



Town of Ponce Inlet
ESSENTIAL SERVICES ADVISORY BOARD
AGENDA

THURSDAY
January 9, 2025 - 5:30 PM

Council Chambers
4300 S Atlantic Ave, Ponce Inlet, FL

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available for review at the Town Hall.

- 1. CALL TO ORDER.**
- 2. PLEDGE OF ALLEGIANCE.**
- 3. ROLL CALL & DETERMINATION OF QUORUM.**
 - A. Oaths of Office
 - B. Election of Chair
 - C. Election of Vice-Chair
- 4. ADOPTION OF AGENDA.**
- 5. APPROVAL OF MEETING MINUTES.**
 - A. October 3, 2024
- 6. OLD BUSINESS.**
 - A. Annual Board Member Training and Form 8-B review.
- 7. NEW BUSINESS.**
 - A. Proposed Capital Budget Requests for FY 25/26:
 1. Police Department
 2. Fire Department
 3. Public Works
 - B. Request for Continued Support for the South Peninsula Drive Sidewalk Project.
 - C. 2025 Meeting Dates.
- 8. REPORT OF STAFF.**
 - A. Fire Department – Chief Scales, Public Safety Director
 - B. Public Works – Mr. Wargo, Public Works Director
 - C. Police Department – Chief Glazier, Police Chief
 - D. Planning & Development Department – Mr. Lear, Planning & Development Director
 - E. Board Liaison – Ms. Cherbano, HR Director/Town Clerk

9. PUBLIC PARTICIPATION.

10. ADJOURNMENT.

Persons who require an accommodation to attend this meeting should contact the Clerk's office at 386-236-2150 **at least 48 hours prior to the meeting date** to request such assistance.



Meeting Date: January 9, 2025

Agenda Item: 3

Report to Essential Services Advisory Board

Topic(s): Roll Call & Determination of Quorum

Summary:

- A. Oaths of Office.
 - Ms. Valerien
 - Mr. Wolf
 - Ms. Rij
- B. Election of Chair.
- C. Election of Vice-Chair.

Requested by: Ms. Cherbano, Town Clerk
Ms. Gjessing, Assistant Deputy Clerk

Approved by: Mr. Disher, Town Manager

TOWN OF PONCE INLET, FLORIDA
BOARD MEMBER

OATH OF OFFICE

I, MARGO VALERIAN, A CITIZEN OF THE UNITED STATES OF AMERICA AND RESIDENT OF THE TOWN OF PONCE INLET, BEING APPOINTED TO THE ESSENTIAL SERVICES ADVISORY BOARD OF THE TOWN OF PONCE INLET, FLORIDA, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES OF AMERICA, THE LAWS OF THE STATE OF FLORIDA AND THE CHARTER AND ORDINANCES OF THE TOWN OF PONCE INLET; THAT I AM DULY QUALIFIED TO SERVE UNDER THE CONSTITUTION OF THE STATE OF FLORIDA AND THE CHARTER OF THE TOWN OF PONCE INLET; AND THAT I WILL WELL AND FAITHFULLY PERFORM THE DUTIES OF THE BOARD ON WHICH I AM ABOUT TO ENTER, SO HELP ME GOD.

Margo Valerian

State of Florida }
County of Volusia }

Sworn to and subscribed before me by means of physical presence or online notarization, this 9th day of January 2025, by Margo Valerian who is personally known to me or has produced _____ as identification.

Notary Stamp/Seal

Notary Public Signature

TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA
BOARD MEMBER

OATH OF OFFICE

I, STEVE WOLF, A CITIZEN OF THE UNITED STATES OF AMERICA AND RESIDENT OF THE TOWN OF PONCE INLET, BEING APPOINTED TO THE **ESSENTIAL SERVICES ADVISORY BOARD** OF THE TOWN OF PONCE INLET, FLORIDA, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES OF AMERICA, THE LAWS OF THE STATE OF FLORIDA AND THE CHARTER AND ORDINANCES OF THE TOWN OF PONCE INLET; THAT I AM DULY QUALIFIED TO SERVE UNDER THE CONSTITUTION OF THE STATE OF FLORIDA AND THE CHARTER OF THE TOWN OF PONCE INLET; AND THAT I WILL WELL AND FAITHFULLY PERFORM THE DUTIES OF THE BOARD ON WHICH I AM ABOUT TO ENTER, SO HELP ME GOD.

Steve Wolf

State of Florida }
County of Volusia }

Sworn to and subscribed before me by means of physical presence or online notarization, this 9th day of January 2025, by Steve Wolf who is personally known to me or has produced _____ as identification.

Notary Stamp/Seal

Notary Public Signature

TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA
BOARD MEMBER

OATH OF OFFICE

I, KAREN RIJ, A CITIZEN OF THE UNITED STATES OF AMERICA AND RESIDENT OF THE TOWN OF PONCE INLET, BEING APPOINTED TO THE **ESSENTIAL SERVICES ADVISORY BOARD** OF THE TOWN OF PONCE INLET, FLORIDA, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES OF AMERICA, THE LAWS OF THE STATE OF FLORIDA AND THE CHARTER AND ORDINANCES OF THE TOWN OF PONCE INLET; THAT I AM DULY QUALIFIED TO SERVE UNDER THE CONSTITUTION OF THE STATE OF FLORIDA AND THE CHARTER OF THE TOWN OF PONCE INLET; AND THAT I WILL WELL AND FAITHFULLY PERFORM THE DUTIES OF THE BOARD ON WHICH I AM ABOUT TO ENTER, SO HELP ME GOD.

Karen Rij

State of Florida }
County of Volusia }

Sworn to and subscribed before me by means of physical presence or online notarization, this 9th day of January 2025, by Karen Rij who is personally known to me or has produced _____ as identification.

Notary Stamp/Seal

Notary Public Signature

TOWN OF PONCE INLET, FLORIDA



Meeting Date: January 9, 2025

Agenda Item: 5-A

Report to Essential Services Advisory Board

Topic: Approval of Meeting Minutes

Summary: Staff has provided the attached set of meeting minutes for the Board's review and approval.

Suggested motion: To approve the October 3, 2024 meeting minutes as presented or as amended.

Requested by: Ms. Cherbano, Town Clerk
Ms. Gjessing, Assistant Deputy Clerk

Approved by: Mr. Disher, Town Manager



Town of Ponce Inlet
ESSENTIAL SERVICES ADVISORY BOARD
REGULAR MEETING MINUTES
October 3, 2024

5
6 **1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Pursuant to proper notice, the
7 meeting was called to Order at 5:30 PM in the Council Chambers, located at 4300 S. Atlantic Avenue,
8 Ponce Inlet, Florida.

9
10 **2. PLEDGE OF ALLEGIANCE:** Led by Chairman Cox.

11
12 **3. ROLL CALL & DETERMINATION OF QUORUM:** A quorum was established with all
13 members present.

14
15 Board members present:

16 Mr. Cox, Seat #1; Chair

17 Mr. McConaughey, Seat #2

18 Mr. Pulver, Seat #3

19 Ms. Valerien, Seat #5; Vice-Chair

20 Ms. Wurst, Seat #4

21 Mr. Witt, Alternate for Seat #1

22 Mr. Sustr, Alternate for Seat #2

23
24 Staff members present:

25 Ms. Cherbano, Town Clerk

26 Mr. Disher, Town Manager

27 Mr. Dunlap, Assistant Public Works Manager

28 Ms. Gjessing, Assistant Deputy Clerk

29 Chief Glazier, Police Chief

30 Ms. Hugler, Fire Department Office Manager/PIO

31 Deputy Chief Landreville, Deputy Fire Chief

32 Chief Scales, Public Safety Director

33 Mr. Wargo, Public Works Director

34
35 Other representatives present:

36 Mayor Paritsky

37 Councilmember Villanella

38 Councilmember White

39
40 **4. ADOPTION OF AGENDA:** Chairman Cox asked if there were any changes to the agenda;
41 there were none.

42
43 Chairman Cox motioned to adopt the agenda as presented; seconded by Mr. McConaughey. The
44 motion PASSED 5-0, consensus.

45
46 **5. APPROVAL OF MEETING MINUTES:**

47 **A. June 13, 2024**

48
49 Chairman Cox asked if there were any changes to the meeting minutes; there were none.

50
51 Chairman Cox moved to adopt the June 13, 2024, meeting minutes as presented; seconded by Ms.
52 Wurst. The motion PASSED 5-0, consensus.

53
54 **6. OLD BUSINESS: None.**

55
56 **7. NEW BUSINESS:**

57
58 **A. Discussion to retain current fire engine as a reserve apparatus.**

59
60 Chief Scales, Public Safety Director, provided a history on the request, which was discussed
61 when the Town Council approved the purchase of a 75' Quint Fire Apparatus at the September 19,
62 2024, Town Council meeting. As part of its review of the purchase and financing of the new
63 apparatus, the Town Council raised questions regarding the benefits versus costs of retaining the
64 reserve apparatus that warranted additional research, information, and deliberation. Heretofore,
65 without a backup engine, the fire department had to ask neighboring municipalities to borrow a
66 reserve apparatus when the Town's regular fire engine was out of service. Chief Scales described the
67 use of the mini-pumper in the fleet and staff's proposal to dispose of it in the very near future. He
68 addressed previous concerns of storing the reserve apparatus outside of Town limits, and explained
69 how equipment has been moved around to make room to keep the apparatus here. He discussed the
70 projected maintenance, insurance, and repair costs. Chair Cox asked if Chief Scales recommends
71 storing the apparatus within Town limits, and what the average maintenance costs are associated with
72 the reserve apparatus; Chief Scales stated it is, and addressed the maintenance costs. He explained
73 the way funds would be allocated if the Town were to sell the mini-pumper. Chair Cox commented
74 on the difference between the Town's fleet compared to local municipalities with similar population
75 sizes. Ms. Wurst had questions related to maintenance, vehicle equipment, and time frames. She asked
76 if the fire department is looking to purchase a second set of equipment for the new and existing
77 vehicles or if they were going to move the equipment between vehicles as needed. Chief Scales
78 explained a secondary set would not be purchased. Vice-Chair Valerien asked why the use of
79 neighboring municipalities' engines has diminished; Chief Scales explained the fleets of other nearby
80 cities have aged as well and chronicled the longevity of fire engines in general. Mr. McConaughey
81 clarified that the projected additional annual cost is \$3,600 and commented on anticipated costs versus
82 not having the apparatus. He commented on the amount saved considering the original quoted price
83 for the new apparatus was \$1.5 million but ultimately it came out to \$1.3 million. The Board continued
84 to discuss the process of review. Chair Cox opened public participation – hearing none, public
85 participation was closed.

86
87 Mr. McConaughey moved to recommend the Town Council retain the existing fire engine as a reserve
88 apparatus; seconded by Mr. Pulver. The motion PASSED, 5-0 with the following vote: Mr.
89 McConaughey – yes; Mr. Pulver – yes; Chair Cox – yes; Vice-Chair Valerien – yes; Ms. Wurst – yes.

90
91 **9. REPORT OF STAFF:**

92 **A. Fire Department:** Chief Scales explained Deputy Chief Landreville recently submitted
93 the final draft of the self-assessment manual to the accrediting body for review; once its review is

94 complete and the changes have been made, the department will be entering the final stage of the
95 accreditation process. He reported the average call volume for this time of year and provided staffing
96 updates.

97

98 B. *Public Works Department:* Chief Scales introduced Mr. Steven Wargo, Public Works
99 Director, and explained his qualifications for the position. He thanked Mr. Steve Dunlap for his role
100 as Acting Public Works Director. Mr. Wargo expressed his excitement to be with the Town and
101 provided a brief employment history. Chief Scales stated the ponds around Town have been pumped
102 in anticipation of inclement weather. He explained the stormwater drainage improvement bid was
103 awarded, and work is anticipated to begin soon; the Ponce Preserve piling project is anticipated to
104 begin soon as well.

105

106 C. *Police Department:* Chief Glazier provided an update on staffing and noted two
107 candidates are being considered for employment. Calls for service are aligned with the previous
108 calendar year, and response time on average has been around four minutes. He provided information
109 on a fraud seminar he recently hosted and announced an upcoming self-defense class to be held by
110 the Police department. Ms. Wurst and Chief Glazier clarified procedures of the hiring process.

111

112 D. *Board Liaison:* Ms. Cherbano announced the three Alternate seats for the board are
113 still open and to direct anyone who is interested to the Clerk's department. She also discussed
114 upcoming meeting dates.

115

116 **10. PUBLIC PARTICIPATION:** Chairman Cox opened public participation – hearing none, he
117 closed public participation.

118

119 **11. ADJOURNMENT:** The meeting was adjourned at 6:07 p.m.

120

121 Prepared and submitted by:

122

123 *DRAFT*

124 Stephanie Gjessing

125 Assistant Deputy Clerk

126

127 Attachment(s): None.



Meeting Date: January 9, 2025

Agenda Item: 6-A

Report to Essential Services Advisory Board

Topic: Annual Board Member Training and Form 8-B review.

Summary: The Town Attorney will provide an overview of the Sunshine Law, Ethics, and Public Records/Public Business, and Form 8-B filing.

Suggested motion(s): N/A

Requested by: Ms. Cherbano, Town Clerk

Approved by: Mr. Disher, Town Manager



**Town
of
Ponce Inlet**

**Boardmember
Annual
Training
Packet
2025**

Essential Services Advisory Board



Town of Ponce Inlet

Boardmember Annual Training Packet

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Disclaimer:

The information contained herein is provided as a **Guide**; it is not intended to be all-inclusive. Always refer to the appropriate State Statute, Town staff member or the Town Attorney.



Section I

Florida's Sunshine Law & Public Records Law

FLORIDA SUNSHINE, PUBLIC RECORDS, AND CODE OF ETHICS LAWS

This presentation is intended to provide a general overview of Florida Sunshine and Public Records law and the Florida Code of Ethics. For specific guidance or a legal opinion, please contact the Attorney's office.

All boards or commissions of any state, county, municipal corporation or political subdivision have a legal obligation to comply with:

- The Sunshine Law, and
- The Public Records Law, and
- The Florida Code of Ethics.

THE LAWS

■ SUNSHINE LAW [FS §286.011 (“Sunshine Law”) and FL Constitution Art. I, Sec. 24]

Protects the public from “closed door” decision making and provides a right of access to governmental meetings.

■ PUBLIC RECORDS LAW [FS Chap. 119]

Creates a right of access to records made or received in connection with official business of a public body.

■ CODE OF ETHICS [FS 112, Part III, Code of Ethics for Public Officers and Employees and the FL Constitution Art. II, §8]

Protects against conflict of interest and establishes standards for the conduct of elected official and government employees in situations where conflicts may exist.

Committee type determines the applicability of these laws. There are two types of committees:

1. Decision Making Committees
2. Fact Finding/Focus Group Committees

1. Decision Making Committees - become part of the governing body’s decision making process and:

- Choose alternatives and direction; narrow or eliminate options for the governing body’s consideration.
- Make decision by voting.
- Make recommendations to the governing body directly or through staff.
- Create by-laws.

2. Fact Finding/Focus Groups - provide a source of community input and factual resources and:

- Have no characteristics of a Decision Making Committee.
- Do not need by-laws.
- Provide individual input, data and factual findings to staff, as part of staff’s development in its advisement to the governing body.
- Do not take votes.
- Maintain a brainstorming focus.

THE SUNSHINE LAW - gives the public access to meetings of “any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision” (“Governing Body”) AND

- Allows the public to observe each preliminary step leading to the final decision.
- Prevents the governing body from creating closed committees that narrow the governing body’s decisions.
- Applies to appointed committees.
- An AG opinion advises it also applies to an individual Board member, appointed to negotiate, narrow decisions, or make decisions for the full board.

MEETINGS SUBJECT TO THE SUNSHINE LAW - include formal or casual discussions about a matter on which the governing body may foreseeably take action, between:

- Two or more members of the governing body, or
- Two or more members of a Decision Making Committee.

Discussions may occur through telephone or e-mail communications, or exchanges during workshops, social events, football games and neighborhood barbeques.

■ **THE SUNSHINE LAW IMPOSES THREE OBLIGATIONS OF OPENNESS**

1. Reasonable notice of meetings subject to the Sunshine Law must be given; requires giving the public reasonable and timely notice so they can decide whether to attend.

What is “reasonable” or “timely” depends on the circumstances. Does not necessarily require a newspaper advertisement (contact the Attorney’s office for guidance).

2. Public must be allowed to attend meetings; however there is no obligation to allow the public to participate.
 - Meetings cannot be held at exclusive or inaccessible facilities.
 - No evasive actions are allowed, such as:
 - a. Circulating written reports to elicit responses or positions on issues.
 - b. Using staff, lobbyists, or other means to seek other members’ positions about issues.
3. Minutes of the meetings are required. Written minutes must be taken and made available promptly.
 - Sound recordings may also be used, in addition to written minutes.
 - Minutes may be a brief summary of meeting’s events.
 - Minutes are public records.
 - Minutes must record the votes.

■ **THE SUNSHINE LAW APPLIES WHEN:**

- Two or more members of a governing body discuss a matter that may foreseeably come before the governing body.
- A governing body moves any part of its decision making process to a committee or group, thereby appointing an “alter ego.”

According to an AG opinion, this may also include an individual Board or Committee member appointed formally or informally to negotiate, narrow or eliminate options or decisions for the full Board or Committee.

- **THE SUNSHINE LAW DOES NOT APPLY TO:**
 1. Committees or groups appointed to engage only in fact-finding activities.
 2. Created focus groups or other such committees that:
 - a. Only provide individual input, data and facts as part of staff's development in its advisement to the governing body.
 - b. Do not narrow options.

The Sunshine Law is *broadly* construed. ~ Exemptions are *narrowly* construed.

- **SUNSHINE LAW:**
Penalties for Noncompliance (also applies to Decision Making Committees)
A violation of the Sunshine Law by the governing body or a Decision Making Committee, can nullify governing body's decisions.
- **Criminal Penalties:**
 1. It is a second degree misdemeanor to knowingly violate the Sunshine Law.
 2. Is Punishable with a fine of up to \$500 and/or up to 60 days imprisonment.
- **Other Penalties Include:**
 1. Removal from position.
 2. Payment of attorney's fees incurred by the challenging party, as well as declaratory and injunctive relief.

SENTENCED TO JAIL FOR SUNSHINE LAW VIOLATIONS:
Suspended Escambia County Commissioner, W.D. Childers, was sentenced to 60 days in jail for discussing redistricting in a telephone conversation while fellow commissioner listened on a speaker phone, and pleaded no contest for talking with two fellow commissioners about county building projects in front of a staffer.

- **PUBLIC RECORDS LAW:**
Public Records Include: All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or means of transmission made or received pursuant to law in connection with transaction of official business by the agency. (Fl. Stat. Chapter 119)

THE PUBLIC RECORDS LAW APPLIES TO:

- Records developed by the governing body, Board Appointed Committees, and employees;
- All types of records including written communications, letters, notes and e-mails. Numerous exemptions are identified in FS 119.07 and other statutes.

Public Records Requests can be made:

- Verbally or in writing,
- By any person.

THE GOVERNING BODY OR APPOINTED COMMITTEE:

- Has a "reasonable" time to respond.
- Can charge for the cost of retrieving records if the amount requested is voluminous.
- Can charge 15 cents/page.

THE PUBLIC RECORDS LAW DOES NOT REQUIRE:

- The retention of records (this is covered under the State's records retention policy).
- The creation of records or the provision of records in the format requested.
- And explanation of the records.

FLORIDA CODE OF ETHICS:

- **ADDRESSES:**
 - a. Standards of conduct
 - b. Voting Conflicts
 - c. Financial Disclosure
 - d. Prohibits certain action or conducts.
 - e. Requires certain disclosures be made to the public.

Standards of Conduct Prohibit Public Officials from:

- **Soliciting and Accepting Gifts** - May not solicit or accept anything of value that is based on an understanding that their vote, official action, or judgment would be influenced by such a gift.
- **Accepting Unauthorized Compensation** - May not accept any compensation, payment, or thing of value that is given to influence a vote or other official action.
- **Misusing his/her Public Position** - May not corruptly use their official position to obtain a special privilege for themselves or others.
- **Disclosing or Using Certain Information** - May not disclose or use information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.
- **Doing business with their agency** - A public official's agency may not do business with a business entity in which the public official, or their spouse or child own more than 5% interest.
- **Engaging in Conflicting Employment or Contractual Relationships** - A public official may not be employed or contract with any business entity regulated by or doing business with his or her public agency.

THE GOVERNING BODY MAY WAIVE THE LAST TWO PROHIBITIONS, AS THEY RELATE TO APPOINTED COMMITTEES.

Voting Conflicts of Interest

- Requires no County, municipal, or other Local Public officer (including members of the appointed committees) shall vote in an official capacity upon any measure which would inure to the special private gain or loss of themselves, any principal or entity by whom they are retained, other than an agency as defined in the Fl. Stat. 112.312(2), or to any relative or business associate.
- Requires that public officers, including members of decision making committees:
 1. Must announce the nature of the conflict before the vote; abstain from voting; and file a memorandum of voting conflict
 2. May not participate in the discussion without first disclosing the nature of their interest in the matter (either in writing prior to the meeting, or orally as soon as they become aware that a conflict exists).

BECOMES AN ISSUE WHEN STAKEHOLDERS ARE APPOINTED TO DECISION-MAKING COMMITTEES

- **FINANCIAL DISCLOSURES**

Appointed committee members with land-planning, zoning or natural resources responsibilities must file an annual financial statement.

Which Laws Apply to Which Committees?

	Focus Group	Decision-making Committee
Florida Laws		
Sunshine law		X
Public Records Law	X	X
Code of Ethics		
Standards of Conduct	X	X
Voting Conflict		X
Financial Disclosure		X

*Includes discussions about a matter which may foreseeably come before the Committee;; between one or more Committee member(s), or involving subcommittees or an individual Committee member who has been formally or informally authorized to exercise any decision-making authority or to reduce options for the Committee’s consideration.

**Committees with land-planning, zoning, or natural resources responsibilities.

OPEN GOVERNMENT OVERVIEW:

Sunshine Law and Public Records Law



Patricia R. Gleason
Special Counsel for Open Government
Attorney General Pam Bondi

SUNSHINE LAW

- Florida's Government in the Sunshine Law provides a right of access to governmental proceedings at both the state and local levels. In the absence of statutory exemption, it applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

Scope of the Sunshine Law

- Board members may not engage in private discussions with each other about board business, either in person or by telephoning, emailing, texting or any other type of electronic communication (i.e. Facebook, blogs).

Scope of the Sunshine Law

- While an individual board member is not prohibited from discussing board business with staff or a nonboard member, these individuals may not be used as a liaison to communicate information between board members. For example, a board member cannot ask staff to poll the other board members to determine their views on a board issue.

SCOPE OF THE SUNSHINE LAW

There are three basic requirements:

- 1) Meetings of public boards or commissions must be open to the public
- 2) Reasonable notice of such meetings must be provided;and
- 3) Minutes of the meetings must be prepared promptly and open to public inspection.

SCOPE OF THE SUNSHINE LAW

- The Sunshine Law applies to advisory boards created pursuant to law or ordinance or otherwise established by public agencies or officials.

Scope of the Sunshine Law

- Staff meetings are not normally subject to the Sunshine Law.
- However, staff committees may be subject to the Sunshine Law if they are deemed to be part of the “decision making process” as opposed to traditional staff functions like factfinding or information gathering.

Scope of the Sunshine Law

- Only the Legislature may create an exemption from the Sunshine Law (by a two-thirds vote).
- An exemption from the Public Records Law does not allow a board to close a meeting. Instead, a specific exemption from the Sunshine Law is required.

Board meetings

- While boards may adopt reasonable rules and policies to ensure orderly conduct of meetings, the Sunshine law does not allow boards to ban nondisruptive videotaping, tape recording, or photography at public meetings.

Board meetings

- Section 286.0114, F.S., provides, subject to listed exceptions, that boards must allow an opportunity for the public to be heard before the board takes official action on a proposition. The statute does not prohibit boards from “maintaining orderly conduct or proper decorum in a public meeting.”

Penalties

- Civil action
 - Action taken in violation of the Sunshine Law may be invalidated.
- Criminal penalties
- Suspension or removal from office

PUBLIC RECORDS LAW

- Florida's Public Records Act, Chapter 119, Florida Statutes, provides a right of access to records of state and local governments as well as to private entities acting on their behalf.
- If material falls within the definition of "public record" it must be disclosed to the public unless there is a statutory exemption.

The term “public records” means:

- a) All “documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission” (**includes electronic communications like text messages, emails**).
- b) Made or received pursuant to law or ordinance or in connection with the transaction of official business
- c) By any agency [including a private entity acting ‘on behalf of’ a public agency]
- d) Which are used to perpetuate, communicate, or formalize knowledge

PROVIDING PUBLIC RECORDS

- a) Public records cannot be withheld at the request of the sender
- b) A requestor is not required to show a “legitimate” or “noncommercial interest” as a condition of access
- c) A request cannot be denied because it is “overbroad”
- d) Unless authorized by another statute, an agency may not require that public records requests be in writing or require the requestor to identify himself or herself

PROVIDING PUBLIC RECORDS

- The Public Records Act does not contain a specific time limit (such as 24 hours or 10 days).
- The Florida Supreme Court has stated that the only delay in producing records permitted under the statute is the reasonable time allowed the custodian to retrieve the record and redact those portions of the record the custodian asserts are exempt.

PROVIDING PUBLIC RECORDS

- An agency is not required to comply with a “standing” request for records that may be created in the future.
- An agency is not required to answer questions about the public records (other than information on how to obtain them, like the cost)
- An agency is not required to create a new record

PROVIDING PUBLIC RECORDS

- Chapter 119 authorizes the custodian to charge a fee of up to 15 cents per one-sided copy for copies that are 14 inches by 8 1/2 inches or less. An additional 5 cents may be charged for two-sided copies. For other copies, the charge is the actual cost of duplication of the record. Actual cost of duplication means the cost of the material and supplies used to duplicate the record but does not include labor or overhead cost.

Fees

- In addition to the actual cost of duplication, an agency may impose a reasonable service charge for the actual cost of extensive labor and information technology required due to the large volume of a request.

Retention

All public records must be retained in accordance with retention schedules approved by the Department of State

Even exempt records must be retained.


Penalties for noncompliance

- a) Criminal penalties
- b) Civil action
- c) Attorney's fees

In the Sunshine

Florida Sunshine Law Public Records Ch.119 F.S.

Presented by Clifford B. Shepard
Materials by John G. Hubbard & Clifford B. Shepard



1

In the Sunshine

Public Records Law

Perpetuate

Communicate

Formalize



2

Florida Constitution Article I, section 24

- (a) **Every person** has the right to **inspect or copy** any public record made or received in connection with the **official business** of any public body, officer, or employee of the state, **or persons acting on their behalf**, except with respect to records **exempted** pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

“or persons acting on their behalf”



3

119.01 General State Policy on Public Records

- (1) It is the policy of this state that all state, county, and **municipal** records are open for **personal inspection and copying by any person**. Providing **access** to public records is a **duty** of each agency.

THE DUTY IS ALSO YOURS, IF YOU HAVE CUSTODY



4

119.07 General State Policy on Public Records

(1)(a) Every **person** who has **custody** of a public record shall permit the record to be **inspected and copied** by any person desiring to do so, at any **reasonable time**, under **reasonable conditions**, and **under supervision by the custodian** of the public records.

**DO YOU HAVE CUSTODY?
TRANSFER CUSTODY TO CITY CLERK**



5

119.07 General State Policy on Public Records

(c) A **custodian** of public records and his or her designee must **acknowledge** requests to inspect or copy records **promptly** and **respond to such requests in good faith**. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed.

DUTY: ACKNOWLEDGE PROMPTLY



6

119.07 General State Policy on Public Records

- (d) A person who has **custody** of a public record who **asserts that an exemption applies** to a part of such record shall **redact** that portion of the record to which an exemption has been asserted and validly applies, and such person **shall produce the remainder** of such record for inspection and copying.

DUTY: IF PORTIONS ARE EXEMPT, REDACT AND PRODUCE
ISSUES: IS THE RECORD EXEMPT, CONFIDENTIAL
OR BOTH?



7

119.07 General State Policy on Public Records

- (e) If the person who has **custody** of a public record **contends** that all or part of the record is **exempt** from inspection and copying, he or she shall **state the basis** of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.
- (f) **If requested** by the **person seeking** to inspect or copy the record, the **custodian** of public records shall **state in writing** and with particularity the **reasons** for the conclusion that the record is exempt or confidential.

DUTY: STATE STATUTORY BASIS FOR
EXEMPTION – IN WRITING



8

119.07 General State Policy on Public Records

- (4) **The custodian of public records shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law.** If a fee is not prescribed by law, the following fees are authorized:

DUTY: FURNISH COPY

ADVICE: COLLECT IN ADVANCE FOR COPY FEES



9

119.07 General State Policy on Public Records

- (d) If the **nature or volume** of public records requested to be inspected or copied pursuant to this subsection is such as to require **extensive use of information technology** resources or **extensive clerical or supervisory assistance** by personnel of the agency involved, or both, **the agency may charge**, in addition to the actual cost of duplication, **a special service charge**, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.

DUTY: GATHER DOCUMENTS FOR INSPECTION

ADVICE: COLLECT SPECIAL SERVICE FEE IN ADVANCE



10

Definition of Public Records

Statutory

Public records means **all** documents, papers, letters, mps, books, tapes, photographs, films, sound recordings, data processing software, or other material, **regardless of the physical form**, characteristics, or means of transmission, **made or received pursuant** to law or ordinance or **in connection with the transaction of official business** by any agency.



11

Definition of Public Records

Case Law

Any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.

Perpetuate

Communicate


Formalize



12

Clearwater Case

STATUTORY TEST: TRANSACTION OF OFFICIAL BUSINESS




A cartoon illustration of two laptops with human-like faces on their screens, appearing to be in conversation. They are positioned on a desk in front of a sign that reads "COMPUTERS". The scene is set against a warm, orange-toned background.

13

13

Life Lesson

Merlot and email do not mix



A silhouette of a person's head and hand holding a wine glass, drinking wine. The background shows a sunset or sunrise over a horizon line.

14

Meeting Notes
Draft documents

Perpetuate

Communicate

Formalize



15

Retention of Records

The custodian has an obligation to retain public records (this might be you.)

Department of State, Division of Library Services

Deposit with City Clerk



16

Schwab Case

Totality of factors case
“persons acting on their behalf”



17

119.10 Violation of chapter; penalties.

- (1) Any public officer who:
- (a) Violates any provision of this chapter commits a noncriminal infraction, punishable by fine not exceeding \$500.
 - (b) **Knowingly** violates the provisions of s. [119.07\(1\)](#) is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#). (2) Any person who **willfully and knowingly** violates:
 - (a) Any of the provisions of this chapter commits a **misdemeanor** of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).
 - (b) Section [119.105](#) F.S. commits a **felony** of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).



18

Yes, you can go to jail for this too.

Martin County's Sarah Heard Indicted and Booked for Public Records Violations

By [BARBARA CLOWDIS](#) (SOURCE: [BARBARA CLOWDIS](#))
January 5, 2018 - 8:15am



The story of Florida public records law violations in Martin County moved further into the public light Thursday for County Commissioner Sarah Heard and former commissioner Anne Scott.

Heard was indicted and booked on two criminal counts of violating public records laws, according to the Martin County Sheriff's Office. She was released on her own recognizance after her fingerprints and mug shot were taken.

Her charges are criminal misdemeanors that could lead to a fine and/or jail time if she's found guilty. She also could be removed from office by the governor.

Thursday's charges were in addition to a previous non-criminal infraction filed by the prosecutor Nov. 27 for not responding to a public records request in January 2013, to which she pleaded not guilty.

A hearing date was set for Feb. 19. The state prosecutor informed Heard's attorney, Barbara Kibbey Wagner, during a December court hearing that five days needed to be set aside for the hearing due to the case's complexity.

Officials close to the case, however, anticipate the additional misdemeanor charges will result in a request for a hearing continuance. Heard also may now ask for a jury trial, if she pleads not guilty.

Heard is up for re-election in August for the District 4 County Commission seat; however, she has not yet filed, according to Martin County Elections Office records.

Former commissioner Scott, of Jupiter Island, also was charged Thursday with two additional criminal misdemeanor counts of violating public records laws. She, too, was booked and released on her own recognizance, according to the Martin County Sheriff's Office.



19

Lawsuits are no bargain.

Lawsuit alleges Sarasota city manager broke public records law

Source: [Herald Tribune](#)
By: [Nicole Rodriguez](#) - Staff Writer

The suit asks a judge to grant an accelerated hearing in the case, and declare that Barwin and the city violated state record retention rules and the Sunshine Law

SARASOTA — A lawsuit filed Thursday against Sarasota City Manager Tom Barwin and the city alleges that the top administrator's frequent failure to produce city-related discussions from his private Gmail account as part of numerous public records requests broke state open records law and eroded public trust in local government.

The suit, filed by Michael Borfield, a paralegal consultant and president of the Florida American Civil Liberties Union, asks a judge to grant an accelerated hearing in the case, and declare that Barwin and the city violated state record retention rules and the Sunshine Law, which is intended to guarantee that citizens have access to public records and the decision-making of governmental officials. The 23-page suit requests a judge to order Barwin and the city to follow the law, make records on Barwin's personal electronic devices available for inspection, pay Borfield's legal fees and award any other relief the court deems appropriate.



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Perpetuate
Communicate
Formalize



21

21

Thank You!

Clifford B. Shepard, Esq.
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Maitland, Florida 32751
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Materials by John G. Hubbard & Clifford B. Shepard



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Section II

This section does not apply to this Board; it is intentionally left blank.

~~Formal Quasi-Judicial Hearings & Proceedings~~



Section III

Conducting a Meeting

“Cheat Sheet”



BOARD MEETING “CHEAT SHEET”

Essential Services Advisory Board

Note: you must be recognized by the Chair prior to speaking, by stating “*Chairman, I have a question*” or “*Chairman, may I make a comment*”. This procedure prevents members from speaking over each other and avoids confusion when preparing minutes.

I. Meeting Procedures: Meetings generally run in the following order (according to an approved agenda format):

1. Call to Order
2. Pledge of Allegiance
3. Roll Call & Determination of Quorum
4. Adoption of Agenda
5. Correspondence / Communications
6. Approval of Meeting Minutes
7. New Business
8. Report of Staff
9. Public Participation
10. Adjournment

1. Call to Order - the Chair calls the meeting to Order, noting the following: the Month/Day/Year Essential Services Advisory Board meeting is hereby called to Order.

2. Pledge of Allegiance – The Chair leads attendees in the Pledge of Allegiance.

3. Roll Call and Determination of Quorum - the Board Secretary will perform the roll call to determine a quorum and document member’s attendance/absence.

4. Adoption of the Agenda – the Chair will ask if there are any changes to the Agenda; a motion and second to “adopt agenda as presented” - or - “adopt the agenda as amended” is required. A vote by consensus is acceptable (all in favor/opposed).

5. Correspondence & Communications - Staff will provide any correspondence or communications received after the packet was distributed.

6. Approval of the Meeting Minutes – the Chair will ask if there are any changes to the Minutes; a motion and second to “approve the minutes as presented -or - as amended” is required. A vote by consensus is acceptable (all in favor/opposed).

7. New Business – Staff introduces the item, providing relevant information and seeking a recommendation. Once finished, the Chair will ask for public comments. After the public has had the opportunity to comment, the Chair will bring the item back to the Board for discussion and deliberation. Board members discuss their viewpoints on the item. If action is required, the Chair will ask for a motion and second. A **roll-call vote** is taken indicating which members voted for and against the issue as a matter of clarity for the record.

8. Report of Staff - Staff members will provide updates to projects currently planned or under review.

No action is taken by the board during this item; for informational purposes only.

9. Public Participation – the Chair asks if any members of the public wish to speak about an item not listed on the agenda; there is a five-minute time limit per speaker.

10. Adjournment – the Chair may ask for a Motion to Adjourn, followed by a second, and vote to adjourn by consensus; or the Chair may simply adjourn the meeting and state the time.

II. Motions and Voting:

The Town follows a simplified version of Robert’s Rules of Order. Nearly everything can be accomplished in a meeting by a **Main Motion** and/or by **Amending a Main Motion**.

How a Main Motion is brought: used when a member wants to propose action by the Board.

- A member states: “I move that” (or ‘to’) ...
- Another member seconds the motion
- The Chair requests public comment
- The Chair requests Board comment
- The Chair requests a vote
- If a majority votes in favor of the motion, then the motion **PASSES**. If a majority votes in opposition to the motion, or if the vote is a tie, then the motion **FAILS**. The Board Secretary will state the results.

Amending a Main Motion: A member may make a motion to amend a main motion. The Chair will then ask for a member to second the amended motion. If seconded, then the Chair may deem the motion amended; if not seconded, the amendment dies and the original motion stands.

Other motions: A *Motion to Rescind* or *Motion to Consider* may also be made, but these types of motions are rarely utilized and can be explained by the Attorney if needed.

Voting: All members present must vote on the agenda item unless a conflict is declared. In those instances, a Form 8B will be provided to the member, who must complete and return the form to the Board Secretary for filing with the meeting minutes.



Section IV

Robert's Rules of Order & Parliamentary Procedure

Robert's Rules of Order & Parliamentary Procedure

- I. What is Parliamentary Procedure?
It is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.
- II. Why is Parliamentary Procedure important?
Because it is a time-tested method used for conducting business at meetings and it can be adapted to fit the needs of any organization. Robert's Rules of Order is the basic handbook of operation for most organizations – so it is important to know the basic rules.
- III. Organizations using Parliamentary Procedure usually follow a fixed order of business called an Agenda.
- IV. The method used by members to express themselves is in the form of “motions”. A motion is a proposal that the entire membership take action or a stand on an issue.
Individual members can:
 1. Call to Order
 2. Second motions
 3. Debate motions
 4. Vote on motions
- V. How are Motions presented?
 1. Obtaining the floor:
 - a. Wait until the last speaker has finished
 - b. Raise your hand and address the Chairman by saying, “Mr./Madam Chairman”
 - c. Wait until the Chairman recognizes you before speaking
 2. Make your motion:
 - a. Speak in a clear and concise manner
 - b. Always state a motion in the positive (for example, say, “I move that we ...” rather than, “I move that we do not ...”)
 - c. Avoid personality conflicts and stay on topic
 3. Wait for someone to second your motion: another member will state second, or the Chairman will call for a second. If there is no second to the motion, the motion dies.
 4. The Chairman re-states the motion:
 - a. The Chairman states, “it has been moved and seconded that we ...”. Thus placing your motion before the members for consideration and action.
 - b. The membership then either debates your motion or may move directly to a vote.
 - c. Once your motion is presented to the membership by the Chairman, it cannot be changed by you without the consent of the members.
 6. Expanding on Your Motion:

- a. Now is the time for you to speak in favor of your motion – not when you first make the motion.
 - b. The **mover** is always allowed to speak first.
 - c. All comments and debate must be directed to the Chairman.
 - d. The mover may speak again **only** after all other speakers are finished (unless called upon by the Chairman).
7. Putting the Question (Motion) to the Membership:
- a. The Chairman asks, “Are you ready to vote on the motion?”
 - b. If there is no more discussion, a vote is taken.
 - c. The Board Secretary will state the results for the record.
- VI. Voting on a Motion: The method of vote on any motion depends on the situation and the By-laws of the Board. These are typical methods:
1. By **Voice** – the Chairman asks those in favor to say, “aye”, those opposed to say “no”. Any member may move for an exact count.
 2. By **Roll Call** – the member answers “yes” or “no” as his/her name is called. This method is used when a record of each person’s vote is required or desired.
 3. By **General Consent** – when a motion is not likely to be opposed, the Chairman says, “if there is no objection ... “ The membership shows agreement by their silence, however if one member says, “I object,” the item must be put to a vote.
 4. By **Ballot** – members write their vote on a slip of paper; the Clerk calculates and announces the results to the Chairman.

These are two other motions that are commonly used:

1. **Motion to Table** – this motion is often used to provide an extended, indefinite period of time to resolve concerns before a final vote is taken. Tabled items are removed from subsequent meeting agendas until brought back by a vote of the Board. The option is always present, to “take off the table” for reconsideration by the membership.
2. **Motion to Continue to a Date Certain** – this motion is used to allow a limited period of time to obtain additional information, resolve outstanding issues, or reschedule an item that has been previously advertised and noticed. No further public notice is required as long as the date and time of the future meeting are announced. The discussion on that particular item “continues” to the future date.

Robert’s Rules of Order and Parliamentary Procedure provides a standard of orderly framework for getting work done. Your meetings will be successful and productive by following these tips:

1. Allow motions that are in order;
2. Have members obtain the floor properly;
3. Speak clearly and concisely;
4. Obey the rules of debate; and most importantly ...
5. Be courteous.



Section V

Town's Policy for Use of Social Media by Board Members

Per Resolution 2020-17

Town of Ponce Inlet Policy for Use of Social Media by Board Members

3.0 Informational Policy

3.1 Policy

The Town understands that social media can be a beneficial and rewarding way for individuals to share information about themselves and interact with others and the public at large. However, when it comes to members of the Town Council, as well as other Town boards and committees, use of social media can violate Sunshine and Public Records laws when discussing public business, resulting in potential litigation and even criminal charges. In addition, using a Social Media Channel for official statements can transform the Channel into a “public forum” subject to First Amendment considerations. The following is a policy for use of social media to be used as guidance to avoid creating actual or perceived violations of the First Amendment, as well as Sunshine and Public Records laws.

3.2 Definitions

For purposes of this Policy:

Board Member means a member of the Town Council, or any Town Board or Committee which is subject to Section 286.011, *Florida Statutes*.

Social media content or content means and includes any materials, documents, photographs, graphics, or other information that is created, posted, distributed, or transmitted on a Social Media Channel.

Posts or Postings mean information, articles, pictures, videos of any other form of communication posted on a Social Media Channel.

Social Media Account means the legal arrangement with a social media provider to authorize use of a social media tool. For example, a Facebook account authorizes use of Facebook.

Social Media Tool means an online utility that provides for mass communication, such as message boards, web sites, and blogs. Specific examples include Facebook, Twitter, LinkedIn, YouTube, Pinterest, and Instagram. Social media tools may provide for one-way or two-way communication.

Social Media Channel means a specific social media platform available through a Social Media Account. For example, each Facebook Page opened through the establishment of a Facebook account is a Social Media Channel.

Personal Social Media Channel means a specific social media platform available through a Social Media Account managed by an Employee which is not associated with the Town, such as an Employee’s personal Facebook page.

3.3 Guidance

- A. Any Board Member who uses a Social Media Channel to make statements relating to public business should not prevent any other user from interacting with any post on that Social Media Channel. Board Members may not take any action to make any individual's comments or replies to posts on the Social Media Channel less visible to others. If available, Board Members may instead choose to turn off replies and comments entirely on any given post.
- B. Board Members should not interact with other members of their same board through Social Media Tools on any matter which could be perceived as relating to public business. "Interacting" includes both substantive and non-substantive interactions, such as commenting on one another's posts, tagging one another on statements, liking one another's posts, or making any statement explicitly or implicitly referring to a member of the same board.
- C. Board Members should not use a Social Media Channel to state an opinion on a matter which may come before their board in a quasi-judicial capacity. Board Members should avoid engaging in *ex parte* communications regarding quasi-judicial matters through Social Media Tools. If a Board Member does communicate regarding a quasi-judicial matter using a Social Media Tool, the Board Member shall disclose such *ex parte* communications at the relevant hearing on the matter.
- D. Board Members should avoid making any statements regarding public business through posts which are not publicly available. For the purposes of this policy, "publicly available" shall mean accessible by hyperlink without any required sign-in or other credential. If a Social Media Tool does not provide for the creation of publicly available posts, Board Members should refrain from utilizing that Social Media Tool.
- E. Whenever a Board Member makes any statement regarding public business using a Social Media Tool, including a reply to another user's post, the Board Member should immediately create a copy of the statement and provide the copy to the Town Clerk. The copy may either be physical form or a computer file, such as a PDF. Board Members who desire technical guidance in creating a copies of social media posts should contact the Town Clerk.
- F. Board Members may not delete any posts which relate to public business.
- G. The Town reserves the right to change, modify, or amend all or part of this policy at any time.



Town of Ponce Inlet
Boardmember
Annual Training Packet

Section VI

Code of Ethics

FL Statute Chapter 112

Title X
PUBLIC OFFICERS, EMPLOYEES, AND
RECORDS

Chapter 112
PUBLIC OFFICERS AND EMPLOYEES: GENERAL
PROVISIONS

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(1) **DEFINITION.**—As used in this section, unless the context otherwise requires, the term “public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) **SOLICITATION OR ACCEPTANCE OF GIFTS.**—No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

(3) **DOING BUSINESS WITH ONE’S AGENCY.**—No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer’s or employee’s spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer’s or employee’s spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer’s or employee’s own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator’s place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

(5) SALARY AND EXPENSES.—No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law. No local government attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

(6) MISUSE OF PUBLIC POSITION.—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. [104.31](#).

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—A current or former public officer,

employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. [110.402](#) or any person holding a position in the Selected Exempt Service as defined in s. [110.602](#) or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state

2020 Florida Statutes

government over which the Legislature exercises plenary budgetary and statutory control.

3.a. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in [s. 112.3215](#).

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in [s. 112.317](#) and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

- a. A person employed by the Legislature or other agency prior to July 1, 1989;
- b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;
- c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;
- d. A person who has reached normal retirement age as defined in [s. 121.021\(29\)](#), and who has retired under the provisions of chapter 121 by July 1, 1991; or
- e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(10) EMPLOYEES HOLDING OFFICE.—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council,

commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.—No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens

of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

(f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.

(g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.

(h) The transaction is made pursuant to s. [1004.22](#) or s. [1004.23](#) and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:

1. The price and terms of the transaction are available to similarly situated members of the general public; and
2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to

any county, municipal, special district, or school district office or appointed superintendent of a school district may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The “government body or agency” of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The “government body or agency” of any other county elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The “government body or agency” of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d) The “government body or agency” of an elected special district officer is the special district.

(e) The “government body or agency” of an elected school district officer is the school district.

(15) ADDITIONAL EXEMPTION.—No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer’s agency and:

(a) The officer’s employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency’s decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer’s employer, publicly states to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s.112.3143.

(16) LOCAL GOVERNMENT ATTORNEYS.—

(a) For the purposes of this section, “local government attorney” means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, “unit of local government” includes, but is not limited to, municipalities, counties, and special districts.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local

government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

(17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.—No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. [11.045](#).

History.—s. 3, ch. 67-469; s. 2, ch. 69-335; ss. 10, 35, ch. 69-106; s. 3, ch. 74-177; ss. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349; s. 4, ch. 82-98; s. 2, ch. 83-26; s. 6, ch. 83-282; s. 14, ch. 85-80; s. 12, ch. 86-145; s. 1, ch. 88-358; s. 1, ch. 88-408; s. 3, ch. 90-502; s. 3, ch. 91-85; s. 4, ch. 91-292; s. 1, ch. 92-35; s. 1, ch. 94-277; s. 1406, ch. 95-147; s. 3, ch. 96-311; s. 34, ch. 96-318; s. 41, ch. 99-2; s. 29, ch. 2001-266; s. 20, ch. 2002-1; s. 894, ch. 2002-387; s. 2, ch. 2005-285; s. 2, ch. 2006-275; s. 10, ch. 2007-217; s. 16, ch. 2011-34; s. 3, ch. 2013-36; s. 2, ch. 2018-5.



Town of Ponce Inlet
Boardmember
Annual Training Packet

Section VII

Public Business

FL Statute Chapter 286
(Abridged)

2018 Florida Statutes

Title XIX PUBLIC BUSINESS (Abridged)

Chapter 286

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

- 286.0105 Notices of meetings and hearings must advise that a record is required to appeal.
- 286.011 Public meetings and records; public inspection; criminal and civil penalties.
- 286.0113 General exemptions from public meetings.
- 286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.
- 286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters.
- 286.012 Voting requirement at meetings of governmental bodies.
- 286.26 Accessibility of public meetings to the physically handicapped.

286.0105 Notices of meetings and hearings must advise that a record is required to appeal. —

Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The requirements of this section do not apply to the notice provided in s. 200.065(3).

History.—s. 1, ch. 80-150; s. 14, ch. 88-216; s. 209, ch. 95-148.

286.011 Public meetings and records; public inspection; criminal and civil penalties. —

- (1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.
- (2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this

state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a

violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

History.—s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353; s. 2, ch. 2012-25.

286.0113 General exemptions from public meetings. —

(1) That portion of a meeting that would reveal a security or fire safety system plan or portion thereof made confidential and exempt by s. 119.071(3)(a) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

(2)(a) For purposes of this subsection:

1. "Competitive solicitation" means the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.

2. “Team” means a group of members established by an agency for the purpose of conducting negotiations as part of a competitive solicitation.

(b) 1. Any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, or at which a vendor answers questions as part of a competitive solicitation is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

2. Any portion of a team meeting at which negotiation strategies are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(c) 1. A complete recording shall be made of any portion of an exempt meeting. No portion of the exempt meeting may be held off the record.

2. The recording of, and any records presented at, the exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs earlier.

3. If the agency rejects all bids, proposals, or replies and concurrently provides notice of its intent to reissue a competitive solicitation, the recording and any records presented at the exempt meeting remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A recording and any records presented at an exempt meeting are not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

History.—s. 2, ch. 2001-361; s. 44, ch. 2005-251; s. 2, ch. 2006-158; s. 2, ch. 2006-284; s. 13, ch. 2010-151; s. 2, ch. 2011-140; s. 2, ch. 2016-49; s. 3, ch. 2018-146.

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(1) For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. 286.011; or

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7) (a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

History.—s. 1, ch. 2013-227.

286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters. —

(1) (a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2) (a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decision-making body who is not a party or party-intervenor shall be allowed to testify before the decision-making body, subject to control by the decision-making body, and may be requested to respond to questions from the decision-making body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decision-making body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decision-making body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decision-making body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decision-making body. All decisions of the decision-making body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

History.—s. 1, ch. 95-352; s. 31, ch. 96-324.

286.012 Voting requirement at meetings of governmental bodies. — A member of a state, county, or municipal governmental board, commission, or agency who is present at a meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, unless, with respect to any such member, there is, or appears to be, a possible conflict of interest under s. 112.311, s. 112.313, s. 112.3143, or additional or more stringent standards of conduct, if any, adopted pursuant to s. 112.326. If there is, or appears to be, a possible conflict under s. 112.311, s. 112.313, or s. 112.3143, the member shall comply with the disclosure requirements of s. 112.3143. If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s. 112.326, the member shall comply with any disclosure requirements adopted pursuant to s.

112.326. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

History.—s. 1, ch. 72-311; s. 9, ch. 75-208; s. 2, ch. 84-357; s. 13, ch. 94-277; s. 19, ch. 2013-36; s. 7, ch. 2014-183.

286.26 Accessibility of public meetings to the physically handicapped. —

(1) Whenever any board or commission of any state agency or authority, or of any agency or authority of any county, municipal corporation, or other political subdivision, which has scheduled a meeting at which official acts are to be taken receives, at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority, such chairperson or director shall provide a manner by which such person may attend the meeting at its scheduled site or reschedule the meeting to a site which would be accessible to such person.

(2) If an affected handicapped person objects in the written request, nothing contained in the provisions of this section shall be construed or interpreted to permit the use of human physical assistance to the physically handicapped in lieu of the construction or use of ramps or other mechanical devices in order to comply with the provisions of this section.

History.—s. 1, ch. 77-277; s. 1, ch. 79-170; s. 116, ch. 79-400; s. 1, ch. 81-268.

“LET THE SUNSHINE IN” Public Meetings Law Chapter 286 F.S.

Clifford B. Shepard

Materials by John G.
Hubbard, Esq. & Clifford
B. Shepard



1

Florida Constitution Article I, section 24 (b)

(b) All **meetings** of any **collegial public body** of the executive branch of state government or of any collegial public body of a county, **municipality**, school district, or special district, at which **official acts are to be taken** or at which **public business** of such body is to be **transacted or discussed**, shall be **open and noticed** to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

2

2

Florida Statute 286.011

- (1) All **meetings** of any board or commission of any state agency or authority or of any **agency or authority** of any county, **municipal** corporation, or political subdivision, except as otherwise provided in the Constitution, at which **official acts are to be taken** are declared to be public meetings **open to the public at all times**, and **no resolution, rule, or formal action** shall be considered **binding** except as taken or made at such meeting. The board or commission must provide **reasonable notice** of all such meetings.

3

3

Florida Statute 286.011

- 2) The **minutes** of a meeting of any such board or commission of any such state agency or authority shall be **promptly recorded**, and such records shall be **open to public inspection**. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

4

4

Notice

Reasonable

Location

Restaurant ❌

Private club ❌

Identification required ❌

In city limits ⚡

No “CHILLING” effect

Minutes

Summary v. verbatim

Draft is a public record

Must be approved timely




5

Florida Statute 286.011 = MEETING LOCATION

(6) All **persons** subject to subsection (1) are **prohibited from holding** meetings at any facility or **location** which **discriminates on the basis of sex, age, race, creed, color, origin, or economic status** or which **operates** in such a manner as to **unreasonably restrict public access** to such a facility.

- **Public meetings must be accessible to the physically handicapped Chapter 286.26 FS**

6

Florida Statute 286.011

- **Knowingly attending a meeting in violation of the statute is a misdemeanor of the second degree**
- **Conduct outside the State is a misdemeanor of the second degree**
- **A court may assess an attorney's fee against you for enforcement of this statute unless you have sought and followed the advice of the city's attorney**

7

7

What is a public meeting?

Florida Constitution

Meeting of a collegial public body at which official acts taken or business discussed

Florida Statutes

Meeting at which official acts taken

Case Law

All meetings where there are discussions of matters which may foreseeably come before a board or commission

"All meetings" include staff, committees, temporary groups or even a single person.

8

Yes, Prosecutions Still Happen

Grand Jury To Review Century Town Operations; Council Members Charged With Sunshine Law Violations

January 4, 2019



A grand jury will investigate operations of the Town of Century, and three council members have been charged with violating the Sunshine Law.

"A number of issues have been brought to the attention of the State Attorney's Office regarding the manner in which the town has operated, and these are the issues that may brought before the grand jury." Assistant State

9

9

What's going on here?



The fact that we don't know IS the point.

10

10

W.D. Childers goes to jail



11

Florida Statute 286.011

- The statute is “broadly construed to effect it’s remedial and protective purposes.”
- Applicable to elected and appointed bodies
- Substantial delegation affecting a decision...single individual
- Recommendations limit choices; part of decision process
- Fact finding only IS AN EXCEPTION: **EXCEPT FOR ELECTED BODIES!**

12

12

Major Exceptions – ALL STATUTORY

- Pending litigation...settlement negotiations or strategy sessions related to litigations expenditures...limited attendees
- Labor negotiations-bargaining team – exemption as to public meetings and public records Chap 447 F.S.
- Risk management committee
- Security system meeting
- Negotiation with a vendor

13

13

Exchange of written memorandums

- First bite at the apple
- No response

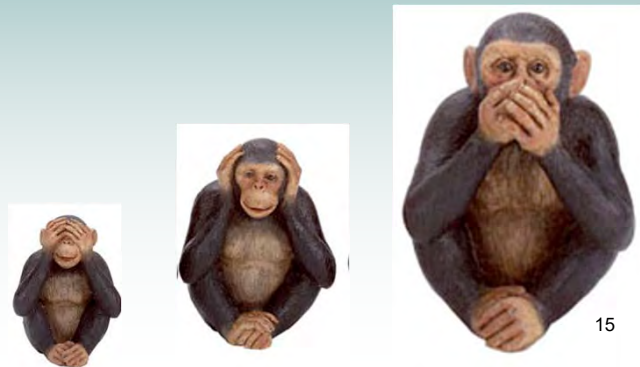


14

14

Outside Contact

- You can socialize with other board members
- You can attend the same meeting....**BUT...**



15

You Can Cure a Violation

- No rubber stamp meeting
- Ultimate decision safeguarded
- Multiple cases describing proper procedure

Cure...
Don't Ignore



16

Notice

Location

Minutes

17

17

New Challenges

E-mail...twitter...texting...Facebook...websites



18

18

Thank You

Clifford B. Shepard, Esq.
Shepard, Smith, Kohlmyer & Hand, P.A.
2300 Maitland Center Pkwy.
Suite 100
Maitland, Florida 32751
407-622-1772
407-622-1884 fax
cshepard@shepardfirm.com
Materials by John G. Hubbard, Esq.

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**Town of Ponce Inlet
Board Member
Annual Training Packet**

Addendum

Chapter 2, Article IV

Division 3 - Essential Services Advisory Board

&

Ordinance 2023-05

Sec. 2-120. Established.

An essential services advisory board is created that has the powers, duties, and responsibilities set forth in this division, to be carried out in accordance with this code.

(Ord. No. 2021-01, § 1, 2-18-2021; Ord. No. 2023-05, § 1, 11-16-2023)

Sec. 2-121. Membership and terms of office.

The essential services advisory board shall consist of five regular members and five alternates appointed by the town council. Each regular member shall be appointed for a three-year term, in staggered sequence, with the exception for the initial terms of members on this five-member board: terms for seats one and three shall expire December 2023, terms for seats two and four shall expire December 2022, and the term for seat five shall expire December 2021. Alternate members shall be appointed to an annual term ending in December of each year.

(Ord. No. 2021-01, § 1, 2-18-2021; Ord. No. 2023-05, § 1, 11-16-2023)

Sec. 2-122. Qualifications.

The essential services advisory board shall be composed of qualified electors of the town with specified qualifications for each seat as herein described. Preference shall be given to full-time residents. Members cannot be employees of the town. Board member seats shall be filled by those with experience in a specified discipline as follows:

- (a) Seat One—Law enforcement background;
- (b) Seat Two—Fire-rescue and EMS background;
- (c) Seat Three—Engineering background;
- (d) Seat Four—CPA/financial background;
- (e) Seat Five—Public relations, outreach, or human resources background;
- (f) Alternates—Shall be representatives of one of the five disciplines above; alternates may only progress to a regular seat if their specified discipline is available.

(Ord. No. 2021-01, § 1, 2-18-2021; Ord. No. 2023-05, § 1, 11-16-2023)

Sec. 2-123. Rules of procedure.

- (a) The essential services advisory board shall normally meet quarterly, at a minimum of twice per year, including the annual budget meeting as required by section 2-125. All meetings of the board shall be duly advertised for public notice and participation. If there is no meeting for the board to conduct, the meeting can be canceled.
- (b) The essential services advisory board shall regularly receive assistance and relative expertise from the police department, fire department, and public works department in the performance of the board's responsibilities. Assistance and relative expertise from other departments shall be provided as needed for subject-specific items.
- (c) The town council may assign a matter not addressed by this division to the essential services advisory board for review and advice at any time.
- (d) No actions by the town may be invalidated solely due to failure to submit the action to the essential services advisory board for review.

(Ord. No. 2021-01, § 1, 2-18-2021; Ord. No. 2023-05, § 1, 11-16-2023)

Sec. 2-124. Powers and duties.

The essential services advisory board shall research, analyze, and provide recommendations to the town council on matters related to police, fire, and public works, as hereby set forth:

- (a) Strategic master planning of infrastructure improvements: water, sewer, stormwater, roadways, sidewalks, and street lighting;
- (b) Operational facility planning;
- (c) Capital purchase requests in excess of \$50,000.00 prior to submittal for budget preparation related to the Town's infrastructure improvements, fleet management, and equipment. Emergency purchases, as defined in the town's code, exceeding \$50,000.00 related to infrastructure improvements, fleet management, and equipment need not be reviewed by the board before purchase but shall be reported to the board at its next meeting;
- (d) Additions or deletions to operational staffing levels in the police, fire, and public works departments; and
- (e) Contracts and interlocal agreements related to the provision of services within these departments that are subject to town council approval. The board will not be required to review contracts or projects previously approved by the town council.

Operational activities required by the Volusia County code, Florida State Statute, or Florida Administrative Rule are not the responsibility of the essential services advisory board.

(Ord. No. 2021-01, § 1, 2-18-2021; Ord. No. 2023-05, § 1, 11-16-2023)

Sec. 2-125. Annual budget meeting.

In March of each year, the board shall meet to review and advise regarding major budgetary items for the upcoming fiscal year. The heads of the various departments of the Town shall submit the following budgetary requests for consideration at the annual meeting when the expenditures would occur in the following fiscal year and the specific expenditures or staffing changes have not yet been reviewed by the board or approved by the Town Council:

- (a) Initial expenditures commencing a new phase or project of an approved master plan;
- (b) Initial expenditures for the planning of a new Town facility;
- (c) Capital purchase requests of greater \$50,000.00 related to the Town's infrastructure improvements, fleet management, and equipment; and
- (d) Additions or deletions to operational staffing levels in the police, fire, and public works departments, excluding independent contractors.

The town manager or designee shall incorporate or address the board's recommendations when submitting a proposed budget to the town council.

(Ord. No. 2021-01, § 1, 2-18-2021; Ord. No. 2023-05, § 1, 11-16-2023)

Secs. 2-126—2-140. Reserved.

ORDINANCE 2023-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV, DIVISION 3 OF THE TOWN'S CODE OF ORDINANCES TO CREATE A CORRESPONDING ALTERNATE SEAT FOR EACH REGULAR SEAT OF THE ESSENTIAL SERVICES ADVISORY BOARD; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council enjoys and appreciates the assistance of its current regulatory and advisory boards and all of the citizen participation that this process is intended to generate; and

WHEREAS, the Town Council seeks to obtain advisory board recommendations on matters related to the provision of current needs for essential services and master planning to ensure the Town's long-term well-being via infrastructure improvements and staffing; and

WHEREAS, the Town Council created the Essential Services Advisory Board to research, analyze, and provide recommendations to the Town Council on matters related to police, fire, public works, and other essential Town services as described more fully in this ordinance; and

WHEREAS, the regular seats on the Essential Services Advisory Board are filled by those with experience in five specific disciplines related to the aforementioned essential services; and

WHEREAS, the Town Council desires to increase the number of alternate seats on the Essential Services Advisory Board to ensure that each discipline is represented at all times.

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Ponce Inlet, Florida as follows:

NOTE: Underlined words constitute additions to the Code of Ordinances, ~~strikethrough~~ constitutes deletions, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

SECTION 1. Chapter 2, Article IV, Division 3 – “ESSENTIAL SERVICES ADVISORY BOARD” of the Town's Code of Ordinances is hereby amended as follows:

Division 3. ESSENTIAL SERVICES ADVISORY BOARD

Section 2-120. Established. An essential services advisory board is created that has the powers, duties, and responsibilities set forth in this division, to be carried out in accordance with this code.

Section 2-121. *Membership and terms of office.* The essential services advisory board shall consist of five regular members and five alternates appointed by the town council. Each regular member shall be appointed for a three-year term, in staggered sequence, with the exception for the initial terms of members on this five-member board: terms for seats one and three shall expire December 2023, terms for seats two and four shall expire December 2022, and the term for seat five shall expire December 2021. Alternate members shall be appointed to an annual term ending in December of each year.

Section 2-122. *Qualifications.* The essential services advisory board shall be composed of qualified electors of the town with specified qualifications for each seat as herein described. Preference shall be given to full-time residents. Members cannot be employees of the town. Board member seats shall be filled by those with experience in a specified discipline as follows:

- a. Seat One – Law enforcement background;
- b. Seat Two – Fire-rescue & EMS background;
- c. Seat Three – Engineering background;
- d. Seat Four – CPA / financial background;
- e. Seat Five – Public relations, outreach, or human resources background;
- f. Alternates – shall be representatives of one of the five disciplines above; alternates may only progress to a regular seat if their specified discipline is available.

Section 2-123. *Rules of procedure.*

- a. The essential services advisory board shall normally meet quarterly, at a minimum of twice per year, including the annual budget meeting as required by Section 2-125. All meetings of the board shall be duly advertised for public notice and participation. If there is no meeting for the board to conduct, the meeting can be canceled.
- b. The essential services advisory board shall regularly receive assistance and relative expertise from the police department, fire department, and public works department in the performance of the board's responsibilities. Assistance and relative expertise from other departments shall be provided as needed for subject-specific items.
- c. The town council may assign a matter not addressed by this division to the essential services advisory board for review and advice at any time.
- d. No actions by the town may be invalidated solely due to failure to submit the action to the essential services advisory board for review.

Section 2-124. *Powers and duties.* The essential services advisory board shall research, analyze, and provide recommendations to the town council on matters related to police, fire, and public works, as hereby set forth:

- a. Strategic master planning of infrastructure improvements: water, sewer, stormwater, roadways, sidewalks, and street lighting;
- b. Operational facility planning;

- c. Capital purchase requests in excess of \$50,000 prior to submittal for budget preparation related to the Town's infrastructure improvements, fleet management, and equipment. Emergency purchases, as defined in the town's code, exceeding \$50,000 related to infrastructure improvements, fleet management, and equipment need not be reviewed by the board before purchase but shall be reported to the board at its next meeting;
- d. Additions or deletions to operational staffing levels in the police, fire, and public works departments; and
- e. Contracts and interlocal agreements related to the provision of services within these departments that are subject to town council approval. The board will not be required to review contracts or projects previously approved by the town council.

Operational activities required by the Volusia County code, Florida State Statute, or Florida Administrative Rule are not the responsibility of the essential services advisory board.

Section 2-125. Annual Budget Meeting. In March of each year, the board shall meet to review and advise regarding major budgetary items for the upcoming fiscal year. The heads of the various departments of the Town shall submit the following budgetary requests for consideration at the annual meeting when the expenditures would occur in the following fiscal year and the specific expenditures or staffing changes have not yet been reviewed by the board or approved by the Town Council:

- a. Initial expenditures commencing a new phase or project of an approved master plan;
- b. Initial expenditures for the planning of a new Town facility;
- c. Capital purchase requests of greater \$50,000.00 related to the Town's infrastructure improvements, fleet management, and equipment; and
- d. Additions or deletions to operational staffing levels in the police, fire, and public works departments, excluding independent contractors.

The town manager or designee shall incorporate or address the board's recommendations when submitting a proposed budget to the town council.

SECTION 2. All ordinances or parts of ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity portion thereto.

SECTION 4. It is the intention of the town council of the Town of Ponce Inlet, Florida, that this Ordinance shall be codified into the Code of Ordinances of the Town of Ponce Inlet. The Code's codifier is hereby granted that authority as necessary for that purpose.

SECTION 5. This ordinance shall become effective immediately upon its adoption.

It was moved by Councilmember Villanella and seconded by Councilmember Caswell that said Ordinance be passed on first reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Paritsky, Seat #1	YES
Councilmember Milano, Seat #2	YES
Councilmember Caswell, Seat #3	YES
Councilmember Villanella, Seat #4	YES
Vice-Mayor Smith, Seat #5	YES

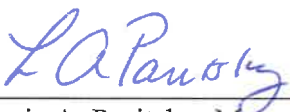
Passed on first reading this 19th day of October 2023.

It was moved by Councilmember Villanella and seconded by Councilmember White that said Ordinance be passed on second reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Paritsky, Seat #1	YES
Councilmember Milano, Seat #2	YES
Councilmember White, Seat #3	YES
Councilmember Villanella, Seat #4	YES
Vice-Mayor Smith, Seat #5	YES

Passed and adopted on second reading this 16th day of November 2023.

Town of Ponce Inlet, Florida



Lois A. Paritsky, Mayor

ATTEST:



Kim Cherbano, CMC
Town Clerk



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION:
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



Meeting Date: January 9, 2025

Agenda Item: 7-A

Report to Essential Services Advisory Board

Topic: Proposed Capital Budget Requests for FY 25/26.

Summary: Department Directors will provide a report regarding proposed capital budget requests for FY 25/26.

1. Police Department – Chief Glazier
2. Fire Department – Chief Scales
3. Public Works – Mr. Wargo

Suggested motion: N/A

Requested by: Ms. Cherbano, Town Clerk

Approved by: Mr. Disher, Town Manager



MEMORANDUM
Office of the Chief of Police

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Essential Services Advisory Board
 From: Jeff Glazier, Chief of Police *JG*
 Date: December 27, 2024
 Subject: Police Department Capital Projects and Equipment - Preliminary Request for FY 25/26

MEETING DATE: January 9, 2025

This memo will provide the Essential Services Advisory Board with the police department's preliminary capital budget requests.

The police department is requesting to replace PIPD Vehicle #10. This is the oldest vehicle in the fleet.

Year	Model	Actual Miles	Idle Miles	Condition
2020	Ford Interceptor SUV	82,888	292,977	Fair

Estimated Replacement Cost

2025 Ford Interceptor SUV	\$40,712 .
Computer Mount, Rifle Mount, Emergency Lights, Cage	\$ 7,500
Graphics	<u>\$ 1,200</u>
Total	\$ 49,412



Awarded Contract

Call Us first, for all of your Fleet Automotive, & Light Truck needs.

Quote

PHONE (800) ALANJAY (252-6529)		DIRECT 863-402-4234	WWW.ALANJAY.COM	60467-1
Corporate Office	2003 U.S. 27 South	MOBILE 863-273-1105	Mailing Address	P.O. BOX 9200
	Sebring, FL 33870	FAX 863-402-4221		Sebring, FL 33871-9200

ORIGINAL QUOTE DATE
12/23/2024

QUICK QUOTE SHEET

REVISED QUOTE DATE
12/23/2024

REQUESTING AGENCY	PONCE INLET POLICE DEPARTMENT		
CONTACT PERSON	CHIEF JEFF GLAZIER	EMAIL	jglazier@ponce-inlet.org
PHONE	404-444-1228	MOBILE	FAX

SOURCEWELL CONTRACT # 2025 091521-NAF & 032824-NAF www.NationalAutoFleetGroup.com

MODEL	K8D 200A	MSRP	\$43,450.00
	2025 FORD EXPLORER AWD ACTIVE		

CUSTOMER ID		CONTRACT PRICE	\$40,712.00
BED LENGTH			

** All vehicles will be ordered white w/ darkest interior unless clearly stated otherwise on purchase order.

FACTORY OPTIONS	DESCRIPTION	
A3	Space White Metallic	\$0.00
8H	Dark Gray/Onyx, Unique Heated Cloth Captain's Chairs	\$0.00
99H	Engine: 2.3L EcoBoost I-4	\$0.00
44T	Transmission: 10-Speed Automatic	\$0.00
200A	OPTIONS Equipment Group 200A Standard Package	\$0.00
25MY K8A	**NEW STD FEATURES** INTERIOR/COMFORT — Climate Control — Rear Aux A/C System — Dark Car — Red and White Dome Lamp in Cargo Area — Speedometer — New LCD 12.3» Display, Rear Camera On-Demand FUNCTIONAL — 100 Watt Siren/Speaker Prep Kit — UIS Upfitter Interface System — PAITRO output tied to liftgate release switch EXTERIOR — Tail Lamp Prep Kit— SAFETY/SECURITY BLIS® — Blind Spot Monitoring with Cross-traffic Alert— Cross Traffic Brake Assist— Police Perimeter Alert detects motion in an approximately 270-degree radius on sides and back of vehicle— Rearview Camera viewable on 8" Center Stack Screen	\$0.00

CONTRACT OPTIONS	DESCRIPTION	FACTORY OPTIONS	
EWD	EXTENDED WARRANTY DECLINED		\$0.00
NO-TEMP	TEMP TAG NOT REQUESTED, CUSTOMER WILL HANDLE THEIR OWN TAG WORK.		\$0.00

CONTRACT OPTIONS \$0.00

TRADE IN	TOTAL COST	\$40,712.00
----------	------------	-------------

YES WE TAKE TRADE INS ~~~~ ASK ABOUT MUNICIPAL FINANCING ~~~~

TOTAL COST LESS TRADE IN(S) QTY 1 \$40,712.00

Estimated Annual payments for 60 months paid in advance: \$9,360.53
Municipal finance for any essential use vehicle, requires lender approval, WAC.

Comments QUOTE SUBJECT TO FACTORY ORDER ACCEPTANCE or 30 DAYS

VEHICLE QUOTED BY ASHLEE WILSON GOVERNMENT ACCOUNT MANAGER Ashlee.Wilson@AlanJay.com

"I Want to be Your Fleet Provider"

I appreciate the opportunity to submit this quotation. Please review it carefully. If there are any errors or changes, please feel free to contact me at any time. I am always happy to be of assistance.



MEMORANDUM

Office of the Public Safety Director

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Essential Services Advisory Board
 From: Daniel Scales, Public Safety Director
 Date: December 30, 2025
 Subject: Fire Department Capital Projects and Equipment Preliminary Request for FY 25/26

MEETING DATE: January 9, 2025

This memo will provide the Essential Services Advisory Board with the fire department's initial capital budget request for fiscal year 25/26. The capital projects and equipment presented meet the threshold requiring review of the Essential Services Advisory Board. This listing will be updated in terms of pricing information and final fire department needs evaluation for the Board's official budget recommendation meeting in March 2025.

Priority 1 – Replacement Deputy Fire Chief Vehicle (including lighting and marking) - \$50,000

This outlines the justification for replacing the Deputy Fire Chief's current 2013 SUV with a new 4x4 pickup truck. The proposed replacement is essential to address reliability issues, functional limitations, and the unique terrain challenges faced by our fire department.

Operational Needs & Current Limitations

The 2013 SUV has shown signs of aging, with increasing maintenance costs (Fiscal Year 23/24 \$6,242 in repair costs) and reduced reliability. Unexpected breakdowns have caused operational disruptions and delayed response times during critical situations. Additionally, the SUV lacks sufficient towing and payload capacity to meet the operational demands of the Deputy Fire Chief's role. Its limited cargo space restricts the ability to transport necessary equipment, supplies, and personnel efficiently (e.g. fire hose, training props, station supplies and associated equipment). The current vehicle's configuration is not optimized for the multifaceted responsibilities of disaster response, training logistics, and emergency management.

As a beach community, the Ponce Inlet terrain includes soft sand, steep inclines, and debris-strewn roads, particularly after storms or natural disasters. Having 4x4 capabilities helps ensure that the vehicle can navigate these challenging conditions, minimizing delays and potential immobilization.

Benefits of a 4x4 Pickup Truck

A new pickup truck will reduce the likelihood of breakdowns and minimize maintenance costs. Incorporation of the latest automotive technology ensures improved durability and long-term performance. Enhanced towing capabilities allow for transporting trailers with equipment, supplies, and personnel during emergencies and training operations. A spacious truck bed supports the transportation of larger quantities of equipment and materials, addressing logistical challenges efficiently. The truck bed can also accommodate debris removal, emergency supplies, and other critical loads that the current SUV cannot handle.

The 4x4 drivetrain provides excellent traction on sand, mud, gravel, and other uneven surfaces, ensuring access to remote or difficult-to-reach locations. Increased ground clearance reduces risks of vehicle immobilization and damage from obstacles in disaster zones, rugged environments, or flooded streets. The pickup's robust design enhances its ability to perform in extreme conditions, including storm aftermath and flooding scenarios.

Cost Considerations

While the upfront cost of a 4x4 pickup truck is higher than a 2-wheeled drive vehicle, the long-term benefits justify the initial expenditure. Reduced maintenance and repair costs compared to an aging vehicle, combined with the improved fuel efficiency of modern engines, help lower overall operating expenses. Additionally, a newer vehicle retains higher residual value and operational efficiency over time, providing better return on investment.

Priority 2 – New Fire Station Preliminary Needs Evaluation and Design - \$50,000

This outlines the justification for seeking support from the Essential Services Advisory Board to fund a needs evaluation and preliminary design for a new fire station to replace the existing station. The proposed funding is crucial to accurately determine the costs for final design and construction for a new station that meets current and future operational demands.

Operational Needs & Current Limitations

The current station infrastructure is increasingly inadequate to support the growing demands placed on our fire department. Constructed in 1981, it is nearing the end of its designed life span. Limited space, aging facilities, and suboptimal layout have hindered operational efficiency and response times. Furthermore, the station does not fully meet modern safety standards, creating potential risks for personnel and equipment.

Furthermore, the existing station is subject to existing and future flooding. The station was built on low-lying land next to a marsh. A portion of the station building lies in a flood zone, for which the Town maintains flood insurance. The station parking lot already experiences flooding during extreme high tides and hurricane storm surges. The Town's Vulnerability Assessment and Watershed Master Plan both show the property will be increasingly susceptible to future flooding caused by sea level rise within the next 15-20 years, making the replacement and possible relocation of this critical asset a priority.

Without a comprehensive evaluation of both the site and building, these issues will continue to impede our ability to provide effective emergency services to the community.

Importance of Evaluation and Preliminary Design

A station needs evaluation will provide a detailed assessment of our operational requirements, including personnel capacity, equipment storage, training facilities, and emergency response readiness. This assessment will identify deficiencies in the current setup and recommend solutions tailored to our specific needs. Preliminary design work will translate these findings into actionable plans, offering a clear and accurate projection of design specifications, timelines, and costs. Together, these steps ensure that the final design and construction phase proceeds efficiently and within budget.

Additionally, this process will establish a solid foundation for determining design, engineering, and construction costs. By providing precise cost estimates and project details, the evaluation will allow the town to explore and secure various funding opportunities, including grants, loans, and public-private partnerships.

Cost Considerations

While funding the evaluation and preliminary design requires an upfront investment, the long-term benefits include preventing costly revisions or delays during construction. By identifying precise needs and solutions early in the process, we reduce the risk of unforeseen expenses. Additionally, accurate cost projections from this process will enable the town to strategically pursue external funding sources, such as the Resilient Florida grant program, minimizing the financial burden on local taxpayers.

Conclusion

Funding the station needs evaluation and preliminary design is a critical step to ensure that our fire department operates from a facility that meets modern standards and supports our mission to protect the community now and in the future. This initiative will provide the foundation for a well-planned, cost-effective construction or renovation project that addresses current deficiencies and prepares for future growth. Furthermore, the insights gained through this process will enable the town to secure necessary funding and ensure the project aligns with financial and operational goals.

Deferred - Replacement Cascade System - \$60,000

After discussions with our current cascade repair service provider, the fire department is recommending that the purchase of a replacement cascade unit be deferred again to the following fiscal year. The repair service has stated that the current unit is still serviceable and safe, and to minimize impact to the 25/26 fiscal year budget, can be deferred to a subsequent budget year.

Thank you.



MEMORANDUM

Public Works Department

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Essential Services Advisory Board
 From: Steve Wargo, Public Works Director
 Date: January 3, 2025
 Subject: Public Works Capital Projects and Equipment Preliminary Requests for FY 25/26

MEETING DATE: January 9, 2025

This memo will provide the Essential Services Advisory Board with the Public Works Department's preliminary capital budget and staffing requests. The projects are grouped based on their primary funding source. The projects are listed in priority order for both groups.

1. New 416 Loader Caterpillar Backhoe - \$130,000 (Split 50% with General Fund and Water Fund)

The department's backhoe, now over 20 years old, has become increasingly unreliable, with multiple breakdowns and costly repairs in 2023-2024, totaling over \$18,000.00. The latest fixes involved salvaging parts from other non-functional backhoes by Ring Power through several state locations, providing only a temporary solution. This equipment is essential for stormwater management, water systems maintenance, roadway repairs, and post-storm debris cleanup, making its reliability crucial. Given the mounting repair costs, a replacement is urgently needed. We've identified a cost-effective option through the Florida Sheriff's Association government buying contract offered by Ring Power. Funding will be split between the Water Operations and Maintenance Fund and the General Fund, reflecting its dual use.

2. Public Works Facility Building B – \$80,000+ (Land Acquisition Fund)

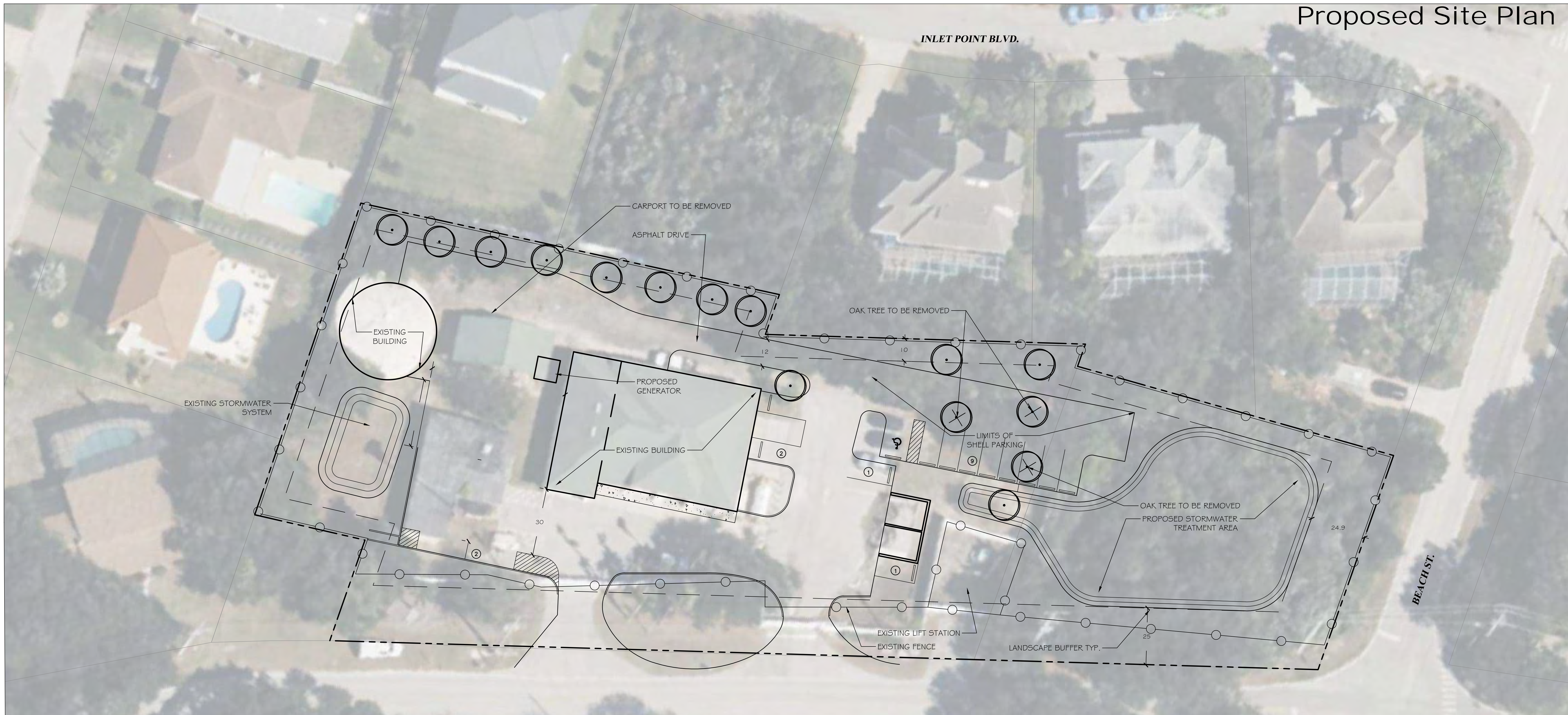
When the Public Works facility was originally designed, staffing consisted of only three employees, and the building was not intended for expansion. Since then, staffing has more than doubled, and the kitchen area now serves as a locker room, dressing room, equipment storage, and office space for crew leaders, with a closet converted into the Assistant Director's office. Building B, the old water works building from 1968, has been deemed structurally unfit for occupancy. Public Works has proposed demolishing this building to construct a new, functional facility. Although the budget for the 2024-2025 fiscal year includes demolition of the building, replacement of the backup generator, and replacement of the building, the amount now appears to be insufficient to fully design and build a new, efficient space. Rather than simply replacing the old building as a storage facility, staff is looking at this as an opportunity to expand the facility to accommodate future needs. For example, the previously estimated budget did not include relocating the generator or the proper cost of the new generator; it did not provide the needed office space, nor did not provide the needed locker room space or adding electric and water service to the new Building B. We request approval

to allocate additional funds to construct a new building that meets the growing needs of Public Works and enhances our ability to serve the Town of Ponce Inlet.

3. Public Works Parking Lot Expansion (Design and Construction) - \$150,000 (Split 50% with Water Fund and General Fund)

The current Public Works facility has outgrown its design due to increased field staff and equipment needs. Parking has become a significant challenge, which is restricting equipment movement and increasing the risk of accidents. Public Works proposes using the vacant lot to the south for parking, with proper screening for the adjacent neighborhood and added water retention. The cost has increased from previous years for materials and labor. A conceptual plan is attached for review. This plan has been proposed previously but was not included in the current-year budget.

Thank you for your continued support of the Public Works Department.



CONCEPTUAL PLAN NOTES:

1. PROPOSED ZONING: PUBLIC INFRASTRUCTURE
2. THIS CONCEPTUAL PLAN WAS COMPLETED WITHOUT THE BENEFIT OF BOUNDARY, TOPOGRAPHICAL, WETLAND OR TREE SURVEY INFORMATION.
3. THIS CONCEPTUAL PLAN IS NOT INTENDED TO IMPLY OWNERSHIP OF THE LAND SHOWN HEREON.
4. THIS CONCEPTUAL PLAN HAS BEEN PREPARED USING THE INFORMATION COMPILED FROM THE FOLLOWING SOURCES:
 A. BOUNDARY INFORMATION BASED ON VOLUSIA COUNTY PARCEL DATA
 B. EXISTING INFORMATION PROVIDED BY PONCE INLET PUBLIC WORKS, DATED 1-17-03.
5. THIS CONCEPTUAL PLAN ASSUMES THE FOLLOWING INFORMATION:
 5.1. STORMWATER RETENTION AREA IS ASSUMED AT 7% OF THE SITE. FINAL DESIGN AND PERMITTING WILL CHANGE DESIGN.
 5.2. TREE LOCATIONS ARE CONCEPTUAL AND WILL REQUIRE FULL SURVEY FOR BOTH PARCELS.
6. THE STORMWATER MANAGEMENT SYSTEM ON THIS CONCEPTUAL PLAN IS PRELIMINARY BASED ON THE BEST AVAILABLE INFORMATION AND IS SUBJECT TO CHANGE.
7. 15 PARKING SPACES SHOWN ON PLAN. THREE ADDITIONAL SPACES PROVIDED FOR APPROXIMATE EXISTING OAK TREE LOCATIONS PROVIDED BY CITY.



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PONCE INLET PUBLIC WORKS CP2
VOLUSIA COUNTY, FLORIDA





Meeting Date: January 9, 2025

Agenda Item: 7-B

Report to Essential Services Advisory Board

Topic: Request for continued support for the South Peninsula Drive Sidewalk Project.

Summary: Every year, local governments that have applied for grant funding through the Volusia-Flagler Transportation Planning Organization must provide a letter of continued support for their projects and reaffirm to the TPO that the local government sponsor of the project remains committed in terms of political and financial support.

Suggested motion: To support the request for continued support of the South Peninsula Drive Sidewalk Project and forward to the Town Council with a recommendation of APPROVAL.

Requested by: Mr. Lear, Planning & Development Director

Approved by: Mr. Disher, Town Manager



MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Essential Services Advisory Board
From: Darren Lear, AICP, Planning & Development Director
Date: January 2, 2025
Subject: Request for Continued Support for the S. Peninsula Drive Sidewalk Project

MEETING DATE: January 9, 2025

1 **Introduction**

2 Local governments that have applied for grant funding through the Volusia-Flagler Transportation
3 Planning Organization (TPO) must annually provide a letter of continued support for their projects.
4 These support letters reaffirm to the TPO that the local government sponsor of the project is still
5 committed in terms of political and financial support. The Town's S. Peninsula Drive sidewalk project
6 involves the reconstruction and widening of the existing sidewalk along the entire length of the town
7 into an 8-foot-wide concrete path which can be utilized by both cyclists and pedestrians.
8

9 **Background**

10 The inspiration for this project was first conveyed in the Town's 2017 Bicycle-Pedestrian Master Plan.
11 This plan states, "An efficient bicycling and pedestrian network is also a critical element to realizing
12 the potential economic benefits to be gained from non-motorized forms of transportation. Individually,
13 walking and bicycling is much less expensive than operating a motorized vehicle and ultimately can
14 contribute to a healthier population, resulting in reduced health care costs for both the individual and
15 community. A well-connected bicycling and pedestrian network with sidewalks as wide as eight feet
16 help make a community a more attractive place to live, work, and play...."
17

18 The Town applied to the TPO for grant funding to conduct a feasibility study for this project in 2017,
19 which is the first step in the design and construction process through the TPO.
20

21 In 2019, the Town Council adopted Res. No. 2019-01, authorizing staff to submit a grant application
22 for design and construction to the TPO through the TPO's annual Priority Projects program.
23

24 In 2021, the Town Council voted unanimously to increase the Town's local match contribution to 15%
25 to improve the project's score and rank. The stronger score, in combination with other projects coming
26 off the project list, moved the Town's sidewalk project up into the top 3 of 17 bicycle and pedestrian
27 projects awaiting funding. The 2021 Priority Project list was approved by the TPO Board on June 23,
28 2021. The project is currently incorporated into FDOT's Five-Year Work Program.
29

30 FDOT is the steward of Federal-aid transportation funds and is responsible for oversight of federally
31 funded projects on behalf of the Federal Highway Administration. Projects using federal transportation
32 dollars allocated through state DOTs and TPOs can only be administered by qualified agencies known
33 as Local Agency Program (LAP) certified agencies that have the in-house engineering and fiscal
34 capacity to oversee large-scale construction. The LAP is FDOT’s primary delivery mechanism for
35 local agency projects to develop, design, and construct transportation facilities with Federal-Aid funds.

36
37 Without its own in-house engineering staff, the Town does not qualify as a LAP-certified agency, and
38 so has asked Volusia County Public Works to administer the project on the Town’s behalf. The Town
39 Council approved a Joint Project Agreement with Volusia County on May 18, 2023, to provide design,
40 construction, and administration services on behalf of the Town. Volusia County also approved said
41 agreement on June 20, 2023. Under this arrangement, the Town will reimburse the County for the costs
42 to design and build the project. The Town will be able to meet its 15% match obligation for paying for
43 100% of the design costs. Funding for construction will be arranged between FDOT and Volusia
44 County as the LAP-certified agency. The Town will still be responsible for reimbursing Volusia
45 County staff for its costs to administer the project.

46
47 **Update**
48 Starting in August 2024, contractors hired by Volusia County began conducting essential survey work
49 along S. Peninsula Drive, from the northern Town limits to Lighthouse Drive (**Attachment 1**). This
50 survey marks the beginning of the design phase for the sidewalk widening project on S. Peninsula
51 Drive and is expected to take about five months.

52
53 This survey effort is just the initial step in the design process. Once it is completed, the County will
54 hire an engineer to finalize the design.

55
56 **Next Steps**
57 As part of the support letter, applicants are required to provide an engineer’s cost estimate
58 (**Attachment 2**). The applicable cost estimate for this year is the “Year 2 Inflation-Adjusted Estimate
59 (2025)”.

60
61 The Town is required to submit a letter to the TPO reaffirming its commitment to the project (see this
62 year’s draft letter, **Attachment 3**).

63
64 **Recommendation**
65 Staff recommends the Board forward the request for continued support of the S. Peninsula sidewalk
66 project to the Town Council with a recommendation of **approval**.

Attachments

1. Project phasing map
2. Updated cost estimates
3. Draft letter of support

Attachment 1

Attachment 2

Attachment 3

February __, 2025

Ms. Colleen Nicoulin, Executive Director
River to Sea Transportation Planning Organization
1 Deuce Court, Daytona Beach 32124

RE: Letter of Continued Support for the Town of Ponce Inlet's S. Peninsula Drive Sidewalk Mobility Project on FDOT's Five-Year Work Program

Dear Colleen:

The Town of Ponce Inlet is pleased to indicate its continued support of its previously submitted Mobility Project and wishes for it to remain on the FDOT Five-Year Work Program. The project consists of replacing the existing sub-standard sidewalk on S. Peninsula Drive with an 8-foot concrete sidewalk along the entire length of the Town. The goal of the project is to enhance mobility and safety for residents and visitors by providing an ADA-compliant route for pedestrians and cyclists connecting the Town's homes, local businesses, cultural centers, and public parks.

The Ponce Inlet Town Council affirmed the Town's continued support, including a local match pledge of 15%, at its regular meeting on _____, 2025.

Please direct any questions or concerns about this project to me at mdisher@ponce-inlet.org or (386) 236-2150.

Sincerely,

Michael E. Disher, AICP
Town of Ponce Inlet
Town Manager



Meeting Date: January 9, 2025

Agenda Item: 7-C

Report to Essential Services Advisory Board

Topic: 2025 Meeting Dates

Summary: Staff has provided the attached list of tentative meeting dates for the 2025 calendar year.

Suggested motion: To accept the tentative schedule of 2025 meeting dates.

Requested by: Ms. Cherbano, Town Clerk
Ms. Gjessing, Assistant Deputy Clerk

Approved by: Mr. Disher, Town Manager



MEMORANDUM

Town of Ponce Inlet - Office of the Town Clerk

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Essential Services Advisory Board Members
From: Stephanie Gjessing, Assistant Deputy Clerk
Through: Kim Cherbano, Town Clerk
Date: December 23, 2024
Subject: 2025 Essential Services Advisory Board Meeting Dates

MEETING DATE: January 9, 2025

The 2025 Essential Services Advisory Board regular meeting dates are tentatively scheduled as follows:

- Thursday, March 6th
- Thursday, July 3rd
- Thursday, October 2nd
- Thursday, January 8th, 2026

Additional meetings may be required based on projects and the dates noted above are subject to change.

Prompt scheduling of meetings allows for sufficient time for the Board members, Council, staff, town attorney's office and residents to plan accordingly. Thank you for your consideration.



Meeting Date: January 9, 2025

Agenda Item: 8

Report to Essential Services Advisory Board

Topic: Report of Staff

Summary: Department Directors will provide a report and/or update of department projects:

- A. Fire Department – Chief Scales
- B. Public Works – Mr. Wargo
- C. Police Department – Chief Glazier
- D. Planning & Development – Mr. Lear
- E. Board Liaison – Ms. Cherbano

Suggested motion: At the Board’s discretion.

Requested by: Ms. Cherbano, Town Clerk

Approved by: Mr. Disher, Town Manager