

Leon County Board of County Commissioners

New County Commissioner's Briefing Book



People Focused, Performance Driven

Introduction: Congratulations on Being Elected County Commissioner...Now Get To Work!

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Congratulations! You have been elected county commissioner. You may be feeling like the dog that caught the bus: exhausted, overwhelmed, and asking yourself, “now what?” You can take comfort in the fact that you are not the first newly elected county commissioner to ask this question. In fact, as a county commissioner you will undoubtedly ask yourself variations of this question throughout your tenure in office. Whether you are dealing with a new state mandate or a seemingly impossible local issue, you will often ask yourself, “What do I do now?” There is no standard answer to this question. As a member of a Board of County Commissioners you have broad legislative discretion and “home rule” authority to determine what is right for your county. And with that, comes great responsibility. The responsibility with which you have been entrusted as a county commissioner will test every capacity of your compassion, your intellect and your character. This book is intended to help you be the most effective county commissioner you can be—which is what your community deserves and needs now more than ever. You will not find here a theoretical treatise on governing; this is practical guide, a “field manual,” intended to help you navigate this unique and challenging environment called county government.

Making the transition from candidate to county commissioner is your first of many daunting challenges. It probably seems a bit unfair that just when you were getting the hang of being a candidate, now you have to become an effective county commissioner—and quickly! Gone are the days of the 30-second sound bite solutions that are the friend of the political “outsider.” Your messaging about the change that you would bring to the county commission, whether it was positive or negative, worked. It brought you the overnight distinction of being an insider, “one of them.” Your first instinct may be to continue to campaign, to distance yourself from your colleagues on the Board of County Commissioners. However, the qualities it took to be an effective campaigner are much different from those required to be an effective commissioner.

Being an effective county commissioner requires endless prodding, compromise, and political skill to balance different points of view on your board in order to get anything done for your community. You are now one member of a team of five or seven (or more in just a couple of exceptions in Florida). You will soon experience one of the unique dynamics of being a county commissioner. That is, in very short order, the general public’s individual perception of you will diminish, and you will inherit the larger attitude that people associate with your county commission—good or bad. Even veteran commissioners sometimes do not fully appreciate this because of the tendency (that we all have) to surround themselves with a relatively small universe of people who like and support them, who share their political ideologies, and who are much closer to the finer nuances of local politics and personalities than most. You may have been an effective campaigner by railing against government or by inspiring voters with uplifting messages about your leadership. However,

campaign season is over! Your focus should turn immediately to making your county commission better, which will in turn make you more effective both on the board and in the eyes of the public.

The good news is that there is arguably no other level of government where one well-equipped elected official can have a greater positive influence and generate more dramatic results than at the local level. The bad news is that the stakes have never been higher. County governments today face unprecedented challenges. As *a political subdivision* of the state, county governments are more directly impacted by the significant challenges facing the state than any other government. Florida is in a constant state of “reform” with the rules of the game for county governments continually changing as solutions to chronic problems like the state’s antiquated tax structure remain elusive. A recent cover story from *Time Magazine* entitled “Florida, The Sunset State?” may have described it best:

We've got a water crisis, insurance crisis, environmental crisis and budget crisis to go with our housing crisis. We're first in the nation in mortgage fraud, second in foreclosures. Our consumer confidence just hit an all-time low, the citrus industry, battered by freezes and diseases; the Florida panther, displaced by highways and driveways; the space shuttle, approaching its final countdown. New research suggests that the Everglades is collapsing, that our barrier beaches could be under water within decades, that a major hurricane could cost us \$150 billion. We do wish you were here, because attracting outsiders has always been our primary economic engine, and our engine is sputtering. Population growth is at a 30-year low. School enrollment is declining. Retirees are drifting to the Southwest and the Carolinas, while would-be Floridians who bought preconstruction condos in more optimistic times are scrambling — and often suing — to break contracts. This is our dotcom bust, except worse, because our local governments are utterly dependent on construction for tax revenues, so they're slashing school and public-transportation budgets that were already among the nation's stingiest.¹

In addition, in your county there will be an unlimited array of competing and often conflicting issues unique to your community that will contend for limited resources and will ultimately require county commission action. You and your fellow commissioners will go to great lengths to weigh the issues, values, and perspectives of the community to attempt to reach what is in the *public interest*. Unfortunately, determining the public interest is difficult if not impossible when dealing with most issues of public policy. This is due simply to the fact that people hold very different beliefs, interests, and preferences. To make the aggregation problem still more difficult is when you consider that voters—individually and collectively—even in relatively homogeneous populations can have drastically different political preferences that contradict one another. Fulfilling one interest requires that another interest be denied or at least temporarily set aside. Thus, there is no one public interest, but many public interests. The most difficult task of the county commission will be to consider as many of these interests as practical and determine a clear mandate for county government policy.

The most common and difficult example of weighing contradictory public interests is the taxpayers’ strong and explicit demand for lower taxes that coexists with the continuing demand for more spending for their favorite county programs. Of course, when you compile all of the interests, there is no county program that is not either mandated by the state or someone’s favorite program. Attempting to satisfy both conflicting demands is where county commissions and their professional staff will spend an inordinate amount of their limited time. It is important for you as a county commissioner to appreciate that, at worst, public policy is determined not by doing what is best for the community, but by doing what a few people who make the most noise want.

The paradox that drives this unfortunate outcome is the worst kept secret in all of government. That is, “citizens who take an active role in a political issue are those with a personal stake in the outcome. Citizens who will benefit only from better or more efficient government seldom make their voices heard. The result often times is that political pressures and ultimately political

decisions are made, which tend to be self-serving for those personally affected and involved.”² Truly balancing public interests, those which are shouted from the lectern at county commission meetings as well as those which have not been voiced, is critical because it promotes the *public trust*—which is the foundation for everything you do as a leader in county government. Without it, citizens will not give the assent needed for commissions to truly lead and achieve meaningful progress in your communities.

With the level of cynicism in government today, actively promoting the public trust is essential. Even when counties operate at the highest levels of efficiency and transparency, county governments experience a very unique set of perception issues. The most chronic of these perceptions can be generalized by the following description: Anytime the county commission makes a broad policy recommendation or implements a program or policy that specifically benefits an individual or is consistent with their interests and beliefs, that individual is left with the perception that the county “is doing the right thing,” after considering all of the facts, and in the best interest of the entire community. In sum, they are left with a very positive perception. They feel that the county commission “gets it.” Conversely, when the county commission takes a policy direction or implements a program that adversely affects the special interests of an individual or is counter to their specific beliefs, that person is left with the perception that the county commission made the wrong decision, one that did not consider all of the facts and is not in the interest of the community, but was made to satisfy someone else’s special interest.

To address this perception and other frustrations, commissioners may be tempted to just simply adopt the popular refrain, “let’s run it like a business.” This catch phrase can be a good one politically, for a short time, but in practice is problematic. A frustration experienced by many new county commissioners, particularly those who have worked and enjoyed success in the private sector, is the failure of government to conform to their experience or perception of what it takes to run a successful business. Most people would agree that the basics of running a successful business include: the ability to make strategic decisions to position best your company in the market; to deliver the product that (as close to exactly as possible) reflects what your customers wants; and the ability to make a profit at the price point the customer is willing to pay. The happy customer of business does not care about the salary of the Board of Directors or the CEO or the benefits package of the company’s employees.

The business of county government is very different. Can we learn from the private sector? Yes! In fact, it is imperative in this environment for county governments to learn from other high-performing and innovative organizations, those in the public and private sectors. However, compare the aforementioned basics of what it takes to run a successful business and imagine attempting to do so amid just a few of the following conditions unique to the business climate of county government:

- Your customers (citizens) have a large number of diverse wants and needs which are not consistent and often contradict one another.
- The work of your business (county government) is either not profitable or too difficult or another business (the private sector) would be doing it.
- You are not judged by how much money the business makes, but rather by how little you spend.
- There are endless rules and regulations that constrain the flexibility of the business to deploy people, money and other resources—and are intended for that purpose.
- All of your Board of Directors (County Commission) meetings are publicly noticed and probably even televised.
- Every business decision you make is subject to the debate of all of your customers.
- Even individuals whose interests are counter to the success of the business are invited to participate and weigh in on behalf of other public and private interests.

- The Board of Directors of the business likely have fundamentally conflicting views of how the business should be run, and perhaps even what the fundamental purpose of the business should be in the first place.
- Any action of the Board of Directors (any indiscretions of employees, or any imaginable event associated with the daily business operations) are reported and delivered to the home of all of your customers every morning (or immediately through any number of electronic media).

These are just a few of the business conditions that exist for county government. Can you imagine running a successful business in this environment? The dominant principles of equity in the public sector, and profit in the private sector, drive important cultural differences that are key to both fulfilling their distinct missions. Of course, efficiency and effectiveness are keys to the success of “business” in both private and public sector. And as in any business, this book is intended to provide county commissioners with a thorough understanding the inherent complexities, and the unique environment of the business of county government.

To be an effective county commissioner requires no expertise in government or business. In fact, there have been and continue to be county commissioners from all walks of life who lend their unique talents and perspectives to the governing of their county—and whose communities are better because of their service. These commissioners, as well as professional managers and long-time observers of county government, will advise that while commissioners may have different backgrounds, personalities and political philosophies, there are common traits shared by effective county commissioners that include:

- A passion for being the best steward of your county during your time on the county commission—to leave your county better than before you were elected;
- A desire to focus not only on the immediate challenges of the day, but also to have a vision for the future of the county;
- An ability to not only solve problems, but also to add to the problem-solving capacity of your community;
- A recognition that you represent all of the citizens of the county, those who voted for you and those who did not;
- A facility to get things done for your constituents while promoting the collegial nature of the county commission;
- A thorough understanding of the issues before the county commission and an appreciation of the impact of your actions on all of the various stakeholders in the community;
- An adherence to exercising ethical behavior in the performance of your duties and an avoidance of even the appearance of impropriety;
- An appreciation of the role of the professional manager (county manager or county administrator) and an understanding of the separation of executive and legislative responsibilities;
- An understanding of the roles and responsibilities of not only the county government, but also of the state, constitutional officers, city governments, and other general- and single-purpose governmental entities; and
- A commitment to being a continuous learner of what it takes to be a better county commissioner.

While your commitment to continuous learning as a county commissioner may begin with this handbook, it is only an introduction to the wealth of resources and training available to you through the Florida Association of Counties (FAC). It has long been said that, “there is no job

description for being a county commissioner.” And the absence of something as prescriptive as a job description is probably a good thing given the unique challenges of each county. However, this book recognizes that lack of specificity by providing you with the most important information on a variety of aspects unique to Florida county government critical to your effectiveness as a county commissioner. In this edition of the *Florida County Commissioner Handbook* you will learn about the history and evolution of county government, where counties derive their structure and authority, budgeting, financing and operating county programs and services, planning and growth management, intergovernmental relations, economic development and much more. As you begin your journey as a county commissioner, do so with confidence in the conviction that got you elected, and the understanding that you’re not alone. While the challenges facing all counties appear to be greater than ever before, so is FAC’s commitment to your success as a county commissioner in ensuring the viability and sustainability of your county—which is what makes communities work!

NOTES

¹ Grunwald, Michael (July 10, 2008). Florida, The Sunset State? *Time Magazine*. July 10, 2008

² Banovetz, James M. (1998). *Managing Local Government: Cases in Decision-Making*. Second Ed. International City/County Management Association.

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ARTICLE VIII LOCAL GOVERNMENT

SECTION 1. Counties.

SECTION 2. Municipalities.

SECTION 3. Consolidation.

SECTION 4. Transfer of powers.

SECTION 5. Local option.

SECTION 6. Schedule to Article VIII.

SECTION 1. Counties.—

(a) POLITICAL SUBDIVISIONS. The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

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(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

(h) TAXES; LIMITATION. Property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas.

(i) COUNTY ORDINANCES. Each county ordinance shall be filed with the custodian of state records and shall become effective at such time thereafter as is provided by general law.

(j) VIOLATION OF ORDINANCES. Persons violating county ordinances shall be prosecuted and punished as provided by law.

(k) COUNTY SEAT. In every county there shall be a county seat at which shall be located the principal offices and permanent records of all county officers. The county seat may not be moved except as provided by general law. Branch offices for the conduct of county business may be established elsewhere in the county by resolution of the governing body of the county in the manner prescribed by law. No instrument shall be deemed recorded until filed at the county seat, or a branch office designated by the governing body of the county for the recording of instruments, according to law.

History.—Am. H.J.R. 1907, 1973; adopted 1974; Am. H.J.R. 452, 1984; adopted 1984; Am. H.J.R. 125, 1998; adopted 1998; Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 2. Municipalities.—

(a) ESTABLISHMENT. Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.

(b) POWERS. Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.

(c) ANNEXATION. Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

SECTION 3. Consolidation.—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. The consolidation plan may be proposed only by special law, which shall become effective if approved by vote of the electors of the county, or

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of the county and municipalities affected, as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

SECTION 4. Transfer of powers.—By law or by resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law.

SECTION 5. Local option.—

(a) Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

(b) Each county shall have the authority to require a criminal history records check and a 3 to 5-day waiting period, excluding weekends and legal holidays, in connection with the sale of any firearm occurring within such county. For purposes of this subsection, the term "sale" means the transfer of money or other valuable consideration for any firearm when any part of the transaction is conducted on property to which the public has the right of access. Holders of a concealed weapons permit as prescribed by general law shall not be subject to the provisions of this subsection when purchasing a firearm.

History.—Am. proposed by Constitution Revision Commission, Revision No. 12, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 6. Schedule to Article VIII.—

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) **COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.** The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by county officers; the county seats; and the municipalities and special districts of the state, their powers, jurisdiction and government.

(c) **OFFICERS TO CONTINUE IN OFFICE.** Every person holding office when this article becomes effective shall continue in office for the remainder of the term if that office is not abolished. If the office is abolished the incumbent shall be paid adequate compensation, to be fixed by law, for the loss of emoluments for the remainder of the term.

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(d) ORDINANCES. Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.

(e) CONSOLIDATION AND HOME RULE. Article VIII, Sections ¹9, ²10, ³11 and ⁴24, of the Constitution of 1885, as amended, shall remain in full force and effect as to each county affected, as if this article had not been adopted, until that county shall expressly adopt a charter or home rule plan pursuant to this article. All provisions of the Metropolitan Dade County Home Rule Charter, heretofore or hereafter adopted by the electors of Dade County pursuant to ³Article VIII, Section 11, of the Constitution of 1885, as amended, shall be valid, and any amendments to such charter shall be valid; provided that the said provisions of such charter and the said amendments thereto are authorized under said ³Article VIII, Section 11, of the Constitution of 1885, as amended.

(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To the extent not inconsistent with the powers of existing municipalities or general law, the Metropolitan Government of Dade County may exercise all the powers conferred now or hereafter by general law upon municipalities.

(g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature shall have power, by joint resolution, to delete from this article any subsection of this Section 6, including this subsection, when all events to which the subsection to be deleted is or could become applicable have occurred. A legislative determination of fact made as a basis for application of this subsection shall be subject to judicial review.

¹Note.—Section 9 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

SECTION 9. Legislative power over city of Jacksonville and Duval County.—The Legislature shall have power to establish, alter or abolish, a Municipal corporation to be known as the City of Jacksonville, extending territorially throughout the present limits of Duval County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Duval County and of the municipalities in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and

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duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impanelling grand and petit jurors, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section, shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum to the qualified voters unless the Legislative act providing for such amendment or extension shall provide for such referendum.

History.—Added, S.J.R. 113, 1933; adopted 1934.

Note.—Section 10, Art. VIII of the Constitution of 1885, as amended, reads as follows:

SECTION 10. Legislative power over city of Key West and Monroe county.—The Legislature shall have power to establish, alter or abolish, a Municipal corporation to be known as the City of Key West, extending territorially throughout the present limits of Monroe County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Monroe County and of the municipality in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impanelling grand and petit juries, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section shall become operative or effective until approved by a majority of the qualified electors participating in

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an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum to the qualified voters unless the Legislative Act providing for such amendment or extension shall provide for such referendum.

History.—Added, S.J.R. 429, 1935; adopted 1936.

Note.—Section 11 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

SECTION 11. Dade County, home rule charter.—(1) The electors of Dade County, Florida, are granted power to adopt, revise, and amend from time to time a home rule charter of government for Dade County, Florida, under which the Board of County Commissioners of Dade County shall be the governing body. This charter:

(a) Shall fix the boundaries of each county commission district, provide a method for changing them from time to time, and fix the number, terms and compensation of the commissioners, and their method of election.

(b) May grant full power and authority to the Board of County Commissioners of Dade County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof; to levy and collect such taxes as may be authorized by general law and no other taxes, and to do everything necessary to carry on a central metropolitan government in Dade County.

(c) May change the boundaries of, merge, consolidate, and abolish and may provide a method for changing the boundaries of, merging, consolidating and abolishing from time to time all municipal corporations, county or district governments, special taxing districts, authorities, boards, or other governmental units whose jurisdiction lies wholly within Dade County, whether such governmental units are created by the Constitution or the Legislature or otherwise, except the Dade County Board of County Commissioners as it may be provided for from time to time by this home rule charter and the Board of Public Instruction of Dade County.

(d) May provide a method by which any and all of the functions or powers of any municipal corporation or other governmental unit in Dade County may be transferred to the Board of County Commissioners of Dade County.

(e) May provide a method for establishing new municipal corporations, special taxing districts, and other governmental units in Dade County from time to time and provide for their government and prescribe their jurisdiction and powers.

(f) May abolish and may provide a method for abolishing from time to time all offices provided for by Article VIII, Section 6, of the Constitution or by the Legislature, except the Superintendent of Public Instruction and may provide for the consolidation and transfer of the functions of such offices, provided, however, that there shall be no power to abolish or impair the jurisdiction of the Circuit Court or to abolish any other court provided for by this Constitution or by general law, or the judges or clerks thereof although such charter may create new courts and judges and clerks thereof with jurisdiction to try all offenses against ordinances passed by the Board of County Commissioners of Dade County and none of the other courts provided for by this Constitution or by general law shall have original jurisdiction to try such offenses, although the charter may confer appellate jurisdiction on such courts, and provided further that if said home rule charter shall abolish any county office or offices as authorized herein, that said charter shall contain adequate provision for the carrying on of all functions of said office or offices as are now or may hereafter be prescribed by general law.

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(g) Shall provide a method by which each municipal corporation in Dade County shall have the power to make, amend or repeal its own charter. Upon adoption of this home rule charter by the electors this method shall be exclusive and the Legislature shall have no power to amend or repeal the charter of any municipal corporation in Dade County.

(h) May change the name of Dade County.

(i) Shall provide a method for the recall of any commissioner and a method for initiative and referendum, including the initiation of and referendum on ordinances and the amendment or revision of the home rule charter, provided, however, that the power of the Governor and Senate relating to the suspension and removal of officers provided for in this Constitution shall not be impaired, but shall extend to all officers provided for in said home rule charter.

(2) Provision shall be made for the protection of the creditors of any governmental unit which is merged, consolidated, or abolished or whose boundaries are changed or functions or powers transferred.

(3) This home rule charter shall be prepared by a Metropolitan Charter Board created by the Legislature and shall be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Until a home rule charter is adopted the Legislature may from time to time create additional Charter Boards to prepare charters to be presented to the electors of Dade County for ratification or rejection in the manner provided by the Legislature. Such Charter, once adopted by the electors, may be amended only by the electors of Dade County and this charter shall provide a method for submitting future charter revisions and amendments to the electors of Dade County.

(4) The County Commission shall continue to receive its pro rata share of all revenues payable by the state from whatever source to the several counties and the state of Florida shall pay to the Commission all revenues which would have been paid to any municipality in Dade County which may be abolished by or in the method provided by this home rule charter; provided, however, the Commission shall reimburse the comptroller of Florida for the expense incurred if any, in the keeping of separate records to determine the amounts of money which would have been payable to any such municipality.

(5) Nothing in this section shall limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties in the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida, and the home rule charter provided for herein shall not conflict with any provision of this Constitution nor of any applicable general laws now applying to Dade County and any other one or more counties of the State of Florida except as expressly authorized in this section nor shall any ordinance enacted in pursuance to said home rule charter conflict with this Constitution or any such applicable general law except as expressly authorized herein, nor shall the charter of any municipality in Dade County conflict with this Constitution or any such applicable general law except as expressly authorized herein, provided however that said charter and said ordinances enacted in pursuance thereof may conflict with, modify or nullify any existing local, special or general law applicable only to Dade County.

(6) Nothing in this section shall be construed to limit or restrict the power of the Legislature to enact general laws which shall relate to Dade County and any other one or more counties of the state of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida relating to county or municipal affairs and all such general laws shall apply to Dade County and to all municipalities therein to the same extent as if this section had

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not been adopted and such general laws shall supersede any part or portion of the home rule charter provided for herein in conflict therewith and shall supersede any provision of any ordinance enacted pursuant to said charter and in conflict therewith, and shall supersede any provision of any charter of any municipality in Dade County in conflict therewith.

(7) Nothing in this section shall be construed to limit or restrict the power and jurisdiction of the Railroad and Public Utilities Commission or of any other state agency, bureau or commission now or hereafter provided for in this Constitution or by general law and said state agencies, bureaus and commissions shall have the same powers in Dade County as shall be conferred upon them in regard to other counties.

(8) If any section, subsection, sentence, clause or provisions of this section is held invalid as violative of the provisions of Section 1 Article XVII of this Constitution the remainder of this section shall not be affected by such invalidity.

(9) It is declared to be the intent of the Legislature and of the electors of the State of Florida to provide by this section home rule for the people of Dade County in local affairs and this section shall be liberally construed to carry out such purpose, and it is further declared to be the intent of the Legislature and of the electors of the State of Florida that the provisions of this Constitution and general laws which shall relate to Dade County and any other one or more counties of the State of Florida or to any municipality in Dade County and any other one or more municipalities of the State of Florida enacted pursuant thereto by the Legislature shall be the supreme law in Dade County, Florida, except as expressly provided herein and this section shall be strictly construed to maintain such supremacy of this Constitution and of the Legislature in the enactment of general laws pursuant to this Constitution.

History.—Added, H.J.R. 858, 1941; adopted 1942; Am. S.J.R. 1046, 1955; adopted 1956.

Note.—Section 24 of Art. VIII of the Constitution of 1885, as amended, reads as follows:

SECTION 24. Hillsborough County, home rule charter.—

(1) The electors of Hillsborough county are hereby granted the power to adopt a charter for a government which shall exercise any and all powers for county and municipal purposes which this constitution or the legislature, by general, special or local law, has conferred upon Hillsborough county or any municipality therein. Such government shall exercise these powers by the enactment of ordinances which relate to government of Hillsborough county and provide suitable penalties for the violation thereof. Such government shall have no power to create or abolish any municipality, except as otherwise provided herein.

(2) The method and manner by which the electors of Hillsborough county shall exercise this power shall be set forth in a charter for the government of Hillsborough county which charter shall be presented to said electors by any charter commission established by the legislature. The legislature may provide for the continuing existence of any charter commission or may establish a charter commission or commissions subsequent to any initial commission without regard to any election or elections held upon any charter or charters theretofore presented. A charter shall become effective only upon ratification by a majority of the electors of Hillsborough county voting in a general or special election as provided by law.

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(3) The number, qualifications, terms of office and method of filling vacancies in the membership of any charter commission established pursuant to this section and the powers, functions and duties of any such commission shall be provided by law.

(4) A charter prepared by any commission established pursuant to this section shall provide that:

(a) The governments of the city of Tampa and the county of Hillsborough shall be consolidated, and the structure of the new local government shall include:

1. An executive branch, the chief officer of which shall be responsible for the administration of government.

2. An elected legislative branch, the election to membership, powers and duties of which shall be as provided by the charter.

3. A judicial branch, which shall only have jurisdiction in the enforcement of ordinances enacted by the legislative branch created by this section.

(b) Should the electors of the municipalities of Plant City or Temple Terrace wish to consolidate their governments with the government hereinabove created, they may do so by majority vote of the electors of said municipality voting in an election upon said issue.

(c) The creditors of any governmental unit consolidated or abolished under this section shall be protected. Bonded or other indebtedness existing at the effective date of any government established hereunder shall be enforceable only against the real and personal property theretofore taxable for such purposes.

(d) Such other provisions as might be required by law.

(5) The provisions of such charter and ordinances enacted pursuant thereto shall not conflict with any provision of this constitution nor with general, special or local laws now or hereafter applying to Hillsborough county.

(6) The government established hereunder shall be recognized as a county, that is one of the legal political subdivisions of the state with the powers, rights, privileges, duties and obligations of a county, and may also exercise all the powers of a municipality. Said government shall have the right to sue and be sued.

(7) Any government established hereunder shall be entitled to receive from the state of Florida or from the United States or from any other agency, public or private, funds and revenues to which a county is, or may hereafter be entitled, and also all funds and revenues to which an incorporated municipality is or may hereafter be entitled, and to receive the same without diminution or loss by reason of any such government as may be established. Nothing herein contained shall preclude such government as may be established hereunder from receiving all funds and revenues from whatever source now received, or hereinafter received provided by law.

(8) The board of county commissioners of Hillsborough county shall be abolished when the functions, duties, powers and responsibilities of said board shall be transferred in the manner to be provided by the charter to the government established pursuant to this section. No other office provided for by this constitution shall be abolished by or pursuant to this section.

(9) This section shall not restrict or limit the legislature in the enactment of general, special or local laws as otherwise provided in this constitution.

History.-Added, C.S. for H.J.R. 1987, 1965; adopted 1966.

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CHAPTER 125
 COUNTY GOVERNMENT

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PART I

COUNTY COMMISSIONERS:
 POWERS AND DUTIES

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125.001 Board meetings; notice.—Upon the giving of due public notice, regular and special meetings of the board may be held at any appropriate public place in the county.

History.—s. 3, ch. 71-305.

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(a) Adopt its own rules of procedure, select its officers, and set the time and place of its official meetings.

(b) Provide for the prosecution and defense of legal causes in behalf of the county or state and retain counsel and set their compensation.

(c) Provide and maintain county buildings.

(d) Provide fire protection, including the enforcement of the Florida Fire Prevention Code, as provided in ss. 633.022 and 633.025, and adopt and enforce local technical amendments to the Florida Fire Prevention Code as provided in those sections and pursuant to s. 633.0215.

(e) Provide hospitals, ambulance service, and health and welfare programs.

(f) Provide parks, preserves, playgrounds, recreation areas, libraries, museums, historical commissions, and other recreation and cultural facilities and programs.

(g) Prepare and enforce comprehensive plans for the development of the county.

(h) Establish, coordinate, and enforce zoning and such business regulations as are necessary for the protection of the public.

(i) Adopt, by reference or in full, and enforce housing and related technical codes and regulations.

(j) Establish and administer programs of housing, slum clearance, community redevelopment, conservation, flood and beach erosion control, air pollution control, and navigation and drainage and cooperate with governmental agencies and private enterprises in the development and operation of such programs.

(k)1. Provide and regulate waste and sewage collection and disposal, water and alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems, and conservation programs.

2. The governing body of a county may require that any person within the county demonstrate the existence of some arrangement or contract by which such person will dispose of solid waste in a manner consistent with county ordinance or state or federal law. For any person who will produce special wastes or biomedical waste, as the same may be defined by state or federal law or county ordinance, the county may require satisfactory proof of a contract or similar arrangement by which such special or biomedical wastes will be collected by a qualified and duly licensed collector and disposed of in accordance with the laws of Florida or the Federal Government.

(l) Provide and operate air, water, rail, and bus terminals; port facilities; and public transportation systems.

(m) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; regulate the placement of signs, lights, and other structures within the right-of-way limits of the county road system; provide and regulate parking facilities; and develop and enforce plans for the control of traffic and parking. Revenues derived from the operation of toll roads, bridges, tunnels, and related facilities may, after provision has been made for the payment of operation and maintenance expenses of such toll facilities and any debt service on indebtedness incurred with respect thereto, be utilized for the payment of costs related to any other transportation facilities within the county, including the purchase of rights-of-way; the construction, reconstruction, operation, maintenance, and repair of such transportation facilities; and the payment of indebtedness incurred with respect to such transportation facilities.

(n) License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1) shall on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine.

(o) Establish and enforce regulations for the sale of alcoholic beverages in the unincorporated areas of the county pursuant to general law.

(p) Enter into agreements with other governmental agencies within or outside the boundaries of the county for joint performance, or performance by one unit in behalf of the other, of any of either agency's authorized functions.

(q) Establish, and subsequently merge or abolish those created hereunder, municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which may be provided fire protection; law enforcement; beach erosion control; recreation service and facilities; water; alternative water supplies, including, but not limited to, reclaimed water and water from aquifer storage and recovery and desalination systems; streets; sidewalks; street lighting; garbage and trash collection and disposal; waste and sewage collection and disposal; drainage; transportation; indigent health care services; mental health care services; and other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only. Subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years, the boundaries of a municipal service taxing or benefit unit may include all or part of the boundaries of a municipality. If ad valorem taxes are levied to provide essential facilities and municipal services within the unit, the millage levied on any parcel of property for municipal purposes by all municipal service taxing units and the municipality may not exceed 10 mills. This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit.

(s) Make investigations of county affairs; inquire into accounts, records, and transactions of any county department, office, or officer; and, for these purposes, require reports from any county officer or employee

and the production of official records.

(t) Adopt ordinances and resolutions necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law.

(u) Create civil service systems and boards.

(v) Require every county official to submit to it annually, at such time as it may specify, a copy of the official's operating budget for the succeeding fiscal year.

(w) Perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.

(x) Employ an independent certified public accounting firm to audit any funds, accounts, and financial records of the county and its agencies and governmental subdivisions. Entities that are funded wholly or in part by the county, at the discretion of the county, may be required by the county to conduct a performance audit paid for by the county. An entity shall not be considered as funded by the county by virtue of the fact that such entity utilizes the county to collect taxes, assessments, fees, or other revenue. If an independent special district receives county funds pursuant to a contract or interlocal agreement for the purposes of funding, in whole or in part, a discrete program of the district, only that program may be required by the county to undergo a performance audit. Not fewer than five copies of each complete audit report, with accompanying documents, shall be filed with the clerk of the circuit court and maintained there for public inspection. The clerk shall thereupon forward one complete copy of the audit report with accompanying documents to the Auditor General.

(y) Place questions or propositions on the ballot at any primary election, general election, or otherwise called special election, when agreed to by a majority vote of the total membership of the legislative and governing body, so as to obtain an expression of elector sentiment with respect to matters of substantial concern within the county. No special election may be called for the purpose of conducting a straw ballot. Any election costs, as defined in s. 97.021, associated with any ballot question or election called specifically at the request of a district or for the creation of a district shall be paid by the district either in whole or in part as the case may warrant.

(z) Approve or disapprove the issuance of industrial development bonds authorized by law for entities within its geographic jurisdiction.

(aa) Use ad valorem tax revenues to purchase any or all interests in land for the protection of natural floodplains, marshes, or estuaries; for use as wilderness or wildlife management areas; for restoration of altered ecosystems; or for preservation of significant archaeological or historic sites.

(bb) Enforce the Florida Building Code, as provided in s. 553.80, and adopt and enforce local technical amendments to the Florida Building Code, pursuant to s. 553.73(4)(b) and (c).

(cc) Prohibit a business entity, other than a county tourism promotion agency, from using names as specified in s. 125.0104(9)(e) when representing itself to the public as an entity representing tourism interests of the county levying the local option tourist development tax under s. 125.0104.

(2) The board of county commissioners shall be the governing body of any municipal service taxing or benefit unit created pursuant to paragraph (1)(q).

(3)(a) The enumeration of powers herein shall not be deemed exclusive or restrictive, but shall be deemed to incorporate all implied powers necessary or incident to carrying out such powers enumerated, including, specifically, authority to employ personnel, expend funds, enter into contractual obligations, and purchase or lease and sell or exchange real or personal property.

(b) The provisions of this section shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.

(4) The legislative and governing body of a county shall not have the power to regulate the taking or possession of saltwater fish, as defined in s. 379.101, with respect to the method of taking, size, number, season, or species. However, this subsection does not prohibit a county from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that county, nor does it prohibit the imposition of excise taxes by county ordinance.

(5)(a) To an extent not inconsistent with general or special law, the governing body of a county shall have the power to establish, and subsequently merge or abolish those created hereunder, special districts to include both incorporated and unincorporated areas subject to the approval of the governing body of the incorporated area affected, within which may be provided municipal services and facilities from funds derived from service charges, special assessments, or taxes within such district only. Such ordinance may be subsequently amended by the same procedure as the original enactment.

(b) The governing body of such special district shall be composed of county commissioners and may include elected officials of the governing body of an incorporated area included in the boundaries of the special district, with the basis of apportionment being set forth in the ordinance creating the special district.

(c) It is declared to be the intent of the Legislature that this subsection is the authorization for the levy by a special district of any millage designated in the ordinance creating such a special district or amendment thereto and approved by vote of the electors under the authority of the first sentence of s. 9(b), Art. VII of the State Constitution. It is the further intent of the Legislature that a special district created under this subsection include both unincorporated and incorporated areas of a county and that such special district may not be used to provide services in the unincorporated area only.

(6)(a) The governing body of a municipality or municipalities by resolution, or the citizens of a municipality or county by petition of 10 percent of the qualified electors of such unit, may identify a service or program rendered specially for the benefit of the property or residents in unincorporated areas and financed from countywide revenues and petition the board of county commissioners to develop an appropriate mechanism to finance such activity for the ensuing fiscal year, which may be by taxes, special assessments, or service charges levied or imposed solely upon residents or property in the unincorporated area, by the establishment of a municipal service taxing or benefit unit pursuant to paragraph (1)(q), or by remitting the identified cost of service paid from revenues required to be expended on a countywide basis to the municipality or municipalities, within 6 months of the adoption of the county budget, in the proportion that the amount of county ad valorem taxes collected within such municipality or municipalities bears to the total amount of countywide ad valorem taxes collected by the county, or by any other method prescribed by state law.

(b) The board of county commissioners shall, within 90 days, file a response to such petition, which response shall either reflect action to develop appropriate mechanisms or shall reject such petition and state findings of fact demonstrating that the service does not specially benefit the property or residents of the unincorporated areas.

(7) No county revenues, except those derived specifically from or on behalf of a municipal service taxing unit, special district, unincorporated area, service area, or program area, shall be used to fund any service or project provided by the county when no real and substantial benefit accrues to the property or residents within a municipality or municipalities.

History.—s. 1, ch. 1882, 1872; s. 1, ch. 3039, 1877; RS 578; GS 769; s. 1, ch. 6842, 1915; RGS 1475; CGL 2153; s. 1, ch. 59-436; s. 1, ch. 69-265; ss. 1, 2, 6, ch. 71-14; s. 2, ch. 73-208; s. 1, ch. 73-272; s. 1, ch. 74-150; ss. 1, 2, 4, ch. 74-191; s. 1, ch. 75-63; s. 1, ch. 77-33; s. 1, ch. 79-87; s. 1, ch. 80-407; s. 1, ch. 83-1; s. 17, ch. 83-271; s. 12, ch. 84-330; s. 2, ch. 87-92; s. 1, ch. 87-263; s. 9, ch. 87-363; s. 2, ch. 88-163; s. 18, ch. 88-286; s. 2, ch. 89-273; s. 1, ch. 90-175; s. 1, ch. 90-332; s. 1, ch. 91-238; s. 1, ch. 92-90; s. 1, ch. 93-207; s. 41, ch. 94-224; s. 31, ch. 94-237; s. 1, ch. 94-332; s. 1433, ch. 95-147; s. 1, ch. 95-323; s. 41, ch. 96-397; s. 42, ch. 97-13; s. 2, ch. 2000-141; s. 34, ch. 2001-186; s. 36, ch. 2001-266; s. 3, ch. 2001-372; s. 20, ch. 2002-281; s. 1, ch. 2003-78; ss. 27, 28, ch. 2003-415; s. 184, ch. 2008-247; s. 2, ch. 2011-143.

125.0101 County may contract to provide services to municipalities and special districts.—

(1) It is the legislative intent of this act to permit counties to contract for services with municipalities and special districts as provided by s. 4, Art. VIII of the State Constitution.

(2) In addition to the powers enumerated in this chapter, the legislative and governing body of a county shall have the power to contract with a municipality or special district within the county for fire protection, law enforcement, library services and facilities, beach erosion control, recreation services and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, and other essential facilities and municipal services. Such services shall be funded as agreed upon between the county and the municipality or special district. This section shall not be construed to authorize the county to impose any service charge or special assessment or to levy any tax within the municipality or special district, nor shall this section be construed to authorize the creation of a municipal service taxing unit within such area.

(3) Municipalities and special districts are hereby authorized and empowered to enter into service contracts pursuant to this section.

(4) Except as otherwise provided in this section, the powers granted by this section shall not be deemed to be a limitation of powers already existing but shall be deemed to be cumulative.

(5) This section shall not apply to any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by s. 6(e), Art. VIII, of the Constitution of 1968.

History.—ss. 1, 2, ch. 80-47.

¹125.0102 Sign ordinances.—Nothing in chapter 78-8, Laws of Florida, shall be deemed to supersede the rights and powers of municipalities and counties to establish sign ordinances; however, such ordinances shall not conflict with any applicable state or federal laws.

History.—s. 5, ch. 78-8.

¹Note.—Also published at s. 166.0425.

125.0103 Ordinances and rules imposing price controls; findings required; procedures.—

(1)(a) Except as hereinafter provided, no county, municipality, or other entity of local government shall adopt or maintain in effect an ordinance or a rule which has the effect of imposing price controls upon a lawful business activity which is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles from or immobilization of vehicles on private property, or rates for removal and storage of wrecked or disabled vehicles from an accident scene or the removal and storage of vehicles in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles from or immobilization of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle. However, if a municipality chooses to enact an ordinance establishing the maximum fees for the towing or immobilization of vehicles as described in paragraph (b), the county's ordinance shall not apply within such municipality.

(2) No law, ordinance, rule, or other measure which would have the effect of imposing controls on rents

shall be adopted or maintained in effect except as provided herein and unless it is found and determined, as hereinafter provided, that such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.

(3) Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.

(4) Notwithstanding any other provisions of this section, no controls shall be imposed on rents for any accommodation used or offered for residential purposes as a seasonal or tourist unit, as a second housing unit, or on rents for dwelling units located in luxury apartment buildings. For the purposes of this section, a luxury apartment building is one wherein on January 1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds \$250.

(5) No municipality, county, or other entity of local government shall adopt or maintain in effect any law, ordinance, rule, or other measure which would have the effect of imposing controls on rents unless:

(a) Such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States Constitutions, the charter or charters governing such entity of local government, this section, and any other applicable laws.

(b) Such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.

(c) Such measure is approved by the voters in such municipality, county, or other entity of local government.

(6) In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this section, the evidentiary effect of any findings or recitations required by subsection (5) shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of nonpersuasion) shall rest upon any party seeking to have the measure upheld.

(7) Notwithstanding any other provisions of this section, municipalities, counties, or other entities of local government may adopt and maintain in effect any law, ordinance, rule, or other measure which is adopted for the purposes of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

History.—ss. 1, 2, 3, 4, 5, 6, ch. 77-50; s. 71, ch. 79-400; s. 1, ch. 88-240; s. 2, ch. 90-283; s. 52, ch. 97-300; s. 4, ch. 98-324; s. 8, ch. 99-360; s. 33, ch. 2001-201.

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(1) **SHORT TITLE.**—This section shall be known and may be cited as the “Local Option Tourist Development Act.”

(2) **APPLICATION; DEFINITIONS.**—

(a) *Application.*—The provisions contained in chapter 212 apply to the administration of any tax levied pursuant to this section.

(b) *Definitions.*—For purposes of this section:

1. “Promotion” means marketing or advertising designed to increase tourist-related business activities.
2. “Tourist” means a person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient accommodations as described in paragraph (3)(a).
3. “Retained spring training franchise” means a spring training franchise that had a location in this state

on or before December 31, 1998, and that has continuously remained at that location for at least the 10 years preceding that date.

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(a)1. It is declared to be the intent of the Legislature that every person who rents, leases, or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, roominghouse, mobile home park, recreational vehicle park, condominium, or timeshare resort for a term of 6 months or less is exercising a privilege which is subject to taxation under this section, unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of chapter 212.

2.a. Tax shall be due on the consideration paid for occupancy in the county pursuant to a regulated short-term product, as defined in s. 721.05, or occupancy in the county pursuant to a product that would be deemed a regulated short-term product if the agreement to purchase the short-term right were executed in this state. Such tax shall be collected on the last day of occupancy within the county unless such consideration is applied to the purchase of a timeshare estate. The occupancy of an accommodation of a timeshare resort pursuant to a timeshare plan, a multisite timeshare plan, or an exchange transaction in an exchange program, as defined in s. 721.05, by the owner of a timeshare interest or such owner's guest, which guest is not paying monetary consideration to the owner or to a third party for the benefit of the owner, is not a privilege subject to taxation under this section. A membership or transaction fee paid by a timeshare owner that does not provide the timeshare owner with the right to occupy any specific timeshare unit but merely provides the timeshare owner with the opportunity to exchange a timeshare interest through an exchange program is a service charge and not subject to taxation under this section.

b. Consideration paid for the purchase of a timeshare license in a timeshare plan, as defined in s. 721.05, is rent subject to taxation under this section.

(b) Subject to the provisions of this section, any county in this state may levy and impose a tourist development tax on the exercise within its boundaries of the taxable privilege described in paragraph (a), except that there shall be no additional levy under this section in any cities or towns presently imposing a municipal resort tax as authorized under chapter 67-930, Laws of Florida, and this section shall not in any way affect the powers and existence of any tourist development authority created pursuant to chapter 67-930, Laws of Florida. No county authorized to levy a convention development tax pursuant to s. 212.0305, or to s. 8 of chapter 84-324, Laws of Florida, shall be allowed to levy more than the 2-percent tax authorized by this section. A county may elect to levy and impose the tourist development tax in a subcounty special district of the county. However, if a county so elects to levy and impose the tax on a subcounty special district basis, the district shall embrace all or a significant contiguous portion of the county, and the county shall assist the Department of Revenue in identifying the rental units subject to tax in the district.

(c) The tourist development tax shall be levied, imposed, and set by the governing board of the county at a rate of 1 percent or 2 percent of each dollar and major fraction of each dollar of the total consideration charged for such lease or rental. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary consideration.

(d) In addition to any 1-percent or 2-percent tax imposed under paragraph (c), the governing board of the county may levy, impose, and set an additional 1 percent of each dollar above the tax rate set under paragraph (c) by the extraordinary vote of the governing board for the purposes set forth in subsection (5) or by referendum approval by the registered electors within the county or subcounty special district. No county shall levy, impose, and set the tax authorized under this paragraph unless the county has imposed the 1-percent or 2-percent tax authorized under paragraph (c) for a minimum of 3 years prior to the effective date of the levy and imposition of the tax authorized by this paragraph. Revenues raised by the additional tax

authorized under this paragraph shall not be used for debt service on or refinancing of existing facilities as specified in subparagraph (5)(a)1. unless approved by a resolution adopted by an extraordinary majority of the total membership of the governing board of the county. If the 1-percent or 2-percent tax authorized in paragraph (c) is levied within a subcounty special taxing district, the additional tax authorized in this paragraph shall only be levied therein. The provisions of paragraphs (4)(a)-(d) shall not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(e) The tourist development tax shall be in addition to any other tax imposed pursuant to chapter 212 and in addition to all other taxes and fees and the consideration for the rental or lease.

(f) The tourist development tax shall be charged by the person receiving the consideration for the lease or rental, and it shall be collected from the lessee, tenant, or customer at the time of payment of the consideration for such lease or rental.

(g) The person receiving the consideration for such rental or lease shall receive, account for, and remit the tax to the Department of Revenue at the time and in the manner provided for persons who collect and remit taxes under s. 212.03. The same duties and privileges imposed by chapter 212 upon dealers in tangible property, respecting the collection and remission of tax; the making of returns; the keeping of books, records, and accounts; and compliance with the rules of the Department of Revenue in the administration of that chapter shall apply to and be binding upon all persons who are subject to the provisions of this section. However, the Department of Revenue may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed \$25.

(h) The Department of Revenue shall keep records showing the amount of taxes collected, which records shall also include records disclosing the amount of taxes collected for and from each county in which the tax authorized by this section is applicable. These records shall be open for inspection during the regular office hours of the Department of Revenue, subject to the provisions of s. 213.053.

(i) Collections received by the Department of Revenue from the tax, less costs of administration of this section, shall be paid and returned monthly to the county which imposed the tax, for use by the county in accordance with the provisions of this section. They shall be placed in the county tourist development trust fund of the respective county, which shall be established by each county as a condition precedent to receipt of such funds.

(j) The Department of Revenue is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(k) The Department of Revenue shall promulgate such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section.

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, or the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a

convention center, and to pay the planning and design costs incurred prior to the issuance of such bonds.

3. Pay the operation and maintenance costs of a convention center for a period of up to 10 years. Only counties that have elected to levy the tax for the purposes authorized in subparagraph 2. may use the tax for the purposes enumerated in this subparagraph. Any county that elects to levy the tax for the purposes authorized in subparagraph 2. after July 1, 2000, may use the proceeds of the tax to pay the operation and maintenance costs of a convention center for the life of the bonds.

4. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or 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.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a)-(d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(m)1. In addition to any other tax which is imposed pursuant to this section, a high tourism impact county may impose an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by extraordinary vote of the governing board of the county. The tax revenues received pursuant to this paragraph shall be used for one or more of the authorized uses pursuant to subsection (5).

2. A county is considered to be a high tourism impact county after the Department of Revenue has certified to such county that the sales subject to the tax levied pursuant to this section exceeded \$600 million during the previous calendar year, or were at least 18 percent of the county's total taxable sales under chapter 212 where the sales subject to the tax levied pursuant to this section were a minimum of \$200 million, except that no county authorized to levy a convention development tax pursuant to s. 212.0305 shall be considered a high tourism impact county. Once a county qualifies as a high tourism impact county, it shall retain this designation for the period the tax is levied pursuant to this paragraph.

3. The provisions of paragraphs (4)(a)-(d) shall not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to:

1. Pay the debt service on bonds issued to finance:

a. The construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

b. The acquisition, construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with

sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a retained spring training franchise.

2. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or 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.

A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the acquisition, construction, reconstruction, or renovation of a facility for which tax revenues are used pursuant to subparagraph 1. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(4) ORDINANCE LEVY TAX; PROCEDURE.—

(a) The tourist development tax shall be levied and imposed pursuant to an ordinance containing the county tourist development plan prescribed under paragraph (c), enacted by the governing board of the county. The ordinance levying and imposing the tourist development tax shall not be effective unless the electors of the county or the electors in the subcounty special district in which the tax is to be levied approve the ordinance authorizing the levy and imposition of the tax, in accordance with subsection (6). The effective date of the levy and imposition of the tax shall be the first day of the second month following approval of the ordinance by referendum, as prescribed in subsection (6), or the first day of any subsequent month as may be specified in the ordinance. A certified copy of the ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance. The governing authority of any county levying such tax shall notify the department, within 10 days after approval of the ordinance by referendum, of the time period during which the tax will be levied.

(b) At least 60 days prior to the enactment of the ordinance levying the tax, the governing board of the county shall adopt a resolution establishing and appointing the members of the county tourist development council, as prescribed in paragraph (e), and indicating the intention of the county to consider the enactment of an ordinance levying and imposing the tourist development tax.

(c) Prior to enactment of the ordinance levying and imposing the tax, the county tourist development council shall prepare and submit to the governing board of the county for its approval a plan for tourist development. The plan shall set forth the anticipated net tourist development tax revenue to be derived by the county for the 24 months following the levy of the tax; the tax district in which the tourist development tax is proposed; and a list, in the order of priority, of the proposed uses of the tax revenue by specific project or special use as the same are authorized under subsection (5). The plan shall include the approximate cost or expense allocation for each specific project or special use.

(d) The governing board of the county shall adopt the county plan for tourist development as part of the ordinance levying the tax. After enactment of the ordinance levying and imposing the tax, the plan of tourist development may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the governing board.

(e) The governing board of each county which levies and imposes a tourist development tax under this

section shall appoint an advisory council to be known as the “ (name of county) Tourist Development Council.” The council shall be established by ordinance and composed of nine members who shall be appointed by the governing board. The chair of the governing board of the county or any other member of the governing board as designated by the chair shall serve on the council. Two members of the council shall be elected municipal officials, at least one of whom shall be from the most populous municipality in the county or subcounty special taxing district in which the tax is levied. Six members of the council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three nor more than four shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax. All members of the council shall be electors of the county. The governing board of the county shall have the option of designating the chair of the council or allowing the council to elect a chair. The chair shall be appointed or elected annually and may be reelected or reappointed. The members of the council shall serve for staggered terms of 4 years. The terms of office of the original members shall be prescribed in the resolution required under paragraph (b). The council shall meet at least once each quarter and, from time to time, shall make recommendations to the county governing board for the effective operation of the special projects or for uses of the tourist development tax revenue and perform such other duties as may be prescribed by county ordinance or resolution. The council shall continuously review expenditures of revenues from the tourist development trust fund and shall receive, at least quarterly, expenditure reports from the county governing board or its designee. Expenditures which the council believes to be unauthorized shall be reported to the county governing board and the Department of Revenue. The governing board and the department shall review the findings of the council and take appropriate administrative or judicial action to ensure compliance with this section. The changes in the composition of the membership of the tourist development council mandated by chapter 86-4, Laws of Florida, and this act shall not cause the interruption of the current term of any person who is a member of a council on October 1, 1996.

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, aquariums, or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied. Tax revenues received pursuant to this section may also be used for promotion of zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. However, these purposes may be implemented through service contracts and leases with lessees with sufficient expertise or financial capability to operate such facilities;

2. To promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or 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;

3. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county, which may include any indirect administrative costs for services performed by the county on behalf of the promotion agency; or

4. To finance beach park facilities or beach improvement, maintenance, renourishment, restoration, and erosion control, including shoreline protection, enhancement, cleanup, or restoration of inland lakes and

rivers to which there is public access as those uses relate to the physical preservation of the beach, shoreline, or inland lake or river. However, any funds identified by a county as the local matching source for beach renourishment, restoration, or erosion control projects included in the long-range budget plan of the state's Beach Management Plan, pursuant to s. 161.091, or funds contractually obligated by a county in the financial plan for a federally authorized shore protection project may not be used or loaned for any other purpose. In counties of less than 100,000 population, no more than 10 percent of the revenues from the tourist development tax may be used for beach park facilities.

(b) Tax revenues received pursuant to this section by a county of less than 750,000 population imposing a tourist development tax may only be used by that county for the following purposes in addition to those purposes allowed pursuant to paragraph (a): to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more zoological parks, fishing piers or nature centers which are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. All population figures relating to this subsection shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901. These population estimates shall be those in effect on July 1 of each year.

(c) The revenues to be derived from the tourist development tax may be pledged to secure and liquidate revenue bonds issued by the county for the purposes set forth in subparagraphs (a)1. and 4. or for the purpose of refunding bonds previously issued for such purposes, or both; however, no more than 50 percent of the revenues from the tourist development tax may be pledged to secure and liquidate revenue bonds or revenue refunding bonds issued for the purposes set forth in subparagraph (a)4. Such revenue bonds and revenue refunding bonds may be authorized and issued in such principal amounts, with such interest rates and maturity dates, and subject to such other terms, conditions, and covenants as the governing board of the county shall provide. The Legislature intends that this paragraph shall be full and complete authority for accomplishing such purposes, but such authority shall be supplemental and additional to, and not in derogation of, any powers now existing or later conferred under law.

(d) Any use of the local option tourist development tax revenues collected pursuant to this section for a purpose not expressly authorized by paragraph (3)(l) or paragraph (3)(n) or paragraph (a), paragraph (b), or paragraph (c) of this subsection is expressly prohibited.

(6) REFERENDUM.—

(a) No ordinance enacted by any county levying the tax authorized by paragraphs (3)(b) and (c) shall take effect until the ordinance levying and imposing the tax has been approved in a referendum election by a majority of the electors voting in such election in the county or by a majority of the electors voting in the subcounty special tax district affected by the tax.

(b) The governing board of the county levying the tax shall arrange to place a question on the ballot at the next regular or special election to be held within the county, substantially as follows:

FOR the Tourist Development Tax

AGAINST the Tourist Development Tax.

(c) If a majority of the electors voting on the question approve the levy, the ordinance shall be deemed to be in effect.

(d) In any case where a referendum levying and imposing the tax has been approved pursuant to this section and 15 percent of the electors in the county or 15 percent of the electors in the subcounty special district in which the tax is levied file a petition with the board of county commissioners for a referendum to repeal the tax, the board of county commissioners shall cause an election to be held for the repeal of the tax which election shall be subject only to the outstanding bonds for which the tax has been pledged. However, the repeal of the tax shall not be effective with respect to any portion of taxes initially levied in November

1989, which has been pledged or is being used to support bonds under paragraph (3)(d) or paragraph (3)(l) until the retirement of those bonds.

(7) **AUTOMATIC EXPIRATION ON RETIREMENT OF BONDS.**—Anything in this section to the contrary notwithstanding, if the plan for tourist development approved by the governing board of the county, as amended from time to time pursuant to paragraph (4)(d), includes the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, aquarium, or museum that is publicly owned and operated or owned and operated by a not-for-profit organization, the county ordinance levying and imposing the tax shall automatically expire upon the later of:

(a) Retirement of all bonds issued by the county for financing the same; or

(b) The expiration of any agreement by the county for the operation or maintenance, or both, of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, aquarium, or museum. However, nothing herein shall preclude that county from amending the ordinance extending the tax to the extent that the board of the county determines to be necessary to provide funds with which to operate, maintain, repair, or renew and replace a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, aquarium, or museum or from enacting an ordinance which shall take effect without referendum approval, unless the original referendum required ordinance expiration, pursuant to the provisions of this section reimposing a tourist development tax, upon or following the expiration of the previous ordinance.

(8) **PROHIBITED ACTS; ENFORCEMENT; PENALTIES.**—

(a) Any person who is taxable hereunder who fails or refuses to charge and collect from the person paying any rental or lease the taxes herein provided, either by himself or herself or through agents or employees, is, in addition to being personally liable for the payment of the tax, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) No person shall advertise or hold out to the public in any manner, directly or indirectly, that he or she will absorb all or any part of the tax, that he or she will relieve the person paying the rental of the payment of all or any part of the tax, or that the tax will not be added to the rental or lease consideration or, when added, that it or any part thereof will be refunded or refused, either directly or indirectly, by any method whatsoever. Any person who willfully violates any provision of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) The tax authorized to be levied by this section shall constitute a lien on the property of the lessee, customer, or tenant in the same manner as, and shall be collectible as are, liens authorized and imposed in ss. 713.67, 713.68, and 713.69.

(9) **COUNTY TOURISM PROMOTION AGENCIES.**—In addition to any other powers and duties provided for agencies created for the purpose of tourism promotion by a county levying the tourist development tax, such agencies are authorized and empowered to:

(a) Provide, arrange, and make expenditures for transportation, lodging, meals, and other reasonable and necessary items and services for such persons, as determined by the head of the agency, in connection with the performance of promotional and other duties of the agency. However, entertainment expenses shall be authorized only when meeting with travel writers, tour brokers, or other persons connected with the tourist industry. All travel and entertainment-related expenditures in excess of \$10 made pursuant to this subsection shall be substantiated by paid bills therefor. Complete and detailed justification for all travel and entertainment-related expenditures made pursuant to this subsection shall be shown on the travel expense voucher or attached thereto. Transportation and other incidental expenses, other than those provided in s. 112.061, shall only be authorized for officers and employees of the agency, other authorized persons, travel

writers, tour brokers, or other persons connected with the tourist industry when traveling pursuant to paragraph (c). All other transportation and incidental expenses pursuant to this subsection shall be as provided in s. 112.061. Operational or promotional advancements, as defined in s. 288.35(4), obtained pursuant to this subsection, shall not be commingled with any other funds.

(b) Pay by advancement or reimbursement, or a combination thereof, the costs of per diem and incidental expenses of officers and employees of the agency and other authorized persons, for foreign travel at the current rates as specified in the federal publication "Standardized Regulations (Government Civilians, Foreign Areas)." The provisions of this paragraph shall apply for any officer or employee of the agency traveling in foreign countries for the purposes of promoting tourism and travel to the county, if such travel expenses are approved and certified by the agency head from whose funds the traveler is paid. As used in this paragraph, the term "authorized person" shall have the same meaning as provided in s. 112.061(2)(e). With the exception of provisions concerning rates of payment for per diem, the provisions of s. 112.061 are applicable to the travel described in this paragraph. As used in this paragraph, "foreign travel" means all travel outside the United States. Persons traveling in foreign countries pursuant to this subsection shall not be entitled to reimbursements or advancements pursuant to s. 112.061(6)(a)2.

(c) Pay by advancement or reimbursement, or by a combination thereof, the actual reasonable and necessary costs of travel, meals, lodging, and incidental expenses of officers and employees of the agency and other authorized persons when meeting with travel writers, tour brokers, or other persons connected with the tourist industry, and while attending or traveling in connection with travel or trade shows. With the exception of provisions concerning rates of payment, the provisions of s. 112.061 are applicable to the travel described in this paragraph.

(d) Undertake marketing research and advertising research studies and provide reservations services and convention and meetings booking services consistent with the authorized uses of revenue as set forth in subsection (5).

1. Information given to a county tourism promotion agency which, if released, would reveal the identity of persons or entities who provide data or other information as a response to a sales promotion effort, an advertisement, or a research project or whose names, addresses, meeting or convention plan information or accommodations or other visitation needs become booking or reservation list data, is exempt from s. 119.07(1) and from s. 24(a), Art. I of the State Constitution.

2. The following information, when held by a county tourism promotion agency, is exempt from s. 119.07(1) and from s. 24(a), Art. I of the State Constitution:

- a. A trade secret, as defined in s. 812.081.
- b. Booking business records, as defined in s. 255.047.
- c. Trade secrets and commercial or financial information gathered from a person and privileged or confidential, as defined and interpreted under 5 U.S.C. s. 552(b)(4), or any amendments thereto.

(e) Represent themselves to the public as convention and visitors bureaus, visitors bureaus, tourist development councils, vacation bureaus, or county tourism promotion agencies operating under any other name or names specifically designated by ordinance.

(10) LOCAL ADMINISTRATION OF TAX.—

(a) A county levying a tax under this section or s. 125.0108 may be exempted from the requirements of the respective section that:

1. The tax collected be remitted to the Department of Revenue before being returned to the county; and
2. The tax be administered according to chapter 212,

if the county adopts an ordinance providing for the local collection and administration of the tax.

(b) The ordinance shall include provision for, but need not be limited to:

1. Initial collection of the tax to be made in the same manner as the tax imposed under chapter 212.
2. Designation of the local official to whom the tax shall be remitted, and that official's powers and duties with respect thereto. Tax revenues may be used only in accordance with the provisions of this section.
3. Requirements respecting the keeping of appropriate books, records, and accounts by those responsible for collecting and administering the tax.
4. Provision for payment of a dealer's credit as required under chapter 212.
5. A portion of the tax collected may be retained by the county for costs of administration, but such portion shall not exceed 3 percent of collections.

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it shall be bound by all rules promulgated by the Department of Revenue pursuant to paragraph (3)(k), as well as those rules pertaining to the sales and use tax on transient rentals imposed by s. 212.03. The county may use any power granted in this section to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. The county may use a certified public accountant licensed in this state in the administration of its statutory duties and responsibilities. Such certified public accountants are bound by the same confidentiality requirements and subject to the same penalties as the county under s. 213.053. If the county delegates such authority to the department, the department shall distribute any collections so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing, assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to chapter 212.

(11) INTEREST PAID ON DISTRIBUTIONS.—

(a) Interest shall be paid on undistributed taxes collected and remitted to the Department of Revenue under this section. Such interest shall be included along with the tax proceeds distributed to the counties and shall be paid from moneys transferred from the General Revenue Fund. The department shall calculate the interest for net tax distributions using the average daily rate that was earned by the State Treasury for the preceding calendar quarter and paid to the General Revenue Fund. This rate shall be certified by the Chief Financial Officer to the department by the 20th day following the close of each quarter.

(b) The interest applicable to taxes collected under this section shall be calculated by multiplying the tax amounts to be distributed times the daily rate times the number of days after the third working day following the date the tax is due and payable pursuant to s. 212.11 until the date the department issues a voucher to request the Chief Financial Officer to issue the payment warrant. The warrant shall be issued within 7 days after the request.

(c) If an overdistribution of taxes is made by the department, interest shall be paid on the overpaid amount beginning on the date the warrant including the overpayment was issued until the third working day following the due date of the payment period from which the overpayment is being deducted. The interest on an overpayment shall be calculated using the average daily rate from the applicable calendar quarter and shall be deducted from moneys distributed to the county under this section.

History.—ss. 1, 2, 3, 4, 5, 6, 7, 8, ch. 77-209; s. 3, ch. 79-359; s. 72, ch. 79-400; s. 4, ch. 80-209; s. 2, ch. 80-222; s. 5, ch. 83-297; s. 1, ch. 83-321; s. 40, ch. 85-55; s. 1, ch. 86-4; s. 76, ch. 86-163; s. 61, ch. 87-6; s. 1, ch. 87-99; s. 35, ch. 87-101; s. 1, ch. 87-175; s. 5, ch. 87-280; s. 4, ch. 88-226; s. 6, ch. 88-243; s. 2, ch. 89-217; ss. 31, 66, ch. 89-356; s. 2, ch. 89-362; s. 1, ch. 90-107; s. 1, ch. 90-349; s. 81, ch. 91-45; s. 230, ch. 91-224; s. 3, ch. 92-175; s. 1, ch. 92-204; s. 32, ch. 92-320; s. 4, ch. 93-

233; s. 1, ch. 94-275; s. 3, ch. 94-314; s. 37, ch. 94-338; s. 3, ch. 94-353; s. 1, ch. 95-133; s. 1434, ch. 95-147; s. 3, ch. 95-304; s. 1, ch. 95-360; s. 1, ch. 95-416; ss. 44, 46, ch. 96-397; s. 43, ch. 96-406; s. 15, ch. 97-99; s. 1, ch. 98-106; s. 58, ch. 99-2; s. 1, ch. 99-287; ss. 6, 11, 14, ch. 2000-312; s. 11, ch. 2000-351; s. 14, ch. 2001-252; s. 10, ch. 2002-265; s. 1, ch. 2003-34; s. 1, ch. 2003-37; s. 2, ch. 2003-78; s. 145, ch. 2003-261; s. 1, ch. 2005-96; s. 1, ch. 2009-133; s. 1, ch. 2012-180.

125.01045 Prohibition of fees for first responder services.—

(1) A county may not impose a fee or seek reimbursement for any costs or expenses that may be incurred for services provided by a first responder, including costs or expenses related to personnel, supplies, motor vehicles, or equipment in response to a motor vehicle accident, except for costs to contain or clean up hazardous materials in quantities reportable to the Florida State Warning Point at the Division of Emergency Management, and costs for transportation and treatment provided by ambulance services licensed pursuant to s. 401.23(4) and (5).

(2) As used in this section, the term “first responder” means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.30, or an emergency medical technician or paramedic as defined in s. 401.23 who is employed by the state or a local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

History.—s. 1, ch. 2009-191.

125.0105 Service fee for dishonored check.—The governing body of a county may adopt a service fee not to exceed the service fees authorized under s. 832.08(5) or 5 percent of the face amount of the check, draft, or order, whichever is greater, for the collection of a dishonored check, draft, or other order for the payment of money to a county official or agency. The service fee shall be in addition to all other penalties imposed by law. Proceeds from this fee, if imposed, shall be retained by the collector of the fee.

History.—s. 2, ch. 75-56; s. 28, ch. 79-164; s. 1, ch. 86-51; s. 3, ch. 89-303; s. 3, ch. 91-211; s. 2, ch. 96-239.

125.01055 Affordable housing.—Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

History.—s. 16, ch. 2001-252.

125.0107 Ordinances relating to possession or sale of ammunition.—No county may adopt any ordinance relating to the possession or sale of ammunition. Any such ordinance in effect on June 24, 1983, is void.

History.—s. 2, ch. 83-253.

125.0108 Areas of critical state concern; tourist impact tax.—

(1)(a) Subject to the provisions of this section, any county creating a land authority pursuant to s. 380.0663(1) is authorized to levy by ordinance, in the area or areas within said county designated as an area of critical state concern pursuant to chapter 380, a tourist impact tax on the taxable privileges described in paragraph (b); however, if the area or areas of critical state concern are greater than 50 percent of the land area of the county, the tax may be levied throughout the entire county. Such tax shall not be effective unless and until land development regulations and a local comprehensive plan that meet the requirements of chapter 380 have become effective and such tax is approved by referendum as provided for in subsection (5).

(b)1. It is declared to be the intent of the Legislature that every person who rents, leases, or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, roominghouse, mobile home park, recreational vehicle park, condominium, or timeshare resort for a term of 6 months or less, unless such establishment is exempt from the tax imposed by s. 212.03, is exercising a taxable privilege on the proceeds therefrom under this section.

2.a. Tax shall be due on the consideration paid for occupancy in the county pursuant to a regulated short-term product, as defined in s. 721.05, or occupancy in the county pursuant to a product that would be deemed a regulated short-term product if the agreement to purchase the short-term right were executed in this state. Such tax shall be collected on the last day of occupancy within the county unless such consideration is applied to the purchase of a timeshare estate. The occupancy of an accommodation of a timeshare resort pursuant to a timeshare plan, a multisite timeshare plan, or an exchange transaction in an exchange program, as defined in s. 721.05, by the owner of a timeshare interest or such owner's guest, which guest is not paying monetary consideration to the owner or to a third party for the benefit of the owner, is not a privilege subject to taxation under this section. A membership or transaction fee paid by a timeshare owner that does not provide the timeshare owner with the right to occupy any specific timeshare unit but merely provides the timeshare owner with the opportunity to exchange a timeshare interest through an exchange program is a service charge and not subject to taxation under this section.

b. Consideration paid for the purchase of a timeshare license in a timeshare plan, as defined in s. 721.05, is rent subject to taxation under this section.

(c) The governing board of the county may, by passage of a resolution by four-fifths vote, repeal such tax.

(d) The tourist impact tax shall be levied at the rate of 1 percent of each dollar and major fraction thereof of the total consideration charged for such taxable privilege. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary consideration.

(e) The tourist impact tax shall be in addition to any other tax imposed pursuant to chapter 212 and in addition to all other taxes and fees and the consideration for the taxable privilege.

(f) The tourist impact tax shall be charged by the person receiving the consideration for the taxable privilege, and it shall be collected from the lessee, tenant, or customer at the time of payment of the consideration for such taxable privilege.

(g) A county that has levied the tourist impact tax authorized by this section in an area or areas designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation may continue to levy the tourist impact tax in accordance with this section for 20 years following removal of the designation. After expiration of the 20-year period, a county may continue to levy the tourist impact tax authorized by this section if the county adopts an ordinance reauthorizing levy of the tax and the continued levy of the tax is approved by referendum as provided for in subsection (5).

(2)(a) The person receiving the consideration for such taxable privilege and the person doing business within such area or areas of critical state concern or within the entire county, as applicable, shall receive, account for, and remit the tourist impact tax to the Department of Revenue at the time and in the manner provided for persons who collect and remit taxes under chapter 212. The same duties and privileges imposed by chapter 212 upon dealers in tangible property, respecting the collection and remission of tax; the making of returns; the keeping of books, records, and accounts; and compliance with the rules of the Department of Revenue in the administration of that chapter shall apply to and be binding upon all persons who are subject to the provisions of this section. However, the Department of Revenue may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed \$25.

(b) The Department of Revenue shall keep records showing the amount of taxes collected, which records shall also include records disclosing the amount of taxes collected for and from each county in which the tax imposed and authorized by this section is applicable. These records shall be open for inspection during the regular office hours of the Department of Revenue; subject to the provisions of s. 213.053.

(c) Collections received by the Department of Revenue from the tax, less costs of administration of this

section, shall be paid and returned monthly to the county and the land authority in accordance with the provisions of subsection (3).

(d) The Department of Revenue is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(e) The Department of Revenue is empowered to promulgate such rules and prescribe and publish such forms as may be necessary to effectuate the purposes of this section. The department is authorized to establish audit procedures and to assess for delinquent taxes.

(f) The estimated tax provisions contained in s. 212.11 do not apply to the administration of any tax levied under this section.

(3) All tax revenues received pursuant to this section, less administrative costs, shall be distributed as follows:

(a) Fifty percent shall be transferred to the land authority to be used to purchase property in the area of critical state concern for which the revenue is generated. An amount not to exceed 5 percent may be used for administration and other costs incident to such purchases.

(b) Fifty percent shall be distributed to the governing body of the county where the revenue was generated. Such proceeds shall be used to offset the loss of ad valorem taxes due to acquisitions provided for by this act.

(4)(a) Any person who is taxable hereunder who fails or refuses to charge and collect from the person paying for the taxable privilege the taxes herein provided, either by himself or herself or through agents or employees, is, in addition to being personally liable for the payment of the tax, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) No person shall advertise or hold out to the public in any manner, directly or indirectly, that he or she will absorb all or any part of the tax; that he or she will relieve the person paying for the taxable privilege of the payment of all or any part of the tax; or that the tax will not be added to the consideration for the taxable privilege or that, when added, the tax or any part thereof will be refunded or refused, either directly or indirectly, by any method whatsoever. Any person who willfully violates any provision of this paragraph is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) The tax authorized to be levied by this section shall constitute a lien on the property of the business, lessee, customer, or tenant in the same manner as, and shall be collectible as are, liens authorized and imposed in ss. 713.67, 713.68, and 713.69.

(5) The tourist impact tax authorized by this section shall take effect only upon express approval by a majority vote of those qualified electors in the area or areas of critical state concern in the county seeking to levy such tax, voting in a referendum to be held by the governing board of such county in conjunction with a general or special election, in accordance with the provisions of law relating to elections currently in force. However, if the area or areas of critical state concern are greater than 50 percent of the land area of the county and the tax is to be imposed throughout the entire county, the tax shall take effect only upon express approval of a majority of the qualified electors of the county voting in such a referendum.

(6) The effective date of the levy and imposition of the tourist impact tax authorized under this section shall be the first day of the second month following approval of the ordinance by referendum or the first day of any subsequent month as may be specified in the ordinance. A certified copy of the ordinance shall include the time period and the effective date of the tax levy and shall be furnished by the county to the Department of Revenue within 10 days after passing an ordinance levying such tax and again within 10 days after approval by referendum of such tax. If applicable, the county levying the tax shall provide the Department of Revenue with a list of the businesses in the area of critical state concern where the tourist impact tax is levied by zip code or other means of identification. Notwithstanding the provisions of s. 213.053, the Department of

Revenue shall assist the county in compiling such list of businesses. The tourist impact tax, if not repealed sooner pursuant to paragraph (1)(c), shall be repealed 10 years after the date the area of critical state concern designation is removed.

History.—s. 2, ch. 86-170; s. 4, ch. 87-280; s. 29, ch. 90-132; s. 231, ch. 91-224; s. 813, ch. 95-147; s. 1, ch. 97-99; s. 21, ch. 2001-60; s. 13, ch. 2001-252; s. 1, ch. 2006-223; s. 2, ch. 2009-133.

125.0109 Family day care homes; local zoning regulation.—The operation of a residence as a family day care home, as defined by law, registered or licensed with the Department of Children and Family Services shall constitute a valid residential use for purposes of any local zoning regulations, and no such regulation shall require the owner or operator of such family day care home to obtain any special exemption or use permit or waiver, or to pay any special fee in excess of \$50, to operate in an area zoned for residential use.

History.—s. 3, ch. 86-87; s. 11, ch. 99-8.

¹Note.—Also published at s. 166.0445.

125.011 Definitions.—As used in ss. 125.011-125.019:

(1) “County” means any county operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred. Use of the word “county” within the above provisions shall include “board of county commissioners” of such county.

(2) “Project” includes any one or any combination of two or more of the following:

(a) Public mass transportation, harbor, port, shipping, and airport facilities of all kinds and includes, but is not limited to, harbors, channels, turning basins, anchorage areas, jetties, breakwaters, waterways, canals, locks, tidal basins, wharves, docks, piers, slips, bulkheads, public landings, warehouses, terminals, refrigerating and cold storage plants, railroads and motor terminals for passengers and freight, rolling stock, car ferries, boats, conveyors and appliances of all kinds for the handling, storage, inspection and transportation of freight and the handling of passenger traffic, airport facilities of all kinds for land and sea planes, including, but not limited to, landing fields, water areas for the landing and taking off of aircraft, hangars, shops, buses, trucks, and all other facilities for the landing, taking off, operating, servicing, repairing, and parking of aircraft, and the loading and unloading and handling of passengers, mail, express and freight;

(b) Administration buildings, toll highways, tunnels, causeways and bridges connected therewith or incident or auxiliary thereto, and may include all property, rights, easements, and franchises relating to any such project and deemed necessary or convenient for the acquisition, construction, purchase, or operation thereof; and

(c) Export trading companies, foreign sales corporations, consulting services corporations, cargo clearance centers, and customs clearance facilities as provided in s. 125.012(26).

(3) “Cost,” as applied to improvements, means the cost of constructing or acquiring improvements, as defined in subsection (2), and shall embrace the cost of all labor and materials, machinery and equipment, financing charges, engineering and legal expenses, plans, specifications, and such other expenses as may be necessary or incident to such construction or acquisition.

(4) “Cost,” as applied to a project acquired, constructed, extended, or enlarged, includes the purchase price of any project acquired; the cost of improvements; the cost of construction, extension or enlargement; the cost of all lands, properties, rights, easements and franchises acquired; the cost of all machinery and equipment, financing charges, interest during construction; and, if deemed advisable, for 1 year after completion of construction, cost of investigations, audits, and engineering and legal services; and all other

expenses necessary or incident to determining the feasibility or practicability of such acquisition or construction, administrative expense and such other expenses as may be necessary or incident to the financing herein authorized and to the acquisition or construction of a project and the placing of the same in operation. Any obligation or expense incurred by the county prior to the issuance of revenue bonds under the provisions of s. 125.013 for engineering studies and for estimates of cost and of revenues, and for other technical, financial, or legal services in connection with the acquisition or construction of any project, may be regarded as a part of the cost of such project.

(5) "Board of county commissioners" includes all members of the board of county commissioners in a county whether their offices are created by the Constitution, the Legislature, or by any home rule charter. History.—s. 1, ch. 71-249; s. 1, ch. 79-291; s. 1, ch. 87-144; s. 22, ch. 91-45.

125.012 Project facilities; general powers and duties.—Any county and the board of county commissioners thereof shall have the power, in addition to the powers otherwise conferred:

- (1) To construct, acquire, establish, improve, extend, enlarge, reconstruct, equip, maintain, repair, and operate any project as defined in s. 125.011, either within or without the territorial boundaries of the county.
- (2) Subject to the jurisdiction of the United States and the State of Florida and the general laws of Florida relating to dredging and filling, to construct, establish, and improve harbors in the county and all navigable and nonnavigable waters connected therewith; to regulate and control all such waters; to construct and maintain such canals, slips, turning basins, and channels and upon such terms and conditions as may be required by the United States; and to enact, adopt, and establish by resolution rules and regulations for the complete exercise of jurisdiction and control over all such waters.
- (3) To acquire by grant, purchase, gift, devise, condemnation, or exchange, or in any other manner, property, real or personal, or any estate or interest therein, upon such terms and conditions as such county shall by resolution fix and determine.
- (4) To construct, maintain, and operate elevated toll roads and the approaches thereto, along, over, and across any public street or streets of any city, town, or municipality located within its boundaries.
- (5) To appoint shipping masters for ports or harbors under its control, to determine their qualifications, and to adopt rules and regulations prescribing their duties.
- (6) To license stevedores as independent contractors for hire to handle stevedoring at and in the harbors and airports in the county, to fix the terms and conditions of such licenses, and to determine the fees to be charged for same. Any and all such licenses of all persons, firms, groups, or corporations so licensed shall continue at the pleasure of the county.
- (7) To enter into joint arrangements with steamship lines, railroads, airlines, or other transportation lines, or any common carrier, if the county deems it advantageous so to do.
- (8) To make and enter into all contracts and agreements and to do and perform all acts and deeds necessary and incidental to the performance of its duties and the exercise of its powers.
- (9) To fix, regulate, and collect rates and charges for the services and facilities furnished by any project under its control; to establish, limit, and control the use of any project as may be deemed necessary to ensure the proper operation of the project; to impose sanctions to promote and enforce compliances; to prescribe rules and regulations and impose penalties and sanctions to ensure the proper performance of the duties of any stevedore or of any shipping master and the enforcement of any rule or regulation which the county may adopt in the regulation of the ports, harbors, wharves, docks, airports, and other projects under its control.
- (10) To fix the rates of wharfage, dockage, warehousing, storage, and port and terminal charges for the use of the port and harbor facilities located within or without the county and owned or operated by the county; and to fix and determine the rates, tolls, and other charges for the use of harbor and airport improvements and harbor and airport facilities located within or without the county insofar as it may do so under the State

Constitution and the Constitution and laws of the United States.

(11) To regulate the operation, docking, storing, and conduct of all watercraft of any kind plying or using the waterways within the county and of all aircraft of any kind operating over and within the county or utilizing any other area, field, location, or place within the county for air navigation purposes or for the repair, storage, or handling of aircraft within the county.

(12) To receive and accept, from any federal agency, grants for or in aid of the construction, improvement, or operation of any project and to receive and accept contributions from any source of either money, property, labor, or other things of value.

(13) To make any and all applications required by the Treasury Department and other departments or agencies of the United States Government as a condition precedent to the establishment within the county of a free port, foreign trade zone, or area for the reception from foreign countries of articles of commerce; to expedite and encourage foreign commerce and the handling, processing, and delivery thereof into foreign commerce free from the payment of custom duties and to enter into any agreements required by such departments or agencies in connection therewith; and to make like applications and agreements with respect to the establishment within the county of one or more bonded warehouses.

(14) To enter into any contract with the government of the United States or any agency thereof which may be necessary in order to procure assistance, appropriations, and aid for the deepening, widening, and extending of channels and turning basins, the building and construction of public mass transit facilities, airport and airport facilities, slips, wharves, breakwaters, jetties, bulkheads, and any and all other harbor and air navigation improvements and facilities.

(15) To employ consulting engineers, superintendents, managers, and such other engineering, construction, and accounting experts, attorneys, employees, and agents as may be necessary in its judgment, and to fix their compensation; and to pay to the clerk of the circuit court of any county such compensation as the board of county commissioners may determine, but not to exceed \$2,500 per annum, to be paid exclusively from the revenues arising from the operation of any project owned and operated under authority of ss. 125.011-125.019 for his or her extraordinary services rendered to such board in the performance of its duties and the exercise of its powers. Such compensation shall be in addition to any and all other compensation provided by law for the clerk of the circuit court.

(16) To make or cause to be made such surveys, investigations, studies, borings, maps, plans, drawings, and estimates of cost and revenues as it may deem necessary and to prepare and adopt a comprehensive plan or plans for the location, construction, improvement, and development of any project.

(17) To grant exclusive or nonexclusive franchises to persons, firms, or corporations for the operating of restaurants, cafeterias, bars, taxicabs, vending machines, and other concessions of a nonaeronautical nature in, on, and in connection with any project owned and operated by the county. However, no exclusive franchise shall be so granted unless the board of county commissioners of such county shall award such franchise following receipt of sealed competitive bids in the manner prescribed by law, or cause to be published in a newspaper of general circulation in the county notice of the fact that it intends to grant such exclusive franchise and will at a time certain to be fixed in such notice, not less than 30 days after the publication of the notice, enter into negotiations with any interested parties as to the terms, conditions, and provisions of any such exclusive franchise. Such negotiations with any interested parties as to the terms, conditions, and provisions of any such exclusive franchise are to continue for a period of not less than 10 days before such exclusive franchise is granted.

(18) To adopt and promulgate suitable rules, regulations, and directions for the operation and conduct of any project owned or operated by the county and for the use of any such project and any facility connected therewith by others.

(19) To enter into contracts with utility companies or others for the supplying by such utility companies or others of water, electricity, or telephone service to or in connection with any project.

(20) To approve or disapprove the location, establishment, construction, and operation of privately owned airports within the county. No state airport license or state approval of an airport site shall be effective in the county without the approval of the county on the application therefor.

(21) To pledge by resolution or contract the revenues arising from the operation of any project or projects owned and operated by the county to the payment of the cost of operation, maintenance, repair, improvement, extension, or enlargement of the project or projects from the operation of which such revenues are received and for the payment of principal and interest on bonds issued in connection with any such project or projects; and to combine for financing purposes any two or more projects constructed or acquired by the county under the provisions of ss. 125.011-125.019. In any such case, the board of county commissioners may adopt separate budgets for the operation of such project or projects and it shall not be necessary to include such revenues and the expenditure thereof in the general county budget except by reference and for accounting purposes only. In every such case, such revenues shall be expended exclusively for the payment of the costs of operation, maintenance, repair, improvement, extension, and enlargement of the project or projects from the operation of which such revenues arise, for the performance of the contracts of the county in connection with such project or projects, and for the payment of principal and interest requirements of any bonds issued in connection with the project or projects. Any surplus of such funds remaining on hand at the end of any year shall be carried forward and may be expended in the succeeding year for the payment of the costs of operation of such project or projects or for the repair, improvement, or extension thereof as the board may determine, unless such surplus has been pledged for the payment of principal and interest on bonds, as authorized in s. 125.013, in which event any such surplus shall be applied in accordance with the resolution pledging the same.

(22) To construct, own, maintain, and operate trade marts and exposition halls, and buildings for the display, exhibition, and sale of goods, wares, and merchandise, which are hereby defined to be projects within the meaning of s. 125.011; to rent space in, around, or connected with such trade marts to others and to collect rents, fees, and charges therefor; to sublet the whole or any part thereof to others and to enter into contracts with others for the operation thereof on such terms and conditions as the board of county commissioners shall by resolution determine to be for the best interest of the county; to rent, let, and lease to others ground space on, in, or connected with any project owned and operated by the county for the construction, maintenance, and operation thereon of any such trade mart, exposition hall, or building; to use the proceeds arising from the operation or rental of any such trade mart or exposition hall or building or from the rental of ground space therefor to pay the expense of operation, upkeep, and maintenance thereof, for advertising and publicity thereof, and for such other purposes as the board of county commissioners determines to be for the best interest of the county.

(23) To borrow money and to issue notes for any purpose or purposes for which bonds may be issued under the provisions of s. 125.013 and to refund the same; to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds; to secure an advance of credit for any such purpose or purposes under a credit agreement or other agreement with any bank or trust company or any person, firm, or corporation within or without the state; and to secure any such borrowing, notes, or agreement by a pledge of all or any part of the available income or revenues to be received by the county under the provisions of ss. 125.011-125.019 or by an agreement to exercise any of the powers conferred by ss. 125.011-125.019.

(24) To enter into contracts with tenants or other users of the project or providers of service in, on, or in connection with any project, which contracts may include agreements to design or construct any project or improvement, extension, or enlargement thereof, on such terms and conditions as the county shall by

resolution determine. Such contracts may provide for the hiring of professional services, including the hiring of architects and engineers, and the award of construction contracts by such tenants, users, or providers of service and, in such cases, shall provide for their reimbursement upon audit for their reasonable and necessary expenses incurred on behalf of the project. Such reimbursement may, at the option of the county, be provided from the proceeds or issuance of revenue bonds, bond anticipation notes, or loans, or by any other method authorized by law, including the allowance of advance rental credits.

(25) To publicize, advertise, and promote the activities and projects herein authorized; to make known the advantages, facilities, resources, products, attractions, and attributes of the activities and projects authorized; to create a favorable climate of opinion concerning the activities and projects authorized; to cooperate with other agencies, public and private, in accomplishing these purposes; and in furtherance thereof, to authorize expenditures for the purposes here enumerated, including meals, hospitality, and entertainment of persons in the interest of promoting and engendering good will towards the activities and projects authorized.

(26) To own, maintain, operate, and control export trading companies, foreign sales corporations, and consulting services corporations as provided by the laws of the United States or this state; to enter into management contracts with such corporations or companies established for the purpose of providing or operating such facilities; to own, maintain, operate, and control cargo clearance centers and customs clearance facilities, and to enter into management contracts with corporations established for the purpose of providing or operating such facilities; to maintain the confidentiality of trade information and data pursuant to the patent or copyright laws of the United States, pursuant to the patent or copyright laws of foreign nations to the extent that same are enforced by the courts of the United States, and pursuant to the trade secrets doctrine; and to authorize airport and port employees to serve as officers and directors of export trading companies, foreign sales corporations, customs and cargo clearance corporations, and consulting services corporations for the sale of services to others. Counties are hereby authorized to expend any unobligated and available surplus funds from the activities authorized in this subsection for the construction of capital facilities.

(27) To do all other acts and things necessary or proper in the exercise of the powers herein granted. History.—s. 2, ch. 71-249; s. 2, ch. 79-291; s. 6, ch. 82-104; s. 2, ch. 87-144; s. 23, ch. 91-45; s. 814, ch. 95-147.

125.013 General obligation bonds; revenue bonds.—

(1) The board of county commissioners of any such county is authorized to issue general obligation bonds, revenue bonds, or other evidences of indebtedness of the county for the purpose of paying all or a part of the cost of any one or more projects as herein defined, including the cost of enlargement, expansion, or development of such project, whether the property used therefor has previously been acquired or not, and the cost of removing therefrom or relocating or reconstructing at another location, any buildings, structures, or facilities which, in the opinion of the board, constitute obstructions or hazards to the safe or efficient operation of any such project, and for the purpose of paying off and retiring any revenue bonds issued under the provisions of this section.

(2) The bonds of each issue and other evidences of indebtedness shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, as may be determined by the board, and may be made redeemable before maturity, at the option of the county, at such price or prices and under such terms and conditions as may be fixed by the board prior to their issuance. Such bonds and other evidences of indebtedness shall bear interest at a rate or rates to be fixed by the board, not to exceed 7 percent per annum. However, in the event such bonds or other evidences of indebtedness are sold at public sale pursuant to advertisement for sealed bids for their purchase, such bonds or other evidences of indebtedness shall bear interest at any rate or rates submitted by the lowest responsible bidder and approved by the board. The board

shall determine the form of bonds or other evidences of indebtedness, including any interest coupons to be attached to such bonds, and the manner of execution, and shall fix the denomination or denominations thereof and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature or a facsimile of whose signature appears on any bonds or coupons or other evidences of indebtedness shall cease to be such officer before the delivery thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained in office until such delivery. All bonds or other evidences of indebtedness issued under the provisions of this section shall have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state. The bonds may be issued in coupon or registered form, or both, as the board may determine. Provision may be made for the registration of any coupon bonds as to principal alone, and also as to both the principal and interest, and for the reconversion into coupon bonds or any bonds registered as to both principal and interest. Other evidences of indebtedness may be issued in such form as the board may determine. The issuance of such bonds or other evidences of indebtedness shall not be subject to any limitations or conditions contained in any other law, and the board may sell such bonds or other evidences of indebtedness in such manner, either at public or at private sale, for such price, as it may determine to be for the best interest of the county, but no such sale shall be made at a price of less than 95 percent of par value plus accrued interest.

(3) For the payment of the principal of and the interest on any general obligation bonds of the county issued under the provisions of this section, the board is authorized and required to levy annually a special tax upon all taxable property within the county, over and above all other taxes authorized or limited by law, and in addition to the tax authorized by s. 125.016, sufficient to pay such principal and interest as the same respectively become due and payable. Except as provided in s. 200.181, the proceeds of all such taxes shall, when collected, be paid into a special fund and used for no other purpose than the payment of such principal and interest. However, there may be pledged to the payment of such principal and interest the surplus of the revenues of the project or projects, after payment of the costs of operation, maintenance and repair thereof, and in the event of such pledge, the amount of the annual tax levy herein required may be reduced in any year by the amount of such revenues actually received in the preceding year and then remaining on deposit to the credit of the special fund for the payment of such principal and interest.

(4) No general obligation bonds shall be issued hereunder unless the issuance of such bonds has been approved in the manner required by the State Constitution and laws of Florida for the issuance of bonds of the county.

History.—s. 2, ch. 71-249; s. 815, ch. 95-147; s. 2, ch. 96-259.

125.014 Title designation of authority.—For administrative convenience, the board of county commissioners, in the exercise of the powers hereby conferred and those powers otherwise conferred, may be referred to as the county port authority or any other appropriate title duly adopted by resolution of the board of county commissioners. However, in counties to which ss. 125.011-125.019 apply which counties have adopted, or may hereafter adopt, a home rule form of government and which create or establish thereunder a port authority to conveniently administer the business and exercise the powers provided for in ss. 125.011-125.019, the words “port authority” shall apply wherever the words “county” or “board of county commissioners” are used, and such authority may exercise all the powers granted under ss. 125.011-125.019.

History.—s. 3, ch. 71-249; s. 24, ch. 91-45.

125.015 Acquisition of facilities from municipalities.—Any county coming within the provisions hereof shall have the power to acquire by purchase or condemnation the docks, wharves, warehouses, and other port facilities or any project (as herein defined) of any municipality within such county. Any project

owned or operated by such county and lying within the boundaries of a municipality shall be under the exclusive jurisdiction of the county and shall be without the jurisdiction of said municipality.

History.—s. 4, ch. 71-249.

125.016 Ad valorem tax.—Annually an ad valorem tax of not exceeding 1½ mills may be levied upon all property in the county, which shall be levied and collected as other county taxes are levied and collected. The taxes shall be charged to the general fund, but such revenue may be appropriated by the county for the cost of constructing, operating, maintaining, expanding, enlarging, improving, or developing any project or projects herein specified, or for the payment of the costs of removing and relocating any structures, installations, or facilities which in the opinion of the board of county commissioners may be required for the safe and efficient operation of any such projects. Said tax may be levied, collected, and expended for any of the purposes herein specified notwithstanding the cost and expense thereof which may have been incurred in a previous year, and when so collected and used the tax shall be considered to be levied, collected and used for a county purpose.

History.—s. 5, ch. 71-249.

1125.0167 Discretionary surtax on documents; adoption; application of revenue.—

(1) Pursuant to the provisions of s. 201.031, the governing authority in each county, as defined by s. 125.011(1), is authorized to levy a discretionary surtax on documents for the purpose of establishing and financing a Housing Assistance Loan Trust Fund to assist in the financing of construction, rehabilitation, or purchase of housing for low-income and moderate-income families. No less than 50 percent of the funds used in each county to provide such housing assistance shall be for the benefit of low-income families. For the purpose of this section, “low-income family” means a family whose income does not exceed 80 percent of the median income for the area, and “moderate-income family” means a family whose income is in excess of 80 percent but less than 140 percent of the median income for the area. For purposes of this section, the term “housing” is not limited to single-family, detached dwellings. The rate of the surtax shall not exceed the rate of 45 cents for each \$100 or fractional part thereof of the consideration therefor. Such surtax shall apply only to those documents taxable under s. 201.02, except that there shall be no surtax on any document pursuant to which the interest granted, assigned, transferred, or conveyed involves only a single-family residence. Such single-family residence may be a condominium unit, a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 years, or a detached dwelling.

(2) The levy of the discretionary surtax and the creation of a Housing Assistance Loan Trust Fund shall be by ordinance which shall set forth the policies and procedures of the assistance program. The ordinance shall be proposed at a regular meeting of the governing authority at least 2 weeks prior to formal adoption. Formal adoption shall not be effective unless approved on final vote by a majority of the total membership of the governing authority. The ordinance shall not take effect until 90 days after formal adoption.

(3) The county shall deposit revenues from the discretionary surtax in the Housing Assistance Loan Trust Fund of the county, except that a portion of such revenues may be deposited into the Home Investment Trust Fund of the county as defined by and created pursuant to the requirements of federal law. The county shall use the revenues only to help finance the construction, rehabilitation, or purchase of housing for low-income families and moderate-income families, to pay necessary costs of collection and enforcement of the surtax, and to fund any local matching contributions required pursuant to federal law. For purposes of this section, authorized uses of the revenues include, but are not limited to, providing funds for first and second mortgages and acquiring property for the purpose of forming housing cooperatives. Special consideration shall be given toward using the revenues in the neighborhood economic development programs of community

development corporations. No more than 50 percent of the revenues collected each year pursuant to this section may be used to help finance new construction as provided herein. The proceeds of the surtax shall not be used for rent subsidies or grants.

(4) No more than 10 percent of surtax revenues collected under this section by the Department of Revenue and remitted to the county in any fiscal year may be used for administrative costs.

(5)(a) Notwithstanding the provisions of subsection (3), of the discretionary surtax revenues collected by the Department of Revenue remaining after any deduction for administrative costs as provided in subsection (4), no less than 35 percent shall be used to provide homeownership assistance for low-income and moderate-income families, and no less than 35 percent shall be used for construction, rehabilitation, and purchase of rental housing units. The remaining amount may be allocated to provide for homeownership assistance or rental housing units, at the discretion of the county. Any funds allocated for homeownership assistance or rental housing units that are not committed at the end of the fiscal year shall be reallocated in subsequent years consistent with the provisions of this subsection, in that no less than 35 percent shall be reallocated to provide homeownership assistance for low-income and moderate-income families, and no less than 35 percent shall be reallocated for construction, rehabilitation, and purchase of rental housing units. The remaining amount of uncommitted funds may be reallocated at the discretion of the county within any of the categories established in this subsection.

(b) For purposes of this subsection, the term "homeownership assistance" means assisting low-income and moderate-income families in purchasing a home as their primary residence, including, but not limited to, reducing the cost of the home with below-market construction financing, the amount of down payment and closing costs paid by the borrower, or the mortgage payment to an affordable amount for the purchaser or using any other financial assistance measure set forth in s. 420.5088.

(6) Rehabilitation of housing owned by a recipient government may be authorized only after a determination approved by a majority of the governing body that no other sources of funds are available.

(7)(a) The governing body of each county as defined in s. 125.011(1) may, by county ordinance and pursuant to procedures and requirements provided by such ordinance, create a housing choice assistance voucher program.

(b) For purposes of this subsection, the term:

1. "Housing choice assistance voucher" means the document used to access assistance paid by the county from the discretionary surtax balance in the Housing Assistance Trust Fund to a prospective purchaser of a single-family residence, which must be the purchaser's homestead.

2. "Purchasing employer" means a business or business entity that has acquired real property within the county and paid the surtax due as a result of the acquisition of that property pursuant to this section.

(c) Housing choice assistance vouchers shall be used for down payment assistance for the purchase of a single-family residence by low-income or moderate-income persons within the county and within a 5-mile radius of the purchasing employer who are:

1. Actively employed by the purchasing employer or by a business entity directly affiliated with the purchasing employer.

2. Prequalified for a mortgage loan by a certified lending institution.

(d) Upon payment of the discretionary surtax pursuant to this section, the purchasing employer may file for an allocation for housing choice assistance vouchers from the county in an amount not to exceed 50 percent of the amount of the discretionary surtax paid. The purchasing employer shall distribute the allocation to employees in the form of housing choice assistance vouchers pursuant to rules and procedures established for the program.

(e) Any housing choice assistance voucher allocation not distributed to employees and redeemed by an

employee within 1 year after the date the discretionary surtax is paid may not be used for housing choice assistance vouchers under this subsection.

(f) Any housing assistance paid pursuant to the housing choice assistance voucher program shall be included in the calculation determining the percentage of discretionary surtax funds used for homeownership purposes during the year in which the surtax funds for such purposes are expended.

(8) By June 30, 2012, and every 5 years thereafter, the Office of Program Policy Analysis and Government Accountability shall review the discretionary surtax program operated by counties under this section and shall provide a report to the President of the Senate and the Speaker of the House of Representatives.

History.—ss. 1, 3, ch. 83-220; s. 1, ch. 84-270; s. 1, ch. 89-252; s. 35, ch. 92-317; ss. 1, 2, ch. 2009-131.

¹Note.—Repealed October 1, 2031, by s. 3, ch. 83-220, as amended by s. 1, ch. 84-270; s. 1, ch. 89-252; and s. 1, ch. 2009-131.

125.0168 Special assessments levied on recreational vehicle parks regulated under chapter 513.—When a county levies 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.

History.—s. 1, ch. 2002-241.

125.017 Administrative agents.—The county may employ agents, clerks, or servants to administer any project under the rules, regulations, directions, and supervision of the county, and it may exact of any agent, clerk or servant a good and sufficient bond with proper surety to secure the faithful performance of his or her duties and otherwise conditioned as it shall see fit.

History.—s. 6, ch. 71-249; s. 816, ch. 95-147.

125.018 Rules and regulations.—All rules and regulations promulgated and all impositions and exactions made by authority hereof shall be just and reasonable and consistent with public interest, and their application shall be subject to review by certiorari in any court of proper and competent jurisdiction. All rules and regulations shall be published and dispensed by the county at cost to all applicants therefor.

History.—s. 7, ch. 71-249.

125.019 Exemption from taxation; immunity.—

(1) All powers, acts, and deeds hereby conferred or authorized are found to be and made a county purpose. Each project financed under the provisions of ss. 125.011-125.019 and the income therefrom, and any bonds issued under the provisions of s. 125.013 and the income therefrom, shall at all times be free from taxation within the state. The exemption granted by this subsection shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(2) In the exercise of the additional powers conferred by ss. 125.011-125.019 as heretofore and hereafter amended, the county and county commissioners of any such county shall have the same rights, privileges, powers and immunities of a county of the state.

History.—ss. 2, 8, ch. 71-249; s. 1, ch. 73-327; s. 25, ch. 91-45.

125.022 Development permits.—When a county denies an application for a development permit, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit. As used in this section, the term “development permit” has the same meaning as in s. 163.3164. For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or

issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit. Issuance of a development permit by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A county may attach such a disclaimer to the issuance of a development permit and may include a permit condition that all other applicable state or federal permits be obtained before commencement of the development. This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

History.—s. 1, ch. 2006-88; s. 1, ch. 2012-205.

125.025 County-municipality consolidated governments; additional powers.—Each county which operates under a government consolidated with that of one or more municipalities in the county shall have the power, in addition to the powers otherwise conferred, to own, maintain, operate, and control export trading companies and foreign sales corporations as provided by the laws of the United States; to own, maintain, operate, and control cargo clearance centers and customs clearance facilities and corporations established for the purpose of providing or operating such facilities; to maintain the confidentiality of trade information to the degree provided by the Export Trading Company Act of 1982, Pub. L. No. 97-290, as it is amended from time to time; to maintain the confidentiality of trade information and data pursuant to the patent laws of the United States, the patent laws of foreign nations to the extent that they are enforced by the courts of the United States, the copyright laws of the United States, the copyright laws of foreign nations to the extent that they are enforced by the courts of the United States, and the trade secrets doctrine; and to authorize airport and port employees to serve as officers and directors of export trading companies, foreign sales corporations, and customs and cargo clearance corporations.

History.—s. 3, ch. 87-144.

125.031 Lease or lease-purchases of property for public purposes.—Counties may enter into leases or lease-purchase arrangements relating to properties needed for public purposes for periods not to exceed 30 years at a stipulated rental to be paid from current or other legally available funds and may make all other contracts or agreements necessary or convenient to carry out such objective. The county shall have the right to enter into such leases or lease-purchase arrangements with private individuals, other governmental agencies, or corporations. When the term of such lease is for longer than 60 months, the rental shall be payable only from funds arising from sources other than ad valorem taxation. Such leases or lease-purchase arrangements shall be subject to approval by the board of county commissioners, and no such lease or lease-purchase contract shall be entered into without said approval. Notwithstanding any provision of law to the contrary, a lease entered into by a county, as defined in s. 125.011(1), with the state or another governmental entity or authorized under the provisions of s. 125.01 is not subject to the 30-year lease term limitation of this section.

History.—s. 1, ch. 71-240; s. 1, ch. 89-103; s. 1, ch. 2008-48.

125.045 County economic development powers.—

(1) The Legislature finds and declares that this state faces increasing competition from other states and other countries for the location and retention of private enterprises within its borders. Furthermore, the Legislature finds that there is a need to enhance and expand economic activity in the counties of this state by attracting and retaining manufacturing development, business enterprise management, and other activities conducive to economic promotion, in order to provide a stronger, more balanced, and stable economy in the

state; to enhance and preserve purchasing power and employment opportunities for the residents of this state; and to improve the welfare and competitive position of the state. The Legislature declares that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the counties of the state.

(2) The governing body of a county may expend public funds to attract and retain business enterprises, and the use of public funds toward the achievement of such economic development goals constitutes a public purpose. The provisions of this chapter which confer powers and duties on the governing body of a county, including any powers not specifically prohibited by law which can be exercised by the governing body of a county, must be liberally construed in order to effectively carry out the purposes of this section.

(3) For the purposes of this section, it constitutes a public purpose to expend public funds for economic development activities, including, but not limited to, developing or improving local infrastructure, issuing bonds to finance or refinance the cost of capital projects for industrial or manufacturing plants, leasing or conveying real property, and making grants to private enterprises for the expansion of businesses existing in the community or the attraction of new businesses to the community.

(4) A contract between the governing body of a county or other entity engaged in economic development activities on behalf of the county and an economic development agency must require the agency or entity receiving county funds to submit a report to the governing body of the county detailing how county funds were spent and detailing the results of the economic development agency's or entity's efforts on behalf of the county. By January 15, 2011, and annually thereafter, the county must file a copy of the report with the Office of Economic and Demographic Research and post a copy of the report on the county's website.

(5)(a) By January 15, 2011, and annually thereafter, each county shall report to the Office of Economic and Demographic Research the economic development incentives in excess of \$25,000 given to any business during the county's previous fiscal year. The Office of Economic and Demographic Research shall compile the information from the counties into a report and provide the report to the President of the Senate, the Speaker of the House of Representatives, and the Department of Economic Opportunity. Economic development incentives include:

1. Direct financial incentives of monetary assistance provided to a business from the county or through an organization authorized by the county. Such incentives include, but are not limited to, grants, loans, equity investments, loan insurance and guarantees, and training subsidies.

2. Indirect incentives in the form of grants and loans provided to businesses and community organizations that provide support to businesses or promote business investment or development.

3. Fee-based or tax-based incentives, including, but not limited to, credits, refunds, exemptions, and property tax abatement or assessment reductions.

4. Below-market rate leases or deeds for real property.

(b) A county shall report its economic development incentives in the format specified by the Office of Economic and Demographic Research.

(c) The Office of Economic and Demographic Research shall compile the economic development incentives provided by each county in a manner that shows the total of each class of economic development incentives provided by each county and all counties.

History.—s. 1, ch. 95-309; H.C.R. 2741 (1995); s. 1, ch. 2010-147; s. 19, ch. 2011-34; s. 51, ch. 2011-142.

125.15 To sue and be sued in the name of county.—The county commissioners shall sue and be sued in the name of the county of which they are commissioners. A change in the persons composing the board of county commissioners shall not abate the suit, but it shall proceed as if such change had not taken place.

History.—ss. 1, 3, ch. 3242, 1881; RS 580; GS 773; RGS 1493; CGL 2202.

125.17 Clerk.—The clerk of the circuit court for the county shall be clerk and accountant of the board of county commissioners. He or she shall keep their minutes and accounts, and perform such other duties as their clerk as the board may direct. The clerk shall have custody of their seal, shall affix the same to any paper or instrument to which it shall be proper or necessary that the same shall be affixed, and may give copies of writings in his or her custody as the clerk of said board, attested by his or her signature and authenticated by said seal.

History.—RS 583; GS 776; RGS 1498; CGL 2261; s. 817, ch. 95-147.

125.221 Holding of court and meeting of grand jury; place other than courthouse.—In the event there is not suitable available space in the courthouse due to construction or reconstruction, destruction or other good reasons, for the holding of any court or courts now provided to be held in the county courthouse, or for the meeting of the grand jury of the county, the county commission, with the approval of the court, may designate some other place or places located in the county seat for the holding of court or courts or for the meeting of the grand jury.

History.—s. 1, ch. 29795, 1955.

125.222 Auxiliary county offices, court proceedings.—All proceedings, except trial by jury, had in any of the several counties of this state in connection with any civil, equity or criminal action may be conducted in auxiliary county offices where such offices have been established and are maintained under authorization of law, provided adequate space and facilities are available therein and provided that the Official Records books be kept and maintained in the county offices at the county seat.

History.—s. 1, ch. 57-331; s. 19, ch. 94-348.

125.27 Countywide forest fire protection; authority of the Florida Forest Service; state funding; county fire control assessments; disposition; equipment donations.—

(1) The Florida Forest Service of the Department of Agriculture and Consumer Services and the board of county commissioners of each county in this state shall enter into agreements for the establishment and maintenance of countywide fire protection of all forest and wild lands within said county, with the total cost of such fire protection being funded by state and federal funds. Each county shall, under the terms of such agreements, be assessed each fiscal year, as its share of the cost of providing such fire protection, a sum in dollars equal to the total forest and wild land acreage of the county, as determined by the Florida Forest Service, multiplied by 7 cents. The forest and wild lands acreage included in such agreements shall be reviewed each year by the contracting parties and the number of forest and wild land acres and the annual fire control assessment adjusted so as to reflect the current forest acreage of the county. In the event the Florida Forest Service and the county commissioners do not agree, the Board of Trustees of the Internal Improvement Trust Fund shall make such acreage determination. All fire control assessments received by the Florida Forest Service from the several counties under agreements made pursuant to this section shall be deposited as follows:

(a) An amount equal to the total forest land and wild land acreage of the counties, multiplied by 4 cents, shall be distributed to the Incidental Trust Fund of the Florida Forest Service; and

(b) An amount equal to the total forest land and wild land acreage of the counties, multiplied by 3 cents, shall be distributed to the General Revenue Fund.

(2) The Florida Forest Service may include provisions in the agreements authorized in this section, or execute separate or supplemental agreements with the several counties, county agencies, or municipalities, to provide communication services and other services directly related to fire protection within the county, other than forest fire control, on a cost reimbursable basis only, provided the rendering of such services does not hinder or impede in any way the Florida Forest Service's ability to accomplish its primary function with

respect to forest fire control.

(3) The Department of Agriculture and Consumer Services may lease, loan, or otherwise make available, without charge, to state, county, and local governmental entities that have fire/rescue responsibilities, new or used fire protection equipment, vehicles, or supplies, which shall include all such items received from public or private entities. The department, and those private or public entities providing at no cost, or de minimis cost, such items for loan or lease through the department, shall not be held liable for civil damages resulting from use or possession of such items. Private or public entities that donate fire/rescue equipment, vehicles, or supplies directly to state, county, or local governmental entities having fire/rescue responsibilities shall not be held liable for civil damages resulting from use or possession of such items.

History.—s. 5, ch. 17024, 1935; CGL 1936 Supp. 2181(23); ss. 14, 35, ch. 69-106; s. 1, ch. 72-305, s. 1, ch. 73-248; s. 3, ch. 2001-279; s. 2, ch. 2008-107; s. 2, ch. 2012-7.

125.271 Emergency medical services; county emergency medical service assessments.—

(1) As used in this section, the term “county” means:

(a) A county that is within a rural area of critical economic concern as designated by the Governor pursuant to s. 288.0656;

(b) A small county having a population of 75,000 or fewer on the effective date of this act which has levied at least 10 mills of ad valorem tax for the previous fiscal year; or

(c) A county that adopted an ordinance authorizing the imposition of an assessment for emergency medical services prior to January 1, 2002.

Once a county has qualified under this subsection, it always retains the qualification.

(2) A county may fund the costs of emergency medical services through the levy of a special assessment that apportions the cost among the property based on a reasonable methodology that charges a parcel in proportion to its benefits.

(3) The authorization provided in this section shall be construed to be general law authorization pursuant to ss. 1 and 9 of Art. VII of the State Constitution.

(4) All special assessments for emergency medical services levied by a county prior to the effective date of this section are ratified and validated in all respects if they would have been valid had this section been in effect at the time they were levied; however, this subsection shall not validate assessments in counties with litigation challenging the validity of an assessment pending on January 1, 2002.

History.—s. 1, ch. 2002-37.

125.275 Countywide air quality protection; authority of counties designated as nonattainment areas; preemption of municipal ordinances.—

(1) The board of county commissioners of any county which is designated, in whole or in part, as a nonattainment area for air quality pursuant to state and federal law is hereby authorized and empowered, in its discretion, to provide by ordinance for countywide protection of air quality. In furtherance of this purpose, the board of county commissioners of such county shall have the following powers:

(a) To act as the local implementing authority of a nonattainment plan promulgated and adopted pursuant to state and federal law.

(b) To adopt, revise, and amend, from time to time, appropriate ordinances, rules, and regulations reasonably necessary to maintain air quality standards established pursuant to state and federal law, including the federal Clean Air Act.

(2) It is the intent of the Legislature that the authority granted in subsection (1) shall vest in such county, and, when exercised by the county, any municipality is hereby preempted from adoption of an ordinance pertaining to air quality upon the designation set forth in subsection (1).

(3) No county is authorized by this act to promulgate any air quality standard more stringent than any state or federal standard as to any particular pollutant. Nothing herein shall be construed to modify any authority granted by an existing special act pertaining to air quality control.

History.—s. 1, ch. 78-240.

125.325 Loans to public agencies authorized.—Notwithstanding the provisions of s. 163.01, a legal entity created pursuant to interlocal agreement under s. 163.01, the membership of which entity consists of at least three counties, may lend the proceeds of obligations issued by such entity to any public agency as provided in s. 163.01(3)(b) whether or not such agency is a member of the entity. Such entity may have as members, in addition to counties, other public agencies as described in s. 163.01(3)(b) and may lend the proceeds of obligations to such public agencies for purposes of financing or refinancing capital projects or working capital if such agencies are otherwise authorized to incur debt.

History.—s. 3, ch. 96-216.

125.3401 Purchase, sale, or privatization of water, sewer, or wastewater reuse utility by county.—No county may purchase or sell a water, sewer, or wastewater reuse utility that provides service to the public for compensation, or enter into a wastewater facility privatization contract for a wastewater facility, until the governing body of the county has held a public hearing on the purchase, sale, or wastewater facility privatization contract and made a determination that the purchase, sale, or wastewater facility privatization contract is in the public interest. In determining if the purchase, sale, or wastewater facility privatization contract is in the public interest, the county shall consider, at a minimum, the following:

- (1) The most recent available income and expense statement for the utility;
- (2) The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions-in-aid-of-construction and the accumulated depreciation thereon;
- (3) A statement of the existing rate base of the utility for regulatory purposes;
- (4) The physical condition of the utility facilities being purchased, sold, or subject to a wastewater facility privatization contract;
- (5) The reasonableness of the purchase, sales, or wastewater facility privatization contract price and terms;
- (6) The impacts of the purchase, sale, or wastewater facility privatization contract on utility customers, both positive and negative;
- (7)(a) Any additional investment required and the ability and willingness of the purchaser, or the private firm under a wastewater facility privatization contract, to make that investment, whether the purchaser is the county or the entity purchasing the utility from the county;
- (b) In the case of a wastewater facility privatization contract, the terms and conditions on which the private firm will provide capital investment and financing or a combination thereof for contemplated capital replacements, additions, expansions, and repairs. The county shall give significant weight to this criteria.
- (8) The alternatives to the purchase, sale, or wastewater facility privatization contract, and the potential impact on utility customers if the purchase, sale, or wastewater facility privatization contract is not made; and
- (9)(a) The ability of the purchaser or the private firm under a wastewater facility privatization contract to provide and maintain high-quality and cost-effective utility service, whether the purchaser is the county or the entity purchasing the utility from the county.
- (b) In the case of a wastewater facility privatization contract, the county shall give significant weight to the technical expertise and experience of the private firm in carrying out the obligations specified in the wastewater facility privatization contract.

(10) All moneys paid by a private firm to a county pursuant to a wastewater facility privatization contract shall be used for the purpose of reducing or offsetting property taxes, wastewater service rates, or debt reduction or making infrastructure improvements or capital asset expenditures or other public purpose; provided, however, nothing herein shall preclude the county from using all or part of the moneys for the purpose of the county's qualification for relief from the repayment of federal grant awards associated with the wastewater system as may be required by federal law or regulation.

The county shall prepare a statement showing that the purchase, sale, or wastewater facility privatization contract is in the public interest, including a summary of the purchaser's or private firm's experience in water, sewer, and wastewater reuse utility operation and a showing of financial ability to provide the service, whether the purchaser or private firm is the county or the entity purchasing the utility from the county.

History.—s. 1, ch. 84-84; s. 1, ch. 93-51; s. 6, ch. 96-202.

125.35 County authorized to sell real and personal property and to lease real property.—

(1)(a) The board of county commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

(b) Notwithstanding the provisions of paragraph (a), the board of county commissioners is expressly authorized to:

1. Negotiate the lease of an airport or seaport facility;
2. Modify or extend an existing lease of real property for an additional term not to exceed 25 years, where the improved value of the lease has an appraised value in excess of \$20 million; or
3. Lease a professional sports franchise facility financed by revenues received pursuant to s. 125.0104 or s. 212.20;

under such terms and conditions as negotiated by the board.

(c) No sale of any real property shall be made unless notice thereof is published once a week for at least 2 weeks in some newspaper of general circulation published in the county, calling for bids for the purchase of the real estate so advertised to be sold. In the case of a sale, the bid of the highest bidder complying with the terms and conditions set forth in such notice shall be accepted, unless the board of county commissioners rejects all bids because they are too low. The board of county commissioners may require a deposit to be made or a surety bond to be given, in such form or in such amount as the board determines, with each bid submitted.

(2) When the board of county commissioners finds that a parcel of real property is of insufficient size and shape to be issued a building permit for any type of development to be constructed on the property or when the board of county commissioners finds that the value of a parcel of real property is \$15,000 or less, as determined by a fee appraiser designated by the board or as determined by the county property appraiser, and when, due to the size, shape, location, and value of the parcel, it is determined by the board that the parcel is of use only to one or more adjacent property owners, the board may effect a private sale of the parcel. The board may, after sending notice of its intended action to owners of adjacent property by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if, within 10 working days after receiving such mailed notice, two or more owners of adjacent property notify the board of their desire to purchase the parcel, the board shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

(3) As an alternative to subsections (1) and (2), the board of county commissioners may by ordinance prescribe disposition standards and procedures to be used by the county in selling and conveying any real or personal property and in leasing real property owned by the county. The standards and procedures must provide at a minimum for:

- (a) Establishment of competition and qualification standards upon which disposition will be determined.
- (b) Reasonable public notice of the intent to consider disposition of county property and the availability of copies of the standards. Reasonableness of the notice is to be determined by the efficacy and efficiency of the means of communication used.
- (c) Identification of the form and manner by which an interested person may acquire county property.
- (d) Types of negotiation procedures applicable to the selection of a person to whom county properties may be disposed.
- (e) The manner in which interested persons will be notified of the board's intent to consider final action at a regular meeting of the board on the disposition of a property and the time and manner for making objections.
- (f) Adherence in the disposition of real property to the governing comprehensive plan and zoning ordinances.

History.—s. 1, ch. 23829, 1947; s. 1, ch. 70-388; s. 1, ch. 77-475; s. 1, ch. 81-87; s. 1, ch. 83-100; s. 1, ch. 86-105; s. 2, ch. 89-103; s. 2, ch. 95-416; ss. 1, 2, ch. 99-190; s. 1, ch. 2001-252; ss. 56, 79, ch. 2002-402.

125.355 Proposed purchase of real property by county; confidentiality of records; procedure.—

(1)(a) In any case in which a county, pursuant to the provisions of this section, seeks to acquire by purchase any real property for a public purpose, every appraisal, offer, or counteroffer must be in writing. Such appraisals, offers, and counteroffers shall not be available for public disclosure or inspection and are exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the board of county commissioners. If a contract or agreement for purchase is not submitted to the board of county commissioners for approval, the exemption from s. 119.07(1) will expire 30 days after the termination of negotiations. The county shall maintain complete and accurate records of every such appraisal, offer, and counteroffer. For the purposes of this section, the term "option contract" means a proposed agreement by the county to purchase a piece of property, subject to the approval of the local governing body at a public meeting after 30 days' public notice. The county will not be under any obligation to exercise the option unless the option contract is approved by the governing body at the public hearing specified in this section.

(b) If the exemptions provided in this section are utilized, the governing body shall obtain at least one appraisal by an appraiser approved pursuant to s. 253.025(6)(b) for each purchase in an amount of not more than \$500,000. For each purchase in an amount in excess of \$500,000, the governing body shall obtain at least two appraisals by appraisers approved pursuant to s. 253.025(6)(b). If the agreed purchase price exceeds the average appraised price of the two appraisals, the governing body is required to approve the purchase by an extraordinary vote. The governing body may, by ordinary vote, exempt a purchase in an amount of \$100,000 or less from the requirement for an appraisal.

(c) Notwithstanding the provisions of this section, any county that does not choose with respect to any specific purchase to utilize the exemptions from s. 119.07(1) provided in this section may follow any procedure not in conflict with the provisions of chapter 119 for the purchase of real property which is authorized in its charter or established by ordinance.

(2) Nothing in this section shall be interpreted as providing an exemption from, or an exception to, s. 286.011.

History.—s. 1, ch. 84-298; s. 1, ch. 87-60; s. 1, ch. 88-315; s. 32, ch. 90-360; s. 8, ch. 94-240; s. 44, ch. 96-406.

125.37 Exchange of county property.—Whenever, in the opinion of the board of county commissioners, the county holds and possesses any real property, not needed for county purposes, and such property may be to the best interest of the county exchanged for other real property, which the county may desire to acquire for county purposes, the said board of county commissioners of any county is authorized and empowered to make such an exchange. Provided, however, before any exchange of property shall be effected, a notice, setting forth the terms and conditions of any such exchange of property, shall be first published, once a week for at least 2 weeks, in a newspaper of general circulation published in the county, before the adoption by the board of county commissioners of a resolution authorizing the exchange of properties.

History.—s. 3, ch. 23829, 1947.

125.379 Disposition of county property for affordable housing.—

(1) By July 1, 2007, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the county may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term “affordable” has the same meaning as in s. 420.0004(3).

History.—s. 1, ch. 2006-69.

125.38 Sale of county property to United States, or state.—If the United States, or any department or agency thereof, the state or any political subdivision or agency thereof, or any municipality of this state, or corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by any county of this state or by its board of county commissioners, for public or community interest and welfare, then the United States, or any department or agency thereof, state or such political subdivision, agency, municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property. Such board, if satisfied that such property is required for such use and is not needed for county purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in such resolution. No advertisement shall be required.

History.—s. 4, ch. 23829, 1947.

125.39 Nonapplicability to county lands acquired for specific purposes.—The provisions of this law shall not be construed to cover the sale or disposition of any land conveyed to any county for a specific purpose and containing a reversionary clause whereby said land shall revert to the grantor or grantors upon failure to use said real property for such purpose.

History.—s. 5, ch. 23829, 1947; s. 1, ch. 73-260; s. 29, ch. 73-332.

125.411 Conveyance of land by county.—

(1) Deeds of conveyance of lands, the title to which is held by any county or in the name of its board of county commissioners, may be in substantially the following form:

THIS DEED, made this day of , (year), by County, Florida, party of the first part, and , party of the second part,

WITNESSETH that the said party of the first part, for and in consideration of the sum of \$ to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained and sold to the party of the second part, his or her heirs and assigns forever, the following described land lying and being in County, Florida:

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST: Clerk (or Deputy Clerk of Circuit Court)

County, Florida

By its Board of County Commissioners

By Chair (or Vice Chair)

(2) No such deed of conveyance shall be required to be witnessed or acknowledged, but shall be entitled to record when properly executed.

(3) All deeds of conveyance by any county or by its board of county commissioners shall convey only the interest of the county and such board in the property covered thereby, and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

(4) Any conveyance of real property executed by the board of county commissioners of any county after May 5, 1971, and before October 1, 1975, if it would have been valid had this act been in effect at the time such conveyance was executed, and the recording thereof by the clerk of the circuit court are hereby validated, ratified, and confirmed.

History.—ss. 1, 2, ch. 75-26; s. 818, ch. 95-147; s. 15, ch. 99-6.

Note.—Former s. 125.41.

125.42 Water, sewage, gas, power, telephone, other utility, and television lines along county roads and highways.—

(1) The board of county commissioners, with respect to property located without the corporate limits of any municipality, is authorized to grant a license to any person or private corporation to construct, maintain, repair, operate, and remove lines for the transmission of water, sewage, gas, power, telephone, other public utilities, and television under, on, over, across and along any county highway or any public road or highway acquired by the county or public by purchase, gift, devise, dedication, or prescription. However, the board of county commissioners shall include in any instrument granting such license adequate provisions:

(a) To prevent the creation of any obstructions or conditions which are or may become dangerous to the traveling public;

(b) To require the licensee to repair any damage or injury to the road or highway by reason of the exercise of the privileges granted in any instrument creating such license and to repair the road or highway promptly, restoring it to a condition at least equal to that which existed immediately prior to the infliction of

such damage or injury;

(c) Whereby the licensee shall hold the board of county commissioners and members thereof harmless from the payment of any compensation or damages resulting from the exercise of the privileges granted in any instrument creating the license; and

(d) As may be reasonably necessary, for the protection of the county and the public.

(2) A license may be granted in perpetuity or for a term of years, subject, however, to termination by the licensor, in the event the road or highway is closed, abandoned, vacated, discontinued, or reconstructed.

(3) The board of county commissioners is authorized to grant exclusive or nonexclusive licenses for the purposes stated herein for television.

(4) This law is intended to provide an additional method for the granting of licenses and shall not be construed to repeal any law now in effect relating to the same subject.

(5) In the event of widening, repair, or reconstruction of any such road, the licensee shall move or remove such water, sewage, gas, power, telephone, and other utility lines and television lines at no cost to the county, except as provided in s. 337.403(1)(e).

History.—ss. 1-3, ch. 23850, 1947; s. 1, ch. 57-777; s. 1, ch. 80-138; s. 2, ch. 2009-85.

125.421 Telecommunications services.—A telecommunications company that is a county or other entity of local government may obtain or hold a certificate required by chapter 364, and the obtaining or holding of said certificate serves a public purpose only if the county or other entity of local government:

(1) Separately accounts for the revenues, expenses, property, and source of investment dollars associated with the provision of such service;

(2) Is subject, without exemption, to all local requirements applicable to telecommunications companies; and

(3) Notwithstanding any other provision of law, pays, on its telecommunications facilities used to provide two-way telecommunication services to the public for hire and for which a certificate is required under chapter 364, ad valorem taxes, or fees in amounts equal thereto, to any taxing jurisdiction in which the county or other entity of local government operates. Any entity of local government may pay and impose such ad valorem taxes or fees. Any immunity of any county or other entity of local government from taxation of the property taxed by this section is hereby waived.

This section does not apply to the provision of telecommunications services for internal operational needs of a county or other entity of local government. This section does not apply to the provision of internal information services, including, but not limited to, tax records, engineering records, and property records, by a county or other entity of local government to the public for a fee.

History.—s. 1, ch. 97-197.

125.485 Utility services; nonpayment of charges by former occupant of rental unit; county action limited.—Any other provision of law to the contrary notwithstanding, no county may refuse services, or discontinue utility, water, sewer, or wastewater reuse services, to the owner of any rental unit, or to a tenant or prospective tenant of such rental unit, for nonpayment of service charges incurred by a former occupant of the rental unit; and any such unpaid service charges incurred by a former occupant shall not be the basis for any lien against the rental property except to the extent that the present tenant or owner has benefited directly from the service provided to the former occupant. This section applies only when the former occupant of the rental unit contracted for such services with the county.

History.—s. 1, ch. 85-96; s. 18, ch. 87-224; s. 2, ch. 93-51; s. 10, ch. 97-95.

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention

Code; inspection fees; inspectors; etc.—

(1) The board of county commissioners of each of the several counties of the state is authorized to enforce the Florida Building Code and the Florida Fire Prevention Code, as provided in ss. 553.80, 633.022, and 633.025, and, at its discretion, to adopt local technical amendments to the Florida Building Code, pursuant to s. 553.73(4)(b) and (c) and local technical amendments to the Florida Fire Prevention Code, pursuant to s. 633.0215, to provide for the safe construction, erection, alteration, repair, securing, and demolition of any building within its territory outside the corporate limits of any municipality. Upon a determination to consider amending the Florida Building Code or the Florida Fire Prevention Code by a majority of the members of the board of county commissioners of such county, the board shall call a public hearing and comply with the public notice requirements of s. 125.66(2). The board shall hear all interested parties at the public hearing and may then amend the building code or the fire code consistent with the terms and purposes of this act. Upon adoption, an amendment to the code shall be in full force and effect throughout the unincorporated area of such county until otherwise notified by the Florida Building Commission pursuant to s. 553.73 or the State Fire Marshal pursuant to s. 633.0215. Nothing herein contained shall be construed to prevent the board of county commissioners from repealing such amendment to the building code or the fire code at any regular meeting of such board.

(2) The board of county commissioners of each of the several counties may provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the provisions of this act, and of the Florida Building Code and the Florida Fire Prevention Code.

(3) The board of county commissioners of each of the several counties may employ a building code inspector and such other personnel as it deems necessary to carry out the provisions of this act and may pay reasonable salaries for such services.

(4) After adoption of the Florida Building Code by the Florida Building Commission or the Florida Fire Prevention Code by the State Fire Marshal, or amendment of the building code or the fire code as herein provided, it shall be unlawful for any person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building within the territory embraced by the terms of this act without first obtaining a permit therefor from the appropriate board of county commissioners, or from such persons as may by resolution be directed to issue such permits, upon the payment of such reasonable fees as shall be set forth in the schedule of fees adopted by the board; the board is hereby empowered to revoke any such permit upon a determination by the board that the construction, erection, alteration, repair, securing, or demolition of the building for which the permit was issued is in violation of or not in conformity with the building code or the fire code.

(5) Any person, firm, or corporation that violates any of the provisions of this section or of the Florida Building Code or the Florida Fire Prevention Code is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—ss. 1-5, 7, 8, ch. 63-290; s. 3, ch. 71-14; s. 76, ch. 71-136; s. 1, ch. 83-160; s. 5, ch. 90-279; s. 1, ch. 95-310; s. 3, ch. 2000-141; s. 24, ch. 2000-372; s. 34, ch. 2001-186; s. 3, ch. 2001-372.

125.561 Amateur radio antennas; construction in conformance with federal requirements.—

(1) No county shall enact or enforce any ordinance or regulation which fails to conform to the limited preemption entitled “Amateur Radio Preemption, 101 FCC 2d 952 (1985)” as issued by the Federal Communications Commission. Any ordinance or regulation adopted by a county with respect to amateur radio antennas shall conform to the above-cited limited preemption, which states that local regulations which involve placement, screening, or height of antennas based on health, safety, or aesthetic considerations must be crafted to reasonably accommodate amateur communications, and to represent the minimum practicable regulation to accomplish the local authority’s legitimate purpose.

(2) Nothing in this section shall affect any applicable provisions of chapter 333.

History.—s. 1, ch. 91-28.

Note.—Former s. 125.0185.

125.563 Abatement of water pollution and shore erosion of inland lakes.—

(1)(a) It is declared to be the legislative intent to provide for a speedy and effective procedure whereby property owners of land abutting or constituting the bottom of the small inland lakes of this state shall be able to gain relief from water pollution and shore erosion through the ordinance-making powers of the boards of county commissioners.

(b) “Small inland lakes,” for the purpose of this section, shall be those inland freshwater lakes essentially at rest and essentially surrounded by land, having a water surface area at mean water level of 150 acres or less.

(2) The following activities shall constitute a nuisance on evidence indicating that the shores of the small inland lakes are being eroded or that their waters are being polluted by:

(a) Dumping of raw or treated sewage into the lake.

(b) Introduction into the lake of chemicals which threaten, rather than enhance, the natural ecosystem of the lake.

(c) Use of dynamite or other explosives in the water or in altering the shoreline.

(d) Dumping of refuse into the water or dredging or filling operations in the lake.

(e) Removal from, or addition to, the lake of sufficient quantities of water to substantially alter the water level.

(3) Owners of more than 50 percent of the land abutting the lake or constituting the bottom of privately owned lakes may file a petition with the appropriate board of county commissioners (or boards when the lake lies in more than one county) alleging that any one of the nuisances enumerated in subsection (2) exists. The petition may be informally prepared, but each owner’s signature shall be acknowledged by an officer authorized to administer oaths. When the state or any of its agencies is an abutting or bottom owner, the responsible state official may sign for the state or his or her agency.

(4) On receipt of the petition, the chair of the board of county commissioners shall notify the Department of Environmental Protection and the Board of Trustees of the Internal Improvement Trust Fund. Such agencies may submit recommendations to the board of county commissioners within 60 days of receipt of notice of the petition.

(5) On receipt of the recommendations from the state agencies listed in subsection (4), or sooner if no such recommendations are to be submitted, the board of county commissioners may determine if any of the nuisances enumerated in subsection (2) exists. If such a positive determination is made, the board may enact an ordinance to abate such nuisance in such manner as is reasonable, unless there is a compelling public purpose to permit its continuance. Violation of such ordinance shall constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Nothing in this section shall be construed as restricting any general or local laws or ordinances of greater stringency or any municipal jurisdiction or powers over inland lakes, or portions thereof, within a municipality.

History.—ss. 1, 2, 3, 4, 5, 6, ch. 73-147; s. 2, ch. 79-65; s. 15, ch. 94-356; s. 1435, ch. 95-147.

125.568 Conservation of water; Florida-friendly landscaping.—

(1)(a) The Legislature finds that Florida-friendly landscaping contributes to the conservation, protection, and restoration of water. In an effort to meet the water needs of this state in a manner that will supply adequate and dependable supplies of water where needed, it is the intent of the Legislature that Florida-friendly landscaping be an essential part of water conservation and water quality protection and restoration planning.

(b) As used in this section, "Florida-friendly landscaping" has the same meaning as in s. 373.185.

(2) The board of county commissioners of each county shall consider enacting ordinances, consistent with s. 373.185, requiring the use of Florida-friendly landscaping as a water conservation or water quality protection or restoration measure. If the board determines that such landscaping would be of significant benefit as a water conservation or water quality protection or restoration measure, especially for waters designated as impaired pursuant to s. 403.067, relative to the cost to implement Florida-friendly landscaping in its area of jurisdiction, the board shall enact a Florida-friendly landscaping ordinance. Further, the board of county commissioners shall consider promoting Florida-friendly landscaping as a water conservation or water quality protection or restoration measure by: using such landscaping in any areas under its jurisdiction which are landscaped after the effective date of this act; providing public education on Florida-friendly landscaping, its uses in increasing water conservation and water quality protection or restoration, and its long-term cost-effectiveness; and offering incentives to local residents and businesses to implement Florida-friendly landscaping.

(3)(a) The Legislature finds that the use of Florida-friendly landscaping and other water use and pollution prevention measures to conserve or protect the state's water resources serves a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration.

(b) A deed restriction or covenant may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land or create any requirement or limitation in conflict with any provision of part II of chapter 373 or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373.

(c) A local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land.

History.—s. 5, ch. 91-41; s. 5, ch. 91-68; s. 2, ch. 2001-252; s. 21, ch. 2009-243.

125.5801 Criminal history record checks for certain county employees and appointees.—Notwithstanding chapter 435, a county may require, by ordinance, employment screening for any position of county employment or appointment which the governing body of the county finds is critical to security or public safety, or for any private contractor, employee of a private contractor, vendor, repair person, or delivery person who has access to any public facility or publicly operated facility that the governing body of the county finds is critical to security or public safety. The ordinance must require each person applying for, or continuing employment in, any such position or having access to any such facility to be fingerprinted. The fingerprints shall be submitted to the Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from the criminal history record checks conducted pursuant to the ordinance may be used by the county to determine an applicant's eligibility for employment or appointment and to determine an employee's eligibility for continued employment. This section is not intended to preempt or prevent any other background screening, including, but not limited to, criminal history record checks, which a county may lawfully undertake.

History.—s. 1, ch. 2002-169.

¹125.581 Certain local employment registration prohibited.—

(1) Except as authorized by law, no county or municipality shall enact or enforce any ordinance, resolution, rule, regulation, policy, or other action which requires the registration or background screening of any individual engaged in or applying for a specific type or category of employment in the county or municipality or requires the carrying of an identification card issued as a result of such registration or screening, whether

or not such requirement is based upon the residency of the person. However, an ordinance that regulates any business, institution, association, profession, or occupation by requiring background screening, which may include proof of certain skills, knowledge, or moral character, is not prohibited by this section, provided that such regulation:

- (a) Is not preempted to the state or is not otherwise prohibited by law;
 - (b) Is a valid exercise of the police power;
 - (c) Is narrowly designed to offer the protection sought by the county or municipality; and
 - (d) Does not unfairly discriminate against any class of individuals.
- (2) This act shall not be construed to prohibit any employer, including a local government, from investigating the background of employees or prospective employees or from requiring employees to carry an identification card or registration card.

History.—ss. 1, 2, ch. 86-259.

¹Note.—Also published at s. 166.0443.

125.585 Employee assistance programs; public records exemption.—

(1) As used in this section, “employee assistance program” means a counseling, therapeutic, or other professional treatment program provided by a county to assist any county employee who has a behavioral disorder, medical disorder, or substance abuse problem or who has an emotional difficulty which affects the employee’s job performance.

(2) A county employee’s personal identifying information contained in records held by the employing county relating to that employee’s participation in an employee assistance program is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

History.—s. 2, ch. 98-8; s. 1, ch. 2003-101.

125.59 Special grand jury fund.—

(1) The boards of county commissioners of the respective counties are hereby authorized to budget and expend county funds for the creation and use of a special grand jury fund.

(2) The moneys of the special grand jury fund may be used by any grand jury in the county, in their discretion, in investigating crime and enforcing the criminal laws. The grand jury may employ special investigators and special legal counsel and may pay all expenses incidental to such purposes; provided, that no expenditure shall be made without the approval of a majority of the members of the grand jury, whose vote shall be recorded in the minutes of the grand jury’s proceedings.

(3) The moneys in the special grand jury fund shall be payable to the grand jury on their order upon a voucher being presented to the clerk of the circuit court, signed by the foreperson and by a member of the grand jury designated as grand jury treasurer.

History.—s. 1, ch. 67-466; s. 819, ch. 95-147.

PART II SELF-GOVERNMENT

125.60 Adoption of county charter.

125.61 Charter commission.

125.62 Charter commission; organization.

125.63 Proposal of county charter.

125.64 Adoption of charter; dissolution of commission.

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions.

125.67 Limitation on subject and matter embraced in ordinances; amendments; enacting clause.

125.68 Codification of ordinances; exceptions; public record.

125.69 Penalties; enforcement by code inspectors.

125.60 Adoption of county charter.—Any county not having a chartered form of consolidated government may, pursuant to the provisions of ss. 125.60-125.64, locally initiate and adopt by a majority vote of the qualified electors of the county a county home rule charter.

History.—s. 1, ch. 69-45.

125.61 Charter commission.—

(1) Following the adoption of a resolution by the board of county commissioners or upon the submission of a petition to the county commission signed by at least 15 percent of the qualified electors of the county requesting that a charter commission be established, a charter commission shall be appointed pursuant to subsection (2) within 30 days of the adoption of said resolution or of the filing of said petition.

(2) The charter commission shall be composed of an odd number of not less than 11 or more than 15 members. The members of the commission shall be appointed by the board of county commissioners of said county or, if so directed in the initiative petition, by the legislative delegation. No member of the Legislature or board of county commissioners shall be a member of the charter commission. Vacancies shall be filled within 30 days in the same manner as the original appointments.

History.—s. 2, ch. 69-45; s. 1, ch. 73-290; s. 1, ch. 74-239.

125.62 Charter commission; organization.—

(1) A charter commission appointed pursuant to s. 125.61 shall meet for the purpose of organization within 30 days after the appointments have been made. The charter commission shall elect a chair and vice chair from among its membership. Further meetings of the commission shall be held upon the call of the chair or a majority of the members of the commission. All meetings shall be open to the public. A majority of the members of the charter commission shall constitute a quorum. The commission may adopt such other rules for its operations and proceedings as it deems desirable. Members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(2) Expenses of the charter commission shall be verified by a majority vote of the commission forwarded to the board of county commissioners for payment from the general fund of the county. The charter commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable. The board of county commissioners may accept funds, grants, gifts, and services for the charter commission from the state, the Government of the United States, or other sources, public or private.

History.—s. 3, ch. 69-45; s. 820, ch. 95-147.

125.63 Proposal of county charter.—The charter commission shall conduct a comprehensive study of the operation of county government and of the ways in which the conduct of county government might be improved or reorganized. Within 18 months of its initial meeting, unless such time is extended by appropriate resolution of the board of county commissioners, the charter commission shall present to the board of county commissioners a proposed charter, upon which it shall have held three public hearings at intervals of not less than 10 nor more than 20 days. At the final hearing the charter commission shall incorporate any amendments it deems desirable, vote upon a proposed charter, and forward said charter to the board of county commissioners for the holding of a referendum election as provided in s. 125.64.

History.—s. 3, ch. 69-45; s. 2, ch. 73-290.

125.64 Adoption of charter; dissolution of commission.—

(1) Upon submission to the board of county commissioners of a charter by the charter commission, the board of county commissioners shall call a special election to be held not more than 90 nor less than 45 days subsequent to its receipt of the proposed charter, at which special election a referendum of the qualified electors within the county shall be held to determine whether the proposed charter shall be adopted. Notice of the election on the proposed charter shall be published in a newspaper of general circulation in the county not less than 30 nor more than 45 days before the election.

(2) If a majority of those voting on the question favor the adoption of the new charter, it shall become effective January 1 of the succeeding year or at such other time as the charter shall provide. Such charter, once adopted by the electors, may be amended only by the electors of the county. The charter shall provide a method for submitting future charter revisions and amendments to the electors of the county.

(3) If a majority of the voters disapprove the proposed charter, no new referendum may be held during the next 2 years following the date of such disapproval.

(4) Upon acceptance or rejection of the proposed charter by the qualified electors, the charter commission will be dissolved, and all property of the charter commission will thereupon become the property of the county.

History.—s. 4, ch. 69-45.

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions.—

(1) In exercising the ordinance-making powers conferred by s. 1, Art. VIII of the State Constitution, counties shall adhere to the procedures prescribed herein.

(2)(a) The regular enactment procedure shall be as follows: The board of county commissioners at any regular or special meeting may enact or amend any ordinance, except as provided in subsection (4), if notice of intent to consider such ordinance is given at least 10 days prior to said meeting by publication in a newspaper of general circulation in the county. A copy of such notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(b) Certified copies of ordinances or amendments thereto enacted under this regular enactment procedure shall be filed with the Department of State by the clerk of the board of county commissioners within 10 days after enactment by said board and shall take effect upon filing with the Department of State. However, any ordinance may prescribe a later effective date.

(c) Whenever any ordinance has heretofore been enacted and a separate book of notices of intent was not kept by the clerk of the board of county commissioners, but a copy of the notice of intent was available for public inspection during the regular business hours of the clerk of the board of county commissioners, such ordinance is hereby validated.

(3) The emergency enactment procedure shall be as follows: The board of county commissioners at any regular or special meeting may enact or amend any ordinance with a waiver of the notice requirements of subsection (2) by a four-fifths vote of the membership of such board, declaring that an emergency exists and that the immediate enactment of said ordinance is necessary. However, no emergency ordinance or resolution shall be enacted which establishes or amends the actual zoning map designation of a parcel or parcels of land or changes the actual list of permitted, conditional, or prohibited uses within a zoning category. Emergency enactment procedures for land use plans adopted pursuant to part II of chapter 163 shall be pursuant to that part. Certified copies of ordinances or amendments thereto enacted under this emergency enactment

procedure by a county shall be filed with the Department of State by the clerk of the board of county commissioners as soon after enactment by said board as is practicable. An emergency ordinance enacted under this procedure shall be deemed to be filed and shall take effect when a copy has been accepted by the postal authorities of the Government of the United States for special delivery by certified mail to the Department of State.

(4) Ordinances or resolutions, initiated by other than the county, that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to subsection (2). Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances or resolutions initiated by the county that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

(a) In cases in which the proposed ordinance or resolution changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the board of county commissioners, in addition to following the general notice requirements of subsection (2), shall direct its clerk to notify by mail each real property owner whose land the governmental agency will redesignate by enactment of the ordinance or resolution and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance or resolution as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance or resolution. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of such notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. The board of county commissioners shall hold a public hearing on the proposed ordinance or resolution and may, upon the conclusion of the hearing, immediately adopt the ordinance or resolution.

¹(b) In cases in which the proposed ordinance or resolution changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the board of county commissioners shall provide for public notice and hearings as follows:

1. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. At least one hearing shall be held after 5 p.m. on a weekday, unless the board of county commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

2. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to chapter 50, not one of limited subject matter. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week unless the only newspaper in the community is published less than 5 days a week. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The (name of local governmental unit) proposes to adopt the following by ordinance or resolution: (title of ordinance or resolution).

A public hearing on the ordinance or resolution will be held on (date and time) at (meeting place).

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area within the local government covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the map must be part of the online notice required pursuant to s. 50.0211.

3. In lieu of publishing the advertisements set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution.

(5) Five years after the adoption of any ordinance or resolution adopted after the effective date of this act, no cause of action shall be commenced as to the validity of an ordinance or resolution based on the failure to strictly adhere to the provisions contained in this section. After 5 years, substantial compliance with the provisions contained in this section shall be a defense to an action to invalidate an ordinance or resolution for failure to comply with the provisions contained in this section. Without limitation, the common law doctrines of laches and waiver are valid defenses to any action challenging the validity of an ordinance or resolution based on failure to strictly adhere to the provisions contained in this section. Standing to initiate a challenge to the adoption of an ordinance or resolution based on a failure to strictly adhere to the provisions contained in this section shall be limited to a person who was entitled to actual or constructive notice at the time the ordinance or resolution was adopted. Nothing herein shall be construed to affect the standing requirements under part II of chapter 163.

(6) The notice procedures required by this section are established as minimum notice procedures.

History.—s. 1, ch. 69-32; ss. 10, 35, ch. 69-106; s. 1, ch. 70-422; s. 1, ch. 76-155; s. 1, ch. 77-331; s. 1, ch. 89-267; s. 1, ch. 90-152; s. 1, ch. 95-198; s. 2, ch. 95-310; s. 4, ch. 2012-212.

¹Note.—Section 21, ch. 2012-212, provides that “[e]xcept as otherwise expressly provided in this act, this act shall take effect July 1, 2012, and shall apply to legal notices that must be published on or after that date.”

125.67 Limitation on subject and matter embraced in ordinances; amendments; enacting clause.—Every ordinance shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended section, subsection, or paragraph of a subsection. The enacting clause of every ordinance shall read: “Be It Ordained by the Board of County Commissioners of County:”

History.—s. 2, ch. 69-32.

125.68 Codification of ordinances; exceptions; public record.—

(1)(a) Except as provided in paragraphs (b) and (c), counties shall maintain a current codification of all ordinances. Such codification shall be published annually by the board of county commissioners.

(b) Any comprehensive plan, or amendment to such plan, adopted by ordinance pursuant to s. 163.3184, is exempt from codification and annual publication requirements if the board of county commissioners determines that the text of the comprehensive plan, or an amendment to such plan, or any associated maps, diagrams, or charts cannot be published in a reasonable manner according to the county’s established method of publication. Factors which may be considered in determining reasonableness of publication include the cost of publication, changes that are required in the method of publication, the number of documents in the comprehensive plan or amendment, and how frequently a plan is amended. This paragraph does not prohibit the adoption or incorporation by reference of a comprehensive plan, or amendment to such plan, in order to enact the plan or amendment by ordinance.

(c) The following ordinances are exempt from codification and annual publication requirements:

1. Any development agreement, or amendment to such agreement, adopted by ordinance pursuant to ss. 163.3220-163.3243.

2. Any development order, or amendment to such order, adopted by ordinance pursuant to s. 380.06(15).

(d) Any ordinance that is exempt from codification and annual publication requirements must be recorded in a book kept for that purpose and maintained by the clerk of the board of county commissioners. The existence and location of such records shall be noted in any ordinance that adopts a comprehensive plan, development order, development agreement, or an amendment to any such plan, order, or agreement. The existence and location of such records shall also be noted in any ordinance that establishes procedures or requirements for development orders or development agreements.

(2) All ordinances shall be public records, and copies of such ordinances shall be available to the public. A reasonable charge may be made for the provision of copies, but such charges shall not exceed the actual costs incidental to providing such copies.

History.—s. 3, ch. 69-32; s. 2, ch. 90-152.

125.69 Penalties; enforcement by code inspectors.—

(1) Violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. However, a county may specify, by ordinance, a violation of a county ordinance which is punishable by a fine in an amount exceeding \$500, but not exceeding \$2,000 a day, if the county must have authority to punish a violation of that ordinance by a fine in an amount greater than \$500 in order for the county to carry out a federally mandated program. A county may also specify, by ordinance, that a violation of any provision of a county ordinance imposing standards of conduct and disclosure requirements as provided in s. 112.326 is punishable by a fine not to exceed \$1,000 or a term of imprisonment in the county jail not to exceed 1 year.

(2) Each county is authorized and required to pay any attorney appointed by the court to represent a defendant charged with a criminal violation of a special law or county ordinance not ancillary to a state charge if the defendant is indigent and otherwise entitled to court-appointed counsel under the Constitution of the United States or the Constitution of the State of Florida. In these cases, the court shall appoint counsel to represent the defendant in accordance with s. 27.40, and shall order the county to pay the reasonable attorney's fees, costs, and related expenses of the defense. The county may contract with the public defender or the office of criminal conflict and civil regional counsel for the judicial circuit in which the county is located to serve as court-appointed counsel pursuant to s. 27.54.

(3) If the county is the prevailing party, the county may recover the court fees and costs paid by it and the fees and expenses paid to court-appointed counsel as part of its judgment. The state shall bear no expense of actions brought under this section except those that it would bear in an ordinary civil action between private parties in county court.

(4) The board of county commissioners of each county may designate its agents or employees as code inspectors whose duty it is to assure code compliance. Any person designated as a code inspector may issue citations for violations of county codes and ordinances, respectively, or subsequent amendments thereto, when such code inspector has actual knowledge that a violation has been committed.

(a) Prior to issuing a citation, a code inspector shall provide notice to the violator that the violator has committed a violation of a code or ordinance and shall establish a reasonable time period within which the violator must correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code inspector finds that the violator has not corrected the violation within the time period, a

code inspector may issue a citation to the violator. A code inspector does not have to provide the violator with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code inspector has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

(b) A citation issued by a code inspector shall state the date and time of issuance, name and address of the person in violation, date of the violation, section of the codes or ordinances, or subsequent amendments thereto, violated, name of the code inspector, and date and time when the violator shall appear in county court.

(c) If a repeat violation is found subsequent to the issuance of a citation, the code inspector is not required to give the violator a reasonable time to correct the violation and may immediately issue a citation. For purposes of this subsection, the term "repeat violation" means a violation of a provision of a code or ordinance by a person who has previously been found to have violated the same provision within 5 years prior to the violation, notwithstanding the violations occurred at different locations.

(d) If the owner of property which is subject to an enforcement proceeding before county court transfers ownership of such property between the time the initial citation or citations are issued and the date the violator has been summoned to appear in county court, such owner shall:

1. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
2. Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the county court proceeding received by the transferor.
3. Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the county court proceeding.
4. File a notice with the code enforcement official of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within 5 days after the date of the transfer.

A failure to make the disclosure described in subparagraphs 1., 2., and 3. before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the date the violator has been summoned to appear in county court, the proceeding shall not be dismissed but the new owner will be substituted as the party of record and thereafter provided a reasonable period of time to correct the violation before the continuation of proceedings in county court.

(e) If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, or if after attempts under this section to bring a repeat violation into compliance with a provision of a code or ordinance prove unsuccessful, the local governing body may make all reasonable repairs which are required to bring the property into compliance and charge the owner with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith.

(f) Nothing in this subsection shall be construed to authorize any person designated as a code inspector to perform any function or duties of a law enforcement officer other than as specified in this subsection. A code inspector shall not make physical arrests or take any person into custody and shall be exempt from requirements relating to the Special Risk Class of the Florida Retirement System, bonding, and the Criminal Justice Standards and Training Commission, as defined and provided by general law.

(g) The provisions of this subsection shall not apply to the enforcement pursuant to ss. 553.79 and 553.80 of the Florida Building Code adopted pursuant to s. 553.73 as applied to construction, provided that a building

permit is either not required or has been issued by the county.

(h) The provisions of this subsection may be used by a county in lieu of the provisions of part II of chapter 162.

(i) The provisions of this subsection are additional or supplemental means of enforcing county codes and ordinances. Except as provided in paragraph (h), nothing in this subsection shall prohibit a county from enforcing its codes or ordinances by any other means.

History.—s. 3, ch. 69-234; ss. 1, 2, ch. 70-452; s. 1, ch. 79-379; s. 12, ch. 89-268; s. 1, ch. 90-37; s. 1, ch. 98-287; s. 1, ch. 99-360; s. 113, ch. 2000-141; s. 35, ch. 2001-186; s. 4, ch. 2001-372; s. 80, ch. 2003-402; s. 52, ch. 2004-265; s. 26, ch. 2007-62; s. 1, ch. 2010-112.

PART III COUNTY ADMINISTRATION

125.70 Short title.

125.71 Purpose.

125.72 Application of the part.

125.73 County administrator; appointment, qualifications, compensation.

125.74 County administrator; powers and duties.

125.70 Short title.—This part shall be known and may be cited as the “County Administration Law of 1974.”

History.—s. 1, ch. 74-193.

125.71 Purpose.—It is the legislative intent that it is necessary to authorize a form of county administration that best assures an adequate and efficient provision of services to the citizens in this state, that provides for coordinated administration of county departments to better protect the health, welfare, safety, and quality of life of the residents in each of the more urbanized counties, and that places in the hands of a county administrator the multitude of details which must necessarily arise from the operation of a county as a unit of local government and, thus, enables the board of county commissioners to perform freely, without unnecessary interruption, its fundamental intended purpose of making policies within the framework of law applicable to county government in this state. It is the further legislative intent to provide a formula and structure for the economic and efficient conduct of county affairs by making the county administrator established by this act responsible for handling of all things necessary to accomplish and bring to fruition the policies established by the board of county commissioners.

History.—s. 1, ch. 74-193.

125.72 Application of the part.—The provisions of this part may apply to any county in this state which has not adopted a charter form of county government upon passage of a county ordinance by the governing body of such county expressly adopting this part.

History.—s. 1, ch. 74-193.

125.73 County administrator; appointment, qualifications, compensation.—

(1) Each county to which this part applies shall appoint a county administrator, who shall be the administrative head of the county and shall be responsible for the administration of all departments of the county government which the board of county commissioners has authority to control pursuant to this act, the general laws of Florida, or other applicable legislation.

(2) The county administrator shall be qualified by administrative and executive experience and ability to serve as the chief administrator of the county. He or she shall be appointed by an affirmative vote of not less

than three members of the board of county commissioners and may be removed at any time by an affirmative vote, upon notice, of not less than three members of the board, after a hearing if such be requested by the county administrator. The administrator need not be a resident of the county at the time of appointment, but during his or her tenure in office shall reside within the county.

(3) The compensation of the administrator shall be fixed by the board of county commissioners unless otherwise provided by law.

(4) The office of county administrator shall be deemed vacant if the incumbent moves his or her residence from the county or is, by death, illness, or other casualty, unable to continue in office. A vacancy in the office shall be filled in the same manner as the original appointment. The board of county commissioners may appoint an acting administrator in the case of vacancy or temporary absence or disability until a successor has been appointed and qualified or the administrator returns.

History.—s. 1, ch. 74-193; s. 821, ch. 95-147.

125.74 County administrator; powers and duties.—

(1) The administrator may be responsible for the administration of all departments responsible to the board of county commissioners and for the proper administration of all affairs under the jurisdiction of the board. To that end, the administrator may, by way of enumeration and not by way of limitation, have the following specific powers and duties to:

(a) Administer and carry out the directives and policies of the board of county commissioners and enforce all orders, resolutions, ordinances, and regulations of the board to assure that they are faithfully executed.

(b) Report to the board on action taken pursuant to any directive or policy within the time set by the board and provide an annual report to the board on the state of the county, the work of the previous year, and any recommendations as to actions or programs the administrator deems necessary for the improvement of the county and the welfare of its residents.

(c) Provide the board, or individual members thereof, upon request, with data or information concerning county government and to provide advice and recommendations on county government operations to the board.

(d) Prepare and submit to the board of county commissioners for its consideration and adoption an annual operating budget, a capital budget, and a capital program.

(e) Establish the schedules and procedures to be followed by all county departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process.

(f) Prepare and submit to the board after the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year and submit his or her recommendations.

(g) Supervise the care and custody of all county property.

(h) Recommend to the board a current position classification and pay plan for all positions in county service.

(i) Develop, install, and maintain centralized budgeting, personnel, legal, and purchasing procedures.

(j) Organize the work of county departments, subject to an administrative code developed by the administrator and adopted by the board, and review the departments, administration, and operation of the county and make recommendations pertaining thereto for reorganization by the board.

(k) Select, employ, and supervise all personnel and fill all vacancies, positions, or employment under the jurisdiction of the board. However, the employment of all department heads shall require confirmation by the board of county commissioners.

(l) Suspend, discharge, or remove any employee under the jurisdiction of the board pursuant to procedures adopted by the board.

(m) Negotiate leases, contracts, and other agreements, including consultant services, for the county,

subject to approval of the board, and make recommendations concerning the nature and location of county improvements.

(n) See that all terms and conditions in all leases, contracts, and agreements are performed and notify the board of any noted violation thereof.

(o) Order, upon advising the board, any agency under the administrator's jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the county government to do so.

(p) Attend all meetings of the board with authority to participate in the discussion of any matter.

(q) Perform such other duties as may be required by the board of county commissioners.

(2) It is the intent of the Legislature to grant to the county administrator only those powers and duties which are administrative or ministerial in nature and not to delegate any governmental power imbued in the board of county commissioners as the governing body of the county pursuant to s. 1(e), Art. VIII of the State Constitution. To that end, the above specifically enumerated powers are to be construed as administrative in nature, and in any exercise of governmental power the administrator shall only be performing the duty of advising the board of county commissioners in its role as the policy-setting governing body of the county.

History.—s. 1, ch. 74-193; s. 822, ch. 95-147.

PART IV OPTIONAL COUNTY CHARTERS

125.80 Short title.

125.81 Definitions.

125.82 Charter adoption by ordinance.

125.83 County charters; general provisions.

125.84 County charters; optional forms.

125.85 County charters; executive responsibilities.

125.86 County charters; legislative responsibilities.

125.87 Administrative code; adoption and amendment.

125.88 Civil service.

125.80 Short title.—This part shall be known and may be cited as the “Optional County Charter Law.”
History.—s. 2, ch. 74-193.

125.81 Definitions.—As used in this part, the following words and terms shall have the meanings ascribed to them in this section except when the context clearly indicates otherwise:

(1) “County charter” means the charter by which county government in this state may exercise all powers of local self-government not inconsistent with general law and as adopted by a vote of the electors of the county.

(2) “Form of county government” is that form adopted by the electors providing for the operation of a county government operating under a charter which shall be provided in the charter.

(3) “Officer” means all officials of county government operating under a charter which shall be provided in the charter.

History.—s. 2, ch. 74-193.

125.82 Charter adoption by ordinance.—

(1) As a supplemental and alternative way to the provisions of ss. 125.60-125.64, inclusive, the board of county commissioners may propose by ordinance a charter consistent with the provisions of this part and provide for a special election pursuant to the procedures established in s. 101.161(1) with notice published as

provided in s. 100.342. The time period provided in s. 125.64 does not apply to the proposal of a charter by ordinance under this section.

(2) Any charter proposed under this section which was adopted by vote of the electors at an election conducted and noticed in conformance with the requirements of ss. 100.342 and 101.161(1) is hereby ratified.

History.—s. 2, ch. 74-193; ss. 1, 2, ch. 88-38.

125.83 County charters; general provisions.—

(1) A county charter may prescribe one of the optional forms of government herein authorized, and shall clearly define the responsibility for legislative and executive functions in accordance with the provisions of this chapter.

(2) The county charter shall require all elective offices to be filled only by qualified voters of the county. All appointed offices may be filled by nonresidents of the county; however, the charter may require that, upon appointment, such officers shall reside in the county during their tenure in office.

(3) The county charter shall define “vacancy in office” and provide methods for filling such vacancy.

(4) The county charter shall provide that the salaries of all county officers shall be provided by ordinance and shall not be lowered during an officer’s term in office.

(5) The county charter shall provide a schedule for the transfer of governmental functions into the charter form of government as adopted.

History.—s. 2, ch. 74-193.

125.84 County charters; optional forms.—Any county desiring to adopt a county charter shall provide for one of the following optional forms of government:

(1) **COUNTY EXECUTIVE FORM.**—The county executive form shall provide for governance by an elected board of commissioners and an elected county executive and such other officers as may be duly elected or appointed pursuant to the charter. The elected county executive shall exercise the executive responsibilities assigned by the charter and shall, in addition, approve each ordinance by signing it or allowing it to become approved without signature by failing to veto it or may veto any ordinance by returning it to the clerk of the board within 10 days of passage with a written statement of his or her objections. If two-thirds of the members of the board present and voting and constituting a quorum shall, upon reconsideration, vote for the ordinance, the executive’s veto shall be overridden and the ordinance shall become law in 10 days or at such other time as may be provided in the ordinance or by resolution of the board, without the executive’s signature.

(2) **COUNTY MANAGER FORM.**—The county manager form shall provide for governance by an elected board of commissioners and an appointed county manager and such other officers as may be duly elected or appointed pursuant to the charter. The county manager shall be appointed by, and serve at the pleasure of, the board and shall exercise the executive responsibilities assigned by the charter.

(3) **COUNTY CHAIR-ADMINISTRATOR PLAN.**—The county chair-administrator plan shall provide for governance by an elected board of commissioners, presided over by an elected chair who shall vote only in case of tie, and an appointed county administrator and such other officers as may be duly elected or appointed pursuant to the charter. The county administrator shall be appointed by, and serve at the pleasure of, the chair. The chair shall exercise, in conjunction with the administrator, the executive responsibilities assigned by the charter.

History.—s. 2, ch. 74-193; s. 823, ch. 95-147.

125.85 County charters; executive responsibilities.—The executive responsibilities and power of the county shall be assigned to, and vested in, the appropriate executive officer, pursuant to the optional form

adopted under s. 125.83, and shall consist of the following powers and duties:

- (1) Report annually, or more often if necessary, to the board of commissioners and to the citizens on the state of the county, the work of the previous year, recommendations for action or programs for improvement of the county, and the welfare of its residents;
- (2) Prepare and submit to the board for its consideration and adoption an annual operating budget, a capital budget, and a capital program; establish the schedules and procedures to be followed by all county departments, offices, and agencies in connection therewith; and supervise and administer all phases of the budgetary process;
- (3) Administer and carry out the directives and policies of the board of county commissioners and enforce all orders, resolutions, ordinances, and regulations of the board, the county charter, and all applicable general law, to assure that they are faithfully executed;
- (4) Supervise the care and custody of all county property, institutions, and agencies;
- (5) Supervise the collection of revenues, audit and control all disbursements and expenditures, and prepare a complete account of all expenditures;
- (6) Review, analyze, and forecast trends of county services and finances and programs of all boards, commissions, agencies, and other county bodies and report and recommend thereon to the board;
- (7) Develop, install, and maintain centralized budgeting, personnel, legal, and purchasing procedures as may be authorized by the administrative code;
- (8) Negotiate contracts, bonds, or other instruments for the county, subject to board approval; make recommendations concerning the nature and location of county improvements; and execute services determined by the board;
- (9) Assure that all terms and conditions imposed in favor of the county or its inhabitants in any statute, franchise, or other contract are faithfully kept and performed;
- (10) Supervise, direct, and control all county administrative departments;
- (11) Appoint, with the advice and consent of the board, all appointed departmental heads, who shall serve at his or her pleasure, and employ, pursuant to appropriation and the administrative code, such personnel as necessary to administer county functions and services;
- (12) Order, at his or her discretion, any agency under his or her jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the county government to do so; and
- (13) Any other power or duty which may be assigned by county charter or by ordinance or resolution of the board.

History.—s. 2, ch. 74-193; s. 1, ch. 77-174; s. 824, ch. 95-147.

125.86 County charters; legislative responsibilities.—The legislative responsibilities and power of the county shall be assigned to, and vested in, the board of county commissioners and shall consist of the following powers and duties:

- (1) Advise and consent to all appointments by the executive for which board confirmation is specified;
- (2) Adopt or enact, in accordance with the procedures provided by general law, ordinances and resolutions it deems necessary and proper for the good governance of the county;
- (3) Appoint a clerk to the board who shall serve at its pleasure and keep the records and minutes of the board;
- (4) Approve the annual operating and capital budgets and any long-term capital or financial program;
- (5) Conduct continuing studies in the operation of county programs and services and take action on programs for improvement of the county and the welfare of its residents;
- (6) Adopt, and amend as necessary, a county administrative code to govern the operation of the county;

(7) Adopt, pursuant to the provisions of the charter, such ordinances of countywide force and effect as are necessary for the health, safety, and welfare of the residents. It is the specific legislative intent to recognize that a county charter may properly determine that certain governmental areas are more conducive to uniform countywide enforcement and may provide the county government powers in relation to those areas as recognized and as may be amended from time to time by the people of that county; and

(8) All other powers of local self-government not inconsistent with general law as recognized by the Constitution and laws of the state and which have not been limited by the county charter.

History.—s. 2, ch. 74-193.

125.87 Administrative code; adoption and amendment.—

(1) Following the organization of the first board of county commissioners elected pursuant to a charter, the board of commissioners shall adopt an administrative code organizing the administration of the county government and setting forth the duties and responsibilities and powers of all county officials and agencies pursuant to the provisions of the charter.

(2) The administrative code shall be effective upon adoption or as otherwise provided therein, and all existing agencies shall assume the form, perform the duties, and exercise the power granted them under the administrative code and shall do so in the manner prescribed.

History.—s. 2, ch. 74-193.

125.88 Civil service.—

(1) Upon adoption of an administrative code and also upon the adoption of a charter, all officers and employees in the classified service of the county shall be transferred to the department, division, or agency to which the functions, powers, and duties in which they were engaged are allocated under the administrative code. Such transfer shall be without examination or diminution of existing compensation, pension or retirement rights, privileges, or obligations of any such officer or employee existing immediately prior to the referendum at which the charter was adopted. It is the intent of the Legislature that the adoption of any plan required by the charter shall not adversely affect the civil service tenure, pension, seniority, or promotional rights of any county officer or employee in the classified service.

(2) The board of county commissioners of any county adopting a charter may, by ordinance, administer the merit system through a county department of civil service unless otherwise provided by the charter. Such administration shall include classification, recruitment, examination, establishment of eligibility lists, grievances, compensation, and other conditions of employment pursuant to law.

History.—s. 2, ch. 74-193.

**PART V
CHILDREN'S SERVICES**

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.

125.902 Children's services council or juvenile welfare board incentive grants.

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.403(3) and 200.001(8)(e), to provide funding for children's services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any

district created pursuant to the provisions of this subsection shall be required to levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district shall not be required to seek approval of the electorate in future years to levy the previously approved millage.

(a) The governing board of the district shall be a council on children's services, which may also be known as a juvenile welfare board or similar name as established in the ordinance by the county governing body. Such council shall consist of 10 members, including: the superintendent of schools; a local school board member; the district administrator from the appropriate district of the Department of Children and Family Services, or his or her designee who is a member of the Senior Management Service or of the Selected Exempt Service; one member of the county governing body; and the judge assigned to juvenile cases who shall sit as a voting member of the board, except that said judge shall not vote or participate in the setting of ad valorem taxes under this section. If there is more than one judge assigned to juvenile cases in a county, the chief judge shall designate one of said juvenile judges to serve on the board. The remaining five members shall be appointed by the Governor, and shall, to the extent possible, represent the demographic diversity of the population of the county. After soliciting recommendations from the public, the county governing body shall submit to the Governor the names of at least three persons for each vacancy occurring among the five members appointed by the Governor, and the Governor shall appoint members to the council from the candidates nominated by the county governing body. The Governor shall make a selection within a 45-day period or request a new list of candidates. All members appointed by the Governor shall have been residents of the county for the previous 24-month period. Such members shall be appointed for 4-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms. The Governor may remove a member for cause or upon the written petition of the county governing body. If any of the members of the council required to be appointed by the Governor under the provisions of this subsection shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, using the same method as the original appointment, and such appointment to fill a vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.

(b) However, any county as defined in s. 125.011(1) may instead have a governing board consisting of 33 members, including: the superintendent of schools; two representatives of public postsecondary education institutions located in the county; the county manager or the equivalent county officer; the district administrator from the appropriate district of the Department of Children and Family Services, or the administrator's designee who is a member of the Senior Management Service or the Selected Exempt Service; the director of the county health department or the director's designee; the state attorney for the county or the state attorney's designee; the chief judge assigned to juvenile cases, or another juvenile judge who is the chief judge's designee and who shall sit as a voting member of the board, except that the judge may not vote or participate in setting ad valorem taxes under this section; an individual who is selected by the board of the local United Way or its equivalent; a member of a locally recognized faith-based coalition, selected by that coalition; a member of the local chamber of commerce, selected by that chamber or, if more than one chamber exists within the county, a person selected by a coalition of the local chambers; a member of the early learning coalition, selected by that coalition; a representative of a labor organization or union active in the county; a member of a local alliance or coalition engaged in cross-system planning for health and social service delivery in the county, selected by that alliance or coalition; a member of the local Parent-Teachers Association/Parent-Teacher-Student Association, selected by that association; a youth representative selected by the local school system's student government; a local school board member appointed by the chair of the school board; the mayor of the county or the mayor's designee; one member of the county governing body, appointed by the chair of that body; a member of the state Legislature who represents residents of the

county, selected by the chair of the local legislative delegation; an elected official representing the residents of a municipality in the county, selected by the county municipal league; and 4 members-at-large, appointed to the council by the majority of sitting council members. The remaining 7 members shall be appointed by the Governor in accordance with procedures set forth in paragraph (a), except that the Governor may remove a member for cause or upon the written petition of the council. Appointments by the Governor must, to the extent reasonably possible, represent the geographic and demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining appointed members of the governing board shall be appointed to serve 2-year terms, except that those members appointed by the Governor shall be appointed to serve 4-year terms, and the youth representative and the legislative delegate shall be appointed to serve 1-year terms. A member may be reappointed; however, a member may not serve for more than three consecutive terms. A member is eligible to be appointed again after a 2-year hiatus from the council.

(c) This subsection does not prohibit a county from exercising such power as is provided by general or special law to provide children's services or to create a special district to provide such services.

(2)(a) Each council on children's services shall have all of the following powers and functions:

1. To provide and maintain in the county such preventive, developmental, treatment, and rehabilitative services for children as the council determines are needed for the general welfare of the county.

2. To provide such other services for all children as the council determines are needed for the general welfare of the county.

3. To allocate and provide funds for other agencies in the county which are operated for the benefit of children, provided they are not under the exclusive jurisdiction of the public school system.

4. To collect information and statistical data and to conduct research which will be helpful to the council and the county in deciding the needs of children in the county.

5. To consult and coordinate with other agencies dedicated to the welfare of children to the end that the overlapping of services will be prevented.

6. To lease or buy such real estate, equipment, and personal property and to construct such buildings as are needed to execute the foregoing powers and functions, provided that no such purchases shall be made or building done unless paid for with cash on hand or secured by funds deposited in financial institutions. Nothing in this subparagraph shall be construed to authorize a district to issue bonds of any nature, nor shall a district have the power to require the imposition of any bond by the governing body of the county.

7. To employ, pay, and provide benefits for any part-time or full-time personnel needed to execute the foregoing powers and functions.

(b) Each council on children's services shall:

1. Immediately after the members are appointed, elect a chair and a vice chair from among its members, and elect other officers as deemed necessary by the council.

2. Immediately after the members are appointed and officers are elected, identify and assess the needs of the children in the county served by the council and submit to the governing body of each county a written description of:

a. The activities, services, and opportunities that will be provided to children.

b. The anticipated schedule for providing those activities, services, and opportunities.

c. The manner in which children will be served, including a description of arrangements and agreements which will be made with community organizations, state and local educational agencies, federal agencies, public assistance agencies, the juvenile courts, foster care agencies, and other applicable public and private agencies and organizations.

- d. The special outreach efforts that will be undertaken to provide services to at-risk, abused, or neglected children.
 - e. The manner in which the council will seek and provide funding for unmet needs.
 - f. The strategy which will be used for interagency coordination to maximize existing human and fiscal resources.
3. Provide training and orientation to all new members sufficient to allow them to perform their duties.
 4. Make and adopt bylaws and rules and regulations for the council's guidance, operation, governance, and maintenance, provided such rules and regulations are not inconsistent with federal or state laws or county ordinances.
 5. Provide an annual written report, to be presented no later than January 1, to the governing body of the county. The annual report shall contain, but not be limited to, the following information:
 - a. Information on the effectiveness of activities, services, and programs offered by the council, including cost-effectiveness.
 - b. A detailed anticipated budget for continuation of activities, services, and programs offered by the council, and a list of all sources of requested funding, both public and private.
 - c. Procedures used for early identification of at-risk children who need additional or continued services and methods for ensuring that the additional or continued services are received.
 - d. A description of the degree to which the council's objectives and activities are consistent with the goals of this section.
 - e. Detailed information on the various programs, services, and activities available to participants and the degree to which the programs, services, and activities have been successfully used by children.
 - f. Information on programs, services, and activities that should be eliminated; programs, services, and activities that should be continued; and programs, services, and activities that should be added to the basic format of the children's services council.
- (c) The council shall maintain minutes of each meeting, including a record of all votes cast, and shall make such minutes available to any interested person.
- (d) Members of the council shall serve without compensation, but shall be entitled to receive reimbursement for per diem and travel expenses consistent with the provisions of s. 112.061.
- (3)(a) The fiscal year of the district shall be the same as that of the county.
- (b) On or before July 1 of each year, the council on children's services shall prepare a tentative annual written budget of the district's expected income and expenditures, including a contingency fund. The council shall, in addition, compute a proposed millage rate within the voter-approved cap necessary to fund the tentative budget and, prior to adopting a final budget, comply with the provisions of s. 200.065, relating to the method of fixing millage, and shall fix the final millage rate by resolution of the council. The adopted budget and final millage rate shall be certified and delivered to the governing body of the county as soon as possible following the council's adoption of the final budget and millage rate pursuant to chapter 200. Included in each certified budget shall be the millage rate, adopted by resolution of the council, necessary to be applied to raise the funds budgeted for district operations and expenditures. In no circumstances, however, shall any district levy millage to exceed a maximum of 0.5 mills of assessed valuation of all properties within the county which are subject to ad valorem county taxes.
- (c) The budget of the district so certified and delivered to the governing body of the county shall not be subject to change or modification by the governing body of the county or any other authority.
- (d) All tax money collected under this section, as soon after the collection thereof as is reasonably practicable, shall be paid directly to the council on children's services by the tax collector of the county, or the clerk of the circuit court if the clerk collects delinquent taxes.

(e)1. All moneys received by the council on children’s services shall be deposited in qualified public depositories, as defined in s. 280.02, with separate and distinguishable accounts established specifically for the council and shall be withdrawn only by checks signed by the chair of the council and countersigned by either one other member of the council on children’s services or by a chief executive officer who shall be so authorized by the council.

2. Upon entering the duties of office, the chair and the other member of the council or chief executive officer who signs its checks shall each give a surety bond in the sum of at least \$1,000 for each \$1 million or portion thereof of the council’s annual budget, which bond shall be conditioned that each shall faithfully discharge the duties of his or her office. The premium on such bond may be paid by the district as part of the expense of the council. No other member of the council shall be required to give bond or other security.

3. No funds of the district shall be expended except by check as aforesaid, except expenditures from a petty cash account which shall not at any time exceed \$100. All expenditures from petty cash shall be recorded on the books and records of the council on children’s services. No funds of the council on children’s services, excepting expenditures from petty cash, shall be expended without prior approval of the council, in addition to the budgeting thereof.

(f) Within 10 days, exclusive of weekends and legal holidays, after the expiration of each quarter annual period, the council on children’s services shall cause to be prepared and filed with the governing body of the county a financial report which shall include the following:

- 1. The total expenditures of the council for the quarter annual period.
- 2. The total receipts of the council during the quarter annual period.
- 3. A statement of the funds the council has on hand, has invested, or has deposited with qualified public depositories at the end of the quarter annual period.
- 4. The total administrative costs of the council for the quarter annual period.

(4)(a) Any district created pursuant to this section may be dissolved by a special act of the Legislature, or the county governing body may by ordinance dissolve the district subject to the approval of the electorate.

(b)1.a. Notwithstanding paragraph (a), the governing body of the county shall submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate in the general election according to the following schedule:

(I) For a district in existence on July 1, 2010, and serving a county with a population of 400,000 or fewer persons as of that date. 2014.

(II) For a district in existence on July 1, 2010, and serving a county with a population of more than 400,000 but fewer than 2 million persons as of that date. 2016.

(III) For a district in existence on July 1, 2010, and serving a county with a population of 2 million or more persons as of that date. 2020.

b. A referendum by the electorate on or after July 1, 2010, creating a new district with taxing authority may specify that the district is not subject to reauthorization or may specify the number of years for which the initial authorization shall remain effective. If the referendum does not prescribe terms of reauthorization, the governing body of the county shall submit the question of retention or dissolution of the district to the electorate in the general election 12 years after the initial authorization.

2. The governing board of the district may specify, and submit to the governing body of the county no later than 9 months before the scheduled election, that the district is not subsequently subject to reauthorization or may specify the number of years for which a reauthorization under this paragraph shall remain effective. If the governing board of the district makes such specification and submission, the governing body of the county shall include that information in the question submitted to the electorate. If the

governing board of the district does not specify and submit such information, the governing body of the county shall resubmit the question of reauthorization to the electorate every 12 years after the year prescribed in subparagraph 1. The governing board of the district may recommend to the governing body of the county language for the question submitted to the electorate.

3. Nothing in this paragraph limits the authority to dissolve a district as provided under paragraph (a).

4. Nothing in this paragraph precludes the governing board of a district from requesting that the governing body of the county submit the question of retention or dissolution of a district with voter-approved taxing authority to the electorate at a date earlier than the year prescribed in subparagraph 1. If the governing body of the county accepts the request and submits the question to the electorate, the governing body satisfies the requirement of that subparagraph.

If any district is dissolved pursuant to this subsection, each county must first obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the district within the total millage available to the county governing body for all county and municipal purposes as provided for under s. 9, Art. VII of the State Constitution. Any district may also be dissolved pursuant to s. 189.4042.

(5) After or during the first year of operation of the council on children's services, the governing body of the county, at its option, may fund in whole or in part the budget of the council on children's services from its own funds.

(6) Any district created pursuant to the provisions of this section shall comply with all other statutory requirements of general application which relate to the filing of any financial reports or compliance reports required under part III of chapter 218, or any other report or documentation required by law, including the requirements of ss. 189.415, 189.417, and 189.418.

(7)(a) Each county may by ordinance create a dependent special district within the boundaries of the county for the purpose of providing preventive, developmental, treatment, and rehabilitative services for children. The district is authorized to seek grants from state, federal, and local agencies and to accept donations from public and private sources, provided that the district complies with the provisions of paragraphs (1)(a) and (2)(b), and provided that the district has a budget that requires approval through an affirmative vote of the governing body of the county or may be vetoed by the governing body of the county.

(b) If the provisions of a county charter relating to the membership of the governing board of a dependent special district conflict with paragraph (1)(a), a county may by ordinance create a dependent special district within the boundaries of the county for the purpose of providing preventive, developmental, treatment, and rehabilitative services for children and the district shall be authorized to seek grants from state, federal, and local agencies and to accept donations from public and private sources, provided that the district complies with the provisions of paragraph (2)(b), and provided that the district has a budget that requires approval through an affirmative vote of the governing body of the county or may be vetoed by the governing body of the county.

(8) It is the intent of the Legislature that the funds collected pursuant to the provisions of this section shall be used to support improvements in children's services and that such funds shall not be used as a substitute for existing resources or for resources that would otherwise be available for children's services.

(9) Two or more councils on children's services may enter into a cooperative agreement to share administrative costs, including, but not limited to, staff and office space, if a more efficient or effective operation will result. The cooperative agreement shall include provisions on apportioning costs between the councils, keeping separate and distinct financial records for each council, and resolving any conflicts that might arise under the cooperative agreement.

(10) Two or more councils on children's services may enter into a cooperative agreement to seek grants, to accept donations, or to jointly fund programs serving multicounty areas. The cooperative agreement shall

include provisions for the adequate accounting of separate and joint funds.

(11) Personal identifying information of a child or the parent or guardian of the child, held by a council on children's services, juvenile welfare board, or other similar entity created under this section or by special law, or held by a service provider or researcher under contract with such entity, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such information held before, on, or after the effective date of this exemption.

History.—ss. 1, 2, 3, 4, 5, ch. 86-197; s. 26, ch. 89-379; s. 30, ch. 90-288; s. 825, ch. 95-147; s. 2, ch. 97-255; s. 12, ch. 99-8; s. 141, ch. 2001-266; s. 1, ch. 2002-238; s. 1, ch. 2004-86; s. 5, ch. 2004-484; s. 24, ch. 2008-4; s. 1, ch. 2009-151; s. 33, ch. 2010-210.

125.902 Children's services council or juvenile welfare board incentive grants.—

(1) Subject to specific appropriations, it is the intent of the Legislature to provide incentives to encourage children's services councils or juvenile welfare boards to provide support to local child welfare programs related to implementation of community-based care.

(a) A children's services council or juvenile welfare board, as authorized in s. 125.901, may submit a request for funding or continued funding to the Department of Children and Family Services to support programs funded by the council or board for local child welfare services related to implementation of community-based care.

(b) The Department of Children and Family Services shall establish grant application procedures.

(2) The Department of Children and Family Services shall make award determinations no later than October 1 of each year. All applicants shall be notified by the department of its final action.

(3) Each council or board that is awarded a grant as provided for in this section shall submit performance and output information as determined by the Department of Children and Family Services.

History.—s. 75, ch. 2000-139; s. 40, ch. 2012-116.

PART VI VOLUNTEERS

125.9501 Definitions.

125.9502 Scope of ss. 125.9501-125.9506; status of volunteers.

125.9503 Responsibilities of units of county government and constitutional county officers.

125.9504 Volunteer benefits.

125.9506 Construction.

125.9501 Definitions.—As used in ss. 125.9501-125.9506:

(1) "Volunteer" means a person who, of his or her own free will, provides goods or services to any unit of county government or to any constitutional county officer without receiving monetary or material compensation.

(2) "Regular-service volunteer" means a person engaged in specific voluntary service activities on an ongoing or continual basis.

(3) "Occasional-service volunteer" means a person who offers to provide a one-time or occasional voluntary service.

(4) "Material donor" means a person who provides funds, materials, employment, or opportunities for clients of county government without receiving monetary or material compensation.

History.—s. 1, ch. 88-66; s. 826, ch. 95-147.

125.9502 Scope of ss. 125.9501-125.9506; status of volunteers.—

(1) Each unit of county government and each constitutional county officer may recruit and accept, without

regard to requirements of any civil service system, the services of volunteers, including regular-service volunteers, occasional-service volunteers, or material donors, to assist in programs administered by that unit of county government or constitutional county officer.

(2) Volunteers who are recruited, trained, or accepted by a unit of county government or constitutional county officer are not subject to any provisions of state law relating to public employment, to any collective bargaining agreement between the unit of county government or constitutional county officer and an employees' association or union or to any laws relating to hours of work, rates of compensation, leave time, or employee benefits, except as provided under s. 125.9504. However, all volunteers must comply with applicable rules of the unit of county government or county constitutional officer.

(3) Each unit of county government or county constitutional officer who uses the services of volunteers may provide such incidental reimbursement generally consistent with the provisions of s. 125.9504, including, but not limited to, transportation costs, lodging, and subsistence, as the unit of county government or constitutional county officer deems necessary to assist volunteers in performing their functions.

(4) Persons working with a unit of county government or a constitutional county officer pursuant to ss. 125.9501-125.9506 are considered unpaid independent volunteers and are not entitled to reemployment assistance.

History.—s. 2, ch. 88-66; s. 44, ch. 2012-30.

125.9503 Responsibilities of units of county government and constitutional county officers.—Each unit of county government and each constitutional county officer who uses the services of volunteers must:

(1) Take such actions as are necessary and appropriate to develop meaningful opportunities for volunteers involved in locally administered programs.

(2) Adopt rules governing the recruitment, screening, training, responsibility, use, and supervision of volunteers.

(3) Take such actions as are necessary to ensure that volunteers understand their duties and responsibilities.

(4) Take such actions as are necessary and appropriate to ensure a receptive climate for volunteers.

(5) Provide for the recognition of volunteers who have offered continuous and outstanding service to administered programs.

History.—s. 3, ch. 88-66.

125.9504 Volunteer benefits.—

(1) Meals may be furnished without charge to a regular-service volunteer serving a unit of county government or constitutional county officer if the volunteer's scheduled service extends over an established meal period, and to an occasional-service volunteer at the discretion of the head of the unit of county government or constitutional county officer.

(2) Lodging, if available, may be furnished temporarily, in case of an emergency, at no charge to a regular-service volunteer.

(3) Transportation reimbursement may be furnished to a volunteer whose presence is determined to be necessary by the unit of county government or constitutional county officer. Volunteers may use county vehicles in the performance of their county duties.

(4) Volunteers are covered by workers' compensation in accordance with chapter 440, and ss. 125.9501-125.9506 do not limit any workers' compensation rights or benefits.

(5) Volunteers may be furnished such other benefits, subsistence, or reimbursement of expenses as the unit of county government or constitutional county officer considers appropriate and necessary to further ss. 125.9501-125.9506.

History.—s. 4, ch. 88-66.

125.9506 Construction.—Nothing in ss. 125.9501-125.9506 shall operate or be construed to limit any rights or benefits to which a volunteer would otherwise be entitled under state or federal law.

History.—s. 6, ch. 88-66.

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SECTION 1. HOME RULE CHARTER

The proposed Home Rule Charter of Leon County, Florida, shall read as follows:

PREAMBLE

We, the citizens of Leon County, Florida, united in the belief that governmental decisions affecting local interests should be made locally, rather than by the State, and that County government should be reflective of the people of the County and should serve them in achieving a more responsive and efficient form of government and in order to empower the people of this County to make changes in their own government, do ordain and establish this Home Rule Charter for Leon County, Florida.

ARTICLE I. CREATION, POWERS AND ORDINANCES OF HOME RULE CHARTER GOVERNMENT**Sec. 1.1. Creation and general powers of Home Rule Charter government.**

The County shall have all powers of self-government not inconsistent with general law, with special law approved by vote of the electors, or with this Charter. The County shall have all county and municipal powers of self-government granted now or in the future by the Constitution and laws of the State of Florida.

Sec. 1.2. Body corporate, name and boundaries.

Leon County shall be a body corporate and politic. The corporate name shall be Leon County, Florida. The County seat and boundaries shall be those designated by law on the effective date of this Home Rule Charter.

Sec. 1.3. Construction.

The powers granted by this Home Rule Charter shall be construed broadly in favor of the charter government. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific power of the government as stated in this article. It is the intent of this article to grant to the charter government full power and

authority to exercise all governmental powers necessary for the effective operation and conduct of the affairs of the charter government.

Sec. 1.4. County purposes.

The County, operating under this Charter, shall have all special powers and duties which are not inconsistent with this Charter, heretofore granted by law to the Board of County Commissioners, and shall have such additional county and municipal powers as may be required to fulfill the intent of this Charter.

Sec. 1.5. Municipal purposes.

The County shall have all necessary municipal powers to accomplish municipal purposes within the County.

In the event the board of county commissioners levies the municipal public services tax on utilities, any additional recurring or non-recurring fee or charge imposed on a utility relating to the use or occupation of the public rights-of-way shall not exceed what is reasonably necessary to properly monitor and enforce compliance with the county's rules and regulations concerning placement and maintenance of utility facilities in the public rights-of-way.

Sec. 1.6. Relation to municipal ordinances.

(1) Except as otherwise provided by law or this Charter, municipal ordinances shall prevail over County ordinances to the extent of any conflict within the boundaries of the municipality. To the extent that a county ordinance and a municipal ordinance shall cover the same subject without conflict, then both the municipal ordinance and the county ordinance shall be effective, each being deemed supplemental to the other.

(2) *Minimum Environmental Regulations.* County ordinances shall establish minimum standards, procedures, requirements and regulations for the protection of the environment and shall be effective within the unincorporated and incorporated areas of the County. Such standards, procedures, requirements and regulations shall include, but shall not be limited to, tree protection, landscaping, aquifer protection, stormwater, pro-

tection of conservation and preservation features, and such other environmental standards as the Board of County Commissioners determines to be necessary for the protection of the public health, safety, and welfare of the citizens throughout Leon County. Standards shall be designed to place emphasis on supporting healthy natural systems occurring in the environment. However, nothing contained herein shall prohibit a municipality from adopting ordinances, standards, procedures, requirements or regulations establishing a more stringent level of environmental protection within the incorporated area of the County. (Ord. No. 2010-22, § 1, 8-17-10)

Sec. 1.7. Transfer of power.

Whenever a municipality, special district or agency shall request by a majority vote of the governing body the performance or transfer of a function to the County, the County is so authorized by a majority vote of the Board of County Commissioners to have the power and authority to assume and perform such functions and obligations. This section does not authorize a transfer in violation of Article VIII, § 4 of the Constitution of Florida.

Sec. 1.8. Division of powers.

This Charter establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners and the execution of that policy shall be the responsibility of the County Administrator.

Sec. 1.9. Relation to state law.

Special laws of the state legislature relating to or affecting Leon County and general laws of local application which apply only to Leon County, except those laws relating exclusively to a municipality, the school board, or a special district, shall be subject to approval by local referendum to the extent that they are not in conflict with this Charter. All special laws so approved shall become ordinances, and may be subject to amendment or repeal by the Board of County Commissioners.

ARTICLE II. ORGANIZATION OF COUNTY GOVERNMENT

Sec. 2.1. Elected Commission and appointed County Administrator form of government.

Leon County shall operate under an elected County Commission and an appointed County Administrator form of government with separation of legislative and executive functions in accordance with the provisions of this Home Rule Charter. The legislative responsibilities and powers of the County shall be assigned to, and vested in, the Board of County Commissioners. The executive responsibilities and power of the County shall be assigned to, and vested in, the County Administrator, who shall carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances and regulations of the Board, the Charter and all applicable general law to assure that they be faithfully executed.

Sec. 2.2. Legislative branch.

(1) *The County Commission.* The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms of four (4) years. There shall be one (1) Commissioner elected for each of the five (5) County Commission districts, established pursuant to general law or by ordinance, and they shall be elected by the electors of that district. There shall be two (2) At-large Commissioners elected on a countywide basis by the electors of the County. Elections for all seven (7) members of the County Commission shall be non-partisan. Each candidate for the office of district County Commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for that office, and during the term of office each Commissioner shall reside in the district from which such Commissioner ran for office, provided that any Commissioner whose residence is removed from a district by redistricting may continue to serve during the balance of the term of office.

(2) *Redistricting.* Redistricting of County Commission district boundaries shall be in accordance with general law, changed only after notice and a public hearing as provided by general law.

(3) *Salaries and Other Compensation.* Salaries and other compensation of the County Commissioners shall be established by ordinance, and salary shall not be lowered during an officer's term in office.

(4) *Authority.* The Board of County Commissioners shall exercise all legislative authority provided by this Home Rule Charter in addition to all other powers and duties authorized by general law or special law approved by a vote of the electorate.

(5) *Vacancies.* A vacancy in the office of County Commissioner shall be defined and filled as provided by general law.

(6) *Administrative Code.* The County Commission shall adopt an administrative code in accordance with general law.

(7) *Limitation on Campaign Contributions.* No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of \$250 per election.

(Ord. No. 2010-21, § 1, 8-17-10)

Sec. 2.3. Executive branch.

(1) The County Administrator.

(A) The County Administrator shall be appointed by an affirmative vote of a majority plus one (1) of the entire membership of the Board of County Commissioners. The County Administrator shall serve at the pleasure of the Board of County Commissioners until such time as the County Administrator shall be removed by a vote for removal of a majority plus one (1) of the entire membership of the Board of County Commissioners voting during the first regularly scheduled meeting occurring after a meeting of the Board at which a motion expressing the intent of the Board to remove the County Administrator was adopted by majority vote of those

present and voting. The County Administrator shall be the chief executive officer of the County and all executive responsibilities and powers shall be assigned to, and vested in, the County Administrator. The County Administrator shall exercise all executive authority provided by this Home Rule Charter and all other powers and duties authorized by general or special law.

(B) The County Administrator shall be chosen on the basis of his/her professional qualifications, administrative and executive experience, and ability to serve as the chief administrator of the County. The County Administrator shall reside within the County during his/her tenure as County Administrator.

(C) The compensation of the County Administrator shall be fixed by the Board of County Commissioners at a level commensurate with the responsibilities of the position, with performance appraisals conducted by the Board of County Commissioners at least annually.

(D) A vacancy in the office shall be filled in the same manner as the original appointment. The County Administrator may appoint an Acting County Administrator in the case of his/her temporary vacancy.

(2) Senior Management.

The County's senior management employees, with the exception of the County Attorney's Staff, shall serve at the pleasure of the County Administrator, who may suspend or discharge senior management personnel with or without cause.

(3) *Non-interference by Board of County Commissioners.* Except for the purpose of inquiry and information, members of the Board of County Commissioners are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the County Administrator or County Attorney by giving said employees instructions or directives. Such action shall constitute malfeasance within the

meaning of Article IV, Section 7(a) of the Florida Constitution. However, nothing contained herein shall prevent a County Commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the County Administrator or County Attorney.

(Ord. No. 2010-23, § 1, 8-17-10; Ord. No. 2010-24, § 1, 8-17-10; Ord. No. 2010-25, § 1, 8-17-10)

Sec. 2.4. County attorney.

(1) There shall be a County Attorney selected by the Board of County Commissioners who shall serve at the pleasure of, and report directly to, the Board of County Commissioners, and shall reside within the County during his/her tenure as County Attorney.

(A) The County Attorney shall provide legal services to the Board of County Commissioners, the County Administrator, and County departments, boards and agencies organized under the Board of County Commissioners.

(B) The compensation of the County Attorney shall be fixed by the Board of County Commissioners at a level commensurate with the responsibilities of the position with performance appraisals conducted by the Board of County Commissioners at least annually.

ARTICLE III. ELECTED COUNTY CONSTITUTIONAL OFFICERS

Sec. 3.1. Preservation of constitutional offices.

The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independently elected constitutional offices, and the status, powers, duties and functions of such offices, shall not be altered by this Home Rule Charter, or any revisions or amendments hereto, except as provided in Section 5.2 below. The constitutional officers shall perform their executive and administrative functions as provided by law.

Sec. 3.2. Non-partisan elections.

(1) *Non-Partisan Offices.* The Supervisor of Elections shall be non-partisan.

(A) *Non-Partisan Election Procedures.* If three or more candidates, none of whom is a write-in candidate, qualify for such office, the names of those candidates shall be placed on a non-partisan ballot at the first primary election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two candidates receiving the highest number of votes for such office shall be placed on the general election ballot.

(B) *Qualification by Petition.* A candidate for non-partisan office may qualify for election to such office by means of the petitioning process provided in general law.

Sec. 3.3. Clerk auditor.

(1) The Leon County Clerk of the Court shall serve as the Auditor to the Commission as specified by law. The Clerk shall employ a Certified Internal Auditor, Certified Public Accountant, or such other person qualified by education or experience in governmental accounting, internal auditing practices and fiscal controls, which shall include at least five (5) years experience in professional accounting, auditing, governmental fiscal administration or related experience, unless the Clerk holds such qualifications. The Board of County Commissioners shall fund the audit function of the Clerk.

(2) Audit Committee. There shall be a five member Audit Committee of which two members shall be appointed by the County Commission and three by the Clerk. The Audit Committee shall adopt an annual plan of work for the Auditor and shall oversee the work of the Auditor. The Audit Committee members shall be residents of Leon County, none of whom may be an employee or officer of County government, and who have experience as a public accountant, internal auditor, or as a financial manager for a public, private or not for profit institution. The purpose of the Committee is to promote, maintain, and enhance the independence and objectivity of the internal

audit function by ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on recommendations. Clerk shall provide for the organization and duties of the audit committee, including membership terms, voting procedures, officers, sub-committees, meeting schedules and staff support.

Sec. 3.4. Limitation on campaign contributions.

No candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of \$250 per election. (Ord. No. 2010-21, § 2, 8-17-10)

ARTICLE IV. POWERS RESERVED TO THE PEOPLE: INITIATIVE AND RECALL

Sec. 4.1. Citizen initiative.

(1) *Right to Initiate.* The electors of Leon County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances, not in conflict with the Florida Constitution, general law or this Charter, upon petition signed by at least ten percent (10%) of the total number of electors qualified to vote in the County reflecting ten percent (10%) of the total number of electors qualified to vote within each of the five (5) commission districts. The total number of electors qualified shall mean the total number of electors qualified to vote in the last preceding general election.

(2) *Procedure for Petition.* The sponsor of an initiative shall, prior to obtaining any signatures, submit the text of a proposed ordinance to the Supervisor of Elections, with the proposed ballot summary and the form on which signatures will be affixed and obtain a dated receipt therefor. Any such ordinances shall embrace but one (1) subject and matter directly connected therewith. The sponsor shall cause a notice of such submission to be published within fourteen (14) days thereof in a newspaper of general circulation in the County. The allowable period for obtaining signatures on the petition shall be completed not later than one (1) year after initial receipt of the petition by the

Supervisor of Elections. The sponsor shall comply with all requirements of general law for political committees, and shall file quarterly reports with the Supervisor of Elections stating, to the best of the sponsor's information and belief, the number of signatures procured. The time and form of such reports may be prescribed by ordinance. When a sufficient number of signatures is obtained, the sponsor shall thereupon submit signed and dated forms to the Supervisor of Elections, and upon submission, shall pay all fees required by general law. The Supervisor of Elections shall, within sixty (60) days after submission of signatures, verify the signatures thereon, or specify a reason for the invalidity of each rejected signature, if the petition is rejected for insufficiency of the number of valid signatures. If the petition is rejected for insufficiency of the number of signatures, the sponsor shall have an additional thirty (30) days within which to submit additional signatures for verification. The Supervisor of Elections shall, within thirty (30) days of submission of additional signatures, verify the additional signatures. In the event sufficient signatures are still not acquired, the Supervisor of Elections shall declare the petition null and void and none of the signatures may be carried over onto another identical or similar petition.

(3) *Consideration by Board of County Commissioners.* Within sixty (60) days after the requisite number of signatures has been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board of County Commissioners shall give notice and hold public hearing(s) as required by general law on the proposed ordinance and vote on it. If the Board fails to enact the proposed ordinance it shall, by resolution, call a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least forty-five (45) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared, by resolution of the Board of County Commissioners, to be enacted and shall become effective on the date specified in the ordinance, or if not so specified, on January 1 of the succeeding year. The Board of

County Commissioners shall not amend or repeal an ordinance adopted by initiative prior to the next succeeding general election, without the approval of a majority of the electors voting at a referendum called for that purpose.

(4) *Limitation on Ordinances by Initiative.* The power to enact, amend or repeal an ordinance by initiative shall not include ordinances or provisions related to County budget, debt obligations, capital improvement programs, salaries of County officers and employees, the assessment or collection of taxes, or the zoning of land.

Sec. 4.2. Recall.

All members of the Board of County Commissioners shall be subject to recall as provided by general law.

**ARTICLE V. HOME RULE CHARTER
TRANSITION, AMENDMENTS, REVIEW,
SEVERANCE, EFFECTIVE DATE**

Sec. 5.1. Home Rule Charter Transition.

(1) *General Provisions.* Unless expressly provided otherwise in this Home Rule Charter, the adoption of this Charter shall not affect any existing contracts or obligations of Leon County; the validity of any of its laws, ordinances, regulations, and resolutions; or the term of office of any elected County officer, whose term shall continue as if this charter had not been adopted.

(2) *Initial County Commissioners.* The persons comprising the Leon County Board of County Commissioners on the effective date of this Charter shall become the initial members of the Board of County Commissioners of the Charter government and shall perform the functions thereof until the normal expiration of their terms or until the election and qualification of their successors as provided by law.

(3) *Outstanding Bonds.* All outstanding bonds, revenue certificates, and other financial obligations of the County outstanding on the effective date of this Charter shall be obligations of the Charter government. All actions taken by the former government relating to the issuance of such obligations are hereby ratified and con-

firmed. Payment of such obligations and the interest thereon shall be made solely from, and charged solely against, funds derived from the same sources from which such payment would have been made had this Charter not taken effect.

(4) *Employees Continuation.* All employees of the former County government shall, on the effective date of this Charter, become employees of the County government created by this Charter. All existing wages, benefits, and agreements, and conditions of employment shall continue, until modified by lawful action of the County Commission.

Sec. 5.2. Home rule charter amendments.

(1) *Amendments Proposed by Petition.*

(A) The electors of Leon County shall have the right to amend this Home Rule Charter in accordance with Sec. 4.1 of this Charter.

(B) Each proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified. If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

(2) *Amendments and Revisions by Citizen Charter Review Committee.*

(A) A Citizen Charter Review Committee shall be appointed by the Board of County Commissioners at least twelve (12) months before the general election occurring every eight (8) years thereafter, to be composed and organized in a manner to be determined by the Board of County Commissioners, to review the Home Rule Charter and propose any amendments or revi-

sions which may be advisable for placement on the general election ballot. Public hearings shall be conducted as provided by F.S. § 125.63.

- (B) No later than ninety (90) days prior to the general election, the Citizen Charter Review Committee shall deliver to the Board of County Commissioners the proposed amendments or revisions, if any, to the Home Rule Charter, and the Board of County Commissioners shall consider such amendments or revisions to be placed on the general election ballot, in accordance with F.S. § 125.64.
- (C) If the Citizen Charter Review Committee does not submit any proposed Charter amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to the general election, the Citizen Charter Review Committee shall be automatically dissolved.

(3) Amendments Proposed by the Board of County Commissioners.

- (A) Amendments to this Home Rule Charter may be proposed by ordinance adopted by the Board of County Commissioners by an affirmative vote of a majority plus one (1) of the membership of the Board. Each proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each proposed amendment shall only become effective upon approval by a majority of the electors of Leon County voting in a referendum at the next general election. The Board of County Commissioners shall give public notice of such referendum election at least ninety (90) days prior to the general election referendum date.
- (B) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

Sec. 5.3. Severance.

If any provision of this Charter or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Charter which can be given effect without the invalid provision or application, and to this end the provisions of the Charter are declared severable.

Sec. 5.4. Home rule charter effective date.

This Charter shall become effective November 12, 2002.

ARTICLE X. LEON COUNTY ADMINISTRATIVE CODE

Sec. 2-500. Title; purpose.

This article, as may be amended, shall be known as the "Leon County Administrative Code." The purpose of this code is to organize the county government and to set forth the duties, responsibilities, and powers of the county administrator, and departments and offices of county government as mandated by F.S. § 125.87, and the Charter. This administrative code shall be interpreted and construed consistent with the Charter.

(Ord. No. 03-35, § 1, 10-28-03)

Sec. 2-501. Powers and duties of the county administrator.

The executive responsibilities and authority of the county shall be assigned to, and vested in, the county administrator, pursuant to the Leon County Charter, and shall consist of the following powers and duties:

(a) *Functions generally.* The county administrator shall be the chief executive official for the county and shall be responsible for the administration of all county departments, offices and agencies, unless otherwise set forth in this article. The administrator shall be directly responsible to the board and shall implement and execute the policies of the board as promulgated by the board.

(b) *Specific duties.* It shall be the duty of the county administrator to:

- (1) Report annually, or more often if necessary, to the board and to the citizens on the state of the county, the work of the previous year, recommendations for action or programs for the improvement of the county and the welfare of its residents;
- (2) Prepare and submit to the board for its consideration and adoption an annual operating budget, a capital budget, and a capital program; establish the schedules and procedures to be followed by all county departments, offices, and agencies in connection therewith; and supervise and administer all phases of the budgetary process;
- (3) Administer and carry out the directives and policies of the board and enforce all orders, resolutions, ordinances, and regulations of the board, the Charter, and all applicable general law, to assure that they are faithfully executed;
- (4) Supervise the care and custody of all county property, institutions and agencies;
- (5) Supervise the collection of revenues, audit and control all disbursements and expenditures, and prepare a complete account of all expenditures;
- (6) Review, analyze and forecast trends of county services, finances, and programs of all boards, commissions, agencies, and other county bodies, and report and recommend thereon to the board;
- (7) Develop, install, and maintain centralized budgeting, personnel, and purchasing procedures as may be authorized by this article;
- (8) Negotiate contracts, leases, bonds, or other instruments for the county, subject to board approval where appropriate, and in accordance with county policy; make recommendations concerning the nature and location of county improvements; and

ARTICLE X. LEON COUNTY ADMINISTRATIVE CODE

execute services determined by the board;

(9) Assure that all terms and conditions imposed in favor of the county in any statute, franchise, or other contract are faithfully kept and performed;

(10) Supervise, direct, and control all county administrative departments;

(11) Appoint, subject to the consent of the board, all appointed departmental directors, who shall serve at his or her pleasure, and employ, pursuant to appropriation and this article, such personnel as necessary to administer county functions and services;

(12) Order, at his or her discretion, any agency under his or her jurisdiction, as specified in this article, to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the county government to do so; and

(13) Any other power or duty which may be assigned by the Charter or by ordinance or resolution of the board.

(c) *Administrator to issue board directives.* The Board of County Commissioners' instructions or directives to any department of county government shall be issued through the administrator or his or her designee. It is the express intent of this article that recommendations for improvement in county government operations by individual board members be made to and through the administrator, so that the administrator may coordinate efforts of all county departments to achieve the greatest possible savings through the most efficient and sound means available.

(d) *Budgetary functions.* The county administrator shall be responsible for the compilation of such information as is necessary for a proper determination of the budgetary needs of the various departments, divisions, offices and agencies of county government, and in order to properly execute such duties, the administrator shall have the right to require from such departments, divisions, offices and agencies such information as deemed necessary. It shall also be the budgetary responsibility of the county administrator to:

(1) Prepare and submit to the board for its consideration and adoption an annual operating budget, a capital budget, and a capital program; establish the schedules and procedures to be followed by all county departments, divisions, offices and agencies in connection therewith; and supervise and administer all phases of the budgetary process;

(2) Supervise the collection of revenues, audit and control all disbursements and expenditures, and prepare a complete account of all expenditures; and

(3) Provide the board with revenue forecasts, trends and economic indicators which could reasonably impact expenditures and revenue options available to the board to effectively budget for the provision of county services.

(e) *Supervisory functions.* The county administrator shall have the exclusive power to select, employ, supervise, suspend, discharge, and remove all department directors and employees within the various departments, and other personnel as necessary to administer county functions and services, which are under the direct control of the Board of County Commissioners. Initial employment of all department directors shall require confirmation by the board.

(f) *Supervision of county government.* The county administrator shall supervise, direct, and control all departments and offices of county government and shall be responsible for the operation of county government and the implementation of all board policies.

Sec. 2-502. Departments and offices of county government.

(a) The designation of departments, offices and divisions of the county shall be adopted by resolution of the board upon the recommendation of the county administrator.

(b) The county administrator may appoint a deputy county administrator as the administrator determines necessary to effectively operate county government. The deputy county administrator shall report directly to the county administrator. The county administrator may direct department directors, executive officers, or other county personnel under the county administrator to report to the deputy county administrator. In the absence of the county administrator, the deputy county administrator shall fulfill the duties of the county administrator.

(c) Each of the departments, offices and divisions shall have a director who shall report directly to the county administrator or deputy county administrator, as directed by the administrator.

(Ord. No. 03-35, § 1, 10-28-03; Ord. No. 06-26, § 1, 9-12-06)

Sec. 2-503. County attorney.

Nothing in this article shall be deemed to alter the function, duties or powers of the county attorney, as legal advisor to the Board of County Commissioners as established by Article II, Section 2.4 of the Charter. The county attorney shall continue to report directly to the board.

(Ord. No. 03-35, § 1, 10-28-03)

Sec. 2-504. Non-interference.

The board hereby affirms that, except as otherwise provided herein, no county commissioner shall direct, or otherwise interfere with the performance or duties of any employee or official of the county who is subject to the direction and supervision of the county administrator. The board further affirms that no county commissioner shall directly or indirectly coerce or attempt to coerce, direct, or otherwise interfere with the county administrator, the county attorney, any other county employee, or the property manager, with respect to any existing or proposed real estate transaction in which Leon County is involved as either a buyer, seller, lessee, lessor, or is otherwise involved as a party. As used in this section, "property manager" shall mean the individual or entity retained by the Board of County Commissioners to lease and manage any county-owned property.

(Ord. No. 03-35, § 1, 10-28-03; Ord. No. 04-06, § 1, 3-23-04)

Sec. 2-505. Confirmation of existing policies, ordinances, resolutions, motions, and other board actions.

All ordinances, resolutions, motions, policies and directives of the board shall continue in force and effect until amended, rescinded, repealed, or suspended by appropriate action of the board. Nothing in this article shall be construed to require further board approval of appointments, terminations, or employment of personnel which have heretofore been approved or consented to by the board.

(Ord. No. 03-35, § 1, 10-28-03)

Secs. 2-506--2-599. Reserved.



LEON COUNTY BOARD OF COUNTY COMMISSIONERS

STRATEGIC PLAN FY 2012 & FY 2013

Vision

Leon County is a welcoming, diverse, healthy, and vibrant community, recognized as a great place to live, work and raise a family. Residents and visitors alike enjoy the stunning beauty of the unspoiled natural environment and a rich array of educational, recreational, cultural and social offerings for people of all ages. Leon County government is a responsible steward of the community's precious resources, a catalyst for engaging citizens, community and regional partners, and a provider of efficient services, which balance economic, environmental, and quality of life goals.

Core Values

We are unalterably committed to demonstrating and being accountable for the following core organizational values, which form the foundation for our people focused, performance driven culture:

SERVICE

RELEVANCE

INTEGRITY

ACCOUNTABILITY

RESPECT

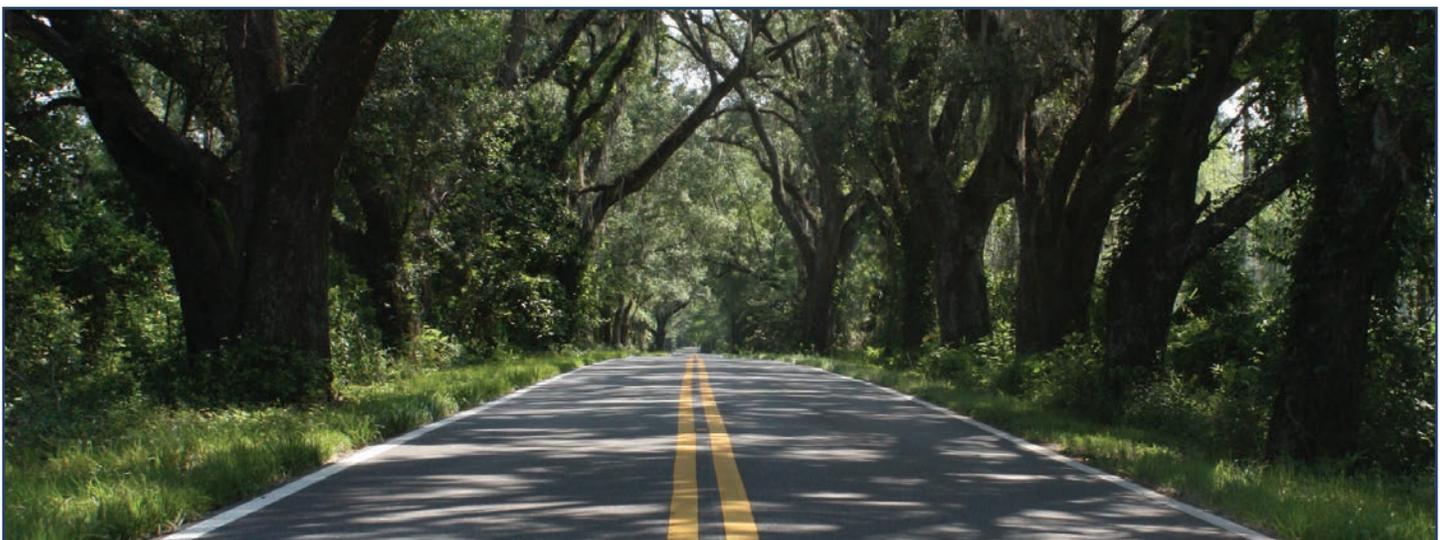
COLLABORATION

STEWARDSHIP

PERFORMANCE

TRANSPARENCY

VISION



Strategic Priority - Economy

To be an effective leader and a reliable partner in our continuous efforts to make Leon County a place which attracts talent, to grow and diversify our local economy, and to realize our full economic competitiveness in a global economy. (EC)

- ▶ Integrate infrastructure, transportation, redevelopment opportunities and community planning to create the sense of place which attracts talent. (EC1)
- ▶ Support business expansion and job creation, including: the implementation of the Leon County 2012 Job Creation Action Plan, to include evaluating the small business credit program. (EC2)
- ▶ Strengthen our partnerships with our institutions of higher learning to encourage entrepreneurship and increase technology transfer and commercialization opportunities, including: the Leon County Research and Development Authority and Innovation Park. (EC3)
- ▶ Grow our tourism economy, its economic impact and the jobs it supports, including: being a regional hub for sports and cultural activities. (EC4)
- ▶ Focus resources to assist local veterans, especially those returning from tours of duty, in employment and job training opportunities through the efforts of County government and local partners. (EC5)
- ▶ Ensure the provision of the most basic services to our citizens most in need so that we have a “ready workforce.” (EC6)

Strategic Initiatives - Economy

- Evaluate sales tax extension and associated community infrastructure needs through staff support of the Leon County Sales Tax Committee (EC1, G3, G5)
- Implement strategies that encourage highest quality sustainable development, business expansion and redevelopment opportunities, including:
 - Identify revisions to future land uses which expand opportunities to promote and support economic activity;
 - Consider policy to encourage redevelopment of vacant commercial properties; and
 - Consider policy to continue suspension of fees for environmental permit extensions (EC2)
- Implement strategies that support business expansion and job creation, including:
 - Evaluate start-up of small business lending guarantee program;
 - Identify local regulations that may be modified to enhance business development; and
 - Implement Leon County 2012 Job Creation Plan (EC2)
- Implement strategies to support Innovation Park and promote commercialization and technology transfer, including being a catalyst for a stakeholder’s forum (EC2, EC3)
- Implement strategies that promote the region as a year round destination, including:
 - Evaluate competitive sports complex with the engagement of partners such as KCCI;
 - Support VIVA FLORIDA 500;
 - Develop Capital Cuisine Restaurant Week; and
 - Support Choose Tallahassee initiative (EC4, Q1, Q4)
- Implement strategies that assist local veterans, including:
 - Hold “Operation Thank You!” celebration for veterans and service members;
 - Develop job search kiosk for veterans;
 - Consider policy to allocate a portion Direct Emergency Assistance funds to veterans; and
 - Consider policy to waive EMS fees for uninsured or underinsured veterans (EC5, EC6, Q3)
- Implement strategies to promote work readiness and employment, including: provide job search assistance for County Probation and Supervised Pretrial Release clients through private sector partners (EC6, Q2)

Ongoing Support (Highlights) - Economy

- Develop and maintain County transportation systems, including roads, bike lanes, sidewalks, trails, and rights-of-way (EC1, Q2)
- Implement Department of Development Support & Environmental Management Project Manager, and dual track review and approval process (EC2, G2)
- Partner with and support the Economic Development Council, Qualified Targeted Industry program, Targeted Business Industry program, and Frenchtown/Southside and Downtown Redevelopment Areas (EC2)
- Support and consider recommendations of Town and Gown Relations Project (EC3)
- Promote region as a year round destination through the Fall Frenzy Campaign, and by identifying niche markets (EC4)
- Collaborate with United Vets and attend monthly coordinating meetings, support Honor Flights, provide grants to active duty veterans, assist veterans with benefits claims, provide veterans hiring preference, waive building permit fees for disabled veterans, and fund Veterans Day Parade as a partner with V.E.T., Inc. (EC5, EC6, Q3)
- Provide internships, Volunteer LEON Matchmaking, Summer Youth Training program, 4-H programs, EMS Ride-Alongs, and enter into agreements with NFCC and TCC which establish internship programs at EMS for EMS Technology students (EC6, G3)

Strategic Priority - Environment

To be a responsible steward of our precious natural resources in our continuous efforts to make Leon County a place which values our environment and natural beauty as a vital component of our community's health, economic strength and social offerings. (EN)

- ▶ Protect our water supply, conserve environmentally sensitive lands, and safeguard the health of our natural ecosystems, including: adoption of minimum Countywide environmental standards. (EN1)
- ▶ Promote orderly growth which protects our environment, preserves our charm, maximizes public investment, and stimulates better and more sustainable economic returns. (EN2)
- ▶ Educate citizens and partner with community organizations to promote sustainable practices. (EN3)
- ▶ Reduce our carbon footprint, realize energy efficiencies, and be a catalyst for renewable energy, including: solar. (EN4)

Strategic Initiatives - Environment

- Implement strategies that protect the environment and promote orderly growth, including:
 - Develop Countywide Minimum Environmental Standards;
 - Develop minimum natural area and habitat management plan guidelines;
 - Integrate low impact development practices into the development review process; and
 - Consider mobility fee to replace the concurrency management system (EN1, EN2)
- Implement strategies to protect natural beauty and the environment, including: update 100-year floodplain data in GIS based on site-specific analysis received during the development review process (EN1, EN2)
- Develop examples of acceptable standard solutions to expedite environmental permitting for additions to existing single family homes (EN1, EN2, G2)
- Implement strategies which plan for environmentally sound growth in the Woodville Rural Community, including:
 - Bring central sewer to Woodville consistent with the Water and Sewer Master Plan, including consideration for funding through Sales Tax Extension; and
 - Promote concentrated commercial development in Woodville (EN1, EN2, Q5)
- Continue to work with regional partners to develop strategies to further reduce nitrogen load to Wakulla Springs, including: conduct workshop regarding Onsite Sewage Treatment and Disposal and Management Options report (EN1, EC4)
- Implement strategies to promote renewable energy and sustainable practices, including:
 - Complete construction of Leon County Cooperative Extension net-zero energy building;
 - Pursue opportunities to fully implement a commercial and residential PACE program;
 - Consider policy for supporting new and existing community gardens on County property and throughout the County;
 - Evaluate and construct glass aggregate concrete sidewalk;
 - Develop energy reduction master plan; and
 - Further develop clean - green fleet initiatives (EN2, EN3, EN4, Q5, EC6, G5)
- Develop and implement strategies for 75% recycling goal by 2020, including:
 - Evaluate Waste Composition Study;
 - Identify alternative disposal options; and
 - Explore bio-gas generation and other renewable energy opportunities at Solid Waste Management Facility (EN4)

Ongoing Support (Highlights) - Environment

- Develop and maintain County stormwater conveyance system, including enclosed systems, major drainage ways, stormwater facilities, and rights-of-way (EN1)
- Provide Greenspace Reservation Area Credit Exchange (GRACE) (EN1, EN3)
- Provide canopy road protections (EN2)
- Provide Adopt-A-Tree program (EN1, EN4)
- Provide hazardous waste collection (EN1, EN3)
- Provide water quality testing (EN)
- Implement the fertilizer ordinance (EN1)
- Provide state landscaping and pesticide certifications (EN3)
- Conduct Leon County Sustainable Communities Summit (EN3)

Strategic Priority - Quality of Life

To be a provider of essential services in our continuous efforts to make Leon County a place where people are healthy, safe, and connected to their community. (Q)

- ▶ Maintain and enhance our educational and recreational offerings associated with our library, parks and greenway system for our families, visitors and residents. (Q1)
- ▶ Provide essential public safety infrastructure and services which ensures the safety of the entire community. (Q2)
- ▶ Maintain and further develop programs and partnerships necessary to support a healthy community, including: access to health care and community-based human services. (Q3)
- ▶ Enhance and support amenities that provide social offerings for residents and visitors of all ages, including: completing the enhancements to and the programming of the Cascades Park amphitheater. (Q4)
- ▶ Create senses of place in our rural areas through programs, planning and infrastructure, phasing in appropriate areas to encourage connectedness. (Q5)
- ▶ Support the preservation of strong neighborhoods through appropriate community planning, land use regulations, and high quality provision of services. (Q6)
- ▶ Further create connectedness and livability through supporting human scale infrastructure and development, including: enhancing our multimodal districts. (Q7)

Strategic Initiatives - Quality of Life

- Implement strategies through the library system which enhance education and address the general public's information needs, including: complete construction of the expanded Lake Jackson branch library and new community center, and relocate services into the expanded facility (Q1, EC1, EC6)
- Implement strategies which advance parks, greenways, recreational offerings, including:
 - Explore extension of parks and greenways to incorporate 200 acres of Upper Lake Lafayette;
 - Update Greenways Master Plan;
 - Develop Miccosukee Greenway Management Plan; and
 - Develop Alford Greenway Management Plan (Q1, EC1, EC4)
- Expand recreational amenities, including:
 - Complete construction of Miccosukee ball fields;
 - Continue to plan acquisition and development of a North East Park;
 - Develop Apalachee Facility master plan; and
 - Continue to develop parks and greenways consistent with management plans including Okeeheepkee Prairie Park, Fred George Park and St. Marks Headwater Greenway (Q1, Q5, EC1, EC4)
- Redevelop Huntington Oaks Plaza, which will house the expanded Lake Jackson branch library and new community center, through a Sense of Place initiative (Q1, EC1)
- Complete construction of Public Safety Complex (Q2, EC2)
- Consolidate dispatch functions (Q2)
- Implement strategies to improve medical outcomes and survival rates, and to prevent injuries, including: pursue funding for community paramedic telemedicine (Q1, Q2)
- Implement strategies to maintain and develop programs and partnerships to ensure community safety and health, including: participate in American Society for the Prevention of Cruelty to Animals (ASPCA) Partnership, and in ASPCA ID ME Grant (Q2, Q3)
- Implement strategies that support amenities which provide social offerings, including:
 - Consider constructing Cascades Park amphitheatre, in partnership with KCCI;
 - Consider programming Cascades Park amphitheatre;
 - Develop unified special event permit process; and
 - Evaluate opportunities to maximize utilization of Tourism Development taxes and to enhance effectiveness of County support of cultural activities, including management review of COCA (Q4, EC1, EC4, G5)
- Implement strategies to promote home ownership and safe housing, including: consider property registration for abandoned real property (Q6)
- Implement strategies that preserve neighborhoods and create connectedness and livability, including:
 - Implement design studio;
 - Implement visioning team;
 - Develop performance level design standards for Activity Centers;
 - Revise Historic Preservation District Designation Ordinance;
 - Develop design standards requiring interconnectivity for pedestrians and non-vehicular access;
 - Develop bike route system; and
 - Establish Bicycle & Pedestrian Advisory Committee (Q6, Q7)

(continued...)

(...continued)

Ongoing Support (Highlights) – Quality of Life

- Maintain a high quality of offerings through the library system, including public access to books, media, digital resources, computers, Internet, reference resources, targeted programming, mobile library, and literacy training (Q1, EC1, EC6)
- Fund Sheriff's operations, consisting of law enforcement, corrections, emergency management, and enhanced 9-1-1 (Q2)
- Implement alternatives to incarceration (Q2)
- Initiate County resources as part of emergency response activation (Q2)
- Provide, support and deploy the geographic information system, integrated Justice Information System, Jail Management system, case management and work release management information systems for Probation, Supervised Pretrial Release and the Sheriff's Office, and the pawnshop network system (Q2)
- Provide for information systems disaster recovery and business continuity (Q2, G5)
- Provide Emergency Medical Services (Q2, Q3)
- Support programs which advocate for AED's in public spaces (Q2, Q3)
- Provide community risk reduction programs (such as AED/CPR training) (Q2, Q3)
- Support Community Human Services Partnerships (CHSP) (Q3)
- Support Leon County Health Departments (Q3)
- Support CareNet (Q3)
- Support DOH's Closing the Gap grant (including "Year of the Healthy Infant II" campaign, and Campaign for Healthy Babies) (Q3)
- Maintain oversight of state-mandated programs, such as Medicaid and Indigent Burial, to ensure accountability and compliance with state regulations (Q3)
- Educate at risk families to build healthy lives through the Expanded Food and Nutrition Education Program and other family community programs (Q3, EC6)
- Support of Regional Trauma Center (Q3)
- Leverage grant opportunities with community partners (Q3, G5)
- Support of Palmer Monroe Teen Center in partnership with the City (Q3)
- Provide targeted programs for Seniors (Q3)
- Provide foreclosure prevention counseling and assistance (Q6)
- Provide first time homebuyer assistance (Q6)



Eastside Branch Library

Strategic Priority - Governance

To be a model local government which our citizens trust and to which other local governments aspire. (G)

- ▶ Sustain a culture of transparency, accessibility, accountability, and the highest standards of public service. (G1)
- ▶ Sustain a culture of performance, and deliver effective, efficient services that exceed expectations and demonstrate value. (G2)
- ▶ Sustain a culture that respects, engages, and empowers citizens in important decisions facing the community. (G3)
- ▶ Retain and attract a highly skilled, diverse and innovative County workforce, which exemplifies the County's core practices. (G4)
- ▶ Exercise responsible stewardship of County resources, sound financial management, and ensure that the provision of services and community enhancements are done in a fair and equitable manner. (G5)

Strategic Initiatives - Governance

- Implement strategies which promote access, transparency, and accountability, including:
 - Explore providing on Demand - Get Local videos;
 - Explore posting URL on County vehicles; and
 - Instill Core Practices through: providing Customer Engagement training for all County employees, revising employee orientation, and revising employee evaluation processes (G1)
- Implement strategies to gain efficiencies or enhance services, including:
 - Conduct LEADS Reviews; and
 - Develop and update Strategic Plans (G2)
- Implement strategies to further utilize electronic processes which gain efficiencies or enhance services, including:
 - Develop process by which public may electronically file legal documents related to development review and permitting;
 - Expand electronic HR business processes including applicant tracking, timesheets, e-Learning, employee self service;
 - Investigate expanding internet-based building permitting services to allow additional classifications of contractors to apply for and receive County permits via the internet; and
 - Institute financial self-service module, document management, and expanded web-based capabilities in Banner system (G2, EN4)
- Investigate feasibility of providing after hours and weekend building inspections for certain types of construction projects (G2)
- Implement strategies to further engage citizens, including:
 - Develop and offer Citizens Engagement Series; and
 - Develop and provide Virtual Town Hall meeting (G3)
 - Implement healthy workplace initiatives, including: evaluate options for value-based benefit design (G4)
- Implement strategies to retain and attract a highly skilled, diverse and innovative workforce, which exemplifies the County's core practices, including:
 - Revise employee awards and recognition program;
 - Utilize new learning technology to help design and deliver Leadership and Advanced Supervisory Training for employees; and
 - Pursue Public Works' American Public Works Association (APWA) accreditation (G4, G1)
- Implement strategies which ensure responsible stewardship of County resources, including: revise program performance evaluation and benchmarking (G5)
- Implement strategies to maximize grant funding opportunities, including:
 - Institute Grants Team; and
 - Develop and institute an integrated grant application structure (G5)

Ongoing Support (Highlights) - Governance

- Develop and deploy website enhancements (G1)
- Provide and expand online services, such as Customer Connect, Your Checkbook, and Board agenda materials (G1)
- Provide televised and online Board meetings in partnership with Comcast (G1)
- Provide technology and telecommunications products, services and support necessary for sound management, accessibility, and delivery of effective, efficient services, including maintaining financial database system with interfaces to other systems (G1, G2, G5)
- Organize and support advisory committees (G3)
- Support and expand Wellness Works! (G4)

(continued...)

(...continued)

Ongoing Support (Highlights) - Governance

- Maintain a work environment free from influence of alcohol and controlled illegal substances through measures including drug and alcohol testing (G4, Q2)
- Support employee Safety Committee (G4)
- Conduct monthly Let's Talk "brown bag" meetings with cross sections of Board employees and the County Administrator (G4)
- Utilize LEADS Teams to engage employees, gain efficiencies or enhance services, such as: the Wellness Team, Safety Committee Team, Citizen Engagement Series Team, HR Policy Review & Development Team, Work Areas' Strategic Planning Teams (G1, G2, G4)
- Prepare and broadly distribute the Annual Report (G5)
- Conduct management reviews (G5)
- Provide and enhance procurement services and asset control (G5)
- Manage and maintain property to support County functions and to meet State mandates for entities such as the Courts (G5)



LISTENS FOR CHANGING NEEDS

ENGAGES CITIZENS AND EMPLOYEES

ALIGNS KEY STRATEGIC PROCESSES

DELIVERS RESULTS & RELEVANCE

STRIVES FOR CONTINUOUS IMPROVEMENT





CORE PRACTICES

Core Practices put our Core Values in action. Leon County employees are committed to the following Core Practices:

- **Delivering the “Wow” factor in Customer Service**

Employees deliver exemplary service with pride, passion and determination; anticipating and solving problems in “real time” and exceeding customer expectations. Customers know that they are the reason we are here.

- **Connecting with Citizens**

Employees go beyond customer service to community relevance, engaging citizens as stakeholders in the community’s success. Citizens know that they are part of the bigger cause.

- **Demonstrating Highest Standards of Public Service**

Employees adhere to the highest standards of ethical behavior, avoid circumstances that create even an appearance of impropriety and carry out the public’s business in a manner which upholds the public trust. Citizens know that we are on their side.

- **Accepting Accountability**

Employees are individually and collectively accountable for their performance, adapt to changing conditions and relentlessly pursue excellence beyond the current standard, while maintaining our core values.

- **Exhibiting Respect**

Employees exercise respect for citizens, community partners and each other.

- **Employing Team Approach**

Employees work together to produce bigger and better ideas to seize the opportunities and to address the problems which face our community.

- **Exercising Responsible Stewardship of the Community’s Resources**

Employees engage in the continuous effort to create and sustain a place which attracts talent, fosters economic opportunity and offers an unmatched quality of life, demonstrating performance, value and results for our citizenry.

- **Living our “People Focused, Performance Driven” Culture**

Employees have a structure in place to live all of this as our organizational culture and are empowered to help the people they serve.

FOR MORE INFORMATION ONLINE, VISIT:

www.LeonCountyFL.gov

Adopted: February 28, 2012



Leon LEADS

A Structure for Success

*“People Focused.
Performance Driven.”*



A CULTURE OF PERFORMANCE AND COMMUNITY RELEVANCE

The following framework for Leon LEADS will guide us in our transformational efforts and strategic implementation of Leon County's organizational culture, a culture of performance and community relevance ("People Focused. Performance Driven."). Leon LEADS is a new model for the "new normal" and will be essential to successfully carrying out the County Commission's vision, mission and strategic priorities amid unprecedented challenges and ever-changing conditions. Leon LEADS will enable Leon County to continue to lead as a 21st century county government which is in a constant state of becoming the highest performing organization we can be while conveying greater relevance and delivering more value in all the ways that county government touches the lives of our citizens.

"3 PILLARS" - PEOPLE, PERFORMANCE & PLACE

To sustain our culture and realize our full organizational, political and fiscal capacity requires consistency in our daily actions, as representatives of Leon County, in demonstrating our focus on People, Performance and Place.

- **People** – Respecting, Engaging, Empowering Citizens and Employees
- **Performance** – Delivering Results, Exceeding Expectations, Demonstrating Value
- **Place** – Creating Opportunity, Attracting Talent, Promoting Livability and Sustainability

TRANSFORMATIONAL STRATEGY

Leon LEADS is not a management philosophy, or a planning exercise, but a strategic transformational approach of aligning the Board's guiding vision and strategic priorities with the optimized resources of the organization while instilling our people focused, performance driven culture throughout the organization. Leon LEADS is a continuous process of looking inward to strengthen what works (and to abandon what does not), and of looking outward to leverage community partnerships and to receive systematic feedback from citizens, while providing for ongoing adjustments as conditions change.

LEON LEADS ACHIEVES RELEVANCE AND RESULTS BY:

- Demonstrating** performance and results
- Promoting** transparency, accountability and accessibility
- Partnering** with our community and empowering citizens
- Connecting** with citizens who see us as responsible stewards of our community resources

LEON LEADS OPTIMIZES RESOURCES AND PERFORMANCE BY:

Providing a structure which reinforces our culture and creates an environment for employees to succeed by:

- **Instilling** our culture throughout the organization with our core values and practices as our drivers (*how we live our core values and core practices in carrying out the Board's vision, mission and strategic priorities*)
- **Aligning** the key strategic processes (*vision, mission, strategic priorities, strategic initiatives, business plans, program evaluations, employee evaluations, and reporting*)
- **Measuring** results (*not activity*) and benchmarking performance
- **Embracing** innovation and technology
- **Empowering** employees and encouraging a vigorous competition of ideas



LEON LEADS BEGINS WITH THE VISION OF THE BOARD OF COUNTY COMMISSIONERS

The following sets the structure for Leon LEADS, which enables the entire organization to move forward in a strategic, definitive, aligned manner.

TO BE ESTABLISHED BY THE BOARD AND REAFFIRMED AT ITS ANNUAL BOARD RETREAT:

- Vision Statement** The long-term aspirations Leon County government has for the world in which it operates and has some influence over. The desired future state of the organization, where it is headed, what it intends to be, or how it wishes to be perceived.
- Mission Statement** The overall function of Leon County government and what it can (and/or does) do or contribute to fulfill those aspirations. What is it attempting to accomplish and how it plans to move toward the achievement of the vision.
- Core Values** The guiding principles that form the foundation on which we perform work and conduct ourselves as an organization. The values embody how the organization and its people are expected to operate, thereby guiding its accomplishments through appropriate manners.
- Strategic Priorities** These are the vital strategic issues or topics that need to be successfully addressed if the County is to move forward to its stated vision. These are high-level “guiding vision” statements that articulate long-term priorities in order to focus effort, resources and performance. The Board will revisit these priorities annually to evaluate progress and refine efforts if necessary.

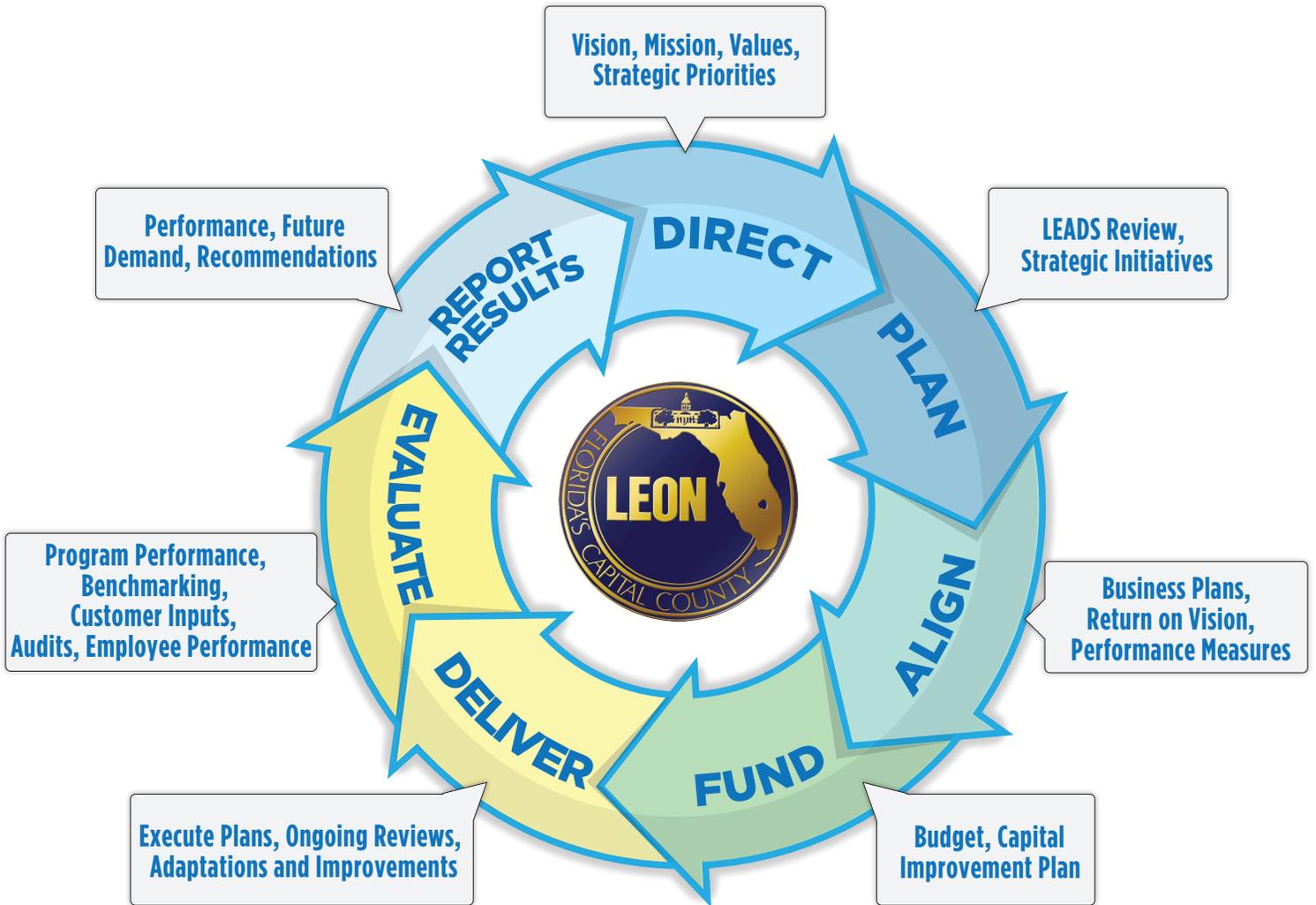


TO BE DEVELOPED AND CARRIED OUT BY STAFF:

- Strategic Initiatives** Upon adoption of the above, the County Administrator will ensure the development of strategies or actions to move the County forward in its achievement of the Board’s strategic priorities, which may be new or continued from prior years. These strategic initiatives will be identified and presented to the Board for approval as part of the budget process.
- Action Plans** Resource commitments and time horizons for the accomplishment of strategic initiatives. Various organizational units (departments, divisions, offices or teams) may be responsible for carrying out strategic initiatives for Board strategic priorities.
- Business Plans** Each responsible organizational unit will develop a business plan, prepared as part of the budget process, which identifies departmental roles in carrying out the strategic initiatives, desired outcomes, benchmark measures, and performance measures aligned with desired outcomes. A leadership team will review the business plans to gain borrowed perspective, eliminate silos and determine Return on Vision (ROV).
- LEADS Review** “An honest look in the mirror” to gain perspective on performance, and factors that affect performance, through the assessment of organizational metrics, progress on current strategies, customer and employee “voices”, technologies, strengths, weaknesses, opportunities and threats.
- Performance Monitoring and Evaluation** Organizational success will be monitored against desired outcomes and benchmark measures. Employee appraisals will include an assessment of behavioral alignment with core values and core practices.
- Performance Improvement** Progress will be evaluated through a leadership team approach, with adaptations and the realignment of resources made when appropriate. Employees at all levels will be encouraged to identify areas for improvement and to participate in operational improvement teams.
- Reporting** Annual performance, financial and State of the County reports will be presented to the Board and to the public.
- Core Practices** Workplace practices which set the stage for the desired workplace culture.



ALIGN AND INTEGRATE TO LEAD





THE COUNTY ADMINISTRATOR'S STRATEGIC INTENT PROVIDES CLARITY, FOCUS, AND INSPIRATION TO GUIDE THE COLLECTIVE EFFORTS OF LEON COUNTY EMPLOYEES IN ACHIEVING THE VISION OF THE LEON COUNTY BOARD OF COUNTY COMMISSIONERS AND FULFILLING OUR OBLIGATIONS TO OUR COMMUNITY.

COUNTY ADMINISTRATOR'S STRATEGIC INTENT

In every way that Leon County government touches the lives of our citizens and shapes our community we will do so in a way which demonstrates our belief that our community and our citizens are worth caring about, worth investing in and our worth our best efforts as responsible stewards and responsive providers of high quality services. We will be in a constant state of becoming the highest performing organization we can be and will do so in a way which always upholds our values and instills not only the public trust, but conveys a true sense of relevance for what we do on behalf of and along side our citizens. We will be the standard for promoting transparency, accessibility, accountability and engaging citizens, employees and community partners in important decisions facing our community, as well as creating and sustaining a place which attracts talent, fosters economic opportunity and offers an unmatched quality of life. Through living our people focused, performance driven culture, we will be a model 21st century county government that our citizens believe in and others benchmark against.



CORE PRACTICES

WE BELIEVE IN:

Delivering the “wow” factor in customer service. Deliver exemplary service with pride, passion and determination. Be responsible for anticipating problems, finding solutions and taking appropriate action in “real time.” Listen, be empathetic, be courteous, prioritize customers’ satisfaction, and exceed expectations. [Customers know that they are the reason we are here.](#)

Connecting with citizens to go beyond customer service to community relevance. Convey the County’s mission, connect with citizens and engage citizens as stakeholders in the community’s success. Communicate regularly, solicit ideas and embrace partnerships. [Citizens know they are part of the bigger cause.](#)

Demonstrating the highest standards of public service. Be honorable, truthful, and sincere. Adhere to the highest standards of ethical behavior, avoid circumstances that create even an appearance of impropriety, and carry out the public’s business in a manner that benefits the public interest and the common good. Align the County’s core values and core practices with words and actions. [Citizens know that we are on their side.](#)

Accepting individual and organizational accountability. Take responsibility for our decisions, actions, behavior, and for the quality of work performed individually and in teams. Actively promote transparency. Own and learn from mistakes, and move on. Mistakes born of initiative will be celebrated as learning experiences, mistakes born of neglect will not be tolerated - as responsibilities to citizens, community and co-workers are too important. [Leon County is a learning organization.](#)

Exhibiting respect for people, diversity and fairness. Provide employees with the necessary equipment, resources and training. Ensure employees receive equitable opportunity for growth, learning, and recognition. Make employment decisions impartially. Respect the diversity of citizens, co-workers and elected officials. Do not tolerate discrimination. [Leon County exercises an ethic based on respect.](#)

Employing a team approach. Build a collaborative work environment which promotes interdepartmental coordination and cooperation, and an organizational competition of ideas. Utilize interdepartmental teams to optimize employee innovation and talents. Ensure team members are clear of their role and where they fit in. Ensure team members feel they can depend on other team members to achieve well articulated organizational goals. Value the strengths that result from varied experiences, ideas and perspectives. [Employees can produce bigger and better ideas to address the problems and seize the opportunities which face our community.](#)

Being responsible stewards of our community resources. Demonstrate value in delivering cost effective, high quality services. Continuously seek out new and efficient ways to raise the bar and do more with less. Show respect for the environment by implementing, and being a community catalyst for, sustainable practices. Engage in the continuous effort to create and sustain a place which attracts talent, fosters economic opportunity and offers an unmatched quality of life. [Employees tirelessly enhance our community’s livability, sustainability and economic competitiveness.](#)

Demonstrating performance, value and results. Be the standard for performance as a 21st century county government. Drive performance through a people focused, performance driven culture. Provide a structure for employees to succeed through Leon LEADS which will perpetuate persistence and consistency of vision and alignment of key processes. Employees will understand the County vision, embrace the core values and engage in the core practices. Establish goals, measure results, and report successes. Define the bar for performance for others to benchmark against. [Employees have a structure in place to succeed and are empowered to help people.](#)



THE PERSISTENCE OF THIS VISION AND LIVING OUR CULTURE THROUGH OUR CORE PRACTICES WILL LEAD TO THE FOLLOWING RESULTS:

CITIZENS

Citizens are empowered, engaged and have a sense of community. They feel that County government is on their side, that decisions are made equitably and that their voice is heard. They feel respected and believe that county officials are responsible stewards of the community's resources.

COUNTY COMMISSIONERS

County Commissioners are continually growing in their confidence of County staff and the capacity of the organization to carry out the vision of the Board on behalf of our citizens. They are prepared, receiving timely, accurate and complete information and analysis upon which to make the best policy decisions. They recognize that County employees, at all levels, are innovative problem solvers who respect the will of the Board and are committed to exceeding the highest expectations of customer service.

COUNTY EMPLOYEES

County Employees fully embrace and live by our core practices, and enhance our people focused, performance driven organizational culture. Demonstrate pride in their work and their community, Always strive to improve levels of service and performance, and are empowered to help the people they serve.

THE LEON COUNTY ORGANIZATION

The Leon County Organization has the continuously increasing political and fiscal capacity to pursue bold opportunities and weather difficult challenges.

OUR VALUE PROPOSITION

WHAT YOU GET AS A TAXPAYER AND A STAKEHOLDER IN OUR COMMUNITY

Leon County government leverages partnerships, embraces efficiency and innovation, and demands performance to the benefit of our taxpayers. We actively engage our citizens, not only as taxpayers, but as stakeholders and co-creators of our community – providing meaningful opportunities to capitalize on their talents in making important decisions and shaping our community for future generations.

LEAD WITH STRATEGIC AND SMART TEAMS

Citizens want their tax dollars spent wisely, efficiently and effectively, and to that end, LEAD Teams will be an essential component of our performance driven culture. Teams are a basic component of transforming an organization's culture. Effective teams bring complimentary skills and experiences together, they build trust and understanding, and they bridge operations and agencies. Effective teams must be committed to a common purpose, performance goals and approach for which they hold themselves accountable. Just as sports teams are formed to win games, our LEAD Teams will be formed to accomplish strategic initiatives and improve operational performance.

- **LEAD Strategically** – Strategy teams will be formed to accomplish strategic initiatives in a responsive timeframe. Success requires teamwork, coordination, and integration across structural boundaries.

We will hold department and cross department accountability meetings around the strategic initiatives to assess progress, ensure collaboration and accountability for achieving the desired outcomes. These meetings will be used to improve performance, planning and decision making; to better allocate resources; and to identify the need for strategic initiative teams.

- **LEAD Smart** – Smart teams will be formed, as needed, to achieve operational improvements with one or more of the following desired effects:
 1. Improve Customer Service
 2. Increase Employee Productivity
 3. Promote Employee Wellness
 4. Ensure Employee Accountability
 5. Provide Rapid Response
 6. Improve Operational Safety and/or Reliability
 7. Improve Energy Efficiency or Other Sustainable Practices





PEOPLE FOCUSED. PERFORMANCE DRIVEN.

New County Commissioner's Briefing Book

SELECTED COUNTY POLICIES

CONTENTS

- Policy 03-05 Code of Ethics
- Policy 03-3 Internal Operations and Protocols
- Policy 03-9 Meeting Dates for Board of County Commissioners
- Policy 98-7 Reorganization
- Policy 01-05 Rules of Procedures for Board of County Commissioners' Meeting
- Policy 01-08 Candidacy for Political Office
- Policy 03-14 Annual Evaluations/Pay Adjustment
- Policy 03-16 Holidays
- Policy 01-06 County Commission Project Requiring Staff Time
- Policy 04-3 Wireless Communication Devices: Authorization; Issuance; and Usage
- Policy 01-01 E-Mail/Internet Use
- Policy 05-06 County Website
- Summary on Leon County Two-Thirds, Two-Thirds and CARD Programs
- Ordinance 2006-34 Discretionary Funding Guidelines

Board of County Commissioners
Leon County, Florida

Policy No. 03-05

Title: Code of Ethics
Date Adopted: December 11, 2007
Effective Date: December 11, 2007
Reference: Chapter 112, Florida Statutes; Leon County Ordinance No. 07-27
(Lobbyist Regulations)
Policy Superseded: Amending Policy No. 03-05, "Code of Ethics," adopted February 10, 2004;
Amending Policy No. 03-05, "Code of Ethics," adopted March 18, 2003;
Superseding Policy No. 02-08, adopted July 30, 2002

Policy No. 03-05, Code of Ethics, adopted by the Leon County Board of County Commissioners on February 10, 2004, is hereby amended to read as follows:

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that this policy shall apply to the members of the Board of County Commissioners and its employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners.

Section 1. Code of Ethics.

This Policy shall be known as the Leon County Code of Ethics.

If any word, phrase, clause, section or portion of this policy shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

This policy shall take effect upon being approved by a majority vote of the Board of County Commissioners.

Section 2. Intent and Purpose.

The proper operation of County government requires that County Commissioners be independent and impartial; that County policy and decisions be made through established processes; that County Commissioners not use public office to obtain private benefit; that County Commissioners avoid actions which create the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its County government and County Commissioners.

Section 3. Acknowledgment.

All County Commissioners, upon taking their oath of office to their current term and all current County Commissioners within ten (10) days of the passage hereof, shall submit a signed statement to the County Attorney acknowledging that they have received and read the Leon County Code of Ethics, that they understand it, and that they are bound by it.

All candidates for County Commission, upon qualifying to run for that office, shall submit a signed statement to the Clerk to the Board located at the Clerk of Court's Office, Finance Department, Room 450, 315 South Calhoun Street, Tallahassee, Florida 32301, acknowledging that they have received and read the Leon County Code of Ethics, that they understand it, and that they shall be bound by it upon election to office.

Section 4. Interpretation, Advisory Opinions.

When in doubt as to the applicability and interpretation of the Leon County Code of Ethics, any County Commissioner may request an advisory opinion from the County Attorney's Office. The County Attorney's Office shall keep a file, open to the public, of all written opinions issued and submit a copy of each opinion rendered to every County Commissioner.

Any County Commissioner may request a review by the Board of County Commissioners of any advisory opinion within thirty (30) days of its issuance or it shall become final. A majority vote of the Board of County Commissioners shall be the final determination of said opinion.

Section 5. Definitions.

- I. "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.
- II. "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.
- III. "Breach of the public trust" means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.

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- IV. "Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.
- V. "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.
- VI. "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.
- VII. "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.
- VIII. "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.
- IX. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.
- X. "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.
- XI. "Facts materially related to the complaint at issue" means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.

XII.

- A. "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:
1. Real property.
 2. The use of real property.
 3. Tangible or intangible personal property.
 4. The use of tangible or intangible personal property.
 5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
 6. Forgiveness of indebtedness.
 7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
 8. Food or beverage.
 9. Membership dues.
 10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
 11. Plants, flowers, or floral arrangements.
 12. Services provided by persons pursuant to a professional license or certificate.
 13. Other personal services for which a fee is normally charged by the person providing the services.
 14. Any other similar service or thing having an attributable value not already provided for in this section.
- B. "Gift" does not include:
1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
 3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
 4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
 5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
 6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
 7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
 8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.
- C. For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b), Florida Statutes.
- D. For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.
- XIII. "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.
- XIV. "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.
- XV. "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

- XVI. "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.
- XVII. "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.
- XVIII. "Parties materially related to the complaint at issue" means any other public officer or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.
- XIX. "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.
- XX. "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.
- XXI. "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

XXII. "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

XXIII. "Source" means the name, address, and description of the principal business activity of a person or business entity.

XXIV. "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

Section 6. Standards of Conduct.

- I. Definitions. As used in this Section, unless the context otherwise requires, the following terms shall be defined as follows:
 - A. "County Officer" shall include any person elected or appointed to hold office in the Leon County government, including any person serving on an advisory body.
 - B. "County Commissioner" shall include any member of the Leon County Board of County Commissioners.
 - C. "County Employee" shall include any person employed by the Leon County Board of County Commissioners.
- II. Solicitation or Acceptance of Gifts. No County Officer or County Employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the County Officer, County Employee, local government attorney, or candidate would be influenced thereby.
- III. Doing Business with One's Agency. No County Employee acting in his or her official capacity as a purchasing agent, or County Officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the County Officer or County Employee or the County Officer's or County Employee's spouse or child is an officer, partner, director, or proprietor or in which such County Officer or County Employee or the County Officer's or County Employee's spouse or child, or any combination of them, has a material interest. Nor shall a County Officer or County Employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the County. This subsection shall not affect or be construed to prohibit contracts entered into prior to:
 - A. October 1, 1975.
 - B. Qualification for elective office.
 - C. Appointment to public office.
 - D. Beginning public employment.

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- IV. Unauthorized Compensation. No County Officer or County Employee or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such County Officer, or County Employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the County Officer or County Employee was expected to participate in his or her official capacity.
- V. Salary and Expenses. No County Commissioner shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a County Officer, as provided by law. The County Attorney shall not be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.
- VI. Misuse of Public Position. No County Officer or County Employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31, Florida Statutes.
- VII. Conflicting Employment or Contractual Relationship.
- A. No County Officer or County Employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, Leon County, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall a County Officer or County Employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.
- If the Leon County Board of County Commissioners exercises regulatory power over a business entity residing in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a County Officer or County Employee shall not be prohibited by this subsection or be deemed a conflict.
- B. This subsection shall not prohibit a County Officer or County Employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.

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- VIII. Disclosure or Use of Certain Information. No County Officer or County Employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.
- IX. Post-Employment Restrictions; Standards of Conduct. No County Officer or County Employee shall personally represent another person or entity for compensation before Leon County Board of County Commissioners for a period of 2 years following vacation of office.
- X. County Employees Holding Office.
- A. No County Employee shall hold office as a member of the Leon County Board of County Commissioners while, at the same time, continuing as a County Employee.
- B. The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.
- C. Exemption. The requirements of Subsection III, "Doing Business With One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship," as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing entity and full disclosure of the transaction or relationship by the appointee to the appointing entity. In addition, no person shall be held in violation of Subsection III, "Doing Business With One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship" if:
1. Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.
 2. The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:
 - a. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder.
 - b. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

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- c. The official, prior to or at the time of the submission of the bid, has filed a statement with the County.
 3. The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.
 4. An emergency purchase or contract which would otherwise violate a provision of Subsection III, "Doing Business with One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship," must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.
 5. The business entity involved is the only source of supply within the political subdivision of the County Officer or County Employee and there is full disclosure by the County Officer or County Employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.
 6. The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.
 7. The fact that a County Officer or County Employee is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of Leon County, provided it appears in the record that the Board of County Commissioners has determined that such County Officer or County Employee has not favored such bank over other qualified banks.
 8. The County Officer or County Employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with Leon County.
 9. The County Officer or County Employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of Leon County and:
 - a. The price and terms of the transaction are available to similarly situated members of the general public; and
 - b. The County Officer or County Employee makes full disclosure of the relationship to the Board of County Commissioners prior to the transaction.

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- XI. Additional Exemption. No County Officer or County Employee shall be held in violation of Subsection III, "Doing Business With One's Agency," or Subsection VII, "Conflicting Employment or Contractual Relationship," if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with Leon County, and:
- A. The County Officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;
 - B. The County Officer has in no way participated in the County's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with County Officers or County Employees, or otherwise; and
 - C. The County Officer abstains from voting on any matter which may come before the Board of County Commissioners involving the officer's employer, publicly states to the assembly the nature of the County Officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s.112.3143, Florida Statutes.
- XII. Non-Interference in County Real Estate Transactions. The following provisions are intended to assure the integrity of the competitive bidding process is preserved, agreements are negotiated at arms-length and consistently enforced, and that no County Commissioner utilizes his or her position or any property within his or her trust, to secure a special privilege, benefit, or exemption for himself, herself, or others.
- A. Definitions. As used in this subsection, unless the context otherwise requires, following terms shall be defined as follows:
 - 1. "County Real Estate Transaction" shall include any existing or proposed real estate transaction in which Leon County is involved as either a buyer, seller, lessee, lessor, or is otherwise involved as a party.
 - 2. "Communicate" or "Communication" shall include one-on-one meetings, discussions, telephone calls, e-mails, and the use of other persons to convey information or receive information.
 - 3. "Property Manager" shall mean the individual or entity retained by the Board of County Commissioners to lease and manage any County-owned property.

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- B. Restricted Communication With Parties to County Real Estate Transactions.
1. No County Commissioner shall knowingly communicate with any individual or entity, or their employees, officers, or agents, involved as a party in any County Real Estate Transaction, unless the communication is:
 - a. Part of the transactional process expressly described in a request for bids or other such solicitation invitation;
 - b. Part of a noticed meeting of the Board of County Commissioners; or
 - c. Incidental and does not include any substantive issues involving a County Real Estate Transaction in which such individual or entity is a party.
 2. Any Board member who receives a communication in violation of this subsection shall place in the record at the next regular meeting of the Board of County Commissioners, the following:
 - a. Any and all such written communications;
 - b. Memoranda stating the substance of any and all such oral communications; and
 - c. Any and all written responses to such communications, and memoranda stating the substance of any and all oral responses thereto.
- C. Restricted Communication With County Employees and Property Manager.
1. No County Commissioner shall directly or indirectly coerce or attempt to coerce the County Administrator, the County Attorney, any other County Employee, or the Property Manager, with respect to any County Real Estate Transaction.
 2. In accordance with the Board of County Commissioners Policy No. 03-01 and the Leon County Administrative Code, the County Administrator or his designee shall be responsible for the management of any County-owned property, including the enforcement and termination of lease and license agreements. Except for the purpose of inquiry, County Commissioners shall not communicate directly or indirectly, give directions or otherwise interfere with these property management responsibilities.

3. Any communication outside a noticed meeting of the Board of County Commissioners between a County Commissioner, or their Aide, and the County Administrator, the County Attorney, any County Employee, and/or the Property Manager, which communication involves a substantive issue in a County Real Estate Transaction, shall be summarized in writing no later than three (3) working days after the communication (the Communication Summary), as follows:
 - a. While it is preferred that the template provided on the County intranet is utilized for the Communication Summary, another form of effective written communication, such as e-mail, is acceptable.
 - b. The Communication Summary shall include, at a minimum, the name of the persons involved in the communication, the date of the communication, the subject matter of the communication, and the way in which the communication was ended. The Communication Summary may also include the remarks of the persons involved.
4. The completed Communication Summary shall be forwarded to the Chairperson of the Board of County Commissioners, unless the communication involved the Chairperson in which case it shall be forwarded to the Vice-Chairperson, and a copy of the Communication Summary shall be forwarded to the County Administrator and the County Attorney.

Section 7. Voting Conflicts.

- I. As used in this section:
 - A. "County Officer" includes any person elected or appointed to hold office in the Leon County government, including any person serving on an advisory body.
 - B. "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.
 - C. No County Officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2), Florida Statutes; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer. Such County Officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

- D. No appointed County Officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer, without first disclosing the nature of his or her interest in the matter.
1. Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
 2. In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
 3. For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.
- E. Whenever a county officer or former county officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

Section 8. Use of Office for Political Campaigns or Personal Matters.

Use of Leon County resources, including but not limited to material goods and the use of office staff and/or County personnel, for either political campaign purposes or other personal matters, is strictly forbidden.

Section 9. Investigation and Prosecution of Alleged Violation of Code of Ethics.

The investigation and prosecution of any alleged violation of this Code of Ethics shall be in accordance with the Florida Statutes or local ordinances.

Section 10. Conflicts Between this Policy and Florida Statutes.

The Florida Statutes shall apply in the event of any conflict between this adopted policy and the Florida Statutes.

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Board of County Commissioners Leon County, Florida

Policy No. 03-3

Title: Internal Operations and Protocols, Commission Office

Date Adopted: October 13, 2009

Effective Date: October 13, 2009

Reference: *See Subsections Below*

Policy Superseded: Policy No. 97-10, "Internal Operations and Protocols, Commission Office," adopted 8/26/97; Policy No. 98.5, "Internal Operations and Protocols, Commission Office," adopted 10/13/98; Policy No. 02-01, "Internal Operations and Protocols, Commission Office," adopted 2/12/02; Policy No. 02-03, "Internal Operations and Protocols, Commission Office," adopted May 28, 2002; Policy No. 03-03, "Internal Operations and Protocols, Commission Office," adopted January 14, 2003; Policy No. 03-3, "Internal Operations and Protocols, Commission Office", revised October 14, 2008

Policy No. 03-3, adopted by the Board of County Commissioners on January 14, 2003, and revised October 14, 2008, is hereby superseded and a revised policy in its place, to wit:

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that the following policies and procedures are internal policies for the conduct of the Office of the Commission.

Section I: Standard Operating Procedures

The Chairman's aides shall function in the Commission office as the "lead" aide for the Board. He or she shall coordinate the writing and periodic updating of standard operating procedures for the internal operation of the Commission Office. Such standard operating procedures shall be maintained by the Chairman's aide.

Section II: Budget, Commission Office

Reference: Personnel Policies and Procedures, Section I

Commencing October 1, 1997, each County Commissioner may hire one full-time aide who shall serve at the pleasure of the Commissioner, and each Commissioner shall have exclusive hire/fire rights and responsibility for his/her aide, except as provided in Section V. Effective February 12, 2002, each Commissioner is responsible for completing an annual performance evaluation for his/her aide. Evaluations are to be completed and submitted to the Human Resource Division by October 1st of each year. Effective May 28, 2002, Commissioners may negotiate their aide's starting salaries at a maximum of \$45,463 per year (rate to be adjusted annually using the percentage rate increase authorized by the Leon County Board of County Commissioners. This rate will be maintained by the Human Resources Division.

Prior to salary negotiations, the Human Resources Division should be contacted to determine the current salary maximum. Subsequent annual pay adjustments shall be at the same percentage rate of increase authorized for Senior Management employees. Commission aides shall receive Senior Management benefits. The Board of County Commissioners shall approve an annual budget for operation of its office. The budget shall consist of a "Personal Services" (salary and benefit) budget for commissioners and aides, "Operating Expense" line item for the Commission office, and an "Operating Expense" line-item budget for each Commissioner.

In general, each Commissioner shall make a determination as to the appropriate expenditure of funds within his or her "Operating Expense" line item, so long as such expenditures are directly related County Commission operating functions. The Chairman or designee(s) shall authorize expenditures from the Commissioners' "Operating Expense" Office Account.

Each Commissioner shall be responsible for monitoring expenditures within his or her budget, or he or she may delegate this responsibility. The Chairman's aide shall coordinate with commission aides to ascertain the amount of funding to be budgeted on each line item. The Chairman's aide shall also act as liaison with County Administration and the Office of Management and Budget during annual budget preparation.

Section III: Orientation of Newly Elected Commissioners

The Chairman and the Chairman's aide shall be responsible for meeting with and welcoming all newly-elected Commissioners. The Chairman's aide shall provide an office orientation (not to be redundant with the County Administrator's orientation) for newly-elected Commissioners, including introductions to the commission office staff, aide assignments, explanation of office procedures and policies, protocols and ceremonial functions, including the swearing-in ceremony for newly elected Commissioners. The Chairman's aide shall coordinate all activities with the newly elected Commissioners prior to the swearing-in ceremony.

Section IV: Assignment of Offices

Reference County Policy No. 93-9, "Work Areas in the County Courthouse"

To the extent possible, the office occupied by an out-going district or at large Commissioner shall be occupied by the new Commissioner elected in his or her place. In the event a Commissioner moves from one office to another, a Commissioner may move County-owned personal computers and software. All other County-owned furnishings are to remain in the office being vacated. Commissioners may decorate their offices in accordance with Leon County Policy No. 93-9, "Work Areas in the County Courthouse."

Section V: Commission Appointment of Aides Under Special Circumstances

Upon majority vote of the Commission, the Board of County Commissioners shall assume all rights and responsibilities for the hiring, firing and supervision of a Commissioner's aide as provided herein. This section shall apply only when said Commissioner is accused of official misconduct under Chapter 112, Florida Statutes, and upon a probable cause finding by the Florida Commission on Ethics. At no time will a Commissioner be denied appropriate administrative support under this section.

Pursuant to this section, the Board shall assign a Commissioner among their membership to carry out all rights and responsibilities for the hiring, firing and supervision of a Commissioner's aide on behalf of the Board.

The Board of County Commissioner may reinstate a Commissioners rights and responsibilities for the hiring and firing of a Commissioner's aide upon majority vote of the Board.

Board of County Commissioners
Leon County, Florida

Policy No. 03-9

Title: Meeting Dates for Board of County Commissioners

Date Adopted March 26, 2009

Effective Date April 21, 2009

Reference N/A

Policy Superseded: Policy No. 69-2, "Meeting Dates for Board of County Commissioners," adopted 3/11/69; Policy No. 93-12, "Meeting Dates for Board of County Commissioners," adopted 1/12/93; Policy No. 03-09, "Meeting Dates for Board of County Commissioners," adopted May 27, 2003, revised January 25, 2005; revised November 18, 2008

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that:

Policy No. 03-09, adopted by the Board of County Commissioners on November 18, 2008, is hereby revised, to wit:

The Board of County Commissioners of Leon County, Florida shall meet every 2nd and 4th Tuesday of each month at 3:00 p.m. for the regular meeting, break for dinner from 5 p.m. to 6 p.m., and conduct public hearings at 6 p.m. However, the Board may cancel or continue meetings to observe holidays or other events as the Board deems appropriate.

Certain other meetings of the Board of County Commissioners may occur from time to time, which shall be noticed in advance pursuant to Section 286.011, Florida Statutes.

Board of County Commissioners

Leon County, Florida

Policy No. 98-7

Title:	Reorganization of the Board of County Commissioners and Installation of Newly Elected Commissioners
Date Adopted:	October 27, 2009
Effective Date:	October 27, 2009
Reference:	Ch.100.041, F.S.; Art. II, Sec. 5, Florida Constitution
Policy Superseded:	Policy 96-10, "Reorganization of the Board of County Commissioners and Installation of Newly Elected Commissioners," adopted 6/11/96; <u>Policy No. 98-7, "Reorganization of the Board of County Commissioners and Installation of Newly Elected Commissioners," adopted October 13, 1998;</u> <u>Policy No. 98-7, "Reorganization of the Board of County Commissioners and Installation of Newly Elected Commissioners," adopted October 10, 2006</u>

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 98-7, "Reorganization of the Board of County Commissioners," adopted by the Board of County Commissioners on October 10, 2006, is hereby repealed and superseded, and a revised policy is hereby adopted in its place, to wit:

Reorganization of the Board of County Commissioners

Reorganization of the Board of County Commissioners shall be conducted during the last regularly scheduled Board meeting in November of each year to elect a chairman and vice-chairman. However, during years when newly elected commissioners are installed, the reorganization of the board shall occur on the second Tuesday following the general election.

The reorganization shall be coordinated by the outgoing chairman and/or his or her designee. The outgoing chairman shall give a state-of-the-county address prior to turning the gavel over to the Chief Judge, Clerk of Court for the Second Judicial Circuit, or other official selected by the outgoing chairman, to preside over the election of the chairman and vice chairman. Following the election, the presiding official shall administer the following oath to the incoming chairman:

I, (name), do solemnly swear (or affirm) that I will well and faithfully execute the duties of the office of Chairman of the Leon County Board of County Commissioners to the best of my ability, so help me God."

Acceptance remarks by the newly sworn chairman, and recognitions, may be made prior to proceeding with the conduct of the regularly scheduled business of the Board.

Installation of Newly Elected Commissioners

In accordance with Ch. 100.041, F.S., newly elected County Commissioners shall be installed the second Tuesday following the general election. Such installation shall take place during a specially called meeting of the Board for the sole purpose of swearing in the newly elected commissioners.

The installation of newly elected County Commissioners, and the coordination of a swearing-in ceremony, shall be the responsibility of the Chairman of the Board and/or his or her designee. The Chief Judge and/or the Clerk of Court for the Second Judicial Circuit may be invited to preside over the ceremony and to administer the oath of office as prescribed in the Constitution of the State of Florida, Article II, Section 5, "Public Officers". The oath prescribed is as follows:

I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that I will well and faithfully perform the duties of the office of County Commissioner on which I am now about to enter, so help me God.

Public Information Office

The Public Information Officer shall maintain suggested procedures for such ceremonies and provide counsel to the Chairman/designee in coordinating the inaugural and reorganization ceremonies. In addition, the Public Information Officer will ensure required and appropriate protocols and public notice of these ceremonies.

Board of County Commissioners Leon County, Florida

Policy No. 01-05

Title:	Rules of Procedure for Meetings of the Leon County Board of County Commissioners
Date Adopted:	March 13, 2012
Effective Date:	March 13, 2012
Reference:	Robert's Rules of Order Revised
Policy Superseded:	Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised December 8, 2009; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised January 9, 2007; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised March 28, 2006; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised December 14, 2004; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised September 17, 2002; Policy No. 01-05, "Rules of Procedure for Meetings of the Leon County Board of County Commissioners," revised January 13, 2004; Policy No. 92-11, "Citizen Inquiry Processing," adopted September 8, 1992

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that a revised Policy No. 01-05 is hereby adopted. It is the policy of the Leon County Board of County Commissioners that these Rules of Procedure shall govern all official meetings of the Board of County Commissioners. The members of the Board, County Administrator, County Attorney, staff, and the public shall adhere to these rules, to wit:

I. Governing Rules.

Except as may be provided by these rules or by law, questions of order, the methods of organization and the conduct of business of the Board shall be governed by *Robert's Rules of Order Revised* in all cases in which they are applicable.

II. Open to the Public.

- A. Meetings Open to Public. All meetings of the Leon County Board of County Commissioners shall be open to the public in accordance with the Florida Government in the Sunshine Law, Section 286.011, Florida Statutes.

- B. Exempt Meetings. The exception shall be those meetings statutorily exempt, such as executive collective bargaining sessions, Section 447.605(1), F.S., meetings regarding risk management claims, Section 768.28(15), F.S., and litigation meetings pursuant to Section 286.011(8) F.S. The Board shall follow all statutory requirements for exempt meetings.
- C. Seating Capacity. Due to the need to comply with seating capacity requirements of the Fire Code, there may be occasions when entrance by the public to the Commission Chambers or other meeting rooms shall be limited.
- D. Accessibility. All meetings of the Commission will be conducted in a publicly accessible building.
- E. Signs, Placards, Banners. For public safety purposes, no signs or placards mounted on sticks, posts, poles or similar structures shall be allowed in County Commission meeting rooms. Other signs, placards, banners, shall not disrupt meetings or interfere with others' visual rights.

III. Quorum.

- A. Quorum. A majority of the entire Board shall constitute a quorum. No ordinance, resolution, policy, or motion shall be adopted by the Board without the affirmative vote of the majority of the members present or, if required by the Florida Statutes, an extraordinary majority vote of the members present.
- B. Remaining in Chambers. During a Board meeting, Commissioners should remain in the Chambers at all times unless an emergency or illness should occur. Commissioners present in the meeting should not absent themselves for a particular item.
- C. Participation by Absent Commissioner: Upon the determination by a majority of the Board of County Commissioners present in the Commission Chambers and voting, that extraordinary circumstances exist to justify the absence of any County Commissioner from said meeting, and assuming a quorum of the Board of County Commissioners is otherwise present, the Board may allow the participation of the physically absent County Commissioner. The physically absent Commissioner may not vote on any motion authorizing such participation. The physically absent County Commissioner must take all steps necessary to provide an interactive communication between the County Commission meeting location and the location of the physically absent County Commissioner, and at a minimum must provide interactive voice communication, but should also endeavor to provide interactive video communication whenever possible. In instances in which the physically absent County Commissioner participates in the meeting, this Commissioner shall also be allowed to cast his/her vote, but only to the extent that the physically active County Commissioner's vote does not break a tie vote of those Commissioner present in Commissioner Chambers and voting. The decision of the Board of County Commissioners shall take place before the subject meeting, preferably at a prior meeting, and shall be based upon the facts and circumstances of each such request.

- D. Conflict of Interest. Any member of the Commission who announces a conflict of interest on a particular matter pursuant to Section 112.3143 or Section 286.012, Florida Statutes, and decides to refrain from voting or otherwise participating in the proceedings related to that matter, shall be deemed present for the purpose of constituting a quorum.
- E. Loss of Quorum. In the event that a Commissioner is required to depart a Board meeting prior to adjournment, and the departure causes a loss of quorum, no further official action may be taken until or unless a quorum is restored, other than adjournment.
- F. No Quorum. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Commission, or upon a meeting having commenced with a quorum, which quorum shall have been lost, the Chair or the Vice Chair, or in their absence, another Commissioner, in order of seniority, shall adjourn the meeting. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.

IV. Presiding Officer.

- A. Chairman. The Presiding Officer is the Chairman of the Leon County Board of County Commissioners. The Chairman presides at all meetings of the Board. The Chairman's responsibilities shall include, but not be solely limited to:
 - 1. Open the meeting at the appointed time and call the meeting to order, having ascertained that a quorum is present.
 - 2. Announce the business to come before the Board, in accordance with the prescribed order of business.
 - 3. Recognize all Commissioners, the County Administrator, and the County Attorney, who seek the floor under correct procedure. All questions and comments are to be directed through the Chairman and restated by him or her, and he or she declares all votes. The Chairman shall repeat every motion and state every question coming before the Commission, and announce the decision of the Commission on all matters coming before it.
 - 4. Preserve decorum and order, and in case of disturbance or disorderly conduct in the Commission Chambers, may cause the same to be cleared or cause any disruptive individual to be removed.
 - 5. Call to order any member of the Board who violates any of these procedures and, when presiding, decide questions of order, subject to a majority vote on a motion to appeal.
 - 6. Expedite business in every way compatible with the rights of the members.

7. Remain objective. For the Chairman to make a motion, the gavel must be relinquished. Based upon these Rules & Procedures, the gavel shall be relinquished in the following order:

- (a) to the Vice Chair;
- (b) to other Commissioners based upon seniority.

The “Rule Against Chair’s Participation in Debate” states that the presiding officer who relinquishes the chair should not return to it until the pending main question has been disposed of, since he or she has shown himself or herself to be partisan as far as that particular matter is concerned.

8. Declare the meeting adjourned when the Board so votes, or at any time in the event of an emergency affecting the safety of those present.

B. Vice Chairman. In the absence of the Chairman or in the event of the Chairman’s inability to serve by reason of illness or accident, the Vice Chairman shall perform the duties and functions of the Chairman until the Chairman’s return to the County or recovery and resumption of duty.

V. Order of Business.

A. Official Agenda. There shall be an official agenda for every meeting of the Commission, which shall determine the order of business conducted at the meeting. All proceedings and the order of business at all meetings of the Commission shall be conducted in accordance with the official agenda.

B. Agenda Form; Availability; Support Information. The agenda shall be prepared by the County Administrator in appropriate form approved by the Commission. The County Administrator shall make available to the Commissioners a copy of the agenda before the meeting. All support information for agenda items shall be available no later than the morning of the business day before the regular meeting. If the support information is not available, the agenda item shall be removed from the agenda and considered at a later meeting.

C. Agenda Format for Regular Meeting. The agenda format for a regular Commission meeting shall be in substantially the form as set forth below:

1. Call to Order, Invocation and Pledge of Allegiance
2. Awards and Presentations
3. Consent
4. Citizens to be Heard on Non-Agendaed Items (3-minute limit; non-discussion by Commission)
5. General Business
6. Scheduled Public Hearings, 6:00 p.m.
7. County Attorney
8. County Administrator
9. Citizens to be Heard on Non-Agendaed Items
10. Discussion Items by Commissioners
11. Adjourn

- D. Invocation procedures. The following procedures are not intended, and shall not be implemented or construed in any way, to affiliate the Board with, nor express the Board's preference for, any particular faith or religious denomination, and shall be utilized for the scheduling and offering of invocations at Board meetings.
1. The County Administrator, or designee, shall compile a list of religious congregations and assemblies in Leon County. The list shall be compiled from information reasonably available from a variety of sources, such as the telephone book, Internet, and the local chamber of commerce. The list should be updated on an annual basis.
 2. Each Commissioner, on a rotational basis, shall offer the invocation or extend an invitation either to a leader of a religious congregation or assembly on the list or otherwise choose a person to offer the invocation, making every reasonable effort to ensure that individuals from a variety of faiths and beliefs are scheduled.
 3. Should the individual scheduled to offer the invocation not be present at the meeting, the invocation may be offered pursuant to the Chairman's invitation.
 4. The invocation should be limited to not more than 3 minutes.
 5. Invocations shall be nonsectarian and shall avoid advancing one faith or belief.
 6. Participation in the invocation by persons in attendance at Board meetings is voluntary.
- E. Consent Agenda. On the portion of the agenda designated as "Consent," all items contained therein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Administrator, or the County Attorney may withdraw an item from the consent agenda, provided that such request is made in writing 24 hours (excluding holidays) before the subject meeting, and it shall then be voted on individually.
- F. Citizens to be Heard on Non-Agendaed Items (first). On the portion of the agenda designated as the first "Citizens to be Heard on Non-Agendaed Items" (3-minute limit; non-discussion by Commission), there shall be no debate and no action by the Commission.
- G. General Business. General business items are items of a general nature that require Board direction or pertain to Board policy.

- H. Scheduled Public Hearings, 6:00 p.m. Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required pursuant to Section V, Subsection K (Placing Items on Agenda) of this policy. Public hearings shall be held as required to receive public comments on matters of special importance or as prescribed by law. For regular Board meetings, public hearings shall be heard at 6:00 p.m., or as soon thereafter as is possible. This time designation is intended to indicate that an item will not be addressed prior to the listed time. Individual speakers are encouraged to adhere to a three (3) minute time limit when speaking on issues scheduled for public hearing. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.
- I. Citizens to be Heard on Non-Agendaed Items (second). On the portion of the agenda designated near the end of the meeting as the “Citizens to be Heard on Non-Agendaed Items” (3-minute limit), there may be debate by the Commission, but the Commission shall take no policy action except to agenda the topic for a later date or by a unanimous vote of the Board.
- J. Discussion Items by Commissioners. On the portion of the agenda designated at “Discussion Items by Commissioners,” no assignments shall be given to the County Administrator or County Attorney without the express approval of the majority of the Board. The Board shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the Board. The remarks of each commissioner during his or her “discussions items” time shall be limited to no more than three (3) minutes, unless the Chairman extends the time.
- K. Departure from Order of Business. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission present at the meeting.
- L. Placing Items on Agenda. With the consent of the Commission as a whole, matters may be placed on the agenda by any member of the Commission, the Administrator, or the County Attorney. When a Commissioner wishes to place a matter on the agenda, the Commissioner shall raise the matter at a regular Commission meeting, and seek the Commission’s consent for inclusion of the matter on the next available regular agenda. A Commissioner may not unilaterally add a matter to an agenda without the Commission’s prior approval.

Prior to placing a matter on the agenda that requires a public hearing, the consent of the Commission is required. A request to schedule the public hearing shall be placed on the Consent Agenda for consideration by the Commission. Upon the Commission’s approval of the request to schedule a public hearing, the public hearing shall then be scheduled for inclusion on the next available regular agenda. In addition, the Commission may direct the scheduling of a matter that requires a public hearing by a majority vote. This rule of procedure does not apply to zoning and site and development plan approvals, which are placed on the agenda by staff pursuant to County Code and general law.

- M. Additions, Deletions, or Corrections to Agenda. Deletions or corrections to the agenda may be considered by the Commission and adopted by the passage of a single motion. Non-agenda matters shall be confined to items that are informational only.

“Add On” agenda items (items that missed the deadline for agenda preparation for the meeting) should be considered by the Commission only in exigent circumstances, for issues that are time critical or cost sensitive to the County. For such matters, the Chairman, County Administrator and County Attorney should be consulted in advance of the meeting to approve of the “Add On” agenda item. If the “Add On” agenda is approved, the Agenda Coordinator should modify and reprint the agenda table of contents for redistribution to all persons who receive the initial agendas. Furthermore, the County’s web site should be updated to reflect the new agenda. For matters of extreme emergency, a special meeting of the Commission may be called by the Chairman upon adequate notice being provided under Section 286.011, Florida Statutes.

- N. Announcing Agenda Items. The Chairman shall announce each item on the agenda. The County Administrator or County Attorney shall then present the item to the Board.

VI. Parliamentarian.

The County Attorney shall act as parliamentarian and shall advise and assist the Chairman in matters of parliamentary law. In the absence of a Rule of Procedure as provided for by these Rules, the parliamentarian shall refer to *Robert’s Rules of Order Revised* on all rulings.

VII. Rules of Debate.

- A. Decorum.
1. Every Commissioner desiring to speak should address the Chairman, and upon said recognition by the Chairman, should confine discussion to the question under debate, avoiding all personalities and indecorous language.
 2. Commissioners shall refrain from: attacking a member’s motives; speaking adversely on a prior motion not pending; speaking while the Chairman or other Board members are speaking; speaking against their own motions; and disturbing the Board.
 3. A member once recognized should not be interrupted when speaking unless said member is being called to order. The member should then cease speaking until the question of order is determined, without debate, by the Chairman. If in order, said member shall be at liberty to proceed.
 4. A member shall be deemed to have yielded the floor when he or she has finished speaking. A member may claim the floor only when recognized by the Chairman.

- B. Motions.
1. A motion and a second to the motion is to precede any action on an agenda matter unless there are speakers to be heard on the agenda matter.
 2. All motions shall be made and seconded before debate.
 3. When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to: adjourn, to lay on the table, to postpone, to substitute, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned.
 4. Any Commissioner may move to close debate and call the question on the motion being considered which shall be nondebatable. A successful vote on the motion to close debate will end discussion of the item. The Commissioner moving the adoption of an ordinance, resolution or motion shall have the privilege of closing the debate.
 5. If the Chairman wishes to put forth a motion, he or she shall relinquish the Chair to the Vice Chairman until the main motion, on which he or she spoke, has been disposed. The Chairman may second any main motion made by another Commissioner.
 6. The following motions are not debatable: to adjourn; to lay on the table; to take from the table; to call the question.
- C. Motions to Amend. An amendment to a motion must be germane, that is, it must relate to the substance of the main motion. An amendment may not introduce an independent question, and an amendment may not serve as the equivalent of rejecting the original motion. A Commissioner may amend the main motion in either of the following two ways:
1. By Consent of the Members. The Chairman, or another Commissioner through the Chairman, may ask for certain changes to be made to the main motion. If there are no objections from the maker of the motion, the motion shall stand as amended.
 2. Formal Amendment. An amendment may be presented formally by moving to amend the motion in some way. If it is in the form of a formal motion to amend, a second shall be required and discussion shall follow on the amendment. If an amendment passes, the main motion shall be the motion as amended. If it fails, the motion shall be the motion as it was before the amendment was presented.

VIII. Voting.

- A. Voice Vote. Unless otherwise directed by the Chairman, all votes shall be taken by voice.

- B. Tabulating the Vote. The Chairman shall tabulate the votes and announce the results. Upon any roll call, there shall be no discussion by any Commissioner prior to voting, and each Commissioner shall vote “aye” or “nay.”
- C. Voting. Every member who was in the Commission Chambers when the question was put must give his or her vote, unless the member has publicly stated that he or she is abstaining from voting due to a conflict of interest pursuant to Sections 112.3143 or 286.012, Florida Statutes. If any Commissioner declines to vote “aye” or “nay” by voice, his or her silence shall be counted as an “aye” vote.
- D. Absent for Vote; Changing Vote. Any Commissioner momentarily absent for a vote on a particular item may record his or her vote, and any Commissioner may change his or her vote before the next item is called for consideration, or before a recess or adjournment is called, whichever occurs first, but not thereafter, except with the consent of all the Commissioners who voted thereon.
- E. Voting Conflict. No Commissioner shall vote on a matter when the Commissioner has a voting conflict of interest as specified in Section 112.3143 or Section 286.011, Florida Statutes. A Commissioner abstaining from voting due to a conflict shall announce the conflict prior to discussion on the matter. Within fifteen (15) days following that Commission meeting, the Commissioner shall file with the Clerk a Form 8B “Memorandum of Voting Conflict” which describes the nature of the interest in the matter. Form 8B shall be received by the Clerk and incorporated into the meeting minutes as an exhibit.
- F. Majority Vote; Extraordinary Majority Vote; Tie Vote. The passage of any motion, policy, ordinance or resolution shall require the affirmative vote of at least the majority of the members of the Commission who are present and eligible to vote. If an extraordinary majority vote is required by the Florida Statutes, this shall require the affirmative vote of an extraordinary majority of the members of the Commission who are present and eligible to vote. In the case of a tie in votes on any proposal, the proposal fails.

IX. Citizen Input: Addressing the Board of County Commissioners.

- A. Citizen Input. The Board recognizes the importance of protecting the right of all citizens to express their opinions on the operation of County government and encourage citizen participation in the local government process. The Board also recognizes the necessity for conducting orderly and efficient meetings in order to complete County business in a timely manner.
- B. Non-Agendaed Inquiries.
 - 1. At regularly scheduled County Commission meetings, the Board provides two comment periods for citizens to speak on non-agendaed items. These public comment periods are denoted on the agenda as “Citizens to be Heard on Non-Agendaed Items.” The remarks of each speaker at the initial comment period shall be limited to no more than three (3) minutes, unless the Chairman extends the time.

Any citizen who did not speak during the first citizen comment period shall have the opportunity to speak during the second comment period. The remarks of each speaker at the second comment period shall be limited to no more than three (3) minutes. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers.

2. Any citizens who have non-agendaed inquiries at regularly scheduled County Commission meetings will be directed to prepare a Citizen Inquiry Form to gain all the necessary information.
 3. The matter will then be addressed by staff in the ensuing days, and the County Administrator or County Attorney shall report back to the Board of County Commissioners by written memorandum.
 4. If the inquiry is unable to be addressed or resolved by staff, an appropriate agenda item will be prepared by the County Administrator or County Attorney if a change in policy, procedures, or ordinances is required and recommended by staff in order to address the general subject matter of the inquiry.
 5. This procedure shall not be used if “appeal” mechanisms already exist to address the inquiry.
- C. Citizen Input on a Matter Pending Before the Commission. Each person who addresses the Commission on an agenda item pending before the Commission shall complete a citizen’s input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than three (3) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers.
- D. Public Input at Workshops. Citizen input at Commission Workshops is not permitted unless an individual is called upon by the Chairman. In such case, each person who addresses the Commission shall complete a citizen’s input card and submit the card to the receptionist or to the Chairman. The remarks of each speaker shall be limited to no more than three (3) minutes. The Chairman has the discretion to either extend or reduce the time limits, based on the number of speakers. The Commission itself may also vote to allow public input on a particular matter.
- E. Addressing the Commission.
1. When the person’s name is called, the person shall step up to the speaker’s lectern and shall give the following information in an audible tone of voice for the minutes:
 - (a) name;
 - (b) place of residence or business address;
 - (c) if requested by the Chairman, the person may be required to state whether the person speaks for a group of persons or a third party, if the person represents an organization, whether the view expressed by the person represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.

2. All remarks shall be addressed to the Commission as a body and not to any member thereof.
3. No person, other than a member of the Commission, and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Commission, without permission of the Chairman. No question may be asked except through the Chairman.
4. Speakers should make their comments concise and to the point, and present any data or evidence they wish the Commission to consider. No person may speak more than once on the same subject unless specifically granted permission by the Chairman.

F. Decorum.

1. Order must be preserved. No person shall, by speech or otherwise, delay or interrupt the proceedings or the peace of the Commission, or disturb any person having the floor. No person shall refuse to obey the orders of the Chairman or the Commission. Any person making irrelevant, impertinent, or slanderous remarks or who becomes boisterous while addressing the Commission shall not be considered orderly or decorous. Any person who becomes disorderly or who fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chairman and given the opportunity to conclude remarks on the subject in a decorous manner and within the designated time limit. Any person failing to comply as cautioned shall be barred from making any additional comments during the meeting by the Chairman, unless permission to continue or again address the Commission is granted by the majority of the Commission members present.
2. If the Chairman or the Commission declares an individual out of order, he or she will be requested to relinquish the podium. If the person does not do so, he or she is subject to removal from the Commission Chambers or other meeting room and may be arrested by the Sheriff subject to Section 810.08(1), Florida Statutes.
3. Any person who becomes disruptive or interferes with the orderly business of the Commission may be removed from the Commission Chambers or other meeting room for the remainder of the meeting.

X. Adjournment.

No meeting should be permitted to continue beyond 11:00 P.M. without the approval of a majority of the Commission. A new time limit must be established before taking a Commission vote to extend the meeting. In the event that a meeting has not been closed or continued by Commission vote prior to 11:00 P.M., the items not acted on are to be continued to 9:00 a.m. on the following day, unless state law requires hearing at a different time, or unless the Commission, by a majority vote of members present, determines otherwise.

Board of County Commissioners Leon County, Florida

Policy No. 01-08

Title: Candidacy for Political Office, Employees and Volunteers

Date Adopted: July 10, 2001

Effective Date: July 10, 2001

Reference: N/A

Policy Superseded: Policy 96-12, "Candidacy for Political Office, Employees and Volunteers,"
Adopted July 9, 1996

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 96-12, "Candidacy for Political Office, Employees and Volunteers," adopted by the Board of County Commissioners on July 9, 1996 is hereby repealed and superseded, and a new policy entitled "Candidacy for Political Office, Employees and Volunteers" is hereby adopted in its place. It shall be the policy of the Board of County Commissioners of Leon County, Florida that

Section I

This policy shall not apply to members of the Board of County Commissioners or any other County elected official.

Section II

Any Leon County employee, to include employees of the County Attorney's Office, County Commission Office, County Administrator's Office as well as appointed positions on County boards, committees and authorities, who successfully runs for and is elected to an elected public/political office or who is appointed to an elected public/political office must resign their position with Leon County prior to taking office.

Board of County Commissioners Leon County, Florida

Policy No. 03-14

Title: Annual Evaluations and Pay Adjustments for the County Attorney

Date Adopted: September 20, 2011

Effective Date: September 20, 2011

Reference: N/A

Policy Superseded: Policy No. 00-6, "Annual Evaluations and Pay Adjustments for County Administrator and County Attorney," adopted September 9, 2000; Policy No. 03-14, "Annual Evaluations and Pay Adjustments for County Administrator and County Attorney," adopted October 14, 2003; Policy No. 03-14, 'Annual Evaluations and Pay Adjustments for County Administrator, County Attorney, and Executive Director, Tourist Development Council', adopted October 14, 2008

It shall be the policy of the Board of County Commissioners of Leon County, Florida that:

Policy No. 03-14, adopted by the Board of County Commissioners on October 14, 2008, is hereby superseded and a revised policy is adopted in its place, to wit:

There shall be an annual review and merit pay consideration for the County Attorney. A procedure shall be used to conduct such annual evaluation and to determine annual pay adjustments of the County Attorney.

- A. By August 15 of each year, the Chairman will distribute an evaluation form to each Commissioner.
- B. Each Commissioner is to complete an evaluation of the County Attorney using the form provided.
- C. By September 10, each Commissioner should meet individually with the County Attorney to discuss the results of the evaluation. At the conclusion of the evaluation conference, the Commissioner will provide the County Attorney with a copy of the completed and signed evaluation form. A copy will also be provided to the Chairman.
- D. The Board Chairman will review all of the evaluation forms and, by September 30, will approve an appropriate percentage increase in accordance with the contracts of the County Attorney.

Board of County Commissioners
Leon County, Florida
Policy No. 03-16

Title: Holidays
 Date Adopted: October 14, 2003
 Effective Date: January 1, 2004
 Reference: n/a
 Policy Superseded: Policy No. 02-10, "Holidays," adopted October 8, 2002

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy 02-10, "Holidays," adopted October 8, 2002, is hereby superseded and amended as follows:

This policy establishes a permanent Holiday Schedule for all employees under the Board of County Commissioners. Beginning January 1, 2004 and until such time the Holiday Policy is amended, the County shall observe the following holidays:

New Year's Day*
 Birthday of Martin Luther King, Jr. (third Monday in January)
 Memorial Day (last Monday in May)
 Independence Day
 Labor Day, (first Monday in September)
 Veteran's Day
 Thanksgiving Day
 Friday after Thanksgiving
 Christmas Day*

If any of these holidays fall on Saturday, the preceding Friday shall be observed as a holiday. When these holidays fall on Sunday, the following Monday shall be observed as a holiday. (*If the New Years or Christmas Holiday falls on a Thursday, the following Friday shall be observed as a holiday. If the New Years or Christmas Holiday falls on a Tuesday, the preceding Monday shall be observed as a holiday). The Holiday Schedule will remain constant each year unless a formal request for change is made by the Board, Constitutional Officers or County Administration.

Board employees will accrue three (3) Swing Days annually.

The Holiday Schedule for each year will be distributed by the Office of Human Resources to all Board employees and Constitutional Officers by November 1st of the preceding year.

Board of County Commissioners
Leon County, Florida

1.03

Policy No. 01-06

Title: County Commission Projects Requiring Commitment of Staff Time

Date Adopted: May 29, 2001

Effective Date: May 29, 2001

Reference: _____ N/A

Policy Superseded: Policy No.93-10, "County Commission Projects Requiring Commitment of Staff Time," January 12, 1993

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that:

Policy No. 93-10, adopted by the Board of County Commissioners January 12, 1993 is hereby repealed and superseded and a new policy is hereby adopted in its place, to wit:

The utilization of County resources and staff shall be authorized only for projects that serve a paramount public purpose for Leon County and no new projects shall be assigned to County staff unless approved and prioritized by at least four votes of the County Commission.

Any request, other than a routine question or maintenance request, should be routed through the County Administrator or, for legal matters, through the County Attorney.

**Board of County Commissioners
Leon County, Florida**

Policy No. 04 - 3

Title: Wireless Communication Devices: Authorization; Issuance; and Usage
Date Adopted: May 8, 2012
Effective Date: May 8, 2012
Reference: N/A
Policy Superseded: Policy No. 96-3, "Cellular Phones; Pagers and 2-Way Radios", adopted 1996; Policy No. 04-3, "Cellular Phones: Authorization; Issuance; and Usage", adopted September 14, 2004; Policy No. 04-3 "Wireless Communication Devices: Authorization; Issuance; and Usage", adopted October 10, 2006

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that: Policy No. 04-3, amended by the Board of County Commissioners on October 10, 2006 is hereby repealed and superseded and a revised policy is adopted in its place, to wit:

A. Authorization; Issuance; Definitions:

1. Wireless communication devices, owned or leased by the County, or wireless communication devices allowances may only be issued to the following County personnel:
 - a. County officials and employees whose job responsibilities require the use of such technology for the efficient provision of County services, or for the safety of employees in the provision of County services;
 - b. County officials and employees whose job requirements include emergency response or on-call duties;
 - c. Other personnel as approved by the County Administrator.
2. Wireless communication devices shall include but not be limited to laptops and tablets (such as iPads[®]) with wireless services, cellular phones, pagers, handheld devices (such as iPhones[®], Androids[®], and the Blackberry[®]) and all accompanying accessories. All purchases of such technology shall be approved, in advance, by the receiving department and/or division director.
3. Electronic communications shall include communications utilizing non-Novell GroupWise e-mail, instant messaging, text messaging (such as SMS, Blackberry, PIN, etc.) multimedia messaging (such as MMS), chat messaging, social networking (such as Facebook, Twitter, etc.), or any other current or future electronic messaging technology, regarding County business.

B. County-Issued Wireless communication devices:

1. Usage

- a. All County officials and employees shall be required to sign a “Usage Agreement” with the County, which shall denote the receipt of the wireless communication device and understanding of the usage guidelines.
- b. The Management Information Services (MIS) Division shall serve as contract administrator for the county wireless communication device program and administer wireless provider contracts and personnel “Usage Agreements.”
- c. All County officials and employees shall use a County-issued wireless communication device primarily for County-related business. Any charges generated by personal usage beyond 60 minutes per month shall be reimbursed to the County within thirty (30) days of notification.
- d. Any purchase of an application or content and any overage charges on data plan bills generated by personal usage shall be reimbursed to the County within thirty (30) days of notification.
- e. County-issued wireless communication devices are to be used primarily to facilitate County business. Reasonable personal use is permitted consistent with the provisions of this Policy. Non-County business related e-mail and Internet usage is permitted, provided such use is brief, does not interfere with work, does not subject the County to any additional costs, and is otherwise consistent with the requirements set forth herein.
- f. County-issued wireless communication devices shall not be used to send or receive electronic communications regarding County business unless or until there is a consistent, guaranteed and County approved method to capture and retain all such electronic communications in accordance with public records requirements. Therefore, electronic communications features or capabilities may be disabled from County-issued wireless communication devices through the vendor. Exceptions hereto may be approved by the County Administrator or authorized designee for emergency, critical operations and public safety uses. Electronic communications regarding County business for such uses identified above shall be documented to fully comply with public records requirements and retention schedules.
- g. County reserves the right to monitor and audit the use of all County-issued wireless communication devices.
- h. Reasonable precautions should be made to prevent theft and vandalism.
- i. Wireless communication devices should not be used when a less costly alternative is safe, convenient, and readily available.
- j. All expenses for the use of such wireless communication devices by County officials and employees for County related use shall be paid from the operating budget of the receiving department or division.

2. Monitoring and Control:

- a. By reviewing monthly schedules of wireless communication device activity, immediate supervisors, and department/division heads should monitor the use to insure they are being used appropriately.
- b. Each user shall review monthly service billings to determine and remit, as appropriate, a payment at the contract rate per minute per call that is of a non-County-related purpose, in accordance with Section B.1.c.
- c. Inappropriate use of County-issued wireless communication devices or any violations of the provisions of this Policy shall be reported to the respective department head and dealt with according to Leon County Personnel Policies and Procedures.

3. County Officials, Employees, and/or Department/Division Responsibilities:

- a. Those County officials and employees who are issued a wireless communication device shall be responsible for the operation, condition, and security of that device while it is in their possession. The County official or employee shall take all necessary precautions to ensure that the device is not subjected to conditions that would adversely affect the device or for which it was not designed.
- b. County-issued wireless communication devices are not to be used while operating a vehicle, unless the employee is utilizing a hands free adapter on the wireless device and traffic conditions warrant the safe utilization of the hands free option.
- c. Each department shall be responsible for maintaining an inventory tracking mechanism for each wireless communication device purchased by their department.
- d. A master inventory of all wireless communication devices will be maintained by the MIS Division. The information for the master inventory will be furnished by the respective departments to the MIS Division.
- e. Each department shall be responsible for maintaining sign out sheets for temporary reassignments of equipment. This should be tracked at the division and/or department level.
- f. Upon termination of employment or upon the termination of tenure in office with the County, it shall be the responsibility of the County official or employee to whom a wireless communication device is assigned to return said device to their supervisor or to the County Administrator prior to their last date of employment or service in office. Failure to do so may result in the cost of the device being withheld from the County official's or employee's final paycheck until such time as said wireless communication device is returned to the Leon County.

C. Wireless Communication Device Allowance:

1. As an alternative to using a County-issued wireless communication device, authorized County officials and employees, as determined by the County Administrator or County Attorney, may receive a monthly allowance on their non-county owned or leased wireless communication device if it is appropriately used for County related business. If a County official or employee is approved for this option, the County official or employee must provide the County their wireless communication device telephone number to be used for County business and sign a Wireless Communication Device Allowance Agreement. The County will not be responsible for the loss of or damage to, employee-owned wireless communication devices. The County Administrator reserves the right to discontinue the wireless communication device allowance of any previously authorized employee.

2. Authorization

Those individuals who are authorized by the County Administrator or County Attorney to participate in the County's Wireless Communication Device Allowance Program include County Commissioners, Commission Aides, Group Directors, Assistant to Group Directors, appropriate Division Directors and others as determined by the County Administrator. Special exceptions will be approved by the County Administrator or County Attorney or their designee.

3. Rate

The wireless communication device allowance rate will be established by the County Administrator, and may be based upon comparable industry standards for wireless communication device service or on the standard basic service level rates, minutes, and features provided for County issued wireless communication devices from an approved County wireless communication device service provider.

D. Violation of Policy:

Any County employee found to be in violation of any provision of this Policy shall be subject to disciplinary action, up to and including dismissal, and civil and criminal liability.

Revised 5/8/2012

Leon County Board of County Commissioners
COUNTY ISSUED WIRELESS COMMUNICATION DEVICE
USAGE AGREEMENT CERTIFICATION
POLICIES/RESPONSIBILITIES

COUNTY OFFICIAL/EMPLOYEE CERTIFICATION

I hereby certify by my signature that I have been provided a copy of the County policy for wireless communication devices; that I have read and understand the requirements contained therein; and that I agree to comply with the requirements of the policy as now written or amended in the future.

Name of Authorized User: _____

Signature of Authorized User _____ Date: _____

Name of Division _____

Wireless communication device: Mfr _____ Model _____

Serial # _____ Wireless Telephone # _____

Approved By:

Division Director's Signature _____ Date: _____

Group Director's Signature _____ Date: _____

Please submit completed agreement to the MIS Division.

Revised 5/8/2012

Leon County Wireless Communication Device Allowance Agreement

Name: _____

Title: _____ Cell # _____

Department: _____ Service Provider _____

This Agreement is entered into between Leon County, Florida, hereinafter referred to as the "County," and; _____, hereinafter referred to as "Employee," on the _____ day of _____, 20__.

WHEREAS, the County desires to provide the tools to help contact County officials and employees when they are needed; and

WHEREAS, County officials and employees have indicated a desire for the County to provide an allowance for the use of their non-county issued wireless communication devices for County business.

NOW, THEREFORE, in consideration of the terms, conditions, and performance requirements contained herein, the parties hereto agree as follows:

A. THE COUNTY OFFICIAL OR EMPLOYEE SHALL:

1. Provide the County their wireless telephone number and allow it to be published and used for County business.
2. Agree to assume full responsibility for any and all costs associated with the wireless communication service, including County related matters.
3. Pay for any installation charges and any equipment needed, which will remain the property of the employee.
4. Notify in writing the appropriate division director if at anytime the employee disconnects their personal wireless communication service for any reason or for any length of time.
5. Not hold the County responsible for the loss of, or damage to, an employee owned wireless communication device.
6. Fully indemnify, release, and hold harmless the County for any monetary cost or claims of any nature arising out of this wireless communication device agreement.
7. Be responsible for compliance with public records laws.

B. THE COUNTY SHALL:

1. Authorize the County official or employee to receive an allowance.
2. Provide an allowance to said County official or employee at a rate to be determined by the County Administrator in accordance with County policy.

C. TERM:

1. The term of this Agreement shall begin on _____, 20__ and shall automatically renew annually unless terminated according to the provisions herein.

D. TERMINATION:

1. Termination for Convenience. Either party may terminate the Agreement immediately upon written notice to the other party.
2. Termination for Cause. If the party fails to perform in the manner called for in this Agreement, or does not maintain an acceptable performance evaluation, the County may terminate this Agreement.
3. Termination of employment with Leon County. If the party terminates his/her employment with Leon County all allowance costs cease.

I hereby certify by my signature that I have been provided a copy of the County policy for wireless communication devices; that I have read and understand the requirements contained therein; and that I agree to comply with the requirements of County policy, as may be amended.

Employee Signature _____ Date: _____

Approved By:

Division Supervisor: _____ Date: _____

Group Director: _____ Date: _____

County Administrator: _____ Date: _____

Please submit completed Agreement to the MIS and Human Resources Division.

Board of County Commissioners

Leon County, Florida

Policy No. 01-01

Title:	E-mail/Internet Use
Dated Adopted:	April 12, 2011
Effective Date:	April 12, 2011
Reference:	Policy 96-4
Policy Superseded:	Policy No. 01-01, "E-mail/Internet Use," adopted January 9, 2001; Policy No. 01-01, "E-mail/Internet Use," amended September 2, 2008

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 01-01, adopted on January 9, 2001 and amended on September 2, 2008, be revised and amended, to wit:

I. E-mail and Internet Usage Policy Statement

The purpose of this Policy is to set forth the policies and procedures with respect to E-mail and Internet usage, and to give specific and general authority to the Management Information Systems (MIS) Division with regard thereto. This Policy is designed to protect the County, its employees, and its resources from the risks associated with usage of the Internet and the worldwide web. To ensure that resources are available for work-related purposes, the goals of this Policy are to outline appropriate and inappropriate use of County Internet resources and the County Computer System, including the use of browsers, electronic mail (e-mail), instant messaging, social media/networking, file uploads and downloads, and voice communication. The provisions of this Policy are applicable to the County, its elected officials, officers, employees, and all Users of the County Computer System.

II. Definitions

As used in this Policy, the following terms shall have the following meanings:

1. "County Computer System" means Leon County's wired and wireless networks, servers, and end devices; including, but not limited to, desktops, laptops, smart phones, and other wired or wireless devices.
2. "Social Media/Networking" means internet-based technologies that enable individuals to communicate through the sharing of content, interacting, and collaborating through bi-directional applications or messaging, and developing communities around common interests.
3. "User" means any County elected official, officer, employee, and invitee, as well as all elected County Constitutional officers and their employees and invitees.

III. Prohibited Uses

Neither the County Computer System nor e-mail or Internet access systems shall be used in any of the following ways:

1. To harass, intimidate, or threaten another person.
2. To access or distribute obscene, abusive, libelous, or defamatory material.
3. To reproduce or distribute copyrighted materials that are not authorized for reproduction or distribution.
4. To impersonate another user or mislead a recipient about one's identity.
5. To access another person's e-mail, or social media/networking account/address, if not specifically authorized to do so.
6. To bypass the County Computer Systems' security mechanisms.
7. To distribute chain letters.
8. To communicate the County's official position on any matter, unless specifically authorized to make such statements on behalf of the County.
9. For any purpose which is illegal, against County policy, or contrary to the County's best interests.
10. To pursue an individual's private business interests that are unrelated to the County.
11. To conduct any type of non-County approved solicitation.

IV. Permissible Uses

E-mail and the Internet, as referenced in Section I, are to be used primarily to facilitate County or Constitutional Officer business. However, not all personal use of e-mail and the Internet is forbidden. Reasonable personal use is permitted consistent with the provisions of this Section. Non-County/Constitutional Officer business related e-mail and Internet usage is permitted, provided such use is brief, does not interfere with work, does not subject the County to any additional costs, and is otherwise consistent with requirements set forth in this Policy. With prior permission of his or her supervisor, an employee is permitted to briefly visit non-inappropriate Internet sites during non-work time; such as, break, lunch, and before or after work hours.

V. Privacy

No guarantee can be made for the privacy of any communication on the network. Computer passwords are for security purposes only and are no guarantee of the privacy or confidentiality of any user's utilization of the County Computer System.

VI. Logged and Blocked Access to Non-Work Related Internet Usage, Direct Monitoring and Computer Related Searches

1. Purpose

As a result of potential negative impact to network services, the MIS Division shall have the discretionary authority, as set forth herein, to audit, inspect, and/or log network resource utilization and block non work-related Internet access, consistent with this section.

2. Logged and Blocked Access

The County maintains the right to utilize software that makes it possible to identify and/or block access to Internet sites containing sexually explicit or other material deemed inappropriate for the workplace, and log any and all aspects of the County Computer System and network. Users who must access blocked sites for work-related purposes shall provide the MIS Division with prior written approval by the County Administrator, County Attorney, or Constitutional Officer.

3. Direct Monitoring and Computer-Related Searches

a. Investigation of Work-Related Misconduct

Direct monitoring of Internet and e-mail usage of any User of the County Computer System may only be conducted when a supervisor or County official has reasonable suspicion to believe that the User has violated this Policy. For purposes of this Policy, a reasonable suspicion exists when such suspicion is based upon specific, objective facts, derived from surrounding circumstances that are reasonable to infer or believe that a violation of this Policy has occurred and further investigation is warranted; provided that no such monitoring may be permitted, whenever reasonably possible, unless two persons (one of which shall be in a supervisory capacity) corroborate the facts supporting the reasonable suspicion and document same in writing. Written documentation, supporting a belief that reasonable suspicion exists that a User of the County Computer System has or is violating the provisions of this Policy, will be reviewed by the Human Resources Division and the County Attorney's Office, or the appropriate Constitutional Officer for legal sufficiency, prior to authorization being granted to the MIS Division to access, investigate, and directly monitor such User's network resource utilization of the County Computer System.

b. Non Investigatory, Work Related Search

In order to comply with the Public Records Law, e-discovery, and for the purpose of efficiency of document management, the County has implemented an e-mail archiving system. This system provides an easy process by which e-mail documents may be searched for and produced. A search of a User's County computer or files stored in the County Computer System, for a non-investigatory, work-related purpose, such as e-discovery, or in response to a public records request, may be conducted when a supervisor or County official has reason to believe that such documents exist, are located on the subject User's County computer, or files stored in the County Computer System and if the manner by which the search is conducted is reasonably related to the objectives of the search

and not excessively intrusive in light of the circumstances giving rise to the search. In all instances, where practicable the subject User shall be given notice of any non-investigatory, work related search. Written documentation of any such non-investigatory work related search shall be made prior to such search.

VII. Violation of Policy.

Any County employee found to be in violation of any provision of this Policy shall be subject to disciplinary action up to and including dismissal, civil and criminal liability. Violation of this Policy by employees of Constitutional Officers who are users of the County Computer System shall, in addition to previously mentioned, be referred to their respective Constitutional Officer. Users of the County Computer System found to be in violation of this Policy may no longer be permitted use of the System and may be subject to civil and criminal liability.

VIII. Right to Appeal.

Any County employee who feels that he or she has not been treated fairly with regard to an application of this Policy may file a grievance pursuant to the County's Personnel Policies and Procedures. Constitutional Officer employees will follow their Office's internal policies for any right to appeal.

IX. Communication of the Policy to Employees and Users of the System.

The Human Resources Division shall be responsible for communicating this Policy to all County elected officials, officers, and employees, and providing copies of the Policy to newly hired employees (including seasonal, recreational program employees) and the MIS Division shall provide a copy of this Policy to all elected County Constitutional officers for dissemination to their employees.

All County Divisions shall be required to promptly display this Policy and any related informational material on employee bulletin boards.

Revised 4/12/2011

Board of County Commissioners Leon County, Florida

Policy No. 05-6

Title: County Website and Digital Communications Policy

Date Adopted: April 12, 2011

Effective Date: April 12, 2011

Reference: N/A

Policy Superseded: Policy No. 05-6, "County Website Policy," adopted July 12, 2005

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 05-6, adopted by the Board of County Commissioners on July 12, 2005, is revised and amended, to-wit:

The following policy shall be applicable to the County Website.

Section 1 – Findings

The Leon County Board of County Commissioners hereby finds that these guidelines are necessary and intended to set forth the County's policy governing content and links to be permitted on a County Website.

These guidelines are not intended to enlarge upon or create any rights guaranteed by existing law, nor waive any defenses or rights available to the County. In establishing and maintaining County Websites, the County does not intend in any manner to create or designate a Public Forum or other means by which public discourse, exchange of opinions and ideas, or discussion on issues of any nature may occur.

Section 2 – Delegation of Authority

The Board of County Commissioners hereby delegates its full authority to create, maintain, change, and/or abolish a website on behalf of Leon County, Florida, a Charter County, to the County Administrator consistent with provisions of this policy.

Section 3 - Definitions

Throughout this policy, the singular may be read as plural and the plural as singular. The following terms shall have the following definitions:

- a. **"Article V Agencies"** shall mean the offices of the Florida 2nd Judicial Circuit's Public Defender, State Attorney, Circuit Court, Leon County Court, and the Leon County Clerk of the Courts.

- b. **“Article V Officer”** shall mean the Florida 2nd Judicial Circuit’s Public Defender, State Attorney, Circuit Court Judges, Leon County Judges, and the Leon County Clerk of the Courts.
- c. **“County”** shall mean Leon County, Florida, its Board of County Commissioners, departments, divisions, officers, and employees.
- d. **“Director”** shall refer to the individual who is head of a County division, department, or program, Article V Agency, or Other County Officer.
- e. **“Other County Officers”** shall mean the Leon County Clerk of the Courts, Property Appraiser, Sheriff, and Tax Collector.
- f. **“Other County Offices”** shall mean the offices of the Leon County Clerk of the Courts, Leon County Health Department, Property Appraiser, Sheriff, and Tax Collector.
- g. **“County Domain Name”** shall mean a series of unique names that identify a County Website. Each County Domain Name will consist of two or more parts, separated by dots. The suffix indicates the top-level domain; including, .gov (government agencies); .org (nonprofit organizations); .com (commercial business) and .net (network organizations). A given web server may host more than one County Domain Name but a given County Domain Name will point to only one web server.
- h. **“County Website”** shall mean the County’s web pages hosted on one of the County’s web servers with a County Domain Name, any social media/networking sites, and any digital communication tools.
- i. **“Link”** shall mean a hyperlink from a County Website to a website maintained by another party.
- j. **“Public Forum”** shall mean an event wherein a County Website is available to members of the public for free and open discussion or debate of political or social issues.
- k. **“Public Health, Safety, and Welfare”** shall mean the protection and well-being of the general public.
- l. **“Web Steward”** shall refer to the person who has been designated by the Director to maintain, update, and add content to the County Website.
- m. **“Uniform Resource Locator (URL)”** shall mean the specific location or address of material on the Internet.
- n. **“Social Media/Networking”** – Websites, web services, or software tools that allow groups to generate content as words, pictures, videos, and audio and engage in peer-to-peer conversations and exchange of content (examples are YouTube, Flickr, Facebook, MySpace etc)

- o. Digital Communications – Devices, tools, and software that provide for the dispersal or reception of information via the Internet.

Section 4 - County Website and Digital Communications Limited Purpose

The limited purpose for the County’s Website is to provide access to information regarding services, meetings, programs, activities, policies, documents, and facilities provided by the following entities: (a) the County; (b) Other County Offices; and (c) Article V Agencies; that promotes the Public Health, Safety and Welfare. County Website content and Links shall be consistent with the County Website’s limited purpose.

The limited purpose for Digital Communications is for one-way dispersal of information regarding services, meetings, programs, activities, policies, documents, and facilities provided by the entities previously mentioned.. Digital Communications content shall be consistent with the limited purpose and must follow guidelines, as provided by the County Administrator.

Section 5– Permitted Links

The County may only provide a Link from the County Website to another website in accordance with the following guidelines:

- a. The Link shall assist the County in fulfilling its stated County Website Limited Purpose and be consistent with this policy.
- b. The Link shall have a natural affinity or logical nexus to information provided on the County’s Website and be consistent with County goals, policies and the County Website Limited Purpose.
- c. The Link shall be to a website that is managed in a professional manner (i.e., fully operational and available most of the time).
- d. The Link is to a governmental agency or governmental organization, which provides information related to the County Website Limited Purpose.
- e. The Link is to the local chambers of commerce (Capital City Chamber of Commerce and Greater Tallahassee Chamber of Commerce), and the Tallahassee-Leon County Convention and Visitor’s Bureau.
- f. The Link is to a public safety related website.

Section 6 –Permitted Content

The content of material placed on the County’s Website shall be consistent with the limited purpose of the website, as stated in Section 4 herein. All decisions on the content of material placed on the County’s Website shall be made by the County Administrator, or his designee, in strict compliance with the guidelines of this Policy will be complied with.

Section 7 - Process for Link Requests

- a. To request a Link from the County Website, a Web Steward shall submit the applicable URL, site description, site purpose, contact name, phone number, and e-mail address to:

Director of MIS
301 S. Monroe Street
Tallahassee, FL 32301
misdirector@leoncountyfl.gov
- b. When a request to a Link is received, the website will be reviewed to determine if it is consistent with this policy as a permitted Link. The County Administrator or his designee shall have sole discretion to reject or approve any requested Link.
- c. The requestor will be notified of the County's decision regarding the requested Link.
- d. Websites that are linked from the County's Website will be reviewed periodically to confirm that the linked website complies with the County policies.
- e. The County reserves the right to limit the number of Links from any County Website section or page category, and to require a "pool" Link that would pertain to a particular type of organization.
- f. The County reserves the right to modify its criteria and conditions, and add or delete Links at any time without notice.
- g. A disclaimer will be placed on all links, which shall read: "You are leaving the Leon County Website, the County shall not be responsible for the content of the site you are entering."

Section 8 - Process for Content Material

- a. To request a change to content material, other than updating existing content material, to be placed on the County Website, the Web Steward is to submit a description of the information they are seeking to add, along with a contact name, phone number and e-mail address to:

Director of MIS
301 S. Monroe Street
Tallahassee, FL 32301
misdirector@leoncountyfl.gov
- b. When a request to change content material is received from the Web Steward, the content material will be reviewed to determine if it is consistent with this Policy as Permitted Content. The County Administrator or designee shall have the sole discretion to reject or approve any requested content material.
- c. The Web Steward will be notified of the County's decision regarding the requested content material.
- d. The County reserves the right to modify its criteria and conditions and add or delete content material at any time without notice.

- e. The Web Steward must be able to continue the maintenance of the content material to assure accurate and timely information. The County reserves the right to remove content material that is not being properly maintained.

Section 9 - Legal Notice

1. The County neither warrants nor makes any representations nor endorsements as to the accuracy, quality, content, or completeness of the information, text, images, graphics, hyperlinks, and other items contained on the County Website or web servers. The County Website's content is subject to change without notice.
2. The County Website and all materials contained therein are distributed and transmitted "as is" without warranties of any kind, either expressed or implied, including without limitation, warranties of title or implied warranties of fitness for a particular purpose. The County is neither responsible nor liable for any viruses or contaminations of a web visitor's hardware, software, peripherals, or property, nor for any delays, inaccuracies, errors, or omissions resulting from use of or with respect to the material contained on its web servers; including, but not limited to, any material posted on or linked to from a County Domain Name.

Section 10 – County Domain Names

The following are County Domain Names, subject to change without notice, and not inclusive of all County Domain Names.

cafwn.com	leonparks.org
cafwn.net	leonpermits.org
cafwn.org	leontaxcollector.net
fleoncounty.com	sao2fl.org
leoncofl.org	seetallahassee.com
leoncounty.org	tlcgis.com
leoncountyflibrary.com	tlcgis.net
leoncountyflibrary.org	tlcgis.org
leoncountylibrary.org	tlcgis.us
leoncountyso.com	tlcpd.org
leoncountyso.net	tlcpermits.com
leoncountyso.org.	tlcpermits.net
leonfl.org	tlcpermits.org
leongov.com	tlcpermits.us
leongov.net	Visittallahassee.com
leongov.org.	volunteerleon.com
leonparks.com	volunteerleon.org
leonparks.net	leoncountyfl.gov

Section 11 – Implementation Procedures

The County Administrator shall adopt procedures to implement the requirements of the Policy.

Revised 4/12/2011

Leon County Two-Thirds, Two-Thirds and C.A.R.D. Program

2/3-2-3 Program

The Two-Thirds Program is codified in County Ordinance (Chapter 16-28):

Sec. 16-28. - Petition; generally.

Whenever two-thirds of the owners of two-thirds of the property abutting on any road, or any continuous portion thereof, or any group of roads within the unincorporated area of the county, shall present to the Board of County Commissioners a petition signed by them requesting that their properties be especially benefitted by the acquisition of additional right-of-way or by such roads or drainage facilities being improved by paving, repaving, curbing, draining, retention, detention or constructing sidewalks and bikewalks or any combination thereof, the Board of County Commissioners shall consider such petition, and if the Board of County Commissioners determines that the properties will be especially benefitted to the extent of the liens for such special improvements as is hereinafter provided, it may approve the petition, order such special improvements to be made and assess liens equitably against the property abutting such roads or drainage facilities for the cost of such special improvements, together with all administrative and funding costs incurred in connection therewith.

(Code 1980, § 20-19; Ord. No. 92-17, § 1, 9-22-92)

There was a workshop held on January 18, 2011 which was ratified on Feb 22, 2011. The details have not yet been codified.

Basic process –

- Subdivision requests an estimate.
- County Engineering prepares. Estimate is circulated and requires a petition by a minimum of 2/3 of the benefitting property owners to agree to proceed. 100% of right of way needs to be donated.
- County proceeds with design, and permitting and bidding. If bids are within a certain percentage of the estimate, we can move forward based on the original petition.

- If it is more than 15% higher, we go back to the petitions to either agree or not to the additional costs.
- We construct, finalize costs, hold several public hearings for assessment methodology, actual assessment rolls etc.

CARD: County Acceptance of Roads and Drainage

Following the events of Tropical Storm Fay, the Board held a Workshop to address the need for transportation and/or stormwater projects to mitigate or alleviate community impacts during and after major storm events. At the Workshop, the Board directed staff to enact the County Acceptance of Roads and Drainage (CARD) Program to assist areas that are impacted by flooding during major storms.

The CARD program is similar to the County's ongoing 2/3 Program, except that the petition requirements for participation was changed to 60% of the number of lots or parcels. In addition, the County would contribute 20% of the project costs, subject to the availability of funds.

To date, only one subdivision has applied under the CARD Program (the Brushy Creek Project). This project is nearing completion and a public hearing was held on Tuesday, November 13 to use the Uniform Method of Assessment. A second public hearing will be held next year to establish the actual assessment after the final costs are fully realized.

ARTICLE XI. - DISCRETIONARY FUNDING GUIDELINES

[Sec. 2-600. - Application of article.](#)

[Sec. 2-601. - Annual appropriation.](#)

[Sec. 2-602. - Definitions.](#)

[Sec. 2-603. - Application process.](#)

[Sec. 2-604. - Funding category guidelines.](#)

[Secs. 2-605—2-699. - Reserved.](#)

Sec. 2-600. - Application of article.

This article shall govern the allocation of discretionary funds and provide the board a maximum amount of annual funding available in each of the following fund categories:

- (a) Community human services partnership fund;
- (b) Community human services partnership—Emergency fund;
- (c) Commissioner district budget fund;
- (d) Midyear fund;
- (e) Non-departmental fund; and
- (f) Youth sports teams fund.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-601. - Annual appropriation.

Funding for the purposes set forth in this article shall be subject to an annual appropriation by the board in accordance with this article.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-602. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Community human services partnership fund shall mean funds eligible for allocation to social service programs.

Community human services partnership—Emergency fund shall mean funds eligible for

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allocation for one time funding to meet an emergency situation.

Commissioner district budget fund shall mean funds eligible for allocation to each commissioner for activities relating to his or her district or the county at large.

Emergency situation shall mean those exigent circumstances that would prohibit or severely impact the ability of a currently funded community human services partnership (CHSP) agency to provide services.

Midyear fund shall mean funds eligible for allocation for requests that occur outside of the regular budget process.

Non-departmental fund shall mean funds eligible for allocation for non-profit entities that are included, by direction of the board, as part of the regular adopted budget.

Non-profit shall mean an entity that has been designated as a 501(c)(3) eligible by the U.S. Internal Revenue Services and/or registered as a non-profit entity with the Florida Department of State.

Youth sports teams fund shall mean funds eligible for allocation for temporary and nonrecurring youth sporting events such as tournaments and playoffs, and events recognizing their accomplishments.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-603. - Application process.

(a) The county administrator or his designee is authorized to develop forms and procedures to be used by a non-profit, group or individual when submitting a request for funding consistent with the provisions herein.

(b) The county administrator or his designee shall establish a process for evaluating requests for funding made pursuant to this article.

(Ord. No. 06-34, § 1, 11-14-06)

Sec. 2-604. - Funding category guidelines.

(a) *Community human services partnership program fund.*

(1) Non-profits eligible for community human service partnership (CHSP) funding are not eligible for funding in any other county government funding category, except when requesting funding for an activity that is not CHSP eligible, such as capital improvements.

(2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services program.

(b) *Community human services partnership program—Emergency fund.*

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Chapter 2 - ADMINISTRATION
ARTICLE XI. - DISCRETIONARY FUNDING GUIDELINES

(1) Non-profits that are funded through the CHSP process are eligible to apply for emergency, one time funding through the community human services partnership program —Emergency fund.

(2) Annually, as part of the budget process, the board shall confirm the allocation of funding set aside for the community human services partnership program —Emergency fund.

(3) These funds are available to any agency that is currently funded through the CHSP process.

(4) The request for emergency funding shall be made at a regular meeting of the board. If deemed appropriate, the request for emergency funding shall then go before a CHSP sub-committee consisting of members from the CHSP review boards of each of the partners (Leon County, the City of Tallahassee, and the United Way of the Big Bend). The sub-committee shall determine if the situation would qualify as an emergency situation and what amount of financial support would be appropriate. The CHSP shall then make a recommendation to the county administrator, who is authorized to approve the recommendation for funding.

(5) In the event the board does not meet in a timely manner, as it relates to an agency's request, the county administrator shall have the authority to appropriate expenditures from this account.

(c) *Commissioner district budget fund.*

(1) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the commissioner district budget fund.

(2) Expenditures shall only be authorized from this account for approved travel, and office expenses.

(d) *Midyear fund.*

(1) Non-profits, groups or individuals that do not fit into any of the other categories of discretionary funding as outlined in this article are eligible to apply for midyear funding.

(2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the midyear fund.

(3) In the event the board does not meet in a timely manner, as it relates to a funding request, the county administrator shall have the authority to appropriate expenditures from this account. Such action is thereafter required to be ratified by the board.

(e) *Non-departmental fund.*

CODE OF LAWS
Chapter 2 - ADMINISTRATION
ARTICLE XI. - DISCRETIONARY FUNDING GUIDELINES

(1) Non-profits eligible for non-departmental funding are not eligible for funding in any other category. Eligible funding activities in this category are festivals and events and outside service agencies.

(2) Annually, as part of the budget process, the board shall determine the allocation of funding set aside for the non-departmental fund.

(3) Non-profits eligible for funding through the cultural resources commission (CRC) Leon County Grant Program (funded through the non-departmental process) are not eligible for funding in any other category.

(f) *Youth sports teams fund.*

(1) Non-profits or athletic teams of the Leon County School System that are eligible for the county's youth athletic scholarship program are not eligible for funding pursuant to this article.

(2) Annually, as part of the budget process, the board shall determine the amount of funding pursuant to this article.

(3) The award for youth sports teams shall not exceed \$500.00 per team.

(4) Youth sports teams requesting funding from the Board shall first submit their requests in writing to the county administrator or his or her designee for review and evaluation. The request must include certified documentation establishing the legitimacy of the organization.

(5) Funding will be allocated on a first-come, first-served basis. In the event that more than one request is received concurrently when the fund's balance is reduced to \$500.00, the remaining \$500.00 will be divided equally among the applicants meeting the evaluation criteria.

(6) Applicants must have participated in a city, county, or school athletic program during the year in which funding is sought.

(7) Team participants must be 19 years of age or younger.

(8) The requested funding shall support post-season activity, e.g., tournaments, playoffs, or awards banquets associated with extraordinary performance.

(9) In the event the board does not meet in a timely manner, as it relates to a youth sports teams' request, the county administrator shall have the authority to appropriate expenditures from this account. Such action is thereafter required to be ratified by the board.

(g) *Appropriation process.* Annually, prior to March 31, the board shall:

(1) Determine the amount of funding set aside for each funding category

CODE OF LAWS
Chapter 2 - ADMINISTRATION
ARTICLE XI. - DISCRETIONARY FUNDING GUIDELINES

identified in this article;

(2) Determine the list of permanent line item funded entities that can submit applications for funding during the current budget cycle; and

(3) Provide direction to staff on additional appropriation requests that should be considered as part of the tentative budget development process.

(Ord. No. 06-34, § 1, 11-14-06; Ord. No. 11-04, § 1, 2-8-11; Ord. No. 11-08, § 1, 5-24-11)

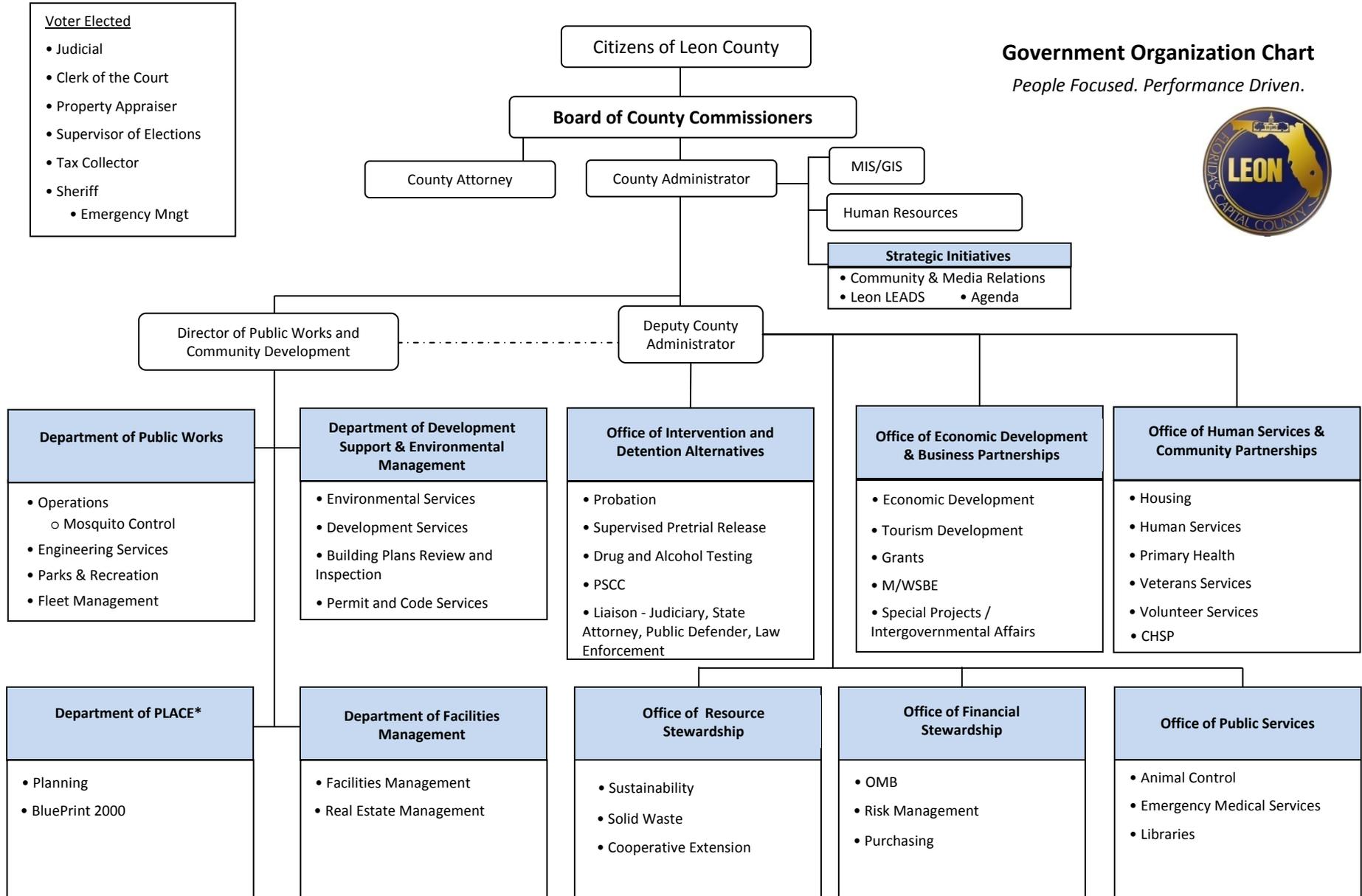
Secs. 2-605—2-699. - Reserved.

Voter Elected

- Judicial
- Clerk of the Court
- Property Appraiser
- Supervisor of Elections
- Tax Collector
- Sheriff
 - Emergency Mngt

Government Organization Chart

People Focused. Performance Driven.



* PLACE = Planning, Land Management & Community Enhancement



LIVING OUR "PEOPLE FOCUSED, PERFORMANCE DRIVEN" CULTURE



County Administration
Alan Rosenzweig
Deputy County Administrator
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County Administration
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Leon LEADS
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County Administration
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Assistant to the County Administrator
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Emergency Medical Services
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LeRoy Collins Leon County Public Library System
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Director
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Emergency Management
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Office of Economic Development & Business Partnerships
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Office of Economic Development & Business Partnerships
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Intergovernmental Affairs & Special Projects Coordinator
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Office of Economic Development & Business Partnerships
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Public Works Engineering Services
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Public Works Parks & Recreation
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Public Works Fleet Management
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Facilities
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DSEM
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DSEM Building Review & Inspection
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DSEM Environmental Services
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DSEM Permit & Compliance Services
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SmithE@leoncountyfl.gov



Department of P.L.A.C.E.
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Department of P.L.A.C.E. Blueprint 2000
Charles Hargraves
Blueprint 2000 Manager
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Charles.Hargraves@blueprint2000.org

A CORE PRACTICE OF LEON COUNTY GOVERNMENT



Department of P.L.A.C.E.,
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Office of Resource
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Solid Waste Management
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Cooperative Extension
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Office of Human Services &
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Volunteer Services
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BrownJon@leoncountyfl.gov



Office of Intervention &
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HunterW@leoncountyfl.gov



Office of Financial
Stewardship
Scott Ross
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Purchasing
Shelly Kelley
Division Director
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KelleyS@leoncountyfl.gov



Risk Management
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Risk Manager
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HarrellK@leoncountyfl.gov



Wellness Works: 95210 Project Kickoff

Employing Team Approach

A Core Practice of Leon County Government

Employees work together to produce bigger and better ideas to seize the opportunities and to address the problems which face our community.

New County Commissioner's Briefing Book

AGENDA/WORKSHOP PROCESS

CONTENTS

- Summary of Agenda/Workshop Process
- December 11, 2012 Agenda Outline
- December 11, 2012 North Florida Asphalt Agenda Item
- Follow-up Memo for November 20, 2012 Board Meeting

AGENDA/WORKSHOP PROCESS:

- In accordance with County Policy 01-05, the official agenda for every meeting of the Board of County Commissioners is prepared by the County Administrator.
- In 2011, the Board adopted a paperless process for the distribution of the agenda and workshop materials. Commissioners and their Aides are assigned County iPads.
- Generally, Agenda materials are distributed to the Commissioners eight days prior to the Board meeting, via an email that contains a link for downloading the Agenda Packet to the Commissioner's iPad.
- The County Administrator schedules, at the Commissioner's convenience, a standing Agenda briefing with each Commissioner prior to the Board meeting to discuss the items on the agenda.
- Any Commissioner, the County Administrator, or the County Attorney may pull an item from the consent agenda, provided that such request is made no later than 24 hours before the subject meeting, and the item then would be voted on individually.
- The Workshop process is similar to the Agenda process. Workshop materials are distributed, as soon as possible, after the Agenda has been distributed.
- The County Administrator provides a Follow-up memo (written summary) of each Board meeting to the Commissioners.

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA**

AGENDA

REGULAR MEETING

**Tuesday, December 11, 2012
3:00 P.M.**

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

COUNTY COMMISSIONERS

Nick Maddox, Chairman
At-Large

Bill Proctor
District 1

Jane Sauls
District 2

John Dailey
District 3



Kristin Dozier, Vice Chair
District 5

Bryan Desloge
District 4

Mary Ann Lindley
At-Large

Vincent S. Long
County Administrator

Herbert W. A. Thiele
County Attorney

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

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

In accordance with Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Community & Media Relations, 606-5300, or Facilities Management, 606-5000, by written or oral request at least 48 hours prior to the proceeding. 7-1-1 (TDD and Voice), via Florida Relay Service.

Board of County Commissioners
Leon County, Florida
Agenda

Regular Public Meeting
Tuesday, December 11, 2012

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Bill Proctor

AWARDS AND PRESENTATIONS

- Resolution Congratulating the Leon High School Band on Winning the “Battle of the Border” Competition
(Vice-Chairman Kristin Dozier)
- Resolution Recognizing the Rickards High School Marching Raider Band Drum Line on Winning the 2012 “Battle of the High School Marching Bands Drum Off,” a National Marching Band Competition
(Commissioner Bill Proctor)
- Resolution Recognizing Supervisor of Elections Ion Sancho for for the Outstanding, Effective Work of the Office in 2012 Election Operations
(Commissioner Bill Proctor)
- Resolution in Honor of the Retirement of David Marshall, Cooperative Extension Agent IV & Program Leader, After 36 Years of Dedicated Service to Leon County and its Citizens
- Presentation by the Florida Fish and Wildlife Conservation Commission on the Serious Impact of Human-Bear Conflict
(Dave Telesco, Bear Management Program Coordinator)

CONSENT

1. Approval of Budget Amendment Request in the Amount of \$10,000 for the Oasis Center for Women and Girls in Support of the Commission on the Status of Women and Girls
(County Administration)
2. Adoption of the Public Notice 2013 Tentative Schedule and the 2013 Board Travel Schedule
(County Administration/Agenda Coordinator)
3. Ratification of Commissioners Appointments to the Human Services Grant Review Committee and Library Advisory Board and Chairman’s Appointment to the Enterprise Zone Development Agency
(County Administration/Agenda Coordinator)
4. Acceptance of the FY 11/12 Tallahassee-Leon County Economic Development Council Annual Report and Approval of the FY 2013 Agreement in the Amount of \$199,500
(Economic Development & Business Partnerships)

5. Approval of Payment of Bills and Vouchers Submitted for December 11, 2012, and Pre-Approval of Payment of Bills and Vouchers for the Period of December 12, 2012 through January 28, 2013
(Financial Stewardship/Office of Management & Budget)
6. Request to Schedule the First and Only Public Hearing to Extend the Provision of the Local Preference Ordinance in Relation to Bidding of Construction Services over \$250,000 for January 29, 2013 at 6:00 p.m.
(Financial Stewardship/Office of Management & Budget)
7. Adoption of Proposed Revised Policy No. 96-8, "Drug and Alcohol Testing"
(Financial Stewardship/Risk Management)
8. Request to Schedule the First and Only Public Hearing for Consideration of Proposed Scrivener's Error Amendments of Chapter 10 of the Leon County Code of Laws for Tuesday, January 29, 2013 at 6:00 p.m.
(Public Works & Community Development/Development Support & Environmental Management)
9. Acceptance of a Conservation Easement from Deer Lake United Methodist Church for its Education Building Expansion Project
(Public Works & Community Development/Development Support & Environmental Management)
10. Acceptance of the Final Engineering Report, Including 30% Plans for the Bannerman Road Corridor Study
(Public Works & Community Development/Public Works/Engineering)
11. Approval of Maintenance Map for a Portion of Lakeview Drive
(Public Works & Community Development/Public Works/Engineering)
12. Approval of the Plat of Talquin Meadows Subdivision for Recording in the Public Records
(Public Works & Community Development/Public Works/Engineering)
13. Authorization to Reject all Invitation to Negotiate Proposals for the Solar and/or Other Electrical Power Production Project at the Leon County Solid Waste Management Facility
(Resource Stewardship/Solid Waste)

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

None.

CONSENT ITEMS PULLED FOR DISCUSSION

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

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

GENERAL BUSINESS

14. Acceptance of the Tethering Dogs Workgroup Activity and Authorization to Revise Leon County's Animal Control Ordinance Related to Tethering
(County Administration/Intergovernmental Affairs and Special Projects Coordinator)
15. Approval of Second Amendment to Agreement with Waste Management, Inc. for Solid Waste Hauling and Disposal Services
(Resource Stewardship/Solid Waste)
16. Authorization to Issue an Invitation to Bid for the Exclusive Franchise to Provide Waste Collection Services in Unincorporated Leon County
(Resource Stewardship/Solid Waste)
17. Approval to Issue a Request for Proposals for Operation of Transfer Station Services
(Resource Stewardship/Solid Waste)
18. Acceptance of the Local Agency Program Agreement Between the Florida Department of Transportation and Leon County for the Big Bend Scenic Byway Project, Phase 2
(Economic Development & Business Partnerships/Grants Coordinator)
19. Approval of Resolution Supporting Project Hunt as a "Qualified Target Industry" Applicant and Approval of the County's Required Local Match of up to \$56,000 from the County's Qualified Target Industry Escrow Account Managed by the Tallahassee-Leon County Economic Development Council
(Economic Development & Business Partnerships)
20. Consideration of Funding Agreement with the Florida Center for Sciences (formerly, The Mary Brogan Museum)
(Financial Stewardship/Office of Management & Budget)
21. Approval of 2013 Insurance Coverage
(Financial Stewardship/Office of Management & Budget)
22. Request to Schedule Public Hearings to Consider Modifying the Project List to be Funded with the County Share of the One-Cent Sales Tax Extension for January 29 and February 12, 2013 at 6:00 p.m.
(Financial Stewardship/Office of Management & Budget)
23. Approval of Agreement Awarding Bid to North Florida Asphalt in the Amount of \$556,966 for the Site Improvements at the Lake Jackson Town Center at Huntington Oaks
(Public Works & Community Development/Facilities Management)
24. Update on Status of Internet Cafe Litigation
(County Attorney)
25. Adoption of Proposed "Proclamations and Resolutions – Ceremonial Recognitions" Policy
(County Administration/Agenda Coordinator)

26. Consideration of Full Board Appointments to the Joint City/County Bicycle Workgroup and Council on Culture & Arts
(County Administration/Agenda Coordinator)
27. Consideration of Full Board Appointments of Commissioners to Authorities, Boards, Committees, and/or Councils
(County Administration/Agenda Coordinator)

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

28. Second and Final Public Hearing to Adopt on a Proposed Ordinance to Amend Chapter 10, Article VI, Leon County Code of Laws, “Community Gardens”
(Public Works & Community Development/Development Support & Environmental Management)
29. First and Only Public Hearing to Adopt a Resolution Affirming Bay County, Florida’s Issuance of Industrial Revenue Bonds for Goodwill Industries and Adding an Additional Project in Leon County
(Financial Stewardship/Office of Management & Budget)
30. First and Only Public Hearing on Intent to Use the Uniform Method of Collecting Non-Ad Valorem Assessments for Solid Waste Disposal Services
(Public Works & Community Development/Public Works/Engineering)
31. First and Only Public Hearing on Intent to Use the Uniform Method of Collecting Non-Ad Valorem Assessments for Stormwater Services
(Public Works & Community Development/Public Works/Engineering)
32. First and Only Public Hearing to Consider Enactment of an Ordinance Entitled “Development Agreements”
(County Attorney)

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

None.

ADJOURN

**THE BOARD WILL BE ON RECESS FROM
DECEMBER 12, 2012 – JANUARY 28, 2013**

*The next Regular Board of County Commissioners Meeting is scheduled for
Tuesday, January 29, 2013 at 3:00 p.m.*

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

2012

January						
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PUBLIC NOTICE
2012 Tentative Schedule

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

All sessions are held in the Commission Chambers, 5th Floor, Leon County Courthouse unless otherwise indicated. Workshops are scheduled as needed on Tuesdays from 12:00 to 3:00 p.m.

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
December 2012	Monday 10	9:00 a.m. – 4:00 p.m.	Board Retreat
	<u>Tuesday 11</u>	<u>1:00 – 3:00 p.m.</u>	Workshop on Allocation of Tourist Development Taxes
		3:00 p.m.	Regular Meeting
		<u>6:00 p.m.</u>	Second and Final Public Hearing to Adopt an Ordinance to Amend Chapter 10, Article VI, Leon County Code of Laws, “Community Gardens”
			<u>First and Only Public Hearing to Adopt a Resolution Affirming Bay County, Florida’s Issuance of Industrial Revenue Bonds for Goodwill Industries and Adding an Additional Project in Leon County</u>
			<u>First and Only Public Hearing on Intent to Use the Uniform Method of Collecting Non-Ad Valorem Assessments for Solid Waste Disposal Services</u>
			<u>First and Only Public Hearing on Intent to Use the Uniform Method of Collecting Non-Ad Valorem Assessments for Stormwater Services</u>
			<u>First and Only Public Hearing to Consider Enactment of an Ordinance Entitled “Development Agreements”</u> <i>(Continued from November 13, 2012)</i>
	Wednesday 12	2:30 p.m.	Community Redevelopment Agency Meeting City Commission Chambers
	Monday 24	Offices Closed	CHRISTMAS EVE
	Tuesday 25	Offices Closed	CHRISTMAS DAY
	Monday 31	Offices Closed	NEW YEAR’S EVE

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
January 2013	Tuesday 1	Offices Closed	NEW YEAR'S DAY
	Tuesday 8	No Meeting	BOARD RECESS
	Wednesday 9 – Thursday 10	New Commissioner Workshop	University of Florida Hilton Gainesville; Alachua County
	Thursday 10 – Friday 11	Advanced County Commissioner Workshop	Seminar 2 of 3; University of Florida Hilton Gainesville; Alachua County
	Tuesday 22	No Meeting	BOARD RECESS
	<u>Monday 28</u>	11:00 a.m.	Community Redevelopment Agency (CRA) City Commission Chambers
		1:00 p.m.	Capital Region Transportation Planning Agency (CRTPA); City Commission Chambers
	<u>Tuesday 29</u>	12:00 – 1:30 p.m.	Workshop on the Septic System Management Options
		1:30 – 3:00 p.m.	Workshop on the Leon County Research and Development Authority (Rescheduled from December 11, 2012)
		3:00 p.m.	Regular Meeting
		<u>6:00 p.m.</u>	<u>First and Only Public Hearing for Consideration of Proposed Scrivener's Error Amendments of Chapter 10 of the Leon County Code of Laws</u>
			<u>First and Only Public Hearing to Extend the Provision of the Local Preference Ordinance in Relation to Bidding of Construction Services over \$250,000</u>
			<u>First Public Hearing to Consider Modifying the Project List to be Funded With the County Share of the One-Cent Sales Tax Extension</u>
February 2013	<u>Tuesday 12</u>	3:00 p.m.	Regular Meeting
		<u>6:00 p.m.</u>	<u>Second and Final Public Hearing to Consider Modifying the Project List to be Funded With the County Share of the One-Cent Sales Tax Extension</u>
	Tuesday 26	3:00 p.m.	Regular Meeting
March 2013	Tuesday 12	12:00 – 3:00 p.m.	Workshop on Stormwater Non-ad Valorem Assessments
		3:00 p.m.	Regular Meeting

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
April 2013	Tuesday 9	3:00 p.m.	Regular Meeting
	Tuesday 23	12:00 – 3:00 p.m.	Workshop on Solid Waste Non-ad Valorem Assessments
		3:00 p.m.	Regular Meeting

Leon County Board of County Commissioners

Cover Sheet for Agenda #23

December 11, 2012

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Approval of Agreement Awarding Bid to North Florida Asphalt, in the Amount of \$569,966, for the Site Improvements at the Lake Jackson Town Center at Huntington

County Administrator Review and Approval	Vincent S. Long, County Administrator
Department/ Division Review:	Tony Park, P.E., Director of Public Works & Community Development Tom Brantley, P.E., Director of Department of Facilities Management
Lead Staff/ Project Team:	John Ward, Construction Manager, Department of Facilities Management

Fiscal Impact:

This item has been budgeted and adequate funding is available. Funds are included in the FY 2013 budget.

Staff Recommendation:

Option #1: Approve the Agreement awarding bid to North Florida Asphalt, in the amount of \$569,966, for site improvements at the Lake Jackson Town Center at Huntington, and authorize the County Administrator to execute the Agreement (Attachment #1).

Report and Discussion

Background:

Current efforts by Leon County to provide a branch library and other services for the Northwest area began in 2009 with the purchase of the Huntington Oaks property, a shopping center containing 50,324 square feet of leasable space on 11.54 acres of land. In 2010, Johnson Peterson Architects, Inc. was hired to provide architectural services for the renovations of a portion of the property to accommodate the branch library. During the process of design, the County elected to include spaces for community center functions and general enhancements to the property to improve its marketability. The library construction is now complete and in operation. The community center work and general enhancements to the building are nearing completion.

These improvements are the result of a public workshop, Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis, and Sense of Place initiative conducted by the Tallahassee-Leon County Planning Department during 2012. The current project will make necessary repairs and improvements to the parking lot and site. This includes sidewalk work along Fred George Road, provisions for a Star Metro bus stop, a walking loop and parking lot improvements that will bring the property into compliance with current requirements of the City of Tallahassee Land Development Code. Staff anticipates bringing a recommendation to the Board, as part of the Sense of Place initiative, regarding the official renaming of Huntington Oaks Plaza to the Lake Jackson Town Center at Huntington.

Approval of the Agreement awarding bid to North Florida Asphalt for the site improvements at the Lake Jackson Town Center at Huntington are essential components of the following FY2012 and FY2013 Strategic Initiatives that the Board approved during its February 28, 2012 meeting:

- Implement strategies through the library system, which enhance education and address the general public's information needs, including: complete construction of the expanded Lake Jackson Branch Library and new community center, and relocate services into the expanded facility.
- Redevelop Huntington Oaks Plaza, which will house the expanded Lake Jackson Branch Library and new community center, through a sense of place initiative.

This particular Strategic Initiative aligns with the Board's Strategic Priority – Quality of Life, *“Maintain and enhance our educational and recreational offerings associated with our library, parks and greenway system for our families, visitors, and residents.”(Q1)*

Analysis:

This item proposes a bid award for construction of the described work in accordance with the construction documents prepared by Johnson Peterson Architects, Inc.

On October 11, 2012, the Purchasing Division advertised this bid locally and 229 vendors were notified through the automated bid procurement system. A total of 29 vendors requested bid packages, which resulted in four bids. The bids were opened on November 9, 2012. The lowest bidder was North Florida Asphalt in the amount of \$569,966 (Attachment #2).

Analysis by the MWSBE Division and Purchasing Division shows that the low bidder, North Florida Asphalt, met the requirements to be deemed a responsive bidder (Attachment #3).

Options:

1. Approve the Agreement awarding bid to North Florida Asphalt, in the amount of \$569,966 for site improvements at the Lake Jackson Town Center at Huntington, and authorize the County Administrator to execute the Agreement.
2. Do not approve the Agreement awarding bid North Florida Asphalt in the amount of \$569,966 for site improvements at the Lake Jackson Town Center at Huntington.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Agreement
2. Bid Tabulation Sheet
3. M/WBE Analysis Sheet

VSL/TP/TB/JW/cb

Board of County Commissioners

Leon County, Florida

Date: November 21, 2012
To: Board of County Commissioners
From: Vincent S. Long, County Administrator
Subject: Follow-up to County Commission Meeting of November 20, 2012

Leon County Board of County Commissioners Installation Ceremony and Board Reorganization

▪ **Invocation and Pledge of Allegiance**

The Invocation was provided by Pastor James Shaw, Mt. Zion Baptist Church. Chairman Akinyemi led the Pledge of Allegiance.

- Vice-Chairman Maddox presented a plaque to outgoing Chairman Akin Akinyemi, recognizing him for his years of service and leadership.
- Commissioners expressed their appreciation to the outgoing Chairman.
- Outgoing Chairman Akinyemi commented on issues he believes are important for Leon County to address: 1) serving veterans; 2) job creation; 3) mental health court; 4) Wakulla Springs protection and septic to sewer issues; and 5) renewable energy production at solid waste facility.
- The Honorable Chief Judge Charles Francis presided over the installation of re-elected Commissioners Desloge and Sauls. In addition, he presided over the installation and administration of the Oath of Office for newly elected Commissioner Mary Ann Lindley.
- The Honorable Clerk of the Court Bob Inzer presided over the reorganization of the Board.
 - **Commissioner Dailey moved, seconded by Commissioner Desloge, the nomination of Commissioner Maddox for Chairman. The motion passed 7-0.**
 - **Commissioner Desloge moved, seconded by Commissioner Dailey, the nomination of Commissioner Kristin Dozier for Vice-Chairman. The motion passed 7-0.**
- Chairman Maddox made incoming remarks.
- The Benediction was provided by the Reverend Al Williams.
- **Commissioner Dozier moved, seconded by Commissioner Desloge to recess for the reception. The motion passed 7-0.**

CONSENT

ACTION TAKEN: Commissioner Sauls moved, seconded by Commissioner Desloge, to approve the Consent Agenda. **The motion passed 6-0, with Commissioner Proctor out of Chambers.**

1. Approval of Minutes: October 23, 2012 Workshop on 2013 State and Federal Legislative Priorities and October 23, 2012 Regular Meeting
(Clerk of the Courts/Finance/Board Secretary)
The Board approved Option #1: Approve the minutes of the October 23, 2012 Workshop on the 2013 State and Federal Legislative Priorities and October 23, 2012 Regular Meeting.
2. Approval of the Required Bonds for Newly-Elected Commissioners
(Clerk of the Courts/Finance/Board Secretary)
The Board approved Option #1: Approve the Bonds for Commissioners Bryan Desloge, Jane Sauls, and Mary Ann Lindley, in the amount of \$2,000.
3. Approval of Payment of Bills and Vouchers Submitted for November 20, 2012 and Pre-Approval of Payment of Bills and Vouchers for the Period of November 21 through December 10, 2012
(Financial Stewardship/Office of Management and Budget)
The Board approved Option #1: Approve the payment of bills and vouchers submitted for November 20, 2012 and pre-approval of payment of bills and vouchers for the period of November 21, 2012 through December 10, 2012.

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

None.

CONSENT ITEMS PULLED FOR DISCUSSION

None.

CITIZENS TO BE HEARD ON NON-AGENDAED ITEMS

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

- Speaker: Curtis Baynes commented on the issues he will continue to follow: Southside sewer, the Recreation Agreement with the City, and elimination of garbage collection monopoly.

GENERAL BUSINESS

4. Acceptance of the 2012 Leon County Annual Report
(County Administration)
- County Administrator Vincent Long stated that pursuant to Policy No. 11-6, the County Administrator is required to annually report the state of the County to the Board of County Commissioners. This policy is consistent with Florida Statute 125.85(1) that states that the County Administrator will: *“report annually, or more often, if necessary, to the board of county commissioners and to the citizens on the state of the county, the work of the previous year, recommendations for action or programs for improvement of the county, and the welfare of its residents.”*
 - County Administrator Long gave a presentation to the Board regarding the highlights of the 2012 Leon County Annual Report. The main points of the presentation include the following:
 - Discussed the FY 2012 & FY 2013 Strategic Plan and Leon LEADS
 - Reviewed the layout of the 2012 Annual Report
 - Overviewed the 2013 budget and financial state of the County
 - Highlighted the accomplishments of the County by Strategic Priorities
 - Economy: Lake Jackson Library, Veterans Resource Center, Public Safety Complex, and Visit Tallahassee
 - Environment: LEED certified building (Eastside Library), Lake Munson Dam rehabilitation, Co-op Net Zero Building, Countywide Environmental Regulations
 - Quality of Life: Community Gardens, Lake Jackson Town Center, and Apalachee Parkway Regional Park
 - Governance: Transparency and the new website, social media, Citizen Engagement Series, Operation Thank You, and other countywide events.
 - Unveiled the Serving Our Community video, which highlights a typical day in the County
 - Highlighted the awards and recognitions received by the County
 - Consistent with Policy No. 11-6, the County Administrator will present the annual report at two community meetings outside of the courthouse, and a summary of the annual report will be published in a newspaper of general circulation.
 - **Commissioner Dozier moved, seconded by Commissioner Dailey, to approve Option #1: Accept the 2012 Leon County Annual Report.**
The motion passed 7-0.

SCHEDULED PUBLIC HEARINGS, 6:00 P.M.

None.

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

Commissioner Sauls

- Referenced the Big Bend Scenic Byway and the \$910,000 grant received for this endeavour - Wakulla, Franklin, and Leon counties are involved. Wakulla feels it cannot administer the grant.
 - **Commissioner Sauls moved, seconded by Commissioner Dozier, to direct staff to agenda an item for December 11th regarding whether Leon County could facilitate and manage the grant. The motion passed 7-0.**

Staff: Economic Development & Business Partnerships/Grants – Ken Morris/Don Lanham
County Attorney – Herb Thiele

- Announced that she had received several phone calls regarding issues with bears.
 - **Commissioner Sauls moved, seconded by Commissioner Desloge, to have a short presentation on bear encounters issues at the December 11th meeting. The motion passed 7-0.**

Staff: County Administration/Agenda Coordinator – Christine Coble

Commissioner Proctor

- **Commissioner Proctor moved, seconded by Commissioner Dailey, to approve a Resolution for 147th Birthday celebration of the Taylor House Museum. The motion passed 7-0.**

Staff: Commission Aide – Regina Glee

- **Commissioner Proctor moved, seconded by Commissioner Dailey, to approve a Resolution recognizing Rickards High School Marching Band for winning the gold medal for the national “Drum Off,” The motion passed 7-0.**

Staff: Commission Aide – Regina Glee

Commissioner Desloge

- **Commissioner Desloge moved, seconded by Commissioner Proctor, to direct staff to prepare an agenda item that assesses the feasibility of a six-mile trail system in Killlearn Lakes behind Golden Eagle. The motion passed 7-0.**

Staff: Public Works & Community Development/Facilities Management/Real Estate Management -
Tony Park/Tom Brantley/Graham Stewart

Commissioner Dozier

- Announced that she will provide an update on the Tech Transfer and Commercialization meeting.
- Requested a status report regarding trail system and other amenities mobile apps.
 - County Administration Vincent Long stated that staff would bring back a status report on County apps. He announced that the County has purchased the trailhassee url.

Commissioner Nick Maddox

- **Commissioner Dozier moved, seconded by Commissioner Sauls, to approve a Proclamation declaring December 7-9, 2012 as “Shop Local Holiday Weekend” to be presented at a November 27 press conference. The motion passed 7-0.**

Staff: Commission Aide – Cathy Jones

- Announced the Public Works luncheon on November 21st.
- Announced the Board retreat on December 10, 2012 at Goodwood Carriage House Conference Center.

RECEIPT AND FILE

None.

ADJOURN

6:23 P.M.

*The next Regular Board of County Commissioners Meeting is scheduled for
Tuesday, December 11, 2012 at 3:00 p.m.*

2012

January						
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PUBLIC NOTICE**2012 Tentative Schedule**

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

All sessions are held in the Commission Chambers, 5th Floor, Leon County Courthouse unless otherwise indicated. Workshops are scheduled as needed on Tuesdays from 12:00 to 3:00 p.m.

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
November 2012	Tuesday 20	3:00 p.m.	Installation of Newly-Elected Commissioners; Reorganization of the Board; Regular Meeting
	Thursday 22	Offices Closed	THANKSGIVING DAY
	Friday 23	Offices Closed	FRIDAY AFTER THANKSGIVING DAY
	Monday 26	11:00 a.m.	CRA Meeting ; City Commission Chambers
December 2012	Monday 10	9:00 a.m. – 4:00 p.m.	Board Retreat
	Tuesday 11	12:00 – 3:00 p.m.	Workshop on Allocation of Tourist Development Taxes
		3:00 p.m.	Regular Meeting
		6:00 p.m.	Second and Final Public Hearing to Adopt an Ordinance to Amend Chapter 10, Article VI, Leon County Code of Laws, “Community Gardens”
	Wednesday 12	2:30 p.m.	Community Redevelopment Agency Meeting City Commission Chambers <i>Cancelled</i>
	Monday 24	Offices Closed	CHRISTMAS EVE
	Tuesday 25	Offices Closed	CHRISTMAS DAY
	Monday 31	Offices Closed	NEW YEAR’S EVE
January 2013	Tuesday 1	Offices Closed	NEW YEAR’S DAY
	Tuesday 8	No meeting	BOARD RECESS
	Monday 21	Offices Closed	MARTIN LUTHER KING, JR. HOLIDAY
	Tuesday 22	No meeting	BOARD RECESS
	Tuesday 29	12:00 – 1:30 p.m.	Workshop on the Septic System Management Options
		1:30 – 3:00 p.m.	Workshop on the Leon County Research and Development Authority <i>(Rescheduled from December 11, 2012)</i>
		3:00 p.m.	Regular Meeting

Follow-up to County Commission Meeting

November 20, 2012

Page 8

<u>Month</u>	<u>Day</u>	<u>Time</u>	<u>Meeting Type</u>
February 2013	Tuesday 12	3:00 p.m.	Regular Meeting
	Tuesday 26	3:00 p.m.	Regular Meeting
March 2013	Tuesday 12	12:00 – 3:00 p.m.	Workshop on Stormwater Non-ad Valorem Assessments
April 2013	Tuesday 9	3:00 p.m.	Regular Meeting
	Tuesday 23	12:00 – 3:00 p.m.	Workshop on Solid Waste Non-ad Valorem Assessments
		3:00 p.m.	Regular Meeting

Citizen Committees, Boards, and Authorities 2012 Expirations and Vacancies

www.leoncountyfl.gov/committees/expire.asp

VACANCIES

Affordable Housing Advisory Committee

Board of County Commissioners (11 appointments)

1. A member who is actively engaged in the residential home building industry in connection with affordable housing.
2. A member who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
3. A member who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
4. A member who is actively engaged as an advocate for low-income persons in connection with affordable housing.
5. A member who is actively engaged as a for-profit provider of affordable housing.
6. A member who is actively engaged as a not-for-profit provider of affordable housing.
7. A member who is actively engaged as a real estate professional in connection with affordable housing.
8. A member who actively serves on the local planning agency pursuant to s. 163.3174.
9. A member who resides within the jurisdiction of the local governing body making the appointments.
10. A member who represents employers within the jurisdiction.
11. A member who represents essential services personnel, as defined in the local housing assistance plan.

Capital Region Transportation Planning Agency Citizens Advisory Committee

Commissioner - District I: Proctor, Bill (1 appointment)

EXPIRATIONS

Architectural Review Board

Tallahassee City Commission (2 appointments)

Canopy Roads Citizens Committee

Tallahassee City Commission (1 appointment)

Civic Center Authority

Board of County Commissioners (1 appointment)

Florida A & M (1 appointment)

Florida State University (4 appointments)

Tallahassee City Commission (1 appointment)

Enterprise Zone Agency Development (EZDA) Board of Commissioners

Tallahassee City Commission (1 appointment)

Council on Culture & Arts

Board of County Commissioners (1 appointment)

Housing Finance Authority/Community Development Block Grant Citizen's Advisory Task Force

Commissioner - At-large I: Akinyemi, Akin (1 appointment)

OCTOBER 31, 2012

Adjustment and Appeals Board

Tallahassee City Commission (1 appointment)

DECEMBER 31, 2012

Human Services Grants Review Committee

Commissioner - At-large I: Akinyemi, Akin (1 appointment)

Commissioner - At-large II: Maddox, Nick (1 appointment)

Commissioner - District I: Proctor, Bill (1 appointment)

Commissioner - District II: Sauls, Jane G. (1 appointment)

Commissioner - District III: Dailey, John (1 appointment)

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

Commissioner - District V: Dozier, Kristin (1 appointment)

Library Advisory Board

Commissioner - At-large II: Maddox, Nick (1 appointment)

Commissioner - District I: Proctor, Bill (1 appointment)

Commissioner - District V: Dozier, Kristin (1 appointment)

INTERLOCAL AGREEMENTS

TITLE	ENTITIES	EXECUTION DATE	TERM DATE
Tallahassee-Leon County Animal Service Center	Leon County & City of Tallahassee	1/1/2003	9/30/2008
Downtown District CRA Agreement	Leon County & City of Tallahassee	8/16/2004	8/15/2039
Fire Service and Emergency Medical Service Agreement	Leon County & City of Tallahassee	10/01/2009	Automatic 5-year renewal
Geographic Information Systems	Leon County, City of Tallahassee, and Property Appraiser	8/31/1990	Automatic 1 year renewal
Palmer Munroe (MOU)	Leon County & City of Tallahassee	9/03/2010	09/03/2013
Parks and Recreation	Leon County & City of Tallahassee	10/1/2005	9/30/2020
Planning	Leon County & City of Tallahassee	10/1/2009	10/1/2014
Transfer Station	Leon County & City of Tallahassee	4/2/2003	4/1/2013
Blueprint 2000	Leon County & City of Tallahassee	10/27/2000; 2/1/2003 amended	Until Full Payments of Bonds
Water and Sewer	Leon County & City of Tallahassee	5/10/2005	9/30/2030
800 MHz Radio System	Leon County, City of Tallahassee, and Sheriff's Office	12/20/2007	N/A
Consolidated Dispatch Agency	Leon County, City of Tallahassee, and Sheriff's Office	5/31/2012	Automatic 10-year renewal

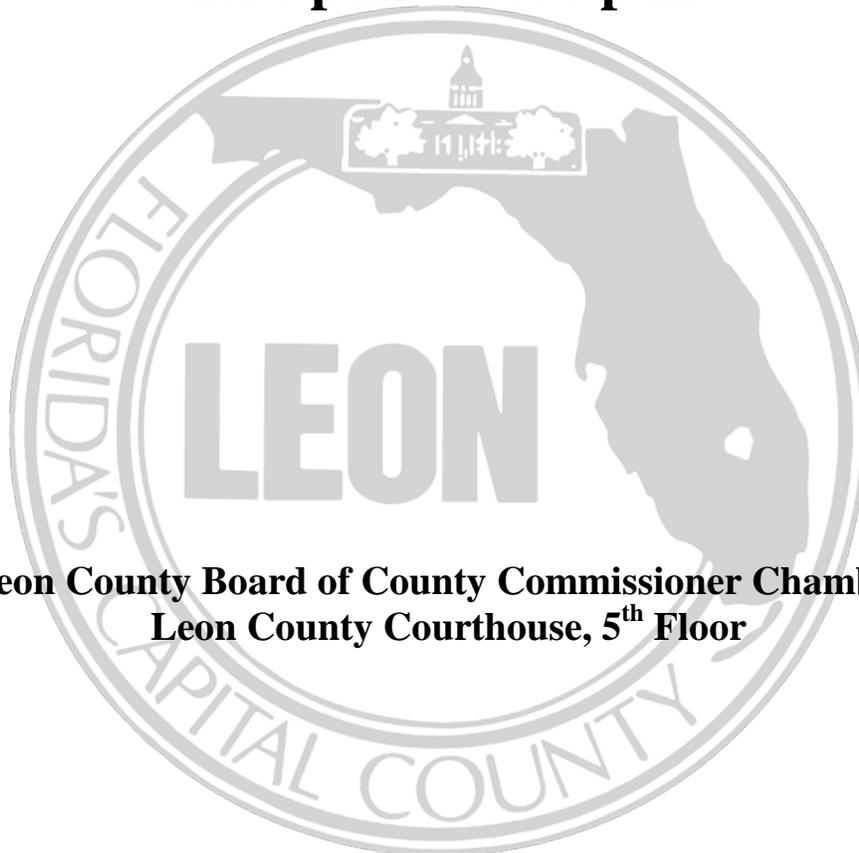
New County Commissioner's Briefing Book
LEON COUNTY LEGISLATIVE PROGRAM
CONTENTS

- 2013 Leon County Legislative Priorities Workshop Packet
- 2012 Legislative Session Week 8 Capitol Update
- Capital Alliance Group Week 8 Session Report
- November 9, 2012 Memorandum on Staff and Patton Boggs' Analysis of 2012 Election Cycle

WORKSHOP

2013 State and Federal Legislative Priorities

**October 23, 2012
1:30 p.m. – 3:00 p.m.**



**Leon County Board of County Commissioner Chambers
Leon County Courthouse, 5th Floor**

Leon County Board of County Commissioners

October 23, 2012

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator 

Title: Workshop on the 2013 State and Federal Legislative Priorities

County Administrator Review and Approval:	Vincent S. Long, County Administrator
Department/ Division Review and Approval:	Alan Rosenzweig, Deputy County Administrator, County Administration Ken Morris, Director of Economic Development and Business Partnerships
Lead Staff/ Project Team:	Cristina Paredes, Intergovernmental Affairs and Special Projects Coordinator

Executive Summary

Issue Briefing:

This workshop seeks Board consideration of the state and federal legislative priorities to guide the County's lobbying efforts for the 2013 state legislative session and the first session of the 113th Congress. Historically, the Board has conducted a workshop with staff on legislative priorities to guide the County's lobbying efforts. In recent years, staff has utilized this forum to receive Board direction on and approval of priority legislative issues to guide the County's lobbying efforts at both the state and federal levels. Staff has identified four appropriation requests for the 2013 state and federal legislative cycles (please see Attachment #1). Additionally, staff has provided eight substantive priorities for the 2013 state legislative session (Attachment #2) and two federal substantive priorities for the 113th Congress.

Rather than ask the Board to rank projects in priority order, staff is seeking Board assent to the state and federal substantive and appropriations issues presented here to be included in the County's 2013 State and Federal Legislative Programs. Upon Board approval, staff and the contract lobbying teams will pursue all of the legislative issues approved by the Board, and in so doing, place appropriate priority on the issues given the opportunities that arise during the legislative process.

Fiscal Impact:

This item does not have a fiscal impact. However, it recommends projects for appropriation requests at the state and federal levels while the substantive efforts of the legislative program often seek to avoid cost shifts and unfunded mandates to the County.

Staff Recommendation:

Option #1: Approve the 2013 state and federal legislative priorities as presented.

Option #2: Designate a Commissioner to host the Community Legislative Dialogue meetings for the 2013 Session.

Report and Discussion

Background:

Historically, the Board has conducted a workshop with staff on legislative priorities to guide the County's lobbying efforts. In recent years, staff has utilized this forum to receive Board direction on and approval of priority legislative issues to guide the County's lobbying efforts at both the state and federal level.

In recent years, the Board directed staff to refine the County's substantive 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 broader substantive initiatives. Based on this direction from the Board, staff has provided ten substantive priorities (eight state and two federal) for the 2013 state and federal legislative sessions. Staff has also identified four appropriation requests for the 2013 state and federal legislative cycles.

Analysis:

Rather than ask the Board to rank projects in priority order, staff is seeking Board assent to the state and federal substantive and appropriations issues presented herein to be included in the County's 2013 State and Federal Legislative Programs. Upon Board approval, staff and the contract lobbying teams will pursue all of the legislative issues approved by the Board, and in so doing, place appropriate priority on the issues given the opportunities that arise during the legislative process. Notwithstanding this, staff will assign priority to any issue that the Board directs to receive a special level of attention in 2013. Staff would also like to welcome the addition or deletion of issues that the Board deems appropriate for the County's 2013 legislative efforts.

It is important to note that in addition to the specific Leon County issues identified herein by staff, much of the County's legislative efforts each session are focused on statewide issues in conjunction with FAC. FAC will finalize their 2013 legislative program during their legislative conference on November 28, 2012. These issues are often times the most critical issues facing the County during the state legislative session. The Board will have an opportunity to communicate its legislative priorities when it hosts the Leon County Legislative Delegation. A meeting date has not yet been set but it is anticipated that the meeting will be held in January, prior to the start of the 2013 session. Staff will notify the Board of the date once it has been confirmed.

It is important for the Board to be active participants in the legislative process by testifying on behalf of the County and working with the legislative delegation. Staff will continue to keep the Board involved in legislative issues through agenda items, resolutions, memorandum, "Call to Action" emails, as well as through the weekly *Capital Update* memoranda during session.

State Lobbying Contract

The County utilizes contract lobbying services at the state and federal levels to further the County's legislative goals and in pursuit of appropriations for key local projects. The contract lobbying firms provide a daily presence by advocating the County's legislative priorities with the County's Delegation and legislative leaders. Given the state's financial hardship the past few years, the state lobbying team, Capitol Alliance Group, has concentrated on supporting the County's policy issues and protecting state programs that assist local governments.

The County is in its final year of a three year contract with Capitol Alliance Group for state lobbying services. The County entered into the contract with Capitol Alliance Group on October 1, 2010 which anticipates issuing a request for proposals (RFP) for the 2014 legislative session at the conclusion of the contract. As part of the 2013 final legislative report, staff will be seeking direction from the Board on the issuance of an RFP for state lobbying services.

Federal Lobbying Contract

Since 2002, the federal lobbying team, Patton Boggs, has had significant success in obtaining federal appropriations for local projects to help offset the financial burden for local taxpayers. Patton Boggs' efforts have been vital in advocating the County's legislative priorities at the federal level where County staff has limited access. Additional information highlighting the activities of the federal lobbying team is available in the federal legislative issues section (Page #12).

The County is also in its third and final year of its agreement with Patton Boggs for federal lobbying services. However, the contract states that the Board may extend the agreement for one additional two year period or until December 31, 2015. As part of the 2013 final legislative report, staff will be seeking direction from the Board on federal lobbying services.

**PROPOSED LEON COUNTY 2013 STATE & FEDERAL LEGISLATIVE SESSION:
Appropriation Requests**

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

The Board's practice of retaining professional contractual lobbying services, at both the state and federal levels, has been based primarily on increasing the County's chances of obtaining legislative appropriations. Staff works throughout the year to identify County projects for which to submit state and federal appropriations requests. In recent years, the Legislature has not accepted Community Budget Issue Requests (CBIRs), which serve as the primary vehicle for state appropriations, due to the state's severe budget constraints. However, a greater emphasis placed on grant programs through the executive branch and coordinating through state agencies helped fund a number of infrastructure projects during the previous session. Although a small surplus is projected in state revenue, staff anticipates that the Legislature will not consider CBIRs in 2013. In addition, Governor Scott has continued the practice of requesting that all state agencies submit a budget that reflects a 5% cut in funding for the next fiscal year.

Due to the continued revenue challenges at the state level, staff has refined the Board's top appropriation requests to avoid unrealistic expectations for securing funding for local projects. The 2013 appropriation requests identified herein include costly capital projects ranging from transportation projects and infrastructure improvements to historical and cultural enhancements. In order to maximize the chances for state and federal funds, the County will seek to partner with the City on several projects important to the community including improvements to Capital Circle Southwest.

In previous years the County has had tremendous success in obtaining grants for its parks and library programs through the legislative appropriations process. However, in the past three sessions, the Legislature has failed to provide funding for the Department of Environmental Protection's Florida Recreation Development Assistance Program (FRDAP) and the Department of State's Public Library Construction Grant Program. The following are the proposed Leon County 2013 State and Federal appropriation requests:

<u>Capital Circle Southwest</u> Construction of six-lane roadway (1,300 ft.) just north of Orange Ave.	\$8 million
<u>Woodville Highway</u> Design for widening (four lanes) from Capital Circle to Paul Russell Rd.	\$4.2 million
<u>Woodville Sewer</u> Design of Woodville Sewer System	\$500,000
<u>America's First Christmas</u> Construction of historical structure and markings	TBD

PROPOSED LEON COUNTY 2013 STATE LEGISLATIVE SESSION
Policy Requests

(Please Note: For complete information on each, see Attachment #2)

The 2013 legislative session will begin on March 5, 2013, and is scheduled to conclude on May 3, 2013. Like most legislation, much of the County's legislative efforts are incremental and focused on issues that are built upon throughout several sessions. However, each year staff evaluates the trends and issues affecting all County programs and services to identify potential policy or substantive legislative issues. Significant substantive issues that have been identified for County participation range from maintaining the County's home rule authority, such as allowing counties to regulate the location and operation of internet cafes, to the protection of state workforce. The state's current fiscal challenges and efforts to further reduce state government are likely to dominate the Legislature's time this year. It will be important for the lobbying team to 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.

Throughout this past session, the Capitol Alliance Group worked to pursue the Board's legislative priorities. For example, Capitol Alliance Group, along with FAC and all Florida counties, lobbied aggressively in the last few weeks of the session to kill the Medicaid bill. While the bill was ultimately signed into law, the Capitol Alliance Group was successful in working with the Governor's office and the Legislature on legislation to restructure the Regional Workforce Boards in order to maintain local oversight of the boards and ensure greater financial transparency.

In addition to the substantive issues identified by the County, staff works daily with FAC and the Florida Association for Intergovernmental Relations (FAIR) to identify developing issues that effect counties during the session's quick pace. In many cases, the County joins FAC and FAIR members to advocate for or against initiatives that would substantially impact counties (*Please note: FAIR members are representatives of local governments from across the state.*) Please find below a refined listing of the proposed Leon County 2013 state legislative session policy requests. Each request provides a brief overview of the issue and indicates the specific recommended legislative action:

Protection of State Workforce

Issue: State workers comprise a substantial percentage of Leon County's population contributing to our community, economy and diversity. Protecting the jobs of these workers from privatization and advocating for fair wages has always been a top priority of the Board during the legislative cycle.

During the upcoming session, the Legislature is expected to have further discussions on increasing employee contribution to the Florida Retirement System (FRS) and the State Employee Health Insurance. There have been attempts in the past few sessions to cap the state's total spending on employee health insurance and in effect increase the health insurance premiums of state employees. State employees last received a raise in FY 2007, in the amount of 3%, followed by a one-time \$1,000 bonus in FY 2008.

Action: Oppose any additional reductions to state employee benefits and encourage the Legislature to study the economic impact of FRS and health insurance reform.

Internet Cafes

Issue: The proliferation of simulated gambling facilities, also known as “internet cafes,” functioning as gaming parlors has raised many concerns about their operations and potential impact on communities. During the beginning weeks of the 2012 session, internet cafes and destination casinos were discussed in several committees. The House and Senate views greatly differed on how to approach both topics. The Senate pushed to regulate the internet cafes and mostly supported the destination casinos in South Florida. However, the House pursued an outright ban of the internet cafes and did not take a position on the destination casinos this session. Staff anticipates that several bills will be filed during the 2013 session regarding both destination casinos and internet cafes, some of which would preempt local government regulation of internet cafes.

Action: Support legislation that maintains the County’s home rule authority and provides for state inspection of gaming devices.

Communication Service Tax

Issue: During the 2012 session, the Legislature passed a bill that made changes to definitions of the communications services tax (CST) and creates a workgroup to study the tax to make recommendations on future communications tax policies. The state levies a 6.65 percent communications services tax on items such as phone service and local governments apply a wide range of additional taxes that range from 0.1 to 7 percent. A key provision in HB 809 provided a broad CST exemption for certain services and hardware that are not separately stated on a customer’s bill. For example, phone/cable service in "bundles" with digital items such as cloud data storage and home security would not have to pay communications taxes.

Furthermore, the legislation created the Communications Services Tax Working Group within the Department of Revenue to review a series of policies regarding the tax including: review of national and state tax policies relating to the communications industry; identify options for streamlining the administrative system. The Workgroup consists of a cross section of industry stakeholders, FAC staff, and the Leon County Deputy County Administrator.

The two priorities of the Workgroup are to 1) identify options for streamlining the administrative system and 2) identify options that remove competitive advantages within the industry as it relates to the state’s tax structure without unduly reducing revenue to local governments. The Workgroup’s recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2013.

Action: Support legislation that is revenue neutral; simplifies administration and collection of the current tax; enhances the stability and reliability as an important revenue source for local government; and provides for the opportunity for market-based growth.

Thornton Road Land Exchange

Issue: During development of the Planned Unit Development application for the City's Welaunee Plantation property, significant discussions were held regarding access to this property from Miccosukee Road. Under the terms of the purchase agreement of the 428 acres of the Welaunee Plantation property, the City has rights to cross the Miccosukee Greenway at Edenfield Road and Arendell Road. One option that was identified to enhance access to the Welaunee property is to relocate the Arendell Road connection to Thornton Road ("Thornton Road Extension").

Any relocation of the Arendell Road access point requires the approval of the State of Florida Board of Trustees for the Internal Improvement Trust Fund, since the relocation impacts state lands (the Miccosukee Road Greenway). As the managing agency for the Miccosukee Greenway, the County will need a statement of written approval describing how the proposed easement conforms to the management plan when the easement application involves state land which is under lease, sublease, easement, or management agreement. The Thornton Road Extension requires a 2:1 land exchange to provide a net conservation and recreation benefit. It is anticipated that the Planning Department will be bringing forward an agenda item with this statement for the Board's approval during the November 13, 2012 meeting.

Action: Support the proposed land exchange application that will allow for the relocation of the Arendell Road access point to Thornton Road.

Mental Health Competency Restoration Services

Issue: There are an increasing number of people charged with a felony offense that are incompetent to stand trial yet are ineligible for services under Chapter 916, Florida Statutes relating to mentally deficient and ill defendants. Currently, the statute limits services to a population with a diagnosed mental illness or a developmental disability. However, others diagnosed with a cognitive impairment are left with no relief. Upon encountering the criminal justice system these people often languish in jail or a pretrial status without an avenue to resolve their case because they have no options for competency restoration services. Competency restoration training is intended to assist defendants in understanding the court process and the charges against them so that they may participate in their own defense.

Action: Support amending Chapter 916 of Florida Statutes in order to expand the community-based competency training for any defendant found incompetent and may not meet criteria for an in-patient forensic program.

Civic Center:

Issue: In the FY 2013 state budget, language was included that authorized the Florida State University to acquire the civic center. The Governor signed the budget into law on April 20, 2012. This budget language allowed for a transfer of assets or the sale of the Tallahassee-Leon County Civic Center to Florida State University; however it would require approval by the Florida Legislature.

On May 22, 2012, the Board approved a Third Amendment to the Civic Center Agreement, which was agreed to by the County, City of Tallahassee, Tallahassee-Leon County Civic Center Authority, and The Florida State University. The amendment stipulates that all preceding Agreements entered into by and between the parties are rescinded and it releases the County and the City from any further responsibility or liability.

The Florida State University is interested in pursuing legislation during the 2013 legislative session to repeal the Tallahassee-Leon County Civic Center Authority and transfer management of the Tallahassee-Leon County Civic Center to Florida State University.

Action: Support the Florida State University in their efforts to repeal the Tallahassee-Leon County Civic Center Authority and transfer management of the Tallahassee-Leon County Civic Center to Florida State University.

GrowFL:

Issue: GrowFL is an economic development initiative that provides assistance to second-stage businesses. Employee numbers and revenue ranges vary by industry but the population of firms with 10 to 100 employees and/or \$750,000 to \$50 million in receipts includes the vast majority of second-stage companies. To be eligible for the GrowFL program, a business must:

- Be a for-profit, privately held, investment-grade business.
- Have at least 10 employees, but no more than 50.
- Have had its principal place of business within Florida for the previous two years.
- Generate at least \$1 million, but not more than \$25 million in annual revenue.
- Qualify for Florida's Qualified Target Industry (QTI) program, under s.288.106.
- Have increased both its number of full-time equivalent employees in Florida and its gross revenues during three of the previous five years.

The services provided by GrowFL include technical assistance focused on enhancing sales growth, CEO roundtable groups, peer-to-peer CEO networking groups of 10 to 15 CEO's each, webinars, and other services. A recent economic impact study shows that companies who participated in the GrowFL program created more than 1,400 direct jobs during the two year pilot program.

The Florida Economic Development Council (FEDC) has expressed concerns regarding the eligibility of the GrowFL program. For example, a company must show an increase in both full-time employees and gross revenues during three of the previous five years. Given the current state of the economy, some businesses have found it difficult to qualify for this program. It is anticipated that FEDC will consider pursuing legislation during the 2013 session to enhance the GrowFL program and expand the eligibility requirements in an effort to have more businesses qualify for this program.

Action: Support the FEDC's efforts to enhance GrowFL and expand the eligibility requirements of the program.

Florida Association of Counties (FAC) Issues

Issue: FAC represents 67 counties before the Florida Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (such as the \$90 million DJJ cost shift that was passed in 2005 and the \$146 million in Medicaid retrospective reconciliation and new billing system changes passed in 2012), growth management, annexation, revenue-sharing, and water management issues. FAC will finalize their 2013 legislative program during their legislative conference scheduled for November 28, 2012.

Action: Support the 2013 FAC legislative program unless specific issues conflict with Leon County's interests.

Community Legislative Dialogue Meetings

For the past two years, the County has hosted 'Community Legislative Dialogue' meetings throughout session to engage our community and regional partners in identifying shared legislative priorities and interests. Last year, the Board designated Commissioner Desloge to host these meetings given his role with FAC. A total of three round table discussions were held with our community partners and surrounding counties. The meetings were held before session, in the middle of session, and at the end of session. All three meetings were well attended and the participants agreed that it was helpful to hear the priorities of other community partners.

If the Board would like to continue hosting the 'Community Legislative Dialogue' meetings on an ongoing basis, staff would typically recommend that the Chairman host these meetings each year. However, given the fact that Leon County is in the unique position this year of having a Commissioner serve as the President of the Florida Association of Counties, the Board may wish to designate Commissioner Desloge to once again host these meetings.

FEDERAL LEGISLATIVE ISSUES:

The Board's practice has been to focus the County's federal legislative program on appropriations issues but has added specific substantive issues from time to time. Most substantive issues that the County has at the federal level are coordinated through the County's National Association of Counties (NACO) representation. At the Board's request, the federal appropriation requests have been combined with the state appropriation requests (Page #5 of the Analysis Section).

Patton Boggs recently assisted the County in securing a \$590,880 grant for the purchase of emergency medical services equipment. The grant funding assisted in the upgrade and/or the purchase of cardiac monitors; electrocardiogram; defibrillator; pacemaker; non-invasive blood pressure monitor; and trending. This grant includes the replacement of the cardiac monitors provided to the City of Tallahassee Fire Department Advanced Life Support (ALS) units under the Fire Services / ALS Agreement.

Patton Boggs has worked closely with staff on a select few federal policy issues and priorities that have been identified by the Board in the past year. Patton Boggs has been instrumental in the County's efforts to utilize the Federal Correctional Institution open space area adjacent to Town Brown Park for Little League baseball fields. Congressman Southerland introduced legislation concerning land conveyance from the Bureau of Prisons to Leon County for use for additional recreational space at Tom Brown Park. The bill was filed this past spring and Patton Boggs has been working with the Congressman's office and the committee of reference to schedule a hearing on the bill.

The County has also sought assistance from Patton Boggs to educate the Leon County Federal Delegation on the County's concerns regarding the U.S. Army Corps of Engineers permit that was issued for the Grady County, Georgia Dam project and its impact on the water quality and quantity in North Florida. Subsequently, Congressman Southerland has become engaged in this issue and is actively working with the County to express concerns to the U.S. Army Corps of Engineers regarding the Grady County Dam project. On October 12, 2012, Patton Boggs coordinated a meeting between Congressman Southerland, Commissioner Maddox, the County Attorney and staff regarding the Grady County Dam. This meeting was held prior to Congressman Southerland meeting with the Army Corp of Engineers to formally request that the Corp work with the County to derive appropriate flow figures, both under normal and flood conditions, that are needed to ensure adequate water supply to Lake Iamonia for recreational use and avoid additional harmful, downstream ecosystem-wide impacts.

Staff has prepared two federal policy requests for the 113th Congress and to provide direction to the County's federal lobbying team (*for complete information, see Attachment #3*):

PACE

Issue:

In August 2010, the Federal Housing and Finance Agency (FHFA), the Federal Home Loan Mortgage Corporation (Freddie Mac), and Federal National Mortgage Association (Fannie Mae) expressed concerns because PACE financing takes a senior lien position in terms of property-based debt repayment obligations and asserted that these assessments make it harder to make repayments of those loans, and the risk cannot be supported by these entities. Therefore, FHFA directed Fannie/Freddie to take actions that they restrict mortgage lending opportunities and lower credit lines for homeowners who live in local governments that offer home energy retrofit programs such as Leon County. HR 2599 was filed in July 2011, entitled the PACE Assessment Protection Act of 2011, to rescind the directives of FHFA. On August 23, 2011, the Board adopted a Resolution in support of the PACE Assessment Protection Act of 2011.

On June 15, 2012, the FHFA introduced a proposed Rule regarding under what conditions Fannie Mae and Freddie Mac will purchase mortgages for properties participating in PACE programs. Under the process of adopting the proposed Rule, Leon County, along other local governments, municipalities, as well as environmental agencies, provided comments regarding the proposed Rule. Leon County submitted its proposed comments on September 13, 2012.

In September, Congresswoman Nan Hayworth (R NY-19) along with Congressman Mike Thompson (D CA-1) and Congressman Dan Lungren (R CA-3) wrote a letter to FHFA recommending that the final rule contain a path that parallels their bill, H.R.2599, the PACE Assessment Protection Act of 2011 which now has 54 co-sponsors

Action:

Support federal legislation to negate or minimize the actions taken by FHFA, Fannie Mae, and Freddie Mac and enact legislation to empower PACE programs.

Federal Correctional Institution Property

Issue:

On June 14, 2011, the Board authorized Commissioner Desloge to reach out to the Federal Correctional Institution (FCI) for usage of open space adjacent to the FCI facility for Little League baseball fields. The open space is adjacent to Tom Brown Park. The initial response from the Federal Bureau of Prisons indicated that it did not have the authority to grant the County's request. On September 20, 2011, Commissioner Desloge and staff met with FCI Warden Taylor to familiarize him with the County's proposal. At that time, Warden Taylor agreed to support the County's efforts to gain authorization for the use of the property.

On March 7, 2012, Congressman Steve Southerland introduced legislation concerning land conveyance from the Bureau of Prisons to Leon County for use for additional recreational space at Tom Brown Park. Congressman Ander Crenshaw agreed to co-sponsor the bill. The House Subcommittee on Crime, Terrorism, and Homeland Security has been getting some pushback with regard to the legislation from the U.S. Bureau of Prisons' headquarters in Washington, D.C as the land has not been discharged as 'surplus' property. Subsequently, the County sent a letter to the Bureau of Prisons to request that it allow the legislative process to proceed without objection. To date, the legislation has not yet been heard in the Subcommittee on Crime, Terrorism, and Homeland Security.

Action: Continue to work with Patton Boggs to secure the usage of property at the Federal Correctional Institution facility for the purpose of constructing baseball fields.

Staff coordinates regularly with Patton Boggs by phone and e-mail to strategize on key federal budget issues and to identify new federal grant opportunities that could potentially fund County project requests. In addition, Patton Boggs has been submitting monthly memoranda to update the Board on their federal lobbying activities in order to further improve communication between the Board and their federal lobbying firm. It is important to note that the NACO Legislative Conference is scheduled for March 2-6, 2013 in Washington, D.C. In the past, Commissioners and County staff have used the NACO Legislative Conference as an opportunity to meet with the Leon County Federal Legislative Delegation to advocate for the County's federal priorities.

Options:

1. Approve the 2013 state and federal legislative priorities, as presented.
2. Designate a Commissioner to host the Community Legislative Dialogue meetings for the 2013 Session.
3. Approve the 2013 state and federal legislative priorities as amended by the Board.
4. Board Direction.

Recommendation:

Options #1 and #2.

Attachments:

1. 2013 State and Federal Legislative Session Appropriation Request Forms and Related Materials.
2. 2013 State Legislative Session Policy Request Related Materials.
3. 2013 Federal Policy Request and Related Materials.

2013 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Blueprint 2000

Contact: Charles Hargraves

Phone: 219-1060 Fax: 219-1098 E-Mail: charles.hargraves@blueprint2000.org

Project Title: Capital Circle Southwest

1. Project Description:

The project is to complete the widening of Capital Circle SW (CCSW) to six-lanes through Orange Avenue. During the 2011 session, the Legislature appropriated \$9.2 million for construction to widen Capital Circle at the intersection of Blountstown Highway. An additional \$8 million is required to construct a remaining 1,300 feet through the Orange Avenue intersection. Capital Circle SW is an important junction in the efficiency of traffic movements along both roadway corridors. Construction will begin November 2012 for the Capital Circle SW from the segment from Blountstown to just north of the Orange Avenue intersection.

On September 18, 2012, the Chairman sent a letter to Governor Scott requesting that this project be included in the list of projects for funding from the U.S. Department of Transportation's unspent earmarks between FY 2003 and FY 2006. Patton Boggs was able to secure the support of Congressman Southerland (R FL-2) and Senator Rubio (R-FL) who made calls to the Governor's office on behalf of Leon County's request. However, this project was not included in the request to the US DOT. The Florida Department of Transportation requested that the funds be reallocated to the projects for which the funding was originally earmarked.

2. Purpose of Project and Outcome Expected:

Capital Circle is a major arterial roadway circling the Tallahassee urban area. It links a regional expressway (Interstate 10) with US 27, US 90, and US 319. Segments of Capital Circle have been widened with a significant portion of the improvements being either directly funded or advance-funded by the City of Tallahassee or Leon County. The project is a joint funded effort, with Blueprint 2000 coordinating the design and construction, and the Florida Department of Transportation (FDOT) funding right-of-way costs. FDOT provided \$42 million for right-of-way costs.

3. Service Provided/Benefit to State:

The Leon County and Tallahassee Commissions, through their "Southern Strategy," are attempting to spur economic growth in the southern area of the County and City with a combination of roadway improvements, sector planning efforts, growth management and economic incentives.

This corridor is an important junction in the efficiency of traffic movement along both roadway corridors (Capital Circle SW and Orange Avenue) providing greater access to the Tallahassee Regional Airport and Interstate 10. This also serves as one of the primary evacuation routes from the central coastal panhandle.

Title: 2013 Appropriation Request
Project: Capital Circle Southwest
Page: 2

4. Population Served:

All regional coastal residents of neighboring counties will benefit from this project. The current Annual Average Daily Traffic count is 20,400, and is expected to increase to 40,900 by the year 2030. Additionally, this roadway will serve significant regional and national populations associated with services and travel through the Tallahassee Regional Airport.

5. Projected Dates for Construction/Operation:

Construction would commence once funding is available with duration of 6-12 months.

6. Funding:

Federal Funding Requested (as applicable): **\$8 million**

State Funding Requested (as applicable): **\$8 million**

Present or Pending Funding Sources (including county):

2013 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: _____

Department/Division: Capitol Regional Transportation Planning Agency (CRTPA)

Contact: Harry Reed

Phone: 891-6815 Fax: 891-6809 E-Mail: Harry.Reed@talgov.com

Project Title: Woodville Highway

1. Project Description:

This project is for the design of Woodville Highway to widen the existing two-lane segment to four lanes from Paul Russell Road to Capital Circle.

2. Purpose of Project and Outcome Expected:

Woodville Highway connects to major arterials systems including Capital Circle and Monroe Street and serves as a major evacuation route from the Coastal Highway (US 98). This road is frequented by residents of Wakulla County that work in Leon County. It is anticipated that the volume of traffic will continue to increase as the Capital Circle Office Complex, which houses a number of state agencies, continues to expand.

During the FY 06/07 budget process, the Board budgeted \$2.1 million for Woodville Highway. On September 18, 2007, the Board approved a Joint Project Agreement with the Florida Department of Transportation (FDOT) to perform a Project Development and Environment (PD&E) study for a portion of Woodville Highway from Gaile Avenue to Capital Circle. On March 11, 2008, the Board authorized the expenditure of funds, up to \$175,000, to match funds from FDOT to perform a Corridor Master Plan for a portion of Woodville Highway from Gaile Avenue to Commerce Boulevard. On April 12, 2011, the Board amended its Agreement with FDOT for a PD&E study of Woodville Highway, from Gaile Avenue to Capital Circle, to extend north to Paul Russell Road. Several reasons for the extension include adding sidewalks, designing pedestrian crossings, and addressing any potential for redevelopment of the Leon County Fairgrounds, all of which could have a significant impact on future traffic patterns.

CRTPA held a meeting last year with property owners and residents to kick-off a corridor study that will be utilized to develop the Corridor Master Plan. The final Corridor Master Plan was completed in November 2011. The PD&E study has been under way for the last year and is expected to be completed in early 2013.

At the completion of this project it is anticipated that there will be significant improvement in commuter access through southern Leon County and northern Wakulla County, improved freight movement from the coast, and improved hurricane evacuation options.

2013 Appropriation Request
Topic: CRTPA: Woodville Highway
Page 2

3. Service Provided/Benefit to State:
Leon County and the City of Tallahassee, through their joint “Southern Strategy” are attempting to spur economic growth in the southern area of the city/county with a combination of roadway improvements, sector planning efforts, growth management and economic incentives. Woodville Highway also serves as one of the primary evacuation routes from the central coastal panhandle. Given the importance of the corridor to the region, it is currently being evaluated by a citizen committee as a potential project to be funded with the local government infrastructure surtax extension.

4. Population Served:
All regional coastal residents of neighboring counties will benefit from this project. The current Annual Average Daily Traffic count is 12,900. This road serves as one of two links to the coast via Wakulla County.

5. Projected Dates for Construction/Operation:
Due to the time necessary for the corridor study, project design, and right-of-way acquisition, construction commencement will be determined at a future date by FDOT.

6. Funding:
Federal Funding Requested (as applicable): **\$4.2 million for design**
State Funding Requested (as applicable):
Present or Pending Funding Sources (including county): **\$1.0 million for design**

2013 Appropriation Request Form

Please Check: Federal Appropriation: X State Appropriation: X

Department/Division: Public Works/Engineering Services

Contact: Tony Park

Phone: 606-1500 Fax: 606-1501 E-Mail: parkt@leoncountyfl.gov

Project Title: Woodville Sewer Project

1. Project Description:

This project is for the design of a sewer system to provide sewer services to approximately 1,500 homes or properties located within the Woodville area of Leon County. These homes are located upstream to Wakulla Springs and threaten one of the world's largest and deepest freshwater springs.

2. Purpose of project and outcome expected:

Providing sewer service will eliminate the need for septic tanks which, in the event of failure, can cause environmental concerns and impacts.

3. Service Provided/Benefit to State:

The Leon County Comprehensive Plan provides that all waste water is to be treated and disposed of in a manner that protects natural resources and public health. (Note: The State of Florida has acquired more than half of the 6,500 acre buffer zone around Wakulla Springs acknowledging the importance of preserving this natural habitat).

4. Population Served:

Approximately 1,500 homes will be directly impacted in Leon County. Wakulla Springs is also home to a state park that has thousands of visitors each year.

5. Projected Dates for Construction/Operation:

During the County's FY 07/08 budget workshop, the Board discontinued the funding of non-mandatory capital projects. A number of sewer projects were approved for discontinuation including the Woodville project. Due to the time necessary for the studies, project design, and right-of-way acquisition, construction may not commence for several years. However, during its April 12, 2011 Workshop on the Infrastructure Sales Tax Extension, Board identified the Woodville project for future discussion regarding funding. This project was presented to the Sales Tax Committee for consideration for funding. It is anticipated that the Sales Tax Committee will finalize their recommendations in June 2013.

6. Funding:

Federal Funding Requested (as applicable): **\$500,000 for design**

State Funding Requested (as applicable): **\$500,000 for design**

Present or Pending Funding Sources (including county):

2013 Appropriation Request Form

Please Check: Federal Appropriation: _____ State Appropriation: _____ X

Department/Division: Tourism Development

Contact: Lee Daniel

Phone: 606-2300 Fax: 606-2304 E-Mail: DanielLee@leoncountyfl.gov

Project Title: America's First Christmas

1. Project Description:

The Leon County Division of Tourism Development has been working with the Friends of America's First Christmas to help promote the site near Cascades Park as a tourism destination.

2. Purpose of Project and Outcome Expected:

Archeologists have uncovered artifacts that they believe confirm an encampment site of Hernando de Soto in the large abandoned Apalachee tribe village of Anhaica, in what is now the City of Tallahassee, near Cascades Park. This village had more than 250 structures, which helped de Soto decide to spend the winter of 1539 there to rest his army, repair equipment, and wait for the arrival of supplies. Documents report that de Soto traveled with three priests and a full communion set to commemorate Catholic mass, and because of this, it is thought that the First Christmas in America was celebrated at the site.

At this time, there is not much to see at the First Christmas site. Local resident Bert Pope is heading a community effort to create awareness and looking to partner with other stakeholders, including the State of Florida, to build a tourist-friendly facility that could become a historical attraction for Leon County.

3. Service Provided/Benefit to State:

Recently, the Florida Senate adopted a resolution commemorating America's First Christmas, 1539, Tallahassee, Florida. Currently, the Citizens Stamp Advisory Committee of the United States Postal Service is reviewing a commemorative stamp for this event.

4. Population Served:

In commemoration of Florida's 500th anniversary next year, Mission San Luis will be hosting a special reenactment event entitled, *First Christmas in La Florida*, on January 5, 2013 to include a mass reenactment, living history demonstrations, and period vocal and instrumental music as part of the statewide Viva Florida campaign.

5. Projected Dates for Construction/Operation:

Staff is working with the City of Tallahassee and members of the Leon County Legislative Delegation in formulating a state legislative appropriations request for the 2013 legislative session, specific to America's First Christmas. Details of the project request have not yet been finalized.

6. Funding:

Federal Funding Requested (as applicable): **TBA**

State Funding Requested (as applicable): **TBA**

Present or Pending Funding Sources (including county):

2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

Phone: 606-5300 Fax: 606-5301 E-Mail: paredesc@leoncountyfl.gov

Topic: **Protection of State Workforce**

Problem/Need

State workers comprise a substantial percentage of Leon County's population contributing to our community, economy and diversity. Protecting the jobs of these workers from privatization and advocating for fair wages has always been a top priority of the Board during the legislative cycle.

During the upcoming session, the Legislature is expected to have further discussions on increasing employee contribution to the Florida Retirement System (FRS) and the State Employee Health Insurance. There have been attempts in the past few sessions to cap the state's total spending on employee health insurance and in effect increase in health insurance premiums of state employees. State employees last received a raise in FY 2007, in the amount of 3%, followed by a one-time \$1,000 bonus in FY 2008.

Recommended County Position, Recommended Change in Florida Statutes:

Oppose any additional reductions to state employee benefits and encourage the Legislature to study the economic impact of FRS and health insurance reform.

2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

Phone: 606-5300 Fax: 606-5301 E-Mail: paredesc@leoncountyfl.gov

Topic: **Internet Cafes**

Problem/Need:

The proliferation of simulated gambling facilities, also known as “internet cafes,” functioning as gaming parlors has raised many concerns about their operations and potential impact on communities. On June 14, 2011, the Board adopted an ordinance regulating internet cafes in Leon County. There are currently 14 internet cafes in Leon County, of which 11 have completed their annual re-licensing process. The remaining three establishments are still in the process of finalizing their applications and paying the associated fees. The deadline for this process is Wednesday, October 17, 2012.

During the beginning weeks of the 2012 session, internet cafes and destination casinos were discussed in several committees. The House and Senate views greatly differed on how to approach both topics. The Senate pushed to regulate the internet cafes and mostly supported the destination casinos in South Florida. However, the House pursued an outright ban of the internet cafes and did not take a position on the destination casinos this session. Staff anticipates that several bills will be filed during the 2013 session regarding both destination casinos and internet cafes, some of which would preempt local government regulation of internet cafes.

The County ordinance regulates the location and operation of simulated gambling facilities. However, the gaming devices utilized at the facilities are not regulated at the local or state level. Through the Department of Agriculture and Consumer Services and Department of Business and Professional Regulations, the State oversees the inspection of numerous equipment and devices but does not regulate the equipment and devices used in the internet cafes.

Recommended County Position, Recommended Change in Florida Statutes:

Support legislation that maintains the County’s home rule authority and provides for state inspection of gaming devices.

2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

Phone: 606-5300 Fax: 606-5301 E-Mail: paredesc@leoncountyfl.gov

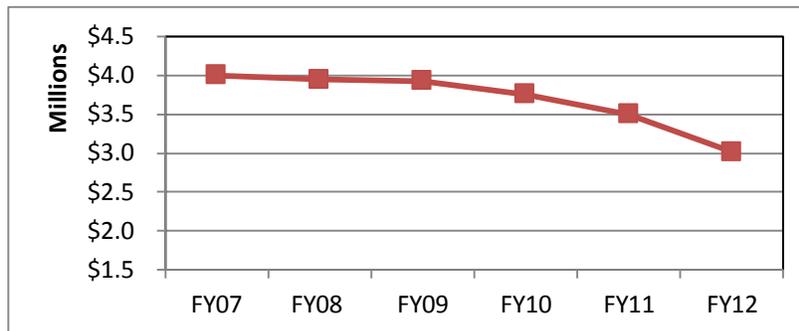
Topic: **Communications Service Tax**

Problem/Need:

The Communication Service Tax (CST) is a tax on the retail sales of communications services, which include voice, data, audio, video and any other information including cable (video) services. Internet access, as defined by the Internet Tax Freedom Act, email services, and prepaid calling arrangements (cards and cellphones) are not included and account for approximately 25% to 40% of all wireless phones. The proceeds from the tax are transferred to county and municipal governments, the Public Education Capital Outlay and Debt Service Trust Fund, and the state's General Revenue Fund.

A county or municipality may choose to levy the CST by ordinance. Currently, Leon County levies a CST 6.02% within the unincorporated areas of the County. The City of Tallahassee's rate is applied to those individuals who live within the city limits and is levied at 6.90%. Over the past six fiscal years, the revenues from the CST have declined by an average of 5.4%. The chart below illustrates the downward trend of this revenue source.

Graph #1: Leon County Communications Service Tax Revenue



Currently, the Florida Department of Revenue (DOR) administers the statewide collection of the state and local tax payments. Dealers/retailers who collect local communications services tax must notify the DOR of the method employed to accurately assign addresses to the appropriate taxing jurisdiction. The DOR maintains a database that provides the local taxing jurisdiction for all addresses in Florida. The database contains county and municipal names for every address and is based on information provided by the local taxing jurisdiction and updated at least once every six months. The amount of revenue collected is dependent on the jurisdiction's local CST rate. A county government's local CST is charged to those billable customers residing within the unincorporated area. A municipal government's local CST is charged to those billable customers residing within the incorporated area. There are currently 122 different local CST rates.

During the 2012 session, the Legislature passed a bill that made changes to definitions of the CST, and creates a workgroup to study the tax to make recommendations on future communications tax policies. The state levies a 6.65% communications services tax on items such as phone service and local governments apply a wide range of additional taxes that range from 0.1% to 7%. A key provision in HB 809 provided a broad CST exemption for certain services and hardware that are not separately stated on a customer's bill. For example, phone/cable service, in "bundles" with digital items such as cloud data storage or home security, would not have to pay communications taxes.

Furthermore, the legislation created the Communications Services Tax Working Group within the Department of Revenue to review a series of policies regarding the tax including: review of national and state tax policies relating to the communications industry; review the fairness of the state's communications tax laws and the administrative burdens it contains, including whether the applicability of the tax laws is reasonably clear to communications services providers, retailers, customers, local government entities and state administrators; identify options for streamlining the administrative system. The Workgroup consists of the following members:

- Marshall Stranburg, Chair Interim Executive Director, Florida Department of Revenue
- Charlie Dudley, General Counsel, Florida Cable Telecommunications Association
- Sharon R. Fox, Tax Revenue Coordinator, City of Tampa
- Kathleen Kittrick, Director of State Government Affairs, Verizon
- Gary S. Lindsey, Director of External Tax Policy, AT&T
- The Honorable Gary Resnick, Mayor, City of Wilton Manors
- Alan Rosenzweig, Deputy County Administrator, Leon County
- Brian D. Smith, Director of Transactional Taxes, the DirecTV GROUP, Inc.
- Davin J. Suggs, Senior Legislative Advocate, Florida Association of Counties

The two priorities of the Workgroup is to 1) identify options for streamlining the administrative system and 2) identify options that remove competitive advantages within the industry as it relates to the state's tax structure without unduly reducing revenue to local governments. The Workgroup's recommendations must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2013.

Recommended County Position, Recommended Change in Florida Statutes:

Support legislation that is revenue neutral; simplifies administration and collection of the current tax; enhances the stability and reliability as an important revenue source for local government; and provides for the opportunity for market-based growth.

2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

Phone: 606-5300 Fax: 606-5301 E-Mail: paredesc@leoncountyfl.gov

Topic: **Thornton Road Land Exchange**

Problem/Need:

During development of the Planned Unit Development application for the City's Welaunee Plantation property, significant discussions were held regarding access to this property from Miccosukee Road.

Under the terms of the purchase agreement of the 428 acres of the Welaunee Plantation property, the City has rights to cross the Miccosukee Greenway at Edenfield Road and Arendell Road. One option that was identified to enhance access to the Welaunee property is to relocate the Arendell Road connection to Thornton Road ("Thornton Road Extension").

This option provided the following benefits:

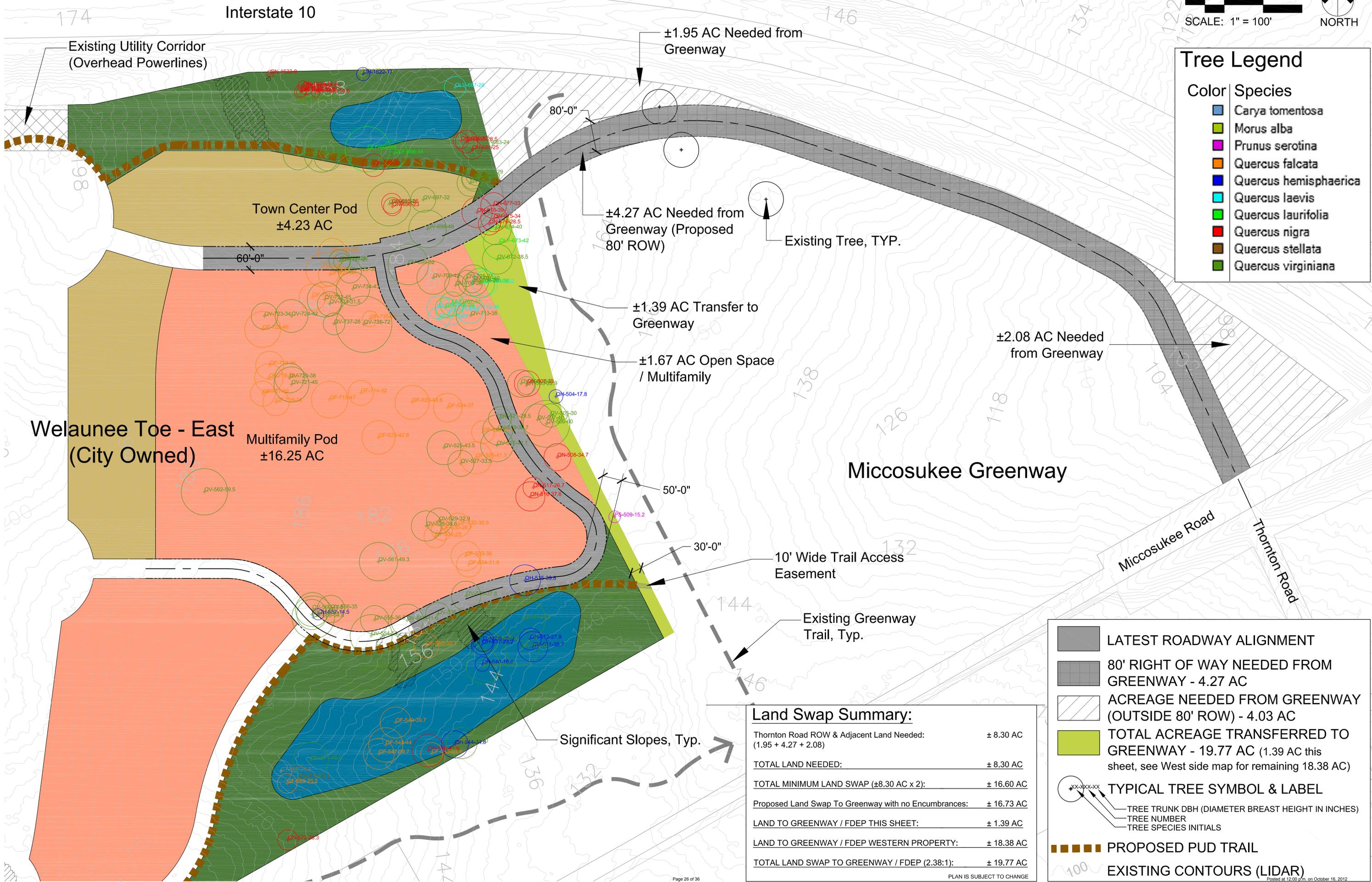
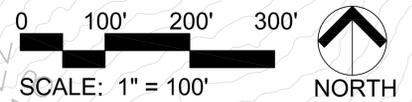
- Addressed the concerns of the Arendell Hills Neighborhood Association regarding the traffic load in their subdivision if the Arendell Road connection were developed.
- Addressed an inconsistency in the long range mobility plans that called for the extension of Thornton Road from Mahan to Centerville.
- Resulted in fewer impacts to the tree canopy along Miccosukee Road.
- Provided for enhanced regional mobility that will be supportive of a potential new I-10 interchange with the new Welaunee Boulevard.

Any relocation of the Arendell Road access point requires the approval of the State of Florida Board of Trustees for the Internal Improvement Trust Fund, since the relocation impacts state lands (the Miccosukee Road Greenway).

As the managing agency for the Miccosukee Greenway, the County will need a statement of written approval describing how the proposed easement conforms to the management plan when the easement application involves state land which is under lease, sublease, easement, or management agreement. The Thornton Road Extension requires a 2:1 land exchange to provide a net conservation and recreation benefit (see attached map). It is anticipated that the Planning Department will be bringing forward an agenda item with this statement for the Board's approval during the November 13, 2012 meeting.

Recommended County Position, Recommended Change in Florida Statutes:

Support the proposed land exchange application that will allow for the relocation of the Arendell Road access point to Thornton Road.



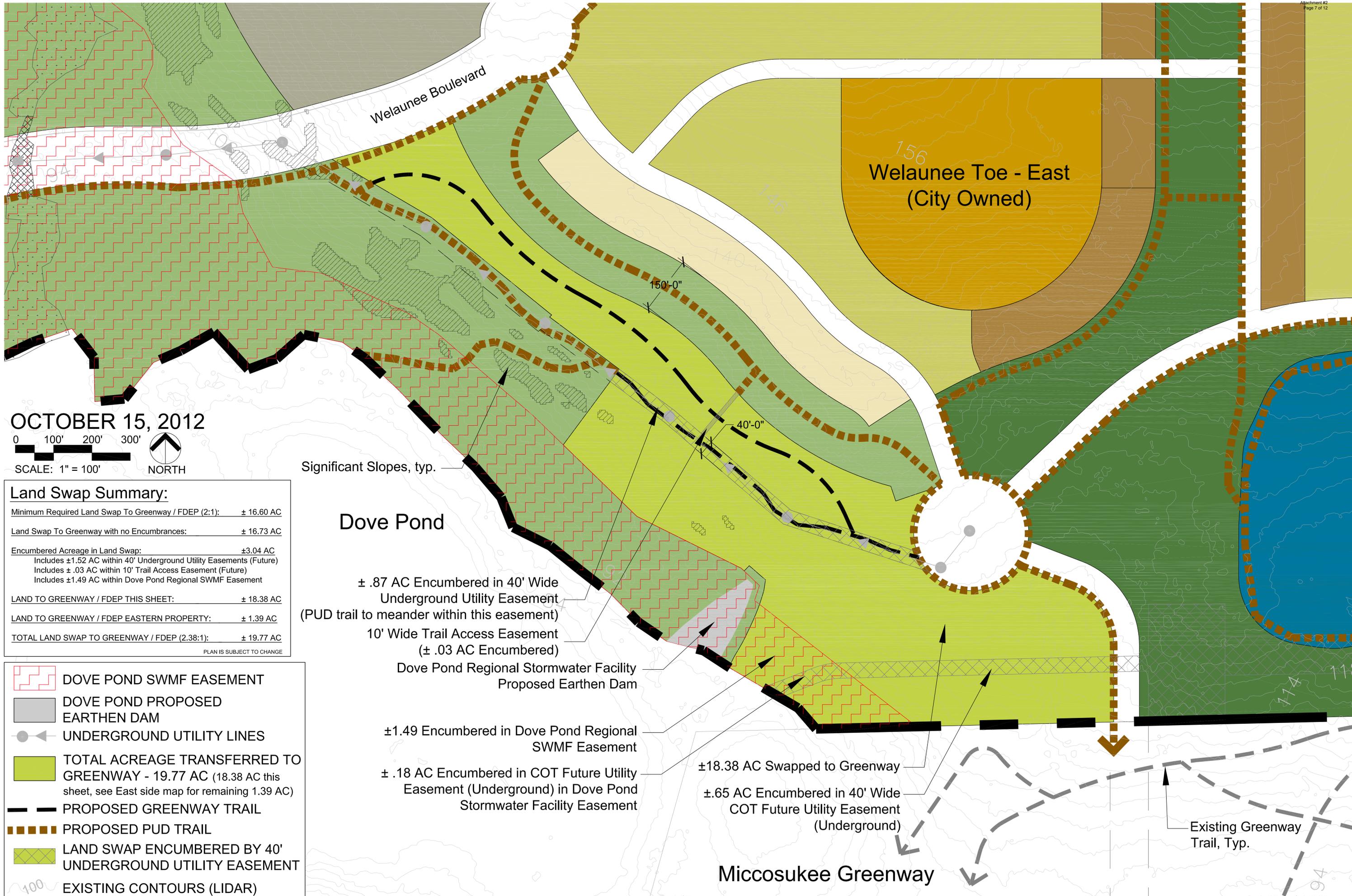
Tree Legend

Color	Species
Blue	<i>Carya tomentosa</i>
Yellow	<i>Morus alba</i>
Purple	<i>Prunus serotina</i>
Orange	<i>Quercus falcata</i>
Dark Blue	<i>Quercus hemisphaerica</i>
Cyan	<i>Quercus laevis</i>
Light Green	<i>Quercus laurifolia</i>
Red	<i>Quercus nigra</i>
Brown	<i>Quercus stellata</i>
Dark Green	<i>Quercus virginiana</i>

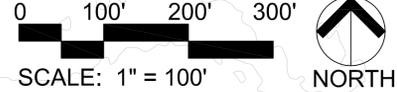
Land Swap Summary:

Thorton Road ROW & Adjacent Land Needed: (1.95 + 4.27 + 2.08)	± 8.30 AC
TOTAL LAND NEEDED:	± 8.30 AC
TOTAL MINIMUM LAND SWAP (±8.30 AC x 2):	± 16.60 AC
Proposed Land Swap To Greenway with no Encumbrances:	± 16.73 AC
LAND TO GREENWAY / FDEP THIS SHEET:	± 1.39 AC
LAND TO GREENWAY / FDEP WESTERN PROPERTY:	± 18.38 AC
TOTAL LAND SWAP TO GREENWAY / FDEP (2.38:1):	± 19.77 AC

- LATEST ROADWAY ALIGNMENT
- 80' RIGHT OF WAY NEEDED FROM GREENWAY - 4.27 AC
- ACREAGE NEEDED FROM GREENWAY (OUTSIDE 80' ROW) - 4.03 AC
- TOTAL ACREAGE TRANSFERRED TO GREENWAY - 19.77 AC (1.39 AC this sheet, see West side map for remaining 18.38 AC)
- TYPICAL TREE SYMBOL & LABEL
 - TREE TRUNK DBH (DIAMETER BREST HEIGHT IN INCHES)
 - TREE NUMBER
 - TREE SPECIES INITIALS
- PROPOSED PUD TRAIL
- EXISTING CONTOURS (LIDAR)



OCTOBER 15, 2012



Land Swap Summary:

Minimum Required Land Swap To Greenway / FDEP (2:1):	± 16.60 AC
Land Swap To Greenway with no Encumbrances:	± 16.73 AC
Encumbered Acreage in Land Swap:	± 3.04 AC
Includes ± 1.52 AC within 40' Underground Utility Easements (Future)	
Includes ± .03 AC within 10' Trail Access Easement (Future)	
Includes ± 1.49 AC within Dove Pond Regional SWMF Easement	
LAND TO GREENWAY / FDEP THIS SHEET:	± 18.38 AC
LAND TO GREENWAY / FDEP EASTERN PROPERTY:	± 1.39 AC
TOTAL LAND SWAP TO GREENWAY / FDEP (2.38:1):	± 19.77 AC

PLAN IS SUBJECT TO CHANGE

- DOVE POND SWMF EASEMENT
- DOVE POND PROPOSED EARTHEN DAM
- UNDERGROUND UTILITY LINES
- TOTAL ACREAGE TRANSFERRED TO GREENWAY - 19.77 AC (18.38 AC this sheet, see East side map for remaining 1.39 AC)
- PROPOSED GREENWAY TRAIL
- PROPOSED PUD TRAIL
- LAND SWAP ENCUMBERED BY 40' UNDERGROUND UTILITY EASEMENT
- EXISTING CONTOURS (LIDAR)

Significant Slopes, typ.

Dove Pond

- ± .87 AC Encumbered in 40' Wide Underground Utility Easement (PUD trail to meander within this easement)
- 10' Wide Trail Access Easement (± .03 AC Encumbered)
- Dove Pond Regional Stormwater Facility Proposed Earthen Dam
- ± 1.49 Encumbered in Dove Pond Regional SWMF Easement
- ± .18 AC Encumbered in COT Future Utility Easement (Underground) in Dove Pond Stormwater Facility Easement

- ± 18.38 AC Swapped to Greenway
- ± .65 AC Encumbered in 40' Wide COT Future Utility Easement (Underground)

Miccosukee Greenway

Existing Greenway Trail, Typ.

2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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Topic: **Mental Health Competency Restoration Services**

Problem/Need:

There are an increasing number of people charged with a felony offense that are incompetent to stand trial yet are ineligible for services under Chapter 916, Florida Statutes relating to mentally deficient and ill defendants. Currently, the statute limits services to a population with a diagnosed mental illness or a developmental disability. However, others diagnosed with a cognitive impairment are left with no relief. Upon encountering the criminal justice system these people often languish in jail or a pretrial status without an avenue to resolve their case because they have no options for competency restoration services.

Competency training is intended to assist defendants in understanding the court process and the charges against them so that they may participate in their own defense. There are six primary components in the evaluation that the Court must consider in addressing a defendant's competency to proceed. The defendant must:

1. Appreciate the charges or allegations against him;
2. Appreciate the range and nature of possible penalties, if applicable, that may be imposed in the proceedings against him;
3. Understand the adversarial nature of the legal process;
4. Disclose to counsel facts pertinent to the proceedings at issue;
5. Manifest appropriate courtroom behavior; and,
6. Testify relevantly.

Recommended County Position, Recommended Change in Florida Statutes:

Support amending Chapter 916 of Florida Statutes in order to expand the community based competency training for any defendant found incompetent and may not meet criteria for an in-patient forensic program.

2013 State Legislative Session
Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

Phone: 606-5300 Fax: 606-5301 E-Mail: paredesc@leoncountyfl.gov

Topic: **Civic Center**

Problem/Need:

In the FY 2013 state budget, language was included that authorized the Florida State University to acquire the civic center. The Governor signed the budget into law on April 20, 2012. This budget language allowed for a for a transfer of assets or the sale of the Tallahassee-Leon County Civic Center to Florida State University; however it would require approval by the Florida Legislature.

On May 22, 2012, the Board approved a Third Amendment to the Civic Center Agreement. The revised Third Amendment to Agreement was agreed to by the County, City of Tallahassee, Tallahassee-Leon County Civic Center Authority, and The Florida State University that stipulated the following conditions:

1. That all preceding Agreements entered into by and between the parties are rescinded to fully release the County and the City from any further responsibility or liability as set forth in said Agreements, including payment of any future annual operating deficits;
2. That Florida State University continues the operation of the Civic Center for the use and enjoyment of the Tallahassee and Leon County community at the same level of use as is currently enjoyed. Further, Florida State University agrees to the appointment of a Civic Center Advisory Board for the purpose of advising Florida State University with respect to the continued use and availability of the Civic Center to individuals and community groups outside of Florida State University. The Advisory Board shall meet at the call of the Chair, at least three times per year, and shall be made up of three members appointed by the City of Tallahassee, three members appointed by Leon County, one member appointed by FAMU, and eight members appointed by Florida State University and establish a "community board" consisting of citizens to provide input and recommendations on said use of the Civic Center;
3. That the Civic Center Authority and Florida State University will continue the current practice for priority use of the Civic Center by Leon County Schools for local high school graduation ceremonies; and,
4. That Florida State University enters into a Lease Agreement with the Civic Center Authority until such time a transfer of assets or sale of the Civic Center to Florida State University is approved by the Florida Legislature.

The Florida State University is interested in pursuing legislation during the 2013 legislative session to repeal the Tallahassee-Leon County Civic Center Authority and transfer management of the Tallahassee-Leon County Civic Center to Florida State University.

Recommended County Position, Recommended Change in Florida Statutes:

Support the Florida State University in their efforts to repeal the Tallahassee-Leon County Civic Center Authority and transfer management of the Tallahassee-Leon County Civic Center to Florida State University.

2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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Topic: GrowFL

Problem/Need

In the summer of 2009, the Florida Legislature approved funding for a statewide economic gardening program to create new jobs and build a stronger economy for current and future generations of Floridians. Economic Gardening is a philosophy to support local businesses that centers on emerging stage-one companies and second-stage growth companies through the support of the entrepreneurs who run them. Specific tools are applied that are most relevant to the needs of these entrepreneurs to find new customers, increase revenue, share best practices and ultimately create primary jobs that support the local economy.

GrowFL is an economic development initiative that provides assistance to second-stage businesses. Employee numbers and revenue ranges vary by industry, but the population of firms with 10 to 100 employees and/or \$750,000 to \$50 million in receipts includes the vast majority of second-stage companies. To be eligible for the GrowFL program, a business must:

- Be a for-profit, privately held, investment-grade business
- Have at least 10 employees, but no more than 50
- Have had its principal place of business within Florida for the previous two years
- Generate at least \$1 million, but not more than \$25 million in annual revenue
- Qualify for Florida's Qualified Target Industry (QTI) program, under s.288.106
- Have increased both its number of full-time equivalent employees in Florida, and its gross revenues during three of the previous five years

The services provided by GrowFL include technical assistance focused on enhancing sales growth, CEO roundtable groups, peer-to-peer CEO networking groups of 10 to 15 CEO's each, webinars, and other services. A recent economic impact study shows that companies who participated in the GrowFL program created more than 1,400 direct jobs during the two year pilot program.

The Florida Economic Development Council (FEDC) has expressed concerns regarding the eligibility of the GrowFL program. For example, a company must show an increase in both full-time employees and gross revenues during three of the previous five years. Given the current state of the economy, some businesses have found it difficult to qualify for this program. It is anticipated that FEDC will consider pursuing legislation during the 2013 session to enhance the GrowFL program and expand the eligibility requirements in effort to have more businesses qualify for this program.

2013 State Legislative Session

Topic: GrowFL

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Recommended County Position, Recommended Change in Florida Statutes:

Support the FEDC's efforts to enhance GrowFL and expand the eligibility requirements of the program.

2013 State Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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Topic: **Florida Association of Counties**

Problem/Need

FAC represents 67 counties before the Florida Legislature on issues that have broad statewide appeal, such as the opposition of unfunded mandates or cost shifts to counties (such as the \$90 million DJJ cost shift that was passed in 2005 and the \$146 million in Medicaid retrospective reconciliation and new billing system changes passed in 2012), growth management, annexation, revenue-sharing, and water management issues. FAC will finalize their 2013 legislative program during their legislative conference scheduled for November 28, 2012.

Recommended County Position, Recommended Change in Florida Statutes:

Support the 2013 FAC legislative program unless specific issues conflict with Leon County's interests.

2013 Federal Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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Topic: **PACE**

Problem/Need:

On April 22, 2010, the Board of County Commissioners of Leon County adopted an ordinance creating the Leon County Energy Improvement District which, among other things, provides for property accessed clean energy (“PACE”), as well as certain energy improvements and weatherization programs for both homes and businesses in Leon County. On July 21, 2010, the Board of County Commissioners adopted an amended ordinance making certain technical changes to comport our ordinance with the recently enacted state legislation.

In August 2010, the Federal Housing and Finance Agency (FHFA), the Federal Home Loan Mortgage Corporation (Freddie Mac), and Federal National Mortgage Association (Fannie Mae) expressed concerns because PACE financing takes a senior lien position in terms of property-based debt repayment obligations and asserted that these assessments make it harder to make repayments of those loans, and the risk cannot be supported by these entities. Therefore, FHFA directed Fannie/Freddie to take actions that restrict mortgage lending opportunities and lower credit lines for homeowners who live in local governments that offer home energy retrofit programs, such as Leon County.

Following FHFA’s actions, HR 5766 was filed in the U.S. House of Representatives to prevent FHFA, Fannie, and Freddie from negatively impacting programs that meet certain guidelines that have been published by the Department of Energy. These guidelines were incorporated into the enabling ordinance when the Board established Leon County’s program. However, no further action was taken on the bill.

On September 21, 2010 the Board directed the County Attorney to initiate litigation against FHFA, Fannie Mae and Freddie Mac. The suit was filed on October 8, 2010.

HR 2599 was filed in July 2011, entitled the PACE Assessment Protection Act of 2011, to rescind the directives of FHFA. On August 23, 2011, the Board adopted a Resolution in support of the PACE Assessment Protection Act of 2011. Judge Robert Hinkle entered an Order granting the Defendants’ Motion to Dismiss the Complaint on September 30, 2011. The Board authorized the County Attorney’s Office to file an appeal with the U.S. Court of Appeals for the 11th Circuit on October 11, 2011. The Notice of Appeal was filed with the 11th Circuit on November 28, 2011. The Plaintiffs and the Defendants have

2013 Federal Legislative Session

Topic: PACE

Page 2

filed their respective briefs and the matter is scheduled for oral argument before the 11th Circuit on October 29, 2012 in Atlanta, Georgia.

On January 26, 2012, the FHFA commenced the Court ordered rulemaking process by requesting comments for the FHFA Rule concerning mortgage assets affected by PACE programs. Leon County, along with other local governments and municipalities throughout the U.S., provided comments to FHFA on March 26, 2012. Patton Boggs provided the County's FHFA comments to Congressman Southerland's office and urged the Congressman's continued support for the House to move Congresswoman Haworth's bill, H.R. 2599, the PACE Assessment Protection Act of 2011. Several members of Congress, including those sponsoring H.R. 2599, also wrote a letter to FHFA urging FHFA to drop its opposition to PACE programs and to work with Congress to ensure that PACE assessments are implemented in an expeditious manner.

On June 15, 2012, the FHFA introduced a proposed Rule regarding under what conditions Fannie Mae and Freddie Mac will purchase mortgages for properties participating in PACE programs (77 Fed. Reg. 36086). Under the process of adopting the proposed Rule, Leon County, along with scores of other local governments and municipalities, as well as environmental agencies, provided comments regarding the proposed Rule. Leon County submitted its proposed comments on September 13, 2012.

Also, in September, Congresswoman Nan Hayworth (R NY-19) along with Congressman Mike Thompson (D CA-1) and Congressman Dan Lungren (R CA-3) wrote a letter to FHFA recommending that the final rule contain a path that parallels their bill, H.R.2599, the PACE Assessment Protection Act of 2011, which now has 54 co-sponsors.

However, the FHFA is currently appealing to the 9th Circuit and is waiting for that court to rule as to whether the FHFA will have to issue a Final Rule on PACE programs. FHFA is also reserving the right to seek a stay by the 9th Circuit Court of the final rule being put out. According to FHFA, the earliest this issue is expected to have any movement is in early 2013.

Recommended County Position, Recommended Change in Federal Statutes:

Support federal legislation to negate or minimize the actions taken by FHFA, Fannie Mae, and Freddie Mac and enact legislation to empower PACE programs.

2013 Federal Legislative Session Legislative Proposal

Department / Division: Special Projects/Intergovernmental Affairs

Contact Person: Ken Morris/Cristina Paredes

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Topic: Use of Federal Correctional Institution Property

Problem/Need:

On June 14, 2011, the Board authorized Commissioner Desloge to reach out to the Federal Correctional Institution (FCI) for usage of open space adjacent to the FCI facility for Little League baseball fields. The open space is adjacent to Tom Brown Park.

On July 29, 2011 Commissioner Desloge sent a letter to the Federal Bureau of Prisons on behalf of the Board requesting the use of open space adjacent to the Federal Correctional Institution (FCI) facility for Little League baseball fields. The initial response from the Federal Bureau of Prisons indicated that it did not have the authority to grant the County's request. On September 20, 2011, Commissioner Desloge and staff met with FCI Warden William Taylor to familiarize him with the County's proposal, seek FCI's support of the project, and assure him that the County and its lobbying team would take the lead in working with the Department of Justice. At that time, the Warden Taylor agreed to support the County's efforts to gain authorization for the use of the property.

On February 24, 2012, Congressman Steve Southerland met with County Commissioner Desloge and representatives from the Mayor of Tallahassee's office to discuss possible land conveyance legislation from the federal Bureau of Prisons to the County to expand Tom Brown Park.

On March 7, 2012, Congressman Steve Southerland introduced legislation concerning land conveyance from the Bureau of Prisons to Leon County for use for additional recreational space at Tom Brown Park. Congressman Ander Crenshaw agreed to co-sponsor the bill. The bill was originally referred to the House Committee on Judiciary, Subcommittee on the Constitution. However, it was reassigned to the Subcommittee on Crime, Terrorism, and Homeland Security. The Subcommittee notified Congressman Southerland's office of two issues it needs addressed at this time in order to proceed on the bill. One issue for the Subcommittee was any FCI structures that may exist on the requested property. Staff subsequently walked the site and identified a small FCI electrical platform at the very corner of the requested property. An updated map was sent to Congressman Southerland's office showing that the electrical platform would not be incorporated in land conveyance request and would remain on FCI land. The second issue the Subcommittee has expressed concern with is that it has been getting some pushback with regard to the legislation from the U.S. Bureau of Prisons' headquarters in

2013 Federal Legislative Session
Topic: Use of Federal Correctional Institution Property
Page 2

Washington, D.C as the land has not been discharged as 'surplus' property. Subsequently, the County sent a letter to the Bureau of Prisons requesting that it allow the legislative process to proceed without objection.

To date, the legislation has not yet been heard in the Subcommittee on Crime, Terrorism, and Homeland Security.

Recommended County Position, Recommended Change in Federal Statutes:

Continue to work with Patton Boggs to secure the usage of property at the Federal Correctional Institution facility for the purpose of constructing baseball fields.



The Capitol Update

MARCH 2, 2012

WEEK 8

IN THIS ISSUE:

State Issues

1. Internet Cafés
2. FRS Rates
3. Economic Development
Public Records Exemption
4. Indigent Burials
5. Penalties for Metal Theft
6. Home Rule
7. Substance Abuse Education
8. State Universities of
Research Excellence
9. Special Districts
10. End of Session Legislative
Dialogue Meeting

Federal Issues

11. Meeting with Congressman
Southerland
12. Monthly Legislative Update
13. NACo Conference

State Issues

House Votes to Ban Internet Cafés

On Thursday, the House voted to ban internet cafes across the state after a lengthy debate. It is estimated that there are 1,000 cafes across the state that employ over 8,000 people. Currently, there are 17 internet cafes in Leon County. As reported previously in the *Capitol Update*, the Senate's position does not concur with the House. The Senate is in favor of regulating the cafes. There is speculation that the Senate will not take up the House's legislation based on recent comments from Senate President Haridopolos when he reaffirmed his chamber's preference for regulating the cafes after the House vote.

Proposed Florida Retirement System Rates

As the House and Senate work out their budget differences this week in conference, one subject that will be addressed is the Florida Retirement System investment plan contribution rates. The House (HB 5005) and the Senate (SB 2006) rates vary slightly and both differ from the current employer contribution rates. It is important to note that both proposals would not change the current 3% employee contribution rate. The table below summarizes the difference between the current rates and the proposed House and Senate rates.

A final budget must be given to the members 72 hours before a vote can be taken, meaning that the completed and balanced budget must be placed on the desk of the members by the morning on March 6th in order to *sine die* on Friday, March 9th.

Current Contribution Rates

Cost Items	Regular	Special Risk	Special Risk Administrative Support	Elected Officers			
				Judges	Legislators, Governor, Lt. Governor, Cabinet, State Atty., Public Defender	County, City, Special District	Senior Management
Paid by Employer	6.000	17.000	8.350	15.900	10.400	13.200	7.950
Paid by Employee	3.000	3.000	3.000	3.000	3.000	3.000	3.000
TOTAL	9.000	20.000	11.350	18.900	13.400	16.200	10.950

House Bill 5005 Proposed Contribution Rates

Cost Items	Regular	Special Risk	Special Risk Administrative Support	Elected Officers			
				Judges	Legislators, Governor, Lt. Governor, Cabinet, State Atty., Public Defender	County, City, Special District	Senior Management
Paid by Employer	3.970	11.310	4.320	10.880	7.080	9.140	5.390
Paid by Employee	3.000	3.000	3.000	3.000	3.000	3.000	3.000
TOTAL	6.970	14.310	7.320	13.880	10.080	12.140	8.390

Senate Bill 2006 Proposed Contribution Rates

Cost Items	Regular	Special Risk	Special Risk Administrative Support	Elected Officers			
				Judges	Legislators, Governor, Lt. Governor, Cabinet, State Atty., Public Defender	County, City, Special District	Senior Management
Paid by Employer	3.300	11.000	4.950	10.230	6.380	8.340	4.670
Paid by Employee	3.000	3.000	3.000	3.000	3.000	3.000	3.000
TOTAL	6.300	14.000	7.950	13.230	9.380	11.340	7.670

**Leon County
Board of County
Commissioners**

Akin Akinyemi,
Chairman

Nick Maddox,
Vice Chair

Bill Proctor

Jane G. Sauls

John Dailey

Bryan Desloge

Kristin Dozier

**County
Administrator**

Vincent S. Long

**Leon County
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**Alan Rosenzweig,
Deputy County
Administrator**

**Ken Morris, Director
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**Cristina Paredes,
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Economic Development Public Records Exemption Moves Forward

On Tuesday, the Senate Budget Subcommittee on Transportation, Tourism, and Economic Development favorably reported SB 1206, which removes the sunset language and would allow public records exemptions relating to economic development to remain in place. Current Florida law allows for specific company information to be withheld from public record during the negotiation of an economic incentive opportunity. The exemptions protect information such as the percentage of business sales/gross receipts, anticipated wages, average wage paid, identity of employer's personal information, etc. This statute is scheduled to sunset on October 2, 2012.

The proposed legislation states that the exempted information would no longer be confidential 180 days after project is agreed upon and the economic incentive agreement is finalized. The business entity may request that certain information regarding its plans or intentions to locate, relocate, or expand its business to remain confidential for a period of 12 months. The period of confidentiality may not extend beyond that time frame. Last Thursday, the House version of the bill (HB 7115) was passed on the floor and was sent to the Senate where it is currently in messages.

House and Senate Consider Changes to Indigent Burial Policies

On Monday, the House Health & Human Services Committee passed HB 625 which deals with the handling and disposition of human remains. HB 625 releases the funeral director from liability for damages when assuming the responsibility of unclaimed remains or when no family exists or is available. The bill also ensures that if the identity of the unclaimed remains cannot be determined, the remains may not be cremated, donated as an anatomical gift, buried at sea, or removed from the state.

Under Florida Statutes, counties are required to impose policies and procedures, through ordinance or resolution, for the burial or cremation of the unclaimed remains of an indigent person whose remains were found or whose death occurred in the county. Leon County's indigent burial program currently complies with the proposed legislation. Between 2007 and February 2012 the County has buried or cremated 79 bodies. HB 625 is currently on the calendar to be debated on the House floor. The Senate version of this bill, SB 956, is still assigned to the Senate Budget Committee so it must be deliberately withdrawn from the Committee and pulled to the floor for consideration.

House Votes to Increase Criminal Penalties for Metal Theft

On Wednesday, the full House passed HB 1323 concerning the criminal penalties involving secondary metal recyclers. This bill increases the criminal penalty for violations from a first degree misdemeanor to a third degree felony in response to the recent rise in metal thefts in Florida. The bill also increases the penalty for third or subsequent violations from a third degree felony to a first degree felony. This statute makes it a first degree felony for a person to knowingly and intentionally take, or assist in taking, copper or other nonferrous metals from a utility or communications services provider if the theft: damages the facilities; interrupts or interferes with utility service or communications services; or interferes with the ability of a utility service or communications services provider to provide service.

The Senate companion bill, SB 1324, was voted out of the Budget Subcommittee on Criminal and Civil Justice Appropriations on Tuesday. The bill is now awaiting a hearing in the Budget Committee.

State Legislative Delegation

Representative Coley
Room 319, Capitol,
402 South Monroe St.
Tallahassee, FL 32399
(850) 488-2873

Representative Rehwinkel-Vasilinda
Room 1001, Capitol,
402 South Monroe St.
Tallahassee, FL 32399
(850) 488-0965

Representative Williams
Room 1001, Capitol,
402 South Monroe St.
Tallahassee, FL 32399
(850) 488-1798

Senator Dean
Room 302, SOB,
404 South Monroe St.
Tallahassee, FL 32399
(850) 487-5017

Senator Montford
Room 208, SOB,
404 South Monroe St.
Tallahassee, FL 32399
(850) 487-5004

Federal Congressional Delegation

Congressman Southerland
3116 Capital Circle NE,
Ste. 9
Tallahassee, FL 32308
(850) 561-3979

1229 Longworth HOB
Washington, DC 20515
(202) 225-5235

Congressman Crenshaw
440 Cannon HOB
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Senator Nelson
111 N. Adams St., Ste. 208
Tallahassee, FL 32301
(850) 942-8415

716 Hart SOB
Washington, DC 20510
(202) 224-5274

Senator Rubio
402 Monroe St, Ste. 2105
Tallahassee, FL 32399
(850) 599-9100

317 Hart SOB
United States Senate
Washington, DC 20510
(202) 224-3041

Bill Authorizes Substance Abuse Education as a Condition of Probation

On Wednesday, the House passed HB 233 concerning probation and substance abuse after amending it to conform to the Senate's version of the bill, SB 498. The bill gives county criminal courts the option of sentencing a defendant found guilty of misdemeanor possession of a controlled substance or drug paraphernalia to a licensed substance abuse education and treatment intervention program as a condition of probation. The bill also authorizes a licensed substance abuse education and treatment program to provide probation services to those misdemeanor drug offenders who are assigned to the program. Prior to adopting the Senate bill's, HB 233 made it mandatory to include these education and intervention program. This would have required additional expenditures for local governments. However, the amended bill makes it permissive rather than mandatory to include these programs. This removes a potential unfunded mandate to local governments.

The Senate version of this bill, SB 498, was removed from further consideration in committee and was substituted for HB 233 on the Senate floor. The bill must still be read a third time before a vote.

Septic Tank Regulation Passes the House

On Wednesday, the House passed septic tank regulation legislation, which is required for counties with a first magnitude spring unless they choose to opt-out by a super majority vote. This bill would apply to Leon County. The Senate is expected to take up its version (SB 820) during the final week of session.

Legislature Considering "State Universities of Academic and Research Excellence and National Preeminence Act"

The Florida Legislature is considering measures that would allow the Florida State University and the University of Florida to increase tuition rates at their own discretion with the approval of the Florida Board of Governors. Increased tuition flexibility will help universities increase the output of students with degrees in science, technology, engineering and math.

Proponents of the measure say that this legislation will allow the Florida State University and the University of Florida to become top-tier research universities thus giving the other nine state universities who might be interested in making a similar decision a road map for reaching this goal. The universities must meet 11 out of 14 benchmarks in the legislation in order to be allowed the ability to set their own tuition rates. A few examples of the benchmarks that the universities would need to meet are a top 50 ranking on at least two well-known and highly respected national public university rankings, an average SAT of 1800 or higher for fall semester incoming freshman, and a six year graduation rate of 70% or higher. HB 7129 was passed by the House on Friday was sent over to the Senate. The Senate companion bill (SB 1752) is in the Senate Budget Committee, its last committee of reference.

Senate Passes Changes to Special Districts

Earlier this session the House passed HB 107 relating to merging and dissolving of dependent and independent special districts. On Wednesday, the Senate approved HB 107 which allows two or more contiguous independent special districts with similar functions and governing bodies that were created by the Legislature to voluntarily merge under specified circumstances. The bill allows merger proceedings to be initiated either by joint resolution of the governing bodies of each district or by 40 percent or more of the qualified electors in each district.

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Governor Scott has stated several times that he is interested in looking at special districts and the way that they are funded. Earlier this session, the Governor issued an executive order directing the Office Policy and Budget to conduct a comprehensive review of all special districts in the State of Florida. HB 107 takes one step toward a few efficiencies which could result in lower taxes levied by merged districts. The 'voluntary merger' provisions in the bill may result in increased government efficiency through volume purchasing, standardized operating procedures, pooled investments, joint training, efficient personnel allocation, and cost avoidance.

HB 107 also states that an inactive independent special district created by a county or municipality through a referendum or any other procedure, may be merged or dissolved pursuant to the same procedure by which the district was created.

Upcoming Events: Thursday, March 15, 2012: End of Session Community Legislative Dialogue Meeting

The next Community Legislative Dialogue meeting is scheduled for Thursday, March 15, 2012 at 7:30 a.m. in the County Commission Chambers. Leon County and its community partners have conducted two previous dialogue meetings to discuss legislative issues that impact on our region. The next meeting will be held on Thursday, March 15, 2012 at 7:30 a.m., at the Leon County Courthouse in the 5th Floor County Commission Chambers. During this meeting, stakeholders will discuss the actions taken by the Legislature during the session and the potential impact that they will have on our community.

Federal Issues

Commissioner Desloge Hosts Congressman Southerland to Discuss FCI and Tom Brown Park

Last Friday, Commissioner Desloge hosted a meeting with Congressman Southerland along with County and City staff regarding the land conveyance of open space currently occupied by the Federal Correctional Institute for the expansion of Tom Brown Park for Little League baseball fields. The Congressman stated that he is supportive of the County's efforts to acquire the land and agreed to introduce a bill on behalf of Leon County.

During the NACo Legislative Conference, Commissioners and staff will be meeting again with Congressman Southerland to continue to discuss this issue as well as others. The meeting is scheduled for Tuesday, March 6th. Attachment #1 is an article published by the *Tallahassee Democrat* on the proposed property acquisition.

Monthly Federal Legislative Update: February 2012

Please find attached the Patton Boggs' monthly report for February 2012 (Attachment #2). The report serves to update the Board on ongoing federal legislative activities from the County's contract lobbying team. More specifically, the report includes a summary of the SAFETEA-LU Reauthorization Payroll Tax Cut Legislation; Payroll Tax; Marketplace Fairness Act; Property Assessed Clean Energy Update; Federal Correctional Institution Open Space; and Grady Dam.

Upcoming Events: 2012 NACo Legislative Conference

Patton Boggs has confirmed appointments with Senator Nelson, Congressman Southerland, and Congressman Crenshaw during the 2012 NACo Legislative Conference in Washington, D.C. next month. These meetings will take place in the afternoon on Tuesday, March 6, 2012. Attachment #3 is the full itinerary for NACo Legislative Conference.



LEON COUNTY
BOARD OF COUNTY COMMISSIONERS
Legislative Update - 3/2/12



Provided by:
CAPITOL ALLIANCE GROUP

OVERVIEW

As the second to last week of the 2012 Legislative Session, comes to an end, legislators are pushing hard to finish budget allocations in time to meet the mandated time constraints of a 72 hour review period in order to finish on March 9th. In addition, both chambers are jockeying for favored legislation to be brought to the floor for passage before times run out. As mentioned previously, due to redistricting, prison privatization and other controversial issues brought up this year, it's likely that a much smaller number of bills will pass this year. With that in mind, there is a tremendous sense of urgency among members in trying to get their favored bills brought to the floor. The last day for committee meetings was last Friday which means that members are scrambling to get bills withdrawn from committees of reference. The team at the Capitol Alliance Group has been scrambling as well in responding to ongoing issues emerging in amendments that would adversely impact Leon County and constantly monitoring bill movement and amendments during this hectic and chaotic part of Session. Below is a brief representation of what occurred throughout the capitol this week.

I. Critical Issues at the Capital in the News

A. Counties mobilize against Medicaid billing plan

As House and Senate budget-writers hammer out an agreement on health-care spending, the state's counties are mobilizing against a proposal that would ask them to clear a backlog of unpaid Medicaid bills.

The state estimates there is a total backlog of \$326 million in Medicaid billings that have not been paid by the counties, some of which are disputed and the lion's share of which have accumulated since 2008. The Senate in its budget proposed reducing state revenue transfers to local governments to pay down 85 percent of the outstanding balances. State economists have estimated the plan would provide the state nearly \$78 million in the upcoming year.

Florida Association of Counties said the negative first-year fiscal impact for local governments could be greater than that, because another provision in SB 1988 would deduct revenue based on new bills calculated each month by the Agency for Health Care Administration once the measure takes effect.

The counties dispute the total amount of payments they owe the state, some of which they say could represent duplicate payments. They are also raising concerns about how the billings are distributed among counties.

When the measure passed on the Senate floor, Sen. Joe Negron, R-Palm City, said he is spotting the counties 15 percent of the backlog to address the concerns about disputed payments. Sen. Don Gaetz, R-Destin, said Thursday that if counties get overbilled by considerably more than that, "they probably need to go standing in front of a judge" to resolve their complaints.

The plan could change as the Senate reconciles its \$70.8 billion spending plan with the House's \$69.2 billion proposal. House and Senate health spending negotiators have not met publicly nor produced any new offers since their first meeting late Tuesday, and it's the Senate's turn to attempt to close the gap. Under the allocations agreed to by the two chambers, the Senate will have more than \$100 million in additional general revenue to work with.

B. Internet sweepstakes cafe ban passes House, but going nowhere in Senate

A bill outlawing all Internet sweepstakes cafes in Florida passed through the House on Thursday, but the measure is not likely to be taken up by the Senate, which favors regulating the stores that provide slot-like video game sweepstakes as a promotion to sell Internet or telephone time.

Rep. Scott Plakon, R-Longwood, who pushed HB 3, implored the Senate to take up a full ban, noting that the entire Cabinet and Gov. Rick Scott prefer making the sweepstakes cafes illegal.

The bill passed on a 72-43 vote, with nine Republicans voting with 32 Democrats against the measure. Three Democrats voted for the ban.

Democrats preferred to take the Senate approach and regulate the estimated 1,000 Internet sweepstakes cafes in the state.

Senate President Mike Haridopolos affirmed his chamber's preference for regulation after the House vote.

C. House may repeal parts of sweeping 2008 energy legislation

In 2008, the Legislature approved HB 7135, a sweeping energy bill that Republicans and Democrats said would make Florida a leader in renewable energy. There were no votes against in either the House or Senate.

Four years later, the House and Senate are set to repeal two portions of that legislation. Although they now have little effect on energy policy environmental regulation, the debate on Thursday symbolized the political shift at the Capitol on environmental issues.

HB 4001 by Rep. Scott Plakon, R-Longwood, would repeal a state law directive for the Florida Department of Environmental Protection to establish a program allowing industry to buy and sell carbon emission credits. The cap-and-trade program required approval by the Legislature before it could be implemented.

DEP never proposed a program although department officials insisted in 2009 that they hadn't given up on the idea even as Congress failed to pass federal cap-and-trade legislation. Then-Gov. Charlie Crist, who championed climate change actions after he was

elected in 2006, trended more conservative in 2009 prior to his failed U.S. Senate campaign in 2010.

On the House floor Thursday, Democrats argued against HB 4001, saying that the state needs the bill language to take a leadership role on climate change despite any political changes. Republicans questioned the political agendas of scientists who argue that climate change is occurring and will be harmful to Florida. They said the politics had changed and so should state policy.

HB 4001 passed 82-34 largely along party lines. Plakon, chairman of the House Energy & Utilities Subcommittee, told critics that his committee's energy bill will provide the policy direction to create renewable-energy jobs.

That bill, HB 7117, also would repeal a section of the 2008 bill that directed the Public Service Commission to recommend a renewable energy requirement for utilities to the Legislature. The bill is on the House special order calendar for Friday, and the Senate version cleared its final committee stop, the Senate Budget Committee.

The PSC issued the recommendation in 2009 -- a 20-percent "renewable portfolio standard." The Senate passed a 20-percent standard (including 5 percent nuclear) but the House refused to take up the measure that year and it hasn't been proposed since then.

Agriculture Commissioner Adam Putnam this year recommended eliminating the requirement in state law, telling Plakon's committee that it "hangs out there like an appendix ... it has no value."

The Southern Alliance for Clean Energy supports the committee bill because it contains other Putnam recommendations for increasing renewable energy. The group argues that renewable portfolio standards help increase renewable energy use and prevent climate change.

II. Leon County Legislative Priorities Overview

HB 7069 - Relating to Economic Development Tax Refund Programs

General Economic Development Tax Refund Programs; Deletes certain limits on amounts of tax refunds that may be received by qualified applicants under qualified defense contractor & space flight business tax refund program & qualified target industry (QTI) businesses under tax refund program for such businesses; authorizes reduction of local financial support requirements for QTI businesses in specified county; requires that reduction of local financial support requirements be provided from funds in specified account of Economic Development Trust Fund; limits amount of funds provided from account for any annual tax refund for QTI business. Effective Date: July 1, 2012

Section 2 amends section 288.106, F.S., by removing program limits for applicants to the Qualified Targeted Industry Program and indicating that a reduction to local financial support for certain counties shall be paid by the state

Counties Included:

Bay County
Escambia County
Franklin County
Gadsden County
Gulf County,
Holmes County
Jackson County
Jefferson County
Leon County
Okaloosa County
Santa Rosa County
Wakulla County
Walton County
Washington County

***Capitol Alliance Group was successful in getting this language clarified and amended into both House and Senate versions. This bill has passed the House and is currently in Senate messages. The two versions are identical and should be picked up in the Senate early next week.**

SB 1626 - Relating to State Contracting

Senator Gaetz added a strike all amendment on Thursday that exempted local municipalities from this bill and added regulation. Counties and lobbyists had been placing pressure on legislators to exempt municipalities and before the last committee stop the bill sponsor added this amendment. Capitol Alliance Group has worked with Senator Gaetz's staff and Budget staff to help them understand the burden that would have been placed on local municipalities. The bill does the following:

This bill transfers the responsibility and authority to develop procurement policy, procedures, and rules from the Department of Management Services (DMS) to the Department of Financial Services (DFS), which must establish and enforce procurement and contracting policies for all agencies. The bill limits the procurement duties of DMS to the actual procurement of commodities and contractual services, and some related functions. The bill subjects more governmental entities to the contract reporting provisions of the intergovernmental contract tracking system in the Transparency Florida Act. The bill allows Chief Financial Officer (CFO) approval of contracts and grants before execution of the agreements, requires DFS to establish a contract manager certification program, and provides an appropriation. The bill requires the CFO to conduct a study of current procurement laws, and submit findings and recommendations to the Legislature and Governor.

The bill also deletes a provision related to the amount of inmate labor required in products offered by Prison Rehabilitative Industries and Diversified Enterprises (PRIDE).

SB 1184 - Relating to Department of Agriculture and Consumer Services

The bill includes the following provisions related to agriculture:

Prohibits governmental entities from charging an assessment or fee for stormwater management on a bona fide farm operation on land classified as agricultural under certain circumstances. The bill replaces the word "county" with "governmental entity" in the provisions described above, and provides that the term does not include a water control district or a special district created for water management purposes.

Authorizes the use of citrus harvesting equipment and citrus fruit loaders to transport citrus between farms on public state highways without violating the public highway use restriction for the purpose of qualifying for the motor fuel tax refund.

Requires that the portion of fuel sales tax collected from a county sheriff's office be returned to the sheriff's office to offset ongoing fuel costs.

Requires that the portion of the county fuel tax paid by a sheriff's office be returned to the sheriff's office to offset ongoing fuel costs.

Provides that the Department of Agriculture (department) has the exclusive authority over the sale and use of any commercial feed or feedstuff. Authorizes the department to enforce the state laws and rules relating to the use of commercial feed stocks. It requires the department to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff. If adopted, such standards must be developed in consultation with the Commercial Feed Technical Council.

***Capitol Alliance Group has been actively monitoring and protecting SB 1184 of any bad amendments that the fertilizer industry has been trying to push this session. One such amendment was proposed this week by Senator Norman in the Finance and Tax committee. Senator Norman had filed an amendment (#788010) to SB 1184 that would preempt all local government regulation of fertilizer based on nutrient content level and release rates. The amendment read:**

570.07 (41)(a) Except as otherwise provided in paragraph (b), to exercise the exclusive authority to regulate the sale, composition, packaging, labeling, wholesale and retail distribution, nutrient application rates, and formulation, including nutrient content level and release rates, of fertilizer under chapter 576. This subsection expressly preempts such regulation of fertilizer to the state and precludes the adoption or enforcement of any local ordinance that regulates the application of fertilizer based upon the fertilizer's composition or formulation, including nutrient content level and release rates.

Capitol Alliance Group, alongside FAC and other county lobbyists, were able to put pressure on the amendment sponsor and committee members and were able to get this amendment withdrawn.

III. This Week's Active Legislation:

HB 0003 - Relating to Prohibition of Electronic Gambling Devices by Rep. Plakon

Prohibition of Electronic Gambling Devices: Cites act as "Electronic Gambling Prohibition & Community Protection Act"; transfers administration & enforcement of provisions relating to game promotions from DACS to DBPR; revises provisions relating to drawings by chance offered by nonprofit organizations, exceptions to prohibitions on lotteries, & procedures for operation of game promotion; prohibits use of certain devices operated by drawing entrants. Effective Date: upon becoming a law

3/1/2012 -SENATE In Messages

Compare

SB 0380 - Relating to Game Promotion (Diaz de la Portilla)

SB 0428 - Relating to Prohibition of Simulated Gambling Devices (Oelrich)

HB 0467 - Relating to Game Promotion (Gonzalez)

SB 0710 - Relating to Gaming (Bogdanoff)

HB 0231 - Relating to Intergovernmental Cooperation by Rep. Horner

Intergovernmental Cooperation: Authorizes certain parties to interlocal agreement to conduct public meetings & workshops by means of communications media technology; provides notice requirements; provides definition. Effective Date: July 1, 2012

3/1/2012 - SENATE Withdrawn from Community Affairs; Communications, Energy, and Public Utilities; Placed on Calendar, on 2nd reading; Substituted for SB 0396; Read Second Time; Amendments Adopted (107734, 817216, 839212)

Similar

SB 0396 - Relating to Intergovernmental Cooperation (Oelrich)

HB 0337 - Relating to Public-Private Partnerships by Rep. Williams (T)

Public-Private Partnerships: Provides legislative findings & intent relating to construction or upgrade of facilities by private entities which are used predominately for public purpose; requires public entities to develop & adopt guidelines governing procedures & criteria for selection of projects & public-private agreements; provides procurement procedures; provides project-approval requirements; provides project qualifications & process; provides for notice to affected local jurisdictions; provides for interim &

comprehensive agreements between public & private entities; provides for use fees; provides for private financing requirements; provides powers & duties for private entities; provides for expiration or termination of agreements; provides for applicability of sovereign immunity for public entities with respect to qualified projects; provides construction. Effective Date: July 1, 2012

3/1/2012 - HOUSE Placed on Special Order Calendar for 03/02/12

Similar

SB 0576 - Relating to Public-private Partnerships (Bennett)

SB 0396 - Relating to Intergovernmental Cooperation by Sen. Oelrich

Intergovernmental Cooperation; Authorizing certain parties to an interlocal agreement to conduct public meetings and workshops by means of communications media technology; providing notice requirements; providing a definition, etc. Effective Date: July 1, 2012

3/1/2012 - SENATE Read Second Time; Substituted for HB 0231; Laid on Table, Refer to HB 0231

Similar

HB 0231 - Relating to Intergovernmental Cooperation (Horner)

HB 0431 - Relating to Joint Use of Public School Facilities by Rep. Nehr

Joint Use of Public School Facilities: Encourages district school board to adopt written policies to promote public access to outdoor recreation & sports facilities on school property, to increase number of joint-use agreements, & to develop & adopt policies & procedures for appeal process if negotiations for joint-use agreement fail; provides immunity from liability for district school board that adopts public access policies or enters into joint-use agreement except in instances of gross negligence or intentional misconduct. Effective Date: July 1, 2012

3/1/2012 - SENATE In Messages

Similar

SB 0808 - Relating to Use of Joint Use of Public School Facilities (Norman)

SB 0488 - Relating to Animal Control or Cruelty Ordinances by Sen. Rich

Animal Control or Cruelty Ordinances; Authorizing a county or municipality enacting an ordinance relating to animal control or cruelty to impose a specified surcharge on the civil

penalty for violations of the ordinance; specifying use of the proceeds of the surcharge; prohibiting the governing body of a county or municipality from charging owners of animals more than a certain amount for the spaying or neutering of their animals in specified circumstances; authorizing the animal control authority to allocate certain excess funds to the program to spay and neuter cats and dogs; providing for construction, etc. EFFECTIVE DATE: July 1, 2012

3/1/2012 - HOUSE In Messages

Compare

HB 0527 - Relating to Animal Control or Cruelty Ordinances (Randolph)

SB 0538 - Relating to Preference to Florida Businesses in Procurement of Personal Property and Services by Sen. Bogdanoff

Preference to Florida Businesses in Procurement of Personal Property and Services; Citing this act as the "Buy Florida Act"; requiring an agency, university, college, school district, or other political subdivision of the state to grant a specified preference to a vendor located within the state when awarding a contract for printing; providing an exception to the requirement for competitive solicitation of contractual services and commodities for public service announcement programs provided by certain nonprofit corporations; prohibiting the preclusion of a vendor whose principal place of business is in this state from being an authorized reseller of information technology commodities of state contractors, under certain circumstances, etc. EFFECTIVE DATE: July 1, 2012

3/1/2012 - SENATE Engrossed Text (E1) Filed

Compare

HB 0153 - Relating to Preference to Florida Businesses in Procurement of Personal Property and Services (Hooper)

HB 0673 - Relating to Preference in Award of Governmental Entity Contracts (Brodeur)

***Capitol Alliance Group was successful in getting Sen. Bogdanoff to amend her bill to remove counties being required to comply with this local preference requirement, ensuring that you have flexibility in contracting.**

SB 0602 - Relating to Stormwater Management Permits by Sen. Storms

Stormwater Management Permits; Allowing an entity created by special act, local ordinance, or interlocal agreement of a county or municipality to receive certain reduced or waived permit processing fees; requiring that the Department of Environmental Protection initiate rulemaking to adopt a general permit for stormwater management systems serving airside activities at airports; authorizing certain municipalities and counties to adopt stormwater adaptive management plans and obtain conceptual permits for urban

redevelopment projects; requiring a challenge to a consolidated environmental resource permit or associated variance or any sovereign submerged lands authorization proposed or issued by the Department of Environmental Protection in connection with specified deepwater ports to be conducted pursuant to specified summary hearing provisions and within a certain timeframe, etc. Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

3/1/2012 - SENATE Now in Budget

Compare

HB 0503 - Relating to Environmental Regulation (Patronis)

SB 0716 - Relating to Environmental Regulation (Bennett)

HB 1399 - Relating to Transportation (Brandes)

Similar

HB 0373 - Relating to Environmental Permits (Glorioso)

SB 0716 - Relating to Environmental Regulation by Sen. Bennett

Environmental Regulation; Prohibiting a county from requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit under certain conditions; providing for the reduction or waiver of permit processing fees relating to projects that serve a public purpose for certain entities created by special act, local ordinance, or interlocal agreement; exempting certain underground injection control wells from permitting requirements under part III of ch. 373, F.S., relating to regulation of wells; providing for waste-to-energy facilities to maximize acceptance and processing of nonhazardous solid and liquid waste, etc. Effective Date: July 1, 2012

3/1/2012 - SENATE Now in Budget

Compare

HB 0373 - Relating to Environmental Permits (Glorioso)

SB 0602 - Relating to Stormwater Management Permits (Storms)

HB 0663 - Relating to Solid Waste Management Facilities (Goodson)

HB 0691 - Relating to Beach Management (Frishe)

SB 0738 - Relating to Solid Waste Management Facilities (Altman)

HB 0747 - Relating to Thermal Efficiency Standards (Rooney, Jr.)

SB 0758 - Relating to Beach Management (Jones (D))

HB 0987 - Relating to Thermal Efficiency Standards (Abruzzo)

SB 0994 - Relating to Federal Environmental Permitting (Dean)

SB 1032 - Relating to Thermal Efficiency Standards (Benacquisto)

SB 2094 - Relating to Energy (Communications, Energy, and Public Utilities)

HB 4123 - Relating to Federal Environmental Permitting (Burgin)

HB 7117 - Relating to Energy (Energy & Utilities Subcommittee)

Similar

HB 0503 - Relating to Environmental Regulation (Patronis)

SB 0820 - Relating to Onsite Sewage Treatment and Disposal Systems by Sen. Dean

Onsite Sewage Treatment and Disposal Systems; Providing for any permit issued and approved by the Department of Health for the installation, modification, or repair of an onsite sewage treatment and disposal system to transfer with the title of the property; providing circumstances in which an onsite sewage treatment and disposal system is not considered abandoned; providing for the validity of an onsite sewage treatment and disposal system permit if rules change before final approval of the constructed system; providing that a system modification, replacement, or upgrade is not required unless a bedroom is added to a single-family home; requiring that the department provide certain guidance and technical assistance to a county or municipality upon request, etc. EFFECTIVE DATE: July 1, 2012

3/1/2012 - HOUSE Favorable with CS by Budget; 19 Yeas, 2 Nays

Compare

HB 0079 - Relating to Onsite Sewage Treatment and Disposal Systems (Coley)

SB 0114 - Relating to Onsite Sewage Treatment and Disposal Systems (Evers)

HB 0115 - Relating to Land Application of Septage (Drake)

SB 0178 - Relating to Onsite Sewage Treatment and Disposal Systems (Lynn)

SB 0558 - Relating to Land Application of Septage (Hays)

HB 0651 - Relating to Building Construction and Inspection (Davis)

SB 0704 - Relating to Building Construction and Inspection (Bennett)

HB 1263 - Relating to Department of Health (Hudson)

SB 1824 - Relating to Department of Health (Garcia (R))

Similar

HB 0999 - Relating to Onsite Sewage Treatment and Disposal Systems (Dorworth)

HB 1015 - Relating to Tourist Development Tax by Rep. Hooper

Tourist Development Tax: Provides for proceeds of tourist development tax to be used for benefit of certain aquariums. Effective Date: July 1, 2012

3/1/2012 - HOUSE Placed on Special Order Calendar for 03/02/12

Identical

SB 1274 - Relating to Tourist Development Tax (Latvala)

HB 1263 - Relating to Department of Health by Rep. Hudson

Department of Health: Revises purpose of DOH; revises duties of State Surgeon General; eliminates Officer of Women's Health Strategy; eliminates Florida Drug, Device, & Cosmetic Trust Fund & Nursing Student Loan Forgiveness Trust Fund as trust funds; provides that two or more counties may combine for operation of county health department when such counties establish an interlocal agreement; requires DOH to be responsible for state public health system; requires department to provide leadership for partnership involving federal, state, & local government & private sector to accomplish public health goals; allows counties to enact health regulations & ordinances consistent with state law; provides that certain actions that interfere, hinder, or oppose official duties of department employees constitute second-degree misdemeanor; requires department to establish rules for conditions & procedures for imposing & releasing quarantine; provides that rules established under this section supersede all rules enacted by other state agencies, boards, or political subdivisions; provides that violation of rules established under section, quarantine, or requirement adopted pursuant to declared public health emergency is second-degree misdemeanor. Effective Date: upon becoming a law

3/1/2012 - HOUSE Engrossed Text (E1) Filed

Compare

HB 0079 - Relating to Onsite Sewage Treatment and Disposal Systems (Coley)

SB 0114 - Relating to Onsite Sewage Treatment and Disposal Systems (Evers)

SB 0178 - Relating to Onsite Sewage Treatment and Disposal Systems (Lynn)

SB 0478 - Relating to Department of Health (Margolis)

SB 0526 - Relating to Health Care (Jones (D))

SB 0820 - Relating to Onsite Sewage Treatment and Disposal Systems (Dean)

HB 0999 - Relating to Onsite Sewage Treatment and Disposal Systems (Dorworth)

HB 1075 - Relating to Health Care (Nehr)

HB 1371 - Relating to Developmental Disabilities (Boyd)

HB 1419 - Relating to Health Care Facilities (Brodeur)

SB 1824 - Relating to Department of Health (Garcia (R))

SB 1826 - Relating to Developmental Disabilities (Gardiner)

SB 1980 - Relating to Department of Business and Professional Regulation (Budget)

SB 2086 - Relating to State Agencies (Governmental Oversight and Accountability)

HB 4005 - Relating to Department of Health (Diaz)

HB 5511 - Relating to Department of Business and Professional Regulation (Government Operations Appropriations Subcommittee)

HB 7043 - Relating to Obsolete or Outdated Programs and Requirements (Government Operations Subcommittee)

HB 7053 - Relating to Florida Drug, Device, and Cosmetic Trust Fund (Health Care Appropriations Subcommittee)

HB 7073 - Relating to Health Information Systems Council (Health & Human Services Quality Subcommittee)

***Capitol Alliance Group was successful with FAC in getting Rep Hudson to amend his bill to take out language decentralizing county health departments from DOH under this bill.**

SB 1274 - Relating to Tourist Development Tax by Sen. Latvala

Tourist Development Tax; Providing for the proceeds of the tourist development tax to be used for the benefit of certain aquariums, etc. Effective Date: July 1, 2012

3/1/2012 - SENATE On Committee agenda - Budget, 03/02/12, 2:30 pm, 412 K

Identical

HB 1015 -Relating to Tourist Development Tax (Hooper)

SB 1398 - Relating to Regional Workforce Boards by Sen. Gardiner

Regional Workforce Boards; Citing this act as the "Regional Workforce Boards Accountability Act"; specifying qualified expenditures for Individual Training Accounts; requiring members and the executive director of a regional workforce board to make financial disclosures; requiring that staff of the Department of Economic Opportunity, under the direction of Workforce Florida, Inc., assign staff to review the performance of regional workforce boards; requiring Workforce Florida, Inc., to evaluate the means to establish a single, statewide-workforce system brand and to report its findings and recommendations to the Governor by a specified date, etc. Effective Date: July 1, 2012

3/1/2012 - SENATE Now in Budget

Compare

SB 1488 - Relating to Regional Workforce Boards (Fasano)

SB 1996 - Relating to Department of Economic Opportunity (Budget)

Similar

HB 7023 - Relating to Regional Workforce Boards (Business & Consumer Affairs Subcommittee)

SB 1416 - Relating to Unemployment Compensation by Sen. Bogdanoff

Unemployment Compensation; Revising a short title to rename "unemployment compensation" as "reemployment assistance"; renaming the Unemployment Appeals Commission as the Reemployment Assistance Appeals Commission; providing scoring requirements relating to initial skills reviews; prohibiting benefits from being charged to the employment record of an employer that is forced to lay off workers as a result of a manmade disaster of national significance; deleting an exemption from public records requirements for unemployment compensation records and reports, etc. Effective Date: July 1, 2012

3/1/2012 - SENATE Now in Budget

Compare

SB 1204 - Relating to Governmental Reorganization (Commerce and Tourism)

SB 1996- Relating to Department of Economic Opportunity (Budget)

HB 7041 - Relating to Governmental Reorganization (Economic Affairs Committee)

Similar

HB 7027 - Relating to Unemployment Compensation (Business & Consumer Affairs Subcommittee)

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2012 POST-ELECTION ANALYSIS

A NARROWLY DIVIDED ELECTORATE HAS SPOKEN

HOW WILL THE PRESIDENT AND THE CONGRESS RESPOND?

NOVEMBER 7, 2012

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**“[C]ONSIDERING THAT GREAT INNOVATIONS SHOULD NOT BE
FORCED ON SLENDER MAJORITIES”**

—Letter from President Thomas Jefferson to General Thaddeus Kosciusko
(May 2, 1808)

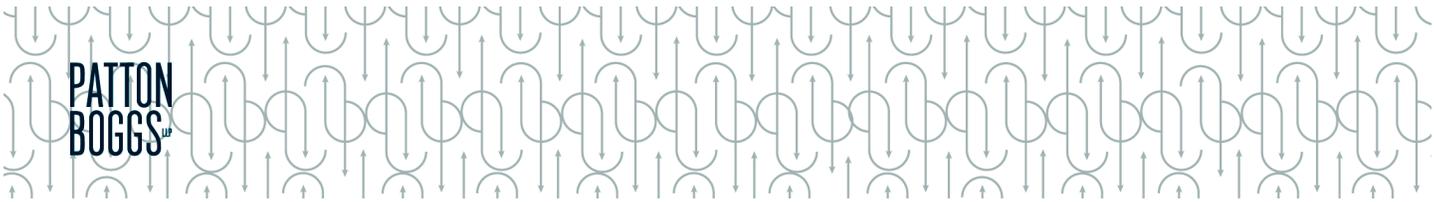


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INTRODUCTION

With President Barack Obama having been reelected and the Senate and the House having stayed in Democratic and Republican hands, respectively, attention now will turn to the lame duck session that will formally get underway the week of November 12 but won't likely get down to business until the week of November 26. Based on past experience, we expect to hear sleigh bells before the 112th Congress leaves town. Since so much that will happen next year will be driven by what happens in the next two months, we principally focus this introduction on the challenges facing the President and the Congress in the lame duck session.

To put matters in perspective: Unless current law is amended, all of the Bush tax cuts will expire at the end of the year, as will various other temporary tax provisions (*e.g.*, AMT relief for middle class Americans, extension of estate tax relief, and a variety of tax credits that are enjoyed by individuals, as well as the R&D tax credit and a host of other tax credits relied upon by the business community, some of which need to be extended retroactively to the beginning of 2012). Congress and the Administration also must decide how to protect physicians serving Medicare patients from sustaining steep cuts in reimbursement rates and whether to extend enhanced unemployment insurance for the long-term unemployed. In addition, decisions need to be made whether to extend, replace, or allow to lapse the two percentage point payroll tax cut for all working Americans. Finally, \$109 billion in across-the-board spending cuts ("sequestration") mandated by the Budget Control Act of 2011 will begin to kick in on January 2. Half of the automatic spending cuts will hit the Pentagon, while the other half will reduce spending by the rest of the government, with most agencies facing funding cuts of 8.2%. In popular parlance, the United States will fall off a fiscal cliff with potentially no safety net in place unless the President and the Congress agree to amend current law.

Recognizing the dangers to the economy, the Administration reportedly is analyzing the extent to which it could use existing authority to buy additional time to reach an agreement with Congress early next year, such as by freezing the amount of money taken out of payroll checks by not updating tax withholding tables to reflect expiration of the Bush tax cuts on December 31. The Administration also could seek to delay to later in the year automatic spending cuts that otherwise would begin on January 2. We do not expect the Administration to make its plans public any time soon, not least because identifying an escape hatch early could create the very outcome it hopes to avoid. And, in any event, it doesn't have to come to this.

A great deal was accomplished in the lame duck session of 2010, in large part because Democrats and Republicans agreed to compromise. Both sides recognized that the economy needed a boost and that, by working together, they could resolve issues that until then had eluded resolution. In that environment, the President agreed to extend all the Bush tax cuts, as well as to extend other expiring or expired tax provisions, such as AMT relief. He also succeeded in pushing a major arms control treaty through the Senate. We expect a comparable effort this time as well, though the details on the tax policy side will likely be subject to intense negotiations, particularly on whether to limit extension of the Bush tax cuts to a particular income threshold.

To date, Congress has been unable and unwilling to agree to do anything, in part because of intransigence by both parties over whether to impose an income limit on an extension of the Bush tax cuts and in part because the “cost” of extending current law has been well beyond what Congress has been willing to “pay.” As one example, a two-year extension of an AMT patch for middle-class families plus routine extension of expired and expiring tax provisions would cost \$205 billion. In addition, delaying sequestration for an additional year would require \$109 billion in new revenues or cuts to non-targeted programs (unless, of course, Congress punted by forcing nine years of cuts into eight, increasing the pain in future years).

Over the last year, there has been bipartisan agreement that the fiscal cliff must be avoided and that a comprehensive overhaul of our tax code is necessary. Nonetheless, the parties have fundamentally disagreed about how to approach these issues, with President Obama and Congressional Democrats arguing for significant tax increases as a means of deficit reduction and Governor Romney and Congressional Republicans rejecting the idea that any direct tax increases are necessary, preferring that any new revenue come from assumed economic growth once tax reform is enacted.

The result has been a continued legislative stalemate, with a heavy dose of political posturing by both sides. But even close elections can be clarifying. A narrowly divided electorate now having spoken, we expect discussions to begin anew with some urgency in the lame duck session. Given major philosophical differences on tax policy issues between the parties, it remains to be seen whether these discussions will lead to an agreement to avert the fiscal cliff while, at the same time, clearing the way for comprehensive tax reform. In our view, it is likely both will occur in the lame duck session (or shortly thereafter), beginning with agreement on a Bush tax cut extension coupled with a broad framework for a tax reform agreement, with the hard work of tax reform to span across 2013. Although there are a range of possible outcomes in the lame duck session and beyond, one thing is certain: in stark contrast to the last year, over the next few months we will finally see the parties undertake a serious discussion about tax policy.

In the lame duck session, for example, Congress might agree to legislation that would extend all (or most) expired and expiring tax breaks for six months to a year, tied to fundamental tax reform generating some agreed-upon amount in the hundreds of billions of dollars (or more) in overall deficit reduction over the next decade, with the threat of greater deficit reduction if the 113th Congress were to fail to act by then. Democrats will likely raise eliminating or modifying some tax measures, including those aimed at the oil and gas industry, to help offset the cost of forestalling the spending sequester or to make a “down payment” on future deficit reduction. Such an agreement also could mandate some further level of deficit reduction by seeking to compel the 113th Congress to reform entitlement programs such as Medicare and Medicaid next year.

Forcing hard decisions as a means of achieving deficit reduction of course is what the Budget Control Act of 2011 was supposed to accomplish by establishing the “Super Committee” and creating the threat of sequestration next year if Congress failed to agree to legislation reducing the deficit by at least \$1.2 trillion over a decade. And it is precisely that failure that has the nation confronting the fiscal cliff. Many Senators and Representatives recognize the irony that the best way to prevent going over the fiscal cliff this year is to cut a deal that merely creates a bigger cliff that would arrive in another six or twelve months. But doing so would at least keep us at the precipice.

With the elections behind them, the President and the 112th Congress have an opportunity to succeed where they have failed before. Assuming Congress is willing to support legislation putting off the day of reckoning for an additional six months to a year, we expect the President to ask for an increase in the debt ceiling as part of the final negotiations. (As a result of increased tax receipts, the Treasury Department now anticipates that the debt ceiling will not be reached until early in the first quarter, with action to address the problem probably necessary by late February or early March.) Whether the President can secure congressional support for an increase by the end of the year will be a matter to be negotiated and ultimately will depend on the magnitude of whatever deal is reached. The President will not want to ask Congress to increase the debt ceiling early next year in a situation in which House Republicans would be in a very strong position to extract additional concessions without having to give up something meaningful. For them, the trade off in the lame duck session might be a one-year extension of the Bush tax cuts, including for married couples making more than \$250,000, tied to an agreement to pursue fundamental tax and entitlement reform next year. Even that might be a stretch. Given the election results, Congressional Republicans may have to accept an income limitation for any Bush tax cut extension, if not at \$250,000 then at \$500,000 or \$1,000,000.

What else beyond addressing the fiscal cliff can we expect Congress to accomplish during the lame duck session? Unfortunately, not much. Majority Leader Harry Reid (D-NV) intends to bring some

form of cybersecurity legislation to the Senate floor, but we have our doubts that a bill can get through two houses and to the President by the end of the year. The leadership of the Armed Services Committees will endeavor to move a defense authorization bill that would not be subject to contentious amendments on the floor. Beyond that, a backlog of noncontroversial bills has been building for a long time, but most if not all of them will have to move in the Senate by Unanimous Consent.

When it adjourned for the elections, the 112th Congress had approved only 196 bills that were enacted into law, well below the output of the 104th Congress, which produced legislation resulting in 333 public laws. Along with many others, we will be pressing to get things done in an environment we hope will be more hospitable to legislating than the first 22 months of the 112th Congress.

In our State of the Union Analysis this past January, we pointed out that “[t]he first session of the 112th Congress is likely to be remembered as one of the least productive in decades.” When the President signed the National Defense Authorization Act for FY 2012 on New Year’s Eve, it became Public Law No. 112-81. Having fallen seven short of the 88 bills enacted in 1995, the first session of the 112th Congress produced the fewest number of public laws since Congress formally began keeping track in 1947. With a flurry of signatures on January 3, however, the President helped this Congress eke out of last place with a total of 90 bills signed into law in the first session. Having barely picked up the pace since then, the 112th Congress is now on track to be the least productive ever as measured by bills enacted into law. Congressional Republicans would argue that the slow pace of legislation is the natural and desired result of divided government. But the public’s record low approval rates for this Congress no doubt reflect the perception that partisan activity has prevented necessary legislation from becoming law.

What else can we expect in the next few months? With the President having won re-election, we anticipate that many major rules will soon be published in final form, which will likely trigger a political reaction on Capitol Hill as Republicans invoke the Congressional Review Act in an effort to block them from becoming law. The EPA, for example, has many major rules on track to become final later this year or early next year. In addition, dozens of rules required under the Dodd-Frank Act are in the works. Finally, the President’s re-election puts his Administration in a commanding position to finalize numerous rules that solidify the regulatory framework for implementing the Affordable Care Act. Republican efforts to invoke the Congressional Review Act later this year and next year are unlikely to succeed in the Democratic-controlled Senate. Even if one or more do, a certain Presidential veto virtually ensures forthcoming rules will stand unless struck down by the courts.

In its next term, the Administration is likely to face high Cabinet turnover, beginning early in 2013, not least because so many senior officials have been in position so long. (Turnover to date has been historically low for the post-World War II era.) In addition to moving forward with his regulatory agenda, the President may be able to effectuate long-lasting policy changes through Supreme Court and lower-court appointments as well. Four Supreme Court Justices, for example, are in their mid to late 70s and could opt to retire prior to the end of the President's second term.

On Capitol Hill, there will be a great deal of turnover, in particular among Republicans currently serving in committee leadership positions. This will provide the Administration with an opportunity to forge some new relationships in the 113th Congress. In the Senate, Republican caucus rules limit time served as a Ranking Member to six years (and time served as a Chairman to an additional six years). While most current Ranking Members have time left to serve as chairmen, many of them are completing their sixth year as the Ranking Member, which will lead to a significant reshuffling of the decks for the 113th Congress.

As a result of House Republican Caucus term limit rules, we expect to see as well a great deal of turnover among Republicans chairing House committees. In fact, of the Members who are completing six years of service, House Budget Committee Chairman Paul Ryan might be the only Member to secure a waiver to serve an additional two-year term.

Except for changes triggered by retirements, all Senate Democratic Chairmen will maintain their gavels in the new Congress since they are not subject to term limit rules. Only the Budget Committee, the Energy and Natural Resources Committee, the Homeland Security and Governmental Affairs Committee, and the Veterans' Affairs Committee will likely have new leaders. Among House Democrats, there will be a similar level of continuity, with little turnover among Members serving as Ranking Members.

With the balance of this analysis, we offer our thoughts on major policy areas that will drive the agenda in Washington for the next two years and thus how potential developments might affect you. Given the still narrow margin enjoyed by Senate Democrats, not much will get through the Senate unless each party commits to putting aside partisan differences to get something done on the deficit, fundamental tax reform, and a host of other pressing national issues. Under Republican control, the House leadership will be in a strong position to move whatever their membership supports. But bills written with only the interests of one party in mind stand virtually no chance of moving in the Senate, as House Republicans have seen over and over again in the 112th Congress.

Ironically, the voters have elected a 113th Congress that may be even more partisan than the 112th Congress, at least on paper. Both chambers will have a substantial number of new Members, in part because of redistricting and because so many Senators and House Members have thrown in the towel over their dismay that so little gets done anymore. (The House, for example, had 62 Districts in which an incumbent was not on the ballot.) By casting their votes, we have a sense the public wants the 113th Congress to get something done, to address the big issues that confront the country, and to do so working together.

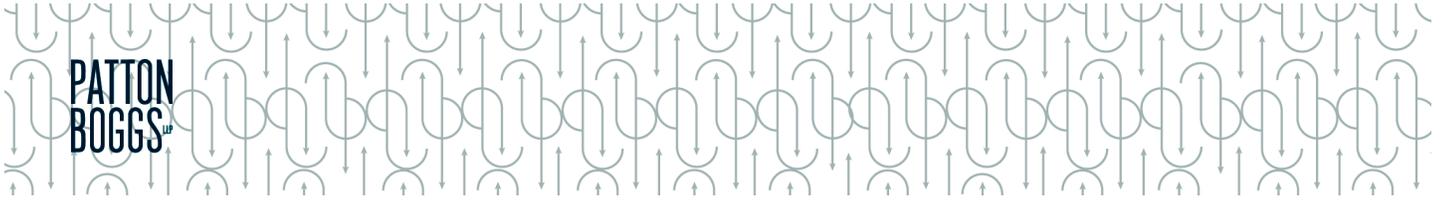
Now that the voters have spoken, will the 113th Congress keep in mind Thomas Jefferson's advice and make more of an effort to cross ideological divides, compromise, and solve the major policy challenges that confront our nation? As Jefferson recognized, major policy changes demand broad support to be successful. Addressing the deficit, for example, is too important and too big an issue for one party to hope to dictate the outcome to the other. We thus remain optimistic that the President and the Congress will work together in the lame duck session and establish the framework by which they can continue to work together next year.

In the pages that follow, we sketch out our sense of what is in store in the areas of agriculture policy, budget and sequestration, defense and national security, education, energy and environmental policy, financial services, food and drug policy, foreign investment in the United States, government contracts, health care, homeland security, Native American affairs, tax policy, technology and telecommunications policy, trade policy, and transportation and infrastructure policy.

Among the big issues likely to be addressed by the President and the 113th Congress is one we think worth mentioning here: immigration reform. There is broad support in the business community for Congress to finally address the issue. Leaders of the high-tech community, for example, have been calling on Congress for years to adopt legislation that would help them attract skilled engineers and software programmers, especially those who have graduated with advanced degrees from American universities and then are forced to return to their home countries. Moreover, the demographics of the voting population is changing so dramatically that neither party can risk failing to address the issue before the next Presidential election. In an interview with the *Des Moines Register* last month, the President signaled that he wants to take up the issue once the deficit has been addressed. He made the case for reform on both substantive and political grounds, saying in part: "I am fairly confident that [Republicans] are going to have a deep interest in getting that done." As part of this effort, we expect there to be a renewed focus on the DREAM Act, which removes certain barriers to access for undocumented children who wish to attend college. Senator Marco Rubio (R-FL), who has expressed great interest in crafting a compromise, may lead the Republican effort, possibly joined by two incoming Republican Senators from Southwest border states—Ted Cruz of Texas and Jeff

Flake of Arizona. As in addressing the deficit and fundamental tax reform, both parties will need to compromise to get something meaningful done. A policy change of this magnitude simply cannot be forced on a slender majority.

As a firm with deep public policy roots, we are proud of our ability to help clients exercise the right enshrined in the U.S. Constitution of petitioning their government. We have been at it since 1965, when Jim Patton encouraged a young White House aide named Tom Boggs to help him build a different kind of law firm, one that understood that all three branches of government could provide solutions to challenging problems. They had a vision for helping clients achieve success by combining political know-how, legislative and regulatory experience, and substantive knowledge of the law. For our paying and pro bono clients alike, we look forward to helping them achieve their legislative objectives as President Obama engages with the 113th Congress.



AGRICULTURE POLICY

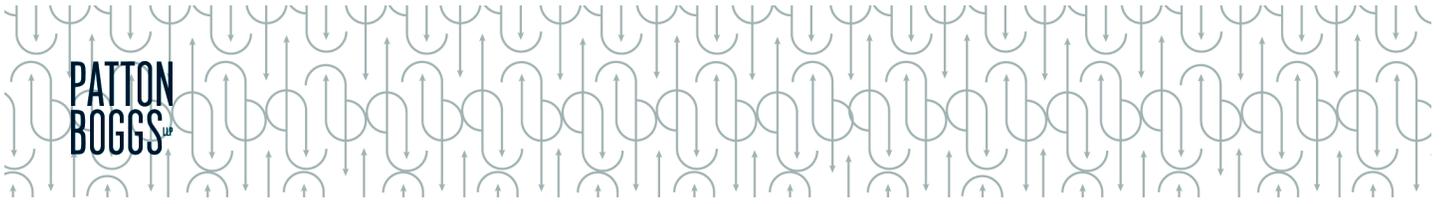
Major Issues

Over the past four years, President Obama and Secretary of Agriculture Tom Vilsack have engaged in a multi-faceted approach to support agriculture and nutrition programs. President Obama established the President's National Export Initiative with the goals of opening new markets for U.S. agricultural products and services, and increasing agricultural exports. As a carryover from his first-term, President Obama will continue to support U.S. negotiations with 11 other countries under the Trans-Pacific Partnership.

This year, both President Obama and Secretary Vilsack unsuccessfully urged Congress to pass a five-year Farm Bill, with the President having endorsed the Senate-passed bill. In its FY 2013 Budget, the Administration proposed cutting farm program spending by about \$30 billion--with much of the cost-savings resulting from the elimination of direct payments and reductions in crop insurance subsidies. In response to the devastating drought that hit the Midwest, the Administration implemented a plan to provide relief to farmers and ranchers by making modifications to the Conservation Reserve Program, Environmental Quality Incentives Program, Wetlands Reserve Program, and Federal Crop Insurance Program.

The Obama Administration also invested in major reforms focused on combating childhood obesity, including through First Lady Michelle Obama's *Let's Move!* campaign. In December 2010, Congress passed the Healthy, Hunger-Free Kids Act, which for the first time in over 30 years allowed the Department of Agriculture (USDA) to make significant reforms to federal school meal and child nutrition programs.

Farm Bill. Despite the Senate passing its version of the Farm Bill in June and the House Agriculture Committee reporting out its bill favorably in July, the 2008 Farm Bill expired on September 30, 2012. The House Agriculture Committee bill would cut \$35 billion in spending over ten years, while the Senate-passed bill would cut \$23 billion over ten years. As it remains unlikely Congress will pass a five-year reauthorization in the lame duck session, we expect Congress will pass a one-year extension and punt the reauthorization to the 113th Congress.



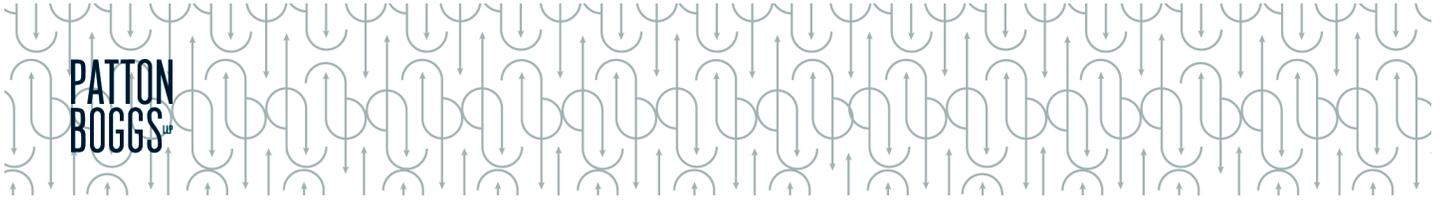
- **Commodity Programs.** Both the Senate-passed bill and the House Agriculture Committee bill would eliminate direct payments, the existing counter-cyclical price program, and the Average Crop Revenue Election (ACRE) program. The bills also would create a new dairy margin insurance program and a new supply management program. Speaker John Boehner (R-OH) has expressed his concern with the supply control aspects of the program, which suggests proposed reforms to the dairy program may get serious consideration (at least in the House.)

The House Agriculture Committee bill would establish a Price Loss Coverage program (a target price-based risk management option for commodities) and a separate STAX program for cotton for which Senators from southern states have voiced their support.

The Senate-passed bill would establish a new shallow loss program to provide aid to farmers when prices drop or crops fail; however, more than a dozen southern Senators, including Mary Landrieu (D-LA) and Saxby Chambliss (R-GA), believe rice, peanuts, and cotton are not protected adequately under the bill's crop insurance program.

Chairwoman Debbie Stabenow (D-MI) and Ranking Member Pat Roberts (R-KS) were able to round up the requisite number of votes to pass the Farm Bill without the support of the southern Senators. But in light of the effective deadlock over the Farm Bill this year, the southern Senators may have an advantage in seeking desired changes to the program in the 113th Congress to ensure what they see as the proper protections survive the conferencing of the two bills.

- **Supplemental Nutrition Assistance Program (SNAP).** The House Agriculture Committee Farm Bill would cut \$16 billion from SNAP (formerly known as the Food Stamp Program), which is nearly four times the amount of SNAP cuts included in the Senate-passed bill (\$4 billion in cuts). The degree of reductions to SNAP remains a contentious, partisan issue and is one of the primary reasons why the Republican leadership failed to secure the requisite number of votes to pass a Farm Bill in the House. If Congress passes a one-year extension during the lame duck session, we expect House Republicans to continue to push next year for sizable cuts to SNAP to which Senate Democrats will push back, particularly when the Farm Bill is brought to Conference.

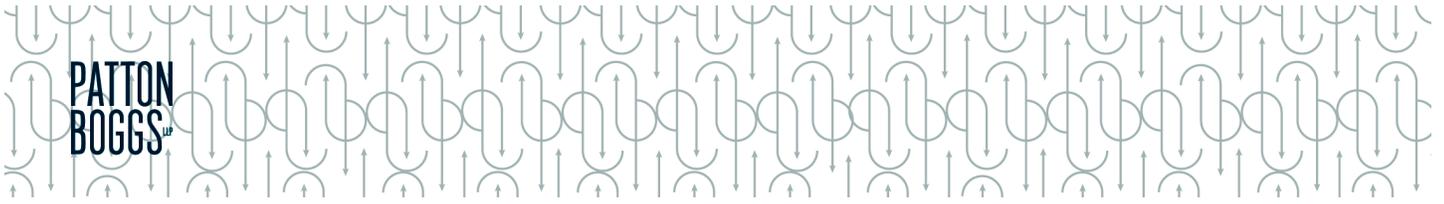


Implementation of the Healthy, Hunger-Free Kids Act of 2010. In the 113th Congress, House Republicans can be expected to continue their efforts to halt implementation of the *Healthy, Hunger-Free Kids Act* by proposing the repeal of its provisions. We expect legislation to be introduced granting states flexibility in determining what meals should be provided to students or what foods can be offered outside of the school meal programs (competitive foods). In September, House Republicans introduced a bill to repeal new nutrition standards under the National School Lunch and Breakfast programs, and Senate Agriculture Committee Ranking Member Roberts requested from USDA further information and data from the implementation of the rules. Most recently, Representative John Kline (R-MN), Chairman of the House Education and the Workforce Committee, accused USDA of pursuing a “one-size-fits-all” policy. Despite Republican opposition, USDA will likely move forward with implementing the Act by issuing a proposed rule on competitive foods by January 2013.

Renewable Fuel Standard (RFS). Many stakeholders in the agriculture sector continue to point to ethanol as the cause of record-high export prices, domestic food price inflation, and commodity prices, especially with corn prices reaching historic highs in August at a little over \$8 a bushel. Deficit reduction will continue to be a motivating factor for reevaluating federal support for ethanol production; however, we do not expect to see any substantial changes in ethanol subsidies beyond what is expected in the Farm Bill (the Senate-passed bill does not repeal or eliminate USDA programs critical to ethanol production and maintains existing research and loan guarantee programs that support ethanol production; the House Agriculture Committee’s Farm Bill eliminates funding for the establishment of ethanol blender pumps), especially with the expiration of the ethanol tax credit and import tariffs.

In September, the Environmental Protection Agency (EPA) solicited comments on two petitions from Governors Beverly Perdue (D-NC) and Mike Beebe (D-AR), requesting EPA waive the RFS for 2013. On this issue, Secretary Vilsack has continuously voiced strong support for preserving the current RFS program. We expect EPA to deny the waiver request before the end of the year.

Trans-Pacific Partnership. The ongoing Trans-Pacific Partnership (TPP) negotiations have the potential to affect U.S. agriculture policy and will continue to have the full backing of President Obama (for more on this, please see the chapter on Trade Policy). This is especially true given the recent additions of Canada and Mexico, who will join the rest of the TPP nations—Australia, Brunei



Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, Vietnam, and the United States—for the first time in the next round of negotiations in New Zealand this December.

Through the TPP, the U.S. will address with Canada, Mexico, Australia, and other countries important issues involving major agricultural commodities such as sugar and dairy. For example, Australia has grown increasingly frustrated with the U.S.'s refusal to revisit opening the U.S. sugar market, which uses strict quotas to restrict imports. Additionally, TPP negotiations will continue to cover market access and sanitary and phytosanitary standards (SPS).

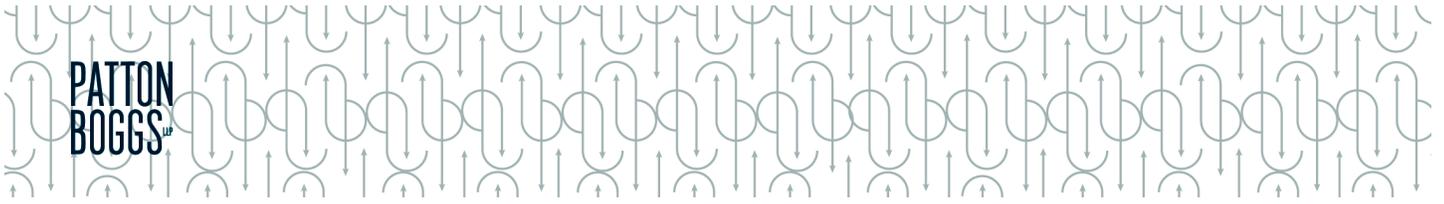
Commodity Futures Trade Commission. In 2013, the CFTC will continue its efforts to implement the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). To date, the CFTC has proposed 39 rules, though implementation is still months away for many of them.

Among the issues the CFTC will address are the position limits rulemaking, which was recently struck down by a Federal District Court. The CFTC is also expected to finalize rules related to the operation of swap execution facilities, provide guidance on the international application of the new swap regulatory regime, continue its work in designating swaps subject to mandatory clearing and trade execution, register and regulate swap dealers and major swap participants, and implement the reporting requirements for swap transaction data.

In response to the collapse of MF Global and Peregrine, the CFTC can be expected to take on new rulemakings with the goal of bolstering customer protection requirements. The CFTC will also scrutinize high frequency trading, with a concept paper expected to be released in the near future.

Forecast for the 113th Congress

Should Congress pass a one-year extension of the 2008 Farm Bill during the lame duck session, then we expect Congress to pass a five-year Farm Bill before the end of the first session of the 113th Congress. If Congress fails to pass a five-year Farm Bill before March 2013, the final legislation will likely include updated spending estimates that take into account this year's high price of corn and other commodities, as well as higher price projections over the next few years. This scenario would favor the approach taken under the House Committee bill as opposed to the Senate's as the higher market prices would most likely increase the cost of subsidizing farmers under the Senate-passed



bill, but lower costs under the House Agriculture Committee Farm Bill. In addition to commodity programs, SNAP funding will remain a high-stakes issue between both chambers and parties, as Republicans will view the counter-cyclical nutrition program as the primary source for cost savings. It is likely that the House Agriculture Committee will markup its version of the Farm Bill by late February or early March.

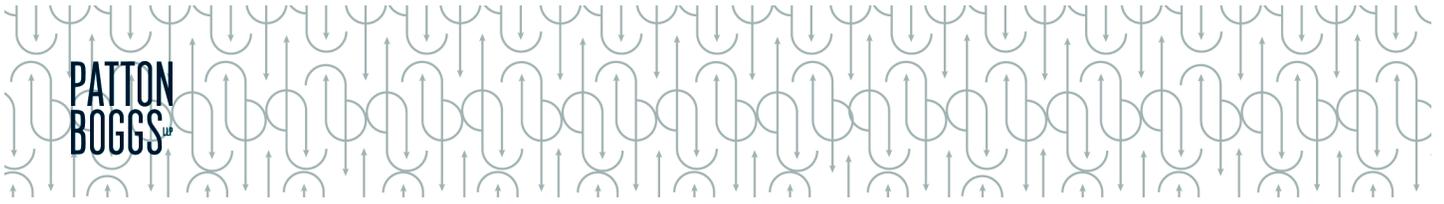
As for CFTC-related issues, Chairwoman Stabenow is likely to continue pursuing various technical amendments to Title VII of the Dodd-Frank Act related to derivatives regulation. In contrast, House Republicans will continue to push for the repeal of certain Dodd-Frank Act provisions and engage in aggressive oversight of the CFTC rulemaking process.

In terms of the Renewable Fuel Standard, we expect House committees to start holding hearings on this issue given Members' concerns with high commodity prices, how the mandate regulates the market, and the problems refiners are confronting to comply with EPA regulations. We also expect the Senate to address the ethanol mandate, particularly in the Energy and Natural Resources Committee most likely chaired by Senator Ron Wyden (D-OR). Most likely, the House will move first on this issue.

Anticipated Agency and Committee Developments

Secretary of Agriculture. To move forward President Obama's agriculture agenda for his second term, Secretary Vilsack is likely to continue serving in this role. Should Secretary Vilsack decide to step down, the two front-runners are reported to be former Democratic Senator and former Chair of the Senate Agriculture Committee, Blanche Lincoln (D-AR), and Senator Kent Conrad (D-ND), who is retiring from the Senate. Both are well respected in the Senate, and Senator Conrad is known for expertise in issues related to the budget and his leadership in bi-partisan efforts to pass previous Farm Bills.

CFTC. The term for Chairman Gary Gensler expired in April 2012, and the term for Commissioner Bart Chilton will expire in April 2013. With Obama winning re-election, he will either nominate new Commissioners and designate a new Chair or re-nominate the two incumbents, with one selected as Chair. Regardless, the nominations will be the subject of major debate in the Senate as the nominees will have a significant impact on the direction of the implementation of the Dodd-Frank Act.



House Agriculture Committee. Representative Frank Lucas (R-OK) and Collin Peterson (D-MN) will continue to serve as Chairman and Ranking Member, respectively.

Senate Agriculture Committee. With Democrats retaining control of the Senate, Senator Debbie Stabenow remains Chairwoman and Senator Pat Roberts will continue as the Ranking Member.

Contact Information

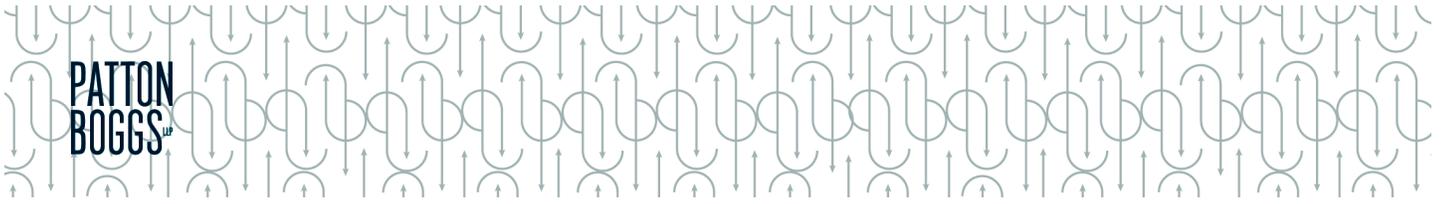
For additional insights about likely policy developments, please feel free to contact the authors of this section: Darryl D. Nirenberg at 202-457-6022 or dnirenberg@pattonboggs.com; Michael V. Dunn at 202-457-6148 or mvdunn@pattonboggs.com; and Dana T. Weekes at 202-457-6307 or dweekes@pattonboggs.com.

BUDGET AND SEQUESTRATION

Major Issues

The federal budget and the health of the nation’s economy will shape the 113th Congress and the second term of President Obama. Unless Congress and the White House are able to agree on a comprehensive plan for deficit reduction in the lame duck session, the 113th Congress will begin with the nation’s economy falling off of a fiscal cliff and potentially into another recession.

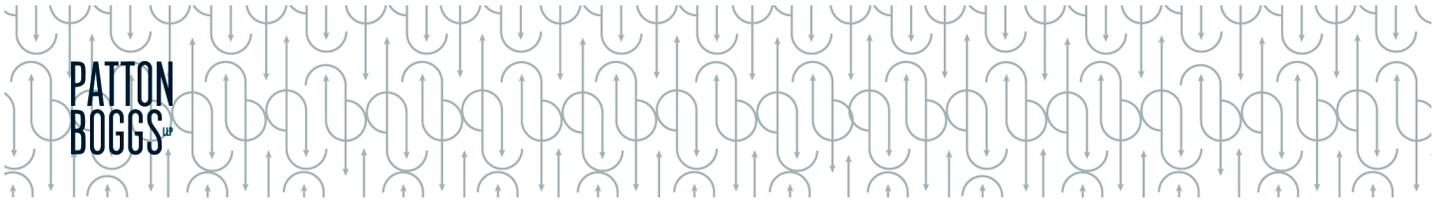
To prevent the U.S. Treasury from going into default, the Budget Control Act of 2011 was enacted to raise the nation’s debt limit by \$2.1 trillion (implemented in three installments over the course of six months). The Budget Control Act also mandated deficit reduction measures to offset the debt ceiling increase. The initial increase of \$900 billion in borrowing authority was fully offset through discretionary spending caps for FY 2013 through FY 2021 specifically identified in the Budget Control Act. To offset the final debt ceiling installment, the bill authorized a Joint Select Committee on Deficit Reduction (the “Super Committee”) to craft a plan to reduce the deficit by \$1.2 to \$1.5 trillion. In the event the Super Committee and/or Congress failed to approve such a deficit reduction package, the law mandated automatic spending cuts to defense and domestic non-exempt discretionary, mandatory, and entitlement programs totaling \$1.2 trillion over ten years to go into effect on January 2, 2013.



The sequestration process would involve across-the-board cuts evenly divided between security and non-security functions. (While there are other agencies and accounts included in the security category, the sequestration is generally referenced in terms of defense and non-defense, or domestic, spending.) Over nine fiscal years (FY 2013 – FY 2021), \$1.2 trillion in sequestration cuts would amount to a \$984 billion reduction in federal spending, with the remaining \$216 billion coming from savings of interest payments. For FY 2013, non-exempt federal agencies and programs would be reduced by \$109 billion: discretionary domestic (non-defense) programs by 8.2 percent; mandatory/direct domestic (non-defense) programs by 7.6 percent; discretionary defense programs by 9.4 percent; and mandatory/direct defense programs by 10 percent. Overall, the sequestration process would cut spending across over 1,200 non-exempt federal accounts—\$54.67 billion from defense programs; \$38 billion from domestic discretionary programs; \$11 billion from Medicare (no beneficiary cuts); and \$5 billion from other mandatory spending programs.

While Democrats and Republicans agree that sequestration must be avoided, partisan brinkmanship on how to achieve deficit reduction—whether through additional tax revenue, spending cuts, or a combination of both—was heightened leading up to the election and has thus far prevented a comprehensive agreement, thereby potentially setting the stage for intense lame duck negotiations. During the third Presidential debate, President Obama stated that sequestration “will not happen;” the President’s advisors clarified that he was merely expressing the opinion of many that some type of agreement can and must be reached to prevent the automatic spending cuts. Congressional Republicans may use the President’s statement to extract concessions, such as maintaining defense spending and preserving the Bush tax cuts for all taxpayers.

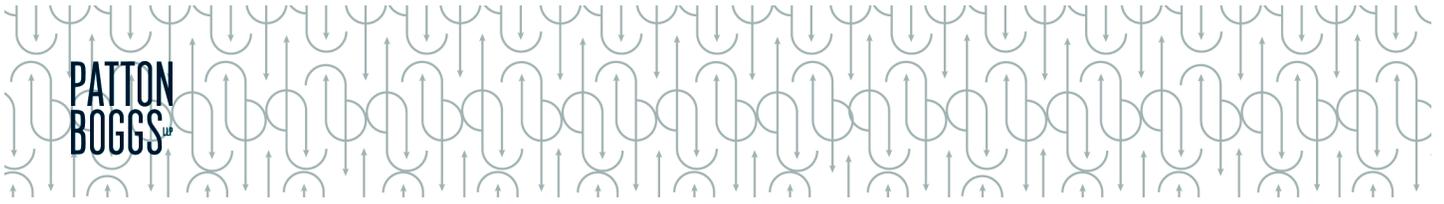
In the run up to the election, lawmakers from both parties had been working behind the scenes to develop strategies that would at least delay the fiscal crisis and provide the new Congress time to develop a comprehensive plan. Among them is a bipartisan group of eight Senators who have been working on a framework for a deficit reduction plan comprised of spending cuts, tax reform, and changes to entitlement programs that is reportedly modeled after the \$4 trillion proposal the National Commission on Fiscal Responsibility and Reform, chaired by former Senator Alan Simpson and President Bill Clinton’s White House chief of staff Erskine Bowles, set forth in 2010. The “Gang of Eight” is comprised of Senators Mark Warner (D-VA); Richard Durbin (D-IL); Kent Conrad (D-ND); Michael Bennet (D-CO); Saxby Chambliss (R-GA); Tom Coburn (R-OK); Michael Crapo (R-ID); and Mike Johanns (R-NE).



In order to reach agreement on such a plan, however, Republicans and Democrats must be willing to work together and compromise. Leading up to the election, President Obama reiterated his threat to veto any proposal that does not increase tax rates on the wealthy (which he generally defines as individuals earning over \$200,000/married couples earning over \$250,000, although some prominent Democrats have advocated for a higher threshold of \$500,000 or \$1 million). Despite his re-election, the election was too close to be considered a mandate. As we noted in our Introduction, we expect a concerted push to get something done but the lame duck session might not provide enough time for the ultimate dealmakers—President Obama and the congressional leadership—to negotiate and secure adequate rank-and-file congressional support to pass a comprehensive deal that resolves all the major issues, including increasing the debt ceiling.

In order to defer sequestration and avoid another downgrade of the U.S. debt rating that occurred as a result of the protracted and contentious debate in last year's debt ceiling negotiation, Congress will likely pursue one of several options to defer sequestration until next year. Several Republican and Democratic lawmakers have floated short-term proposals in which a \$20 billion to \$75 billion deficit reduction "down payment" is used to delay the process for three to six months, or even a year. Another possibility is that the \$984 billion in spending cuts is postponed and subsequently implemented into a shorter window, *i.e.*, over eight fiscal years instead of nine. Some conservatives in both chambers are hesitant to delay sequestration because its forced spending reductions were the only concessions they received in raising the debt ceiling in 2011.

For the eighteenth consecutive year, Congress was unable to complete the appropriations process in regular order and prior to the start of the federal fiscal year on October 1. Hence, a Continuing Resolution (CR) was enacted which funds the federal government through March 27, 2013. Despite lingering friction over top-line discretionary numbers (the House adopted a \$1.028 trillion spending limit while the Senate utilized the cap of \$1.047 trillion established in the Budget Control Act), Republicans agreed to use the \$1.047 trillion discretionary spending cap in the CR (an increase of 0.6 percent over FY 2012 spending). As the damage assessments from Hurricane Sandy continue to rise, Congress may need to take up a supplemental appropriations package during the lame duck to provide emergency disaster relief funding to several federal agencies.

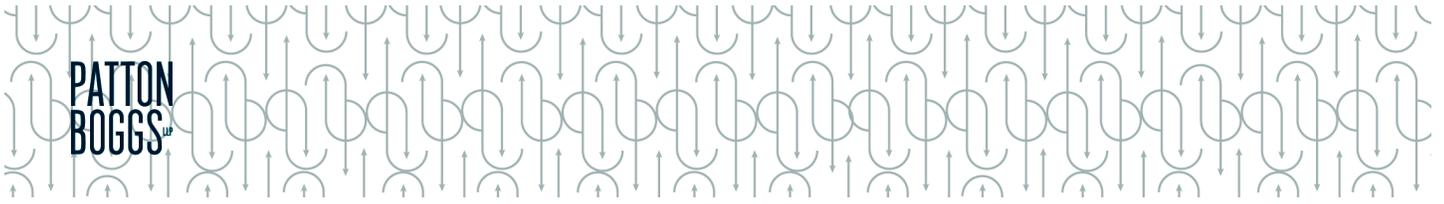


Forecast for the 113th Congress

In the weeks leading up to his re-election, President Obama expressed confidence in reaching a comprehensive and balanced deficit reduction agreement within the first six months of his second term. But it will be difficult to achieve any agreement without bipartisan compromise. If the bipartisan Senate “Gang of Eight” puts forward a proposal, this may be a factor in the negotiations. That said, prior “Gang” proposals have not had a history of success. Bills recently passed along party lines in the House and Senate are likely indicative of initial party positions. In July, after defeating a wholesale extension of the Bush-era tax cuts for one year, the Senate on a nearly straight party-line vote symbolically approved a bill to support the middle class by limiting the extension to those individuals earning less than \$250,000. In September, the House also by a nearly straight party-line vote approved a measure to replace sequestration with only spending reductions and no revenue increases. While it will be difficult to achieve any agreement without bipartisan compromise, continued Democratic control of the Senate could yet lead to compromise and agreement.

Within the first three months of next year Congress also must resolve the FY 2013 federal budget. There are two probable scenarios for the resolution of the final six months of the federal FY 2013 budget. First, an omnibus bill could be drafted in order to provide Members the opportunity to propose policy and funding changes. Second, an extension of the CR could be enacted in order to allow Members to focus on the broader deficit reduction package. It is important to note that no matter how the FY 2013 process is resolved, sequestration—or whatever deficit reduction measures are put into place—will certainly have an impact and decrease spending in FY 2013 and beyond.

We anticipate that Congress will endeavor to return to normal order for the FY 2014 budget process and attempt to approve individual spending bills prior to the start of the federal fiscal year on October 1. The earmark moratorium implemented for the FY 2011, FY 2012, and FY 2013 appropriations cycles likely will be renewed, albeit with some potential changes to the definition of an earmark. While there are Members who view earmarks positively (*e.g.*, as a means to bring federal funding back to their districts/states and regain some control over the allocation of federal funds), there also remains strong opposition, even with the transparency measures and limitations put into place prior to the ban. Moreover, President Obama has repeatedly threatened to veto any bill that comes across his desk with earmarks. However, some Republican Members who strongly supported the ban have since raised questions upon realizing the ban included authorized transportation and water projects, limited tax benefits, and limited tariff benefits. Additionally, Members of both parties



are becoming increasingly aware of their decision to take away their “power of the purse,” leaving spending allocation decisions solely in the hands of the Administration. As such, there likely will be efforts to rework the earmark process. While a wholesale return of earmarks is not likely, a new definition is expected to be less comprehensive than what the current ban covers.

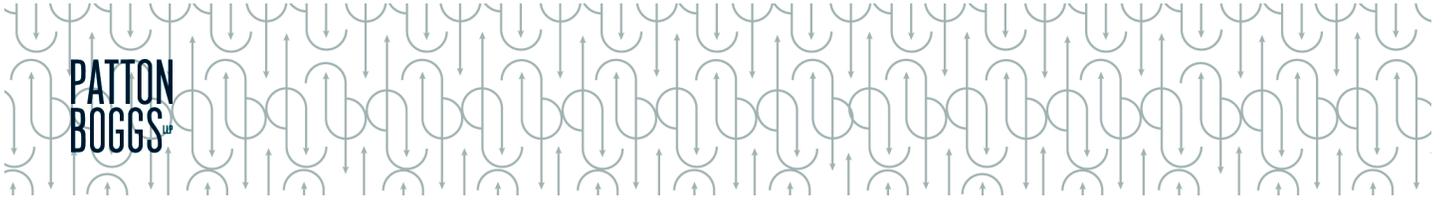
Anticipated Committee Developments

Senate Committees. We expect Senator Daniel Inouye (D-HI) will retain his position as Chairman of the Senate Appropriations Committee. Senator Thad Cochran (R-MS) is term-limited as Ranking Member due to the Republican rule limiting service as Ranking Member of a full committee to six years. Unless Senator Cochran receives a waiver from leadership to retain his position, Senator Richard Shelby (R-AL) will likely assume the role of Ranking Member. Two Democrats and one Republican currently serving on the committee are leaving the Senate at the end of the year.

Senate Budget Committee Chairman Kent Conrad (D-ND) is retiring at the end of this Congress and Senator Patty Murray (D-WA) is next in seniority to chair the committee. To do so, she will have to relinquish her position as Chairman of the Veteran Affairs Committee. She will make this decision in the coming weeks. Senator Jeff Sessions (R-AL) will likely remain as Ranking Member.

House Committees. House Appropriations Committee Chairman Hal Rogers (R-KY) will likely retain his position in the 113th Congress. Ranking Member Norm Dicks (D-WA) is retiring. Representative Marcy Kaptur (D-OH) is next in seniority to serve as Ranking Member, but she will face a spirited challenge from Representative Nita Lowey (D-NY). Four Republicans and four Democrats currently serving on the committee will not return to the committee next year. Representative Tim Ryan (D-OH) has expressed an interest in reclaiming the committee seat he lost when Republicans took control of the House in 2011. With years of Continuing Resolutions replacing regular order in passing appropriations bills, the earmark ban, and a fiscal environment of spending reductions, serving on the House Appropriations Committee may not be quite the coveted spot it was in the past.

House Budget Committee Chairman Paul Ryan (R-WI) will also require—and will likely be granted—a term-limit waiver to retain his chairmanship. In the event he is not granted a waiver, Representative Scott Garrett (R-NJ) will likely replace him as chair, although Mr. Garrett could face challenges from Representatives John Campbell (R-CA) and Tom Price (R-GA). Representative



Chris Van Hollen (D-MD) will likely continue as Ranking Member. Only one Republican and one Democrat currently serving on the committee will not return to Congress next year; Representative Tim Ryan (D-OH) announced he would resign from the Budget Committee if he returns to the Appropriations Committee.

Contact Information

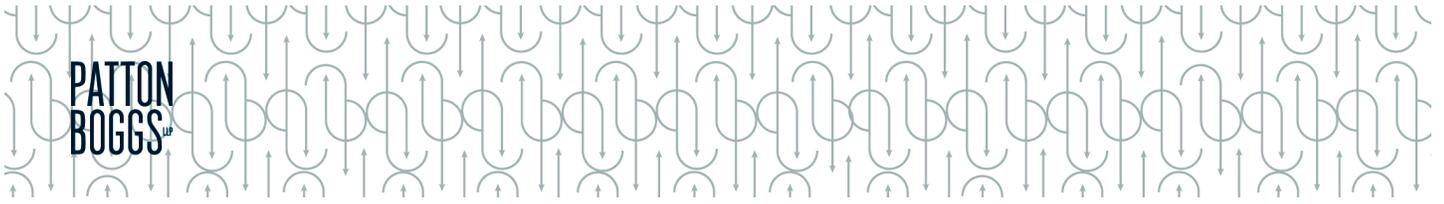
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DEFENSE AND FOREIGN POLICY

Defense Issues

Budget and Sequestration Decisions. As noted in our introduction, the President and Congress face major decisions in addressing the looming fiscal cliff, the sequestration portion of which will have a particularly significant impact on defense spending. While President Obama already has signaled he is prepared to compromise over the automatic defense cuts, Congressional Republicans have not yet indicated any willingness to strike a deal that includes revenue increases and assumes continuation of the Administration's domestic spending priorities. The threat of looming defense reductions under sequester and automatic tax increases when the Bush tax cuts expire was intended to spur Republican movement on those issues, even as most analysts already had predicted that the Administration and Congress would find a way to avoid the automatic cuts.

Now, following President Obama's public commitment during the last debate with Governor Romney to avoid sequester, Congressional Republicans have less incentive to negotiate on the Administration's non-defense priorities. That is especially the case given that House Republicans can claim a mandate of their own, having staved off Democratic efforts to reclaim the House. Most Senate and House Democratic negotiators also have been anxious to prevent the across-the-board defense reductions from taking hold, even as they realize the inherent challenges in reaching a more comprehensive long term deficit reduction plan that addresses entitlements, discretionary spending and revenue from taxes. Accordingly, a lame duck deal to postpone most of the larger budgetary



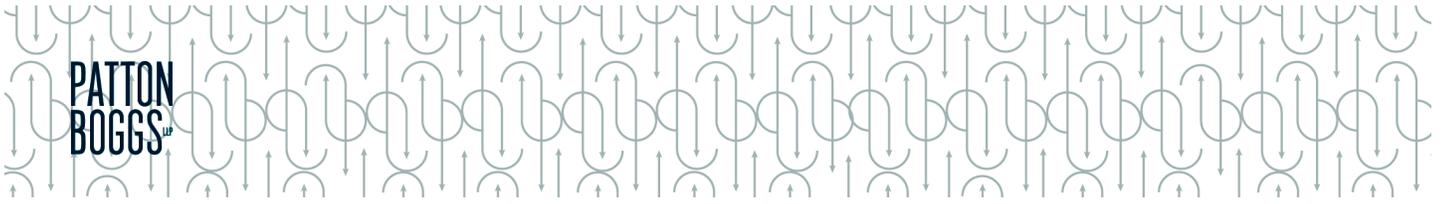
decisions, including staving off the bulk of the approximately \$55 billion in the first year of defense cuts, will remain a priority for Members particularly concerned about maintaining a strong defense industrial base.

Following an agreement on sequestration, the Administration and House and Senate Armed Services and Appropriations Committees must turn their attention back to broader questions of the defense budget for the remainder of FY 2013 and the FY 2014 appropriations cycles. The Continuing Resolution, funding government operations including defense, expires on March 27, 2013 and must either be replaced by appropriations acts or a further Continuing Resolution. The eventual outcome for the FY 2013 defense appropriations bill will be the President's budget numbers as reflected in the Senate mark-ups, not the increase contained in the bill passed by the Republican-controlled House.

While the Administration has already built in reductions to defense of \$487 billion over the next ten years (which was agreed to in the Budget Control Act of 2011), most defense experts predict additional reductions beyond that amount even without sequester. These additional reductions in defense spending will be part of the agreement needed to reduce the deficit over the longer term. Personnel reductions beyond the 100,000 already planned are likely. The pressure on the procurement and research and development budgets will be intense. The drawdowns in Iraq and Afghanistan will have the most immediate effect on those companies providing the supplies and manpower needed to support those contingency operations. However, the major aerospace and defense companies can certainly expect a slowdown in the acquisition of new weapons systems and reductions in the number of previously planned systems.

Anticipated Agency and Committee Developments

Secretary of Defense. Most defense experts predict that Secretary Panetta will step down, following a highly respected career in Washington as House Budget Committee Chairman, President Clinton's budget director and Chief of Staff, and President Obama's CIA Director and Defense Secretary. Most defense analysts tend to view Secretary Panetta's legacy as one of generally effective management of the Pentagon bureaucracy and ardent advocacy on budget, Afghanistan, and Iraq matters, but as more of a transitional figure than an influence on larger defense policy and force structure issues. In comparison, Michelle Flournoy, the former Under Secretary of Defense for Policy, whom most Pentagon watchers consider to be the leading candidate to succeed Secretary



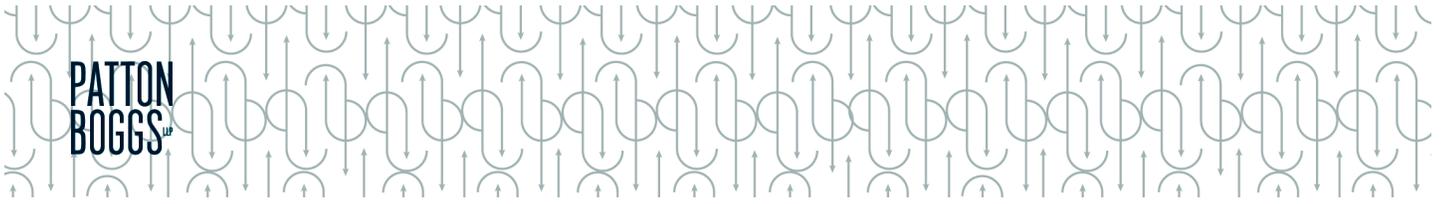
Panetta, likely would play a more aggressive role in tackling those larger structural issues in the near term. Flournoy advised the Obama campaign on national security issues, and she also served in the Clinton Administration Defense Department and in the think tank community. Other leading candidates to be Secretary of Defense include Senate Armed Services Committee Member Jack Reed (D-RI), Deputy Secretary of Defense Ash Carter, and former Clinton Secretary of the Navy Richard Danzig.

Senate Armed Services Committee (SASC). Senator Carl Levin (D-MI) is expected to remain as SASC Chairman. Senator Levin will continue his opposition to sequestration while remaining open to targeted defense cuts as part of a balanced approach to a grand bargain on tax revenues and domestic spending issues. A longtime supporter of nonproliferation efforts and a leading advocate of the Obama Administration’s “reset” in U.S.-Russian relations, Senator Levin also will attempt to help revive Russian interest in the Nunn-Lugar Cooperative Threat Reduction program. The Democratic SASC Caucus will experience some turnover in its ranks, as Committee Members Joe Lieberman (D-CT), Daniel Akaka (D-HI), Ben Nelson (D-NE), and Jim Webb (D-VA) all are retiring at the end of this year.

Senator Jim Inhofe (R-OK) is the favorite to serve as the SASC’s next Ranking Member, replacing Senator John McCain (R-AZ), who is term-limited in that position. Senator Inhofe will push the Administration hard on missile defense issues, but Senator Inhofe and his staff have forged some bipartisan cooperation on other SASC matters. The defeat of Senator Scott Brown (R-MA) creates a vacancy among the SASC’s Republican membership.

Senate Appropriations Committee. The committee is likely to remain in the hands of seasoned defense experts who will be heavily engaged in the budget and spending decisions discussed above. Senator Daniel Inouye (D-HI) is likely to retain his position as the Chairman of both the full Senate Appropriations Committee and its Defense Subcommittee. Senator Thad Cochran (R-MS) is term-limited as Ranking Member of the full committee, but he may well stay on as Ranking Member of the Defense Subcommittee. Senator Richard Shelby (R-AL), a member of the Defense Subcommittee, is likely to replace him as Ranking Member of the full committee. Senator Herb Kohl (D-WI) and Senator Kay Bailey Hutchison (R-TX) will leave the Defense Subcommittee.

House Armed Services Committee. After losing numerous senior HASC members to retirement or electoral defeat in the elections of 2006, 2008, and 2010, the committee will have greater



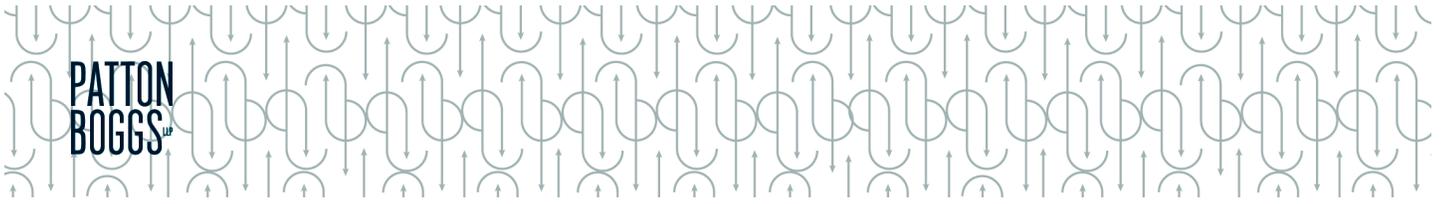
continuity from the 112th Congress to the 113th Congress. Representatives Todd Platts (R-PA) and Silvestre Reyes (D-TX) retired from the House. HASC Seapower Subcommittee Chairman Todd Akin (R-MO) lost a Senate race, Representative Martin Heinrich (D-NM) has been elected to the Senate and may vie for a SASC seat there, and a handful of other HASC members were defeated for reelection, including Tactical Air and Land Forces Subcommittee Chairman Roscoe Bartlett (R-MD), Representative Bobby Schilling (R-IL), Representative Larry Kissell (D-NC), and, pending a final count, likely Representative Allen West (R-FL). Unfortunately, the bipartisan cooperation that marked the committee's work in prior years is in relative decline, as the number of relatively new HASC members are often either unaccustomed or unwilling to work across party lines on a regular basis. Representative Buck McKeon (R-CA) will remain as HASC Chairman, and Representative Adam Smith (D-WA) will continue to serve as Ranking Member. Chairman McKeon will continue his public campaign against sequestration and other potential defense budget cuts while remaining skeptical of any future Libya-like deployments of U.S. combat power for humanitarian purposes. For instance, Chairman McKeon is deeply wary of further involvement by the Administration in the Syrian conflict. Ranking Member Smith will continue to spar with the Chairman on budget issues, as the Washington Representative calls for a balanced approach that can include targeted defense and non-defense cuts, along with revenue increases.

Other National Security Issues

Afghanistan and Pakistan. The Obama Administration will stand by its decision to withdraw U.S. combat troops from Afghanistan by 2014. Many Congressional Republicans will continue to oppose this timeline, as well as to the announcement of *any* concrete withdrawal timeline. However, public weariness with the war, along with the intermittent progress in the training of Afghan military and police units and the incremental if incomplete progress against Taliban forces, likely will override those objections and cement the U.S. withdrawal schedule.

The U.S. military withdrawal from Afghanistan may be the only upcoming development that can check the deterioration in U.S.-Pakistan relations. However, Washington will continue to be clear with Pakistan's civilian and military leadership that it will refuse to take off the table future drone strikes and other potential operations involving Al Qaeda-affiliated targets in Pakistani territory.

Iran. In addressing arguably the most pressing foreign policy issue of the President's second term, the Obama Administration will continue its focus on enforcing and selectively expanding

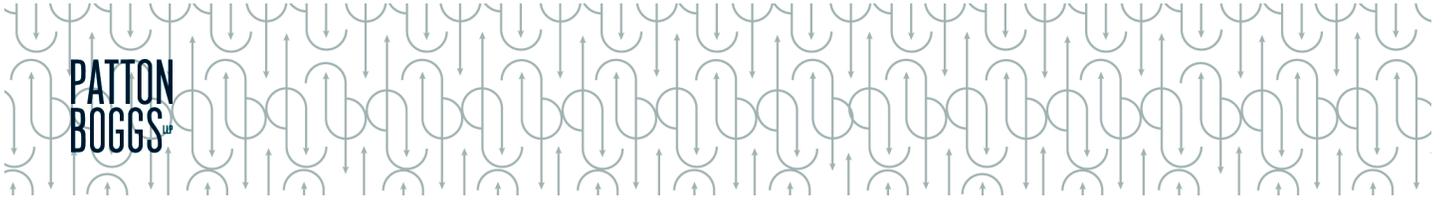


multilateral (and corresponding unilateral) sanctions in order to intensify the pressure against the Iranian Government as it pursues its nuclear enrichment program. The Administration has been frankly surprised by the degree of international cooperation it has received from European and Asian Governments over the past four years, and it will seek to build on that momentum.

At the same time, the White House will selectively consider imposing unilateral sanctions against third-party actors doing business with the Iranian regime or Iran's oil and gas industry, as Congress has continued to expand the menu of available sanctions options. The Obama Administration generally will continue to follow the lead of its predecessors, the Bush and Clinton Administrations, in avoiding the imposition of sanctions against allies supporting the overall effort. President Obama's recent decision to grant waivers to U.S. allies who had reduced, but not eliminated, their oil imports from Iran caused barely a ripple on Capitol Hill, despite the numerous advocates in Congress for stringent unilateral sanctions against the Iranian regime. Still, the Republican-led House may seek to curtail Presidential waiver authority in the next Congress.

If continued sanctions and diplomatic warnings fail to dissuade Iran from weaponizing its fissile material and possibly outfitting launch vehicles, most experts believe President Obama likely would undertake a preemptive military strike on Iranian nuclear targets. The larger question, though, is how the Administration would respond in the interim to calls from Members of Congress, the Israeli Government, and others to consider an attack at an earlier stage of Iranian preparations. Most analysts believe the White House would continue to resist such calls and would argue strongly against Israel taking unilateral military action. If Israel were to act on its own, the Administration likely would offer modest encouragement in public while expressing displeasure and engaging in diplomatic damage control behind closed doors.

Syria. It is doubtful the Obama Administration will intervene militarily in Syria, given its high degree of wariness to this point about the capabilities and intentions of certain parts of the Syrian opposition. However, the clear humanitarian tragedy underway, the opposition's military progress against the Assad regime, and the heightened feelings of insecurity from strong U.S. ally Turkey all combine to suggest that a moderate increase in U.S. support for the opposition is forthcoming. Such support could include lethal military assistance, but the Administration has been reluctant to cross that threshold to this point.



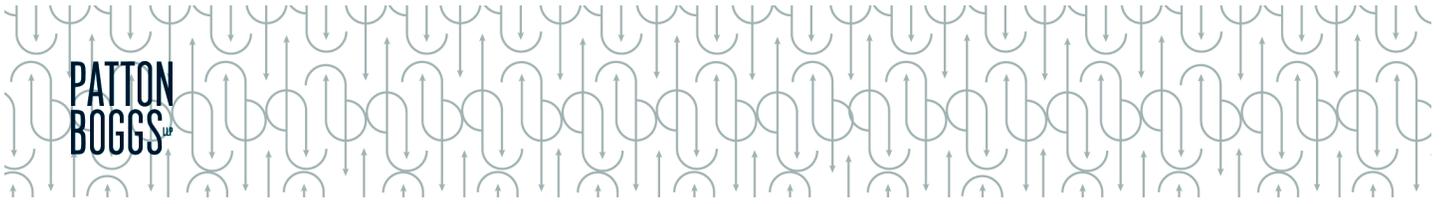
Response to the Arab Spring. The Obama Administration also has much work to do in firming up its response to regime change in the Middle East. The new Secretary of State, in particular, not only will engage in continued fence-mending with longtime allies such as Saudi Arabia and Jordan, but he or she also will have to push hard in Congress for foreign assistance to countries such as Egypt and Libya. Some Members of Congress, such as Senator Rand Paul (R-KY), are increasingly working against such assistance. However, to this point, Senate Appropriations Foreign Operations Subcommittee Ranking Member Lindsey Graham (R-SC) and numerous Senate and House Democrats have worked to mitigate cuts to key foreign assistance accounts for the Arab World and elsewhere.

Export Control Reform. In 2010, President Obama announced an *Export Control Reform Initiative* to modernize and streamline U.S. export controls on defense and dual-use goods and technologies. Within the Administration, the initiative was championed by, *inter alia*, former Defense Secretary Robert Gates, the only Republican member of the Obama Cabinet at the time. The defense industry widely supports the initiative, arguing that the existing export control regulations are complicated and burdensome and that, especially with respect to military products, U.S. export controls are overly detailed and intrusive.

The Administration has made good progress toward transferring from military to civilian export controls a myriad of less-sensitive products, technologies, and component parts. This effort has generated opposition from Congress, however, which believes it has been largely left out of the process. It has also generated some opposition from some circumspect agencies within the Administration, especially within the Defense Department. Nevertheless, with the re-election of President Obama, we expect to see the Initiative's continued movement toward completion, but the likelihood of passage of the legislation required for full implementation will depend upon the dynamics and receptivity of the 113th Congress.

Anticipated Agency and Committee Developments

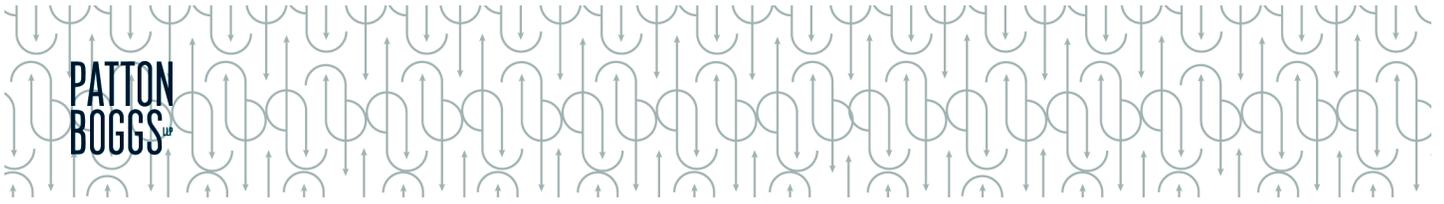
Secretary of State. Secretary of State Hillary Clinton will depart as President Obama's second term begins. Secretary Clinton will leave with her formidable political legacy burnished still further by her highly regarded diplomatic tenure at Foggy Bottom. Senate Foreign Relations Committee Chairman John Kerry (D-MA) is a candidate to succeed Secretary Clinton, but might stay in the Senate given the odds that Senator Scott Brown, having just lost his seat to Senator-elect Elizabeth Warren (D-



MA), would likely be favored to win the special election to fill his seat. The Secretary has indicated that she would stay a reasonable time to allow time for the Senate to confirm her successor, which it is likely to do quickly if Senator Kerry were to be nominated. He has served as an ardent and articulate defender of the Obama Administration's foreign policy record and is a longtime foreign policy confidant of Vice President Biden. U.S. Ambassador to the United Nations Susan Rice also will receive strong consideration, as befitting her rapid rise through the Democratic foreign policy establishment. However, she would face a more arduous nomination process. Additional candidates include Senator Richard Lugar (R-IN) and Representative Howard Berman (D-CA), both of whom lost their bids to return to Congress, Lugar in his primary and Berman to fellow Californian Brad Sherman in the general election.

National Security Adviser. President Obama might ask Tom Donilon to serve as Secretary of State, but his relatively lower public profile and his longtime advisory roles in Democratic Administrations make it more likely he will remain in place as National Security Adviser. If Donilon does leave the West Wing, Ambassador Rice (who would not be subject to a grueling Senate confirmation for that White House position) and Deputy National Security Advisor Denis McDonough likely would be favorites for the post. Former Deputy Secretary of State and Deputy National Security Adviser Jim Steinberg would bring intellectual heft and political acumen to the position or as a potential nominee as Secretary of State, but reports of a prickly management style may work against him.

Senate Foreign Relations Committee (SFRC). If President Obama does not nominate Senator Kerry as Secretary of State, the Senator almost certainly will continue to serve as Chairman. If Senator Kerry does depart, Senator Barbara Boxer (D-CA) would be in line to succeed him as the first woman to hold the position. If she were to opt to stay as Chairman of the Senate Environment and Public Works Committee, the jurisdictional interests of which are important to her home state, Senator Bob Menendez (D-NJ) would likely take over as Chairman. Senator Menendez has long taken an interest in foreign affairs issues, including during his previous tenure in the House. In general, the Senator will serve as a forceful defender of the Administration's policies. However, he is likely to be more aggressive on two of his longstanding key issues: Cuba and Iran. Senator Menendez has been a leading advocate for strict unilateral sanctions on Iran. Coming from a Cuban-American family himself, the Senator strongly opposes any normalization of relations with Cuba for the foreseeable future.

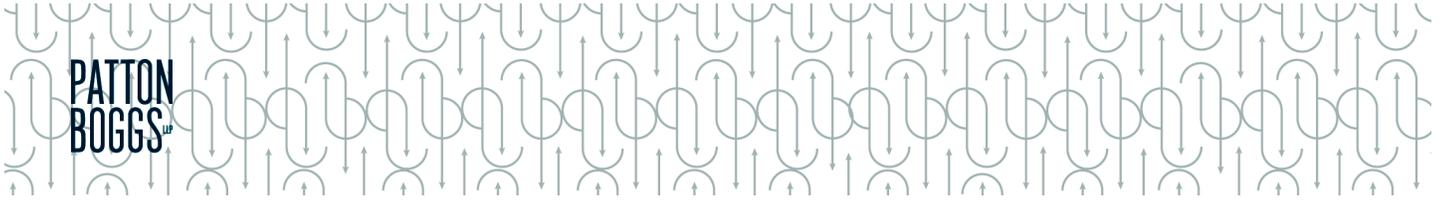


Senator Bob Corker (R-TN) is likely to take over as Ranking Member, as longtime member Senator Richard Lugar (R-IN) retires following his primary defeat earlier this year. A leading skeptic regarding the Libya intervention, Senator Corker likely will continue his criticism of the Administration's approach to War Powers issues. On the other hand, Senator Corker's vote for the "New START" nuclear arms reduction treaty with Russia is just one example of the Senator working with the Administration and SFRC Democrats on other issues. In addition to Senator Lugar, Senator Jim Webb (D-VA) is retiring, meaning another Committee member will have to strive to replace Senator Webb's leadership on East Asian security and diplomatic issues.

Senate Appropriations Committee. Senator Patrick Leahy (D-VT) and Senator Lindsey Graham (R-SC) are very likely to continue to serve as Chairman and Ranking Member, respectively, of the Senate Appropriations Committee's Foreign Operations Subcommittee. Senator Leahy will continue to serve as a zealous advocate for human rights causes and well-designed foreign assistance programs. Senator Graham will be a key pivot point for foreign assistance issues, as the Senator will continue to make the case to fellow Republicans that targeted foreign aid is a worthwhile extension of the U.S. national security budget.

House Foreign Affairs Committee (HFAC). The HFAC Leadership is likely to see significant turnover in the next Congress. Chairman Ileana Ros-Lehtinen (R-FL) would like to continue to serve in the position, but she is term-limited and will not likely receive a waiver to do so. Representative Ed Royce (R-CA) is the favorite to serve as the next Chairman, although Representative Chris Smith (R-NJ) also will receive support. Representative Royce has been particularly active on nonproliferation and Korean Peninsula issues during his HFAC tenure. Representative Smith is a vocal advocate for global human rights causes, as evidenced by his Chairmanship of the Commission on Security and Cooperation in Europe, otherwise known as the Helsinki Commission.

Meanwhile, HFAC Democrats will experience substantial turnover as well. HFAC Ranking Member Howard Berman (D-CA), an admired voice on foreign policy matters, lost his intra-party re-election bid to fellow senior HFAC member Brad Sherman (D-CA). Representative Sherman now likely will make an effort to serve as Ranking Member. However, Representative Eliot Engel (D-NY) and Delegate Eni Faleomavega (D-AS) may contend for the role as well.



House Appropriations Committee. Chairwoman Kay Granger (R-TX) may have a new ranking colleague next year at the top of the House Appropriations Committee’s Foreign Operations Subcommittee. Current Ranking Member Nita Lowey (D-NY) is the favorite to ascend to Ranking Member of the full committee. In that case, Representative Adam Schiff (D-CA) and Representative Jim Moran (D-VA), among others, may seek to serve as Subcommittee Ranking Member. Chairwoman Granger will continue to advocate for continued, targeted cuts to the foreign assistance budget, sparring with Democratic House and Senate appropriators and the Administration while balancing calls from some other House Republicans for more drastic reductions.

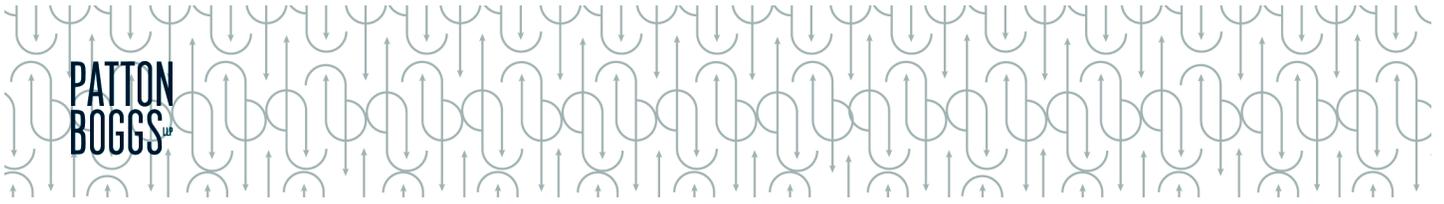
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EDUCATION POLICY

Major Issues

A focus of President Obama’s first Administration, which carried over into his campaign platform, is improving access to and ensuring the affordability of higher education. Additionally, he has sought to make investments in education, particularly in innovation and technology, while also trying to reduce the deficit by consolidating some programs. Elementary education programs such as Race to the Top and Investing in Innovation (i3) were priorities in the first Administration, and he will likely continue and expand upon them to include some higher education elements. For instance, following his State of the Union address this year, President Obama proposed a Race to the Top for College Affordability program (modeled after the original Race to the Top elementary education program) to give states the incentive to restructure financing systems for their public colleges and universities, align entry and exit standards for K-12 education to facilitate on-time completion, and maintain adequate levels of funding for higher education. We expect the Obama Administration to continue urging support for this program with the backing of Senate Democrats.

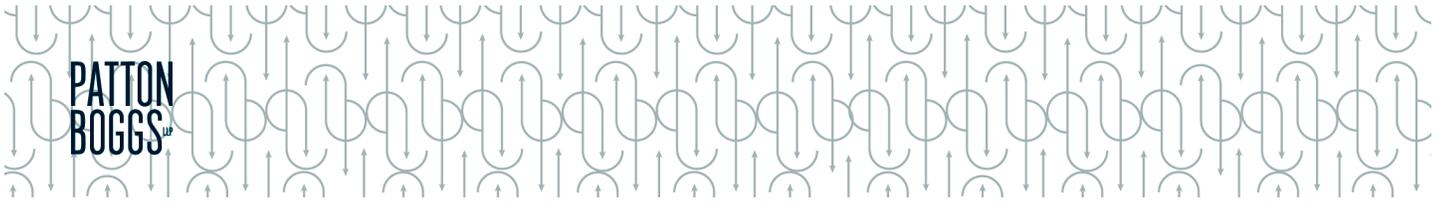


Consumers are increasingly concerned with two macro-trends in education that will affect all higher education policy decisions in the next four years. First, tuition is rising at rates well above inflation even as (a) families find it harder to afford college due to the hard economic conditions and (b) more college graduates are unemployed or underemployed in jobs that do not require a college degree. Second, crushing student debt loads pose long-term structural problems for millions of young Americans that may delay or limit their ability to purchase a home, get married and have children.

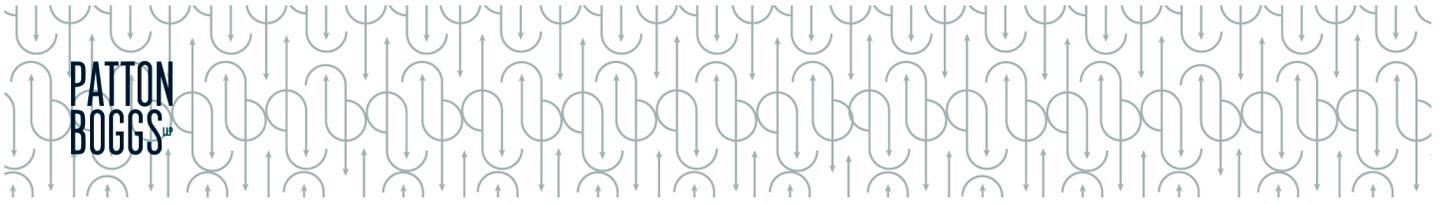
The President also will continue to champion comprehensive reform efforts for No Child Left Behind (NCLB), with his best opportunity to do so within the first two years of the next term. In our view, it is reasonable to believe that a status quo election result in 2012 has created the political conditions needed for a bipartisan rewrite of NCLB in the next Congress. However, should progress in Congress stall, President Obama will again use Executive Orders and waivers to push his preferred solutions for elementary education reform. This might manifest itself most clearly in efforts to provide incentives for state leaders to improve existing achievement gaps, as the Administration reviews waivers already approved for 34 states plus the District of Columbia as they come up for renewal after two years.

Finally, given the challenges faced by individuals looking for jobs in the current environment, President Obama will maintain support for initiatives that support a more-educated and skilled workforce and that would improve job creation, such as the National Network for Manufacturing Innovation and community college training programs. To advance these initiatives, we expect to see budget requests for these programs grow at faster rates than for other education programs.

College Affordability. We expect the Obama Administration will confront challenges in receiving full fiscal support for its college affordability initiatives because of two funding challenges that will occur in short order. First, like other agencies, the Department of Education faces potential significant cuts if sequestration occurs. Second is the forecasted shortfall in Pell Grant program funding that is already slated to occur at the end of Fiscal Year 2013. In fact, the Administration may be in the position of defending and protecting the existing funding streams for key programs rather than effectively advocating for expansion of those programs. Additional affordability and access issues to be addressed in the next term include:



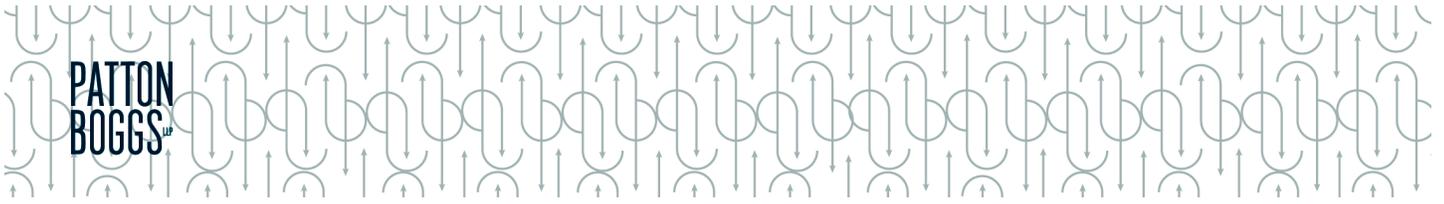
- *Pell Grants.* President Obama has committed to expand further Pell Grant eligibility and raise the maximum award amount. Given that additional funding from the 2009 American Recovery and Reinvestment Act to support the Pell Grant program will expire in FY 2013, Congress will face a shortfall of at least \$7.6 billion. Senate Democrats will seek to identify resources to address this funding gap, but they will likely still need to make concessions on reform measures focused on changing the existing funding caps and eligibility requirements. In reforming the eligibility requirements, Republican proposals likely will include lowering the income level at which students qualify for an automatic maximum grant, establishing a maximum income to be eligible for a grant, and coupling job-training requirements with the Pell Grant program.
- *The Student Debt Crisis.* President Obama has pledged to keep interest rates low and to consider a policy forgiving all federal student loan debt after 20 years. We may see some restrictions set within the plan, however, after critics pointed to greater benefits for high-income borrowers over low-income borrowers. Keeping interest rates at these historically low rates may be difficult to do in an environment where Congress is looking for cost savings across the board in the federal budget.
- *Tax Credits.* President Obama will look to expand opportunities to implement new federal tax credits or increase existing credits for students. The debate over these issues will play out as part of the larger debate over extenders in the lame duck session and then again as part of fundamental tax reform.
- *DREAM Act.* While his June Executive Order related to Deferred Action for Childhood Arrivals would grant two-year renewable work authorization to certain undocumented young people, the President is expected to push hard for comprehensive immigration reform early in the next term. (His Executive Order expires after two years.) In particular, we expect there to be a renewed focus on the Development, Relief, and Education for Alien Minors Act, or DREAM Act, which makes college more affordable and removes certain barriers to access for undocumented children who wish to attend college. Despite his criticism of President Obama's action as an overstep, Senator Marco Rubio (R-FL) could emerge as a partner on Capitol Hill in that effort as he worked to pursue legislation similar to the Executive Order this year, possibly joined by two incoming Republican Senators from border States—Ted Cruz of Texas and Jeff Flake of Arizona. While Senator Rubio has called the DREAM Act



too broad, he believes legal residency should be given to young immigrants who were brought to the United States illegally by their parents. His plan is likely to represent the Republican starting point on the issue.

Elementary and Secondary Education Act. The 112th Congress tried and failed to reauthorize the Elementary and Secondary Education Act (ESEA), also known as No Child Left Behind, which expired in 2007. The partisanship surrounding the bill's reauthorization kept the House and Senate from bringing legislation to their respective floors and we expect that these issues will remain in the next Congress. The House may continue to take its piecemeal approach to the NCLB reauthorization, while the Senate will work towards its goal of completing a comprehensive reauthorization bill. House Republicans, led by House Education and the Workforce Committee Chairman John Kline (R-MN), will likely continue to focus their reauthorization efforts on streamlining federal spending through removing ineffective programs, promoting flexibility for states and local school districts, improving teacher quality through performance pay, and allowing for more parental choice in decisions on where to send their children to school. The Senate Health, Education, Labor and Pensions (HELP) Committee had passed its NCLB reauthorization bill in the first session of the 112th Congress; however, the bill may not serve as a blueprint for reauthorization in the 113th Congress, as many Republican Senators, including Lamar Alexander (R-TN) who is poised to serve as Ranking Member, have serious reservations with provisions related to accountability, teacher qualifications, school improvement, and funding.

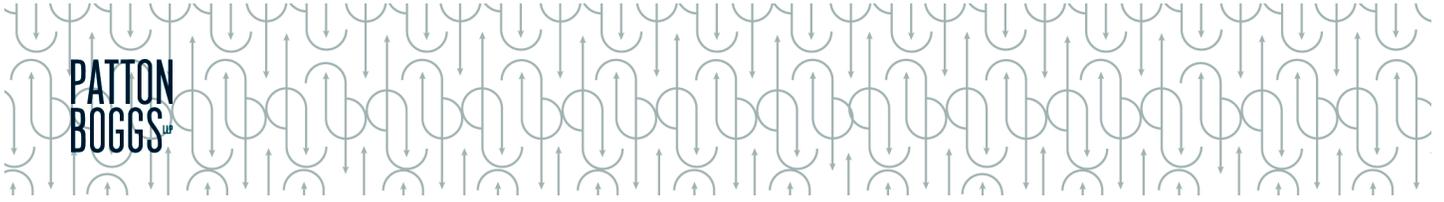
STEM Education. We expect science, technology, engineering, and math (STEM) education to remain an important focus of the Obama Administration, as well as for certain advocates on the Hill. Secretary of Education Arne Duncan recently stated that he plans to make STEM education a focus of his second term and would like to increase the use of technology in the classroom. Several pieces of legislation were introduced in the 112th Congress to raise the visa caps for highly skilled workers and grant permanent residency for foreign-born graduates with advanced degrees in STEM fields in order to keep these students working in the U.S. after graduation. These proposals are a high priority for high-tech companies in particular. While the previous efforts in Congress failed, it is possible that lawmakers will move forward on these issues next year given the bipartisanship seen on STEM education and visas for foreign-born graduates with advanced STEM degrees. We expect to see a Republican-backed measure (H.R. 6249, the STEM Jobs Act of 2012), which was brought to the House floor in September, emerge again next year. The bill would eliminate the Diversity Visa Program lottery process and reallocate visas through the new STEM program. While the bill won a



simple majority of votes in the House, it failed because it came to the floor under a procedure that required a two-thirds majority. Given significant differences with an approach favored by senior Senate Democrats, much work lies ahead to reconcile a bill that can be signed into law.

Workforce Investment and Career and Technical Education Legislation. The Workforce Investment Act of 1998 (WIA) expired in 2003. Since then, Congress has attempted to reauthorize the law without success. Partisan differences on how to approach WIA reauthorization will continue to plague the 113th Congress. House Republicans are likely to continue their effort to consolidate the existing workforce programs into a single Workforce Investment Fund and reorganize federal retraining programs into state block grants to ensure that training is coordinated with local schools and employers. We expect Senate Democrats to continue working on workforce investment legislation that will keep the basic structure of the WIA systems intact and address their concerns regarding how the Republicans' plan to consolidate the current programs would shift money away from under-served populations. The Carl D. Perkins Vocational and Technical Education Act of 2006 is set to expire in August 2013. We do not expect Congress to reauthorize the Act in the 113th Congress.

Accreditation. With the substantial growth of the for-profit college industry, online education, and the massive open online course (MOOC) trend, the college accreditation system will continue to be in the spotlight in the next Congress. This issue is likely to come up several times during the reauthorization of the Higher Education Act as Congress will have to revisit the current requirements for accrediting agencies in order to distinguish how to define universities that should receive federal aid dollars. The growth of online education and for-profits also has policy implications for college affordability, job training, and access to education. Thus, it could be the next "hot" policy topic in the new Congress. The growth of MOOCs has the potential to undermine many of the for-profit business models if a broader range of students are able to access high-quality courses from traditional university systems. Many Democrats, including Senate Health, Education Labor and Pensions Committee Chairman Tom Harkin (D-IA), have been skeptical about federal investment in for-profit colleges. Conversely, Congressional Republicans are generally more supportive of for-profit education. These arguments will likely come into play as lawmakers examine how to strengthen the accreditation system to ensure that federal funding is invested wisely and students see the benefit of attending accredited schools.



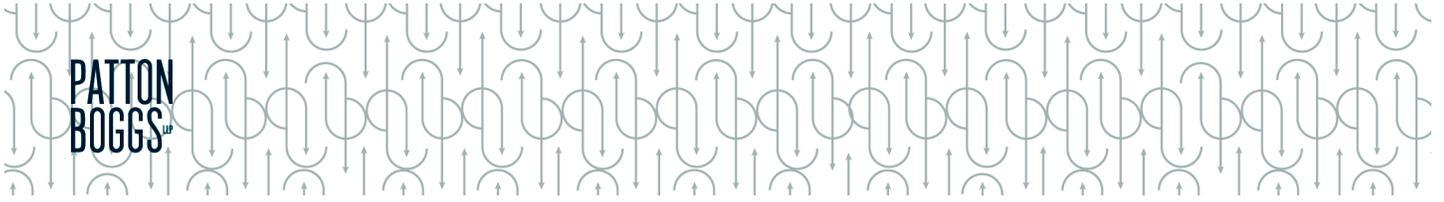
Public Disclosure and Accountability. Chairman Harkin will likely continue to pursue the for-profit college industry. We expect Senate Democrats to introduce legislation requiring additional public disclosure and accountability requirements for all institutions of higher education, and particularly for the for-profit sector, to serve as the blueprint for transparency and accountability provisions during the reauthorization of the Higher Education Act (HEA). Legislation will also be introduced to reform the 90-10 calculation by which for-profit schools receive federal funds. We also expect the Department of Education to continue its attempt to implement program integrity rules, including the gainful employment rule, which was struck down earlier this year by a federal court. Bipartisan support will remain in the House to pass legislation to repeal the state authorization rule; however, with closer margins in the Senate, there may be enough pressure to reform key aspects of the rule, but not repeal the rule in its entirety.

Forecast for the 113th Congress

With the Democrats retaining control of the Senate, they will likely strive to support many of the President's top priorities in K-12 and higher education. As such, reauthorization of the Higher Education Act (HEA) and No Child Left Behind (NCLB) will be on the agenda. However, given the significant divisions between the parties on reforming NCLB, agreement on a way forward may not be within reach. While it is rare to see secretaries in this position serve two terms, Secretary Duncan has committed to doing so, which could lead to improved working relationships and finding common ground with conservatives on certain issues, as some Republicans admire his positions on charter schools and teacher evaluation.

HELP Committee Chairman Harkin has said he would like to move forward with the reauthorization of HEA in the next Congress given that it is set to expire in 2013; however, we expect the reauthorization to occur in 2014. Two other laws related to education programs, the Elementary and Secondary Education Act and the Workforce Investment Act, are in line for renewal before the Higher Education Act—ESEA expired in 2007 and WIA was due for renewal nearly a decade ago. Also, Chairman Harkin is expected to continue to seek funding protection for certain non-defense discretionary programs as deficit reduction discussions progress.

Committees in both chambers already have been active over the past year in considering issues related to college affordability. We expect additional hearings to continue going forward, perhaps held in conjunction with deficit reduction and fiscal cliff discussions, as well as combined with



hearings on HEA reauthorization. Moreover, we expect to see a renewed push for the Race to the Top for College Affordability program, with committee hearings in the Senate likely. Additionally, on the Senate side, Senators Dick Durbin (D-IL) and Chairman Harkin will likely continue to champion legislation to regulate private lenders, particularly after the October 2012 release of the first “Annual Report of the CFPB Student Loan Ombudsman” required by the Dodd-Frank Wall Street Reform and Consumer Protection Act. The report details loan-servicing issues and complaints made by private student loan borrowers and compares the problems in the industry to those in the mortgage market. Lenders accused the agency of bias against the industry and noted that the database does not yet collect complaints about federal loans.

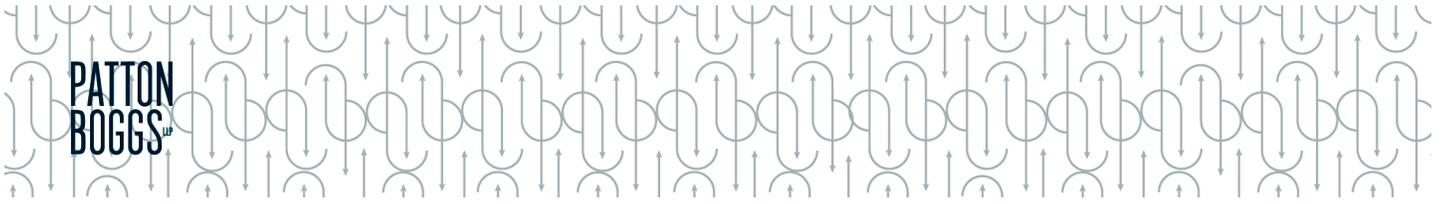
Anticipated Committee Developments

House Committee on Education and the Workforce. Representative John Kline (R-MN) will remain as Chairman and Representative George Miller (D-CA) will remain as Ranking Member. Committee Democrats will be losing at least five members with Representative Dave Kildee (D-MI) and Representative Lynn Woolsey (D-CA) retiring this year. Representative Dennis Kucinich (D-OH) and Representative Jason Altmire (D-PA) lost their primary races and will not be returning to Congress, while Representative Mazie Hirono (D-HI) will not be back, having successfully run for the Senate seat being vacated by Senator Daniel Akaka (D-HI). On the other hand, House Education Committee Republicans only stand to lose one member with the retirement of Representative Todd Platts (R-PA). A few other Members, particularly 2010 GOP Freshman class members such as Representative Trey Gowdy (R-SC), are expected to leave for other committee assignments.

Senate Health, Education, Labor and Pensions Committee. Senator Tom Harkin (D-IA) will remain Chairman. Given that Senator Michael Enzi (R-WY) is term-limited as Ranking Member, Senator Lamar Alexander (R-TN) likely will fill that role. Currently, the HELP Committee is only set to lose one of its members in the next Congress with the retirement of Senator Jeff Bingaman (D-NM).

Contact Information

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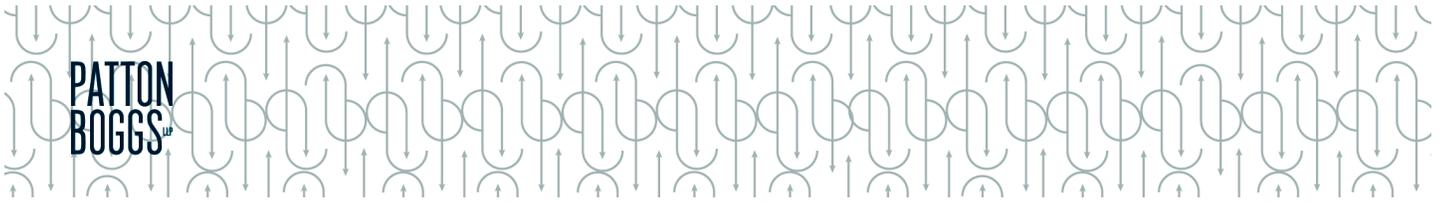
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ENERGY AND ENVIRONMENTAL POLICY

Major Issues

In his State of the Union Address, President Obama said: “This country needs an all-out, all-of-the-above strategy that develops every available source of American energy.” Speaking about his energy policy during the campaign, he amplified the point: “We’ve got to have a sustained, all-of-the-above strategy that develops every available source of American energy. Yes, oil and gas, but also wind and solar and nuclear and biofuels, and more.” In recent months, senior officials have made it clear that the Administration is hoping for a “reset” with the 113th Congress in order to move comprehensive legislation that would enjoy broad, bipartisan support. For example, Heather Zichal, the top White House energy and climate change aide, said the Administration hoped to boost collaboration on green energy issues next year. Among other things, the Administration wants to avoid the “boom and bust” cycles of support for renewable energy, while at the same time supporting measures that in its view would ensure that natural gas production continues to be undertaken “safely and responsibly.” The Administration also is committed to supporting investments in electric transmission infrastructure, as well as basic energy R&D.

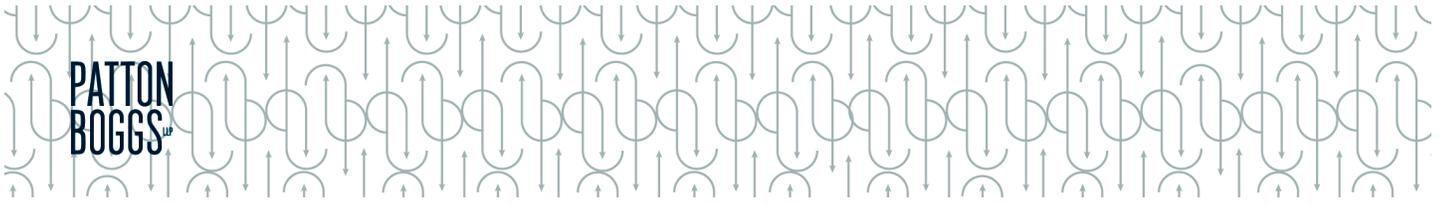
To put the Administration’s priorities in perspective, compare where things stood four years ago. Then, the Obama-Biden “New Energy for America” plan, if enacted, would have invested \$150 billion over ten years to create five million new “green” jobs, put one million plug-in hybrid cars on the road by 2015, substantially increased corporate average fuel economy standards for cars and trucks, developed new low-emission coal plants, created an advanced biofuels infrastructure, and developed commercial-scale renewable energy projects. In addition, the plan would have mandated that ten percent of electricity be produced from renewable energy sources by 2012 and by 25 percent by 2025, and would have implemented many other elements of the House Democratic agenda from the 110th Congress, such as forcing the industry to “use or lose” existing oil and gas leases. In addition, the Obama-Biden plan envisioned Congress implementing an economy wide cap-and-trade program to reduce greenhouse gas (GHG) emissions by 80 percent by 2050.



Although its plan was not enacted into law, the Administration did achieve its goal of imposing higher corporate average fuel economy standards, but only because it could do so administratively with the consent of the auto industry after GM and Chrysler had been rescued. Just recently, it proposed new standards for large trucks and buses, which likewise can be implemented without enactment of legislation and likewise appears to have the support of the affected industries, including engine manufacturers. In addition, through enactment of the stimulus bill in 2009, the Administration poured approximately \$90 billion into energy projects, including construction of new wind and solar farms and installation of 13 million “smart” electric meters. The Administration also achieved one of its major renewable energy goals of approving 10,000 MW of renewable energy on public lands. Under the Energy Policy Act of 2005, Congress had directed the federal government to develop 10,000 MW on federal land by 2015. With the project approval of the Chokecherry and Sierra Madre wind farms in Wyoming (3,000 MWs) on October 9, the Administration pushed the total slightly over 10,000 MWs on federal land—three years earlier than mandated by Congress.

Consider how much has changed in roughly the last five years, when that bill became law, when conventional wisdom held that the United States would soon become a net importer of liquefied natural gas, and when the focus of climate change legislation was mandates to reduce coal and oil consumption. The unconventional oil and gas boom that has occurred since then has changed not only our energy landscape, but the politics of energy as well. Some highlights from Daniel Yergin of IHS CERA about what has changed thanks to hydraulic fracturing and horizontal drilling technologies: “Shale gas alone is now 10% of the overall U.S. energy supply. And similar technologies to recover so-called tight oil trapped in rock formations are largely responsible for boosting U.S. oil production by 25% since 2008—the highest growth rate in oil output in any country in the world over that time period. . . . So far more than 1.7 million jobs are the result The number of jobs could rise to three million by 2020. The energy revolution will add an estimated \$62 billion to federal and state revenues this year.” Remarkably, given the current pace of increasing U.S. production of oil and other liquid hydrocarbons, including biofuels, which collectively are expected to reach 11.4 million barrels per day next year, the United States is on pace to soon surpass Saudi Arabia (11.6 million barrels per day of crude) as the top producer in the world.

This dramatic change in domestic production will likely have profound geopolitical ramifications as well. U.S. exports of natural gas, for example, could give the U.S. Government leverage over Russia, which has long used its power as the world’s top natural gas exporter in advancing its foreign policy agenda. Skyrocketing demand elsewhere in the world will have other significant consequences. The



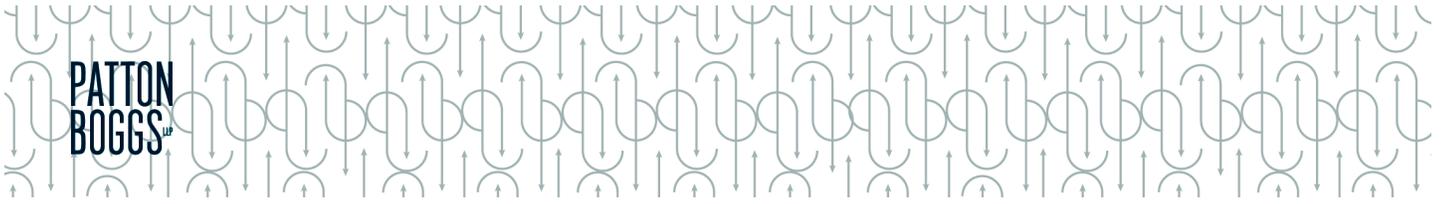
United States, for example, is no longer the world's largest energy consumer and will soon be eclipsed by China as the largest consumer of crude oil as well. As the world's largest consumer, China will exert greater influence over world oil prices than the United States. Perhaps as important, as the United States reduces its dependence on OPEC suppliers, our interests in the Middle East are likely to change as might those of countries that replace us as major purchasers.

The Obama Administration has been paying attention. Secretary of State Clinton recently gave a speech in which she indicated that her successor would need to put energy at the heart of U.S. foreign policy. In her view, "[e]nergy will be one of the most profound issues shaping the 21st century, and we are changing our foreign policy to reflect that." In that connection, she has established a Bureau of Energy Resources and is tasking our embassies to elevate energy to the center of their mission.

Notwithstanding these profound changes, Congress has not passed a comprehensive, bipartisan energy bill since 2007 (near the end of the Bush Administration). Admittedly, the growth in domestic production has occurred without Congress having to take additional action to spur it. But Congress hasn't acted in part because nothing has emerged since then that could garner 60 votes in the Senate—certainly nothing comparable to what President Obama had put forward in his first Presidential campaign.

Anticipated Energy Agenda

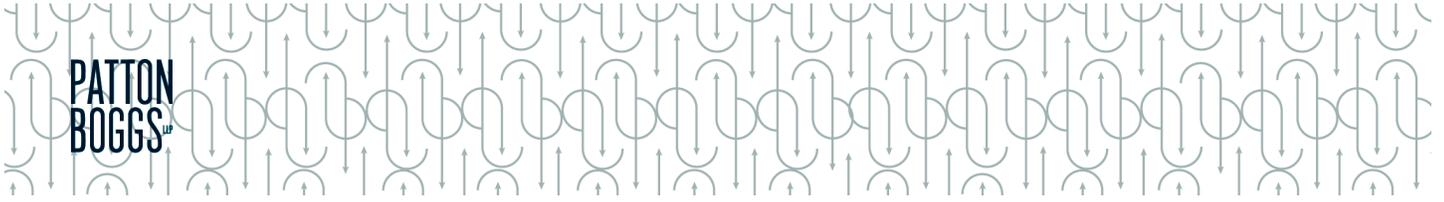
The development of successful energy legislation traditionally has been a nonpartisan issue, driven by where a Senator comes from rather than the party to which he or she belongs. In recent years, the number of "Energy State" Democrats and Republicans has fallen short of that magic number, as has the number of "Green" Democrats and Republicans. Hence, nothing with principally a pro-development or a pro-conservation focus has emerged that had the support of 60 Senators. As more states become "Oil and Gas States" as a result of the shale boom (*e.g.*, North Dakota and increasingly Colorado, Pennsylvania, and Ohio), the number of Senators who share the perspective of the traditional "Energy State Democrats" is likely to continue to increase. And thus the challenge of developing a more pro-development bill that could garner 60 votes should get easier over time. In the interim, a bill that combines pro-development provisions, pro-conservation provisions, and other consensus provisions could emerge in the Senate and serve as the basis of an energy bill President Obama could be expected to sign into law by the end of 2014.



If Democrats are willing to give on some pro-production measures and Republicans are willing to accept some pro-environmental measures, the Senate is likely to be able to coalesce around a bill that would have the support of at least 60 Senators. Such a bill would likely contain a variety of energy efficiency and conservation measures, a pro-nuclear component (*e.g.*, loan guarantees), a clean coal component (*e.g.*, funds to promote carbon capture and sequestration, possibly tied to enhanced oil recovery), and a host of other measures. For example, to promote the development of renewable energy, in particular wind resources, the bill is likely to contain new preemption measures to advance the construction of electric transmission lines to get power from where it is produced to where it is needed. Given increased concerns about climate change, the bill would likely contain mitigation and adaptation measures. The Senate is also likely to support compressed natural gas (CNG) provisions to complement the efforts underway in states such as Virginia, Colorado, and Oklahoma to promote CNG (where Governors are promoting efforts to encourage fleet conversions and infrastructure development). Given the importance of water to hydraulic fracturing operations, water policy may become part of the broader energy policy debate as well. We do not expect the final legislation to include the opening of the ANWR 1002 area, to permit offshore production off the coasts of states that traditionally have opposed it (*e.g.*, California, Massachusetts, and the Eastern Gulf of Mexico off the coast of Florida), or as noted below, to address hydraulic fracturing in the ways proposed in recent years.

Given the makeup of the House, we are not optimistic that something comparable will emerge, at least initially. With Republicans having maintained control of the House, they are likely to continue to focus the bulk of their attention on their pro-coal, anti-EPA agenda. As during the 112th Congress, none of those measures is likely to be enacted into law because none is likely to enjoy the support of 60 Senators and, in any event, would be vetoed if they reached the President's desk. At some point, House Republicans may find that they will be reacting to Senate action, rather than driving the debate. (The same dynamic occurred earlier this year, when the Senate took the lead in fashioning a comprehensive surface transportation bill that enjoyed broad bipartisan support. Because the House was unable to agree on anything that could clear the House floor initially, the House was effectively forced to react to the Senate. As a result, the Senate largely dictated the outcome of the debate.) And thus House Republicans may come together, working with Democrats, to produce a House counterpart to the Senate bill as it begins to emerge.

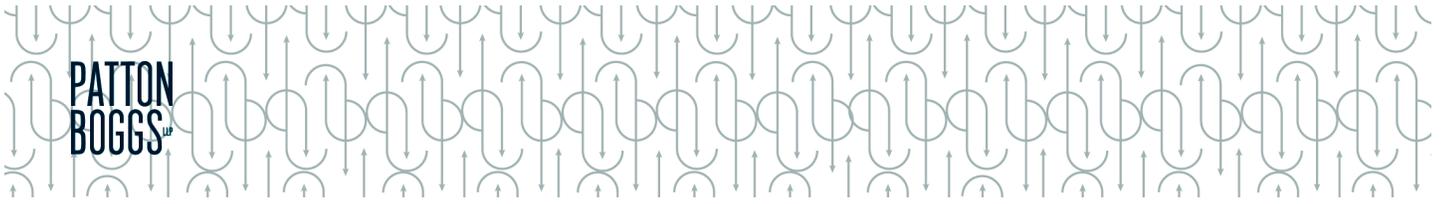
In the absence of legislation, the courts and the Executive Branch are likely to continue to drive the direction of energy policy. Should the 113th Congress find itself incapable of legislating, the Obama



Administration is likely to use existing statutory authority to advance its energy agenda, but there are limits to what can be accomplished under current law. The Obama Administration, for example, is undertaking seismic studies off the coast of Virginia already and could ultimately authorize drilling but would need a change in the law for lease revenues to be shared with the Commonwealth (or other states outside the Gulf Coast). The BLM, as noted below, can continue with its hydraulic fracturing regulations without further legislation, and EPA can largely pursue its GHG regulatory agenda as well.

On two other issues, the President can and will act without further legislation. On May 4, 2012, TransCanada submitted a new application for a permit to build the northern leg of the Keystone XL pipeline. With TransCanada having developed a new route through Nebraska that is likely to receive broad support in the state, we expect the State Department to complete its ongoing review of the application and to make the necessary national interest determination in favor of the project in the first quarter of 2013.

We also expect the Administration to approve one or more of the pending applications to build LNG export facilities early in 2013, notwithstanding opposition from Democrats on Capitol Hill who argue that exports will lead to higher consumer prices. The Department of Energy is expected to complete by year end a review of the potential economic impact of LNG exports, including the potential impact on consumer prices. Under current law, the Department must approve proposed natural gas (including LNG) exports to countries with which the United States has a Free Trade Agreement (FTA) that calls for national treatment for trade in natural gas. For countries with which the United States has not entered into an FTA, the Department must determine whether exports would be in the public interest, with a rebuttable presumption in favor. (To date, the Department has approved only one LNG export project—Cheniere Energy’s Sabine Pass plant in Louisiana.) Opponents of exports must demonstrate why an export application would not be consistent with the public interest. To address concerns about an export application, the Department may impose conditions on exports to countries that do not have an FTA. Given the applicable statutory standard, we expect the Department to conclude that additional exports would be in the public interest, possibly subject to modest conditions that will not affect the ultimate overall economics of proposed projects.

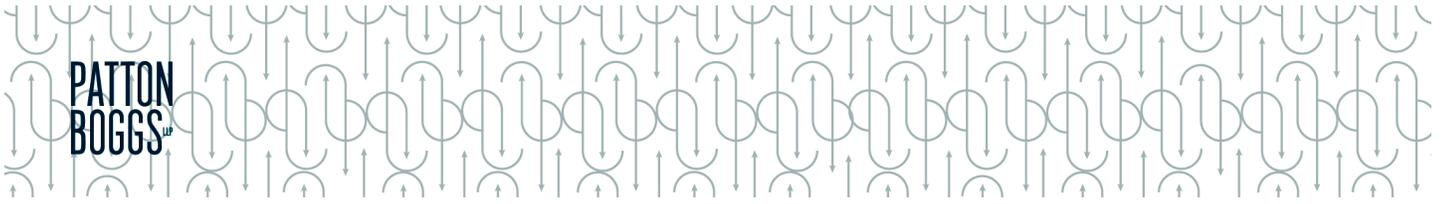


Administration's Environmental Agenda.

In its first term, the Obama Administration accomplished much of the President's environmental agenda through agency action, without the need for new legislation. While the merits of this approach were debated during the Presidential campaign, we expect history will view the President's first term as having left a precedent-setting mark on environmental policy. From the manner in which energy--be it fossil or renewable--is produced, transported, distributed, and consumed; to the improved efficiency of the motor vehicles we drive, to the buildings we work and live in, and to the appliances we use; and the use of "sustainability" as a key economic metric by which the federal government purchases goods and services, the policy decisions made during the last four years will have a considerable impact on the next four, and beyond.

In the absence of legislation and within the limits that federal courts allow, the Obama Administration will continue using its existing authority to effectuate its environmental goals of reducing GHG emissions and other pollutants, cleaning and restoring water resources, and, by extension, addressing climate change. At the same time, the Administration will continue to encourage energy production on public lands, reduce imports of crude oil, and mitigate potential environmental impacts of domestic production. The Administration also will continue to defend its regulations in court and where appropriate reconsider regulations. Additionally, the Administration will utilize the grant-making process to further influence decisions made at the state and local level, as well to provide incentives for the private sector, including small businesses and entrepreneurs, to drive innovations in new technology.

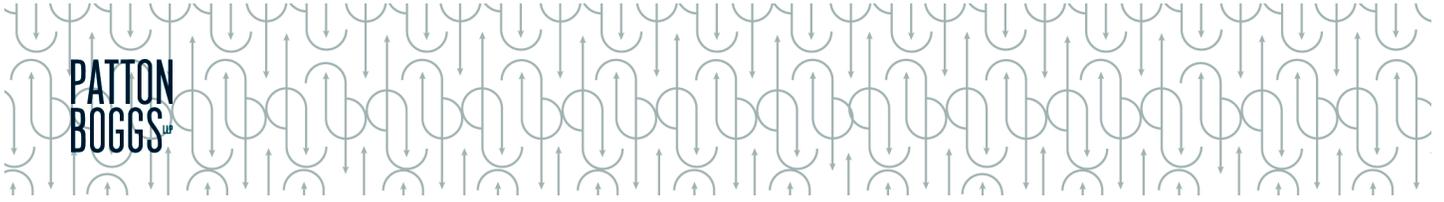
To advance its overall energy and environmental agenda, the Administration will likely a push for legislation that would provide business, and by extension the broader energy production economy, more certainty and eliminate the risks inherent in agencies writing rules based on statutes designed to address different challenges over 40 years ago. Could legislation addressing climate change be back on the agenda? President Obama dropped hints during the campaign, but stayed away from the issue, presumably out of concern that he would alienate voters in crucial battleground states. Many in the utility and industrial sectors would give legislation a fresh look, as they have continued to find that making capital-intensive decisions in the absence of regulatory certainty is not only bad for their customers, but also for shareholder value. In the absence of federal legislation, states and local governments will continue to forge ahead, as California has demonstrated in implementing its cap-and-trade program and low-carbon fuel standard. We thus can expect the President to ask the 113th



Congress to address a number of regulatory issues as an alternative to EPA proceeding on the basis of existing authority. The challenge of course will be to find a way to address the concerns of business without intruding too significantly on state and local governments, but we believe it can be done.

A bit of history to put the coming “carbon” debate in context: In 1987, President Reagan endorsed and encouraged the Senate to adopt the Montreal Protocol, an international treaty that ultimately led to enactment of a cap-and-trade system to reduce the use of ozone-depleting chemicals. With the President’s support, the Protocol was ratified by the Senate by a vote of 87-0 and implemented through regulations. (The Protocol was also implemented by China and other countries, without any apparent adverse economic impact on U.S. industry.) Three years later, President George H.W. Bush signed into law the Clean Air Act Amendments of 1990, which included his proposed cap-and-trade system to reduce sulfur dioxide emissions from power plants as a means of addressing acid rain. That bill cleared the Senate by a vote of 89-10 and the House by a vote of 401-25, with the support of Representatives Newt Gingrich (R-GA), Joe Barton (R-TX), Jim Inhofe (R-OK), and Fred Upton (R-MI). When signing the bill into law, President Bush said: “By employing a system that generates the most environmental protection for every dollar spent, the trading system lays the groundwork for a new era of smarter government regulation, one that is more compatible with economic growth than using only the command and control approaches of the past.” President George W. Bush then included a cap-and-trade mechanism in his “Clear Skies” bill, which would have amended the Clean Air Act. Recalling the success of his father’s legislation, he said: “The 1990 Clean Air Act Amendments have significantly reduced air pollution, especially through the innovative ‘cap-and-trade’ acid rain control program. . . . [It] has been a resounding success, cutting annual sulfur dioxide emissions in the first phase by 50 percent below allowed levels. Emissions were reduced faster than required, and at far less cost.” Although the Clear Skies legislation did not become law, his Administration did use the administrative process to promulgate, with utility and environmental organization support, its Clean Air Interstate Rule, which was designed to address the “downwind” pollution that crosses interstate boundaries and results in certain states becoming out of compliance with National Ambient Air Quality Standards.

In the broadest terms, the Obama Administration under the continued leadership of EPA Administrator Lisa Jackson will continue much of its environmental agenda, the focus of which will be on reducing the intensity of GHG emissions, improving water quality and infrastructure, mitigating environmental impacts from biofuels production and electronic waste, and continuing to

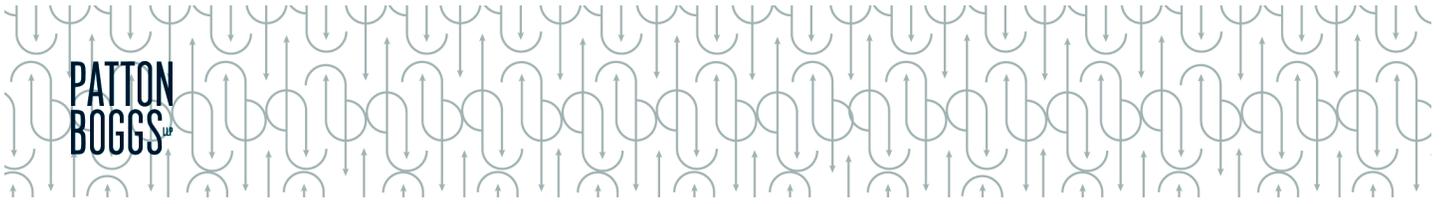


use sustainability as a key metric in its policy planning and analysis. Thus, for example, we expect the Administration to finalize its GHG emissions rules for new and future power plants and refineries, as well as continue to defend air regulations (*e.g.*, the Cross State Air Pollution Rule), and potentially to revise rules designed to reduce emissions of criteria pollutants (*e.g.*, the Mercury Air Toxics Rule) or delay implementation where appropriate (*e.g.*, Boiler MACT). There also may be new rules issued to cover methane emissions from oil and gas production operations. Notwithstanding continued opposition and legal challenges, we ultimately expect the Administration to prevail given the likelihood of the courts deferring to the Administration. Beyond that, opponents cannot reasonably expect to successfully challenge final rules under the Congressional Review Act. All of this should set the stage for the 113th Congress and the President to find common ground and make structural changes to improve upon the Clean Air Act for the 21st Century.

One issue likely to garner much more attention will be hydraulic fracturing. In the next few years, we continue to anticipate that the bulk of hydraulic fracturing legislative and regulatory issues will arise at the state level rather than in Washington, DC. With concerns growing about whether water shortages are being exacerbated by the volume of water consumed in hydraulic fracturing operations, the industry faces additional regulatory and legislative risks at the state level that go beyond chemical disclosure. In addition, twelve states have already proposed or are implementing new oil and gas tax or fee production policies to help close state budget gaps and incentivize energy development in sometimes hesitant communities. The industry is likely to continue to face increased taxes and fees as states continue to look for ways to address the infrastructure costs of large-scale energy development, including road repair in particular.

With the support of the industry, bills were introduced in the 112th Congress in both the Senate and the House to confirm that states have the sole authority to regulate hydraulic fracturing operations on federal lands within their borders. The so-called FRESH Act (Fracturing Regulations are Effective in State Hands Act) will not become law in the lame duck session. Similarly, we do not anticipate any legislative action by Congress on the FRAC Act. Barring some fundamental galvanizing event, we doubt either bill will go anywhere next year either. In the near term, to the extent the federal government has any direct impact on hydraulic operations, it will be driven by regulatory action and potentially oversight hearings in the House.

Late last year, EPA finally released its “study plan” for the major study Congress asked it to undertake in 2009. EPA is evaluating the full life-cycle of water used in hydraulic fracturing



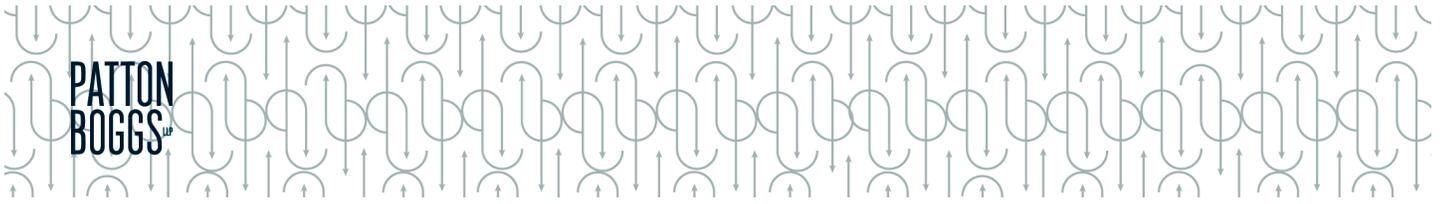
operations, from water acquisition through to the mixing of chemicals to conducting fracturing and post-fracturing activities, including the management, treatment, and disposal of flow-back water. Initial research results and study findings are projected to be released to the public later this year; the final report will not be issued until at least 2014. Until the final report is issued, we do not expect any federal legislation to emerge that could clear the House and the Senate.

Separately, the Department of Interior through the Bureau of Land Management has been engaged in a lengthy rulemaking to govern hydraulic fracturing operations on federal and tribal lands. Public comments were accepted by BLM through September 10 in order “to facilitate greater input from the public and key stakeholders, including industry and public health groups.” Some tribal leaders and Wyoming Governor Matt Mead (R) had questioned BLM’s procedural transparency and policy substance, the latter noting his concern that “the proposed rules will duplicate and possibly be sequential to Wyoming’s rules.”

The rule includes requirements that companies disclose non-proprietary chemicals used in hydraulic fracturing activities, implement new well design standards, and require new safety certification standards—including a requirement that producers “certify” that they are not endangering local water supplies through their hydraulic fracturing operations. The rule “would require operators to certify in writing that they have complied with all applicable Federal, tribal, state, and local laws, rules, and regulations pertaining to proposed stimulation fluids” and would further “require the operator to certify that it has complied with all necessary permit and notice requirements.”

The Administration also will continue to implement its final rule raising corporate average fuel economy standards for cars and light-duty trucks to 54.5 miles per gallon by model year 2025. While this accomplishment was met with differing industry reaction, it was cheered by environmentalists and other clean-air advocates many of whom are still smoldering over the earlier demise of comprehensive climate legislation. Alternative fuel vehicle manufacturers from electric to natural gas also reacted positively to the rule as it allows auto manufacturers to achieve compliance with the fleet averages with the use of these new types of vehicles. That said, at least two, if not three, future Administrations will have the opportunity repurpose, tweak, or alter the program based upon what the consumer market may demand or what the boundaries of technology may afford.

We also expect the Administration to urge the 113th Congress to address what most stakeholders concede are lingering problems and challenges facing the federal Renewable Fuels Standard program

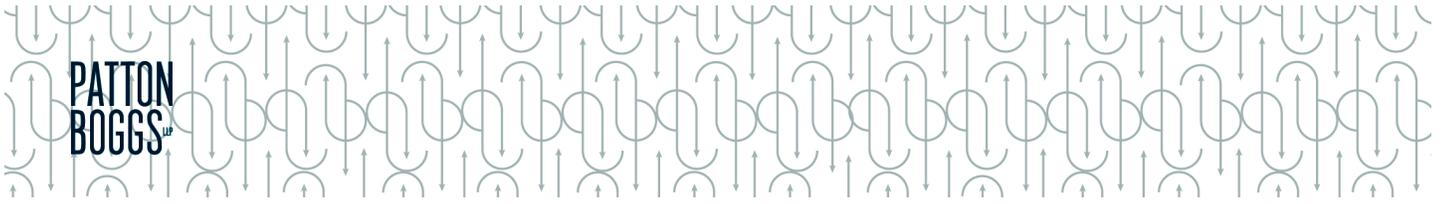


(RFS). The program was initially authorized in 2005 and subsequently amended in 2007. The EPA is firmly in the driver’s seat even as it has come under intense criticism over program management (*e.g.*, over RIN credits and fraud in the marketplace), which it will need to address. Along with stakeholders, the agency also will continue to examine the program’s commercial viability without further changes to the underlying law, such as to address concerns with next generation feedstocks of non-corn based fuels (*i.e.*, advanced biofuels), feedstock sustainability, and commodity market volatility. Finally, the outcome of pending federal litigation over California’s Low Carbon Fuel Standard and the way in which California regulators complete a life-cycle analysis of qualifying low-carbon fuels will have an impact on policy decisions at the EPA and on Capitol Hill.

Regarding water quality and water infrastructure, the EPA will focus a considerable amount of time on the challenges faced by private and public water systems, which in some areas of the country are under tremendous stress. Some have advocated that the landmark statute governing the nation’s water policy--the Clean Water Act--needs to be updated to reflect changes in the nation’s water infrastructure, land-use planning, and “point” sources of water pollution that the Act did not contemplate forty years ago. In addition, the EPA will continue working with state and local governments, as well as the private sector, on the use and application of “green infrastructure” to address storm water management and other sustainability initiatives.

With regard to federal lands and management issues, the EPA along with the Departments of Interior and Energy will continue to attempt to coordinate policy making and initiatives to advance the Obama Administration’s goal of developing the nation’s natural resources in a sustainable manner. We anticipate the continued leasing of land, both on and off shore, for oil and gas development, but with an emphasis on developing renewable sources and critical rare earth minerals and metals as well. Because permitting delays and National Environmental Policy Act (NEPA) and Endangered Species Act compliance issues have been obstacles not only for critical minerals, rare earth mining and the offshore oil industry, but also for transportation, housing construction, interstate high voltage electric transmission lines, and renewable energy projects, we anticipate additional attention from the Administration and the 113th Congress.

Where development meets the Administration’s goals and where there is a comprehensive stakeholder process, we expected permitting will be expedited. Two recent examples point the way: (1) The Department of the Interior’s promulgation of a final Programmatic EIS for Southwest solar development on federal land covering 285,000 acres across six states, with another 19 million acres



of “variance” areas that can be developed with certain restrictions; and (2) the Bureau of Ocean Management’s first commercial lease for offshore wind development in the Atlantic Ocean under its “Smart from the Start Program.”

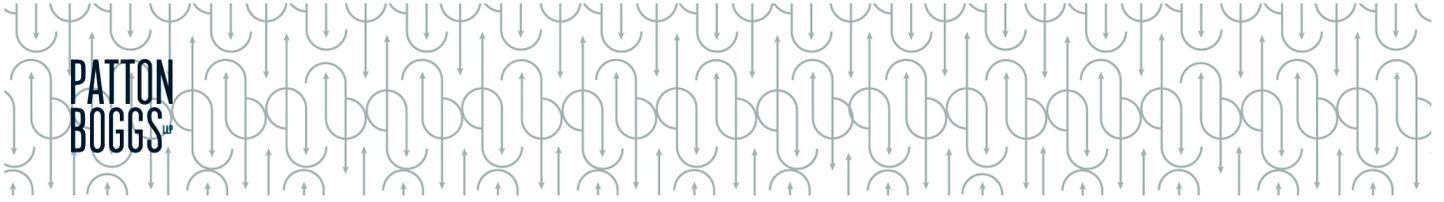
Finally, we anticipate continued oversight on Capitol Hill, led principally by the House. The House Energy and Commerce, Energy and Power Subcommittee, for example, intends to hold hearings on a number of items, including the level of cooperation (or lack thereof) between state air regulators and the EPA, as it continues to build a record for potential statutory changes to the Clean Air Act. The House Natural Resources Committee also will continue examining Administration policies as part of an ongoing effort to advance legislation that would amend the laws that govern federal land use and management.

Anticipated Committee Developments

Senate Energy and Natural Resources Committee. With Senator Jeff Bingaman (D-NM) having retired, Senator Ron Wyden (D-OR) will chair the Energy and Natural Resources Committee. This will be the first time since 1994 that a Senator from a state other than New Mexico or Alaska will head the committee. Senator Lisa Murkowski (R-AK)—whose father chaired the committee beginning in 1995—will continue as Ranking Member.

Senate Environment and Public Works Committee. We anticipate that Senator Barbara Boxer (D-CA) will continue as Chairman and Senator David Vitter (R-LA) will become the new Ranking Member as Senator Jim Inhofe (R-OK) is expected to become Ranking Member of the Senate Armed Services Committee. As in the House, other committees may attempt to assert their jurisdiction over energy legislation, most notably the Finance Committee, but the debate will be driven by the Energy and Natural Resources Committee.

House Committees. Many committees have jurisdiction over various aspects of energy legislation, including the Energy and Commerce Committee, the Natural Resources Committee, and the Ways and Means Committee. Representative Fred Upton (R-MI) will continue to serve as Chairman of the Energy and Commerce Committee. Representative Henry Waxman (D-CA) is expected to serve as Ranking Member. Representative Doc Hastings (R-WA) will continue to serve as Chairman of the Natural Resources Committee (unless he becomes the Chairman of the Rules Committee), with Representative Ed Markey (D-MA) staying on as Ranking Member. Finally, Representative Dave



Camp (R-MI) will continue to serve as Chairman of the Ways and Means Committee, and Representative Sander Levin (D-MI) continuing in his position as Ranking Member.

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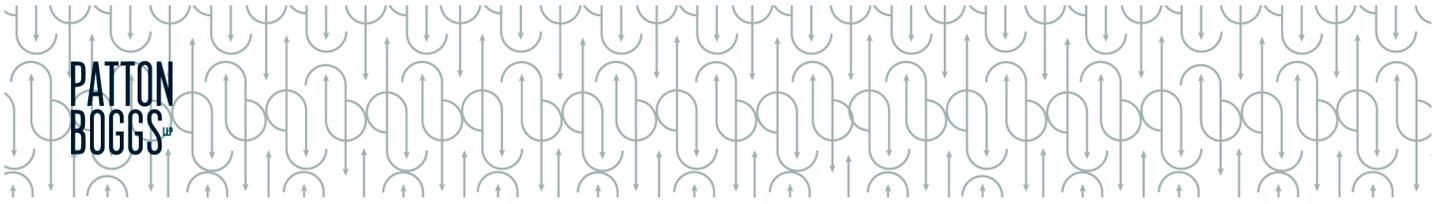
FINANCIAL SERVICES

Major Issues

Two years after the passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), regulatory agencies such as the Commodity Futures Trading Commission (CFTC) and the Securities and Exchange Commission (SEC) continue working steadily to implement financial services reform in the United States. Of the nearly 400 rules required under the Dodd-Frank Act, only about one-third have been finalized, with the rest not yet finalized or not yet proposed. With growing criticism over the international implications of the law, the delayed rulemaking process, and potentially burdensome regulations, the 113th Congress will face important questions regarding whether to make technical, or even substantial, amendments to the law.

During the 113th Congress, we expect financial services legislative activity to focus on continuing oversight of the regulatory process arising out of the Dodd-Frank Act to ensure that regulators stay within the “intent” of the Congress. In the regulatory space, a recently successful judicial challenge to a CFTC position limits rule may cause regulatory agencies to prolong implementation of the Dodd-Frank Act, as they seek to avoid promulgating rules that will not withstand judicial scrutiny.

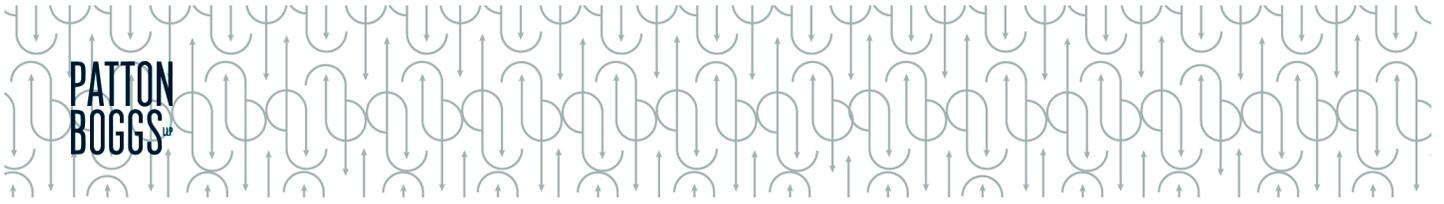
Given the narrow control of the House and the Senate, it is unlikely that the 113th Congress will modify substantially or repeal the Dodd-Frank Act. Instead, we believe that legislative changes will focus on technical corrections where there was a clear error or in areas where the new Congress believes regulators require a clearer statement of congressional intent. Nonetheless, House



Republicans will continue pushing for substantive changes to the law and may attempt to use the CFTC reauthorization as a vehicle to make them. This will make for a contentious reauthorization process in an already divided Congress. Further, the Obama Administration can be expected to strongly resist substantive changes to the Dodd-Frank Act.

In 2013, there will be continued criticism over the regulatory agencies' funding and the importance of addressing housing finance reform. Indeed, both the Democratic Senate and the Republican House of Representatives can be expected to put forth proposals to address the reform of government-sponsored enterprises (GSEs) and the privatization of the housing market. Of note, passage of comprehensive housing finance reform will require bipartisanship and compromise, which will not be an easy feat to achieve in the 113th Congress. This could empower the Federal Housing Finance Administration (FHFA), the conservator of Freddie Mac and Fannie Mae, to play an even more direct role in the reformulation of those GSEs while the legislative process sputters, as evidenced by the recent Securitization Platform White Paper released by FHFA. An important Presidential appointment to watch will be the Director of the FHFA. This position has been held on an Acting basis by the previous Deputy Director, Edward DeMarco. The Democratic margin in the Senate is not significant enough to make it easier to confirm a permanent head of FHFA, but there nonetheless will be pressure on the Administration to fill the position and take control of these issues for the President.

Regulatory agencies will remain focused on implementation of the Dodd-Frank Act in 2013 and newly created agencies such as the Consumer Financial Protection Bureau (CFPB) and the Financial Stability Oversight Council (FSOC) will play important roles in regulating the financial services industry. The CFPB, the establishment of which was broadly opposed by Republicans, will increase its role of protecting consumers as it begins to finalize key rules such as those governing mortgage servicing standards, the qualified mortgage definition, credit insurance financing, and the treatment of larger participants in certain consumer financial products markets. The FSOC will make its initial designations of non-bank companies to be considered systemically important financial institutions (SIFIs) subject to enhanced prudential standards. Similarly, the CFTC and SEC will begin the implementation phase for various rules and will have to address difficult industry questions on issues such as the impact of the new regulatory regime for over-the-counter derivatives on end users, the registration of swap and security-based swap dealers and major swap and security-based swap participants, and various clearing, execution, recordkeeping and reporting requirements. Other agencies including the Federal Reserve, the Federal Deposit Insurance Corporation, and the Office



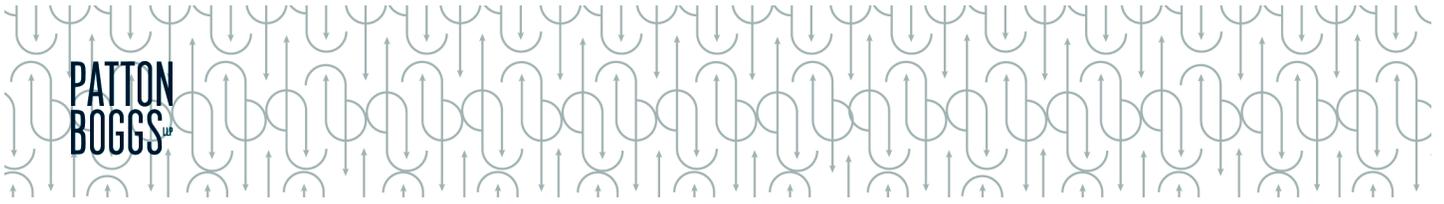
of the Comptroller of the Currency will continue interpreting numerous other Dodd-Frank Act provisions including those focused on enhanced prudential standards for SIFIs, orderly liquidation authority, and the U.S. implementation of international capital requirements for banks.

President Obama will likely have several SEC and CFTC Commissioner positions to fill, including potentially the two chair positions. SEC Chairman Mary Schapiro's term expires in June 2014, although press reports indicate she will resign with President Obama's re-election. Similarly, Commissioner Elisse Walter's term expired in June 2012 and, according to press reports, she is likely to leave the Commission as well. At the CFTC, Chairman Gary Gensler can continue serving until the end of 2013 despite his term having already expired. It remains unclear whether Chairman Gensler will seek another term (requiring Senate confirmation) or vacate his position. Commissioners Bart Chilton, a Democrat, and Jill Sommers, a Republican, have positions expiring in 2013 and 2014, respectively. While new appointments in the SEC and the CFTC will not change the political balance on the Commissions as the President selects the fifth member to each Commission, new members typically change the culture, tone, and chemistry of these independent regulatory bodies.

Another major appointment that will surely influence financial markets and financial services regulation is that of the Secretary of the Treasury. Secretary Timothy Geithner is widely expected to step down, leaving that crucial position to be filled, with rumors of potential appointees including former Clinton White House Chief of Staff Erskine Bowles, Current White House Chief of Staff Jacob Lew, Evercore CEO and Former Deputy Treasury Secretary Roger Altman, or BlackRock CEO Larry Fink. The Administration may also move to approve other pending financial regulatory agency nominations, including that of Federal Deposit Insurance Corporation Acting Chairman Martin Gruenberg, whose nomination has been pending since June 2011.

Forecast for the 113th Congress

Financial Regulatory Reform Agency Implementation. The CFTC began implementation of various Dodd-Frank rulemakings on October 12, prior to the elections. This implementation date came after dozens of open meetings, proposed rules, and industry comment letters, all of which are expected to continue in 2013. During the 113th Congress, we can expect the House Republican majority to continue promoting an implementation strategy for financial regulatory reform rulemaking that follows the principles of (1) individual choice over government supervision and (2)



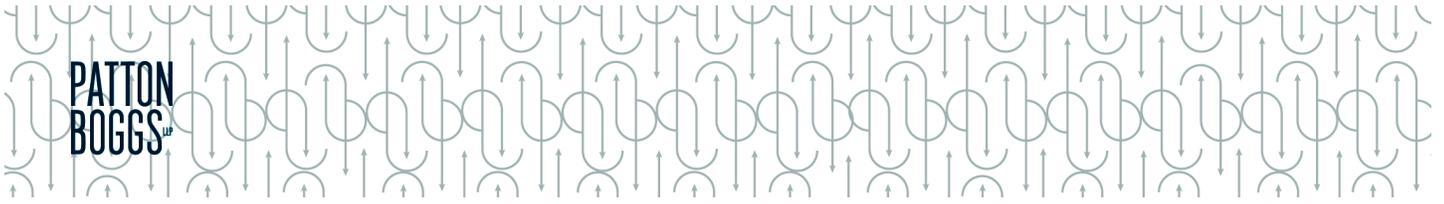
private-sector solutions over a “government only” approach. This can be expected to come into conflict with the perspective of the Obama Administration and the heads of the principal regulatory agencies involved in Dodd-Frank Act rulemaking.

In 2013, the CFTC will address the position limits rulemaking and will finalize rules related to the operation of swap execution facilities and the international application of the new swap regulatory regime. Further, the CFTC must continue its work in designating swaps subject to mandatory clearing and trade execution, registering and regulating swap dealers and major swap participants, and implementing the reporting requirements for swap transaction data. Moreover, following the collapse of MF Global and Peregrine, the CFTC will take on new rulemakings to bolster customer protection requirements. The CFTC will also increase its scrutiny over high frequency trading activity, including a forthcoming concept release on this matter.

Financial Regulatory Reform Technical Corrections. During the 113th Congress, we expect to see Republicans and Democrats in the House pursuing technical corrections to the law, as identified by the industry and relevant regulators. In any lengthy piece of legislation such as the Dodd-Frank Act, technical errors, omissions or other mistakes are bound to occur, and thus need to be corrected with subsequent legislation. Such an effort could be a platform for discussions about total or partial “repeal” of the Dodd-Frank Act. However, there is some speculation that Republicans, including House Agriculture Committee Chairman Frank Lucas (R-OK), will be reluctant to address technical corrections if Democrats, including Senate Agriculture Committee Chairman Debbie Stabenow (D-MI), are unwilling to consider actual substantive changes to the law.

In any event, any changes that come out of the split chambers of Congress will remain focused on slight modifications to the legislation, as opposed to repealing it. Even technical changes will be tough to achieve. The inability to legislate modifications to the Dodd-Frank Act and the expectation that regulators in a second Obama Administration could continue on a path of a more aggressive approach to Dodd-Frank implementation could lead to further legal challenges to the rulemaking process.

Housing Finance Reform. Government-sponsored enterprises were not addressed in the Dodd-Frank Act. As noted above, the 113th Congress is expected to attempt to deal with issues related to GSEs reform and the housing finance market in general. The FHFA and the Department of Housing and Urban Development have also begun dedicating significant resources to the reform

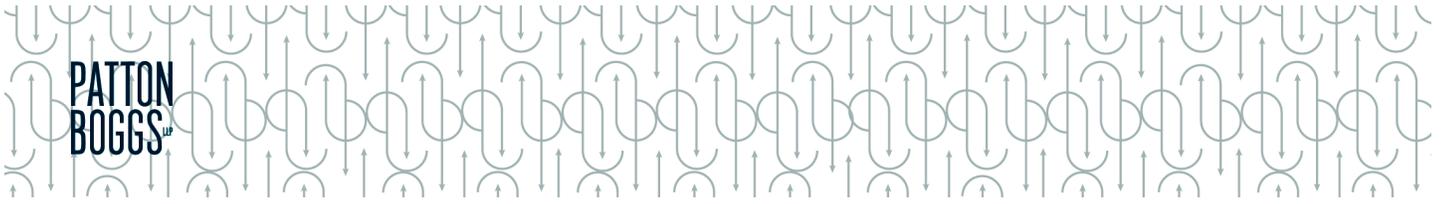


effort in 2013, as demonstrated by the FHFA’s recently released white paper on a new securitization platform and rumors regarding an Administration-supported “HARP 3.0” to increase access to refinancing for homeowners. Congress may consider a legislative proposal referred to as a legislative “HARP 3.0” authored by Senators Menendez and Barbara Boxer that would provide immediate refinancing relief to qualifying homeowners during the lame duck session.

Insurance Reform. Almost a year after missing the Dodd-Frank mandated deadline of January 2012, the Federal Insurance Office (FIO) has not released a report to Congress on how to modernize the regulation of the insurance industry. After this report is submitted, Congress will likely address insurance reform in proposed legislation. The FIO report is expected to consider systemic risk regulation, capital standards, and the relationship between capital allocations and liabilities. The report will also look at consumer protection and gaps between States, the degree of national uniformity of State insurance regulation, and the regulation of insurance companies and affiliates on a consolidated basis. Finally, the report will study the international coordination of insurance regulation and the impact of foreign insurance laws on potential federal regulation. Although the FIO Director, Michael McRaith, has engaged in dialogue with E.U. insurance regulators as recently as October 2012, there is still no estimated timeline for the release of the FIO report.

Consumer Financial Protection Bureau. This agency, created under the Dodd-Frank Act, was one of the most controversial developments during the legislative process. Director Richard Cordray was a recess appointment by President Obama and is allowed to serve as a recess appointee until the end of 2013, unless his nomination is confirmed by the Senate for the full five-year term. During the 113th Congress, Republicans in the House and Senate will continue to be critical of the CFPB and Director Cordray.

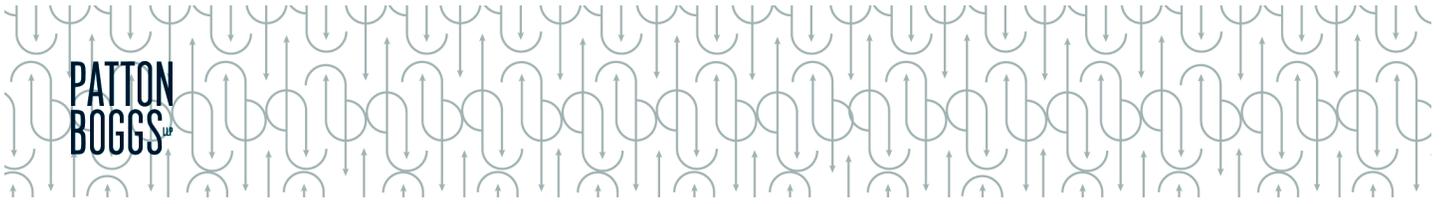
Financial Stability Oversight Council. The Dodd-Frank Act established the FSOC to identify and monitor excessive risks by financial institutions, including SIFIs and systemically important Financial Market Utilities (FMUs). The FSOC consists of ten voting members, including an independent insurance expert, and five non-voting members. Of the ten voting members, four are from agencies where a change in leadership is expected (Secretary of the Treasury, SEC Chairman, CFTC Chairman, and Director of the FHFA). Roy Woodall, the independent insurance expert with voting power, was confirmed in 2011 to serve a six-year term as an FSOC member.



Anticipated Committee Developments

House Financial Services Committee. The committee will face significant changes in the 113th Congress, with Chairman Spencer Bachus (R-AL) reaching his six-year term limit and Ranking Member Barney Frank (D-MA) retiring. Representative Jeb Hensarling (R-TX) is expected to become the next Chairman and Representative Maxine Waters (D-CA) is expected to take Representative Frank's role as Ranking Member and the new chief Democratic defender of the Dodd-Frank Act. With both leaders already invested in housing finance reform—Representative Hensarling introduced an ambitious GSE reform bill in 2012 and Representative Waters was the outspoken Ranking Member of the Subcommittee on Capital Markets and GSEs—the committee will hold numerous hearings on housing reform and will look at ways to address the need to decrease the role of GSEs in the housing market. The Committee is also expected to continue hearing from market participants about issues related to market structure and high frequency trading, setting the stage for potential future legislative action on the topic. The committee will see some changes in membership as Republican Committee Members Judy Biggert (R-IL) (current Chair of the Subcommittee on Insurance, Housing, and Community Opportunity), Francisco Canseco (R-TX), Robert Dold (R-IL), Frank Guinta (R-NH), and Nan Hayworth (R-NY) were all defeated in their races.

Senate Banking, Housing, and Urban Affairs Committee. Current Chairman Tim Johnson (D-SD) will continue his leadership of the committee. Ranking Member Richard Shelby (R-AL), who will step down as Ranking Member due to caucus term limits, is expected to be replaced by the committee's second highest ranking Republican, Senator Mike Crapo (R-ID). With neither party having a sixty vote majority for a filibuster-proof Senate, we expect slow progress on all issues. However, Chairman Johnson and Ranking Member Crapo can be expected to attempt to explore where there is common ground, particularly on a Dodd-Frank Act technical corrections bill and housing finance reform. This potential collaboration could give the Senate leverage in negotiating deals regarding changes to the Dodd-Frank Act coming out of the Republican-controlled House of Representatives. The committee will see at least two new Members on the Democratic side, with the retirements of Senator Herb Kohl (D-WI) and Senator Daniel Akaka (D-HI). Senator Chris Coons (D-DE) and Senator-elect Elizabeth Warren (D-MA), who defeated incumbent Republican Scott Brown, are most likely to be appointed to the Committee.



The Senate and House Agriculture Committees will continue playing a significant role in the implementation of the Dodd-Frank Act, as these committees oversee the CFTC and were central to the debate on regulating over-the-counter derivatives markets. For a further discussion of the Senate and House Agriculture Committees and the 113th Congress, please see the Agriculture Policy portion of our analysis.

Contact Information

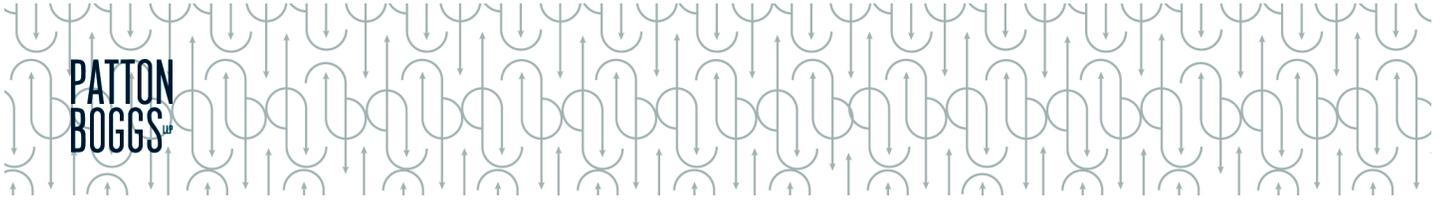
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FOREIGN DIRECT INVESTMENT IN THE UNITED STATES

Major Issues

When it comes to inward Foreign Direct Investment (FDI), the best that can be said about the election is that it is over. Manifestations of xenophobia inevitably appear during political campaigns. In the mid-1980s, Japanese exports were the source of much political rhetoric. This year was no exception, as Chinese trade and investments in the United States dominated much of the trade rhetoric. When the rhetoric is scrubbed away, there was very little daylight between the Obama and Romney campaigns when it came to FDI—both wanted more and both were light on details about what they would do to encourage it.

On the campaign trail, President Obama did not talk about the Committee on Foreign Investment in the United States (CFIUS), but he did block a proposed Chinese-controlled wind farm investment—the first President to use that power in decades. In addition, he expressed concern over Chinese companies “stealing” U.S. intellectual property and his Administration emphasized the risks of Chinese cyber-espionage. We can expect the Obama Administration will continue to use CFIUS as a useful tool to send a message that Chinese companies may be an unwelcome investor in security-sensitive areas. Notwithstanding those concerns, President Obama will be looking to deliver on his promise of accelerated job growth and will likely look to broadly welcome Chinese and other foreign investment in other sectors.



Forecast for the 113th Congress

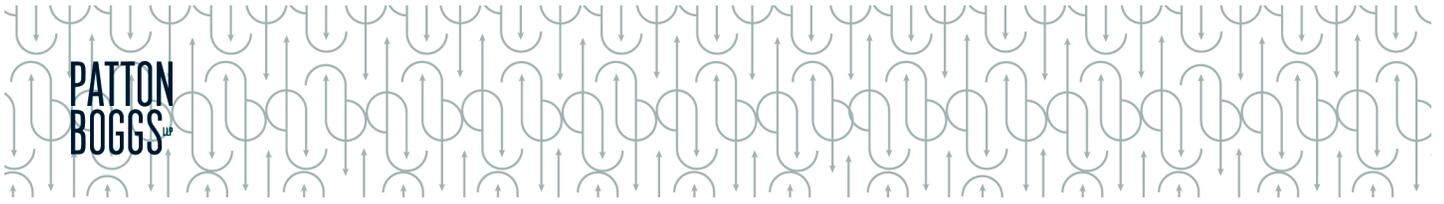
The Global Investment in American Jobs Act of 2012 was one of the few broadly supported, bi-partisan bills that was approved by the 112th Congress and then signed into law. The legislation got such support in part because it contains grand rhetoric on the need for more foreign investment to create American jobs. But it actually does nothing beyond calling for a report on incentives and disincentives to foreign investment. The report is due to Congress on May 7, 2013, and could set the tone for debate over FDI in the next Congress.

There appears to be growing sentiment in Congress to expand the jurisdiction of CFIUS. In an October 8, 2012 bi-partisan report, the House Intelligence Committee set out what it perceived to be national security risks posed by two Chinese telecommunications companies: Huawei and ZTE. The committee strongly recommended that U.S. government and government contractor systems, “particularly sensitive systems, should not include Huawei or ZTE equipment, including component parts.” It further stated that “the Committee on Foreign Investment in the United States (CFIUS) must block acquisitions, takeovers, or mergers involving Huawei and ZTE given the threat to U.S. national security interests.” Moreover, “U.S. network providers and systems developers are strongly encouraged to seek other vendors for their projects.” Of greatest significance, it called for legislation to authorize CFIUS to review purchasing agreements. If enacted, this would give CFIUS vastly greater powers to intervene in international transactions, far beyond the business acquisition deals it reviews today.

Whether the Obama Administration will welcome such an expansion is questionable. A week after the Intelligence Committee report, the White House issued its own report finding that there was no evidence that Huawei and ZTE were being misused by the Chinese government. We expect the Administration to continue to say that it broadly welcomes Chinese and other foreign investment while continuing to express concern over cyber security.

Contact Information

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FOOD AND DRUG POLICY

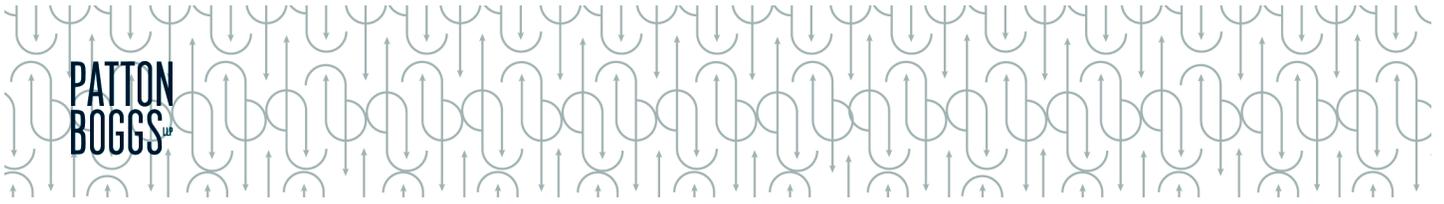
Major Issues

With the re-election of President Obama, the broad-based coalition of FDA stakeholders that lobby for FDA funding can breathe a little more easily. In spite of budgetary constraints, President Obama has been unusually protective of the budget for the Food and Drug Administration.

For more than fifty years, Congress has routinely expanded the authority and responsibility of the FDA without providing additional resources to meet new challenges, and then watched as FDA's implementation of these new authorities has often faltered, only to repeat the pattern again and again. More recently, programs at FDA that involve a pre-market approval system (new and generic drug approval for human and animal use; medical device review; tobacco; and biosimilars) have increasingly been funded through a series of user fee acts ("UFAs") that materially supplement appropriated funds. Each of these UFAs predicates collection and payment of the user fee on Congress maintaining a pre-determined amount of funding in order that the user fees paid supplement appropriated funding as opposed to replacing it. These UFAs are generally credited with providing FDA something approximating sufficient funds to make a good-faith stab at meeting its varied statutory responsibilities, especially the performance goals for the user fee-funded programs and activities.

An unintended effect of reliance on UFAs is that important FDA programs that do not have significant user fee elements (food safety, for example) are disproportionately at risk in times of resource constraints. Failure to fund user fee activities at FDA at the level that triggers the payment of the user fee would have a cascading effect and thus, at least so far, Congress has always found enough money to trigger the user fees. Next year may well put that resolve to the test. The President's re-election is likely to provide a backstop against House-led efforts to cut back on funding for FDA.

The re-election of President Obama also means that the unprecedented backlog of regulatory activity--proposals and final regulations--that, among other things, has impeded FDA implementation of the Food Safety Modernization Act, which President Obama signed on January 4, 2011, will be over. Next year could bring a veritable flood of FDA regulatory activity across virtually all of FDA's regulated products as implementation of the recently-enacted UFAs along with



the food safety and tobacco laws provide FDA with plenty of opportunity to fill the Federal Register with rulemakings.

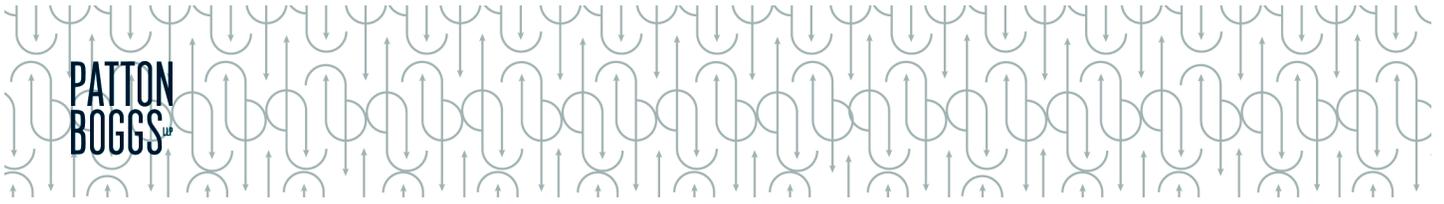
As is often the case with FDA, a crisis--in this instance involving compounded drugs produced in large quantities that were supposed to be sterile but which were anything but--will certainly produce multiple congressional hearings and may well yield yet another new piece of statutory authority for FDA. Congress will doubtless look to lay blame somewhere other than its doorstep (a 1997 effort by Congress to enhance FDA's authority over pharmacy compounding was eviscerated by a 2002 Supreme Court decision, a decision that left a cloud over FDA's authority and which arguably contributed to the recent pharmacy compounding mess). Congress will not find it easy to strike a correct and useful balance between FDA authority and responsibility and that of state boards of pharmacy, while preserving the important role that compounding pharmacies play in making specially formulated drugs available for patients who legitimately need them.

Finally, no one should be surprised if President Obama seeks broad authority to reorganize the federal food safety effort, now spread over several agencies, into a single entity, using "government efficiency" and the need to ensure a safe food supply as the rationales.

Forecast for the 113th Congress

With a divided Congress, schizophrenic oversight is likely to continue to be the norm for FDA. The House oversight effort led by Representative Darrell Issa (R-CA) will look for oversight opportunities that seek to highlight FDA shortcomings. Senate-initiated oversight, in contrast, will focus on shortcomings in FDA's authority (and, perhaps resources) and the need to enhance FDA's tools to police an increasing global supply.

Congressional attention to the risks of an increasingly global supply chain is probable. In the food safety legislation that was enacted in early 2011, Congress imposed on U.S. importers an obligation to ensure that the food products that they import are likely to meet U.S. standards (so-called "foreign supplier verification"). No one knows whether this new concept will work as its implementation has been slowed by the holdup in getting regulatory proposals cleared through OMB. Nevertheless, the 113th Congress will continue to look for ways to impose U.S. standards on imported products, especially those pharmaceutical and food ingredients that originate in China.



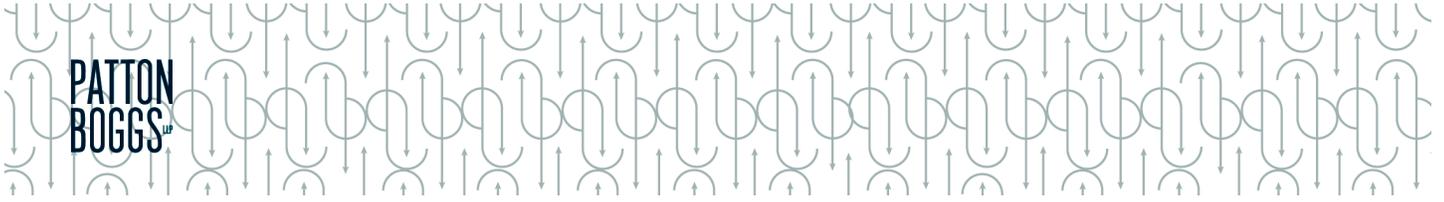
Industry and FDA increasingly share a concern about counterfeit products and foreign supply integrity. FDA product safety concerns meet China trade issues at this particular intersection.

To the extent that President Obama (and the First Lady) refresh their nutrition/obesity/healthy eating agenda in a second term, the food industry is likely to continue to turn to the House for support in warding off the notion that food companies, as opposed to individuals, play a leading role in the obesity epidemic. Oversight and funding battles are likely on those issues.

In the 113th Congress, consideration of “track and trace” legislation for pharmaceuticals (and perhaps other FDA-regulated products) is likely. This issue received considerable attention during consideration of the UFAs in the last Congress, but consensus on an approach proved elusive. As globalization of the supply chain continues without pause, congressional interest in giving FDA the ability to know where something came from and what route it traveled will continue to grow. The regulated industry is understandably wary of the cost and related burdens of those requirements, but we are probably only a crisis or two away from a mandate at the federal level, especially as state level requirements are adopted (including a 2015 California imposed deadline). It is generally thought that both the branded and generic drug industries will support a uniform national standard if differing state requirements are pre-empted.

Scrutiny of the dietary supplement industry and of FDA’s authority to regulate it is likely. There is a wide divide in the Congress between those who think that dietary supplements have been given a pass on regulation and those who are ever watchful over FDA’s efforts to assert authority over the industry. Powerful Senators (Senator Dick Durbin D-IL) on the one hand and Senators Orrin Hatch (R-UT) and Tom Harkin (D-IA) on the other) hold widely divergent views over supplements and FDA authority. A potential initial battleground involving supplements may be energy drinks, a growing category in the beverage industry with some major players marketing their products as supplements. FDA is being urged to rein this in and seems inclined to do so to a point. Congressional attention in multiple directions is probable.

Finally, there is increased likelihood of enhanced collaboration between FDA and CMS on drug efficacy and pricing, especially for new products.



Anticipated Committee Developments

House Energy and Commerce Committee. Representatives Fred Upton (R-MI) and Henry Waxman (D-CA) will continue to serve as Chair and Ranking Member, respectively. Representatives John Dingell (D-MI) and Ed Markey (D-MA) will continue as active Members of the Committee on FDA issues.

House Appropriations Committee. Representatives Jack Kingston (R-GA) and Sam Farr (D-CA) will continue as Chair and Ranking Member of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee. Representative Rosa DeLauro (D-CT) will continue as an active member of the Subcommittee.

Senate Health, Education, Labor, and Pensions (HELP) Committee. Senator Tom Harkin (D-IA) will continue as Chairman. Senator Michael Enzi (R-WY) has run up against a deadline as Ranking Member. Senator Lamar Alexander (R-TN), who is next in seniority, is in line for the Ranking Member position.

Senate Appropriations Committee. The retirement of Senator Herb Kohl (D-WI) leaves an opening in the chairmanship of the subcommittee that handles FDA appropriations. Senator Roy Blunt (R-MO) is likely to remain as Ranking Member.

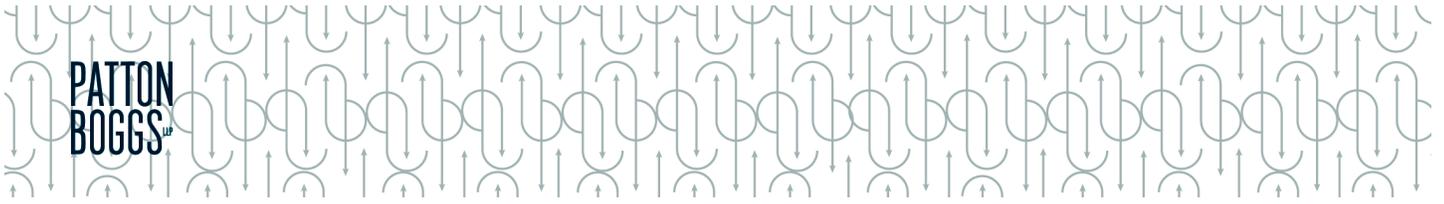
Contact Information

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GOVERNMENT CONTRACTS

Major Issues

The general tension between pro-labor and pro-business agendas has a significant impact on federal procurement policy and oversight. The Obama Administration in its first term succeeded in implementing many pro-labor procurement policies, through ARRA and otherwise. This included a substantial in-sourcing effort that took tens of thousands of jobs off contractor payrolls and moved



them into government, expansion of Davis Bacon and other prevailing wage requirements, increased whistleblower protections, and more assertive enforcement against contractors who violate labor laws. These and related efforts will remain priorities in President Obama's second term. In particular, the Administration will continue to push to cap compensation of government contractor executives and potentially other employees. The Administration will also continue to attempt to place additional constraints on contractors' ability to participate in political activity.

In the past two Congressional sessions there have been numerous proposals to expand the application of government-wide suspension and debarment. This includes provisions enacted in the 2011 National Defense Authorization Act (NDAA) which make imposition of suspension and debarment an automatic requirement with respect to companies which have been found in violation of criminal and certain civil and administrative laws. While vigorously opposed by industry and many professionals, additional proposals in this vein continue to be introduced and we expect this trend to extend into the next Congress. Senator Claire McCaskill (D-MO) has been a strong proponent of these measures and her re-election likely means added emphasis behind such proposals. There may be some resistance to these measures in the House, but these proposals have a populist appeal which may make it difficult for a Republican majority to hold its ranks in opposition to them.

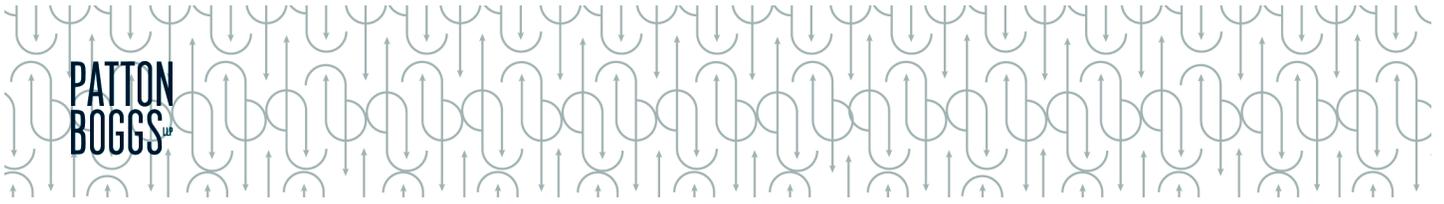
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HEALTH CARE

Major Issues

With President Obama's re-election, the Patient Protection and Affordable Care Act (ACA), his signature first-term achievement, has survived another threat of repeal or serious modification, and implementation of the largest expansion of the health care safety net will proceed. The health care policy agenda in the upcoming year will again focus on the continued implementation of the ACA with deadlines for major elements of the law quickly approaching. States have held off making decisions regarding the development of health insurance exchanges, Medicaid expansion, benchmark plans and participation in demonstration projects until after the election, so time is now of the

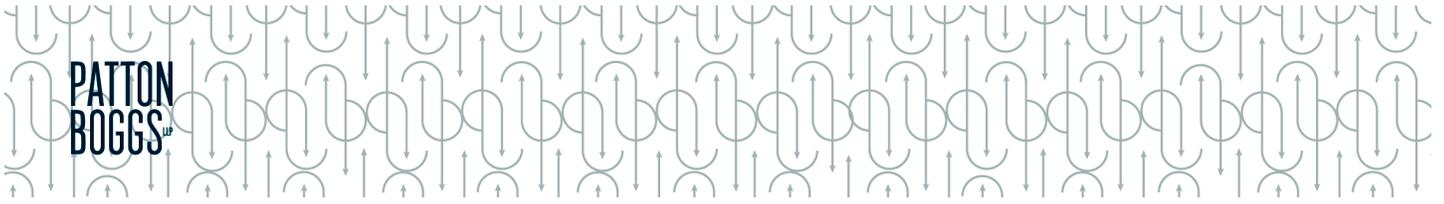


essence. While implementation delays remain a serious possibility, the Administration will be working furiously to release necessary guidance to encourage states' participation and compliance.

First, however, Congress must address key health care policy issues facing the lame duck session, notably staving off an anticipated twenty-seven percent cut to Medicare payments to physicians, as well as a sizeable package of Medicare extenders. The projected cost of a one-year "doc fix" alone comes in at roughly \$18.5 billion, but Members on both sides of the aisle have publicly reported their optimism in reaching a deal. Offsets will mostly come from the Medicare program, and could include reductions to a number of hospital payments (outpatient evaluation and management services payment cuts, reductions to graduate medical education programs, etc.) health reform subsidy recoupment, and Prevention Fund cuts, as well as potential savings from Overseas Contingency Operations (OCO). Medicare extenders will be viewed with increased scrutiny, as the current Congress grapples with how to address the looming fiscal cliff.

Given the status quo outcome of the elections, Members are likely to focus on an extension of up to one year to allow additional time to address other health care issues and also to consider a full overhaul of the Sustainable Growth Rate (SGR) formula used to determine physician payments in Medicare. The "GOP Doctors Caucus" in particular has identified this as a key priority for the 113th Congress, but consensus on policy and "pay-fors" remains elusive. Over one hundred physician groups have also weighed in to advocate for a full repeal of the SGR formula and promoted principles that could serve as the foundation for a new payment system, including both incremental and broader changes to improve the quality of patient care and to lower the rate of cost growth.

Members will also pick up negotiations on deficit reduction in the lame duck session in order to avert automatic spending cuts on January 2, 2013 triggered by sequestration, as required by the Budget Control Act (BCA) of 2011. Social Security, Medicaid, the Children's Health Insurance Program (CHIP), and benefits received by Medicare patients are shielded from the cuts, but Medicare provider payments and other health programs will be subject to across-the-board reductions. The BCA limits Medicare cuts to two percent, which amounts to roughly \$11 billion in 2013, according to the Administration's report on the effects of sequestration. Other program cuts include \$318 million from the Food and Drug Administration (FDA), \$76 million from the ACA's Prevention and Public Health Fund, and \$2.5 billion from the National Institutes of Health (NIH). Members on both sides of the aisle have warned that sequestration's across-the-board cuts would have a devastating impact on public health programs and access to health services, and should be

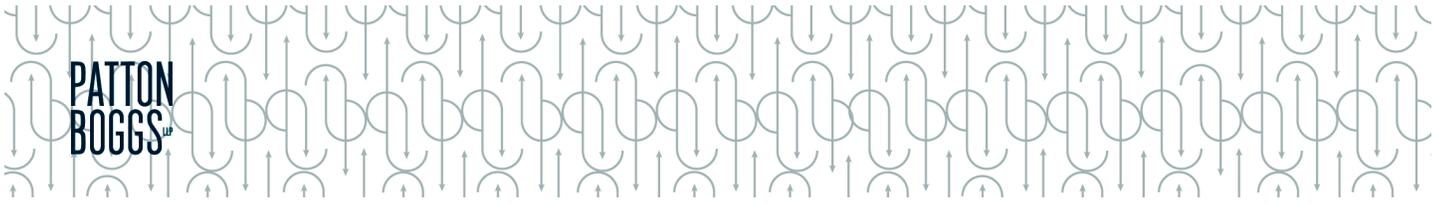


replaced with a thoughtful, policy-based approach at deficit reduction. The President has indicated he is looking for a balanced approach to avert sequestration, but congressional negotiators will have to overcome Republican opposition to increased taxes and Democratic opposition to major cuts in entitlement programs. The so called “Gang of Eight”—Republican Sens. Saxby Chambliss (GA), Mike Crapo (ID), Tom Coburn (OK), Mike Johanns (NE) and Democratic Sens. Mark Warner (VA), Dick Durbin (IL), Kent Conrad (ND), and Michael Bennet (CO)—have been meeting for months to craft a bipartisan deficit reduction proposal that will address health care spending and other components. The group is optimistic about the prospect of reaching a deal, and has discussed a down payment of roughly \$60 billion in deficit reduction to allow discussions to continue in the next Congress. As noted at the outset of this piece, much work needs to be done before a consensus is likely to emerge that can be embraced by the President and the leadership of both Houses.

Another issue, but one whose fate is not as certain, is the repeal of the Independent Advisory Payment Board (IPAB). Commonly referred to as Medicare Payment Advisory Commission (MedPAC) on steroids, this entity authorized by the ACA would need to be formed early in 2013 to meet its first deadline of recommendations for 2014 that would be implemented in 2015. On April 30, 2013, the CMS Chief Actuary must report on whether Medicare per-capita growth rates exceed target growth rates with projections to 2015. The first draft proposals must be provided to MedPAC and the Secretary of HHS by September 1. If Medicare spending exceeds target growth rates by a statutorily defined amount, the IPAB must develop recommendations that the Secretary of HHS will be required to implement unless Congress adopts an alternative proposal that results in equivalent savings and the President does not veto the alternative package. While some have called the IPAB the only way to reduce Medicare spending, many in Congress have voiced strong concern about the Board and called for its repeal. The President remains supportive. Repeal will not be cheap. CBO estimated that the savings from the IPAB would be \$15.5 billion over 10 years.

Forecast for the 113th Congress

Split control of the House and the Senate suggests more of the same in the 113th Congress, with the Republican House of Representatives likely moving health bills throughout the year that will die in the Democratic Senate. The House can be expected to advance Republican health policy priorities with legislation addressing symbolic ACA repeal, premium support for Medicare, beneficiary co-pays, Medicaid reform and block grants, promoting market competition in health care, defunding

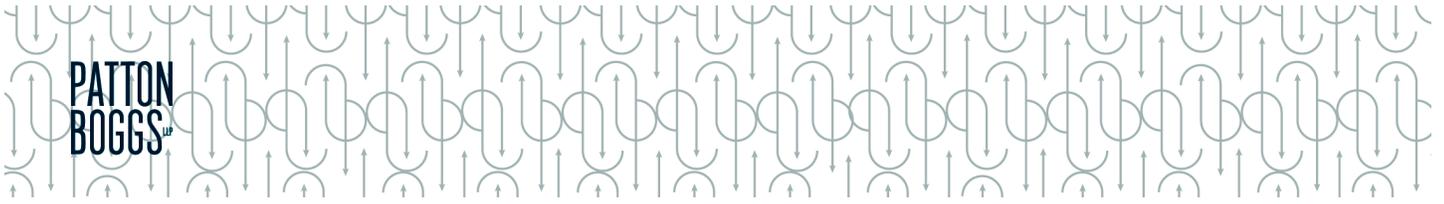


Planned Parenthood, and deficit reduction measures including cuts in health care spending. The Senate will instead focus on supporting ACA implementation activities.

As the Administration proceeds through the ACA implementation process, the Republican House will also continue to pursue aggressive oversight of health care reform. Committees with oversight jurisdiction will carry over a number of outstanding issues from the 112th Congress, including recent investigations regarding Medicare Advantage bonus payments, dual eligible demonstration initiatives, electronic health records incentive programs, and a review of the 340B drug discount program. Compounding pharmacies are expected to remain in the spotlight in response to the recent meningitis outbreak resulting from contaminated injections, with a review of FDA policies and potential legislation calling for increased regulation. Drug track-and-trace legislation also remains a bipartisan priority for consideration. New investigations are certain to include a careful look at health reform implementation activities at the state level, as well as progress at the federal level to meet ACA deadlines.

Deficit reduction will remain at the top of the health care policy agenda in 2013, as Congress will be under continued pressure to find savings from Medicare, Medicaid, and public health programs. Health reform implementation activities will not be immune from review, though an Obama Administration and Democratic majority in the Senate will fight to protect patient benefits and key safety-net programs. Delivery system reform will continue to be part of the discussion in 2013, as one of the few areas where Congressional Republicans and Democrats may find common ground.

The current SGR formula for determining Medicare payments to physicians could undergo revision or outright repeal in the 113th Congress as part of a larger overhaul of the current Medicare payment system. Representatives Allyson Schwartz (D-PA) and Joe Heck (R-NV) introduced legislation in the 112th Congress to combat the recurring problem of potentially cutting physician reimbursements and thus avoiding the need for regular Congressional intervention. Their legislation would repeal the current SGR and establish a new, stable system of paying doctors that is not based on the quantity of procedures performed on patients. The bipartisan bill is focused on increasing access to preventative and primary care for seniors by increasing payment updates to those physicians. Senate Finance Committee Leadership has also expressed support for SGR reform and has held a series of roundtable discussions on the subject and formal hearings with key stakeholder groups. The cost of overhauling the SGR will be the biggest hurdle, with estimates surpassing a staggering \$300 billion

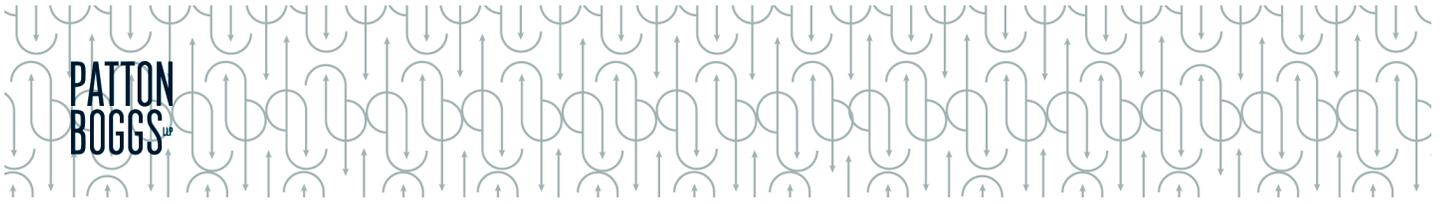


over ten years and growing as the formula matures, making folding overhaul into a broader budget deficit deal the greatest promise for a permanent fix in the near term.

Tax reform efforts (described in a separate section below) will also pick up steam in the 113th Congress and could serve as a potential vehicle to modify the ACA. Congressional Republicans will target the medical device tax, repeating their efforts from the 112th Congress where Representative Erik Paulsen's (R-MN) repeal bill successfully passed the House but stalled in the Senate. Offsets remain a concern, but growing bipartisan support, including quiet acknowledgement by key Senate Democrats of the negative implications of the tax on jobs and innovation, as well as pressure from American manufacturers increases the likelihood of intervention. The tax is scheduled to go into effect in 2013, yet the Internal Revenue Services (IRS) has yet to release final guidance on how the tax will be executed leaving the industry to wonder if an administrative delay may be announced at the end of 2012 or the beginning of the year. Tax reform could also include revisions to the status of Health Savings Accounts (HSAs) as some Republican legislators have contended that the ACA's Medical Loss Ratio (MLR) and use of "actuarial values" currently limit the effective use of HSAs in particular.

In 2013, much of the work of ACA implementation will shift to the state level. States are required to submit a blueprint of their plans for their individual health insurance exchanges to the Department of Health and Human Services (HHS) by November 16. In those blueprints, states must declare their intent to operate insurance marketplaces through their own state-based exchange or through a partnership with the federal government. States that do not submit plans will be subject to a federally-facilitated exchange administered and regulated by the federal government (though guidance remains outstanding). To date, seventeen states and the District of Columbia have submitted plans to operate their own exchanges or have indicated their intent to implement state-based exchanges, and six have expressed plans or are considering opportunities to partner with the federal government.

States must also decide if they will expand Medicaid coverage under the ACA, and, if so, to what income level. The Supreme Court ruled in June that the federal government cannot require states to expand their Medicaid programs in order to secure ongoing federal support, but states may opt to expand eligibility to 133 percent of the federal poverty level (FPL) and receive enhanced federal support. States are still awaiting guidance from the Centers for Medicare and Medicaid Services (CMS) to determine whether they may receive enhanced federal support for expanding Medicaid

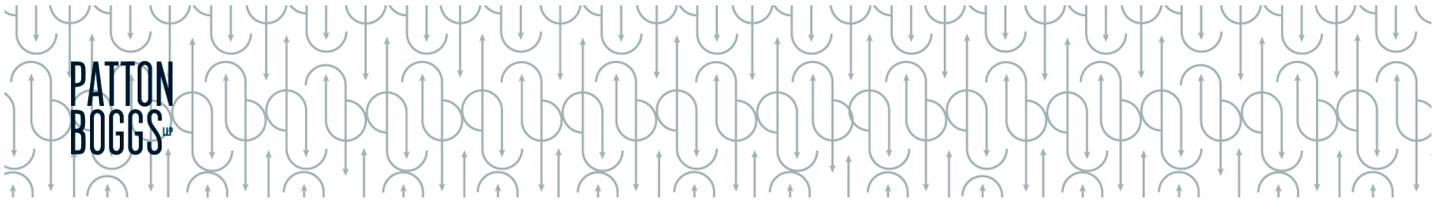


coverage to income levels below 133 percent of the FPL. Medicaid expenses for low-income individuals have traditionally been a joint venture between federal and state governments, with the federal government covering at least half of the costs depending on a state's match rate. The federal government will cover 100 percent of the costs of expanding Medicaid to 133 percent of the FPL from 2014 to 2016, decreasing to 90 percent in 2020 and thereafter. Individuals in states that choose not to expand their Medicaid coverage will still be subject to the ACA's individual mandate, but they may be eligible for sliding-scale subsidies through the health insurance exchanges. Medicaid is one of the states' biggest fiscal challenges, particularly as the loss of jobs and health insurance coverage has led to swelling rolls.

Most Republican Governors have indicated they will not participate in the expansion, fearing the federal government's ability to maintain financial support of expanded populations over time. The ACA does not preclude future Congresses from rolling back federal support of Medicaid, which could leave states footing the bill. Before the election, Republicans held 29 governor mansions, Democrats held 20, and an Independent held one. Only North Carolina has elected a Republican Governor to replace a Democrat and thus it might now alter its position on the Medicaid expansion issue.

Although President Obama's re-election eliminates the near-term prospect of legislative action that would result in repeal of the ACA in its entirety, legal challenges will continue to threaten the viability of particular provisions of the law. Lawsuits targeting the contraception coverage rule that requires insurance policies, including those offered by faith-based employers, to provide birth control with no copayment continue to mount. Over thirty suits have been filed to date despite a "compromise" announced earlier this year designed to address the concerns of certain institutions. For example, East Texas University and Houston Baptist University have filed challenges to the ACA's requirement that employers provide no-cost coverage for birth control as part of employee insurance benefits. Although the ACA contains provisions that shift the cost for birth control from the institution to insurers in cases of religious objection, the universities maintain that the policy is nonetheless a violation of their religious freedom. Liberty University has filed a lawsuit against the individual mandate and employer responsibility provisions on similar religious grounds.

Another challenge comes from the state of Maine, which is suing under an interpretation of the Supreme Court's decision in June that states may also reduce their current Medicaid rolls because the ACA's maintenance-of-effort provision no longer applies. A recent challenge to IRS regulations

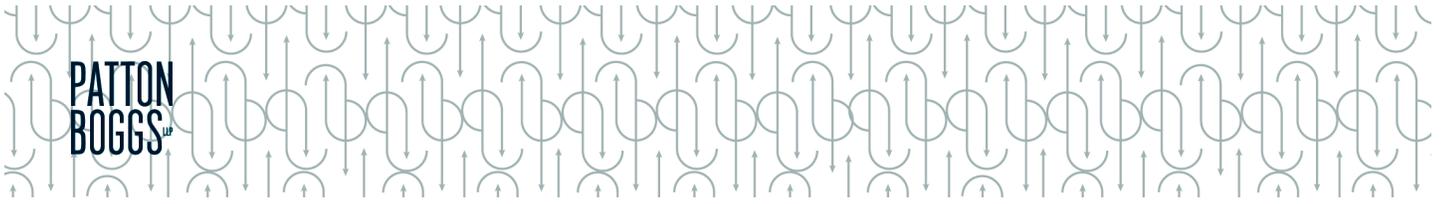


regarding health insurance subsidies through a federally-facilitated exchange will re-litigate the question of congressional intent versus statutory language, with the potential to undue a major element of coverage expansion. The Oklahoma Attorney General challenges the IRS regulation that permits tax subsidies under the ACA to flow through the federal health exchanges, claiming the ACA only allows for subsidies through state-based exchanges. The Goldwater Institute has also filed suit against the constitutionality of the Independent Payment Advisory Board (IPAB) as a violation of the separation of powers between the three federal branches of government, arguing the IPAB is not answerable to either Congress or the Supreme Court.

The regulatory arena also promises a busy agenda next year, which will be jam-packed with ACA implementation deadlines and tremendous preparations for 2014. Major provisions in effect next year include state notifications regarding exchanges, establishment of the essential health benefits (EHB), Medicaid payments for primary care, limitations to flexible spending account contributions, the excise tax on medical devices, establishment of the Consumer Operated and Oriented Plans (CO-OPs), and Medicare and Medicaid Disproportionate Share Hospital (DSH) payment cuts. Planning for 2014 will also include regulatory activity on Medicaid expansion and eligibility, individual requirements for health insurance, health insurance exchanges, employer coverage requirements, health insurance premium subsidies, multi-state health plans, and penalties for hospital-acquired conditions.

The Administration is also likely to increase its efforts to implement innovative ways of restructuring how care is delivered to improve quality and care coordination. For example, more demonstration projects seeking to integrate care and reward provider coordination are likely to be approved by the Center for Medicare and Medicaid Innovation. In addition to expanding accountable care organization (ACOs), it will explore new bundled payments for groups of providers (such as in the post-acute care arena) and ways to incentivize providers to reduce hospitalizations and readmissions. Value-based purchasing will likely be incorporated into these new payment models as well.

The continued implementation of the ACA also raises a regulatory concern with the introduction of the Modified Adjusted Gross Income (MAGI) standards in 2014. The MAGI standard will impede states from locking residents with income fluctuations into Medicaid eligibility. That policy has produced uncertainty among administrators in anticipating the future cost of Medicaid coverage. The Medicaid and CHIP Payment and Access Commission (MACPAC) is currently conducting



studies to determine how to avoid having individuals with fluctuating incomes move repeatedly between private insurance and Medicaid services based on those shifts in income.

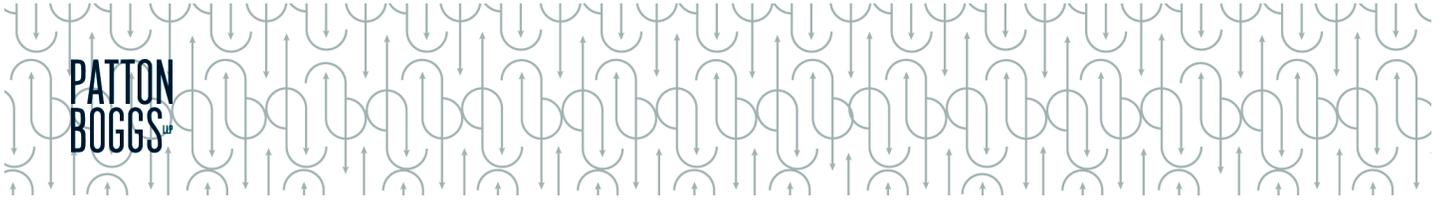
The Obama Administration has also expressed concern about potential abuses in Medicaid and Medicare electronic billing, after uncovering a sharp increase in federal reimbursements that accompanied the introduction of new billing coding procedures. A subsequent letter from Attorney General Eric Holder and HHS Secretary Kathleen Sebelius sent to several hospital trade associations warned that the Administration takes instances of fraud seriously and is considering reforming how the federal government reimburses hospitals going forward. The President must find a way to balance the need for detecting fraud and abuse with appropriate contractor oversight, given the exponential growth of entities engaging in audits of Medicare providers.

In addition, the Administration will be faced with the ongoing challenge of providing adequate Medicare payments as providers try to offset inadequate Medicaid payments and the loss of higher commercial plan rates that have historically offset such losses.

The Secretary also must promulgate the final update to the HIPAA Privacy Rule and implementation of the privacy provisions of the Health Information Technology for Economic and Clinical Health Act, which Congress enacted in 2009. The Agency published a proposed rule in 2011 and received many comments, but the final rule has not yet been published.

Anticipated Agency and Committee Developments

Secretary of Health and Human Services. The consensus view is that Secretary Kathleen Sebelius will remain in her current position for a second term. She has weathered the storm surrounding the ACA implementation and has voiced a strong interest in implementing the law. The Acting Administrator of CMS, Marilyn Tavenner, received high praise from Republicans and Democrats alike, but her confirmation by the Senate was derailed because of partisan politics surrounding other nominations and the ACA debate. She has been a strong advocate for implementing the ACA and reforming the Medicare program. It seems likely she would be willing to remain in her position for a second term as well. What is less clear is whether or not the Senate would be able to overcome divisions over the ACA now that implementation rests within CMS and confirm her in early 2013. An attempt at confirmation seems likely because, while technically a successive recess appointment is permitted, there are questions about whether or not she could be compensated.



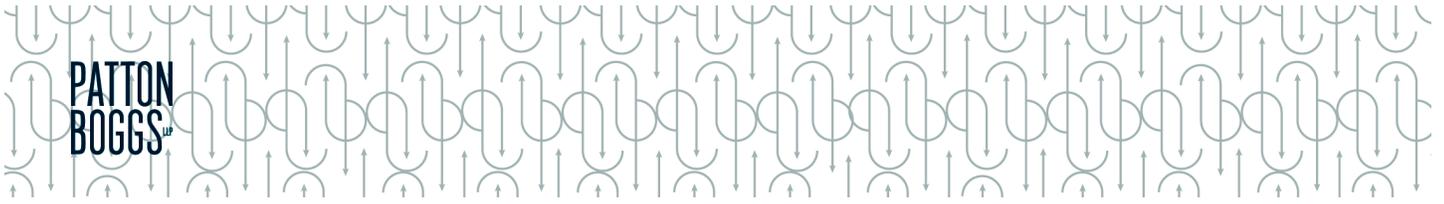
Senate Committees. The Senate Finance Committee will see the return of Chairman Max Baucus (D-MT), and Senator Tom Harkin (D-IA) will keep his post at the Senate Committee on Health, Education, Labor, and Pensions (HELP). Republicans in the Senate are term-limited to six years, so Senator Michael Enzi (R-WY) has run up against a deadline as Ranking Member on the HELP Committee. Senator Lamar Alexander (R-TN), who is next in seniority, is in line for the Ranking Member position. Senator Orrin Hatch (R-UT) will continue to serve as the Ranking Member of the Finance Committee. Senator Herb Kohl's (D-WI) retirement leaves the gavel open at the Special Committee on Aging, with Senators Ron Wyden (D-OR) and Bill Nelson (D-FL) following in succession. Senator Bob Corker (R-TN) is not expected to remain as the Committee's Ranking Member, but his successor is not apparent yet.

House Committees. House Committees. The House committees of jurisdiction also will remain largely intact, with the exception of the House Ways and Means Health Subcommittee.

Representatives Dave Camp (R-MI) and Sander Levin (D-MI) will continue to serve as Chairman and Ranking Member, respectively, of the Ways and Means Committee. With Representative Pete Stark (D-CA) having lost his 15th district seat to fellow Democrat Eric Swalwell, there will be an opening for the Subcommittee's Ranking Member slot, which we expect to go to Representatives Jim McDermott (D-WA) or Xavier Becerra (D-CA). With Representative Wally Herger (R-CA) retiring, the Subcommittee Chairman's gavel will likely go to Representatives Sam Johnson (R-TX) or Charles Boustany (R-LA), a physician who is rumored to be interested in a move from chairing the Oversight Subcommittee. Representatives Fred Upton (R-MI) and Henry Waxman (D-CA) will keep the top seats on the House Committee on Energy and Commerce, with Representative Joe Pitts (R-PA) and Frank Pallone (D-NJ) leading the Health Subcommittee.

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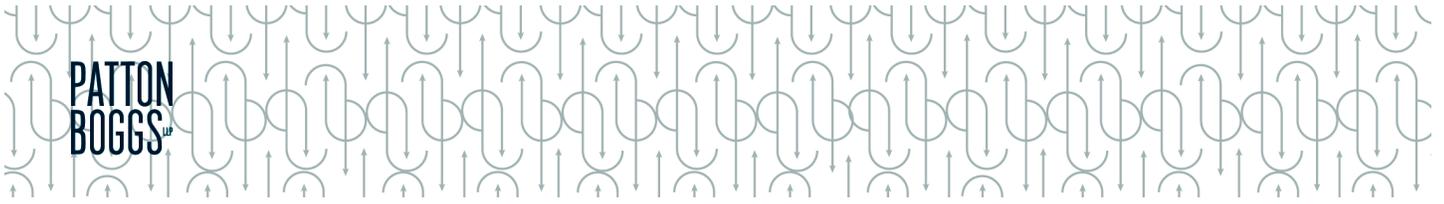
HOMELAND SECURITY

Major Issues

Of the many issues facing the U.S. Department of Homeland Security in 2013, cybersecurity, comprehensive immigration reform, border security, and other issues will dominate the agenda before Congress and the Obama Administration.

Cybersecurity. Given disagreements between key Members of Congress and the shortness of the September schedule, the Senate failed to take action on cybersecurity legislation before it adjourned for the elections. Majority Leader Reid has indicated that he will bring a bill to the floor in the lame duck, but time constraints dictate that it is unlikely we will see final action this year. Thus, the issue will almost certainly remain a vital issue for DHS and the Congress to address next year. With Senator Joe Lieberman (I-CT) retiring and Senator Susan Collins no longer serving as Ranking Member on the main oversight committee, Majority Leader Reid and incoming Chairman Tom Carper (D-RI) and Senators Jay Rockefeller and Dianne Feinstein (D-CA) will likely lead the debate in close coordination with the Obama Administration.

In the absence of legislation, the Obama Administration has been drafting an executive order (EO) that would address cybersecurity. While the draft order is currently under review and thus subject to change, however we understand that it would establish DHS as the lead agency on cybersecurity and direct it to set up a consultative process under the Critical Infrastructure Partnership Advisory Council (CIPAC) to work with critical infrastructure. DHS, working with Sector Specific Agencies (SSA's), would create a voluntary program with critical infrastructure sectors to encourage the adoption of voluntary standards. The order is also said to give DHS 150 days to identify critical infrastructure where a cyber incident could "reasonably result in a debilitating impact on national security, national economic security or national public health or safety." In addition, the EO would also direct DHS to work with U.S. Department of Defense, the Director of National Intelligence and the Attorney General to create an enhanced cybersecurity information sharing program with critical infrastructure. The Executive Order cannot give agencies would direct agencies to review existing regulations and report back on whether or not they believe they are sufficient to provide the cybersecurity needed. . In addition, the Obama Administration is poised to release a rewrite of the 2003 presidential directive (HSPD-7) that more effectively integrates the physical and cybersecurity standards for addresses critical infrastructure.



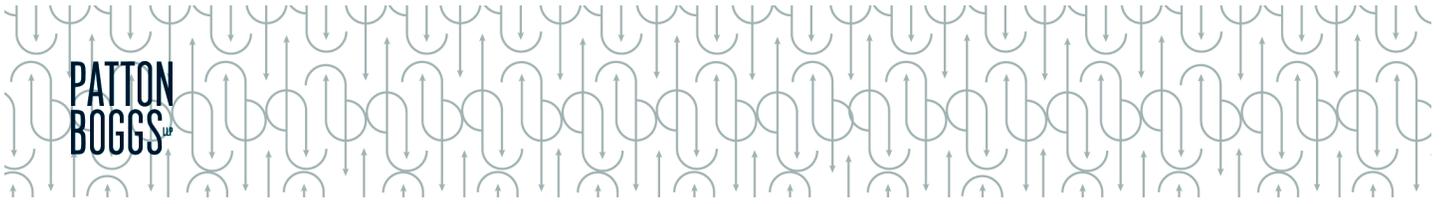
Those efforts, however, are not expected to replace the need for legislation in the areas of liability protections for information sharing with the private sector, updating of the Federal Information Security Management Act (FISMA), workforce development issues, and research and development needs. In a bipartisan move, the short-term Continuing Resolution for FY 2013 provided a substantial increase in funding to DHS for its cybersecurity efforts, one of the few increases granted to any agency, for any purpose.

We expect the National Programs and Protections Directorate to continue to focus on cybersecurity. Efforts began some months ago to better integrate the efforts of DHS when it comes to working closely with Critical Infrastructure in the areas of cybersecurity and physical security. We expect those efforts to continue, along with increased investments in cyber in general for the Executive Branch.

Immigration Reform. Although President Obama did not introduce comprehensive immigration reform during his first term, we expect him to undertake a major immigration reform initiative. President Obama's efforts to administratively implement some components of the popular, yet failed, DREAM Act through the Deferred Action for Childhood Arrivals (DACA) program signaled a renewed focus on immigration reform. Democrats in Congress will look to the President to fulfill his 2008 campaign promises on immigration, and Republicans, who have stymied progress on this issue over the last four years (and even stopped George W. Bush's immigration reform efforts), may be more willing to compromise as they look at the growing electoral share of the Hispanic vote.

As a matter of both policy and pragmatic politics, the Administration is likely to balance this liberalizing approach with a continuation of its efforts at workplace enforcement and further bolster border security by tracking down and deporting criminal aliens and visa overstays, dealing harshly with repeat offenders, and complementing a beefed up Border Patrol with reliance upon technology (though not the comprehensive technological solution that the costly and ambitious "SBInet" program was intended to be).

Border Security: Customs and Border Protection (CBP). Border security will remain the political flash-point for CBP. The Administration will continue to say that the border is more secure than ever and try to shift resources to other CBP and DHS missions such as trade facilitation and immigration enforcement. House Republicans will continue to highlight border violence, especially the risk that it will spill over from Mexico into the United States, and will seek to push for ever



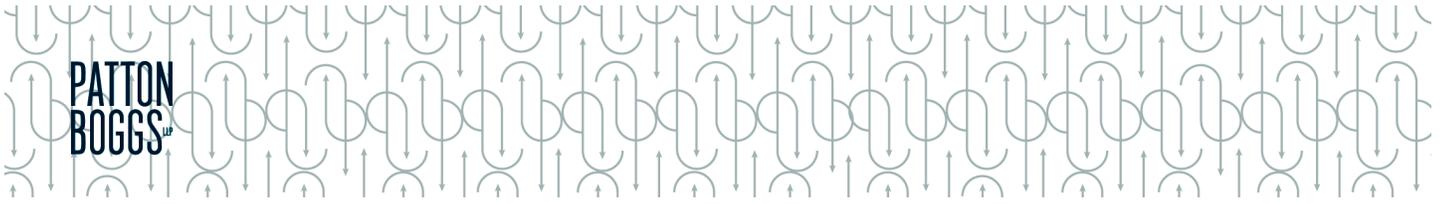
greater measures to secure the border with longer and higher fences, more technology, no reduction in the Border Patrol, and further easing of environmental and other laws that they say impede CBP's access to the border. The fight over border security and CBP resources will only intensify under a sequester, which could result in reductions of \$1.2 billion in CBP's budget and almost 7,000 Border Patrol officers and CBP inspectors.

CBP has had an Acting Commissioner since December 2011 when Alan Bersin resigned. President Obama has not nominated anyone to succeed him and is unlikely to do so until any changes are solidified in the higher level leadership of DHS.

Aviation Security: Transportation Security Administration (TSA). We expect the agency to continue to expand its trusted traveler Pre-Check program, which it hopes will cover thirty percent of passengers by the end of 2014. This effort will need to be accelerated if the sequester comes into force because TSA estimates it would be required to reduce its security checkpoint staff by over ten percent, which would lead to longer lines and extended delays at airports around the country. As more people who can be "pre-cleared" pass through security lanes more quickly, the fewer screeners that will be needed overall.

Intelligence and Analysis (I&A). The key challenge for the department's intelligence unit remains the same as always, carving out a unique and useful role in the intelligence community. Ever since its inception, the component has struggled to find its footing and to be taken seriously by the other agencies with greater seniority and recognition. The unit remains largely a consumer of intelligence from others in the community, and it then disseminates aggregate intelligence to state and local law enforcement officials and to the owners and operators of critical infrastructure in the private sector. While there have been improvements in this regard, complaints persist that I&A's "intelligence" is little more than a distillation of what its customers can learn by watching CNN or reading The New York Times. The recent investigation by the Senate Homeland Security Committee's Permanent Subcommittee on Investigations concluding that the \$1.4 billion spent by DHS to fund "fusion centers" which share intelligence with state and local partners and the private sector has resulted in largely "useless" reports will only add fuel to the fire, especially in a strained budget environment that requires appropriators to question the "value add" of every dollar requested.

DHS might be perceived as largely a consumer of intelligence, but it is also a collector. The intelligence it collects is unique to the community. Its nationwide network of airport screeners,



Border Patrol agents, and Customs inspectors all pick up bits and pieces of information every day that can be indicative of terrorism or crime, and yet the department and the intelligence community as a whole have been slow to grasp the contribution that could be made to the larger threat picture.

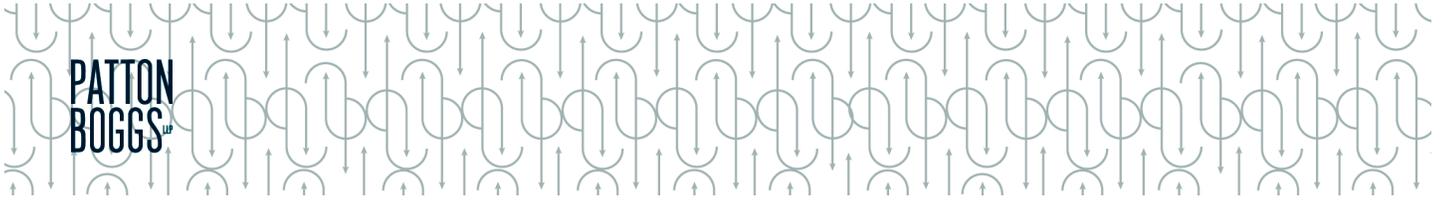
Coast Guard. For the next four years, the Coast Guard’s challenge will remain “doing more with less.” It maintains an aging fleet. Faced with sequestration concerns elsewhere in the Department, along with prior concerns with cost overruns on the Deepwater program, the Coast Guard is unlikely to see a substantial uptick in its budget. As a consequence, the service will be continue to be severely challenged in its ability to perform age-old missions like search and rescue, and, even more so, to contribute to the fight against terrorism and drug trafficking.

An additional, short-term challenge is working with TSA to make progress on further implementation of the TWIC (Transportation Workers Identification Card) biometric identification card program for port workers. TWIC cards have been issued to more than two million workers, but those of the workers who were first to receive them will start expiring this fall. DHS has yet to issue guidelines for card-reading machines, and so, for now, the cards are merely costly forms of visual identification.

Science and Technology. For some time, S&T has struggled to provide a useful and unique contribution to the homeland security enterprise. Over time, it has been unable to balance the particular research and development needs and agendas of the various components against those of the department as a whole. The creation of the Homeland Security Advance Projects Agency in the 2002 Homeland Security Act was meant to create an agency at DHS that could mirror the efforts of the U.S. Department of Defense’s Defense Advance Projects Agency, but it has never been able to achieve anything near those goals for DHS, nor has it been able to distinguish its work from work done in the defense and intelligence communities.

Anticipated Agency and Committee Developments

DHS Secretary. Given her strong relationship with President Obama, Secretary Janet Napolitano will remain at the helm of the Department if she decides to stay. She has done a successful job of managing an agency that continues to slowly grow into a more cohesive entity. But she is rumored to want to become the Attorney General (AG), a job that would become vacant with the anticipated stepping down of current AG Eric Holder. She is sure to be on the short list for that job in the

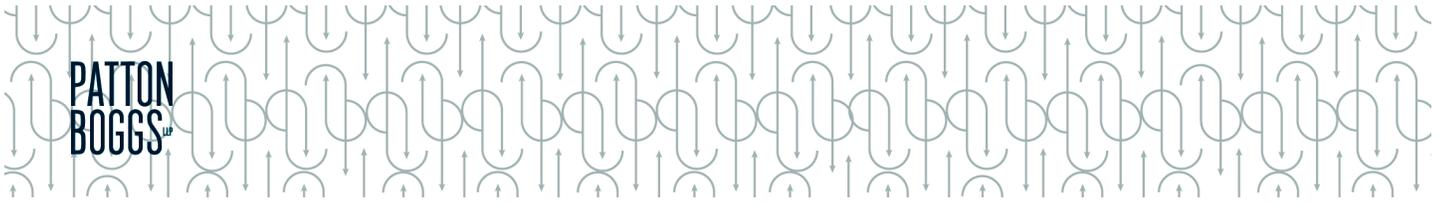


President's second term. If Secretary Napolitano does move to Justice, other possible contenders could be retiring Senator Joe Lieberman, current New York City Police Chief Ray Kelly, former Los Angeles Police Chief and New York City Police Commissioner Bill Bratton, former Representative Jane Harman or former Coast Guard Commandant Thad Allen.

TSA. Administrator John Pistole has served just over two years and shows no signs of leaving. Pistole has been clear about his hostility to the privatization of airport security and has just signed a collective bargaining agreement with the screeners' union, which also strongly opposes privatization. While House Republicans will continue to call for more privatization, there will be little support in the Administration or the Democratic Senate.

House Homeland Security Committee (HHSC). Representative Peter King (R-NY) is term-limited as Chairman but he, like some other House Chairman, may seek a waiver to maintain his position. A longtime moderate in the House Republican Caucus, Representative King has been known to push for bipartisan compromise on issues ranging from labor policy to numerous key homeland security matters. He has worked hard to try to support the agency while being just as strong on oversight of key agency issues. If his waiver-bid does not succeed, he will leave behind a strong legacy of support for first responders, the need to focus on and combat homegrown Islamist radicalism as well as an ongoing desire to streamline Congressional oversight of DHS, to name a few issues.

Based on existing seniority on the committee, Representative Candice Miller (R-MI) is considered the leading candidate to replace Chairman King. However, Representative Michael McCaul (R-TX) and Representative Mike Rogers (R-AL) are viewed as strong possibilities for the Chairmanship as well. Most expect Representative Bennie Thompson (D-MS) will continue to serve as Ranking Member. As full committee Chair, Representative Miller would be expected to emphasize the common Republican view that the Administration needs to be significantly more vigilant with regard to the nation's southern, northern, and maritime points of entry. In response, Ranking Member Thompson and fellow Democrats likely would point to recent advances in radiological detection and cargo scanning more broadly, while decrying GOP-proposed cuts to the broader homeland security budget. Meanwhile, Representative Miller and the Administration likely would form common cause on a selective, risk-based approach to maritime cargo screening in foreign ports, whereas most Committee Democrats would continue their public push for 100% scanning of such cargo.

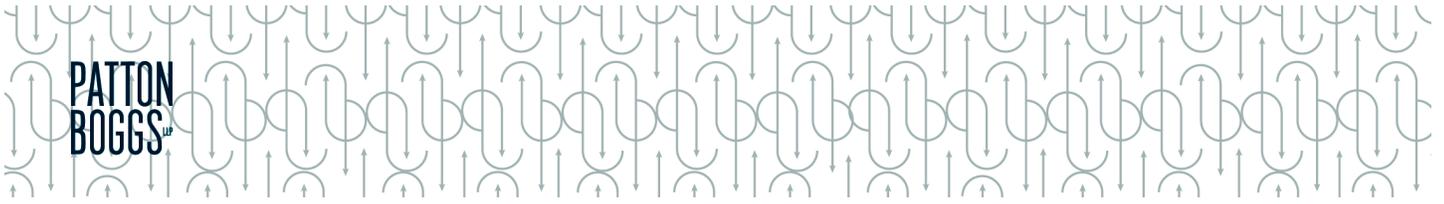


Senate Homeland Security and Government Affairs Committee. Chairman Joe Lieberman (I-CT) is retiring after a four terms in the Senate. Current Ranking Member Susan Collins (R-ME) is term limited as Ranking Member. Both Lieberman and Collins have been known for their ability to work collaboratively on a host of issues, being almost at times indistinguishable in their views—one of the rare instances of bipartisanship in the current political environment.

We expect that Senator Tom Carper (D-DE) will take over as the Chairman. Senator Carper was an active Member, working with Lieberman, Collins and others on the Cybersecurity Act of 2012. Carper has also been active on a host of transportation security issues, including maritime security issues based on concerns for the Port of Wilmington, along with aviation security and critical infrastructure in general. He has also been an advocate for immigration reform which will be an active area of interest as well. Under his leadership, expect Carper to focus on cybersecurity issues in detail. It is likely that the Obama Administration will issue an Executive Order focusing on cybersecurity prior to them leaving office.

With Senator Collins term limited as Ranking Member of the full committee, Senator Tom Coburn (R-OK) will take over as the Ranking Member. It is expected that the Senator will take up the mantle of those proponents of the SECURE It Act, calling for no government role in regulating critical infrastructure and reforming the information sharing component of cybersecurity. It is also expect that the Senator will focus on the Government Affairs side of the committee, using it as a platform for his annual “Waste book,” which he uses to criticize government “waste.” How those positions will be reconciled with those of Chairman Carper is unclear, potentially calling into question the prior bipartisan work of the committee under Lieberman and Collins.

House Appropriations Committee. As full committee Chairman, Representative Harold Rogers (R-KY) will continue to play an active role in homeland security appropriations issues. Meanwhile, we expect that Representative Robert Aderholt (R-AL) will continue as Homeland Security Appropriations Subcommittee Chairman, while Representative David Price (D-NC) will maintain his position as Ranking Member on the Subcommittee. At the full committee level, Representative Nita Lowey (D-NY) is considered to be more active on homeland security issues than her primary competition to serve as Ranking Member, Representative Marcy Kaptur (D-OH). Representative Lowey currently serves on the Committee’s Homeland Security Subcommittee.



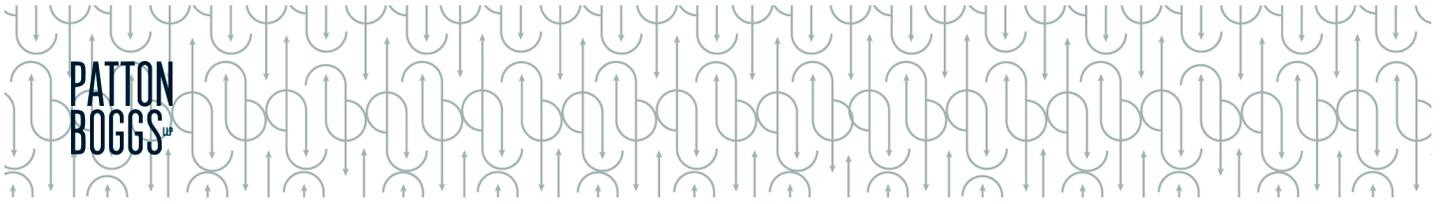
Chairman Rogers, Chairman Aderholt, and other Committee Republicans will continue to support the likely proposed cuts to the Administration's homeland security budget. They particularly will advocate for cutting programs that tend to favor more urban areas, such as the Transit Security Grant Program, the Urban Areas Security Initiative, and other first-responder-oriented grants, noting the currently unused allocations associated with many of those funding streams.

Senate Appropriations Committee. Senator Mary Landrieu (D-LA) is likely to continue as the Chairman of the Senate Appropriations Committee's Homeland Security Subcommittee. Given Louisiana's susceptibility to hurricanes, Chairwoman Landrieu will continue to emphasize disaster preparedness and recovery issues. Senator Dan Coats (R-IN) likely will serve as the Subcommittee's Ranking Member.

At the full committee level, Chairman Daniel Inouye (D-HI) will continue his active interest in aviation security matters, as well as other homeland security concerns. Because Ranking Member Thad Cochran (R-MS) is subject to term limits, we expect Senator Richard Shelby (R-AL) to replace him. As a current member of the Homeland Security Appropriations Subcommittee, Senator Shelby has worked with Senators Cochran, Landrieu, and others on Gulf Coast recovery efforts.

Senators Inouye, Landrieu, and other Appropriations Committee Democrats are likely to oppose many of the proposed cuts in the Administration's homeland security budget, including grant programs for first responders and transportation security. Their efforts are likely to meet with modest success.

House Permanent Select Committee on Intelligence. Representative Mike Rogers (R-MI) will continue as Chairman of one of the few committees that operates in a bipartisan fashion. Representative Dutch Ruppersberger (D-MD) will continue as Ranking Member. The areas of focus over the next two years will likely remain the same as before: cybersecurity and the need for information sharing with the private sector; the implications of the Arab Spring for U.S. security; the prospect of a nuclear armed Iran and what more needs to be done to stop it; terrorism; and organizational issues within the intelligence community, with a particular focus on the Office of the Director of National Intelligence that is, notionally at least, supposed to oversee and rationalize the community so as to maximize efficiencies and optimize performance.



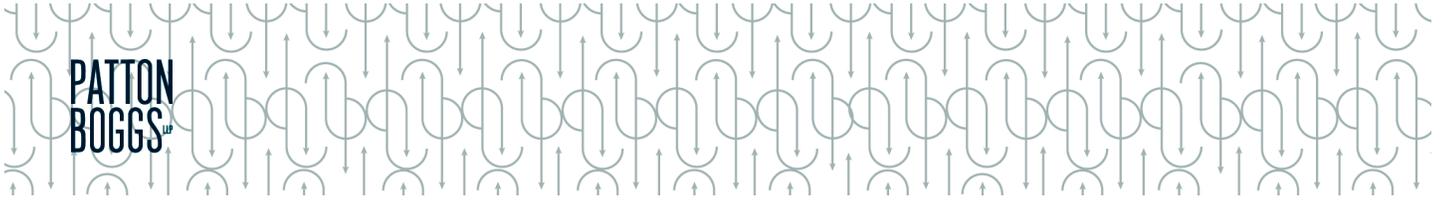
House Energy and Commerce Committee. Representative Fred Upton (R-MI) will remain Chairman and Representative Henry Waxman (D-CA) will remain the Ranking Member. On the security side, we expect cybersecurity to remain at the top of the committee’s agenda. Representative Upton cosponsored the Cyber Intelligence Sharing and Protection Act (“CISPA”), which passed the House in the 112th Congress with strong bipartisan support. However, CISPA does not address data breaches, which has been the subject of much debate in the Senate. However, this is an issue that both parties acknowledge as important, and they will likely be working toward a solution in both chambers in the next Congress. The debate, similar to cybersecurity, will be focused on looking at how much regulation is needed and whether there are ways to streamline the data breach notification laws that currently exist.

Senate Commerce, Science, and Transportation Committee. Senator Jay Rockefeller (D-WV) will remain Chairman. Due to the retirement of Ranking Member Kay Bailey Hutchinson (R-TX) and Senator Olympia Snowe (R-ME), Senator Jim DeMint (R-SC) will become Ranking Member. We expect Chairman Rockefeller to focus on cybersecurity issues in detail. Rockefeller will continue his outreach to the private sector in the areas of critical infrastructure. His recent letter to all of the Fortune 500 CEOs on cybersecurity is indicative of his desire to continue to push for a comprehensive cybersecurity bill in the next Congress. The homeland security focus of the Senate Commerce Committee will remain largely the same in the next Congress. In addition to cybersecurity, the committee will continue to push for effective aviation and transportation security, and increasing the effectiveness of customs and border patrol programs.

Senator Maria Cantwell (D-WA) will remain the Chair of the Subcommittee on Aviation Operations, Safety and Security. Senator Frank Lautenberg (D-NJ) will remain Chairman of the Surface Transportation Subcommittee. The Ranking Republicans on both subcommittees might change as the Members reassess their interests with Senator DeMint moving to Ranking Member of the full committee.

Contact Information

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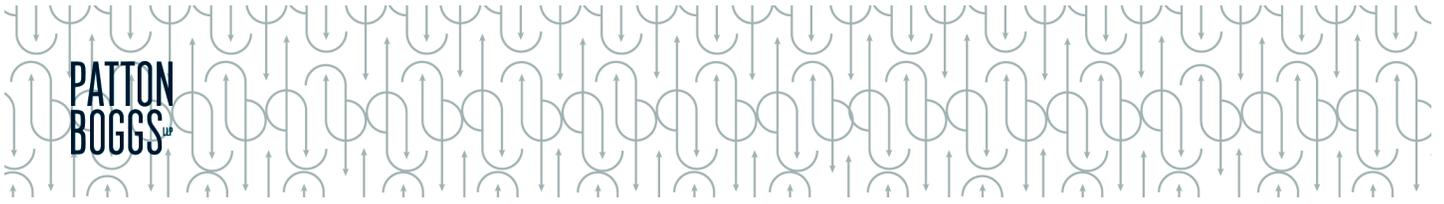
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NATIVE AMERICAN AFFAIRS

Major Issues

President Obama's first term featured unprecedented support for Indian Country initiatives, with increased public engagement that featured three annual White House summits with elected leaders from the 565 federally recognized tribes in the United States. Significantly, the President added two key White House Senior Advisors for Native American Affairs, one on his Domestic Policy Council and the other as Deputy Director of Intergovernmental Affairs and Outreach. The Obama Administration facilitated and negotiated settlement of several long-standing conflicts over management of Indian trust resources, water rights, and administration of loan programs, including settlement of *Keepseagle v. Vilsack*, a class action lawsuit in which Patton Boggs attorneys successfully represented Native American farmer plaintiffs. As part of the stimulus provisions of the American Recovery and Reinvestment Act (ARRA), the largest ever allocation of urgently needed funding flowed to Indian country for construction of hospitals, detention facilities, and long-needed transportation, housing, and infrastructure projects. Notably, the ARRA also included authority for a \$2 billion volume cap for tax exempt Tribal Economic Development (TED) bonds to finance certain economic development projects. As part of the Affordable Care Act (ACA), Congress included permanent authorization of the Indian Health Care Improvement Act (IHCA) that had been pending for 12 years. Also enacted were the Tribal Law and Order Act and the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act. Significant improvements to tribal transportation programs passed in the Moving Ahead for Progress in the 21st Century Act (MAP-21) (further discussed in the Transportation and Infrastructure chapter), with \$450 million provided annually for projects that improve access to and within Tribal lands, and new set asides for tribal bridge projects and tribal safety projects. A new statutory formula for distributing funds among tribes will be phased in over four years and will be based on tribal population, road mileage, average previous funding, and an equity provision.

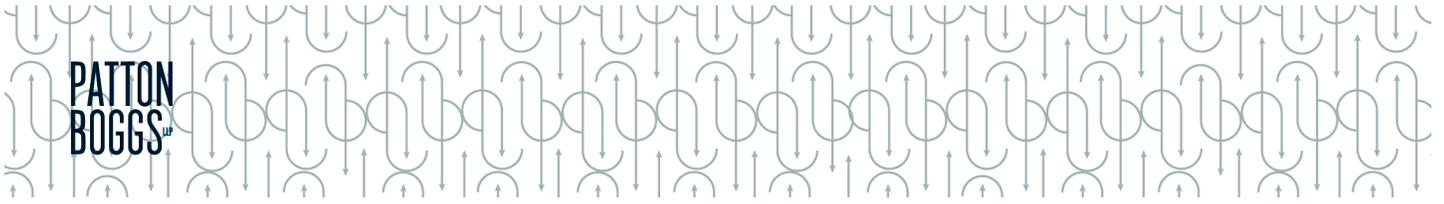
Consultation Policy. The Obama Administration also made a substantial commitment to expand government-to-government consultation between the United States and tribal governments by re-



issuing the existing Executive Order on consultation and requiring each executive agency to develop or revise extensive written consultation policies. The Administration also succeeded in encouraging a number of significant independent agencies (not bound by the Executive Order) to commit to consultations with Indian Country. As a result of this expanded commitment, the Administration hosted numerous successful consultations through agencies traditionally serving Indian Country, like the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS), but also the U.S. Departments of Agriculture (USDA), Commerce, Homeland Security, Treasury, the Internal Revenue Service, and the Small Business Administration (SBA). The re-election of President Obama signals the likelihood that consultation will become entrenched as the “best practice” for engaging tribal governments, Alaska Native, and Native Hawaiian leaders on proposed policies affecting their members and shareholders.

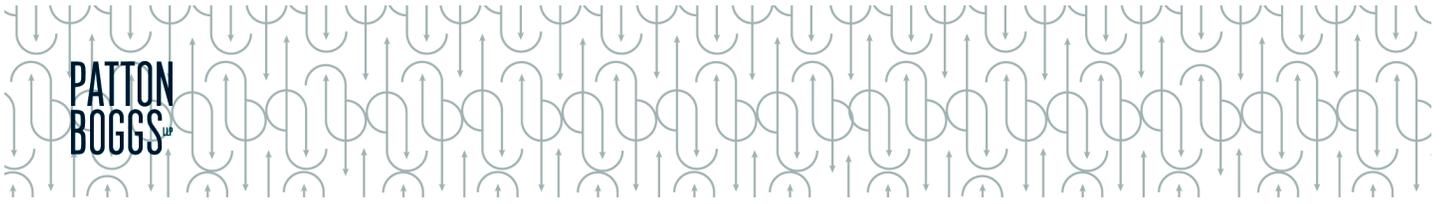
Federal Funding and Budget Issues. While tribal governments and Native American interests having successfully maintained or increased funding for many programs during President Obama’s first term, sequestration pursuant to the Budget Control Act of 2011 threatens those gains. The mandated deficit reduction measures have resulted in painful spending cuts and looming sequestration actions that could slash many Indian Country programs as much as 14% to over 32% from FY 2010 levels, when adjusted for inflation. If enacted, the House Republican Budget proposals could result in even deeper cuts. Although some IHS funding may be exempt from harsh cuts, other federal health program reductions could cause substantial loss of funding for tribal health programs that are chronically underfunded. The Obama Administration and Indian Country supporters in Congress will press for a FY 2013 omnibus appropriations agreement or other final measure that will provide close to the FY 2013 budget requests for some increase for the Tribal General Assistance Program and public safety initiatives, higher IHS funding levels for IHS hospitals and hundreds of tribally-operated clinics and health programs and for key investments in clinical services staffing and health facilities construction, and at least level funding for Indian programs in education, housing, transportation, economic development, telecommunications, agriculture, energy, natural resources and cultural preservation. To address Native Americans’ staggering unemployment rates (up to 80% on some reservations), efforts will be made to increase grant funding for tribal and other native organizations that provide employment and training services to unemployed, low-income Native Americans, Alaska Natives, and Native Hawaiians.

Food Security and Agricultural Programs. The Farm Bill is another major reauthorization bill whose timely enactment would benefit Indian Country. Both the House and Senate bills contain



provisions to make permanent the USDA’s Office of Tribal Relations and to link the Farm Services Agency’s Highly Fractionated Land Loan Program (that provides loans to eligible Native Americans and tribes to purchase tribal land and consolidate fractionated interests) with the BIA’s structured process for purchasing fractionated land. The bills also continue vital food security programs that affect Native American and Alaska Native communities, including tribal governments’ participation in the Supplemental Nutrition Assistance Program (SNAP) (formerly known as the food stamp program) and the WIC program for mothers and small children. While the Senate bill would restructure some of the SNAP rules on how to calculate benefits and thereby “save” \$4.3 billion, the House bill would reduce the SNAP program by more than \$16.1 billion over 5 years. Such SNAP cuts would devastate American Indian and Alaska Native families (24% now participate, compared to 14% in the general U.S. population). Also reauthorized would be the Food Distribution Program on Indian Reservations (FDPIR) through which commodity foods are distributed to low-income households living on or near Indian Reservations. The bills also include grants for tribal colleges to build essential community facilities, including health, education and public safety facilities and to help provide education in food and agricultural sciences to their students and surrounding communities (36 tribal institutions are currently served). Final action on the Farm Bill has stalled, in part over the differences in SNAP funding. As noted in the separate Agriculture Policy section of this paper, we do not expect action on a new Farm Bill until next year.

Tax Reform. On tax reform, tribal governments are advocating for numerous changes in the tax treatment of tribal benefits paid to tribal members, and tax treatment of tribal bond financing more on par with state and municipal bond financing authorities. Building on the parity provisions enacted in the Affordable Care Act to exempt tribally-provided health benefits from federal income taxes owed by tribal members, tribal advocacy groups are promoting additional exemptions for tribal benefits extended to tribal members for general welfare, cultural, and educational purposes. Other tax reform proposals would repeal the “essential government function” test as it relates to tribal pensions and to tribal tax-exempt debt, including a definition of Indian lands to provide coverage for projects on or near a reservation or Alaska Native village. As to streamlined sales tax proposals, tribes seek parity treatment so that they may collect sales taxes on any product sold within their territorial jurisdiction. The tax treatment of trust distributions to minors also is under review. In conjunction with tax issues related to investment and financing, tribal groups are seeking exemptions from Security Act registration requirements for certain tribal bond financings similar to exemptions granted to other governments’ bonds. Energy-related tax proposals are under consideration as well.

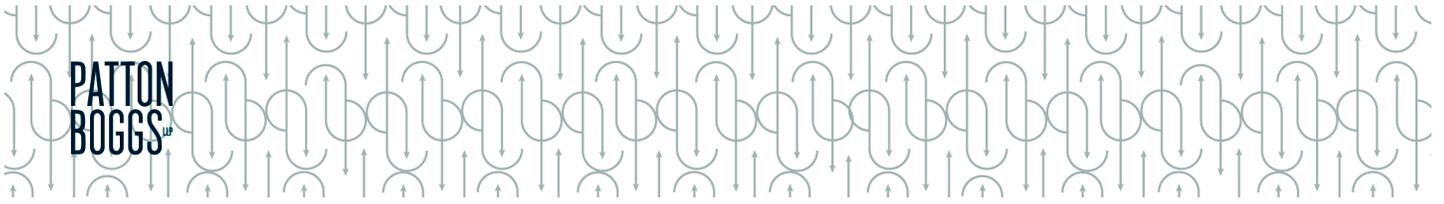


Internet Commerce. Congress could revisit federal internet gaming legislation in the lame-duck session. Since we do not anticipate final action this year, it likely remains a key issue in the next Congress. Senator Akaka released a discussion draft of a Tribal online gaming bill to raise issues of concern to tribes, including respect for tribal sovereignty, non-taxation of tribal revenues, and continuation of existing rights under Tribal-State gaming compacts. Tribes will resist any attempts to amend the Indian Gaming Regulatory Act for on-line gaming or other purposes. Also of interest to tribal governments is Senator Merkley’s SAFE Act legislation targeting the growing on-line lending industry in Indian Country. A growing number of tribes are entering the short-term small-dollar financial services market, and see Merkley’s legislation and recent actions by the Consumer Financial Protection Bureau as a direct threat to sovereignty and business operations.

Carcieri Fix. Another pending Indian Country facing high hurdles is legislation to address the U.S. Supreme Court decisions in *Carcieri v. Salazar* and another case that cripple the ability of tribal governments to have land taken into trust on their behalf. President Obama’s FY 2012 and 2013 budget requests included legislative language to amend the Indian Reorganization Act of 1934 to reaffirm the Secretary of the Interior’s authority to take land into trust for all federally recognized tribes. Bills to accomplish this so-called “Carcieri fix” (S.676, H.R. 1234, H.R. 1291) have been stalled.

Violence Against Women Act. Another must-pass measure, the Violence Against Women Act (VAWA) reauthorization, is stymied over Senate amendments to protect the rights of Native American women (who suffer the highest rates of domestic violence) by restoring tribal jurisdiction over non-Indians for crimes of domestic violence and dating violence committed in Indian Country. Currently tribes are the only governments in the U.S. lacking jurisdiction to protect Native Women from domestic and sexual violence in their communities.

Native Hawaiian Government Reorganization Act. As his legacy, Senate Indian Affairs Committee Chairman Daniel Akaka (D-HI) seeks enactment of this measure to enable Native Hawaiians to build a government-to-government relationship with the United States to place this indigenous group on parallel footing with the indigenous members of the 565 federally recognized tribes in Alaska and other 48 states. The Obama Administration strongly supports the measure.



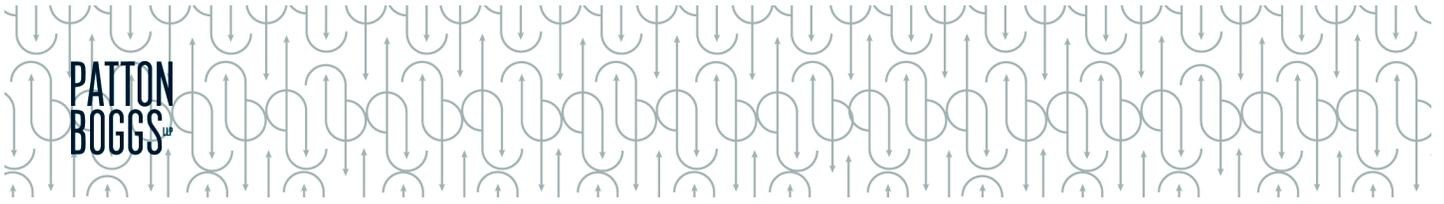
Forecast for the 113th Congress

Top Indian Country priorities for the Administration and 113th Congress will be enactment of key unfinished business. Such measures could include the VAWA reauthorization with the jurisdictional provisions to protect Native American women against domestic and other violence, and reauthorization of the Farm Bill with the tribal provisions and funding sufficient to meet the demands of the food stamp/SNAP, WIC, and food distribution programs on Indian reservations and Alaska Native communities. If not enacted in the lame duck session, we expect that proposals will be reintroduced to effectuate the *Carieri* “fix” and the Native Hawaiian Government Reorganization, as well as legislation to allow a tribal government to request the President to issue a disaster declaration to trigger federal responses to a disaster devastating its tribal community (without having to rely on a state’s decision whether or not to request a disaster declaration).

Tribes also will actively engage in any negotiations to resolve budget issues in ways that protect essential federal program funding for tribal governments and tribal members. In negotiations over tax provisions in these budget measures, or more comprehensive tax reform, tribal groups will advocate for needed clarification and parity treatment in the area of bond financing, investments, pensions, and benefits extended by tribes to their members. Ongoing consultations on various tax issues could result in promulgation of new rules or guidance on taxation of tribal trust distributions to minors, allocations for TED bond financing, and other tax exempt bond issues of concern to tribes.

In health care, tribal organizations may have to continue to fight to preserve the permanent reauthorization of the Indian Health Care Improvement Act in the face of any effort to repeal part of the Affordable Care Act. Another key priority will be reauthorization of the Special Diabetes Program for Indians, due to expire September 30, 2013, so as to avoid any disruption in funding of that important and effective program.

Heightened activity in the energy field will be very likely, giving tribes more opportunities to press their energy-related agendas. Since several key legislators with large tribal constituencies will have stronger roles in energy legislation, there could be more viable legislative vehicles on which to advance tribal energy provisions.



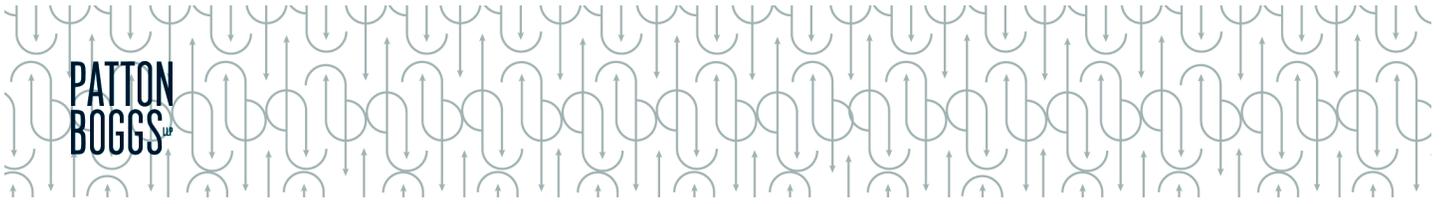
On the gaming front, the National Indian Gaming Commission (NIGC) will conclude its comprehensive review of all of its regulations and promulgate new final rules beyond those already published regarding appeals to the Commission, facility licenses and Class II gaming minimum internal control standards. Important remaining regulatory issues, including those relating to sole proprietary interest, will be subject to tribal consultations and public comments. As the three-year terms of each of the three NIGC Commissioners will expire in 2013, there will likely be nominations and confirmation hearings for any new Commissioner, and that process could delay the rulemaking.

Other federal activity will include BIA's implementation of the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act. Tribes will urge the BIA to develop guidelines for tribes to establish their own rules for surface leasing of tribal lands and then submit those rules for approval by the Secretary of the Interior within 120 days of submission. Thereafter, the tribe could lease its own tribal lands without having to seek any further approval by the Department.

Anticipated Agency and Committee Developments

Administration. President Obama will likely retain his current team of Administration officials, including Tribal Affairs directors in most federal agencies, to implement his robust portfolio of Native American policies during his second term.

Senate Committees. Indian Affairs Committee Chairman Daniel Akaka (D-HI) is retiring and will likely be succeeded by Senator Marie Cantwell (D-WA). The Committee's Ranking Member, Senator John Barrasso (R-WY), is expected to retain that position. Senate Appropriation Committee Chairman Daniel Inouye (D-HI) will continue in that position, but the Ranking Member, Senator Thad Cochran (R-MS), is term limited and likely will be replaced by Senator Richard Shelby (R-AL). Senate Banking Committee Chairman Tim Johnson (D-SD) is expected to stay on in place, but current Ranking Member Richard Shelby (R-AL) is term limited and likely to be replaced by Senator Mike Crapo (R-ID). Senate Energy and Natural Resources Committee Chairman Jeff Bingaman (D-NM) is retiring and will likely be replaced by Senator Ron Wyden (D-OR). Senator Lisa Murkowski (R-AK) will continue as Ranking Member. The Senate Finance Committee Chairman Max Baucus (D-MT) will remain in place, with Senator Orrin Hatch (R-UT) continuing as Ranking Member. The Senate Small Business Committee Chair Mary Landrieu (D-LA) is expected to remain in place, but with Ranking Member Olympia Snowe (R-ME) retiring, either Senator Jim Risch (R-ID) or Senator Mike Enzi (R-WY) will become Ranking Member.



House Committees. Natural Resources Committee Chairman Doc Hastings (R-WA) may become Rules Committee Chairman, which could open the way for other Western State Members to advance to Chairman. Ranking Member Ed Markey (D-MA) is expected to stay in that position. Chairing that Committee's Subcommittee on Indian and Alaska Native Affairs is Representative Don Young (R-AL) who will stay on, and Representative Ben Ray Lujan (D-NM) will likely become Ranking Member, the position currently filled by Representative Dan Boren (D-OK) who is retiring. Also important will be the House Ways and Means Committee, whose Chairman Dave Camp (R-MI) will remain in place, as will Ranking Member Sander Levin (D-MI).

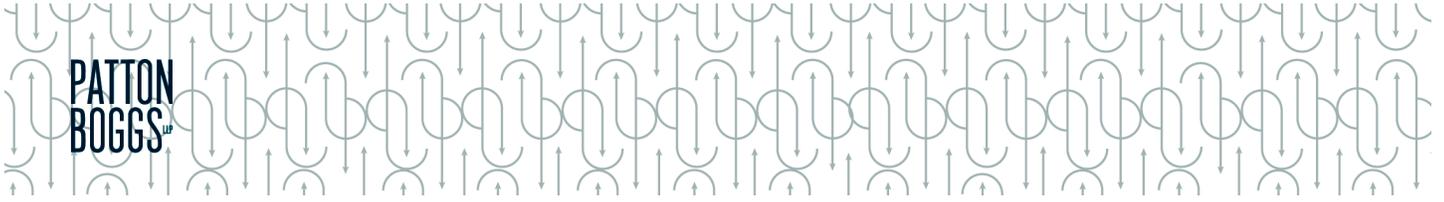
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TAX POLICY

Over the last year, election politics have weighed heavily on the tax policy debate. There has been broad agreement among Republicans and Democrats that the fiscal cliff must be avoided and that a comprehensive overhaul of our tax code is necessary. At the same time, the parties have strongly disagreed on how to approach these issues, with President Obama and Congressional Democrats arguing for significant tax increases as a means of deficit reduction and Governor Romney and Congressional Republicans rejecting the idea that tax increases are necessary, preferring that any new revenue come from assumed economic growth once tax reform is enacted. The result has been a continued legislative stalemate, with a heavy dose of political posturing by both sides.

A narrowly divided electorate now having spoken, we expect discussions to begin anew in the lame duck session. Given major philosophical differences on tax policy issues between the parties, it remains to be seen whether such discussions will lead to an agreement to avert the fiscal cliff while, at the same time, paving the way for comprehensive tax reform. In our view, it is likely both will occur, beginning with an agreement in the lame duck session (or shortly thereafter) on a Bush tax cut extension coupled with a broad framework for tax reform, with the hard work of detailed reform



to span through 2013. Although there are a range of possible outcomes in the lame duck session and beyond, one thing is certain: in stark contrast to the last year, over the next few months we will see the parties undertake a serious discussion about tax policy.

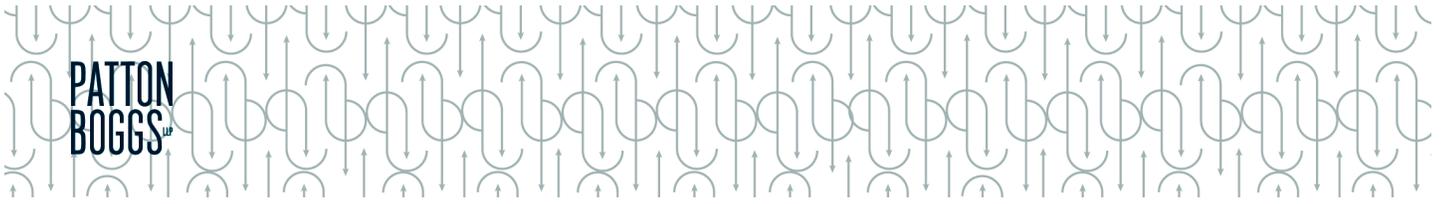
Major Issues

Bush Tax Cuts Extension. The first order of business in the lame duck session will be preventing the country from toppling over the fiscal cliff presented by the looming expiration of the Bush tax cuts and automatic spending cuts (sequestration), both of which, absent a signed law to the contrary, will take effect in January 2013. The Bush tax cuts, enacted in 2001 and 2003 and extended several times since then, include individual marginal, capital gains, and dividend tax rates, as well as a host of other provisions. Last extended for two years at the end of 2010, they are set to expire and revert to pre-2001 rates should Congress not affirmatively take action to extend them by December 31, 2012.

If the Bush tax cuts were to expire:

- All individual marginal tax rates will increase, with the lowest bracket rising from 10 to 15 percent and the highest marginal tax rate rising from 35 to 39.6 percent;
- The tax rate on qualified dividends will rise from 15 percent to a maximum rate of 39.6 percent;
- The maximum rate on long-term capital gains will rise from 15 to 20 percent;
- The estate tax will revert from a \$5.12 million individual exemption with a 35 percent rate to a \$1 million individual exemption level and a 55 percent maximum rate;
- Limitations on itemized deductions and personal exemptions will be reinstated for upper-income individuals; and
- The child tax credit will be reduced from \$1,000 to \$500 per child.

Rather than allow such a reversion to occur, President Obama will likely request that Congress pass during the lame duck session a one-year extension of the Bush tax cuts limited to income below



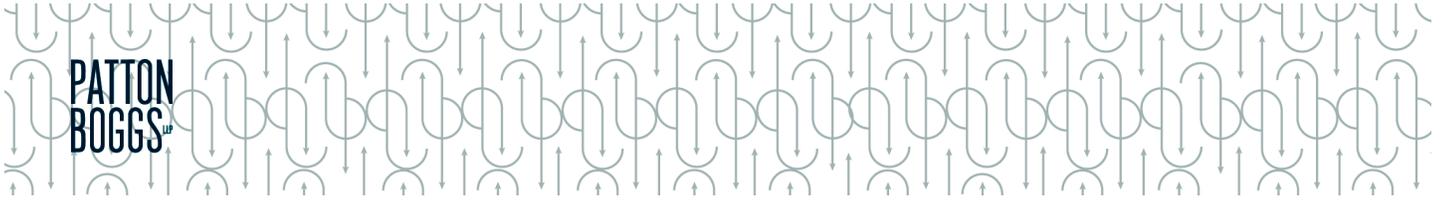
\$200,000 (in the case of single filers) and \$250,000 (married filers). This has been the President's preferred approach since the 2008 campaign, and his position has only hardened since the end of 2010, when Congressional Republicans, fresh off of a sweeping electoral victory, forced the President's hand by demanding he sign a two-year straight extension. Over the last two years, the President's consistent threat to veto any legislation that deviates from his stated policy could not be clearer.

Given the attention paid to this issue in the 2012 elections, and before that during debt ceiling and Super Committee negotiations in 2011, the President may firmly believe that, having won a hard-fought campaign, his position should prevail. What is far from clear, however, is whether Congressional Republicans will acquiesce to this demand. The House Republican majority, in particular, might be in no mood to agree to this. They, along with their Senate Republican colleagues, are likely to insist upon a one-year straight extension of the Bush cuts. Given their continuing majority in the House, they will argue that the President does not have a clear mandate on fiscal issues.

Even if both sides are willing to compromise, negotiations will be neither easy nor quick. For the Administration, an opening bid might include a commitment to reform the tax code while reducing entitlement spending in 2013, tied to an insistence that all the Bush cuts are eliminated, now and forever, for income above \$200,000/\$250,000. For Congressional Republicans, an opening bid might include a willingness to discuss raising revenue as part of tax and entitlement reform next year, predicated on a straight one-year extension of the Bush tax cuts in the interim. It is doubtful either position will take flight, at least initially during the lame duck session. But if neither side budges from its pre-election position, the fiscal cliff has real potential to materialize.

This potential collision no doubt looks like a virtual replay of the clash between the President and Congressional Republicans that dominated the last two years of the President's first term. In fact, it could be. However, elections, even close ones, can be clarifying events, and in this instance failure to move past rigid ideological differences is a recipe for fiscal calamity both parties want to avoid. They now have an opportunity to demonstrate that they are willing to compromise in an effort to avert disaster.

Assuming, as we do, that serious negotiations will occur, what might compromise look like? A first step could be a willingness to extend the Bush cuts for one year, either income limited or not (at, for



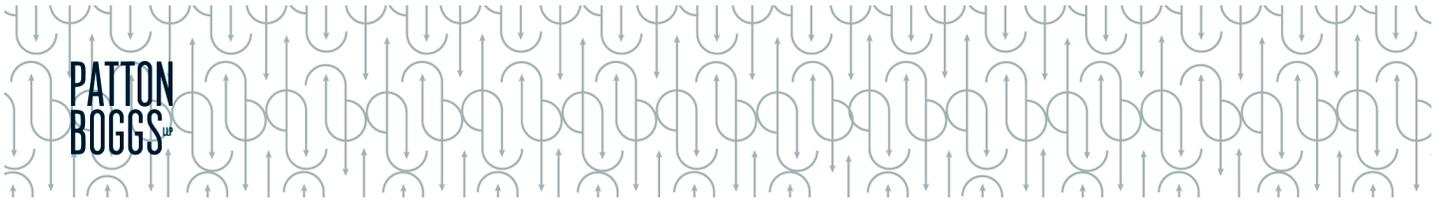
example, \$500,000-\$1,000,000), while including a process with agreed-upon numbers for revenue-raising tax reform and entitlement spending reform in 2013. Tax reform could both raise revenue for deficit reduction purposes, as desired by President Obama and Congressional Democrats, while broadening the tax base and lowering marginal rates, as Congressional Republicans have insisted upon. Entitlement reform would allow Congress to tackle the most significant drivers of the long-term debt, consistently championed as necessary by most Congressional Republicans, and increasingly acknowledged as necessary by the Administration and some Congressional Democrats.

Such an agreement, which could be similar to the “grand bargain” contemplated by Speaker Boehner and President Obama in 2011, would give both sides a good measure of what they want, while allowing for some compromise. This would represent a significant step forward in the beginning of a second Obama term by which the President would demonstrate he is serious about governing, and Congressional Republicans would acknowledge that they cannot achieve their goals without working with the incumbent President. And yet, and yet.

Grand bargains being elusive as they are, it is also possible that the President and Congress will agree to a stop-gap measure extending the Bush cuts (likely with an income limitation) for a period of months, or perhaps a year, leaving bigger decisions surrounding tax and entitlement reform to next year. Or, in the worst case scenario, current tax policy could plausibly expire at the end of the year, with Congress and the Administration left to pick up the pieces come January.

With respect to process and timing, much is to be determined. While both sides surely want to avoid a fiscal catastrophe, it remains to be seen whether compromise can occur this year. It is worth noting that if an agreement is not reached in November or December, both sides will have plenty of opportunities to engage early next year when the current authorization for the debt ceiling is expected to be breached, currently anticipated to occur sometime around March.

Should a deal be reached that extends the Bush cuts (of the grand bargain variety or otherwise), it could be enacted in several different ways. Both the House and Senate have already passed differing versions of legislation extending the Bush tax cuts through 2013 (though for reasons pertaining to Constitutional authority, the Senate bill will continue to sit at the Senate desk). The House bill, H.R. 8, extends all the Bush tax cuts and patches the alternative minimum tax (AMT) for individuals, also through 2013. However, H.R. 8 does not include any of the traditional business, individual, and energy tax “extenders,” such as the research and development credit and active financing exception

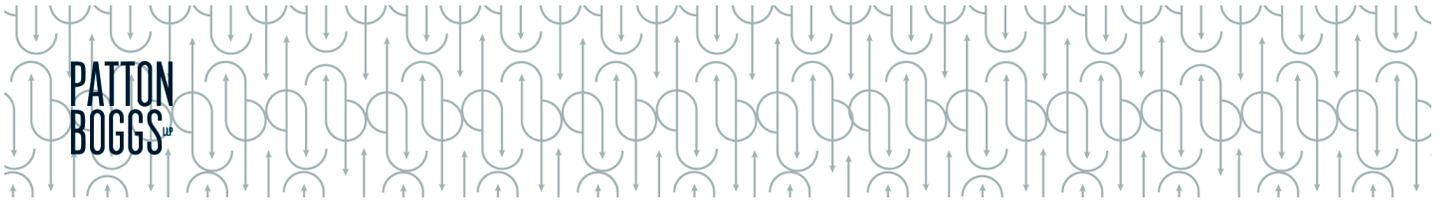


that expire on a year-to-year basis. In addition to any changes limiting the Bush tax cuts to an income threshold, it is likely that final legislation will incorporate most of those provisions, extending them through 2013 (though it is possible that some extenders will be modified or left to lapse).

Immediately after passing H.R. 8 in early August, the House also passed H.R. 6169, which would create a bicameral expedited legislative process for tax reform in 2013, whereby the House and Senate would be forced to vote on legislation under specific timelines, with no Senate filibuster. This, too, could be incorporated in some form or fashion into an end-of-year bill, depending upon the scope of agreement reached.

Comprehensive Tax Reform. Over the last two years, the possibility of comprehensive reform of the Tax Code, last accomplished over two decades ago in 1986, has progressed from chatter amongst tax policy leaders to seeming near inevitability. It has been discussed frequently in the House, the Senate, and the Administration, while also permeating Presidential and Congressional election rhetoric. But while both Republicans and Democrats agree that corporate tax reform generally should be revenue neutral, significant disagreements on revenue persist in connection with individual reform. President Obama, along with House and Senate leaders, will have to agree upon a basic framework in order for tax reform to proceed in a meaningful manner. Whether in the lame duck session or afterwards, President Obama and Speaker Boehner, along with the other Congressional Leaders, will probably have to decide if a grand bargain of the type that eluded them in 2011 can be resurrected in order for tax reform to come to fruition next year.

With divided government and deep philosophical differences, a number of challenges to enactment of such legislation remain. But as a point of departure there is a lot to agree upon, beginning with widespread, bipartisan consensus that our corporate tax code is in need of significant reform. The corporate sections of the tax code are anticompetitive, with a high rate and a narrow base; to wit, the U.S. average combined federal-state corporate tax rate of 39.2 percent is the highest statutory corporate rate among the OECD countries, while a litany of complex deductions and credits brings the United States back to the middle of the pack with respect to average effective tax rates. (Effective rates also differ significantly between industries and companies). Together, these elements of the code are widely understood to both diminish and distort business investment in the United States. There also is consensus that the tax code as relates to individuals, including pass-through business entities, needs to be reformed, though less agreement exists as to what magnitude of



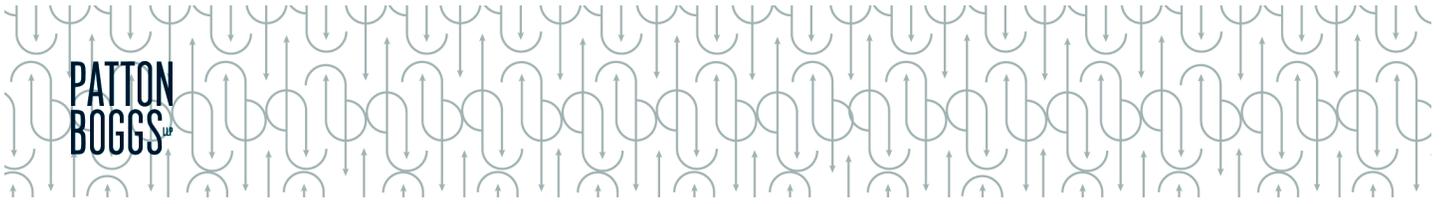
changes are necessary. And significant disagreements persist as to whether, and to what extent, new revenue should be used for deficit reduction purposes as opposed to paying for marginal tax rate reductions.

Although President Obama would have preferred to undertake comprehensive reform with Democrats controlling both the House and Senate, the process for tax reform will require significant bipartisan buy-in given a Republican-controlled House and narrowly divided Senate. President Obama has put forward broad ideas on corporate tax reform, while keeping the focus in individual reform on increasing taxes for upper-income individuals. Congressional Republicans are likely to insist that both robust corporate and individual reform occur simultaneously.

If an agreement with a basic framework is reached by the President and congressional leaders, the tax writing committees will begin work next year on the very important details of how to restructure the tax code. Those details will be difficult to agree upon, but much work has already been done. Serious discussions have been ongoing for months—they would not be starting anew. In addition, disagreements will not always be partisan fights. Often, they may be skirmishes between political constituencies, rather than left-right disagreements. The Tax Reform Act of 1986, for example, was accomplished with Democrats controlling the House, Republicans controlling the Senate, and Ronald Reagan as President.

Business Tax Reform

A considerable portion of the 2012 campaign was waged over taxes. Earlier this year, the Administration released a Framework for Business Tax Reform in which the President advocated reducing the top corporate rate from 35 to 28 percent, while providing manufacturers with additional tax preferences that would effectively lower their tax rate to 25 percent, with even lower rates for firms engaged in “advanced manufacturing.” In addition, the Framework would expand, simplify, and make permanent the R & D tax credit. The Administration proposed revenue raisers to fully offset the cost of these changes. Specific items include repeal of Last In First Out (LIFO) accounting; repeal of tax preferences available for fossil fuels; limitations on tax preferences allowed for the purchase of insurance products, and by insurance companies; taxation of carried interest as ordinary income; and new rules that change the depreciation schedule for corporate jets from five to seven years.

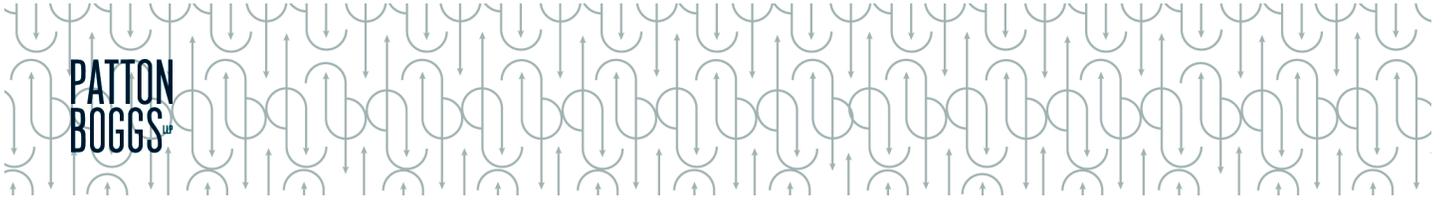


Since those changes alone do not come close to paying for the proposed tax rate reduction, the Framework also includes a menu of options that, while short on detail, suggest the types of additional corporate tax base “broadeners” the Administration will pursue during tax reform. These include lengthening depreciation schedules; reducing the deductibility of interest as an ordinary and necessary business expense; and encouraging greater parity between large corporations and “large non-corporate counterparts” (presumably by subjecting some large pass-through entities to entity-level taxation).

International tax issues will be a significant focus in the tax reform debate, both with respect to the international operations of U.S. businesses and the treatment of inbound investment. In contrast to the Congressional Republican view that corporate reform should also be used to transition from a worldwide system of taxation toward a territorial system, the President’s proposal would establish a minimum tax on U.S.-based multinational corporations’ foreign earnings, eroding the use of “deferral” of foreign-source income. The Administration punctuates its position by stating that a “*pure* territorial system could aggravate, rather than ameliorate, many of the problems in the current tax code” (emphasis added). However, should corporate reform negotiations take place, it is likely this would be a point of negotiation with the Congress rather than a hard-and-fast view; rejecting a “pure” territorial system still leaves plenty of room for discussion with those who are seeking to move towards a territorial system, as most countries have neither pure territorial nor pure worldwide systems of taxation, but rather combine elements of both.

For their part, House and Senate Republicans will continue to push for a lower target corporate rate of 25 percent, working from a corporate tax reform draft proposal tabled in late 2011 by Ways and Means Committee Chairman Camp, who supports moving towards a territorial system. While that document focused on international taxation and did not spell out which revenue raisers might be utilized to buy down the corporate rate, there will assuredly be points of overlap between Congressional Republicans and President Obama on this front, including lengthening depreciation schedules.

In addition to the corporate tax provisions that have long been targeted by the Administration (*e.g.* LIFO accounting), numerous tax deductions, credits and preferences will thoroughly be examined during the tax reform process. For example, while Republicans will be willing to examine various preferences enjoyed by the oil and gas industry, they will certainly want to include in their examination tax incentives for renewable energy. In addition, they will consider whether the Section



199 deduction for domestic manufacturing should be eliminated to pay for lowering the corporate rate for all taxpayers.

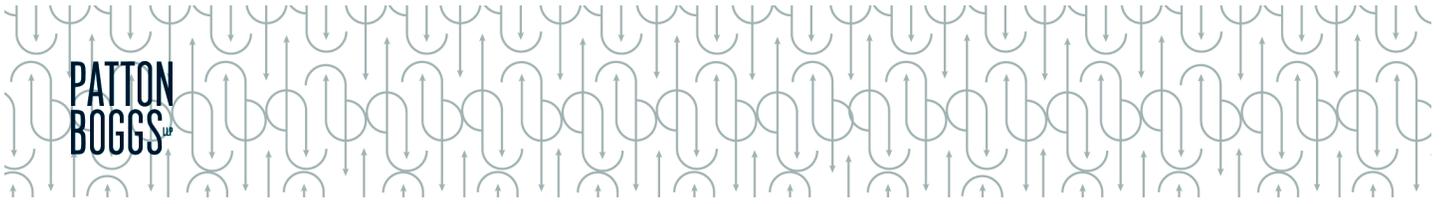
Tax “extenders” will continue to be thoroughly vetted, a process that started earlier this year when Chairman Camp formally asked Select Revenue Subcommittee Chairman Pat Tiberi (R-OH) to lead a top-to-bottom review of the business, individual, and energy provisions that expire on a year-to-year basis. These approximately 80 provisions include the R & D tax credit, active financing exception for Subpart F income, New Markets tax credit, 15 year depreciation for qualified leasehold, restaurant, and retail improvements, and deductions for private mortgage insurance.

The purpose of the ongoing review of these provisions is to determine which ones continue to serve the policy purposes for which they were enacted. This process has thus far included two public hearings, but only modest legislative action. The Senate Finance Committee, which has marked up an extenders bill, dropped several extender provisions in the process.

Even assuming that most of these provisions will be extended through 2013, the tax committees have made clear that such an extension should not be viewed as a reflection of support for making these provisions permanent. Supporters of most extenders will bear the burden of demonstrating that they should be made permanent (as opposed to being eliminated with the resulting revenue used to lower rates across the board). Over and above extenders, additional items that will be on the table for discussion include major corporate tax expenditures, including the tax credit for low income housing, and the exclusion of interest on public purpose State and local government bonds. In addition, a significant item that will be discussed relates to the deductibility of interest as an ordinary and necessary business expense, which, if altered, could affect both U.S.-based companies and foreign companies with operations in the United States.

Individual Tax Reform

As mentioned above, the dominant feature of President Obama’s plan is to income-limit the Bush tax cuts at the \$200,000/\$250,000 level. The Administration has been circumspect about other changes it would like to see, save for a proposal to further increase taxes on the same group of upper-income taxpayers by reducing the value of itemized deductions and exclusions to 28 percent. Taken together, these proposals would generate nearly \$1.5 trillion to be utilized for deficit reduction.

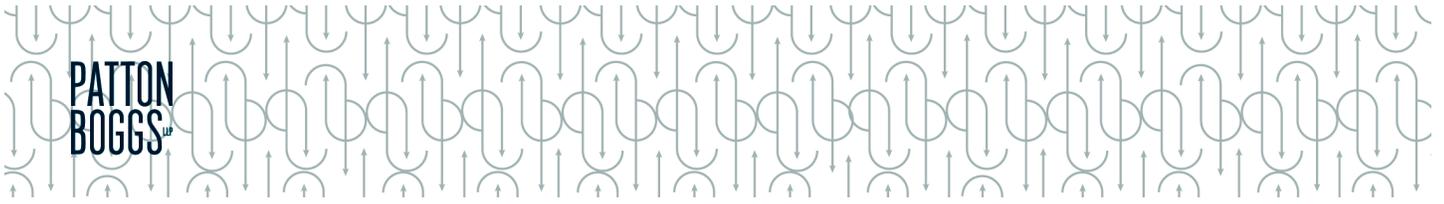


Congressional Republicans will continue to push for revenue-neutral individual tax reform, though in order for a deal to materialize they will have to compromise to some degree. While also generally avoiding specifics, Republicans are somewhat more forward leaning in advocating robust individual tax reform whereby deductions (and perhaps exclusions) would be sharply limited in order to lower marginal tax rates, akin to the plan offered by Governor Romney during the campaign. Chairman Camp, Ranking Member Hatch, and others have noted that the differential between the top corporate rate and top individual rate should be minimized so as to avoid incentivizing sheltering of income through C-corporations as occurred pre-1986. While ideally they would prefer a top individual rate no greater than 28 percent, that target will be very difficult to achieve given that some new revenue will have to be earmarked for deficit reduction. This is especially so because, for both parties, significant political considerations will intervene as Congress sets about determining what deductions and exclusions it can eliminate or modify.

Those provisions likely to undergo the closest examination during reform are the litany of politically popular deductions from income currently allowed, including those for home mortgage interest, state and local property and income taxes, and charitable contributions. In addition, the committees may look to limit some tax exclusions, including those for interest on State and local municipal bonds, employer health care contributions, and retirement contributions for both defined benefit and defined contribution plans.

Estate Tax. In addition to income, dividends, and capital gains taxes, another significant item to be addressed in the context of tax reform is the federal estate and gift tax. It is likely that the current policy of a \$5.12 million per individual exemption, indexed for inflation, and a 35 percent maximum rate will be incorporated into any agreement to extend the Bush tax cuts into 2013. While President Obama has proposed to reduce the exemption level to \$3.5 million and increase the top rate to 45 percent, many Democrats in Congress support the agreement on the estate tax provisions that was reached in 2010.

Apart from possible changes in the rate and exemption levels, the Obama Administration has included in its previous budget submissions proposals that would scale back (or eliminate altogether) commonly used estate planning strategies, including the use of grantor retained annuity trusts and applying valuation discounts for certain types of assets in determining the size of an estate subject to taxation. While the Administration will likely continue to support such estate tax revenue offsets in its second term, these proposals to date have not gained traction due to strong opposition from

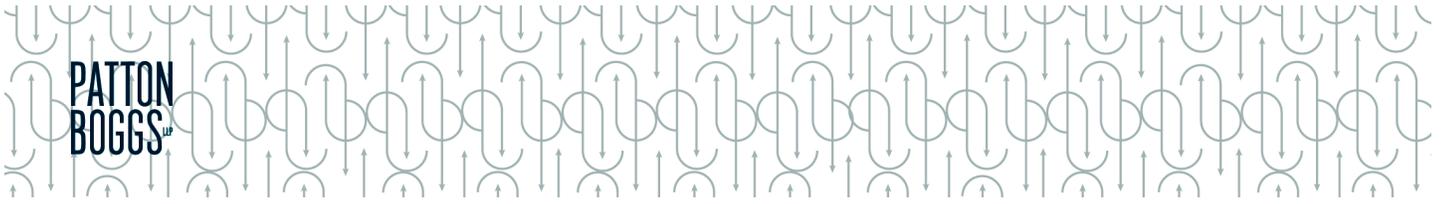


family farm and business groups and Congressional Republicans. We therefore believe the odds favor permanent extension of current law beyond 2013, assuming a short-term extension later this year.

PPACA Taxes. The Patient Protection and Affordable Care Act (PPACA), enacted in 2010, included a number of tax increases that are scheduled to take effect in January. These taxes include several provisions that will affect taxpayers with adjusted gross income above \$200,000 (\$250,000 for married taxpayers), such as a 0.9 percent Medicare surtax on earned income and a 3.8 percent Medicare surtax on investment income. The legislation also included, among other revenue provisions, a 2.3 percent excise tax on medical devices. With President Obama having been reelected, changing any of the individual components of PPACA will be met with great skepticism by the Administration and Congressional Democrats alike. However, the House has passed, with the support of a significant number of Democrats, legislation introduced by Representative Erik Paulsen (R-MN) to repeal the medical device tax. While the Senate has not yet taken up that legislation, it is one of the few PPACA policies for which some bipartisan support for repeal exists, and thus could be addressed during tax reform.

Pension Reform. Two events will drive pension reform in the 113th Congress: Tax reform and expiration of the Pension Protection Act (PPA) at the end of 2014.

With Members of Congress on both sides of the aisle searching for new revenue sources, the tax-advantaged status of qualified retirement plans has been and will continue to be under scrutiny. During the past year, the key congressional committee staff, both majority and minority, have been building a foundation of retirement savings reform principles and options for both defined benefit and defined contribution plans. The bottom line of any change to the current system will be a general desire to avoid harming the current system--especially changes that will limit the long-term ability of workers to save for retirement. However, there are questions as to whether the cost of the program is too high--that is, whether, as Senator Baucus asked at a recent hearing on retirement savings, taxpayers are getting enough "bang for the buck"--and whether the private retirement system's tax benefits are properly allocated along the socio-economic spectrum of workers. At a more fundamental level the key issue is how to use the retirement system to broaden the tax base in a way that won't undermine its effectiveness and that is palatable to the American public.



In the run up to expiration of the PPA, the reauthorization debate will center on the need to modify the funding rules for single and multiemployer defined benefit plans. Multiemployer plans have been particularly hard hit by the weak economy, the aging participant workforce, and the consolidation of traditionally union industries that feed participation in these plans. The challenge here is to establishing a framework for preserving the plans, relieving the funding burden on participating employers (who can be driven out of business by the escalating costs), and avoiding the label of a bailout.

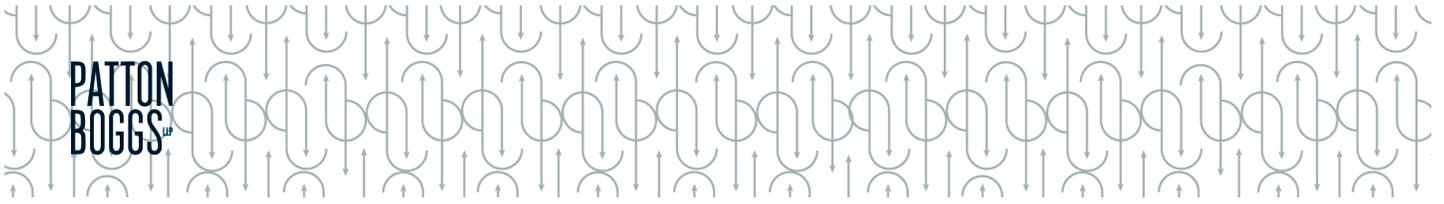
Anticipated Agency and Administration Developments

Secretary of the Treasury. Secretary Tim Geithner is expected to step down next year. Given that the Secretary will have such a vital role in tax and entitlement reform discussions, the President is likely to choose a successor who is capable of helping drive a deal to completion. The Secretary will get significant input from Treasury staff as well as the staff of the National Economic Council.

Congress. Who, aside from the Congressional Leadership, will President Obama and the Administration be working with to advance fundamental reform? The leadership of committees with jurisdiction over tax issues will not change in the 113th Congress, with Representatives Dave Camp (R-MI) and Sander Levin (D-MI) continuing as Chairman and Ranking Member, respectively, of the House Committee on Ways and Means Committee, and Senators Max Baucus (D-MT) and Orrin Hatch (R-UT) continuing as Chairman and Ranking Member, respectively, of the Senate Finance Committee. Due to retirements, there will be several members added to both committees, though final committee ratios will not be set until later in the year or early next year. In addition, Vice Presidential candidate Paul Ryan, who will remain a senior member of the Ways and Means Committee and, likely, Budget Committee Chairman, will continue to be a highly influential thought leader for conservatives on all fiscal matters.

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TECHNOLOGY AND COMMUNICATIONS

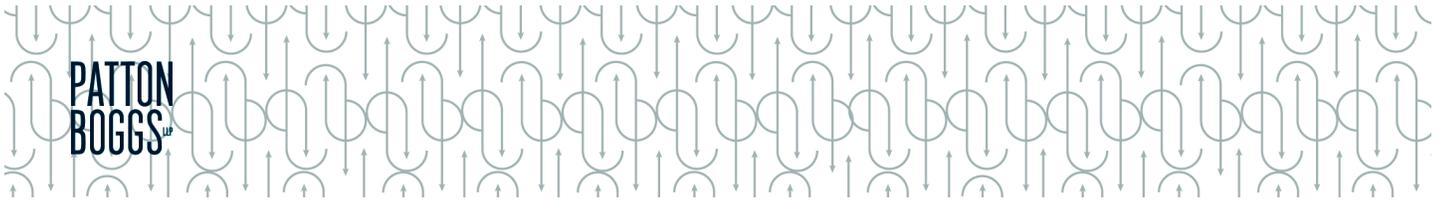
Major Issues

With President Obama securing re-election, stakeholders can expect continuation of his ambitious technology policy direction, with significant focus on broadband deployment, broadband management (net neutrality and data caps), privacy, spectrum initiatives, online piracy, cloud computing, and regulation of the evolving video marketplace. In the administrative agencies and in Congress, there will be significant change in communications leadership, which will impact communications policy for all stakeholders, and could set the stage for a rewrite of the Telecom Act.

Broadband Regulation. President Obama committed to ensuring that 98 percent of the country has access to high-speed wireless broadband in conjunction with Universal Service Fund modernization. Substantial work on universal service reform was completed during Obama's first term and work will continue. Policy debates about broadband, in the courts, in Congress, at the FCC, and before international regulatory bodies will focus on several issues, including net neutrality regulations, data caps, and the nature of global Internet governance. There will be a concerted effort by Internet companies to command a more meaningful presence in Washington, and influence how broadband is regulated.

Open Internet / Net Neutrality. President Obama supports an "open Internet" that fosters free speech. He pledged strong support for net neutrality and endorsed the Open Internet rules adopted in 2010 by current FCC Chairman Julius Genachowski. Either through the courts, the FCC, or Congress, we anticipate that net neutrality and broadband usage or "data" caps will come to a head next year. Thus far, Chairman Genachowski's enforcement of his Open Internet rules has been moderate, but his likely successors as Chairman (if he chooses to step down) may take a more aggressive enforcement posture on the Open Internet rules.

The FCC is defending its Open Internet Rules in the U.S. Court of Appeals for the D.C. Circuit. We believe there is still a significant chance that the FCC's rules will be struck down because of jurisdictional issues, but the FCC has mounted a strong defense to the arguments made by Verizon and MetroPCS. The FCC argues that its net neutrality rules have resulted in more Internet investment: "Subsequent to the adoption of the Open Internet Rules, investment has surged, with venture capital funding for Internet-specific companies rising 68 percent, and investment in wired

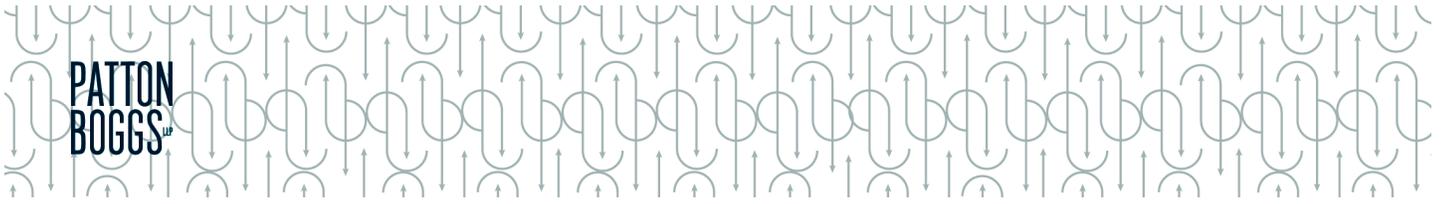


and wireless network infrastructure rising by 24 percent from 2010 to 2011.” On the jurisdictional issue, the FCC claims that Section 706 of the Communications Act, which directs the FCC to “encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans,” provides it with the authority to promulgate net neutrality rules. A decision is expected from the D.C. Circuit in 2013.

Broadband Data Caps - Tiered Pricing. Chairman Genachowski’s thinking on data caps and tiered pricing has evolved and will fuel debate in 2013. During the FCC’s consideration of net neutrality rules in 2010, the Chairman voiced support for Internet Service Providers (ISPs) experimenting with broadband usage caps or tiered broadband plans in an effort to explore better management of their broadband networks. In May of 2012, Genachowski confirmed support for usage-based billing, arguing that “[t]he framework we adopt today does not prevent broadband providers from asking subscribers who use the network less to pay less, and subscribers who use the network more to pay more.” However, in early September 2012, Chairman Genachowski voiced concern about broadband caps: “Anything that depresses broadband usage is something that we need to be really concerned about.” “We should all be concerned with anything that is incompatible with the psychology of abundance.”

Consideration of broadband data caps and tiered pricing has been contentious in Canada and will be in the United States. Internet companies see tiered pricing as a method for big carriers and cable operators to act in an anticompetitive manner. Representative Henry Waxman (D-CA) and Representative Edward Markey (D-MA), both of the House Communications and Technology Subcommittee, have expressed concern that Internet companies may not be given a “fair shot” to compete against carriers that own the networks without some protections. With the support of the Internet Association, which includes the most influential Internet companies, and the i2Coalition, an association of cloud computing companies, we expect that President Obama and the FCC will be more vigorous in promoting regulations consistent with the FCC Chairman’s most recent position on broadband data caps. Consumer groups are expected to push the DOJ, the FCC and Congress to investigate tiered billing practices and formulate legislation and regulations to prohibit lower cap models with high overage fees.

International Regulation of the Internet. The framework for International Telecommunications Regulations (ITRs) will be reconsidered later this year, December 3rd through December 14th, at the International Telecommunications Union in Dubai, United Arab Emirates, as part of the World

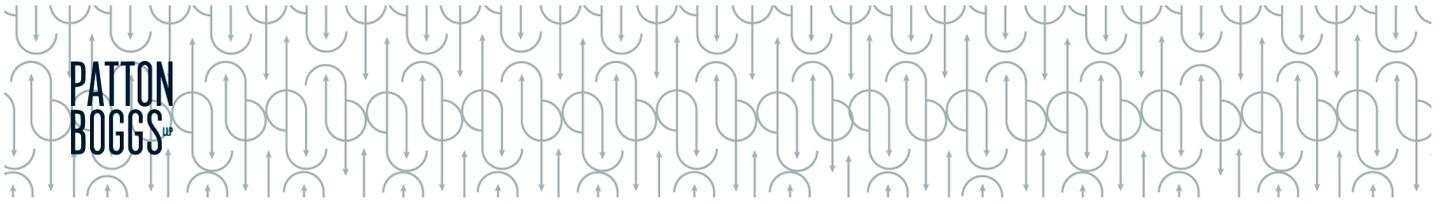


Conference on International Telecommunications (WCIT). The ITRs are an international treaty that guides the exchange of international telecommunications traffic among members of the International Telecommunications Union. The ITR treaty was negotiated in 1988. In the intervening years telecommunications technology and traffic has evolved, concurrent with global trends towards liberalized international markets and packet-switched broadband networks.

The U.S. delegation once feared that international community members from developing nations, along with China and Russia, might attempt to dramatically revise the scope of the ITR regime. Proposals circulated among WCIT-12 participants late last year sought to expand the ITRs to include provisions related to cybersecurity, Internet domain name rights, a role for governmental regulation of IP-traffic routing, and content-related proposals framed as “information security” that could conceivably permit authoritarian regimes to block Internet content and depress civil rights. The U.S. delegation pushed back aggressively with a set of alternative proposals that have reportedly gained consensus within the WCIT-12 delegation. Republicans and Democrats are united in their opposition to international efforts to expand the scope of the ITRs.

Privacy. In his second term, President Obama will advocate for federal legislation that adopts the “Consumer Privacy Bill of Rights” he proposed in February 2012, strengthening consumer rights to control use of their personal data. This Bill of Rights would expand the definition of personal data to encompass information that can be linked to a specific device used by a consumer. The Administration supports the development of a voluntary code of privacy practices through a multi-stakeholder effort spearheaded by the National Telecommunications and Information Administration (NTIA). Privacy legislation may be difficult to pass in the 113th Congress due to different approaches by Republicans and Democrats. This could mean advancement of industry self-regulatory programs. The Administration also proposes to overhaul the Children’s Online Privacy Protection Act (COPPA), which could significantly broaden the list of corporate entities that must protect children against behavioral advertising and plug-in services on websites that are directed to children.

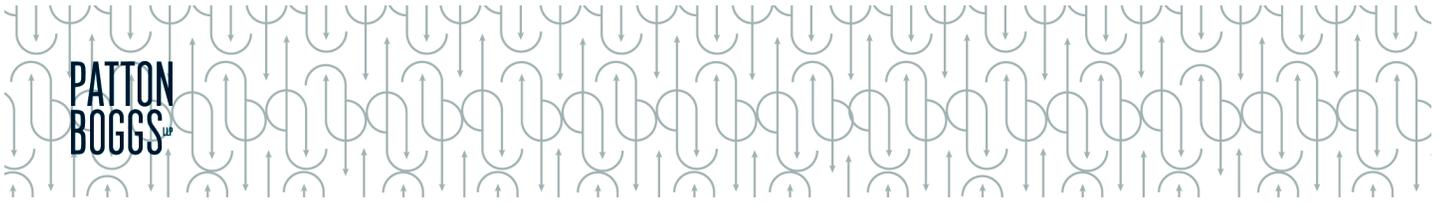
Efforts to amend the Video Privacy Protection Act and to pass cybersecurity legislation are expected when Congress returns for the lame duck session. The Senate Judiciary Committee will continue its work on the Video Privacy Protection Act, which the House passed in December of 2011. The video-privacy law bars the disclosure of a consumer’s video rental records without written consent. Committee Chairman Patrick Leahy offered an amendment to the bill to change the 1986 Electronic



Communications Privacy Act (ECPA), which addresses government access to electronic communications. A coalition of tech companies and privacy and civil-liberties advocates has been working to reform ECPA, saying that its protections are out of date. Leahy's substitute, which was approved by voice vote, would require the government to obtain a search warrant based on probable cause to access e-mail or other electronic communications from a service provider, with some exceptions. The amendment would eliminate current rules that apply different legal standards depending on the age of the communications. The amendment also would require government agencies to notify the owner of communications they are seeking within three days, but would allow officials to seek a court order to delay this notification for 90 days. Some House Republicans have objected to amending ECPA in response to significant opposition from law enforcement groups. Representative Bob Goodlatte (R-VA), one of the leading candidates to chair the House Judiciary Committee, has voiced concern about adding ECPA amendments to his VPPA bill.

In the 112th Congress, several bills were introduced to increase privacy protections for consumers and to address issues such as the collection and use of personally-identifiable information, behavioral advertising and tracking, data breach notifications and general data security protections. Senators John Kerry (D-MA) and John McCain (R-AZ) introduced comprehensive privacy legislation entitled the Commercial Privacy Bill Rights Act of 2011 (CPBR), which was criticized as not going far enough by consumer groups and privacy leaders because it did not contain a "Do Not Track" provision modeled after the "Do Not Call" Registry administered by the FTC. Chairman of the Senate Commerce, Science and Transportation Committee, Senator Jay Rockefeller (D-WV) introduced the Do Not Track Online Act of 2011 (DNTOA), which was complemented by the introduction of the Do Not Track Me Act in the House by Representative Jackie Speier (D-CA). Representative Representative Cliff Stearns (R-FL), who recently lost his seat in a close primary, also introduced legislation entitled the Consumer Privacy Protection Act of 2011, which requires both online and offline companies to provide consumers with clear and concise notification of the information collected about them as well as an opt-out option for the selling or sharing of such information. Lastly, Senators Ron Wyden (D-OR) and Al Franken (D-MN) introduced legislation to prohibit geo-location tracking and sharing without prior consent.

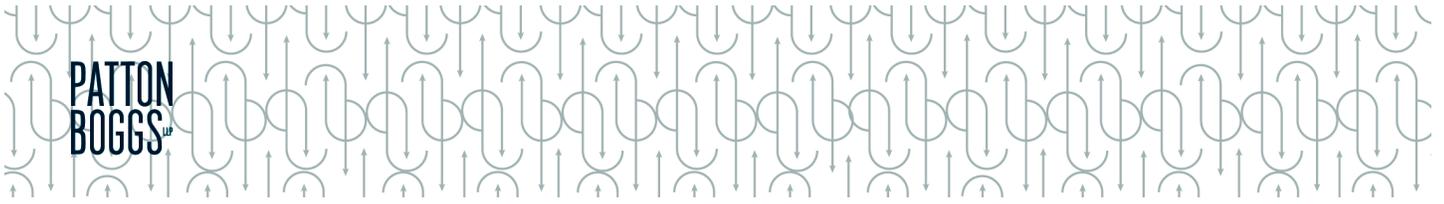
In view of the significant focus on privacy, the emergence of new technologies, and the perceived need to regulate the collection of consumer information, several industry self-regulatory programs have been put forward to advance protection through self regulation in lieu of comprehensive federal legislation. The Direct Marketing Association (DMA), along with the Better Business Bureau



(BBB), the Interactive Advertising Bureau (IAB), the American Association of Advertising Agencies (AAAA), and the Association of National Advertising, launched the Digital Advertising Alliance (DAA) with a set of principles to educate consumers about online behavioral advertising, provide notice and choice mechanisms, and promote greater transparency. Groups such as the National Advertising Initiative (NAI) and TRUSTe are working with the DAA as well as providing independent programs for their members and partners. Finally, the World-Wide Web Consortium (W3C) is working with associations, companies and federal officials to develop a Do Not Track system. The FTC has been working with the W3C. Microsoft's recent announcement that it would establish a Do Not Track default program in its Internet Explorer 10 browser and the follow-on announcements by other browser companies to establish Do Not Track options bring the consumer privacy issues into further focus. In response, the DMA recently launched the Data-Driven Marketing Institute to promote the consumer benefits of focused, data-driven marketing. These industry and public interest initiatives will have a significant voice in the public policy debates regarding consumer privacy in the 113th Congress.

Anti-Piracy Legislation. President Obama called “online piracy by foreign websites ... a serious problem that requires a serious legislative response.” Despite bipartisan support for bills in the 112th Congress to combat piracy (the theft of intellectual property online) through the Stop Online Piracy Act (SOPA) and the Protect IP Act (PIPA), Congress was unable to enact these bills. Critics of the legislation claim that it is tantamount to censorship and would undermine the essential functioning and technical integrity of the Internet. Supporters of the bills argue that in order to reduce digital piracy and online counterfeiting which are rampant on rogue websites overseas, new enforcement mechanisms are critical. Moreover, supporters claim that the Digital Millennium Copyright Act has not solved the problem.

We anticipate the legislation will resurface in the new Congress because it has found broad support among companies in the content, pharmaceutical, technology and fashion industries that rely on strong copyright protection. However, success on anti-piracy legislation in the 113th Congress will depend on whether supporters and opponents can come to agreement on controversial definitions and practical implications. PIPA would mandate that ISPs alter records for looking up website names so that U.S. Internet users cannot access sites that are deemed to be infringing by the Attorney General. Critics argued that the provision would undermine government-approved efforts to secure the Domain Name System against hackers and will break the Internet's unified naming system. While the Administration does not support SOPA in its current form, it endorses both a

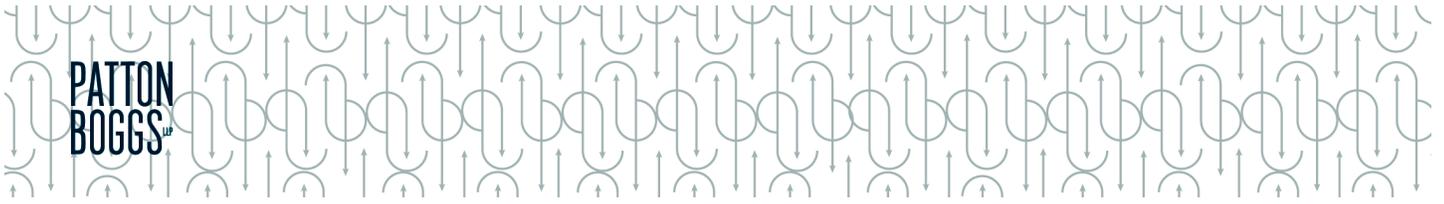


legislative approach that provides new legal tools to combat foreign online piracy and voluntary actions by privacy parties to combat online piracy by foreign websites.

Foreign Ownership of, and Involvement In, Domestic Communications Networks. Recent actions by Congress and by the FCC suggest that foreign ownership of, and involvement in, domestic communications networks will be a significant topic of debate in 2013. The House Permanent Select Committee on Intelligence recently released a bi-partisan report recommending that U.S. companies not do business with Chinese telecommunications companies—Huawei and ZTE—and that the Committee on Foreign Investment in the United States (CFIUS) block acquisitions, takeovers, or mergers involving these companies. The report questioned the foreign companies’ relationship with the Chinese government, although no government involvement was proved, and raised concerns about possible foreign and economic espionage. The Committee called on Congress to consider potential legislation that could require CFIUS approval of equipment purchasing agreements, something that is not required today. Although President Obama appears particularly interested in building a cooperative relationship with China, the Administration recently blocked a company with ties to China from building wind turbines close to a Navy military site in Oregon due to national security concerns. We believe the President may be open to expansion of CFIUS reviews of acquisitions and potential transactions involving foreign investors in the technology and communications sectors.

At the same time, the FCC has been taking actions to encourage more foreign investment in domestic networks. The FCC recently decided to forbear from certain restrictions on foreign investment in common carrier licensees, making it easier for foreign companies to own more than 20 or 25% of domestic carriers. The FCC also initiated a rulemaking to eliminate or simplify the test that applies to FCC review of foreign applications to provide international telecommunications service and cable landing stations.

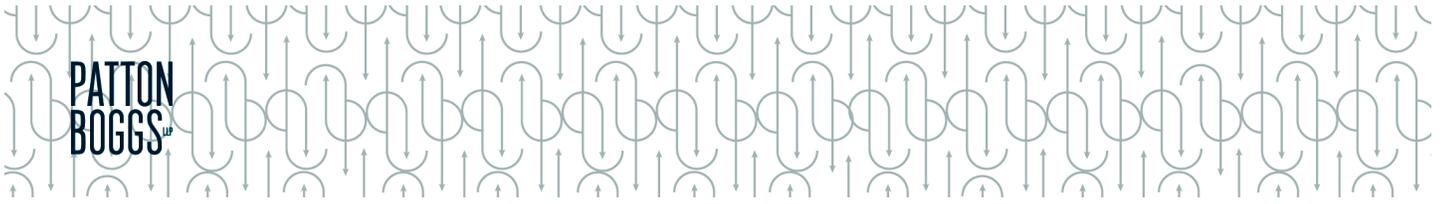
Spectrum Initiatives. Freeing more spectrum for wireless broadband was a significant focus of the Administration and the FCC over the past four years, and it is central to President Obama’s technology policy. Spectrum initiatives, including the voluntary broadcast incentive auctions, the nationwide public safety network, the spectrum screen, MSS reform and spectrum sharing schemes between public and private interests all will figure prominently in 2013.



Voluntary Broadcast Incentive Auction and the Public Safety Broadband Network. The National Broadband Plan issued by the FCC called for finding 500 MHz of spectrum for commercial networks for mobile broadband use. This continues to be the Administration’s goal. To this end, voluntary incentive auctions for broadcast spectrum, authorized by Congress in 2012, are expected to yield additional spectrum, but the amount will vary depending on how many broadcasters participate in the auctions. The uncertain compensation structure may affect participation. In September, the FCC initiated the incentive auction rulemaking. The auction is planned for 2014. The success of this effort will be critical for the FCC and the Obama Administration. Presuming success, part of the auction proceeds from the incentive auctions will fund the first wireless, public safety broadband network. Until the incentive auction is held, Congress will continue to exercise an oversight role to ensure that the FCC, the NTIA and the First Responder Network Authority (FirstNet) implement the Spectrum Act in accordance with congressional intent. For Chairman Rockefeller, the top priority will be ensuring that a dedicated nationwide network for emergency responders is deployed and operable. For Energy and Commerce Committee Chairman Fred Upton (R-MI) and Communications and Technology Subcommittee Chairman Walden, ensuring flexible use of the relinquished broadcast television spectrum for mobile broadband use, protecting broadcast television signals during the transition, and securing sufficient revenue to offset the deficit will be important.

Spectrum Screen. A rulemaking just initiated by the FCC is exploring how much wireless spectrum a carrier can hold, will affect which carriers will be allowed to bid for spectrum relinquished by broadcasters. This rulemaking, along with antitrust enforcement, will shape the market and will dictate how large carriers can grow, especially Verizon Wireless and AT&T. Known as the “spectrum screen,” current FCC rules generally allow a single carrier to hold up to one-third of the mobile spectrum in a market. The screen considers the availability of cellular, PCS, SMR, 700 MHz band, AWS-1 and BRS spectrum. To date, the FCC has held the top limit to 145 Mhz. Larger carriers are pushing to add spectrum bands to the spectrum screen equation, thus increasing the denominator used in spectrum screen assessments. Public interest groups and competitive carriers argue that current rules already allow too much concentration, and they advocate for placing a premium on spectrum below 1 GHz. This proceeding should conclude before the FCC commences the “forward auction” of vacated broadcast spectrum.

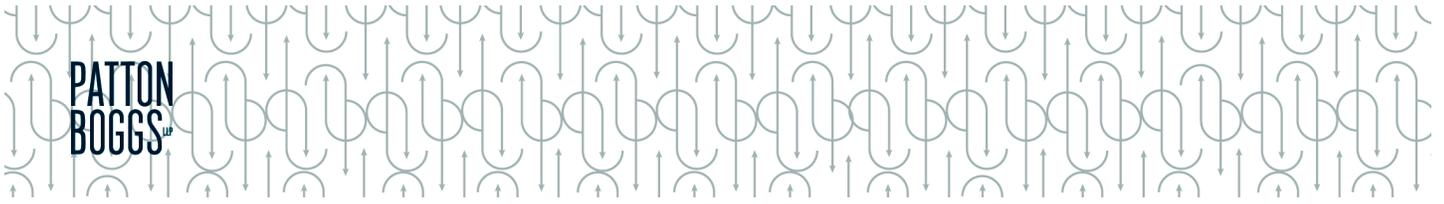
MSS Spectrum Reform. In March of 2012, the FCC initiated a rulemaking to free up 40 MHz of spectrum (2000 MHz - 2020 MHz and 2180 MHz - 2200 MHz) for mobile broadband by removing



regulatory barriers and providing for flexible use of spectrum from the Mobile Satellite Service (MSS). The recommendation, consistent with the National Broadband Plan, is to enable stand-alone terrestrial use of MSS spectrum. The rulemaking is particularly significant for Dish Network, which paid \$2.78 billion for spectrum in the band. Dish hopes to use the spectrum to launch a terrestrial wireless broadband network, using LTE technology, by 2016. The FCC is pushing to conclude this rulemaking by the end of 2012. Two issues to be resolved include buildout requirements and a 5 MHz shift in the spectrum (to 2005 MHz - 2025 MHz) advocated by Sprint to permit the auctioning of an additional 5 MHz of spectrum. The FCC proposes that providers using the spectrum reach 30% of the total population within three years and 70% within seven years. Dish has pushed for a buildout plan to serve 60 million people over four years and coverage for 200 million in seven years.

Sharing Government Spectrum. Another avenue for freeing spectrum for wireless broadband is to allocate for commercial use spectrum that is currently allocated to the federal government. The Administration supports sharing government spectrum with commercial users. Speaking to the President’s Council of Advisors on Science and Technology (PCAST) on the eve of the House Subcommittee hearings, Chairman Genachowski announced that the Commission will “initiate formal steps” by the end of the year to utilize the 3550-3650 MHz band in what some analysts have called a “launching pad” for public-private spectrum sharing.

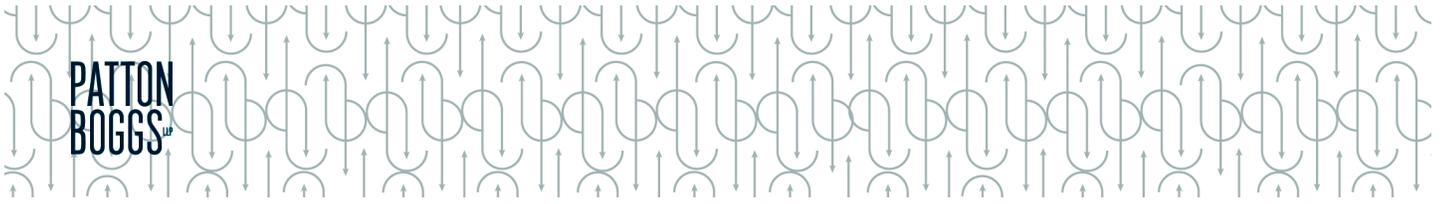
Cloud Computing. Early in his Administration, President Obama pushed for migration from traditional IT systems to cloud computing, including implementation of a “Cloud First” policy, requiring agencies to conduct a cloud-computing solution analysis prior to making new IT investments. These efforts reflect an overarching view by federal leaders that a migration to cloud computing will lead to a more efficient and effective government, will save costs, and will improve IT infrastructure, agility and capabilities. We anticipate these efforts will continue through the President’s second term. At the same time, regulators are sensitive to the implications of rapid adoption of cloud technologies. For example, in September, Senator Amy Klobuchar (D-MN) introduced the Cloud Computing Act of 2012, which reflects concern about the security of system data, the dependence on the security practices and assurances of vendors, the sharing of computing resources amongst users, and the transmission of high volumes of data across agency and public networks. Although it is doubtful that this bill will pass, it reflects growing concern about cloud computing. We expect to see emerging regulation in records management, standards setting, and privacy related to cloud computing.



Streamlined Sales Tax, State Sales Taxation of E-Commerce. President Obama is expected to support new measures to capture revenue on sales by e-commerce companies. To fulfill his pledge to address debt reduction without compromising essential public services, a uniform system to collect sales taxes by states on e-commerce could present a promising opportunity to “close a loophole” created by the Supreme Court. States and localities face serious budget shortfalls and will face greater challenges as Congress is poised to make sizeable federal budget cuts. There is renewed interest on both sides of the aisle to provide struggling states with un-captured revenue.

As Congress adjourned for the November elections, sponsors of legislation that would allow states to collect sales tax on online purchases said they would seek a Senate vote during the remaining weeks of the 112th Congress. Senators Dick Durbin (D-IL), Mike Enzi (R-WY), and Lamar Alexander (R-TN) offered an updated version of their Marketplace Fairness Act (S. 1832), as an amendment to the Small Business Jobs and Tax Relief Act, but the effort failed to secure the necessary votes for inclusion in the bill. The sponsors will attempt to have the legislation included in other bills during the lame duck session and, if not successful there, will begin their effort again in the 113th Congress. Meanwhile, the House Judiciary Committee held a hearing on a companion bill, the Marketplace Equity Act (H.R. 3179), introduced by Representative Steve Womack (R-AR), but no action has been taken on that measure. The bill’s authors must secure GOP support and overcome erroneous arguments that the legislation creates a new tax or amounts to a tax increase when the aim is simply to recover tax revenue that is already owed. Going forward, the focus of the discussion will be on the size of the small business exception contained in both the House and Senate bills. Critics of the legislation would like to see the exception increased from \$500,000/\$1,000,000 to \$20/\$30 million, while supporters counter that it should be closer to \$150,000.

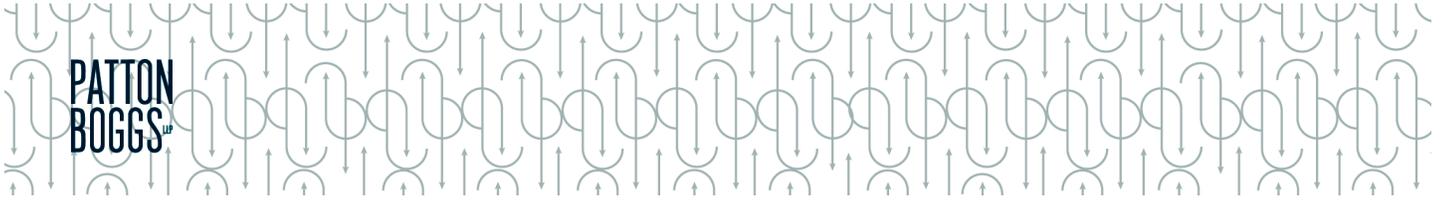
Telecom Act Rewrite. It has been seventeen years since the Telecom Act of 1996, the last major effort to reform the 1934 Communications Act (Communications Act) and foster a more competitive telecommunications market. Broadband deployments, technology, and marketplace developments have outpaced the statutory and regulatory grasp. Bipartisan calls for another “Telecom Act rewrite” are starting to come from a number of quarters, but there is clear recognition that reform is likely not a “one-session” task. Passing comprehensive telecom reform through regular order will require bipartisan cooperation because neither party has sufficient votes to overcome a filibuster if a vote occurs along party lines. If comprehensive reform is stymied, some reforms may push through individually.



Calls for a rewrite of the Telecom Act started after the U.S. Court of Appeals for the D.C. Circuit decided in the 2010 Comcast case that the FCC did not have authority to enforce informal net neutrality rules. Clarifying the FCC's authority to regulate the Internet will be one of the principal drivers to reform the Telecom Act. Another driver is consumer migration from traditional television and cable to online video delivery platforms. This development has brought into focus shortcomings of the twenty-year-old provisions of the Cable Television Consumer Protection and Competition Act of 1992. Both Chairman Rockefeller and current Communications Subcommittee Chairman John Kerry (D-MA) signaled that video competition policy reform is necessary to protect consumers. Senator Jim DeMint (R-SC), who will likely emerge as the lead Republican on the Commerce Committee in the 113th Congress, introduced the Next Generation Television Marketplace Act (S-2008) to repeal must carry mandates, retransmission consent, compulsory copyright licenses and media ownership rules. DeMint has an aggressive deregulatory agenda and has been considering comprehensive Telecom reform. Chairman of the House Subcommittee on Communications, Technology and the Internet, Greg Walden (D-OR), also recognizes that changes in the video marketplace may require reassessment of the law.

Retransmission Consent. Retransmission consent reform continues to be a contentious issue and is expected to be the focus of further discussion in the 113th Congress. Although the FCC began a retransmission consent rulemaking in March 2011, Chairman Genachowski expressed the view that the FCC has limited statutory authority to reform the rules under existing law. As a result, any substantive retransmission consent reform will require Congressional action. The Next Generation Television Marketplace Act (H.R. 3675/S. 2008), introduced by Senator DeMint and Representative Steve Scalise (R-LA), may serve as a catalyst. The legislation is widely viewed as having little chance of passage in its original form, but is expected to serve as a basis for discussion in the new Congress. Additionally, the upcoming reauthorization of the Satellite Television Extension and Localism Act, set to expire in 2014, could provide a vehicle for comprehensive review of television marketplace regulations.

PEG Channels. During the 112th Congress, Representative Tammy Baldwin (D-WI) and Congressman Steve LaTourette (R-OH) introduced H.R. 1746, the Community Access Preservation Act of 2011, to protect Public, Educational, and Governmental (PEG) station issues. The CAP Act would ensure funding from cable providers for local programming, digital literacy training, public safety and workforce development. The legislation removes the distinction between capital and operating uses of PEG support fees; ensures funding for PEG channels; requires cable operators to



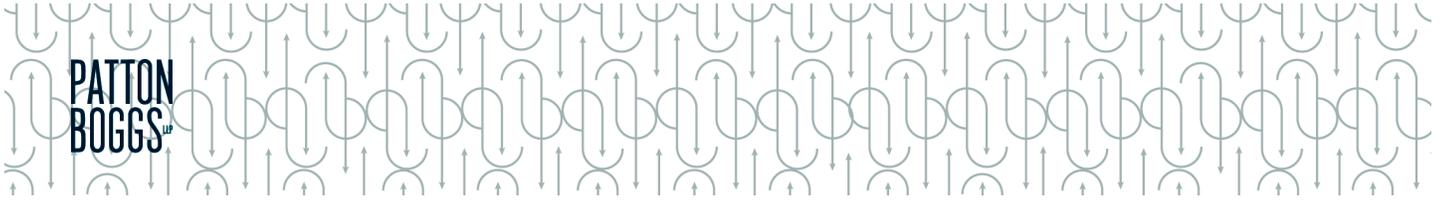
transmit PEG channels without charge to the local government; and requires the FCC to undertake a study of PEG operations. There are an estimated 5,000 PEG channels across the country that connect residents with local government, televising city council and county board meetings and hearings. There has been no major action on this bill and it has no Senate companion. It is unlikely to advance during the lame-duck session, but it may resurface in the new Congress with new sponsors since Representative LaTourette retired and Representative Baldwin won the seat vacated by Senator Herb Kohl.

Anticipated Agency and Committee Developments

Federal Communications Commission. Current Chairman Julius Genachowski is expected to resign sometime in 2013. It is unclear who will replace him. Leading candidates include the two sitting Democratic Commissioners, Jessica Rosenworcel and Mignon Clyburn, NTIA Administrator Larry Strickling, and Blair Levin, who was the Executive Director of the Omnibus Broadband Initiative at the FCC and oversaw development of the National Broadband Plan.

Mignon Clyburn's term expired in 2012. President Obama renominated her, but it is unlikely she will be confirmed before the end of this legislative session. We expect that President Obama will renominate Commissioner Clyburn in 2013. Many anticipate that Commissioner McDowell will resign sometime during the first six months of 2013, as he has served the FCC for six years. For Senate confirmation, his replacement will be a Republican selection and will likely be paired with Commissioner Clyburn and any new nominee for FCC Chairman.

Federal Trade Commission. Multiple sources are reporting that FTC Chairman Jon Leibowitz, who already has served eight years, will step down as Chairman early next year to return to the private sector. Leibowitz, who was confirmed for a second term in March of this year, was originally appointed to the Commission by President Bush in 2004 and was designated Chair by President Obama in 2009. His likely replacement is one of the two sitting Democratic commissioners, Julie Brill or Edith Ramirez. Both women were nominated by President Obama and sworn in as commissioners in 2010. In addition to the possibility of a new Chair, there should be a new Republican commissioner in 2013, but the pending nominee will face challenges getting through the Senate in the near term. Joshua Wright, a professor at George Mason Law, was nominated by President Obama in September to replace retiring Republican Commissioner Tom Rosch. Wright served as the scholar in residence for the FTC's Bureau of Competition from 2007-



2008 and had originally been recommended by Senate Minority Leader Mitch McConnell (R-KY). However, his nomination has become controversial because of his ties to Google and his paper, “Google and the Limits of Antitrust: The Case Against the Antitrust Case Against Google.”

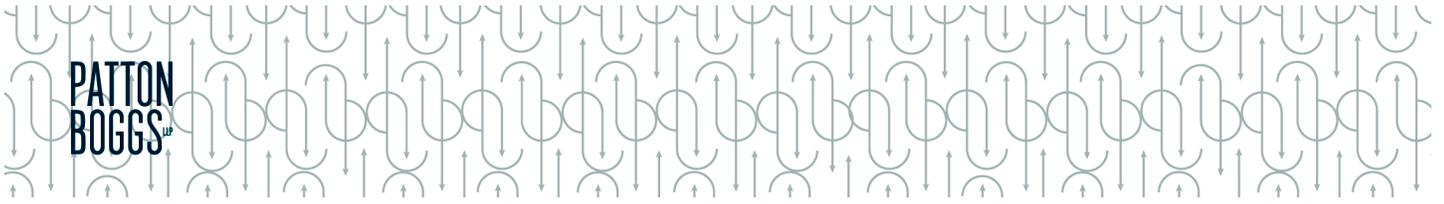
Forecast for the 113th Congress

The new Congress will take on a fresh look in the primary committees with jurisdiction over technology and communications policy. Key committee and subcommittee gavels and ranking member positions will change hands in both the Senate and House. Consequently, the stage could be set for a significant burst of legislative and oversight activity for the technology and communications sector.

Senate Commerce Committee. With the Senate remaining under Democratic control, Commerce Committee leadership will remain within Chairman Jay Rockefeller (D-WV) and his key lieutenant, Senator John Kerry (D-MA), who will continue to chair the Subcommittee on Communications, Technology and the Internet (unless he should move to the State Department as Secretary). A new Republican ranking member will emerge to fill the role left by retiring Senator Kay Bailey Hutchinson (R-TX), who will relinquish her Senate seat in December. That position is likely to be filled by Senator Jim DeMint (R-SC), the current ranking member for the Subcommittee on Communications, Technology and the Internet.

Senator DeMint’s conservative, free-market inspired philosophy will take committee leadership in a new direction, and will inject new energy into the panel membership. He has already introduced legislation that would reform the video marketplace, removing many rules upon which broadcasters and cable companies have relied. His legislation removes many of the rules that broadcasters have used to ensure carriage and compensation for their programming (*i.e.*, must carry and retransmission consent). DeMint is spending time thinking about broader telecommunications reform, and his approach may remove much of the FCC’s current authority. DeMint’s more aggressive framing of the issues from a tea party perspective, along with a Republican controlled house, may drive debate in the next Congress.

Senate Judiciary Committee. Senator Patrick Leahy (D-VT) will continue to serve as Chairman while Senator Charles Grassley (R-IA) will continue as Ranking Member. The Judiciary Committee is one to watch, as it became a hotbed of technology and communications policy activity in the 112th



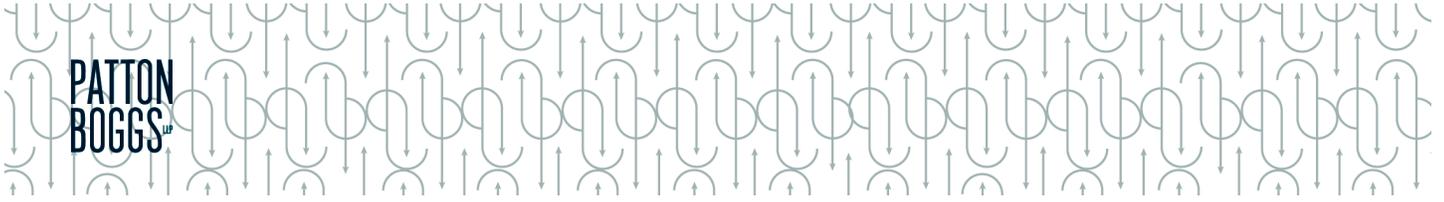
Congress. A new subcommittee was created that is devoted to Privacy, Technology and the Law. Subcommittee Chairman Al Franken (D-MN) led an aggressive oversight agenda and staged several high-profile hearings focused on privacy policy and new media. While Senator Franken's Subcommittee possesses limited legislative authority in the area of privacy and social media law, we expect the Subcommittee and the full committee to remain actively engaged with the communications industry in the 113th Congress.

House Energy and Commerce Committee. Republican control of the House will lead to a second term for current Chairman Fred Upton (R-MI). Representative Greg Walden (R-OR), the current Chairman of the Communications, Technology and the Internet Subcommittee, might give up his position to assume full-time leadership over the National Republican Congressional Committee. (Republican Conference rules would not require him to give up his subcommittee leadership role but the time requirement of the NRCC position may essentially force him to do so.) If Chairman Walden departs, several senior Republican subcommittee members will vie for his position (including Representative Lee Terry (R-NE) and Representative John Shimkus (R-IL)). We do not expect the Democratic roster at the top of the Committee leadership to change in the coming year, as Representative Henry Waxman (D-CA) will continue serving as Committee Ranking Member and Representative Anna Eshoo (D-CA) will continue serving as Communications, Technology and the Internet Ranking Member. However, we do expect the current makeup of the senior Republican rank-and-file membership to change considerably, as long-time members Representative Cliff Stearns (R-FL), Representative Sue Myrick (R-NC) and Representative John Sullivan (R-OK) are leaving Congress this year.

House Judiciary Committee. The House Judiciary Committee, with jurisdiction over compulsory license issues, the Copyright Act, and other critical intellectual property issues, will face a transition in leadership. Representative Lamar Smith (R-TX), the current Chairman, is term-limited and will depart his position to assume the top position at the Science Committee. Representatives Howard Coble (R-NC), Bob Goodlatte (R-VA), and Darryl Issa (R-CA) are reportedly vying to become Chairman. Representative John Conyers (D-MI) will continue serving as Ranking Member.

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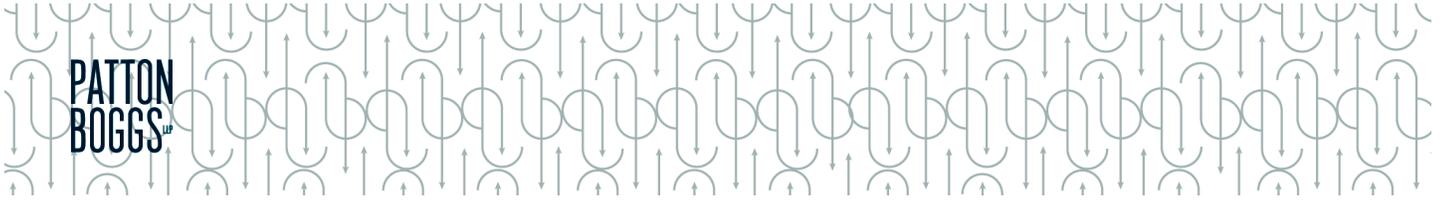
TRADE POLICY

Major Issues

President Obama's re-election, as well as the return of a Democratic-led Senate and a Republican-led House, should help to produce a rough continuation of the last two years of U.S. trade policy. We expect gradual progress on trade liberalization, intermingled with recurring political disputes over the pace and scope of such liberalization and the labor, environmental, agricultural, and intellectual property policies that accompany it. President Obama will seek to make significant advancements both multilaterally, via agreements including the Trans-Pacific Partnership (TPP) and the initiation of trade negotiations with the European Union (EU), as well as bilaterally, such as by seeking to secure Permanent Normal Trade Relations (PNTR) status for Russia and Moldova.

Pro-trade majorities in the Senate and the House generally will offer support for such endeavors. By wide margins in both chambers last year, Congress approved Free Trade Agreements with Korea, Panama, and Colombia. But as demonstrated by the halting pace of Russia/Moldova PNTR legislation in Congress this year, geopolitical factors and competing legislative priorities suggest that ardent trade advocates on both ends of Pennsylvania Avenue, and in the private sector, will have to continue to tailor their arguments on a case-by-case basis. Moreover, as major decisions on trade come to the fore in the Senate, President Obama will need to continue to rely on his political alliance with Senate Majority Leader Harry Reid (D-NV), a noted skeptic on trade, to move issues across the legislative finish line.

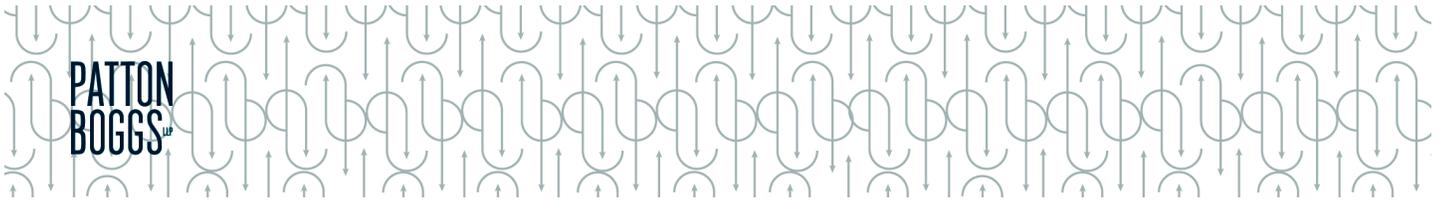
China. One way for President Obama to address the concerns of Senator Reid and other congressional allies with close ties to the labor movement, especially those from the swing states in the Industrial Midwest that proved so crucial to the President's re-election, will be to continue to



target China selectively over perceived unfair trade practices. President Obama's first-term record, which included seeking bilateral and multilateral trade remedies on goods ranging from automobile tires to rare earth metals to solar panels, is instructive. The Obama Administration's targeted approach placated enough congressional critics of China's trade practices to allow time for improvements in the overall bilateral trade picture. The Obama Administration also created a new special trade enforcement unit focusing on China, which may increase its level of activity in the second term. At the same time, this selectivity has helped to calm anxious U.S. and international investors, who feared the consequences of a broader U.S.-China trade dispute.

Meanwhile, China's currency has continued its gradual rise against the dollar. That development has dampened, although certainly not eliminated, one of the most common and vociferous arguments made by China trade skeptics in Congress for the last several years. Specifically, the argument holds that by refusing to name China as a "currency manipulator" that allegedly keeps its currency, the renminbi (or yuan), artificially low, the Obama and Bush Administrations have enabled Beijing to avoid retaliatory sanctions and effectively subsidize Chinese exports and penalize their U.S. counterparts. In fact, Governor Romney himself, normally identified as a free-trader, leveled this charge against the President and promised to label China as a currency manipulator on his first day in office. For the foreseeable future, the President is unlikely to attempt to penalize China for currency manipulation. We do not expect Congress to pass binding currency legislation either. The U.S. business community continues to tell Congress that the value of China's currency is not its key concern in the country, and Speaker Boehner will continue to block currency legislation from the House floor.

Trans-Pacific Partnership and Trade Promotion Authority (TPA). The Obama Administration likely will attempt to complete the multilateral TPP negotiations in 2013, with the aim of submitting a final agreement to Congress in 2014. Whereas the Bush Administration had negotiated the Colombia, Panama, and South Korea FTAs that nevertheless dominated much of President Obama's first-term trade agenda, the White House considers TPP to be an opportunity to put its own stamp on U.S. trade policy (even though the U.S. first embraced TPP in the George W. Bush Administration). The Office of the U.S. Trade Representative (USTR) will push hard for a final document in 2013, particularly given the tangible benefits the Administration sees emerging from the TPP for the U.S. services and agricultural industries, among other economic sectors.

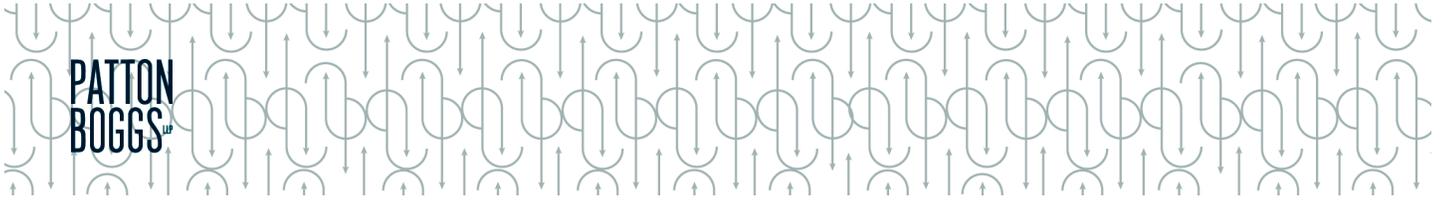


However, the Administration's target dates on TPP could slip for several reasons. First, the TPP's final membership is not yet certain. Chances are good that Japan (which has vacillated on its interest in joining the TPP) and South Korea (which has been more circumspect about joining) will not join the trade pact in the near term. If they do, the multilateral negotiations would necessarily slow down. That is particularly the case if Japan were to join, given Tokyo's reluctance to make agricultural concessions, as well as the concerns among some in the U.S. auto industry about potentially including Japanese cars and trucks in the agreement. South Korea has trade agreements with the other TPP members (Australia, Brunei, Canada, Chile, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam), which would help ease Seoul's participation. Meanwhile, the addition of Canada and Mexico to the TPP talks this year has proceeded relatively smoothly so far. Canada and Mexico only recently became full TPP Members, and the December negotiating round in New Zealand will serve as their debut session as active participants.

Second, significant challenges remain in mollifying key stakeholders on intellectual property issues and other TPP provisions. Several prominent Democrats, including some with generally pro-trade voting records such as Ways and Means Committee Members Jim McDermott (D-WA) and Earl Blumenauer (D-OR), have voiced concerns about the TPP discussions' lack of transparency in general, and draft IP provisions in particular. The Obama Administration will forge ahead nonetheless, but will continue to take the time to consider disparate views, largely in order to avoid broader problems during the eventual Congressional approval process.

Finally, a larger issue that is likely to reemerge during the Congressional approval process for TPP is the possible reauthorization of "fast track" Trade Promotion Authority. The first-term Obama team did not make a formal request to renew TPA, which lapsed in 2007. Furthermore, a Republican-led trial vote failed to garner the required 60 votes in the Senate in 2011, as USTR did not want to jeopardize Democratic votes for the Colombia, Panama, and Korea FTAs by pushing for TPA at that time. However, the Administration will have had more time to generate Democratic support for, or at least acquiescence to, TPA by the time TPP is ready for congressional consideration.

Russia/Moldova PNTR. Trade experts are increasingly confident that Congress will pass legislation to grant PNTR for Russia and Moldova in the lame duck session. The Senate Finance Committee and the House Ways and Means Committee both reported out PNTR bills over the summer as Russia joined the World Trade Organization, and the U.S. business community sought to repeal Cold War-era Jackson-Vanik bilateral trade restrictions. However, final action stalled on the

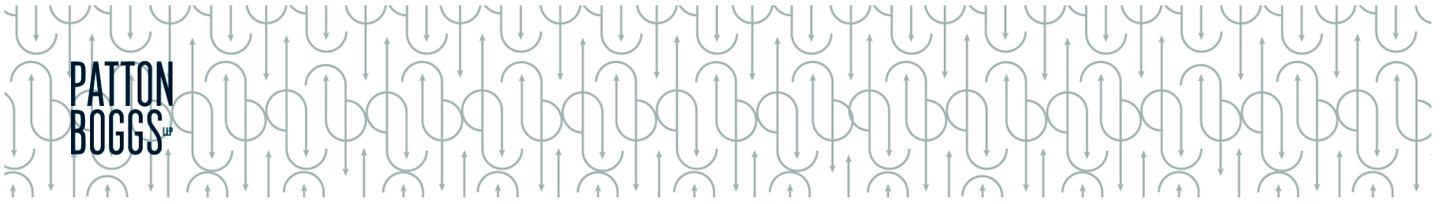


floor of both chambers, largely due to disagreements about how to address Russia's human rights record as part of the final legislative package.

During the lame duck session, we expect the House to act first on the PNTR package (possibly in its first week back), with the Senate following closely behind. Many House Democrats will voice support for a more stringent, more globalized version of the "Magnitsky" Russian human rights legislation that the Republican Leadership plans to attach to the PNTR bill. However, we expect the leadership's approach to carry the day. Senate human rights advocates, such as Senator Ben Cardin (D-MD), are then likely to accept the House bill as a significant improvement over the status quo. The Senate is then expected to vote in favor of PNTR, possibly without amendments, barring complications imposed by the compressed lame duck calendar.

U.S.-EU Free Trade Agreement. Especially if TPP and Russia/Moldova PNTR show the expected signs of progress in the coming months, the Administration is likely to focus additional attention on its next "big-ticket item," namely the possibility of an FTA between the United States and the European Union. USTR is essentially ready and willing to enter into formal negotiations with the EU. Moreover, with a sufficient degree of spadework, the White House believes it can line up sufficient political support for the concept from Congressional Democrats, given the EU's strong regulatory framework on labor and environmental issues.

The larger "known unknown" lies on the EU's side of the equation. The question remains whether officials in Brussels and EU capitals feel they have the bandwidth and political standing to undertake inevitably complicated and intermittently controversial trade negotiations with Washington while the Eurozone and several Southern European economies remain in varying degrees of peril. The Obama Administration and certain EU officials are likely to describe an FTA as a jobs-boosting "win-win," but it remains to be seen if generally dour and inward-looking European voters, and the politicians who represent them, will agree. In October, the European Parliament also called for the U.S. and EU to initiate trade negotiations in the first half of 2013, as long as the talks focus sufficiently on augmenting food safety, protecting geographical indications, and establishing greater market access in maritime and air transportation services.



Other Trade Issues

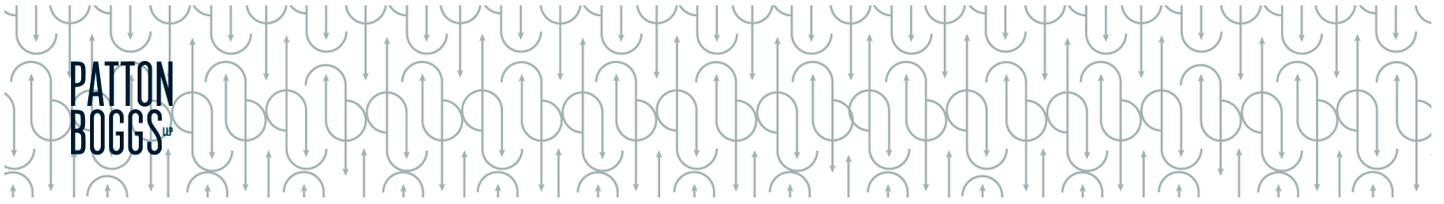
The Obama Administration, particularly the Commerce Department, will continue to boost its National Export Initiative (NEI), in which the President has promised to double exports within five years. If the economy continues its gradual improvement, the Administration has a chance to meet its goal for the NEI.

The Administration may also seek to complete work on a long-stalled Trade and Investment Framework Agreement (TIFA) with Taiwan. Taiwan may be ready to compartmentalize its concerns about the safety of U.S. beef, which waylaid the previous round of TIFA talks in 2007. A successful TIFA with Taiwan could lead to discussions on a bilateral FTA, for which supporters of Taiwan in Congress have long advocated.

The Administration will need to decide on a longer-term plan for renewal of the Andean Trade Promotion and Drug Eradication Act (ATPDEA) and the broader Generalized System of Preferences (GSP) program, both of which expire in mid-2013. The ATPDEA program is currently in effect only for Ecuador, which would like to continue to participate. It is unclear if the Administration might consider broadening the program to include other Latin American countries in order to help generate support in a region of the world for which the White House has been criticized for ignoring. It is also unclear whether the new Congress will resuscitate earlier efforts to consider more comprehensive global “trade preference reform” initiatives as part of this effort.

In August, President Obama signed into law the extension, for three years into 2015, of the African Growth and Opportunity Act’s important “third country fabric program.” USTR has since publicly committed to a “seamless renewal” of AGOA before the program expires entirely in 2015, most recently during Deputy USTR Demetrios Marantis’ trip to Africa in October, where he reiterated support for Africa’s efforts toward regional integration, including efforts to establish the Tripartite Free Trade Area in Africa by 2014.

Congress is not likely to move a Miscellaneous Tariff Bill (MTB) during the lame duck session, and the Obama Administration is not likely to push the issue. We expect additional action on the MTB next year.



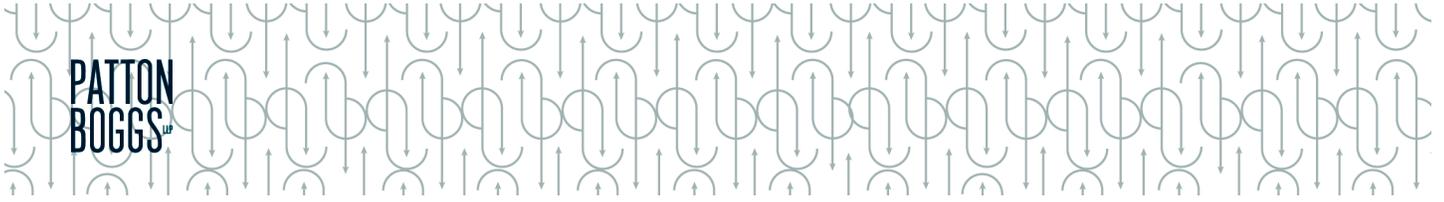
We expect the Obama Administration and Congress to continue to scale back U.S. sanctions against Burma (Myanmar). The Administration and Congress are moving together in a carefully calibrated manner to ease U.S. sanctions, as the South East Asian nation continues to take tangible steps to reform. This “principled engagement” is being supported by a U.S. business community eager to invest in the country, which desperately needs to build an economy capable of supporting its people.

Anticipated Agency and Committee Developments

USTR. Most observers expect Ron Kirk to leave as USTR as President Obama’s first term comes to a close. Many trade experts view Michael Froman, who heads the National Security Council’s international economic team, as the most likely choice to succeed Kirk. The well-liked, well-regarded Froman has developed many allies in both the private- and public-sector sides of Washington’s trade policy community. Ambassador Kirk’s two Washington deputies, Miriam Sapiro and Demetrios Marantis, also have cultivated strong support within the trade ranks. If President Obama seeks to bring in someone from outside his current Administration to serve as USTR, he might tap Representative Howard Berman (D-CA), who is an expert on intellectual property issues, and has compiled a generally pro-trade voting record. If the President wishes to cross party lines with his choice, outgoing House Rules Committee Chairman David Dreier (R-CA) is an ardent trade advocate with a track record of bipartisan deal-making.

Department of Commerce. The Department of Commerce has been operating with an “acting” secretary, Dr. Rebecca “Becky” Blank, since the June 2012 resignation of Secretary John Bryson for health reasons. President Obama may appoint another leader from the private sector, although several Administration figures, such as Ambassador Kirk, and outgoing Members of Congress also could be considered.

Senate Finance Committee. Chairman Max Baucus (D-MT) and Ranking Member Orrin Hatch (R-UT) will continue in their current positions in the next Congress. Senator Baucus faces a potentially challenging re-election bid in 2014, and he will be anxious to demonstrate his longstanding penchant for bipartisan progress on Finance Committee issues in general and trade issues in particular. Senator Hatch will continue to push the Obama Administration to act as fast and as comprehensively as possible on trade liberalization, as he did in the lead-up to the vote on the Colombia, Panama, and Korea FTAs. Several spots are opening up on the highly sought-after Finance Committee at the end of this Congress. Retiring Committee members include Senator Kent



Conrad (D-ND), Senator Jeff Bingaman (D-NM), Senator Olympia Snowe (R-ME), and Senator Jon Kyl (R-AZ).

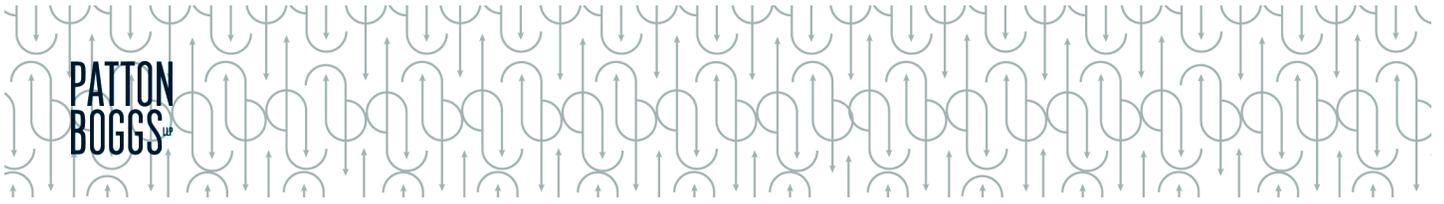
House Ways and Means Committee. Ways and Means Committee Chairman Dave Camp (R-MI) and Ranking Member Sander Levin (D-MI) are expected to remain as Chairman and Ranking Member. Both Members will continue to play very active roles on trade matters, as they did during their support for revisions of the auto provisions of the U.S.-Korea FTA in late 2010. Ways and Means Trade Subcommittee Chair Kevin Brady (R-TX) and Ranking Member Jim McDermott (D-WA) likewise are expected to continue to serve as key voices for their parties on trade in the next Congress. Congressional Democrats view Congressman Brady as a genial, if highly conservative, honest broker. Similarly, Congressional Republicans consider Congressman McDermott, who combines general support for free-trade with staunch liberalism, as a valuable Democratic barometer on globalization issues.

Contact Information

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TRANSPORTATION AND INFRASTRUCTURE

The Obama Administration and 113th Congress will have a full transportation and infrastructure agenda. Having completed a long-term reauthorization of the nation's aviation programs in the 112th Congress, action will focus on implementation at the Department of Transportation (DOT) and, in particular, the Federal Aviation Administration (FAA). On the heels of a significant but short-term reauthorization of the nation's surface transportation programs, the incoming Congress will again confront the need to reauthorize or extend the nation's highway and transit programs—and the same fundamental question of how to pay for them. Rail issues will also be an important part of the agenda, including Amtrak funding and operational issues, the future of the Obama Administration's high speed rail initiative, and the impending compliance deadline for controversial Positive Train Control (PTC) requirements. Finally, water infrastructure may indeed be an area of increased focus, with Congress confronting the need to enact a Water Resources Development Act (WRDA) and



exploring new innovative financing approaches to help meet the nation's large and growing water infrastructure needs.

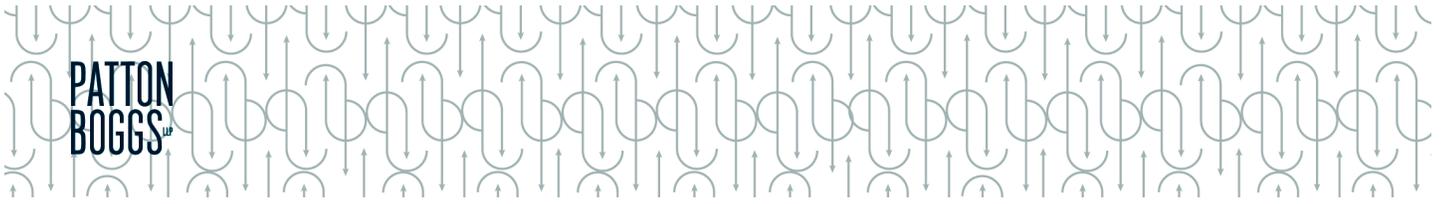
AVIATION

Major Issues

The authorization of FAA programs was enacted in February 2012, and expires September 30, 2015, and so a comprehensive aviation bill is not likely to move until 2014 at the earliest. While the focus of the aviation industry in the next two years will primarily be on DOT—the Office of the Secretary (OST) and the FAA—both airlines and airports may push Congress to act before the next reauthorization debate begins. The major challenge confronting the FAA, the airlines, and business and general aviation, is the Next Generation Air Transportation System (NextGen), which will move air traffic control from a land-based system to a satellite-based system, and includes numerous other efficiency improvements in air traffic management and control.

Forecast for the 113th Congress

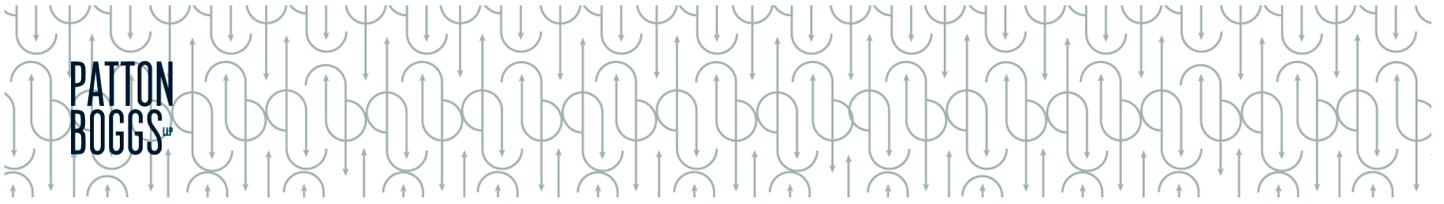
The first aviation issue likely to be considered by Congress concerns the European Union Emissions Trading System (ETS), which requires U.S. carriers (and other non-EU carriers) to obtain emission permits based on emissions from the entire flight from the United States to Europe, not just the portion of the flight over EU airspace. Air carriers have asked the Obama Administration to file a complaint with the International Civil Aviation Organization (ICAO) charging that the EU ETS is an extra-territorial measure at odds with the Chicago Convention. The EU is adamant that it will not back down unless and until ICAO adopts one or more market-based measures to reduce aircraft emissions. The EU ETS charges begin in January 2013. ICAO is currently considering several market-based measures, and will meet in March to winnow its options, but will not adopt any measure until the ICAO General Assembly meets in the fall of 2013, at the earliest. At the request of the airlines, both the House and Senate this year passed bills to prohibit U.S. airlines from participating in the EU ETS. The language in the bills is different and thus must be reconciled. We expect there will be an effort to pass a compromise bill in a lame duck session, or early in 2013. The Obama Administration is not likely to file a complaint with ICAO, a process that could take over a year, especially if ICAO continues to make progress in adopting one or more market-based measures.



While preferable to another of the 23 short-term extensions that preceded it, the FAA reauthorization legislation left many issues important to airlines and airports unaddressed. Airports, for example, were pleased that the authorized levels of Airport Improvement Program (AIP) funding were maintained, and the multi-year reauthorization finally returned the airport funding schedule to the norm after several years of extensions. But the legislation did not address the airports' number one objective: increasing the maximum Passenger Facility Charge (PFC), which has remained \$4.50 since 2000. Moreover, the Airport and Airway Trust Fund, from which both Airport Improvement Program grants and a substantial portion of FAA operations are funded, is not on solid footing, despite the enactment of the FAA reauthorization legislation. The downward arc in the Trust Fund balance is a product of several factors including the reduction of airline capacity and the airlines' unbundling of pricing, as ancillary fees are not subject to the 7.5% ticket tax, the major source of revenue for the Trust Fund. There may be an effort from Democrats to subject ancillary fees to the ticket tax, but it would be resisted vigorously by the airlines. And the Department of Transportation, whether or not Secretary LaHood continues to serve, is not likely to hold back, much less reverse, its zeal in pushing more passenger protection regulations and imposing significant fines to incentivize compliance.

The biggest challenge facing the FAA over the next few years is implementing NextGen. Next Gen comprises many improvements in technology, equipment, data collection and communication, and requires coordination among the FAA, DOD, and all industry stakeholders. Apart from the sheer complexity of NextGen, there is uncertainty about whether there will be enough funding to move these projects forward. If sequestration hits, it will likely set back NextGen funding by a year or more. One of the key advances is Automated-Dependent System-Broadcast (ADS-B) technology. Simply put, ADS-B Out broadcasts aircraft information to Air Traffic Control, and ADS-B In broadcasts aircraft information into the cockpit. The issue of how to equip all commercial and general aviation aircraft with ADS-B-In and -Out technology has not been resolved, (even as the FAA moves to require equipage), as well as how the navigable airspace will be managed with varying degrees of equipage among the airlines and other non-commercial operators. A push for a NextGen Equipage Infrastructure Bank may pick up steam.

The other major challenge to the FAA is to adopt rules and procedures to integrate civil Unmanned Aerial Vehicles (UAV) into the National Airspace System. Congress required the FAA to submit an Integration Plan to Congress by February 14, 2013 and to issue a final rule within 18 months thereafter (no later than August 14, 2014). At present, FAA grants Certificates of Authorization only



to federal, state, and local government UAV operators. Apart from issues of safety, FAA must address an increasing level of public anxiety over privacy intrusions. The FAA reauthorization bill also required FAA to select six test sites for testing of Unmanned Aerial Systems. The FAA is expected to select these sites by the end of this year or early 2013.

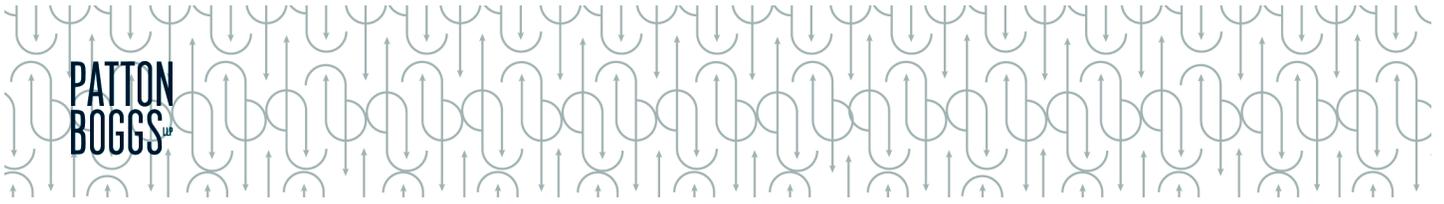
In the next several months American Airlines may emerge from Chapter 11. The bankruptcy court has given American until December 28 to come up with a plan of reorganization, although the court could extend this exclusivity period into 2013. It is uncertain whether American will emerge as a stand-alone airline or will agree to a merger with U.S. Airways, as American's unions want. A merger of these two major airlines would face Department of Justice (DOJ) scrutiny, and if not blocked by DOJ, would have many impacts on other airlines and airports. Congress may hold hearings, but there is not much Congress can do to prevent a merger. There may yet be more consolidation of the U.S. airline industry, though none likely as momentous as Delta-Northwest, United-Continental, and Southwest-Air Tran.

SURFACE TRANSPORTATION

Major Issues

On July 6, 2012, President Obama signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21), a two-year reauthorization of the nation's surface transportation programs. As MAP-21 extends only through September 30, 2014, the Obama Administration and 113th Congress will again confront the need to reauthorize or extend the nation's highway and transit programs and the fundamental question of how to pay for them.

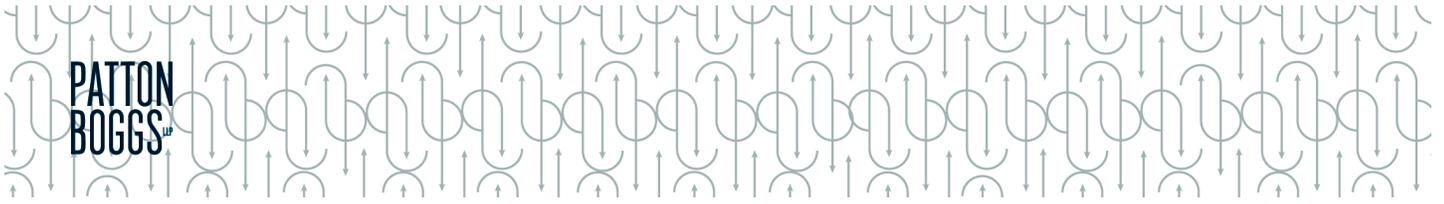
The most important issue underlying the future of the surface transportation program is the financing question. Incoming revenue into the Highway Trust Fund, primarily from the gas tax, is insufficient to support current expenditure levels. The federal gas tax is set at a fixed 18.4 cents per gallon and has not been increased since 1993. At the same time, increases in fuel efficiency and changes in driving patterns due to higher gas prices have led to a decrease in gas tax revenue, resulting in an ever-widening gap between revenues and authorized spending levels. The Congressional Budget Office estimates this shortfall will further accelerate with implementation of the new Corporate Average Fuel Economy (CAFE) standards announced in August 2012.



Increasing the gas tax was not a consideration during the debate over MAP-21, reflecting the political forces that have kept the gas tax frozen in place for nearly 20 years—and that have been magnified by record gas prices and a sluggish economy. Just to keep the program at current levels, MAP-21 transfers \$21.2 billion from the General Fund and other sources into the Highway Trust Fund. Since 2008, Congress has transferred approximately \$56 billion into the Highway Trust Fund to maintain its solvency. Merely extending the program at current levels beyond September 30, 2014 is projected to require approximately \$15 billion in additional revenue per year to supplement declining Highway Trust Fund receipts.

Against this backdrop, MAP-21 is a transitional bill, providing two years of funding certainty and time to address the fundamental long-term financing question—while also setting a policy direction for the future. Responding to the constrained funding environment, MAP-21 places a core focus on maximizing the value of existing resources. It expands innovative financing opportunities, increasing funding for the TIFIA low-interest loan program nearly tenfold. It broadens tolling opportunities and takes steps to facilitate public private partnerships (PPPs). It streamlines the environmental process to accelerate project delivery and encourages innovative delivery methods. It consolidates programs, and eliminates most discretionary programs, to give states and transit agencies more flexibility and certainty. It moves towards a more performance-based planning process to focus investments on achieving strategic outcomes. And it takes steps to define and prioritize systems that are in the federal interest, targeting over 60 percent of highway funding to preserving and improving an expanded National Highway System consisting of the nation’s most important highways; and requiring the designation of a Primary Freight Network consisting of the nation’s most significant freight corridors.

MAP-21 also authorized appropriations for a new Emergency Relief program at the Federal Transit Administration (FTA), paralleling the Federal Highway Administration’s (FHWA) existing program. While there are available funds for FHWA’s program, the current CR does not provide funding for FTA’s program as it only extends existing appropriations from FY2012. In the aftermath of Hurricane Sandy, funding for both the FTA and FHWA Emergency Relief programs may be revisited as part of a potential supplemental appropriations bill during the lame duck session.

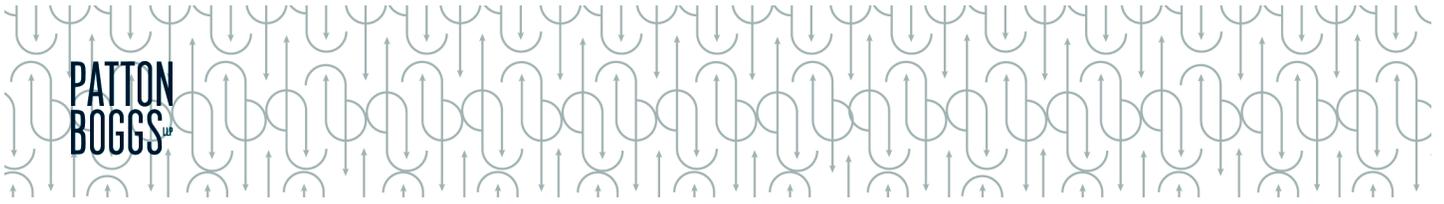


Forecast for the 113th Congress

While MAP-21 serves as a bridge, it ends at a crossroads. The Obama Administration and 113th Congress face three fundamental choices for the future of the program: (1) increasing the gas tax or raising dedicated new revenue from other sources; (2) reducing spending to align with available revenue; or (3) continuing the General Fund transfers and short-term policies that have sustained the program since 2008. These choices of *how* to finance and how much revenue to generate are in turn intertwined with questions of *what* to finance and what the federal role in transportation investment should be.

There remains broad opposition to an increase in the gas tax, especially given current prices at the pump. Neither the President nor the House or the Senate is likely to endorse one, especially standing on its own. There have been a wide range of other ideas floated on how to raise additional revenue. The President campaigned on a proposal to use the “peace dividend” from winding down the wars in Iraq and Afghanistan as a financing source. There have been various proposals to link transportation and energy revenues, either through new taxes on wholesale oil sales and speculative trading of oil futures (a Democratic proposal from the 111th Congress); or expanding domestic oil and gas drilling and devoting the new revenues to transportation (a Republican proposal from the 112th Congress). Others have proposed indexing the gas tax for inflation or converting the current fixed per-gallon tax to a percentage sales tax. There does not appear to be any political will for converting to a mileage-based fee or Vehicle Miles Traveled (VMT) tax, although many experts point to the VMT as the most sustainable and equitable long-term solution.

Another possibility receiving increasing attention is addressing transportation finance as part of a “grand bargain” or comprehensive fiscal reform package. In its final report, the Simpson-Bowles Commission recommended gradually increasing the gas tax by 15 cents over three years and limiting spending to those receipts. During the Super Committee process, the “Gang of Six” proposed maintaining the current gas tax but raising \$133 billion over ten years for transportation as part of comprehensive tax reform. Turning to non-transportation revenue sources, however, raises separate concerns about departing from the user fee principle embodied in the gas tax. Because highways and transit are funded through a Trust Fund with their own dedicated user fee, the funding is not subject to annual appropriations—nor to sequestration—and authorizing legislation is able to provide guaranteed multi-year funding or “contract authority.” If the user fee link is severed, so too may be the special budgetary status of the surface transportation program.

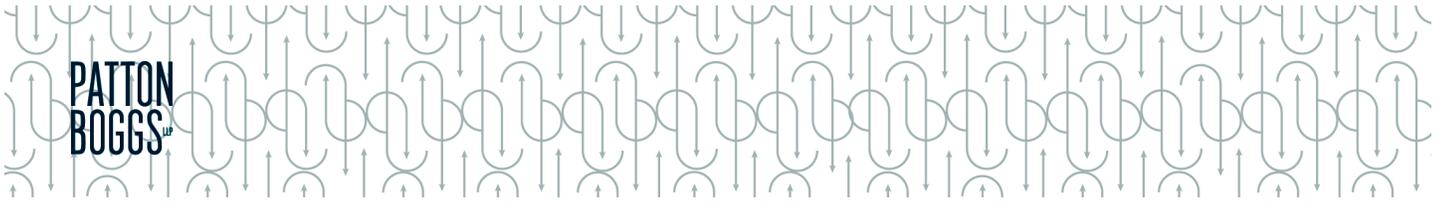


The other fundamental choice is to reduce spending to align with Highway Trust Fund receipts. Without additional revenue, spending would have to be cut by 30% to stay within available Trust Fund balances. There is a view that if additional revenue cannot be raised, the federal program has no choice but to live within its means and should be refocused on the core elements of the nation's transportation system – those of clear and longstanding federal interest. Those holding this view generally call for available revenues to be bolstered through further expansions in innovative financing, tolling and PPPs; and for federal requirements to be further streamlined to reduce costs and provide states with maximum flexibility.

Under continued Republican leadership, the House is likely to favor accelerating the direction set in MAP-21 and—under any funding level—will likely seek to prioritize investment in the higher order systems, further streamline the environmental process, and make greater use of tolling, innovative financing and PPPs. The Senate and Obama Administration will want to maintain the policy compromises established in MAP-21 and not go further. During consideration of MAP-21, for example, two of the most significant bi-cameral debates were about (1) the extent of environmental streamlining; and (2) whether to modify or eliminate altogether the set-aside for bicycle and pedestrian projects, which became a proxy for the broader debate about the scope of the federal program and federal role. In both cases, the House wanted to go farther than the Senate – and that dynamic is expected to continue. While the Republican House has generally been less supportive of funding for urban transit systems, MAP-21 confirmed there is a fundamental core of bi-partisan and bi-cameral support for dedicated transit funding.

Ultimately, the fundamental question facing the 113th Congress is whether and how to raise additional revenue, followed by the question of what the federal program will look like under the various constraints. In the 112th Congress, the Republican House, Democratic Senate, and Obama Administration grappled with these choices and in the end came together to enact a short-term bill that maintained current spending levels and relied upon another General Fund transfer.

The same players now return for the 113th Congress, but facing a greater challenge. The financing gap continues to grow, such that even another two-year bill at current levels would require some \$30 billion in additional revenue. Policymakers will also have to address the reauthorization with only limited time to see the effects of the policies put in place in MAP-21. Short on the heels of MAP-21 and facing an even larger revenue shortfall, Congress will confront the future of the program with



heightened recognition that fundamental decisions need to be made, but faced with difficult and complex choices.

With respect to key discretionary programs funded outside of the Highway Trust Fund, the President's re-election and return of a Democratic Senate provide the greatest likelihood that the TIGER program will be continued. The New Starts program will also continue to be a priority for the Obama Administration and Senate. Unlike programs funded through the Highway Trust Fund, however, the discretionary TIGER and New Starts programs are subject to sequestration and would be impacted by automatic across-the-board cuts should they occur. In the event of any cuts to the New Starts program, the FTA would be expected to prioritize existing Full Funding Grant Agreements and maintain those commitments, as it has historically.

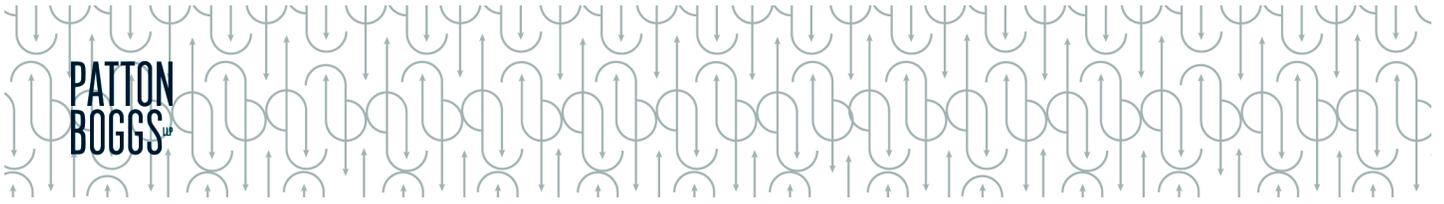
RAIL

Major Issues

Rail issues will be an important part of the transportation agenda in the next Congress driven, in part, by the decision not to include a rail title in the MAP-21 bill. That decision frees up the 113th Congress to focus on comprehensive rail safety and policy issues and, in particular, reforms to the Railroad Rehabilitation and Improvement Financing (RRIF) program; Amtrak funding and operational issues; the future of the Obama Administration's high speed rail initiative; and the controversial 2015 deadline for implementation of PTC requirements—a deadline that the Federal Railroad Administration (FRA) has said cannot be met.

Forecast for the 113th Congress

Congress has not enacted a major piece of rail legislation since the Passenger Rail Investment and Improvement Act (PRIIA) and Rail Safety Improvement Act (RSIA) of 2008, which established the 2015 PTC deadline. While both the House and Senate included rail policy titles in their respective surface transportation bills, they ultimately were unable to reach an agreement within the Conference timeframe and include a rail title in the final bill. With the impending PTC deadline serving as the main driver, but with a host of issues to address, the 113th Congress is likely to consider substantive rail legislation.



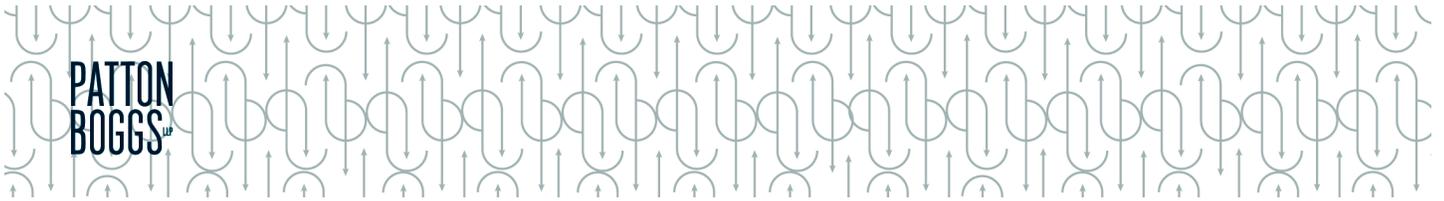
The release in August 2012 of FRA’s Report to Congress on PTC implementation is the critical catalyst for legislative action. The report concluded that most railroads will not be able to meet the PTC deadline, citing significant technological and programmatic challenges. In addition to an extension of the deadline, Congress is expected to consider other strategies including phased implementation and options for “alternative technological compliance” to provide greater flexibility while achieving an equivalent level of safety.

In addition to PTC, Congress is also likely to seek reforms to the RRIF loan program. The RRIF program is widely regarded as being underutilized, and there is broad consensus that certain reforms—primarily to the application and review process—could substantially increase its effectiveness. Building on reform proposals developed as part of the surface transportation reauthorization, there is considerable bipartisan momentum behind efforts to reform the RRIF program and strong desire to see it function more like the popular TIFIA program.

Amtrak subsidies and operating practices will continue to be high-profile issues. While Governor Romney explicitly called for an end to Amtrak subsidies, the Obama Administration (and Vice President Biden in particular) along with the Democratic Senate have been strong supporters of Amtrak and will continue to prioritize funding to meet Amtrak’s operating, capital and debt service requirements.

With respect to Amtrak operations, the House Transportation and Infrastructure (T&I) Committee under Chairman John Mica (R-FL) focused intensely on Amtrak’s cost structure and put forward a proposal, along with Rail Subcommittee Chairman Bill Shuster (R-PA), for the privatization of the Northeast Corridor. While Governor Romney also expressly called for full Amtrak privatization during the campaign, a re-elected President Obama and Democratic Senate will continue to oppose privatization initiatives.

If Chairman Mica is not granted a waiver, it is widely expected that Chairman Shuster will take over the full committee. While it is unclear to what extent Chairman Shuster will pursue the proposal for privatization of the Northeast Corridor that he released along with Chairman Mica, the House is very likely to continue pressing for the use of competitive private sector contracting for Amtrak services such as food and beverage concessions and track maintenance work. The House has also highlighted the use of competitive private sector contracting for the operation of certain commuter rail routes and is likely to emphasize that as a model that should be expanded.



The future of the Obama Administration’s high speed rail initiative will be another highly visible issue. President Obama has made high speed rail a signature transportation priority, and the 111th Congress provided \$10.1 billion for high speed and intercity passenger rail projects across the country. Since the turnover in the 112th Congress, however, House Republicans have zeroed out the program and high speed rail has not received any further appropriations. The pending Senate transportation appropriations bill would provide a minimal level of funding (\$100 million) to continue the program—a similar effort to what was proposed in FY2012 when ultimately no funding was provided. U.S. DOT, however, has used the TIGER program to fund targeted high speed rail projects to sustain some continued federal investment in this top Administration priority.

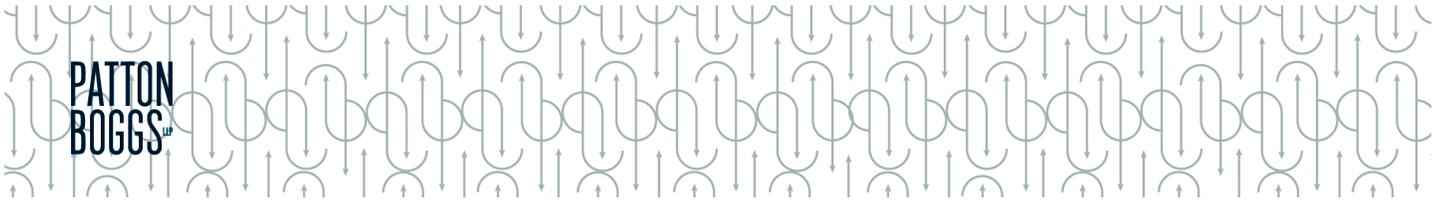
WATER

Major Issues

A number of significant water infrastructure issues will be on the agenda in the 113th Congress. Congress will confront the need to reauthorize WRDA, which sets the direction for the U.S. Army Corps of Engineers Civil Works program. WRDA is intended to be taken up every two years, but has not been reauthorized since 2007. There is also increasing awareness of the nation’s large and growing municipal water infrastructure needs and interest in new innovative financing solutions. In the 112th Congress, a proposal for a Water Infrastructure Finance and Innovation Act (WIFIA) modeled on the TIFIA program received serious bi-partisan consideration, and efforts to enact WIFIA legislation are likely to gain further steam in the 113th Congress. Finally, driven in particular by the widening of the Panama Canal locks, expected to be completed by 2014, the condition of our nation’s ports, harbors and inland waterways will continue to be an important and high profile subject.

Forecast for the 113th Congress

Senator Barbara Boxer (D-CA), Chairman of the Senate Environment and Public Works (EPW) Committee, has called for action on WRDA legislation during the lame duck session. While it is unlikely the Senate will be able to consider a WRDA bill given the breadth of the fiscal issues that must be addressed before the end of the year, there are likely to be stepped-up efforts to enact WRDA legislation in the next Congress. WRDA legislation has traditionally been bipartisan, and during a September 2012 hearing on WRDA, EPW Ranking Member James Inhofe (R-OK) indicated that the Committee leadership was already “working hard to negotiate a WRDA bill.”



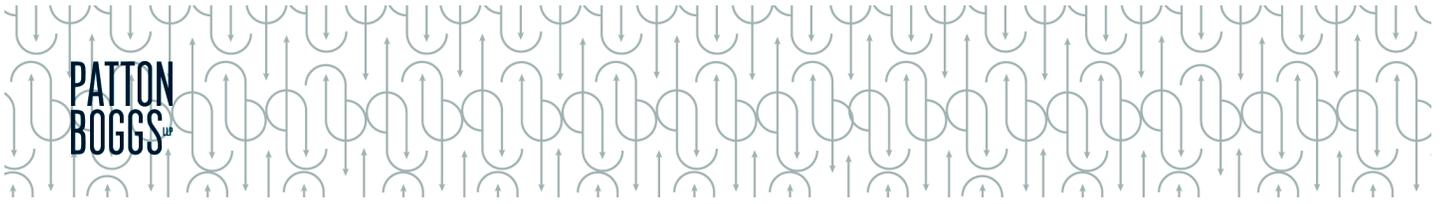
During the 112th Congress, Chairman Mica also expressed his desire to see the Congress take up a WRDA bill.

The issue of earmarks is one of the main challenges in enacting WRDA legislation, as one of the primary functions of WRDA legislation is providing project specific authorizations to direct the Corps of Engineers. As such, there has been some discussion of exempting WRDA project and study authorizations from the definition of an earmark, and that is expected to receive increased attention. In addition to project authorizations, there is significant interest in advancing a WRDA bill to address a range of policy issues, with particular focus on further reforming and streamlining the Corps of Engineers process.

There are also likely to be increased bi-partisan and bi-cameral efforts to advance WIFIA legislation to provide low-cost, long-term financing for water infrastructure projects. Reports such as the American Water Works Association's *Buried No Longer* have increased attention on the fact that the nation's aging water infrastructure is nearing its replacement age en masse. Similarly, high profile national media reports are shining light on rapidly increasing water bills as communities address the demands of both aging water infrastructure as well as environmental compliance.

In the 112th Congress, Chairman Bob Gibbs (R-OH) of the House Water Resources and Environment Subcommittee held two hearings on innovative financing for water infrastructure and released draft WIFIA legislation. As the WIFIA program allows every \$1 in federal funding to leverage up to \$10 in low-interest loans, WIFIA legislation has been hailed as a highly cost-effective solution in a constrained budget environment and endorsed by the leading organizations representing water and wastewater utilities as well as the U.S. Conference of Mayors. Innovative financing titles were also included in a range of other bills discussed in the 112th Congress, including Ranking Member Tim Bishop's (D-NY) Water Quality Protection and Job Creation Act. In August, Senator Jeff Merkley (D-OR) announced his intention to move forward with WIFIA legislation.

The nation's port infrastructure will also be an important part of the agenda in the 113th Congress. In addition to potential deepening projects at Gulf of Mexico and East Coast ports, in response to the Panama Canal lock widening, continued focus on the use of the Harbor Maintenance Trust Fund (HMTF) can be expected. The current Fund pays for 100% of the Corps annual Operations and Maintenance (O&M) dredging, required at most ports to keep the channels at the authorized depth. However, the amount appropriated each year from the HMTF for the Corps O&M program



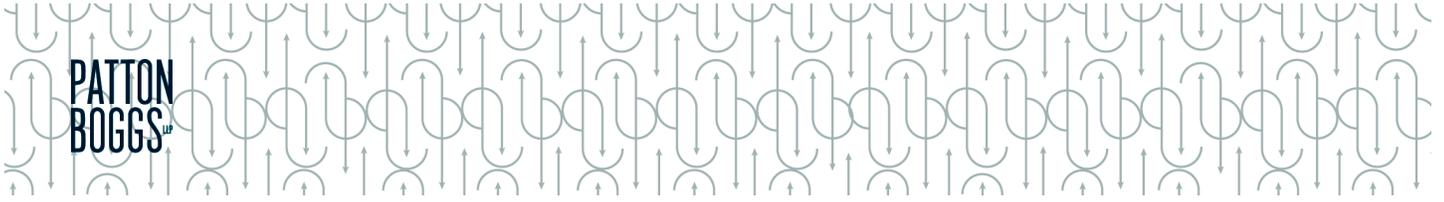
is significantly less than what is collected annually through the Harbor Maintenance Tax and placed into the Trust Fund. In 2011, for example, over \$1.5 billion was collected and placed in to the HMTF, but only \$826 million was expended. Legislation was introduced in the House and Senate last Congress which would have required that the amount expended each year for Corps O&M dredging be equal to the amount collected. Though the original concept was met with opposition by Leadership in the House and Senate, MAP-21 ultimately included language expressing the Sense of the Congress that all revenues collected through the HMTF be fully used for dredging and maintaining the nation's federal channels. The use of funds from the HMTF—as well as the way those funds are allocated among the nation's harbors—will again be a significant issue in the 113th Congress.

Anticipated Agency and Committee Developments

Secretary of Transportation. There remains considerable speculation about whether Secretary of Transportation Ray LaHood will stay on into President Obama's second term. Last year, Secretary LaHood was quoted in media reports as saying that he was not intending to stay on for a second term, but his recent statements have seemed to leave the door open. If Secretary LaHood steps down, other high-profile candidates being mentioned include Antonio Villaraigosa, the term-limited Mayor of Los Angeles who has made transportation a signature issue, and former Pennsylvania Governor Ed Rendell, who has long been a leading voice on infrastructure issues.

Congressional Committees. While there are many committees with jurisdiction over transportation and infrastructure programs and funding, the major program authorizing committees are House T&I; Senate EPW; Senate Commerce, Science and Transportation; and Senate Banking, Housing and Urban Affairs.

House T&I Committee. As noted above, Representative Bill Shuster (R-PA) is widely expected to become Chairman as Chairman John Mica (R-FL) is term limited. Term limits will also affect the current Subcommittee Chairs for the Aviation, Highways and Transit, and Coast Guard subcommittees, Representatives Tom Petri (R-WI), John Duncan (R-TN), and Frank LoBiondo (R-NJ), respectively. It is expected that they will swap and each move to take the helm of one of the other newly open Subcommittees.



Senate EPW Committee. Chairman Barbara Boxer (D-CA) will likely remain in control of the Senate EPW Committee, with jurisdiction over both highways and water infrastructure. (If Senator John Kerry (D-MA) were to become Secretary of State, Boxer would have the option of assuming the gavel of the Foreign Relations Committee.) Ranking Member Jim Inhofe (R-OK) faces term limits and is next in line to be Ranking Member of the Armed Services Committee, where Senator John McCain (R-AZ) also faces term limits. Senator David Vitter (R-LA) is likely to become Ranking Member.

Senate Banking, Housing and Urban Affairs Committee. Senator Tim Johnson (D-SD) is expected to remain Chairman of the committee with jurisdiction over transit. However, Ranking Member Richard Shelby (R-AL) also faces term limits. Senator Crapo (R-ID) is next in line. This would keep the Ranking Member seat in a relatively rural state, but would end a tenure that had Senator Shelby as the leading Republican force in shaping transit policy for both SAFETEA-LU and MAP-21.

Senate Commerce Committee. Senator Jay Rockefeller (D-WV) will remain the Chairman of the committee, which has jurisdiction over aviation and rail policy; and Senator Frank Lautenberg (D-NJ) will remain Chairman of the Surface Transportation Subcommittee. With Ranking Member Kay Bailey Hutchison's (R-TX) retirement, Senator Jim DeMint (R-SC) is expected to become the Ranking Member of the committee. Given Senator DeMint's standing as the most conservative member of the Senate (as ranked by *National Journal*), his assumption of the Ranking Member position is likely to have a significant impact on the aviation and rail policy debates in the 113th Congress.

Contact Information

For additional insights about likely policy developments, please feel free to contact the authors of this section: Carolina Mederos at 202-457-5653 or cmederos@pattonboggs.com; Gregory Walden (aviation) at 202-457-6135 or gwalden@pattonboggs.com; Phil Bangert (ports) at 202-457-5247 or pbangert@pattonboggs.com; Kevin O'Neill at 202-457-6136 or koneill@pattonboggs.com; Norma Krayem (rail) at 202-457-5206 or nkrayem@pattonboggs.com; and Jared Fleisher at 202-457-6341 or jfleisher@pattonboggs.com.



Advisory Boards and Committees

Citizen participation, by way of community input, advice, and/or recommendations regarding matters brought before the Board of County Commissioners for its consideration, is important in developing Leon County's programs/policies and in providing quality public services to the community. This is an opportunity for residents to get involved in an advisory capacity.

Any resident of Leon County who would like to be considered for appointment to one of the boards, councils, or committees listed should click on "Committee Listings" to view a short description of each committee's purpose. To locate a list of committee vacancies and members' term expirations, residents should either click on "Vacancies and Term Expirations" or click on the specific committee interested in.

We recommend that residents research the various advisory boards for information on committee responsibilities, member eligibility, term length, and the committee's meeting schedule to determine what time commitment is involved for committee members. Citizens may locate this information at the County's **Citizens Committees** website:

<http://cms.leoncountyfl.gov/committees/>

The committee appointment process requires the Application form to be completed, either online at <http://cms.leoncountyfl.gov/servicerequest/committeeapplication.aspx>, submitted via e-mail, or printed and mailed. Additionally, the Citizen Committee Orientation and Training can be accessed at the **Citizens Committees** website. For more information about advisory committees and position openings, please contact:

Christine Coble, Agenda Coordinator
301 S. Monroe Street
Tallahassee, FL 32301
Phone: 850-606-5300
Fax: 850-606-5301
E-mail: coblec@leoncountyfl.gov

Board of County Commissioners

Leon County, Florida

Policy No. 03-15

Title: Board-Appointed Advisory Committees

Date Adopted: October 11, 2011

Effective Date: October 11, 2011

Reference:

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

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

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

POLICY

1) **Authority, Purpose, Intent, and Scope**

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

2) **Definitions**

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

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

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

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

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

3) Establishment of Advisory Committees

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

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

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

4) **Responsible Departments**

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

5) **Application Process for Advisory Committees**

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

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

6) Appointment of Members to Advisory Committees

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

7) Orientation

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

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

8) Focus Groups - Function and Operation

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

9) Decision Making Committees - Function and Operation

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

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

10) Dissolution of Advisory Committees

The Advisory Committee shall be dissolved only as follows:

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

Revised 10/11/2011

Leon County Citizens Committees:

Adjustment and Appeals Board

Responsible for determining appeals of code-related (Land Development Regulations) interpretations and granting variances to the provisions of the LDRs based on documented hardship.

Affordable Housing Advisory Committee

Reviews the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing.

Architectural Review Board

Reviews and makes recommendations on listing of properties on the Local Register Historic Places and review changes to the exterior of properties zoned Historic Preservation, and issues Certificates of Appropriateness.

Audit Advisory Committee

Promotes, maintains, and enhances the independence and objectivity of the internal audit function by ensuring broad audit coverage, adequate consideration of audit reports, and appropriate action on recommendations.

Bannerman Road Corridor Study Citizens Advisory Committee (ad hoc)

Participates in the Corridor Study; collects public input; and, makes final recommendations on transportation improvements to Bannerman Road.

Big Bend Health Council, Inc.

Provides for local representation in planning and evaluating health needs of a 14-county regional service district.

Canopy Roads Citizens Committee

Presents or discusses policies and programs affecting the preservation and maintenance of canopy roads; provides input on the values and goals of programs affecting canopy roads, and contributes continuous feedback and make recommendations regarding the preservation of canopy roads to the City and County Commissions.

Capital Region Transportation Planning Agency Advisory Committee

Makes recommendations to the CRTPA Board regarding the needs of users of all modes of transportation, including bicycle/pedestrian and transit.

Code Enforcement Board

Conducts hearings on cases involving violations of environmental, zoning, building, and junk ordinances and enter orders to enforce County laws.

Commission on the Status of Women

Considers input and promotes awareness in the matter of the status of women and girls in the community regarding discrimination, employment, education, social services, health, etc.

Community Development Block Grant Citizen's Task Force

Assists with CDBG program planning, implementation, assessment and oversight, as well as counsel and advise the Leon County Housing Program.

Leon County Citizens Committees:

Community Health Coordinating Committee

Provides a forum for citizen participation in health care planning and dialogue to address community concerns and problems regarding health care.

Contractors Licensing and Examination Board

Accepts and approves applications, including administers examinations for contractors licenses and issues contractors licenses.

Council on Culture & Arts

Coordinates and disseminates information regarding cultural events and opportunities.

Educational Facilities Authority

Assists institutions for higher education in construction, financing, and refinancing of projects.

Enterprise Development Zone Agency (EDZA) Board of Commissioners

Reviews, processes, and certifies applications for state enterprise zone tax incentives and provides assistance to businesses and residents within the Enterprise Development Zone.

Development Support and Environmental Management Citizens User Group (formerly GEM Citizens User Group)

Provides Board recommendations regarding proposed ordinances that impact growth management and other issues pertaining to current planning, development review, and environmental compliance.

Housing Finance Authority

Encourages investment by private enterprise and stimulates construction and rehabilitation of housing through use of public financing.

Human Services Grants Review Committee

Evaluates human service funding requests during regular budget cycle and makes recommendations to the Board.

J. R. Alford Greenways Citizen's advisory Committee (ad hoc)

Participates in the update and review of the Greenways' Management Plan, collects public input, and makes final recommendations regarding any modifications to the Management Plan to the Leon County Board of County Commissioners for submittal to the state.

Joint City/County Bicycle Workgroup

Provides recommendations to staff regarding proposed cycling-related projects, improvements, events, and ordinances that are considered to be of community interest.

Joint City/County/School Board Coordinating Committee

Fosters the coordination of comprehensive planning and school facilities planning programs.

Leon County Sales Tax Committee (ad hoc)

Created for the purpose of collecting public input and making recommendations regarding public policy for infrastructure sales tax issues within Leon County.

Leon County Citizens Committees:

Library Advisory Board

Serves as a forum for community input concerning library programs and activities and as a liaison and advocate of the library.

Miccosukee Canopy Road Greenways Citizen's Advisory Committee (ad hoc)

Participates in the update and review of the Greenways' Management Plan, collects public input, and makes final recommendations regarding any modifications to the Management Plan to the Leon County Board of County Commissioners for submittal to the state.

Minority/Women Small Business Enterprise (M/WSBE) Committee

Reviews M/WSBE program.

Palmer Munroe Teen Center Community Board of Trustees

Provide strategic direction, guidance, policies, and procedures to allow the Palmer Munroe Community Center to be used as a Restorative Justice and Youth Activities Center.

Planning Commission /LPA/TPAC

Acts as advisory committee to City and County commissions seeking its advice and assistance in comprehensive planning and development in the Tallahassee area.

Research and Development Authority

Created for the purpose of planning and financing capital projects in the form of research and development parks to encourage local economic development.

Science Advisory Committee

Evaluates scientific evidence and reports findings and recommendations pertaining to environmental issues.

Tallahassee Sports Council

Develops a staff recommendation regarding sports tourism-related matters to be considered by the Tourist Development Council.

Tourist Development Council

Develops plans for tourist development; make recommendations for operation of special projects or for uses of tax revenue; reviews expenditures of revenue from development trust fund.

Water Resources Committee

Addresses community-wide concerns such as flooding, recreational and community economic value, watershed management, and funding priorities.

Workforce Plus

Develop the region's strategic workforce development plan

New County Commissioner's Briefing Book
COMMISSIONERS MEMBERSHIPS ON BOARDS
CONTENTS

- County Policy No. 11-2 Membership on Boards, Committees, Councils, and Authorities
- 2013 Chairman's Appointments to Boards, Committees, and Authorities

Board of County Commissioners

Leon County, Florida

Policy No. 11-2

Title:	Membership on Boards, Committees, Councils, and Authorities
Date Adopted:	August 23, 2011
Effective Date:	August 23, 2011
Reference:	See Footnotes for references
Policy Superseded:	Policy No. 93-13, Membership by the Board of County Commissioners on Boards, Committees, Councils and Authorities, adopted January 12, 1993; Policy No. 98-6, Membership by the Board of County Commissioners on Boards, Committees, Councils, Authorities, and Liaison, adopted October 13, 1998; Policy No. 98-6, Membership on Boards, Committees, Councils, Authorities, revised February 26, 2008; Policy No. 98-6, Membership on Boards, Committees, Councils, Authorities, revised July 13, 2010; Policy No. 98-6, Membership on Boards, Committees, Councils, Authorities, revised November 16, 2010; Policy No. 98-6, Membership on Boards, Committees, Councils, Authorities, revised December 14, 2010; Policy No. 11-2, Membership on Boards, Committees, Councils, and Authorities

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 98-6, revised by the Board of County Commissioners on December 14, 2010, is hereby repealed and superseded, and a new policy is hereby adopted in its place, to wit:

1. The following table represents the Boards, Committees, Councils, and Authorities, which require County Commission membership and appointments of some, but not all, Commissioners who shall serve on the basis of their position. In addition, the table establishes the appointing authority, the eligibility for appointment, and term of appointment for such membership. The table also reflects the appointing authority, the eligibility for appointment, and term of appointment for the other members of such Boards, Committees, Councils, and Authorities.
2. Full Board (Appointing Authority) appointments shall be made at the first regularly scheduled meeting of the Board of County Commissioners during the month of December or as soon thereafter as possible.
3. The administration and maintenance of the list of Chairman and Full Board appointments is assigned to the Agenda Coordinator.
4. Each Commissioner appointee shall endeavor to keep the Board of County Commissioners advised of those significant actions taken within their area of appointment.

Name	Type	Eligibility	Term	Appointing Authority
Apalachee Regional Planning Council¹	Member	One Commissioner	One Year	Full Board
	Member	One City Commissioner	One Year	Full Board
Canopy Roads Citizen Advisory Committee²	Liaison <i>(not a member)</i>	One Commissioner	One Year	Full Board
	Members	Four Citizens*	Three Years	Full Board
Canvassing Board³	Member	Chairman	Concurrent w/ term as Chair	Designated by Chairman
	Member <i>(Substitute)</i>	One Commissioner	One Year	Full Board
	Member <i>(Alternate Substitute)</i>	One Commissioner	One Year	Full Board
Challenger Learning Center Board⁴	Member	One Commissioner	One Year	Chairman
Civic Center Authority⁵	Member	One Commissioner	Four Years	Chairman
	Member	One Citizen or One Commissioner	Four Years	Chairman
Community Redevelopment Agency (CRA)⁶	Members	Four Commissioners	Two Years	Full Board
Council on Culture & Arts⁷	Member <i>(Ex Officio voting)</i>	One Commissioner	Four Years	Full Board
	Members	Eight Citizens*	Four Years	Full Board
	Members	Seven Citizens*	Four Years	Mayor
	Member <i>(Ex Officio voting)</i>	One City Commissioner	Four Years	Mayor
Criminal Justice Coordinating Council⁸	Member	One Commissioner	One Year	Chairman
Criminal Justice, Mental Health, and Substance Abuse Reinvestment Advisory Council⁹	Member	One Commissioner	One Year	Chairman
	Liaison <i>(not a member)</i>	Primary Healthcare Advisory Board Member	One Year	Full Board
Downtown Improvement Authority (DIA)¹⁰	Member <i>(Ex Officio voting)</i>	One Commissioner	One Year	Chairman
Economic Development Council (EDC)¹¹	Members	Two Commissioners	One Year	Chairman
	Member	County Administrator or Employee designee	N/A	County Administrator

Name	Type	Eligibility	Term	Appointing Authority
Educational Facilities Authority ¹²	Liaison (<i>not a member</i>)	One Commissioner	Two Years	Full Board
	Members	Seven Citizens	Five Years	Full Board
Enterprise Zone Development Agency (EZDA) ¹³	Member	One Commissioner (<i>Chairman or Chairman's designee</i>)	Four Years	Full Board
	Member	One Commissioner (<i>Vice Chairman or Vice Chairman's designee</i>)	Four Years	Full Board
	Members	Nine Citizens* (<i>Consistent with Leon County Code</i>)	Four years	Full Board
	EZDA Chair	Current EZDA Members	Concurrent w/ term as Chair	Chairman
	EZDA Vice Chair	Current EZDA Members	Concurrent w/ term as Vice-Chair	Vice-Chairman
Geo-based Information Systems ¹⁴	Member	One Commissioner	One Year	Chairman
ICLEI – Local Governments for Sustainability	Elected Official Liaison	One Commissioner	Concurrent w/ term of office	Full Board
	Staff Liaison	County Administrator or Employee	N/A	County Administrator
Joint City/County/School Board Coordinating Committee ¹⁵	Member	One Commissioner	Four Years	Full Board
	Member	One Citizen*	Four Years	Full Board
Joint Planning Board (CHSP) ¹⁶	Member	One Commissioner	One Year	Chairman
	Member	County Administrator or Employee	N/A	County Administrator
Palmer Munroe Youth Center Community Executive Committee ¹⁷	Member	One Commissioner	Three Years	Full Board
	Member	One Citizen*	Three Years	Full Board
Public Safety Coordinating Council ¹⁸	Member	One Commissioner	One Year	Chairman
	Member	County Probation Director	Four years	County Administrator
	Members, at Chairman's Discretion	Representatives from county and state jobs programs and other community groups who	Four Years	Chairman

Name	Type	Eligibility	Term	Appointing Authority
		work with offenders and victims		

Name	Type	Eligibility	Term	Appointing Authority
Research and Development Authority¹⁹	Member	One Commissioner	Four Years	Full Board (By Resolution)
	Members	Four Citizens*	Four Years	Full Board (By Resolution)
Tourist Development Council²⁰	Member (Serves as TDC Vice Chair)	One Commissioner (Chairman or Chairman's designee)	Concurrent w/ term as Chair	Chairman
	Members	Six Citizens* (consistent with Leon County Code)	Four Years	Full Board
	Members	Two City Commissioners	Four Years	Full Board
Transportation Disadvantaged Coordinating Board²¹	Member (Serves as TDCB Chair)	One Commissioner	One Year	Chairman
Value Adjustment Board²²	Members (one elected VAB Chair)	Two Commissioners	One Year	Full Board
	Member	One Citizen*	One Year	Full Board

Foot Notes:

- * Leon County Citizen shall be a qualified elector residing in Leon County and shall complete a Committee Application prior to Board consideration for appointment.
1. *Apalachee Regional Council: Section 186.504 F.S.; FL Admin Code 29-L*
 2. *Canopy Road Committee Bylaws*
 3. *Section 102.141 F.S.; Canvassing Board members must not be a candidate with opposition in the election being canvassed, or an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed (Disqualified to Serve) Substitute Member serves if Chairman is unable or Disqualified to Serve; and Alternate Substitute Member serves if the Chairman and Substitute Member are unable or Disqualified to Serve.*
 4. *Challenger Learning Center Board Bylaws*
 5. *Civic Center Authority: Laws of FL, Chapter 2004-435*
 6. *Community Redevelopment Agency: City Code of Law, Chapter 6, Art. II, Div 2; Terms shall be consistent with City of Tallahassee Ordinance. No. 07-O-35AA, which currently stipulates terms are concurrent with term of office; however, the County has requested a revision to provide for bi-annual appointments*
 7. *Sec. 265.32, F.S.; Res. R85-46, 10/29/1985; Interlocal Agreement, 10/18/1985; COCA Bylaws; During Board's meeting of October 14, 2003, the Board voted to fill seven positions on the COCA Board through the Mayor, and that COCA adopt revisions to its Bylaws consistent with the Board's vote. COCA members selected from list of 3 candidates submitted by COCA for each Citizen Appointment vacancy, consistent with Sec. 265.32, F.S.*
 8. *Criminal Justice Coordinating Council: Admin Order 2002-10*

9. *Criminal Justice, Mental Health, and Substance Abuse Reinvestment Advisory Council: Laws of FL, Chapter 2007-200; Resolution No. R07-49*
10. *Downtown Improvement Authority: Laws of FL Chapter 2003-356 Sec. 5(1)*
11. *Economic Development Council Bylaws*
12. *Sec. 243.21(4) F.S.; Resolutions R90-42, Resolution R07-65; Term for Educational Facilities Authority (members is five years; one of such members shall be a trustee, director, officer, or employee of an institution for higher education. (Sec. 243.21, F.S., and Resolution Resolutions R90-42; members required to file financial disclosures (R07-65)*
13. *Leon County Code of Laws Chapter 2, Art. III, Div. 4; Selection Criteria for EZDA members: One representative from each of the following: 1. Chamber of Commerce, 2. A local financial or insurance entity, 3. A business operating within the proposed EZ area, 4. A resident residing within the proposed EZ area, 5. Non-profit, community-based organization operating within the proposed EZ area, 6. Local Workforce Development Board, 7. Local Code Enforcement Board, 8. Local Law Enforcement, 9. Chairperson of the Board of County Commissioners or Commissioner designee, 10. Vice-chairperson of the Board of County Commissioners or Commissioner designee, and 11. Mayor of the City of Tallahassee or designee*
14. *Geo-based Information Systems: Interlocal Agreement, May 1990*
15. *Joint City/County/School Board Coordinating Committee: Interlocal Agreement, September 2006*
16. *Joint Planning Board: Leon County Board Policy No. 01-04*
17. *Palmer Munroe Youth Center Community Executive Committee – Memorandum of Understanding (MOU) Between City of Tallahassee and Leon County; Palmer Munroe Youth Center Bylaws*
18. *Public Safety Coordinating Council: Sec. 951.25 F.S.; PSCC membership shall be consistent with Sec. 951.26, F.S. and include "...representatives from county and state jobs programs and other community groups who work with offenders and victims, appointed by the chairperson of the board of county commissioners to 4-year terms."*
19. *Research and Development Authority: Sec. 159.703 F.S.; Leon County Code of Laws Chapter 2, Art. III, Div. 2; Resolution. Nos. R10-100, R11-07; members required to file financial disclosures (R07-65)*
20. *Sec. 125.0104(4)(e) F.S.; Resolution. Nos. R86-01, R02-02; Leon County Code of Laws Chapter 11, Art. III, Sec. 11-48; Appointments to Tourist Development Council (TDC) shall be consistent with Res. R-02-02, Leon County Code, Chapter 11, III; and Sec. 125.104(4)(e), F.S. Selection Criteria for TDC members: One member of the Council shall be the current Chairman of the Board of County Commissioners of Leon County, Florida, who shall serve as Vice Chairman of the Tourist Development Council. Two members of the Council shall be Elected Municipal Officials. Three (3) members of the Council shall be owners or operators of motels, hotels, or other tourist accommodations in the County and subject to the tax. Three (3) members of the Council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, but who are not owners or operators of motels, hotels, or other tourist accommodations in the County and subject to the tax.*
21. *Transportation Disadvantaged Coordinating Board: Section 427.0157 F.S.; 41-2.012(1) FL Administrative. Code*
22. *Sec. 194.015 F.S.; FAC Code 12D-9.004; Selection Criteria for Value Adjustment Board (VAB Citizen Appointment: (1) Person above the age of 18; (2) Owns homestead property within Leon County (3) Is not a member or employee of any taxing authority (4) Does not represent property owners in any administrative or judicial review of property taxes; and (5) Is not engaged in litigation against any County in the State of Florida. The Citizen will be appointed for a one-year Value Adjustment Board Cycle, and appointments will be made as soon as possible after the prior cycle has been completed.*

Revised 8/23/11

**2013 CHAIRMAN'S APPOINTMENTS TO BOARDS, COMMITTEES,
COUNCILS AND AUTHORITIES**

NAME	TERM	APPOINTEE
Canvassing Board <i>Chairman must serve unless the Chairman is unable or Disqualified to Serve</i>	Concurrent with term as Chairman	Maddox
Challenger Learning Center Board	One Year	Lindley
Civic Center Authority (One appointment) <i>Chairman or Commissioner Designee must serve</i>	Four Years	Sauls –6/30/2015
Criminal Justice Coordinating Council	One Year	Proctor
Downtown Improvement Authority	One Year	Desloge
Downtown Merchants & Business Association		Dailey
Economic Development Council (Two Commissioner appointments) <i>Chairman or Commissioner Designee One Commissioner</i>	One Year	Dailey Dozier
Enterprise Zone Development Agency Board of Directors <i>Chairman designates EZDA Chair from current EZDA members</i>	Concurrent with term as Board Chair	Maddox
<i>Vice-Chairman designates Vice-Chairman of the EZDA from among its members</i>	Concurrent with term as Board Vice-Chair	Lindley
GIS Executive Committee	One Year	Sauls
Joint Planning Board (CHSP)	One Year	Dozier
Public Safety Coordinating Council	One Year	Proctor
Tallahassee Sports Council	Three Years	Maddox – 9/30/2015
Tourist Development Council (Serves as Vice-Chair of TDC) <i>One Commissioner</i>	Concurrent with term as Board Chair	Desloge
Transportation Disadvantaged Coordination Board	One Year	Lindley

New County Commissioner's Briefing Book

TRAVEL

CONTENTS

- County Policy No. 09-1 Travel
- 2013 Tentative Schedule and 2013 Board Travel Schedule Agenda Item
- 2013 Holiday Schedule

Board of County Commissioners Leon County, Florida

Policy No. 09-1

Title: Travel
Date Adopted: January 15, 2009
Effective Date: January 15, 2009
Reference: Ch. 112.061(7)(d), F.S.
Policies Superseded: Policy No. 73-3, "Expenditure of Appropriated Travel Expense," adopted March 27, 1973; Policy No. 74-, "Travel Allowance," adopted July 26, 1974; Policy No. 77-8, "Travel," adopted June 28, 1977; Policy No. 93-19, "Travel," adopted January 12, 1993; Policy No. 01-09, "Travel," adopted July 31, 2001, amended September 18, 2001; Policy No. 01-10, "Travel," adopted September 25, 2001, revised September 21, 2004

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy No. 01-10, adopted by the Board of County Commissioners on September 21, 2004, be superseded and a new Policy entitled "Travel" is hereby adopted, to wit:

SECTION I: AUTHORITY

Florida Statutes, Section 112.061

SECTION II: OBJECTIVE

To establish regulations and procedures for the Leon County Board of County Commissioners, employees and authorized persons where authorized travel is necessary and reimbursement is requested.

SECTION III: DEFINITIONS

Elected Officials - County Commissioners.

Appointed Officials - The County Administrator and County Attorney.

Employees - All other employees of the Leon County Board of County Commissioners.

Authorized Person - A person, other than a public officer or employee, who is authorized to incur travel expenses in the performance of the County's official duties, such as a consultant, a volunteer, or a candidate for an executive or professional position.

SECTION IV: SCOPE AND APPLICABILITY

Travel expenses shall be limited to those expenses necessarily incurred in the performance of a public purpose authorized by law to be performed by the Leon County Board of County Commissioners and must be within limitations described herein and in Ch. 112.06, Florida Statutes.

This policy applies to all travel as defined in Section VI for any purpose and for which reimbursement will be claimed by officials, employees, and authorized persons of the Leon County Board of County Commissioners as follows:

1. All such persons are eligible to travel in the conduct of County business or to attend meetings, conferences, conventions, and training sessions for the benefit of the County, at County expense, pursuant to proper authorization prescribed herein.
2. Employees who travel for the purpose of obtaining certifications required for continued employment with Leon County is an allowable expense.
3. Candidates for employment with Leon County, who are eligible for reimbursement of travel expenses for interviews under the Personnel Policy, must receive prior approval for travel (see Section VII) and will be reimbursed in accordance with this policy.
4. Consultant travel which is not covered within the scope of the consultant's contract and which is billed separately to the County on a cost reimbursement basis must receive prior approval and will be reimbursed in accordance with this policy.
5. Members of volunteer boards and committees who travel in the performance of the County's official duties must receive prior approval and will be reimbursed in accordance with this policy.
6. Under no circumstances will an employee be reimbursed for travel expenses incurred for the purpose of taking merit system or job placement examinations for the purpose of applying for jobs, whether written or oral.

This policy does not apply to Emergency Medical Services (EMS) employees providing out of town transport to patients.

SECTION V: EXCEPTIONS

Any exceptions or unusual circumstances not provided for in this policy must be documented and will be subject to review and approval by the appropriate official or designee.

SECTION VI: TYPES OF TRAVEL

- A. Class "A" Travel: continuous travel for a period of 24 hours or more out of the County. The travel day for Class "A" travel shall be a calendar day (midnight to midnight).
- B. Class "B" Travel: continuous travel of less than 24 hours which involves overnight absences out of the County. The travel day for Class "B" travel shall begin at the same time as the travel period. Class A and Class B Travel shall include any assignment of official business outside of regular office hours and away from regular places of employment when it is considered necessary to stay overnight and for which travel expenses are approved.
- C. Class "C" Travel: travel for short or day trips where the traveler is not away from his or her official headquarters overnight.
- D. Local Mileage: travel of less than 24 hours in which the traveler is not away from official headquarters overnight and which involves the use of a privately owned vehicle or a County vehicle for official business within Leon and the surrounding counties and for which no meal reimbursements are claimed.

SECTION VII: TRAVEL AUTHORIZATION

All travel will be conducted pursuant to authorized annual budget allocations. Prior to incurring any Class A, Class B, or Class C travel expense for which reimbursement or cash advance is requested, a Travel Request form must be approved and authorized by the appropriate authority. Local mileage which is included in the annual budget allocation for travel does not need prior authorization and should be reimbursed in accordance with Section X of this policy. Authority for approval of Class A, Class B, and Class C travel is designated as follows:

Elected Officials:

- Travel of individual County Commissioners and their aides shall be approved in advance, whenever possible, by the Board of County Commissioners via an agenda item at a regularly scheduled Board meeting where the Board adopts the Commissioners' "Travel Schedule." In cases where travel cannot be agendaed for approval prior to the trip, it shall be agendaed within two meetings following the conclusion of the travel.

Appointed Officials:

- Travel of the County Administrator and County Attorney shall be approved by the Chairman of the County Commission, or the Vice-Chairman in the absence of the Chairman.

Employees:

Employees' travel must be approved by their division head, department head and the County Administrator, or their designees, except as specified below. Travel by employees of the County Attorney's Office must be approved by the County Attorney, or his designee.

Candidates for Employment in an Executive or Professional Position:

Travel for candidates for employment in an executive or professional position must be approved by their prospective department head and the County Administrator.

Other Authorized Persons:

1. Consultants and contractors, traveling on a cost reimbursement basis, must have their travel authorized by the department head from whose budget the travel expenses will be paid and the County Administrator.
2. Volunteers and other authorized persons not previously described in this section, traveling for the purpose of performing official duties of the County, must have their travel authorized by the department head from whose budget the travel expenses will be paid and the County Administrator.
3. In the absence of the County Administrator, the department head and/or the division director, the Travel Request form may be approved by their respective designees.
4. Signatures on the Travel Request Form should be obtained in the following order:
 - a. Traveler
 - b. Supervisor
 - c. Division head, if different from supervisor
 - d. Department head
 - e. County Administrator (except County Attorney).
5. The following guidelines should be used when approving requests for travel:
 - a. Funds are available in the budget.
 - b. A determination is made that a public purpose is achieved in taking the trip.
 - c. The number of persons traveling is the minimum number required to accomplish the purpose of the trip.
 - d. The method of travel (e.g., air, vehicle) is specified and the routing and other arrangements are the most economical available and result in the shortest time away or the lowest overall cost consistent with the distance to be traveled and the purpose of the trip.

SECTION VIII: TRAVEL PAYMENT

An authorized Leon County Purchasing Card is the required method of payment for all travel associated expenses (except for meals and unless circumstances dictate that a P-Card cannot be utilized) incurred by officials or employees conducting Leon County business, unless authorization is given by the County Administrator or his designees(s) for alternative method of payment to be utilized.

Purchasing Card

Certain items, such as airline tickets, lodging, car rental or registration fees (if allowed), must be prepaid with a Purchasing Card upon approval of the Travel Request form.

Meals

Purchasing cards are not to be used for the payment of meals. Payment for meals will be advanced to the traveler at the applicable allowance rate after approval of the Travel Authorization Form. Meal allowance funds will be issued through direct deposit to the employee. Travel requests must be submitted within ten (10) working days to ensure funds are available for direct deposit. If a meal allowance is requested after this period, the applicable meal allowance will be provided to the traveler as a reimbursement via the Travel Expense Report.

Travel Advance

If not using an authorized Leon County Purchasing Card, officials and employees may obtain travel advances upon approval of the Travel Request form. The advance amount must be indicated on the Travel Request form and should be submitted to Finance at least ten (10) working days prior to the start of travel. All requests submitted less than ten (10) working days prior to the start of travel will be considered an “emergency” request. Emergency travel advances will only be granted on a case-by-case basis and authorized only if the travel associated payment cannot be made by a Purchasing Card. Advances should not be sought for amounts less than \$50.00 unless an explanation of the necessity for the advance is provided. If a Purchasing Card is not used, the traveler should also indicate whether the advance payment check will be picked up by the traveler or whether the check should be mailed directly to the vendor)

Vendor Prepayment

When a vendor needs to be prepaid, it must be clearly indicated on the travel request. The amount to be prepaid, the payee, and the payee’s address and vendor number must be indicated on the Travel Request form and should be submitted to Finance ten (10) working days prior to the date that the payment is needed. If the vendor does not have a LC vendor number, a New Vendor Form must be completed and submitted with the travel request

SECTION IX: REIMBURSEMENT OF EXPENSES

Upon completion of the travel, all travel advances must be settled within ten (10) working days of return from traveling. No advances for additional trips shall be given until all prior advances have been settled. Failure to settle advances promptly may result in disciplinary action.

It is the responsibility of the authorizing division to ensure that the traveler complies with this section of the policy. Exceptions to this section of the policy may be made upon written justification of circumstances which necessitate multiple advances.

Within ten (10) days of completing authorized travel, travelers must file a Travel Expense Report form. The Travel Expense Report should reflect the entire cost of the trip, including all advances and direct payments made. The traveler must sign and date the Travel Expense Report form for completeness and correctness as to the actual travel performed. The completed Travel Expense Report form must then be signed by the appropriate division head and department head or their designee. The form is then forwarded to Finance for final review and processing. If the County is due a return of funds from the advance, a check payable to the County should be attached to the Travel Expense Report with a request from the traveler for a receipt from Finance.

The following describes allowable expenses and the documentation required. In general, where receipts are required, original receipts should be submitted. If an original receipt is not available, an affidavit of the expense explanation must be prepared and included with the Travel Expense Report. Further, a copy of the meeting/conference/convention/training agenda, when one is provided, must be attached to the Travel Expense Report. When one is not provided, this should be indicated on the form.

Any changes or additions to the cost of the travel made after the Travel Request form was approved must be explained on the Travel Expense Report form.

SECTION X: ALLOWABLE TRAVEL EXPENSES

A. Meals and Lodging: Class "A" and Class "B" Travel

1. Travel outside the County/State in order to conduct bona fide County business shall be reimbursed by the following methods for each day of such travel, at the option of the traveler, provided that the same method of reimbursement is used to calculate each day of the travel (i.e., the entire trip will be either based on the per diem rate or based on actual expenses plus meal allowances):
 - a. Daily Per Diems: the most current standard federal government (General Services Administration, GSA) per diem rate to include both lodging and meals, or
 - b. The actual expenses for lodging at a single occupancy rate, to be substantiated by paid bills. However, if the traveler chooses a form of lodging where a paid bill is not applicable, the standard Continental United States (CONUS) per diem rate will apply. The GSA per diem rate is not applicable unless the traveler chooses lodging in which costs are incurred, and can be substantiated by a paid bill or receipt.

- c. Meal expenditures will be reimbursed according to the most current federal government General Services Administration (GSA) per diem meal rates. The GSA provides for differential rates depending upon the location of travel. This approach recognizes the cost differential between various counties, cities and states.

For counties and cities not included in the GSA list, the standard CONUS rate applies and the traveler is ineligible for the daily per diem rate.

- d. The following times shall be used to determine when meal reimbursements may be claimed:
- Breakfast: when travel begins prior to 6:00 a.m. and extends beyond 8:00 a.m.
 - Lunch: when travel begins prior to noon and extends beyond 2:00 p.m.
 - Dinner: when travel begins prior to 6:00 p.m. and extends beyond 8:00 p.m.
2. When claiming the standard CONUS per diem rate for Class "A" or "B" travel including meal reimbursements, the traveler shall be reimbursed one-fourth of the standard CONUS rate of per diem and meal allowances for each quarter, or fraction thereof, of the travel day included within this travel period. No receipts are required. The travel day is divided into the following quarters:
- 12:01 a.m. to 6:00 a.m.
 - 6:01 a.m. to 12:00 noon
 - 12:01 p.m. to 6:00 p.m.
 - 6:01 p.m. to 12:00 midnight
3. Under no circumstances may an employee be reimbursed for any meal or lodging included in convention or conference registration fees paid by the County. A continental breakfast provided as part of the conference/convention registration fee is considered breakfast and may not be claimed for reimbursement. An evening reception or other function that serves only hors d'oeuvres are not considered dinner and may be claimed for reimbursement. However, should the conference/convention registration fee include the provision of any lunches or dinners, these meals may not be claimed for reimbursement.
4. When a meal is provided by a hotel, airline, other common carrier, or as a part of a program/event, the traveler is not allowed to claim the meal for reimbursement.
5. Reimbursement for lodging expense is limited to single occupancy or occupancy shared with another County traveler. Cost of lodging shared with a non-official or non-employee (e.g., family members) is limited to the single room rate.

6. When traveling within Florida the authorized Leon County Purchasing Card is required to be used for the payment of lodging expenses. The traveler must also take a copy of the County's tax exempt certificate. No sales tax will be reimbursed for Florida accommodations that should have been tax exempt.
7. When lodging, transportation and/or meals are paid or provided by any federal, state or other local governmental agency, no further expenses will be reimbursed.

However, if the governmental agency's per diem rate is less than the applicable rate according to the GSA Schedule utilized by Leon County, the employee will be reimbursed for the difference.

B. Class "C" Travel

A traveler shall not be reimbursed on a per diem basis for Class "C" travel, but shall receive subsistence as follows:

1. Breakfast: 20% rounded to the nearest dollar of the GSA meal allowance - when travel begins before 6:00 a.m. and extends beyond 8:00 a.m.
2. Lunch: 30% rounded to the nearest dollar of the GSA meal allowance when travel begins before 12:00 noon and extends beyond 2:00 p.m.
3. Dinner: 50% rounded to the nearest dollar of the GSA meal allowance - when travel begins before 6:00 p.m. and extends beyond 8:00 p.m., or when travel occurs during night time hours due to special assignment.

C. Transportation

All travel must be by a usually traveled route. If a person travels by an indirect route for his/her own convenience, any extra costs shall be borne by the traveler and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. No person shall be reimbursed for transportation from home to office, office to home, or to or from the point of travel departure.

1. Air - Coach fare, by the route and/or rate best suited for the interest of the County, is allowed and must be documented by a paid receipt. Should a traveler select a different route and/or rate, for their own benefit, reimbursement will be limited to the Coach fare, by the route and/or rate, determined by what is in the best interest of the County. Reimbursement of first class air fare is specifically limited to trips under emergency conditions when coach accommodations are not available. In those instances where an electronic airline ticket was purchased, documentation should include a copy of the traveler's itinerary, identifying the purchase of the airline ticket, or a separate paid receipt for the airline ticket.

2. County-Owned Vehicles - When available, County-owned vehicles should be used for travel. Receipts for expenses must be presented. A Purchasing Card shall be used for fuel purchases in a County-owned vehicle when on authorized travel.
3. Private Vehicle - Use of a private car for travel is authorized when approved on the Travel Request form. A traveler using his/her privately owned vehicle will be reimbursed at the most current IRS rate in effect on the date(s) of travel. All mileage shall be shown from point of origin to point of destination, and included with the travel request form. When possible, mileage should be computed and reimbursed on the basis of the current map of the Florida Department of Transportation for in-state travel. Alternate methods of computing mileage, such as the use of an Internet website, may be authorized on the Travel Request form if supported by appropriate documentation. Road and bridge tolls may be claimed in addition to mileage upon presentation of receipts. Vicinity mileage necessary for the conduct of official business is allowable but must be listed separately on the reimbursement request and the purpose explained.
4. Train or Bus - Travelers must use the most economical accommodations on short trips, not involving overnight travel. On longer trips, travelers are entitled to comfortable single accommodations. However, in no case will reimbursement exceed the rate of Coach fare for air travel to the destination.
5. Taxi, Limousine, Public Transportation, Parking and Car Rental - The actual costs incurred for normal use of taxi, limousine, public transportation and parking are reimbursable. Receipts are not required for reimbursement of parking, taxi, limousine and public transportation costs that are less than \$20.00 per traveler per trip. "Per trip" shall be the trip authorized in the Travel Request form - not each ride in public transportation. When these items cumulatively exceed \$20.00 during the duration of the travel, receipts are required to document the full amount. In those cases where receipts are not available (i.e., mass transit tokens) reimbursement may still be sought with an explanation of the circumstances via a memorandum attached to the Travel Expense Report.

Car rental expense is reimbursable but only when prior approval is obtained on the Travel Request form and a receipt is attached. However, a County - approved traveler should not purchase collision-damage waivers when renting a car, as the County's self-insured program is adequate to cover claims. The purchase of "Personal Accident Insurance" by a traveler is also non-reimbursable as employees on authorized business are covered under Workman's Compensation. The state contract for car rental providers should be used whenever possible. Expenses incurred for collision-damage waivers or personal accident insurance will not be reimbursed unless prior approval of an exception is granted. A Purchasing Card may be used for fuel purchases in a County-owned or rental vehicle when on authorized travel.

- D. Telephone and Fax
Only the cost of business calls and faxes with a stated business purpose are reimbursable. "Collect" calls to County offices are acceptable when required.
- E. Registration Fees
Fees for registration, including meals and other programmed events sponsored by the conference or convention organization, should be prepaid wherever possible. Optional fees for recreation and/or entertainment activities associated with a conference or convention are not reimbursable. Fees for non-County officials or non-County employees (e.g., family members) to participate in activities are not reimbursable.
- F. Miscellaneous
Any other necessary expense, not otherwise provided for but incurred for the benefit of the County, must appear together and be identified on the Travel Expense Report form. Other miscellaneous gratuities for the hotel, taxis, the airport, porters, etc. should be identified here. The amount should be reasonable and, whenever possible, the traveler should obtain and attach receipts to the expense report to substantiate miscellaneous expenditures.

SECTION XI: LOCAL MILEAGE REIMBURSEMENT

Reimbursement for local mileage or Class "C" travel mileage involving the use of the employee's vehicle shall be submitted on the Local Mileage Reimbursement form and shall specify:

- the date of the travel,
- the origin,
- the destination,
- the number of miles traveled,
- the purpose of the travel, and
- the amount requested for reimbursement.

If the expenses being requested for reimbursement pertain to use of a privately owned vehicle, the reimbursement amount is calculated by multiplying the number of miles traveled by the most current IRS mileage allowance. No receipts are required.

If the expenses being requested for reimbursement pertain to use of a County vehicle, receipts for actual expenses for fuel or tolls must be attached.

The Local Mileage Reimbursement form shall be submitted monthly. The Local Mileage Reimbursement Form must be signed by the employee requesting the reimbursement and the appropriate department head or his designee.

SECTION XII: TOURIST DEVELOPMENT TRAVEL

In accordance with Florida Statute 125.0104, the Tourist Development department is authorized to provide, arrange, and make expenditures for transportation, lodging, meals, and other reasonable and necessary items and services in connection with the performance of promotional and other duties. Entertainment expenses shall be authorized only when meeting with travel writers, tour brokers, or other persons connected with the tourist industry. All travel and entertainment-related expenditures in excess of \$10.00 shall be substantiated by paid bills and justification shall be provided on the Travel Expense Report form.

The actual reasonable and necessary costs of travel, meals, lodging and incidental expenses of officers, employees and other authorized persons when meeting with travel writers, tour brokers, or other persons connected with the tourist industry and while attending or traveling in connection with travel or trade shows shall be reimbursed.

With the exception of provisions concerning rates of payment, the provisions of this policy and F.S. 112.061 are applicable.

SECTION XIII: MEAL REIMBURSEMENT FOR REQUIRED LOCAL MEETINGS

Divisions will not be required to follow the Class "C" Travel Section (Section X, B) as outlined in this policy when expenses are incurred for meals surrounding an intra-county meeting that a County employee is required to attend. Reimbursement for meals in compliance with this Policy will be authorized by an employee's supervisor. Actual reimbursements may not exceed General Services Administration (GSA) per diem meal rates for the Tallahassee area.

Leon County Board of County Commissioners

Cover Sheet for Agenda #2

December 11, 2012

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator

Title: Adoption of the Public Notice 2013 Tentative Schedule and the 2013 Board Travel Schedule

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

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

- Option #1: Adopt the Leon County Board of County Commissioners' Public Notice 2013 Tentative Schedule.
- Option #2: Approve the 2013 Board of County Commissioners' Travel Schedule, and authorize Commissioners' travel to the scheduled events.
- Option #3: Schedule the Board's Reorganization on Tuesday, November 19, 2013.
- Option #4: Schedule the Board Retreat for Monday, December 9, 2013.

Report and Discussion

Background:

Each year, the Board makes available a tentative schedule of all workshops, meetings, and public hearings for the entire calendar year (Attachment #1). The schedule is updated as part of the Agenda for each regularly scheduled Board meeting.

In recent years, the Board has approved an annual travel schedule to authorize travel made by members of the Board to each of the listed events (Attachment #2). In accordance with the Board's "Travel" Policy No. 09-1, the purpose of this action is to expedite the approval of routine Commissioner travel requests for events that are normally attended by Commissioners each year, based upon the Commissioner's available travel budget.

Elected Officials

Travel of individual County Commissioners and their aides shall be approved in advance, whenever possible, by the Board of County Commissioners via an agenda item at a regularly scheduled Board meeting where the Board adopts the Commissioners' "Travel Schedule."

The proposed Public Notice 2013 Tentative Schedule includes, in its outline, a list of conferences, education and training sessions, and events.

Analysis:

Board Policy No. 03-9, "Meeting Dates for Board of County Commissioners" states that the Board meets every 2nd and 4th Tuesday of each month for the regular meeting (Attachment #3). However, the Board may cancel or continue meetings to observe holidays or other events as the Board deems appropriate. In drafting the proposed 2013 Tentative Schedule, staff reviewed the Leon County Schools' Fall 2013 calendar (Attachment #4); 2013 religious holidays; and, County Policy 98-7, regarding the Board reorganization (Attachment #5).

In January 2013, the Board would normally hold its meeting on the fourth Tuesday, January 22; however, at the July 10, 2012 meeting, at Commissioner Desloge's request and the Board's approval, the meeting is scheduled for Tuesday, January 29, 2013.

In March 2013, the Board would normally hold meetings on the 12th and 26th. However, Leon County schools will be on Spring Break the week of March 18-22, 2013. Since the agenda for the March 26th meeting would be distributed on March 18th (first day of Spring Break), it is recommended that the March 26th meeting be cancelled.

There are no Board meetings that conflict with generally observed religious holidays.

Prior to the Board's summer recess, staff schedules budget workshops for the following fiscal year's budget cycle, FY 2013/2014. The July 9th meeting would be the Board's last regularly scheduled meeting before the summer recess. Staff recommends the following Budget Workshop schedule:

Monday, July 8	9:00 a.m. – 5:00 p.m.
Tuesday, July 9	9:00 a.m. – 3:00 p.m. (<i>if necessary</i>)
Wednesday, July 10	9:00 a.m. – 2:00 p.m. (<i>if necessary</i>)

Additional budget workshops will be scheduled as part of the budget process.

State statutes guide regular Board meeting dates for the County's budget adoption public hearings. The County Commission cannot schedule its hearings on days scheduled for hearings by the School Board. Currently, the proposed budget hearing dates are scheduled for Tuesday, September 10 and September 17, 2013. It is important to note that these dates may change because of the School Board's scheduling of its budget adoption public hearings.

Policy No. 98-7, "Reorganization of the Board of County Commissioners and Installation of Newly Elected Commissioners" states:

"Reorganization of the Board of County Commissioners shall be conducted during the last regularly scheduled Board meeting in November of each year to elect a chairman and vice-chairman."

The November 2013 regular meetings would normally be scheduled for November 12 and 26 with Board reorganization scheduled for November 26, 2013. The FAC Legislative Conference is scheduled for November 13-15, 2013 and the Thanksgiving holiday falls on November 28th; therefore, it is recommended that the November meeting and the Board reorganization be scheduled for November 19th.

The Board of County Commissioners annually holds a retreat for the following year (2014). Traditionally, the Board's retreat is scheduled for the Monday prior to the first and only scheduled Regular Board meeting in December, before the Board's recess, from 9:00 a.m. - 4:00 p.m. The Board's Regular meeting date in December will be December 10; therefore, the 2013 Board Retreat would be scheduled for December 9, 2012.

As reflected in the proposed Travel Schedule (Table 1), the Florida Association of Counties (FAC) 2013 Annual Conference will present a conflict with the Board's regular scheduled meeting for June 25, 2013, and the FAC Legislative Conference could conflict with the Board's November 12, 2013 meeting. No other conferences/events present significant conflicts with 2013 Board meetings (Attachment #6). Additionally, all Florida Association of Counties (FAC)-related events and National Association of Counties (NACo)-related events that Commissioners may want to attend, not listed on the Schedule, would be considered pre-approved for travel.

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Table 1.

Conference	Date	Location
New Commissioner Workshop	Wednesday, January 9 – Thursday, January 10	University of Florida Hilton Gainesville, FL
Advanced County Commissioner Certification Workshop (Seminar 2 of 3)	Wednesday, January 9 – Thursday, January 10	University of Florida Hilton Gainesville, FL
NACo Legislative Conference	Saturday, March 2 – Wednesday, March 6	Washington Hilton Washington DC
County Commissioner Workshop	Wednesday, April 3 and Friday, April 5	FSU Turnbull Conference Center Tallahassee
Advanced County Commissioner Certification Workshop (Seminar 3 of 3)	Thursday, April 18 – Friday, April 19	University of Florida Hilton Gainesville, FL
FAC Annual Conference	Tuesday, June 25 – Friday, June 28	Marriott Tampa Waterside Hillsborough County
NACo Annual Conference	Friday, July 19 – Monday, July 22	Fort Worth Convention Center Tarrant County, Fort Worth, Texas
National Urban League Annual Conference	TBA	New Orleans, LA
Greater Tallahassee Chamber of Commerce Annual Conference (Attachment #7)	Friday, August 9 – Sunday, August 11	Omni Amelia Island Plantation
Certified County Commissioner Workshop	Wednesday, September 18	Marriott West Palm Beach Palm Beach County
Congressional Black Caucus Annual Legislative Conference	Wednesday, September 18 – Saturday, September 21	Washington, D.C.
ICMA Annual Conference (Attachment #8)	Sunday, September 22 – Wednesday, September 25	Boston, MA
FAC Legislative Conference	Wednesday, November 13 – Friday, November 15	Hilton Daytona Beach Volusia County

Also included in the 2013 Tentative Schedule is:

- County’s 2013 Holiday Schedule (Attachment #9)
- a listing of the tentative dates, time, and location for the 2013 Intergovernmental Agency (IA) meetings (Attachment #10)
- a listing of tentative dates, time, and location for the 2013 Comprehensive Plan Amendments workshops and hearings (Attachment #11)
- a listing of the 2013 Community Redevelopment Agency (CRA) meetings (Attachment #12) [Note: February, July, and December CRA meetings are scheduled for Wednesdays, 1 ½ hours prior to City Commission Meeting]
- a listing of the dates of the 2013 Capital Region Transportation Planning Agency (CRTPA) meetings (Attachment #13)

Attachment #14 is a comprehensive 2013 calendar that includes City and County meeting dates, agency/comprehensive plan meetings, and holidays.

In order to have available dates on which Board workshops may be scheduled for the upcoming calendar year, approval of the Public Notice 2012 Tentative Schedule is recommended.

Options:

1. Adopt the Leon County Board of County Commissioners' Public Notice 2013 Tentative Schedule.
2. Approve the 2013 Board of County Commissioners' Travel Schedule, and authorize Commissioners' travel to the scheduled events.
3. Schedule the Board's Installation of Newly-elected Commissioners and Reorganization on Tuesday, November 19, 2013.
4. Schedule the Board Retreat for Monday, December 9, 2013.
5. Board direction.

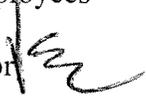
Recommendation:

Options #1, #2, #3, and #4.

Attachments:

1. Public Notice 2013 Tentative Schedule
2. Board of County Commissioners' 2013 Travel Schedule
3. Policy No. 03-9, Meeting Dates for Board of County Commissioners
4. Leon County Schools Calendar
5. Policy No. 98-7, "Reorganization of the Board of County Commissioners and Installation of Newly Elected Commissioners"
6. FAC/NACo 2013 Calendar of Events
7. Chamber Retreat
8. ICMA 2013 Annual Conference
9. 2013 Board Holiday Schedule
10. Blueprint 2000/Intergovernmental Agency Proposed 2013 Schedule of Meetings
11. Comprehensive Plan Schedule for Cycle 2013-1
12. Proposed Community Redevelopment Agency 2013 Meeting Schedule
13. Capital Region Transportation Planning Agency Proposed 2013 Schedule of Meetings
14. 2013 Calendar

LEON COUNTY BOARD OF COUNTY COMMISSIONERS
MEMORANDUM

DATE: July 30, 2012
TO: All Board of County Commission Employees
FROM: Vincent S. Long, County Administrator 
SUBJECT: 2013 Holiday Schedule

The schedule below reflects the holiday schedule for 2013, and will be observed by all Board employees.

<u>Holiday</u>	<u>Date Observed</u>
New Year's Eve 2012	Monday, December 31, 2012
New Year's Day 2013	Tuesday, January 1, 2013
Martin Luther King Jr. Day	Monday, January 21, 2013
Memorial Day	Monday, May 27, 2013
Independence Day	Thursday, July 4, 2013
Labor Day	Monday, September 2, 2013
Veteran's Day	Monday, November 11, 2013
Thanksgiving Day	Thursday, November 28, 2013
Friday after Thanksgiving	Friday, November 29, 2013
Christmas Day	Wednesday, December 25, 2013
New Year's Day 2014	Wednesday, January 1, 2014

In addition, Board employees will accrue three (3) Personal Days annually. For more information on Board of County Commission holidays, please refer to Policy No. 03-16, "Holidays."

VSL/lwb

cc: Board of County Commissioners
Constitutional Officers

Board of County Commissioners
Leon County, Florida
Policy No. 03-16

Title:	Holidays
Date Adopted:	October 14, 2003
Effective Date:	January 1, 2004
Reference:	n/a
Policy Superseded:	Policy No. 02-10, "Holidays," adopted October 8, 2002

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that Policy 02-10, "Holidays," adopted October 8, 2002, is hereby superseded and amended as follows:

This policy establishes a permanent Holiday Schedule for all employees under the Board of County Commissioners. Beginning January 1, 2004 and until such time the Holiday Policy is amended, the County shall observe the following holidays:

New Year's Day*
 Birthday of Martin Luther King, Jr. (third Monday in January)
 Memorial Day (last Monday in May)
 Independence Day
 Labor Day, (first Monday in September)
 Veteran's Day
 Thanksgiving Day
 Friday after Thanksgiving
 Christmas Day*

If any of these holidays fall on Saturday, the preceding Friday shall be observed as a holiday. When these holidays fall on Sunday, the following Monday shall be observed as a holiday. (*If the New Years or Christmas Holiday falls on a Thursday, the following Friday shall be observed as a holiday. If the New Years or Christmas Holiday falls on a Tuesday, the preceding Monday shall be observed as a holiday). The Holiday Schedule will remain constant each year unless a formal request for change is made by the Board, Constitutional Officers or County Administration.

Board employees will accrue three (3) Swing Days annually.

The Holiday Schedule for each year will be distributed by the Office of Human Resources to all Board employees and Constitutional Officers by November 1st of the preceding year.

CONSTITUTIONAL AND JUDICIAL OFFICERS BUDGET RELATIONSHIPS

As required by various Florida Statutes (FS) delineated below, the Board of County Commissioners is required to provide funding for the County Constitutional Officers (Sheriff, Supervisor of Elections, Clerk of Court, Property Appraiser and Tax Collector) and the Judicial Branch (Court Administration, State Attorney, Public Defender and Guardian Ad Litem). Excess fees collected by the Constitutional Officers must be returned to the County by October 31 of each year. The following narratives indicate the level of support required to be provided for each constitutional or judicial officer, and the amount of control the County Commission has regarding the development of the respective budget.

Constitutional Officers

Supervisor of Elections (FS 129.201 and 129.202, County Annual Budget) (Attachment #1)

The Supervisor of Elections (SOE) is required to submit a budget to the Board of County Commissioners (BCC) detailing the revenues and expenditures for the fiscal year, October 1 – September 30. The tentative budget must be submitted by May 1 as approved by resolution of the BCC. The BCC may approve, modify, increase or reduce the SOE's budget at the required budget public hearings, and provide the SOE in writing the actions taken on the budget. There is no state appeal process for the SOE's budget.

Sheriff (FS 30.49 and 30.50, Budgets and Payment of Salaries) (Attachment #2)

The Sheriff is required to submit to the BCC a proposed budget of expenditures that will allow the sheriff to execute the duties of the office for the fiscal year, October 1 – September 30. The tentative budget must be submitted by May 1 of each year.

The budget submission is divided into three parts: Law Enforcement, Corrections/Detention Alternative Facilities, and Court Services (excluding service of process). These budget divisions are detailed into the following account areas: personnel services, operating expenses, capital outlay, debt service, non operating disbursements and contingency reserves.

At the required budget public hearings, the BCC may modify, increase or reduce the budget and approve the budget accordingly. The Sheriff must be notified in writing regarding the details of any budget modifications. Within 30 days of receiving such notice, the Sheriff may file an appeal with the Administration Commission (Governor and Cabinet) and petition the Executive Office of the Governor. The petition must include a copy of the budget as submitted by the Sheriff, the one approved by the Board, and the reason for the appeal. Upon receipt of the petition, the BCC has five days to respond to the Executive Office of the Governor and the Sheriff.

The Executive Office of the Governor will then hold a budget hearing, considering the petition and the BCC's response before submitting a report of findings and recommendations to the Administration Commission. The Administration Commission will then either approve the budget as recommended by the Administration Commission, the Sheriff, or the BCC. The actions of the Administration Commission are final. This same appeal process occurs if during a fiscal year the Sheriff determines an emergency funding need exists that would require larger expenditures in order to fulfill the duties of the office and such emergency funding requests are denied by the Board.

Clerk of the Circuit Courts (FS 28.36, 28.37, and 29.08, Budget Procedure and Fines, Fees..., and County Funding of Court-Related Functions) (Attachment #3)

Leon County provides the Clerk funding for services via an inter-local agreement and required Article V funding related to Court Services.

Services: By agreement, the Clerk functions as the Chief Financial Officer for the County. In addition, the Clerk's Finance Division provides other financial, accounting, records management and auditing services. The origination of the funding for these services was based on an allocation of the amount of work the office performed on behalf of the Board and was set at 72%. This share was refined in 2004, to base funding with allowed annual growth linked to salary increases and minor operating adjustments.

Article V: Effective July 1, 2004, the County was no longer required to directly fund the Clerk of Courts for court related activity, but was required to provide "the costs of communication services, existing radio systems, existing multi agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities..." for all the constitutional and judicial court related functions.

To off-set the decrease in direct funding by the BCC, new fees were enacted by the Board as authorized by the legislature to recoup the costs of other court related functions.

The remainder of the Clerk's budget is provided by other fees assessed through the state, and this portion of the budget is reviewed by the Clerk of Courts Operations Corporation.

Property Appraiser (FS 192.091 and 195.087, Commissions of Property Appraisers... and ... submit budget to Department of Revenue) (Attachment #4)

By June 1 of each year the Property Appraiser is required to submit a budget for the operation of the office to the Department of Revenue (DOR) with a copy provided to the BCC. DOR may amend the budget as it deems necessary so it is neither "inadequate nor excessive." By July 15, DOR must notify the Property Appraiser and BCC of the tentative budget or any changes. Prior to August 15 when DOR must approve the final budget, the Property Appraiser or BCC may provide additional testimony to DOR regarding the tentative budget. The Administration Commission may hear appeals from the final actions of DOR by the Property Appraiser or BCC within 15 days of the required budget public hearing.

The budget as approved by DOR is the basis that the taxing authorities (exclusive of municipalities and school boards) served by the Property Appraiser are billed by the appraiser. The exclusions by law make Leon County the primary funding source for the Property Appraiser's office.

Tax Collector (FS 192.091 and 195.087, Commissions... Tax Collector, and ... Tax Collectors to submit budget to the Department of Revenue) (Attachment #4)

The Tax Collector must submit their budget request to DOR by August 1 of each year with a copy provided to the BCC. DOR reviews the budget and if adequate, certifies the budget to the Tax Collector. If the budget is found excessive or inadequate, it is returned to the Tax Collector for revision which in turn is resubmitted to DOR for approval. The BCC funds its portion of the Tax Collectors Office through commissions paid on the ad valorem assessments set by the BCC and the School Board.

Judicial (Attachment #5)

Effective July 1, 2004, the County was no longer required to directly fund Court related activities, but pursuant to FS 29.008, County Funding of Court Related Functions, the County is required to provide "the costs of communication services, existing radio systems, existing multi agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities..." for all the constitutional and judicial court related functions. This is commonly referred to as Article V funding. The County provides this funding for the State Attorney, Public Defender, Court Administration and Guardian Ad Litem.

In addition, fees to off-set some of the cost of operating the court system were adopted by the Board as authorized by applicable Florida Statute.

State Attorney (FS 27.34 Limitation on payments of salaries and other related costs) (Attachment #6)

In addition to the required Article V funding, a county may contract or appropriate funds towards the operation of the State Attorney's Office. The State Attorney, if prosecuting violations of special laws or county ordinances, shall contract with the county to recover the full cost of these services. In addition, FS 27.251 allows, with the consent of the county or sheriff, the State Attorney to employ a deputy within the district as a special organized crime investigator, with employment cost being born by the primary employer, which in Leon County's case would be the BCC through the Sheriff's Department.

Public Defender (FS 27.54 Limitation on payment of expenditures) (Attachment #6)

In addition to the required Article V funding, a county may contract or appropriate funds towards the operation of the Public Defender's Office. Part of the Article V funding includes funds necessary to operate the regional conflict councils that reside at the headquarters for each appellate district.

In addition, "in local ordinance violation cases, the county shall pay for due process services that are approved by the court, including deposition costs, deposition transcript costs, investigative costs, witness fees, expert witness fees, and interpreter costs." Some of these costs may be recoverable by the County from the defendant as ordered by the court.

Guardian ad Litem (FS 29.08) (Attachment #5)

This office falls under the county funding requirements specified in FS 29.08, Article V funding.

Select Year: 

The 2010 Florida Statutes

[Title V](#)
JUDICIAL BRANCH

[Chapter 30](#)
SHERIFFS

[View Entire Chapter](#)

30.49 Budgets.—

(1) Pursuant to s. 129.03(2), each sheriff shall certify to the board of county commissioners a proposed budget of expenditures for the carrying out of the powers, duties, and operations of office for the ensuing fiscal year of the county. The fiscal year of the sheriff shall henceforth commence on October 1 and end on September 30 of each year.

(2)(a) The sheriff shall submit with the proposed budget his or her sworn certificate, stating that the proposed expenditures are reasonable and necessary for the proper and efficient operation of the office for the ensuing year. The proposed budget shall show the estimated amounts of all proposed expenditures for operating and equipping the sheriff's office and jail, excluding the cost of construction, repair, or capital improvement of county buildings during such fiscal year. The expenditures shall be categorized at the appropriate fund level in accordance with the following functional categories:

1. General law enforcement.
2. Corrections and detention alternative facilities.
3. Court services, excluding service of process.

(b) Within the appropriate fund and functional category, expenditures shall be itemized in accordance with the uniform chart of accounts prescribed by the Department of Financial Services, as follows:

1. Personal services.
2. Operating expenses.
3. Capital outlay.
4. Debt service.
5. Nonoperating disbursements and contingency reserves.

(c) The sheriff shall submit to the board of county commissioners for consideration and inclusion in the county budget, as deemed appropriate by the county, requests for construction, repair, or capital improvement of county buildings operated or occupied by the sheriff.

(3) The sheriff shall furnish to the board of county commissioners or the budget commission, if there is a budget commission in the county, all relevant and pertinent information concerning expenditures made in previous years and to the proposed expenditures which such board or commission deems necessary, except that the board or commission may not require confidential information concerning details of investigations. Confidential information concerning details of investigations is exempt from the provisions of s. 119.07(1).

(4) The board of county commissioners or the budget commission, as the case may be, may require the sheriff to correct mathematical, mechanical, factual, and clerical errors and errors as to form in the proposed budget. At the hearings held pursuant to s. 200.065, the board or commission, as the case may be, may amend, modify, increase, or reduce any or all items of expenditure in the proposed budget and shall approve such budget, as amended, modified, increased, or reduced. It must give written notice of its action to the sheriff and specify in such

notice the specific items amended, modified, increased, or reduced. The budget shall include the salaries and expenses of the sheriff's office, cost of operation of the county jail, purchase, maintenance and operation of equipment, including patrol cars, radio systems, transporting prisoners, court duties, and all other salaries, expenses, equipment, and investigation expenditures of the entire sheriff's office for the previous year. The sheriff, within 30 days after receiving written notice of such action by the board or commission, either in person or in his or her office, may file an appeal to the Administration Commission. Such appeal shall be by petition to the Administration Commission. The petition shall set forth the budget proposed by the sheriff, in the form and manner prescribed by the Executive Office of the Governor and approved by the Administration Commission, and the budget as approved by the board of county commissioners or the budget commission, as the case may be, and shall contain the reasons or grounds for the appeal. Such petition shall be filed with the Executive Office of the Governor, and a copy of the petition shall be served upon the board or commission from the decision of which appeal is taken by delivering the same to the chair or president thereof or to the clerk of the circuit court. The board of county commissioners or the budget commission, as the case may be, shall have 5 days from delivery of a copy of any such petition to file with the Executive Office of the Governor a reply thereto, and it shall deliver a copy of such reply to the sheriff.

(5) Upon receipt of the petition, the Executive Office of the Governor shall provide for a budget hearing at which the matters presented in the petition and the reply shall be considered. A report of the findings and recommendations of the Executive Office of the Governor thereon shall be promptly submitted to the Administration Commission, which, within 30 days, shall either approve the action of the board or commission as to each separate item, or approve the budget as proposed by the sheriff as to each separate item, or amend or modify the budget as to each separate item within the limits of the proposed board of expenditures and the expenditures as approved by the board of county commissioners or the budget commission, as the case may be. The budget as approved, amended, or modified by the Administration Commission shall be final.

(6) The board of county commissioners and the budget commission, if there is a budget commission within the county, shall include in the county budget the items of proposed expenditures as set forth in the budget required by this section to be submitted, after the budget has been reviewed and approved as provided herein; and the board or commission, as the case may be, shall include the reserve for contingencies provided herein for each budget of the sheriff in the reserve for contingencies in the budget of the appropriate county fund.

(7) The reserve for contingencies in the budget of a sheriff shall be governed by the same provisions governing the amount and use of the reserve for contingencies appropriated in the county budget, except that the reserve for contingency in the budget of the sheriff shall be appropriated upon written request of the sheriff.

(8) The items placed in the budget of the board of county commissioners pursuant to this law shall be subject to the same provisions of law as the county annual budget; except that no amendments may be made to the appropriations for the sheriff's office except as requested by the sheriff.

(9) The proposed expenditures in the budget shall be submitted to the board of county commissioners or budget commission, if there is a budget commission within the county, by June 1 each year; and the budget shall be included by the board or commission, as the case may be, in the budget of either the general fund or the fine and forfeiture fund, or in part of each.

(10) If in the judgment of the sheriff an emergency should arise by reason of which the sheriff

would be unable to perform his or her duties without the expenditure of larger amounts than those provided in the budget, he or she may apply to the board of county commissioners for the appropriation of additional amounts. If the board of county commissioners approves the sheriff's request, no further action is required on either party. If the board of county commissioners disapproves a portion or all of the sheriff's request, the sheriff may apply to the Administration Commission for the appropriation of additional amounts. The sheriff shall at the same time deliver a copy of the application to the Administration Commission, the board of county commissioners, and the budget commission, if there is a budget commission within the county. The Administration Commission may require a budget hearing on the application, after due notice to the sheriff and to the boards, and may grant or deny an increase or increases in the appropriations for the sheriff's offices. If any increase is granted, the board of county commissioners, and the budget commission, if there is a budget commission in the county, shall amend accordingly the budget of the appropriate county fund or funds. Such budget shall be brought into balance, if possible, by application of excess receipts in such county fund or funds. If such excess receipts are not available in sufficient amount, the county fund budget or budgets shall be brought into balance by adding an item of "Vouchers unpaid" in the appropriate amount to the receipts side of the budget, and provision for paying such vouchers shall be made in the budget of the county fund for the next fiscal year.

(11) Notwithstanding any provision of law to the contrary, a sheriff may include a clothing and maintenance allowance for plainclothes deputies within his or her budget.

History.— s. 3, ch. 57-368; ss. 3, 4, ch. 59-216; ss. 12, 28, 35, ch. 69-106; s. 7, ch. 71-355; s. 7, ch. 73-349; s. 1, ch. 74-103; s. 17, ch. 77-104; s. 85, ch. 79-190; s. 28, ch. 81-259; s. 1, ch. 82-33; s. 12, ch. 82-154; s. 1, ch. 83-204; s. 35, ch. 84-254; s. 9, ch. 90-360; s. 188, ch. 95-147; s. 1, ch. 95-169; s. 12, ch. 96-406; s. 22, ch. 97-96; s. 2, ch. 2002-193; s. 91, ch. 2003-261.

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Title V
JUDICIAL BRANCH

Chapter 30
SHERIFFS

View Entire Chapter

30.50 Payment of salaries and expenses.—

(1) The sheriff shall requisition and the board of county commissioners shall pay him or her, at the first meeting in October of each year, and each month thereafter, one-twelfth of the total amount budgeted for the office; provided, that at the first meeting in January of each year, the board shall, at the request of the sheriff, pay one-sixth of the total appropriated, and one-twelfth each month thereafter, which payments shall be not more than the total appropriation. Provided further that any part of the amount budgeted for equipment shall be paid at any time during the year upon the request of the sheriff.

(2) The sheriff shall deposit the county warrant or warrants in his or her official bank account as provided in s. 30.51(3) and draw his or her own checks thereon in payment of the salaries of the sheriff and his or her deputies, clerks, and employees and the expenses of office. All salaries paid shall be supported by payrolls, and all expenses paid shall be supported by approved bills; provided, that the sheriff may draw a check to himself or herself for the expense of an investigation, and may note on the voucher only the information that he or she may consider proper to divulge.

(3) The sheriff may set up a revolving fund for payment in cash of small items. The revolving fund shall be reimbursed from time to time by payment of the vouchers representing the cash payments.

(4) The sheriff shall keep necessary budget accounts and records, and shall charge all paid bills and payrolls to the proper budget accounts. The reserve for contingencies, or any part thereof, may be transferred to any of the budget appropriations, in the discretion of the sheriff. With the approval of the board of county commissioners, or of the budget commission if there is a budget commission in the county, the budget may be amended as provided for county budgets in s. 129.06(2).

(5) All expenses incurred in the fiscal year for which the budget is made shall be vouchered and charged to the budget for that year, and to carry out this purpose the books may be held open for 30 days after the end of the year.

(6) All unexpended balances at the end of each fiscal year shall be refunded to the board of county commissioners, and deposited to the county fund or funds from which payment was originally made.

History.— s. 4, ch. 57-368; s. 189, ch. 95-147.

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[Title XIV](#)[Chapter 192](#)[View Entire Chapter](#)

TAXATION AND FINANCE TAXATION: GENERAL PROVISIONS

192.091 Commissions of property appraisers and tax collectors.—

(1)(a) The budget of the property appraiser's office, as approved by the Department of Revenue, shall be the basis upon which the several tax authorities of each county, except municipalities and the district school board, shall be billed by the property appraiser for services rendered. Each such taxing authority shall be billed an amount that bears the same proportion to the total amount of the budget as its share of ad valorem taxes bore to the total levied for the preceding year. All municipal and school district taxes shall be considered as taxes levied by the county for purposes of this computation.

(b) Payments shall be made quarterly by each such taxing authority. The property appraiser shall notify the various taxing authorities of his or her estimated budget requirements and billings thereon at the same time as his or her budget request is submitted to the Department of Revenue pursuant to s. [195.087](#) and at the time the property appraiser receives final approval of the budget by the department.

(2) The tax collectors of the several counties of the state shall be entitled to receive, upon the amount of all real and tangible personal property taxes and special assessments collected and remitted, the following commissions:

(a) On the county tax:

1. Ten percent on the first \$100,000;
2. Five percent on the next \$100,000;
3. Three percent on the balance up to the amount of taxes collected and remitted on an assessed valuation of \$50 million; and
4. Two percent on the balance.

(b) On collections on behalf of each taxing district and special assessment district:

- 1.a. Three percent on the amount of taxes collected and remitted on an assessed valuation of \$50 million; and
- b. Two percent on the balance; and
2. Actual costs of collection, not to exceed 2 percent, on the amount of special assessments collected and remitted.

For the purposes of this subsection, the commissions on the amount of taxes collected from the nonvoted school millage, and on the amount of additional taxes that would be collected for school districts if the exemptions applicable to homestead property for school district taxation were the same as exemptions applicable for all other ad valorem taxation, shall be paid by the board of county commissioners.

(3) In computing the amount of taxes levied on an assessed valuation of \$50 million for the purposes of this section the valuation of nonexempt property and the taxes levied thereon shall be taken first.

(4) The commissions for collecting taxes assessed for or levied by the state shall be audited, allowed, and paid by the Chief Financial Officer as other warrants are paid; and commissions for

collecting the county taxes shall be audited and paid by the boards of county commissioners of the several counties of this state. The commissions for collecting all special school district taxes shall be audited by the school board of each respective district and taken out of the funds of the respective special school district under its control and allowed and paid to the tax collectors for collecting such taxes; and the commissions for collecting all other district taxes, whether special or not, shall be audited and paid by the governing board or commission having charge of the financial obligations of such district. All commissions for collecting special tax district taxes shall be paid at the time and in the manner now, or as may hereafter be, provided for the payment of the commissions for the collection of county taxes. All amounts paid as compensation to any tax collector under the provisions of this or any other law shall be a part of the general income or compensation of such officer for the year in which received, and nothing contained in this section shall be held or construed to affect or increase the maximum salary as now provided by law for any such officer.

(5) The provisions of this section shall not apply to commissions on drainage district or drainage subdistrict taxes.

(6) If any property appraiser or tax collector in the state is receiving compensation for expenses in conducting his or her office or by way of salary pursuant to any act of the Legislature other than the general law fixing compensation of property appraisers, such property appraiser or tax collector may file a declaration in writing with the board of county commissioners of his or her county electing to come under the provisions of this section, and thereupon such property appraiser or tax collector shall be paid compensation in accordance with the provisions hereof, and shall not be entitled to the benefit of the said special or local act. If such property appraiser or tax collector does not so elect, he or she shall continue to be paid such compensation as may now be provided by law for such property appraiser or tax collector.

History.— s. 67, ch. 4322, 1895; ss. 11, 12, ch. 4515, 1897; s. 5, ch. 4885, 1901; GS 594, 595; ss. 63, 64, ch. 5596, 1907; RGS 797, 801; CGL 1028, 1033; s. 1, ch. 17876, 1937; CGL 1940 Supp. 1036(14); ss. 1, 1A, ch. 20936, 1941; ss. 1, 2, ch. 21918, 1943; s. 1, ch. 67-558; ss. 1, 2, ch. 69-55; s. 1, ch. 69-300; s. 6, ch. 70-243; s. 1, ch. 70-246; s. 8, ch. 73-172; s. 1, ch. 74-234; s. 1, ch. 77-102; s. 7, ch. 79-332; s. 8, ch. 81-284; s. 53, ch. 83-217; s. 218, ch. 85-342; s. 1, ch. 91-295; s. 967, ch. 95-147; s. 2, ch. 96-397; s. 172, ch. 2003-261; s. 6, ch. 2006-312.

Note.— Former s. 193.65.

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Title XIV
TAXATION AND
FINANCE

Chapter 195
PROPERTY ASSESSMENT ADMINISTRATION AND
FINANCE

View Entire
Chapter

195.087 Property appraisers and tax collectors to submit budgets to Department of Revenue.—

(1)(a) On or before June 1 of each year, every property appraiser, regardless of the form of county government, shall submit to the Department of Revenue a budget for the operation of the property appraiser's office for the ensuing fiscal year beginning October 1. The property appraiser shall submit his or her budget in the manner and form required by the department. A copy of such budget shall be furnished at the same time to the board of county commissioners. The department shall, upon proper notice to the county commission and property appraiser, review the budget request and may amend or change the budget request as it deems necessary, in order that the budget be neither inadequate nor excessive. On or before July 15, the department shall notify the property appraiser and the board of county commissioners of its tentative budget amendments and changes. Prior to August 15, the property appraiser and the board of county commissioners may submit additional information or testimony to the department respecting the budget. On or before August 15, the department shall make its final budget amendments or changes to the budget and shall provide notice thereof to the property appraiser and board of county commissioners.

(b) The Governor and Cabinet, sitting as the Administration Commission, may hear appeals from the final action of the department upon a written request being filed by the property appraiser or the presiding officer of the county commission no later than 15 days after the conclusion of the hearing held pursuant to s. 200.065(2)(d). The Administration Commission may amend the budget if it finds that any aspect of the budget is unreasonable in light of the workload of the office of the property appraiser in the county under review. The budget request as approved by the department and as amended by the commission shall become the operating budget of the property appraiser for the ensuing fiscal year beginning October 1, except that the budget so approved may subsequently be amended under the same procedure. After final approval, the property appraiser shall make no transfer of funds between accounts without the written approval of the department. However, all moneys received by property appraisers in complying with chapter 119 shall be accounted for in the same manner as provided for in s. 218.36, for moneys received as county fees and commissions, and any such moneys may be used and expended in the same manner and to the same extent as funds budgeted for the office and no budget amendment shall be required.

(2) On or before August 1 of each year, each tax collector, regardless of the form of county government, shall submit to the Department of Revenue a budget for the operation of the tax collector's office for the ensuing fiscal year, in the manner and form prescribed by the department. A copy of such budget shall be furnished at the same time to the board of county commissioners. The department shall examine the budget and, if it is found adequate to carry on the work of the tax collector, shall approve the budget and certify it back to the tax collector. If the department finds the budget inadequate or excessive, it shall return such budget to the tax collector, together with its ruling thereon. The tax collector shall revise the budget as required and

resubmit it to the department. After the final approval of the budget by the department, there shall be no reduction or increase by any officer, board, or commission without the approval of the department. However, all moneys received by tax collectors in complying with chapter 119 shall be accounted for in the same manner as provided for in s. 218.36, for moneys received as county fees and commissions, and any such moneys may be used and expended in the same manner and to the same extent as funds budgeted for the office and no budget amendment shall be required. This subsection does not apply in a county in which the office of tax collector has been abolished and the duties of that office have been transferred to another office pursuant to s. 1(d), Art. VIII of the State Constitution or in a county in which a resolution is in effect pursuant to s. 145.022 or in any charter county where the charter specifically provides for a different method for the submission of the tax collector's budget.

(3) Any check received by the office of the collector which is returned by the bank upon which the check is drawn shall be the personal liability of the tax collector unless the collector, after due diligence to collect the returned check, forwards the returned check for prosecution to the state attorney of the circuit where the check was drawn. This subsection does not apply to ad valorem taxes, in which case the collector shall proceed under chapter 197.

(4) The property appraisers and tax collectors of this state are hereby authorized to pay any fee established by the department for attendance by an employee at a school established and conducted by the department pursuant to s. 195.002. Further, the travel and per diem expenses of such employee may be paid as set forth in s. 112.061. Property appraisers are authorized to pay a fee established by the department for the costs of aerial photographs and nonproperty ownership maps provided by the department pursuant to s. 195.022.

(5) Any property appraiser or tax collector whose budget is approved by the Department of Revenue who has not been reelected to office or is not seeking reelection shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation following the date he or she is eliminated as a candidate or October 1, whichever comes later, without the approval of the Department of Revenue.

History.— s. 56, ch. 20722, 1941; ss. 1, 2, ch. 69-55; ss. 21, 35, ch. 69-106; s. 36, ch. 70-243; s. 6, ch. 73-172; s. 10, ch. 74-234; s. 1, ch. 77-102; s. 93, ch. 79-190; s. 16, ch. 79-334; s. 29, ch. 80-274; s. 84, ch. 81-259; s. 3, ch. 82-33; s. 6, ch. 86-300; s. 3, ch. 88-85; s. 3, ch. 88-158; s. 26, ch. 90-203; s. 2, ch. 90-343; s. 986, ch. 95-147; ss. 4, 18, ch. 95-272; s. 4, ch. 97-287; s. 3, ch. 2008-138.

Note.— Former ss. 193.02, 195.011.

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SECTION 14. Funding.--

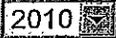
(a) All justices and judges shall be compensated only by state salaries fixed by general law. Funding for the state courts system, state attorneys' offices, public defenders' offices, and court-appointed counsel, except as otherwise provided in subsection (c), shall be provided from state revenues appropriated by general law.

(b) All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law. Selected salaries, costs, and expenses of the state courts system may be funded from appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions, as provided by general law. Where the requirements of either the United States Constitution or the Constitution of the State of Florida preclude the imposition of filing fees for judicial proceedings and service charges and costs for performing court-related functions sufficient to fund the court-related functions of the offices of the clerks of the circuit and county courts, the state shall provide, as determined by the legislature, adequate and appropriate supplemental funding from state revenues appropriated by general law.

(c) No county or municipality, except as provided in this subsection, shall be required to provide any funding for the state courts system, state attorneys' offices, public defenders' offices, court-appointed counsel or the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall be required to fund the cost of communications services, existing radio systems, existing multi-agency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the trial courts, public defenders' offices, state attorneys' offices, and the offices of the clerks of the circuit and county courts performing court-related functions. Counties shall also pay reasonable and necessary salaries, costs, and expenses of the state courts system to meet local requirements as determined by general law.

(d) The judiciary shall have no power to fix appropriations.

History.--S.J.R. 52-D, 1971; adopted 1972; Am. proposed by Constitution Revision Commission, Revision No. 7, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

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Title V
JUDICIAL BRANCH

Chapter 29
COURT SYSTEM FUNDING

[View Entire Chapter](#)

29.008 County funding of court-related functions.—

(1) Counties are required by s. 14, Art. V of the State Constitution to fund the cost of communications services, existing radio systems, existing multiagency criminal justice information systems, and the cost of construction or lease, maintenance, utilities, and security of facilities for the circuit and county courts, public defenders' offices, state attorneys' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions. For purposes of this section, the term "circuit and county courts" includes the offices and staffing of the guardian ad litem programs, and the term "public defenders' offices" includes the offices of criminal conflict and civil regional counsel. The county designated under s. 35.05(1) as the headquarters for each appellate district shall fund these costs for the appellate division of the public defender's office in that county. For purposes of implementing these requirements, the term:

(a) "Facility" means reasonable and necessary buildings and office space and appurtenant equipment and furnishings, structures, real estate, easements, and related interests in real estate, including, but not limited to, those for the purpose of housing legal materials for use by the general public and personnel, equipment, or functions of the circuit or county courts, public defenders' offices, state attorneys' offices, and court-related functions of the office of the clerks of the circuit and county courts and all storage. The term "facility" includes all wiring necessary for court reporting services. The term also includes access to parking for such facilities in connection with such court-related functions that may be available free or from a private provider or a local government for a fee. The office space provided by a county may not be less than the standards for space allotment adopted by the Department of Management Services, except this requirement applies only to facilities that are leased, or on which construction commences, after June 30, 2003. County funding must include physical modifications and improvements to all facilities as are required for compliance with the Americans with Disabilities Act. Upon mutual agreement of a county and the affected entity in this paragraph, the office space provided by the county may vary from the standards for space allotment adopted by the Department of Management Services.

1. As of July 1, 2005, equipment and furnishings shall be limited to that appropriate and customary for courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel. Court reporting equipment in these areas or facilities is not a responsibility of the county.

2. Equipment and furnishings under this paragraph in existence and owned by counties on July 1, 2005, except for that in the possession of the clerks, for areas other than courtrooms, hearing rooms, jury facilities, and other public areas in courthouses and any other facility occupied by the courts, state attorneys, and public defenders, shall be transferred to the state at no charge. This provision does not apply to any communications services as defined in paragraph (f).

(b) "Construction or lease" includes, but is not limited to, all reasonable and necessary costs of the acquisition or lease of facilities for all judicial officers, staff, jurors, volunteers of a tenant agency, and the public for the circuit and county courts, the public defenders' offices, state attorneys' offices, and for performing the court-related functions of the offices of the clerks of the circuit and county courts. This includes expenses related to financing such facilities and the existing and future cost and bonded indebtedness associated with placing the facilities in use.

(c) "Maintenance" includes, but is not limited to, all reasonable and necessary costs of custodial and groundskeeping services and renovation and reconstruction as needed to accommodate functions for the circuit and county courts, the public defenders' offices, and state attorneys' offices and for performing the court-related functions of the offices of the clerks of the circuit and county court and for maintaining the facilities in a condition appropriate and safe for the use intended.

(d) "Utilities" means all electricity services for light, heat, and power; natural or manufactured gas services for light, heat, and power; water and wastewater services and systems, stormwater or runoff services and systems, sewer services and systems, all costs or fees associated with these services and systems, and any costs or fees associated with the mitigation of environmental impacts directly related to the facility.

(e) "Security" includes but is not limited to, all reasonable and necessary costs of services of law enforcement officers or licensed security guards and all electronic, cellular, or digital monitoring and screening devices necessary to ensure the safety and security of all persons visiting or working in a facility; to provide for security of the facility, including protection of property owned by the county or the state; and for security of prisoners brought to any facility. This includes bailiffs while providing courtroom and other security for each judge and other quasi-judicial officers.

(f) "Communications services" are defined as any reasonable and necessary transmission, emission, and reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, audio equipment, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by judges, clerks, public defenders, state attorneys, guardians ad litem, criminal conflict and civil regional counsel, and all staff of the state courts system, state attorneys' offices, public defenders' offices, and clerks of the circuit and county courts performing court-related functions. Such system or services shall include, but not be limited to:

1. Telephone system infrastructure, including computer lines, telephone switching equipment, and maintenance, and facsimile equipment; wireless communications, cellular telephones, pagers, and video teleconferencing equipment and line charges. Each county shall continue to provide access to a local carrier for local and long distance service and shall pay toll charges for local and long distance service.

2. All computer networks, systems and equipment, including computer hardware and software, modems, printers, wiring, network connections, maintenance, support staff or services including any county-funded support staff located in the offices of the circuit court, county courts, state attorneys, public defenders, guardians ad litem, and criminal conflict and civil regional counsel; training, supplies, and line charges necessary for an integrated computer system to support the operations and management of the state courts system; the offices of the public defenders, the offices of the state attorneys, the guardian ad litem offices, the offices of criminal conflict and civil regional counsel, and the offices of the clerks of the circuit and county courts; and the

capability to connect those entities and reporting data to the state as required for the transmission of revenue, performance accountability, case management, data collection, budgeting, and auditing purposes. The integrated computer system shall be operational by July 1, 2006, and, at a minimum, permit the exchange of financial, performance accountability, case management, case disposition, and other data across multiple state and county information systems involving multiple users at both the state level and within each judicial circuit and be able to electronically exchange judicial case background data, sentencing scoresheets, and video evidence information stored in integrated case management systems over secure networks. Once the integrated system becomes operational, counties may reject requests to purchase communications services included in this subparagraph not in compliance with standards, protocols, or processes adopted by the board established pursuant to former s. 29.0086.

3. Courier messenger and subpoena services.

4. Auxiliary aids and services for qualified individuals with a disability which are necessary to ensure access to the courts. Such auxiliary aids and services include, but are not limited to, sign language interpretation services required under the federal Americans with Disabilities Act other than services required to satisfy due-process requirements and identified as a state funding responsibility pursuant to ss. 29.004, 29.005, 29.006, and 29.007, real-time transcription services for individuals who are hearing impaired, and assistive listening devices and the equipment necessary to implement such accommodations.

(g) "Existing radio systems" includes, but is not limited to, law enforcement radio systems that are used by the circuit and county courts, the offices of the public defenders, the offices of the state attorneys, and for court-related functions of the offices of the clerks of the circuit and county courts. This includes radio systems that were operational or under contract at the time Revision No. 7, 1998, to Art. V of the State Constitution was adopted and any enhancements made thereafter, the maintenance of those systems, and the personnel and supplies necessary for operation.

(h) "Existing multiagency criminal justice information systems" includes, but is not limited to, those components of the multiagency criminal justice information system as defined in s. 943.045, supporting the offices of the circuit or county courts, the public defenders' offices, the state attorneys' offices, or those portions of the offices of the clerks of the circuit and county courts performing court-related functions that are used to carry out the court-related activities of those entities. This includes upgrades and maintenance of the current equipment, maintenance and upgrades of supporting technology infrastructure and associated staff, and services and expenses to assure continued information sharing and reporting of information to the state. The counties shall also provide additional information technology services, hardware, and software as needed for new judges and staff of the state courts system, state attorneys' offices, public defenders' offices, guardian ad litem offices, and the offices of the clerks of the circuit and county courts performing court-related functions.

(2) Counties shall pay reasonable and necessary salaries, costs, and expenses of the state courts system, including associated staff and expenses, to meet local requirements.

(a) Local requirements are those specialized programs, nonjudicial staff, and other expenses associated with specialized court programs, specialized prosecution needs, specialized defense needs, or resources required of a local jurisdiction as a result of special factors or circumstances. Local requirements exist:

1. When imposed pursuant to an express statutory directive, based on such factors as provided

in paragraph (b); or

2. When:

a. The county has enacted an ordinance, adopted a local program, or funded activities with a financial or operational impact on the circuit or a county within the circuit; or

b. Circumstances in a given circuit or county result in or necessitate implementation of specialized programs, the provision of nonjudicial staff and expenses to specialized court programs, special prosecution needs, specialized defense needs, or the commitment of resources to the court's jurisdiction.

(b) Factors and circumstances resulting in the establishment of a local requirement include, but are not limited to:

1. Geographic factors;
2. Demographic factors;
3. Labor market forces;
4. The number and location of court facilities; or
5. The volume, severity, complexity, or mix of court cases.

(c) Local requirements under subparagraph (a)2. must be determined by the following method:

1. The chief judge of the circuit, in conjunction with the state attorney, the public defender, and the criminal conflict and civil regional counsel only on matters that impact their offices, shall identify all local requirements within the circuit or within each county in the circuit and shall identify the reasonable and necessary salaries, costs, and expenses to meet these local requirements.

2. On or before June 1 of each year, the chief judge shall submit to the board of county commissioners a tentative budget request for local requirements for the ensuing fiscal year. The tentative budget must certify a listing of all local requirements and the reasonable and necessary salaries, costs, and expenses for each local requirement. The board of county commissioners may, by resolution, require the certification to be submitted earlier.

3. The board of county commissioners shall thereafter treat the certification in accordance with the county's budgetary procedures. A board of county commissioners may:

- a. Determine whether to provide funding, and to what extent it will provide funding, for salaries, costs, and expenses under this section;
- b. Require a county finance officer to conduct a preaudit review of any county funds provided under this section prior to disbursement;
- c. Require review or audit of funds expended under this section by the appropriate county office; and
- d. Provide additional financial support for the courts system, state attorneys, public defenders, or criminal conflict and civil regional counsel.

(d) Counties may satisfy these requirements by entering into interlocal agreements for the collective funding of these reasonable and necessary salaries, costs, and expenses.

(3) The following shall be considered a local requirement pursuant to subparagraph (2)(a)1.:

(a) Legal aid programs, which shall be funded at a level equal to or greater than the amount provided from filing fees and surcharges to legal aid programs from October 1, 2002, to September 30, 2003.

(b) Alternative sanctions coordinators pursuant to ss. 984.09 and 985.037.

(4)(a) The Department of Financial Services shall review county expenditure reports required

under s. 29.0085 for the purpose of ensuring that counties fulfill the responsibilities of this section. The department shall compare county fiscal reports to determine if expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3) have increased by 1.5 percent over the prior county fiscal year. The initial review must compare county fiscal year 2005-2006 to county fiscal year 2004-2005. If the department finds that expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3) have not increased by 1.5 percent over the prior county fiscal year, the department shall notify the President of the Senate and the Speaker of the House of Representatives and the respective county. The Legislature may determine that a county has met its obligations for items specified in this section if the prior county fiscal year included nonrecurring expenditures for facilities or information technology that is not needed in the next county fiscal year or expenditures or actions that enable a county to attain efficiencies in providing services to the court system. The Legislature may direct the Department of Revenue to withhold revenue-sharing receipts distributed pursuant to part II of chapter 218, except for revenues used for paying the principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness allowed under s. 218.25(1), (2), or (4), from any county that is not in compliance with the funding obligations in this section by an amount equal to the difference between the amount spent and the amount that would have been spent had the county increased expenditures by 1.5 percent per year.

(b) The department shall transfer the withheld payments to the General Revenue Fund by March 31 of each year for the previous county fiscal year. These payments are appropriated to the Department of Revenue to pay for these responsibilities on behalf of the county.

¹(c) Counties are exempt from all requirements and provisions of paragraph (a) for the 2010-2011 fiscal year. Accordingly, for the 2010-2011 fiscal year, counties shall maintain, but are not required to increase, their expenditures for the items specified in paragraphs (1)(a)-(h) and subsection (3). The requirements described in paragraph (a) shall be reinstated beginning with the 2011-2012 fiscal year. This paragraph expires July 1, 2011.

History.— s. 8, ch. 2000-237; s. 1, ch. 2001-265; ss. 44, 45, ch. 2003-402; s. 28, ch. 2004-265; s. 17, ch. 2005-236; s. 105, ch. 2006-120; s. 6, ch. 2006-122; s. 19, ch. 2007-6; s. 19, ch. 2007-62; s. 10, ch. 2010-153.

¹ Note.— Section 10, ch. 2010-153, added paragraph (c) “[i]n order to implement section 7 of the 2010-2011 General Appropriations Act.”

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[Title V](#)
JUDICIAL BRANCH[Chapter 34](#)
COUNTY COURTS[View Entire Chapter](#)**34.191 Fines and forfeitures; dispositions.—**

(1) All fines and forfeitures arising from offenses tried in the county court shall be collected and accounted for by the clerk of the court and, other than the charge provided in s. [318.1215](#), disbursed in accordance with ss. [28.2402](#), [34.045](#), [142.01](#), and [142.03](#) and subject to the provisions of s. [28.246](#)(5) and (6). Notwithstanding the provisions of this section, all fines and forfeitures arising from operation of the provisions of s. [318.1215](#) shall be disbursed in accordance with that section.

(2) All fines and forfeitures received from violations of municipal ordinances committed within a municipality within the territorial jurisdiction of the county court, other than the charge provided in s. [318.1215](#), shall be paid monthly to the municipality except as provided in s. [28.2402](#) (2), s. [34.045](#)(2), s. [318.21](#), or s. [943.25](#). A municipality does not include the unincorporated areas, if any, of a government created pursuant to s. 6(e), Art. VIII of the State Constitution.

(3) All other fines and forfeitures collected by the clerk, other than the charge provided in s. [318.1215](#), shall be considered income of the office of the clerk for use in performing court-related duties of the office.

History.— ss. 1, 2, ch. 72-70; s. 17, ch. 72-404; s. 3, ch. 80-179; s. 3, ch. 83-215; s. 1, ch. 85-250; s. 1, ch. 85-255; s. 2, ch. 86-154; s. 3, ch. 96-350; s. 2, ch. 98-258; s. 56, ch. 2003-402; s. 34, ch. 2004-265; s. 6, ch. 2005-2; s. 23, ch. 2005-236.

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STATE ATTORNEYS; PUBLIC DEFENDERS; RELATED
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27.54 Limitation on payment of expenditures other than by the state.—

(1) All payments for the salary of the public defender and the criminal conflict and civil regional counsel and for the necessary expenses of office, including salaries of assistants and staff, shall be considered as being for a valid public purpose. Travel expenses shall be paid in accordance with the provisions of s. 112.061.

(2) A county or municipality may contract with, or appropriate or contribute funds to, the operation of the offices of the various public defenders and regional counsel as provided in this subsection. A public defender or regional counsel defending violations of special laws or county or municipal ordinances punishable by incarceration and not ancillary to a state charge shall contract with counties and municipalities to recover the full cost of services rendered on an hourly basis or reimburse the state for the full cost of assigning one or more full-time equivalent attorney positions to work on behalf of the county or municipality. Notwithstanding any other provision of law, in the case of a county with a population of less than 75,000, the public defender or regional counsel shall contract for full reimbursement, or for reimbursement as the parties otherwise agree. In local ordinance violation cases, the county or municipality shall pay for due process services that are approved by the court, including deposition costs, deposition transcript costs, investigative costs, witness fees, expert witness costs, and interpreter costs. The person charged with the violation shall be assessed a fee for the services of a public defender or regional counsel and other costs and fees paid by the county or municipality, which assessed fee may be reduced to a lien, in all instances in which the person enters a plea of guilty or no contest or is found to be in violation or guilty of any count or lesser included offense of the charge or companion case charges, regardless of adjudication. The court shall determine the amount of the obligation. The county or municipality may recover assessed fees through collections court or as otherwise permitted by law, and any fees recovered pursuant to this section shall be forwarded to the applicable county or municipality as reimbursement.

(a) A contract for reimbursement on an hourly basis shall require a county or municipality to reimburse the public defender or regional counsel for services rendered at a rate of \$50 per hour. If an hourly rate is specified in the General Appropriations Act, that rate shall control.

(b) A contract for assigning one or more full-time equivalent attorney positions to perform work on behalf of the county or municipality shall assign one or more full-time equivalent positions based on estimates by the public defender or regional counsel of the number of hours required to handle the projected workload. The full cost of each full-time equivalent attorney position on an annual basis shall be \$50, or the amount specified in the General Appropriations Act, multiplied by the legislative budget request standard for available work hours for one full-time equivalent attorney position, or, in the absence of that standard, 1,854 hours. The contract may provide for funding full-time equivalent positions in one-quarter increments.

(c) Any payments received pursuant to this subsection shall be deposited into the Grants and Donations Trust Fund within the Justice Administrative Commission for appropriation by the

Legislature.

(3) No public defender, assistant public defender, regional counsel, or assistant regional counsel shall receive from any county or municipality any supplemental salary, except as provided in this section.

(4) Unless expressly authorized by law or in the General Appropriations Act, public defenders and regional counsel are prohibited from spending state-appropriated funds on county funding obligations under s. 14, Art. V of the State Constitution beginning January 1, 2005. This includes expenditures on communications services and facilities as defined in s. 29.008. This does not prohibit a public defender from spending funds for these purposes in exceptional circumstances when necessary to maintain operational continuity in the form of a short-term advance pending reimbursement from the county. If a public defender or regional counsel provides short-term advance funding for a county responsibility as authorized by this subsection, the public defender or regional counsel shall request full reimbursement from the board of county commissioners prior to making the expenditure or at the next meeting of the board of county commissioners after the expenditure is made. The total of all short-term advances authorized by this subsection shall not exceed 2 percent of the public defender's or regional counsel's approved operating budget in any given year. No short-term advances authorized by this subsection shall be permitted until all reimbursements arising from advance funding in the prior state fiscal year have been received by the public defender or regional counsel. All reimbursement payments received by the public defender or regional counsel shall be deposited into the General Revenue Fund. Notwithstanding the provisions of this subsection, the public defender or regional counsel may expend funds for the purchase of computer systems, including associated hardware and software, and for personnel related to this function.

History.—s. 5, ch. 63-409; s. 3, ch. 67-539; s. 4, ch. 72-327; s. 2, ch. 72-722; s. 3, ch. 73-216; s. 6, ch. 80-376; s. 4, ch. 85-213; s. 4, ch. 88-280; s. 1, ch. 89-118; s. 2, ch. 91-303; s. 140, ch. 92-279; s. 55, ch. 92-326; s. 141, ch. 95-147; s. 21, ch. 2003-402; s. 12, ch. 2004-265; s. 5, ch. 2005-236; s. 12, ch. 2007-62.

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[Title V](#)
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[Chapter 27](#)
STATE ATTORNEYS; PUBLIC DEFENDERS; RELATED
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27.34 Limitations on payment of salaries and other related costs of state attorneys' offices other than by the state:—

(1) A county or municipality may contract with, or appropriate or contribute funds to the operation of, the various state attorneys as provided in this subsection. A state attorney prosecuting violations of special laws or county or municipal ordinances punishable by incarceration and not ancillary to a state charge shall contract with counties and municipalities to recover the full cost of services rendered on an hourly basis or reimburse the state for the full cost of assigning one or more full-time equivalent attorney positions to work on behalf of the county or municipality. Notwithstanding any other provision of law, in the case of a county with a population of less than 75,000, the state attorney shall contract for full reimbursement, or for reimbursement as the parties otherwise agree.

(a) A contract for reimbursement on an hourly basis shall require counties and municipalities to reimburse the state attorney for services rendered at a rate of \$50 per hour. If an hourly rate is specified in the General Appropriations Act, that rate shall control.

(b) A contract for assigning one or more full-time equivalent attorney positions to perform work on behalf of a county or municipality shall assign one or more full-time equivalent positions based on estimates by the state attorney of the number of hours required to handle the projected workload. The full cost of each full-time equivalent attorney position on an annual basis shall be \$50, or the amount specified in the General Appropriations Act, multiplied by the legislative budget request standard for available work hours for one full-time equivalent attorney position, or, in the absence of that standard, 1,854 hours. The contract may provide for funding full-time equivalent positions in one-quarter increments.

(c) Persons employed by the county or municipality may be provided to the state attorney to serve as special investigators pursuant to the provisions of s. [27.251](#). Any payments received pursuant to this subsection shall be deposited into the Grants and Donations Trust Fund within the Justice Administrative Commission for appropriation by the Legislature.

(2) A state attorney or assistant state attorney may not receive from any county or municipality any supplemental salary, except as provided in this section.

(3) Notwithstanding s. [27.25](#), the Chief Financial Officer may contract with the state attorney of any judicial circuit of the state for the prosecution of criminal violations of the Workers' Compensation Law and related crimes if the Chief Financial Officer contributes funds for such purposes. Such contracts may provide for the training, salary, and expenses of one or more assistant state attorneys used in the prosecution of crimes. If the Chief Financial Officer contributes funds to the state attorney to prosecute these violations and the accused person is indigent and represented by the public defender, the Chief Financial Officer shall also contract with the public defender to provide representation to the person accused of these crimes. The contract may provide for the training, salary, and expenses of one or more assistant public defenders used in the defense of these crimes.

(4) Unless expressly authorized by law or in the General Appropriations Act, state attorneys are prohibited from spending state-appropriated funds on county funding obligations under s. 14, Art. V of the State Constitution beginning January 1, 2005. This includes expenditures on communications services and facilities as defined in s. 29.008. This does not prohibit a state attorney from spending funds for these purposes in exceptional circumstances when necessary to maintain operational continuity in the form of a short-term advance pending reimbursement by the county. If a state attorney provides short-term advance funding for a county responsibility as authorized by this subsection, the state attorney shall request full reimbursement from the board of county commissioners prior to making the expenditure or at the next meeting of the board of county commissioners after the expenditure is made. The total of all short-term advances authorized by this subsection shall not exceed 2 percent of the state attorney's approved operating budget in any given year. No short-term advances authorized by this subsection shall be permitted until all reimbursements arising from advance funding in the prior state fiscal year have been received by the state attorney. All reimbursement payments received by the state attorney pursuant to this subsection shall be deposited into the General Revenue Fund. Notwithstanding the provisions of this subsection, the state attorney may expend funds for the purchase of computer systems, including associated hardware and software, and for personnel related to this function.

History.— s. 3, ch. 72-326; s. 1, ch. 72-734; s. 2, ch. 73-215; s. 1, ch. 77-164; s. 3, ch. 78-227; s. 3, ch. 79-344; s. 1, ch. 85-213; s. 2, ch. 87-139; s. 1, ch. 88-280; s. 139, ch. 92-279; s. 55, ch. 92-326; s. 105, ch. 93-415; s. 79, ch. 94-209; s. 8, ch. 96-252; s. 7, ch. 96-260; s. 25, ch. 96-388; s. 4, ch. 97-78; s. 8, ch. 97-235; s. 84, ch. 2003-261; s. 10, ch. 2003-402; s. 5, ch. 2004-265; s. 7, ch. 2004-391.

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129.01 Budget system established.—There is hereby established a budget system for the control of the finances of the boards of county commissioners of the several counties of the state, as follows:

(1) There shall be prepared, approved, adopted, and executed, as prescribed in this chapter, for the fiscal year ending September 30, 1952, and for each fiscal year thereafter, an annual budget for such funds as may be required by law or by sound financial practices and generally accepted accounting principles. The budget shall control the levy of taxes and the expenditure of money for all county purposes during the ensuing fiscal year.

(2) Each budget shall conform to the following general directions and requirements:

(a) The budget shall be prepared, summarized, and approved by the board of county commissioners of each county.

(b) The budget shall be balanced; that is, the total of the estimated receipts, including balances brought forward, shall equal the total of the appropriations and reserves. It shall conform to the uniform classification of accounts prescribed by the appropriate state agency. The receipts division of the budget shall include 95 percent of all receipts reasonably to be anticipated from all sources, including taxes to be levied, provided the percent anticipated from ad valorem levies shall be as specified in s. 200.065(2)(a), and 100 percent of the amount of the balances of both cash and liquid securities estimated to be brought forward at the beginning of the fiscal year. The appropriation division of the budget shall include itemized appropriations for all expenditures authorized by law, contemplated to be made, or incurred for the benefit of the county during the said year and the provision for the reserves authorized by this chapter. Both the receipts and appropriation divisions shall reflect the approximate division of expenditures between countywide expenditures and noncountywide expenditures and the division of county revenues derived from or on behalf of the county as a whole and county revenues derived from or on behalf of a municipal service taxing unit, special district included within the county budget, unincorporated area, service area, or program area, or otherwise not received for or on behalf of the county as a whole.

(c) Provision may be made for the following reserves:

1. A reserve for contingencies may be provided in a sum not to exceed 10 percent of the total of the budget.

2. A reserve for cash balance to be carried over may be provided for the purpose of paying expenses from October 1 of the ensuing fiscal year until the time when the revenues for that year are expected to be available. This reserve may be not more than 20 percent of the total receipts and balances of the budget; provided that for the bond interest and sinking fund budget, this reserve may be not more than the total maturities of debt (both principal and interest) that will occur during the ensuing fiscal year, plus the sinking fund requirements, computed on a straight-line basis, for any outstanding obligations to be paid from the fund.

(d) An appropriation for "outstanding indebtedness" shall be made to provide for the payment of vouchers which have been incurred in and charged against the budget for the current year or a

prior year, but which are expected to be unpaid at the beginning of the ensuing year for which the budget is being prepared. The appropriation for the payment of such vouchers shall be made in the same fund for which the expenses were originally incurred.

(e) Any surplus arising from an excess of the estimated cash balance over the estimated amount of unpaid obligations to be carried over in a fund at the end of the current fiscal year may be transferred to any of the other funds of the county, and the amount so transferred shall be budgeted as a receipt to such other funds; provided, that no such surplus in a fund raised for debt service shall be transferred to another fund, except to a fund raised for the same purposes in the same territory, unless the debt of such territory has been extinguished, in which case it may be transferred to any other fund raised for that territory; provided, further, that no such surplus in a capital outlay reserve fund may be transferred to another fund until such time as the projects for which such capital outlay reserve fund was raised have been completed and all obligations paid.

History:— s. 1, ch. 6814, 1915; RGS 1524; CGL 2302; s. 1, ch. 26874, 1951; ss. 12, 35, ch. 69-106; s. 5, ch. 73-349; s. 1, ch. 77-165; s. 1, ch. 78-132; s. 1, ch. 78-157; s. 28, ch. 80-274; s. 3, ch. 96-324.

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129.011 Consolidation of funds.--

(1) In order to simplify and otherwise improve the accounting system provided by law and to facilitate a better understanding of the fiscal operation of the county by the general public, the board of county commissioners may, by resolution duly adopted, consolidate any of its separate budgetary funds into a single general fund, except that all revenue and expenditures of the county transportation trust fund established pursuant to s. 336.022 shall be shown as a separate budgetary fund.

(2) Subsequent to the consolidation of any budgetary funds as provided in subsection (1), the maximum permitted tax millage of the combined fund shall be the total amount authorized by law for the separate funds so consolidated.

(3) This section is deemed to be in the general public interests and it is the intent of the Legislature that the provisions hereof shall be liberally construed to accomplish the purposes contained herein.

History.— ss. 1, 2, 4, ch. 70-282; s. 2, ch. 77-165; s. 263, ch. 84-309; s. 19, ch. 87-224.

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129.02 Requisites of budgets.—Each budget shall conform to the following specific directions and requirements:

(1) General fund budget shall contain an estimate of receipts by source, including any taxes now or hereafter authorized by law to be levied for any countywide purpose, except those countywide purposes provided for in the budgets enumerated below, any tax millage limitation to the contrary notwithstanding, and including any balance brought forward as provided herein; and an itemized estimate of expenditures that will need to be incurred to carry on all functions and activities of the county government now or hereafter authorized by law, except those functions and activities provided for in the budgets enumerated below, and of unpaid vouchers of the general fund; also of the reserve for contingencies and of the balances, as hereinbefore provided, which should be carried forward at the end of the year.

(2) The County Transportation Trust Fund budget shall contain an estimate of receipts by source and balances as provided herein, and an itemized estimate of expenditures that need to be incurred to carry on all work on roads and bridges in the county except that provided for in the capital outlay reserve fund budget and in district budgets pursuant to this chapter, and of unpaid vouchers of the County Transportation Trust Fund; also of the reserve for contingencies and the balance, as hereinbefore provided, which should be carried forward at the end of the year.

(3) The budget for the county fine and forfeiture fund shall contain an estimate of receipts by source and balances as provided herein, and an itemized estimate of expenditures that need to be incurred to carry on all criminal prosecution, and all other law enforcement functions and activities of the county now or hereafter authorized by law, and of indebtedness of the county fine and forfeiture fund; also of the reserve for contingencies and the balance, as hereinbefore provided, which should be carried forward at the end of the year.

(4)(a) Capital outlay reserve fund budget shall contain an estimate of receipts by source, including any taxes authorized by law to be levied for that purpose, and including any balance brought forward as provided for herein; and an itemized estimate of expenditures for capital purposes to give effect to general improvement programs. It shall be a plan for the expenditure of funds for capital purposes, showing as income the revenues, special assessments, borrowings, receipts from sale of capital assets, free surpluses, and down payment appropriation to be applied to the cost of a capital project or projects, expenses of issuance of obligations, engineering, supervision, contracts, and any other related expenditures. It may contain also an estimate for the reserves as hereinbefore provided and for a reserve for future construction and improvements. No expenditures or obligations shall be incurred for capital purposes except as appropriated in this budget, except for the preliminary expense of plans, specifications and estimates.

(b) Under the provision herein set forth, a separate capital budget may be adopted for each special district included within the county budget, or a consolidated capital budget may be adopted providing for the consolidation of capital projects of the county and of the special districts included within the county budget into one budget, treating borrowed funds and other receipts as

special revenue earmarked for capital projects as separately itemized appropriation for each district special project or county project, as the case may be.

(c) Any funds in the capital budget not required to meet the current construction cost of any project may be invested in any securities of the Federal Government or in securities of any county of the state pledging the full faith and credit of such county or pledging such county's share of the gas tax provided for in s. 16 of Art. IX of the Constitution of 1885 as adopted by the 1968 revised constitution or in s. 9, Art. XII of said revision.

(5) A bond interest and sinking fund budget shall be made for each county and for each special district included within the county budget having bonds outstanding. The budget shall contain an estimate of receipts by source, including any taxes authorized by law to be levied for that purpose, and including any balances brought forward as provided herein; and an itemized estimate of expenditures and reserves as follows: The bond interest and principal maturities in the year for which the budget is made shall be determined and estimates for expenses connected with the payments of such bonds and coupons, commissions of the tax collector, and of the property appraiser, and expenses of refunding operations, if any are contemplated, shall be appropriated. A sufficient "cash balance to be carried over" may be reserved as set forth hereinbefore. The sinking fund requirements provided for in the said reserve may be carried over either in cash or in securities of the Federal Government and of the local governments in Florida, or both.

(6) For each special district included within the county budget, the operating fund budget shall contain an estimate of receipts by source and balances as provided herein, and an itemized estimate of expenditures that will need to be incurred to carry on all functions and activities of the special district as now or hereafter provided by law and of the indebtedness of the special district; also of the reserves for contingencies and the balances, as hereinbefore provided, which should be carried forward at the end of the year.

History.— s. 2, ch. 6814, 1915; RGS 1525; CGL 2303; s. 2, ch. 26874, 1951; s. 10, ch. 27991, 1953; s. 18, ch. 69-216; s. 1, ch. 77-102; s. 73, ch. 79-400; s. 4, ch. 96-324; s. 53, ch. 2004-265.

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129.021 County officer budget information.—Notwithstanding other provisions of law, the budgets of all county officers, as submitted to the board of county commissioners, shall be in sufficient detail and contain such information as the board of county commissioners may require in furtherance of their powers and responsibilities provided in ss. 125.01(1)(q) and (r) and (6) and 129.01(2)(b).

History.— s. 2, ch. 78-132.

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129.08 County commissioner voting to pay illegal claim or for excess indebtedness.—Each member of the board of county commissioners who knowingly and willfully votes to incur an indebtedness against the county in excess of the expenditure allowed by law or county ordinance, or to pay an illegal charge against the county, or to pay any claim against the county not authorized by law or county ordinance shall be guilty of malfeasance in office and subject to suspension and removal from office as now provided by law, and shall be guilty of a misdemeanor, and shall upon conviction be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the county jail for not more than 6 months, for each offense.

History.— s. 2, ch. 6814, 1915; RGS 5332; CGL 7465; s. 4, ch. 71-14; s. 1, ch. 71-305.

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129.09 County auditor not to sign illegal warrants.—Any clerk of the circuit court, acting as county auditor, who shall sign any warrant for the payment of any claim or bill or indebtedness against any county funds in excess of the expenditure allowed by law, or county ordinance, or to pay any illegal charge against the county, or to pay any claim against the county not authorized by law, or county ordinance, shall be personally liable for such amount, and if he or she shall sign such warrant willfully and knowingly he or she shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.— s. 2, ch. 6814, 1915; RGS 5333; CGL 7466; s. 5, ch. 71-14; s. 78, ch. 71-136; s. 2, ch. 71-305; s. 829, ch. 95-147.

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129.025 County budget officer.—

(1) Each board of county commissioners may designate a county budget officer to carry out the duties set forth in this chapter. Unless the board designates a different officer, the clerk of the circuit court or the county comptroller, if applicable, shall be the budget officer for the purposes of this chapter.

(2) The Legislature finds that the duties of county budget officer set forth in this chapter do not fall within the constitutional responsibilities performed by the several clerks of the circuit court as auditor and custodian of county funds. The position of county budget officer shall not constitute an office in the meaning of s. 5, Art. II of the State Constitution.

History.— s. 1, ch. 78-303.

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129.03 Preparation and adoption of budget.—

(1) Pursuant to s. 200.065, the county property appraiser shall certify to the county budget officer his or her estimate of the total valuations against which taxes may be levied in the entire county and in each district in the county in which taxes are authorized by law to be levied by the board of county commissioners for funds under its control. In preparing the budget, the figure so certified shall be used as the basis for estimating the millage rate required to be levied and shall be noted on each tentative budget and each official budget, on the same line with the amount estimated to be raised from taxes.

(2) On or before June 1 of each year, the sheriff, the clerk of the circuit court and county comptroller, the tax collector subject to a resolution entered into pursuant to s. 145.022(1), and the supervisor of elections shall each submit to the board of county commissioners a tentative budget for their respective offices for the ensuing fiscal year. However, the board of county commissioners may, by resolution, require the tentative budgets to be submitted by May 1 of each year.

(3) No later than 15 days after certification of value by the property appraiser pursuant to s. 200.065(1), the county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the ensuing fiscal year, shall prepare and present to the board a tentative budget for the ensuing fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(a) The board of county commissioners shall receive and examine the tentative budget for each fund and, subject to the notice and hearing requirements of s. 200.065, shall require such changes to be made as it shall deem necessary; provided the budget shall remain in balance. The county budget officer's estimates of receipts other than taxes, and of balances to be brought forward, shall not be revised except by a resolution of the board, duly passed and spread on the minutes of the board. However, the board may allocate to any of the funds of the county any anticipated receipts, other than taxes levied for a particular fund, except receipts designated or received to be expended for a particular purpose.

(b) Upon receipt of the tentative budgets and completion of any revisions made by the board, the board shall prepare a statement summarizing all of the adopted tentative budgets. This summary statement shall show, for each budget and the total of all budgets, the proposed tax millages, the balances, the reserves, and the total of each major classification of receipts and expenditures, classified according to the classification of accounts prescribed by the appropriate state agency. The board shall cause this summary statement to be advertised one time in a newspaper of general circulation published in the county, or by posting at the courthouse door if there is no such newspaper, and the advertisement shall appear adjacent to the advertisement required pursuant to s. 200.065.

(c) The board shall hold public hearings to adopt tentative and final budgets pursuant to s.

200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and proposed or adopted amendments thereto, if any. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and figures to identify the particular transactions shall be made in the minutes of the board to record its actions with reference to the budgets.

History.— s. 3, ch. 6814, 1915; RGS 1526; CGL 2304; s. 1, ch. 19115, 1939; s. 3, ch. 26874, 1951; s. 11, ch. 57-1; ss. 12, 35, ch. 69-106; s. 6, ch. 73-349; s. 1, ch. 77-102; s. 2, ch. 78-303; s. 30, ch. 80-274; s. 2, ch. 82-33; s. 15, ch. 82-226; s. 1, ch. 88-158; s. 2, ch. 89-297; s. 827, ch. 95-147.

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Title XI
COUNTY ORGANIZATION AND
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129.04 Fiscal year.—The fiscal year of each county of the state shall commence on October 1, and end on September 30 of each year, and whenever the word “year” appears in this chapter, it shall be construed as meaning the fiscal year as hereby established.

History.— s. 4, ch. 6814, 1915; RGS 1527; CGL 2305.

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129.06 Execution and amendment of budget.—

(1) Upon the final adoption of the budgets as provided in this chapter, the budgets so adopted shall regulate the expenditures of the county and each special district included within the county budget, and the itemized estimates of expenditures shall have the effect of fixed appropriations and shall not be amended, altered, or exceeded except as provided in this chapter.

(a) The modified-accrual basis or accrual basis of accounting must be followed for all funds in accordance with generally accepted accounting principles.

(b) The cost of the investments provided in this chapter, or the receipts from their sale or redemption, must not be treated as expense or income, but the investments on hand at the beginning or end of each fiscal year must be carried as separate items at cost in the fund balances; however, the amounts of profit or loss received on their sale must be treated as income or expense, as the case may be.

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(a) Appropriations for expenditures in any fund may be decreased and other appropriations in the same fund correspondingly increased by motion recorded in the minutes, provided that the total of the appropriations of the fund may not be changed. The board of county commissioners, however, may establish procedures by which the designated budget officer may authorize certain intradepartmental budget amendments, provided that the total appropriation of the department may not be changed.

(b) Appropriations from the reserve for contingencies may be made to increase the appropriation for any particular expense in the same fund, or to create an appropriation in the fund for any lawful purpose, but expenditures may not be charged directly to the reserve for contingencies.

(c) The reserve for future construction and improvements may be appropriated by resolution of the board for the purposes for which the reserve was made.

(d) A receipt of a nature from a source not anticipated in the budget and received for a particular purpose, including but not limited to grants, donations, gifts, or reimbursement for damages, may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. Such receipts and appropriations must be added to the budget of the proper fund. The resolution may amend the budget to transfer revenue between funds to properly account for unanticipated revenue.

(e) Increased receipts for enterprise or proprietary funds received for a particular purpose may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. The resolution may amend the budget to transfer revenue between funds to properly account for increased receipts.

(f) If an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), unless otherwise prohibited by law, the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each budget.

(3) Only the following transfers may be made between funds:

(a) Transfers to correct errors in handling receipts and disbursements.

(b) Budgeted transfers.

(c) Transfers to properly account for unanticipated revenue or increased receipts.

(4) All unexpended balances of appropriations at the end of the fiscal year shall revert to the fund from which the appropriation was made, but reserves for sinking funds and for future construction and improvements may not be diverted to other purposes.

(5) Any county constitutional officer whose budget is approved by the board of county commissioners, who has not been reelected to office or is not seeking reelection, shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation, following the date he or she is eliminated as a candidate or October 1, whichever comes later, without approval of the board of county commissioners.

History.— s. 6, ch. 6814, 1915; RGS 1529; CGL 2307; s. 5, ch. 26874, 1951; s. 2, ch. 78-157; s. 2, ch. 88-85; s. 1, ch. 93-109; s. 828, ch. 95-147; s. 5, ch. 96-324; s. 12, ch. 2001-252.

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(a) The modified-accrual basis or accrual basis of accounting must be followed for all funds in accordance with generally accepted accounting principles.

(b) The cost of the investments provided in this chapter, or the receipts from their sale or redemption, must not be treated as expense or income, but the investments on hand at the beginning or end of each fiscal year must be carried as separate items at cost in the fund balances; however, the amounts of profit or loss received on their sale must be treated as income or expense, as the case may be.

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(a) Appropriations for expenditures in any fund may be decreased and other appropriations in the same fund correspondingly increased by motion recorded in the minutes, provided that the total of the appropriations of the fund may not be changed. The board of county commissioners, however, may establish procedures by which the designated budget officer may authorize certain intradepartmental budget amendments, provided that the total appropriation of the department may not be changed.

(b) Appropriations from the reserve for contingencies may be made to increase the appropriation for any particular expense in the same fund, or to create an appropriation in the fund for any lawful purpose, but expenditures may not be charged directly to the reserve for contingencies.

(c) The reserve for future construction and improvements may be appropriated by resolution of the board for the purposes for which the reserve was made.

(d) A receipt of a nature from a source not anticipated in the budget and received for a particular purpose, including but not limited to grants, donations, gifts, or reimbursement for damages, may, by resolution of the board spread on its minutes, be appropriated and expended for that purpose, in addition to the appropriations and expenditures provided for in the budget. Such receipts and appropriations must be added to the budget of the proper fund. The resolution may amend the budget to transfer revenue between funds to properly account for unanticipated revenue.

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(f) If an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), unless otherwise prohibited by law, the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each budget.

(3) Only the following transfers may be made between funds:

(a) Transfers to correct errors in handling receipts and disbursements.

(b) Budgeted transfers.

(c) Transfers to properly account for unanticipated revenue or increased receipts.

(4) All unexpended balances of appropriations at the end of the fiscal year shall revert to the fund from which the appropriation was made, but reserves for sinking funds and for future construction and improvements may not be diverted to other purposes.

(5) Any county constitutional officer whose budget is approved by the board of county commissioners, who has not been reelected to office or is not seeking reelection, shall be prohibited from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation, following the date he or she is eliminated as a candidate or October 1, whichever comes later, without approval of the board of county commissioners.

History.— s. 6, ch. 6814, 1915; RGS 1529; CGL 2307; s. 5, ch. 26874, 1951; s. 2, ch. 78-157; s. 2, ch. 88-85; s. 1, ch. 93-109; s. 828, ch. 95-147; s. 5, ch. 96-324; s. 12, ch. 2001-252.

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Title XIV
TAXATION AND FINANCE

Chapter 200
DETERMINATION OF MILLAGE

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200.001 Millages; definitions and general provisions.—

(1) County millages shall be composed of four categories of millage rates, as follows:

(a) General county millage, which shall be that nonvoted millage rate set by the governing body of the county.

(b) County debt service millage, which shall be that millage rate necessary to raise taxes for debt service as authorized by a vote of the electors pursuant to s. 12, Art. VII of the State Constitution.

(c) County voted millage, which shall be that millage rate set by the governing body of the county as authorized by a vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution.

(d) County dependent special district millage, as provided in subsection (5).

(2) Municipal millages shall be composed of four categories of millage rates, as follows:

(a) General municipal millage, which shall be that nonvoted millage rate set by the governing body of the municipality.

(b) Municipal debt service millage, which shall be that millage rate necessary to raise taxes for debt service as authorized by a vote of the electors pursuant to s. 12, Art. VII of the State Constitution.

(c) Municipal voted millage, which shall be that millage rate set by the governing body of the municipality as authorized by a vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution.

(d) Municipal dependent special district millage, as provided in subsection (5).

(3) School millages shall be composed of five categories of millage rates, as follows:

(a) Nonvoted required school operating millage, which shall be that nonvoted millage rate set by the county school board for current operating purposes and imposed pursuant to s. 1011.60(6).

(b) Nonvoted discretionary school operating millage, which shall be that nonvoted millage rate set by the county school board for operating purposes other than the rate imposed pursuant to s. 1011.60(6) and other than the rate authorized in s. 1011.71(2).

(c) Voted district school operating millage, which shall be that millage rate set by the district school board for current school operating purposes as authorized by the electors pursuant to s. 9(b), Art. VII of the State Constitution.

(d) Nonvoted district school capital improvement millage, which shall be that millage rate set by the district school board for capital improvements as authorized in s. 1011.71(2).

(e) Voted district school debt service millage, which shall be that millage rate set by the district school board as authorized by a vote of the electors pursuant to s. 12, Art. VII of the State Constitution.

(4) Independent special district millage shall be that millage rate set by the governing body of an independent special district, which shall be identified:

(a) As to whether authorized by a special act approved by the electors pursuant to s. 9(b), Art.

VII of the State Constitution, authorized pursuant to s. 15, Art. XII of the State Constitution, or otherwise authorized; and

(b) As to whether levied countywide, less than countywide, or on a multicounty basis.

(5) Dependent special district millage shall be that millage rate set by the board of county commissioners or the governing body of a municipality, ex officio or otherwise, which shall be identified as to the area covered; as to the taxing authority to which the district is dependent; and as to whether authorized by a special act, authorized by a special act and approved by the electors, authorized pursuant to s. 15, Art. XII of the State Constitution, authorized by s. 125.01(1)(q); or otherwise authorized.

(6) At any time millage rates are published for the purpose of giving notice, the rates shall be stated in terms of dollars and cents per thousand dollars of assessed property value.

(7) Millages shall be fixed only by ordinance or resolution of the governing body of the taxing authority in the manner specifically provided by general law or by special act.

(8)(a) "County" means a political subdivision of the state as established pursuant to s. 1, Art. VIII of the State Constitution.

(b) "Municipality" means a municipality created pursuant to general or special law but excludes metropolitan and consolidated governments as provided in s. 6(e) and (f), Art. VIII of the State Constitution, which shall be considered county governments. Such municipality must have held an election for its legislative body pursuant to law and established such a legislative body which meets pursuant to law.

(c) "Special district" means a special district as defined in s. 189.403(1).

(d) "Dependent special district" means a dependent special district as defined in s. 189.403(2). Dependent special district millage, when added to the millage of the governing body to which it is dependent, shall not exceed the maximum millage applicable to such governing body.

(e) "Independent special district" means an independent special district as defined in s. 189.403(3), with the exception of a downtown development authority established prior to the effective date of the 1968 State Constitution as an independent body, either appointed or elected, regardless of whether or not the budget is approved by the local governing body, if the district levies a millage authorized as of the effective date of the 1968 State Constitution. Independent special district millage shall not be levied in excess of a millage amount authorized by general law and approved by vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution, except for those independent special districts levying millage for water management purposes as provided in that section and municipal service taxing units as specified in s. 125.01(1)(q) and (r). However, independent special district millage authorized as of the date the 1968 State Constitution became effective need not be so approved, pursuant to s. 2, Art. XII of the State Constitution.

(f) "Voted millage" or "voted levies" means ad valorem taxes in excess of maximum millage amounts authorized by law approved for periods not longer than 2 years by vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution or ad valorem taxes levied for purposes provided in s. 12, Art. VII of the State Constitution. "Voted millage" does not include levies approved by voter referendum not required by general law or the State Constitution.

(g) "Aggregate millage rate" means that millage rate obtained from the quotient of the sum of all ad valorem taxes levied by the governing body of a county or municipality for countywide or municipality-wide purposes, respectively, plus the ad valorem taxes levied for all districts dependent to the governing body divided by the total taxable value of the county or municipality.

(h) "Dedicated increment value" means the proportion of the cumulative increase in taxable

value within a defined geographic area used to determine a tax increment amount to be paid to a redevelopment trust fund pursuant to s. 163.387(2)(a) or to be paid or applied pursuant to an ordinance, resolution, or agreement to fund a project or to finance essential infrastructure. Upon creating any obligation for payment to a redevelopment trust fund or otherwise pursuant to an ordinance, resolution, or agreement to fund a project or to finance essential infrastructure based on an increase in assessed value, the taxing authority shall certify to the property appraiser the boundaries of the designated geographic area and the date of the most recent assessment roll used in connection with the taxation of such property prior to creation of the obligation. If the increment amount payment is not based on a specific proportion of the cumulative increase in taxable value within a defined geographic area, such value shall be reduced by multiplying by a proportion calculated by dividing the payment in the prior year, if any, by the product of the millage rate in the prior year and the cumulative increase in taxable value within the defined geographic area in the prior year. For tax years beginning on or after January 1, 2008, information provided to the property appraiser after May 1 of any year may not be used for the current year's certification.

(i) "Per capita Florida personal income" means Florida nominal personal income for the four quarters ending the prior September 30, as published by the Bureau of Economic Analysis of the United States Department of Commerce, or its successor, divided by the prior April 1 official estimate of Florida resident population pursuant to s. 186.901, which shall be reported by the Office of Economic and Demographic Research by April 1 of each year.

(j) "Total county ad valorem taxes levied" means all property taxes other than voted levies levied by a county, any municipal service taxing units of that county, and any special districts dependent to that county in a fiscal year.

(k) "Total municipal ad valorem taxes levied" means all property taxes other than voted levies levied by a municipality and any special districts dependent to that municipality in a fiscal year.

(l) "Maximum total county ad valorem taxes levied" means the total taxes levied by a county, municipal service taxing units of that county, and special districts dependent to that county at their individual maximum millages, calculated pursuant to s. 200.065(5)(a) for fiscal years 2009-2010 and thereafter and pursuant to s. 200.185 for fiscal years 2007-2008 and 2008-2009.

(m) "Maximum total municipal ad valorem taxes levied" means the total taxes levied by a municipality and special districts dependent to that municipality at their individual maximum millages, calculated pursuant to s. 200.065(5)(b) for fiscal years 2009-2010 and thereafter and by s. 200.185 for fiscal years 2007-2008 and 2008-2009.

History.— s. 9, ch. 73-349; s. 27, ch. 80-274; s. 13, ch. 82-154; s. 9, ch. 83-204; s. 60, ch. 83-217; ss. 1, 2, ch. 86-153; s. 3, ch. 87-103; s. 6, ch. 87-239; s. 57, ch. 89-169; s. 1, ch. 90-172; s. 43, ch. 90-288; s. 51, ch. 94-232; s. 910, ch. 2002-387; s. 1, ch. 2007-321; s. 36, ch. 2008-4.

Note.— Former s. 200.191.

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200.011 Duty of county commissioners and school board in setting rate of taxation.—

- (1) The county commissioners shall determine the amount to be raised for all county purposes, except for county school purposes, and shall enter upon their minutes the rates to be levied for each fund respectively, together with the rates certified to be levied by the board of county commissioners for use of the county, special taxing district, board, agency, or other taxing unit within the county for which the board of county commissioners is required by law to levy taxes.
- (2) The county commissioners shall ascertain the aggregate rate necessary to cover all such taxes and certify the same to the property appraiser within 30 days after the adjournment of the value adjustment board. The property appraiser shall carry out the full amount of taxes for all county purposes, except for school purposes, under one heading in the assessment roll to be provided for that purpose, and the county commissioners shall notify the clerk and auditor and tax collector of the county of the amounts to be apportioned to the different accounts out of the total taxes levied for all purposes.
- (3) The county depository, in issuing receipts to the tax collector, shall state in each of his or her receipts, which shall be in duplicate, the amount deposited to each fund out of the deposits made with it by the tax collector. When any such receipts shall be given to the tax collector by the county depository, the tax collector shall immediately file one of the same with the clerk and auditor of the county, who shall credit the same to the tax collector with the amount thereof and make out and deliver to the tax collector a certificate setting forth the payment in detail, as shown by the receipt of the county depository.
- (4) The county commissioners and school board shall file written statements with the property appraiser setting forth the boundary of each special school district and the district or territory in which other special taxes are to be assessed, and the property appraiser shall, upon receipt of such statements and orders from the board of county commissioners and school board setting forth the rate of taxation to be levied on the real and personal property therein, proceed to assess such property and enter the taxes thereon in the assessment rolls to be provided for that purpose.
- (5) The property appraiser shall designate and separately identify by certificate to the tax collector the rate of taxation to be levied for the use of the county and school board and the total rate of taxation for all other taxing authorities in the county.
- (6) The board of county commissioners shall certify to the property appraiser and tax collector the millage rates to be levied for the use of the county and special taxing districts, boards, and authorities and all other taxing units within the county for which the board of county commissioners is required by law to levy taxes. The district school board, each municipality, and the governing board or governing authority of each special taxing district or other taxing unit within the county the taxes of which are assessed on the tax roll prepared by the property appraiser, but for which the board of county commissioners is not required by law to levy taxes, shall certify to the property appraiser and tax collector the millage rate set by such board, municipality, authority, special taxing district, or taxing unit. The certifications required by this

subsection shall be made within 30 days after the value adjustment board adjourns.

History.— s. 2, ch. 4885, 1901; GS 532; s. 30, ch. 5596, 1907; RGS 731; CGL 937; s. 6, ch. 20722, 1941; s. 1, ch. 67-227; s. 1, ch. 67-512; ss. 1, 2, ch. 69-55; s. 1, ch. 69-300; s. 36, ch. 71-355; s. 18, ch. 76-133; s. 1, ch. 77-102; s. 1, ch. 77-248; s. 90, ch. 79-400; s. 71, ch. 82-226; s. 164, ch. 91-112; s. 1048, ch. 95-147.

Note.— Former s. 193.31.

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1 200.065 Method of fixing millage.—

(1) Upon completion of the assessment of all property pursuant to s. 193.023, the property appraiser shall certify to each taxing authority the taxable value within the jurisdiction of the taxing authority. This certification shall include a copy of the statement required to be submitted under s. 195.073(3), as applicable to that taxing authority. The form on which the certification is made shall include instructions to each taxing authority describing the proper method of computing a millage rate which, exclusive of new construction, additions to structures, deletions, increases in the value of improvements that have undergone a substantial rehabilitation which increased the assessed value of such improvements by at least 100 percent, property added due to geographic boundary changes, total taxable value of tangible personal property within the jurisdiction in excess of 115 percent of the previous year's total taxable value, and any dedicated increment value, will provide the same ad valorem tax revenue for each taxing authority as was levied during the prior year less the amount, if any, paid or applied as a consequence of an obligation measured by the dedicated increment value. That millage rate shall be known as the "rolled-back rate." The property appraiser shall also include instructions, as prescribed by the Department of Revenue, to each county and municipality, each special district dependent to a county or municipality, each municipal service taxing unit, and each independent special district describing the proper method of computing the millage rates and taxes levied as specified in subsection (5). The Department of Revenue shall prescribe the instructions and forms that are necessary to administer this subsection and subsection (5). The information provided pursuant to this subsection shall also be sent to the tax collector by the property appraiser at the time it is sent to each taxing authority.

(2) No millage shall be levied until a resolution or ordinance has been approved by the governing board of the taxing authority which resolution or ordinance must be approved by the taxing authority according to the following procedure:

(a)1. Upon preparation of a tentative budget, but prior to adoption thereof, each taxing authority shall compute a proposed millage rate necessary to fund the tentative budget other than the portion of the budget to be funded from sources other than ad valorem taxes. In computing proposed or final millage rates, each taxing authority shall utilize not less than 95 percent of the taxable value certified pursuant to subsection (1).

2. The tentative budget of the county commission shall be prepared and submitted in accordance with s. 129.03.

3. The tentative budget of the school district shall be prepared and submitted in accordance with chapter 1011, provided that the date of submission shall not be later than 24 days after certification of value pursuant to subsection (1).

4. Taxing authorities other than the county and school district shall prepare and consider tentative and final budgets in accordance with this section and applicable provisions of law, including budget procedures applicable to the taxing authority, provided such procedures do not conflict with general law.

(b) Within 35 days of certification of value pursuant to subsection (1), each taxing authority shall advise the property appraiser of its proposed millage rate, of its rolled-back rate computed pursuant to subsection (1), and of the date, time, and place at which a public hearing will be held to consider the proposed millage rate and the tentative budget. The property appraiser shall utilize this information in preparing the notice of proposed property taxes pursuant to s. 200.069. The deadline for mailing the notice shall be the later of 55 days after certification of value pursuant to subsection (1) or 10 days after either the date the tax roll is approved or the interim roll procedures under s. 193.1145 are instituted. If the deadline for mailing the notice of proposed property taxes is 10 days after the date the tax roll is approved or the interim roll procedures are instituted, all subsequent deadlines provided in this section shall be extended. The number of days by which the deadlines shall be extended shall equal the number of days by which the deadline for mailing the notice of proposed taxes is extended beyond 55 days after certification. If any taxing authority fails to provide the information required in this paragraph to the property appraiser in a timely fashion, the taxing authority shall be prohibited from levying a millage rate greater than the rolled-back rate computed pursuant to subsection (1) for the upcoming fiscal year, which rate shall be computed by the property appraiser and used in preparing the notice of proposed property taxes.

(c) Within 80 days of the certification of value pursuant to subsection (1), but not earlier than 65 days after certification, the governing body of each taxing authority shall hold a public hearing on the tentative budget and proposed millage rate. Prior to the conclusion of the hearing, the governing body of the taxing authority shall amend the tentative budget as it sees fit, adopt the amended tentative budget, recompute its proposed millage rate, and publicly announce the percent, if any, by which the recomputed proposed millage rate exceeds the rolled-back rate computed pursuant to subsection (1). That percent shall be characterized as the percentage increase in property taxes tentatively adopted by the governing body.

(d) Within 15 days after the meeting adopting the tentative budget, the taxing authority shall advertise in a newspaper of general circulation in the county as provided in subsection (3), its intent to finally adopt a millage rate and budget. A public hearing to finalize the budget and adopt a millage rate shall be held not less than 2 days nor more than 5 days after the day that the advertisement is first published. During the hearing, the governing body of the taxing authority shall amend the adopted tentative budget as it sees fit, adopt a final budget, and adopt a resolution or ordinance stating the millage rate to be levied. The resolution or ordinance shall state the percent, if any, by which the millage rate to be levied exceeds the rolled-back rate computed pursuant to subsection (1), which shall be characterized as the percentage increase in property taxes adopted by the governing body. The adoption of the budget and the millage-levy resolution or ordinance shall be by separate votes. For each taxing authority levying millage, the name of the taxing authority, the rolled-back rate, the percentage increase, and the millage rate to be levied shall be publicly announced prior to the adoption of the millage-levy resolution or ordinance. In no event may the millage rate adopted pursuant to this paragraph exceed the millage rate tentatively adopted pursuant to paragraph (c). If the rate tentatively adopted pursuant to paragraph (c) exceeds the proposed rate provided to the property appraiser pursuant to paragraph (b), or as subsequently adjusted pursuant to subsection (11), each taxpayer within the jurisdiction of the taxing authority shall be sent notice by first-class mail of his or her taxes under the tentatively adopted millage rate and his or her taxes under the previously proposed rate. The notice must be prepared by the property appraiser, at the expense of the taxing authority, and must generally

conform to the requirements of s. 200.069. If such additional notice is necessary, its mailing must precede the hearing held pursuant to this paragraph by not less than 10 days and not more than 15 days.

(e)1. In the hearings required pursuant to paragraphs (c) and (d), the first substantive issue discussed shall be the percentage increase in millage over the rolled-back rate necessary to fund the budget, if any, and the specific purposes for which ad valorem tax revenues are being increased. During such discussion, the governing body shall hear comments regarding the proposed increase and explain the reasons for the proposed increase over the rolled-back rate. The general public shall be allowed to speak and to ask questions prior to adoption of any measures by the governing body. The governing body shall adopt its tentative or final millage rate prior to adopting its tentative or final budget.

2. These hearings shall be held after 5 p.m. if scheduled on a day other than Saturday. No hearing shall be held on a Sunday. The county commission shall not schedule its hearings on days scheduled for hearings by the school board. The hearing dates scheduled by the county commission and school board shall not be utilized by any other taxing authority within the county for its public hearings. A multicounty taxing authority shall make every reasonable effort to avoid scheduling hearings on days utilized by the counties or school districts within its jurisdiction. Tax levies and budgets for dependent special taxing districts shall be adopted at the hearings for the taxing authority to which such districts are dependent, following such discussion and adoption of levies and budgets for the superior taxing authority. A taxing authority may adopt the tax levies for all of its dependent special taxing districts, and may adopt the budgets for all of its dependent special taxing districts, by a single unanimous vote. However, if a member of the general public requests that the tax levy or budget of a dependent special taxing district be separately discussed and separately adopted, the taxing authority shall discuss and adopt that tax levy or budget separately. If, due to circumstances beyond the control of the taxing authority, the hearing provided for in paragraph (d) is recessed, the taxing authority shall publish a notice in a newspaper of general paid circulation in the county. The notice shall state the time and place for the continuation of the hearing and shall be published at least 2 days but not more than 5 days prior to the date the hearing will be continued.

(f)1. Notwithstanding any provisions of paragraph (c) to the contrary, each school district shall advertise its intent to adopt a tentative budget in a newspaper of general circulation pursuant to subsection (3) within 29 days of certification of value pursuant to subsection (1). Not less than 2 days or more than 5 days thereafter, the district shall hold a public hearing on the tentative budget pursuant to the applicable provisions of paragraph (c).

2. Notwithstanding any provisions of paragraph (b) to the contrary, each school district shall advise the property appraiser of its recomputed proposed millage rate within 35 days of certification of value pursuant to subsection (1). The recomputed proposed millage rate of the school district shall be considered its proposed millage rate for the purposes of paragraph (b).

3. Notwithstanding any provisions of paragraph (d) to the contrary, each school district shall hold a public hearing to finalize the budget and adopt a millage rate within 80 days of certification of value pursuant to subsection (1), but not earlier than 65 days after certification. The hearing shall be held in accordance with the applicable provisions of paragraph (d), except that a newspaper advertisement need not precede the hearing.

(g) Notwithstanding other provisions of law to the contrary, a taxing authority may:

1. Expend moneys based on its tentative budget after adoption pursuant to paragraph (c) and

until such time as its final budget is adopted pursuant to paragraph (d), only if the fiscal year of the taxing authority begins prior to adoption of the final budget or, in the case of a school district, if the fall term begins prior to adoption of the final budget; or

2. Readopt its prior year's adopted final budget, as amended, and expend moneys based on that budget until such time as its tentative budget is adopted pursuant to paragraph (c), only if the fiscal year of the taxing authority begins prior to adoption of the tentative budget. The readopted budget shall be adopted by resolution without notice pursuant to this section at a duly constituted meeting of the governing body.

(3) The advertisement shall be no less than one-quarter page in size of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county or in a geographically limited insert of such newspaper. The geographic boundaries in which such insert is circulated shall include the geographic boundaries of the taxing authority. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the county is published less than 5 days a week, or that the advertisement appear in a geographically limited insert of such newspaper which insert is published throughout the taxing authority's jurisdiction at least twice each week. It is further the legislative intent that the newspaper selected be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50.

(a) For taxing authorities other than school districts which have tentatively adopted a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1), the advertisement shall be in the following form:

NOTICE OF PROPOSED TAX INCREASE

The (name of the taxing authority) has tentatively adopted a measure to increase its property tax levy.

Last year's property tax levy:

A. Initially proposed tax levy. \$XX,XXX,XXX

B. Less tax reductions due to Value Adjustment Board and other assessment changes. (\$XX,XXX,XXX)

C. Actual property tax levy. \$XX,XXX,XXX

This year's proposed tax levy. \$XX,XXX,XXX

All concerned citizens are invited to attend a public hearing on the tax increase to be held on (date and time) at (meeting place).

A FINAL DECISION on the proposed tax increase and the budget will be made at this hearing.

(b) In all instances in which the provisions of paragraph (a) are inapplicable for taxing authorities other than school districts, the advertisement shall be in the following form:

NOTICE OF BUDGET HEARING

The (name of taxing authority) has tentatively adopted a budget for (fiscal year). A public hearing to make a FINAL DECISION on the budget AND TAXES will be held on (date and time) at (meeting place).

(c) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy nonvoted millage in excess of the minimum amount required pursuant to s. 1011.60(6), the advertisement shall be in the following form:

NOTICE OF PROPOSED TAX INCREASE

The (name of school district) will soon consider a measure to increase its property tax levy.

Last year's property tax levy:

A. Initially proposed tax levy. \$XX,XXX,XXX

B. Less tax reductions due to Value Adjustment Board and other assessment changes. (\$XX,XXX,XXX)

C. Actual property tax levy. \$XX,XXX,XXX

This year's proposed tax levy. \$XX,XXX,XXX

A portion of the tax levy is required under state law in order for the school board to receive \$ (amount A) in state education grants. The required portion has (increased or decreased) by (amount B) percent and represents approximately (amount C) of the total proposed taxes.

The remainder of the taxes is proposed solely at the discretion of the school board.

All concerned citizens are invited to a public hearing on the tax increase to be held on (date and time) at (meeting place).

A DECISION on the proposed tax increase and the budget will be made at this hearing.

1. AMOUNT A shall be an estimate, provided by the Department of Education, of the amount to be received in the current fiscal year by the district from state appropriations for the Florida Education Finance Program.

2. AMOUNT B shall be the percent increase over the rolled-back rate necessary to levy only the required local effort in the current fiscal year, computed as though in the preceding fiscal year only the required local effort was levied.

3. AMOUNT C shall be the quotient of required local-effort millage divided by the total proposed nonvoted millage, rounded to the nearest tenth and stated in words; however, the stated amount shall not exceed nine-tenths.

(d) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy as nonvoted millage only the minimum amount required pursuant to s. 1011.60(6), the advertisement shall be the same as provided in paragraph (c), except that the second and third paragraphs shall be replaced with the following paragraph:

This increase is required under state law in order for the school board to receive \$ (amount A) in state education grants.

(e) In all instances in which the provisions of paragraphs (c) and (d) are inapplicable for school districts, the advertisement shall be in the following form:

NOTICE OF BUDGET HEARING

The (name of school district) will soon consider a budget for (fiscal year). A public hearing to make a DECISION on the budget AND TAXES will be held on (date and time) at (meeting place).

(f) In lieu of publishing the notice set out in this subsection, the taxing authority may mail a copy of the notice to each elector residing within the jurisdiction of the taxing authority.

(g) In the event that the mailing of the notice of proposed property taxes is delayed beyond September 3 in a county, any multicounty taxing authority which levies ad valorem taxes within that county shall advertise its intention to adopt a tentative budget and millage rate in a newspaper of paid general circulation within that county, as provided in this subsection, and shall hold the hearing required pursuant to paragraph (2)(c) not less than 2 days or more than 5 days thereafter, and not later than September 18. The advertisement shall be in the following form, unless the proposed millage rate is less than or equal to the rolled-back rate, computed pursuant to subsection (1), in which case the advertisement shall be as provided in paragraph (e):

NOTICE OF TAX INCREASE

The (name of the taxing authority) proposes to increase its property tax levy by (percentage of increase over rolled-back rate) percent.

All concerned citizens are invited to attend a public hearing on the proposed tax increase to be held on (date and time) at (meeting place).

(h) In no event shall any taxing authority add to or delete from the language of the advertisements as specified herein unless expressly authorized by law, except that, if an increase in ad valorem tax rates will affect only a portion of the jurisdiction of a taxing authority, advertisements may include a map or geographical description of the area to be affected and the proposed use of the tax revenues under consideration. The advertisements required herein shall not be accompanied, preceded, or followed by other advertising or notices which conflict with or modify the substantive content prescribed herein.

(i) The advertisements required pursuant to paragraphs (b) and (e) need not be one-quarter page in size or have a headline in type no smaller than 18 point.

(j) The amounts to be published as percentages of increase over the rolled-back rate pursuant to this subsection shall be based on aggregate millage rates and shall exclude voted millage levies unless expressly provided otherwise in this subsection.

(k) Any taxing authority which will levy an ad valorem tax for an upcoming budget year but does not levy an ad valorem tax currently shall, in the advertisement specified in paragraph (a), paragraph (c), paragraph (d), or paragraph (g), replace the phrase "increase its property tax levy by (percentage of increase over rolled-back rate) percent" with the phrase "impose a new property tax levy of \$ (amount) per \$1,000 value."

(l) Any advertisement required pursuant to this section shall be accompanied by an adjacent notice meeting the budget summary requirements of s. 129.03(3)(b). Except for those taxing authorities proposing to levy ad valorem taxes for the first time, the following statement shall appear in the budget summary in boldfaced type immediately following the heading, if the applicable percentage is greater than zero:

THE PROPOSED OPERATING BUDGET EXPENDITURES OF (name of taxing authority) ARE (percent rounded to one decimal place) MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

For purposes of this paragraph, "proposed operating budget expenditures" or "operating expenditures" means all moneys of the local government, including dependent special districts, that:

1. Were or could be expended during the applicable fiscal year, or
2. Were or could be retained as a balance for future spending in the fiscal year.

Provided, however, those moneys held in or used in trust, agency, or internal service funds, and expenditures of bond proceeds for capital outlay or for advanced refunded debt principal, shall be excluded.

(4) The resolution or ordinance approved in the manner provided for in this section shall be forwarded to the property appraiser and the tax collector within 3 days after the adoption of such resolution or ordinance. No millage other than that approved by referendum may be levied until the resolution or ordinance to levy required in subsection (2) is approved by the governing board of the taxing authority and submitted to the property appraiser and the tax collector. The receipt of the resolution or ordinance by the property appraiser shall be considered official notice of the millage rate approved by the taxing authority, and that millage rate shall be the rate applied by the property appraiser in extending the rolls pursuant to s. 193.122, subject to the provisions of subsection (6). These submissions shall be made within 101 days of certification of value pursuant to subsection (1).

²(5) Beginning in the 2009-2010 fiscal year and in each year thereafter:

(a) The maximum millage rate that a county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district may levy is a rolled-back rate based on the amount of taxes which would have been levied in the prior year if the maximum millage rate had been applied, adjusted for change in per capita Florida personal income, unless a higher rate is adopted, in which case the maximum is the adopted rate. The maximum millage rate applicable to a county authorized to levy a county public hospital surtax under s. 212.055 and which did so in fiscal year 2007 shall exclude the revenues required to be contributed to the county public general hospital in the current fiscal year for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the roll back has been applied, the total of which shall be considered the maximum millage rate for such a county for purposes of this subsection. The revenue required to be contributed to the county public general hospital for the upcoming fiscal year shall be calculated as 11.873 percent times the millage rate levied for countywide purposes in fiscal year 2007 times 95 percent of the preliminary tax roll for the upcoming fiscal year. A higher rate may be adopted only under the following conditions:

1. A rate of not more than 110 percent of the rolled-back rate based on the previous year's maximum millage rate, adjusted for change in per capita Florida personal income, may be adopted if approved by a two-thirds vote of the membership of the governing body of the county, municipality, or independent district; or

2. A rate in excess of 110 percent may be adopted if approved by a unanimous vote of the membership of the governing body of the county, municipality, or independent district or by a three-fourths vote of the membership of the governing body if the governing body has nine or more members, or if the rate is approved by a referendum.

(b) The millage rate of a county or municipality, municipal service taxing unit of that county, and any special district dependent to that county or municipality may exceed the maximum millage rate calculated pursuant to this subsection if the total county ad valorem taxes levied or total municipal ad valorem taxes levied do not exceed the maximum total county ad valorem taxes levied or maximum total municipal ad valorem taxes levied respectively. Voted millage and taxes

levied by a municipality or independent special district that has levied ad valorem taxes for less than 5 years are not subject to this limitation. The millage rate of a county authorized to levy a county public hospital surtax under s. 212.055 may exceed the maximum millage rate calculated pursuant to this subsection to the extent necessary to account for the revenues required to be contributed to the county public hospital. Total taxes levied may exceed the maximum calculated pursuant to subsection (6) as a result of an increase in taxable value above that certified in subsection (1) if such increase is less than the percentage amounts contained in subsection (6) or if the administrative adjustment cannot be made because the value adjustment board is still in session at the time the tax roll is extended; otherwise, millage rates subject to this subsection, s. 200.185, or s. 200.186 may be reduced so that total taxes levied do not exceed the maximum.

Any unit of government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities and which exercises such powers in the unincorporated area shall be recognized as a municipality under this subsection. For a downtown development authority established before the effective date of the 1968 State Constitution which has a millage that must be approved by a municipality, the governing body of that municipality shall be considered the governing body of the downtown development authority for purposes of this subsection.

(6) Prior to extension of the rolls pursuant to s. 193.122, the property appraiser shall notify each taxing authority of the aggregate change in the assessment roll, if any, from that certified pursuant to subsection (1), including, but not limited to, those changes which result from actions by the value adjustment board or from corrections of errors in the assessment roll. Municipalities, counties, school boards, and water management districts may adjust administratively their adopted millage rate without a public hearing if the taxable value within the jurisdiction of the taxing authority as certified pursuant to subsection (1) is at variance by more than 1 percent with the taxable value shown on the roll to be extended. Any other taxing authority may adjust administratively its adopted millage rate without a public hearing if the taxable value within the jurisdiction of the taxing authority as certified pursuant to subsection (1) is at variance by more than 3 percent with the taxable value shown on the roll to be extended. The adjustment shall be such that the taxes computed by applying the adopted rate against the certified taxable value are equal to the taxes computed by applying the adjusted adopted rate to the taxable value on the roll to be extended. However, no adjustment shall be made to levies required by law to be a specific millage amount. Not later than 3 days after receipt of notification pursuant to this subsection, each affected taxing authority shall certify to the property appraiser its adjusted adopted rate. Failure to so certify shall constitute waiver of the adjustment privilege.

(7) Nothing contained in this section shall serve to extend or authorize any millage in excess of the maximum millage permitted by law or prevent the reduction of millage.

(8) The property appraiser shall deliver to the presiding officer of each taxing authority within the county, on June 1, an estimate of the total assessed value of nonexempt property for the current year for budget planning purposes.

(9) Multicounty taxing authorities are subject to the provisions of this section. The term "taxable value" means the taxable value of all property subject to taxation by the authority. If a multicounty taxing authority has not received a certification pursuant to subsection (1) from a

county by July 15, it shall compute its proposed millage rate and rolled-back rate based upon estimates of taxable value supplied by the Department of Revenue. All dates for public hearings and advertisements specified in this section shall, with respect to multicounty taxing authorities, be computed as though certification of value pursuant to subsection (1) were made July 1. The multicounty district shall add the following sentence to the advertisement set forth in paragraphs (3)(a) and (g): This tax increase is applicable to (name of county or counties).

(10)(a) In addition to the notice required in subsection (3), a district school board shall publish a second notice of intent to levy additional taxes under s. 1011.71(2). Such notice shall specify the projects or number of school buses anticipated to be funded by such additional taxes and shall be published in the size, within the time periods, adjacent to, and in substantial conformity with the advertisement required under subsection (3). The projects shall be listed in priority within each category as follows: construction and remodeling; maintenance, renovation, and repair; motor vehicle purchases; new and replacement equipment; payments for educational facilities and sites due under a lease-purchase agreement; payments for renting and leasing educational facilities and sites; payments of loans approved pursuant to ss. 1011.14 and 1011.15; payment of costs of compliance with environmental statutes and regulations; payment of premiums for property and casualty insurance necessary to insure the educational and ancillary plants of the school district; payment of costs of leasing relocatable educational facilities; and payments to private entities to offset the cost of school buses pursuant to s. 1011.71(2)(i). The additional notice shall be in the following form, except that if the district school board is proposing to levy the same millage under s. 1011.71(2) which it levied in the prior year, the words "continue to" shall be inserted before the word "impose" in the first sentence, and except that the second sentence of the second paragraph shall be deleted if the district is advertising pursuant to paragraph (3)(e):

NOTICE OF TAX FOR SCHOOL
CAPITAL OUTLAY

The (name of school district) will soon consider a measure to impose a (number) mill property tax for the capital outlay projects listed herein.

This tax is in addition to the school board's proposed tax of (number) mills for operating expenses and is proposed solely at the discretion of the school board. THE PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

The capital outlay tax will generate approximately \$ (amount), to be used for the following projects:

(list of capital outlay projects)

All concerned citizens are invited to a public hearing to be held on (date and time) at (meeting place).

A DECISION on the proposed CAPITAL OUTLAY TAXES will be made at this hearing.

(b) In the event a school district needs to amend the list of capital outlay projects previously advertised and adopted, a notice of intent to amend the notice of tax for school capital outlay shall be published in conformity with the advertisement required in subsection (3). A public hearing to adopt the amended project list shall be held not less than 2 days nor more than 5 days after the day the advertisement is first published. The projects should be listed under each category of new,

amended, or deleted projects in the same order as required in paragraph (a). The notice shall appear in the following form, except that any of the categories of new, amended, or deleted projects may be omitted if not appropriate for the changes proposed:

AMENDED NOTICE OF TAX FOR
SCHOOL CAPITAL OUTLAY

The School Board of (name) County will soon consider a measure to amend the use of property tax for the capital outlay projects previously advertised for the (year) to (year) school year.

New projects to be funded:

(list of capital outlay projects)

Amended projects to be funded:

(list of capital outlay projects)

Projects to be deleted:

(list of capital outlay projects)

All concerned citizens are invited to a public hearing to be held on (date and time) at (meeting place).

A DECISION on the proposed amendment to the projects funded from CAPITAL OUTLAY TAXES will be made at this meeting.

(11) Notwithstanding the provisions of paragraph (2)(b) and s. 200.069(4)(f) to the contrary, the proposed millage rates provided to the property appraiser by the taxing authority, except for millage rates adopted by referendum, for rates authorized by s. 1011.71, and for rates required by law to be in a specified millage amount, shall be adjusted in the event that a review notice is issued pursuant to s. 193.1142(4) and the taxable value on the approved roll is at variance with the taxable value certified pursuant to subsection (1). The adjustment shall be made by the property appraiser, who shall notify the taxing authorities affected by the adjustment within 5 days of the date the roll is approved pursuant to s. 193.1142(4). The adjustment shall be such as to provide for no change in the dollar amount of taxes levied from that initially proposed by the taxing authority.

(12) The time periods specified in this section shall be determined by using the date of certification of value pursuant to subsection (1) or July 1, whichever date is later, as day 1. The time periods shall be considered directory and may be shortened, provided:

- (a) No public hearing which is preceded by a mailed notice occurs earlier than 10 days following the mailing of such notice;
- (b) Any public hearing preceded by a newspaper advertisement is held not less than 2 days or more than 5 days following publication of such advertisement; and
- (c) The property appraiser coordinates such shortening of time periods and gives written notice to all affected taxing authorities; however, no taxing authority shall be denied its right to the full time periods allowed in this section.

(13)(a) Any taxing authority in violation of this section, other than subsection (5), shall be subject to forfeiture of state funds otherwise available to it for the 12 months following a determination of noncompliance by the Department of Revenue.

(b) Within 30 days of the deadline for certification of compliance required by s. 200.068, the department shall notify any taxing authority in violation of this section, other than subsection (5), that it is subject to paragraph (c). Except for revenues from voted levies or levies imposed pursuant to s. 1011.60(6), the revenues of any taxing authority in violation of this section, other than subsection (5), collected in excess of the rolled-back rate shall be held in escrow until the process required by paragraph (c) is completed and approved by the department. The department shall direct the tax collector to so hold such funds.

(c) Any taxing authority so noticed by the department shall repeat the hearing and notice process required by paragraph (2)(d), except that:

1. The advertisement shall appear within 15 days of notice from the department.
2. The advertisement, in addition to meeting the requirements of subsection (3), shall contain the following statement in boldfaced type immediately after the heading:

THE PREVIOUS NOTICE PLACED BY THE (name of taxing authority) HAS BEEN DETERMINED BY THE DEPARTMENT OF REVENUE TO BE IN VIOLATION OF THE LAW, NECESSITATING THIS SECOND NOTICE.

3. The millage newly adopted at this hearing shall not be forwarded to the tax collector or property appraiser and may not exceed the rate previously adopted.

4. If the newly adopted millage is less than the amount previously forwarded pursuant to subsection (4), any moneys collected in excess of the new levy shall be held in reserve until the subsequent fiscal year and shall then be utilized to reduce ad valorem taxes otherwise necessary.

(d) If any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of subsection (5), s. 200.185, or s. 200.186 because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, respectively, that county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue as described in s. 218.63(3) and this subsection. If the executive director of the Department of Revenue determines that any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of subsection (5), s. 200.185, or s. 200.186, the Department of Revenue and the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county shall follow the procedures set forth in this paragraph or paragraph (e). During the pendency of any procedure under paragraph (e) or any administrative or judicial action to challenge any action taken under this subsection, the tax collector shall hold in escrow any revenues collected by the noncomplying county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county in excess of the amount allowed by subsection (5), s. 200.185, or s. 200.186, as determined by the executive director. Such revenues shall be held in escrow until the process required by paragraph (e) is completed and approved by the department. The department shall direct the tax collector to so hold such funds. If the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county remedies the noncompliance, any moneys collected in excess of the new levy or in excess of the amount allowed by subsection (5), s. 200.185, or s. 200.186 shall be held in reserve until the subsequent fiscal year and shall then be used to reduce ad valorem taxes otherwise necessary. If the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county does not remedy the noncompliance, the provisions of s. 218.63 shall apply.

(e) The following procedures shall be followed when the executive director notifies any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county that he or she has determined that such taxing authority is in violation of subsection (5), s. 200.185, or s. 200.186:

1. Within 30 days after the deadline for certification of compliance required by s. 200.068, the executive director shall notify any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county of his or her determination regarding subsection (5), s. 200.185, or s. 200.186 and that such taxing authority is subject to subparagraph 2.

2. Any taxing authority so noticed by the executive director shall repeat the hearing and notice process required by paragraph (2)(d), except that:

a. The advertisement shall appear within 15 days after notice from the executive director.

b. The advertisement, in addition to meeting the requirements of subsection (3), must contain the following statement in boldfaced type immediately after the heading:

THE PREVIOUS NOTICE PLACED BY THE (name of taxing authority) HAS BEEN DETERMINED BY THE DEPARTMENT OF REVENUE TO BE IN VIOLATION OF THE LAW, NECESSITATING THIS SECOND NOTICE.

c. The millage newly adopted at such hearing shall not be forwarded to the tax collector or property appraiser and may not exceed the rate previously adopted or the amount allowed by subsection (5), s. 200.185, or s. 200.186. Each taxing authority provided notice pursuant to this paragraph shall recertify compliance with this chapter as provided in this section within 15 days after the adoption of a millage at such hearing.

d. The determination of the executive director shall be superseded if the executive director determines that the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county has remedied the noncompliance. Such noncompliance shall be determined to be remedied if any such taxing authority provided notice by the executive director pursuant to this paragraph adopts a new millage that does not exceed the maximum millage allowed for such taxing authority under paragraph (5)(a), s. 200.185 (1)-(5), or s. 200.186(1), or if any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county adopts a lower millage sufficient to reduce the total taxes levied such that total taxes levied do not exceed the maximum as provided in paragraph (5)(b), s. 200.185(8), or s. 200.186(3).

e. If any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county has not remedied the noncompliance or recertified compliance with this chapter as provided in this paragraph, and the executive director determines that the noncompliance has not been remedied or compliance has not been recertified, the county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue as described in s. 218.63(2) and (3) and this subsection.

f. The determination of the executive director is not subject to chapter 120.

(14)(a) If the notice of proposed property taxes mailed to taxpayers under this section contains an error, the property appraiser, in lieu of mailing a corrected notice to all taxpayers, may correct the error by mailing a short form of the notice to those taxpayers affected by the error and its correction. The notice shall be prepared by the property appraiser at the expense of the taxing authority which caused the error or at the property appraiser's expense if he or she caused the error. The form of the notice must be approved by the executive director of the Department of

Revenue or the executive director's designee. If the error involves only the date and time of the public hearings required by this section, the property appraiser, with the permission of the taxing authority affected by the error, may correct the error by advertising the corrected information in a newspaper of general circulation in the county as provided in subsection (3).

(b) Errors that may be corrected in this manner are:

1. Incorrect location, time, or date of a public hearing.
2. Incorrect assessed, exempt, or taxable value.
3. Incorrect amount of taxes as reflected in column one, column two, or column three of the notice; and
4. Any other error as approved by the executive director of the Department of Revenue or the executive director's designee.

(15) The provisions of this section shall apply to all taxing authorities in this state which levy ad valorem taxes, and shall control over any special law which is inconsistent or in conflict with this section, except to the extent the special law expressly exempts a taxing authority from the provisions of this section. This subsection is a clarification of existing law, and in the absence of such express exemption, no past or future budget or levy of taxes shall be set aside upon the ground that the taxing authority failed to comply with any special law prescribing a schedule or procedure for such adoption which is inconsistent or in conflict with the provisions of this section.

History.— s. 13, ch. 73-172; s. 16, ch. 74-234; ss. 1, 2, ch. 75-68; s. 19, ch. 76-133; s. 1, ch. 77-102; s. 1, ch. 77-174; s. 1, ch. 78-228; ss. 2, 9, ch. 80-261; s. 25, ch. 80-274; s. 14, ch. 82-154; s. 12, ch. 82-208; ss. 4, 11, 25, 72, 80, ch. 82-226; s. 5, ch. 82-388; s. 2, ch. 82-399; s. 28, ch. 83-204; s. 61, ch. 83-217; s. 2, ch. 84-164; s. 20, ch. 84-356; s. 1, ch. 86-190; s. 12, ch. 86-300; s. 5, ch. 87-284; s. 13, ch. 88-216; s. 2, ch. 88-223; s. 14, ch. 90-241; ss. 136, 165, ch. 91-112; s. 8, ch. 91-295; s. 1, ch. 92-163; ss. 5, 15, ch. 93-132; s. 25, ch. 93-233; s. 1, ch. 93-241; s. 52, ch. 94-232; s. 4, ch. 94-344; s. 41, ch. 94-353; s. 1481, ch. 95-147; s. 2, ch. 95-359; ss. 1, 2, 3, ch. 96-211; s. 1, ch. 98-32; s. 1, ch. 98-53; s. 18, ch. 99-6; s. 11, ch. 2002-18; s. 911, ch. 2002-387; s. 2, ch. 2004-346; s. 3, ch. 2007-194; ss. 2, 33, ch. 2007-321; s. 11, ch. 2008-173; s. 3, ch. 2009-165.

¹ **Note.**— Section 9, ch. 2007-321, provides that “[t]he executive director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act. Notwithstanding any other provision of law, such emergency rules shall remain in effect for 18 months after the date of adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.”

² **Note.**— Section 13, ch. 2008-173, provides:

“(1) The executive director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act.

“(2) Notwithstanding any other provision of law, such emergency rules shall remain in effect for 18 months after the date of adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.”

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200.066 Newly created tax units.—Ad valorem taxes of newly created municipalities or special districts shall be initially imposed no earlier than the January 1 subsequent to the creation or establishment of the municipality or district. The creation by a county of a municipal service taxing unit under s. [125.01](#) is not controlled by this section if the boundaries of the municipal service taxing unit conform to the boundaries of existing special districts, include all the unincorporated areas, or include all the incorporated areas of a municipality, and if the taxing unit is created before July 1 if millage is to be imposed in the ensuing county budget.

History.— s. 5, ch. 82-226; s. 29, ch. 83-204; s. 2, ch. 84-371; s. 3, ch. 91-238.

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200.068 Certification of compliance with this chapter.—Not later than 30 days following adoption of an ordinance or resolution establishing a property tax levy, each taxing authority shall certify compliance with the provisions of this chapter to the Department of Revenue. In addition to a statement of compliance, such certification shall include a copy of the ordinance or resolution so adopted; a copy of the certification of value showing rolled-back millage and proposed millage rates, as provided to the property appraiser pursuant to s. [200.065\(1\)](#) and (2)(b); maximum millage rates calculated pursuant to s. [200.065\(5\)](#), s. [200.185](#), or s. [200.186](#), together with values and calculations upon which the maximum millage rates are based; and a certified copy of the advertisement, as published pursuant to s. [200.065\(3\)](#). In certifying compliance, the governing body of the county shall also include a certified copy of the notice required under s. [194.037](#). However, if the value adjustment board completes its hearings after the deadline for certification under this section, the county shall submit such copy to the department not later than 30 days following completion of such hearings.

History.— s. 6, ch. 82-226; s. 30, ch. 83-204; s. 166, ch. 91-112; ss. 7, 21, ch. 95-272; s. 7, ch. 97-287; s. 3, ch. 2007-321.

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200.069 Notice of proposed property taxes and non-ad valorem assessments.—Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall contain the elements and use the format provided in the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided herein. The Department of Revenue may adjust the spacing and placement on the form of the elements listed in this section as it considers necessary based on changes in conditions necessitated by various taxing authorities. If the elements are in the order listed, the placement of the listed columns may be varied at the discretion and expense of the property appraiser, and the property appraiser may use printing technology and devices to complete the form, the spacing, and the placement of the information in the columns. A county officer may use a form other than that provided by the department for purposes of this part, but only if his or her office pays the related expenses and he or she obtains prior written permission from the executive director of the department; however, a county officer may not use a form the substantive content of which is at variance with the form prescribed by the department. The county officer may continue to use such an approved form until the law that specifies the form is amended or repealed or until the officer receives written disapproval from the executive director.

(1) The first page of the notice shall read:

**NOTICE OF PROPOSED PROPERTY TAXES
DO NOT PAY—THIS IS NOT A BILL**

The taxing authorities which levy property taxes against your property will soon hold PUBLIC HEARINGS to adopt budgets and tax rates for the next year.

The purpose of these PUBLIC HEARINGS is to receive opinions from the general public and to answer questions on the proposed tax change and budget PRIOR TO TAKING FINAL ACTION.

Each taxing authority may AMEND OR ALTER its proposals at the hearing.

(2)(a) The notice shall include a brief legal description of the property, the name and mailing address of the owner of record, and the tax information applicable to the specific parcel in question. The information shall be in columnar form. There shall be seven column headings which shall read: "Taxing Authority," "Your Property Taxes Last Year," "Last Year's Adjusted Tax Rate (Millage)," "Your Taxes This Year IF NO Budget Change Is Adopted," "Tax Rate This Year IF PROPOSED Budget Is Adopted (Millage)," "Your Taxes This Year IF PROPOSED Budget Change Is Adopted," and "A Public Hearing on the Proposed Taxes and Budget Will Be Held:."

(b) As used in this section, the term "last year's adjusted tax rate" means the rolled-back rate calculated pursuant to s. 200.065(1).

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 1011.60(6); other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; the independent special districts in which the parcel lies, if any; and for all voted levies for debt service applicable to the parcel, if any.

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 1011.60(6) shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:". For each voted levy for debt service, the entry shall be "Voter Approved Debt Payments."

(b) In the second column, the gross amount of ad valorem taxes levied against the parcel in the previous year. If the parcel did not exist in the previous year, the second column shall be blank.

(c) In the third column, last year's adjusted tax rate or, in the case of voted levies for debt service, the tax rate previously authorized by referendum.

(d) In the fourth column, the gross amount of ad valorem taxes which will apply to the parcel in the current year if each taxing authority levies last year's adjusted tax rate or, in the case of voted levies for debt service, the amount previously authorized by referendum.

(e) In the fifth column, the tax rate that each taxing authority must levy against the parcel to fund the proposed budget or, in the case of voted levies for debt service, the tax rate previously authorized by referendum.

(f) In the sixth column, the gross amount of ad valorem taxes that must be levied in the current year if the proposed budget is adopted.

(g) In the seventh column, the date, the time, and a brief description of the location of the public hearing required pursuant to s. 200.065(2)(c).

(5) Following the entries for each taxing authority, a final entry shall show: in the first column, the words "Total Property Taxes:" and in the second, fourth, and sixth columns, the sum of the entries for each of the individual taxing authorities. The second, fourth, and sixth columns shall, immediately below said entries, be labeled Column 1, Column 2, and Column 3, respectively. Below these labels shall appear, in boldfaced type, the statement: SEE REVERSE SIDE FOR EXPLANATION.

(6)(a) The second page of the notice shall state the parcel's market value and for each taxing authority that levies an ad valorem tax against the parcel:

1. The assessed value, value of exemptions, and taxable value for the previous year and the current year.
2. Each assessment reduction and exemption applicable to the property, including the value of the assessment reduction or exemption and tax levies to which they apply.

(b) The reverse side of the second page shall contain definitions and explanations for the values included on the front side.

(7) The following statement shall appear after the values listed on the front of the second page:

If you feel that the market value of your property is inaccurate or does not reflect fair market value, or if you are entitled to an exemption or classification that is not reflected above, contact

your county property appraiser at (phone number) OR (location) .

If the property appraiser's office is unable to resolve the matter as to market value, classification, or an exemption, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE (date) .

(8) The reverse side of the first page of the form shall read:

EXPLANATION

***COLUMN 1--"YOUR PROPERTY TAXES LAST YEAR"**

This column shows the taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

***COLUMN 2--"YOUR TAXES IF NO BUDGET CHANGE IS ADOPTED"**

This column shows what your taxes will be this year IF EACH TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment.

***COLUMN 3--"YOUR TAXES IF PROPOSED BUDGET CHANGE IS ADOPTED"**

This column shows what your taxes will be this year under the BUDGET ACTUALLY PROPOSED by each local taxing authority. The proposal is NOT final and may be amended at the public hearings shown on the front side of this notice. The difference between columns 2 and 3 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

***Note:** Amounts shown on this form do NOT reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

(9) The bottom portion of the notice shall further read in bold, conspicuous print:

"Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, fire, garbage, lighting, drainage, water, sewer, or other governmental services and facilities which may be levied by your county, city, or any special district."

(10)(a) If requested by the local governing board levying non-ad valorem assessments and agreed to by the property appraiser, the notice specified in this section may contain a notice of proposed or adopted non-ad valorem assessments. If so agreed, the notice shall be titled:

**NOTICE OF PROPOSED PROPERTY TAXES
AND PROPOSED OR ADOPTED
NON-AD VALOREM ASSESSMENTS
DO NOT PAY--THIS IS NOT A BILL**

There must be a clear partition between the notice of proposed property taxes and the notice of proposed or adopted non-ad valorem assessments. The partition must be a bold, horizontal line approximately 1/8-inch thick. By rule, the department shall provide a format for the form of the notice of proposed or adopted non-ad valorem assessments which meets the following minimum requirements:

1. There must be subheading for columns listing the levying local governing board, with

corresponding assessment rates expressed in dollars and cents per unit of assessment, and the associated assessment amount.

2. The purpose of each assessment must also be listed in the column listing the levying local governing board if the purpose is not clearly indicated by the name of the board.

3. Each non-ad valorem assessment for each levying local governing board must be listed separately.

4. If a county has too many municipal service benefit units or assessments to be listed separately, it shall combine them by function.

5. A brief statement outlining the responsibility of the tax collector and each levying local governing board as to any non-ad valorem assessment must be provided on the form, accompanied by directions as to which office to contact for particular questions or problems.

(b) If the notice includes all adopted non-ad valorem assessments, the provisions contained in subsection (9) shall not be placed on the notice.

History.— s. 26, ch. 80-274; s. 15, ch. 82-154; s. 12, ch. 82-226; s. 10, ch. 82-385; s. 13, ch. 83-204; s. 3, ch. 84-371; s. 212, ch. 85-342; s. 12, ch. 90-343; ss. 137, 167, ch. 91-112; s. 2, ch. 92-163; s. 17, ch. 93-132; s. 53, ch. 94-232; s. 67, ch. 94-353; s. 1482, ch. 95-147; s. 26, ch. 97-255; s. 4, ch. 98-167; s. 4, ch. 2001-137; s. 7, ch. 2002-18; s. 912, ch. 2002-387; s. 1, ch. 2009-165; s. 30, ch. 2010-5.

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200.071 Limitation of millage; counties.—

(1) Except as otherwise provided herein, no ad valorem tax millage shall be levied against real property and tangible personal property by counties in excess of 10 mills, except for voted levies.

(2) The board of county commissioners shall, in the event the sum of the proposed millage for the county and dependent districts therein is more than the maximum allowed hereunder, reduce the millage to be levied for county officers, departments, divisions, commissions, authorities, and dependent special districts so as not to exceed the maximum millage provided under this section or s. [200.091](#).

(3) Any county which, through a municipal service taxing unit, provides services or facilities of the kind or type commonly provided by municipalities, may levy, in addition to the millages otherwise provided in this section, against real property and tangible personal property within each such municipal service taxing unit an ad valorem tax millage not in excess of 10 mills to pay for such services or facilities provided with the funds obtained through such levy within such municipal service taxing unit.

History.— s. 1, ch. 67-395; ss. 1, 2, ch. 69-55; s. 28, ch. 69-216; s. 1, ch. 69-300; s. 2, ch. 70-368; s. 3, ch. 74-191; s. 16, ch. 82-154; s. 11, ch. 82-385; s. 4, ch. 91-238.

Note.— Former s. 193.321.

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200.081 Millage limitation; municipalities.—No municipality shall levy ad valorem taxes against real property and tangible personal property in excess of 10 mills, except for voted levies.

History.— s. 1, ch. 67-396; ss. 1, 2, ch. 69-55; s. 17, ch. 82-154.

Note.— Former s. 167.441.

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200.091 Referendum to increase millage.—The millage authorized to be levied in s. [200.071](#) for county purposes, including dependent districts therein, may be increased for periods not exceeding 2 years, provided such levy has been approved by majority vote of the qualified electors in the county or district voting in an election called for such purpose. Such an election may be called by the governing body of any such county or district on its own motion and shall be called upon submission of a petition specifying the amount of millage sought to be levied and the purpose for which the proceeds will be expended and containing the signatures of at least 10 percent of the persons qualified to vote in such election, signed within 60 days prior to the date the petition is filed.

History.— s. 2, ch. 67-395; ss. 1, 2, ch. 69-55; s. 19, ch. 82-154; s. 62, ch. 83-217.

Note.— Former s. 193.322.

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200.101 Referendum for millage in excess of limits.—The qualified electors of a municipality may by majority vote of those voting approve an increase of millage above those limits imposed by s. 200.081 in a referendum called for such purpose by the governing body of the municipality, but the period of such increase may not exceed 2 years. Such referendum also may be initiated by submission of a petition to the governing body of the municipality containing the signatures of 10 percent of those persons eligible to vote in such referendum, which signatures were affixed to the petition within 60 days prior to its submission.

History.— s. 2, ch. 67-396; ss. 1, 2, ch. 69-55; s. 20, ch. 82-154.

Note.— Former s. 167.442.

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200.141 Millage following consolidation of city and county functions.—Those cities or counties which now or hereafter provide both municipal and county services as authorized under ss. 9-11 and 24 of Art. VIII of the State Constitution of 1885 shall have the right to levy for county, district and municipal purposes a millage up to 20 mills on the dollar of assessed valuation under this section. For each increase in the county millage above 10 mills which is attributable to an assumption of municipal services by a county having home rule, or for each increase in the municipal millage above 10 mills which is attributable to an assumption of county services by a city having home rule, there shall be a decrease in the millage levied by each and every municipality which has a service or services assumed by the county, or by the county which has a service or services assumed by the city. Such decrease shall be equal to the cost of that service or services assumed, so that an amount equal to that cost shall be eliminated from the budget of the county or city giving up the performance of such service or services.

History.— s. 5, ch. 67-395; ss. 1, 2, ch. 69-55; s. 11, ch. 69-216.

¹ Note.— Sections 9, 10, 11, and 24 of Art. VIII of the Constitution of 1885, as amended, were preserved by s. 6(e), Art. VIII of the Constitution of 1968.

Note.— Former s. 193.325.

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200.151 Millage to replace lost revenue.—In the event any municipality should lose revenue through the loss of a proprietary activity or other source of revenue, the governing body of the municipality is authorized to increase the millage in an amount sufficient to restore such loss of revenue. In the event any municipality should relinquish any governmental function to a county or other governmental body, the governing body of such municipality shall reduce the millage in an amount which will equal the cost of such governmental function.

History.— s. 3, ch. 67-396; ss. 1, 2, ch. 69-55.

Note.— Former s. 167.443.

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200.171 Mandamus to levy tax; limitations.—In any suit brought in any court of this state seeking to compel the levy of any tax for the payment of any bonds, coupons or other evidences of indebtedness, or to establish a sinking fund for their ultimate redemption at maturity, the peremptory writ, if issued by the court, shall in no case require a levy in excess of the ability of the taxing unit involved to pay the taxes commanded to be levied; and if such taxing unit be one having other functions of civil government to perform, the court shall also take into consideration in commanding such levy, the necessity of such unit to make a reasonably ample levy of taxes for the purpose of raising revenue with which to pay for the operation of the ordinary functions of civil government which such unit performs; provided, this section shall not apply to bonds, coupons or other evidences of indebtedness issued subsequent to the passage of this law. The ability of the taxing unit involved to pay the taxes commanded to be levied shall be determined by the court within its sound discretion by the application of equitable considerations in view of all the conditions of the taxing unit bearing upon such ability to pay; and such ability to pay shall be first found and determined before the issuance of any such peremptory writ.

History.— s. 1, ch. 18301, 1937; CGL 1940 Supp. 2321(3); ss. 1, 2, ch. 69-55.

Note.— Former s. 192.34.

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200.181 Bond payments; tax levies; restrictions.—

(1) None of the provisions of this chapter or of any other law, whether general, special or local or of the charter of any municipality or county, shall limit or restrict the rate or the amount of the ad valorem taxes levied for the payment of the principal of and the interest on any debt service whether secured by revenue certificates or by bonds for which the full faith and credit of any county, municipality or taxing district may be pledged, and such taxes shall be in addition to all other taxes authorized or limited by law.

(2) Nothing in this section shall prevent any municipality, county or school board from levying at least 5 mills of ad valorem tax during any fiscal year.

(3) A county or municipality may levy voted millage at the maximum millage rate approved by referendum even if the levy would raise revenue in excess of that necessary for debt service as authorized by a vote of the electors pursuant to s. 12, Art. VII of the State Constitution. The county or municipality may use the surplus revenue for any lawful purpose solely related to the capital project for which the voted millage was approved, including operations and maintenance. For purposes of this chapter, the portion of the voted millage necessary to pay debt service must be treated as debt service millage and the excess portion must be treated as general millage. The portion treated as general millage must be included within the millage levied under the county or municipal 10-mill limitation.

History.— ss. 1, 3, ch. 67-536; ss. 1, 2, ch. 69-55; s. 1, ch. 69-300; s. 1, ch. 96-259.

Note.— Former s. 193.77.

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200.185 Maximum millage rates for the 2007-2008 and 2008-2009 fiscal years.—

(1) As used in this section, the term:

(a) "County of special financial concern" means a county considered fiscally constrained pursuant to s. 218.67 and for which 1 mill will raise less than \$100 per capita.

(b) "Municipality of special financial concern" means a municipality within a county of special financial concern or a municipality that has been at any time since June 30, 2002, in a state of financial emergency pursuant to s. 218.503.

(2)(a) The maximum millage rate that a county, a municipal service taxing unit of that county, or a special district dependent to that county may levy by a majority vote of the governing body for the 2007-2008 fiscal year shall be determined as follows:

1. For any county of special financial concern for which the compound annual growth rate in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was no more than 5 percent, 100 percent of the rolled-back rate, as calculated under s. 200.065;

2. For any county not included in subparagraph 1. for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was no more than 7 percent, or, notwithstanding subparagraphs 3., 4., and 5., any county that is a county of special financial concern not included in subparagraph 1., 97 percent of the rolled-back rate, as calculated under s. 200.065;

3. For any county for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 7 percent but no more than 9 percent, 95 percent of the rolled-back rate, as calculated under s. 200.065;

4. For any county for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 9 percent but no more than 11 percent, 93 percent of the rolled-back rate, as calculated under s. 200.065; or

5. For any county for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 11 percent, 91 percent of the rolled-back rate, as calculated under s. 200.065; or

6. For a county authorized to levy a county public hospital surtax under s. 212.055, the maximum millage rate shall exclude the revenues required to be contributed to the county public general hospital for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the applicable percentage of the rolled-back rate as provided in subparagraphs 1.-5. has been applied.

(b) The maximum millage rate that may be levied under paragraph (a) may be increased to:

1. The rolled-back rate, as calculated under s. 200.065, if approved by a two-thirds vote of the governing body of the county or special district dependent thereto; or

2. The nonvoted millage rate that was levied in the 2006-2007 fiscal year, if approved by a unanimous vote of the governing body of the county or special district dependent thereto or by a three-fourths vote if the governing body has nine or more members.

(c) Upon approval of a maximum rate as provided in paragraph (b), a higher rate may be levied if approved by a referendum of the voters.

(3)(a) The maximum millage rate that a municipality or a special district dependent to a municipality may levy by a majority vote of the governing body for the 2007-2008 fiscal year shall be determined as follows:

1. For any municipality of special financial concern or any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was no more than 6 percent, or, for a municipality that first levied ad valorem taxes in the 2002-2003 fiscal year, 100 percent of the rolled-back rate, as calculated under s. 200.065;

2. For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 6 percent but no more than 7.5 percent, 97 percent of the rolled-back rate, as calculated under s. 200.065;

3. For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 7.5 percent but no more than 10.5 percent, 95 percent of the rolled-back rate, as calculated under s. 200.065;

4. For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 10.5 percent but no more than 12.4 percent, 93 percent of the rolled-back rate, as calculated under s. 200.065; or

5. For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 12.4 percent, 91 percent of the rolled-back rate, as calculated under s. 200.065.

(b) The maximum millage rate that may be levied under paragraph (a) may be increased to:

1. The rolled-back rate, as calculated under s. 200.065, if approved by a two-thirds vote of the governing body of the municipality or special district dependent thereto; or

2. The nonvoted millage rate that was levied in the 2006-2007 fiscal year, if approved by a unanimous vote of the governing body of the municipality or special district dependent thereto or by a three-fourths vote if the governing body has nine or more members.

(c) Upon approval of a maximum rate as provided in paragraph (b), a higher rate may be levied if approved by a referendum of the voters.

(4) The maximum millage rate that an independent special district may levy by a majority vote of the governing body for the 2007-2008 fiscal year is 97 percent of the rolled-back rate, as calculated under s. 200.065.

(a) The maximum millage rate specified in this subsection may be increased to the rolled-back rate if approved by a two-thirds vote of the governing body of the independent special district.

(b) The maximum millage rate specified in this subsection may be increased to the nonvoted millage rate that was levied in the 2006-2007 fiscal year, if approved by a unanimous vote of the governing body of the independent special district or by a three-fourths vote if the governing body

has nine or more members.

(c) Upon approval of a maximum rate in paragraph (b), a higher rate may be levied if approved by a referendum of the voters.

(d) For the purpose of calculating maximum millage rates for the 2007-2008 fiscal year under this section, municipal service taxing units and special districts dependent to a county or municipality, the predominant function of which is to provide emergency medical or fire rescue services, shall be considered independent special districts and shall not be included for purposes of calculating the maximum millage rate under subsections (2) and (3).

²(5) In the 2008-2009 fiscal year, a county, municipal service taxing units of that county, and special districts dependent to that county; a municipality and special districts dependent to that municipality; and an independent special district may levy a maximum millage determined as follows:

(a)1. The maximum millage rate that may be levied shall be the rolled-back rate calculated pursuant to s. 200.065 and adjusted for change in per capita Florida personal income, except that:

a. Ad valorem tax revenue levied in the 2007-2008 fiscal year and used in the calculation of the rolled-back rate shall be reduced by any tax revenue resulting from a millage rate approved by a super majority vote of the governing board of the taxing authority in excess of the maximum rate that could have been levied by a majority vote as provided in this section.

b. The taxable value within the jurisdiction of each taxing authority used in the calculation of the rolled-back rate shall be increased by an amount equal to the reduction in taxable value occurring as a result of the amendments to the State Constitution contained in SJR 2-D (2007) providing an additional homestead exemption, providing portability of the Save-Our-Homes differential, providing an exemption from ad valorem taxation for tangible personal property, and providing a 10-percent limitation on assessment increases for certain properties.

2. For a county authorized to levy a county public hospital surtax under s. 212.055 that did so in fiscal year 2007, the maximum millage rate shall exclude the revenues required to be contributed to the county public general hospital in the current fiscal year for the purposes of making the maximum millage rate calculation but shall be added back to the maximum millage rate allowed after the rolled-back rate has been applied, the total of which shall be considered the maximum millage rate for such a county for purposes of this subsection. The revenue required to be contributed to the county public general hospital for the upcoming fiscal year shall be calculated by multiplying 11.873 percent by the millage rate levied for countywide purposes in fiscal year 2007 and multiplying the result by 95 percent of the preliminary tax roll for the upcoming fiscal year. For a downtown development authority established before the effective date of the 1968 State Constitution which has a millage that must be approved by a municipality, the governing body of that municipality shall be considered the governing body of the downtown development authority for purposes of this subsection.

(b) A rate in excess of the maximum millage rate allowed under paragraph (a), but not more than 110 percent of the rate in paragraph (a) determined without taking into account the adjustment in sub-subparagraph (a)1.b., may be levied if approved by a two-thirds vote of the membership of the governing body of the county, municipality, or independent district.

(c) A rate in excess of the millage rate allowed in paragraph (b) may be levied if approved by a unanimous vote of the membership of the governing body of the county, municipality, or independent district or by a three-fourths vote of the membership of the governing body if the governing body has nine or more members, or if approved by a referendum of the voters.

(6) Any county or municipality that is in violation of this section shall forfeit the distribution of the local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue, subject to the conditions provided in ss. 200.065 and 218.63.

(7) On or before June 25, 2007, the executive director of the Department of Revenue shall notify each property appraiser and the chair of the governing body of each county and municipality of the amount of the tax levies that will be used to calculate each jurisdiction's compound annual growth rate as determined in this subsection. On or before July 2, 2007, each property appraiser and the chair of each such governing body, or his or her designee, shall report to the executive director whether the information that was provided is correct and, if incorrect, provide corrected information along with the basis for any correction. The Governor may consider failure to report as required in this subsection as sufficient grounds to constitute malfeasance or neglect of duty by any person required to report under this subsection. On or before July 13, 2007, the executive director of the Department of Revenue, after consultation with the Revenue Estimating Conference, shall determine and publish on the Department of Revenue's website the compound annual growth rate in per capita property tax levies for each county and municipality, exclusive of voted levies, calculated from fiscal year 2001-2002 through fiscal year 2006-2007, based on the April 1 official population estimates of 2001 and 2006, respectively, for each jurisdiction pursuant to s. 186.901, exclusive of inmate and patient populations. The determination and publication made pursuant to this subsection is not subject to the provisions of chapter 120.

²(8) The millage rate of a county or municipality, municipal service taxing unit of that county, and any special district dependent to that county or municipality may exceed in any year the maximum millage rate calculated pursuant to this section if the total county ad valorem taxes levied or total municipal ad valorem taxes levied, as defined in s. 200.001, do not exceed the maximum total county ad valorem taxes levied or maximum total municipal ad valorem taxes levied, as defined in s. 200.001, respectively. Voted millage, as defined in s. 200.001, and taxes levied by a municipality or independent special district that has levied ad valorem taxes for less than 5 years are not subject to the limitation on millage rates provided by this section. Total taxes levied may exceed the maximum calculated pursuant to this section as a result of an increase in taxable value above that certified in s. 200.065(1) if such increase is less than the percentage amounts contained in s. 200.065(6) or if the administrative adjustment cannot be made because the value adjustment board is still in session at the time the tax roll is extended; otherwise, millage rates subject to this section may be reduced so that total taxes levied do not exceed the maximum. Any unit of government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities and which exercises such powers in the unincorporated area shall be recognized as a municipality under this section.

History.— s. 8, ch. 2007-321; s. 1, ch. 2007-323; s. 12, ch. 2008-173.

¹ Note.— Section 9, ch. 2007-321, provides that “[t]he executive director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act. Notwithstanding any other provision of law, such emergency rules shall remain in effect for 18 months after the date of adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.”

² Note.— Section 13, ch. 2008-173, provides:

“(1) The executive director of the Department of Revenue is authorized, and all conditions are deemed met, to,

adopt emergency rules under ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act.

"(2) Notwithstanding any other provision of law, such emergency rules shall remain in effect for 18 months after the date of adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules."

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