



TOWN OF HIGHLAND BEACH TOWN COMMISSION MEETING AGENDA

Tuesday, December 05, 2023 AT 1:30 PM

LIBRARY COMMUNITY ROOM, 3618 S. OCEAN BLVD.,
HIGHLAND BEACH, FL

Town Commission

Natasha Moore
David Stern
Evalyn David
Donald Peters
Judith M. Goldberg

Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner

Marshall Labadie
Lanelda Gaskins
Glen J. Torcivia

Town Manager
Town Clerk
Town Attorney

-
1. **CALL TO ORDER**
 2. **ROLL CALL**
 3. **PLEDGE OF ALLEGIANCE**
 4. **APPROVAL OF THE AGENDA**
 5. **PRESENTATIONS / PROCLAMATIONS**

A. Resolution No. 2023-034

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Planning Board; and providing for an effective date.

B. Resolution No. 2023-035

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Board of Adjustments and Appeals; and providing for an effective date.

6. **PUBLIC COMMENTS**

Public Comments will be limited to five (5) minutes per speaker.

7. **ANNOUNCEMENTS**

Board Vacancies

Board of Adjustment and Appeals One (1) vacancy for an unexpired term ending September 21, 2024

Meetings and Events

December 07, 2023	9:30 A.M.	Financial Advisory Board Regular Meeting
December 07, 2023	5:30 P.M.- 7:30 P.M.	Mingle and Jingle Holiday Event at St. Lucy Catholic Church
December 12, 2023	1:00 P.M.	Code Enforcement Board Regular Meeting
December 14, 2023	9:30 A.M.	Planning Board Regular Meeting
December 19, 2023	1:30 P.M.	Town Commission Meeting

Board Action Report

None.

8. ORDINANCES (Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.)

A. Proposed Ordinance

An Ordinance of the Town Commission of the Town of Highland Beach, Florida adopting administrative amendments to the 8TH Edition (2023) of the Florida Building Code; providing for the repeal of all laws in conflict; providing for severability and providing for an effective date.

B. Proposed Ordinance

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, amending Section 30-7 "Official Zoning Map" of the Town Code of Ordinances to update information pertaining to the date of the most recent amendment to the Town's Official Zoning Map as set forth in Ordinance No. 2022-002; providing for repeal of all ordinances in conflict; providing for severability and codification; and providing an effective date.

C. Proposed Ordinance

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, Amending Section 4-8 "Lighting Restrictions for Protection of Sea Turtles" of Chapter 4, "Animals," and Section 30-85 "Coastal Lighting" of Chapter 30, "Zoning," of the Town Code of Ordinances to incorporate Lighting Regulations for new and existing coastal structures in order to minimize the effect of artificial light on sea turtle populations; providing for the repeal of all ordinances In conflict; providing for severability and codification; and providing an effective date.

9. **CONSENT AGENDA** (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.

A. Approval of Meeting Minutes

November 21, 2023 Town Commission Meeting Minutes

10. **UNFINISHED BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

- A. Fire Rescue Implementation Update
- B. Florida Department of Transportation (FDOT) RRR Project Update
- C. Building Department Recertification Program Update
- D. Continued discussion of Milani Park.
- E. Consideration of Proposed Amendment No.5 to Tower Siting Lease Agreement between the Town of Highland Beach and Sprint/T-Mobile.

11. **NEW BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

- A. Consideration of the Town Commission proposed meeting schedule for the 2024 calendar year.
- B. Consideration to approve and authorize the Mayor to execute the 2024 Municipal Election(s) Vote Processing Equipment Use and Elections Services Agreement with the Palm Beach County Supervisor of Elections (SOE) Office for the Town's Municipal General Election on Tuesday, March 19, 2024.

12. TOWN COMMISSION COMMENTS

Commissioner Judith M. Goldberg

Commissioner Donald Peters

Commissioner Evalyn David

Vice Mayor David Stern

Mayor Natasha Moore

13. TOWN ATTORNEY'S REPORT**14. TOWN MANAGER'S REPORT****15. ADJOURNMENT**

NOTE: Any person, firm or corporation decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is to be based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record.

In accordance with the Americans with Disabilities Act, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall 561-278-4548 within a reasonable time prior to this meeting in order to request such assistance.

File Attachments for Item:

A. Resolution No. 2023-034

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Planning Board; and providing for an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Commission Meeting
MEETING DATE December 05, 2023
SUBMITTED BY: Jaclyn DeHart, Deputy Town Clerk
THROUGH Lanelda Gaskins, Town Clerk
SUBJECT: Resolution No. 2023-034

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Planning Board; and providing for an effective date.

SUMMARY:

Consideration of Resolution No. 2023-034 ratifying the selection, appointments, and term of office of a member of the Planning Board (PB); and providing for an effective date.

On November 15, 2023, one (1) member resigned from the Planning Board which created one (1) vacancy for an unexpired term ending on May 04, 2024.

The Town Clerk's Office received one (1) board application for Town Commission consideration. The applicant's name is as follows:

Eve Rosen (Braemar Isle)

As set forth in Sec. 2-99, in the Town's code, terms for all boards shall be three (3) years and no board member may serve more than two (2) consecutive terms on the same board without first taking a one-year hiatus from the board. Appointments for partial terms shall not count toward the two-term limit. Additionally, in accordance with Resolution 19-029, the Human Resources Division reported preliminary background checks on all applicants to the Town Clerk's Office. The background check results disclosed there were no objectionable findings. In addition, there were no code violations.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Eve Rosen application, and vetting form.
Resolution No. 2023-034

RECOMMENDATION:

With the Commission's consideration, Staff recommends the adoption of Resolution No. 2023-034 for one applicant to serve a term as outlined in the resolution.



MEMORANDUM

TO: Lanelda Gaskins, MMC, Town Clerk

FROM: Eric Goldenberg

DATE: 10/6/2023

SUBJECT: Initial Vetting of Applicant:

=====
On 10/6/2023 (date), I met with Eve Rosen (applicant's name) to discuss his/her community involvement, education, professional experiences and the positive impact he/she could bring to this Board for the betterment of the Highland Beach community.

Detail Explanation:

Eve is Highly qualified and motivated. she would be asset to our Planning Board.

Based upon my review of the Resume', the Board Application and the Interview today, my recommendation is as follows:

For the Appointment of this Applicant

Against the Appointment of this Applicant

Eric Goldenberg

Signature of Board Chairperson



**Town of Highland Beach
Town Clerk's Office
3614 S. Ocean Boulevard
Highland Beach, Florida 33487
Phone: (561) 278-4548 Fax: (561) 265-3582**

BOARDS AND COMMITTEES APPLICATION

This information is for consideration of appointment to a Town Board. Please complete and return this form to the Town Clerk, along with your *resume and proof of residency such as a government issued identification or voter registration card.*

PLEASE NOTE: Florida Public Records Law is very broad. Documents relevant to town business is public records and is subject to public disclosure upon request. Your information provided within this application may therefore be subject to public disclosure.

NAME: EVE ROSEN PHONE: 513 604 8442

HOME ADDRESS: 4740 S Ocean Blvd APT. NO. 908

SUBDIVISION: Braemar Isle/Beach/Highland EMAIL ADDRESS: erosenlaw@gmail.com

PLEASE SELECT THE BOARD(S) / COMMITTEE(S) ON WHICH YOU ARE INTERESTED IN SERVING IN NUMERICAL ORDER FROM 1 THROUGH 7, WITH 1 BEING YOUR FIRST CHOICE AND 7 THE LEAST CHOICE. (A description of the responsibilities of each Board is on the back of this application.)

- | | |
|--------------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Board of Adjustment & Appeals | <input type="checkbox"/> Code Enforcement Board |
| <input type="checkbox"/> Financial Advisory Board | <input type="checkbox"/> Natural Resources Preservation Board |
| <input checked="" type="checkbox"/> Planning Board | <input type="checkbox"/> Town Commission ***(If vacancy) |
| | <input type="checkbox"/> Other Board /Committee |

PLEASE MARK YES OR NO FOR EACH OF THE FOLLOWING QUESTIONS:

Are you a resident of Highland Beach? Yes No

Are you a registered voter in Highland Beach/Palm Beach County, FL? Yes No

Are you currently serving on a Town Board? Yes No

Have you ever served on a Town Board/Committee? Yes No

If Yes, please indicate the Board(s)/Committee(s) and dates of service:

Bd of Adjustment & Appeals / 2021 / 2023 (?) Charter Comm. 2021
Are you willing to attend monthly board meetings? In (Person / Teleconference) Yes No

Per Town Code of Ordinance, I understand any member absence from three (3) consecutive meetings will be considered as resignation from the board/committee. Yes No

Please list any special talent, qualification, education, or professional experience that would contribute to your service on the Board/Committee you have selected?

I'm a lawyer with experience on boards (for profit + Condo Assn) and various corporate functions

Please summarize your volunteer experience(s):

Planning & Appeals / Charter Commission - Highland Beach
Condo Assn Bd President
Religious Education Committee

Florida Law requires appointed members on the Planning and Board of Adjustment and Appeals Boards to file a Form 1 - Statement of Financial Interests Disclosure form on an annual basis.

Vetting by the Board Chairperson. The Chairperson of each Board shall interview the applicant and submit a memorandum of recommendation to the Town Clerk's Office 14 days prior to the Town Commission Workshop Meeting for final appointment.

Palm Beach County Commission on Ethics requires appointed members to take the Code of Ethics Training every two (2) years.

I hereby certify that the statements and answers provided are true and accurate to the best of my knowledge.


Signature of Applicant

9/26/23
Date

Resume Attached



RESOLUTION NO. 2023-034

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, RATIFYING THE SELECTION, APPOINTMENTS AND TERM OF OFFICE OF MEMBERS OF THE PLANNING BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 20, Article II, Sec. 20-26 of the Town’s Code of Ordinances establishes the Planning Board and governs the membership, qualification, function, and rules of the Planning Board and

WHEREAS, these provisions of the Code establish the selection, appointment, and terms of office of members of the Planning Board; and

WHEREAS, on November 15, 2023, one (1) board member resigned, thereby opening one (1) vacancy on the Board; and

WHEREAS, the Town Clerk’s Office received one (1) application for consideration; and

WHEREAS, pursuant to Sec. 2-99(1)(a) of the Town’s Code of Ordinances, the chairperson of each board shall interview applicants for the board and provide a recommendation to the Town Commission; and

WHEREAS, the chairperson of the Planning Board interviewed the applicants and recommends that the Town Commission appoint one applicant to the Board; and

WHEREAS, Town residents interested in serving on or continuing to serve on the Planning Board have submitted a board application for the Town Commission’s consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, THAT:

Section 1. The foregoing “WHEREAS” clauses are true and correct and hereby ratified and confirmed by the Town Commission.

Section 2. Consistent with the Town’s Code of Ordinances, one (1) member has been selected by the Town Commission to serve on the Planning Board for an unexpired term expiring May 04, 2024, as follows:

Board Member

Section 3. This Resolution shall become effective upon adoption.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this **05th** day of **December** 2023.

ATTEST:

Natasha Moore, Mayor

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Natasha Moore X
Vice Mayor David Stern X
Commissioner Evalyn David X
Commissioner Donald Peters X
Commissioner Judith M. Goldberg X

File Attachments for Item:

B. Resolution No. 2023-035

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Board of Adjustments and Appeals; and providing for an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Commission Meeting
MEETING DATE December 05, 2023
SUBMITTED BY: Jaclyn DeHart, Deputy Town Clerk
THROUGH Lanelda Gaskins, Town Clerk
SUBJECT: Resolution No. 2023-035

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Board of Adjustments and Appeals; and providing for an effective date.

SUMMARY:

Consideration of Resolution No. 2023-035 ratifying the selection, appointments, and term of office of a member of the Board of Adjustments and Appeals (BOAA); and providing for an effective date.

On April 30, 2022 and October 07, 2023 two (2) member's terms ended on the Board of Adjustment and Appeals which created two (2) vacancies on the Board.

The Town Clerk's Office received two (2) board applications for Town Commission consideration. The applicant's name are as follows:

Harris Rosen (Villa Costa)

Michael Thorson (Ocean Aire Condo)

As set forth in Sec. 2-99, in the Town's code, terms for all boards shall be three (3) years and no board member may serve more than two (2) consecutive terms on the same board without first taking a one-year hiatus from the board. Appointments for partial terms shall not count toward the two-term limit. Additionally, in accordance with Resolution 19-029, the Human Resources Division reported preliminary background checks on all applicants to the Town Clerk's Office. The background check results disclosed there were no objectionable findings. In addition, there were no code violations.

Lastly, at the November 21, 2023 meeting, Town Commission interviewed Michael Thorson for the Code Enforcement Board and recommended nominating him to the Board of Adjustment and Appeals Board.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Harris Rosen application, and vetting form.
Michael Thorson application and vetting form.
Resolution No. 2023-035

RECOMMENDATION:

With the Commission's consideration, Staff recommends the adoption of Resolution No. 2023-035 for two applicants to serve a term as outlined in the resolution.



MEMORANDUM

TO: Lanelda Gaskins, MMC, Town Clerk

FROM: Bonnie Pikkol

DATE: Nov. 11, 2023

SUBJECT: Initial Vetting of Applicant:

On 11.11.2023 (date), I met with HARRIS ROSEN (applicant's name) to discuss his/her community involvement, education, professional experiences and the positive impact he/she could bring to this Board for the betterment of the Highland Beach community.

Detail Explanation:

I had a informative interview with Mr. Rosen. I feel he has a good background for our Board and the community in general. He is an attorney with extensive experience with all types of compliance issues. I feel he would be an asset to our Board.

Based upon my review of the Resume', the Board Application and the Interview today, my recommendation is as follows:

For the Appointment of this Applicant

Against the Appointment of this Applicant

Bonnie Pikkol

Signature of Board Chairperson



**Town of Highland Beach
Town Clerk's Office
3614 S. Ocean Boulevard
Highland Beach, Florida 33487
Phone: (561) 278-4548 Fax: (561) 265-3582**

BOARDS AND COMMITTEES APPLICATION

This information is for consideration of appointment to a Town Board. Please complete and return this form to the Town Clerk, along with your *resume and proof of residency such as a government issued identification or voter registration card.*

PLEASE NOTE: Florida Public Records Law is very broad. Documents relevant to town business is public records and is subject to public disclosure upon request. Your information provided within this application may therefore be subject to public disclosure.

NAME: Harris Rosen PHONE: 561-414-1720

HOME ADDRESS: 3210 S Ocean Blvd. APT. NO. 503

SUBDIVISION: Villa Costa EMAIL ADDRESS: energylawyer01@outlook.com

PLEASE SELECT THE BOARD(S) / COMMITTEE(S) ON WHICH YOU ARE INTERESTED IN SERVING IN NUMERICAL ORDER FROM 1 THROUGH 7, WITH 1 BEING YOUR FIRST CHOICE AND 7 THE LEAST CHOICE. (A description of the responsibilities of each Board is on the back of this application.)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>1</u> <input type="checkbox"/> Board of Adjustment & Appeals</p> <p><u>3</u> <input type="checkbox"/> Financial Advisory Board</p> <p><u>2</u> <input type="checkbox"/> Planning Board</p> | <p><u> </u> Code Enforcement Board</p> <p><u>4</u> <input type="checkbox"/> Natural Resources Preservation Board</p> <p><u> </u> Town Commission *** (If vacancy)</p> <p><u>5</u> <input type="checkbox"/> Other Board /Committee</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PLEASE MARK YES OR NO FOR EACH OF THE FOLLOWING QUESTIONS:

- | | | | | |
|---------------------------------------------------------------------|-----|-------------------------------------|----|-------------------------------------|
| Are you a resident of Highland Beach? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| Are you a registered voter in Highland Beach/Palm Beach County, FL? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| Are you currently serving on a Town Board? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Have you ever served on a Town Board/Committee? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |

If Yes, please indicate the Board(s)/Committee(s) and dates of service:
Macungie Township Zoning Appeal Board (1984-1988)

Are you willing to attend monthly board meetings? In (Person / Teleconference) Yes No

Per Town Code of Ordinance, I understand any member absence from three (3) consecutive meetings will be considered as resignation from the board/committee. Yes No

Please list any special talent, qualification, education, or professional experience that would contribute to your service on the Board/Committee you have selected?

I graduated from Villanova Law School in 1974, and since that date, I have been in the active

practice of law. Originally a generalist in a Philadelphia law firm, I have spent 35 years as a corporate lawyer, handling regulatory, commercial and litigation matters. I handled environmental

issues for petrochemical companies as well. My last position was as GC for a Florida company.

Please summarize your volunteer experience(s):

As a college student, I tutored disadvantaged children. In Los Angeles, I dedicated time to a Legal

Aid organization. In Philadelphia, I was active in the Anti-Defamation League. Here in Florida, I served on the Board of an organization providing career assistance to young adults with autism.

Florida Law requires appointed members on the Planning and Board of Adjustment and Appeals Boards to file a Form 1 - Statement of Financial Interests Disclosure form on an annual basis.

Vetting by the Board Chairperson. The Chairperson of each Board shall interview the applicant and submit a memorandum of recommendation to the Town Clerk's Office 14 days prior to the Town Commission Workshop Meeting for final appointment.

Palm Beach County Commission on Ethics requires appointed members to take the Code of Ethics Training every two (2) years.

I hereby certify that the statements and answers provided are true and accurate to the best of my knowledge.

Harris Rosen

Signature of Applicant

08/09/23

Date

Resume Attached

HARRIS M. ROSEN

Highland Beach, FL 33487

Energylawyer01@outlook.com

Cellular: 561.414.1720

An experienced managing attorney with extensive expertise in resolving complex commercial, regulatory, and compliance issues for a variety of industries. Proven track record of reducing bottom line by reducing outside counsel fees. Strong negotiator with ability to operate independently or as part of a corporate multi-disciplinary team. Positive approach to problem solving and a demonstrated management style of engaging team members. Rated "AV" for legal ability and ethics by Martindale-Hubbell.

CURRENT POSITION

OUTSIDE GENERAL COUNSEL, Highland Beach, FL

2021- Present

I am currently representing various energy and other companies in corporate formation, licensing, commercial transactions, and litigation management.

PAST EXPERIENCE

LIBERTY POWER CORP. LLC, Fort Lauderdale, FL,

2007- 2021

VP. Law & General Counsel- General Counsel responsible for all legal, commercial, regulatory, and compliance matters for this formerly top 15 privately held, retail electric supplier headquartered in Florida, but doing business in 14 states. Started the Legal Department in 2007 and brought all the daily legal and compliance work in-house. On the Executive Team directing legal and business strategy while the Company more than tripled in revenues to nearly \$1 billion. Responsibilities included handling all major commercial, real estate, litigation, regulatory and compliance matters. Consistently rated the top executive for team engagement. Rated "AV" by Martindale-Hubbell.

- Negotiated consecutive 5 year, \$500 million preferred supplier and credit agreements to support the Company's wholesale and retail commitments;
- Managed the transition between credit providers including assuming the role of chief negotiator to accomplish difficult transition mechanics and execution;
- Handled or supervised the negotiation and execution of all major retail customer contracts, including such Fortune 500 companies as IBM, Pepsi and New York Life;

- Responsible for the filing of more than 140 compliance filings on an annual basis;
- Settled numerous vendor disputes saving the Company several hundred thousand dollars; and mitigated reputational risk related to third party sales activities;
- Supported all departments in the Company with respect to legal, commercial, regulatory and compliance issues;
- Developed close working relationships with top law firm regulatory and transactional counsel nationwide.

NextEra Energy, Inc., Juno Beach, FL
1998-2007; 1987-1989

Senior Counsel

- Directed legal issues associated with licensing of major energy facilities nationwide, including new plant licensing in Florida, New York, California, Texas, Pennsylvania, West Virginia and others.
- Reduced outside counsel fees by approximately \$300,000 per power plant licensing in Florida, by doing much of the legal work in-house;
- Handled regulatory and legal issues associated with development of renewable energy products, fossil fuel plants, and clean coal technology;
- As counsel for the unregulated subsidiary, handled issues associated with \$3 billion of acquisitions, divestitures, and financings, including extensive due diligence activities;
- Directed all environmental legal matters for unregulated energy subsidiary and served as principal environmental counsel for the large regulated public utility;

ATLANTIC RICHFIELD COMPANY, Los Angeles, CA

I 989-1998

ARCO Chemical Company, Newtown Square, PA (a subsidiary)

Senior Attorney

Principal regulatory counsel provided broad-based regulatory advice to plant staff and senior management internationally (including facilities located in France and the Netherlands). Counsel to Corporate Compliance Committee, involved in formulation and implementation of Corporate Compliance Program. Counsel to Chief Management Team. Handled commercial transactions, including acquisitions and divestitures: and managed litigation. Spoke at industry and other forums on topical regulatory issues.

- Regulatory counsel handling for regulatory issues associated with \$160 million divestiture and \$565 million acquisition including due diligence and contract negotiation;
- Negotiated with Ohio EPA, Ohio Attorney General's Office, OSHA and local officials to resolve regulatory and criminal proceedings relating to a fatal industrial accident at a toll facility;
- Responsible for managing a company-wide settlement agreement with OSHA following chemical plant

accident resulting in 17 fatalities, to assure safety process improvements were implemented at all facilities;

- Part of negotiating team to complete a sale of the major solar subsidiary to a European conglomerate.

EDUCATION

J.D., Villanova University, Villanova, PA

B.A., Political Science, Temple University, Philadelphia, PA
Magna Cum Laude Graduate with Department Honors

Attended numerous legal and business education programs, including an Executive Management Course at Duke University. Speaker on energy legal matters

BAR ADMISSIONS

Florida • Pennsylvania • California



MEMORANDUM

TO: Lanelda Gaskins, MMC, Town Clerk

FROM: Jane Perlow

DATE: November 7, 2023

SUBJECT: Initial Vetting of Applicant: Michael Thorson

On November 7, 2023 (date), I met with Michael Thorson (applicant's name) to discuss his/her community involvement, education, professional experiences and the positive impact he/she could bring to this Board for the betterment of the Highland Beach community.


Detail Explanation:

Excellent Resume. Experience in business and Community affairs. Will be an asset to the Code Enforcement board. Jane Perlow Vice Chair Code Enforcement

Based upon my review of the Resume', the Board Application and the Interview today, my recommendation is as follows:

For the Appointment of this Applicant

Against the Appointment of this Applicant



Signature of Board Chairperson



**Town of Highland Beach
Town Clerk's Office
3614 S. Ocean Boulevard
Highland Beach, Florida 33487
Phone: (561) 278-4548 Fax: (561) 265-3582**

BOARDS AND COMMITTEES APPLICATION

This information is for consideration of appointment to a Town Board. Please complete and return this form to the Town Clerk, along with your *resume and proof of residency such as a government issued identification or voter registration card.*

PLEASE NOTE: Florida Public Records Law is very broad. Documents relevant to town business is public records and is subject to public disclosure upon request. Your information provided within this application may therefore be subject to public disclosure.

NAME: Michael R. Thorson PHONE: (954) 801-2425

HOME ADDRESS: 4206 S. Ocean Boulevard, Highland Beach APT. NO. 3

SUBDIVISION: _____ EMAIL ADDRESS: thorson12000@yahoo.com

PLEASE SELECT THE BOARD(S) / COMMITTEE(S) ON WHICH YOU ARE INTERESTED IN SERVING IN NUMERICAL ORDER FROM 1 THROUGH 7, WITH 1 BEING YOUR FIRST CHOICE AND 7 THE LEAST CHOICE. (A description of the responsibilities of each Board is on the back of this application.)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>2</u> <input type="checkbox"/> Board of Adjustment & Appeals</p> <p><u>5</u> <input type="checkbox"/> Financial Advisory Board</p> <p><u>4</u> <input type="checkbox"/> Planning Board</p> | <p><u>1</u> <input type="checkbox"/> Code Enforcement Board</p> <p><u>6</u> <input type="checkbox"/> Natural Resources Preservation Board</p> <p><u>3</u> <input type="checkbox"/> Town Commission *** (If vacancy)</p> <p><u>7</u> <input type="checkbox"/> Other Board /Committee</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PLEASE MARK YES OR NO FOR EACH OF THE FOLLOWING QUESTIONS:

- | | | | | |
|---------------------------------------------------------------------|-----|-------------------------------------|----|-------------------------------------|
| Are you a resident of Highland Beach? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| Are you a registered voter in Highland Beach/Palm Beach County, FL? | Yes | <input checked="" type="checkbox"/> | No | <input type="checkbox"/> |
| Are you currently serving on a Town Board? | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| Have you ever served on a Town Board/Committee? | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

If Yes, please indicate the Board(s)/Committee(s) and dates of service:

Are you willing to attend monthly board meetings? In (Person / Teleconference) Yes No

Per Town Code of Ordinance, I understand any member absence from three (3) consecutive meetings will be considered as resignation from the board/committee. Yes No

Please list any special talent, qualification, education, or professional experience that would contribute to your service on the Board/Committee you have selected?

Although I predominantly serve as a Consultant to community organizations, I occasionally work as ~~a licensed catastrophe insurance adjuster and have adjusted claims for homeowners impacted by hurricanes and coastal wind storms.~~ I believe I possess a unique combination of experience serving the community while at the same time, staying abreast of building codes and other issues of ~~importance to homeowners along coastal areas.~~ I am also mandated to earn CEUs by the State of Florida to maintain my insurance license, and this is valuable experience I can bring to the position.

Please summarize your volunteer experience(s):

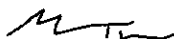
My nonprofit experience naturally provides ample experience for me to volunteer. I helped lead the ~~Boca Raton Childrens Museum to successful conclusion of a \$3 million capital campaign to rebuild the original house in which the museum is located.~~ I have volunteered for beach cleanups, Salvation Army Christmas toy drives, veterans assistance organizations and others.

Florida Law requires appointed members on the Planning and Board of Adjustment and Appeals Boards to file a Form 1 - Statement of Financial Interests Disclosure form on an annual basis.

Vetting by the Board Chairperson. The Chairperson of each Board shall interview the applicant and submit a memorandum of recommendation to the Town Clerk's Office 14 days prior to the Town Commission Workshop Meeting for final appointment.

Palm Beach County Commission on Ethics requires appointed members to take the Code of Ethics Training every two (2) years.

I hereby certify that the statements and answers provided are true and accurate to the best of my knowledge.



Signature of Applicant

October 27, 2023

Date

Resume Attached

Michael Robert Thorson

4206 S. Ocean Boulevard, #3, Highland Beach, FL 33487 | 954-801-2425 | thorson12000@yahoo.com

Summary of Qualifications

- Florida Licensed Insurance Adjuster #W471869
- Knowledgeable about coastal building risk mitigation
 - Expert, professional communication skills
- Extensive Fundraising Development Experience

2018-2023 Nonprofit Consultant, PhilanthroPros, Pompano Beach, FL

Partner for nonprofit fundraising firm assisting new and existing nonprofits to establish sound development strategies. Developed and implemented major gifts cultivation strategies, planned giving, annual funds and special events. Clients include(d) Christi Academy, Covenant Care, Senior Economic Housing Development Council and others.

2007-2018 Nonprofit Consultant & Capital Campaign Manager, Thorson Strategic, Highland Beach, FL

Independently and as contracted co-counsel for leading fundraising firms, responsible for developing and directing client development activities including capital campaigns (for new building construction), strategic planning, major gifts, special events, volunteer management, board development, planned giving, grant-writing and print correspondence. Clients included Immaculata LaSalle Catholic School, Aurora Central Catholic School \$3,500,000, St. Anastasia Catholic Church \$4,500,000.

2003-2007 Development Director, Paralyzed Veterans Association (PVA), Fort Lauderdale, FL

Secured new sources of funding through major gifts, grants and special events. Recruited volunteers and established new fundraising initiatives including the Today's Veteran Annual Fund and the organization's inaugural lead event. Additional responsibilities included community partnership development, collateral and appeal letters, volunteer recruitment and corporate sponsorship.

2001-2003 Capital Campaign Director, Community Consulting Services (CCS)

Developed and directed capital fundraising campaigns for Catholic institutions. Archdiocese of Kansas City (\$50,000,000) and the Diocese of Des Moines (\$35,000,000). Responsibilities included parish campaign management, volunteer recruitment, collateral development, training and solicitation of lead gifts.

Resume Note: Fundraising Consulting is my full-time job. But during hurricane season and in-between consulting clients, I often serve as a building inspector for insurance companies and as an Independent Insurance Adjuster, handling claims for homeowners impacted by hurricanes and other weather-related disasters.

EDUCATION

Continuing education in insurance adjusting as required by State of Florida
Catastrophe Adjusting Insurance Academy, June 2021
Southern Illinois University, BA Communications (Foreign Language/International Business)
College of DuPage, AA

VOLUNTEERISM

Habitat for Humanity
Salvation Army
Boca Raton Children's Museum (former Board Member)
Association of Fundraising Professionals (Instructor)

OTHER

Florida Independent All Lines 6-20 Licensed Insurance Adjuster License #W471869



RESOLUTION NO. 2023-035

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, RATIFYING THE SELECTION, APPOINTMENTS AND TERM OF OFFICE OF MEMBERS OF THE NATURAL RESOURCES PRESERVATION ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 20, Article III, Sec. 20-46 of the Town’s Code of Ordinances establishes the Board of Adjustment and Appeals Board and governs the membership, qualification, function, and rules of the Board of Adjustment and Appeals Board; and

WHEREAS, these provisions of the Code establish the selection, appointment, and terms of office of members of the Board of Adjustment and Appeals Board; and

WHEREAS, on April 30, 2022 and October 07, 2023 two (2) member’s terms ended, thereby opening two (2) vacancies on the Board; and

WHEREAS, the Town Clerk’s Office received two (2) applications for consideration; and

WHEREAS, pursuant to Sec. 2-99(1)(a) of the Town’s Code of Ordinances, the chairperson of each board shall interview applicants for the board and provide a recommendation to the Town Commission; and

WHEREAS, the chairperson of the Board of Adjustment and Appeals Board interviewed the new applicant and recommended that the Town Commission appoint two (2) new applicants to the Board; and

WHEREAS, Town residents interested in serving on or continuing to serve on the Board of Adjustment and Appeals Board have submitted a board application for the Town Commission’s consideration.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, THAT:

Section 1. The foregoing “WHEREAS” clauses are true and correct and hereby ratified and confirmed by the Town Commission.

Section 2. Consistent with the Town’s Code of Ordinances, the Town Commission have selected two (2) members to serve on the Board of Adjustment and Appeal Board for an term expiring December 05, 2026, as follows:

Board Member Harris Rosen

Board Member Michael Thorson

Section 3. This Resolution shall become effective upon adoption.

DONE AND ADOPTED by the Town Commission of the Town of Highland Beach, Florida, this **5th** day of December 2023.

ATTEST:

Natasha Moore, Mayor

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach

VOTES:

YES NO

Mayor Natasha Moore
Vice Mayor David Stern
Commissioner Evalyn David
Commissioner Donald Peters
Commissioner Judith Goldberg

File Attachments for Item:

A. Proposed Ordinance

An Ordinance of the Town Commission of the Town of Highland Beach, Florida adopting administrative amendments to the 8TH Edition (2023) of the Florida Building Code; providing for the repeal of all laws in conflict; providing for severability and providing for an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE 12/05/2023

SUBMITTED BY: Jeff Remas, CBO – Building Department

SUBJECT: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING ADMINISTRATIVE AMENDMENTS TO THE 8TH EDITION (2023) OF THE FLORIDA BUILDING CODE; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY:

Every three years the Florida Building Commission adopts an updated code cycle. With this ordinance, we are adopting the 8th Edition (2023) of the Florida Building Code and updating the administrative amendments to be in compliance with Florida State Statutes that were passed during this three-year period. The effective date will be 31 December 2023.

FISCAL IMPACT:

No Fiscal Impact Expected

ATTACHMENTS:

Ordinance, Chapter 1 Administrative Amendments

RECOMMENDATION:

Staff recommends approval to comply with Florida Statutes



**TOWN OF HIGHLAND BEACH
PROPOSED ORDINANCE**

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, ADOPTING ADMINISTRATIVE AMENDMENTS TO THE 8TH EDITION (2023) OF THE FLORIDA BUILDING CODE; PROVIDING FOR THE REPEAL OF ALL LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, as set forth in Section 6-27 of the Town Code of Ordinances, the Town has amended and supplemented Chapter 1 of the Florida Building through the adoption of Administrative Amendments as authorized by Section 553.73(4)(a), Florida Statutes; and

WHEREAS, the Florida Building Commission has developed an 8th Edition (2023) of the Florida Building Code with a proposed effective date of December 31, 2023; and

WHEREAS, the prior Administrative Amendments expire with the prior edition of the Florida Building Code, and the Town wishes to adopt new Administrative Amendments effective upon the effective date of the 8th Edition of the Florida Building Code; and

WHEREAS, the Town Commission has determined that the adoption of Administrative Amendments to the Florida Building Code is in the best interests of the Town of Highland Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Town of Highland hereby adopts Administrative Amendments to the 8th Edition (2023) of the Florida Building Code, attached hereto as Exhibit “A” and incorporated herein by reference. The Administrative Amendments shall be effective upon the effective date of the 8th Edition (2023) of the Florida Building Code.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences,

clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances or resolutions or parts of resolution in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading and shall only apply prospectively.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

VOTES: YES NO
Mayor Natasha Moore
Vice Mayor David Stern
Commissioner Evalyn David
Commissioner Donald Peters
Commissioner Judith M. Goldberg

PASSED on first reading at the Regular Commission meeting held on this ____ day of _____, 2023.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

VOTES: YES NO
Mayor Natasha Moore
Vice Mayor David Stern
Commissioner Evalyn David
Commissioner Donald Peters
Commissioner Judith M. Goldberg

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this ____ day of _____, 2023.

ATTEST:

Natasha Moore, Mayor

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach



TOWN OF HIGHLAND BEACH
ADMINISTRATIVE CODE CHAPTER 1
FOR THE 8th Edition (2023) FLORIDA BUILDING CODE

BOAF Model Administrative Code – 8th Edition (2023)

The Building Officials Association of Florida is proud to present this model document for use by its members as a tool to facilitate the uniform and consistent application of local amendments to the administrative provisions of the Florida Building Code. Every effort has been made to present the amendments in mandatory language format. The language that is shaded represents those text revisions approved by the BOAF Board of Directors.

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**CHAPTER 1
SCOPE AND ADMINISTRATION**

PART 1—SCOPE AND APPLICATION

**SECTION 101
GENERAL**

[A] 101.1 Title. These regulations shall be known as the *Florida Building Code*, hereinafter referred to as “this code.”

[A] 101.2 Scope. The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions:

1. Detached one-and two-family *dwelling*s and multiple single-family *dwelling*s (*townhouses*) not more than three *stories above grade plane* in height with a separate *means of egress*, and their accessory structures not more than three *stories above grade plane* in height, shall comply with this code or the *Florida Building Code, Residential*.
2. Code requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

[A] 101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted. The Town of Highland Beach adopts Appendices H & K (except K111.4) of the Florida Building Code.

101.2.2 Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

[A] 101.3 Intent. The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, *means of egress* facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

101.3.1 Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

[A] 101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

[A] 101.4.1 Gas. The provisions of the *Florida Building Code, Fuel Gas* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

[A] 101.4.2 Mechanical. The provisions of the *Florida Building Code, Mechanical* shall apply to the installation,

alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy related systems.

[A] 101.4.3 Plumbing. The provisions of the *Florida Building Code, Plumbing* shall apply to the installation, *alteration, repair* and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

[A] 101.4.4 Property maintenance. The provisions of the *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

[A] 101.4.5 Fire prevention. For provisions related to fire prevention, refer to the *Florida Fire Prevention Code*. The *Florida Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, *repair, alteration* or removal of fire suppression, *automatic sprinkler systems* and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

[A] 101.4.6 Energy. The provisions of the *Florida Building Code, Energy Conservation* shall apply to all matters governing the design and construction of buildings for energy efficiency.

[A] 101.4.7 Existing buildings. The provisions of the *Florida Building Code, Existing Building* shall apply to matters governing the *repair, alteration*, change of occupancy, *addition* to and relocation of existing buildings.

101.4.8 Accessibility. For provisions related to accessibility, refer to the *Florida Building Code, Accessibility*.

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see Section 458, *Florida Building Code, Building*, and Rule 61-41 F.A.C.

**SECTION 102
APPLICABILITY**

[A] 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.1.1 *The Florida Building Code* does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the *Florida Building Code*. Additionally, a local code enforcement agency may not administer or enforce the *Florida Building Code, Building* to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

102.2 Building. The provisions of the *Florida Building Code* shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the *Florida Building Code, Existing Building*. The following buildings, structures and facilities are exempt from the *Florida Building Code* as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.

- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Sections 553.501-553.513, *Florida Statutes*) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie-down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, *Florida Statutes*, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.
- (i) Family mausoleums not exceeding 250 square feet (23 m²) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
- (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- (k) A building or structure having less than 1,000 square feet (93 m²) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
 - 1. Is not rented or leased or used as a principal residence;
 - 2. Is not located within the 100-year flood plain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
 - 3. Is not connected to an off-site electric power or water supply.
- (l) A drone port as defined in s. 330.41(2).

102.2.1 In addition to the requirements of Sections 553.79 and 553.80, *Florida Statutes*, facilities subject to the provisions of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, *Florida Statutes*, and Part II of Chapter 400, *Florida Statutes*, and the certification requirements of the federal government.

102.2.2 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

- 1. The building or structure is structurally sound and in occupiable condition for its intended use;
- 2. The occupancy use classification for the building or structure is not changed as a result of the move;
- 3. The building is not substantially remodeled;
- 4. Current fire code requirements for ingress and egress are met;
- 5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
- 6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the *Florida Building Code, Building* for all residential buildings or structures of the same occupancy class.

102.2.3 The *building official* shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

102.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

102.2.5 Each enforcement district or local enforcement agency shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the *Florida Building Code* relating to:
 - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition, alteration or repair shall not exceed 1,000 square feet (93 m²) or the square footage of the primary structure, whichever is less.
 - b. Addition, alteration, or repairs by a nonowner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
 - c. Building plans review and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

102.2.6 This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

[A] 102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[A] 102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

[A] 102.4.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

[A] 102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

[A] 102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

[A] 102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Building Code*, *Existing Building*, *International Property Maintenance Code*, or the *Florida Fire Prevention Code*.

[A] 102.6.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *Florida Building Code*, *Building* or *Florida Building Code*, *Residential*, as applicable, for new construction or with any current *permit* for such occupancy.

[A] 102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of

this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *Florida Fire Prevention Code*, *International Property Maintenance Code*, or as is deemed necessary by the *building official* for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

- (1) Relocation of an existing manufactured building does not constitute an alteration.
- (2) A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the *Florida Building Code* (on or after March 1, 2002), the wind speed map of the *Florida Building Code* shall be applicable.
- (3) A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

102.8 Existing mechanical equipment. An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the *Florida Building Code* except during reroofing when the equipment is being replaced or moved and is not in compliance with the provisions of the *Florida Building Code* relating to roof-mounted mechanical units.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103

DEPARTMENT OF BUILDING SAFETY

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the *building official*.

103.2 Appointment. The *building official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *building official* shall have the authority to appoint a deputy *building official*, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the *building official*.

For the maintenance of existing properties, see the *International Property Maintenance Code*.

SECTION 104

DUTIES AND POWERS OF BUILDING OFFICIAL

[A] 104.1 General. The *building official* is hereby authorized and directed to enforce the provisions of this code. The *building official* shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and permits. The *building official* shall receive applications, review *construction documents* and issue *permits* for the erection, and *alteration*, demolition and moving of buildings and structures, inspect the premises for which such *permits* have been issued and enforce compliance with the provisions of this code.

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, *repair*, *alteration*, *addition* or other improvement of existing buildings or structures located in *flood hazard areas*, the *building official* shall determine if the proposed work constitutes substantial improvement or *repair of substantial damage*. Where the *building official* determines that the proposed work constitutes *substantial improvement* or *repair of substantial damage*,

and where required by this code, the *building official* shall require the building to meet the requirements of Section 1612 or R322 of the Florida Building Code, Residential, as applicable.

[A] 104.3 Notices and orders. The *building official* shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.4 Inspections. The *building official* shall make all of the required inspections, or the *building official* shall have the authority to accept reports of inspection by *approved agencies* or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The *building official* is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.5 Identification. The *building official* shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the *building official* has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the *building official* is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the *building official* shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the *building official* shall have recourse to the remedies provided by law to secure entry.

[A] 104.7 Department records. The *building official* shall keep official records of applications received, *permits* and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per FS 119.

104.8 Liability. The *building official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The *building official* or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Used materials and equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

[A] 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this

code, the *building official* shall have the authority to grant modifications for individual cases, upon application of the owner or owner’s representative, provided the *building official* shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The *building official* shall coordinate with the floodplain administrator to review requests submitted to the *building official* that seek approval to modify the strict application of the flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 117.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed alternative meets all of the following:

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code,
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:
 - 2.1. Quality.
 - 2.2. Strength.
 - 2.3. Effectiveness.
 - 2.4. *Fire resistance*.
 - 2.5. Durability.
 - 2.6. Safety.

Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] 104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

104.12 Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the *building official*.

**SECTION 105
PERMITS**

[A] 105.1 Required. Any *owner* or owner’s authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*,

remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

[A] 105.1.1 Annual facility *permit*. In lieu of an individual *permit* for each *alteration* to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the *building official* is authorized to issue an annual *permit* for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The *building official* shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility *permit* shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate *permit* shall be obtained for each facility and for each construction trade, as applicable. The *permit* application shall contain a general description of the parameters of work intended to be performed during the year.

[A] 105.1.2 Annual Facility *permit* records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

105.1.3 Food *permit*. In accordance with Section 500.12, *Florida Statutes*, a food *permit* from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating *permit* pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating *permit* is issued. The local enforcing agency shall conduct their review of the building *permit* application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building *permit* application review while awaiting comment from the Department of Health.

[A] 105.2 Work exempt from *permit*. Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the *local floodplain management ordinance*. *Permits* shall not be required for the following:

Building:

1. Fences not over 7 feet (1829 mm) high. All walls require a permit.
2. Oil derricks.
3. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
4. Painting, papering, tiling, carpeting, cabinet-refacing, counter tops and similar finish work within single or two-family dwellings or *townhouses*.
5. Painting, papering, carpeting, & cabinet refacing in other than single or two-family dwellings or townhouses such as condominiums, apartment & commercial buildings, etc.
6. Temporary motion picture, television and theater stage sets and scenery.
7. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
8. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
9. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.
10. Window *awnings* supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support, of Groups R-3 and U occupancies.

11. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A *permit* shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

12. Portable heating appliance.
13. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

[A] 105.2.2 Minor repairs. Ordinary minor repairs may be made with the approval of the *building official* without a *permit*, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required *means of egress*, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include *addition* to, *alteration* of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

[A] 105.2.3 Public service agencies. A *permit* shall not be required for the installation, *alteration* or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

[A] 105.3 Application for *permit*. To obtain a *permit*, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose.

Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Sections 713.135(5) and (6), *Florida Statutes*.

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building *permit* for which an application is submitted prior to the effective date of the *Florida Building Code*, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the *permit* and any extension granted to the *permit*.

Effective October 1, 2017, a local enforcement agency shall post each type of building *permit* application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the application may be submitted in person in a nonelectronic format, at the discretion of the *building official*.

[A] 105.3.1 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefore. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for *permits*, the *building official* shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

105.3.1.1 If a state university, Florida college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the *Florida Building Code* on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

105.3.1.2 No *permit* may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such *permit* provides to the enforcing agency which issues the *permit* any of the following documents which apply to the construction for which the *permit* is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, *Florida Statutes*:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 *Florida Statutes*, may design a new fire protection system of 49 or fewer sprinklers; may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, and the addition of up to 49 sprinklers, as long as the cumulative total number of fire sprinklers being added, relocated, or deleted does not exceed 249, notwithstanding the size of the existing fire sprinkler system; or may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation or deletion of 249 or fewer sprinklers, notwithstanding the size of the existing fire sprinkler system, if there is no change of occupancy of the affected areas, as defined in this Code and the Florida Fire Prevention Code, and there is no change in the water demand as defined in NFPA 13, "Standard for the Installation of Sprinkler Systems," and if the occupancy hazard classification as defined in NFPA 13 is reduced or remains the same as a result of the alteration.
3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one-, two-, three-, or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, *Florida Statutes*, to serve any building or addition which is designed to accommodate fewer

than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower, this is considered to be an 18-ton system.

Note: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.

Exception:

Simplified permitting processes.

- (1) As used in this section, the term:

- (a) "Component" means valves, fire sprinklers, escutcheons, hangers, compressors, or any other item deemed acceptable by the local enforcing agency. For purposes of this paragraph, a valve does not include pressure-regulating, pressure-reducing, or pressure-control valves.

- (b) "Contractor" means a person who:

1. Is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of chapter 489, Florida Statutes; or

2. Is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal.

- (c) "Fire alarm system project" means a fire alarm system alteration of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.

- (d) "Fire sprinkler system project" means a fire protection system alteration of a total of 20 or fewer fire sprinklers in which the sprinklers are of the same K-factor and located in spaces where there is no change of hazard classification or increased system coverage area, or the installation or replacement of an equivalent if the component has the same or better characteristics, including electrical, hydraulic, pressure losses, and required listings and spacing as the component being replaced.

- (2)(a) A local enforcement agency may require a contractor, as a condition of obtaining a *permit* for a fire alarm system project or fire sprinkler system project, to submit a completed application and payment.

- (b) A local enforcement agency may not require a contractor to submit plans or specifications as a condition of obtaining a *permit* for a fire alarm system project or fire sprinkler system project.

- (3) A local enforcement agency must issue a permit for a fire alarm system project or a fire sprinkler system project in person or electronically.

(4) A local enforcement agency must require at least one inspection of a fire alarm system project or fire sprinkler system project to ensure compliance with applicable codes and standards. If a fire alarm system project or fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.

(5)(a) For a fire sprinkler alarm system project, a contractor must keep a copy of the plans and specifications at the fire alarm system project worksite and make such plans and specifications available to the inspector at each inspection.

(b) For a fire sprinkler system project to alter an existing fire projection system, a contractor must keep a copy of the plans and specifications at the fire sprinklers system project worksite and make such plans and specifications available to the inspector at each inspection.

(c) For a fire sprinkler system project to install or replace a component, a contractor must keep a copy of the manufacturer's installation instructions and any pertinent testing instructions needed to certify or accept the component at the fire sprinkler system project worksite and make such documents available to the inspector at each inspection.

5. Electrical documents. See *Florida Statutes* 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. The system, Requires an electrical system with a value of over \$125,000; and Requires an aggregate service capacity of over 600 amperes (240 volts) on a residential electrical system or over 800 amperes (240 volts) on a commercial or industrial electrical system;

Note: It was further clarified by the Commission that the limiting factor of 240 volt or over is required to be designed by an Engineer. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, *Florida Statutes*.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, *Florida Statutes*.

[A] 105.3.2 Time limitation of application. An application for a *permit* for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, unless such application has been pursued in good faith or a *permit* has been issued; except that the *building official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.3.3 An enforcing authority may not issue a building *permit* for any building construction, erection, alteration, modification, repair or addition unless the *permit* either includes on its face or there is attached to the *permit* the following statement: "NOTICE: In addition to the requirements of this *permit*, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional *permits* required from other governmental entities such as water management districts, state agencies, or federal agencies."

105.3.4 A building *permit* for a single-family residential dwelling must be issued within 30 working days of application therefor unless unusual circumstances require a longer time for processing the application or unless the *permit* application fails to satisfy the *Florida Building Code* or the enforcing agency's laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, *Florida Statutes*, Workers' Compensation, every employer shall, as a condition to receiving a building *permit*, show proof that it has secured compensation for its employees as provided in Sections 440.10 and 440.38, *Florida Statutes*.

105.3.6 Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building *permit* application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a *permit* under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Applicable Code for Manufactured Buildings. Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for *permit*, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

105.3.8 A local government may not require a contract between a builder and an owner for the issuance of a building *permit* or as a requirement for the submission of a building *permit* application.

105.3.9 Public right of way. A *permit* shall not be given by the *building official* for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way *permit* from the authority having jurisdiction over the street, alley or public lane.

105.4 Conditions of the *permit*. The issuance or granting of a *permit* shall not be construed to be a *permit* for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. *Permits* presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a *permit* based on *construction documents* and other data shall not prevent the *building official* from requiring the correction of errors in the *construction documents* and other data. The *building official* is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinance of this jurisdiction.

105.4.1 *Permit* intent. A *permit* issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a *permit* prevent the *building official* from thereafter requiring a correction of errors in plans, construction or violations of this code. Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 6 months after its issuance, or if the work authorized by such *permit* is suspended or abandoned for a period of 6 months after the time the work is commenced.

105.4.1.1 If work has commenced and the *permit* is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new *permit* covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new *permit* is not obtained within 180 days from the date the initial *permit* became null and void, the *building official* is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new *permit* may be issued on application, providing the work in place and

required to complete the structure meets all applicable regulations in effect at the time the initial *permit* became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new *permit*.

105.4.1.3 Work shall be considered to be in active progress when the *permit* has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

105.4.1.4 The fee for renewal reissuance and extension of a *permit* shall be set forth by the administrative authority.

105.4.1.5 After the local enforcing agency issues a permit, the local enforcing agency may not make or require any substantive changes to the plans or specifications except changes required for compliance with the Florida Building Code, the Florida Fire Prevention Code, or the Life Safety Code, or local amendments thereto. If a local enforcing agency makes or requires substantive changes to the plans or specifications after a permit is issued, the local enforcing agency must identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide the information to the permit holder in writing.

105.5 Expiration. Every *permit* issued shall become invalid unless the work on the site authorized by such *permit* is commenced within 180 days after its issuance, or if the work authorized on the site by such *permit* holder and property owner shall be responsible to either complete all work in accordance with the permitted plans and inspection or remove any partially completed work in a safe and code compliant manner. The *building official* is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the *building official*.

105.5.1 Additional options for closing a *permit*. Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building *permit*, may close a building *permit* by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the *permit*. If a contractor other than the original contractor listed on the *permit* is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), *Florida Statutes*.
3. If a building *permit* is expired and its requirements have been substantially completed, as determined by the local enforcement agency, the *permit* may be closed without having to obtain a new building *permit*, and the work required to close the *permit* may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the *permit*, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building *permit* 6 years after the issuance of the *permit*, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.
For purposes of this section, the term "close" means that the requirements of the *permit* have been satisfied.

105.5.2 For the purposes of this subsection, a *closed permit* shall mean a *permit* for which all requirements for completion have been satisfied or a *permit* that has been administratively closed by the *building official*.

105.5.3 For the purposes of this subsection, an *open permit* shall mean a *permit* that has not satisfied all requirements for completion as defined in 105.5.1.1.

[A] 105.6 Denial or revocation. Whenever a *permit* required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the *Florida Building Code*, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the *permit* applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the *permit* applicant.

105.6.1 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to; issue a notice of violation to; or fine, penalize, sanction or assess fees against an arm's-length purchaser of a property for value solely because a building *permit* applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the *permit*.

105.6.2 Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building *permit* to a contractor solely because the contractor is listed on other building *permits* that were not closed. A local enforcement agency has the authority to deny a new *permit* application from an applicant for other reasons.

[A] 105.7 Placement of *permit*. The building *permit* or copy shall be kept on the site of the work until the completion of the project.

105.8 Notice of commencement. In accordance with Section 713.135, *Florida Statutes*, when any person applies for a building *permit*, the authority issuing such *permit* shall print on the face of each *permit* card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The enforcing agency shall require each building *permit* for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, *Florida Statutes*, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law.

105.10 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the *permit* is issued to and another copy for the building *permit* files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval.

105.11 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

105.12 Work starting before *permit* issuance. Upon approval of the *building official*, the scope of work delineated in the building *permit* application and plan may be started prior to the final approval and issuance of the *permit*, provided any work completed is entirely at risk of the *permit* applicant and the work does not proceed past the first required inspection.

105.13 Phased permit approval. After submittal of the appropriate construction documents, the *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

105.14 Permit issued on basis of an affidavit. Whenever a *permit* is issued in reliance upon an affidavit or whenever the work to be covered by a *permit* involves installation under conditions which, in the opinion of the *building official*, are hazardous or complex, the *building official* shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the *permit*, provide copies of inspection reports as inspections are performed, and upon completion make and file with the *building official* written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the *building official*. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

Exception: *Permit* issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the *Florida Building Code*.

105.14.1 Affidavits in flood hazard areas. Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code and the official shall review and inspect those requirements.

105.15 Opening protection. When any activity requiring a building *permit*, not including roof covering replacement or repair work associated with the prevention of degradation of the residence, that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind-borne debris region as defined in this code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this code or *Florida Building Code, Residential* for new construction shall be provided.

Exception: Where defined wind-borne debris regions have not changed, single family detached residential structures permitted subject to the *Florida Building Code* are not required to comply with this section.

105.16 Inspection of existing residential building not impacted by construction.

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building *permit* the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the *permit* is sought.
- (b) This subsection does not apply to a building *permit* sought for:
 1. A substantial improvement as defined in s. 161.54, *Florida Statutes* or as defined in the *Florida Building Code*.
 2. A change of occupancy as defined in the *Florida Building Code*.
 3. A conversion from residential to nonresidential or mixed use pursuant to s. 553.507(2)(a), *Florida Statutes* or as defined in the *Florida Building Code*.
 4. A historic building as defined in the *Florida Building Code*.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
 1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection

- conducted in accordance with the prohibition in paragraph (a).
2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the *permit* is sought in accordance with the prohibition in paragraph (a).
 3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. 933.20-933.30, *Florida Statutes*.
 5. Requiring inspection of existing buildings in connection with recertification requirements pursuant to Section 110. 9 of this Administrative Code.

105.17 Streamlined low-voltage alarm system installation permitting.

- (1) As used in this section, the term:
 - (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under Part II of Chapter 489, *Florida Statutes*.
 - (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, *Florida Statutes*, that is hardwired and operating at low voltage, as defined in the *National Electrical Code Standard 70*, Current Edition, or a new or existing low-voltage electric fence, and ancillary components or equipment attached to such a system, or fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.
 - (c) "Low-voltage electric fence" means an alarm system, as defined in s. 489.505, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.
 - (d) "Wireless alarm system" means a burglar alarm system of smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this code, this section applies to all low-voltage alarm system projects for which a *permit* is required by a local enforcement agency. However, a *permit* is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further *permit* shall be required for the low-voltage alarm system project other than as provided in this section:
 - (a) The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
 - (b) A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
 - (c) The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
 - (d) The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
 - (e) The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
- (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (5) A local enforcement agency shall make uniform basic *permit* labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in s. 553.793, *Florida Statutes*. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
 - (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or

certification as a contractor.

- (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
 - (6) A contractor shall post an unused uniform basic *permit* label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
 - (7) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
 - (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of s. 553.793(7), *Florida Statutes*.
 - (9) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
 - (10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
 - (11) A uniform basic *permit* label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.
- The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of Chapter 489, *Florida Statutes*.

**SECTION 106
FLOOR AND ROOF DESIGN LOADS**

[A] 106.1 Live loads posted. In commercial or industrial buildings, for each floor or portion thereof designed for *live loads* exceeding 50 psf (2.40 kN/m²), such design *live loads* shall be conspicuously posted by the owner or the owner’s authorized agent in that part of each *story* in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

[A] 106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

[A] 106.3 Restrictions on loading. It shall be unlawful to place, or cause or *permit* to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

**SECTION 107
SUBMITTAL DOCUMENTS**

[A] 107.1 General. Submittal documents consisting of *construction documents*, statement of *special inspections*, geotechnical report and other data shall be submitted with each permit application in accordance with Florida Statute 553.79. The *construction documents* shall be prepared by a *registered design professional* where required by Chapter 471, *Florida Statutes* & 61G15 Florida Administrative Code or Chapter 481, *Florida Statutes* & 61G1 Florida Administrative Code. Where special conditions exist, the *building official* is authorized to require additional *construction documents* to be prepared by a *registered design professional*.

Exception: The *building official* is authorized to waive the submission of *construction documents* and other data not required to be prepared by a *registered design professional* if it is found that the nature of the work applied for is such that review of *construction documents* is not necessary to obtain compliance with this code.

[A] 107.2 Construction documents. *Construction documents* shall be in accordance with Sections 107.2.1 through 107.2.6.

107.2.1 Information on construction documents. *Construction documents* shall be to scale, dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where *approved* by the *building official*. *Construction documents* shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the *building official*. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

[A] 107.2.2 Fire protection system shop drawings. Shop drawings for the *fire protection system(s)* shall be submitted to indicate conformance to this code and the *construction documents* and shall be *approved* prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

[A] 107.2.3 Means of egress. The *construction documents* shall show in sufficient detail the location, construction, size and character of all portions of the *means of egress* including the path of the *exit discharge* to the *public way* in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the *construction documents* shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

[A] 107.2.4 Exterior wall envelope. *Construction documents* for all buildings shall describe the *exterior wall envelope* in sufficient detail to determine compliance with this code. The *construction documents* shall provide details of the *exterior wall envelope* as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The *construction documents* shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the *construction documents* maintain the weather resistance of the *exterior wall envelope*. The supporting documentation shall fully describe the *exterior wall* system that was tested, where applicable, as well as the test procedure used.

107.2.5 Exterior balcony and elevated walking surfaces. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

[A] 107.2.6 Site plan. The *construction documents* submitted with the application for *permit* shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from *lot lines*, the established street grades and the proposed finished grades and, as applicable, *flood hazard areas*, *floodways*, and *design flood elevations*; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The *building official* is authorized to waive or modify the requirement for a site plan where the application for *permit* is for *alteration* or *repair* or where otherwise warranted.

[A] 107.2.6.1 Design flood elevations. Where *design flood elevations* are not specified, they shall be established in accordance with Section 1612.3.1.

107.2.6.2 For the purpose of inspection and record retention, site plans for a building may be maintained in the

form of an electronic copy at the worksite. These plans must be open to inspection by the *building official* or a duly authorized representative, as required by the *Florida Building Code*.

[A] 107.2.7 Structural information. The *construction documents* shall provide the information specified in Section 1603.

[A] 107.3 Examination of documents. The *building official* shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

1. Building plans approved pursuant to Section 553.77(5), *Florida Statutes*, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to Rule 61-41.009, *Florida Administrative Code*, shall be sufficient for local *permit* application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the *building official*, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

[A] 107.3.1 Approval of construction documents. When the *building official* issues a *permit*, the *construction documents* shall be *approved*, in writing or by stamp, as "Reviewed for Code Compliance." One set of *construction documents* so reviewed shall be retained by the *building official*. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the *building official* or a duly authorized representative.

[A] 107.3.2 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated occupancy of a structure for which a lawful *permit* has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] 107.3.3 Phased approval. The *building official* is authorized to issue a *permit* for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such *permit* for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a *permit* for the entire structure will be granted.

[A] 107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a *registered design professional*, the *building official* shall be authorized to require the *owner* or the *owner's* authorized agent to engage and designate on the building *permit* application a *registered design professional* who shall act as the *registered design professional in responsible charge*. If the circumstances require, the *owner* or the *owner's* authorized agent shall designate a substitute *registered design professional in responsible charge* who shall perform the duties required of the original *registered design professional in responsible charge*. The *building official* shall be notified in writing by the *owner* or *owner's* authorized agent if the *registered design professional in responsible charge* is changed or is unable to continue to perform the duties. Successor *registered design professional in responsible charge* licensed under Chapter 471 Florida Statutes shall comply with Section 471.025(4) Florida Statute and the procedure set forth in 61G15-27.001 Florida Administrative Code; or licensed under Chapter 481 Florida Statutes shall comply with Section 481.221(6) Florida Statute and the procedure set forth in 61G1-18.002 Florida Administrative Code.

The *registered design professional in responsible charge* shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with

the design of the building.

107.3.4.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the *building official*.

Deferral of any submittal items shall have the prior approval of the *building official*. The *registered design professional in responsible charge* shall list the deferred submittals on the *construction documents* for review by the *building official*.

Documents for deferred submittal items shall be submitted to the *registered design professional in responsible charge* who shall review them and forward them to the *building official* with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been *approved* by the *building official*.

107.3.4.2 Certifications by contractors authorized under the provisions of Section 489.115(4)(b), *Florida Statutes*, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, *Florida Statutes*, or Chapter 481, *Florida Statutes*, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind- resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, *Florida Statutes*.

107.3.5 Minimum plan review criteria for buildings. The examination of the documents by the *building official* shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration and building envelope penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:

Building:

1. Site requirements:
 - Parking
 - Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Set back/separation (assumed property lines)
 - Location of specific tanks, water lines and sewer lines
 - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fireblocking* and *draftstopping* and calculated fire resistance
5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Pre-engineered systems
 - Riser diagram.
6. Life safety systems shall be determined and shall include the following requirements:
 - Occupant load and egress capacities

- Early warning
- Smoke control
- Stair pressurization
- Systems schematic
- 7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways
- 8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Impact resistant coverings or systems
 - Structural calculations (if required)
 - Foundation
 - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage- resistant materials
 - Wall systems
 - Floor systems
 - Roof systems
 - Threshold inspection plan
 - Stair systems
- 9. Materials shall be reviewed and shall at a minimum include the following:
 - Wood
 - Steel
 - Aluminum
 - Concrete
 - Plastic
 - Glass
 - Masonry
 - Gypsum board and plaster
 - Insulating (mechanical)
 - Roofing
 - Insulation
 - Building envelope portions of the Energy Code (including calculation and mandatory requirements)
- 10. Accessibility requirements shall include the following:
 - Site requirements
 - Accessible route
 - Vertical accessibility
 - Toilet and bathing facilities
 - Drinking fountains
 - Equipment
 - Special occupancy requirements
 - Fair housing requirements
- 11. Interior requirements shall include the following:
 - Interior finishes (flame spread/smoke development)

Light and ventilation (including corresponding portion of the energy code)

Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

Electrical:

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

8. Design flood elevation

Plumbing:

1. Minimum plumbing facilities

2. Fixture requirements

3. Water supply piping

4. Sanitary drainage

5. Water heaters

6. Vents

7. Roof drainage

8. Back flow prevention

9. Irrigation

10. Location of water supply line

11. Grease traps

12. Environmental requirements

13. Plumbing riser

14. Design flood elevation

15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

Mechanical:

1. Mechanical portions of the Energy calculations

2. Exhaust systems: Clothes dryer exhaust

Kitchen equipment exhaust

Specialty exhaust systems

3. Equipment

4. Equipment location

5. Make-up air

6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation
17. Smoke and/or Fire Dampers

Gas:

1. Gas piping
2. Venting
3. Combustion air
4. Chimneys and vents
5. Appliances
6. Type of gas
7. Fireplaces
8. LP tank location
9. Riser diagram/shutoffs
10. Design flood elevation
11. Gas portions of the Energy Code (including calculation and mandatory requirements)

Demolition:

1. Asbestos removal

Residential (one- and two-family):

1. Site requirements:
Set back/separation (assumed property lines) Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire
4. Smoke and/or carbon monoxide alarm/detector locations
5. Egress:
Egress window size and location stairs construction requirements
6. Structural requirements shall include:
Wall section from foundation through roof, including assembly and materials connector tables wind requirements structural calculations (if required)
Termite protection
Design loads
Wind requirements
Building envelope
Foundation
Wall systems
Floor systems
Roof systems
Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage- resistant materials
7. Accessibility requirements:
Show/identify
Accessible bath
8. Impact resistant coverings or systems
9. Residential Energy Code submittal (including calculation and mandatory requirements)
10. Mechanical, electrical & plumbing systems

Manufactured buildings/housing:

1. Site requirements
 - Setback/separation (assumed property lines)
 - Location of septic tanks (if applicable)
2. Structural
 - Wind zone
 - Anchoring
 - Blocking
3. Plumbing
 - List potable water source and meter size (if applicable)
4. Mechanical
 - Exhaust systems
 - Clothes dryer exhaust
 - Kitchen equipment exhaust
5. Electrical exterior disconnect location

Exemptions: Plans examination by the *building official* shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs
3. Minor electrical, plumbing and mechanical repairs
4. Annual maintenance *permits*
5. Prototype plans:
 - Except for local site adaptations, siding, foundations and/or modifications.
 - Except for structures that require waiver.
6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

[A] 107.4 Amended construction documents. Work shall be installed in accordance with the *approved construction documents*, and any changes made during construction that are not in compliance with the *approved construction documents* shall be resubmitted for approval as an amended set of *construction documents*.

[A] 107.5 Retention of construction documents. One set of *approved construction documents* shall be retained by the *building official* for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

107.6 Affidavits. The *building official* may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The *building official* may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the *building official* copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The *building official* shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, *Florida Statutes*, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*.

107.6.1 Building *permits* issued on the basis of an affidavit. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the *building official* to issue *permits*, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood-resistance construction requirements of the *Florida Building Code*.

107.7 If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. If the building code administrator, plans examiner, or inspector requests another local enforcing agency employee or a person contracted by the local enforcing agency to review the plans and that employee or person identifies specific plan features that do not comply with the applicable codes, the building code administrator, plans examiner, or inspector must provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

SECTION 108 TEMPORARY STRUCTURES AND USES

[A] 108.1 General. The *building official* is authorized to issue a *permit* for temporary structures and temporary uses. Such *permits* shall be limited as to time of service, but shall not be permitted for more than 180 days. The *building official* is authorized to grant extensions for demonstrated cause.

[A] 108.2 Conformance. Temporary structures and uses shall comply with the requirements in Section 3103.

[A] 108.3 Temporary power. The *building official* is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70.

[A] 108.4 Termination of approval. The *building official* is authorized to terminate such *permit* for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109 FEES

[A] 109.1 Payment of fees. A *permit* shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a *permit* be released until the additional fee, if any, has been paid.

[A] 109.2 Schedule of *permit* fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or *alterations* requiring a *permit*, a fee for each *permit* shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

109.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- *Permits*;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

[A] 109.3 Building permit valuations. The applicant for a *permit* shall provide an estimated *permit* value at time of application. *Permit* valuations shall include total value of work, including materials and labor, for which the *permit*

is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the *building official*, the valuation is underestimated on the application, the *permit* shall be denied, unless the applicant can show detailed estimates to meet the approval of the *building official*. Final building *permit* valuation shall be set by the *building official*.

[A] 109.4 Work commencing before *permit* issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary *permits* or without prior approval from the *building official* as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the *building official* that shall be in addition to the required *permit* fees or as provided by local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required *permit(s)* must be applied for within three (3) business days and any unreasonable delay in obtaining those *permit(s)* shall result in the charge of a 2.5x fee. The payment of a 2.5x fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a *permit*. The *building official* may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

[A] 109.5 Related fees. The payment of the fee for the construction, *alteration*, removal or demolition for work done in connection to or concurrently with the work authorized by a building *permit* shall not relieve the applicant or holder of the *permit* from the payment of other fees that are prescribed by law.

[A] 109.6 Refunds. The *building official* is authorized to establish a refund policy.

SECTION 110 INSPECTIONS

[A] 110.1 General. Construction or work for which a *permit* is required shall be subject to inspection by the *building official* and such construction or work shall remain exposed and provided with access for inspection purposes until *approved*. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the *owner* or the *owner's* authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The *building official* shall be permitted to require a boundary line survey prepared by a Florida licensed professional surveyor and mapper whenever the boundary lines cannot be readily determined in the field. Neither the *building official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.1.1 Manufacturers and fabricators. When deemed necessary by the *building official*, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The *building official* may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the *building official*. The *building official* shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes ; or licensed under Chapter 471 or 481 Florida Statutes.

[A] 110.2 Preliminary inspection. Before issuing a *permit*, the *building official* is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

[A] 110.3 Required inspections. The *building official* upon notification from the *permit* holder or his or her agent

shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the *permit* holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The *building official* shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Piling/pile caps
 - Footers/grade beams
 - 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
 - 1.2. A foundation/form board survey prepared and certified by a Florida licensed professional surveyor and mapper may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.
 - 1.3. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the building official.
2. Framing inspection. To be made after the roof, all framing, fireblocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved* and shall at a minimum include the following building components:
 - Window/door framing
 - Window U-factor/SHGC (as indicated on approved energy calculations)
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
 - *Draftstopping/fireblocking*
 - Curtain wall framing
 - Energy insulation (Insulation R-factor as indicated on approved energy calculations)
 - Accessibility
 - Verify rough opening dimensions are within tolerances.
 - Window/door buck attachment
 - 2.1 Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation.
 - 2.2 Lath and gypsum board inspection for fire-resistance rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before ant plastering is applied or gypsum board joints and fasteners are taped and finished.
3. Sheathing inspection. To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - Roof sheathing
 - Wall sheathing
 - Continuous air barrier
 - Exterior siding/cladding
 - Sheathing fasteners
 - Roof/wall dry-in

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material.

4. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:
 - Exterior wall coverings and veneers
 - Soffit coverings
5. Roofing inspection. Shall at a minimum be made in at least two inspections and include the following building components:
 - Dry-in
 - Insulation
 - Roof coverings (including In Progress as necessary)
 - Insulation on roof deck (according to submitted energy calculation)
 - Flashing
- 5.1 Re-roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the *building official*.
6. Final inspection. To be made after the building is completed and ready for occupancy.
 - 6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.
7. Swimming pool inspection. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete.
 1. Steel reinforcement inspection
 2. Underground electric inspection
 3. Underground piping inspection including a pressure test.
 4. Underground electric inspection under deck area (including the equipotential bonding)
 5. Underground piping inspection under deck area
 6. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
 7. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
 8. Final pool piping
 9. Final Electrical inspection
 10. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17 of this code.
8. Demolition inspections. First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.

Final inspection to be made after all demolition work is completed.
9. Manufactured building inspections. The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility cross-overs; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the *Florida Building Code*. Additional inspections may be required for public educational facilities (see Section 453.27.20 of this code).
10. Where impact-resistant coverings or impact-resistant systems are installed, the *building official* shall schedule adequate inspections of impact-resistant coverings or impact-resistant systems to determine the following:
 - The system indicated on the plans was installed.
 - The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical

1. Underground inspection. To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and prior to the installation of wall or ceiling membranes.

3. Final inspection. To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

Plumbing

1. Underground inspection. To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes. Includes plumbing provisions of the energy code and approved energy calculation provisions.
3. Final inspection. To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the *Florida Building Code, Plumbing* for required tests.

Mechanical

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. Rough-in inspection. To be made after the roof, framing, *fireblocking* and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes. Includes mechanical provisions of the energy code and approved energy calculation provisions.
3. Final inspection. To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas

1. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. Includes gas provisions of the energy code and approved energy calculation provisions.
2. Final piping inspection. To be made after all piping authorized by the *permit* has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
3. Final inspection. To be made on all new gas work authorized by the *permit* and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

[A] 110.3.1 Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

[A] 110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

[A] 110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 and Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official*.

[A] 110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, *fireblocking* and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*.

[A] 110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished to include tub/shower surround waterproofing inspection

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious-moisture-barrier system shall not be concealed until inspected and *approved*.

[A] 110.3.7 Fire and smoke-resistant penetrations. Protection of joints and penetrations in *fire-resistance-rated* assemblies, *smoke barriers* and smoke partitions shall not be concealed from view until inspected and *approved*.

[A] 110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with *FBC, Energy Conservation* and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value, and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

[A] 110.3.9 Other inspections. In addition to the inspections specified in Sections 110.3 through 110.3.8, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

[A] 110.3.10 Special inspections. Reserved.

110.3.11 Final inspection. The final inspection shall be made after all work required by the building *permit* is completed.

110.3.11.1 Flood hazard documentation.

If located in a *flood hazard area*, documentation of the elevation of the lowest floor as required in Section 1612.5 and Section R322 of the Florida Building Code, Residential, shall be submitted to the *building official* prior to the final inspection.

110.3.11.2 Commercial Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

110.3.11.3 Residential Energy Code documentation. If required by energy code path submittal (R405), confirmation that the duct test requirements shall be received by building official.

110.3.12 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.12.9 or Section 2304.12.4, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the *building official* has been received.

110.3.13 Impact-resistant coverings or systems. Where impact-resistant coverings or systems are installed to

meet requirements of this code, the *building official* shall schedule adequate inspections of impact-resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

[A] 110.4 Inspection agencies. The *building official* is authorized to accept reports of *approved* inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

[A] 110.5 Inspection requests. It shall be the duty of the holder of the building *permit* or their duly authorized agent to notify the *building official* when work is ready for inspection. It shall be the duty of the *permit* holder to provide access to and means for inspections of such work that are required by this code.

[A] 110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the *building official*. The *building official*, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the *permit* holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the *building official*.

110.7 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer prior to any required mandatory inspections by the threshold building inspector.

110.8 Threshold building.

110.8.1 During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building *permit* for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the *building official*, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

110.8.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under s. 553.71(7), *Florida Statutes* may designate such building as a threshold building, subject to more than the minimum number of inspections required by the *Florida Building Code*.

110.8.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, *Florida Statutes*, as an engineer or under Chapter 481, *Florida Statutes*, as an architect.

110.8.4 Each enforcement agency shall require that, on every threshold building:

110.8.4.1 The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

110.8.4.2 Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of *permit* documents.

110.8.4.3 All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

110.8.4.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this section and Chapter 633, *Florida Statutes*.

110.8.5 No enforcing agency may issue a building *permit* for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), *Florida Statutes*, or to a licensed building contractor, as defined in Section 489.105(3)(b), *Florida Statutes*, within the scope of her or his license. The named contractor to whom the building *permit* is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building *permit* was issued.

110.8.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, *Florida Statutes*, without duplicative inspection by the building department. The *building official* is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, *Florida Statutes*, or certified as a special inspector under Chapter 471 or 481, *Florida Statutes*. Inspections of threshold buildings required by Section 553.79(5), *Florida Statutes*, are in addition to the minimum inspections required by this code.

110. 9 Recertification of buildings and components:

(1) In General

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

"Association building" means any building that does not fall within the definition of a threshold building and is owned, in whole or in part, by a condominium association or cooperative association, is three stories or more in height and contains at least four dwelling units.

"Building age" shall mean the time period since the issuance of the original certificate of occupancy or, where adequate records are not available to determine when the original certificate of occupancy was issued, the building age shall be determined by the Building Official based on the best available evidence.

"Owner" shall mean the fee simple title holder of the land on which a building subject to recertification is situated or, in the case of condominium or cooperative type of ownership, shall mean the person or entity responsible for the structure and common systems of a building subject to recertification.

"Phase one milestone inspection" shall mean a visual inspection of the habitable and nonhabitable areas of a building, including the major structural components of a building and shall include the inspector's qualitative assessment of the structural conditions of the building and the inspector's determination of whether such assessment indicates substantial structural deterioration necessitating a phase two inspection. A phase one milestone inspection shall also include an inspection by a professional electrical engineer certifying and attesting that such building is electrically safe or identifying any major or critical deficiencies in the electrical system and the repairs or alterations necessary to make the building electrically safe, including a recommended timeframe for such repairs. At a minimum, the following electrical components/equipment, where present, shall be evaluated: electrical service, branch circuits, conduit raceways and emergency lighting.

"Phase two milestone inspection" shall mean an inspection involving destructive or non-destructive testing, at the inspector's discretion, necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and shall include recommendations for fully

assessing and repairing distressed and damaged portions of the building.

“Substantial structural deterioration” means substantial structural distress or substantial structural weakness that negatively affects a building’s general structural condition and integrity.

“Threshold building” means any building which is greater than three stories or fifty (50) feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds five thousand square feet in area and an occupant content of greater than five hundred (500) persons as defined in Section 553. 71(12), Florida Statutes, as may be amended from time to time.

“Recertification” means the completion of a phase one milestone inspection and, where required, the completion of a phase two milestone inspection and all necessary major or critical repairs as determined by the applicable inspector in accordance with the terms of this section.

(b) Due to local circumstances and the proximity to salt water, any threshold building or association building that has a building age of twenty- five (25) years or more shall be subject to recertification as provided in this section. Subsequent recertification shall be required at intervals of ten (10) years from the date the first such recertification was required for threshold buildings with a building age of up to forty (40) years and at intervals of seven (7) years for threshold buildings with a building age of more than forty (40) years.

(c) Beginning on October 19, 2021, due to the initial backlog of buildings required to be recertified, the Building Official shall establish a completion schedule for recertification, which shall be based upon factors that may include, but shall not be limited to, the age, location, construction materials, occupancy load, and function of a building. This completion schedule shall include a recertification deadline for each building for which recertification is required and may be amended by the Building Official as necessary or advisable. If recertification is required for a building for which a certificate of occupancy was issued on or before July 1, 1997, the phase one milestone inspection must be performed before December 31, 2024.

(d) Nothing in this section shall be construed to prevent or limit the Building Official's authority to inspect, order inspections or reports, or abate unsafe conditions at existing buildings outside of the requirements of this section, including but not limited to, the Building Official's authority pursuant to Section 116 of this chapter regarding Unsafe Structures and Equipment or any other provision in the Town Code of Ordinances. The Building Official retains the authority set forth in Section 116 to declare a structure, building or an electrical, gas, mechanical or plumbing system as unsafe in accordance with the criteria set forth in that section.

(2) *Procedure.*

(a) The Building Official shall issue a Notice of Required Inspection, via certified mail, to the Owner of each building required to be recertified pursuant to subsection (1) above, not less than one hundred and eighty (180) days prior to the scheduled deadline for the filing of a phase one milestone inspection report. In the event that the Notice of Required Inspection is returned unclaimed, said Notice shall be posted by the Building Official at the building. Failure to receive notice of any required inspection shall not relieve the Owner of its obligations pursuant to this section.

(b) The Owner or Owners of a building or structure subject to recertification shall submit, or cause to be submitted, to the Building Official, no later than the recertification deadline, a phase one milestone inspection report (“Phase One Report”). If the qualitative assessment set forth in the Phase One Report reveals no signs of substantial structural deterioration to any building components under visual examination, no phase two milestone inspection report shall be required, provided, however, that the Owner must still correct any major or critical deficiencies in the electrical system within the recommended timeframe.

(c) Inspections of threshold buildings shall be performed by a certified special inspector of threshold buildings (a professional or structural engineer or architect registered in the State of Florida and qualified by training and experience). Inspections of association buildings may be performed by a licensed architect or engineer registered in the State of Florida or a team of professionals with an architect or engineer acting as a registered design profession in responsible charge with all work and reports signed and sealed by the appropriate qualified team member. All reports shall bear the name, business address, State of Florida registration number, and impressed or electronic seal and signature of the certified special inspector, engineer or architect who has performed the inspection. Electronically signed and sealed documents shall meet all applicable statutory and administrative code requirements.

(d) If any substantial structural deterioration is identified in the Phase One Report, the Owner shall be required to undergo a phase two milestone inspection and file a Phase Two Milestone Inspection Report (“Phase Two Report”). Within one hundred and eighty (180) days after submitting the Phase One Report, the architect or

engineer performing the Phase Two Report must submit a phase two progress report to the Building Official with a timeline for completion of the phase two inspection. The Phase Two Report shall note the location address and property control number of the building, describe the type of construction and general characteristics of the building(including but not limited to total floor area, height and number of stories, building footprint and similar characteristics), the existence of drawings and location thereof, history of the building to the extent reasonably known, and describe the type and manner of the inspection, noting any areas of issues or concern, and shall include recommendations for repairs required to maintain the structural integrity of the building, and the estimated time of completion of said repairs or modifications. The Phase Two Report must take into account two basic structural considerations: (1) movement of structural components with respect to each other; and (2) deterioration of materials and any effect on the structural integrity of the building. The Phase Two Report shall include the manner in which the inspection occurred of the following structural elements, as applicable: foundation, masonry bearing walls, steel framing system, floor systems, roof systems, concrete framing systems, windows, wood framing, and loading. The Town is not mandating any particular inspection method; however, the Phase Two Report shall discuss the use or non- use of the standard structural inspection methods and the reasoning behind their use or non- use. These methods may include, but not be limited to: the visual examination method; the testing method; and the manual (forensic inspection) method. For major structure elements such as foundations, masonry bearing walls, steel framing systems, roof systems, and concrete framing systems, manual (forensic inspection) methods, such as chipping small areas of concrete and surface finishes for closer examination, are strongly encouraged.

(e) The use of the manual (forensic inspection) method for certain structural elements as encouraged above shall be documented by photographic or other similar evidence, which shall be included in the Phase Two Report.

(3) Building Official Review of Phase Two Report.

Once the Phase Two Report has been submitted to the Building Official, the Building Official will perform an administrative review of the Report to determine whether it satisfies the requirements of this section. The Building Official will not review or otherwise assess the architect or engineer's technical findings. If the Building Official determines that the Phase Two Report does not satisfy the requirements of this section, the Owner shall make any changes to the Phase Two Report as needed and resubmit it no later than thirty (30) days after the Building Official' s determination. The Phase Two Report may be resubmitted in this manner up to two (2) additional times after the initial submission until the Phase Two Report is determined to have satisfied the requirements of this section. If the Building Official determines after a third submittal that the Phase Two Report does not satisfy the requirements of this section, this shall be a deemed a failure to submit the require recertification inspection report and shall subject the Owner to the remedies prescribed in subsection (5) of this section. The Building Official' s determination shall be in writing and shall be provided to the Owner via certified and first- class mail.

(4) Timeframe to Make Repairs or Modifications.

The Owner shall correct all major or critical structural or electrical deficiencies identified in the Report in accordance with the certified special threshold inspector' s or engineer' s recommended timeframe. Notwithstanding the foregoing, all such repairs shall be completed within a maximum of three hundred and sixty-five (365) days from the date the Building Official accepts a complete Phase Two Report satisfying the requirements of this section. Once the repairs or modifications have been completed, the certified special threshold inspector or engineer shall reinspect the areas noted on the original report and shall provide the owner a signed and sealed letter stating that the repairs or modifications have all been completed. The owner shall submit that letter to the Building Official. The Building Official may grant extensions to either the recommended or maximum timeframes when justified by the totality of the circumstances. I request for extension shall be unreasonably denied. The Building Official' s decision regarding an Owner' s request for an extension shall be in writing and provided to the Owner via certified and first- class mail. If, at any time, the Building Official determines that structural and/ or electrical deficiencies exist that present an immediate danger to human life or safety, the Building Official may take such actions determined necessary pursuant to Section 116 of this chapter regarding Unsafe Structures and Equipment, regardless of the procedural requirements or timeframes specified in this section.

(5) *Failure to Submit a Recertification Inspection Report or Timely Make Repairs/ Modifications.*

In the event the owner fails to submit any required report by the specified deadline, fails to make changes and resubmit the Phase Two Report within the required timeframes upon a determination that the Phase Two Report does not satisfy the requirements of this section, or fails to complete (subject to all required permits) any major or critical repairs or modifications within the required timeframes, the Building Official may seek an order of enforcement through the Town' s code enforcement process or any other legal or equitable remedy provided by law. The Building Official may extend the date by which a building's phase one milestone inspection must be completed upon a showing of good cause by the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstances justify an extension.

6) *Appeals.*

The Building Official' s written determination, after three submittals, that the Phase Two Report submitted pursuant to subsection(3) above did not satisfy the requirements of that section and/ or the Building Official' s written denial of an extension to the requested timeframe for completion of repairs or modifications pursuant to subsection (4) above shall be final, subject only to the filing of a Petition for Writ of Certiorari in the Circuit Court in and for Palm Beach County, Florida within thirty (30) days of the date of the written determination or written denial.

SECTION 111 CERTIFICATE OF OCCUPANCY

[A] 111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from *permits* in accordance with Section 105.2.

[A] 111.2 Certificate issued. After the *building official* inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the *building official* shall issue a certificate of occupancy that contains the following:

1. The building *permit* number.
2. The address of the structure.
3. The name and address of the *owner* or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the building official.
7. The name of the *building official*.
8. The edition of the code under which the *permit* was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design *occupant load*.
12. If an *automatic sprinkler system* is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building *permit*.

[A] 111.3 Temporary occupancy. The *building official* is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the *permit*, provided that such portion or portions shall be

occupied safely. The *building official* shall set a time period during which the temporary certificate of occupancy is valid.

[A] 111.4 Revocation. The *building official* is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

111.5 Certificate of completion. A certificate of completion is proof that a structure or system is complete and for certain types of *permits* is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a certificate of occupancy.

**SECTION 112
SERVICE UTILITIES**

[A] 112.1 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a *permit* is required, until released by the *building official*.

[A] 112.2 Temporary connection. The *building official* shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

[A] 112.3 Authority to disconnect service utilities. The *building official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The *building official* shall notify the serving utility, and wherever possible the *owner* and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the *owner* or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

**SECTION 113
BOARD OF APPEALS**

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *building official* relative to the application and interpretation of this code, the Town has elected to utilize the Palm Beach County Building Code Advisory Board for any and all appeals concerning the Florida Building Code.

113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.3 Qualifications. The board shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

113.4 Decisions on appeals. The decisions of the Advisory Board shall be final, subject to such remedies as the aggrieved party may have at law or in equity.

**SECTION 114
VIOLATIONS**

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The *building official* is authorized to serve a notice of violation or order on the person responsible for the erection, construction, *alteration*, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a *permit* or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *building official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 115 STOP WORK ORDER

[A] 115.1 Authority. Where the *building official* finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the *building official* is authorized to issue a stop work order.

[A] 115.2 Issuance. The stop work order shall be in writing and shall be given to the *owner* of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

[A] 115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate *means of egress* facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the *building official* deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.2 Record. The *building official* shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

116.3 Notice. If an unsafe condition is found, the *building official* shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the *building official* acceptance or rejection of the terms of the order.

116.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner’s agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

116.5 Restoration. Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs, alterations, additions* and change of occupancy shall comply with the requirements of Section 105.2.2 and the *Florida Building Code, Existing Building*.

**SECTION 117
VARIANCES IN FLOOD HAZARD AREAS**

117.1 Flood hazard areas. Pursuant to Section 553.73(5), *Florida Statutes*, the variance procedures adopted in the local flood plain management ordinance shall apply to requests submitted to the *building official* for variances to the provisions of Section 1612.4 of the *Florida Building Code, Building* or, as applicable, the provisions of Section R322 of the *Florida Building Code, Residential*. This section shall not apply to Section 3109 of the *Florida Building Code, Building*.

File Attachments for Item:

B. Proposed Ordinance

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, amending Section 30-7 "Official Zoning Map" of the Town Code of Ordinances to update information pertaining to the date of the most recent amendment to the Town's Official Zoning Map as set forth in Ordinance No. 2022-002; providing for repeal of all ordinances in conflict; providing for severability and codification; and providing an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE December 5, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING SECTION 30-7 “OFFICIAL ZONING MAP” OF THE TOWN CODE OF ORDINANCES TO UPDATE INFORMATION PERTAINING TO THE DATE OF THE MOST RECENT AMENDMENT TO TOWN’S OFFICIAL ZONING MAP AS SET FORTH IN ORDINANCE NO. 2022-002; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

SUMMARY:

In January 2021, the Palm Beach County Property Appraiser advised Town staff that the following three (3) parcels located within the Boca Cove development did not have a zoning district designation:

Parcel Control No. (PCN)	PARCEL ADDRESS	PROPERTY OWNER
24434704010001131	1123 Boca Cove Lane	Bonnie H and Michael K Mazor
24434704000060250	NA	Boca Cove HOA
24434704010001128	NA	Boca Cove HOA

According to the Town’s Zoning Map, all of the parcels located within the Boca Cove development (with the exception of the three (3) parcels noted above) are zoned Residential Multiple Family Low Density (RML). Upon review of Town Ordinance No. 594, which adopted the Zoning Map in 1990, these three (3) parcels were located within the RML Zoning District; however, in error, the Zoning Map (which was in a different mapping format than the Zoning Map adopted under Ordinance No. 594) did not provide any zoning district designation for these parcels. To correct this scrivener’s error, on January 18, 2022, the Town Commission approved the rezoning of these three parcels from no zoning district designation to the RML zoning district (Ordinance No. 2022-002). *Note that one of the three (3) parcels (Parcel control number 24-43-47-04-01-000-1128) did not have a corresponding Future Land Use Designation and therefore to correct this additional scrivener’s error, on September 6, 2022 the Town Commission adopted Ordinance No. 2022-007. Such Ordinance amended the Future Land Use designation of this one (1) parcel from no future land use designation to Multi*

Family Low Density which is the corresponding future land use designation for all of the other parcels in the Boca Cove development.

Staff have worked with the Town’s GIS consultant to revise the Official Zoning Map in accordance with the above-referenced adopted rezoning including the replacement of the Town logo with the latest version (Attachment No. 1). Given Section 30-7 of the Town Code provides for the date and corresponding Ordinance Number of the most recent amendment to the Official Zoning Map, an amendment to this section of the Town Code is required in order to update this information as set forth in Ordinance No. 2022-002. The following amendment to the Town Code of Ordinances is proposed (additions are denoted by an underline, and deletions are denoted by a ~~striketrough~~):

Sec. 30-7. Official zoning map.

(a) Official zoning map. The official zoning map shall be adopted, and amended as necessary, by the town commission. The map shall be signed by the mayor, whose signature shall be attested by the town clerk. The map shall bear the official seal of the Town of Highland Beach. The official zoning map of the Town of Highland Beach, last adopted or amended by Ordinance No. 2022-002 594 on ~~dated~~ January 18, 2022 ~~August 22, 1990~~, is hereby adopted by reference and without change, and is made a part of this chapter.

Effective October 1, 2023, Section 166.041(4), Florida Statutes requires that before the enactment of a proposed ordinance, the governing body of a municipality shall prepare or cause to be prepared a Business Impact Estimate (BIE). Such BIE is not required for ordinances enacted to implement Part II of Chapter 163, F.S. which includes amendments to the Zoning Code (Chapter 30). Moreover, given the proposed Town Code amendment merely updates information pertaining to the date of the most recent amendment to the Official Zoning Map as set forth in Ordinance 2022-002, there is no direct economic impact on private, for-profit businesses in the Town.

Planning Board recommendation

At the November 9, 2023 Planning Board meeting, the Board made a motion to recommend approval of the Ordinance (motion carried 6-0).

FISCAL IMPACT:

None.

ATTACHMENTS:

New Town Official Zoning Map (Attachment No. 1).

Proposed Ordinance.

Previous Official Zoning Map.

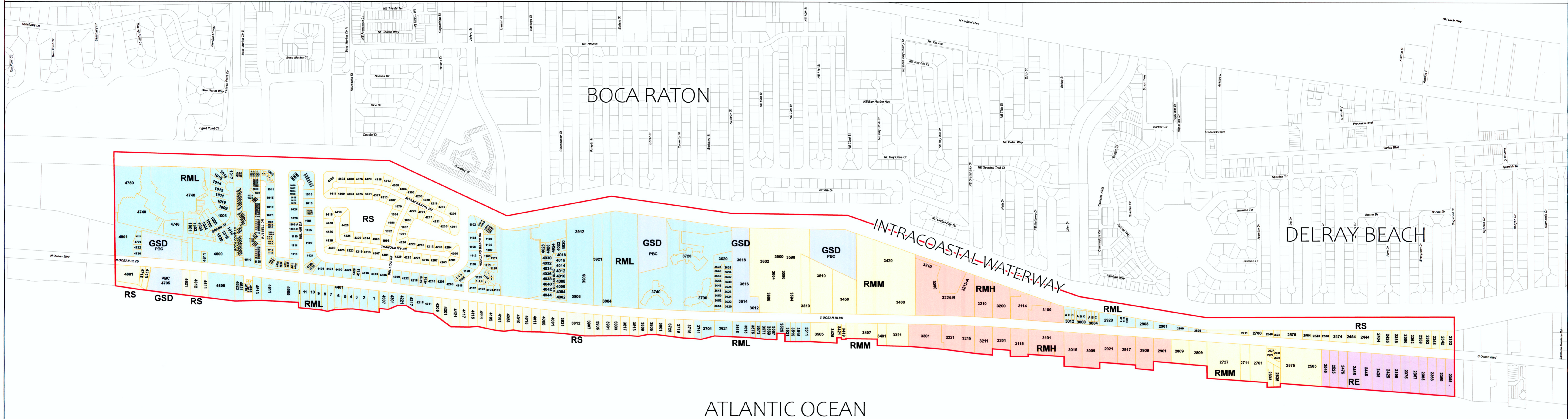
Town Ordinance 2022-002.

RECOMMENDATION:

At the discretion of the Town Commission.



TOWN OF HIGHLAND BEACH OFFICIAL ZONING MAP



LEGEND - HIGHLAND BEACH ZONING CODE

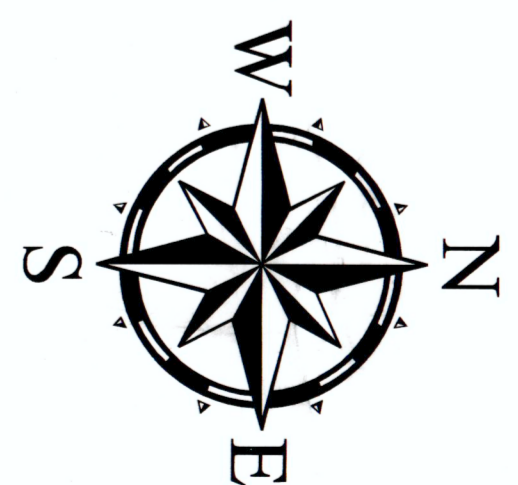
- GSD Government Services District
- RMH Residential Multiple Family High Density
- RMM Residential Multiple Family Medium Density
- RE Residential Single Family Estates Lots
- RML Residential Multiple Family Low Density
- RS Residential Single Family

THIS IS TO CERTIFY THAT THIS OFFICIAL ZONING MAP SUPERSEDES AND REPLACES THE PREVIOUS OFFICIAL ZONING MAP THAT HAD BEEN ADOPTED BY ORDINANCE NO. 594. THIS LATEST OFFICIAL ZONING MAP WAS ADOPTED ON JANUARY 18, 2022, BY ORDINANCE NO. 2022-002, AS AUTHORIZED BY SECTION 30-7 OF THE TOWN CODE OF ORDINANCES.

TOWN COMMISSION
Douglas Hillman
 DOUGLAS HILLMAN, Mayor
Natasha Moore
 NATASHA MOORE, Vice Mayor
Peggy Gossett-Seidman
 PEGGY GOSSETT-SEIDMAN, Comm.
Evalyn David
 EVALYN DAVID, Comm.
John Shoemaker
 JOHN SHOEMAKER, Comm.

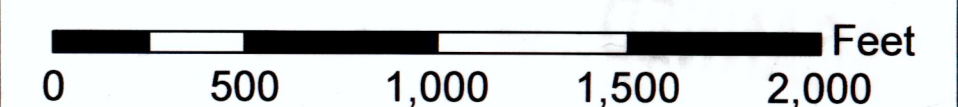
TOWN MANAGER
Marshall Labadie
 MARSHALL LABADIE

ATTESTATION
Janelda Gaskins
 LANELDA GASKINS, Town Clerk
 ADOPTED 1-18-2022
 ORDINANCE NO. 2022-002



SCALE

When Printed on 24" x 36"
 1 inch = 500 feet



ORDINANCE NO. 2023-

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING SECTION 30-7 “OFFICIAL ZONING MAP” OF THE TOWN CODE OF ORDINANCES TO UPDATE INFORMATION PERTAINING TO THE DATE OF THE MOST RECENT AMENDMENT TO TOWN’S OFFICIAL ZONING MAP AS SET FORTH IN ORDINANCE NO. 2022-002; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Official Zoning Map of the Town of Highland Beach was adopted in 1990 (Ordinance No. 594); and

WHEREAS, in January 2021, the Palm Beach County Property Appraiser advised Town staff that three (3) parcels (Parcel control numbers 24-43-47-04-01-000-1131, 24-43-47-04-00-006-0250, and 24-43-47-04-01-000-1128) located within the Boca Cove development had no zoning district designation; and

WHEREAS, according to the Town Zoning Map, all of the parcels located within the Boca Cove development, with the exception of the three (3) parcels noted above, are zoned Residential Multiple Family Low Density (RML); and

WHEREAS, upon review of the Town Zoning Map adopted by Ordinance No. 594, the three (3) parcels, noted above, were in fact located within the Residential Multiple Family Low Density (RML) zoning district; however, this zoning district designation was not reflected on the current Town Zoning Map; and

WHEREAS, the Town Zoning Map was in a different mapping format than the Town Zoning Map adopted in 1990 (Ordinance No. 594) and the change in format may have contributed to the unintentional scrivener’s error; and

WHEREAS, as a result of this unintentional scrivener’s error, the Town Commission approved the rezoning of the three (3) parcels referenced above on January 18, 2022 (Ordinance No. 2022-002) from no zoning designation to the RML zoning district; and

WHEREAS, Section 30-7 of the Town of Ordinances provides for the adoption or amendment date and other relevant information regarding the Town’s Official Zoning Map that needs to be updated as set forth Ordinance No. 2022-002; and

WHEREAS, the Town Commission wishes to update the amendment date and other relevant information regarding the Town’s Official Zoning Map; and

WHEREAS, the Town Commission of the Town of Highland Beach has determined that the amendment to the Code of Ordinances is in the best interest of the Town of Highland Beach;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA that:

SECTION 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

SECTION 2. The Town of Highland Beach Code of Ordinances, is hereby amended by amending Chapter 30 "Zoning Code," Article I “General Provisions,” Section 30-7 “Official zoning map” to read as follows (additional language underlined and deleted language ~~stricken through~~):

Sec. 30-7. Official zoning map.

(a) *Official zoning map.* The official zoning map shall be adopted, and amended as necessary, by the town commission. The map shall be signed by the mayor, whose signature shall be attested by the town clerk. The map shall bear the official seal of the Town of Highland Beach. The official zoning map of the Town of Highland Beach, last adopted or amended by Ordinance No. 2022-002 594 on ~~dated~~ January 18, 2022 ~~August 22, 1990~~, is hereby adopted by reference and without change, and is made a part of this chapter.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Codification. Section 2 of the Ordinance shall be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading and shall only apply prospectively.

The forgoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

VOTES:	YES	NO
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Evalyn David	_____	_____
Commissioner Donald Peters	_____	_____
Commissioner Judith M. Goldberg	_____	_____

PASSED on first reading at the Regular Commission meeting held on this ____ day of _____, 2023.

The forgoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

VOTES:	YES	NO
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Evalyn David	_____	_____
Commissioner Donald Peters	_____	_____
Commissioner Judith M. Goldberg	_____	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on the ____ day of _____, 2023.

Natasha Moore, Mayor

ATTEST:

REVIEWED FOR LEGAL SUFFICIENCY

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach



ORDINANCE NO. 2022-002

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, REZONING THREE (3) PARCELS OF REAL PROPERTY TOTALING APPROXIMATELY 1.03 ACRES LOCATED IN THE BOCA COVE DEVELOPMENT ALONG SOUTH OCEAN BOULEVARD APPROXIMATELY 300 FEET SOUTH OF RUSSELL DRIVE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM NO ZONING DESIGNATION TO THE RESIDENTIAL MULTIPLE-FAMILY LOW DENSITY (RML) ZONING DISTRICT TO CORRECT A SCRIVENER’S ERROR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the official Zoning Map of the Town of Highland Beach was adopted in 1990 (Ordinance No. 594); and

WHEREAS, in January 2021, the Palm Beach County Property Appraiser advised Town staff that three (3) parcels (Parcel control numbers 24-43-47-04-01-000-1131, 24-43-47-04-00-006-0250, and 24-43-47-04-01-000-1128) located within the Boca Cove development have no zoning district designation; and

WHEREAS, according to the Town Zoning Map, all the parcels located within the Boca Cove development with the exception of the three (3) parcels noted above are zoned Residential Multiple Family Low Density (RML); and

WHEREAS, upon review of the Town Zoning Map adopted by Ordinance 594, the three (3) parcels, noted above, were in fact located within the Residential Multiple Family Low Density (RML) zoning district; however, this zoning district designation is not reflected on the current Town Zoning Map; and

WHEREAS, the current Town Zoning Map is in a different mapping format than the Town Zoning Map adopted in 1990 (Ordinance No. 594) and therefore this may have contributed to the unintentional scrivener’s error; and

WHEREAS, the proposed correction of a scrivener’s error to the Town Zoning Map is consistent with the Town Comprehensive Plan; and

WHEREAS, the Town Planning Board, as the designated Local Planning Agency, conducted a public hearing on the proposed rezoning and provided its recommendation to the Town Commission; and

WHEREAS, the Town Commission of the Town of Highland Beach desires to correct this scrivener's error to the Town Zoning Map and determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Town of Highland Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA that:

SECTION 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

SECTION 2. In order to correct the scrivener's error, the Town Commission hereby amends the Official Zoning Map of the Town of Highland Beach, Florida, to reflect a zoning classification of Residential Multiple Family Low Density (RML) for the three parcels described in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 3. The Town of Highland Beach Official Zoning Map shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 2 hereof.

SECTION 4. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was moved by Commissioner David, seconded by Vice Mayor Moore and upon being put to the vote, the vote was as follows:

VOTES:	YES	NO
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	

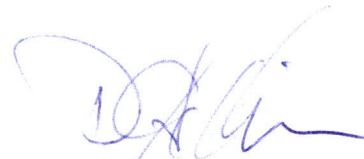
PASSED on first reading at the Regular Commission meeting held on this 4th day of January, 2022.

The foregoing Ordinance was moved by Vice Mayor Moore, seconded by Commissioner Shoemaker and upon being put to the vote, the vote was as follows:

VOTES:	YES	NO
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	

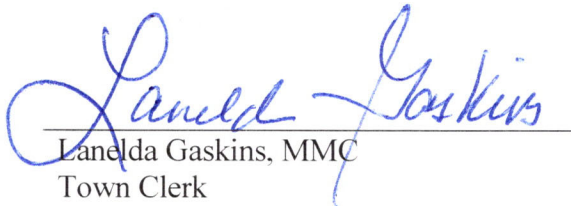

PASSED AND ADOPTED on final reading at the Regular Commission meeting held on this 18th day of January, 2022.

ATTEST:

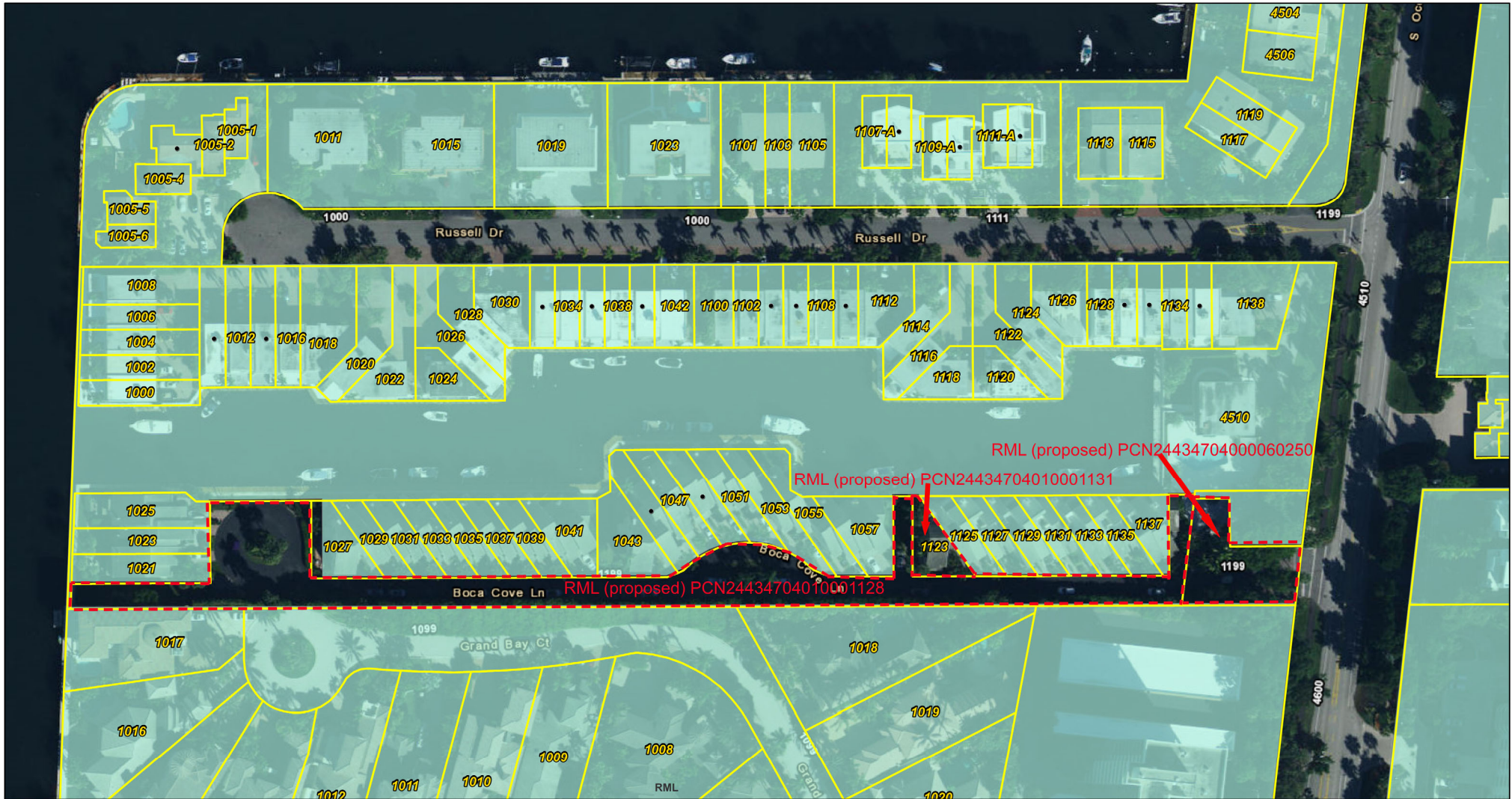


Douglas Hillman, Mayor

REVIEWED FOR LEGAL SUFFICIENCY


Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach



9/16/2021, 11:55:02 AM

World Transportation

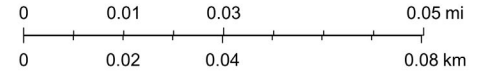
• Highland Beach Address Points

▭ Highland Beach Parcels

Zoning

▭ RML Residential Multiple Family Low Density

1:1,128



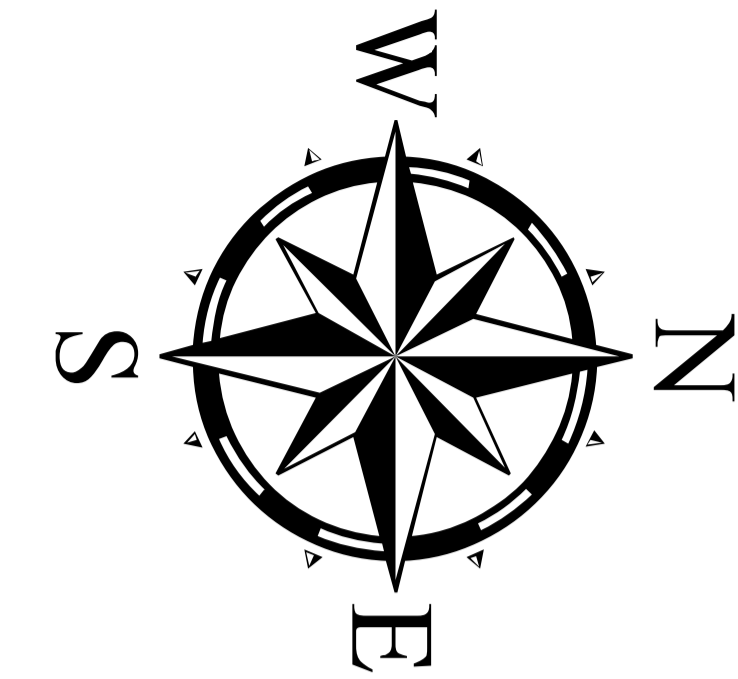
Esri, HERE, iPC, Esri, HERE, Garmin, iPC, State of Florida, Maxar, Microsoft

Town of Highland Beach - Planning Department
State of Florida, Maxar, Microsoft | Esri, HERE, iPC | Esri, HERE, Garmin, iPC |

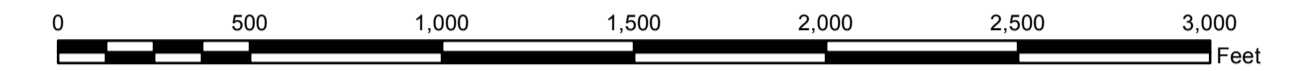


TOWN OF HIGHLAND BEACH OFFICIAL ZONING MAP

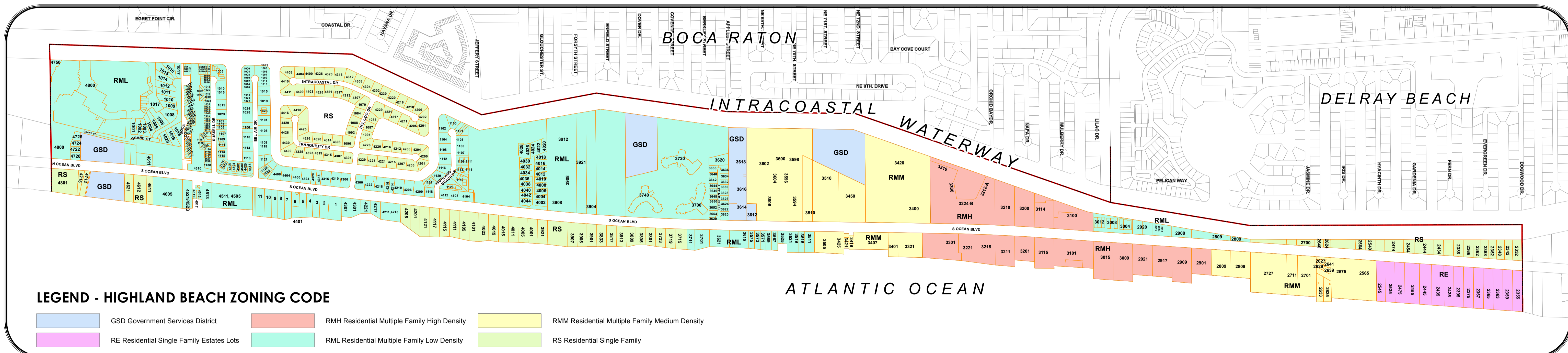
PREVIOUS ZONING MAP




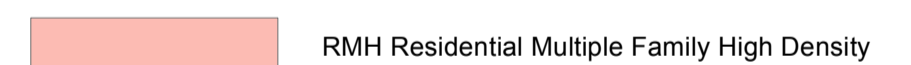
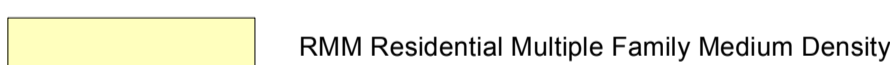

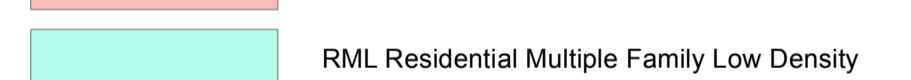
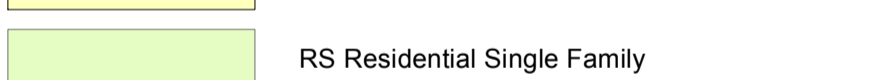
SCALE



1 inch = 500 feet



LEGEND - HIGHLAND BEACH ZONING CODE

	GSD Government Services District		RMH Residential Multiple Family High Density		RMM Residential Multiple Family Medium Density
	RE Residential Single Family Estates Lots		RML Residential Multiple Family Low Density		RS Residential Single Family

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP OF THE TOWN OF HIGHLAND BEACH AS ADOPTED BY ORDINANCE NO. 594, AND IS AN AMENDMENT OF THE OFFICIAL ZONING MAP REFERRED IN SECTION ONE OF ORDINANCE NO. 503 OF THE TOWN OF HIGHLAND BEACH, FLORIDA.

TOWN COMMISSION

 BERNARD FEATHERMAN, Mayor

 WILLIAM WEITZ, PhD, Vice Mayor

 LOUIS P. STERN, Comm.

 CARL FELDMAN, Comm.

 RHODA ZELNIKER, Comm.

PLANNING BOARD

 CAROL STERN, Chair

 ILYNE MENDELSON, Vice Chair

 RONALD CLARK

 STEPHEN GOLDING

 HARVEY MART

 CHARLES SHANE

 WILLIAM SVENSTRUP

ATTESTATION

 VALERIE OAKES, Town Clerk

 ADOPTED -----
 ORDINANCE NO.-----

File Attachments for Item:

C. Proposed Ordinance

An Ordinance of the Town Commission of the Town of Highland Beach, Florida, Amending Section 4-8 "Lighting Restrictions for Protection of Sea Turtles" of Chapter 4, "Animals," and Section 30-85 "Coastal Lighting" of Chapter 30, "Zoning," of the Town Code of Ordinances to incorporate Lighting Regulations for new and existing coastal structures in order to minimize the effect of artificial light on sea turtle populations; providing for the repeal of all ordinances In conflict; providing for severability and codification; and providing an effective date.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE: December 5, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.

SUMMARY:

At the May 23, 2023 Town Commission meeting, the Commission considered a proposed amendment to the Town Code of Ordinances that would incorporate more comprehensive regulations for sea turtle protection lighting. Discussion from the Commission included the following commentary which is noted in **bold** followed by a staff response in *italics*:

1. All new construction or the full replacement of existing windows, walls, railings, and doors would require a 45% light transmittance value or less while the replacement of individual windows, walls, railings and doors would not. *Town staff has determined that the inclusion above of “full replacement” of existing windows, etc., may be problematic given permits for such replacements are often issued to individual unit owners rather than to one entity (e.g. condominium HOA). The Building Department does not require a HOA approval letter for such replacements and therefore having to determine and ultimately manage whether individual permits are part of a “full replacement” or not, is not practical. Moreover, “full replacement” is not defined and therefore if, for example, beachfront unit windows are to be replaced but not beachfront accessory use windows (e.g. pool bathroom window or cabana window, etc.) then would such work be considered a “full replacement” or not? That said, and upon direction of the Town Manager, the 45% or less light transmittance requirement has been revised to apply only to new construction. Section 4-8 (e)(5) of the proposed Ordinance has been revised as follows (additions are denoted by a gray bolded double underline and deletions are denoted by a gray bolded double ~~strikethrough~~):*

(5) All glass windows, walls, railings, ~~and~~ doors, or similar glass features on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less.

In addition, Section 4-8(j)(2) has been revised to require the following measures:

(2) Existing structures shall be encouraged to implement Take one or more of the following suggested remedial measures to minimize interior light emanating from doors and windows within line-of-sight of the beach:

- a. Apply window tint or film that meets the light transmittance standards for tinted glass;
- b. Rearrange lamps, televisions, and other moveable fixtures away from windows;
- c. Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.

2. The reference to “nighttime” in Section 4-8(k) Special Events, Motor Vehicles, and Temporary Lighting needs to be specific. Section 4-8(d) of the proposed Ordinance references that no artificial light shall illuminate any area of the beach which may be used for turtle nesting and hatching during the period from March 1 to October 31 of each year, from “dusk to dawn.” Note that the latter regulation is currently in the Town Code under Section 4-8(c).

3. Reach out to Delray Sands to see if they have tinted windows and get their input. Staff reached out to the General Manager of the Delray Sands, Derric Clark, and he was advised that the windows on ocean facing rooms have tinting with a 44 percent light transmittance value.

4. Provide a sample of tinted glass with a 45 percent light transmittance value. Staff received a single sample of such tinted glass which will be provided at the Commission meeting.

The following additional changes have been made to the Ordinance:

1. The definition of ‘New Construction’ has been revised as follows to remove the reference to “alterations” given the 45 percent or less transmittance value is proposed to be applicable to new construction only not alterations:

Section 4-8(b) New construction means all new construction of or additions and alterations to buildings, pools, pavement, other structures, landscape areas or lighting systems. The most protective lighting standards apply to new construction visible from the beach.

2. The ‘applicability’ of the Ordinance has been revised to all beachfront properties and all exterior lighting of properties located on the westside of State Road A1A as follows:

Section 4-8(c) Applicability. This section shall apply to all **beachfront** properties **and to all exterior lighting of properties located on the westside of State Road A1A** within

the Town that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach ~~regardless of whether these properties are beachfront properties~~. The provisions of this section are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved. The Building Official may approve any such proposed alternate provided it:

3. Minor formatting changes.

Effective October 1, 2023, Section 166.041(4), Florida Statutes requires that before the enactment of a proposed ordinance, the governing body of a municipality shall prepare or cause to be prepared a Business Impact Estimate (BIE) (see attached). According to Section 166.041(4), Florida Statutes, the BIE is a good faith estimate of the number of businesses likely to be impacted by the Ordinance and may not be construed to require a municipality to procure an accountant or other financial consultant to prepare such BIE.

For reference purposes, a brief history on hearings held relating to the proposed sea turtle lighting Ordinance are provided below:

October 18, 2022: Town Commission considers introduction to proposed Ordinance. A motion was made to send the proposed Ordinance to the Natural Resources Preservation Advisory Board (NRPAB) for review and to ask Gumbo Limbo, Florida Fish and Wildlife Conservation Commission (FWC), and the Town's marine turtle permit holder to give their expert advice (motion carried 5-0). In addition, discussion among the Commission included adding examples of colors that pertain to the definition of "long wavelength."

February 1, 2023: NRPAB made a motion to recommend approval of the proposed Ordinance with the following changes (motion carried 4-0):

Remove the word 'televisions' from Section 4-8(j)(2)b. and add the following text to Section 4-8(j)(2)c.:

Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights, **light emitting screens including televisions and computers** from the beach.

March 9, 2023: Planning Board made a motion to approve the Ordinance (motion carried 4-0).

April 4, 2023: Town Commission considers proposed Ordinance. Commission commentary includes the following:

- Concern that proposed long wavelength lighting (e.g. amber, orange or red) may not provide safety or security.
 - Consider phasing period for proposed regulations.
-

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed Ordinance

Business Impact Estimate

Sea turtle protection lighting table, other municipalities

Town Commission Memorandum with attachments - April 4, 2023

Town Commission Memorandum with attachments - May 23, 2023

RECOMMENDATION:

At the discretion of the Town Commission.

**TOWN OF HIGHLAND BEACH
ORDINANCE NO**

AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING SECTION 4-8 “LIGHTING RESTRICTIONS FOR PROTECTION OF SEA TURTLES” OF CHAPTER 4, “ANIMALS,” AND SECTION 30-85 “COASTAL LIGHTING” OF CHAPTER 30, “ZONING,” OF THE TOWN CODE OF ORDINANCES TO INCORPORATE LIGHTING REGULATIONS FOR NEW AND EXISTING COASTAL STRUCTURES IN ORDER TO MINIMIZE THE EFFECT OF ARTIFICIAL LIGHT ON SEA TURTLE POPULATIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Beach, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town of Highland Beach recognizes that light pollution of beaches is a serious threat to sea turtles inhabiting its beaches; and

WHEREAS, the Town of Highland Beach recognizes that nesting adult and hatchling sea turtles are negatively affected by light pollution created by artificial light visible from any portion of the beach; and

WHEREAS, the Town of Highland Beach recognizes that sea turtles are protected by federal and state law; and

WHEREAS, the Town of Highland Beach recognizes that the quality of life of its residents is enriched by a healthy sea turtle population; and

WHEREAS, the Town of Highland Beach desires to minimize the detrimental effects on nesting sea turtle populations by implementing regulations that reduce the amount of artificial light, intentionally or unintentionally visible from beaches, emanating from new or existing residences;

WHEREAS, the Town Commission has determined that the amendment to the Code of Ordinances is in the best interest of the Town of Highland Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2. The Town of Highland Beach Code of Ordinances is hereby amended by amending Chapter 4 “Animals” to read as follows (deleting is ~~stricken through~~ and adding is underlined):

Sec. 4-8. – Lighting restrictions for protection of sea turtles.

(a) *Purpose and intent.* The purpose of this section is to protect the threatened and endangered sea turtles which nest along the beaches of the town from light sources that disrupt their nesting and hatching. The intent is for the appropriate design and implementation of coastal lighting to ensure that light pollution does not interfere with sea turtle nesting and hatching events while at the same time protecting public safety.

(b) *Definitions.*

Artificial light means the light emanating from any human-made device.

The "Beach" means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form or to the line of permanent vegetation.

Certified wildlife lighting means lighting fixtures and bulbs reviewed and approved with conditions of use through the Florida Fish and Wildlife Conservation Commission's Wildlife Lighting Certification Process.

Cumulatively visible means light from numerous artificial light sources that as a group can be seen by an observer standing anywhere on the beach.

Directly visible means when glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source can be seen by an observer standing anywhere on the beach.

~~Foot-Candle~~ means ~~the English unit for measuring illuminance; the a unit of illumination equal to that given by a source of one candela at a distance of one foot (equivalent to one lumen per square foot or 10.764 lux). uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.~~

Frontal dune means the first natural or man-made mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

Full cutoff means a lighting fixture constructed in such a manner that no light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the luminaire, is projected at or above 90 degrees as determined by photometric test or certified by the fixture manufacturer.

Fully shielded means a lighting fixture constructed in such a manner that the glowing elements, lamps, globes, or reflectors of the fixture are completely covered by an opaque material to prevent them from being directly visible from the beach. Any structural part of the light fixture providing this shielding must be permanently affixed.

Indirectly visible means light reflected from glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source that can be seen by an observer standing anywhere on the beach without the light source being directly visible.

Long wavelength means a lamp or light source **(which is amber, orange, or red)** emitting light wavelengths of 560 nanometers or greater and absent wavelengths below 560 nanometers.

New construction means all new construction of or additions ~~and alterations~~ to buildings, pools, ~~pavement~~, other structures, landscape areas or lighting systems. The most protective lighting standards apply to new construction visible from the beach.

Non-egress lighting means exterior lighting that is not being used to light a distinct route or meet minimum requirements for emergency access to or from a building, including but not limited to decorative lights (e.g. strobe lights, string lights, etc.), balcony lights, landscape lights, and uplights.

Outdoor Area means any portion of a property that could have an artificial light source not attached to a permanent structure, including but not limited to pathway lighting, landscape lighting, pool lighting.

Sea Turtle means any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*). For the purposes of this ordinance, the term sea turtle is synonymous with marine turtle.

Sea Turtle Nesting Habitat means all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

Temporary lighting means any non-permanent light source that may be hand-held or portable including but not limited to tiki torches, lanterns, flashlights (including cell phone flashlights **and screens**), candles, flash photography, etc.

Tinted glass means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

(c) Applicability. This section shall apply to all **beachfront** properties **and to all exterior lighting of properties located on the westside of State Road A1A** within the Town that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach ~~regardless of whether those properties are beachfront properties~~. The provisions of this section are not intended to prevent the use of any design, materials or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved. The Building Official may approve any such proposed alternate provided it:

- (1) Provides at least approximate equivalence to the applicable specific requirements of this section, and;
- (2) Is otherwise satisfactory or complies with the intent of this section, and;
- (3) Has been designed or approved by a registered lighting or electrical engineer and is supported by calculations showing that the design submitted meets that intent of the section, and;
- (4) Has been determined to meet requirements for Certified Wildlife Lighting and/or lights that meet FWC's Wildlife Lighting Guidelines, including long wavelength light sources (without the use of filters), full cut-off, and fully shielded fixtures.

(d) Lighting restrictions along beach. No artificial light shall illuminate any area of the beach which may be used for turtle nesting and hatching during the period from March 1 to October 31 of each year, from dusk to dawn.

(e) Standards for exterior and interior lighting affixed to ~~new structures~~, new construction ~~and improvements to existing structures that require a building permit.~~

- (1) All lighting affixed to the exterior of new permanent ~~structures~~, construction or ~~new~~ additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible.
- (2) As an exception to (e)(1) above, non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are not directly, indirectly, or cumulatively visible from any portion of the beach.
- (3) Lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements.
- (4) Locations including but not limited to stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.
- (5) All glass windows, walls, railings, ~~and~~ doors, or similar glass features on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less.
- (6) Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.

(f) Outdoor areas.

- (1) All lighting of outdoor areas shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible.
- (2) Lighting of paths, walks and routes of building access shall use low level fixtures such as step, paver, path, recessed wall or bollard lights. Bollard lights are not to exceed 42 inches in height and other low level fixtures are to meet the height requirements of FWC's Wildlife Lighting Guidelines. Fixtures shall be downward

directed and utilize long wavelength lamps and beachside shields.

(3) As an exception to (f)(1) above, non-egress outdoor lighting may be installed landward of buildings or other opaque structures provided that they are fitted with long wavelength light sources and are not directly, indirectly, or cumulatively visible from any portion of the beach.

(4) Internally or externally lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.

(5) Ponds and fountains on the seaward and shore-perpendicular sides of any structures shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach.

(6) Fire pits located on the seaward and shore-perpendicular sides of any structure shall be shielded with an opaque structure or partition, and positioned such that the flame is not directly, indirectly, or cumulatively visible from any portion of the beach. Bonfires and bonfire pits are prohibited within seaturtle nesting habitat during sea turtle nesting season.

(7) Televisions or other illuminated screens shall be located landward of the dune and shall be shielded or positioned such that they are not directly, indirectly, or cumulatively visible from the beach.

(g) *Parking areas and roadways*

(1) All lighting of parking areas and roadways shall be long wavelength, downward directed, full cutoff, fully shielded, and mounted to the minimum level required to maintain compliance with federal, state and local law.

(2) Parking area and roadway lighting shall be shielded from the beach via vegetation, natural features, or artificial structures rising from the ground. These shall prevent artificial light sources, including but not limited to vehicular headlights, from producing light that is directly, indirectly, or cumulatively visible from any portion of the beach.

(3) Lighting of roadways and parking areas shall produce no more lighting than the minimum requirement as outlined by federal, state and local law.

(4) Lighting of parking areas and roadways shall consist of:

- a. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount, on walls or piles, facing away from the beach, or
 - b. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach, or
 - c. Pole-mounted lights which shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety. If required, pole-mounted lights shall be:
 - 1. Located on the landward sides of buildings and shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach,
 - 2. Mounted at the minimum height required to meet the minimum light level requirement, and
 - 3. Downward-directed onto non-reflective surfaces.
- (5) Equipment/storage areas, and temporary security lights shall also adhere to the lighting restrictions contained in this section.

(h) Pool ~~a~~Areas.

- (1) Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded.
- (2) Lighting of the pool water surfaces and the pool wet deck surfaces shall comply with the minimum light levels set forth in applicable federal and state laws designed to protect public safety.
- (3) Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in subsection (h)(1) and (2) above.
- (4) Underwater lighting of pools or spa light shall:
 - a. Be mounted horizontally in the wall, and
 - b. Not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach, and

c. Shall comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety.

(i) Beach ~~a~~Access ~~p~~Points and ~~d~~Dune ~~w~~Walkovers.

(1) Lighting of beach access points shall be located and configured to only illuminate areas landward of the beach and frontal dune. All lighting of beach access points shall be long wavelength, downward directed, full cutoff and fully shielded and shall not be directly, indirectly, or cumulatively visible from the beach.

(2) Lights are allowable on dune walkovers or elevated boardwalks only as required for building code purposes and may only be installed landward of the frontal dune. Walkover lighting shall not be directly, indirectly or cumulatively visible from the beach.

(j) Existing ~~e~~Exterior ~~l~~ighting, ~~and~~ existing ~~i~~nterior ~~l~~ighting, ~~and~~ new exterior lighting of ~~properties located on the westside of State Road A1A~~. ~~All existing exterior and interior lighting shall be subject to the following regulations:~~

(1) Upon replacement and only if a building permit is required, the reduction ~~Reduce~~ or elimination ~~eliminate~~ of the negative effects of existing exterior artificial lighting shall be required through the use of the following measures:

a. Reposition, modify or remove existing lighting fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly or cumulatively visible from the beach;

b. Replace fixtures having an exposed light source with fully shielded fixtures;

c. Replace any light source, light bulb or lamp that is not long wavelength (e.g. incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g. LED or low pressure sodium) light source or lamp available for the specific application;

d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;

e. Provide shields for fixtures visible from the beach when it is not practical to immediately replace them. Beachside shields are to cover 270 degrees and extend

below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;

f. Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

g. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;

h. Construct a ground level barrier landward of the beach and frontal dune to shield light sources from the beach. Ground-level barriers are to be considered a last resort when no other remediation of the light source is feasible. Ground level barriers may be subject to state coastal construction control line regulations under section 161.053, Florida Statutes, and must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach and dune system;

i. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.

(2) Existing structures shall ~~are encouraged to implement~~ ~~Take one or more of~~ the following ~~suggested~~ remedial measures to minimize interior light emanating ~~from doors and windows~~ within line-of-sight of the beach:

a. Apply window tint or film that meets the light transmittance standards for tinted glass;

b. Rearrange lamps, **televisions**, and other moveable fixtures away from windows;

c. Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.

(k) ~~Special e~~vents, ~~m~~Motor ~~v~~ehicles, and ~~t~~emporary ~~l~~ighting.

(1) Lighting associated with a special event that may directly, indirectly, or cumulatively be visible from any portion of the beach shall not be authorized at nighttime during sea turtle nesting season.

(2) The operation of all motorized vehicles as provided in section 5-4, shall be prohibited on the beach at nighttime during sea turtle nesting season.

(3) Within sea turtle nesting season, temporary work zone lighting for roadway construction and during declared emergencies shall be directed away from the beach to avoid illumination of or direct visibility from the beach. Work zone luminaires shall be shielded to avoid lighting areas outside of the immediate construction area.

- (4) All other temporary construction lighting shall be:
- a. Inclusive of all the standards of this section, including using fixtures that are long wavelength, downward directed, full cutoff, and fully shielded so light is not directly or indirectly visible from the beach, and
 - b. Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and
- (5) Handheld and other portable temporary lighting shall not be directed toward or used in a manner that disturbs sea turtles.
- (1d) *Enforcement, penalty.* Anyone violating any provisions of this section shall be punished in accordance with all provisions of this Code including but not limited to reference of the violation to the code enforcement board.

Section 3. The Town of Highland Beach Code of Ordinances, is hereby amended by amending Chapter 30 “Zoning,” Article V “Natural Resources,” Section 30-85 “Coastal lighting” to read as follows (deleting is ~~stricken through~~ and adding is underlined):

Sec. 30-85. – Coastal Lighting

All lighting of all beachfront properties and all exterior lighting of properties located on the westside of State Road A1A within the Town that may produce artificial light directly, indirectly, or cumulatively visible from any portion of the beach, ~~regardless of whether those properties are beachfront properties,~~ structures east of SR A1A shall comply with the "sea turtle protection" lighting standards as provided in section 4-8 of this Code adopted by the town.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. Section 2 and Section 3 of the Ordinance may be made a part of the Town Code of Ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption at second reading.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Evalyn David	_____	_____
Commissioner Judith Goldberg	_____	_____
Commissioner Don Peters	_____	_____

PASSED on first reading at the Regular Commission meeting held on this _____ day of _____, 2023.

The foregoing Ordinance was moved by _____, seconded by _____ and upon being put to the vote, the vote was as follows:

	AYE	NAY
Mayor Natasha Moore	_____	_____
Vice Mayor David Stern	_____	_____
Commissioner Evelyn David	_____	_____
Commissioner Judith Goldberg	_____	_____
Commissioner Don Peters	_____	_____

PASSED AND ADOPTED on second and final reading at the Regular Commission meeting held on this _____ day of _____, 2023.

ATTEST:

By: _____
Lanelda Gaskins, MMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Glen J. Torcivia, Town Attorney

Business Impact Estimate

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 Town's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title: AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING SECTION 4-8 "LIGHTING RESTRICTIONS FOR PROTECTION OF SEA TURTLES" OF CHAPTER 4, "ANIMALS," AND SECTION 30-85 "COASTAL LIGHTING" OF CHAPTER 30, "ZONING," OF THE TOWN CODE OF ORDINANCES TO INCORPORATE LIGHTING REGULATIONS FOR NEW AND EXISTING COASTAL STRUCTURES IN ORDER TO MINIMIZE THE EFFECT OF ARTIFICIAL LIGHT ON SEA TURTLE POPULATIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the Town is of the view that a business impact estimate is not required by state law¹ for the proposed Ordinance, but the Town is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed Ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding Community Development Districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the Town hereby publishes the following information:

1. Summary of the proposed ordinance including a statement of the public purpose to be served, such as serving the public health, safety, morals and welfare of the municipality: The Town of Highland Beach recognizes that nesting adult and hatchling sea turtles are negatively affected by light pollution created by artificial light visible from any portion of the beach. The Town desires to minimize the detrimental effects on nesting sea turtle populations by implementing regulations that reduce the amount of artificial light, intentionally or unintentionally visible from beaches, emanating from new or existing residences.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the Town, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur if the Ordinance is enacted;

(b) Identification of any new charge or fee on businesses, or for which businesses will be financially responsible; and

(c) An estimate of the Town's regulatory costs, including estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

(a) For new construction, the increased cost of adding tinted glass would be approximately five (5) percent of the cost of the window or door itself, not the total job cost. Using the Delray Sands Resort as an example, the following estimated costs would apply:

- Estimated cost per window (48"x48"): \$500.00
- Tinting cost: 5% of \$500.00 = \$25.00 per window
- Total windows facing the ocean: 50
- Total compliance cost: \$25 x 50 = \$1,250

For existing exterior lighting, the cost of replacing certain lighting fixtures with sea turtle friendly shielded fixtures ranges from approximately \$10.50 to \$90.00 per fixture. The cost of adding a sea turtle friendly shield to existing lighting fixtures ranges from approximately \$9.46 to 16.00 per shield. The cost of replacing certain non-long wavelength bulbs with a long wavelength bulb is approximately \$6.49 to 38.00 per bulb. Note that the replacement of other light fixtures such as pole lamps with low profile sea turtle friendly lamps will vary in price depending on the aesthetic and size of such light sources. Estimates for the latter start at approximately \$200.00.

(b) There are no new charges or fees associated with this Ordinance aside from the costs relating to tinted glass, the replacement of lighting fixtures and bulbs, and/or the addition of a sea turtle friendly shields on an existing lighting fixtures.

(c) There are no new revenues from charges or fees on businesses expected.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: The only business in the Town is the Delray Sands Resort which is located on the eastside of State Road A1A (beachfront).

4. Additional information the governing body deems useful (if any):

MUNICIPALITY ¹	SEA TURTLE PROTECTION LIGHTING REGULATIONS
PBC*	<p>New Construction: Window tinting (45% LTV or less) for all windows and doors within line of sight of the beach.</p> <p>Existing Beachfront Lighting: Window treatment shall be required on all windows visible from the beach. Blackout draperies or shade screens are preferred. Alternatively, or additionally, window tint may be applied to beachfront windows.</p>
Boca Raton	<p>New development, redevelopment and modification of existing development: Tinted or filmed glass (45% LTV or less) shall be used in all windows visible from the beach including windows within doors. Shade screens can be substituted for this requirement.</p> <p>Existing development: Window treatments in all windows visible from the beach regardless of exposure are required so that interior lights do not directly or indirectly illuminate the beach.</p>
Fort Lauderdale	<p>New development: tinted glass (45% LTV or less) shall be installed on all windows and glass doors of single and multi-story structures facing or within line-of-sight of the beach. Shade screens can be substituted for this requirement.</p> <p>Existing development: Window treatments shall be installed in windows and glass doors in rooms in single and multi-story structures facing the beach so that lights are not visible from the beach or filming shall be installed on the exterior of all such windows and glass doors, so that internal lights are not visible from the beach. Shade screens can be substituted for this requirement.</p>

*Delray Beach, Juno Beach, and Ocean Ridge have adopted by reference Palm Beach County's Sea Turtle Protection Ordinance.

¹Manalpan, Lake Worth Beach, Village of North Palm Beach (oceanfront area is conservation/open space), have no sea turtle lighting regulations.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE April 4, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.

SUMMARY:

On October 18, 2022, the Town Commission considered an introduction to a proposed amendment to the Town Code of Ordinances that would incorporate more comprehensive standards for sea turtle protection lighting (see attached Commission memorandum). A motion was made to send the proposed Ordinance to the NRPAB for review and to ask Gumbo Limbo, Florida Fish and Wildlife Conservation Commission (FWC), and the Town's marine turtle permit holder to give their expert advice (motion carried 5-0). Note that the attached October 18, 2022 Commission memorandum provides an assessment of the current sea turtle lighting regulations found in the Town Code as well as Town Comprehensive Plan policies that are specific to the protection of sea turtles. In addition, the memorandum provides sea turtle data from FWC.

A summary of the comments provided by FWC and Gumbo Limbo are provided below (see Attachment No. 1, 2 and 3 for complete comments including those from the Town's marine turtle permit holder):

FWC:

- Add "footcandle" definition consistent with the State of Florida Model Lighting Ordinance for Sea Turtle Protection (*added to proposed Ordinance via bolded double underline*).
 - Provide a light transmittance of 15% to 30%.
 - For temporary construction lighting, add the following two (2) additional regulations under Section 4-8(k)(4):
 - c. Turned off during nighttime in sea turtle nesting season, or if authorized during sea turtle nesting season, shall only be allowed from 6:00AM to 9:00PM, must be restricted to the minimal amount necessary, and shall incorporate the standards in this section, and
 - d. Restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.
-

Gumbo Limbo:

- Revise definition of “beach” to reflect the “toe of the dune” rather than “permanent” vegetation.
- Provide in Certified Wildlife Lighting definition where choices can be found.
- For temporary lighting, include cell phone screens (*added to proposed Ordinance via bolded double underline*).
- Provide a light transmittance of 15% or 15% for all windows within 100 feet of the toe of the dune and 45% for 100 feet beyond dune.
- For proposed Existing Exterior and Interior Lighting (Sec. 4.8(j)(2)b.) include the removal of televisions away from windows (*added to proposed Ordinance via bolded double underline*).

At the October 18, 2022 Town Commission meeting, the Commission’s discussion on the proposed Ordinance included adding examples of colors that pertain to the definition of “long wavelength.” The proposed Ordinance has been revised, via bolded double underline, to include such examples.

In addition, the draft ordinance that was provided to the Town Commission on October 18th, 2022, did not specifically require compliance with the “Existing Exterior and Interior Lighting” regulations proposed in Section 4-8(j). The provision read “Reduce or eliminate the negative effects of existing exterior artificial lighting through the following measures.” The proposed Ordinance has been revised to require compliance with such measures (note the addition of the word “shall”) given all the other proposed sea turtle lighting regulations are required. It was noted by the Town Attorney in review of the Ordinance for required public hearings that the measures be either clearly required or suggested remedial measures.

Light Transmittance:

According to the State of Florida Model Lighting Ordinance for Sea Turtle Protection (dated December 17, 2020) and the proposed Town ordinance, all glass windows, walls, railing and doors on the seaward side of any new construction shall use tinted glass with an inside to outside Light Transmittance Value (LTV) of 45 percent or less. As noted above, FWC suggests a LTV of 15 to 30% and Gumbo Limbo suggests a minimum LTV of 15 percent with some exceptions. Attachment No. 4 provides a chart to illustrate the various light transmittance percentages. The following table provides the current LTV adopted by those municipalities in Palm Beach County that have sea turtle lighting regulations (according to FWC):

MUNICIPALITY	LIGHT TRANSMITTANCE
Boca Raton	45% or less
Palm Beach County	45% or less
Delray Beach*	45% or less
Juno Beach*	45% or less
Ocean Ridge*	45% or less

* Municipalities that have adopted Palm Beach County’s Sea Turtle Protection Ordinance.

Also attached to this memorandum is a 2021 lighting survey that was conducted in Highland Beach for a research project with Palm Beach County (Attachment No. 5). While the survey was considered informal, it did record those properties with non-compliant lighting based on the County Code.

Natural Resources Preservation Advisory Board recommendation

At the February 1, 2023 Natural Resources Preservation Advisory Board meeting, a motion to approve the proposed Ordinance with the following changes carried 4-0:

Remove the word ‘televisions’ from Section 4-8(j)(2)b. and add the following text to Section 4-8(j)(2)c.

Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights, light emitting screens including televisions and computers from the beach.

Planning Board recommendation

At the March 9, 2023 Planning Board meeting, the Board made a motion to approve the Ordinance (motion carried 4-0).

FISCAL IMPACT:

N/A

ATTACHMENTS:

Town Commission Memorandum – October 18, 2022.

Proposed Ordinance.

Attachment No. 1 - FWC comments on proposed Ordinance.

Attachment No. 2 - Gumbo Limbo comments on proposed Ordinance.

Attachment No. 3 - Highland Beach marine turtle Permit Holder comments.

Attachment No. 4 – Light transmittance percentages chart.

Attachment No. 5 - Lighting Survey for Highland Beach (2021) prepared by Palm Beach County, Department of Environmental Resources Management.

RECOMMENDATION:

At the discretion of the Commission.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE October 18, 2022

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Introduction of proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.

SUMMARY:

Section 30-85 of the Town Code of Ordinances ("Town Code") requires that "[a]ll lighting of all structures east of SR A1A shall comply with the "sea turtle protection" lighting standards as adopted by the town." Such lighting standards are currently found in Section 4-8, and are limited to the following provision:

(c) *Lighting restrictions along beach.* No artificial light shall illuminate any area of the beach which may be used for turtle nesting and hatching during the period from March 1 to October 31 of each year, from dusk to dawn.

Section 4-8 does not address the different types of artificial lighting sources (e.g. residential dwellings, parking areas, walking paths, fountains, pool areas, etc.) that may be visible from the beach including from structures west of State Road A1A nor does it provide specific types of lighting fixtures and sources that protect sea turtle populations.

The Coastal Management/Conservation Element of the Town's Comprehensive Plan provides the following policies specific to the protection of sea turtles:

Objective 1.4 The Town will actively support protection and conservation of coastal natural resources including manatees, sea turtles, seagrass beds, and mangrove stands. The Town will have met this objective through the provision of education materials regarding the protection of the coastal natural resources within the community.

Policy 1.4.1 The Town will coordinate with the appropriate agencies in order to ensure the protection of its coastal natural resources, including manatees, sea turtles, seagrass beds, and mangrove stands.

Policy 1.4.2 The Town shall maintain and enforce provisions to protect its coastal natural resources, including manatees, sea turtles, seagrass beds, and mangrove stands, in its Code of Ordinances.

Policy 3.3.3 The Town will include within its land development regulations provisions to require limitations on outside lighting so as to not attract sea turtle hatchlings away from the water during hatching season.

In addition, the Town’s 2022 Strategic Priorities Plan includes a Sea Turtle Lighting Standards initiative as part of the “Ranked Projects & Initiatives List.” Therefore, in compliance with the Town Code, the Town Comprehensive Plan, and the Town’s 2022 Strategic Priorities Plan, staff is proposing an amendment to the Town Code to incorporate more comprehensive sea turtle protection lighting standards. The proposed Ordinance is based on the State of Florida Model Lighting Ordinance for Sea Turtle Protection (dated December 17, 2020) and includes the following provisions:

- Purpose and intent
- Definitions
- Applicability
- Lighting restrictions along beach
- Standards for exterior and interior lighting affixed to new structures, new construction and improvements to existing structures.
- Outdoor areas
- Parking areas and roadways
- Pool areas
- Beach access points and dune walkovers
- Existing exterior and interior lighting
- Special events, motor vehicles and temporary lighting
- Enforcement, penalty

According to the Florida Fish and Wildlife Conservation Commission (FWC), within the last five (5) years, the Town has had more documented sea turtle nests than the Cities of Boca Raton and Delray Beach (see Attached Table 1). The following table provides the annual sea turtle nests totals for the Town from 2017-2022:

Year	County	Beach	Loggerhead Nest	Green Turtle Nest	Leatherback Nest	% of County nests (all species combined)
2017	Palm Beach	Highland Beach	1,182	644	3	4.61
2018	Palm Beach	Highland Beach	902	46	7	3.61
2019	Palm Beach	Highland Beach	904	447	6	3.25
2020	Palm Beach	Highland Beach	1,002	281	11	3.58
2021	Palm Beach	Highland Beach	814	284	6	3.33
Survey Boundary Description					Length (km)	
649m South of Del Harbor Drive (26.43212, -80.06168) to 8 km North of Palm Beach/Broward County Line (26.39106, -80.06613)					4.8	

Data Source: FWC/FWRI Statewide Nesting Beach Survey Program Database as of March 22, 2022

According to the FWC, both the Leatherback and Green sea turtles are endangered while the Loggerhead is threatened. Threats to each of these three (3) sea turtle species includes coastal development which "...increases artificial lighting which can be detrimental to hatchlings causing them to migrate towards the light instead of the ocean."¹

As part of the Commission's introductory review of this item, it is worthwhile to note that pursuant to Section 2-140(c) of the Town Code, the Natural Resources Preservation Advisory Board ("Board") has the power and duty to "[r]eview existing and proposed town ordinances which affect the environment, and advise the town commission regarding the need for modifications or changes to such ordinances." Therefore, staff recommends that if the Commission should desire to move forward with the proposed Ordinance, that it be reviewed by the Board.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Proposed Ordinance

Table 1 – Sea Turtle Data provided by FWC

Ordinance Process Flowchart

RECOMMENDATION:

At the discretion of the Town Commission.

¹ <https://myfwc.com/wildlifehabitats/profiles/>

TABLE 1

Data Source: FWC/FWRI Statewide Nesting Beach Survey Program Database as of 22 March 2022

Year	County	Beach	Survey Length (km)	Loggerhead Nest	Loggerhead False Crawl	Green Turtle Nest	Green Turtle False Crawl	Leatherback Nest	Leatherback False Crawl	Annual Number of Nests (all species combined)	% of County Nests (all species combined)	Nest Density (#Nests/Km) all species combined
2017	Palm Beach	Highland Beach	4.8	1,182	1,470	644	422	3	0	1,829	4.61	381
2018	Palm Beach	Highland Beach	4.8	902	840	46	26	7	0	955	3.61	199
2019	Palm Beach	Highland Beach	4.8	904	797	447	202	6	0	1,357	3.25	283
2020	Palm Beach	Highland Beach	4.8	1,002	844	281	115	11	0	1,294	3.58	270
2021	Palm Beach	Highland Beach	4.8	814	844	284	193	6	2	1,104	3.33	230
2017	Palm Beach	Boca Raton	8.0	767	1,513	299	458	5	1	1,071	2.70	134
2018	Palm Beach	Boca Raton	8.0	686	1,158	19	23	18	0	723	2.73	90
2019	Palm Beach	Boca Raton	8.0	913	1,181	393	535	18	2	1,324	3.17	166
2020	Palm Beach	Boca Raton	8.0	756	1,217	132	193	13	3	901	2.49	113
2021	Palm Beach	Boca Raton	8.0	660	991	192	317	21	0	873	2.63	109
2017	Palm Beach	Delray Beach	4.5	252	900	46	120	6	2	304	0.77	68
2018	Palm Beach	Delray Beach	4.5	271	677	2	11	5	1	278	1.05	62
2019	Palm Beach	Delray Beach	4.5	290	655	58	85	15	1	363	0.87	81
2020	Palm Beach	Delray Beach	4.5	285	536	42	78	21	1	348	0.96	77
2021	Palm Beach	Delray Beach	4.5	356	589	28	43	15	3	399	1.20	89
2017	Palm Beach	Juno Beach	9.7	5,149	8,896	4,343	7,282	64	8	9,556	24.06	985
2018	Palm Beach	Juno Beach	9.7	5,552	7,512	353	404	111	24	6,016	22.74	620
2019	Palm Beach	Juno Beach	9.7	6,452	10,738	4,258	6,541	123	12	10,833	25.92	1117
2020	Palm Beach	Juno Beach	9.7	7,129	10,892	2,249	2,500	216	32	9,594	26.54	989
2021	Palm Beach	Juno Beach	9.7	5,458	9,343	2,373	3,531	157	45	7,988	24.10	824

Cc = Loggerhead; Cm = Green Turtle; Dc = Leatherback

Year	County	County Totals (Cc)	County Totals (Cm)	County Totals (Dc)	Annual Number of Nests in Palm Beach County (all species combined)
2017	Palm Beach	26,245	13,263	207	39,715
2018	Palm Beach	24,876	1,277	305	26,458
2019	Palm Beach	28,790	12,612	397	41,799
2020	Palm Beach	29,465	6,125	565	36,155
2021	Palm Beach	25,880	6,788	484	33,152

ORDINANCE INITIATION

The initiation of a new ordinance may originate from several different sources:

- Commissioner/Staff initiative
- Citizen concerns expressed through public comments
- Response to state and federal actions
- Advisory Board Initiative

INTRODUCTION TOWN COMMISSION

A proposal for a new ordinance is presented to the commission for consideration. If approved in concept, the commission directs Town Manager and Town Attorney to research the subject matter and create a draft ordinance. Draft ordinance forwarded to the appropriate Advisory Board for recommendation.

Staff/Legal Team
Research & Draft
Ordinance

ADVISORY BOARD(S)

The appropriate advisory board review and proposes any edits draft ordinance. This process may involve multiple meetings for review and to solicit public comments. Once a draft is settled upon, the advisory board provides and recommendation with the final draft to the commission for consideration for a First reading.

TOWN COMMISSION -- 1st READING

Commission discusses the public merits of the ordinance along with the recommendations of the assigned advisory board(s). Public input provided. Commission may move forward to 2nd Reading/Public Hearing or may send back to advisory board and/or staff for modifications or additional research.

TOWN COMMISSION -- 2nd READING/PUBLIC HEARING

After public hearing and final discussion, the commission votes to approve and enact ordinance. The Commission may request additional modifications.

TOWN STAFF -- ADOPTION & IMPLEMENTATION

ATTACHMENT NO. 1

From: [SeaTurtleLighting](#)
To: [Ingrid Allen](#); [SeaTurtleLighting](#)
Cc: [Seckinger, Eric](#); [Trindell, Robbin](#); [Mongiovi, Beth](#); [Valvo, Jennifer](#)
Subject: RE: proposed sea turtle lighting ordinance - Town of Highland Beach
Date: Tuesday, December 13, 2022 9:37:41 AM
Attachments: [image001.png](#)

Dear Ingrid,

Thank you for the opportunity to provide you with comments on the proposed Sea Turtle Ordinance for the Town of Highland Beach, FL. We have a few suggested additions. They are shown as underlined text below:

Section 4.8(b) *Definitions*.

Foot-candle the English unit for measuring illuminance; the uniform illumination of a surface one foot away from a point source of one candela; one lumen per square foot; equal to 10.76 lux.

-
Nesting Season for Palm Beach County is March 1 to October 31.

Section 4.8(e)(5) All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less. However, a light transmittance of 15% to 30% is recommended by the Florida Fish and Wildlife Conservation Commission.

Section 4.8(k)(4)

- a. Inclusive of...
- b. Mounted less than...
- c. Turned off during nighttime in sea turtle nesting season, or if authorized during sea turtle nesting season, shall only be allowed from 6:00AM to 9:00PM, must be restricted to the minimal amount necessary, and shall incorporate the standards in this section, and
- d. restricted to the minimal number of foot-candles necessary to conform to the applicable construction safety regulations.

We hope you find the comments useful and appreciated that you reached out for comments from the staff at the Florida Fish and Wildlife Conservation Commission.

Sincerely,

Jennifer

Jennifer J. Valvo, Ph.D.

Fisheries & Wildlife Biologist III

Imperiled Species Management Section
Florida Fish and Wildlife Conservation Commission

Email: Jennifer.Valvo@MyFWC.com

Phone: (850)922-4330

1875 Orange Avenue East

Tallahassee, FL 32311

From: Ingrid Allen <iallen@highlandbeach.us>

Sent: Monday, November 21, 2022 10:31 AM

To: SeaTurtleLighting <SeaTurtleLighting@MyFWC.com>

Cc: Seckinger, Eric <Eric.Seckinger@MyFWC.com>; Trindell, Robbin <robbin.trindell@MyFWC.com>;
Mongiovi, Beth <Mary.Mongiovi@MyFWC.com>

Subject: RE: proposed sea turtle lighting ordinance - Town of Highland Beach

[EXTERNAL SENDER] Use Caution opening links or attachments

Jennifer:

Thank you for your email. If you would kindly provide comments no later than **December 13th**. As I indicated below, the Town's proposed Ordinance is based on the State Model Ordinance dated 12-17-20.



Sincerely,
Ingrid Allen
Town Planner

*Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487
(561) 278-4540 Office (option 3)
(561) 278-2606 Fax
www.highlandbeach.us*

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Highland Beach officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The views expressed in this message may not necessarily reflect those of the Town of Highland Beach.

From: SeaTurtleLighting <SeaTurtleLighting@MyFWC.com>

Sent: Friday, November 18, 2022 4:03 PM

To: Ingrid Allen <iallen@highlandbeach.us>

Cc: SeaTurtleLighting <SeaTurtleLighting@MyFWC.com>; Seckinger, Eric <Eric.Seckinger@MyFWC.com>; Trindell, Robbin <robbin.trindell@MyFWC.com>; Mongiovi, Beth <Mary.Mongiovi@MyFWC.com>

Subject: RE: proposed sea turtle lighting ordinance - Town of Highland Beach

Dear Ms. Allen,

Thank you for reaching out to the Florida Fish and Wildlife Commission (FWC) for comments on the proposed Sea Turtle Ordinance for the Town of Highland Beach, FL. FWC staff appreciate the opportunity to review and provide comments on the ordinance. Please let me know if there is an impending or designated deadline that must be met.

Sincerely,

Jennifer

Jennifer J. Valvo, Ph.D.

Fisheries & Wildlife Biologist III
Imperiled Species Management Section
Florida Fish and Wildlife Conservation Commission

Email: Jennifer.Valvo@MyFWC.com

Phone: (850)922-4330

1875 Orange Avenue East

Tallahassee, FL 32311

From: Mongiovi, Beth <Mary.Mongiovi@MyFWC.com>

Sent: Monday, October 24, 2022 10:46 AM

To: Ingrid Allen <iallen@highlandbeach.us>

Cc: SeaTurtleLighting <SeaTurtleLighting@MyFWC.com>

Subject: proposed sea turtle lighting ordinance - Town of Highland Beach

Good morning Ingrid.

This request should go to our lighting staff who I have included in my response.

Thanks.

Beth Mongiovi (Brost)

Assistant Research Scientist
Marine Turtle Research
Fish and Wildlife Research Institute
100 8th Avenue SE
St. Petersburg, FL 33701

(727) 502-4738 (Office), (727) 410-2499 (Cell)
<http://myfwc.com/research/wildlife/sea-turtles/>

“...in Wildness is the Preservation of the World.” – Henry David Thoreau

From: Ingrid Allen <iallen@highlandbeach.us>
Sent: Monday, October 24, 2022 10:18 AM
To: Mongiovi, Beth <Mary.Mongiovi@MyFWC.com>
Subject: proposed sea turtle lighting ordinance - Town of Highland Beach

Hi Beth:

The Town is proposing a sea turtle lighting ordinance that is based on the State Model Ordinance Lighting Ordinance for sea turtle protection (dated 12-17-20). The ordinance was introduced to the Town Commission on 10/6/22 and the Commission asked that it be reviewed by the Town’s Natural Resources Preservation Advisory Board, Gumbo Limbo and FWC. That said, I have attached the proposed ordinance and would appreciate any comments and/or support at your earliest convenience.

Thank you.



Sincerely,
Ingrid Allen
Town Planner

*Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487
(561) 278-4540 Office (option 3)
(561) 278-2606 Fax
www.highlandbeach.us*

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Highland Beach officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The views expressed in this message may not necessarily reflect those of the Town of Highland Beach.

ATTACHMENT NO. 2

From: [Anderson, David](#)
To: [Ingrid Allen](#)
Subject: RE: TOWN: Sea Turtle Lighting Ordinance Updating
Date: Tuesday, October 25, 2022 10:46:49 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

Hi Ingrid,

Overall a very nice job with the ordinance! I consulted with Dr. Kirt Rusenko and below are some comments. Let me know if you have any questions.

Thank you,
David

Page 2

Sec. 4-8.

(b) Definitions.

“Beach”

Comment: There is really no “permanent” vegetation on the dune. Suggest changing “the line of permanent vegetation” to “the toe of the dune” which as been defined for ordinances. The “permanent vegetation line” is way farther west than the toe of the dune. This might be something that can be used to restrict lighting further inland from the beach.

“Certified wildlife lighting”

Comment: Maybe this part includes the FWC website or at least provide where these lighting choices can be found?

Page 3

“Temporary lighting”

Comment: Include cell phone screens?

“Tinted glass”

Comment: Try for higher tinting, e.g., 15% transmittance, which would also save residents on air conditioning bills. Or maybe 15% transmittance for all windows within 100 feet of the toe of the dune and 45% transmittance for 100 feet beyond of the dune. (Inverse Square Law of Light – light decreases with distance).

Page 4

(d) Lighting restrictions along beach.

Comment: Might this section include skyglow as a source of lighting that illuminates the beach?

(e) Standards for exterior and interior lighting . . .

(1)

Comment: This is great!

Page 5

(3)

Comment: Longer wavelength lighting requires fewer foot-candles at night to adequately light an area. So, after the Illuminating Engineering Society determines proper definitions for scotopic/photopic ratios the required foot-candles may be reduced in the future for beachfront lighting.

(5)

Comment: Similar to comment above, go for 15% transmittance.

Page 8

(j) Existing Exterior and Interior Lighting

(1)

Comment: Nice section! More of a carrot than a stick.

Page 9

(2)

b.

Comment: "Rearrange lamps, TVs, and other . . . "

David Anderson | Sea Turtle Conservation Coordinator
City of Boca Raton, Recreation Services - Gumbo Limbo Nature Center
1801 N. Ocean Blvd., Boca Raton, FL 33432
P 561-544-8614 | manderson@myboca.us

Stay Connected



From: Ingrid Allen <iallen@highlandbeach.us>
Sent: Thursday, October 20, 2022 1:56 PM
To: Anderson, David <MAnderson@ci.boca-raton.fl.us>
Subject: [EXTERNAL] RE: TOWN: Sea Turtle Lighting Ordinance Updating

David:

I appreciate your quick response. Thank you for offering to review the Ordinance. Again, kindly provide any comments and/or support of the Ordinance at your earliest convenience. I will be emailing all interested parties early next week on whether the Ordinance will make the 11-2-22 NRPAB meeting agenda or a future date.



Sincerely,
Ingrid Allen
Town Planner

Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487
(561) 278-4540 Office (option 3)
(561) 278-2606 Fax
www.highlandbeach.us

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Highland Beach officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The views expressed in this message may not necessarily reflect those of the Town of Highland Beach.

From: Anderson, David <MAnderson@ci.boca-raton.fl.us>
Sent: Thursday, October 20, 2022 1:24 PM
To: Ingrid Allen <iallen@highlandbeach.us>
Subject: RE: TOWN: Sea Turtle Lighting Ordinance Updating

Hi Ingrid,

I will be glad to look over the ordinance and provide comments. Unfortunately, I have a meeting at the day and time of the NRPAB meeting. Meanwhile, I will be happy to provide any more info upon request – photos, examples, data, etc. I will reply to the other e-mail as well.

Thank you for reaching out to me.

David

David Anderson | Sea Turtle Conservation Coordinator
City of Boca Raton, Recreation Services - Gumbo Limbo Nature Center
1801 N. Ocean Blvd., Boca Raton, FL 33432
P 561-544-8614 | manderson@myboca.us

Stay Connected



From: Ingrid Allen <iallen@highlandbeach.us>
Sent: Thursday, October 20, 2022 12:15 PM
To: Anderson, David <MAAnderson@ci.boca-raton.fl.us>
Subject: [EXTERNAL] FW: TOWN: Sea Turtle Lighting Ordinance Updating

Mr. Anderson:

Just wanted to follow up on Joanne's email below. Note that the Town's proposed Sea Turtle Ordinance (see attached) is based on the State of Florida Model Lighting Ordinance for Sea Turtle Protection (dated December 17, 2020). As I indicated below, in my initial email to Joanne, the Ordinance was introduced to the Town Commission on 10-18-22. Upon the Commission's review, their direction was to have the Ordinance reviewed by the Town's Natural Resources Preservation Advisory Board (NRPAB) as well as Gumbo Limbo. That said, in addition to your attendance at the NRPAB meeting (tentatively on 11/2/22 at 1:00pm), would you be able to review the Ordinance and kindly provide any comments and/or general support at your earliest convenience? Kindly advise.

Thank you.



Sincerely,
Ingrid Allen
Town Planner

*Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487
(561) 278-4540 Office (option 3)
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ATTACHMENT NO. 3

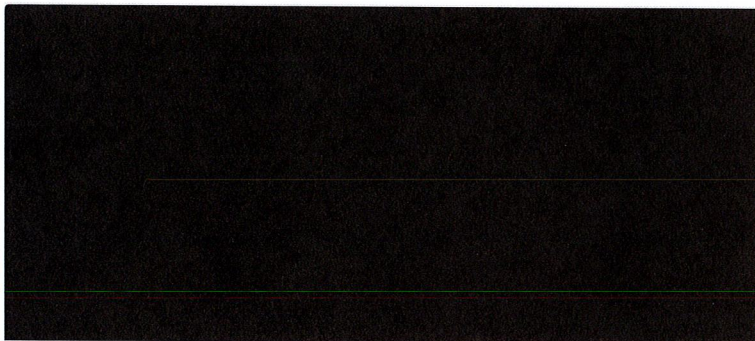
From: [Barbara Blaid James](#)
To: [Ingrid Allen](#); ryansarewe@bellsouth.net
Cc: [David Anderson](#); [Jeff Remas](#); [Marshall Labadie](#)
Subject: HIGHLAND BEACH Sea Turtle Lighting Ordinance U-TUBE
Date: Thursday, October 20, 2022 12:27:55 PM

Dear Joanne Ryan (FWC Permit #22-100) and others - In my 21+ years as a resident of Highland Beach and most of those years as a Sea Turtle Program volunteer and/or Permit Holder, this is the very first time I have seen such attention to detail from true professionals that we finally have in our Village Government. The Sea Turtle Lighting Ordinance which was formerly two sentences (if that) is finally, in 2022-23, being upgraded beyond expectations. The eleven page potential Ordinance can be found on the Town website. The Town has taken the ball and run very fast and furious with it. I will attempt to watch/listen to the 11/2 Commission meeting on my cell phone, as I am not available to attend.

Following is a link to the **U-Tube portion of the Town Commission's October 18th, 2022 meeting. (78) 10/018/2022 Town Commission Meeting - YouTube** (click on the link at bottom **The Turtle Lighting Topic discussion appears starting at 1:36:58 and ending at 2:00:32.**)

This replacement Ordinance will be "approved" at a future meeting. OUR CURRENT TOWN GOVERNMENT WANTS THIS ORDINANCE. *Celebration indeed.* Thanks to those involved in making this happen - **Barbara James**

PS - if you attempt to find this meeting another way, please note that U-Tube description has a typo - is shows 10/**0**18/2022 instead of 10/18/2022.



10/018/2022 Town Commission Meeting

On Thursday, October 20, 2022 at 06:01:17 AM EDT, ryansarewe@bellsouth.net <ryansarewe@bellsouth.net> wrote:

Good morning, Ingrid,

Thank you for the invitation to the NRPAB meeting regarding the sea turtle lighting ordinance. I would be happy to attend the meeting on Nov 2nd and I am including in this email the representatives that I think would be interested in attending for Palm Beach County, FWC and Gumbo Limbo.

I will reach out to our "turtle team" and see who can be available to attend as well.

Also, I want to thank Barbara for keeping the ball rolling on this issue. As she mentioned in her emails, the code compliance staff has been excellent in resolving lighting issues over this past summer.

Thank you for all your efforts.

See you in November.

Joanne Ryan
Highland Beach MT Permit #100
561-441-4375

On Wednesday, October 19, 2022 at 11:35:42 AM EDT, Ingrid Allen <iallen@highlandbeach.us> wrote:

Joanne:

Good afternoon. The introduction of the sea turtle lighting Ordinance went before the Town Commission yesterday. The Commission made a motion to have the Town's Natural Resources Preservation Advisory Board (NRPAB) review the Ordinance and have yourself, as the current Marine Turtle Permit Holder (and any volunteers) as well as representatives from Gumbo Limbo and FWC attend such NRPAB meeting. That said, the NRAPB meets quarterly, and their next meeting is November 2, 2022 at 1:00pm (Town Hall Chambers). Would you be available to attend on November 2nd? Also, can you provide me with any contacts you may have over at Gumbo Limbo and any local contact at FWC (I have been in contact with Beth Mongiovi of FWC but she is based in St. Petersburg.). Kindly advise at your earliest convenience.

Thank you.

Sincerely,

Ingrid Allen

Town Planner

From: bocablanid <bocablanid@yahoo.com>
Sent: Thursday, October 13, 2022 8:11 PM
To: Ingrid Allen <iallen@highlandbeach.us>; bocablanid@yahoo.com
Cc: Jeff Remas <bco@highlandbeach.us>; Joanne Ryan <ryansarewe@bellsouth.net>
Subject: RE: TOWN: Sea Turtle Lighting Ordinance Updating

Ingrid (and Jeff) this is, indeed, great news. I am forwarding to the current Marine Turtle Permit Holder - Joanne Ryan. (I am behind the scenes attempting to back away as she builds the Program under her fresh vision).

As a "civilian", I must admit, reading legalize has always been a challenge for me ! I gave it a shot and with a few eyeball rolls as I was feeling somewhat inadequate, it appears to cover many bases and I am quite impressed.

Thank you again for taking the lead and getting this "on the books --- finally". You continue to show you're valuable assets to our Town.

Best to you both ... Barbara

PS .. Glad to report that Jeff and his Ordinance Official(s) were a great help with those violations we reported this year. They now will have the "paper to stand on" in future nesting seasons. BRAVO

----- Original message -----

From: Ingrid Allen <iallen@highlandbeach.us>

Date: 10/13/22 3:25 PM (GMT-05:00)

To: Barbara Blaniid James <bocablanid@yahoo.com>

Cc: Jeff Remas <bco@highlandbeach.us>

Subject: RE: TOWN: Sea Turtle Lighting Ordinance Updating

Barbara:

FYI, at the 10-18-22 Town Commission meeting, the Commission will be considering the Introduction of a proposed sea turtle ordinance (see attached). The ordinance is based on the State of Florida's model lighting ordinance for sea turtle protection. The staff memorandum that will accompany the ordinance will be available on the Town's website the Friday before the meeting at the following link:

<https://highlandbeach-fl.municodemeetings.com/?>

Sincerely,

Ingrid Allen

Town Planner

From: Barbara Blaniid James <bocablanid@yahoo.com>

Sent: Wednesday, August 17, 2022 11:49 AM

To: Marshall Labadie <mlabadie@highlandbeach.us>

Cc: Terisha Cuebas <tcuebas@highlandbeach.us>; Douglas Hillman <dhillman@highlandbeach.us>;

Natasha Moore <nmoore@highlandbeach.us>; Peggy Gossett-Seidman

<pseidman@highlandbeach.us>; Evalyn David <edavid@highlandbeach.us>; John Shoemaker

<jshoemaker@highlandbeach.us>; Jeff Remas <bco@highlandbeach.us>; Ingrid Allen

<iallen@highlandbeach.us>; JOANNE RYAN <ryansarewe@bellsouth.net>; Craig Hartmann

<chartmann@highlandbeach.us>

Subject: TOWN: Sea Turtle Lighting Ordinance Updating

TO: Marshall Labadie - Town Manager

TO: Assistant Town Manager - Terisha Cuebas

CC's TO: Our Town Commissioners

CC: Craig Hartmann - Chief HBPD

CC: Joanne Ryan - FWC Marine Turtle Permit Holder 22-100

CC: Jeff Remas - HB Building Official

CC: Ingrid Allen - HB Town Planner

FROM: Barbara James - Former Sea Turtle Permit Holder

RE: UPDATING SEA TURTLE LIGHTING ORDINANCE

Dear Marshall - (and Ladies and Gentlemen) -

As I am not sure exactly whom to address this request, you are all *the lucky recipients* of this e-mail. Okay - Down to business:

The Town has a two sentence Ordinance about Beach-Front Lighting during Sea Turtle Nesting Season. It was written in the early 1980's (or close enough to that time). For years it has been a struggle to actually clarify to those "in violation" that they are indeed "in violation". Many Towns, Counties and Cities here in Florida and all the way up to the Carolinas have "clearer, newer" Ordinances for these exact issues. Scratching my head, a dozen or so years ago, I inquired of the Town to look into this. Got a pat on the head and said "certainly, we will look into it".

During the pandemic, after having reported one of the "Lights on the Beach" violations, I recall that Jeff Remas and Ingrid Allen told me that they had started the process of "LOOKING INTO THE NECESSARY ORDINANCE UPDATING" - - and one of them (?) had mentioned to me that they had reached out and gotten clear, concise, enforceable material from extremely appropriate sources, enabling them to write the Up-Date that I had been looking for so long. We all got lost during the pandemic freeze-in-place era, so I didn't push, ask or even think about it.

BUT - after having attended the Town Commission meeting yesterday, I saw Jeff coming down the hallway. I put out my foot to trip him; it caused him to stop abruptly and in 25 words or less (hard to believe from me), he said YES, they had indeed completed the necessary rewrite and it just had to be brought up on a future agenda. I won't bother you with the numerous emails to Code Enforcement / Building Department his season with violations of lighting ordinances, and the fast and efficient investigation and completion of those events. **We now have a SUPERIOR TEAM in our CODE/BUILDING Department.** Better than we have had since I have owned here since 1998. Let's take full advantage of their commitment, their fire, their efficiency and their drive. **They have the "product". Ready. Now.**

As mentioned, I had 25 words with Jeff. I do not know whom to ask to put this Completed Project on an Agenda for approval, or discussion, or whatever is deemed necessary. The work is done (thanks in part to Covid quiet time). Those of us working in our "Sea Turtle Nesting Sanctuary" (aka Highland Beaches three-mile maternity ward) could use the support when violations are affecting the nesting.

I admit having made this letter less than Business/Professional - but that was to hope you would read

through it.

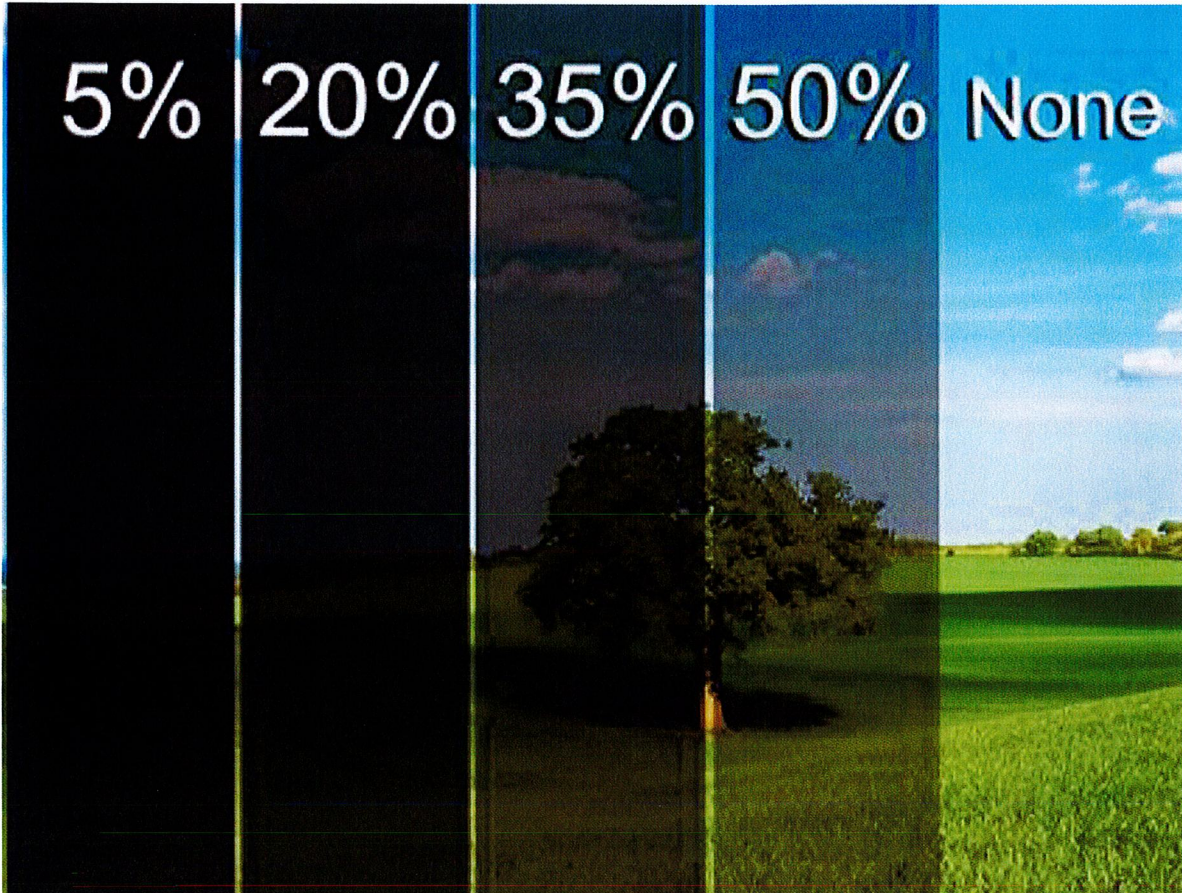
Closing on a serious note, please consider adding the Sea Turtle Lighting Ordinance Update to a not-to-distant future Commission Meeting for discussion, recommendation and approval.

Grateful for your continued support,

Barbara James

FWC Q.I. / former Permit Holder

Window Tint Visible Light Transmittance



Source: Lighting Guide, Marine Turtle Protection Ordinance, Sarasota County, FL

ATTACHMENT NO. 5

From: [Teal Kawana](#)
To: [Adam Osowsky](#); [Ingrid Allen](#)
Subject: Highland Beach Lighting Survey
Date: Tuesday, October 25, 2022 12:05:35 PM
Attachments: [image001.png](#)
[Highland Photosheet 090221.docx.pdf](#)

Good Afternoon,

As requested, the Highland Beach photosheet from our 2021 lighting survey is attached. This was an informal survey that was conducted for a research project with the County and we recorded properties with non-compliant lighting based off of the conditions in our County ordinance. Please let me know if you have any questions. Thank you.



Teal Kawana

Environmental Analyst

[Palm Beach County](#)

[Dept. of Environmental Resources Mgmt.](#)

[2300 North Jog Road, 4th Floor](#)

[West Palm Beach, FL 33411](#)

[Email:TKawana@pbcgov.org](mailto:TKawana@pbcgov.org)

[Office: \(561\)-681-3852](tel:(561)681-3852)

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September 02, 2021
2359 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	2+ rooms	East

September 02, 2021
 2363 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	Unknown	Southeast
2	Indirect illumination	Unknown	Southeast

September 02, 2021
 2365 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	Unknown	Southeast, Northeast
2	Indirect illumination	Unknown	East

September 02, 2021
2367 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Path lights	~3	East beach access

September 02, 2021
2375 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	Unknown	East
2	Pole mounts	Unknown	Northeast, beach access

September 02, 2021
2395 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Wall mounts	3-4	North along wall
2	Bollards	~5	Southeast
3	Green indirect illumination from pool	Unknown	East
4	Interior	3+ rooms	East

September 02, 2021
 2435 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Purple indirect illumination from pool lighting	Unknown	East
2	Interior	1-2 Rooms	East
3	Path lights	12	East, to beach

September 02, 2021
2445 S Ocean Blvd



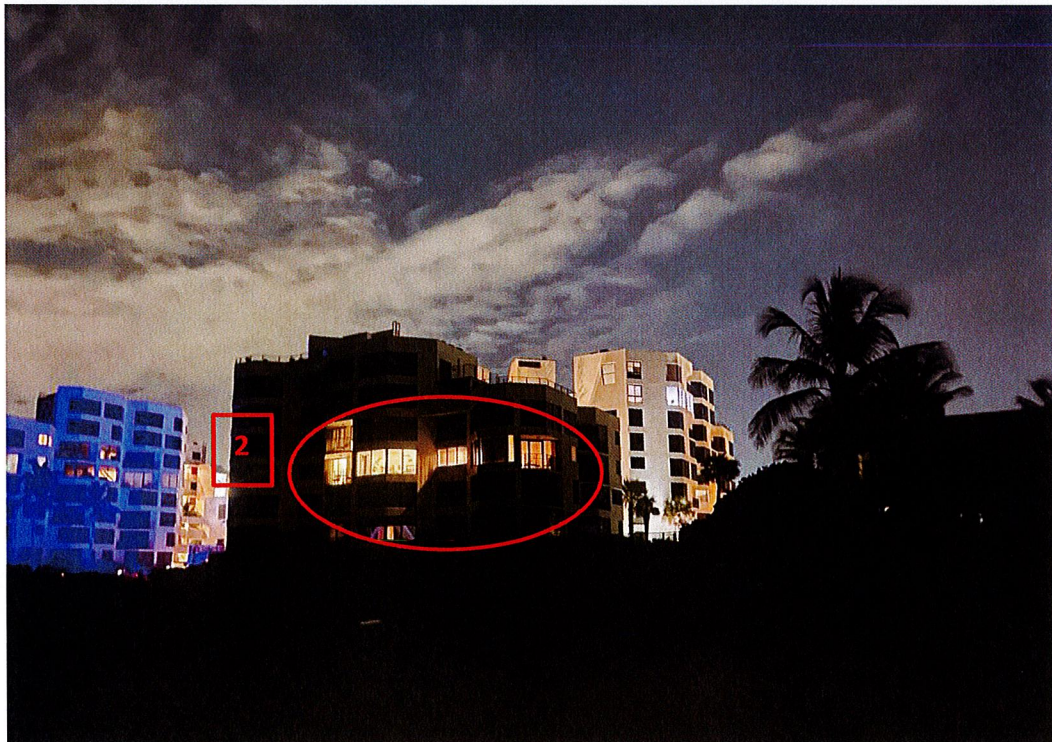
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Wall mount	1	East

September 02, 2021
2455 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up light	1	East

Townhouse of Highland Beach
September 02, 2021
2565 S Ocean Blvd



Townhouse of Highland Beach
September 02, 2021
2565 S Ocean Blvd



Townhouse of Highland Beach
September 02, 2021
2565 S Ocean Blvd

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	1	North
2	Interior	8-10 units	Northeast, Northwest, East
3	Indirect illumination, white	Unknown	Northeast
4	Indirect illumination, blue/purple	Unknown	East, Southeast

Townhouse of Highland Beach
September 02, 2021
2575 S Ocean Blvd

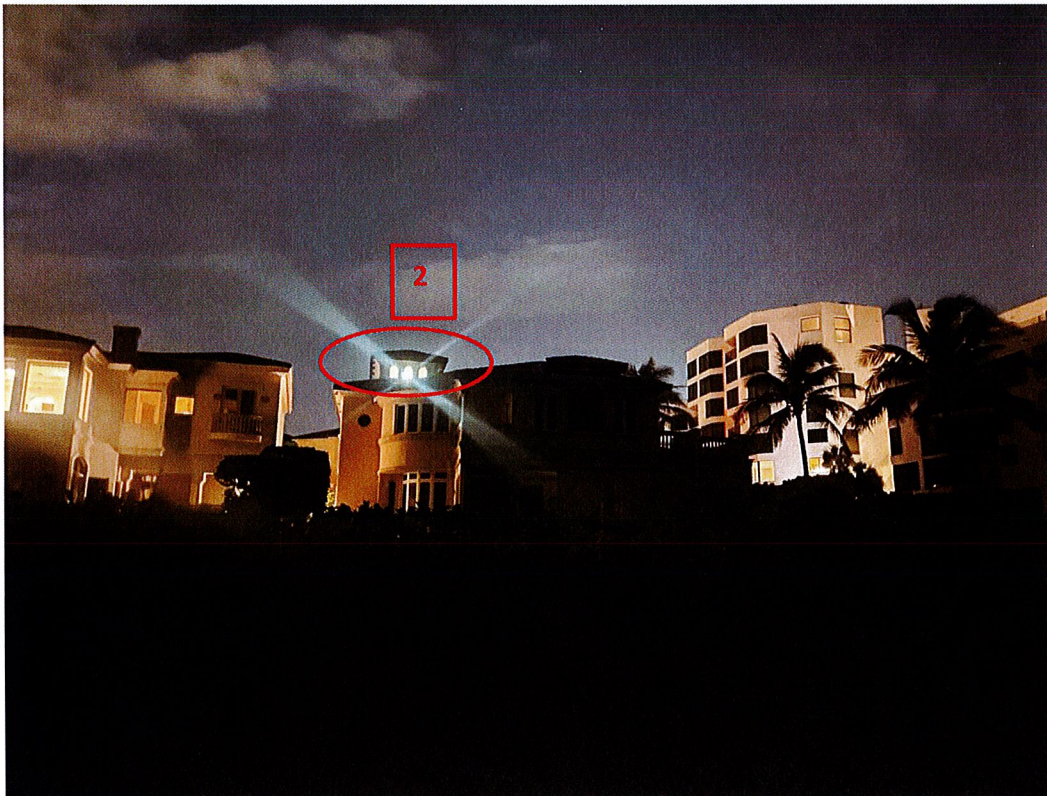


Townhouse of Highland Beach
September 02, 2021
2575 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	~5	North, East
2	Purple indirect	Unknown	East, Northeast
3	Street light/parking lot light	1	West
4	White wall mounted	~5-10	East
5	White indirect on building	Unknown	South
6	Interior	~ 5 units	East, Southeast

September 02, 2021
2635 S Ocean Blvd



September 02, 2021
2635 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination caused by unknown fixture on gate	1	East/ Southeast
2	Ceiling mounted	1	East, in cupola

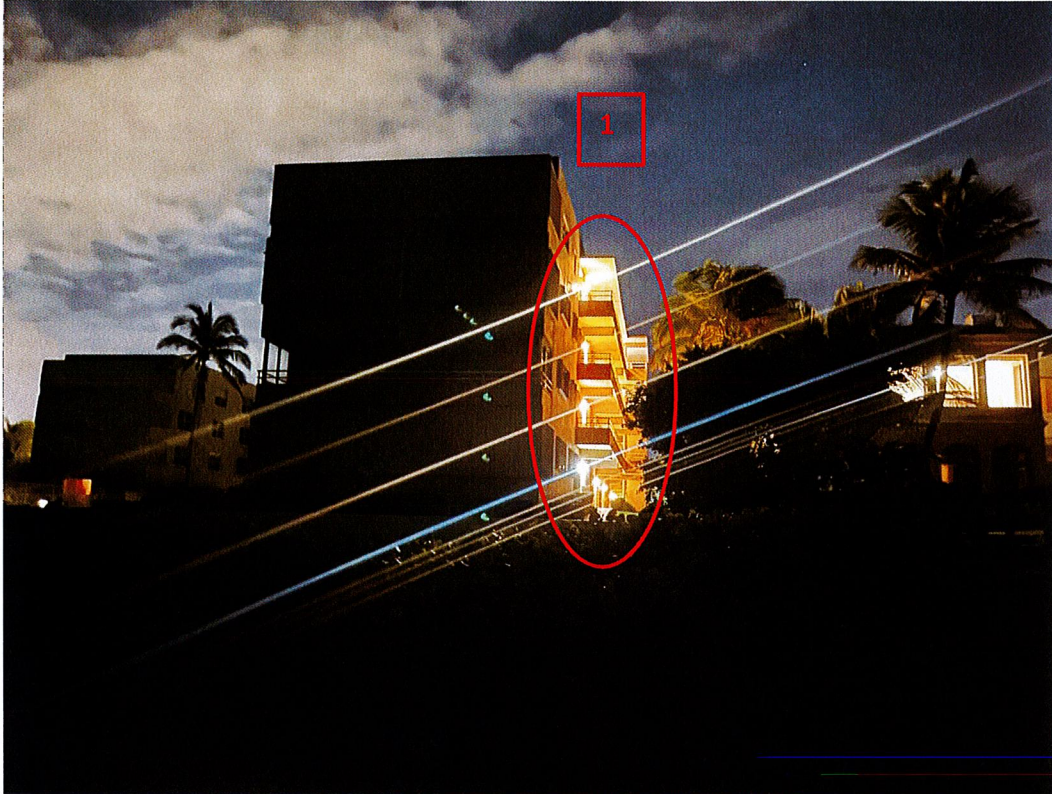
September 02, 2021
2633 S Ocean Blvd



September 02, 2021
2633 S Ocean Blvd

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination caused by unknown fixture	Unknown	East, Northeast
2	Interior	1 room	East

September 02, 2021
2701 S Ocean Blvd



September 02, 2021
 2701 S Ocean Blvd

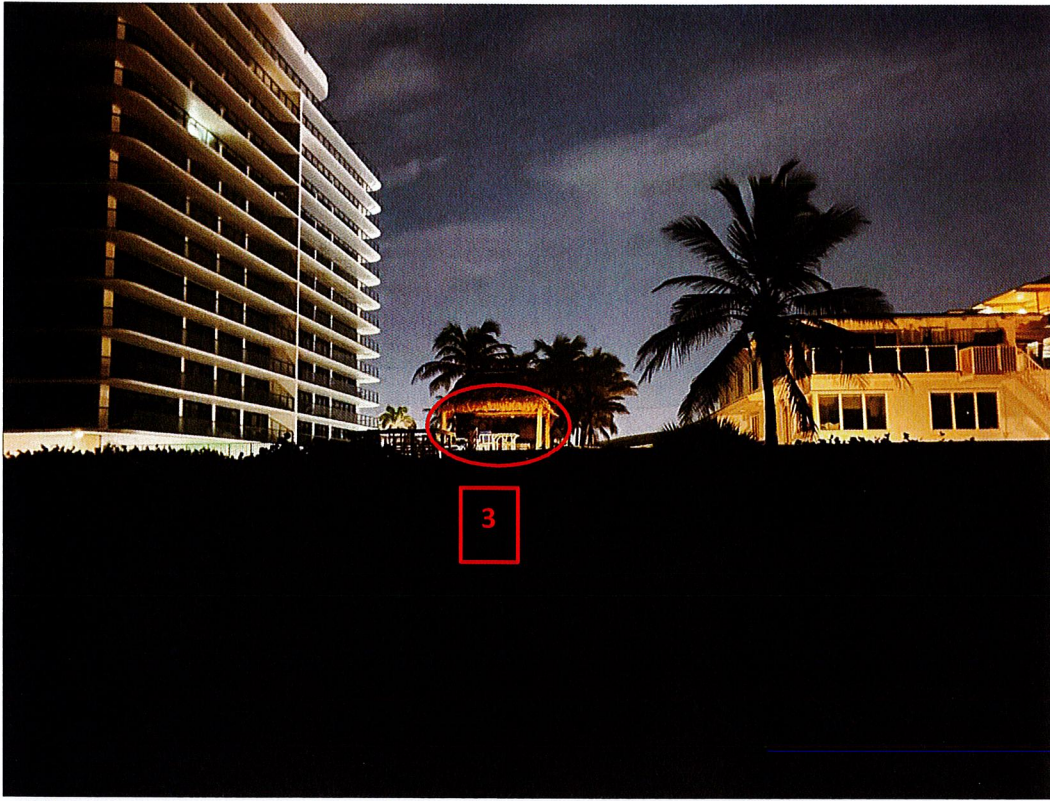


ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Wall mount	~50	North and South, 25 on each side
2	Pole/ Mushroom lights	~10-15	East, Central area
3	Interior	~2 units	East

September 02, 2021
2711 S Ocean Blvd
Jamaica Manor



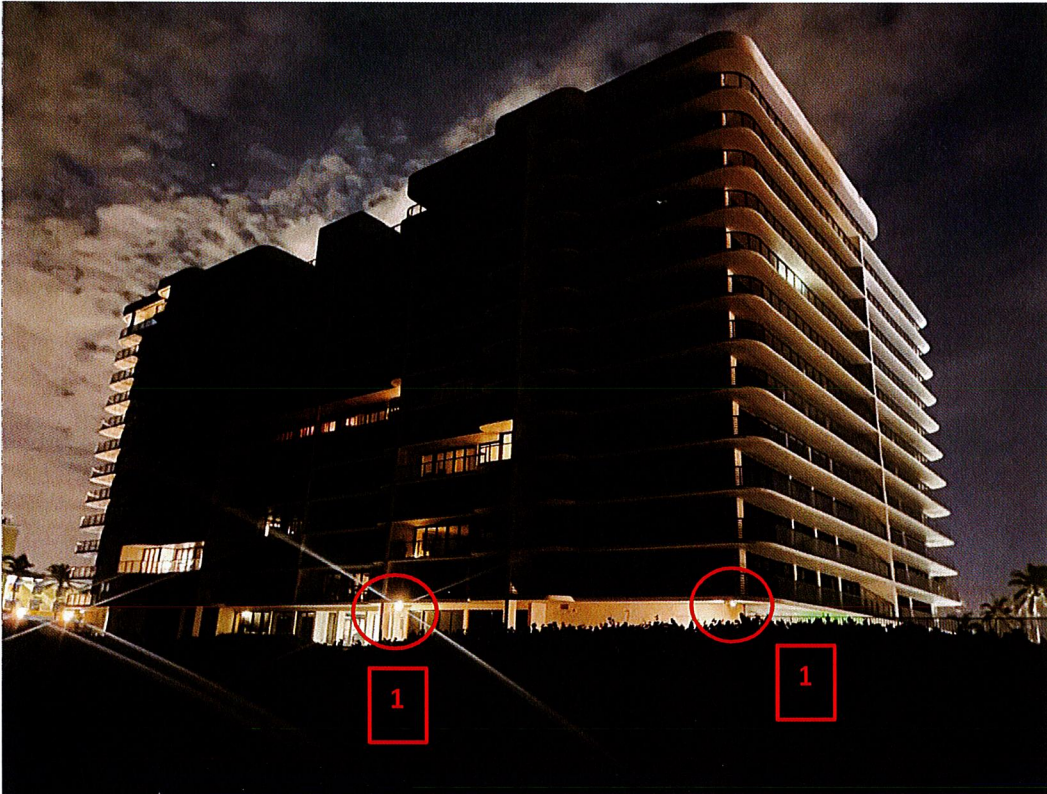
September 02, 2021
2711 S Ocean Blvd
Jamaica Manor



September 02, 2021
2711 S Ocean Blvd
Jamaica Manor

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	East
2	Wall mount	1	Northeast
3	Up lighting	~5	Northeast, around sitting area Northeast, under bush, Southeast, in tiki hut

September 02, 2021
2727 S Ocean Blvd
Villa Magna Condos



September 02, 2021
2727 S Ocean Blvd
Villa Magna Condos

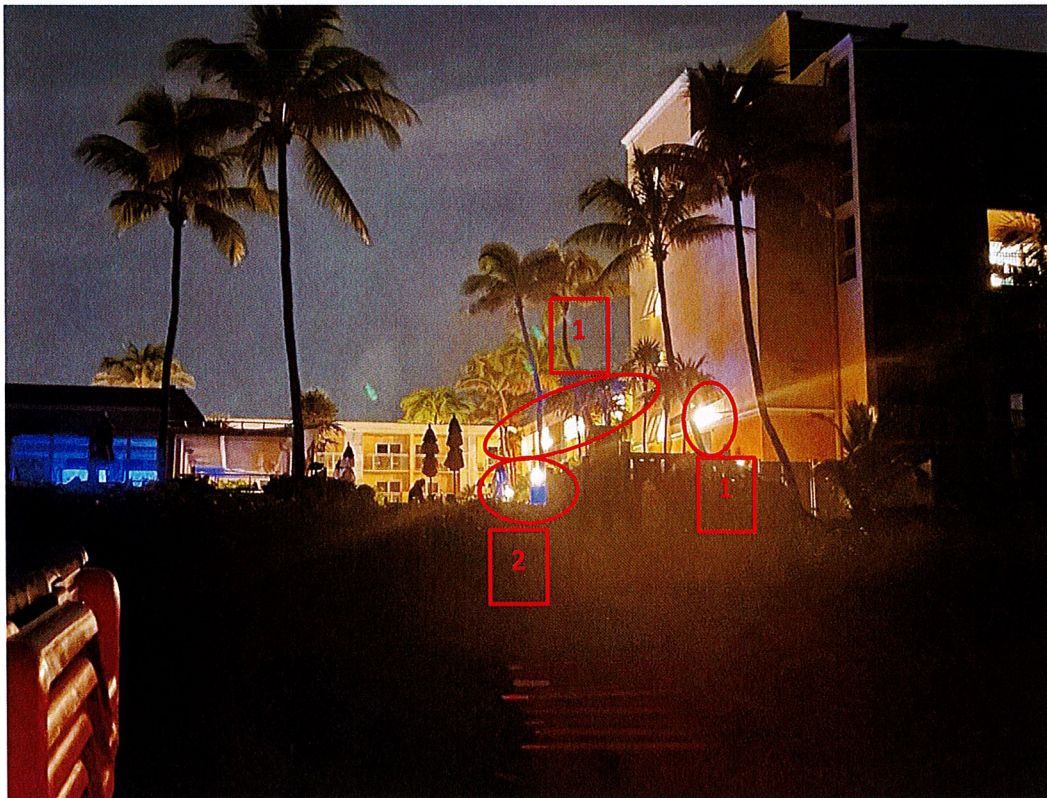


September 02, 2021
 2727 S Ocean Blvd
 Villa Magna Condos

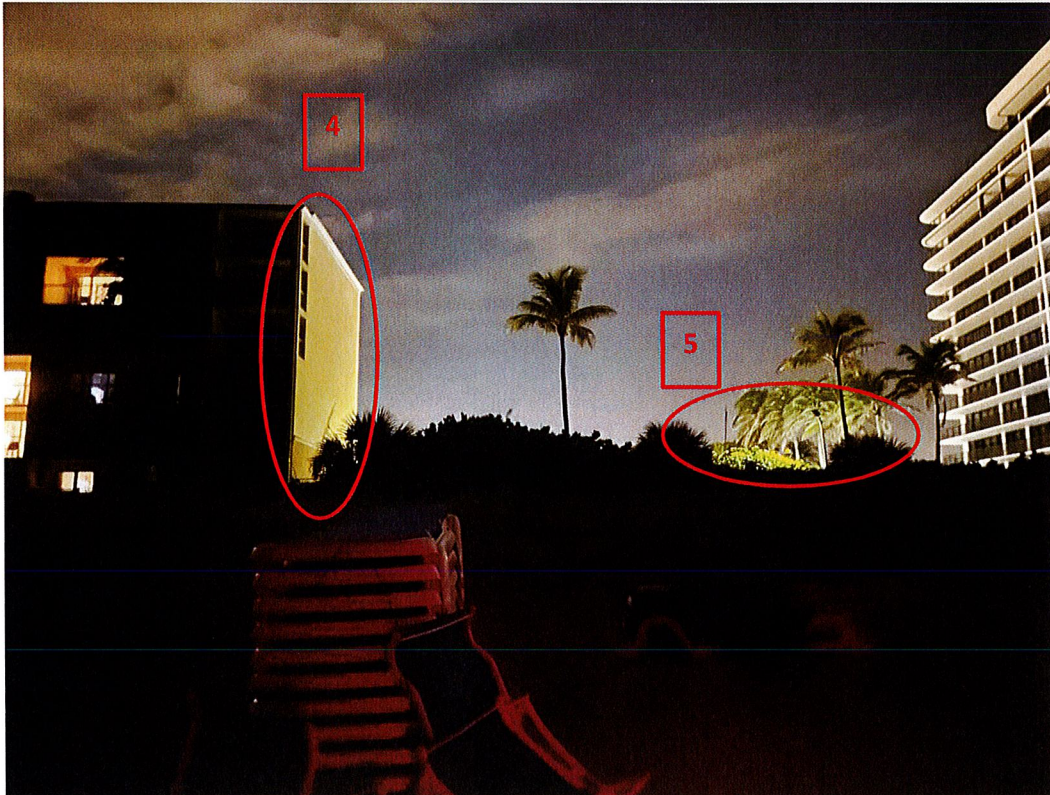


ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	~5	East, Southeast, Northeast
2	Pool lighting causing indirect illumination	Unknown	South
3	Interior	Unknown	East

September 02, 2021
2809 S Ocean Blvd



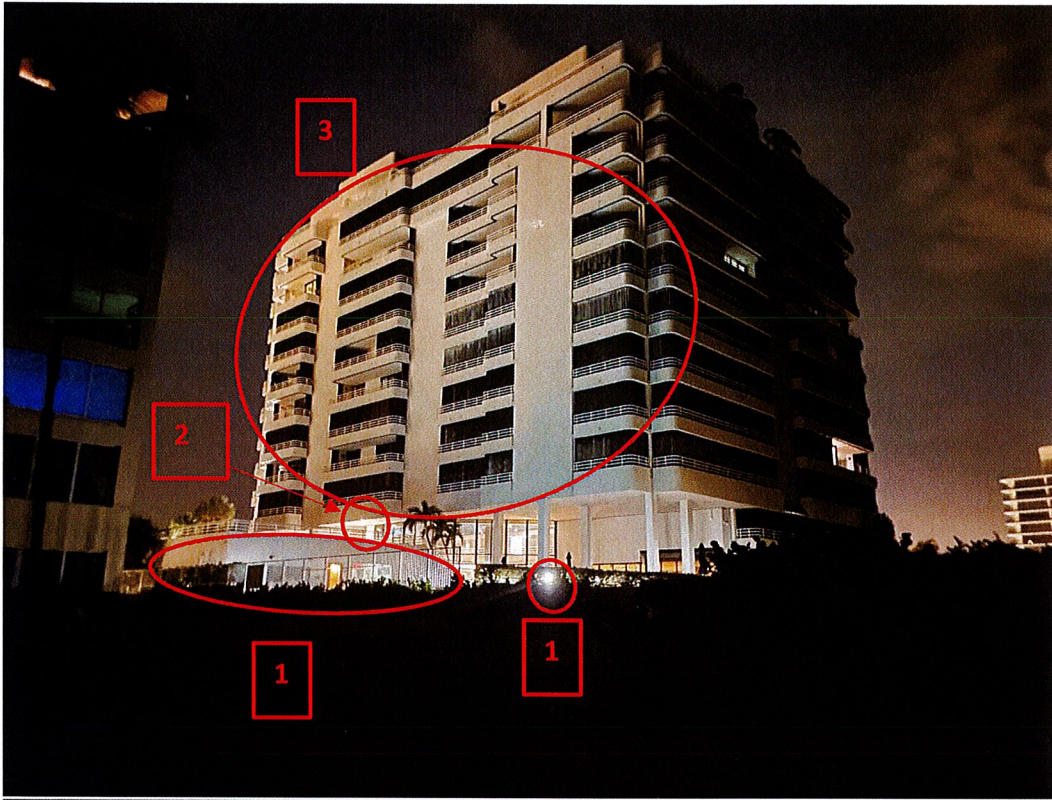
September 02, 2021
2809 S Ocean Blvd



September 02, 2021
2809 S Ocean Blvd

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Wall mounts	~10-12	East (throughout center)
2	Pole lights	~2-5	East (central)
3	Interior/ interior stairwell	~10 rooms/units	East, Northeast, Southeast
4	Indirect illumination	Unknown	North face (parking lot)
5	Large parking lot light	1	North

September 02, 2021
2901 S Ocean Blvd
Highlands Place Condo



**September 02, 2021
2901 S Ocean Blvd
Highlands Place Condo**

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Bollards	Unknown	Southeast/ Southwest (around pool)
2	Ceiling mounts	Unknown	Southwest
4	Indirect illumination from pool lighting	Unknown	South face

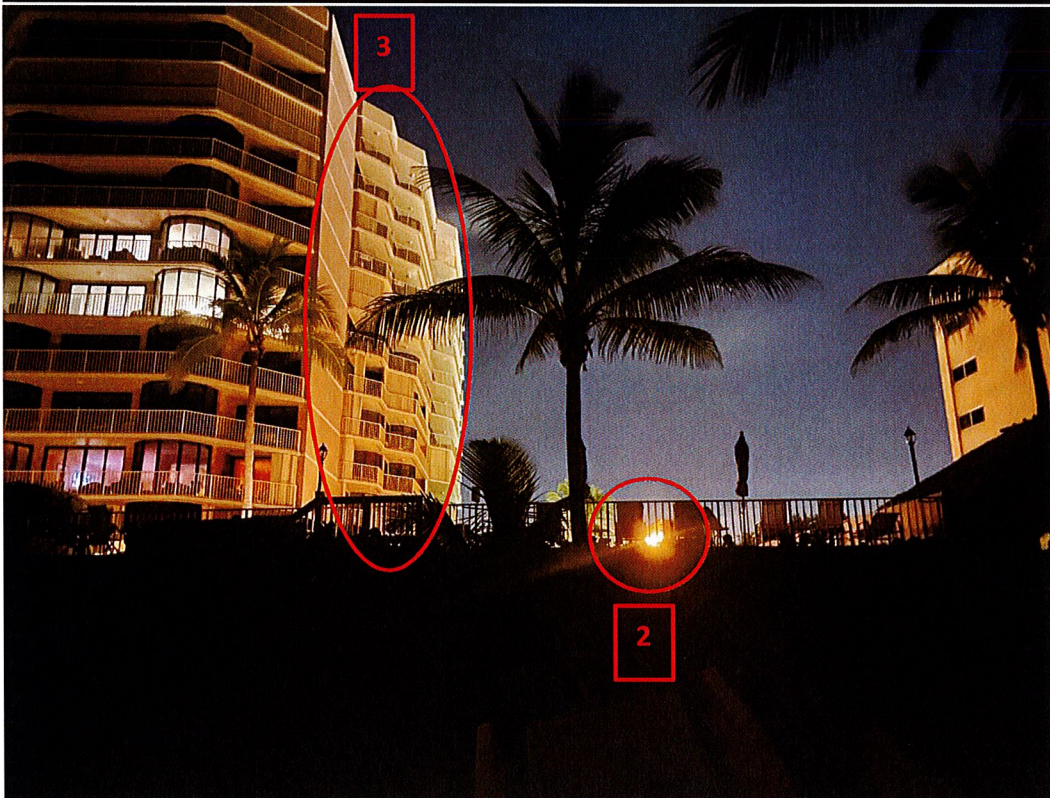
September 02, 2021
2909 S Ocean Blvd
Wiltshire House Condo



**September 02, 2021
2909 S Ocean Blvd
Wiltshire House Condo**

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	Western pool cabanas
2	Ceiling mount	1	East, on balcony
3	Interior	10+ units	East

September 02, 2021
2917-2916 S Ocean Blvd
Trafalgar of Highland Beach



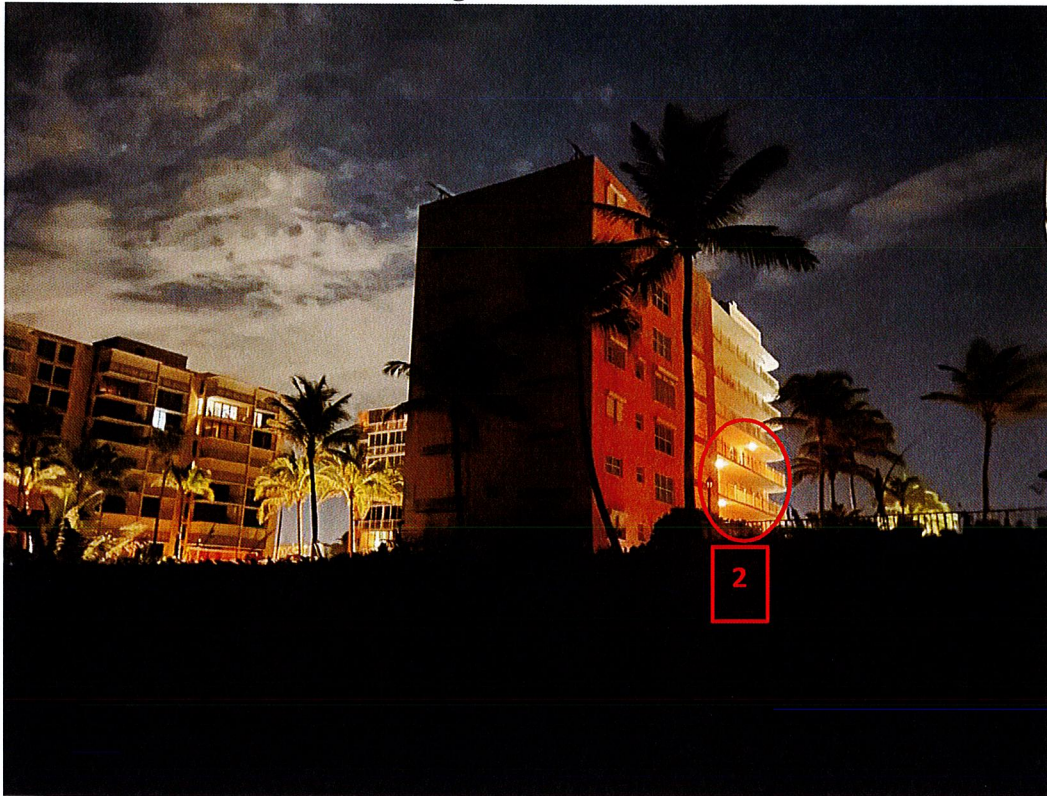
September 02, 2021
2917-2916 S Ocean Blvd
Trafalgar of Highland Beach

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pool lighting	Unknown	Northeast
2	Wall mounted	Unknown	North on Pool House Walls
3	Indirect illumination	Unknown	Southwest, Northeast (pool)
4	Interior	~3 Units	East

September 02, 2021
2921-2920 S Ocean
Highland Towers



September 02, 2021
 2921-2920 S Ocean
 Highland Towers

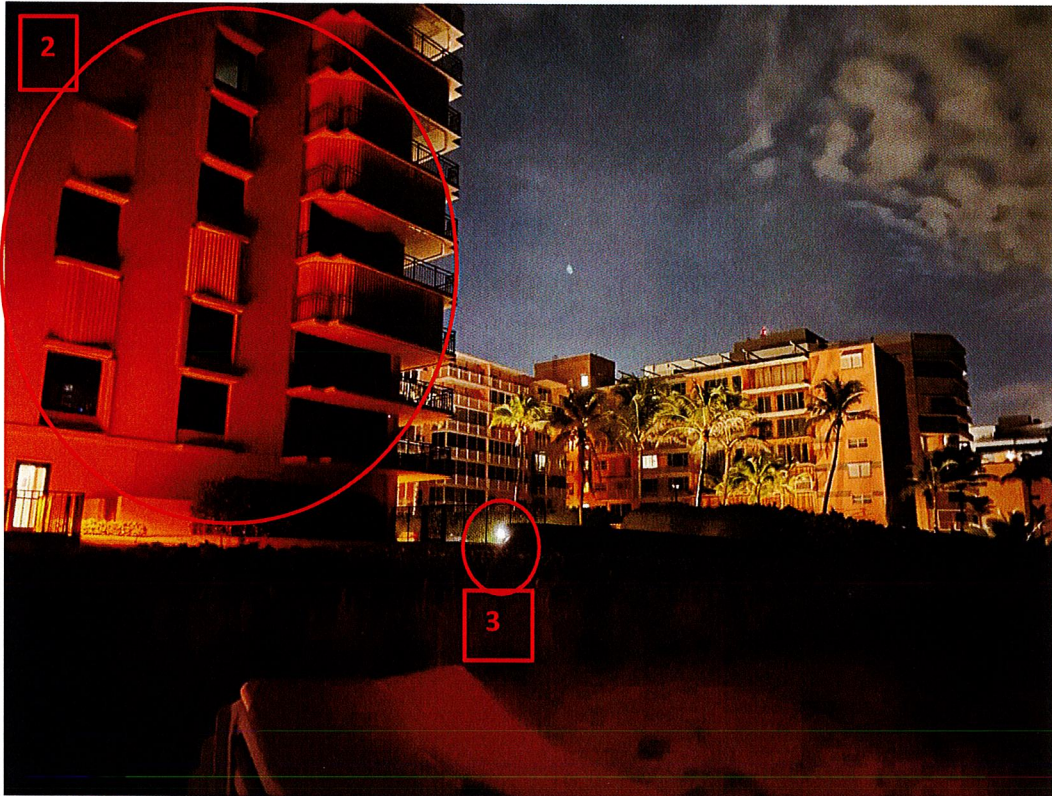


ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	Unknown	East
2	Ceiling mounted	~2-5	Northeast
3	Interior	2 units + 5 stairwell windows	East

September 02, 2021
3009 S Ocean Blvd
Ocean Pines Condo



September 02, 2021
3009 S Ocean Blvd
Ocean Pines Condo



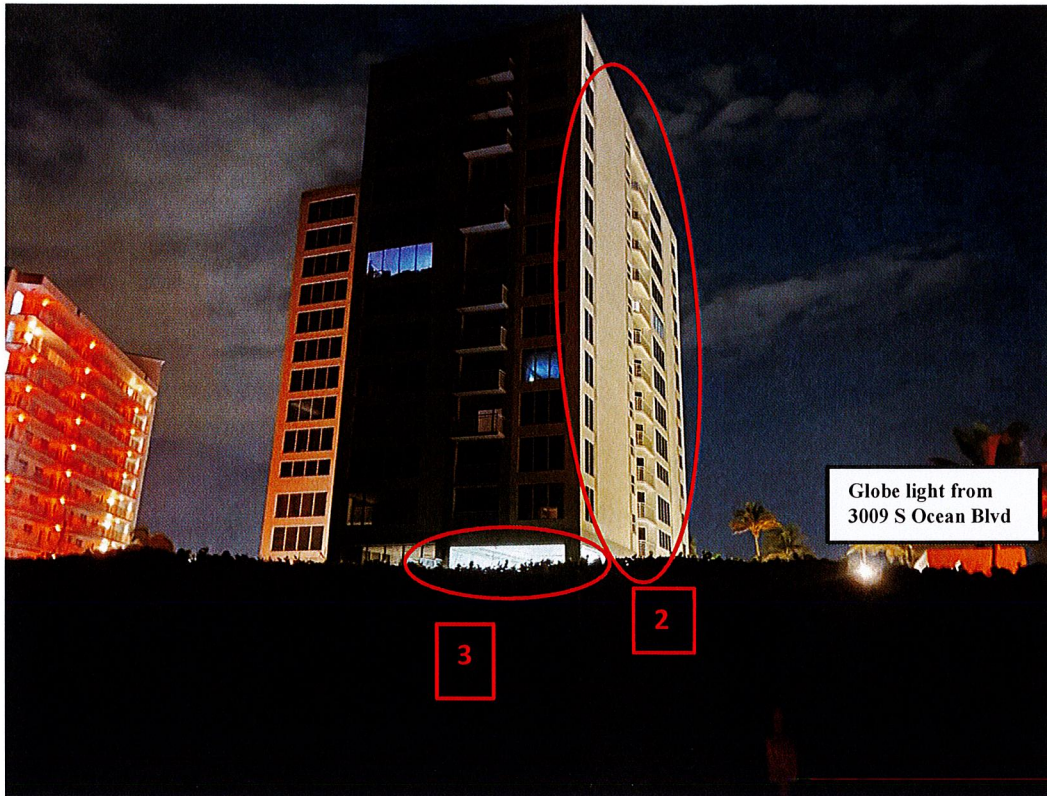
**September 02, 2021
3009 S Ocean Blvd
Ocean Pines Condo**

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pool lighting causing indirect illumination	Unknown	Southeast
2	Amber indirect from turtle fixtures	Unknown	East, Southeast
3	Globe lights	~5-8	North, South
4	Ceiling mounts in parking garage	Unknown	North

September 02, 2021
3015 S Ocean Blvd
Ocean Dunes Condo

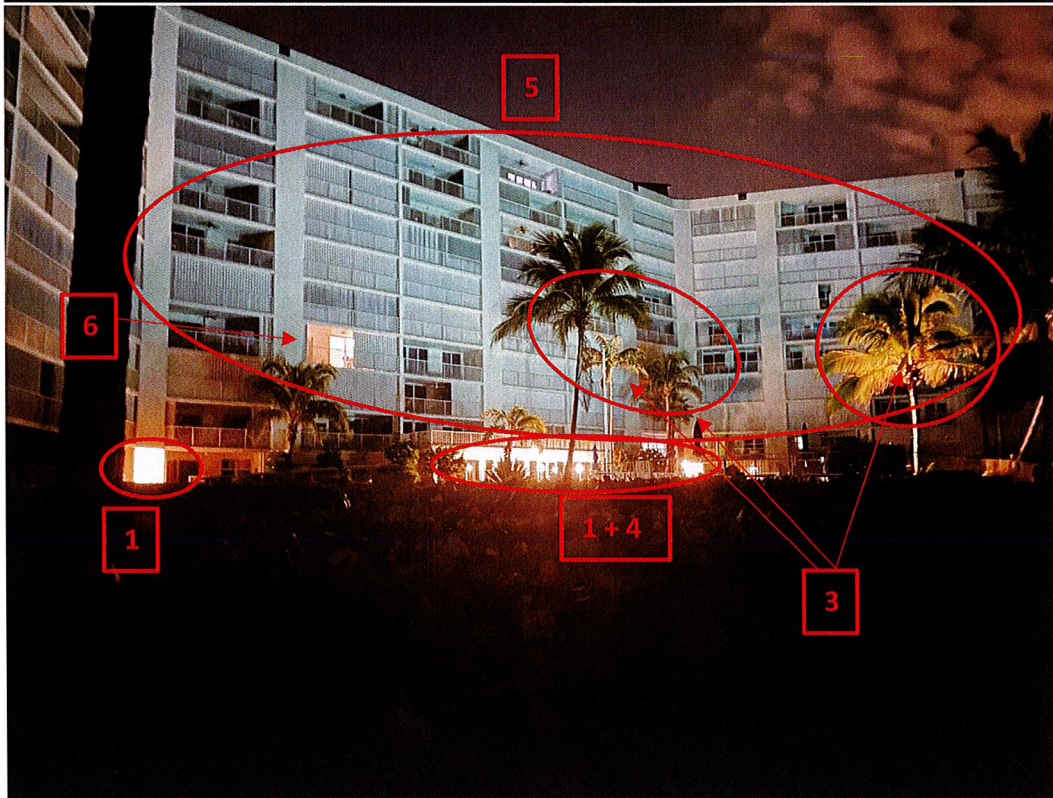
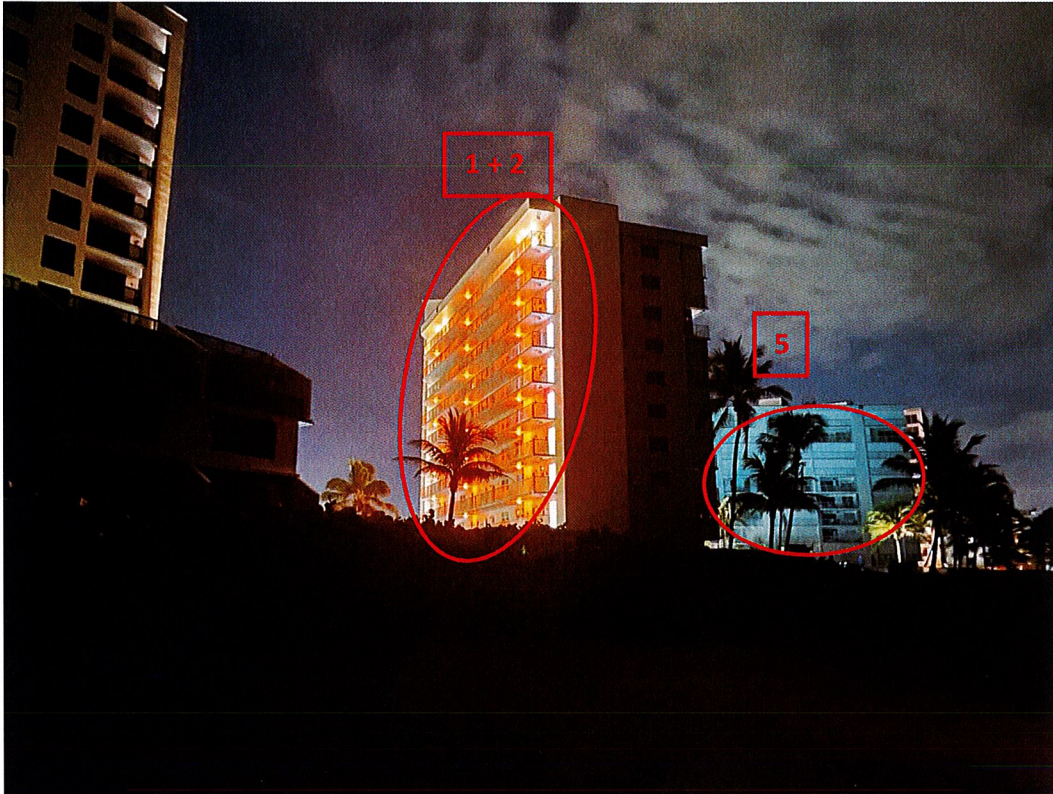


September 02, 2021
 3015 S Ocean Blvd
 Ocean Dunes Condo

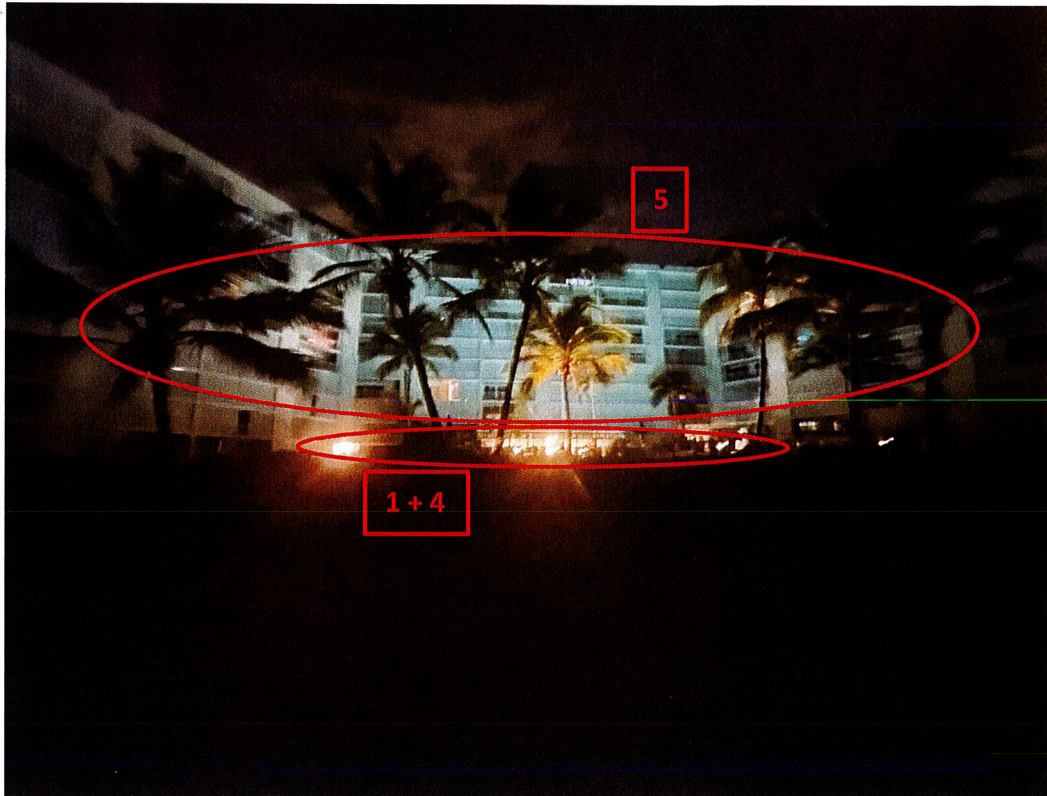


ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pole mounted	2	South
2	Indirect illumination	Unknown	South, Southeast, North
3	Ceiling mounted	Unknown	North, East

September 02, 2021
3101 S Ocean Blvd
Penthouse Towers

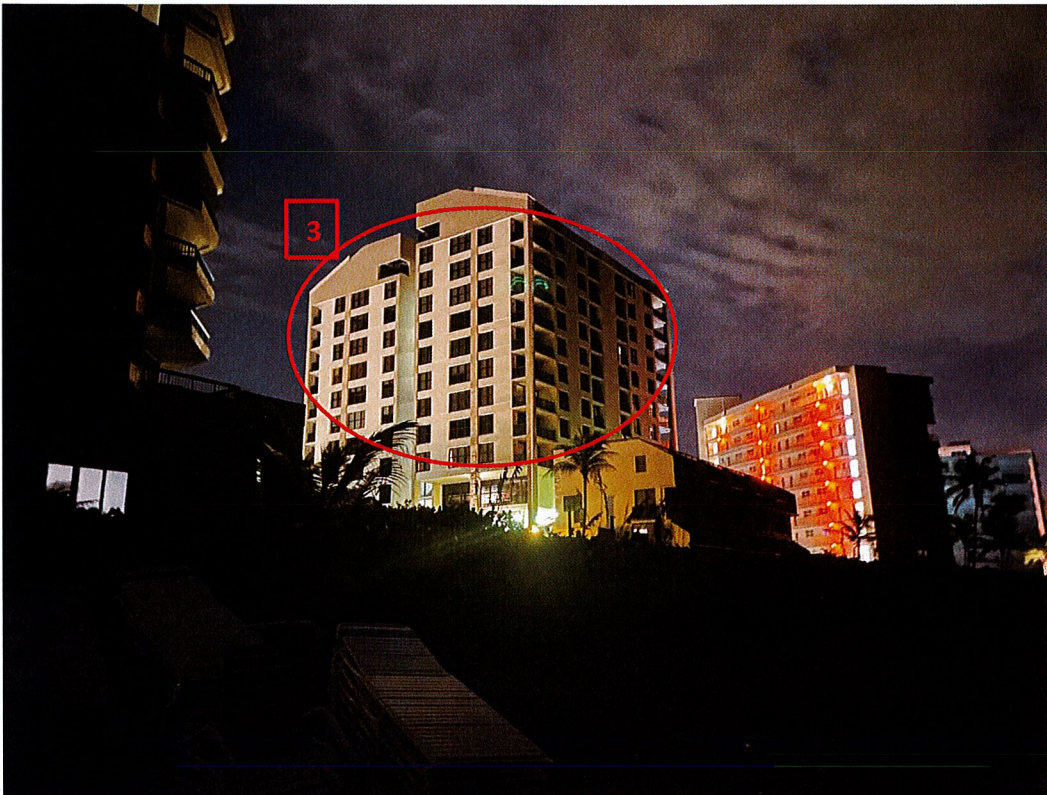


September 02, 2021
 3101 S Ocean Blvd
 Penthouse Towers



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	White ceiling mounted	3+	South, East
2	Amber ceiling mounted	~24	South
3	Up lights on vegetation	~ 4	East
4	Pole mounted	4-5	East
5	Pool lighting causing blue indirect illumination	Unknown	East
6	Interior	1-3 rooms	East

September 02, 2021
3115 S Ocean Blvd
Ocean Terrace North

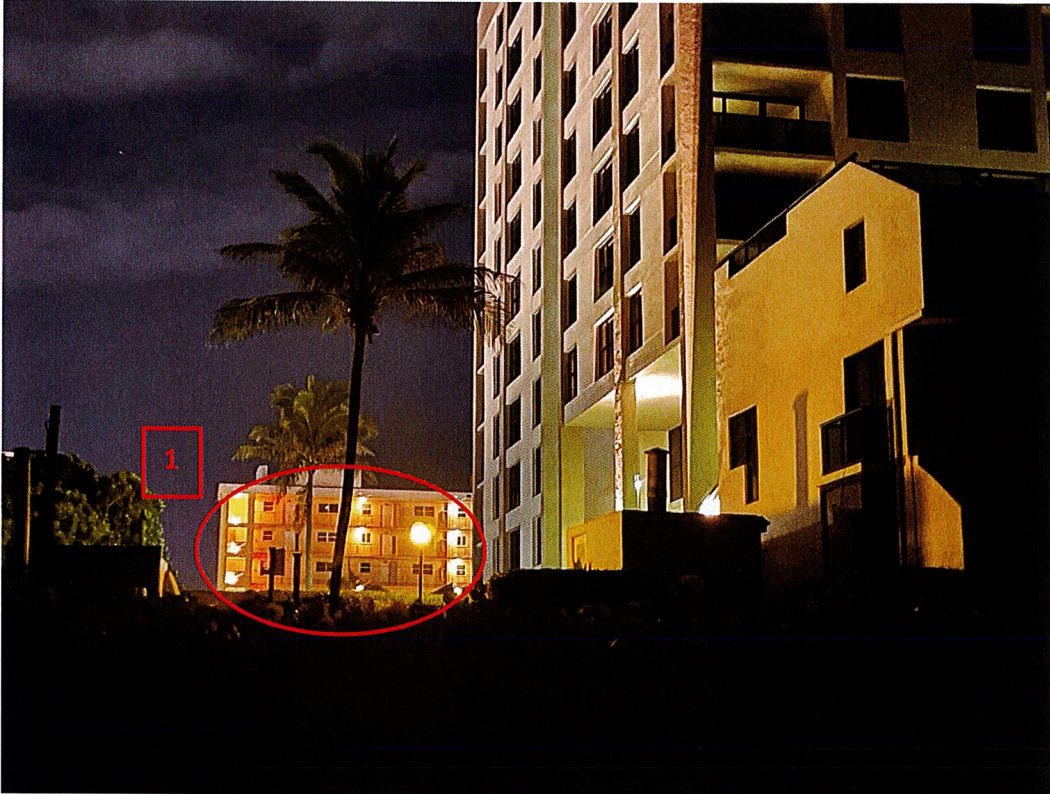


September 02, 2021
 3115 S Ocean Blvd
 Ocean Terrace North



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pole mounted globe light	1	South
2	Ceiling mounted	Unknown	North, South
3	Indirect Illumination	Unknown	North, East, South

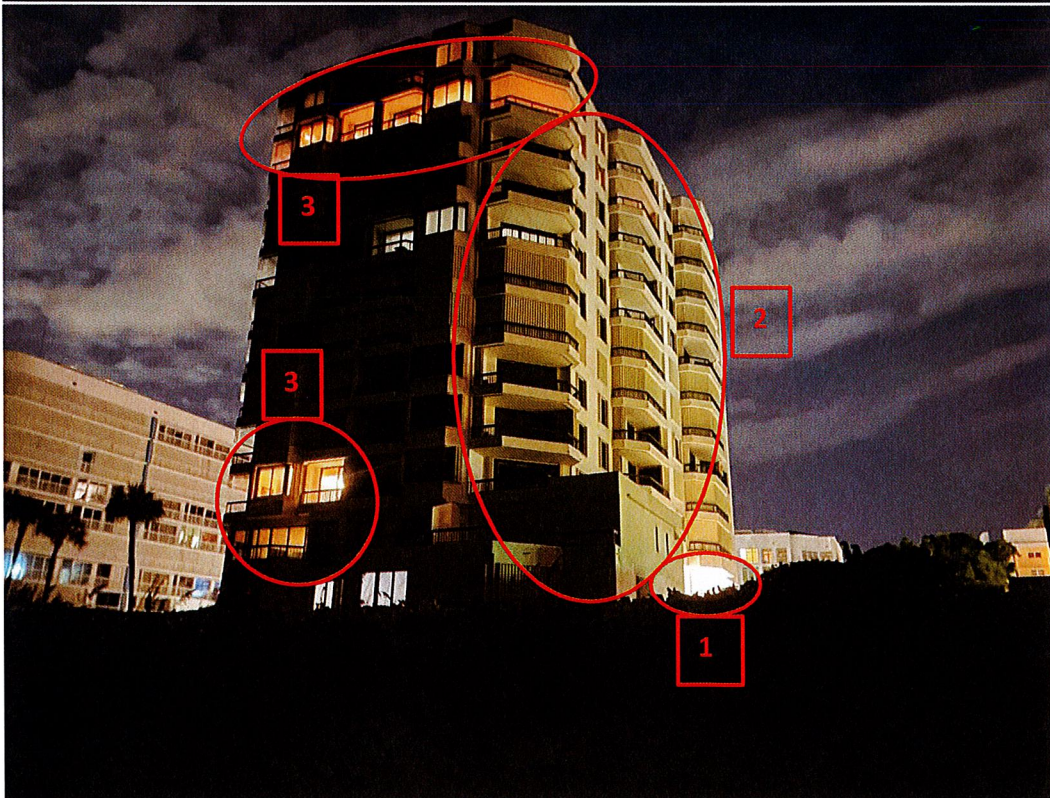
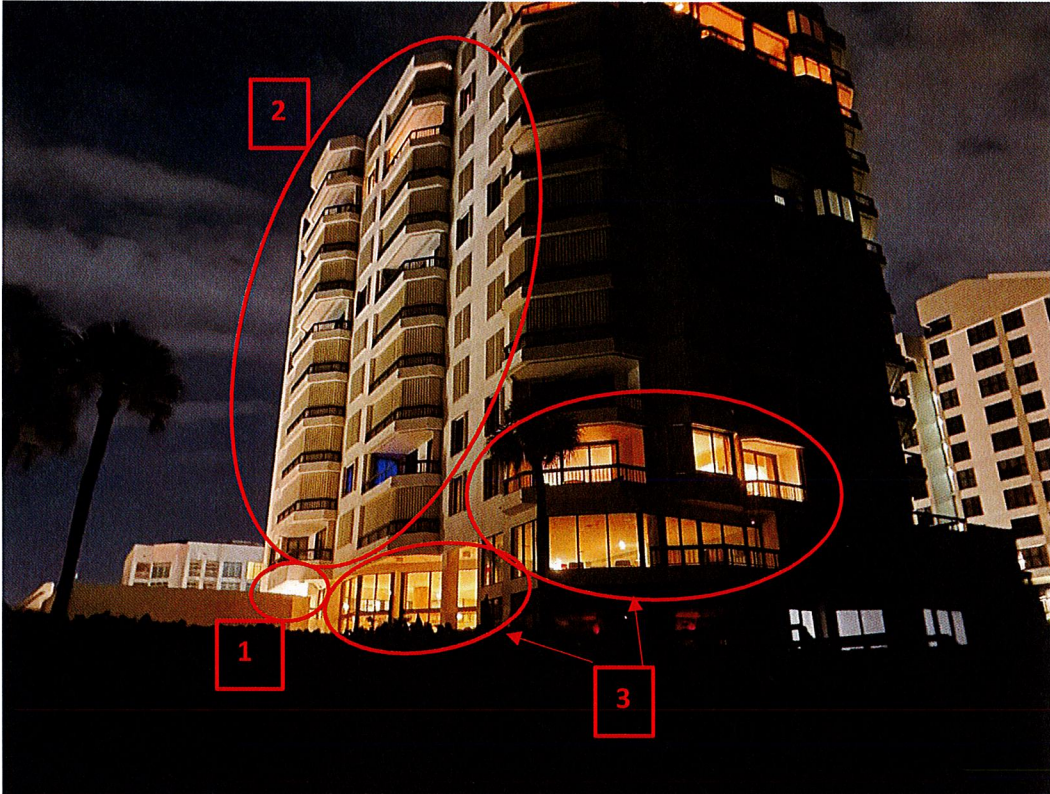
September 02, 2021
3114 S Ocean Blvd
Montaray House



September 02, 2021
3114 S Ocean Blvd
Monterey House

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	20+	East

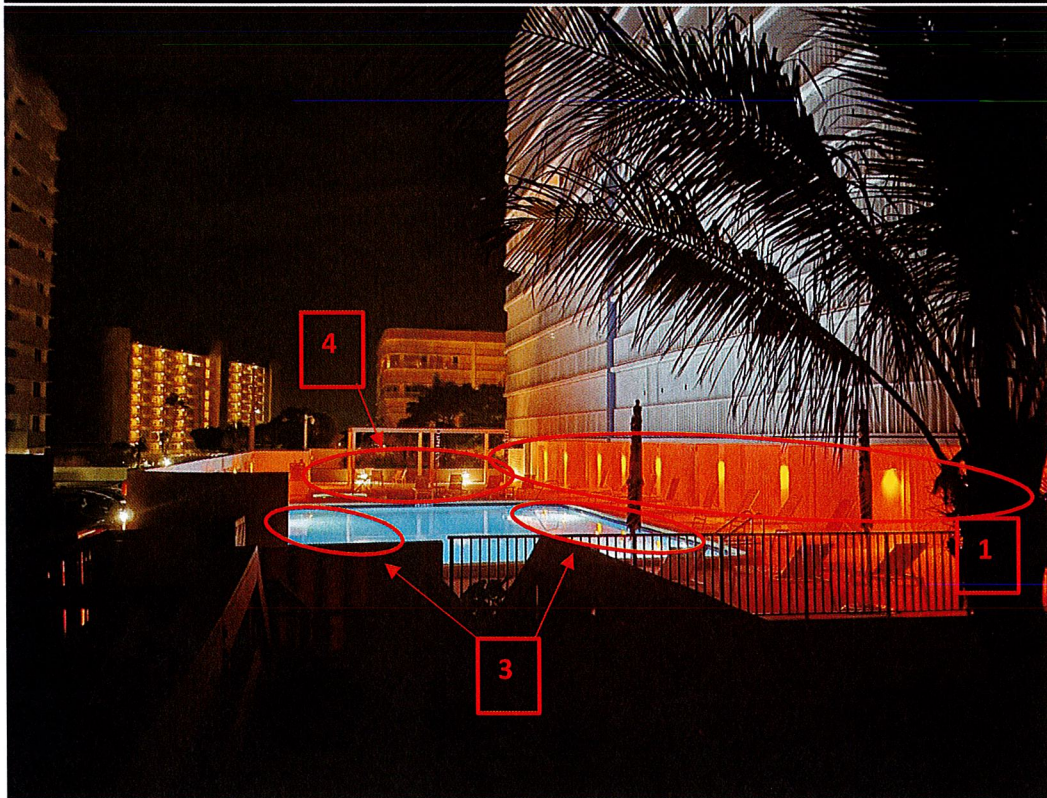
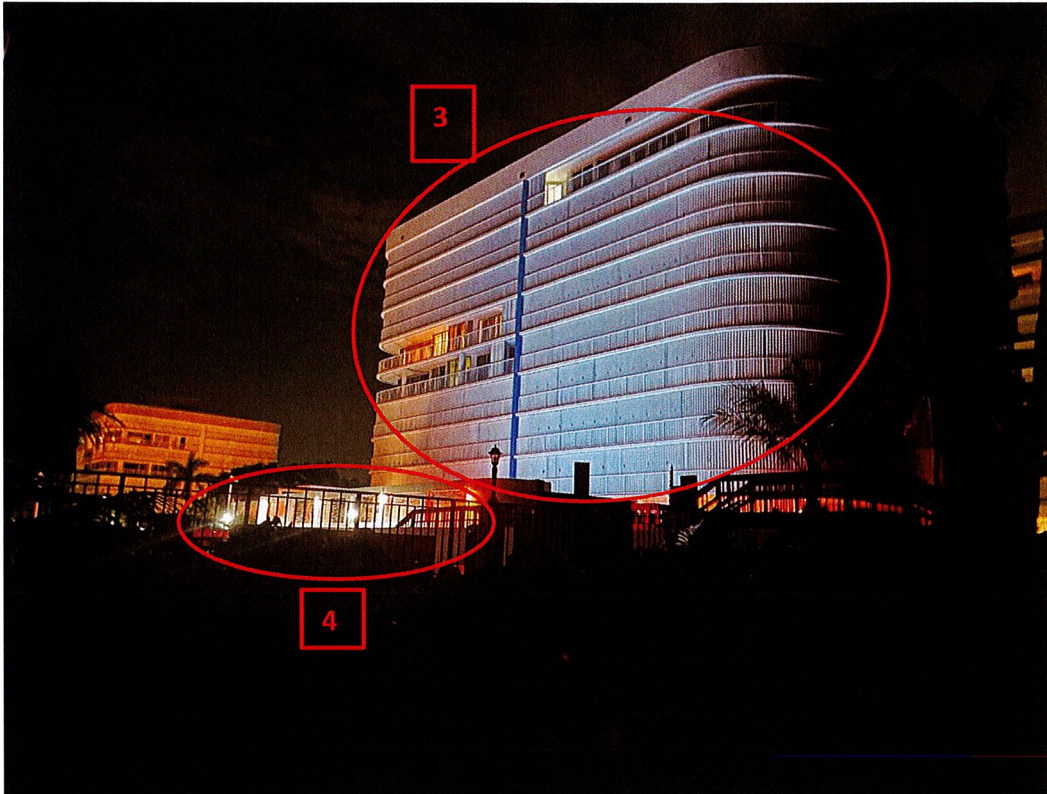
September 02, 2021
3201 S Ocean Blvd
Beach Walk East



September 02, 2021
3201 S Ocean Blvd
Beach Walk East

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	2	South, North
2	Indirect illumination from pool lighting/parking lot	Unknown	South (pool), North (parking)
3	Interior	~5 rooms	East

September 02, 2021
3211 S Ocean Blvd
Villa Mare

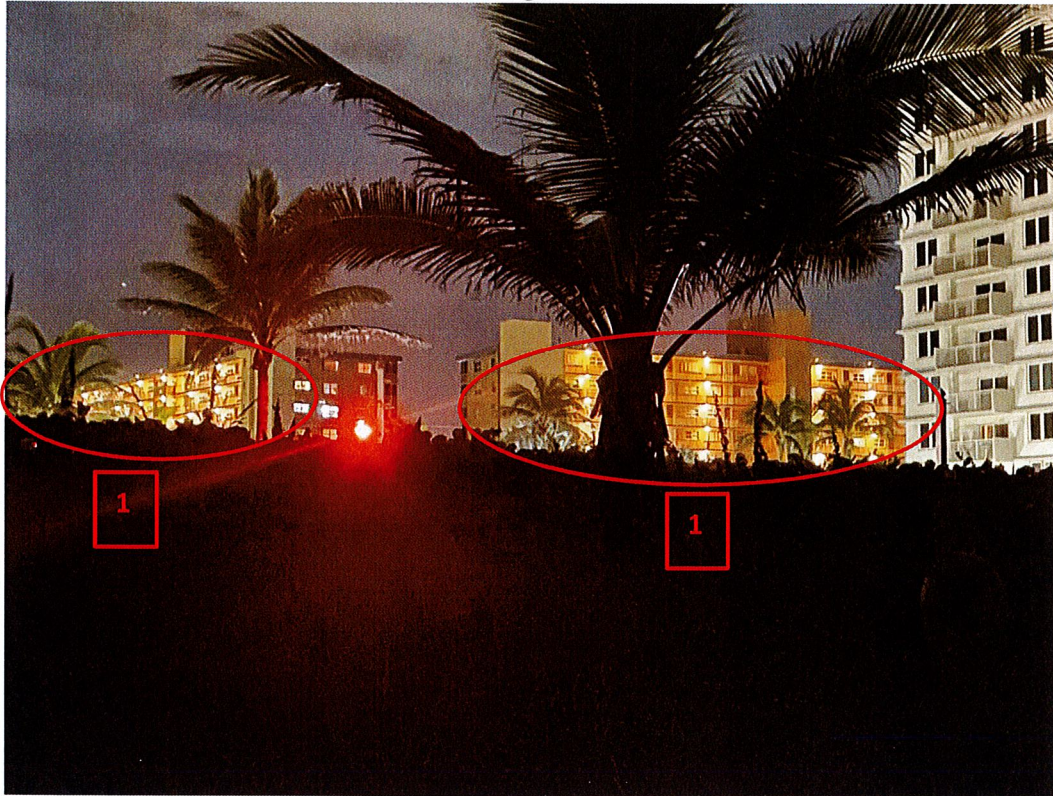


September 02, 2021
 3211 S Ocean Blvd
 Villa Mare



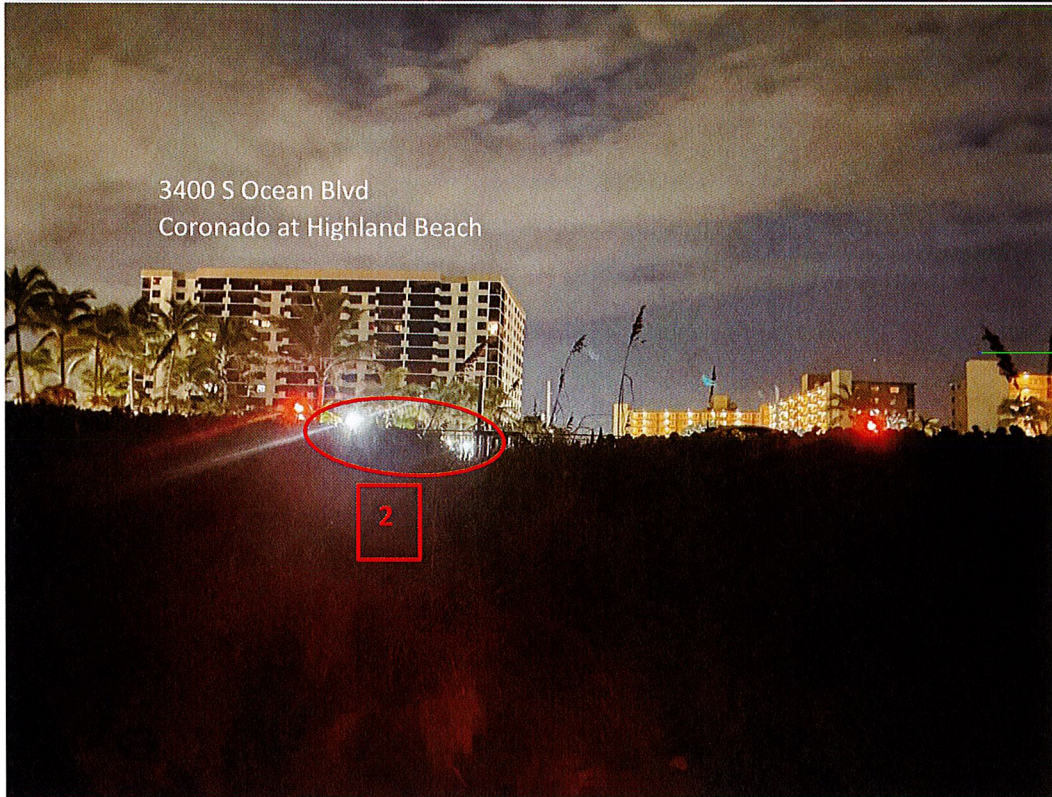
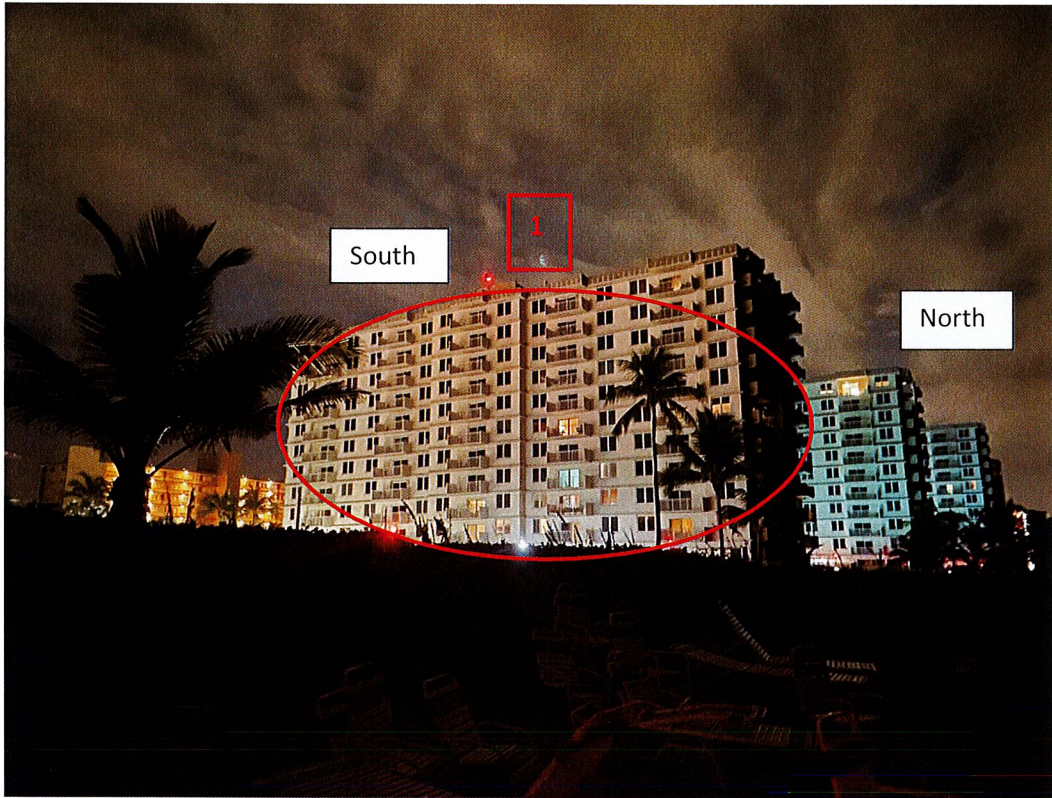
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Amber wall mounts around pool	~10	Southeast, Southwest pool area
2	Indirect illumination	Unknown	North face (parking lot), South (pool)
3	Underwater pool lights	6	South
4	White step lights	~10	Southeast, Southwest pool area

September 02, 2021
 3224 S Ocean Blvd
 Seagate of Highland Condos

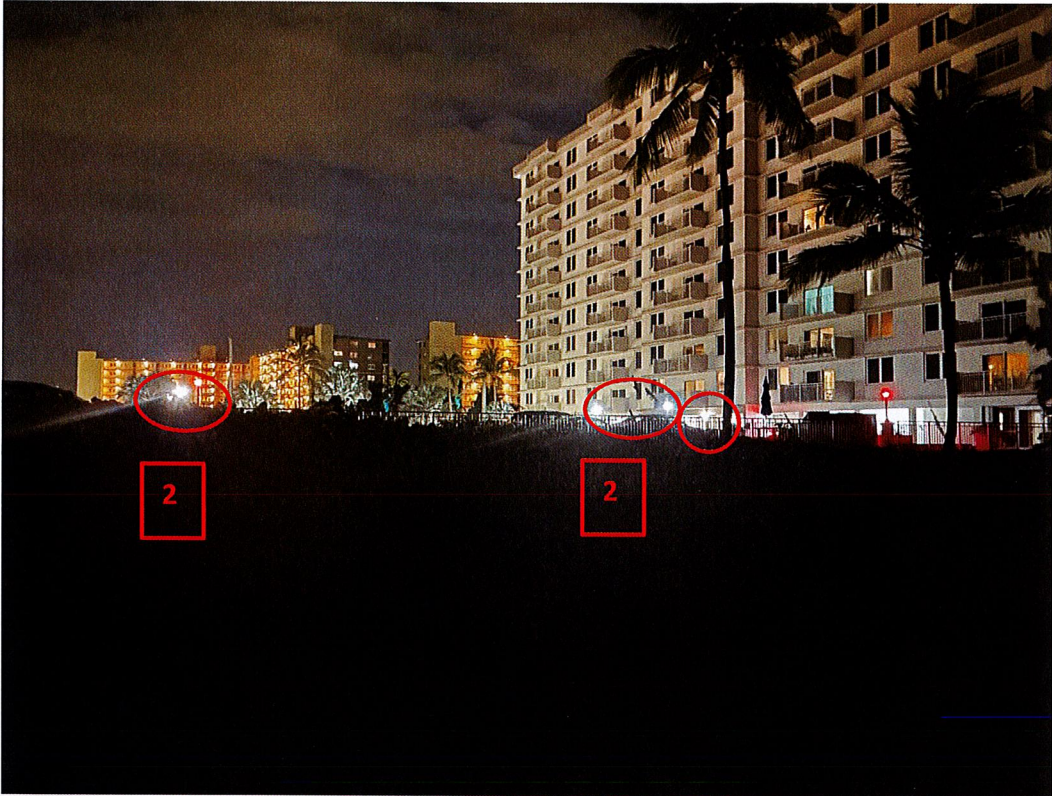


ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	50+	West (East, South)

September 02, 2021
3215-3301 S Ocean Blvd
Ambassadors V North & South



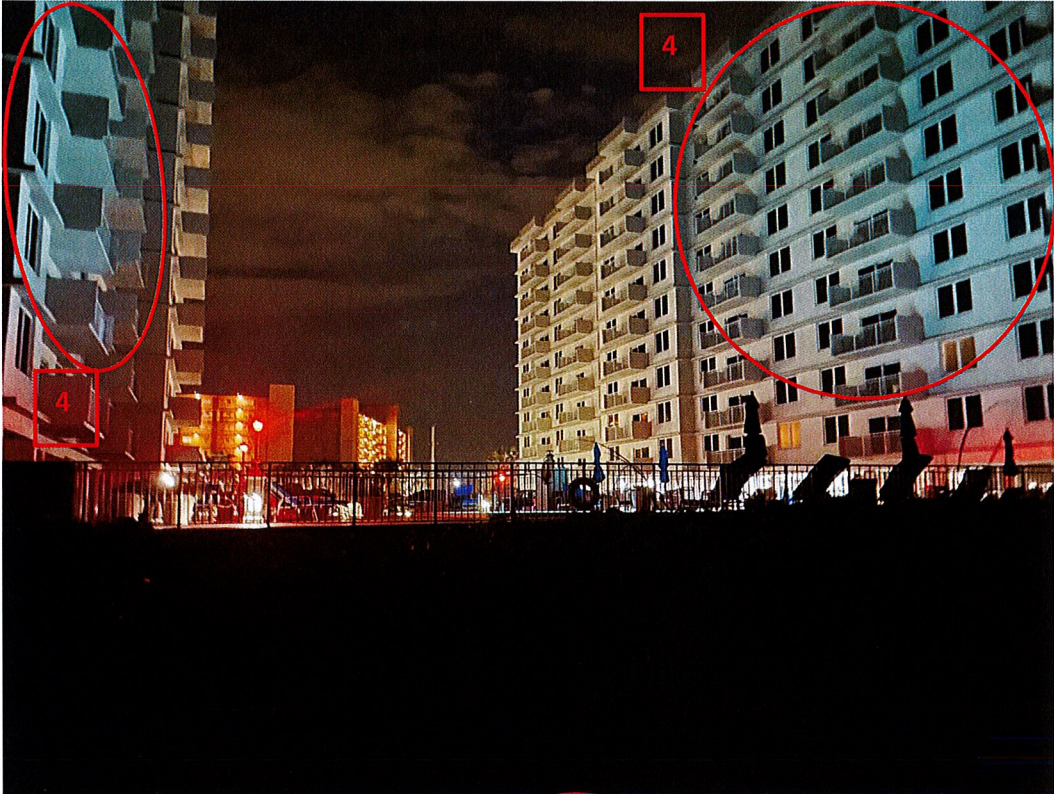
September 02, 2021
3215-3301 S Ocean Blvd
Ambassadors V North & South



September 02, 2021
3215-3301 S Ocean Blvd
Ambassadors V North & South



September 02, 2021
3215-3301 S Ocean Blvd
Ambassadors V North & South



**September 02, 2021
3215-3301 S Ocean Blvd
Ambassadors V North & South**



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	White indirect illumination	Unknown	South, East between buildings
2	Pole mounted	Unknown	East, between buildings, in pool/seating areas
3	Ceiling mounted	Unknown	In carports
4	Blue indirect illumination from pool lighting	Unknown	East, between buildings

September 02, 2021
3321-3420 S Ocean Blvd
Coronado At Highland Beach



September 02, 2021
 3321-3420 S Ocean Blvd
 Coronado At Highland Beach



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Spotlight	1	South
2	Amber lighting, too many unnecessary fixtures	20+	East
3	Indirect illumination	Unknown	West

September 02, 2021
3401 S Ocean Blvd
Ridge Condo



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	East

September 02, 2021
3407 S Ocean Blvd
Clarendon Condo



September 02, 2021
3407 S Ocean Blvd
Clarendon Condo

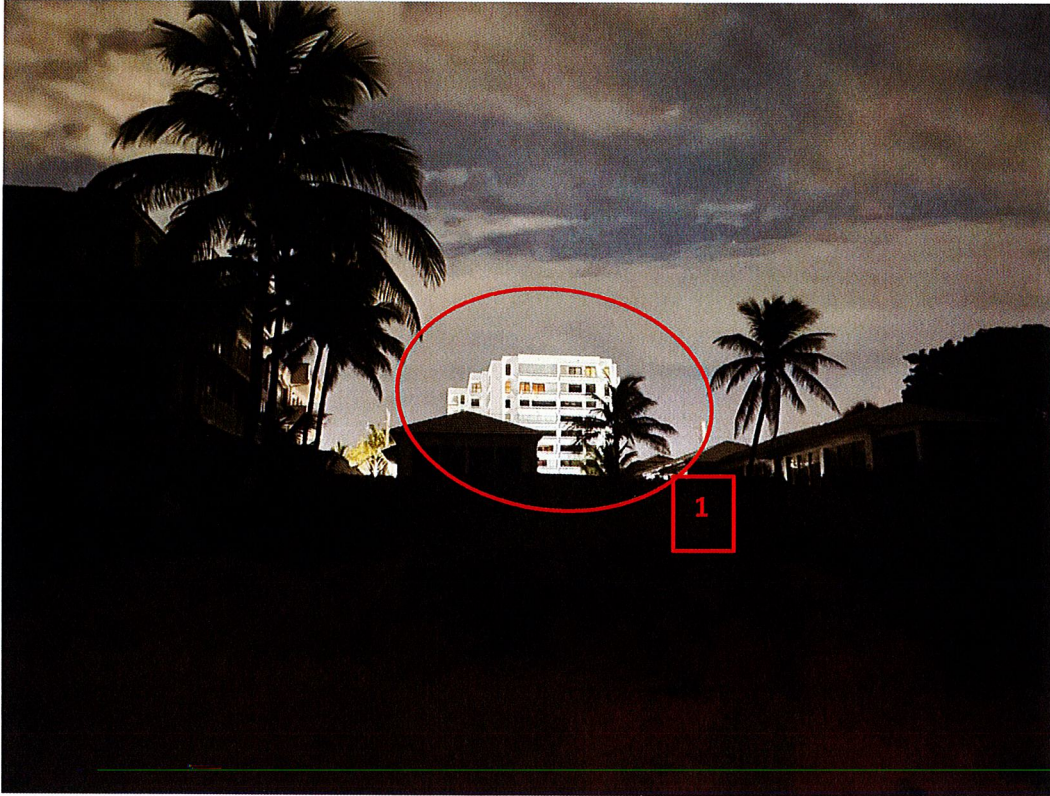
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Spot light	2	Southeast
2	Indirect illumination	Unknown	South
3	Interior	~5 units	East

September 02, 2021
 3425 S Ocean Blvd
 Le Sanctuaire Condo



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mount	~3	Southwest

September 02, 2021
 3450 S Ocean Blvd
 Casuarina Condo



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	West (East)

September 02, 2021
3505 S Ocean Blvd
Villa Nova Condo



September 02, 2021
 3505 S Ocean Blvd
 Villa Nova Condo



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	South (pool), North (courtyard fountain)
2	Step / path lights	~10	Southeast, beach access
3	Interior	~7 rooms	East, North

September 02, 2021
 3511 S Ocean Blvd
 Villas at Highland Beach



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	East
2	Interior	Unknown	East

September 02, 2021
3515 S Ocean Blvd



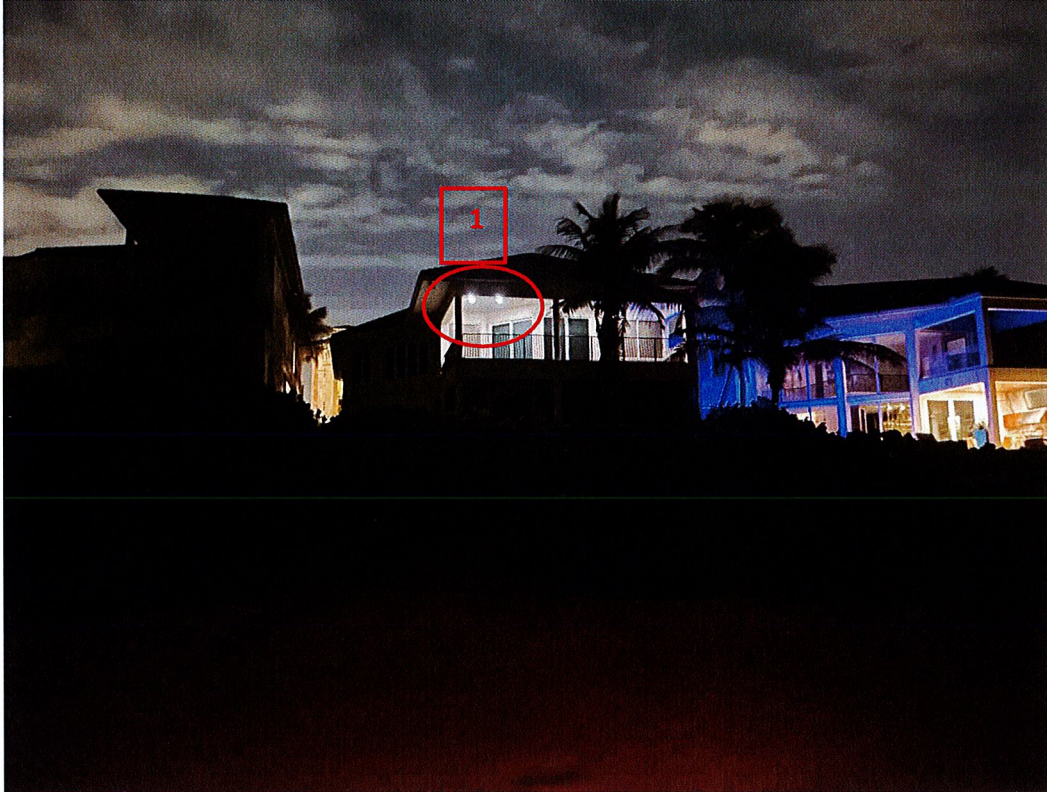
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pergola	Unknown	East
2	Step lights	~6	East, Beach access

September 02, 2021
 3567 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Ceiling mounted	2	East, northeast porch
3	Interior	Unknown	East

September 02, 2021
3569 S Ocean Blvd



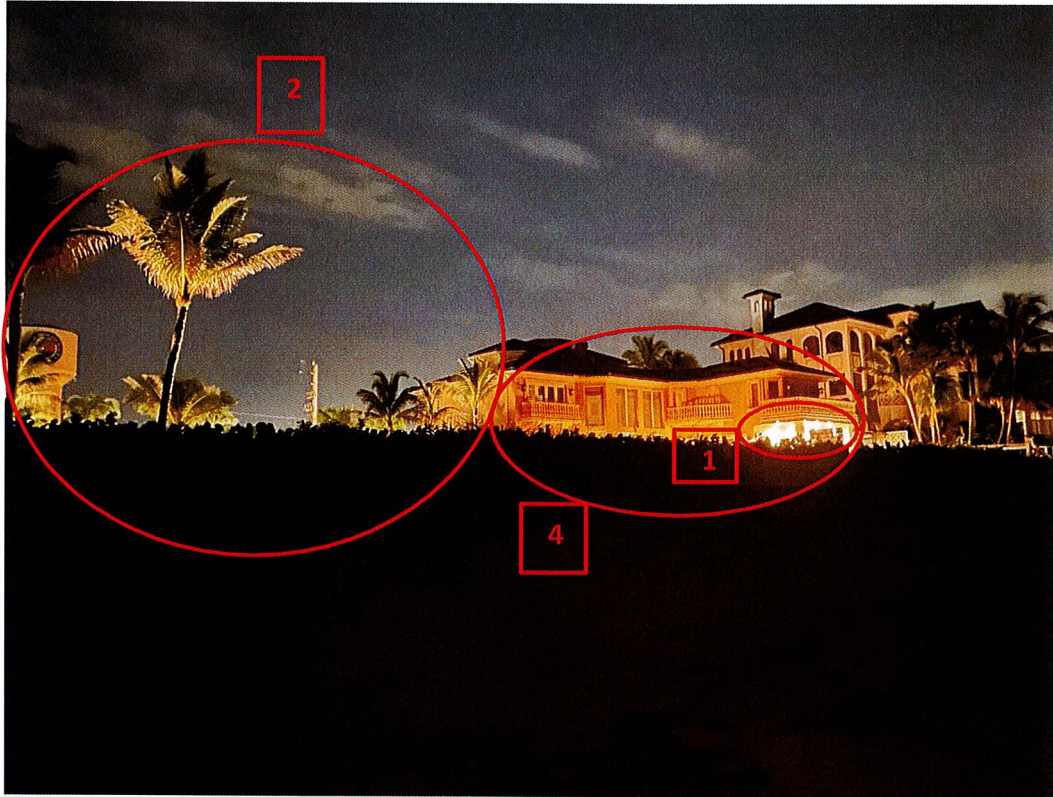
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	2	East, 2 nd story balcony

September 02, 2021
 3594 S Ocean Blvd
 Highland Beach Club Condominium

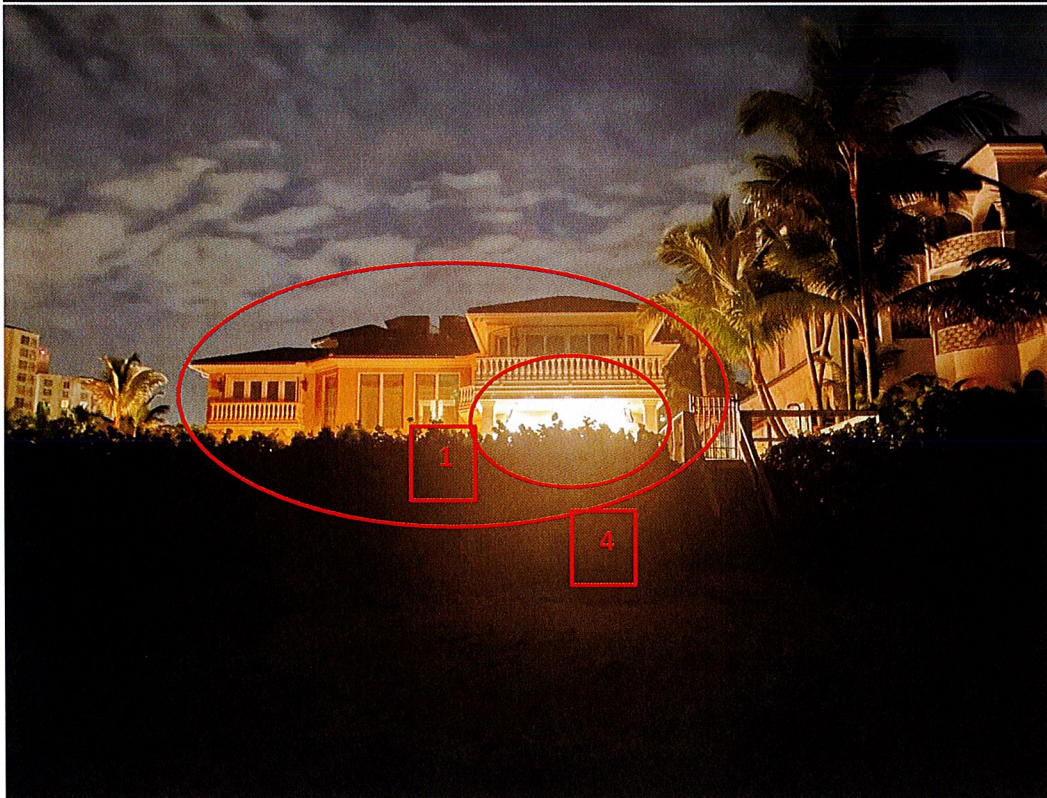


ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	West (East face)
2	Interior	Unknown	West (East face)

September 02, 2021
3615 S Ocean Blvd



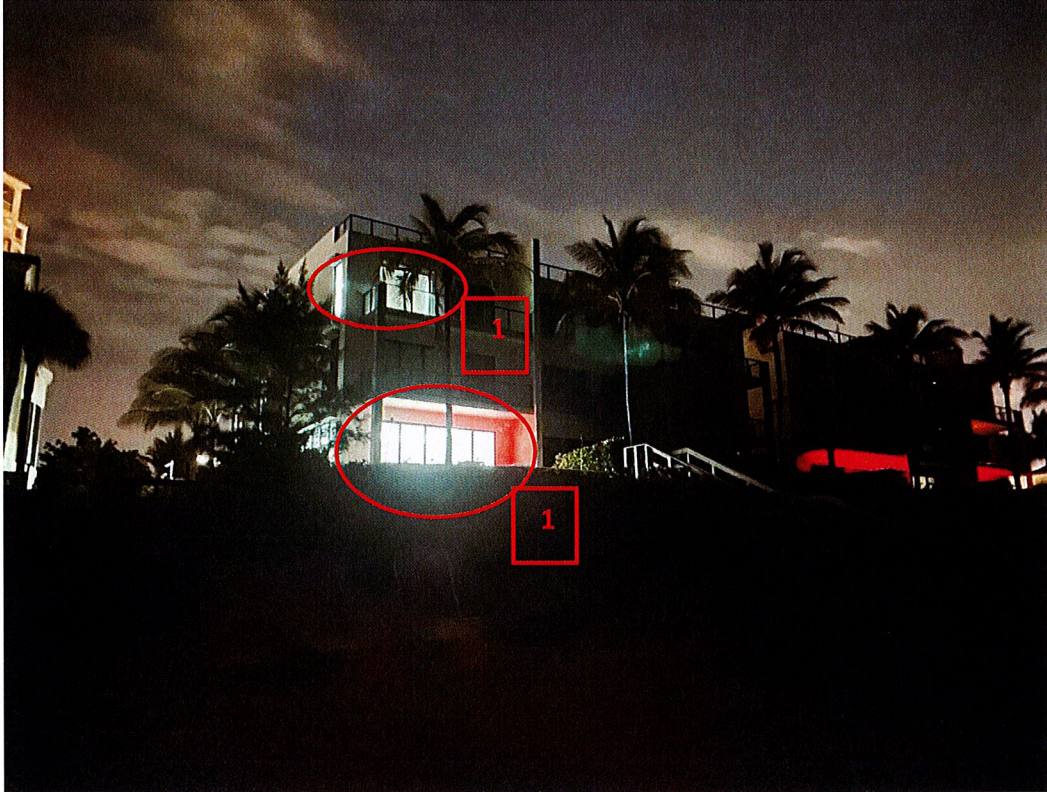
September 02, 2021
3615 S Ocean Blvd



September 02, 2021
3615 S Ocean Blvd

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	~8	East, northeast porch
2	Up lighting on vegetation	Unknown	East
3	Street light	1	West
4	Indirect Illumination	Unknown	East

September 02, 2021
3621 S Ocean



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East

September 02, 2021
 3701 S Ocean
 Toscana



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination	Unknown	West, across the street
2	Interior	Unknown	West, across the street

September 02, 2021
3711 S Ocean



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East

September 02, 2021
3715 S Ocean



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lighting on vegetation	~5	East
2	Interior	Unknown	East

September 02, 2021
3719 S Ocean



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East

September 02, 2021
3805 S Ocean



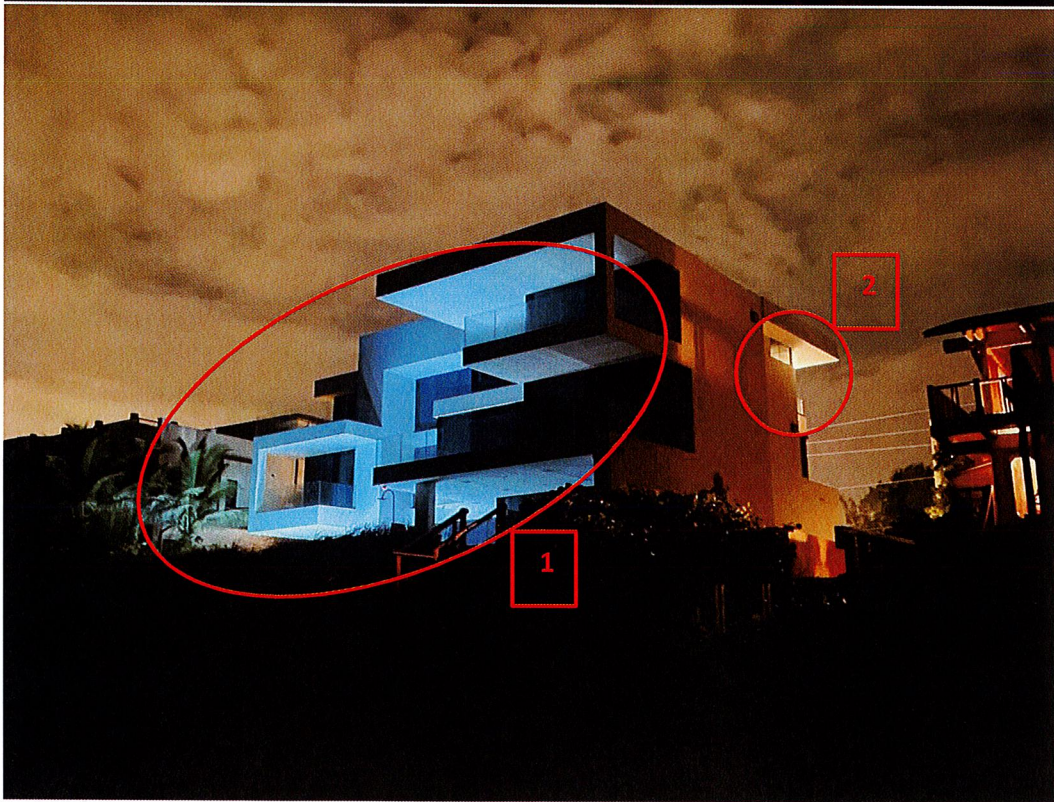
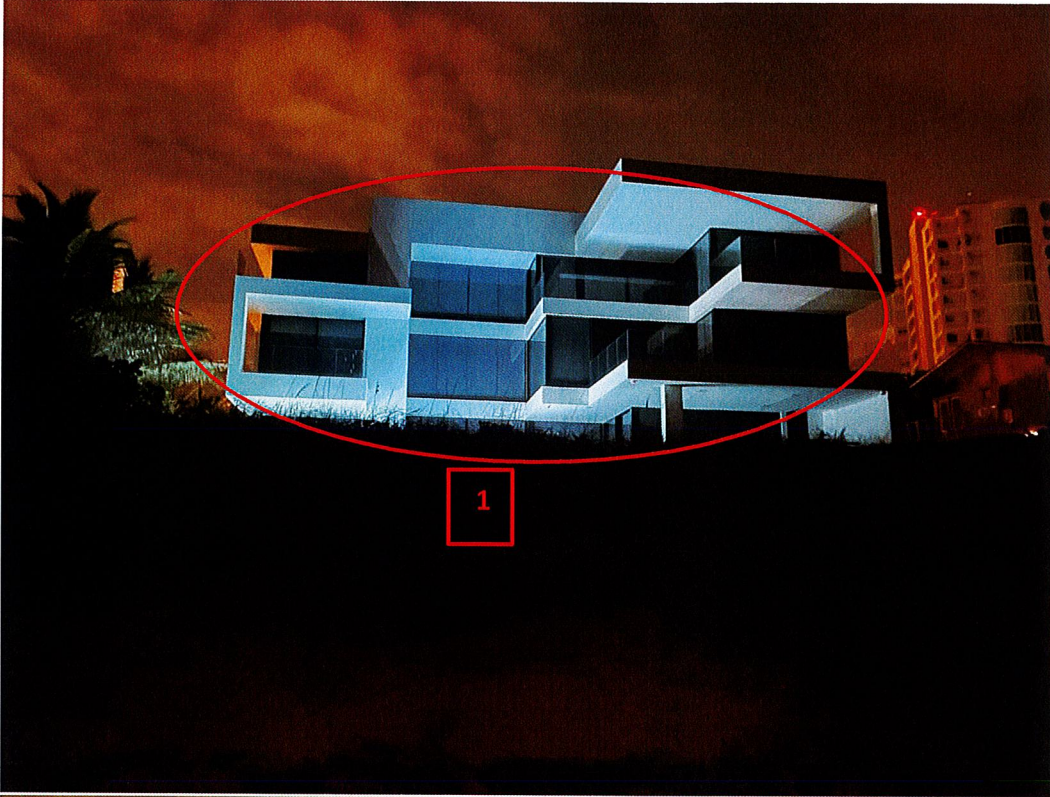
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	6	South, East

September 02, 2021
3817 S Ocean



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East
2	Indirect illumination on adjacent property	Unknown	Southwest

September 02, 2021
3833 S Ocean



September 02, 2021
3833 S Ocean

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Blue indirect illumination from pool lighting	Unknown	East
2	Ceiling mounted	1	Northwest

September 02, 2021
3905 S Ocean



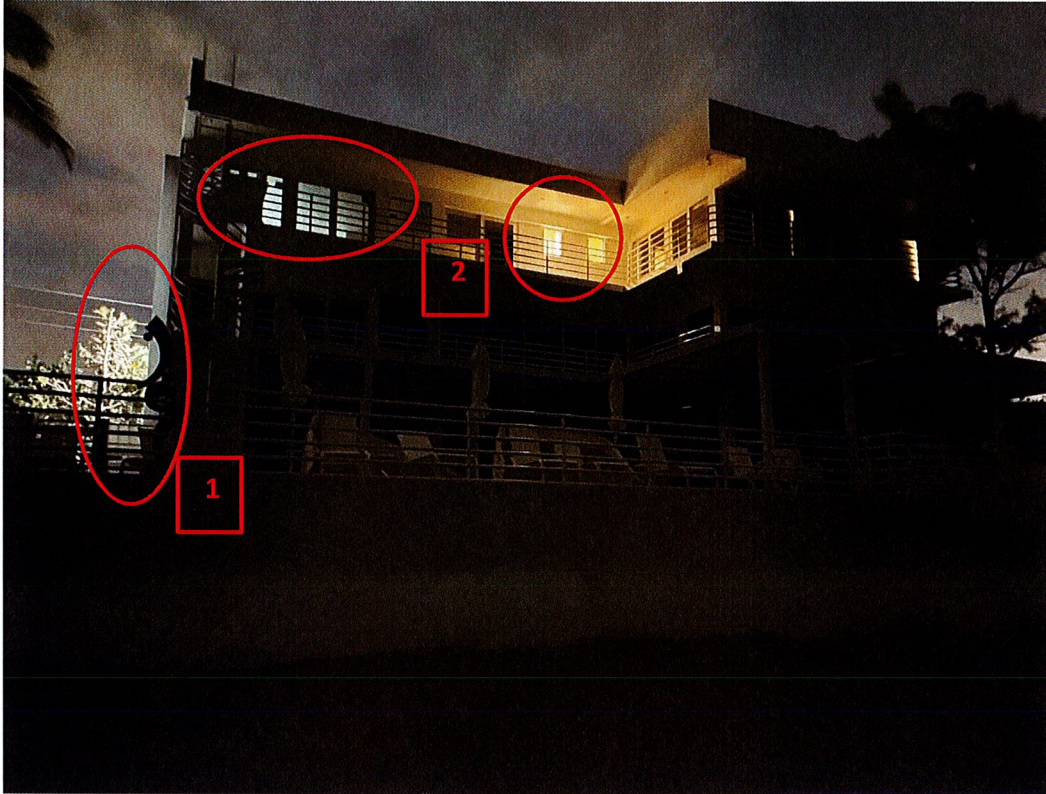
September 02, 2021
3905 S Ocean

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted spotlight	2	Southwest and Northwest

September 02, 2021
3921 S Ocean Blvd

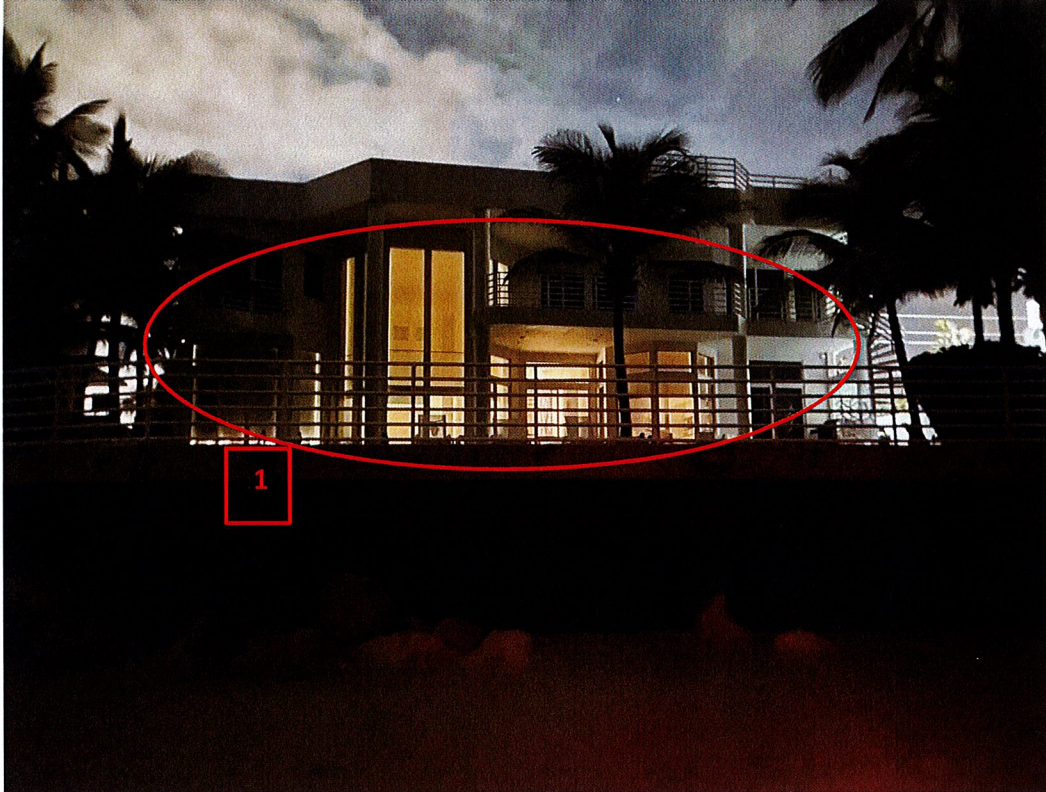


September 02, 2021
3921 S Ocean Blvd



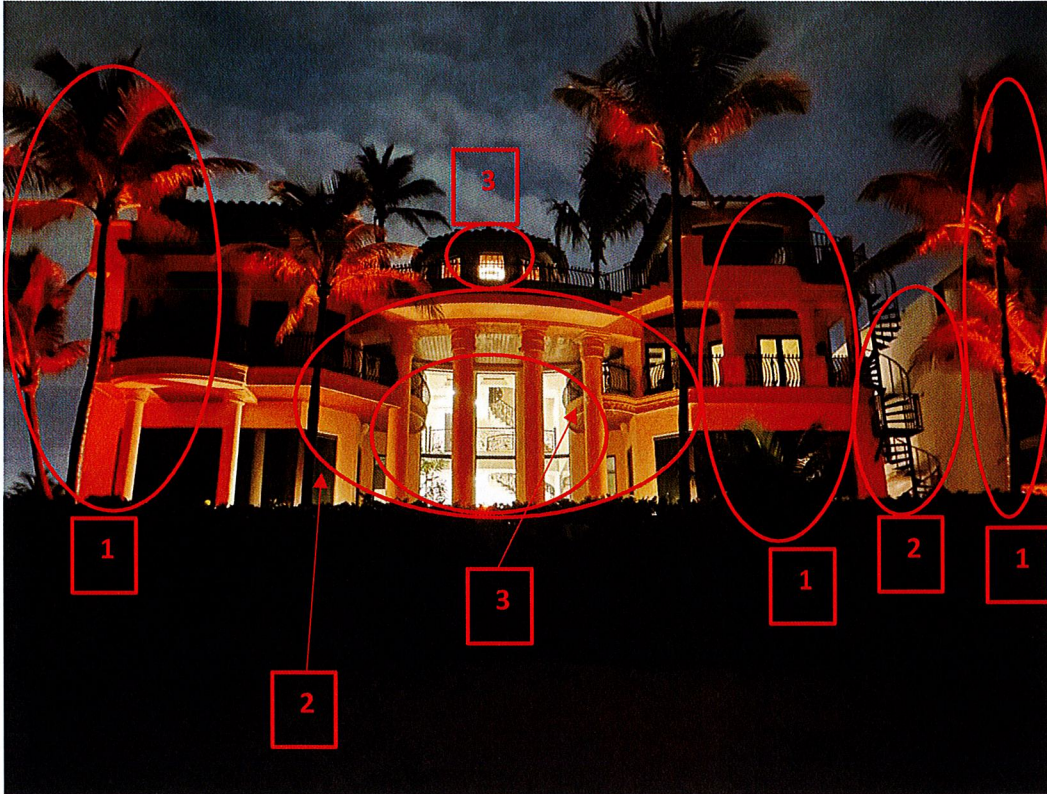
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted spotlight	~2	Southwest balcony
2	Interior	Unknown	East

September 02, 2021
4001 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East

September 02, 2021
 4011 S Ocean Blvd



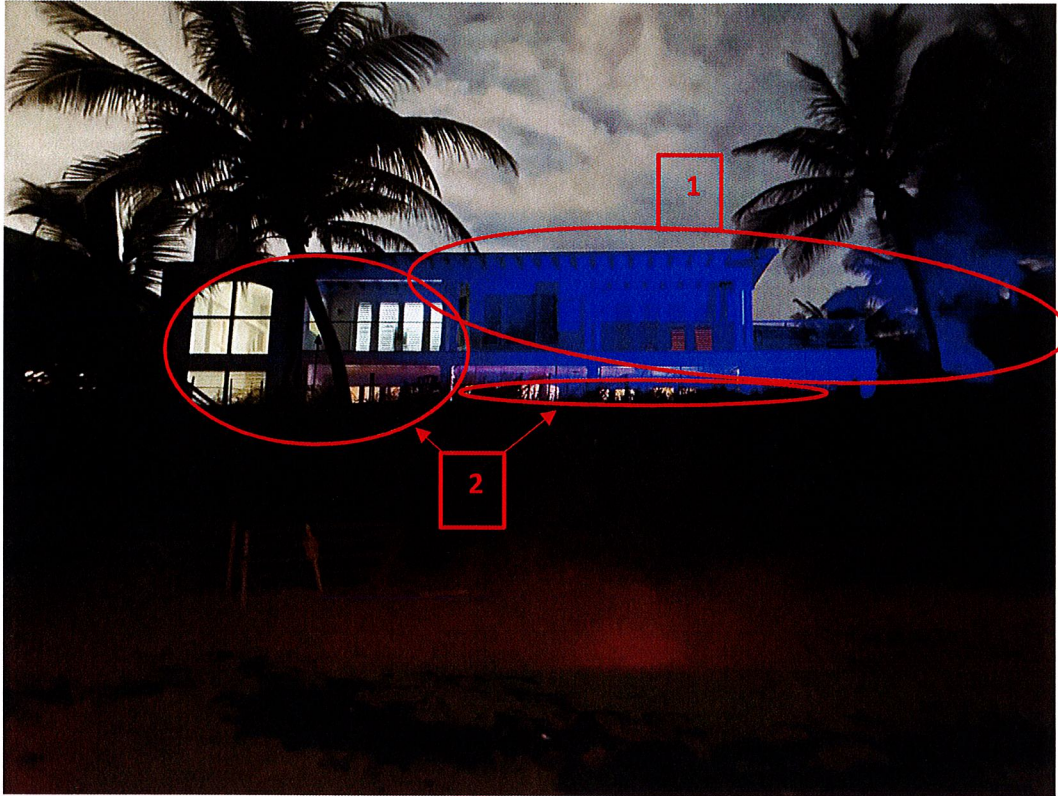
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Amber up lighting	Unknown	East
2	Indirect illumination	Unknown	East, North, South
3	Interior	Unknown	East

September 02, 2021
4015 S Ocean Blvd (Vacant lot)



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Streetlight	1	West

September 02, 2021
 4023 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from blue pool lighting	Unknown	East
2	Interior	Unknown	East

September 02, 2021
4101 S Ocean Blvd



September 02, 2021
4101 S Ocean Blvd

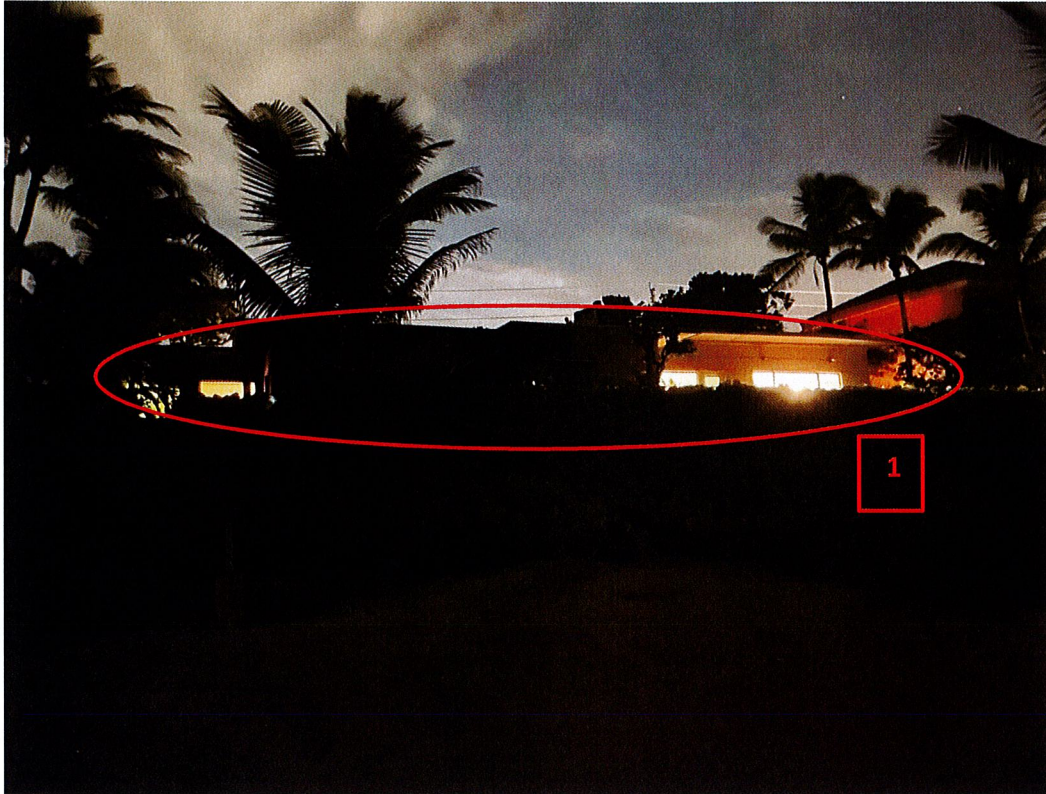
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from multicolored pool lighting	Unknown	East

September 02, 2021
4111 S Ocean Blvd



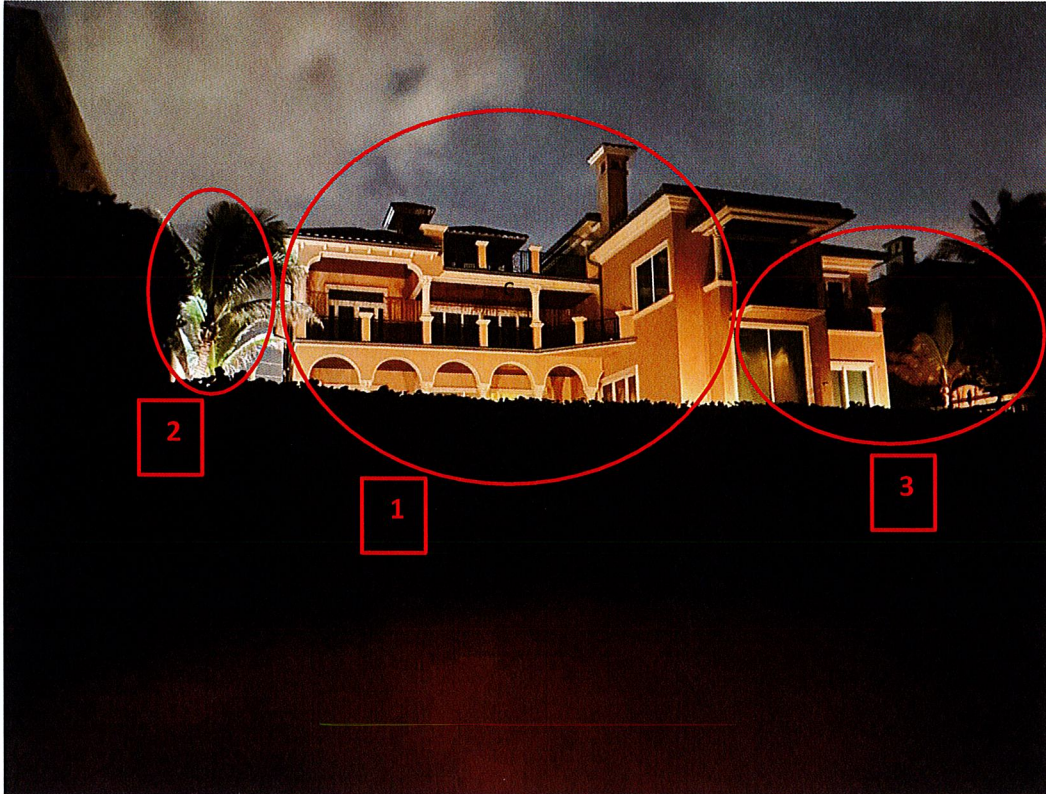
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	1 room	East

September 02, 2021
4115 S Ocean Blvd



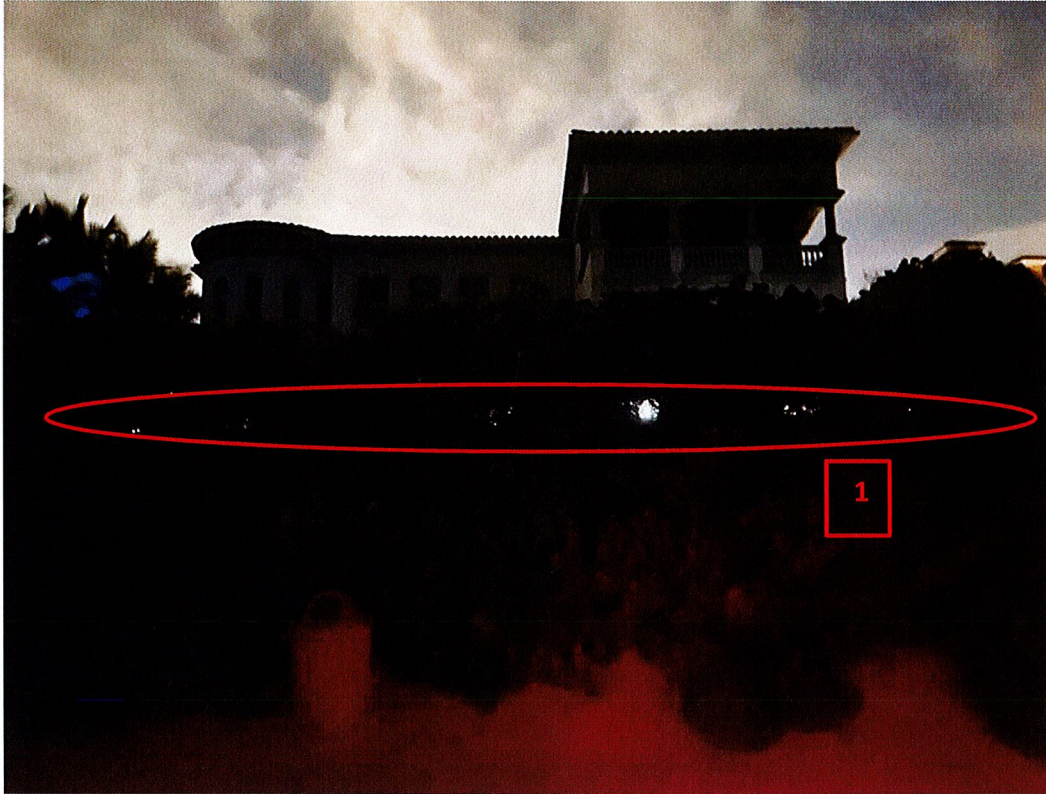
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	2 rooms	East

September 02, 2021
4121 S Ocean Blvd



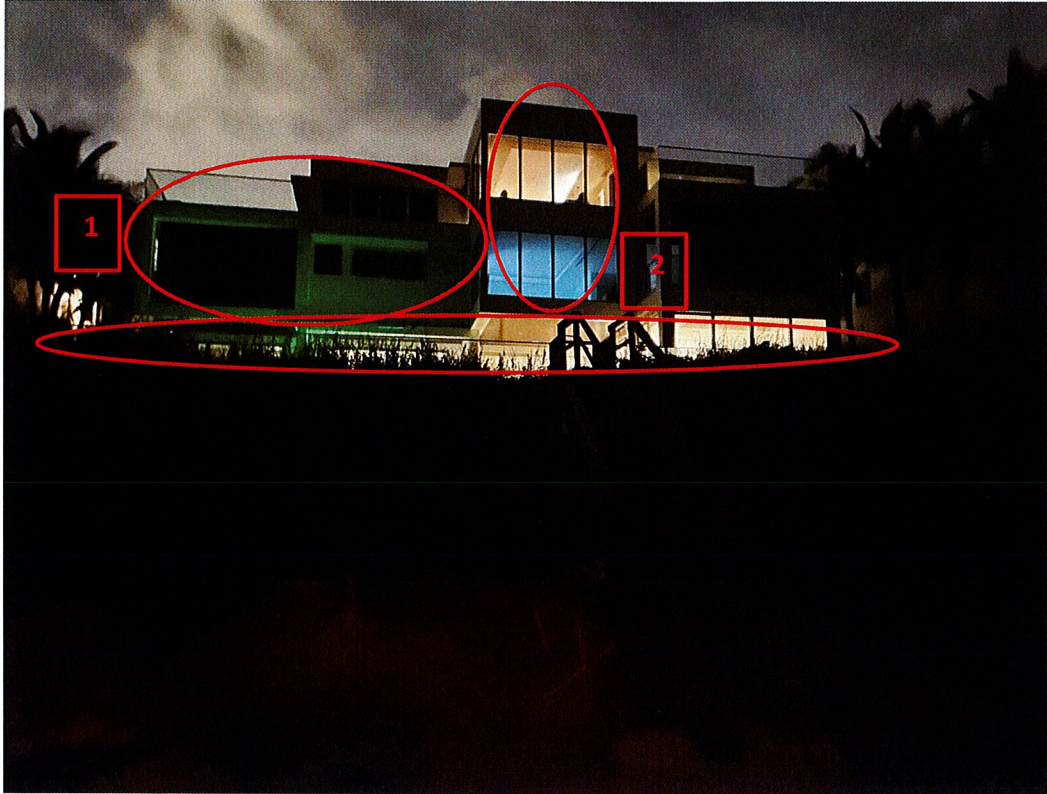
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Up lighting on vegetation	Unknown	Southeast
3	Up lighting	Unknown	Northeast

September 02, 2021
4201 S Ocean Blvd



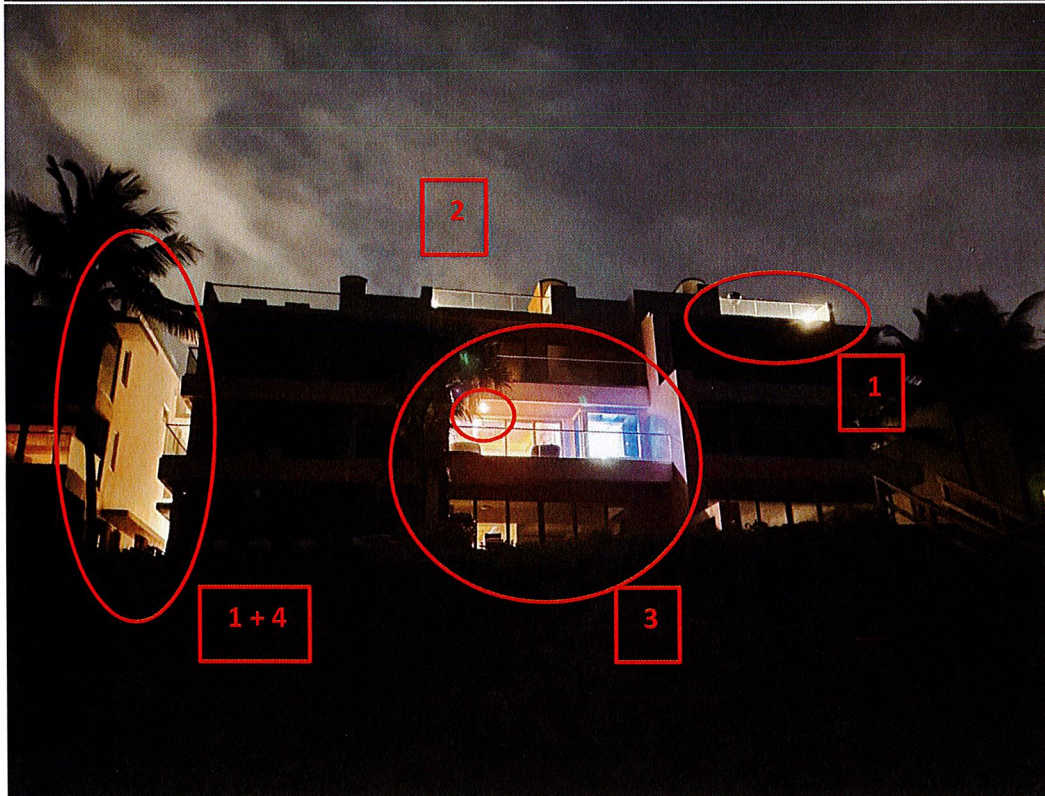
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pathlights	Unknown	East, behind vegetation

September 02, 2021
4205 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Interior	Unknown	East

September 02, 2021
4211-4215 S Ocean Blvd



September 02, 2021
4211-4215 S Ocean Blvd

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Wall mount	1	Roof
2	Ceiling mount	1	East, balcony
3	Interior	Unknown	East
4	Indirect illumination	Unknown	In-between buildings

September 02, 2021
4221 S Ocean Blvd



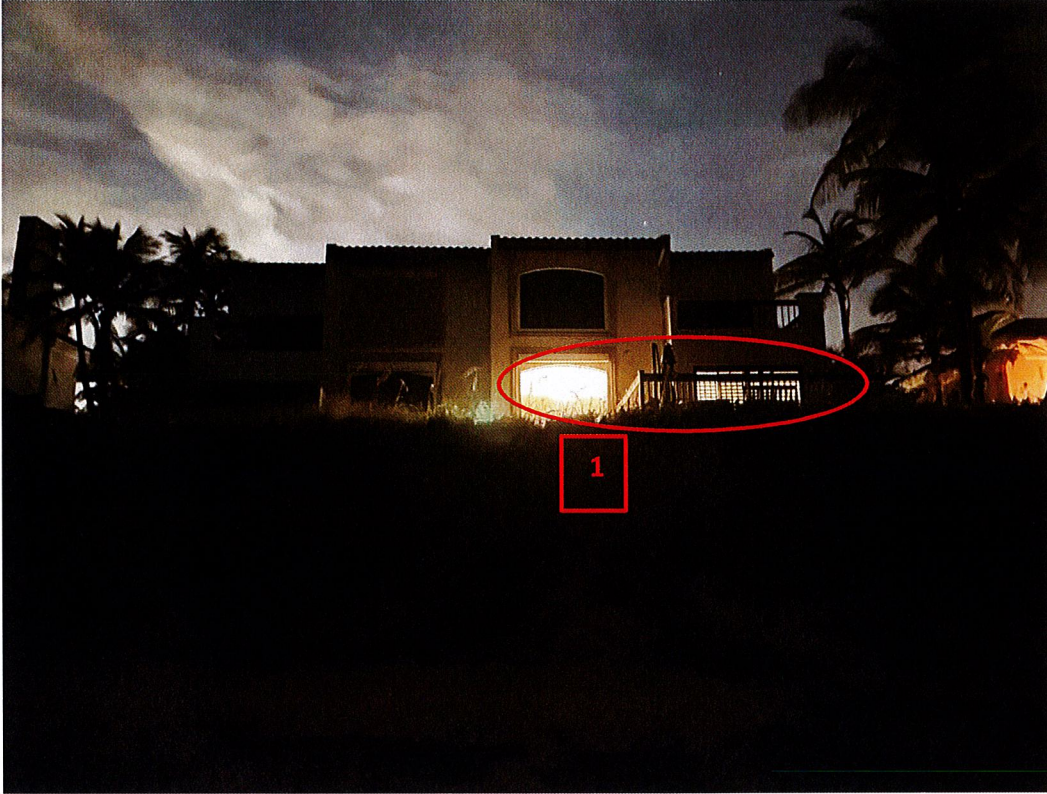
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	Unknown	East

September 02, 2021
4301 S Ocean Blvd



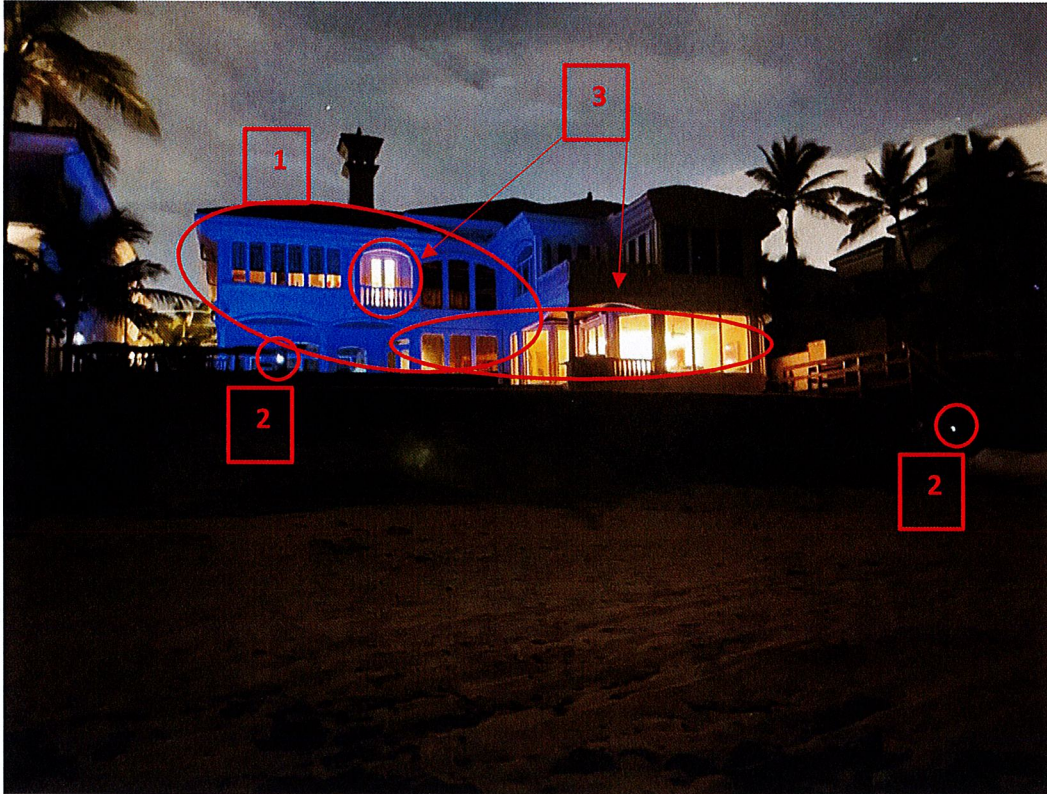
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	2	East, over balcony

September 02, 2021
4307 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Interior	~ 2 rooms	East

September 02, 2021
2 Ocean Place



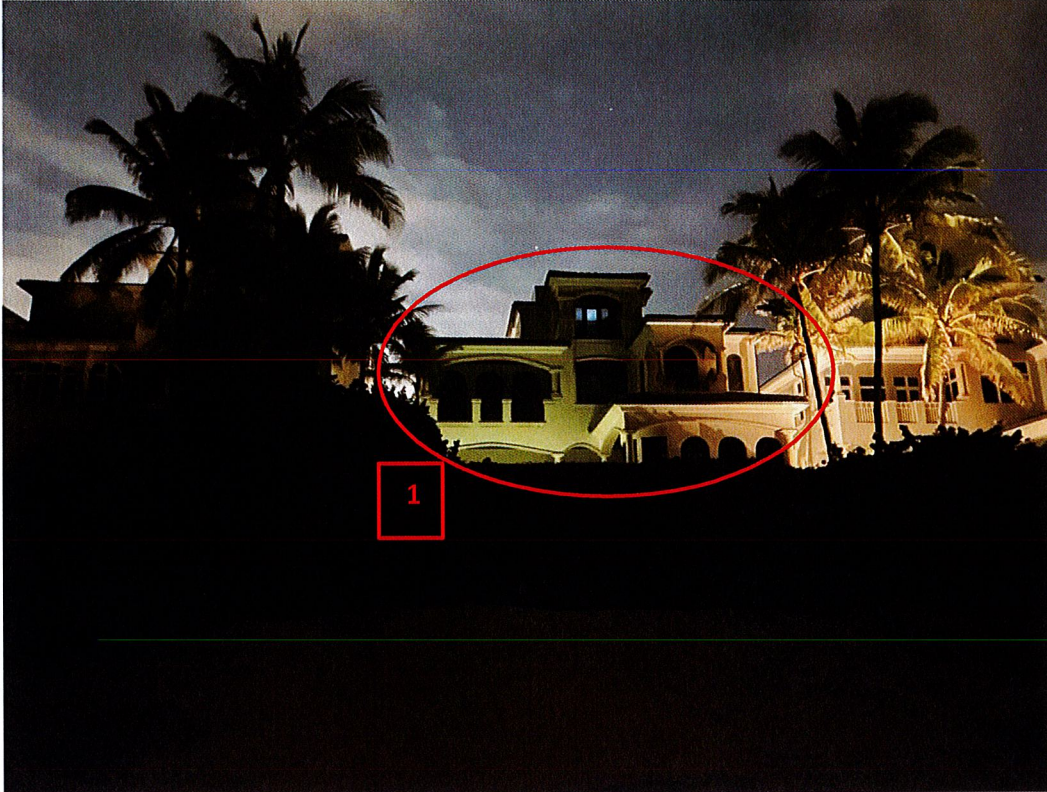
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Small blue solar path light	2	East
3	Interior	~2 Rooms	East

September 02, 2021
3 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Beach access lighting	~5-10	East
2	Up lighting on vegetation	~5	Southeast, Northeast
3	Indirect illumination	Unknown	East

September 02, 2021
4 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination (multiple sources)	Unknown	East, from pool

September 02, 2021
6 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Beach access lighting	~10	East
2	Up lighting on vegetation	~7-10	East
3	Indirect illumination	Unknown	East

September 02, 2021
7 Ocean Place



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pathlights	~5	East
2	Up lighting on vegetation	~5-10	East
3	Interior	Unknown	East

September 02, 2021
8 Ocean Place



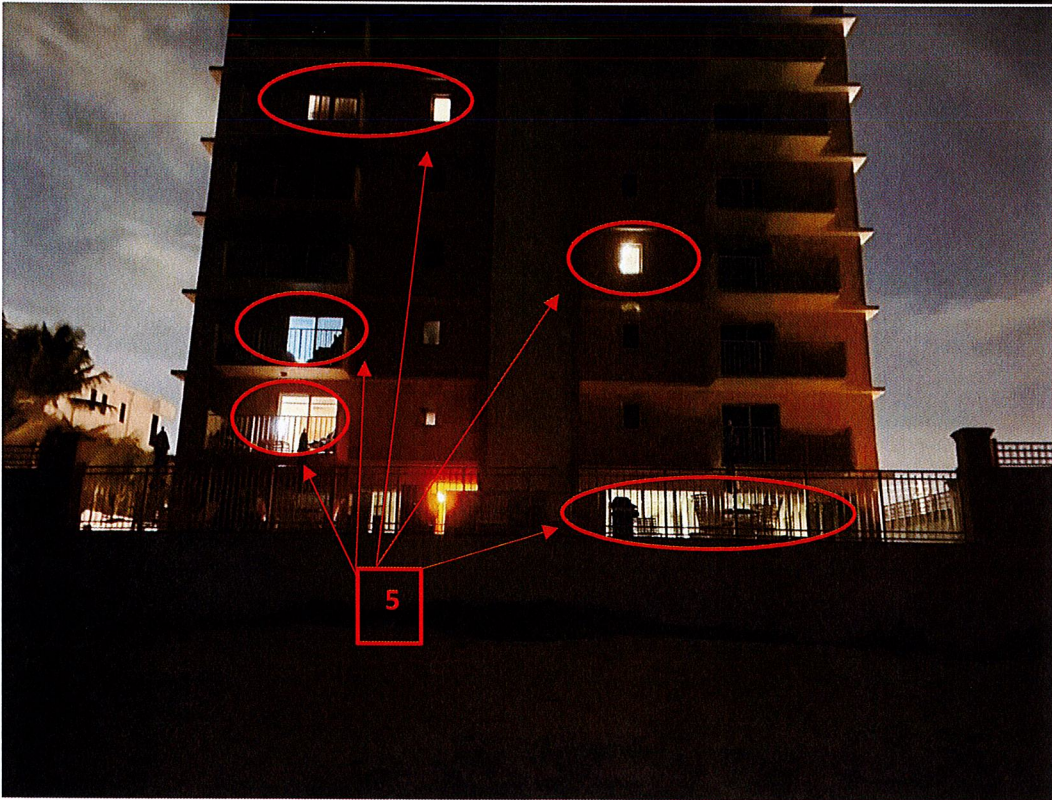
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	~5	East
2	Indirect illumination from up lighting	~2-4	North face
3	Interior	Unknown	East

September 02, 2021
11 Ocean Place

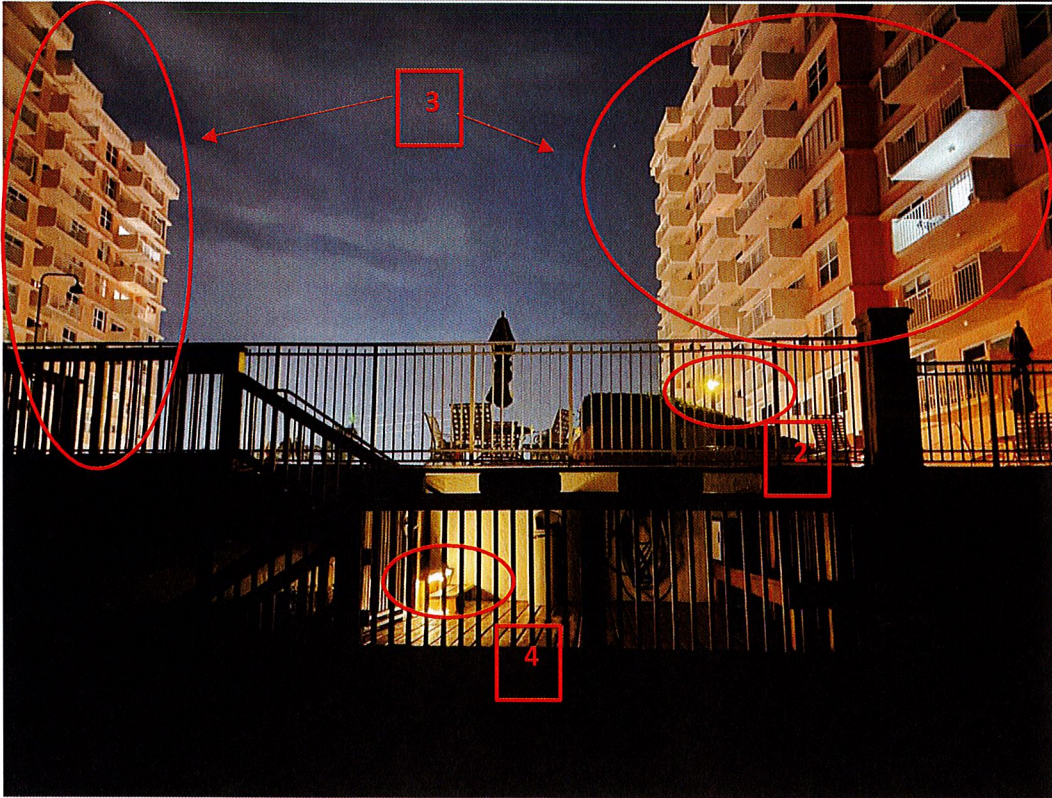


ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Indirect illumination from pool lighting	Unknown	East
2	Wall mounts	2	East
3	Bollards	Unknown	East, under cabana

September 02, 2021
4505-4511 S Ocean Blvd



September 02, 2021
4505-4511 S Ocean Blvd



September 02, 2021
 4505-4511 S Ocean Blvd



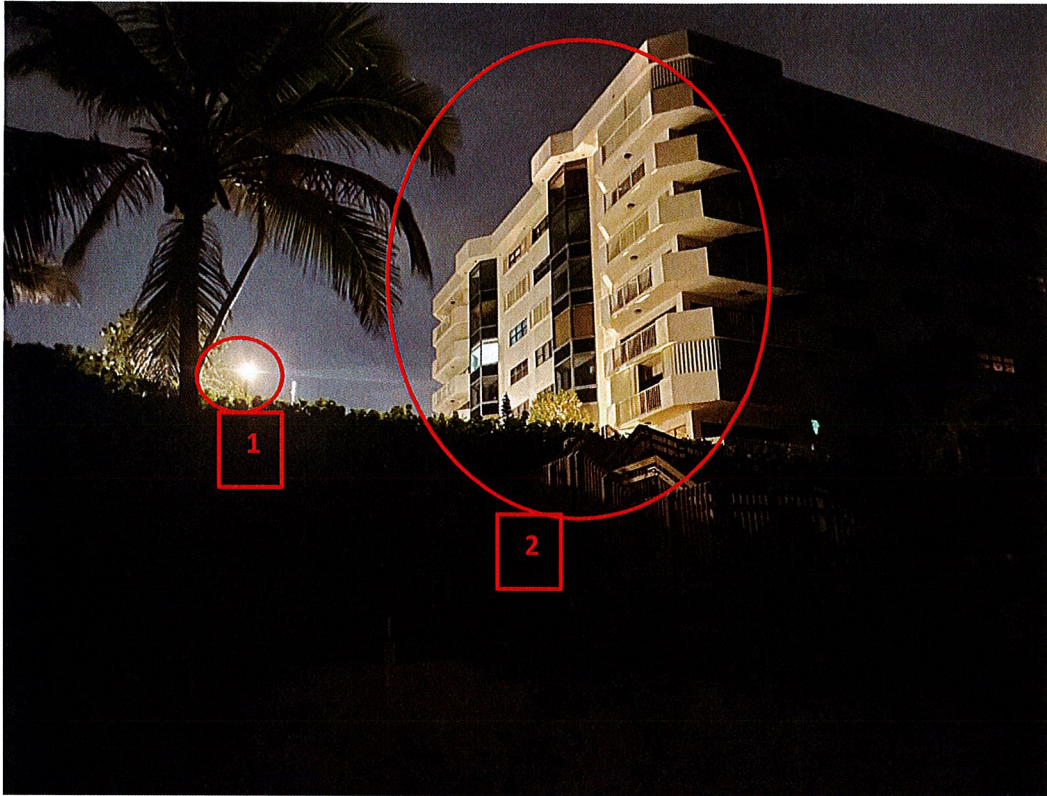
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Parking garage lighting	Unknown	North and South
2	Yellow pole mounted	~5	Northwest parking lot
3	Indirect illumination from pool lighting	Unknown	Center of two buildings
4	Rope lights	1	East, on steps to beach
5	Interior	Unknown	East, West, South

September 02, 2021
 4519-4515 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Up lights on vegetation	Unknown	North
2	Interior	2 rooms	

September 02, 2021
4605 S Ocean Blvd



September 02, 2021
4605 S Ocean Blvd

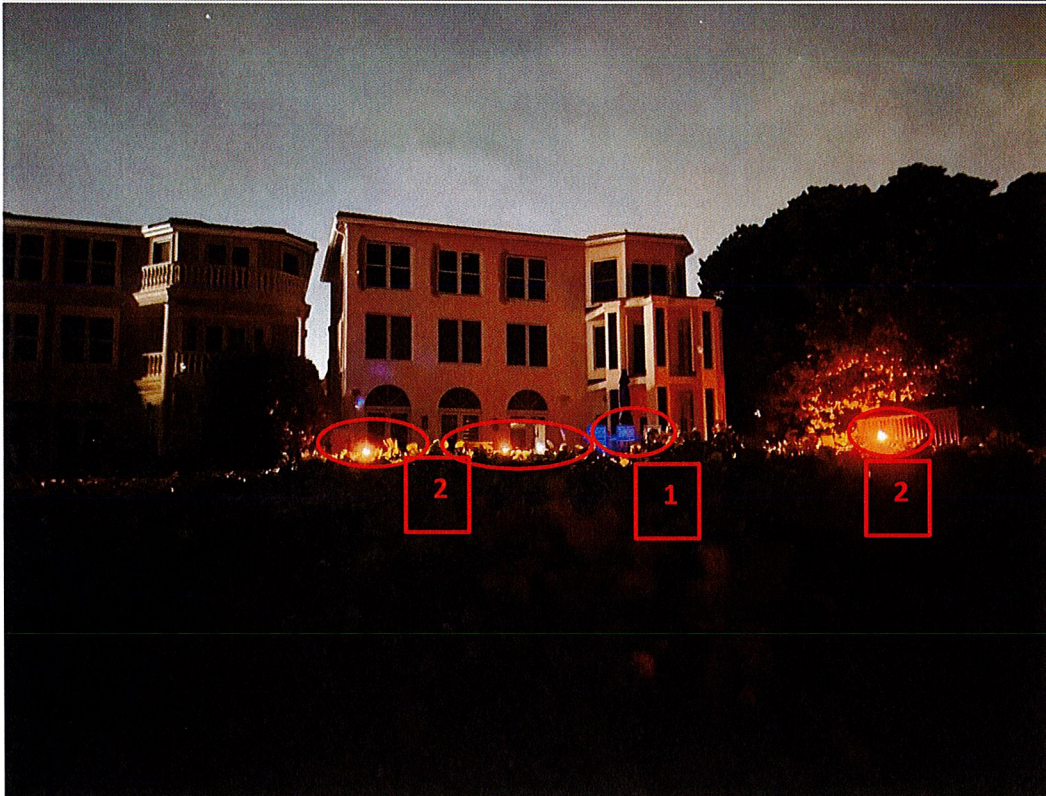
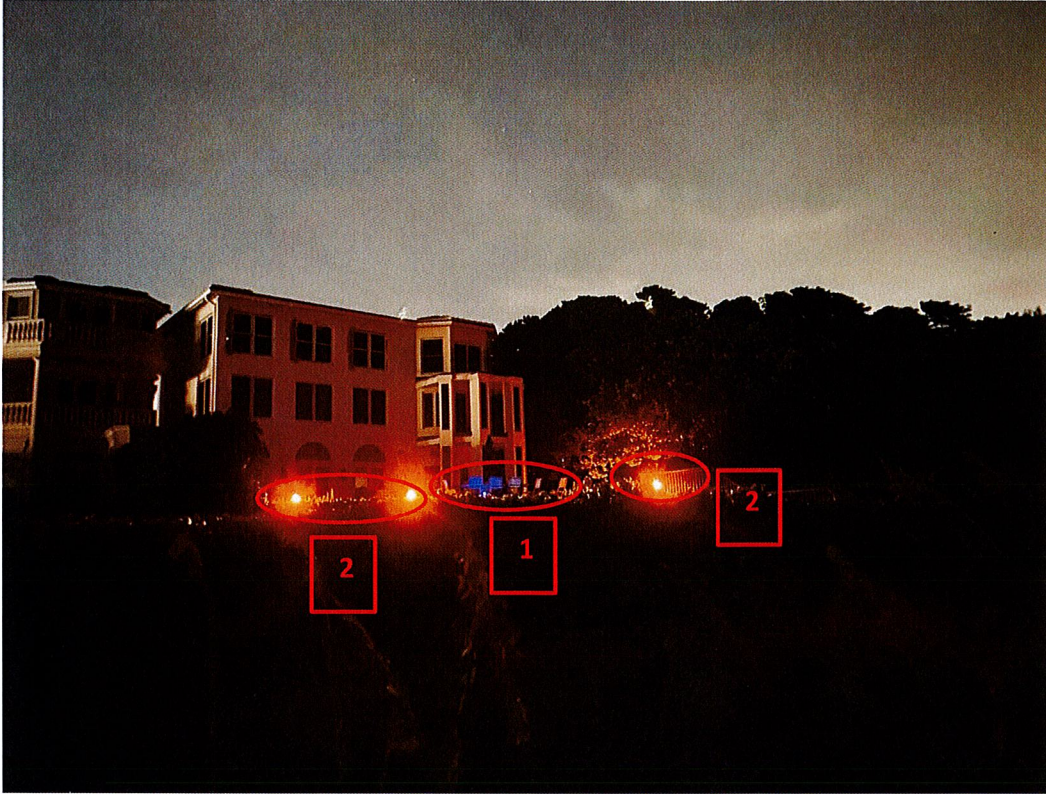
ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Pole mount	1 visible but probably multiple	South
2	Indirect illumination	Unknown	South, North

September 02, 2021
 4621 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Uplights on vegetation	Unknown	East
2	Indirect illumination	Unknown	East
3	Path lights	Unknown	East

September 02, 2021
4713 S Ocean Blvd



September 02, 2021
4713 S Ocean Blvd

ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Blue path lights	2	East
2	Ground spotlights	4	East

September 02, 2021
4715 S Ocean Blvd

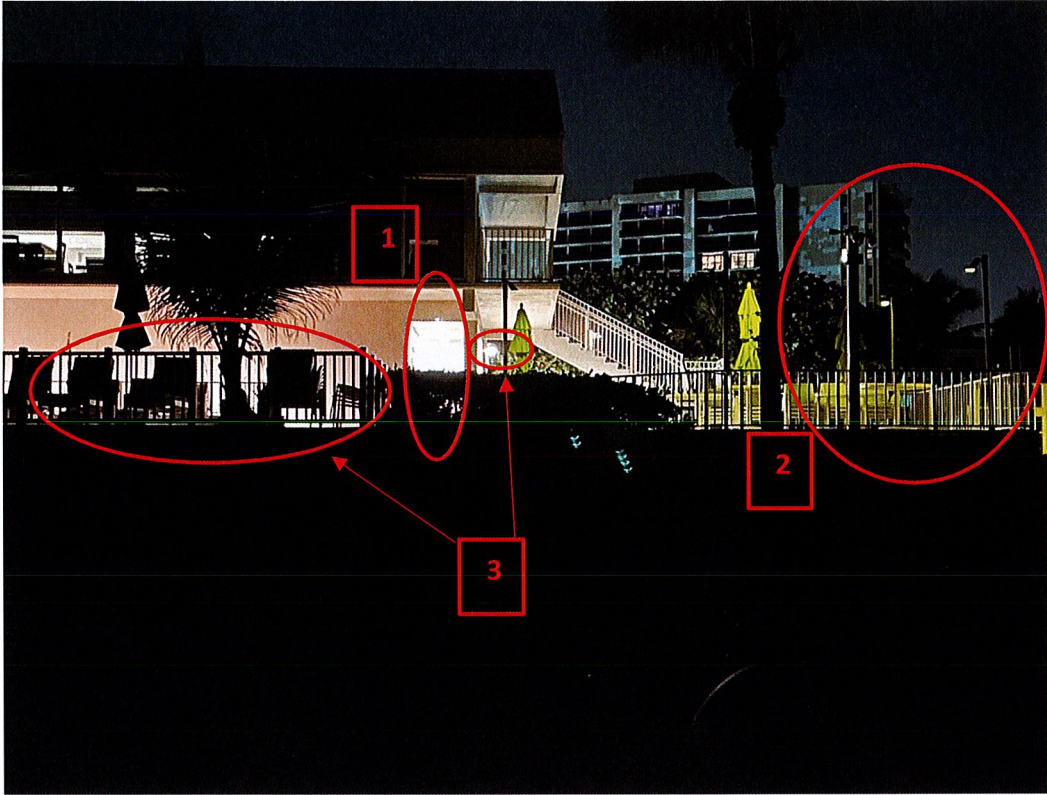


ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Spotlight	1	Southeast

September 02, 2021
4801 S Ocean Blvd



September 02, 2021
4801 S Ocean Blvd



ITEMS	FIXTURE TYPE	QUANTITY	LOCATION
1	Ceiling mounted	2	South breezeway/patio, north stairwell, west of pool
2	Pole lights	4	North and west of pool area
3	Wall mounted	Unknown	East, north face
4	Spotlight	1	West of West stairs to pool
5	Step lights	Unknown	East, stairs to second floor
6	Interior	Unknown	East



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission

MEETING DATE May 23, 2023

SUBMITTED BY: Ingrid Allen, Town Planner, Building Department

SUBJECT: Proposed amendment to the Town Code of Ordinances to incorporate sea turtle protection lighting standards.

SUMMARY:

At the April 4, 2023 Town Commission meeting, the Commission considered a proposed amendment to the Town Code of Ordinances that would incorporate more comprehensive standards for sea turtle protection lighting. Discussion from the Commission included the commentary noted below in bold (staff response is in italics). The Commission asked that the changes come back for review prior to another first read on the Ordinance.

- **Concern that proposed long wavelength lighting (e.g. amber, orange or red) may not provide safety or security.** *According to the Florida Fish and Wildlife Conservation Commission (FWC), the three golden rules of beachfront lighting are as follows:*

Keep it Low: Mount fixtures as low as possible but still appropriate for the needed purpose.

Keep it Long: Lamp/bulb produces long wavelength light.

Keep it Shielded: Fixtures are downward-directed and able to shield the bulb or lamp from the beach.

According to the FWC, lights that are needed for safety and security should not be turned off, as this may cause a safety hazard. Instead, they should be modified to meet the rules noted above including switching to amber, orange or red LED, adding shielding, and/or repositioning the light to face downward. If a fixture cannot be sufficiently modified, it can be replaced with a Certified Wildlife lighting fixture. Note that the proposed Ordinance reflects the rules noted above and references Certified Wildlife Lighting which are fixtures and bulbs reviewed and approved with conditions of use through the FWC.

-**Consider phasing period for proposed regulations.** *The following revisions have been made to the Ordinance (additions are denoted by a bolded double underline and deletions are denoted by a bolded double ~~strikethrough~~):*

Section 4-8(e) Standards for exterior and interior lighting affixed to new structures, new construction and improvements to existing structures **that requires a building permit.**

(1) All lighting affixed to the exterior of new permanent structures, construction or additions shall be long wavelength, downward directed, full cutoff, fully shielded and mounted as close to the ground or finished floor surface as possible.

(2) As an exception to (e)(1) above, non-egress lighting may be affixed to the landward exterior of permanent structures provided that the fixtures are fitted with a long wavelength source and are not directly, indirectly, or cumulatively visible from any portion of the beach.

(3) Lighting at egress points shall be limited to the minimum number of fixtures and foot-candles necessary to meet federal, state, and local safety requirements.

(4) Locations including but not limited to stairwells, elevators, parking garages, or courtyards shall not produce light that is directly, indirectly, or cumulatively visible from any portion of the beach. Light screens, shades or curtains shall be used to block visibility of interior lights from the beach. Light screens shall be used on open or enclosed staircases on the seaward or shore-perpendicular side of a building or for parking garages to limit visibility of lights from the nesting beach.

(5) All glass windows, walls, railings and doors on the seaward and shore-perpendicular sides of any new construction shall use tinted glass with an inside to outside light transmittance value of 45 percent or less.

(6) Emergency lights are not subject to the above standards if on a separate circuit and activated only during power outages or other situations in which emergency lighting is necessary for public safety.

(j) Existing Exterior and Interior Lighting. ~~All existing exterior and interior lighting shall be subject to the following regulations:~~

(1) Upon replacement and only if a building permit is required, the reduction ~~reduce~~ or elimination ~~eliminate~~ of the negative effects of existing exterior artificial lighting shall be required through the use of the following measures:

a. Reposition, modify or remove existing lighting fixtures so that the point source of light or any reflective surface of the light fixture is no longer directly, indirectly or cumulatively visible from the beach;

b. Replace fixtures having an exposed light source with fully shielded fixtures;

c. Replace any light source, light bulb or lamp that is not long wavelength (e.g. incandescent, fluorescent, or high intensity lighting) with the lowest wattage long wavelength (e.g. LED or low pressure sodium) light source or lamp available for the specific application;

d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;

e. Provide shields for fixtures visible from the beach when it is not practical to immediately replace them. Beachside shields are to cover 270 degrees and extend below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;

f. Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;

g. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach;

h. Construct a ground level barrier landward of the beach and frontal dune to shield light sources from the beach. Ground-level barriers are to be considered a last resort when no other remediation of the light source is feasible. Ground level barriers may be subject to state coastal construction control line regulations under section 161.053, Florida Statutes, and must not interfere with sea turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach and dune system;

i. Permanently remove or permanently disable any fixture which cannot be brought into compliance with the provisions of these standards.

(2) **Existing structures are encouraged to implement** ~~Take or one more of~~ the following **suggested remedial** measures to minimize interior light emanating from doors and windows within line-of-sight of the beach:

a. Apply window tint or film that meets the light transmittance standards for tinted glass;

b. Rearrange lamps, **televisions**, and other moveable fixtures away from windows;

c. Use opaque shades or room darkening window treatments (e.g., blinds, curtains, screens) to shield interior lights from the beach.

Note that for clarity purposes, additional nonsubstantive formatting changes have been made to the Ordinance which are also reflected in either a bolded double underline or strikethrough. For reference purposes, staff has prepared a table that provides sea turtle lighting regulations for existing exterior and interior lighting in both Palm Beach County (PBC) and Boca Raton (see attached).

FISCAL IMPACT:

N/A

ATTACHMENTS:

Proposed Ordinance.

Existing lighting table, other municipalities.

Town Commission Memorandum – April 4, 2023

RECOMMENDATION:

At the discretion of the Commission.

MUNICIPALITY	EXISTING LIGHTING	EXISTING INTERIOR LIGHTS	EXISTING EXTERIOR LIGHTS
PBC*	Existing beachfront lighting causing direct or indirect illumination shall be adjusted or corrected to ensure that the lighting does not cause illumination that is directly or indirectly visible from the beach.	Window treatment shall be required on all windows visible from the beach. Blackout draperies or shadescreens are preferred. Alternatively or additionally, window tint may be applied to beachfront windows. The turning out of all unnecessary interior lights during the nesting season is strongly encouraged.	Recommended corrective action that can be used to reduce or eliminate the effects of exterior lighting: <ul style="list-style-type: none"> -permanently remove the light fixture. -disconnect the light fixture. -reposition the light fixture so the point source is no longer visible from the beach. -replace light fixtures having an exposed light source with light fixtures containing recessed light sources or shields. -replace non-directional light fixtures with directional light fixtures pointing down and away from the beach. -replace light fixtures having translucent or transparent coverings with light fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the light fixture on seaward side so the light source is not visible from the beach. -replace pole lamps with low-profile, low-level luminaries so that the light source is not visible from the beach. -plant or improve vegetation buffers between the light source and the beach to screen light form the beach. -construct an ornamental structural barrier to shield light sources from the beach; and -modify the light fixture by adding a shield.
Boca Raton	No artificial light any area of the incorporated beaches of the City.	Window treatments in all windows visible from the beach regardless of exposure are required so that interior lights do not directly or indirectly illuminate the beach.	Lights illuminating buildings or associated grounds for security or recreational purposes shall be shielded or screened such that they are not visible from the beach, or turned off between sunset to sunrise during the period of March 1 to October 31 of each year.

*Delray Beach, Juno Beach, and Ocean Ridge have adopted by reference Palm Beach County's Sea Turtle Protection Ordinance.

File Attachments for Item:

A. Approval of Meeting Minutes

November 21, 2023 Town Commission Meeting Minutes



TOWN OF HIGHLAND BEACH TOWN TOWN COMMISSION MEETING MINUTES

**LIBRARY COMMUNITY ROOM, 3618 S. OCEAN
BLVD., HIGHLAND BEACH, FL**

**Date: November 21, 2023
Time: 1:30 PM**

1. CALL TO ORDER

Mayor Moore called the meeting to order at 1:30 P.M.

2. ROLL CALL

Commissioner Judith Goldberg
Commissioner Donald Peters
Commissioner Evalyn David
Mayor Natasha Moore
Town Manager Marshall Labadie
Town Attorney Glen Torcivia
Town Clerk Lanelda Gaskins

ABSENT
Vice Mayor David Stern

3. PLEDGE OF ALLEGIANCE

The Town Commission led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

MOTION: David/Goldberg – Moved to approve the agenda as presented, which passed unanimously 5 to 0.

5. PRESENTATIONS / PROCLAMATIONS

A. State of Education Report by School Board Member Erica Whitfield, District 4 School District of Palm Beach County

Ms. Erica Whitfield presented the School District of Palm County State Legislative Priorities report.

B. Resolution No. 2023-033

A Resolution of the Town Commission of the Town of Highland Beach, Florida, ratifying the selection, appointments, and term of office of members of the Code Enforcement Board; and providing for an effective date.

Mayor Moore read the title of Resolution No. 2023-033. Followed by the Town Commission interviewing applicants David Kaufman and Michael Thorson concerning their interest in serving on the Code Enforcement Board.

Mr. Kaufman and Mr. Thorson both spoke about their professional experiences and interest in serving on the board.

There was a discussion about Mr. Thorson's interest in participating on the Board of Adjustment and Appeals. The Town Clerk's Office will prepare and present a resolution to the Town Commission at the next meeting.

MOTION: David/Goldberg – Moved to approve Resolution No. 2023-033 appointing David Kaufman to the Code Enforcement Board. The motion passed unanimously 4 to 0.

6. PUBLIC COMMENTS

Mr. Karl Johanson of 2358 So. Ocean Blvd. (Byrd Beach subdivision) provided comments about the 13 single-family waterfront residents interest to maintain the 25-foot setback.

7. ANNOUNCEMENTS

Mayor Moore read the announcements as follows:

Board Vacancies

Board of Adjustment and Appeals Two (2) vacancies, for a three year-terms and
One (1) vacancy for an unexpired term ending
September 21, 2024

Planning Board One (1) vacancy for an unexpired term ending
May 4, 2024

Meetings and Events

November 23 - 24, 2023 Town Hall Closed in observance of
Thanksgiving

December 05, 2023 1:30 P.M. Town Commission Meeting

December 07, 2023 9:30 A.M. Financial Advisory Board Regular Meeting

December 07, 2023 5:30 P.M. - 7:30 P.M. Mingle and Jingle Holiday Event at
St. Lucy Catholic Church

Board Action Report

None.

8. **ORDINANCES** (Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.)

A. None.

9. **CONSENT AGENDA** (These are items that the Commission typically does not need to discuss individually, and which are voted on as a group.) Public Comments will be limited to three (3) minutes per speaker per item after Commission initial discussion.

A. Approval of Meeting Minutes

November 07, 2023 Town Commission Meeting Minutes

MOTION: David/Goldberg – Moved to approve the Consent Agenda (November 7, 2023 Meeting Minutes) as presented, which passed unanimously 4 to 0.

10. **UNFINISHED BUSINESS** (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Fire Rescue Implementation Update

Fire Chief Glenn Joseph provided an update on the construction of the new fire rescue building, arrival of the Rescue 116 (emergency vehicle), painting of the fire truck (December 1), and delivery of the fire truck (mid to late December or early January). They are finalizing the job offers for the fire captains, backgrounds and physicals are in progress for the firefighter applicants. The firefighter position has been reopened and are accepting additional applications.

Fire Marshall Matt Welhaf will be scheduling building inspections with the homeowner associations (HOAs) next week.

The Top Off Ceremony for the Fire Rescue Building is on December 6 at 12:30 P.M.

Town Manager Labadie provided an update on the State of Florida Joint Legislative Auditing Committee (JLAC). He has assembled a legal team to represent the Town concerning this matter, spoken with the town's forensic auditor to ensure their work is closed out. Also, Town Attorney Torcivia has drafted a letter to JLAC addressing the town's concerns with the process and their findings.

Town Manager Labadie spoke about the movement of fire rescue personnel schedules concerning kelly days and 24/72 workdays. He and Finance Director DiLena are working on a budget for the 24/72 workday option, and he will schedule one on one appointments with each Commissioner to discuss the numbers. Fire Chief Joseph also spoke about the 24/72 workdays options.

In addition, Town Manager Labadie spoke about concerns and cost to change the color of the water tower to white. Kaufman Lynn Construction will provide renderings of the building in the white color with beige trimming, and he will be sharing the renderings with the Town Commission.

There was a brief conversation about the color selection pertaining to the town entry signage.

B. Florida Department of Transportation (FDOT) RRR Project Update

Town Manager Labadie had no updates on this project.

Commissioner Peter attended the Beach Association meeting last week and spoke about that meeting as it relates to Boca Raton transition to marked bike lanes.

C. Continued discussion of Milani Park

Town Manager Labadie is assembling a professional team of experts such as lobbyist consulting groups, and an archaeologist who would be best for the Town to address the matters pertaining to the Milani Park property. He mentioned that the historical documents pertaining to Milani Park is accessible on the Town's website.

He will schedule one on one meetings with each Commissioner.

11. NEW BUSINESS (Public Comments will be limited to three (3) minutes per speaker per item after Town Commission initial discussion.)

A. Approve and authorize Town staff to purchase the Bauer Model L13-E3 Breathing Air Station from Compressed Air Supplies & Equipment, Inc. in the amount of \$52,805.83 for the Fire Rescue Department (piggyback NPPGov contract #PS20095).

Fire Chief Joseph presented this item.

MOTION: David/Goldberg - Moved to approve the purchase of the Bauer Model L13-E3 Breathing Air in the amount of \$52,805.00 for the Fire Rescue Department. The motion passed unanimously 4 to 0.

12. TOWN COMMISSION COMMENTS

Commissioner Judith M. Goldberg thanked those who attended the meeting and wished everyone a happy Thanksgiving.

Commissioner Donald Peters also thanked and wished everyone a happy Thanksgiving.

Commissioner Evalyn David wished everyone a happy and healthy Thanksgiving.

Mayor Natasha Moore wished everyone a happy Thanksgiving.

13. TOWN ATTORNEY'S REPORT

Town Attorney Torcivia wished everyone a happy Thanksgiving.

14. TOWN MANAGER'S REPORT

Town Manager Labadie also wished everyone a happy Thanksgiving.

15. ADJOURNMENT

The meeting adjourned at 3:27 P.M.

APPROVED: December 05, 2023 Town Commission Meeting.

ATTEST:

Natasha Moore, Mayor

Transcribed by
Lanelda Gaskins

12/05/2023

Date

Lanelda Gaskins, MMC
Town Clerk

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the events of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.

File Attachments for Item:

E. Consideration of Proposed Amendment No.5 to Tower Siting Lease Agreement between the Town of Highland Beach and Sprint/T-Mobile.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE December 5, 2023

SUBMITTED BY: Terisha Cuebas, Town Manager's Office

SUBJECT: Consideration of Proposed Amendment No.5 to Tower Siting Lease Agreement between the Town of Highland Beach and Sprint/T-Mobile

SUMMARY:

History: In 1998, the Town Commission, entered into a lease agreement with Sprint to allow the install of mobile antennas on the Elevated Water Storage Tank. The terms of the agreement included but were not limited to the Town receiving a monthly rent payment and 3% increase in rent each year as well as Sprint is responsible to pay the electricity fees associated with powering the equipment. The lease has been renewed multiple times, over the years, which included amendments to the original agreement to accommodate an increase in rental fees to the Town based on improvements and modifications to the equipment and included an extension on the term of the lease.

Sprint, which has now been acquired by T-Mobile, has expressed the interest in renewing the current lease with the below terms:

- Terms: Automatically extend the lease for 5 years, at the expiration of the current term, and successive five (5) year terms.
- Rent: Sprint shall pay the Town Four Thousand Seven Hundred Eighty-Three and 62/100 Dollars (\$4,783.62) per month as Rent.
 - The current rent is \$3,718.00/month
- Annual increase: The rent will escalate by 3% on December 14, 2024, and each anniversary thereafter.

It is important to note, the Town Manager's office successfully negotiated the rent price, as the original proposal from T-Mobile did not reflect an increase in rent. The negotiated price was based on the current rent agreements in place between T-Mobile and neighboring municipalities.

At the August 1, 2023 Town Commission meeting, during the initial review of the proposed amendment, the Commission expressed the desire for the Town to have reciprocal non renewal terms, similar to those provided to Sprint/T-Mobile. The Town Attorney has successfully negotiated renewal terms, that are as follows:

- Sprint may elect not to renew by providing the Town at least ninety (90) days' written notice prior to the expiration of the then current five year Renewal Term.
 - The Town may elect not to renew at any time by providing Sprint at least twenty-four months' prior written notice.
-

FISCAL IMPACT:

Revenue funds for current lease agreement are included in the FY 2023-2024 budget.

ATTACHMENTS:

Proposed Amendment No. 5 To Tower Siting Lease Agreement (Redlined Version)

Proposed Amendment No. 5 To Tower Siting Lease Agreement (Clean Version)

RECOMMENDATION:

Commission approval of Amendment No.5.

AMENDMENT NO. 5 TO TOWER SITING LEASE AGREEMENT

This Amendment No. 5 to Tower Siting Lease Agreement (the "Fifth Amendment") is effective as of the last signature below (the "Effective Date"), by and between the Town of Highland Beach, a Florida municipal corporation ("Town"), and Sprint Spectrum Realty Company, LLC (formerly a limited partnership), a Delaware limited liability company, successor in interest to Sprint Spectrum L.P. ("Sprint") (each a "Party", or collectively, the "Parties").

Town and Sprint (or their predecessors-in-interest) entered into that certain Tower Siting Lease Agreement dated December 14, 1998, including that certain First Amendment to Tower Siting Lease Agreement dated May 8, 2006, further amended by Amendment No. 2 to Tower Siting Lease Agreement dated March 5, 2013, further amended by Amendment No. 3 to Tower Siting Lease Agreement dated September 6, 2016, and further amended by Amendment No. 4 to Tower Siting Lease Agreement dated July 5, 2017 (including all amendments, collectively, the "Agreement" aka "Lease") regarding the leased premises ("Premises") located at 3614 South Ocean Blvd. Highland Beach, FL 33487 (the "Property").

For good and valuable consideration, Town and Sprint agree as follows:

1. **Terms and Renewals:** On December 14, 2023, the term of the Lease will automatically renew for one (1) five (5) year term. Thereafter the Lease shall automatically renew for four (4) additional and successive terms of five (5) years each. Each five (5) year term is a "Renewal Term". Sprint may elect not to renew by providing the Town at least ninety (90) days' written notice prior to the expiration of the then current five year Renewal Term. The Town may elect not to renew at any time by providing Sprint at least twenty-four months' prior written notice.
2. **Lease Amount:** At the commencement of the first Renewal Term on December 14, 2023, Sprint shall pay Town Four Thousand Seven Hundred Eighty-Three and 62/100 Dollars (\$4,783.62) per month as Rent, partial calendar month to be prorated in advance, by the fifth (5th) day of each calendar month. Thereafter, notwithstanding anything to the contrary in the Lease, the Rent will escalate by 3% on December 14, 2024, and each anniversary thereafter. Where duplicate Rent would occur, a credit shall be taken by Sprint for any prepayment of duplicate Rent by Sprint.
3. **Improvements and Changes:** Subject to the prior written consent by the Town, Sprint may, at its expense, complete upgrades and additions to the Antenna Facilities on the Premises in compliance with required permits, unless such upgrades and additions result in any expense to the Town. The Town, in its discretion, may negotiate with Sprint regarding such expenses and allow the changes. Sprint shall provide the Town 120 days prior written notice of such upgrades and additions, and shall cooperate with the Town in scheduling and implementing the same. Town may withdraw its consent if Sprint fails to comply with all applicable laws, ordinances, rules, regulations and this Agreement. If the Town finds, in its sole discretion, that such upgrades or additions are not in the best

interests of the Town, it may withhold its consent and provide Sprint with an explanation of such denial in writing.

4. **Relocation:** If Town desires to no longer utilize the Tower for any reason, redevelop, modify, remodel, alter the Property or make any improvements thereon (collectively, "Redevelopment") and the Town, after consulting with Sprint, finds that the Redevelopment necessitates relocation of Antenna Facilities, then: (i) Town may require Sprint to relocate Antenna Facilities ; (ii) Town shall give Sprint not less than twelve (12) months' written notice prior to relocation; (iii) both Parties shall agree upon a suitable area for the relocation; (iv) all costs and expenses associated with or arising out of the relocation, including approval and permitting costs, shall be paid by Sprint; (v) the relocation shall be performed exclusively by Sprint or its agents; (vi) the relocation shall not unreasonably limit or interfere with Sprint's Antenna Facility on the Premises; (vii) the relocation shall not result in any unreasonable interruption, impairment, or alteration of the communications services or quality thereof provided from the Antenna Facilities; and (viii) if the Parties cannot agree upon a suitable area for relocation, then Sprint may terminate the Lease in its reasonable judgment upon written notice to Town, without penalty or further obligation except as otherwise set forth in the Lease, including but not limited to Sprint's obligation to remove its equipment and improvements. Further, any termination of this Lease shall not affect any rights, obligations, and liabilities of the parties arising out of the transactions which occurred prior to termination.
5. **Notices:** All notices, requests, demands and other communications shall be in writing and shall be deemed to have been delivered upon receipt or refusal to accept delivery, and are effective only when deposited into the U.S. certified mail, return receipt requested, or when sent via a nationally recognized courier to the addresses set forth below. Town or Sprint may from time to time designate any other address for this purpose by providing written notice to the other Party.

If to Sprint:

Sprint Property Services
Sprint Site ID: MI13XC134
Mailstop KSOPHD0101-Z2650
6220 Sprint Parkway
Overland Park, Kansas 66251-2650

If to Town:

Town of Highland Beach
3614 South Ocean Blvd
Town of Highland Beach, FL 33487

With a copy to:

Sprint Law Department
Sprint Site ID: MI13XC134
Attn.: Real Estate Attorney
Mailstop KSOPHD0101-Z2020

6220 Sprint Parkway
Overland Park, Kansas 66251-2020

6. Sprint and Town will reasonably cooperate with each other's requests to process permit applications and other documents related to the Property in accordance with all applicable ordinances, laws, rules, regulations, and permit requirements.

Sprint

7. **Waiver of Charges:** Any charges payable under the Lease other than Rent shall be billed by Town to Sprint within twelve (12) months from the date in which the charges were incurred or due; otherwise, the same shall be deemed time-barred and be forever waived and released by Town.
8. **Entire Lease:** Except as expressly set forth in this Fifth Amendment, the Lease (as previously amended) otherwise is unmodified. To the extent any provision contained in this Fifth Amendment conflicts with the terms of the Lease, the terms and provisions of this Fifth Amendment shall control. Each reference in the Lease to itself shall be deemed also to refer to this Fifth Amendment.
9. **Counterparts:** This Fifth Amendment may be executed in duplicate counterparts, each of which will be deemed an original. Signed electronic, scanned, or facsimile copies of this Fifth Amendment will legally bind the Parties to the same extent as originals.
10. **Authority:** Each of the Parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this Fifth Amendment. Town represents and warrants to Sprint that the consent or approval of a third party has either been obtained or is not required with respect to the execution of Fifth Amendment. If Town is represented by any property manager, broker or any other leasing agent ("Agent"), then (a) Town is solely is responsible for all commission, fees or other payment to Agent and (b) Town shall not impose any fees on Sprint to compensate or reimburse Town for the use of Agent, including any such commissions, fees or other payments arising from negotiating or entering into this Fifth Amendment or any future amendment.
11. **Binding Agreement:** This Fifth Amendment will be binding on and inure to the benefit of the Parties herein, their heirs, executors, administrators, successors-in-interest and assigns.
12. **Sovereign Immunity:** Nothing contained in this Lease shall be construed or interpreted as consent by the Town to be sued, nor as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes, as amended from time to times. The provisions and limitations set forth in Section 768.28 shall apply to this Lease to claims and actions arising in tort and to claims and actions arising in contract.

13. **Survival:** Any provision of the Lease which is of a continuing nature or imposes an obligation which extends beyond the term of the Lease shall survive its expiration or earlier termination.
14. **Waiver:** Failure of a party to enforce or exercise any of its rights under this Lease shall not be deemed a waiver of that party's right to enforce or exercise said rights at any time thereafter.
15. **Venue, Remedies, Waiver of Jury Trial:** Any and all legal action, including mediation, necessary to enforce the Lease will be held in Palm Beach County, Florida. No remedy conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under the Lease or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof. EACH PARTY ALSO AGREES TO WAIVE ANY AND ALL RIGHTS TO A TRIAL BY JURY FOR ANY AND ALL DISPUTES OR CLAIMS WHICH MAY BE RELATED TO OR ARISE OF OUT OF THE LEASE.
16. **Attorneys' Fees:** In the event either party must institute legal action to enforce any of the terms of this Agreement, each party shall be responsible for its own attorneys' fees.

IN WITNESS, the Parties execute this Fifth Amendment as of the Effective Date.

Town:

Town of Highland Beach, a Florida municipal corporation

By: _____

Print Name: _____

Title: _____

Date: _____

Sprint:

Sprint Spectrum Realty Company, LLC, a Delaware limited liability company

By: _____

Print Name: _____

Title: _____

Date: _____

AMENDMENT NO. 5 TO TOWER SITING LEASE AGREEMENT

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For good and valuable consideration, Town and Sprint agree as follows:

1. **Terms and Renewals:** On December 14, 2023, the term of the Lease will automatically renew for one (1) five (5) year term. Thereafter the Lease shall automatically renew for four (4) additional and successive terms of five (5) years each. Each five (5) year term is a "Renewal Term". Sprint may elect not to renew by providing the Town at least ninety (90) days' written notice prior to the expiration of the then current five year Renewal Term. The Town may elect not to renew at any time by providing Sprint at least twenty-four months' prior written notice.
2. **Lease Amount:** At the commencement of the first Renewal Term on December 14, 2023, Sprint shall pay Town Four Thousand Seven Hundred Eighty-Three and 62/100 Dollars (\$4,783.62) per month as Rent, partial calendar month to be prorated in advance, by the fifth (5th) day of each calendar month. Thereafter, notwithstanding anything to the contrary in the Lease, the Rent will escalate by 3% on December 14, 2024, and each anniversary thereafter. Where duplicate Rent would occur, a credit shall be taken by Sprint for any prepayment of duplicate Rent by Sprint.
3. **Improvements and Changes:** Subject to the prior written consent by the Town, Sprint may, at its expense, complete upgrades and additions to the Antenna Facilities on the Premises in compliance with required permits, unless such upgrades and additions result in any expense to the Town. The Town, in its discretion, may negotiate with Sprint regarding such expenses and allow the changes. Sprint shall provide the Town 120 days prior written notice of such upgrades and additions, and shall cooperate with the Town in scheduling and implementing the same. Town may withdraw its consent if Sprint fails to comply with all applicable laws, ordinances, rules, regulations and this Agreement. If the Town finds, in its sole discretion, that such upgrades or additions are not in the best

interests of the Town, it may withhold its consent and provide Sprint with an explanation of such denial in writing.

4. **Relocation:** If Town desires to no longer utilize the Tower for any reason, redevelop, modify, remodel, alter the Property or make any improvements thereon (collectively, "Redevelopment") and the Town, after consulting with Sprint, finds that the Redevelopment necessitates relocation of Antenna Facilities, then: (i) Town may require Sprint to relocate Antenna Facilities ; (ii) Town shall give Sprint not less than twelve (12) months' written notice prior to relocation; (iii) both Parties shall agree upon a suitable area for the relocation; (iv) all costs and expenses associated with or arising out of the relocation, including approval and permitting costs, shall be paid by Sprint; (v) the relocation shall be performed exclusively by Sprint or its agents; (vi) the relocation shall not unreasonably limit or interfere with Sprint's Antenna Facility on the Premises; (vii) the relocation shall not result in any unreasonable interruption, impairment, or alteration of the communications services or quality thereof provided from the Antenna Facilities; and (viii) if the Parties cannot agree upon a suitable area for relocation, then Sprint may terminate the Lease in its reasonable judgment upon written notice to Town, without penalty or further obligation except as otherwise set forth in the Lease, including but not limited to Sprint's obligation to remove its equipment and improvements. Further, any termination of this Lease shall not affect any rights, obligations, and liabilities of the parties arising out of the transactions which occurred prior to termination.

5. **Notices:** All notices, requests, demands and other communications shall be in writing and shall be deemed to have been delivered upon receipt or refusal to accept delivery, and are effective only when deposited into the U.S. certified mail, return receipt requested, or when sent via a nationally recognized courier to the addresses set forth below. Town or Sprint may from time to time designate any other address for this purpose by providing written notice to the other Party.

If to Sprint:

Sprint Property Services
Sprint Site ID: MI13XC134
Mailstop KSOPHD0101-Z2650
6220 Sprint Parkway
Overland Park, Kansas 66251-2650

If to Town:

Town of Highland Beach
3614 South Ocean Blvd
Town of Highland Beach, FL 33487

With a copy to:

Sprint Law Department
Sprint Site ID: MI13XC134
Attn.: Real Estate Attorney
Mailstop KSOPHD0101-Z2020
6220 Sprint Parkway
Overland Park, Kansas 66251-2020

6. Sprint and Town will reasonably cooperate with each other's requests to process permit applications and other documents related to the Property in accordance with all applicable ordinances, laws, rules, regulations, and permit requirements.
7. **Waiver of Charges:** Any charges payable under the Lease other than Rent shall be billed by Town to Sprint within twelve (12) months from the date in which the charges were incurred or due; otherwise, the same shall be deemed time-barred and be forever waived and released by Town.
8. **Entire Lease:** Except as expressly set forth in this Fifth Amendment, the Lease (as previously amended) otherwise is unmodified. To the extent any provision contained in this Fifth Amendment conflicts with the terms of the Lease, the terms and provisions of this Fifth Amendment shall control. Each reference in the Lease to itself shall be deemed also to refer to this Fifth Amendment.
9. **Counterparts:** This Fifth Amendment may be executed in duplicate counterparts, each of which will be deemed an original. Signed electronic, scanned, or facsimile copies of this this Fifth Amendment will legally bind the Parties to the same extent as originals.
10. **Authority:** Each of the Parties represents and warrants that it has the right, power, legal capacity and authority to enter into and perform its respective obligations under this Fifth Amendment. Town represents and warrants to Sprint that the consent or approval of a third party has either been obtained or is not required with respect to the execution of Fifth Amendment. If Town is represented by any property manager, broker or any other leasing agent ("Agent"), then (a) Town is solely is responsible for all commission, fees or other payment to Agent and (b) Town shall not impose any fees on Sprint to compensate or reimburse Town for the use of Agent, including any such commissions, fees or other payments arising from negotiating or entering into this Fifth Amendment or any future amendment.
11. **Binding Agreement:** This Fifth Amendment will be binding on and inure to the benefit of the Parties herein, their heirs, executors, administrators, successors-in-interest and assigns.
12. **Sovereign Immunity:** Nothing contained in this Lease shall be construed or interpreted as consent by the Town to be sued, nor as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes, as amended from time to times. The provisions and limitations set forth in Section 768.28 shall apply to this Lease to claims and actions arising in tort and to claims and actions arising in contract.
13. **Survival:** Any provision of the Lease which is of a continuing nature or imposes an obligation which extends beyond the term of the Lease shall survive its expiration or earlier termination.

14. **Waiver:** Failure of a party to enforce or exercise any of its rights under this Lease shall not be deemed a waiver of that party's right to enforce or exercise said rights at any time thereafter.

15. **Venue, Remedies, Waiver of Jury Trial:** Any and all legal action, including mediation, necessary to enforce the Lease will be held in Palm Beach County, Florida. No remedy conferred upon any party is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under the Lease or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power, or remedy hereunder shall preclude any other or further exercise thereof. EACH PARTY ALSO AGREES TO WAIVE ANY AND ALL RIGHTS TO A TRIAL BY JURY FOR ANY AND ALL DISPUTES OR CLAIMS WHICH MAY BE RELATED TO OR ARISE OF OUT OF THE LEASE.

16. **Attorneys' Fees:** In the event either party must institute legal action to enforce any of the terms of this Agreement, each party shall be responsible for its own attorneys' fees.

IN WITNESS, the Parties execute this Fifth Amendment as of the Effective Date.

Town:

Town of Highland Beach, a Florida municipal corporation

By: _____

Print Name: _____

Title: _____

Date: _____

Sprint:

Sprint Spectrum Realty Company, LLC, a Delaware limited liability company

By: _____

Print Name: _____

Title: _____

Date: _____

File Attachments for Item:

A. Consideration of the Town Commission proposed meeting schedule for the 2024 calendar year.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission
MEETING DATE 12/05/2023
SUBMITTED BY: Lanelda Gaskins, Town Clerk's Office
SUBJECT: Town Commission Proposed Meeting Schedule for Calendar Yr. 2024

SUMMARY:

Consideration of the Town Commission Proposed Meeting Schedule for the 2024 calendar year.

The Town's Code of Ordinance addresses the Commission meeting schedule. According to Sec., 2-28 – Rules of Procedures, Rule No. 1, the Town Commission shall meet and hold monthly meetings on the first Tuesday of each month at 1:30 P.M., except for when the meeting falls on a legal, town observed holiday then such meeting will be held on the next secular day.

Additionally, the third Tuesday of each month is reserved for Commission meetings. These meetings commence at 1:30 P.M. and may be canceled due to lack of business (agenda items).

Town staff is requesting the direction of the Town Commission regarding canceling or changing the below meeting dates:

- January 2, 2024 because of the New Year holiday. January 16 is the suggested date.
- March 19, 2024 - Presidential Preference Primary (PPP) and Municipal Election. March 26 is the suggested date.
- August 20, 2024 - Primary Election. August 22 is the suggested date.
- November 5, 2024 - General Election. November 19 is the suggested date.

At the October 3, 2023 meeting, Town Commission approved a contract to allow the Palm Beach County Supervisor of Elections to use the Library Community room as a polling location on March 19, August 20, and November 5.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Town Commission Proposed Meeting Schedule for Calendar Year 2024.

RECOMMENDATION:

Town Commission discretion.

Town Commission Proposed Meeting Schedule for Calendar Year 2024

	Dates	Meeting Type
Tuesday	January 2, 2024	Commission Meeting.
Tuesday,	January 16, 2024	Commission Meeting
Tuesday	February 6, 2024	Commission Meeting
Tuesday	February 20, 2024	Commission Meeting
Tuesday	March 5, 2024	Commission Meeting
Tuesday	March 19, 2024 (Cancelled)	<i>Presidential Preference Primary and Municipal General Election Day</i> Town Closed
Tuesday	March 26, 2024 (Tentative)	<i>Special Meeting/Swearing-in Ceremony</i>
Tuesday	April 2, 2024	Commission Meeting
Tuesday	April 16, 2024	Commission Meeting
Tuesday	May 7, 2024	Commission Meeting
Tuesday	May 21, 2024	Commission Meeting
Tuesday	June 4, 2024	Commission Meeting
Tuesday	June 18, 2024	Commission Meeting
Tuesday	July 2, 2024	Commission Meeting
Tuesday	July 16, 2024	Commission Meeting
Tuesday	August 6, 2024	Commission Meeting
Tuesday	August 20, 2024 (Cancelled)	<i>Primary Election Day</i> Town Closed

**Florida League of Cities Annual Conference – August 15-17, 2024
Diplomat Beach Resort, Hollywood, Florida**

	Dates	Meeting Type
Thursday	August 22, 2023 (Suggested Date)	Commission Meeting
Tuesday	September 3, 2024	Commission Meeting
	TBD	Special First Public Hearing Budget Meeting
Tuesday	September 17, 2024	Commission Meeting
	TBD	Special Second Public Hearing Budget Meeting
Tuesday	October 1, 2024	Commission Meeting
Tuesday	October 15, 2024	Commission Meeting
Tuesday	<i>November 5, 2024</i> (Cancelled)	General Election Day Town Closed
Tuesday	November 19, 2024	Commission Meeting
Tuesday	December 3, 2024	Commission Meeting
Tuesday	December 17, 2024	Commission Meeting

Please note the following:

- The Town Manager will schedule additional Commission meetings early next year to discuss and present the fiscal year 2025 budget.
- Dates for the two Special Public Hearing Budget meetings in September will be determined when Palm Beach County and the School Board set their budget hearing meeting dates. The meetings will be held at 5:01 P.M.
- Town Commission meetings held on the first Tuesday of each month requires Commission approval to cancel or modify. Meeting dates are subject to change.

File Attachments for Item:

B. Consideration to approve and authorize the Mayor to execute the 2024 Municipal Election(s) Vote Processing Equipment Use and Elections Services Agreement with the Palm Beach County Supervisor of Elections (SOE) Office for the Town's Municipal General Election on Tuesday, March 19, 2024.



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission
MEETING DATE 11/2/05/2023
SUBMITTED BY: Lanelda Gaskins, Town Clerk's Office
SUBJECT: 2024 Municipal Election(s) Voting Processing Equipment Use and Elections Services Agreement

SUMMARY:

Consideration to approve and authorize the Mayor to execute the 2024 Municipal Election(s) Vote Processing Equipment Use and Elections Services Agreement with the Palm Beach County Supervisor of Elections (SOE) Office for the Town's Municipal General Election on Tuesday, March 19, 2024.

The responsibilities of the Palm Beach County Supervisor of Elections Office and the Town (Town Clerk/Qualifying Officer) are set forth in the attached agreement.

FISCAL IMPACT:

\$10,000

ATTACHMENTS:

2024 Municipal Election(s) Vote Processing Equipment Use and Elections Services Agreement along with Exhibits

RECOMMENDATION:

Staff recommends Commission approval of the 2024 Municipal Election(s) Vote Processing Equipment Use and Elections Services Agreement for March 19, 2023, Municipal General Election.



2024 MUNICIPAL ELECTION(S) VOTE PROCESSING EQUIPMENT USE AND ELECTIONS SERVICES AGREEMENT

This Vote Processing Equipment Use and Elections Services Agreement (hereinafter referred to as the “Agreement”) is hereby entered into by and between the **Palm Beach County Supervisor of Elections Office** (hereinafter referred to as “SOE”) and _____, **Florida** (hereinafter referred to as “MUNICIPALITY”).

WITNESSETH:

WHEREAS, pursuant to Section 101.34, Florida Statutes, SOE is the legal custodian of certified vote processing equipment owned by Palm Beach County, Florida, and is hereby charged with the responsibility for custody and maintenance of said equipment; and,

WHEREAS, MUNICIPALITY desires, or is otherwise statutorily obligated, to conduct an election that requires the use of vote processing equipment to count ballots; and,

WHEREAS, all vote processing equipment requires specially trained and knowledgeable individuals to program, operate and maintain said equipment; and,

WHEREAS, the Palm Beach County Board of County Commissioners has authorized SOE to provide any necessary terms and conditions for the use of such voting equipment; and,

WHEREAS, SOE can provide the necessary personnel to program, operate and maintain said equipment; and,

WHEREAS, MUNICIPALITY hereby acknowledges full responsibility for all applicable requirements under the Florida Election Code and any provision of MUNICIPALITY’S Charter or municipal ordinances which may not be addressed or included in this Agreement.

NOW THEREFORE, in consideration of the premises and of the mutual promises, terms and conditions stated herein, SOE and MUNICIPALITY agree as follows:

ARTICLE 1 – RECITALS

The above recitals are true and correct and incorporated herein.

ARTICLE 2 – AGREEMENT

SOE shall provide MUNICIPALITY such necessary vote processing equipment and election services according to the terms and conditions stated in this Agreement, for the purposes of conducting a Uniform Municipal Election during calendar year 2024, and a Run-Off Election, if necessary, along with the necessary vote processing equipment and election services to facilitate any early voting sites, polling locations and polling places as may be necessary and agreed upon by the parties.

ARTICLE 3 – OPERATION AND PROGRAMMING SERVICES

3.1 Municipal Services. For each election, MUNICIPALITY shall pay SOE for election operations (Exhibit “A”).

3.2 Vote-By-Mail Ballots. For each election, MUNICIPALITY shall pay SOE for each Vote-By-Mail ballot request processed plus actual postage costs, including Return Postage. MUNICIPALITY shall also pay SOE for each Vote-By-Mail ballot signature verified (Exhibit “A”).

3.3 Repairs. For any election, all maintenance, repairs or other troubleshooting services for vote processing equipment, including any processors or tablets, will be performed exclusively by SOE and such services are included in all stated charges. However, SOE does reserve the right to seek reimbursement from MUNICIPALITY for any repairs or maintenance caused by any neglect or unauthorized acts by any employee or representative of MUNICIPALITY.

ARTICLE 4 – OTHER ELECTION CHARGES

4.1 Precinct Services. For each election, MUNICIPALITY shall pay SOE for precinct preparation and poll worker training in accordance with Exhibit “A”.

4.2 Fee Schedule. For each election, MUNICIPALITY shall pay SOE for any other goods or services not specifically provided for in this Agreement but that may be described or listed in the Municipal Fee Schedule(s) attached hereto as Exhibits “A” and “B”. Where MUNICIPALITY holds elections in conjunction with the Presidential Preference Primary, the Fee Schedule in Exhibit “A” controls. In all other situations, Run-Off Election and Stand-Alone Election Fee Schedules set forth in Exhibit “B” control. MUNICIPALITY agrees that the Municipal Fee Schedule and the prices contained in Exhibits “A” and “B” are subject to change.

4.3 Other. For each election and upon proper notice to MUNICIPALITY, MUNICIPALITY shall pay SOE for any other election services not contemplated herein which may be needed to conduct an orderly election.

ARTICLE 5 – TERM

For each election, the terms of this Agreement begin with ballot layout and conclude when ballots have been processed, election results have been certified, all vote processing equipment has been returned to the SOE’s warehouse and an audit, if applicable, has been completed. In the event of an election contest or challenge, SOE agrees to cooperate in providing any public records which the SOE maintains or otherwise controls.

ARTICLE 6 – APPLICABLE REQUIREMENTS OF FLORIDA’S ELECTION CODE

MUNICIPALITY shall properly call the election in accordance with any Florida Statutes, applicable charter provisions or city ordinances. MUNICIPALITY agrees that the Municipal Clerk is responsible for the conduct of the city’s elections and for ensuring compliance with all applicable Florida Statutes, including the Florida Election Code and any municipal charter provisions and ordinances. Any obligations or duties not set forth in this Agreement shall be the sole responsibility of MUNICIPALITY.

ARTICLE 7 – NOTICE AND ADVERTISEMENT OF ELECTIONS

7.1 Uniform Municipal Election in Conjunction with Presidential Preference Primary Elections. SOE shall prepare and arrange for publication of all legal advertising required by state and federal statutes in both English and Spanish and SOE shall be responsible for obtaining the accurate and complete translation of any such advertising. If additional advertisements are required by the MUNICIPALITY’S charter, ordinance(s) or resolution(s), MUNICIPALITY shall be responsible for preparing and arranging for publication of all such legal advertising which is not already satisfied under state and federal statutes. MUNICIPALITY shall be responsible for the accurate and complete translation of any such advertisements.

7.2 Run-Off Election/Stand-Alone Municipal Election. In the event of a run-off election and for all stand-alone municipal elections, MUNICIPALITY shall prepare and arrange for publication of all legal advertising required by state and federal statutes, city charter and city ordinances. MUNICIPALITY agrees that all advertisements of elections conducted in Palm Beach County shall be published in both English and Spanish and that MUNICIPALITY shall be responsible for the accurate and complete translation of any such notices. SOE shall, if available, provide samples of required advertising upon request.

ARTICLE 8 – QUALIFYING OF CANDIDATES

MUNICIPALITY may provide qualifying packets to candidates. MUNICIPALITY shall accept and process all qualifying papers and fees. For audio ballots, MUNICIPALITY shall collect pronunciation guides from candidates at the time of qualifying and shall submit them to SOE at the close of qualifying.

If petitions are part of qualifying process, MUNICIPALITY shall pay SOE Ten Cents (\$.10) per name, or such other amount as determined per Florida Statutes or the Florida Administrative Code, checked to verify any signatures on qualifying petitions. SOE agrees to verify any signatures for any qualifying petitions timely submitted by MUNICIPALITY in the order such petitions are received. Except as set forth in the following paragraph, SOE shall complete signature verification of petitions within 30 days of receipt of the petitions from MUNICIPALITY.

When MUNICIPALITY provides SOE with candidate petitions before the signature verification cutoff deadline (before noon of the 28th day preceding the first day of qualifying), SOE will verify the signed petitions no later than the 7th day before the first day of qualifying. (*See* Section 99.095(3), Florida Statutes.) If the candidate reaches the required number of signatures, SOE will continue to verify timely submitted signed petitions until the candidate indicates in writing to stop verification.

In no event shall SOE issue any recommendations or make any legal determinations as to the qualifications of eligibility of any candidate for municipal office.

ARTICLE 9 – PRINTING OF BALLOTS AND BALLOT SERVICES

9.1 Uniform Municipal Election in Conjunction with Presidential Preference Primary Election.

SOE shall place an order for sufficient quantity of Election Day ballots with a third-party printer as selected exclusively by SOE. MUNICIPALITY shall reimburse SOE for payment to printer if the MUNICIPALITY’S races cause the ballot to add an additional page, in which case

MUNICIPALITY shall be responsible for the costs of the additional page. MUNICIPALITY shall pay SOE a per-ballot fee for each Vote-By-Mail ballot printed that is not otherwise being printed by SOE for the Presidential Preference Primary, including any additional pages required for MUNICIPALITY'S races or questions.

MUNICIPALITY shall furnish, immediately upon the conclusion of the qualifying period, all ballot information in English. SOE agrees to provide, at MUNICIPALITY's cost and expense, translation of MUNICIPALITY's ballot language from English to Spanish, including the name of the candidates as they are to appear on the ballot, the name of the Municipality, the name of the election, the title of office or referendum title, explanation, and questions, in accordance with Section 203 of the Voting Rights Act, as well as Creole translations for the ExpressVote machine.

SOE agrees to provide the layout of the ballot(s) based on the information furnished by MUNICIPALITY and deliver ballot layout to the approved printer. Both SOE and MUNICIPALITY must sign off on ballot proof(s).

Once test ballots are received from the printer, SOE will test all vote processing equipment in accordance with the standards established by the Florida Division of Elections and any applicable Florida Statutes. Upon receipt of the printed ballots from the printer, SOE shall receive, securely store and account for all ballots until disbursed to poll workers. SOE shall also control and limit all access to un-voted ballots while in possession of SOE.

9.2 Run-Off Election/Stand-Alone Municipal Election.

In the event of a run-off election and for all stand-alone municipal elections, MUNICIPALITY will be responsible for providing all information stated in 9.1. MUNICIPALITY will again be responsible for the cost of providing any translations and must again approve ballot content and layout prior to printing.

MUNICIPALITY will also be responsible for reimbursing SOE for any and all costs incurred in accordance with the fee schedule shown in Exhibit "B".

ARTICLE 10 – POLL WORKERS

10.1 Selection and Training of Poll Workers. SOE will select poll workers from a group of trained poll workers. SOE will assign standby poll workers to be available on Election Day. SOE will train all poll workers in accordance with the Florida Election Code and other guidelines, procedures or regulations as followed or adopted for the conduct of elections in Palm Beach County. The clerk for MUNICIPALITY, or a representative, shall be in attendance for poll worker training sessions. Poll workers shall undergo job specific training and complete required number of training hours as specified by SOE poll worker department management. All necessary supplies and ballots will be provided by SOE and stored in precinct cabinets or transported in poll worker clerk bags.

10.2 Uniform Municipal Election in Conjunction with Presidential Preference Primary Election. SOE shall pay poll workers directly for their services.

10.3 Run-Off Election/Stand-Alone Municipal Election. In the event of a run-off election and for all stand-alone municipal elections, MUNICIPALITY shall pay poll workers directly for their services in the same amounts/at the same hourly rates that SOE pays poll workers which, as of

the Effective Date hereof, is set forth in Exhibit “B”. If SOE changes the rates of pay/hourly rates SOE is paying poll workers, MUNICIPALITY agrees to pay the current rates of pay/hourly rates being paid by SOE at that time.

ARTICLE 11 – SELECTION OF POLLING PLACES

SOE shall provide a list of Polling Place(s) intended for use as a voting location. Each location shall meet necessary Americans with Disabilities Act (ADA) requirements. In the event of a run-off election, MUNICIPALITY shall provide ADA compliant Polling Places.

ARTICLE 12 – SAMPLE BALLOTS

12.1 Uniform Municipal Election in Conjunction with Presidential Preference Primary Election.

SOE shall prepare, proof and deliver sample ballot layout to third-party vendor for distribution to registered voters. MUNICIPALITY shall review the sample ballot(s) and confirm the accuracy of the election date, office, candidate name(s)(including the order of appearance on the ballot), polling locations, polling places and all other information contained therein. SOE shall coordinate the mailing of the sample ballots to all registered voters in the municipality prior to the election, including accurate polling place information.

12.2 Run-Off Election/Stand-Alone Municipal Election.

In the event of a run-off election and for all stand-alone municipal elections, SOE *shall not* create or mail sample ballots. If MUNICIPALITY wishes to create a sample ballot, SOE will post it on SOE’s website.

ARTICLE 13 – VOTE-BY-MAIL BALLOTS

MUNICIPALITY shall refer all requests for Vote-By-Mail ballots to SOE. Unless MUNICIPALITY or the Clerk for MUNICIPALITY provides written direction to the contrary, SOE agrees to accept all requests for Vote-By-Mail ballots by telephone, mail, email or in person. SOE also agrees to mail Vote-By-Mail and overseas ballots as requested by registered voters, receive and securely store any voted Vote-By-Mail ballots, verify the signatures on any returned voted Vote-By-Mail ballot certificates, facilitate voter signature cures, accommodate public inspection of Vote-By-Mail ballot mailing envelopes and voter certificates, and account for all Vote-By-Mail ballots.

SOE may begin processing Vote-By-Mail ballots prior to Election evening, pursuant to Florida Statute 101.68.

In the event of a run-off election and for all stand-alone municipal elections, if MUNICIPALITY doesn’t use the County Canvassing Board, MUNICIPALITY shall schedule and coordinate the date on which the MUNICIPALITY’s Canvassing Board is to assemble to canvass the Vote-By-Mail ballots. If applicable, MUNICIPALITY shall coordinate for the use of SOE facilities to conduct the Canvassing Board activities. MUNICIPALITY shall notice and advertise in both English and Spanish, as needed, the dates of any Canvassing Board meetings. MUNICIPALITY shall convene the Canvassing Board to determine which voted Vote-By-Mail ballots are to be tabulated. MUNICIPALITY shall provide for collection of results from each precinct (See Exhibit “B”). MUNICIPALITY must also ensure they have a Canvassing Board member present

for opening, duplication, tabulation and all other activities requiring Canvassing Board presence by law.

ARTICLE 14 – TRANSPORTATION OF ELECTIONS EQUIPMENT AND SUPPLIES

14.1 Uniform Municipal Election in Conjunction with Presidential Preference Primary Election.

SOE will be responsible for delivery and pick up of any vote processing equipment. Election equipment will be delivered by SOE, or a third party representative of SOE on an agreed upon date, up to eight (8) days prior to the election. SOE, or a third party representative of SOE, will pick up voting equipment on an agreed upon date. SOE shall have full discretion and authority to hire and employ any outside third parties to assist with or perform delivery and pick up of voting equipment (Exhibit “A”).

14.2 Run-Off Election/Stand-Alone Municipal Election.

In the event of a run-off election and for all stand-alone municipal elections, the SOE will maintain responsibility for transportation of equipment and supplies as stated in 14.1. MUNICIPALITY shall reimburse SOE for any and all costs incurred for equipment delivery and pickup in accordance with the fee schedule set forth in Exhibit “B”.

14.3 MUNICIPALITY is not permitted to deliver any election equipment.

ARTICLE 15 – LOCATION AND STORAGE OF VOTING EQUIPMENT

All voting equipment shall be stored, maintained and located in a well-protected, secure, temperature-controlled, indoor room or facility. Once the voting equipment is delivered to a voting site, no equipment shall be relocated without the prior written approval of SOE.

ARTICLE 16 – CANVASSING OF ELECTION RESULTS

16.1 Uniform Municipal Election in Conjunction with Presidential Preference Primary Election.

SOE shall schedule and coordinate the date on which the Canvassing Board is to assemble to canvass the results of the election. SOE shall notice and advertise, as needed, the dates of any canvassing board meetings. SOE shall convene the Canvassing Board to determine which voted Vote-By-Mail ballots are to be tabulated. SOE shall provide for collection of results from each precinct.

16.2 Run-Off Election/Stand-Alone Municipal Election. In the event of a run-off election and for all stand-alone municipal elections, if MUNICIPALITY doesn’t use the County Canvassing Board, MUNICIPALITY shall schedule and coordinate the date on which MUNICIPALITY’s Canvassing Board is to assemble to canvass the results of the election. If applicable, MUNICIPALITY shall coordinate for the use of SOE facilities to conduct the Canvassing Board activities. MUNICIPALITY shall notice and advertise in both English and Spanish, as needed, the dates of any Canvassing Board meetings. MUNICIPALITY shall convene the Canvassing Board to determine which voted Vote-By-Mail ballots are to be tabulated. MUNICIPALITY shall provide for collection of results from each precinct (See Exhibit “B”). MUNICIPALITY must also ensure they have a Canvassing Board member present for opening, duplication, tabulation and all other activities requiring Canvassing Board presence by law.

ARTICLE 17 – AUDITS

MUNICIPALITY agrees to pay SOE for any additional costs as may be necessary, including overtime expenses, for conducting the audit.

ARTICLE 18 – POST-ELECTION RECORDS RETENTION

SOE shall process affirmation forms and sort, inventory, and pack all election materials for pickup by SOE for retention and disposition. SOE shall store or cause to be stored all necessary election records and ballots until expiration of retention period as prescribed by applicable Florida Statutes and Rules.

ARTICLE 19 – VOTER HISTORY

MUNICIPALITY and SOE will make mutually acceptable arrangements for recording voter history. The date selected for undertaking this activity may occur subsequent to the conclusion of all election dates and outside of the terms of this Agreement but both parties agree to work toward recording voter history in a timely manner.

ARTICLE 20 – OTHER NECESSARY COSTS

Any additional costs or fees that may be incurred by SOE in compliance with the Florida Election Code and as a direct result of a municipal election, that are not specified in this Agreement, shall be paid for by MUNICIPALITY at rates and fees as established by SOE. Examples of such additional costs or reimbursements include, but are not limited to, the following:

- A. Recounts. Any expenditure for conducting a recount, including any overtime expenses for reprogramming voting equipment, and other expenses as may be necessary to conduct a recount; and,
- B. Attorneys' Fees and Costs. Actual attorneys' fees and costs incurred by SOE for research or representation on any election-related matter shall be invoiced by SOE for reimbursement by MUNICIPALITY.

ARTICLE 21 – HOLD HARMLESS COVENANT

To the extent permitted by law, MUNICIPALITY shall at all times hereafter indemnify, hold harmless and, at SOE's option, defend or pay for an attorney selected by SOE to defend SOE, its officers, agents and employees against any and all claims, damages, injuries, losses, liabilities and expenditures of any kind, including attorneys' fees, court costs and expenses, including but not limited to administrative challenges, civil suits or other legal challenges or appeals that may arise from the contest of election results or the validation of any candidate qualifications, arising out of or resulting from any or all acts of omission or commission of or by the MUNICIPALITY, its officers, agents or employees with respect to any election conducted pursuant to this Agreement. Except for negligent acts of SOE in performance of this agreement, MUNICIPALITY also agrees to indemnify SOE against any administrative challenges, civil suits or other legal challenges or appeals that may arise, including all attorneys' fees and costs, from the contest of election results or the validation of any candidate qualifications.

The foregoing indemnification shall not constitute a waiver of sovereign immunity beyond the waiver or limits set forth at Sec. 768.28, Florida Statutes. In no case shall such limits for SOE or MUNICIPALITY extend beyond \$200,000 for any one person or beyond \$300,000 for any

judgment which, when totaled with all other judgments, arises out of the same incident or occurrence. Furthermore, nothing herein shall be construed as consent by the MUNICIPALITY or the SOE, as a state agency or subdivision of the State of Florida, to be sued by third-parties in any matter arising out of any contract.

These provisions shall not be construed to constitute agreement by either party to indemnify the other for such others' negligent, willful or intentional acts or omissions.

ARTICLE 22 – ENTIRETY AND AMENDMENTS

The Agreement embodies this entire agreement between SOE and MUNICIPALITY and supersedes all prior agreements and understandings relating to the conduct of elections. No modification, amendment or alteration to this Agreement shall be effective of binding unless submitted in writing and executed by the duly authorized representatives of both SOE and MUNICIPALITY.

ARTICLE 23 – EFFECTIVE DATE

The effective date of this Agreement shall be the latest date of execution by duly authorized representatives of SOE and MUNICIPALITY as shown on the signature page hereto.

IN WITNESS WHEREOF, we, the undersigned, do hereby state that we have the authority to bind and obligate as promised herein, SOE and MUNICIPALITY for purposes of executing this agreement on the dates set forth below.

Signature

Wendy Sartory Link

Name (Printed or Typed)

Palm Beach County Supervisor of Elections

Title

Date

Witness Signature

Witness Name (Printed or Typed)

Signature

Name (Printed or Typed)

Title

Date

Witness Signature

Witness Name (Printed or Typed)

EXHIBIT “A”

Palm Beach County Supervisor of Elections
Schedule of Municipal Election Fees
Presidential Preference Primary and Municipal Elections
2024

Standard Operation and Programming	
Polling Place Operations	
Ballot Preparation and Printing	
Vote-By-Mail (VBM) Ballot Requests and Postage	
Post-Election Reporting and Audit	
Service Center Operations and Tabulation	
Total (small municipality ≤ 2k registered voters = \$600)	\$750.00
VBM Services Other Than Required for PPP	
VBM Ballot Services – Per Ballot Processed	\$6.91/Ballot
VBM Return Mail Postage Costs – Actual Cost	TBD
Unanticipated Costs	TBD

EXHIBIT “B”

Palm Beach County Supervisor of Elections
Schedule of Municipal Run-Off/Stand-Alone Election Fees
Presidential Preference Primary and Municipal Elections
2024

General Municipal Run-Off/Stand-Alone Election Services	Estimated Costs
Vote-by-Mail Ballot Services	\$7.11/Ballot
Run-Off/Stand-Alone Election Day Services	\$7,195.66
Precinct Services (per precinct)	\$596.24
Accounting/Billing	\$141.36
Polling Location Inspection (if applicable)	\$ 66.53
POLL WORKER PAY Early Voting hourly rate: Site Supervisor: \$19/hour Assistant Site Supervisor: \$17/hour Inspector: \$15/hour Election Day lump sum*: Clerk: \$390.00 Assistant Clerk: \$250.00 VST: \$305.00 Inspector: \$230.00 Precinct Deputy: \$200.00 Standby Poll Worker (deployed by SOE): Paid at rate for the position which they are trained *Rate of pay is a lump sum that includes training and election day. The Clerk and VST pay rate also includes Monday set-up. Any additional items requested by the municipality will be invoiced separately	TBD
On call support (\$2500 range)	Invoiced by Vendor TBD
VBM Return Postage Fees	\$.60

*Itemized invoices will be provided in the event of a run-off election.