



AGENDA

City Commission Meeting

6:00 PM – Thursday, April 16, 2026 – City Hall

Invocation: Mayor Emily A. Lee

Pledge of Allegiance: Students from Eustis Elementary, Eustis Heights Elementary and Seminole Springs Elementary Schools

Call to Order

Acknowledge of Quorum and Proper Notice

1. Agenda Update

2. Approval of Minutes

2.1 Approval of Minutes for April 2, 2026, City Commission Meeting

3. Audience to be Heard

4. Ordinances, Public Hearings, & Quasi-Judicial Hearings

4.1 Resolution Number 2026-22: General Fund Entering into a Loan Agreement with Stormwater Utility Fund for Thousand Year Flood Repairs

4.2 Resolution Number 2026-23: Budget Amendment to recognize loan between General Fund and the Stormwater Utility Fund and to establish a budget for Debt Service payments through the end of the Fiscal Year

4.3 Resolution Number 2026-36: City Stormwater Utility Fees Increase Approval

4.4 Resolution Number 2026-40: Authorization to Proceed to Closing – 21 North Grove Street

4.5 Resolution Number 2026-43: Consideration of Fine Reduction/Release of Lien for 209 West Badger Avenue, Code Case 20-01284

4.6 Second Reading of Ordinance Number 2026-20: Amendment to the Land Development Regulations – Prohibition of Medical Marijuana Treatment Center Dispensing Facilities

4.7 Explanation of Ordinances Numbers 2026-14, 2026-15, and 2026-16 for Annexation, Comprehensive Plan Amendment for Future Land Use, and Design District Assignment of Parcel with Alternate Key Number 1307104

First Reading of Ordinance Number 2026-14: Voluntary Annexation of Parcels with Alternate Key Number 1307104

4.8 First Reading for Ordinance Number 2026-15: Consideration of Comprehensive Plan Amendment for Future Land Use Amendment for Parcel with Alternate Key Number 1307104

4.9 First Reading for Ordinance Number 2026-16: Design District Assignment for Annexation of Parcel with Alternate Key Number 1307104

- 4.10** First Reading of Ordinance Number 2026-19: Consideration of Comprehensive Plan Amendment for Parcel Alternate Key 1761310
- 4.11** Explanation of Ordinance Numbers 2026-21, 2026-22 and 2026-23 for Annexation, Future Land Use and Design District Assignment of a Parcel of Land with Alternate Key 1212685
First Reading of Ordinance Number 2026-21 for Annexation of a Parcel of Land with Alternate Key 1212685
- 4.12** First Reading of Ordinance Number 2026-22: Comprehensive Plan Map Amendment for Consideration of Assignment of Future Land Use to a Recently Annexed Parcel with Alternate Key Number 1212685
- 4.13** First Reading of Ordinance Number 2026-23: Design District Assignment for Recently Annexed Parcels with Alternate Keys 1212685

5. Future Agenda Items and Comments

- 5.1 City Commission**
- 5.2 City Manager**
- 5.3 City Attorney**
- 5.4 Mayor**

6. Adjournment

This Agenda is provided to the Commission only as a guide, and in no way limits their consideration to the items contained hereon. The Commission has the sole right to determine those items they will discuss, consider, act upon, or fail to act upon. Changes or amendments to this Agenda may occur at any time prior to, or during the scheduled meeting. It is recommended that if you have an interest in the meeting, you make every attempt to attend the meeting. This Agenda is provided only as a courtesy, and such provision in no way infers or conveys that the Agenda appearing here is, or will be the Agenda considered at the meeting.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105). In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk 48 hours prior to any meeting so arrangements can be made. Telephone (352) 483-5430 for assistance.



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eusti City Commission

FROM: Rick Gierok, Interim City Manager

DATE: April 16, 2026

RE: Approval of Minutes for April 2, 2026, City Commission Meeting

Introduction:

This item is for consideration of the minutes of the Eustis City Commission.

Recommended Action:

Approval of the minutes as submitted.

Prepared By:

Anna Rotterdam, Deputy City Clerk

Reviewed By:

Christine Halloran, City Clerk



MINUTES

City Commission Meeting

6:00 PM – Thursday, April 02, 2026 – City Hall

Invocation: David Williamson, Central Florida Freethought Community

Pledge of Allegiance: Commissioner Willie L. Hawkins

Call to Order: 6:23 p.m.

Acknowledgement of Quorum and Proper Notice

PRESENT: Commissioner Willie L. Hawkins, Commissioner Michael Holland, Commissioner George Asbate, Vice Mayor Gary Ashcraft, and Mayor Emily A. Lee

1. Agenda Update

Interim City Manager Rick Gierok noted no agenda updates.

2. Approval of Minutes

2.1 Approval of Minutes for March 19, 2026, City Commission Meeting

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve the meeting minutes as submitted. Motion passed on the following vote:

Voting Yea: Commissioner Hawkins, Commissioner Holland, Commissioner Asbate, Vice Mayor Ashcraft, Mayor Lee

3. Appointments

3.1 Reappointment to the Eustis Housing Authority (EHA) – Ronnie Buggs

Interim City Manager Gierok presented the reappointment of Ronnie Buggs to the Eustis Housing Authority.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve the reappointment of Ronnie Buggs to the Eustis Housing Authority for the four-year term from April 2, 2026, to April 2, 2030. Motion passed on the following vote:

Voting Yea: Commissioner Hawkins, Commissioner Holland, Commissioner Asbate, Vice Mayor Ashcraft, Mayor Lee

4. Audience to be Heard

Mayor Emily A. Lee requested comments from the audience.

Patrima Strong, representing Congressman Randy Fine's office, addressed the Commission and thanked them for the opportunity to attend on the Congressman's behalf. She informed those present that a congressional office is located within the district and explained that her role is to assist constituents with federal needs as well as support the city when needed. She noted that she had distributed business cards and expressed appreciation for the warm reception. Commissioner Holland responded by stating that it was valuable to have a United States Congressman's office located within both the district and the city.

Brian Kirstein, a longtime Eustis resident of over twenty years, spoke about severe damage to his home caused by a sewage backup on October 26, 2025. He stated that four to six inches of sewage water flooded his home, forcing him to spend \$67,500 of his own money on repairs. He asked who owns and is responsible for the wastewater plant and sewer lines serving his property on East Floral Avenue, emphasizing that he is seeking accountability and reimbursement, and not additional compensation. Mr. Kirstein also expressed frustration that his attempts to contact the city manager’s office have gone unanswered and that the only staff member, Phil Martin, has communicated with him, and he has no decision-making authority.

In response, Interim City Manager Gierok stated that the city had received correspondence from an attorney indicating representation of Mr. Kirstein, which required the matter to be handled through legal channels, limiting direct communication. Mr. Kirstein disputed this, explaining that although Attorney Anthony Sabatini had written a letter of demand on his behalf, he had not retained him or entered into any formal agreement. He said the letter was intended to prompt action and that he has avoided hiring an attorney to prevent additional costs for himself and the City. Interim City Manager Gierok replied that the City would provide him with a copy of the letter in question, maintaining that their understanding of representation required them to proceed through legal counsel.

Daniel DiVenanzo, a local business owner, discussed flooding at his building located at the corner of Bay Street and Lakeshore, formerly known as Counter Impressions. He explained that during a recent heavy rain event, water rose above floor level and flooded the building. Mr. DiVenanzo also spoke about a previous Community Redevelopment Agency (CRA) funding related to a five-story apartment building he developed with CRA support. He recommended that the city consider hiring a full-time attorney and encouraged improved communication between staff, legal counsel, and elected officials. Mr. DiVenanzo concluded by thanking the mayor for her civility and leadership, stating that it has improved the tone of Commission meetings.

Lindsay Briones raised concern regarding accessibility for individuals with medical devices. She explained that standard metal detectors at building entrances can interfere with such devices, even when turned off, potentially creating a health risk and liability for the city. Interim City Manager Gierok acknowledged the issue and assured her that staff would implement alternative procedures, asking individuals to notify staff upon arrival so appropriate accommodation could be provided. Mayor Lee thanked Ms. Briones for bringing the issue forward and apologized for the inconvenience, confirming that the matter would be addressed.

5. Consent Agenda

5.1 Resolution Number 2026-38: Carver Park & Elizabeth Circle Playground Improvements

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve the Consent Agenda. Motion passed on the following vote:

Voting Yea: Commissioner Hawkins, Commissioner Holland, Commissioner Asbate, Vice Mayor Ashcraft, Mayor Lee

6. Ordinances, Public Hearings, & Quasi Judicial Hearings

6.1 Resolution Number 2026-39: Consideration of Fine Reduction/Release of Lien for 222 South Bay Street, Code Case 21-00898 and 23-00629

City Attorney Garcia introduced Resolution Number 2026-39, a resolution of the City Commission of the City of Eustis, Florida, regarding a code enforcement lien on property

located at 222 South Bay Street, authorizing implementing actions and providing for an effective date.

Code Enforcement Supervisor Eric Martin explained that the resolution would approve a Code Enforcement Board order reducing two outstanding liens totaling \$156,500 to \$2,480 and releasing the liens upon payment. He noted that the resolution also allows the Commission to consider alternative options, including setting a different reduced amount and payment timeframe, requiring the full lien amount to remain due, or releasing the lien entirely without payment.

Mr. Martin provided background, stating that on April 19, 2025, the Code Enforcement Board reviewed a fine reduction application submitted by Lois Benaglio on behalf of Eustis Rides, LLC., the property owner at the time. Prior to submitting the application, Ms. Benaglio had entered a contract to purchase the property but sought a lien reduction before closing. After the board approved the reduction, she proceeded with the purchase, and a special warranty deed was recorded on April 21, 2025, transferring ownership to Lois Lane Properties, LLC. Following the purchase, the new owner obtained the necessary permits and brought the property into compliance with city code. Based on these actions, staff recommended approval of the resolution.

Mayor Lee questioned how a property with an existing lien could be sold without the lien being paid, expressing concern that such a process could allow a seller to avoid responsibility. Mr. Martin responded that while he is not a real estate attorney, the transaction was a cash purchase, and buyers can choose to assume the liability. He explained that transactions such as quitclaim deeds can transfer property without a clear title, meaning the lien remains attached even if ownership changes. Mayor Lee reiterated that the situation seemed unfair, suggesting it could be used as a loophole for avoiding payment. Commissioner Ashcraft added that ultimately someone must be responsible for the lien.

Mr. Martin acknowledged the concern, stating that while the city prefers that violators be held accountable, it has no control over private real estate transactions. He explained that the previous owner was unable to secure financing due to the liens and had unsuccessfully sought full relief from the board. Despite the property selling for approximately \$243,000 without payment toward the liens, the city's priority is achieving compliance. He emphasized that the property had significant structural and electrical issues and is now in the hands of a responsible owner who has corrected those problems. While some violators may avoid penalties, the City's primary goal is to bring properties into compliance. In response to further questioning, Mr. Martin added that because the former owner operated under an LLC with no additional assets, the city had limited options for recovery beyond the property itself.

Commissioner Holland asked if the recommendation presented reflected the Code Enforcement Board's position, and Mr. Martin affirmed that it did.

Commissioner Asbate added that the case had been ongoing for some time and that the board had provided multiple opportunities for compliance and payment, which were not met. He noted that reducing the lien ultimately allowed the property to be rehabilitated and brought into compliance, resolving ongoing safety concerns.

With no further comments from the Commission, City Attorney Garcia opened the public hearing at 6:44 p.m. There being no public comments, the City Attorney closed the public hearing at 6:44 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve Resolution Number 2026-39. Motion passed on the following vote:

Voting Yea: Commissioner Hawkins, Commissioner Holland, Commissioner Asbate, Vice Mayor Ashcraft, Mayor Lee

6.2 Second Reading of Ordinance Number 2025-38: Adoption Hearing for 2025-CPT-01 Evaluation and Appraisal Review (EAR) Based Amendments to the City of Eustis Comprehensive Plan

City Attorney Garcia read Ordinance Number 2025-38, an Ordinance amending the Comprehensive Plan of the City of Eustis to adopt city-initiated Evaluation and Appraisal Review (EAR)-based amendments pursuant to Section 163.3191, Florida Statutes. The ordinance updates the goals, objectives, and policies related to future land use, transportation, housing, infrastructure, conservation, recreation and open space, intergovernmental coordination, capital improvements, economic development, and property-rights elements of the Comprehensive Plan. It also updates the Future Land Use Map series and includes provisions for severability, repeal of conflicting ordinances, and an effective date.

City Attorney Garcia noted that a prior presentation had already been given. Mr. Lane commented that there were no updates or additional information for the Commission.

City Attorney Garcia asked if any Commissioners had questions, and none were raised.

City Attorney Garcia opened the public hearing at 6:45 p.m. There being no public comments, the City Attorney closed the public hearing at 6:45 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve Ordinance Number 2026-38 on second reading.

Voting Yea: Commissioner Hawkins, Commissioner Holland, Commissioner Asbate, Vice Mayor Ashcraft, Mayor Lee

6.3 Second Reading of Ordinance Number 2026-13: Conditional Use for an Accessory Dwelling Unit at 228 S Center Street (AK 1631157)

City Attorney Garcia introduced Ordinance Number 2026-13 on second reading, an Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit for an accessory dwelling unit (ADU) to an existing single-family residence within the Suburban Residential (SR) Future Land Use District on approximately 0.33 acres located at 228 South Center Street. It was noted that a presentation on the item had previously been provided on March 19th by Mr. Wilkes. When asked if there was any additional information to present, Mr. Wilkes indicated there was none. The Commission was then asked if there were any questions, and none were raised.

City Attorney Garcia opened the public hearing at 6:46 p.m. There being no public comments, the City Attorney closed the public hearing at 6:46 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve Ordinance Number 2026-13 on second reading. Motion passed on the following vote:

Voting Yea: Commissioner Hawkins, Commissioner Holland, Commissioner Asbate, Vice Mayor Ashcraft, Mayor Lee

6.4 First Reading of Ordinance Number 2026-20: Amendment to the Land Development Regulations – Prohibition of Medical Marijuana Treatment Center Dispensing Facilities

City Attorney Garcia introduced Ordinance Number 2026-20 on first reading, an Ordinance amending the City of Eustis Land Development Regulations (LDRs) to prohibit Medical Marijuana Treatment Center (MMTC) dispensing facilities within the City pursuant to Section

381.986(11)(b), Florida Statutes. The ordinance includes legislative findings, definitions, provisions for nonconforming uses, enforcement, and standard clauses for conflicts, severability, codification, and an effective date.

City Attorney Garcia presented the item, explaining that the purpose of the ordinance is to establish a clear land use policy and supporting legislative record. The ordinance was properly advertised on March 30, 2026, and April 6, 2026, and a business impact estimate was completed in accordance with state law. The Local Planning Agency hearing was also held prior to the Commission meeting.

City Attorney Garcia noted that the city had previously prohibited MMTCs in 2017, later reversing that decision in 2020 by classifying them as pharmacies, which allowed them in certain zoning districts. She explained that under Florida law, municipalities have limited authority and must either treat MMTCs the same as pharmacies or prohibit them entirely. The current classification as pharmacies restricts the City's ability to regulate them independently. Based on observations of existing facilities, she described MMTCs as having controlled access, security measures, restricted entry, and unique traffic and operational patterns that differ from traditional pharmacies. As a result, the City determined that they are not functionally equivalent for land use purposes.

City Attorney Garcia commented that the proposed ordinance would establish a uniform, citywide prohibition on new MMTCs while allowing existing facilities to continue operating as legal nonconforming uses without expansion or relocation. She noted that alternative facilities are available throughout Lake County, ensuring continued access for patients. She highlighted that the ordinance presented was consistent with the City's Comprehensive Plan and intended to promote compatibility, predictability, and public welfare.

City Attorney Garcia opened the public hearing at 6:59 p.m.

George Warren of Bay Pharmacy, Lake Pharmacy, and Bay Pharmacy Long-Term Care expressed concern that the ordinance might impose restrictions on existing pharmacies, and City Attorney Garcia clarified that the ordinance applies only to medical marijuana dispensaries and does not affect traditional pharmacies or their ability to expand, which resolved his concerns.

Daniel DiVenanzo then asked whether the ordinance would prevent him from leasing property to such a facility, and City Attorney Garcia confirmed that new MMTCs would not be permitted under the proposed regulation.

There being no further public comments, the City Attorney closed the public hearing at 7:03 p.m.

Motion made by Commissioner Holland, Seconded by Vice Mayor Ashcraft to approve Ordinance Number 2026-20 on first reading. Motion passed on the following vote:

Voting Yea: Commissioner Hawkins, Commissioner Holland, Commissioner Asbate, Vice Mayor Ashcraft, Mayor Lee

7. Other Business

7.1 Discussion on Estes Road – Project with County

Interim City Manager Gierok explained that on March 9, 2026, city staff submitted a letter of support for Lake County's effort to secure federal appropriations for a stormwater project along Estes Road, at the request of Commissioner Hawkins. He noted that the proposed project would involve a drainage basin and treatment pond to address longstanding stormwater runoff

issues affecting areas within both city and county jurisdiction; however, Lake County ultimately did not submit the application due to time constraints and readiness concerns. Commissioner Hawkins commented that he had been working with the County since December to address the issue which has persisted for approximately twenty years. He emphasized the importance of continuing collaboration with the County, State, and Federal partners, including Congressman Randy Fine's office, to identify funding sources and solutions.

Commissioners discussed the severity of flooding in the area, particularly at one residence that has experienced repeated and significant flooding, and concerns were raised about how the property was originally approved for construction given its low elevation and location within a natural drainage area. It was noted that the flooding may have been exacerbated by subsequent nearby development, including the Blue Lake area. While there was general agreement on the need to address broader stormwater management issues along Estes Road, some Commissioners questioned whether on-site solutions, such as drainage systems or elevation adjustments, could help mitigate the problem for individual properties.

Commissioners expressed concern about the use of public funds to resolve what may be, in part, a private property issue. It was acknowledged that the affected property owner may have been aware of the flooding risks prior to purchase, and that using taxpayer funds could set an undesirable precedent. Despite these concerns, there was consensus that supporting external funding efforts such as grants pursued by Lake County or assistance from agencies like the St. Johns River Water Management District was appropriate.

Interim City Manager Gierok noted that any long-term solution would require detailed engineering analysis, including soil testing and evaluation of drainage capacity, and would likely address a broader drainage basin rather than a single property.

The Commission expressed support for continuing intergovernmental coordination and pursuing grant funding opportunities, while making clear that they were not committing City taxpayer funds at this time. No formal vote was required, but there was general consensus to support the County's efforts through letters of support and collaboration with relevant agencies and legislative partners.

8. Future Agenda Items and Comments

8.1 City Commission

Vice Mayor Ashcraft asked if there were any more talks about Lakeshore Drive and where the City stands with Lake County. Interim City Manager Gierok responded that while no resolution has been pursued, staff had a productive partnering meeting with the County. He noted that the engineering director of the County met with their Commission, and the City shared updated traffic data, including an additional week of traffic counts. Interim City Manager Gierok emphasized that the City would support the county's efforts moving forward, and the County is currently reviewing options for Lakeshore Drive. Vice Mayor Ashcraft noted that this past weekend, downtown was lively due to the Japanese Festival, which drew a large crowd. He remarked that it was encouraging to see so many visitors, including Secretary of State Byrd and his wife, who toured local businesses and Ferran Park. Vice Mayor Ashcraft highlighted that during the visit, Secretary of the State Byrd inquired whether the City participates in the Main Street USA program and suggested re-evaluating this program because it could provide support and potential funding for downtown initiatives. Vice Mayor Ashcraft commented that the ongoing goal is to attract people who have not visited downtown before and noted that businesses were pleased with the turnout at the Japanese Festival and Shamrock Fest.

Commissioner Hawkins asked whether the Main Street program could help organize and downtown merchants. Vice Mayor Ashcraft explained that the previous Downtown Business Association had disbanded, and the connection with Main Street USA had been limited. He suggested that re-engaging with these programs could provide additional support for downtown efforts, commenting that several businesses reported to him only receiving a single email notification about street closures, indicating a need for improved communication and multiple reminders. Interim City Manager Gierok acknowledged this concern and indicated it would be addressed in staff communications.

Commissioner Holland apologized for missing the previous meeting due to illness and congratulated the City on the success of recent festivals. He emphasized that government does not have to lead every initiative, noting the effectiveness of private organizations in driving downtown activity with City support. Commissioner Holland provided a medical update on Tim Totten, who recently underwent robotic open-heart surgery and is currently in ICU while temporarily pausing cancer treatments. He asked that Mr. Totten remain in everyone's thoughts and prayers. He wished everyone a Happy Easter.

Commissioner Asbate reflected on the Japanese and Irish festivals, noting the overwhelmingly positive response from businesses and visitors. He highlighted that many businesses reported record sales and expressed enthusiasm for future events.

Commissioner Ashcraft emphasized the importance of these festivals as community-building tools and suggested making them permanent fixtures in the downtown calendar. He then noted that the Bay Street Comedy Show is taking place on Saturday, April 4th.

Commissioner Asbate highlighted concerns about Duke Energy's ongoing utility work and its negative visual impact on the city, citing poles visible from the lake and even from airplanes.

Commissioner Asbate criticized the lack of local control and the financial consequences of previous agreements, urging the city to explore legal and regulatory options to improve aesthetic and community standards.

Mayor Lee referenced the City's comprehensive plan policy on protecting neighborhoods from bulk electric transmission corridors, and Interim City Manager Gierok indicated he would consult staff and provide clarification. The Commission discussed options such as painting poles, installing screening at eye level, or adding landscaping to minimize visual impact, but Duke Energy has resisted these efforts, threatening legal action.

Commissioner Ashcraft and others expressed frustration that Duke Energy's claims about paint affecting metal integrity seemed inconsistent with other long-lasting painted infrastructure, such as battleships. Mayor Lee noted examples from highways where aesthetic enhancements like evergreen trees are used to screen utility structures. The Commission further discussed exploring legal consultation and potential ordinances to better manage future transmission lines and leverage upcoming contracts.

8.2 City Manager

Interim City Manager Gierok provided updates on several administrative items. A downtown master plan workshop is scheduled for Tuesday, April 7, 2026, from 1 p.m. to 3 p.m., for discussion of progress since the last meeting. He commented that efforts to improve communication regarding special events include issuing bi-weekly updates that list all upcoming activities, highlighting street closures, and refining permit processes. Mr. Gierok noted that City staff is completing the in-house design for Prevatt Street as an "exit-only" street, which will be shared with the County next week. He then shared attendance figures from recent events: Japanese Festival drew 8,100 visitors, Shamrock Fest attracted 3,000 on

Friday and 5,280 on Saturday, and African American Heritage Festival had 3,300 attendees demonstrating substantial engagement across events.

Commissioner Hawkins detailed issues with cable companies entering the City without adequate notification, leaving infrastructure like sidewalks damaged, and failing to communicate with residents. Interim City Manager Gierok explained that new permit processes now include door-hanger notifications for new projects and closer follow-up on restoration and cleanup. He emphasized that these issues are widespread and that improvements are being implemented.

8.3 City Attorney

In response to concerns from Commissioner Hawkins about electric charges and the management of utility work, City Attorney Garcia explained that this was addressed in a triage meeting and further updates would follow.

8.4 Mayor

Mayor Lee highlighted the ongoing success of downtown initiatives. She noted interactions with out-of-state visitors, reflecting the growing visibility of Eustis. She expressed hope for expanding cultural events, including Cinco de Mayo and a fall festival. Mayor Lee indicated that American In Bloom advisors and evaluators visit is scheduled for May 10th through May 13th, and the Veteran’s Memorial project is progressing. She noted collaborative efforts among downtown businesses, particularly on Bay Street, encouraging similar partnerships on Magnolia Street.

The Commission agreed to gather additional information on the Main Street USA program and other approaches to unify downtown merchants before making decisions. Mayor Lee encouraged Commissioners and staff to continue visiting and engaging with downtown businesses to support these initiatives and ensure successful, sustainable growth for the City’s cultural and economic activities

9. Adjournment: 7:49 p.m.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting. If available, the video recording may be accessible at <https://www.youtube.com/@EustisComRel/streams> or an audio recording may be requested from the office of the City Clerk.*

CHRISTINE HALLORAN
City Clerk

EMILY A. LEE
Mayor/Commissioner



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: RICK GIEROK, INTERIM CITY MANAGER

DATE: APRIL 16, 2026

RE: RESOLUTON NUMBER 2026-22: GENERAL FUND ENTERING INTO A LOAN AGREEMENT WITH THE STORMWATER UTILITY FUND TO PAY FOR THOUSAND YEAR FLOOD REPAIRS

Introduction:

The City experienced significant infrastructure damage during the 2025 One Thousand Year Flood. The invoice for the final stormwater utility infrastructure repair has been received. The Stormwater Utility Fund does not have funds available to pay the invoice. The Stormwater Fund is requesting a loan from the General Fund in order to pay this invoice.

Background:

On October 26, 2025, the City of Eustis experienced a significant rainfall event that was deemed a Thousand Year Flood. As a result of this flood, the City experienced significant damage to critical infrastructure including roads and streets, stormwater and the water/sewer utility. Some repairs were done in-house by Public Works staff.

On November 20, 2025, the City Commission approved a budget amendment for all known infrastructure damage that was expected to be performed by outside contractors. The culvert repair at 509 Pine Lane was initially intended to be performed by in-house staff. However, the repair was more extensive than anticipated and the work was performed by an outside contractor. The cost of the culvert repair was \$174,810. The City's Stormwater Fund does not have adequate funding for this repair and is requesting funds from the General Fund in the form of an interfund loan.

These resolutions provide for a loan from the General Fund to the Stormwater Fund as well as a budget amendment for the Stormwater Fund for appropriate funds for payment of the invoice to the contractor and for debt service payments to the General Fund from May 2026 to September 2026.

The loan will be issued with an interest rate of 2.875% with a 10-year term. There will be no prepayment penalties. Aside from the length of the loan, the terms are the same as the General Fund loan to the CRA loan approved in 2025.

The accounting mechanics of the transaction are below:

General Fund			
Exp	001-8100-581-91-49	Transfer to Stormwater	174,810
	General Fund	Fund Balance	<u>(174,810)</u>

Stormwater Fund			
Rev	049-0000-381-01-00	Transfer from General Fund	174,810
Exp	049-8400-525-30-49	Thousand Year Flood	<u>(174,810)</u>
Exp	049-8800-581-70-71	Debt Service Principal	5,100
Exp	049-8800-581-70-72	Debt Service Interest	1,700
	Stormwater Fund	Fund Balance	<u>(6,800)</u>

General Fund			
Asset	001-0000-132-90-49	Receivable from Stormwater	174,810

Stormwater Fund			
Liability	049-0000-236-90-01	Payable to General Fund	174,810

Recommended Action:

Approve Resolution Number 2026-22 authorizing the General Fund to issue a loan in the amount of \$174,810 to the Stormwater Fund, with an interest rate of 2.875% with a ten (10) year term. Monthly payments will be \$1,677.91 beginning May 2, 2026.

Approve Resolution Number 2026-23 appropriating funds in the Stormwater Fund to pay the 509 Pine Lane culvert repair and to pay debt service payments to the General Fund through September 30, 2026.

Prepared by:

Lori Carr, Finance Director

Reviewed by:

Mari Leisen, Deputy Finance Director
Miranda Burrowes, Deputy City Manager

Attachments:

Stormwater Loan Amortization Schedule

RESOLUTION NUMBER 2026-22

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PROMISSORY NOTE TO DOCUMENT INTERFUND FINANCING FROM THE CITY'S GENERAL FUND TO THE CITY'S STORMWATER UTILITY FUND, AUTHORIZING EXECUTION OF SAID NOTE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Eustis adopted the final FY 2025/26 budget on September 18, 2025; and

WHEREAS, on October 26, 2025, the City of Eustis experienced a significant rainfall event that has been deemed a 1,000 Year Flood; and

WHEREAS, as a result of this rainfall and subsequent flooding, significant damage has occurred to City infrastructure to include the City's stormwater system; and

WHEREAS, the Governor of the State of Florida, the Lake County Board of County Commissioners and the City of Eustis have issued States of Emergency for this event pursuant to Chapter 252, Florida Statutes; and

WHEREAS, on December 31, 2025, the City received an invoice in the amount of \$174,810 for repairs to the culvert crossing at 509 Pine Lane; and

WHEREAS, the City's Stormwater Utility Fund does not have adequate funds available to pay for the repairs; and

WHEREAS, it is necessary for the City's General Fund to loan the City's Stormwater Fund necessary funding to pay for the culvert repair; and

WHEREAS, the Promissory Note (attached hereto as Exhibit A) documents the terms of such intergovernmental loan, including interest, repayment schedule, and permissible remedies, and affirms that the transaction is consistent with Article VII, Section 10 of the Florida Constitution and Chapter 163, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

Section 1. Approval of Promissory Note.

The Promissory Note by and between the City of Eustis General Fund and the City of Eustis Stormwater Fund, in the principal amount of \$174,810, attached hereto as Exhibit A, is hereby approved.

Section 2. Authorization to Execute.

The Interim City Manager is authorized to execute the Promissory Note and to take all necessary administrative actions to implement the terms thereof.

Section 3. Public Purpose

The City Commission finds and declares that this interfund loan serves a valid public purpose, supports lawful stormwater utility objectives, and is consistent with the City's Stormwater Master Plan.

Section 4. Effective Date.

This Resolution shall take effect immediately upon its adoption.

DONE AND RESOLVED this 16th day of April 2026, in the regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of April 2026 by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the City Commission.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 2026-22 is hereby approved. I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EXHIBIT A

PROMISSORY NOTE BETWEEN THE CITY OF EUSTIS GENERAL FUND AND THE CITY OF EUSTIS STORMWATER UTILITY FUND

Date of Execution: April 16, 2026
Principal Amount: \$174,810.00
Interest Rate: 2.875% per annum (simple interest)

THIS PROMISSORY NOTE is entered into by and between the City of Eustis General Fund, a governmental fund of the City of Eustis, Florida ("Lender"), and the City of Eustis Stormwater Utility Fund, a Special Revenue Fund of the City of Eustis, ("Borrower"), and sets forth the terms of an intergovernmental loan as authorized by Florida law.

RECITALS

WHEREAS, on October 26, 2025, the City of Eustis experienced a significant rainfall event that has been deemed a 1,000 Year Flood; and

WHEREAS, as a result of this rainfall and subsequent flooding, significant damage occurred to City infrastructure to include the City's stormwater system; and

WHEREAS, on December 31, 2025, the City received an invoice in the amount of \$174,810.00 for repairs to a culvert crossing at 509 Pine Lane; and

WHEREAS, the City's Stormwater Utility Fund does not have adequate funds to pay for the repairs; and

WHEREAS, it is necessary for the City's General Fund to loan the City's Stormwater Fund necessary funding to pay for the culvert repair; and

WHEREAS, the Borrower desires internal financing from the Lender and the Lender has agreed to extend such funds in furtherance of a valid public purpose; and

WHEREAS, both parties recognize and agree that this Note constitutes a lawful intergovernmental loan consistent with Section 163.370, Florida Statutes, and does not constitute a gift, donation, or lending of credit prohibited by Article VII, Section 10, Florida Constitution.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

1. LOAN TERMS

- 1.1 Loan Amount and Disbursement. The Lender has disbursed to Borrower the principal amount of One Hundred Seventy-Four Thousand Eight Hundred Ten and 00/100 Dollars (\$174,810.00) on or about March 2, 2026.

- 1.2 Interest Rate. Interest shall accrue on the unpaid principal balance at the rate of 2.875% per annum, calculated on the basis of a 360-day year.
- 1.3 Repayment Schedule. Borrower shall repay the loan in monthly installments of \$1,677.91, commencing on May 2, 2026 and continuing on the 2nd day of each month thereafter. Final payment shall be due no later than May 2, 2036.
- 1.4 Prepayment. Borrower may prepay all or any portion of the outstanding balance without penalty.

2. DEFAULT

- 2.1 Events of Default. A default shall occur if: (a) Borrower fails to make any payment within thirty (30) days of the due date; (b) Borrower ceases to exist or is lawfully dissolved; (c) Borrower expends loan funds for purposes inconsistent with the Stormwater Utility Fund.
- 2.2 Remedies. Upon default, the Lender may: (a) Declare the unpaid balance immediately due and payable; (b) Request the City Commission consider restructuring or other remedies in accordance with law.
- 2.3 Non-Waiver. Lender's failure to exercise any remedy shall not constitute a waiver.

3. SECURITY AND SOURCE OF PAYMENT

- 3.1 This Promissory Note is a general obligation of the Borrower, payable from legally available stormwater utility revenues or other lawfully appropriated funds.
- 3.2 The Note is not secured by any lien on specific property, nor shall the Lender have recourse against the City of Eustis beyond the General Fund advance herein.

4. GENERAL TERMS

- 4.1 Governing Law. This Note shall be governed by the laws of the State of Florida.
- 4.2 Amendments. Any amendment must be in writing and signed by both parties.
- 4.3 No Waiver of Sovereign Immunity. Nothing in this Note shall be construed as a waiver of either party's sovereign immunity under Section 768.28, Florida Statutes.
- 4.4 Public Purpose Affirmation. Both parties affirm this loan is for a public purpose and consistent with the CRA Plan adopted under Section 163.360, Florida Statutes.

IN WITNESS WHEREOF, the parties have executed this Promissory Note as of the date first written above.

BORROWER:

City of Eustis Stormwater Utility Fund

By: _____
Greg Dobbins, Public Works Director

LENDER:

City of Eustis General Fund

By: _____
Rick Gierok, Interim City Manager

ATTEST:

Christine Halloran, City Clerk, Witness

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By: _____
Greg Dobbins, Public Works Director

LENDER:

City of Eustis General Fund

By: _____
Rick Gierok, Interim City Manager

ATTEST:

Christine Halloran, City Clerk, Witness

Stormwater Loan Amortization Schedule

Item 4.1

Loan Values			Loan Summary				
Loan amount	\$174,810.00	Monthly payment	\$1,677.91	Annual interest rate	2.875%	Number of payments	120
Loan period in years	10	Total interest	\$26,539.27	Start date of loan	5/2/2026	Total cost of loan	\$201,349.27
Pmt No.	Payment Date	Beginning Balance	Payment	Principal	Interest	Ending Balance	
1	06/02/26	\$174,810.00	\$1,677.91	\$1,259.09	\$418.82	\$173,550.91	
2	07/02/26	\$173,550.91	\$1,677.91	\$1,262.11	\$415.80	\$172,288.79	
3	08/02/26	\$172,288.79	\$1,677.91	\$1,265.14	\$412.78	\$171,023.66	
4	09/02/26	\$171,023.66	\$1,677.91	\$1,268.17	\$409.74	\$169,755.49	
5	10/02/26	\$169,755.49	\$1,677.91	\$1,271.20	\$406.71	\$168,484.29	
6	11/02/26	\$168,484.29	\$1,677.91	\$1,274.25	\$403.66	\$167,210.04	
7	12/02/26	\$167,210.04	\$1,677.91	\$1,277.30	\$400.61	\$165,932.73	
8	01/02/27	\$165,932.73	\$1,677.91	\$1,280.36	\$397.55	\$164,652.37	
9	02/02/27	\$164,652.37	\$1,677.91	\$1,283.43	\$394.48	\$163,368.94	
10	03/02/27	\$163,368.94	\$1,677.91	\$1,286.51	\$391.40	\$162,082.43	
11	04/02/27	\$162,082.43	\$1,677.91	\$1,289.59	\$388.32	\$160,792.85	
12	05/02/27	\$160,792.85	\$1,677.91	\$1,292.68	\$385.23	\$159,500.17	
13	06/02/27	\$159,500.17	\$1,677.91	\$1,295.77	\$382.14	\$158,204.39	
14	07/02/27	\$158,204.39	\$1,677.91	\$1,298.88	\$379.03	\$156,905.51	
15	08/02/27	\$156,905.51	\$1,677.91	\$1,301.99	\$375.92	\$155,603.52	
16	09/02/27	\$155,603.52	\$1,677.91	\$1,305.11	\$372.80	\$154,298.41	
17	10/02/27	\$154,298.41	\$1,677.91	\$1,308.24	\$369.67	\$152,990.18	
18	11/02/27	\$152,990.18	\$1,677.91	\$1,311.37	\$366.54	\$151,678.80	
19	12/02/27	\$151,678.80	\$1,677.91	\$1,314.51	\$363.40	\$150,364.29	
20	01/02/28	\$150,364.29	\$1,677.91	\$1,317.66	\$360.25	\$149,046.63	
21	02/02/28	\$149,046.63	\$1,677.91	\$1,320.82	\$357.09	\$147,725.81	
22	03/02/28	\$147,725.81	\$1,677.91	\$1,323.98	\$353.93	\$146,401.82	
23	04/02/28	\$146,401.82	\$1,677.91	\$1,327.16	\$350.75	\$145,074.67	
24	05/02/28	\$145,074.67	\$1,677.91	\$1,330.34	\$347.57	\$143,744.33	
25	06/02/28	\$143,744.33	\$1,677.91	\$1,333.52	\$344.39	\$142,410.81	
26	07/02/28	\$142,410.81	\$1,677.91	\$1,336.72	\$341.19	\$141,074.09	
27	08/02/28	\$141,074.09	\$1,677.91	\$1,339.92	\$337.99	\$139,734.17	
28	09/02/28	\$139,734.17	\$1,677.91	\$1,343.13	\$334.78	\$138,391.04	
29	10/02/28	\$138,391.04	\$1,677.91	\$1,346.35	\$331.56	\$137,044.69	
30	11/02/28	\$137,044.69	\$1,677.91	\$1,349.57	\$328.34	\$135,695.12	
31	12/02/28	\$135,695.12	\$1,677.91	\$1,352.81	\$325.10	\$134,342.31	
32	01/02/29	\$134,342.31	\$1,677.91	\$1,356.05	\$321.86	\$132,986.26	
33	02/02/29	\$132,986.26	\$1,677.91	\$1,359.30	\$318.61	\$131,626.96	
34	03/02/29	\$131,626.96	\$1,677.91	\$1,362.55	\$315.36	\$130,264.41	
35	04/02/29	\$130,264.41	\$1,677.91	\$1,365.82	\$312.09	\$128,898.59	
36	05/02/29	\$128,898.59	\$1,677.91	\$1,369.09	\$308.82	\$127,529.50	

Pmt No.	Payment Date	Beginning Balance	Payment	Principal	Interest	Ending Bal
37	06/02/29	\$127,529.50	\$1,677.91	\$1,372.37	\$305.54	\$126,157.13
38	07/02/29	\$126,157.13	\$1,677.91	\$1,375.66	\$302.25	\$124,781.47
39	08/02/29	\$124,781.47	\$1,677.91	\$1,378.95	\$298.96	\$123,402.51
40	09/02/29	\$123,402.51	\$1,677.91	\$1,382.26	\$295.65	\$122,020.25
41	10/02/29	\$122,020.25	\$1,677.91	\$1,385.57	\$292.34	\$120,634.68
42	11/02/29	\$120,634.68	\$1,677.91	\$1,388.89	\$289.02	\$119,245.79
43	12/02/29	\$119,245.79	\$1,677.91	\$1,392.22	\$285.69	\$117,853.58
44	01/02/30	\$117,853.58	\$1,677.91	\$1,395.55	\$282.36	\$116,458.02
45	02/02/30	\$116,458.02	\$1,677.91	\$1,398.90	\$279.01	\$115,059.13
46	03/02/30	\$115,059.13	\$1,677.91	\$1,402.25	\$275.66	\$113,656.88
47	04/02/30	\$113,656.88	\$1,677.91	\$1,405.61	\$272.30	\$112,251.27
48	05/02/30	\$112,251.27	\$1,677.91	\$1,408.98	\$268.94	\$110,842.30
49	06/02/30	\$110,842.30	\$1,677.91	\$1,412.35	\$265.56	\$109,429.94
50	07/02/30	\$109,429.94	\$1,677.91	\$1,415.73	\$262.18	\$108,014.21
51	08/02/30	\$108,014.21	\$1,677.91	\$1,419.13	\$258.78	\$106,595.08
52	09/02/30	\$106,595.08	\$1,677.91	\$1,422.53	\$255.38	\$105,172.56
53	10/02/30	\$105,172.56	\$1,677.91	\$1,425.93	\$251.98	\$103,746.62
54	11/02/30	\$103,746.62	\$1,677.91	\$1,429.35	\$248.56	\$102,317.27
55	12/02/30	\$102,317.27	\$1,677.91	\$1,432.78	\$245.14	\$100,884.50
56	01/02/31	\$100,884.50	\$1,677.91	\$1,436.21	\$241.70	\$99,448.29
57	02/02/31	\$99,448.29	\$1,677.91	\$1,439.65	\$238.26	\$98,008.64
58	03/02/31	\$98,008.64	\$1,677.91	\$1,443.10	\$234.81	\$96,565.54
59	04/02/31	\$96,565.54	\$1,677.91	\$1,446.56	\$231.35	\$95,118.99
60	05/02/31	\$95,118.99	\$1,677.91	\$1,450.02	\$227.89	\$93,668.96
61	06/02/31	\$93,668.96	\$1,677.91	\$1,453.50	\$224.42	\$92,215.47
62	07/02/31	\$92,215.47	\$1,677.91	\$1,456.98	\$220.93	\$90,758.49
63	08/02/31	\$90,758.49	\$1,677.91	\$1,460.47	\$217.44	\$89,298.02
64	09/02/31	\$89,298.02	\$1,677.91	\$1,463.97	\$213.94	\$87,834.05
65	10/02/31	\$87,834.05	\$1,677.91	\$1,467.47	\$210.44	\$86,366.58
66	11/02/31	\$86,366.58	\$1,677.91	\$1,470.99	\$206.92	\$84,895.59
67	12/02/31	\$84,895.59	\$1,677.91	\$1,474.51	\$203.40	\$83,421.07
68	01/02/32	\$83,421.07	\$1,677.91	\$1,478.05	\$199.86	\$81,943.03
69	02/02/32	\$81,943.03	\$1,677.91	\$1,481.59	\$196.32	\$80,461.44
70	03/02/32	\$80,461.44	\$1,677.91	\$1,485.14	\$192.77	\$78,976.30
71	04/02/32	\$78,976.30	\$1,677.91	\$1,488.70	\$189.21	\$77,487.60
72	05/02/32	\$77,487.60	\$1,677.91	\$1,492.26	\$185.65	\$75,995.34
73	06/02/32	\$75,995.34	\$1,677.91	\$1,495.84	\$182.07	\$74,499.50
74	07/02/32	\$74,499.50	\$1,677.91	\$1,499.42	\$178.49	\$73,000.08
75	08/02/32	\$73,000.08	\$1,677.91	\$1,503.01	\$174.90	\$71,497.07
76	09/02/32	\$71,497.07	\$1,677.91	\$1,506.62	\$171.30	\$69,990.45
77	10/02/32	\$69,990.45	\$1,677.91	\$1,510.23	\$167.69	\$68,480.22
78	11/02/32	\$68,480.22	\$1,677.91	\$1,513.84	\$164.07	\$66,966.38
79	12/02/32	\$66,966.38	\$1,677.91	\$1,517.47	\$160.44	\$65,448.91

Pmt No.	Payment Date	Beginning Balance	Payment	Principal	Interest	Ending Bal
80	01/02/33	\$65,448.91	\$1,677.91	\$1,521.11	\$156.80	\$63,927.81
81	02/02/33	\$63,927.81	\$1,677.91	\$1,524.75	\$153.16	\$62,403.05
82	03/02/33	\$62,403.05	\$1,677.91	\$1,528.40	\$149.51	\$60,874.65
83	04/02/33	\$60,874.65	\$1,677.91	\$1,532.07	\$145.85	\$59,342.59
84	05/02/33	\$59,342.59	\$1,677.91	\$1,535.74	\$142.17	\$57,806.85
85	06/02/33	\$57,806.85	\$1,677.91	\$1,539.41	\$138.50	\$56,267.44
86	07/02/33	\$56,267.44	\$1,677.91	\$1,543.10	\$134.81	\$54,724.33
87	08/02/33	\$54,724.33	\$1,677.91	\$1,546.80	\$131.11	\$53,177.53
88	09/02/33	\$53,177.53	\$1,677.91	\$1,550.51	\$127.40	\$51,627.03
89	10/02/33	\$51,627.03	\$1,677.91	\$1,554.22	\$123.69	\$50,072.81
90	11/02/33	\$50,072.81	\$1,677.91	\$1,557.94	\$119.97	\$48,514.86
91	12/02/33	\$48,514.86	\$1,677.91	\$1,561.68	\$116.23	\$46,953.18
92	01/02/34	\$46,953.18	\$1,677.91	\$1,565.42	\$112.49	\$45,387.77
93	02/02/34	\$45,387.77	\$1,677.91	\$1,569.17	\$108.74	\$43,818.60
94	03/02/34	\$43,818.60	\$1,677.91	\$1,572.93	\$104.98	\$42,245.67
95	04/02/34	\$42,245.67	\$1,677.91	\$1,576.70	\$101.21	\$40,668.97
96	05/02/34	\$40,668.97	\$1,677.91	\$1,580.47	\$97.44	\$39,088.50
97	06/02/34	\$39,088.50	\$1,677.91	\$1,584.26	\$93.65	\$37,504.24
98	07/02/34	\$37,504.24	\$1,677.91	\$1,588.06	\$89.85	\$35,916.18
99	08/02/34	\$35,916.18	\$1,677.91	\$1,591.86	\$86.05	\$34,324.32
100	09/02/34	\$34,324.32	\$1,677.91	\$1,595.68	\$82.24	\$32,728.64
101	10/02/34	\$32,728.64	\$1,677.91	\$1,599.50	\$78.41	\$31,129.14
102	11/02/34	\$31,129.14	\$1,677.91	\$1,603.33	\$74.58	\$29,525.81
103	12/02/34	\$29,525.81	\$1,677.91	\$1,607.17	\$70.74	\$27,918.64
104	01/02/35	\$27,918.64	\$1,677.91	\$1,611.02	\$66.89	\$26,307.62
105	02/02/35	\$26,307.62	\$1,677.91	\$1,614.88	\$63.03	\$24,692.74
106	03/02/35	\$24,692.74	\$1,677.91	\$1,618.75	\$59.16	\$23,073.99
107	04/02/35	\$23,073.99	\$1,677.91	\$1,622.63	\$55.28	\$21,451.36
108	05/02/35	\$21,451.36	\$1,677.91	\$1,626.52	\$51.39	\$19,824.84
109	06/02/35	\$19,824.84	\$1,677.91	\$1,630.41	\$47.50	\$18,194.43
110	07/02/35	\$18,194.43	\$1,677.91	\$1,634.32	\$43.59	\$16,560.11
111	08/02/35	\$16,560.11	\$1,677.91	\$1,638.24	\$39.68	\$14,921.87
112	09/02/35	\$14,921.87	\$1,677.91	\$1,642.16	\$35.75	\$13,279.71
113	10/02/35	\$13,279.71	\$1,677.91	\$1,646.09	\$31.82	\$11,633.62
114	11/02/35	\$11,633.62	\$1,677.91	\$1,650.04	\$27.87	\$9,983.58
115	12/02/35	\$9,983.58	\$1,677.91	\$1,653.99	\$23.92	\$8,329.59
116	01/02/36	\$8,329.59	\$1,677.91	\$1,657.95	\$19.96	\$6,671.63
117	02/02/36	\$6,671.63	\$1,677.91	\$1,661.93	\$15.98	\$5,009.71
118	03/02/36	\$5,009.71	\$1,677.91	\$1,665.91	\$12.00	\$3,343.80
119	04/02/36	\$3,343.80	\$1,677.91	\$1,669.90	\$8.01	\$1,673.90
120	05/02/36	\$1,673.90	\$1,677.91	\$1,673.90	\$4.01	\$0.00



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Rick Gierok, Interim City Manager

DATE: April 16, 2026

RE: Resolution Number 2026-23: Budget Amendment to Recognize Loan between General Fund and the Stormwater Utility Fund and to establish a Budget for Debt Service Payments through the end of the Fiscal Year

Introduction:

The City experienced significant infrastructure damage during the 2025 One Thousand Year Flood. The invoice for the final stormwater utility infrastructure repair has been received. The Stormwater Utility Fund does not have funds available to pay the invoice. The Stormwater Fund is requesting a loan from the General Fund in order to pay this invoice.

Background:

On October 26, 2025, the City of Eustis experienced a significant rainfall event that was deemed a Thousand Year Flood. As a result of this flood, the City experienced significant damage to critical infrastructure including roads and streets, stormwater and the water/sewer utility. Some repairs were done in-house by Public Works staff.

On November 20, 2025, the City Commission approved a budget amendment for all known infrastructure damage that was expected to be performed by outside contractors. The culvert repair at 509 Pine Lane was initially intended to be performed by in-house staff. However, the repair was more extensive than anticipated and the work was performed by an outside contractor. The cost of the culvert repair was \$174,810. The City's Stormwater Fund does not have adequate funding for this repair and is requesting funds from the General Fund in the form of an interfund loan.

These resolutions provide for a loan from the General Fund to the Stormwater Fund as well as a budget amendment for the Stormwater Fund for appropriate funds for payment of the invoice to the contractor and for debt service payments to the General Fund from May 2026 to September 2026.

The loan will be issued with an interest rate of 2.875% with a 10-year term. There will be no prepayment penalties. Aside from the length of the loan, the terms are the same as the General Fund loan to the CRA loan approved in 2025.

The accounting mechanics of the transaction are below:

General Fund

Exp	001-8100-581-91-49	Transfer to Stormwater	174,810
	General Fund	Fund Balance	<u>(174,810)</u>

Stormwater Fund

Rev	049-0000-381-01-00	Transfer from General Fund	174,810
Exp	049-8400-525-30-49	Thousand Year Flood	<u>(174,810)</u>
Exp	049-8800-581-70-71	Debt Service Principal	5,100
Exp	049-8800-581-70-72	Debt Service Interest	1,700
	Stormwater Fund	Fund Balance	<u>(6,800)</u>

General Fund

Asset	001-0000-132-90-49	Receivable from Stormwater	174,810
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Stormwater Fund

Liability	049-0000-236-90-01	Payable to General Fund	174,810
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Recommended Action:

Approve Resolution Number 2026-23 appropriating funds in the Stormwater Fund to reimburse the General Fund as described above.

Prepared by:

Lori Carr, Finance Director

Reviewed by:

Mari Leisen, Deputy Finance Director
Miranda Burrowes, Deputy City Manager

Attachments:

Stormwater Loan Amortization Schedule

RESOLUTION NUMBER 2026-23

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026, FOR THE GENERAL FUND AND THE STORMWATER UTILITY FUND AND BY ADJUSTING EXPENDITURES; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Eustis adopted the final FY 2025/26 budget on September 18, 2025; and

WHEREAS, on October 26, 2025, the City of Eustis experienced a significant rainfall event that has been deemed a 1,000 Year Flood; and

WHEREAS, as a result of this rainfall and subsequent flooding, significant damage has occurred to the City's Stormwater Utility infrastructure; and

WHEREAS, on December 31, 2025, the City received an invoice in the amount of \$174,810.00 for repairs to the culvert crossing at 509 Pine Lane; and

WHEREAS, on April 2, 2026, the City Commission approved an interfund loan between the City's General Fund and the Stormwater Fund to pay for completed culvert repairs; and

WHEREAS, a budget amendment in the amount of \$174,810 is necessary; and

WHEREAS, a budget amendment in the amount of \$6,800 is necessary to make debt service payments from the Stormwater Fund to the General Fund through September 2026; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Lake County, Florida, that the Interim City Manager is hereby authorized to direct the Finance Director to:

1. Amend the Fiscal Year 2025/26 Adopted Budget for the General Fund to appropriate a total of \$174,810 from Fund Balance and to recognize the General Fund loan to the Stormwater Utility Fund.
2. Amend the Fiscal Year 2025/26 Adopted Budget for the Stormwater Fund to appropriate \$174,810 as an expense for flood damage repairs as well as a loan from the General Fund.
3. Amend the Fiscal Year 2025/26 Adopted Budget for the Stormwater Fund to appropriate \$6,800 for debt service payments to the General Fund through September 30, 2026.

- 4. The City Commission directs the Finance Director to amend the FY 2025/26 Adopted Budget as follows:

General Fund

Exp	001-8100-581-91-49	Transfer to Stormwater	174,810
	General Fund	Fund Balance	(174,810)

Stormwater Fund

Rev	049-0000-381-01-00	Transfer from General Fund	174,810
Exp	049-8400-525-30-49	Thousand Year Flood	(174,810)
Exp	049-8800-581-70-71	Debt Service Principal	5,100
Exp	049-8800-581-70-72	Debt Service Interest	1,700
	Stormwater Fund	Fund Balance	(6,800)

- 5. The City Commission directs the Finance Director to recognize the interfund loan between the General Fund and the Stormwater Utility Fund as follows:

General Fund

Asset	001-0000-132-90-49	Receivable from Stormwater	174,810
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Stormwater Fund

Liability	049-0000-236-90-01	Payable to General Fund	174,810
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DONE AND RESOLVED, this 16th day of April 2026 in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of April 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 2026-23 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Budget Amendment Accounts**General Fund**

Exp	001-8100-581-91-49	Transfer to Stormwater	174,810
	General Fund	Fund Balance	<u>(174,810)</u>

Stormwater Fund

Rev	049-0000-381-01-00	Transfer from General Fund	174,810
Exp	049-8400-525-30-49	Thousand Year Flood	<u>(174,810)</u>
Exp	049-8800-581-70-71	Debt Service Principal	5,100
Exp	049-8800-581-70-72	Debt Service Interest	1,700
	Stormwater Fund	Fund Balance	<u>(6,800)</u>

General Fund

Asset	001-0000-132-90-49	Receivable from Stormwater	174,810
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Stormwater Fund

Liability	049-0000-236-90-01	Payable to General Fund	174,810
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City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Rick Gierok, Interim City Manager

DATE: April 16, 2026

RE: Resolution Number 2026-36: City Stormwater Utility Fees Increase Approval

Introduction:

Resolution Number 2026-36 establishes adjusted Stormwater Utility fees for both residential and nonresidential developed properties. Fees were last increased in 2014. The proposed stormwater utility fee adjustment is presented as a user fee for stormwater services provided by the City's stormwater drainage utility system and is intended to ensure revenue sufficiency for continued operation, maintenance, regulatory compliance, and capital needs of the system.

Background:

Article III of Chapter 94 of the City's Code of Ordinances established the City's Stormwater Utility. The Stormwater Utility System is responsible for the operation and maintenance of this system. The cost of operating and maintaining the system is supported by user fees. Users of the system are all developed residential and nonresidential properties within the City. The stormwater drainage utility provides system-wide services that benefit properties throughout the City, including stormwater collection, conveyance, detention, retention, treatment, and discharge, as well as flood mitigation and protection of property from stormwater-related hazards. These services provide a direct and special benefit to properties within the City, in excess of the benefit provided to the general public, by reducing flooding, protecting property, and managing stormwater runoff generated from such properties.

The City has not increased stormwater utility fees since 2014. In 2025, the City engaged a municipal consultant, Raftelis Financial Consultants ("Raftelis"), to perform a stormwater fee study. The study is complete and the resulting recommendation is for the City to increase Stormwater Utility fees. The Raftelis study evaluated the revenue requirements of the stormwater utility, including operation and maintenance costs, capital improvement needs, regulatory compliance obligations, and existing financial conditions of the Stormwater Utility Fund, and concluded that the current rate structure does not generate sufficient revenue to sustain system operations and required improvements. The Raftelis Stormwater Rate Study dated March 27, 2026, is hereby relied upon as competent substantial evidence supporting the proposed rate adjustment.

The current fees are \$6.00/month for residential properties and \$12.00/month for nonresidential properties. The proposed fees are \$8.00/month for residential properties and \$16.00/month for non-residential properties. Even with the increased fees, the City's fees are still among the lowest in the surrounding communities.

Nonresidential properties, due to greater impervious surface areas, parking requirements, and intensity of development, generally contribute greater stormwater runoff and system demand than residential properties. The proposed non-residential rate reflects a reasonable and equitable approximation of this increased system demand and benefit.

The existing stormwater utility rate structure, as established by Ordinance Number 14-25, utilizes a flat monthly fee for residential and nonresidential developed properties. At this time, the City is maintaining this structure as a reasonable and administratively efficient method of allocating stormwater system costs, given the absence of parcel-specific impervious area data and the cost and complexity associated with implementing a more detailed rate methodology. The adopted rate structure represents a reasonable, fair and practical approximation of stormwater system demand, runoff contribution, and benefit received by properties within the City based on available data, historical rate structures, and accepted utility rate-setting practices. While a parcel-specific cost-of-service methodology is not utilized at this time, the City finds that the current structure is a reasonable proxy for allocating stormwater costs pending completion of the Stormwater Master Plan.

The proposed rate adjustment is intended as an interim measure to address current revenue needs while the City completes its ongoing stormwater master planning process, at which time a more detailed evaluation of rate structure and cost allocation methodologies may be considered. This interim approach is necessary to address immediate revenue needs while preserving the City's ability to implement a more refined and data-driven rate structure upon completion of the Stormwater Master Plan.

Stormwater utility revenues are deposited into the Stormwater Utility Management Fund and are restricted to stormwater-related purposes, including operation, maintenance, capital improvements, and system administration, consistent with City Code requirements.

Certain costs associated with stormwater operations, including personnel, equipment, and administrative services provided by other City departments, are allocated to the stormwater utility as part of the system's overall cost structure. Any such allocations represent the proportional and equitable cost of services directly supporting or reasonably allocable to the stormwater utility and necessary for stormwater system operation, and do not constitute a diversion of stormwater utility revenues for unrelated governmental purposes.

The City Commission is not required to achieve precise mathematical equivalency in allocating stormwater system costs, and the adopted rate structure reflects a reasonable policy-based approximation consistent with applicable law.

Policy Implications:

The result of not having increased stormwater utility fees since 2014 has affected the Stormwater Utility Fund's financial health. Funding for staffing, projects and emergencies is now very limited. This has been clearly brought to light with the recent approval of the General Fund loan to the

Stormwater Utility Fund to pay for emergencies repairs needed resulting from the 1,000-year flood in October 2025.

Ordinance Number 14-25 provides for a flat fee for residential and nonresidential developed properties. When the Stormwater Master Plan currently underway is complete, Stormwater Utility fees will again be reviewed and updated. At that time, a restructured fee schedule may be brought to Commission for discussion.

The proposed rate adjustment supports the continued operation and financial stability of the stormwater utility system and ensures compliance with applicable regulatory requirements, including MS4 permit obligations.

The adjustment also maintains the City's existing classification and billing structure as authorized by Chapter 94 of the City Code, which provides for stormwater utility fees to be established by resolution and allocated among developed properties.

The proposed rates are intended to provide a reasonable and equitable allocation of stormwater system costs among users based on generalized system demand and benefit, while maintaining administrative efficiency, consistent with Chapter 94 of the City Code. The stormwater utility fee provides a special benefit to affected properties in excess of that provided to the general public and is fairly and reasonably apportioned among users based on their use of and benefit from the stormwater system.

Recommended Action:

Approve Resolution Number 2026-36 establishing revised stormwater utility rates for residential and nonresidential developed properties to ensure revenue sufficiency and continued operation of the City's stormwater drainage utility system.

Business Impact Estimate

Not applicable.

Attachments:

Resolution Number 2026-36

Raftelis City of Eustis Stormwater Rate Study dated March 27, 2026

Prepared by:

Lori Carr, Finance Director

Reviewed by:

Mari Leisen, Deputy Finance Director

Miranda Burrowes, Deputy City Manager

Revised by:

Sasha Garcia, City Attorney

RESOLUTION NUMBER 2026-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, ESTABLISHING STORMWATER UTILITY RATES PURSUANT TO CHAPTER 94, ARTICLE 3, DIVISION 1 OF THE CITY CODE OF ORDINANCES; PROVIDING FOR LEGISLATIVE FINDINGS; SETTING MONTHLY STORMWATER SERVICE RATES OF \$8.00 FOR RESIDENTIAL CUSTOMERS AND \$16.00 FOR NONRESIDENTIAL CUSTOMERS; SUPERSEDING ALL PRIOR RESOLUTIONS ESTABLISHING STORMWATER RATES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

RECITALS

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution authorizes municipalities to exercise governmental, corporate, and proprietary powers to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, grants municipalities broad home rule power to enact ordinances and resolutions necessary to protect the public health, safety, and welfare, including the authority to establish, impose, and collect service charges for municipal services; and authorizes municipalities to levy and collect fees, charges, and assessments for municipal services provided to property owners and residents within the municipal boundaries; and

WHEREAS, Section 403.0893, Florida Statutes, authorizes municipalities to create stormwater utilities and to impose and collect stormwater fees to fund the planning, design, construction, operation, and maintenance of stormwater management systems; and

WHEREAS, the City of Eustis ("City") established a stormwater drainage utility pursuant to Ordinance Number 14-25, codified in Chapter 94, Article III, Sections 94-176 through 94-184 of the City Code of Ordinances ("Code"), to acquire, own, construct, equip, operate, and maintain the City's stormwater control system; and

WHEREAS, Code Sections 94-180(a) and (b) provide that the City Commission shall by resolution establish reasonable rates for the stormwater drainage utility system for residential and nonresidential properties; and

WHEREAS, Code Section 94-180(d) expressly provides that residential and nonresidential stormwater rates may be increased from time to time by resolution of the City Commission; and

WHEREAS, Code Section 94-184(a) confirms that the stormwater drainage utility fee shall be charged and collected as allowed by law and adopted by resolution or ordinance; and

WHEREAS, pursuant to its home rule authority, the City operates a stormwater drainage utility for the benefit of developed and undeveloped platted real properties within the City, which utility provides essential services including the collection, conveyance, detention, retention, treatment, and discharge of stormwater, reduces hazards to property and life resulting from

stormwater runoff, and confers a special benefit upon such properties by mitigating flooding, protecting property, and managing stormwater runoff generated therefrom; and

WHEREAS, the stormwater drainage utility provides ongoing operation, maintenance, capital improvements, regulatory compliance including Municipal Separate Storm Sewer System (MS4) permit obligations and system renewal necessary to protect public health, safety, and welfare; and

WHEREAS, pursuant to Code Section 94-178(2), the cost of operating and maintaining the stormwater drainage utility system and financing necessary repairs, replacements, improvements, and extensions should, to the extent practicable, be allocated in relationship to user impacts, benefits enjoyed, and services received; and

WHEREAS, stormwater utility revenues must be sufficient to fund operation, maintenance, replacement, capital improvements, and any debt service associated with stormwater facilities, and the current fee schedule is insufficient to meet these obligations; and

WHEREAS, the City engaged Raftelis Financial Consultants (“Raftelis”), a municipal utility rate consulting firm, to conduct a stormwater rate study and evaluate the revenue sufficiency of the stormwater drainage utility; and

WHEREAS, the City Commission finds that certain costs associated with the stormwater drainage utility system, including administrative support and services performed by other City departments, are appropriately allocated to the stormwater utility and reflected in the system’s revenue requirements, and that any transfers to other City funds represent reimbursement for such services and not a diversion of stormwater utility revenues for unrelated governmental purposes; and

WHEREAS, the Raftelis rate study determined that an adjustment to the City’s stormwater drainage utility fees is necessary to ensure continued fiscal solvency of the stormwater drainage utility and for the City’s ability to meet its operational, maintenance, capital, and regulatory obligations; and

WHEREAS, the City Commission hereby accepts and incorporates into the legislative record the Stormwater Rate Study prepared by Raftelis, dated March 27, 2026, as competent substantial evidence supporting the rate adjustments adopted herein;

WHEREAS, the City Commission has reviewed and considered the stormwater rate study and supporting financial information presented and finds the assumptions and conclusions therein to be reasonable for purposes of establishing stormwater utility rates; and

WHEREAS, the City Commission finds that the rate adjustment recommended by the Raftelis rate study and adopted herein is intended to address near-term revenue needs of the

stormwater utility system while the City completes its ongoing stormwater master planning process, after which a more comprehensive evaluation of rate structure and cost allocation methodologies may be undertaken; and

WHEREAS, the adjusted rate structure is reasonable, equitable, and designed to recover the projected revenue requirements of the stormwater drainage utility system based upon a financial analysis of operating, capital, and debt service needs, and constitutes a reasonable and proportionate approximation of the costs of providing stormwater services and the benefits received by properties within the City, and is consistent with Code Section 94-178(2) which requires allocation of costs in relationship to user impacts and benefits; and

WHEREAS, the City Commission finds that the use of a uniform monthly rate structure for residential and nonresidential properties is a reasonable, fair, and administratively efficient method of allocating stormwater utility costs at this time, given the absence of parcel-specific impervious area data for all properties, the cost and administrative burden associated with implementing a more complex rate structure, and the need for timely implementation of revenue adjustments to maintain system operations; and

WHEREAS, the City Commission further finds that precise mathematical allocation of stormwater system costs to individual parcels is not required, and that the adopted rate structure represents a reasonable and practical approximation of such costs; and

WHEREAS, the City Commission further finds that, although a parcel-specific cost-of-service methodology is not utilized at this time, the adopted rate structure represents a reasonable and practical approximation of stormwater demand, runoff contribution, and benefit received by properties within the City based on available data, historical rate structures, and accepted utility rate-setting practices; and

WHEREAS, the City Commission further finds that the adopted rate structure represents a reasonable approximation of stormwater system demand and benefit, recognizing that all developed properties contribute to and benefit from the stormwater drainage system through runoff generation, system usage, and flood protection services; and

WHEREAS, the City Commission further finds that nonresidential properties, due to greater impervious surface areas, parking requirements, and intensity of development, generally contribute greater stormwater runoff and system demand than residential properties, and that establishing a nonresidential rate at approximately two times the residential rate constitutes a reasonable and equitable approximation of relative system usage and benefit; and

WHEREAS, the City Commission recognizes that undeveloped land parcels are not currently assessed a stormwater utility fee pursuant to Code Section 94-180(c) and finds that such exclusion is appropriate at this time because undeveloped properties, while contributing

some runoff, generally generate substantially less runoff due to natural pervious conditions, and therefore their exclusion represents a reasonable policy determination consistent with the City’s classification framework, subject to future evaluation as part of a comprehensive rate study; and

WHEREAS, the City Commission finds it is in the best interest of the City and its residents to adjust the stormwater drainage utility fees to ensure the stormwater drainage utility system is adequately funded; and

WHEREAS, the City Commission finds the effective date of this Resolution is coordinated with the adopted budget amendment to ensure revenue projections are properly aligned and all notice timelines for City residents are satisfied by law; and

WHEREAS, the City Commission finds that the stormwater utility fee imposed herein provides a special benefit to affected properties in excess of that provided to the general public and that the amount of the fee is fairly and reasonably apportioned among properties based on their use of and benefit from the stormwater system.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS.

The foregoing recitals are hereby ratified, confirmed, and incorporated into this Resolution as legislative findings of the City Commission.

SECTION 2. ESTABLISHMENT OF STORMWATER UTILITY RATES.

Pursuant to Code Section 94-180 and the authority set forth herein, the following monthly stormwater utility rates are hereby established for all customers receiving stormwater services from the City:

Customer Class	Monthly Rate	Basis
Residential	\$8.00	Per single-family dwelling unit
Nonresidential	\$16.00	Per utility account

Undeveloped land parcels shall continue to have no fee charged, consistent with Code Section 94-180(c).

SECTION 3. BILLING

The adjusted stormwater drainage utility fees shall be billed as an additional fee on each property's water/sewer utility bill, consistent with Code Section 94-180(d).

SECTION 4. USE OF REVENUES.

All fees collected pursuant to this Resolution shall be deposited into the Stormwater Utility Management Fund established under Code Section 94-183 and shall be used solely for the purposes authorized therein, including planning, construction, operation, maintenance, repair, replacement, design, right-of-way acquisition, and improvement of the City's stormwater drainage utility system and incidental costs.

The City Commission hereby finds that such use of revenues constitutes a valid stormwater utility purpose and is reasonably related to the provision of stormwater services. The City Commission further finds that any transfers to other City funds represent the proportional and equitable cost of services directly supporting or allocable to the stormwater utility, including but not limited to personnel, equipment, infrastructure maintenance, and administrative services necessary for stormwater system operation, and do not constitute a diversion of stormwater utility revenues for unrelated governmental purposes.

SECTION 5. SUPERSESSION OF PRIOR RATE RESOLUTIONS.

This Resolution hereby supersedes all prior resolutions, or portions thereof, establishing or adjusting stormwater drainage utility fees, to the extent of any conflict herewith.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or provision of this Resolution is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution, which shall be given full force and effect as if the invalid or unconstitutional portion had not been included.

SECTION 7. CONFLICTS.

All resolutions, or parts thereof, in conflict with this Resolution are hereby repealed to the extent of any such conflict.

SECTION 8. EFFECTIVE DATE.

This Resolution shall take effect upon adoption; provided, however, that the adjusted stormwater utility rates established herein shall be implemented beginning with the first utility billing cycle occurring after at least one full billing cycle following customer notice of such rate adjustment.

To give this Resolution to effect intended by this Section, City customers will be notified of the stormwater utility rates increase on their May 2026 utility invoice which will not be implemented until the subsequent billing cycle. City customers will be charged the increased stormwater utility fee on their June 2026 utility invoice.

PASSED AND ADOPTED in Regular Session of the City Commission of the City of Eustis, Florida, this 16th day of April, 2026.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of April 2026 by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 2026-36 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



CITY OF EUSTIS

Stormwater Rate Study

Final Report / March 27, 2026



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March 27, 2026

Ms. Lori Carr
Finance Director
City of Eustis
10 North Grove Street
Eustis, FL 32726

Subject: Stormwater Rate Study Report

Dear Ms. Carr:

Raftelis is pleased to provide this Stormwater Rate Study Report (Report) for the City of Eustis (City) to address current financial challenges and to provide an intermediate plan while the Master Plan is being completed.

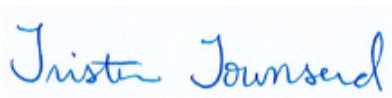
The report summarizes the key findings and recommendations related to the development of the financial plan for the stormwater utility in FY 2026 and FY 2027.

It has been a pleasure working with you, and we thank you and the City staff for the support provided during the course of this study.

Sincerely,



Joe Williams
Vice President



Tristen Townsend
Consultant

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Exhibits

- Exhibit 1: Projected Revenue Requirements
- Exhibit 2: Cash Balance Forecast

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1. Executive Summary

1.1. Introduction

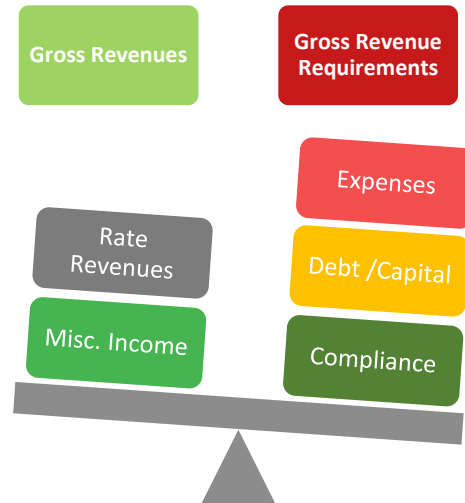
The City of Eustis (City) has retained Raftelis to review the City's stormwater utility revenue requirements, evaluate the sufficiency of existing rates, and recommend rate adjustments to address near-term financial needs.

The City's stormwater utility is established as an enterprise fund, meaning the utility should have revenues equal to the costs of the services provided and should establish rates sufficient to cover the cost of operating, maintaining, repairing, and financing system operations. According to the Governmental Accounting Standards Board, "Enterprise Funds should be used to account for operations that are financed and operated in a manner similar to private business enterprises – where the intent of the governing body is that costs of providing services to the general public on a continuing basis should be financed or recovered primarily through user charges."

While the City annually reviews the financial position of the stormwater system (System) as part of the budgetary process, the City last adjusted its stormwater utility rates in 2014. To evaluate the sufficiency of the current stormwater rates, the City authorized Raftelis to conduct a comprehensive rate analysis to estimate the adequacy of rates through fiscal year (FY) 2030. However, the stormwater system's cash reserves have been substantially depleted due to emergency expenditures required to address repairs from recent storm events. This has created an immediate need to stabilize the system's financial position. Furthermore, the System is currently undergoing a stormwater master plan which will not be completed until the end of the fiscal year. With this, Raftelis has been directed to identify a short-term rate adjustment across FY 2026 and FY 2027 to address cash reserves. Then, upon completion of the master plan, a more comprehensive analysis will be performed to identify any additional rate adjustments to fund future capital improvements.

The foundation of the study and the primary objectives of the stormwater rates are to reasonably recover the cost of providing service, including the cost of operating the stormwater utility and the cost of infrastructure investment, as well as to comply with covenants of the outstanding and anticipated future indebtedness and identified fiscal policies / targets (referred to as the "revenue sufficiency" evaluation).

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As shown in the preceding figure, the various components of cost associated with operating and maintaining a municipally owned utility, as well as the cost of financing the renewal and replacement of facilities and capital improvements for upgrades and expansion, are generally referred to as the gross revenue requirements. The sum of these cost components, after adjusting for other income and other operating revenues available to the utility, represents the net rate revenue requirements of the utility system.

The revenue requirements for this rate study were predicated on an analysis of stormwater costs projected through the FY ending September 30, 2027 (i.e., FYs 2026 and 2027). The projected revenue requirements included the various generalized cost components described as follows:

- Operating Expenses: Operating expenses include the cost of labor, utilities, operating supplies, repairs and maintenance, allocated General Fund administrative costs, and other items necessary for the operation and maintenance of the utilities.
- Capital Investment: Capital investment includes the amount of funding on an annual basis made from rates (pay-go spending) to fund ongoing renewals, replacements, improvements, and upgrades not financed by the issuance of debt obligations.
- Debt Service: Debt service includes the principal and interest on the City's currently outstanding and any future anticipated debt or loan obligations payable from the net operating revenues of the system.
- Other Revenue Requirements: This component of cost includes any other funding requirements from rates including, but not limited to, transfers to the Street Improvement Fund, and transfers to reserves for future year expenditures.

The following is a summary of the net revenue requirements derivation:

- + Cost of Operation and Maintenance
- + Debt Service Payments
- + Transfers and Administration Payments
- + Capital Project Financing
- + Equipment Purchases
- + Working Capital Reserves / Financial Compliance
- Other Operating Revenue

–	Interest Income
=	Net Revenue Requirements (Funded from rates)

1.2. Summary of Study Results

Based on the assumptions relied upon in the development of the projected revenue requirements, Raftelis has identified the need for rate adjustments for the stormwater system. The primary reasons for the rate adjustments include the following:

1. The need to maintain adequate operating and capital reserves and margins to provide funds for emergencies.
2. The need to fund annual debt service payments associated with an interfund loan which is anticipated to help stabilize cash reserves.

Based on the financial forecast for the System, which is described in detail in this report, the following rate adjustments are recommended:

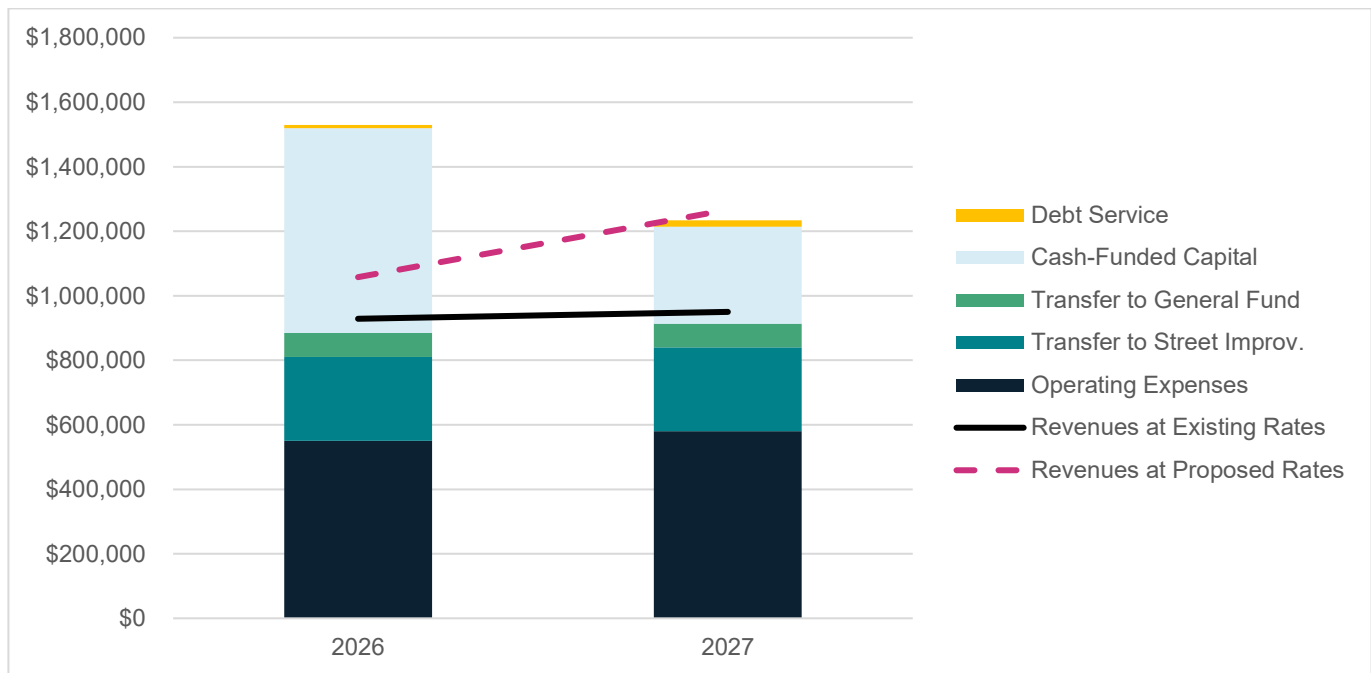
Table ES 1: Proposed Rate Adjustments

Description	Existing	2026	2027
Residential Monthly Rate	\$6.00	\$8.00	\$8.00
Nonresidential Monthly Rate	\$12.00	\$16.00	\$16.00

The adjustments shown above are recommended to be effective May 1, 2026 and have been reviewed by City staff and are representative of the increases in costs to effectively operate and maintain the stormwater system. As demonstrated below, the existing rates are not sufficient to meet the revenue requirements; however, with the proposed rate adjustment, the rates will adequately recover the revenue requirements in FY 2027.

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Figure ES-1: Revenue Sufficiency at Existing and Proposed Rates



1.3. Observations and Recommendations

The following is a summary of the observations and recommendations developed by Raftelis during our investigation, analyses, and preparation of this report:

1. The City’s existing fees for stormwater services are not anticipated to be adequate to fully recover the City’s projected revenue requirements in FY 2026 and FY 2027.
2. The City should consider adopting the proposed stormwater rates, effective May 1, 2026, at \$8.00 per residential unit and \$16.00 per nonresidential account, per month, as calculated for FY 2026. The proposed adjustment for FY 2026 represents a \$2.00 and \$4.00 monthly increase for residential and nonresidential customers, respectively.
3. Once the City completes the stormwater master plan, the City should update the stormwater financial forecast to provide funding for additional improvements beyond FY 2026.
4. The City should consider evaluating alternative rate structures, such as impervious area-based billing or tiered rates by property size, during the comprehensive rate study following completion of the stormwater master plan. Alternative structures may more equitably distribute costs among customers based on their relative contribution to stormwater runoff.

Following the Executive Summary, the remainder of this report outlines the assumptions for the projected revenues and expenditures for the enterprise fund.

2. Introduction

2.1. Background

The City is located in Lake County in the central Florida area and has an estimated population of over 25,000¹ residents, according to Census reports. The City's stormwater system benefits residential and non-residential development in the City and serves approximately 11,700 stormwater customers as of FY 2025. The City initially engaged Raftelis to conduct a rate study to review the sufficiency of the stormwater system's (System) ability to meet financial requirements including operating costs, capital improvements, and reserve fund requirements over the period of FYs 2026 through 2030. However, due to the use of emergency funds to address repairs related to recent storm events, the System has an immediate need to stabilize cash reserves. Furthermore, the City is undergoing a stormwater master plan that will not be completed until the end of the fiscal year. With this, Raftelis has been directed to identify a short-term rate adjustment across FY 2026 and FY 2027 to address cash reserves. Then, upon completion of the master plan, a more comprehensive analysis will be performed to identify any additional rate adjustments to fund future capital improvements, along with potential alternative rate structures to promote a higher level of equitability between customers as the need for higher funding levels materializes

The City constructs, upgrades, maintains, and operates the stormwater system with the intent of preserving property and providing adequate drainage of rainwater and groundwater flooding. Additionally, the system must ensure compliance with state and federal rules and regulations. This section provides a summary of the costs associated with the operations, upkeep, and upgrades to the stormwater system and the associated rates to provide adequate funding. The capital improvement plan (CIP) developed for the purposes of the study only accounts for projects currently identified in FY 2026 and FY 2027 since the City is currently in the process of creating a stormwater master plan, which is not yet finalized. This master plan will identify future projects, which will then result in an updated stormwater rate study to address future funding needs beyond the next two years.

The recommendations of this study are based on a financial forecast developed for the stormwater system that relies on a dynamic Excel-based model which forecasts future customers, revenues, operating expenses, debt service payments, and accounts for various cost escalations and rate adjustments. The study included the identification of utility operating and capital needs, review of the capital financing plan, and establishment of the timing of rate adjustments based on staff input. The financial forecast serves as the basis for the rate recommendations through FY 2027.

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¹ U.S. Census Bureau

3. Customers and Revenues

3.1. General

A major component in the determination of sustained revenue sufficiency for stormwater service is the development of the customer statistics, to which existing rates are applied to calculate revenues. The customer forecast is an essential component of this study which helps align the timing of future rate adjustments with capital projects and anticipated increases to ongoing operations. This section provides a discussion of the customer statistics for FYs 2025 – 2027.

3.2. Existing Stormwater Rates

Per the City's Ordinance 14-95, the existing stormwater rates are charged on a flat fee basis for both residential and nonresidential customers. Under the flat-fee structure, all customers within the same customer class pay the same monthly charge regardless of property size or impervious area. Residential customers are charged based on the number of single-family dwelling units and nonresidential customers are charged by accounts. Undeveloped properties are exempt from the fee. The existing rates are shown in the table below:

Table 1: Existing Monthly Stormwater Rates

Property Type	Existing Monthly Fee	Basis
Residential	\$6.00	Per dwelling unit
Nonresidential	\$12.00	Per account
Undeveloped	N/A	N/A

3.3. Customer Growth and Revenue Projection

Historical billing data for FY 2025 was relied upon to develop the customer summary for the forecast. In FY 2025, residential properties accounted for nearly 93% of the customer base, with the remaining 7% of customers being nonresidential. The City is experiencing ongoing growth, and residential units and customer accounts were projected to grow at approximately 2.3% annually based on growth forecasts utilized in the 2025 Municipal Impact Fee Study². Using this growth, the revenue forecast was developed.

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² 2025 Municipal Impact Fee Study completed by Raftelis, dated September 11, 2025.

Table 2: Historical and Projected Customer Growth

Description	2025	2026	2027
Residential Units	10,947	11,198	11,456
Residential Unit Growth	-	251	258
Nonresidential Accounts	831	850	870
Nonresidential Account Growth	-	19	20
Total Customers	11,778	12,048	12,326
Annual Growth	-	2.3%	2.3%

As shown above, in FY 2025, the City served approximately 11,800 stormwater customers and is expected to grow to over 12,300 customers by FY 2027.

Table 3: Projected Rate Revenues from Existing Fees

Description	2026	2027
Residential Revenues	\$806,300	\$824,800
Nonresidential Revenues	122,400	125,200
Total	\$928,700	\$950,000

Under existing rates, the City is projected to collect approximately \$929,000 in FY 2026, growing to \$950,000 in FY 2027.

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4. Revenue Requirements

4.1. General

Operating cash revenue requirements is the term that defines the various components of cost associated with operating and maintaining the System. The sum of these cost components, less any other income generated, represents the net revenue requirements that are funded from the annual stormwater assessment. The projected revenue requirements over the Forecast Period include the various generalized cost components described below:

- Operating and Maintenance (O&M) Expenses: These expenses include the cost of labor, insurance, utilities, contractual services, maintenance, materials, supplies, administration, indirect cost transfers, and other items necessary for the operations and maintenance of the System.
- Capital Investment: Capital investment includes the amount of funding on an annual basis made from rates (pay-go spending) to fund ongoing renewals, replacements, improvements, and upgrades not financed by the issuance of debt obligations.
- Debt Service: Debt service includes the principal and interest on outstanding debt obligations payable from the net operating revenues. The projected revenue requirements include the assumption that there will be an interfund loan in FY 2026 to stabilize cash reserves.
- Other Revenue Requirements: This component of cost includes, in general, transfers to reserves for future infrastructure rehabilitation or construction or transfers to the Street Improvement Fund and General Fund.

4.2. Operating and Maintenance Expenses

The adopted FY 2026 budget associated with the operations and maintenance of the stormwater system served as the basis for the system's expenditure projections. The budget was then projected for FY 2027. Projections for FY 2027 reflect the anticipated impacts of inflation, labor and benefit adjustments, growth, and other increases affecting ongoing expenses. These impacts are addressed on a budget line-item basis using specific escalation factors. Unless otherwise noted, the underlying assumptions and expenditure amounts included therein were assumed to be reasonable and reflect anticipated operations. The primary assumptions used in the projection of net rate requirements for FY 2027 are:

- Expenditures anticipated to be impacted by inflation increase at 2.5 percent
- Salaries, merit and associated benefits increase by 5.0 percent
- Insurance expenses increase by 10.0 percent
- General maintenance and contractual expenses increase by 5.0 percent
- Utilities, such as power consumption, increase by 10.0 percent

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Table 4: Budgeted and Projected Operating Expenditures

Description	2026	2027
Operating Expenses	\$550,748	\$579,900
Transfer to Street Improvement Fund	260,000	260,000
Transfer to General Fund	74,000	74,000
Total	\$884,748	\$913,900

The transfer to the Street Improvement Fund reflects the stormwater system's share of road drainage costs, and the transfer to the General Fund represents allocated administrative overhead for City services provided to the stormwater utility.

4.3. Capital Improvement Plan

The capital expenditures for the stormwater system are based on estimated project costs derived from the City's capital improvement plan for FYs 2026 and 2027 and are expected to be funded through cash reserves. Projects include culvert replacements, improvements on Donnelly Avenue, the stormwater master plan, equipment purchases, and emergency flood repairs. The following table details the planned stormwater capital improvement plan projects during FY 2026 and FY 2027:

Table 5: FY 2026 - FY 2027 Capital Improvement Plan Project Listing

Description	Project Cost	Project Timing
Emergency Flood Repair Expenses	\$137,500	2026
SW / Flood Control	100,000	2026
SW / Tractor Bush Hog Mower	45,000	2026
SW / Concrete Crushing	55,000	2026
SW / Stormwater Camera	200,000	2026
SW / Stormwater Master Plan	125,000	2026
SW / Culvert Replacement	223,900	2026-2027
SW / Donnelly Ave to Badger Storm Pipe	82,800	2027
SW / Donnelly Ave Storm System	103,500	2027
Total	\$1,072,700	
Total FY 2026 Needs	\$772,500	
Total FY 2027 Needs	\$300,200	

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4.4. Proposed Debt

To stabilize cash reserves, the stormwater system is obtaining an interfund loan from the General Fund. The interfund loan term will be 10 years at a 2.875% interest rate, with proceeds of \$175,000. The average annual debt service will be approximately \$20,000. The details of the loan terms are also shown in the table below:

Table 6: Anticipated Debt

Description	Amount
Debt Proceeds	\$175,000
Term Length	10
Interest Rate	2.875%
Average Debt Service	\$20,300

4.5. Total Revenue Requirements

Based on the assumptions above, a summary of the assumed annual total revenue requirements over the forecast period are shown on the following table:

Table 7: Total Annual Revenue Requirements

Description	2026	2027
Operating Expenses	\$550,748	\$579,900
Transfer to Street Improvement Fund	260,000	260,000
Transfer to General Fund	74,000	74,000
Proposed Debt Service	10,150	20,300
Total Revenue Requirements	\$894,898	\$934,200
Less Miscellaneous Revenues	6,800	5,200
Net Revenue Requirements	\$888,098	\$929,000

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5. Revenue Sufficiency

5.1. General

Sufficient revenues are necessary to pay for the continuing operations of the stormwater system providing for the health, safety and welfare of the community and protection of property. The measure of revenue sufficiency is demonstrated not only by the ability to meet the annual operating requirements, but also to provide for ongoing capital asset renewals and upgrades. The initial task in determining revenue sufficiency is to identify the relative sufficiency of the revenues generated from existing rates to provide for: 1) projected O&M expenses; 2) interfund loan repayment obligations; 3) transfers to maintain reserve funds at adequate levels; and 4) capital improvement expenditures.

5.2. Revenue Sufficiency Forecast

As outlined on the table below, stormwater rate adjustments, along with the use of the loan from the General Fund, are proposed to correct the cash reserves and support funding the identified O&M expenditures and capital improvements identified in FYs 2026 and 2027.

Table 8: Proposed Rate Adjustments

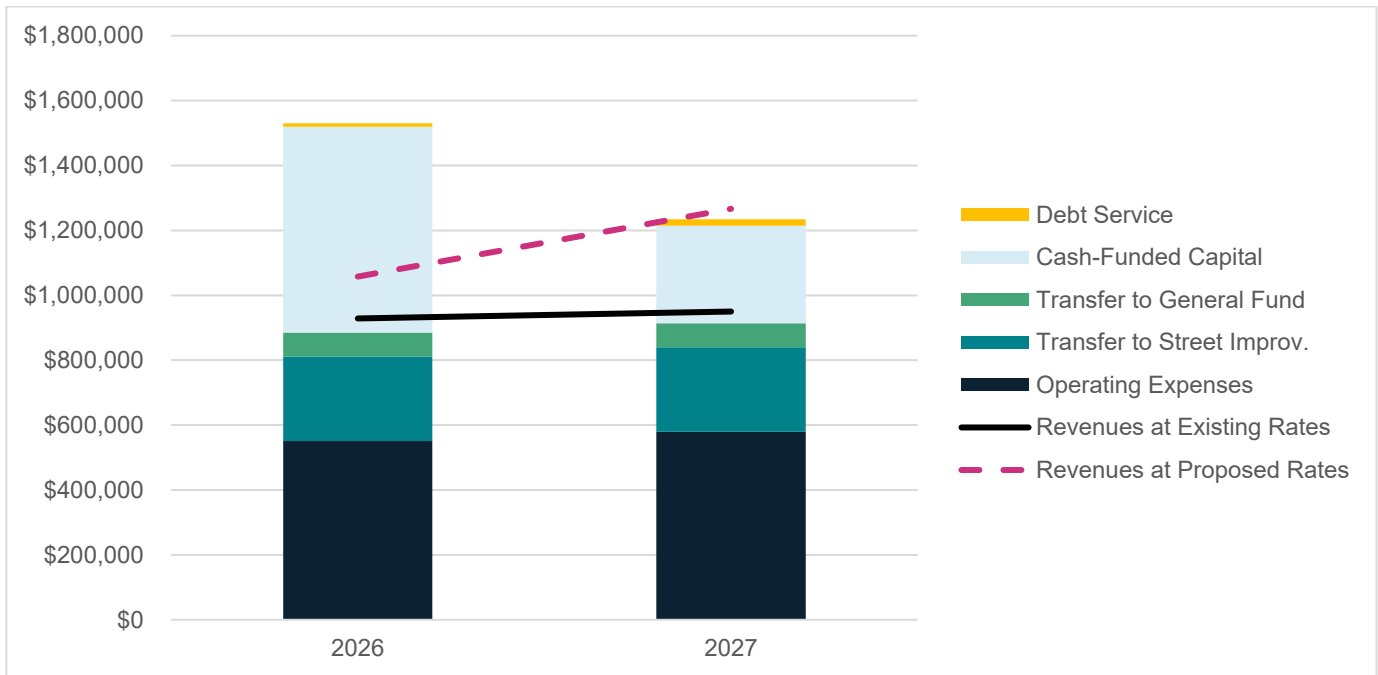
Description	Existing	2026 [1]
Residential Monthly Rate	\$6.00	\$8.00
Nonresidential Monthly Rate	\$12.00	\$16.00

[1] Anticipated to become effective May 1, 2026.

The projected net revenue requirements in FYs 2026 and 2027 for the City’s stormwater system funded from rates are summarized below. As shown by the solid line on the chart, the existing rates will not be sufficient to meet all revenue requirements. Therefore, it is recommended the City implement the recommended rate adjustments.

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Figure 1: Revenue Sufficiency at Existing and Proposed Rates



5.3. Cash Balances

The stormwater system should have adequate cash reserves in order to meet day-to-day funding needs, address unexpected emergencies requiring immediate financial resources, and have sufficient funds for capital appropriation. The following table summarizes the projected ending cash balances FY 2026 and FY 2027 based on implementing the annual rate adjustments as recommended. It should be noted that the City ended FY 2025 with over \$600,000 cash reserves available to the Stormwater system, which has been exhausted on various capital needs.

Table 9: Ending Cash Balances

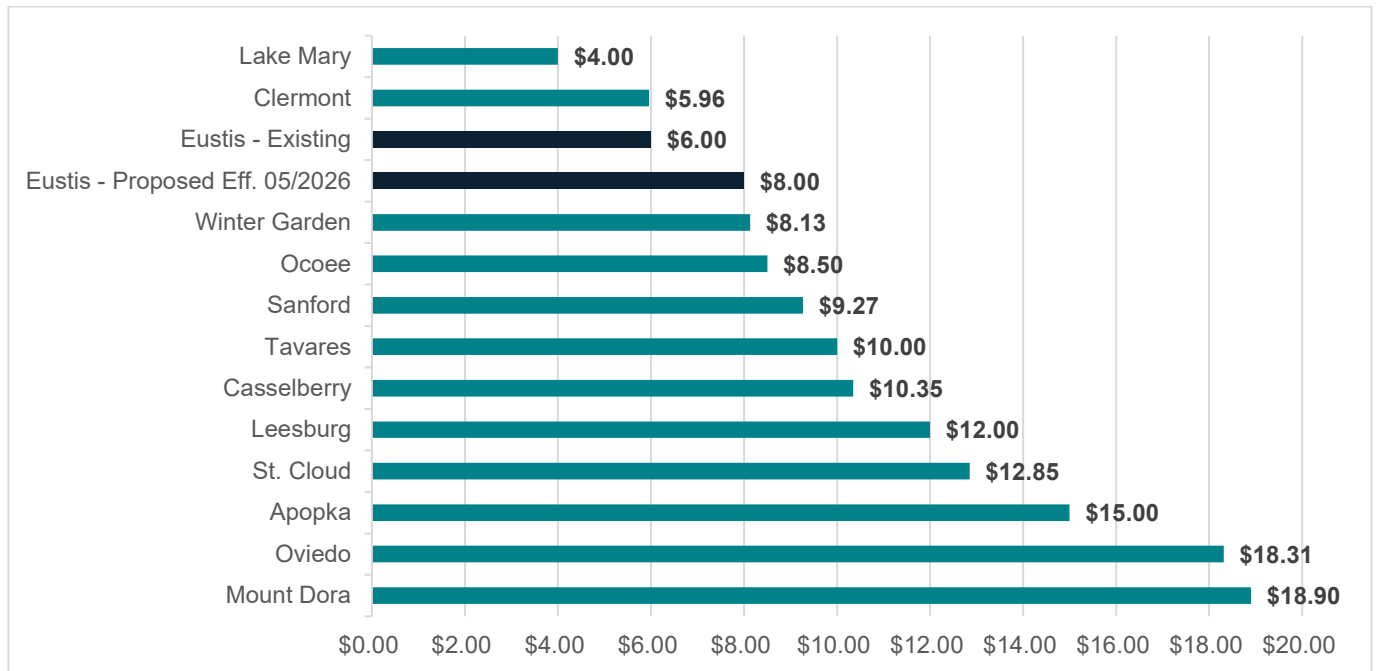
Description	2026	2027
Operating Reserve Balance	\$200,852	\$238,252

[1] FY 2026 includes the transfer of \$175,000 from the General Fund.

5.4. Proposed Residential Stormwater Rates and Comparisons

In order to provide additional information regarding the proposed rate changes, the City’s existing and proposed residential rates have been compared with other jurisdictions. This rate comparison, as shown on Figure 2, includes a number of utilities throughout central Florida. It should be noted that funding of stormwater programs is not equal in all cities. Some cities use stormwater fees for the majority of the funding requirements related to stormwater improvements, whereas others may supplement stormwater programs with infrastructure funds or other funding sources and will have the appearance of lower stormwater rates. At the proposed rate of \$8.00 per month, the City’s residential stormwater fee will still be below the average rate of \$11.11 for the compared utilities.

Figure 2: Comparison of Residential Stormwater Rates



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City of Eustis
2026 Stormwater Rate Study
Exhibit 1: Projected Revenue Requirements

Description	Projected Fiscal Year Ending Sept. 30,	
	2026	2027
Operating Expenses	\$550,748	\$579,900
Debt Service		
Proposed Debt Service	\$10,150	\$20,300
Total Debt Service	\$10,150	\$20,300
Other Expenses		
Transfer to Street Improv.	\$260,000	\$260,000
Transfer to General Fund	74,000	74,000
Total Other Expenses	\$334,000	\$334,000
Gross Revenue Requirements	\$894,898	\$934,200
Miscellaneous Revenue		
Interest Income	\$6,800	\$5,200
Net Revenue Requirements	\$888,098	\$929,000
Revenues from Existing Rates	\$928,700	\$950,000
Revenues from Prior Year Adjustments	0	316,600
Total Current Year Revenue	\$928,700	\$1,266,600
Percent Adjustment Proposed	33.33%	0.00%
Adjustment Proposed	\$2.00	\$0.00
Effective Month	May	Oct
Percent of Current Year Effective	42%	100%
Total Revenue from Current Year Adjustment	\$129,000	\$0
Total Revenue from Rates	\$1,057,700	\$1,266,600
Total Revenue Surplus / (Deficiency)	\$169,602	\$337,600

City of Eustis
2026 Stormwater Rate Study
Exhibit 2: Cash Balance Forecast

Description	Projected Fiscal Year Ending Sept. 30,	
	2026	2027
<u>Operating Reserve</u>		
Beginning Balance	\$628,750	\$200,852
Operating Surplus / (Deficiency)	169,602	337,600
Capital Funding	(772,500)	(300,200)
General Fund Loan Proceeds	175,000	0
Ending Balance	<u>\$200,852</u>	<u>\$238,252</u>



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Rick Gierok, Interim City Manager

DATE: April 16, 2026

RE: Resolution Number 2026-40: Authorization to Proceed to Closing – 21 North Grove Street

Summary

The proposed Resolution provides for final authorization to proceed with the acquisition of the property located at 21 North Grove Street, including confirmation of compliance with Section 166.045, Florida Statutes, approval of the purchase price, appropriation of funds, and authorization for staff to complete all remaining closing requirements.

This action constitutes the City Commission's final legislative approval of the acquisition and authorizes the Interim City Manager, City Attorney, and Finance Director to finalize all conditions precedent, resolve closing matters, and complete the transaction without the need for further Commission action.

Background

The City previously approved a Purchase and Sale Agreement for the acquisition of the property located at 21 North Grove Street for a valid municipal and public purpose, including redevelopment, economic development, and municipal operations.

As required by the Agreement and Section 166.045, Florida Statutes, the City has obtained two (2) independent MAI appraisals of the property. Both appraisals concluded a market value of \$1,400,000.00. The agreed purchase price of \$1,400,000.00 does not exceed the average of the appraised values and is presented for approval as fair and reasonable.

City staff has completed due diligence activities in accordance with the Agreement, including review of prior environmental assessments, property condition reports, and internal inspections of the building systems and structure. Based on this review, staff has determined that due diligence is complete to the City's satisfaction and that the property is suitable for the City's intended use.

Remaining items necessary to close the transaction are ministerial and transactional in nature and include final confirmation of title matters, lien satisfactions, tax matters, and preparation of closing documents.

Legal Considerations

Section 166.045, Florida Statutes, requires municipalities to obtain at least two (2) appraisals for real property acquisitions exceeding \$500,000.00. This requirement has been satisfied.

The appraisals relied upon by the City were prepared by MAI-designated, state-certified general appraisers and comply with the Uniform Standards of Professional Appraisal Practice (USPAP). The purchase price is supported by competent substantial evidence and does not exceed the average appraised value; therefore, no extraordinary vote requirement is triggered.

The proposed Resolution constitutes final Commission action authorizing the acquisition and appropriately delegates authority to the Interim City Manager, City Attorney, and Finance Director to complete closing, resolve title matters, and disburse funds, consistent with Florida law and the City's home rule authority.

The Resolution also includes appropriate limitations to ensure that no material changes to the purchase price or the City's substantive obligations may occur without further Commission approval.

Confidentiality

To the extent permitted by law, appraisal materials obtained in connection with this acquisition have been maintained in accordance with Section 166.045, Florida Statutes. The appraisal reports are not included in the public agenda materials but remain available for review by the City Commission through controlled access.

Next Steps

Upon approval of the Resolution, staff will:

- finalize title review and confirm satisfaction of all lien and tax matters;
- complete preparation and approval of the settlement statement and closing documents;
- confirm availability of appropriated funds; and
- proceed to closing in accordance with the Purchase and Sale Agreement.

No further Commission action will be required unless a material change to the transaction is proposed.

Fiscal Impact

Funds for the acquisition, including the purchase price of \$1,400,000.00 and associated closing costs, have been identified within the City's adopted budget and are available for appropriation.

Recommendation

Staff recommend that the City Commission approve Resolution 2026-40 authorizing the City to proceed to closing for the acquisition of the property located at 21 North Grove Street.

Business Impact Estimate

Not applicable.

Attachments

Resolution Number 2026-40: Authorization to Proceed to Closing – 21 North Grove Street

(Appraisal reports not included - available for Commission review upon request)

Prepared By

Sasha Garcia, City Attorney

Reviewed By

Miranda Burrowes, Deputy City Manager
Rick Gierok, Interim City Manager

RESOLUTION NUMBER 2026-40

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, CONFIRMING COMPLIANCE WITH SECTION 166.045, FLORIDA STATUTES, FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 21 NORTH GROVE STREET; MAKING DETAILED LEGISLATIVE FINDINGS; APPROVING THE PURCHASE PRICE AS FAIR AND REASONABLE; CONFIRMING COMPLETION OF DUE DILIGENCE; APPROPRIATING FUNDS; AUTHORIZING THE INTERIM CITY MANAGER, CITY ATTORNEY, AND FINANCE DIRECTOR TO FINALIZE ALL CONDITIONS PRECEDENT AND CLOSING REQUIREMENTS; AUTHORIZING THE EXECUTION AND DELIVERY OF CLOSING DOCUMENTS AND DISBURSEMENT OF FUNDS; APPROVING PERMITTED TITLE EXCEPTIONS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Eustis, Florida (the “City”), is a municipal corporation duly organized and existing under the laws of the State of Florida and is authorized pursuant to Article VIII, Section 2(b) of the Florida Constitution and Section 166.021, Florida Statutes, to acquire real property for municipal and public purposes; and

WHEREAS, the City Commission previously approved that certain Purchase and Sale Agreement (the “Agreement”) between the City and Warren Properties Holdings, LLC (the “Seller”), for the acquisition of real property located at 21 North Grove Street, Eustis, Florida (the “Property”), pursuant to Resolution Number 2026-30; and

WHEREAS, the City Commission has previously determined that the acquisition of the Property serves a valid municipal and public purpose, including, but not limited to, redevelopment, economic development, municipal operations, and downtown revitalization; and

WHEREAS, Section 166.045, Florida Statutes, requires municipalities to obtain at least two (2) appraisals for real property acquisitions exceeding \$500,000.00; and

WHEREAS, the City has obtained a Restricted Appraisal Report prepared by Walter B. Price, Sr., MAI, SRA, with an effective date of January 15, 2026, and that the Appraisal contains a certification affirming the appraiser’s independence, impartiality, and lack of contingent compensation; and an Appraisal Report prepared by Steven L. Marshall, MAI, SRA, AI-GRS, with an effective date of March 10, 2026; and

WHEREAS, both appraisals conclude a market value of approximately \$1,400,000.00, and the agreed purchase price of \$1,400,000.00 does not exceed the average of the appraised values; and

WHEREAS, the City Commission finds, based upon the record before it, that both appraisals were prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) and constitute competent substantial evidence of value; and

WHEREAS, City staff, including the Building Official, has completed due diligence review of the Property, including evaluation of prior environmental and property condition reports, and has determined that due diligence is complete to the City's satisfaction pursuant to the Agreement; and

WHEREAS, the City Commission finds that the agreed purchase price represents fair and reasonable consideration for the Property; and

WHEREAS, the City Commission recognizes that certain ministerial and transactional matters remain to be finalized prior to closing, including confirmation of lien satisfactions, tax matters, and issuance of title insurance, which are appropriately delegated to staff; and

WHEREAS, funds for the acquisition have been identified and are available within the City's legally adopted budget, and the City Commission desires to appropriate such funds for this purpose; and

WHEREAS, the City Commission finds that it is in the best interests of the City to authorize completion of the acquisition without requiring further Commission action, subject to administrative confirmation of all closing conditions.

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

Section 1. Legislative Findings and Statutory Compliance.

The foregoing WHEREAS clauses are hereby ratified and incorporated as legislative findings. The City Commission hereby finds that the requirements of Section 166.045, Florida Statutes, have been satisfied.

Section 2. Approval of Purchase Price.

The City Commission hereby approves the purchase price of \$1,400,000.00 as fair, reasonable, and supported by competent substantial evidence.

Section 3. Confirmation of Due Diligence.

The City Commission hereby finds that due diligence has been completed to the City's satisfaction. Notwithstanding the foregoing, the Interim City Manager, in coordination with the City Attorney, is hereby authorized to complete final administrative verification that all contractual conditions precedent, title requirements, payoff and lien-release arrangements, tax matters, and closing conditions have been satisfied or waived in accordance with the Agreement prior to closing.

Section 4. Appropriation of Funds.

Funds necessary to complete the acquisition of the Property, including purchase price and closing costs, are hereby appropriated from:

Building Services Fund – Account Number 02015205246062

The Finance Director is authorized to confirm fund availability and facilitate disbursement.

Section 5. Authorization to Close; Delegation of Authority.

The City Commission hereby authorizes the Interim City Manager, in coordination with the City Attorney and Finance Director, to take all actions necessary to consummate the acquisition, including:

- (a) approving and finalizing closing documents and settlement statements;
- (b) resolving, curing, or accepting title matters, survey matters, easements, and encumbrances;
- (c) approving payoff and satisfaction arrangements for all monetary liens;
- (d) confirming satisfaction or waiver of all conditions precedent;
- (e) authorizing disbursement of City funds; and
- (f) completing the closing without further Commission action.

Provided, however, that no amendment increasing the purchase price, materially changing the Property, or materially modifying the City's substantive obligations shall be effective without further City Commission approval.

Section 6. Authorization of Execution.

The Mayor, City Clerk, Interim City Manager, and their designees are authorized to execute and deliver all documents necessary to complete the transaction, subject to approval as to form and legality by the City Attorney.

Section 7. Approval of Permitted Exceptions.

The City Commission approves the following as permitted exceptions to title:

- (a) Duke Energy aerial easement recorded in Official Records Book 5711, Page 554;
- (b) utility district ordinances and related recorded instruments;
- (c) standard survey matters; and
- (d) any additional non-monetary exceptions approved by the City Attorney.

Section 8. Public Records.

All records shall be maintained in accordance with Chapter 119, Florida Statutes. Appraisal materials shall be treated in accordance with applicable law, to the extent permitted.

Section 9. Implementation.

The Interim City Manager, City Attorney, Finance Director, and staff are authorized to take all actions necessary to implement this Resolution.

Section 10. Effective Date.

This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED in Regular Session of the City Commission of the City of Eustis, Florida, this 16th day of April 2026.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of April 2026 by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 2026-40 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



City of Eustis

TO: Rick Gierok, Interim City Manager

FR: Lori Carr, Finance Director

RE: Funds Availability

Date: April 9, 2026

Rick –

Please accept this as confirmation the City does have \$1,400,000 appropriated and available to purchase the building located at 21 North Grove Street, Eustis.

\$1,400,000 is appropriated in the Building Fund, account # 020-1520-524-60-62. The City does have access to liquid funds in that amount.

Thank you.

Lori Carr



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Rick Gierok, Interim City Manager

DATE: April 16, 2026

RE: Resolution Number 2026-43: Reduction of Fine/Release of Lien for 209 West Badger Avenue, Code Enforcement Case 20-01284

Introduction:

Resolution Number 2026-43 approves a Code Enforcement Order reducing an outstanding code enforcement lien totaling \$108,000 to \$0 and releases the lien against a vacant lot located at 209 West Badger Avenue, upon approval by the City Commission.

The Resolution also provides the City Commission an opportunity to consider a compromise regarding the fine reduction. The additional options proposed are as follows:

- The liens shall be reduced to \$ _____, payable within ____ days of the effective date of this Resolution; or
- The liens shall remain at the full amount of \$108,000, due and payable to the City; or

Recommended Action:

The administration recommends approval of Resolution Number 2026-43.

Background:

1. Code Board Action:

On March 9, 2026, the Code Enforcement Board reviewed a fine reduction request submitted by German Rodriguez of GRP Enterprises Realty, the current owner of 209 West Badger Ave. The Board approved the applicant's request to reduce the accrued fines to \$0.

2. Property/Case History

On September 28, 2021, the Code Enforcement Board issued Notices of Violation in the following Cases:

20-01203

Violation: The single family residential dwelling, exterior property and accessory structures have not been maintained in accordance with the City's Housing Code adopted in Section 50-26 and are unsafe, unfit for human occupancy and a dangerous structure in accordance with Section 108 of the International Property Maintenance Code.

20-01284

Violation #1: Objects or items and accumulations placed or left outdoors that could become a breeding place for insects or vermin or cause unpleasant odors or which is unsightly and an eyesore from adjoining properties or from the public right-of-way.

Violation #2: Accumulation of solid waste on property.

Violation #3: Six-foot fence is not maintained structurally sound and in good repair, free of cracking, discoloration, peeling or fading.

On November 8, 2021, the Code Enforcement Board issued a Demolition Order for the unsafe structure associated with Case 20-01203, as well as an Order of Enforcement for Case 20-01284, requiring compliance by December 8, 2021, or a fine of \$250 per day would be imposed.

The Board also found that the conditions causing the violation associated with Case 20-01284 present a serious threat to the public health, safety, and welfare in accordance with Florida Statute 162.06(4). Therefore, ordered if compliance was not obtained by the date specified, the city would make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed in accordance with section 162.09(1).

On February 14, 2023, the City demolished the unsafe structure and performed the nuisance abatement at a cost of \$16,500.

On March 13, 2023, both cases were presented to the Code Enforcement Board for certification of fine. The Board certified costs in the amount of \$16,500 for Case 20-01203. Additionally, the Board imposed a fine of \$250 per day for Case 20-01284, covering the period from December 9, 2021, through February 14, 2023 (432 days), for a total of \$108,000. The Orders Imposing Fine/Lien were subsequently recorded in the public records on March 30, 2023.

On January 7, 2025, the property was sold to GRP Enterprise Realty at a tax deed sale. Following the sale, the city received notice from the Clerk of the Circuit Court regarding available surplus funds totaling \$16,633.49 and the City subsequently submitted a claim for those funds.

On January 15, 2025, the Tax Deed Division acknowledged receipt of the City's claim and advised that, at the close of the 120-day claim period on May 8, 2025, all current and future claims associated with the certificate will be forwarded to the County Attorney's Office for review.

On February 4, 2025, the new property owner was notified of violations on the property involving overgrown grass and an accumulation of construction and demolition debris that had been illegally dumped on the property.

On February 18, 2025, German Rodriguez of GRP Enterprise Realty contacted the City to advise that the violations had been corrected and to confirm whether any additional action was needed to keep the property free of liens. He was informed that the property had already passed inspection; however, two liens had been recorded against the property prior to the tax default, and that government liens and judgments (federal, state, county, or municipal) are not extinguished by a tax deed sale.

Mr. Rodriguez was also informed that the City does have a fine reduction process; however, no applications will be considered until the status of the claim submitted to recover the surplus funds from the tax deed sale is determined.

On December 30, 2025, the City received a portion of the tax deed surplus totaling \$16,327.29, which was \$172.71 less than the \$16,500 incurred for demolition and nuisance abatement costs. Mr. Rodriguez was notified of the shortfall, and he voluntarily paid the remaining balance. Once all the City's expenses were satisfied, the fine reduction process for the remaining \$108,000 fine commenced.

Community Input:

No adjacent property owners attended the Code Enforcement Hearings.

Budget / Staff Impact:

If the Resolution is approved, the City would not receive any portion of daily fines.

Reviewed By:

Craig A. Capri, Chief of Police

Jon Fahning, Captain

Miranda Burrowes, Deputy City Manager

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments:

- Resolution Number 2026-43
- Fine Reduction Application
- Tax deed

RESOLUTION NUMBER 2026-43**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, PROVIDING FOR COMMISSION DETERMINATION OF A CODE ENFORCEMENT LIEN ON PROPERTY LOCATED AT 209 WEST BADGER AVENUE; AUTHORIZING IMPLEMENTING ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property under Case Number 20-01203 and 20-01284 against Natasha D. Walters, previous property owner, for failing to comply with City Ordinances:

EUSTIS, BADGER DIVISION LOTS 13, 14 BLK 92 PB 5 PG 39 ORB 5370 PG 235, and

WHEREAS, the City of Eustis, Florida, a Florida Municipal Corporation, recorded two Code Enforcement Liens against the subject property, totaling \$124,500; and

WHEREAS, on January 7, 2025, the property was sold to GRP Enterprise Realty at a tax deed sale; and

WHEREAS, the City received \$16,327.29 in surplus funds as a result of the sale and \$172.71 from the new property owner, which was used to fully satisfy the Code Enforcement Lien for Case 20-01203; and

WHEREAS, GRP Enterprise Realty submitted an application requesting that the \$108,000 fine associated with Case 20-01284 be reduced to \$0, which was approved by the Code Enforcement Board; and

WHEREAS, Section 162.09(3), Florida Statutes, provides that code compliance liens run in favor of the local governing body, and the local governing body may agree to satisfy or release code compliance liens; and

WHEREAS, the Attorney General has stated that after such liens have been recorded the local governing body, such as the City Commission, is vested with the authority to compromise, reduce, or satisfy said liens; and

WHEREAS, the City Commission in considering this matter may elect to compromise (including setting terms and conditions for said compromise), reduce, or satisfy said lien; and

WHEREAS, the Attorney General has concluded the local governing body, such as the City Commission, may delegate its authority to execute satisfactions or releases of code compliance liens so long as such delegation does not result in a complete divestiture of such liens to a private party; and

WHEREAS, the City Commission authorizes the City Manager to execute a release or satisfaction of lien, as may be appropriate and consistent with the City Commission's decision to compromise, reduce, or satisfy said lien.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

Section 1. Recitals. The above recitals are hereby adopted as the findings of the City Commission.

Section 2. Implementing Actions. The City Manager, or his/her designee, is hereby authorized to take all administrative actions necessary to effectuate the provisions of this Resolution, including execution of satisfactions or releases of lien, acceptance of payment, and the granting of one payment extension not to exceed thirty (30) days from the effective date of this Resolution. Any such actions shall be consistent with and limited to the determination of the City Commission as set forth herein.

Section 3. Lien at Issue. The City Commission has considered the code enforcement lien for Case Number 20-01284 with a current outstanding amount of \$108,000.

Section 4. Quasi-Judicial Determination. The City Commission, having considered the recommendation of the Code Enforcement Board, and any evidence and testimony presented at hearing, hereby makes the following determination regarding the code enforcement lien in the amount of \$108,000 recorded against the subject property:

- The lien shall be reduced to \$0, consistent with the Board's recommendation and the City Clerk is authorized to execute a Release of Lien; or
- The lien shall be reduced to \$ _____, payable within ____ days of the effective date of this Resolution, unless otherwise extended by the City Manager in accordance with Section 2; or
- The lien shall remain in the full amount of \$108,000, due and payable to the City.

Section 5. Enforcement. Failure to comply with the terms of the City Commission's determination shall result in the lien being immediately reinstated in its full original amount.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption by the City Commission.

DONE AND RESOLVED this 16th day of April 2026, in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of April 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission.

City Attorney's Office

Date

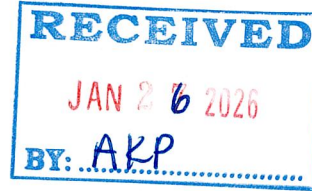
CERTIFICATE OF POSTING

The foregoing Resolution Number 2026-43 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



Case No. 20-01284



APPLICATION TO REQUEST A REDUCTION OF ACCRUED CODE ENFORCEMENT FINE

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH. FAILURE TO BE TRUTHFUL IS A VIOLATION OF FLORIDA STATUTES PERTAINING TO PERJURY, WHICH IS A FELONY PUNISHABLE BY UP TO 15 YEARS IMPRISONMENT.

INSTRUCTIONS: Please complete both pages of this form. Be specific when writing your statement. **Please submit the completed notarized application** to the Code Enforcement office located at 51 East Norton Avenue, Eustis, FL, by U.S. Mail at P.O. Drawer 68, Eustis, FL 32727, or email to codeenforcement@ci.eustis.fl.us **no later than 5:00 p.m., Monday, February 2, 2026.**

APPLICATION BECOMES VOID IF NOT SUBMITTED BY DEADLINE, UNLESS AN EXCEPTION IS MADE BY THE CITY.

If the completed form is received by the deadline, the request will be presented to the Code Enforcement Board (CEB) at the next regularly scheduled hearing on **February 9, 2026 at 3:00 p.m. in the City Commission Chambers located in City Hall at 10 North Grove Street.**

SUBMITTAL OF THIS APPLICATION IS NOT A GUARENTEE THAT THE CEB WILL APPROVE

Your attendance is highly recommended. If you fail to attend, the Board may act solely on the presentation by the Code Enforcement Officer.

If the CEB approves the reduction request, the CEB's recommendation will be submitted to the City Commission for approval at their next scheduled meeting before taking effect.

If you have any questions, please call the Code Enforcement Office at (352) 483-5464 or email codeenforcement@ci.eustis.fl.us.

Property Owner Name: GERMAN RODRIGUEZ - GRP Enterprise Realty Phone: 407-312-6424
Address: 2307 Bayle Lake Dr E-mail: Germanr6424@gmail.com
City: Clermont State: FL Zip: 34711

If the property owner is unable to complete this form, list name of person who is authorized to act for the Property Owner and their relationship. _____

Address or location of property where violation existed: 209 W. Badger Ave

Date violation brought into compliance: 2-14-25 (abated by City)

Total Accrued Fine: \$108,000 Enter amount you are asking to pay: \$ _____

On Page 2, explain reason (in detail) the reason for requesting a reduction of fine and reason original compliance date was not met.

German Rodriguez
GRP Enterprise Realty
407-312-6424
germanr6424@gmail.com

Date: January 19, 2026

To: City of Eustis Code Enforcement Board

Re: Request for Lien/Fine Reduction – **209 W. Badger Ave., Eustis, FL**

To the Members of the Code Enforcement Board,

I am writing to formally request a reduction or waiver of the outstanding code enforcement fines associated with the property located at 209 W. Badger Ave. I purchased this lot at a Tax Deed Auction on January 7, 2025.

Since acquiring the property, I have worked diligently to maintain it in full compliance with all city codes. I would like the Board to consider the following points in support of my request:

1. **Compliance Status:** The property was brought into compliance immediately upon my change of ownership. I have consistently maintained the lot to ensure it remains a positive asset to the neighborhood.
2. **Origin of the Fine:** The lien and running fines originated on November 8, 2021, under the previous owner due to their failure to maintain the building. This neglect ultimately led the City to condemn and demolish the structure. These circumstances were entirely out of my control.
3. **Satisfaction of Hard Costs:** I understand that the City used the surplus funds from the January 2025 tax deed sale to cover the direct costs of the demolition and administrative fees. As the city's actual expenses have been reimbursed from these funds, I respectfully request that the Board now waive the daily accrued "running fines" that continued to build before I took ownership.
4. **Good Faith Effort:** Since the purchase, I have incurred significant expenses for the ongoing maintenance and taxes on the lot. Waiving these fines would allow me to continue investing in the property's future development rather than paying for violations I did not commit.

I understand that not knowing about the lien at the time of the auction does not excuse its existence; however, I am asking for the Board's grace given my immediate action to

remedy the situation and my commitment to being a responsible property owner in Eustis.

Thank you for your time and for considering my request. I look forward to your decision.

Sincerely,


GERMAN RODRIGUEZ
GRP ENTERPRISE REALTY LLC

Date: 01.23.2022

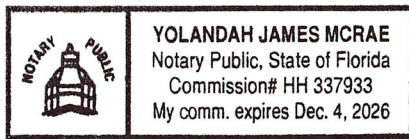
State of: Florida

County of: Lake

Signed: 
Print Name: GERMAN RODRIGUEZ

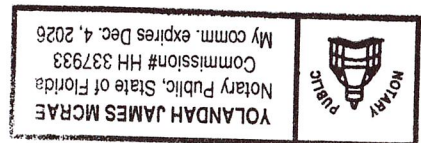
Personally appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, German Rodriguez who first being sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally known to me and have each produced a Florida Drivers license driver's license as identification and did take an oath.

Date 01.23.2022




Notary Public
My Commission Expires:

Drivers License No. R362280642640



Item 4.5

Tax Certificate No. **02654-2022**
Parcel Identification No. # **11-19-26-020009201300**

Tax Deed

STATE OF FLORIDA
COUNTY OF LAKE

Tax Certificate numbered **02654-2022** issued on **06/01/2022** was filed in the Office of the Tax Collector of Lake County, Florida. An application has been made for the issuance of a tax deed. The applicant has paid or redeemed all other taxes or tax certificates on the land as required by law. The notice of sale, including the cost and expenses of this sale, has been published as required by law. No person entitled to do so has appeared to redeem the land. On the 7th day of January, 2025, the land was offered for sale. It was sold to:

**GRP ENTERPRISE REALTY
1717 BURNHAM CT
CLERMONT, FL 34714**

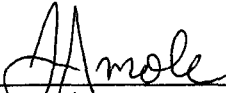
who was the highest bidder and has paid the sum of the bid as required by law.

The lands described below, including any inherited property, buildings, fixtures, and improvements of any kind and description, situated in this County and State

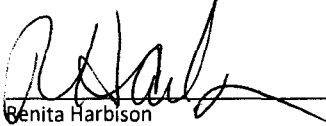
EUSTIS, BADGER DIVISION LOTS 13, 14 BLK 92 PB 5 PG 39 ORB 5370 PG 235

On this 7th day of January, 2025, in Lake County, Florida, for the sum of \$25,200.00, the amount paid as required by law.

WITNESS:

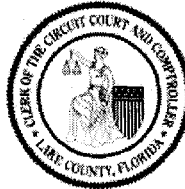


Joshua Amole
PO BOX 7800
Tavares, FL 32778



Benita Harbison
PO BOX 7800
Tavares, FL 32778

Gary J. Cooney
Clerk of the Circuit Court and Comptroller
Lake County, Florida



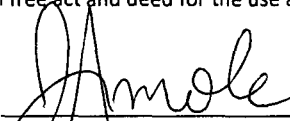
By: 

Patrick Huskey, Deputy Clerk

STATE OF FLORIDA
COUNTY OF LAKE

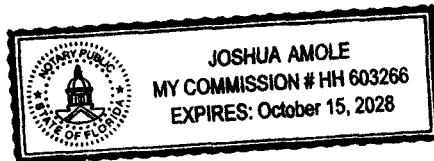
On this 7th day of January, 2025, before me personally appeared Patrick Huskey as Deputy Clerk for Gary J. Cooney, Clerk of the Circuit Court and Comptroller in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be her/his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid



Joshua Amole
NOTARY PUBLIC STATE OF FLORIDA

Prepared By:
Patrick Huskey, Tax Deed Clerk
Gary J. Cooney,
Clerk of the Circuit Court and Comptroller
P.O. Box 7800
Tavares, FL 32778



DR-506 R. 04/16:
Rule 12D-16.002:
Florida Administrative Code:
Eff. 04/16



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Rick Gierok, Interim City Manager

DATE: April 16, 2026

RE: Second Reading of Ordinance Number 2026-20: Amendment to the Land Development Regulations – Prohibition of Medical Marijuana Treatment Center Dispensing Facilities

Introduction

The proposed ordinance amends the City of Eustis Land Development Regulations to prohibit Medical Marijuana Treatment Center (“MMTC”) dispensing facilities within the City pursuant to Section 381.986(11)(b), Florida Statutes. The ordinance establishes a separate land use classification for MMTC dispensing facilities, removes such uses from the definition of “pharmacy,” and prohibits such uses in all land use districts.

Existing legally established MMTC dispensing facilities are permitted to continue as lawful nonconforming uses subject to the City’s nonconformity provisions.

Background/Prior City Regulatory Actions

The City has previously evaluated and revised its regulatory approach to MMTC dispensing facilities:

- **2017** – The City prohibited MMTC dispensing facilities.
- **2020** – The City revised its approach to allow such facilities by classifying them as “pharmacies.”
- **2025** – The Local Planning Agency (“LPA”) reviewed the statutory framework and regulatory options and reached a consensus on re-establishing the prior prohibition.
- **2026** – The LPA conducted a duly noticed public hearing and recommended approval of the proposed prohibition.

During the April 3, 2025, LPA meeting, staff presented the statutory options under Section 381.986(11)(b), Florida Statutes, including prohibition or allowance under pharmacy equivalency standards. The LPA discussed the operational characteristics and regulatory limitations associated with such facilities and reached consensus recommending that the City consider a prohibition while allowing existing facilities to continue.

During the April 2, 2026, LPA meeting, staff presented Ordinance Number 2026-20 and the LPA recommended it be forwarded to the City Commission for approval consideration.

During the April 2, 2026, City Commission meeting, the Commission recommended approval of this Ordinance for second reading consideration.

Current Regulatory Framework

Under the current Land Development Regulations:

- MMTC dispensing facilities are treated as “pharmacies”
- Pharmacies are permitted or conditionally allowed in multiple land use districts

As a result, the City’s ability to regulate MMTC dispensing facilities independently is constrained by state law, which requires such facilities to be treated similarly to pharmacies unless prohibited.

Analysis/Statutory Authority

Section 381.986(11)(b), Florida Statutes expressly authorizes municipalities to:

1. Prohibit MMTC dispensing facilities; or
2. Allow such facilities subject to pharmacy equivalency requirements

The proposed ordinance exercises the City’s authority to prohibit such uses.

Land Use and Operational Characteristics

Based on observations of existing facilities within the City and review of regulatory requirements, MMTC dispensing facilities exhibit characteristics distinct from traditional pharmacies, including:

- Controlled-access entry and limited public accessibility
- Enhanced on-site security measures
- Patient verification procedures
- Restricted interior access
- Episodic traffic and parking demand patterns

These characteristics differ from traditional pharmacies, which operate as general retail uses open to the public.

Staff finds that these operational differences result in:

- Distinct land use impacts
- Compatibility considerations with surrounding uses
- Site design and operational characteristics not adequately addressed through pharmacy classification

Alternatives Considered

The City evaluated the following alternatives:

- Continued classification as pharmacies
- Location-based limitations (e.g., buffers, dispersion requirements)
- Conditional use approvals
- Citywide prohibition

The City determined that:

- Pharmacy classification limits regulatory flexibility
- Location-based restrictions may lead to inconsistent and parcel-specific outcomes
- Conditional use processes introduce unpredictability and administrative complexity

- A uniform prohibition provides a consistent, predictable, and administratively efficient regulatory framework

Existing Facilities and Access

There are multiple legally established MMTC dispensing facilities currently operating within the City. The ordinance:

- Allows these facilities to continue as lawful nonconforming uses
- Does not require cessation of operations
- Does not impose new operational restrictions on existing facilities

Additionally, MMTC dispensing facilities are available in surrounding jurisdictions, ensuring that qualified patients retain reasonable access.

Vested Rights and Pending Applications

The ordinance applies prospectively and includes provisions clarifying that:

- Applications must be complete to be considered
- Preliminary inquiries and verification requests do not establish vested rights
- Vested rights, if any, are determined under applicable Florida law

This approach ensures fairness while maintaining the City's ability to implement prospective land use policy.

Comprehensive Plan Consistency

The proposed ordinance is consistent with the City of Eustis Comprehensive Plan, including policies related to:

- Compatible land use patterns
- Protection of neighborhood character
- Predictable and orderly development
- Implementation of land development regulations that promote public health, safety, and welfare

Fiscal Impact

There is no direct fiscal impact anticipated.

- Existing facilities will continue operation
- No new regulatory programs or staffing are required
- Enforcement will occur through existing City processes

Recommendation

Staff recommends approval of Ordinance Number 2026-20. The proposed ordinance:

- Is expressly authorized under state law
- Is supported by the City's legislative findings and local observations
- Provides a clear, uniform, and administratively efficient regulatory framework
- Preserves existing lawful uses while establishing prospective land use policy

Business Impact Estimate

A Business Impact Estimate has been prepared in accordance with Section 166.041(4), Florida Statutes. The estimate concludes that:

- No direct compliance costs are imposed on existing businesses
- No new fees or charges are created

- Impacts are limited to future businesses that may seek to locate within the City

Attachments

Ordinance Number 2026-20
Exhibit "A" – Land Development Regulation Amendments
Business Impact Estimate Eligibility Form
Business Impact Estimate
Section 381.986, Florida Statutes (2025)

Prepared By

Sasha Garcia, City Attorney

Reviewed By

Mike Lane, Development Services Director
Miranda Burrowes, Deputy City Manager

ORDINANCE NUMBER 2026-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING THE CITY OF EUSTIS LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE PROHIBITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY PURSUANT TO SECTION 381.986(11)(b), FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS IN SUPPORT THEREOF; PROVIDING FOR DEFINITIONS, NONCONFORMING USES, AND ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Eustis, Florida (the “City”), is a municipal corporation organized and existing under the laws of the State of Florida and possesses home rule authority pursuant to Article VIII, Section 2 of the Florida Constitution and Chapter 166, Florida Statutes, to enact regulations for the protection of the public health, safety, and welfare; and

WHEREAS, Section 381.986(11)(b), Florida Statutes, expressly authorizes municipalities to adopt ordinances determining whether to permit or prohibit medical marijuana treatment center dispensing facilities within their jurisdictional boundaries; and

WHEREAS, the City has adopted Land Development Regulations (“LDRs”) pursuant to Chapter 163, Florida Statutes, for the purpose of implementing the City’s Comprehensive Plan and regulating land use in a manner that promotes compatibility, orderly development, and the preservation of community character; and

WHEREAS, in 2014, the City Commission adopted Ordinance Number 14-34 establishing a temporary moratorium on the acceptance and processing of applications related to marijuana dispensing organizations in order to evaluate appropriate regulatory responses; and

WHEREAS, in 2017, the City Commission adopted Ordinance Number 17-11 determining that medical marijuana dispensing facilities were not equivalent to pharmacies and prohibiting such uses within the City; and

WHEREAS, in 2020, the City Commission adopted Ordinance Number 20-46 revising its regulatory approach to permit medical marijuana treatment center dispensing facilities by classifying such uses as pharmacies within the Land Development Regulations; and

WHEREAS, the City Commission finds that its prior regulatory actions reflect an evolving policy approach in response to changes in state law, community considerations, and local land use planning objectives; and

WHEREAS, the City’s LDRs currently define “pharmacy” in a manner that has included medical marijuana treatment center dispensing facilities, thereby requiring such facilities to be treated as permitted uses in land use districts where pharmacies are allowed; and

WHEREAS, the City Commission has reviewed the statutory and regulatory framework governing medical marijuana treatment center dispensing facilities, including security requirements, controlled access protocols, patient verification procedures, product handling restrictions, and operational limitations, and finds that such facilities exhibit material and observable differences from traditional pharmacies regulated under Chapter 465, Florida Statutes; and

WHEREAS, the City Commission further finds that such facilities are not open to the general public in the same manner as traditional pharmacies, but instead operate as controlled-access facilities serving a limited class of authorized patients and caregivers; and

WHEREAS, the City Commission finds that the operational characteristics of such facilities, including but not limited to controlled access entry, security-driven site design, restricted interior access, patient verification procedures, on-site security measures, and episodic traffic and parking demand patterns associated with dispensing operations, create land use impacts and compatibility considerations distinct from those associated with traditional pharmacies and general retail uses; and

WHEREAS, the City Commission finds that the classification of medical marijuana treatment center dispensing facilities as “pharmacies” does not accurately reflect their operational characteristics and has limited the City’s ability to evaluate such uses independently within its land use framework; and

WHEREAS, the City Commission finds that multiple legally established Medical Marijuana Treatment Center dispensing facilities are currently operating within the City and that the City has had the opportunity to observe the operational characteristics, site design, and land use impacts associated with such facilities under existing regulations; and

WHEREAS, based upon such observations and experience, the City Commission finds that the operational characteristics of such facilities are materially distinct from traditional pharmacies and warrant independent land use classification and regulation; and

WHEREAS, the City Commission finds that such observations are based upon actual operating conditions within the City and constitute competent substantial evidence supporting the legislative determinations set forth herein; and

WHEREAS, the City Commission has considered staff reports, planning analysis, and regulatory approaches utilized by other Florida municipalities, and has evaluated less restrictive alternatives, including land use limitations, buffering requirements, and dispersion requirements, and finds that such alternatives would not adequately address the identified compatibility and land use concerns in a predictable, uniform, and administratively efficient manner; and

WHEREAS, the City Commission finds that a uniform, citywide prohibition constitutes the most effective and legally consistent method of implementing the City’s land use objectives while avoiding arbitrary, inconsistent, or parcel-specific determinations; and

WHEREAS, on April 3, 2025, the City's Local Planning Agency conducted a duly noticed public meeting at which City staff presented the statutory regulatory options available under Section 381.986(11)(b), Florida Statutes, including prohibition or allowance under pharmacy equivalency standards; and

WHEREAS, during such meeting, the Local Planning Agency engaged in public discussion regarding the operational characteristics, land use implications, and regulatory limitations associated with medical marijuana treatment center dispensing facilities, including the requirement that such facilities be treated as pharmacies if not prohibited; and

WHEREAS, following such discussion, the Local Planning Agency reached consensus recommending that the City Commission direct staff to prepare an ordinance prohibiting future medical marijuana treatment center dispensing facilities while allowing existing facilities to continue as lawful nonconforming uses; and

WHEREAS, the City Commission has reviewed the agenda materials, staff presentations, and approved minutes of the April 3, 2025 Local Planning Agency meeting, which are incorporated herein by reference as part of the legislative record supporting this Ordinance; and

WHEREAS, on April 2, 2026, the Local Planning Agency conducted a duly noticed public hearing and recommended approval of this Ordinance to the City Commission as consistent with the Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Commission finds that this Ordinance is adopted pursuant to prior policy direction and constitutes the continuation of a legislative policy evaluation process; and

WHEREAS, the City Commission has considered the availability of medical marijuana treatment center dispensing facilities both within the City and in surrounding jurisdictions and finds that reasonable access to such facilities exists notwithstanding the prohibition established herein; and

WHEREAS, the City Commission further finds that, while prior policy considerations included facilitating local access, such considerations must be balanced against the City's land use planning objectives, compatibility standards, and long-term development patterns; and

WHEREAS, the City Commission finds that the continued operation of existing legally established medical marijuana treatment center dispensing facilities as lawful nonconforming uses, together with the availability of such facilities in surrounding jurisdictions, provides reasonable access for qualified patients; and

WHEREAS, the City Commission has reviewed the City of Eustis Comprehensive Plan and finds that this Ordinance is consistent with policies requiring compatible land use patterns, protection of neighborhood character, predictable and orderly development, and implementation of land development regulations that promote the public health, safety, and welfare; and

WHEREAS, the City Commission finds that the regulation of such uses is grounded in land use compatibility, intensity of use, and operational characteristics, and does not regulate

medical treatment, patient eligibility, physician conduct, or access to medical marijuana, which remain matters of statewide concern; and

WHEREAS, the City Commission finds that this Ordinance applies uniformly throughout the City, constitutes a legislative determination of general applicability, and is supported by a rational basis grounded in land use planning principles and statutory authority; and

WHEREAS, the City Commission recognizes that claims of vested rights or inordinate burden, if any, must be evaluated on a case-by-case basis under applicable Florida law, and finds that this Ordinance constitutes a generally applicable land use regulation governing a use classification; and

WHEREAS, the City Commission finds that this Ordinance is prospective in application and is not intended to impair any legally established vested rights, if any, determined in accordance with applicable Florida law; and

WHEREAS, the City Commission finds that this Ordinance is a valid exercise of the City's police powers and is not intended to, nor does it, result in a taking or an inordinate burden within the meaning of the Bert J. Harris, Jr., Private Property Rights Protection Act; and

WHEREAS, based upon the foregoing, the City Commission determines that adoption of this Ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Eustis, Florida:

SECTION 1. Authority.

This Ordinance is adopted pursuant to Article VIII, Section 2 of the Florida Constitution, Chapters 163 and 166, Florida Statutes, and Section 381.986(11)(b), Florida Statutes, which expressly authorizes municipalities to determine by ordinance whether to permit or prohibit medical marijuana treatment center dispensing facilities within their jurisdictional boundaries.

SECTION 2. Creation of Defined Use.

Chapter 100, "Definitions," of the Land Development Regulations is hereby amended to add the following definition:

"Medical Marijuana Treatment Center Dispensing Facility" shall mean a dispensing facility as defined in Section 381.986, Florida Statutes, as may be amended from time to time. Such use is hereby designated as a distinct and independent land use classification and shall not be classified, interpreted, or regulated as a pharmacy, drug store, medical office, or general retail use.

SECTION 3. Amendments to Land Development Regulations.

The amendments set forth in this Section are further described in Exhibit "A," attached hereto and incorporated herein by reference.

(A) Amendment to Chapter 100 – Definition of Pharmacy.

Chapter 100 of the Land Development Regulations is hereby amended such that the definition of “Pharmacy” shall read as follows:

“Pharmacy” shall mean a place where medicines are compounded or dispensed in accordance with Chapter 465, Florida Statutes. This definition shall not include Medical Marijuana Treatment Center Dispensing Facilities.

(B) Amendment to Section 109-4 – Use Regulations Table.

Chapter 109, Section 109-4, “Use Regulations Table,” is hereby amended to include “Medical Marijuana Treatment Center Dispensing Facility” as a listed use and to designate such use as not permitted within any land use district established under Chapter 109 of the Land Development Regulations.

All references to “pharmacy” or similar uses shall not be interpreted to include Medical Marijuana Treatment Center Dispensing Facilities.

(C) Creation of Prohibited Use.

A new provision is hereby established within Chapter 109 of the Land Development Regulations to provide that:

Medical Marijuana Treatment Center Dispensing Facilities are prohibited in all land use districts, land use categories, and development designations within the City of Eustis, as defined and applied within Chapter 109 of the Land Development Regulations, and shall not be approved as a permitted use, conditional use, special exception, variance, or by any other discretionary or administrative approval.

SECTION 4. Legislative Intent.

It is the express intent of the City Commission to exercise the authority granted under Section 381.986(11)(b), Florida Statutes, to prohibit Medical Marijuana Treatment Center Dispensing Facilities within the City.

This Ordinance constitutes a generally applicable land use regulation adopted based upon compatibility, intensity of use, operational characteristics, and long-term planning objectives.

This Ordinance is not intended to regulate, and shall not be construed as regulating, the practice of medicine, physician certification, patient eligibility, or the availability of medical marijuana under state law, all of which remain matters of statewide concern and are preempted to the State of Florida.

SECTION 5. Prohibition.

Pursuant to Section 381.986(11)(b), Florida Statutes, the City hereby expressly exercises its statutory authority to prohibit Medical Marijuana Treatment Center Dispensing Facilities. This prohibition shall apply regardless of whether such use is proposed as a principal use, accessory use, or component of a mixed-use development.

Such facilities are hereby prohibited in all land use districts, land use categories, and development designations within the municipal boundaries of the City.

No development order, permit, approval, or land use authorization shall be issued for any use, structure, or activity that constitutes or includes a Medical Marijuana Treatment Center Dispensing Facility after the effective date of this Ordinance, except as otherwise provided herein.

SECTION 6. Applicability; Vested Rights; Pending Applications.

This Ordinance shall apply prospectively to all applications for development orders, permits, licenses, or approvals submitted or deemed complete after the effective date of this Ordinance.

For purposes of this Section, an application shall be deemed complete only upon submission of all required materials and payment of all applicable fees in accordance with the Land Development Regulations.

No application shall be deemed vested unless it has received final development order approval or has otherwise obtained vested rights under applicable Florida law.

Requests for land use verification letters, zoning verification letters, preliminary inquiries, or incomplete applications shall not be considered vested.

Nothing herein shall impair legally established vested rights, if any, as determined under applicable Florida law. No person or entity shall be deemed to have acquired any right to develop or operate a Medical Marijuana Treatment Center Dispensing Facility by virtue of reliance upon prior provisions of the Land Development Regulations unless such reliance has resulted in the establishment of vested rights under applicable Florida law.

SECTION 7. Nonconforming Uses.

Any Medical Marijuana Treatment Center Dispensing Facility lawfully established and operating within the City prior to the effective date of this Ordinance shall be deemed a legal nonconforming use.

No expansion, intensification, or increase in operational capacity shall be permitted.

Such nonconforming uses shall be subject to the following limitations:

- (1) Such use shall not be expanded, enlarged, intensified, or increased in scope or operation;
- (2) Such use shall not be relocated to another site or parcel;
- (3) Such use shall not be changed to another Medical Marijuana Treatment Center use or any substantially similar use;
- (4) If such use is discontinued for a period exceeding one hundred eighty (180) consecutive days, such use shall not be reestablished;
- (5) If such use is destroyed or damaged to an extent exceeding fifty percent (50%) of its replacement value, such use shall not be reconstructed or resumed.

All such uses shall otherwise comply with the City's nonconformity provisions contained within the Land Development Regulations.

Nothing herein shall be construed to authorize the continuation of any use that was not lawfully established prior to the effective date of this Ordinance.

Any change in ownership, tenancy, or operator of a nonconforming use shall not be construed as authorization to expand, intensify, or alter such use beyond its lawful status as of the effective date of this Ordinance.

SECTION 8. Enforcement.

The provisions of this Ordinance shall be enforced in accordance with the City's code enforcement procedures, Land Development Regulations, and all applicable provisions of Florida law.

Any violation of this Ordinance shall constitute a violation of the Land Development Regulations and shall be subject to all remedies available at law or in equity, including but not limited to:

- (1) Code enforcement proceedings;
- (2) Administrative fines;
- (3) Liens;
- (4) Injunctive relief.

Each day that a violation continues shall constitute a separate and distinct violation.

SECTION 9. Interpretation.

This Ordinance shall be construed in *pari materia* with the City's Land Development Regulations and Comprehensive Plan and shall be liberally construed to effectuate its legislative purpose.

In the event of a conflict between this Ordinance and any other provision of the City Code or Land Development Regulations, the more restrictive provision shall control, to the extent permitted by law.

The provisions of this Ordinance shall be interpreted in a manner consistent with Section 381.986, Florida Statutes, and other applicable state law.

SECTION 10. Conflict.

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

SECTION 11. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 12. Codification.

It is the intent of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Eustis Land Development Regulations, and that sections of this Ordinance may be renumbered, relettered, or reorganized to accomplish such intent.

SECTION 13. Effective Date.

This Ordinance shall become effective immediately upon adoption on second reading. Following the adoption of this Ordinance, the City may take all steps necessary to carry out the implementation of this Ordinance as provided herein.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 16th day of April 2026.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 16th day of April 2026 by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public – State of Florida
My Commission Expires: _____
Notary Serial No. _____

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 2026-20 is hereby approved, and I hereby certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

**EXHIBIT “A” to Ordinance Number 2026-20
LAND DEVELOPMENT REGULATION AMENDMENTS
City of Eustis, Florida**

SECTION 1. AMENDMENT TO CHAPTER 100 – DEFINITIONS

Chapter 100, “Definitions,” of the City of Eustis Land Development Regulations is hereby amended as follows:

(A) Creation of Definition

The following definition is hereby created:

Medical Marijuana Treatment Center Dispensing Facility: A dispensing facility as defined in Section 381.986, Florida Statutes, as may be amended from time to time.

(B) Amendment to Definition of “Pharmacy”

The definition of “Pharmacy” is hereby amended to read as follows:

Pharmacy: A place where medicines are compounded or dispensed in accordance with Chapter 465, Florida Statutes. This definition shall not include Medical Marijuana Treatment Center Dispensing Facilities.

SECTION 2. AMENDMENT TO CHAPTER 109 – USE REGULATIONS TABLE

Chapter 109, Section 109-4, “Use Regulations Table,” of the Land Development Regulations is hereby amended as follows:

(A) Addition of Use Classification

The following use is hereby added as a specific use: **Medical Marijuana Treatment Center Dispensing Facility (“MMTC”)**

(B) Permitted Use Status

Medical Marijuana Treatment Center Dispensing Facilities are **not** permitted in any land use district within the municipal boundaries of the City of Eustis.

For clarity, this use is prohibited in all land use districts, including but not limited to:

- Rural Residential (RR)
- Suburban Residential (SR)
- Urban Residential (UR)
- Manufactured Home Community (MH)
- General Commercial (GC)
- General Industrial (GI)

- Central Business District (CBD)
- Residential/Office Transitional (RT)
- Mixed Commercial Residential (MCR)
- Mixed Commercial Industrial (MCI)
- Public/Institutional (PI)
- Agricultural (AG)
- Conservation (CON)

(C) Interpretation

Medical Marijuana Treatment Center Dispensing Facilities shall not be classified, interpreted, or regulated as a pharmacy or any other permitted, limited, or conditional use within the Use Regulations Table.

SECTION 3. CREATION OF PROHIBITED USE PROVISION

Chapter 109 of the Land Development Regulations is hereby amended to include the following provision:

Medical Marijuana Treatment Center Dispensing Facilities are prohibited in all land use districts, land use categories, and development designations within the City of Eustis. Such use shall not be approved as a permitted use, conditional use, special exception, variance, or by any other administrative or discretionary approval.

SECTION 4. CODIFICATION INSTRUCTIONS

The provisions of this Exhibit shall be codified within Chapter 100 and Chapter 109 of the City of Eustis Land Development Regulations. The City's codifier is authorized to reorganize, renumber, and format these provisions as necessary to integrate them into the Code in a manner consistent with the intent of Ordinance Number 2026-20.

Business Impact Estimate Eligibility Form

Section 166.041(4), Florida Statutes

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Eustis' website by the time notice of the proposed ordinance is published.

This form simply assists in determining whether a Business Impact Estimate must be completed under Florida law for the proposed ordinance. Should a Business Impact Estimate be required or should the City opt to provide one as a courtesy based on the selection below then a separate form with the statutory components of Section 166.041(4)(a) shall also accompany the proposed ordinance.

Ordinance Number	2026-20
Ordinance Subject	Amendment to the Land Development Regulations – Prohibition of Medical Marijuana Treatment Center Dispensing Facilities
Legal Advertising Dates	3/30/2026 and 4/6/2026
First Reading On	4/2/2026
Second Reading On	4/16/2026

Ordinance Title

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING THE CITY OF EUSTIS LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE PROHIBITION OF MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES WITHIN THE CITY PURSUANT TO SECTION 381.986(11)(b), FLORIDA STATUTES; PROVIDING LEGISLATIVE FINDINGS IN SUPPORT THEREOF; PROVIDING FOR DEFINITIONS, NONCONFORMING USES, AND ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Based on the City's review of the proposed ordinance (*must select one of the following*):

- The City has determined the statutory exemption identified below applies to the proposed ordinance; a Business Impact Estimate is NOT required and therefore not provided.
- The City has determined the statutory exemption identified below applies to the proposed ordinance; however, the City has prepared the Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate in accordance with section 166.041(4), Florida Statutes.

Exemptions

The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinance:

Section 166.041 (4)(c) exemption: It is required for compliance with federal or state law or regulation.

BUSINESS IMPACT ESTIMATE

The City provides the following Business Impact Estimate, which may be revised following its initial posting.

1. Summary of the proposed ordinance (must include a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the municipality):

The proposed ordinance amends the City of Eustis Land Development Regulations to prohibit Medical Marijuana Treatment Center dispensing facilities within the City pursuant to Section 381.986(11)(b), Florida Statutes. The ordinance establishes a separate land use classification for such facilities, removes such uses from the definition of “pharmacy,” and prohibits such uses in all land use districts while allowing existing legally established facilities to continue as lawful nonconforming uses. The public purpose served by the proposed ordinance is to promote the public health, safety, and welfare through the implementation of consistent land use regulations, preservation of community character, and avoidance of incompatible land use patterns.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:
 - (a) An estimate of direct compliance costs that businesses may reasonably incur.

The ordinance does not impose additional compliance requirements on existing businesses. No new reporting, operational, or permitting costs are created. Estimated compliance costs: None.

- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible.

The ordinance does not impose any new charges or fees on businesses.

- (c) An estimate of the City’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The ordinance does not create new regulatory programs or require additional staffing. Enforcement will be conducted through existing code enforcement processes. Estimated regulatory cost: Minimal and absorbed within existing operations. No new revenue sources are created.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance.

The ordinance impacts a limited number of existing facilities currently operating within the City, all of which are permitted to continue as lawful nonconforming uses. The ordinance may impact an indeterminate number of future businesses seeking to locate within the City.

4. Additional information the City deems useful (if any).

The City considered regulatory alternatives, including continued classification as pharmacies and the use of location-based restrictions. The City determined that a uniform prohibition is the most predictable, consistent, and administratively efficient approach authorized under state law.



Select Year:

The 2025 Florida Statutes

[Title XXIX](#)

[Chapter 381](#)

[View Entire Chapter](#)

PUBLIC HEALTH

PUBLIC HEALTH: GENERAL PROVISIONS

1**381.986** Medical use of marijuana.—

(1) DEFINITIONS.—As used in this section, the term:

- (a) “Attractive to children” means the use of any image or words designed or likely to appeal to persons younger than 18 years of age, including, but not limited to, cartoons, toys, animals, food, or depictions of persons younger than 18 years of age; any other likeness to images, characters, or phrases that are popularly used to advertise to persons younger than 18 years of age; or any reasonable likeness to commercially available candy.
- (b) “Caregiver” means a resident of this state who has agreed to assist with a qualified patient’s medical use of marijuana, has a caregiver identification card, and meets the requirements of subsection (6).
- (c) “Chronic nonmalignant pain” means pain that is caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition.
- (d) “Close relative” means a spouse, parent, sibling, grandparent, child, or grandchild, whether related by whole or half blood, by marriage, or by adoption.
- (e) “Edibles” means commercially produced food items made with marijuana oil, but no other form of marijuana, that are produced and dispensed by a medical marijuana treatment center.
- (f) “Low-THC cannabis” means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.
- (g) “Marijuana” means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.
- (h) “Marijuana delivery device” means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, and which is dispensed from a medical marijuana treatment center for medical use by a qualified patient, except that delivery devices intended for the medical use of marijuana by smoking need not be dispensed from a medical marijuana treatment center in order to qualify as marijuana delivery devices.
- (i) “Marijuana testing laboratory” means a facility that collects and analyzes marijuana samples from a medical marijuana treatment center and has been certified by the department pursuant to s. [381.988](#).
- (j) “Medical director” means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or osteopathic physician under chapter 459 and is in compliance with the requirements of paragraph (3)(c).
- (k) “Medical use” means the acquisition, possession, use, delivery, transfer, or administration of marijuana authorized by a physician certification. The term does not include:
1. Possession, use, or administration of marijuana that was not purchased or acquired from a medical marijuana treatment center.
 2. Possession, use, or administration of marijuana in the form of commercially produced food items other than edibles or of marijuana seeds.

3. Use or administration of any form or amount of marijuana in a manner that is inconsistent with the qualified physician's directions or physician certification.

4. Transfer of marijuana to a person other than the qualified patient for whom it was authorized or the qualified patient's caregiver on behalf of the qualified patient.

5. Use or administration of marijuana in the following locations:

a. On any form of public transportation, except for low-THC cannabis not in a form for smoking.

b. In any public place, except for low-THC cannabis not in a form for smoking.

c. In a qualified patient's place of employment, except when permitted by his or her employer.

d. In a state correctional institution, as defined in s. 944.02, or a correctional institution, as defined in s. 944.241.

e. On the grounds of a preschool, primary school, or secondary school, except as provided in s. 1006.062.

f. In a school bus, a vehicle, an aircraft, or a motorboat, except for low-THC cannabis not in a form for smoking.

6. The smoking of marijuana in an enclosed indoor workplace as defined in s. 386.203(5).

(l) "Physician certification" means a qualified physician's authorization for a qualified patient to receive marijuana and a marijuana delivery device from a medical marijuana treatment center.

(m) "Qualified patient" means a resident of this state who has been added to the medical marijuana use registry by a qualified physician to receive marijuana or a marijuana delivery device for a medical use and who has a qualified patient identification card.

(n) "Qualified physician" means a person who holds an active, unrestricted license as an allopathic physician under chapter 458 or as an osteopathic physician under chapter 459 and is in compliance with the physician education requirements of subsection (3).

(o) "Smoking" means burning or igniting a substance and inhaling the smoke.

(p) "Terminal condition" means a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible without the administration of life-sustaining procedures, and will result in death within 1 year after diagnosis if the condition runs its normal course.

(2) QUALIFYING MEDICAL CONDITIONS.—A patient must be diagnosed with at least one of the following conditions to qualify to receive marijuana or a marijuana delivery device:

(a) Cancer.

(b) Epilepsy.

(c) Glaucoma.

(d) Positive status for human immunodeficiency virus.

(e) Acquired immune deficiency syndrome.

(f) Posttraumatic stress disorder.

(g) Amyotrophic lateral sclerosis.

(h) Crohn's disease.

(i) Parkinson's disease.

(j) Multiple sclerosis.

(k) Medical conditions of the same kind or class as or comparable to those enumerated in paragraphs (a)-(j).

(l) A terminal condition diagnosed by a physician other than the qualified physician issuing the physician certification.

(m) Chronic nonmalignant pain.

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(a) Before being approved as a qualified physician and before each license renewal, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed \$500.

(b) A qualified physician may not be employed by, or have any direct or indirect economic interest in, a marijuana treatment center or marijuana testing laboratory.

(c) Before being employed as a medical director and before each license renewal, a medical director must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed \$500.

(4) PHYSICIAN CERTIFICATION.—

(a) A qualified physician may issue a physician certification only if the qualified physician:

1. Conducted an examination of the patient and a full assessment of the medical history of the patient. Before issuing an initial certification to a patient, the qualified physician must conduct an in-person physical examination of the patient. For certification renewals, a qualified physician who has issued a certification to a patient after conducting an in-person physical examination may conduct subsequent examinations of that patient through telehealth as defined in s. 456.47. For the purposes of this subparagraph, the term “in-person physical examination” means an examination conducted by a qualified physician while the physician is physically present in the same room as the patient.
2. Diagnosed the patient with at least one qualifying medical condition.
3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient’s medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient’s medical record.
4. Determined whether the patient is pregnant and documented such determination in the patient’s medical record. A physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.
5. Reviewed the patient’s controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.
6. Reviews the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.
7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:
 - a. Enters into the registry the contents of the physician certification, including the patient’s qualifying condition and the dosage not to exceed the daily dose amount determined by the department, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana.
 - b. Updates the registry within 7 days after any change is made to the original physician certification to reflect such change.
 - c. Deactivates the registration of the qualified patient and the patient’s caregiver when the physician no longer recommends the medical use of marijuana for the patient.
8. Obtains the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient’s medical record. The patient, or the patient’s parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:
 - a. The Federal Government’s classification of marijuana as a Schedule I controlled substance.
 - b. The approval and oversight status of marijuana by the Food and Drug Administration.
 - c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.

- d. The potential for addiction.
 - e. The potential effect that marijuana may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.
 - f. The potential side effects of marijuana use, including the negative health risks associated with smoking marijuana.
 - g. The risks, benefits, and drug interactions of marijuana.
 - h. That the patient's deidentified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.
- (b) If a qualified physician issues a physician certification for a qualified patient diagnosed with a qualifying medical condition pursuant to paragraph (2)(k), the physician must submit the following to the applicable board within 14 days after issuing the physician certification:
1. Documentation supporting the qualified physician's opinion that the medical condition is of the same kind or class as the conditions in paragraphs (2)(a)-(j).
 2. Documentation that establishes the efficacy of marijuana as treatment for the condition.
 3. Documentation supporting the qualified physician's opinion that the benefits of medical use of marijuana would likely outweigh the potential health risks for the patient.
 4. Any other documentation as required by board rule.

The department must submit such documentation to the Consortium for Medical Marijuana Clinical Outcomes Research established pursuant to s. [1004.4351](#).

- (c) If a qualified physician determines that smoking is an appropriate route of administration for a qualified patient, other than a patient diagnosed with a terminal condition, the qualified physician must submit the following documentation to the applicable board:
1. A list of other routes of administration, if any, certified by a qualified physician that the patient has tried, the length of time the patient used such routes of administration, and an assessment of the effectiveness of those routes of administration in treating the qualified patient's qualifying condition.
 2. Research documenting the effectiveness of smoking as a route of administration to treat similarly situated patients with the same qualifying condition as the qualified patient.
 3. A statement signed by the qualified physician documenting the qualified physician's opinion that the benefits of smoking marijuana for medical use outweigh the risks for the qualified patient.
- (d) A qualified physician may not issue a physician certification for marijuana in a form for smoking to a patient under 18 years of age unless the patient is diagnosed with a terminal condition, the qualified physician determines that smoking is the most effective route of administration for the patient, and a second physician who is a board-certified pediatrician concurs with such determination. Such determination and concurrence must be documented in the patient's medical record and in the medical marijuana use registry. The certifying physician must obtain the written informed consent of such patient's parent or legal guardian before issuing a physician certification to the patient for marijuana in a form for smoking. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine which must include information concerning the negative health effects of smoking marijuana on persons under 18 years of age and an acknowledgment that the qualified physician has sufficiently explained the contents of the form.
- (e) The Board of Medicine and the Board of Osteopathic Medicine shall review the documentation submitted pursuant to paragraph (c) and shall each, by July 1, 2021, adopt by rule practice standards for the certification of smoking as a route of administration.
- (f) A qualified physician may not issue a physician certification for more than three 70-day supply limits of marijuana or more than six 35-day supply limits of marijuana in a form for smoking. The department shall quantify by rule a daily dose amount with equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center. The department shall use the daily dose amount to calculate a 70-day supply.

1. A qualified physician may request an exception to the daily dose amount limit, the 35-day supply limit of marijuana in a form for smoking, and the 4-ounce possession limit of marijuana in a form for smoking established in paragraph (14)(a). The request shall be made electronically on a form adopted by the department in rule and must include, at a minimum:

- a. The qualified patient's qualifying medical condition.
- b. The dosage and route of administration that was insufficient to provide relief to the qualified patient.
- c. A description of how the patient will benefit from an increased amount.
- d. The minimum daily dose amount of marijuana that would be sufficient for the treatment of the qualified patient's qualifying medical condition.

2. A qualified physician must provide the qualified patient's records upon the request of the department.

3. The department shall approve or disapprove the request within 14 days after receipt of the complete documentation required by this paragraph. The request shall be deemed approved if the department fails to act within this time period.

(g) A qualified physician must evaluate an existing qualified patient at least once every 30 weeks before issuing a new physician certification. A qualified physician who has issued a certification to the patient after conducting an in-person physical examination as defined in subparagraph (a)1. may conduct the evaluation through telehealth as defined in s. 456.47. A physician must:

1. Determine if the patient still meets the requirements to be issued a physician certification under paragraph (a).
2. Identify and document in the qualified patient's medical records whether the qualified patient experienced either of the following related to the medical use of marijuana:
 - a. An adverse drug interaction with any prescription or nonprescription medication; or
 - b. A reduction in the use of, or dependence on, other types of controlled substances as defined in s. 893.02.
3. Submit a report with the findings required pursuant to subparagraph 2. to the department. The department shall submit such reports to the Consortium for Medical Marijuana Clinical Outcomes Research established pursuant to s. 1004.4351.

(h) An active order for low-THC cannabis or medical cannabis issued pursuant to former s. 381.986, Florida Statutes 2016, and registered with the compassionate use registry before June 23, 2017, is deemed a physician certification, and all patients possessing such orders are deemed qualified patients until the department begins issuing medical marijuana use registry identification cards.

(i) The department shall monitor physician registration in the medical marijuana use registry and the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or a marijuana delivery device and shall take disciplinary action as appropriate. The department may suspend the registration of a qualified physician in the medical marijuana use registry for a period of up to 2 years if the qualified physician:

1. Fails to comply with this section; or
2. Provides, advertises, or markets telehealth services before July 1, 2023.

(j) The Board of Medicine and the Board of Osteopathic Medicine shall jointly create a physician certification pattern review panel that shall review all physician certifications submitted to the medical marijuana use registry. The panel shall track and report the number of physician certifications and the qualifying medical conditions, dosage, supply amount, and form of marijuana certified. The panel shall report the data both by individual qualified physician and in the aggregate, by county, and statewide. The physician certification pattern review panel shall, beginning January 1, 2018, submit an annual report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(k) The department, the Board of Medicine, and the Board of Osteopathic Medicine may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(5) MEDICAL MARIJUANA USE REGISTRY.—

(a) The department shall create and maintain a secure, electronic, and online medical marijuana use registry for physicians, patients, and caregivers as provided under this section. The medical marijuana use registry must be

accessible to law enforcement agencies, qualified physicians, and medical marijuana treatment centers to verify the authorization of a qualified patient or a caregiver to possess marijuana or a marijuana delivery device and record the marijuana or marijuana delivery device dispensed. The medical marijuana use registry must also be accessible to practitioners licensed to prescribe prescription drugs to ensure proper care for patients before medications that may interact with the medical use of marijuana are prescribed. The medical marijuana use registry must prevent an active registration of a qualified patient by multiple physicians.

(b) The department shall determine whether an individual is a resident of this state for the purpose of registration of qualified patients and caregivers in the medical marijuana use registry. To prove residency:

1. An adult resident must provide the department with a copy of his or her valid Florida driver license issued under s. 322.18 or a copy of a valid Florida identification card issued under s. 322.051.

2. An adult seasonal resident who cannot meet the requirements of subparagraph 1. may provide the department with a copy of two of the following that show proof of residential address:

a. A deed, mortgage, monthly mortgage statement, mortgage payment booklet or residential rental or lease agreement.

b. One proof of residential address from the seasonal resident's parent, step-parent, legal guardian or other person with whom the seasonal resident resides and a statement from the person with whom the seasonal resident resides stating that the seasonal resident does reside with him or her.

c. A utility hookup or work order dated within 60 days before registration in the medical use registry.

d. A utility bill, not more than 2 months old.

e. Mail from a financial institution, including checking, savings, or investment account statements, not more than 2 months old.

f. Mail from a federal, state, county, or municipal government agency, not more than 2 months old.

g. Any other documentation that provides proof of residential address as determined by department rule.

3. A minor must provide the department with a certified copy of a birth certificate or a current record of registration from a Florida K-12 school and must have a parent or legal guardian who meets the requirements of subparagraph 1.

For the purposes of this paragraph, the term "seasonal resident" means any person who temporarily resides in this state for a period of at least 31 consecutive days in each calendar year, maintains a temporary residence in this state, returns to the state or jurisdiction of his or her residence at least one time during each calendar year, and is registered to vote or pays income tax in another state or jurisdiction.

(c) The department may suspend or revoke the registration of a qualified patient or caregiver if the qualified patient or caregiver:

1. Provides misleading, incorrect, false, or fraudulent information to the department;

2. Obtains a supply of marijuana in an amount greater than the amount authorized by the physician certification;

3. Falsifies, alters, or otherwise modifies an identification card;

4. Fails to timely notify the department of any changes to his or her qualified patient status; or

5. Violates the requirements of this section or any rule adopted under this section.

(d) The department shall immediately suspend the registration of a qualified patient charged with a violation of chapter 893 until final disposition of the alleged offense. Based upon such final disposition, the department may extend the suspension, revoke the registration, or reinstate the registration. However, the department must revoke the registration of the qualified patient upon such final disposition if the qualified patient was convicted of, or pled guilty or nolo contendere to, regardless of adjudication, a violation of chapter 893 if such violation was for trafficking in; the sale, manufacture, or delivery of; or possession with intent to sell, manufacture, or deliver a controlled substance. If such person wishes to seek reinstatement of his or her registration as a qualified patient, the person may submit a new application accompanied by a notarized attestation by the applicant that he or she has completed all terms of incarceration, probation, community control, or supervision related to the offense. A

person who knowingly makes a false attestation under this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The department shall immediately suspend the registration of a caregiver charged with a violation of chapter 893 until final disposition of the alleged offense. The department must revoke the registration of the caregiver upon such final disposition if the caregiver was convicted of, or pled guilty or nolo contendere to, regardless of adjudication, a violation of chapter 893 if such violation was for trafficking in; the sale, manufacture, or delivery of; or possession with intent to sell, manufacture, or deliver a controlled substance. If such person wishes to seek reinstatement of his or her registration as a caregiver, the person may submit a new application accompanied by a notarized attestation by the applicant that he or she has completed all terms of incarceration, probation, community control, or supervision related to the offense. A person who knowingly makes a false attestation under this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Additionally, the department must revoke a caregiver registration if the caregiver does not meet the requirements of subparagraph (6)(b)6.

(f) The department may revoke the registration of a qualified patient or caregiver who cultivates marijuana or who acquires, possesses, or delivers marijuana from any person or entity other than a medical marijuana treatment center.

(g) The department shall revoke the registration of a qualified patient, and the patient's associated caregiver, upon notification that the patient no longer meets the criteria of a qualified patient.

(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(6) CAREGIVERS.—

(a) The department must register an individual as a caregiver on the medical marijuana use registry and issue a caregiver identification card if an individual designated by a qualified patient meets all of the requirements of this subsection and department rule.

(b) A caregiver must:

1. Not be a qualified physician and not be employed by or have an economic interest in a medical marijuana treatment center or a marijuana testing laboratory.
2. Be 21 years of age or older and a resident of this state.
3. Agree in writing to assist with the qualified patient's medical use of marijuana.
4. Be registered in the medical marijuana use registry as a caregiver for no more than one qualified patient, except as provided in this paragraph.
5. Successfully complete a caregiver certification course developed and administered by the department or its designee, which must be renewed biennially. The price of the course may not exceed \$100.
6. Pass a background screening pursuant to subsection (9), unless the patient is a close relative of the caregiver.

(c) A qualified patient may designate no more than one caregiver to assist with the qualified patient's medical use of marijuana, unless:

1. The qualified patient is a minor and the designated caregivers are parents or legal guardians of the qualified patient;
2. The qualified patient is an adult who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or herself without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient;
3. The qualified patient is admitted to a hospice program; or
4. The qualified patient is participating in a research program in a teaching nursing home pursuant to s. 1004.4351.

(d) A caregiver may be registered in the medical marijuana use registry as a designated caregiver for no more than one qualified patient, unless:

1. The caregiver is a parent or legal guardian of more than one minor who is a qualified patient;
2. The caregiver is a parent or legal guardian of more than one adult who is a qualified patient and who has an intellectual or developmental disability that prevents the patient from being able to protect or care for himself or

herself without assistance or supervision;

3. All qualified patients the caregiver has agreed to assist are admitted to a hospice program and have requested the assistance of that caregiver with the medical use of marijuana; the caregiver is an employee of the hospice; and the caregiver provides personal care or other services directly to clients of the hospice in the scope of that employment; or

4. All qualified patients the caregiver has agreed to assist are participating in a research program in a teaching nursing home pursuant to s. 1004.4351.

(e) A caregiver may not receive compensation, other than actual expenses incurred, for any services provided to the qualified patient.

(f) If a qualified patient is younger than 18 years of age, only a caregiver may purchase or administer marijuana for medical use by the qualified patient. The qualified patient may not purchase marijuana.

(g) A caregiver must be in immediate possession of his or her medical marijuana use registry identification card at all times when in possession of marijuana or a marijuana delivery device and must present his or her medical marijuana use registry identification card upon the request of a law enforcement officer.

(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(7) IDENTIFICATION CARDS.—

(a) The department shall issue medical marijuana use registry identification cards for qualified patients and caregivers who are residents of this state, which must be renewed annually. The identification cards must be resistant to counterfeiting and tampering and must include, at a minimum, the following:

1. The name, address, and date of birth of the qualified patient or caregiver.
2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.
3. Identification as a qualified patient or a caregiver.
4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.
5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.
6. The expiration date of the identification card.

(b) The department must receive written consent from a qualified patient's parent or legal guardian before it may issue an identification card to a qualified patient who is a minor.

(c) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing procedures for the issuance, renewal, suspension, replacement, surrender, and revocation of medical marijuana use registry identification cards pursuant to this section and shall begin issuing qualified patient identification cards by October 3, 2017.

(d) Applications for identification cards must be submitted on a form prescribed by the department. The department may charge a reasonable fee associated with the issuance, replacement, and renewal of identification cards. The department shall allocate \$10 of the identification card fee to the Division of Research at Florida Agricultural and Mechanical University for the purpose of educating minorities about marijuana for medical use and the impact of the unlawful use of marijuana on minority communities. The department shall contract with a third-party vendor to issue identification cards. The vendor selected by the department must have experience performing similar functions for other state agencies.

(e) A qualified patient or caregiver shall return his or her identification card to the department within 5 business days after revocation.

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.

1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense

low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:

a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.

b. As soon as practicable, the department shall license one applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In Re Black Farmers Litig.*, 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2. An applicant that applies for licensure under this sub-subparagraph, pays its initial application fee, is determined by the department through the application process to qualify as a recognized class member, and is not awarded a license under this sub-subparagraph may transfer its initial application fee to one subsequent opportunity to apply for licensure under subparagraph 4.

c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.

3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.

4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.

²(b) An applicant for licensure as a medical marijuana treatment center must apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. However, the department may not renew the license of a medical

marijuana treatment center that has not begun to cultivate, process, and dispense marijuana by the date that a medical marijuana treatment center is required to renew its license. An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in this state.
2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.
3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.
4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.
5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.
6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.
7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.
 - a. Upon approval, the applicant must post a \$5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a \$2 million performance bond.
 - b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department must deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest must be used by the department for the administration of this section.
8. That all owners and managers have passed a background screening pursuant to subsection (9). As used in this subparagraph, the term:
 - a. “Manager” means any person with the authority to exercise or contribute to the operational control, direction, or management of an applicant or a medical marijuana treatment center or who has authority to supervise any employee of an applicant or a medical marijuana treatment center. The term includes an individual with the power or authority to direct or influence the direction or operation of an applicant or a medical marijuana treatment center through board membership, an agreement, or a contract.
 - b. “Owner” means any person who owns or controls a 5 percent or greater share of interests of the applicant or a medical marijuana treatment center which include beneficial or voting rights to interests. In the event that one person owns a beneficial right to interests and another person holds the voting rights with respect to such interests, then in such case, both are considered the owner of such interests.
9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.
10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:
 - a. Representation of minority persons and veterans in the medical marijuana treatment center’s workforce;
 - b. Efforts to recruit minority persons and veterans for employment; and
 - c. A record of contracts for services with minority business enterprises and veteran business enterprises.

(c) A medical marijuana treatment center may not make a wholesale purchase of marijuana from, or a distribution of marijuana to, another medical marijuana treatment center, unless the medical marijuana treatment center seeking to make a wholesale purchase of marijuana submits proof of harvest failure to the department.

(d) The department shall establish, maintain, and control a computer software tracking system that traces marijuana from seed to sale and allows real-time, 24-hour access by the department to data from all medical marijuana treatment centers and marijuana testing laboratories. The tracking system must allow for integration of other seed-to-sale systems and, at a minimum, include notification of when marijuana seeds are planted, when marijuana plants are harvested and destroyed, and when marijuana is transported, sold, stolen, diverted, or lost. Each medical marijuana treatment center shall use the seed-to-sale tracking system established by the department or integrate its own seed-to-sale tracking system with the seed-to-sale tracking system established by the department. Each medical marijuana treatment center may use its own seed-to-sale system until the department establishes a seed-to-sale tracking system. The department may contract with a vendor to establish the seed-to-sale tracking system. The vendor selected by the department may not have a contractual relationship with the department to perform any services pursuant to this section other than the seed-to-sale tracking system. The vendor may not have a direct or indirect financial interest in a medical marijuana treatment center or a marijuana testing laboratory.

²(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center shall, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request must be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.

1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:

a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.

b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.

c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.

d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application will be deemed incomplete and withdrawn from further consideration and the fees forfeited.

e. Within 30 days after the receipt of a complete application, the department shall approve or deny the application.

2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may

not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.

3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.

4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9). As used in this subparagraph, the term “employee” means any person employed by a medical marijuana treatment center licensee in any capacity, including those whose duties involve any aspect of the cultivation, processing, transportation, or dispensing of marijuana. This requirement applies to all employees, regardless of the compensation received.

5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.

6. When growing marijuana, a medical marijuana treatment center:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may not have a potency variance greater than 15 percent. Marijuana products, including edibles, may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.

10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.

11. When processing marijuana, a medical marijuana treatment center must:

a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for medical marijuana treatment centers to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and

disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select samples of marijuana from a medical marijuana treatment center facility which shall be tested by the department to determine whether the marijuana meets the potency requirements of this section, is safe for human consumption, and is accurately labeled with the tetrahydrocannabinol and cannabidiol concentration or to verify the result of marijuana testing conducted by a marijuana testing laboratory. The department may also select samples of marijuana delivery devices from a medical marijuana treatment center to determine whether the marijuana delivery device is safe for use by qualified patients. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall marijuana, including all marijuana and marijuana products made from the same batch of marijuana, that fails to meet the potency requirements of this section, that is unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The department shall adopt rules to establish marijuana potency variations of no greater than 15 percent using negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts for, but is not limited to, time lapses between testing, testing methods, testing instruments, and types of marijuana sampled for testing. The department may not issue any recalls for product potency as it relates to product labeling before issuing a rule relating to potency variation standards. A medical marijuana treatment center must also recall all marijuana delivery devices determined to be unsafe for use by qualified patients. The medical marijuana treatment center must retain records of all testing and samples of each homogeneous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

- (I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.
- (II) The name of the medical marijuana treatment center from which the marijuana originates.
- (III) The batch number and harvest number from which the marijuana originates and the date dispensed.
- (IV) The name of the physician who issued the physician certification.
- (V) The name of the patient.
- (VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products that are attractive to children or which promote the recreational use of marijuana.

- (VII) The recommended dose.
- (VIII) A warning that it is illegal to transfer medical marijuana to another person.
- (IX) A marijuana universal symbol developed by the department.

12. The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:

- a. Clinical pharmacology.
- b. Indications and use.
- c. Dosage and administration.
- d. Dosage forms and strengths.
- e. Contraindications.
- f. Warnings and precautions.
- g. Adverse reactions.

13. In addition to the packaging and labeling requirements specified in subparagraphs 11. and 12., marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol.

14. The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from a medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

15. Each edible must be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible must be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 11. and 12., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list of all the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

16. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

- a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.
- b. May not dispense more than a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver. May not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).
- c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.
- d. Must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.
- e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.
- f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes or wrapping papers made with tobacco or hemp, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.

g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.

²(f) To ensure the safety and security of premises where the cultivation, processing, storing, or dispensing of marijuana occurs, and to maintain adequate controls against the diversion, theft, and loss of marijuana or marijuana delivery devices, a medical marijuana treatment center shall:

1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; and

b. Maintain a video surveillance system that records continuously 24 hours a day and meets the following criteria:

(I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.

(II) Cameras are fixed in entrances and exits to the premises, which must record from both indoor and outdoor, or ingress and egress, vantage points.

(III) Recorded images must clearly and accurately display the time and date.

(IV) Retain video surveillance recordings for at least 45 days or longer upon the request of a law enforcement agency.

2. Ensure that the medical marijuana treatment center's outdoor premises have sufficient lighting from dusk until dawn.

3. Ensure that the indoor premises where dispensing occurs includes a waiting area with sufficient space and seating to accommodate qualified patients and caregivers and at least one private consultation area that is isolated from the waiting area and area where dispensing occurs. A medical marijuana treatment center may not display products or dispense marijuana or marijuana delivery devices in the waiting area.

4. Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.

5. Store marijuana in a secured, locked room or a vault.

6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.

7. Require each employee or contractor to wear a photo identification badge at all times while on the premises.

8. Require each visitor to wear a visitor pass at all times while on the premises.

9. Implement an alcohol and drug-free workplace policy.

10. Report to local law enforcement and notify the department through e-mail within 24 hours after the medical marijuana treatment center is notified or becomes aware of any actual or attempted theft, diversion, or loss of marijuana.

(g) To ensure the safe transport of marijuana and marijuana delivery devices to medical marijuana treatment centers, marijuana testing laboratories, or qualified patients, a medical marijuana treatment center must:

1. Maintain a marijuana transportation manifest in any vehicle transporting marijuana. The marijuana transportation manifest must be generated from a medical marijuana treatment center's seed-to-sale tracking system and include the:

a. Departure date and approximate time of departure.

b. Name, location address, and license number of the originating medical marijuana treatment center.

c. Name and address of the recipient of the delivery.

d. Quantity and form of any marijuana or marijuana delivery device being transported.

e. Arrival date and estimated time of arrival.

- f. Delivery vehicle make and model and license plate number.
- g. Name and signature of the medical marijuana treatment center employees delivering the product.
- (l) A copy of the marijuana transportation manifest must be provided to each individual, medical marijuana treatment center, or marijuana testing laboratory that receives a delivery. The individual, or a representative of the center or laboratory, must sign a copy of the marijuana transportation manifest acknowledging receipt.
- (ll) An individual transporting marijuana or a marijuana delivery device must present a copy of the relevant marijuana transportation manifest and his or her employee identification card to a law enforcement officer upon request.
- (lll) Medical marijuana treatment centers and marijuana testing laboratories must retain copies of all marijuana transportation manifests for at least 3 years.
2. Ensure only vehicles in good working order are used to transport marijuana.
 3. Lock marijuana and marijuana delivery devices in a separate compartment or container within the vehicle.
 4. Require employees to have possession of their employee identification card at all times when transporting marijuana or marijuana delivery devices.
 5. Require at least two persons to be in a vehicle transporting marijuana or marijuana delivery devices, and require at least one person to remain in the vehicle while the marijuana or marijuana delivery device is being delivered.
 6. Provide specific safety and security training to employees transporting or delivering marijuana and marijuana delivery devices.
- (h) A medical marijuana treatment center may not engage in advertising that is visible to members of the public from any street, sidewalk, park, or other public place, except:
1. The dispensing location of a medical marijuana treatment center may have a sign that is affixed to the outside or hanging in the window of the premises which identifies the dispensary by the licensee's business name, a department-approved trade name, or a department-approved logo. A medical marijuana treatment center's trade name and logo may not contain wording or images that are attractive to children or which promote recreational use of marijuana.
 2. A medical marijuana treatment center may engage in Internet advertising and marketing under the following conditions:
 - a. All advertisements must be approved by the department.
 - b. An advertisement may not have any content that is attractive to children or which promotes the recreational use of marijuana.
 - c. An advertisement may not be an unsolicited pop-up advertisement.
 - d. Opt-in marketing must include an easy and permanent opt-out feature.
 - (i) Each medical marijuana treatment center that dispenses marijuana and marijuana delivery devices shall make available to the public on its website:
 1. Each marijuana and low-THC product available for purchase, including the form, strain of marijuana from which it was extracted, cannabidiol content, tetrahydrocannabinol content, dose unit, total number of doses available, and the ratio of cannabidiol to tetrahydrocannabinol for each product.
 2. The price for a 30-day, 50-day, and 70-day supply at a standard dose for each marijuana and low-THC product available for purchase.
 3. The price for each marijuana delivery device available for purchase.
 4. If applicable, any discount policies and eligibility criteria for such discounts.
 - (j) Medical marijuana treatment centers are the sole source from which a qualified patient may legally obtain marijuana.
 - (k) The department may adopt rules pursuant to ss. [120.536\(1\)](#) and [120.54](#) to implement this subsection.
 - (9) BACKGROUND SCREENING.—An individual required to undergo a background screening pursuant to this section must pass a level 2 background screening as provided under chapter 435, which, in addition to the disqualifying offenses provided in s. [435.04](#), shall exclude an individual who has an arrest awaiting final disposition, has been found guilty of, regardless of adjudication, or has entered a plea of nolo contendere or guilty to an

offense under chapter 837, chapter 895, or chapter 896 or similar law of another jurisdiction. Exemptions from disqualification as provided under s. 435.07 do not apply to this subsection.

(a) Such individual must submit a full set of fingerprints to the department or to a vendor, entity, or agency authorized by s. 943.053(13). The department, vendor, entity, or agency shall forward the fingerprints to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing.

(b) Fees for state and federal fingerprint processing and retention shall be borne by the medical marijuana treatment center or caregiver, as applicable. The state cost for fingerprint processing shall be as provided in s. 943.053(3)(e) for records provided to persons or entities other than those specified as exceptions therein.

(c) Fingerprints submitted to the Department of Law Enforcement pursuant to this subsection shall be retained by the Department of Law Enforcement as provided in s. 943.05(2)(g) and (h) and, when the Department of Law Enforcement begins participation in the program, enrolled in the Federal Bureau of Investigation's national retained print arrest notification program. Any arrest record identified shall be reported to the department.

(10) MEDICAL MARIJUANA TREATMENT CENTER INSPECTIONS; ADMINISTRATIVE ACTIONS.—

(a) The department shall conduct announced or unannounced inspections of medical marijuana treatment centers to determine compliance with this section or rules adopted pursuant to this section.

(b) The department shall inspect a medical marijuana treatment center upon receiving a complaint or notice that the medical marijuana treatment center has dispensed marijuana containing mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.

(c) The department shall conduct at least a biennial inspection of each medical marijuana treatment center to evaluate the medical marijuana treatment center's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.

(d) The Department of Agriculture and Consumer Services and the department shall enter into an interagency agreement to ensure cooperation and coordination in the performance of their obligations under this section and their respective regulatory and authorizing laws. The department, the Department of Highway Safety and Motor Vehicles, and the Department of Law Enforcement may enter into interagency agreements for the purposes specified in this subsection or subsection (7).

(e) The department shall publish a list of all approved medical marijuana treatment centers, medical directors, and qualified physicians on its website.

(f) The department may impose reasonable fines not to exceed \$10,000 on a medical marijuana treatment center for any of the following violations:

1. Violating this section or department rule.
2. Failing to maintain qualifications for approval.
3. Endangering the health, safety, or security of a qualified patient.
4. Improperly disclosing personal and confidential information of the qualified patient.
5. Attempting to procure medical marijuana treatment center approval by bribery, fraudulent misrepresentation, or extortion.
6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a medical marijuana treatment center.
7. Making or filing a report or record that the medical marijuana treatment center knows to be false.
8. Willfully failing to maintain a record required by this section or department rule.
9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.
10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a medical marijuana treatment center.
11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a medical marijuana treatment center.

12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a medical marijuana treatment center suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.

13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(g) The department may suspend, revoke, or refuse to renew a medical marijuana treatment center license if the medical marijuana treatment center commits any of the violations in paragraph (f).

(h) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this subsection.

(11) PREEMPTION.—Regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers is preempted to the state except as provided in this subsection.

(a) A medical marijuana treatment center cultivating or processing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school.

(b)1. A county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of that county or municipality. A county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality.

2. A municipality may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, medical marijuana treatment center dispensing facilities located within the boundaries of that municipality. A county may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or department rule for, all such dispensing facilities located within the unincorporated areas of that county. Except as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465. A municipality or county may not charge a medical marijuana treatment center a license or permit fee in an amount greater than the fee charged by such municipality or county to pharmacies. A dispensing facility location approved by a municipality or county pursuant to former s. 381.986(8)(b), Florida Statutes 2016, is not subject to the location requirements of this subsection.

(c) A medical marijuana treatment center dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the county or municipality approves the location through a formal proceeding open to the public at which the county or municipality determines that the location promotes the public health, safety, and general welfare of the community.

(d) This subsection does not prohibit any local jurisdiction from ensuring medical marijuana treatment center facilities comply with the Florida Building Code, the Florida Fire Prevention Code, or any local amendments to the Florida Building Code or the Florida Fire Prevention Code.

(12) PENALTIES.—

(a) A qualified physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the qualified physician issues a physician certification for the medical use of marijuana for a patient without a reasonable belief that the patient is suffering from a qualifying medical condition.

(b) A person who fraudulently represents that he or she has a qualifying medical condition to a qualified physician for the purpose of being issued a physician certification commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A qualified patient who uses marijuana, not including low-THC cannabis, or a caregiver who administers marijuana, not including low-THC cannabis, in plain view of or in a place open to the general public; in a school bus, a vehicle, an aircraft, or a boat; or on the grounds of a school except as provided in s. 1006.062, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A qualified patient or caregiver who cultivates marijuana or who purchases or acquires marijuana from any person or entity other than a medical marijuana treatment center violates s. 893.13 and is subject to the penalties

provided therein.

(e)1. A qualified patient or caregiver in possession of marijuana or a marijuana delivery device who fails or refuses to present his or her marijuana use registry identification card upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, unless it can be determined through the medical marijuana use registry that the person is authorized to be in possession of that marijuana or marijuana delivery device.

2. A person charged with a violation of this paragraph may not be convicted if, before or at the time of his or her court or hearing appearance, the person produces in court or to the clerk of the court in which the charge is pending a medical marijuana use registry identification card issued to him or her which is valid at the time of his or her arrest. The clerk of the court is authorized to dismiss such case at any time before the defendant's appearance in court. The clerk of the court may assess a fee of \$5 for dismissing the case under this paragraph.

(f) A caregiver who violates any of the applicable provisions of this section or applicable department rules, for the first offense, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and, for a second or subsequent offense, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(g) A qualified physician who issues a physician certification for marijuana or a marijuana delivery device and receives compensation from a medical marijuana treatment center related to the issuance of a physician certification for marijuana or a marijuana delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

(h) A person transporting marijuana or marijuana delivery devices on behalf of a medical marijuana treatment center or marijuana testing laboratory who fails or refuses to present a transportation manifest upon the request of a law enforcement officer commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(i) Persons and entities conducting activities authorized and governed by this section and s. 381.988 are subject to ss. 456.053, 456.054, and 817.505, as applicable.

(j) A person or entity that cultivates, processes, distributes, sells, or dispenses marijuana, as defined in s. 29(b)(4), Art. X of the State Constitution, and is not licensed as a medical marijuana treatment center violates s. 893.13 and is subject to the penalties provided therein.

(k) A person who manufactures, distributes, sells, gives, or possesses with the intent to manufacture, distribute, sell, or give marijuana or a marijuana delivery device that he or she holds out to have originated from a licensed medical marijuana treatment center but that is counterfeit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For the purposes of this paragraph, the term "counterfeit" means marijuana; a marijuana delivery device; or a marijuana or marijuana delivery device container, seal, or label which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a licensed medical marijuana treatment center and which thereby falsely purports or is represented to be the product of, or to have been distributed by, that licensed medical marijuana treatment facility.

(l) Any person who possesses or manufactures a blank, forged, stolen, fictitious, fraudulent, counterfeit, or otherwise unlawfully issued medical marijuana use registry identification card commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(13) UNLICENSED ACTIVITY.—

(a) If the department has probable cause to believe that a person or entity that is not registered or licensed with the department has violated this section, s. 381.988, or any rule adopted pursuant to this section, the department may issue and deliver to such person or entity a notice to cease and desist from such violation. The department also may issue and deliver a notice to cease and desist to any person or entity who aids and abets such unlicensed activity. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For the purpose of enforcing a cease and desist order, the department may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person or entity who violates any provisions of such order.

(b) In addition to the remedies under paragraph (a), the department may impose by citation an administrative penalty not to exceed \$5,000 per incident. The citation shall be issued to the subject and must contain the subject's name and any other information the department determines to be necessary to identify the subject, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. If the subject does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation shall become a final order of the department. The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section. Each day that the unlicensed activity continues after issuance of a notice to cease and desist constitutes a separate violation. The department shall be entitled to recover the costs of investigation and prosecution in addition to the fine levied pursuant to the citation. Service of a citation may be made by personal service or by mail to the subject at the subject's last known address or place of practice. If the department is required to seek enforcement of the cease and desist or agency order, it shall be entitled to collect attorney fees and costs.

(c) In addition to or in lieu of any other administrative remedy, the department may seek the imposition of a civil penalty through the circuit court for any violation for which the department may issue a notice to cease and desist. The civil penalty shall be no less than \$5,000 and no more than \$10,000 for each offense. The court may also award to the prevailing party court costs and reasonable attorney fees and, in the event the department prevails, may also award reasonable costs of investigation and prosecution.

(d) In addition to the other remedies provided in this section, the department or any state attorney may bring an action for an injunction to restrain any unlicensed activity or to enjoin the future operation or maintenance of the unlicensed activity or the performance of any service in violation of this section.

(e) The department must notify local law enforcement of such unlicensed activity for a determination of any criminal violation of chapter 893.

(14) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's caregiver may purchase from a medical marijuana treatment center for the patient's medical use a marijuana delivery device and up to the amount of marijuana authorized in the physician certification, but may not possess more than a 70-day supply of marijuana, or the greater of 4 ounces of marijuana in a form for smoking or an amount of marijuana in a form for smoking approved by the department pursuant to paragraph (4)(f), at any given time and all marijuana purchased must remain in its original packaging.

(b) Notwithstanding paragraph (a), s. 893.13, s. 893.135, s. 893.147, or any other provision of law, a qualified patient and the qualified patient's caregiver may purchase and possess a marijuana delivery device intended for the medical use of marijuana by smoking from a vendor other than a medical marijuana treatment center.

(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved medical marijuana treatment center and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of marijuana or a marijuana delivery device as provided in this section, s. 381.988, and by department rule. For the purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(d) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a certified marijuana testing laboratory, including an employee of a certified marijuana testing laboratory acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section, in s. 381.988, and by department rule.

(e) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements of this section, the department, including an employee of the department acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana and marijuana delivery devices as provided in this section, in s. 381.988, and by department rule.

(f) A licensed medical marijuana treatment center and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering,

distributing, dispensing, or lawfully disposing of marijuana or a marijuana delivery device, as provided in this section, in s. 381.988, and by department rule.

(g) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of marijuana or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

(h) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section and pursuant to policies and procedures established pursuant to s. 1006.062(8), school personnel may possess marijuana that is obtained for medical use pursuant to this section by a student who is a qualified patient.

(i) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a research institute established by a public postsecondary educational institution, such as the H. Lee Moffitt Cancer Center and Research Institute, Inc., established under s. 1004.43, or a state university that has achieved the preeminent state research university designation under s. 1001.7065 may possess, test, transport, and lawfully dispose of marijuana for research purposes as provided by this section.

(15) **APPLICABILITY.—**

(a) This section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy.

(b) This section does not require an employer to accommodate the medical use of marijuana in any workplace or any employee working while under the influence of marijuana.

(c) This section does not create a cause of action against an employer for wrongful discharge or discrimination.

(d) This section does not impair the ability of any party to restrict or limit smoking or vaping marijuana on his or her private property.

(e) This section does not prohibit the medical use of marijuana or a caregiver assisting with the medical use of marijuana in a nursing home facility licensed under part II of chapter 400, a hospice facility licensed under part IV of chapter 400, or an assisted living facility licensed under part I of chapter 429, if the medical use of marijuana is not prohibited in the facility's policies.

(f) Marijuana, as defined in this section, is not reimbursable under chapter 440.

(16) **FINES AND FEES.—**Fines and fees collected by the department under this section shall be deposited in the Grants and Donations Trust Fund within the Department of Health.

³(17) Rules adopted pursuant to this section before July 1, 2026, are not subject to ss. 120.54(3)(b) and 120.541. This subsection expires July 1, 2026.

History.—s. 2, ch. 2014-157; s. 1, ch. 2016-123; s. 24, ch. 2016-145; ss. 1, 3, 18, ch. 2017-232; s. 29, ch. 2018-10; s. 43, ch. 2018-110; s. 1, ch. 2018-142; s. 1, ch. 2019-1; s. 39, ch. 2019-116; s. 85, ch. 2020-2; s. 31, ch. 2020-114; s. 13, ch. 2021-37; s. 7, ch. 2021-52; ss. 3, 4, ch. 2022-71; s. 17, ch. 2022-157; s. 2, ch. 2023-71; s. 10, ch. 2023-240; s. 1, ch. 2023-292; s. 32, ch. 2024-2; s. 9, ch. 2024-228; s. 4, ch. 2025-114; s. 14, ch. 2025-199; s. 4, ch. 2025-204.

¹**Note.—**

A. Section 1, ch. 2017-232, provides that “[i]t is the intent of the Legislature to implement s. 29, Article X of the State Constitution by creating a unified regulatory structure. If s. 29, Article X of the State Constitution is amended or a constitutional amendment related to cannabis or marijuana is adopted, this act shall expire 6 months after the effective date of such amendment.” If such amendment or adoption takes place, s. 381.986, as amended by s. 1, ch. 2017-232, will read:

381.986 Compassionate use of low-THC and medical cannabis.—

(1) **DEFINITIONS.—**As used in this section, the term:

(a) “Cannabis delivery device” means an object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing low-THC cannabis or medical cannabis into the human body.

(b) “Dispensing organization” means an organization approved by the department to cultivate, process, transport, and dispense low-THC cannabis or medical cannabis pursuant to this section.

(c) “Independent testing laboratory” means a laboratory, including the managers, employees, or contractors of the laboratory, which has no direct or indirect interest in a dispensing organization.

(d) “Legal representative” means the qualified patient's parent, legal guardian acting pursuant to a court's authorization as required under s. 744.3215(4), health care surrogate acting pursuant to the qualified patient's written consent or a court's authorization as required under s. 765.113, or an individual who is authorized under a power of attorney to make health care decisions on behalf of the qualified patient.

(e) “Low-THC cannabis” means a plant of the genus *Cannabis*, the dried flowers of which contain 0.8 percent or less tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

(f) “Medical cannabis” means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, sale, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use by an eligible patient as defined in s. 499.0295.

(g) “Medical use” means administration of the ordered amount of low-THC cannabis or medical cannabis. The term does not include the:

1. Possession, use, or administration of low-THC cannabis or medical cannabis by smoking.
2. Transfer of low-THC cannabis or medical cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient’s legal representative on behalf of the qualified patient.
3. Use or administration of low-THC cannabis or medical cannabis:
 - a. On any form of public transportation.
 - b. In any public place.
 - c. In a qualified patient’s place of employment, if restricted by his or her employer.
 - d. In a state correctional institution as defined in s. 944.02 or a correctional institution as defined in s. 944.241.
 - e. On the grounds of a preschool, primary school, or secondary school.
 - f. On a school bus or in a vehicle, aircraft, or motorboat.

(h) “Qualified patient” means a resident of this state who has been added to the compassionate use registry by a physician licensed under chapter 458 or chapter 459 to receive low-THC cannabis or medical cannabis from a dispensing organization.

(i) “Smoking” means burning or igniting a substance and inhaling the smoke. Smoking does not include the use of a vaporizer.

(2) PHYSICIAN ORDERING.—A physician is authorized to order low-THC cannabis to treat a qualified patient suffering from cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms; order low-THC cannabis to alleviate symptoms of such disease, disorder, or condition, if no other satisfactory alternative treatment options exist for the qualified patient; order medical cannabis to treat an eligible patient as defined in s. 499.0295; or order a cannabis delivery device for the medical use of low-THC cannabis or medical cannabis, only if the physician:

- (a) Holds an active, unrestricted license as a physician under chapter 458 or an osteopathic physician under chapter 459;
- (b) Has treated the patient for at least 3 months immediately preceding the patient’s registration in the compassionate use registry;
- (c) Has successfully completed the course and examination required under paragraph (4)(a);
- (d) Has determined that the risks of treating the patient with low-THC cannabis or medical cannabis are reasonable in light of the potential benefit to the patient. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such determination must be documented in the patient’s medical record;

(e) Registers as the orderer of low-THC cannabis or medical cannabis for the named patient on the compassionate use registry maintained by the department and updates the registry to reflect the contents of the order, including the amount of low-THC cannabis or medical cannabis that will provide the patient with not more than a 45-day supply and a cannabis delivery device needed by the patient for the medical use of low-THC cannabis or medical cannabis. The physician must also update the registry within 7 days after any change is made to the original order to reflect the change. The physician shall deactivate the registration of the patient and the patient’s legal representative when treatment is discontinued;

(f) Maintains a patient treatment plan that includes the dose, route of administration, planned duration, and monitoring of the patient’s symptoms and other indicators of tolerance or reaction to the low-THC cannabis or medical cannabis;

(g) Submits the patient treatment plan quarterly to the University of Florida College of Pharmacy for research on the safety and efficacy of low-THC cannabis and medical cannabis on patients;

(h) Obtains the voluntary written informed consent of the patient or the patient’s legal representative to treatment with low-THC cannabis after sufficiently explaining the current state of knowledge in the medical community of the effectiveness of treatment of the patient’s condition with low-THC cannabis, the medically acceptable alternatives, and the potential risks and side effects;

(i) Obtains written informed consent as defined in and required under s. 499.0295, if the physician is ordering medical cannabis for an eligible patient pursuant to that section; and

(j) Is not a medical director employed by a dispensing organization.

(3) PENALTIES.—

(a) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders low-THC cannabis for a patient without a reasonable belief that the patient is suffering from:

1. Cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be treated with low-THC cannabis; or
2. Symptoms of cancer or a physical medical condition that chronically produces symptoms of seizures or severe and persistent muscle spasms that can be alleviated with low-THC cannabis.

(b) A physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the physician orders medical cannabis for a patient without a reasonable belief that the patient has a terminal condition as defined in s. 499.0295.

(c) A person who fraudulently represents that he or she has cancer, a physical medical condition that chronically produces symptoms, seizures or severe and persistent muscle spasms, or a terminal condition to a physician for the purpose of being ordered low-THC cannabis, medical cannabis, or a cannabis delivery device by such physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) An eligible patient as defined in s. 499.0295 who uses medical cannabis, and such patient's legal representative who administers medical cannabis, in plain view of or in a place open to the general public, on the grounds of a school, or in a school bus, vehicle, aircraft, or motorboat, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) A physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device and receives compensation from a dispensing organization related to the ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device is subject to disciplinary action under the applicable practice act and s. 456.072(1)(n).

(4) PHYSICIAN EDUCATION.—

(a) Before ordering low-THC cannabis, medical cannabis, or a cannabis delivery device for medical use by a patient in this state, the appropriate board shall require the ordering physician to successfully complete an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses the clinical indications for the appropriate use of low-THC cannabis and medical cannabis, the appropriate cannabis delivery devices, the contraindications for such use, and the relevant state and federal laws governing the ordering, dispensing, and possessing of these substances and devices. The course and examination shall be administered at least annually. Successful completion of the course may be used by a physician to satisfy 8 hours of the continuing medical education requirements required by his or her respective board for licensure renewal. This course may be offered in a distance learning format.

(b) The appropriate board shall require the medical director of each dispensing organization to hold an active, unrestricted license as a physician under chapter 458 or as an osteopathic physician under chapter 459 and successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association that encompasses appropriate safety procedures and knowledge of low-THC cannabis, medical cannabis, and cannabis delivery devices.

(c) Successful completion of the course and examination specified in paragraph (a) is required for every physician who orders low-THC cannabis, medical cannabis, or a cannabis delivery device each time such physician renews his or her license. In addition, successful completion of the course and examination specified in paragraph (b) is required for the medical director of each dispensing organization each time such physician renews his or her license.

(d) A physician who fails to comply with this subsection and who orders low-THC cannabis, medical cannabis, or a cannabis delivery device may be subject to disciplinary action under the applicable practice act and under s. 456.072(1)(k).

(5) DUTIES OF THE DEPARTMENT.—The department shall:

(a) Create and maintain a secure, electronic, and online compassionate use registry for the registration of physicians, patients, and the legal representatives of patients as provided under this section. The registry must be accessible to law enforcement agencies and to a dispensing organization to verify the authorization of a patient or a patient's legal representative to possess low-THC cannabis, medical cannabis, or a cannabis delivery device and record the low-THC cannabis, medical cannabis, or cannabis delivery device dispensed. The registry must prevent an active registration of a patient by multiple physicians.

(b) Authorize the establishment of five dispensing organizations to ensure reasonable statewide accessibility and availability as necessary for patients registered in the compassionate use registry and who are ordered low-THC cannabis, medical cannabis, or a cannabis delivery device under this section, one in each of the following regions: northwest Florida, northeast Florida, central Florida, southeast Florida, and southwest Florida. The department shall develop an application form and impose an initial application and biennial renewal fee that is sufficient to cover the costs of administering this section. An applicant for approval as a dispensing organization must be able to demonstrate:

1. The technical and technological ability to cultivate and produce low-THC cannabis. The applicant must possess a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131 that is issued for the cultivation of more than 400,000 plants, be operated by a nurseryman as defined in s. 581.011, and have been operated as a registered nursery in this state for at least 30 continuous years.

2. The ability to secure the premises, resources, and personnel necessary to operate as a dispensing organization.

3. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

4. An infrastructure reasonably located to dispense low-THC cannabis to registered patients statewide or regionally as determined by the department.

5. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financials to the department. Upon approval, the applicant must post a \$5 million performance bond. However, upon a dispensing organization's serving at least 1,000 qualified patients, the dispensing organization is only required to maintain a \$2 million performance bond.

6. That all owners and managers have been fingerprinted and have successfully passed a level 2 background screening pursuant to s. 435.04.

7. The employment of a medical director to supervise the activities of the dispensing organization.

(c) Upon the registration of 250,000 active qualified patients in the compassionate use registry, approve three dispensing organizations, including, but not limited to, an applicant that is a recognized class member of *Pigford v. Glickman*, 185 F.R.D. 82 (D.D.C. 1999), or *In R*

Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011), and a member of the Black Farmers and Agriculturalists Association, which must meet the requirements of subparagraphs (b)2.-7. and demonstrate the technical and technological ability to cultivate and produce low-THC cannabis.

(d) Allow a dispensing organization to make a wholesale purchase of low-THC cannabis or medical cannabis from, or a distribution of low-THC cannabis or medical cannabis to, another dispensing organization.

(e) Monitor physician registration and ordering of low-THC cannabis, medical cannabis, or a cannabis delivery device for ordering practices that could facilitate unlawful diversion or misuse of low-THC cannabis, medical cannabis, or a cannabis delivery device and take disciplinary action as indicated.

(6) DISPENSING ORGANIZATION.—An approved dispensing organization must, at all times, maintain compliance with the criteria demonstrated for selection and approval as a dispensing organization under subsection (5) and the criteria required in this subsection.

(a) When growing low-THC cannabis or medical cannabis, a dispensing organization:

1. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

2. Must grow low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from any other plant.

3. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state, notify the Department of Agriculture and Consumer Services within 10 calendar days after a determination that a plant is infested or infected by such plant pest, and implement and maintain phytosanitary policies and procedures.

4. Must perform fumigation or treatment of plants, or the removal and destruction of infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

(b) When processing low-THC cannabis or medical cannabis, a dispensing organization must:

1. Process the low-THC cannabis or medical cannabis within an enclosed structure and in a room separate from other plants or products.

2. Test the processed low-THC cannabis and medical cannabis before they are dispensed. Results must be verified and signed by two dispensing organization employees. Before dispensing low-THC cannabis, the dispensing organization must determine that the test results indicate that the low-THC cannabis meets the definition of low-THC cannabis and, for medical cannabis and low-THC cannabis, that all medical cannabis and low-THC cannabis is safe for human consumption and free from contaminants that are unsafe for human consumption. The dispensing organization must retain records of all testing and samples of each homogenous batch of cannabis and low-THC cannabis for at least 9 months. The dispensing organization must contract with an independent testing laboratory to perform audits on the dispensing organization's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the low-THC cannabis or medical cannabis meets the requirements of this section and that the medical cannabis and low-THC cannabis is safe for human consumption.

3. Package the low-THC cannabis or medical cannabis in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

4. Package the low-THC cannabis or medical cannabis in a receptacle that has a firmly affixed and legible label stating the following information:

a. A statement that the low-THC cannabis or medical cannabis meets the requirements of subparagraph 2.;

b. The name of the dispensing organization from which the medical cannabis or low-THC cannabis originates; and

c. The batch number and harvest number from which the medical cannabis or low-THC cannabis originates.

5. Reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of testing pursuant to the audit required under subparagraph 2.

(c) When dispensing low-THC cannabis, medical cannabis, or a cannabis delivery device, a dispensing organization:

1. May not dispense more than a 45-day supply of low-THC cannabis or medical cannabis to a patient or the patient's legal representative.

2. Must have the dispensing organization's employee who dispenses the low-THC cannabis, medical cannabis, or a cannabis delivery device enter into the compassionate use registry his or her name or unique employee identifier.

3. Must verify in the compassionate use registry that a physician has ordered the low-THC cannabis, medical cannabis, or a specific type of a cannabis delivery device for the patient.

4. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes, bongs, or wrapping papers, other than a physician-ordered cannabis delivery device required for the medical use of low-THC cannabis or medical cannabis, while dispensing low-THC cannabis or medical cannabis.

5. Must verify that the patient has an active registration in the compassionate use registry, the patient or patient's legal representative holds a valid and active registration card, the order presented matches the order contents as recorded in the registry, and the order has not already been filled.

6. Must, upon dispensing the low-THC cannabis, medical cannabis, or cannabis delivery device, record in the registry the date, time, quantity, and form of low-THC cannabis or medical cannabis dispensed and the type of cannabis delivery device dispensed.

(d) To ensure the safety and security of its premises and any off-site storage facilities, and to maintain adequate controls against the diversion, theft, and loss of low-THC cannabis, medical cannabis, or cannabis delivery devices, a dispensing organization shall:

- 1.a. Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms; or
 - b. Maintain a video surveillance system that records continuously 24 hours each day and meets at least one of the following criteria:
 - (I) Cameras are fixed in a place that allows for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms;
 - (II) Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points;
 - (III) Recorded images must clearly and accurately display the time and date; or
 - (IV) Retain video surveillance recordings for a minimum of 45 days or longer upon the request of a law enforcement agency.
 2. Ensure that the organization's outdoor premises have sufficient lighting from dusk until dawn.
 3. Establish and maintain a tracking system approved by the department that traces the low-THC cannabis or medical cannabis from seed to sale. The tracking system shall include notification of key events as determined by the department, including when cannabis seeds are planted, when cannabis plants are harvested and destroyed, and when low-THC cannabis or medical cannabis is transported, sold, stolen, diverted, or lost.
 4. Not dispense from its premises low-THC cannabis, medical cannabis, or a cannabis delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver low-THC cannabis and medical cannabis to qualified patients 24 hours each day.
 5. Store low-THC cannabis or medical cannabis in a secured, locked room or a vault.
 6. Require at least two of its employees, or two employees of a security agency with whom it contracts, to be on the premises at all times.
 7. Require each employee to wear a photo identification badge at all times while on the premises.
 8. Require each visitor to wear a visitor's pass at all times while on the premises.
 9. Implement an alcohol and drug-free workplace policy.
 10. Report to local law enforcement within 24 hours after it is notified or becomes aware of the theft, diversion, or loss of low-THC cannabis or medical cannabis.
- (e) To ensure the safe transport of low-THC cannabis or medical cannabis to dispensing organization facilities, independent testing laboratories, or patients, the dispensing organization must:
1. Maintain a transportation manifest, which must be retained for at least 1 year.
 2. Ensure only vehicles in good working order are used to transport low-THC cannabis or medical cannabis.
 3. Lock low-THC cannabis or medical cannabis in a separate compartment or container within the vehicle.
 4. Require at least two persons to be in a vehicle transporting low-THC cannabis or medical cannabis, and require at least one person to remain in the vehicle while the low-THC cannabis or medical cannabis is being delivered.
 5. Provide specific safety and security training to employees transporting or delivering low-THC cannabis or medical cannabis.
- (7) DEPARTMENT AUTHORITY AND RESPONSIBILITIES.—
- (a) The department may conduct announced or unannounced inspections of dispensing organizations to determine compliance with this section or rules adopted pursuant to this section.
- (b) The department shall inspect a dispensing organization upon complaint or notice provided to the department that the dispensing organization has dispensed low-THC cannabis or medical cannabis containing any mold, bacteria, or other contaminant that may cause or has caused an adverse effect to human health or the environment.
- (c) The department shall conduct at least a biennial inspection of each dispensing organization to evaluate the dispensing organization's records, personnel, equipment, processes, security measures, sanitation practices, and quality assurance practices.
- (d) The department may enter into interagency agreements with the Department of Agriculture and Consumer Services, the Department of Business and Professional Regulation, the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Agency for Health Care Administration, and such agencies are authorized to enter into an interagency agreement with the department, to conduct inspections or perform other responsibilities assigned to the department under this section.
- (e) The department must make a list of all approved dispensing organizations and qualified ordering physicians and medical directors publicly available on its website.
- (f) The department may establish a system for issuing and renewing registration cards for patients and their legal representatives, establish the circumstances under which the cards may be revoked by or must be returned to the department, and establish fees to implement such system. The department must require, at a minimum, the registration cards to:
1. Provide the name, address, and date of birth of the patient or legal representative.
 2. Have a full-face, passport-type, color photograph of the patient or legal representative taken within the 90 days immediately preceding registration.
 3. Identify whether the cardholder is a patient or legal representative.
 4. List a unique numeric identifier for the patient or legal representative that is matched to the identifier used for such person in the department's compassionate use registry.
 5. Provide the expiration date, which shall be 1 year after the date of the physician's initial order of low-THC cannabis or medical cannabis.
 6. For the legal representative, provide the name and unique numeric identifier of the patient that the legal representative is assisting.
 7. Be resistant to counterfeiting or tampering.

- (g) The department may impose reasonable fines not to exceed \$10,000 on a dispensing organization for any of the following violations:
1. Violating this section, s. 499.0295, or department rule.
 2. Failing to maintain qualifications for approval.
 3. Endangering the health, safety, or security of a qualified patient.
 4. Improperly disclosing personal and confidential information of the qualified patient.
 5. Attempting to procure dispensing organization approval by bribery, fraudulent misrepresentation, or extortion.
 6. Being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of a dispensing organization.
 7. Making or filing a report or record that the dispensing organization knows to be false.
 8. Willfully failing to maintain a record required by this section or department rule.
 9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties.
 10. Engaging in fraud or deceit, negligence, incompetence, or misconduct in the business practices of a dispensing organization.
 11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of a dispensing organization.
 12. Having a license or the authority to engage in any regulated profession, occupation, or business that is related to the business practices of a dispensing organization suspended, revoked, or otherwise acted against by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law.
 13. Violating a lawful order of the department or an agency of the state, or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(h) The department may suspend, revoke, or refuse to renew a dispensing organization's approval if a dispensing organization commits any of the violations in paragraph (g).

(i) The department shall renew the approval of a dispensing organization biennially if the dispensing organization meets the requirements of this section and pays the biennial renewal fee.

(j) The department may adopt rules necessary to implement this section.

(8) PREEMPTION.—

(a) All matters regarding the regulation of the cultivation and processing of medical cannabis or low-THC cannabis by dispensing organizations are preempted to the state.

(b) A municipality may determine by ordinance the criteria for the number and location of, and other permitting requirements that do not conflict with state law or department rule for, dispensing facilities of dispensing organizations located within its municipal boundaries. A county may determine by ordinance the criteria for the number, location, and other permitting requirements that do not conflict with state law or department rule for all dispensing facilities of dispensing organizations located within the unincorporated areas of that county.

(9) EXCEPTIONS TO OTHER LAWS.—

(a) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, a qualified patient and the qualified patient's legal representative may purchase and possess for the patient's medical use up to the amount of low-THC cannabis or medical cannabis ordered for the patient, but not more than a 45-day supply, and a cannabis delivery device ordered for the patient.

(b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved dispensing organization and its owners, managers, and employees may manufacture, possess, sell, deliver, distribute, dispense, and lawfully dispose of reasonable quantities, as established by department rule, of low-THC cannabis, medical cannabis, or a cannabis delivery device. For purposes of this subsection, the terms "manufacture," "possession," "deliver," "distribute," and "dispense" have the same meanings as provided in s. 893.02.

(c) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, an approved independent testing laboratory may possess, test, transport, and lawfully dispose of low-THC cannabis or medical cannabis as provided by department rule.

(d) An approved dispensing organization and its owners, managers, and employees are not subject to licensure or regulation under chapter 465 or chapter 499 for manufacturing, possessing, selling, delivering, distributing, dispensing, or lawfully disposing of reasonable quantities, as established by department rule, of low-THC cannabis, medical cannabis, or a cannabis delivery device.

(e) An approved dispensing organization that continues to meet the requirements for approval is presumed to be registered with the department and to meet the regulations adopted by the department or its successor agency for the purpose of dispensing medical cannabis or low-THC cannabis under Florida law. Additionally, the authority provided to a dispensing organization in s. 499.0295 does not impair the approval of a dispensing organization.

(f) This subsection does not exempt a person from prosecution for a criminal offense related to impairment or intoxication resulting from the medical use of low-THC cannabis or medical cannabis or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

B. Section 16, ch. 2025-199, provides that "[t]he amendments to subsection (1) of section 14 of chapter 2017-232, Laws of Florida, made by this act expire January 1, 2026, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section." Effective January 1, 2026, s. 14(1), ch. 2017-232, as amended by s. 16, ch. 2025-199, will read:

"(1) EMERGENCY RULEMAKING.—

“(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, if this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

“(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(a), Florida Statutes, if the department or the applicable boards have, before [June 23, 2017], held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.

“(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. By January 1, 2018, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after January 1, 2018, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.”

²**Note.**—Section 17, ch. 2025-114, provides that “[e]xcept as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, or, if this act fails to become a law until after June 1, 2025, it shall take effect upon becoming a law and shall operate retroactively to June 1, 2025, this act shall take effect July 1, 2025.”

³**Note.**—Section 14, ch. 2025-199, amended subsection (17) “[i]n order to implement Specific Appropriations 461 through 469A of the 2025-2026 General Appropriations Act.”



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Rick Gierok, Interim City Manager

DATE: April 16, 2026

RE: Explanation of Ordinances Numbers 2026-14, 2026-15, and 2026-16 for Annexation, Comprehensive Plan Amendment for Future Land Use, and Design District Assignment of Parcel with Alternate Key Number 1307104

First Reading of Ordinance Number 2026-14: Voluntary Annexation of Parcels with Alternate Key Number 1307104

Introduction:

Ordinance Number 2026-14 provides for the voluntary annexation of approximately 18.03 acres located at 1539 N State Road 19 (Alternate Key Number 1307104). Provided the annexation of the subject property is approved, Ordinance Number 2026-15 would change the Future Land Use designation from Urban Medium in Lake County to Urban Residential (UR) in the City of Eustis, and Ordinance Number 2026-16 would assign the subject property a Design District designation of Suburban Neighborhood. If Ordinance Number 2026-14 is denied, then there can be no consideration of Ordinance Numbers 2026-15 and 2026-16.

Background:

1. The site contains approximately 18.03 acres and is located within the Eustis Joint Planning Area. The site is currently vacant.
2. The subject property is contiguous to the current City of Eustis boundary on all sides. (The site is an enclave property.)
3. The site has a Lake County Future Land Use Designation of Urban Medium, but approval of Ordinance Number 2026-15 would change the land use designation to Urban Residential (UR) in the City of Eustis.

Location	Existing Use	Future Land Use	Design District
Site	Vacant	Urban Medium (Lake County)	N/A
North	Single-family/Mobile Homes	Mixed Commercial Residential (MCR)/Mobile Home/RV (MH/RV)	Suburban Neighborhood
South	Vacant/Conservation	Conservation (CON)	Urban Corridor
East	Trout Lake/Mobile home park	Conservation/Mobile Home/RV (MH/RV)	Suburban Neighborhood
West	SR/Vacant/Place of Worship	Mixed Commercial Residential (MCR)	Suburban Corridor

Legend
 City Boundary
 A-2026-03

Seidel Holdings, LLC
 Aerial Location

Legend
 City Boundary
 City Boundary
 A-2026-03

Seidel Holdings, LLC
 Location

Applicant's Request

The applicant and property owner wish to annex the property, change the future land use to **Urban Residential (UR)**, and assign a design district of Suburban Neighborhood. The applicant's application request is to accommodate the development of the site for townhomes.

The current Lake County land use designation for the subject property is Urban Medium. The Lake County land use designation allows for residential uses of up to four (4) dwelling units per one (1) net buildable acre and civic, institutional, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use.

The proposed Urban Residential (UR) land use designation within the City of Eustis provides for residential development up to twelve (12) dwelling units per acre.

A. Analysis of Annexation Request (**Ordinance Number 2026-14**)

1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:

"The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.....The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area."

The subject property is located within the Joint Planning Area and is an enclave. Urban services of adequate capacity are available to serve future development, consistent with the requested UR future land use designation.

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):

"The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."

The Joint Planning Area boundaries define the reasonably compact area where the City can provide services effectively and efficiently. The subject property lies within that planning area. It is contiguous to the City limits on all sides, and the owner has petitioned for annexation.

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):

"...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town..."

The department published notice of this annexation in the Daily Commercial in accordance with the requirements on April 6, 2026, and again on April 13, 2026.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):

"Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves."

Annexation of the subject property does not create an enclave. Rather, it reduces an enclave.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):

“Not fewer than 10 days prior to publishing or posting the ordinance notice required in subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located...”

The department notified the Lake County Board of County Commissioners on March 27, 2026.

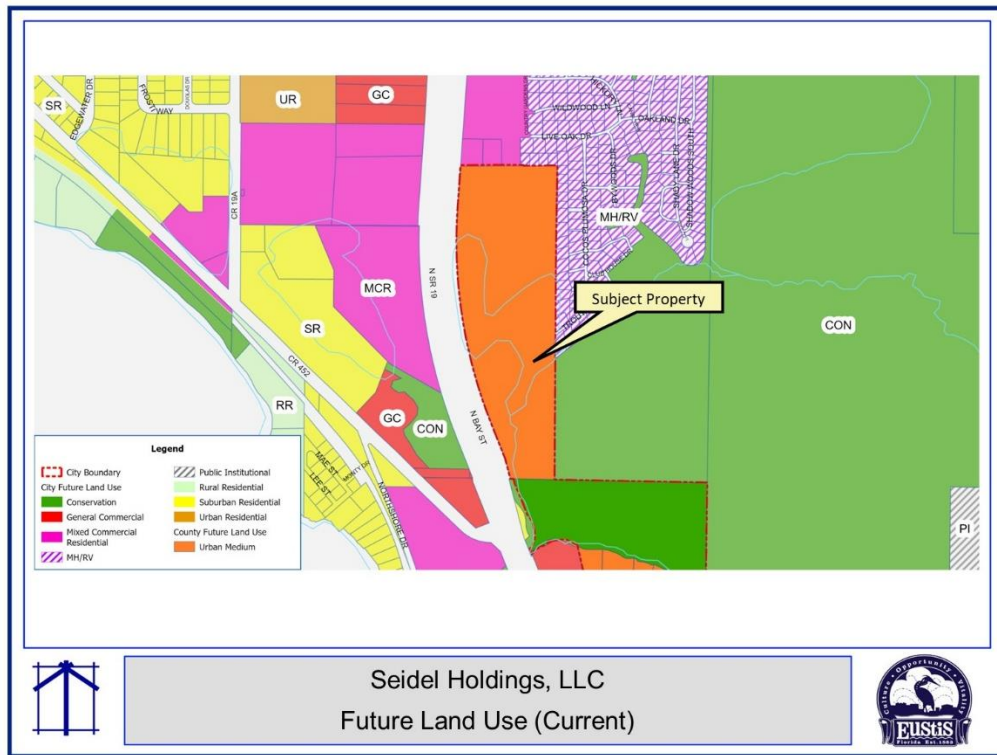
B. Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 2026-15)

In Accordance with Florida Statutes Chapter 163.3177.9, to discourage urban sprawl, the Florida Statutes outlines the Primary Indicators of Sprawl. Staff has reviewed these indicators and finds that the proposed annexation and assignment of Future Land Use does not contradict the intent of the primary indicators of sprawl as outlined. The outline and summary of these indicators are included in the supplement to this report.

C. Per the City of Eustis Comprehensive Plan, Future Land Use Element Appendix

Staff has assessed the proposed amendment to the City of Eustis Comprehensive Plan Future Land Use map relating to the development patterns described and supported within the Plan, including conditions and impacts to utility infrastructure, transportation infrastructure, natural features, and the environment. Staff review finds that the proposed assignment of the Urban Residential (UR) future land use will not result in impacts that will cause detriment beyond current patterns. The outline and summary of this analysis are included as a supplement to this report.





D. Analysis of Design District Request (Ordinance Number 2026-16):

The City’s Land Development Regulations are a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban, or rural transect consistent with the surrounding area.

The City’s Land Development Regulations set forth standards for review when changing or in the case of annexation, assigning a Design District. Staff have reviewed these standards and finds the proposed Suburban Neighborhood Design District consistent with those standards. The outline and summary of this analysis are included as a supplement to this report.

Recommended Action:

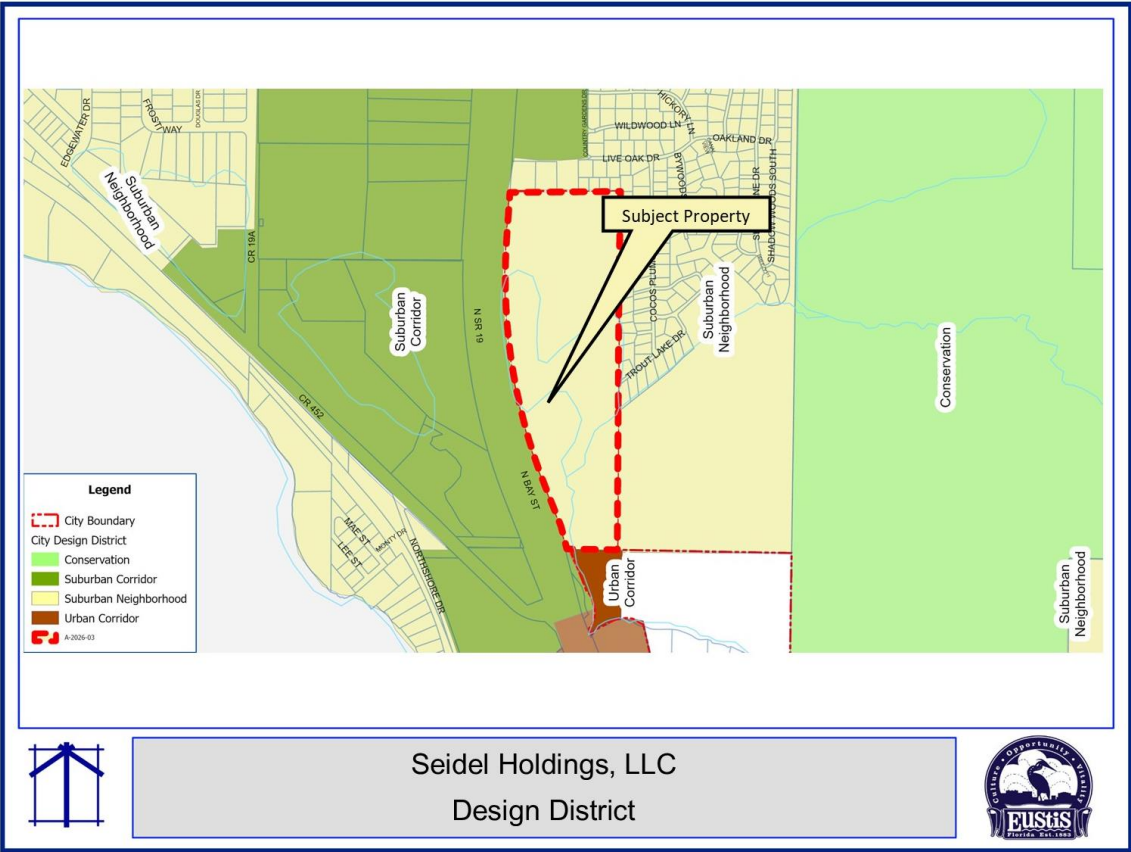
Development Services finds the proposed annexation, Future Land Use, and Design District designations consistent with the Comprehensive Plan, Land Development Regulations, and surrounding and adjacent land uses; therefore, it recommends approval of Ordinance Numbers 2026-14, 2026-15, and 2026-16.

Policy Implications:

None

Alternatives:

1. Approve Ordinance Numbers 2026-14 (Annexation), 2026-15 (Comp. Plan Amendment), and/or 2026-16 (Design District Designation).
2. Deny Ordinance Numbers 2026-14, 2026-15, and 2026-16.



Budget/Staff Impact:

There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

Business Impact Estimate:

The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinances: Section 166.041(4)(c): ...enacted to implement comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.

Prepared By:

Kyle Wilkes, AICP, Senior Planner, Development Services

Reviewed By:

Jeff Richardson, AICP, Deputy Director, Development Services
Mike Lane, AICP, Development Services Director
Miranda Burrowes, Deputy City Manager

ORDINANCE NUMBER 2026-14

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS,
FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 18.03 ACRES
OF REAL PROPERTY AT LAKE COUNTY PROPERTY APPRAISER'S
ALTERNATE KEY NUMBER 1307104, GENERALLY LOCATED AT 1539 N
STATE ROAD 19.**

WHEREAS, Michael Rankin has made an application for voluntary annexation, on behalf of Seidel Holdings LLC, the property owner, for approximately 18.03 acres of real property located at 1539 N State Road 19, more particularly described as:

Parcel Alternate Key: 1307104

Parcel Identification Numbers: 02-19-26-0002-000-00300

Legal Description:

Begin at a point 1056.0 feet South of the Northwest corner of Government Lot 3 in Section 2, Township 19 South, Range 26 East, Lake County, Florida for a point of beginning thence run East 439.56 feet; thence run South 222.0 feet thence run South 1229.24 feet; thence run West 439.56 feet; thence run North 1659.24 feet more or less to the point of beginning less the right of way for State Road 19.

And

Beginning at a point 1056 feet South and 439.56 feet East of the Northwest corner of Government Lot 3 in Section 2, Township 19 South, Range 26 East, run thence South 220 feet for the Point of Beginning for this tract; thence run West 210 feet, South 210 feet, East 210, North 210 feet to the Point of Beginning.

And

Begin at point on the West Boundary of Government Lot 3, 1056' South of the Northwest corner of said Lot. Thence S00°04'33" W along said West Boundary of said Lot and along its Southern Extension, a distance of 1171.36' to the intersection with the Easterly Right of Way line of State Road 19, Thence Northerly along said Right of Way line through a curve to the right having a radius of 2732.93' an Arc distance of 961.52' to a point of tangency, Thence N 03°35'54" E, continuing along said Right of Way line a distance of 221.42' to a point being 1056' South of the North Boundary of said Section 2. Thence S89°57'06" E a distance of 95.62' to the Point of Beginning. Lying and being in Section 2, Township 19 South, Range 26 East, Lake County, Florida.

(The foregoing legal description was copied from the Applicant's submitted survey and has not been verified for accuracy)

WHEREAS, the subject property is reasonably compact and contiguous; and

WHEREAS, the annexation of this property will not result in the creation of enclaves;
and

WHEREAS, the subject property is located within the City of Eustis Planning Area, and water and sewer service is available to the property; and

WHEREAS, on April 16, 2026, the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on May 7, 2026, the City Commission held the 2nd Public Hearing to consider the voluntary annexation of the property contained herein.

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 18.03 acres of real property, as described above.

A map depicting the location of the annexed property described above is attached hereto as Exhibit "A".

SECTION 2.

That the Director of Development Services shall be authorized to amend the City of Eustis Boundary Map to incorporate the change described in Section 1.

SECTION 3.

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

SECTION 5.

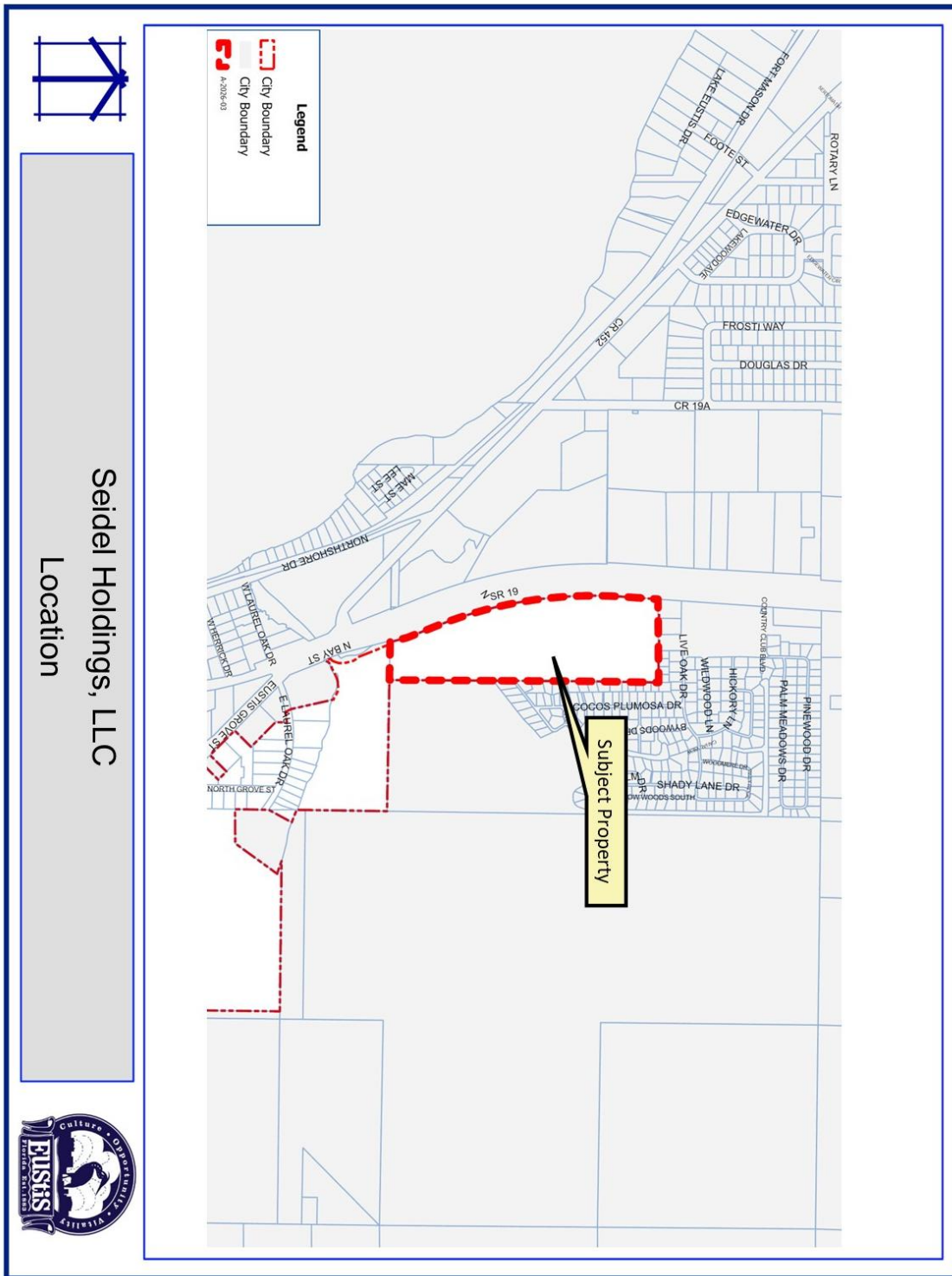
That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

CERTIFICATE OF POSTING

The foregoing Ordinance Number 2026-14 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EXHIBIT A



Business Impact Estimate Eligibility Form

Section 166.041(4), Florida Statutes

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Eustis' website by the time notice of the proposed ordinance is published.

This form simply assists in determining whether a Business Impact Estimate must be completed under Florida law for the proposed ordinance. Should a Business Impact Estimate be required or should the City opt to provide one as a courtesy based on the selection below then a separate form with the statutory components of Section 166.041(4)(a) shall also accompany the proposed ordinance.

Ordinance Number	2026-14
Ordinance Subject	Annexation A-2026-0003
Legal Advertising Date	April 6, 2026
First Reading On	4/16/2026
Second Reading On	5/7/2026

Ordinance Title

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 18.03 ACRES OF REAL PROPERTY AT LAKE COUNTY PROPERTY APPRAISER'S ALTERNATE KEY NUMBER 1307104, GENERALLY LOCATED AT 1539 N STATE ROAD 19.

Based on the City's review of the proposed ordinance (must select one of the following):

- The City has determined the statutory exemption identified below applies to the proposed ordinance; a Business Impact Estimate is NOT required and therefore not provided.
- The City has determined the statutory exemption identified below applies to the proposed ordinance; however, the City has prepared the Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate in accordance with section 166.041(4), Florida Statutes.

Exemptions

The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinance:

Section 166.041 (4)(c) exemption: It is enacted to implement comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.

Analysis of Comprehensive Plan/Future Land Use Request (**Ordinance Number 2026-15**)

In Accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl: Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

The proposed land use will accommodate higher density residential development along a major corridor and promote a mixture of housing types within the city.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The area is a roadway, near a major intersection, in an urbanizing/suburbanizing area.

3. Strip or Isolated Development:

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

This indicator does not apply. The site is within an urbanizing corridor with commercial uses to the west and residential development to the north.

4. Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

Any development will need to comply with Land Development Regulations (and other regulations) as it relates to environmental and wetland protection.

5. Agricultural Area Protection:

Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This property does not support active agricultural or silvicultural activities, and the property is within an existing developed and further developing area, with similar and compatible land uses assigned.

6. Public Facilities:

Fails to maximize use of existing public facilities and services.

This indicator does not apply. City water is available to the property. Development of this parcel will maximize the use and efficiency of the City's water service. City Sewer is not available to the property and will be addressed via the site development process.

7. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing that disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve the existing and future development consistent with the requested Urban Residential (UR) future land use designation. The City provides these services to other properties in the area, so efficiency will improve.



8. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. No other nearby properties contain active agricultural activities or uses. The surrounding area is developed or has development entitlements attached to the land. These developments have densities and intensities that are clearly urban and suburban uses.

9. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply. This property is a logical extension of development for the city and fills in an existing enclave.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. The site is adjacent to residential uses to the north, which is consistent with permitted uses in the area. A variety of other uses are evident, including various other residential, commercial, and worship uses within 1 mile of the subject property.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The Land Development Regulations include provisions to provide adequate accessibility and linkages between related uses. Development Services will ensure compliance with these standards at the time of development review.

12. Open Space:

Results in the loss of significant amounts of functional open space.

The site does contain some open space and connection to regional open space (Trout Lake). Staff will ensure connections with this open space during the land development process.

13. Urban Sprawl:

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. Direction of Growth:

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The site is adjacent to existing urban/suburban development patterns and is a logical extension of the urban development boundary. The

Comprehensive Plan and Land Development Regulations have provisions to protect natural resources and ecosystems at time of site plan approval.

- b. Efficient and Cost-Effective Services:
Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Water and sewer service are available.

- c. Walkable and Connected Communities:
Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

At the time of development, the site must meet the City's Land Development Regulations relating to connection and sidewalks. State Road 19 currently has a sidewalk along both sides of the roadway, allowing for pedestrian and non-motorized vehicular connectivity to surrounding uses and open space.

- d. Water and Energy Conservation:
Promotes the conservation of water and energy.

The development of the site must meet City development and Florida Building Code standards, which will require energy and water-efficient appliances.

- e. Agricultural Preservation:
Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Not applicable; The site is within an existing developed/developing area.

- f. Open Space:
Preserves open space and natural lands and provides for public open space and recreation needs.

Staff will ensure that required recreational needs and connection to adjacent open space is provided during the land development process.

- g. Balance of Land Uses:
Creates a balance of land uses based upon the demands of the residential population for the nonresidential needs of an area.

The proposed land use would allow for additional residential options within an urbanizing area of the city.

- h. Urban Form Densities and Intensities:
Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. [163.3164](#).

Not applicable.

In Accordance with the Comprehensive Plan Future Land Use Element Appendix:

All applications for a Plan amendment relating to the development patterns described and supported within the Plan including, but not limited to, site specific applications for changes in land use designations, are presumed to involve a legislative function of local government which, if approved, would be by legislative act of the City and shall, therefore, be evaluated based upon the numerous generally acceptable planning, timing, compatibility, and public facility considerations detailed or inferred in the policies of the Plan. Each application for an amendment to the Map #1: 2035 Future Land Use Map by changing the land use designation assigned to a parcel of property shall also be reviewed to determine and assess any significant impacts to the policy structure on the Comprehensive Plan of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

Major Categories of Plan Policies:

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the major categories of Plan policies as follows:

1. General Public Facilities/Services:

Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation if and when available, sanitary sewer, schools, solid waste, stormwater, and the transportation network.

- a. Emergency Services Analysis:
Eustis emergency services already provide emergency response to other properties in the area. Any development consistent with the Urban Residential (UR) future land use designation would not have a significant negative impact on the operations of Eustis emergency services.
- b. Parks & Recreation:
In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The results show that a surplus of park area exists up to and beyond the City's population of 20,015. The current population is 24,500. Pursuant to comprehensive plan policy and Land Development Regulation, residential development will be required to provide on-site park amenities.
- c. Potable Water & Sanitary Sewer:
Water is available to the subject property. Water systems have adequate capacity to meet the proposed development needs. Sanitary sewer is not adjacent to the site, but this will be evaluated at time of the site development process.
- d. Schools:
The proposed change should not negatively impact schools. At the time of development application verification of capacity will be required from Lake County Schools.
- e. Solid Waste:
The City contracts with Waste Management for the hauling of solid waste. The company already services properties in the general area of the subject property. Serving this property will increase efficiency in the delivery of services.
- f. Stormwater:
The Comprehensive Plan and Land Development Regulations include the level of service standards to which new development must adhere. Projects designed to meet these standards will not negatively affect the existing facilities and services.
- g. Transportation Network Analysis:
This potential added residential development will be evaluated at the time a development plan is submitted. At this time, the adjacent transportation network (SR 19) has the capacity to serve the proposed UR land use. Future improvements will depend on the ultimate buildout intensity and specific residential uses. Prior to the development of the property, site

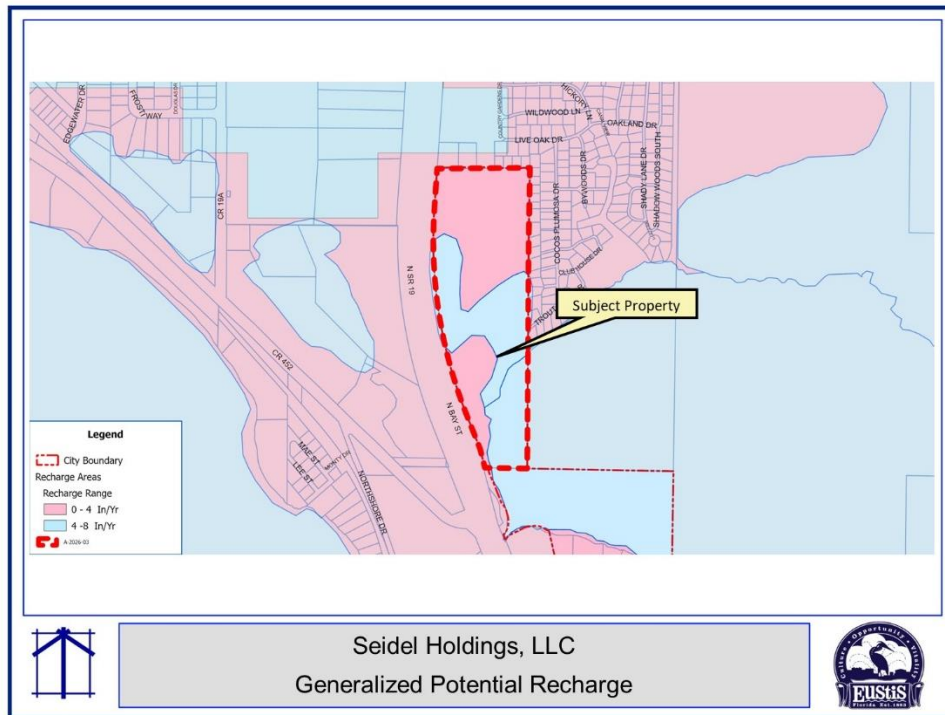
plan approval amongst other approvals will be required. As part of the site plan review, a traffic study will be required to evaluate traffic impacts.

2. Natural Resources/Natural Features:

The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and the demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

a. Groundwater recharge areas:

Portions of the site may be within a high recharge area; a site-specific geotechnical and hydrologic study will be needed to determine the site-specific impact at the time of development. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map.



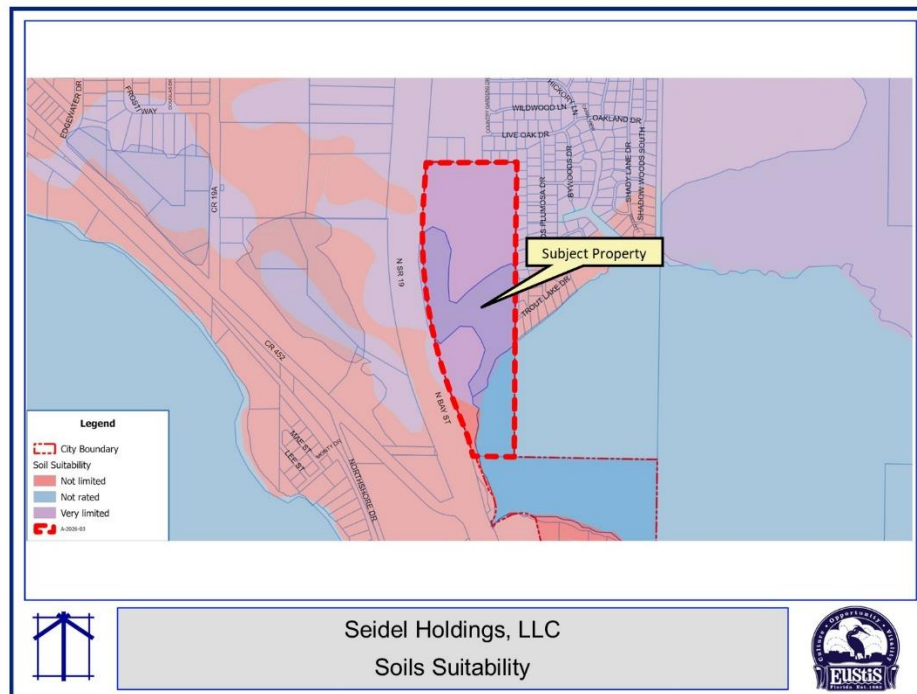
b. Historical or archaeological sites:

The City does not have any record of Florida Master Site Files related to this property, and no known historical or cultural resources exist.

d. *Soil and topography:*

The soils appear to have limitations for development. At the development application stage, soils and geotechnical reports will be required as part of the application packages as well as for permitting for development with the applicable state agencies.

As site plan and building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should conditions at the time of development warrant such protection.



3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the compatibility of the use, intensity, location, and timing of the proposed amendment.

Existing Land Use According to the Lake County Comprehensive Plan:

“The Urban Medium Density Future Land Use Category provides for a range of residential development at a maximum density of seven (7) dwelling units per one (1) net buildable acre, in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use, unless permitted as an Economic Development Overlay District use.

This category shall be located on or in close proximity to major collectors and arterial roadways to minimize traffic on local and minor collector roadways and to provide convenient access to transit facilities. This category may serve as an effective transition between more intense and less intense urban land uses. Within this category any residential development in excess of 10 dwelling units shall be required to provide a minimum 20% of the net buildable area of the entire site as common open space.

The maximum intensity in this category shall be 0.35, except for civic uses and Economic Development Overlay District uses, which shall be 0.50. The maximum Impervious Surface Ratio shall be 0.70.

Proposed Land Use According to the Eustis Comprehensive Plan:

Urban Residential

(UR)

The UR designation is intended to provide higher density residential options for the areas near the Downtown Core of the City.

General Range of Uses: includes single family detached, patio home, townhouse dwellings, and apartments. Additional uses include adult congregate living facilities (ALF), other group housing facilities, manufactured residential dwelling units, limited neighborhood commercial uses, parks and recreation facilities, and schools. Public and utility services and facilities that are 2 acres or less in size are also permitted.

Maximum Density: Urban residential densities may be developed at a minimum of 6 dwelling units per net buildable acre up to a maximum of 12 dwelling units per net buildable acre, except where existing conditions require a density less than 6 dwelling units per net buildable acre.

Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the property is Urban Medium, which provides for a range of residential development in addition to civic, commercial and office uses at an appropriate scale and intensity to serve this category. Allowable density and intensity in Urban Medium are a maximum of 7 dwelling units per acre and a maximum intensity of 0.35 floor area ratio, with the sum of residential density and non-residential intensity not exceeding 100%.

Residential: Lake County limits residential development to 7 du/acre, while the City of Eustis Urban Residential (UR) allows for a maximum density of 7 dwelling units per acre, as well as adult congregate living (ALF) and limited neighborhood commercial uses, parks and recreation, and schools.

Proposed Residential Land Uses.

The City shall limit these uses adjacent to incompatible commercial or industrial lands unless sufficient mitigation, such as buffering and setbacks, is provided and available, which lessens the impact to the proposed residences.

Not applicable.

Proposed Non-Residential Land Uses.

The City shall generally not permit new industrial uses to be located adjacent to existing or planned residentially designated areas.

The proposed future land use does not allow for industrial-type uses that may be incompatible with existing residential uses. Through the site development process, each project is evaluated, and the appropriate land development regulations are applied to mitigate potential incompatibility.

1. Transportation:

Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

This potential added residential development will be evaluated at the time a development plan is submitted. At this time, the adjacent transportation network (SR 19) has the capacity to serve the proposed UR land use. Future improvements will depend on the ultimate buildout intensity and specific residential uses. Prior to the development of the property, site plan approval amongst other approvals will be required. As part of the site plan review, a traffic study will be required to evaluate traffic impacts.

2. Water Supply:

Each application for a land use designation amendment will be required to demonstrate that adequate water supplies and associated public facilities are (or will be) available to meet the projected growth demands.

City water service and other services are available. The City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available.

In Accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. *Consistent with Comprehensive Plan:*

Whether the proposed amendment is consistent with all expressed policies the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan.

b. *In Conflict with Land Development Regulations:*

Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations. At the time of development, there will be further review for compliance.

c. *Inconsistent with Surrounding Uses:*

Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

The area has a mixture of uses, including existing single-family and mobile home residential uses to the north. The Urban Residential FLU would not be inconsistent for the area.

d. *Changed Conditions:*

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. Upon annexation, the subject property will have a full array of municipal services, including central water. These changed conditions warrant a change in the land use designation.

e. *Demand on Public Facilities:*

Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

City water and sewer services are available and, in close proximity to the site. Adequate capacity is available to serve future development consistent with the requested future land use designation.

Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.

f. *Impact on Environment:*

Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The site is adjacent to significant open space and staff have been in discussions with the applicant to ensure preservation of needed open space and connectivity to open space during the site development process.

g. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The site is contiguous to the City limits. The annexation would create a logical development pattern as it extends the City limits to a more natural boundary in this area and fill in an existing enclave.

h. Public Interest and Intent of Regulations:

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the city's comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and lifestyle.”

The requested designation of UR land use will provide for orderly growth and development. This designation would advance the public interest by potentially providing additional residential options, and the application of the LDRs to future development will ensure consistency with the community character and lifestyle of the city.

i. *Other Matters:*

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

ORDINANCE NUMBER 2026-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 18.03 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBER 1307104, LOCATED AT 1539 N STATE ROAD 19 FROM LAKE COUNTY URBAN MEDIUM TO CITY OF EUSTIS URBAN RESIDENTIAL.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, the State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 18.03 acres of real property located at 1539 N State Road 19; and

WHEREAS, on April 16, 2026, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on April 16, 2026, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on May 7, 2026, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small Scale Future Land Use Amendment contained herein;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Urban Medium in Lake County to **Urban Residential (UR)** within the City of Eustis:

Parcel Alternate Key: 1307104

Parcel Identification Numbers: 02-19-26-0002-000-00300

Legal Description:

Begin at a point 1056.0 feet South of the Northwest corner of Government Lot 3 in Section 2, Township 19 South, Range 26 East, Lake County, Florida for a point of beginning thence run

East 439.56 feet; thence run South 222.0 feet thence run South 1229.24 feet; thence run West 439.56 feet; thence run North 1659.24 feet more or less to the point of beginning less the right of way for State Road 19.

And

Beginning at a point 1056 feet South and 439.56 feet East of the Northwest corner of Government Lot 3 in Section 2, Township 19 South, Range 26 East, run thence South 220 feet for the Point of Beginning for this tract; thence run West 210 feet, South 210 feet, East 210, North 210 feet to the Point of Beginning.

And

Begin at point on the West Boundary of Government Lot 3, 1056' South of the Northwest corner of said Lot. Thence S00°04'33" W along said West Boundary of said Lot and along its Southern Extension, a distance of 1171.36' to the intersection with the Easterly Right of Way line of State Road 19, Thence Northerly along said Right of Way line through a curve to the right having a radius of 2732.93' an Arc distance of 961.52' to a point of tangency, Thence N 03°35'54" E, continuing along said Right of Way line a distance of 221.42' to a point being 1056' South of the North Boundary of said Section 2. Thence S89°57'06" E a distance of 95.62' to the Point of Beginning. Lying and being in Section 2, Township 19 South, Range 26 East, Lake County, Florida.

(THE FOREGOING LEGAL DESCRIPTION WAS COPIED FROM THE APPLICANT'S SUBMITTED SURVEY AND HAS NOT BEEN VERIFIED FOR ACCURACY)

SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

Conflict: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

Severability: That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 5.

Effective Date: That the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Commerce notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Commerce or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the

Administration Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Commerce.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 7th day of May 2026.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 7th day of May 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public-State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY’S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission; however, I have not performed an independent title examination to verify the accuracy of the legal description.

City Attorney’s Office

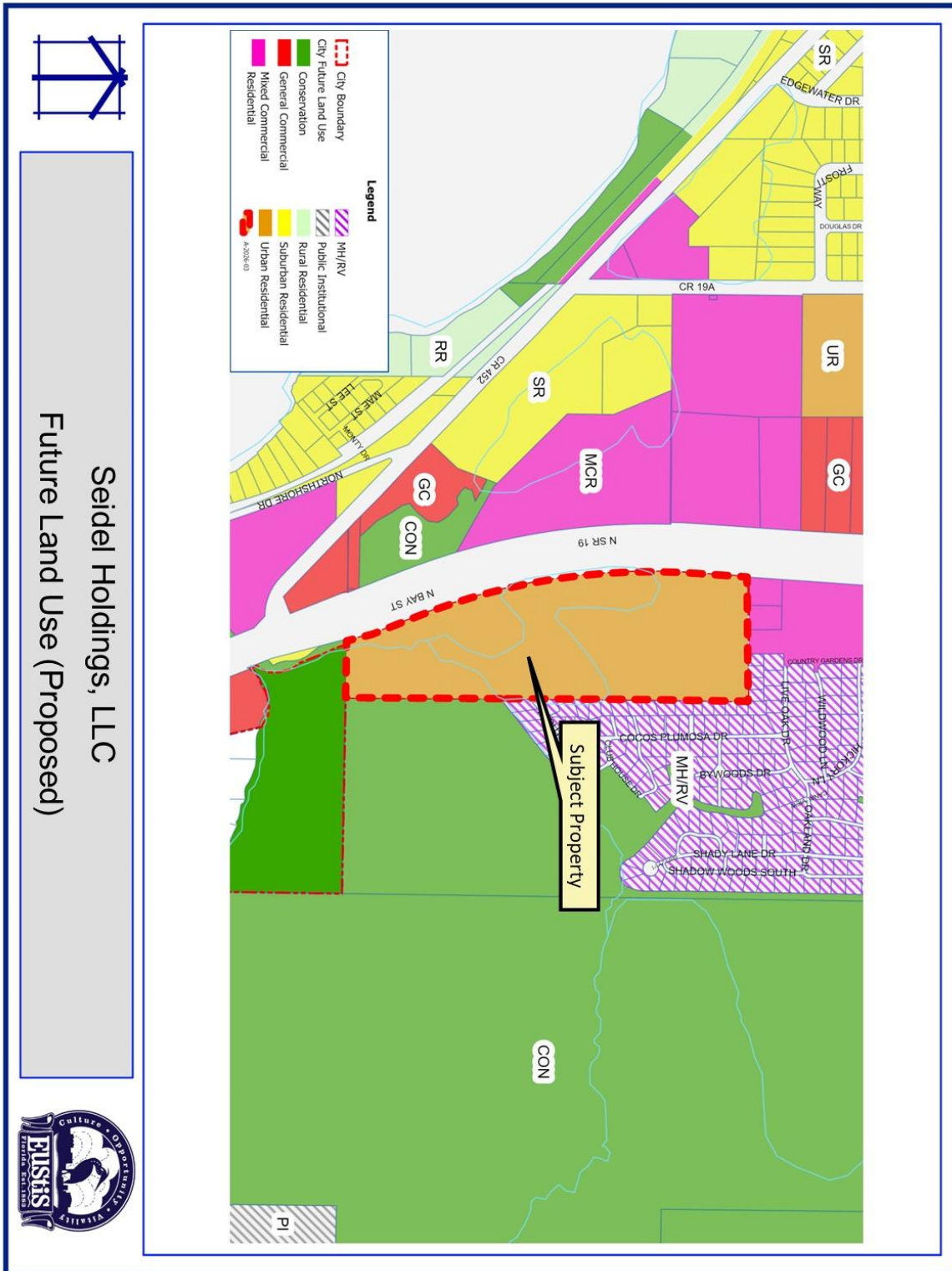
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 2026-15 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Exhibit A



Business Impact Estimate Eligibility Form

Section 166.041(4), Florida Statutes

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Eustis' website by the time notice of the proposed ordinance is published.

This form simply assists in determining whether a Business Impact Estimate must be completed under Florida law for the proposed ordinance. Should a Business Impact Estimate be required or should the City opt to provide one as a courtesy based on the selection below then a separate form with the statutory components of Section 166.041(4)(a) shall also accompany the proposed ordinance.

Ordinance Number	2026-15
Ordinance Subject	Future Land Use Map Amendment A-2026-0003
Legal Advertising Date	April 6, 2026
First Reading On	4/16/2026
Second Reading On	5/7/2026

Ordinance Title

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 18.03 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBER 1307104, LOCATED AT 1539 N STATE ROAD 19 FROM LAKE COUNTY URBAN MEDIUM TO CITY OF EUSTIS URBAN RESIDENTIAL

Based on the City's review of the proposed ordinance (*must select one of the following*):

- The City has determined the statutory exemption identified below applies to the proposed ordinance; a Business Impact Estimate is NOT required and therefore not provided.
- The City has determined the statutory exemption identified below applies to the proposed ordinance; however, the City has prepared the Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate in accordance with section 166.041(4), Florida Statutes.

Exemptions

The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinance:

Section 166.041 (4)(c) exemption: It is enacted to implement comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.



ORDINANCE NUMBER 2026-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 18.03 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBER 1307104, LOCATED AT 1539 N STATE ROAD 19.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Neighborhood to approximately 18.03 acres of recently annexed real property further described below, and

WHEREAS, on April 16, 2026, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on May 7, 2026, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

Section 1. Design District Designation

That the Design District Designation of the real property described below and shown on Exhibit A shall be Suburban Neighborhood:

Parcel Alternate Key: 1307104

Parcel Identification Numbers: 02-19-26-0002-000-00300

Legal Description:

Begin at a point 1056.0 feet South of the Northwest corner of Government Lot 3 in Section 2, Township 19 South, Range 26 East, Lake County, Florida for a point of beginning thence run East 439.56 feet; thence run South 222.0 feet thence run South 1229.24 feet; thence run West 439.56 feet; thence run North 1659.24 feet more or less to the point of beginning less the right of way for State Road 19.

And

Beginning at a point 1056 feet South and 439.56 feet East of the Northwest corner of Government Lot 3 in Section 2, Township 19 South, Range 26 East, run thence South 220 feet for the Point of Beginning for this tract; thence run West 210 feet, South 210 feet, East 210, North 210 feet to the Point of Beginning.

And

Begin at point on the West Boundary of Government Lot 3, 1056' South of the Northwest corner of said Lot. Thence S00°04'33" W along said West Boundary of said Lot and along its Southern Extension, a distance of 1171.36' to the intersection with the Easterly Right of Way line of State Road 19, Thence Northerly along said Right of Way line through a curve to the right having a radius of 2732.93' an Arc distance of 961.52' to a point of tangency, Thence N 03°35'54" E, continuing along said Right of Way line a distance of 221.42' to a point being 1056' South of the North Boundary of said Section 2. Thence S89°57'06" E a distance of 95.62' to the Point of Beginning. Lying and being in Section 2, Township 19 South, Range 26 East, Lake County, Florida.

(The foregoing legal description was copied from the Applicant's submitted survey and has not been verified for accuracy)

Section 2. Map Amendment

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

Section 3. Conflict

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability

That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 5. Effective Date

That this Ordinance shall become effective upon the annexation of the subject property through approval of Ordinance Number 2026-14.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 7th day of May 2026.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 7th day of May 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public-State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY’S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission; however, I have not performed an independent title examination to verify the accuracy of the legal description.

City Attorney’s Office

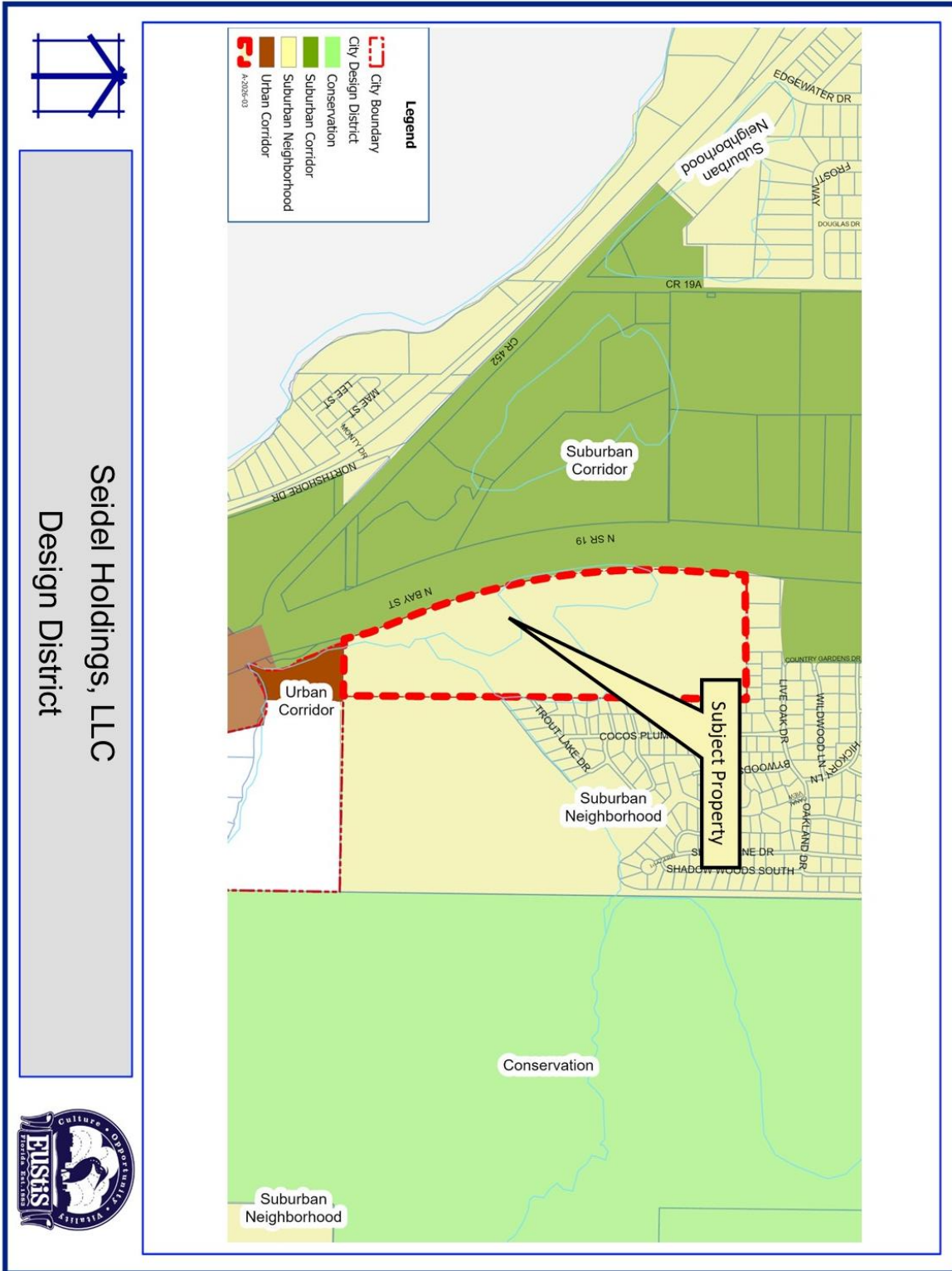
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 2026-16 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EXHIBIT A



Seidel Holdings, LLC
Design District



Business Impact Estimate Eligibility Form

Section 166.041(4), Florida Statutes

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Eustis' website by the time notice of the proposed ordinance is published.

This form simply assists in determining whether a Business Impact Estimate must be completed under Florida law for the proposed ordinance. Should a Business Impact Estimate be required or should the City opt to provide one as a courtesy based on the selection below then a separate form with the statutory components of Section 166.041(4)(a) shall also accompany the proposed ordinance.

Ordinance Number	2026-16
Ordinance Subject	Design District Map Amendment A-2026-0005
Legal Advertising Date	April 6, 2026
First Reading On	4/16/2026
Second Reading On	5/7/2026

Ordinance Title

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 18.03 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBER 1307104, LOCATED AT 1539 N STATE ROAD 19.

Based on the City's review of the proposed ordinance (*must select one of the following*):

- The City has determined the statutory exemption identified below applies to the proposed ordinance; a Business Impact Estimate is NOT required and therefore not provided.
- The City has determined the statutory exemption identified below applies to the proposed ordinance; however, the City has prepared the Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate in accordance with section 166.041(4), Florida Statutes.

Exemptions

The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinance:

Section 166.041 (4)(c) exemption: It is enacted to implement comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.





City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission
 FROM: Rick Gierok, Interim City Manager
 DATE: April 16, 2026
 RE: First Reading of Ordinance Number 2026-19: Consideration of Comprehensive Plan Amendment for Parcel Alternate Key 1761310

Introduction:

Ordinance Number 2026-19 provides for a Comprehensive Plan Amendment (future land use map amendment for approximately 0.2 acres, located at 1430 Morin Street (Alternate Key Number 1761310).

The request is to change the future land use designation from Suburban Residential (SR) to Residential/Office Transition (RT) to accommodate an existing non-residential use that has been at the site for numerous years and is considered a legal, non-conforming use. The site is currently used as a beauty/hair salon. Amending the future land use to RT would rectify the current non-conformity and allow a structure and site to continue operating as the current use, or similar uses permitted in the RT district.

Background:

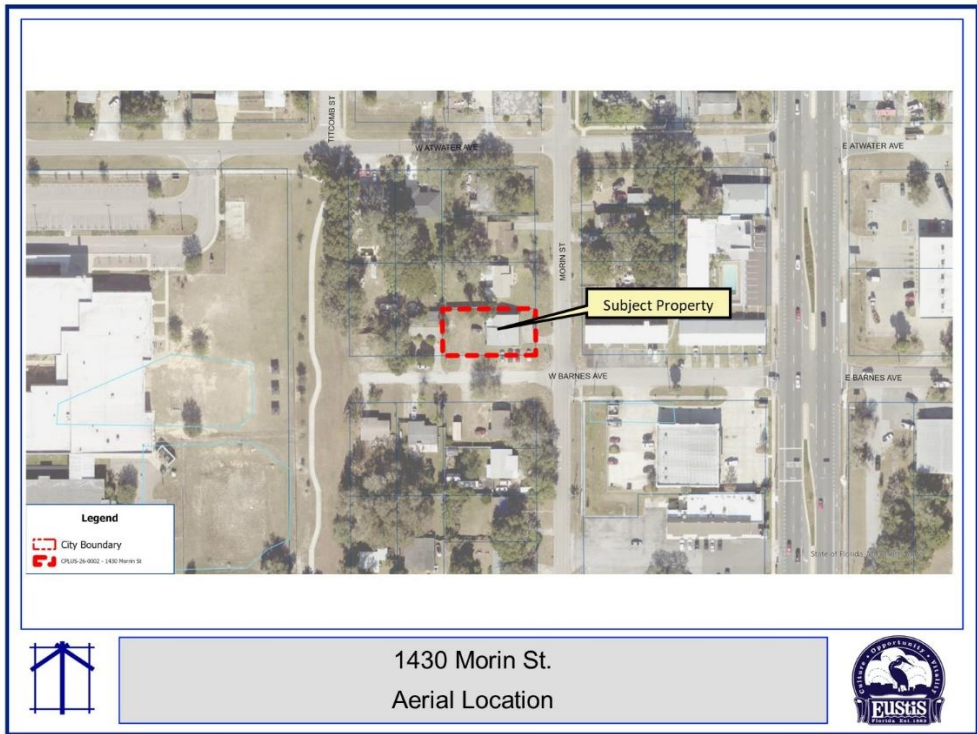
1. The site contains approximately 0.2 +/- acres and is located within the Eustis-Lake County Joint Planning Area. The property currently contains a single-story office use — Source: *Lake County Property Appraisers' Office Property Record Card Data*.
2. The site is already within the city limits of Eustis and is surrounded by "City" land uses on each all sides.
3. The Design District assigned to the property is Suburban Neighborhood and is not slated to change.
4. The applicant seeks the RT (Residential Office Transition) land use designation.

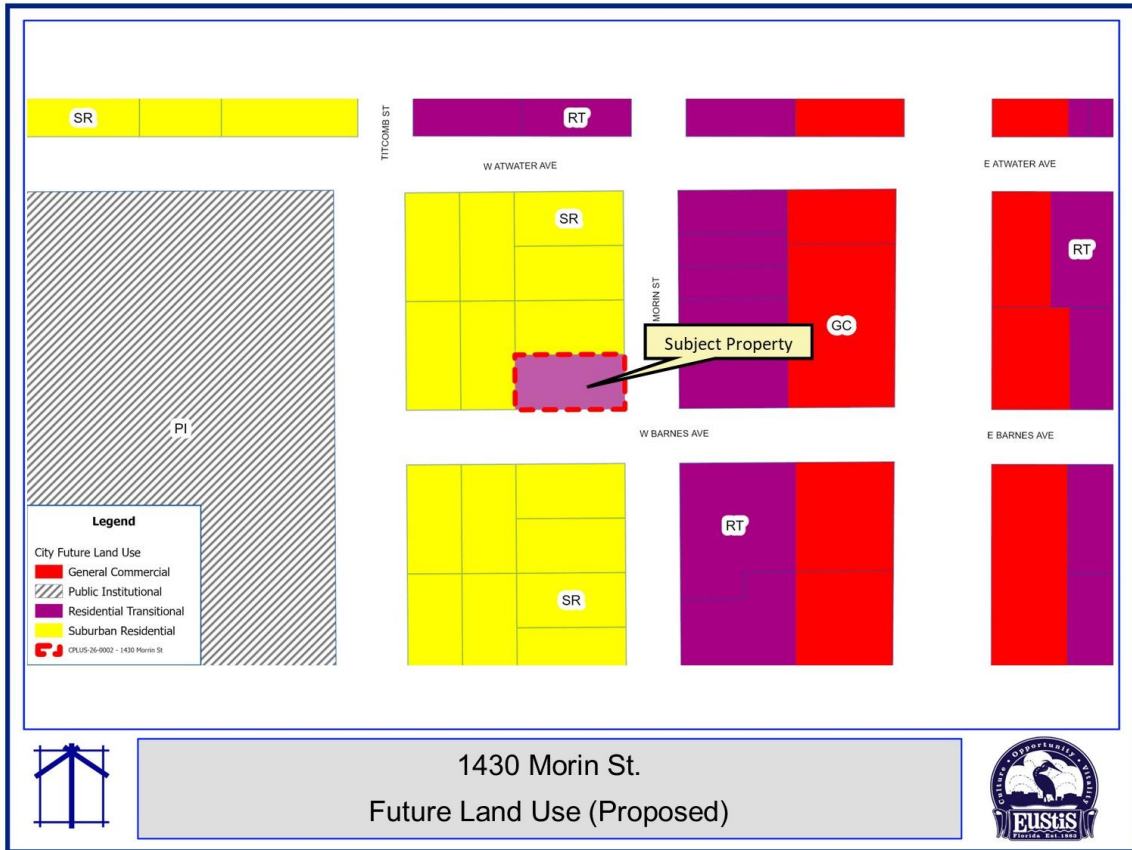
Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
Site	Professional office	Suburban Residential (SR)	Urban Neighborhood
North	Single-family	Suburban Res. (SR)	Urban Neighborhood
South	Professional office	Suburban Res. (SR)	Urban Neighborhood
East	Hotel/motel	Residential Office Transition (RT)	Urban Corridor
West	Single-family	Suburban Res. (SR)	Urban Neighborhood

The site contains approximately 0.2 +/- acres and is located within the Eustis-Lake County Joint Planning Area. The property currently contains a single-story office use — Source: *Lake County Property Appraisers' Office Property Record Card Data.*

The site is already within the city limits of Eustis and is surrounded by "City" land uses on each all sides. The Design District assigned to the property is Suburban Neighborhood and is not slated to change. The applicant seeks the RT (Residential Office Transition) land use designation.





Applicant’s Request

The applicant, Julie Cavellero, of Patriotic Mortgage – on behalf of the property owner Janice Wilson – wish to change the Future Land Use to Residential Office Transition (RT). The property currently holds a “City” Future Land Use of Suburban Residential (SR) which permits a residential density of five (5) units per acre and certain civic and non-residential uses.

The applicant is seeking a Residential Office Transition (RT) land use designation within the City of Eustis. This designation allows for a maximum density of 12 units per acre and permits most residential and professional office uses. However, the site is developed currently as an office/personal service use.

The requested RT designation aligns with the land use designations of neighboring properties.

5. Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 2026-15)

In Accordance with Florida Statutes Chapter 163.3177.9, to discourage urban sprawl, the Florida Statutes outlines the Primary Indicators of Sprawl. Staff has reviewed these indicators and finds that the proposed annexation and assignment of Future Land Use does not contradict the intent of the primary indicators of sprawl as outlined. The outline and summary of these indicators is included in supplement to this report.

6. Per the City of Eustis Comprehensive Plan Future Land Use Element Appendix

Staff has assessed the proposed amendment to the City of Eustis Comprehensive Plan Future Land Use map relating to the development patterns described and supported within the Plan, including conditions and impacts to utility infrastructure, transportation infrastructure, natural features, and the environment. Staff review finds that the proposed assignment of the Residential Office Transition (RT) Future Land Use will not result in impacts that will cause detriment beyond current patterns. The outline and summary of this analysis are included as a supplement to this report.

Recommended Action:

Development Services finds the proposed Future Land Use designation consistent with the Comprehensive Plan, Land Development Regulations, and surrounding and adjacent land uses; therefore, it recommends adoption of Ordinance Numbers 2026-19.

Alternatives:

1. Adopt Ordinance Number 2026-19 for the parcel located at 1430 Morin Street to City Commission for consideration.
2. Do not adopt Ordinance Number 2026-19.

Budget/Staff Impact:

See attached Business Impact Estimate.

Business Impact Estimate:

Exempt from this Requirement per F.S. 164.041(4)(c)7.b. (*Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality*)

Prepared By:

Kyle Wilkes, AICP, Senior Planner

Reviewed By:

Jeff Richardson, AICP, Deputy Director, Development Services

Mike Lane, AICP, Development Services Director

Miranda Burrowes, Deputy City Manager

ORDINANCE NUMBER 2026-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 0.2 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 1761310, LOCATED AT 1430 MORIN STREET, FROM SUBURBAN RESIDENTIAL TO RESIDENTIAL OFFICE TRANSITION.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, the State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 0.2 acres of real property located at 1430 Morin Street; and

WHEREAS, on April 16, 2026, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on April 16, 2026, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency’s recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on May 7, 2026, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small Scale Future Land Use Amendment contained herein;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Suburban Residential to **Residential Office Transition (RT)** within the City of Eustis:

Parcel Alternate Key: 1761310

Parcel Identification Numbers: 14-19-26-1801-000-18900

Legal Description:

EUSTIS, QUAYLES GOLF LINK SUB NO 2 LOTS 189, 190 PB 5 PG 50 ORB 1751 PG 1976

Containing 8,712 Square Feet or 0.2 Acres, more or less.

(THE FOREGOING LEGAL DESCRIPTION WAS COPIED FROM THE APPLICANT’S SUBMITTED SURVEY AND HAS NOT BEEN VERIFIED FOR ACCURACY) SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

Conflict: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

Severability: That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 5.

Effective Date: That the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Commerce notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Commerce or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Commerce.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 7th day of May 2026.

CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 7th day of May 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public- State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY’S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission; however, I have not performed an independent title examination to verify the accuracy of the legal description.

City Attorney’s Office

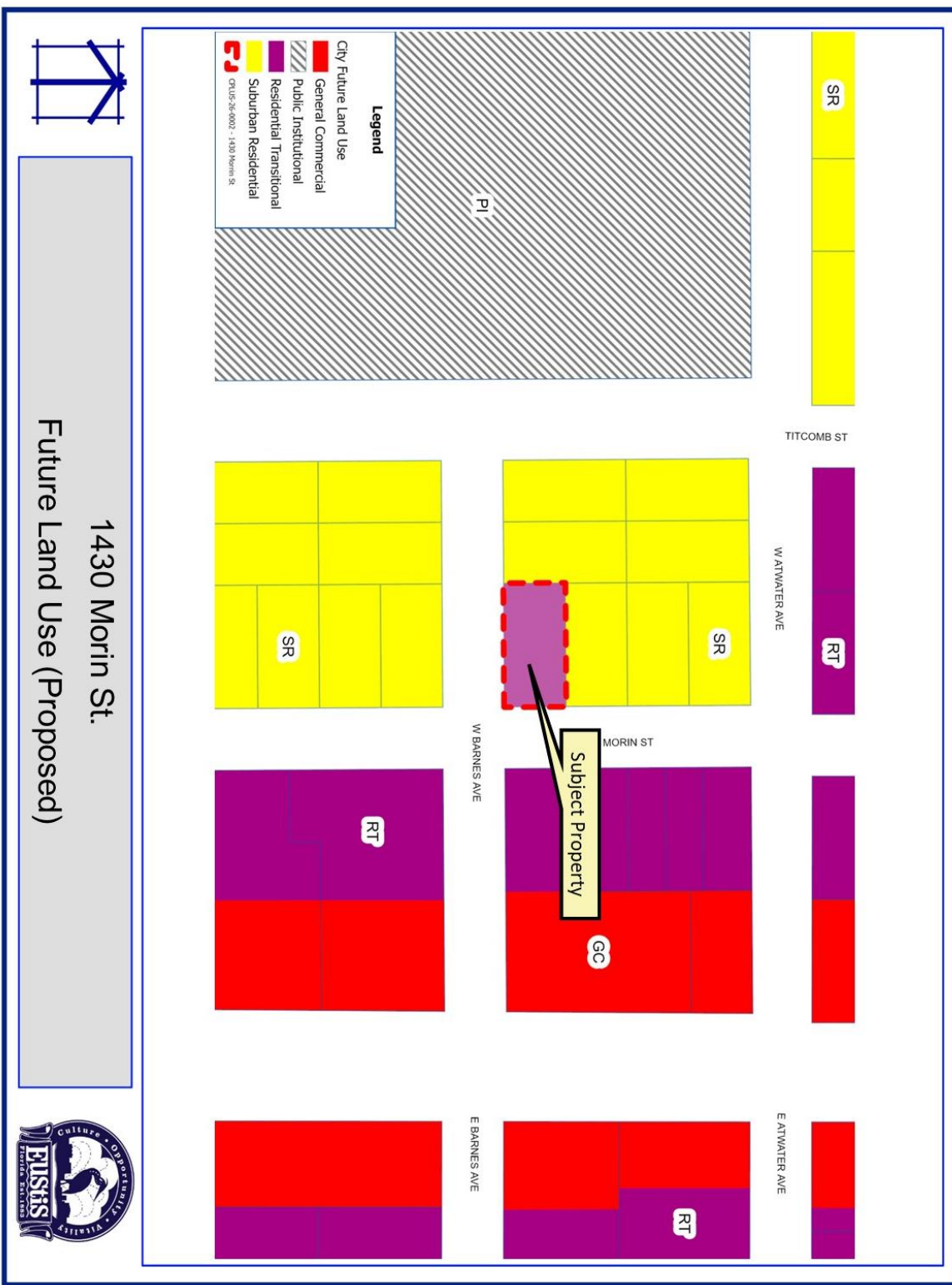
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 2026-19 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Exhibit A



Analysis of Comprehensive Plan/Future Land Use Request (**Ordinance Number 2026-19**)

In Accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl: Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

The subject property is located within the Joint Planning Area. Urban services with adequate capacity are available to serve future development, consistent with the requested RT Future Land Use designation.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The subject property is located in a corridor with a mixture of uses, including RT designations and a mixture of residential and non-residential uses and land uses surrounding the property.

3. Strip or Isolated Development:

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

This indicator does not apply. The site is surrounded by a mixture of uses; predominantly residential, but with RT and GC (General Commercial) land uses nearby. The proposed RT land use (and current use as a office/professional service) would serve as a buffer between these varied uses.

4. Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

The subject property is not in a floodplain and does not contain wetland areas and is located in an urbanized area.

Agricultural Area Protection:

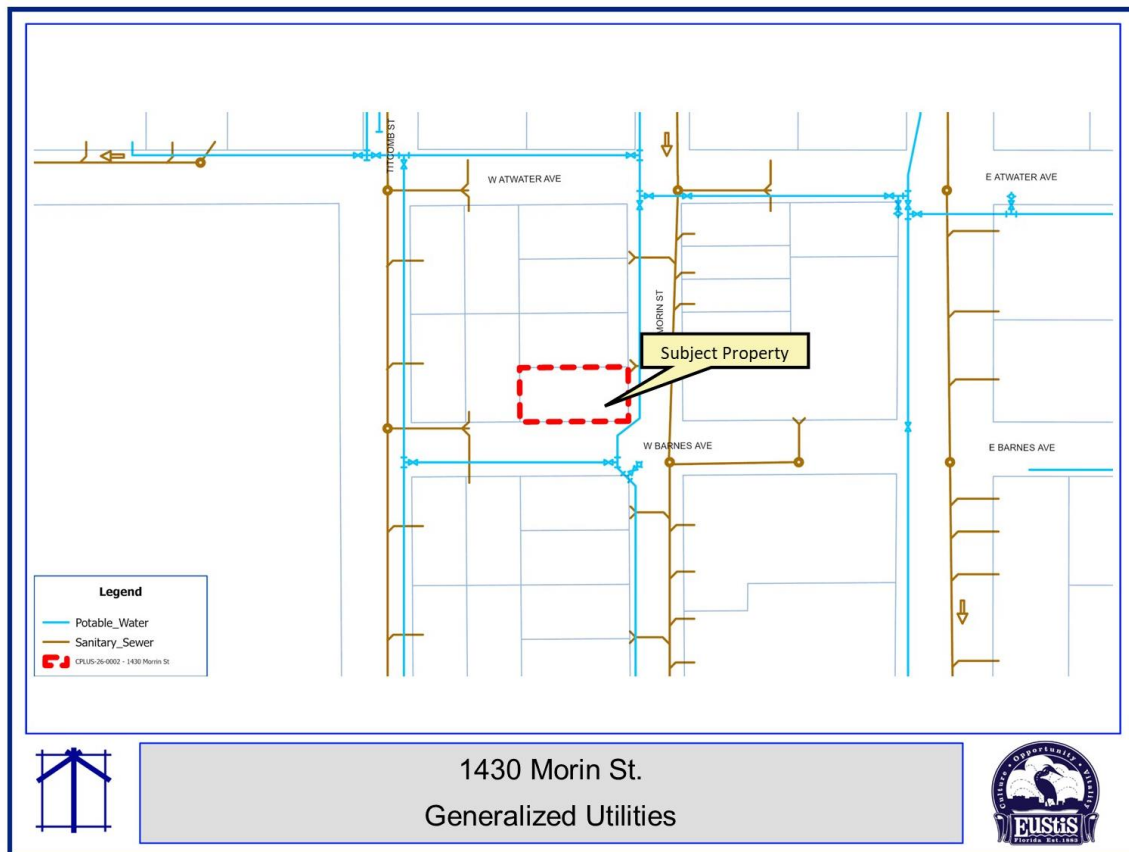
Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This indicator does not apply. The site and surrounding areas do not include active agricultural or silviculture operations. The location lies within a developed area.

5. Public Facilities:

Fails to maximize use of existing public facilities and services.

This indicator is not applicable as city water and sewer is available to the property. Development of this parcel will maximize the use and efficiency of City water service. The property is seeking annexation into the City to utilize city water and sewer services.



6. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing that disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply as there is adequate capacity to accommodate both existing and future development aligned with the requested RT future land

designation. The city already provides these services to this and other properties within the area, which will further efficiency.

7. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. No nearby properties contain active agricultural activities or uses. The surrounding area is either developed or has development entitlements, featuring a mix of suburban and rural densities and intensities. The mixed-use nature of the RT land use designation and the Urban Neighborhood Design District align well with the established development pattern.

8. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply.

Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. This property is surrounded by a mix of residential and non-residential uses, with RT designations located in the general vicinity of the site.

9. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

The site has strong accessibility and linkages to related land uses, including both residential and non-residential uses.

10. Open Space:

Results in the loss of significant amounts of functional open space.

This indicator does not apply. The site lacks functional open space and is not linked to regionally significant open space.

11. Urban Sprawl:

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. Direction of Growth:

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Not applicable. The site is adjacent to established urbanized areas.

b. Efficient and Cost-Effective Services:

Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Water and sewer service is available.

- c. Walkable and Connected Communities:
Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

There are not existing sidewalks on either side of the street on this block of Morin Street, nor the cross-streets (Barnes Avenue).

- d. Water and Energy Conservation:
Promotes the conservation of water and energy.

At time of site redevelopment, the property must adhere to City development standards and Florida Building Code requirements, ensuring the use of energy and water-efficient appliances.

- e. Agricultural Preservation:
Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Not applicable; this site and adjacent areas do not support active agricultural or silvicultural activities. The site is within an existing developed residential and non-residential area.

- f. Open Space:
Preserves open space and natural lands and provides for public open space and recreation needs.

Not applicable. The site is currently developed in an urbanized area as an office/professional service use.

- g. Balance of Land Uses:
Creates a balance of land uses based upon the demands of the residential population for the nonresidential needs of an area.

The proposed land use allows for professional office and residential type uses, which serves as a transition from GC to the east and residential development to the west. Additionally, the proposed land is more suitable for the pre-existing use and site as developed.

- h. Urban Form Densities and Intensities:

Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl, or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Not applicable.

In Accordance with the Comprehensive Plan Future Land Use Element Appendix:

All applications for a Plan amendment relating to the development patterns described and supported within the Plan including, but not limited to, site specific applications for changes in land use designations, are presumed to involve a legislative function of local government which, if approved, would be by legislative act of the City and shall, therefore, be evaluated based upon the numerous generally acceptable planning, timing, compatibility, and public facility considerations detailed or inferred in the policies of the Plan. Each application for an amendment to the Map #1: 2035 Future Land Use Map by changing the land use designation assigned to a parcel of property shall also be reviewed to determine and assess any significant impacts to the policy structure on the Comprehensive Plan of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

Major Categories of Plan Policies:

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the major categories of Plan policies as follows:

1. General Public Facilities/Services:

Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation if and when available, sanitary sewer, schools, solid waste, stormwater, and the transportation network.

a. Emergency Services Analysis:

Eustis emergency services already provide emergency response to other properties in the area. Development in line with the RT Future Land use efficiency of Eustis emergency services.

b. Parks & Recreation:

Not applicable. Assigning the proposed RT Future Land Use to an existing non-residential use will have negligible impacts on parks and

recreation facilities. Existing parks and recreational opportunities exist to serve this property.

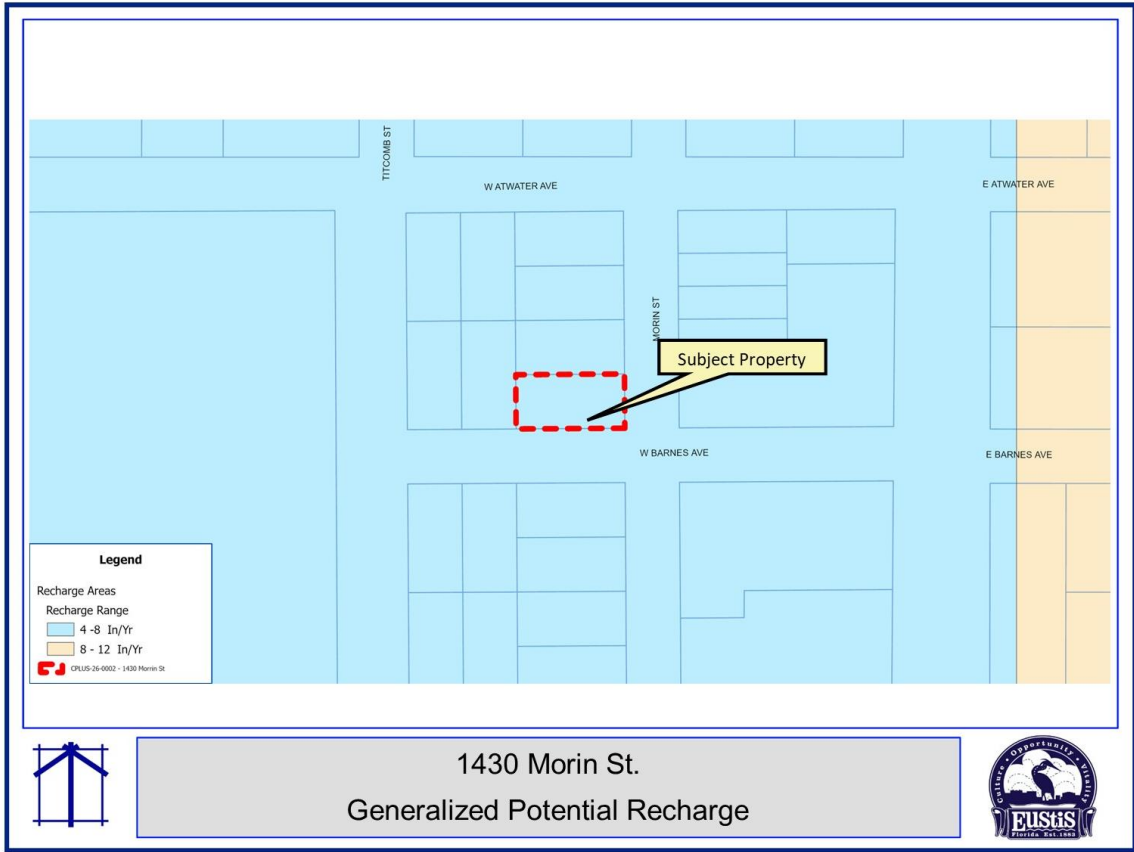
- c. Potable Water & Sanitary Sewer:
Water and sewer are available to the subject property. Both water and sewer systems have adequate capacity to serve the site.
- d. Schools:
The proposed RT request is an existing single-family residence; therefore, the change should not have a large impact on schools.
- e. Solid Waste:
The City collaborates with Waste Management for solid waste collection, and the company already services the properties in the vicinity of the site. Providing service to this property will promote service delivery efficiency.
- f. Stormwater:
The Comprehensive Plan and Land Development Regulations include the level of service (LOS) standards to which new development must adhere. Projects designed to meet these standards will not negatively affect the existing facilities and services.
- g. Transportation Network Analysis:
The existing single-family residential unit is expected to have no adverse effects on the existing transportation system. Currently, the adjacent transportation network has sufficient capacity to accommodate the proposed RT property, even at full development standards.

2. Natural Resources/Natural Features:

The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and the demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

a. Groundwater recharge areas:

The site may be within a recharge area; a site-specific geotechnical and hydrological study will be needed to determine the site-specific impact at the time of any redevelopment. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map.



b. Historical or archaeological sites:

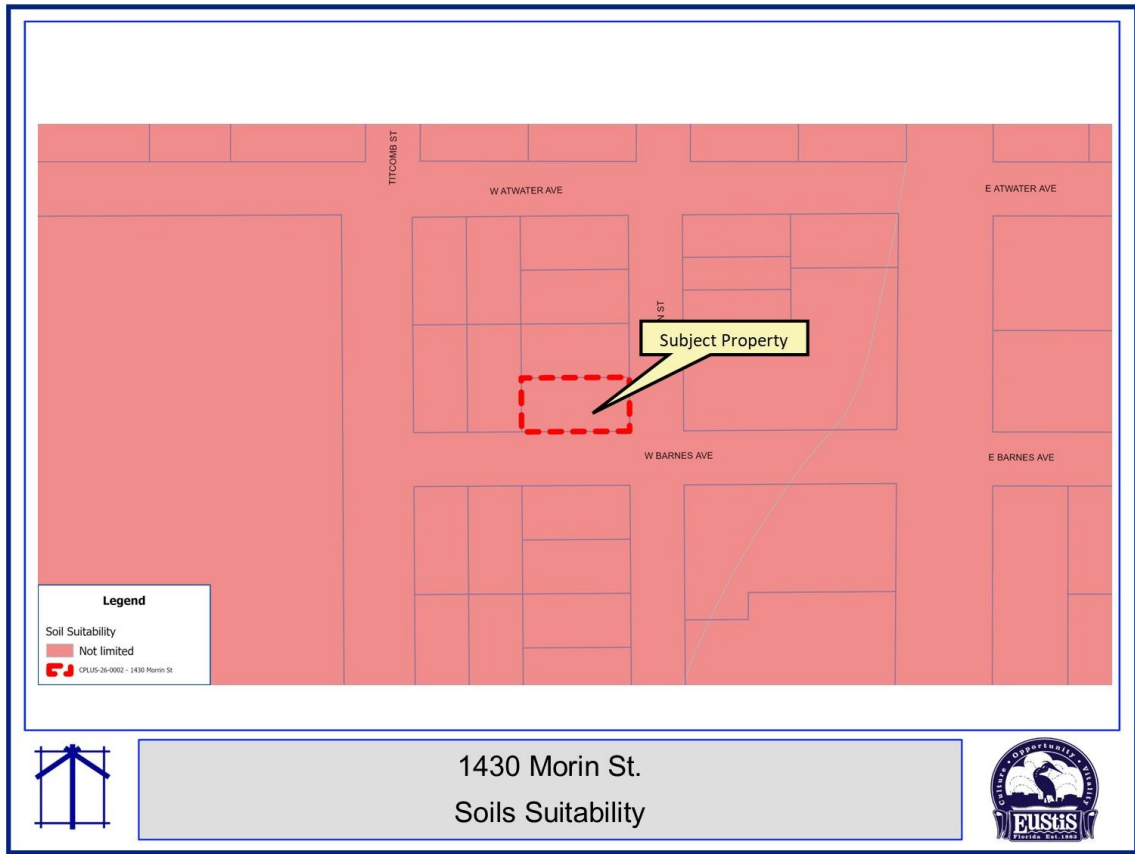
The City does not have any record of Florida Master Site Files related to this property and no known historical or cultural resources exist.

c. Flood zones:

The subject property is not impacted by a 100-year flood zone area. Source - Lake County GIS - 2012 Flood Zones.

d. Soil and topography:

Soils appear to be suitable for development. The site is currently developed.



3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describes when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the compatibility of the use, intensity, location, and timing of the proposed amendment.

Existing Land Use According to the Eustis Comprehensive Plan:

Suburban Residential

This designation is provided to accommodate the majority of residential development within the City.

This designation is intended to provide for a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include, ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public utility services and facilities that are 2 acres or less in size are also permitted.

Suburban Residential lands may be developed to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus...

Applicable Policies and Codes

- 1. Resolution Number 87-34

Joint Planning Area Agreement with Lake County: “The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law..... The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

- 2. Florida Statutes Chapter 171.044: Voluntary Annexation:

- a. “The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”
- b. “Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Comprehensive Plan – Residential Office Transition (RT)

This land use district applies to older residential areas having residential character, which are located adjacent to nonresidential development. The purpose is to provide for establishment of business and professional offices and limited retail and service business while maintaining residential character and compatibility.

General Range of Uses: This category accommodates a mix of residential and nonresidential uses, including but not limited to single-family detached and attached residential, duplex and accessory apartments, schools and churches, business and professional offices, and certain limited, neighborhood scale commercial.

Maximum Density: 12 units per acre.

Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Business Impact Estimate Eligibility Form

Section 166.041(4), Florida Statutes

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Eustis' website by the time notice of the proposed ordinance is published.

This form simply assists in determining whether a Business Impact Estimate must be completed under Florida law for the proposed ordinance. Should a Business Impact Estimate be required or should the City opt to provide one as a courtesy based on the selection below then a separate form with the statutory components of Section 166.041(4)(a) shall also accompany the proposed ordinance.

Ordinance Number	2026-19
Ordinance Subject	Future Land Use Map Amendment CPLUS-26-0002
Legal Advertising Date	April 6, 2026
First Reading On	4/16/2026
Second Reading On	5/7/2026

Ordinance Title

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 0.2 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 1761310, LOCATED AT 1430 MORIN STREET, FROM SUBURBAN RESIDENTIAL TO RESIDENTIAL OFFICE TRANSITION.

Based on the City's review of the proposed ordinance (*must select one of the following*):

- The City has determined the statutory exemption identified below applies to the proposed ordinance; a Business Impact Estimate is NOT required and therefore not provided.
- The City has determined the statutory exemption identified below applies to the proposed ordinance; however, the City has prepared the Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate in accordance with section 166.041(4), Florida Statutes.

Exemptions

The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinance:

Section 166.041 (4)(c) exemption: It is enacted to implement comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.





City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Rick Gierok, Interim City Manager

DATE: April 16, 2026

RE: Explanation of Ordinance Numbers 2026-21, 2026-22 and 2026-23 for Annexation, Future Land Use and Design District Assignment of a Parcel of Land with Alternate Key 1212685

First Reading of Ordinance Number 2026-21 for Annexation of a Parcel of Land with Alternate Key 1212685

Introduction:

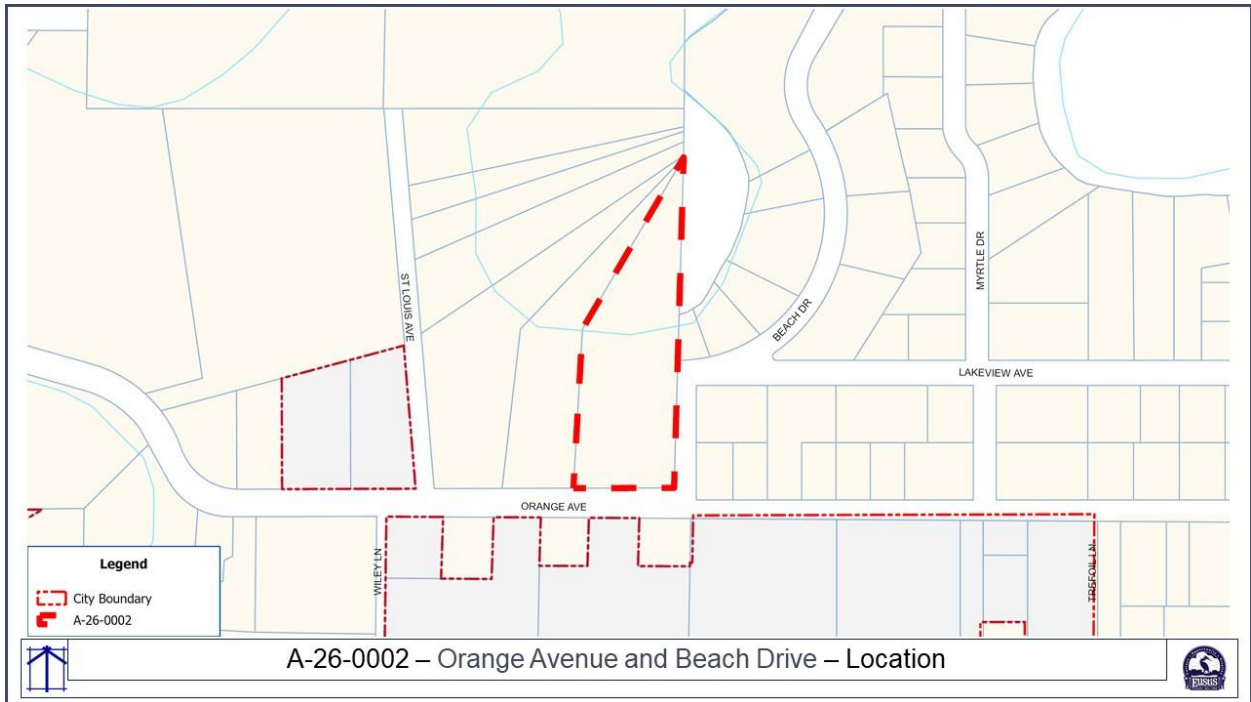
Ordinance Number 2026-21 provides for the voluntary annexation of approximately 2.62 acres of land located along the north side of Orange Avenue west of Beach Drive (Alternate Key Number 1212685). Provided the annexation of the subject property is approved, via Ordinance Number 2026-21, Ordinance Number 2026-22 would change the future land use designation from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 2026-23 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 2026-21 is denied, then there can be no consideration of Ordinance Numbers 2026-22 and 2026-23.

Background:

1. The site contains approximately 2.62 acres and is located within the Eustis Joint Planning Area. The property to be annexed is under Lake County Property Appraiser Alternate Key Number 1212685. *Source: Lake County Property Appraisers' Office Property Record Card Data.*
2. Approximately .95 acres of the 2.62 acres is wetland. This estimate is based on the National Wetland Inventory data and would need to be field verified by a registered environmental professional.
3. The site has a Lake County land use designation of Urban Low, but approval of Ordinance Number 2026-22 would change the land use designation to Suburban Residential (SR) in the City of Eustis.

Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
Site	Vacant	Urban Low (Lake County)	N/A
North	Single-Family/ Vacant / Seasonal Lake	Urban Low (Lake County)	N/A
South	Single-Family / Vacant	Suburban Residential & Urban Low (Lake County)	Rural Neighborhood
East	Single-Family	Urban Low (Lake County)	N/A
West	Single-Family	Urban Low (Lake County)	N/A

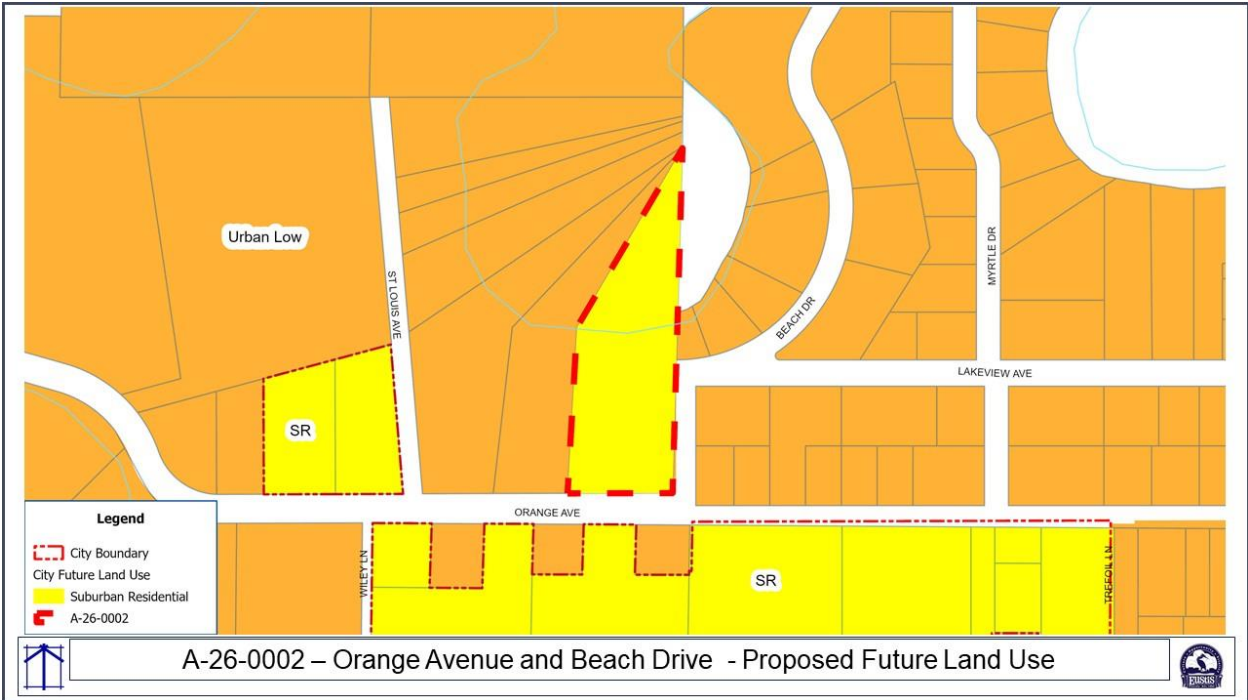
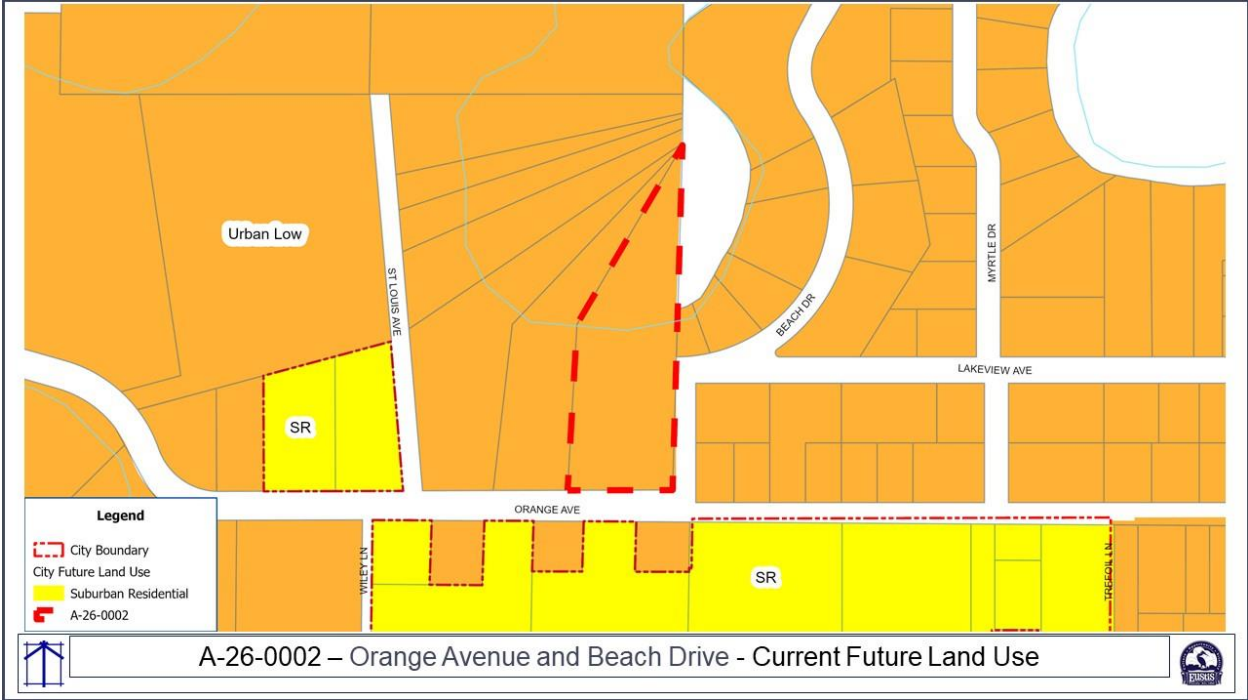


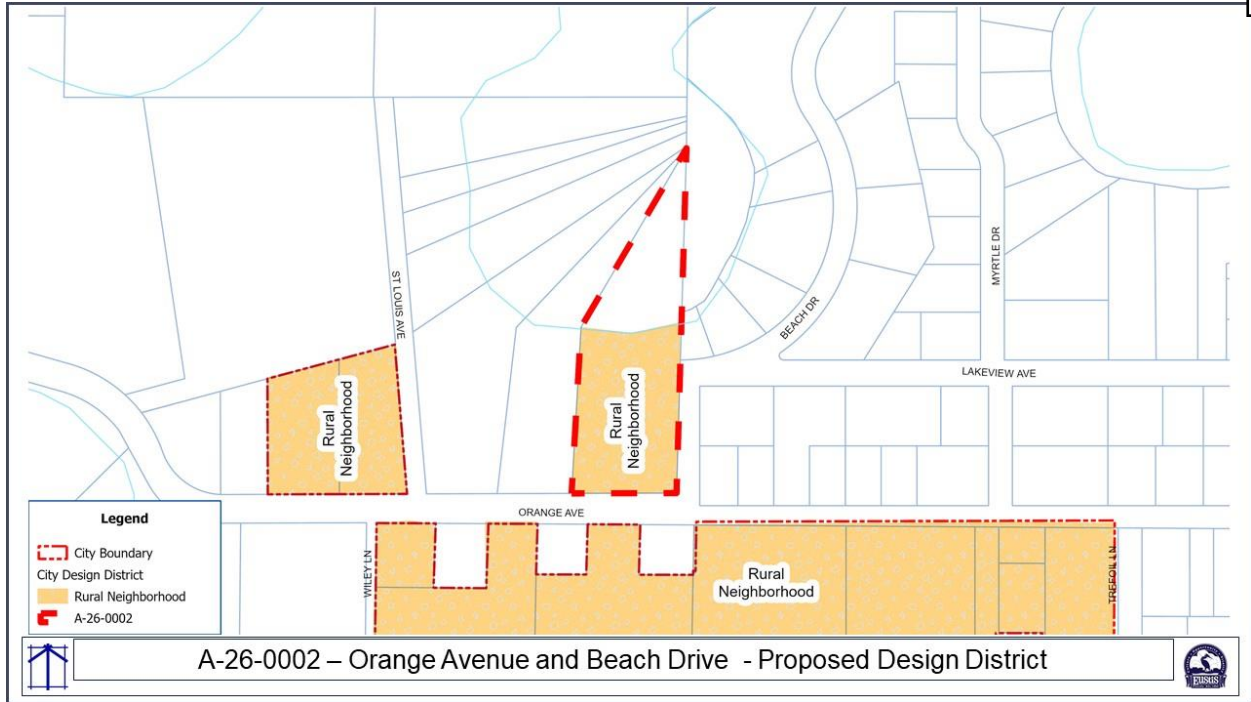
Applicant’s Request

The applicant and property owners, Structured Management, LLC, wish to annex the referenced property, change the future land use to Suburban Residential (SR), and assign a design district of Rural Neighborhood.

The current Lake County Future Land Use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses of up to 4 dwelling units per net buildable acre.

The property owner has requested that the City of Eustis designate the property as Suburban Residential future land use as part of the annexation. The SR future land use provides for residential uses up to five (5) dwelling units per acre.





Recommended Action:

Development Services recommends approval of Ordinance Numbers 2026-21, 2026-22, and 2026-23. As the property is contiguous and the City is providing utilities to adjacent properties and would logically provide utilities to this property as well.

Policy Implications:

None

Alternatives:

1. Approve Ordinance Numbers 2026-21 (Annexation), 2026-22 (Comp. Plan Amendment), and 2026-23 (Design District Designation).
2. Deny Ordinance Number 2026-21, Ordinance Numbers 2029-22, and 2026-23 become void as the city does not have jurisdiction.

Budget/Staff Impact:

See attached Business Impact Estimate

Business Impact Estimate:

Exempt from this Requirement per F.S. 164.041(4)(c)7.b. (Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality)

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:

Mike Lane, AICP, Director, Development Services
 Kyle Wilkes, AICP, Senior Planner, Development Services
 Miranda Burrowes, Deputy City Manager

ORDINANCE NUMBER 2026-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 2.62 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1212685 GENERALLY LOCATED ON THE NORTH SIDE OF ORANGE AVENUE, WEST OF BEACH DRIVE.

WHEREAS, Ben Champion has made an application for voluntary annexation, on behalf of Structured Management LLC, the property owner, for approximately 2.62 acres of real property located on the north side of Orange Avenue, west of Beach Drive:

Parcel Alternate Key: 1212685

Parcel Identification Numbers: 26-18-26-0004- 000-03301

Legal Description:

Attached as Exhibit “A”

WHEREAS, the subject property is reasonably compact and contiguous; and

WHEREAS, the annexation of this property will not result in the creation of enclaves; and

WHEREAS, the subject property is located within the City of Eustis Planning Area, and water and sewer service are available to the property; and

WHEREAS, on April 16, 2026, the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on May 7, 2026, the City Commission held the 2nd Public Hearing to consider the voluntary annexation of the property contained herein

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 2.62 acres of real property, as described above.

A map depicting the location of the annexed property described above is attached hereto as **Exhibit “B”**.

SECTION 2.

That the Director of Development Services shall be authorized to amend the City of Eustis

Boundary Map to incorporate the change described in Section 1.

SECTION 3.

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

SECTION 5.

That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 6.

That this Ordinance shall become effective upon passage.

SECTION 7.

That the property annexed in this Ordinance is subject to the Future Land Use Element of the Lake County Comprehensive Plan until the City adopts the Comprehensive Plan Amendment to include the annexed parcel in the City Comprehensive Plan.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 7th day of May 2026.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

Exhibit A

LOT 1

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE SOUTH LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, S 89°49'20" W 159.89' TO THE SE CORNER OF LOT 1 AND POINT OF BEGINNING; THENCE CONTINUE S 89°49'20" W 60.11' TO A FOUND 4" DIAMETER CONCRETE MONUMENT RLS 472; THENCE N 03°16'28" E 190.00'; THENCE N 89°45'22" E 60.11'; THENCE S 03°16'28" E 190.07' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.262 ACRES.

LOT 2

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE SOUTH LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, S 89°49'20" W 100.00' TO THE SE CORNER OF LOT 2 AND POINT OF BEGINNING; THENCE CONTINUE S 89°49'20" W 59.89'; THENCE N 03°16'28" E 129.94'; THENCE N 89°44'11" E 60.11'; THENCE S 03°22'13" W 130.04' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.179 ACRES.

LOT 3

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE SOUTH LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, S 89°49'20" W 100.00' THENCE N 03°22'13" E 69.80'; THENCE N 89°38'44" E 97.91' TO THE EAST LINE OF THE FURZE TRACT; THENCE S 01°39'00" W 70.00' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.159 ACRES.

LOT 4

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE EAST LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, N 01°39'00" E 70.00' TO THE SE CORNER OF LOT 4 AND POINT OF BEGINNING; THENCE S 89°38'44" W 97.91'; THENCE N 03°22'13" E 60.24'; THENCE N 89°44'11" E 96.10' TO THE EAST LINE OF THE FURZE TRACT; THENCE S 01°39'00" W 60.00' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.134 ACRES.

LOT 5

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE EAST LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, N 01°39'00" E 130.00' TO THE SE CORNER OF LOT 5 AND POINT OF BEGINNING; THENCE S 89°44'11" W 156.21'; THENCE N 03°16'28" E 60.13'; THENCE N 89°45'22" E 154.51' TO THE EAST LINE OF THE FURZE TRACT; THENCE S 01°39'00" W 60.00' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.214 ACRES.

LOT 6

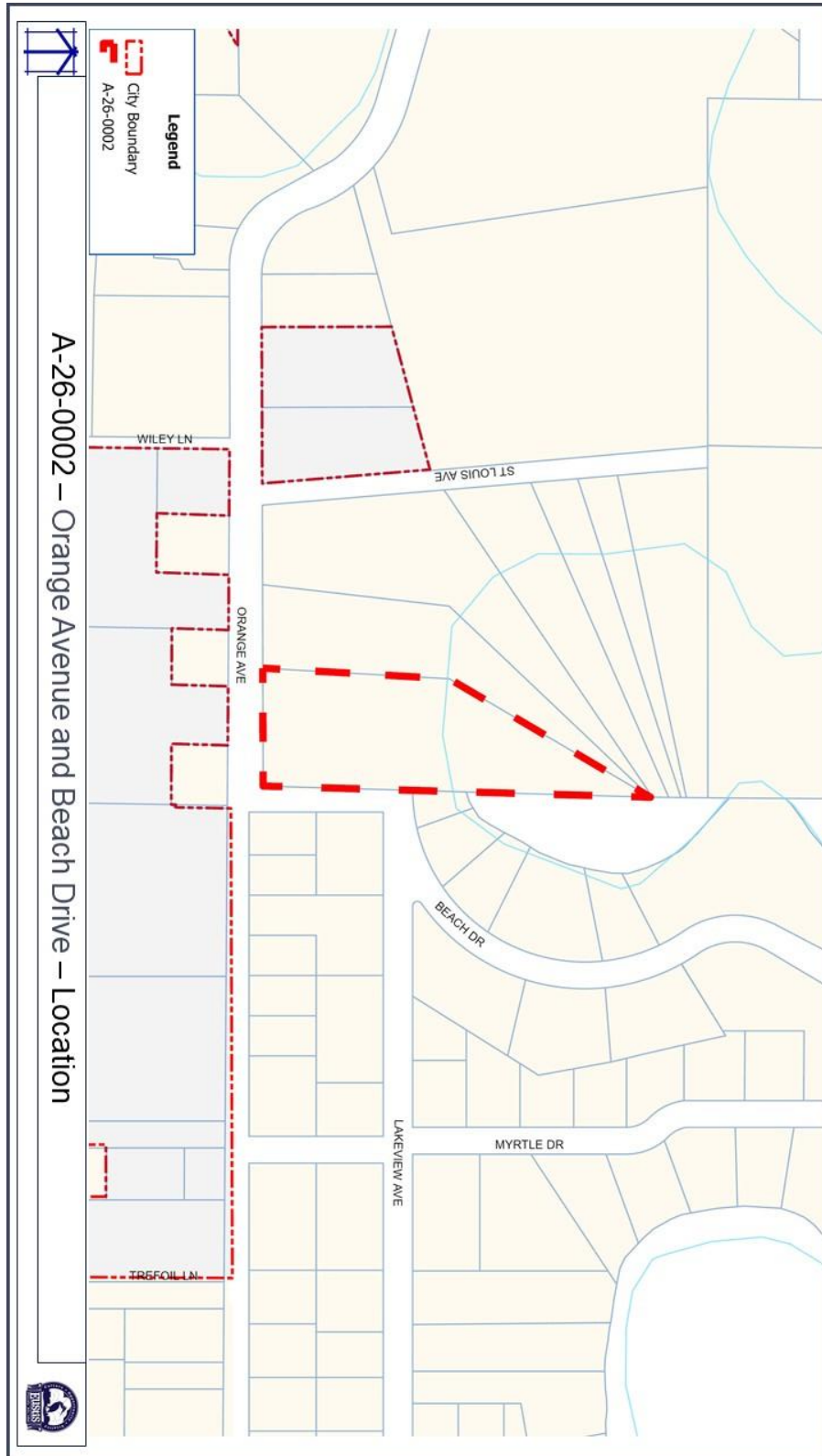
THAT PART OF THE FURZE TRACT OF DONNA VISTA PARK REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 87, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE SE CORNER OF SAID FURZE TRACT, RUN THENCE NORTH ALONG THE EAST BOUNDARY THEREOF 740 FEET, MORE OR LESS, TO A POINT THAT IS S 01°39'00" W 100 FEET FROM THE NE CORNER OF SAID DONNA VISTA PARK REPLAT, THENCE S 30°30'30" W 434.85 FEET, THENCE S 03°18'00" W 348.05 FEET, TO THE SOUTH LINE OF SAID FURZE TRACT, THENCE EAST ALONG SAID SOUTH LINE 220 FEET TO THE POINT OF BEGINNING.'

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE FURZE TRACT IN THE DONNA VISTA PARK REPLAT,
 PLAT BOOK 12, PAGE 87, DESCRIBED BY DEED IN OFFICIAL RECORD BOOK 789,
 PAGE 318, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
 BEGINNING AT THE SE CORNER OF SAID FURZE TRACT, A FOUND 4" DIAMETER
 CONCRETE MONUMENT; THENCE ON THE EAST LINE OF SAID TRACT THE PLAT
 BEARING OF N 01°39'00" E AND DISTANCE OF 347.60' TO A SET 5/8" IRON ROD
 AND CAP PSM 5795 IN THE REPLACEMENT POSITION OF A PLAT PERMANENT
 REFERENCE MONUMENT NEAR THE SOUTH SHORE OF SILVER LAKE; THENCE
 CONTINUE N 01°39'00" E 374.04' TO A DEFLECTION POINT IN THE LAKE DESCRIBED
 BY SAID DEED AS BEING 'NORTH ALONG THE EAST BOUNDARY 740 FEET, MORE
 OR LESS (CALC N 01°39'00" E 721.64') (FROM THE POINT OF BEGINNING), AND ALSO
 BEING S 01°39'00" W 100 FEET FROM THE NE CORNER OF THE DONNA VISTA PARK REPLAT
 ;THENCE FROM SAID DEFLECTION POINT S 30°32'14" W 434.75' (DEED S 30°30'30" W
 434.85') TO A FOUND 4" DIAMETER CONCRETE MONUMENT RLS 472 NEAR THE SOUTH
 SHORE OF SILVER LAKE; THENCE 03°16'28" W 348.14' (DEED S 03°18'00" W 348.05')
 TO A FOUND 4" DIAMETER CONCRETE MONUMENT RLS 472 ON THE SOUTH LINE OF
 THE FURZE TRACT; THENCE N 89°49'20" E (PLAT BASE OF BEARING) 220.00' (DEED 200')
 TO THE POINT OF BEGINNING.
 LAND SOUTH OF MONUMENTATION NEAR SHORELINE CONTAINING +/- 1.715 ACRES,
 AREA IN SILVER LAKE CONTAINING +/- 0.902 ACRES.

LESS LOTS 1 THROUGH 5 INCLUSIVE ENUMERATED ABOVE.

EXHIBIT B



Supplement to the Staff Report for Ordinance Numbers 2026-21, 2026-22, and 2026-23

Introduction:

Ordinance Number 2026-21 provides for the voluntary annexation of approximately 2.62 acres of land located along the north side of Orange Avenue west of Beach Drive (Alternate Key Number 1212685). Provided the annexation of the subject property is approved, via Ordinance Number 2026-21, Ordinance Number 2026-22 would change the future land use designation from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 2026-23 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 2026-21 is denied, then there can be no consideration of Ordinance Numbers 2026-22 and 2026-23.

Background:

1. The site contains approximately 2.62 acres and is located within the Eustis Joint Planning Area. The property to be annexed is associated with the Lake County Property Appraiser Alternate Key Number 1212685. Source: Lake County Property Appraisers' Office Property Record Card Data.
2. The site has a Lake County land use designation of Urban Low, but approval of Ordinance Number 2026-22 would change the land use designation to Suburban Residential (SR) in the City of Eustis.
3. An application for annexation, future land use, and design district assignment was previously made to this property in its original configuration of 6 individual parcels. The property has since been consolidated into a single parcel.
4. The original 2023 application was denied on first reading.

Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
Site	Vacant	Urban Low (Lake County)	N/A
North	Single-Family/ Vacant / Seasonal Lake	Urban Low (Lake County)	N/A
South	Single-Family / Vacant	Urban Low (Lake County)	Rural Neighborhood
East	Single-Family	Urban Low (Lake County)	N/A

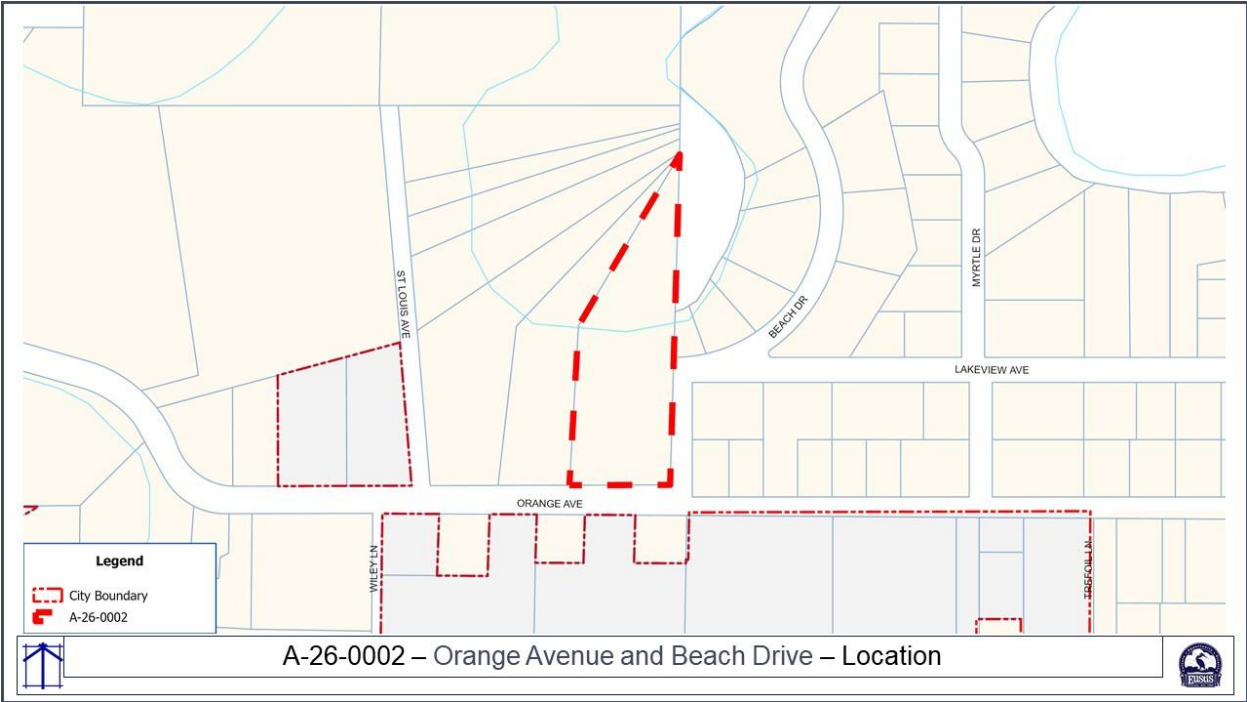
Location	Existing Use	Future Land Use	Design District
West	Single-Family	Urban Low (Lake County)	N/A

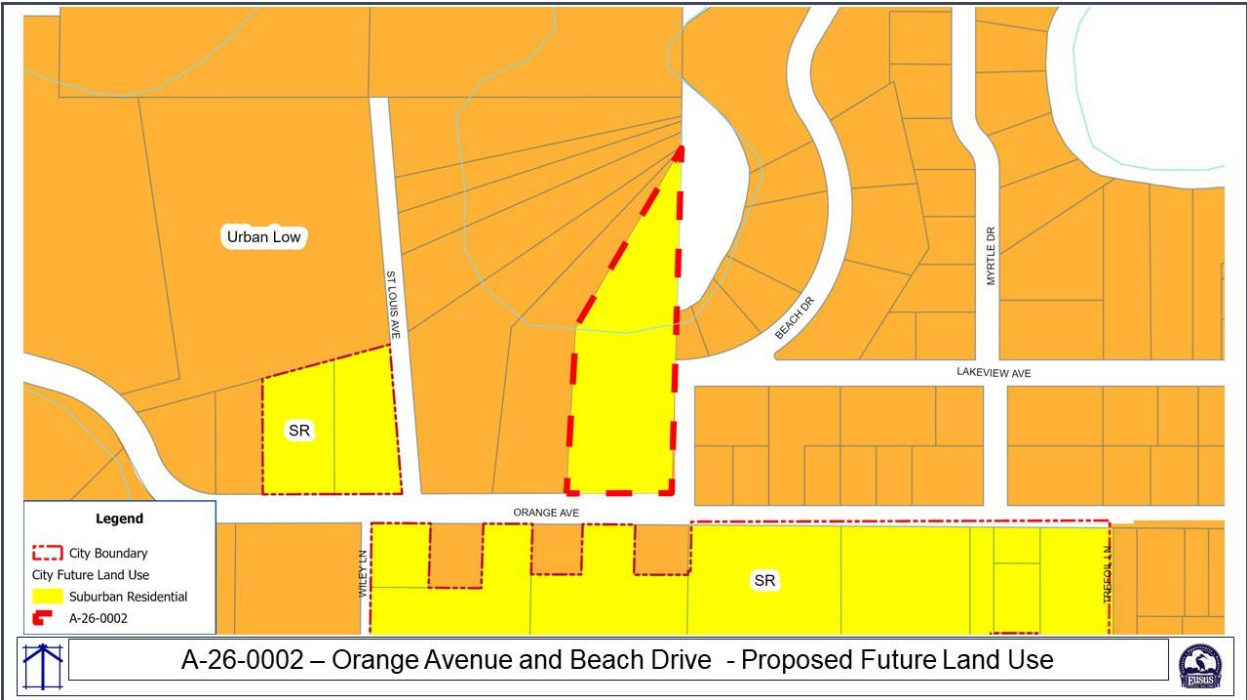
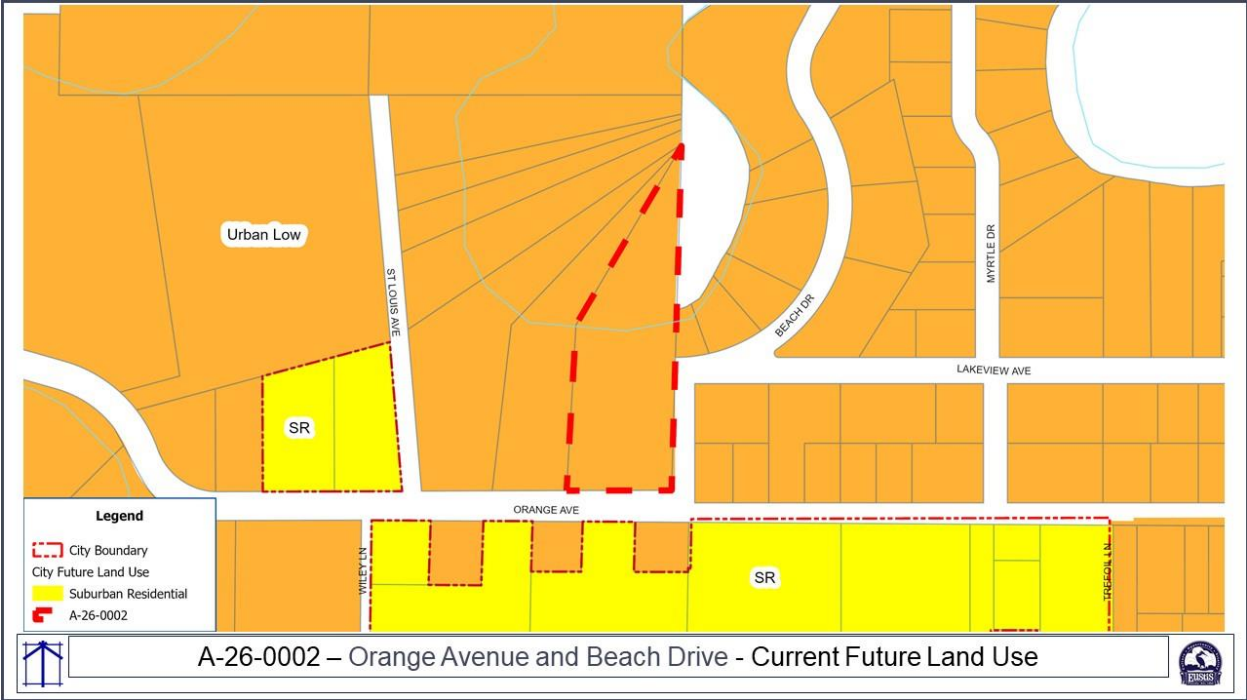
Applicant’s Request

The applicant, Ben Champion, and property owners, Structured Management, LLC, wish to annex the referenced property, change the future land use to Suburban Residential (SR), and assign a design district of Rural Neighborhood.

The current Lake County Future Land Use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses of up to 4 dwelling units per net buildable acre.

The property owner has requested that the City of Eustis designate the property as Suburban Residential future land use as part of the annexation. The SR future land use provides for residential uses up to five (5) dwelling units per acre.





Analysis of Annexation Request (Ordinance Number 2026-21)

- 1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:

“The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.....The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

The subject property is located within the Eustis-Lake County Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested Suburban Residential future land use designation.

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):

“The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

The Eustis-Lake County Joint Planning Area boundaries define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area; the property is contiguous to the current City limits on the southern boundary, and the owner petitioned for annexation.

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):

“...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

The department published notice of this annexation in the Daily Commercial in accordance with the established requirements on April 6, 2026, and again on April 13, 2026.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):

“Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Annexation of the subject property does not create an enclave as defined by the Florida Statutes.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):

“Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located...”

The department provided notice to the Lake County Board of County Commissioners via email and by Certified Mail on March 27, 2026.

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 2026-22)

In accordance with the Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This indicator does not apply. The requested future land use will support a higher density (5 du/acre), and the SR designation allows development types similar to existing patterns at comparable densities.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The subject properties are existing lots of record and will require city services in order to develop.

3. Strip or Isolated Development:

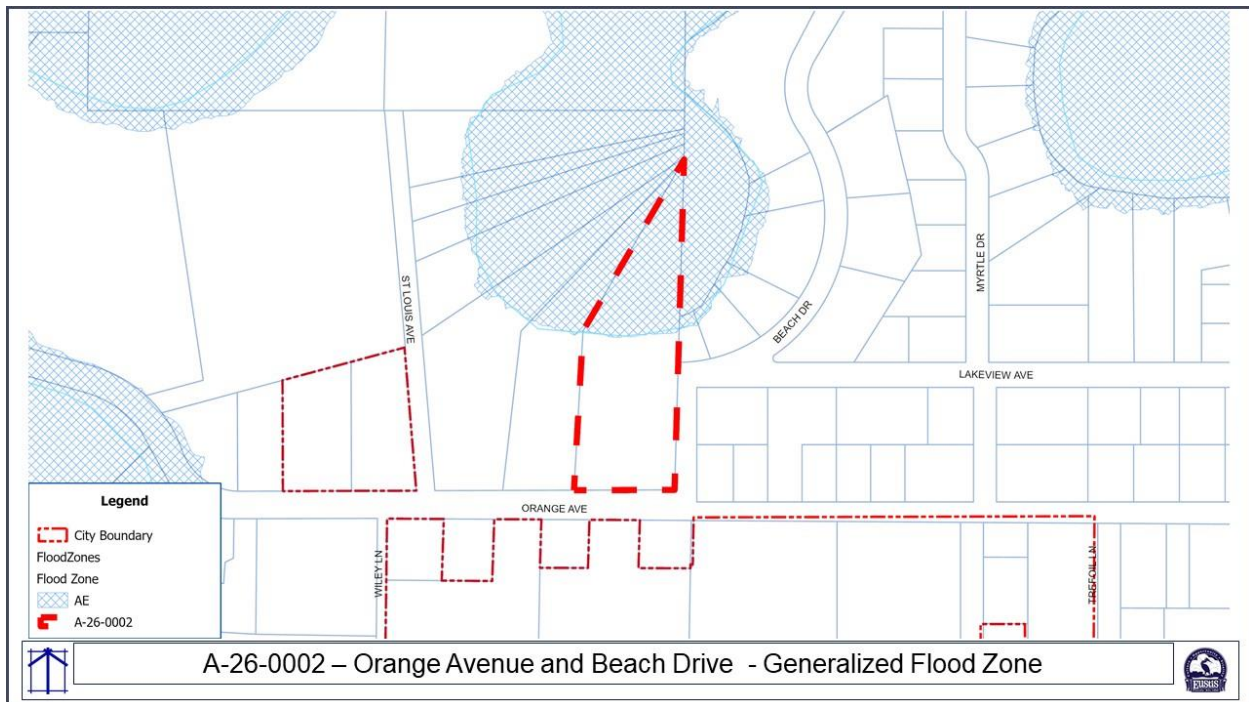
Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

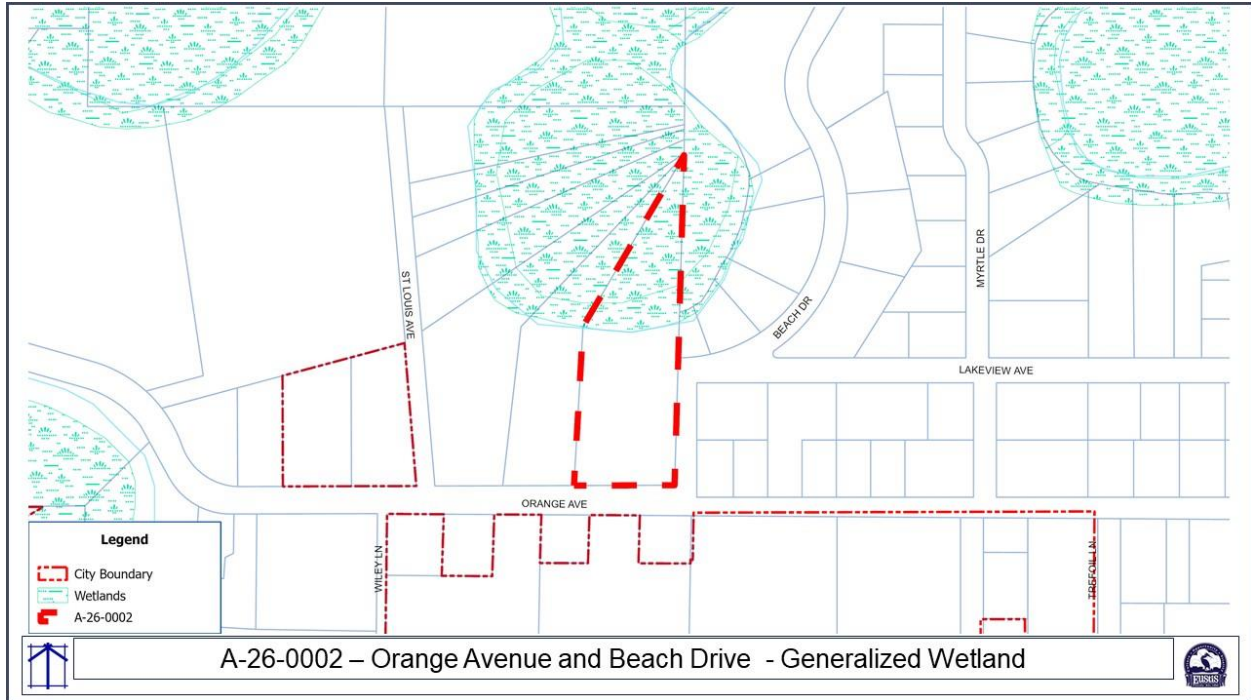
This indicator does not apply. The subject properties are existing lots of record and will require city services in order to develop.

4. Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

This indicator does not apply. The subject property is partially within the floodplain and contains wetland areas; however, there is buildable area outside these natural features to allow construction of a single-family residence. The Comprehensive Plan and the Land Development Regulations include standards for protecting environmentally sensitive lands that would apply if conditions at the time of development warrant such protection.





5. Agricultural Area Protection:

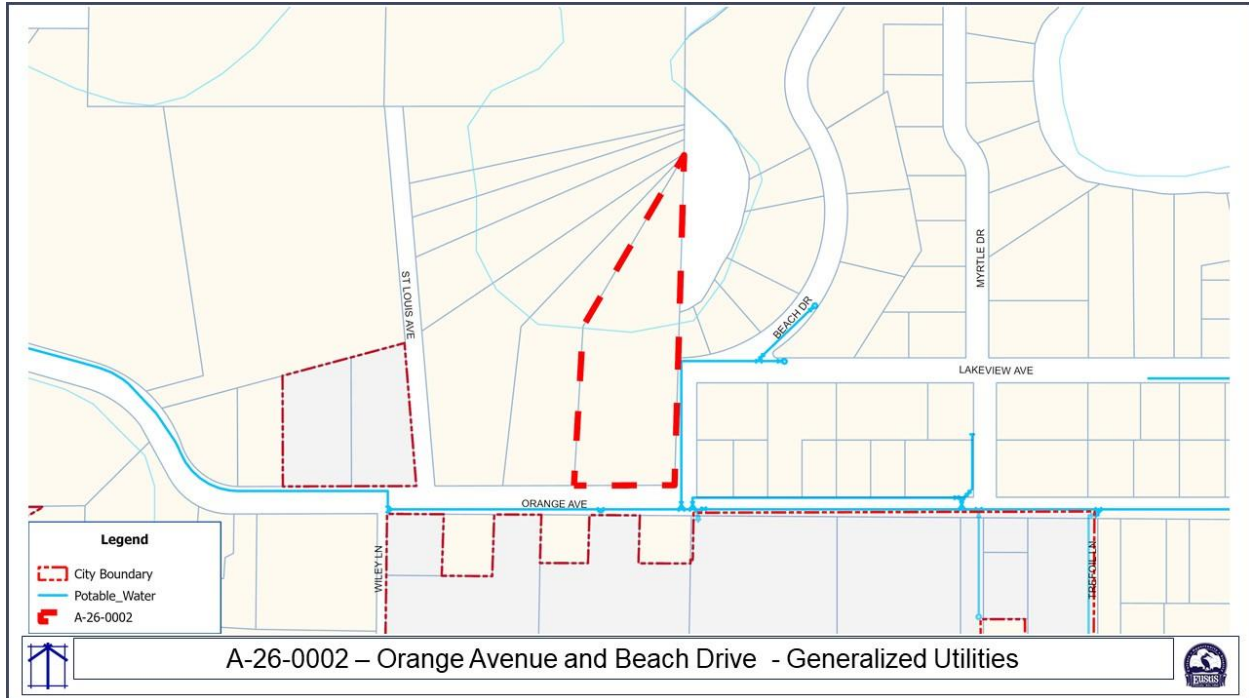
Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This indicator does not apply. This site and adjacent areas do not support active agricultural or silvicultural activities. The site is within an existing developed area.

6. Public Facilities:

Fails to maximize the use of existing public facilities and services.

This indicator does not apply. City water is available to serve the property. Development of this parcel will maximize the use and efficiency of the City water services. City Sewer is not currently available.



7. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land-use patterns or timing that disproportionately increase the costs in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire, and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve the existing and future development.

8. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. No nearby properties contain active agricultural activities or use. The surrounding area is developed or has development entitlements attached to the land. These developments have densities and intensities that are clearly suburban uses.

9. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply. This property will promote infill development by allowing access to public facilities.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. The site is surrounded by single-family development on adjacent properties, consistent with the area's permitted uses.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The Land Development Regulations include provisions to provide adequate access and linkage between related uses. City Departments will ensure compliance with these standards at the time of development review.

12. Open Space:

Results in the loss of significant amounts of functional open space.

This indicator does not apply. The site does not contain functional open space and is not connected to regionally significant open space. The subject properties are existing residential lots.

13. Urban Sprawl:

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. Direction of Growth:

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The site is adjacent to existing urban/suburban development patterns and is a logical infill of the urban development boundary. The Comprehensive Plan and Land Development Regulations have provisions to protect natural resources and ecosystems at the time of site plan approval.

b. Efficient and Cost-Effective Services:

Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Water service is available however, Sewer service is currently not available to the area.

c. Walkable and Connected Communities:

Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

At the time of development, the site must meet the City's Land Development Regulations including the creation of streets and street connections where they do not currently exist.

d. Water and Energy Conservation:

Promotes the conservation of water and energy.

The development of the site must meet City development and Florida Building Code standards that will require energy and water-efficient appliances.

e. Agricultural Preservation:

Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Not applicable; this site and adjacent areas do not support active agricultural or silvicultural activities. The site is within an existing developed residential area.

f. Open Space:

Preserves open space and natural lands and provides for public open space and recreation needs.

This is not applicable. The site does not provide functional open space or natural areas on a regional basis.

g. Balance of Land Uses:

Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

The proposed land use is consistent with the surrounding area the site is not positioned to front primary or secondary corridors that would encourage commercial development.

h. Urban Form Densities and Intensities:

Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Not applicable.

In Accordance with Comprehensive Plan Future Land Use Element Appendix:

All applications for a Plan amendment relating to the development patterns described and supported within the Plan including, but not limited to, site specific applications for changes in land use designations, are presumed to involve a legislative function of local government which, if approved, would be by legislative act of the City and shall, therefore, be evaluated based upon the numerous generally acceptable planning, timing, compatibility, and public facility considerations detailed or inferred in the policies of the Plan. Each application for an amendment to the Map #1: 2035 Future Land Use Map by changing the land use designation assigned to a parcel of property shall also be reviewed to determine and assess any significant impacts to the policy structure on the Comprehensive Plan of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

Major Categories of Plan Policies:

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the major categories of Plan policies as follows:

1. General Public Facilities/Services:

Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation if and when available, sanitary sewer, schools, solid waste, stormwater, and the transportation network.

a. Emergency Services Analysis:

Eustis Emergency Services already provides emergency response to other properties in the area. Any development consistent with the Suburban Residential future land use designation would not have a significant negative impact on the operations of Eustis emergency services.

b. Parks & Recreation:

In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The

results show that a surplus of park area exists up to and beyond the City's population of 20,015. The current population is approximately 24,500. Pursuant to Comprehensive Plan policies and Land Development Regulations, residential development will be required to provide on-site park amenities.

c. Potable Water & Sanitary Sewer:

Water service is available to the subject property. The water system has adequate capacity to serve the development of the property. City Sewer Services are not currently available in the area.

d. Schools:

The proposed change should not negatively impact schools. At the time of development application verification of capacity will be required from Lake County Schools.

e. Solid Waste:

The City contracts with Waste Management for the hauling of solid waste. The company already services properties in the general area of the subject property. Serving this property will increase efficiency in the delivery of services.

f. Stormwater:

The Comprehensive Plan and Land Development Regulations include the level of service standards to which new development must adhere. Projects designed to meet these standards will not negatively affect the existing facilities and services.

g. Transportation Network Analysis:

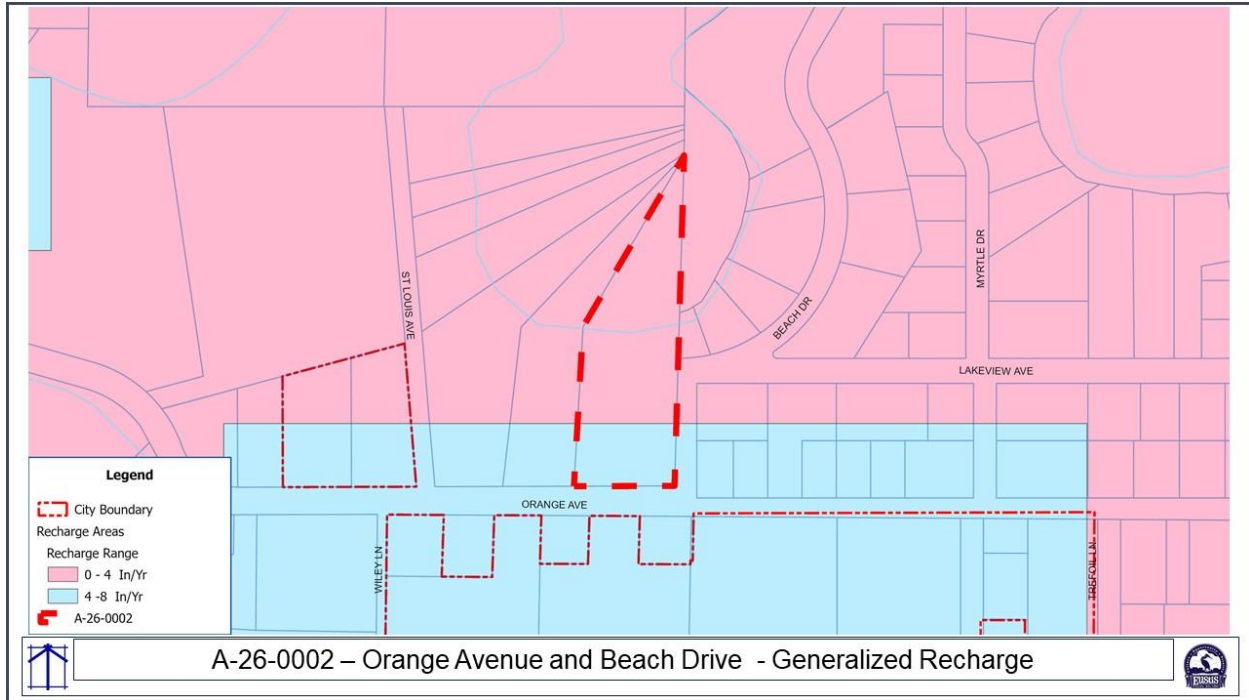
This potential annexation and the subsequent development of the property will not add additional impacts as the parcels being annexed include existing platted lots.

2. Natural Resources/Natural Features:

The Plan's policies also include general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and the demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

a. Groundwater recharge areas:

The properties are within a recharge area receiving 0-8 inches of recharge annually; however, the properties currently exist as residential lots and are eligible for building permits without further review related to recharge.

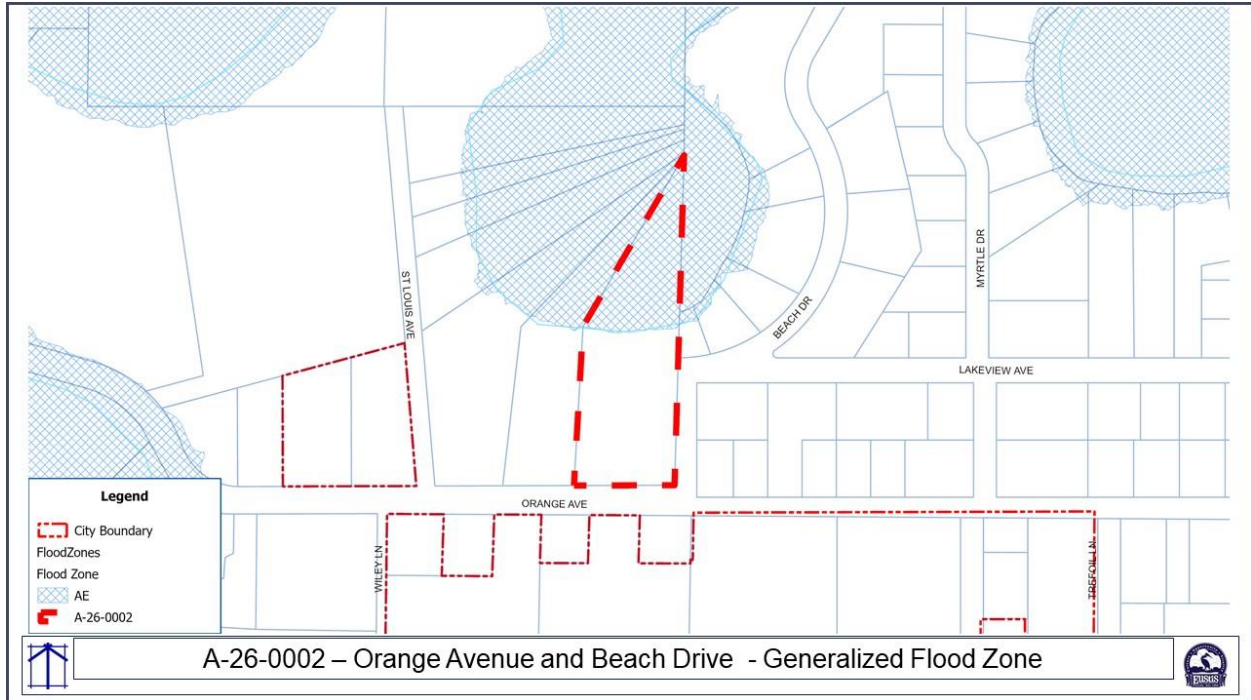


b. Historical or archaeological sites:

The City does not have any record of Florida Master Site Files related to this property, and no known historical or cultural resources exist.

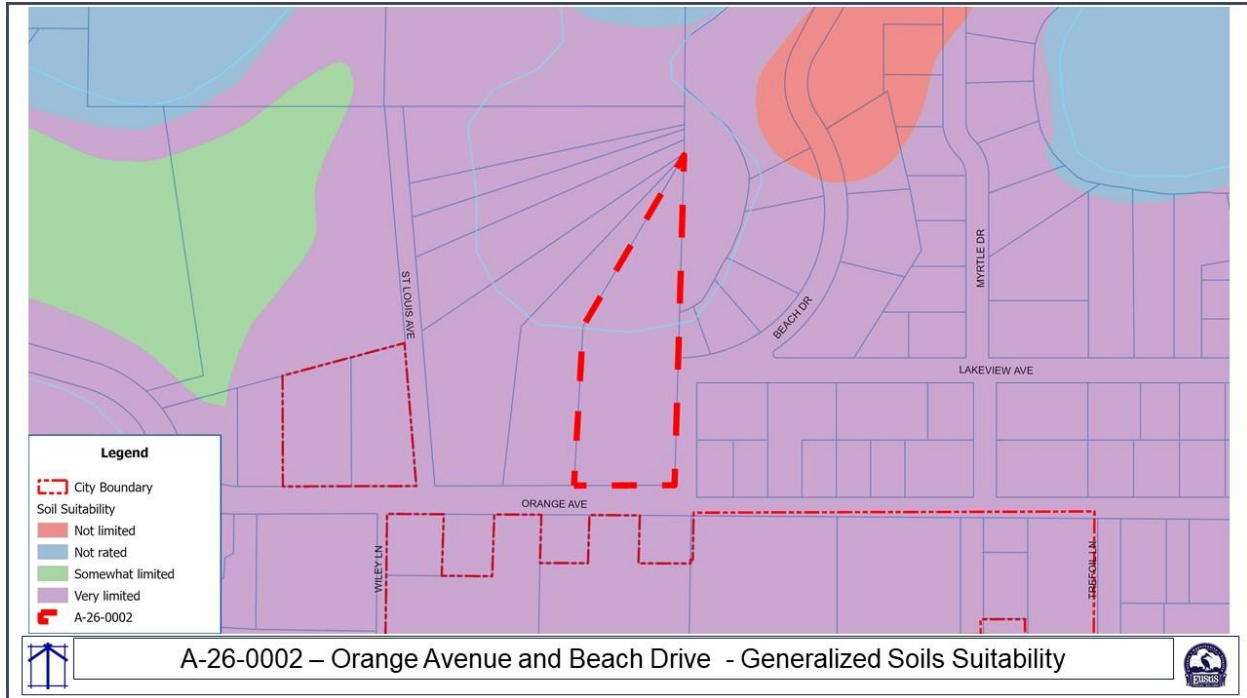
c. Flood zones:

The subject property is subject to a 100-year flood zone area. Source: Lake County GIS - 2012 Flood Zones; however, an adequate area on the lot is affected to potentially build a single-family dwelling.



d. Soil and topography:

The site soils are primarily Wauchula sands. The Wauchula series consists of very deep, very poorly drained, moderately slow- or slowly permeable soils on flatwoods in the lower coastal plains. They formed in sandy and loamy marine sediments. Slopes range from 0 to 5 percent.



3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describe when, where, and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the compatibility of the use, intensity, location, and timing of the proposed amendment.

Existing Land Use According to the Lake County Comprehensive Plan:

The existing Lake County future land use designation of the property is Urban Low, which provides for residential uses at up to 4 dwelling units per acre as well as supporting commercial and institutional uses.

Proposed Land Use According to the Eustis Comprehensive Plan:

The Suburban Residential (SR) land use designation is provided to accommodate the majority of residential development within the City. The general range of uses includes: a mix of single-family detached, patio home, and townhouse dwellings in a suburban

atmosphere, and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and facilities that are 2 acres or less in size are also permitted. Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre.

Comparison of Lake County Development Conditions

The land use designations of residential properties within the City of Eustis in the surrounding area are generally Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac).

The surrounding properties, immediately adjacent to the north, west and east, are unincorporated areas that are designated Urban low with a maximum density of 4 dwelling units per net buildable acre.

Proposed Residential Land Uses.

The City shall limit these uses adjacent to incompatible commercial or industrial lands unless sufficient mitigation, such as buffering and setbacks is provided and available, which lessens the impact to the proposed residences.

This area is predominantly residential in nature the proposed use of the land will continue to be residential.

Proposed Non-Residential Land Uses.

The City shall generally not permit new industrial uses to be located adjacent to existing or planned residentially designated areas.

Not applicable.

1. Transportation:

Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

The use of the land is already residential in nature and was previously platted the increase in traffic should be negligible.

2. Water Supply:

Each application for a land use designation amendment will be required to demonstrate that adequate water supplies and associated public facilities are (or will be) available to meet the projected growth demands.

City water service and other services are available. The City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available.

In Accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. Consistent with Comprehensive Plan:

Whether the proposed amendment is consistent with all expressed policies of the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan.

b. In Conflict with Land Development Regulations:

Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations. At the time of development, there will be further review for compliance.

c. Inconsistent with Surrounding Uses:

Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

The existing land uses in the immediate area are residential, and the proposed use of the land is continued residential.

d. Changed Conditions:

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. Upon annexation, the subject property will have a full array of municipal services, including central water. These changed conditions warrant a change in the land use designation.

e. Demand on Public Facilities:

Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would

exceed the capacity of such public facilities, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

City water services are available and, in close proximity to the site. Adequate capacity is available to serve future development consistent with the requested Suburban Residential future land use designation.

Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.

f. Impact on Environment:

Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The site contains no apparent natural resources and is not connected to significant open space.

g. Orderly Development Pattern:

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The site is contiguous to the City limits. The development patterns already exist in the area and the future building on the previously platted lots will not cause incompatibilities with those development patterns.

h. Public Interest and Intent of Regulations:

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the City's Comprehensive Plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and lifestyle.”

The requested designation of Suburban Residential (SR) land use will provide for orderly growth and development. This designation would advance the public interest by potentially providing additional housing, and the application of the LDRs to future development will ensure consistency with the city's community character and lifestyle.

i. Other Matters:

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

Analysis of Design District Request (Ordinance Number 2026-23):

Form-Based Code:

The City's Land Development Regulations is a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban, and rural transect

1. Standards for Review:

The Land Development Regulations include the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

a. Section 102-17(a) "...Section 109-3 Design Districts:

identifies the definition, structure, and form of each design district. The assignment of design district must follow the district pattern and intent."

The requested amendment assigns a newly annexed parcel the designation that aligns with the district pattern and intent (Rural Neighborhood). The rural development pattern and intent, and the Rural Neighborhood definition, structure, and form description are stated below. The assignment of a Rural Neighborhood design district designation is appropriate due to the established and proposed development patterns in the area.

Sec. 109-5.7. Rural development pattern intent statements.

(a) Intent. The rural development pattern relies primarily on a pattern of clustered residential development that provides substantive open space that serves to preserve and enhance the rural viewshed and character of the community. Nonresidential uses are primarily located in centers and may contain a mix of uses.

(b) Design districts.

(1) Rural neighborhood.

a. Definition. Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.

b. Structure. Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.

The Rural development patterns statement above indicates that residential uses are primarily located on streets with fewer vehicle connections. A Rural Neighborhood designation follows the district pattern and intent outlined in the Land Development Regulations and is consistent with the existing transect in the area.

b. Section 102-17(a)

The following guidelines must be followed when proposing the reassignment of the design district:

Compatible intensities should face across streets. Changes in design districts should occur along rear alleys or lanes or along conservation edges.

Reassignment is not being proposed; a City of Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the surrounding design districts.

c. Consistent with Comprehensive Plan:

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns, and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. Consistent with Surrounding Uses:

Whether, and the extent to which, the proposed design district is consistent with existing and proposed land uses.

The Rural Neighborhood definition, structure, and form are compatible with the existing uses and any proposed uses permitted under the Suburban Residential future land use designation.

e. Changed Conditions:

Whether there have been changed conditions that justify amending the design district.

The subject property is proposed for annexation and a design district assignment is necessary. The conditions have changed from land located in unincorporated Lake County without central services to a site within the City of Eustis with municipal services.

f. Public Facilities.

Whether, and the extent to which, the proposed redistricting would result in demands on public facilities, and whether, or to the extent to which, the proposed change would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

A redistricting is not proposed. Assigning a design district to an annexation property will not change the demand impact on public facilities. The Future Land Use designation controls the density and intensity permitted on the site, so the Design District map amendment would not result in impacts beyond that already anticipated. Also, see the analysis of public facilities in the above sections of this report.

g. Impact on Environment:

Whether, and the extent to which, the redistricting would result in significant impacts on the natural environment.

The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity, and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. As building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should the conditions at the time of development warrant such protection.

h. Property Values:

Whether, and the extent to which, the proposed redistricting would affect the property values in the area.

Redistricting is not being proposed; a City of Eustis design district designation must be assigned to the annexed property. This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.

i. Orderly Development Pattern:

Whether, and the extent to which, the proposed redistricting would result in an orderly and logical development pattern.

The request is the assignment of a design district to an annexation parcel, not redistricting. However, the proposed Design District designation is consistent with the suburban development pattern identified in Section 109-5.5 of the Land Development Regulations. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

j. Public Interest and Intent of Regulations:

Whether the proposed redistricting would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

The request is the assignment of a design district to an annexation parcel, not redistricting. The proposed Design District is not in conflict with the public interest and reflects the purpose and intent of the regulations.

k. Other Matters:

Any other matters that may be deemed appropriate by the city commission, in review and consideration of the proposed redistricting.

The request is the assignment of a design district to an annexation parcel, not redistricting. The City’s Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land use, densities, intensities, or required open space. The districts, therefore, must be consistent and follow the urban, suburban, and rural transects. This request assigns a Rural Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Applicable Policies and Codes

- 1. Resolution Number 87-34

Joint Planning Area Agreement with Lake County: “The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law..... The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

2. Florida Statutes Chapter 171.044: Voluntary Annexation:

- a. “The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”
- b. “Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

3. Comprehensive Plan – Suburban Residential (SR)

This designation is provided to accommodate the majority of residential development within the City.

General Range of Uses: This designation is intended to provide for a mix of single-family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and facilities that are 2 acres or less in size are also permitted.

Maximum Density/Intensity: Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions below.

Special Provisions:

- (1) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in the Suburban Residential (SR) classification where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent. A density bonus may also be allowed for energy conservation or green

certification as provided for in the LDRs. The combined density bonus for affordable housing and energy conservation/green certification is limited to a total increase of 15%.

(2) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:

a. all such housing is attached to foundations as in the case of conventional site-built construction; and

b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.

(3) Developments within the Wekiva Protection Overlay that include longleaf pine, sandhill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

4. Land Development Regulations Section 109-3 (Table 1) and Section 109-2.6: Suburban Residential land use has a maximum density of 5 units to one acre. The Suburban Residential designation is intended to regulate the character and scale of allowed uses so as to minimize their impacts on adjacent roadways and promote their compatibility with adjacent or nearby land uses.

Business Impact Estimate Eligibility Form

Section 166.041(4), Florida Statutes

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Eustis' website by the time notice of the proposed ordinance is published.

This form simply assists in determining whether a Business Impact Estimate must be completed under Florida law for the proposed ordinance. Should a Business Impact Estimate be required or should the City opt to provide one as a courtesy based on the selection below then a separate form with the statutory components of Section 166.041(4)(a) shall also accompany the proposed ordinance.

Ordinance Number	2026-21
Ordinance Subject	Annexation A-26-0002
Legal Advertising Date	April 6, 2026
First Reading On	4/16/2026
Second Reading On	5/7/2026

Ordinance Title

ORDINANCE NUMBER 2026-21 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 2.62 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1212685 GENERALLY LOCATED ON THE NORTH SIDE OF ORANGE AVENUE, WEST OF BEACH DRIVE.

Based on the City's review of the proposed ordinance (must select one of the following):

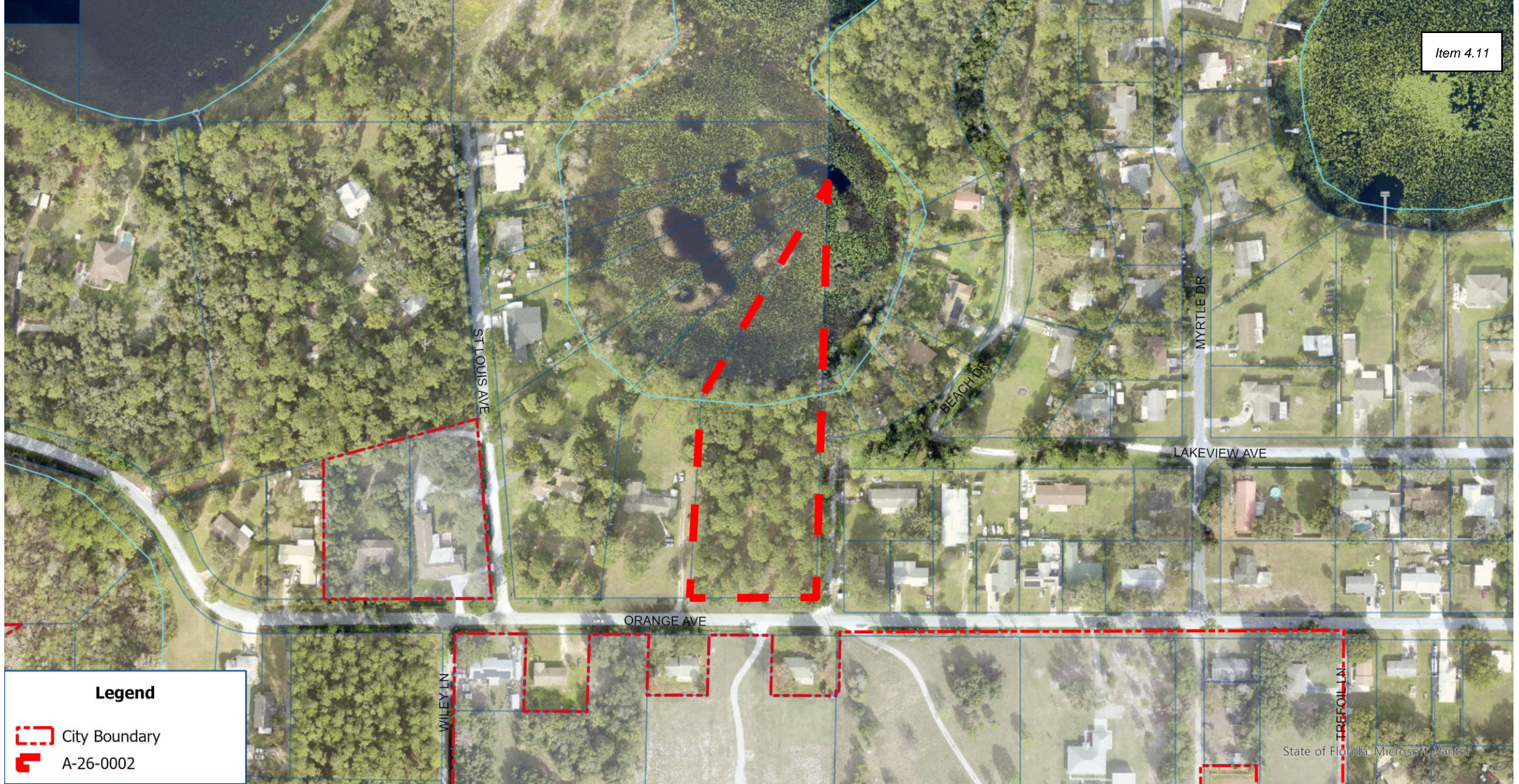
- The City has determined the statutory exemption identified below applies to the proposed ordinance; a Business Impact Estimate is NOT required and therefore not provided.
- The City has determined the statutory exemption identified below applies to the proposed ordinance; however, the City has prepared the Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate in accordance with section 166.041(4), Florida Statutes.

Exemptions



The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinance:

Section 166.041 (4)(c) exemption: It is enacted to implement comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.





Legend

-  City Boundary
-  A-26-0002



State of Florida, Microsoft, Vantor

A-26-0002 – Orange Avenue and Beach Drive – Aerial Location



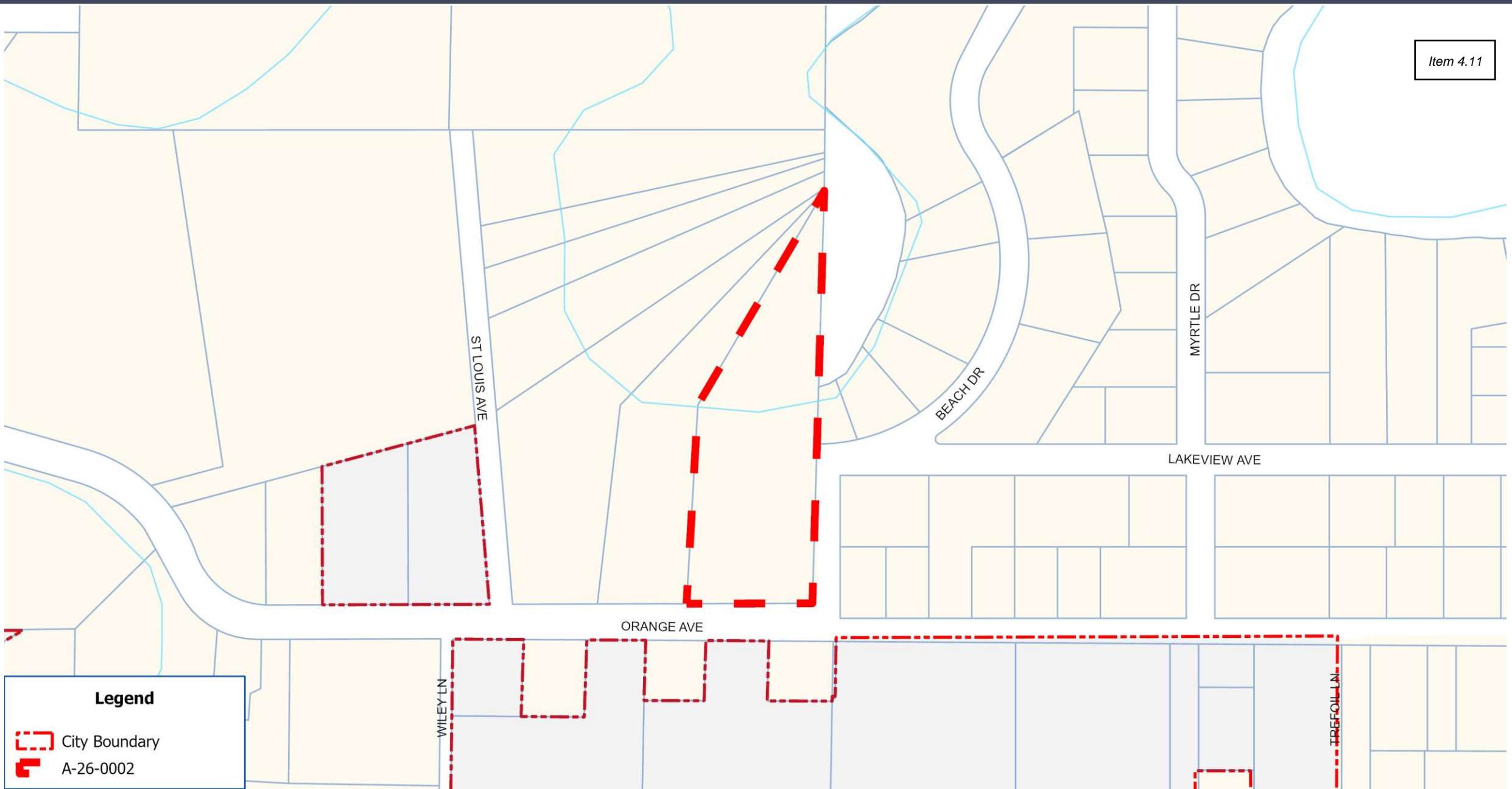


Legend



-  City Boundary
-  A-26-0002



A-26-0002 – Orange Avenue and Beach Drive – Aerial Location

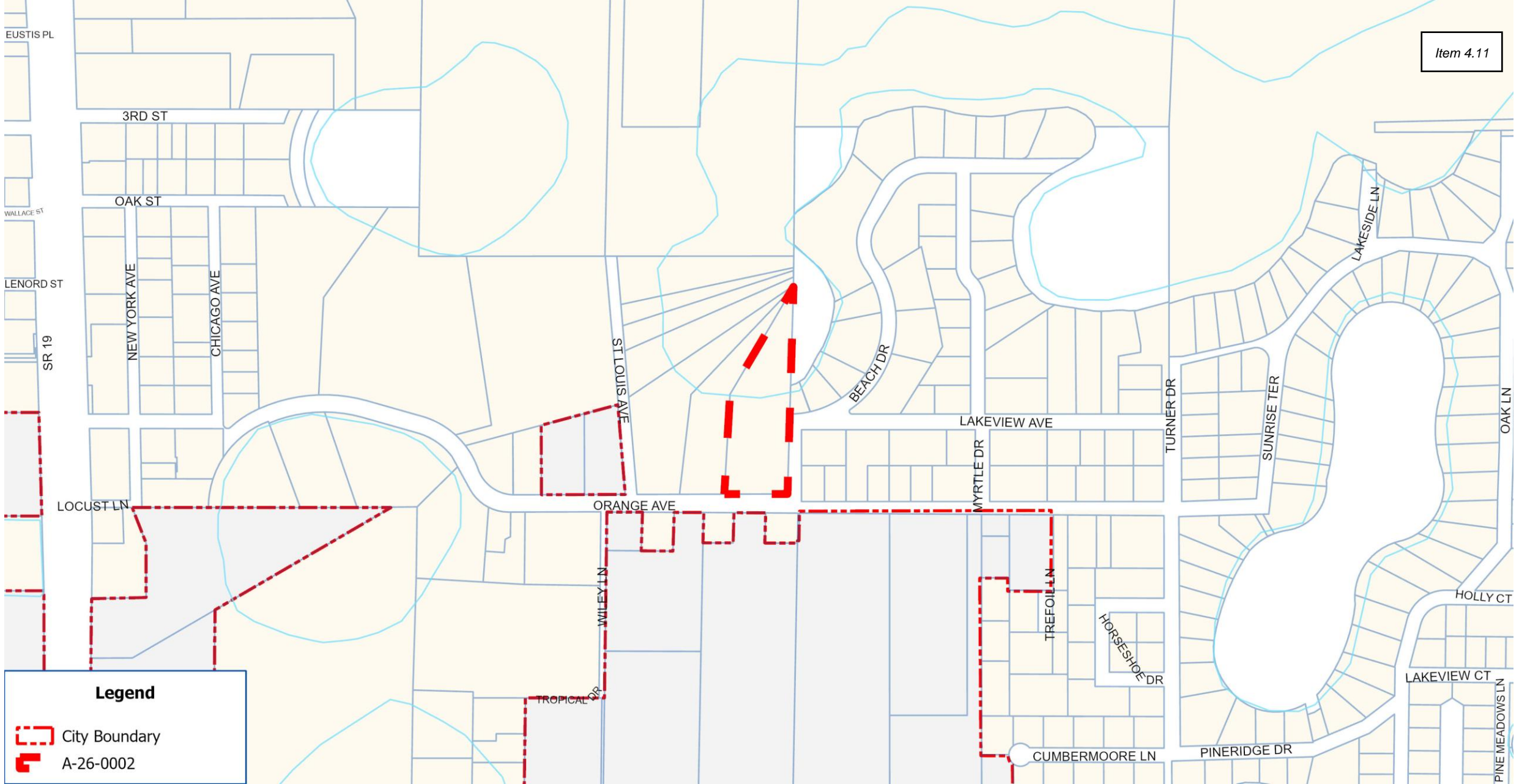


Legend

-  City Boundary
-  A-26-0002



A-26-0002 – Orange Avenue and Beach Drive – Location

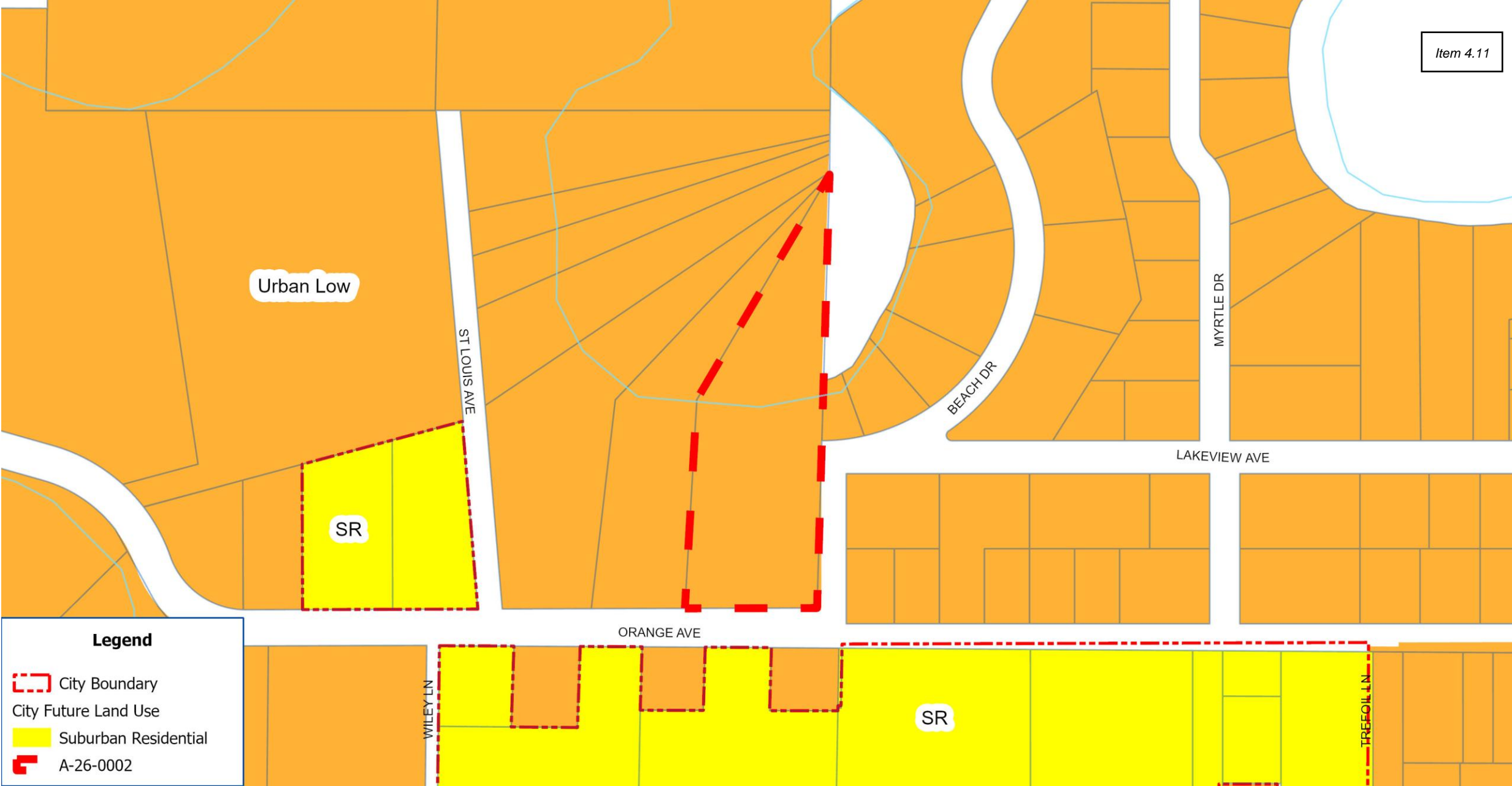


Legend

- City Boundary
- A-26-0002



A-26-0002 – Orange Avenue and Beach Drive – Location

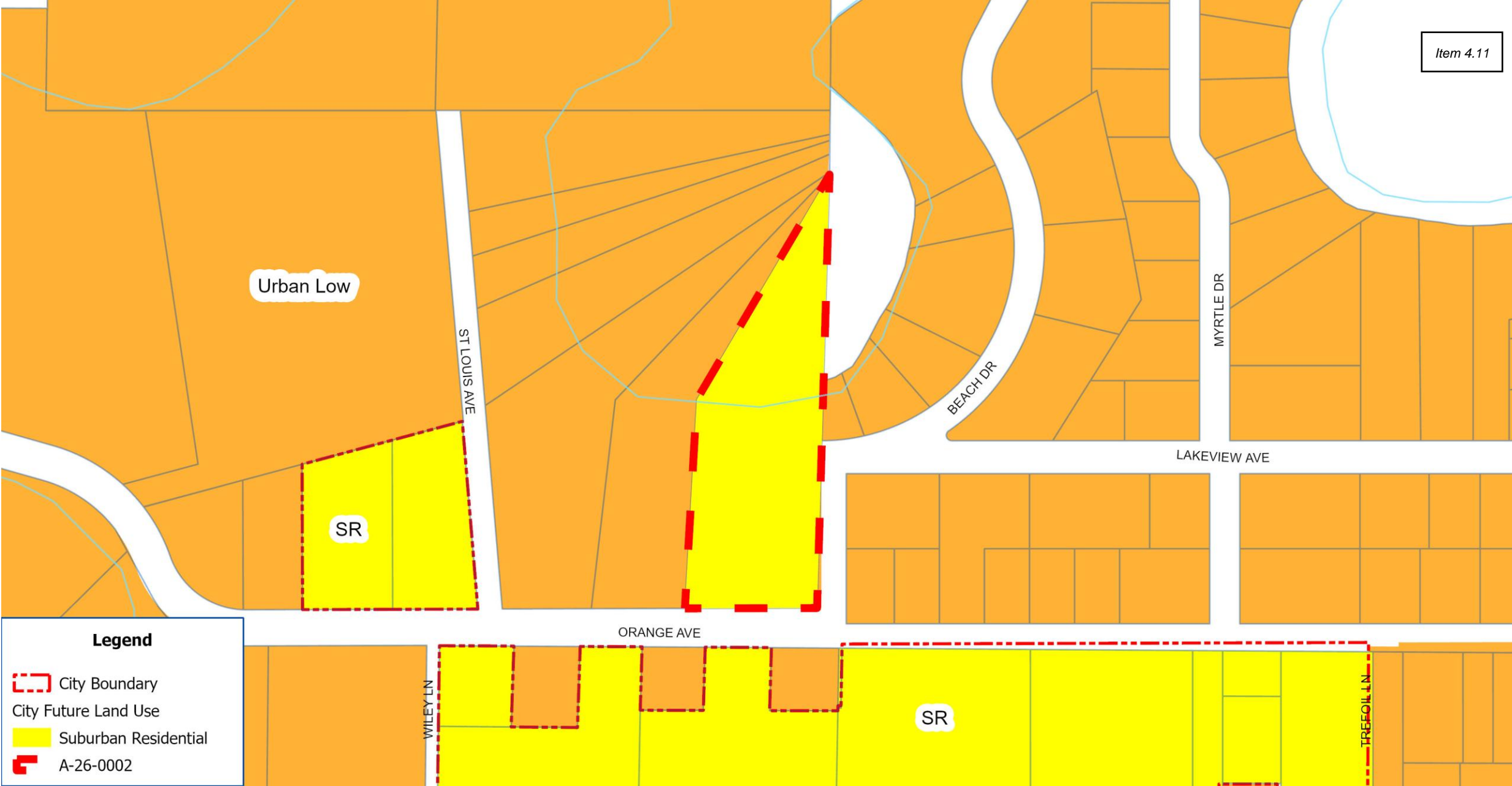


Legend

- City Boundary
- City Future Land Use
- Suburban Residential
- A-26-0002



A-26-0002 – Orange Avenue and Beach Drive - Current Future Land Use

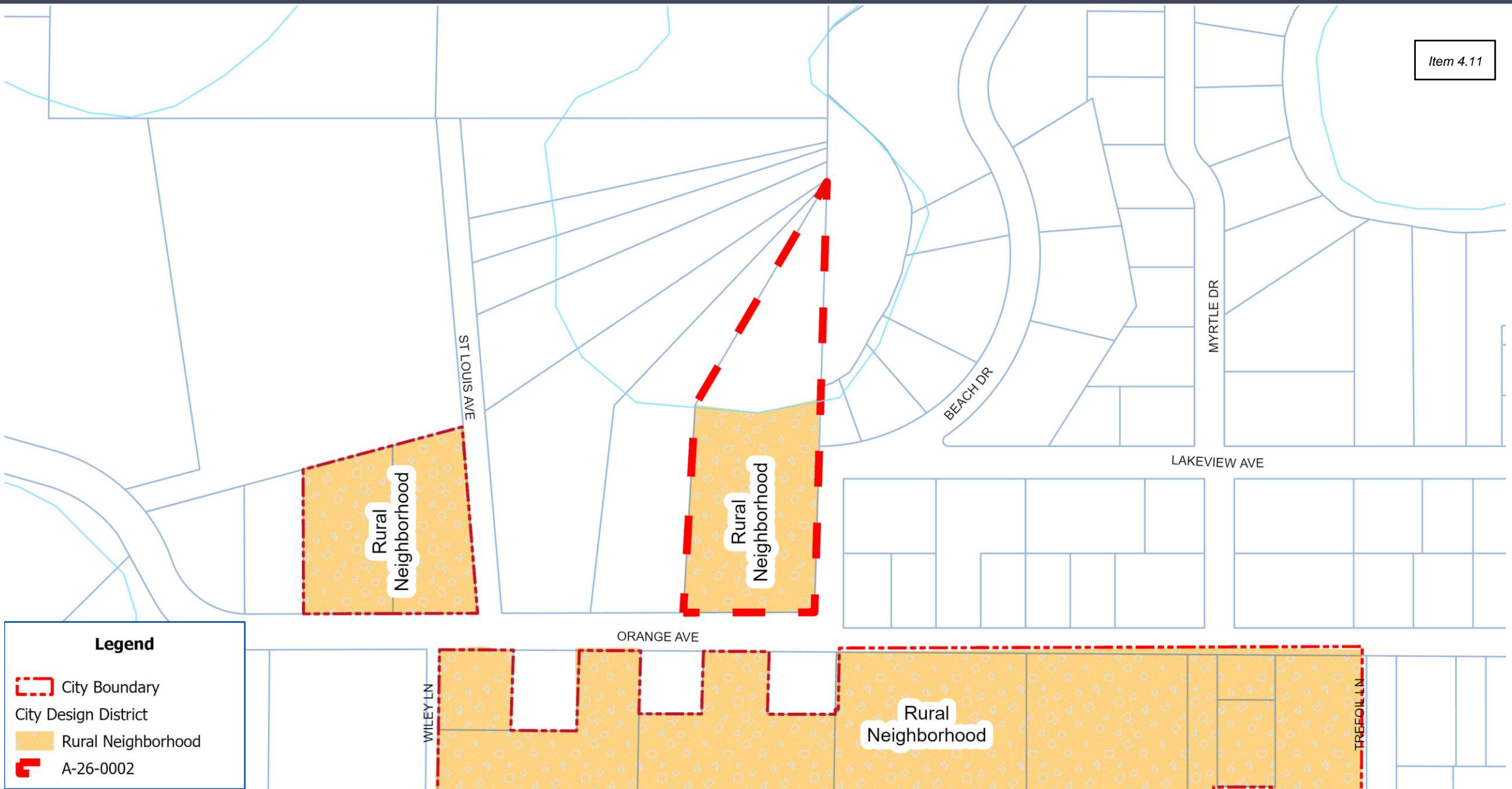


Legend

- City Boundary
- City Future Land Use
- Suburban Residential
- A-26-0002

A-26-0002 – Orange Avenue and Beach Drive - Proposed Future Land Use

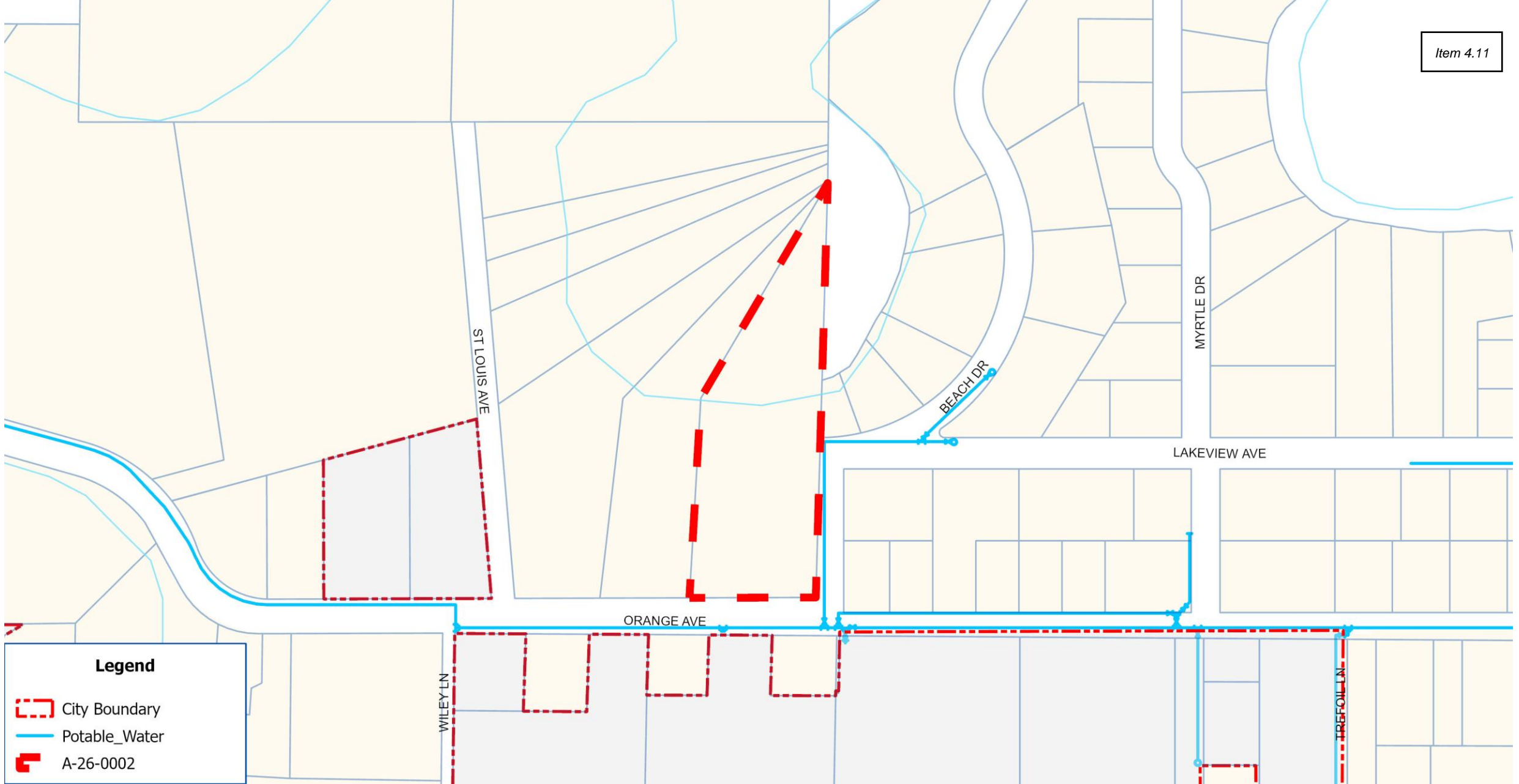







Legend

- City Boundary
- City Design District
- Rural Neighborhood
- A-26-0002

A-26-0002 – Orange Avenue and Beach Drive - Proposed Design District

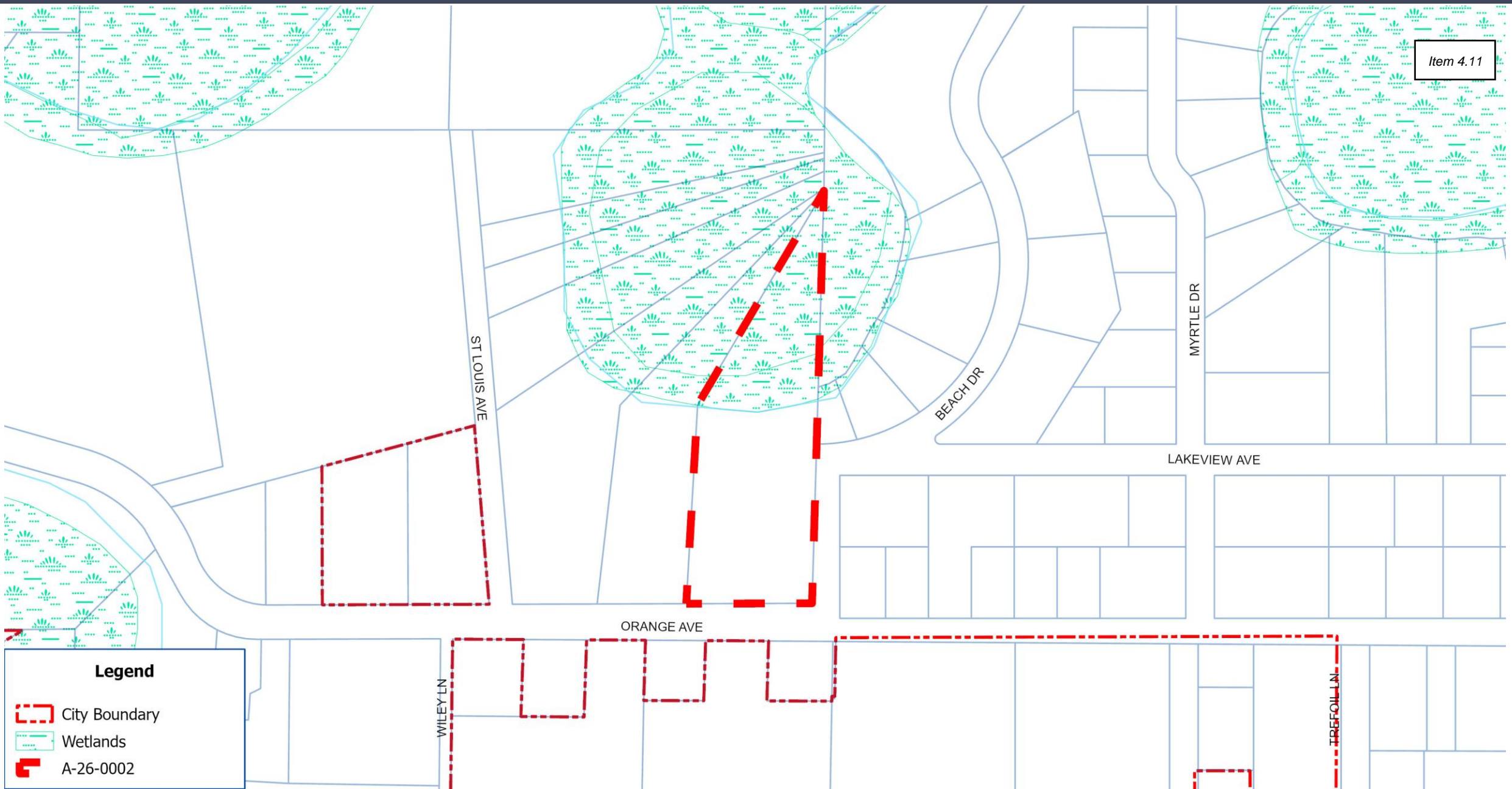


Legend

-  City Boundary
-  Potable_Water
-  A-26-0002



A-26-0002 – Orange Avenue and Beach Drive - Generalized Utilities

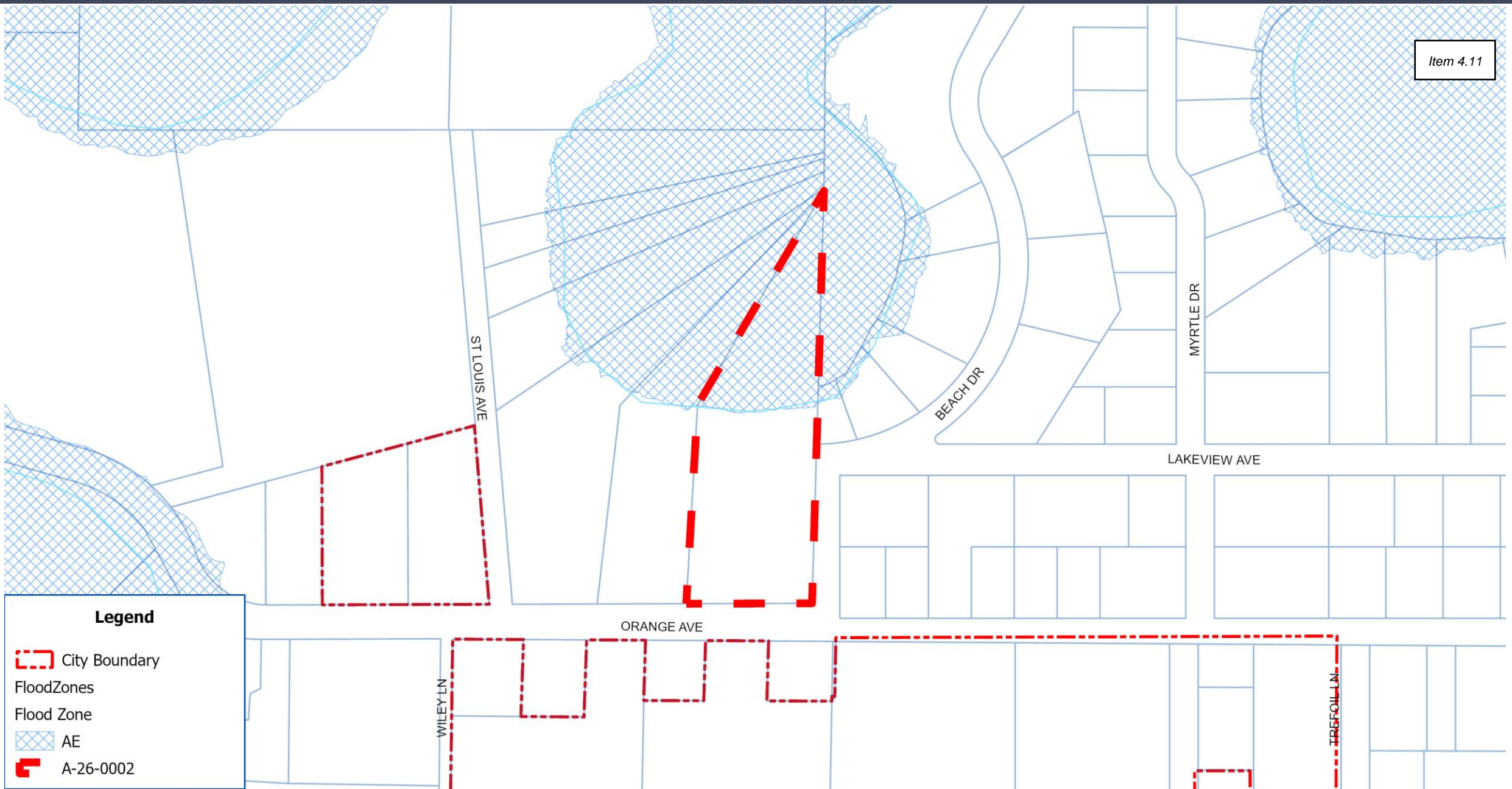


Legend




- City Boundary
- Wetlands
- A-26-0002



A-26-0002 – Orange Avenue and Beach Drive - Generalized Wetland

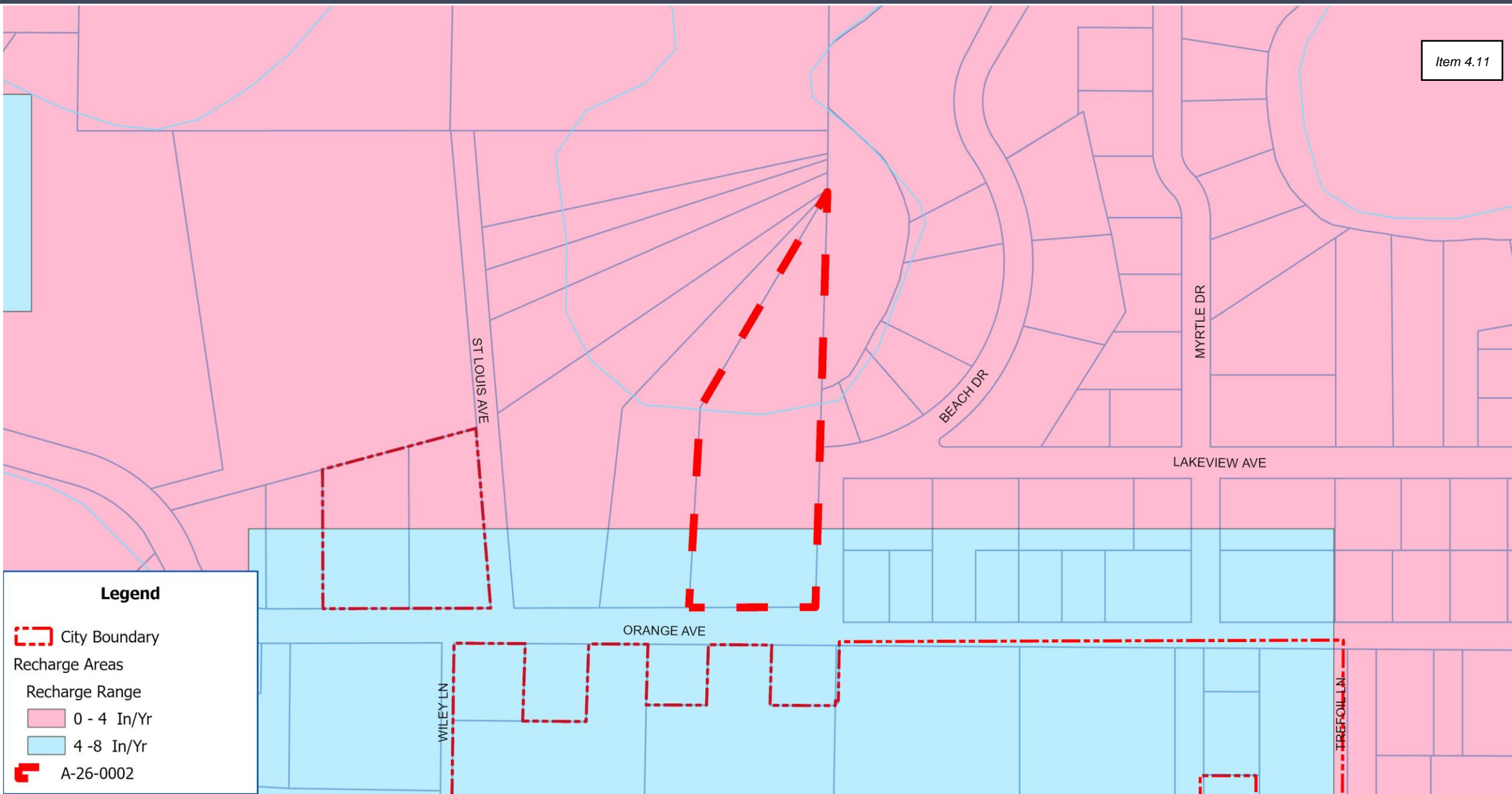


Legend

-  City Boundary
- FloodZones
- Flood Zone
-  AE
-  A-26-0002

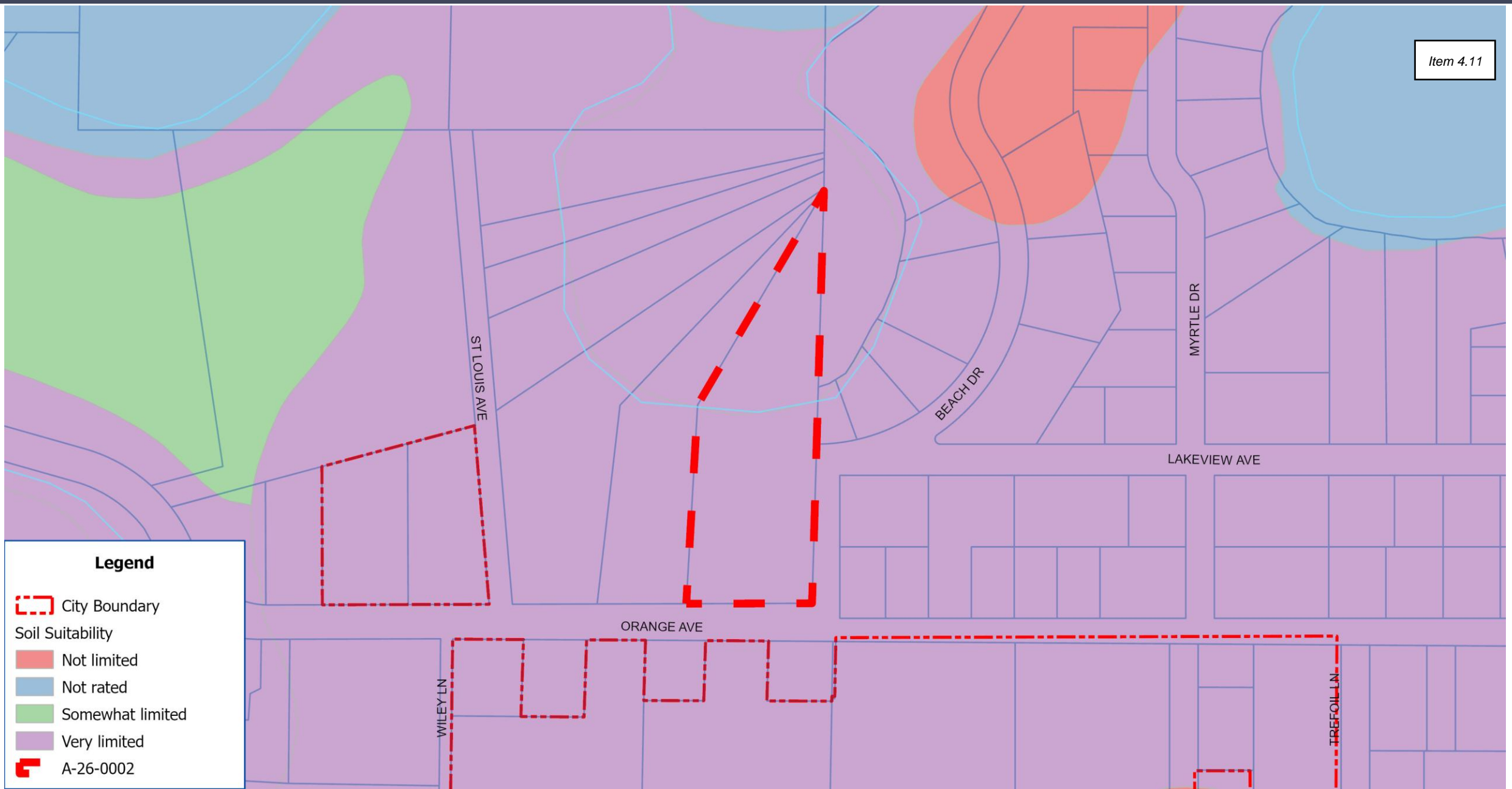


A-26-0002 – Orange Avenue and Beach Drive - Generalized Flood Zone



A-26-0002 – Orange Avenue and Beach Drive - Generalized Recharge





Legend

- City Boundary
- Soil Suitability**
- Not limited
- Not rated
- Somewhat limited
- Very limited
- A-26-0002



A-26-0002 – Orange Avenue and Beach Drive - Generalized Soils Suitability

ORDINANCE NUMBER 2026-22

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 2.62 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1212685 GENERALLY LOCATED ON THE NORTH SIDE OF ORANGE AVENUE, WEST OF BEACH DRIVE.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, the State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 2.62 acres of real property located at 1539 N State Road 19; and

WHEREAS, on April 16, 2026, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on April 16, 2026, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency’s recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on May 7, 2026, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small Scale Future Land Use Amendment contained herein;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Urban Low in Lake County to **Suburban Residential (SR)** within the City of Eustis:

Parcel Alternate Key: 1212685

Parcel Identification Numbers: 26-18-26-0004- 000-03301

Legal Description:

Attached as Exhibit “A”

SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

Conflict: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4.

Severability: That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 5.

Effective Date: That the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Commerce notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Commerce or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Commerce.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 7th day of May 2026.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 7th day of May 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public- State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY’S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission; however, I have not performed an independent title examination to verify the accuracy of the legal description.

City Attorney’s Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 2026-22 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Exhibit A

LOT 1

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE SOUTH LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, S 89°49'20" W 159.89' TO THE SE CORNER OF LOT 1 AND POINT OF BEGINNING; THENCE CONTINUE S 89°49'20" W 60.11' TO A FOUND 4" DIAMETER CONCRETE MONUMENT RLS 472; THENCE N 03°16'28" E 190.00'; THENCE N 89°45'22" E 60.11'; THENCE S 03°16'28" E 190.07' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.262 ACRES.

LOT 2

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE SOUTH LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, S 89°49'20" W 100.00' TO THE SE CORNER OF LOT 2 AND POINT OF BEGINNING; THENCE CONTINUE S 89°49'20" W 59.89'; THENCE N 03°16'28" E 129.94'; THENCE N 89°44'11" E 60.11'; THENCE S 03°22'13" W 130.04' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.179 ACRES.

LOT 3

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE SOUTH LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, S 89°49'20" W 100.00' THENCE N 03°22'13" E 69.80'; THENCE N 89°38'44" E 97.91' TO THE EAST LINE OF THE FURZE TRACT; THENCE S 01°39'00" W 70.00' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.159 ACRES.

LOT 4

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE EAST LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, N 01°39'00" E 70.00' TO THE SE CORNER OF LOT 4 AND POINT OF BEGINNING; THENCE S 89°38'44" W 97.91'; THENCE N 03°22'13" E 60.24'; THENCE N 89°44'11" E 96.10' TO THE EAST LINE OF THE FURZE TRACT; THENCE S 01°39'00" W 60.00' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.134 ACRES.

LOT 5

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SE CORNER OF THE FURZE TRACT A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE EAST LINE OF THE FURZE TRACT, PLAT BASE OF BEARING, N 01°39'00" E 130.00' TO THE SE CORNER OF LOT 5 AND POINT OF BEGINNING; THENCE S 89°44'11" W 156.21'; THENCE N 03°16'28" E 60.13'; THENCE N 89°45'22" E 154.51' TO THE EAST LINE OF THE FURZE TRACT; THENCE S 01°39'00" W 60.00' TO THE POINT OF BEGINNING; SAID LAND CONTAINING 0.214 ACRES.

LOT 6

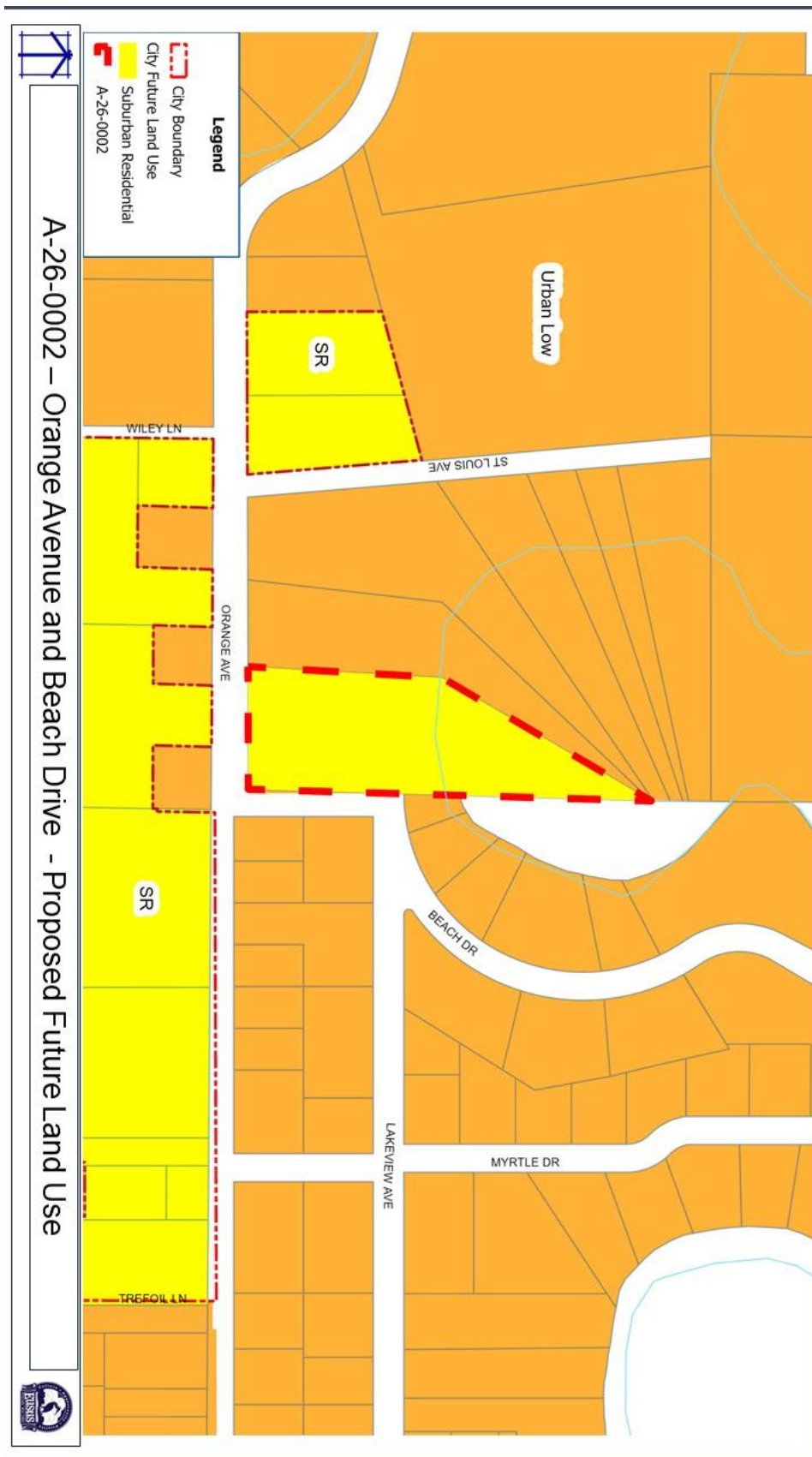
THAT PART OF THE FURZE TRACT OF DONNA VISTA PARK REPLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 12, PAGE 87, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE SE CORNER OF SAID FURZE TRACT, RUN THENCE NORTH ALONG THE EAST BOUNDARY THEREOF 740 FEET, MORE OR LESS, TO A POINT THAT IS S 01°39'00" W 100 FEET FROM THE NE CORNER OF SAID DONNA VISTA PARK REPLAT, THENCE S 30°30'30" W 434.85 FEET, THENCE S 03°18'00" W 348.05 FEET, TO THE SOUTH LINE OF SAID FURZE TRACT, THENCE EAST ALONG SAID SOUTH LINE 220 FEET TO THE POINT OF BEGINNING.'

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE FURZE TRACT IN THE DONNA VISTA PARK REPLAT, PLAT BOOK 12, PAGE 87, DESCRIBED BY DEED IN OFFICIAL RECORD BOOK 789, PAGE 318, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. BEGINNING AT THE SE CORNER OF SAID FURZE TRACT, A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE EAST LINE OF SAID TRACT THE PLAT BEARING OF N 01°39'00" E AND DISTANCE OF 347.60' TO A SET 5/8" IRON ROD AND CAP PSM 5795 IN THE REPLACEMENT POSITION OF A PLAT PERMANENT REFERENCE MONUMENT NEAR THE SOUTH SHORE OF SILVER LAKE; THENCE CONTINUE N 01°39'00" E 374.04' TO A DEFLECTION POINT IN THE LAKE DESCRIBED BY SAID DEED AS BEING 'NORTH ALONG THE EAST BOUNDARY 740 FEET, MORE OR LESS (CALC N 01°39'00" E 721.64') (FROM THE POINT OF BEGINNING), AND ALSO BEING S 01°39'00" W 100 FEET FROM THE NE CORNER OF THE DONNA VISTA PARK REPLAT ;THENCE FROM SAID DEFLECTION POINT S 30°32'14" W 434.75' (DEED S 30°30'30" W 434.85') TO A FOUND 4" DIAMETER CONCRETE MONUMENT RLS 472 NEAR THE SOUTH SHORE OF SILVER LAKE; THENCE 03°16'28" W 348.14' (DEED S 03°18'00" W 348.05') TO A FOUND 4" DIAMETER CONCRETE MONUMENT RLS 472 ON THE SOUTH LINE OF THE FURZE TRACT; THENCE N 89°49'20" E (PLAT BASE OF BEARING) 220.00' (DEED 200') TO THE POINT OF BEGINNING.
LAND SOUTH OF MONUMENTATION NEAR SHORELINE CONTAINING +/- 1.715 ACRES, AREA IN SILVER LAKE CONTAINING +/- 0.902 ACRES.

LESS LOTS 1 THROUGH 5 INCLUSIVE ENUMERATED ABOVE.

EXHIBIT B



Business Impact Estimate Eligibility Form

Section 166.041(4), Florida Statutes

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Eustis' website by the time notice of the proposed ordinance is published.

This form simply assists in determining whether a Business Impact Estimate must be completed under Florida law for the proposed ordinance. Should a Business Impact Estimate be required or should the City opt to provide one as a courtesy based on the selection below then a separate form with the statutory components of Section 166.041(4)(a) shall also accompany the proposed ordinance.

Ordinance Number	2026-22
Ordinance Subject	Future Land Use Map Amendment - A-26-0002
Legal Advertising Date	April 6, 2026
First Reading On	4/16/2026
Second Reading On	5/7/2026

Ordinance Title

ORDINANCE NUMBER 2026-22 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 2.62 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1212685 GENERALLY LOCATED ON THE NORTH SIDE OF ORANGE AVENUE, WEST OF BEACH DRIVE.

Based on the City's review of the proposed ordinance (must select one of the following):

- The City has determined the statutory exemption identified below applies to the proposed ordinance; a Business Impact Estimate is NOT required and therefore not provided.
- The City has determined the statutory exemption identified below applies to the proposed ordinance; however, the City has prepared the Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate in accordance with section 166.041(4), Florida Statutes.

Exemptions

The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinance:

Section 166.041 (4)(c) exemption: It is enacted to implement comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.



ORDINANCE NUMBER 2026-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 2.62 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBERS 1212685 GENERALLY LOCATED ON THE NORTH SIDE OF ORANGE AVENUE, WEST OF BEACH DRIVE.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Rural Neighborhood to approximately 2.62 acres of recently annexed real property, further described below, and

WHEREAS, on April 16, 2026, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on May 7, 2026, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

Section 1. Design District Designation

That the Design District Designation of the real property described below and shown on Exhibit A shall be Rural Neighborhood:

Parcel Alternate Key: 1212685

Parcel Identification Numbers: 26-18-26-0004- 000-03301

Legal Description:

Attached as Exhibit “A”

Section 2. Map Amendment

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

Section 3. Conflict

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability

That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 5. Effective Date

That this Ordinance shall become effective upon the annexation of the subject property through approval of Ordinance Number 2026-21.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 7th day of May 2026.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Emily A. Lee
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 7th day of May 2026, by Emily A. Lee, Mayor/Commissioner, and Christine Halloran, City Clerk, who are personally known to me.

Notary Public- State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY’S OFFICE

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission; however, I have not performed an independent title examination to verify the accuracy of the legal description.

City Attorney’s Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 26-23 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

Exhibit A

LOT 1

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LOT 5

THAT PART OF THE FURZE TRACT, FROM PLAT BOOK 12 PAGE 87, DESCRIBED IN OFFICIAL RECORD BOOK 6063, PAGE 481 PUBLIC RECORDS LAKE COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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LOT 6

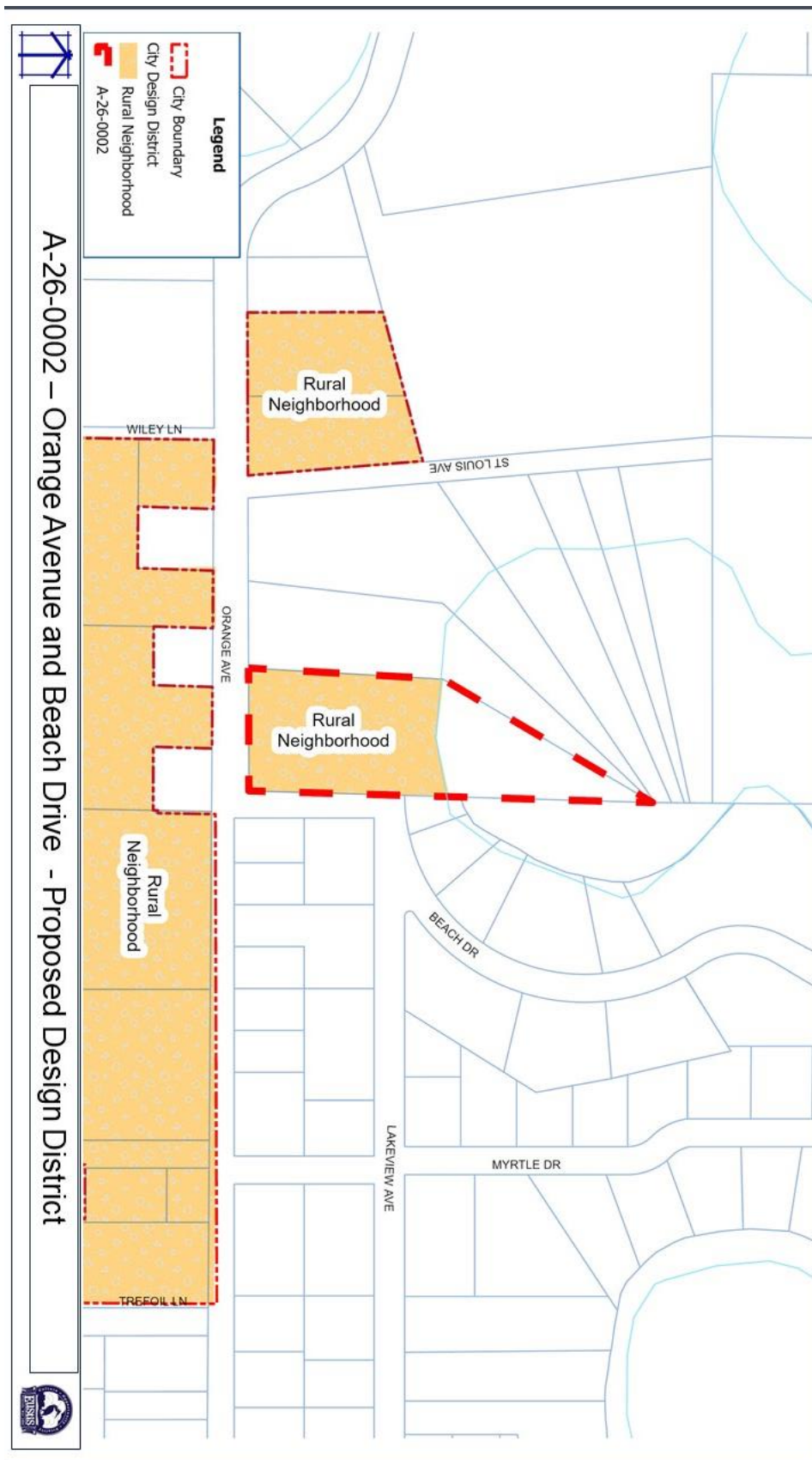
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MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF THE FURZE TRACT IN THE DONNA VISTA PARK REPLAT, PLAT BOOK 12, PAGE 87, DESCRIBED BY DEED IN OFFICIAL RECORD BOOK 789, PAGE 318, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA. BEGINNING AT THE SE CORNER OF SAID FURZE TRACT, A FOUND 4" DIAMETER CONCRETE MONUMENT; THENCE ON THE EAST LINE OF SAID TRACT THE PLAT BEARING OF N 01°39'00" E AND DISTANCE OF 347.60' TO A SET 5/8" IRON ROD AND CAP PSM 5795 IN THE REPLACEMENT POSITION OF A PLAT PERMANENT REFERENCE MONUMENT NEAR THE SOUTH SHORE OF SILVER LAKE; THENCE CONTINUE N 01°39'00" E 374.04' TO A DEFLECTION POINT IN THE LAKE DESCRIBED BY SAID DEED AS BEING 'NORTH ALONG THE EAST BOUNDARY 740 FEET, MORE OR LESS (CALC N 01°39'00" E 721.64') (FROM THE POINT OF BEGINNING), AND ALSO BEING S 01°39'00" W 100 FEET FROM THE NE CORNER OF THE DONNA VISTA PARK REPLAT ;THENCE FROM SAID DEFLECTION POINT S 30°32'14" W 434.75' (DEED S 30°30'30" W 434.85') TO A FOUND 4" DIAMETER CONCRETE MONUMENT RLS 472 NEAR THE SOUTH SHORE OF SILVER LAKE; THENCE 03°16'28" W 348.14' (DEED S 03°18'00" W 348.05') TO A FOUND 4" DIAMETER CONCRETE MONUMENT RLS 472 ON THE SOUTH LINE OF THE FURZE TRACT; THENCE N 89°49'20" E (PLAT BASE OF BEARING) 220.00' (DEED 200') TO THE POINT OF BEGINNING.
LAND SOUTH OF MONUMENTATION NEAR SHORELINE CONTAINING +/- 1.715 ACRES, AREA IN SILVER LAKE CONTAINING +/- 0.902 ACRES.

LESS LOTS 1 THROUGH 5 INCLUSIVE ENUMERATED ABOVE.

Exhibit B



Business Impact Estimate Eligibility Form

Section 166.041(4), Florida Statutes

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Eustis' website by the time notice of the proposed ordinance is published.

This form simply assists in determining whether a Business Impact Estimate must be completed under Florida law for the proposed ordinance. Should a Business Impact Estimate be required or should the City opt to provide one as a courtesy based on the selection below then a separate form with the statutory components of Section 166.041(4)(a) shall also accompany the proposed ordinance.

Ordinance Number	2026-23
Ordinance Subject	Design District Map Amendment A-26-0002
Legal Advertising Date	April 6, 2026
First Reading On	4/16/2026
Second Reading On	5/7/2026

Ordinance Title

ORDINANCE NUMBER 2026-23 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 2.62 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBERS 1212685 GENERALLY LOCATED ON THE NORTH SIDE OF ORANGE AVENUE, WEST OF BEACH DRIVE.

Based on the City's review of the proposed ordinance (must select one of the following):

- The City has determined the statutory exemption identified below applies to the proposed ordinance; a Business Impact Estimate is NOT required and therefore not provided.
- The City has determined the statutory exemption identified below applies to the proposed ordinance; however, the City has prepared the Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance.
- The City has prepared a Business Impact Estimate in accordance with section 166.041(4), Florida Statutes.

Exemptions

The City has determined that a Business Impact Estimate is NOT required as the following exemption applies to the proposed ordinance:

Section 166.041 (4)(c) exemption: It is enacted to implement comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality.

