

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

March 11, 2021

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, Florida 34731

6:00 p.m.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation – Pastor Daryl Allen, Community United Methodist Church

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. SPECIAL PRESENTATION

Lake County Manager Introduction by District 5 Lake County Board of County Commissioner Josh Blake.

4. CONSENT AGENDA

Approval of Minutes - February 25, 2021 regular meeting

5. REGULAR AGENDA

- (a) Resolution 2021-009 FDLE Byrne Grant *Our Kids, Our Future* FY-2020-21 Budget Amendment** (city attorney/city treasurer/city manager/police chief)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE FDLE BYRNE GRANT REVENUE BUDGET AND THE POLICE EQUIPMENT GRANT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

- (b) Resolution 2021-008 Charter Review Proposal – FIOG** (city attorney/city treasurer/city manager/police chief)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PROPOSAL FOR CHARTER REVIEW BETWEEN THE CITY OF FRUITLAND PARK; AND UNIVERSITY OF CENTRAL FLORIDA – FLORIDA INSTITUTE OF GOVERNMENT; PROVIDING FOR AN EFFECTIVE DATE.

- (c) **LDRs Legal Review Discussion** (city manager)
Discussion on the land development regulations legal review.
- (d) **Municipal Business Tax License - Florida League of Cities Inc. Discussion** (city manager/city clerk)
Florida League of Cities' (FLCs') investigations of unpaid, escaped and delinquent business taxes from corporations, firms or associations transacting any insurance business in the city.

PUBLIC HEARING

- (e) **Public Hearing - Resolution 2021-006 CDBG CV Small Cities-Entitlement Application Program** (city attorney/city manager)
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT FOR CDBG-CV APPLICATION ON BEHALF OF THE CITY FOR THE NEW EOC/EMERGENCY EQUIPMENT; PROVIDING FOR AN EFFECTIVE DATE.
 - (f) **First Reading and Public Hearing - Ordinance 2021-002 Alcoholic Beverages Consumption Policy** (city attorney/city manager/parks and recreation director)
AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES TO CREATE A POLICY RELATING TO POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ISSUANCE OF ALCOHOLIC BEVERAGE PERMIT; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Continued from the February 25, 2021 regular meeting.)
6. (a) **City Manager**
- i. **Economic Development Status Update**
 - ii. **COVID-19 Status Update**
 - iii. **Fruitland Park Cub Scout Pack 143 Request**
 - iv. **Information Technology Discussion**
- (b) **City Attorney**
- i. **City of Fruitland Park v. State of Florida Department of Management Services**

ii. Michael and Laurie Fewless v. City of Fruitland Park Lake County Case No. 2020-CA-000104

iii. Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026

7. UNFINISHED BUSINESS

8. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

(b) Commissioner DeGrave

(c) Commissioner Bell

(d) Vice Mayor Gunter, Jr.

10. MAYOR'S COMMENTS

11. ADJOURNMENT

DATES TO REMEMBER

- March 18, 2021, City Commission/Planning and Zoning Joint Workshop at 6:00 p.m. or immediately after the P&Z Board meeting which may occur at 6:00 p.m.;
- March 25, 2021, City Commission Regular at 6:00 p.m.;

- April 8, 2021 City Commission Regular at 6:00 p.m.;
- April 9, 2021 Lake County League of Cities (LCLC), TBD, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- April 22, 2021 City Commission Regular at 6:00 p.m.;
- April 28, 2021 Lake~Sumter Metropolitan Planning Organization Governing Board, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;
- April 29, 2021, 2021 Lake County Trails Forum, 1 Dozier Court, The Venetian Center, Leesburg, Florida 34748 at 5:30 p.m.;

- May 10, 2021, Lake County Parks, Recreation and Trails Advisory Board, Office of Parks and Trails Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;
- May 13, 2021 City Commission Regular at 6:00 p.m.;
- May 14, 2021, LCLC, TBD, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.
- May 27, 2021 City Commission Regular at 6:00 p.m., and

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and 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 city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 3**

ITEM TITLE:	Special Presentation
For the Meeting of:	March 11, 2021
Submitted by:	City Clerk
Date Submitted:	February 24, 2021
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	None

Item Description:	Special Presentation - Lake County Manager
Introduction	

Action to be Taken:	None
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Staff's Recommendation:	N/A
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Additional Comments:	None
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City Manager Review:	Yes
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Mayor Authorization:	Yes
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**CITY OF FRUITLAND PARK
CONSENT AGENDA ITEM SUMMARY SHEET
Item Number: 4**

ITEM TITLE:	Draft Regular Meeting Minutes
For the Meeting of:	March 11, 2021
Submitted by:	City Clerk
Date Submitted:	March 3, 2021
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Draft minutes

Item Description: Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s), and (3) Discuss each pulled item separately and vote.

- January 28, 2021 regular meeting

Action to be Taken: **Approve the consent agenda.**

Staff's Recommendation: Approve the meeting minutes as submitted if there are no corrections.

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

**FRUITLAND PARK CITY COMMISSION REGULAR
MEETING MINUTES
February 25, 2021**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, February 25, 2021 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor John L. Gunter, Jr., Commissioners Chris Bell, Patrick DeGrave and John Mobilian.

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Lieutenant Timothy “Tim” Ross, Police Department; Public Works Director Robb Dicus; Human Resources Director Diane Kolcun; Parks and Recreation Director Michelle Yoder; Lake County Firefighters/Paramedics L Herbler, Raymond Brittian and Benjamin “Ben” Green, and City Clerk Esther B. Coulson.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order, Reverend Joseph “Joey” B. Willis, Eagles Nest Baptist Church gave the invocation and Lieutenant Ross led in the Pledge of Allegiance to the flag.

ACTION: 6:00:00 p.m. No action was taken.

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll and a quorum was declared present.

Agenda Change

Mayor Cheshire announced the change to this evening’s agenda item 4.(b), Resolution 2021-007 Mirror Lake Nutrient Separating Baffle Box and referred to the addendum, Chapter 119 Florida Statutes, public records law.

ACTION: 6:01:11 p.m. **By unanimous consent, the city commission accepted the change to this evening’s agenda to accept including the addendum as previously cited.**

3. CONSENT AGENDA

The city commission considered its action to approve the following consent agenda items:

(a) **Approval of Minutes - February 11, 2021 Regular Meeting**

(b) **Resolution 2021-004 Lake County Fire Contractual Expense FY 2020-21 Budget Amendment**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF FRUITLAND PARK, FLORIDA, AMENDING THE
2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07
OF THE CITY CHARTER TO INCREASES TRANSFER IN

FROM VARIOUS FUNDS AND LAKE COUNTY FIRE REVENUE BUDGET AND INCREASE THE LAKE COUNTY FIRE CONTRACTUAL EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

(c) **Resolution 2021-005 Recreation Scholarship Fund**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ESTABLISHING A RECREATION SCHOLARSHIP FUND WITHIN THE RECREATION FUND; PROVIDING DIRECTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:01:48 p.m. **On motion of Commissioner Bell, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

4. REGULAR AGENDA

(a) **Resolution 2021-002 Lien Foreclosure**

Ms. Geraci-Carver read into the record proposed Resolution 2021-022, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING LIEN FORECLOSURE ATTORNEY RETAINER AGREEMENT; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from the January 28, 2021 regular meeting.)

Mr. La Venia recalled the city commission's actions at its January 28, 2021 regular meeting to submit changes on the lien foreclosure attorney retainer agreement to Mr. Matthew D. Weidner PA, after receiving favorable references and gathering information from municipalities who have retained his services.

ACTION: 6:02:04 p.m. After discussion and **by unanimous consent, the city commission accepted Commissioner DeGrave's suggestion to change the following provisions under the Lien Foreclosure Attorney Retainer Agreement:**

- **First page, second sentence of the first paragraph . . . *All communication with the city by the attorney related to the matters herein shall be through the city manager designee. . .* to reflect that the city commission would not be prohibited from communicating.**
- **Section 1, . . . *The City Manager or his designee may assign cases . . . for foreclosure . . .* to read: . . . *The city commission may authorize the city manager or designee to assign cases . . . for foreclosure.***

A motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-002, as previously cited and as amended accepting the aforementioned changes under the Lien Foreclosure Attorney Retainer Agreement.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(b) Resolution 2021-007 – Mirror Lake NSBB™ Project – BESH-Halff Proposal Agreement

Ms. Geraci-Carver read into the record proposed Resolution 2021-007, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ADOPTING THE CIVIL ENGINEERING AND SURVEYING SERVICES PROPOSAL/AGREEMENT FOR MIRROR LAKE BAFFLE BOXES PROJECT BETWEEN BESH HALFF AND THE CITY OF FRUITLAND PARK; PROVIDING FOR AN EFFECTIVE DATE.

After Mr. Brett Tobias, BESH-Halff (land planners and surveying engineers retained by the city) described how each combined boxes are individually engineered, designed, surveyed and calculated for the different locations along east Mirror Lake Drive, he recommended the immediate engineering of three (shovel-ready) boxes; requested that Ms. Geraci-Carver review the 2020 Lake County Water Authority (LCWA) Stormwater Grant, and suggested that the city pursue additional future LCWA funds for the ensuing years.

After Mr. La Venia relayed, in response to Commissioner DeGrave's inquiry, the recommendation from Ms. Maryann Krisovitch, Florida Lake Management Society, to utilize LCWA's grant funds for stormwater projects, Mayor Cheshire referred to LCWA's Stormwater Grant Program Agreement to fund the Mirror Lake Nutrient Separating Baffle Box Construction consisting of engineering design and construction of three nutrient separating baffle boxes to reduce the sediments and nutrient loadings to Mirror Lake and outlined the cost estimates with the requested total of \$400,000.

ACTION: 6:07:03 p.m. Following further discussion, a motion was made by Commissioner DeGrave and seconded by Commissioner Mobilian that the city commission adopt Resolution 2021-007, as previously cited, with the proviso that the city manager and city attorney follow-up with the Lake County Water Authority to determine the ability to proceed with the simultaneous engineering design and construction of three nutrient separating baffle boxes

from the 2020 Stormwater Grant of \$400,000 (recognizing that said funding would be adequate for one or two boxes); **otherwise report back to the city commission.**

With reference to Vice Mayor Gunter's suggestion, Mr. Carl Yauk, Villages of Fruitland Park (Pine Hills) resident, addressed the cost effectiveness of the \$15,000 design per baffle box; the selection and engineering of the largest required box, and the utilization of same in different locations.

After Mr. Dennis Fontanez, City of Fruitland Park resident, voiced his concurrence with Mr. Yauk's comments, Mr. Tobias outlined the engineering and surveying and roadway connection costs determined for all three separate watersheds identified in the grant.

Following much discussion, and upon Mayor Cheshire's suggestion, **the city commission, by unanimous consent, accepted the addendum, (Florida Statutes Chapter 119, Public Records) to be incorporated as part of the motion on the floor.**

Mayor Cheshire called for a roll call vote on the motion, as amended, and declared it carried unanimously.

(c) Superior (Solutions) LLC – CentralSquare Technologies Discussion

Mr. La Venia gave a report on outstanding issues experienced with the TRAKIT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies software program which has not been used since it was purchased on March 12, 2020; its invoice for annual maintenance for March 1, 2021 for \$5,178.44 and the city's likelihood of challenging the obligation to remit any funds until such time Superion covers the city's costs already paid for said program.

Ms. Geraci-Carver referred to her February 18, 2021 letter regarding the March 12, 2020 Superion Solutions Maintenance Agreement and default notice requesting correction within the next 30 days; otherwise, the contract would be terminated. She relayed recent conversations she had with Superion's attorney -- who met its technical staff regarding issues believed to have been resolved on February 10, the assurance of rectifying same on February 26, 2021 and outstanding matters of which they were unaware where they ought to be informed to cure same. Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.

Ms. Geraci-Carver conveyed Superion's attorney's remarks that he could not make a decision -- on the city's inability to utilize the program over the past year and its desire to not pay the current invoice but apply the funds paid in 2020 to same if the program becomes usable -- and his request that he would address the city's concerns to Superion's vice president. She addressed her intent to provide a list of problems to Superion's attorney on the week of February 29, 2021; subsequently hold further

discussions on whether the issues would be resolved within the 30-day period and review the provisions in the contract to recover the funds.

ACTION: 6:48:29 p.m. After extensive discussions and, **by unanimous consent, the city commission agreed to make no further payments to TRAKIT/Superion (Solutions) LLC Citizens' Engagement, CentralSquare Technologies; seek the recovery of monies previously paid for services not rendered, and to remit payment towards the future use of its software program once the issues have been resolved; or otherwise, cancel the maintenance agreement; recover funds already expended, and seek another company to service the city.** (The city commission agreed to consider taking action at its April 9, 2021 regular meeting.)

PUBLIC HEARING

(d) First Reading and Public Hearing – Ordinance 2021-002 Alcoholic Beverages Consumption Policy

Ms. Geraci-Carver read into the record proposed Ordinance 2021-002, the substance of which is as follows:

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES TO CREATE A POLICY RELATING TO POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ISSUANCE OF ALCOHOLIC BEVERAGE PERMIT; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Continued from the February 11, 2021 regular meeting.)

After discussion, Mr. Jonathan “Jon” Riveria, Public Risk Management of Florida (World Risk Management), addressed the broad definition of liquor liability policies. He referred to Ms. Geraci-Carver’s statement regarding the online Tenant Users Liability Insurance Program (TULIP) – a primary liability insurance program for users (above and beyond and separate from the city’s) endorsed as a liquor liability insurance coverage protection -- where the city would be named as an additional insured which he recommended for less than 500 individuals.

Following further discussion, Ms. Yoder referred to the alcohol waiver and alcohol consumption, sale or distribution provisions for small groups of less than thirty persons and the required insurance coverage as outlined in the Fruitland Park Community Center Reservation Request and Rental Agreement forms (adopted by Resolution 2021-003 at the February 11, 2021 regular meeting). After Mr. La Venia concurred with Ms. Yoder’s recommendation citing reasons to remove the number of individuals under the alcohol waiver provision, she suggested revising

the reservations, fee payments, and facility rental agreement provisions to reflect that during the parks and recreation department office hours, the consumption or sale of alcohol be prohibited.

After much discussion, and in response to Vice Mayor Gunter's inquiry regarding subsection 33.60.(B)c., he questioned the special events sponsored by the city at the library with more than 30 persons during business hours, Ms. Geraci-Carver pointed out the provisions under subsection 33.60(B)b., Fruitland Park Community Center . . . *No alcoholic beverages may be sold or consumed in the Fruitland Park Community Center without an alcoholic beverage permit issued by the city. Application for such a permit shall be made through the parks and recreation department and approved by the city manager. . . .*

Commissioner Bell cited to subsection 33.60(C)d., Prohibitions . . . *Public place for purposes of this chapter includes all parks, walks, alleys, streets, boulevards, avenues, lanes, roads, highways, or other ways or thoroughfares dedicated to public use or owned or maintained by the city; and all grounds and buildings owned, leased by, operated, or maintained by the city. . . .* He suggested the inclusion of special events for the library facility and recognized the city's annual Fruitland Park Day and Hometown Christmas events.

ACTION: 7:00:29 p.m. After considerable debate, and **upon Commissioner DeGrave's suggestion the city commission by unanimous consent, agreed with the city attorney's suggestion to change the title in proposed Ordinance 2021-002 to reflect city special events and to revise the following language, acceptable by the insurance provider:**

- **subsection 33.60.(B)e., Fruitland Park Community Center . . . retain the language . . . *small groups of less than 30 people . . . and insert language holding the individual serving or selling alcohol to be licensed and adhere to applicable laws.***
- **subsection 33.60(C)a., Public places - prohibition., replacing the words. . . *The city manager . . . with the words . . . *The city commission . . . by permit, may approve the consumption of alcoholic beverages in public places for special events . . . and indicated that said language would include the library (noting that the language ought to relate to specific and type of insurance) and****
- **subsection 33.60(C)d., Prohibitions would be defined to reflect that the city may choose to serve and consume alcohol in the areas previously cited to apply to city-sponsored events (noting that the language relates to the location holding the city-event).**

After Mayor Cheshire referred to the existing enacted Special Events Ordinance 2015-002, **on motion of Commissioner DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission continued its action to**

consider proposed Ordinance 2021-002 to a future meeting and directed the city attorney to report back to the commission with more information.

5. (a) City Manager

i. Economic Development Status Update

Mr. La Venia reported on the plan to hold a March 2, 2021 Technical Review Committee meeting to address the proposed development applications in the city.

ACTION: 7:31:41 p.m. No action was taken.

ii. COVID-19 Status Update

Mr. La Venia reported that he has nothing to report regarding COVID-19.

ACTION: 7:34:04 p.m. No action was taken.

iii. Conceptual Floor Plan – WWTP Building – GatorSkitch

Mr. La Venia referred to the conceptual floor plan for the proposed public works (operations) building and recognized the exclusion of the mezzanine and architect design costs. If the plan is satisfactory to the city commission, he mentioned utilizing the construction management at-risk request for qualifications procurement process and he agreed to meet with BESH-Halff to address cost-effective options.

Following some discussion, Mr. La Venia addressed the alternatives in the future for additional storage space and to separate with a constructed wall the single locker rooms for men and women to be erected at both sides of the proposed building.

ACTION: 7:34:09 p.m. After discussion and **by unanimous consent, the city commission accepted the conceptual floor plan for the proposed public works (operations) building. Additionally, the city commission accepted Commissioner DeGrave's request for staff to present the elevation plans to the city commission before proceeding with the procurement process and earmark as a separate line item in the proposed FY 2021-22 budget the purchase of new furniture for said building.**

(b) City Attorney

i. City of Fruitland Park v. State of Florida Department of Management Services

Ms. Geraci-Carver referred to email communication received earlier this day from Mr. Glenn E. Thomas, attorney retained by the city, that the State of Florida Department of Management Services case has been rescheduled for the June 7 to 9, 2021 administrative hearing.

ACTION: 7:42:32 p.m. No action was taken.

ii. Michael and Laurie Fewless v. City of Fruitland Park

Ms. Geraci-Carver referred to communication received earlier this day from Mr. Thomas regarding Michael and Laurie Fewless' attorney's additional requests for discovery and production and interrogatories in writing. Once fulfilled, she addressed Mr. Thomas' intent to schedule a hearing before the judge on the pending motion to dismiss.

ACTION: 7:42:49 p.m. No action was taken.

iii. Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026

Ms. Geraci-Carver explained that she has nothing to report on the Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park case.

ACTION: 7:43:08 p.m. No action was taken.

6. UNFINISHED BUSINESS

There was no unfinished business to come before the city commission at this time.

ACTION: 7:43:15 p.m. No action was taken.

7. PUBLIC COMMENTS

Mr. Yauk voiced his anticipation that the city would ensure that potential problems with the proposed public works building would be resolved prior to completion.

Mr. Yauk indicated that earlier this day, he drove by the steel structure of the old mercury thermometer incinerator plant located on US SR 441/Highway 27; noticed the longtime missing roof and the existing sheet metal seemingly caught by the wind to be precarious and a potential hazard to which Mr. La Venia recognized the matter as the pending Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case addressed earlier on this evening's agenda. .

ACTION: 7:43:16 p.m. No action was taken.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian reported that he attended the February 24, 2021 Lake~Sumter Metropolitan Planning Organization (LSMPO) meeting and that the roadway improvement project CR 466 (Phase 3B, from Poinsett Avenue to Timbertop Lane, with a proposed construction cost of \$7,223,131) is ranked number one on the top 20 – tier 1 of the 2020 list of LSMPO's approved priority projects. He explained that said project is earmarked for funding for fiscal year 2023 to which Mr. La Venia noted the construction phases to commence July 2023

which is funded in the State of Florida Department of Transportation's tentative work program.

ACTION: 7:45:01 p.m. No action was taken.

(b) Commissioner DeGrave

Commissioner DeGrave stated that he had no comments at this time.

ACTION: 7:48:22 p.m. No action was taken.

(c) Commissioner Bell

Commissioner Bell relayed the complaints received from individuals who were disappointed about the postponement of the annual Fruitland Park Day event. Mr. La Venia, in response to the question posed on the commencement of summer programs at the library, recognized the number of virtual programs administered through the Lake County Library System and addressed his plan to communicate with Library Director JoAnn Glendinning on the library advisory board's views relative to same.

ACTION: 7:48:23 p.m. No action was taken.

(d) Vice Mayor Gunter, Jr.

Vice Mayor Gunter stated that he had no comments at this time.

ACTION: 7:49:24 p.m. No action was taken.

9. MAYOR'S COMMENTS - DATES TO REMEMBER

Mayor Cheshire announced the following events:

- March 11, 2021, City Commission Regular at 6:00 p.m.;
- March 12, 2021, Lake County League of Cities (LCLC), Joint Presentation *St. John's River Water Management District* and *Lake County Water Authority*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- March 12, 2021, *Public Safety Complex Dedication*, 6825 SR 50 Groveland, Florida 34736 at 3:00 p.m.;
Mayor Cheshire recognized the interest to attend as the proposed public safety complex is designed by GatorSkitch.
- March 18, 2021, City Commission/Planning and Zoning Joint Workshop at 6:00 p.m. or immediately after the P&Z Board meeting which may occur at 6:00 p.m.;
- March 25, 2021, City Commission Regular at 6:00 p.m.,
- April 8, 2021, City Commission Regular at 6:00 p.m., and
- April 22, 2021, City Commission Regular at 6:00 p.m.

ACTION: 7:49:26 p.m. No action was taken.

10. ADJOURNMENT

There being no further business to come before the city commission, the meeting adjourned at 7:50 p.m.

The minutes were approved at the March 11, 2021 regular meeting.

Signed _____
Esther B. Coulson, City Clerk, MMC

Signed _____
Chris Cheshire, Mayor

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5a

ITEM TITLE: Resolution 2021-009 and Budget Amendment BT2021-007 FDLE Byrne Grant, *Our Kids, Our Future*

For the Meeting of: March 11, 2021

Submitted by: City Treasurer

Date Submitted: February 22, 2021

Funds Required: Yes (see below)

Attachments: Proposed resolution budget amendment and supporting documents

Item Description: Resolution 2021-009, Florida Department of Law Enforcement (FDLE) Byrne Grant *Our Kids, Our Future* Budget Amendment BY2021-007 adds \$3,833 to FDLE Byrne Grant revenue (01001-33421) and increases the police department equipment grant expense (01521-60648) by \$3,833. The Lake County Board of County Commissioners approved the distribution of the FDLE Byrne Grant *Our Kids, Our Future* received on May 28, 2020. This budget amendment will increase the FY 2020-21 budget by \$3,833.

Action to be Taken: Adopt Resolution 2021-007.

Staff's Recommendation: Approve Resolution 2021-007 and Budget Amendment BT2021-007 FDLE Byrne Grant, *Our Kids, Our Future* Budget

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-007

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE 2020/2021 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE FDLE BYRNE GRANT REVENUE BUDGET AND THE POLICE EQUIPMENT GRANT EXPENSE BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fiscal Year 2020-2021 budget of the City of Fruitland Park was adopted on September 24, 2020; and

WHEREAS, Florida Department of Law Enforcement awarded the City of Fruitland Park the FDLE Byrne Grant; and;

WHEREAS, it is necessary to increase revenues in the General Fund by \$3833.00 for FDLE Byrne Grant funds awarded to City of Fruitland Park; and:

WHEREAS, the City Commission desires to amend the 2020-2021 Fiscal Year budget to increase the Police Equipment Grant Expense Budget by \$3833.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA:

Section 1. The 2020/2021 budget adopted on September 24, 2020 is amended as set forth in Exhibit "A" attached hereto.

Section 2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this _____ day of _____ 2021, by the City Commission of the City of Fruitland Park, Florida.

City of Fruitland Park
Chris Cheshire, Mayor

Attest:

Esther B. Coulson, MMC
City Clerk

Mayor Cheshire ___(Yes), ___(No), ___(Abstained), ___(Absent)
Vice Mayor Gunter ___(Yes), ___(No), ___(Abstained), ___(Absent)
Commissioner Bell ___(Yes), ___(No), ___(Abstained), ___(Absent)
Commissioner DeGrave ___(Yes), ___(No), ___(Abstained), ___(Absent)
Commissioner Mobilian ___(Yes), ___(No), ___(Abstained), ___(Absent)

Approved as to form and legality:

Anita Geraci-Carver
City Attorney

CITY OF FRUITLAND PARK

Interfund Budget Amendment: #

BT2021-007

To: CITY MANAGER

Date: 22-Feb-2021

Prepared by: Finance Director
Department Head

Approved: City Manager

REVENUES:

Object name & # 01001-33421 Byrne Grant Amount: 3,833 Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

EXPENDITURES:

Object name & # 01521-60648 PD Equipment Purchase Grant Amount: 3,833 Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Object name & # Amount: Inc/Dec

Explanation: FDLE Byrne Grant for Our Kids, Our Future to purchase a Enclosed Trailer

Approved by Commission: 3/11/2021
Date

City Clerk

City Finance Director

Mayor



506 W. Berckman Street
Fruitland Park, Florida 34731

Tel. (352) 360-6727
Fax. (352) 360-6686

May 28, 2020

Ms. Rona Kay Cradit
Bureau Chief Office of Criminal Justice Grants
Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee, FL 32302-1489

RE: Approval of grant allocation amounts by a majority (51%) of applicant agencies

Dear Ms. Cradit,

In compliance with State of Florida Rule 11D-9, Florida Administrative Code, Lake County Board of County Commissioners approves the distribution of \$87,350.00 of Federal Fiscal Year 2019 Edward Byrne Memorial Justice Assistance Grant (JAG-Countywide) funds for the following projects within Lake County:

Name of Organization	Project	Amount Awarded
Clermont Police Department	Civil Unrest/Mobile Field Force Equip.	\$8,191
Eustis Police Department	Narcotics Trained Canine	\$6,813
Fruitland Park Police Department	Our Kids, Our Future	\$3,833
Groveland Police Department	Traffic Calming Project Part II	\$4,480
Howey In the Hills Police Department	Tactical Equipment	\$4,213
Lady Lake Police Department	Active Shooter Kits	\$4,312
Lake County Sheriff Office	Explosive Device Protocol	\$30,222
Leesburg Police Department	In-Car Video Systems 2020	\$9,219
Mascotte Police Department	Firearms Training & Equipment	\$5,702
Mount Dora Police Department	Mobile Fingerprint ID Scanners	\$4,663
Tavares Police Department	Tasers	\$3,632
Umatilla Police Department	Portable Printer Completion	\$2,070
	TOTAL	\$87,350

Sincerely,

Christopher Cheshire, Mayor

Enclosed trailer
01521-60648
01001-33421

Equipmt Purchase Grant
Byrne Grant

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 2: Project Overview

General Project Information

Project Title: OUR KIDS OUR FUTURE
Subgrant Recipient: City of Fruitland Park
Implementing Agency: Fruitland Park Police Department
Project Start Date: 10/1/2020 **End Date:** 9/30/2021

Problem Identification

Even though Fruitland Park Police Department is a smaller agency, there are not many opportunities to interact with the children of the community. The City sponsors events in the Spring and in the Winter (Fruitland Park Day and Hometown Christmas) which provide only a small window of opportunity for the officers to be seen in a positive light.

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Project Summary (Scope of Work)

The Fruitland Park Police Department will use the JAG funds to purchase an enclosed trailer with the purpose of taking this trailer to various locations within the City to foster a positive impression about law enforcement to the youth of our community. Our goal is to go the elementary school and local churches at least once of month. Only the officers will be allowed inside of the trailer. The officers will interact with the children by getting involved with the activities (ie, playing basketball, etc). The enclosed trailer will be a place for the officers only. We would also provide prepared food (hotdogs, chips) and hand out information/ promotional materials to the children and their families.

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Our goal is an emphasis on fostering communications and building a trusting relationship between the police department and the children.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program

CERTIFICATE OF SUBAWARD

Subrecipient: City of Fruitland Park

Subrecipient DUNS: 064814320

Date of Award: 01/04/2020

Grant Period: From: 10/01/2020 TO: 09/30/2021

Project Title: OUR KIDS OUR FUTURE

Subgrant Number: 2020-JAGC-LAKE-19-5R-127

Federal Funds: \$3,833.00

Matching Funds: \$0.00

Total Project Cost: \$3,833.00

CFDA Number: 16.738

Federal Award Number: 2019-MU-BX-0036

Federal Awarding Agency: U.S. Department of Justice (USDOJ)

Pass-through Entity: Florida Department of Law Enforcement (FDLE)

Research and Development: No

Indirect Cost: No

A subaward agreement is entered into by and between the Florida Department of Law Enforcement (herein referred to as "FDLE" or "Department") and the City of Fruitland Park (herein referred to as "Subrecipient");

WHEREAS, the Department has the authority pursuant to Florida law and does hereby agree to provide federal financial assistance to the Subrecipient in accordance with the terms and conditions set forth in the subgrant agreement, and

WHEREAS, the Department has available funds resulting from a federal Edward R. Byrne Memorial Justice Assistance Grant award issued under Part E of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and

WHEREAS, the Subrecipient and the Department have each affirmed they have read and understood the agreement in its entirety and the Subrecipient has provided an executed agreement to the Department.

NOW THEREFORE, in consideration of the foregoing:

A subaward is hereby made to the Subrecipient identified above. The subaward is for the amount and time period specified above.

This award is a cost-reimbursement agreement. Requests for reimbursement must be submitted on either a monthly or quarterly basis, as designated in the Financial Section of the agreement. The Subrecipient must maintain original supporting documentation for all funds expended and received under this agreement in sufficient detail for proper pre- and post-audit and to verify work performed was in accordance with the deliverable(s) and not eligible for payment under another state or federal funding source. Supporting documentation includes, but is not limited to: timesheets, activity reports, paystubs, third-party contracts, quotes, procurement documents, equipment inventory records,

Edward Byrne Memorial Justice Assistance Grant (JAG) Program

CERTIFICATE OF SUBAWARD (continued)

purchase orders, original receipts, invoices, canceled checks or EFT records, or bank statements, as applicable. Payment shall be contingent upon the Department's grant manager receiving and accepting the invoice and requested supporting documentation.

The Subrecipient must provide Performance Reports on either a monthly or quarterly basis, as designated in the Performance Section of the agreement, to the Department attesting to the progress toward deliverables and to validate the required minimum acceptable level of service performed. Performance Reports are due no later than 15 days after the end of each reporting period.

This award is subject to all applicable rules, regulations, and conditions as contained in the Office of Justice Programs (OJP) Financial Guide, and/or the Office of Management and Budget (OMB) Uniform Grant Requirements (2 C.F.R. Part 200), in their entirety. It is also subject to the standard and special conditions attached and such further rules, regulations and policies as may be reasonably prescribed by the State or Federal Government.

Failure to comply with provisions of this agreement, or failure to meet minimum performance specified in the agreement will result in required corrective action up to and including project costs being disallowed, withholding of federal funds and/or termination of the project, as specified within the terms of the agreement and OMB Uniform Guidance 200.338 - 200.342.



Authorized Official
Cody Menacof
Bureau Chief

1/21/21

Date

This award is subject to the special conditions (if any) prescribed below.

Ref# S44520: WITHHOLDING OF FUNDS: Within sixty (60) days of award, the City of Fruitland Park must submit a current EEO Certification to the Office of Criminal Justice Grants.

Ref# S44521: Pursuant to the Office of Management and Budget (OMB) Uniform Requirements, 2 C.F.R. 200.306(b) the Subrecipient's accounting system must have the capability to record, track, and document cost share or match for each grant. All cost share or match tracking and documentation under this subaward must comply with the standards identified in OMB's Uniform Requirements and documentation must be maintained and provided to the Office of Criminal Justice Grants at monitoring.

Ref# S44522: Pursuant to the Office of Management and Budget (OMB) Uniform Requirements, 2 C.F.R. 200.306(b)(4) the Subrecipient must have documentation to support recorded match or cost share available if requested. All cost share or match documentation under this subaward must comply with the standards identified in OMB's Uniform Requirements and documentation must be maintained and provided to the Office of Criminal Justice Grants at monitoring.

Ref# S44525: Pursuant to the Office of Management and Budget (OMB) Uniform Requirements, 2 C.F.R. 200.303(a) the Subrecipient must ensure the signing of disbursement of checks is limited to individuals whose duties do not include approving vouchers for payment. Documentation of compliance with the standards in OMB's Uniform Requirements regarding separation of duties must be maintained and provided to the Office of Criminal Justice Grants at monitoring.

Ref# S44526: The subgrantee's procurement policy does not appear to comply with all federal procurement requirements outlined in the Office of Management and Budget (OMB) Uniform Requirements, specifically: conflict of interest statements (200.318(c)), conflict of interest statements (200.318(c)), intergovernmental agreements (200.318(e)), verifying suspension and debarment (200.318(h)), prohibiting geographical preference (200.319 (b)), competitive proposals (200.320 (d)), and non-competitive procurements (200.320(f)). All subaward procurements must comply with the standards identified in OMB's Uniform Requirements and documentation must be maintained and provided to the Office of Criminal Justice Grants at monitoring.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program

ACCEPTANCE OF FEDERAL FUNDING ASSISTANCE

Subrecipient: City of Fruitland Park

Subgrant Number: 2020-JAGC-LAKE-19-5R-127


Project Title: OUR KIDS OUR FUTURE

Pass-through Entity: Florida Department of Law Enforcement

This award is subject to all applicable rules, regulations, and conditions, as contained in the Department of Justice Grants Financial Guide, and the Office of Management and Budget Uniform Grant Requirements (2 C.F.R. Part 200). This award is also subject to the incorporated standard and special conditions, and such further rules, regulations, and policies as may be reasonably prescribed by the State or Federal Government.

In witness whereof, the parties affirm they each have read and understand the conditions set forth in this agreement, have read and understand the agreement in its entirety, and accept this agreement through the signature of their duly authorized officers on the date, month, and year set out below.

City of Fruitland Park
Authorizing Official (Commission Chairperson, Mayor, or Designated Representative)


Signature _____ Date 1/15/2021

Christopher Cheshire / Mayor
Printed Name and Title _____

Fruitland Park Police Department
Authorizing Official (Official, Administrator, or Designated Representative)


Signature _____ Date 1-15-2021

Erik D. Luce / Chief of Police
Printed Name and Title _____

Florida Department of Law Enforcement
Office of Criminal Justice Grants


Signature _____ Date 1/21/21

CODY MENACEF BUREAU CHIEF
Printed Name and Title _____

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1: Administration

Subgrant Recipient

Organization Name: City of Fruitland Park
County: Lake

Chief Official

Name: Christopher Cheshire
Title: Mayor
Address: 506 West Berckman Street
City: Fruitland Park
State: FL **Zip:** 34731-3239
Phone: 352-360-6727 **Ext:**
Fax:
Email: ccheshire@fruitlandpark.org

Chief Financial Officer

Name: Susan Parker
Title: Finance Clerk
Address: 506 West Berckman Street
City: Fruitland Park
State: FL **Zip:** 34731-3239
Phone: 352-360-6727 **Ext:** 2232
Fax: 352-360-6686
Email: sparker@fruitlandpark.org

SUBMITTED 9/16/2020

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1: Administration

Implementing Agency

Organization Name: Fruitland Park Police Department

County: Lake

Chief Official

Name: Erik Luce

Title: Interim Police Chief

Address: 506 West Berckman Street

City: Fruitland Park

State: FL **Zip:** 34731-3239

Phone: 352-360-6655 **Ext:**

Fax: 352-360-6653

Email: eluce@fruitlandpark.org

Project Director

Name: Jeni Simken

Title: Administrative Assistant

Address: 506 W. Berckman St.

City: Fruitland Park

State: FL **Zip:** 34731-3239

Phone: 352-360-6655 **Ext:**

Fax:

Email: jsimken@fruitlandpark.org

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1: Administration

Section Questions:

Question: If yes to either #1 or #2, describe each practice AND provide a copy of each law or policy to criminaljustice@fdle.state.fl.us.

Answer: S.B. 168 Chapter 908 F.S.

Question: Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with the Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE)?

Answer: No

Question: Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?

Answer: Yes

Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

Section 2: Project Overview

General Project Information

Project Title: OUR KIDS OUR FUTURE
Subgrant Recipient: City of Fruitland Park
Implementing Agency: Fruitland Park Police Department
Project Start Date: 10/1/2020 **End Date:** 9/30/2021

Problem Identification

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The promotional materials will be printed with our police department information (name of the department, phone number and "Our kids, Our future"). Typically, we have purchased cups, pencils, sticker badges and balls. We have not purchased anything yet as we are waiting for the new budget year to restock our supply and to include the words "our Kids, Our Future". The costs of these promotional items are a budgeted line item within our yearly budget; therefore, no grant monies will be used to purchase promotional items. Everything given out of this trailer will be free of charge.

Our goal is an emphasis on fostering communications and building a trusting relationship between the police department and the children.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

The City of Fruitland Park will use grant funds to purchase enclosed trailer. Deliverables will be completed in accordance with the contractual agreements between the subrecipient and their local vendor/providers.

Documentation of deliverables performed by the subrecipient and their local vendor/providers must be maintained by the subrecipient and made available for monitoring. Example documentation includes, but is not limited to: procurement records (including quotes, solicitations/bids, etc.), purchase orders, packing slips, delivery/receivable documents, invoices, proof of payment, etc.

Documentation and minimum performance required for drawdown of funds includes the completion of at least one activity described in the scope of work above as attested on the financial expenditure/claim report.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 2: Project Overview

Section Questions:

Question: What percentage of the total cost of this project is being funded by sources other than this award?

Answer: 0

Question: What is the combined population of the jurisdiction(s) your agency provides services to (according to the 2010 census)?

Answer: 4078

Question: What is the Operating Capital Outlay threshold used by the subgrantee? If the implementing agency is a sheriff's office, indicate the sheriff's office's threshold instead.

Answer: n/a

Question: What is the address of the location being used to provide services for this project?

Answer: Fruitland Park Police Department, 506 W. Berckman Street, Fruitland Park, FL 34731

Question: Describe your agency. (e.g., non-profit, community based, government)

Answer: Local Government (Police Department)

Question: What is the name of the jurisdiction(s) your agency provides service to. (e.g., City of Miami, Orange County, State of Florida)

Answer: City of Fruitland Park, FL

Question: Have you verified that the subgrantee has an active and current registration in SAM.gov?

Answer: No

Question: Does the subgrantee receive a single grant in the amount of \$750,000 or more from the U.S. Department of Justice?

Answer: No

Question: Does the implementing agency receive a single grant in the amount of \$750,000 or more from the U.S. Department of Justice?

Answer: No

Question: In your organization's preceding completed fiscal year, did your organization (the subgrantee) receive at least (a) 80 percent or (b) \$25,000,000 of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

Answer: No

Question: If you answered yes above, does the public have access to information about the compensation of the executives in your organization (the subgrantee) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986? If answer to Part 1, above, was "no," answer N/A.

Answer: No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

General Performance Info:

Performance Reporting Frequency: Quarterly

Prime Purpose Area: 01 - Law Enforcement (Includes Task Forces)

State Purpose Area: 1G - General Questions

Objectives and Measures

Objective: General Questions - General Questions for All Recipients

Measure: General 02

Will your organization be using the The National Training and Technical Assistance Center (NTTAC) during the grant period, regardless of JAG funding? The NTTAC serves as BJA's training and technical assistance center. You can find resources, tools, webinars, and TTA support on a variety of criminal justice issues and initiatives.

Goal: No

Measure: General 03

Will your organization be using the NCJP.org website during the grant period, regardless of JAG funding? NCJP.org contains resources to support strategic planning, program development, and implementation of evidence-based policy and practice.

Goal: No

Measure: General 04

Will your organization be using the Evidence-Based Policing Matrix during the grant period regardless of JAG funding? The Evidence-Based Policing Matrix provides information on evidence-based practices for law enforcement.

Goal: No

Measure: General 05

Will your organization be using the What Works in Reentry Clearinghouse during the grant period regardless of JAG funding? The clearinghouse provides research on the effectiveness of reentry programs and practices.

Goal: No

Measure: General 06

Will your organization be using Research to Practice during the grant period regardless of JAG funding? Research to Practice promotes the dissemination of research on drug courts to practitioners and policymakers.

Goal: No

Measure: General 07

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

Will your organization be using any other resources during the grant period regardless of JAG funding? If yes, please describe them.

Goal: No

Measure: General 08

During the grant period, will your agency conduct or sponsor (with or without JAG funds) a survey or focus group of citizens on any of the following topics? Enter all that apply from the following list: Public satisfaction with police services; public satisfaction with prosecution services; public satisfaction with public defender/indigent defense services; public satisfaction with courts; public perceptions of crime/disorder problems; personal crime experiences of citizens; none of the above; unsure/don't know.

Goal: Unsure/ don't know at this time

Measure: General 09

During the grant period, which of the following community activities will your organization be involved in, with or without JAG funds and how often will they each occur (yearly, monthly, etc.)? Choose from the following list: Hosting community meetings; attending community meetings; distributing a newsletter, e-mail, or other bulletin; attending community events; conducting social media activities; conducting outreach to minority populations; other (please describe)

Goal: We have several community events through out the year such as Fruitland Park Day and Hometown Christmas.

Measure: General 10

Law Enforcement Agencies ONLY: In which of the following ways has your agency fostered community involvement in the last year? Enter all that apply from the following list: Citizen Review Board or other review board with citizen representation, Citizen's Police Academy, Internships for university or high school students, Volunteer Program, Auxiliary police officer program, Police Cadet Program, k-12 school programs, Youth Athletic Programs, Other (please Describe), None of the above, Unsure/Don't know.

Goal: We have a Volunteer Program and a mentoring program at Fruitland Park Elementary.

Measure: General 11

Identify the goal(s) you hope to achieve with your funding. If you have multiple goals, describe each goal separately.

Goal: Our goal is to have a positive impact on the community, focusing on children to help foster a better relationship between the officers and the residents of Fruitland Park.

Measure: General 12

Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

Section 3: Performance

Are the subrecipient and implementing agency aware that they will be required to report on the status of the identified goals during each reporting period?

Goal: Yes

Measure: General 13

Describe any barriers you may encounter which may prevent you from achieving your identified goal(s).

Goal: No anticipated barriers.

Measure: General 14

Are you aware that the Office of Criminal Justice Grants encourages recipients to report on any noteworthy accomplishments, success stories, or program results that they would like to showcase?

Goal: Yes

Measure: General 11b

What major activities are planned for each of your goals listed in question 11?

Goal: Fruitland Park Day, Hometown Christmas and various other activities that will coincide with events planned by the elementary school.

State Purpose Area: 3E - Equipment, Supplies, and Technology Enhancements

Objectives and Measures

Objective: Equipment - Questions for all recipients purchasing Equipment, Supplies, and Technology Enhancements.

Measure: Equipment 1

Do the Subrecipient and Implementing agencies understand that they will be required to submit an itemized account of all items purchased during each reporting period as part of their performance reporting?

Goal: Yes

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 4: Financial

General Financial Info:

Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

FLAIR / Vendor Number: 596031169

Budget:

Budget Category	Prime	Match	Total
Salaries and Benefits	\$0.00	\$0.00	\$0.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$3,833.00	\$0.00	\$3,833.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
-- Totals --	\$3,833.00	\$0.00	\$3,833.00
Percentage	100.0	0.0	100.0

Project Generated Income:

Will the project earn project generated income (PGI)? No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 4: Financial (cont.)

Budget Narrative:

All funds in excess of the grant will be city funded.

The enclosed trailer will be used as a law enforcement tool to foster relationships with the youth of our community.

The trailer will be 6 x 12 with a ramp and 5 x 3 concession door.

Graphics displayed on the trailer will identify it as being the Fruitland Park Police Department.

The purchase cost of the trailer is \$3,281.00 (based on the quote from Fruitland Park Trailers, see attached) which leaves a remainder of \$552.00 in which to purchase the graphics.

Application for Funding Assistance

Florida Department of Law Enforcement

Justice Assistance Grant - County-wide

Section 4: Financial

Section Questions:

Question: If Expenses or Operating Capital Outlay are included in your budget, what will be the method of procurement for those items? (e.g., competitive bid, sole source, state term contract)

Answer: Sole Source

Question: If indirect cost is included, explain the indirect cost plan. Provide documentation of approval.

Answer: n/a

Question: If contractual services in the budget are based on unit costs, provide a definition and breakdown of cost for each service. Include the methodology for the unit cost plan and when it was approved.

Answer: n/a

Question: If the budget contains salaries and benefits, will this project result in a net personnel increase, or continue to fund a prior federally grant funded net personnel increase?

Answer: No



**Subaward Management
Capabilities and Compliance
Questionnaire (SMQ)**

Upon completion, send a copy of this form to:

Florida Department of Law Enforcement
Office of Criminal Justice Grants
Post Office Box 1489
Tallahassee, FL 32302-1489
criminaljustice@fdle.state.fl.us

Grant Program:

JAG
 PREA
 NARIP
 NCHIP
 RSAT
 PSN
 Other:

Subrecipient:

FEID:

DUNS:

OVERVIEW

In order to meet eligibility requirements, applicants must be able to document compliance with the following prior to receiving a subaward:

- 2 C.F.R Part 25 – *Universal Identifier and System for Award Management Requirements*
- 28 C.F.R Part 42 – *Nondiscrimination; Equal Employment Opportunity, Policies and Procedures*
- 2 C.F.R Part §200.318-326 – *Federal Procurement Standards*
- 2 C.F.R §200.300-309 – *Standards for Financial and Program Management*

INSTRUCTIONS

Applicants seeking federal financial assistance from the Florida Department of Law Enforcement (FDLE), Office of Criminal Justice Grants (OCJG) should complete this questionnaire and provide all applicable documents with the submission of their application. Failure to provide appropriate forms, certifications, policies, procedures, or other documentation for the proposed project may result in special conditions being placed on the subaward.

This form, along with other application forms, may be submitted to criminaljustice@fdle.state.fl.us if scanned at the highest resolution (at least 600 dpi).

Note: Each applicant only needs to submit one pre-award monitoring packet regardless of how many applications for funding are being submitted. Applicants should ensure all "project-specific" forms can be easily identified.

CONTACT INFORMATION

For questions regarding this pre-award monitoring packet, contact FDLE's Office of Criminal Justice Grants at (850) 617-1250 or criminaljustice@fdle.state.fl.us.

APPLICATION POINT-OF-CONTACT (POC)

Please provide a point-of-contact to coordinate any additional information requests FDLE's Office of Criminal Justice Grants may have during review of this packet and your application.

Name: Jeni Simken
 Title: Administrative Assistant
 Agency: Fruitland Park Police Department
 Phone: 352-360-6655
 Email: jsimken@fruitlandpark.org

The following section consists of a series of questions to aid in determining compliance with federal regulations required to properly administer these funds. Please read all questions carefully as some questions may require coordination with other divisions/bureaus in your agency (i.e. finance, purchasing, human resources, etc.). Additionally, to avoid possible special conditions being placed on your subaward, please ensure all requested documentation is submitted with this questionnaire.

SECTION I: AUDIT INFORMATION

The SUBRECIPIENT has undergone the following types of audits:

Single Audit Financial Statement Defense Contract Agency Audit

Audit Programmatic Audit for:

Other Audit:

None of the above

The SUBRECIPIENT'S most recent audit was conducted:

Within the past 12 months Within the past two years More than two years ago

Name of Auditing Agency/Firm:

Most recent auditor's opinion: Unqualified/Unmodified Qualified/Modified Other

Number of Findings on **most recent audit only**:

Were material weaknesses noted in the audit? Yes No

Were significant deficiencies noted in the audit? Yes No

Has the subrecipient addressed all findings and provided a management response or implemented corrective action? Yes No N/A

SECTION II: NON-PROFIT ORGANIZATION

1. Is the applicant entity a non-profit organization (including a non-profit institution of higher education) as described in 26 U.S.C. 501(c)(3) **AND** exempt from taxation under 26 U.S.C. 501(a)? Yes No NA

If "No" or "N/A" skip to Section III: Accounting System; If "Yes", complete questions 2 and 3 below.

2. Does the applicant non-profit organization maintain offshore accounts for the purpose of avoiding paying the tax describe in 26 U.S.C. 511(a)? Yes No

3. With respect to the most recent year the applicant non-profit organization was required to file a tax return, does the applicant non-profit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 relating to the reasonableness of compensation for certain individuals? Yes No

SECTION III: ACCOUNTING SYSTEM

Helpful Hint – answers to these questions may need to be obtained from your finance department.

1. Which of the following best describes the organization's accounting system:

Manual Automatic Combination

2. Does the accounting system identify the receipt and expenditure of funds separately for each grant? Yes No

3. Does the accounting system record and track expenditures for each grant by budget categories in the approved budget? Yes No

4. Does the accounting system have the capability to record, track, and document cost share or match for each grant? Yes No

5. Is the organization documentation to support recorded match or cost share available if requested? Yes No

6. Does the accounting/financial system include budgetary controls to prevent incurring obligations in excess of total funds or budget category (i.e. personnel, travel, etc.)? Yes No

7. Is the financial management system capable of producing the following:
a. Detailed Activity Ledger? Yes No

b. Cash Control Register?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
c. Property Control Register? (equipment purchases)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
SECTION IV: INTERNAL CONTROLS & SEPERATION OF DUTIES		
<i>Helpful Hint – answers to these questions may need to be obtained from your finance and/or purchasing department.</i>		
1. Are the duties of the person responsible for maintaining financial records separated from any cash-related functions?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Are personnel who perform disbursement functions prohibited from purchasing, receiving and inventorying items? If no, are these functions approved by a third party?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
3. Is the signing of disbursement checks limited to individuals:		
a. Who are authorized to make disbursements?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
b. Whose duties do not include:		
- Posting and recording of accounts receivable?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
- Approving vouchers for payment?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Describe the financial process/accounting mechanism used by the applicant to track grant funds separately from general revenue, other federal projects, and/or multiple funding sources. A separate revenue is created for each grant and a project in created for each separate grant expense line.		
5. What measures are used to verify all cost elements on a reimbursement are allowable under an approved subaward agreement? Grant project manager reviews and approves grant expenses.		
6. What internal control measures are used to safeguard sensitive information (i.e. personally identifiable information, law enforcement sensitive information, etc.) relating to activities, expenditures, documentation, etc.? All grant files are in a secure locked area.		
7. Did financial staff verify that grant funds would not be used to supplant local funds that had already been appropriated for the grant project or activities?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
8. How long is the agency required to retain grant files and records of grant purchases? 5 years		
SECTION V: CIVIL RIGHTS		
<i>Helpful Hint – answers to these questions may need to be obtained from your human resource department.</i>		
1. Is the entity aware it must comply with federal civil rights regulations including certifications and plan requirements?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Please indicate if any of the following apply to the applicant organization:		
<input type="checkbox"/> Indian Tribe	<input type="checkbox"/> Nonprofit Organization	<input type="checkbox"/> Educational Institution
<input type="checkbox"/> Medical Institution	<input checked="" type="checkbox"/> Does not apply to applicant organization	

3. Does the entity have more than 50 employees?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
4. Does the entity receive federal funding under the U.S. Department of Justice, including any funds passed through another entity, of \$25,000 or more, but less than \$500,000?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Does the entity receive federal funding under the U.S. Department of Justice, including any funds passed through another entity, of \$500,000 or more?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Does the organization notify employees AND program participants that it does not discriminate on the basis of race, color, national origin, religion, sex, disability or age?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
7. Does the applicant organization have a written policy or procedure instructing employees AND program participants how to file a complaint regarding discrimination?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
8. Has the applicant organization had any findings of discrimination issued by a State or Federal court in the past three years?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
SECTION VI: PROCUREMENT		
<i>Helpful Hint – answers to these questions may need to be obtained from your finance and/or purchasing department.</i>		
1. Does the organization maintain written procurement procedures?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Does the procurement system provide a mechanism to determine selection on a competitive basis?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3. Does the procurement system include provisions for checking the Excluded Parties List (sam.gov) prior to award?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
*For OCJG Personnel Only: <i>If a copy of the organization's procurement procedures has been received, please complete the Procurement Policy Checklist.</i>		
SECTION VI: INVENTORY		
<i>Helpful Hint – answers to these questions may need to be obtained from your finance and/or purchasing department.</i>		
1. Does the organization's property management system provide and maintain the following information:		
a. A description of the equipment?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
b. A property identification number?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
c. Source of the property, including award number if grant funded?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
d. Who the title vests with?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
e. Acquisition date?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
f. Federal share of property cost, if federally funded?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
g. Location and condition of property?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
h. Ultimate disposition information?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is documentation regarding property management for grant funded items available?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3. Does the agency assure that grant funded property is maintained and insured in compliance with federal requirements?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
SECTION VIII: SUBRECIPIENT MANAGEMENT AND MONITORING		
1. Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award – (1) clearly document applicable federal requirements, (2) are appropriately monitoring by the applicant, and (3) comply with the requirements in 2 CFR 200 (see 2 CFR 200.331)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is this applicant entity aware of the difference between subawards under federal awards and procurement contracts under federal awards, including the different roles/responsibilities associated with each?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

3. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from issuing a contract under a federal award to any entity or individual that is suspended or debarred from such awards?

Yes No

SECTION IX: HIGH RISK DESIGNATION

1. Is the applicant entity designated "high risk" by a federal grant making agency or other pass-through entity?

Yes No

CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY

On behalf of the applicant entity, I certify to the Florida Department of Law Enforcement that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

Title: Finance Director

Phone: 352-360-6727

Date: 8/26/2020

Signature:

Jeanne Racine

SECTION I: AUDIT INFORMATION

The **SUBRECIPIENT** has undergone the following types of audits:

Single Audit Financial Statement Defense Contract Agency Audit

Audit Programmatic Audit for:

Other Audit:

None of the above

The **SUBRECIPIENT'S** most recent audit was conducted:

Within the past 12 months Within the past two years More than two years ago

Name of Auditing Agency/Firm:

Most recent auditor's opinion: Unqualified/Unmodified Qualified/Modified Other

Number of Findings on **most recent audit only**:

Were material weaknesses noted in the audit? Yes No

Were significant deficiencies noted in the audit? Yes No

Has the subrecipient addressed all findings and provided a management response or implemented corrective action? Yes No N/A

SECTION II: NON-PROFIT ORGANIZATION

1. Is the applicant entity a non-profit organization (including a non-profit institution of higher education) as described in 26 U.S.C. 501(c)(3) **AND** exempt from taxation under 26 U.S.C. 501(a)? Yes No NA

If "No" or "N/A" skip to Section III: Accounting System; If "Yes", complete questions 2 and 3 below.

2. Does the applicant non-profit organization maintain offshore accounts for the purpose of avoiding paying the tax describe in 26 U.S.C. 511(a)? Yes No

3. With respect to the most recent year the applicant non-profit organization was required to file a tax return, does the applicant non-profit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 relating to the reasonableness of compensation for certain individuals? Yes No

SECTION III: ACCOUNTING SYSTEM

Helpful Hint – answers to these questions may need to be obtained from your finance department.

1. Which of the following best describes the organization's accounting system:

Manual Automatic Combination

2. Does the accounting system identify the receipt and expenditure of funds separately for each grant? Yes No

3. Does the accounting system record and track expenditures for each grant by budget categories in the approved budget? Yes No

4. Does the accounting system have the capability to record, track, and document cost share or match for each grant? Yes No

5. Is the organization documentation to support recorded match or cost share available if requested? Yes No

6. Does the accounting/financial system include budgetary controls to prevent incurring obligations in excess of total funds or budget category (i.e. personnel, travel, etc.)? Yes No

7. Is the financial management system capable of producing the following:
a. Detailed Activity Ledger? Yes No

b. Cash Control Register?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
c. Property Control Register? (equipment purchases)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
SECTION IV: INTERNAL CONTROLS & SEPERATION OF DUTIES		
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3. Is the signing of disbursement checks limited to individuals:		
a. Who are authorized to make disbursements?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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8. How long is the agency required to retain grant files and records of grant purchases? <i>5 years</i>		
SECTION V: CIVIL RIGHTS		
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<input checked="" type="checkbox"/> Does not apply to applicant organization	<input type="checkbox"/> Medical Institution	

3. Does the entity have more than 50 employees?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
4. Does the entity receive federal funding under the U.S. Department of Justice, including any funds passed through another entity, of \$25,000 or more, but less than \$500,000?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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d. Who the title vests with?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
e. Acquisition date?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
f. Federal share of property cost, if federally funded?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
g. Location and condition of property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
h. Ultimate disposition information?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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SECTION VIII: SUBRECIPIENT MANAGEMENT AND MONITORING		
1. Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award – (1) clearly document applicable federal requirements, (2) are appropriately monitored by the applicant, and (3) comply with the requirements in 2 CFR 200 (see 2 CFR 200.331)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is this applicant entity aware of the difference between subawards under federal awards and procurement contracts under federal awards, including the different roles/responsibilities associated with each?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from issuing a contract under a federal award to any entity or individual that is suspended or debarred from such awards? Yes No

SECTION IX: HIGH RISK DESIGNATION

1. Is the applicant entity designated "high risk" by a federal grant making agency or other pass-through entity? Yes No

CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY

On behalf of the applicant entity, I certify to the Florida Department of Law Enforcement that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

Title: _____ Phone: _____

Date: _____ Signature: _____



Lobbying, Debarment and Drug Free Workplace Certification

Upon completion, mail a copy of this form to:
Florida Department of Law Enforcement
Office of Criminal Justice Grants
P.O. Box 1489
Tallahassee, FL 32302-1489

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspensions (Non-procurement) and Government-wide Requirements for Drug Free Workplace (Grants)". The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Office of Criminal Justice Grants determines to award the covered transaction, grant, or cooperative agreement.

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- (b) If any funds other than federal appropriated funds have been paid or will be paid to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL – "Disclosure of Lobbying Activities", in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. Debarment, Suspension and Other Responsibility Matters

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67 -

- (a) The applicant certifies that it and its principals:
 - (i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any federal department or agency;
 - (ii) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (iii) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (a)(ii) of this certification; and
 - (iv) Have not within a three-year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default.
- (b) Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. Drug Free Workplace

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, as defined at 28 CFR Part 67 Sections 67.615 and 67.620 –

- (a) The applicant certifies that it will or will continue to provide a drug-free workplace by:
 - (i) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the subgrantee's workplace and specifying the actions that will



Lobbying, Debarment and Drug Free Workplace Certification

Upon completion, mail a copy of this form to:
 Florida Department of Law Enforcement
 Office of Criminal Justice Grants
 P.O. Box 1489
 Tallahassee, FL 32302-1489

be taken against employees for violation of such prohibition;

- (ii) Establishing an on-going drug-free awareness program to inform employees about –
 - (1) The dangers of drug abuse in the workplace;
 - (2) The subgrantee’s policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - (iii) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (i);
 - (iv) Notifying the employee in the statement required by paragraph (i) that, as a condition of employment under the grant, the employee will –
 - (1) Abide by the terms of this statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of criminal drug statute occurring in the workplace no later than five (5) calendar days after the conviction.
 - (v) Notifying the agency, in writing, within ten (10) calendar days after receiving notice under subparagraph (iv)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice including position title to: Florida Department of Law Enforcement, Office of Criminal Justice Grants, P.O. Box 1489, Tallahassee, FL 32302-1489. Notice shall include the identification number(s) of each affected grant.
 - (vi) Taking one of the following actions within thirty (30) calendar days of receiving notice under subparagraph (iv)(2), with respect to any employee who is convicted –
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
 - (vii) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (i) through (vi).
- (b) The subgrantee may insert in the space provided below the site(s) for the performance or work done in connection with

As the duly authorized representative of the applicant, I hereby certify that applicant will comply with the following certifications:

- Certification Regarding Lobbying (required for applications over \$100,000)
- Certification Regarding Debarment, Suspension and Other Responsibility Matters (required for all applicants)
- Certification Regarding Drug-Free Workplace (required for state agency applications)

Subrecipient: Fruitland Park Police Department

Printed Name: Erik Luce

Signature: 

Title: Police Chief

Date: 8/26/2020

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1: Administration

Subgrant Recipient

Organization Name: City of Fruitland Park

County: Lake

Chief Official

Name: Christopher Cheshire

Title: Mayor

Address: 506 West Berckman Street

City: Fruitland Park

State: FL **Zip:** 34731-3239

Phone: 352-360-6727 **Ext:**

Fax:

Email: ccheshire@fruitlandpark.org

Chief Financial Officer

Name: Susan Parker

Title: Finance Clerk

Address: 506 West Berckman Street

City: Fruitland Park

State: FL **Zip:** 34731-3239

Phone: 352-360-6727 **Ext:** 2232

Fax: 352-360-6686

Email: sparker@fruitlandpark.org

Submitted 6/1/2020
@ 9:28 am

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1: Administration

Implementing Agency

Organization Name: Fruitland Park Police Department
County: Lake

Chief Official

Name: Erik Luce
Title: Interim Police Chief
Address: 506 West Berckman Street
City: Fruitland Park
State: FL **Zip:** 34731-3239
Phone: 352-360-6655 **Ext:**
Fax: 352-360-6653
Email: eluce@fruitlandpark.org

Project Director

Name: Jeni Simken
Title: Administrative Assistant
Address: 506 W. Berckman St.
City: Fruitland Park
State: FL **Zip:** 34731-3239
Phone: 352-360-6655 **Ext:**
Fax:
Email: jsimken@fruitlandpark.org

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 1: Administration

Section Questions:

Question: If yes to either #1 or #2, describe each practice AND provide a copy of each law or policy to criminaljustice@fdle.state.fl.us.

Answer: n/a

Question: Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with the Department of Homeland Security (DHS) or Immigration and Customs Enforcement (ICE)?

Answer: No

Question: Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1?

Answer: No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 2: Project Overview

General Project Information

Project Title: OUR KIDS OUR FUTURE
Subgrant Recipient: City of Fruitland Park
Implementing Agency: Fruitland Park Police Department
Project Start Date: 5/20/2020 **End Date:** 5/20/2021

Problem Identification

Even though Fruitland Park Police Department is a smaller agency, there are not many opportunities to interact with the children of the community. The City sponsors events in the Spring and in the Winter (Fruitland Park Day and Hometown Christmas) which provide only a small window of opportunity for the officers to be seen in a positive light.

In this day and age of social media as well as the current environment of negative press, police officers are not seen positively and children are exposed to this on a daily basis. Fruitland Park would like our officers the opportunity to have a positive impression about law enforcement by getting to spend time with the residents in a low-key friendly atmosphere.

The addition of an enclosed trailer would provide such an opportunity for the officers to travel to different locations/ parks within the City to begin building trustful relationships with children and their families.

Project Summary (Scope of Work)

The Fruitland Park Police Department will use the JAG funds to purchase an enclosed trailer with the purpose of taking this trailer to various locations within the City to foster a positive impression about law enforcement to the youth of our community. The officers will interact with the children by getting involved with the activities (ie, playing basketball, etc). We would also provide prepared food (hotdogs, chips) and hand out information/ promotional materials to the children and their families. Our goal is an emphasis on fostering communications and building a trusting relationship between the police department and the children.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 2: Project Overview

Section Questions:

Question: What percentage of the total cost of this project is being funded by sources other than this award?

Answer: 0

Question: What is the combined population of the jurisdiction(s) your agency provides services to (according to the 2010 census)?

Answer: 4078

Question: What is the Operating Capital Outlay threshold used by the subgrantee? If the implementing agency is a sheriff's office, indicate the sheriff's office's threshold instead.

Answer: n/a

Question: What is the address of the location being used to provide services for this project?

Answer: Fruitland Park Police Department, 506 W. Berckman Street, Fruitland Park, FL 34731

Question: Describe your agency. (e.g., non-profit, community based, government)

Answer: Local Government (Police Department)

Question: What is the name of the jurisdiction(s) your agency provides service to. (e.g., City of Miami, Orange County, State of Florida)

Answer: City of Fruitland Park, FL

Question: Have you verified that the subgrantee has an active and current registration in SAM.gov?

Answer: No

Question: Does the subgrantee receive a single grant in the amount of \$750,000 or more from the U.S. Department of Justice?

Answer: No

Question: Does the implementing agency receive a single grant in the amount of \$750,000 or more from the U.S. Department of Justice?

Answer: No

Question: In your organization's preceding completed fiscal year, did your organization (the subgrantee) receive at least (a) 80 percent or (b) \$25,000,000 of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

Answer: No

Question: If you answered yes above, does the public have access to information about the compensation of the executives in your organization (the subgrantee) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986? If answer to Part 1, above, was "no," answer N/A.

Answer: No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

General Performance Info:

Performance Reporting Frequency: Quarterly

Prime Purpose Area: 01 - Law Enforcement (Includes Task Forces)

State Purpose Area: 1G - General Questions

Objectives and Measures

Objective: General Questions - General Questions for All Recipients

Measure: General 02

Will your organization be using the The National Training and Technical Assistance Center (NTTAC) during the grant period, regardless of JAG funding? The NTTAC serves as BJA's training and technical assistance center. You can find resources, tools, webinars, and TTA support on a variety of criminal justice issues and initiatives.

Goal: No

Measure: General 03

Will your organization be using the NCJP.org website during the grant period, regardless of JAG funding? NCJP.org contains resources to support strategic planning, program development, and implementation of evidence-based policy and practice.

Goal: No

Measure: General 04

Will your organization be using the Evidence-Based Policing Matrix during the grant period regardless of JAG funding? The Evidence-Based Policing Matrix provides information on evidence-based practices for law enforcement.

Goal: No

Measure: General 05

Will your organization be using the What Works in Reentry Clearinghouse during the grant period regardless of JAG funding? The clearinghouse provides research on the effectiveness of reentry programs and practices.

Goal: No

Measure: General 06

Will your organization be using Research to Practice during the grant period regardless of JAG funding? Research to Practice promotes the dissemination of research on drug courts to practitioners and policymakers.

Goal: No

Measure: General 07

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

Will your organization be using any other resources during the grant period regardless of JAG funding? If yes, please describe them.

Goal: No

Measure: General 08

During the grant period, will your agency conduct or sponsor (with or without JAG funds) a survey or focus group of citizens on any of the following topics? Enter all that apply from the following list: Public satisfaction with police services; public satisfaction with prosecution services; public satisfaction with public defender/indigent defense services; public satisfaction with courts; public perceptions of crime/disorder problems; personal crime experiences of citizens; none of the above; unsure/don't know.

Goal: Unsure/ don't know at this time

Measure: General 09

During the grant period, which of the following community activities will your organization be involved in, with or without JAG funds and how often will they each occur (yearly, monthly, etc.)? Choose from the following list: Hosting community meetings; attending community meetings; distributing a newsletter, e-mail, or other bulletin; attending community events; conducting social media activities; conducting outreach to minority populations; other (please describe)

Goal: We have several community events through out the year such as Fruitland Park Day and Hometown Christmas.

Measure: General 10

Law Enforcement Agencies ONLY: In which of the following ways has your agency fostered community involvement in the last year? Enter all that apply from the following list: Citizen Review Board or other review board with citizen representation, Citizen's Police Academy, Internships for university or high school students, Volunteer Program, Auxiliary police officer program, Police Cadet Program, k-12 school programs, Youth Athletic Programs, Other (please Describe), None of the above, Unsure/Don't know.

Goal: We have a Volunteer Program and a mentoring program at Fruitland Park Elementary.

Measure: General 11

Identify the goal(s) you hope to achieve with your funding. If you have multiple goals, describe each goal separately.

Goal: Our goal is to have a positive impact on the community, focusing on children to help foster a better relationship between the officers and the residents of Fruitland Park.

Measure: General 12

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 3: Performance

Are the subrecipient and implementing agency aware that they will be required to report on the status of the identified goals during each reporting period?

Goal: Yes

Measure: General 13

Describe any barriers you may encounter which may prevent you from achieving your identified goal(s).

Goal: No anticipated barriers.

Measure: General 14

Are you aware that the Office of Criminal Justice Grants encourages recipients to report on any noteworthy accomplishments, success stories, or program results that they would like to showcase?

Goal: Yes

Measure: General 11b

What major activities are planned for each of your goals listed in question 11?

Goal: Fruitland Park Day, Hometown Christmas and various other activities that will coincide with events planned by the elementary school.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 4: Financial

General Financial Info:

Note: All financial remittances will be sent to the Chief Financial Officer of the Subgrantee Organization.

Financial Reporting Frequency for this Subgrant: Quarterly

Is the subgrantee a state agency?: No

FLAIR / Vendor Number: 596031169

Budget:

Budget Category	Prime	Match	Total
Salaries and Benefits	\$0.00	\$0.00	\$0.00
Contractual Services	\$0.00	\$0.00	\$0.00
Expenses	\$3,833.00	\$0.00	\$3,833.00
Operating Capital Outlay	\$0.00	\$0.00	\$0.00
Indirect Costs	\$0.00	\$0.00	\$0.00
-- Totals --	\$3,833.00	\$0.00	\$3,833.00
Percentage	100.0	0.0	100.0

Project Generated Income:

Will the project earn project generated income (PGI)? No

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 4: Financial (cont.)

Budget Narrative:

All funds in excess of the grant will be city funded.

The enclosed trailer will be used as a law enforcement tool to foster relationships with the youth of our community.

The trailer will be 6 x 12 with a ramp and 5 x 3 concession door. Graphics displayed on the trailer will identify it as being the Police Department.

The purchase cost of the trailer is \$3,281.00 which leaves a remainder of \$552.00 in which to purchase child-related promotional items.

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 4: Financial

Section Questions:

Question: If Expenses or Operating Capital Outlay are included in your budget, what will be the method of procurement for those items? (e.g., competitive bid, sole source, state term contract)

Answer: Competitive Bid

Question: If indirect cost is included, explain the indirect cost plan. Provide documentation of approval.

Answer: n/a

Question: If contractual services in the budget are based on unit costs, provide a definition and breakdown of cost for each service. Include the methodology for the unit cost plan and when it was approved.

Answer: n/a

Question: If the budget contains salaries and benefits, will this project result in a net personnel increase, or continue to fund a prior federally grant funded net personnel increase?

Answer: No



506 W. Berckman Street
Fruitland Park, Florida 34731

Tel. (352) 360-6727
Fax. (352) 360-6686

May 28, 2020

Ms. Rona Kay Cradit
Bureau Chief Office of Criminal Justice Grants
Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee, FL 32302-1489

RE: Approval of grant allocation amounts by a majority (51%) of applicant agencies

Dear Ms. Cradit,

In compliance with State of Florida Rule 11D-9, Florida Administrative Code, Lake County Board of County Commissioners approves the distribution of \$87,350.00 of Federal Fiscal Year 2019 Edward Byrne Memorial Justice Assistance Grant (JAG-Countywide) funds for the following projects within Lake County:

Name of Organization	Project	Amount Awarded
Clermont Police Department	Civil Unrest/Mobile Field Force Equip.	\$8,191
Eustis Police Department	Narcotics Trained Canine	\$6,813
Fruitland Park Police Department	Our Kids, Our Future	\$3,833
Groveland Police Department	Traffic Calming Project Part II	\$4,480
Howey In the Hills Police Department	Tactical Equipment	\$4,213
Lady Lake Police Department	Active Shooter Kits	\$4,312
Lake County Sheriff Office	Explosive Device Protocol	\$30,222
Leesburg Police Department	In-Car Video Systems 2020	\$9,219
Mascotte Police Department	Firearms Training & Equipment	\$5,702
Mount Dora Police Department	Mobile Fingerprint ID Scanners	\$4,663
Tavares Police Department	Tasers	\$3,632
Umatilla Police Department	Portable Printer Completion	\$2,070
	TOTAL	\$87,350

Sincerely,

Christopher Cheshire, Mayor

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5b**

ITEM TITLE: Resolution 2021-008 Charter Review
Proposal and Quotation
For the Meeting of: March 11, 2021
Submitted by: City Attorney/City Clerk
Date Submitted: March 5, 2021
Funds Required: See below
Attachments: Proposed resolution, FIOG and Municode
legal review quotation

Item Description: Resolution 2021-008 Charter Review
Florida Institute of Government’s (FIOG’s) Proposal – Addressed at the
November 12, 2020 regular meeting but not allocated in the FY 2020-21
budget.

Funding of \$7,500 (01512 30340) in the FY 2020-21 budget has been
earmarked towards Municode charter legal review/codification.

Action to be Taken: Adopt Resolution 2021-008

Staff’s Recommendation: Approve FIOG’s proposal and Municode’s
quotation, subject to amending the
FY 2020-21 budget to include the allocation
of funds of \$10,000 for FIOG.

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-008

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE PROPOSAL FOR CHARTER REVIEW BETWEEN THE CITY OF FRUITLAND PARK; AND UNIVERSITY OF CENTRAL FLORIDA – FLORIDA INSTITUTE OF GOVERNMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to conduct a thorough review of its Charter; and

WHEREAS, the City Commission desires to utilize the services of a knowledgeable facilitator to assist the City Commission; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the public’s best interest to contract with the University of Central Florida – Florida Institute of Government for these services.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Proposal for Charter Review prepared by the University of Central Florida - Florida Institute of Government dated February 3, 2021 (the “Agreement”), **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute the agreement.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this ____ day of March, 2021, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney



UNIVERSITY OF
CENTRAL FLORIDA

Florida Institute of Government

College of Community Innovation and Education

Proposal for Charter Review



Prepared: February 3, 2021

Prepared for:

City of Fruitland Park
Gary La Venia, City Manager
506 W. Berckman St.
Fruitland Park, FL 34731

Prepared By:

Mari Rains, Director
University of Central Florida
Florida Institute of Government
12443 Research Parkway, Ste. 402
Orlando, FL 32826
407.882.3960
Mari.Rains@ucf.edu





the John Scott Dailey
**FLORIDA
INSTITUTE OF
GOVERNMENT**
at the University of Central Florida



UNIVERSITY OF
CENTRAL FLORIDA

February 3, 2021

City of Fruitland Park
Mr. Gary La Venia, City Manager
506 W. Berckman St.
Fruitland Park, FL 34731 Dear

Dear Gary,

Thank you for considering the UCF Florida Institute of Government for the City's Charter Review needs.

Enclosed please find:

- A. Florida Institute of Government at UCF Service Capabilities
- B. Proposed Project Scope
- C. Fees
- D. COVID-19 Protocol & Release
- E. Consultant / Facilitator Bio
- F. Charter Review References

Please don't hesitate to contact me with questions. We hope to collaborate with you on this important endeavor.

Sincerely,

Mari Rains
Director, Florida Institute of Government at UCF



ABOUT THE UCF IOG

The John Scott Dailey Florida Institute of Government (FIOG) was created by the Florida Legislature in 1980 and subsequently designated as a Type I Institute by the Florida Board of Regents. The institute fulfills its statewide mission through four (4) affiliate program offices located at the Florida State University, the **University of Central Florida**, the University of South Florida, and Florida Atlantic University.

The Institute's original mission is in place today: to increase the effectiveness and quality of government in Florida through applied research, training, technical assistance programs and public service. A parallel goal was to provide high quality services to local governments at a reasonable cost, not always easy given budget constraints and fluctuations in the state's economy.



We partner practitioners and University professionals from a variety of disciplines, with elected officials and organizational leaders, to identify, evaluate, and implement effective solutions for a wide range of services.

Local government agencies are not required to go out for bid when utilizing the Florida Institute of Government at UCF.

OUR SERVICE CAPABILITIES

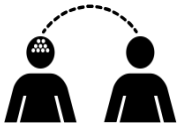
The John Scott Dailey Florida Institute of Government at the University of Central Florida (FIOG at UCF) works directly with faculty, staff and external practitioners to bring their expertise to our clients. The FIOG at UCF primarily serves government and non-profit entities within an 11-county region including Brevard, Citrus, Flagler, Lake, Levy, Marion, Orange, Osceola, Seminole, Sumter, and Volusia counties. The FIOG at UCF is often invited to consult with other FIOG clients and projects across the state.

The Florida Institute of Government at the University of Central Florida has a vast history of helping government and non-profit entities through:

- Facilitating strategic planning programs
- Facilitating community engagement forums
- Facilitating leadership and team building retreats for elected officials and/or staff
- Developing and facilitating leadership development and employee training programs
- Developing and coordinating certification programs
- Coordinating conferences (one-day to one-week programming)
- Providing association management services
- Consulting/technical assistance for diverse government projects including:
 - Charter review
 - Citizen satisfaction surveys
 - Records management assessment
 - Organizational development consulting
 - Human resources consulting
 - Tree surveys
 - Consensus building



5 REASONS TO HIRE THE UCF INSTITUTE OF GOVERNMENT



Seasoned consultants with an unmatched understanding of the unique needs, challenges and services of government agencies, but whom also stay current with business trends.



The FIOG is **not a profit-center**, so we offer low rates for government and non-profit agencies.



Agencies **do not have to go out for bid** when hiring the FIOG at UCF, which allows faster project commencement.



Affiliation with the **second largest university in the U.S.**, with access to expert faculty and practitioners.



30+ years of high-impact service to government agencies and non-profit agencies across Florida.

PROJECT SCOPE:

The Florida Institute of Government will provide facilitation services for a review and possible changes to the city charter. Independent Consultant, Marilyn Crotty, providing services on behalf of the UCF IOG, will facilitate the process. It is recommended that the project be completed within six-months. The Consultant can begin work in early 2021, but commencement and meeting dates will be mutually determined.

The Institute of Government will provide the following services:

- Assisting the city with the design of a process that allows for a thorough examination of the existing charter and opportunities for maximum citizen input to any changes
- Attending and facilitating 8 meetings of the Charter Review Advisory Committee including all public hearings
- Providing background information on charter issues
- Providing appropriate speakers/consultants as needed on issues
- Assisting the Advisory Committee and legal counsel in writing proposed charter revisions and ballot measures
- Assisting the city with the design of a public education process to inform voters about proposed charter changes
- Submitting a final report to the Fruitland Park City Commission upon conclusion of the project. The report will include an overview of the charter review process, recommendations, and implementation strategies.

The City of Fruitland Park will be responsible for:

- Providing appropriate notice, space, and secretarial support/meeting minutes for all Advisory Committee meetings and public hearings
- Providing legal counsel to advise the Advisory Committee as needed and assist in drafting appropriate language for charter revisions and ballot measures
- Purchasing appropriate publications and reproducing materials as needed

FEES & INVOICING:

\$10,000 total, which includes:

- expert meeting facilitation (8 meetings)
- meeting preparation and research
- phone and email consultations
- facilitator(s) travel expenses (and/or Zoom virtual software usage)
- final report

If the City requests additional meetings beyond the 8 recommended, each additional meeting will be billed at \$1,000 to include preparation, facilitation and travel.

Upon the City of Fruitland Park's decision, the IOG will draft a Letter of Agreement for both parties to sign electronically. The City will be invoiced 50% upon project commencement, and 50% upon completion of the project.



MEETING LOCATION & COVID-19 PROTOCOLS

Typically, this process is best facilitated in-person on-site. However, due to unprecedented uncertainty and increasing COVID-19 numbers, many community stakeholders may not be willing to meet indoors with strangers. UCF IOG recommends a virtual or hybrid meeting process via Zoom and in-person. Based on attendance of other virtual meetings during COVID, this virtual option will likely increase engagement among the community stakeholders. The in-person or virtual format will be mutually agreed upon.

Please note that UCF will continue to monitor the pandemic. Should the pandemic worsen, UCF General Counsel reserves the right to require fully virtual meetings, or change the project timeline.

The University of Central Florida is especially focused on the health and well-being of all members of the university community and its guests. COVID-19 is an extremely contagious disease that can lead to severe illness and death. The University has adopted the following health measures to help reduce the likelihood of spread of COVID-19 on campus.

UCF COVID-19 Release

The City agrees to require the following COVID-19 Release of all participants/attendees. Each attendee at the event must sign the below UCF waiver upon arrival to meeting(s).

COVID-19 Warning/Acknowledgement of Risk and Required Health Measures

By attending this event you voluntarily assume all risks related to exposure to COVID-19 and agree to the following:

- 1) Wear a face mask for the duration of the event;
- 2) Remain at least six (6) feet apart from other attendees;
- 3) Observe any additional guidelines that may be posted or communicated at the venue/event;
- 4) To follow good hygiene guidance such as regular hand washing, avoiding touching one's face, and disinfecting all touched items; and
- 5) Not attend the event if, within 72 hours prior to the event, you or anyone in your household has either developed a fever (temperature of 100.4° or higher) or has had potential symptoms of COVID-19. Symptoms include, but are not limited to: fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, diarrhea.

All attendees must comply with the instructions given to them and the health measures outlined above. Individuals who violate this policy may be asked to comply or leave the facilities, or the UCF IOG consultant/employee will leave the room.

I voluntarily assume all risks related to exposure to COVID-19. I hereby agree to all of the terms and conditions set forth herein.

Full Name (Print)

Signature

Date



CONSULTANT / FACILITATOR BIO: MARILYN CROTTY



Marilyn E. Crotty retired as the Director of the John Scott Dailey Florida Institute of Government at the University of Central Florida in Orlando, Florida after 36 years of service. In addition, she served as the Executive Director of the Tri-County League of Cities and the Volusia League of Cities.

Ms. Crotty develops and presents workshops, seminars, and conferences throughout the state of Florida on topics of interest to state and local governments. She has designed courses in organizational development, management and supervision, customer service, leadership, and media relations. She also facilitates strategic planning sessions and charter reviews for local governments and non-profit organizations. Ms. Crotty was a long-time faculty member for the Florida League of Cities Institute for Elected Municipal Officials. She also taught numerous courses for the Florida Redevelopment Association.

Prior to joining the staff at the University of Central Florida in 1990, Ms. Crotty directed the Institute of Government at Valencia Community College for eight years. She has been appointed to many governmental boards and has served on the East Central Florida Regional Planning Council, the Florida Environmental Efficiency Study Commission, and the Governor's Commission on the Status of Women.

A Florida native, Ms. Crotty has a broad background in community service. A former president of the League of Women Voters of Seminole County and member of the League State Board, she lobbied in Tallahassee, coordinated and directed the election of the first Silver Haired Legislature for the state of Florida, coordinated statewide debates for gubernatorial and senatorial candidates, and developed and managed a program for economically disadvantaged women in central Florida.

CHARTER REVIEW FACILITATION REFERENCES

Most Recent:

City of New Smyrna Beach
City Manager: Khalid Resheidat
386-410-2620

City of Groveland
City Manager: Mike Hein
352-429-3852

City of Tampa
City Council Attorney: Martin Shelby
813-777-0466

City of Palm Coast
Interim City Manager: Beau Falgout
386-986-3700

City of Dade City
City Clerk: Angie Guy
352-523-5052

Town of Eatonville
Mayor: Eddie Cole
407-623-8900

City of Plantation
City Clerk: Susan Slattery
954-797-2719

City of St. Augustine Beach
City Manager: Max Royle
904-471-2122

City of Winter Park
City Manager: Randy Knight
407-599-3399

Additional Jurisdictions:

City of Belle Isle
City of Casselberry
Dade City
City of Deltona
City of Oviedo
City of West Melbourne
City of Winter Garden
City of Winter Springs

Consulting Services:

City of Pensacola

Incorporation Charters:

Celebration
Preservation
Marion Oaks
Poinciana



RECODIFICATION QUOTATION SHEET

Phase 1 - Legal Review & Conference:

- ★ Legal review¹ of Land Development Code \$3,000
- Option to update February 2016 legal review for Code of Ordinances \$2,250

- ★ Conference (please select one)
- Teleconference with Municode attorney, per 3-hour conference No charge²
- Conference with Municode attorney Attorney time, travel, lodging and per diem

Payments for Legal Review:

- ★ Upon Execution of Agreement \$1,500 for LDC or \$2,625 LDC & Code
- ★ Upon Delivery of Legal Memorandum Balance Due

Phase 2 - Implementation & Republication Base Cost, includes \$24,485

- ★ Receipt, review and organization of materials for Code of Ordinances & LDR (\$750)
- ★ Implementation of approved legal findings (\$3,940)
 - ★ Updating State Law references (\$1,150)
 - ★ Editorial preparation and proofreading (\$13,645)
 - ★ Page formatting (make selections below) (*no cost involved*)
 - ★ Indexing (\$1,025)
- ★ Tables³, Graphics⁴ & tabular matter⁵ (\$1,500)
- ★ Final proofreading and corrections (\$370)
- ★ Quality control review and printing (\$250)
 - ★ 2 printed copies, to include 3-post stamped binders (2 volumes) and tabs (\$1,705)
- ★ Adopting ordinance prepared by a Municode attorney (\$150)
- Ensure the Code is Gender Neutral \$1,150
- Charter Update & Review \$5,000

Charter Update & Review includes a review of the Original 1929 Charter, as amended in 1969, 1974, 1984 and research of State records.

Project is based on the font size & pages below – please only select one:

Font Size Single Column: 10-point (1150) 11-point (1300) 12-Point (1438)

Format Elections (*Please check or circle desired elections below*)

Font: Times New Roman - Will be used as the font unless otherwise indicated.

Other choices include: Palatino, Century Gothic, Gill Sans, Arial, Bookman, Garamond, and New Century Schoolbook

Binder Color: Semi-Bright Black Dark Blue Hunter Green Burgundy
Binder Stamping Color: Gold Silver

¹ Sales tax is additional where applicable.

² Each additional hour invoiced at \$150 per hour.

³ The following tables are included in the base cost: supplement history table, code comparative table, State Law reference table and ordinance history table. An additional hourly charge applies for creation, modification, addition or updating of any table or schedule other than those enumerated in this footnote. This includes Traffic and Fee tables or schedules.

⁴ Includes printing all copies.

⁵ Tabular matter is defined as algebraic formula, or other materials that require special programs or extra editorial time to modify and prepare for inclusion in an update.

RECODIFICATION QUOTATION SHEET CONTINUED

Items not included in base cost

- State Law Reference Hyperlinking⁶ only, per hour (estimated at 15-25 hours) **\$75**
 - o This service also includes a \$300/year annual fee to ensure all links are correct
- ★ Pages **over** 1150 10-point, single column pages, per page (or equivalent) **\$19**
- ★ Freight **Actual**
- ★ State sales tax **If applicable**
- ★ Post your code on MunicodeNEXT **See selections on page 4**

Payment for Implementation & Republication

- ★ Commencement of Implementation and Republication phase **\$9,485**
- ★ Submission of Proofs **\$8,300**
- ★ Delivery **Balance**

⁶This editorial service does not include legal review by an attorney and no substantive changes will be made to the language contained within the Code.

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5c**

ITEM TITLE: LDRs Legal Review Discussion
For the Meeting of: March 11, 2021
Submitted by: City Manager
Date Submitted: March 5, 2021
Funds Required: To be determined
Attachments: Yes, Proposal

Item Description: Land Development Code Legal Review Discussion – LDC quote \$24,485.

Action to be Taken:

Staff's Recommendation:

Additional Comments: Addressed at the January 14, 2020 regular meeting.

City Manager Review: Yes

Mayor Authorization: Yes



PHASED RECODIFICATION, SUPPLEMENTATION AND ONLINE CODE HOSTING SERVICES

Fruitland Park, Florida

February 5, 2021 – Quote valid for 90 days.



Susan Webb

Legal Account Manager

Office: 800-262-2633 ext. 7119

Direct: 850-692-7119

Email: swebb@municode.com

PO Box 2235 Tallahassee, FL 32316



GovTech Top 100 Innovators in
2016, 2017 & 2018



LETTER OF INTEREST

February 5, 2021

Ms. Esther Coulson
City Clerk
City of Fruitland Park
506 West Berckman Street
Fruitland Park FL 34731

via email: ecoulson@fruitlandpark.org

Dear Ms. Coulson:

We are pleased to update our phased recodification, supplementation, and web hosting proposal to include the Charter review. The initial phase consists of a Legal Review and Conference, which will identify internal conflicts and inconsistencies within the Land Development Regulations and with Florida State Law. In the next phase, Municode will implement the agreed upon changes and republish the Code of Ordinances and Land Development Regulations.

With over 69 years of experience, Municode is the oldest and most trusted codifier in the nation. We currently provide codification services to over 4,000 clients throughout the United States and host over 3,700 codes via our online code hosting platform, MunicodeNEXT. Whether it's through the legal codification or recodification process, full-service or self-service supplementation options, online legislative search tools, meeting management and agenda software or custom government website design, we have the experience, resources and expertise to provide our local government clients with innovative products, superior technology and excellent customer service. We invite you to visit our corporate website at www.municode.com to explore our full suite of government services.

Our Supplement team includes 14 teams of Legal Editors and Proofreaders who are dedicated to providing the most accurate and efficient supplement process possible for the ongoing maintenance of your new code. Our code hosting platform, MunicodeNEXT, is the nation's most advanced, accessible and intuitive website for government codes – allowing your staff and citizens to have access to your current code and all archived versions of your code, every official copy of your ordinances, the power to compare versions of your code over time, the ability to be notified every time your code is updated and a powerful search engine capable of simultaneously searching your code, ordinances, minutes, resolutions, budgets and more. Customers who trust Municode with their online codes, meetings software, and municipal website will enjoy a unified search engine and integration of the Meetings, Web, and Code Hosting platforms. From the Meetings platform, agendas and minutes will be automatically uploaded to the website and ordinances can be sent to Municode for codification with permanent links created within the code for the ordinances and the specific meeting from which the legislation was adopted through our OrdBank service.

To start the phased recodification process, simply make your selections on pages 2-5 of this proposal and fill in and sign the signature page on page 13. If you have any questions on this proposal, please shoot us an email, or give us a call. In addition to email, our Florida Account Manager, Susan Webb, can be reached at 850-692-7119. Thank you for the opportunity to submit this proposal. We look forward to speaking with you soon.

Sincerely,



Steffanie W. Rasmussen
Vice President of Client Services
Phone: 800-262-2633 ext. 1148
steff@municode.com

RECODIFICATION QUOTATION SHEET

Phase 1 - Legal Review & Conference:

- ★ Legal review¹ of Land Development Code \$3,000
- Option to update February 2016 legal review for Code of Ordinances \$2,250

- ★ Conference (please select one)
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 - ★ Indexing (\$1,025)
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- ★ Final proofreading and corrections (\$370)
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- ★ Adopting ordinance prepared by a Municode attorney (\$150)
- Ensure the Code is Gender Neutral \$1,150
- Charter Update & Review \$5,000

Charter Update & Review includes a review of the Original 1929 Charter, as amended in 1969, 1974, 1984 and research of State records.

Project is based on the font size & pages below – please only select one:

Font Size Single Column: 10-point (1150) 11-point (1300) 12-Point (1438)

Format Elections (*Please check or circle desired elections below*)

Font: Times New Roman - Will be used as the font unless otherwise indicated.

Other choices include: Palatino, Century Gothic, Gill Sans, Arial, Bookman, Garamond, and New Century Schoolbook

Binder Color: Semi-Bright Black Dark Blue Hunter Green Burgundy
Binder Stamping Color: Gold Silver

¹ Sales tax is additional where applicable.

² Each additional hour invoiced at \$150 per hour.

³ The following tables are included in the base cost: supplement history table, code comparative table, State Law reference table and ordinance history table. An additional hourly charge applies for creation, modification, addition or updating of any table or schedule other than those enumerated in this footnote. This includes Traffic and Fee tables or schedules.

⁴ Includes printing all copies.

⁵ Tabular matter is defined as algebraic formula, or other materials that require special programs or extra editorial time to modify and prepare for inclusion in an update.

RECODIFICATION QUOTATION SHEET CONTINUED

Items not included in base cost

- State Law Reference Hyperlinking⁶ only, per hour (estimated at 15-25 hours) **\$75**
 - o This service also includes a \$300/year annual fee to ensure all links are correct
- ★ Pages **over** 1150 10-point, single column pages, per page (or equivalent) **\$19**
- ★ Freight **Actual**
- ★ State sales tax **If applicable**
- ★ Post your code on MunicodeNEXT **See selections on page 4**

Payment for Implementation & Republication

- ★ Commencement of Implementation and Republication phase **\$9,485**
- ★ Submission of Proofs **\$8,300**
- ★ Delivery **Balance**

⁶This editorial service does not include legal review by an attorney and no substantive changes will be made to the language contained within the Code.

SUPPLEMENTATION QUOTATION SHEET

Supplement Service Base Page Rate⁷

Page Format	Base Page Rate
Single Column	\$19 per page

Base page rate above includes:

- ★ Acknowledgement of material
- ★ Data conversion, as necessary
- ★ Editorial work
- ★ Proofreading
- ★ Updating the index
- ★ Schedule as selected by you⁸
- ★ Updating electronic versions⁹ and online code
- ★ Printing 10 copies

Base page rate above excludes:

- Annual State Law Reference Hyperlinking to ensure links are not broken (if elected on page 3) **\$300¹⁰**
- ★ Freight **Actual**
- ★ State sales tax **If applicable**
- ★ Images, Graphics¹¹ & tabular¹² matter, each **\$10**
- ★ Annual Administrative Support Fee, invoiced each November **\$250**
- ★ MyMunicode or online code **Selections on page 4**

Electronic media options for Code of Ordinances (sent via download)¹³

- WORD-DOCX of the code **\$150 initially then \$75 per update**
- Folio Bound Views **\$295 initially then \$100 per update**
- Adobe PDF of the code **\$150 initially then \$75 per update**
- Adobe PDF of each supplement **\$75 per update**

Invoices for Supplements and Additional Services will be submitted upon shipment of project(s).

⁷ All prices quoted in this section may be increased annually in accordance with the Consumer Price Index – Bureau of Labor Statistics.

⁸ Schedule for supplements can be weekly, bi-weekly, monthly, bi-monthly, quarterly, tri-annual, semi-annual, annual or upon authorization. Electronic updates can occur more frequently than printed supplements.

⁹ We do not charge a per page rate for updating the internet; however, a handling fee is charged for PDF, Word, Folio or additional electronic media items ordered.

¹⁰ Subscribing to this ongoing annual service requires that the initial State Law Reference Hyperlinking has already occurred.

¹¹ Includes printing of all copies.

¹² Tabular matter is defined as tables, algebraic formula, or other materials that require special programs or extra editorial time to modify and prepare for inclusion in an update.

¹³ "delivery" is defined as making updated electronic data available to you via download or FTP. Fee applies whenever content is delivered as PDF, Folio or Word, via one of the aforementioned mediums.

WEBSITE HOSTING QUOTATION SHEET (MunicodeNEXT)


Online features can be purchased on an a la carte basis, or through our MyMunicode bundle for the best value. Please visit our online library of over 3,600 codes on MunicodeNEXT [here](#). You can learn more about our standard and premium online services [here](#).

Please check the appropriate box (es) to indicate your selection:

EXISTING ORDERS

- [Online Code = MunicodeNEXT](#), with [CodeBank](#), [CodeBank Compare](#) + [eNotify](#)¹⁴ invoiced annually each January \$900¹⁵

ADDITIONAL AVAILABLE SERVICES

- [OrdBank](#) annually (or per ordinance)  \$340 (\$35)
Permanent online collection of ordinances with hyperlinks from history notes, supplement history table, and code comparative table to ordinances. This service applies to amendatory (included) ordinances only.
- [OrdBank](#) + [OrdLink](#) annually (or per ordinance) \$440 (\$60)
Provides hyperlinks from newly adopted amendatory legislation to sections of the code to be amended.
- [MuniPRO](#) Service annually \$295
Search over 3,600 online codes/ordinances. Attach notes to codes and drafts of new legislation.
- [Custom Banner](#) one-time fee \$250
Customize MunicodeNEXT to match the look of your website.
- [MuniDocs](#)¹⁶ annually, upgraded self-loading capabilities – *first 3 months service at no charge!* \$350¹⁷
Host any other municipal documents in a fully searchable format, including Minutes, Agendas, Resolutions, Budgets and more for self-loading to the MuniDocs platform!

My Municode - Value Pricing!

- MyMunicode** annually \$1,435¹⁸
Includes [MunicodeNEXT](#) (Online Code), [OrdBank](#), [CodeBank](#), [CodeBank Compare](#) + [eNotify](#), [MuniPRO](#), and [Custom Banner](#)
- Add OrdLink for an additional \$100 per year

¹⁴ Enrollment in CodeBank is required in order to receive the CodeBank Compare/eNotify technology.

¹⁵ Effective January 1, 2021 online services will be increased to \$645 annually in response to increasing costs of server storage and cybersecurity. The current online services cost of \$550 was originally established in 2011.

¹⁶ Your MuniDocs files can also serve as storage for archived ordinances within the MuniDocs platform. Unlike our online OrdBank feature, these self-loaded and all ordinances archived ordinances will not be linked to the legislation within the online Code. All ordinances for codification for linking via our OrdBank feature can be emailed to us at ords@municode.com.

¹⁷ Includes up to 25 GB storage. Quote for additional storage is available upon request.

¹⁸ Total value if each item were to be purchased a la carte would be approximately \$1,785 per year with participation in our OrdBank service.

COMPANY PROFILE

History, Mission, and Team

With over 69 years of experience, Municode's mission is to connect public sector organizations with their communities. Our solutions promote transparency and efficiency - such as custom website design, meeting and agenda management, the legal codification process, and our robust suite of online legislative search tools.

Municode partners with more than 4,000 government agencies across all fifty states. Municode is a privately-owned financially sound corporation. Our leadership focuses on improving Municode through investments in its people and its technology. Our culture is conducive to the longevity of our employees; our clients can establish a long-term partnership with our experienced and stable workforce.



Municode is home to over 160 employees (most of whom enjoy a 10+ year tenure). Our headquarters in Tallahassee, Florida includes four buildings totaling 56,000 square feet. We have regional offices located in Rancho Mirage, California; Loveland, Colorado; Sarasota, Florida; Boise and Rexburg, Idaho; Carmel and Kewanna, Indiana; Stillwater, Minnesota; Charlottesville, Virginia; Hudson, New Hampshire; Asheville and Raleigh, North Carolina; Kaysville and Providence, Utah; Lake Oswego, Oregon; Fort Worth, Dallas and Edinburg, Texas

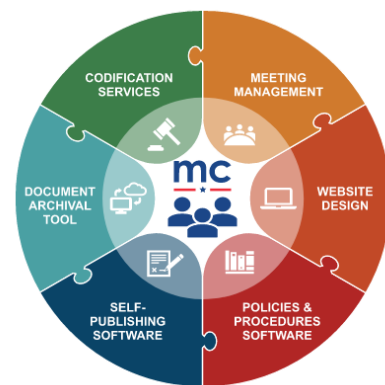


Our Vision: Simple, Seamless Integration

Our vision is to create seamless integration between our service offerings. The goal is to reduce staff workload, while at the same time, increasing the ability for municipalities to connect with their communities.

The following example integration points are either in place today or envisioned in our future strategic roadmap.

- Unified search across all platforms (website, meetings, online codes)
- Auto-publish agendas and minutes from the Meetings platform to the Website
- Ordinance auto-publishing from the Meetings platform to your online code, queued for supplementation, Code of ordinance cross-references to legislative voting history, minutes, and video/audio



SCOPE OF SERVICES

Phase 1 - Legal Review & Conference

During the Legal Review process, the attorney assigned to your project will examine every title, chapter, section and line of the Code to ensure that it is free from conflicts and inconsistencies and conforms to the laws of the State of Florida. Local and State Building Code, Fire Code and other specific Zoning related Regulations are not included in this review. Your Municode attorney will be available to consult with you and your staff at any time during the Legal Review process, which is outlined below.

Ordinances. All legislation of a general and permanent nature, passed in final form by you as of the cutoff date established by you and your Municode attorney, will be included in the analysis. All material that we receive will be acknowledged via e-mail, in order to establish a record of included ordinances. Legislation not of a general and permanent nature will be omitted from the review unless otherwise instructed by you.

Attorney Analysis and Review of Material. Our legal team will review the Code to ensure conformity with state statutes and to identify any areas of possible legal concern. New legislation included in the analysis will be compared to Code content in order to determine if there are any inconsistencies or conflicts within the legislation itself. Ordinances enacted, or added, subsequent to the established cut-off date for the Legal Review, or items not contemplated within the scope of service, may be included later at an agreed upon page rate.

References. We will provide State Law References within the Code. Editorial notes will be provided as appropriate. Internal references within the Code will be hyperlinked in the online version.

Legal Memorandum. We will provide you with a user-friendly Legal Memorandum containing all of our analyses and recommendations. This memorandum will reflect our attorney's Legal Review and will provide you with recommended options intended to remove conflicts and inconsistencies; conform to State Law, when appropriate; and ensure compliance with your charter. This approach facilitates collaboration and dissemination among departments, thus making the process as easy for you as possible. Our goal is to make the Legal Review process simple and smooth for you.

Conference. Within 30 days of your receipt of the Legal Memorandum, we will conduct a conference, either in person or via telephone or webinar, to review the Legal Memorandum and our recommendations. All interested personnel may be included, but your attorney and clerk are essential. Issues discovered during the legal analysis will be discussed at the conference, with the goal of the conference being to come to agreement on any required changes. Your attorney has the final decision-making authority for resolution of issues brought up at the conference or noted in the Legal Memorandum.

Phase 2 - Implementation & Republication

Implementation of Approved Recommendations. Recommendations from the legal review, as approved by you and your staff, will be incorporated into your code by aggregating all changes and republishing the code. Upon completion of the republication, we recommend you readopt the entire code. We will provide you with an adopting ordinance.

- ★ **Incorporate Legal Review Findings.** All approved recommendations will be implemented into your code as outlined in the Legal Memorandum.
- ★ **Incorporate Ordinances.** The ordinances that you have enacted subsequent to the latest ordinance included in the existing code will be incorporated as shown on the price quotation sheet. The amended or repealed provisions will be removed and the new provisions inserted.

State Law Reference Hyperlinking, a service designed for the online HTML version of the Code. This process includes a review of the entire Code to identifying all state law references within the Code (footnotes and internal citations) and hyperlink the reference or footnote to the statute it pertains to on the state website. We also offer State Law Reference Hyperlinking on an ongoing basis. The annual cost for this service includes hyperlinking all state law references in newly enacted legislation to the applicable state statute. The ongoing service also includes an annual review of all existing state law reference hyperlinks throughout the Code to ensure the links are not broken.

Republication

We will work with you to confirm the desired formatting and style of the Code. We will update the preliminary pages, create an Index (if elected) and Table of Contents; add any uncodified newly adopted legislation at the per page supplement rate quoted; update history notes; provide a comparative table of ordinances and integrate all applicable photographs, maps, diagrams, charts and tables into the Code. Proofs will then be provided for your review. Following the approval of the proofs, the Code will be shipped and posted online in fully robust HTML format.

We will handle 100% of the publishing of your Code. The republication process includes editing, page composition, proofreading, indexing (if elected), and delivering the information as printed and/or electronic copy. When we republish your Code, pages are recomposed to eliminate short pages, pages with blank backs and oddly numbered (point) pages. Following the recomposition, the Code is reprinted, and supplement number designations start over with Supplement No. 1.

The anticipated time frame for the conversion and republication project is **3 to 4 months**, excepting any delays in our receipt of materials or your return of proofs. Within 2 weeks of shipping the new Code, it will be published online in fully robust HTML format via MunicodeNEXT. The current Code can be posted online in PDF format during the conversion and republication phase, if desired.

The process includes:

- ★ Conversion to our codification database;
- ★ Inclusion of adopted legislation can be added at the per page supplement rate quoted;
- ★ Removal and replacement of supplement numbers;
- ★ Updating of preliminary pages (title page, officials' page, and preface);
- ★ New page numbers;
- ★ Editing & proofreading;
- ★ 10-point Times New Roman font, single column format, unless otherwise instructed;
- ★ Incorporation of maps, diagrams, charts and tables;
- ★ Preparation of Table of Contents and updating or creation of an Index (if elected);
- ★ Proofs provided for your review;
- ★ Posting your newly republished Code on MunicodeNEXT;
- ★ Providing printed copies and any electronic versions specified in the format of your choice (WORD, PDF, FOLIO), as elected on the quotation sheet.

Supplementation Services

Municode's full-service supplementation process has been designed for timeliness, efficiency, simplicity and most of all, for our customers' convenience. Supplements can be provided on the schedule of your choice. In addition to printed supplements, we can deliver the updates in Word, PDF and/or Folio formats.

We pride ourselves on a turnaround time of **30 to 35 days for printed supplements** and can provide you with h "always up to date" **electronic update services within 10 to 15 days** at the same per page rate quoted for printed supplements. With printed supplementation, the online code is updated within **3 days** after shipping the supplement, and there is no additional fee for this service.

A recent analysis of our 2018 printed supplement Services indicated an editorial error rate of less than .1%, which is made possible by our attention to detail, ongoing communication with our clients, and strict quality control checks to ensure we continue to produce the best printed and electronic supplements available in our industry. Any errors attributable to Municode during the preparation, printing and maintenance of the code will be corrected at no cost. The printed supplement process is outlined below:

1. Receipt of new legislation will be acknowledged within 24 hours. Our production support team will record the adoption date, effective date and ordinance number(s) and ensure that all necessary exhibits, tables and graphics are included. You will be advised promptly if any pertinent information is missing from your submission. Your material will then be immediately forwarded to our Supplement team for codification. If our OrdBank service (advance legislation service) is selected, the legislation will be posted online within 48 hours in PDF format as "Adopted Legislation not yet Codified".

2. Editorial Review – Our editorial team will review all ordinances received to determine whether the ordinance should be included in your code; where the ordinance should be placed; whether the ordinance conflicts with your existing code format; what material should be removed from your existing code; whether history notes will be added; what tables will be updated and whether the Table of Contents in the front of the code and at the Chapter/Title level should be amended. If any significant errors or numbering issues are noted, your editor will contact you for clarification. No substantive changes to your legislation will be made by our editorial team, however minor typographical errors will be corrected as part of the supplement process. Should the editorial, legal and/or proofreading team find discrepancies in your ordinances, we will communicate with you to ensure that the ordinances are correct and consistent with the existing code.
3. Indexing – Your supplement will now be sent to our indexing team, where all new legislation is indexed and cross-referenced in all appropriate locations.
4. Proofreading – The proofreader assigned to your editorial team will then examine your supplement line by line to ensure editorial accuracy, code hierarchy and layout and to confirm that your supplement is grammatically correct and free of errors in spelling and capitalization. Your supplement is examined again line by line to ensure that the improvements made by the editorial team were thorough and accurate. During this process, the original ordinance is compared again with the newly added text to further ensure editorial accuracy.
5. Posting the supplement online (MunicodeNEXT) – After your supplement has been completed, your online code will be updated within 3 days and any electronic products requested will be provided. You will receive notification that the website has been updated via email. If our CodeBank Compare + eNotify service is selected, citizens will be notified each time the online code is updated. When your code is updated on MunicodeNEXT, all internal cross-reference links are updated. With our OrdBank feature, each history note will be linked to the ordinance that amended the respective section.
6. Printing and Shipping – We will print, cut, 3 hole-punch, and ship your supplement to you unless otherwise instructed. You can change your supplement schedule at any time, and there is no additional charge for more frequent supplementation. *Instruction Sheet:* With each printed supplement, we will furnish a page of instructions for removal of the obsolete pages and insertion of the new pages; as well as a *Checklist* of up-to-date pages with each supplement.



Website Hosting Services (MunicodeNEXT)

Our code hosting platform, MunicodeNEXT, includes both Standard and Premium features, designed to provide a wide variety of additional capabilities for the research and navigation of your code, as well as for preserving its history. With our MunicodeNEXT advanced features, your staff and citizens need only click the link provided on your municipality’s website to access your full Code of Ordinances. They not only have access to your complete and current Code of Ordinances, but to all archived versions of your code, every official copy of your ordinances, the power to compare versions of your code over time, the ability to be notified every time your code is updated, and the ability to translate your code into over 100 languages via **Google Translate**, which is included at no additional charge. We encourage you to visit our online library of over 3,600 codes hosted on MunicodeNEXT: <https://library.municode.com/>.

ADA compliance is multi-faceted. All HTML content viewed via our MunicodeNEXT web application is WCAG 2.1 Level AA compliant and will scale to the viewport of any modern smartphone or tablet running iOS, Android, or Windows Phone 7 or higher. Web application accessibility techniques continue to involve and improve as technology advances. Municode is committed to making accessibility an important part of ongoing product updates. Our tech stack includes HTML5 & CSS3, Javascript (AngularJS), and a restful API written in C# running on .Net Core. All content is rendered in standard HTML and is viewable in all modern browsers including PC: Microsoft Internet Explorer 10 or later, Firefox 3.6 or later, macOS®: Safari™ 5.0 or later, and Chrome 18 or later.

We house our public facing website in a secure, SAS70, PCI compliant data center owned and operated by Flexential in Atlanta, Georgia). All systems are backed up and synchronized between our Tallahassee, Florida and Atlanta, Georgia locations for full geographic redundancy. We actively monitor the status of our hosting facility. We utilize Veeam Backup & Recovery to take daily snapshots of all servers in both of our data centers. Snapshots are performed from 8 pm EST to 5 am EST, are replicated between sites and are routinely tested. Biometric authentication is required to enter the data center facility, and anyone entering the premises must be either active customers or authorized vendors with badge and PIN access. Each rack is locked with a combination lock to prevent unauthorized entry or access. The facility is monitored by camera 24/7 to further provide physical security.

We secure our systems using enterprise grade security products. We employ firewalls from Palo Alto networks to secure the perimeter and endpoint security from Carbon Black to provide anti-virus scanning and threat detection on all servers, desktops, laptops, virtual machines and mobile devices. Carbon Black actively scans all file access on all endpoints of our network and quarantines any suspected malware, immediately sending notification to our systems administration staff. We use Nimble and 3Par SANs for all our storage needs. Each SAN member is fully redundant – redundant power supplies, controllers, NICs, etc. The drives on each array are configured as either RAID 5, RAID 50, or RAID 60 arrays.

Our powerful search engine allows users enter simple or advanced searches and supports Boolean operators, stemming, wildcards, proximity searches, and a global synonym list. Users can easily search the code using keywords or phrases, and can print, download and/or email any portion of your code. Search terms can be applied to the entire code or narrowed to search only within specific chapters or sections. Our recent website upgrade allows users to sort results by relevance or book order! Our collapsible Table of Contents, continuous next-hit feature and internal and external hyperlinking and cross-referencing features simplify and enhance the navigation of your online code, allowing your staff and citizens the capability of simultaneously searching your code, ordinances, minutes, resolutions, budgets and more.

MunicodeNEXT is designed with accessibility in mind. Our application is fully responsive, ensuring all features are available on appropriately sized desktop, tablet, and smartphone viewports. Designed to provide easy access and an intuitive interface, it is extremely well-suited for use on tablets and mobile devices running iOS or Android. Our application also conforms to Level AA of the Web Content Accessibility Guidelines 2.0.

MunicodeNEXT Premium Feature Summary

- ★ **CodeBank** will enable you to have instant access to past versions of your code after each supplementation.
- ★ **CodeBank Compare + eNotify** provides you with the ability to select a past version of your online code and compare it to any other version of the code each time the code is updated. The differences will be shown via Highlights (added materials) or Strikethrough (deleted material).
- ★ **eNotify** allows users to enroll to receive an email notification each time your online code is updated. A “modified,” “removed” or “added” badge is shown within the online table of contents to alert users of recently amended sections of your code.
- ★ **OrdBank** will create one click access to every amendatory ordinance via linked history notes. Ordinances are permanently stored online in the OrdBank repository and filed in annual folders.
- ★ **OrdLink** will create highlights within your online code to help users identify what amendatory ordinances have been recently adopted and what code sections have been amended.
- ★ **MuniPRO** allows you to search over 3,600 codes in the Municode library, save frequently used or complex searches, create notes to attach to any publication and draft new ordinances.
- ★ Our **MuniDocs** feature has recently been upgraded to allow clients to upload a wide variety of .rtf, .doc, .docx, and .pdf documents to browse and search alongside the code. Uploading is as simple as dragging and dropping the document from your computer into the upload dialog box on the improved administrator dashboard, where previously uploaded documents can also be managed. When uploaded, users can choose from a wide list of predefined document types, including minutes, agendas, resolutions and more. These documents are immediately converted to PDF and indexed for search, organized in nested folders – allowing the public to browse and search them immediately.

ADDITIONAL SERVICES AVAILABLE FOR PURCHASE

Municode offers a wide variety of services, all of which have been designed primarily to serve local governments. Please contact us for information and pricing on any of the services listed below, all of which may be purchased under this contract and all of which are competitively priced.

Website Design and Hosting Services

Let our team of web analysts and developers create or redesign a website for your municipality that provides your staff and citizens with a stunningly beautiful website that is simple for staff to use, easy for citizens to access, responsive, interactive, dynamic, and extremely efficient! Using the popular Drupal, open-source framework, we will work with you to understand your history, anticipate your future, define your priorities and achieve the long-term goals of your community.

When Municode designs your completely mobile friendly website, our goal is to improve your image and your community profile, increase the self-service capacity of your residents, and empower your staff to create, edit and maintain website content as simply and efficiently as possible. The result will be an unparalleled municipal website solution at a very compelling price.



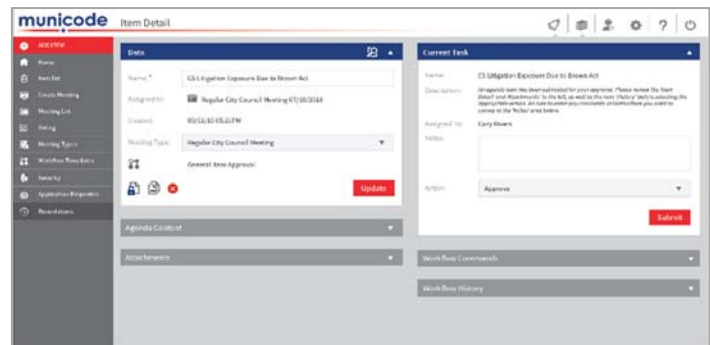
[Request MunicodeWEB Demo/Proposal](#)

Meeting and Agenda Management

Municode provides a cloud-based agenda meeting management system that enables our clients to save time and money by streamlining and automating the agenda process. With zero set-up requirements, minimal budget impact, built in automatic upgrades and internal and external IT support issues managed directly by Municode's expert team of web analysts and system developers, your staff will spend significantly less time on agenda management, while still maintaining total administrative control of your agenda packets.

Municode provides the highest level of government transparency to your citizens. We will show you how to live stream your meeting videos at no cost and can provide archived video and audio linking capabilities that will allow your constituents to access the exact point in the meeting video where a specific piece of business is discussed. You can take roll call and record votes live in the meeting – and legislators can also vote directly from their Mac, PC, iPad, or Android device!

Other benefits include agenda process visibility, easy agenda updates, approval workflow, live Council voting & roll call, Email notifications, a Unified Document Search and automated approval routing. When you are ready to publish your Agenda, our “single click publishing” will provide you with automatic agenda and packet creations.



[Request MunicodeMEETINGS Demo/Proposal \(see pricing page 4\)](#)

Payment Solutions - Point and Pay

Our preferred payment solutions partner, Point & Pay (<https://www.pointandpay.com/>) makes paying bills easier! Everything they do is backed by their best-in-class user interfaces, insightful features and high-quality service and support. Point and Pay can assist in processing City/County taxes, utility bills, permits & licensing, and more. With a focus on mobile interfaces, they enable your customers to conveniently pay bills whenever and wherever they want!

Request Point and Pay Demo/Proposal

MCCi Services:

Laserfiche Enterprise Content Management Software and Services

MCCi understands the challenges organizations face every day with paper-based processes. We provide innovative solutions that transform these challenges into smart practices that improve efficiency, productivity and organizational structure. Recognized as one of the nation's top 20 Most Promising Government Technology Solution Providers, we are also the largest Laserfiche provider in the world. MCCi is passionate about helping organizations run their office more efficiently – saving time, money and resources! With 900 clients nationwide, MCCi is the largest provider of Laserfiche solutions in the world.

Digital Imaging Services

Through MCCi, Municode can help with your digital imaging services needs include scanning, indexing and integration of hard copy documents, electronic documents, and microfilm/microfiche. MCCi provides the most powerful index retrieval search engine available.



Open Records Request Software

JustFOIA is an affordable, easy to use, completely web-based hosted service that was created specifically to help you manage and track public records requests. Since JustFOIA is completely web-based, you are able to login anywhere that has an internet connection. You simply type in your customized web address and enter your credentials, safely and securely. Your service is available 24/7, every single day of the year.



JustFOIA helps agencies receive, track and report on open records requests. JustFOIA is a hosted solution that is user-friendly, affordable, and integrated with Laserfiche Enterprise Content Management.

Request MCCi Demo/Proposal

Internet-based Document Editing and Presentation System

enCodePlus is a unique Internet-based document editing and presentation system used for authoring, displaying, and managing all aspects of land development regulations or zoning ordinances. Developed by community planners, **enCodePlus** assists in the creation of land development and zoning ordinances that are fully customizable, easy to navigate and rich with features including GIS interactive mapping, a “Land Use Look Up” tool, hyperlinking to outside resources, historical archiving and in-line graphics.

From its humble beginnings as a stand-alone Windows PC program, **enCodePlus** has matured to meet the needs of an innovative and exacting group of land use code writers and their client communities. To learn more about how **enCodePlus** can be an economic driver for your municipality and positively impact the transparency and navigability of your zoning or land development ordinance, please visit this link: <http://www.encodeplus.com/>



Request enCodePlus™ Demo/Proposal

SIGNATURE PAGE

This proposal shall be valid for a period of ninety (90) days from the date appearing below unless signed and authorized by Municode and the City of Fruitland Park, Florida.

Term of Agreement. This Agreement shall begin upon execution of this Agreement and end three years after the publication date of the new code. Thereafter, the supplement service shall be automatically renewed from year to year provided that either party may cancel or change this agreement with sixty (60) days written notice.

Submitted by:

MUNICIPAL CODE CORPORATION

Municode Officer: SW

Title: Steffanie Rasmussen, Vice President of Client Services

Date: February 5, 2021

Accepted by:

CITY OF FRUITLAND PARK, FLORIDA

Signature: _____

Printed Name: _____

Title: _____

Date: _____

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5d**

ITEM TITLE: BTR FLC Discussion
For the Meeting of: March 11, 2021
Submitted by: City Manager/City Clerk
Date Submitted: March 5, 2021
Funds Required:
Attachments: Yes, correspondence (email, letter/lawsuits, resolution and agreement)

Item Description: **Business Tax Receipt - Florida League of Cities Discussion** – list of insurance companies who failed to pay their business tax receipts or has become delinquent and Cypress Property and Casualty Insurance Company not liable for the collection of same.

Action to be Taken: City commission discretion.

Staff's Recommendation:

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

From: [Jabari Hopkins](#)
To: anita@agclaw.net
Cc: [Esther Coulson](#); [Gary La Venia](#); sheila@agclaw.net
Subject: Business Tax Receipt for insurance company
Date: Thursday, February 25, 2021 11:24:36 AM
Attachments: [Cypress Prop Law suit.pdf](#)
[FLC-CypressProp&CasAdams&ReeseLLP081616-1.pdf](#)
[2009-001 010809 Building Citizenship in Community FLC.pdf](#)
[FLCFruitlandParkAgreement.pdf](#)

Good Afternoon Anita,

I know the City Manager has or will soon be contacting you in this regard. Attached are attachments, which have also been placed in your mail here in city hall in regards to the business tax receipt of insurance companies within the municipality.

Every month Florida League of Cities request that we send them a list of all the insurance companies within the municipality and they compare our listings to their records. Upon finding a company that has failed to pay their business license or has become delinquent therein, Florida League of Cities will seek to collect those unpaid taxes of our behalf. Which then they would receive 50% of what is collected and the city will receive the other 50%.

There is an interpretation of Florida Statutes Section 624.41(3) and Florida State Statues Section 624.520(1) by with Cypress Property & Casualty is standing on that they feel they don't have to pay business tax yet (also attached) Florida League of Cities states in their response to the above stated insurance company that "the collection of business taxes from insurance companies doing business in Florida municipalities, under Section 205.042, FLA.Stat., is fully authorized.

I have spoken to the City Manager and Clerk in this regards and believe that your legal understand and explanation will be valuable in a complete understanding in what's transpiring here and I am sure the City Manager is wanting us, through your office, to terminate the agreement by letter with Florida League of Cities as it is in regards to the above stated acts.

Look forward to hearing from you.

Kind Regards,

Jabari Hopkins, Deputy City Clerk

City of Fruitland Park

Phone: 352-901-6019

Web: www.fruitlandpark.org

Email: JXHopkins@fruitlandpark.org

506 W. Berckman St. Fruitland Park FL 34731

Under Florida law, *Cf.* s. 668..6076, F.S., e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to the City of Fruitland Park. Instead contact the city by telephone or in writing.

RESOLUTION 2009-001

A RESOLUTION OF THE CITY OF FRUITLAND PARK RECOGNIZING THE “BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS” INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC., PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT; AND PROVIDING FOR AN AFFECTIVE DATE.

WHEREAS, municipal government is the government closest to most citizens, with tremendous daily impact upon its residents; and

WHEREAS, city government is administered for and by its citizens, and is dependent upon public commitment to, and understanding of, its many responsibilities, and city government officials and employees share the responsibility to pass along their understanding of public services and their benefits; and

WHEREAS, Florida’s citizenry receives public services from state, county, school district, and other government levels, educating Florida’s citizens of all ages as to the structure and function of all the levels of government, and how to be wise consumers of such services is therefore critically important; and

WHEREAS, the Florida League of Cities and its member cities have joined together to teach students and all citizens about municipal government through a variety of different projects, resources, and information;

WHEREAS, this initiative will make resources available to cities and their citizens to utilize in further their goals for civic education;

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF FRUITLAND PARK AS FOLLOWS:

Section 1. That the City of Fruitland Park does hereby encourage all citizens, city government officials and employees to utilize the opportunities and resources available through this initiative.

Section 2. That the City of Fruitland Park does encourage educational partnerships between city government and schools, as well as civic groups and other organizations.

Section 3. That the City of Fruitland Park does support and encourage all city governments to activity promote the "Building Citizenship in the Community: Back to Basics" initiative.

PASSED AND RESOLVED this 8th day of January, 2009, by the City Commission of the City of Fruitland Park, Florida.

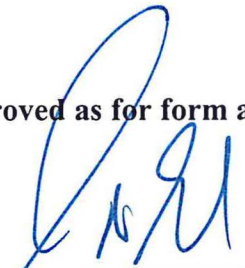

CHRISTOPHER J. BELL, MAYOR

ATTEST:



DIANE GIBSON SMITH, CMC, MBA
CITY CLERK

Approved as for form and legality:



Scott A. Gerken, City Attorney



301 South Bronough Street, Suite 300 ♦ Post Office Box 1757 ♦ Tallahassee, FL 32302-1757
(850) 222-9684 ♦ Fax (850) 222-3806 ♦ Web site: www.flcities.com

December 16, 2008

Dear Municipal Official:

I am humbled to serve as your President this year. The Florida League of Cities is very near and dear to my heart. The League's motto is "Local Self-Government: Keystone of American Democracy", and I believe city government is the closest government to the people of Florida, and I believe in Home Rule. I want to stand side-by-side with you to protect the Home Rule power of Florida's cities.

We are facing extremely tough economic times and I believe that the education of our citizens, and future citizens (students), is of the utmost importance - now more than ever before. Educating our citizens on the fundamentals of city services and what it takes to effectively run a city is going to be essential as we continue to be forced to "tighten our municipal belts", do more with less, and still maintain the level of service demanded by our citizenry.

Through my presidential priority, "Building Citizenship in the Community: Back to Basics", the League has designed and launched a campaign to increase civic awareness and participation. We will provide education for our constituents to increase their awareness of municipal issues, and help them become smarter municipal service consumers.

I encourage each municipality to stand with me in support of this initiative. I have attached a resolution for your council's or commission's consideration. There are 411 active municipalities in the Sunshine State - it would be wonderful to have 100% participation! *I appreciate your consideration of this request.*

Further, I would appreciate hearing about what you are doing in your municipality. I'd like to hear about your successes in citizen education and about things that didn't work as well. How can we strengthen the relationship between elected officials and the average citizen in Florida's cities, towns and villages? *I hope you will share your stories with us, by contacting Casey Cook at ccook@flcities.com or 850-701-3609.*

I appreciate your continued dedication to the Florida League of Cities. Together, we can make a difference...we already have...we will continue to do so!

Sincerely,

Carmine Priore
President, Florida League of Cities
Vice Mayor, Wellington

President Carmine Priore, Vice Mayor, Wellington
First Vice President John Marks, Mayor, Tallahassee ♦ Second Vice President Joy Cooper, Mayor, Hallandale Beach
Executive Director Michael Sittig ♦ General Counsel Harry Morrison, Jr.

AGREEMENT

STATE OF FLORIDA

COUNTY OF LAKE COUNTY

THIS AGREEMENT, made and entered into the 9 **day of** March,
A.D. 1987, **between the FLORIDA LEAGUE OF CITIES, INC., a corporation not for profit of the State of Florida, with its principal office in the City of Tallahassee, Florida, hereinafter called the "League,"**
and FRUITLAND PARK, **a municipal corporation of the State of Florida, hereinafter called the "City;"**

WITNESSETH: That for the consideration hereinafter set forth, the League and City agree that:

- 1. The League will make the necessary investigations and collect unpaid, escaped and delinquent privilege or occupational license taxes from corporations, firms or associations transacting any insurance business in the City.**
- 2. The City shall not incur any expense or liability in connection with such investigation and collection except as hereinafter set forth.**
- 3. The League, at its expense, will write all necessary letters and assume all other expenses incurred in the collection of said license taxes.**
- 4. Only such corporations, firms or associations obligated to pay such license taxes under State Law or under any City Ordinance of the City shall be approached or investigated.**
- 5. The League shall retain 50% of the amount collected for effecting the collection of such delinquent and escaped privilege, or license, taxes and the balance of 50% of the gross amount recovered shall be forwarded to the City periodically by statements to said City. The League shall receive no commission or compensation for amounts collected in subsequent years on voluntary payments or payments received from billings by the City from companies from which the League has effected collection under this Agreement.**
- 6. During the term of this Agreement the City shall notify the League of any payments or compromise settlements received by the City, of such escaped and delinquent license taxes due from insurance corporations, firms or associations. If any license taxes collected under this Agreement are paid directly to the City, the City shall remit to the League the commission due it under this Agreement, or if sums due are forwarded to the League in the name of the City, the League shall deduct its commission and remit to the City the sums due it under this Agreement.**
- 7. This Agreement shall remain in full force and effect until terminated by either party upon giving at least ninety (90) days notice in writing to the other party, and all collections received during said ninety (90) day period shall be disbursed in accordance with the above provisions of this Agreement.**

IN WITNESS WHEREOF, the parties have hereunto caused their names to be signed and their seals to be affixed, this the day and year first above written.

FLORIDA LEAGUE OF CITIES, INC., a corporation not for profit of the State of Florida

BY Glenn E. Hood
President

ATTEST:

Joseph E. Ory
Secretary

City of Fruitland Park
A Municipal Corporation of the State of Florida

BY Jan C. Gault, Mayor

ATTEST:

R. H. [Signature]
City Clerk Manager



Michael Sittig, Executive Director ♦ Post Office Box 1757 ♦ Tallahassee, FL 32302-1757
Telephone (404) 237-2280 ♦ Fax (404) 237-2202 ♦ Web site: www.flcities.com

August 16, 2016

Susan E. Mack, ESQ.
Adams and Reese LLP
501 Riverside Avenue, 7th Floor
Jacksonville, FL 32202

Re: Municipal Business Taxes – Cypress Property and Casualty Insurance Company (“CPCIC”)

Dear Ms. Mack:

I am responding to your letters in which you argue that CPCIC is not liable for Florida municipal business taxes. We strongly disagree. The collection of business taxes from insurance companies doing business in Florida municipalities, under Section 205.042, Fla.Stat., is fully authorized.

The circuit court case on which you rely in your argument, *Old Dominion Ins. Co. v. City of Leesburg Code Enforcement Board*, Case No. 91-12-AC, depends principally on that court’s opinion that the authority of Section 205.042 was somehow preempted by the enactment of the Florida Insurance Code. In so deciding, the circuit court ignored binding precedent from a district court of appeal, and was incorrect as a matter of law.

First, the Florida Insurance Code does not preempt the collection of these business taxes from insurance companies. The statute which the *Old Dominion* court and you cite, Section 624.401, Fla. Stat., preempts for the state the field of issuing certificates of authority or insurance licenses and regulating the business of insurance. This section does not concern taxation.

Taxation issues are expressly addressed in a separate, specific statute of the Insurance Code, Section 624.520, Fla. Stat. By that statute, the state has preempted the field of imposing taxes upon insurers “measured by premiums, income or volume of transactions...” As recognized by the Fourth District Court of Appeals in *Lawyers Title Insurance Corp. v. City of West Palm Beach*, 402 So.2d 544 (Fla. App. 1981), the business tax authorized by Section 205.042, Fla. Stat., with which we are concerned, is not preempted:

[I]n the context of the Insurance Code as a whole, we find that the occupational license tax [now, “business tax”] at issue herein, while fitting into the tax categories listed in Section 624.520(1) is not keyed into ‘premiums, income, or volume of transactions.’ As such, it is not within the purview of that section’s preemption, but rather, constitutes an exception thereto. Thus, the imposition of the occupational license tax on insurance companies within the City of West Palm Beach was within appellee’s [the city’s] power...” 402 So.2d at 546.

Although in *Old Dominion*, the circuit court got it wrong, at least one other circuit court got it right. I am enclosing a copy of the Amended Declaratory Judgment entered in *The City of Jacksonville v. Aetna Life Ins. Co.*, Civil Action No. 74-12472-CA in the Circuit Court, Fourth Judicial Circuit of Florida, in and for Duval County. That court correctly anticipated the Fourth District Court of Appeals in holding that the occupational license taxes (now “business taxes”) authorized by Chapter 205, Fla Stat., were not preempted but are permissible.

Section 205.042, Fla. Stat. authorizes municipal business taxes. Subsections 1 and 2 of this statute authorize taxes from entities having a place of business in the city. However, Subsection 3 permits the collection of a business tax from “[a]ny person who does not qualify under the provisions of Subsection (1) or Subsection (2) [i.e., who does not have a business location in the city] and who transacts any business or engages in any occupation or profession in interstate commerce, if such license tax is not prohibited by Section 8 of Article I of the United States Constitution [the Commerce Clause].”

Subsection 3 of Section 205.042, Fla. Stat., was tailored to permit the taxation of insurance companies, specifically companies doing business but not having a local office in Florida cities, since the local taxation of the insurance business is not prohibited by the Commerce Clause under the McCarron-Ferguson Act. *Western and Southern Life Insurance Co. v. State Board of Equalization*, 451 U.S. 648, 653 101 S.Ct. 2070, 2075 (1981).

It is also worth noting that although all questions have not been decided directly by a Florida appellate court, in each state which permits the municipal taxation of insurance companies where the state’s Supreme Court has considered the validity of these taxes, these taxes have been upheld. The Supreme Court of Louisiana held that an insurance company was “doing business” in a municipality, and was therefore required to pay the municipal business tax where the company issued policies to applicants residing in the city regardless of whether or not there were any local agents. *The City of New Orleans v. Kansas City Life Insurance Co.*, 22 So.2d 51, 52-54 (La. 1945).

In *American Bankers Life Assurance Co. of Florida v. City of Birmingham*, 632 So.2d 450 (Al. 1993), the Supreme Court of Alabama addressed as the sole issue on appeal whether or not an insurer’s business activity, consisting of issuing insurance policies through independent agents in Birmingham, constituted transacting business within the city so as to authorize the collection of a municipal license fee. The Supreme Court held that it did: “[T]he fact that American Bankers does not have an office in Birmingham does not preclude the city from levying its license tax

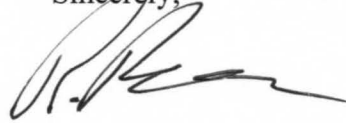
upon American Bankers. Merely transacting business within the city will suffice to subject American Bankers to the tax.” 632 So.2d at 453.

The Supreme Court of South Carolina in *City of Charleston v. Government Employees Insurance Co.*, 512 S.E.2d 504 (S.C. Sup. 1999), also upheld the municipal taxation of insurance companies where the companies wrote insurance on property and risks located in Charleston, but had headquarters out of the state, did not maintain offices or agents in the city and conducted business by interstate mail and telephone.

Your company is obligated for municipal business taxes to those Florida municipalities where it is doing business, and Florida municipalities expect it to satisfy these important obligations. CPCIC has been very diligent in recognizing and meeting these obligations in the past, and it should continue to do so.

Thank you for your attention. If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Peter Catlin III', written in a cursive style.

R. Peter Catlin III

CC: Harry Morrison, Jr., ESQ.
General Counsel, Florida League of Cities

IN THE CIRCUIT COURT, FOURTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR DUVAL
COUNTY.

CIVIL ACTION NO. 74-12472-CA

DIVISION: M

CITY OF JACKSONVILLE,)
a municipal corporation,)
)
Plaintiff,)
)
-vs-)
)
AETNA LIFE INSURANCE COMPANY,)
a corporation,)
)
Defendant.)

AMENDED DECLARATORY JUDGMENT

This cause came on for final hearing before the Court upon the Complaint for Declaratory Judgment filed by the City of Jacksonville, a municipal corporation, against Aetna Life Insurance Company, a corporation, and the Answer filed by said Insurance Company, and the Court having considered the issues presented and the argument of counsel for the parties, the Court finds that there is a real doubt as to the rights of the parties; the Court further finds that Chapter 205, Florida Statutes, (Local Occupational License Tax Act) authorizes municipalities to levy an occupational license tax upon an insurer under the provisions of said Chapter. It is argued by the Insurance Company that Section 624.520(1) precludes the levy of such occupational license tax upon an insurer because of the preemption by the State of this field of taxation; this Court finds that said Section 624.520(1) preempts to the State the field of imposing occupational license taxes only when such tax is "measured by premiums, income or volume of transactions" and that municipalities are permitted to impose occupational license taxes on insurers under Chapter 205, Florida Statutes, so long as said tax is not "measured by premiums, income or

volume of transactions." The Plaintiff having abandoned its prayer for injunctive relief, no ruling thereon will be made the subject of this Order.

IT IS, THEREFORE, DECLARED:

(1) That the City of Jacksonville, as a municipal corporation in the State of Florida, is precluded from levying an occupational license tax upon an insurer when such tax is measured by premiums, income or volume of transactions.

(2) That the City of Jacksonville, as a municipal corporation in the State of Florida, may levy occupational tax upon insurers in accordance with the provisions of Chapter 205, Florida Statutes, limited only by the declaration in Paragraph 1 above.

DONE AND DECLARED in Chambers at Jacksonville, Duval County, Florida, this 18th day of August, A. D. 1975.

/s/ Thomas J. Shave, Jr.
Circuit Judge

Copies to:

Raymond Ehrlich, Esquire
William A. Davis, Jr., Esquire



February 17, 2021

By Regular Mail

City Clerk
City of Fruitland Park
506 W. Berckman Street
Fruitland Park, Florida 34731

Re: Cypress Property & Casualty Insurance Company Denial of Liability for Florida League of Cities, Inc.'s February 2, 2021 Invoice regarding Fruitland Park

To Whom It May Concern:

Cypress Property & Casualty Insurance Company ("CPCIC") received invoice number 10953, dated February 2, 2021, purportedly on behalf of the City of Fruitland Park from the Florida League of Cities, Inc. ("FLOC") for municipal business license tax for the period extending from October 1, 2018, through September 30, 2021, without indicating whether Fruitland Park has specifically authorized FLOC to send invoices on behalf of Fruitland Park. I am alerting you to this situation, in the event you wish to address the circumstances with the FLOC.

CPCIC will not be paying the business license taxes sought pursuant to invoice number 10953, as it has no liability for business occupational tax in the City of Fruitland Park.

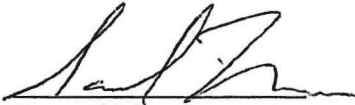
A property/casualty insurance company, CPCIC maintains physical offices and insurance operations only in Jacksonville, Florida. The only potential connection with the City of Fruitland Park is CPCIC's possible issuance of insurance policies to policyholders who reside in Fruitland Park. According to Florida law, this connection is not enough of a nexus to justify the imposition of municipal business tax on CPCIC by the City of Fruitland Park. I am enclosing a copy of the final order in the case of Old Dominion Insurance Company v. City of Leesburg Code Enforcement Board, Case No. 91-12-AC, which holds that "a business located outside a city's municipal boundaries cannot be taxed by the municipality unless the business engaged in activity within the municipality which is separable from the activity carried on outside the municipality." The decision goes on to state that the mere existence of a contract of insurance with residents of a municipality is not enough to form the basis for a municipal business tax.

Florida statutory authority provides ample support for this conclusion. Florida Statutes Section 624.401(3) sets forth:

This state hereby preempts the field of regulating insurers and their agents and representatives; and no county, city, municipality, district, school district, or political subdivision shall require of any insurer, agent or representative regulated under this code any authorization, permit or registration of any kind for conducting transactions lawful under the authority granted by the state under this code.

Florida Statutes Section 624.520(1) goes on to make clear that the State of Florida also preempts the field of imposing license and permit taxes on insurers, and that, among other entities, no municipality can require such taxes. The only conceivable exception to the clear mandates of these statutory sections is the instance in which a business has a physical presence in and does substantial business in a municipality like Fruitland Park. See Florida Statutes Section 205.042. As demonstrated, that possible exception does not apply in any way to CPCIC.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Moore', written over a horizontal line.

Samuel Moore
General Counsel
Cypress Group Holdings, Inc.

cc: Florida League of Cities, Inc.
Trevor Hillier
Chief Financial Officer

Enclosures



301 S. Bronough Street, Suite 300
Tallahassee, Florida 32301

Phone: 404.237.2280
Fax: 404.237.2202

focities.com

P.O. Box 1757
Tallahassee, Florida 32302-1757

February 2, 2021

Cypress Property & Casualty Ins. Co.
Attn: Tax/Accounting Dept.
12926 Gran Bay Parkway West, Suite 200
Jacksonville, FL 32258-4469

Re: Business Taxes - Fruitland Park, Florida
October 1, 2018 - September 30, 2021

We have been authorized by the City of Fruitland Park, Florida to collect delinquent business taxes due their city. Florida State Code Sec. 205.042 authorizes municipalities to impose and collect business taxes upon insurance companies engaging in business within the municipal corporations, and the Florida League of Cities is authorized by the City to collect delinquent business taxes. In checking with the municipal officials, we fail to find where your company has made payment of the above business taxes.

Please complete this statement and return to our office with your remittance, made payable to the Florida League of Cities. If you have any questions, please contact us.

Tax Year	Annual Business Tax	Amount Paid With This Statement
10/1/18 - 9/30/19	60.50	_____
10/1/19 - 9/30/20	60.50	_____
10/1/20 - 9/30/21	60.50	_____

Total Enclosed: =====

10953

IN THE CIRCUIT COURT
FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA

OLD DOMINION INSURANCE)	
COMPANY,)	
)	
Appellant,)	
)	
VS.)	CASE NO. 91-12-AC
)	
CITY OF LEESBURG CODE)	
ENFORCEMENT BOARD,)	
)	
<u>Appellee.</u>)	

FINAL ORDER OVERRULING
THE ORDER OF THE CODE ENFORCEMENT BOARD
OF THE CITY OF LEESBURG, FLORIDA

This cause came to be heard on June 9, 1992 pursuant to Florida Statute Section 162.11 on appeal by Old Dominion Insurance Company ("Old Dominion") from a final administrative order of the Code Enforcement Board of the City of Leesburg, Florida (the "Board"). The court having reviewed the record created before the Board, the briefs filed in this case, having heard oral argument and being otherwise fully advised in the premises, finds and concludes as follows:

1. Old Dominion is an insurance company specializing in personal property and commercial casualty insurance with its only office and permanent business location in Jacksonville, Florida.

2. On October 15, 1991 the Board ordered that Old Dominion purchase an occupational license pursuant to Leesburg's Municipal Ordinance Section 14-16.

3. The Ordinance relies for authority on Florida Statute Section 205.042.

4. Leesburg has no authority to impose an occupational license tax on Old Dominion under the authority of Florida Statute Section 205.042(1) or 205.042(2).

5. Florida Statute Section 205.042(3) allows occupational license taxation of businesses not taxable under Section 205.042(1) or 205.042(2) who transact business or engage in interstate commerce within a municipality so long as the tax does not violate s. VIII of ART. I of the United States Constitution (the "Commerce Clause").

6. Florida Statute Chapter 624 constitutes the "Florida Insurance Code." § 624.01, Fla. Stat. (1991). Florida Statute Section 624.401(3) provides that "no county, city, municipality . . . shall require any insurer, agent, or representative regulated under this Code any authorization, permit, or registration of any kind for conducting transactions lawful under the authority granted by the state under this Code." Leesburg cannot tax Old Dominion for "conducting transactions" under the general authority of Florida Statute Section 205.042(3) in contravention of the prohibition of taxation for "conducting transactions" in Florida Statute Section 624.401(3).

7. "Municipalities are without inherent power to levy occupational license taxes." Isern v. City of W. Miami, 244 So.2d 420, 422 (Fla. 1971). "Taxation by a city must be expressly authorized by either the Constitution or grant of

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Legislature, and any doubts as to powers sought to be exercised must be resolved against the municipality and in favor of the general public." City of Tampa v. Birdsong Motors, Inc., 261 So.2d 1 (Fla. 1972).

8. In 1957, Florida Statute Chapter 205 contained the exclusive authority for municipalities to impose license taxes on the insurance industry. When the Florida Insurance Code was adopted in 1959, the authority contained in Florida Statute Chapter 205 was incorporated into the Florida Insurance Code. See Sections 205.43-205.45, Fla. Stat. (1957) and Section 624.501-624.507, Fla. Stat. (1989).

9. Preemption by the state of licensing insurers is evident in that the legislature deleted from Chapter 205 of the Florida statutes all authority to impose license taxes on the insurance industry at the state, county and municipal levels and incorporated that authority into the Insurance Code. 1974 Op. Att'y Gen. Fla. 874-209 (July 19, 1974) at 343.

10. Florida Statute Section 624.507 provides that municipal corporations may impose license taxes on insurance agents and solicitors when the agent's business office or agent's place of residence is located within the boundaries of the municipal corporation.

11. The Legislature's inclusion in the Florida Insurance Code of the authority to tax agents and the exclusion of the authority to tax insurers implicitly demonstrates that the Legislature did not intend to provide the municipalities the

authority to tax insurers under the broad provisions of Florida Statute Section 205.042(3). 1974 Op. Att'y. Gen. Fla 074-209 (July 19, 1974) at 343.

12. A business located outside a city's municipal boundaries cannot be taxed by the municipality unless that business engages in activity within the municipality which is separable from the activity carried on outside the municipality. Isern v. City West Miami, 244 So.2d 420 (Fla. 1971). A substantial nexus must exist between the extraterritorial business and the taxing jurisdiction before an occupational license tax premised upon the authority of Florida Statute Section 205.042(3) is valid. City of Tampa v. Carolina Freight Carrier's Corp., 529 So.2d 324 (Fla. 2nd DCA 1988).

13. Old Dominion, has no business office and no employees in Leesburg. Old Dominion's activities in Leesburg are inseparable from its activities in Jacksonville. The mere existence of a contract of insurance with residents of Leesburg is insufficient to establish a substantial nexus between Leesburg and Old Dominion and is insufficient as a matter of law to support taxation of Old Dominion under the authority of Florida Statute Section 205.042(3). Isern v. City of West Miami, 244 So.2d 420 (Fla. 1971); City of Tampa v. Carolina Freight Carriers Corp., 529 So.2d 324 (Fla. 2nd DCA 1988).

14. Equal protection requires that a "tax must bear equally on all similarly situated. . ." State v. Garall, 188

So. 812, 813 (Fla. 1938). It is established by the record below that Leesburg does not tax excess insurers, workers' compensation funds and other insurance companies who, like Old Dominion, collect premiums from persons or businesses located within Leesburg's municipal boundaries. The occupational license tax Leesburg imposes upon insurers does not bear equally on all similarly situated insurers and therefore violates Old Dominion's right to equal protection. Accordingly, it is

ORDERED, ADJUDGED AND DECLARED THAT:

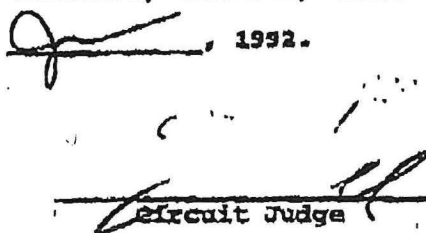
1. The State of Florida preempts the field of imposing occupational license taxes on insurers.
2. Old Dominion transacts no business in Leesburg that is separable from its business in Jacksonville and as such cannot be taxed under the authority of Florida Statute Section 205.042(3).
3. Leesburg's arbitrary taxation of insurers is an unconstitutional violation of Old Dominion's right to equal protection under the law.
4. The Board did not observe the essential requirements of law and resolve the doubt as to Leesburg's taxing power in favor of Old Dominion.
5. No substantial competent evidence supports the Board's order that Old Dominion must purchase an occupational license in Leesburg pursuant to Leesburg's Municipal Ordinance Section 14-16.

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008

6. The order of the Board requiring Old Dominion to purchase an occupational license in Leashburg is overruled.

DONE and ORDERED in chambers, Tavares, Lake County, Florida, this 19 day of Jan, 1992.


Circuit Judge

Copies to:
Amy E. Burch, Esq.
Fred A. Morrison, Esq.

szs

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5e**

ITEM TITLE: Public Hearing - Resolution 2021-006 CDBG-CV Grant Application
For the Meeting of: March 11, 2021
Submitted by: City Attorney/City Manager
Date Submitted: March 4, 2021
Funds Required: Yes
Attachments: Proposed resolution and affidavit

Item Description: Resolution 2021-006 Community Development Block Grant-CV Application - \$750,000 for the proposed public safety building (new emergency operating center/emergency equipment). Public hearing is required prior to March 15, 2021 deadline.

Action to be Taken: Adopt Resolution 2021-006

Staff's Recommendation: Approval.

Additional Comments: Addressed at the February 11, 2021 regular meeting.

City Manager Review: Yes

Mayor Authorization: Yes

RESOLUTION 2021-006

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT FOR CDBG-CV APPLICATION ON BEHALF OF THE CITY FOR THE NEW EOC/EMERGENCY EQUIPMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fruitland Park, Florida desires to apply for CDBG-CV grant funding in the amount of \$750,000 for an emergency operation center and emergency equipment; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the public's best interest to apply for grant funding for these purposes and desires to authorize the city manager to submit any necessary application and documentation.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The City Commission authorizes the City Manager to apply for CDBG-CV grant funding in the amount of \$750,000 to be used towards an emergency operation center and emergency equipment and to submit the application and any other necessary documentation in support thereof.

Section 2. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 11th day of March, 2021, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

Chris Cheshire, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

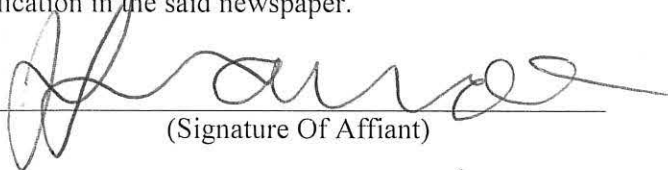
The Villages®
DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

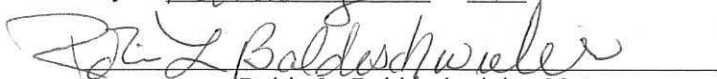
Before the undersigned authority personally appeared **Jackie Lancero**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #00990571 in the matter of **NOTICE OF RESOLUTION 2021-006**

was published in said newspaper in the issues of **FEBRUARY 26, 2021**

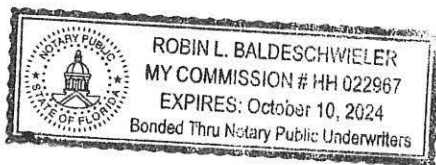
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.


(Signature Of Affiant)

Sworn to and subscribed before me this 26
day of February 2021.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____



Attach Notice Here:

RESOLUTION 2021-006

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT FOR CDBG-CV APPLICATION ON BEHALF OF THE CITY FOR THE NEW EOC/EMERGENCY EQUIPMENT, PROVIDING FOR AN EFFECTIVE DATE.

The City of Fruitland Park will be conducting a public hearing to be held on March 11, 2021 at 6:00 p.m. in the commission chambers of city hall located at 506 West Berckman Street. Fruitland Park, Florida 34731 to consider the adoption of a resolution seeking approval of an application to the Community Development Block Grant – Coronavirus Relief Program to fund the new Emergency Operations Center.

These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time certain. The documents may be inspected or copies of same obtained at city hall. Persons wishing to comment may do so in person during the public hearing or in writing to the City of Fruitland Park City Manager Gary LaVenja.

Anyone requiring special accommodations and need assistance to participate at these meetings because of disability or physical impairment should contact the city clerk's office at city hall (352) 360-6727 at least forty-eight (48) hours prior to the hearing. (Florida Statutes 286.26)

If a person decides to appeal

any decision made by the City of Fruitland Park Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and 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 city does not provide verbatim records. (Florida Statutes 286.0105)
#990571 February 26, 2021

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5f**

ITEM TITLE: First Reading and Public Hearing - Ordinance
2021-002 Alcohol Beverages Consumption Policy

For the Meeting of: March 11, 2021

Submitted by: City Attorney/City Manager/Parks and Recreation
Director

Date Submitted: March 6, 2021

Funds Required: None

Account Number:

Amount Required:

Balance Remaining:

Attachments: Proposed ordinance and enacted Special Events
Ordinance 2015-002

Item Description: **Proposed Ordinance 2020-002 Alcohol Beverages
Consumption Policy.** (Postponed from the February 11 and February 25, 2021
regular meetings. The second reading will be held on March 25, 2021.)

Action to be Taken: **Approve Ordinance 2021-002.**

Staff's Recommendation: Approval

Additional Comments: None

City Manager Review: Yes

Mayor Authorization: Yes

ORDINANCE 2021-002

AN ORDINANCE OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES TO CREATE A POLICY RELATING TO POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND ISSUANCE OF ALCOHOLIC BEVERAGE PERMIT; PROVIDING FOR INCLUSION IN THE CODE, SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fruitland Park desires to preserve and improve the general welfare of the municipality; and

WHEREAS, Chapters 561 and 562, Florida Statutes, provide definitions of words and terms applicable to this ordinance and govern alcoholic beverages; and

WHEREAS, the City Commission desires to allow lawful possession and consumption of alcoholic beverages within the Fruitland Park Community Center, while prohibiting outside of the Fruitland Park Community Center and on other City owned property, except where specifically allowed by permit for special events; and

WHEREAS, the City Commission desires to adopt a policy relating thereto.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the City of Fruitland Park, Lake County, Florida, as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Alcoholic beverages on city property. Sec. 33.60 of the Code of Ordinances of the City of Fruitland Park, Florida, is hereby created to read as follows:

Sec. 33.60. – Alcoholic beverages on city property.

(A) State law adopted. All of the provisions of F.S. ch. 561 and ch. 562 are adopted as to the definition of words and terms, and as to the regulations of the manufacture, distribution and sale of alcoholic beverages; and all of the provisions of F.S. ch. 562 are adopted as fully and to the same extent as if repeated herein in full.

(B) Fruitland Park Community Center.

- a. The consumption, sale, or distribution of alcoholic beverages is permissible only within the Fruitland Park Community Center by persons over the legal drinking age of 21 years old. Alcohol is prohibited outside the Fruitland Park Community Center.
- b. No alcoholic beverages may be sold or consumed in the Fruitland Park Community Center without an Alcoholic Beverage Permit issued by the City. Application for such a permit shall be made through the Parks and Recreation

Department and approved by the City Manager. The City Commission may adopt a fee by resolution to be submitted with any application for an alcoholic beverage permit.

- c. Alcoholic beverages may not be consumed, sold or distributed without compliance with all of the following: Any person or entity serving or selling alcohol at the Fruitland Park Community Center must provide liquor liability insurance for every event when alcohol is served. Any entity serving or selling alcohol at the community center must have an alcoholic beverage permit issued by the State of Florida and provide a copy of it to the City of Fruitland Park.
- d. At any function where alcohol is to be consumed at the facility, the applicant must provide the City with proof of a minimum \$1 million general liability insurance coverage with the City of Fruitland Park named as a co-insured and liquor liability insurance with a minimum coverage of \$1 million with the City of Fruitland Park named as the co-insured. The provision of such insurance shall not be deemed as a waiver of the City's sovereign immunity.

(C) Prohibitions.

- a. Public places – prohibition. No person shall consume any alcoholic beverage, or be in actual possession of any open container of any kind which contains any alcoholic beverage, while on or within any public place, except as otherwise provided in this chapter. The City Commission, by permit, may approve the consumption of alcoholic beverages in public places for special events. The application for such a permit shall be made through the Parks and Recreation Department. The City Commission may adopt a fee by resolution to be submitted with any application for an alcoholic beverage permit.
- b. The Alcoholic Beverage Permit shall set forth the terms and conditions of the permit, and shall be conditioned upon the permittee providing proof of insurance and obtaining all necessary state licenses for the sale of alcoholic beverages for the special event.
- c. The applicant must provide the City with proof of a minimum \$1 million general liability insurance coverage with the City of Fruitland Park named as a co-insured and liquor liability insurance with a minimum coverage of \$1 million with the City of Fruitland Park named as the co-insured. The provision of such insurance shall not be deemed as a waiver of the City's sovereign immunity.
- d. Public place for purposes of this chapter includes all parks, walks, alleys, streets, boulevards, avenues, lanes, roads, highways, or other ways or thoroughfares dedicated to public use or owned or maintained by the city; and all grounds and buildings owned, leased by, operated, or maintained by the city.

Section 3. Inclusion in Code. It is the intent of the Commissioners that the provisions of this Ordinance shall become and be made a part of the City of Fruitland Park Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other appropriate word "or phrase in order to accomplish such intentions.

Section 4. Severability. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance; and it shall be

construed to have been the Commissioner's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.

Section 5. Conflicts. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Effective Date. This ordinance shall become effective as provided for by law.

PASSED and ORDAINED this _____ day of _____, 2021, by the City Commission of the City of Fruitland Park, Florida.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk, MMC

Mayor Cheshire _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor Gunter _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner DeGrave _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian _____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

First Reading _____

Second Reading _____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

ORDINANCE 2015-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, AMENDING CHAPTER 99 OF THE CITY OF FRUITLAND PARK CODE OF ORDINANCES PERTAINING TO SPECIAL EVENTS WITHIN THE CITY OF FRUITLAND PARK; SPECIFICALLY PROVIDING FOR PROCEDURES AND REGULATIONS APPLICABLE TO CONDUCTING SPECIAL EVENTS AS DEFINED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park City Commission desires to provide procedures and regulations relating to conducting special events within the City; and

WHEREAS, the City of Fruitland Park City Commission hereby amends the Code of Ordinances to do so.

NOW THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida:

SECTION 1. Chapter 95 of the City of Fruitland Park Code of Ordinances is hereby amended to add a new section 95.100 as follows:

Section 95.100. Special Events.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. "Special event" shall mean a temporary and exclusive use by people of public facilities or public right-of-way, or a gathering of any number of people that disrupts the ordinary and normal use of a public facility, public right-of-way, public street or private street subject to the exemptions contained in this chapter and/or requires the provision of increased or supplemental public services above that normally required in the absence of the event. It is further understood that special events may include, but not be limited to the following: athletic or sporting events, arts and crafts festivals, flea-markets, and similar transient amusement or recreational activities. Notwithstanding anything herein to the contrary, "special event" as defined herein shall not include events held in city parks, recreation areas, and structures as are addressed in Section 95.50 of the City Code.

2. "Supplemental public services" shall mean those reasonable and necessary services provided by the City of Fruitland Park which specifically result from the planning, operations, maintenance, capital and other support services and expenses associated with the special event. These supplemental public services result in measurable financial costs which are above and beyond the normal levels of health and safety services on a non-event day. Examples of supplemental public services may include, but not be limited to, police protection, traffic control, fire monitoring, dedicated paramedic or EMS services, parks facility and building services, provision of utility services, signage, sanitation, crowd management control and other services necessary to ensure the protection of participants and citizens, the proper functioning of city services, and the proper administration of this part and Code provisions.

3. "Temporary" shall mean no longer than seven consecutive days nor more than a total of fifteen (15) special event dates in a single calendar year for non city-sponsored special events. City sponsored special events are not subject to time limitations.

(b) Exemptions. The provisions of this chapter shall not apply to the following:

1. Funeral processions and services.

2. Activities conducted or co-sponsored by the City of Fruitland Park in promotion of cultural, recreational, tourism or other activities which advance the public welfare of its citizens. However, in order to coordinate supplemental public services, an application is still required.

3. Lawful picketing or free speech expression activities.

4. Permits for events in city parks, recreation areas, and structures (see 95.50 of the City Code).

5. Sports facilities located on city property.

(c) Permit Required. Any person or organization desiring to conduct or cause to be held a special event within the City of Fruitland Park shall first obtain a special event permit. No special event permit will be issued without a completed application and any additional information requested by the City.

(d) Permit application. Any person or organization wishing to conduct a special event shall apply for a special event permit by filing an application with the City. Said application shall be filed at least 90 days in advance of the event date in order to provide adequate notice for organizing supplemental public services or accommodating potential modifications to the event proposal. Exceptions to this time requirement for filing a permit application may be granted by the city manager within the city manager's discretion. Application forms will be provided by the city. Incomplete applications will be denied. The intent of the application is to identify all impacts and services which may contribute to the operation of the event, and attempt to mitigate any negative impacts upon the community and adjacent neighborhoods.

The City Commission reserves the right to limit the proximity or number of concurrent or overlapping special events when the legislative determination is made that city resources are inadequate to meet the demands of said multiple events, or that the events will result in conditions or activity contrary to the public health, safety, and welfare. The standard policy, unless otherwise directed by the City Commission, is that no other special event application will be received for the same time and location where an existing or anticipated special event application has been or is expected to be approved.

(e) Permit fee. The fee for issuance of a special event permit shall be \$100.00, and such fee may be further adjusted by the City Manager or designee within his or her discretion. This permit fee is separate from the charge incurred for supplemental public services, which will also be billed prior to the event and be the responsibility of the applicant.

(f) Exemptions from permit fee. No fee shall be imposed upon events protected by the First and Fourteenth Amendments to the United States Constitution.

No fee shall apply to a block party with an anticipated attendance of 300 people or fewer that closes off a residential street segment or commercial alley of no more than one block in length, a sidewalk adjacent to a public park, or an unopened right-of-way for eight hours or less during daylight hours, and does not require supplemental public services involving personnel assignment as determined by the City Manager or his designee.

No fee shall be imposed upon a city-sponsored event.

The City Commission reserves the right to waive any applicable permit fee at its discretion.

(g) Supplemental public services. The special permit event applicant shall be liable and shall pay the estimated costs for supplemental public services upon approval of the permit and billing by the city. Charges for supplemental public services shall include the costs of personnel, equipment and other direct-related expenses necessary to support and manage the special event as determined by the city departments in consultation with the city manager. These supplemental public services shall be incorporated into a special event plan which considers the relative impacts of the size and scope of the special event.

In the event that the applicant fails to adequately and expeditiously clear their event site and follow through with the required permit conditions and special event plan, then the applicant will be billed for additional city costs to repair or restore the event site to its normal state. Depending upon circumstances, consideration for future permit applications of the offending applicant will be subject to additional fees, security deposits or bonding.

(h) Denial, revocation, or suspension of permit. A special event permit under the authority of this chapter shall be deemed temporary in nature, shall vest no permanent rights to the applicant, and may be immediately denied, revoked or suspended if any of the following conditions are found to exist within the city manager's discretion:

- (1) The applicant, in the information supplied on the application, has made a misstatement of a material fact.
- (2) The applicant has failed to fulfill a term or condition of the permit or compliance with the special event plan developed by the city.
- (3) The applicant has failed to adequately pay the billed fees by the city for the special event permit in a timely manner.
- (4) The applicant requests cancellation of the event.
- (5) The event endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property.
- (6) At the discretion of the City Commission, the event is determined to not be in the best interests of the City of Fruitland Park and will unreasonably burden the resources of the city.

Depending upon the timing and urgency of need, notification to the applicant of a denial, revocation or suspension may be in writing (preferred), either certified or regular mail, or verbally.

(i) Appeal procedure. Any applicant shall have the right to appeal the denial of a special event to the City Commission. The appeal shall specifically state the grounds upon which it is asserted and why the termination should be modified or reversed. The appeal shall be initiated within five days after receipt of the notice of denial by filing a written notice with the city clerk and a copy to the city manager. The City Commission shall consider the appeal at the next regularly scheduled meeting within 21 days following receipt of the appeal by the city clerk. The formal rules of evidence shall not apply to an appeal under this section, and the basis for the decision shall be a preponderance of evidence as presented at the appeal hearing. The City Commission may affirm, modify or reverse all or part of the permit requirements, conditions or other factors arising to a decision of denial by the city manager. The City Commission's decision on the appeal is final.

(j) Event cancellation fee. In the circumstance that a special event is cancelled prior to the event date by virtue of denial, revocation, suspension or voluntary cancellation, the applicant forfeits their application fee. The costs for supplemental public services will be returned with a cancellation fee imposed that recovers any actual expenses of the city incurred for the event.

(k) Indemnification. The applicant, and other persons, organizations, firms or corporations on whose behalf the application is made by filing a special event application, shall present, stipulate, contract and agree that they will jointly and severally indemnify and hold harmless the city against any and all liability. Said liability shall include costs for court and attorney fees, attorney fees on appeal, and any and all claims for damages to property, or injury to or death of a person arising out of or resulting from the issuance of the special event application, or the conduct of the assembly or any of its participants.

(l) Insurance. Proof of liability insurance shall be required in the amount of \$1,000,000.00 per occurrence and \$2,000,000.00 cumulative for each special event, with the City of Fruitland Park named as an additional insured for all accidents in the designated event area. Acceptability of insurance certificate is subject to approval by the city's risk manager. All insurance shall be in full force prior to commencing the event and remain in force throughout the entire event, including the cleanup period after the event. The City Manager or his or her designee may adjust the insurance coverage amounts after evaluating the circumstances of each individual event.

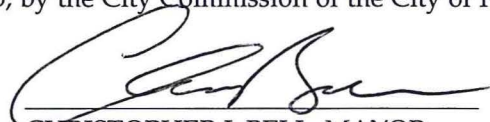
(m) Alcoholic Beverages. The sale and/or consumption of alcoholic beverages at any duly permitted special event may be permitted pursuant to the terms of the special event permit. In order for any alcoholic beverages to be sold at a special event under this subsection, a licensed alcoholic beverage vendor must show evidence of ownership of a valid liquor license allowing the sale of alcohol at the special event. This provision shall impose no duty upon city staff to allow the sale and/or consumption of alcoholic beverages in any particular circumstance, and the City may attach any conditions that it, in its discretion, deems reasonable and necessary to any special event at which the sale and/or consumption of alcoholic beverages is proposed to occur. The liability insurance provided for the special event must cover the sale and/or consumption of alcohol to the City's satisfaction.

SECTION 2. If any section, subsection, sentence, 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 of the remaining portion of this Ordinance.

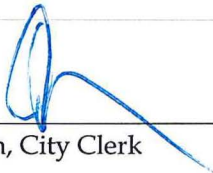
SECTION 3. This Ordinance shall be codified and included in the Municipal Code by the appropriate party. The section of this ordinance may be renumbered or relettered, and the word "ordinance" may be changed to "section," "article," or other appropriate designation.

SECTION 4. This Ordinance shall become effective upon passage on second and final reading by the City Commission of the City of Fruitland Park.

PASSED AND ORDAINED this 9th day of April, 2015, by the City Commission of the City of Fruitland Park, Florida.


CHRISTOPHER J. BELL, MAYOR


Attest:



Esther Coulson, City Clerk

Passed First Reading March 26, 2015
Passed Second Reading April 9, 2015

Approved as to form:



Scott A. Gerken, City Attorney

Vice Mayor Cheshire	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Ranize	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Lewis	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Gunther	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Mayor Bell	<input checked="" type="checkbox"/>	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6a**

ITEM TITLE:	City Manager's Report
For the Meeting of:	March 11, 2021
Submitted by:	City Manager
Date Submitted:	March 2, 2021
Funds Required:	No
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes

Item Description: City Manager's Report

- i. Economic Development Status Update**
- ii. COVID-19 Status Update**
- iii. Boy Scout Pack 143 Request**
- iv. Information Technology Discussion**

Action to be Taken:

Staff's Recommendation:

Additional Comments: N/A

City Manager Review: Yes

Mayor Authorization: Yes

Fruitland Park Cub Scout Pack 143

Dear Commissioners,

Our Cub Scout Pack is having their annual Blue and Gold celebration on April 17th. We currently have the Community Center booked from 1-6 pm. We are asking if it is possible to have a sleepover also? We would like to do a movie night. We currently have 11 scouts and 6-7 parents that would be there.

We will leave the center in the condition that it was given in and we follow all CDC guidelines. The city already has a COI on file

Thank you,

Jennifer Marsh

Committee Chair Pack 143

CITY OF FRUITLAND PARK AGENDA ITEM SUMMARY SHEET

Item Number: 6b

ITEM TITLE: CITY ATTORNEY REPORT
For the Meeting of: March 11, 2021
Submitted by: City Attorney
Date Submitted: March 4, 2021
Funds Required: None
Attachments: None
Item Description: City Attorney Report

City of Fruitland Park v. State of Florida – Department of Management Services: The hearing has been rescheduled to take place June 7 -9, 2021 by the State of Florida, Division of Administrative Hearings.

Michael and Laurie Fewless v. City of Fruitland Park, Lake County Case No. 2020-CA-000104 (Judge Welke): Plaintiffs filed a two-count complaint against the City alleging negligence and breach of fiduciary duty. Plaintiffs seek in excess of \$600,000.00. The lawsuit arises from the FRS retirement program. Attorney Thomas on behalf of the City filed a Motion to Dismiss to complaint. On March 12, 2020 Circuit Court Welke entered an Order referring the Motion to Dismiss to the General Magistrate to hold a hearing on the Motion. On March 20, 2020 Plaintiffs' attorney filed an objection to the Order referring to the General Magistrate; therefore, Judge Welke will hold a hearing on the City's Motion to Dismiss. A hearing on the Motion has not yet been scheduled. On February 24, 2021 Plaintiff sent a discovery request to the City requesting documents. The city manager is working with attorney Thomas to complete all outstanding discovery and then Mr. Thomas will schedule the Motion to Dismiss for hearing.

Norman C. Cummins v. Stephen P. Angelillo and City of Fruitland Park, Lake County Case No. 2020-CA-1026 (Judge Davis): Plaintiff purports to be the mortgage holder on Lake County Parcel Id. 10-19-24-0002-000-07500 for a loan issued to Stephen P. Angelillo. The City is named as a party defendant because the City has an existing code enforcement lien recorded against the same property. The City's lien also encumbers additional parcels. The Plaintiff has filed an action to foreclose the property and seeks to extinguish the City's lien as against the above-described parcel. As of June 29, 2020, the accumulated fines are approximately \$82,000.00. On July 15, 2020 Attorney Andrew Dayes filed an Answer and Affirmative Defenses on behalf of the City. On October 8, 2020 Plaintiff filed a Motion for Clerk's Default. The default was entered the same day. Litigation counsel for the City again reached out to Plaintiff's counsel to discuss the case. We are waiting a response from Plaintiff's lead attorney. I will provide an update at the meeting.

Action to be Taken: N/A
Staff's Recommendation: N/A
Additional Comments: N/A
City Manager Review: Yes
Mayor Authorization: Yes

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 8**

ITEM TITLE:	Public Comments
For the Meeting of:	March 11, 2021
Submitted by:	City Clerk
Date Submitted:	March 3, 2021
Funds Required:	None
Account Number:	N/A
Amount Required:	N/A
Balance Remaining:	N/A
Attachments:	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

Item Description: This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the city commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the city commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

Action to be Taken:	None
Staff's Recommendation:	N/A
Additional Comments:	N/A
City Manager Review:	Yes
Mayor Authorization:	Yes

RESOLUTION 2013 -023

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

WHEREAS, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:

Section 1. The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. 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;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the 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.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.


(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

Section 2. If any section, subsection, sentence, 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 of the remaining portion of this Resolution.

Section 3. This Resolution shall become effective immediately upon passage.

RESOLVED this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

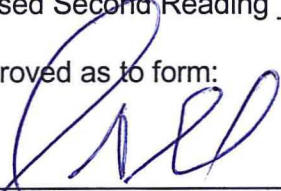
ATTEST:


MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:


SCOTT A. GERKEN, City Attorney

Select Year:

The 2020 Florida Statutes

[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

PUBLIC BUSINESS

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

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 decisionmaking 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.

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