

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, JUNE 13, 2019 AT 5:30 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE. CITY COMMISSION CHAMBERS, 105 S. SECOND STREET, FLAGLER BEACH, FLORIDA 32136

AGENDA

1. Call the meeting to order.
2. Pledge of Allegiance followed by a moment of silence to honor our Veterans, Members of the Armed Forces and First Responders.
3. Proclamations and Awards.
 - a. Commendation to Dr. Oscar DePasquale for his philanthropic assistance to the Flagler Beach Police Department.
 - b. Swearing in of Officer Evan Scherr.
4. Deletions and Changes to the Agenda.
5. Comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes.

CONSENT AGENDA

6. Approve the Minutes of the Regular Meeting of May 23, 2019.
7. Approve and authorize Mayor to sign the 2019/2020 Employee Assistance Program (EAP) Agreement.
8. Reject bids received for Bid No. FB-19-3004 WTP Clearwell & Electrical Building – Fred Griffith.
9. Award Bid No. FB-19-1405 Water Valve and Hydrant Improvements Phase “A” only to DB Civil Construction LLC in an amount not to exceed \$92,800.

GENERAL BUSINESS

10. Receive and update on the status of planned beach nourishment projects, federal and non-federal, within the Flagler Beach city limits – Olsen Associates and representatives from ACOE. – Time certain 6:00 p.m.
11. Request the Commission reconsider its March 28, 2019 vote to deny the appeal for a building permit at 1628 S. Ocean Shore Boulevard – Dennis Bayer, representing Richard Bazinet.
12. Receive a summary report on the 2019 Legislative Session – Edgar Fernandez, Anfield Consulting Group.
13. Discussion and possible direction to staff regarding panhandling ordinance development – Commissioner Eric Cooley.

COMMISSION COMMENTS

14. Commission comments, including reports from meetings attended.

PUBLIC HEARINGS

15. Ordinance 2019-08, an ordinance of the City of Flagler Beach, Florida, amending Article VII, "Signs," of the City of Flagler Beach Land Development Regulations; providing legislative findings; amending definitions; providing regulations and restrictions related to murals; providing for codification, conflicts, and an effective date – first reading.
16. Ordinance 2019-09, an ordinance of the City of Flagler Beach, Florida, amending Chapter 13, "Nuisances", Article II, "Noise", relating to noise regulations; amending regulations related to noise restrictions; providing for conflicts, severability, codification, and an effective date – first reading.

STAFF REPORTS

17. Staff Reports.
18. Adjournment.

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a CD of the meeting for \$3.00 at the City Clerk's office. Copies of CDs are only made upon request. The City is not responsible for any mechanical failure of the recording equipment. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext 233 at least 72 hours prior to the meeting. The City Commission reserves the right to request that all written material be on file with the City Clerk when the agenda item is submitted.

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, MAY 23, 2019 AT 5:30 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE. CITY COMMISSION CHAMBERS, 105 S. SECOND STREET, FLAGLER BEACH, FLORIDA 32136

#6

AMENDED AGENDA

PRESENT: Mayor Linda Provencher, Chair Kim M. Carney, Vice-Chair Marshall D. Shupe, Commissioners Eric Cooley and Jane Mealy, City Manager Larry Newsom, City Attorney D. Andrew Smith, III and Deputy City Clerk Jeanelle Jarrah.

ABSENT: Commissioner Rick Belhumeur.

1. CALL THE MEETING TO ORDER: Chair Carney called the meeting to order at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENCE TO HONOR OUR VETERANS, MEMBERS OF THE ARMED FORCES AND FIRST RESPONDERS: Mayor Provencher led the pledge to the flag.
3. PROCLAMATIONS AND AWARDS
 - a. PROCLAMATION DECLARING MAY 2019 AS "DRUG COURT MONTH" IN FLAGLER BEACH: Mayor Provencher read the proclamation and presented it to John Dioguardi, Mike Feldbauer and Dr. John Symeonides, from the Flagler County Drug Court Foundation.
4. DELETIONS AND CHANGES TO THE AGENDA: None.
5. COMMENTS REGARDING ITEMS NOT ON THE AGENDA. CITIZENS ARE ENCOURAGED TO SPEAK. HOWEVER, COMMENTS SHOULD BE LIMITED TO THREE MINUTES: None.

CONSENT AGENDA

6. APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 09, 2019:
7. APPROVE THE 2019/2020 RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION FUNDING AGREEMENT:
8. APPROVE RE-APPOINTMENTS TO THE POLICE PENSION BOARD:
9. APPROVE RE-APPOINTMENTS TO THE FIRE PENSION BOARD:

Chair Carney opened up public comments. No comments were made. Chair Carney closed public comments. Commissioner Mealy motioned to approve the consent agenda. Vice-Chair Shupe seconded the motion. The motion passed unanimously.

GENERAL BUSINESS

- 9.5 RECEIVE AN UPDATE REGARDING NEW DODGE THE DUNES 2.0 CAMPAIGN – AMY LUKASIK, PALM COAST AND THE FLAGLER BEACHES: Amy Lukasik informed the commissioners of the free tourism workshop that will be held in the City of Flagler Beach commission room on June 11, 2019 from 1:30 p.m. to 3:00 p.m. to help local businesses promote their business during the A1A construction project. Ms. Lukasik presented the new look of the "Dodge the Dunes" campaign evolving to "Bettering our Beach". The commission reached a consensus to allow Ms. Lukasik to move forward with printing the new designs.

10. CONSIDER APPLICATION: SP#19-05-01: CONSIDER A REQUEST FOR FINAL SITE PLAN APPROVAL FOR CONSTRUCTION OF A RETAIL BUSINESS FACILITY IN THE GENERAL COMMERCIAL ZONING DISTRICT. THE PROPERTY IS IDENTIFIED, AS FOLLOWS, ANDERSON CROSSING PARCEL 2, 2301 MOODY BLVD. PARCEL ID#11-12-31-0260-00000-0010 - STAFF ASSIGNED LARRY TORINO, CITY PLANNER: City Planner Larry Torino provided the commission with the information regarding the site plan for a new Sherwin William's store that would be located next to CVS, west of the Intercoastal. Discussion ensued regarding dumpster location, drain cleanout location, and the traffic pattern of the property location. City Planner Torino responded they completed a truck turning of the location that passed and when the third lot is developed west of this facility it will serve as additional parking and also a two way drive. Additional questions were posed regarding elevation, parking, and parameter screening. Chair Carney opened public comments. Harry Newkirk, Newkirk Engineering, made comments answering the questions that were posed. Chair Carney closed public comments. Vice-Chair Marshall Shupe motioned to approve application SP#19-05-01. Commissioner Mealy seconded the motion. The motion passed unanimously.
11. RESOLUTION 2019-11 A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA APPROVING A HIGHWAY LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE: City Attorney Smith read the resolution into the record. Chair Carney opened public comments. There were no comments made. Chair Carney closed public comments. Commissioner Mealy motioned to approve Resolution 2019-11. Commissioner Cooley seconded the motion. The motion passed unanimously, after a roll call vote.
12. RESOLUTION 2019-13 A RESOLUTION BY THE CITY OF FLAGLER BEACH, FLORIDA, PROVIDING FOR THE CITY OF FLAGLER BEACH TO BECOME A MEMBER OF THE AMERICAN FLOOD COALITION, PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE: City Attorney Smith read the resolution into the record. Chair Carney opened public comments. There were no comments made. Chair Carney closed public comments. Commissioner Mealy motioned to approve Resolution 2019-13. Commissioner Shupe seconded the motion. The motion passed unanimously, after a roll call vote.

The agenda moved to item #14

COMMISSION COMMENTS

13. COMMISSION COMMENTS, INCLUDING REPORTS FROM MEETINGS ATTENDED: The elected officials provided reports on their attendance at meetings, gatherings and events since their last regular meeting.

PUBLIC HEARINGS

14. RESOLUTION 2019-12 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SRF), ADOPTION OF THE WASTEWATER FACILITY PLAN (2019), PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE: City Attorney Smith read the resolution into the record. City Engineer Fred Griffith spoke addressing the resolution and introduced the representatives from Mead & Hunt: Brad Blais, Kevin Lee, and Casey Cissell. Kevin Lee presented a slide show outlining the history of the waste water treatment plant and the projected growth of the proposed developments. Discussion ensued regarding FDEP

requirements, beginning the design process; recommendation they are making is to expand to 2 million gallons per day. Discussion continued covering lowering the nitrogen in the water supply, reclaimed water and options for this distribution method, facility planning, eligibility for grant funding, and an implementation schedule, with August being the earliest date to apply for a design loan. The city can apply for SRF and grants for construction, only after the design is complete. Chair Carney opened public comments. Paul Harrington made a public comment. Chair Carney closed public comments. Commissioner Shupe motioned to approve Resolution 2019-12. Commissioner Mealy seconded the motion. The motion passed unanimously, after a roll call vote.

The agenda moved to item #13

STAFF REPORTS

15. STAFF REPORTS: City Attorney Smith spoke on the changes to the Wickline Center and the interlocal agreement with the county. City Manager Newsom spoke on his lunch with the other city managers in Flagler County and the positive energy the group foresees working together. Talked about a joint review process that each manager hopes to incorporate into their staff practices. Discussion ensued regarding law enforcement help on A1A, the Household Hazardous Waste Campaign, the potential for a Flagler County landfill, and the emergency and evacuation plan for the City of Flagler Beach.
16. ADJOURNMENT: Vice-Chair Shupe motioned to adjourn the meeting at 7:39 p.m. Commissioner Mealy seconded the motion. The motion passed unanimously.

Attest:

Kim M. Carney, Chair

Jeanelle Jarrah, Deputy City Clerk

#7



FLAGLER BEACH CITY COMMISSION

Meeting Date: June 28, 2018

Issue: Approve Employee Assistance Program provided by Dr. Townsend and Associates

From: Liz Mathis, Human Resource Officer

Organization: City of Flagler Beach

RECOMMENDATION:

Approve the renewal contract for the Employee Assistance Program (EAP) provided by Dr. Townsend and Associates effective 7/01/19 to 6/30/2020 and approve the Mayor to sign any necessary documents.

BACKGROUND: See attached renewal agreement from Dr. Townsend and Associates. The contract remains the same, however, there is a \$500.00 increase to the yearly contract cost. The Police Recruit Evaluation costs remain the same at \$300.00 per evaluation.

BUDGETARY IMPACT: The yearly contract has increased by \$500.00.

LEGAL CONSIDERATIONS/SIGN-OFF:

PERSONNEL:

POLICY/REQUIREMENT FOR BOARD ACTION:

IMPLEMENTATION/COORDINATION:

Attachments

Vanessa Townsend, Psy.D.
Licensed Psychologist

Steven P. Dingfelder, Ph.D.
Licensed Psychologist

Michael Meehan, LCSW
Licensed Clinical Social Worker

Melanie Nuskowski, Ph.D.
Licensed Psychologist



Jane Echterling, Ph.D.
Licensed Psychologist

Stuart Townsend, Psy.D.
Licensed Psychologist

Ralph Wyman, LMHC
Licensed Mental Health Counselor

Kelly Weidner, LMHC
Licensed Mental Health Counselor

Dr Townsend & Associates

Comprehensive Counseling Services

AGREEMENT

This Agreement is made and entered into this 1st day of July, 2019 between Dr. Townsend & Associates, P.A. and the City of Flagler Beach.

Whereas, the City of Flagler Beach wishes to provide an Employee Assistance Program (EAP) for all full-time employees or their family members. Whereas, Dr. Townsend & Associates wishes to provide this program for all full-time employees or their family members.

Now therefore, Dr. Townsend & Associates, P.A. and the City of Flagler Beach do hereby mutually agree to the following:

Dr. Townsend & Associates:

Will administer an EAP to the City of Flagler Beach fulltime employees or their family members who have personal problems. These problems include, but are not limited to alcohol and drug misuse, marital problems, excessive stress, anxiety/panic disorder, depression and parenting issues.

Will provide the following specific services on behalf of the City of Flagler Beach:

- A. Help in the implementation of the Employee Assistance Program (EAP) policy and procedure.
- B. Assist those employees or their family members who are self-referred, as well as those who are performance/supervisory referred. Referrals will be assisted in identifying their problem(s) and providing them with three (3) free counseling visits per employee or family member.
- C. Assure reasonable measures of confidentiality regarding the treatment of the City of Flagler Beach employees via the EAP.
- D. Visit with the City of Flagler Beach Director of Human Resources on request, twice per year.
- E. Offer follow-up refresher training for supervisors once each year, on request from City of Flagler Beach.

Employee Assistance Program Contract (continued)

- F. Provide an appropriately qualified or licensed therapist to work in the diagnosis, evaluation, treatment, and if necessary, the referral of employees or their family member.
- G. Provide monthly reports and a summary annual report of the progress of the services provided to The City of Flagler Beach.

The City of Flagler Beach will:

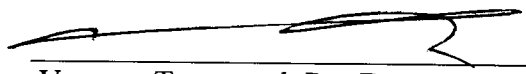
- A. Assist Dr. Townsend & Assoc., P.A. in delivering the EAP services to its employees.
- B. Provide on at least a once a year basis a letter to employees and their families indicating the existence of and support for the EAP.
- C. Provide all materials, supplies and clerical staff for the preparation and distribution of pre-program and ongoing program publicity. Brochures, letters, training materials and stamps are but a few of the items covered in this paragraph.
- D. Provide an appropriate area for training as are part of this Contract. This is to include the provision of necessary audio/visual equipment.
- E. Assure each employee that this program will maintain his/her confidentiality.
- F. Provide agreed upon reimbursement to Provider.

COMPENSATION:

The services and assistance offered through this Contract will be provided to The City of Flagler Beach for a discounted fee of \$2,500.00 per calendar year. This Contract shall remain in force for a period of one year from July 1, 2019 to June 30, 2020. This contract may be canceled by either party with 60 days written notice.

The above is agreed to by:

City of Flagler Beach



Vanessa Townsend, Psy.D.
Dr. Townsend & Associates, P.A.

Date

5/28/19

Date

Vanessa Townsend, Psy.D.
Licensed Psychologist

Steven P. Dingfelder, Ph.D.
Licensed Psychologist

Michael Meehan, LCSW
Licensed Clinical Social Worker

Melanie Nuskowski, Ph.D.
Licensed Psychologist



Stuart Townsend, Psy.D.
Licensed Psychologist

Ralph Wyman, LMHC
Licensed Mental Health Counselor

Jane Echterling, Ph.D.
Licensed Psychologist

Kelly Weidner, LMHC
Licensed Mental Health Counselor

Dr Townsend & Associates

Comprehensive Counseling Services

June 12, 2018

This Agreement, made and entered into this 1st day of July, 2019, between Dr. Townsend & Associates, P.A. hereinafter referred to as Associates and the City of Flagler Beach Police Department herein after referred to as FBPD.


Associates will provide new recruit evaluations consisting of a Personality Assessment Inventory (PAI), Inwald Personality Inventory -2 (IPI-2) and a face-to-face evaluative session with a licensed psychologist.

COMPENSATION:

The service offered through this Agreement will be provided to the FBPD at a rate of \$300.00 per evaluation per Agreement period. This Agreement shall remain in force for a period of one year from July 1, 2019 through June 30, 2020.

The above is agreed to by:

5/22/19
Date



Vanessa Townsend, Psy.D.
Dr. Townsend & Associates, P.A.

Date

City of Flagler Beach



FLAGLER BEACH CITY COMMISSION

Item No. **8**

City Manager's Report

Meeting Date: June 12, 2019

Issue: Bid Award for WTP Clearwell Cover and Electrical Building - Bid No. FB -19-3004

From: Larry Newsom

Organization: City of Flagler Beach

RECOMMENDATION: To reject all bids due to financial considerations / limitations.

BACKGROUND:

The WTP Clearwell Cover and Electrical Building Project was recently advertised with bids being publicly opened on 5-7-19 with four bidders participating. Please see our consultant's recommendation letter attached with their bid summary and analysis. This project was estimated by our consultant to cost approximately \$800,000 however all bids surprisingly were received at \$1.3 million or greater, see bid tabulation sheet. We therefore are recommending that all bids be rejected at this time.

We are currently now planning to direct our engineering consultants to revise the project and possibly utilizing different materials, perform additional value engineering, evaluate and consider different contracting methods, and eventually rebid the project allowing us as a minimum to construct the VFD and pump upgrades. This revised project may be then initiated later this or next fiscal year. Additional funding may then need to be requested next fiscal year with our FY 2019-2020 Capital Budget request.

BUDGETARY IMPACT : N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

PERSONNEL: Engineering, Clerk

POLICY/REQUIREMENT FOR BOARD ACTION: N/A

IMPLEMENTATION/COORDINATION: Engineering, Mead Hunt, and Clerk.

Attachments

- **Consultant Recommendation Letter**
Bid Tabulation Sheet



May 24, 2019

Mr. Fred Griffith, P.E.
Public Works Director/City Engineer
City of Flagler Beach
105 Second Street
Flagler Beach, FL 32136

Email: fgriffith@cityofflaglerbeach.com
Hard Copy Mailed Only on Request

**CITY OF FLAGLER BEACH
WTP CLEARWELL COVER AND ELECTRICAL BUILDING
BID NO. FB-19-3004
RECOMMENDATION TO REJECT ALL BIDS**

Dear Fred,

Four bids were received May 7, 2019 for the above referenced project. All of the bids were significantly higher than the estimate and the budgeted amount. See attached bid tabulation for the bid results. It is our opinion that the current bidding environment is not favorable for this project and the cost to construct these improvements exceeds the value offered by this project at this time. Therefore, we recommend rejecting all bids, modifying the scope of work and re-bidding the project.

As to why the project bids were so much higher than the estimate, we offer the following explanation. Generally, bid pricing for all utility projects in Central Florida are approximately 25-30% higher than they were this time last year. All of the general and utility contractors are busy, and most are having a hard time obtaining staffing to keep pace with new projects. This is especially true for specialty contractors.

If you have additional questions do not hesitate to call.

Respectfully,
MEAD & HUNT, INC.

Kevin A. Lee, P.E.
Project Manager

KAL:bf

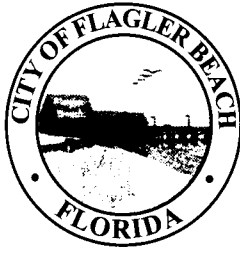
Attachment: Bid Tabulation

MEAD & HUNT, INC.
CITY OF FLAGLER BEACH
WTP CLEARWELL COVER & ELECTRICAL BUILDING
BID NO. FB-19-3004
BID TABULATION

| Item | Description | Qty. | Unit | WPC Industrial Contractors, LLC | | Sawcross, Inc. | | SGS Contracting Services, Inc. | | McMahan Construction Co., Inc. | |
|-----------------|---------------------------------------|------|------|---------------------------------|---------------------|----------------|---------------------|--------------------------------|---------------------|--------------------------------|---------------------|
| | | | | Unit Cost | Cost | Unit Cost | Cost | Unit Cost | Cost | Unit Cost | Cost |
| 1 | Mobilization | 1 | LS | \$ 95,000 | \$ 95,000 | \$ 130,000 | \$ 130,000 | \$ 35,000 | \$ 35,000 | \$ 60,000 | \$ 60,000 |
| 2 | Clearwell Tank Cover and Baffle Walls | 1 | LS | \$ 289,000 | \$ 289,000 | \$ 530,000 | \$ 530,000 | \$ 580,700 | \$ 580,700 | \$ 803,000 | \$ 803,000 |
| 3 | Clearwell Pump Station | 1 | LS | \$ 176,000 | \$ 176,000 | \$ 120,000 | \$ 120,000 | \$ 150,000 | \$ 150,000 | \$ 150,000 | \$ 150,000 |
| 4 | Yard Piping | 1 | LS | \$ 165,000 | \$ 165,000 | \$ 90,000 | \$ 90,000 | \$ 160,000 | \$ 160,000 | \$ 200,000 | \$ 200,000 |
| 5 | Odor Control Piping | 1 | LS | \$ 35,000 | \$ 35,000 | \$ 10,000 | \$ 10,000 | \$ 10,000 | \$ 10,000 | \$ 10,000 | \$ 10,000 |
| 6 | Electrical Building | 1 | LS | \$ 135,000 | \$ 135,000 | \$ 90,000 | \$ 90,000 | \$ 75,000 | \$ 75,000 | \$ 95,000 | \$ 95,000 |
| 7 | Instrumentation | 1 | LS | \$ 235,000 | \$ 235,000 | \$ 230,000 | \$ 230,000 | \$ 240,000 | \$ 240,000 | \$ 225,000 | \$ 225,000 |
| 8 | Electrical | 1 | LS | \$ 195,000 | \$ 195,000 | \$ 140,000 | \$ 140,000 | \$ 146,000 | \$ 146,000 | \$ 127,000 | \$ 127,000 |
| 9 | As-Builts | 1 | LS | \$ 5,000 | \$ 5,000 | \$ 5,000 | \$ 5,000 | \$ 2,000 | \$ 2,000 | \$ 3,000 | \$ 3,000 |
| 10 | Permit Allowance | 1 | LS | \$ 25,000 | \$ 25,000 | \$ 25,000 | \$ 25,000 | \$ 25,000 | \$ 25,000 | \$ 25,000 | \$ 25,000 |
| Subtotal | | | | | \$ 1,355,000 | | \$ 1,370,000 | | \$ 1,423,700 | | \$ 1,698,000 |

Notes:

1. SGS's written bid amount was \$1,398,700.




City of Flagler Beach

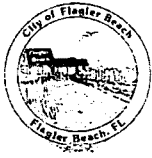
P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2008

MEMO

DATE: June 05, 2019
TO: Bid Package Holders City of Flagler Beach Bid No. FB-19-3004 WTP Clearwell
Cover and Electrical Building
FROM: Penny Overstreet, City Clerk 
SUBJECT: Recommendation to award Bid - Memo containing the recommendation of
award for the WTP Clearwell Cover and Electrical Building Bid No. FB-19-3004

The advertisement for the Invitation to Bid on the above referenced project ran as a legal ad one time in a newspaper of general circulation, the Daytona Beach News Journal, on Sunday, March 31, 2019, as well as on the City's web-site, and listed with two (2) Construction Project Warehouses. The City provided the bid package to four (4) vendors of those recipients four (4) responded with bids. After a review by Staff of the respondents bid packages and supporting documents. Staff determined the bids submitted for the project were grossly more than current funds that were available in this budget year. Therefore, Staff is recommending the Board reject all of the received bids.



FLAGLER BEACH CITY COMMISSION

City Manager's Report

Item No. 9

Meeting Date: June 12, 2019

Issue: Award Bid No. FB-19-1405 Water Valve & Hydrant Improvements Phase "A" only to DB Civil Construction, LLC in an amount not to exceed \$92,800.00.

From: Larry Newsom

Organization: City of Flagler Beach

A handwritten signature in black ink, appearing to be "L. Newsom", written over the "From:" and "Organization:" lines.

RECOMMENDATION: To award the Water Valve and Hydrant Project - Bid No. 2019-1405 for Phase A, only, to DB Civil Construction LLC. In the amount of \$92,800.

BACKGROUND:

This project was recently advertised with bids being publicly opened on 5-21-19 with two bidders participating. Please see our consultant's recommendation letter attached with their bid summary and analysis. Within the Phase "A" portion of this project, fourteen fire hydrants were identified by the fire department and the water distribution staff as needing to be replaced immediately. Insufficient funds were initially budgeted this year however funding adjustments have been made to allow us to award this Phase "A" work to be accomplished now with your approval.

The Phase "B" portion of the bid contained costs associated with necessary valve installations. These bid costs were grossly more than what we currently had funds available this year. We intend to rebid the Phase "B" valve portion again early next fiscal year and make a greater effort to acquire more competitive bidding to lower unit prices and total project costs. This project's estimated valve construction costs will be included in our future FY 2019-2020 Capital Budget request.

BUDGETARY IMPACT: The City budgeted \$10,000 for fire hydrant replacement Phase A and \$50,000 for Valve Replacement Phase B in the 2018-19 Budget. The City entered into a work assignment with Mead & Hunt for Bidding Phase Assistance in the amount of \$10,935. The recommended bid from DB Civil Construction was \$92,800 for Phase A and \$352,600 for Phase B.

Phase B will be budgeted in the 2019-20 Fiscal Year Budget.

In order to fund Phase A, staff suggests moving the remaining \$39,000 from Phase B to Phase A. Transferring funds from the Water Treatment Plant, Capital Equipment in the amount of \$25,000 and use \$18,800 from the Infrastructure Reserve.

LEGAL CONSIDERATIONS/SIGN-OFF:

PERSONNEL: Engineering, Finance and Clerk

POLICY/REQUIREMENT FOR BOARD ACTION: N/A

IMPLEMENTATION/COORDINATION: Engineering, Mead Hunt, Finance, and Clerk.

Attachments

- Consultant Recommendation



May 23, 2019

Fred Griffith, P.E.
Public Works Director/City Engineer
City of Flagler Beach
105 Second Street
Flagler Beach, FL 32136

Email: fgriffith@cityofflaglerbeach.com
Hard Copy Mailed Only on Request

**RE: Water Valve and Hydrant Improvements
Bid No. 2019-1405**

Dear Fred,

On May 21, 2019 the City received two (2) bids for the above subject project. See the attached bid tabulation. Both bids were found complete and we recommend both be deemed responsive. Both contractor's licenses are current and in good standing with no active complaints against them.

We understand the submitted bid amounts exceeds the City's budget for the project, but some funds could be reallocated to be able to fund part A of the project which involves the hydrants. In considering Part A bids only, DB Civil Construction LLC of Ormond Beach submitted the lowest bid of \$92,800.

The City is familiar with DB Civil due to their current work on the SRA1A project as a subcontractor to Superior performing the City's water and sewer main work.

Based on our understanding that the City can only fund Part A of the project as bid and the City's satisfaction of DB Civil's knowledge and abilities, we recommend award of bid number 2019-1405 to DB Civil Construction LLC in the amount of \$92,800. Please contact our office if you have any questions or need additional information.

Sincerely,

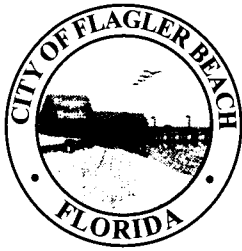
David A. King, P.E.
Vice President/Business Unit Leader

DAK:bf

Attachment: Bid Tabulation

BID TABULATION
FY19/20 WATER VALVE AND HYDRANT IMPROVEMENTS
BID NO. 2019-1405
May 22, 2019

| Item | Description | Qty | Unit | 51 SITE SERVICES | | DB CIVIL CONSTRUCTION LLC | |
|--------------------------------------|---|-----|------|------------------|---------------------|---------------------------|---------------------|
| | | | | Unit Cost | Cost | Unit Cost | Cost |
| Part A (FY19 Scope of Work) | | | | | | | |
| 1 | FH on N. Central at N. 20th | 1 | LS | \$7,500.00 | \$7,500.00 | \$4,900.00 | \$4,900.00 |
| 2 | FH on N. Central in 1700 Block | 1 | LS | \$7,500.00 | \$7,500.00 | \$7,700.00 | \$7,700.00 |
| 3 | FH on N. Daytona at Cypress | 1 | LS | \$7,500.00 | \$7,500.00 | \$6,800.00 | \$6,800.00 |
| 4 | FH on west end of N. 12th | 1 | LS | \$7,500.00 | \$7,500.00 | \$9,400.00 | \$9,400.00 |
| 5 | FH on west end of N. 11th | 1 | LS | \$7,500.00 | \$7,500.00 | \$7,500.00 | \$7,500.00 |
| 6 | FH on N. Central at N. 9th | 1 | LS | \$7,500.00 | \$7,500.00 | \$4,900.00 | \$4,900.00 |
| 7 | 6" Insertion Valve at FH #6 | 1 | LS | \$13,850.00 | \$13,850.00 | \$9,400.00 | \$9,400.00 |
| 8 | FH on John Anderson at Joyce | 1 | LS | \$7,500.00 | \$7,500.00 | \$4,900.00 | \$4,900.00 |
| 9 | FH on Avalon, north of Moody | 1 | LS | \$7,500.00 | \$7,500.00 | \$7,700.00 | \$7,700.00 |
| 10 | FH on S. Central at S. 5th | 1 | LS | \$7,500.00 | \$7,500.00 | \$10,000.00 | \$10,000.00 |
| 11 | FH on S. Central at S. 21st | 1 | LS | \$7,500.00 | \$7,500.00 | \$4,900.00 | \$4,900.00 |
| 12 | FH on S. Central in 2500 block | 1 | LS | \$7,500.00 | \$7,500.00 | \$4,900.00 | \$4,900.00 |
| 13 | FH on Windsong | 1 | LS | \$7,500.00 | \$7,500.00 | \$4,900.00 | \$4,900.00 |
| 14 | FH on S. Central, south of Country Club | 1 | LS | \$7,500.00 | \$7,500.00 | \$4,900.00 | \$4,900.00 |
| Part A (FY19 Scope) Total | | | | | \$111,350.00 | | \$92,800.00 |
| Part B (FY20 Scope of Work) | | | | | | | |
| 1 | 16" Valve on SR100 WM at A1A | 1 | LS | \$18,850.00 | \$18,850.00 | \$41,200.00 | \$41,200.00 |
| 2 | 16" Valve on S. 3rd WM at S. Flagler | 1 | LS | \$18,850.00 | \$18,850.00 | \$41,500.00 | \$41,500.00 |
| 3 | 16" Valve on S. 3rd WM at A1A | 1 | LS | \$18,850.00 | \$18,850.00 | \$47,900.00 | \$47,900.00 |
| 4 | 8" Valve on S. 4th WM at S. Central Ave. | 1 | LS | \$16,850.00 | \$16,850.00 | \$25,000.00 | \$25,000.00 |
| 5 | 2" Valve on S. 13th WM at S. Central Ave. | 1 | LS | \$12,850.00 | \$12,850.00 | \$7,200.00 | \$7,200.00 |
| 6 | 6" Valve on S. 15th St. WM at S. Central Ave. | 1 | LS | \$15,850.00 | \$15,850.00 | \$11,800.00 | \$11,800.00 |
| 7 | 6" Valve on S. 15th St. WM at S. Flagler Ave. | 1 | LS | \$15,850.00 | \$15,850.00 | \$12,400.00 | \$12,400.00 |
| 8 | 2" Valve on S. 15th St. WM at S. Flagler Ave. | 1 | LS | \$12,850.00 | \$12,850.00 | \$3,300.00 | \$3,300.00 |
| 9 | 3" Valve on S. 19th St. WM at S. Flagler Ave. | 1 | LS | \$13,850.00 | \$13,850.00 | \$5,600.00 | \$5,600.00 |
| 10 | 3" Valve on S. 19th St. WM at S. Daytona Ave. | 1 | LS | \$13,850.00 | \$13,850.00 | \$5,800.00 | \$5,800.00 |
| 11 | 6" Valve on S. 27th St. WM at S. Central Ave. | 1 | LS | \$15,850.00 | \$15,850.00 | \$13,400.00 | \$13,400.00 |
| 12 | 2" tie-in on Windsong from A1A to S. Central Ave. | 1 | LS | \$12,850.00 | \$12,850.00 | \$6,600.00 | \$6,600.00 |
| 13 | 8" WM at Elevated Tank/Tapping Sleeve | 1 | LS | \$22,350.00 | \$22,350.00 | \$10,350.00 | \$10,350.00 |
| 14 | 16" Valve on S. 3rd St. WM at S. Central Ave. | 1 | LS | \$18,850.00 | \$18,850.00 | \$48,750.00 | \$48,750.00 |
| 15 | 6" Valve on S. 12th St. WM at S. Daytona Ave. | 1 | LS | \$15,850.00 | \$15,850.00 | \$14,500.00 | \$14,500.00 |
| 16 | 2" Valve on S. 17th St. WM at S. Flagler Ave. | 1 | LS | \$12,850.00 | \$12,850.00 | \$5,700.00 | \$5,700.00 |
| 17 | 8" Valve on S. 20th St. WM at S. Central Ave. | 1 | LS | \$16,850.00 | \$16,850.00 | \$19,900.00 | \$19,900.00 |
| 18 | 6" Valve on S. 21st St. WM at S. Central Ave. | 1 | LS | \$15,850.00 | \$15,850.00 | \$11,800.00 | \$11,800.00 |
| 19 | 8" Valve at 3509 S. Central Ave. | 1 | LS | \$16,850.00 | \$16,850.00 | \$19,900.00 | \$19,900.00 |
| Part B (FY 20 Scope) Total | | | | | \$306,650.00 | | \$352,600.00 |
| Grand Total (Part A + Part B) | | | | | \$418,000.00 | | \$445,400.00 |




City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2008

MEMO

DATE: June 05, 2019
TO: Bid Package Holders City of Flagler Beach Bid No. FB-2019-1405 FY 19/20
Water valve and Hydrant Improvements
FROM: Penny Overstreet, City Clerk 
SUBJECT: Recommendation to award Bid - Memo containing the recommendation of
award for the FY 19/20 Water valve and Hydrant Improvements Bid No. FB-
2019-1405.

The advertisement for the Invitation to Bid on the above referenced project ran as a legal ad one time in a newspaper of general circulation, the Daytona Beach News Journal, on Sunday, April 21, 2019, as well as on the City's web-site, and listed with two (2) Construction Project Warehouses. The number of vendors the bid package directed the to is unknown, of those recipients two (2) responded with bids. After a review by Staff of the respondents bid packages and supporting documents. Staff determined the bids submitted for Phase "B" of the project were grossly more than current funds that were available in this budget year. Therefore, the Phase "B" bids are being rejected. Staff recommends the City Commission award the Phase "A" of the Project to DB Civil Construction, LLC, the lowest most responsive and responsible bidder. Low bid submitted for Phase "A" was \$92,800.00

#10

City of Flagler Beach Agenda Application

INDIVIDUAL'S NAME: Faith Alkhatib, Public Works Director and County Engineer

BUSINESS NAME: Flagler County
(If Applicable)

STREET ADDRESS: N/A
(If within City of Flagler Beach)

MAILING ADDRESS: 1769 E. Moody Blvd., Bldg. 2, Bunnell, FL 32110
(Please provide City & Zip Code)

PHONE NUMBER: (386) 313-4045

EMAIL: falkhatib@flaglercounty.org

SUBJECT MATTER TO BE DISCUSSED WITH THE COMMISSION:
(This is the wording you would like on the agenda)

UPDATE ON STATUS OF PLANNED BEACH NOURISHMENT PROJECTS, FEDERAL AND NON-
FEDERAL, WITHIN THE CITY OF FLAGLER BEACH

BACKGROUND INFORMATION REGARDING THE SUBJECT:

(OVER)

City of Flagler Beach

Agenda Application Continued

REQUESTED ACTION SOUGHT FROM THE COMMISSION:

Short presentation, approximately 10 minutes each, for the Federal and Non-Federal beach

nourishment projects planned within the City of Flagler Beach.

ATTACHMENTS:

Please note the City Commission's Rules of Procedures require all supporting documents to be provided at the time the agenda application is submitted. Please refrain from handing out material at the Commission Meetings.

The maximum time allowed for each request is 10 minutes.


SIGNATURE OF APPLICANT

May 28, 2019
DATE

Penny Overstreet

From: Richard G. Gordon, P.E. <rgordon@flaglercounty.org>
Sent: Wednesday, May 29, 2019 9:00 AM
To: Penny Overstreet
Cc: Faith Alkhatib, P.E., MBA; Gracie Rezba
Subject: Flagler Beach City Commission Agenda
Attachments: 6-13-19 AGENDA APPLICATION.pdf

Ms. Overstreet,
Good morning.

Please find the attached request to be placed on the City Commission's agenda for June 13, 2019 meeting. Flagler County would like the opportunity to present a short update to the Commissioners of both the Federal and Non-Federal funded beach nourishment projects that are planned to be performed in the City. The Federal project information will be presented by U.S. Army Corps of Engineers representatives and the Non-Federal project information will be presented by the County's Consultant, Olsen Associates.

As both of the presenters will be coming from out of town, is it possible that a "time certain" for this agenda item can be assigned near the meeting beginning? If so, please advise us of the time that is assigned. The information is planned to be given by a power point presentation from a lap top. Please advise us if the City's facilities can accommodate this.

Thank you in advance and your assistance is appreciated.

Richard G. Gordon, P.E.

Assistant Public Works Director & Assistant County Engineer

E: rgordon@flaglercounty.org | V: 386-313-4046 F: 386-313-4106 | W: www.flaglercounty.org



**Flagler County Board of County
Commissioners**

1769 E. Moody Blvd., Bldg 2
Bunnell, FL 32110



PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Flagler County Board of County Commissioners and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

#11

City of Flagler Beach Agenda Application

INDIVIDUAL'S NAME: Richard A. Bazinet

BUSINESS NAME: _____
(If Applicable)

STREET ADDRESS: 1628 S. Oceanshore Blvd.
(If within City of Flagler Beach)

MAILING ADDRESS: c/o Dennis Bayer
109 S. 6th St., Flagler Beach FL 32136
(Please provide City & Zip Code)

PHONE NUMBER: (386) 439 2332

EMAIL: Dennis @ Bayerlegal.com

SUBJECT MATTER TO BE DISCUSSED WITH THE COMMISSION:
(This is the wording you would like on the agenda)

Requesting the Board reconsider its prior
vote on this matter. See attached letter.

BACKGROUND INFORMATION REGARDING THE SUBJECT:

See attached letter

(OVER)

City of Flagler Beach

Agenda Application Continued

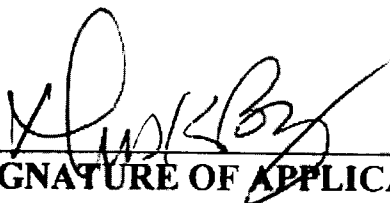
REQUESTED ACTION SOUGHT FROM THE COMMISSION:

Allow Mr. Bazinet to obtain
a permit to re-build his house

ATTACHMENTS: Letter of Explanation with
Exhibits

Please note the City Commission's Rules of Procedures require all supporting documents to be provided at the time the agenda application is submitted. Please refrain from handing out material at the Commission Meetings.

The maximum time allowed for each request is 10 minutes.


SIGNATURE OF APPLICANT

5/21/19
DATE

Dennis K. Bayer

◆
Attorney

Dennis K. Bayer, Esq.
dennisb@bayermaguirelegal.com

109 South 6th Street, Suite 200
Flagler Beach, FL 32136
Tel: 386-439-2332
Fax: 386-439-6522

City Commission
City of Flagler Beach

RE: Request for Re-consideration of Permit Denial
1628 South Oceanshore Boulevard

Dear Commissioners,

On behalf of Mr. Bazinet, the property owner of 1628 South Oceanshore Blvd., which is located within the City of Flagler Beach, we respectfully request your re-consideration of his application for his desired, continued re-development of the dilapidated house contained on that property. Our request is based particularly on new evidence as to the current trends of our city in allowing others to do the very same in the hopes of the continued renovation of dilapidated structures that have become attractive nuisances and eyesores, especially when the work does not increase the density or intensity of use or impact. I am now joined in this matter by co-counsel, James G. Whitehouse, Esq. of St. Johns Law Group. He is certified by the Florida Bar as an expert and specialist in city, county and local government law matters and he will lend his expertise to this matter.

Mr. Bazinet initially approached the city to discuss the rehabilitation and/or rebuilding of this derelict structure and he was advised by city staff that he could either rehabilitate it or demolish it and then rebuild a structure in its place. Based upon and in reliance upon that guidance from city staff, he made various inquiries as to the issues involved and costs of both options and determined that the most reasonable option was to partially demolish the structure and then rebuild it, including replacing the electrical and utility infrastructure. In that light, he expended funds, once again in reliance upon the guidance that he had received from the city staff, and had plans drawn up and engineered to further this partial demolition and rebuild project. Thereafter, he made application for and obtained a demolition permit and then applied for a building permit with the fully engineered plans that he had paid for based upon his reliance on the guidance from city staff. Even though Mr. Bazinet and his professionals were guided to believe that he would be able to either rehabilitate or demolish and rebuild a structure on the same footprint, when his plans were reviewed by the building department, Mr. Torino denied the

permit stating that he could not rehabilitate the derelict house because the costs of improvement exceeded 70% of the assessed value for the property, and that he could not rebuild the house because even though Mr. Bazinet decreased the scope of the work, all the while keeping the home within the existing foot print without adding a second story, the rebuild would be out of compliance since the current non-conforming structure violated the setback where the home abuts the alley way.

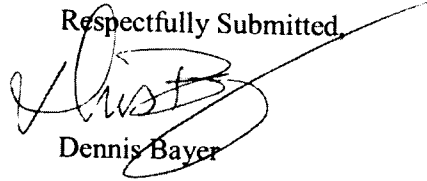
As you will recall, Mr. Bazinet merely seeks to fix up this derelict property. The house has been an eyesore and a nuisance for the area. In fact, all of the neighbors supported Mr. Bazinet's efforts and they specifically voiced their approval and support for this design for the project. This rebuild is in line with the many other rehabilitation and rebuilding projects throughout our city. As houses have aged and been neglected, there have been a number of homes that have become attractive nuisances on our city streets, many of which still sit in place today without anyone willing to expend the funds to fix them up or replace them.

Since I am a longtime local business owner and supporter of the rehabilitation of our area, particularly the many derelict structures that have begun to litter our landscape, I continued to rack my brain to try think of or find a way for my client to achieve his goal of fixing up his structure. In that same light, soon after the hearing, I noticed several other older homes in the vicinity of 1628 South Oceanshore Blvd. that were also undergoing major construction. One in particular at 1531 South Central was adding a second floor and additional first floor area despite appearing to me to have the similar issue as to being non-conforming and not having a compliant side yard setback. Attached is a photograph in the permit file. While in complete support of that project, I researched the file to attempt to determine their angle so as to use the same for Mr. Bazinet. I found that the repairs in that case exceed \$131,000.00, even though the building was assessed at \$66,000.00. Despite the repairs significantly exceeding the value of the building, a permit was issued without any of the valuation review being performed. Attached is a string of emails exchanged with Mr. Torino who acknowledges that the repair cost analysis was not done and further that he does not think that the setback issue for this property is "significant." As you can see from the attached rendering of my client's home, the degree of impact and scale of development is much less for Mr. Bazinet's property than for the other. Once again, I support this rehabilitation and that of many of the other houses in our area, but based upon the city's support of these many other projects, I respectfully ask and would hope that we could come to a similar interpretation to allow Mr. Bazinet to continue and finish the similar work that he has started at 1628 South Oceanshore Blvd.

In sum, Mr. Bazinet thought that he had received good news when the city staff advised him that if he purchased the property and sought to rehabilitate or replace the derelict house that he would be able to do so. Unfortunately, although he has not changed his plan or his resolve, and despite the fact that he was granted the demolition permit and he in fact partially demolished the home, he is now being told that he cannot continue. This lot is very constrained by both its size and by the CCCL. The appropriate and reasonable placement for the house is where the current structure sat. A fair and reasonable interpretation would be to allow this less intense structure to be continued and completed. Such does not cause any particular harm or problem to any adjacent property. In fact, the surrounding property owners have voiced their support for the project as designed.

Given the totality of the circumstances, including the staff guidance upon which Mr. Bazinet relied and the city's own resolve to foster the replacement/rehabilitation of the many dilapidated structures in our jurisdiction through appropriate and reasonable staff and board interpretation, we are respectfully requesting that the commission take a second look at this matter and help to find a way to foster Mr. Bazinet's ability to finish the rebuilding/replacement of this derelict structure on his property.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Dennis Bayer", is written over the printed name. The signature is stylized and includes a long horizontal stroke extending to the right.

Dennis Bayer



Dennis Bayer

From: Larry Torino <LTorino@CityofFlaglerBeach.com>
Sent: Thursday, April 25, 2019 9:36 AM
To: Dennis Bayer
Subject: RE: Wrong address

Good Morning,
Not a problem. I would agree with you however, there remains the rest of the story. How it plays out, so be it.
All Good,
Larry T

-----Original Message-----

From: Dennis Bayer <dennisb@bayermaguirelegal.com>
Sent: Tuesday, April 23, 2019 1:23 PM
To: Larry Torino <LTorino@CityofFlaglerBeach.com>
Cc: Drew Smith <dsmith@shepardfirm.com>; Penny Overstreet <POverstreet@CityofFlaglerBeach.com>; Marlene Beams <MBeams@CityofFlaglerBeach.com>; Dennis Bayer <dennisb@bayermaguirelegal.com>
Subject: RE: Wrong address

Thanks Larry,
Not trying to be overly critical of you, but I don't always agree with judgment calls- I would argue that the setback in our case is less of an issue because it is on an alley way, the house here has a set back issue with other improved properties which could be a safety issue.

Dennis

Dennis Bayer
Attorney at Law | Circuit Court Mediator | Bayer Law
109 South 6th Street, Flagler Beach Fl., 32136
Dennisb@bayermaguirelegal.com 386.439.2332

-----Original Message-----

From: Larry Torino <LTorino@CityofFlaglerBeach.com>
Sent: Tuesday, April 23, 2019 12:48 PM
To: Dennis Bayer <dennisb@bayermaguirelegal.com>
Cc: Drew Smith <dsmith@shepardfirm.com>; Penny Overstreet <POverstreet@CityofFlaglerBeach.com>; Marlene Beams <MBeams@CityofFlaglerBeach.com>

Subject: RE: Wrong address

Dennis, given the public records request, I defer to The City Clerk's office to initiate that process. As to a different standard being applied, if you are referring to the zoning aspect, I will limit that response to comments stated at the City Commission mtg. that you attended on behalf of the owner of 1628 S Ocean Shore.

Penny has been copied to alert her of a pending records request.

Larry T

-----Original Message-----

From: Dennis Bayer <dennisb@bayermaguirelegal.com>
Sent: Tuesday, April 23, 2019 11:31 AM
To: Larry Torino <LTorino@CityofFlaglerBeach.com>
Cc: Drew Smith <dsmith@shepardfirm.com>
Subject: RE: Wrong address

Larry

This explanation does not make sense to me. It seems that a different standard is being applied. Why was my client's property scrutinized more than this one? Please consider this to be a public records request for the permit file for this property, including all communications with the owner and builder.

Dennis

Dennis Bayer
Attorney at Law | Circuit Court Mediator | Bayer Law
109 South 6th Street, Flagler Beach Fl., 32136
Dennisb@bayermaguirelegal.com 386.439.2332

-----Original Message-----

From: Larry Torino <LTorino@CityofFlaglerBeach.com>
Sent: Tuesday, April 23, 2019 11:25 AM
To: Dennis Bayer <dennisb@bayermaguirelegal.com>
Subject: RE: Wrong address

Good Morning,

With reference to 1531 S. Central:

A check of file records indicates that a zoning review was not conducted for this permit application when submitted. I cannot answer why that occurred. I recall Joseph Pozzuoli

meeting with me during the conceptual design phase. As I recall, with the exception of a non-conforming side setback, all other setback standards were compliant, including the proposed renovation to the front open porch and steps.

A side setback on one side of the property for an attached accessory structure with a lower profile than the main structure, although not to current standards, was deemed acceptable.

Larry T

-----Original Message-----

From: Dennis Bayer <dennisb@bayermaguirelegal.com>

Sent: Monday, April 22, 2019 4:46 PM

To: Larry Torino <LTorino@CityofFlaglerBeach.com>

Subject: RE: Wrong address

Hello, Larry

Any updates on this inquiry?

Dennis

Dennis Bayer

Attorney at Law | Circuit Court Mediator | Bayer Law

109 South 6th Street, Flagler Beach Fl., 32136

Dennisb@bayermaguirelegal.com 386.439.2332

-----Original Message-----

From: Dennis Bayer

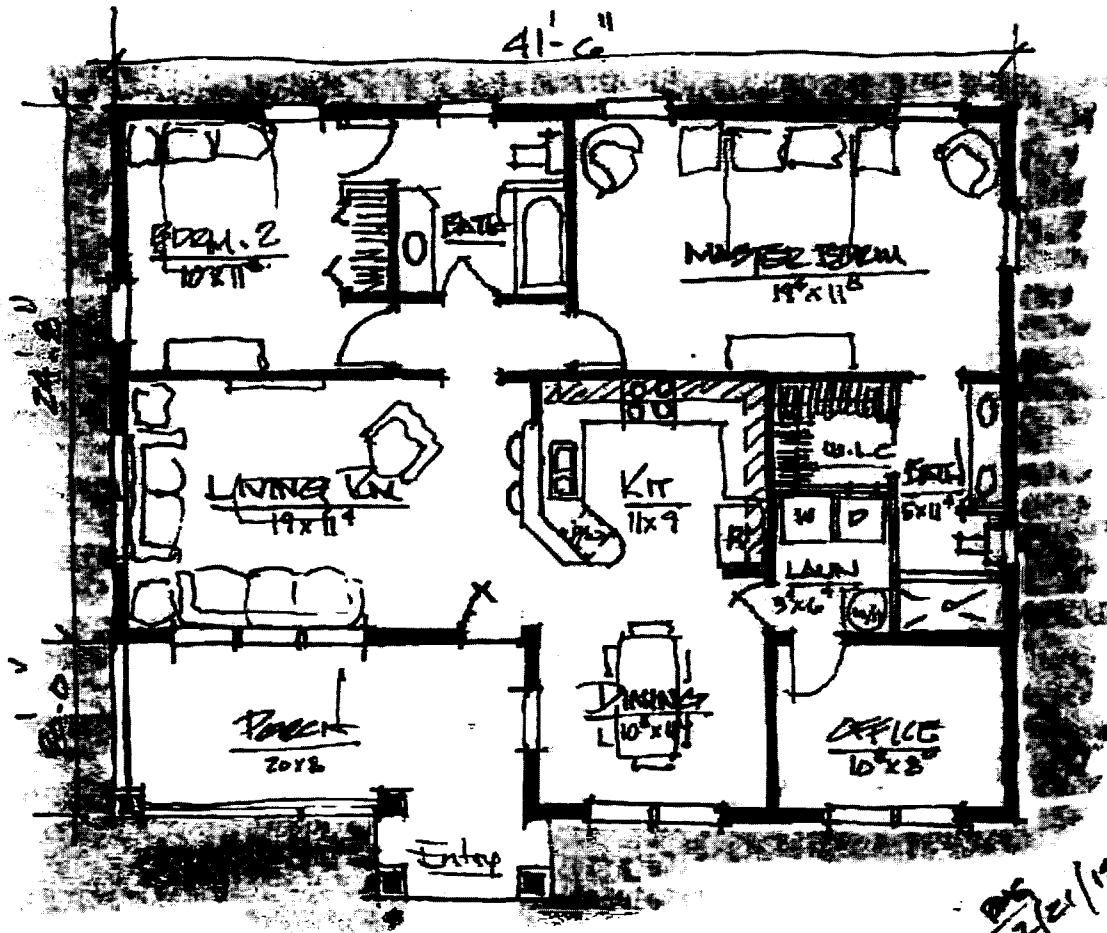
Sent: Wednesday, April 10, 2019 12:53 PM

To: LTorino@CityofFlaglerBeach.com

Subject: Wrong address

Larry

Looks like the address is 1531 south central



PROPOSED FLOOR PLAN

1/8" = 1'-0"



FRONT ELEV.

1/8" = 1'-0"

Planner Torino advised he would provide a staff report early next week. P.

Motion by Commissioner Mealy to approve the consent agenda. Commissioner Shupe seconded the motion. Chair Carney opened public comments. Commissioner Belhumeur indicated he wished to pull item 7 for discussion. No other comments were offered. Chairman Carney closed public comment. Commissioner Mealy and Shupe withdrew their motion and second. Motion by Commissioner Mealy to approve Item six and eight. The motion was amended to indicated the approval of the amended minutes of March 14, 2019 and item eight. Commissioner Shupe seconded the amended motion. The amended motion carried unanimously.

ITEM 7: Commissioner Belhumeur questioned if the amounts would change. Attorney Smith indicated it was unlikely, that the agreement was pretty straightforward. No other discussion occurred. Motion by Commissioner Belhumeur to approve consent agenda item seven. Commissioner Mealy seconded the motion. The motion carried unanimously.

GENERAL BUSINESS



9. CONSIDER AN APPEAL REGARDING THE DENIAL OF A BUILDING PERMIT AS A RESULT OF A NON-CONFORMING USE DETERMINATION – APPLICANT RICHARD BAZINET – REPRESENTED BY DENNIS BAYER:

Attorney Bayer reviewed his client’s request indicating his client reduced and downgraded construction items to reduce cost to meet the percentage ratio. Attorney Bayer indicated the neighbors are satisfied with the improvements as the building was an eyesore. City Planner, Larry Torino, reviewed staff’s position. Mr. Torino wanted to be clear this is a non-conforming structure, not a non-conforming use. Mr. Torino reported incidental maintenance is permitted provided such maintenance does not enlarge, increase or expand the footprint; the proposed improvements, are not minor, they are major, and the purpose of non-conforming is to have those properties brought up to the current code. Mr. Torino continued stating the proposed construction cost have been reduced down to 65,000 by changes from owner, the assessed value based on this formula should be 80,000. Mr. Torino stated the applicant has been a gentleman, and he is not offended that he is appealing. Mr. Torino requested the Building Official, Rick McFadden, address the issue, in regard to the building code. Mr. McFadden stated these renovations are a level 3, per the Florida Building Code. The renovations are more than 50% of the footprint of the building, and every item listed by the applicant requires a building permit. Mr. Torino indicated he asked the Building Official to comment in relation to Attorney Bayer’s comment of the work being incidental maintenance; this proposed work is far more than incidental. Mr. Torino continued and stated, if the work exceeds the 75% threshold then the structure must be demolished and rebuilt. City Attorney Smith inquired to Planner Torino; has the proposal exceeded that 75%. Mr. Torino responded yes it has. A discussion ensued regarding the regulation of non-conforming structures, the destruction was caused by a natural disaster, the inability to make the structure habitable for an amount under the 75% threshold, the applicant not increasing the footprint, and inability to move the house because of the Coastal Construction Line. Chair Carney opened public comment. Paul Harrington provided comment. Chair Carney closed public comment. Motion by Commissioner Cooley to approve the appeal of the denial of a building permit for Richard Bazinet. Chair Carney passed the gavel and seconded the motion. The motion failed two to three, with Commissioners Belhumeur, Mealy and Shupe voting no. Motion by Commissioner Mealy to deny the appeal. Commissioner Shupe seconded the motion. The motion carried three to two, with Commissioners Carney and Cooley voting no.

10. SELECTION OF THE 2019 CHARTER REVIEW COMMISSION – PENNY OVERSTREET, CITY CLERK:

Clerk Overstreet requested the Officials each provide the name of a resident whom they wish to serve on the 2019 Charter Review Commission. Commissioner Mealy recommended John Feind, Commissioner Shupe recommended Deborah Phillips, Commissioner Belhumeur recommended Gail Wadsworth, Commissioner Cooley recommended Don Deal, Commissioner Carney recommended Sandra Sipatowski, and Mayor Provencher recommended Scott Spradley.

#12

Anfield [CONSULTING]

Florida Legislature 2019 Regular Session Final Report

Prepared for the City of Flagler Beach

**Anfield Consulting
201 West Park Avenue
Suite 100
Tallahassee, FL 32301
866-960-5939**

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INTRODUCTION

Every session has its own personality. Sometimes they are dominated by a recent event or at times they become an echo to the national political discourse. This year it was both! The impact of Hurricane Michael, a summer of unprecedented water quality impacts to coastal and inland waterbodies, and the growing political schism on matters relating to immigration and voting rights drowned the wave of optimism emanating from the Gubernatorial elections. For his part, Governor DeSantis attempted to set a course for the state with broad sweeping policy initiatives relating to environmental protection, medical use of marijuana, and health care reform. The Legislature, in turn, responded with a now too predictable assault on the authority of local governments, all leading to a session that saw a very limited number of bills pass.

Both chambers convened committees to hear testimony from public officials and private individuals regarding the aftermath of Hurricane Michael, and, for the second year in a row, considered legislative proposals aimed at addressing the state's emergency preparation and response capacity. Significant funding was allocated for the hardest hit areas of the state, which are still attempting to recover from those impacts.

Similarly, the blue-green algae and red tide events of 2019, which resulted in the closure of beaches throughout the southern half of the state, once again focused the attention of policy makers on the contributing causes to the naturally occurring phenomena made worse by water quality degradation and ways to mitigate or reduce the number and duration of future occurrences. Much of this debate led to a realization that additional information is needed to address these issues leading the Governor to propose the creation of advisory committees and enhanced funding for water quality protection.

In the background to these events, a number of bills that would have had significant adverse impacts on home rule authority were again introduced in both chambers, including measures relating to limiting or preempting control of businesses regulations (HB 3 by J. Grant and SB 1748 by Sen. Perry) and another, which if approved, would have required local governments to secure a super majority vote of their governing bodies and then voters in order to increase the discretionary sales surtaxes (HB 5) by Rep. DiCeglie. For the fourth straight year, the local regulation of vacation rentals bill (HB 1383) by Rep. J. Grant was defeated. The Florida Association of Counties and Florida League of Cities were again very engaged in trying to fend off detrimental policy or at least find areas of compromise. At the close of Session, a number of bills were amended to address concerns by the local governments, and many of the measures that were most offensive to local control were ultimately defeated, including a bill titled Taxation Transparency, which would have legally redefined local fees and assessments as taxes (HB 7053) by Rep. Avila and the Discretionary Sales Surtax (HB 5), which was amended to remove the super majority vote provisions and now only requires that a tax referendum be approved during a general election.

This session, 1,675 general, 54 local, and 1,630 appropriations projects bills were filed. Of those, 174 general bills and 20 local bills passed both chambers. A down year by any measure. In addition, there were two concurrent resolutions and one memorial that passed both chambers.

Last session (2018), 1,654 general and 65 local and 1,314 appropriations projects bills were filed. Of those, 165 general bills and 29 local bills passed both chambers. In addition, there were three concurrent resolutions, one joint resolution, and one memorial that passed both chambers. The year before that (2017), 204 general bills passed both chambers; the year before that (2016), 229. An examination of the last two years may indicate a downward trend in the number of bills ultimately making their way to the governor's desk, but only time will tell.

Recognizing the hard work of our team of colleagues, we present this End of Session Report with summaries of the enrolled bills on which Anfield Consulting focused its attention.

BUDGET ISSUES

FY 2019-20 General Appropriations Act (SB 2500); Chapter No. 2018-__

Faced with the need to respond to the unpredictable challenges brought by the past hurricane season and the events in Parkland, Florida, the Republican-led Legislature agreed on a \$91.1 billion budget with approximately \$121 million in tax relief measures (HB 7123). Compared to the FY 2018-19 budget, this represents a \$2.38 billion (2.6%) increase. The Legislature also placed an additional \$3.4 billion in reserves.

Since the overwhelming majority of state funding support for local government programs and projects are found in the Transportation and Economic Development (TED) and Agricultural and Natural Resources (ANR) appropriations budgets, we have provided more detail in these two areas. If you have concerns or would like additional information on any other part of the state budget or veto not included, please let us know, and we will gladly provide it.

SB 2500 provides:

- General Revenue: \$34.0 billion
- Trust Funds: \$57.1 billion

Reserves: \$3.4 billion Total Aggregate:

- \$1.0 billion - Working Capital
- \$1.6 billion - Budget Stabilization Fund
- \$766 million - Lawton Chiles Endowment Fund

HURRICANE MICHAEL RECOVERY AND RESPONSE

Total State Investment in Hurricane Michael Recovery

- Emergency Funds Allocation: \$1,639.8 million
- SB 2500 Fiscal Year 2019-2020 General Appropriations Act: \$220.9 million
- Total: \$1,859.3 million

Restore Critical Life-Safety Services to Panhandle Communities

- Rebuild Calhoun Liberty Hospital - \$3 million GR
- Jackson Hospital Emergency Backup Water System - \$0.3 million GR
- Doctors Memorial Hospital, Critical Rural Health Clinic - \$1 million GR
- Mental and Telehealth Services - \$0.2 million GR
- Washington County Public Safety Communications Tower - \$0.6 million GR
- Calhoun County Volunteer Fire Department - \$0.2 million TF

- Repair Guard Rails and Replace Road Signs Liberty County - \$0.1 million TF
- City of Parker Fire Hydrants and Road Signs - \$0.04 million TF
- New building for the Bay County Sheriff's Office - \$1.4 million GR

Affordable Housing for Displaced Families

- Affordable Housing for Hurricane Recovery - \$115.0 million TF

Rebuild Local Government Infrastructure

- Grant program for local govts. and schools in Div. of Emergency Mgmt. - \$25 million GR
- Jackson County Courthouse Repairs - \$1.6 million GR
- Repair and Rebuild City of Blountstown Infrastructure - \$0.8 million TF
- Repair and Rebuild City of Altha Infrastructure - \$0.6 million TF
- Repair and Rebuild Calhoun County Infrastructure - \$0.6 million GR
- Repair and Rebuild Franklin County Infrastructure - \$0.8 million TF
- Repair and Rebuild City of Port St. Joe Infrastructure - \$0.3 million TF
- Repair and Rebuild City of Wewahitchka Infrastructure - \$0.6 million TF
- Repair and Rebuild Gulf County Infrastructure - \$0.9 million TF
- Repair and Rebuild City of Parker Infrastructure - \$0.2 million TF
- Repair and Rebuild Gadsden County Infrastructure - \$.3 million GR
- City of Gretna Water System Damage - \$0.08 million GR
- City of Callaway Storm Water System Repairs - \$0.5 million TF
- Bay County Storm Water and Wastewater System Repairs - \$0.4 million GR and \$1.5 million TF
- Repair and Rebuild City of Quincy Infrastructure - \$0.08 million GR
- Repair and Rebuild City of Chattahoochee Infrastructure - \$0.08 million GR
- Repair and Rebuild Liberty County Infrastructure - \$0.8 million GR
- Repair and Rebuild Washington County Agriculture Center - \$0.05 million GR
- Repair and Rebuild Bay County Infrastructure - \$1.4 million GR

Rebuild Education Facilities and Increase Investment in K-12 Schools

- Student Enrollment Decline Hold Harmless - \$14.2 million GR
- Jackson County Special Facility School Construction - \$19.1 million TF
- Liberty County Special Facility School Construction - \$6.1 million TF

Critical County and Municipal Road Repairs

- County and Municipal Roads - \$15 million TF
- City of Callaway Road Repairs - \$0.5 million TF
- Panama City Roadways and Drainage Repairs - \$0.5 million TF
- Bay County Road Repair and Traffic Safety - \$3.8 million TF
- City of Lynn Haven Road Repair - \$1 million TF

Restore Tourism & Recreational Opportunities

- Veterans Memorial Railroad Park - \$0.08 million GR
- City of Parker Local Parks and Sports Complex - \$0.04 TF

Technical Support for Local Governments to Secure Reimbursements

- Div. of Emergency Mgmt. Local Govt. Assistance - 20 FTE and \$1.5 million GR
- City of Parker Emergency Protective Measures - \$0.03 million GR
- Bay County Emergency Protective Measures - \$0.6 million GR

Additional Hurricane Relief and Preparedness Initiatives

- Tax Relief for Impacted Property Owners – Partnership with Triumph Gulf Coast - \$15 million
- County and Municipal Roads - SB 7068 provides an additional \$20 million TF

EDUCATION

Summary

Total Appropriations: \$22.5 billion [\$17.5 billion GR; \$5 billion TF, excludes tuition]
Total Funding - Including Local Revenues: \$34.7 billion [\$22.5 billion state funds; \$12.2 billion local funds]. Local revenues include required and discretionary local effort for the public schools and tuition and fees for workforce, colleges, and universities.

Major Issues

Early Learning Services

Total: \$1.2 billion [\$559.2 million GR; \$663.9 million TF]

- Voluntary Pre-K Program - \$402.3 million GR; including \$3.8 million increase for 1,482 additional students
- School Readiness Program - \$760.9 million [\$144.6 million GR; \$616.3 million TF]

Public Schools/K12 FEFP

Total Funding: \$21.9 billion [\$12.5 billion state funds; \$9.4 billion local funds]

- FEFP Total Funds Increase is \$783 million or 3.72%
- FEFP Increase in Total Funds per Student is \$242.60, a 3.27% increase [from \$7,429 to \$7,672]
- BSA Increase of \$75.07

- FEFP Base Funds (flexible \$) increase of \$363.9 million (2.8%)
- Required Local Effort (RLE) Increase of \$142.5 million for New Construction only; RLE Millage reduced from 4.075 to 3.927 mills
- Best and Brightest Teacher and Principal Allocation – \$285 million - transfers the Best and Brightest Teacher Scholarship program to the FEFP and modifies the performance requirements for personnel to receive the awards
- Safe Schools Allocation - \$18 million increase for a total of \$180 million to help ensure school districts and charter schools have enough funds to support one safe school officer per school
- Mental Health Assistance Allocation – \$5.7 million increase for a total of \$75 million to help school districts and charter schools address youth mental health issues
- Turnaround School Supplemental Services Allocation – \$45.5 million – additional funds for services designed to improve the overall academic and community welfare of students and their families at designated lower performing schools
- Funding Compression Allocation – \$54.2 million additional funds for school districts that receive lower than the statewide average total funds per student
- Family Empowerment Scholarships – new program for up to 18,000 students

Public Schools/K12 Non-FEFP

- Community School Grant Program - \$7.4 million GR
- Hurricane Michael Relief - \$14.2 million GR to provide relief and financial stability to affected school districts who will experience FEFP funding reductions due to student enrollment losses or other factors as a result of the hurricane
- Mentoring Programs - \$16.1 million GR
- Regional Education Consortia - \$0.3 million increase to fully fund the program
- Gardiner Scholarships –\$24 million additional funds for a total of \$147.9 million GR
- Additional School Safety Appropriations
 - Mental Health Awareness and Assistance Training - \$5.5 million GR
 - School Hardening Grants program for capital purchases - \$50 million GR
 - Data Repository and Analytics Resources - \$3 million GR
 - Florida Safe Schools Assessment Tool - \$0.64 million GR
 - Security Funding for the Jewish Day Schools – \$2.5 million GR
- School District Matching Grants for school district foundations - \$5 million GR
- School and Instructional Enhancement Grants - \$27.5 million GR
- Exceptional Education Grants - \$9.6 million [\$7.1 million GR; \$2.5 million TF]
- Florida School for the Deaf & Blind - \$53.9 million [\$49.2 million GR; \$4.7 million TF]
- Schools of Hope - \$40 million GR
- Computer Science Certification Grants - \$10 million GR
- Reading Scholarships – \$7.6 million GR
- Capital Projects - \$7.3 million

State Board of Education

Total: \$269.5 million [\$129.4 million GR; \$140.1 million TF]

- Assessment and Evaluation - \$126.2 million [\$69.9 million GR; \$56.3 million TF]
- Choice Scholarship Programs Database - \$4 million GR

School District Workforce

Total: \$552.2 million [\$308.9 million GR; \$199.4 million TF; \$43.9 million tuition/fees]

- Workforce Development – career and technical education and adult education \$370.3 million [\$289 million GR, \$81.3 million TF]
 - Additional funds for equity among districts - \$4 million GR
- Perkins Career and Technical Education grants and Adult Education and Literacy funds – \$118.1 million TF
- Additional CAPE Incentive Funds - \$2 million GR for a total of \$6.5 million
- School and Instructional Enhancement Grants - \$1.6 million GR
- Pathways to Career Opportunities Grant Program for apprenticeships - \$10 million GR
- No tuition increase

Florida College System

Total: \$2.04 billion [\$1.1 billion GR; \$150.2 million TF; \$786.8 million tuition/fees]

- Increased Operating Funds - \$30 million
 - Compression - \$10 million GR
 - General Operating Enhancement for the System - \$10 million GR
 - Operating Enhancements for Individual Colleges - \$10 million
- CAPE Incentive Funds - \$14 million GR
- Student Success Incentive Funds - \$30 million
 - 2+2 Student Success Incentive Funds - \$20 million GR
 - Work Florida Incentive Funds - \$10million GR
- No tuition increase

State University System

Total: \$5.1 billion [\$2.8 billion GR; \$386.4 million TF; \$1.9 billion tuition/fees]

- Performance Based Funding - \$560 million
 - \$265 million State Investment GR
 - \$295 million Institutional Investment
 - Reprioritized from the base of each institution
- General Operating Enhancements - \$55.5 million
- New College Enrollment Growth - \$1.6 million
- National Ranking Enhancement - \$21.8 million GR increase
- IFAS Workload - \$1 million GR
- Institute for Human and Machine Cognition Workload - \$1 million
- No tuition increase

Private Colleges

Total: \$148.1 million GR

- EASE and ABLE funded at \$2,841 per award

Student Financial Aid

Total: \$921.9 million [\$260.8 million GR, \$661.1 million TF]

- Bright Futures – \$595.1 million TF
- Benacquisto Scholarship Program – \$21.4 million GR
 - \$4.3 million workload increase
- Children/Spouses of Deceased or Disabled Veterans Workload Increase – \$7.7 mill GR
 - \$1.4 million workload increase

HEALTH AND HUMAN SERVICES

Summary

Total Budget: \$37.7 billion [\$10.2 billion GR; \$2.75 billion TF]

Major Issues

Agency for Health Care Administration

Total: \$29,418 million [\$7,072.8 million GR; \$22,345.2 million TF]

- Medicaid Price Level and Workload – \$94.4 million [\$173.8 mill GR; (\$79.4 mill TF)]
- KidCare Workload – \$91.4 million [\$52 million GR; \$39.4 million TF]
- KidCare Combined Risk Pool Implementation – \$6.9 million [\$1.1 million GR; \$5.8 million TF]
- Graduate Medical Education Program Increase – \$4.4 million [\$1.7 million IGTs, \$2.7 million TF)
- Nursing Home Rate Enhancement – \$15.5 million TF
- Redirect Hospital Supplemental Payments – \$9.6 million [\$3.7 mill GR; \$5.9 million TF]
- Increase Hospital Inpatient DRG Base Rate – \$8.0 million [\$3.1 mill GR; \$4.9 mill TF]
- Increase Hospital Outpatient EAPG Base Rate – \$1.6 million [\$0.6 million GR; \$1.0 million TF]
- Florida Cancer Hospital Restoration – \$81.5 million TF
- Florida Medicaid Management Information System (FMMIS) – \$34.0 million TF
- Electronic Visit Verification for Behavior Analysis Services – \$1.2 million TF
- Background Screening Clearinghouse – \$0.7 million TF

Agency for Persons with Disabilities

Total: \$1,415.9 million [\$584.3 million GR; \$831.6 million TF]

- Resources for Persons with Unique Abilities – \$48.7 million [\$18.8 million GR;

- \$29.9 million TF]
- Increase Residential Habilitation Provider Rates - \$28.7 million [\$11.1 million GR; \$17.6 million TF]
- Employment and Internship Supports – \$0.9 million GR
- iConnect System – \$3.6 million [\$0.9 million GR; \$2.7 million TF]
- Fixed Capital Outlay for Developmental Disability Facilities – \$1.2 million TF

Department of Children and Families

Total: \$3,298.3 million [\$1,854.4 million GR; \$1,443.9 million TF]; 12,050.75 positions

- Community-Based Care Lead Agency (CBC) Funding:
 - Fund Shift Due To Expiration of Title IV-E Waiver – \$24.0 million GR, (\$24.0) million TF
 - Guardianship Assistance Program – \$12.7 million [\$4.0 million GR; \$8.7 million TF]; 12 positions
 - Safety Management Services Restoration – \$8.1 million TF
 - Community Based Care Core Services - \$8.1 million GR
 - Child Abuse Prevention and Treatment Grant Increase – \$4.1 million TF
 - Risk Pool Funding – \$8.1 million – [\$3.1 million GR; \$5.0 million TF]
- Maintenance Adoption Subsidies – \$30.7 million [\$11.4 million GR; \$19.3 million TF]
- State Opioid Funding – \$83.3 million TF
- Community Mental Health/Substance Abuse Block Grant Funding Increase – \$6.7 million TF
- Homeless Prevention Challenge Grants Restoration – \$3.2 million GR
- Employment Assistance for Individuals with Mental Health Disorders – \$0.7 million GR
- State Mental Health Treatment Facilities:
 - Anti-Ligature Improvements – \$2.0 million GR
 - Security Staffing – \$0.8 million [\$0.7 million GR; \$0.1 million TF]; 14 positions

Department of Elder Affairs

Total: \$347.7 million [\$164.2 million GR; \$183.5 million TF]

- Community Care for the Elderly (CCE) Program (256 slots) – \$2.2 million GR
- Alzheimer’s Disease Initiative (151 slots) - \$1.7 million GR
- Public Guardianship Program – \$2.5 million GR
- eCIRTS Project Implementation – \$2.9 million [\$0.3 million GR; \$2.6 million TF]

Department of Health

Total: \$3,055.2 million [\$517.8 million GR; \$2,537.4 million TF]

- Office of Medical Marijuana Use – \$19.9 million TF
- HIV/AIDS System of Care and Pharmaceutical Purchases – \$20.6 million TF
- Additional Pharmaceutical Purchases for the Department of Corrections – \$9 million TF
- Early Steps Program Workload - \$3.6 million TF
- Child Protection Teams – \$1.5 million GR

- Newborn Screening Program - Implementation of Pompe, MPS-I, and Next-Generation Cystic Fibrosis Testing – \$5.6 million TF
- Newborn Screening Program - Implementation of Spinal Muscular Atrophy (SMA) Testing - \$0.9 million TF
- Newborn Screening Program - Genetics Centers – \$1 million TF
- Public Health Laboratory - Implementation of Pulmonary Non-Tuberculosis Mycobacterial (PNTM) Testing – \$0.5 million [\$0.1 million GR; \$0.4 million TF]
- Renovations to Public Health Laboratory – \$8.8 million TF

Department of Veterans Affairs

Total: \$132.2 million [\$12.0 million GR; \$120.2 million TF]

- Staffing and Start-up State Veterans’ Nursing Home in St. Lucie County (Ardie Copas) – \$7.0 million TF; 124 positions
- Continued Operations of State Veterans’ Nursing Home in Orange County (Lake Baldwin) – \$3.4 million TF
- Nursing Home Equipment Needs– \$1.1 million TF
- Florida is For Veterans Training Grants – \$1.7 million GR

CRIMINAL AND CIVIL JUSTICE

Summary

Total Budget: \$5.435 billion [\$4.56 billion GR; \$868.2 million TF]

Major Issues

- Funds the Department of Corrections health services contract and includes additional funding for hepatitis C treatments, and mental health services - \$147.5 million GR
- Funds fixed capital outlay for DJJ’s residential program facilities - \$7.5 million GR
- Hurricane repair, mitigation and hardening funding for Courts - \$2.5 million [\$1.3 million GR, \$1.2 million TF]
- Funds the court-appointed, public defender and regional counsel due process needs within the Justice Administrative Commission - \$14.8 million GR
- Funds workload issues for the State Attorney, Public Defender and Offices of Criminal Conflict and Civil Regional Counsel including workload related to various resentencing proceedings - \$5.25 million GR
- Funds Year 2 of the Department of Legal Affairs IT Modernization Initiative - \$8.7 million [\$4.7 million GR, \$4 million TF]

Attorney General/ Legal Affairs

Total: \$297.5 million [\$66.1 million GR; \$231.4 million TF]

- Agency-wide Information Technology Infrastructure Improvements - \$8.7 million [\$4.7 million GR, \$4 million TF]
- Opioid Task Force Support - \$0.2 million GR
- Victim Services Compensation and Victim Services Auditing Staff - \$0.6 million TF
- North Florida Statewide Prosecution Efforts - \$0.2 million

Department of Corrections

Total: \$2.7 billion [\$2.6 billion GR; \$64 million TF]

- Inmate Health Services - \$147.5 million GR and 285 positions
- Additional Electronic Monitoring - \$3.9 million GR
- Critical Facility Renovations, Repairs and Maintenance - \$20.2 million GR
- Additional Teachers for Institutions - \$1.5 million GR and 20 positions
- American's with Disabilities Act - \$1.3 million GR and 12 positions
- Replacement of Motor Vehicles - \$5.5 million GR
- Per Diem Increase for Private Correctional Facilities - \$4.3 million GR

Florida Department of Law Enforcement (FDLE)

Total: \$303.1 million [\$134.4 million GR; \$168.7 million TF]

- Lease Purchase Aircraft - \$3.8 million GR and 4 positions
- Improve Sexual Offender and Predator Registry - \$1.5 million GR
- Florida Incident Based Reporting System (FIBRS) – \$10.2 m [\$1.6 million GR, \$8.6 million TF] and 9 positions
- Criminal Justice Data Transparency - \$5.9 million GR and 2 positions
- Trust Fund Deficit - \$10.6 million GR
- Investigations Aviation Fleet Maintenance - \$1.2 million GR
- DNA Database - \$1.0 million GR and 6 positions

Department of Juvenile Justice

Total: \$594 million [\$432.6 million GR; \$161.3 million TF]

- Additional Evidence Based Residential Services - \$4.3 million GR
- Youth on Supervised Community Release - \$3.2 million GR
- Prevention and Early Intervention Programs and Services – \$10.9 million GR; \$3.0 million TF
- Improvements to DJJ Program Oversight - \$1.1 million in GR and 10 positions
- Critical Maintenance and Repairs to DJJ Facilities - \$7.5 million GR
- Additional Bandwidth and Cloud Storage for Security Cameras at Residential Facilities - \$0.9 million GR
- Pay Bonuses for DJJ Residential Program Staff - \$0.8 million GR

State Court System

Total: \$555 million [\$460 million GR; \$95 million TF]

- Problem-Solving Courts - including upgrading the Case Management System - \$2.54 million GR
- 2 Circuit Judgeships/2 County Judgeships/Senior Judge Funding for the 14th Circuit - \$1.56 million GR and 10 positions
- Hurricane Michael - Jackson County Courthouse - \$1 million GR
- Fifth District Court of Appeals Facility Repairs - \$0.4 million
- Emergency Management, Security and Safety Support - \$1.3 million [\$0.5 million GR, \$0.8 million TF] and 2 positions
- Clerks of Court Texting Technology Enhancements Project - \$0.04 million

Justice Administration

Total: \$956 million [\$808 million GR; \$148 million TF]

- Due Process - \$28.7 million GR (*Incl. "Back of the Bill"*).
- Guardian Ad Litem Program - \$1.15 million
- State Attorney Workload - \$2 million GR
- Cold Case Unit in State Attorney Office, 20th Circuit - \$150k
- Base Pay Increase for Assistant State Attorney and Assistant Public Defenders to \$50,000
- Public Defender Resentencing/General Workload and Due Process funding - \$2.25 million
- Criminal Conflict & Civil Regional Counsel Workload, Due Process, Rent, Etc. - \$3.5 million GR

Florida Commission on Offender Review

Total: \$11.4 million [\$11.3 million GR; \$0.1 million TF]

- Governor and Clemency Board's Clemency Investigations Workload- \$0.75 mill GR

TRANSPORTATION, TOURISM AND ECONOMIC DEVELOPMENT

Summary

Total Budget: \$15.2 billion [\$270.9 million GR; \$15 billion TF]

Major Issues

- Transportation Work Program - \$9.8 billion TF
- Affordable Housing Programs - \$200.6 million TF (\$115 million for Hurricane Michael recovery)
- Economic Development Partners - \$84.5 million GR and TF
- Job Growth Grant Fund - \$40 million GR
- Library Grants and Initiatives - \$25.3 million GR

- Cultural, Museum, and Historic Preservation Grants and Initiatives - \$39.6 million GR and TF
- Motorist Modernization Project and Enterprise Data Infrastructure - \$16.1 million TF
- National Guard Tuition Assistance - \$3.7 million GR
- Hurricane Michael Recovery Grant Program and Projects - \$55.8 million GR and TF

Department of Economic Opportunity

Total: \$1.7 billion [\$107.3 million GR; \$1.6 billion TF]

- Economic Development Toolkit Payments (existing contracts) - \$26.6 million GR and TF
- Florida Job Growth Grant Fund - \$40 million GR
- Economic Development Partners - \$84.5 million GR and TF
 - Space Florida - \$12.5 million TF; \$6 million GR
 - Visit Florida - \$50 million NR TF
 - Enterprise Florida - \$16 million TF
- Affordable Housing Programs - \$200.6 million TF
 - State Housing Initiatives Partnership (SHIP) - \$46.6 million TF (allocated to local governments)
 - State Apartment Incentive Loan (SAIL) Programs - \$31 million TF
 - Hurricane Michael Housing Relief - \$115 million TF, includes:
 - \$65 million for the Hurricane Housing Recovery Program
 - \$50 million for the Rental Recovery Loan Program
- Rural Infrastructure Fund - \$5.7 million GR (\$5 million for Inland Panhandle Counties)
- Business Initiative Projects - \$9.2 million GR
- Housing and Community Development Projects - \$20.7 GR
- Workforce Projects - \$3.3 million GR
- Hurricane Michael Recovery Projects - \$10.8 million GR and TF

Department of State

Total: \$128.9 million [\$96.4 million GR; \$32.5 million TF]

- State Aid to Libraries - \$21.8 million GR
- Libraries Construction Grant Ranked List - \$1.0 million GR
- Grants to Library Cooperatives - \$2.5 million GR
- Cultural and Museum Program Support and Facilities Grants and Initiatives - \$25.4 million GR
 - Cultural & Museum Program Support Grants - \$21.3 million
 - Cultural and Museum Ranked List (funds distributed proportionally to all 478 projects)
 - Culture Builds Florida Ranked List (funds all 132 projects)
 - Cultural Facilities Ranked List (funds 19 of the 37 projects)
 - Cultural Facilities Projects - \$2.5 million GR
 - Cultural and Museum Projects - \$1.6 million GR
- Historical Resources Preservation - \$14.2 million GR and TF

- Historic Preservation Grants - \$13.6 million [\$7.1 million GR; \$6.5 million TF]
 - Historic Preservation Small Matching Grants Ranked List (funds all 56 projects)
 - Historic Preservation Special Category Grants Ranked List (funds 18 of 54 projects)
 - Historic Preservation Grants for Hurricane Recovery - \$5 million TF
- Historic Preservation Projects - \$1.3 million GR
- Division of Elections - \$6.1 million GR; \$1.8 million TF
- Cyber Security Grants to Supervisors of Elections - \$2.8 million TF
- County Elections Assistance - \$2.4 million GR
- Division of Corporations Commercial Registry Solution - \$6.2 million GR

Department of Transportation

Total: \$10.8 billion TF

- Transportation Work Program - \$9.8 billion TF
 - Tamiami Trail - \$40 million
 - Highway and Bridge Construction - \$3.6 billion
 - Resurfacing and Maintenance - \$1.1 billion
 - Design and Engineering - \$1.1 billion
 - Right of Way Land Acquisition - \$673.1 million
 - Public Transit Development Grants - \$668.1 million
 - Rail Development Grants - \$222.9 million
 - County Transportation Programs:
 - Small County Road Resurface Assistance Program (SCRAP) - \$29.3 million
 - Small County Outreach Program (SCOP) - \$71.3 million, including:
 - Municipalities in Rural Areas of Opportunity - \$9 million
 - Municipalities and Counties Impacted by Hurricane Michael - \$15 million
 - Other County Transportation Programs - \$55 million
 - Aviation Development Grants - \$266.5 million
 - Seaport and Intermodal Development Grants - \$229.2 million
 - Local Transportation Initiatives (Road Fund) Projects - \$85.3 million, including:
 - Hurricane Michael Recovery Projects - \$5.6 million TF
- Transportation Disadvantaged Program - \$55.9 million TF

Department of Military Affairs

Total: \$66.9 million [\$22.9 million GR; \$43.6 million TF]

- Youth Challenge Additional Funding - \$1.4 million [\$0.1 million GR; \$1.3 million TF]
- Tuition Assistance for Florida National Guard - \$3.7 million GR
- Facility Maintenance and Repair - \$2.3 million [\$1.1 million GR; \$1.2 million TF]
- Facility Security Enhancement - \$2 million GR

Department of Highway Safety and Motor Vehicles

Total: \$498.4 million TF

- Motorist Modernization Project - Phase I and II - \$16.1 million TF
- Renovations to the Neil Kirkman Building - \$4 million TF
- Florida Highway Patrol Troop D Headquarters, Orlando - \$3.1 TF

Division of Emergency Management

Total: \$2.06 billion [\$44.3 million GR; \$2.02 billion TF]

- Emergency Management Positions - 20 positions, \$1.5 million
- Federally Declared Disaster Funding - \$1.94 billion
 - Communities - \$1.85 billion TF
 - State Operations - \$92.4 million TF
- State Emergency Operations Center Planning and Design - \$1 million GR
- Rural Emergency Operation Centers Planning and Design - \$1.8 million TF
- Emergency Operations Centers and Generators - \$10 million GR
- Disaster Recovery and Preparedness Projects - \$1.2 million GR
- Statewide Regional Evacuation Study - \$1.2 million GR
- Hurricane Michael Recovery Grant Program - \$25 million GR
- Hurricane Michael Recovery Projects - \$4.4 million GR and TF

AGRICULTURE, ENVIRONMENT AND GENERAL GOVERNMENT

Summary

Total Budget: \$6.1 billion [\$848.9 million GR; \$876.3 million LATF; \$4.3 billion Other TF]

Major Issues

Department of Agriculture & Consumer Services

Total: \$1.7 billion [\$132.9 million GR; \$115.2 million LATF; \$1.5 billion TF]

- Wildfire Suppression Equipment/Aircraft Acquisition - \$11.6 million TF [\$5 million GR; \$3.6 million LATF; \$3 million TF]
- Florida Forest Service Road/Bridge and Facility Maintenance - \$9 million [\$8.4 million LATF; \$0.6 million TF]
- Replace Motor Vehicles - \$3.5 million TF
- Water Supply Planning - \$1.5 million GR
- Florida Agricultural Promotion Campaign - \$.5 million GR
- Division of Licensing - 25 positions and \$1.7 million TF
- African Snail Eradication Program - \$1.3 million TF

- Citrus Crop Decline Supplemental Funding - \$2.4 million GR
- Citrus Health Response Program - \$6.4 million TF
- Citrus Greening Research - \$8 million TF
- Lake Okeechobee Agriculture Projects - \$4 million LATF
- Critical Building Repairs and Maintenance - \$1.5 million [\$1.2 million GR; \$.3 million TF]
- Office of Energy Grants - \$5 million TF
- Farm Share and Food Banks \$5.8 million GR
- Agriculture Education and Promotion Facilities - \$5 million GR

Department of Business & Professional Regulation

Total: \$157.4 million [\$1.4 million GR; \$155.9 million TF]

- Compulsive and Addictive Gambling Prevention - \$0.3 million TF
- Staffing Necessary To Meet Statutorily-Required Food And Lodging Inspections - \$1.7 million TF

Department of Citrus

Total: \$23 million [\$1.6 million GR, \$21.4 million TF]

Department of Environmental Protection

Total: \$1.8 billion [\$359.4 million GR; \$659.8 million LATF; \$807.7 million TF]

- Everglades - \$367.2 million [\$249.8 million LATF; \$74.5 million GR; \$3.0 million TF]
- Tamiami Trail - \$40 million in Department of Transportation Work Plan
- Water Quality Improvements - \$149.1 million GR
- Septic-to-Sewer/Wastewater Treatment - \$25 million GR
- Total Maximum Daily Loads - \$25 million GR
- North of Lake Okeechobee / Everglades - \$50 million GR
- Water Projects - \$49.1 million GR
- Water Quality Improvements – Blue-Green Algae Task Force - \$10.8 million GR
- Innovative Technology Grants for Harmful Algal Blooms - \$10 million GR
- Petroleum Tanks Cleanup Program - \$110 million TF
- St. Johns River/Keystone Heights Restoration, Public Access, and Recreation - \$10 million LATF
- Hazardous Waste/Site Cleanup - \$8.5 million TF
- Beach Management Funding Assistance - \$50.0 million [\$9.8 million GR; \$40.2 million LATF]
- Drinking Water Revolving Loan Program - \$125.5 million [\$11.1 million GR; \$114.5 million TF]
- Wastewater Revolving Loan Programs – \$181.7 million [\$12.3 million GR; \$169.4 million TF]
- Small County Solid Waste Management Grants - \$3 million TF
- Springs Restoration - \$100 million LATF

- Alternative Water Supply - \$40 million TF
- Small County Wastewater Treatment Grants - \$13 million TF
- Local Parks - \$2.7 million GR
- Florida Forever - \$33 million TF
- Working Waterfronts - \$1.5 million GR
- Florida Keys Area of Critical State Concern - \$6.0 million [\$5.0 million LATF; \$1.0 million TF]
- State Parks Maintenance and Repairs - \$31.5 million [\$9.3 million GR; \$5.7 million LATF; \$16.5 million TF]

Department of Financial Services

Total: \$388.8 million [\$22.8 million GR; \$366 million TF]

- Florida Planning, Accounting & Ledger Management (PALM) Project - \$22.7 million TF
- Fire College and Arson Lab Repairs and Maintenance - \$0.4 million TF
- Local Government Fire Services - \$11.2 million TF
- Sylvester Comprehensive Cancer Center—Florida Firefighter Cancer Research - \$1.0 million GR
- Financial Crime Investigators for SNAP Fraud Cases - \$0.4 million TF
- Relocation Costs - \$1.3 million TF
- Law Enforcement Training, Equipment, Upgrades and Vehicles - \$2.1 million TF
- Information Technology Upgrades to Software, Hardware, and Equipment - \$0.5 million GR and \$1.4 million TF

Fish & Wildlife Conservation Commission

Total: \$393.1 million [\$43.6 million GR; \$101.3 million LATF; \$248.2 million TF]

- Transfer Environmental Crimes Investigators to DEP - \$2 million TF; 19 positions
- Law Enforcement Enhanced Patrol and Support - \$1.8 million GR; 13 positions
- Hurricane Irma Marine Fisheries Disaster Recovery - \$23.7 million TF
- Invasive Species Response - \$1.0 million TF
- Red Tide Research - \$4.2 million GR
- FWRI Building Repairs - \$1.1 million TF
- Boating Infrastructure and Improvement Program - \$5.7 million TF
- Derelict Vessel Removal - \$4.0 million [\$1.0 million GR; \$3.0 million TF]
- Bryant Building Repairs - \$1.2 million GR
- Law Enforcement Body Worn Cameras - \$0.7 million GR

Department of the Lottery

Total: \$200.4 million TF

- Information Technology Upgrades to Software, Hardware, and Equipment - \$0.3 million TF
- Security Support - \$0.4 million TF
- Increase to Information Technology System Contract - \$13.8 million TF
- Increase to Instant Ticket Contract - \$4.0 million TF

Department of Management Services

Total Budget: \$616.3 million [\$68.1 million GR; \$548.2 million TF]

- Florida Facilities Pool - \$49.3 million TF [\$32.3 million GR; \$16.9 million TF]
- Private Prison Monitoring Facility Maintenance and Repairs (Gadsden and Lake City Correction Facilities) - \$5.9 million [\$3.8 million GR; \$2.1 million TF]
- Florida Interoperability Network and Mutual Aid - \$1.8 million GR
- Statewide Law Enforcement Radio System (SLERS) Staff Augmentation and Independent Verification and Validation Services - \$1.1 million TF
- First Responder Network Authority (FirstNet) Grant - \$0.3 million TF
- Non-FRS Pension and Benefits - \$0.3 million GR
- Statewide Travel Management System Enhancements - \$0.4 million GR
- Fleet Management Information System - \$0.2 million TF
- Florida Commission on Human Relations Staffing - 8 positions and \$0.5 million TF
- State Group Insurance Program Implementation- \$3 million TF

Division of Administrative Hearings

Total Budget: \$26.9 million TF

Agency for State Technology

Total: \$63.2 million TF

Public Service Commission

Total: \$25.3 million TF

Department of Revenue

Total: \$592.3 million [\$219 million GR; \$373.3 million TF]

- Aerial Photography - \$0.3 million GR
- Fiscally Constrained Counties - \$29.6 million GR

Budget Implementing (SB 2502); Chapter No. 2018-__

The Conference Committee Amendment for SB 2502, 1st Eng., implementing the 2019-2020 General Appropriations Act, provides, among other provisions, for the following:

RESTORE Act Implementation (Section 83) – Authorizes the Legislative Budget Commission to increase the amount appropriated in SB 2502 to the Fish and Wildlife Conservation Commission or DEP for fixed capital outlay projects with RESTORE Act funds or funds provided by BP Petroleum. Projects requiring future or continuing funding must be specifically identified.

Land Acquisition Trust Fund (Sections 85 & 86) – Section 85 sets for the procedures and requirements for the Department of Environmental Protection to transfer designated proportions of the revenues deposited in the Land Acquisition Trust Fund within the department to land acquisition trust funds in the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission as specified in the GAA. Section 86 modifies the provisions of s. 375.041(3)(b)3, F.S., relating to the distribution of funds from the LATF so that for fiscal year 2019-20 these be provided as specified in the GAA.

Volkswagen Settlement (Section 87) – Authorizes the Legislative Budget Commission to increase funds to the Department of Environmental Protection for fixed capital outlay projects using funds provided from the settlements of the lawsuit brought by the federal government against Volkswagen for violations of the Clean Air Act in accordance with the partial consent decree entered into in that case.

Florida Forever Act – (Section 94) Amends s. 259.105, F.S., relating to the distribution formula of the Florida Forever Program, to reflect the amounts appropriated by the Legislature in SB 2500. As the GAA provides no additional direction regarding the expenditure of these funds (see line 1607 in the GAA), the DEP is given complete discretion as to how to expend these revenues.

SUBSTANTIVE POLICY ISSUES

Local Tax Referenda (ER/HB 5)

Local Tax Referenda

Background: Unless otherwise preempted by state law, Florida's constitution allows local governments and special districts to levy a discretionary sale surtax in order to fund specified projects. Such taxes must generally be approved by voter referendum. Current law requires that the proposed tax pass by a simple majority vote. For counties and school districts, a performance audit must be conducted and its results made public at least 60 days before the referendum is held.

Proposed Changes: This bill requires discretionary tax referenda to be held during a general election.

Any county or school district that decides to hold a discretionary sales surtax referendum will also be required to notify the Office of Program Policy Analysis and Government Accountability (OPPAGA) at least 180 days before the referendum is held. OPPAGA must then provide a certified public accountant to carry out the performance audit within 60 days of receiving notification.

If the discretionary sales surtax is proposed as part of an initiative petition, then the petition sponsor must also file the initiative petition and its required valid signatures with the supervisor of elections within the 180-day period.

Districts and local governments that fail to comply with these requirements will have their discretionary sales tax referenda voided.

These rules apply to all referenda adopted after January 1, 2020.

Petitions

Background: The gathering of signatures for petition initiatives is usually carried out by unpaid volunteers, however, some organizations hire petition circulators on a salary who then work full-time during busy campaign seasons or for petition drives that require large amounts of signatures, such as proposed constitutional amendments.

Proposed Changes: This bill imposes new requirements on paid petition circulators. It also defines a "petition circulator" as any entity or individual who collects signatures for compensation for the purpose of qualifying a proposed constitutional amendment for ballot placement. The bill:

- Provides that people may not collect signatures or initiative petitions unless they are registered with the Secretary of State. To register, they must submit ballot information, name and address where they may be served with process, and consent to the jurisdiction of the state courts in any matter relating to the petition process;
- Provides that the Secretary of State must keep a database of each registered petitioner and the petition forms assigned to each of them;
- Requires a petition sponsor collecting petition forms to deliver those forms within 30 days of receiving a signature. Sponsors who fail to comply may be subject to fine and civil action by the Attorney General;
- Requires the Financial Impact Estimating Conference to determine the financial impact of any proposed constitutional revision by petition initiative within 75 days of receiving it (currently this period is 45 days). Its analysis must include a financial impact statement detailing the effect on the state economy and state budget. This time period must toll whenever the Legislature is in session;
- Requires that if the financial impact statement estimates the impact to be negative or indeterminate, that information must be included on the ballot;
- Requires the Office of Economic and Demographic Research to contact each petition sponsor and request an official list of all persons authorized to speak on behalf of the sponsor at meetings of the Financial Impact Estimating Conference; and
- Prohibits petition circulators from being compensated according to how many signatures they gather.

These new requirements apply to all initiatives proposed for the 2020 election ballot and each election thereafter.

Effective Date: Upon becoming a law unless otherwise specified

C-51 Reservoir (ER/HB 95)

Background: The C-51 Reservoir is a planned water conservation project in two phases to be located on land in western Palm Beach County formerly used for rock mining. Completion of Phase I of the project is estimated to store 14,000 acre-feet of water storage from the local basin and Lake Okeechobee (Lake O) for water supply, while Phase II of the project is estimated to provide a further 46,000 acre-feet of water storage for alternative water supply projects and other environmental purposes. The ultimate aim of the project is to reduce discharges from Lake Okeechobee through the C-51 Canal. High lake levels, which lead to discharges, have placed stress on the aging Herbert Hoover Dike. The discharges also contribute to blooms of toxic blue-green algae in the St. Lucie and Caloosahatchee Rivers, their associated estuaries, the Indian River Lagoon, and near shore marine environments. The SFWMD has already listed the C-51 project in its roster of alternative water supply projects for the Lower East Coast Regional Planning Area and plans on using the water to offset withdrawals from the Biscayne Aquifer.

Broward County Water and Wastewater Services, the City of Sunrise, the City of Lauderhill, and the City of Dania Beach have all submitted letters of intent to utilize water made available by Phase I of the C-51 reservoir project.

SFWMD has already entered into a public-private partnership with Palm Beach Aggregates, LLC (PBA) to operate and maintain the completed reservoir. Under current law, the WMD must operate Phase I & II of the project to the utmost in reducing discharges from Lake O, and no water recovered from Lake O may currently be used to support consumptive use permits (CUPs).

In 2017, the public-private partnership received a \$30 million loan from the state to aid completion of the project. The monies to repay the loan are to come from the sale of unreserved capacity in the reservoir.

Proposed Changes: This bill enacts the following changes:

- Expands provisions of the C-51 project currently restricted to Phase II of the project to apply to Phase I, including the ability of the SFWMD to acquire portions of the reservoir's capacity not already allocated to alternative water supply projects and the ability to acquire more land near the reservoir for project implementation;
- Relaxes the current language mandating the project to reduce Lake O discharges to include the phrase "to the extent practical"; and
- Clarifies that CUPs issued from the reservoir are not supported by water received from Lake O, and that CUPs issued from the reservoir must be in accordance with SFWMD rules.

Effective Date: July 1, 2019

Use of Wireless Communications Devices While Driving (ER/HB 107)

Background: The Florida Ban on Texting Law makes it a non-criminal traffic infraction to text or use any device that cannot be used hands-free while operating a motor vehicle. Currently, enforcement of this law is only permitted as a secondary action while officers are stopping a driver on a suspected primary violation. In 2016 alone, over 444 fatal crashes were reported where texting was involved.

Proposed Changes: This bill makes texting while driving a primary citable offense but requires an officer to obtain the driver's consent to search the device and to record the race/ethnicity of the driver when issuing a citation in order to protect against racial profiling. Beginning February 1, 2020, an annual report must be submitted to the governor and legislature detailing the number of citations issued by local, state, and state university law enforcement agencies.

The bill also makes the use of handheld devices while operating a moving vehicle within a school zone, school crossing, or work zone a primary offense. From October 1, 2019 to December 31, 2019, law enforcement officers may issue a verbal or written warning in lieu of a citation. After January 1, 2020, they may issue citations. The bill provides exceptions to the rule, such as when using the device in a non-handheld manner, using GPS, reporting an emergency or criminal activity to law enforcement, listening to radio broadcasts, or using the handheld radio on an emergency vehicle. As with texting, the citing officer may not search, access, or seize the device without a warrant or owner consent.

Only in the event of a crash resulting in death or serious injury may billing records or testimony from message recipients be used as evidence of a violation. A clerk of court may dismiss a case against a first-time offender upon being shown proof of purchase of equipment that can enable the wireless device to be used hands-free. A first-time offender may also elect to undergo a driver safety course on the dangers of handheld device use while driving in lieu of the usual penalties.

Proceeds collected from violators will go towards the DOH's Emergency Medical Services Trust Fund. The DHSMV is directed to conduct a statewide campaign to raise awareness about the dangers of using handheld devices while driving.

Effective Date: July 1, 2019, unless otherwise specified

Permit Fees (ER/HB 127)

Background: The Florida Building Code is the uniform, statewide code that all local governments must implement and enforce. Local governments may impose their own reasonable fee schedules to cover the cost of enforcement (and nothing else), however, they are not currently required to post these fees to their websites.

Proposed Changes: This bill requires local governments to publicly post their permit and inspection fee schedules on their websites along with a building permit and inspection utilization report based on the most recently completed financial audit. This information must be posted by December 31, 2020, and the utilization report must be updated whenever any adjustment is made to the fee schedule.

The report must contain:

- Direct and indirect costs incurred by the local government to enforce the Florida Building Code, including costs related to personnel service and other operating expenses;
- The number of building permits requested and the number of permits issued;
- The number of building inspections/re-inspections requested and conducted;

- The number of inspections conducted by a private contractor;
- The number of building audits conducted by the local government for private inspections;
- The number of positions within the local government for conducting and overseeing code enforcement activities;
- Revenue derived from fees and fines;
- When applicable, investment earnings derived from the local government's investment of revenue derived from fees and fines;
- Balances carried forward by the local government and balances refunded by the local government; and
- Revenue derived from other sources, including local government general revenue.

Effective Date: July 1, 2019.

Smoking Marijuana for Medical Use (ER/SB 182)

Background: On November 4, 2016, Amendment 2 was voted into law and established Article X, section 29 of the Florida Constitution. This section of the constitution became effective on January 3, 2017, and created several exemptions from criminal and civil liability for:

- Qualifying patients medically using marijuana in compliance with the amendment;
- Physicians, solely for issuing physician certifications with reasonable care and in compliance with the amendment; and
- Medical marijuana treatment centers (MMTCs) and their agents and employees for actions or conduct under the amendment and in compliance with rules promulgated by the DOH.

As the law was written previous to the changes made this session, the term “medical use” specifically excluded smoking marijuana.

Proposed Changes: This bill makes a series of changes on the use of medical marijuana, including:

- Removes language from the definition of “medical use” of marijuana (cannabis) indicating that medical use does not include the possession, use, or administration of marijuana in a form for smoking or the possession, use, or administration of marijuana flower except for flower in a sealed, tamper-proof receptacle for vaping. This eliminates the prohibition against the smoking of medical marijuana;
- Specifies that low-THC cannabis may not be smoked in public and prohibits the medical use of marijuana by smoking in an “enclosed indoor workplace,” as defined in the Florida Clean Indoor Air Act;

- Permits a qualified patient and his or her caregiver to purchase and possess delivery devices for the medical use of marijuana by smoking from a vendor that is not a medical marijuana treatment center (MMTC);
- Requires a physician who certifies a patient to use smokable marijuana to submit specified documentation to the Board of Medicine or the Board of Osteopathic Medicine, as applicable. Each board must review the documentation submitted and establish practice standards for the certification of smokable marijuana in rule by July 1, 2021;
- Prohibits the certification of marijuana for medical use by smoking to patients under the age of 18 unless such patient is diagnosed with a terminal condition;
 - For terminal patients under the age of 18, the bill requires a qualified physician to certify that smoking is the most effective means of administering medical marijuana to the patient, and a second physician, who is a board-certified pediatrician, must concur with this determination;
 - The certifying physician must also obtain written informed consent from the patient's parent or legal guardian and must use a standardized consent form adopted in rule by the applicable board;
- Requires that the risks specifically associated with smoking marijuana must be included in the informed consent each patient must sign prior to being certified to receive medical marijuana;
- Specifies that a physician may not certify more than six 35-day supplies of marijuana in a form for smoking. (A 35-day supply may not exceed 2.5 ounces, and a patient may not possess more than four total ounces at any one time. A physician may request the DOH to authorize an exception to the supply and possession limits;
- Provides an exception to the one-to-one caregiver-to-patient limit for patients that are participating in a research program established at a teaching nursing home. The bill also requires the Consortium for Medical Marijuana Clinical Outcomes Research to collaborate with teaching nursing homes and allows the consortium to award funds to a teaching nursing home for research on the medical use of marijuana to alleviate conditions related to chronic disease and aging;
- Restricts wrapping papers sold by an MMTC from being made from tobacco or hemp, specifies packaging and warning label requirements for medical marijuana intended for smoking, and also requires the DOH to establish requirements for marijuana delivery devices sold from an MMTC;
- Provides that s. 381.986, F.S., does not impair the ability of a private party to restrict or limit smoking or vaping on his or her private property and does not prohibit the medical use of marijuana in a nursing home, hospice, or assisted living facility if the facility's policies do not prohibit the medical use of marijuana;
- Renames the "Coalition for Medical Marijuana Research and Education" as the "Consortium for Medical Marijuana Clinical Outcomes Research." The Consortium is to be housed in a state university designated by the consortium's board of governors and must annually adopt a plan for medical marijuana research. The plan must organize a program of research that:

- Contributes to the body of scientific knowledge on the effects of the medical use of marijuana, and
- Informs both policy and medical practice related to the treatment of debilitating medical conditions with marijuana; and, finally,
- Provides appropriations for additional research and for implementation of the bill.

Effective Date: Signed into law by the Governor on March 18; Chapter No. 2019-001

Impact Fees (ER/HB 207)

Background: Impact fees are regulatory fees charged by local governments on new developments that may require the extension of certain public utilities and infrastructure.

In 2006, the Legislature passed the Florida Impact Act, imposing a number of requirements local governments must first meet when levying a new impact fee. However, these statutes do not specify when an impact fee may be collected, whether before or after the issuance of permit.

The statutes contain language limiting how an impact fee may be utilized and require:

- The calculation of the impact fee be based on the most recent and localized data;
- If a local government imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund;
- Administrative charges for the collection of impact fees be limited to actual costs; and
- Notice be provided at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee.

More restrictive language is already contained in state case law, however, in the form of the “dual-rational nexus” test, which requires that: (1) the fee offsets reasonable needs that are sufficiently attributable to the new development, and (2) the fees collected are expended on capital assets that will be of benefit to the residents of the new development. (See *Hollywood, Inc. v. Broward County*, 431 So.2d 606 (Fla. 4th DCA 1983))

Proposed Changes: This bill amends the Florida Impact Fee Act, requiring that the collection of an impact fee occur no earlier than upon issuance of the building permit for the property that is subject to the fee.

It also codifies the dual-rational nexus test into law, requiring that an impact fee be reasonably connected to, or have a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.

The bill also prohibits the use of impact fees to pay-off existing debts or for any previously approved projects unless that expenditure is reasonably connected to, or has a rational nexus with the increased impact generated by the new residential or commercial construction.

Water and sewer connection fees are specifically excluded from these statutory limitations.

Effective Date: July 1, 2019

Coastal Management (ER/HB 325)

Background: There are over 825 miles of sandy beach along Florida's coastline, serving as both public spaces where locals and tourists gather for recreation, invigorating the state economy, while also serving as a habitat for coastal flora and fauna. Due to inclement weather and sea-level rise, in combination with man-made obstructions from coastal development, many of Florida's historic beaches are now under threat of permanent erosion. Their preservation requires constant maintenance, which includes the building of erosion control structures and artificial beach re-nourishment projects to replace the sand, all of which costs the state millions of dollars to carry out.

The DEP is in charge of reviewing and prioritizing projects that are submitted by local governments, using a point system established in statute that must account for the following:

- Severity of erosion conditions, the threat to existing upland development, and recreational or economic benefits;
- Availability of federal matching dollars;
- Extent of the local government sponsor's financial and administrative commitment to the project;
- Previous state commitments and involvement in the project;
- Anticipated physical performance of the proposed project, including the frequency of periodic planned nourishment;
- Extent to which the proposed project mitigates the adverse impact of improved, modified, or altered inlets on adjacent beaches;
- Innovative, cost-effective, and environmentally sensitive applications to reduce erosion;
- Projects that provide enhanced habitat within or adjacent to designated refuges of nesting sea turtles;

- Extent to which local or regional sponsors of beach erosion control projects agree to coordinate the planning, design, and construction of their projects to take advantage of identifiable cost savings; and
- Degree to which the project addresses the state’s most significant beach erosion problems.

Once the projects are ranked, local governments have 21 days to review the list and provide additional information before the list is finalized.

In 2014, OPPAGA released a report evaluating the DEP’s process for selecting and prioritizing local beach and inlet management projects. The report found that:

- Certain criteria account for the majority of the points awarded;
- Certain criteria only apply to a limited number of projects;
- The criteria do not adequately account for the economic impact of beach projects;
- The criteria do not adequately account for a project’s cost effectiveness or performance;
- The criteria do not account for the impacts of recent storms or current conditions of the shoreline;
- Stakeholders found the application requirements for funding to be too complicated and time consuming; and
- Stakeholders perceived a bias for projects that received federal funding.

Proposed Changes: This bill revises the statutory criteria by which local beach and inlet project grant requests are ranked by the DEP. It requires DEP to divide the criteria into a four-tier scoring system, to assign each tier a certain percentage of overall point value, and to weigh the criteria equally within each tier. The bill also:

- Provides that if the DEP identifies specific reasonable and documented concerns that the project will not proceed in a timely manner, DEP may choose not to include the project in the annual funding priorities submitted to the Legislature;
- Eliminates the requirement that the DEP assign points for the financial and administrative commitment to the project by the local sponsor, including a long-term financial plan with a designated funding source or sources for initial construction and periodic maintenance;
- Changes the tiebreaking criteria if two beach management projects receive the same score by requiring DEP to assign the highest priority to the beach management projects that are most ready to proceed, rather than the projects that are ready to proceed;
- Requires the DEP to update the active beach management project list on its website on a quarterly basis;
- Amends the statutory definition of “significant change” to include a project-specific change or cumulative changes that exceed the project's original allocation by \$500,000. Currently, when a funding level for a project significantly changes from the amount the local sponsor requested and was approved in the funding allocation, DEP must notify the governor and Legislature how the surplus funds will be used;

- Allows surplus funds due to significant changes to be expended on beach restoration and beach re-nourishment projects, not just inlet management projects, other priority projects, or as part of a reversionary appropriation.
- Authorizes the DEP to use surplus funds from projects that do not have a significant change for inlet management projects, beach restoration and nourishment projects, as a reversionary appropriation, or for other specified priority projects on the active project lists. Does not require the DEP to notify the legislature or the governor as would be the case with a surplus resulting from a significant change; and
- Requires funding for specific projects on annual project lists approved by the Legislature to remain available for such projects for 18 months.

The changes relating to beach ranking criteria have an effective date of July 1, 2020, while the changes relating to surplus funds have an effective date of July 1, 2019.

For inlet management projects, the bill:

- Revises and updates the criteria that DEP must consider when ranking inlet management projects for funding consideration, and to weigh each criterion equally;
- Authorizes DEP to pay up to 75 percent of the construction costs of an initial major inlet management project component, and allows DEP to share the costs of the other components of inlet management projects equally with the local sponsor;
- Requires DEP to rank the inlet monitoring activities for inlet management projects as one overall subcategory request for funding separate from the beach management project funding requests; and
- Eliminates the requirement that the Legislature designate one of the three highest ranked inlet management projects on the priority list as the Inlet of the Year.

Lastly, the bill requires the DEP to develop and maintain a Comprehensive Long-Term Beach Management Plan that must include the following: a strategic beach management plan, a critically eroded beaches report, and a statewide long-range budget plan that includes a three-year work plan identifying all the beach nourishment and inlet management projects viable for implementation during the ensuing fiscal years.

Effective Date: July 1, 2019, unless otherwise specified

Public Records & Public Meetings/Local Government Utilities (ER/HB 327)

Background: Florida's sunshine laws require records pertaining to a matter of public interest to be open to public review, while meetings of any government body where public matters are discussed must be open to the public, unless an exception is provided by general law.

Information pertaining to IT security for publicly owned or operated utilities is currently exempt from the public records requirement, but not from public meeting requirements.

Proposed Changes: This bill exempts any meeting during which IT security for public utilities is discussed from the public meeting requirement, however, the meeting must still be recorded and transcribed, and the record kept confidential unless a court of competent jurisdiction determines that the information is of a non-exempt nature after a review of the meeting records. Even then, only those portions of the transcript or recording detailing non-exempt data may be disclosed to a third-party.

This exemption is subject to the Open Government Sunset Review Act and will stand repealed October 2, 2024 unless extended by the Legislature.

Effective Date: July 1, 2019.

Non-Emergency Medical Transportation Services (ER/HB 411)

Background: Non-emergency medical transportation (NEMT) is generally defined as transport services offered to patients, usually disabled or elderly, who are unable to drive to their medical appointments or have no personal means of transport. Such transportation services are usually covered under Medicaid. Under statutes and rules governing Florida's Medicaid program, which is administered by the Agency for Health Care Administration (AHCA), NEMT's are generally defined as medical transportation services that specialize in transporting patients, as opposed to regular transportation network companies (i.e. Uber, Lyft), which also regularly provide transportation for elderly and infirm patients.

Proposed Changes: This bill amends statute to allow the following to provide Medicaid-funded NEMT services to a Medicaid recipient:

- Any transportation network company or transportation broker under contract with a Medicaid managed care plan;
- Any transportation broker under direct contract with AHCA; or
- Any transportation network company that receives referrals from a transportation broker contracting with a Medicaid managed care plan or AHCA.

No additional requirements for transportation network companies or drivers may be imposed beyond what is necessary to conform to federal/state Medicaid requirements, which in this case would include drivers undergoing a Level I FDLE background check.

The bill directs AHCA to update the Non-Emergency Transportation Services Coverage Policy as well as any other regulations, policies, and guidance necessary to reflect this authorization by October 1, 2019.

Lastly, the bill clarifies that none of the bill's provisions should be construed to:

- Exempt any person, firm, corporation, association, or local government entity that provides advanced life support or basic life support transportation services from certain licensing requirements; or
- Expand or limit the transportation benefits provided to Medicaid recipients or require any Medicaid managed care plans to contract with a transportation network company or transportation broker.

Effective Date: July 1, 2019

Firefighters (ER/SB 426)

Background: Under current law, firefighters are eligible for disability and death benefits covered under the Special Risk Class of the Florida Retirement System. These benefits are divided into two categories: regular and in-the-line-of-duty. In-the-line-of-duty benefits are reserved for those firefighters injured or killed due to injuries sustained in the midst of their hazardous line of work. Injured firefighters under this category are eligible for a disability benefit of 65% of their average final compensation, while the spouses of deceased firefighters may receive a lifetime benefit of 100% of their monthly salary, provided they do not re-marry.

A firefighter or firefighter's spouse may be eligible for such worker's compensation benefits for injury or death caused by cancer upon showing, by a preponderance of evidence, that the cancer was caused by exposure to certain toxic substances (e.g. asbestos) to which the firefighter was regularly exposed.

A presumption of proof is currently provided by statute in cases where death or injury was the result of tuberculosis, heart disease, and hypertension, ailments that have been shown to have a statistical and causal link to firefighting. However, no such presumption currently exists for cancer cases. Advocates and unions for firefighters have long lobbied for such a presumption to be included, citing studies that have shown a statistical correlation between cancer rates and firefighting.

Proposed Changes: This bill provides a presumption of proof in compensation for in-the-line-of-duty injuries or deaths for firefighters who have been diagnosed with at least one of 21 specific cancers listed in the bill, and it applies to all full-time employed firefighters working for DACS, the State Fire Marshal's Office, the DCF, the Dept. of Military Affairs, state universities, municipalities, counties, port authorities, and fire control districts. As an alternative, firefighters

diagnosed with one of the 21 listed cancers may seek full-compensation for cancer-treatment, plus a one-time \$25,000 payout.

To be eligible in either case, the firefighter in question must have been employed by his or her employer for at least 5 continuous years, have not used tobacco products for the preceding 5 years, and have not been employed in any other position in the preceding 5 years that is proven to create a higher risk for cancer. The bill applies to the following cancers:

- Bladder cancer
- Brain cancer
- Breast cancer
- Cervical cancer
- Colon cancer
- Esophageal cancer
- Kidney cancer,
- Large intestinal cancer
- Lung cancer
- Malignant melanoma
- Mesothelioma
- Multiple myeloma
- Non-Hodgkin's lymphoma
- Oral cavity and pharynx cancer,
- Ovarian cancer
- Prostate cancer
- Rectal cancer
- Skin cancer
- Stomach cancer
- Testicular cancer
- Thyroid cancer

The costs to provide reimbursement, lump sum payments, disability retirement benefits, and line-of-duty death benefits must be born solely by the employer, as must the increased actuarial costs of implementing the new presumptions. Employers may not increase employee contributions in order to fund the costs associated with enhanced death/disability benefits provided by the bill.

The Division of the State Fire Marshal within the DFS is directed to adopt employer rules for best practices for cancer prevention among firefighters as it relates to protective equipment, decontamination, fire suppression apparatus, and fire stations.

Effective Date: July 1, 2019

911 Services (ER/HB 441)

Background: The Technology Program Office within the Department of Management Services (DMS) oversees the E911 system in Florida. The office is required to develop, maintain, and implement appropriate modifications for a statewide emergency communications E911 system plan. The 911 system operates through a system of call centers and dispatchers, with some operating at a local, multi-jurisdictional, or regional basis. It is not uncommon for dispatchers to receive emergency calls outside their service areas or even from another state in border areas.

A growing number of callers have also sought to use text messaging as a form of communicating with emergency operators.

Proposed Changes: This bill requires each county to develop a countywide implementation plan for text-to-911 services and have that system in place to receive E911 text messages by January 1, 2022.

The DMS's Technology Program Office will be required to develop and implement, by February 1, 2020, a plan to require a 911 dispatcher located in one local, multi-jurisdictional, or regional E911 system to transfer to another when deemed prudent or necessary, either by the dispatcher or by the caller.

The bill further requires all local governments and first responders to develop and implement communications systems allowing direct radio communication between 911 public safety answering points (PSAPs) and first responders. Each PSAP in a county must be capable of immediately broadcasting 911 communications or public safety information over the primary radio dispatch channels of each first-responder agency in the county served by it, in whatever service area they can reasonably receive calls from. Sheriffs of each county must certify compliance to the DLE by Jan. 1, 2020. They must also provide a copy of their interlocal agreements between the county and the first responders implementing the system.

Effective Date: July 1, 2019

Open & Expired Building Permits (ER/HB 447)

Background: Under current law, a building permit is deemed invalid if work is not commenced within 6 months of issuance or ceases for that same period. For work to recommence, a new permit must be applied for and issued. If such a permit is not sought within 180 days of the original permit's expiration, a local enforcement agency may order the removal of any incomplete structures, though the expense of such a task can often prove cost-prohibitive and many expired permits attached to the property may be left to the next owner of the property to deal with.

Proposed Changes: This bill requires local governments to provide written notice to homeowners and contractors, via regular mail or e-mail, at least 30 days before a permit is set to expire.

More importantly, it adds homeowners completing the requirements of a building permit for a one- or two-family residence (while acting as their own contractors and supervising the work done by non-contractors) to the list of works exempted from construction contracting regulation under s. 489.103, F.S., and electrical and alarm system-contracting regulations under s. 489.503, F.S. The owner must receive pre-approval by the local permitting agency in order to receive this exemption, and the majority of the work must already be completed by the contractor listed on the permit. The property owner may also choose to retain the original contractor listed on the permit or hire a different contractor to finish the work. A replacement contractor cannot be held liable for building defects attributable to the work done by the original contractor.

The owner is also no longer required to occupy the residence for one year after completion of the project.

The requirements to close a permit are the same as those required by the building code in effect at the time of permit application unless the contractor seeks and receives approval to use different materials, designs, or construction methods. Additionally, a local enforcement agency may close a permit up to 6 years after issuance, even in the absence of a final inspection, if the agency determines that no apparent safety hazards exist.

Local governments may not charge a person more than one search fee for identifying the building permits for units or sub-units that are assigned to one parcel of property, and may only do so in an amount commensurate with research and time costs incurred by the county.

Local governments may also not penalize an arms-length purchaser of a property with an un-closed building permit attached to it or deny a building permit to a contractor solely because he or she is named on another building permit that has not been closed, though the local government shall retain all rights and remedies against the previous owner and contractor listed on the permit.

The bill also makes a few broader changes to FBC code enforcement and fee revenue implementation. It provides that the FBC may adopt changes to the state building code every three years without a finding that updates are needed in order to accommodate specific needs of the state.

Local governments are prohibited from carrying forward an amount exceeding the average of its operating budget for enforcing the FBC for the previous 4 years (The term “operating budget” does not include reserve amounts), unless allowed by a five-member Building Inspections Fund Advisory Board made up of members of the construction community. Local governments are

required to use any excess funds that they are prohibited from carrying forward to rebate and reduce fees.

Effective Date: July 1, 2019

Wetland Mitigation (ER/HB 521)

Background: Mitigation credits are the result of the creation, restoration, or preservation of wetlands in certain areas of the state to compensate for wetlands lost in other parts due to development or agricultural activity. In 1993, Florida passed the first laws allowing for the creation of public and private mitigation banks. Prior to 2012, local governments were allowed to sponsor regional offsite mitigation projects (ROMAs) that allowed them to submit fees in order to offset multiple development projects by funding one ROMA project rather than search for acres of unprotected wetland to preserve within the different project areas.

In 2012, legislation was passed prohibiting local government entities from creating or providing mitigation for projects other than their own unless that mitigation used land not previously purchased for conservation and the entities provided financial assurances required for mitigation banks under s. 373.4136, F.S.

Proposed Changes: This bill provides that local government may use permittee-responsible mitigation consisting of the restoration or enhancement of lands purchased and owned by the local government whenever state/federal mitigation credits are not available to offset the adverse impacts of a local project. This mitigation must still conform to permitting requirements under s. 373.4136, F.S., and mitigation credits may not be used for any other projects except those located on land purchased for conservation by the local government entity.

The bill further provides that financial assurances are not required for mitigation areas created by local governments that were awarded mitigation credits pursuant to ch. 62-345, F.A.C., under a permit issued before December 31, 2011, when credits are not available under a mitigation bank permitted under s. 373.4136, F.S.

Effective Date: July 1, 2019

Environmental Regulation (ER/HB 771)

Overview: This bill touches on two different areas of environmental law: local government recycling programs and ERP permits.

Recycling Programs

Background: Current law requires local governments to implement some form of recyclable materials program within their districts. Many local governments have instituted single-stream recycling programs that allow all recyclable materials to be placed within a single container before being trucked to a recycling facility.

Unfortunately, this streamlined method increases the potential for contamination and rejection of recyclable material. Local governments usually contract these duties to private companies, but these contracts are not required to address contamination of recyclable materials under current law.

Proposed Changes: The bill requires contracts entered into between local governments and residential recyclable waste collectors and recycling facilities to address non-hazardous contamination of recyclable material in their contracts. Starting October 1, 2019, contracts executed or renewed must:

- Define the term “contaminated recyclable material” in a manner that is appropriate for the local community, taking into consideration available recyclable material markets, available waste composition studies, and other relevant factors;
- Include strategies and obligations of the parties to reduce the amount of contaminated recyclable material being collected or processed; procedures for identifying, documenting, managing, and rejecting contaminated recyclable materials; and authorized remedies in handling contaminated containers; and
- For collection contracts, provide education and enforcement measures to be used to reduce contaminated recyclable material.

Environmental Resource Permits

Background: State law allows water management districts and the DEP to require environmental resource permits (ERP) to ensure certain construction activities comply with the law and will not harm water resources. Some projects can be exempted from ERP permitting if the project meets specific statutory criteria. A local government, as part of its permitting process, may require applicants provide verification from the DEP that the activity is exempt. To expedite this process, the DEP developed an online self-certification process for individuals to verify whether the activity is exempt from regulation.

One ERP exemption is for rebuilt docks and piers provided that the structure is of the same dimensions and in the exact same location.

Proposed Changes: This bill prohibits local governments from requiring a person claiming an ERP exemption to provide further verification from the DEP that he or she is exempted.

The bill also revises the ERP exemption for docks and piers to allow that exemption to apply so long as the replaced or repaired structure:

- Is within 5 ft. of the same location;
- Is no larger in size than the existing dock or pier; and
- There are no additional aquatic resources that are adversely and permanently impacted by the replacement or repair.

Plastic Straw Ordinances

Background: Plastic pollution is a widening concern for many Florida communities. Plastic is slow to degrade and improperly disposed plastic detritus can clutter public spaces like parks, nature reserves, and beaches, becoming unsightly and posing a choking hazard to native fauna.

Some local governments have passed ordinances aimed at reducing the number of plastic products in circulation, including the use and distribution of plastic straws.

Proposed Changes: This bill places a moratorium on local government ordinances regulating plastic straw use. The moratorium sunsets on July 1, 2024.

OPPAGA is directed to conduct a study of straw ordinances to be completed and submitted to the Legislature by December 1, 2019

Veto Note:

Local governments should carefully note this veto, which recognize local government's ability to govern. Whether the governor's veto is evidence of a broader policy shift is unknown, however, in his veto letter he stated:

A number of Florida municipalities, including Sanibel, Ft. Myers Beach and Miami Beach, have enacted ordinances prohibiting single-use plastic straws. These measures have not, as far as I can tell, frustrated any state policy or harmed the state's interests. In fact, the Florida Department of Environmental Protection has encouraged Florida residents, schools and businesses to reduce plastic straw use.

Under these circumstances, the State should simply allow local communities to address this issue through the political process. Citizens who oppose plastic straw ordinances can seek recourse by electing people who share their views.

Effective Date: VETOED by the Governor on May 10, 2019

Public Utility Storm Protection Plans (ER/SB 796)

Background: In Florida, there are currently five investor-owned utilities (IOUs) that are in operation: Florida Power and Light, Duke Energy Florida, Gulf Power Company, Tampa Electric Company, and the Florida Public Utilities Corporation. These utilities are under the oversight of the Public Service Commission (PSC), which is responsible for reviewing the utilities' proposed plans of operation to ensure a stable and cost effective statewide electrical grid system. This includes approval over storm hardening and 'cost recovery' costs incurred by IOUs in order to either harden their electric grid against future storms or to repair the grid in the wake of one. Currently, these costs are generally recovered through base rates, which are set and approved in rates cases made before the PSC.

With the cost of improving the electric grid's storm resiliency growing in the wake of more frequent and powerful storms, IOUs have begun proposing the idea of recovering the costs through a dedicated recovery clause, allowing the charge to be levied as a separate line item on a ratepayer's bill without having to go through the laborious process of including those recovery costs as part of their rate cases. Such clauses are typical in cases where the long-term, year-by-year cost of a project is difficult to estimate due to its volatility or short-term nature.

Proposed Changes: This bill creates a new statute requiring a recovery clause for storm protection costs. Each utility (excluding gas utilities) will be required to file a transmission and distribution storm protection plan with the PSC detailing 10-years of planned improvements, which the PSC will have 180 days to approve or modify.

The variables that must be considered are:

- The extent to which the plan is expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability, particularly in areas with lower reliability performance;
- The extent to which the plan is feasible, reasonable, or practical in certain areas of the utility's service area, including in flood zones and rural areas;
- The estimated costs and benefits to the utility and its customers if the proposed improvements are made; and
- The estimated annual rate impact resulting from the plan over the first 3 years of implementation.

These plans must be resubmitted to the PSC every 3 years for further review and modification. Additionally, the PSC must hold proceedings on an annual basis with the IOUs on whether they can justify and recover these mitigation costs through the cost recovery clause. Under the bill, these costs may automatically be deemed prudent, although a third party may challenge this. If the commission finds that costs were properly incurred, no further review or disallowance is allowed, except in situations involving fraud, perjury, or intentional withholding of information.

The annual transmission and distribution storm protection plan costs that are recoverable through the storm protection cost recovery clause must be stated separately from the public utility's base rates and must be allocated to customer classes pursuant to the rate design most recently approved by the commission. If a capital expenditure cost is recoverable through a storm protection cost recovery clause, the public utility may recover the annual depreciation on such cost, calculated at the public utility's current approved depreciation rates. The IOU may also recover a return on the depreciated balance of the costs, calculated at the public utility's weighted average cost of capital using the return on equity last approved by the commission in a rate case or settlement order.

The bill includes an appropriation of \$261,270 in recurring and \$15,020 in non-recurring funds from the Regulatory TF to the PSC, as well as 4 full-time positions with a salary rate of \$180,583 per year, for the purpose of implementing the bill's provisions.

The PSC must submit a yearly progress report on the implementation of each utility's transmission and distribution storm protection plan to the Legislature and governor.

Implementation of the bill must begin no later than October 31, 2019.

Effective Date: Upon becoming law.

Engineering (ER/HB 827)

Overview: The licensing and regulation of professional engineers in the state is governed under ch. 471, F.S., and enforced by the Florida Board of Professional Engineers (the Board). An engineer or engineering business, whether from the state or from out of state, may not operate without the approval or certification from the Board. This bill amends the statute to make changes to the way engineers are both licensed and regulated.

Delinquent Status Licenses

Engineering licenses must be renewed regularly, or risk becoming delinquent. A delinquent status licensee must affirmatively apply with a complete application for active or inactive status during the licensure cycle in which a licensee becomes delinquent, otherwise the license becomes void, and the licensee must complete the entire application process all over again in order to get another license.

Proposed Changes: This bill removes the requirement that a delinquent licensee must apply with a complete application for active or inactive status. Instead, it requires the Board to develop rules and a process for allowing a voided licensee to apply for reinstatement. It also prohibits the

continuing education requirements for renewal and reinstatement to exceed those currently required for licensed professional engineers.

Certificates of Authorization

Background: A “certificate of authorization” is a business license to practice engineering that must be issued to those businesses that offer engineering services, completely separate from individual engineering license.

Proposed Changes: This bill removes the requirement that a business obtain a certificate of authorization in order to offer engineering services, providing instead that the individual engineering licenses of their employees may “qualify” the business to operate so long as certain standards and rules are complied with.

Temporary Certificates

Background: Temporary certificates must be obtained by out-of-state engineering firms in order to carry out projects in the state. These certificates can be obtained by equivalent licensure in other states, an endorsement, and the payment of a fee.

Proposed Changes: This bill changes the temporary certificate into a temporary registration.

Examination Prerequisites

Background: In order to sit for examinations for state licensure, applicants must have:

- Graduated from an approved engineering curriculum of 4 years or more at a Board-approved institution and 4 more years of active engineering experience indicating a competence to be in responsible charge;
- Graduated from an approved engineering technology curriculum of 4 years or more in school that is part of the State University System and have 4 more years of active engineering experience indicating a competence to be in responsible charge (which only applies to those who graduated prior to July 1, 1979); or
- Have 10 or more years of active engineering experience (this applies only to those who were working as of July 1, 1984).

These prerequisites have obviously become out of date since then.

Proposed Changes: The bill removes the requirement that graduates have active responsible engineering work experience before sitting for the fundamentals examination.

The bill also removes the date limitation from the provision allowing an engineering technology degree to be used to qualify for licensure, which only applied to those who enrolled or graduated prior to July 1, 1979. Thus, applicants can use a technology degree as a prerequisite to licensure.

The outdated option authorizing 10 years of work experience in lieu of the education and experience requirements is also removed, as it only applied to those who were engaged in such work on July 1, 1981.

The term “engineering curriculum” is changed to “engineering science curriculum,” which is the current nomenclature used in the field.

Personal Appearances

Background: Under current law, the Board may require the personal appearance of an applicant for licensure. The Board must provide applicants with adequate notice of the time and place of the appearance and a statement of the purpose and reasons requiring the appearance.

Proposed Changes: This bill allows the application of an applicant who fails to appear before the Board twice to be denied. The time period within which a licensure application must be granted or denied may also be tolled until such time as the applicant appears.

Special Inspections

Proposed Changes: Under current law, local governments must require special inspectors to perform structural inspections on threshold buildings pursuant to a structural inspection plan. Current law does not define structural terms or specify the types of structural projects that must be inspected.

Proposed Changes: This bill modifies the statute to specify the types of structural projects for which special inspectors are required. These include new building, repair, or restoration projects that modify structural systems or loadings.

Successor Engineers

Background: Under current statute, the Board must require final engineering documents to bear the signature, seal, and date of the engineer(s) responsible for its formulation. However, those rules do not currently address the sealing and signature requirements of successor engineers who adopt the documents or make their own modification, or who bears liability for defects in the final engineering document traceable to the first engineer’s work. This has caused some confusion in civil litigation involving such documents.

Proposed Changes: This bill clarifies the statute providing that a successor engineer assumes full responsibility when signing or affixing his or her seal to documents previously sealed by another engineer.

Alternate Plan Reviews

Background: Under current law, a local government may use private providers for plan review and site inspection for certain types of construction. However, certain timeframes apply. The local government must be notified at least 7 business days before the private inspection is carried out. Local building officials must also act on a permit application reviewed by a private provider within 30 days of receiving it.

Proposed Changes: This bill reduces the 7-day notification period to 2 days, and the permit application review period to 20 days.

Construction Engineering Inspections

Proposed Changes: To prevent conflicts of interest, this bill prohibits using the same contractor for design and construction services and inspections for projects funded by the DOT and administered by local governments. (Note: HB 905 contains these same provisions).

Effective Date: October 1, 2019

Attorney Fees and Costs/Biosolids (ER/HB 829)

Attorney Fees & Costs

Background: State law allows courts to impose sanctions on any party or attorney who raises a frivolous claim or defense or who unreasonably delays a judicial proceeding. The court may require the losing party to pay for the prevailing party's attorney fees. A party can also appeal a court's award or denial of sanctions.

Proposed Changes: This bill entitles a prevailing party to reasonable attorney fees and costs in any action that challenges a local government ordinance on the grounds that it is expressly preempted by state law, unless the following occurs:

1. The local government receives written notification that the ordinance or proposed ordinance is expressly preempted; and
2. The local government repeals or withdraws the ordinance, or makes a notice of its intent to repeal the ordinance, within 30 days of being notified (If it makes a notice of intent to repeal, that repeal must be carried out within 30 days of that notice).

The bill does not apply to growth management ordinances adopted under part 11 of ch. 163, F.S., building code enforcement under s. 553.73, F.S., or fire prevention codes under s. 633.202, F.S. The bill only applies to cases commenced on or after July 1, 2019.

Biosolids

Background: Approximately two-thirds of Florida's population is served by around 2,000 domestic wastewater facilities permitted by the DEP. When domestic wastewater is treated, solid, semisolid, or liquid residue known as biosolids accumulates in the wastewater treatment plant and must be removed periodically to keep the plant operating properly. The collected residue is high in organic content and contains moderate amounts of nutrients. Biosolids can be disposed of in several ways: transfer to another facility, placed in a landfill, distribution and marketing as fertilizer (Class AA), incineration, bioenergy, and land application to pasture or agricultural lands. About one-third of the total amount of biosolids produced is used for land application.

Proposed Changes: The bill allows local governments to enforce or extend any ordinances, rules, regulations, moratoriums, resolutions, or policies adopted before February 1, 2019 relating to the land application of Class B biosolids until they either decide to repeal those rules or until the DEP adopts its own statewide standards, whichever comes first.

Effective Date: July 1, 2019

Local Government Financial Reporting (ER/HB 861)

Background: Current law requires local governments to post their tentative and annual budgets for every fiscal year on their website. However, the law does not specify for how long these budgets must be posted.

The responsibility for compiling the tentative budget lies with the county or municipal budget officer, who must then submit it to the governing board for public review and finalization as the annual budget.

Proposed Changes: This bill requires local governments to post their tentative budgets to their websites for at least 45 days and their annual budget for at least 2 years.

Beginning October 15, 2019, every local government budget officer will be required to file an annual report to the Office of Economic and Demographic Research (EDR), in a format and on forms prescribed by EDR, including information concerning:

- Government spending per resident, including the rate for the five preceding fiscal years;

- Government debt per resident, including the rate for the five preceding fiscal years;
- Median income within the county or municipality;
- Average county or municipal employee salary;
- Percent of the entity's budget spent on salaries and benefits for the entity's employees; and
- Number of special taxing districts that are located wholly or partially within the county or municipality.

The bill requires EDR to develop the format and forms for reporting the information by July 15, 2019.

Effective Date: Upon becoming law.

Department of Transportation (ER/HB 905)

Overview: This year's transportation omnibus includes provisions relating to asphalt ordinances, bidding for DOT contracts, authorization of new transportation projects, projects administered by local government entities, toll roads, and contract claims made to the State Arbitration Board.

Background:

Aggregates and asphalt

To develop and adopt uniform minimum standards and criteria for the design, construction, maintenance, and operation of public roads, the DOT may adopt rules relating to approval of aggregate and other material sources. The DOT has a standardized method for producers of construction aggregates to apply for, receive, and maintain DOT-approval of construction aggregate sources for use on DOT projects. Currently, there is no provision in state law requiring local governments to accept aggregates certified pursuant to DOT's rules. There have been instances when local governments have not permitted a contractor to use certain DOT-certified materials on the local government's transportation facilities.

Section 336.044, F.S., declares that it is in the public interest to find alternative ways to use recyclable materials and to determine the feasibility of using certain recyclable materials such as ground tire rubber, ash residue, and construction steel as material in road construction. It requires DOT to review and revise bid procedures and specifications for the purchase or use of products and materials to eliminate any procedures and specifications that explicitly discriminate against such products and requires all agencies to cooperate with DOT in expanding the current use of recovered materials in road construction projects. It is unknown how many, if any, local governmental entities have adopted standards or specifications for reclaimed asphalt in construction that are contrary to DOT standards or specifications.

Innovative Transportation Projects and Techniques

DOT may establish a program for highway projects demonstrating innovative techniques of highway construction, maintenance, and finance which have the intended effect of controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway construction and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs.

In relevant parts to local governments and infrastructure resilience, the bill:

- Prohibits local governments from adopting their own specifications and standards for the permissible use of certified aggregates or reclaimed asphalt pavement material that are contrary to the DOT's own standards and specifications; and
- Authorizes DOT to establish certain innovative transportation projects and techniques for highways and bridges, including projects for measuring their resiliency and structural integrity.

Effective Date: July 1, 2019

Communications Services (ER/SB 1000)

Background: Current law allows local governments to impose a tax upon communication service providers whose equipment occupies or uses public rights-of-way (ROWs). Three local governments currently do so.

Proposed Changes: This bill preempts the ability of local governments to charge permitting fees on communication service providers that occupy public ROWs.

The bill removes the ability of other local governments to elect to impose such fees while grandfathering in all the local governments that were imposing such fees as of January 1, 2019, albeit with new restrictions on implementation. Those new restrictions include the following changes:

- Unless expressly authorized by ch. 202, 364, or 610, F.S., local governments are prohibited from adopting or enforcing any requirements or charges for placement of communication facilities within a ROW by authorized providers;

- Local government may not require a registrant to renew its registration more frequently than every 5 years but may require a registrant to provide any updates to the original registration information within 90 days of a change;
- Adds federal employer identification number, any required proof of insurance, and a statement as to whether a utility is a pass-through provider to the list of information that a local government may require of a communications utility to register with them;
- Prohibits local governments from imposing any fees, costs, or other charges for renewal or registration;
- Provides that a local government that allows for an administrative review of a permit rejection must complete the review within 45 days or waive any claim regarding failure to exhaust administrative remedies in any judicial review of the permit denial;
- Provides that a local government may require a pass-through provider to submit an annual notarized statement identifying the total number of linear miles of pass-through facilities with its jurisdictional ROW. The local government may also inspect maps of these facilities in order to make an accurate calculation of the linear mileage for tax purposes. Such inspection may not be requested more than once a year;
- Provides that local governments may not require an inventory of communication facilities, maps, or other information by the registrant as a condition of registration, renewal, or other purposes, except when the applicant is required to identify at-grade communication facilities within 50 ft. of an existing structure in order to avoid interference;
- Fees may not be imposed for service work that does not impede access or cause disturbance within the ROW, including service restoration work, facility extensions to improve service, and placement of certain micro-wireless facilities;
- Revises the definition of “wireless support structure” to mean ground-based equipment less than 5 ft. in height;
- Provides a definition of “extension of existing facilities” to include protrusions beyond the ROW into a utility customer’s private property;
- Provides that a utility performing service restoration work on an existing facility that closes a sidewalk, vehicular lane, or parking lane can do so without first obtaining a ROW work permit so long as the work is done in compliance with FDOT’s Utility Accommodation Manual, and the utility provides the local government notice 30-days after the work is complete and obtains a permit after the fact for work that would have required a permit;
- A local government may not require a permit for the maintenance, repair, replacement, or upgrade of existing aerial wireline within an ROW except in cases where such work requires excavation or closure of sidewalks or vehicular lanes (with the exception of emergency work on pre-existing facilities). No fees or charges may be imposed on repairs located on public property outside the public ROW;
- Local governments must delay enforcement of a proposed ordinance regulating placement of service equipment with an ROW for which notice has not been given;

- Provides that local governments that fail to give notice of enforcement of a proposed ordinance regulating placement of service equipment with an ROW must suspend that ordinance until 30 days after notification is provided;
- Local governments may not charge franchise fees. However, the bill clarifies that the prohibition on franchise fees does not impair a local government from requesting public, educational, or governmental access channels pursuant to statute;
- Services providers must be given 60 days advance notice of any changes to ROW rules or regulations;
- Removes the undergrounding of existing facilities from the list of pre-requisites a local government can impose on a utility applying for a permit to collocate wireless facilities;
- Allows local governments to require wireless service providers to comply with objective design standards and mandatory rules for undergrounding of ROW public utility lines under specified circumstances;
- Local governments are restricted in how they regulate or charge fees for installation, operation, or other work done on utility poles used to collocate Small Wireless Facilities (SWFs) within an ROW. The local government authority may require an initial letter from the provider attesting that micro-wireless facility dimensions comply with allowed rules and ordinances, but may not require any additional filing as long as the provider is deploying the same or smaller devices. An authority may not impose any type of moratorium that would delay the issuance of permits for collocation of SWFs or the installation of utility poles used to support collocation;
- Cable and video service providers are added to the statutory definition of “wireless service providers”;
- Adds the National Electric Safety Code and the 2017 edition of FDOT’s Utility Accommodation Manual to the statutory list of “applicable codes”;
- Provides that local governments may not require a performance bond or security funds, and construction bonds are limited to 18 months after construction completion. Local governments are also required to accept from a service provider any letter of credit from a bank authorized in the US without conditions;
- Local governments may not indemnify a service provider for liabilities not caused by the provider; and
- A person aggrieved by an ROW statute may file for relief in a U.S. District Court in the form of a temporary or permanent injunction and recovery of full costs and reasonable attorney fees to a prevailing party are authorized.

Effective Date: July 1, 2019

Private Property Rights (ER/HB 1159)

Background: Local governments are allowed to develop and implement their own land use ordinances, including requiring permits or pre-approval to the remove or prune trees and bushes

located on public rights-of-way. These ordinances apply to both private citizens as well as public utilities. Where no such local ordinances exist, state law still requires electric utilities to provide their local government with 5 days pre-notice of an impending vegetation management action within an ROW, unless such work is taken to restore services, avoid an imminent outage, or upon request of an adjacent owner who has already received approval from the local government.

Proposed Changes: This bill prohibits local governments from requiring a notice, permit, application, approval, fee, or mitigation for the pruning, trimming, or removal of a tree located on residential property and that has been documented as “dangerous” to personal safety/property by a certified arborist or licensed landscape architect. Furthermore, it prohibits local governments from requiring a property owner to replant a tree that was maintained or removed under those conditions. It also removes the requirement that a property receive pre-approval from a local government before requesting an electric utility to maintain vegetation adjacent to an ROW. The bill does not apply to authorities delegated to local governments under the Mangrove Trimming and Preservation Act.

Lastly, the bill requires county property appraisers to post a Property Owner Bill of Rights on their websites in a form prescribed by the bill.

Effective Date: July 1, 2019.

Anchoring & Mooring of Vessels Outside of Public Mooring (ER/SB 1666)

Background: Derelict vessels are water-bound crafts that are left abandoned or wrecked in the public waters of the state. Both local and state authorities are authorized to seize these vessels in instances where they pose a significant hazard to navigation, the environment, or nearby persons and property. The process of removing derelict vessels is both expensive and time-consuming to public resources, and in 2016 the problem became acute enough that the state passed laws prohibiting neglected or deteriorating vessels from anchoring in state waters. There is also the problem of vessels discharging their waste tanks into ecologically sensitive areas of the state’s waters.

Proposed Changes: This bill:

- Prohibits anyone without a safety certification or temporary certification from operating a 10-horsepower+ vessel;
- Authorizes the FWC to appoint agents to administer boater safety courses or temporary certificate examinations and sets fees for such services. Private safety courses must meet state requirements and rules adopted by the FWC. Temporary certificates may not be valid for more than a 90-day period;

- Allows a boater to submit an out-of-state certification that meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators;
- Defines the term “long-term stored vessel” to mean a vessel that has remained anchored or moored without supervision or control for at least 30 days out of a 60-day period;
- Requires the FWC to conduct a study (contingent upon getting an appropriation) on the impacts of long-term stored vessels on local communities and the state, especially during storm events. This report must be presented to the legislature before 2024;
- Requires undisbursed vessel registration fees to be available for re-appropriation to the Florida Boating Improvement Program to improve public boating access;
- Authorizes counties designated as rural areas of opportunity, and with the approval of the federal EPA, to create “no-discharge zones” in the freshwaters of their jurisdictions where the discharge of treated and untreated sewage is prohibited;
- Requires vessel operators within a no-discharge zone to keep sewage onboard for discharge at sea or onshore at a pump-out facility. This includes vessels and floating structures no longer capable of being used as transport;
- Imposes a civil penalty for any unlawful discharge made in a no-discharge zone;
- Requires a certain portion of vessel registration fees designated for use by the counties to be deposited into the Marine Resources Conservation Trust Fund to fund grants for derelict vessel removal; and
- Provides that a vessel must be determined to be derelict through an administrative or criminal proceeding, and that no person may dwell aboard that vessel until it has either been removed from state waters or returned to sailing condition.

Effective Date: July 1, 2019

Department of Environmental Protection (ER/HB 5401)

Background: Florida’s Department of Environmental Protection (DEP) is the chief agency for developing and implementing environmental law. Law enforcement is not currently under its purview; there was once a Division of Law Enforcement within the DEP that undertook enforcement activities, however, that division was dissolved in 2012 on the recommendations of the Law Enforcement Consolidation Task Force. The activities once carried out by that division are now largely left to the FWC and other enforcement agencies through a series of agreements with the DEP.

In 2019, newly elected-governor DeSantis issued an executive order directing the DEP to transfer the Environmental Crimes Enforcement Unit from the FWC to the DEP in order to make use of the department’s greater resources and ensure stronger enforcement of the state’s environmental laws.

Proposed Changes: This bill re-creates the Division of Law Enforcement within the DEP and transfers all the primary powers and duties of the FWC with regard to the investigation of certain environmental crimes and the enforcement of related laws, in accordance with the memorandum of agreement to be entered into between the two agencies. The FWC will retain law enforcement authority over the patrol of state-owned lands managed by the DEP, and the FWC will coordinate with the DEP in that regard.

The bill requires the FWC and the DEP to develop a new memorandum of agreement detailing the respective responsibilities of the FWC and the DEP with regard to at least all of the following:

- Support and response for oil spills, hazardous spills, and natural disasters;
- Law enforcement patrol and investigative services for all state-owned lands managed by the DEP;
- Law enforcement services, including investigative services, for all criminal law violations of chs. 161, 258, 373, 376, 377, 378, and 403, F.S.;
- Enforcement services for civil violations of the DEP's administrative rules related to all of the following program areas:
 - The Division of Recreation and Parks.
 - The Office of Coastal and Aquatic Managed Areas.
 - The Office of Greenways and Trails; and
- Current and future funding, training, or other support for positions and equipment being transferred from the FWC to the DEP, which can be funded through any trust fund.

To further effectuate the transfer, the bill also:

- Requires all personnel and equipment assigned to the DEP's Office of Emergency Response to be reassigned to the DEP's Division of Law Enforcement;
- Requires the Secretary of Environmental Protection and the Executive Director of the FWC to appoint two staff members each to a transition advisory working group to review the administrative rules of both agencies to conform them with the changes made by this bill;
- Provides that employees transferred from the FWC to the DEP shall retain their position status and accrued leave days;
- Provides that DEP law enforcement officers meet minimum standards required under s. 943.13, F.S., and have full authority to investigate, arrest, and enforce any state laws;
- Establishes a joint-enforcement role for the DEP and FWC in policing the state's parks and preserves;
- Redirects fines collected for violations of rules adopted under ch. 258, F.S., to either the FWC's State Game Trust Fund or the DEP's State Park Trust Fund, whichever is deemed "applicable";

- Authorizes a statewide radio communications system to serve state and local law enforcement units, and appoints a DEP representative to the task force charged with designing, planning, and implementing that system;
- Authorizes the DEP's Division of Law Enforcement to enforce all of the traffic laws of the state on all of the streets and highways thereof;
- Authorizes the DEP to expend available monies from the Inland Protection Trust Fund to enforce laws related to protection from contamination of stored petroleum or petroleum products;
- Allows DEP officers to enforce litter laws and disperse riots;
- Extends statutory penalties for assault/battery or impersonation of law enforcement officers to DEP law enforcement officers; and
- Provides that forfeited assets seized by the DEP as part of its law enforcement activities must be deposited into one of the following five funds:
 - The Internal Improvement Trust Fund;
 - The Water Quality Assurance Trust Fund;
 - The Inland Protection Trust Fund;
 - The Coastal Protection Trust Fund; or
 - The Solid Waste Management Trust Fund.

Effective Date: July 1, 2019

Small-Scale Comprehensive Plan Amendments (ER/HB 6017)

Background: Under the Community Planning Act, local governments are required to adopt comprehensive plans for long term developments in their jurisdictions. If the necessity arises, they may also adopt comprehensive plan amendments. However, amendments affecting large-scale developments are subject to state review. For small-scale developments, review is only required at the local level.

To qualify as a small-scale comprehensive plan amendment, the development in question cannot involve more than 10-acres of land, effect an area of critical state concern, or change/be inconsistent with the substantive nature of the plan. Furthermore, local governments may not adopt multiple small-scale amendments that amount to more than 120-acres for any given calendar year.

Proposed Changes: The bill repeals the 120-acre cumulative annual limit on small-scale development amendments that may be approved by a local government.

Effective Date: July 1, 2019

Government Accountability (ER/SB 7014)

Overview: This bill is a compilation of last year's recommendations by the Auditor General concerning the level of transparency at the local government level. It contains provisions which affect both municipal and county governments, as well as special districts, school districts, and planning organizations.

Auditor General

Background: Under current statute, the state's Auditor General is required to submit an annual report to the Legislature and Joint Legislative Auditing Committee (JLAC), detailing financial trends amongst the state agencies and recommending regulatory changes to statute and fiscal policy. The Auditor General also has the authority to submit individual cases of local government entities that fail to comply with state mandated financial disclosure requirements for review by JLAC.

"Local government entities" under the current statutory definition includes county and municipal agencies and special districts.

Proposed Changes: This bill authorizes the Governor and the Commissioner of Education to notify JLAC of any local government entity, district school board, charter school, or charter technical career center that fails to comply with state financial disclosure requirements. JLAC may then decide whether to take further action.

It also adds tourist development councils and county tourism promotion agencies to the list of local government entities that are subject to these rules. Water management districts (WMDs), on the other hand, are exempted from 18-month follow up audits required under s. 11.45(20)(j), F.S., but not from 3-year periodic audits under s. 11.45(2)(f), F.S.

Lastly, it makes the willful failure or refusal to provide the Auditor General's office access to any employee, officer, or agent of a local government entity under investigation a 1st degree misdemeanor.

Florida Clerks of Court Operations Corp.

Background: The Florida Clerks of Court Operations Corp. (The Corporation), is a statewide body charged with overseeing the state's clerks of courts and developing workload standards for them.

Proposed Changes: This bill requires the Corporation to notify the Legislature on a quarterly basis of any clerks who are not meeting workload performance standards.

Internal Controls

Background: State agencies, the judicial branch, local governmental entities, charter schools, school districts, Florida College System institutions, state universities, the Justice Administrative Commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program all have separate provisions in statute detailing their financial reporting and disclosure requirements.

Proposed Changes: This bill amends those separate statutes to include uniform requirements for establishing internal controls.

Online Posting of Government Budgets

Background: Current statute provides that local governments and WMDs post their tentative and final budgets online for the public to review. For local governments, their tentative budget must be posted at least 2 days prior to consideration during a public hearing, while the final budget must be posted within 30 days of adoption. The latter rule applies to WMDs as well, however, there is no specified rule for either entity regarding how long the budgets must be posted.

Proposed Changes: This bill requires both local governments and WMDs to post their tentative budgets for at least 45 days and their final, adopted budget or budget amendments for at least 2 years.

Florida Single Audit Act

Background: The Florida Single Audit Act requires the Auditor General to carry out a single or project specific audit of any non-state entity expending state funds that meets “audit thresholds.” The current threshold is any amount of state financial assistance that equals or exceeds \$750,000. The Auditor General reviews this amount every 2 years and may adjust it accordingly.

Proposed Changes: This bill authorizes the Auditor General to review the threshold amount “periodically” rather than every 2 years and present an annual report to the Legislature recommending any statutory changes to the amount.

Transparency Florida Act/WMDs

Background: The Transparency Florida Act requires each WMD to provide a monthly financial statement to its governing board, which must then be posted on its public website.

Proposed Changes: This bill requires those financial statements to be in a form and manner prescribed by the Florida Dept. of Financial Services. (DFS)

Annual Reports by Local Government Entities to the DFS

Background: The law requires local government entities to submit an audit report and annual financial reports to the DFS within 45 days of the audit report's completion, but no later than 9 months after the end of the fiscal year.

The DFS combines these reports into a verified report that is submitted to the Governor, Legislature, the Auditor General, and the DEO.

Proposed Changes: This bill authorizes the DFS, while preparing the verified report, to request additional information from any local government entity that has already submitted an audit report. This information must be provided within 45 days of the request, otherwise the DFS is authorized to notify JLAC.

Selection Procedures for Local Government Auditors

Background: Section. 218.391, F.S., establishes the protocol that local government entities and school districts must follow in selecting an auditor to conduct their annual audits. Review of candidates must be carried out by a specially organized audit committee. For non-charter counties, this audit committee must consist of each constitutional officer and one member of the board of county commissioners. For school districts, charter schools, and chartered technical career centers, there must be at least 3 members, one of who must belong to the governing body of that institution.

Proposed Changes: This bill requires *every* county's audit committee to consist of each elected county officer and one member of the county board of commissioners. For municipalities, special districts, school districts, charter schools, and technical career centers, at least 3 members must sit on the committee, with the delegate from the governing body serving as the committee's chair. No employee, CEO, or CFO of the local government or local government entity may serve as a member of the audit committee; however, they may still serve in an advisory capacity.

Other Changes: This bill also requires the Florida Virtual School to have an annual financial audit and imposes stricter standards for background checks for certain employees of the State College and University System

Effective Date: July 1, 2019

Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission-2019 (HR/SB 7030)

Overview: In late 2018, the Legislature established the Marjory Stoneman Douglas High School Public Safety Commission for the purpose of studying system failures that resulted in the tragic

shooting deaths of high school students at MSD and at prior mass shooting events. The commission made a number of recommendations, some of which have been taken up as legislation. The legislation further expands upon some provisions of the Marjory Stoneman Douglas High School Public Safety Act (MSD Act) that was passed that same year.

Coach Aaron Feis Guardian Program

Background: As part of the legislative package passed last year in the wake of MSD, the Coach Aeron Feis Guardian Program was established, allowing the sheriff of each county to establish a school guardian program, whereby non-teaching personnel are appointed by the sheriff's office as "guardians" and allowed carry firearms onto school grounds with the ostensible purpose of stopping an active shooter. Applicants must undergo training, psychological evaluation, drug testing, and have a valid license to carry a concealed weapon.

Proposed Changes: This bill requires the sheriff of each county to implement a guardian program whenever a local or charter school board votes by a simple majority to establish such a program, and to provide training and vetting to applicants, either directly or through contract with another sheriff's office. Sheriffs will be reimbursed for providing such training and vetting, as well as one-time \$500 stipends to appointed guardians.

The bill also removes the prohibition on classroom teachers being appointed as guardians. Furthermore, it allows private contractors and charter school employees to serve as guardians.

However, an individual may not serve as a guardian unless appointed by the district school superintendent or charter school principle. The bill also clarifies that guardians do not have law enforcement powers except to prevent or abate an active assailant. 144 hours of diversity training is added to the list of requirements for guardianship certification.

Sheriffs instituting a school guardianship program must consult with the FDLE on programmatic guiding principles, practices, and resources. The bill makes it a third-degree felony to impersonate a school guardian or to forge a guardian certification.

Mobile Suspicious Activity Reporting Tool

Background: FortifyFL is a mobile app created and funded through the MSD Act. The app was designed to allow students to report suspicious activity to law enforcement and school district officials anonymously.

Proposed Changes: This bill requires district school boards to promote the application on their official websites, campuses, newsletters, and to install and bookmark the app on all school-issued computers and mobile devices.

School Hardening/Harm Mitigation-OSS

Background: The Office of Safe School (OSS) is a part of the Dept. of Education that serves as a central depository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning.

The Commissioner of Education heads the State Board of Education, and is the lead on state policy regarding education.

Proposed Changes: Under this bill, the OSS must:

- Provide annual training to appropriate school district and charter school personnel, onsite security assessment, and school security risk assessment tools;
- Provide technical assistance to school districts and charter schools for environmental safety reporting;
- Coordinate with the FDLE to collect certain data for an integrated data repository and analytics resource, including school environmental safety incident reports, social media posts, and FortifyFL reports. Data that is exempt or confidential from public records requirements must remain so once incorporated into the data repository);
- Provide data to support evaluation of certain mental health services;
- Convene a School Hardening and Harm Mitigation Workgroup comprised of subject matter experts and submit its work product to the Commissioner of Schools;
- Develop a standardized, statewide behavioral threat assessment instrument for use by all public and charter schools threat assessment teams (TATs);
- Establish a Statewide Threat Assessment Database Workgroup to complement work done by the FDLE on its data repository;
- Monitor compliance with school safety requirements;
- Annually publish a list of the total number of safe-school officers in the state, including their disciplinary records.

The Commissioner of Education in turn will be required to review the report made by the Hardening and Harm Mitigation Workgroup and recommendations submitted by the OSS, which the commissioner must then summarize and submit to the Legislature and governor's office by September 1, 2020.

The commissioner must also oversee and facilitate compliance with the MSD Act to the maximum extent provided under law.

School Records/School Transfers

Background: In accordance with State Board of Education rules, principals must maintain a permanent personal record for each student enrolled in a public K-12 school. This record transfers with the student each time he or she moves to another school.

Schools must also have a threat assessment team for intervening with students deemed a possible risk to themselves or to others, providing intervention in the form of mental health services.

Proposed Changes: This bill requires student records transferred within a school district to occur within 1 school day and records transferred between districts to occur within 2 school days. The records must include any verified reports of serious or recurrent behavior patterns, threat assessments, intervention services, psychological evaluations, treatment plans, and therapy notes created by school staff.

Referrals to mental health services that correspond to previous school expulsions, arrests resulting in a charge, and juvenile justice actions are required whenever a student registers in a new district

The bill also provides that when a student who is subject to intervention by a school threat assessment team transfers to another school, that TAT must verify that any intervention services the student was subject to in the previous school will continue to be carried out at the receiving school until the TAT at the receiving school independently determines whether such services are still needed.

School Safety Specialist

Background: Under current law, every district school superintendent must appoint a school safety specialist to oversee all school safety and security personnel, policies, and procedures within the district. They must undergo OSS training and appoint their own deputies to help them carry out their tasks. Currently, only school administrators may serve as safety specialists.

Proposed Changes: This bill expands the personnel who may serve as a school safety specialist to include law enforcement officers employed with the sheriff's office, though in matters of compensation and employee benefits they are still to be considered employees of the sheriff's office. The bill also expands the school safety specialist's duty to include new reporting requirements and collaboration with appropriate public safety agencies in using the FSSAT.

Active Assailant Plan

Background: Florida law requires district school boards, in consultation with public safety agencies, to formulate and prescribe policies and procedures for actual emergencies including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats.

Proposed Changes: This bill requires each school district and charter school governing board to adopt an active assailant response plan by October 1, 2019 and update it annually thereafter. Every charter school principle and school district superintendent must certify that all school personnel have undergone annual training in procedures contained in the response plan.

School Environment & Safety Incident Reporting (SESIR)

Background: The DOE has collected data on the most serious incidents of crime, violence, and disruptive behavior since 1995 through the School Environmental Safety Incident Reporting (SESIR) system. The SESIR collects data related to incidents that occur on school grounds, school transportation, and off-campus, school-sponsored events year-round. There are 26 incidents that must be reported in SESIR. These incident types and definitions are based on the criminal code but are not a precise reflection due to the specific focus on youth in the K-12 school environment.

Proposed Changes: This bill codifies the SESIR system into statute and provides penalties for non-compliance with reporting requirements. School boards must adopt policies for accurate and timely reporting of school incidents, and the OSS must provide technical assistance to them in that respect and to collect incident data gathered through the SESIR.

Safe-School and Security Resource Officers

Background: Florida law requires each district school board and school district superintendent to partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district either by establishing a guardian program or having the agency appoint one or more officers directly to the school.

Proposed Changes: This bill allows school districts and charter schools (through agreement with the school district) to partner with private security agencies to provide school safety resource officers or school guardians, essentially allowing private security to carry weapons into schools.

School districts that opt out of a school guardian program must still provide any charter schools with a school resource officer or school safety officer at their request, though they must share the cost.

Florida Safe Schools Assessment Tool (FSSAT)

Background: State law requires the DOE, through the OSS, to contract with a security consulting firm that specializes in the development of risk assessment software solutions to develop the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be used by school officials at each school district and public school site in the state in conducting security assessments.

Proposed Changes: This bill specifies FSSAT as the primary physical site security assessment tool that must be used by school officials in every school district and public school in the state, including public school safety officers, threat assessment teams, and school resource officers. School safety officers must conduct annual security risk assessments using the FSSAT and the district school superintendent must submit these FSSAT assessments to the DOE for each school site annually by October 1.

The DOE must also consider the recommendations of the School Hardening and Harm Mitigation Workgroup in addressing physical security measures identified by the FSSAT

Mental Health/Safe Schools Allocation

Background: The Mental Health Assistance Allocation was codified as a part of the Florida Education Finance Program (FEFP) in 2019 to provide a steady source of funding for expanding school-based mental health care. These funds must be allocated annually in the General Appropriations Act or other funding laws to each eligible school district. Each school district must receive a minimum of \$100,000, with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Eligible charter schools are entitled to a proportionate share of district funding. At least 90% of a district's allocation must be expended on the elements specified in law, which are currently limited to expanding mental services within the school.

To be eligible, schools must develop and submit a detailed plan outlining the local program for mental health and its planned expenditures to the district school board for approval.

There is also a Safe Schools Allocation, which is geared mostly towards providing school safety officers. For the 2018-19 fiscal year, \$161,956,019 is appropriated for safe schools activities, with each school district receiving a guaranteed minimum of \$250,000. Of the remaining appropriation, 2/3rds must be allocated to school districts based on the latest official FDLE Florida Crime Index and 1/3rd allocated based on each district's share of the state's total unweighted student enrollment.

Proposed Changes: This bill expands the use of the Mental Health Allocation to include training for teachers and staff in dealing with mental health issues and connecting student's families with appropriate services and removes the 90% requirement for specified mental health spending. It allows charter school to submit a mental health plan separate from the school district and still be entitled to the same proportionate share of funding.

Mental health plans must focus on a multi-tiered system that covers all levels of care for students with one or more mental health or co-occurring substance abuse diagnoses, and, furthermore, must do so in coordination with the student's primary health care provider. Plans must expand on the number of mental health providers to meet nationally recommended ratio models and increase the amount of time mental health professional spend providing direct care. This may include contracting with local community health providers and other outside services.

School policies must also ensure that students referred to mental health screenings are assessed within 15 days of referral, with school-based services initiated within 15 days of the assessment and community-based mental health services initiated within 30 days of the referral.

For Safe School Allocations, the bill amends the allocation formula by requiring 1/3rd (instead of 2/3rds) be allocated to school districts based on the most recent official FDLE Florida Crime Index and 2/3rds (instead of 1/3rd) be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.

Effective Date: Upon becoming law.

Transportation/Multi-use Corridors of Regional Economic Significance (ER/SB 7068)

Background: The focus of much of Florida's past infrastructure funding has been on the state's urban areas in order to improve safety, relieve congestion, create mobility, and promote commerce and tourism. This funding structure has improved access and created economic growth for our urban areas, but large portions of rural Florida have not received the same attention or funding.

Past infrastructure funding, from a transportation perspective, has generally been of the "traditional" type. For example, construction of roads, bridges, seaports, and airports tends to address traditional matters such as hurricane evacuation, congestion mitigation, and statewide economic development. Current law sets out a variety of programs for construction of Florida's highway system. However, no program currently authorizes highway construction that, in addition to providing traditional transportation infrastructure, is specifically aimed at providing highway corridors containing uses not necessarily associated with the movement of people and goods. Funds in the State Transportation Trust Fund (STTF) support the projects contained in the FDOT's work program, developed pursuant to s. 339.135, F.S.

Current law identifies specific funding from moneys in the STTF for certain transportation systems and projects, as well as specific funding programs aimed at transportation projects in rural communities.

Proposed Changes: This bill creates the Multi-use Corridors of Regional Economic Significance Program (M-CORES) within the FDOT. The program is designed to advance construction of regional corridors that will accommodate multiple modes of transportation and multiple types of infrastructure. The specific purpose of the program is to revitalize rural communities, encourage job creation in those communities, and provide regional connectivity while leveraging technology, enhancing quality of life and public safety, and protecting the environment and natural resources.

The bill identifies three corridors within the program. Projects will be subject to requirements relating to economic and environmental feasibility and specified environmental and other evaluation requirements. Decisions on matters such as corridor configuration, project alignment, and interchange locations must be determined in accordance with the FDOT's rules, policies, and procedures. During project development, the FDOT must convene a task force for each corridor comprised of representatives from state agencies and other stakeholders to evaluate and coordinate corridor analysis, environmental and land use impacts, and other pertinent impacts of the corridors. The task force must issue a written report by October 1, 2020. To the maximum

extent feasible, construction of the projects must begin no later than December 31, 2022 and be open to traffic no later than December 31, 2030.

The bill authorizes funding for projects in the corridors. Part of this funding includes increased revenues derived from redirecting to the STTF, on a phased-in schedule, portions of motor vehicle license taxes currently deposited into general revenue funds. The bill also specifies how and when the increased revenues are to be distributed and allocated.

Projects undertaken in the corridors are to be tolled facilities, are approved turnpike projects that are part of the turnpike system, and are considered as Strategic Intermodal System facilities. In addition, from the redirected motor vehicle license tax proceeds, the bill authorizes additional funding for the Small County Road Assistance Program, the Small County Outreach Program, and the Transportation Disadvantaged Trust Fund. The bill also creates and provides funding for a construction workforce development program within the FDOT. Building on the FDOT's current workforce development services, the program is intended to serve as a tool for addressing the existing construction labor shortage by training individuals in skills necessary to deliver projects in the FDOT five-year work program, including multi-use corridor projects.

Effective Date: July 1, 2019

Property Development (ER/HB 7103)

Overview: This bill makes a number of changes to the way local governments are allowed to regulate property development within their jurisdictions, including the construction of affordable housing, development orders, the collection of impact fees, and environmental permitting.

Inclusionary Housing Ordinances

Background: In 2001, the Legislature passed a law allowing a local government to pass any ordinance, rule, or other measure for the purpose of increasing the supply of affordable housing, including land use mechanisms like inclusionary housing ordinances.

Inclusionary housing ordinances (sometimes called inclusionary zoning ordinances) are land use regulations that require affordable housing units to be provided in conjunction with the development of market rate units. The intent of these ordinances is to increase the production of affordable housing in general and to increase the production in specific geographic areas that might otherwise not include affordable housing.

Proposed Changes: This bill authorizes counties and municipalities to adopt inclusionary housing ordinances that require developers to make affordable housing contributions. However,

the local government must also provide incentives to fully offset all costs to the developer of its affordable housing contribution, including, but not limited to:

- Allowing the developer density or intensity bonuses or more floor space than allowed under land use designations or zoning; and
- Reducing or waiving fees, such as impact fees or water sewerage fees.

Areas of critical state concern in the Florida Keys designated under s. 380.0552, F.S. (or under chapters 28-36, F.A.C.) are exempt from this prohibition.

The bill also authorizes local governments and special districts to provide exceptions or waivers from an impact fee for affordable housing developments.

Development Orders & Permits

Background: A development permit includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action by local government that has an effect on the permitting of a land development. A development order is an order issued by the local government granting, denying, or granting with conditions an application for a development permit.

Local governments, when reviewing a permit application, may not request additional information more than 3 times. If an applicant finds an additional request to be unauthorized, they may request immediate approval or denial of the permit on the merits of the information already provided. Upon denial, they must be provided with a notice from the local government citing the legal grounds on which their permit was denied.

Current law, however, provides no timeframe for this process.

Proposed Changes: This bill requires a local government, when reviewing a development permit application or development order, to issue a letter within 30 days of receiving the application indicating whether the application is complete or more information is needed. If a deficiency is found, the applicant must then address that deficiency within 30 days. In either case, within 120 days of the application being deemed “complete,” the local government must either approve, approve with conditions, or deny the application and provide written findings supporting its decision. Both parties may agree to a reasonable request for an extension, especially in the event of a force majeure or other extraordinary circumstance.

However, for development order/permit applications that require a quasi-judicial or public hearing, that period is 180 days rather than 120 days.

Areas of critical state concern in the Florida Keys designated under s. 380.0552, F.S., as well as areas of critical concern designated under ch. 28-36, F.A.C., are exempt from these mandatory timeframes.

Comprehensive Plans and Land Development Orders

Background: Current law requires local governments to adopt or amend their land development regulations within a year of submitting a new or revised comprehensive plan.

Proposed Changes: This bill requires all comprehensive plans and development regulations implementing those plans that are adopted after January 1, 2019 to incorporate pre-existing development orders and to vest the density and intensity approved by the order without limitation or modification. Prospectively, comprehensive plans adopted may not impair a party's ability to complete development in accordance with the development order.

Impact Fees

Background: Impact fees are amounts imposed on a development to fund the cost of new infrastructure needed to offset the environmental and human impacts of that new development. Fees may be used to fund any number of improvements, from water infrastructure to school districts to transportation facilities. Common law has established that expenditures for such projects must have a rational nexus with the impacts generated by the new construction.

School impact fees are generally charged as a separate line item, with funds collected going directly towards that purpose. Some local governments allow developers, through an interlocal agreement, to contribute land or payment for land acquisition and facility construction. If so, current law requires the local government to credit such contribution towards any other impact fee or exaction on a dollar-for-dollar basis at fair market value.

Proposed Changes: Regarding changes to impact fees, this bill:

- Prohibits local governments from requiring impact fees to be paid prior to the issuance of a building permit;
- Codifies the dual-rational nexus test;
- Requires local governments to designate funds collected from impact fees for acquiring, constructing, or improving capital facilities to benefit new users and prohibits such funds from being used for debt payment or for prior approved projects unless such expenditure has a rational nexus to the impact generated by the new construction;
- Requires that credits granted for required contributions for public educational facility development be allocated to reduce applicable impact fees on a dollar-for-dollar basis at fair market value for the entire impact fee imposed rather than just those exactions imposed for a specific educational facility;

- Provides that if a local government increases its impact fee rates, any holder of impact fee credits prior to the increase is entitled to the full intensity or density prepaid by the credit balance on the date it was first established (this provision does not apply retroactively);
- Allows local governments to waive impact fees as an encouragement to the development of affordable housing;
- Exempts water and sewer connection fees from the bill's provisions; and
- Requires mobility-fee based funding systems to comply with the same statutes governing impact fees.

Judicial Challenge of a Development Order

Background: As explained before in this summary, development orders are any order issued by the local government granting, denying, or granting with conditions an application for a development permit. Such orders may be challenged via administrative procedures established by local ordinance, or, if the local government does not have any ordinances detailing such a procedure, by direct court action. In any case, the civil filing must be made within 30 days of rendition of the development order or when all administrative appeals have been exhausted, whichever occurs later.

Currently, only an aggrieved or adversely affected party may file for judicial remedy.

Proposed Changes: This bill allows either party to a development order challenge to invoke summary proceedings under s. 51.011, F.S. However, if either party shows (by clear and convincing evidence) that summary procedure is inappropriate, the court may decline to apply summary procedure.

The prevailing party in a challenge to a development order is entitled to recover reasonable attorney's fees and costs incurred in challenging or defending the order.

Affordable Workforce Housing Policy

Background: The Florida Housing Finance Corporation (FHFC) administers the financing of affordable housing in the state including the implementation of the various federal housing grant programs. However, the FHFC may be out of compliance with certain federal programs providing funding for workforce housing because its governing statute has neither an express statement of intent to create a statewide strategy to provide affordable workplace housing nor an applicable definition of "essential services personnel."

Proposed Changes: This bill adds a statement of intent to statute to create a state housing finance strategy to provide affordable workplace housing in specific areas of critical state concern. It also replaces the old definition of "essential services personnel" currently in statute with one more broadly applicable to all FHFC programs.

Tolling and Permit Extensions

Background: Whenever the Governor declares a state of emergency, the authorization period for a permit, development order, DEP/WMD permit, or DRI build-out is automatically tolled, and does not run again until the declaration is lifted, and another 6-months are added to the authorization period to account for any post-disaster hardships.

Proposed Changes: This bill limits such tolling periods to emergency declarations involving natural disasters.

Florida Building Code Enforcement

Background: Current law delegates the enforcement of the Florida Building Code (FBC) to the local governments including the inspection of building constructions for compliance. In 2002, legislation was passed allowing for local governments to sub-delegate building plan reviews, building inspections, and completion certifications to certified private providers.

Public building officials may audit private providers for compliance with inspection requirements. Property owners and developers using a private provider must notify the public building official at least 7 business days before the next inspection. The private inspector must themselves notify the same official the business day before the inspection. The official may, in turn, visit the site during the private inspection to confirm compliance.

Upon receipt of a permit application prepared by a private provider, the public building official must approve or deny the permit within 30 business days. Denying a permit automatically tolls the remaining 30 business days. If an applicant resubmits, the building official has the remainder of the tolled 30 business days plus 5 additional business days to grant or deny the permit. If the building official denies the permit a second time, the building official has 5 additional business days to review the resubmittal by the applicant.

Proposed Changes: This bill expands the services that a private inspector may provide to include inspection and approval of site plans and site work engineering plans. The bill defines:

- “Site work” as “the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation and installation of driveways”; and
- “Plans” as “building plans, site engineering plans, or site plans, or their functional equivalent submitted by a fee owner or fee owner’s contractor to a private provider or duly authorized representative for review.”

Furthermore, a building official may not audit a private provider more than 4 times in a calendar year unless the condition of the building in question is determined to be an immediate threat to public safety and welfare. The building official is also prohibited from requiring a replication of

the plan review or inspection performed by the private provider unless expressly authorized. Private providers may submit their own “reasonably acceptable” forms detailing building compliance to the building commission rather than using forms adopted by the commission. Local governments may also not charge building inspection fees if a private provider has already been hired, however, they may charge a reasonable administrative fee.

The bill reduces the notification period regarding the use of a private provider from 7 to 2 business days and the review period for permit applications from 30 to 20 business days. If revisions are submitted, the local government has what remains of the 20-day period plus 5 business days to finish its review. Any further review is limited to the deficiencies identified in the revision notice. If a second notice for review is not issued by the end of the 20-day period, the permit is deemed approved as a matter of law.

Fire-Safety Codes

Background: In 2000, the State Fire Marshal began adopting national safety standards into the state fire code, requiring multi-family dwellings over 75 ft. in height to have a full fire sprinkler system or an engineered life-safety system (ELSS) featuring a combination of fire safety devices (smoke alarms, compartmentation, partial sprinklers, etc.). These new fire safety requirements included older buildings, which under the new law needed to be retrofitted. Starting in 2003, the Legislature passed a series of laws allowing condominium associations to vote, by a simple majority, to forego retrofitting their sprinkler systems (installing an ELSS instead) and prohibiting local governments from requiring an association to retrofit before 2020.

A similar prohibition was made on local ordinances requiring hand and guardrails in the common areas of high-rise condominiums that serve as housing for “older persons,” which was currently set to expire in 2014.

Proposed Changes: This bill extends the current prohibition on local ordinances requiring completed installation of fire sprinklers or ELSSs from 2020 to 2024.

The bill also extends the ban on local ordinances mandating handrails and guardrails on high-rise common areas to 2024. (Note: “common areas” does not include individual balconies.)

However, the bill also provides that timeshare condominiums cannot vote to forego installing a fire safety or ELSS.

The State Fire Marshal must also gather data regarding high-rise condos that have not retrofitted with a fire sprinkler system or an ELSS. Such data is to be submitted to the governor and Legislature by September 1, 2020.

Effective Date: Upon becoming law.

Some portions of this report regarding the substance of the bills have been taken from staff analyses prepared by legislative staff of the Florida House and Senate, and some portions or analyses have been prepared by Anfield.

46 It is not the purpose and intent of this article to prohibit begging, panhandling or
47 soliciting in public areas when such activities will not interfere with vehicular traffic and
48 cause traffic safety and traffic flow concerns or when such activities will not otherwise
49 cause any public health, welfare and safety concerns.

50
51 This law is timely and appropriate because current city ordinances are insufficient
52 to address the aforementioned problems. The restrictions contained herein are neither
53 overbroad nor vague and are narrowly tailored to serve a substantial governmental
54 interest. Moreover, this article only restricts begging, panhandling and soliciting in
55 certain public places while preserving ample alternative areas for the valid exercise of
56 First Amendment constitutional rights.

57
58 The law is not intended to limit any persons from exercising their constitutional
59 right to beg, panhandle or solicit funds, picket, protest or engage in other constitutionally
60 protected activity. Its goal is instead to protect citizens from the fear and intimidation
61 accompanying certain kinds of begging, panhandling or solicitation that have become
62 an unwelcome presence in the city, and to prohibit aggressive begging, panhandling
63 and solicitation, and begging, panhandling and solicitation in certain public places based
64 upon significant governmental interests.

65
66
67 **Sec. 30-51. Begging, panhandling or soliciting on public property, sidewalks and**
68 **streets; certain designated places prohibited**

69
70 (a) Purpose. The City Council finds that any person who begs, panhandles or
71 solicits under circumstances that warrant a justifiable and reasonable
72 alarm or immediate concern for the safety of persons or property in the
73 vicinity by unwanted touching, detaining, impeding or intimidation which
74 causes fear or apprehension in another person constitutes a threat to the
75 public health, welfare and safety of the citizenry. The City Council also
76 finds that any person who intentionally blocks the passage of another
77 person or a vehicle, or who requires another person to take evasive action
78 to avoid physical contact, constitutes a threat to the public health, welfare
79 and safety of the citizenry, and is an aggressive panhandler. The City
80 Council further finds that any person who begs, panhandles or solicits
81 under circumstances where the person being solicited cannot readily
82 avoid the undesired conduct constitutes a threat to the public health,
83 welfare and safety of the citizenry.

84
85 (b) Definitions. Except where the content otherwise requires, as used in this
86 chapter:

87
88 (1) Aggressively beg, panhandle or solicit means any request made in
89 person for a donation of money or some other article of value from
90 another person by touching, detaining, impeding or intimidating.
91 Aggressive begging, panhandling or soliciting includes approaching

92 or following pedestrians; repetitive begging, panhandling or
93 soliciting despite refusals; the use of abusive or profane language;
94 unwanted physical contact; or the intentional blocking of pedestrian
95 and vehicular traffic. Also, any person who intentionally blocks the
96 passage of another person or a vehicle, which requires another
97 person to take evasive action to avoid physical contact, is an
98 aggressive panhandler.
99

100 (2) Beg, panhandle or solicit, for purposes of this Article, means any
101 request made in person for a donation of money or some other
102 article of value, either by words, bodily gestures, signs or other
103 means, from another person.
104

105 (3) Beg, panhandle, or solicit from any operator or occupant of a
106 vehicle that is in traffic on a public street means any request made
107 in person for a donation of money or some other article of value,
108 either by words, bodily gestures, signs or other means, from any
109 operator or occupant of a vehicle, coupled with an actual exchange
110 of money or some other article of value between the person
111 begging, panhandling or soliciting and any operator or occupant of
112 a vehicle while that vehicle is on the portion of a public street
113 currently in use by vehicular traffic.
114

115 (4) Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie
116 or place an object in such a manner as to intentionally block
117 passage of another person or a vehicle, or to require another
118 person or driver of a vehicle to take evasive action to avoid physical
119 contact. Acts authorized as an exercise of one's constitutional right
120 to picket or to legally protest, and acts authorized by permits issued
121 pursuant to this Code, are not included within the definition of this
122 term.
123

124 (5) For purposes of this Article beggar, panhandler or solicitor means
125 any person traveling either by foot, vehicle or other conveyance,
126 from place to place, requesting in person a donation of money or
127 some other article of value, either by words, bodily gestures, signs
128 or any other means, from another person.
129

130 (c) Restrictions and requirements.
131

132 (1) Beggars, panhandlers or solicitors are prohibited from intentionally
133 obstructing pedestrian or vehicular traffic.
134

135 (2) Beggars, panhandlers or solicitors are prohibited from aggressively
136 begging, panhandling or soliciting.
137

138 (3) Beggars, panhandlers or solicitors are prohibited from begging,
139 panhandling or soliciting from any operator or occupant of a vehicle
140 that is in traffic on a public street, as those terms are defined in this
141 article unless the beggar, panhandler or solicitor:

142
143 i) has obtained and has in his or her possession a permit
144 issued by the City of Edgewood Police Department for the conduct
145 of such activity; the application fee for such permit shall be set by
146 Resolution of the City Council and the permit shall state the location
147 at which the begging, panhandling or soliciting is permitted;

148
149 ii) is at all times, while soliciting from any operator or
150 occupant of a vehicle, wearing a bright orange, yellow or green
151 traffic safety vest; and

152
153 iii) does not touch or otherwise physically interfere with any
154 vehicle upon the public right-of-way.

155
156 (4) No person shall stand on a traffic median, bicycle path or public
157 street to beg, panhandle or solicit when to do so would obstruct
158 vehicular traffic.

159
160
161 **Sec. 30-52. Penalty**

162
163 Any person convicted of violating any of the provisions of this division shall be
164 punished as provided in Sec. 1-7 of this Code. In addition to any criminal enforcement,
165 the City or any individual may pursue any available civil remedies deemed appropriate
166 and necessary.

167
168 **SECTION 2 - SEVERABILITY.** If any Section or portion of a Section of this
169 Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to
170 invalidate or impair the validity, force, or effect of any other Section or part of this
171 Ordinance.

172
173 **SECTION 3 - CODIFICATION.** It is the intention of the City Council of the City
174 of Edgewood, Florida, and it is hereby ordained that the provisions of this Ordinance
175 shall become and be made a part of the Code of Ordinance of the City of Edgewood,
176 Florida; that the Sections of this Ordinance may be renumbered or re-lettered to
177 accomplish such intention; that the word, "Ordinance" may be changed to "Section,"
178 "Article," or other appropriate word.

179
180 **SECTION 4 - CONFLICTS.** All Ordinances or parts of Ordinances in conflict with
181 any of the provisions of this Ordinance are hereby repealed.
182

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183 **SECTION 5 - EFFECTIVE DATE.** This Ordinance shall become effective
184 immediately upon its passage and adoption.

185
186 **FIRST READING** this ____ day of _____, 2011.

187
188 **SECOND READING AND ADOPTION** this ____ day of _____, 2011.

189
190
191
192 _____
193 Judy Beardslee, Council President

194 *ATTEST:*

195
196 _____
197 Bea L. Meeks
198 City Clerk

Panhandling

ORDINANCE 2018-20

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA AMENDING CHAPTER 46 OF THE BUNNELL CODE OF ORDINANCES TO CREATE A NEW SECTION 46-5 RELATED TO PANHANDLING, BEGGING, AND SOLICITATION; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED CONDUCT, PROXIMITY AND LOCATION RESTRICTIONS FOR SOLICITATION, PANHANDLING OR BEGGING, AND FOR AGGRESSIVE PANHANDLING OR BEGGING; PROVIDING FOR PENALTIES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Chapters 166 and 163, Florida Statutes, include authority to enact regulations to protect the health, safety and welfare, and interests of the citizens of the City; and

WHEREAS, the City of Bunnell recognizes that solicitation, including but not limited to panhandling and begging are activities that are protected by the First Amendment to the United States Constitution; and

WHEREAS, the City of Bunnell can adopt and enforce regulations of behavior that implicate First Amendment activity when the regulations only affect the time, place, and manner of expression, are content-neutral, are narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication; and

WHEREAS, the City of Bunnell has a significant interest in providing a safe and pleasant environment and in eliminating nuisance activity, *Smith v. City of Fort Lauderdale, Florida*, 177 F. 3d 954, 956 (11th Cir. 1999); and

WHEREAS, the City of Bunnell has experienced a significant increase in the number of complaints made to the Bunnell Police Department regarding panhandling and problematic panhandling behaviors; and,

WHEREAS, the City Commission finds that panhandlers and beggars, sometimes use profane language when requesting money from people; that panhandlers and beggars sometimes physically touch or threaten to touch the people they solicit for money; and that panhandlers and beggars sometimes block the path of people they solicit for money, or follow the people they solicit for money in an apparent effort to intimidate people into making a donation or as retribution for refusing to make a donation; and

WHEREAS, the City Commission finds that the foregoing activities constitute "aggressive panhandling or begging," and that the increase in aggressive panhandling or begging

throughout the City of Bunnell has become extremely disturbing and disruptive to residents, visitors, and businesses, and has contributed to an enhanced sense of fear, intimidation, and disorder resulting in the loss of access to and enjoyment of public places throughout the City; and

WHEREAS, the City Commission finds that regulation of panhandling and begging, based on the time, place, or manner of the solicitation including but not limited to panhandling or begging, is a content neutral and narrowly tailored way to promote public safety, and protect residents and visitors in areas where they may be or perceive themselves to be vulnerable and/or unable to leave; and

WHEREAS, the City Commission finds that regulation of panhandling and begging, in public places where people feel particularly vulnerable and/or unable to leave still provides ample alternative avenues of communication and are narrowly drawn to address the City's significant interests; and

WHEREAS, the City of Bunnell has a significant interest in preserving the safety of traffic flow and preventing traffic congestion wherever possible in the City of Bunnell; and

WHEREAS, the City of Bunnell has a significant interest in the safety of pedestrians and individuals traveling in vehicles throughout the City of Bunnell; and

WHEREAS, the City of Bunnell has a significant interest in promoting tourism, and aesthetics of the City of Bunnell; and

WHEREAS, the City of Bunnell has a significant interest in promoting the safety and convenience of its citizens on public streets. *Madsen v. Women's Health Center*, 512 U.S. 753, 768, 114 S. Ct. 2516, 129 L.Ed. 2d 593 (1994); and

WHEREAS, the City of Bunnell has a significant interest in ensuring the public safety and order and in promoting the free flow of traffic on public streets and sidewalks; and

WHEREAS, the City of Bunnell has a significant interest in the safety and convenience of citizens using public fora such as streets and sidewalks. *Heffron v. International Soc'y for Krishna Consciousness*, 452 U.S. 640, 650, 101 S. Ct. 2559, 69 L.Ed. 2d 298 (1981); and

WHEREAS, the City of Bunnell has a significant interest in recognizing the safety and convenience on public roads. *Cox v. New Hampshire*, 312 U.S. 569, 574, 61 S. Ct. 762, 85 L.Ed. 1049 (1941); and

WHEREAS, the City of Bunnell has a significant interest in controlling traffic and pedestrian congestion. *Ayres v. City of Chicago*, 125 F. 3d 1010, 1015 (7th Cir. 1997); and

WHEREAS, the City of Bunnell has a significant interest in preventing crime, protecting the City's retail trade, maintaining property values, and generally protecting and preserving the quality of the City's neighborhoods, commercial districts and the quality of urban life. *Young v.*

American Mini Theaters, 427 U.S. 50, 96 S. Ct. 440, 49 L.Ed. 2d 310 (1976); and

WHEREAS, the City of Bunnell has a significant interest in appearance of the City and aesthetics. *Metromedia Inc. v. City of San Diego*, 453 U.S. 490, 101 S. Ct. 2882 (1981); and

WHEREAS, the City of Bunnell has a significant interest in maintaining safe ingress and egress into and out of commercial establishments in order to, *inter alia*, control pedestrian congestion, facilitate pedestrian safety and order, and provide for access for emergency vehicles and personnel both fire and police to promote public health, safety, and welfare; and

WHEREAS, the City of Bunnell has a compelling governmental interest in preserving and protecting the lives of its citizens which can be imperiled by, *inter alia*, traffic and pedestrian congestion which among other things can delay deployment of life saving fire and police vehicles and personnel; and

WHEREAS, the City Commission of the City of Bunnell takes notice of the nearly five hours of expert and other testimony from law enforcement experts, public health experts, and others, adduced on March 26, 2018, before the City Commission for the City of St. Augustine, a city geographically proximate to the City of Bunnell, concerning a proposed ordinance with regulations substantially similar to those set forth in this ordinance, and that City Commission of the City of Bunnell finds such testimony germane, relevant, credible, and persuasive with respect to the regulations set forth herein; and

WHEREAS, the City Commission of the City of Bunnell finds it is in the best interest and welfare of the citizens of the City to enact this Ordinance; and

WHEREAS, the City of Bunnell has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text and ~~strikethrough~~ shall constitute deletions to the original text.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BUNNELL, FLAGLER COUNTY, FLORIDA THAT:

Section 1. Recitals.

The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance and adopted as legislative findings.

Section 2.

The Bunnell Code of Ordinances is hereby amended to create a new Sec. 46-5 related to Begging, Panhandling and Solicitation to be added to Chapter 46 and to read as follows:

Sec. 46-5. - Begging, Panhandling and Solicitation.

(a) Intent. The purpose and intent of this Section is to recognize the constitutional right of persons to solicit, including but not limited to beg and panhandle, in a peaceful and non-threatening manner; however, an increase in aggressive panhandling and begging throughout the City has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places but also to an enhanced sense of fear, intimidation, and disorder. Aggressive panhandling and begging usually includes approaching or following pedestrians, repetitive requests for donations of money despite refusals, the use of abusive or profane language, unwanted physical contact, and the intentional, or as incident to the aggressive panhandling and begging, blocking of pedestrian and vehicular traffic. Additionally, the presence of panhandlers and beggars, who request money from persons in specific public areas such as outdoor cafes, automated teller machines, entrances and exits from buildings, and while standing in line to enter an event or a building, is especially troublesome because persons cannot readily escape from the undesired conduct, which often carries with it an implicit threat to both persons and property as well as incidental to the panhandling and begging activities the imperiling of the health, safety and welfare of the citizens of and visitors to Bunnell by, among other things, blockage of ingress and egress from and into commercial businesses adjacent to public rights of way.

This Section is not intended to limit any persons from exercising their constitutional right to solicit, including but not limited to beg, panhandle or solicit funds, picket, protest, or engage in any other constitutionally protected activity, when conducted in a legal manner. The goal of this Section is instead to ensure the foregoing constitutional rights while through regulation acting to protect citizens from the fear and intimidation accompanying certain kinds of panhandling and begging that have become an unwelcome and overwhelming presence in the City by prohibiting aggressive panhandling and begging throughout the City and by regulating through time, place, and manner ordinance provisions regulating panhandling and begging in certain public places, based upon the foregoing significant important and substantial governmental interests set forth in the predicate clauses and an overriding compelling governmental interest to protect the health, safety and welfare of the citizens of Bunnell and visitors from the adverse secondary effects of solicitation, including panhandling and begging, in public areas. The restrictions contained in this Section are neither overbroad nor vague and are narrowly tailored to serve a significant governmental interest, and preserve ample alternative areas for the valid exercise of constitutional rights of solicitation which they do as set forth more particularly herein.

Further, even if such regulations were to be deemed to trigger strict scrutiny, the blockage of ingress and egress into and from commercial businesses and other public areas as well as the impedance of pedestrian walkways and other public rights of way implicates the compelling governmental interest of Bunnell in protecting the health, safety and welfare of its citizenry and visitors in preserving police and fire department access to such rights of way in order to save lives.

(b) Definitions. For purposes of this Section, the following words and phrases shall have the meanings ascribed to them as follows:

- (1) After dark means from one half hour after sunset until one-half hour before sunrise. The times of sunset and sunrise will be established by the times listed in any local publication of general distribution.
- (2) Aggressive panhandling or begging means:
- a. To approach or speak to a person and demand, request or beg for money or a donation of valuable property in such a manner as would cause a reasonable person to believe that the person is being threatened with imminent bodily injury or the commission of a criminal act upon the person approached or another person in the solicited person's company, or upon property in the person's immediate possession (for example, placing oneself within 2 feet of a solicited person and/or using abusive or profane language in a loud voice while demanding or requesting money); or
 - b. To maintain contact with a solicited person and continue demanding, requesting or begging for money or a donation of valuable property after the solicited person has made a negative response to an initial demand or request for money or a donation (for example, walking in front of, next to, or behind a solicited person while continuing to demand, request or beg for money from that person after that person has refused to donate or give money); or
 - c. To obstruct, block or impede, either individually or as part of a group of persons, the passage or free movement of a solicited person or a person in the company of a solicited person, including persons on foot, on bicycles, in wheelchairs or operating motor vehicles or persons attempting to enter or exit motor vehicles (for example, walking, standing, sitting, laying, or placing an object in such a manner as to block passage of another person or vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact); or
 - d. To touch or cause physical contact to a solicited person or a person in the company of a solicited person, or to touch any vehicle occupied by a solicited person or by a person in the company of the solicited person, without the person's express consent; or
 - e. To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to accede to demands.
- (3) Panhandle or beg means any demand or request made in person for an immediate donation of money or some other article of value from another person for the use of one's self or others, including but not limited for a charitable or sponsor purpose or that will benefit a charitable organization or sponsor. As used in this Section, the word "solicit" and its forms is included in this definition. A

solicitation is considered as having taken place regardless of whether the person making the solicitation received any contribution. Any purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, constitutes a donation as contemplated in this definition.

(c) *Prohibited Conduct, Proximity and Location Restrictions.*

- (1) *Aggressive Panhandling or Begging on Public Property Prohibited.* It shall be unlawful for any person to engage in aggressive panhandling or begging on any sidewalk, highway, street, roadway, right-of-way, parking lot, park, or other public or semi-public area or in any public building lobby, entranceway, plaza or common area, public forum or limited public forum within the city limits of the City of Bunnell.
- (2) *Aggressive Panhandling or Begging on Private Property.* It shall be unlawful for any person to engage in aggressive panhandling or begging on private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.
- (3) *Prohibited Locations for Solicitation, Panhandling, Begging.* It shall be unlawful for any person to engage in solicitation, including but not limited to panhandling or begging, when either the person engaged in the solicitation, including but not limited to the panhandler or beggar or the person being panhandled, is located in, on or at the following locations within the City:
 - a. Within twenty (20) feet, in any direction, from any entrance or exit of commercial establishment;
 - b. Within twenty (20) feet, in any direction, of any bus stop or any public transportation facility;
 - c. Within twenty (20) feet, in any direction, of an automated teller machine or any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit or convenience account with a financial institution;
 - d. Within twenty (20) feet, in any direction, of any parking lot, parking garage, parking meter or parking pay station owned or operated by the City or any other governmental agency;
 - e. Within twenty (20) feet, in any direction, of any public restroom owned or operated by the City or any other governmental agency;

f. Within one hundred (100) feet, in any direction, of any daycare or school, including pre-kindergarten through grade 12.

(4) Additional Prohibited Conduct. It shall be unlawful for any person to engage in the following prohibited conduct:

a. Approach an operator or other occupant of a motor vehicle for the purpose of panhandling, soliciting or begging, or offering to perform a service in connection with such vehicle, or otherwise soliciting the sale of goods or services, if such panhandling, soliciting or begging is done in an aggressive manner;

b. Panhandle, solicit or beg at any lawfully permitted outdoor dining area or lawfully permitted outdoor merchandise area, provided such areas are in active use at the time;

c. Panhandle, solicit or beg at any transit stop or taxi stand or in a public transit vehicle;

d. Panhandle, solicit or beg while the person or persons being solicited is standing in line waiting to be admitted to a commercial establishment;

e. Panhandle, solicit or beg by touching the person or persons being solicited without that person's consent;

f. Panhandle, solicit or beg with the use of profane or abusive language during the solicitation or following an unsuccessful solicitation;

g. Panhandle, solicit or beg by or with the use of any gesture or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation;

h. Panhandle, solicit or beg while under the influence of alcohol or after having illegally used any controlled substance, as defined in the Chapter 893 of the Florida Criminal Statutes; or

i. Panhandle, solicit or beg after dark.

(d) Penalty. Any person found guilty of violating the provisions of this section shall be punishable as set forth in Sec. 2-77, et seq., of this Code.

Section 3.

Subsection (a) of Sec. 2-77(a) entitled "Schedule of Violations" shall be amended to include (25) to read as follows:

(25) Section 46-5. Begging, Panhandling and Solicitation.

Section 4.

Subsection (b) of Sec. 2-79 entitled "Disposition of civil penalties" is amended to include reference to Sec. 46-5 to read as follows:

Sec. 46-5 Begging, Panhandling and Solicitation.

First Offense: \$100.00

Second Offense: \$150.00

Third Offense: \$200.00

Fourth Offense: \$250.00

Section 5. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to include, but not be limited to, the adoption of administrative forms, policies, procedures, processes and rules. All development orders shall be issued in a manner consistent with controlling law and rendered in appealable form with the City Clerk. Denials of development approvals shall be issued in accordance with controlling law to include, but not be limited to, Section 166.033, *Florida Statutes*.

Section 6. Codification.

The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Bunnell Code of Ordinances* and the Sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 1, 5, 6, 7, 8, and 9 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 7. Conflicts.

All ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 9. Effective Date.

This Ordinance shall take effect immediately upon enactment.

First Reading: approved on this 22nd day of October 2018.

Second Reading: adopted on this 13th day of November 2018.

Daytona Beach

Sec. 66-1. - Panhandling, begging and solicitation.

- (a) *Intent.* The purpose and intent of this article is to recognize the constitutional right of persons to panhandle, including but not limited to solicit and beg, in a peaceful and non-threatening manner; however, an increase in aggressive panhandling and begging throughout the city has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places but also to an enhanced sense of fear, intimidation, and disorder as well as actual danger to the health, safety and welfare of citizens and tourists alike. Aggressive panhandling and begging usually includes approaching or following pedestrians, repetitive requests for donations of money despite refusals, the use of abusive or profane language, unwanted physical contact, and the intentional, or as incident to the aggressive panhandling and begging, blocking of pedestrian and vehicular traffic. Additionally, the presence of panhandlers and beggars, who request money from persons in specific public areas such as outdoor cafes, automated teller machines, entrances and exits from buildings, and while standing in line to enter an event or a building, is especially troublesome because persons cannot readily escape from the undesired conduct, which often carries with it an implicit threat to both persons and property as well as incidental to the panhandling and begging activities the imperiling of the health, safety and welfare of the citizens of and visitors to Daytona Beach by, among other things, blockage of ingress and egress from and into commercial businesses adjacent to public rights-of-way. Also, unless helped by regulation, some of the habits attributable to panhandlers, including but not limited to open urination and open defecation, pose a threat to the health, safety and welfare of citizens and tourists who visit the City of Daytona Beach.

This article is not intended to limit any persons from exercising their constitutional right to panhandle, including but not limited to beg, or solicit funds, or engage in any other constitutionally protected activity, when conducted in a legal manner. The goal of this article is instead to ensure the foregoing constitutional rights while through regulation acting to protect citizens from the fear and intimidation accompanying certain kinds of panhandling and begging that have become an unwelcome and overwhelming presence in the city by prohibiting aggressive panhandling and begging throughout the city and by regulating through time, place, and manner ordinance provisions regulating panhandling and begging in certain public places, based upon the foregoing significant, important and substantial governmental interests set forth in the predicate clauses and an overriding compelling governmental interest to protect the health, safety and welfare of the citizens of Daytona Beach and visitors from the adverse secondary effects of solicitation, including panhandling and begging, in public areas. The restrictions contained in this article are neither overbroad nor vague and are narrowly tailored to serve a compelling and substantial governmental interest, and preserve ample alternative areas for the valid exercise of constitutional rights of solicitation which they do as set forth more particularly herein.

If such regulations were to be deemed to trigger strict scrutiny, certain behaviors attributed to panhandlers including but not limited to open urination and open defecation and the blockage of ingress and egress into and from commercial businesses and other public areas as well as the impedance of pedestrian walkways and other public rights-of-way implicates the compelling governmental interest of Daytona Beach in protecting the health, safety and welfare of its citizenry and visitors in preserving police and fire department access to such rights-of-way in order to save lives.

- (b) *Definitions.* For purposes of this article, the following words and phrases shall have the meanings ascribed to them as follows:

After dark means from one-half hour after sunset until one-half hour before sunrise. The times of sunset and sunrise will be established by the times listed in any local publication of general distribution.

Aggressive panhandling means:

- a. To approach or speak to a person and demand, request or beg for money or a donation of valuable property in such a manner as would cause a reasonable person to believe that the person is being threatened with imminent bodily injury or the commission of a criminal act upon the person approached or another person in the solicited person's company, or upon property in the person's immediate possession (for example, placing oneself within two feet of a solicited

person and/or using abusive or profane language in a loud voice while demanding or requesting money); or

- b. To maintain contact with a solicited person and continue demanding, requesting or begging for money or a donation of valuable property after the solicited person has made a negative response to an initial demand or request for money or a donation (for example, walking in front of, next to, or behind a solicited person while continuing to demand, request or beg for money from that person after that person has refused to donate or give money); or
- c. To obstruct, block or impede, either individually or as part of a group of persons, the passage or free movement of a solicited person or a person in the company of a solicited person, including persons on foot, on bicycles, in wheelchairs or operating motor vehicles or persons attempting to enter or exit motor vehicles (for example, walking, standing, sitting, lying, or placing an object in such a manner as to block passage of another person or vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact); or
- d. To touch or cause physical contact to a solicited person or a person in the company of a solicited person, or to touch any vehicle occupied by a solicited person or by a person in the company of the solicited person, without the person's express consent; or
- e. To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to accede to demands.

Panhandle means to beg or make any demand or request made in person for an immediate donation of money or some other article of value from another person for the use of one's self or others, including but not limited to for a charitable or sponsor purpose or that will benefit a charitable organization or sponsor. As used in this article, the word "solicit" and its forms are included in this definition. Panhandling is considered as having taken place regardless of whether the person making the solicitation received any contribution. Any purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, constitutes a donation as contemplated in this definition. Begging is included in this definition of panhandling. Soliciting is including in this definition of panhandling.

Prohibited areas for panhandling including but not limited to soliciting and begging means the following locations throughout the city in which it is unlawful to engage in panhandling, including but not limited to solicitation or begging, when either the panhandler or beggar or the person being panhandled is located in, on or at the following locations:

- a. Within 20 feet, in any direction, from any entrance or exit of commercially zoned property;
 - b. Within 20 feet, in any direction, of any bus or trolley stop or any public transportation facility;
 - c. Within 20 feet, in any direction, of an automated teller machine or any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit or convenience account with a financial institution;
 - d. Within 20 feet, in any direction, of any parking lot, parking garage, parking meter or parking pay station owned or operated by the city;
 - e. Within 20 feet, in any direction, of any public restroom owned and operated by a governmental agency;
 - f. Within 100 feet, in any direction, of any daycare or school, including pre-kindergarten through grade 12;
 - g. Within 150 feet of any signalized intersection of: 1) arterial roads; 2) collector roads; and 3) arterial and collector roads, as such roads are defined by the Florida Department of Transportation;
 - h. Occurring on the boardwalk as visibly defined by the map at the end of this section.
- (c) *Prohibited conduct, proximity and location restrictions.*

- (1) It shall be unlawful for any person to engage in aggressive panhandling on any sidewalk, highway, street, roadway, right-of-way, parking lot, park, or other public or semi-public area or in any public building lobby, entranceway, plaza or common area, public forum or limited public forum within the city limits of the City of Daytona Beach.
- (2) It shall be unlawful for any person to engage in aggressive panhandling on private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.
- (3) It shall be unlawful for any person to engage in panhandling when either the person engaged in panhandling or the panhandler or the person being panhandled, is located in, on or at the following locations:
 - a. Within 20 feet, in any direction, from any entrance or exit of commercially zoned property;
 - b. Within 20 feet, in any direction, of any bus or trolley stop or any public transportation facility;
 - c. Within 20 feet, in any direction, of an automated teller machine or any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit or convenience account with a financial institution;
 - d. Within 20 feet, in any direction, of any parking lot, parking garage, parking meter or parking pay station owned or operated by the city;
 - e. Within 20 feet, in any direction, of any public restroom owned and operated by a governmental agency;
 - f. Within 100 feet, in any direction, of any daycare or school, including pre-kindergarten through grade 12;
 - g. Within 150 feet of any signalized intersection of: 1) arterial roads; 2) collector roads; and 3) arterial and collector roads;
 - h. Occurring on the boardwalk as visibly defined by the map at the end of this section.
- (4) It shall be unlawful for any person to engage in the following prohibited conduct:
 - a. Approach an operator or other occupant of a motor vehicle for the purpose of panhandling, soliciting or begging, or offering to perform a service in connection with such vehicle, or otherwise soliciting the sale of goods or services, if such panhandling, soliciting or begging is done in an aggressive manner;
 - b. Panhandle or solicit or beg at any lawfully permitted outdoor dining area amphitheater, amphitheater seating area, playground or lawfully permitted outdoor merchandise area, provided such areas are in active use at the time;
 - c. Panhandle, solicit or beg at any transit stop or taxi stand or in a public transit vehicle;
 - d. Panhandle, solicit or beg while the person or persons being solicited is standing in line waiting to be admitted to a commercial establishment;
 - e. Panhandle, solicit or beg by touching the person or persons being solicited without that person's consent;
 - f. Panhandle, solicit or beg with the use of profane or abusive language during the solicitation or following an unsuccessful solicitation;
 - g. Panhandle, solicit or beg by or with the use of any gesture or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation;
 - h. Panhandle, solicit or beg while under the influence of alcohol or after having illegally used any controlled substance, as defined in chapter 893 of the Florida Criminal Statutes; or

- i. Panhandle, solicit or beg after dark.
- (d) *Penalty.* Any person found guilty of violating the provisions of this section shall be punished in the manner prescribed in section 1-14 of this Code.



(Ord. No. 19-27, § 2, 2-6-2019)

Sec. 18-8. - Begging, panhandling and solicitation.

- (a) *Intent.* The purpose and intent of this article is to recognize the constitutional right of persons to solicit, including but not limited to beg and panhandle, in a peaceful and non-threatening manner; however, an increase in aggressive panhandling and begging throughout the city has become extremely disturbing and disruptive to residents and businesses, and has contributed not only to the loss of access to and enjoyment of public places but also to an enhanced sense of fear, intimidation, and disorder. Aggressive panhandling and begging usually includes approaching or following pedestrians, repetitive requests for donations of money despite refusals, the use of abusive or profane language, unwanted physical contact, and the intentional, or as incident to the aggressive panhandling and begging, blocking of pedestrian and vehicular traffic. Additionally, the presence of panhandlers and beggars, who request money from persons in specific public areas such as outdoor cafes, automated teller machines, entrances and exits from buildings, and while standing in line to enter an event or a building, is especially troublesome because persons cannot readily escape from the undesired conduct, which often carries with it an implicit threat to both persons and property as well as incidental to the panhandling and begging activities the imperiling of the health, safety and welfare of the citizens of and visitors to St. Augustine by, among other things, blockage of ingress and egress from and into commercial businesses adjacent to public rights-of-way.

This article is not intended to limit any persons from exercising their constitutional right to solicit, including but not limited to beg, panhandle or solicit funds, picket, protest, or engage in any other constitutionally protected activity, when conducted in a legal manner. The goal of this article is instead to ensure the foregoing constitutional rights while through regulation acting to protect citizens from the fear and intimidation accompanying certain kinds of panhandling and begging that have become an unwelcome and overwhelming presence in the city by prohibiting aggressive panhandling and begging throughout the city and by regulating through time, place, and manner ordinance provisions regulating panhandling and begging in certain public places, based upon the foregoing significant important and substantial governmental interests set forth in the predicate clauses and an overriding compelling governmental interest to protect the health, safety and welfare of the citizens of St. Augustine and visitors from the adverse secondary effects of

solicitation, including panhandling and begging, in public areas. The restrictions contained in this article are neither overbroad nor vague and are narrowly tailored to serve a substantial governmental interest, and preserve ample alternative areas for the valid exercise of constitutional rights of solicitation which they do as set forth more particularly herein.

Further, even if such regulations were to be deemed to trigger strict scrutiny, the blockage of ingress and egress into and from commercial businesses and other public areas as well as the impedance of pedestrian walkways and other public rights-of-way implicates the compelling governmental interest of St. Augustine in protecting the health, safety and welfare of its citizenry and visitors in preserving police and fire department access to such rights-of-way in order to save lives.

(b) *Definitions.* For purposes of this article, the following words and phrases shall have the meanings ascribed to them as follows:

(1) *After dark* means from one-half hour after sunset until one-half hour before sunrise. The times of sunset and sunrise will be established by the times listed in any local publication of general distribution.

(2) *Aggressive panhandling or begging* means:

a. To approach or speak to a person and demand, request or beg for money or a donation of valuable property in such a manner as would cause a reasonable person to believe that the person is being threatened with imminent bodily injury or the commission of a criminal act upon the person approached or another person in the solicited person's company, or upon property in the person's immediate possession (for example, placing oneself within two feet of a solicited person and/or using abusive or profane language in a loud voice while demanding or requesting money); or

b. To maintain contact with a solicited person and continue demanding, requesting or begging for money or a donation of valuable property after the solicited person has made a negative response to an initial demand or request for money or a donation (for example, walking in front of, next to, or behind a solicited person while continuing to demand, request or beg for money from that person after that person has refused to donate or give money); or

- c. To obstruct, block or impede, either individually or as part of a group of persons, the passage or free movement of a solicited person or a person in the company of a solicited person, including persons on foot, on bicycles, in wheelchairs or operating motor vehicles or persons attempting to enter or exit motor vehicles (for example, walking, standing, sitting, laying, or placing an object in such a manner as to block passage of another person or vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact); or
 - d. To touch or cause physical contact to a solicited person or a person in the company of a solicited person, or to touch any vehicle occupied by a solicited person or by a person in the company of the solicited person, without the person's express consent; or
 - e. To engage in conduct that would reasonably be construed as intended to intimidate, compel or force a solicited person to accede to demands.
- (3) *Panhandle or beg* means any demand or request made in person for an immediate donation of money or some other article of value from another person for the use of one's self or others, including but not limited for a charitable or sponsor purpose or that will benefit a charitable organization or sponsor. As used in this article, the word "solicit" and its forms is included in this definition. A solicitation is considered as having taken place regardless of whether the person making the solicitation received any contribution. Any purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, constitutes a donation as contemplated in this definition.
- (4) *Prohibited areas for solicitation including but not limited to panhandling and begging* means the following locations throughout the city in which it is unlawful to engage in solicitation, including but not limited to panhandling or begging, when either the panhandler or beggar or the person being panhandled is located in, on or at the following locations:
- a. Within twenty (20) feet, in any direction, from any entrance or exit of commercially zoned property;
 - b. Within twenty (20) feet, in any direction, of any bus or trolley stop or any

public transportation facility;

- c. Within twenty (20) feet, in any direction, of an automated teller machine or any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit or convenience account with a financial institution;
- d. Within twenty (20) feet, in any direction, of any parking lot, parking garage, parking meter or parking pay station owned or operated by the city;
- e. Within twenty (20) feet, in any direction, of any public restroom owned and operated by a governmental agency;
- f. Within one hundred (100) feet, in any direction, of any daycare or school, including pre-kindergarten through grade 12.

(c) *Prohibited conduct, proximity and location restrictions.*

- (1) It shall be unlawful for any person to engage in aggressive panhandling or begging on any sidewalk, highway, street, roadway, right-of-way, parking lot, park, or other public or semi-public area or in any public building lobby, entranceway, plaza or common area, public forum or limited public forum within the city limits of the City of St. Augustine.
- (2) It shall be unlawful for any person to engage in aggressive panhandling or begging on private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property.
- (3) It shall be unlawful for any person to engage in solicitation, including but not limited to panhandling or begging, when either the person engaged in the solicitation, including but not limited to the panhandler or beggar or the person being panhandled, is located in, on or at the following locations:
 - a. Within twenty (20) feet, in any direction, from any entrance or exit of commercially zoned property;
 - b. Within twenty (20) feet, in any direction, of any bus or trolley stop or any public transportation facility;
 - c.

Within twenty (20) feet, in any direction, of an automated teller machine or any electronic information processing device which accepts or dispenses cash in connection with a credit, deposit or convenience account with a financial institution;

- d. Within twenty (20) feet, in any direction, of any parking lot, parking garage, parking meter or parking pay station owned or operated by the city;
 - e. Within twenty (20) feet, in any direction, of any public restroom owned and operated by a governmental agency;
 - f. Within one hundred (100) feet, in any direction, of any daycare or school, including pre-kindergarten through grade 12.
- (4) It shall be unlawful for any person to engage in the following prohibited conduct:
- a. Approach an operator or other occupant of a motor vehicle for the purpose of panhandling, soliciting or begging, or offering to perform a service in connection with such vehicle, or otherwise soliciting the sale of goods or services, if such panhandling, soliciting or begging is done in an aggressive manner;
 - b. Panhandle, solicit or beg at any lawfully permitted outdoor dining area or lawfully permitted outdoor merchandise area, provided such areas are in active use at the time;
 - c. Panhandle, solicit or beg at any transit stop or taxi stand or in a public transit vehicle;
 - d. Panhandle, solicit or beg while the person or persons being solicited is standing in line waiting to be admitted to a commercial establishment;
 - e. Panhandle, solicit or beg by touching the person or persons being solicited without that person's consent;
 - f. Panhandle, solicit or beg with the use of profane or abusive language during the solicitation or following an unsuccessful solicitation;
 - g. Panhandle, solicit or beg by or with the use of any gesture or act intended to cause a reasonable person to be fearful of the solicitor or feel compelled to accede to the solicitation;
 - h.

Panhandle, solicit or beg while under the influence of alcohol or after having illegally used any controlled substance, as defined in Chapter 893 of the Florida Criminal Statutes; or

i. Panhandle, solicit or beg after dark.

(d) *Penalty.* Any person found guilty of violating the provisions of this section shall be punished in the manner prescribed in section 1-8 of this Code.

(Ord. No. 93-17, § 2, 5-24-93; Ord. No. 01-27, §§ 1, 2, 10-22-01; Ord. No. 06-40, § 1, 1-8-07; Ord. No. 10-30, § 1, 9-13-10; Ord. No. 10-35, § 1, 10-11-10; Ord. No. 18-06, §§ 1, 2, 3-26-18)

Cross reference— Solicitors and canvassers, § 17-231 et seq.; street entertainers, § 17-266 et seq.; prohibition on the sale of merchandise on streets, parks, etc., § 22-6; solicitation, canvassing for commercial purposes on public ways, § 22-7.

1 ^{BLUE} [DRAFT NOTE: REDLINED CHANGES REPRESENT PARB RECOMMENDED
2 REVISIONS]

3 **ORDINANCE NO. 2019-08**

4
5 **AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA,**
6 **AMENDING ARTICLE VII, "SIGNS," OF THE CITY OF FLAGLER**
7 **BEACH LAND DEVELOPMENT REGULATIONS; PROVIDING**
8 **LEGISLATIVE FINDINGS; AMENDING DEFINITIONS; PROVIDING**
9 **REGULATIONS AND RESTRICTIONS RELATED TO MURALS;**
10 **PROVIDING FOR CODIFICATION, CONFLICTS, AND AN EFFECTIVE**
11 **DATE.**

12
13 **WHEREAS,** the City Commission recognizes the value of artistic expression; and

14 **WHEREAS,** the City's current sign regulations allow the application of murals;
15 however, the current sign regulations create a bar to the inclusion of commercial and non-
16 commercial messages within artistic murals;

17 **WHEREAS,** the City Commission is mindful of the necessity of balancing the need for
18 appropriate time, place, and manner restrictions on signage with the availability of means of
19 creative and artistic expression of messages; and

20 **WHEREAS,** the City Commission desires to broaden the possibility for murals to
21 incorporate commercial and non-commercial messages; and

22 **WHEREAS,** the City Commission desires that any commercial or non-commercial
23 message incorporated into a mural be a secondary characteristic to the primary functions of
24 creative expression and aesthetic enjoyment; and

25 **WHEREAS,** the City Commission finds it necessary and appropriate to limit the
26 proportional size of commercial and non-commercial messaging contained within a mural; and

27 **WHEREAS,** the City Commission finds that reasonable regulations related to the size
28 and application methods of murals are necessary to protect the public health, safety, and welfare;
29 and

30 **WHEREAS,** the Planning and Architectural Review Board, acting as the Local Planning
31 Agency, found and determined that this Ordinance is consistent with the City's Comprehensive
32 Plan, and the City Commission finds and determines that the following amendments are
33 consistent with all applicable policies of the City's Comprehensive Plan.

34 **NOTE:** Underlined words constitute additions to the City of the City of Flagler Beach
35 Land Development Regulations, ~~strikethrough~~ constitutes deletions from the original Code of
36 Ordinances, and any asterisks (***) indicate an omission from the existing text which is
37 intended to remain unchanged.

38 **NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
39 **CITY OF FLAGLER BEACH, FLORIDA, AS FOLLOWS:**

40
41 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as legislative
42 findings of the City Commission pertaining to this Ordinance.

43 **SECTION TWO.** Article VII, "Signs," of the City of Flagler Beach Land Development
44 Regulations is hereby amended as set forth below:

45 **ARTICLE VII. SIGNS**

46
47 * * *

48 Sec. 7.01.00. - Definitions.

49 * * *

50 *Artwork:* A two- or three-dimensional representation of a creative idea that is expressed in a
51 form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically
52 convey a commercial and/or non-commercial message related to the premises upon which the
53 artwork is displayed. All outdoor artwork shall conform to the maximum height and size
54 restrictions of buildings in any particular zoning district in which it is located. All outdoor
55 artwork shall also conform to any applicable building and safety standards. ~~Stringlighting is~~
56 ~~considered artwork. Wall murals and artwork that do not communicate informational messages,~~
57 ~~apart from any artistic or aesthetic enjoyment, are not signs as defined herein.~~

58
59 * * *

60
61 ~~*Mural:* Any wall graphics and/or representation of a creative idea that is expressed in a~~
62 ~~form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically~~
63 ~~convey a commercial and/or non-commercial message related to the premises upon which the~~
64 ~~artwork is displayed. All murals shall conform to the maximum height and size restrictions of~~
65 ~~buildings in any particular zoning district in which it is located. All murals shall also conform~~
66 ~~to any applicable building and safety standards. A one-of-a-kind, hand-painted, hand-tiled, or~~
67 ~~digitally printed artwork on the exterior wall of a building presented in a creative and artistic~~
68 ~~manner for the primary purpose of providing aesthetic enjoyment for the viewer.~~

69
70 * * *

71 Sec. 7.04.00. - Exemptions from city sign permitting; posting of street address numbers.

72 The following exempt signs, decorations and/or artwork do not require a sign permit but
73 may require a permit pursuant to the Florida Building Code if determined to be a structure. The

74 number of exempt signs and an exempt sign's copy area shall not be calculated in a lot or
75 premises' total allowable number of signs and sign copy area unless otherwise specified in this
76 article. However, these exemptions in no way waive any applicable limitation or restriction on
77 the number, size, height, setback, placement or duration of such signs regulated by this article or
78 any limitation or restriction under any other applicable law or regulation.

79 A. All signs (except permanent window signs which are not "opened" and "closed" signs)
80 located entirely inside the premises of a building or enclosed space and which are not
81 readily visible from the exterior of the enclosed space or premises.

82 B. Statutory signs, traffic control device signs, or signs required by law, administrative
83 order or judicial order erected by public employees performing official duties.

84 C. One (1) on-site temporary garage-yard sale sign may be displayed along each public
85 street abutting the premises. However, the sign shall only be displayed on the parcel of
86 land upon which the garage-yard sale is taking place and shall not be placed in the right-
87 of-way. A temporary garage-yard sale sign shall not exceed four (4) square feet in sign
88 area and three (3) feet in height. A temporary garage-yard sale sign may not be
89 displayed for a period longer than three (3) days during any calendar month and shall be
90 removed upon the conclusion of the garage-yard sale.

91 D. For each parcel within the city, one (1) temporary on-site real estate sign may be
92 displayed along each public street abutting the premises but shall not be placed in the
93 right-of-way, may be displayed more than ninety (90) days and shall be removed
94 immediately upon the sale, lease or rent of the real estate that was offered for sale, lease
95 or rent. Temporary real estate signs shall not exceed four (4) square feet in sign copy
96 area and three (3) feet in height for residential zoned properties, and sixteen (16) square
97 feet in sign copy area and six (6) feet in height for nonresidential zoned properties.
98 When more than one (1) dwelling unit or nonresidential space on a parcel of land is for
99 sale, lease or rent, there may be only one (1) additional temporary window sign located
100 at each such unit or space for sale, lease or rent and shall be subject to regulations
101 herein regarding temporary window signs.

102 E. Nameplate or occupant identification signs. For each residence, business or other
103 occupancy within the city, one (1) attached wall nameplate sign may be displayed. For
104 residences, the nameplate or occupant identification signs shall not exceed two (2)
105 square feet in total sign area. Signs for home businesses shall be considered an occupant
106 identification sign. In any nonresidential zoning district, the nameplate or occupant
107 identification sign shall not exceed four (4) square feet in total sign area.

108 F. No permit shall be required for changing the copy of a sign, as long as the sign copy is
109 not increased and/or no changes are made to the sign's height, size, location, or
110 structural design.

111 G. Flags and flagpoles and pennants as regulated by Section 7.06.09 of this article.

112 H. Bus stop informational signs up to four (4) square feet in area shall be allowed in all
113 zoning districts. These signs shall have a maximum height of six (6) feet unless
114 otherwise required by applicable law.

115 I. One (1) or more temporary window signs may be displayed on the inside of the
116 window. On parcels that are in residential use, the temporary window sign(s) shall not

117 exceed an aggregate of three (3) square feet in total sign area. On parcels that are in
118 nonresidential use, the temporary window sign(s) shall not exceed an aggregate of six
119 (6) square feet in total sign area. However, temporary window signs shall not cover
120 more than twenty-five (25) percent of any window surface, and the total area of all
121 window signs, including both permanent and temporary, shall not exceed fifty (50)
122 percent of an occupant's window area. These limitations are to allow nonresidential
123 occupants to post signs, while still maintaining visibility. This is not to prevent
124 nonresidential occupants from erecting window displays with items that are not directly
125 affixed to the windows, as long as visibility through the window is maintained at the
126 ground level. The dimensional requirements of this subsection shall apply to election
127 signs, free expression signs, temporary commercial signs, and any other signs which are
128 placed in windows.

129 J. Signs on buses, taxicabs, and similar common carriers that are licensed or certified by a
130 governmental entity, and vehicle signs, except mobile billboards.

131 K. Signs incorporated onto machinery and equipment by a manufacturer or distributor that
132 identify the manufacturer, or product or service dispensed by the machine or equipment,
133 such as signs customarily affixed to newspaper racks, gasoline pumps, telephone
134 booths, mail drop-boxes, bus shelters, and vending machines.

135 L. Temporary on-site construction signs may be displayed, if necessary, more than ninety
136 (90) days but shall be removed before or at the date the construction is no longer active.
137 One (1) sign shall be allowed on each parcel within the city. Temporary on-site
138 construction signs shall not exceed four (4) square feet in sign area and three (3) feet in
139 height for residential zoned properties, and sixteen (16) square feet in sign area and six
140 (6) feet in height for nonresidential zoned properties.

141 M. Stringlighting and holiday and seasonal decorations.

142 N. Signs carried or worn by a person.

143 O. One (1) temporary valet parking station sign no more than four (4) square feet in total
144 sign area, and not more than three (3) feet in height, shall be allowed on each parcel
145 where the valet station is located. The temporary valet parking station sign shall only be
146 visible during hours that the valet is operating, and shall be located on the same parcel
147 as the valet station.

148 P. One (1) on-site free expression sign may be displayed along each public street abutting
149 the premises but shall not be placed in the right-of-way. The free expression sign shall
150 not exceed four (4) square feet in total sign area and may be displayed as an attached
151 sign, window sign or as a freestanding sign. If displayed as a freestanding sign, the
152 freestanding sign shall not exceed three (3) feet in height in a residential zoning district
153 and six (6) feet in height in a nonresidential zoning district. If displayed as a window
154 sign, the dimensional requirements set forth in subsection I herein shall apply to free
155 expression signs. A free expression sign is allowed in addition to any other sign
156 permitted under this article.

157 Q. Temporary election signs may be displayed more than ninety (90) days. For each
158 parcel within the city, one (1) on-site election sign for each candidate and each issue
159 may be displayed along each public street abutting the premises but shall not be placed

160 in the right-of-way. An election sign may be displayed as an attached sign, a window
161 sign, or as a freestanding sign. On residentially zoned parcels, the election sign shall not
162 exceed four (4) square feet in sign area; and, if the election sign is displayed as a
163 freestanding sign on the parcel, the election sign shall not exceed three (3) feet in
164 height. On parcels that are not zoned residential, the election sign shall not exceed
165 sixteen (16) square feet in sign area; and, if the election sign is displayed as a
166 freestanding sign on the parcel, the election sign shall not exceed six (6) feet in height.
167 If displayed as a window sign, the dimensional requirements set forth in subsection I
168 herein shall apply to election signs. An election sign shall be removed within seven (7)
169 calendar days following the election to which it pertains.

170 R.— Murals.

171 SR. Non-commercial on-site parking space number or identification signs, not exceeding
172 one (1) square foot of sign face per sign, shall be allowed on each parcel in non-
173 commercial use having multiple parking spaces on-site. One (1) such sign shall be
174 allowed for each parking space. The maximum height for a freestanding or attached
175 wall sign shall be six (6) feet unless otherwise required by applicable law.

176 FS. Warning signs and safety signs, not exceeding four (4) square feet in sign area, shall
177 be allowed in all zoning districts. The maximum height for these signs shall be six (6)
178 feet unless otherwise required by applicable law.

179 UT. On-site non-commercial directional signs.

180 VU. On-site non-commercial directory signs.

181 WV. Umbrella signs.

182 XW. On-site home occupation signs as regulated under the Code of Ordinances.

183 YX. Permanent window signs on nonresidential uses which indicate whether the business
184 or store is opened or closed.

185 ZY. On-site temporary banner signs. It is the express intent of this ordinance that the
186 erection of any on-site temporary banner signs shall satisfy the applicable criteria set
187 forth in Section 7.07.03. This type of sign will not require a permit, but the owners of
188 the business will be required to go to the building department where there will be a
189 sign-in sheet to be filled in, stating the business name, type of sign, and the date the sign
190 is erected. There will be no fee for this. Decorations for all legal holidays will not
191 require the use of the sign-in sheet. Any special events using on-site temporary banner
192 signs will have to use the sign-in sheet, giving the name of the sponsoring group, type
193 of sign, and the date the sign is erected.

194 AAZ. Pedestrian wayfinding signs.

195 * * *

196 7.07.04 Murals.

197 In addition to the other signs allowed herein, each property not located within a non-
198 residential zoning district or the highway commercial zoning district shall be allowed to apply
199 murals as defined herein subject to the following restrictions and regulations:

- 200 A. No mural shall exceed the dimensions of the wall upon which it is applied;
- 201 B. All murals shall comply with all relevant building and safety codes and standards and be
202 kept in good repair with no chipped, fading, or peeling paint;
- 203 C. No mural shall contain electrical or mechanical components, moving structural elements,
204 lighting elements, or automated elements that move or give the appearance of motion;
- 205 D. Letters, symbols, and numbers incorporated into the mural, including those containing
206 commercial and non-commercial messages, shall comprise no more than ten percent (10%) of
207 the total square footage of the mural or thirty-two (32) square feet, whichever is less;
- 208 E. Commercial and non-commercial messages incorporated into a mural consistent with this
209 section shall not be counted toward the maximum sign square footage or number of signs on the
210 property;
- 211 F. No off-site commercial advertising shall be incorporated into any mural;
- 212 G. No sign permit shall be required for a mural that meets all of the requirements of this
213 section; however, a mural authorization shall be obtained from the City for any mural applied or
214 altered after the effective date of this Ordinance. An application for a mural authorization shall
215 contain at a minimum:
- 216 1. The name of the artist;
- 217 2. The dimensions of the wall upon which the mural will be applied; and
- 218 3. A description of the intended mural including the materials to be used, the method
219 of application, the need for scaffolding or other equipment to be attached to the building,
220 the mural's intended dimensions and the location and dimensions of any letters, numbers
221 or symbols;
- 222 H. No mural shall be altered and no mural authorization shall be approved more frequently
223 than once every twelve (12) months; provided, however, no mural authorization shall be required
224 for maintenance or repair of prior authorized murals.
- 225 I. A mural may be removed without a mural authorization; however, said mural may not be
226 re-applied without a new mural authorization.
- 227 J. Upon receipt of a complete application for mural authorization, the city manager, or
228 designee, shall review the application materials to determine that:
- 229 1. The plans for application of the work is reasonable;
- 230 2. Excessive maintenance should not be required;
- 231 3. The materials to be used and the manner of application will not impact or harm
232 neighboring properties, the public or the environment;

#16

ORDINANCE 2019-09

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING CHAPTER 13, "NUISANCES", ARTICLE II, "NOISE", RELATING TO NOISE REGULATIONS; AMENDING REGULATIONS RELATED TO NOISE RESTRICTIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Florida Constitution and Laws of Florida authorize the City of Flagler Beach to adopt ordinances regulating, restricting, or prohibiting the production or emission of noises that tend to annoy, disturb, or frighten its citizens; and

WHEREAS, the measurement of noise level presents unique challenges, particularly along busy roadways; and

WHEREAS, the City Commission finds the reliance upon a "reasonable person" standard in cases where it is impractical to perform a noise level reading due to ambient noise levels injects an undue amount of subjectivity into the process of determining noise levels; and

WHEREAS, the City Commission finds it to be more reasonable and effective to use the ambient noise level as the maximum noise level in circumstances when ambient noise meets or exceeds the maximum noise level allowed by the Code; and

WHEREAS, it is the policy and intent of the City of Flagler Beach to protect the health, safety, and welfare of its citizens and to promote an environment free from sound and noise disruptive of peace and good order.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA:

SECTION ONE. Chapter 13, "Nuisances," Article II, "Noise," of the City of Flagler Beach Code of Ordinances shall be amended as follows (Note: additions indicated by underline; deletions indicated by ~~strike through~~; and text that shall remain unaltered that is not reproduced here is indicated by ellipses (***)):

ARTICLE II. - NOISE

1 Sec. 13-22. - Findings of fact.

2 The City Commission of the City of Flagler Beach, Florida hereby finds:

- 3 (1) The persistence of sound generated by some sources constitutes a public nuisance that
- 4 adversely affects the public health, safety and welfare of the citizens of Flagler Beach.
- 5 (2) Existing enforcement mechanisms have not been fully effective at assuring compliance
- 6 with the city's sound control standards.

- 7 (3) The city commission finds and determines that this situation necessitates action to
8 provide the additional enforcement mechanism authorized in this article in order to help
9 assure full compliance with city sound control standards.

10 Sec. 13-23. - Definitions.

- 11 (a) The following words, terms and phrases, when used in this article, shall have the meanings
12 ascribed to them in this section, except where the context clearly indicates a different
13 meaning. All terminology used in this article which is not defined below, shall be in
14 conformance with applicable publications of the American National Standards Institute
15 (ANSI) or its successor body.

16 *A-weighted sound level* means the sound pressure level in decibels as measured on a
17 sound level meter using the A-weighted network. The level so read is designated dBA.

18 *Ambient noise* means the all-encompassing noise associated with a given
19 environment, being usually a composite of sounds from many sources.

20 *City manager* means the city manager of the City of Flagler Beach or the manager's
21 designee.

22 *C-weighted sound level* means the sound pressure level in decibels as measured on a
23 sound level meter using the C-weighted network. The level so read is designated dBC.

24 *Decibel* means a unit for describing the amplitude of sound, equal to twenty (20)
25 times the logarithm to the base ten of the ratio of the pressure of the sound measured to
26 the reference pressure, which is twenty (20) micrometers per square meter.

27 *Emergency work* means any work performed for the purpose of preventing or
28 alleviating physical trauma or property damage threatened or caused by an existing or
29 eminent peril.

30 *Noise disturbance* means any sound which:

- 31 (1) Endangers or injures the safety or health of humans or animals; or
32 (2) Annoys or disturbs a reasonable person of normal sensitivities; or
33 (3) Endangers or injures personal or real property.

34 For purposes of this definition, any sound that exceeds the maximum permissible
35 sound levels set forth in section 13-26 of this article shall constitute a noise disturbance
36 per se. It is the intent and purpose of this definition that sounds that either meet the
37 aforesaid criteria or exceed the sound levels in section 13-26 shall constitute a violation
38 of this article.

39 *Sound level* means the weighted sound pressure level obtained by the use of a
40 metering characteristic and weighting A, B, or C as specified in American National
41 Standards Institute specifications for sound level meters, ANSI S1.4-1983, or in
42 successor publications. If the weighting employed is not indicated, the A-weighting shall
43 apply.

44 *Sound level meter* means an instrument, which includes a microphone, amplifier,
45 RMS detector, integrator or time averager, output meter, and weighing networks used to

46 measure sound pressure levels. The output meter reads sound pressure levels when
47 properly calibrated, and the instrument is to type 2 or better, as specified in the American
48 National Standards Institute Publications, S1.4-1983, or its successor publications.

49 *Sound pressure level* means twenty (20) times the logarithm to the base ten (10) of
50 the ratio of the RMS sound pressure level to the reference of twenty (20) micronewtons
51 per square meter.

52 *Testing protocol* shall be at least a fifteen (15) second reading from four (4)
53 representative samples ~~when measured at or within the receiving property, minus the~~
54 ~~ambient noise when the ambient noise is less than ten (10) dBA as determined and~~
55 ~~allowed by section 13-28 of this article. If any one (1) of the four (4) samples exceed the~~
56 ~~maximum sound level limits established in table 1, said sample shall be a violation of this~~
57 ~~article.~~

58 Sec. 13-24. - Compliance.

59 It shall be unlawful, except as expressly permitted in this article, to make, cause or allow the
60 making of any noise or sound in such a manner as to create a noise disturbance.

61 Sec. 13-25. - Measurement of sound.

62 Standards, instrumentation, measurement procedures, and instrumentation maintenance used
63 in the measurement of sound shall be in accordance with ANSI S1.4-1983 or its successor
64 publications. City personnel that will be taking sound level measurements shall be trained to use
65 sound testing devices.

66 Sec. 13-26. - Maximum permissible sound levels by use occupancy category.

67 No person shall cause, suffer, allow or permit the operation of any source of sound in such a
68 manner as to create a sound level that exceeds the sound level limits listed in table 1 when
69 measured beyond the originating property's property line. Sound or noise projecting from one
70 zoning district into another zoning district with a different decibel level limit shall not exceed the
71 limits of the zoning district into which the noise is projected when measured from within such
72 receiving zoning district. Sound pressure levels in excess of those established in table 1 shall
73 constitute prima facie evidence that such sound is in violation of this article. The sound shall be
74 measured using the "A" and "C" scale in slow time constant. In circumstances where the
75 ambient noise level is equal to or exceeds the sound pressure levels established in table 1, the
76 ambient noise level shall represent the maximum sound pressure level for purposes of
77 performing the measurement provided for herein.

78 TABLE 1
79 MAXIMUM SOUND LEVELS FOR
80 USE OCCUPANCY CATEGORY
81 RECEIVING LAND USE

| Use Occupancy Category ¹ | Time | Maximum Sound Level | Maximum Sound Level |
|--|------|------------------------|------------------------|
|--|------|------------------------|------------------------|

| | | Limit—dBA | Limit—dBC |
|--------------------------|----------------------|-----------|-----------|
| Residential ² | 7:00 a.m.—10:00 p.m. | 60 | 65 |
| | 10:00 p.m.—7:00 a.m. | 55 | 60 |
| Commercial or Tourist | 7:00 a.m.—10:00 p.m. | 70 | 75 |
| | 10:00 p.m.—7:00 a.m. | 65 | 70 |
| Light Industrial | At all times | 75 | 80 |

82

83 ¹ The city's zoning map shall be relied upon for purposes of defining the "use occupancy
84 category". In cases of multiple uses, with the exception of multiple uses as described in
85 footnote 2 below, the more restrictive use category shall prevail. Hospitals, nursing
86 homes, schools, libraries, and church uses shall be considered residential uses. Any area
87 not otherwise classified shall conform to commercial standards.

88 ² The commercial or tourist use occupancy category's maximum sound levels shall
89 apply to residential uses located within the GC-General Commercial and the TC-Tourist
90 Commercial zoning districts.

91 Sec. 13-27. - Noise level exemptions.

92 The following uses and activities shall be exempt from this article's noise level regulations
93 except as listed in table 1.

- 94 (1) Air conditioners when functioning in accord with the manufacturers' [specifications],
95 standard mufflers and noise-reducing equipment in use and in proper operating
96 condition according to standards promulgated by the American Refrigeration Institute.
97 The same exception shall apply to lawn mowers and agricultural equipment during
98 daylight hours.
- 99 (2) Non-amplified crowd noises resulting from activities such as those planned by student,
100 governmental or community groups.
- 101 (3) Construction operations for which building permits have been issued, or construction
102 operations not requiring permits due to ownership of the project by an agency of
103 government; providing all equipment is operated in accord with the manufacturers'
104 specifications and with all standard equipment, mufflers and noise-reducing equipment
105 in use and in proper operating condition.
- 106 (4) Noises of safety signals, warning devices, emergency pressure relief valves and bells
107 and chimes of churches.

- 108 (5) Noises resulting from any authorized emergency vehicle when responding to an
109 emergency call or acting in time of emergency.
- 110 (6) Noises resulting from emergency work.
- 111 (7) Any other noise resulting from activities of a temporary duration permitted by law and
112 for which a permit therefor has been granted by the city in accordance with this article.
113 Regulation of noises emanating from operations under permit shall be according to the
114 conditions and limits stated on the permit and contained in this article.
- 115 (8) Noises made by persons having obtained a permit to use the streets.
- 116 (9) All noises coming from the normal operations of aircraft (not including scale model
117 aircraft).
- 118 (10) Motor vehicles defined in F.S. Ch. 316.
- 119 (11) All noises generated by the city and its agents and/or from city sponsored events.
- 120 (12) All noises generated during the July 4th holiday.

121 Sec. 13-28. – ~~Reserved. Ambient noise.~~

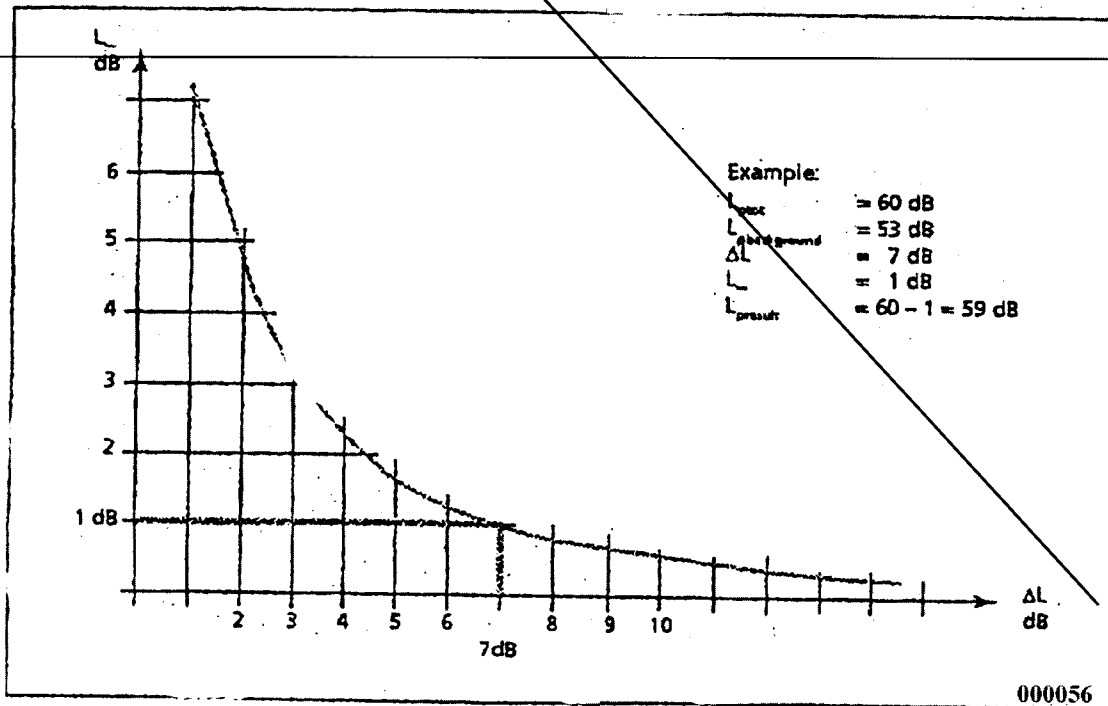
122 ~~An alleged excess noise producing source consists of a combination of the alleged excess~~
123 ~~noise producing source level and the naturally occurring (ambient) noise level that normally~~
124 ~~exists at the measuring point. Before it can be determined if an alleged excessive noise level~~
125 ~~exceeds the maximum allowable noise levels established in this article, the naturally occurring~~
126 ~~(ambient) noise level shall be determined and said noise level shall be subtracted from the total~~
127 ~~noise level measured when the alleged excessive noise is being produced. The procedure for~~
128 ~~doing this is detailed in the table for calculating ambient noise below.~~

Subtracting Sound Levels

Sometimes it is necessary to subtract the background noise from the total SPL. The correction for background noise can be done by subtracting background noise ($L_{\text{background}}$) from the total noise level (L_{total}) using the following equation or curve.

$$L_{\text{result}} = 10 \log \left(10^{\frac{L_{\text{total}}}{10}} - 10^{\frac{L_{\text{background}}}{10}} \right)$$

If ΔL is less than 3 dB, the background noise is too high for an accurate measurement and the correct noise level cannot be found until the background noise has been reduced. If, on the other hand, the difference is more than 10 dB, the background noise can be ignored.



129

130 Sec. 13-29. - Other noise.

131 (a) Some sounds may be such that they are not measurable or may not exceed the limits but
 132 they may be excessive, unnatural, prolonged, and unusual and are a detriment to the public
 133 health, comfort, convenience, safety, welfare and prosperity of the residents of the city.

134 (b) With the exception of those exemptions provided by state law, noises prohibited by this
 135 section are unlawful, notwithstanding the fact that no violation of section 13-26 is involved,
 136 and notwithstanding the fact that the activity complained about is exempted in section 13-
 137 27.

138 (c) Thus, the following acts are declared to be loud, disturbing and unnecessary noises in
139 violation of this article:

140 (1) The sounding of any horn or signaling device on any automobile or other vehicle,
141 except as a danger warning;

142 (2) The creation by means of any signaling device of any unreasonably loud or harsh
143 sound;

144 (3) The sounding of any signaling device for any unnecessary or unreasonable period of
145 time; and the unreasonable use of any signaling device.

146 ~~(4) the making of any sound on days other than December 31, January 1 and July 4 that is~~
147 ~~plainly audible from a distance of two hundred (200) feet from the property line of the~~
148 ~~originating property that because of its tone, duration or volume would annoy or disturb~~
149 ~~a reasonable person of normal sensitivities.~~

150 ~~(5) The making of any sound except a danger warning, between the hours of 10:00 p.m.~~
151 ~~and 7:00 a.m. on days other than December 31, January 1 and July 4 when such sound~~
152 ~~is plainly audible from within an occupied and structurally enclosed building located on~~
153 ~~property not the source of the sound. Any person making a complaint pursuant to this~~
154 ~~paragraph shall be required to sign a sworn affidavit prior to a citation being issued;~~
155 ~~provided, however, that nothing herein shall prohibit city personnel from issuing a~~
156 ~~citation for a violation found to exist based on any other criteria contained in this article.~~

157 Sec. 13-30. - Special permits for relief of maximum allowable noise levels.

158 (a) Applications for a special permit for relief from the maximum allowable noise level limits
159 designated in this article may be made in writing to the city manager. Any special permit
160 granted by the city manager hereunder must be in writing and shall contain all conditions
161 upon which said special permit shall be effective.

162 (b) The city manager may grant the relief as applied for under the following conditions:

163 (1) The city manager may require the applicant to exhaust all technically reasonable
164 abatement measures before a special permit is issued. These abatement measures shall
165 be selected and installed by the applicant at his/her own risk.

166 (2) Special permits may be granted for the purpose of entertainment that exceeds the
167 maximum allowable noise levels established in this article under the following
168 conditions:

169 a. The function must be open to the public (admission may be charged).

170 b. The function must take place on public property.

171 c. The special permit will be given for only four (4) hours in one (1) twenty-four-hour
172 day.

173 d. The function shall be staged between the hours of 9:00 a.m. and 10:00 p.m.

174 (3) Special permits for non-entertainment special purposes may be issued under any of the
175 following conditions:

- 176 a. If the special purpose relates to the operation of a trade or business, that the special
177 purpose not be in the ordinary course of that trade or business; or if the special
178 purpose does not relate to the operation of a trade or business, that the special
179 purpose not be an ordinary event in the affairs of the applicant.
- 180 b. If the special purpose is a recurring purpose, that it not recur more often than four
181 (4) times each calendar year.
- 182 c. That the special purpose be absolutely necessary to the operation of the applicant's
183 trade or business; or if the special purpose does not relate to the operation of the
184 trade or business, that the special purpose be compatible with the ordinary activities
185 of the neighborhood in which the special purpose is to occur.
- 186 d. Except in emergency situations, as determined by the city manager, the special
187 permit may be issued only four (4) hours between 7:00 a.m. and 10:00 p.m. on
188 weekdays.
- 189 e. Special permits may be issued for no longer than fifteen (15) consecutive days,
190 renewable by further application to the city manager.
- 191 (4) No special permit shall be issued to permit the use of any loudspeaker or sound-
192 amplifying device on the exterior of any building, which at any time exceeds the sound
193 level limits in table 1, except those used for emergency warnings.

194 Sec. 13-31. - License for use of loudspeakers or public address systems.

- 195 (a) Loudspeakers or public address systems used to produce sound signals from any source for
196 either advertising or other purposes shall not be operated on or over public property and
197 public rights-of-way, unless a license has been issued by the city manager. Such systems
198 may be used Monday through Saturday during daylight hours only. No such systems shall be
199 used, except systems used by police officers and/or city employees acting in an official
200 capacity, systems approved in conjunction with special permits and special events approved
201 by the city manager and special uses approved by the city commission.
- 202 (b) Favorable recommendation of the police chief is required before issuance of a license. Such
203 a recommendation must be given if the proposed activity will not violate any ordinance and
204 will not endanger the public health and safety.
- 205 (c) No loudspeakers or sound-amplifying devices shall be operated pursuant to this section
206 within the hours of 10:00 p.m. and 9:00 a.m.
- 207 (d) No loudspeakers or sound-amplifying devices shall be allowed to operate pursuant to this
208 section during any hour of the day or night that exceeds the maximum permissible sound
209 levels as described in section 13-26 unless a special permit for relief from the maximum
210 allowable noise level limits established in this article has been approved by the city
211 manager.

212 Sec. 13-33. - Penalties.

- 213 (a) Each violation of this article shall carry the following civil penalties:
- 214 (1) First violation within a one hundred eighty-day period, a written warning and notice to
215 cure.

216 (2) Second violation within a one hundred eighty-day period, a citation in the amount of
217 two hundred fifty dollars (\$250.00).

218 (3) Third and subsequent violations within a one hundred eighty-day period, a citation in
219 the amount of five hundred dollars (\$500.00).

220 In the event that a person contests the citation issued him or her, or if he or she is convicted
221 of the above charge, the court will set the fine in an amount not exceeding the statutory limits
222 plus any costs the court may impose. The city may also seek payment of outstanding expenses as
223 restitution.

224 **SECTION TWO. CODIFICATION.** It is the intent of the City Commission of the City of
225 Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted
226 broad and liberal authority in codifying the provision of this Ordinance.

227
228 **SECTION THREE. SEVERABILITY.** If any section, sentence, phrase, word or portion of
229 this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall
230 not be held to invalidate or impair the validity, force or effect of any other section, sentence,
231 phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
232 unconstitutional.

233
234 **SECTION FOUR. CONFLICTS.** In any case where a provision of this Ordinance is found to
235 be in conflict with a provision of any other ordinance of this City, the provision which
236 establishes the higher standards for the promotion and protection of the health and safety of the
237 people shall prevail.

238
239 **SECTION FIVE. EFFECTIVE DATE.** This Ordinance shall become effective immediately
240 upon its passage and adoption.

241
242 **ADOPTED** by the City Commission of the City of Flagler Beach, Florida, this ____ day
243 of _____, 2019.

244
245
246 _____
247 Linda Provencher, Mayor

248
249 *ATTEST*
250
251 _____
252 Penny Overstreet, City Clerk
253

Staff Reports Item

17

Monthly Permit List

06/03/2019

Building

| Permit # | Contractor | Job Address | Fee Total | Const. Value |
|--|-----------------------------|-----------------------------|-------------|--------------|
| PB192568 | DIAZ, MONA | 2108 S CENTRAL AVE | \$110.00 | \$11,900 |
| Work Description: INSTALL STAMPED CONCRETE SIDEWALKS | | | | |
| PB192663 | SANTOS, JOSE S. & MARILA R. | 2240 S OCEAN SHORE BLVD | \$74.00 | \$5,000 |
| Work Description: REMOVE EXISTING STAIRS TO THE SECOND LEVEL ROOM. STAIRS ARE PRESENTLY LOCATED ON THE RIGHT HAND SIDE OF THE HOUSE ON THE DRIVEWAY. STAIRS TO BE RELOCATED TO THE FRONT OF THE LEFT HAND SIDE OF THE HOUSE UNDER EXISTING ROOF STAIRS TO BE ENCLOSED UNDER EXISTING ROOF AND ABOVE EXISTING DECK | | | | |
| PB192906 | FOX ANGELA PHILLIPS & STEV | 108 AVVALON AVE | \$204.80 | \$49,200 |
| Work Description: ENCLOSED SWIMMING POOL | | | | |
| PB192914 | BANHAM CHARLES & ANNIE | 1102 N DAYTONA AVE | \$12,727.70 | \$342,608 |
| Work Description: SINGLE FAMILY RESIDENCE | | | | |
| PB192920 | SUDER, STACY | 644 RIVER VIEW RD | \$1,722.65 | \$370,000 |
| Work Description: INTERIOR & EXTERIOR REMODEL | | | | |
| PB193021 | CHACONAS STEPHEN & LORI | 2568 S CENTRAL AVE | \$228.70 | \$42,000 |
| Work Description: INGROUND CONCRETE SWIMMING POOL | | | | |
| PB193045 | CIMINI ALBERT J & DONNAL F | 3500 S OCEAN SHORE BLVD 201 | \$85.00 | \$5,000 |
| Work Description: REPLACING EXISTING SLIDER WITH NEW SLIDING GLASS DOOR (SIZE FOR SIZE) | | | | |
| PB193046 | WOLLIN DONALD G & MELISSA | 1317 N CENTRAL AVE | \$97.25 | \$7,018 |
| Work Description: REPLACING EXISTING WINDOWS WITH NEW WINDOWS SIZE FOR SIZE REPLACING EXISTING SLIDER WITH NEW SLIDING GLASS DOOR SIZE FOR SIZE | | | | |
| PB193067 | DEAHL ROBERT A & AMY V DE | 1444 S DAYTONA AVE | \$98.50 | \$2,000 |
| Work Description: 90 FEET OF 6FT TALL WHITE FENCE AND 154 FEET OF 4FT TALL SHITE FENCE | | | | |
| PB193078 | REALTY EVOLUTION INC | 213 2ND ST S | \$92.20 | \$425 |

Work Description: INSTALL 3' X 6' ALUMINUM SIGN ON FACE OF BUILDING WITH 1/4" X2" STAINLESS STEEL LAGS

PB193100 MOORE NOEL T & 2332 S FLAGLER AVE \$164.10 \$14,900

Work Description: RE-ROOF

PB193102 DIGREGORIO DAVID & 3500 S OCEAN SHORE BLVD 216 \$95.00 \$7,071

Work Description: INSTALLATION OF 1 ELECTRIC AND 3 MANUAL ROLL SHUTTERS

PB193103 CHARRON, KENNETH 3500 S OCEAN SHORE BLVD 214 \$77.20 \$5,300

Work Description: REMOVE & REPLACE SLIDER DOOR SIZE FOR SIZE

PB193104 PASINSKY PETER A & PAMELA 3500 S OCEAN SHORE BLVD 218 \$74.00 \$5,000

Work Description: SPALLING REPAIR TO BEDROOM CEILING

PB193105 RAMSKOGLER JESSICA C & ERI 3500 S OCEAN SHORE BLVD 222 \$75.20 \$5,300

Work Description: REMOVE & REPLACE SLIDER DOOR SIZE FOR SIZE

PB193112 RUIZGOUBERT BORIS A & 900 OCEAN MARINA DR \$69.93 \$1,678

Work Description: REPLACING EXISTING WINDOWS WITH NEW IMPACT RATED WINDOWS SIZE FOR SIZE

PB193113 MUSARRA SAM & CARMELA H& 236 STARBOARD DR \$132.50 \$6,000

Work Description: REMOVE

PB193118 MONAHAN PHYLLIS A 227 STARBOARD DR \$97.50 \$1,000

Work Description: WALKWAY FROM FRONT DOOR WTH STAIRS ON EACH END

PB193119 FIFEILD LINDA J & 470 LAMBERT AVE \$104.90 \$2,000

Work Description: REPLACE EXISTING WALKOUT TO EXISTING DOCK. ROTTED IN PLACES & TOOK A BEATING THU LAST TWO HURRICNS & STORM SURGE.

NO NEW PILINGS - DECKING ONLY

PB193122 WILLIAMS CYNTHIA 1408 S DAYTONA AVE \$104.00 \$2,000

Work Description: 10' X12' SHED MAX HEIGHT 11'6"

PB193124 ANGELA JIMENEZ DAUM 301 JOHN ANDERSON HWY \$109.00 \$15,000

Work Description: EXTERIOR AND INTERIOR RENOVATION TO MAKE IT LIVEABLE

PB193125 PRESSLEY ROBERT L & 332 PALM CIR \$63.50 \$2,000

Work Description: REMOVE CONCRETE FROM PART OF REAR PATIO AND POUR FOOTING AROUND

PB193126 CUNNINGHAM ROBERT & PHY 557 10TH ST N \$234.47 \$48,000

Work Description: INSTALL ROOF MOUNTED SOLAR PV SYSTEM 15.6 KW

PB193127 TUCKER ANTHONY T & KRISTI 1939 S CENTRAL AVE \$98.50 \$2,000

Work Description: DECK RENOVATIONS

PB193128 TILTON BARTOLA JR & 120 AVALON AVE \$91.50 \$10,000

Work Description: REMOVE GARAGE DOOR/INSTALL CONCRETE BLOCKS REMOVE OLD DUCTWORK REUSE EXISTING A/C UNIT REMOVE OLD ELECTIC INSTALL NEW ELECTRIC

PB193132 CONFIDENTIAL 523 10TH ST N \$138.00 \$18,100

Work Description: SOLAR PHOTOVOLTAIC ELECTRIC SYSTEM

PB193138 HUMPHREY PATRICIA A TRUST 205 N OCEAN SHORE BLVD \$66.00 \$900

Work Description: OUTDOOR PATIO BAR

PB193139 COTE RONALD & DOROTHY 300 5TH ST N \$98.50 \$6,758

Work Description: INSTALLATION OF 5 MANUAL ROLL DOWN SHUTTERS

PB193141 UPSON WILLIAM RANDALL 2304 S CENTRAL AVE \$146.50 \$10,000

Work Description: RE-ROOF

PB193142 FIELDS STEPHEN 2627 OSPREY CIR \$178.28 \$18,424

Work Description: RE-ROOF ARCHITECTURAL SHINGLE 42 SQUARES OWENS CORNING SHINGLE FL10674-R13

PB193143 GOODE MARIAN P & MICHAEL 1732 WINDSONG CIR \$125.10 \$10,567

Work Description: INSTALLATION OF THUNDERARREST SHUTTERS INCLUDING 2 MANUAL ROLLDOWN WINDS 2 CLEAR PANELS

PB193144 MICHAEL J WHITE 2139 S FLAGLER AVE \$98.50 \$2,000

Work Description: BUILD 12' X 20' SHED

PB193150 GAY KATHLEEN & DAVID GAY 2015 N CENTRAL AVE \$91.96 \$7,985

Work Description: REPLACE 10 WINDOWS WITH CWS VINYL IMPACT DOUBLE HUNG WINDOWS

PB193151 AYERS DOROTHY CABANISS 2131 N OCEAN SHORE BLVD \$104.50 \$9,700

Work Description: REPLACE 2 SLIDING GLASS DOORS WITH PGT VINYL IMPACT

PB193153 BAUMAN DAVID IRA & JANICE 3580 S OCEAN SHORE BLVD 106 \$196.98 \$40,000

Work Description: DEMO KITCHEN & MASTER BATH. INSTALL NEW SHOWER, VANITIES, ELECTRICAL & PLUMBING FIXTURES. NEW FLOORING, CABINETRY & COUNTER TOPS.

PB193155 S G TURNER PROPERTIES, LLC 1244 S OCEAN SHORE BLVD \$143.00 \$8,700

Work Description: REROOF

PB193156 MORRISON CAROLYN DEYARD 1939 N OCEAN SHORE BLVD \$139.50 \$7,300

Work Description: REMOVE AND REPLACE ASPHALT SHINGLE ROOF

PB193157 WRIGHT JACKIE C 1811 N CENTRAL AVE \$167.64 \$15,800

Work Description: REROOF

PB193158 STEADMAN HENRY H & ELLEN 3651 S CENTRAL AVE 107 \$63.00 \$4,950

Work Description: REPLACING 4 WINDOWS - ALL SIZE FOR SIZE

PB193165 BUTLER CARL & ELAINE 2448 S DAYTONA AVE \$96.95 \$2,450

Work Description: 5' HIGH BRONZE ALUMINUM FENCE

PB193167 MAIOCCO CHRISTOPHER & 2220 S OCEAN SHORE BLVD \$182.85 \$29,000

Work Description: REPLACE WINDOWS & SLIDERS

PB193168 RHUDY, MARTHA 1706 N CENTRAL AVE \$109.00 \$4,200

Work Description: MAINTENANCE OF DUNE WALKOVER, REPLACE STEPS TREADS AND REINFORCE BRACING HURRICANE DAMAGE

PB193169 KOCH GERARD R & 1919 S CENTRAL AVE \$88.00 \$8,900

Work Description: WATERHEATER, FLOOR, AND CEILING LIGHTS, AND ELECTRICAL WIRING

PB193170 MATTION MICHAEL R & MICHA 26 WINDWARD DR \$118.50 \$1,500

Work Description: CHANGE ROOF PANELS OVER PORCH TO INSULATED PANELS ELITE AS PER MFG SPECS

PB193174 BULLOCK CHARLES & NANCY 1320 S CENTRAL AVE \$118.00 \$3,680

Work Description: REPLACE SHED

PB193175 H P RENTAL INC 101 N OCEAN SHORE BLVD \$63.40 \$500

Work Description: REMOVE AND REPLACE STORAGE AREA DOOR

PB193176 BARR WILLIAM DAVID & 1220 LAMBERT AVE \$66.00 \$1,000

Work Description: REMOVE AND REPLACE EXTERIOR UNIT SIDE GARAGE

PB193179 STOLFI JOE 312 CEDAR LN \$60.90 \$1,200

Work Description: INSTALLATION OF 9X8 GARAGE DOOR

PB193181 Raymond Renee 15 N OCEAN PALM VILLAS \$64.85 \$950

Work Description: GARAGE DOOR REPLACEMENT

PB193187 SOOD FAMILY HOLDINGS LLLP 2111 N CENTRAL AVE \$98.50 \$2,000

Work Description: REPAIR DECK LEVEL WRAP POLES REPLACE ROTTED POLES

PB193189 TAYLOR RODNEY & YVONNE 1 2227 S CENTRAL AVE \$107.00 \$2,480

Work Description: 10'X12' SHED BUILT ON SITE

PB193190 SABATTELE ANTHONY & JENN 2723 S DAYTONA AVE \$124.50 \$7,400

Work Description: ADDITION TO EXISTING POOL ENCLOSURE ON EXISTING SLAB

PB193191 PARDINI MARIA 110 ANCHORAGE DR \$98.50 \$1,800

Work Description: REPLACE MISSING CARPORT UPGRADE FRAMING UPGRADE POST ANCHORS

PB193194 JENKINS JAMES H JR & ROXAN 1336 S OCEAN SHORE BLVD \$159.00 \$9,800

Work Description: REPAIR ROOF

PB193201 GRIFFIN TIMOTHY P TRUSTEE 2000 N DAYTONA AVE \$99.85 \$2,350

Work Description: 6' HIGH WHITE PVC FENCE

PB193206 BOUTHILLETTE, DAVID 12 WINDSONG CV \$128.75 \$12,783

Work Description: SIZE FOR SIZE REPLACEMENT OF 6 WINDOWS AND 4 DOORS

PB193209 POWERS ROBERT ROLAND JR & 3651 S CENTRAL AVE 311 \$72.30 \$2,800

Work Description: REPLACE 4 WINDOWS WITH CWS VINYL IMPACT DOUBLE HUNG AND PICTURE WINDOW

PB193210 BOSSCHER BENJAMIN J & JENN 1421 N CENTRAL AVE \$114.50 \$0

Work Description: TEAR OFF RE-ROOF

| | | | | | |
|---|----------------------------|------------------------|--|----------|----------|
| PB193212 | VENDITTI MICHAEL & MARGA | 81 MERRIMAC DR | | \$63.40 | \$1,200 |
| Work Description: REMOVE 36" DOOR/REFRAME INSTALL NEW HEADER, INSTALL 72" DOUBLE DOOR TRIM | | | | | |
| PB193217 | ACEDO MICHELE | 1827 S FLAGLER AVE | | \$71.90 | \$0 |
| Work Description: REPLACE 4 WINDOWS SAME SIZE LESS THAN 25% GLAZE BEING REPLACED | | | | | |
| PB193218 | THOMAS S CLARK & LIZBETH / | 1207 S DAYTONA AVE | | \$118.72 | \$12,773 |
| Work Description: REPLACE 9 WINDOWS AND 1 SLG SIZE FOR SIZE | | | | | |
| PB193219 | WILMOT JUSTIN J | 2290 S DAYTONA AVE | | \$96.90 | \$1,500 |
| Work Description: BAMBOO PRIVACY GARDEN SCREEN REMOVABLE CN BREAK DOWN TO MAINTAIN ACESS TO REAR YARD | | | | | |
| PB193220 | Wiley Fred A & Dixie L H&W | 33 WINDWARD DR | | \$102.50 | \$467 |
| Work Description: ERECT AND SECURE A 61X4'WX6'H CRAFTSMAN RESIN SHED NEXT TO OUR HOME | | | | | |
| PB193222 | SEUFER HOWARD O & | 420 PALM DR | | \$78.71 | \$4,903 |
| Work Description: REPLACE 4 WINDOWS SIZE FOR SIZE | | | | | |
| PB193224 | HASTY TIMOTHY I & MARIAN I | 200 MARINA BAY DR 303 | | \$91.50 | \$0 |
| Work Description: INSTALL CGI IMPACT WINDOWS INTO 4 OPENINGS & INSTALL Q2 6'X80" IMPACT SLIDING DOORS & Q1 8'X80" IMPACT SLIDING GLASS DOORS AND Q1 IMPACT FRONT DOOR WITH INSWING | | | | | |
| PB193225 | SLAUGHTER AMY | 604 SHEARWOOD DR | | \$146.50 | \$9,250 |
| Work Description: INSTALL NEW ALUMINUM ROOF OVER EXISTING ROOF | | | | | |
| PB193228 | GAUSS ROBERT P JR & AMELI | 1823 S FLAGLER AVE | | \$117.50 | \$1,944 |
| Work Description: 6' X 8' SHED WITH NO ELECTRICITY | | | | | |
| PB193231 | GUARINO VINCENT J | 1601 N CENTRAL AVE 403 | | \$103.50 | \$10,000 |
| Work Description: INSTALL 2 ACCORDIAN HURRICANE SHUTTERS | | | | | |
| PB193233 | BARNHILL THEODORE MCCOY | 320 3RD ST S | | \$92.20 | \$100 |
| Work Description: SIGN INSTALL SALON | | | | | |
| PB193238 | DUNCAN THOMAS W JR & PATI | 2201 S CENTRAL AVE | | \$132.50 | \$10,000 |
| Work Description: INSTALL CARGO LIFT IN BACKYARD | | | | | |

PB193241 GURNEE MARY G - 324 PALM CIR \$65,000 \$1,000

Work Description: REPLACE GARAGE DOOR SIZE FOR SIZE PRODUCT APPROVAL 15279.69

PB193249 DERTIA PASQUALE & JEANNE: 2678 2682 B OCEAN SHORE BLVD S \$196.98 \$39,500

Work Description: INSTALLING HANDLE DOORS LATE SIDING

PB193251 TRABISH, LINDA 2582 LAKESHORE DR \$154.00 \$8,700

Work Description: REROOF FLAT ROOF ABOVE GARAGE AREA TEAR OFF TPO AND INSTALL FLINTLASTIC ROLLS

PB193253 HALSALL GERALD H & SHAREN 2043 S CENTRAL AVE \$92.20 \$8,468

Work Description: REPLACE 5 WINDOWS SIZE FOR SIZE

PB193258 SMYNTEK LARRY & TERESA 2542 LAKESHORE DR \$91.50 \$5,183

Work Description: BAHAMA HURRICANE SHUTTERS FOR 4 OPENINGS

PB193259 ROSSOW JAMES & MARGARET 200 MARINA BAY DR 204 \$76.19 \$1,798

Work Description: REPLACE 2 WINDOWS SAME SIZE LESS THAN 25% GLAZE BEING REPLACED

PB193260 CLARK JASON & SAMANTHA 412 N DAYTONA AVE \$62.50 \$200

Work Description: STUCCO PARTS OF THE HOUSE HOUSE IS 90% STUCCO, I AM GOING TO STUCCO REMAINING AREA W LATHING THEN STUCCO ABOUT 200 SQFT

PB193263 DEMARIO RICHARD 62 S OCEAN PALM VILLAS \$81.00 \$1,519

Work Description: REPLACE 1 ROLL DOWN SHUTTER MANUAL

Total Permits For Type: 78

Total Fees For Type: \$22,796.11

Total Const. Value For Type: ,336,882

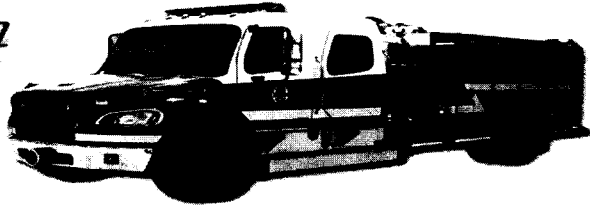
Report Summary

Grand Total Fees: \$22,796.11

Grand Total Permits: 78

5/1/2019 12:00:00 AM AND
5/31/2019 11:59:59 PM AND
PermitType = Building

Grand Total Const. Value: ,336,882



Flagler Beach Fire Department

Weekly Run Report from 5/16/19– 5/22/19

EMS

8

HazMat

1

Fire Alarm

1

Service Call

3

Motor Vehicle Accident

3

MCI

1

Total

17

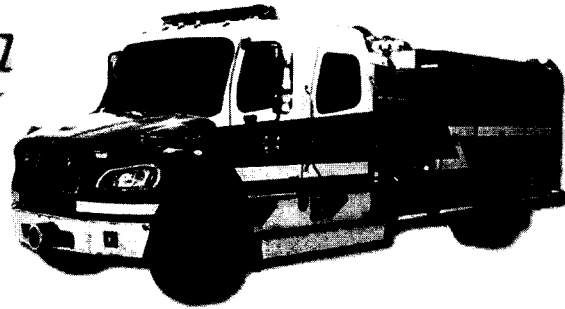
Penny Overstreet

From: Robert Pace
Sent: Friday, May 24, 2019 10:58 AM
To: Larry Newsom
Cc: Penny Overstreet
Subject: Weekly Highlights

Mr. Newsom,

The following are the weekly highlights;

- Captain Cox and Lieutenant Conroy returned from Officer Boot Camp Command Training. The classes were held in Escambia County over a four day period. Fire officers conducting the lectures were some of the top instructors from the throughout the county. Topics covered included fire ground operations, fully involved leadership, no-fear leadership, tactical tips, combat ready firefighting, and finally a promotional prep class for those seeking to get promoted. Both Captain Cox and Lieutenant Conroy had nothing but positive feedback concerning the training and they brought back PowerPoint presentations to share with the rest of staff
- Though it took longer than initially anticipated, the Aerial Operator Class took place this week here at the station. FBFD had four of its members attending the class and for the three rookie firefighters participating; obtaining the class accomplishes another one of the goals set for them in their first year. There were approximately twenty firefighters in attendance representing multiple agencies including Flagler Beach, Palm Coast, Flagler County, St. John's County, Clay County, and Reedy Creek
- The monthly QA Meeting addressing EMS calls was held at Advent Health. The meetings are usually run by the County Medical Director (Dr. McCabe) who was unable to attend, so the Assistant County Medical Director (Dr. Blue) led the meeting. The main topic discussed was the importance of documentation and that there is no such thing as too much documentation. With that being said, Dr. Blue gave a directive that all agencies are to complete a 321 EMS Report even if only in an assistance role
- The Flagler County Dispatch Center may be considered at some points more law enforcement oriented than fire. Officers from all fire agencies agreed that conducting some training for dispatchers would be beneficial. Some of the main areas of focus included unit responses, clarity in information being disseminated, and fire terminology. Captain Cox represented FBFD in the training and he attended two sessions
- As you have read in past reports, Heroes First Home Loans has been instrumental in supporting both police in fire in obtaining additional gear for local agencies. I'm sure you remember this group secured \$8000 in funding for FBPD to purchase rain gear. The same company spearheaded the donation drive for the local fire agencies to purchase ballistic gear. In addition to all Heroes First has done already, they hosted the First Annual Celebration of Heroes Dinner at the VFW in Palm Coast. The dinner celebrated both Police and Fire. FBFD had a few members in attendance and they all thoroughly enjoyed themselves and the opportunity to visit with other public safety personnel
- I mentioned in a past report that Deputy Chief Whaley of St. John's Fire Rescue was requesting proctors for a Driver/Engineer exam they were conducting. Lieutenant Rainey and D/E Evans reported to the St. John's training facility to assist with the practical exams. Both members reported they were honored for the invite and they enjoyed assisting candidates attempting to promote. The proctors generated for testing were obtained from Flagler Beach, Flagler County, and Clay County. SJFR has been there for our department in the past by certifying the department's Water Rescue Operators and Chief Whaley has vowed they will be there for FBFD for any future needs we may have



Flagler Beach Fire Department

Weekly Run Report from 5/23/19 – 5/30/19

CALLS BY INCIDENT TYPE

EMS

50

FIRE

11

Service Call

18

Motor Vehicle Accident

15

HazMat

1

Water Rescue

1

Total

96

Penny Overstreet

From: Robert Pace
Sent: Thursday, May 30, 2019 3:58 PM
To: Larry Newsom
Cc: Penny Overstreet
Subject: Weekly Highlights

Mr. Newsom,

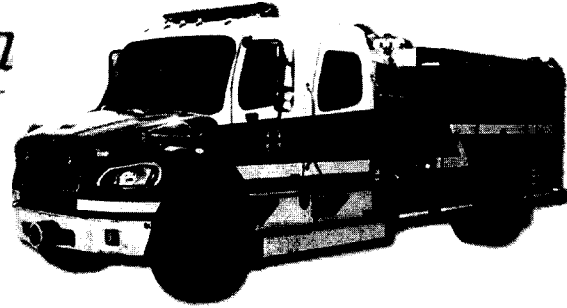
The following are the weekly highlights;

- The State Certified Aerial Operator class was completed to begin the week. The four members representing FBFD were all successful in obtaining certification. FBFD members would include D/E G. Evans, FF/EMT J. Prince, FF/EMT K. Roberts and FF/EMT T. Poeira. The firefighters have already begun to work on their Fire Officer 1 series of classes which is the next step for them in the training schedule
- I attended a Public Safety Communication Network Meeting at the EOC. Progress is moving forward as anticipated for the new P-25 Radio System. Work on the radio towers is on schedule, channel groups have been finalized, and fleet mapping has begun. Alerting zones for page-outs is being addressed for each individual station on specific needs. Portable radios have started to arrive and in-service training is still on schedule for the fall
- A Communication Policy Group Meeting also took place this week at the EOC. The ability for dispatchers to upgrade electronically within their system from a Level 1 MCI to a Level 2 MCI was addressed. Also submitting individual names of public safety personnel into the incident report that have called a signal 7 time was discussed. Finally, Flagler County's Dispatch Supervisor (Christina Mortimer) advised she has formulated a Telecommunicator Emergency Response Team for deployment
- On Tuesday a City 4th of July Planning Meeting took place. Tom and I met with members from Rotary, radio stations, vendors, and city staff. The Flagler Beach Rotary has agreed to oversee the event this year and Emily will shadow members from the group to get an understanding of all involved. The site-plan as you know has been finalized and all matters concerning entertainment are scheduled
- On Wednesday, the Coral Springs-Parkland Fire Chief (Frank Babinec) gave a presentation at the EOC on the shooting at Marjory Stoneman Douglas High School. Chief Babinec is also a member of the Marjory Stoneman Douglas High School Public Safety Commission and he reviewed findings, recommendations, and improvements for systematic failures. The presentation was intended for an audience of any disciplines that may be involved in school safety or response to an incident. There was valuable information that came from the presentation and will assist the newly formulated Rescue Task Force
- An elderly couple came to the station this week and explained they were willing, but it may not be safe for them to climb a ladder and change batteries in their smoke detectors. The couple lives on N. Central Avenue and they had two detectors mounted on a vaulted ceiling requiring battery replacement. C Shift's Crew went the same day to accomplish task and they were happy to do it. The crew also conducted a fire safety inspection while in the home with no discrepancies noted. The couple could not have been more appreciative

I look forward to talking to you soon.

Thanks,

Bobby Pace



Flagler Beach Fire Department

Weekly Run Report from 4/30/2019- 5/06/2019

6/1 / 2019 - 6/6/2019

CALLS BY INCIDENT TYPE

EMS

15

FIRE

1

Hazardous Condition (No Fire)

0

Service Call

2

Motor Vehicle Accident

1

False Alarm & False Call

5

Total

24

Penny Overstreet

From: Robert Pace
Sent: Thursday, June 6, 2019 12:07 PM
To: Larry Newsom
Cc: Penny Overstreet
Subject: Weekly Highlights

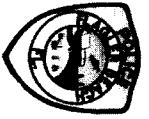
Mr. Newsom,

The following are the weekly highlights;

- The week began with a 4th of July Planning Meeting for public safety at the EOC. All equipment and required supplies were reviewed and it has been confirmed, the items will be provided by multiple agencies. All resource requests were also agreed by agency heads at the meeting. The flight medic received his assignment for staging at the Publix parking lot during the nighttime operational period. Radio communication channels were also discussed for both operational periods
- Casey Ryan of the Flagler County Rotary approached me recently with the idea of recognizing veterans working or living in Flagler Beach. The ceremony was to take place on June 14th (Flag Day) and each veteran in attendance would receive a pin recognizing the branch of military they served in. At last count a list of twenty veterans was compiled for the ceremony. Unfortunately, Ms. Ryan had another obligation come up on the 14th and the event was postponed. Although she was very disappointed, the ceremony was rescheduled for the 28th at 9AM. All the veterans registered have contacted with the change of schedule
- The volunteer group that would be called upon in the aftermath of a natural disaster met last week. Members of the Salty Church including Travis Pauley and David Halstead were in attendance. Mary Louk of the Women's Club was at the meeting as well. David will take the lead planning role and the group also started to formulate members into teams. The group requested a representative from the fire department and I assigned this responsibility to D/E G. Evans. The volunteers met yesterday with the Chief of Emergency Management (Johnathan Lord) at the EOC. D/E Evans was also in attendance
- As you requested, the EOC kits have been moved to the new building on Avenue A. The kits were placed in the storage space above the offices and covered with a tarp. City representatives for the EOC have been contacted regarding the upcoming meetings. The Concept of Operations meeting took place yesterday and the activation of the EOC Hurricane Drill is scheduled for June 20th
- All department personnel completed Hazardous Material Training for Public Safety this week. The course is designed to prepare rescuers to understand hazardous material terminology, basic safety strategies, and the role of the first responder. After successfully completing the course, the firefighters were to define materials and their effects, describe how hazardous materials are classified, identify suitable personal protection equipment, and describe the purpose of decontamination
- Six of our department received certification this week from the Florida Department of Health and Bureau of Radiation Control. Certification is for First Response to Radiological Accidents and Weapons of Mass Destruction. Fred Griffith and I recently discussed some the requirements involved for the MS-4 Permit and the need for a certain number of hazardous material training classes annually. The firefighters met the requirements last year and we will continue to do so. The last two classes will both qualify

I look forward to talking to you soon.

Thanks,



FLAGLER BEACH POLICE DEPARTMENT
Matthew P. Doughney, Chief of Police
204 South Flagler Avenue
Flagler Beach, FL 32136
386.517.2023

Chief's Weekly Report

| From: Friday | 5/17/2019 | To: Thursday | 5/23/2019 |
|-------------------|-----------|-----------------|---------------------------|
| Calls For Service | 75 | 0 | 23 |
| Self-Initiated | 77 | 9 | 8 |
| Traffic Stops | 75 | 4 | 288 |
| | | Reports Written | Citations Issued |
| | | Comm. Policing | Warnings (Written/Verbal) |
| | | Security Checks | |

Chief's Weekly Summary

Friday: 5/17/19 @ 11:49 p.m. / Narcotics - Arrest / 608 South Oceanshore Boulevard: While on foot patrol, Officers observed an occupied vehicle running with the lights on in the public parking lot. Upon approaching the vehicle, the smell of Marijuana was present. The ensuing investigation resulted in the issuance of a Notice to Appear in Court to one (1) of the occupants for Possession of Marijuana under 20 grams. One (1) of the other occupants was transported to the Flagler County Inmate Facility per the request of the Immigration Office in Miami, Florida. The male was found to be an illegal immigrant who had been in the Country illegally for the past eight (8) years. Immigration Agents advised they would be responding to the Inmate Facility within forty-eight (48) hour hours to pick up the subject.

Saturday: 5/18/19 @ 9:43 a.m. / Disturbance Verbal / 215 South Oceanshore Boulevard (Pier): Officers were dispatched in reference to a dispute between a fisherman and lifeguard; during which time the fisherman threw a weight at the lifeguard. The fisherman was subsequently trespassed from the Pier.

Monday: 5/20/19 @ 8:46 a.m. / Overturned Vehicle & Road Obstruction / 2400 Block South Oceanshore Boulevard: Officers responded in reference to a dump truck that tipped over into the roadway; blocking all traffic lanes of SRA1A. Traffic was diverted onto South Central Avenue and Officers were assigned to the detour until the roadway was re-opened at 1:00 p.m. A State Crash form was completed.

Monday: 5/20/19 @ 11:11 a.m. / Disturbance Physical - Arrest / 300 Block of 3rd Street South: Officers responded in reference a delayed physical disturbance (Dating Violence). The investigation revealed that the boyfriend battered the victim the previous night. The suspect was located at his Mother's home and arrested without incident. The suspect was transported to the Flagler County Inmate Facility.

Tuesday: 5/21/19 @ 9:45 p.m. / Narcotics - Arrest / 800 South Daytona Avenue (Wickline Park): While Officers were conducting foot patrol in the area of the Park & Library, they located narcotics in plain view within a motor vehicle. Officers stood by the until owner of the vehicle returned. A subsequent search of the vehicle was conducted and less than 20 grams of Marijuana was located. One (1) male subject was arrested without incident and transported to the Flagler County Inmate Facility. Two (2) male subjects were trespassed from the Park.

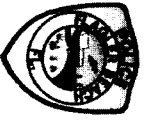
Wednesday: 5/22/19 @ 12:03 p.m. / Narcotics - Arrest / 700 Block of South Oceanshore Boulevard: A traffic stop was conducted in reference to unlawful speed in the SRA1A work zone. Upon the Officer approaching the vehicle, the odor of Marijuana was detected. The investigation resulted in the issuance of a Notice to Appear in Court for Possession of Marijuana under 20 grams. The subject was released without incident.

Wednesday: 5/22/19 @ 3:25 p.m. / Warrant - Arrest / 500 Block of John Anderson Highway: A traffic stop was conducted in reference to unlawful speed. The Driver was found to have an active, arrest warrant for Failure to Appear re; Illegally Dumping Human Waste. The arrest warrant was confirmed and the subject was taken into custody without incident.

Wednesday: 5/22/19 @ 9:02 p.m. / D.U.I. Crash & Arrest / Moody Boulevard @ Roberts Road: A Chevrolet Malibu vs. Ford Escape. The Driver of the Chevrolet Malibu showed signs of impairment and the criminal investigation resulted in the Drivers arrest for Driving Under the Influence. The Driver was transported to the Flagler County Inmate Facility without incident. A Police report and a State crash report were completed.

Thursday: 5/23/19 @ 1:25 p.m. / Trespassing - Arrest / 215 South Oceanshore Boulevard (Pier): A subject that was previously trespassed from this location was observed on scene. When a Patrol Officer approached the subject, he fled the area on his bicycle. A short time later the subject was found hiding in the parking lot of Big Al's Bait Shop. The subject attempted to flee again, but was taken into custody. The subject was charged with Trespass After Warning and Resisting an Officer Without Violence and he was transported to the Flagler County Inmate Facility.

Thursday: 5/23/19 @ 11:28 p.m. / Narcotics – Arrest / 101 North Oceanshore Boulevard (Finn's): Officers were conducting a foot patrol of Finn's, and observed a male subject smoking a hand rolled cigarette with a strong odor of Marijuana. Officers approached the male, and when he noticed the Officers, he flicked the cigarette under a vehicle. The investigation revealed that the male was smoking marijuana and was subsequently arrested. The subject was released with a Notice to Appear in Court for Possession of Marijuana under 20 grams.



FLAGLER BEACH POLICE DEPARTMENT
Matthew P. Doughney, Chief of Police
204 South Flagler Avenue
Flagler Beach, FL 32136
386.517.2023

Chief's Weekly Report

| From: Friday | 5/24/2019 | To: Thursday | 5/30/2019 | | | | |
|-------------------|-----------|----------------|-----------|-----------------|-----|---------------------------|-----|
| Calls For Service | 80 | Felony Arrest | 2 | Reports Written | 20 | Citations Issued | 122 |
| Self-Initiated | 49 | Misd. Arrest | 5 | Comm. Policing | 4 | Warnings (Written/Verbal) | 90 |
| Traffic Stops | 106 | City Ordinance | 5 | Security Checks | 323 | | |

Chief's Weekly Summary

Friday: 5/24/19 @ 3:01 a.m. / Baker Act / 101 North Oceanshore Boulevard (Finn's): Officers were dispatched in reference to a female sleeping behind the wheel of a motor vehicle. Upon Officers arrival, the female was found not to be in control of the vehicle. The subjects husband was contacted and upon his arrival, the female became agitated and made threats to his life. Due to the female subjects altered mental state and her threats to do harm to her husband, she was placed in protective custody under the Baker Act. The female was transported to Halifax Hospital in Daytona Beach without incident.

Friday: The Flagler County Sheriff's Office Narcotics Unit with the assistance of our Officers served a Narcotics Search Warrant at a drug house located at 160 Lantana Avenue. This location had been addressed approximately seven (7) months ago, with a search warrant, and complaints were still being received from neighbors. Two (2) arrests were made today and a great job was done by all involved!

Friday: Chief Doughney supplemented Patrol from 1:00 p.m. to 5:00 p.m. Traffic and parking enforcement efforts resulted in one (1) traffic stop, one (1) parking citation and four (4) written warnings.

Saturday: 5/24/19 @ 1:28 a.m. / Narcotics – Arrest / 302 Moody Boulevard (Poor Walt's): Officers conducted a business check of the bar and they observed two (2) males walk into the men's bathroom. Officer's entered the bathroom and observed one (1) of the males leaning over the rear of the toilet about to snort Cocaine. The subject was arrested without incident and he was transported to the Flagler County Inmate Facility. Once inside the facility, another small baggie of Cocaine was found on the defendant. The subject was charged with Possession of Cocaine and Introduction of Contraband into a Correctional Facility.

Saturday: 5/26/19 @ 2:23 a.m. / Narcotics – Arrest / 2200 Moody Boulevard: A Patrol Officer conducted a traffic stop and observed less than 20 grams of Marijuana in plain sight. The Driver of the vehicle was issued a Notice to Appear in Court for Possession of Marijuana under 20 grams and released.

Sunday: 5/26/19 @ 10:07 a.m. / Warrant Arrest / 700 Block Moody Lane (under Moody Bridge): Officers responded in reference to two (2) male subjects drinking under the bridge. Contact was made and the investigation revealed that one (1) of the males had two (2) active arrest warrants. The two (2) arrest warrants were confirmed and the subject in question was taken into custody and transported to the Flagler County Inmate Facility without incident. The arrest warrants were for Failure to Appear re; Grand Theft and Failure to Register as a Sex Offender. The second subject was cited for open container.

Monday: 5/27/19 @ 1:01 p.m. / Baker Act / 100 Block of Lantana Avenue: Officer were dispatched in reference to a disturbance between a father and son. Upon Officers arrival it was determined the son has a lengthy history of mental illness. The son was acting aggressively and appeared to be hallucinating. The subject was taken into protective custody under the Baker Act and he was transported to Halifax Medical Center in Daytona Beach without incident for evaluation.

Monday: 5/27/19 @ 3:48 p.m. / Narcotics - Arrest / 200 Block of Moody Boulevard: A traffic stop was conducted on a red Chevy pickup truck for illegal window tint. Marijuana was observed within the vehicle in plain view. Upon a further search of the vehicle, additional Marijuana was located. The Driver was subsequently arrested without incident and transported to the Flagler County Inmate Facility.

Tuesday: Chief Doughney participated in the monthly Inter-Agency conference call hosted by Stewart-Marchman with regards to substance abuse and mental health concerns. The call started at 9:00 a.m. and concluded at 11:00 a.m. Topics of discussion this month were services offered by Pathways and information provided by Mr. Bill Bernardo, Director of Operations for the First Step Shelter (Daytona's new Homeless Shelter).

Wednesday: 5/29/19 @ 6:08 p.m. / Domestic Battery – Arrest / 900 Block of South Central Avenue: Officers responded to a residence with regards to a physical disturbance. The investigation revealed an intoxicated mother punched her son in the eye. The mother was taken into custody for Domestic Violence Battery and she was transported to the Flagler County Inmate Facility without incident.

Thursday: 5/30/19 @ 9:39 a.m. / Narcotics - Arrest / 300 Block of North Oceanshore Boulevard: Officers observed a passenger in a moving motor vehicle actively inhaling narcotics. A Patrol Officer conducted a traffic stop and located narcotics (Marijuana) within the vehicle. The passenger was arrested without incident and transported to the Flagler County Inmate Facility under the following charges; Possession of Marijuana under 20 grams and Possession of Drug Paraphernalia.

Thursday: 5/30/19 @ 3:28 a.m. / Trespassing – Arrest / 600 Block of South Oceanshore Boulevard (Boardwalk): Officers observed a male subject that had previously been trespassed from the Pier and Boardwalk area the previous day. The subject was taken into custody without incident and he was transported to the Flagler County Inmate Facility.

Training: Officer Sylvester attended “Combat Shooting”, a free, sixteen (16) hour class hosted by Daytona State College. This two (2) day shooting course is designed to instruct Officers on how to survive armed encounters on the street. It provides instruction on how to effectively engage multiple targets, multiple times with speed and accuracy. Topics include: shooting safely multiple targets, using cover and concealment, transition drills, tactical reloading/drawing, engaging multiple target threats, target transfer and shooting/moving, shooting on steel tactical range.

Sea Dune Parking: One (1) written warning was issued this week for unlawful parking on the sea dunes.

Beach/Parks/Recreation

Weekly Highlights May 8 – May 15, 2019

- On Wednesday, May 15th, I traveled to Old Kings Elementary School to do a Junior Lifeguard water safety presentation to all of the elementary school physical education classes.
- Completed uniform orders for the summer season.
- Continued training of new summer lifeguards. On May 11th, recruits completed CPR training with our Fire Department. In the afternoon they relocated to the beach to practice new skills in ocean conditions. On Sunday, May 12th, recruits practiced pier rescues and spinal injuries in the ocean.
- Met with John Subers from Advent Health to finalize first aid supplies donations.
- Met with representatives from Beach 92.7 and Beaver Toyota about possible donation of an Ocean Rescue vehicle.
- Continuing to water the repotted dune plants in preparation for replanting along the A1A dunes.
- Continued to staff a crew of lifeguards on the beach for weekends in May.
- Met with Chris Nelson to review progress of Brazilian Pepper removal. The project is going well and the next scheduled removal dates are June 15 and 22.

Beach/Parks/Recreation

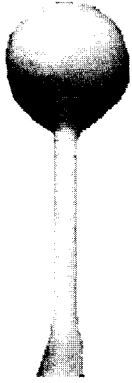
Weekly Highlights May 22 – May 29, 2019

- On Saturday, May 25th, I traveled to the City of Palm Coast Aquatic Center to do an ocean rescue water safety presentation for their annual Water Safety Day.
- Lifeguards have been emptying the trash containers on the beach at the bottom of the closed walkovers from 8th Street South to 22nd Street South. These walkovers are not accessible from the road.
- On June 1st one of our new lifeguards Samantha Lauria and myself will be attempting to complete a solo open water swim around the island of Key West. The total distance of the swim is 12.5 miles. We are planning to use this accomplishment as an example to our junior lifeguards about rip current safety. Staying calm and learning to swim efficiently are the two most important things a person can do to escape a rip current.
- Continuing to water the repotted dune plants in preparation for replanting along the A1A dunes.
- Began full time daily lifeguard coverage of the beach on May 25th. Lifeguards will be on duty every day until Tuesday, September 3rd where we will go back to weekend coverage.
- Attended the Memorial Day Ceremony in Veterans Park on May 27th.
- Brazilian Pepper removal dates are scheduled for June 15 and 22.
- Attended the City July 4th logistics meeting on May 28. Pyramid D.J.'s will provide the entertainment and host the activities in the park on the 4th. Beach 92 FM will provide the band for First Friday on the fifth. It was decided to not have the normal street vendors on Central Avenue on First Friday. However, the usual food vendors that set up in the park will be invited.
- First Friday invitations for June have been sent out. Salty Church will be doing tie dye tee shirts as a special activity.

Beach/Parks/Recreation

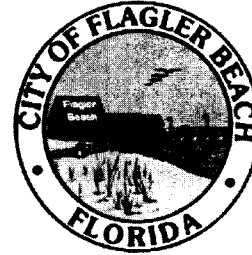
Weekly Highlights May 29 – June 5, 2019

- Wednesday, June 5th was the first day of the Junior Lifeguard Competition Camp. Participants will compete in the Southeast Regional Junior Lifeguard Competition on July 13th in Lake Worth.
- Lifeguards have been emptying the trash containers on the beach at the bottom of the closed walkovers from 8th Street South to 22nd Street South. These walkovers are not accessible from the road.
- Confirmed the new logo from Advent Health to be displayed on the pier.
- Continuing to water the repotted dune plants in preparation for replanting along the A1A dunes.
- Continued full time daily lifeguard coverage of the beach. Lifeguards will be on duty every day until Tuesday, September 3rd where we will go back to weekend coverage.
- Vendor assignments have been sent out for First Friday.
- Brazilian Pepper removal dates are scheduled for June 15 and 22.
- Conducted Junior Lifeguard swim testing on June 1 at The Belle Terre Swim and Racquet Club in Palm Coast.
- Salty Church will be doing tie dye tee shirts as a special activity for June First Friday. Tee shirts will be free for all of the participants.



City of Flagler Beach

Water Treatment Plant



To: Fred Griffith, City Engineer

From: Jim Ramer, Water Plant Superintendent

Subject: Monthly Report for May 2019

June 4, 2019

In May we produced 20,738,000 gallons of drinking water. This amount was 1,784,000 gallons greater than the amount we treated in April. Rainfall for the month of May was 3.60 inches. We used 6,100 Gallons at the plant and used 1 Gallons on irrigation. The fire department used 8,500 gallons. We flushed 109,900 gallons on Seaside Landings due to low chlorine residual this month. We flushed the north end of town due to low chlorine residual. We used 815,200 gallons. We had a main break on A1A between S.18th St. and S. 19th St. Contractor Flushed 12" main. We lost around 95,000 gallons. Contractor struck another Corporation Stop at 2108 S A1A on the 12" main. We lost 50,000 gallons.

We have routine duties that are performed every day on each of the shifts. Samples were taken every hour to make sure we keep the chemistry of the water within the parameters for DEP. We regularly perform over 200 tests on the City water and raw water daily between the three shifts. We do routine plant maintenance. We mow the plant grounds. We take well samples and drawdowns for St. Johns River Water Management, also keeping daily records for the monthly reports that are required to be turned into the Department of Environmental Protection Agency every month. We also do quarterly reports for DEP on disinfection byproducts. We have the midnight shift flush the trains with high pH permeate water. We do yearly TTHM and HAA5 tests.

DEP requires us to take 5 bacteriological samples from the distribution system monthly, according to our population. All samples passed on May 14th.

I have Jason Oakes perform weekly vehicle checks. He checks all the fluids such as Brake fluid, windshield wiper fluid, transmission fluid, and all the lights.

We had Joe's 3-yard pour concrete at three locations on plant grounds.

We greased, cleaned, and changed the belt on Degasifier #1.

We built a new picnic table, the old one was shot. We put a coat of sealer on the table.

We took in the F-150 to the Ford Dealership for a recall on the door latches. We replaced F-250 windowwasher motor.

We welded the level indicator port on the wellhead and put a sand trap on well 10 to monitor the sand coming from the well and repaired the meter.

We recondition the chlorine analyzer.

We welded the base for our welder to put it on wheels.

We sprayed the fence on the north side of plant grounds with weed killer to kill poison ivy.

CCI started repair work on Well 13. Connecting Consultant has finished plugging off and over-pumping Well 13. Connecting Consultant has installed new wellhead on Well 13. We collected bacteriological samples on Well 13 when we get the results we can put it back in service. We installed new VFD on Well 13.

We Lost the VFD on Well 12R. The VFD is under warranty and we are going to send it back for repairs. We swapped Well 13's VFD to Well 12R since Well 13 is being rehabbed so we can run Well 12R.

We installed new fire extinguisher signs throughout the plant. We had our yearly fire extinguisher inspection done by Daytona Fire and Safety.

We are having communication problems with our south tank. We are looking into other communication systems to replace our radio system.

We replaced AC unit on train 4 with cooling fan. Saves us money on service calls to repair AC unit.

We built a frame for our portable welder. We installed wheels on the frame so we can move it around plant grounds.

We got High Service Pump #2 from Stewart Motors after rehabbing the motor and pump.

233 4. The mural will comply with this Section and all other relevant provisions of this
234 Code, the Florida Building Code, and Florida Statutes.

235 After review, the building official shall issue or deny the mural authorization based on the
236 above stated determinations. The building official may consult with other city staff to obtain
237 information needed to make the determinations.

238 K. Any person aggrieved by the decision of the building official may submit a written appeal
239 of such decision within 15 days thereof to the city commission. The city commission shall
240 conduct a hearing on the appeal and shall apply the standards set forth in this section in
241 reviewing the decision of the city manager or designee. The city commission may affirm, reverse
242 or reverse with modifications the decision of the city manager or designee. The decision of the
243 city commission shall be final.

244 * * *

245 **SECTION THREE. CODIFICATION.** It is the intent of the City Commission of the City of
246 Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted
247 broad and liberal authority in codifying the provision of this Ordinance.

248
249 **SECTION FOUR. SEVERABILITY.** If any section, sentence, phrase, word or portion of this
250 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not
251 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
252 word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
253 unconstitutional.

254
255 **SECTION FIVE. CONFLICTS.** In any case where a provision of this Ordinance is found to
256 be in conflict with a provision of any other ordinance of this City, the provision which
257 establishes the higher standards for the promotion and protection of the health and safety of the
258 people shall prevail.

259
260 **SECTION SIX. EFFECTIVE DATE.** This Ordinance shall become effective immediately
261 upon its passage and adoption.

262
263 **ADOPTED** by the City Commission of the City of Flagler Beach, Florida, this ____ day
264 of _____, 2019.

265
266
267 _____
Linda Provencher, Mayor

268
269
270 *ATTEST*

271
272 _____
273 Penny Overstreet, City Clerk
274