area.

Based on the considerations outlined in Code section 10-6.205(b)13, the requested zoning change is consistent with the Comprehensive Plan, conforms with Code, provides for compatible land use patterns, and reflects the changed conditions of the site since the current zoning was adopted in 1992. Given that the property is within the Urban Service area, has access to a principal arterial roadway (Capital Circle), has access to central sewer and water, and proposes a zoning district that maintains the low density residential development pattern of the area, the proposed rezoning is consistent with County's land development regulations. The Planning Commission voted 3-1 in support of the proposed ordinance, finding the rezoning request to be consistent with the Tallahassee-Leon County Comprehensive Plan. Therefore, staff recommends adopting the ordinance to approve the requested rezoning (Option #1).

Title: First and Only Public Hearing to Consider an Ordinance Amending the Official Zoning Map to Change the Zoning Classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for 32.18 Acres Located at 3762 Capital Circle NW

July 12, 2022

Page 12

Options:

1. Conduct the first and only public hearing and adopt the proposed Ordinance (Attachment #1), thereby amending the Official Zoning Map to change the zoning classification from Residential Acre (RA) Zoning District to Single- and Two-Family Residential (R-3) Zoning District for the approximately 32.18-acre portion zoned RA of an overall 85.31-acre parcel located at 3762 Capital Circle NW, based on the findings of fact and conclusions of law of the Planning Commission, this report, and any evidence submitted at the hearing hereon.
2. Conduct the first and only public hearing and do not adopt the proposed Ordinance, thereby not amending the Official Zoning Map to change the zoning classification from Residential Acre (RA) Zoning District to Single and Two-Family Residential (R-3) Zoning District for the approximately 32.18-acre portion zoned RA of an overall 85.31-acre parcel located at 3762 Capital Circle NW, based on the findings of fact and conclusions of law of the Board of County Commissioners and any evidence submitted at the hearing hereon.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Ordinance/Location Map
2. Comprehensive Plan Policies and land development regulation
3. Map of hydrologic features and topography
4. LRZ180003 rezoning location map
5. School Impact Analysis Form
6. Notice of Public Hearing
7. Citizen Comments
8. Ex Parte Communications Received and Disclosed as of June 30, 2022

LEON COUNTY ORDINANCE NO. 22-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS ADOPTED IN LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM THE RESIDENTIAL ACRE (RA) ZONING DISTRICT TO THE SINGLE AND TWO-FAMILY RESIDENTIAL (R-3) ZONING DISTRICT FOR 32.18 ACRES LOCATED AT 3762 CAPITAL CIRCLE NORTHWEST, JUST WEST OF THE INTERSECTION OF CAPITAL CIRCLE NW AND DEERRUNN DRIVE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Amendment.

The Official Zoning Map as adopted in Leon County Ordinance No. 92-11 is hereby amended as it pertains to the following described real property:

LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

(See Exhibit A)

Section 2. 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 3. Severability.

If any word, phrase, clause, section, 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. Effective Date.

This ordinance shall have effect upon becoming law.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 20____.

LEON COUNTY, FLORIDA

By:_____

Bill Proctor, Chair

Board of County Commissioners

ATTESTED BY:

Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By:_____

APPROVED AS TO FORM:

Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

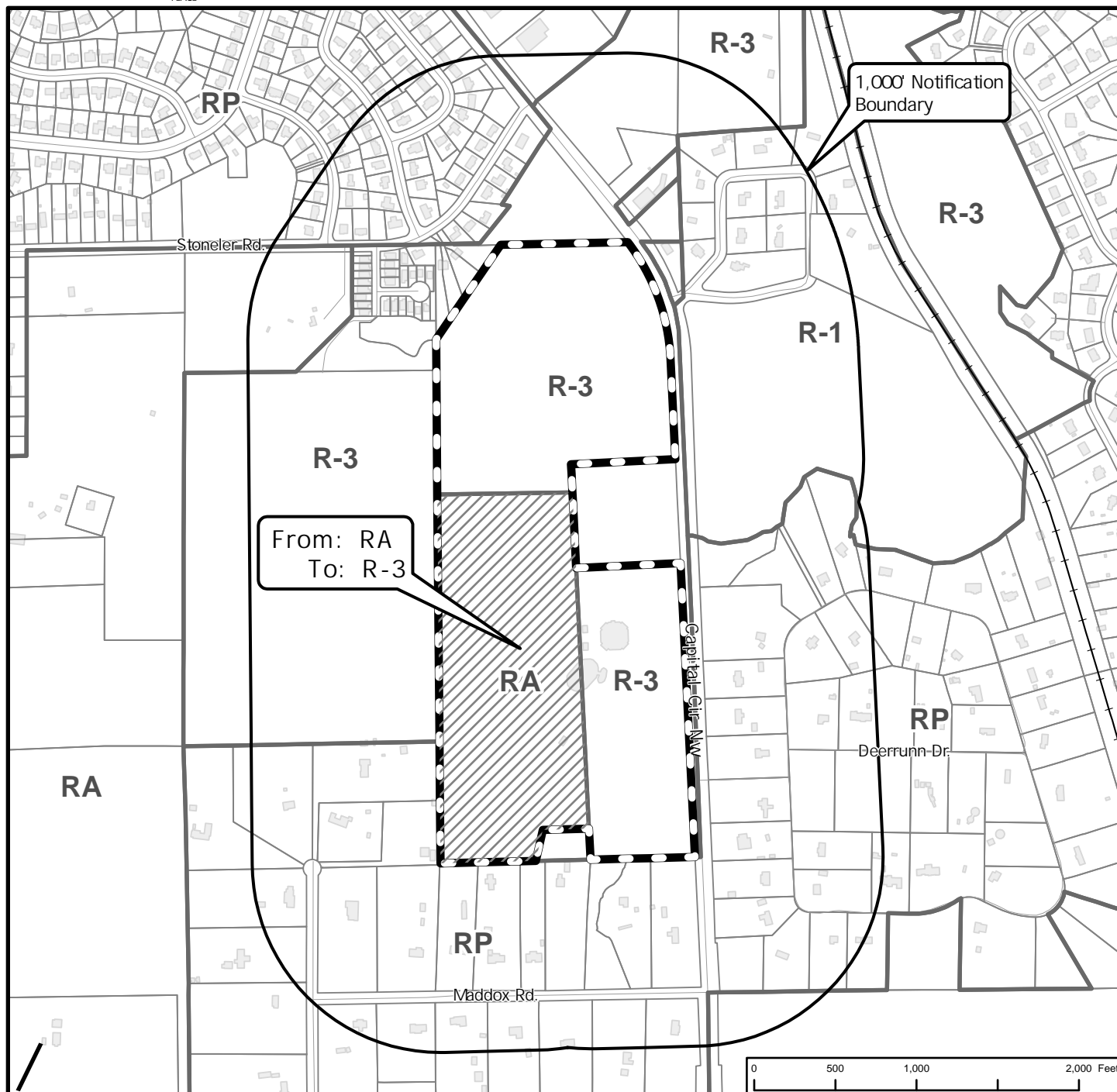
By:_____

3762 Capital Circle NW (Northwoods Baptist Church)



Rezoning

LRZ # 220005

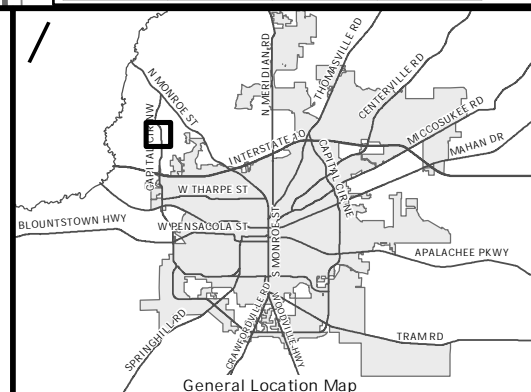


Parcel ID: 21-07-20-008-0000 (part)

Size: +/- 32.18 acres

Current Zoning: RA (Residential Acre District)

Proposed Zoning: R-3 (Single and Two-Family Residential District)



Legal Description:

A PORTION OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 1 WEST, LEON COUNTY, FLORIDA;
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 7; THENCE RUN NORTH 89 DEGREES 45 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 49.82 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 263; THENCE RUN SOUTH 02 DEGREES 53 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE FOR 348.08 FEET; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 87 DEGREES 10 MINUTES 26 SECONDS WEST FOR 554.19 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 02 DEGREES 52 MINUTES 48 SECONDS EAST FOR 1379.02 FEET; THENCE RUN SOUTH 88 DEGREES 36 MINUTES 26 SECONDS WEST FOR 245.08 FEET; THENCE RUN SOUTH 12 DEGREES 39 MINUTES 45 SECONDS WEST FOR 167.98 FEET. THENCE RUN SOUTH 88 DEGREES 26 MINUTES 25 SECONDS WEST FOR 506.39 FEET; THENCE RUN NORTH 00 DEGREES 36 MINUTES 54 SECONDS EAST FOR 677.50 FEET; THENCE RUN NORTH 01 DEGREES, 12 MINUTES 20 SECONDS WEST FOR 1258.60 FEET; THENCE RUN NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST FOR 718.77 FEET; THENCE RUN SOUTH 02 DEGREES 55 MINUTES 44 SECONDS EAST FOR 375.62 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 1,401,943 SQUARE FEET (32.18 ACRES) MORE OR LESS.

I. Land Use

Policy 2.2.5: [L]

(EFF. 3/14/07)

SUBURBAN

To create an environment for economic investment or reinvestment through the mutually advantageous placement of employment and shopping opportunities with convenient access to low to medium density residential land uses. Employment opportunities should be located near residential areas, if possible within walking distance. This category recognizes the manner in

which much of Tallahassee-Leon County has developed since the 1940s. The category predominantly consists of single-use projects that are interconnected whenever feasible. Mixed-use projects and the principles of traditional neighborhood developments are encouraged, though not required. The Suburban category is most suitable for those areas outside of the Central Core. However, additional areas inside the Central Core may be designated as appropriate based on existing land use pattern.

To complement the residential aspects of this development pattern, recreational opportunities, cultural activities, commercial goods and services should be located nearby. To reduce automobile dependency of residents and employers alike, mass transit stops should be located at large commercial centers and appropriate street and pedestrian connections established between commercial and residential areas. Except within mixed use centers, larger scale commercial development should be buffered from adjacent residential neighborhoods.

Development shall comply with the Suburban Intensity Guidelines. Business activities are not intended to be limited to serve area residents; and as a result may attract shoppers from throughout larger portions of the community.

I. Land Use

Suburban Intensity Guidelines (EFF. 3/14/07; REV. EFF. 7/14/14;
REV. EFF. 5/31/18)

Table 4: Suburban Intensity Guidelines

Development Patterns	Allowed Land Uses	Gross Residential Density	Non-Res Intensity	Percentage Mix of Uses
Low Density Residential	Residential, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ACRE ⁽⁴⁾	10,000 SQ FT/ACRE	65-80%
Low Density Residential Office	Residential, Office, Recreation, Light Infrastructure & Community Service	0 to 8 UNITS/ACRE ⁽⁴⁾	10,000 SQ FT/ACRE ⁽⁵⁾	
Medium Density Residential	Residential, Recreation, Light Infrastructure & Community Service	8 to 16 UNITS/ACRE	20,000 SQ FT/ACRE	
Medium Density Residential Office	Residential, Office, Ancillary 1 st Floor Commercial, Recreation, Light Infrastructure, Community Service & Post-Secondary Schools	8 to 20 UNITS/ACRE	20,000 SQ FT/ACRE ⁽⁶⁾	
Village Center	Residential, Office, Commercial up to 50,000 SQ FT, maximum business size. Centers shall not be located closer than ¼ mile to another village center or commercial development including more than 20,000 SQ FT of floor area.	8 to 16 UNITS/ACRE	12,500 SQ FT/ACRE per parcel for center 20 acres or less ⁽⁷⁾	
Urban Pedestrian Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 16 UNITS/ACRE ⁽³⁾	Up to 20,000 SQ FT/ACRE ⁽³⁾	35-50%
Suburban Corridor	Residential, Office, Commercial, Recreation, Light & Heavy Infrastructure & Community Service	Up to 16 UNITS/ACRE	Up to 25,000 SQ FT/ACRE ⁽⁸⁾	

Development Patterns	Allowed Land Uses	Gross Residential Density	Non-Res Intensity	Percentage Mix of Uses
Medical Center	Residential, Office, Commercial, Recreation, Light Infrastructure & Community Service	6 to 20 UNITS/ACRE ⁽¹⁾	80,000 SQ FT/ACRE ⁽²⁾	
Business Park	Office, Residential and Commercial	Up to 16 UNITS/ACRE	20,000 SQ FT/ACRE	5-10%

Notes:

- (1) 8 units/acre minimum for exclusively residential;
 (2) Hospitals up 176,000 sq ft/acre;
 (3) 20 units/acre and 40,000 sq ft/acre for multiple use development; Combined residential and non-residential development may have up to 40,000 SF and up to a six story building. Residential use, office use and commercial use is allowed.
 (4) Low Density Residential and Residential Office development patterns can have a minimum of 1 unit per acre if water and sewer are not available.
 (5) The maximum square footage is increased to 12,500 SF if the project is a mixed-use development.
 (6) The maximum square footage increases to 40,000 SF per acre and maximum height increases to six stories if 50% of parking is structured. This provision only applies to areas previously designated as Mixed Use C
 (7) 250,000 SF of total development permitted on 20 to 30 acre centers.
 (8) Storage areas may be 50,000 SF per acre. Office and Retail is allowed.

While mixed land uses are encouraged in the Suburban Future Land Use Category, the more prevalent pattern will be a compatibly integrated mix of single-use developments that include low and medium density residential, office, and retail development. Allowed land uses within the Suburban Future Land Use Category shall be regulated by zoning districts which implement the intent of this category, and which recognize the unique land use patterns, character, and availability of infrastructure in the different areas within the Suburban Future Land Use Category. In those areas lacking the necessary infrastructure, the Land Development Regulations may designate a low intensity interim use. Any evaluation of a proposed change

I. Land Use

of zoning to a more intensive district shall consider, among other criteria, the availability of the requisite infrastructure.

Section 10-6.634. RA Residential Acre District.

1. District Intent				PERMITTED USES					
				2. Principal Uses				3. Accessory Uses	
The RA zoning district is intended to be located in areas designated Bradfordville Mixed Use, Suburban, Urban Residential 2, or Woodville Rural Community on the Future Land Use Map and is intended to apply to selected areas located on the periphery of the urban service area where sanitary sewer is not expected to be available or environmental constraints exist. The regulations of this district are intended to permit low density or intensity development, consistent with environmental and infrastructure constraints, without precluding future expansion of urban services. The maximum gross density allowed for new residential development in the RA district is 1 dwelling unit per acre. This district also allows certain community and recreational facilities related to residential uses.				(1) Agricultural production - crops (2) Cemeteries (3) Community facilities related to residential uses including religious facilities, police/fire stations, elementary and middle schools and libraries. Vocational and high schools are prohibited. Other community facilities may be allowed in accordance with Section 10-6.806 of these regulations. (4) Golf courses. (5) Passive and active recreational facilities. (6) Single-family detached dwellings.				(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the County Administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the County Administrator or designee.	
DEVELOPMENT STANDARDS									
		4. Minimum Lot or Site Size			5. Minimum Building Setbacks			6. Maximum Building Restrictions	
Use Category	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area used for parking)	b. Building Height (excluding stories used for parking)
Single-Family Detached Dwellings	1 acre	80 feet	100 feet	35 feet	15 feet on each side; or any combination of setbacks that equals at least 30 feet, provided that no such setback shall be less than 10 feet	25 feet	25 feet	not applicable	3 stories
Any Permitted Principal Non-Residential Uses	1 acre	100 feet	100 feet	35 feet	15 feet on each side; or any combination of setbacks that equals at least 30 feet, provided that no such setback shall be less than 10 feet	25 feet	25 feet	10,000 square feet of gross building floor area per acre	3 stories

GENERAL NOTES:

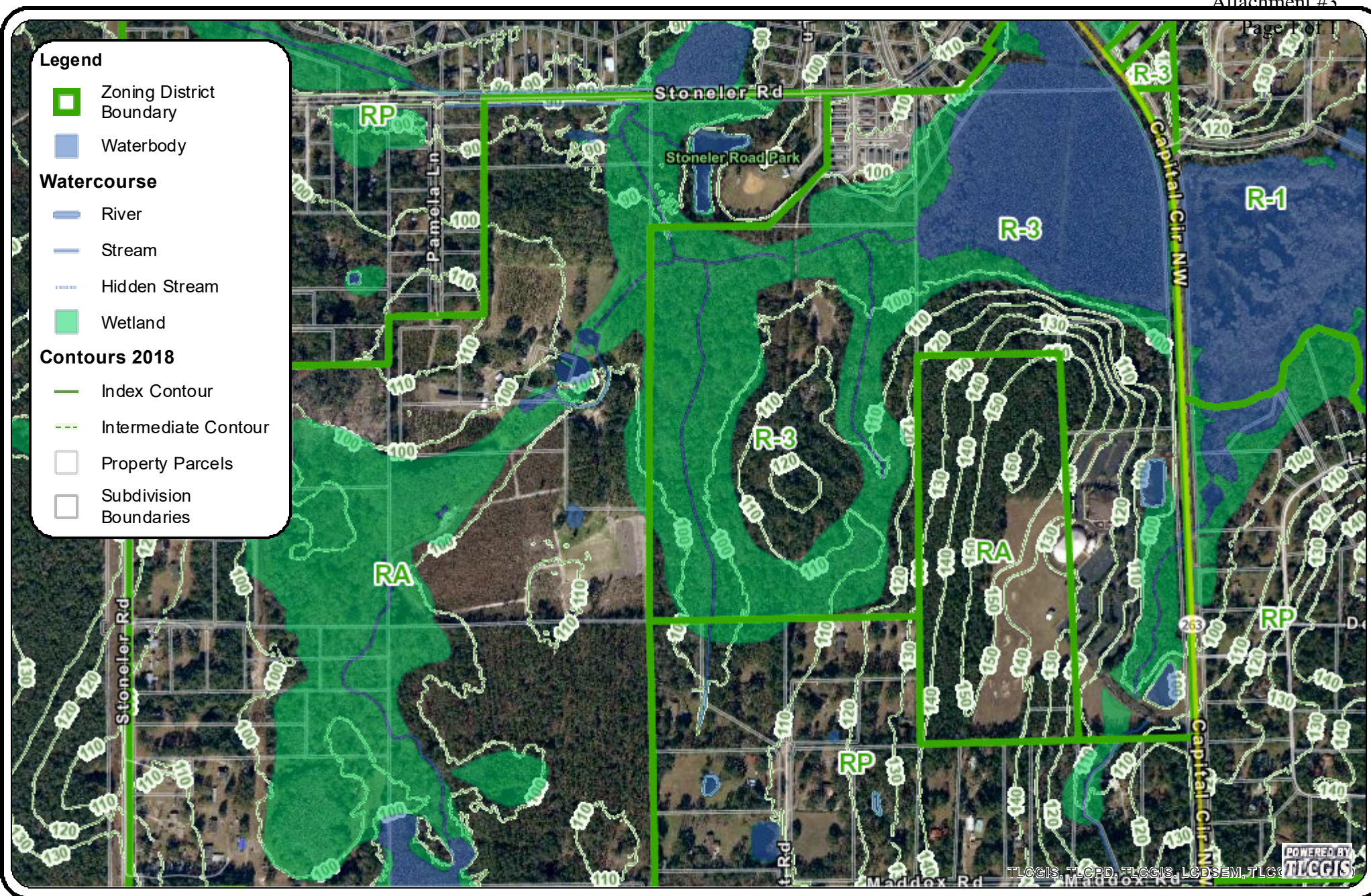
1. If central sanitary sewer is not available, non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).

Section 10-6.637. R-3 Single- and Two-Family Residential District.

1. District Intent				PERMITTED USES					
				2. Principal Uses				3. Accessory Uses	
The R-3 district is intended to be located in areas designated Bradfordville Mixed Use, Urban Residential, Urban Residential 2, or Suburban on the Future Land Use Map of the Comprehensive Plan which contain or are anticipated to contain a wide range of single-family and two-family housing types. The maximum gross density allowed for new residential development in the R-3 district is 8 dwelling units per acre; a minimum density of 4 dwelling units per acre is required when applied to the Urban Residential future land use category. The minimum density is not applicable if constraints of public easements, concurrency, or preservation an/or conservation features preclude the attainment of the minimum densities. Certain community and recreational facilities related to residential uses are also permitted.				(1) Community facilities related to residential uses including religious facilities, police/fire stations, and elementary, middle, vocational, and exceptional student education schools. Libraries and high schools are prohibited. Other community facilities may be allowed in accordance with Section 10-6.806 of these regulations. (2) Golf courses. (3) Passive and active recreational facilities. (4) Single-family attached dwellings. (5) Single-family detached dwellings. (6) Two-Family dwellings. (7) Zero-lot line single-family detached dwellings.				(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the County Administrator or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the County Administrator or designee.	
DEVELOPMENT STANDARDS									
	4. Minimum Lot or Site Size			5. Minimum Building Setbacks				6. Maximum Building Restrictions	
Use Category	a. Lot or Site Area	b. Lot Width	c. Lot Depth	a. Front	b. Side-Interior Lot	c. Side-Corner Lot	d. Rear	a. Building Size (excluding gross building floor area used for parking)	b. Building Height (excluding stories used for parking)
Single-Family Detached Dwellings	5,000 square feet	50 feet	100 feet	20 feet	7.5 feet on each side; or any combination of setbacks that equals at least 15 feet, provided that no such setback shall be less than 5 feet	15 feet	25 feet	not applicable	3 stories
Single-Family Attached Dwellings	3,750 square feet end unit; 2,400 square feet interior lot	37.5 feet end unit; 25 feet interior lot	80 feet	20 feet	not applicable	15 feet	25 feet	maximum length: 8 units	3 stories
Zero-Lot Line Single-Family Detached Dwellings	3,750 square feet	30 feet interior lot; 40 feet corner lot	100 feet	20 feet	0 feet one side; 5 feet other side	15 feet	25 feet	not applicable	3 stories
Two-Family Dwelings	8,000 square feet	60 feet	100 feet	20 feet	same as for single-family detached dwellings	15 feet	25 feet	not applicable	3 stories
Any Permitted Principal Non-Residential Use	12,000 square feet	60 feet	100 feet	25 feet	same as for single-family detached dwellings	15 feet	25 feet	10,000 square feet of gross building floor area per acre	3 stories

GENERAL NOTES:

1. If central sanitary sewer is not available, residential development is limited to a minimum of 0.50 acre lots and non-residential development is limited to a maximum of 2,500 square feet of building area. Community service facilities are limited to a maximum of 5,000 square feet of building area or a 500 gallon septic tank. Also, refer to Sanitary Sewer Policy 2.1.12 of the Comprehensive Plan for additional requirements.
2. Refer to the Environmental Management Act (EMA) for information pertaining to the regulation of environmental features (preservation/conservation features), stormwater management requirements, etc.
3. Refer to the Concurrency Management Ordinance for information pertaining to the availability of capacity for certain public facilities (roads, parks, etc.).



TLGIS Web Map

DISCLAIMER

This product has been compiled from the most accurate source data from Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office. However, this product is for reference purposes only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. Leon County, the City of Tallahassee, and the Leon County Property Appraiser's Office assume no responsibility for any use of the information contained herein or any loss resulting therefrom.



Scale:

Not To Scale:

Date Drawn:

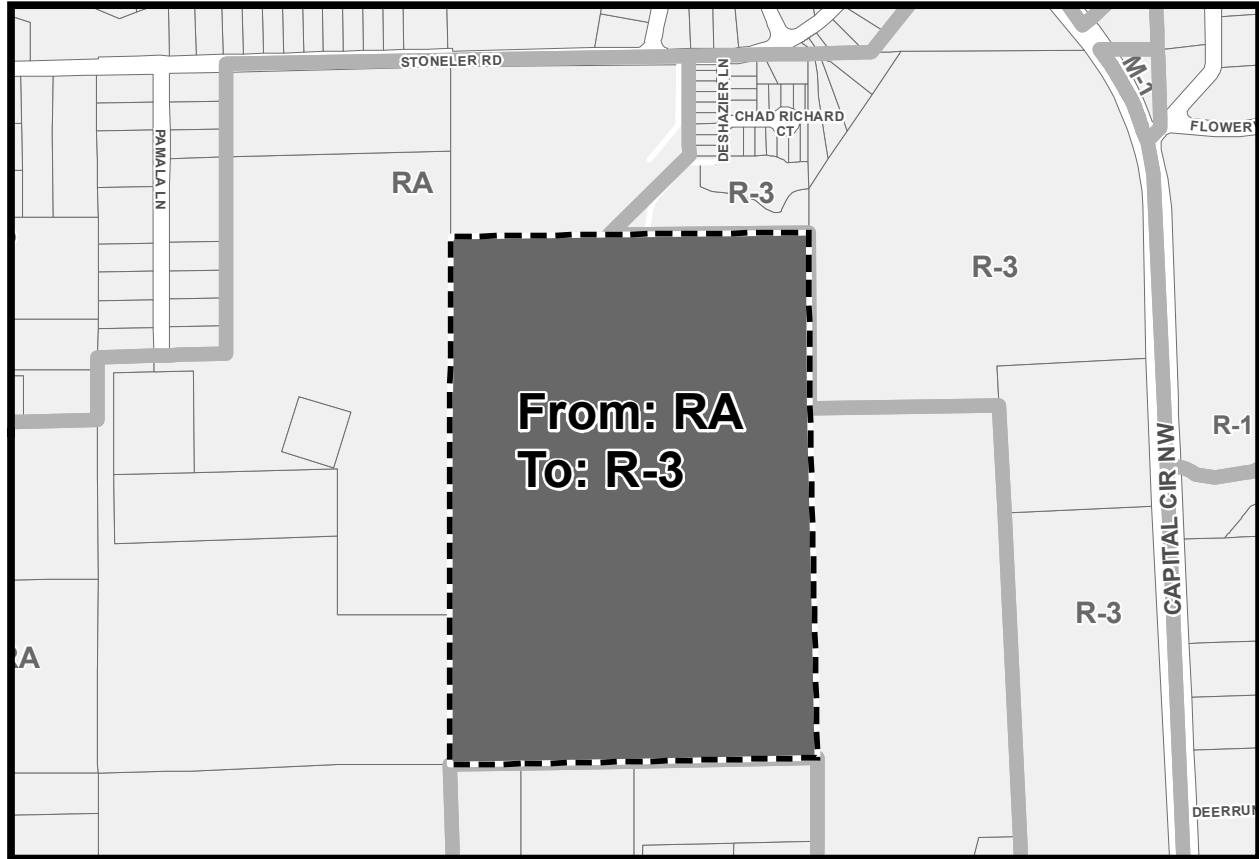
June 10, 2022

Tallahassee/Leon County GIS
Management Information Services
Leon County Courthouse
301 S. Monroe St, P3 Level
Tallahassee, FL 32301
Phone: 904.502.2022
<http://www.tlgis.org>

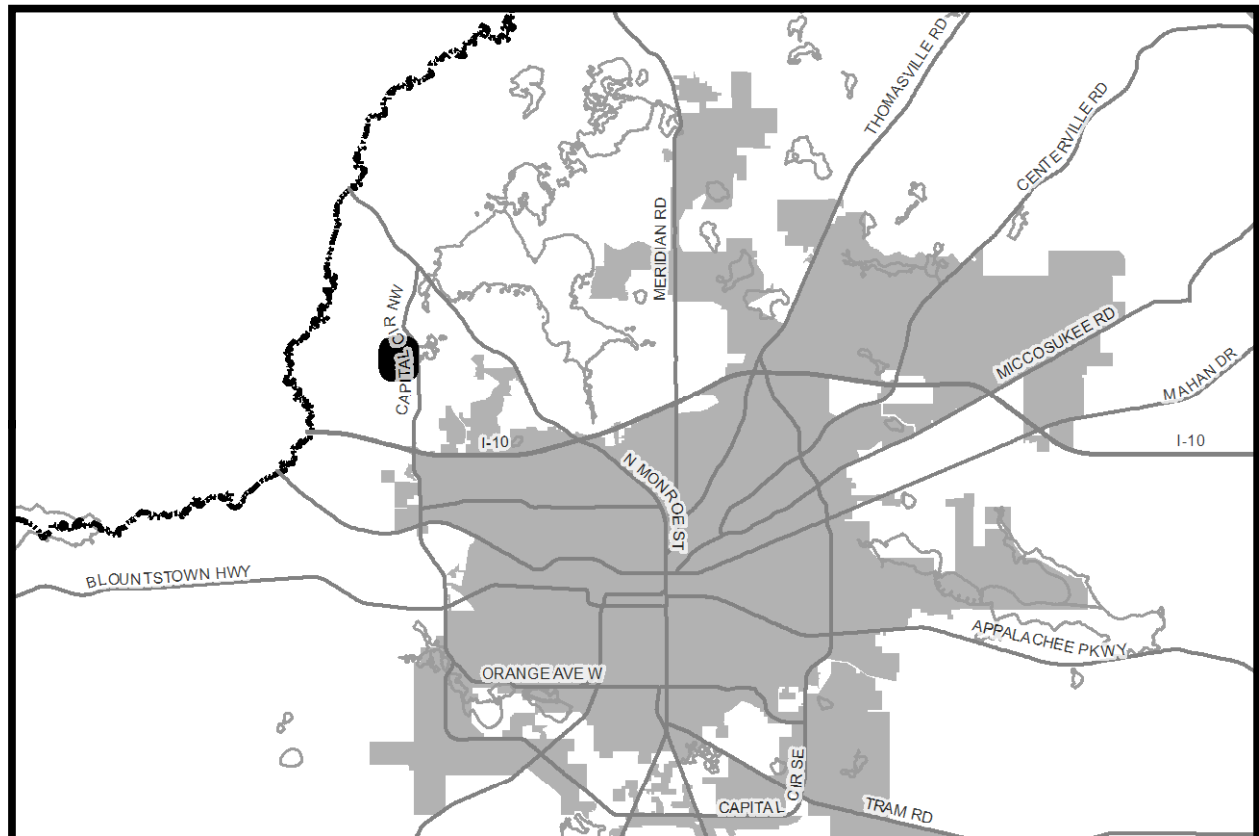
Exhibit A Redwood Villas Rezoning

Attachment #4
Page 1 of 1

LRZ #180003



0 250 500 1,000 Feet



SCHOOL IMPACT ANALYSIS FORM

Agent Name: Poole Engineering & Surveying, Inc. Applicant Name: Northwoods Baptist Church Address: 2145 Delta Boulevard, Suite 100 Tallahassee, FL 32303	Date: 05-09-2022 Telephone: 528-6394 Fax: Email: brandon@poole-eng.com												
① Location of the proposed Comprehensive Plan Amendment or Rezoning: <i>Tax ID #:</i> 21-07-20-008-0000 (32.18 acres) <i>Property address:</i> Property is located at 3762 Capital Circle NW <i>Related Application(s):</i>													
② Type of requested change (check one): <input type="checkbox"/> Comprehensive plan land use amendment that permits residential development. <input checked="" type="checkbox"/> Rezoning that permits residential development. <input type="checkbox"/> Nonresidential land use amendment adjacent to existing residential development. <input type="checkbox"/> Nonresidential rezoning adjacent to existing residential development. *													
③ Proposed change in Future Land Use or Zoning classification: <input type="checkbox"/> Comprehensive plan land use From: _____ To: _____ <input checked="" type="checkbox"/> Zoning From <u>RA</u> To: <u>R-3</u>													
Planning Department staff use only:													
④ Maximum potential number of dwelling units permitted by the request: <i>Number of dwelling units:</i> <u>8 dwelling units per acre x 32.18 acres = 257 units</u> <i>Type(s) of dwelling units:</i> <u>Single family detached and attached, two family dwelling units</u>													
Leon County Schools staff use only:													
⑤ School concurrency service areas (attendance zones) in which property is located. <u>Approved by the School Board 5/23/2022</u> <table style="width: 100%; margin-top: 10px;"> <thead> <tr> <th></th> <th style="text-align: center;"><i>Elementary:</i> Springwood</th> <th style="text-align: center;"><i>Middle:</i> Griffin</th> <th style="text-align: center;"><i>High:</i> Godby</th> </tr> </thead> <tbody> <tr> <td>Present capacity</td> <td style="text-align: center;"><u>220</u></td> <td style="text-align: center;"><u>252</u></td> <td style="text-align: center;"><u>576</u></td> </tr> <tr> <td>Post Development capacity</td> <td style="text-align: center;"><u>170</u></td> <td style="text-align: center;"><u>230</u></td> <td style="text-align: center;"><u>553</u></td> </tr> </tbody> </table> <p>Calculated at maximum possible impact (Single Family < 1000 base square foot)</p>			<i>Elementary:</i> Springwood	<i>Middle:</i> Griffin	<i>High:</i> Godby	Present capacity	<u>220</u>	<u>252</u>	<u>576</u>	Post Development capacity	<u>170</u>	<u>230</u>	<u>553</u>
	<i>Elementary:</i> Springwood	<i>Middle:</i> Griffin	<i>High:</i> Godby										
Present capacity	<u>220</u>	<u>252</u>	<u>576</u>										
Post Development capacity	<u>170</u>	<u>230</u>	<u>553</u>										

This form is required by §8.3 of the Public School Concurrency and Facility Planning Interlocal Agreement as adopted on September 1, 2006 by the City of Tallahassee, Leon County, and Leon County School Board. Pursuant to §6.4 of the Agreement, the City or County will transmit the School Impact Analysis Form to a designated employee of the School Board for review at the same time the application is submitted to all departments for review.

Notice of Public Hearing

Notice is hereby given that the Board of County Commissioners of Leon County, Florida will conduct a public hearing on Tuesday, July 12, 2022, 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:

**3762 CAPITAL CIRCLE NW-NORTHWOODS BAPTIST CHURCH
LEON COUNTY ORDINANCE 22-__**

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS ADOPTED IN LEON COUNTY ORDINANCE NO. 92-11 TO PROVIDE FOR A CHANGE IN ZONE CLASSIFICATION FROM THE RESIDENTIAL ACRE (RA) ZONING DISTRICT TO THE SINGLE AND TWO-FAMILY RESIDENTIAL (R-3) ZONING DISTRICT FOR 32.18 ACRES LOCATED AT 3762 CAPITAL CIRCLE NORTHWEST, JUST WEST OF THE INTERSECTION OF CAPITAL CIRCLE NW AND DEERRUN DRIVE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Leon County will also broadcast the public hearing on Comcast channel 16, the Leon County Florida channel on Roku, and the County's Facebook page (<https://www.facebook.com/LeonCountyFL/>), YouTube channel (<https://www.youtube.com/user/LeonCountyFL>), and web site (www.LeonCountyFL.gov).

All interested parties are invited to present their comments at the public hearing at the time and place set out above. Interested parties may also provide virtual real-time public comments during the public hearing. Interested parties wishing to provide virtual real-time public comments must complete and submit the registration form provided at <https://www2.leoncountyfl.gov/coadmin/agenda/> by 8:00 p.m. on Monday, July 11, 2022. Following submittal of the registration form, further instructions for participating in the meeting will be provided. Persons needing assistance with registering or providing real-time comments may contact County Administration via telephone at (850) 606-5300. Please note that Board of County Commissioners Policy 01-05, Article IX., Section E., entitled "Addressing the Commission", and Article IX., Section F., entitled "Decorum", shall remain in full force and effect.

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 the Ordinance may be inspected as part of the agenda package on the County's web site (<https://www2.leoncountyfl.gov/coadmin/agenda/>). To receive copies of the Ordinance by other means, such as email, mail, or facsimile transmittal, contact County Administration at 850-606-5300 or

the Tallahassee-Leon County Planning Department at 850-891-6400.

From: Mike Vickers <nrvmjv@yahoo.com>
Sent: Friday, June 3, 2022 5:55 PM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Opposition to the rezoning sought by the Northwoods Church

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

I am writing to express my extreme opposition to the property rezoning to R3 being sought by the Northwoods Church in the Northwest Capital Circle area. This rezoning would be devastating to my neighborhood in Riverwood Acres, where I have lived since 1995. We have a quiet, peaceful, neighborhood. This rezoning would be detrimental to that peace. I am a recent widow and I feel safe here. This rezoning makes me fearful that my sense of safety will be threatened.

Thank you for listening.

Nancy Vickers
4062 Riverwood Road

From: Craig pate <cpate37@hotmail.com>
Sent: Sunday, June 5, 2022 7:17 PM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Northwoods Church Rezoning Request

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

Dear Zoning and Planning Commission,

This is Craig and Trisha Pate of 4029 Riverwood Road, Tallahassee, Florida. We are writing about the request of Northwood Church to rezone a portion of their property. First, we would like to complain about not getting notice from the County. We live 700 Feet from Maddox Road yet we did not get a notice. I called Mr. Reiss and he explained that he did notify our home owners associate, but our association is voluntary and just for the maintenance of the roads. They have tried to spread the word but most residence did not get notification. Riverwood Acres will be just as affected as the people living on Maddox Road. Secondly, Northwoods proposal is inconsistent with the area. We moved to this area because of the restrictions on the lots which all required larger acreage. Some require 5 acre lots, but all are at least one acre. These restrictions were very important to us in choosing our homes. Northwoods proposal will undo all of that by having multiple homes and duplexes in our back yard. We are aware that some of their property is R3, but as your maps will show, the vast majority of the R3 property is undevelopable swamp and wet lands. The multiple density housing is going to greatly affect our traffic. There is only one way in and out of our neighborhood. The 80 plus homes in Riverwood acres along with the homes of Flat and Maddox must enter and exit on Maddox Road to Capital Circle. Capital Circle is only a two-lane road in our area. Adding a possible 200 or more families is going to dramatically increase the traffic. As it is now it takes a substantial amount of time to turn right from Maddox to Capital Circle during the morning rush hour, and it is nearly impossible to turn left. With Capital Circle only consisting of two lanes it cannot possible effectively handle more traffic. Finally, the 200 plus potential new units to the neighborhood is going to increase stormwater run-off and greatly effect wildlife. Again, we chose this neighborhood for the restrictions which required homes with acreage, but now we are going to be forced to endure a noisy crowded subdivision.

Sincerely,
Craig and Trisha Pate
Sent from [Mail](#) for Windows

From: Merrill Detweiler <mgd691945@gmail.com>
Sent: Monday, June 6, 2022 9:24 AM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Re-Zoning request from Northwood Church

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

To whom this may Concern,

My wife and I own approximately four acres along Maddox Road, we have resided there since 1975. This is a nice quiet neighborhood adjoining the property in question. Our desire is to maintain a good quiet neighborhood with good neighbors, this may not happen if the rezoning request is approved. Capital Circle already has congestion problems that would most likely become worse.

Please DO NOT approve the rezoning request.

Thanks,

Merrill Detweiler
(850) 447-2033 Cell
mgd691945@gmail.com

From: Reiss, Sean

Sent: Wednesday, May 25, 2022 4:38 PM

To: Robin Tucker <TuckerR@leoncountyfl.gov>

Cc: twotribes61@yahoo.com; rtucker911@gmail.com

Subject: RE: Notice of Proposed Rezoning and A Change in the Use of Land from RA to R-3 / Northwoods Baptist Church located at 3762 Capital Circle NW

Hello Robin,

Thanks for reaching out and sharing your concerns. At this time, we have only received the request to rezone the property, so we do not have any proposed development plans to assess things like traffic or stormwater impacts. The review for a rezoning doesn't require that level of detail since we are more generally reviewing for consistency with the comprehensive plan to determine whether the requested zoning district is or isn't allowed on a site. I spoke with Nawfal and Kim and they agreed that once we have a site plan to review, we will be able to determine potential traffic impacts, stormwater design, buffers, etc. Any future development on the site will be subject to the County's code requirements for stormwater treatment and attenuation, traffic impacts, concurrency, buffers, and related development standards. Additionally, due to the known flooding in the area, stormwater management facilities design will have to ensure no adverse impacts onto the existing drainage system.

While I can't speak to traffic and stormwater impacts at this time, I can say with certainty that multifamily development is not allowed in the R-3 zoning district. R-3 is a low density residential district that allows single family detached, attached, and two-family dwellings, which is not dissimilar to what is allowed in the adjacent Residential Preservation districts, such as your neighborhood. It is also important to note that availability of central sewer, stormwater design, traffic concurrency, and environmental features can all contribute to significantly reducing the amount of residential units allowed on the site, so we won't have a clear idea for the density of future development until we receive a site plan.

I hope this helped address some of your concerns. Please feel free to get in touch if you have additional questions or comments.

Thanks.

-Sean

Sean Reiss

Senior Planner | Land Use Planning Division

Tallahassee - Leon County Planning Department

300 S. Adams St., Tallahassee, FL 32301

850.891.6438 | sean.reiss@talgov.com

<http://www.talgov.com/Main/Home.aspx>

<http://cms.leoncountyfl.gov/>

People Focused, Performance Driven



Legal Notice: Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from local government staff or officials regarding City or County business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: Robin Tucker <TuckerR@leoncountyfl.gov>
Sent: Tuesday, May 24, 2022 11:02 AM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Cc: twotribes61@yahoo.com; rtucker911@gmail.com
Subject: Notice of Proposed Rezoning and A Change in the Use of Land from RA to R-3 / Northwoods Baptist Church located at 3762 Capital Circle NW
Importance: High

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

Good morning Sean,

I work for the Leon County Public Works and Engineering Services Division and I am a homeowner at 4802 Lakely Drive, Tallahassee, FL 32303. We received correspondence regarding a Notice of Proposed Rezoning And A Change In The Use of Land for Northwoods Baptist Church. Additionally, has a traffic study been completed? My husband and I have some concerns as follows:

- All the added run off from the property will overload the drainage system and cause flooding issues.
- The existing 2 lane road does not support additional homeowners exiting on to CC each day. Each morning I wait 10 minutes to exit Wildwood Subdivision directly across from Northwoods Baptist Church at 7:30 am in an attempt to go to work.
- Previous problems with multi-family units (subsidized housing), apartments, and duplexes nearby – resulted in multiple break-ins and burglaries in the Wildwood Subdivision.

It is my understanding that many of the homeowners in my neighborhood are against this Rezoning as once the church land is sold, a developer will turn the existing acreage into multi-family units, apartments and duplexes. Thank you for your time.



Robin K. Tucker
Senior Administrative Associate
Leon County Public Works Administration
2280 Miccosukee Road | Tallahassee, FL 32301
(850) 606-1540 /work | (850) 606-1501 /fax
TuckerR@leoncountyfl.gov

People Focused. Performance Driven.

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.

TIME RECEIVED
June 6, 2022 at 3:03:58 PM EDT

REMOTE CSID

DURATION
36

PAGES
1

STATUS
Received

Page 6 of 19

Jun. 6. 2022 3:16PM

No. 0430

P. 1

The phone number for the Planning Department is (850) 891-6400. The phone number for the Florida Relay TDD Service is 1-800-955-8771.

If you have specific concerns that you may wish to have considered addressing factors that are unique to this area of the County, you may wish to submit written comments in response to this notice. These written comments will be presented to the Planning Commission and Board of County Commissioners.

The form below is for your convenience and may be returned to Sean Reiss Tallahassee-Leon County Planning Department, 3rd floor, Frenchtown Renaissance Center, 435 N. Macomb Street, Tallahassee, Florida 32301. The fax number for the Planning Department is (850) 8916404. The Planning Department phone number is (850) 891-6400.

PLANNING DEPARTMENT

(LRZ220005)

I/We as owner(s) of Lot 4, Block A of the Wildwood

or street address: 4709 Knollwood Drive (Subdivision) wish the following information to be considered by the Planning Commission/Board of County Commissioners:

CCNW should be widened and a traffic light at Deerhunn Dr. BEFORE any single family or two family dwellings are considered.

SIGNED: MaryAnn Foy

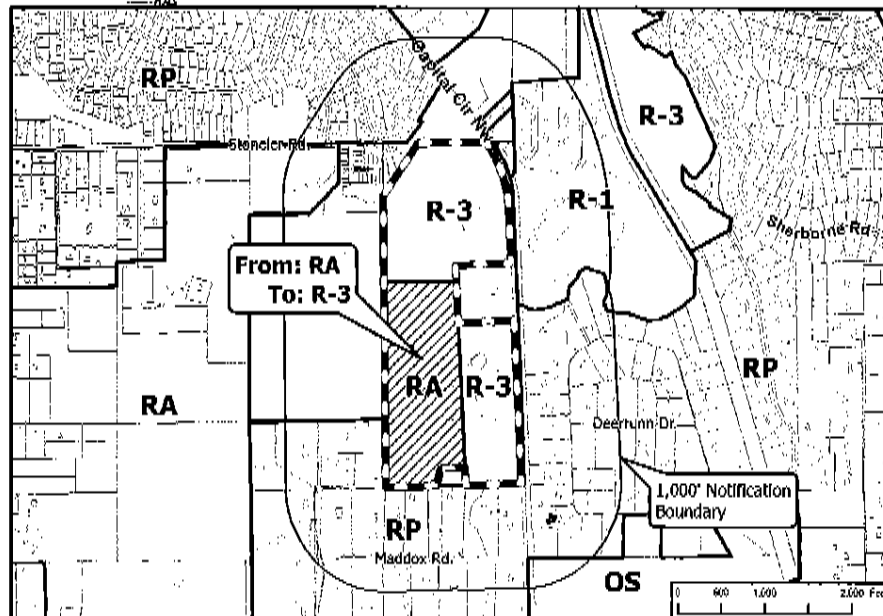
General Location Map

3762 Capital Circle NW (Northwoods Baptist Church)

PLANNING DEPARTMENT

Rezoning

LRZ #220005



Please do not rezone until concerned issues are resolved.

*Thank you,
MaryAnn & Joel Foy*

From: Mike Nissley <mrstump2@gmail.com>
Sent: Monday, June 6, 2022 10:01:06 PM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Re: LRZ220005 - Northwoods Baptist Church Rezoning

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

Hi Sean,

Thank you for answering some of my questions.

Please submit my concerns about the density of the subdivision.

My greatest concern is the offset intersection of my driveway and Northwoods driveway that now exists.

It has been a minor issue because the church traffic isn't that heavy but additional traffic would make it very difficult to enter and exit my driveway safely.

On Mon, Jun 6, 2022, 10:16 AM Reiss, Sean <Sean.Reiss@talgov.com> wrote:

Mike,

Please see the attached notice with the rezoning info. Any public comments can be sent to me or submitted [HERE](#) on our website.

Thanks.

-Sean

Sean Reiss

Senior Planner | Land Use Planning Division

Tallahassee - Leon County Planning Department

300 S. Adams St., Tallahassee, FL 32301

850.891.6438 | sean.reiss@talgov.com

<http://www.talgov.com/Main/Home.aspx>

<http://cms.leoncountyfl.gov/>

People Focused, Performance Driven

-----Original Message-----

From: Faye Trammell <fptram@comcast.net>

Sent: Tuesday, June 7, 2022 11:26 AM

To: Reiss, Sean <Sean.Reiss@talgov.com>

Subject: Rezoning of Northwoods Baptist Church Property

EXTERNAL EMAIL

Please report any suspicious attachments, links, or requests for sensitive information.

Dear Mr. Reiss,

I am sending this email to object to the rezoning of the 32 acres of Northwoods Baptist Church. We have lived peacefully on Maddox Road for 57 years and the back tip of our property touches the back tip of NBC property and we will definitely be affected by the rezoning.

We faced this problem several years ago and the same problems are present today. There will be above ground septic systems which will effect the water quality of our deep wells, increased crime in our neighborhood as well as increase in traffic, it will decrease the value of our property and increase storm water on our property.

We greatly appreciate your voting against this rezoning effort.

Thank you, sincerely,

David and Faye Trammell

5246 Maddox Road

From: [Tim Glenn](#)
To: [Planning Inquiries](#)
Cc: [Tim Glenn](#)
Subject: Inaccuracy in today's agenda
Date: Tuesday, June 7, 2022 3:03:18 PM

EXTERNAL EMAIL

Please report any suspicious attachments, links, or requests for sensitive information.

Planning,

The agenda for tonight's meeting is not totally accurate. Part of my property located south of the proposed rezoning area is zoned as RA. This is not included in the chart. This rezoning would leave part of my property as the only RA in the area.

I would like to express my opposition to the proposed change. The agenda states that no opposition has been reported.

Tim Glenn
5150 Maddox Rd
Tallahassee, FL 32303

Sent from my iPhone

From: Gary Zirin <garyzirin512@gmail.com>
Sent: Tuesday, June 7, 2022 4:14 PM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Opposition to Northwoods Church Rezoning Request

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

Dear Planning Commissioners:

We live at 5150 Maddox Road and our property is immediately adjacent to the Northwoods Baptist Church property that is seeking this rezoning. We would like to express our opposition to this rezoning.

In your analysis it states that: *rezoning the subject property would provide for uniform R-3 zoning for the entire parcel and match the R-3 zoning to the north, east, and west of the site.* Actually, a portion of our property which is adjacent, and just to the south, of the property requesting the rezoning is zoned RA.

The rezoning of this property will lead to the property immediately being sold to a developer and developed into a higher-density subdivision, which is incompatible with the current RP zoning along Maddox Road. This change would be devastating to the surrounding neighborhood and would certainly have a negative impact on the wildlife that currently lives on and around the property.

The properties along Maddox Road range from 1.97 acres to 6.51 acres (which is our property). I believe it's easy to see that any type of future development that happens on this property does not fit with the character of the properties along Maddox Road, which are the properties that would be impacted the most by this change.

Please do not approve this rezoning.

Gary Zirin & Tim Glenn
5150 Maddox Road, Tallahassee 32303

GARY ZIRIN

From: Lynae Em <lynemhof@gmail.com>
Sent: Tuesday, June 7, 2022 1:58 PM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Rezoning issue

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

Hi Sean Reiss,

I am emailing about the rezoning issue on 30 plus acres that Northwoods Church is trying to change to R3 zone. We are concerned about this issue. We recently moved into the neighborhood adjacent to Northwoods Church for the quiet area and the closeness to wildlife. A rezoning from a 1 house per acre to a zoning that will allow for more housing units per property could greatly change this area. As a young married couple trying to grow a family - increase in traffic is worrisome. Also, it could change the wildlife in this area greatly - and we have enjoyed showing our young kids from the window the birds, rabbits, turtles, and deer that come through our property. We would greatly miss that opportunity to teach our kids respect for wildlife - as a rezoning could completely change that opportunity and affect the wildlife we currently enjoy seeing.

We would also be worried about the potential decrease in our current home value. We really oppose this rezoning request, and hope that it will be denied and kept at the current zone of one house per acre.

Thank you for your time and consideration of our plea.

Lynae Leonard
(850) 212-5012

From: [Reiss, Sean](#)
To: [Perrine, Beth](#)
Subject: FW: Northwoods Baptist Church Rezoning Application - 5150 MADDUX RD
Date: Thursday, June 9, 2022 11:53:16 AM
Attachments: [image001.png](#)
[LRZ220005.pdf](#)

From: Gary Zirin <garyzirin512@gmail.com>
Sent: Tuesday, June 7, 2022 5:08 PM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Fwd: Northwoods Baptist Church Rezoning Application - 5150 MADDUX RD

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

Sean- Thank you for your email. We are not interested in having our property resound to RA.

Gary Zirin
5150 Maddox Road

From: "Reiss, Sean" <Sean.Reiss@talgov.com>
Date: June 7, 2022 at 4:34:18 PM EDT
To: timglenn@me.com
Subject: FW: Northwoods Baptist Church Rezoning Application - 5150 MADDUX RD

From: Reiss, Sean
Sent: Monday, May 9, 2022 5:55 PM
To: Gary Zirin <ZirinG@leoncountyfl.gov>
Cc: Snyder, Russell <Dwayne.Snyder@talgov.com>
Subject: Northwoods Baptist Church Rezoning Application - 5150 MADDUX RD

Greetings Gary,

Brandon Poole may have already reached out to you about joining a rezoning he is proposing next to your property and if he hasn't then I can explain the issue here below.

Late last week the Planning Department received a rezoning application from Poole Engineering, on behalf of the Northwoods Baptist Church, to

rezone the portion of their parcel (3762 CAPITAL CIR NW, parcel ID# 2107200080000) that is currently designated as [Residential Acre \(RA\)](#) to [Single Family Detached, Attached and Two Family Residential \(R-3\)](#). The existing RA district is about 33 acres and a small portion of it falls onto what I believe to be your property (5150 MADDOX RD, parcel ID# 2107200050000), which has its own split zoning of Residential Preservation (RP) and RA (please see the attached map). The proposed rezoning would leave a tiny island of RA district remaining on your property and staff wanted to know if you are interested in joining the rezoning so that we can eliminate the remaining portion of RA.

The uses within the district are fairly similar, both are intended to be residential use districts but R-3 allows a higher residential density (8 dwellings units per acre vs 1 dwelling unit per acre in RA) and the RA district allows agricultural production crops as a permitted use, so it won't have too much of an impact on what uses are allowed on that portion of the property but it would increase the allowed residential density for it.

Please let me know if you are interested in adding the portion of your property in the RA district to the proposed rezoning and we can work with you to get the materials we need to add your property to the application (owner's affidavit, etc.). It is also completely fine if you want to keep the zoning on your property as is.

Please give me a call if you have questions or comments. I am happy to discuss further.

Thanks.

-Sean

Sean Reiss

Senior Planner | Land Use Planning Division
Tallahassee - Leon County Planning Department
300 S. Adams St., Tallahassee, FL 32301
850.891.6438 | sean.reiss@talgov.com
<http://www.talgov.com/Main/Home.aspx>
<http://cms.leoncountyfl.gov/>
People Focused, Performance Driven



Legal Notice: Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from local government staff or officials regarding City or County business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: [Reiss, Sean](#)
To: [Perrine, Beth](#)
Subject: FW: Northwoods Baptist Church Rezoning Application - 5150 MADDUX RD
Date: Thursday, June 9, 2022 11:53:21 AM
Attachments: [image001.png](#)
[LRZ220005.pdf](#)

From: Tim Glenn <timglenn@me.com>
Sent: Tuesday, June 7, 2022 5:27 PM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Cc: Tim Glenn <timglenn@me.com>; Snyder, Russell <Dwayne.Snyder@talgov.com>
Subject: Re: Northwoods Baptist Church Rezoning Application - 5150 MADDUX RD

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

Sean,

This rezoning request from the church needs much more consideration and discussion. I would ask that the Planning Commissioners delay their recommendation/approval.

We are NOT interested in rezoning our RA-zoned property at 5150 Maddox Rd.

Tim Glenn
5150 Maddox Rd

Sent from my iPhone

On Jun 7, 2022, at 4:47 PM, Tim Glenn <timglenn@me.com> wrote:

We don't want to rezone to R3.

Sent from my iPhone

Begin forwarded message:

From: "Reiss, Sean" <Sean.Reiss@talgov.com>
Date: June 7, 2022 at 4:34:18 PM EDT
To: timglenn@me.com
Subject: FW: Northwoods Baptist Church Rezoning Application - 5150 MADDUX RD

From: Reiss, Sean
Sent: Monday, May 9, 2022 5:55 PM
To: Gary Zirin <ZirinG@leoncountyfl.gov>
Cc: Snyder, Russell <Dwayne.Snyder@talgov.com>
Subject: Northwoods Baptist Church Rezoning Application - 5150
MADDOX RD

Greetings Gary,

Brandon Poole may have already reached out to you about joining a rezoning he is proposing next to your property and if he hasn't then I can explain the issue here below.

Late last week the Planning Department received a rezoning application from Poole Engineering, on behalf of the Northwoods Baptist Church, to rezone the portion of their parcel (3762 CAPITAL CIR NW, parcel ID# 2107200080000) that is currently designated as [Residential Acre \(RA\)](#) to [Single Family Detached, Attached and Two Family Residential \(R-3\)](#). The existing RA district is about 33 acres and a small portion of it falls onto what I believe to be your property (5150 MADDOX RD, parcel ID# 2107200050000), which has its own split zoning of Residential Preservation (RP) and RA (please see the attached map). The proposed rezoning would leave a tiny island of RA district remaining on your property and staff wanted to know if you are interested in joining the rezoning so that we can eliminate the remaining portion of RA.

The uses within the district are fairly similar, both are intended to be residential use districts but R-3 allows a higher residential density (8 dwellings units per acre vs 1 dwelling unit per acre in RA) and the RA district allows agricultural production crops as a permitted use, so it won't have too much of an impact on what uses are allowed on that portion of the property but it would increase the allowed residential density for it.

Please let me know if you are interested in adding the portion of your property in the RA district to the proposed rezoning and we can work with you to get the materials we need to add your property to the application (owner's affidavit, etc.). It is also completely fine if you want to keep the zoning on your property as is.

Please give me a call if you have questions or comments. I am happy to discuss further.

Thanks.
-Sean

Sean Reiss

Senior Planner | Land Use Planning Division

Tallahassee - Leon County Planning Department

300 S. Adams St., Tallahassee, FL 32301

850.891.6438 | sean.reiss@talgov.com

<http://www.talgov.com/Main/Home.aspx>

<http://cms.leoncountyfl.gov/>

People Focused, Performance Driven



Legal Notice: Thank you for your email. Please note that under Florida's Public Records laws, most written communications to or from local government staff or officials regarding City or County business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

From: EDIE CRUM <ediecrum@comcast.net>
Sent: Monday, June 20, 2022 4:59 PM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Northwoods Church Rezoning

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

Mr. Reiss my name is Ronnie Crum and I live at 4097 Riverwood, Tallahassee 32303 . I spoke to recently about the rezoning and you told me to voice my concerns, well here they are:

(1) Number 1, I oppose the rezoning.

(2) I have lived in my area since 1988 and everything has been great except for the traffic coming in from Georgia, but it has not been that bad. Then they built a housing complex on Tower Road and then it got really bad. The city/state has not done anything to solve the problem, it just continues to get worse. If they rezone the church property (32 acres) to R3 which will allow them to have about 8 houses per acre for a total of 256 units which will make the traffic condition horrible. This will be an additional 512 vehicles / minimum 2 per house hold in addition to the Georgia , and Tower Road traffic.

(3) With this being such a big complex with potential low income with people moving in and out, and the homes not taken care of will decrease our property value greatly.

(4) With this large number of homes the crime rate will increase greatly due to the age and income of the people living there.

(5) I live very near the wetlands now and if this is allowed i know we will have adverse effects on the wet lands near me, not to mention the wildlife which will disappear.

(6) Last, I can assure you our taxes will go up and up every year.

Sincerely Yours
Ronnie Crum

From: D. Anderson <dianneanderson58@gmail.com>
Sent: Wednesday, June 22, 2022 8:44:19 AM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Land Rezoning - Northwoods Church

EXTERNAL EMAIL

Please report any suspicious attachments, links, or requests for sensitive information.

Good Afternoon

My name is Dianne Anderson and my address is 3022 Jenna Drive, Tallahassee, FL 32303.

I live in Riverwood Acres and I am adamantly opposed to the rezoning of the 32 acres owned by Northwoods Church.

Capital Circle NW is already overly congested from the development on Tower Rd and the development going in off of Woodlane Circle. Storm water run off is another issue.

I understand the financial position the church is in but as stated I am opposed to the rezoning. My neighborhood consist of some 1 acre tracts, 2 1/2 and 5 acre tracts. The potential of having 8 homes per acre will contribute to the issues mentioned above and lower our property values.

I realize that several factors go in to determining just how many houses can be built per acre but more than 1 house per acre is too many in my opinion. Especially, since the infrastructure will not support more. I'm not interested in hearing about a 10 or 15 year plan for more lanes on Capital Circle NW. Thank you for allowing me to express my concerns.

Dianne Anderson
850 933-3298

From: ervin mcintosh <ervinmcintosh@comcast.net>
Sent: Thursday, June 30, 2022 5:04:47 PM
To: Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Fwd: Opposition to Proposed Rezoning LR2220005 Northwoods Church

*****EXTERNAL EMAIL*****

Please report any suspicious attachments, links, or requests for sensitive information.

----- Original Message -----

From: ervin mcintosh <ervinmcintosh@comcast.net>
To: "Minorr@leoncountyfl.gov" <Minorr@leoncountyfl.gov>
Date: 06/30/2022 5:03 PM
Subject: Opposition to Proposed Rezoning LR2220005 Northwoods Church

The members of our community - Maddox Road, Flat Road, and Riverwood, strongly oppose the above rezoning request. What an incredible environmental disaster this would be if this rezoning request is approved. We are bordered on the west by the Ochlockonee River along with its active wildlife population and on the east by a wetland area that has been specifically set aside as needing environmental protection. Why would anyone want to destroy all this?

Further, our community is an established community of homes on acreage that do not endanger wildlife or natural vegetation. Also, each home here has a private water well which most assuredly would become contaminated by the proposed housing density to our adjacent north. When you go from 1 house per 4 acres to 8 units per 1 acre, I can't imagine what it would look like if 32 houses were sitting on my 4 acres.

There are many other reasons to deny this rezoning request, for instance impacts to traffic, storm water runoff, and additional demands on the fire department and law enforcement. However, the main reason is still the damage to the environment that would be done.

Why would you approve this simply because someone wants to make a lot of money? Do the right thing now, save the environment, save our neighborhood, save our well water from pollution, and save our way of life.

Sincerely,
Sybil D. McIntosh
850-514-3094

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Church Rezoning request
Date: Monday, June 20, 2022 6:34:30 PM

Good evening Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 6:02 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Northwoods Church Rezoning request

Chasity -

I am forwarding you this email Rick received - as well as his response to it - consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof
Chief of Staff, Leon County Commissioner Rick Minor
850/606-5373 - Office
850/491-0192 - Cell
WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

From: Rick Minor <MinorR@leoncountyfl.gov>

Sent: Monday, June 20, 2022 5:36 PM
To: Willie Meggs <wnmeggs@gmail.com>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: RE: Northwoods Church Rezoning request

Hello Mr. Meggs,

Thank you very much for contacting me about the Northwood Church's rezoning request. As you'd probably guess, many of your neighbors have contacted me to share similar concerns, and I've been reviewing information that Bob Carver and others have given me.

As you know, I'll be attending the neighborhood meeting at your barn tomorrow, and I look forward to seeing you and your neighbors.

Thanks again, and please don't hesitate to call my cell (850-445-1914) if you'd like to talk directly.

All the best,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: Willie Meggs <wnmeggs@gmail.com>
Sent: Sunday, June 12, 2022 7:46 PM
To: Rick Minor <MinorR@leoncountyfl.gov>; Vince Long <LongV@leoncountyfl.gov>; Reiss, Sean <Sean.Reiss@talgov.com>
Subject: Northwoods Church Rezoning request

Willie & Judy Meggs
4000 Riverwood Road
Tallahassee, Florida 32303

June 13, 2022

Mr. Sean Reiss, County Planner
Leon County Planning Commission
Mr. Vince Long, County Manager
Honorable Commissioner Rick Minor

Re: Northwoods Baptist Church ReZoning Request

On June 7, 2022 at 6:00 pm the Planning Commission met to consider the above referenced re-zoning request. Northwoods Church is requesting a 32 acre zoning changed from RA to R3. Five Commissioners were present. One Commissioner recused herself due to a conflict of interest.

Due to a very limited number of adjoining residence receiving notice of the hearing, the residents near the proposed rezoning had a very limited time to mobilize to oppose the rezoning request. Even though the Riverwood neighborhood is outside of the 1000 feet notice requirement approximately 80 homeowners in Riverwood will be adversely affected. Additionally, Maddox Road, Deer Run probably 80 to 100 will be adversely effected. Further, the Riverwood neighborhood has now officially taken a position opposing the proposed re-zoning.

Eight housing units per acre under R3 is not compatible with the aforementioned neighborhoods. The homes in the adjoining neighborhoods are all single family dwelling on a minimum of one home per acre and some are on two to five acre lots. The affected neighborhoods are not suburban but are country homes. Many homeowners have horses, chickens, donkeys, bee hives, and fish ponds.

At the June 7th meeting after hearing from the three representative of Northwoods and at least 8 members of adjoining property owners from Maddox, Flat, Riverwood, Deer Run, and Wildwood spoke against the rezoning. Many other neighbors were present in support of denying the re-zoning request, but did not speak. After hearing the presentation, a motion was made to accept the planner's recommendation. There was not a second to the motion, until the Chair had to second it. Commissioner Gray asked the Chairman if there were other options. The Chair advised Commission Gray that if the request met the comprehensive plan, the commission had no discretion. A vote was taken and on a 3 to 1 vote the motion passed.

However, after having time to examine the county planner's report to the Riverwood Acres Neighborhood Association and to the planning commission, the county planner gave the commission three options, and those options are as follows:

1. Find the proposed ordinance consistent with the Tallahassee-Leon County Comprehensive Plan and recommend that the Board of County Commissioners adopt said ordinance, thereby amending the Official Zoning Map to change the zoning classification from the Residential Acre (RA) Zoning District to the Single and Two-Family Residential (R-3) Zoning District, based upon the findings of fact and conclusions of law set forth in this report and any evidence submitted at the hearing hereon.
2. Do not find the Find the proposed ordinance consistent with the Tallahassee-Leon County Comprehensive Plan and recommend that the Board of County Commissioners not adopt said ordinance, thereby retaining the existing zoning, based upon the findings of fact and conclusions of law of the Planning Commission and any evidence submitted at the hearing hereon.
3. Provide staff alternative direction.

Had the neighborhood had ample notice and time to become involved sooner, this resident would have pointed out the misinformation provided by the Chair, and would have strongly argued for option 2 or 3. I strongly urge the Commission to revisit their June 7, 2022 decision and give the affected neighbors time to respond effectively.

Sincerely,

William N. Meggs

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Baptist Church Rezoning (LRZ220005)
Date: Monday, June 20, 2022 6:36:12 PM

Good evening Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 6:12 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Northwoods Baptist Church Rezoning (LRZ220005)

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof
Chief of Staff, Leon County Commissioner Rick Minor
850/606-5373 - Office
850/491-0192 - Cell
WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

From: web_team@leoncountyfl.gov <web_team@leoncountyfl.gov>

Sent: Thursday, June 16, 2022 1:16 PM

To: Bill Proctor <PROCTORB@leoncountyfl.gov>; Rayshell Holmes <HolmesR@leoncountyfl.gov>; Kristin Dozier <DozierK@leoncountyfl.gov>; Gary Zirin <ZirinG@leoncountyfl.gov>; Nick Maddox <MaddoxN@leoncountyfl.gov>; Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>; Jimbo Jackson <JacksonJ@leoncountyfl.gov>; Kellie Sirmons <SirmonsKe@leoncountyfl.gov>; Rick Minor <MinorR@leoncountyfl.gov>; Jodi Wilkof <WilkofJ@leoncountyfl.gov>; Carolyn Cummings <CummingsC@leoncountyfl.gov>; Chauncy Haynes <HaynesC@leoncountyfl.gov>; Brian Welch <WelchB@leoncountyfl.gov>; Kyle Frost <FrostK@leoncountyfl.gov>

Cc: Bill Simpson <SimpsonBi@leoncountyfl.gov>; Stephanie Holloway <HollowayS@leoncountyfl.gov>

Subject: Northwoods Baptist Church Rezoning (LRZ220005)

FROM:"Suzetta Furlong <one8thmile@yahoo.com>

Good day, Honorable Commissioner.

I respectfully and vehemently urge you to stand up for what makes Tallahassee unique and beautiful and vote "NO" for the rezoning of the Northwoods Baptist Church parcel.

I reside at 3670 Flat Road. The corner of my property touches the corner of the church's proposed rezoning site, which currently contains woodlands and meadows and is surrounded by wetlands. Herons, egrets, barred owls, hawks, summer tanagers, king birds, bats, wild turkey, otters, deer, tortoises, opossum, and many other precious examples of our Florida wildlife live here. I know, because I have seen them on and around my property.

Am I concerned about my property value going down, traffic increasing, noise from development and 200+ dwellings, loss of privacy, and complaints about the chickens and goats I hope to have when I retire? Absolutely! In fact, I'm more than concerned; I am threatened. Threatened that the way of life my family and I have a right to by virtue of the zoned property we purchased 16.5 years ago will be lost by this rezoning and anticipated development.

All that aside, however, I believe we cannot in good conscience allow ourselves to strip away the dens and other homes, breeding and hunting grounds, and nesting sites of Florida's wildlife. We cannot continue to bulldoze meadows and trees; change and pollute our wetlands; and squeeze our wildlife into smaller and smaller parcels for our own convenience.

Is Tallahassee to be left with only canopy roads and no canopies anywhere else?

To help you visualize what is at stake, please find attached an aerial view of the church property today compared to how it might look if this rezoning is permitted and development occurs.

Thank you for your consideration,

Suzetta Furlong

850.879.1275

one8thmile@yahoo.com

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Baptist Church Rezoning (LRZ220005)
Date: Monday, June 20, 2022 6:38:04 PM
Attachments: [R-3 REZONING Possible Look.pdf](#)

Good evening Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 6:13 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Northwoods Baptist Church Rezoning (LRZ220005)

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: furlong suzettaA <one8thmile@yahoo.com>
Sent: Thursday, June 16, 2022 1:20 PM
To: Ccattach <Ccattach@leoncountyfl.gov>
Subject: Northwoods Baptist Church Rezoning (LRZ220005)

Good afternoon.

I just submitted an email to the Leon County Commissioners via the form on your website. Please provide the attached document to the Commissioners as referenced in my email to them.

Thank you,

Suzetta Furlong
850.879.1275
one8thmile@yahoo.com



From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Baptist Church Rezoning (LRZ220005)
Date: Monday, June 20, 2022 6:37:03 PM

Good evening Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 6:12 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Northwoods Baptist Church Rezoning (LRZ220005)

Chasity -

I am forwarding you this email Rick sent, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

I will send Ms. Furlong's emails separately so that you have the attachments as well.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof
Chief of Staff, Leon County Commissioner Rick Minor
850/606-5373 - Office
850/491-0192 - Cell
WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Monday, June 20, 2022 5:14 PM
To: furlong suzetta <one8thmile@yahoo.com>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: RE: Northwoods Baptist Church Rezoning (LRZ220005)

Hello Ms. Furlong,

Thank you very much for contacting me about the church's rezoning request, and for sending the follow-up email with the 'before/after' ariel views. As you'd probably guess, many of your neighbors have contacted me to share similar concerns, and I've been reviewing information that Bob Carver and Willie Meggs have given me.

I'll be attending the neighborhood meeting at Mr. Megg's barn tomorrow and hopefully I'll be able to meet you then. If you're unable to make it, please know that you can reach me on my cell phone (850-445-1914) if you'd like to talk directly.

Thanks again,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: furlong suzetta <one8thmile@yahoo.com>
Sent: Thursday, June 16, 2022 1:21 PM
To: Bill Proctor <PROCTORB@leoncountyfl.gov>; Bill Simpson <SimpsonBi@leoncountyfl.gov>; Jimbo Jackson <JacksonJ@leoncountyfl.gov>; Kristin Dozier <DozierK@leoncountyfl.gov>; Rick Minor <MinorR@leoncountyfl.gov>; Stephanie Holloway <HollowayS@leoncountyfl.gov>
Subject: Northwoods Baptist Church Rezoning (LRZ220005)

Good afternoon.

I just submitted an email to the Leon County Commissioners via the form on your website. Please provide the attached document to the Commissioners as referenced in my email to them.

Thank you,

Suzetta Furlong
850.879.1275
one8thmile@yahoo.com

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Baptist Church rezoning.
Date: Monday, June 20, 2022 6:39:37 PM

Good evening Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 6:14 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Northwoods Baptist Church rezoning.

Chasity -

I am forwarding you this email Rick received - as well as his response to it - consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof
Chief of Staff, Leon County Commissioner Rick Minor
850/606-5373 - Office
850/491-0192 - Cell
WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

From: Rick Minor <MinorR@leoncountyfl.gov>

Sent: Monday, June 20, 2022 5:10 PM
To: LIBBY ALLEN <libbyallen@aol.com>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: RE: Northwoods Baptist Church rezoning.

Hello Ms. Allen,

Thank you very much for contacting me about the church's rezoning request. As you'd probably guess, many of your neighbors have contacted me to share similar concerns, and I've been reviewing information that Bob Carver and Willie Meggs have given me.

I'm sorry that you're unable to make it to the neighborhood meeting at Mr. Megg's barn tomorrow, but please know that you can reach me on my cell phone (850-445-1914) if you'd like to talk directly.

Thanks again,

Rick Minor
Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

-----Original Message-----

From: LIBBY ALLEN <libbyallen@aol.com>
Sent: Thursday, June 16, 2022 4:20 PM
To: Rick Minor <MinorR@leoncountyfl.gov>
Cc: Libby Allen <libbyallen@aol.com>
Subject: Northwoods Baptist Church rezoning.

Hi Commissioner Minor,

My family has lived in the Maddox Road area since the early 1970s.

I currently live at 3601 Flat Rd. which is off of Maddox Road. My father Dalton Allen currently lives at 3605 Flat Road. Our original family home was on Maddox Road in the 70s way back when it was a dirt road. I built a house off of Jamey Road in Riverwood acres, have since sold it, and my father and I now we have adjoining properties off of Flat Road so we obviously love the area!

Our main issue with the proposed development would be an increase in traffic. It is extremely hard to get out onto Capital Circle to go right toward I 10 and almost impossible to go left toward Havana.

I am also seriously concerned about disrupting wildlife from the area as I volunteer at St Francis Wildlife and hate the thought of displacing hundreds of squirrels, birds and the like who have had peaceful enjoyment for years.

My father and I won't be able to attend the meeting on June 21 regarding this issue but I wanted to voice opposition to the R-3 rezoning as well as my fathers and my husband's opposition. (My father is elderly and does not do email).

Bottom line is, It's just too many houses!!!!

I'm a local Realtor here. While R3 would afford the church highest and best use for sale purposes, I don't feel it fair for my neighbors or my family to be subjected to an increase in density.

I'm sure development is eventually eminent but it seems much more logical to keep it consistent and concurrent with the acreage lots that we currently have in this neighborhood. I would therefore respectfully request that the rezoning request to R3 be denied.

If there is something we need to sign please let me know. You're welcome to call me to discuss it further at 850-933-5826.

Thank you for your consideration and assistance.

Regards,

Libby Allen

3601 Flat Road

850-933-5826 cell

Sent from my iPhone

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: LRZ220005 - Northwoods Baptist Church Rezoning
Date: Monday, June 20, 2022 6:41:27 PM

Good evening Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 6:16 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: LRZ220005 - Northwoods Baptist Church Rezoning

Chasity -

I am forwarding you this email Rick received - as well as his response to it - consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof
Chief of Staff, Leon County Commissioner Rick Minor
850/606-5373 - Office
850/491-0192 - Cell
WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

From: Rick Minor <MinorR@leoncountyfl.gov>

Sent: Monday, June 20, 2022 5:07 PM
To: allison mcphaul <amcphaul@hotmail.com>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: RE: LRZ220005 - Northwoods Baptist Church Rezoning

Hello Ms. McPhaul,

Thank you very much for contacting me about the church's rezoning request. As you'd probably guess, many of your neighbors have contacted me to share similar concerns, and I've been reviewing information that Bob Carver and Willie Meggs have given me.

I'll be attending the neighborhood meeting at Mr. Megg's barn tomorrow and hopefully I'll be able to meet you then. If you're unable to make it, please know that you can reach me on my cell phone (850-445-1914) if you'd like to talk directly.

Thanks again,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: allison mcphaul <amcphaul@hotmail.com>
Sent: Saturday, June 18, 2022 9:39 AM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: LRZ220005 - Northwoods Baptist Church Rezoning

Dear Mr. Minor,

My name is Allison McPhaul. I am writing to you on behalf of 5222 Maddox Road. I would like to express my opposition my opposition to the rezoning of Northwoods Baptist Church. I believe their property runs along the backside of 5222 Maddox Road and I fear any development behind this parcel of land would greatly impact the quality of life of not only myself, but the of that of all of the neighbors. As much as I can, I implore you to vote against the rezoning request.

I grew up in the home at 5222 Maddox Road and with my dad's recent passing, I would like to raise my family there as well. The rezoning and impending development will adversely impact the peace and enjoyment we residents sought, when we moved out there for.

Please, Mr. Minor, vote against the Northwoods Baptist Church rezoning. Thank you,

Allison McPhaul

Get [Outlook for Android](#)

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Baptist Church
Date: Monday, June 20, 2022 6:40:36 PM

Good evening Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 6:15 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Northwoods Baptist Church

Chasity -

I am forwarding you this email Rick received - as well as his response to it - consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof
Chief of Staff, Leon County Commissioner Rick Minor
850/606-5373 - Office
850/491-0192 - Cell
WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

From: Rick Minor <MinorR@leoncountyfl.gov>

Sent: Monday, June 20, 2022 5:09 PM
To: brodie smithe <bsmithe84@gmail.com>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: RE: Northwoods Baptist Church

Hello Mr. and Ms. Smithe,

Thank you very much for contacting me about the church's rezoning request. As you'd probably guess, many of your neighbors have contacted me to share similar concerns, and I've been reviewing information that Bob Carver and Willie Meggs have given me.

I'll be attending the neighborhood meeting at Mr. Megg's barn tomorrow and I look forward to meeting you then.

Thanks again,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: brodie smithe <bsmithe84@gmail.com>
Sent: Saturday, June 18, 2022 10:23 AM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Northwoods Baptist Church

Rick Minor,

My wife and I purchased the 3662 Flat rd. property almost 5 years ago. This property is the most NW property in the neighborhood. We have great neighbors on two sides of us and the other two sides are woods. The only reason we picked this property to raise our children on is because of the secluded area and abundant wildlife. We have grown vegetable gardens, currently rebuilding the chicken coop that was run down, and planning on having some farm animals in the near future. We love seeing all the wildlife in our yard and neighborhood. We greatly oppose the rezoning request by Northwoods Baptist Church to attempt to pull themselves out of a self inflicted financial hole. I think there are much better options for the land they want to pawn off without regards to this neighborhood. We will be seeing you at the Meggs' property next tuesday.

For our neighborhoods sake, I hope you can squash this zoning request.

Sincerely,

Brodie & Kendal Smithe

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Neighborhood Meeting regarding Northwoods Rezoning Issue - Tuesday, 6/21/22
Date: Monday, June 20, 2022 6:42:48 PM

Good evening Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 6:36 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Neighborhood Meeting regarding Northwoods Rezoning Issue - Tuesday, 6/21/22

Chasity -

I am forwarding you this email Rick received - as well as his response to it - consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof
Chief of Staff, Leon County Commissioner Rick Minor
850/606-5373 - Office
850/491-0192 - Cell
WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

From: Rick Minor <MinorR@leoncountyfl.gov>

Sent: Monday, June 20, 2022 4:50 PM

To: Bob Carver <carverrk@aol.com>

Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>

Subject: RE: Neighborhood Meeting regarding Northwoods Rezoning Issue - Tuesday, 6/21/22

Thanks very much, Bob. I'm looking forward to seeing you tomorrow.

Rick Minor

Commissioner, Leon County District 3

(850) 606-5363 office

(850) 445-1914 cell

MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: Bob Carver <carverrk@aol.com>

Sent: Sunday, June 19, 2022 4:08 PM

To: Rick Minor <MinorR@leoncountyfl.gov>

Subject: Fwd: Neighborhood Meeting regarding Northwoods Rezoning Issue - Tuesday, 6/21/22

Comm. Minor this is being forwarded to you for FYI regarding Tues. 6/21 meeting.

-----Original Message-----

From: carversa@aol.com

To: alvinanderson@comcast.net <alvinanderson@comcast.net>; berleyj@comcast.net <berleyj@comcast.net>; carverrk@aol.com <carverrk@aol.com>; carversa@aol.com; cecilobryan@centurylink.net <cecilobryan@centurylink.net>; chesterjana@yahoo.com; cpate37@hotmail.com <cpate37@hotmail.com>; cyndymarks@comcast.net <cyndymarks@comcast.net>; daveraker@comcast.net <daveraker@comcast.net>; dianneanderson58@gmail.com <dianneanderson58@gmail.com>; drdct@comcast.net <drdct@comcast.net>; droberts@chem.fsu.edu <droberts@chem.fsu.edu>; drusso1959@gmail.com <drusso1959@gmail.com>; ebrucewilliams@yahoo.com <ebrucewilliams@yahoo.com>; ediecrum@comcast.net <ediecrum@comcast.net>; fsudiane@gmail.com <fsudiane@gmail.com>; furtherstill41@gmail.com <furtherstill41@gmail.com>; goramj@gmail.com <goramj@gmail.com>; hedonaldson@comcast.net <hedonaldson@comcast.net>; hoovers@comcast.net <hoovers@comcast.net>; jebuce@comcast.net <jebuce@comcast.net>; justin.white@americantower.com <justin.white@americantower.com>; katiegoram@gmail.com <katiegoram@gmail.com>; katienobles10@gmail.com <katienobles10@gmail.com>; lisabess21@icloud.com <lisabess21@icloud.com>; maria@hisins.net <maria@hisins.net>; mariamoreno777@hotmail.com <mariamoreno777@hotmail.com>; markrbess@icloud.com <markrbess@icloud.com>; merideej@hotmail.com <merideej@hotmail.com>; mommiewon@comcast.net <mommiewon@comcast.net>; nltbenton@comcast.net <nltbenton@comcast.net>; nmm007@centurylink.net <nmm007@centurylink.net>; omallen@juno.com <omallen@juno.com>; paintdudelukey@hotmail.com <paintdudelukey@hotmail.com>; pawnkat06@gmail.com <pawnkat06@gmail.com>; riverwoodusa@comcast.net <riverwoodusa@comcast.net>; rtg2kg@yahoo.com <rtg2kg@yahoo.com>; sandy112544@aol.com <sandy112544@aol.com>; steelehunting@embarqmail.com <steelehunting@embarqmail.com>; susanfarnold@yahoo.com <susanfarnold@yahoo.com>; susanraker@comcast.net <susanraker@comcast.net>; suzanne@saltydog.net <suzanne@saltydog.net>; tiiimm67@yahoo.com <tiiimm67@yahoo.com>;

usaveprintingnix@yahoo.com <usaveprintingnix@yahoo.com>; vicp84@gmail.com <vicp84@gmail.com>; willis@leoncountyfl.gov <willis@leoncountyfl.gov>; wjmeggs@yahoo.com <wjmeggs@yahoo.com>; wnmeggs@gmail.com <wnmeggs@gmail.com>; wwpierce1979@gmail.com <wwpierce1979@gmail.com>

Sent: Sun, Jun 19, 2022 3:53 pm

Subject: Neighborhood Meeting regarding Northwoods Rezoning Issue - Tuesday, 6/21/22

Dear Riverwood Acres Property Owners,

Please be advised that there will be a "joint neighborhood" meeting this coming Tuesday, June 21st, at 6:30 p.m., at Meggs' Gathering Place, 4000 Riverwood Road. This will include property owners from Riverwood Acres, Maddox/Flat Road, Wildwood/Deerrunn, Flowerwood Drive, Lakewood Village and Autumn Woods.

Leon County Commissioner Rick Minor, will be attending the meeting to discuss the rezoning issue by Northwoods Baptist Church. This will be an opportunity for you to speak directly to him and voice your concerns.

The letter that was mailed to property owners on June 10th, including the map, is also attached to this email.

Please review this information. It is important for Commissioner Minor to hear from property owners. We encourage your attendance, as this issue is important to the future well-being of our neighborhood.

BC/sc

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: RE: Opposition to the Northwoods Baptist Church rezoning request
Date: Tuesday, June 21, 2022 1:54:28 PM

Good afternoon Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 8:41 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Opposition to the Northwoods Baptist Church rezoning request

Chasity -

I am forwarding you this email Rick received - as well as his response to it - consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: Rick Minor
Sent: Monday, June 20, 2022 5:37 PM
To: Mike Vickers <nrvmjv@yahoo.com>
Subject: RE: Opposition to the Northwoods Baptist Church rezoning request

Hello Ms. Vickers,

Thank you very much for contacting me about the church's rezoning request. As you'd probably guess, many of your neighbors have contacted me to share similar concerns, and I've been reviewing information that Bob Carver and others have given me.

I'll be attending the neighborhood meeting at Mr. Meggs' barn tomorrow and hopefully I'll be able to meet you then. If you're unable to make it, please know that you can reach me on my cell phone (850-445-1914) if you'd like to talk directly.

Thanks again,

Rick Minor
Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: Mike Vickers <nrvmjv@yahoo.com>
Sent: Tuesday, June 14, 2022 12:42 PM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Opposition to the Northwoods Baptist Church rezoning request

Good afternoon Mr. Minor.

I am writing to express my strong opposition to the request by the Northwoods Baptist Church to rezone 32 acres to R-3 zoning (LRZ220005). I live on Riverwood Road, and we are already dealing with an increase in traffic on Capital Circle NW making it difficult to get in and out of our neighborhood. I experienced a scary traffic situation just a few days ago trying to turn into my neighborhood because the volume of traffic lead to people not using good judgment. I am also concerned about the impact on storm water runoff and wildlife habitat in the area.

I would appreciate your support in opposing this request for rezoning. Thank you.

Sincerely,
Nancy Vickers
4062 Riverwood Road
Tallahassee

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: RE: Upcoming Northwoods Baptist Church proposal
Date: Tuesday, June 21, 2022 1:45:53 PM
Attachments: [image001.jpg](#)

Good afternoon Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Tuesday, June 21, 2022 7:41 AM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Upcoming Northwoods Baptist Church proposal

Chasity -

I am forwarding you this email we received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof
Chief of Staff, Leon County Commissioner Rick Minor
850/606-5373 - Office
850/491-0192 - Cell
WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

From: Walker Howren <wjhowren@aim.com>
Sent: Monday, June 20, 2022 9:46 PM

To: Jodi Wilkof <WilkofJ@leoncountyfl.gov>

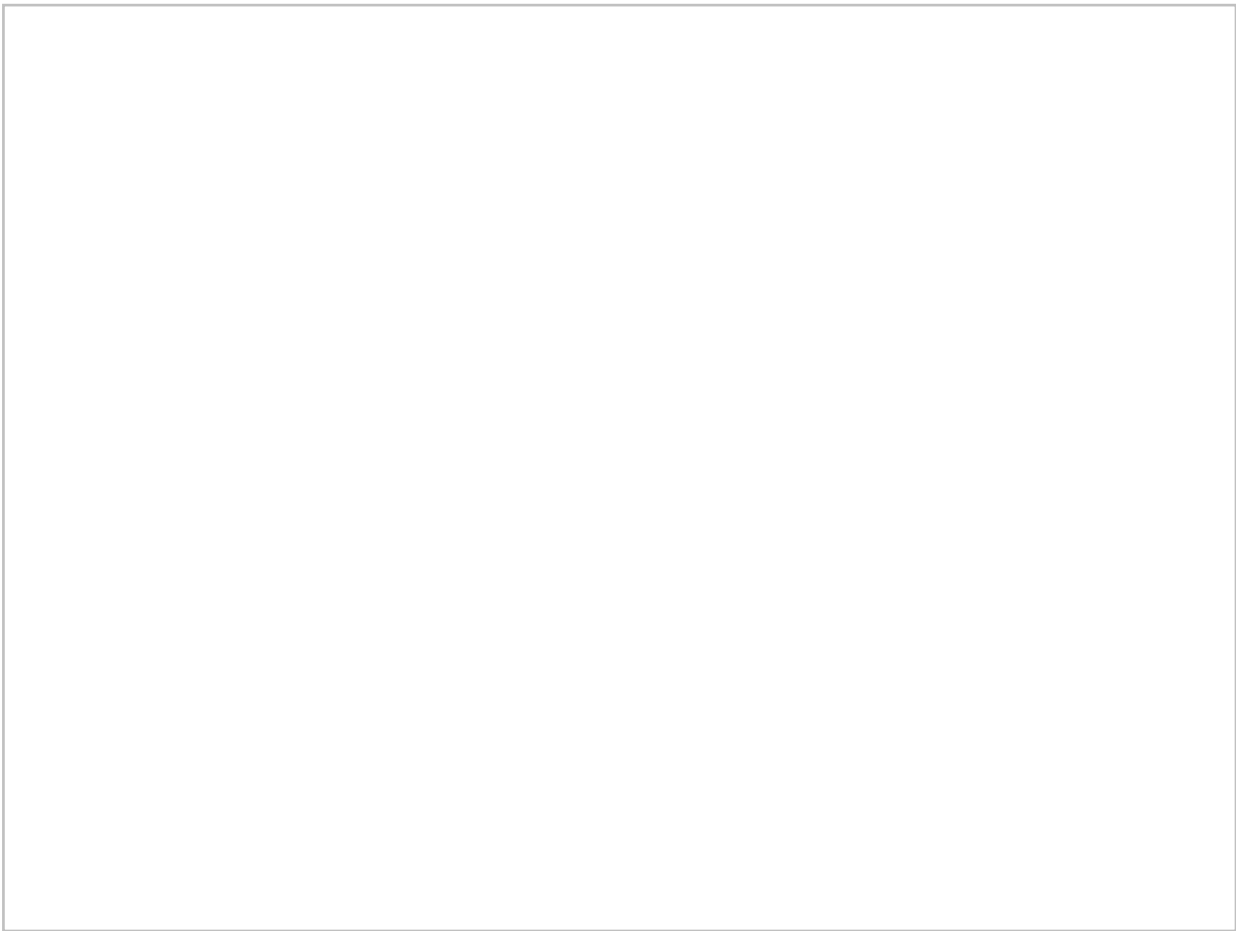
Subject: Upcoming Northwoods Baptist Church proposal

Mr. Minor

I am sending the email to ask you to vote against the rezoning for the 32 acres of the Northwoods Baptist church. I live at 4809 Lakely Dr. My property is directly across from the church on Capital Circle NW. There is protected wetlands and pond on my property that receives runoff water the area in which is to be rezoned. My pond already receives so much sediment from the runoff my pond is almost full of sediment. I have very little water now. So with rain my property is starting to flood. My home is over 100 feet from the pond and wetland and the water is coming close to my home. This could cause foundation issues. I will attach photos of the pond as of July 20, 2022.

I would also like to address the next issue. I attended the meeting with the planning commission. During that meeting the church pastor spoke of the debt of 1.4 million dollars that they are in due to the purchase of the property. They also spoke of the loss of membership at their church. Which they are saying causing the loss of income to pay their bills. I feel bad for the position they are in. But when the pastor quoted the Bible saying (and I paraphrase) no one should live in debt or incur debt. I really felt angry. Because if they have incurred the debt why am I and the rest of all of the people that this is going to affect have to be harmed by this. That's not right. My wife and I live on a fixed income because I am a 100% permanent and totally disabled veteran. My wife is my caregiver which is a lot of work. I moved from my home in Miami to Tallahassee so we could afford to live. We have fallen in love with Tallahassee and our neighbors. My neighbors have been a lifesaver. They have helped us to clear some of our property and make it easier for me to get around. I work out in my yard daily. My wife and I made big progress.

With this rezoning on the table I will then suffer from more water problems not to mention the damage to protected wetlands. The wetlands will get more sediment and water and not to mention contaminants from the runoff water. This will affect everyone's water supply. We all live off of well water. I will not get into the traffic issue. You already know about the traffic on Capital Circle NW. My final thoughts are. Is the health and damage to property and environment and wildlife worth the church's 1.4 million debt.



Thank you for your assistance,
Walker Howren IV

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: [Transcribed] Voice Message From: 1 (850) 3211127
Date: Tuesday, June 21, 2022 1:57:29 PM
Attachments: [VoiceMsg\[ID=20851 F=228 G=40 A=06F6298B-D74C-4DA7-A7F5-EB1448D01B97 C=1\].wav](#)
[Transcribe.txt](#)

Good afternoon Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 8:43 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: [Transcribed] Voice Message From: 1 (850) 3211127

Chasity -

I am forwarding you this voicemail Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: 1(850)3211127 <tel=1_850_3211127@Avaya-Esna2.LeonAD.gov>

Sent: Friday, June 17, 2022 9:29 AM

To: Rick Minor <MinorR@leoncountyfl.gov>

Subject: [Transcribed] Voice Message From: 1 (850) 3211127

Hi, Mister Meyer. My name is Jeanie Williams. I live over here on River Wood Road River Wood acres in Tallahassee, Florida and it's come to my attention about a project that they North Woods Baptist Church is trying to do by putting homes single family dwelling homes. I understand it's for acre, but that they're trying to break it up to even more to put more units, which of course, I'm very opposed to wherever here at riverwood. We have to have an acre or more and in this neighborhood and I don't think we would be able to with the traffic that it's gonna cost and of course, I don't know about the property value. I'm going to have somebody look into that and of course, our wildlife habitat, you know area over here. I just I'm very opposed to it. I don't know what to do about it. I know that they said that I needed to contact you know you as seeing a Commissioner. So I would like for you to call me back when you get a chance, I know you're probably very busy my phone number is 850-321-1127 again, my name is Jeanie Williams. I'm over here at riverwood acres on River Wood Road in Tallahassee. Again, this is very upsetting very upsetting to me and my mother. My mother is 93. She's lived here with me and it's just not anyway, if you could give me a call back I would certainly appreciate it thank you have a blessed day and stay safe bye bye.

Hi, Mister Meyer. My name is Jeanie Williams. I live over here on River Wood Road River Wood acres in Tallahassee, Florida and it's come to my attention about a project that they North Woods Baptist Church is trying to do by putting homes single family dwelling homes. I understand it's for acre, but that they're trying to break it up to even more to put more units, which of course, I'm very opposed to wherever here at riverwood. We have to have an acre or more and in this neighborhood and I don't think we would be able to with the traffic that it's gonna cost and of course, I don't know about the property value. I'm going to have somebody look into that and of course, our wildlife habitat, you know area over here. I just I'm very opposed to it. I don't know what to do about it. I know that they said that I needed to contact you know you as seeing a Commissioner. So I would like for you to call me back when you get a chance, I know you're probably very busy my phone number is 850-321-1127 again, my name is Jeanie Williams. I'm over here at riverwood acres on River Wood Road in Tallahassee. Again, this is very upsetting very upsetting to me and my mother. My mother is 93. She's lived here with me and it's just not anyway, if you could give me a call back I would certainly appreciate it thank you have a blessed day and stay safe bye bye.

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: [Transcribed] Voice Message From: 1 (850) 5195716
Date: Tuesday, June 21, 2022 1:58:44 PM
Attachments: [VoiceMsg\[ID=20825 F=228 G=40 A=7113E8A8-0CCC-4CEE-9E54-D3D56E86C4A7 C=1\].wav](#)
[Transcribe.txt](#)

Good afternoon Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 8:46 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: [Transcribed] Voice Message From: 1 (850) 5195716

Chasity -

I am forwarding you this voicemail Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: 1(850)5195716 <tel=1_850_5195716@Avaya-Esna2.LeonAD.gov>

Sent: Thursday, June 16, 2022 10:58 AM

To: Rick Minor <MinorR@leoncountyfl.gov>

Subject: [Transcribed] Voice Message From: 1 (850) 5195716

Es sir. This is Roger Downs. I live at 36 14 flat Road. So you probably know what I'm calling about but we'd appreciate any help. You can give us an illness rezoning at North Woods Baptist Church. I understand you're gonna be out Monday, but unfortunately I have to be out of town, but anything you can do will be appreciated and we thank you for have a good day.

Es sir. This is Roger Downs. I live at 36 14 flat Road. So you probably know what I'm calling about but we'd appreciate any help. You can give us an illness rezoning at North Woods Baptist Church. I understand you're gonna be out Monday, but unfortunately I have to be out of town, but anything you can do will be appreciated and we thank you for have a good day.

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: [Transcribed] Voice Message From: 1 (850) 9336934
Date: Tuesday, June 21, 2022 1:59:30 PM
Attachments: [VoiceMsg\[ID=20785 F=228 G=40 A=D63FAC7B-0487-42D8-8ED7-DF6D7E1A3104 C=1\].wav](#)
[Transcribe.txt](#)

Good afternoon Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 8:47 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: [Transcribed] Voice Message From: 1 (850) 9336934

Chasity -

I am forwarding you this voicemail Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: 1(850)9336934 <tel=1_850_9336934@Avaya-Esna2.LeonAD.gov>

Sent: Tuesday, June 14, 2022 11:07 AM

To: Rick Minor <MinorR@leoncountyfl.gov>

Subject: [Transcribed] Voice Message From: 1 (850) 9336934

Good morning, Rick. This is Dave Roberts calling I'm a resident of River board acres and I am greatly concerned about the zoning request change that the North Baptist Church was made for 32 acres for pretty high density stuff and I want you to know that I am definitely against the zoning change. If you have any questions about my position and you wanna talk about it feel free to call me at 850-933-6934 again, my name is Dave Roberts and I am definitely against rezoning that 32 acres it belongs to the church to such a high density population, thanks for your consideration bye bye.

Mr. Manner, Bob cobert and riverwood acres around 11 o'clock here on Monday, just again following up. I hope you're doing well. These days. It's been a while. Since we've spoken I'd left a vest message. I know we've played a little phone tag on Friday so I'm following up with the rezoning issue with North which Baptist Church and wanted to chat with you briefly and we know there may be a working session coming and not too distant future that hopefully we could participate in but riverwood acres has begun animals boat over the executive committee recommended to post and post strongly our members are obviously upset and concerned and why some things we need to chat with you about that. If you got a moment if not we'll catch up when you convenience, but no rush just at your convenience 850-556-2433 talk to you later. Thank you.

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: [Transcribed] Voice Message From: 1 (850) 5562433
Date: Tuesday, June 21, 2022 2:01:30 PM
Attachments: [VoiceMsg\[ID=20767 F=228 G=40 A=A2507D85-400A-4526-93B2-28CBB89EF2AC C=1\].wav](#)
[Transcribe.txt](#)

Good afternoon Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 8:48 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: [Transcribed] Voice Message From: 1 (850) 5562433

Chasity -

I am forwarding you this voicemail Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: 1(850)5562433 <tel=1_850_5562433@Avaya-Esna2.LeonAD.gov>

Sent: Monday, June 13, 2022 10:53 AM

To: Rick Minor <MinorR@leoncountyfl.gov>

Subject: [Transcribed] Voice Message From: 1 (850) 5562433

Mr. Manner, Bob cobert and riverwood acres around 11 o'clock here on Monday, just again following up. I hope you're doing well. These days. It's been a while. Since we've spoken I'd left a vest message. I know we've played a little phone tag on Friday so I'm following up with the rezoning issue with North which Baptist Church and wanted to chat with you briefly and we know there may be a working session coming and not too distant future that hopefully we could participate in but riverwood acres has begun animals boat over the executive committee recommended to post and post strongly our members are obviously upset and concerned and why some things we need to chat with you about that. If you got a moment if not we'll catch up when you convenience, but no rush just at your convenience 850-556-2433 talk to you later. Thank you.

Mr. Manner, Bob cobert and riverwood acres around 11 o'clock here on Monday, just again following up. I hope you're doing well. These days. It's been a while. Since we've spoken I'd left a vest message. I know we've played a little phone tag on Friday so I'm following up with the rezoning issue with North which Baptist Church and wanted to chat with you briefly and we know there may be a working session coming and not too distant future that hopefully we could participate in but riverwood acres has begun animals boat over the executive committee recommended to post and post strongly our members are obviously upset and concerned and why some things we need to chat with you about that. If you got a moment if not we'll catch up when you convenience, but no rush just at your convenience 850-556-2433 talk to you later. Thank you.

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: [Transcribed] Voice Message From: 1 (850) 5562433
Date: Tuesday, June 21, 2022 2:03:46 PM
Attachments: [VoiceMsg\[ID=20751 F=228 G=40 A=42BA26A3-DC58-46D2-AFDE-6BEF3D9F7EC5 C=1\].wav](#)
[Transcribe.txt](#)

Good afternoon Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Monday, June 20, 2022 8:49 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: [Transcribed] Voice Message From: 1 (850) 5562433

Chasity -

I am forwarding you this voicemail Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: 1(850)5562433 <tel=1_850_5562433@Avaya-Esna2.LeonAD.gov>

Sent: Friday, June 10, 2022 3:58 PM

To: Rick Minor <MinorR@leoncountyfl.gov>

Subject: [Transcribed] Voice Message From: 1 (850) 5562433

Commission byner this is Bob Carver and riverwood acres been a while since we spoke and hope you're doing good these days. I just like to give you a quick heads up our neighborhood Association is concerned of the rezoning issue in Capital Circle Northwest North with Baptist Church. I'll be communicating to you are written objections. The zoning commission has recommended proceed with the rezoning, but if you're getting up to speed with it just give you a heads up that our Association and our neighborhood as opposed to the rezoning and I'll get the details and tell. You so anyway, I understand that may be an opportunity to visit with you as a work group as well as before the commission meeting July the 12th to consider this but we are strongly opposed to it and we will share our concerns with you so just F Y I late on Friday afternoon. It's are concerned with it have a good weekend. We'll catch up next week and we can chat briefly, but we also look forward to working with your office to resolve the matter and Bob Carver with acreage neighborhood Association 850-556-2433 and touch.

Commission byner this is Bob Carver and riverwood acres been a while since we spoke and hope you're doing good these days. I just like to give you a quick heads up our neighborhood Association is concerned of the rezoning issue in Capital Circle Northwest North with Baptist Church. I'll be communicating to you are written objections. The zoning commission has recommended proceed with the rezoning, but if you're getting up to speed with it just give you a heads up that our Association and our neighborhood as opposed to the rezoning and I'll get the details and tell. You so anyway, I understand that may be an opportunity to visit with you as a work group as well as before the commission meeting July the 12th to consider this but we are strongly opposed to it and we will share our concerns with you so just F Y I late on Friday afternoon. It's are concerned with it have a good weekend. We'll catch up next week and we can chat briefly, but we also look forward to working with your office to resolve the matter and Bob Carver with acreage neighborhood Association 850-556-2433 and touch.

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwood Church Rezoning Request
Date: Tuesday, June 21, 2022 2:06:53 PM

Good afternoon Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Monday, June 20, 2022 8:51 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Northwood Church Rezoning Request

Chasity -

I am forwarding you this email Rick received - as well as his response to it - consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: Rick Minor
Sent: Monday, June 20, 2022 4:49 PM
To: Merrill Detweiler <mgd691945@gmail.com>
Subject: RE: Northwood Church Rezoning Request

Hello Mr. Detweiler,

Thank you very much for contacting me about the church's rezoning request. As you'd probably guess, many of your neighbors have contacted me to share similar concerns, and I've been reviewing information that Bob Carver and Willie Meggs have given me.

I'll be attending the neighborhood meeting at Mr. Megg's barn tomorrow and hopefully I'll be able to meet you then. If you're unable to make it, please know that you can reach me on my cell phone (850-445-1914) if you'd like to talk directly.

Thanks again,

Rick Minor
Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: Merrill Detweiler <mgd691945@gmail.com>
Sent: Sunday, June 19, 2022 10:18 PM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Northwood Church Rezoning Request

Commissioner Minor,

My wife and I own approximately four acres along Maddox Road, we have resided there since 1975. This is a nice quiet neighborhood adjoining the property in question. Our desire is to maintain a good quiet neighborhood with good neighbors, this may not happen if the rezoning request is approved.

Capital Circle already has congestion problems that would most certainly become worse.

Please help us and our neighborhood by NOT approving the rezoning request.

Thanks,

Merrill Detweiler

(850) 447-2033 Cell

mgd691945@gmail.com

From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [Jodi Wilkof](#); [Emily Bouza](#); [Patti Poppel](#)
Subject: FW: Ex Parte Disclosures - LRZ220005
Date: Tuesday, June 21, 2022 6:11:51 PM
Attachments: [Ex Parte Communication Disclosure Forms \(2 forms\) \(LRZ220005\).pdf](#)

Good evening Commissioner Minor,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Tuesday, June 21, 2022 2:21 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Ex Parte Disclosures - LRZ220005

Hi Chasity,

Attached are two disclosure forms for ex parte communications for the LRZ220005 rezoning request. Please let me know if you have any questions.

All the best,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

Board of County Commissioners Leon County, Florida

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezonings)

Commissioner's Name:

Commissioner Rick Minor

Project Name / Issue:

3762 Capital Circle NW
Rezoning

Name of person/group/entity with whom communication took place and date of communication:

Conversation between Commissioner Minor and Jodi Wilkof (his Chief of Staff) on June 10, 2022

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Conversation regarding neighbors' desire to meet with Commissioner Minor on this issue.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

n/a

Attach written communication received:

n/a

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Baptist Church Rezoning Concerns #LRZ220005
Date: Tuesday, June 21, 2022 6:10:38 PM

Good evening Jodi,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Tuesday, June 21, 2022 9:37 AM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Northwoods Baptist Church Rezoning Concerns #LRZ220005

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: Lynae Em <lynemhof@gmail.com>
Sent: Tuesday, June 21, 2022 9:26 AM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Northwoods Baptist Church Rezoning Concerns #LRZ220005

Hi Rick Minor,

I am emailing about the rezoning issue on 30 plus acres that Northwoods Baptist Church is trying to change to an R3 zone. We are concerned about this issue. We recently moved into the Riverwood Acres Neighborhood that is adjacent to Northwoods Church for the quiet area and the closeness to wildlife. A rezoning from a 1 house per acre to a zoning that will allow for more housing units per property could greatly change this area. As a young married couple trying to grow a family, an increase in traffic is worrisome. Also, it could change the wildlife in this area greatly: and we have enjoyed showing our young kids from the window the birds, rabbits, turtles, and deer that come through our property. We would miss the opportunity to teach our kids respect for wildlife - as a rezoning could completely change that opportunity and affect the wildlife we currently enjoy seeing.

We would also be worried about the potential decrease in our current home value. We really oppose this rezoning request, and hope that it will be denied and kept at the current zone of one house per acre.

Thank you for your time and consideration of our plea.

Lynae Leonard
(850) 212-5012

From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [Jodi Wilkof](#); [Emily Bouza](#); [Patti Poppel](#)
Subject: FW: Ex Parte Disclosures - LRZ220005
Date: Tuesday, June 21, 2022 6:11:51 PM
Attachments: [Ex Parte Communication Disclosure Forms \(2 forms\) \(LRZ220005\).pdf](#)

Good evening Commissioner Minor,

Thank you for forwarding the ex parte communication below. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Tuesday, June 21, 2022 2:21 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Ex Parte Disclosures - LRZ220005

Hi Chasity,

Attached are two disclosure forms for ex parte communications for the LRZ220005 rezoning request. Please let me know if you have any questions.

All the best,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

**Board of County Commissioners
Leon County, Florida**

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezoning)

Commissioner's Name:

Rick Minor

Project Name / Issue:

3762 Capital Circle NW (Northwoods Baptist Church) Rezoning - LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

Name of person/group/entity with whom communication took place and date of communication:

Michelle Knight - June 8, 2022

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

During a phone conversation with Mr. Minor, Ms. Knight expressed her opposition to the rezoning request due to her concerns with flooding and increased traffic.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

N/A

Attach written communication received:

N/A

**Board of County Commissioners
Leon County, Florida**

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezoning)

Commissioner's Name:

Rick Minor

Project Name / Issue:

3762 Capital Circle NW (Northwoods Baptist Church) Rezoning - LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

Name of person/group/entity with whom communication took place and date of communication:

Bob Carver - June 13, 2022

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

During a phone conversation with Mr. Minor, Mr. Carver expressed his opposition to the rezoning request and mentioned that he and others are organizing a neighborhood meeting to discuss it in detail. Mr. Minor told him that he would plan to attend that meeting.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

N/A

Attach written communication received:

N/A

From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [White, Artie](#); [Jodi Wilkof](#); [Vince Long](#); [Alan Rosenzweig](#); [Emily Bouza](#); [Patti Poppell](#)
Subject: FW: Hand-delivered letter from Ms. Jeannette Walden RE: Northwoods Baptist Church Rezoning (LRZZ220005)
Date: Wednesday, June 22, 2022 2:01:13 PM
Attachments: [Hand-delivered letter from Ms. Walden \(2022-06-21\).pdf](#)

Good afternoon Commissioner Minor,

Thank you for forwarding the ex parte communication. The CAO will ensure it is disclosed and made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Wednesday, June 22, 2022 1:55 PM
To: White, Artie <Artie.White@talgov.com>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>; Vince Long <LongV@leoncountyfl.gov>; Alan Rosenzweig <RosenzweigA@leoncountyfl.gov>; Chasity OSteen <osteenc@leoncountyfl.gov>
Subject: Hand-delivered letter from Ms. Jeannette Walden RE: Northwoods Baptist Church Rezoning (LRZZ220005)

Hello Artie,

Thank you for attending the neighborhood meeting held on Mr. Meggs' property yesterday, I greatly appreciate it. Ms. Walden, who was one of the neighbors present, gave me the attached letter and asked that I provide a copy to you as well.

Since this is a pending quasi-judicial matter, I am copying our County Attorney so that it may be logged as ex parte communication.

All the best,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

Mr. Rick Miner
Leon County Commissioner
District Three
Tallahassee, FL 32301

Dear Sir:

I have resided at 3657 Flat Road, Tallahassee, FL, for 44 years. My husband (deceased) and I built our custom home and took occupancy in April, 1978. Our parcel of land is 4.85 acres (300'± on Maddox Road and 600'± on Flat Road).

I strongly object to the proposed rezoning as currently requested by Northwood Church. If this request were approved, it would adversely impact on me as regards:

- Home value / financial investment
- Wildlife in my community
- Traffic volume / congestion -- particularly the Capital Circle Truck Route and Interstate 10.
- Emergency vehicle access / travel time. Note: The Truck Route is a 2-lane roadway -- and there is only one entrance / exit to my community!
- Travel safety
- Water pollution due to storm water run-off because of high density development.

The proposed rezoning will allow a density of 257 houses, which can include duplexes up to 3 stories high. This would certainly devalue and adversely impact my chosen neighborhood and quality of life!! I'm almost 81 years old. I dearly love my "little piece of heaven on earth." I pray that this is not a "David vs. Goliath" battle. I'd like to think that my one vote counts -- that our neighborhood efforts are not a futile exercise.

The proposed density of this rezoning would pro-
rate out to 40 houses on my 4.85 acres; i.e., 8 houses
per acre. Therefore, I can readily envision this high,
undesirable density!

My deed restriction is one single-family dwelling
per parcel. I have not, and will not, violate this deed
restriction.

I have spoken with Todd Sapp, Pastor of Northwood
Church, regarding my opposition to their rezoning request.
I hope the Church can find another way to alleviate
their current fiscal situation -- thereby being a
"good neighbor." I do understand the word "budget"
and the restraints that are imposed by one. I operate
on a fixed income as a retiree and cannot, and do
not, over extend my fiscal limitations. To do so
would be fiscally irresponsible!

Thank you for your time and consideration of
my request to you to disapprove this rezoning request.

Sincerely,

Jeanette Walden
850-562-2693

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Disclosure Form Attached
Date: Wednesday, June 22, 2022 2:39:46 PM
Attachments: [Minor3 - Ex Parte Communications Disclosure Form \(fillable form\) \(2\).pdf](#)

Good afternoon Jodi,

Thank you for providing the ex parte communication. The CAO will ensure that the communication is disclosed and made part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Wednesday, June 22, 2022 1:52 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Disclosure Form Attached

Hi Chasity,

Attached are two disclosure forms for ex parte communications for the LRZ220005 rezoning request. Please let me know if you have any questions or if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof
Chief of Staff, Leon County Commissioner Rick Minor
850/606-5373 - Office
850/491-0192 - Cell
WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

Board of County Commissioners Leon County, Florida

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezonings)

Commissioner's Name:

Commissioner Rick Minor

Project Name / Issue:

3762 Capital Circle NW
Rezoning

Name of person/group/entity with whom communication took place and date of communication:

Conversation between Commissioner Minor and Jodi Wilkof (his Chief of Staff) on June 10, 2022

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Conversation regarding neighbors' desire to meet with Commissioner Minor on this issue.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

n/a

Attach written communication received:

n/a

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Church R zoning Issue
Date: Friday, June 24, 2022 4:36:05 PM

Good afternoon Jodi,

Thank you for forwarding the ex parte communication. The CAO will ensure it is made a part of the hearing record.

Best Regard,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Thursday, June 23, 2022 9:35 AM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Northwoods Church R zoning Issue

Good morning, Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: Bob Carver <carverrk@aol.com>
Sent: Thursday, June 23, 2022 9:31 AM
To: Rick Minor <MinorR@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Northwoods Church R zoning Issue

Comm. Minor,

Good Morning,

I spoke with Pastor Todd Sapp of Northwoods Church yesterday who is currently on vacation in North Carolina.

He recommended to speak with Jay Bostwick 850-556-2188 or 850-544-6222. Jay is the Chairman of the Board of Deacons for Northwoods.

Jay is also Vice President of Business Development for Sperry and Associates. In addition, Pastor Sapp suggested to speak with Ken Jordan, Chairman of the Board of Elders.

I've taken the liberty to call Jay and he has even offered to meet at Northwoods Church next Mon 6/27 @ 1:30p regarding the Rezoning issue.

Feel free to speak with Jay in advance of or instead of the meeting, understanding the timeliness of this issue.

Bob Carver
850-556-2433

From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [Jodi Wilkof](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Completed Ex Parte Communication disclosure forms for Northwoods Church Rezoning Request - LRZ220005
Date: Tuesday, June 28, 2022 1:25:44 PM
Attachments: [Ex Parte Communication with Jay Bostwick \(Rezoning - LRZ220005\).pdf](#)
[Ex Parte Communication with Mr. Bob Carver \(Rezoning - LRZ220005\).pdf](#)
[Ex Parte Communication with Ms. Leary \(Rezoning - LRZ220005\).pdf](#)
[Ex Parte Communication with Northwoods Church leaders and Bob Carver \(Rezoning - LRZ220005\).pdf](#)

Good afternoon Commissioner Minor,

Thank you for forwarding the attached ex parte communication disclosures. The CAO will ensure they are made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 10:34 AM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Completed Ex Parte Communication disclosure forms for Northwoods Church Rezoning Request - LRZ220005

Good morning, Chasity,

Attached are four completed disclosure forms that document the recent conversations I've had with people regarding the Northwoods Church Rezoning Request - LRZ220005. Please let me know if you have any questions.

All the best,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

**Board of County Commissioners
Leon County, Florida**

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezonings)

Commissioner's Name:

Rick Minor

Project Name / Issue:

3762 Capital Circle NW (Northwoods Baptist Church) Rezoning - LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

Name of person/group/entity with whom communication took place and date of communication:

On June 24, 2022, Commissioner Minor called Jay Bostwick (a Northwoods Church member).

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Commissioner Minor and Mr. Bostwick established a meeting date, time and location (June 27th, at 10:30am at the Church) to discuss the church's rezoning request and the neighbors' concerns. Mr. Bostwick spoke briefly about the reasons why the church is seeking to rezone the parcel.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

N/A

Attach written communication received:

N/A

**Board of County Commissioners
Leon County, Florida**

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezoning)

Commissioner's Name:

Rick Minor

Project Name / Issue:

3762 Capital Circle NW (Northwoods Baptist Church) Rezoning - LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

Name of person/group/entity with whom communication took place and date of communication:

On June 27, 2022, Commissioner Minor returned a phone call from Ms. Bonnie Leary (a resident who lives near the Northwoods Church property).

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Ms. Leary asked Commissioner Minor if there was the possibility that the Board of County Commissioners would delay the vote on this rezoning request. Commissioner Minor said that a meeting with the church leaders had taken place earlier that day, and that there was a general consensus from them, as well as from Mr. Carver, that a delay in the vote would give more time for the parties involved to explore other options and negotiate in good faith. Commissioner Minor also told Ms. Leary that, for this reason, it was his intention to request a delay in the vote at the County Commission's July 12th, 2022 meeting.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

N/A

Attach written communication received:

N/A

**Board of County Commissioners
Leon County, Florida**

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezoning)

Commissioner's Name:

Rick Minor

Project Name / Issue:

3762 Capital Circle NW (Northwoods Baptist Church) Rezoning - LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

Name of person/group/entity with whom communication took place and date of communication:

On June 24, 2022, Commissioner Minor called Bob Carver (a Riverwood Acres resident).

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Commissioner Minor and Mr. Carver confirmed the meeting date, time and location (June 27th, at 10:30am at the Church) to discuss the church's rezoning request and the neighbors' concerns.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

N/A

Attach written communication received:

N/A

**Board of County Commissioners
Leon County, Florida**

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezoning)

Commissioner's Name:

Rick Minor

Project Name / Issue:

3762 Capital Circle NW (Northwoods Baptist Church) Rezoning - LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

Name of person/group/entity with whom communication took place and date of communication:

On June 27, 2022, Commissioner Minor met with the following people at the offices of Northwoods Church: Todd Sapp (Church's Lead Pastor), Jay Bostwick (Church member), Doug Harrell (Church Elder), Dan Cable (Church Elder), Ken Gordon (Church Elder), and Bob Carver (Resident of Riverwood Acres, serving as a representative for nearby neighborhoods)

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

At the meeting, Commissioner Minor stated that the County Attorney suggested that he not advocate for any particular side, but that he was permitted to facilitate the discussion and help explore options. Then, the members of the church described the reasons why they are attempting to rezone a parcel. Mr. Carver then described the concerns of the neighbors. The meeting attendees then developed possible options, including: splitting the parcel to enable the sale of some land to neighbors; neighbors purchasing a perpetual easement to increase the buffer; changing the zone request to R-2 instead of R-3; or any combination of these. There was a general consensus to delay the BOCC's vote at the July 12th meeting so the parties could have more time to negotiate in good faith.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

N/A

Attach written communication received:

- "NWBC Residential Concept Plan". A rendition, from 4-5 years ago, of a proposed development of Northwoods Church's parcels by a developer.
- A one-page, typed letter that was distributed by concerned neighbors to Northwoods Church members during a recent Sunday service.

Deerrun Neighborhood | Flowerwood Neighborhood | Riverwood Neighborhood

Maddox Road and Flat Road Neighbors

June 26, 2022

Dear Northwoods Baptist Church Neighbors,

We would like to share a few concerns with you about the potential downstream effects of the proposed R-3 rezoning efforts the church is pursuing.

R-3 rezoning allows up to 8 dwellings per acre. These dwellings can be duplexes three stories high. With new streets, sidewalks, and driveways, an estimated 200 or more dwellings could be built on the 40 acres just above the Joy Dome – 40 acres now home to countless birds, deer, foxes, and other native Florida wildlife, trees, and plants. With all that concrete and no trees, where will water go?

Assuming each dwelling has only one car (and we know most would have at least two), imagine 200 more cars entering and exiting the church property at all hours from an already congested Capital Circle NW. Many of us already need several minutes at peak traffic times to exit our neighborhoods. Increased traffic may also delay emergency vehicle access to our neighborhoods.

High density development areas, especially if they are rental properties, are often known to increase crime, and studies from FSU and the *Washington Post* also show they cause neighboring properties to decrease in value. Has the church considered these risks for its own property? Has the church considered years of construction noise and trash? Will the church need to fence its property to keep new neighbors away from buildings and out of the playground or up its insurance because pedestrians, bikes, skateboards, and scooters will love to be in the parking lots?

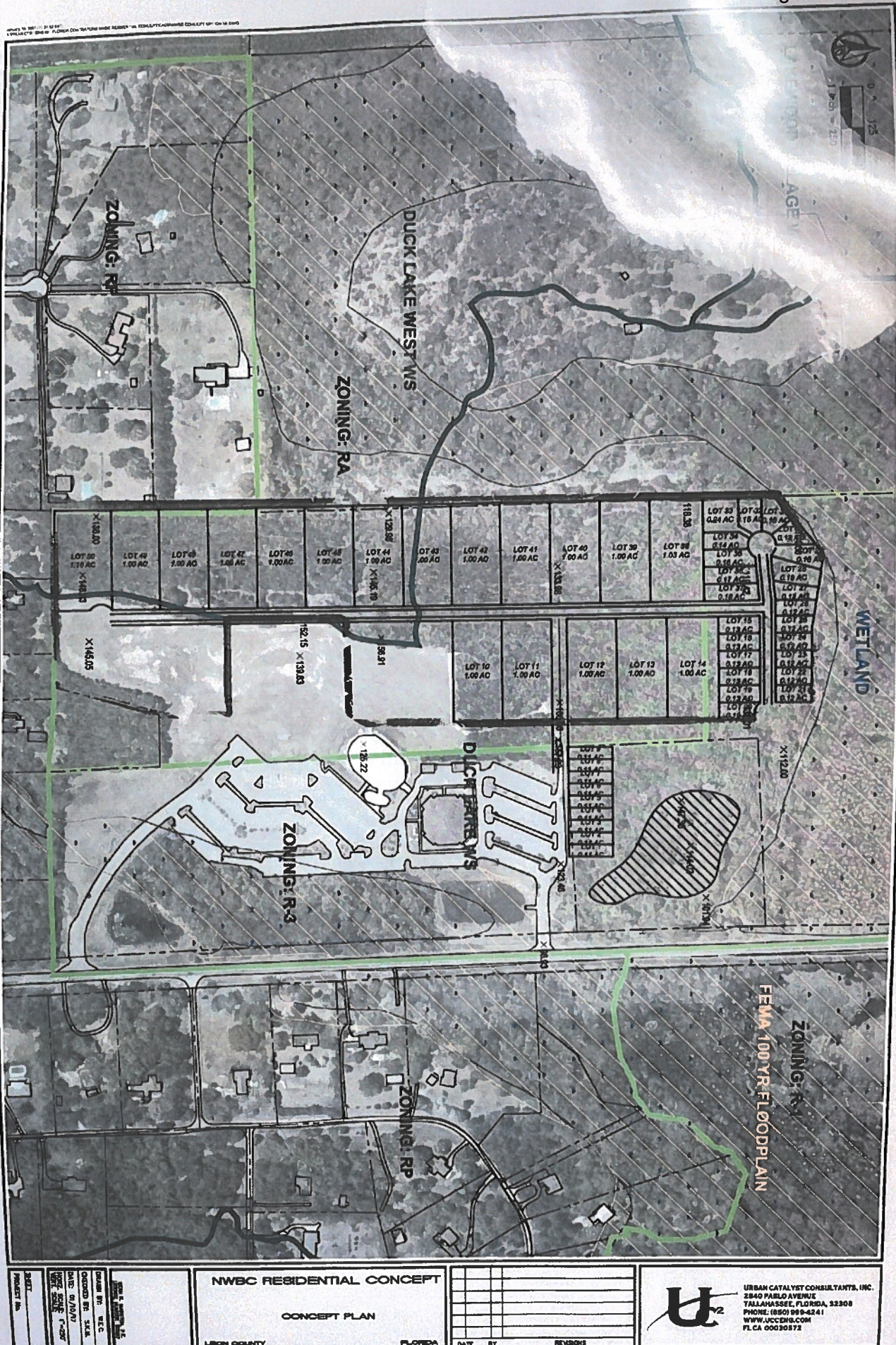
Many of us have lived here for years – some much longer than the church has been on this property. Homeowners abutting the church live on about 2.5 to 5 acres. We have views of woodlands behind us now, not 200 duplexes. The zoning for our properties allows us to have gardens, orchards, horses, mules, honeybees, goats, and chickens. Putting dense housing so close to us is not compatible land use. We are gravely concerned about people walking onto our properties or filing public nuisance complaints because of animal noise or smells or bee stings. Will the church be able to host outdoor concerts and July 4th events, or will new neighbors complain?

What is not possible today will immediately be possible if the Leon County Commissioners approve the church's rezoning request at the meeting on Tuesday, July 12, at 3 p.m. **Please talk with your church leaders. Ask them to pull this request while we try to find another solution to reduce the church's debt.** Your church leaders have said they want to be good neighbors, and so do we. We believe good neighbors work together, and we look forward to that prospect.

Please reach out to Bob Carver at carverrk@aol.com, Bonnie Deering at brookforest2006@embarqmail.com, or Suzetta Furlong at one8thmile@yahoo.com if you have any questions or to schedule times for productive discussions.

Sincerely,

Your Neighbors from Deerrun, Flowerwood, Riverwood, Maddox and Flat Roads



From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [Jodi Wilkof](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Completed Ex Parte Communication disclosure forms for Northwoods Church Rezoning Request - LRZ220005 (Bob Carver, 6/28/22, 12:45pm)
Date: Tuesday, June 28, 2022 1:48:04 PM
Attachments: [Ex Parte Communication with Mr. Bob Carver, 6-28-22, 1245pm \(Rezoning - LRZ220005\).pdf](#)

Good afternoon Commissioner Minor,

Thank you for forwarding the attached ex parte communication disclosure. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 12:56 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Completed Ex Parte Communication disclosure forms for Northwoods Church Rezoning Request - LRZ220005 (Bob Carver, 6/28/22, 12:45pm)

Hello Chasity,

Please see the attached regarding the Northwoods Church Rezoning Request - LRZ220005 and let me know if you have any questions.

All the best,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

Board of County Commissioners Leon County, Florida

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezonings)

Commissioner's Name:

Commissioner Rick Minor

Project Name / Issue:

3762 Capital Circle NW
Rezoning

Name of person/group/entity with whom communication took place and date of communication:

Conversation between Commissioner Minor and Jodi Wilkof (his Chief of Staff) on June 10, 2022

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Conversation regarding neighbors' desire to meet with Commissioner Minor on this issue.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

n/a

Attach written communication received:

n/a

From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [Jodi Wilkof](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Two additional completed Ex Parte Communication disclosure forms for Northwoods Church Rezoning Request - LRZ220005
Date: Tuesday, June 28, 2022 1:46:45 PM
Attachments: [Ex Parte Communication with Vic Parramore, 6-28-22 \(Rezoning - LRZ220005\).pdf](#)
[Ex Parte Communication with Neighbors, 6-28-22 \(Rezoning - LRZ220005\).pdf](#)

Good afternoon Commissioner Minor,

Thank you for forwarding the attached ex parte communication disclosures. The CAO will ensure they are made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 12:36 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Two additional completed Ex Parte Communication disclosure forms for Northwoods Church Rezoning Request - LRZ220005

Hello Chasity,

Attached are two completed disclosure forms that document email messages regarding the Northwoods Church Rezoning Request - LRZ220005. Please let me know if you have any questions.

All the best,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

**Board of County Commissioners
Leon County, Florida**

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezonings)

Commissioner's Name:

Rick Minor

Project Name / Issue:

3762 Capital Circle NW (Northwoods Baptist Church) Rezoning - LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

Name of person/group/entity with whom communication took place and date of communication:

On June 28, 2022, Commissioner Minor responded to an email sent by Mr. Vic Parramore, a resident who lives near the Northwoods Church property.

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Commissioner Minor replied to an email message sent by Mr. Vic Parramore. See the attachment for the content of the two email messages.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

N/A

Attach written communication received:

- Email from Rick Minor to Mr. Vic Parramore (June 28, 2022 at 11:44am)
- Email from Mr. Vic Parramore to Rick Minor (June 28, 2022 at 10:03am)

Rick Minor

From: Rick Minor
Sent: Tuesday, June 28, 2022 11:44 AM
To: Vic Parramore
Subject: RE: Riverwood Acres and Northwoods Baptist

Hello Mr. Parramore,

It was a pleasure to see you and your neighbors at Mr. Meggs' barn last week. Yes, I want to do everything I can to help you and everyone living nearby. And my in-laws have a similar issue with traces of iron sulfur in their neighborhood's water, so I can definitely relate!

As I promised at the barn, I'm going to send out an update message to the neighbors in just a few minutes, but I wanted to let you know that Bob Carver and I met with the Northwoods Church leadership yesterday, and I think it was a productive meeting. At the very beginning, I told everyone I had spoken with the County Attorney, and that she had cautioned me about appearing to advocate for any particular side on this issue. However, I was able to facilitate the discussion and help explore options.

The church leaders described the reasons why they are attempting to rezone the parcel, and stated that they want to be good neighbors with those who live nearby. As such, they are open to discussing new options that might be amenable to everyone. Then, Bob Carver described the neighbors' concerns and the impact on traffic, property values of the homes, the environment, etc.

We then started identifying potential options which could be explored further. These included:

- Splitting the parcel to enable the sale of some land to the neighbors, if they're interested and the terms are agreeable.
- Neighbors purchasing a perpetual easement, which would increase the standard buffer that would be required between the church's property and the neighbors' homes.
- Changing the church's zone request from R-3 (allowing for 8 units / acre) to R-2 (which would allow for 4.8 units / acre).

No commitments/promises were made by either party on any of these options, but generally it was agreed that they were worthy of investigation.

The discussion then shifted to the July 12th meeting of the County Commission. Among all of the meeting attendees, there seemed to be a consensus to request a delay on the vote for the rezoning, so the parties involved could further explore the other options and could negotiate in good faith with each other. Hearing this, I committed to ask my County Commission colleagues to support a postponement of the vote at the July 12th Commission meeting.

So that's the latest, as of yesterday. My guess is that Bob Carver will also send an update, if he hasn't already. As I mentioned earlier, the County Attorney told me I cannot appear to be biased toward any particular side, but that I can work to find/explore alternative solutions. I'm committed to doing that... so please don't hesitate to contact me if you have any questions or suggestions. I'm happy to help in whatever way I can.

P.S., I just wanted to let you know that I am required to log all communication that I have on this issue, whether it is written or oral, and then submit it to the County Attorney's Office so it can be included in the public record.

Thank you again, Mr. Parramore, and all the best,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: Vic Parramore <vicp84@gmail.com>
Sent: Tuesday, June 28, 2022 10:03 AM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Riverwood Acres and Northwoods Baptist

Commissioner Minor, Thank you for joining us the other evening to talk about the rezoning behind Northwoods Baptist. I thought all of the comments that were shared were on point and from the ones most affected by a new development. My concern is that our water is so bad, that we have to bleach it, charcoal filter, then carbon filter, and then soften it. If I do not keep up with specific maintenance such as resetting the timers after a power outage, let the bleach get low, or have other issues that I cannot see such as a clogged valve. Everything turns orange. Yes, even my grey hair. Needless to say, we do not drink or cook with this water and have to use jug and bottled water. The impact of any development on the hill above us would not help our situation. A multi-building per acre would diminish our chances of better water even more. Also the betterment of NW Leon County would benefit from keeping the RA zoning and not change it to the proposed R3.

I believe you do care for us and I thank you for the ear. Vic Parramore 5019 Riverwood Rd, Tallahassee, FL 32303.

**Board of County Commissioners
Leon County, Florida**

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezonings)

Commissioner's Name:

Rick Minor

Project Name / Issue:

3762 Capital Circle NW (Northwoods Baptist Church) Rezoning - LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

Name of person/group/entity with whom communication took place and date of communication:

On June 28, 2022, Commissioner Minor sent an email message to residents who live near the Northwoods Church property. See the attachment for the list of email message recipients.

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Commissioner Minor sent via Constant Contact a status update to residents living near the Northwoods Church property. See the attachment for the content of the email message.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

N/A

Attach written communication received:

- Email from Rick Minor to residents (June 28, 2022 around 12:11pm)
- Distribution list for the aforementioned email message

Rick Minor

From: Constant Contact <noreply@constantcontact.com>
Sent: Tuesday, June 28, 2022 12:12 PM
To: Rick Minor
Subject: Your campaign Update on the Northwoods Church rezoning request has been sent



Dear Rick Minor,

Your campaign '**Update on the Northwoods Church rezoning request**' was sent on 6/28/2022 around 12:11 PM EDT.

Below is a copy of the message your subscribers received. See how your campaign is doing by visiting Reports [in your account](#) to get real-time results and stats.

Subject: Update on the Northwoods Church rezoning request



Hello Rick,

It was a pleasure to see you and your neighbors at Mr. Meggs' barn last week. As promised, I wanted to provide you with an update on Northwoods Church's rezoning request:

Bob Carver and I met with Northwoods Church's lead pastor and other leadership at the church yesterday (June 27th), and I think it was productive. At the very beginning of the meeting, I told everyone I had spoken with the County Attorney, and that she had cautioned me about appearing to advocate for any particular side on this issue. However, I was able to facilitate the discussion and help explore options.

The church leaders described the reasons why they are attempting to rezone the parcel, and stated that they want to be good neighbors with those who live nearby. As such, they are open to discussing new options that might be amenable to everyone. Mr. Carver then described the neighbors' concerns and the impact on traffic, the property values of the homes, the environment, etc.

Next, we started identifying potential options, which included:

- Splitting the parcel to enable the sale of some land to the neighbors, if they're interested and the terms are agreeable.
- Neighbors purchasing a perpetual easement, which would increase the standard buffer that would be required between the church's property and the neighbors' homes.
- Changing the church's zone request from R-3 (allowing for 8 units / acre) to R-2 (which would allow for 4.8 units / acre).

No commitments/promises were made by either party on any of these options, but generally it was agreed that they were worthy of investigation.

The discussion then shifted to the July 12th meeting of the Leon County Commission. Among the meeting attendees, there seemed to be a consensus to request a delay on the vote for the rezoning, so the parties involved could further explore the other options and could negotiate in good faith with each other. Hearing this, **I am committed to asking my County Commission colleagues to support a postponement of the vote at the July 12th Commission meeting.**

So that's the latest, as of yesterday. My guess is that Mr. Carver will also send out an update, if he hasn't already. As I mentioned earlier, the County Attorney told me I cannot appear to be biased toward any particular side, but that I can work to find/explore alternative solutions. I'm committed to doing that, so please don't hesitate to contact me if you have any questions or suggestions. I'm happy to help in whatever way I can.

P.S., This rezoning request is a 'quasi-judicial' matter, which means I am required to log all communication that I have on the issue, whether written or oral, and then submit it to the County Attorney's Office so it can be included in the public record.

All the best,



Rick Minor
Commissioner, Leon County District 3
(850) 606-5363
MinorR@leoncountyfl.gov

PLEASE NOTE: Per Florida's Public Records Law ([Chapter 119](#) of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email correspondence may be subject to public disclosure.

[Unsubscribe minorrr@leoncountyfl.gov](mailto:minorrr@leoncountyfl.gov)

[Update Profile](#) | [Our Privacy Policy](#) | [Constant Contact Data Notice](#)

Sent by minorrr@leoncountyfl.gov powered by



Campaigns

Contacts

Reporting

Sign-up Forms

Websites & Stores

Social

Contact Us

Help



Rick ▾

Integrations

Library

[← Back to Campaigns](#)

UPDATE: Northwoods Church rezoning request

[Export Contacts](#)

Sent Tue, Jun 28, 2022

98.9%
Send Rate95%
Average Send Rate91%
Industry Average

89 Items Sent ▾

<input type="checkbox"/>	Email address	First name	Last name	Sent time	
<input type="checkbox"/>	alvinanderson@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	berleyj@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	carverrk@aol.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	carversa@aol.com	Susan	Carver	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	cecilobryan@centurylink.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	chesterjana@yahoo.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	cpate37@hotmail.com	Craig	Pate	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	cyndymarks@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	daveraker@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	dianneanderson58@gmail.com	Dianne	Anderson	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	drdct@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	droberts@chem.fsu.edu			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	drusso1959@gmail.com				

Need Help? Let's Chat!



Campaigns

Contacts

Reporting

Sign-up Forms

Websites & Stores

Social

Contact Us

Help



Rick ▾

Integrations

Library

EDIT

<input type="checkbox"/>	ediecrum@comcast.net	Ronnie	Crum	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	fsudiane@gmail.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	furtherstill41@gmail.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	goramj@gmail.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	hedonaldson@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	hoovers@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	jebruce@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	justin.white@americantower.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	katiegoram@gmail.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	katienobles10@gmail.com	Katie	Watkins	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	lisabess21@icloud.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	maria@hisins.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	mariamoreno777@hotmail.com	Maria	Moreno	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	markrbess@icloud.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	merideej@hotmail.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	mommiewon@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	nltbenton@comcast.net				

Need Help? Let's Chat!



Campaigns

Contacts

Reporting

Sign-up Forms

Websites & Stores

Social

Contact Us

Help



Rick ▾

Integrations

Library

EDIT

<input type="checkbox"/>	omallen@juno.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	paintdudelukey@hotmail.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	pawnkat06@gmail.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	riverwoodusa@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	rtg2kg@yahoo.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	sandy112544@aol.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	steelehunting@embarqmail.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	susanfarnold@yahoo.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	susanraker@comcast.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	suzanne@saltydog.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	ttiimm67@yahoo.com	Tim	Owens	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	usaveprintingnix@yahoo.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	vicp84@gmail.com	Vic	Parramour	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	willis@leoncountyfl.gov			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	wjmeggs@yahoo.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	wnmeggs@gmail.com	Willie	Meggs	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	wwpierce1979@gmail.com	Wanda	Pierce		

Need Help? Let's Chat!



Campaigns

Contacts

Reporting

Sign-up Forms

Websites & Stores

Social

Contact Us

Help



Rick ▾

Integrations

Library

EDIT

<input type="checkbox"/>	amcphaul@hotmail.com	Allison	McPhaul	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	bsmithe84@gmail.com	Brodie	Smithe	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	libbyallen@aol.com	Libby	Allen	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	one8thmile@yahoo.com	Suzetta	Furlong	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	michelleknight.mk@gmail.com	Michelle	Knight	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	mcclellanfarms@gmail.com	Judy	McClellan	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	reggie.harmon@gmail.com	Reggie	Harmon	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	hillib.63@centurylink.net			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	wynnga52@gmail.com	Gary	Wynn	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	cleoveta@hotmail.com	Cleo	Miller	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	kshipleynica@yahoo.com	Kenney	Shipley	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	shpitts11@gmail.com			Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	cole.fletcher1993@gmail.com	Cole	Fletcher	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	lisabass21@icloud.com	Lisa	Bass	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	markrbass@icloud.com	Mark	Bass	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	mstachurski@yahoo.com	Michael	Stachurski	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	cstachurski@yahoo.com	Carol	Stachurski		

Need Help? Let's Chat!



Campaigns

Contacts

Reporting

Sign-up Forms

Websites & Stores

Social

Contact Us

Help



Rick ▾

Integrations

Library

EDT

<input type="checkbox"/>	pawnkato6@gmail.com	Kathy	Atkins	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	bromad85@comcast.net	Susan	Maddox	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	furlong.nicholas@gmail.com	Nicholas	Furlong	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	mike.furlong@comcast.net	Mike	Furlong	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	garyzirin512@gmail.com	Gary	Zirin	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	timglenn@me.com	Tim	Glenn	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	terrie.maddox@icloud.com	Terrie	Maddox	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	guy.maddox11@gmail.com	Guy	Maddox	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	ccleonardjr@gmail.com	Curtis	Leonard	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	fptram@comcast.net	Faye	Trammell	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	bbat.d@embarqmail.com	Bonnie	Deering	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	youcanwritetojay@gmail.com	Jay	Young	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	beauwilliamsonsr@yahoo.com	Beau	Williamson	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	claudioescalera@hotmail.com	Claudio	Escalera	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	r.garside1208@gmail.com	Rebecca	Garside	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	temlaw@yahoo.com	Trisha	Pate	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	neeley22@yahoo.com	Neeley	Cook		

Need Help? Let's Chat!



<input type="checkbox"/>	gene.revell15@gmail.com	Gene	Revell	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	joel.allbritton@gmail.com	Joel	Allbritton	Tue, Jun 28, 2022 at 12:11 PM EDT	...
<input type="checkbox"/>	maxkobelski@yahoo.com	Max	Kobelski	Tue, Jun 28, 2022 at 12:11 PM EDT	...

Have Feedback?

Need Help? Let's Chat!

From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [Jodi Wilkof](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: (Bob Carver, 6/28/22, 1:10pm): Ex Parte Communication disclosure for Northwoods Church Rezoning Request - LRZ220005
Date: Tuesday, June 28, 2022 3:37:29 PM
Attachments: [Ex Parte Communication with Mr. Bob Carver, 6-28-22, 110pm \(Rezoning - LRZ220005\).pdf](#)

Good afternoon Commissioner Minor,

Thank you for forwarding the attached ex parte communication disclosure form. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 1:26 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: (Bob Carver, 6/28/22, 1:10pm): Ex Parte Communication disclosure for Northwoods Church Rezoning Request - LRZ220005

Hello Chasity,

Please see the attached regarding the Northwoods Church Rezoning Request - LRZ220005 and let me know if you have any questions.

All the best,

Rick Minor

Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

**Board of County Commissioners
Leon County, Florida**

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezoning)

Commissioner's Name:

Rick Minor

Project Name / Issue:

3762 Capital Circle NW (Northwoods Baptist Church) Rezoning - LRZ220005: From Residential Acre (RA) to Single and Two-Family Residential (R-3)

Name of person/group/entity with whom communication took place and date of communication:

On June 28, 2022, Commissioner Minor received an email from Mr. Bob Carver, President of the Riverwood Acres Neighborhood Association.

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

See the attachment for the content of the email message.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

N/A

Attach written communication received:

- Email from Mr. Bob Carver to Rick Minor (June 28, 2022 at 1:10pm)

Rick Minor

From: Bob Carver <carverrk@aol.com>
Sent: Tuesday, June 28, 2022 1:10 PM
To: Rick Minor; Jodi Wilkof
Subject: Fwd: Northwoods Church
Attachments: Distributed letter from anonymous.pdf

Comm. Minor, FYI.

Thank you for helping our neighborhood with the Northwoods Church rezoning issue.

We'll be in touch.

Bob Carver, Pres. RANA
850-556-2433

-----Original Message-----

From: Todd Sapp <todds@nwctally.com>
To: Bob Carver <carverrk@aol.com>
Sent: Mon, Jun 27, 2022 5:01 pm
Subject: Northwoods Church

Hey Bob,

Thanks again for meeting with us today. I am hopeful it will prove to have been productive. FYI, the following is a letter we sent to our membership today. Have a great day and we'll talk to you soon.

Dear Northwoods Family,

In February we sent a letter to our congregation letting you know that the elders were proposing that the church pursue rezoning approximately 30 acres of our property. Most of our land is zoned R-3. There is a section of roughly 30 acres that is zoned R-A. This is the section we voted to petition the county to change to R-3. The difference in zoning means that a developer could potentially put 8 units per acre on that property rather than the current 1 unit per acre. This makes the property much more marketable. That measure passed during a congregational meeting on February 27th. Since that time we have taken the necessary steps to have the zoning changed. On June 7th that measure passed during the Leon County Planning Commission meeting. They voted on the grounds that the rezoning fits into the comprehensive plan for land development in Leon County. There will be a final meeting of the County Commission to give an up or down vote on the proposal. Originally that meeting was scheduled for July 12th but most likely will be postponed. More on that further down.

Just prior to the first meeting we began to hear from some of our members who live in the neighborhood as well as others that there is strong opposition in the neighborhood to this measure. The primary reasons for the opposition that has been expressed are increased traffic, visibility of potential housing development from their house, the potential for lowered property values, a decrease in wildlife, etc. These are all valid concerns and we do not dismiss them out of hand. We want to be loving and kind to our neighbors. That is Biblical. We believe our neighbors have property rights and they have a right to go through lawful measures to protect those rights. This past Sunday, unknown to us, and unknown to at least one of the contacts referenced, letters were distributed by an anonymous person onto the windshields of Northwoods members, attenders, and guests as we worshiped on Sunday morning. Though we do not approve of the way this was handled we are glad to distribute the letter so you can see what the concerns of the neighborhood are. I have attached a copy of that letter.

This morning, June 27th, we met with our elders, Jay Bostwick, Bob Carver (President of Riverwood HOA), and Rick Minor (County Commissioner for District 3) to discuss this process, listen to one another's perspectives and see if there is any resolution to the differences. Though we have not come to any conclusions Commissioner Minor suggested we delay the County Commission meeting to give Mr. Carver time to relay options to the neighborhood which may help alleviate some of their concerns. We agreed to a 30 to a 45-day delay. We will communicate the new meeting date to the church when it is available.

If we believed we were doing something that was not right or unloving or unkind to our neighbors we would not pursue this. We do not believe that is the case. The elders looked at several possible scenarios when praying and thinking through this decision. Each of those is summarized below with the potential impact on property that is potentially sold in the future. We have chosen the least impactful option that allows us to pursue being free from our debt as quickly as possible.

-
- *(Current Proposal) Sell excess land except for the dome, brick building, parking lots & athletic field. Possible neighborhood impact: 30ish acres of housing*
-
-
- *Sell Everything - Possible neighborhood impact - 60ish acres of housing*
-
-
- *Sell all except the brick building & associated parking lot - Possible neighborhood impact: 50ish acres of housing*
-
-
- *Sell nothing - church remains financially strapped for at least the next 5 years and continues to hold onto 80+ acres that were purchased when the church was in a very different circumstance in terms of attendance and finances.*
-
-
-

The bottom line is the church is in a very different position now than we were when the land was purchased. When the land was purchased we had a weekend attendance of approximately 1,200 people. The land was purchased with the dream of building a 3,000-seat auditorium. We currently have approximately 140 in attendance. We do pray for and anticipate growth and want to be prepared for it. We believe the very best thing we can do now to prepare for whatever God has for us is to pay off our debts and allow God to give us a new vision for the future starting from where we are and not from where we used to be.

The County Commission meeting is very important for Northwoods. We have two goals during this meeting. One is to express our sincere love and concern for our neighbors. Some have interpreted our actions as unloving or unconcerned for their welfare. This is not the case. We love our neighbors and all of Northwest Tallahassee. We believe a healthy and vibrant Northwoods Church is good for our community. The second goal is to make it clear to the county commissioners that we have a right as property owners to put our property in the best possible position for sale. According to the Leon County Planning Commission the zone we are changing to clearly fits into the county's long-term plans that they adopted so there is no reasonable argument against the rezoning.

Grace...

--

Todd Sapp
Lead Pastor, Northwoods Church Tallahassee

850-562-1188 | todds@nwctally.com | nwctally.com
3762 Capital Circle NW Tallahassee, FL 32303

Deerrun Neighborhood | Flowerwood Neighborhood | Riverwood Neighborhood Maddox Road and Flat Road Neighbors

June 26, 2022

Dear Northwoods Baptist Church Neighbors,

We would like to share a few concerns with you about the potential downstream effects of the proposed R-3 rezoning efforts the church is pursuing.

R-3 rezoning allows up to 8 dwellings per acre. These dwellings can be duplexes three stories high. With new streets, sidewalks, and driveways, an estimated 200 or more dwellings could be built on the 40 acres just above the Joy Dome – 40 acres now home to countless birds, deer, foxes, and other native Florida wildlife, trees, and plants. With all that concrete and no trees, where will water go?

Assuming each dwelling has only one car (and we know most would have at least two), imagine 200 more cars entering and exiting the church property at all hours from an already congested Capital Circle NW. Many of us already need several minutes at peak traffic times to exit our neighborhoods. Increased traffic may also delay emergency vehicle access to our neighborhoods.

High density development areas, especially if they are rental properties, are often known to increase crime, and studies from FSU and the *Washington Post* also show they cause neighboring properties to decrease in value. Has the church considered these risks for its own property? Has the church considered years of construction noise and trash? Will the church need to fence its property to keep new neighbors away from buildings and out of the playground or up its insurance because pedestrians, bikes, skateboards, and scooters will love to be in the parking lots?

Many of us have lived here for years – some much longer than the church has been on this property. Homeowners abutting the church live on about 2.5 to 5 acres. We have views of woodlands behind us now, not 200 duplexes. The zoning for our properties allows us to have gardens, orchards, horses, mules, honeybees, goats, and chickens. Putting dense housing so close to us is not compatible land use. We are gravely concerned about people walking onto our properties or filing public nuisance complaints because of animal noise or smells or bee stings. Will the church be able to host outdoor concerts and July 4th events, or will new neighbors complain?

What is not possible today will immediately be possible if the Leon County Commissioners approve the church's rezoning request at the meeting on Tuesday, July 12, at 3 p.m. **Please talk with your church leaders. Ask them to pull this request while we try to find another solution to reduce the church's debt.** Your church leaders have said they want to be good neighbors, and so do we. We believe good neighbors work together, and we look forward to that prospect.

Please reach out to Bob Carver at carverrk@aol.com, Bonnie Deering at brookforest2006@embarqmail.com, or Suzetta Furlong at one8thmile@yahoo.com if you have any questions or to schedule times for productive discussions.

Sincerely,

Your Neighbors from Deerrun, Flowerwood, Riverwood, Maddox and Flat Roads

From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [Jodi Wilkof](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Ex Parte - Northwoods Church rezoning request - neighborhood meeting
Date: Tuesday, June 28, 2022 4:27:29 PM
Attachments: [Attendees at 6.docx](#)
[Neighbor Meeting - Ex Parte Communications Disclosure Form \(fillable form\) \(2\).pdf](#)
[Notes from 6.docx](#)
[Hand-delivered rendition of potential development, from Ms. Furlong \(2022-06-21\).pdf](#)

Good afternoon Commissioner Minor,

Thank you for forwarding the ex parte communication and attachments. The CAO will ensure the documents are made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 3:53 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Ex Parte - Northwoods Church rezoning request - neighborhood meeting

Hello Chasity,

Attached is an ex parte form — with 3 attachments — for the neighborhood meeting we attended
RE: the Northwoods Church rezoning request.

Jodi, thank you for your work on this.

Rick Minor
Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Wednesday, June 22, 2022 6:06:02 PM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Please review and send to Chasity

Rick -

Attached is the ex parte communication form related to last night's neighborhood meeting; as well as (1) the list of attendees; (2) my notes of the meeting; and (3) the handout. Please review, make any changes, and forward to Chasity.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Commissioner Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

Attendees at 6/21/22 Meeting at Willie Meggs' House

Allison McPhaul
Susan Arnold
Omar Aller
Bill Miller
Cleo Miller
Kenney Shipley
Cole and Hannah Fletcher
Lisa and Mark Bess
Curtis Leonard, Jr.
Faye Trammel
Sybil McIntosh
Bob Yakin
Joel Albritton
Bonnie Deering
Artie White
Jay Young
Wanda Pierce
Beau T. Williamson, Sr.
Tim Owens
Ronnie L. Crum
Claudio Escalera
Michael K. Furlong
Maria Moreno
Gary Zirin
Tim Glenn
Terrie Maddox
Guy M. Maddox, Jr.
Craig Pate

Judy Meggs
Wade Pierce
Michelle Knight
Judy McClellan
Reggie Harmm
Billy Reeder
Gary and Lucy Wynn
Rebecca Garside
Vic Parramore
Trisha Pate
Neeley and Carmon Cook
Frances Jarvis
Brodie and Kendal Smithe
Gene and Marsha Revell
Katie and Ryan Watkins
Max Kobelski
Michael Stachurski
Carol Stachurski
Mike Nissley
Ryck Shipley
Ivey and Betty Hill
Kahty Atkins
Bob Carver
Susan Carver
Dianne Anderson
Suzetta Furlong
Rod and Susan Maddox
Nicholas Furlong

Notes from 6/21/22 Meeting at Willie Meggs' House

Bob Carver - president of Riverwood Acres Neighborhood Association:

- One year ago, the church sold the property as RA, but buyer could not get finances together; why does the church now want to sell at R3?
- High density homes are being built nearby already.
- The neighbors don't want their homes devalued as a result of this rezoning.

Rod Maddox (homeowner on Maddox Road):

- Stormwater and traffic concerns
- Wildlife will be impacted
- When his family sold the property to the church, they thought it would be a forever thing.

Suzetta Furlong (Flat Road):

- Concerns about animals that they are allowed to have (honey bees, mules, etc.) that are not going to be compatible with the rezoned use of the property.
- They have put their life savings into these properties, and they are going to be negatively affected.
- She distributed before and after views of what could happen if the land was developed (copy attached).
- Concerned about wildlife and traffic.
- The Comp Plan says it is to preserve, protect and enhance the quality of life of all citizens - this means the current residents too.

Michele Knight (Deerrunn):

- Concerns with flooding that will occur - how will this affect the current neighbors' wells?
- What is the sewage plan?
- Where are they going to get the water for the fire hydrants?
- People who grew up in this community are coming back to live here; that won't happen if there is this new development.
- It's already hard enough to get out onto Capital Circle.

Willie Meggs:

- He currently now regularly has hawks, deer, and turkeys in his yard.
- He raised concerns about the process at the Planning Commission.
- He was part of the church when they got the property from the Maddox family. The agreement was that it would stay with the church.

Commissioner Rick Minor:

- Provided overview of County Commission geographical jurisdiction and his approach to issues generally;
- Explained the rezoning process;
- Committed to protecting neighbors;
- Asked neighbors to contact him directly to express their concerns.

Artie White:

- Explained Comp Plan generally and the planning department's narrow scope of review (i.e., does it check all of the boxes?);
- Explained meaning of quasi-judicial proceeding;
- Suggested it may be helpful to reach out to the TBA.

Jeanette Walden:

- Expressed concerns about emergency vehicles being able to get to their homes.

Gary Zirin:

- Owns the largest property on Maddox Road - his property will be touching the new development on three side.
- Encouraged neighbors to go to County Commission meeting on July 12th .

Questions/Comments from the group:

1. Why are the apartments not going where the outlets were going?
2. Could there be a boundary adjustment and have neighbors purchase the land?
3. What other options are available? Cemetery, solar panels?
(Artie said the Planning Office can assist parties to look into options, but only if the property owner is interested).
4. Vandalism is going to increase, crime is going to increase -- can fire station, emergency medical services and law enforcement handle this? Car insurance will increase. Homeowners insurance will increase.
5. Flooding may make home insurance impossible.
6. Reach out to the church and see if they can come to a solution that will be acceptable to them.
7. Concern over not getting notice of Planning Commission meeting.
8. Can this be postponed to a further County Commission meeting?

Board of County Commissioners Leon County, Florida

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezonings)

Commissioner's Name:

Commissioner Rick Minor

Project Name / Issue:

3762 Capital Circle NW
Rezoning

Name of person/group/entity with whom communication took place and date of communication:

Conversation between Commissioner Minor and Jodi Wilkof (his Chief of Staff) on June 10, 2022

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Conversation regarding neighbors' desire to meet with Commissioner Minor on this issue.

If applicable, describe investigations or site visits and expert opinions received:

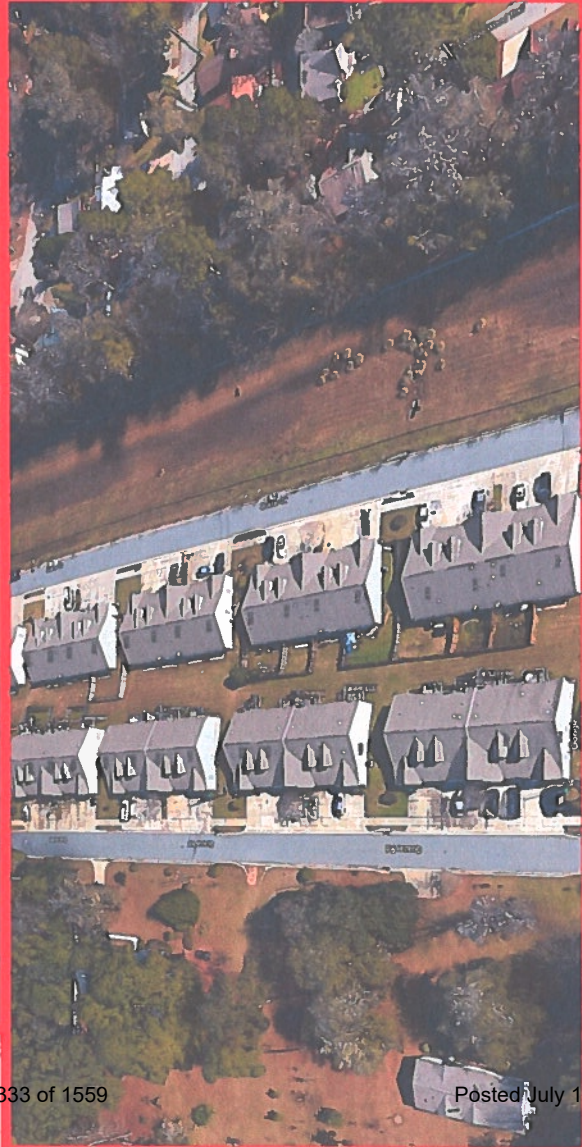
(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

n/a

Attach written communication received:

n/a

Quazar Cir
Quazar Rd



From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [Jodi Wilkof](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Ex Parte Communication Form - Ms. Walden
Date: Tuesday, June 28, 2022 4:30:13 PM
Attachments: [Hand-delivered letter from Ms. Walden \(2022-06-21\).pdf](#)
[Walden - Ex Parte Communications Disclosure Form \(fillable form\) \(2\).pdf](#)

Good afternoon Commissioner Minor,

Thank you for forwarding the ex parte communication and associated disclosure form. The CAO will ensure the documents are made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 3:55 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Ex Parte Communication Form - Ms. Walden

Chasity, please note the attached. Thank you, Jodi.

Rick Minor
Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Wednesday, June 22, 2022 2:19 PM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Ex Parte Communication Form - Ms. Walden

Rick -

Attached is the ex parte communication form related to Ms. Walden's letter; as well as her letter. Please review, make any changes, and forward to Chasity.

Thank you,

Jodi

Jodi Wilkof

Chief of Staff, Leon County Commissioner Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

Mr. Rick Miner
Leon County Commissioner
District Three
Tallahassee, FL 32301

Dear Sir:

I have resided at 3657 Flat Road, Tallahassee, FL, for 44 years. My husband (deceased) and I built our custom home and took occupancy in April, 1978. Our parcel of land is 4.85 acres (300'± on Maddox Road and 600'± on Flat Road).

I strongly object to the proposed rezoning as currently requested by Northwood Church. If this request were approved, it would adversely impact on me as regards:

- Home value / financial investment
- Wildlife in my community
- Traffic volume / congestion -- particularly the Capital Circle Truck Route and Interstate 10.
- Emergency vehicle access / travel time. Note: The Truck Route is a 2-lane roadway -- and there is only one entrance / exit to my community!
- Travel safety
- Water pollution due to storm water run-off because of high density development.

The proposed rezoning will allow a density of 257 houses, which can include duplexes up to 3 stories high. This would certainly devalue and adversely impact my chosen neighborhood and quality of life!! I'm almost 81 years old. I dearly love my "little piece of heaven on earth." I pray that this is not a "David vs. Goliath" battle. I'd like to think that my one vote counts -- that our neighborhood efforts are not a futile exercise.

The proposed density of this rezoning would pro-
rate out to 40 houses on my 4.85 acres; i.e., 8 houses
per acre. Therefore, I can readily envision this high,
undesirable density!

My deed restriction is one single-family dwelling
per parcel. I have not, and will not, violate this deed
restriction.

I have spoken with Todd Sapp, Pastor of Northwood
Church, regarding my opposition to their rezoning request.
I hope the Church can find another way to alleviate
their current fiscal situation -- thereby being a
"good neighbor." I do understand the word "budget"
and the restraints that are imposed by one. I operate
on a fixed income as a retiree and cannot, and do
not, over extend my fiscal limitations. To do so
would be fiscally irresponsible!

Thank you for your time and consideration of
my request to you to disapprove this rezoning request.

Sincerely,

Jeanette Walden
850-562-2693

Board of County Commissioners Leon County, Florida

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezonings)

Commissioner's Name:

Commissioner Rick Minor

Project Name / Issue:

3762 Capital Circle NW
Rezoning

Name of person/group/entity with whom communication took place and date of communication:

Conversation between Commissioner Minor and Jodi Wilkof (his Chief of Staff) on June 10, 2022

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Conversation regarding neighbors' desire to meet with Commissioner Minor on this issue.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

n/a

Attach written communication received:

n/a

From: [Chasity OSteen](#)
To: [Rick Minor](#)
Cc: [Jodi Wilkof](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Ex Parte Communication - Letter from Trammels
Date: Tuesday, June 28, 2022 4:31:56 PM
Attachments: [Hand-delivered letter from Mr. and Ms. Trammell \(2022-06-21\).pdf](#)
[Trammels - Ex Parte Communications Disclosure Form \(fillable form\) \(2\).pdf](#)

Good afternoon Commissioner Minor,

Thank you for forwarding the ex parte communication and associated disclosure form. The CAO will ensure the documents are made a part of the hearing record.

Best Regards,
Chas-

From: Rick Minor <MinorR@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 3:55 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Subject: Ex Parte Communication - Letter from Trammels

Chasity,

Please note the attached. Thanks, Jodi!

Rick Minor
Commissioner, Leon County District 3
(850) 606-5363 office
(850) 445-1914 cell
MinorR@LeonCountyFL.gov

PLEASE NOTE: Per Florida's Public Records Law (Chapter 119 of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email communication may be subject to public disclosure.

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Wednesday, June 22, 2022 2:11:12 PM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Ex Parte Communication - Letter from Trammels

Rick -

Attached is the ex parte communication form related to the Trammels' letter; as well as their letter. Please review, make any changes, and forward to Chasity.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Commissioner Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov



Please note that under Florida's Public Records laws, most written communication 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.

June 21, 2022

Leon County Commissioner Rick Minor

P. O. Box 3083

Tallahassee, FL 32315

Dear Commissioner Minor,

We are writing this letter to voice our objection to the rezoning of 32 acres belonging to Northwoods Baptist Church. This property adjoins our property at the SW corner, and therefore affects our interest in this action greatly. We have lived on this property peacefully for 57 years, and would hate to see the neighborhood destroyed.

We do not object a property owner developing a property but it should be in keeping with the adjoining neighborhoods. The current zoning of one single family dwelling per acre is certainly agreeable.

This situation came up several years ago and the concerns were the same as now which should be addressed before any further action is taken: above ground septic tanks, which will effect the water quality in our deep wells, traffic will increase on the two lane Capital Circle, the property value of our homes will decrease, there will be an increase in crime, there will be an increase in the storm water runoff, and a definite effect on the wildlife in the area which we enjoy.

We realize that Northwood Baptist Church has financial problems, but their problems are of their own making, not ours. They can find other solutions that will not cause others to suffer.

Please seriously consider your action on this situation

Sincerely,



David & Faye Trammell

5246 Maddox Road

Tallahassee, FL 32303

Board of County Commissioners Leon County, Florida

EX PARTE COMMUNICATIONS DISCLOSURE FORM

(For Quasi-Judicial Proceedings on Applications for Site Plans, Development Orders, and Site Specific Rezonings)

Commissioner's Name:

Commissioner Rick Minor

Project Name / Issue:

3762 Capital Circle NW
Rezoning

Name of person/group/entity with whom communication took place and date of communication:

Conversation between Commissioner Minor and Jodi Wilkof (his Chief of Staff) on June 10, 2022

Subject matter of communication:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

Conversation regarding neighbors' desire to meet with Commissioner Minor on this issue.

If applicable, describe investigations or site visits and expert opinions received:

(Provide sufficient specificity so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.)

n/a

Attach written communication received:

n/a

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Update on the Northwoods Church rezoning request
Date: Wednesday, June 29, 2022 11:03:25 AM

Good morning Jodi,

Thank you for forwarding the ex parte communication below for disclosure. The CAO will ensure it is made part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 8:37 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Update on the Northwoods Church rezoning request

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: Cleo Miller <cleoveta@hotmail.com>
Sent: Tuesday, June 28, 2022 8:26 PM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Re: Update on the Northwoods Church rezoning request

Thank You!

From: Rick Minor, Leon County Commission <minorr@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 12:11 PM
To: cleoveta@hotmail.com <cleoveta@hotmail.com>
Subject: Update on the Northwoods Church rezoning request



Hello Cleo,

It was a pleasure to see you and your neighbors at Mr. Meggs' barn last week. As promised, I wanted to provide you with an update on Northwoods Church's rezoning request:

Bob Carver and I met with Northwoods Church's lead pastor and other leadership at the church yesterday (June 27th), and I think it was productive. At the very beginning of the meeting, I told everyone I had spoken with the County Attorney, and that she had cautioned me about appearing to advocate for any particular side on this issue. However, I was able to facilitate the discussion and help explore options.

The church leaders described the reasons why they are attempting to rezone the parcel, and stated that they want to be good neighbors with those who live nearby. As such, they are open to discussing new options that might be amenable to everyone. Mr. Carver then described the neighbors' concerns and the impact on traffic, the property values of the homes, the environment, etc.

Next, we started identifying potential options, which included:

- Splitting the parcel to enable the sale of some land to the neighbors, if they're interested and the terms are agreeable.
- Neighbors purchasing a perpetual easement, which would increase the standard buffer that would be required between the church's property and the neighbors' homes.
- Changing the church's zone request from R-3 (allowing for 8 units / acre) to R-2 (which would allow for 4.8 units / acre).

No commitments/promises were made by either party on any of these options, but generally it was agreed that they were worthy of investigation.

The discussion then shifted to the July 12th meeting of the Leon County Commission. Among the meeting attendees, there seemed to be a consensus to request a delay on the vote for the rezoning, so the parties involved could further explore the other options and could negotiate in good faith with each other. Hearing this, **I am committed to asking my County Commission colleagues to support a postponement of the vote at the July 12th Commission meeting.**

So that's the latest, as of yesterday. My guess is that Mr. Carver will also send out an update, if he hasn't already. As I mentioned earlier, the County Attorney told me I cannot appear to be biased toward any particular side, but that I can work to find/explore alternative solutions. I'm committed to doing that, so please don't hesitate to contact me if you have any questions or suggestions. I'm happy to help in whatever way I can.

P.S., This rezoning request is a 'quasi-judicial' matter, which means I am required to log all communication that I have on the issue, whether written or oral, and then submit it to the County Attorney's Office so it can be included in the public record.

All the best,



Rick Minor

Commissioner, Leon County District 3
(850) 606-5363
MinorR@leoncountyfl.gov

PLEASE NOTE: Per Florida's Public Records Law ([Chapter 119](#) of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email correspondence may be subject to public disclosure.

Leon County Commission, District 3 | 301 S Monroe St, Tallahassee, FL 32301

Unsubscribe_cleoveta@hotmail.com

[Update Profile](#) | [Our Privacy Policy](#) | [Constant Contact Data Notice](#)

Sent by minorrr@leoncountyfl.gov powered by



[Try email marketing for free today!](#)

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Update on the Northwoods Church rezoning request
Date: Wednesday, June 29, 2022 11:04:53 AM

Good morning Jodi,

Thank you for forwarding the ex parte communication below for disclosure. The CAO will ensure it is made part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 8:37 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Update on the Northwoods Church rezoning request

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: Kenney Shipley <kshipleynica@yahoo.com>
Sent: Tuesday, June 28, 2022 8:06 PM

To: Rick Minor <MinorR@leoncountyfl.gov>
Cc: furlong suzetta <one8thmile@yahoo.com>
Subject: Re: Update on the Northwoods Church rezoning request

Hi Commissioner Minor,

Thank you for taking the time to meet with all of the neighbors near Northwood's Church and with the pastor and trying to help all of us find an amicable solution. We all appreciate that you want to bring your constituents together so that we can solve our problems together.

Suzetta Furlong and I, and our husbands met with some of the church members and an Elder of the church on Sunday. No promises were made but we all seemed to agree that further discussion might help us find a better resolution for everyone. I'm encouraged that your meeting seemed to support that direction and further effort. My impression was that most members were unaware of the seriousness of our concerns and that we are willing to find alternatives that will resolve all or most of our concerns and theirs. Your willingness to listen to all sides and help us communicate with each other is what I would hope for and don't always see happening with our elected officials

We look forward to seeing you at the next Commission meeting and hope that all of the Commissioners agree that a postponement will serve all of your constituents. Thank you again for listening and acting to facilitate an opportunity to jointly problem solve. That's what good neighbors do.

Warm regards,
Kenney Shipley

Sent from my iPhone

On Jun 28, 2022, at 12:11 PM, Rick Minor, Leon County Commission
<minorrr@leoncountyfl.gov> wrote:



Hello Kenney,

It was a pleasure to see you and your neighbors at Mr. Meggs' barn last week. As promised, I wanted to provide you with an update on Northwoods Church's rezoning request:

Bob Carver and I met with Northwoods Church's lead pastor and other leadership at the church yesterday (June 27th), and I think it was productive. At the very beginning of the meeting, I told everyone I had spoken with the County Attorney, and that she had

cautioned me about appearing to advocate for any particular side on this issue. However, I was able to facilitate the discussion and help explore options.

The church leaders described the reasons why they are attempting to rezone the parcel, and stated that they want to be good neighbors with those who live nearby. As such, they are open to discussing new options that might be amenable to everyone. Mr. Carver then described the neighbors' concerns and the impact on traffic, the property values of the homes, the environment, etc.

Next, we started identifying potential options, which included:

- Splitting the parcel to enable the sale of some land to the neighbors, if they're interested and the terms are agreeable.
- Neighbors purchasing a perpetual easement, which would increase the standard buffer that would be required between the church's property and the neighbors' homes.
- Changing the church's zone request from R-3 (allowing for 8 units / acre) to R-2 (which would allow for 4.8 units / acre).

No commitments/promises were made by either party on any of these options, but generally it was agreed that they were worthy of investigation.

The discussion then shifted to the July 12th meeting of the Leon County Commission. Among the meeting attendees, there seemed to be a consensus to request a delay on the vote for the rezoning, so the parties involved could further explore the other options and could negotiate in good faith with each other. Hearing this, **I am committed to asking my County Commission colleagues to support a postponement of the vote at the July 12th Commission meeting.**

So that's the latest, as of yesterday. My guess is that Mr. Carver will also send out an update, if he hasn't already. As I mentioned earlier, the County Attorney told me I cannot appear to be biased toward any particular side, but that I can work to find/explore alternative solutions. I'm committed to doing that, so please don't hesitate to contact me if you have any questions or suggestions. I'm happy to help in whatever way I can.

P.S., This rezoning request is a 'quasi-judicial' matter, which means I am required to log all communication that I have on the issue, whether written or oral, and then submit it to the County Attorney's Office so it can be included in the public record.

All the best,



Rick Minor
Commissioner, Leon County District 3
(850) 606-5363
MinorR@leoncountyfl.gov

PLEASE NOTE: Per Florida's Public Records Law ([Chapter 119](#) of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the

public and media upon request. As such, this email correspondence may be subject to public disclosure.

Leon County Commission, District 3 | 301 S Monroe St, Tallahassee, FL 32301

[Unsubscribe kshipleynica@yahoo.com](#)

[Update Profile](#) | [Our Privacy Policy](#) | [Constant Contact Data Notice](#)

Sent by minorrr@leoncountyfl.gov powered by



[Try email marketing for free today!](#)

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Update on the Northwoods Church rezoning request
Date: Wednesday, June 29, 2022 11:05:47 AM

Good morning Jodi,

Thank you for forwarding the ex parte communication below for disclosure. The CAO will ensure it is made part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Tuesday, June 28, 2022 8:38 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Update on the Northwoods Church rezoning request

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: Jay Young <youcanwritetojay@gmail.com>

Sent: Tuesday, June 28, 2022 6:09 PM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Re: Update on the Northwoods Church rezoning request

Thank you, Rick. I have not had any interaction with my commissioner before, and I must say I have been impressed with you. Thank you for being involved and an advocate for both sides: that is a needed and challenging role.

Sincerely,
Jay



Virus-free. www.avg.com

On Tue, Jun 28, 2022 at 12:19 PM Rick Minor, Leon County Commission <minorr@leoncountyfl.gov> wrote:



Hello Jay,

It was a pleasure to see you and your neighbors at Mr. Meggs' barn last week. As promised, I wanted to provide you with an update on Northwoods Church's rezoning request:

Bob Carver and I met with Northwoods Church's lead pastor and other leadership at the church yesterday (June 27th), and I think it was productive. At the very beginning of the meeting, I told everyone I had spoken with the County Attorney, and that she had cautioned me about appearing to advocate for any particular side on this issue. However, I was able to facilitate the discussion and help explore options.

The church leaders described the reasons why they are attempting to rezone the parcel, and stated that they want to be good neighbors with those who live nearby. As such, they are open to discussing new options that might be amenable to everyone. Mr. Carver then described the neighbors' concerns and the impact on traffic, the property values of the homes, the environment, etc.

Next, we started identifying potential options, which included:

- Splitting the parcel to enable the sale of some land to the neighbors, if they're interested and the terms are agreeable.
- Neighbors purchasing a perpetual easement, which would increase the standard buffer that would be required between the church's property and the neighbors'

homes.

- Changing the church's zone request from R-3 (allowing for 8 units / acre) to R-2 (which would allow for 4.8 units / acre).

No commitments/promises were made by either party on any of these options, but generally it was agreed that they were worthy of investigation.

The discussion then shifted to the July 12th meeting of the Leon County Commission. Among the meeting attendees, there seemed to be a consensus to request a delay on the vote for the rezoning, so the parties involved could further explore the other options and could negotiate in good faith with each other. Hearing this, **I am committed to asking my County Commission colleagues to support a postponement of the vote at the July 12th Commission meeting.**

So that's the latest, as of yesterday. My guess is that Mr. Carver will also send out an update, if he hasn't already. As I mentioned earlier, the County Attorney told me I cannot appear to be biased toward any particular side, but that I can work to find/explore alternative solutions. I'm committed to doing that, so please don't hesitate to contact me if you have any questions or suggestions. I'm happy to help in whatever way I can.

P.S., This rezoning request is a 'quasi-judicial' matter, which means I am required to log all communication that I have on the issue, whether written or oral, and then submit it to the County Attorney's Office so it can be included in the public record.

All the best,



Rick Minor

Commissioner, Leon County District 3

(850) 606-5363

MinorR@leoncountyfl.gov

PLEASE NOTE: Per Florida's Public Records Law ([Chapter 119](#) of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email correspondence may be subject to public disclosure.

Leon County Commission, District 3 | 301 S Monroe St, Tallahassee, FL 32301

Unsubscribe.youcanwritetojay@gmail.com

[Update Profile](#) | [Our Privacy Policy](#) | [Constant Contact Data Notice](#)

Sent by minorrr@leoncountyfl.gov powered by



[Try email marketing for free today!](#)

--

Jay Young,

Tallahassee Realtor & referral expert.

Floor Shield sales executive.

407.697.0673 Cell

B
bevis Realty
930 Thomasville Road
Tallahassee, FL 32303

<http://www.bevisrealty.com>



Virus-free. www.avg.com

From: [Chasity OSteen](#)
To: [Nick Maddox](#)
Cc: [Sinclair Yoshikawa](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Baptist Church Rezoning (LRZ220005)
Date: Wednesday, June 29, 2022 12:57:34 PM
Attachments: [R-3 REZONING Possible Look.pdf](#)

Good afternoon Commissioner Maddox,

Thank you for forwarding the attachment to the ex parte communication from Ms. Furlong. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Nick Maddox <MaddoxN@leoncountyfl.gov>
Sent: Wednesday, June 29, 2022 11:25 AM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Subject: FW: Northwoods Baptist Church Rezoning (LRZ220005)

From: furlong suzetta <one8thmile@yahoo.com>
Sent: Thursday, June 16, 2022 1:21 PM
To: Ccattach <Ccattach@leoncountyfl.gov>
Subject: Northwoods Baptist Church Rezoning (LRZ220005)

Good afternoon.

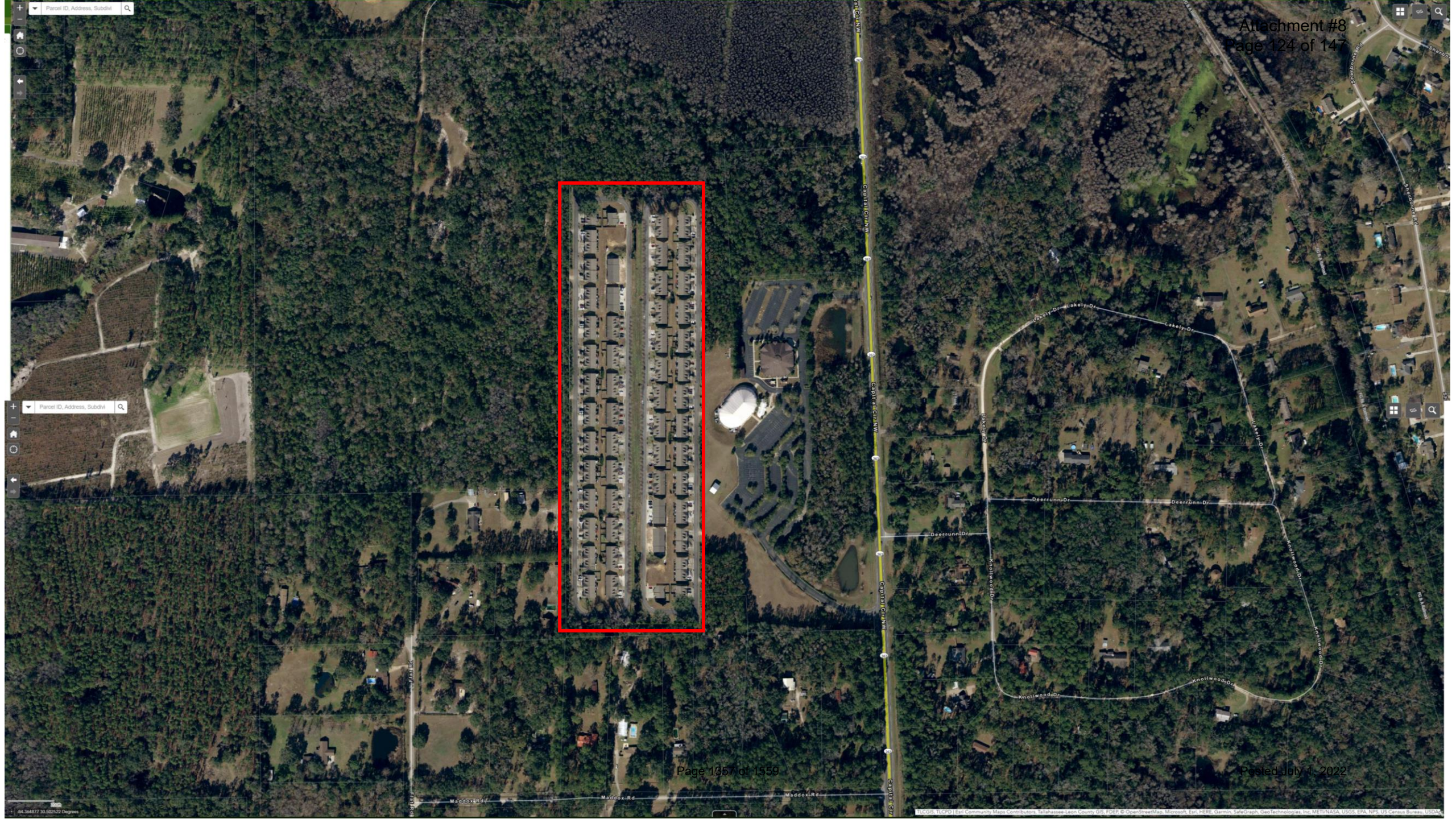
I just submitted an email to the Leon County Commissioners via the form on your website. Please provide the attached document to the Commissioners as referenced in my email to them.

Thank you,

Suzetta Furlong

850.879.1275
one8thmile@yahoo.com





From: [Chasity OSteen](#)
To: [Nick Maddox](#)
Cc: [Sinclair Yoshikawa](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Northwoods Baptist Church Rezoning (LRZ220005)
Date: Wednesday, June 29, 2022 12:56:23 PM

Good afternoon Commissioner Maddox,

Thank you for forwarding the ex parte communication for disclosure. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

-----Original Message-----

From: Nick Maddox <MaddoxN@leoncountyfl.gov>
Sent: Wednesday, June 29, 2022 11:25 AM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Subject: FW: Northwoods Baptist Church Rezoning (LRZ220005)

-----Original Message-----

From: web_team@leoncountyfl.gov <web_team@leoncountyfl.gov>
Sent: Thursday, June 16, 2022 1:17 PM
To: Bill Proctor <PROCTORB@leoncountyfl.gov>; Rayshell Holmes <HolmesR@leoncountyfl.gov>; Kristin Dozier <DozierK@leoncountyfl.gov>; Gary Zirin <ZirinG@leoncountyfl.gov>; Nick Maddox <MaddoxN@leoncountyfl.gov>; Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>; Jimbo Jackson <JacksonJ@leoncountyfl.gov>; Kellie Sirmons <SirmonsKe@leoncountyfl.gov>; Rick Minor <MinorR@leoncountyfl.gov>; Jodi Wilkof <WilkofJ@leoncountyfl.gov>; Carolyn Cummings <CummingsC@leoncountyfl.gov>; Chauncy Haynes <HaynesC@leoncountyfl.gov>; Brian Welch <WelchB@leoncountyfl.gov>; Kyle Frost <FrostK@leoncountyfl.gov>
Cc: Bill Simpson <SimpsonBi@leoncountyfl.gov>; Stephanie Holloway <HollowayS@leoncountyfl.gov>
Subject: Northwoods Baptist Church Rezoning (LRZ220005)

FROM:"Suzetta Furlong <one8thmile@yahoo.com>

Good day, Honorable Commissioner.

I respectfully and vehemently urge you to stand up for what makes Tallahassee unique and beautiful and vote â?oNOâ? for the rezoning of the Northwoods Baptist Church parcel.

I reside at 3670 Flat Road. The corner of my property touches the corner of the churchâ?Ts proposed rezoning site, which currently contains woodlands and meadows and is surrounded by wetlands. Herons, egrets, barred owls, hawks, summer tanagers, king birds, bats, wild turkey, otters, deer, tortoises, opossum, and many other precious examples of our Florida wildlife live here. I know, because I have seen them on and around my property.

Am I concerned about my property value going down, traffic increasing, noise from development and 200+ dwellings, loss of privacy, and complaints about the chickens and goats I hope to have when I retire? Absolutely! In fact, Iâ?Tm more than concerned; I am threatened. Threatened that the way of life my family and I have a right to by virtue of the zoned property we purchased 16.5 years ago will be lost by this rezoning and anticipated development.

All that aside, however, I believe we cannot in good conscience allow ourselves to strip away the dens and other homes, breeding and hunting grounds, and nesting sites of Floridaâ?Ts wildlife. We cannot continue to bulldoze meadows and trees; change and pollute our wetlands; and squeeze our wildlife into smaller and smaller parcels for

our own convenience.

Is Tallahassee to be left with only canopy roads and no canopies anywhere else?

To help you visualize what is at stake, please find attached an aerial view of the church property today compared to how it might look if this rezoning is permitted and development occurs.

Thank you for your consideration,

Suzetta Furlong
850.879.1275
one8thmile@yahoo.com

This message sent from the Leon County Website: www.leoncountyfl.gov

From: [Chasity OSteen](#)
To: [Sinclair Yoshikawa](#)
Cc: [Nick Maddox](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Firsthand Look at Impact of Rezoning - Northwoods Church
Date: Wednesday, June 29, 2022 12:58:32 PM

Good afternoon Sinclair,

Thank you for forwarding the ex parte communication for disclosure. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>
Sent: Wednesday, June 29, 2022 11:26 AM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Subject: FW: Firsthand Look at Impact of Rezoning - Northwoods Church

From: Timothy Glenn <tglenn@fsu.edu>
Sent: Sunday, June 26, 2022 5:07 PM
To: Nick Maddox <MaddoxN@leoncountyfl.gov>
Cc: Tim Glenn <timglenn@me.com>; Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>
Subject: Firsthand Look at Impact of Rezoning - Northwoods Church

Commissioner Maddox,

A very important vote on a rezoning ordinance is being scheduled for the July 12th County Commission meeting.

As my Leon County At-Large Commissioner, I would like to invite you to my home at **5150 Maddox Rd**, to have a conversation and see firsthand how the rezoning and future development of property at the Northwoods Church will impact many of our neighborhood communities.

Thank you for considering my request. I am happy to work around your availability for a 30-minute visit.

TG

Tim Glenn
5150 Maddox Road
Tallahassee, FL 32303-7407
timglenn@me.com

Cc: Sinclair Yoshikawa, Commissioner's Aide

From: [Chasity OSteen](#)
To: [Carolyn Cummings](#)
Cc: [Chauncy Haynes](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Firsthand Look at Impact of Rezoning - Northwoods Church
Date: Wednesday, June 29, 2022 12:59:18 PM

Good afternoon Commissioner Cummings,

Thank you for forwarding the ex parte communication for disclosure. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Carolyn Cummings <CummingsC@leoncountyfl.gov>
Sent: Wednesday, June 29, 2022 11:35 AM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Subject: Firsthand Look at Impact of Rezoning - Northwoods Church

Carolyn D. Cummings
Leon County Commissioner at Large
301 South Monroe Street | Tallahassee, Florida 32301
(850) 606 - 5369/work | (850) 606 - 5301/fax
CummingsC@leoncountyfl.gov

From: Timothy Glenn <tglenn@fsu.edu>
Sent: Sunday, June 26, 2022 5:06 PM
To: Carolyn Cummings
Cc: Tim Glenn; Chauncy Haynes
Subject: Firsthand Look at Impact of Rezoning - Northwoods Church

Commissioner Cummings,

A very important vote on a rezoning ordinance is being scheduled for the July 12th County Commission meeting.

As my Leon County At-Large Commissioner, I would like to invite you to my home at **5150 Maddox Rd**, to have a conversation and see firsthand how the rezoning and future development of property at the Northwoods Church will impact many of our neighborhood communities.

Thank you for considering my request. I am happy to work around your availability for a 30-minute visit.

TG

Tim Glenn
5150 Maddox Road
Tallahassee, FL 32303-7407
timglenn@me.com

Cc: Chauncy E. Haynes, Commissioner's Aide

From: [Chasity OSteen](#)
To: [Carolyn Cummings](#)
Cc: [Chauncy Haynes](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Firsthand Look at Impact of Rezoning - Northwoods Church
Date: Wednesday, June 29, 2022 1:00:00 PM

Good afternoon Commissioner Cummings,

Thank you for forwarding the ex parte communication for disclosure. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Carolyn Cummings <CummingsC@leoncountyfl.gov>
Sent: Wednesday, June 29, 2022 11:35 AM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Subject: Firsthand Look at Impact of Rezoning - Northwoods Church

Carolyn D. Cummings
Leon County Commissioner at Large
301 South Monroe Street | Tallahassee, Florida 32301
(850) 606 - 5369/work | (850) 606 - 5301/fax
CummingsC@leoncountyfl.gov

From: Carolyn Cummings <CummingsC@leoncountyfl.gov>
Sent: Sunday, June 26, 2022 8:54 PM
To: Timothy Glenn
Cc: Tim Glenn; Chauncy Haynes
Subject: Re: Firsthand Look at Impact of Rezoning - Northwoods Church

Thank you for the invitation. I am out of town this week. I will Mr. Haynes call to try and schedule something before the July 12, 2022 meeting.

Carolyn D. Cummings
Leon County Commissioner at Large
301 South Monroe Street | Tallahassee, Florida 32301
(850) 606 - 5369/work | (850) 606 - 5301/fax
CummingsC@leoncountyfl.gov

From: Timothy Glenn <tglenn@fsu.edu>
Sent: Sunday, June 26, 2022 5:06:44 PM
To: Carolyn Cummings <CummingsC@leoncountyfl.gov>
Cc: Tim Glenn <timglenn@me.com>; Chauncy Haynes <HaynesC@leoncountyfl.gov>

Subject: Firsthand Look at Impact of Rezoning - Northwoods Church

Commissioner Cummings,

A very important vote on a rezoning ordinance is being scheduled for the July 12th County Commission meeting.

As my Leon County At-Large Commissioner, I would like to invite you to my home at **5150 Maddox Rd**, to have a conversation and see firsthand how the rezoning and future development of property at the Northwoods Church will impact many of our neighborhood communities.

Thank you for considering my request. I am happy to work around your availability for a 30-minute visit.

TG

Tim Glenn
5150 Maddox Road
Tallahassee, FL 32303-7407
timglenn@me.com

Cc: Chauncy E. Haynes, Commissioner's Aide

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Update on the Northwoods Church rezoning request
Date: Wednesday, June 29, 2022 2:45:19 PM

Good afternoon Jodi,

Thank you for forwarding the ex parte communication. The CAO will ensure it is made part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Wednesday, June 29, 2022 1:40 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Update on the Northwoods Church rezoning request

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: furlong suzettaA <one8thmile@yahoo.com>
Sent: Wednesday, June 29, 2022 9:28 AM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Re: Update on the Northwoods Church rezoning request

Good morning, Commissioner Minor, and thank you for the follow up.

Suzetta

On Tuesday, June 28, 2022 at 12:11:47 PM EDT, Rick Minor, Leon County Commission <minorr@leoncountyfl.gov> wrote:



Hello Suzetta,

It was a pleasure to see you and your neighbors at Mr. Meggs' barn last week. As promised, I wanted to provide you with an update on Northwoods Church's rezoning request:

Bob Carver and I met with Northwoods Church's lead pastor and other leadership at the church yesterday (June 27th), and I think it was productive. At the very beginning of the meeting, I told everyone I had spoken with the County Attorney, and that she had cautioned me about appearing to advocate for any particular side on this issue. However, I was able to facilitate the discussion and help explore options.

The church leaders described the reasons why they are attempting to rezone the parcel, and stated that they want to be good neighbors with those who live nearby. As such, they are open to discussing new options that might be amenable to everyone. Mr. Carver then described the neighbors' concerns and the impact on traffic, the property values of the homes, the environment, etc.

Next, we started identifying potential options, which included:

- Splitting the parcel to enable the sale of some land to the neighbors, if they're interested and the terms are agreeable.
- Neighbors purchasing a perpetual easement, which would increase the standard buffer that would be required between the church's property and the neighbors' homes.
- Changing the church's zone request from R-3 (allowing for 8 units / acre) to R-2 (which would allow for 4.8 units / acre).

No commitments/promises were made by either party on any of these options, but generally it was agreed that they were worthy of investigation.

The discussion then shifted to the July 12th meeting of the Leon County Commission. Among the meeting attendees, there seemed to be a consensus to request a delay on the vote for

the rezoning, so the parties involved could further explore the other options and could negotiate in good faith with each other. Hearing this, **I am committed to asking my County Commission colleagues to support a postponement of the vote at the July 12th Commission meeting.**

So that's the latest, as of yesterday. My guess is that Mr. Carver will also send out an update, if he hasn't already. As I mentioned earlier, the County Attorney told me I cannot appear to be biased toward any particular side, but that I can work to find/explore alternative solutions. I'm committed to doing that, so please don't hesitate to contact me if you have any questions or suggestions. I'm happy to help in whatever way I can.

P.S., This rezoning request is a 'quasi-judicial' matter, which means I am required to log all communication that I have on the issue, whether written or oral, and then submit it to the County Attorney's Office so it can be included in the public record.

All the best,



Rick Minor
Commissioner, Leon County District 3
(850) 606-5363
MinorR@leoncountyfl.gov

PLEASE NOTE: Per Florida's Public Records Law ([Chapter 119](#) of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email correspondence may be subject to public disclosure.

Leon County Commission, District 3 | 301 S Monroe St, Tallahassee, FL 32301

Unsubscribe.one8thmile@yahoo.com

[Update Profile](#) | [Our Privacy Policy](#) | [Constant Contact Data Notice](#)

Sent by minorrr@leoncountyfl.gov powered by



[Try email marketing for free today!](#)

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Update on the Northwoods Church rezoning request
Date: Wednesday, June 29, 2022 4:36:18 PM

Good afternoon Jodi,

Thank you for forwarding the ex parte communication. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Wednesday, June 29, 2022 4:10 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Update on the Northwoods Church rezoning request

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: Gene Revell <gene.revell15@gmail.com>
Sent: Wednesday, June 29, 2022 2:37 PM
To: Rick Minor <MinorR@leoncountyfl.gov>

Subject: Re: Update on the Northwoods Church rezoning request

Thanks for your time and concern.

Sent from my iPhone

On Jun 28, 2022, at 12:18 PM, Rick Minor, Leon County Commission
<minorr@leoncountyfl.gov> wrote:



Hello Gene,

It was a pleasure to see you and your neighbors at Mr. Meggs' barn last week. As promised, I wanted to provide you with an update on Northwoods Church's rezoning request:

Bob Carver and I met with Northwoods Church's lead pastor and other leadership at the church yesterday (June 27th), and I think it was productive. At the very beginning of the meeting, I told everyone I had spoken with the County Attorney, and that she had cautioned me about appearing to advocate for any particular side on this issue. However, I was able to facilitate the discussion and help explore options.

The church leaders described the reasons why they are attempting to rezone the parcel, and stated that they want to be good neighbors with those who live nearby. As such, they are open to discussing new options that might be amenable to everyone. Mr. Carver then described the neighbors' concerns and the impact on traffic, the property values of the homes, the environment, etc.

Next, we started identifying potential options, which included:

- Splitting the parcel to enable the sale of some land to the neighbors, if they're interested and the terms are agreeable.
- Neighbors purchasing a perpetual easement, which would increase the standard buffer that would be required between the church's property and the neighbors' homes.
- Changing the church's zone request from R-3 (allowing for 8 units / acre) to R-2 (which would allow for 4.8 units / acre).

No commitments/promises were made by either party on any of these options, but generally it was agreed that they were worthy of investigation.

The discussion then shifted to the July 12th meeting of the Leon County Commission. Among the meeting attendees, there seemed to be a consensus to request a delay on the vote for the rezoning, so the parties involved could further explore the other options and could negotiate in good faith with each other. Hearing this, **I am committed to asking my**

County Commission colleagues to support a postponement of the vote at the July 12th Commission meeting.

So that's the latest, as of yesterday. My guess is that Mr. Carver will also send out an update, if he hasn't already. As I mentioned earlier, the County Attorney told me I cannot appear to be biased toward any particular side, but that I can work to find/explore alternative solutions. I'm committed to doing that, so please don't hesitate to contact me if you have any questions or suggestions. I'm happy to help in whatever way I can.

P.S., This rezoning request is a 'quasi-judicial' matter, which means I am required to log all communication that I have on the issue, whether written or oral, and then submit it to the County Attorney's Office so it can be included in the public record.

All the best,



Rick Minor
Commissioner, Leon County District 3
(850) 606-5363
MinorR@leoncountyfl.gov

PLEASE NOTE: Per Florida's Public Records Law ([Chapter 119](#) of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email correspondence may be subject to public disclosure.

Leon County Commission, District 3 | 301 S Monroe St, Tallahassee, FL 32301

[Unsubscribe gene.revell15@gmail.com](mailto:gene.revell15@gmail.com)

[Update Profile](#) | [Our Privacy Policy](#) | [Constant Contact Data Notice](#)

Sent by minorr@leoncountyfl.gov powered by



[Try email marketing for free today!](#)

From: [Chasity OSteen](#)
To: [Sinclair Yoshikawa](#)
Cc: [Nick Maddox](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Firsthand Look at Impact of Rezoning - Northwoods Church
Date: Wednesday, June 29, 2022 3:04:39 PM
Attachments: [image001.png](#)

Good afternoon Sinclair,

Thank you for forwarding the ex parte communication. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>
Sent: Wednesday, June 29, 2022 2:59 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Subject: FW: Firsthand Look at Impact of Rezoning - Northwoods Church

From: Sinclair Yoshikawa
Sent: Monday, June 27, 2022 12:52 PM
To: Timothy Glenn <tglenn@fsu.edu>; Nick Maddox <MaddoxN@leoncountyfl.gov>
Cc: Tim Glenn <timglenn@me.com>
Subject: RE: Firsthand Look at Impact of Rezoning - Northwoods Church

Good afternoon Mr. Glenn,

Commissioner Maddox would be delighted to come visit. He is next available the afternoons of July 5th and 6th, at 1, 2, and 3:00pm both days. If the morning is better for you, he is available the following week on the 14th and 15th at 9 and 10:00am. Please let me know if any of these dates and times work. If not, I will provide additional.

Best,
Sinclair



Sinclair Yoshikawa
Aide to Commissioner Nick Maddox
Leon County Board of County Commissioners
301 South Monroe Street | Tallahassee, FL 32301
(850) 606-5377 /work | (850) 606-5301 /fax
yoshikawas@leoncountyfl.gov

People Focused. Performance Driven.

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.

From: Timothy Glenn <tglenn@fsu.edu>
Sent: Sunday, June 26, 2022 5:07 PM
To: Nick Maddox <MaddoxN@leoncountyfl.gov>
Cc: Tim Glenn <timglenn@me.com>; Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>
Subject: Firsthand Look at Impact of Rezoning - Northwoods Church

Commissioner Maddox,

A very important vote on a rezoning ordinance is being scheduled for the July 12th County Commission meeting.

As my Leon County At-Large Commissioner, I would like to invite you to my home at **5150 Maddox Rd**, to have a conversation and see firsthand how the rezoning and future development of property at the Northwoods Church will impact many of our neighborhood communities.

Thank you for considering my request. I am happy to work around your availability for a 30-minute visit.

TG

Tim Glenn
5150 Maddox Road
Tallahassee, FL 32303-7407
timglenn@me.com

Cc: Sinclair Yoshikawa, Commissioner's Aide

From: [Chasity OSteen](#)
To: [Sinclair Yoshikawa](#)
Cc: [Nick Maddox](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Firsthand Look at Impact of Rezoning - Northwoods Church
Date: Thursday, June 30, 2022 3:19:31 PM

Good afternoon Sinclair,

Thank you for forwarding the ex parte communication for disclosure as part of the hearing record. We will ensure that occurs.

Best Regards,
Chas-

From: Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>
Sent: Thursday, June 30, 2022 1:08 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Subject: FW: Firsthand Look at Impact of Rezoning - Northwoods Church

From: Tim Glenn <timglenn@me.com>
Sent: Thursday, June 30, 2022 1:03 PM
To: Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>
Cc: Tim Glenn <timglenn@me.com>
Subject: Re: Firsthand Look at Impact of Rezoning - Northwoods Church

Sinclair,

Thank you for considering. I totally understand. I may reply at a later date with an email that can be made part of the public record.

TG

Tim Glenn
5150 Maddox Road
Tallahassee, FL 32303-7407
timglenn@me.com

On Jun 30, 2022, at 10:23 AM, Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov> wrote:

Good morning Mr. Glenn,

Unfortunately, when I initially responded to your email, I did not recall that the issue you wish to discuss is a quasi-judicial matter. Upon further conversation with Commissioner Maddox, we have agreed that in the interest of his maintaining a neutral, unbiased review of the item for all parties, it would be best that he does not meet and discuss the item at this time.

If you desire to make any commentary on the item, please feel free to email them to myself and/or the commissioner so that they may be made part of the public record.

Best,
Sinclair

[<image001.png>](#)

Sinclair Yoshikawa
Aide to Commissioner Nick Maddox
Leon County Board of County Commissioners
301 South Monroe Street | Tallahassee, FL 32301
(850) 606-5377 /work | (850) 606-5301 /fax
yoshikawas@leoncountyfl.gov

People Focused. Performance Driven.

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.

From: Tim Glenn <timglenn@me.com>
Sent: Thursday, June 30, 2022 9:13 AM
To: Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>
Cc: Tim Glenn <timglenn@me.com>
Subject: Re: Firsthand Look at Impact of Rezoning - Northwoods Church

Sinclair,

Sorry for the delay in responding. July 5th at 1 or 2 would be great if still available.

TG

Sent from my iPhone

On Jun 27, 2022, at 12:52 PM, Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov> wrote:

Good afternoon Mr. Glenn,

Commissioner Maddox would be delighted to come visit. He is next available the afternoons of July 5th and 6th, at 1, 2, and 3:00pm both days. If the morning is better for you, he is available the following week on the 14th and 15th at 9 and 10:00am. Please let me know if any of these dates and times work. If not, I will provide additional.

Best,
Sinclair

[<image001.png>](#)

Sinclair Yoshikawa
Aide to Commissioner Nick Maddox
Leon County Board of County Commissioners
301 South Monroe Street | Tallahassee, FL 32301
(850) 606-5377 /work | (850) 606-5301 /fax
yoshikawas@leoncountyfl.gov

People Focused. Performance Driven.

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.

From: Timothy Glenn <tglennt@fsu.edu>
Sent: Sunday, June 26, 2022 5:07 PM
To: Nick Maddox <MaddoxN@leoncountyfl.gov>
Cc: Tim Glenn <timglenn@me.com>; Sinclair Yoshikawa <yoshikawas@leoncountyfl.gov>
Subject: Firsthand Look at Impact of Rezoning - Northwoods Church

Commissioner Maddox,

A very important vote on a rezoning ordinance is being scheduled for the July 12th County Commission meeting.

As my Leon County At-Large Commissioner, I would like to invite you to my home at **5150 Maddox Rd**, to have a conversation and see firsthand how the rezoning and future development of property at the Northwoods Church will impact many of our neighborhood communities.

Thank you for considering my request. I am happy to work around your availability for a 30-minute visit.

TG

Tim Glenn
5150 Maddox Road
Tallahassee, FL 32303-7407
timglenn@me.com

Cc: Sinclair Yoshikawa, Commissioner's Aide

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Opposition to Proposed Rezoning LR2220005 Northwoods Church
Date: Thursday, June 30, 2022 6:14:29 PM

Good evening Jodi,

Thank you for forwarding the ex parte communication for disclosure. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Thursday, June 30, 2022 5:46 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Opposition to Proposed Rezoning LR2220005 Northwoods Church

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: ervin mcintosh <ervinmcintosh@comcast.net>
Sent: Thursday, June 30, 2022 5:03 PM
To: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Opposition to Proposed Rezoning LR2220005 Northwoods Church

The members of our community - Maddox Road, Flat Road, and Riverwood, strongly oppose the above rezoning request. What an incredible environmental disaster this would be if this rezoning request is approved. We are bordered on the west by the Ochlockonee River along with its active wildlife population and on the east by a wetland area that has been specifically set aside as needing environmental protection. Why would anyone want to destroy all this?

Further, our community is an established community of homes on acreage that do not endanger wildlife or natural vegetation. Also, each home here has a private water well which most assuredly would become contaminated by the proposed housing density to our adjacent north. When you go from 1 house per 4 acres to 8 units per 1 acre, I can't imagine what it would look like if 32 houses were sitting on my 4 acres.

There are many other reasons to deny this rezoning request, for instance impacts to traffic, storm water runoff, and additional demands on the fire department and law enforcement. However, the main reason is still the damage to the environment that would be done.

Why would you approve this simply because someone wants to make a lot of money? Do the right thing now, save the environment, save our neighborhood, save our well water from pollution, and save our way of life.

Sincerely,
Sybil D. McIntosh
850-514-3094

From: [Chasity OSteen](#)
To: [Jodi Wilkof](#)
Cc: [Rick Minor](#); [Patti Poppell](#); [Emily Bouza](#)
Subject: FW: Update on the Northwoods Church rezoning request
Date: Wednesday, June 29, 2022 4:35:00 PM

Good afternoon Jodi,

Thank you for forwarding the ex parte communication. The CAO will ensure it is made a part of the hearing record.

Best Regards,
Chas-

From: Jodi Wilkof <WilkofJ@leoncountyfl.gov>
Sent: Wednesday, June 29, 2022 4:09 PM
To: Chasity OSteen <osteenc@leoncountyfl.gov>
Cc: Rick Minor <MinorR@leoncountyfl.gov>
Subject: Fw: Update on the Northwoods Church rezoning request

Chasity -

I am forwarding you this email Rick received, consistent with your directions regarding ex parte communications on a pending quasi-judicial matter.

Please advise if anything further we need to do.

Thank you,
Jodi

Jodi Wilkof

Chief of Staff, Leon County Chairman Rick Minor

850/606-5373 - Office

850/491-0192 - Cell

WilkofJ@LeonCountyFL.gov

Please note that under Florida's Public Records laws, most written communication 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.

From: Guy Maddox <guy.maddox11@gmail.com>
Sent: Wednesday, June 29, 2022 3:44 PM
To: Rick Minor <MinorR@leoncountyfl.gov>

Cc: Rod Maddox <maddoxra55@gmail.com>; trish Maddox <tmpunkin@comcast.net>; Terrie Maddox <terrie.maddox@icloud.com>

Subject: Re: Update on the Northwoods Church rezoning request

Rick,

You mention the “church leaders described the reasons they want to redone the property to R3”. What are their reasons they explained to you? Is it just to maximize their profits when they would sale if the Rezoning resolution passes?

Also, the way you word the meeting it like your hands are tied and would have minimal impact helping the property owners in this matter. What role do you expect to play from here on out helping the property owners?

Regards,

Guy Maddox
5102 Maddox Rd.
Sent from my iPhone

On Jun 28, 2022, at 12:17 PM, Rick Minor, Leon County Commission <minorr@leoncountyfl.gov> wrote:



Hello Guy,

It was a pleasure to see you and your neighbors at Mr. Meggs' barn last week. As promised, I wanted to provide you with an update on Northwoods Church's rezoning request:

Bob Carver and I met with Northwoods Church's lead pastor and other leadership at the church yesterday (June 27th), and I think it was productive. At the very beginning of the meeting, I told everyone I had spoken with the County Attorney, and that she had cautioned me about appearing to advocate for any particular side on this issue. However, I was able to facilitate the discussion and help explore options.

The church leaders described the reasons why they are attempting to rezone the parcel, and stated that they want to be good neighbors with those who live nearby. As such, they are open to discussing new options that might be amenable to everyone. Mr. Carver then described the neighbors' concerns and the impact on traffic, the property values of the homes, the environment, etc.

Next, we started identifying potential options, which included:

- Splitting the parcel to enable the sale of some land to the neighbors, if they're interested and the terms are agreeable.
- Neighbors purchasing a perpetual easement, which would increase the standard buffer that would be required between the church's property and the neighbors' homes.
- Changing the church's zone request from R-3 (allowing for 8 units / acre) to R-2 (which would allow for 4.8 units / acre).

No commitments/promises were made by either party on any of these options, but generally it was agreed that they were worthy of investigation.

The discussion then shifted to the July 12th meeting of the Leon County Commission. Among the meeting attendees, there seemed to be a consensus to request a delay on the vote for the rezoning, so the parties involved could further explore the other options and could negotiate in good faith with each other. Hearing this, **I am committed to asking my County Commission colleagues to support a postponement of the vote at the July 12th Commission meeting.**

So that's the latest, as of yesterday. My guess is that Mr. Carver will also send out an update, if he hasn't already. As I mentioned earlier, the County Attorney told me I cannot appear to be biased toward any particular side, but that I can work to find/explore alternative solutions. I'm committed to doing that, so please don't hesitate to contact me if you have any questions or suggestions. I'm happy to help in whatever way I can.

P.S., This rezoning request is a 'quasi-judicial' matter, which means I am required to log all communication that I have on the issue, whether written or oral, and then submit it to the County Attorney's Office so it can be included in the public record.

All the best,



Rick Minor

Commissioner, Leon County District 3
(850) 606-5363
MinorR@leoncountyfl.gov

PLEASE NOTE: Per Florida's Public Records Law ([Chapter 119](#) of the Florida Statutes), most written communication to or from County officials and staff regarding County business are public records available to the public and media upon request. As such, this email correspondence may be subject to public disclosure.

[Unsubscribe guy.maddox11@gmail.com](#)

[Update Profile](#) | [Our Privacy Policy](#) | [Constant Contact Data Notice](#)

Sent by minorrr@leoncountyfl.gov powered by



[Try email marketing for free today!](#)

Leon County
Board of County Commissioners
Notes for Agenda Item #30

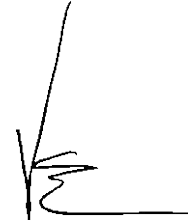
Leon County Board of County Commissioners

Agenda Item #30

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator



Title: First and Only Public Hearing to Approve a Resolution Imposing Non-Ad Valorem Assessments for Sewer Service for Certain Real Property in Annawood, and a Resolution Adopting the Annawood Non-Ad Valorem Assessment Roll, and Certification of the Entire Roll to the Tax Collector

Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Brent Pell, Director, Public Works Charles Wu, Director, Engineering Services Scott Ross, Director, Office of Financial Stewardship
Lead Staff/ Project Team:	Anna Padilla, Stormwater Management Coordinator

Statement of Issue:

This item requests the Board conduct the first and only public hearing to consider adoption of a resolution imposing non-ad valorem assessments for the purpose of collecting the full amount of all charges related to sewer service for certain real property located in the Annawood subdivision, and a resolution adopting a non-ad valorem assessment roll, and certification of the entire assessment roll to the Tax Collector.

Fiscal Impact:

This item has a fiscal impact. Pursuant to the Interlocal Agreement for the Provision of Sewer Service to Belair/Annawood Area, the County will collect and remit to the City the full amount of all charges related to sewer service through a non-ad valorem assessment on the annual property tax bill for property owners without a City metered utility account.

Staff Recommendation:

- Option #1: Conduct the first and only public hearing and approve the Resolution imposing Non-Ad Valorem Assessments for Sewer Service for certain real property in Annawood (Attachment #1).
- Option #2: Conduct the first and only public hearing and approve the Resolution adopting the Annawood Non-Ad Valorem Assessment Roll (Attachment #2) and authorize the certification of the Entire Roll to the Tax Collector (Attachment #3).

Title: First and Only Public Hearing to Approve a Resolution Imposing Non-Ad Valorem Assessments for Sewer Service for Certain Real Property in Annawood, and a Resolution Adopting the Annawood Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to the Tax Collector

July 12, 2022

Page 2

Report and Discussion

Background:

This Public Hearing provides for the adoption of a Resolution imposing a non-ad valorem assessment for sewer service for certain real properties located in Annawood. The special assessment will be limited to only those properties which have sewer service available, but do not have a City utility account for metered service. As required by Florida Statutes, this Public Hearing also provides for the adoption of an assessment roll for all properties being assessed for the first time, and certification of the entire assessment roll to the Tax Collector. The assessment is included on the Truth-In-Milage (TRIM) Property Tax Notice.

The Belair/Annawood Septic to Sewer Project is one of three sewer projects undertaken by the County in southern Leon County in coordination with the Florida Department of Environmental Protection (FDEP) and the City. On March 20, 2019, the County and City of Tallahassee entered into an Interlocal Agreement for the Provision of Sewer Service to Belair/Annawood Area (the "Interlocal Agreement") (Attachment #4), whereby the County and City agreed to their respective roles and responsibilities to support the construction and transfer of the sewer system. The County approved funding the design, permitting, engineering and construction for the Project, which was funded in part through a Springs Restoration Grant from the FDEP with a 50% match from the County. In addition, the County was responsible for acquiring all necessary property or property rights required for the construction, operation, maintenance and replacement of the sewer system.

The County has completed construction of the Belair Phase 1 and the Annawood subdivision sewer system and in August 2021, the City accepted those portions of the sewer system for ownership and operation. The overall project scope included the septic to sewer conversions for 121 properties. 112 of the properties are on City utilities and will be charged directly by the City on their City utility account for the provision of sewer service. Nine of the properties, all of which are located in Annawood, do not have a City metered utility account. The collection of the annual sewer cost on the tax bill will be used for these nine properties. A location map for the Annawood portion of the Septic to Sewer Project is included as Attachment #5.

Section 5 of the Interlocal Agreement provides that the City shall bill recurring sewer service charges in the Belair/Annawood area through a City customer utility account if an account exists for a metered City utility service, and also requires the County to impose of non-ad valorem assessments to recover all charges related to sewer service where property owners do not have a City metered utility account.

Analysis:

Pursuant to Section 197.3632(9), Florida Statutes, special assessments levied pursuant to a local government resolution may be placed on the annual property tax bill as a non-ad valorem assessment. The County has utilized the uniform method for collecting stormwater and solid waste non-ad valorem assessments, as well as to collect assessments related to 2/3 paving and sewer

Title: First and Only Public Hearing to Approve a Resolution Imposing Non-Ad Valorem Assessments for Sewer Service for Certain Real Property in Annawood, and a Resolution Adopting the Annawood Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to the Tax Collector

July 12, 2022

Page 3

projects. The amount of the assessment imposed will be payable to the Tax Collector. After collection, the County shall remit the full amount to the City.

The City accepted the sanitary sewer system constructed as part of the Belair/Annawood Septic to Sewer Project in August 2021. The City has begun charging the full amount of charges related to sewer service on the monthly utility bill to properties which have City metered utility accounts in the project area. The properties in the Belair Phase 1 project are all on City metered utility accounts and do not require an assessment to recover costs.

There are nine properties in the Annawood subdivision that do not currently have a City metered utility account. In order to recover the sewer service usage charges and readiness-to-serve charges, a flat amount will be assessed to each property owner on the annual tax bill. The Interlocal Agreement requires the City to provide the County information specifying the applicable sewer service related charges for each parcel served within Annawood, which the City has done. The sewer service charges were calculated by the City as follows. The readiness-to-serve charge is a fixed charge imposed on all utility customers pursuant to Section 21-402(b) of the City Code of Ordinances to cover a portion of the fixed costs of operating the utility. Usage charges are generally based on the amount of wastewater generated and correlate to the amount of potable water received by the property. Since the nine properties do not receive City potable water, however, the flat sewer service usage charge is determined pursuant to Section 21-402 (c) of the City Code of Ordinances by multiplying the annual average household City-billed sewer usage throughout Leon County by the usage charge billing rate. The City charges an additional surcharge for service outside of the City limits that will be included in the assessment amount in accordance with Section 21-127 of the City Code of Ordinances.

Section 18-130 of Leon County Code of Laws Section and section 197.3632, Florida Statutes, require that the Board hold a public hearing and adopt an assessment roll for all properties being assessed for the first time, and certify the entire assessment roll to the Tax Collector by September 15th. Property owners will first be assessed on their November 2022 tax bill. The first assessment covers the period from City acceptance and the first full year of service, which is calculated on a fiscal year basis.

The proposed Resolutions imposing non-ad valorem assessments for sewer service for certain real property in Annawood (Attachment #1), adopting the non-ad valorem assessment roll (Attachment #2), and the Certificate to the Non-Ad Valorem Assessment Roll to the Tax Collector (Attachment #3) are included for the Board's consideration.

The public hearing notice was published in the Tallahassee Democrat and first-class notices were mailed to each of the nine property owners subject to the Non-ad Valorem Assessment for Sewer Service for Certain Real Property in Annawood for the first time in accordance with the requirements of Section 197.3632, Florida Statutes (Attachment #6).

Title: First and Only Public Hearing to Approve a Resolution Imposing Non-Ad Valorem Assessments for Sewer Service for Certain Real Property in Annawood, and a Resolution Adopting the Annawood Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to the Tax Collector

July 12, 2022

Page 4

Options:

1. Conduct the first and only public hearing and approve the Resolution imposing Non-Ad Valorem Assessments for Sewer Service for certain real property in Annawood (Attachment #1).
2. Conduct the first and only public hearing, and approve the Resolution adopting the Annawood Non-Ad Valorem Assessment Roll (Attachment #2) and authorize the certification of the Entire Roll to the Tax Collector (Attachment #3).
3. Conduct the first and only public hearing and do not approve the Resolution imposing Non-Ad Valorem Assessments for Sewer Service for certain real property in Annawood.
4. Conduct the first and only public hearing, and do not approve the Resolution adopting the Annawood Non-Ad Valorem Assessment Roll.
5. Board direction.

Recommendation:

Options #1 and #2

Attachments:

1. Resolution Imposing Non-Ad Valorem Assessments for Sewer Service for Certain Real Property in Annawood
2. Resolution Adopting the Annawood Non-Ad Valorem Assessment Roll
3. Certificate of the entire Annawood Non-Ad Valorem Assessment Roll to the Tax Collector
4. Interlocal Agreement for the Provision of Sewer Service to Belair/Annawood Areas
5. Location Map for the Annawood portion of the Septic to Sewer Project
6. Notice of Public Hearing

LEON COUNTY RESOLUTION NO. R2022-

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA, IMPOSING NON-AD VALOREM
ASSESSMENTS FOR THE SEWER SERVICE USAGE CHARGES AND
READINESS-TO-SERVE CHARGES ON CERTAIN REAL PROPERTY
LOCATED IN THE ANNAWOOD SUBDIVISION; AND PROVIDING FOR
AN EFFECTIVE DATE.**

RECITALS

WHEREAS, on March 20, 2019, Leon County, Florida (“County”) and the City of Tallahassee (“City”) entered into that certain Interlocal Agreement for the Provision of Sewer Service to Belair/Annawood Area (“Interlocal Agreement”), outlining the roles and responsibilities of the County and the City to support the construction and operation of a central sewage collection system (“Sewer System”) to serve real property in certain areas located within the Wakulla Springs Primary Springs Protection Zone, including Annawood, a subdivision as per map or plat thereof recorded in Plat Book 6, page 13, of the public records of Leon County, Florida (“Annawood”); and

WHEREAS, in the Interlocal Agreement the County agreed to design, permit, and construct the Sewer System to serve Annawood, and the City agreed to accept the Sewer System and all property and easements necessary for ownership, operation, maintenance, repair, and replacement of the Sewer System; and

WHEREAS, the County has completed construction of the Sewer System; and

WHEREAS, the City has accepted the Sewer System and the property and easements necessary for ownership, operation, maintenance, repair, and replacement of the Sewer System; and

WHEREAS, in the Interlocal Agreement the County agreed to use its best efforts to encourage property owners in Annawood to agree to connect to the Sewer System, but only the City and Florida Department of Health have authority to require property owners to connect to the Sewer System; and

WHEREAS, the Interlocal Agreement outlines the terms for charges, billing and collection, and requires that if a benefited property does not have a City utility account for metered service, the County will collect and remit to the City, on a recurring annual basis, the full amount of all applicable charges related to sewer service in the amounts established and adopted by the City through a non-ad valorem assessment on the property owner’s annual property tax bill; and

WHEREAS, pursuant to section 197.3632(3)(a), Florida Statutes (“F.S.”), the Board of County Commissioners adopted Resolution No. R21-59 stating its intent to utilize the uniform method of levying, collecting, and enforcing non-ad valorem assessments (the “Uniform Method”) for the purpose of collecting the full amount of all applicable charges related to sewer services provided in Annawood for those properties that do not have a City utility account for metered service; and

WHEREAS, the Board of County Commissioners wishes to levy and impose a non-ad valorem assessment on those real properties located within Annawood where: (i) the property owner has

connected to the Sewer System but does not have a City utility account for metered City utility service, in which event the property shall be assessed the full amount of all charges related to sewer service; or (ii) the property owner has not connected to the Sewer System when available for connection in which event the property shall be assessed the applicable readiness-to-serve charge; and

WHEREAS, in accordance with section 197.3632(4)(b), F.S., Leon County provided notice of the public hearing at least twenty days prior to same by first class United States mail and by publication in the *Tallahassee Democrat*.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Recitals.

The Recitals to this Resolution are incorporated herein and made a part hereon as if fully set forth below.

Section 2. Levying and Imposing Non-Ad Valorem Assessments.

The non-ad valorem assessments shall now be and are hereby levied and imposed upon all lots or parcels of land located within Annawood that have available sewer service but do not have a City metered utility account. The non-ad valorem assessment shall be imposed per lot per annum until such time as the Board may determine otherwise, commencing October 1, 2022.

In the event a property owner receives a City customer utility account for metered City utility service at any time after the Effective Date of this Resolution, the City shall be responsible for billing recurring sewer service charges through such utility account pursuant to the Interlocal Agreement. In such event, the amount of the non-ad valorem assessment shall be pro-rated based on the billing cycle date of the City customer utility account and no additional amounts shall be assessed by the County.

Section 3. Unit of Measurement and Amount of Non-Ad Valorem Assessment.

The unit of measurement for the non-ad valorem assessments imposed hereby is calculated on a per lot basis. The amount of the non-ad valorem assessments shall be as follows:

- A. Property owners who have elected to connect to the Sewer System are billed a readiness-to-serve charge and usage charge in the amounts established by the City at Section 21-402 of the City Code of Ordinances, as may be amended from time to time; and a surcharge in the amount established by the City at Section 21-127 of the City Code of Ordinances, as may be amended from time to time.
- B. Property owners who have not elected to connect to the Sewer System when available are billed a readiness-to-serve charge in the amount established by the City at Section 21-402 of the City Code of Ordinances, as may be amended from time to time; and a surcharge in the amount established by the City at Section 21-127 of the City Code of Ordinances, as may be amended from time to time.

Pursuant to Section 5, paragraph 6 of the Interlocal Agreement, the County hereby sets March 1 as the uniform recurring date by which the City shall provide the County information specifying the applicable sewer service related charges for each parcel served within Annawood to be assessed and collected through a non-ad valorem assessment on the owner's next annual property tax bill. Consistent with the Interlocal Agreement and section 197.3632(6), F.S., the County shall not be required to annually adopt the non-ad valorem assessment roll if the City does not timely provide such information or the provisions of section 197.3632(4)(a), F.S. are not invoked as a result of such City-provided information.

Section 4. Effective Date.

This resolution shall have effect upon adoption.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 12th day of July, 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chair
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

LEON COUNTY RESOLUTION NO. R2022-

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA, ADOPTING THE NON-AD VALOREM
ASSESSMENT ROLL FOR THE SEWER SERVICE USAGE CHARGES
AND READINESS-TO-SERVE CHARGES ON CERTAIN REAL
PROPERTY LOCATED IN THE ANNAWOOD SUBDIVISION;
PROVIDING FOR CERTIFICATION OF THE ROLL TO THE TAX
COLLECTOR; AND PROVIDING FOR AN EFFECTIVE DATE.**

RECITALS

WHEREAS, on March 20, 2019, Leon County, Florida (“County”) and the City of Tallahassee (“City”) entered into that certain Interlocal Agreement for the Provision of Sewer Service to Belair/Annawood Area (“Interlocal Agreement”), outlining the roles and responsibilities of the County and the City to support the construction and operation of a central sewage collection system (“Sewer System”) to serve real property in certain areas located within the Wakulla Springs Primary Springs Protection Zone, including Annawood, a subdivision as per map or plat thereof recorded in Plat Book 6, page 13, of the public records of Leon County, Florida (“Annawood”); and

WHEREAS, in the Interlocal Agreement the County agreed to design, permit, and construct the Sewer System to serve Annawood, and the City agreed to accept the Sewer System and all property and easements necessary for ownership, operation, maintenance, repair, and replacement of the Sewer System; and

WHEREAS, the County has completed construction of the Sewer System; and

WHEREAS, the City has accepted the Sewer System and the property and easements necessary for ownership, operation, maintenance, repair, and replacement of the Sewer System; and

WHEREAS, in the Interlocal Agreement the County agreed to use its best efforts to encourage property owners in Annawood to agree to connect to the Sewer System, but only the City and Florida Department of Health have authority to require property owners to connect to the Sewer System; and

WHEREAS, the Interlocal Agreement outlines the terms for charges, billing and collection, and requires that if a benefited property does not have a City utility account for metered service, the County will collect and remit to the City, on a recurring annual basis, the full amount of all applicable charges related to sewer service in the amounts established and adopted by the City through a non-ad valorem assessment on the property owner’s annual property tax bill; and

WHEREAS, pursuant to section 197.3632(3)(a), Florida Statutes (“F.S.”), the Board of County Commissioners adopted Resolution No. R21-59 stating its intent to utilize the uniform method of levying, collecting, and enforcing non-ad valorem assessments (the “Uniform Method”) for the purpose of collecting the full amount of all applicable charges related to sewer services provided in Annawood for those properties that do not have a City utility account for metered service; and

1 **WHEREAS**, on July 12, 2022, the Board of County Commissioners adopted Resolution No.
2 R22-_____, imposing a non-ad valorem assessment on those real properties located within Annawood
3 where: (i) the property owner has connected to the Sewer System but does not have a City utility
4 account for metered City utility service, in which event the property shall be assessed the full amount
5 of all charges related to sewer service; or (ii) the property owner has not connected to the Sewer System
6 when available for connection in which event the property shall be assessed the applicable readiness-
7 to-serve charge (see Exhibit 1); and
8

9 **WHEREAS**, pursuant to section 197.3632(4), F.S., the Board of County Commissioners has
10 reviewed the Annawood sewer service non-ad valorem assessment roll for conformity with the
11 Resolution imposing the assessments; and
12

13 **WHEREAS**, the Board wishes to approve and adopt the Annawood sewer service non-ad
14 valorem assessment roll and to certify the roll for collection to the Tax Collector; and
15

16 **WHEREAS**, in accordance with section 197.3632(4)(b), F.S., Leon County provided notice of
17 the public hearing at least twenty days prior to same by first class United States mail and by publication
18 in the *Tallahassee Democrat*.
19

20 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
21 COUNTY, FLORIDA, that:
22

23 **Section 1. Recitals.**
24

25 The Recitals to this Resolution are incorporated herein and made a part hereon as if fully set
26 forth below.
27

28 **Section 2. Adoption of Non-Ad Valorem Assessment Roll.**
29

30 Pursuant to section 197.3632(4), F.S., Leon County hereby approves and adopts the Annawood
31 sewer service non-ad valorem assessment roll, which is attached hereto as Exhibit 2 and incorporated
32 herein as if fully set forth below.
33

34 **Section 3. Unit of Measurement and Amount of Non-Ad Valorem Assessment.**
35

36 The unit of measurement for the Annawood sewer service non-ad valorem assessment is as set
37 forth in the Resolution imposing the assessments, which is attached hereto as Exhibit 1, and
38 incorporated herein as if fully set forth below. The amount of the Annawood sewer service non-ad
39 valorem assessment for each subject parcel of property is as further set forth in Exhibit 2, attached
40 hereto and incorporated herein as if fully set forth below.
41

42 The Annawood sewer service non-ad valorem assessment shall be and is hereby imposed
43 annually commencing October 1, 2022, and continuing each year thereafter until such time as changed
44 or discontinued by the Board. In the event a property owner receives a City customer utility account
45 for metered City utility service at any time after the Effective Date of this Resolution, the City shall be
46 responsible for billing recurring sewer service charges through such utility account pursuant to the
47 Interlocal Agreement. In such event, the amount of the non-ad valorem assessment shall be pro-rated

1 based on the billing cycle date of the City customer utility account and no additional amounts shall be
2 assessed by the County.

3
4 **Section 4. Certification of Non-Ad Valorem Assessment Roll to Tax Collector.**

5
6 The Annawood sewer service non-ad valorem assessment roll is hereby certified to the Tax
7 Collector for collection in accordance with Florida law.

8
9 **Section 5. Effective Date.**

10
11 This resolution shall have effect upon adoption.

12
13 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,
14 Florida, this 12th day of July, 2022.

15
16 LEON COUNTY, FLORIDA

17
18
19 By: _____
20 Bill Proctor, Chair
21 Board of County Commissioners
22

23 ATTESTED BY:
24 Gwendolyn Marshall Knight, Clerk of Court
25 & Comptroller, Leon County, Florida
26

27
28 By: _____
29

30 APPROVED AS TO FORM:
31 Chasity H. O'Steen, County Attorney
32 Leon County Attorney's Office
33

34
35 By: _____
36

Exhibit 1

LEON COUNTY RESOLUTION NO. R2022-

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA, IMPOSING NON-AD VALOREM
ASSESSMENTS FOR THE SEWER SERVICE USAGE CHARGES AND
READINESS-TO-SERVE CHARGES ON CERTAIN REAL PROPERTY
LOCATED IN THE ANNAWOOD SUBDIVISION; AND PROVIDING FOR
AN EFFECTIVE DATE.**

RECITALS

WHEREAS, on March 20, 2019, Leon County, Florida (“County”) and the City of Tallahassee (“City”) entered into that certain Interlocal Agreement for the Provision of Sewer Service to Belair/Annawood Area (“Interlocal Agreement”), outlining the roles and responsibilities of the County and the City to support the construction and operation of a central sewage collection system (“Sewer System”) to serve real property in certain areas located within the Wakulla Springs Primary Springs Protection Zone, including Annawood, a subdivision as per map or plat thereof recorded in Plat Book 6, page 13, of the public records of Leon County, Florida (“Annawood”); and

WHEREAS, in the Interlocal Agreement the County agreed to design, permit, and construct the Sewer System to serve Annawood, and the City agreed to accept the Sewer System and all property and easements necessary for ownership, operation, maintenance, repair, and replacement of the Sewer System; and

WHEREAS, the County has completed construction of the Sewer System; and

WHEREAS, the City has accepted the Sewer System and the property and easements necessary for ownership, operation, maintenance, repair, and replacement of the Sewer System; and

WHEREAS, in the Interlocal Agreement the County agreed to use its best efforts to encourage property owners in Annawood to agree to connect to the Sewer System, but only the City and Florida Department of Health have authority to require property owners to connect to the Sewer System; and

WHEREAS, the Interlocal Agreement outlines the terms for charges, billing and collection, and requires that if a benefited property does not have a City utility account for metered service, the County will collect and remit to the City, on a recurring annual basis, the full amount of all applicable charges related to sewer service in the amounts established and adopted by the City through a non-ad valorem assessment on the property owner’s annual property tax bill; and

WHEREAS, pursuant to section 197.3632(3)(a), Florida Statutes (“F.S.”), the Board of County Commissioners adopted Resolution No. R21-59 stating its intent to utilize the uniform method of levying, collecting, and enforcing non-ad valorem assessments (the “Uniform Method”) for the purpose of collecting the full amount of all applicable charges related to sewer services provided in Annawood for those properties that do not have a City utility account for metered service; and

WHEREAS, the Board of County Commissioners wishes to levy and impose a non-ad valorem assessment on those real properties located within Annawood where: (i) the property owner has

1 connected to the Sewer System but does not have a City utility account for metered City utility service,
2 in which event the property shall be assessed the full amount of all charges related to sewer service; or
3 (ii) the property owner has not connected to the Sewer System when available for connection in which
4 event the property shall be assessed the applicable readiness-to-serve charge; and
5

6 **WHEREAS**, in accordance with section 197.3632(4)(b), F.S., Leon County provided notice of
7 the public hearing at least twenty days prior to same by first class United States mail and by publication
8 in the *Tallahassee Democrat*.
9

10 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
11 COUNTY, FLORIDA, that:
12

13 **Section 1. Recitals.**
14

15 The Recitals to this Resolution are incorporated herein and made a part hereon as if fully set
16 forth below.
17

18 **Section 2. Levying and Imposing Non-Ad Valorem Assessments.**
19

20 The non-ad valorem assessments shall now be and are hereby levied and imposed upon all lots
21 or parcels of land located within Annawood that have available sewer service but do not have a City
22 metered utility account. The non-ad valorem assessment shall be imposed per lot per annum until such
23 time as the Board may determine otherwise, commencing October 1, 2022.

24 In the event a property owner receives a City customer utility account for metered City utility
25 service at any time after the Effective Date of this Resolution, the City shall be responsible for billing
26 recurring sewer service charges through such utility account pursuant to the Interlocal Agreement. In
27 such event, the amount of the non-ad valorem assessment shall be pro-rated based on the billing cycle
28 date of the City customer utility account and no additional amounts shall be assessed by the County.

29 **Section 3. Unit of Measurement and Amount of Non-Ad Valorem Assessment.**
30

31 The unit of measurement for the non-ad valorem assessments imposed hereby is calculated on
32 a per lot basis. The amount of the non-ad valorem assessments shall be as follows:
33

- 34 A. Property owners who have elected to connect to the Sewer System are billed a readiness-
35 to-serve charge and usage charge in the amounts established by the City at Section 21-402
36 of the City Code of Ordinances, as may be amended from time to time; and a surcharge in
37 the amount established by the City at Section 21-127 of the City Code of Ordinances, as
38 may be amended from time to time.
39
- 40 B. Property owners who have not elected to connect to the Sewer System when available are
41 billed a readiness-to-serve charge in the amount established by the City at Section 21-402
42 of the City Code of Ordinances, as may be amended from time to time; and a surcharge in
43 the amount established by the City at Section 21-127 of the City Code of Ordinances, as
44 may be amended from time to time.

Pursuant to Section 5, paragraph 6 of the Interlocal Agreement, the County hereby sets March 1 as the uniform recurring date by which the City shall provide the County information specifying the applicable sewer service related charges for each parcel served within Annawood to be assessed and collected through a non-ad valorem assessment on the owner's next annual property tax bill. Consistent with the Interlocal Agreement and section 197.3632(6), F.S., the County shall not be required to annually adopt the non-ad valorem assessment roll if the City does not timely provide such information or the provisions of section 197.3632(4)(a), F.S. are not invoked as a result of such City-provided information.

Section 4. Effective Date.

This resolution shall have effect upon adoption.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 12th day of July, 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chair
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By: _____

EXHIBIT 2

**ANNAWOOD SUBDIVISION SEWER SERVICE
NON-AD VALOREM ASSESSMENT ROLL**

<i>PARCEL</i>	<i>FEE</i>	<i>UNITS</i>	<i>TYPE</i>	<i>OWNER</i>	<i>ZIP</i>	<i>BASIN</i>
31-19-25- C-0180	\$1,015.60	1	0100	PATTERSON DARLEAN	32305	AJ
31-19-25- C-0140	\$1,015.60	1	0100	HUNT CLARA	32305	AJ
31-19-25- C-0130	\$1,015.60	1	0100	MOFFETT SCOTT	32305	AJ
31-19-25- C-0100	\$437.74	1	0100	ESTEVEZ RAMON A JR	32305	AJ
31-19-25- A-0120	\$1,015.60	1	0100	WILLIAMS SENOVIA L	32305	AJ
31-19-25- C-0030	\$437.74	0	0000	SPIVEY ROBERT H ESTATE	32352	AJ
31-19-25- B-0040	\$437.74	1	0100	LARICHIUTA ALBERT B	32305	AJ
31-19-25- B-0050	\$1,015.60	1	0100	LAURAY LARAE	32305	AJ
31-19-25- B-0100	\$1,015.60	1	0100	HILL RONALD	32305	AJ
<i>Grand Totals:</i>	9 Parcels	\$7,406.82Dollars	8 Units			



CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of Leon County Board of County Comm'rs, located in Leon County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the 12th day of July, 2022 year.

Chairman of the Board or authorized agent
of Leon County Board of County Commissioners
Name of local government

Leon County, Florida

INTERLOCAL AGREEMENT FOR THE PROVISION OF SEWER SERVICE TO
BELAIR/ANNAWOOD AREA

THIS AGREEMENT, made and entered into this 20 day of March, 2019, by the CITY OF TALLAHASSEE, a Florida municipal corporation (hereinafter referred to as "City"), and LEON COUNTY, FLORIDA, a charter county and a political subdivision of the State of Florida (hereinafter referred to as "County").

WITNESSETH

WHEREAS, the County is the sole local governmental entity to authorize the planning, construction and operation of central water systems and sewage disposal systems within the unincorporated area of the County and will provide such services when it deems it appropriate; and,

WHEREAS, the County has recognized a long-standing problem in the Belair/Annawood area, as depicted in Exhibit A which is attached hereto and by reference incorporated herein, ("Belair/Annawood") that onsite sewage treatment and disposal systems ("OSTDS") currently in use do not function properly due to soil and groundwater conditions; and,

WHEREAS, the County, having recognized the nitrate loads associated with OSTDS and the impact of nitrate loads on Wakulla Springs, will identify areas in the Wakulla Springs Primary Springs Protection Zone where elimination or retrofit of existing OSTDS will be required as part of the Wakulla Springs Basin Management Action Plan; and,

WHEREAS, the County was awarded Florida Department of Environmental Protection Springs Restoration Grants to joint-fund construction of a central sewage collection system ("Sewer System") to serve Belair/Annawood, which is located within the Primary Springs Protection Zone; and,

WHEREAS, the County has determined that it is in the best interests of the citizens of Belair/Annawood that sewer service be provided to the residences in that area by the City of Tallahassee; and,

WHEREAS, Belair/Annawood lies within the City sewer franchise area; however, a portion of the area lies within the Talquin Electric Cooperative ("TEC") water franchise area, and the remainder lies within the City water franchise area; and,

WHEREAS, Belair/Annawood is within the Lake Munson Target Area identified in the City Master Sewer Plan adopted in February 2016;

NOW, THEREFORE, in consideration of the following mutual promises and covenants, and other good and valuable consideration the sufficiency of which is being acknowledged, the City and County hereby agree as follows:

- a. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 1. Effective Date. This Agreement shall commence upon full execution hereof by both parties.

Section 2. Responsibilities of County.

1. The County shall design, permit, and construct a new Sewer System to serve Belair/Annawood. The County will, at the County's expense, be responsible for acquiring all necessary property or property rights required for the construction, operation, maintenance, and replacement of the Sewer System. Such property or property rights shall be in form(s) acceptable to the City. The Sewer System's sewage collection piping shall use gravity flow to convey sewage first to conventional central pumping stations and then to a connection point on the existing City sewer system to be mutually agreed upon by the City and County.

2. The Sewer System design shall comply with the City's Engineering Design Manual for Water and Sewer Facilities and construction shall comply with the City's Technical Specifications for Water and Sewer Construction. The City's determination regarding compliance with such design and construction requirements shall be final. The County or its agent shall submit design plans to the City for review and approval. Construction shall not start until plans have been approved by the City. The City shall be timely in its review and approval, or disapproval, of plans submitted by the County in recognition of the County commitment to have service available as soon as possible.

3. The City is intended to be a third-party beneficiary of the contracts for design and construction of the Sewer System, and the County shall ensure that those contracts reflect such status for the City. As such, the design consultant and the contractor shall be directly liable to the County and the City for the proper and timely performance of all obligations under the respective contract including without limitation all warranty provisions. The County shall ensure that all guarantees and warranties related to design, construction, materials and equipment are assigned to the City. Upon completion of the Sewer System, or agreed portion thereof, and acceptance by the City for ownership, the County shall transfer ownership of the Sewer System, or agreed portion thereof, to the City along with all property and easements necessary for the operation, maintenance, repair, and replacement of the Sewer System or agreed portion thereof. It is agreed that the Sewer System does not include service lateral pipes between a customer and the sewer main and that easements for such piping are not required and will not be accepted.

4. The County will install sewer taps and will construct, to the property line, the associated sewer service laterals for each parcel served within Belair/Annawood. The County will use its best efforts to have property owners in Belair/Annawood agree to connect to the Sewer System. The County will extend the sewer lateral as necessary to complete the connection to the Sewer System, from the property line to the residence or other structure, for any parcels

where the owner agrees to connect to the Sewer System while the Sewer System is under construction.

Section 3. Responsibilities of City.

1. Upon completion of the Sewer System, or agreed portion thereof, and compliance with City specifications and requirements, the City shall accept the Sewer System and all property and easements necessary for ownership, operation, maintenance, repair, and replacement. The City shall utilize the completed Sewer System and its existing City sewage collection and treatment facilities to provide sewer service to Belair/Annawood. The City shall not be responsible for carrying out any of its responsibilities or obligations under this Agreement until the City has accepted ownership of the completed Sewer System. The City will not unreasonably withhold acceptance of the completed Sewer System for ownership, operation, and maintenance.

2. The City shall inspect construction of the Sewer System to ensure compliance with the previously approved City specifications and requirements. The County shall pay the City all costs incurred by the City for inspection and construction-related testing within forty-five (45) days following receipt of an invoice from the City for such inspection and testing.

3. Nothing in this Agreement shall prevent the City or County from using its general revenues to provide any of its services or financial assistance to any citizen or property owner inside Belair/Annawood.

4. Nothing herein shall be interpreted to require the City to assume responsibility for individual grinder pumps or discharge piping to the point of connection with the Sewer System.

Section 4. Terms of Service.

1. Sewer System service under this Agreement will be provided consistent with applicable City ordinances and policies, standards, procedures, regulations, rates, fees, loan programs and charges.

2. Any property owner desiring to connect to the Sewer System may do so at any time that service is available. Owners whose property is within the City water and sewer franchise area who connect to the Sewer System must also connect to the City water system, if the water system is available.

3. Any property owner that does not connect to the Sewer System will be charged the applicable readiness-to-serve charge in accordance with Sec 21-324, City of Tallahassee Code.

4. The County shall not issue any permits for new construction within the Belair/Annawood area unless the structure is proposed to be connected to the Sewer System.

5. Should the County become aware of a failing septic system in the Belair/Annawood area, the County agrees to notify the City and the Health Department.

Section 5. Charges, Billing and Collection

1. All charges for sewer service, readiness-to-serve, late payment, connect, disconnect and similar administrative charges shall be levied consistent with Chapter 21, City of Tallahassee Code.

2. Upon completion of the Sewer System and acceptance for ownership by the City, the County will pay to City, the sewer System Charges for each parcel for which a tap was provided in the Belair/Annawood area, regardless of whether the owners of such parcels agree to connect to the Sewer System. In recognition of County's payment of all System Charges, the City will reduce the System Charge applicable to the Belair/Annawood parcels by one third. The City shall invoice the County for all System Charges following City acceptance of the Sewer System for ownership and the County shall pay these charges within forty-five (45) days following receipt of the invoice.

3. No tap fees will be required at the time of customer connection for any parcel where the tap and lateral extension were installed by the County during original construction of the Sewer System.

4. The City will bill recurring sewer service charges in the Belair/Annawood area through a City customer utility account if an account exists for a metered City utility service. If a property owner does not have a City utility account for a metered service, the County will collect and remit to the City, on a recurring annual basis, the full amount of all charges related to sewer service through a non-ad valorem assessment on the owner's annual property tax bill. The County agrees to make all necessary arrangements and defray any associated administrative expenses associated with imposing said non-ad valorem assessment pursuant to Section 125.01, Florida Statutes, and in accordance with Section 197.3632, Florida Statutes.

5. The County will make said arrangements for the non-ad valorem assessment in a manner such that the first assessment is collected in the first calendar year subsequent to City acceptance of the Sewer System, or as soon thereafter as reasonably possible consistent with the notice and public hearing requirements provided in Section 197.3632, Florida Statutes. If the timing of the first assessment is such that only a partial year of service, or readiness-to-serve, charges is to be assessed, then the assessed charges shall be pro-rated based on the date of City notification of sewer availability, or the date of connection, as applicable. Assessments in subsequent years shall be for any past sewer service, or readiness-to-serve, charges not previously assessed or collected plus an additional 12 months of service or readiness-to-serve charges, except where a new customer has connected, in which case the sewer service charge and readiness-to-serve charges shall be pro-rated based upon the date of connection. The County will ensure that all charges related to sewer service, or readiness to serve, will be assessed within two

years of following the date on which each customer is connected to the Sewer System.

6. Each year the City shall provide the County information specifying the applicable sewer service related charges for each parcel served within the Belair/Annawood area. The County shall set a uniform recurring date by which this information must be provided.

7. If after timely receipt from the City of the applicable charges for each parcel within the Belair/Annawood area, the County fails to make arrangements for the non-ad valorem assessment for those charges, the County will remit to the City the full amount of the charges that should have been assessed.

8. The County agrees to use all the collection procedures available to it pursuant to Section 125.01, Florida Statutes, and Section 197.3632, Florida Statutes, to collect and remit to the City the assessed sewer charges from each property within the Belair/Annawood area.

Section 6. Dispute Resolution.

1. The Parties shall attempt to resolve any disputes that arise under this Agreement in good faith and in accordance with this section. The provision of the "Florida Governmental Conflict Resolution Act" shall not apply to disputes under this Agreement, as an alternative dispute resolution process is hereby set forth in this section.

2. The aggrieved Party shall give written notice to the other Party in writing, setting forth the nature of the dispute, date of occurrence (if known), and proposed resolution, hereinafter referred to as the "Dispute Notice."

3. Should the Parties be unable to reconcile any dispute, the City Manager and County Administrator, or their designees, shall meet at the earliest opportunity, but in any event within ten (10) days from the date that the Dispute Notice is received, to discuss and resolve the dispute. If the dispute is resolved to the mutual satisfaction of the Parties, they shall report their decision, in writing, to the City Commission and Board of County Commissioners. If the City Manager and County Administrator, or their designees, are unable to reconcile the dispute, they shall report their impasse to the City Commission and Board of County Commissioners.

4. If a dispute is not resolved by the foregoing step, within forty-five (45) days after receipt of the Dispute Notice, unless such time is extended by mutual agreement of the Parties, then either Party may require the dispute to be submitted to mediation by delivering written notice thereof (the "Mediation Notice") to the other Party. The Mayor shall represent the City and the Chair shall represent the County. The mediator shall meet the qualifications set forth in Rule 10.100(d), Florida Rules for Mediators, and shall be selected by the Parties within ten (10) days following receipt of the Mediation Notice. The mediator shall also have sufficient knowledge and experience in the subject of the dispute. If agreement on a mediator cannot be reached in that ten (10) day period, then either Party can request that a mediator be selected by an independent conflict resolution organization, and such selection shall be binding on the

Parties. The costs of the mediator shall be borne equally by the Parties.

5. If an amicable resolution of a dispute has not been reached within sixty (60) calendar days following selection of the mediator, or by such later date as may be mutually agreed upon by the Parties, then, upon the agreement of both Parties, such dispute may be referred to binding arbitration; otherwise, each Party may pursue whatever remedies may be available at law, in equity, or otherwise. If the dispute is so referred, such arbitration shall be conducted in accordance with the Florida Arbitration Code (Chapter 682, Florida Statutes).

- a) Such arbitration shall be initiated by delivery, from one Party (the "Petitioner") to the other (the "Respondent"), of a written Arbitration Notice therefore containing a statement of the nature of the dispute involved. The Respondent, within ten (10) days following its receipt of such Arbitration Notice, shall deliver an answering statement to the Petitioner. After the delivery of such statements, either Party may make new or different claims by providing the other with written notice thereof specifying the nature of such claims involved.
- b) Within ten (10) days following the delivery of such Arbitration Notice, each Party shall select an arbitrator and shall deliver written notice of that selection to the other. If either Party fails to select an arbitrator within such time, the other Party may make application to the court for such appointment in accordance with the Florida Arbitration Code. Within ten (10) days following delivery of the last of such written notices, the two arbitrators so selected shall confer and shall select a third arbitrator.
- c) The arbitration hearing shall be commenced in Leon County, Florida within sixty (60) days following selection of the third arbitrator. Except as may be specifically provided herein, the arbitration shall be conducted in accordance with Rules R-23 - R-48 of the Commercial Arbitration Rules of the American Arbitration Association.

Section 7. General Provisions.

1. Governing Law and Venue. This Agreement shall govern by and construed in accordance with the laws of the State of Florida. Any action to enforce any of the provisions of this Agreement must be maintained in Tallahassee, Leon County, Florida.

2. Waiver. Failure to insist upon strict compliance with any term, covenant or condition of this Agreement shall not be deemed a waiver of it. No waiver or relinquishment of a right or power under this Agreement shall be deemed a waiver of that right or power at any other time.

3. Modification. This Agreement shall not be extended, changed or modified,

except in writing duly executed by the Parties hereto.

4. Binding Effect. This Agreement shall be binding upon the successors and, subject to below, assigns of the Parties hereto.

5. Assignment. Because of the unique nature of the relationship between the Parties and the terms of this Agreement, neither Party hereto shall have the right to assign this Agreement or any of its rights or responsibilities hereunder to any third Party without the express written consent of the other Party to this Agreement, which consent shall not unreasonably be withheld.

6. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the matters contained herein, and all prior agreements or arrangements between them with respect to such matters are superseded by this Agreement.

7. Headings. Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

8. Ambiguity. This Agreement has been negotiated by the Parties with the advice of counsel and, in the event of an ambiguity herein, such ambiguity shall not be construed against any Party as the author hereof.

9. Public Bodies. It is expressly understood between the Parties that the City is a duly incorporated municipal corporation of the State of Florida and that the County is a charter county and a political subdivision of the State of Florida. Nothing contained herein shall be construed as a waiver or relinquishment by either of the Parties to claim such exemptions, privileges or immunities as may be provided to that Party by law.

10. Force Majeure. A Party shall be excused from performance of an obligation under this Agreement to the extent, and only to the extent, that such performance is affected by a "Force Majeure Event" which term shall mean any cause beyond the reasonable control of the Party affected, except where such Party could have reasonably foreseen and reasonably avoided the occurrence, which materially and adversely affects the performance by such Party of its obligation under this Agreement. Such events shall include, but not be limited to, an act of God, disturbance, hostility, war, or revolution; strike or lockout; epidemic; accident; fire; storm, flood, or other unusually severe weather or act of nature; or any requirements of law.

11. Cost(s) and Attorney Fees. In the event of litigation between the Parties to construe or enforce the terms of this Agreement or otherwise arising out of this Agreement, the prevailing Party in such litigation shall be entitled to recover from the other Party its reasonable costs and attorney's fees incurred in maintaining or defending subject litigation. The term litigation shall include appellate proceedings.

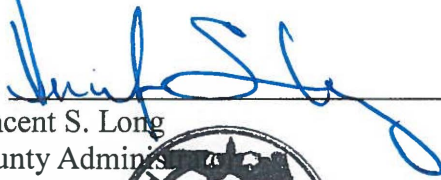
12. Severability. It is intended that each Section of this Agreement shall be viewed as

separate and divisible, and in the event that any Section, or Party thereof, shall be held to be invalid, the remaining Sections and parts shall continue to be in full force and effect.

13. Subject to Appropriation. All payment obligations of the Parties as set forth herein shall be subject to appropriation of funding therefore by the applicable legislative bodies; however, failure to appropriate funding adequate to meet such payment obligations shall be deemed a default under this Agreement.

IN WITNESS WHEREOF, the Parties hereto, through their duly authorized representative, have executed this Interlocal Agreement for the Provision of Sewer Service to Belair/Annawood as of the date written above.

LEON COUNTY,
FLORIDA

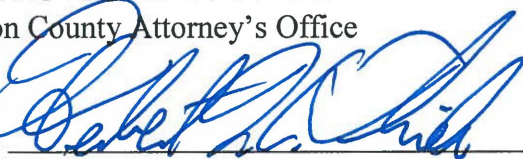
By: 
Vincent S. Long
County Administrator



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

By: 
Gwendolyn Marshall

APPROVED AS TO FORM:
Leon County Attorney's Office

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

CITY OF TALLAHASSEE,
FLORIDA

By: 
Reese Goad
City Manager

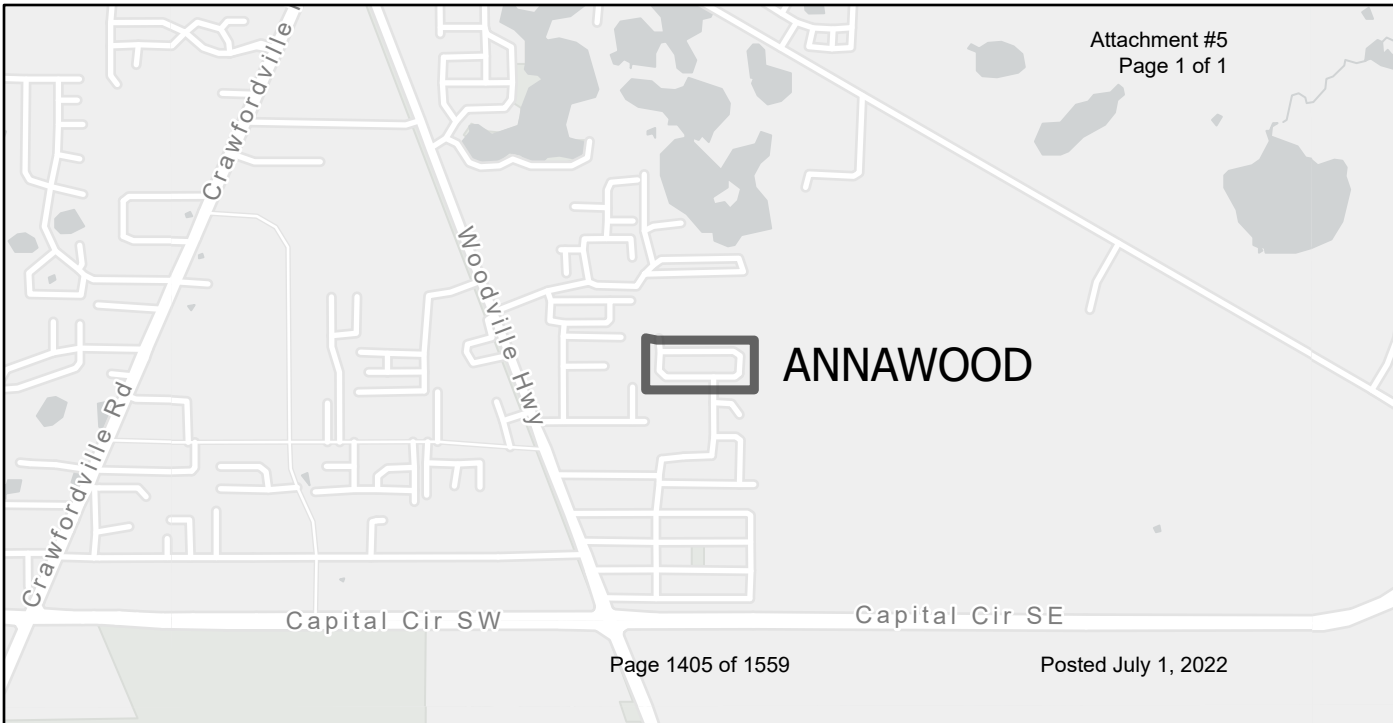
ATTEST:

By: 
James O. Cooke, IV
City Treasurer - Clerk

APPROVED AS TO FORM:
City Attorney's Office

By: 
City Attorney





NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to Section 197.3632(4)(b), Florida Statutes, that the Board of County Commissioners of Leon County, Florida will conduct a public hearing on Tuesday, July 12, 2022, 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 the adoption of a sanitary sewer service non-ad valorem assessment roll on the real properties in the Annawood subdivision that have available sewer service but do not have a City of Tallahassee metered utility account. The purpose of the special assessment is to collect the applicable sanitary sewer service usage charges and readiness-to-serve charges set by the City and imposed on the real properties in Annawood that have available sewer service but do not have a City metered utility account (geographic depiction of the property subject to the assessment is set forth below). The City also imposes an additional surcharge for service outside of the City limits that will be included in the assessment amount. The assessment shall be collected annually by the Leon County Tax Collector.

Leon County will also broadcast the public hearing on Comcast channel 16, the Leon County Florida channel on Roku, and the County’s Facebook page (<https://www.facebook.com/LeonCountyFL/>), YouTube channel (<https://www.youtube.com/user/LeonCountyFL>), and web site (www.LeonCountyFL.gov).

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

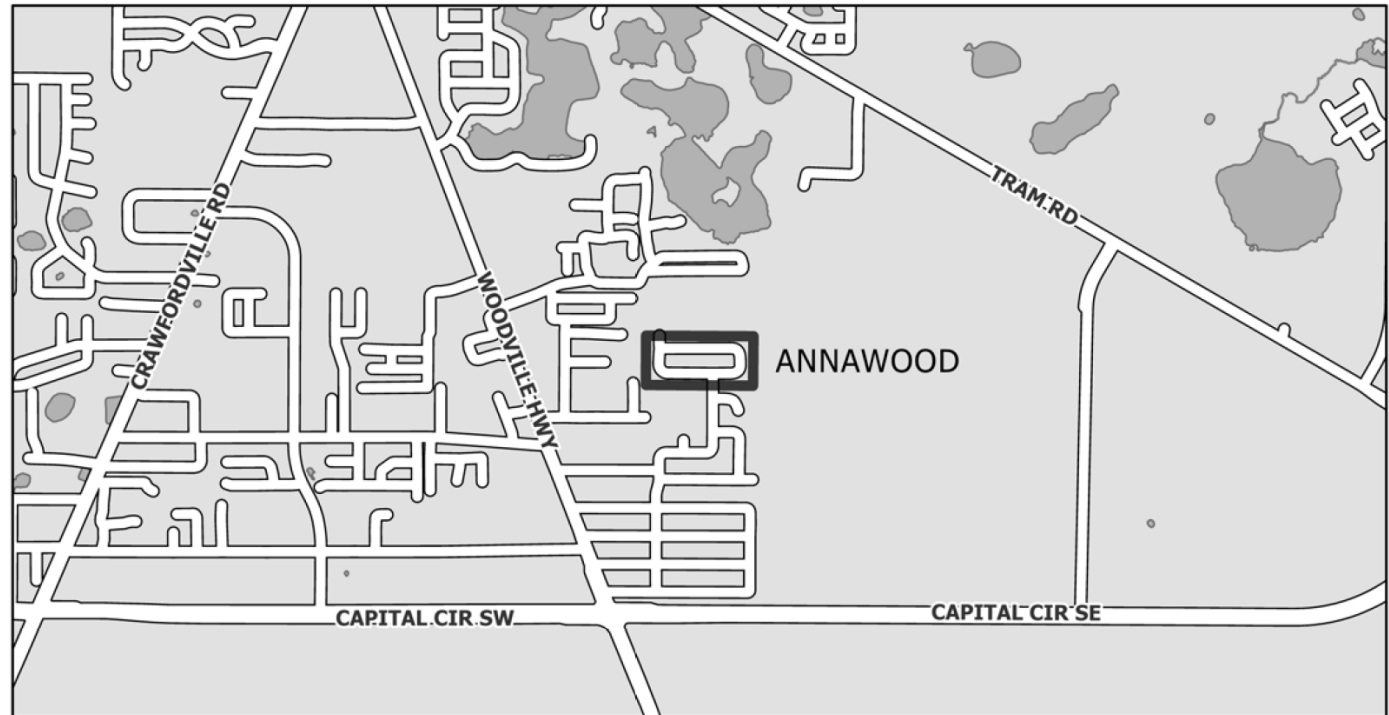
Interested parties may also provide virtual real-time public comments during the public hearing. Interested parties wishing to provide virtual real-time public comments must complete and submit the registration form provided at <https://www2.leoncountyfl.gov/coadmin/agenda/> by 8:00 p.m. on Monday, July 11, 2022. Following submittal of the registration form, further instructions for participating in the meeting will be provided. Persons needing assistance with registering or providing real-time comments may contact County Administration via telephone at (850) 606-5300. Please note that Board of County Commissioners Policy 01-05, Article IX., Section E., entitled “Addressing the Commission”, and Article IX., Section F., entitled “Decorum”, shall remain in full force and effect.

Written objections may be mailed to the Board within 20 days of publication of this Notice at: Leon County Board of County Commissioners, Leon County Courthouse, 301 South Monroe Street, 5th Floor Chambers, Tallahassee, Florida 32301.

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.

Publish: June 17, 2022



Leon County
Board of County Commissioners
Notes for Agenda Item #31

Leon County Board of County Commissioners

Agenda Item #31

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: First and Only Public Hearing to Approve the Resolution Adopting the Solid Waste Disposal Services Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector

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:	Roshaunda Bradley, Budget Manager Michelle Tipton, Senior Management and Budget Analyst

Statement of Issue:

As required by Florida Statutes, this Public Hearing provides for the adoption of an assessment roll for all properties being assessed for the first time, and certification of the entire assessment roll for Solid Waste Disposal Services.

Fiscal Impact:

This item has a fiscal impact. The FY 2023 budget includes the non-ad valorem special assessment generating \$1,611,892.

Staff Recommendations:

Option #1: Conduct the first and only public hearing and approve the Resolution adopting the Solid Waste Disposal Services Non-Ad Valorem Assessment Roll (Attachment #1) and authorize the certification of the entire Roll to the Tax Collector (Attachment #2).

Report and Discussion

Background:

As required by Florida Statutes, this Public Hearing provides for the adoption of a Solid Waste Disposal Services assessment roll for all properties being assessed for the first time, and certification of the entire assessment roll to the Tax Collector. The Solid Waste Disposal Assessment is included on the Truth-In-Millage (TRIM) Property Tax Notice. The assessment is recommended to remain unchanged for FY 2023.

The annual disposal service assessment is applied to all single-family residences, except for apartment complexes, mobile home parks, and public lodging establishments that are served by commercial garbage service. The annual disposal service assessment covers the cost of transporting, processing, and disposing of solid waste.

Section 18-164, Leon County Code of Laws provides that, prior to October 1st of each year, the Board of County Commissioners shall: 1) adopt a budget for the operation and maintenance of the Solid Waste Management System; and 2) adopt a resolution incorporating a determination of annual fees, rates, charges, or assessments for disposal service to be imposed upon the owners of improved residential real property in the service area.

Analysis:

The Solid Waste Disposal Assessment was first established in 1994 at \$40 per single-family residence. On August 28, 2012 the Board reestablished this assessment at the same \$40 rate, which remains in effect annually, thereafter, until such time the Board determines otherwise. No changes are recommended for the FY 2023 annual solid waste disposal service assessment.

Section 197.3632, Florida Statutes, requires that the Board of County Commissioners hold a public hearing and adopt an assessment roll for all properties being assessed for the first time, and certify the entire assessment roll to the Tax Collector by September 15th.

The proposed assessment roll is available for public inspection at the County Administration offices located on the fifth floor of the County Courthouse. A link to the County's website has also been created at <https://leoncountyfl.gov/specialassessment>, which provides additional access to persons interested in reviewing the proposed assessment roll. The proposed assessment roll has not been attached to this item due to the voluminous nature thereof. The assessment roll contains the name of the owner, the parcel identification number, the parcel address, and the amount of the assessment. Written comments and objections filed by affected property owners, if any, have been compiled and likewise have been made available for public inspection on the County's website and available for public inspection in the County Administration Office.

The proposed Resolution adopting the Solid Waste Disposal Services Non-Ad Valorem Assessment Roll for all properties subject to the assessment for the first time (Attachment #1), and

Title: First and Only Public Hearing to Approve the Resolution Adopting the Solid Waste Disposal Services Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector

July 12, 2022

Page 3

the Certificate to the Non-ad Valorem Assessment Roll to the Tax Collector (Attachment #2), are included for the Board's consideration.

The public hearing notice was published in the Tallahassee Democrat and first-class notices were mailed to each of the 455 property owners subject to the Non-ad Valorem Assessment for Solid Waste Disposal Services for the first time in accordance with the requirements of Section 197.3632, Florida Statutes (Attachment #3).

Not adopting the Non-ad Valorem Assessment Roll for Solid Waste Disposal Services will create a budget impact in the amount of \$1,611,892 for Fiscal Year 2023.

Options:

1. Conduct the first and only public hearing and approve the proposed Resolution adopting the Solid Waste Disposal Services Non-Ad Valorem Assessment Roll (Attachment #1) and authorize the certification of the entire Roll to the Tax Collector (Attachment #2).
2. Conduct the first and only public hearing and do not approve the proposed Resolution adopting the Solid Waste Disposal Services Non-Ad Valorem Assessment Roll.
(This action would require changes to the FY 2023 proposed budget.)
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Proposed Resolution adopting the Solid Waste Disposal Services Non-Ad Valorem Assessment Roll
2. Certificate of the entire Solid Waste Disposal Services Non-Ad Valorem Assessment Roll to the Tax Collector
3. Notice of Public Hearing

LEON COUNTY RESOLUTION NO. R2022-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ADOPTING A SOLID WASTE DISPOSAL SERVICES NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR CERTIFICATION OF THE ROLL TO THE TAX COLLECTOR; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on June 25, 1995, the Board of County Commissioners enacted the Solid Waste Disposal Ordinance, which authorizes the Board to establish an *Annual Disposal Service Charge* for the disposal of solid waste, which is an annual special assessment imposed upon each parcel of *Improved Residential Real Property* in the *Service Area* of unincorporated Leon County; and

WHEREAS, on August 28, 2012, the Board of County Commissioners adopted a *Rate Resolution* determining the *Annual Disposal Service Charge* for the operation and maintenance of the solid waste disposal system applicable to all *Improved Residential Real Property* located within the *Service Area* of unincorporated Leon County (see Exhibit 1); and

WHEREAS, in accordance with section 197.3632(4)(a)1, Florida Statutes, the Board of County Commissioners desires to adopt a solid waste disposal services non-ad valorem assessment roll for those properties subject to levy of the non-ad valorem assessment for the first time; and

WHEREAS, pursuant to section 18-167, Leon County Code of Laws, and section 197.3632, Florida Statutes, the Board of County Commissioners has reviewed the solid waste disposal services non-ad valorem assessment roll for conformity with the *Rate Resolution*; and

WHEREAS, the Board wishes to approve and adopt a solid waste disposal services non-ad valorem assessment roll and to certify the roll for collection to the Tax Collector; and

WHEREAS, Leon County has provided notice of this public hearing at least twenty days prior to same by first class United States mail and by publication in the *Tallahassee Democrat* advising that a public hearing would take place;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Recitals.

The Recitals to this Resolution are incorporated herein and made a part hereof as if fully set forth below.

Section 2. Definitions.

For purposes of this Resolution, the definitions contained in section 18-161, Leon County Code of Laws, are incorporated herein by reference.

Section 3. Adoption of Non-Ad Valorem Assessment Roll.

Pursuant to section 197.3632, Florida Statutes, Leon County hereby approves and adopts a solid waste disposal services non-ad valorem assessment roll, which is attached hereto as Exhibit 2 and incorporated herein as if fully set forth below.

Section 4. Unit of Measurement for Non-Ad Valorem Assessment.

The unit of measurement for the annual solid waste disposal services non-ad valorem assessment is as set forth in the *Rate Resolution*, Resolution No. 2012-37, which is attached hereto as Exhibit 1 and incorporated herein as if fully set forth below, and the amount of the annual solid waste disposal services assessment is as further set forth in Exhibits 1 and 2 for each single family unit of *Improved Residential Real Property* located within the *Service Area* of the unincorporated area of Leon County, for the period commencing October 1, 2012, and continuing each year thereafter until such time as the Board determines.

Section 5. Certification of Non-Ad Valorem Assessment Roll to Tax Collector.

The solid waste disposal services non-ad valorem assessment roll is hereby certified to the Tax Collector for collection in accordance with Florida law. The Chairman of the Board of County Commissioners is authorized to include each parcel described at Exhibit 2 herein on the non-ad valorem assessment roll certified to the Tax Collector for all properties subject to the solid waste disposal services non-ad valorem assessment.

Section 6. Effective Date.

This resolution shall have effect upon adoption.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 12th day of July, 2022.

LEON COUNTY, FLORIDA

By: _____

Bill Proctor, Chair
Board of County Commissioners

ATTESTED BY:

Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

1
2 APPROVED AS TO FORM:
3 Chasity H. O'Steen, County Attorney
4 Leon County Attorney's Office
5
6
7 By: _____

RESOLUTION NO. 2012- 37 ,**A RESOLUTION DETERMINING THE ANNUAL DISPOSAL SERVICE CHARGE FOR THE OPERATION AND MAINTENANCE OF THE SOLID WASTE DISPOSAL SYSTEM APPLICABLE TO ALL IMPROVED RESIDENTIAL REAL PROPERTY LOCATED WITHIN THE UNINCORPORATED AREA OF LEON COUNTY.****RECITALS**

WHEREAS, Section 18-165, Leon County Code of Laws, adopted by the Leon County Board of County Commissioners on July 25, 1995, authorizes the Board to impose an annual disposal service charge on all improved residential real property in the service area of Leon County; and

WHEREAS, Section 18-164, Leon County Code of Laws, authorizes the Board to annually adopt a resolution determining the annual disposal service charge to be imposed upon all improved residential real property within the service area; and

WHEREAS, the Board finds that the reasonable costs of providing residential solid waste disposal services within the service area is forty dollars (\$40.00) per single family residential unit per year; and

WHEREAS, the Board finds that the annual disposal service charge shall cover the period from October 1, 2012, through September 30, 2013 and annually thereafter until such time as the Board determines otherwise.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

1. The Recitals set forth above are incorporated herein and made a part hereof.
2. The annual disposal service charge for each single family residential unit located within the service area of Leon County is hereby determined and shall be forty dollars (\$40.00) for the period from October 1, 2012, through September 30, 2013, and annually thereafter until such time as the Board determines.

3. This Resolution shall be effective upon adoption.

DONE AND ADOPTED by the Board of County Commissioners of Leon County,
Florida, this 28th day of August, 2012.



LEON COUNTY, FLORIDA

BY: Akin Akinyemi
Akin Akinyemi, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY: [Signature]

Approved as to Form:
Leon County Attorney's Office

BY: [Signature]

Herbert W.A. Thiele, Esq.
County Attorney

EXHIBIT 2

**SOLID WASTE DISPOSAL SERVICES
NON-AD VALOREM ASSESSMENT ROLL**

Due to the voluminous nature thereof, the assessment roll is not attached to this Resolution in this Agenda Item but is available for public inspection at <https://leoncountyfl.gov/specialassessment>. Anyone needing assistance viewing the assessment roll may contact the office of the County Administrator at (850) 606-5300. The assessment roll will be attached hereto upon adoption.



CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of Leon County Board of County Comm'rs, located in Leon County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the 12th day of July, 2022 year.

Chairman of the Board or authorized agent

of Leon County Board of County Commissioners
Name of local government

Leon County, Florida

NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to Section 197.3632(4)(b), Florida Statutes, that the Board of County Commissioners of Leon County, Florida will conduct a public hearing on Tuesday, July 12, 2022, 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 the adoption of a solid waste disposal services non-ad valorem assessment roll for the subject parcels of improved real property located within the unincorporated area of Leon County, Florida. The purpose of the assessment is to equitably recover costs incurred for the construction, operation and maintenance of the solid waste disposal services for the benefit of improved residential parcels of property located within the unincorporated area of Leon County (geographic depiction of the property subject to the assessment is set forth below). The assessment shall be collected annually by the Leon County Tax Collector.

Leon County will also broadcast the public hearing on Comcast channel 16, the Leon County Florida channel on Roku, and the County's Facebook page (<https://www.facebook.com/LeonCountyFL/>), YouTube channel (<https://www.youtube.com/user/LeonCountyFL>), and web site (www.LeonCountyFL.gov).

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Interested parties may also provide virtual real-time public comments during the public hearing. Interested parties wishing to provide virtual real-time public comments must complete and submit the registration form provided at <https://www2.leoncountyfl.gov/coadmin/agenda/> by 8:00 p.m. on Monday, July 11, 2022. Following submittal of the registration form, further instructions for participating in the meeting will be provided. Persons needing assistance with registering or providing real-time comments may contact County Administration via telephone at (850) 606-5300. Please note that Board of County Commissioners Policy 01-05, Article IX., Section E., entitled "Addressing the Commission", and Article IX., Section F., entitled "Decorum", shall remain in full force and effect.

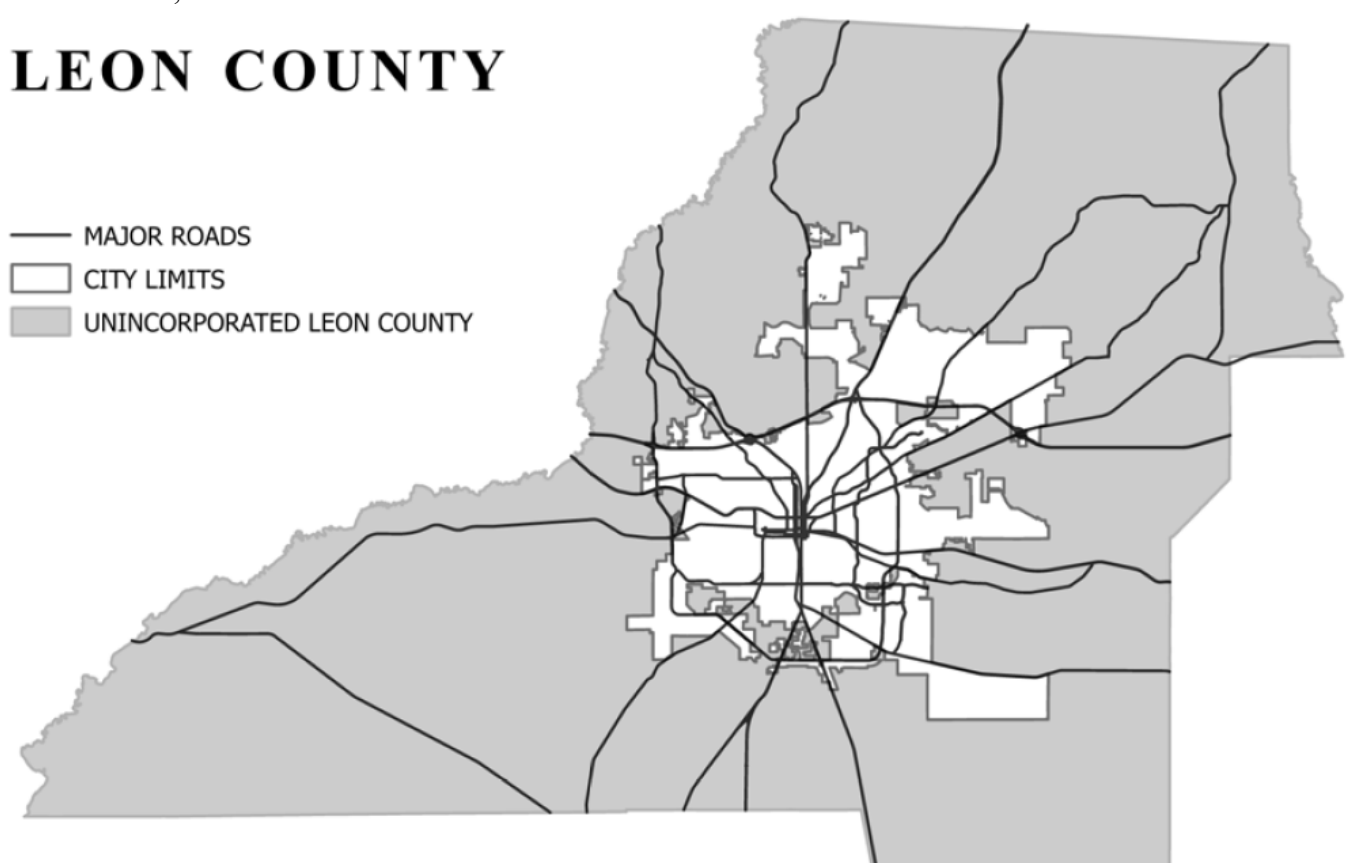
Written objections may be mailed to the Board within 20 days of publication of this Notice at: Leon County Board of County Commissioners, Leon County Courthouse, 301 South Monroe Street, 5th Floor Chambers, Tallahassee, Florida 32301.

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.

Publish: June 17, 2022

LEON COUNTY



Leon County
Board of County Commissioners
Notes for Agenda Item #32

Leon County Board of County Commissioners

Agenda Item #32

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: First and Only Public Hearing to Approve the Resolution Adopting the Fire Rescue Services Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to the Tax Collector

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:	Roshaunda Bradley, Budget Manager Amy McClure, Management Analyst

Statement of Issue:

As required by Florida Statutes, this Public Hearing provides for the adoption of an assessment roll for all properties being assessed for the first time, and certification of the entire assessment roll, for Fire Rescue Services.

Fiscal Impact:

This item has a fiscal impact. The total estimated collection for the unincorporated area of the Fire Rescue Services Assessment is \$9,091,294 of which \$3,184,608 will be placed on property tax bills as an assessment for FY 2023. The remaining amount (\$5,906,686) will be collected by the City of Tallahassee through the City utility bill and quarterly billing.

Staff Recommendation:

Option #1: Conduct the first and only public hearing and approve the proposed Resolution adopting the Fire Rescue Services Non-Ad Valorem Assessment Roll (Attachment #1) and authorize the certification of the entire Roll to the Tax Collector (Attachment #2).

Report and Discussion

Background:

As required by Florida Statutes, this Public Hearing provides for the adoption of a Fire Rescue Services assessment roll for all properties being assessed for the first time, and certification of the entire assessment roll to the Tax Collector. The Fire Rescue Services Assessment is included on the Truth-In-Millage (TRIM) Property Tax Notice. The fire rescue assessment remains unchanged for next fiscal year.

Leon County contracts with the City of Tallahassee for the provision of fire rescue services to serve the unincorporated area of the County. A contract for services was originally entered in March 1988. That contract was amended several times through 2005. In April 2009 a new Interlocal Agreement for five years was executed. As part of this Agreement a joint rate study was adopted to uniformly charge properties for fire services in both the City and unincorporated areas of the County. The Interlocal Agreement contemplates five-year rate studies to ensure that fire rescue services are properly funded. The last rate study was adopted in 2015 which is the basis for the rates currently being assessed.

As presented at the May 2021 budget workshop, for the current fiscal year (FY 2022), the City, working closely with County Office of Management & Budget (OMB), completed a detailed review and analysis of the fire department budget. Over the past six years, the cost of services increased primarily associated with personnel, the replacement of firefighting equipment, and the construction of a fire station. Based on this review, the County's annual recurring costs increased approximately 15% over the six-year period or approximately \$1.4 million in FY 2022, and another \$1.6 million for FY 2023.

Pursuant to the existing Interlocal Agreement, a complete fire study would normally be conducted to formalize the fee increases. However, since the County approved the multiyear fiscal plan and intended to utilize the debt service savings to pay for any increases, a fire study was not needed at that time. Therefore, for next fiscal year (FY 2023), the recommended budget includes redirecting the debt service savings in support of the \$1.6 million increase in the fire services payment to the City. The City has previously approved increasing the fire services fee for City residents to pay for their share of the increased costs.

At the June 13, 2021 meeting, to formalize this payment to the City, as well as conducting an updated joint rate study in FY 2023, the Board approved an amendment to the fire services agreement. The new rate study is underway and will be presented to the Board for consideration early in the FY 2024 budget development process.

Analysis:

Under Section 197.3632(9), Florida Statutes, special assessments may be placed on the annual property tax bill as a non-ad valorem assessment irrespective of whether the assessment has previously been collected by another method. The County uses the uniform method for collecting

stormwater and solid waste non-ad valorem assessments, as well as to collect assessments related to 2/3 paving and sewer projects.

The County collects the Fire Rescue Services assessment in three ways: City Utility invoice, quarterly direct bill by the City, and the property tax bill. For FY 2023, an additional 537 property owners will have the assessment removed from the quarterly payment system and added to their property tax bill. Of the 20,514, property owners initially on the quarterly billing method, 14,319, or 70%, have now moved to the property tax bill. These property owners either preferred to pay the assessment on their property tax bill or failed to remain current with the quarterly bills.

The total estimated collection for the unincorporated area for the FY 2023 Fire Assessment is \$9,091,294; this includes \$5,906,686 collected by the City through utility bills and properties remaining on quarterly billing, and \$3,184,608 as an assessment on property tax bills.

The proposed assessment roll is available for public inspection at the County Administration offices located on the fifth floor of the County Courthouse. A link to the County's website has also been created at <https://leoncountyfl.gov/specialassessment>, which provides additional access to persons interested in reviewing the proposed assessment roll. The proposed assessment roll has not been attached to this item due to the voluminous nature thereof. The assessment roll contains the name of the owner, the parcel identification number, the parcel address, and the amount of the assessment. Written comments and objections filed by affected property owners, if any, have been compiled and likewise have been made available for public inspection on the County's website and available for public inspection in the County Administration Office.

The proposed Resolution adopting the Fire Rescue Services Non-Ad Valorem Assessment Roll for all properties subject to the assessment for the first time (Attachment #1), and the Certificate to the Assessment Roll to the Tax Collector (Attachment #2), are included for the Board's consideration.

In accordance with the requirements of Section 197.3632(4)(b), Florida Statutes, the public hearing notice was published in the Tallahassee Democrat (Attachment #3) regarding to the Non-ad Valorem Assessment for Fire Rescue Services, and a first-class mail notice was sent to the 537 property owners subject to the non-ad valorem assessment for fire rescue services for the first time, and/or who have failed to pay the assessment under the billing services provided by the City of Tallahassee.

Not adopting the Non-ad Valorem Assessment Roll for Fire Rescue Services will create a budget impact in the amount of \$9,091,294 for FY 2023.

Options:

1. Conduct the first and only public hearing and approve the proposed Resolution adopting the Fire Rescue Services Non-Ad Valorem Assessment Roll (Attachment #1) and authorize the certification of the entire Roll to the Tax Collector (Attachment #2).
2. Conduct the first and only public hearing and do not approve the proposed Resolution adopting the Fire Rescue Services Non-Ad Valorem Assessment Roll.
(This action would require changes to the FY 2023 proposed budget.)
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Proposed Resolution adopting the Fire Rescue Services Non-Ad Valorem Assessment Roll
2. Certificate of entire Fire Rescue Services Non-Ad Valorem Assessment Roll to Tax Collector
3. Notice of Public Hearing

LEON COUNTY RESOLUTION NO. R2022-

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA, ADOPTING A FIRE RESCUE SERVICES
NON-AD VALOREM ASSESSMENT ROLL; PROVIDING FOR
CERTIFICATION OF THE ROLL TO THE TAX COLLECTOR; AND
PROVIDING FOR AN EFFECTIVE DATE.**

RECITALS

WHEREAS, on February 26, 2009, Leon County and the City of Tallahassee entered into an Interlocal Agreement for the provision of fire suppression, fire prevention and emergency medical services county-wide commencing October 1, 2009; and

WHEREAS, the Interlocal Agreement by and between Leon County and the City of Tallahassee provides for the funding and payment of *Fire Rescue Services* by means of the levy and collection of special assessments upon benefited property; and

WHEREAS, on March 19, 2009, the Board of County Commissioners enacted an ordinance amending Chapter 7, Leon County Code of Laws, relating to the provision and funding of *Fire Rescue Services*; and

WHEREAS, on May 26, 2015, the Board of County Commissioners adopted a *Fire Rescue Assessment Rate Resolution* levying and imposing upon each improved parcel of nongovernmental property located within the unincorporated area of the County an assessment in an amount found to be reasonably related to the cost of providing *Fire Rescue Services* to such property and thereby providing an equitably corresponding special benefit to such property; and

WHEREAS, in accordance with section 197.3632(4)(a)1, Florida Statutes, the Board of County Commissioners desires to adopt a fire rescue services non-ad valorem assessment roll for those properties subject to levy of the non-ad valorem assessment for the first time; and

WHEREAS, pursuant to section 197.3632, Florida Statutes, the Board of County Commissioners has reviewed the fire rescue services non-ad valorem assessment roll for conformity with the *Fire Rescue Assessment Rate Resolution*; and

WHEREAS, the Board wishes to approve and adopt a fire rescue services non-ad valorem assessment roll and to certify the roll for collection to the Tax Collector; and

WHEREAS, Leon County has provided notice of a public hearing at least twenty days prior to same by first class United States mail and by publication in the *Tallahassee Democrat* advising that a public hearing would take place.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

1 **Section 1. Recitals.**

2
3 The Recitals to this Resolution are incorporated herein and made a part hereon as if fully set
4 forth below.

5
6 **Section 2. Definitions.**

7
8 For purposes of this Resolution, the definitions contained in section 7-39, Leon County Code
9 of Laws, are incorporated herein by reference.

10
11 **Section 3. Adoption of Non-Ad Valorem Assessment Roll.**

12
13 Pursuant to section 197.3632, Florida Statutes, Leon County hereby approves and adopts a fire
14 rescue services non-ad valorem assessment roll, which is attached hereto as Exhibit 2 and incorporated
15 herein as if fully set forth below.

16
17 **Section 4. Unit of Measurement for Non-Ad Valorem Assessment.**

18
19 The unit of measurement for the fire rescue services non-ad valorem assessment is as set forth
20 in the *Fire Rescue Assessment Rate Resolution*, R15-20, which is attached hereto as Exhibit 1, and
21 incorporated herein as if fully set forth below. The amount of the fire rescue services assessment for
22 each subject parcel of property is as further set forth in Exhibit 2, also attached hereto and incorporated
23 herein as if fully set forth below. The *Fire Rescue Assessment* shall be and is hereby imposed annually
24 commencing October 1, 2015, and continuing each year thereafter until such time as changed or
25 discontinued by the Board.

26
27 **Section 5. Certification of Non-Ad Valorem Assessment Roll to Tax Collector.**

28
29 The fire rescue services non-ad valorem assessment roll is hereby certified to the Tax Collector
30 for collection in accordance with Florida law. The Chairman of the Board of County Commissioners
31 is authorized to include each parcel described at Exhibit 2 herein on the non-ad valorem assessment
32 roll certified to the Tax Collector for all properties subject to the fire rescue services non-ad valorem
33 assessment.

34
35 **Section 6. Effective Date.**

36
37 This resolution shall have effect upon adoption.

38
39
40 [Remainder of page intentionally left blank]
41

1 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,
2 Florida, this 12th day of July, 2022.

3
4 LEON COUNTY, FLORIDA
5

6
7 By: _____
8 Bill Proctor, Chair
9 Board of County Commissioners
10

11 ATTESTED BY:
12 Gwendolyn Marshall Knight, Clerk of Court
13 & Comptroller, Leon County, Florida
14

15
16 By: _____
17

18 APPROVED AS TO FORM:
19 Chasity H. O'Steen, County Attorney
20 Leon County Attorney's Office
21

22
23 By: _____
24

RESOLUTION NO. 15-20

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS RELATING TO THE PROVISION AND FUNDING OF FIRE RESCUE SERVICES; PROVIDING FOR RECITALS; PROVIDING FOR AUTHORITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR A RESOLUTION; PROVIDING FOR PROVISION OF FIRE RESCUE SERVICES; PROVIDING FOR GENERAL LEGISLATIVE DETERMINATIONS; PROVIDING FOR FIRE RESCUE CHARGE; PROVIDING FOR EXEMPT PROPERTY; PROVIDING FOR LIEN; PROVIDING FOR COLLECTION OF FIRE RESCUE CHARGE; PROVIDING FOR FINAL ADJUDICATION AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the County desires to continue to provide fire rescue services, facilities and programs, hereafter “*fire rescue services*,” in the most efficient manner possible in order to promote the health, safety and general welfare of its citizens; and

WHEREAS, the County desires to maintain a uniform financial mechanism for the funding of such *fire rescue services* to its citizens on an equitable basis; and

WHEREAS, the City of Tallahassee and the County have entered into an Interlocal Agreement to administer the provision of and funding for *fire rescue services*; and

WHEREAS, the Interlocal Agreement by and between the City of Tallahassee and the County provides for the funding and payment for *fire rescue services* by means of the levy, imposition and collection of special assessments upon benefited *nongovernment property* and the imposition of fire rescue fees on *government property*; and

WHEREAS, on March 19, 2009, the Board of County Commissioners enacted an ordinance amending Chapter 7, Leon County Code of Laws, relating to the provision and funding of *fire rescue services*; and

WHEREAS, the Board of County Commissioners desires to adopt a *fire rescue assessment rate resolution* and *fire rescue fee rate resolution* pursuant to Chapter 7, Leon County Code of Laws.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

Section 1. Recitals. The Recitals set forth above are deemed incorporated herein as if fully set forth below.

Section 2. Authority. This Resolution is adopted pursuant to the authority granted the County under Article VIII, Section 1, Florida Constitution, Chapter 125, Florida Statutes, the Leon County Charter, Chapter 7 of the Leon County Code of Laws, and other applicable provisions of law.

Section 3. Definitions. For purposes of this Resolution, the definitions contained in Section 7-39, Leon County Code of Laws, are incorporated herein by reference as if fully set forth below. In addition, as used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"*Building area*" means the actual area of a *building* expressed in square feet and reflected on the *tax roll* or, in the event such information is not reflected or is determined not to be accurately reflected on the *tax roll*, that area determined by the County.

"*Code descriptions*" mean the descriptions listed in the *fixed property use codes* and the descriptions listed in the *improvement codes*.

"*Core stations*" are those fire stations located within five road miles of at least two other stations.

"*Commercial property*" means those *tax parcels* with a *code description* designated as "*commercial*" in the *improvement codes*, including those *tax parcels* that meet the definition of *recreational vehicle park* herein.

"*Cost apportionment*" means the apportionment of the *fire rescue cost* among all *property use categories* according to the *demand percentages* established pursuant to the apportionment methodology described in Sections 7.A.3 and 7.B.2 of this Resolution.

"*Cost Factor*" means the factor that represents the varying cost in providing *fire rescue services* to the different *service zones*, as calculated in accordance with Section 7.B of this Resolution.

"*Demand percentage*" means the percentage of demand for *fire rescue services* attributable to each *property use category* determined by analyzing the historical demand for *fire rescue services* as reflected in *incident reports* in the *state database* under the methodology described in Sections 7.A.3 and 7.B.2 of this Resolution.

"*DOR code*" means a property use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to *tax parcels*.

"*Dwelling unit*" means (1) a *building*, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only, or (2) the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes or the like for residential purposes.

"*EMS services*" means those services recorded in *FFIRS* that assign a "type of situation found code" of 3, 300, 311, 320, 321, 321B, 322, 323, 381, 551E, 554, and 661.

"*EMS Cost*" means the amount, other than first response medical rescue services, determined by the County to be associated with *EMS services*.

"*FFIRS*" means the Florida Fire Incident Reporting System maintained by the Florida State Fire Marshal.

"*Fire rescue cost*" means the *fire rescue cost* as defined in Chapter 7 of the Leon County Code of Laws, but specifically excluding any *EMS Cost*.

"*Fire rescue services*" means fire rescue services, facilities and programs.

"*Fire rescue fee*" means a fee for *fire rescue services* provided to each improved parcel of *governmental property* located within the unincorporated area of the County.

"*Fire services property use category*" means the use codes developed for the purpose of assigning a *fire rescue charge* for collection on a *utility bill*.

"*Fixed property use codes*" mean the property use codes used by *FFIRS* as specified in the attached Exhibit A, Appendix B.

"*Improvement codes*" mean the building use codes assigned by the Property Appraiser to *tax parcels* as specified in the attached Exhibit A, Appendix C.

"*Incident report*" means an individual report filed with the Florida State Fire Marshal under *FFIRS* that is not associated with *EMS services*.

"*Industrial/warehouse property*" means those *tax parcels* with a *code description* designated as "*industrial/warehouse*" in the *improvement codes*.

"*Mixed use property*" means a *tax parcel* that contains *buildings* whose use descriptions are capable of assignment under a *code description* in the *improvement codes* in more than one *property use category*.

"*Non-residential property*" means, collectively, *commercial property* and *industrial/warehouse property*.

"*Parcel apportionment*" means the further apportionment of the *fire rescue cost* allocated to each *property use category* by the *cost apportionment* among the *tax parcels* under the methodology established in Sections 7.A.3 and 7.B.2 of this Resolution.

"*Property use categories*" means, collectively, *residential property* and all categories of *non-residential property*.

"*Recreational vehicle park*" means (1) a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and (2) licensed by the Department of Health of the State of Florida, or its successor in function as a "recreational vehicle park" or "lodging park" under Chapter 513, Florida Statutes, as may be amended from time-to-time.

"*Residential property*" means those *tax parcels* designated as "Residential" in the *improvement codes*.

"*Service zones*" mean the geographic areas defined to differentiate between the two levels of *fire rescue services* provided within the County based upon proximity to *core stations*.

"*State database*" means the incident data derived from the *FFIRS incident reports* maintained by the Florida State Fire Marshal.

"*Tax parcel*" means a parcel of property located within the unincorporated area of the County to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

Section 4. Resolution. This Resolution shall constitute the *fire rescue assessment rate resolution* and the *fire rescue fee rate resolution* as described in Sections 7-42 and 7-43, Leon County Code of Laws.

Section 5. Provision of Fire Rescue Services. The County shall continue to provide *fire rescue services* for the benefit of all parcels of *assessed property* located within the unincorporated areas of the County commencing October 1, 2015. All or a portion of the cost to provide such *fire rescue services* shall be funded from proceeds of the *fire rescue charge*. The remaining cost, if any, required to provide *fire rescue services* shall be funded by available County revenues other than such proceeds.

Section 6. General Legislative Determinations. It is hereby ascertained and declared that the *fire rescue services* provide a special benefit to the *assessed property* based upon the following legislative determinations and based upon that certain report entitled “City of Tallahassee and Leon County, Florida, Fire Assessment Memorandum” dated April 14, 2015, prepared by Government Services Group, Inc., which is hereby specifically approved and adopted as Exhibit A, same being attached hereto and incorporated herein as if fully set forth below. Upon the adoption of this Resolution, the legislative determinations ascertained and declared in Sections 7-42 and 7-43, Leon County Code of Laws are hereby ratified and confirmed.

A. It is hereby ascertained, determined, and declared that each parcel of property subject to a *fire rescue charge* located within the unincorporated area of the County, and the owners and occupants of said parcel, will be benefited by the County’s provision of *fire rescue services*, in an amount not less than the *fire rescue charge* imposed against such parcel and that such *fire rescue charge*, as computed in a manner as set forth in this Resolution, constitutes a fair and reasonable charge for the provision of *fire rescue services*.

B. The availability and provision of comprehensive *fire rescue services* enhance and strengthen the relationship of such services to the use and enjoyment of the parcels of property,

the market perception of the area and, ultimately, the property and rental values within the assessable area.

C. The Board does hereby find that the various legislative findings and determinations contained herein are found to have existed as of the original imposition of the *fire rescue charge* in 2009 and relate back thereto. Therefore, such findings shall be deemed to have been incorporated in the provisions of Chapter 7, Leon County Code of Laws, adopted March 13, 2009, and Resolution No. 09-16, adopted June 9, 2009, as if they had been set forth fully therein and continued thereafter.

Section 7. Fire Rescue Charges.

A. Fire Rescue Fee.

1. Imposition; Legislative Determinations.

- a. A *fire rescue fee* is hereby imposed upon each improved parcel of *government property* located within the unincorporated area of the County, and which is hereby ascertained, determined, and declared to be reasonably and fairly related to the cost of providing *fire rescue services* to such *government property* and as such the *fire rescue fee* constitutes a fair, reasonable, just, and equitable manner for apportioning and allocating the *fire rescue cost for government property*. The *fire rescue fee* imposed hereby is not a special assessment; it is a fee for services available and rendered to *government property*.
- b. Upon the adoption of this Resolution determining the *fire rescue fee* and identifying the *government property* to be billed a *fire rescue fee*, the legislative determinations ascertained and declared in Section 7-42, Leon County Code of Laws, are hereby ratified and confirmed.

- c. It is fair and reasonable to use the *fire services property use category* to assign property use for a *fire rescue fee* because the use codes are most compatible with the system of billing on the City of Tallahassee *utility bill*.
- d. It is fair and reasonable to use the *fire rescue costs* for the development of the *fire rescue fee* and apply the *fire rescue fee* for future fiscal years at the rates established in this Resolution because it is hereby determined that the actual annual cost of providing *fire rescue services*, over the five-year period will be as great as or greater than the *fire rescue fee* established herein.
- e. It is fair and reasonable and consistent with the decision of the Florida Supreme Court in the case of City of North Lauderdale v. SMM Properties, Inc., 825 So.2d 343 (Fla. 2002), to exclude from the *fire rescue costs*, amounts determined to constitute the cost of providing emergency medical services.
- f. Apportioning *fire rescue costs for government property* among classifications of improved *government property* based upon historical demand for *fire rescue services*, but not emergency medical services, is a fair and reasonable method of *cost apportionment* because it reflects the property uses' potential fire risk based upon *building* use and is a reasonable proxy for the amount of fire flow, fire fighters, quantity and size of apparatus, and other special firefighting equipment that must be available in accordance with the County's required standards and practices.
- g. The greater the *building area*, the greater the potential for a large fire and the greater amount of firefighting resources that must be available in the event of

a fire in a structure of that *building's* size. Therefore, it is fair and reasonable to use *building area* as a proxy for determining the *fire rescue fees*.

- h. It is fair and reasonable to not charge a *fire rescue fee* to *government property* that is vacant as evidenced by the cessation of *utility* services. The costs of administering and collecting *fire rescue fees* from such vacant property exceed the anticipated *fire rescue fees* that could be collected from such property.
- i. The *incident reports* are the most reliable data available to determine the potential demand for *fire rescue services* from *government property* use and to determine the benefit to property use resulting from the availability of *fire rescue services* to protect and serve *buildings* located within *government property* and their intended occupants. There exists sufficient *incident reports* documenting the historical demand for *fire rescue services* from *government property*. The *demand percentage* determined for each classification of *government property* by an examination of such *incident reports* is consistent with the experience of the County. Therefore, the use of *demand percentages* determined by an examination of *incident reports* is a fair and reasonable method to apportion the *fire rescue costs* among each classification of *government property*.
- j. The suppression of fire on vacant property primarily benefits the *buildings* within the adjacent improved property by the containment of the spread of fire rather than the preservation of the vacant property. Therefore, it is fair and reasonable not to apportion any of the costs attributed to providing *fire rescue services* to vacant property and the *incident reports* omitted from the *demand percentage* calculation.

- k. The budget is sized based upon its ability to provide *fire rescue services* to *assessed property* within the unincorporated area. Therefore, the level of services required to meet anticipated demand for *fire rescue services* and the corresponding fire services budget required to fund *fire rescue services* provided to non-specific property uses would be required notwithstanding the occurrence of any incidents from such non-specific uses. Therefore, it is fair and reasonable to omit from the *demand percentage* calculation, the *incident reports* documenting *fire rescue services* provided to non-specific property uses and vacant property.
2. Methodology for Determining Fire Rescue Fees. The *fire rescue fees* shall be calculated as follows:
 - a. The number of *incident reports* filed within a sampling period was determined for *government property* and all *property use categories* of *nongovernment property*. The percentages of total *incident reports* allocated to *government property* as compared to total *incident reports* allocated to *nongovernment property* were used to calculate the *fire rescue cost* for *assessed property* and the *fire rescue cost* for *government property*.
 - b. The *fire rescue cost* for *government property* was then apportioned among the *tax parcels* of *government property* as follows:
 1. Add the *building area* of all the *buildings* of *government property* to arrive at the aggregate square footage for *government property*. Any *buildings* that exceed 100,000 square feet of *building area* shall only be included at 100,000 square feet.

2. Divide the *fire rescue cost for government property* by the product of subsection 1. above to arrive at a rate per square foot of *building area* to be charged to *government property*.

3. For each *building* of *government property*, multiply the applicable square foot rate determined in subsection 2. above by the number of square feet for that *building* and then sum the amounts for all *buildings* on that *tax parcel*.

3. Amount of Fire Rescue Fee.

The *fire rescue cost for government property* is further determined to be a reasonable estimation of a five-year average annual cost of providing *fire rescue services* to *government property*. The amount of the *fire rescue fee* imposed upon *government property for fire rescue services* is specifically based upon the Rate Study, Exhibit A, established pursuant to and in accordance with Section 7-42, Leon County Code of Laws, and shall be as set forth in Exhibit B, Rate Schedule, same being attached hereto and incorporated herein as if fully set forth below, commencing October 1, 2015, annually, until otherwise determined by the Board.

B. Fire Rescue Assessment.

1. Imposition; Legislative Determinations; Cost Apportionment Methodology; Parcel Apportionment Methodology; Amount.

A *fire rescue assessment* is hereby levied and imposed upon each improved parcel of *nongovernment property* located within the unincorporated area of the County, and which is hereby ascertained, determined, and declared to be reasonably related to the cost of providing *fire rescue services* and thereby provides an equitably corresponding special benefit to *nongovernment property*. The *fire*

rescue assessment is hereby ascertained, determined and declared to be based upon a reasonable estimation of the five-year average annual cost of providing *fire rescue services* to such *nongovernment property*. It is further ascertained, determined and declared that the *fire rescue assessment* imposed hereby provides a special benefit to and is equitably apportioned among the *assessed property* based upon the special benefit assumptions and apportionment methodology set forth in the Rate Study, Exhibit A, and as further set forth below:

- a. It is further hereby ascertained and declared that the *fire rescue services* provide a special benefit to *nongovernment property*, that is improved by the existence or construction of a *building*, based upon the following legislative determinations:
 1. *Fire rescue services* enhance the use and enjoyment of improved property, which constitutes a special benefit to *owners*, commercial tenants, residential tenants, and occupants by the following:
 - a) Protecting the value of the improvements, structures, and contents through the provision of available *fire rescue services*;
 - b) Protecting the life and safety of occupants, residential tenants and commercial tenants, in the use and enjoyment of the improvements and structures within improved parcels; and
 - c) Lowering the cost of fire insurance, including renter's insurance and property coverage for the repair and replacement of contents of improvements and structures within the improved parcels, by the presence of a professional and comprehensive fire services program within the unincorporated area of the County.

2. The *fire rescue services* enhance the use and enjoyment of commercial tenants by protecting the continued commercial operations within improved parcels of property within the unincorporated area of the County.
 3. The *fire rescue services* enhance the value of business and commercial interests, which accrues to *owners* and lessees, by protecting the continued commercial operations within improved parcels of property within the unincorporated area of the County.
 4. The legislative determinations of special benefit ascertained arising from the *fire rescue services*, as set out and declared in Section 7-43, Leon County Code of Laws, are incorporated herein by reference and further ratified and confirmed.
- b. It is fair and reasonable to create *service zones* to reflect the level of service differentiation between a property located in a higher density area that receives fire protection coverage from multiple *core stations* and a property located in an area generally described as rural and typically serviced by a single fire station.
 - c. It is fair and reasonable to use the *improvement codes* and the *DOR codes* for the *cost apportionment* and the *parcel apportionment* because: (1) the *tax roll* database employing the use of such property use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and *building area* for improved property within the County, (2) the *tax roll* database within such property use codes is maintained by the Property Appraiser and is thus consistent with parcel designations on

- the *tax roll*, and (3) the parcel descriptions on the *tax roll* are not incompatible with the property use descriptions on the City of Tallahassee's *utility* customer database which has been developed and maintained by the City of Tallahassee and which will be used in many instances to bill the *fire rescue assessments*.
- d. The data available in the *improvement codes* is more useful and accurate to determine *building area* than the data maintained in the *DOR codes* because (1) the data maintained in the *improvement codes* reveals the existence of a *building* with a different use than the use described in the *DOR codes*, (2) the *improvement codes* represent records maintained by the Property Appraiser with the most information relative to *building area* regardless of property use, and (3) the City of Tallahassee *utility* customer database does not contain *building area* data.
- e. It is fair and reasonable and consistent with the decision of the Florida Supreme Court in the case of City of North Lauderdale v. SMM Properties, Inc., 825 So. 2d 343 (Fla. 2002), to exclude from the *fire rescue costs*, amounts determined to constitute the cost of providing *EMS services*.
- f. Apportioning the *fire rescue cost for assessed property* among classifications of improved property based upon historical demand for *fire rescue services*, but not *EMS services*, is fair and reasonable method of *cost apportionment* because it reflects the property uses' potential fire risk based upon *building* use and is a reasonable proxy for the amount of fire flow, fire fighters, quantity and size of apparatus, and other special fire fighting equipment that must be available in accordance with the County's required standards and practices..

- g. The cost of responding to fire incidents varies among the *service zones*. Therefore, it is fair and reasonable to use a *cost factor* in calculating the *demand percentages* because it reflects the varying costs that are associated with the responses and services to different *property use categories* based upon average call duration, which accounts for the time that personnel and equipment were out of service.
- h. It is fair and reasonable to use the *fire rescue costs for assessed property* for the development of the *fire rescue assessment* and apply the *fire rescue assessment* for future fiscal years at the rates established in this Resolution because it is hereby determined that the actual annual cost of providing *fire rescue services* over the five-year period will be as great as or greater than the *fire rescue assessment* established herein.
- i. The *incident reports* are the most reliable data available to determine the potential demand for *fire rescue services* from property use and to determine the benefit to property use resulting from the availability of *fire rescue services* to protect and serve *buildings* located within the *assessed property* and their intended occupants. There exists sufficient *incident reports* documenting the historical demand for *fire rescue services* from *assessed property* within the *property use categories*. The *demand percentage* determined for each *property use category* by an examination of such *incident reports* is consistent with the experience of the City of Tallahassee Fire Department. Therefore, the use of *demand percentages* determined by an examination of *incident reports* is a fair and reasonable method to apportion the *fire rescue costs* among the *property use categories*.

- j. The suppression of fire on vacant property primarily benefits the buildings within the adjacent improved property by the containment of the spread of fire rather than the preservation of the vacant property. Therefore, it is fair and reasonable not to apportion any of the costs attributed to providing *fire rescue services* to vacant property and the *incident reports* documenting historical *fire rescue costs* provided to vacant property were thus omitted from the *demand percentage* calculation.
- k. The budget for *fire rescue services* is sized based upon its ability to provide service to *assessed property* within the unincorporated area. Therefore the level of services required to meet anticipated demand for *fire rescue services* and the corresponding budget required to fund *fire rescue services* provided to nonspecific property uses would be required notwithstanding the occurrence of any incidents from such nonspecific uses. Therefore, it is fair and reasonable to omit from the *demand percentage* calculation the *incident reports* documenting *fire rescue services* provided to nonspecific property uses and vacant property.
- l. It is fair and reasonable to not charge a *fire rescue assessment* to *nongovernment property* that is vacant as evidenced by the cessation of *utility services*. The costs of administering and collecting *fire rescue assessments* from such vacant property exceed the anticipated *fire rescue assessments* that could be collected from such property.
- m. The size or the value of the *residential property* does not determine the scope of the required *fire rescue services* response. The potential demand for *fire*

rescue services is driven by the existence of a *dwelling unit* and the anticipated average occupant population.

- n. Apportioning the *fire rescue costs* to *residential property* on a per *dwelling unit* basis is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method of *parcel apportionment* based upon historical call data.
- o. The demand for *fire rescue service* availability is substantially the same for all *residential property*; therefore, it is fair and reasonable to use the combined *demand percentages* attributable to all types of *residential property*, both *single family property* and *multi-family property*, to determine *fire rescue assessments* for *residential property*.
- p. The risk of loss and the demand for *fire rescue services* availability is substantially the same for *buildings* below a certain minimum size. Because the value and anticipated occupancy of non-residential *buildings* below a certain minimum size is less, it is fair, reasonable and equitable to provide a lesser assessment burden on improved property containing such *buildings* by the creation of specific *building area* classification ranges for such parcels.
- q. The assessment of *nonresidential property* by square footage classification ranges is fair and reasonable for the purpose of *parcel apportionment* because the demand for fire rescue service, fire flow, fire fighters, quantity and size of apparatus, and other special firefighting equipment is determined and measured by the square footage of structures and improvements within benefited parcels.

- r. The greater the *building area*, the greater the potential for a large fire and the greater amount of firefighting resources that must be available in the event of a fire in a structure of that *building's* size. Therefore, it is fair and reasonable to use *building area* as a proxy for determining the *tax parcel's fire rescue assessment*.
- s. The separation of improved *non-residential property* into *building area* classification ranges is fair and reasonable for the purposes of *parcel apportionment* because: (1) the absence of a need for precise square footage data within the ad valorem tax records maintained by the Property Appraiser undermines the use of actual *building area* within each improved parcel as a basis for *parcel apportionment*; (2) the administrative expense and complexity created by an on-site inspection to determine the actual *building area* within each improved parcel assessed is impractical; (3) the demand for *fire rescue services* availability is not precisely determined or measured by the actual *building area* within benefited parcels; and (4) the classification of parcels within *building area* classification ranges is a fair and reasonable method to classify benefited parcels and to apportion costs among benefited parcels that create similar demand for the availability of *fire rescue services*.
- t. The demand for the availability of *fire rescue services* diminishes at the outer limit of *building* size since a fire occurring in a structure greater than a certain size is not capable of being suppressed under expected conditions and the fire control activities under such circumstances are directed to avoid the spread of the fire event to adjacent *buildings*. Therefore, it is fair and reasonable to

place a cap on the *building area* classification of benefited parcels within *non-residential property*.

- u. In accordance with Section 125.0168, Florida Statutes, which mandates that counties treat recreational vehicle park property as *commercial property* for non-ad valorem special assessments levied by a county, like the *fire rescue assessment*, it is fair and reasonable to treat each space within recreational vehicle park property as a *building on commercial property* and to assign the square footage of 191 square feet, the average size of a recreational vehicle, according to the Florida Association of RV Parks and Campgrounds.

2. Cost Apportionment Methodology for Fire Rescue Assessment.

- a. The number of *incident reports* filed within a sampling period was determined for *government property* and all *property use categories* of *nongovernment property*. The percentages of total *incident reports* allocated to *government property* as compared to total *incident reports* allocated to *nongovernment property* were used to calculate the *fire rescue cost for assessed property* and the *fire rescue cost for government property*.
- b. Next, to correlate the *nongovernment tax parcels* to the *service zones*, the *incident reports* filed within a sampling period were geo-coded on the GIS system map based upon the address provided in the *FFIRS* database.
- c. Based upon such correlation by *service zone*, the number of *incident reports* filed within a sampling period were determined for each *service zone*.
- d. A *cost factor* was then developed and applied to the *incident reports* within each *service zone* based upon the difference in average call duration between

the *service zones* with Zone 1 being assigned a 1.00 weighting *cost factor* and Zone 2 being assigned a 1.26 weighting *cost factor*.

- e. A *demand percentage* was then determined for each *service zone* by calculating the percentage that *incident reports* allocated to each *service zone* bears to the total number of *incident reports* documented for both *service zones* during the sampling period. The *demand percentage* for each *service zone* was then applied to the *fire rescue cost for assessed property* and the resulting product is the cost allocation of that portion of the *fire rescue costs* allocated to each *service zone*.
- f. Using the weighted *incident reports*, fire rescue incidents were assigned within the County to the *property use categories* by correlating the *code descriptions* within the *fixed property use codes* to the *improvement codes* and *DOR codes*.
- g. To correlate the *property use categories* with the *state database*, the *code descriptions* within the *fixed property use codes* similar to *code descriptions* within the *improvement codes* that were used to determine the *property use categories* were identified. Exhibit A, Appendix C contains a designation of *code descriptions* by *property use category* with the *improvement codes*, and Exhibit A, Appendix B contains a designation of *code descriptions* by *property use category* with the *fixed property use codes*. Such correlation between *code descriptions* by *property use category* between the *fixed property use codes* and the *improvement codes* is necessary to allocate the historical demand for *fire rescue services* as reflected by the weighted *incident reports* for *tax parcels* on the *tax roll* within the *property use categories*.

h. Based upon such assignment of weighted *incident reports* to *property use categories*, the number of weighted *incident reports* filed within a sampling period was determined for each *property use category*. A *demand percentage* was then determined for each *property use category* in each *service zone* by calculating the percentage that weighted *incident reports* allocated to each *property use category* bear to the total number of weighted *incident reports* documented for all *property use categories* within the sampling period. The *demand percentage* for each *property use category* within each *service zone* was then applied to the *fire rescue cost for assessed property* for that *service zone*, and the resulting product is the cost allocation of that portion of the *fire rescue cost for assessed property* allocated to each *property use category* within that *service zone*.

3. Parcel Apportionment Methodology.

- a. The apportionment among *tax parcels* of *nongovernment property* of that portion of the *fire rescue cost for assessed property* apportioned to each *property use category* within each *service zone* under the *cost apportionment* is consistent with the *parcel apportionment* methodology described and determined herein.
- b. RESIDENTIAL PROPERTY. For each *service zone*, the *fire rescue assessment* for each *tax parcel* of *residential property* shall be computed by multiplying the *demand percentage* attributable to *residential property* by the *fire rescue cost for assessed property* allocated to the respective *service zone*, dividing such product by the total number of *dwelling units* shown on the *tax*

roll within the *service zone*, and then multiplying such quotient by the number of *dwelling units* located on such *tax parcel*.

- c. NON-RESIDENTIAL PROPERTY. The *fire rescue assessments* for each *building* of *nonresidential property*, except recreational vehicle property, shall be computed as follows for each *service zone*:

1. Respectively, multiply the *fire rescue cost for assessed property* for the applicable *Service zone* by the *demand percentage* attributable to each of the non-residential *property use categories*. The resulting dollar amounts reflect the portions of the *fire rescue services* budget to be respectively funded from *fire rescue assessment* revenue derived from each of the non-residential *property use categories*.

2. Separate each *building* in each of the *nonresidential property use categories* into one of the following square footage categories:

- a) *buildings* with a *building area* of 1,999 square feet or less;
- b) *buildings* with a *building area* between 2,000 square feet and 3,499 square feet;
- c) *buildings* with a *building area* between 3,500 square feet and 4,999 square feet;
- d) *buildings* with a *building area* between 5,000 square feet and 9,999 square feet;
- e) *buildings* with a *building area* between 10,000 square feet and 19,999 square feet;
- f) *buildings* with a *building area* between 20,000 square feet and 29,999 square feet;

- g) *buildings* with a *building area* between 30,000 square feet and 39,999 square feet;
 - h) *buildings* with a *building area* between 40,000 square feet and 49,999 square feet; and
 - i) *buildings* with a *building area* between 50,000 square feet and 59,999 square feet; and
 - j) *buildings* with a *building area* between 60,000 square feet and 69,999 square feet; and
 - k) *buildings* with a *building area* between 70,000 square feet and 79,999 square feet; and
 - l) *buildings* with a *building area* between 80,000 square feet and 89,999 square feet; and
 - m) *buildings* with a *building area* between 90,000 square feet and 99,999 square feet; and
 - n) *buildings* with a *building area* of 100,000 square feet or greater.
3. As to each non-residential *property use category* multiply the number of *buildings* categorized in:
- a) Paragraph (2)(a) of this subsection by 1,000 square feet; and
 - b) Paragraph (2)(b) of this subsection by 2,000 square feet; and
 - c) Paragraph (2)(c) of this subsection by 3,500 square feet; and
 - d) Paragraph (2)(d) of this subsection by 5,000 square feet; and
 - e) Paragraph (2)(e) of this subsection by 10,000 square feet; and
 - f) Paragraph (2)(f) of this subsection by 20,000 square feet; and
 - g) Paragraph (2)(g) of this subsection by 30,000 square feet; and

- h) Paragraph (2)(h) of this subsection by 40,000 square feet; and
 - i) Paragraph (2)(i) of this subsection by 50,000 square feet; and
 - j) Paragraph (2)(j) of this subsection by 60,000 square feet; and
 - k) Paragraph (2)(k) of this subsection by 70,000 square feet; and
 - l) Paragraph (2)(l) of this subsection by 80,000 square feet; and
 - m) Paragraph (2)(m) of this subsection by 90,000 square feet; and
 - n) Paragraph (2)(n) of this subsection by 100,000 square feet.
4. For each non-residential *property use category*, add the products of paragraphs (3)(a) through (3)(n) of this subsection. The sum of these products reflects an aggregate square footage area for each non-residential *property use category* to be used in the computation of *fire rescue assessments*.
5. Divide the product of paragraph 1. of this subsection relative to each of the non-residential *property use categories* by the sum of the products for each non-residential *property use category* described in paragraph 4. of this subsection. The resulting quotient expresses a dollar amount adjusted or weighted per square foot of improved area to be used in computing *fire rescue assessments* on each of the respective non-residential *property use categories*.
6. For each of the non-residential *property use categories*, multiply the resulting quotients from paragraph 5. of this subsection by each of the respective products in paragraphs (3)(a) through (3)(n) of this subsection. The resulting products for each non-residential *property use category*, expresses a series of gross dollar amounts expected to be funded by all *buildings* in the respective non-residential *property use categories* in each of the square footage categories described in paragraph 2. of this subsection.

7. For each of the non-residential *property use categories*, divide each of the respective products of paragraph 6. of this subsection by the number of *buildings* determined to be in each of the square footage categories identified in paragraph 2. of this subsection. The result expresses the respective dollar amounts of the *fire rescue assessments* to be imposed upon each *building* in each of the non-residential *property use categories*.

d. RECREATIONAL VEHICLE PARK PROPERTY. Notwithstanding the procedure in subsection c. above for *non-residential property*, the *fire rescue assessments* for each *tax parcel* of *recreational vehicle park* property shall be computed as follows:

1. Aggregate the amount of square footage for each *tax parcel* of *recreational vehicle park*, with recreational vehicle park spaces, as reported to the Department of Health, at 191 square feet each, mobile home spaces, as reported to the Department of Health, at actual *building area* or 720 square feet each if actual square footage is not available, and actual *building area* for all other *buildings*.

2. Assign the respective dollar amount of the *fire rescue assessments* determined in subsection c. above for *commercial property* for the applicable *service zone* to the comparable aggregated square footage category ranges of *recreational vehicle park* property as calculated in paragraph 1. above. Any aggregated square footage that exceeds 100,000 square feet on a *tax parcel* shall be assigned the *commercial* dollar amount for 100,000 square feet. The result expresses the respective dollar amounts of the *fire rescue assessments* to be imposed upon each *recreational vehicle park* property.

- e. **MIXED USE PROPERTY.** The *fire rescue assessments* for each *tax parcel* classified in two or more *property use categories* shall be the sum of the *fire rescue assessments* computed for each *property use category*.

4. Amount of Fire Rescue Assessment.

The amount of the *fire rescue assessment* levied and imposed upon *nongovernment property* shall be as set forth in Exhibit B, Rate Schedule, commencing October 1, 2015, annually, until otherwise determined by the Board.

Section 8. Exempt Property. The *fire rescue assessment* heretofore imposed upon *nongovernment property* shall not be levied nor imposed against property owned or occupied by a “religious institution” as that term is defined in Section 170.201(2), Florida Statutes, to the extent same is used as a place of worship.

Section 9. Lien. The *fire rescue assessments* imposed herein shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

Section 10. Collection of Fire Rescue Charge; Legislative Determinations. The collection of the *fire rescue charge* shall be made pursuant to and in accordance with Section 7-44, Leon County Code of Laws, and is authorized hereby, commencing October 1, 2015. The use of the *utility bills* for the collection of the *fire rescue fee* and *fire rescue assessment* is a method of collection that is reasonably related and directed to those that derive the benefit received by the property from the provision of *fire rescue services*. The benefit to the property is not solely received by the *owner* of the property but also extends to all intended occupants,

including but not limited to, tenants, leaseholders and others occupying the property. There is a rational nexus between the use of the *utility* bill to collect the *fire rescue fees* and *fire rescue assessments* from the property and the intended occupants of the property, including but not limited to, owners, tenants, leaseholders and others occupying property, and the benefit they derive through the enhancement of their use and enjoyment of the property. The use of *utility* bills for collection also provides a convenient mechanism of payment and further relieving any potential economic burden by providing an opportunity to pay smaller fees in twelve (12) increments annually as opposed to one larger lump sum payment being collected annually.

Section 11. Final Adjudication. The adoption of this Resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment, the method of apportionment, the rate of assessment and fee, the and the levy and lien of the *fire rescue charges*), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Resolution.

Section 12. Effective Date. This Resolution shall have effect upon adoption and shall apply to all property located within the unincorporated area of Leon County.

[THE REMAINDER OF THIS PAGE HAS BEEN LEFT BLANK INTENTIONALLY]

[SIGNATURE PAGE FOLLOWS ON NEXT PAGE]

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
County, Florida, this 26th day of May, 2015.

LEON COUNTY, FLORIDA



BY: Mary Ann Lindley
MARY ANN LINDLEY, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

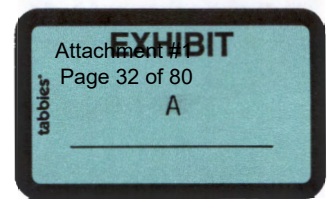
ATTESTED BY:

BOB INZER
CLERK & COMPTROLLER
LEON COUNTY, FLORIDA

BY: John Stott, Deputy Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: Herbert W.A. Thiele
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY



City of Tallahassee and Leon County, Florida

Fire Assessment Memorandum

APRIL 14, 2015

Presented by:
Government Services Group, Inc.
1500 Mahan Drive, Suite 250
Tallahassee, Florida 32308
(850) 681-3717
(850) 224-7206 Fax

Table of Contents

INTRODUCTION.....	1
SERVICE DESCRIPTION AND ASSESSABLE COST CALCULATIONS.....	3
DETERMINATION OF FIRE SERVICES DEMAND.....	13
COMPUTATION OF FIRE SERVICES ASSESSMENTS.....	15
FIRE SERVICES FEES IMPOSED ON GOVERNMENTAL PROPERTY.....	23
ADDITIONAL INFORMATION.....	24

List of Tables

Table 1—Fire Rescue Department Buildings/Facility Inventory	3
Table 2—City of Tallahassee Fire Rescue Department Organizational Chart.....	5
Table 3—Fire Rescue Department Apparatus Normal Staffing Requirements	6
Table 4—Fire Rescue Department Apparatus Fire Flow	6
Table 5—Minimum Response Protocol.....	8
Table 6—Fire Services Assessable Cost Calculations (FY 2015-16)	10
Table 7—Fire Services Assessable Cost Calculations Proforma Five-Year Average (FY 2015-16 thru FY 2019-20).....	12
Table 8—Fire Calls by Category (Calendar Years 2011, 2012 and 2013).....	14
Table 9—Fire Calls to Non-Governmental Properties by Zone (Calendar Years 2011, 2012 and 2013).....	15
Table 10—Weighted Fire Calls to Non-Governmental Properties by Zone (Calendar Years 2011, 2012 and 2013).....	15
Table 11—Weighted Fire Calls by Category to Non-Governmental Properties by Zone (Calendar Years 2011, 2012 and 2013).....	16
Table 12—Cost Apportionment (Five-Year Average).....	17
Table 13—Parcel Apportionment within Property Use Categories	17
Table 14—Parcel Apportionment (Residential Property Use Category)	18
Table 15—Parcel Apportionment (Non-Residential Property Use Category)	20
Table 16—Fire Services Assessment Rates (Five Year Average)	21
Table 17—Estimated Impact of Exemptions (Five-Year Average)	22
Table 18—Government Cost Allocation	23
Table 19—Government Rate Calculation.....	23

Appendices

Appendix A—Situation Found Codes and Descriptions

Appendix B—Fixed Property Use Codes and Descriptions

Appendix C—Leon County Property Appraiser Building Improvement Codes and Use Descriptions with
Assignment of Property Use Category

Appendix D—Department of Revenue (DOR) Codes

Appendix E—Service Zone Map

Introduction

The City of Tallahassee (City) and Leon County (County) entered into a professional services agreement with GSG to provide specialized services in the development and implementation of a non-ad valorem assessment program to fund fire services within the incorporated and unincorporated areas of the County (Fire Assessment Project).

The objective of this Fire Assessment Project is to develop and implement an update to the City's current revenue program capable of efficiently and effectively collecting all assessable and billable costs associated with providing fire services on an annual basis throughout the entire County for Fiscal Year 2015-16 and future fiscal years. The mechanism for collecting the fire fee from governmental properties will remain in effect, however both the City and County will utilize the City's utility bill as the collection method for all non-governmental properties where possible and the City will assist the County in the collection of the fire assessment utilizing the utility bill, separate bills and tax bill. This document is the Fire Assessment Memorandum (Assessment Memorandum), which is one of the project deliverables specified in the scope of services.

The work effort, documented by this Assessment Memorandum, focused on the calculation of assessment rates and classifications required to fully fund the identified assessable costs to provide countywide fire services for Fiscal Year 2015-16 and future fiscal years. However, the City and County have the choice of funding all or only a portion of the assessable costs based on policy direction. In addition, the work effort recorded in this Assessment Memorandum required the identification of the full costs of assessable fire services (net of all fire related revenues) and the allocation of those costs to properties that specially benefit from the provision of such fire services.

BACKGROUND

In 1999, the City adopted a fire services funding program consisting of two components: a Fire Fee and a Fire Assessment. The goal of the Fire Services Funding Project in 1999 was to design an alternative revenue program capable of efficiently and effectively collecting all assessable and billable costs associated with providing fire services on an annual basis. The Fire Fee is the funding mechanism that secures recovery of the cost for providing fire services to governmental property. The Fire Assessment is the funding mechanism for non-government property that could be collected on the City's utility bill. The program was updated to account for changes in call data, property data and service delivery in Fiscal Year 2004-05 and once again in Fiscal Year 2009-10.

OBJECTIVES

The City retained GSG to develop an annual recurring special assessment program that is capable of funding all of the assessable costs associated with providing countywide fire services. The City will utilize the utility bill for collection of the fire assessment and will assist the County in the collection of the fire assessment utilizing the utility bill, separate bills and the tax bill. Data available on the ad valorem tax roll was used to develop the Fiscal Year 2015-16 assessment program. GSG has been

charged to fully cost the services to be provided by the City, develop a fair and reasonable apportionment methodology for such assessable costs and determine assessment rates and parcel classifications that are accurate, fair and reasonable.

The fire non-ad valorem assessments must meet the Florida case law requirements for a valid special assessment. These requirements include the following:

1. The service provided must confer a special benefit to the property being assessed; and
2. The costs assessed must be fairly and reasonably apportioned among the properties that receive the special benefit.

The work effort of this project required the evaluation of data obtained from the City to develop a fire assessment program that focuses upon the projected Fiscal Year 2015-16 assessable cost calculations. The objectives of this initial effort were to:

- Determine the full costs of providing fire services within the County.
- Review such final cost determination with the City to determine which elements provide the requisite special benefit to the assessed properties.
- Determine the relative benefit anticipated to be derived by categories of property use within the County from the delivery of fire services.
- Recommend the fair and reasonable apportionment of assessable costs among benefited parcels within each category of property use.
- Calculate assessment rates and parcel classifications for Fiscal Year 2015-16 and future years based on the projected Fiscal Year 2015-16 budget adjusted for year over year increases.

Service Description and Assessable Cost Calculations

The fire services apportionment methodology allocates assessable costs on the basis of the anticipated demand for fire services by categories of private, real property use as identified on the real property assessment roll prepared for the levy of ad valorem taxes. The assessable fire costs are allocated among private, real property use categories based upon the historical demand for these services. This demand is identified by examining the fire incident data as reported by the City to the State Fire Marshal's office.

The fire services apportionment methodology for government property allocates billable costs to provide fire services based upon the historical demand for these services for all government owned property (i.e. City, County, State, Federal, etc.), as reflected by the incident data reported by the City.

SERVICE DELIVERY DESCRIPTION

Fire Rescue services are provided throughout the County from 16 paid fire rescue stations and 5 volunteer fire rescue stations. One of the volunteer stations is co-located at Station 15. Table 1 identifies fire rescue buildings/facilities inventory, as well as the corresponding physical location address for the facility.

Table 1
Fire Rescue Department Buildings/Facility Inventory

Station	Address
Station #1	327 North Adams Street Tallahassee, FL 32301
Station #2	2805 Sharer Road Tallahassee, FL 32302
Station #3	3005 South Monroe Street Tallahassee, FL 32301
Station #4	2899 West Pensacola Street Tallahassee, FL 32304
Station #5	3238 Capital Circle Southwest Tallahassee, FL 32304
Station #6	2901 Apalachee Parkway Tallahassee, FL 32311
Station #7	2805 Shamrock South Tallahassee, FL 32308
Station #8	2423 Hartsfield Road Tallahassee, FL 32304
Station #9	3205 Thomasville Road Tallahassee, FL 32312

Station	Address
Station #10	5323 Tower Road Tallahassee, FL 32303
Station #11	8752 Centerville Road Tallahassee, FL 32308
Station #12	4701 Chaires Cross Road Tallahassee, FL 32311
Station #13	1555 Oak Ridge Road Tallahassee, FL 32311
Station #14	16614 Blountstown Highway Tallahassee, FL 32310
Station #15	1445 Bannerman Road Tallahassee, FL 32312
Station #16	911 Easterwood Drive Tallahassee, FL 32311
Miccosukee (County-Volunteer)	15210 Mahan Drive Tallahassee, FL 32308
Bradfordville (County-Volunteer) (Co-located at Station #15)	1445 Bannerman Road Tallahassee, FL 32312
Chaires-Capitola (County-Volunteer)	10541 Valentine Road South Tallahassee, FL 32317
Woodville (County-Volunteer)	155 East Oakridge Tallahassee, FL 32305
Lake Talquin (County-Volunteer)	16614 Blountstown Highway Tallahassee, FL 32312

Source: City of Tallahassee

The City of Tallahassee Fire Rescue Department provides standard fire suppression, medical services, hazmat response, technical rescue, airport capabilities, state disaster response, emergency response and disaster preparedness, fire prevention and safety education. Five of the sixteen City stations provide Advanced Life Support (ALS) services in coordination with Leon County EMS.

Dispatch services for fire and EMS services are provided through a joint dispatch operation between the City and the County.

Tables 2 through 5 outline the Fire Rescue Department's current service operations and service components. Table 2 outlines the Fire Rescue Department's organizational structure.

Table 2
City of Tallahassee Fire Rescue Department Organizational Chart

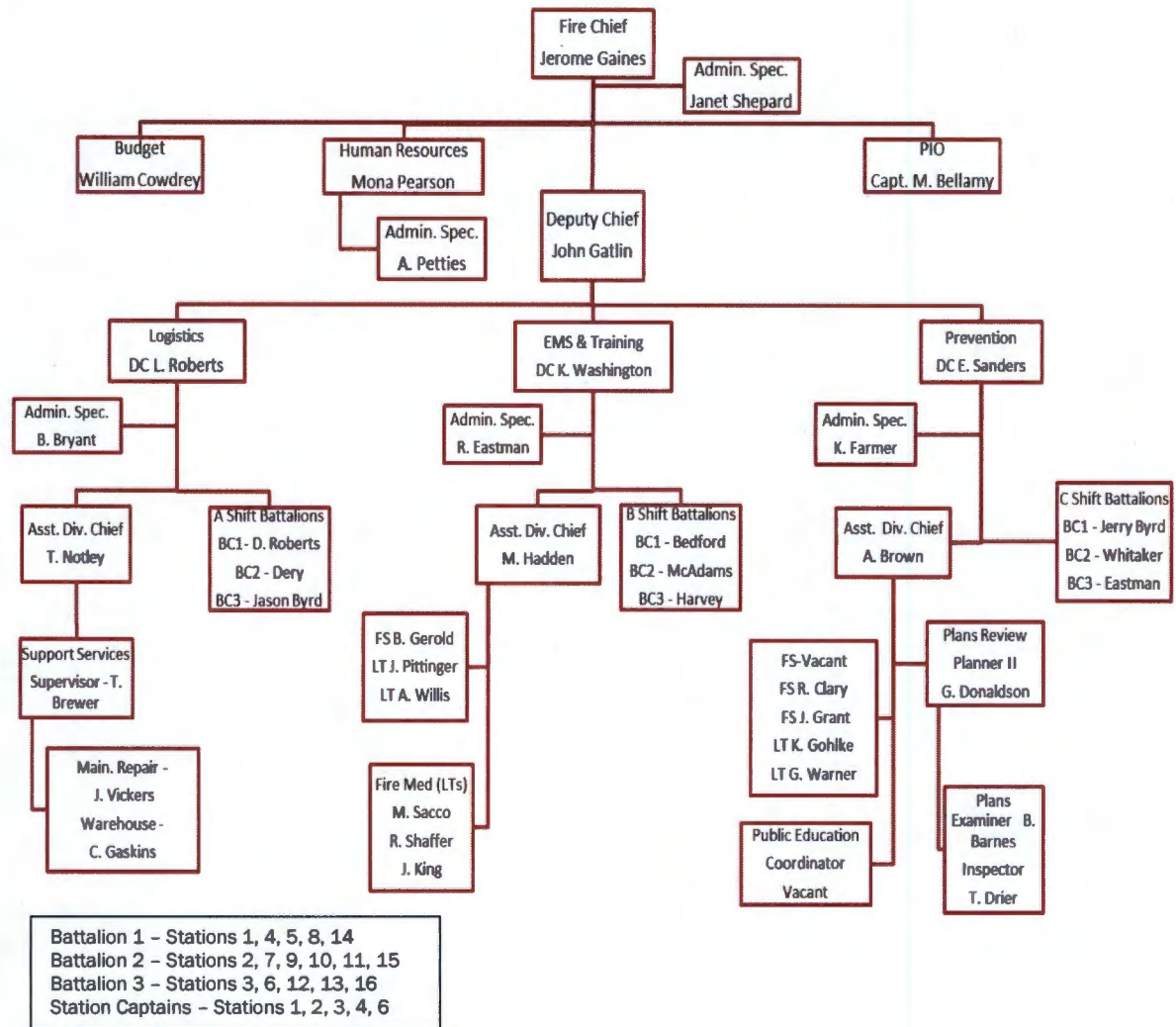


Table 3 describes the normal staffing for each apparatus. This information is used in the development of the Administrative Factor, as further discussed in the “Development of Factors” section of this Assessment Memorandum.

Table 3
Fire Rescue Department Apparatus Normal Staffing Requirements

Apparatus	Typical Staffing
Aerial	3-4 personnel
Pumper	3-4 personnel
Ford Expedition/Battalion Chief	1 personnel
Rescue	2 Personnel
Air Truck	1 Personnel
Brush Truck	1 Personnel
Rescue Boat	2 Personnel
Tanker	1 Personnel
Chevy Suburban/FireMed1	1 Personnel
HazMat Apparatus	3-4 personnel
Squad or Mass Care	3-4 personnel
USAR Apparatus	3-4 personnel

Source: City of Tallahassee

Table 4 lists the location and the fire flow/pumping capacity of the Fire Rescue Department’s apparatus. This information is used to determine the square footage cap for non-residential properties.

Table 4
Fire Rescue Department Apparatus Fire Flow

Location	Apparatus	Fire Flow (GPM)
Station 1	1994 E-One Tanker	1,500
	1996 E-One International Air and Light	N/A
	2014 Pierce Impel Pumper	1,500
	2007 E-One 95' Platform	1,500
	2008 Ford Expedition	N/A
	2003 E-One Typhoon Rescue Pumper	1,500
Station 2	1996 E-One Haz-Mat	N/A
	1998 Pace 16ft. Trailer	N/A
	2008 Ford Expedition	N/A
	2001 E-One Platform	1,500
	2002 Ford F-550 Brush Truck	350
	2005 E-One Typhoon Rearmount Pumper	1,500
Station 3	1994 Rescue-1 Boat	N/A
	2005 Ford-550 HazMat Tow Vehicle	N/A
	1997 E-One Medium Rescue	N/A
	2014 Pierce Impel 75 ft. Aerial	1,500
	2008 Ford Expedition	N/A
	2005 E-One Typhoon Rescue Pumper	1,500

Location	Apparatus	Fire Flow (GPM)
Station 4	2010 Rescue -1 Boat	N/A
	2002 E-One Bronto Aerial Platform	1,500
	1996 E-One International Rescue Squad	500
	1998 16ft. Trailer	N/A
	2002 Ford F-550 Brush Truck	350
	2014 Pierce Impel Pumper	1,500
	2005 International 4X4 Tractor	N/A
	2005 Hackney Trailer	N/A
	2005 E-One International Air Light Truck	N/A
Station 5*	1994 International ARFF	500
	2010 E-One Titan Force ARFF	3,300
	2014 Oshkosh Striker 3000	3,300
Station 6	1994 Rescue-1 Boat	N/A
	1997 95 Ft. E-One Tower	1,500
	2002 Ford F-550 Brush Truck	350
	2005 E-One Typhoon Rearmount Pumper	1,500
Station 7	2005 E-One Typhoon Rearmount Pumper	1,500
Station 8	2005 E-One Typhoon Rearmount Pumper	1,500
Station 9	2005 E-One Typhoon Rescue Pumper	1,500
Station 10	1998 E-One International Tanker/Pumper	2,500
	2000 E-One International Rescue	650
Station 11	1998 E-One International Tanker/Pumper	2,500
	1996 E-One International Rescue	650
Station 12	1998 E-One International Tanker/Pumper	2,500
	2000 E-One International Rescue	650
Station 13	1998 E-One International Tanker/Pumper	2,500
	2000 E-One International Rescue	650
Station 14	1994 Rescue-1 Boat	N/A
	2000 E-One International Rescue	650
	2006 E-One International Tanker/Pumper 7600	2,500
Station 15	1994 Rescue-1 Boat	N/A
	2000 Ford F-450 Brush Truck	350
	2003 E-One Typhoon Rearmount Pumper	1,500
Station 16	Tanker/Pumper	2,500
	Rescue	650
Total GPM		44,800

Source: City of Tallahassee

* Pumping capacity for Station 5 is not included in total because those apparatus are dedicated to the airport.

The current pumping capacity is defined as the combined amount of water that all apparatus in the Fire Rescue Department can pump to a first alarm non-residential fire. As outlined by Table 4 above, the pumping capacity of the City's Fire Rescue Department is 44,800 gallons per minute. Accordingly, based on National Fire Protection Association firefighting standards for fire flow as provided for in NFPA 1 Fire Code, 2015, Chapter 18 (assuming ordinary construction), the Fire Rescue Department currently has sufficient fire flow capacity to provide service coverage in the event of a structure fire involving unlimited square feet.

Table 5 below details the Fire Rescue Department's response protocol.

Table 5
Minimum Response Protocol

Call Type	Typical City Response
Medical	Engine (1)
Vehicle Accident	Engine (1)
Vehicle Accident with Extraction	Engine (2), Battalion Chief (1)
Residential Fire	Engine (2), Truck(1), Battalion Chief (1), FireMed (1)
Residential/Building Alarm	Engine (1)
Commercial Fire	Engine (3), Truck (1), Battalion Chief (1), FireMed (1)
Hazardous Material	Engine (2), Tanker (1), Truck (1), Haz-Mat (1), Battalion Chief (1), FireMed (1)
Service Calls	Engine (1)

Call Type	Typical County Response
Medical	Rescue (1), Tanker (1)
Vehicle Accident	Rescue (1), Tanker (1)
Vehicle Accident with Extraction	Rescue (1), Tanker (1), Battalion Chief (1), FireMed (1), Engine or Truck (1)
Residential Fire	Rescue (1), Tanker (2), Battalion Chief (1), FireMed (1), Engine or Truck (1)
Residential/Building Alarm	Rescue (1), Tanker (1)
Commercial Fire	Rescue (1), Tanker (1), Battalion Chief (1), FireMed (1), Engine or Truck (3)
Hazardous Material	Rescue (1), Tanker (1), Battalion Chief (1), FireMed (1), Engine or Truck (2), HazMat (1)
Service Calls	Rescue (1), Tanker (1)

Source: City of Tallahassee

DEVELOPMENT OF FACTORS

FIRE RESCUE V. EMERGENCY MEDICAL SERVICES

In June 2000, litigation over the City of North Lauderdale fire rescue assessment program resulted in a decision by the Fourth District Court of Appeals in the case of SMM Properties, Inc. v. City of North Lauderdale, (the "North Lauderdale" case). The Fourth District Court of Appeals concluded that Emergency Medical Services (EMS) did not provide a special benefit to property. The Court, however, reaffirmed that fire suppression, fire prevention, fire/building inspections and first response medical services do provide a special benefit to property. In 2002, the Florida Supreme Court upheld the decision of the Fourth District Court of Appeals.

To address these concerns, GSG developed a methodology that removed the costs associated with emergency medical services. This method of splitting the fire and EMS portions of a consolidated public safety department's budget was upheld by the Fourth District Court of Appeals in Desiderio Corporation, et al. vs. The City of Boynton Beach, Florida, et al., 39 So.3d 487 (Fla. 4th DCA 2010).

The proposed fire rescue department's line item costs were allocated between fire rescue and emergency medical services as a result of the Florida Supreme Court's opinion in City of North Lauderdale v. SMM Properties that emergency medical services (above the level of first response) do not provide a special benefit to property. Accordingly, the County's fire rescue costs were split from emergency medical service costs based on the following general guidelines.

DIRECT ALLOCATIONS

To the extent that certain line items could be allocated directly to fire, direct allocations were made. For example, all costs associated with "Utility Service Expense," "Volunteer Fire Department," and "Contractual Svcs - VFD County" were allocated entirely to fire. All costs directly related to "Medical Services" were directly allocated to EMS.

ADMINISTRATIVE FACTOR

Certain line items were allocated between fire and EMS based on an Administrative Factor. This Administrative Factor is derived by creating a ratio between non-EMS or fire personnel and total combat personnel per shift. The administrative factor calculations are based on the City's total Fire Rescue Department combat personnel staffing, including an allocation for volunteers. Under normal staffing, this results in 75 non-EMS personnel and 14 EMS personnel for a total of 89 combat personnel. This normal staffing yields an 84.27 % percent non-EMS Administrative Factor.

This percentage was applied to all applicable line items to allocate the costs that could not be directly allocated as fire costs or EMS costs, and that could not be operationally allocated (see below). For example, the Administrative Factor was applied to the line item expenditures for "Food," "Human Resource Expense" and "Utilities - Electric" to determine the fire service costs of these line items.

OPERATIONAL FACTOR

Other line items were allocated between fire and EMS based on an Operational Factor. The Operational Factor is derived by creating a ratio between non-EMS (i.e. fire) calls and EMS calls, and this ratio which is based on the City's Fire Rescue Department's operations, was then applied to certain budget line items such as "Vehicle Fuel" and "Vehicle Replacement".

To develop the Operational Factor, GSG obtained fire rescue incident data identifying the number of fire rescue calls made to property categories within the entire County over a three-year period. The City fire rescue incident data was used to determine the demand for fire rescue services. GSG obtained information from the City in an electronic format, identifying the number and type of fire rescue incident responses for calendar years 2011, 2012 and 2013.

The State Fire Marshal's office uses the Florida Fire Incident Reporting System (FFIRS). This system is a tool for fire rescue departments to report and maintain computerized records of fire rescue incidents and other department activities in a uniform manner. Under this system, a series of basic phrases with code numbers are used to describe fire rescue incidents. Appendix A provides a codes list for the "type of situation found" as recorded on the fire rescue incident reports used to identify EMS and non-EMS calls.

The ratio between non-EMS (i.e. fire) calls and EMS calls is then applied to all applicable line items to allocate the costs that could not be directly allocated as fire costs or EMS costs, and that could not be administratively allocated. For calendar years 2011, 2012 and 2013, the City reported 50,089 total non-government fire rescue incident calls to FFIRS, of which 19,406 were non-EMS (i.e. fire) calls and 30,683 were EMS calls. This information results in a 38.74% non-EMS Operational Factor.

ASSESSABLE COST CALCULATIONS

The fire services assessable cost calculations for Fiscal Years 2015-16 through 2019-20 are based on the following assumptions for the purpose of this Fire Assessment Memorandum.

- Actual projected expenditures and revenues were provided by the City for Fiscal Years 2015-16 through 2019-20.
- Revenues are shown as a reduction of the total projected expenditures for each fiscal year, thereby reducing the total assessable costs for that year. Revenues are comprised of revenues directly received from or for the delivery of fire services, such as "Fire Inspection Fees," "Forfeited Discounts," "Firefighters Supplemental," and contract for service revenues that are allocated to the fire budget.
- All costs associated with providing contract services to the Tallahassee Regional Airport were included in the assessable budget with the corresponding contract revenues removed from the assessable budget calculations.
- The line item "Under Collection Rate" under "Additional Costs" reflects a 95% collection rate of the Fire Services Assessment.
- The line item "GSG Study/Annual/Update" under "Operating Expenditures" is the cost associated with the anticipated update of the fire assessment program in Fiscal Year 2019-20. These costs are reimbursable through the assessment program.
- The costs associated with supporting the volunteer fire departments were included as 100% fire costs and are included in the assessable budget.

Table 6 provides a calculation of the assessable costs for Fiscal Year 2015-16 based on an application of the above factors to the Fiscal Year 2015-16 Projected Budget. The calculation yields an assessable cost of \$35,497,107 for Fiscal Year 2015-16.

Table 6
Fire Services Assessable Cost Calculations (FY 2015-16)

	FY 15-16 Projected Budget	FY 15-16 Assessable Budget
Personnel Services		
Salaries	\$16,683,075	\$13,919,205
Capitalized Wages	(\$37,935)	(\$31,968)
Salary Enhancements	\$1,138,964	\$950,374
Firefighter Holiday Pay	\$617,613	\$515,380
Overtime	\$861,507	\$734,035
Other Salary Items	\$655,681	\$540,911
Pension-Current	\$4,143,996	\$3,457,681
Pension-MAP	\$55,983	\$46,619
Mandatory Medicare	\$242,113	\$201,821
Health Benefits	\$1,945,308	\$1,612,587
Health Benefits-OPEB	\$200,977	\$169,363
Flex Benefits	\$81,415	\$66,711
Total Personnel Services	\$26,588,697	\$22,182,721
Operating Expenditures		
Advertising	\$6,645	\$5,600
Cleaning & Laundry	\$8,731	\$8,209
Reproduction	\$5,412	\$2,401
Equipment Repairs	\$44,801	\$17,357
Medical Services	\$67,001	\$0
Construction Services	\$10,000	\$8,427

	FY 15-16 Projected Budget	FY 15-16 Assessable Budget
Unclassified Contract Svcs	\$290,916	\$170,389
Computer Software	\$3,150	\$2,654
Telephone	\$22,550	\$17,827
Chem-Med-Lab	\$70,246	\$1,672
Food	\$1,211	\$1,021
Gasoline	\$697	\$270
Office Supplies	\$20,441	\$15,978
Uniforms & Clothing	\$298,761	\$251,082
Unclassified Supplies	\$156,294	\$108,628
Non-Capitalized Furniture	\$5,673	\$5,541
Travel & Training	\$72,359	\$49,453
Journals & Books	\$16,857	\$14,963
Memberships	\$4,008	\$3,098
Certificates & Licenses	\$2,300	\$590
Rent Expense-Machines	\$9,992	\$8,420
Unclassified Charges	\$52,500	\$44,242
Bad Debt Expense	\$161,366	\$135,983
Unclassified Equipment	\$351,619	\$308,733
Human Resource Expense	\$421,915	\$355,546
Accounting Expense	\$87,776	\$73,969
Purchasing Expense	\$42,490	\$35,806
Information Systems Expense	\$1,709,303	\$1,440,424
Risk Management Expense	\$575,434	\$484,916
Radio Communications Expense	\$165,497	\$139,464
Revenue Collection Expense	\$64,707	\$54,528
Utility Service Expense	\$1,269,676	\$1,269,676
Vehicle Garage Expense	\$990,333	\$383,685
Vehicle Fuel	\$338,765	\$131,248
Vehicle Replacement	\$3,172,465	\$1,229,109
Utilities-Sewer	\$30,377	\$25,599
Utilities-Sanitation	\$16,149	\$13,609
Utilities-Stormwater	\$21,749	\$18,328
Utilities-Gas	\$37,495	\$31,597
Utilities-Water	\$25,177	\$21,217
Utilities-Electric	\$187,813	\$158,269
Utilities-Fire Services	\$47,890	\$40,357
Indirect Costs	\$757,947	\$638,719
Debt Service Transfer	\$2,834,850	\$2,388,919
RR&I Transfer	\$1,247,500	\$1,051,264
Inter-Fund Transfer	\$10,990	\$9,261
Contribution to Human Resources	\$45,000	\$37,921
Contribution to Consolidated Dispatch Agency	\$321,978	\$271,330
Contractual Svcs - VFD County	\$482,479	\$482,479
Airport Fire Protection	\$1,234,050	\$1,234,050
GSG Study/Annual/Update	\$0	\$0
Total Operating Expenditures	\$17,823,335	\$13,203,830
Total Expenditures	\$44,412,032	\$35,386,551
Revenues		
City-Fire Inspection Fees	\$294,500	\$294,500
City-Firefighters Supplemental	\$76,450	\$76,450
City-Airport	\$1,234,050	\$1,234,050
City-Forfeited Discounts	\$59,300	\$59,300
Total Revenues	\$1,664,300	\$1,664,300
Total Expenditures	\$44,412,032	\$35,386,551

	FY 15-16 Projected Budget	FY 15-16 Assessable Budget
Less Total Revenues	(\$1,664,300)	(\$1,664,300)
Total Net Expenditures before Additional Costs	\$42,747,732	\$33,722,251
Additional Costs		
Under Collection Rate (5%)		\$1,774,856
Total Additional Costs		\$1,774,856
Total Assessable Costs		\$35,497,107

Table 7 shows the calculation of the full cost of the Fire Services Assessment Program for Fiscal Year 2015-16 through Fiscal Year 2019-20 as well as the five-year average Fire Services Assessment Program cost.

Table 7
Fire Services Assessable Cost Calculations Proforma Five-Year Average (FY 2015-16 thru FY 2019-20)

	FY 15-16 Assessable Budget	FY 16-17 Assessable Budget	FY 17-18 Assessable Budget	FY 18-19 Assessable Budget	FY 19-20 Assessable Budget	Five-Year Average Assessable Budget
Total Personnel Services	\$22,182,721	\$23,552,663	\$24,866,486	\$27,625,129	\$28,829,470	\$25,411,294
Total Operating Expenditures	\$13,203,830	\$13,360,632	\$13,697,672	\$13,209,205	\$13,000,395	\$13,294,347
Total Expenditures	\$35,386,551	\$36,913,295	\$38,564,158	\$40,834,334	\$41,829,865	\$38,705,641
Total Revenues	(\$1,664,600)	(\$1,729,956)	(\$1,766,528)	(\$1,795,675)	(\$1,825,561)	(\$1,756,404)
Total Net Expenditures before Additional Costs	\$33,722,251	\$35,183,339	\$36,797,630	\$39,038,659	\$40,004,304	\$36,949,237
Total Additional Costs	\$1,774,856	\$1,851,755	\$1,936,718	\$2,054,667	\$2,105,490	\$1,944,697
Total Assessable Costs	\$35,497,107	\$37,035,094	\$38,734,348	\$41,093,326	\$42,109,794	\$38,893,934

The average annual increase in the total assessable costs from Fiscal Year 2009-10 (Prior Study) to 2019-20 is estimated to be 4 - 5%. This estimate could be used for budgetary planning purposes relating to the fire assessment moving forward.

Determination of Fire Services Demand

INCIDENT DATA

GSG obtained information from the City in an electronic format, identifying the number and type of fire rescue incident responses for calendar years 2011, 2012 and 2013. The City uses the Florida Fire Incident Reporting System (FFIRS) to record its fire rescue incidents. The FFIRS is a tool for fire rescue departments to report and maintain computerized records of fire rescue incidents and other department activities in a uniform manner.

Under this system, a series of basic phrases with code numbers are used to describe fire rescue incidents. A data field in the FFIRS, "type of situation found," identifies the incident as an EMS or non-EMS type of call for each incident. Appendix A provides a code list for the "type of situation found" as recorded on the fire rescue incident reports used to identify EMS and non-EMS calls.

Another data field in the FFIRS, "fixed property use," identifies the type of property that fire rescue departments respond to for each fire rescue incident. The fixed property uses correlate to property uses determined by the Leon County Property Appraiser on the ad valorem tax roll. Appendix B provides a code list for the "fixed property use" as recorded on the fire rescue incident reports.

GSG analyzed the calendar year 2011, 2012 and 2013 fire rescue incident data from the FFIRS files to evaluate trends and determine if aberrations were present. The fire rescue incident data for calendar years 2011, 2012 and 2013 represents 52,103 fire rescue incidents. Of the 52,103 fire rescue incidents, there were 30,683 incidents classified as EMS type incidents based on the type of situation found indicated on the incident report. The 30,683 EMS type incidents were not included in the analysis.

There are certain fire incidents that could not be assigned to a specific property or parcel. These calls represent non-specific type incidents, which are incidents that either could not be correlated to a specific parcel or calls that involved auto accidents and other types of incidents along roads and highways.

Of the 21,420 remaining fire type incidents, 14,638 were calls to specific property uses. The remaining 6,782 incidents were considered non-specific type incidents. Because of the inability to correlate these non-specific type incidents to specific property categories, the call analysis does not include these 6,782 incidents. Additionally, the level of services required to meet anticipated demand for fire services and the corresponding annual fire services budget required to fund fire services provided to non-specific property uses would be required notwithstanding the occurrence of any incidents from such non-specific property uses.

The suppression of fires on vacant land and agricultural property primarily benefits adjacent property by containing the spread of fire rather than preserving the integrity of the vacant parcel. Thus, incidents to vacant and agricultural property were not included in the final analysis of the fire call database. The 116 calls to these two property use categories were removed.

Of the remaining 14,522 fire type incidents, there were 2,014 calls for service to government properties and 12,508 calls to non-Government properties as identified by addresses or fixed property use codes provided in the FFIRS reports. The costs associated with providing service to government properties was segregated and those government properties will fund fire service through a fee that is determined by the historical demand for service as detailed later in this Memorandum.

Table 8 outlines the assignment of fire type incidents based on the analysis conducted by GSG.

Table 8
Fire Calls by Category (Calendar Years 2011, 2012 and 2013)

Property Category	Number of Fire Incidents	Percentage of Total Incidents
Non-Government	12,508	86.13%
Government	2,014	13.87%
Total	14,522	100%

Source: City of Tallahassee

PROPERTY DATA

GSG obtained information from the ad valorem tax roll from the Leon County Property Appraiser's office to develop the assessment roll. Each building within the County on the ad valorem tax roll was assigned to one or more of the property use categories based on their assignment of use by the Leon County Property Appraiser or verification of use obtained through field research. A list of building improvement codes used by the Leon County Property Appraiser and their assignment to a property use category is provided as Appendix C.

The Residential Property Use Category includes such properties as single-family dwelling units, duplexes, mobile homes, triplexes, quadruplexes, apartments, condominiums, townhouses, and cooperatives. In the event the data was indefinite, the DOR codes were used to clarify mobile home categories and help identify condominium and townhouse buildings. For parcels assigned to the Residential Property Use Category, GSG utilized the total number of dwelling units as determined from the building files on the ad valorem tax roll or through the use of field research.

The Non-Residential Property Use Category includes commercial and industrial/warehouse property uses. For parcels within the Non-Residential Property Use Categories (Commercial and Industrial/Warehouse), GSG determined the amount of square footage of the structures using the building files on the ad valorem tax roll or through the use of field research.

For RV parks regulated under Chapter 513, Florida Statutes, in accordance with Sections 166.223 and 125.0168, Florida Statutes, which mandate that cities and counties treat RV parks like commercial property for non-ad valorem assessments levied by the City and County, each RV space within the park was treated as a building of commercial property and assigned the square footage of 191 square feet, the average size of a recreational vehicle, according to the Florida Association of RV Parks and Campgrounds.

Computation of Fire Services Assessments

This section of the Memorandum includes the assessment rates as calculated within this Assessment Memorandum. The fire rescue assessment cost calculations provided herein are primarily based on information supplied by the City. The assessable cost projections developed by GSG are designed to forecast assessment rates within each property use category for Fiscal Years 2015-16 through 2019-20.

SERVICE ZONES

Service zones were created under the previous fire assessment study in Fiscal Year 2009-10 to reflect the level of service differentiation of a property located in a higher density area that receives fire protection coverage from multiple stations as compared to a property located in an area generally described as rural and typically serviced by a single fire station. For this purpose, “core stations” were identified and defined as those stations within five road miles of at least two other stations. The creation of a core area was necessary to eliminate the appearance of a higher service level of those properties that may be within five road miles of two stations; however, the location of the property lies between two stations that are nearly ten miles apart. This same approach was used in this study. Any changes in the level of service provided in the two zones will need to be reviewed in subsequent studies to ensure that this approach is still valid.

Those properties included in “Zone 1” were generally located within five road miles of two “core stations.” Properties located outside of five road miles of two “core stations” were included in “Zone 2.” A map of the service zones is provided in Appendix E.

Calls were plotted, or “geocoded,” on a map based upon the address provided in the FFIRS database. Those calls correlated to properties included in “Zone 1,” and those calls correlated to properties included in “Zone 2,” were aggregated and assigned to the respective zone. Table 9 details the assignment of calls to service zones.

Table 9
Fire Calls to Non-Governmental Properties by Zone (Calendar Years 2011, 2012 and 2013)

Zone	Number of Calls to Specific Property Uses
Zone 1	9,590
Zone 2	2,918

The calls for service were then weighted based on the average call duration differential between Zone 1 and Zone 2 to account for the difference in resources used on calls between the two zones. On average a call in Zone 2 is 26% longer in duration than a call in Zone 1. Therefore, all calls in Zone 2 were multiplied by a weighting factor of 1.26 to determine the weighted number of calls while all calls in Zone 1 were assigned a weighting factor of 1.00. Table 10 details the weighting of calls by zone

Table 10
Weighted Fire Calls to Non-Governmental Properties by Zone (Calendar Years 2011, 2012 and 2013)

Zone	Number of Calls to Specific Property Uses	Weighting Factor	Number of Weighted Calls to Specific Property Uses
Zone 1	9,590	1.00	9,590.00
Zone 2	2,918	1.26	3,676.68

Table 11 outlines the property use category assignment of weighted fire type incidents for non-governmental properties based on the historical demand for service in each zone.

Table 11
Weighted Fire Calls by Category to Non-Governmental Properties (Calendar Years 2011, 2012 and 2013)

Category	Zone 1		Zone 2	
	Number of Incidents	Percentage of Calls	Number of Incidents	Percentage of Calls
Residential	6,036	62.94%	3,186.54	86.67%
Commercial	3,448	35.95%	444.78	12.10%
Industrial/Warehouse	106	1.11%	45.36	1.23%
Total	9,590	100%	3,676.68	100%

Source: City of Tallahassee

SPECIAL BENEFIT ASSUMPTIONS

The following assumptions support a finding that the fire services, facilities, and programs provided by the City provide a special benefit to the assessed parcels.

- Fire services, facilities, and programs possess a logical relationship to the use and enjoyment of property by: (i) protecting the value and integrity of improvements and structures through the availability and provision of comprehensive fire services; (ii) protecting the life and safety of intended occupants in the use and enjoyment of property; (iii) lowering the cost of fire insurance by the presence of a professional and comprehensive fire services program; and (iv) containing fire incidents occurring on land with the potential to spread and endanger other property and property features.
- The availability and provision of comprehensive fire services enhances and strengthens the relationship of such services to the use and enjoyment of the parcels of property, the market perception of the area and, ultimately, the property values within the assessable area.

APPORTIONMENT METHODOLOGY

The following section describes the assessment apportionment methodology for fire services based on: (i) the fire services assessable cost calculations; (ii) the ad valorem tax roll maintained by the property appraiser and the availability of the data residing on the database; and (iii) the fire rescue incident data.

COST APPORTIONMENT

The assessable costs were first apportioned among government and non-government property based upon the historical demand for service percentages shown in Table 8. The assessable costs attributable to non-government property were then apportioned to Zone 1 and Zone 2 and then further to the individual property use categories in each service zone based upon the weighted historical demand for fire services reflected by the fire incident data experienced in each service zone for Calendar Years 2011, 2012 and 2013. The five-year average cost apportionment is illustrated in Table 12.

Table 12
Cost Apportionment (Five-Year Average)

Category	Zone 1 (72.29% of Weighted Fire Calls)			Zone 2 (27.71% of Weighted Fire Calls)		
	Total Calls	Percentage	Assessable Costs	Total Calls	Percentage	Assessable Costs
Residential	6,036	62.94%	\$15,239,222	3,186.54	86.67%	\$8,045,128
Commercial	3,448	35.95%	\$8,705,242	444.78	12.10%	\$1,122,946
Industrial/Warehouse	106	1.11%	\$267,621	45.36	1.23%	\$114,521
Total	9,590	100%	\$24,212,085	3,676.68	100%	\$9,282,595

PARCEL APPORTIONMENT

The share of the assessable costs apportioned to each property use category was further apportioned among the individual buildings of property within each property use category in the manner described in Table 13.

Table 13
Parcel Apportionment within Property Use Categories

Category	Parcel Apportionment
Residential	Dwelling Unit
Non-Residential	Improvement Area Per Building Within Square Footage Ranges
-Commercial	(100,000 Square Foot Cap Per Building)
-Industrial/Warehouse	

Applying the foregoing parcel apportionment methodology, fire assessment rates were computed for each property use category. The specific methodology, underlying special benefit and fair apportionment assumptions are included below and generally described.

RESIDENTIAL PARCEL APPORTIONMENT ASSUMPTIONS

The following assumptions support findings that the parcel apportionment applied in the Residential Property Use category are fair and reasonable. The Residential Property Use Category includes such properties as single-family dwelling units and multi-family dwelling units.

- The size or the value of the residential parcel does not determine the scope of the required fire services. The potential demand for fire services is driven by the existence of a dwelling unit and the anticipated average occupant population.
- Apportioning the assessable costs for fire services attributable to the residential property use category on a per dwelling unit basis is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of parcel apportionment based upon historical fire call data.
- The consolidation of single-family and multi-family properties into a single category is fair and reasonable because they are similar property uses and the number of calls per dwelling unit is not significantly different.

RESIDENTIAL PARCEL APPORTIONMENT CALCULATION

Based upon the historical demand for fire services, the percentages of assessable costs attributable to residential properties were calculated. The amount of the assessable costs allocable to each residential property was divided by the number of dwelling units in the Residential Property Use Category to compute the fire assessment to be imposed against each dwelling unit. For each residential parcel, the actual number of dwelling units located on the parcel will be multiplied by the residential dwelling unit rate to compute the residential fire assessment amount for the parcel.

Table 14 illustrates the assignment of dwelling units under this apportionment methodology to the Residential Property Use Category for each zone.

Table 14
Parcel Apportionment (Residential Property Use Category)

Residential Property Use Category	Number of Dwelling Units-Zone 1	Number of Dwelling Units-Zone 2
Residential Dwelling Units	75,921	43,378

Source: Leon County Property Appraiser Data

NON-RESIDENTIAL PARCEL APPORTIONMENT ASSUMPTIONS

The Non-Residential Property Use category includes commercial and industrial/warehouse property uses. The capacity to handle fires and other emergencies in Non-Residential Property Use category is governed by the following:

- The current pumping capacity is defined as the combined amount of water that all apparatus in the Fire Department can pump to a non-residential fire. As outlined by Table 4 above, the pumping capacity of the Fire Department is 44,800 gallons per minute. Accordingly, based on National Fire Protection Association firefighting standards for fire flow as provided for in NFPA 1 Fire Code, 2015, Chapter 18 (assuming ordinary construction), the Fire Rescue Department currently has sufficient fire flow capacity to provide service coverage in the event of a structure fire involving unlimited square feet. To avoid inefficiency and unnecessary administration, the City has made a policy decision to set the maximum classification of any building at 100,000 square feet.

The following assumption supports findings that the parcel apportionment applied in the Non-Residential Property Use category is fair and reasonable.

- The risk of loss and demand for fire services availability is substantially the same for structures below a certain minimum size. Because the value and anticipated occupancy of structures below a certain minimum size is less, it is fair, reasonable, and equitable to provide a lesser assessment burden on such structures by the creation of a specific property parcel classification for those parcels.
- The separation of non-residential buildings into square footage classifications is fair and reasonable for the purposes of parcel apportionment because: (i) the absence of a need for precise square footage data within the ad valorem tax records maintained by the property appraiser undermines the use of actual square footage of structures and improvements within each improved building as a basis for parcel apportionment; (ii) the administrative expense and complexity created by an on-site inspection to determine the actual square footage of structures and improvements within each improved parcel assessed is impractical; and (iii) the demand for fire services availability is not precisely determined or measured by the actual square footage of structures and improvements within benefited parcels; and (iv) the classification of buildings within square footage ranges is a fair and reasonable method to classify benefited parcels and to apportion costs among benefited buildings that create similar demand for the availability of fire services.
- The consolidation of commercial and institutional properties into a single category is fair and reasonable because the non-government institutional type properties are similar in use to the commercial type properties.

The parcel apportionment for each Non-Residential Property Use Classification shall include both minimum building classifications and an additional classification of all other buildings based upon the assumed square footage of structures and improvements within the improved parcel. The Non-Residential Property Use Classifications include Commercial and Industrial/Warehouse. The following describes the Non-Residential Property parcel apportionment calculation and classification for the Commercial and Industrial/Warehouse categories.

NON-RESIDENTIAL PARCEL APPORTIONMENT CALCULATION

Based upon the historical demand for fire services, property in the Non-Residential Property Use categories will be responsible for funding a percentage of assessable costs. The amount of the assessable costs allocable to buildings within each of the Non-Residential Property Use Classifications was calculated based upon the following building classifications.

- Non-residential buildings with square footage of non-residential improvements less than 1,999 square feet were assigned an improvement area of 1,000 square feet per building. Buildings with square footage of non-residential improvements between 2,000 square feet and 3,499 square feet were assigned an improvement area of 2,000 square feet per building. Buildings with non-residential improvements between 3,500 square feet and 4,999 square feet were assigned an improvement area of 3,500 square feet per building. Buildings with non-residential improvement areas between 5,000 square feet and 9,999 square feet were assigned an improvement area of 5,000 square feet per building. For buildings containing non-residential improvements between 10,000 square feet and 99,999 square feet, assignments of improvement area were made in 10,000 square foot increments.
- For buildings, containing non-residential improvements over 99,999 square feet, an assignment of improvement area of 100,000 was made.

Sections 125.0168 and 166.223, Florida Statutes, relating to special assessments levied on recreational vehicle parks regulated under Chapter 513, Florida Statutes are based on the following:

- When a city or county levy a non-ad valorem special assessment on a recreational vehicle park regulated under Chapter 513, the non-ad valorem special assessment shall not be based on the assertion that the recreational vehicle park is comprised of residential units. Instead, recreational vehicle parks regulated under Chapter 513 shall be assessed as a commercial entity in the same manner as a hotel, motel, or other similar facility.

Table 15 illustrates the assignment of improvement area under this apportionment methodology for the Commercial and Industrial/Warehouse categories.

Table 15
Parcel Apportionment (Non-Residential Property Use Category)

Square Foot Tiers	Number of Commercial Buildings		Number of Industrial/Warehouse Buildings	
	Zone 1	Zone 2	Zone 1	Zone 2
≤ 1,999	1,444	238	86	45
2,000 - 3,499	961	173	147	54
3,500 - 4,999	536	88	122	51
5,000 - 9,999	809	111	274	79
10,000 - 19,999	407	73	196	27
20,000 - 29,999	141	19	60	5
30,000 - 39,999	81	4	28	2
40,000 - 49,999	48	7	13	0
50,000 - 59,999	34	3	9	0
60,000 - 69,999	18	4	5	0
70,000 - 79,999	13	2	3	4
80,000 - 89,999	11	2	5	1
90,000 - 99,999	9	3	3	0
≥ 100,000	39	3	13	0

Source: Leon County Property Appraiser Data

Because the suppression of fires on vacant land and agricultural property primarily benefits adjacent property by containing the spread of fire rather than preserving the integrity of the vacant parcel, incidents to vacant and agricultural property were not included in the final analysis of the fire call database. Therefore, only the primary structures on vacant and agricultural parcels will be charged.

FIRE ASSESSMENT RATES

Applying the parcel apportionment methodology, fire services assessment rates were computed for each specified property use category. Based on the assessable costs of providing fire services, the number of fire calls apportioned to specific property categories and the number of billing units within the specified property categories.

Table 16 illustrates the assessment rates after application of the assessment methodology based on 100 percent funding of the five-year average total assessable costs.

Table 16
Fire Services Assessment Rates (Five Year Average)

Residential Property Use Categories		Zone 1 - Rate Per Dwelling Unit	Zone 2 - Rate Per Dwelling Unit
Residential Dwelling Unit		\$201	\$185
Commercial Property Use Category	Building Classification (in square foot ranges)	Zone 1 - Rate Per Building	Zone 2 - Rate Per Building
	≤ 1,999	\$293	\$267
	2,000 - 3,499	\$585	\$533
	3,500 - 4,999	\$1,023	\$933
	5,000 - 9,999	\$1,461	\$1,332
	10,000 - 19,999	\$2,921	\$2,663
	20,000 - 29,999	\$5,842	\$5,326
	30,000 - 39,999	\$8,762	\$7,989
	40,000 - 49,999	\$11,683	\$10,652
	50,000 - 59,999	\$14,603	\$13,315
	60,000 - 69,999	\$17,524	\$15,978
	70,000 - 79,999	\$20,444	\$18,641
	80,000 - 89,999	\$23,365	\$21,304
	90,000 - 99,999	\$26,285	\$23,967
	≥ 100,000	\$29,206	\$26,630
Industrial/Warehouse Property Use Category	Building Classification (in square foot ranges)	Zone 1 - Rate Per Building	Zone 2 - Rate Per Building
	≤ 1,999	\$28	\$76
	2,000 - 3,499	\$56	\$152
	3,500 - 4,999	\$98	\$265
	5,000 - 9,999	\$139	\$378
	10,000 - 19,999	\$278	\$756
	20,000 - 29,999	\$556	\$1,511
	30,000 - 39,999	\$834	\$2,266
	40,000 - 49,999	\$1,112	\$3,021
	50,000 - 59,999	\$1,390	\$3,776
	60,000 - 69,999	\$1,668	\$4,532
	70,000 - 79,999	\$1,946	\$5,287
	80,000 - 89,999	\$2,224	\$6,042
	90,000 - 99,999	\$2,502	\$6,797
	≥ 100,000	\$2,780	\$7,552

*Estimated Gross Revenue: \$33,494,680; Estimated Institutional Tax Exempt Buy-down: \$1,052,276; Estimated Net Revenue: \$32,442,404.

EXEMPTIONS AND IMPACT OF EXEMPTIONS

Because the fire services assessment is being developed to meet the case law standards for a valid special assessment, any proposed exemptions require special scrutiny. The crafting of an exemption must be founded upon a legitimate public purpose, and not tramp on state or federal constitutional concepts of equal protection and constitutional prohibitions against establishment of religion or the use of the public treasury directly or indirectly to aid religious institutions. Furthermore, to ensure public acceptance, any exemption must make common sense and be fundamentally fair. Finally, the impact of any proposed exemption should be evaluated in terms of its magnitude and fiscal consequences on the City and County's general funds respectively.

Whenever crafting an exemption, it is important to understand that the fair apportionment element required by Florida case law prohibits the shifting of the fiscal costs of any special assessment from exempt landowners to other non-exempt landowners. In other words, the funding for an exemption from a special assessment must come from a legally available external revenue source, such as the City and

County's general funds. Funding for fire assessment exemptions cannot come from the proceeds derived directly from the imposition of special assessments for fire services and facilities. Because any exemption must be funded by an external funding source, the grant of any exemption will not have any impact upon the fire assessment to be imposed upon any other non-exempt parcels.

The decision to fund exemptions for fire services assessments on property owned by non-governmental entities is based upon the determination that such exemptions constituted a valid public purpose.

Table 17 summarizes the estimated impact of exempting institutional, wholly tax-exempt property based on the five-year average assessable budget.

Table 17
Estimated Impact of Exemptions (Five-Year Average)

Financial Classification	Zone 1	Zone 2	Total
Estimated Assessable Costs	\$24,212,085	\$9,282,595	\$33,494,680
Estimated Buy-down for Institutional Tax-Exempt Building Uses	\$791,202	\$261,074	\$1,052,276
Estimated Revenue Generated	\$23,420,883	\$9,021,521	\$32,442,404

Fire Services Fees Imposed on Governmental Property

The special benefit and fair and reasonable apportionment requirements for a valid special assessment do not rigidly apply to charges against government property. Florida case law has stated that user fees are paid by choice and are charged in exchange for a particular governmental service, which benefits the property paying the fee in a manner not shared by other members of the public. In the user fee context, choice means that the property paying the fee has the option of not using the governmental service and thereby avoiding the charge. Under such tests and definition of choice, the validity of both impact fees and stormwater fees have been upheld.

Impact fees are imposed to place the economic burden of infrastructure required by growth on new development. Stormwater fees are imposed to control and treat the stormwater burden generated by the use and enjoyment of developed property. Likewise, fire services provided by the City and County are intended to meet the historical demand for fire services from developed property and such fee benefits the owner or user of developed property in a manner not shared by other members of society (e.g., the owner of undeveloped property).

The Florida Attorney General has recognized that state-owned property is not required to pay a special assessment without legislative authorization but that such authorization is not needed for user fees or service charges. Additionally, a valid charge cannot be enforced by a lien against public property absent elector approval. Rather, the enforcement remedy is a mandamus action to compel payment. In addition, certain general laws preempt the home rule power of local governments to impose special assessments on educational institutions.

As discussed previously and documented in the "Incident Data" section of this document, the fire services incidents were analyzed to determine the fire services demand for all governmental property. It was determined that approximately 13.87% of the total fire calls were attributable to governmental property. Therefore, approximately 13.87% of the total assessable budget was allocated to governmental property as shown in Table 18 below.

Table 18
Government Cost Allocation

Total Assessable Costs	Percentage of Governmental Calls	Governmental Cost Allocation
\$38,893,934	13.87%	\$5,399,254

The costs attributable to each governmental entity will be allocated based on each entities percentage of the total governmental square footage as determined by the City. GSG calculated a rate per square foot for governmental property based on the governmental cost allocation in Table 18 and the total governmental square footage as provided by the City. This calculation is shown in Table 19 below.

Table 19
Government Rate Calculation

Governmental Cost Allocation	Total Government Square Feet	Government Rate Per Square Foot
\$5,399,254	25,608,345	\$0.211

Additional Information

EXEMPTION CALCULATIONS

GSG utilized the most current data to identify institutional, tax-exempt parcels within the County in order to calculate the aggregate cost ('buy down') of these parcels. In addition, best efforts were made by GSG to reconcile any differences necessary to calculate the estimated buy down for this exemption category. Missing or incorrect property data could affect the estimated aggregate costs.

NON-SPECIFIC CALLS

In the fire call analysis, certain fire related calls were classified as non-property specific, because of the location of occurrence in the incident report. These calls represent non-specific incidents that either could not be correlated to a specific parcel or involved auto accidents or other types of incidents along roads and highways. These calls are excluded from the analysis that determines the percentage of calls for service to respective property types and therefore, are not considered in the determination of the extent of budget required to fund the department. Because the budget is established based on the ability of the department to adequately protect structures, no adjustment has been made to the budget due to non-property specific calls.

MOBILE HOME AND RECREATIONAL VEHICLE PARK VACANCY CREDIT

As a consequence of the transient use and potential extraordinary vacancies within mobile home and recreational vehicle (RV) parks as compared to other residential property and the lack of demand for fire services for unoccupied spaces, it is fair and reasonable to provide for an extraordinary vacancy adjustment procedure for mobile home and RV park properties. Vacant mobile home and RV spaces within a mobile home or RV park will be charged; however, these properties will be eligible for an extraordinary vacancy adjustment for vacant mobile home or RV spaces.

VERIFICATION OF SQUARE FOOTAGE OF STRUCTURES ON TAX-EXEMPT PARCELS

The ad valorem tax roll provides the data required to determine value. So long as properties remain in the name of owners exempt from ad valorem taxation, the property appraiser may not consistently maintain data related to building improvements on such parcels. As a consequence of such data imperfections, the square footage on some of the parcels, particularly for institutional private sector classifications, may not be complete. The City of Tallahassee Fire Department staff has assisted GSG in verifying square footage information for certain parcels of property within the County.

BILLING PROPERTIES WITH MULTIPLE UTILITY ACCOUNTS

The proposed methodology can determine the assessment rate per building on a tax parcel. However, for some non-residential properties there may be many utility accounts assigned to a building. When utilizing the utility bill to collect the Fire Services Assessment, a considerable amount of data collection will be necessary to assess each utility account assigned to the building.

Appendix A

SITUATION FOUND CODES AND DESCRIPTIONS

Code	Description	Type
100	Fire, Other	Non-EMS
111	Building Fire	Non-EMS
112	Fires in structures other than in a building	Non-EMS
113	Cooking fire, confined to a container	Non-EMS
114	Chimney or flue fire, confined to chimney or flue	Non-EMS
115	Incinerator overload or malfunction, fire confined	Non-EMS
116	Fuel burner/boiler malfunction, fire confined	Non-EMS
117	Commercial compactor fire, confined to rubbish	Non-EMS
118	Trash or rubbish fire, contained	Non-EMS
118B	Bonfire Contained	Non-EMS
120	Fire in mobile property used as a fixed structure, other	Non-EMS
121	Fire in mobile home used as a fixed residence	Non-EMS
122	Fire in mobile home, camper, recreational vehicle	Non-EMS
123	Fire in portable building, fixed location	Non-EMS
130	Mobile property (vehicle) fire, other	Non-EMS
131	Passenger vehicle fire	Non-EMS
132	Road freight or transport vehicle fire	Non-EMS
134	Water vehicle fire	Non-EMS
137	Camper or RV fire	Non-EMS
138	Off Road vehicle or heavy equipment fire	Non-EMS
140	Natural vegetation fire	Non-EMS
141	Forest, woods or wildland fire	Non-EMS
142	Brush, or brush and grass mixture fire	Non-EMS
143	Grass fire	Non-EMS
150	Outside rubbish fire, other	Non-EMS
151	Outside rubbish, trash or waste fire	Non-EMS
152	Garbage dump or sanitary landfill fire	Non-EMS
153	Construction or demolition landfill fire	Non-EMS
154	Dumpster or other outside trash receptacle fire	Non-EMS
155	Outside stationary compactor/compacted trash fire	Non-EMS
160	Special outside fire, other	Non-EMS
161	Outside storage fire	Non-EMS
162	Outside equipment fire	Non-EMS
170	Cultivated vegetation, crop fire, other	Non-EMS
200	Overpressure rupture, explosion, overheating, other	Non-EMS
210	Overpressure rupture from steam, other	Non-EMS
211	Overpressure rupture of steam pipe or pipeline	Non-EMS
213	Steam rupture of pressure or process vessel	Non-EMS
220	Overpressure rupture from air or gas, other	Non-EMS
221	Overpressure rupture of air or gas pipe/pipeline	Non-EMS
223	Air or gas rupture of pressure or process vessel	Non-EMS
240	Explosion (no fire), other	Non-EMS
243	Fireworks explosion (no fire)	Non-EMS
251	Excessive heat, scorch burns with no ignition	Non-EMS
3	Rescue Call	EMS
300	Rescue, EMS call, other	EMS
311	Medical assist, assist EMS crew	EMS
320	Allergic reaction	EMS

Code	Description	Type
321	EMS call, excluding vehicle accident with injury	EMS
321B	Blood Pressure Check	EMS
322	Vehicle accident with injuries	EMS
323	Motor vehicle/pedestrian accident (MV Ped)	EMS
324	Motor Vehicle Accident, No Injuries	Non-EMS
331	Lock-in (if lock out, use 511)	Non-EMS
341	Search for person on land	Non-EMS
342	Search for person in water	Non-EMS
350	Extrication, rescue, other	Non-EMS
351	Extrication of victim(s) from building/structure	Non-EMS
352	Extrication of victim(s) from vehicle	Non-EMS
353	Removal of victim(s) from stalled elevator	Non-EMS
354	Trench/below grade rescue	Non-EMS
355	Confined space rescue	Non-EMS
356	High angle rescue	Non-EMS
361	Swimming/recreational water areas rescue	Non-EMS
365	Watercraft rescue	Non-EMS
370	Electrical rescue	Non-EMS
371	Electrocution or potential electrocution	Non-EMS
372	Trapped by power lines	Non-EMS
381	Rescue or EMS standby	EMS
400	Hazardous condition, other	Non-EMS
400P	Hazardous Condition Powder	Non-EMS
410	Flammable gas or liquid condition, other	Non-EMS
411	Gasoline or other flammable liquid spill	Non-EMS
412	Gas leak	Non-EMS
413	Oil or other combustible liquid spill	Non-EMS
422	Chemical spill or leak	Non-EMS
423	Refrigeration leak	Non-EMS
424	Carbon monoxide incident	Non-EMS
440	Electrical wiring/equipment problem, other	Non-EMS
441	Heat from short circuit (wiring), defective/worn	Non-EMS
442	Overheated motor	Non-EMS
443	Light ballast breakdown	Non-EMS
444	Power line down	Non-EMS
445	Arcing, shorted electrical equipment	Non-EMS
451	Police Assist	Non-EMS
460	Accident, potential accident, other	Non-EMS
461	Building or structure weakened or collapsed	Non-EMS
462	Aircraft standby	Non-EMS
462A	Aircraft Standby, Electrical Indicators	Non-EMS
462E	Aircraft Standby, Engine Failure	Non-EMS
462O	Aircraft Standby, Other	Non-EMS
463	Vehicle accident, general cleanup	Non-EMS
471	Explosive, bomb removal (for bomb scare, use 721)	Non-EMS
480	Attempted burning, illegal action, other	Non-EMS
481	Attempt to burn	Non-EMS
482	Threat to burn	Non-EMS

Code	Description	Type
500	Service call, other	Non-EMS
500C	Service Call Other - Check	Non-EMS
510	Person in distress, other	Non-EMS
511	Lock-out	Non-EMS
512	Ring or jewelry removal	Non-EMS
520	Water problem, other	Non-EMS
521	Water evacuation	Non-EMS
522	Water or steam leak	Non-EMS
531	Smoke or odor removal	Non-EMS
540	Animal problem, other	Non-EMS
541	Animal problem	Non-EMS
542	Animal rescue	Non-EMS
550	Public service assistance, other	Non-EMS
551	Assist police or other governmental agency	Non-EMS
551E	Assist EMS	EMS
551R	Airport Runway Check	Exclude
552	Police matter	Non-EMS
553	Public service	Non-EMS
553D	Public Service Smoke Detector	Non-EMS
554	Assist invalid	EMS
555	Defective elevator	Non-EMS
561	Unauthorized burning	Non-EMS
571	Cover assignment, standby, moveup	Non-EMS
600	Good intent call, other	Non-EMS
611	Dispatched & canceled en route	Non-EMS
621	Wrong location	Non-EMS
621L	Unable to Locate	Non-EMS
622	No incident found upon arrival	Non-EMS
631	Authorized controlled burning	Non-EMS
632	Prescribed fire	Non-EMS
641	Vicinity alarm (incident in other location)	Non-EMS
650	Steam, other gas mistaken for smoke, other	Non-EMS
651	Smoke scare, odor of smoke	Non-EMS
652	Steam, vapor, fog or dust thought to be smoke	Non-EMS
653	Barbecue, tar kettle	Non-EMS
661	EMS call, party transported by non-fire agency	EMS
671	Hazmat release investigation w/no hazmat	Non-EMS
672	Biological hazard investigation, none found	Non-EMS
700	False alarm or false call, other	Non-EMS
710	Malicious, mischievous false call, other	Non-EMS
711	Municipal alarm system, malicious false alarm	Non-EMS
712	Direct tie to FD, malicious/false alarm	Non-EMS
713	Telephone, malicious false alarm	Non-EMS
714	Central station, malicious false alarm	Non-EMS
715	Local alarm system, malicious false alarm	Non-EMS
721	Bomb scare - no bomb	Non-EMS
730	System malfunction	Non-EMS
731	Sprinkler activation due to malfunction	Non-EMS

Code	Description	Type
732	Extinguishing system activation due to malfunction	Non-EMS
733	Smoke detector activation due to malfunction	Non-EMS
734	Heat detector activation due to malfunction	Non-EMS
735	Alarm system sounded due to malfunction	Non-EMS
736	CO detector activation due to malfunction	Non-EMS
740	Unintentional transmission of alarm, other	Non-EMS
740R	Alarm Reset	Non-EMS
741	Sprinkler activation, no fire - unintentional	Non-EMS
742	Extinguishing system activation	Non-EMS
743	Smoke detector activation, no fire - unintentional	Non-EMS
744	Detector activation, no fire - unintentional	Non-EMS
745	Alarm system sounded, no fire - unintentional	Non-EMS
745B	Alarm System Activated/Burnt Floor/No Fire	Non-EMS
745T	Alarm System Activated/Testing/Maintenance	Non-EMS
746	Carbon monoxide detector activation, no CO	Non-EMS
800	Severe weather or natural disaster, other	Non-EMS
813	Wind storm, tornado/hurricane assessment	Non-EMS
814	Lightning strike (no fire)	Non-EMS
900	Special type of incident, other, Dumpster fire	Non-EMS
900A	Training/Academy	Exclude
900B	Training/Territory	Exclude
900E	Inspection	Exclude
900G	Drug Test	Exclude
900H	Hose Testing	Exclude
900I	Hydrant Inspection	Exclude
900P	Prefire Planning	Exclude
900R	Fire/Re-Check	Non-EMS
900T	Test Incident/CAD/PMDC	Exclude
911	Citizen complaint	Non-EMS

Appendix B

FIXED PROPERTY USE CODES AND DESCRIPTIONS

Code	Description	Category
000	FIXED PROP USE UNDETERMINED	NON-SPECIFIC
100	UNKNOWN OTHER	NON-SPECIFIC
110	FIXED USE RECREATION, OTHER	COMMERCIAL
111	BOWLING ESTABLISHMENT	COMMERCIAL
112	BILLIARD CENTER	COMMERCIAL
113	AMUSEMENT CENTER	COMMERCIAL
115	ROLLER RINK	COMMERCIAL
116	SWIMMING FACILITY	COMMERCIAL
120	VARIABLE USE AMUSEMENT/RECREATION	COMMERCIAL
121	BALLROOM,GYMNASIUM	COMMERCIAL
122	EXHIBITION HALL	COMMERCIAL
123	ARENA/STADIUM	COMMERCIAL
124	PLAYGROUND	COMMERCIAL
129	AMUSEMENT CENTER INDOOR/OUTDOOR	COMMERCIAL
130	PLACES OF WORSHIP,CHURCH,FUNERAL PARLOR	COMMERCIAL
131	CHURCH/CHAPEL	COMMERCIAL
134	FUNERAL PARLOR/CHAPEL	COMMERCIAL
140	CLUBS, OTHER	COMMERCIAL
141	ATHLETIC CLUB/YMCA	COMMERCIAL
142	CLUB HOUSE	COMMERCIAL
143	YACHT CLUB	COMMERCIAL
144	CASINO, GAMBLING CLUBS	COMMERCIAL
150	PUBLIC, GOVT, OTHER	COMMERCIAL
151	LIBRARY	COMMERCIAL
152	MUSEUM, ART GALLERY	COMMERCIAL
154	MEMORIAL STRUCTURE,MONUMENT	COMMERCIAL
155	COURT ROOM	COMMERCIAL
160	EATING/DRINKING PLACES	COMMERCIAL
161	RESTAURANT	COMMERCIAL
162	NIGHTCLUB	COMMERCIAL
170	TERMINALS OTHER	COMMERCIAL
173	BUS TERMINAL	COMMERCIAL
180	THEATER, STUDIO OTHER	COMMERCIAL
181	PERFORMANCE THEATER	COMMERCIAL
182	AUDITORIUM, CONCERT HALL	COMMERCIAL
183	MOVIE THEATER	COMMERCIAL
185	RADIO, TV STUDIO	COMMERCIAL
200	EDUCATIONAL PROPERTY OTHER	COMMERCIAL
210	SCHOOLS NON-ADULT OTHER	COMMERCIAL
211	PRE-SCHOOL	COMMERCIAL
213	ELEMENTARY SCHOOL	COMMERCIAL
215	HIGH SCHOOL/JR HIGH/MIDDLE SCHOOL	COMMERCIAL
241	COLLEGE/UNIVERSITY	COMMERCIAL
254	DAY CARE-IN COMMERCIAL PROPERTY	COMMERCIAL
255	DAY CARE-IN RESIDENCE-LICENSED	COMMERCIAL
300	HEALTHCARE/DETENTION OTHER	COMMERCIAL
311	CARE OF THE AGED/NURSING STAFF	COMMERCIAL
321	MENTAL RETARDATION/DEVELOPMENT DISABILITY FACILITY	COMMERCIAL

Code	Description	Category
322	ALCOHOL/SUBSTANCE ABUSE RECOVERY CENTER	COMMERCIAL
323	ASYLUM/MENTAL INSTITUTION	COMMERCIAL
331	HOSPITAL-MEDICAL/PSYCHIATRIC	COMMERCIAL
332	HOSPICES	COMMERCIAL
340	CLINICS, OTHER	COMMERCIAL
341	CLINIC, CLINIC-TYPE INFIRMARY	COMMERCIAL
342	DOCTOR/DENTIST/SURGEONS OFFICE	COMMERCIAL
343	HEMODIALYSIS UNIT	COMMERCIAL
361	JAIL/PRISON - NOT JUVENILE	COMMERCIAL
363	REFORMATORY, JUVENILE DETENTION CENTER	COMMERCIAL
365	POLICE STATION	COMMERCIAL
365A	POLICE TRAINING CENTER	COMMERCIAL
400	RESIDENTIAL OTHER	RESIDENTIAL
419	ONE- AND TWO-FAMILY DWELLING	RESIDENTIAL
429	MULTI-FAMILY DWELLINGS	RESIDENTIAL
439	ROOMING, BOARDING, RESIDENTIAL HOTELS	COMMERCIAL
449	HOTELS, MOTELS, INNS, LODGES	COMMERCIAL
459	RESIDENTIAL BOARD AND CARE	COMMERCIAL
460	DORMITORIES OTHER	COMMERCIAL
462	FRATERNITY, SORORITY HOUSE	COMMERCIAL
464	MILITARY BARRACKS/DORMITORY	RESIDENTIAL
500	MERCANTILE PROPERTIES OTHER	COMMERCIAL
511	CONVENIENCE STORE	COMMERCIAL
519	FOOD, BEVERAGE SALES, GROCERY STORE	COMMERCIAL
529	TEXTILE, WEARING APPAREL SALES	COMMERCIAL
539	HOUSEHOLD GOODS SALES, REPAIRS	COMMERCIAL
549	SPECIALTY SHOPS	COMMERCIAL
557	BARBER, BEAUTY SHOP, PERSONAL SERVICES	COMMERCIAL
559	RECREATIONAL, HOBBY, HOME SALES, PET STORE	COMMERCIAL
564	SELF-SERVICE LAUNDRY/DRY CLEANING	COMMERCIAL
569	PROFESSIONAL SUPPLIES	COMMERCIAL
571	SERVICE STATION	COMMERCIAL
579	MOTOR VEHICLE, BOAT SALES/SERVICE/REPAIRS	COMMERCIAL
580	GENERAL ITEM STORES, OTHER	COMMERCIAL
581	DEPARTMENT STORE	COMMERCIAL
592	BANK W/FIRST STORY BANKING FACILITY	COMMERCIAL
593	MEDICAL, RESEARCH, SCIENTIFIC OFFICE	COMMERCIAL
596	POST OFFICE OR MAILING FORMS	COMMERCIAL
599	BUSINESS OFFICES	COMMERCIAL
600	BASIC INDUSTRY, UTILITY, DEFENSE OTHER	INDUSTRIAL/WAREHOUSE
610	ENERGY PRODUCTION, OTHER	INDUSTRIAL/WAREHOUSE
614	STEAM, HEAT ENERGY PLANT	INDUSTRIAL/WAREHOUSE
615	ELECTRIC GENERATING PLANT	INDUSTRIAL/WAREHOUSE
629	LABORATORIES	INDUSTRIAL/WAREHOUSE
631	NATIONAL DEFENSE SITE/MILITARY SITE	COMMERCIAL
635	COMPUTER, DATA PROCESSING CNTR	INDUSTRIAL/WAREHOUSE
639	COMMUNICATIONS CENTER	INDUSTRIAL/WAREHOUSE
640	UTILITY, ENERGY DISTRIBUTION CNTR OTHER	INDUSTRIAL/WAREHOUSE

Code	Description	Category
642	ELECTRIC TRANSMISSION DISTIB. SYSTEM	INDUSTRIAL/WAREHOUSE
644	GAS DISTRIBUTION SYSTEM, PIPELINE	INDUSTRIAL/WAREHOUSE
647	WATER UTILITY	INDUSTRIAL/WAREHOUSE
648	SANITARY SERVICE	INDUSTRIAL/WAREHOUSE
655	CROPS, ORCHARDS	LAND
669	FOREST, TIMBERLAND	LAND
700	MANUFACTURING PROPERTY, PROCESSING	INDUSTRIAL/WAREHOUSE
800	STORAGE PROPERTY OTHER	INDUSTRIAL/WAREHOUSE
807	OUTSIDE MATERIAL STORAGE AREA	NON-SPECIFIC
808	SHED	NON-SPECIFIC
819	LIVESTOCK, POULTRY STORAGE	LAND
839	REFRIGERATED STORAGE	INDUSTRIAL/WAREHOUSE
880	VEHICLE STORAGE; OTHER	INDUSTRIAL/WAREHOUSE
882	GENERAL VEHICLE PARKING GARAGE	INDUSTRIAL/WAREHOUSE
888	FIRE STATIONS	COMMERCIAL
888T	FIRE TRAINING CENTER/ACADEMY	COMMERCIAL
891	GENERAL WAREHOUSE	INDUSTRIAL/WAREHOUSE
898	WHARF, PIER	INDUSTRIAL/WAREHOUSE
899	RESIDENTIAL OR SELF STORAGE UNITS	INDUSTRIAL/WAREHOUSE
900	OUTSIDE, SPECIAL PROPERTIES; OTHER	NON-SPECIFIC
919	DUMP SANITARY LANDFILL	NON-SPECIFIC
921	BRIDGE, TRESTLE	NON-SPECIFIC
926	OUTBUILDING, EXCLUDING GARAGE	NON-SPECIFIC
931	OPEN LAND, FIELD	LAND
935	CAMPSITE WITH UTILITIES	COMMERCIAL
936	VACANT LOT	LAND
938	GRADED AND CARED FOR PLOTS OF LAND	LAND
940	WATER AREAS, OTHER	NON-SPECIFIC
946	LAKE/RIVER/STREAM	NON-SPECIFIC
951	RAILROAD RIGHT OF WAY	NON-SPECIFIC
952	SWITCH YARD, MARSHALLING YARD	NON-SPECIFIC
960	STREET, OTHER	NON-SPECIFIC
961	DIVIDED HIGHWAY, HIGHWAY	NON-SPECIFIC
962	PAVED PUBLIC STREET, RESIDENTIAL	NON-SPECIFIC
963	PAVED PRIVATE STREET, COMMERCIAL	NON-SPECIFIC
965	UNCOVERED PARKING AREA	NON-SPECIFIC
972	AIRCRAFT RUNWAY	COMMERCIAL
972H	AIRCRAFT HANGER/STORAGE	COMMERCIAL
972T	AIRPORT CONTROL TOWER	COMMERCIAL
974	AIRCRAFT LOADING AREA	COMMERCIAL
981	CONSTRUCTION SITE	NON-SPECIFIC
983	PIPELINE, POWER LINE RIGHT OF WAY	NON-SPECIFIC
984	INDUSTRIAL PLANT YARD	INDUSTRIAL/WAREHOUSE
NNN	NONE	NON-SPECIFIC
UUU	UNDETERMINED	NON-SPECIFIC

Appendix C

LEON COUNTY PROPERTY APPRAISER BUILDING IMPROVEMENT CODES AND USE DESCRIPTIONS WITH ASSIGNMENT OF PROPERTY USE CATEGORY

Code	Description	Category
0100	SINGLE FAMILY RESIDENTIAL	Residential
0300	DUPLEX	Residential
0400	CONDOMINIUM	Residential
0500	STUDENT APARTMENTS	Residential
0501	FRAT/SORORITY	Commercial
0510	STUDENT MULTI LEASE	Residential
0600	STANDARD APARTMENTS	Residential
0601	APT/ LESS THAN 10 UNITS	Residential
0602	DORMITORY	Residential
0650	LIHTC	Residential
0700	TOWNHOUSE	Residential
0800	MOBILE HOME	Residential
1000	GARDEN APARTMENT	Residential
1100	HIGH RISE	Residential
1200	EXEMPT MULTI FAMILY	Residential
1400	MOTELS	Commercial
1500	EXTENDED STAY HOMES	Commercial
1600	HOTELS	Commercial
1700	HOSP/NURS HOME	Residential
1710	NURSING HOME	Residential
1720	CLINIC	Commercial
1730	VET CLINIC	Commercial
1740	REGIONAL MEDICAL CENTER	Commercial
1750	ASSISTED LIVING FACILITY	Residential
1800	CO-OP	Residential
2000	STORE	Commercial
2010	CONDO-STORE	Commercial
2011	SALON/BARBER SHOP	Commercial
2012	LAUNDROMAT	Commercial
2013	CARWASH	Commercial
2014	PHYS FITNESS CENTER	Commercial
2015	STORE SFR CONV	Commercial
2016	IND/RETAIL/STORE	Commercial
2018	DRY CLEANERS	Commercial
2020	CONVENIENCE STORE	Commercial
2030	CONV-STORE/GAS	Commercial
2040	SUPERMARKET	Commercial
2050	PHARMACY	Commercial
2060	JR DISCOUNT	Commercial
2070	SUPER DISCOUNT	Commercial
2080	AUTO PARTS	Commercial
2090	AUTO SERVICE	Commercial
2100	DEPARTMENT STORE	Commercial
2110	JR DEPARTMENT STORE	Commercial
2200	SHOP CENTER	Commercial
2210	NBHD SHOP CENTER	Commercial
2220	COMM SHOP CENTER	Commercial
2300	SERVICE STATION	Commercial

Code	Description	Category
2400	REC/BOWL ALLEY	Commercial
2410	CLUBHOUSE/REC	Commercial
2500	REST/LOUNGE	Commercial
2510	FAMILY RESTAURANT	Commercial
2520	TAKE-OUT RESTAURANT	Commercial
2600	FAST FOOD DRIVE IN	Commercial
2610	FAST FOOD NO SEAT	Commercial
2620	NITE CLUB	Commercial
2700	AUDIT/THEATER	Commercial
2800	MALL	Commercial
2810	SUPER REG MALL	Commercial
3000	OFFICE	Commercial
3010	OFFICE CONDO	Commercial
3015	OFFICE CONDO HIGH RISE	Commercial
3020	OFFICE STRIP CENTER	Commercial
3030	OFFICE LOW RISE	Commercial
3040	OFFICE MID RISE	Commercial
3045	OFFICE PARK	Commercial
3050	OFFICE HIGH RISE	Commercial
3060	OFFICE INDUSTRIAL	Commercial
3070	OFFICE/SFR CONVERSION	Commercial
3080	CONDO MEDICAL OFFICE	Commercial
3100	ED/RELIGIOUS	Commercial
3110	CHILD CARE	Commercial
3200	PUBLIC PARKING	Industrial/Warehouse
3300	BANKS	Commercial
3400	BANKS-BRANCH	Commercial
3410	BANKS-DRV THRU	Commercial
3500	FUNERAL HOME	Commercial
3600	TRAINING CENTER	Commercial
3700	MEDICAL OFFICE	Commercial
3901	BROADCAST CENTER	Commercial
3902	WCTV 2	Commercial
3930	CLASSROOM/TRAINING	Commercial
3940	LIBRARY/MULTI-MEDIA	Commercial
3950	OFFICES	Commercial
3960	DORMITORY/HOUSING	Commercial
3970	MEDICAL FACILITIES	Commercial
3980	COURTHOUSE	Commercial
4000	WAREHOUSE	Industrial/Warehouse
4010	CONDO WAREHOUSE	Industrial/Warehouse
4020	DISTRIBUTION WAREHOUSE	Industrial/Warehouse
4030	TECH MANUFACTURING	Industrial/Warehouse
4031	INDUSTRIAL OFFICE	Industrial/Warehouse
4040	WAREHOUSE/MULTI-BAY	Industrial/Warehouse
4100	SERVICE/PARKING GARAGE	Industrial/Warehouse
4110	INDEPENDENT AUTO CENTER	Commercial
4200	MINI WAREHOUSE	Industrial/Warehouse

Code	Description	Category
4300	COLD STORAGE	Industrial/Warehouse
4400	LIGHT MANUFACTURING	Industrial/Warehouse
4500	HEAVY MANUFACTURING	Industrial/Warehouse
4600	AUTO SHOW/GARAGE	Industrial/Warehouse
4610	CAR/TRUCK RENTAL	Commercial
4620	BOAT S/E DEALER	Commercial
4700	PREFAB METAL BUILDING	Not Used
4800	BARN SHED	Not Used
4810	AIRPORT TERMINAL	Commercial
4900	MAINT/MECH/WAREHOUSING	Industrial/Warehouse
4910	RESEARCH/DEVELOP LABS	Industrial/Warehouse
4920	STADIUMS/ARENAS	Commercial
4930	PARKING GARAGES	Industrial/Warehouse
4940	PRISONS/JAILS	Commercial
4950	MILITARY FACILITIES	Commercial
4960	FIRE STATION	Commercial
MHPK	MOBILE HOME PARK	Residential
MUSE	MUSEUM/CULTURAL	Commercial
RVPK	RV PARK	Commercial

Appendix D

DEPARTMENT OF REVENUE (DOR) CODES

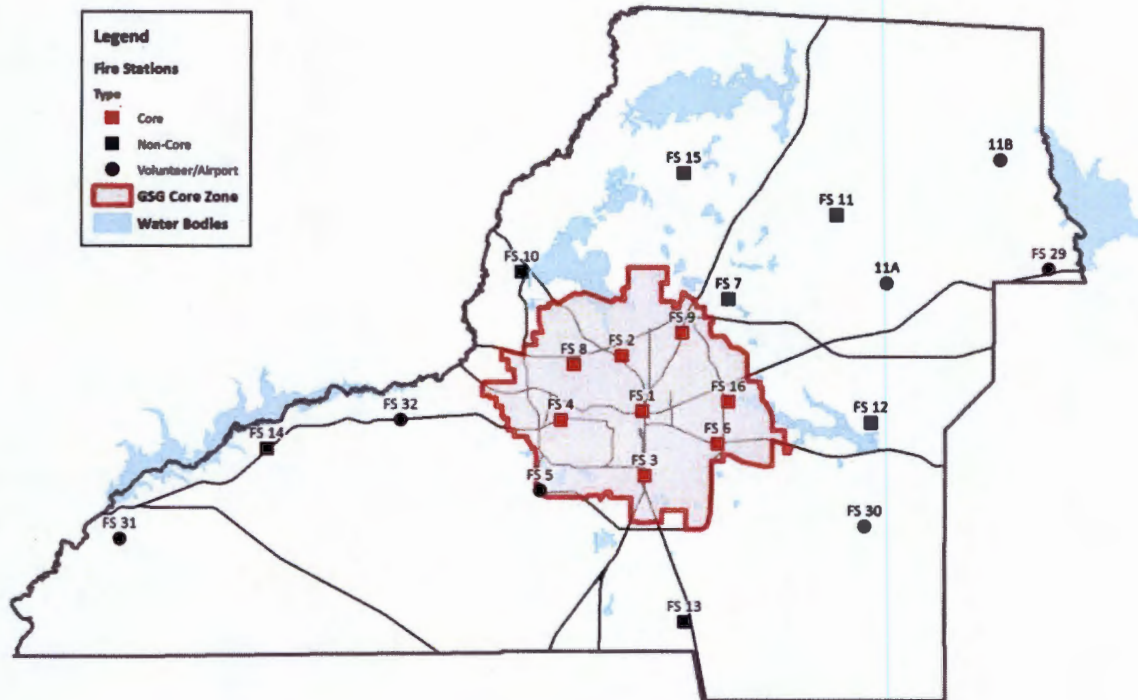
CODE	DESCRIPTION
0	VACANT RESIDENTIAL
100	SINGLE FAMILY IMPROVED
200	MOBILE HOME
300	MULTI FAMILY +10 UNITS
400	CONDOMINIUM
500	CO-OPS
600	RETIREMENT HOMES/NONEXPT
700	MISC RESIDENTIAL
800	MULTI FAMILY 2-9 UNITS
1000	VACANT COMMERCIAL
1100	STORES 1 STORY
1200	MIXED USE STORE/OFFICE
1300	DEPARTMENT STORES
1400	SUPERMARKETS
1500	REGIONAL SHOPPING CTRS
1600	COMMUNITY SHOPPING CTR
1700	OFFICE NON-PROF 1 STORY
1800	OFFICE NON-PROF 2+ STORY
1900	PROFFESIONAL SERVICES
2000	AIR/MARINE/BUS TERMINALS
2100	RESTAURANTS/CAFETERIAS
2200	DRIVE-IN RESTAURANT
2300	BANK/S & L/MORTGAGE/CREDIT
2400	INSURANCE COMPANY OFFICE
2500	REPAIRS SVC TV/LAUNDRIES
2600	SERVICE STATIONS
2700	AUTO SALES/SERVICE/RENTAL
2800	MOBILE HOME PARKS/PK LOTS
2900	WHOLESALE/PRODUCE OUTLETS
3000	FLORIST/GREENHOUSE
3100	OPEN STADIUMS
3200	THEATER/AUDITORIUM (ENCL)
3300	NIGHTCLUB/BAR/LOUNGE
3400	BOWLING/SKATING/POOL HALL
3500	TOURIST ATTRACTION
3600	CAMPS
3700	RACE TRACK; HORSE/DOG/AUTO
3800	GOLF COURSE/DRIVING RANGE
3900	HOTELS/MOTELS
4000	VACANT INDUSTRIAL
4100	LT MFG/SM MACH SHOP/PRINT
4200	HEAVY IND/EQUIP MFG/MACH
4300	LUMBER YARD/SAWMILL
4400	PACK PLANT (FRUIT/MEAT)
4500	CANNERIES/DISTILLERIES

CODE	DESCRIPTION
4600	FOOD PROCESSING/BAKERIES
4700	CEMENT PLANTS
4800	WAREHOUSING
4900	OPEN STORAGE
5000	IMPROVED AGRICULTURAL
5100	VEGETABLE CROPS
5200	BI-ANNUAL ROW CROPS
5300	ROW CROPS
5400	TIMBERLAND SITE 90+
5500	TIMBERLAND SITE 80-89
5600	TIMBERLAND SITE 70-79
5700	TIMBERLAND SITE 60-69
5800	TIMBERLAND SITE 50-59
5900	TIMBERLAND NOT CLASSIFIED
6000	IMPROVED PASTURE LAND
6100	SEMI-IMPROVED LAND
6200	NATIVE LAND
6300	WASTE LAND
6400	GRAZING LAND CLASS V
6500	GRAZING LAND CLASS VI
6600	CITRUS
6700	POULTRY/BEES/FISH/RABBIT
6800	DAIRY, HOG & CATTLE FEED
6900	ORNAMENTALS, MISC AG
7000	VACANT INSTITUTIONAL
7100	CHURCHES
7200	PRIVATE SCHOOLS & COLLEGE
7300	PRIVATE OWNED HOSPITALS
7400	HOMES FOR THE AGED
7500	ORPHANAGES
7600	MORTUARIES/CEMETERIES
7700	CLUBS, LODGES, UNION HALLS
7800	SANITARIUMS, CONVALES, REST
7900	CULTURAL ORG, FACILITIES
8000	UNDEFINED
8100	MILITARY
8200	GOVT FOREST/PARKS/RECREATIONAL
8300	PUBLIC COUNTY SCHOOLS
8400	COLLEGES
8500	HOSPITALS
8600	COUNTY
8700	STATE
8800	FEDERAL
8900	MUNICIPAL NOT PARKS
9000	LEASEHOLD GOVT OWNED

CODE	DESCRIPTION
9100	UTILITIES, GAS/ELEC/TELEP
9200	MINING, PETROLEUM, GAS
9300	SUBSURFACE RIGHTS
9400	RIGHT-OF-WAY
9500	RIVERS & LAKES, SUBMERGED
9600	SEWAGE DISP, BORROW PITS
9700	OUTDOOR REC OR PARK
9800	CENTRALLY ASSESSED
9900	ACREAGE NON AGRICULTURAL

Appendix E

MAP OF SERVICE ZONES



Rate Schedule

		Per Annum For FY 2016 and FY 2017		Per Annum for FY 2018 and each Fiscal Year Thereafter	
		Zone 1	Zone 2	Zone 1	Zone 2
<u>Residential</u>	<u>Per Residential Dwelling Unit</u>	\$170.85	\$157.25	\$201.00	\$185.00
<u>Commercial/Institutional</u>	<u>Square Feet Classification</u>				
	< 1,999	\$249.05	\$226.95	\$293.00	\$267.00
	2,000 - 3,499	\$497.25	\$453.05	\$585.00	\$533.00
	3,500 - 4,999	\$869.55	\$793.05	\$1,023.00	\$933.00
	5,000 - 9,999	\$1,241.85	\$1,132.20	\$1,461.00	\$1,332.00
	10,000 - 19,999	\$2,482.85	\$2,263.55	\$2,921.00	\$2,663.00
	20,000 - 29,999	\$4,965.70	\$4,527.10	\$5,842.00	\$5,326.00
	30,000 - 39,999	\$7,447.70	\$6,790.65	\$8,762.00	\$7,989.00
	40,000 - 49,999	\$9,930.55	\$9,054.20	\$11,683.00	\$10,652.00
	50,000 - 59,999	\$12,412.55	\$11,317.75	\$14,603.00	\$13,315.00
	60,000 - 69,999	\$14,895.40	\$13,581.30	\$17,524.00	\$15,978.00
	70,000 - 79,999	\$17,377.40	\$15,844.85	\$20,444.00	\$18,641.00
	80,000 - 89,999	\$19,860.25	\$18,108.40	\$23,365.00	\$21,304.00
	90,999 - 99,999	\$22,342.25	\$20,371.95	\$26,285.00	\$23,967.00
	≥ 100,000	\$24,825.10	\$22,635.50	\$29,206.00	\$26,630.00
<u>Industrial/Warehouse</u>	< 1,999	\$23.80	\$64.60	\$28.00	\$76.00
	2,000 - 3,499	\$47.60	\$129.20	\$56.00	\$152.00
	3,500 - 4,999	\$83.30	\$225.25	\$98.00	\$265.00
	5,000 - 9,999	\$118.15	\$321.30	\$139.00	\$378.00
	10,000 - 19,999	\$236.30	\$642.60	\$278.00	\$756.00
	20,000 - 29,999	\$472.60	\$1,284.35	\$556.00	\$1,511.00
	30,000 - 39,999	\$708.90	\$1,926.10	\$834.00	\$2,266.00
	40,000 - 49,999	\$945.20	\$2,567.85	\$1,112.00	\$3,021.00
	50,000 - 59,999	\$1,181.50	\$3,209.60	\$1,390.00	\$3,776.00
	60,000 - 69,999	\$1,417.80	\$3,852.20	\$1,668.00	\$4,532.00
	70,000 - 79,999	\$1,654.10	\$4,493.95	\$1,946.00	\$5,287.00
	80,000 - 89,999	\$1,890.40	\$5,135.70	\$2,224.00	\$6,042.00
	90,999 - 99,999	\$2,126.70	\$5,777.45	\$2,502.00	\$6,797.00
	≥ 100,000	\$2,363.00	\$6,419.20	\$2,780.00	\$7,552.00
<u>Governmental</u>	per square foot	\$0.18	\$0.18	\$0.21	\$0.21

EXHIBIT 2

FIRE RESCUE SERVICES NON-AD VALOREM ASSESSMENT ROLL

Due to the voluminous nature thereof, the assessment roll is not attached to this Resolution in this Agenda Item but is available for public inspection at <https://leoncountyfl.gov/specialassessment> and in the office of the County Administrator. Anyone needing assistance may contact the office of the County Administrator at (850) 606-5300. The assessment roll will be attached hereto upon adoption.



CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of Leon County Board of County Comm'rs, located in Leon County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the 12th day of July, 2022 year.

Chairman of the Board or authorized agent
of Leon County Board of County Commissioners
Name of local government

Leon County, Florida

NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to Section 197.3632(4)(b), Florida Statutes, that the Board of County Commissioners of Leon County, Florida will conduct a public hearing on Tuesday, July 12, 2022, 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 the adoption of a fire rescue services non-ad valorem assessment roll for the subject parcels of improved real property located within the unincorporated area of Leon County, Florida. The purpose of the special assessment is to equitably recover costs incurred for providing and funding fire rescue services to improved parcels of property located within the unincorporated area of Leon County (geographic depiction of the property subject to the assessment is set forth below). The assessment shall be collected annually by the Leon County Tax Collector.

Leon County will also broadcast the public hearing on Comcast channel 16, the Leon County Florida channel on Roku, and the County's Facebook page (<https://www.facebook.com/LeonCountyFL/>), YouTube channel (<https://www.youtube.com/user/LeonCountyFL>), and web site (www.LeonCountyFL.gov).

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Interested parties may also provide virtual real-time public comments during the public hearing. Interested parties wishing to provide virtual real-time public comments must complete and submit the registration form provided at <https://www2.leoncountyfl.gov/coadmin/agenda/> by 8:00 p.m. on Monday, July 11, 2022. Following submittal of the registration form, further instructions for participating in the meeting will be provided. Persons needing assistance with registering or providing real-time comments may contact County Administration via telephone at (850) 606-5300. Please note that Board of County Commissioners Policy 01-05, Article IX., Section E., entitled "Addressing the Commission", and Article IX., Section F., entitled "Decorum", shall remain in full force and effect.

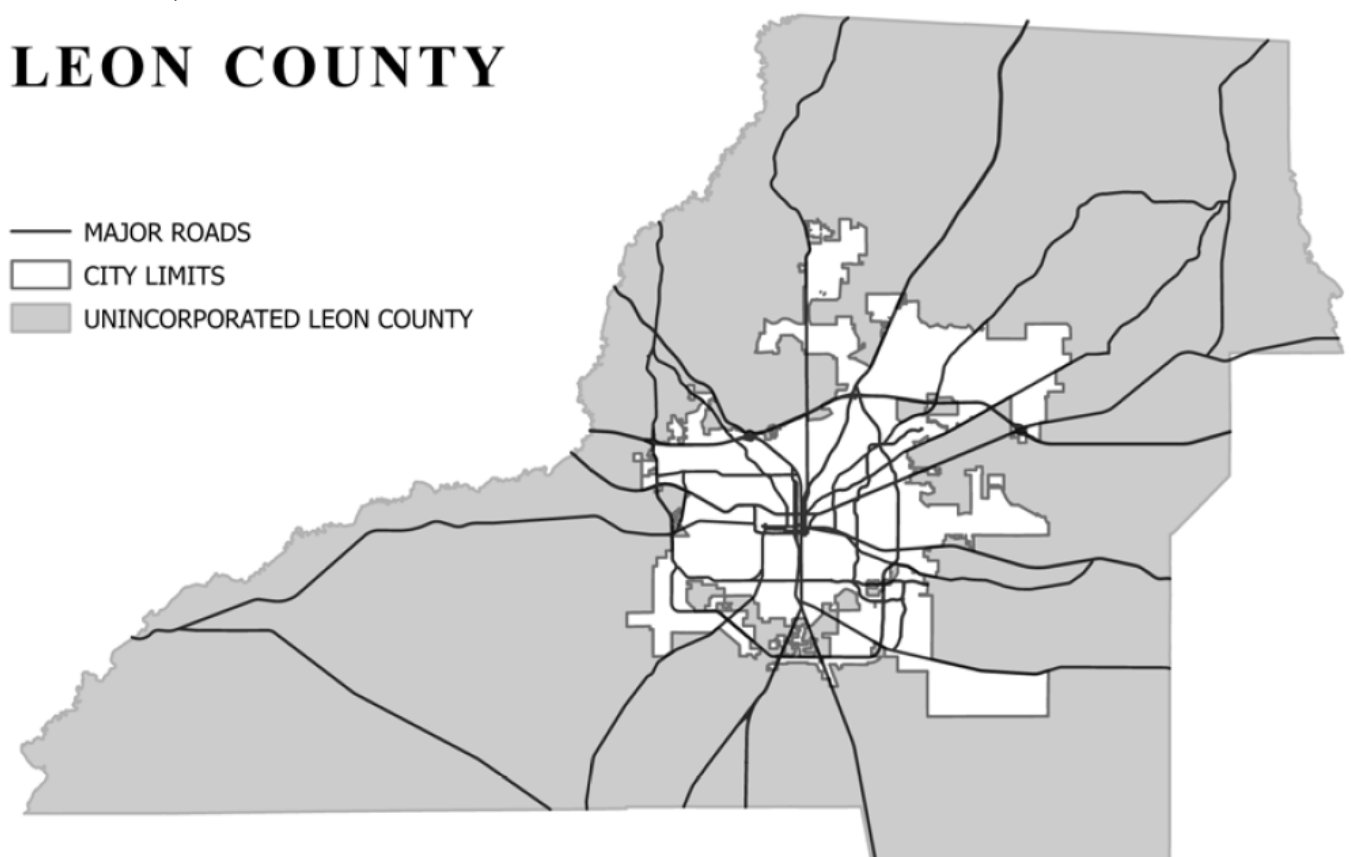
Written objections may be mailed to the Board within 20 days of publication of this Notice at: Leon County Board of County Commissioners, Leon County Courthouse, 301 South Monroe Street, 5th Floor Chambers, Tallahassee, Florida 32301.

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.

Publish: June 17, 2022

LEON COUNTY



Leon County
Board of County Commissioners
Notes for Agenda Item #33

Leon County Board of County Commissioners

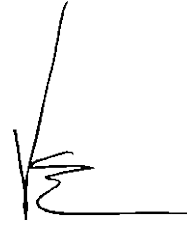
Agenda Item #33

July 12, 2022

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: First and Only Public Hearing to Approve the Resolution Adopting the Stormwater Non-Ad Valorem Assessment Roll and Certification of the Entire Roll to Tax Collector



Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Ken Morris, Assistant County Administrator Scott Ross, Director, Office of Financial Stewardship Brent Pell, Director, Public Works Charles Wu, Director, Engineering Services
Lead Staff/ Project Team:	Roshaunda Bradley, Budget Manager Eryn Calabro, Principal Management and Budget Analyst

Statement of Issue:

As required by Florida Statutes, this Public Hearing provides for the adoption of an assessment roll for all properties being assessed for the first time, and certification of the entire assessment roll for Stormwater Management.

Fiscal Impact:

This item has a fiscal impact. The FY 2023 budget includes the non-ad valorem special assessment generating \$3,714,700.

Staff Recommendation:

Option #1: Conduct the first and only public hearing and approve the Resolution adopting the Stormwater Non-Ad Valorem Assessment Roll (Attachment #1) and authorize the certification of the entire Roll to the Tax Collector (Attachment #2).

Report and Discussion

Background:

As required by Florida Statutes, this Public Hearing provides for the adoption of a Stormwater Assessment Roll for all properties being assessed for the first time, and certification of the entire Stormwater Assessment Roll to the Tax Collector. The Stormwater Assessment is included on the Truth-In-Millage (TRIM) Property Tax Notice. The assessment is recommended to remain unchanged for FY 2023.

The Stormwater Assessment is used to support Stormwater Management Services and Facilities, including management and administration of the stormwater utility and stormwater management system; stormwater program engineering; stormwater basin planning; operating and maintaining stormwater facilities; billing and collection of stormwater assessment; and legal, engineering, and other consultant services.

Analysis:

During the FY 2014 budget process, the Board adopted an amended stormwater Ordinance and approved the implementation of the \$85 assessment rate as recommended in the new rate study for a single-family residential unit. Nonresidential development is assessed based on the developed properties total impervious area except certified agricultural property, which is exempt from the Stormwater Assessment.

The Stormwater Assessment imposed on nonresidential property is the rate of one single-family unit (SFU) multiplied by the numerical factor obtained by dividing the total impervious area of the nonresidential developed property by the SFU average impervious area. The average SFU impervious area in the unincorporated area of Leon County is 3,272 square feet. For example, to calculate the cost to a convenience store that has 32,720 square feet of impervious area, this total is divided by 3,272. This equals 10 SFUs which equates to \$850 under the adopted Rate Resolution.

The Ordinance also provides a 50% credit to residents qualified as Low-Income Seniors or Disabled Veterans through the Leon County Property Appraiser's Office. Finally, properties discharging to a private stormwater management facility with a valid operating permit receive a discount on their assessment.

Section 18-130 Leon County Code of Laws and Section 197.3632, Florida Statutes, require that the Board of County Commissioners hold a public hearing and adopt an assessment roll for all properties being assessed for the first time, and certify the entire assessment roll to the Tax Collector by September 15th.

The proposed assessment roll is available for public inspection at the County Administration offices located on the fifth floor of the County Courthouse. A link to the County's website has also been created at <https://leoncountyfl.gov/specialassessment>, which provides additional access to persons interested in reviewing the proposed assessment roll. The proposed assessment roll has

not been attached to this item due to the voluminous nature thereof. The assessment roll contains the name of the owner, the parcel identification number, the parcel address, and the amount of the assessment. Written comments and objections filed by affected property owners, if any, have been compiled and likewise have been made available for public inspection on the County's website and available for public inspection in the County Administration Office.

The proposed Resolution adopting the Stormwater Non-Ad Valorem Assessment Roll for all properties subject to the assessment for the first time (Attachment #1), and the Certificate to the Assessment Roll to the Tax Collector (Attachment #2), are included for the Board's consideration.

The public hearing notice was published in the Tallahassee Democrat (Attachment #3) and first-class notices were mailed to each of the 459 property owners subject to the Non-Ad Valorem Assessment for Stormwater Management Services for the first time in accordance with the requirements of Section 197.3632, Florida Statutes.

Not adopting the Non-Ad Valorem Assessment Roll for Stormwater Management Services and Facilities will create a budget impact in the amount of \$3,714,700 for Fiscal Year 2023.

Options:

1. Conduct the first and only public hearing and approve the Resolution adopting the Stormwater Non-Ad Valorem Assessment Roll (Attachment #1) and authorize the certification of the entire Roll to the Tax Collector (Attachment #2).
2. Conduct the first and only public hearing and do not approve the Resolution adopting the Stormwater Non-Ad Valorem Assessment Roll.
(*This action would require amendments to the FY 2023 budget.*)
3. Board direction.

Recommendation:

Option #1

Attachments:

1. Proposed Resolution adopting the Stormwater Non-Ad Valorem Assessment Roll
2. Certificate of the entire Stormwater Non-Ad Valorem Assessment Roll to the Tax Collector
3. Notice of Public Hearing

LEON COUNTY RESOLUTION NO. R2022-

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEON COUNTY, FLORIDA, ADOPTING A STORMWATER
MANAGEMENT SERVICES AND FACILITIES NON-AD VALOREM
ASSESSMENT ROLL; PROVIDING FOR CERTIFICATION OF THE
ROLL TO THE TAX COLLECTOR; AND PROVIDING FOR AN
EFFECTIVE DATE.**

RECITALS

WHEREAS, on May 28, 2013, the Board of County Commissioners enacted an Ordinance amending Chapter 18 of the Leon County Code of Laws, relating to the provision and funding of the *Stormwater Management Services and Facilities* to the *Stormwater Services Area*; and

WHEREAS, on May 28, 2013, the Board of County Commissioners adopted a *Stormwater Assessment Rate Resolution* levying and imposing upon each *Developed Property* located within the *Stormwater Services Area* a *Stormwater Assessment* in an amount found to be reasonably related to the cost of providing the *Stormwater Management Services and Facilities* to such property and thereby providing an equitably corresponding special benefit to such property; and

WHEREAS, in accordance with section 197.3632(4)(a)1, Florida Statutes, the Board of County Commissioners desires to adopt a stormwater non-ad valorem assessment roll for those properties subject to levy of the non-ad valorem assessment for the first time; and

WHEREAS, pursuant to section 197.3632, Florida Statutes, the Board of County Commissioners has reviewed the *Stormwater Assessment Roll* for conformity with the *Stormwater Assessment Rate Resolution*; and

WHEREAS, the Board wishes to approve and adopt a *Stormwater Assessment Roll* and to certify the roll for collection to the Tax Collector; and

WHEREAS, Leon County has provided notice of a public hearing at least twenty days prior to same by first class United States mail and by publication in the *Tallahassee Democrat* advising that a public hearing would take place.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Recitals.

The Recitals to this Resolution are incorporated herein and made a part hereon as if fully set forth below.

Section 2. Definitions.

For purposes of this Resolution, the definitions contained in section 18-134.2, Leon County Code of Laws, are incorporated herein by reference.

Section 3. Adoption of Non-Ad Valorem Assessment Roll.

Pursuant to section 197.3632, Florida Statutes, Leon County hereby approves and adopts the *Stormwater Assessment Roll*, attached hereto as Exhibit 2 and incorporated herein as if fully set forth below.

Section 4. Unit of Measurement for Non-Ad Valorem Assessment.

The unit of measurement for the *Stormwater Assessment* shall be as set forth in Exhibit 1, the *Stormwater Assessment Rate Resolution*, R13-20, which is attached hereto and incorporated herein as if fully set forth below. The amount of the *Stormwater Assessment* imposed against each subject parcel of *Developed Property* is and shall be as further set forth in Exhibit 2. The *Stormwater Assessment* shall be and is hereby levied and imposed annually commencing October 1, 2013, and continuing each year thereafter until such time as changed or discontinued by the Board.

Section 5. Certification of Non-Ad Valorem Assessment Roll to Tax Collector.

The *Stormwater Assessment Roll* is hereby certified to the Tax Collector for collection in accordance with Florida law. The Chairman of the Board of County Commissioners is authorized to include each parcel described at Exhibit 2 herein on the non-ad valorem assessment roll certified to the Tax Collector for all properties subject to the stormwater non-ad valorem assessment.

Section 6. Effective Date.

This resolution shall have effect upon adoption.

DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County, Florida, this 12th day of July, 2022.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chair
Board of County Commissioners

ATTESTED BY:
Gwendolyn Marshall Knight, Clerk of Court
& Comptroller, Leon County, Florida

By: _____

1 APPROVED AS TO FORM:
2 Chasity H. O'Steen, County Attorney
3 Leon County Attorney's Office
4
5

6 By: _____
7

EXHIBIT 1

RESOLUTION NO. R13-20

**STORMWATER ASSESSMENT RATE RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS, RELATING TO THE
PROVISION AND FUNDING OF THE STORMWATER
MANAGEMENT SYSTEM.**

RECITALS

WHEREAS, the County desires to provide *Stormwater Management Services and Facilities* in the most efficient manner possible in order to promote the health, safety, and general welfare of its citizens; and

WHEREAS, a new and dedicated funding for implementation of the County's *Stormwater Management Plan* is needed to maintain compliance with state and federal requirements, and the levy of a *Stormwater Assessment* is determined to be the most equitable method of providing such funding; and

WHEREAS, those elements of the *Stormwater Management System* that provide for the collection, storage, treatment, and conveyance of *Stormwater* specially benefit all *Developed Property* within the unincorporated area of the County; and

WHEREAS, Florida law authorizes and encourages local governments to create stormwater management systems, provide stormwater management services and facilities, and adopt stormwater charges sufficient to plan, construct, operate and maintain its stormwater management system; and

WHEREAS, the cost of operating and maintaining the County *Stormwater Management System* and providing *Stormwater Management Services and Facilities* in accordance with existing permits and the funding of existing and future repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received; and

WHEREAS, on May 28, 2013, the Board of County Commissioners enacted an Ordinance amending ch. 18, Leon County Code of Laws, relating to the provision and funding of the County *Stormwater Management System*.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Leon County, Florida, that:

Section 1. **Recitals.** The Recitals set forth above are deemed incorporated herein as is fully set forth below.

Section 2. **Authority.** This Resolution is adopted pursuant to the authority granted the County under Article 8, Section 1, Florida Constitution, ch. 125 and 403, Florida Statutes, the Leon County Charter, and other applicable provisions of law.

Section 3. **Definitions.** For purposes of this Resolution, the definitions contained in section 18-134.2, Leon County Code of Laws, are incorporated herein by reference.

Section 4. **Resolution.** This Resolution shall constitute the *Stormwater Assessment Rate Resolution* as described in section 18-134.4(b), Leon County Code of Laws.

Section 5. **Provision of Stormwater Management Services and Facilities.** The County intends to provide *Stormwater Management Services and Facilities* for the benefit of all parcels of *Developed Property* located within the *Stormwater Services Area* commencing October 1, 2013. All or a portion of the cost to provide such *Stormwater Management Services and Facilities* shall be funded from the proceeds of the *Stormwater Assessment*.

Section 6. **Legislative Determinations.** It is hereby ascertained, determined, and declared that each parcel of *Developed Property* subject to the *Stormwater*

Assessment located within the *Stormwater Services Area* shall be specially benefited by the provision of *Stormwater Management Services and Facilities*, in an amount and to a degree not less than the *Stormwater Assessment* imposed against such parcel of *Developed Property*, in that such *Stormwater Assessment* as computed in a manner as set forth in this Resolution, constitutes a fair and reasonable charge for the provision of *Stormwater Management Services and Facilities*. It is hereby further ascertained, determined, and declared that the cost of providing *Stormwater Management Services and Facilities* used to compute the *Stormwater Assessment* constitutes a reasonable estimation of the ten (10) year average annual cost of providing *Stormwater Management Services and Facilities* to all parcels of *Developed Property* within the *Stormwater Services Area*. Lastly, the *Stormwater Assessment* is based upon the Leon County, Florida, Stormwater Utility Update, Final Report, dated April 5, 2013 (hereinafter "Rate Study") which is hereby specifically approved and adopted as Exhibit A, same being attached hereto and incorporated herein as if fully set forth below.

Section 7. Stormwater Assessment. A *Stormwater Assessment* is hereby levied and imposed upon each parcel of *Developed Property* located within the *Stormwater Services Area* and which is hereby ascertained, determined, and declared to be reasonably related to the cost of providing *Stormwater Management Services and Facilities* and thereby provides an equitably corresponding special benefit to the *Developed Property*. The *Stormwater Assessment* is hereby ascertained, determined and declared to be based upon a reasonable estimation of a ten (10) year average annual cost of providing *Stormwater Management Services and Facilities* to such *Developed Property*. It is further ascertained, determined and declared that the *Stormwater Assessment* imposed hereby provides a special benefit to and is equitably apportioned among the *Developed*

Properties assessed based upon the special benefit assumptions and apportionment methodology set forth in the Rate Study, Exhibit A. The amount of the *Stormwater Assessment* levied and imposed upon each parcel of *Developed Property* in the *Stormwater Services Area* shall be determined according to the property use category and rate as set forth in Exhibit B, Rate Schedule, commencing October 1, 2013, annually until discontinued or changed by the Board.

Section 8. Residential Credit. The Board hereby provides a fifty percent (50%) residential credit to the *Stormwater Assessment* for County residents owning and residing on residential *Developed Property* who have been qualified with the *Property Appraiser* as either a Low Income Senior or Disabled Veteran in accordance with Florida law. Funds designated by the Board to adequately fund the residential credit shall be paid from funds other than those generated by the *Stormwater Assessment*. The residential credit shall be effective commencing October 1, 2013, and continue annually until discontinued by the Board.

Section 9. Adjustment.

(a) The Board hereby finds that retention of *Stormwater* meeting the standards set forth in sections 10-4.301(3)(b) or (5)(a)(i) and (5)(b), Leon County Code of Laws, would constitute a significant and measureable reduction in County provided *Stormwater Management Services and Facilities*, resulting in an adjustment to the *Stormwater Assessment* to reflect only those costs associated with engineering and permitting services of the *Stormwater Management Services and Facilities* provided. Therefore, the Board hereby creates a 75% adjustment to the *Stormwater Assessment* for the subject *Developed Property*. Upon approval of an application of the owner, a 75% reduction to the *Stormwater Assessment* will be applied to a *Developed Property*,

when a privately owned stormwater management facility serving the subject property has a valid operating permit issued by the County, for a private residential subdivision or an on-site stormwater management facility serving a non-residential property, meeting the requirements of Section 18-134.4(f)(2)a.(1), Leon County Code of Laws. The 75% adjustment will commence October 1, 2013 and will remain in effect so long as the subject property owner's operating permit remains valid, or until such time as discontinued by the Board.

- (b) The Board hereby finds that by demonstrating that *Stormwater* quality treatment and rate attenuation standards applicable at the time of approval of a County issued environmental permit have been met, would constitute a significant and measurable reduction in County provided *Stormwater Management Services and Facilities*. As a result, adjusting the *Stormwater Assessment* to reflect a portion of those costs associated with the *Stormwater Management Systems and Facilities* provided, would result in a 50% reduction in the *Stormwater Assessment*. Therefore, the Board hereby creates a 50% adjustment to the *Stormwater Assessment* for the subject *Developed Property*. Upon approval of an application of the owner, a 50% reduction to the *Stormwater Assessment* will be applied to a *Developed Property*, when a privately owned stormwater management facility serving the subject property has a valid operating permit issued by the County, for a private residential subdivision or an on-site stormwater management facility serving a non-residential property, meeting the requirements of Section 18-134.4(f)(2)a.(2), Leon County Code of Laws. The 50% adjustment will commence October 1, 2013 and will remain in effect so long as the subject property owner's operating permit remains valid, or until such time as discontinued by the Board.

(c) The Board hereby finds that by demonstrating that *Stormwater* rate attenuation standards applicable at the time of approval of a County issued environmental permit have been met, would constitute a significant and measurable reduction in County provided *Stormwater Management Services and Facilities*. As a result, adjusting the *Stormwater Assessment* to reflect a portion of those costs associated with the *Stormwater Management Systems and Facilities* provided would result in a 25% reduction in the *Stormwater Assessment*. Therefore, the Board hereby creates a 25% adjustment to the *Stormwater Assessment* for the subject *Developed Property*. Upon approval of an application of the owner, a 25% reduction to the *Stormwater Assessment* will be applied to a *Developed Property*, when a privately owned stormwater management facility serving the subject property has a valid operating permit issued by the County, for a private residential subdivision or an on-site stormwater management facility serving a non-residential property, meeting the requirements of Section 18-134.4(f)(2)a.(3), Leon County Code of Laws. The 25% adjustment will commence October 1, 2013 and will remain in effect so long as the subject property owner's operating permit remains valid, or until such time as discontinued by the Board.

(d) Upon approval of an application of the owner, a reduction to the *Stormwater Assessment* may be applied to the subject *Developed Property*, when the owner demonstrates by competent substantial evidence that alternative means or techniques have been utilized to accomplish the standards set forth in Section 18-134.4(f)(2)a.(1), Leon County Code of Laws.

Section 10. Collection of the *Stormwater Assessment*. The collection of the *Stormwater Assessment* shall be made pursuant to and in accordance with section 18-

134.5, Leon County Code of Laws and is authorized hereby, commencing October 1, 2013.

Section 11. Effective Date. This Resolution shall have effect upon adoption and shall apply to all parcels of *Developed Property* located within the unincorporated area of Leon County.

Done and adopted by the Board of County Commissioners of Leon County, Florida, this 28th day of May, 2013.



LEON COUNTY, FLORIDA
BY: Nicholas Maddox
NICHOLAS MADDOX, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

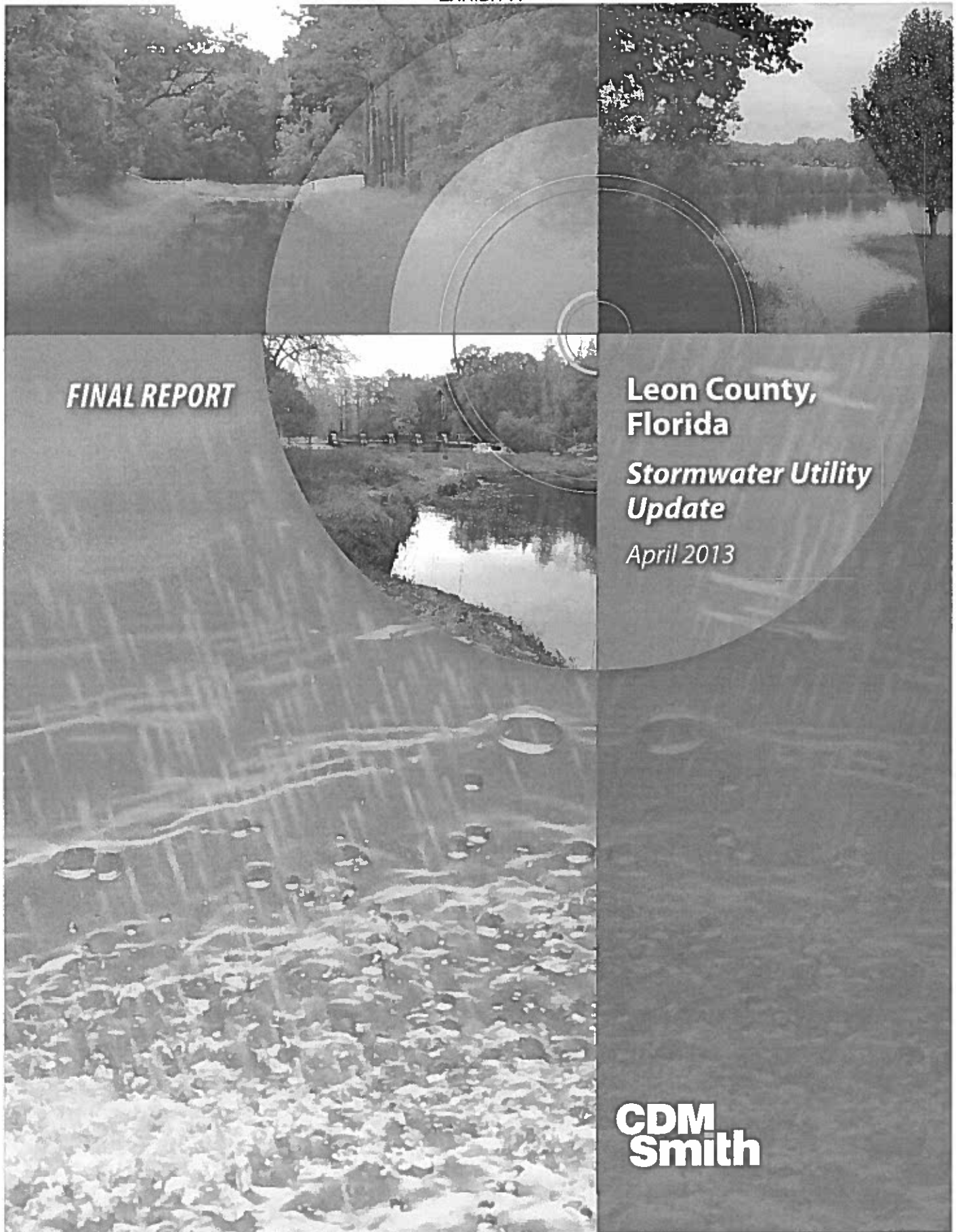
ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

BY: Bob Inzer
for Bob Inzer

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: Herbert W.A. Thiele
HERBERT W.A. THIELE, ESQ.
DOP. COUNTY ATTORNEY

EXHIBIT A



FINAL REPORT

**Leon County,
Florida**
**Stormwater Utility
Update**
April 2013

**CDM
Smith**

EXHIBIT A



1715 North Westshore Boulevard, Suite 875
Tampa, Florida 33607
tel: 813 281-2900
fax: 813 288-8787

April 5, 2013

Ms. Theresa Heiker, P.E.
Stormwater Management Coordinator
Engineering Services Division
Leon County Public Works Department
2280 Miccosukee Road
Tallahassee, Florida 32398

Subject: Stormwater Utility Update Final Report

Dear Ms. Heiker:

CDM Smith is pleased to submit the Stormwater Utility Update Final Report (5 copies). The final report incorporates final comments and decisions CDM Smith received from the County on March 8, 2013 and early April via e-mail. Highlights from the report are presented below.

Level of Service Analysis

CDM Smith worked with County staff to define program activities and expenditures for Service Areas presented in Figure 1. The assessed level-of-service (LOS) for each program element is highlighted in blue. In general, the County's program is between a LOS C and LOS D. This assessment is based upon services currently being provided by the County and the associated funding of those services as compared to other Florida communities.

Level of Service	Engineering & Permitting Activities	Operation and Maintenance Program Activities	CIP Implementation Period
A	Comprehensive Planning + Full Implementation Capabilities + Exemplary NPDES Permit Compliance	Fully Preventative/ 100% Routine	10-year Plan
B	Pro-Active Planning + Systematic CIP Implementation Capabilities + Proactive Permit Compliance	Mixture of Routine and Inspection Based	20-year Plan
C	Priority Planning + Partial CIP Implementation Capabilities + Minimal NPDES Permit Compliance	Inspection Based Only	40-year Plan
D	Reactionary Planning + Minimal CIP Implementation Capabilities + Below Minimum NPDES Permit Compliance	Mainly Responsive (Complaint-based)	50-year Plan
F	No Planning + No CIP Implementation Capabilities + NPDES Non-Compliance	Less than full response to all complaints	100-year Plan

Figure 1
LOS Analysis of County Stormwater Program Elements



EXHIBIT A



Ms. Theresa Heiker, P.E.
April 5, 2013
Page 2

In order to maintain the current LOS being provided by the County, and the elimination of the transfer of general revenues to the stormwater utility fund, the updated stormwater utility would need to generate the revenue shown in Table 1. As an option, CDM Smith also considered at the request of the County an additional scenario to add \$2 million in annual revenue for capital improvements.

Table 1
Stormwater Program Costs

Program Element	Budget	% of Total
Engineering & Permitting, and NPDES	\$1,350,000	26.2%
Operations & Maintenance	\$1,800,000	35.0%
Capital Improvement Program	\$2,000,000	38.8%
Total	\$5,150,000	100.0%

Rate Structure Analysis

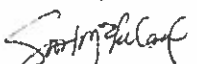
CDM Smith worked with County staff to define and evaluate various stormwater utility rate structure scenarios to generate the program costs. This included an

assessment of impervious area characteristics of parcels located in unincorporated Leon County and the selection of a "single family dwelling unit" (SFU) as the basis for assigning fees to parcel owners. Based on the input from County staff, the preferred rate structure includes tiered non-single family residential rates, non-residential rates based upon their equivalent number of SFU's and the allowance of a credit adjustment. The analysis considered the cost of service within the defined Urban Service Area (USA). Also, the analysis showed that the rate for the USA would be only slightly different than the non-USA area, which may not support the need for different service areas.

Based on the number of SFU's in the County, to generate \$5.15 million in annual stormwater program costs, the fee is estimated to be \$140 per SFU per year assuming a 95 percent collection. To fund the stormwater program costs using a graduated 5-year approach, the fee would start out at \$44 per year per SFU, and increase by \$24 per year per SFU for each of the next 4 years. After five years, the ultimate rate would be \$140 per year per SFU. These estimates are based on a 2 percent growth per year in revenue needs and a 1 percent growth per year (i.e., new construction) in revenues.

We appreciate working with the County on this very important project and look forward to future opportunities.

Sincerely,


Scott McClelland
Vice President
CDM Smith Inc.

cc: Brian Mack

EXHIBIT A



Table of Contents

Section 1 Introduction.....	1-1
Section 2 Level of Service	2-1
2.1 Stormwater Levels of Service	2-1
2.1.1 Engineering & Permitting Level of Service Descriptions.....	2-2
2.1.2 Operation and Maintenance Level of Service Descriptions	2-4
2.1.3 Capital Improvements Level of Service Descriptions.....	2-4
2.2 Description of Current County Stormwater Program.....	2-5
2.2.1 Engineering Services Division	2-5
2.2.2 Operation Services Division	2-6
2.3 Current County Stormwater Program Funding Summary.....	2-8
2.3.1 Current Engineering & Permitting LOS	2-9
2.3.2 Current NPDES Compliance LOS	2-9
2.3.3 Current Operation and Maintenance LOS.....	2-9
2.3.4 Current Capital Improvements LOS.....	2-9
2.4 Existing Program Cost Comparison.....	2-10
2.5 Stormwater Program Level of Service Improvements.....	2-11
Section 3 Parcel Analysis.....	3-1
3.1 Tallahassee-Leon County GIS and Leon County Appraisal Data.....	3-1
3.2 Results of Parcel Assessment	3-1
3.3 Estimated Dwelling Units.....	3-3
3.4 Estimated Parcels for USA	3-4
Section 4 Rate Structure Analysis	4-1
4.1 Purpose	4-1
4.2 Rate Model.....	4-1
4.3 Stormwater Program Needs	4-3
4.4 Rate Structure Alternatives - Unincorporated County	4-3
4.4.1 Equivalent Units	4-4
4.4.2 Uniform or Tiered Residential Rates.....	4-4
4.4.3 Nonresidential Rates	4-6
4.4.4 Adjustments and Credits.....	4-6
4.5 Consequences of Rate Structure Options	4-8
4.6 Urban Services Area Options	4-9
Section 5 Rate Alternatives	5-1

EXHIBIT A



Table of Contents

Tables

Table 2-1 Leon County, Florida Stormwater Utility Update – Stormwater Management and Operations Budgets and Costs As Shown in the Leon County Annual Budget, 5-Year Financial Plan and CIP, FY12/13	2-8
Table 2-2 Leon County, Florida Stormwater Utility Update – Capital Expenditures and Source of Funding	2-9
Table 2-3 Leon County, Florida Stormwater Utility Update – LOS Costs	2-10
Table 2-4 Leon County, Florida Stormwater Utility Update – Stormwater Management and Operation Estimated Budgets Excluding and Including CIP	2-11
Table 3-1 Leon County, Florida Stormwater Utility Update – Summary of Unincorporated County Parcel FY 2011-2012	3-2
Table 3-2 Leon County, Florida Stormwater Utility Update – Summary of Parcel Data FY 2011-2012 – Urban Services Area	3-5
Table 4-1 Leon County, Florida Stormwater Utility Update – Summary of Parcel Data (October 2012)	4-2
Table 4-2 Leon County, Florida Stormwater Utility Update –Summary of FY13 Program Costs	4-3
Table 4-3 Leon County, Florida Stormwater Utility Update –Potential Tiered Single Family Rate Structure	4-5
Table 4-4 Leon County, Florida Stormwater Utility Update –Potential Tiered Residential Rates	4-6
Table 4-5 Leon County, Florida Stormwater Utility Update –Summary of Consequences for Rate Structure Options	4-9
Table 4-6 Leon County, Florida Stormwater Utility Update – O&M Rate for USA and Non-USA Areas	4-9
Table 5-1 Leon County, Florida Stormwater Utility Update –Study Rate Alternatives to Fund \$3.15 Million Annually	5-2
Table 5-2 Leon County, Florida Stormwater Utility Update –Study Rate Alternatives to Fund \$5.15 Million Annually	5-2

Figures

Figure 2-1 Leon County, Florida Stormwater Utility Update	2-2
Figure 2-2 Leon County, Florida Stormwater Utility Update	2-10

EXHIBIT A



Section 1

Introduction

In October 2012, Leon County (the County) contracted with CDM Smith to prepare a Stormwater Utility Update Study (the 2012 Study). Procurement for these services was based upon the findings and recommendations from the Board of County Commissioner's Workshop on Stormwater and Solid Waste Non-Ad Valorem Assessments and Transportation Taxes held in February 2012. The original purpose of the 2012 Study was to identify the necessary funding to maintain adequate levels-of-service (LOS) for the County's stormwater management program and to determine the feasibility of eliminating the approximate \$2 to \$3 million subsidy from the County's general fund for stormwater services.

To accomplish this goal, CDM Smith prepared a LOS analysis of the County's stormwater programs (Section 2), performed a rate structure analysis (Sections 3 and 4), and developed subsidy elimination scenarios (Section 5). Also, as part of this work, CDM Smith developed a simple rate model using MS Excel ©, which has been provided to the County. This document summarizes the results and conclusions made for each of these tasks.

In order to compare the various rate structure options considered in Sections 3 and 4, the 2011 Stormwater Utility Survey (2011 Survey) prepared by the Florida Stormwater Association (FSA) was used. This survey included 81 respondents, of which 71 were cities and 10 were counties.

EXHIBIT A



Section 2

Level of Service

2.1 Stormwater Levels of Service (LOS)

For the purposes of this evaluation, stormwater management services for the County have been organized into four categories as described below:

- **Engineering & Permitting Services (EPS)** – this area of service provides for the management and planning of the stormwater assets for the County. Included are program administration, planning, development review, total maximum daily load (TMDL) Engineering & Permitting, enforcement and monitoring. Also, this includes the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit (FLS000033) compliance activities that are not otherwise accounted for in the other categories.
- **Operation and Maintenance Services (O&M)** – these services include the maintenance of the stormwater assets of the County including mowing, cleaning, litter control, and minor repair.
- **Capital Improvement Program (CIP)** – this includes major construction of new stormwater assets for the County. Projects are generally identified annually in the 5-year CIP program.

In an ideal world with unlimited funding, stormwater management activities would be completed at the highest level. This would result in routinely maintaining all systems, constructing facilities to control every storm, planning for all watersheds to ultimate build out, and performing award winning NPDES compliance. In reality, such funding is not available and thus, services must be provided at a reasonable level that balances services desired by the public with the limited funding available. This level of service (LOS) varies depending on the desires of the community and the issues that need to be addressed.

In order to define the stormwater services provided by the County to its citizens, this study will compare stormwater services provided by the County to a set of standards. The term "LOS" is used in this study to describe the magnitude of beneficial results gained by the community and the environment from the County's stormwater program. A higher LOS will result in better flood control and protection, better control of erosion and sedimentation, and better water quality and stream habitat. This LOS concept is useful for assessing each of the four major stormwater program areas that have been described previously (Engineering & Permitting which includes NPDES Compliance, Operation and Maintenance, and Capital Improvements).

For the purposes of this study, different LOS have been defined and assigned standard letter grades, with "A" being the highest and "F" being the lowest. These standard definitions facilitate evaluation of the LOS currently being provided by the County's stormwater program, and allow consideration of alternative LOS, with their associated benefits and costs. A LOS "F" is considered to be below the minimum regulatory requirements and expectations of the community.

EXHIBIT A



Section 2 • Level of Service

A matrix has been developed to assist in understanding the different LOS as they relate to the four major program areas (Figure 2-1). Within this matrix, the first column contains the LOS letter grade identification ranging from "A" to "F." Subsequent column headings are provided for the four program areas, and each box within the matrix contains a brief description of the key elements required to achieve the given LOS for each program area. Later in this section, the County's current stormwater program is assigned a letter grade for each program area based on these LOS definitions. CDM Smith also evaluated the current cost of stormwater services as compared to other communities.

Level of Service	Engineering & Permitting Activities	Operation and Maintenance Program Activities	CIP Implementation Period
A	Comprehensive Planning + Full Implementation Capabilities + Exemplary NPDES Permit Compliance	Fully Preventative/ 100% Routine	10-year Plan
B	Pro-Active Planning + Systematic CIP Implementation Capabilities + Proactive NPDES Permit Compliance	Mixture of Routine and Inspection Based	20-year Plan
C	Priority Planning + Partial CIP Implementation Capabilities + Minimal NPDES Permit Compliance	Inspection Based Only	40-year Plan
D	Reactionary Planning + Minimal CIP Implementation Capabilities + Below Minimum NPDES Permit Compliance	Mostly Responsive (Complaint-based)	50-year Plan
F	No Planning + No CIP Implementation Capabilities + NPDES Non-compliance	Less than full response to all complaints	100-year Plan

Figure 2-1 Leon County, Florida
Stormwater Utility Update

2.1.1 Engineering & Permitting Level of Service Descriptions

A high LOS related to Engineering & Permitting provides benefits to the community and environment through the following means:

- Comprehensive planning of stormwater management activities and practices increases the opportunity to implement recommendations prior to development or redevelopment occurring, thus decreasing the costs and improving the effectiveness of these best management practices.
- A proper staffing level of County personnel to oversee and manage other program areas (i.e., operation and maintenance and capital improvements) improves the cost-effectiveness and efficiency of these program areas.
- A proper staffing level of County personnel to monitor and enforce stormwater rules and regulations increases the level of compliance by the regulated community, better protecting the community and environment from unlawful activities.
- Full compliance with all state and federal regulatory programs allows the County to qualify and gain higher priority for potential funding opportunities when they are available to the County, and avoids potential fines and/or environmental damage that may result from non-compliance. The data and information gained from monitoring activities required by these programs allows the County to make better decisions as to where to apply resources to gain the most benefit and as to the effectiveness of past and ongoing activities in achieving desired benefits.

EXHIBIT A



Section 2 • Level of Service

To a large degree, the LOS of the Engineering & Permitting area depends upon the corresponding LOS of the other two major program areas, operation and maintenance and capital improvements. This is because County staff members are required to oversee and manage these other program areas to ensure their cost-effectiveness and efficiency.

However, there are other elements within the Engineering & Permitting area that are not related to O&M or capital improvements. These include enforcement of County development and environmental regulations (e.g., plan review and inspections for soil and erosion control and floodplain regulation, and inspections of stormwater facilities controlling existing development). Other activities that would fall under the Engineering & Permitting category include public information and education about stormwater-related issues, and other supporting functions such as information management, finance, billing, and administration.

The County was first issued its NPDES MS4 permit by the Florida Department of Environmental Protection (FDEP) in 1997 (Permit No. FLS000033). The permit was reissued in 2003 and again on November 1, 2011. Under this permit, the County is required to accomplish and report on various stormwater management activities. Currently, these activities are managed and funded under engineering and permitting services. Compliance is measured by the State using annual reports prepared by the permittee documenting all of the permit related activities accomplished during the permit year.

The various LOS for Engineering & Permitting are described below:

- **LOS A:** Watershed planning completed or scheduled dealing with existing and future stormwater problems (drainage and water quality); complete inventory of stormwater system in a geographic information system (GIS) database. Includes exemplary and/potentially award winning compliance with State and Federal NPDES permit requirements.
- **LOS B:** Increased planning for the watershed considering not only existing problems but also future problems that may be caused by growth; partial stormwater system inventory and sufficient management to administer the program and complete limited CIP projects. Provides proactive NPDES compliance with permit conditions and represents activities that are better than simply a minimal compliance with the letter of the permit, no substantive comments or requests from the annual report review and associated FDEP inspection.
- **LOS C:** Partial planning of watershed, limited stormwater system inventory and some ability to manage capital improvement projects; planning focused on dealing with major or significant existing problems. Middle-of-the-road and minimal accepted LOS with adequate compliance with NPDES permit conditions, some comments received during the annual review, but no major compliance issues are received from FDEP.
- **LOS D:** Poor management characterized by minimal or no planning; some ability to perform project management for capital projects; poor inventory of stormwater system and limited staff to administer the program. Not complying with NPDES permit conditions, characterized by substantive comments on the annual report and during the annual inspection.
- **LOS F:** No management or planning, no system inventory, and no ability to accomplish CIP projects or planning. Non-compliance with major NPDES permit conditions, with the permittee subject to potential fines from the state for noncompliance.

EXHIBIT A



2.1.2 Operation and Maintenance Level of Service Descriptions

A high LOS related to operation and maintenance provides benefits to the community and environment through the following means:

- The useful life of the County's stormwater infrastructure is extended through proper operation and routine maintenance of these assets. This results in cost savings by delaying the need for major rehabilitation or replacement of these assets
- Cleaning of swales, catch basins, culverts, and ditches maintains the hydraulic capacity of these items, thus decreasing the frequency of flooding that may occur upstream of and in the vicinity of these areas.
- Regular removal of trash, debris, sediment, and excess vegetation from the stormwater system improves water quality of streams and downstream waterways as well as the aesthetic value of these areas to the community. Regular street sweeping and greenway maintenance achieves similar benefits.

The LOS for O&M are described below:

- **LOS A:** Highest O&M service level that is fully preventative – all maintenance is completed routinely, addressing every stormwater facility once or more each year.
- **LOS B:** Mixture of routine and inspection based maintenance. Critical structures are routinely maintained, both periodically during each year and possibly before each storm event, and non-critical structures are maintained based on inspection.
- **LOS C:** Inspection based maintenance whereby all structures are routinely inspected by management and maintenance is scheduled according to the inspection.
- **LOS D:** Complaint-based maintenance – all maintenance is done based on citizen complaints; generally characterized by work order based activities resulting from citizen call in complaints.
- **LOS F:** Less than complaint-based maintenance, with limited or no ability to even respond to complaints.

Once achieved, a LOS "A" may be less costly than lower LOS because it should reduce the frequency of high-cost capital expenditures such as repairs to failed facilities, unscheduled labor overtime, and high administrative costs. The challenge, however, is that the transition from a lower LOS to a LOS "A" cannot be achieved immediately.

2.1.3 Capital Improvements Level of Service Descriptions

A high LOS related to capital improvements provides benefits to the community and environment through the following means:

- Construction of stormwater system conveyance improvements reduces flooding in known problem areas, thus better protecting public and private property from flood damage.
- Protection and/or improvement of existing lakes, ponds, and wetlands supports downstream water quality objectives by providing treatment of stormwater runoff entering these waters.

EXHIBIT A



Section 2 • Level of Service

- Acquiring and preserving stream buffers and other environmentally sensitive areas provides water quality improvement, increased habitat opportunities, and improved aesthetic value of the surrounding environment.
- Restoration and/or stabilization of streams and other areas subject to erosion reduces sediment transport, thus decreasing the need for downstream maintenance and improving downstream habitat.

Alternate LOS associated with capital improvements primarily distinguishes between the level of funding and rate of implementation for identified capital improvement needs. LOS "F" through "A" were assumed to correspond to an implementation period of 100 years to 10 years, respectively. The implementation schedule for capital improvements under any of these LOS could be accelerated through the issuance of revenue debt, with annual stormwater utility fees servicing the debt. It should be noted, however, that deferred implementation of some capital improvements would likely increase the costs of the required improvements, thus further delaying the schedule for full implementation.

2.2 Description of Current County Stormwater Program

2.2.1 Engineering Services Division

The goal of the Engineering Services Division "is to provide the public with professional services for the construction and maintenance of cost-effective infrastructure to enhance the community's quality of life". Within the Engineering Services Division are four full time employees dedicated to the County's stormwater management program. There are other staff within the Engineering Services Division that dedicate a portion of their time to stormwater management services. The appropriation of stormwater related costs is discussed later in this document. In general, the stormwater services provided by the Engineering Services Division include:

In-house Design Services

For small CIP projects, the Engineering Services Division provides in-house design services.

Project Management Services for CIP

For stormwater CIP projects, the Engineering Services Division provides project management services. This includes oversight of the technical aspects of the project during both design and construction.

Review of Development Plans

The Engineering Service Division is also periodically asked to review the stormwater elements of development plans submitted to the County. The review includes the associated stormwater management systems intended to meet local, state, and federal requirements. Support is also provided on wetland planting plans or review of environmental impacts.

Inspections of New Construction Sites

In addition to review of development plans, the Engineering Services Division is responsible for construction inspection activities that include enforcing erosion and sediment best management practices for County construction projects.

Stormwater Engineering & Permitting and Planning

These activities primarily focus on staff time associated with the continued management and planning of the County's stormwater services. Increased Engineering & Permitting services may be needed to

EXHIBIT A



Section 2 • Level of Service

address the regulatory changes affecting how the County manages new mandates related to improved water quality. The County also represents County interests with the BluePrint 2000 program.

Stormwater Master Planning

Under the direction of the Engineering Services Division, a stormwater master plan was completed in 1995 for the County's Primary Stormwater Management System (PSMS). Since the completion of the study, the County has been implementing CIP projects to address identified problem areas as funding becomes available. In recent years, funding of CIP projects has been accomplished with grant monies and other sources. No CIP funding has come from the existing stormwater utility.

CIP Program

On an annual basis, the County updates and prioritizes its CIP needs and then implements the project as funding becomes available. CIP prioritization is based upon previous master planning efforts and flooding complaints from the community. Priority has been given to flood complaint based projects. As a result of aging infrastructure, it is expected that the CIP needs will increase, and thus will require additional funding. Currently, the existing stormwater utility is not used for funding of the County's CIP program. Since 2003, the County has averaged approximately \$4.6 million in expenditures in its stormwater CIP.

Grant Funding Pursuits

The Engineering Services Department look for opportunities for grant funding of stormwater related services. The most recent example is grant monies secured as a result of Tropical Storm Faye to mitigate flooding problems that occurred as a result of the storm.

Total Maximum Daily Load (TMDL) Engineering & Permitting

The TMDL program requires governments to reduce pollutant loads to impaired waters as identified by the Florida Department of Environmental Protection (FDEP) and/or the Environmental Protection Agency (EPA). As a result of TMDL regulations, the County may be required to reduce pollutant loads leaving its stormwater system into waters of the United States. The County has a list of waters deemed impaired by FDEP and the EPA. It is expected that the County will have to look at opportunities to reduce nutrients in several of the basins.

NPDES MS4 Compliance & Reporting

The County has been meeting the requirements for their NPDES MS4 since first being issued (Permit No. FLS000033). In 2011, FDEP has renewed the permit, which requires the County to expand their stormwater program moving forward. Under the new permit, the County is now responsible for several new/enhanced activities. These activities will require additional funding to be compliant with the permit conditions.

Stormwater Utility Program

The Engineering Services Division is responsible for the administration of the Stormwater Utility Program.

2.2.2 Operation Services Division

Following a reorganization effort in 2008, the Operation Services Division of Public Works became responsible for the following services areas:

- Transportation Maintenance;

EXHIBIT A



Section 2 • Level of Service

- Right-of-Way Management; and,
- Stormwater Maintenance.

Each of these three functions involves O&M services for stormwater management systems as described in the paragraphs below.

Transportation Maintenance

The goal of the Division of Operations Transportation Program is to "provide for the safety, comfort, and convenience of the public by creating, maintaining, and managing infrastructure and programs supporting transportation, roadside beautification, and stormwater maintenance". Activities related to stormwater management provided under transportation maintenance services include dirt road grading, stabilization and ditch maintenance.

Based upon Tallahassee Leon County GIS street segment data, there are 1,365 lane-miles that are currently being maintained by the Operations Services Division. Approximately, 51 percent of these roads are located within the Urban Service Area (USA). The County also estimated that 628 of the 1,365 lane-miles (46 percent) have a greater functional designation than "local road". For these roads, the expenses associated with transportation and stormwater O&M activities should be shared between transportation and stormwater funding sources. Sharing of these costs is common practices throughout Florida municipalities.

For the unpaved roads, the County provides grading services, including the adjacent roadside ditches on an approximate 14 day cycle. The County has 2 excavation crews available for this purpose. Additionally, the County maintains approximately 107 lane-miles within the City of Tallahassee limits. Approximately 46 percent of the lane-miles within the City limits are served by curb and gutter and closed systems (pipes) for stormwater management. The remainder is served by open systems (e.g. swales).

Right-of-Way Management

The goal of the Division of Operations Right-of-Way Management is to "provide for the safety, comfort, and convenience of the public by managing programs that support transportation, roadside beautification, and stormwater maintenance". Activities related to stormwater management under Right-of-Way management include:

- Mowing in landscape areas of County rights-of-way; and,
- Maintenance of vegetation in County maintained stormwater facilities.

The County mows approximately 500 miles of road Right-of-Way, five times each year (2,500 miles of roadway mowing annually). In addition, the County maintains approximately 42 acres of landscaped areas 11 times each year. The County expects more landscaped stormwater facilities in the future as a result of increased interests in green infrastructure for water quality improvement, and therefore, the demand for O&M services will increase.

Operations – Stormwater Maintenance

The goal of the Division of Operations Stormwater Maintenance Program is to "provide for the safety, comfort, and convenience of the public by creating, maintaining, and managing infrastructure and

EXHIBIT A



Section 2 • Level of Service

programs supporting transportation, roadside beautification, and stormwater maintenance". Activities related to stormwater management under Stormwater Maintenance include:

- Maintaining open and closed County owned drainage systems;
- Protect citizens from stormwater runoff (flooding);
- Provide silt removal from open and closed stormwater systems;
- Provide erosion protection through sod and hydromulch of ditches;
- Respond to stormwater issues identified by citizens;
- Construction and/or repair of stormwater structures (i.e., swale ditch blocks, inlets, etc.);
- Conduct routine maintenance to stormwater ponds and ditches (i.e., mowing, fence repair, etc.);
- Remove silt from County owned ponds and replace stormwater filter systems;
- Provide pond stabilization for erosion protection; and,
- Conduct inspections of stormwater ponds and conveyance systems for permit compliance.

As indicated above, the majority of stormwater services are provided by the Division of Operations under Stormwater Maintenance. It should be noted that approximately 75 percent of stormwater services are complaint based. The County maintains approximately 300 stormwater ponds. All but 10 of the stormwater ponds are "dry" ponds and require mowing. Mowing of the County-owned ponds is inspection-based and not complaint-based. Aquatic weed control is provided as necessary.

The County provides operation and maintenance services for approximately 60 miles of ditches, broken into 60 maintenance segments. Approximately 25 percent of the segments receive O&M annually. Pond maintenance also includes debris removal and mowing of the banks of Lake Henrietta. Two County crews are used to provide approximately 150,000 linear feet of ditch maintenance annually (28 miles per year). A third crew was eliminated during the last reorganization of the Operations Division.

2.3 Current County Stormwater Program Funding Summary

Based upon review of the Fiscal Year 2012/2013 Annual Budget Five-Year Financial Plan (Budget Document), and the information provided by the Leon County Office of Management and Budget, CDM Smith compiled a stormwater service funding and appropriation table (See Table 2-1). As can be seen from the table, the average budget for stormwater services for Fiscal Year 2011 through Fiscal Year 2013 is approximately \$4.8 million. Of the \$4.8 million, approximately \$1 million comes from the non-ad valorem assessment (stormwater utility fees), \$1.2 million from the Transportation Trust Fund, \$2.5 million from the non-countywide fund, and the balance from miscellaneous sources. To account for the funding to pay for related stormwater and engineering services, funds are transferred between stormwater and transportation funds. It is important to note that both of these funds are supported by General Revenue. \$1.2 million in transportation funds are transferred to the stormwater program to fund the maintenance of stormwater systems associated with roadways. The County's engineering services, including stormwater engineering costs, are accounted for in the Transportation Trust Fund. \$1.6 million in revenue from the Stormwater Fund is paid back to the Transportation Trust Fund to pay for related engineering and operating services. Additionally, it is the goal of the County to

EXHIBIT A

Table 2-1
Leon County, Florida
Stormwater Utility Update - Stormwater Management and Operations Budgets and Costs
As Shown in the Leon County Annual Budget, 5-Year Financial Plan and CIP, FY12/13

Revenue Sources for Stormwater Utility Fund	FY 2011 Actual Revenue	FY 2012 Adopted Revenue	FY 2013 Budget Revenue	3-Year Average
Non Ad-valorem Assessment	\$1,006,742	\$1,021,250	\$1,004,150	\$1,010,714
City Permit Water Atlas	\$18,750	\$25,000	\$0	\$14,583
Pooled Interest Allocation	\$37,644	\$35,625	\$44,745	\$39,338
Other Sources	\$137,245	\$0	\$0	\$45,748
Transfer from 106 (Transp. Trust)	\$1,179,177	\$1,248,251	\$1,072,112	\$1,166,513
Transfer from 126 (non- countywide)	\$1,890,951	\$2,618,647	\$2,985,242	\$2,498,280
Miscellaneous	\$0	\$290,000	\$0	\$96,667
	\$4,270,508	\$5,238,773	\$5,106,249	\$4,871,843
Actual Expenses or Budgeted Expenses for Stormwater Utility Fund	FY 2011 Actual Expenses	FY 2012 Adopted Budget	FY 2013 Requested Budget	3-Year Average
Stormwater Maintenance ¹	\$2,241,834	\$2,774,701	\$2,748,500	\$2,588,345
MIS Automation - Stormwater	\$626	\$568	\$500	\$565
Stormwater Utility Risk	\$35,769	\$32,231	\$19,644	\$29,215
Indirect Costs - Stormwater	\$549,016	\$619,399	\$425,552	\$531,322
Tax Collector	\$20,849	\$17,910	\$18,447	\$19,069
Water Quality & TMDL Sampling	\$37,500	\$59,940	\$0	\$32,480
Transfers to Account 106	\$1,067,204	\$1,699,024	\$1,886,104	\$1,550,777
Budgeted Reserves - Stormwater	\$0	\$35,000	\$35,000	\$23,333
	\$3,952,798	\$5,238,773	\$5,133,747	\$4,775,106

EXHIBIT A



Section 2 • Level of Service

eliminate the transfer of the approximate \$2.5 million of Non-Countywide funds with revenue generated from the updated stormwater utility rate structure.

The County expends \$4.8 million for various stormwater related activities. Approximately \$2.6 million is spent on stormwater O&M, \$1.6 million is transferred back for engineering services, and the remaining \$600,000 is spent on various other stormwater functions located in the stormwater fund.

It is a common practice for other County stormwater programs in Florida to fund the O&M for major roads using transportation funds. Consistent with this practice, in future years, the County has identified \$800,000 in the Transportation Trust Fund for stormwater O&M on major roads. The County estimated this cost using the assumption that 46% of County roads are classified as greater than "local" and that 67% of O&M budget (\$2.6 million) is spent on roadway stormwater maintenance ($\$2.6 \text{ million} \times 67\% \times 46\% = \$800,000$). As a result, the stormwater utility will only need to fund \$1.8 million for stormwater facility and conveyance O&M and not the full \$2.6 million ($\$2,600,000 - \$800,000$). Therefore, the actual funds that will be appropriated from the stormwater utility fund will be \$3.15 million.

Historically, the County has spent an average of \$4.6 million on its CIP program (FY2003 – FY2012). The majority of the dollars were secured from revenue sources other than what is generated by the County's current stormwater assessment fee. Moving forward, the County anticipates using approximately \$2.0 million for its stormwater CIP program as a minimum amount. This is based upon the last 10 years of stormwater CIP appropriations from the County's CIP program, Gas Tax, and Local Options Sales Tax. A summary of the historical CIP expenditures by fund is presented in **Table 2-2**.

Based on a review of the existing County stormwater program by CDM Smith, discussions with county staff, and the LOS definitions provided previously, the following LOS ratings are provided for the current County stormwater program.

2.3.1 Current Engineering & Permitting LOS

The County's currently provides a LOS C for Engineering & Permitting. While the County completed a stormwater master plan in 1995, it has not been updated nor have basin plans related to water quality protection been completed. Also, the County continues to inventory of stormwater facilities.

2.3.2 Current NPDES Compliance LOS

Based on this assessment of the compliance activities for the County, the existing program has achieved adequate compliance so would be designated a LOS C. The County does additional stormwater monitoring above what is required for permit compliance.

2.3.3 Current Operation and Maintenance LOS

The existing O&M LOS is primarily complaint based. There are limited inspection based O&M practices related to pond mowing. Based upon the LOS criteria previously defined in Figure 2-1, the current LOS provided by the County is D. This LOS rating is indicative of resource limitations and not effort.

2.3.4 Current Capital Improvements LOS

The current LOS provided by the County related to capital improvements associated with stormwater management is LOS D+. Projects are completed based upon need and fiscal resources. It should be noted that the currently, the stormwater utility does not fund the County's stormwater CIP.

EXHIBIT A

Table 2-2
Leon County, Florida
Stormwater Utility Update - Capital Expenditures and Source of Funding

Capital Improvement Projects - Funding Source	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	10-Year Average
Grants - 125	\$0	\$508,671	\$21,391	\$0	\$1,641,670	\$110,057	\$200,000	\$308,021	\$1,097,013	\$2,086,385	\$597,321
Capital Improvements Fund - 305	\$509,975	\$1,361,643	\$1,388,050	\$2,021,548	\$1,838,855	\$615,355	\$1,350,106	\$2,171,559	\$2,098,912	\$2,306,180	\$1,566,218
Transportation Fund - 306	\$0	\$1,863	\$9,722	\$294,483	\$35,616	\$32,677	\$37,486	\$80,172	\$199,875	\$49,759	\$74,165
Sales Tax Fund - 308	\$10,914	\$161,000	\$118,891	\$326,234	\$0	\$0	\$0	\$0	\$0	\$0	\$61,704
Sales Tax Extension Fund - 309	\$71,778	\$2,753	\$937,510	\$6,857,166	\$1,185,613	\$1,997,770	\$1,796,482	\$1,812,261	\$653,984	\$2,593,600	\$1,790,892
Bond Series - 318	\$1,474,768	\$2,733,623	\$581,544	\$261,867	\$37,382	\$0	\$0	\$0	\$0	\$0	\$508,918
Totals	\$2,067,435	\$4,769,553	\$3,057,108	\$9,761,298	\$4,739,136	\$2,755,859	\$3,384,074	\$4,372,013	\$4,049,784	\$7,035,924	\$4,599,218

Capital Improvement Projects - Funding Source	10-Year Average
Capital Improvements Fund - 305	\$1,566,218
Transportation Fund - 306	\$74,165
Sales Tax Fund - 308	\$61,704
Totals	\$1,702,088

EXHIBIT A



Section 2 • Level of Service

Figure 2-2 illustrates the current LOS for the County based on this assessment. Overall, the County is assessed as being between a C and D+ for the LOS.

Level of Service	Engineering & Permitting Activities	Operation and Maintenance Program Activities	CIP Implementation Period
A	Comprehensive Planning + Full Implementation Capabilities + Exemplary NPDES Permit Compliance	Fully Preventative/ 100% Routine	10-year Plan
B	Pro-Active Planning + Systematic CIP Implementation Capabilities + Proactive NPDES Permit Compliance	Mixture of Routine and Inspection Based	20-year Plan
C	Priority Planning + Partial CIP Implementation Capabilities + Minimal NPDES Permit Compliance	Inspection Based Only	40-year Plan
D	Reactionary Planning + Minimal CIP Implementation Capabilities + Below Minimum NPDES Permit Compliance	Mainly Responsive(Complaint-based)	50-year Plan
F	No Planning + No CIP Implementation Capabilities + NPDES Non-compliance	Less than full response to all complaints	100-year Plan

Figure 2-2 Leon County, Florida
Stormwater Utility Update

2.4 Existing Program Cost Comparison

CDM Smith used a “top-down” approach to establish a base line for varying levels of service. This approach uses standard unit costs to estimate the total program cost. Typically, costs are related to population (i.e., cost per capita) or to road or lane mile, with the latter tending to relate best to O&M costs and the former relating to total and Engineering & Permitting costs. Table 2-3 shows the results for a number of communities in Florida and other states for which population, funding, road miles and level of service were available. Based on these data, the top-down costs for the different LOS above the current LOS for the County was estimated.

Table 2-3 Leon County, Florida
Stormwater Utility Update
LOS Costs

Population Based Level of Service (EPS, O&M, CIP)	Average	Minimum	Maximum
A	\$61	\$59	\$63
B	\$44	\$27	\$60
C	\$25	\$17	\$43
D	\$21	\$12	\$28
Lane Mile Based Level of Service (O&M only)	Average	Minimum	Maximum
A	\$12,201	\$6,550	\$17,852
B	\$8,044	\$3,148	\$11,104
C	\$6,079	\$2,698	\$10,090
D	\$2,442	\$1,216	\$3,216

As previously shown in Table 2-1, the County spends approximately \$3.95 million on its stormwater program, including the \$800,000 from the Transportation Trust Fund. Using a population estimate of 95,000 (2011 Census Estimate), this is an equivalent cost of \$42 per capita for stormwater services. Using the benchmark data presented in Table 2-3, this is between a LOS C and LOS B. When you consider the County appropriates a portion of its stormwater budget on stormwater maintenance activities associated with roadways within the City of Tallahassee limits, the result would move the benchmark LOS closer to LOS C. This result is consistent with the LOS determination using County specific data (see Section 2.3).

EXHIBIT A



Section 2 • Level of Service

A comparison of the O&M LOS based upon the lane miles of County road currently being maintained was also performed. Currently, the County maintains approximately 1365 lane-miles of roadway. As previously discussed, approximately 694 lane-miles are within the USA and 107 lane-miles are within the City of Tallahassee limits. Because the County maintains roads inside city limits and the costs for this work is included in the overall expenses recorded here, the LOS is identified with Table 2-3 is slightly lower than it is in reality. Based upon the \$2.6 million appropriation for stormwater O&M (see Table 2-1), the County spends approximately \$1,904 per roadway lane-mile on stormwater O&M services. Based upon the benchmark information presented in Table 2-3, this equates to a LOS D, which is consistent with the LOS determination using County specific data (see Section 2.3).

2.5 Stormwater Program Level of Service Improvements

The cost of the County's stormwater program at the current LOS is \$3.95 million. As previously discussed, approximately \$800,000 will come from the Transportation Trust Fund to maintain arterial and collector roadways, leaving \$3.15 million to be funded by the stormwater assessment, annually. The recommended allocation of the \$3.15 million is presented in Table 2-4. In order to provide \$2 million for its CIP program into the stormwater utility fund, the total revenue needed from the stormwater utility fee would be \$5.15 million.

**Table 2-4 Leon County, Florida
Stormwater Utility Update – Stormwater Management and
Operation Estimated Budgets Excluding and Including CIP**

Revenue Sources for Stormwater Utility Fund	Existing Budget
Engineering & Permitting Services	\$1,350,000
Stormwater Maintenance	\$1,800,000
Total	\$3,150,000

Revenue Sources for Stormwater Utility Fund	Future Budget
Engineering & Permitting Services	\$1,350,000
Stormwater Maintenance	\$1,800,000
Capital Improvement Projects	\$2,000,000
Total	\$5,150,000

EXHIBIT A



Section 3

Parcel Analysis

A stormwater utility program includes a utility fee that is generally based upon the amount of impervious area on a fee payer's land. Generally, the greater the amount of impervious area, the greater amount of stormwater runoff and, subsequently, the greater the effort local cities and counties have to expend to control the runoff. While there are a number of parameters related to runoff, the best parameter is the amount of impervious area. Therefore, to understand the stormwater assessment for Leon County (the County), this project included a study of impervious area as well as other parcel-based information that may be pertinent to the utility assessment.

Based on CDM Smith experience, it has been found in Florida and other parts of the country that there tend to be two distinct categories of parcels which need study: residential and non-residential. Generally, the impervious areas of residential parcels represent relatively uniform classes while the impervious areas for non-residential parcels vary significantly.

Provided in this section is a discussion of the parcels in the study area. The data used in the analysis were obtained from Tallahassee-Leon County GIS (GIS). A brief description of the data and techniques used is provided prior to the consideration of the results for each general parcel type.

3.1 Tallahassee-Leon County GIS and Leon County Appraisal Data

The GIS staff provided CDM Smith with parcel specific GIS and database information. From these records and conversations with the GIS staff, a dataset of parcel information was obtained, a summary of which is provided below.

3.2 Results of Parcel Assessment

A summary of the 2012 parcel data for the Unincorporated County as defined by GIS & LCPA data is provided in **Table 3-1**. The table lists the parcel types, number of parcels encountered in the dataset, number of estimated dwelling units, the impervious areas used for the assessment and the assessment revenues. The data are separated into residential, non-residential and vacant categories. The percentages are rounded to the nearest 10th percent. Also included in these tables are the relative percent of the County each category represents. It should be noted that there are a number of "vacant" parcels as defined by the GIS datasets (1,289 to be precise). These parcels, although coded as if they have no development (i.e., vacant), were considered in the analysis as they did have onsite improvements such as mobile homes or parking areas. For the purposes of the summary the 100 Department of Revenue Codes were categorized as follows:

EXHIBIT A



Section 3 • Parcel Analysis

**Table 3-1 Leon County, Florida
Stormwater Utility Update
Summary of Unincorporated County Parcel Data FY 2011-2012**

Parcel Type	No. of Parcels	% of Total	Estimated Dwelling Units	% of Total	Impervious Area (sq ft)	% of Total	SWU Assessment	% of Total
Residential								
Single Family ¹	27,130	73.6%	27,130	73.4%	107,177,177	64.3%	\$542,600	58.4%
SFR with > 1 DU	769	2.1%	1,900	5.1%	4,958,171	3.0%	\$38,020	4.1%
Mobile Home	5,652	15.3%	5,652	15.3%	12,031,183	7.2%	\$113,040	12.2%
Mobile Home with >1 DU	451		1,091		1,944,451		\$21,820	
Condominium								
Multifamily 2-9 DUs	264	0.7%	669	1.8%	929,558	0.6%	\$13,380	1.4%
Multifamily >9 DUs	3	0.0%	332	0.9%	1,091,838	0.7%	\$1,060	0.1%
Misc. Residential	204	0.6%	204	0.6%	508,874	0.3%	\$4,780	0.5%
Subtotal Residential	34,473	93.6%	36,978	100.0%	128,641,252	77.1%	\$734,700	79.0%
Nonresidential								
Commercial	477	1.3%			15,650,717	9.4%	\$71,918	7.7%
Industrial	253	0.7%			7,876,516	4.7%	\$39,704	4.3%
Agricultural	1	0.0%			61,734	0.0%	\$40	0.0%
Institutional	50	0.1%			1,748,510	1.0%	\$9,134	1.0%
Churches	138	0.4%			2,736,354	1.6%	\$17,406	1.9%
City/County	45	0.1%			1,224,439	0.7%	\$5,384	0.6%
Governmental	25	0.1%			1,738,624	1.0%	\$1,776	0.2%
Public Schools	9	0.0%			2,491,003	1.5%	\$2,206	0.2%
Miscellaneous	80	0.2%			750,427	0.4%	\$6,964	0.7%
Subtotal Nonresidential	1,078	2.9%			34,278,324	20.6%	\$154,532	16.6%
Vacant								
Vacant Residential	1,171	3.2%	1,275		2,330,028	1.4%	\$29,360	3.2%
Vacant Commercial	72	0.2%			1,085,112	0.7%	\$9,372	1.0%
Vacant Industrial	33	0.1%			97,222	0.1%	\$1,000	0.1%
Vacant Institutional	13	0.0%			360,289	0.2%	\$906	0.1%
Subtotal Vacant	1,289	3.5%			3,872,651	2.3%	\$40,638	4.4%
Total Unincorporated	36,840	100.0%	38,253		166,792,227	100.0%	\$929,870	100.0%
Total Developed	35,551		36,978		162,919,576			
Estimated Unincorporated Population ²			89,895					
Estimated 2011 Population (2010 Census Estimate)			95,006					

Notes:

- 1 Based on NAV Database, some SFU (DOR Code 01) have more than 1 DU.
- 2 Estimated population based on 2.35 persons per DU (2010 Census)

EXHIBIT A



Section 3 • Parcel Analysis

<u>DOR Code</u>	<u>Category</u>
00	Vacant Residential
01	Single Family
02	Mobile Homes
03, 08	Multifamily
04	Condominiums (none in record)
05, 06, 07, 09	Miscellaneous Residential
10	Vacant Commercial
11 - 39	Commercial
40	Vacant Industrial
41 - 49	Industrial
50 - 69	Agricultural
70	Vacant Institutional
71	Churches
72 - 79	Institutional
80, 81, 82, 84, 85, 87 - 89	Governmental
83, 86	City/County
90 - 99	Miscellaneous

For the purposes of this analysis, the term "Single Family" refers only to those parcels in DOR Code 01. Mobile homes, even though only one family may reside in them, and Multifamily are considered Non-Single Family Residential.

Also, for this analysis, "Miscellaneous Residential" includes parcels in DOR Codes 05, 06, 07 and 09. According to the GIS data, the Unincorporated County has 204 parcels identified as DOR Code 07, which according to the Department of Revenue means "Miscellaneous Residential (migrant camps, boarding houses, etc.)". How the County assigns billing units to these types of parcels is subject to County policy and in Florida, there is no standard of practices for this issue. For the purposes of this analysis, each parcel in DOR Code 07 was assigned 1 billing unit.

In total, there are 36,840 assessed parcels in the Unincorporated County, of which 34,473 are residential in nature (94 percent). The majority of the residential parcels are single family units (73 percent). The second largest number of residential parcels is Mobile Homes at 15.3 percent. Of the 1,078 non-residential parcels, 477 (44.2 percent) are commercial, 253 (23.5 percent) are industrial and 138 (12.8 percent) are churches. Of the parcels identified as vacant, most are vacant residential.

From the NAV records, the impervious area for each category is also shown in Table 3-1. Residential parcels represent 77.1 percent of the impervious area, nonresidential parcels represent 18.6 percent and vacant parcels represent 4.4 percent of the total. Also, of the estimated \$929,870 in revenue, 79.0 percent comes from residential parcels, 16.6 percent comes from nonresidential parcels and 4.4 percent comes from vacant parcels.

3.3 Estimated Dwelling Units

To consider rate structure options, an estimate of the number of dwelling units was needed. For single family units, normally it is assumed that each parcel is one dwelling unit. From the NAV dataset, about 770 parcels have more than one dwelling unit located on the parcel. These parcels are separately listed in Table 3.1. This is also true of mobile homes: one dwelling unit per parcel is normally assumed. There are 451 mobile home parcels with more than one dwelling unit - these are also listed separately. Finally for multifamily, the NAV record was used to identify the number of

EXHIBIT A



Section 3 • Parcel Analysis

dwelling units associated with each parcel type including vacant residential. In total, about 38,250 dwelling units were identified, the majority of which are single family units (71 percent).

3.4 Estimated Parcels for USA

One of the considerations of this study was the potential for service areas. Service areas, for the purpose of this study, are areas in the County where differential levels of service may be offered by the County. Upon discussion with County staff, it was suggested that one such separation may be parcels in the Urban Services Area (USA) and those without. Staff believed that the O&M component of the stormwater program may be less in the non-USA area. To test this, the parcels within and without of the USA (in the Unincorporated County) were separated.

Using the GIS information, parcels within the USA were identified.. Of the 36,840 assessed parcels in the Unincorporated County, 23,568 (64 percent) are in the USA. **Table 3-2** summarizes the number of parcels, number of estimated dwelling units, impervious areas and assessment revenues for the Unincorporated County portion of the USA. Residential parcels comprise 23,495 (94 percent) of the parcels, most of which are single family units (84 percent). There are 786 nonresidential parcels in the unincorporated portion of the USA representing 3.3 percent of the total number of parcels. The rest of the parcels (2.3 percent) are coded as vacant by the Property Appraiser's Office. Using the same methods noted above for impervious area, the USA has 110.4 million square feet of impervious area of which only 73.9 percent is residential.

EXHIBIT A



Section 3 • Parcel Analysis

**Table 3-2 Leon County, Florida
Stormwater Utility Update
Summary of Parcel Data FY 2011-2012 – Urban Services Area**

Parcel Type	No. of Parcels	% of Total	DU/ Parcel	Estimated Dwelling Units	% of Total	Imperv Area (sq ft)	% of Total	Avg. Imperv per DU (sq ft)	SWU Assessment	% of Total
Residential										
Single Family	19,700	83.6%	1	19,700	83.8%	73,476,092	66.5%	3,730	\$394,000	64.6%
SFR with > 1 DU	298	1.3%	2.5	749	3.2%	1,978,666	1.8%	2,642	\$14,980	2.5%
Mobile Home	1,866	7.9%	1	1,866	7.9%	3,769,349	3.4%	2,020	\$37,320	6.1%
Mobile Home with >1 DU	92	0.4%	2.53	233	1.0%	355,264	0.3%	1,525	\$4,660	0.8%
Condominium										
Multifamily	240	1.0%	3.75	902	3.8%	1,896,532	1.7%		\$12,460	2.0%
Misc. Residential	45	0.2%	1	45	0.2%	121,989	0.1%	2,711	\$1,220	0.2%
Subtotal Residential	22,241	94.4%		23,495	100.0%	81,597,892	73.9%	3,473	\$464,640	76.1%
Nonresidential										
Commercial	385	1.6%				13,870,197	12.6%		\$60,172	9.9%
Industrial	228	1.0%				7,194,140	6.5%		\$36,808	6.0%
Agricultural		0.0%					0.0%			0.0%
Institutional	27	0.1%				1,224,995	1.1%		\$7,324	1.2%
Churches	80	0.3%				2,069,605	1.9%		\$12,066	2.0%
City/County	25	0.1%				752,559	0.7%		\$2,584	0.4%
Governmental	18	0.1%				310,697			\$1,216	
Public Schools	4	0.0%				876,030			\$806	
Miscellaneous	19	0.1%				156,896			\$2,080	
Subtotal Nonresidential	786	3.3%				26,455,119	24.0%		\$123,056	20.2%
Vacant										
Vacant Residential	437	1.9%		437		904,299	0.8%		\$12,220	2.0%
Vacant Commercial	66	0.3%				1,071,164	1.0%		\$9,132	1.5%
Vacant Industrial	31	0.1%				96,185			\$960	
Vacant Institutional	7	0.0%				291,715			\$366	
Subtotal Vacant	541	2.3%				2,363,363	2.1%		\$22,678	3.7%
Total Unincorporated	23,568	100.0%		23,495		110,416,374	100.0%		\$610,374	100.0%
Total Developed	23,027			23,495		108,053,011				

The table also identifies the stormwater utility revenue from the USA, about 65.6 percent of the total revenue.

EXHIBIT A



Section 4

Rate Structure Analysis

As part of this assessment of the Leon County Stormwater Utility, a number of potential rate structures were considered. For this section, the rate structure options are considered independent from the fee. In the next section, the annual fee is varied to consider the current stormwater utility fund subsidy.

4.1 Purpose

In the previous section, information related to the potential customers within the unincorporated County was gathered including number of parcels, number of dwelling units, and impervious areas for various different parcel types. These data were collected to develop a rate model for the stormwater assessment, which is intended to estimate the potential rates and revenues depending on rate structure options. Also, to consider the potential rates for differing rates in the USA, a rate model was prepared for just the parcels in the USA.

4.2 Rate Model

The rate model for the County is a series of worksheets within spreadsheets that provide the following:

- A ten-year estimate of program costs for Management, Compliance and Implementation, Operation and Maintenance (O&M); and Capital Improvement Program (CIP). The CIP costs are separated so that a Pay-As-You-Go funding can be compared to a bonded program. Costs are assumed to increase at 2% per year while revenue (i.e., number of SFU's) is assumed to increase at 1% per year.
- An ad valorem tax worksheet estimates the ad valorem tax rate (millage or \$ per \$1000) that would generate an equivalent total program. In this spreadsheet, the millage needed to generate a specified revenue need can be estimated as well as to estimate the revenue for a given tax rate.
- An options worksheet allows the user to identify whether or not a rate structure option is to be simulated. Options include single family unit equivalence or residential equivalence; billing unit based on single family units only or all residential units; potential credits and the amount of credits (percent reduction in fee); various adjustments that might be offered; and tiered non-single family residential rates. This spreadsheet also accumulates the number of extra staff needed to administer the rate structure options.
- A worksheet showing the resultant annual revenue from the options selected for rates in \$5 increments from \$10 per year per SFU to \$100 per year per SFU.
- A worksheet with a 10-year projection of rates and program needs is provided with the ability to test the effect of a pay-as-you-go CIP program compared to a bonded program with annual debt service. For the 10-year bonded CIP, two bonds are simulated for each of the 5 years (20-year repayment, 7 percent loan rate, 25 percent coverage and 12 percent financing costs).

EXHIBIT A



Section 4 • Rate Structure Analysis

- A worksheet with the highest 25 parcels based on the 2012 Assessment record and the effects the chosen rate structure options may have on their assessment.
- The final worksheet in the file is the summary of data used for the other worksheets. This table is shown in Table 4-1 for the data from this study.

**Table 4-1 Leon County, Florida Stormwater Utility Update
Summary of Parcel Data (October 2012)**

Parcel Type	No. of Parcels	No. of Dwelling Units	2012 Imperv. Area (sq ft)	2012 Total Parcel Area (sq ft)	Imperv./ DU or Parcel	Billing Unit Equivalent	SFUs Based on Equivalent	SFUs for Subsidy	% Affected by Credits (Estimated)	Fraction of SFUs	Total SFUs with Options
Residential(1)											
Single Family - Small	2,426	2,426	2,861,836		1,055		2,426		5%	100%	2,426
Single Family - Medium	19,412	19,412	60,546,853		3,272		19,412		5%	100%	18,733
Single Family - Large	1,547	1,547	22,686,379		9,115		1,547		5%	100%	1,547
Single Family - Very Large	880	880	11,707,829		13,304	3,272	880		5%	100%	880
Single Family w/>1 SFU	769	1,900	4,900,177		2,610		1,900		5%	100%	1,900
Multifamily (2)	267	1,001	2,143,522		2,141		1,001		5%	100%	1,001
Mobile Home	6,103	6,743	13,894,287		2,061		6,743		5%	100%	6,743
Misc. Residential	204	204	508,874		2,494		204		5%	100%	204
Single Family w/Exemption	2,865	2,865	9,374,280		3,272		2,865		5%	100%	2,865
Subtotal Residential	34,473	36,978	128,624,037		3,482		36,978				36,978
Nonresidential											
Commercial	477		15,650,717		32,828	3,272	4,786		5%		4,786
Industrial	253		7,876,516		31,132	3,272	2,407		5%		2,407
Agricultural	1		61,734		61,734	3,272	19		5%		19
Institutional w/o Churches	50		1,748,510		34,970	3,272	534		5%		516
Churches	138		2,736,354		19,829	3,272	836	836	5%		836
Governmental w/o Schools	25		1,738,624		69,545	3,272	531	531	5%		531
City/County	45		1,224,439		27,210	3,272	374	374	5%		374
Schools	9		2,491,003		276,778	3,272	761	761	5%		761
Miscellaneous	80		750,427		9,380	3,272	229		5%		229
Subtotal Nonresidential	1,078		34,286,393		31,806		10,479	2,503			10,479
Vacant											
Vacant Residential	1,171	1,275	3,634,878			3,272	1,111	1,111	5%		1,111
Vacant Commercial	72		1,200,027			3,272	367	367	5%		367
Vacant Industrial	33		119,907			3,272	37	37	5%		37
Vacant Institutional	13		360,612			3,272	110	110	5%		110
Subtotal Vacant	1,289	1,275	5,315,424								1,568
Total Developed	35,551	36,978	162,910,430				47,457	4,128			47,457
Total Parcels	36,840	38,253	168,225,854								49,081

Note:

- (1) Small SF is 10th percentile and below; Large is 90th percentile and above. Very large is greater than 10,000 square feet.
- (2) Multifamily includes parcels with DOR Codes 03 and 08.
- (3) For Residential, column represents impervious per Dwelling Unit.
For Nonresidential, column represents impervious per Parcel.

Type	SFUs	%
Residential	38,089	77.6%
Nonresidential	10,992	22.4%

EXHIBIT A



Section 4 • Rate Structure Analysis

It should be noted that for the rate model, single family parcels were split into tiers based on impervious areas. Separately, parcels owned by disabled veterans or low income exemptions were quantified for credit calculations. It was assumed that all of these parcels came from the Single Family - Medium category and were moved to a separate category called "Single Family w/ Exemption" solely to consider the effects of rate structure options on this category. Also, the average impervious area per dwelling unit for Single Family - Small and Single Family - Large were based on the 20th and 80th percentile, respectively. Also, the parcel database included single family parcels (DOR Code 01) with more than one dwelling unit (usually a home with one or more mobile home). These parcels were separated in Table 4-1.

A snapshot of each of the worksheets (tabs in an Excel file) is provided in the Appendix.

4.3 Stormwater Program Needs

**Table 4-2 Leon County, Florida Stormwater Utility Update
Summary of FY13 Program Costs**

Program Element	Future Budget	% of Total
Engineering & Permitting	\$1,350,000	26.2%
Operations & Maintenance	\$1,800,000	35.0%
Capital Improvement Program	\$2,000,000	38.8%
Total	\$5,150,000	100.0%

With the help of County staff, the program costs for the County were estimated and projected for potential future levels of service scenarios. Table 4-2 provides a summary of the existing stormwater

program needs for the management and O&M costs for the County. The costs were separated in this fashion to allow various revenue sources to pay for various components of the program. In the lower part of the table, as an alternative, an additional \$2 million has been included at the request of the County staff to consider the funding of capital projects independent of the general fund, grants or sales taxes.

4.4 Rate Structure Alternatives – Unincorporated County

As noted previously, most of the stormwater utilities in the United States are based on the impervious area of the customer's property. Actually, the majority of stormwater utilities have a uniform rate for all residential and nonresidential parcels, with the residential customer's fee based on the number of dwelling units and the nonresidential customer's fee based on the impervious area. The purpose of this section is to discuss the alternatives for the stormwater utility rate structure. Alternatives include uniform and variable rates for both residential and non-residential customers, exemptions, and credits.

To compare the fiscal consequences of each alternative considered, the option was compared to the results for the existing rate structure. This structure includes 1 billing unit (known as an SFU, see below) for each dwelling unit associated with residential parcels and a calculated number of billing units for non-residential parcels based on their respective impervious areas. Using the current rate structure, the estimated number of billing units (or SFUs) is 49,081 based on an updated average single family unit impervious area (see below).

EXHIBIT A



Section 4 • Rate Structure Analysis

4.4.1 Equivalent Units

In order to provide an equitable measure of impervious areas for both residential and non-residential developed parcels, stormwater utilities have used an equivalent or base unit to measure the impervious areas by a uniform basis. Similar to other types of utilities, the equivalent unit for a stormwater utility is the relative amount of contribution of a fee payer compared to a residential unit. In other words, the residential unit is the base for the utility fee.

Two methods of defining the equivalent or base unit have been employed in Florida. The first is named the Single Family Unit Equivalent, or SFU. As expected by the name, a SFU is defined as the average or median impervious area for single family detached residences within the county. The current value used as the SFU is 2,723 square feet, based on an analysis completed prior to the adoption of the original ordinance in 1991. From the recent information obtained from the County, this method results in a median value of 3,272 square feet for the County. The second method, known as Equivalent Residential Unit or ERU, is based upon the average or median impervious area for all residential unit types including single family, multifamily, apartments and mobile homes. For Leon County, the average impervious area for all residential parcels is 3,553 sq. feet, not significantly different than the SFU value (9 percent increase).

From the rate model, the number of SFUs is 49,081 billing units, while, for the ERU method, there are 48,420 billing units (a 1.3 percent decrease). The difference is because, while the residential SFUs stay the same, the nonresidential billing units are based on a slightly larger denominator.

It should be emphasized that the choice of the SFU or ERU base is subject to the policy decisions of the County and that different communities around the U.S. have chosen differently. In Florida, the 2011 FSA Survey, within which all 10 counties were respondents, reports that 50 percent of the 10 counties with assessments or fees use the SFU base and 30 percent use the ERU base (20 percent use some other equivalent). For all cities and counties (81 respondents), 61 percent use the SFU, 30 percent use the ERU and 9 percent use another method. In the case of Leon County, 73.4 percent of the dwelling units are single family which leads to the result that an SFU Equivalent seems appropriate.

4.4.2 Uniform or Tiered Residential Rates

Many utilities have the residential customer pay in relation to the number of dwelling units for the customer. A single family unit is assigned 1 SFU and a duplex is assigned 2 SFUs, for example. In Florida, 70 percent of counties use this method. Two other options are possible: variable single family rates and uniform rates by residential type. Each of these is considered below.

Tiered Single Family Rates. For this alternative, single family (and for that matter all residential customers) would be assigned a fee based on the impervious area of their property in the same manner as the nonresidential properties. The purpose of this would be to have a fee directly related to amount of impervious area on each customer's property. Most stormwater assessment datasets do not have the impervious area readily available – the Leon County GIS does. That is, using the footprint plus appurtenances and some extra features, a value for impervious area for single family can be defined. The driveway is excluded but can be added as a unit average number. Therefore, impervious area data for each single family parcel is not a significant limitation in the County.

There are some stormwater utilities that have a tiered structure for single family units to recognize that some single family properties are very small and some are extremely large. If each is assigned a fee based on 1 SFU, then the small properties may appear to pay too much and the large properties appear to pay too little. Previous studies in the US have shown that when the ratio of the 90th

EXHIBIT A



Section 4 • Rate Structure Analysis

percentile to the 10th percentile is greater than 2.5, a tiered structure can be justified. In the case of Leon County, the ratio of the 90th percentile and 10th percentile is 4.05, a value which suggests a tiered methodology.

**Table 4-3 Leon County, Florida Stormwater Utility Update
Potential Tiered Single Family Rate Structure**

Category	Minimum Impervious Area (sq ft)	Maximum Impervious Area (sq ft)	No. of Parcels	Total Impervious Area (sq ft)
Small	0	1,629	2,426	2,861,836
Medium	1,629	7,096	19,412	60,546,853
Potential Special Adjustment - Medium	1,629	7,096	2,865	9,274,280
Large	7,097	9,999	1,547	22,686,379
Very Large	10,000	53,930	880	11,707,829
Total			27,130	107,177,177

To use a tiered structure, the impervious area of every single family unit would be needed. A possible structure is shown below based on the median, Small (10th percentile) and Large (90th percentile) values of the measured properties. The Very Large Single Family parcels are those with impervious areas equal to or

greater than 10,000 square feet. The SFUs for the each tier is the midpoint impervious area in the range divided by the median value (3,246 square feet), and the SFUs for the large tier is recommended to be based on impervious area divided by the median value, in the same manner as is non-residential parcels. Also, because many of the public tend to believe that very large home need to pay more, homes greater than 10,000 square feet can be billed as a commercial property is (i.e., based on impervious area). Table 4-3 shows a potential tiered structure using the 10th and 90th percentile values. It should be noted that the Disabled Veterans or Low Income Senior SF that may receive a special adjustment (see below) were assumed to be within the Medium Category.

If a tiered structure with Small, Medium and Large SF parcels is used, there would a 5.5 percent increase in revenue as the large single family parcels generally generate revenue to compensate for the small ones. If the very large single family tier is considered, additional SFUs are generated (an 8.5 percent increase in revenue).

Table 4-1 summarizes the information for SF (single-family) parcels with either a disabled veterans or senior low income credits. The rate model simulated the revenue consequences if such parcels had reduced fees. While the rate model can be modified for various percentages, for the rate structure analysis, a reduction of 50 percent (that is, the parcels are assigned 50 percent of the other SF fees) was used. Since parcels cannot be exempted from a non-ad valorem assessment other than provided in state law, these fees can only be offset by a credit from the County through another revenue source such as the General Revenue. The overall rate would stay the same for all other parcels and the credited SF parcels would be funded by a subsidy based on 1,432 SFUs times the chosen rate.

Non-Single Family Residential Fees Based on Impervious Areas. As an alternative to the non-SF residential parcels which in this report refers to Multifamily, Mobile Homes and Miscellaneous Residential to be based on dwelling unit (the most administratively simple alternative), the non-SF residential parcels may be addressed in the same manner as the nonresidential; that is, tiered based on total impervious area. According to the parcel dataset summarized in Table 4-1, there are estimated to be 7,948 non-SF dwelling units in the unincorporated County (22% of the total residential dwelling units) excluding Single Family with more than 1 dwelling unit. Using the average impervious areas for each non-SF type, the ratio to that for Single Family is as follows:

EXHIBIT A



**Table 4-4 Leon County, Florida Stormwater Utility Update
Potential Tiered Residential Rates**

Average Residential Type	Percent of Impervious	SFU's Single Family	Per DU
Single Family	3,272	100%	1.0*
Single Family w/>1 DU	2,610	80%	1.0*
Multifamily	2,141	65%	0.7
Mobile Homes	2,061	63%	0.6
Misc. Residential	2,494	76%	0.8

*Note: this can be 1 SFU per unit or tiered.

For this option, Single Family would be assigned 1 SFU or based on a tiered structure and other non-SF parcels would be assigned less than one SFU per DU. For example, a multifamily parcel with 10 dwelling units would be assigned 10 times 0.7 or 7 SFU's.

According to the FSA 2011 Survey, 70 percent of the counties and 58 percent of all SWU in Florida have a rate structure with multifamily customers assigned the same number of billing units as the single family customers (i.e., 1 SFU per dwelling unit).

4.4.3 Nonresidential Rates

Nonresidential customer rates for adopted stormwater utilities in the United States are almost always related to the impervious area of the property. For most utilities, the actual impervious area is measured or inferred for each nonresidential parcel, and the ERU assignment is the parcel's impervious area divided by the residential equivalent. An alternative to this is to assign nonresidential property types a percent imperviousness based on literature values or a statistically measured sample of imperviousness. However, in the case of the County, all of the non-residential parcels have impervious area measured and these data are already part of the assessment database; therefore, other less accurate rate structures (e.g., percent imperviousness assigned) are not supported.

The FSA 2011 Survey shows that 83 percent of the respondents use an impervious area for fee setting, 7 percent use pervious and impervious area, and 10 percent use other methods (such as intensity of development). For counties, 60 percent use impervious area, 20 percent use the gross area, and 20 percent use either intensity of development or other methods

4.4.4 Adjustments and Credits

Exemptions and credits are related to a reduction in the fee for a customer due to a reduction of the services provided to the customer. For an exemption, all or some of the fee is eliminated because of special circumstances, such as a reduction in imperviousness due to a portion of the property not draining to the County's stormwater system. A credit on the other hand is related to the reduction in fees due to special action taken by the fee payer to reduce the need for stormwater services such as the design, construction and maintenance of a stormwater pond that reduces both stormwater flows and pollutants associated with runoff. In both cases, however, the amount of the reduction can depend on the services being provided the customer.

As noted in Section 2, the three basic services of any stormwater program are Engineering & Permitting which includes NPDES compliance, operation and maintenance (O&M), and capital improvements (CIP). For a total LOS C recommended program costing \$5,150,000 annually (see Table 4-2), the portions of each component are as follows:

EXHIBIT A



Section 4 • Rate Structure Analysis

<u>Program Component</u>	<u>Cost</u>	<u>Percent</u>
Engineering & Permitting	\$1,350,000	26.2%
Operation & Maintenance	\$1,800,000	35.0%
Capital Improvement Program	\$2,000,000	38.8%

The Engineering & Permitting costs for any particular customer would be the same regardless of the presence of private BMPs on the property because these costs relate to general services received by all; thus for an example, the maximum potential credit allowed could be about 73.8 percent (the sum of percentages for O&M and CIP). For this program, this value has been rounded up to 75 percent. If a customer has a stormwater facility that reduces the runoff and treats stormwater pollutants, the O&M and CIP services provided by the County would be reduced. For this reason, the amount of the reduction for credits should be related to the reduced services provided to the property based on 75 percent for the stormwater utility fee.

Adjustment Based on Control of Stormwater Volume

One of the adjustments that can be considered is related to the reduction of stormwater runoff to the County's stormwater system. For many stormwater utilities, the only circumstance in which a reduction is meaningful to the overall stormwater system is for the 100-year storm event, a major stormwater quantity level of service measure. The control of stormwater for the 100-year storm event can be accomplished for two characteristics of the event: rate and volume. Rate control allows the total amount of runoff to be discharged to the stormwater system over a prolonged period of time, but does not decrease the volume of runoff. Volume control reduces the total amount of runoff ultimately discharged to the stormwater system.

For the utilities with an adjustment for volume controls, many are related to the 100-year storm event. Control of the volume for a 100-year storm event would be a significant and measurable reduction in the O&M and CIP services provided to a property. As a result, an adjustment based on the control of the 100-year storm volume can be assigned an adjustment for the O&M and CIP portion of the fee, which represents 75 percent for the utility.

It should be noted that these adjustments are related to specific characteristics of the customer's property. An adjustment for the control of the 100-year storm event and the discharge of property runoff to non-municipal stormwater systems requires site specific information. If adjustments for these conditions are allowed by the County, then the customer must petition the County by providing parcel specific, competent and substantial evidence such as photographs or engineering drawings.

Adjustments for Stormwater Facilities Without Volume Controls

These adjustments are for customers who, except for mitigating circumstances, would have to pay the whole fee. Mitigating circumstances include onsite stormwater facilities that attenuate and treat stormwater runoff. For example, compare three properties: one built with no detention ponds, one built with a detention pond that is not maintained, and the last with a maintained pond. In the first case, stormwater runs off the land uncontrolled and untreated to the County's stormwater system. In the second, while the runoff was originally controlled, due to lack of maintenance, runoff is no longer controlled and is no better than the first case. In the last example, runoff is controlled and treated, thereby reducing the burden on the County's system. Of these three cases, the third clearly has reduced the services that the County needs to provide and deserves a reduction in fee (credit).

EXHIBIT A



Section 4 • Rate Structure Analysis

There are a number of methods used to adjust the fees for credits. The most common methods include a percentage reduction and relative reduction. In the percentage reduction, if the customer designs, builds and maintains an on-site stormwater facility, then a straight percentage reduction on the fee based on the O&M and CIP budget components of the revenue needs. For the second, the reduction is relative to an ideal stormwater facility. For example, assuming that to treat stormwater runoff, a property needs 0.1 acre-feet (ac-ft) of storage for every acre of impervious land. The ideal with this assumption for a 10-acre site with 50 percent imperviousness would be 0.5 ac-ft of storage. If this parcel constructs a pond with 0.5 ac-ft, then the site gets the maximum credit. If the actual pond is smaller, then the credit is relative to the ratio of the actual size and the ideal. Clearly, the first method is easier to administer but the second is more site-specific.

Either of the credit methods can be administered by County staff. However, to keep the program simple initially, the percentage reduction should be allowed if credits are authorized. Also, it is important that facilities are maintained annually to retain the credit. Therefore, the credit should require annual certification of maintenance via competent and substantial evidence and should be checked periodically by County staff through random and unannounced site inspection. Furthermore, since the County wishes to encourage the construction and maintenance of private stormwater ponds according to County standards, the 75 percent credit for detention ponds should be allowed only if the pond meets current County code.

A second type of adjustment for stormwater treatment would be for an incentive to reduce stormwater runoff and treat stormwater on site. For example, if a property owner uses Low Intensity Development (LID) techniques (e.g., Directly Connected Impervious Area or DCIA reduction, vegetative buffers, rain gardens, cisterns, etc.) both the runoff volume and the runoff pollutants are reduced, decreasing the effort required by the County to deal with the volume and pollutants. Since on-site stormwater facilities and LID techniques reduce the capital needs of the County, the adjustment should be no more than 33 percent of the separate utility fee. The County is in the process of developing specific LID protocols and methods; it is recommended that this credit should be re-evaluated as part of the rate structure after a standard protocol has been approved.

4.5 Consequences of Rate Structure Options

Using the rate model, the number of billing units (a.k.a., SFU) changes depending on the rate structure options chosen. **Table 4-5** provides the revenue consequences for each of the general rate structure options in comparison to the existing rate structure (i.e., single family-defined billing unit, 1 billing unit defined for each dwelling unit for all residential parcels, and 1 SFU defined for each 3,272 square feet of impervious area on nonresidential parcels). Each of the options is compared to the SFUs for the existing rate structure.

EXHIBIT A



Section 4 • Rate Structure Analysis

**Table 4-5 Leon County, Florida Stormwater Utility Update
Summary of Consequences for Rate Structure Options**

Option	Total SFU	% Change in SFU from Current
Current Rate Structure	49,081	
ERU Based Fee	48,420	1.4%
Tiered Single Family	51,772	-5.2%
Tiered Single Family w/Large SF Extra	53,223	-7.8%
Variable Non-Single Family	45,663	7.5%
Credit for Pond at 75%	47,348	3.7%
Vacant Parcel is Excluded	47,457	3.4%
Disabled Vets & Low Income Senior	48,365	-2.9%

Most alternative rate structure options increase the fee required to fund the existing program from 1 to 7 percent. The Tiered Single Family alternative slightly decreases the rate and the Tiered Single Family with Extra Large Single Family treated like nonresidential parcels would decrease the fee by almost 7 percent. Also, for the Disabled Veterans and Low Income

Senior parcels, a 50 percent reduction in fee would slightly decrease the number of SFUs.

4.6 Urban Services Area Options

During the consideration of the level of service (LOS) for stormwater services, the LOS for properties within the USA and that for properties outside of the USA was considered. Based on discussions with the County staff, it was concluded that the LOS inside and outside the USA were the same for Engineering & Permitting and CIP activities. However, the LOS for O&M services may be less for properties outside of the USA. As noted in Table 4-2, the total existing O&M program costs \$1,800,000. According to County staff, 67 percent of the stormwater facilities are in the USA; assuming the O&M is consistent with the percent of facilities then the O&M costs in the USA are \$1,206,000 and outside the USA the costs are \$594,000. **Table 4-6** below results from using the parcel data from Section 3 (the distribution of SFUs is based on the ratio of total revenues from Tables 3-1 and 3-2).

In this example, while the revenue requirements for the non-USA areas are smaller than for the USA, there are fewer SFU in the non-USA area. This results in a slightly larger fee in the USA area.

**Table 4-6 Leon County, Florida Stormwater Utility Update
O&M Rate for USA and Non-USA Areas**

Area	Total SFU	Total Revenue Need	Resultant O&M Fee (\$/year/SFU)
USA Parcels	32,303	\$1,206,000	\$39.30
Non-USA Parcels	16,778	\$594,000	\$37.27

EXHIBIT A



Section 5

Rate Alternatives

As noted in the level of service (LOS) analysis, the County is subsidizing the stormwater management program each year using general fund revenues. According to County records, the actual subsidy for FY11 was approximately \$1.891 million; the subsidy budget for FY12 was \$2.619 million; projected subsidy budget for FY13 was \$2.985 million. These represent a 38 percent and 14 percent increase over these years.

The purpose of this Section is to show the fiscal and rate consequences to fund the stormwater program (or at least, components of it) over the next 10 years. As noted previously, the County is interested in considering the rate needed to fund the Engineering & Permitting, O&M and CIP programs at levels of \$1.35 million, \$1.8 million and \$2.0 million, respectively, totaling \$5.15 million. One option to fund this program is to authorize a sufficient rate in the first year. Another option is to amortize the rate over a period of 5 years. In either case, the subsidy would be eliminated.

Rate Model

For the purposes of this analysis, the following rate structure options have been included in the model to consider the rates needed to fund the program defined above:

- Single Family Unit equivalent (SFU);
- Tiered Non-Single Family Residential;
- "Vacant" parcels with impervious area included;
- Disabled Veterans and Low Income Senior Adjustment of 50 percent; and,
- Credits for Stormwater Facilities (75 percent reduction).

For this rate structure, the estimated number of SFU's is 42,686.

Rate Scenario Results

Based on the number of SFU's, to generate \$5.15 million, the fee would be estimated to be \$140 per SFU per year assuming a 95 collection. If the reduction in fee is offered for Disabled Veterans and Low Income Senior exemptions, the General Fund subsidy required would be \$200,480 (1,432 SFUs times \$140).

To fund the \$5.15 million in 5 years accounting for a 95 percent collection, the fee would start out at \$44 per year per SFU, and increase by \$24 per year per SFU for each of the next 4 years. After 5 years, the ultimate rate would be about \$140 per year per SFU. The rates vary with time since the rate model includes an increase of 1 percent per year in the number of SFU's and a 2 percent increase per year in costs.

EXHIBIT A



Section 5 • Rate Alternatives

A summary of the rate options is provided in Table 5-1 and Table 5-2.

**Table 5-1 Leon County, Florida Stormwater Utility Update Study
Rate Alternatives to Fund \$3.15 Million Annually**

Year	Revenue	Rate
FY13	\$1,336,310	\$33.33
FY14	\$1,881,363	\$46.00
FY15	\$2,437,183	\$59.00
FY16	\$3,003,931	\$72.00
FY17	\$3,581,770	\$85.00
FY18	\$3,617,588	\$85.00
FY19	\$3,653,764	\$85.00
FY20	\$3,690,302	\$85.00
FY21	\$3,727,205	\$85.00
FY22	\$3,764,477	\$85.00

**Table 5-2 Leon County, Florida Stormwater Utility Update Study
Rate Alternatives to Fund \$5.15 Million Annually**

Year	Revenue	Rate
FY13	\$1,781,747	\$44.00
FY14	\$2,781,145	\$68.00
FY15	\$3,800,353	\$92.00
FY16	\$4,839,666	\$116.00
FY17	\$5,899,386	\$140.00
FY18	\$5,958,380	\$140.00
FY19	\$6,017,964	\$140.00
FY20	\$6,078,144	\$140.00
FY21	\$6,138,925	\$140.00
FY22	\$6,200,314	\$140.00

EXHIBIT A

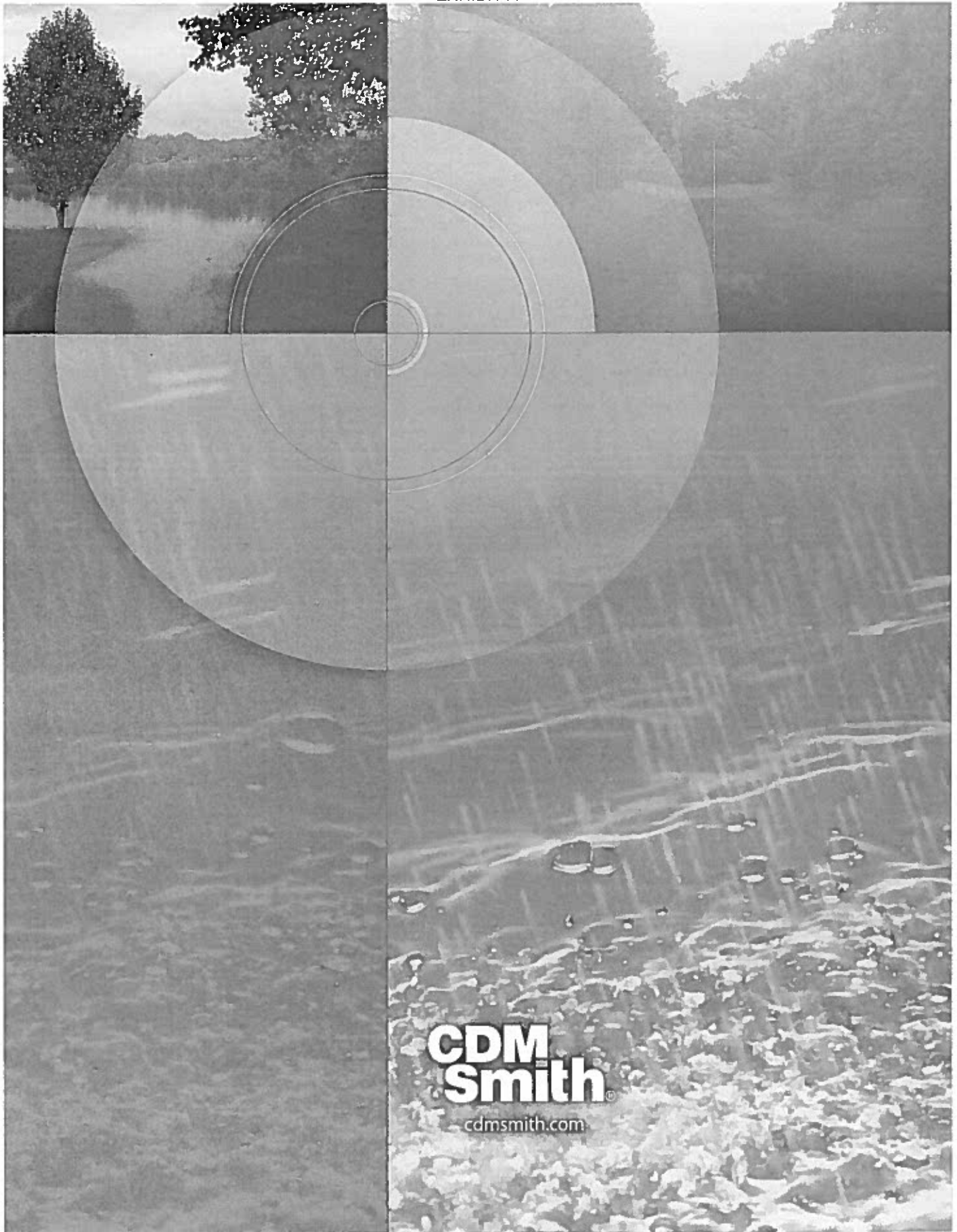


EXHIBIT B
RATE SCHEDULE

Property Use Category	Unit of Measurement Applied	Assessment Rate
Residential	Single Family Unit	\$85
Residential	Single Family-Multi Dwellings/Other	\$68
Residential	Multi Family Structures	\$60
Residential	Mobile Homes	\$51
Non-Residential	Total Square Feet of Impervious Area Divided by 3,272 Sq. Ft. (Single Family Unit Equivalent)	\$85
<p>A Single Family Unit Equivalent, or SFU is defined as the average or median impervious area for single family detached residences within Leon County. From the most recent statistical data obtained, this method results in a median value of 3,272 square feet for Leon County. Therefore, one SFU equals 3,272 Sq. Ft.</p>		

EXHIBIT 2

**STORMWATER MANAGEMENT SERVICES AND FACILITIES
NON-AD VALOREM ASSESSMENT ROLL**

Due to the voluminous nature thereof, the assessment roll is not attached to this Resolution in this Agenda Item but is available for public inspection at <https://leoncountyfl.gov/specialassessment> and in the office of the County Administrator. Anyone needing assistance may contact the office of the County Administrator at (850) 606-5300. The assessment roll will be attached hereto upon adoption.



CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLL

I, the undersigned, hereby certify that I am the Chairman of the Board, or authorized agent of Leon County Board of County Comm'rs, located in Leon County, Florida; as such, I have satisfied myself that all property included or includable on the Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I further certify that, upon completion of this certificate and the attachment of same to the herein described Non-Ad Valorem Assessment Roll as part thereof, said Non-Ad Valorem Assessment Roll will be delivered to the Tax Collector of this county.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made a part of the above described Non-Ad Valorem Assessment Roll this the 12th day of July, 2022 year.

Chairman of the Board or authorized agent
of Leon County Board of County Commissioners
Name of local government

Leon County, Florida

NOTICE OF PUBLIC HEARING

Notice is hereby given, pursuant to Section 197.3632(4)(b), Florida Statutes, that the Board of County Commissioners of Leon County, Florida will conduct a public hearing on Tuesday, July 12, 2022, 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 the adoption of a stormwater management services and facilities non-ad valorem assessment roll for the subject parcels of improved real property located within the unincorporated area of Leon County, Florida. The purpose of the assessment is to equitably recover costs incurred for providing and funding County stormwater management services and facilities, including, but not limited to, flood prevention and response; construction of stormwater treatment facilities; stormwater pond maintenance; and water quality monitoring, to benefit improved parcels of property located within the unincorporated area of Leon County (geographic depiction of the property subject to the assessment is set forth below). The assessment shall be collected annually by the Leon County Tax Collector.

Leon County will also broadcast the public hearing on Comcast channel 16, the Leon County Florida channel on Roku, and the County’s Facebook page (<https://www.facebook.com/LeonCountyFL/>), YouTube channel (<https://www.youtube.com/user/LeonCountyFL>), and web site (www.LeonCountyFL.gov).

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Interested parties may also provide virtual real-time public comments during the public hearing. Interested parties wishing to provide virtual real-time public comments must complete and submit the registration form provided at <https://www2.leoncountyfl.gov/coadmin/agenda/> by 8:00 p.m. on Monday, July 11, 2022. Following submittal of the registration form, further instructions for participating in the meeting will be provided. Persons needing assistance with registering or providing real-time comments may contact County Administration via telephone at (850) 606-5300. Please note that Board of County Commissioners Policy 01-05, Article IX., Section E., entitled “Addressing the Commission”, and Article IX., Section F., entitled “Decorum”, shall remain in full force and effect.

Written objections may be mailed to the Board within 20 days of publication of this Notice at: Leon County Board of County Commissioners, Leon County Courthouse, 301 South Monroe Street, 5th Floor Chambers, Tallahassee, Florida 32301.

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.

Publish: June 17, 2022

