

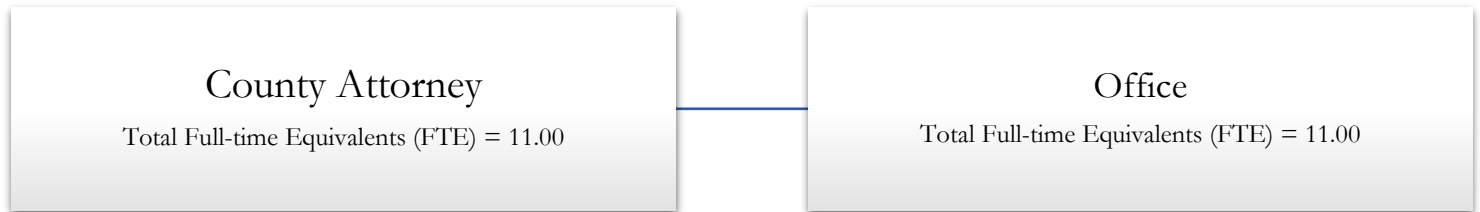
LEON COUNTY FISCAL YEAR 2023 ADOPTED BUDGET

**»» County Attorney's Office
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LEON COUNTY FISCAL YEAR 2023 ADOPTED BUDGET

»» County Attorney's Office Organizational Chart



LEON COUNTY FISCAL YEAR 2023 ADOPTED BUDGET

»» County Attorney's Office

Executive Summary

The County Attorney's Office section of the Leon County FY 2023 Annual Budget is comprised solely of the County Attorney's Office. The County Attorney's Office provides legal services to the Board of County Commissioners, the County Administrator, County departments, and certain boards and agencies organized under the Board of County Commissioners, unless they are separate legal entities or have their own legal counsel, and as otherwise directed by the Board. The Office also reviews contracts, bonds, ordinances, resolutions, and other written instruments.

HIGHLIGHTS

The County Attorney's Office continues to provide legal support to Leon County Government as needed on matters related to COVID-19 and its variants. Office personnel researched and worked with Administration staff to develop federal grant funding agreements, contracts, and associated documentation for use with vendors, area agencies, not-for-profits, local businesses, citizens, and local government entities receiving funds under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Leon CARES, and/or the American Rescue Plan Act of 2021 (ARPA) for qualifying projects, goods, and services and to ensure the distribution of funds to the community. Office personnel also worked with Administration staff to apply the Families First Coronavirus Response Act provisions within Leon County Government, and to develop policies and procedures to address pandemic-related issues impacting County personnel.

The County Attorney's Office also:

- Assisted outside counsel in representing Leon County in the matter of *Florida Department of Health – Notice of Violation*, DOH Case No. 2021-0243, wherein the Department of Health, in October 2021, assessed a fine of \$3,570,000 against Leon County for 714 alleged violations of Section 381.00316, Florida Statutes. The *Notice of Violation* stated, in part, that “Leon County Government required 714 employees, or former employees. . . to provide documentation certifying COVID-19 vaccination in order to gain access to, entry upon, or service from the governmental entity’s operations in this state. . . “In November 2021, Leon County filed a *Petition for Formal Administrative Proceedings* with the Department of Health contesting the fine. The Department entered an *Order Dismissing Petition Without Prejudice*, and the County responded by filing an *Amended Petition for Formal Administrative Proceeding*. Subsequent to the filing of the amended petition and prior to the matter being referred to the Division of Administrative Hearings, the parties entered into a settlement agreement. The County confirmed that its Vaccination Requirement Policy had been rescinded as of November 18, 2021, when a new state law became effective, and that it will not reinstitute the policy in the future to the extent that it is preempted by law. Additionally, the County agreed that any former employee who was terminated for not complying with the policy could be considered for re-employment. The Department of Health agreed to waive the fine levied against the County and entered a *Final Order* closing the proceedings and adopting the settlement agreement.
- Continues to work with outside counsel in representing Leon County in the multidistrict opioid litigation against multiple opioid manufacturers, distributors, and retailers, including but not limited to McKesson, Cardinal Health, Amerisource Bergen, Purdue, Mallinckrodt Pharmaceuticals, Janssen Pharmaceuticals, Inc., and its parent company, Johnson & Johnson, Walgreens, and CVS. The complaints filed in this litigation include allegations of the manufacturer defendants’ false, deceptive and unfair marketing of opioids, as well as the distributor defendants’ unlawful distribution of opioids. The Board has previously considered and approved participation in various multidistrict settlement agreements. In addition, at its meeting of July 13, 2021, the Board approved entering into a Memorandum of Understanding with the State of Florida which governs how the proceeds allotted to the State of Florida will be allocated between and among the State and local governments. As provided in the MOU, all funds received will be divided into three funds (City/County Fund, Regional Fund, State Fund) after expense fund costs are deducted. It is currently contemplated that settlement payments will be paid over 18 years, with use restricted to abatement and treatment of opioid use disorder and other limited uses. It is anticipated that most of the outside multidistrict litigation counsel will be paid through an attorney fund established at a national level, but a percentage of the local government distribution may also be used to fund attorneys’ fees.
- Continues to represent Leon County as a Plaintiff in the firearms preemption litigation, *Broward County v. State of Florida, et al.*; Circuit Court Case No. 2018 CA 882, wherein the Plaintiffs challenge the related penalty provisions in the Florida Statutes, which allow certain monetary damages and other penalties to be imposed against any individual

who enacts or causes to be enforced a preempted firearm regulation. The trial court ruled, in part, in favor of the Plaintiffs, finding the penalty provisions violated doctrines of legislative and governmental function immunity. The State appealed the trial court's ruling, and oral argument was held July 20, 2020. On April 9, 2021, the First District Court of Appeal ruled that "neither discretionary-function nor legislative immunity shields local governments and officials from the challenged statutes," thereby reversing the opinion of the trial court. On April 23, 2021, the Plaintiffs filed a petition with the First District Court of Appeal, requesting the court certify the question of legislative immunity and government function immunity to the Florida Supreme Court as being of great public importance. The motion for certification was denied on May 17, 2021. The Petitioners filed notices to invoke the Florida Supreme Court's discretionary jurisdiction on June 16, 2021. On June 25, 2021, the Petitioners filed a Joint Brief on Jurisdiction with Nikki Fried, Commissioner of Agriculture and Consumer Services. On September 9, 2021, the Supreme Court of Florida accepted jurisdiction in this matter and directed briefs be filed by the parties. Oral Argument was heard on June 9, 2022.

- Continues to assist outside counsel representing Leon County in *Leon County, Florida v. Mellie Delores Clark, et al.*, Circuit Court Case No. 2021 CA 000396, wherein the County is seeking to foreclose a lien stemming from a code enforcement order finding the owner maintained a dilapidated structure on the property. The property continues to be out of compliance with the Leon County Code of Laws.

In addition, the County Attorney's Office provides legal support to County staff in all of its real estate transactional and right-of-way acquisition matters, which in the past year included:

- Lease agreements for County-owned properties, such as the Leon County Government Annex and the Lake Jackson Town Center.
- The continued sales of county-owned real property appropriate for use as affordable housing in cooperation with the Housing Finance Authority of Leon County, resulting in significant proceeds to the HFA to be used for affordable housing purposes.
- The acquisition of utility easements, drainage easements, whole parcels, and other right-of-way needed for the County's capital improvement projects, including the Woodville area septic-to-sewer projects, the Maylor Road drainage improvements project, and the Old Bainbridge Road / Capital Circle NW intersection improvement project, and the Blountstown Highway Sidewalk Project to serve the Fort Braden School area as part of the Safe Routes to School Program.
- Assistance to Real Estate staff in working with the Killlearn Acres Homes Association to secure the HOA's donation to the County of Pimlico Park and Man O War Park.
- Assistance to Real Estate staff in their efforts to determine whether the property owners of certain parcels near the Lake Hall School House would agree to sell their property to the County for fair market appraised value, without the use of eminent domain.

In the past 12 months, the County Attorney's Office has responded to over 1,000 requests for legal advice or assistance, including reviewing, preparing, and/or signing ordinances, resolutions, proclamations, agenda items, contracts, various housing, land use, and other real estate documents, as well as claims, employment, procurement, litigation documents, and responding to public records requests. Office personnel have assisted with significant revisions to the Code of Laws concerning the Rural Zoning District, Local Emergency Management, Local Provider Participation Fund Non-ad Valorem Assessment and Directed Payment Program for Hospitals, Code Enforcement, Commission District Boundaries, Homestead Exemption for Persons 65 and Older, Water Quality Treatment Standards, and Contraction of the Boundaries of the Fallschase Community Development District, as well as amendments to various elements of the Comprehensive Plan. The County Attorney's Office continues to be active in efforts to keep the County's lakes clean and has worked diligently with the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency to reduce nutrient levels coming into Lake Talquin from Georgia.

LEON COUNTY FISCAL YEAR 2023 ADOPTED BUDGET

 County Attorney's Office

Budgetary Costs	FY 2021 Actual	FY 2022 Adopted	FY 2023 Continuation	FY 2023 Issues	FY 2023 Budget	FY 2024 Budget
Personnel Services	1,361,479	1,505,795	1,604,759	-	1,604,759	1,654,484
Operating	327,150	572,754	574,729	-	574,729	574,729
Capital Outlay	2,351	-	-	-	-	-
Total Budgetary Costs	1,690,980	2,078,549	2,179,488	-	2,179,488	2,229,213

Appropriations	FY 2021 Actual	FY 2022 Adopted	FY 2023 Continuation	FY 2023 Issues	FY 2023 Budget	FY 2024 Budget
County Attorney	1,690,980	2,078,549	2,179,488	-	2,179,488	2,229,213
Total Budget	1,690,980	2,078,549	2,179,488	-	2,179,488	2,229,213

Funding Sources	FY 2021 Actual	FY 2022 Adopted	FY 2023 Continuation	FY 2023 Issues	FY 2023 Budget	FY 2024 Budget
001 General Fund	1,690,980	2,078,549	2,179,488	-	2,179,488	2,229,213
Total Revenues	1,690,980	2,078,549	2,179,488	-	2,179,488	2,229,213

Staffing Summary	FY 2021 Actual	FY 2022 Adopted	FY 2023 Continuation	FY 2023 Issues	FY 2023 Budget	FY 2024 Budget
County Attorney	12.00	11.00	11.00	-	11.00	11.00
Total Full-Time Equivalents (FTE)	12.00	11.00	11.00	-	11.00	11.00

LEON COUNTY FISCAL YEAR 2023 ADOPTED BUDGET

»» County Attorney's Office

County Attorney's Office (001-120-514)

Goal	The goal of the County Attorney's Office is to provide high quality legal representation on behalf of the Board of County Commissioners, all departments and divisions under the Board, the County Administrator, Leon County employees in their employment capacity, and certain other boards and officials of Leon County as directed by the Board of County Commissioners.
Core Objectives	<ol style="list-style-type: none"> 1. Advise, counsel, and provide legal opinions to clients. 2. Represent clients in litigation matters before the courts. 3. Represent clients before administrative agencies such as the Division of Administrative Hearings, Code Enforcement Board, and Board of Adjustment and Appeals. 4. Represent clients in employment related matters before agencies such as the Florida Commission on Human Relations, the Equal Employment Opportunity Commission, and the Agency for Work Force Innovation. 5. Prepare materials and presenting workshops to the Board of County Commissioners. 6. Research and drafting for Board consideration legal documents such as contracts, ordinances, resolutions, and policies. 7. Review documentation relating to subdivision approval, including plats, maintenance agreements, and restrictive covenants. 8. Prepare and review legal advertisements relating to the adoption of ordinances and certain meetings of the Board of County Commissioners. 9. Represent clients in negotiating real estate contracts. 10. Commence eminent domain lawsuits on behalf of Leon County, when necessary. 11. Represent clients in road widening projects and drainage improvement projects. 12. Provide legal education seminars to Senior Management staff.
Statutory Responsibilities	Chapter 112, Florida Statutes, Public Officers and Employees; Chapter 119, Florida Statutes, Public Records; Chapter 73, Florida Statutes, Eminent Domain; Chapter 74, Florida Statutes, Proceedings Supplemental to Eminent Domain; Chapter 127, Florida Statutes, Right of Eminent Domain to Counties; Section 2, Leon County, Florida, Charter; Section 2, Leon County Administrative Code.
Advisory Board	None

LEON COUNTY FISCAL YEAR 2023 ADOPTED BUDGET

 County Attorney's Office

County Attorney (001-120-514)

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Operating	327,150	572,754	574,729	-	574,729	574,729
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Total Budgetary Costs	1,690,980	2,078,549	2,179,488	-	2,179,488	2,229,213

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Total Revenues	1,690,980	2,078,549	2,179,488	-	2,179,488	2,229,213

Staffing Summary	FY 2021 Actual	FY 2022 Adopted	FY 2023 Continuation	FY 2023 Issues	FY 2023 Budget	FY 2024 Budget
County Attorney	1.00	1.00	1.00	-	1.00	1.00
Deputy County Attorney	1.00	1.00	1.00	-	1.00	1.00
Asst. County Attorney	3.00	3.00	3.00	-	3.00	3.00
Sr. Asst County Attorney	-	1.00	1.00	-	1.00	1.00
Legal Administrator	1.00	1.00	1.00	-	1.00	1.00
Paralegal	1.00	1.00	1.00	-	1.00	1.00
Sr. Paralegal	1.00	1.00	1.00	-	1.00	1.00
Legal Records Manager	1.00	1.00	1.00	-	1.00	1.00
Sr. Legal Assistant	1.00	1.00	1.00	-	1.00	1.00
Legal Assistant	1.00	-	-	-	-	-
Administrative Associate III	1.00	-	-	-	-	-
Total Full-Time Equivalents (FTE)	12.00	11.00	11.00	-	11.00	11.00

The major variances for the FY 2023 County Attorney budget are as follows:

Increase to Program Funding:

1. Costs associated with the County's portion of retirement rates passed by the Florida Legislature, health insurance premium rates budgeted at 6%, increase in workers' compensation costs, and funding for 5% raises for all employees.
2. In response to the COVID pandemic, non-essential travel and training was reduced by 50% in FY 2021. In FY 2022, this funding was restored to 75%. This funding is restored to pre-pandemic levels in FY 2023.