

# HILLIARD TOWN COUNCIL MEETING

Hilliard Town Hall / Council Chambers  
15859 West County Road 108  
Post Office Box 249  
Hilliard, FL 32046

## TOWN COUNCIL MEMBERS

John P. Beasley, Mayor  
Kenny Sims, Council President  
Lee Pickett, Council Pro Tem  
Joe Michaels, Councilman  
Jared Wollitz, Councilman  
Dallis Hunter, Councilman

## ADMINISTRATIVE STAFF

Lisa Purvis, Town Clerk  
Joel Hall P.E., Public Works Director  
Gabe Whittenburg, Parks & Rec Director

## TOWN ATTORNEY

Christian Waugh

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## AGENDA

**THURSDAY, MARCH 07, 2024, 7:00 PM**

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### NOTICE TO PUBLIC

*Anyone wishing to address the Town Council regarding any item on this agenda is requested to complete an agenda item sheet in advance and give it to the Town Clerk. The sheets are located next to the printed agendas in the back of the Council Chambers. Speakers are respectfully requested to limit their comments to three (3) minutes. A speaker's time may not be allocated to others.*

### PLEDGE OF CIVILITY

WE WILL BE RESPECTFUL OF ONE ANOTHER  
EVEN WHEN WE DISAGREE.

WE WILL DIRECT ALL COMMENTS TO THE ISSUES.

WE WILL AVOID PERSONAL ATTACKS.

***"Politeness costs so little." – ABRAHAM LINCOLN***

## CALL TO ORDER

## PRAYER & PLEDGE OF ALLEGIANCE

## ROLL CALL

## REGULAR MEETING

**ITEM-1** Additions/Deletions to Agenda

**ITEM-2** Town Council to consider Ordinance No. 2024-01, An Ordinance Relating to Public Right-of-Way or Alley; Making Findings; Vacating Public Right-of-Way or Alley within or surrounded by Block 159; Plat of the West Portion of Hilliard; within Town of Hilliard, Florida; authorizing recording of a certified copy of this ordinance. Adopting on First Reading and Set Public Hearing & Final Reading for April 4, 2024.

***Lisa Purvis, MMC – Town Clerk***

**ITEM-3** Town Council approval of the Minor Subdivision Application No. 20240116, based of Planning and Zoning Recommendation.  
Parcel ID No. 08-3N-24-2380-0010-0042  
Property Owner- Shawn Clark

***Lee Anne Wollitz – Land Use Administrator***

- ITEM-4** Town Council to consider a donation in the amount of \$2,000.00 to the Nassau County Economic Development Board following the presentation given at the February 15, 2024, Regular Meeting.  
***Lisa Purvis, MMC – Town Clerk***
- ITEM-5** Town Council approval of position process for Phillip Bouchillon's transition from introductory/probationary status to regular full-time.  
***Joel Hall P.E. – Public Works Director***
- ITEM-6** Town Council approval of the Capital Expenditure for the purchase of road millings for the Northwest Quadrant Streets.  
***Joel Hall P.E. – Public Works Director***
- ITEM-7** Town Council to be made aware regarding Form 6 Compliance and Litigation seeking a declaration that the provisions of Section 112.144(1)(d), Florida Statutes, that require elected officials to file Form 6 Financial Disclosure Forms is unconstitutional and invalid.  
***Christian Waugh – Town Attorney***
- ITEM-8** Town Council approval of the Minutes for the January 29, 2024, Workshop & Joint Workshop, the February 8, 2024, Workshop, and the February 15, 2024, Regular Meeting.  
***Lisa Purvis, MMC – Town Clerk***
- ITEM-9** Town Council approval of ADAPCO, Payable through February 15, 2024, Project Name: Mosquito Sprayer in the amount of \$12,470.  
**CAPITAL FUNDED PROJECT LUMP SUM CONTRACT \$12,470**
- ITEM-10** Town Council approval of Battle Armor Designs, LLC, Payable through February 8, 2024, Project Name: Culvert Cleaner in the amount of \$5,695.  
**CAPITAL FUNDED PROJECT LUMP SUM CONTRACT \$5,695**
- ITEM-11** Town Council approval of Mittauer & Associates, Inc., Payable through February 19, 2024, Project Name FDEP PA0302 Oxford Street Force Main Rerouting in the amount of \$57,400.  
**FDEP LPA0302 GRANT FUNDED PROJECT LUMP SUM CONTRACT \$101,900**

#### **ADDED ITEMS**

#### **ADDITIONAL COMMENTS**

**PUBLIC**

**MAYOR & TOWN COUNCIL**

**ADMINISTRATIVE STAFF**

**TOWN ATTORNEY**

#### **ADJOURNMENT**

The Town may take action on any matter during this meeting, including items that are not set forth within this agenda.

### **TOWN COUNCIL MEETINGS**

The Town Council meets the first and third Thursday of each month beginning at 7:00 p.m., unless otherwise scheduled. Meetings are held in the Town Hall Council Chambers located at 15859 West County Road 108. Video and audio recordings of the meetings are available in the Town Clerk's Office upon request.

### **PLANNING & ZONING BOARD MEETINGS**

The Planning & Zoning Board meets the second Tuesday of each month beginning at 7:00 p.m., unless otherwise scheduled. Meetings are held in the Town Hall Council Chambers located at 15859 West County Road 108. Video and audio recordings of the meetings are available in the Town Clerk's Office upon request.

### **MINUTES & TRANSCRIPTS**

Minutes of the Town Council meetings can be obtained from the Town Clerk's Office. The Meetings are usually recorded but are not transcribed verbatim for the minutes. Persons requiring a verbatim transcript may make arrangements with the Town Clerk to duplicate the recordings, if available, or arrange to have a court reporter present at the meeting. The cost of duplication and/or court reporter will be at the expense of the requesting party.

### **TOWN WEBSITE & YOUTUBE MEETING VIDEO**

The Town's Website can be access at [www.townofhilliard.com](http://www.townofhilliard.com).

Live & recorded videos can be accessed at [www.youtube.com](http://www.youtube.com) search - Town of Hilliard, FL.

### **ADA NOTICE**

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the Town Clerk's Office at (904) 845-3555 at least seventy-two hours in advance to request such accommodations.

### **APPEALS**

Pursuant to the requirements of Section 286.0105, Florida Statutes, the following notification is given: If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting, he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

### **PUBLIC PARTICIPATION**

Pursuant to Section 286.0114, Florida Statutes, effective October 1, 2013, the public is invited to speak on any "proposition" before a board, commission, council, or appointed committee takes official action regardless of whether the issue is on the Agenda. Certain exemptions for emergencies, ministerial acts, etc. apply. This public participation does not affect the right of a person to be heard as otherwise provided by law.

### **EXPARTE COMMUNICATIONS**

Oral or written exchanges (sometimes referred to as lobbying or information gathering) between a Council Member and others, including staff, where there is a substantive discussion regarding a quasi-judicial decision by the Town Council. The exchanges must be disclosed by the Town Council so the public may respond to such exchanges before a vote is taken.

## **2024 HOLIDAYS**

### **TOWN HALL OFFICES CLOSED**

1. Martin Luther King, Jr. Day	Monday, January 15, 2024
2. Memorial Day	Monday, May 27, 2024
3. Independence Day Monday	Thursday, July 4, 2024
4. Labor Day	Monday, September 2, 2024
5. Veterans Day	Monday, November 11, 2024
6. Thanksgiving Day	Thursday, November 28, 2024
7. Friday after Thanksgiving Day	Friday, November 29, 2024
8. Christmas Eve	Tuesday, December 24, 2024
9. Christmas Day	Wednesday, December 25, 2024
10. New Year's Eve	Tuesday, December 31, 2024
11. New Year's Day	Wednesday, January 1, 2025





## AGENDA ITEM REPORT

### TOWN OF HILLIARD, FLORIDA

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TO: Town Council Regular Meeting Meeting Date: March 7, 2024

FROM: ***Lisa Purvis, MMC – Town Clerk***

SUBJECT: Town Council to consider Ordinance No. 2024-01, An Ordinance Relating to Public Right-of-Way or Alley; Making Findings; Vacating Public Right-of-Way or Alley within or surrounded by Block 159; Plat of the West Portion of Hilliard; within Town of Hilliard, Florida; authorizing recording of a certified copy of this ordinance. Adopting on First Reading and Set Public Hearing & Final Reading for April 4, 2024.

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#### **BACKGROUND:**

See attached documents.

#### **FINANCIAL IMPACT:**

All financial expenses to be covered by applicant.

#### **RECOMMENDATION:**

Town Council adoption of Ordinance No. 2024-01, on First Reading and Set a Final Public Hearing & Final Reading for April 4, 2024.

**ORDINANCE NO. 2024-01**

**AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY OR ALLEY; MAKING FINDINGS; VACATING PUBLIC RIGHT-OF-WAY OR ALLEY WITHIN OR SURROUNDED BY BLOCK 159; PLAT OF THE WEST PORTION OF HILLIARD; WITHIN TOWN OF HILLIARD, FLORIDA; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council passed Ordinance No. 2023-01 to enact a process for the Vacation of Public Right-of-Ways within the Town Limits,

**WHEREAS**, through the process set forth in Ordinance 2023-01, the Town has received an application for the vacation of the Town owned alley within Block 159 of the Town Limits of Hilliard,

**WHEREAS**, the Town Council finds that it will further the public health, safety, and welfare of the citizens of the Town of Hilliard for said public right-of-way or alley to be vacated, abandoned, discontinued and closed; and

**WHEREAS**, the Town Council finds that the citizens of the Town of Hilliard have not used the right-of-way or alley and currently do not use the right-of-way or alley and see no future need for the right-of-way or alley.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA:**

**SECTION 1.** The foregoing findings are true and correct and are hereby adopted and made a part hereof.

**SECTION 2.** The Town Council hereby discontinues, abandons, closes, vacates, and cancels that certain existing public right-of-way or alley as more specifically and graphically described in the Plat of the West Portion of the Town of Hilliard, Block 159.

**SECTION 3.** The Town Clerk is authorized and directed to forward a certified copy of this Ordinance to the Clerk of the Court for recordation.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall not affect the validity of the remaining portion of this Ordinance.

**SECTION 6.** This Ordinance shall become effective upon its passage.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by the Hilliard  
Town Council.

\_\_\_\_\_  
Kenneth A. Sims  
Council President

ATTEST:

\_\_\_\_\_  
Lisa Purvis  
Town Clerk

APPROVED:

\_\_\_\_\_  
John P. Beasley  
Mayor

Town Council First Reading:	March 7, 2024
Town Council Publication:	March 20, 2024
Town Council Public Hearing:	April 4, 2024
Town Council Final Reading:	April 4, 2024

PLAT OF THE WEST PORTION OF THE TOWN OF  
**HILLIARD**  
 IN NASBAU COUNTY, FLORIDA,  
 being part of Section 8, T. 2 N. R. 24 E. Sec. 8.

Scale 1" = 200'



STATE OF FLORIDA }  
 COUNTY OF NASBAU }  
 I, J. B. [Name], County Clerk, do hereby certify that the within and foregoing plat of the West Portion of the Town of Hilliard, in Nasbau County, Florida, is a true and correct copy of the original plat on file in my office, and that the same was duly recorded and filed in my office on the 25th day of April, 1900, at 2 o'clock P. M.

CHICAGO TITLE AND TRUST COMPANY  
 By [Signature] President  
 [Signature] Secretary

STATE OF FLORIDA }  
 COUNTY OF NASBAU }  
 I, J. B. [Name], County Clerk, do hereby certify that the within and foregoing plat of the West Portion of the Town of Hilliard, in Nasbau County, Florida, is a true and correct copy of the original plat on file in my office, and that the same was duly recorded and filed in my office on the 25th day of April, 1900, at 2 o'clock P. M.

Filed April 25th 1900  
 J. B. [Name] County Clerk  
 Received April 25th 1900  
 J. B. [Name] County Clerk



## Town of Hilliard

### Final Application to Close, Abandon, or Vacate Street, Alley, Easement, or Right of Way

#### FOR OFFICE USE ONLY

File # 20240131  
 Application Fee: \$ 850.00 pdck #  
 Filing Date: 1/31/24 Acceptance Date: \_\_\_\_\_

#### A. PROPOSED CLOSING, ABANDONING, OR VACATON

1. Street, Alley, Right of Way Name to be closed, vacated, or abandoned: \_\_\_\_\_
2. Legal Description: Block 159 of Hilliard Township mid Alley
3. Parcel ID Number(s) and/or Adjoining Parcel ID Number(s): 08-310-24-2380-0159-0010  
08-310-24-2380-0159-0230
4. Acreage of closure, abandonment, or vacation: 25 X 125

#### B. APPLICANT

1. Applicant's Status ☒ Owner (title holder) ☐ Agent

2. Name of Applicant(s) or Contact Person(s): Sylvester V Helhoski Sr Title: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_

Mailing address: 22455 W 2nd Ave

City: Hilliard State: FL ZIP: 32046

Telephone: (904) 945-0040 FAX: ( ) e-mail: anne1369@aol.com

3. If the applicant is agent for the property owner\*:

Name of Owner (title holder): \_\_\_\_\_

Company (if applicable): \_\_\_\_\_

Mailing address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: ( ) FAX: ( ) e-mail: \_\_\_\_\_

\* Must provide executed Property Owner Affidavit authorizing the agent to act on behalf of the property owner.



**C. ATTACHMENTS (One hard copy or one copy in PDF format)**

1. Legal description
2. Location Map clearly identifying the location of the proposed closure. ([nassauflpa.com](http://nassauflpa.com))
3. Survey of Property to be Vacated.
4. Appraisal of Property to be Vacated.

**E. FEES**

1. Right of Way (streets or alley or easements) - \$200 pre application fee & final application fee TBD
2. The Cost of advertisement and outside consultants are in addition to the application fee.

No application shall be accepted for processing until the required application fee is paid in full by the applicant. Any fees for advertising, signs, necessary technical review or additional reviews of the application by a consultant will be billed to the applicant at the rate of the reviewing entity plus 10%. The invoice shall be paid in full prior to any action of any kind on the development application.

**All attachments are required for a complete application. A completeness review of the application will be conducted within thirty (30) business days of receipt. If the application is determined to be incomplete, the application will be returned to the applicant.**

**The Town reserves the right to retain a utility easement where the alley or roadway is located and grant the Town all necessary rights in such utility easement as it may require.**

I/We certify and acknowledge that the information contained herein is true and correct to the best of my/our knowledge:

Sylvester V. Helhoski SR  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-applicant

Sylvester V. Helhoski SR  
Typed or printed name and title of applicant

\_\_\_\_\_  
Typed or printed name of co-applicant

Jan 31/2024  
Date

\_\_\_\_\_  
Date

State of Florida County of Nassau

The foregoing application is acknowledged before me this 31<sup>st</sup> day of Jan, 2024.

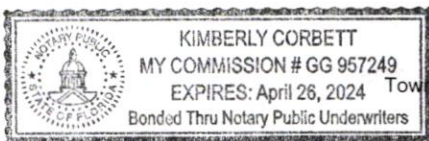
by Sylvester Helhoski, who is/are personally known to me, or who has/have produced

Drivers License as identification.

NOTARY SEAL

Kimberly Corbett

Signature of Notary Public, State of Florida



Town of Hilliard ♦ 15859 West CR 108 ♦ Hilliard, FL 32046 ♦ (904) 845-3555

DWN OF HILLIARD  
04-845-3555

EC#: 00170923 1/31/2024 10:53 AM  
PER: AH TERM: 001  
EF#: 2873  
AID BY:

RAN: 104.0000 ZONING REVENUE  
ROW VACANT-BLOCK 159  
ZONING REVENUE 850.00CR

TENDERED: 850.00 CHECK  
APPLIED: 850.00-

CHANGE: 0.00

APPRAISALS FIRST CLASS, P.A.  
PHONE: 904-548-0605 FAX: 904-548-0615

File No. AJ24L0016

APPRAISAL OF



LOCATED AT:

RIGHT OF WAY WITHIN BLOCK 159

FOR:

SYLVESTER MELHOSKI  
27455 W SECOND AVE  
HILLIARD, FL, 32046

BORROWER:

N/A

AS OF:

January 15, 2024

BY:

ANNA M JOWERS  
CERT REG RD7077, EXPIRES 11/30/2024



File No. AJ24L0016

NO AMC  
SYLVESTER HELHOSKI  
27455 W SECOND AVE  
HILLIARD, FL, 32046

File Number: AJ24L0016

In accordance with your request, I have appraised the real property at:

RIGHT OF WAY WITHIN BLOCK 159

The purpose of this appraisal is to develop an opinion of the market value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements.

In my opinion, the market value of the property as of January 15, 2024 is:

\$850  
Eight Hundred Fifty Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, limiting conditions and appropriate certifications.



ANNA M JOWERS  
CERT RES RD7677, EXPIRES 11/30/2024

APPRAISALS FIRST CLASS, P.A.  
LAND APPRAISAL REPORT

File No. AJ24L0016

ITEM-2

The purpose of this appraisal report is to provide the lender/client with an accurate supported opinion of the market value of the subject property.

**CLIENT AND PROPERTY IDENTIFICATION**

Property Address: **RIGHT OF WAY WITHIN BLOCK 159** City: **HILLIARD** State: **FL** Zip: **32016**  
 Borrower: **N/A** Owner of Public Record: **TOWN OF HILLIARD** County: **NASSAU**  
 Legal Description: **BLOCK 159 LOTS 1 2 3 4 5 R378467 & R378468 TOWN OF HILLIARD**  
 Assessor's Parcel #: **08-3N-24-2380-0159-0010** Tax Year: **2022** RE Taxes: **0.00**  
 Neighborhood Name: **Nassau** Map Reference: **00803N24E** Census Tract: \_\_\_\_\_  
 Special Assessments: **0.00** PUD: ☐ Yes ☒ No HOA's: ☐ Per Year ☐ Per Month  
 Property Rights Appraised: ☒ Fee Simple ☐ Feehold ☐ Other (describe): \_\_\_\_\_  
 Assignment Type: ☐ Purchase Transaction ☐ Refinance Transaction ☒ Other (describe): **MARKET VALUE**  
 Lender/Client: **SYLVESTER HELHOSKI** Address: **27455 W SECOND AVE, HILLIARD, FL 32046**

**CONTRACT ANALYSIS**

☐ I did ☐ did not analyze the contract for sale or the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed: \_\_\_\_\_

Contract Price: **\$ 0** Date of Contract: \_\_\_\_\_ Is the property sold the owner of public record? ☐ Yes ☐ No Data Source(s): \_\_\_\_\_

Is there any financial assistance (loan charges, sale concessions, gift or down payment assistance, etc.) to be paid by any party on behalf of the borrower? ☐ Yes ☐ No

If Yes, report the total dollar amount and describe the items to be paid: \$ \_\_\_\_\_

**NEIGHBORHOOD DESCRIPTION**

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics				One-Unit Housing Trends				One-Unit Housing		Present Land Use %	
Location	Urban	Suburban	Rural	Property Values	Increasing	Stable	Declining	PRICE	AGE	One-Unit	50 %
Build-Up	Over 75%	25-75%	Under 25%	Demand/Supply	Shortage	In Balance	Over Supply	\$/000	(yr.)	2-4 Unit	0 %
Growth	Fast	Stable	Slow	Marketing Time	Under 3 mths	3-6 mths	Over 6 mths	0 Low	0	Multi-Family	0 %
Neighborhood Boundaries: <b>NORTH AND WEST BY GA/FL LINE, SOUTH RIVER RD, AND EAST BY MIDDLE RD, MOSTLY RURAL SET'S.</b>								High	56	Commercial	5 %
								Med.	15	Other Undeveloped	45 %

	Good	Avg.	Fair	Poor		Good	Avg.	Fair	Poor
Convenience to Employment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Compatibility	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Appearance of Properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Primary Education	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Public (Fire Protection)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Recreational Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Protection from Environmental Conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Stability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Overall Appeal to Market	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Neighborhood Description: **See Attached Addendum**

**Market Conditions (excluding support for the above conclusions):** **THE SUBJECT'S MARKET AREA APPEARS TO BE INCREASING OVER THE LAST TWELVE MONTHS, WITH A LACK OF SUPPLY AND A HEIGHTENED DEMAND, AND MARKETING/EXPOSURE TIME IS UNDER THREE MONTHS.**

**SITE DESCRIPTION**

Dimensions: **SEE PLAT MAP** Area: **3040 sf** ☐ Acres ☒ Sq Ft Shape: **IRREGULAR** View: **RESIDENTIAL**  
 Zoning Classification: **R-2** Zoning Description: \_\_\_\_\_  
 Zoning Compliance: ☒ Legal ☐ Legal Nonconforming (Grandfathered Use) ☐ No Zoning ☐ Illegal (describe): **MEDIUM DENSITY**  
 Uses permitted under current zoning regulations: **See Attached Addendum**  
 Highest & Best Use: **See Attached Addendum**  
 Describe any improvements: **NONE**  
 Do present improvements conform to zoning? ☐ Yes ☐ No ☒ No improvements If No, explain: \_\_\_\_\_

Present use of subject site: **LOT** Current or proposed ground rent? ☐ Yes ☒ No If Yes, \$ \_\_\_\_\_  
 Topography: **GENTLY SLOPING** Size: **TYPICAL FOR AREA** Drainage: **APPEARS ADEQUATE**  
 Corner Lot: ☐ Yes ☒ No Underground Utilities: ☒ Yes ☐ No Fences: ☐ Yes ☒ No If Yes, type: \_\_\_\_\_  
 Special Home Hazard Area: ☐ Yes ☒ No FEMA Flood Zone: **X** FEMA Map # **12089C0065F** FEMA Map Date: **12-17-2010**

UTILITIES	Public	Other	Provider or Description	On-Site Improvements	Type/Description	Public	Other
Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>OKEFENOKEE RURAL ELECTRIC</b>	Street Surface	<b>ASPHALT</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>PRIVATE/BOTTLED</b>	Street Type Influence	<b>ASPHALT</b>	<input type="checkbox"/>	<input type="checkbox"/>
Water	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>PRIVATE WELL</b>	Curb/Cutler		<input type="checkbox"/>	<input type="checkbox"/>
Sanitary Sewer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>PRIVATE SEPTIC</b>	Shoulder		<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>		Street Lights		<input type="checkbox"/>	<input type="checkbox"/>

Are the utilities and off-site improvements typical for the market? ☒ Yes ☐ No If No, describe: \_\_\_\_\_

Are there any adverse site conditions or external factors (encroachments, environmental conditions, land use, etc.)? ☐ Yes ☒ No If Yes, describe: \_\_\_\_\_

**See Attached Addendum**

**Site Comments:** **See Attached Addendum**



**APPRAISALS FIRST CLASS, P A  
LAND APPRAISAL REPORT**

File No. AJ24L0016

ITEM-2

There are <u>0</u> comparable sales currently offered for sale in the subject neighborhood ranging in price from \$ <u>0</u> to \$ <u>0</u>	
There are <u>4</u> comparable sales sold in the last 12 months in the subject neighborhood ranging in sale price from \$ <u>850</u> to \$ <u>850</u>	

COMPARABLE SALES				
FEATURE	SUBJECT	COMPARABLE SALE NO. 1	COMPARABLE SALE NO. 2	COMPARABLE SALE NO. 3
Address: NIGHT OF WAY WITHIN BLOCK 158		0 W THIRD ST	0 EIGHTH AV	0 SECOND AV
City/Zip: HILLIARD, FL 32046		HILLIARD, FL 32046	HILLIARD, FL 32046	HILLIARD, FL 32046
Proximity to Subject		0.37 miles NE	0.52 miles NW	0.10 miles NW
Data Source(s)	County/Tax Record/Drive By	County/Tax Record/Drive By	County/Tax Record/Drive By	County/Tax Record/Drive By
Verification Source(s)	County/Tax Record/Drive By	#083N24238001470070	#083N24238000940080	#083N2423001520010
Sale Price	\$ <u>0</u>	\$ <u>850</u>	\$ <u>850</u>	\$ <u>850</u>
Price/sq ft	\$ <u>0.00</u>	\$ <u>0.28</u>	\$ <u>0.28</u>	\$ <u>0.33</u>
Date of Sale (MM/DD/YYYY)				
Days on Market				
Financing Type				
Concessions				
Location	RURAL RES	RURAL RES	RURAL RES	RURAL RES
Property Rights Appraised	FEE SIMPLE	FEE SIMPLE	FEE SIMPLE	FEE SIMPLE
Site Size, Sq.Ft.	3049 sf	3049 sf	3049 sf	2614 sf
View	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
Topography	LEVEL	LEVEL	LEVEL	LEVEL
Available Utilities	WELL SEPTIC ELEC	WELL SEPTIC ELEC	WELL SEPTIC ELEC	WELL SEPTIC ELEC
Street Frontage	COUNTY RD	COUNTY RD	COUNTY RD	COUNTY RD
Street Type	ASPHALT	ALL WEATHER	ASPHALT	ALL WEATHER
Water Influence	NONE	NONE	NONE	NONE
Fencing	NONE	NONE	NONE	NONE
Improvements	NONE	NONE	NONE	NONE
CLEARED	CLEARED	CLEARED	CLEARED	CLEARED
Net Adjustment (Total, in \$)		(X) - ( ) = \$ <u>0</u>	(X) + ( ) = \$ <u>0</u>	(X) + ( ) = \$ <u>0</u>
Adjusted sales price in the		Net Adj. 0.0%	Net Adj. 0.0%	Net Adj. 0.0%
Comparable Sales (n \$)		Gross Adj. 0.0% \$ <u>850</u>	Gross Adj. 0.0% \$ <u>850</u>	Gross Adj. 0.0% \$ <u>850</u>

The Appraiser has researched the transfer history of the subject property for the past 3 years, and the listing history of the subject property for the past 12 months prior to the effective date of this appraisal. The appraiser has also researched the transfer and listing history of the comparable sales for the past 12 months.

The appraiser's research ☐ did ☒ did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of the appraisal.

Data Sources: PUBLIC RECORDS, REALQUEST, TAX RECORDS

The appraiser's research ☐ did ☒ did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.

Data Sources: PUBLIC RECORDS, REALQUEST, TAX RECORDS

The appraiser's research ☐ did ☒ did not reveal any prior listings of the subject property or comparable sales for the year prior to the effective date of the appraisal.

Data Sources: PUBLIC RECORDS, REALQUEST, TAX RECORDS

Listing/Transfer History	Transfer Sale (ONLY) of the Subject in past 36 months:	Listing and Transfer history of Comp 1 in past 12 months:	Listing and Transfer history of Comp 2 in past 12 months:	Listing and Transfer history of Comp 3 in past 12 months:
(If more than two, use comments section or in addendum)	\$	\$	\$	\$
	\$	\$	\$	\$

Subject Property is Currently Listed For Sale? ☐ Yes ☒ No Data Source: THE SUBJECT OF THIS REPORT IS NOT CURRENTLY LISTED FOR SALE ON MLS#0000

Current Listing History	List Date	List Price	Days on Market	Data Source
	\$	\$		

Subject Property has been listed within the last 12 Months? ☐ Yes ☒ No Data Source: THE SUBJECT OF THIS REPORT IS NOT CURRENTLY LISTED FOR SALE ON MLS#0000

12 Month Listing History	List Date	List Price	Days on Market	Data Source
	\$	\$		
	\$	\$		

Comments on Prior Sales/Transfers and Current and Prior Listings: THERE HAVE BEEN NO TRANSFERS OF THE SUBJECT PROPERTY WITHIN THE PAST THREE YEARS/ 36 MONTHS.

OTHER THAN LISTED IN ABOVE GRID, COMPARABLE SALES HAVE NO PRIOR TRANSFERS OR LISTINGS IN THE LAST 12 MONTHS PRIOR TO THEIR LAST DATE OF SALE, OTHER THAN CURRENT SALE, PRIOR DUE TO PURCHASE.

Summary of the Sales Comparison Approach: See Attached Addendum

Reconciliation Comments: THE FINAL VALUE ESTIMATE WAS OBTAINED FROM THE SALES COMPARISON APPROACH WHICH REFLECTS THE ACTIONS OF TYPICAL HOME-BUYERS AND SELLERS IN AN OPEN MARKET.

This appraisal is made ☒ "as is", or ☐ subject, to the following conditions or inspections: See Attached Addendum

Based on a complete visual inspection of the subject site and those improvements upon said site, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of market value, as defined, of the real property that is the subject of this report is:

Opinion of Market Value: \$ 850 as of: 01/15/2024, which is the date of inspection and the effective date of this appraisal.



# APPRAISALS FIRST CLASS, P A LAND APPRAISAL REPORT

File No. AJ24L0016

ITEM-2

PRODUCT INFORMATION FOR PUDs (if applicable)			
Is the developer/building in control of the Homeowners' Association (HOA)? <input type="checkbox"/> Yes <input type="checkbox"/> No Unit type(s) <input type="checkbox"/> Detached <input type="checkbox"/> Attached			
Provide the following information for PUDs ONLY if the developer/building is in control of the HOA and the subject property is an attached dwelling unit.			
Legal Name of Project:			
Total number of phases	Total number of units	Total number of units sold	
Total number of units rented	Total number of units for sale	Data source(s):	
Was the project created by the conversion of existing building(s) into a PUD? <input type="checkbox"/> Yes <input type="checkbox"/> No		If yes, date of conversion:	
Does the project contain any multi-dwelling units? <input type="checkbox"/> Yes <input type="checkbox"/> No		Data Source:	
Are the units, common elements, and recreation facilities complete? <input type="checkbox"/> Yes <input type="checkbox"/> No		If no, describe the status of completion:	
Describe common elements and recreational facilities:			
CERTIFICATIONS AND LIMITING CONDITIONS			
<p>This report form is designed to report an appraisal of a parcel of land which may have some major improvements but is not considered to be an "improved site". All improvements are considered to be of relatively minor value; impact on the overall value of the site. This report form is not designed to report on an "improved site" where significant value is derived from the improvements. This appraisal report form may be used for single family, multi-family sites and may be included within a PUD development.</p> <p>This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions, and limiting conditions and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.</p> <p><b>SCOPE OF WORK:</b> The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions and certifications. The appraiser must, at a minimum, (1) perform a complete visual inspection of the subject site and any limited improvements, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions and conclusions in this appraisal report.</p> <p><b>INTENDED USE:</b> The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.</p> <p><b>INTENDED USER:</b> The intended user of this report is the lender/client identified within the appraisal report.</p> <p><b>DEFINITION OF MARKET VALUE:</b> The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale; the buyer and seller acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale of a specified date and time; the passing of title from seller to buyer under conditions which are: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale. (Source: OCC, OTS, FRS, &amp; FDIC joint regulations published June 7, 1994)</p> <p>* Adjustments to the comparables must be made for special or creative concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area. These costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons of financing terms offered by a third party institutional lender (i.e., is not already involved in the property or transaction). Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.</p> <p><b>STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS:</b> The appraiser's certification in this report is subject to the following assumptions and limiting conditions:</p> <ol style="list-style-type: none"> <li>The appraiser will not be responsible for matters of a legal nature that affect the subject property, and appraiser is not liable to it except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.</li> <li>The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.</li> <li>The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question unless specific arrangements to do so have been made by contract, or as otherwise required by law.</li> <li>The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the subject property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties express or implied. The appraiser will not be responsible for any such conditions that do exist or for the engineering or testing that might be required to discover whether such a condition exists. Because the appraiser is not a expert in the field of environmental hazards, this appraisal must not be considered as an environmental assessment of the property.</li> </ol> <p><b>APPRAISER'S CERTIFICATION:</b> The Appraiser certifies and agrees that:</p> <ol style="list-style-type: none"> <li>I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.</li> <li>I performed a complete visual inspection of the subject site and any limited improvements. I have reported the information in factual and specific terms. I identified and reported the deficiencies of the subject site that could affect the utility of the site and its usefulness as a building lot(s).</li> <li>I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of the Appraisal Foundation and that were in place in the area of this appraisal report, was prepared.</li> <li>I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have utilized reliable comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them unless indicated elsewhere within this report as there are no or very limited improvements and these approaches to value are not deemed necessary for a reliable result and/or reliable indicators of value for this appraisal assignment.</li> <li>I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.</li> <li>I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of the sale of the comparable sale, unless otherwise indicated in this report.</li> <li>I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.</li> <li>I have not used comparable sales that were the result of combining multiple transactions into reported sales.</li> <li>I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.</li> <li>I have verified, from a distinguished source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.</li> <li>I have knowledge and experience in appraising this type of property in this market area.</li> <li>I am aware of and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.</li> </ol>			



# APPRAISALS FIRST CLASS, P A LAND APPRAISAL REPORT

File No. AJ24L0016

ITEM-2

## CERTIFICATIONS AND LIMITING CONDITIONS (continued)

13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report, from reliable sources that I believed to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, not dead repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective financial interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would support (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range of values, or deviation in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will have no responsibility for it.
20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
21. The lender/client may disclose or distribute this appraisal report to the borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, other secondary market participants, data collection or reporting services, professional appraisal organizations, any department, agency, or instrumentality of the United States and any state, the District of Columbia, or other jurisdiction without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be reclassified or distributed to any other party (including, but not limited to, the public, through advertising, public relations, press, sales, or other means).
22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.
24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature" as those terms are defined in applicable federal and/or state laws (including audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original handwritten signature.
25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, or applicable federal and/or state laws.

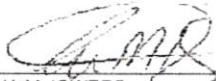
### SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm) is qualified to perform this appraisal and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature" as those terms are defined in applicable federal and/or state laws (including audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original handwritten signature.

### SIGNATURES

#### APPRAISER

Signature



Name: ANNA M. JOWERS

Company Name: APPRAISALS FIRST CLASS, P A

Company Address: 85009 RADIO AVE

Yulee, FL 32097

Telephone Number: 904-548-0605

Email Address: ANNA@APPRAISALSFIRSTCLASS.COM

Date of Signature and Report: 01/25/2024

Effective Date of Appraisal: 01/15/2024

State Certification #: CERT RES RD7877

or State License #

or Other (Specify):

State: FL

Expiration Date of Certification or License: 11/30/2024

#### ADDRESS OF PROPERTY APPRAISED

RIGHT OF WAY WITHIN BLOCK 159

#### APPRAISED VALUE OF SUBJECT PROPERTY(S)

850

#### LENDER'S LENT

Name: NO AMC

Company Name: SYLVESTER HELHOSKI

Company Address: 27455 W SECOND AVE

HILLIARD, FL 32046

Email Address:

#### SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature

Name:

Company Name:

Company Address:

Telephone Number:

Email Address:

Date of Signature:

State Certification #

or State License #

or Other

Expiration Date of Certification or License:

#### SUBJECT PROPERTY

☐ Did not inspect subject property

☐ Did not inspect exterior of subject property from street

Date of Inspection:

#### COMPARABLE SALES

☐ Did not inspect exterior of comparable sales from street

☐ Did not inspect exterior of comparable sales from street

Date of Inspection:

## File No. AJ24L0016

COMPARABLE SALES									
FEATURE		SUBJECT		COMPARABLE SALE NO. 4		COMPARABLE SALE NO. 5		COMPARABLE SALE NO. 6	
Address: RIGHT OF WAY WITHIN BLOCK 159		0 NEW FRONT ST							
City/Zip: HILLIARD, FL 32046		HILLIARD, FL 32046							
Proximity to Subject:		0.00 miles SE							
Data Source(s)		County/Tax Record/Drive By							
Verification Source(s)		County/Tax Record/Drive By							
		#083N24238001760010							
Sale Price:		\$ 0		\$ 850					
Price/sq. ft.:		0.00		0.29				0.00	
Date of Sale (MO/DAY/YR)									
Days on Market									
Financing Type									
Concessions									
Location		RURAL; RES		RURAL; RES					
Property Rights Acquired		FEE SIMPLE		FEE SIMPLE					
Sale Size: Sq. Ft.		3049 sf		3049 sf					
View		RESIDENTIAL		RESIDENTIAL					
Topography		LEVEL		LEVEL					
Available Utilities		WELL; SEPTIC; ELEC		WELL; SEPTIC; ELEC					
Street Frontage		COUNTY RD		COUNTY RD					
Street Type		ASPHALT		ASPHALT					
Water Wastewater		NONE		NONE					
Fencing		NONE		NONE					
Improvements		NONE		NONE					
CLEARED		CLEARED		CLEARED					
Net Adjustment (Total, in \$)		<input checked="" type="checkbox"/> - <input type="checkbox"/> + \$ 0		<input checked="" type="checkbox"/> - <input type="checkbox"/> + \$ 0		<input checked="" type="checkbox"/> - <input type="checkbox"/> + \$ 0		<input checked="" type="checkbox"/> - <input type="checkbox"/> + \$ 0	
Adjusted sales price of the		Net Adj. 0.0%		Net Adj. 0.0%		Net Adj. 0.0%		Net Adj. 0.0%	
Comparable Sales (in \$)		Gross Adj. 0.0%		Gross Adj. 0.0%		Gross Adj. 0.0%		Gross Adj. 0.0%	
Listing/Transfer History		Transfer Sale (ONLY) of the		Listing and Transfer history of		Listing and Transfer history of		Listing and Transfer history of	
(if more than two, use comments		Subject in past 36 months:		Comp 4 in past 12 months:		Comp 5 in past 12 months:		Comp 6 in past 12 months:	
section or an addendum.)		\$		\$		\$		\$	
		\$		\$		\$		\$	
Summary of the Sales Comparison Approach: ALL DOLLAR AMOUNTS ARE ROUNDED TO THE NEAREST DOLLAR AMOUNT.									



Borrower: N/A	File No.: AJ24L0016
Property Address: RIGHT OF WAY WITHIN BLOCK 159	Case No.:
City: HILLIARD	State: FL Zip: 32046
Lender: SYLVESTER HELHOSKI	

#### Neighborhood Description

THE SUBJECT PROPERTY IS LOCATED IN NASSAU COUNTY WHICH HAS A VAST LAND MASS UNIMPROVED TIMBERLAND. THE GENERAL POPULATION IN THE SUBJECTS MARKET AREA TEND TO "HOMESTEAD" WHEREAS, THEY ACQUIRE A TRACT OF VACANT LAND AND HAVE A CUSTOM BUILT HOME CONSTRUCTED OR MOVE A NEW MANUFACTURED DWELLING ON THE SITE WITH INTENT TO RESIDE PERMANENTLY AND PASS DOWN THEIR ASSETS TO FOLLOWING GENERATIONS. THEREFORE THERE WERE VERY LIMITED SALES IN THE SUBJECTS MARKET AREA WITHIN CLOSE PROXIMITY TO THE SUBJECT.

NASSAU COUNTY IS AN EASY COMMUTE TO ALL NASSAU COUNTY MUNICIPALITIES, SUCH AS THE JACKSONVILLE INTERNATIONAL AIRPORT, GEORGIA'S KING'S BAY NAVAL BASE, AND IS ONLY A 25 MINUTE COMMUTE TO DOWNTOWN JACKSONVILLE, FLORIDA. THIS MARKET AREA HAS NEW SCHOOLS, AND NEW SHOPPING CENTERS SUCH AS RIVER CITY MARKETPLACE MALL, TARGET, HOME DEPOT, AND LOWES.

CSX AND NORFOLK SOUTHERN ARE TWO MAJOR RAIL ROADS THAT INTERTWINE THROUGH NASSAU AND DUVAL COUNTIES WHICH IS WITHIN THE SUBJECTS GENERAL MARKET AREA AND IS WELL ACCEPTED BY THE MARKET AND NOT CONSIDERED ADVERSE TO VALUE OR MARKETABLE. THEY ARE AN INTEGRAL PART OF THE COMMUNITIES AND THE LOCAL MARKET HAS ADJUSTED AND DO NOT APPEAR TO BE ADVERSE.

#### Uses Allowed Under Current Zoning Regulations

OPEN RURAL: OR INTENT: This district is intended to apply to areas which are sparsely developed and including uses as normally found in rural areas away from urban activity. It is intended that substantial residential, commercial, or industrial development shall not be permitted in the OR district, however agricultural uses, accessory uses and activities that support such uses are encouraged. Lands in such district may be rezoned to the proper district to accommodate more intense uses when conditions warrant rezoning.

Section 22.01: - Permitted uses and structures, modified

(A) Agricultural, horticultural and forestry uses, also the keeping and raising of farm animals and poultry, provided structures for same shall not be located within one hundred (100) feet of any property line; and, further, provided that goats, sheep, or swine shall not be kept or permitted within two hundred (200) feet of any residence under different ownership. The noncommercial keeping and raising of horses and ponies is permitted; provided, however, that no more than one (1) horse or pony six (6) months of age or older shall be permitted per one-half (1/2) acre of land. Structures for horses or ponies shall not be located in a required front yard. No structure used for the keeping of horses or ponies shall be located closer than thirty-five (35) feet to any property line of different ownership.

(B) Permanent or temporary housing of farm labor in conjunction with a permitted agricultural or farming activity. All housing for such use shall be in compliance with the county's building and housing codes and in the case of mobile homes as per state requirements. (C) Roadside stands where the major portion of products offered for sale are grown on the premises. (D) Dude ranch, riding academy, or boarding stable, provided structures for the housing of animals shall not be located within one hundred (100) feet of any property line. (E) Public parks, camping grounds and recreational areas, playgrounds, playfields and government structures. (F) Game preserves, wildlife management areas, fish hatcheries and refuges, watershed, water reservoirs, control structures, wells and similar uses. (G) Temporary revival establishments (not to exceed thirty (30) days). (H) Borrow pits and ponds, as defined herein. (I) Single-family dwellings and mobile homes on individual lots. (J) Day nurseries, kindergartens, day care and child care centers licensed for less than fifteen (15) children. (K) Governmental uses. (L) U-Pick berry, fruit or vegetable farms, Christmas tree farms and similar uses. (M) Wholesale or retail plant nurseries, subject to supplementary development standards found in section 28.16. (Ord. No. 2012-10, § 5, 4-30-12; Ord. No. 2019-01, § 2(Exh. A), 1-14-19)

#### Minimum lot requirements.

(A) Single-family dwelling or mobile home on individual lot: (1) Minimum lot width: a. One hundred (100) feet. (2) Minimum lot area: a. One (1) acre. (B) Churches including temporary revival establishments: (1) Minimum lot width: One hundred fifty (150) feet. (2) Minimum lot area: Two (2) acres. (C) Golf course (other than par three): Minimum lot area: One hundred (100) acres. (D) Other permitted or permissible uses or structures: Two (2) acres, unless otherwise listed. (E) Limited development overlay areas: The comprehensive plan and future land use map (FLUM) series established limited development overlays on areas depicted as conservation, wetlands and floodplains. (1) Areas depicted on the FLUM as wetlands may not be developed at a density greater than one (1) unit per five (5) acres. Development within the limited development overlay areas must be clustered on the upland or least environmentally sensitive portion of the site.

#### Highest & Best Use

THE SUBJECT AS IMPROVED IS A LEGALLY PERMISSIBLE USE BASED ON ITS CURRENT ZONING, THE LOT SIZE, SHAPE, PHYSICAL CONDITION AND LAND TO BUILDING RATIO ALLOW THE PRESENT STRUCTURE AND INDICATE A GOOD UTILIZATION OF THE IMPROVEMENTS. BASED UPON THE CURRENT MARKET CONDITIONS, THE PRESENT USE AS A SINGLE FAMILY RESIDENCE IS ITS FINANCIALLY FEASIBLE AND MAXIMALLY PRODUCTIVE USE. THE HIGHEST AND BEST USE IS ITS PRESENT USE.

#### Adverse Site Conditions

NO ADVERSE ENVIRONMENTAL CONDITIONS ARE KNOWN TO THE APPRAISER INCLUDING BUT NOT LIMITED TO THE INSIDE OR OUTSIDE OF PROPERTY BOUNDARY SUCH AS NATURAL OR MAN MADE HAZARDS THAT WOULD HAVE AN ADVERSE AFFECT ON VALUE, ALSO TERMITE, LEAD PAINT, MOLD, SOIL TREATMENT, RADON GASES OR OTHERS. THESE INSPECTIONS ARE TO BE DONE BY PROFESSIONALS IN THEIR FIELD. THE APPRAISER IS NOT RESPONSIBLE FOR SUCH CONDITIONS NOR IS LIABLE AND IS ABSOLVED OF ANY RESPONSIBILITY OF ANY KIND FOR SUCH BY ACCEPTANCE OF THIS REPORT.

EXTERNALITIES: IN RESEARCHING FACTORS THAT AFFECT THE SUBJECT'S NEIGHBORHOOD AND MARKETABILITY OF THE NEIGHBORHOOD, THE APPRAISER DID NOT VERIFY POTENTIALLY ADVERSE NEIGHBORHOOD INFLUENCES SUCH AS, BUT NOT LIMITED TO CRIMINAL ACTIVITY, REGISTERED SEX OFFENDERS, TOXIC OR SUPERFUND SITES, MARIJUANA CULTIVATION OR INTERIM REHABILITATE FACILITIES FOR FELONIOUS OFFENDERS. WHILE NO ADVERSE SITE CONDITIONS WERE NOTED, MANY SITE RELATED



Borrower: N/A	File No.: AJ24L0016
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Lender: SYLVESTER HELHOSKI	

ISSUES ARE BEYOND THE SCOPE OF THIS ASSIGNMENT AND THE EXPERTISE OF THE APPRAISER, UNLESS OTHERWISE NOTED. STANDARD UTILITY AND RIGHT OF WAY EASEMENTS ARE INSIGNIFICANT FACTORS ON MARKET VALUE. HOWEVER, A CURRENT SURVEY, WHICH WAS NOT PROVIDED TO THE APPRAISER, MAY REVEAL ENCROACHMENTS, EASEMENT, ZONING VIOLATIONS, OR OTHER MATTERS OF INTEREST THAT COULD WARRANT MODIFICATIONS OF THE APPRAISER'S ANALYSIS AND OPINIONS. WITHOUT A SURVEY, THE APPRAISER CANNOT DETERMINE IF THE IMPROVEMENTS MEET SETBACK REQUIREMENTS AS DESIGNATED BY THE SUBJECT'S ZONING.

SINKHOLES ARE A NATURAL AND COMMON GEOLOGIC FEATURE IN MANY PARTS OF FLORIDA. SINKHOLES ARE FORMED WHEN RAIN DISSOLVES UNDERGROUND LIMESTONE OR WHEN SURFACE MATERIALS COLLAPSE INTO UNDERLYING CAVITIES IN THE ROCK. ABRUPT COLLAPSE-TYPE SINKHOLES HAVE BECOME MORE COMMON OVER THE PAST TWENTY FIVE YEARS, PRIMARILY DUE TO INCREASED WITHDRAWAL OF GROUND WATER, DIVERSION OF SURFACE WATER, OR CONSTRUCTION OF PONDS.

UNDER FLORIDA LAW, ALL INSURANCE COMPANIES ISSUING PROPERTY INSURANCE IN THE STATE OF FLORIDA MUST PROVIDE FOR DAMAGE CAUSED BY SINKHOLES. IT IS UP TO THE BORROWER TO HAVE PROPER INSURANCE THAT COVERS THIS TYPE OF NATURAL SITE CONDITIONS. THE APPRAISER IS NOT RESPONSIBLE FOR SUCH CONDITIONS NOR IS LIABLE AND IS ABSOLVED OF ANY RESPONSIBILITY OF ANY KIND FOR SUCH BY ACCEPTANCE OF THIS REPORT.

#### Site Comments

THE APPRAISER CANNOT GUARANTEE THAT THE PROPERTY IS FREE OF ENCROACHMENTS OR EASEMENTS NOT NOTED IN THIS APPRAISAL, AND RECOMMENDS A CURRENT SURVEY.

THE APPRAISER'S CONCLUSION OF VALUE IS BASED UPON THE ASSUMPTION THAT THERE ARE NO MORE HIDDEN OR UNAPPARENT CONDITIONS OF THE PROPERTY THAT MIGHT IMPACT UPON BUILDING ABILITY. THE APPRAISER RECOMMENDS DUE DILIGENCE BE CONDUCTED THROUGH LOCAL BUILDING DEPARTMENT OR MUNICIPALITY TO INVESTIGATE BUILD ABILITY AND WHETHER THE PROPERTY IS SUITABLE FOR INTENDED USE. THE APPRAISER MAKES NO REPRESENTATIONS, GUARANTEES OR WARRANTIES.

#### Comments on Sales Comparison

THIS SUBJECT OF THIS REPORT IS A STRIP OF LAND "RIGHT OF WAY" BEING ABANDONED BY THE COUNTY AND OFFERED FOR SALE TO ONE OF THE ADJOINING PARCELS WITH BEING EVENLY DISTRIBUTED TO ALL PARCELS IT TOUCHES. PLEASE SEE ATTACHED PARCEL MAPS. ALL PROPERTIES ADJOINING THE RIGHT A WAY STRIP OF LAND WILL INCREASE IN DEPTH APPROXIMATELY 12.5 FEET AND WILL BE TAXED ACCORDINGLY.

ALL ABOVE REFERENCED STRIPS OF LAND WERE SELECTED FROM THE COUNTY WEBSITE SHOWING THE ASSESSED VALUE. THE ASSESSED VALUE IS BASED ON THE PREVIOUS YEAR SALES AND STILL CONSIDERED TO BE AS CLOSE TO THE MARKET AS IT CAN BE DETERMINED AT THE TIME OF THIS REPORT. THESE STRIPS ARE CONSIDERED TO HAVE THE BEST INDICATIONS OF VALUE FOR THE SUBJECT PROPERTY.

THE SUBJECT OF THIS REPORT IS LOCATED IN A RURAL MARKET AREA, MAKING IT NEEDED TO GO OUTSIDE OF THE ONE MILE RADIUS CUSTOMARILY EXPECTED.

APPAISER CHOOSE COMPARABLES FROM SAME MARKET AREA, THEREFORE ALL COMPARABLES HAVE SIMILAR MARKETABILITY. ALL SALES ARE CONSIDERED TO HAVE THE BEST INDICATIONS OF VALUE FOR THE SUBJECT PROPERTY.

THE SITE ADJUSTMENTS ARE RELATIVE TO THE MARKET REACTION OF SURPLUS LAND OR A LARGER SITE. SURPLUS LAND IS DEFINED AS THAT WHICH IS LARGER THAN WHAT IS TYPICAL. THE MARKET REACTION IS MINIMAL BECAUSE THE LARGER LOT IS NOT NEEDED TO SERVE OR SUPPORT THE PRIMARY HIGHEST AND BEST USE. THE LARGER LOT, AS PER CURRENT ZONING FOR THE COMPARABLE SALES, CANNOT BE SOLD OFF SEPARATELY OR SUBDIVIDED THEREFORE, AN ADJUSTMENT WAS MADE.

IF A ZERO IS PUT INTO A FIELD (PER UAD GUIDELINES) THIS WOULD MEAN THAT IT DOES NOT APPEAR FOR THIS MARKET AREA THAT THE PURCHASER WAS WILLING TO PAY ANY DIFFERENCE

#### Conditions of Appraisal

IN COMPLIANCE WITH FEDERAL LAW, THE GRAMM-LEACH-BLILEY ACT (15 USC 6801 ET SEQ.) AND ITS IMPLEMENTING REGULATIONS (16 C.F.R. PART 313), AND OTHER FEDERAL AND STATE LAWS AND REGULATIONS, THE APPRAISER IS PROHIBITED FROM GIVING INFORMATION TO ANYONE OTHER THAN OUR CLIENT WITHOUT WRITTEN AUTHORIZATION.

ALL ELECTRONIC SIGNATURES ON THIS REPORT HAVE A SECURITY FEATURE MAINTAINED BY INDIVIDUAL PASSWORDS FOR EACH SIGNING APPRAISER. NO PERSON CAN ALTER THE APPRAISAL WITH THE EXCEPTION OF THE ORIGINAL SIGNING APPRAISER/S.

SITE SIZE AND FLOOD ZONE ARE SUBJECT TO A CURRENT SURVEY.

THE SUBJECTS MARKET AREA APPEARS TO BE UNAFFECTED BY THE ONGOING COVID-19 VIRUS, AS THE SUPPLY IS LIMITED AND BANKS ARE LENDING MONEY AT THE TIME OF INSPECTION.

THE CORONAVIRUS (COVID-19) OUTBREAK HAS HAD A SIGNIFICANT IMPACT ON LOCAL, NATIONAL AND GLOBAL ECONOMIES. FINANCIAL MARKETS WORLDWIDE ARE EXPERIENCING UNPRECEDENTED VOLATILITY. IN SOME AREAS OF THE UNITED STATES, THERE ARE CURRENT SHELTER-IN-PLACE ORDERS AND OTHER RESTRICTIONS ON DAILY ACTIVITIES. THESE EVENTS ARE LIKELY TO IMPACT REAL ESTATE VALUES IN THE SHORT TERM BUT, AS OF THE DATE OF THIS APPRAISAL, THERE IS NOT ENOUGH DATA TO SUBSTANTIATE THAT POSITION. I HAVE RESEARCHED ALL AVAILABLE LOCAL SOURCES AND, AS OF THIS DATE, I HAVE NOT FOUND ANY DATA



## ADDENDUM

ITEM-2

Borrower: N/A	File No.: AJ24L0016
Property Address: RIGHT OF WAY WITHIN BLOCK 159	Case No.
City: HILLIARD	State: FL Zip: 32040
Lender: SYLVESTER HELHOSKI	

SUGGESTING THAT SIGNIFICANT CHANGES IN LOCAL REAL ESTATE MARKET HAVE OCCURRED, THE MARKET DATA PRESENTED IN THIS APPRAISAL REPORT IS CONSIDERED THE MOST RECENT AND RELEVANT AVAILABLE AND THE RESULTING ANALYSIS BEST REFLECTS MARKET CONDITIONS AS OF THE EFFECTIVE DATE OF APPRAISAL.

#### CLARIFICATION OF INTENDED USE AND INTENDED USER:

THE INTENDED USER OF THIS APPRAISAL REPORT IS THE CLIENT. THE INTENDED USE IS TO EVALUATE THE PROPERTY THAT IS THE SUBJECT OF THIS APPRAISAL FOR A MARKET VALUE, SUBJECT TO THE STATED SCOPE OF WORK, PURPOSE OF THIS APPRAISAL, REPORTING REQUIREMENTS OF THIS APPRAISAL REPORT FORM, AND DEFINITION OF MARKET VALUE. NO ADDITIONAL INTENDED USERS ARE IDENTIFIED BY THE APPRAISER.

PLEASE NOTE: I (ANNA M. JOWERS) CERTIFY, AS THE APPRAISER, THAT I HAVE COMPLETED ALL ASPECTS OF THIS VALUATION, INCLUDING RECONCILING MY OPINION OF MARKET VALUE, FREE OF INFLUENCE FROM THE CLIENT, CLIENT'S REPRESENTATIVES, BORROWER, OR ANY OTHER PARTY TO THE TRANSACTION.

THE ADJUSTMENTS MADE BY THE APPRAISER ARE MARKET DERIVED AND BASED UPON MATCH PAIRED SALES ANALYSIS. THE QUALITY AND CONDITION RATINGS FOR THE SUBJECT AND COMPARABLE SALES ARE BASED UPON MY PERSONAL INSPECTION OF THE SUBJECT, AND MY INTERPRETATION OF THE PHOTOS AND COMMENTS FOR COMPARABLE SALES FROM THE MLS, AND HOW THEY COMPARE TO THE SUBJECT. THE APPRAISER IS NOT PRIVY TO AND DOES NOT HAVE ACCESS OR KNOWLEDGE OF QUALITY AND CONDITION RATINGS FROM OTHER APPRAISER'S PEERS FOR THE SAME COMPARABLE SALES UTILIZED. ADDITIONALLY, THE APPRAISER DOES NOT HAVE KNOWLEDGE OR INFORMATION REGARDING THE ADJUSTMENT METHODS UTILIZED BY OTHER APPRAISER'S PEERS.

AT THE TIME OF VIEWING THERE HAS BEEN "NO KNOWN" DISASTER WARNINGS OR STORMS IN THE SUBJECT'S MARKET AREA THAT WOULD HAVE ANY ADVERSE EFFECT ON THE SUBJECT'S MARKET VALUE.

THE ADDRESS ON THE REPORT MAY DIFFER FROM THE ADDRESS ON THE ORIGINAL ORDER AS THE APPRAISER HAS UTILIZED THE USPS ADDRESS PER UAD GUIDELINES. THE ADDRESS AS NOTED IN THIS APPRAISAL REPORT IS CORRECT BASED ON DATA OBTAINED FROM THE COUNTY APPRAISERS WEBSITE OR DOCUMENTS PROVIDED TO THE APPRAISER.

THE APPRAISER PERFORMED A EXTERIOR INSPECTION OF THE SUBJECT'S PROPERTY.

NO VALUE GIVEN FOR ANY PERSONAL PROPERTY.

THE APPRAISER HAS KNOWLEDGE AND EXPERIENCE IN APPRAISING THIS TYPE OF PROPERTY IN THIS MARKET AREA AND THE APPRAISER IS AWARE OF, AND HAS ACCESS TO, THE NECESSARY AND APPROPRIATE PUBLIC AND PRIVATE DATA SOURCES, SUCH AS MULTIPLE LISTING SERVICES, TAX ASSESSMENT RECORDS, PUBLIC LAND RECORDS AND OTHER SUCH DATA SOURCES FOR THE AREA IN WHICH THE PROPERTY IS LOCATED.

I CERTIFY, AS THE APPRAISER, THAT I HAVE COMPLIED WITH THE HOME VALUATION CODE OF CONDUCT IN ALL ASPECTS OF THE APPRAISAL PROCESS.

THE LOCATION MAP CONTAINED IN THIS REPORT IS PRODUCED ELECTRONICALLY USING SOFTWARE (GEO-LOCATOR/STREET ATLAS) SUPPLIED BY A VENDOR. THIS SOFTWARE WHILE BELIEVED TO BE RELIABLE IS CONSIDERED ONLY AN APPROXIMATION OF THE EXACT LOCATION OF THE SUBJECTS RESIDENCE AND COMPARABLES INCLUDED IN THIS REPORT AND SHOULD NOT BE RELIED ON FOR EXACT MAP LOCATIONS, DISTANCES, ETC.

PLEASE NOTE: THAT THE APPRAISER HAS "NOT" PERFORMED A PRIOR APPRAISAL RELATING TO THE SUBJECT PROPERTY WITHIN THE PAST THREE YEARS, AND HAS NO PRIOR/CURRENT, OR EXPECTATION OF ANY PROSPECTIVE INTEREST IN THE SUBJECT PROPERTY OR PARTIES INVOLVED.

#### SCOPE OF WORK PERFORMED:

INFORMATION ABOUT THE SUBJECT PROPERTY WAS OBTAINED FROM PUBLIC RECORDS, USING THE COUNTY'S WEBSITES, AND IF ANY DOCUMENTS PROVIDED BY HOMEOWNER OR BUILDER, IF A REASONABLY RECENT LISTING OF THE PROPERTY WAS DETECTED FROM ANY LOCAL MULTIPLE LISTING DATA. THIS INFORMATION INCLUDED THE AGE OF THE IMPROVEMENTS, THE LAST DATE OF SALE, THE TAX ACCOUNT NUMBER AND LEGAL DESCRIPTION CONTAINED IN THESE RECORDS, PHYSICAL CHARACTERISTICS, INCLUDING SQUARE FOOT INFORMATION AND ROOM COUNT, THE ASSESSED VALUATION OF THE LAND AND THE IMPROVEMENTS, CURRENT REAL ESTATE TAXES AND ZONING INFORMATION, MAPS SHOWING THE SUBJECT SITE AND THE SUBJECT MARKET AREA WERE EXAMINED AND PREPARED FOR INCLUSION IN THE APPRAISAL REPORT.

A PHYSICAL INSPECTION OF THE SUBJECT PROPERTY WAS MADE, AND AN ANALYSIS WAS MADE OF THE NEIGHBORHOOD, SITE AND IMPROVEMENTS. THIS INSPECTION AND ANALYSIS INCLUDED THE CONSIDERATION OF ANY KNOWN FACTORS THAT COULD BE EXPECTED TO HAVE AN IMPACT ON THE VALUE OF THE SUBJECT PROPERTY. ALTHOUGH DUE DILIGENCE WAS EXERCISED, THE APPRAISER IS NOT AN EXPERT IN MATTERS SUCH AS PEST CONTROL, STRUCTURAL ENGINEERING, HAZARDOUS SUBSTANCES OR ENVIRONMENTAL HAZARDS, AND NO WARRANTY IS GIVEN AS TO THESE ELEMENTS.

AN ANALYSIS WAS MADE OF THE SUBJECT REAL ESTATE MARKET AND OF AVAILABLE MARKET/SALES DATA, UTILIZING MULTIPLE LISTING DATA. THOSE SALES CONSIDERED TO PROVIDE THE BEST INDICATION OF THE MARKET VALUE OF THE SUBJECT PROPERTY WERE SELECTED AND COMPARED TO THE SUBJECT IN THE QUANTITATIVE SALES COMPARISON ANALYSIS. TYPICALLY, ONLY AN EXTERIOR INSPECTION FROM THE STREET IS MADE OF THE COMPARABLE PROPERTIES. INFORMATION ABOUT THE COMPARABLES WAS VERIFIED, INCLUDING PERTINENT FINANCING INFORMATION RELATING TO THE TRANSACTION, USING THE NAMED

# ADDENDUM

ITEM-2

Borrower: N/A	File No.: AJ24L0016
Property Address: RIGHT OF WAY WITHIN BLOCK 159	Case No.:
City: HELIAND	State: FL Zip: 32045
Lender: SYLVESTER HELHOSKI	

## SOURCES.

DOLLAR ADJUSTMENTS WERE MADE TO EACH OF THE COMPARABLE PROPERTIES, REFLECTING ESTIMATED MARKET REACTION TO THOSE ITEMS OF SIGNIFICANT VARIATION BETWEEN THE SUBJECT AND COMPARABLE PROPERTIES. IF A SIGNIFICANT ITEM IN A COMPARABLE PROPERTY WAS SUPERIOR TO, OR MORE FAVORABLE THAN THE SUBJECT PROPERTY, A MINUS (-) ADJUSTMENT WAS MADE TO THE COMPARABLE, THUS REDUCING THE INDICATED VALUE OF THE SUBJECT IN COMPARISON TO THAT COMPARABLE; IF A SIGNIFICANT ITEM IN A COMPARABLE WAS INFERIOR TO, OR LESS FAVORABLE THAN THE SUBJECT, A PLUS (+) ADJUSTMENT WAS MADE, THUS INCREASING THE INDICATED VALUE OF THE SUBJECT.

FURTHER ANALYSIS WAS MADE, CONSIDERING SUCH FACTORS AS THE COMPARABLES RELATIVE PROXIMITY TO THE SUBJECT PROPERTY, RECENTNESS OF SALE AND OVERALL SIMILARITY TO THE SUBJECT PROPERTY, IN ORDER TO RECONCILE TO THE FINAL ESTIMATE OF THE VALUE OF THE SUBJECT PROPERTY BY THE SALES COMPARISON APPROACH TO VALUE.

THE APPRAISAL REPORT WAS PREPARED, TOGETHER WITH ATTACHED EXHIBITS, AND THE COMPLETED APPRAISAL REPORT WAS DELIVERED TO THE CLIENT, WHICH CONSTITUTED COMPLETION OF THE ASSIGNMENT.



## USPAP ADDENDUM

File No. AJ24L0016

Borrower: N/A			
Property Address: RIGHT OF WAY WITHIN BLOCK 159			
City: HILLIARD	County: NASSAU	State: FL	Zip Code: 32046
Lender: SYLVESTER HELHOSKI			

## APPRAISAL AND REPORT IDENTIFICATION

This report was prepared under the following USPAP reporting option:

- ☐ Appraisal Report A written report prepared under Standards Rule 2-2(a).
- ☒ Restricted Appraisal Report A written report prepared under Standards Rule 2-2(b).

THIS IS A PERSONAL APPRAISAL NOT FOR ANY MORTGAGE PURPOSES.

## Reasonable Exposure Time

My opinion of a reasonable exposure time for the subject property at the market value stated in this report is: 0-90 DAYS

**Exposure Time** – The Exposure Time opinion required is specific to the subject property and represents the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. Exposure Time is a retrospective opinion based on an analysis of past events assuming a competitive and open market.

**Marketing Time** – An opinion of the typical length of time, after the effective date of the appraisal, the properties in the subject's neighborhood would be expected to be on the market prior to a sales agreement.

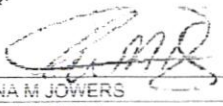
## Additional Certifications

- ☒ I have performed NO services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- ☐ I HAVE performed services, as an appraiser or in another capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. Those services are described in the comments below.

PLEASE NOTE: THAT THE APPRAISER HAS "NOT" PERFORMED A PRIOR APPRAISAL RELATING TO THE SUBJECT PROPERTY WITHIN THE PAST THREE YEARS, AND HAS NO PRIOR/CURRENT, OR EXPECTATION OF ANY PROSPECTIVE INTEREST IN THE SUBJECT PROPERTY OR PARTIES INVOLVED.

## Additional Comments

## APPRAISER:

Signature:   
 Name: ANNA M. JOWERS  
 Date Signed: 01/25/2024  
 State Certification #: CERT RES RD7877  
 or State License #: \_\_\_\_\_  
 or Other (describe): \_\_\_\_\_ State #: \_\_\_\_\_  
 State: FL  
 Expiration Date of Certification or License: 11/30/2024  
 Effective Date of Appraisal: January 15, 2024

## SUPERVISORY APPRAISER (only if required):

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 State Certification #: \_\_\_\_\_  
 or State License #: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Expiration Date of Certification or License: \_\_\_\_\_  
 Supervisory Appraiser Inspection of Subject Property:  
☐ Did Not ☐ Exterior-only from Street ☐ Interior and Exterior

SUBJECT PROPERTY PHOTO ADDENDUM

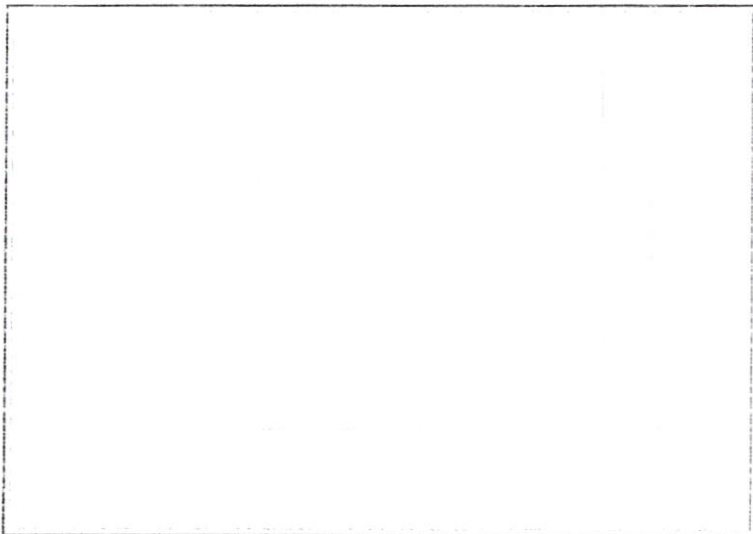
ITEM-2

Borrower: N/A	File No.: AJ24L0016
Property Address: RIGHT OF WAY WITHIN BLOCK 159	Case No.:
City: HILLIARD	State: FL Zip: 32046
Lender: SYLVESTER HELHOSKI	



FRONT VIEW OF  
SUBJECT PROPERTY

Appraised Date: January 15, 2024  
Appraised Value: \$ 850



REAR VIEW OF  
SUBJECT PROPERTY



STREET SCENE

SUBJECT PHOTOS

Borrower: N/A		File No.: AJ24L0016
Property Address: RIGHT OF WAY WITHIN BLOCK 159		Case No.:
City: HILLIARD	State: FL	Zip: 32046
Lender: SYLVESTER HELHOSKI		

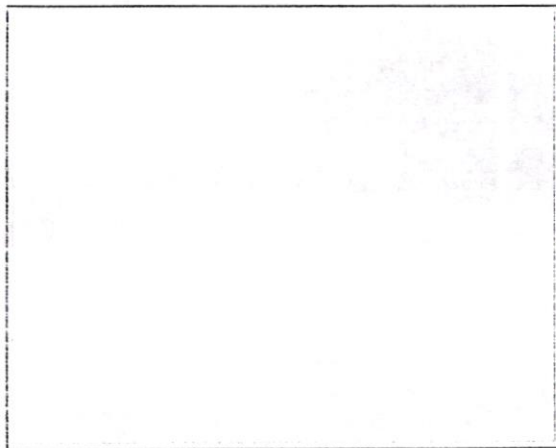
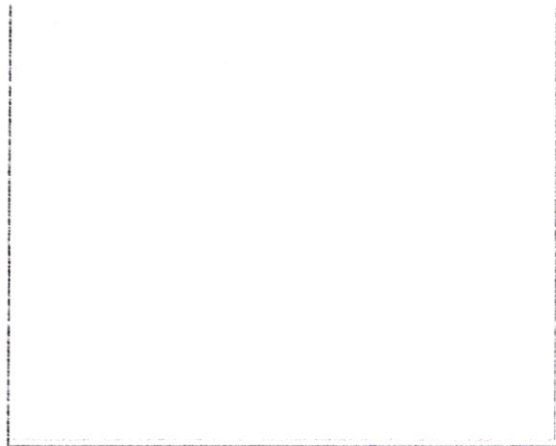
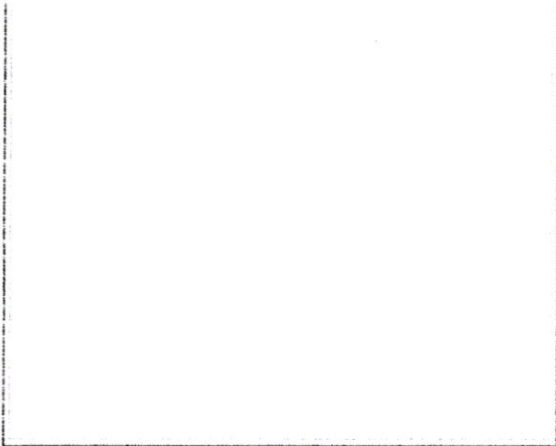
ITEM-2



OPPOSITE STREET VIEW



LOT

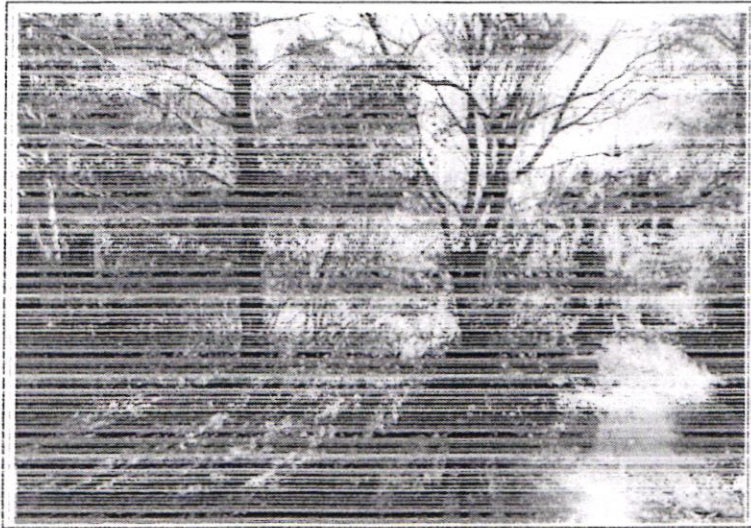




## COMPARABLE PROPERTY PHOTO ADDENDUM

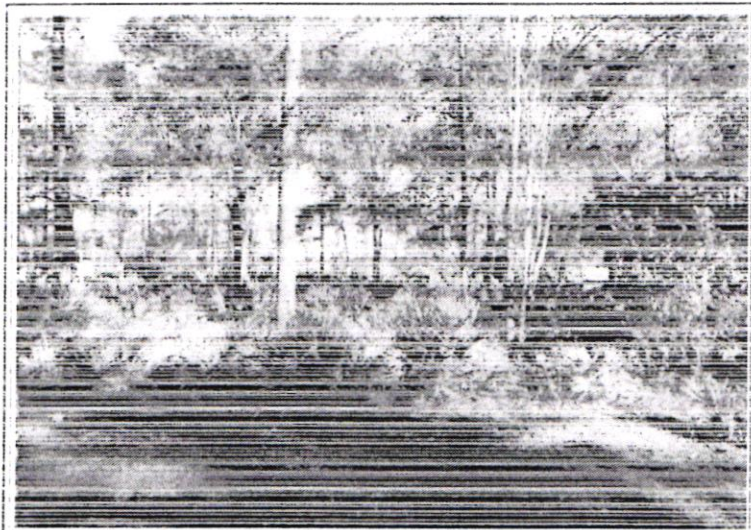
Borrower: N/A	File No.: AJ24L0016
Property Address: RIGHT OF WAY WITHIN BLOCK 159	Case No.:
City: HILLIARD	State: FL Zip: 32046
Lender: SYLVESTER HELHOSKI	

ITEM-2



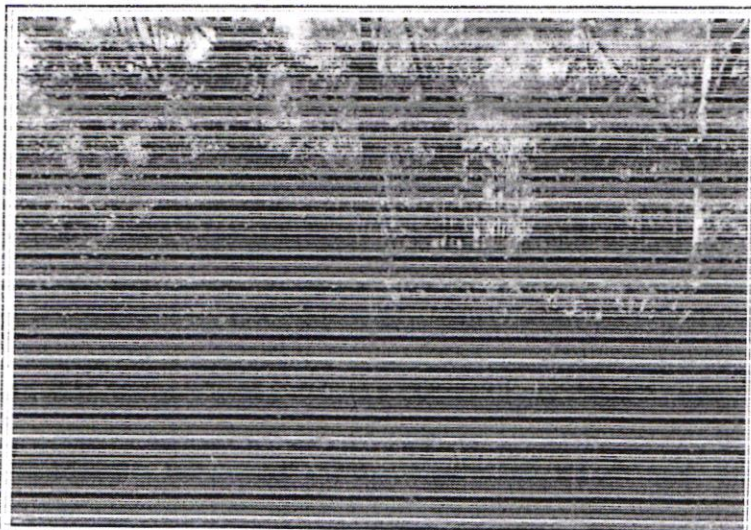
## COMPARABLE SALE #1

0 W THIRD ST  
HILLIARD, FL 32046  
Sale Date:  
Sale Price: \$ 850



## COMPARABLE SALE #2

0 EIGHTH AV  
HILLIARD, FL 32046  
Sale Date:  
Sale Price: \$ 850



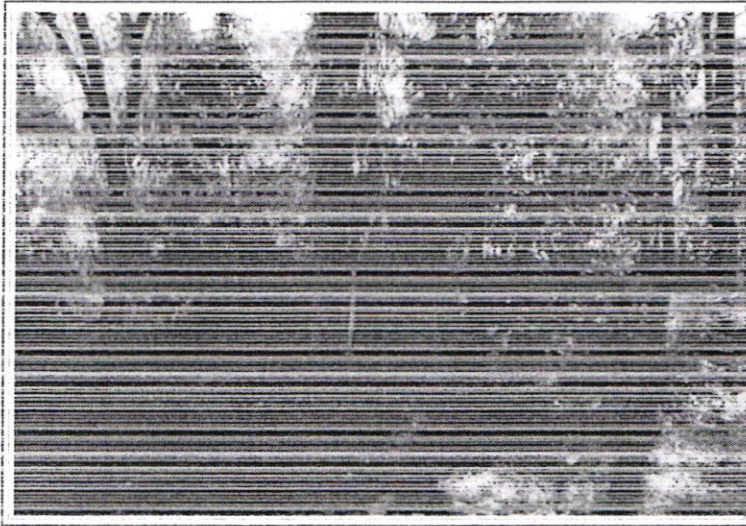
## COMPARABLE SALE #3

0 SECOND AV  
HILLIARD, FL 32046  
Sale Date:  
Sale Price: \$ 850

## COMPARABLE PROPERTY PHOTO ADDENDUM

Borrower: N/A	File No.: AJ24L0016
Property Address: RIGHT OF WAY WITHIN BLOCK 159	Case No.:
City: HILLIARD	State: FL
Lender: SYLVESTER HELHOSKI	Zip: 32046

ITEM-2



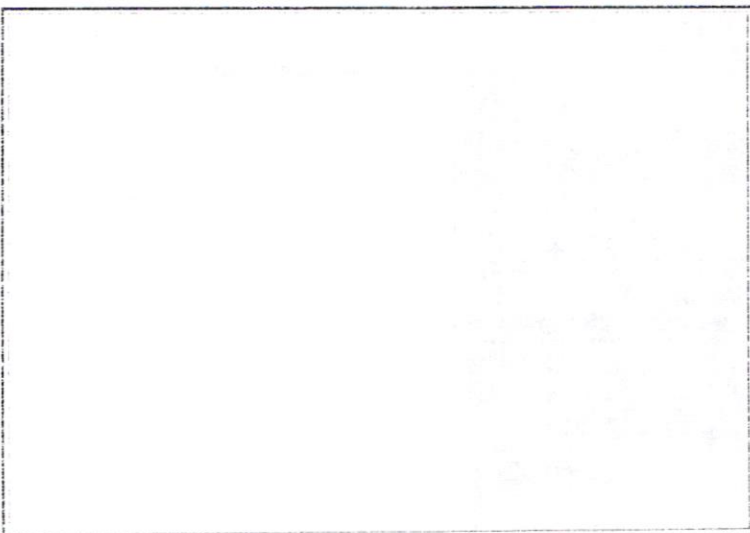
## COMPARABLE SALE #4

0 NEW FRONT ST  
HILLIARD, FL 32046  
Sale Date:  
Sale Price: \$ 850



## COMPARABLE SALE #5

Sale Date:  
Sale Price: \$



## COMPARABLE SALE #6

Sale Date:  
Sale Price: \$



## LOCATION MAP

Borrower: N/A

File No.: AJ24L0016

Property Address: RIGHT OF WAY WITHIN BLOCK 159

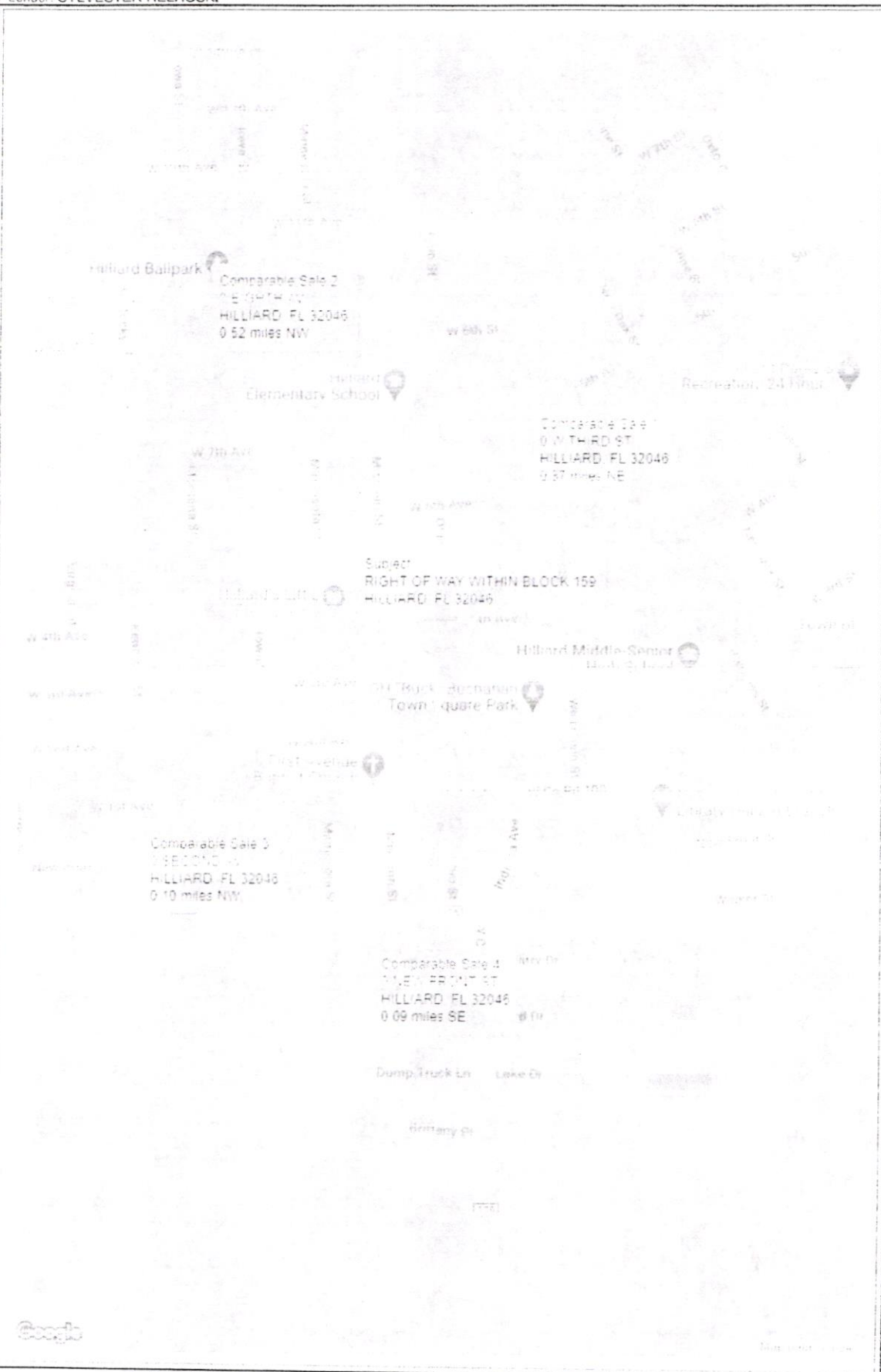
Case No.:

City: HILLIARD

State: FL

Zip: 32046

Lender: SYLVESTER HELHOSKI





## AERIAL MAP

Borrower: N/A

File No.: AJ24L0016

Property Address: RIGHT OF WAY WITHIN BLOCK 159

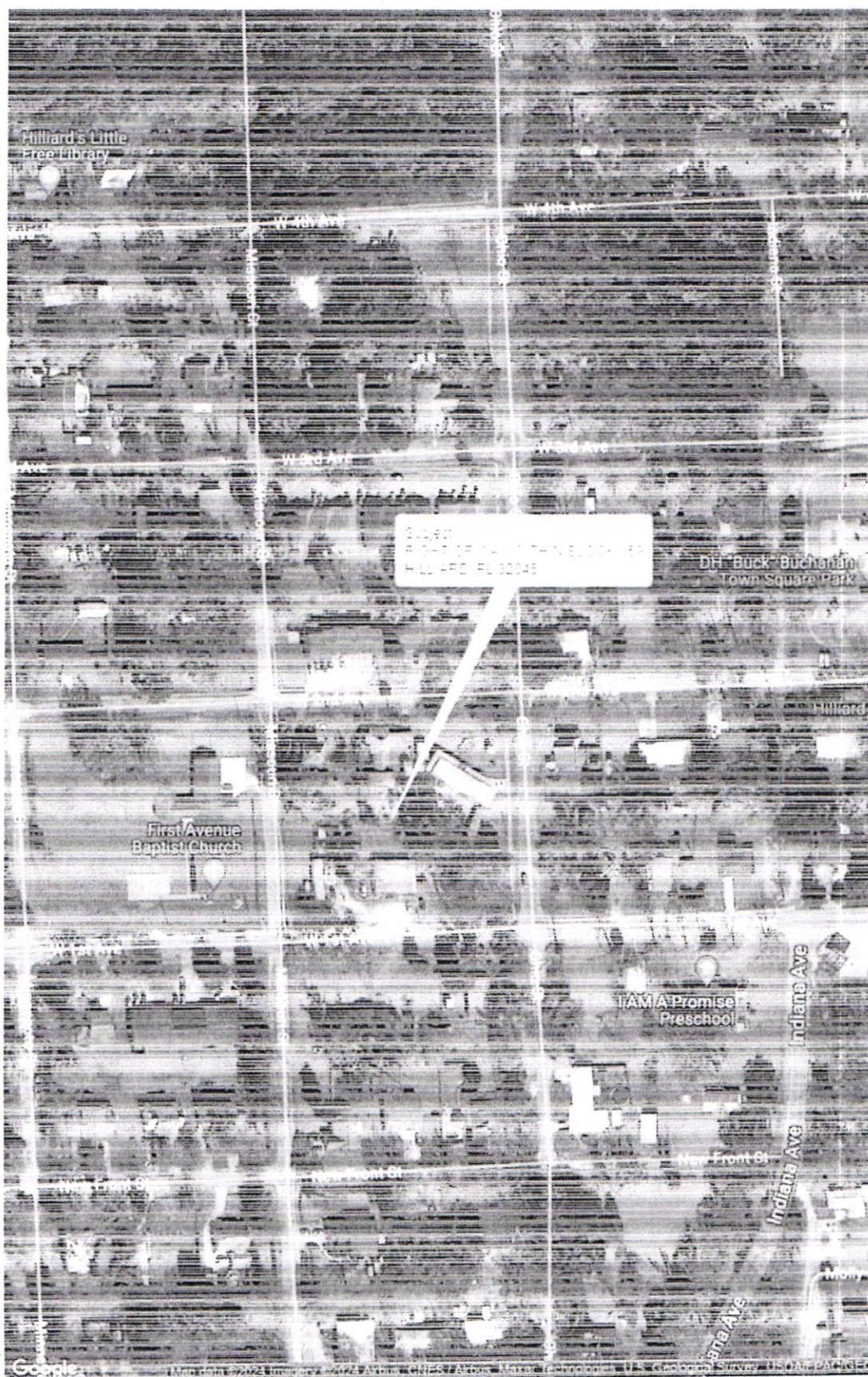
Case No.:

City: HILLIARD

State: FL

Zip: 32046




Lender: SYLVESTER HELHOSKI





## LICENSE PAGE

Borrower: N/A	File No.: AJ24L0016
Property Address: RIGHT OF WAY WITHIN BLOCK 159	Case No.:
City: HILLIARD	State: FL Zip: 32046
Lender: SYLVESTER HELHOSKI	

	Don DeSantis, Governor	Roberta E. Gifford, Secretary	
<b>STATE OF FLORIDA</b> <b>DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION</b> <b>FLORIDA REAL ESTATE APPRAISAL BD</b> THE CERTIFIED RESIDENTIAL APPRAISER HEREIN IS CERTIFIED UNDER THE PROVISIONS OF CHAPTER 475, FLORIDA STATUTES			
<b>JOWERS, ANNA MARIE</b> 463243 STATE ROAD 200 YULEE FL 32097			
<b>LICENSE NUMBER: RD7877</b> <b>EXPIRATION DATE: NOVEMBER 30, 2024</b> Always verify licenses online at <a href="http://MyFloridaLicense.com">MyFloridaLicense.com</a>			
	Do not alter this document in any form. This is your license. It is unlawful for anyone other than the licensee to use this document.		

Borrower: N/A	File No.: AJ24L0016
Property Address: RIGHT OF WAY WITHIN BLOCK 159	Case No.:
City: HILLIARD	State: FL Zip: 32046
Lender: SYLVESTER HELHOSKI	



101 E. Fourth Street, Cincinnati, OH 45202

**DECLARATIONS**  
for  
**REAL ESTATE PROFESSIONAL**  
**ERRORS & OMISSIONS INSURANCE POLICY**

**THIS IS A CLAIMS MADE INSURANCE POLICY**

THIS POLICY APPLIES ONLY TO THOSE CLAIMS THAT ARE FIRST MADE AGAINST AN INSURED DURING THE POLICY PERIOD. ALL CLAIMS MUST BE REPORTED IN WRITING TO THE COMPANY DURING THE POLICY PERIOD OR WITHIN SIXTY (60) DAYS AFTER THE END OF THE POLICY PERIOD.

Insurance is offered by the company that is so listed. (A Capital Stock company group)

(1) Great American Insurance Company

Any other company that may be listed shall be an insured company

Policy Number: RAB4443224-23

Revised to: RAB4443224-22

Insurance Administrator: Herbert H. Landy Insurance Agency Inc.  
100 River Ridge Drive, Suite 301  
Norwood, MA 02062

Item 1 Named Insured Appraisals First Class, PA

Item 2 Address 463243 State Road 200

Insurance Agent Office Antec, FL 32097

Ann

Item 3 Policy Period From 03/14/2023 To 03/14/2024

(Month, Day, Year) (Month, Day, Year)

Individuals or entities who are named insureds at the address of the Named Insured are listed as insureds.

Item 4 Limits of Liability (inclusive of claim expenses):

- A. \$ 1,000,000 Limit of Liability - Each Claim
- B. \$ 1,000,000 Limit of Liability - Policy Aggregate
- C. \$ 500,000 Limit of Liability - Fair Housing Claims
- D. \$ 500,000 Limit of Liability - Fungi Claims

Item 5 Deductible (inclusive of Claim Expenses): \$ 5,000 - Each Claim

Item 6 Premium \$ 2,934.00 Additional 2.0% FL Community Association Assessment \$58.68

Item 7 Retroactive Date (if applicable): 03/14/2007

Item 8 Forms, Notices and Endorsements attached

D4340048 (19) D4340044 (05/13) D43444 (03/13) D43442 (03/13)

D43411 (05/13) D43447 (06/17) D43448 (06/17) D43432 (05/13)

D43421 (03/15) D43425 (05/13) H.7324 (07/21)

Authorized Representative

Authorized Representative

## Appraiser Independence Certification

File No.: AJ24L0016

Borrower:	N/A		
Property Address:	RIGHT OF WAY WITHIN BLOCK 159		
City:	HILLIARD	County:	NASSAU
Lender/Client:	SYLVESTER HELHOSKI	State:	FL
		Zip Code:	32046

I do hereby certify, I have followed the appraiser independence safeguards in compliance with Appraisal Independence and any applicable state laws I may be required to comply with. This includes but is not limited to the following:

- I am currently licensed and/or certified by the state in which the property to be appraised is located. My license is the appropriate license for the appraisal assignment(s) and is reflected on the appraisal report.
- I certify that there have been no sanctions against me for any reason that would impair my ability to perform appraisals pursuant to the required guidelines.

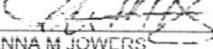
I assert that no employee, director, officer, or agent of the Lender/Client, or any other third party acting as joint venture partner, independent contractor, appraisal company, appraisal management company, or partner on behalf of the Lender/Client, influenced or attempted to influence the development, reporting, result, or review of the appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or in any other manner.

I further assert that the Lender/Client has never participated in any of the following prohibited behavior in our business relationship:

1. Withholding or threatening to withhold timely payment or partial payment for the appraisal report;
2. Withholding or threatening to withhold future business, or demoting or terminating, or threatening to demote or terminate my services;
3. Expressly or implicitly promising future business, promotions, or increased compensation for my services;
4. Conditioning the ordering of the appraisal report or the payment of the appraisal fee or salary or bonus on my opinion, conclusion or valuation reached, or on a preliminary value estimate requested;
5. Requesting an estimated, predetermined, or desired valuation in the appraisal report, prior to the completion of the appraisal report, or requesting estimated values or comparable sales at any time prior to the completion of the appraisal report;
6. Providing an anticipated, estimated, encouraged or desired value for the subject property, or a proposed or target amount to be loaned to the Borrower, except that a copy of the sales contract may have been provided if the assignment was for a purchase transaction;
7. Providing stock or other financial or non-financial benefits to me or any entity or person related to me, my appraisal or appraisal management company, if applicable;
8. Any other act or practice that impairs or attempts to impair my independence, objectivity or impartiality, or violates law or regulation, including but not limited to, the Truth in Lending Act (TILA) and Regulation Z, or the Uniform Standards of Professional Appraisal Practice (USPAP).

Additional Comments:

## APPRAISER:

Signature:   
 Name: ANNA M. JOWERS  
 Date Signed: 01/25/2024  
 State Certification #: CERT RES RD/877  
 or State License #: \_\_\_\_\_  
 or Other (describe): \_\_\_\_\_ State #: \_\_\_\_\_  
 State: FL  
 Expiration Date of Certification or License: 11/30/2024

## SUPERVISORY APPRAISER (only if required):

Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 State Certification #: \_\_\_\_\_  
 or State License #: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Expiration Date of Certification or License: \_\_\_\_\_



## AGENDA ITEM REPORT

### TOWN OF HILLIARD, FLORIDA

---

TO: Town Council Regular Meeting Meeting Date: March 7, 2024

FROM: ***Lee Anne Wollitz – Land Use Administrator***

SUBJECT: Town Council approval of the Minor Subdivision Application No. 20240116, based of Planning and Zoning Recommendation.  
Parcel ID No. 08-3N-24-2380-0010-0042  
Property Owner- Shawn Clark

---

#### **BACKGROUND:**

See Page 2-3.

#### **FINANCIAL IMPACT:**

None.

#### **RECOMMENDATION:**

It is the recommendation of the Planning and Zoning board to the Town Council for approval of the lot split as proposed. With a vote of 5-0.

With the following conditions:

1. The applicant shall record the lot split with the Clerk of the Court and provide the Town evidence of the recordation.
2. The applicant shall obtain real estate parcel numbers for each parcel from the Property Appraiser and provide those real estate parcel numbers to the Town.





# Town of Hilliard Lot Split/Reconfiguration Application

(Applicable for creating no more than 2 lots from 1 lot)

ITEM-3

## FOR OFFICE USE ONLY

File #

20240116

Application Fee:

\$100<sup>00</sup> pd cc ✓ AH

Filing Date:

1/16/24

Acceptance Date:

### A. PROJECT

1. Project Name: W First Street
2. Address of Subject Property: 37517 W 1<sup>st</sup> Street Hilliard, FL 32046
3. Parcel ID Number(s): 08-3N-24-2380-0010-0042
4. Existing Use of Property: single family
5. Zoning Designation: R-2
6. Future Land Use Map Designation: \_\_\_\_\_
7. Acreage of Parcel: 0.48

### B. Owner

1. Name of Owner(s) or Contact Person(s): Shawn Clark Title: Owner  
Company (if applicable): \_\_\_\_\_  
Mailing address: 37191 South Oak St.  
City: Hilliard State: FL ZIP: 32046  
Telephone: (912) 674-2300 FAX: ( ) E-mail: shawnclark914@gmail.com

\* Must provide executed Property Owner Affidavit authorizing the agent to act on behalf of the property owner.

### C. ATTACHMENTS (One copy plus one copy in PDF format)

1. Legal description with tax parcel number.
2. Survey of Existing Property, including all structures and driveways
3. Survey of Proposed Lot Split
4. Warranty Deed or other proof of ownership.

5. Fee - \$100

No application shall be accepted for processing until the required application fee is paid in full by the applicant. Any fees necessary for technical review or additional reviews of the application by a consultant will be billed to the applicant at the rate of the reviewing entity. The invoice shall be paid in full prior to any action of any kind on the application.

**A completeness review of the application will be conducted within fourteen (14) business days of receipt. If the application is determined to be incomplete, the application will be returned to the applicant.**

**I/We certify and acknowledge that the information contained herein is true and correct to the best of my/our knowledge:**

*Shawn Clark*  
Signature of Applicant

\_\_\_\_\_  
Signature of Co-applicant

Shawn Clark Owner  
Typed or printed name and title of applicant

\_\_\_\_\_  
Typed or printed name of co-applicant

01-16-2024  
Date

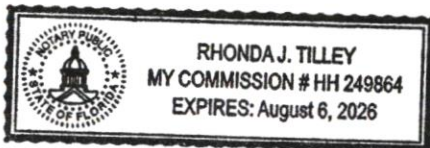
\_\_\_\_\_  
Date

State of Florida County of Nassau

The foregoing application is acknowledged before me this 16<sup>th</sup> day of January, 2024 by Shawn Clark

\_\_\_\_\_, who is/are personally known to me, or who has/have produced \_\_\_\_\_  
as identification.

NOTARY SEAL



Signature of Notary Public, State of Florida  
Rhonda J. Tilley

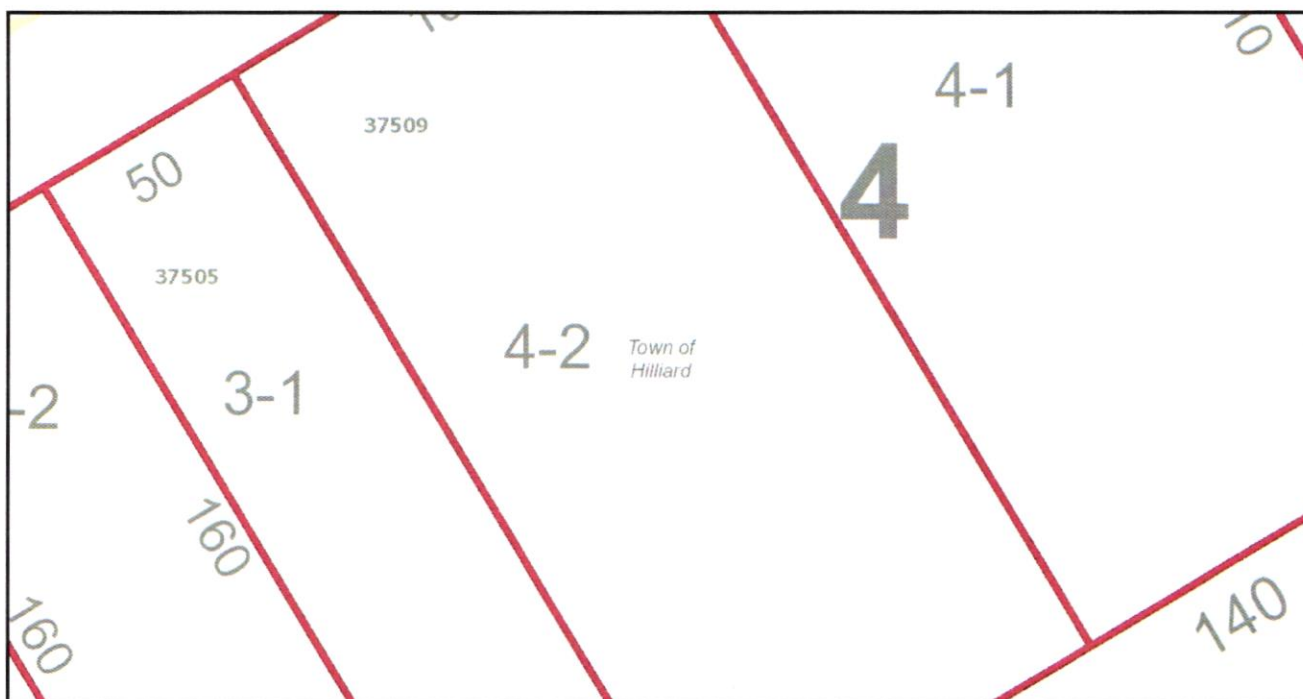
904-491-7300



www.NassauFLPA.com

ITEM-3

**A. Michael Hickox**  
Nassau County Property Appraiser



<b>Parcel Report</b>	<b>Results</b>
<b>Parcel ID</b>	08-3N-24-2380-0010-0042
<b>Owner Information</b>	CLARK SHAWN
	297 REMINGTON RD
<b>Mailing Address</b>	WHITE OAK, GA 31568
	37509 W FIRST ST HILLIARD 32046
<b>Site Address</b>	37517 W FIRST ST HILLIARD 32046
<b>Previous Site Address (If Changed by 911)</b>	Null
<b>Deed Acre</b>	0.00
<b>Approximate Acres (GIS Calculated)</b>	0.48
<b>Property Use Code</b>	000100
<b>Municipality</b>	Town of Hilliard
<b>Census Tract</b>	
<b>MLS Zone</b>	9 - Mainland
<b>Subdivision</b>	Not in a Subdivision



**Value & Sales Report**

<b>Land Value</b>	\$0.00
<b>Building Value</b>	\$0.00
<b>Misc. Value</b>	\$0.00
<b>Just Value (Market Value)</b>	\$103,675.00
<b>Assessed Value</b>	\$100,515.00
<b>Taxable Value</b>	
<b>Sales Information</b>	

Value of land  
Value of all improvement on the land  
Any extra features to the land and/or building(s)  
The Just, or Market Value, for tax purposes  
Market Value minus assessment limits  
Assessed Value minus any Exemptions

Date	Price
20230620	\$80,000.00
20210414	\$62,000.00

Vacant?	Qual
N	U
N	U

**Land Use Report**

<b>Zoning</b>	<b>Results</b> R-2
<b>Future Land Use</b>	Contact Town of Hilliard for Future Land Use
<b>Community Development District</b>	No
<b>Community Redevelopment Area</b>	No
<b>Historic District</b>	No
<b>Municipal Service Benefit Unit (MSBU)</b>	No
<b>Mobility Fee Zone</b>	Zone 3

Note: (Must be verified with Municipality)

Note: (Must be verified with Municipality)

Note: (Must be verified with City of Fernandina Beach)

Note: (Must be verified with City of Fernandina Beach)

**Topographical Report**

<b>Soil Map Unit Name</b>	<b>Results</b> HURRICANE-POTTSBURG FINE SANDS, 0 TO 5 PERCENT SLOPES
<b>Drainage Basin</b>	St. Marys River
<b>Drainage Basin Number</b>	Coming Soon
<b>Vegetation</b>	
<b>Approximate Elevation</b>	Coming Soon

Not a jurisdictional survey

**Utility Report**

<b>Water Source</b>	<b>Results</b> Town of Hilliard
<b>Waste Water</b>	Town of Hilliard
<b>Electric Provider</b>	Okefenokee Rural Electric

**Emergency Management Report Results**

<b>Fire District</b>	40	Note: (Must be verified with Nassau County Fire & Rescue)
<b>USNG</b>	17R MP 12 95	Note: (Must be verified with Nassau County Emergency Management )
<b>Storm Surge Zone</b>		Note: (Must be verified with Nassau County Emergency Management )
<b>Hurricane Evacuation Zone</b>	K	Note: (Must be verified with Nassau County Emergency Management )
<b>Special Flood Hazard Area</b>	X	Note: (Must be verified with Nassau County Building Dept.)
<b>DFIRM Panel</b>	12089C0135F	Note: (Must be verified with Nassau County Building Dept.)

**School Board Report****Results**

<b>Elementary School Zone</b>	Hilliard Elementary School	Note: (Must be verified with NCSB)
<b>Middle School Zone</b>	Hilliard Middle School	Note: (Must be verified with NCSB)
<b>High School Zone</b>	Hilliard High School	Note: (Must be verified with NCSB)
<b>Elections Report</b>	<b>Results</b>	
<b>Municipality</b>	Town of Hilliard	
<b>Voting Precinct</b>	401	Note: (Must be verified with SOE)
<b>Polling Location</b>	Coming Soon	Note: (Must be verified with SOE)
<b>Congressional</b>	4	Note: (Must be verified with SOE)
<b>State Senate</b>	4	Note: (Must be verified with SOE)
<b>State House</b>	11	Note: (Must be verified with SOE)
<b>County Commissioner</b>	4 - Alyson R. McCullough	Note: (Must be verified with SOE)
<b>School Board</b>	4 - Dr. Cynthia Grooms	Note: (Must be verified with SOE)
<b>Ocean, Highway &amp; Port Authority</b>	4 - Ray Nelson	Note: (Must be verified with SOE)
<b>City of Fernandina Beach Commission</b>	Does Not Apply	Note: (Must be verified with City of Fernandina Beach)
<b>Hilliard Town Council</b>	John Beasley, Kenny Sims, Callie Bishop, Lee Pickett & Jared Wollitz	Note: (Must be verified with Town of Hilliard)
<b>Callahan Town Council</b>	Does Not Apply	Note: (Must be verified with Town of Callahan)
<b>Mosquito Control</b>	No	Note: (Must be verified with SOE)

The Nassau County interactive map displays GIS data that is subject to continual updating, change and the data accuracy representations adjustments over time. The information contained within this document is not intended to be used for the preparation of construction documents and under no circumstance shall this product or representations from this product be used for final design purposes.

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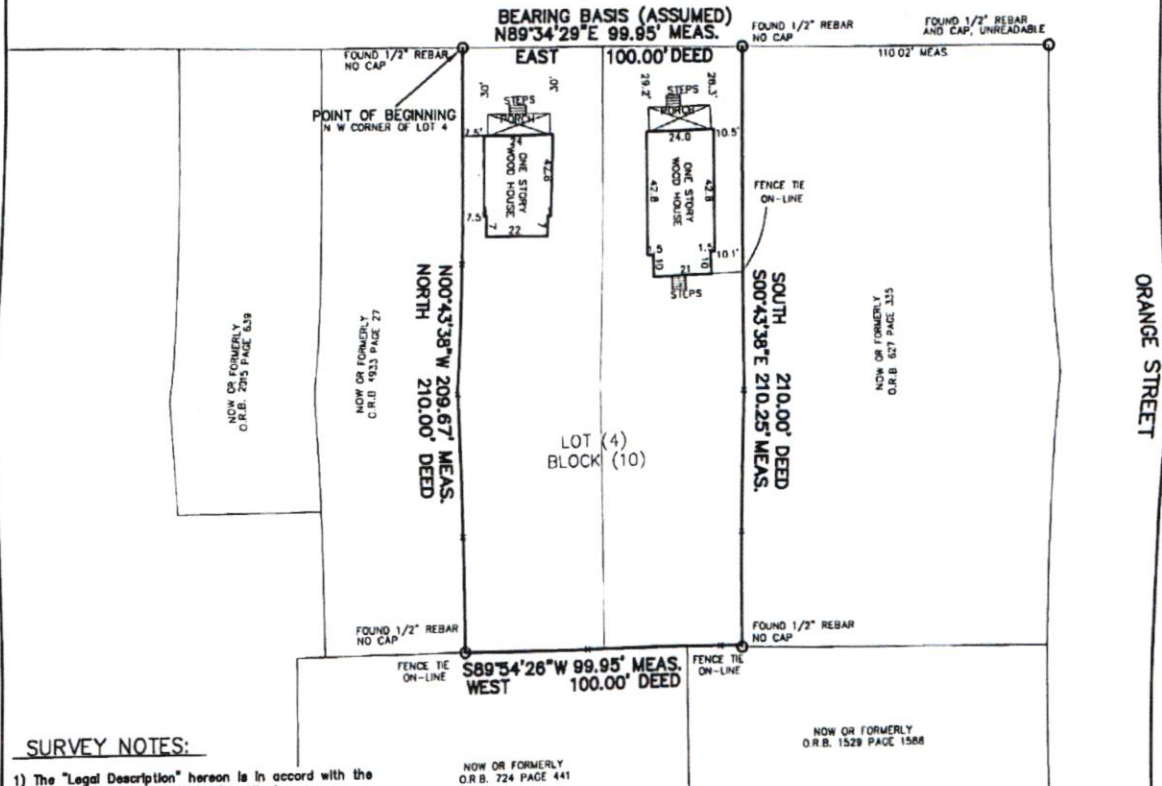
# MAP OF BOUNDARY SURVEY

THE WEST 100 FEET OF LOT 4, BLOCK 10, HILLIARD, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT FOUR (4), BLOCK TEN (10), IN THE TOWN OF HILLIARD, THENCE RUNNING ONE HUNDRED (100) FEET EAST, THENCE TWO HUNDRED AND TEN (210) FEET SOUTH, THENCE ONE HUNDRED (100) WEST, THENCE TWO HUNDRED AND TEN (210) FEET NORTH TO POINT AND PLACE OF BEGINNING.

PREPARED FOR:  
CHAD BROCK

WEST FIRST STREET  
80' RIGHT OF WAY

BEARING BASIS (ASSUMED)  
N89°34'29"E 99.95' MEAS.



## SURVEY NOTES:

- The "Legal Description" hereon is in accord with the description provided by the client.
- Underground improvements were not located or shown.
- Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- Bearings based on N 89°34'29" E for the right of way line of West First Street, Nassau County, Florida, (Assumed).
- Fence ownership, if applicable, has not been determined by this office. Fences are drawn out of scale in order to accentuate their relationship to property lines. Fences are not deemed to be encroachments unless ownership is apparent.
- "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C0135F Dated DECEMBER 17, 2010.
- Unless otherwise noted Measured angles and distances are the same as Plat or Deed angles and distances.
- This survey has been performed according to the standard of care to achieve the following accuracies for the following surveyed:
  - Surveyed Accuracy - 1 foot in 16127 feet
  - Commercial Risk Linear - 1 foot in 10000 feet
  - SOP rule 5J-17.05(3) (B) (15) b.1

## LEGEND

—E—E— = ADRIAL UTILITY WIRES  
A/C = AIR CONDITIONER  
A.A. = ALSO SHOWN AS  
B.B. = BUILDING RESTRICTION LINE  
C.T. = CABLE TELEVISION PESTAL  
C.A. = CENTRAL ANGLE  
C.L. = CHAIN LINE FENCE  
C.B. = CHAIN BEARING  
C.D. = CHAIN DISTANCE

CONC. = CONCRETE  
CONC. CONCRETE PLATINUM  
CUP = CORRUGATED METAL PIPE  
E.M. = ELECTRICITY METER  
ELEV. = ELEVATION  
F.F. = FINISHED FLOOR  
F.W. = FIRE HYDRANT  
G.M. = GAS METER  
L = ARC LENGTH  
C = CHAIN BEARING  
C.D. = CHAIN DISTANCE

MEAS. = MEASURED  
N.B. = NATIONAL GEODETIC VERTICAL DATUM  
O.R.B. = OFFICIAL RECORD BOOK  
P.A. = PLAT IDENTIFICATION NUMBER  
P.C. = POINT OF BEGINNING  
P.D. = POINT OF COMMENCEMENT  
R = RADIOS  
R.C. = REINFORCED CONCRETE PIPE  
R/W = RIGHT-OF-WAY  
S.C. = SEWER CLEANOUT  
S.M. = SEWER MANHOLE

⊙ = STORM MANHOLE  
⊠ = TELEPHONE PESTAL  
⊞ = WOOD FENCE  
⊡ = WOOD POWER POLE  
⊢ = WATER METER  
⊣ = WELL

THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5-11 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 174.027, FLORIDA STATUTES.

BY:

ALAN FRANKLIN GLASS  
FLORIDA REGISTERED SURVEYOR  
MAPPER CERTIFICATE No. 5712

ALAN FRANKLIN GLASS

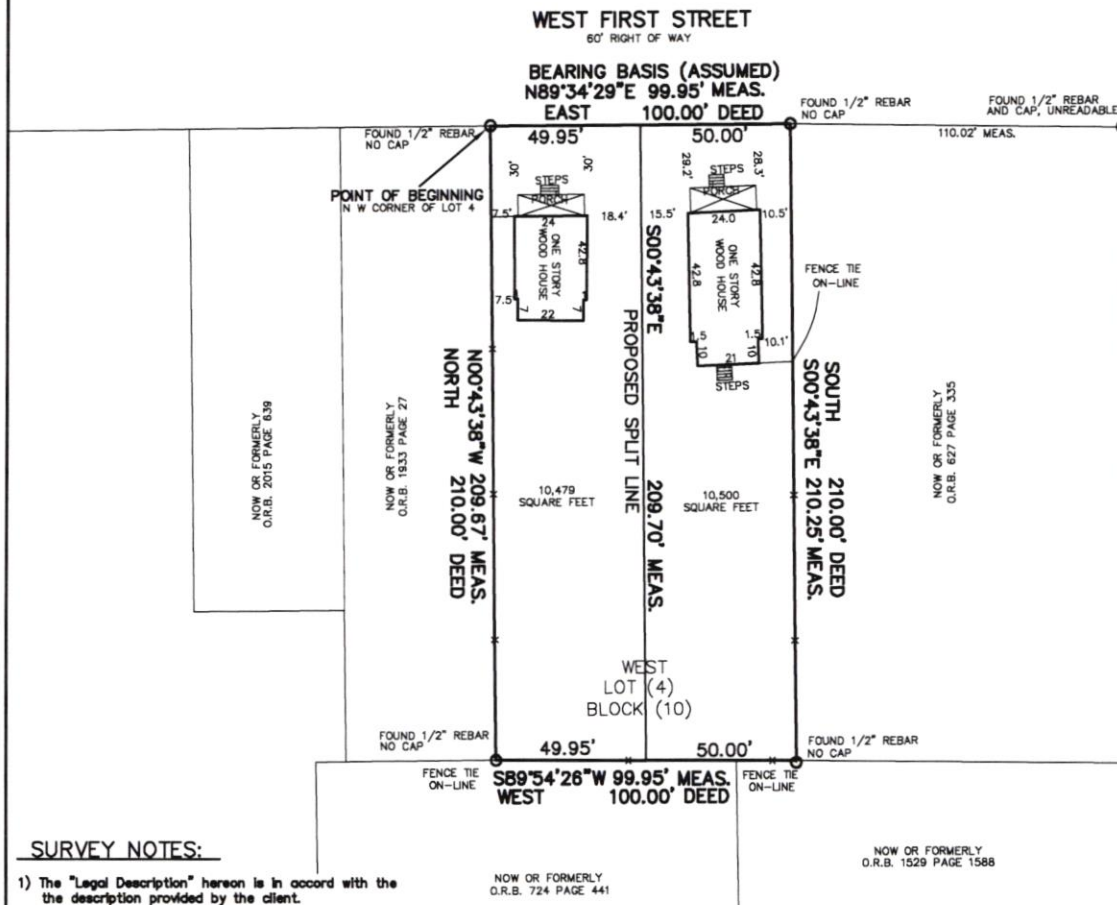
23884 CRESCENT PARK COURT, FERNANDINA BEACH, FLORIDA 32034  
(904) 261-0128 • CELL (904) 370-0318

SCALE: 1"=40'  
DATE: 8/23/2018  
DWN BY: WWG  
CHK BY: AFG  
JOB NO: AG18-65  
F.B. NO: GS-6  
PAGE NO: 22



THE WEST 100 FEET OF LOT 4, BLOCK 10, HILLILARD, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT FOUR (4), BLOCK TEN (10), IN THE TOWN OF HILLIARD, THENCE RUNNING ONE HUNDRED (100) FEET EAST, THENCE TWO HUNDRED AND 10 (210) FEET SOUTH, THENCE ONE HUNDRED (100) WEST, THENCE TWO HUNDRED AND TEN (210) FEET NORTH TO POINT AND PLACE OG BEGINNING.

PREPARED FOR:  
SHAWN CLARK



- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Bearings based on N 89°34'29" E for the right of way line of West First Street, Nassau County, Florida, (Assumed).
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- 8) Unless otherwise noted Measured angles and distances are the same as Plat or Deed angles and distances.

9) This survey has been performed according to the standard of care to achieve the following accuracies for the following surveyed  
 Surveyed Accuracy - 1 foot in 16127 feet  
 Commercial/High Risk Linear - 1 foot in 10000 feet  
 SOP rule 5A-17.051(3) (B) (15) b.ii

REVISÉ TO SHOW PROPOSED LOT SPLIT LINE 01-16-2024

<b>LEGEND</b>	CONC. = CONCRETE	MEAS. = MEASURED	⊠ = STORM MANHOLE
— = 12" AIRIAL UTILITY WIRE	REINFC. = CONCRETE FLOWLINE	N.G.V.M. = NATIONAL GEODETIC VERTICAL DATUM	⊠ = TELEPHONE PEDestal
A/C = AIR CONDITIONER	CMR = CORRUGATED METAL PIPE	D.F.B. = OFFICIAL RECORD BOOK	⊠ = WOOD FENCE
AK = ALSO KNOWN AS	EL. = ELECTRIC METER	D.B. = DEGREE OF BEND	⊠ = WOOD POWER POLE
— = BUILDING RESTRICTION LINE	ELEV. = ELEVATION	P.O.B. = POINT OF BEGINNING	⊠ = WATER METER
⊠ = CABLE TELEVISION PEDestal	F.F. = FINISHED FLOOR	P.O.C. = POINT OF COMMENCEMENT	⊠ = WELL
⊠ = CENTER ANGLE	FIN. HYDRANT	R = RADIUS	
⊠ = CHAIN LINK FENCE	⊠ = REINFORCED CONCRETE PIPE	R/R = RIGHT-OF-WAY	
⊠ = CHORD BEARING	⊠ = RADIUS	⊠ = SENIOR CLEANOUT	
⊠ = CHORD DISTANCE	⊠ = REINFORCED CONCRETE PIPE	⊠ = SENIOR MANHOLE	
⊠ = CHORD LENGTH	⊠ = RADIUS		
⊠ = CHORD POLE	⊠ = RADIUS		

THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BY:

ALAN FRANKLIN GLASS  
FLORIDA REGISTERED SURVEYOR  
MAPPER CERTIFICATE No. 5712

ALAN FRANKLIN GLASS

**ALAN FRANKLIN GLASS**  
23884 CRESCENT PARK COURT, FERNANDINA BEACH, FLORIDA 32034  
(904) 261-0128 • CELL (904) 370-0318

SCALE: 1"=40'  
DATE: 8/23/2018  
DRN BY: WWG  
CKD BY: AFG  
JOB NO: AG18-65  
F.B. NO: CS-6  
PAGE NO. 22

Prepared by:  
April Ross  
Titledown of America, LLC  
480 Busch Drive  
Jacksonville, Florida 32218

File Number: TT23-0223

## General Warranty Deed

Made this June 20, 2023 A.D. By **Melissa J. Conner**, conveying non-homestead real property, whose address is: 37139 Pineridge Road, Hilliard, FL 32046, hereinafter called the grantor, to **Shawn Clark**, whose post office address is: 297 Remington Rd., White Oak Ga, 31568, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Nassau County, Florida, viz:

**West 100 feet of Lot 4, Block 10, Town of Hilliard, according to the map or plat thereof, as recorded in Plat Book 1, Page(s) 28, of the Public Records of Nassau County, Florida, more particularly described as follows:**

**Beginning at the Northwest corner of Lot 4, Block 10 in the Town of Hilliard; thence running 100 feet East; thence 210 feet South; thence 100 feet West; thence 210 feet North to the point of beginning.**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2022.


Prepared by:  
April Ross  
Titledown of America, LLC  
480 Busch Drive  
Jacksonville, Florida 32218

File Number: TT23-0223

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

*Signed, sealed and delivered in our presence:*

  
Witness Printed Name April Ross


  
Witness Printed Name Joshua Bernard

  
Melissa J. Conner (Seal)

State of Florida  
County of Nassau

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of June, 2023, by Melissa J. Conner, conveying non-homestead real property, who is personally known to me or who has produced \_\_\_\_\_ as identification.



  
Notary Public  
Print Name: Joshua Bernard  
My Commission Expires: \_\_\_\_\_







2024

08-3N-24-2380-0010-0042

*ITEM-3*

[illegible]

### Background:

Mr. Clark currently owns 0.48 acres on W. 1<sup>st</sup> Street. The Parcel is zoned R-2. It has a FLUM designation of Commercial. The parcel is 100 feet wide with a total of 21,000 sq ft. There are two single-family dwellings on the parcel.

Mr. Clark has a desire to split the lot into two equal parcels.

Future parcels to be 50 feet wide with approx. 10,500 sq ft. each and have one dwelling unit on each parcel.

Mr. Clark states that his plans for the property include completing the needed renovations of both homes and selling the units.

It is important to note that the lot layout currently is *nonconforming* as it does not meet the requirements of R-2 or C-1 in its current state.

It does not meet the width requirements for its two structures in either district.

Without the removal of one of the structures and rezoning the property there is no way to bring this parcel into conformity within the C-1 district.

It does not meet the side yard requirements for either structure in the R-2 district.

Without the removal of both structures there is no way to bring this parcel into conformity for the R-2 district.

However, it does meet the needed back yard setback for both structures as well as minimum lot size needed. One of the structures meets the front setback and the other misses the mark by less than 2 feet.

#### Requirements for R-2:

62-284

- (b)(1) minimum lot width: 90 feet,
- (b)(2) Minimum lot area: 10,000 sq ft,
- (d) yard requirements
  - (1) Front: 30 feet
  - (2) Side: 12.5 feet
  - (3) Rear: 30 feet

#### Requirements for C-1:

62-289

- (b) Minimum lot width: 75 feet
- (c) Minimum size 7,500 sq ft.
- (e) minimum yard requirements
  - (1) Front: 10 feet
  - (2) Side: 5 feet
  - (3) Rear: 10 feet

#### Other information from the code concerning this split:

62-68. Nonconforming lots of record

- (b) a conforming use or structure on a lot of record which was recorded on or before December 29, 1987 may be expanded or altered, provided other requirements of this chapter are met.
- (c) no lot or parcel shall be so divided as to create a lot with an area or width below the requirements of this code

(d) no lot or parcel or portion of a lot or parcel shall be altered in a manner which causes the lot to be less compliant with the Code.

Comp Plan information:

Policy A.1.4.2- The Town shall discourage the issuance of variances, or other permits to non-conforming land uses or take any other action that may prolong their existence as a non-conforming land use.

Objective C.1.4- The Town shall promote the conservation and rehabilitation of existing housing in Hilliard and the demolition of substandard dwelling units in the Town.

Additional information to note:

There are 4 “residential” parcels on the south side of W. 1<sup>st</sup> Street within this block.

The parcel in question today is nonconforming due to width with two dwelling units as well as side setbacks.

There are two additional parcels that are nonconforming due to width and side setbacks.

The fourth parcel has a conforming width but does not meet the requirements for side or front setbacks.





## AGENDA ITEM REPORT

### TOWN OF HILLIARD, FLORIDA

---

TO: Town Council Regular Meeting

Meeting Date: March 7, 2024

FROM: ***Lisa Purvis, MMC – Town Clerk***

SUBJECT: Town Council to consider a donation in the amount of \$2,000.00 to the Nassau County Economic Development Board following the presentation given at the February 15, 2024, Regular Meeting.

---

#### **BACKGROUND:**

See attached.

#### **FINANCIAL IMPACT:**

\$2,000.00 Donation.

#### **RECOMMENDATION:**

Town Council to consider a donation in the amount of \$2,000.00 to the Nassau County Economic Development Board following the presentation given at the February 15, 2024, Regular Meeting.



# NASSAU COUNTY

Florida's First Best Impression







## Value

As Nassau County continues to undergo a transition from both landscape and cultural standpoints it is not only our role but NCEDB's goal to position our County and its assets in the most positive and competitive nature moving forward



# Our Vision & Mission



## Vision

Nassau County, achieving and unparalleled quality of life together.



## Mission

To support opportunities across Nassau County that sustain, expand, and diversify economic prosperity.



# County Overview

## Demographics & Workforce Statistics

**96,971**  
Population

**\$51,110**  
Average Wage

**2.9%**  
Unemployment  
Rate

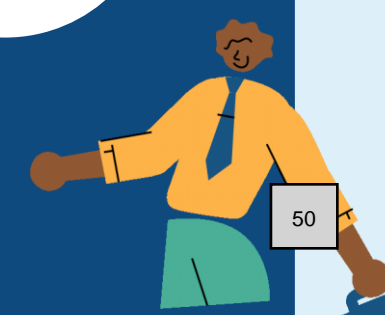
**1,355**  
Unemployed

**47,316**  
Workforce

**\$424,995**  
Median Sales Price  
Single Family House

**45,961**  
Employed

**\$86,655**  
Median Household  
Income



## BUSINESS RETENTION & EXPANSION (BRE)

To support, retain, and expand upon the local business base. Increase business retention and expansion activities with all present companies.



## BUSINESS RECRUITMENT & MARKETING (BRM)

Drive sustainable job growth by leveraging our quality of life, as we continue to market our key job opportunity areas.



## PUBLIC RELATIONS & COMMUNICATION (PRC)

Maintain partnerships with local, regional, and national media to communicate key economic development information.



## SUSTAINABLE REVENUE SOURCE (SRS)

Increase and maintain annual budget, develop sustainable revenue stream for economic development and community initiatives.





# Business Retention & Expansion

## RoundTables

Town of Callahan



## BRE Forum

BRE Panel consisted of representatives from the TDC, CareerSource NEFL, FSCJ, NCEDB, SBDC, Nassau Chamber of Commerce, & County Planning



## BRE Partners

BRE Partners informing our business community of the various resources available to them



## LignoTech

Mike Dempsey with LignoTech speaks to the business community on the NCEDB's assistance with receiving the Economic Development Grant (EDG)



# BRE

## Impact County Wide

Through the BRE Program, we have reached 37 businesses, conducted 72 business surveys, and visited 30 businesses.

Since 2022, SBDC has worked with 20 businesses or prospective businesses in Hilliard

### BRE Partners

- Economic Development
- CareerSource
- Small Business Development Center (SBDC)
- Tourist Development Council
- Nassau County Chamber
- County Planning
- Florida State College at Jacksonville



## SBDC Impact

ITEM-4

Service	2023 Jan - Aug	2022 CY
Entrepreneurs Consulted	115	149
Total Consulting Hours	472	595
Workshop Attendees	14,288	3,375
Jobs Created/Retained	44	31
Business Startups	15	13
Capital Formation	\$1,082,030	\$1,850,700

CareerSource NE Florida	22-23 Q4	22-23 FY
Employers Served	39	174
Job Seeker Visitors	763	3,640
Services to Job Seekers	586	3,074









# Rural Counties Day

Supporting Town of Callahan and Town of Hilliard





# Supporting Hilliard



## Business Retention

NCEDB acts as a resource for the business community. Through our BRE Partners, we assist with business needs.

In 2023, Callie Kay's General Store was named North Florida's Rural Small Business of the Year, a nomination that came from our SBDC BRE Partner.

During Women's History Month, we champion the West Side of the county by spotlighting local businesses like Hilliard Pharmacy, showcasing their invaluable contributions.



## Education

NCEDB is a sponsor of the Nassau Education Foundation for Teacher of the Year for West Nassau and the Hilliard Middle Senior High Nursing Program.



## Walking the Halls

NCEDB attends Rural Counties Day annually and sets appointments with our region's representatives in support of the west side of the county.



## Marketable Sites

NCEDB has been working to identify marketable sites, especially on the west side of the county.



## Grant Assistance

Submitting for infrastructure and workforce grants on behalf of the West Side of the County.

# BRM: Project Update

Active Project	Industry	CAPEX	Jobs	Average Wage
17	Manufacturing	TBD	200	\$50,000
3	Manufacturing	\$4 Million	200	\$50,000 - 60,000
4	Life Science/Manufacturing	\$100 Million	TBD	\$50,000 - 60,000
5	Manufacturing	TBD	650	\$50,000 - 60,000
6	Manufacturing	\$82 Million	425	\$59,000
7	Manufacturing	\$500 Million	400	\$60,000
8	Industrial	\$30 Million	100+	\$50,000





# 2022 - 2023 FY

## Project Overview

TOTAL PROJECTS

17

### PROJECTS BY STAGE

#

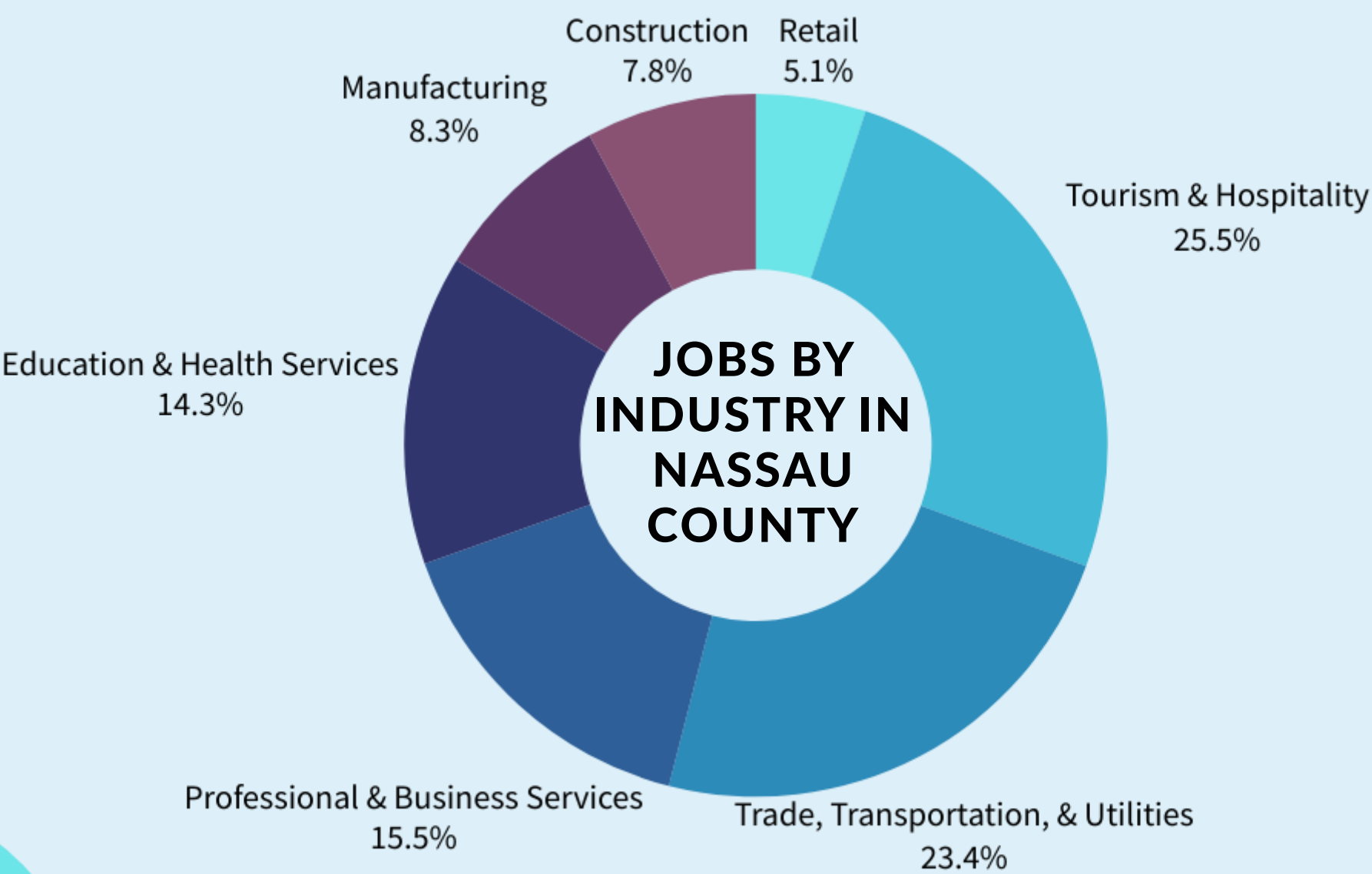
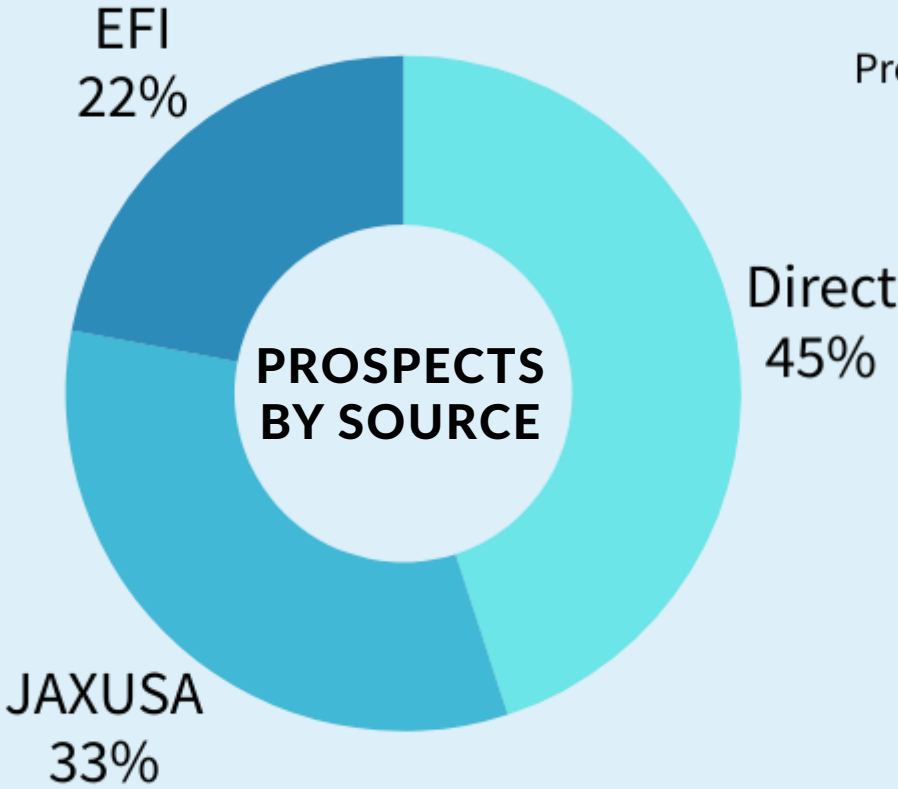
SITE VISITS

#

RESPONSES

#

QUALIFIED



# Key Stakeholders



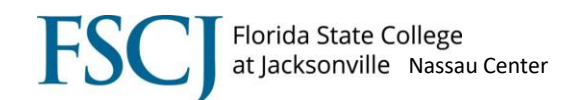
RAYDIENT PLACES + PROPERTIES



EDGEWATER  
WEALTH MANAGEMENT  
OF  
RAYMOND JAMES



TRADERS HILL  
farm





# THANK YOU

**Sherri Mitchell, Executive Director**

Nassau County Economic Development Board

(904) 225-8878

[www.NassauFlorida.com](http://www.NassauFlorida.com)





**TOWN OF HILLIARD  
DONATION REQUESTS**

ITEM-4

<b>GENERAL</b>	<b>BUDGET</b>	<b>BUDGET</b>	<b>BUDGET</b>	<b>BUDGET</b>	<b>BUDGET</b>
	<b>APPROVED</b>	<b>ACTUAL</b>	<b>APPROVED</b>	<b>ACTUAL</b>	<b>PROPOSED</b>
	<b>2021/2022</b>	<b>2021/2022</b>	<b>2022/2023</b>	<b>2022/2023</b>	<b>2023/2024</b>
Barnabas Center (Crisis Center)	\$0	\$0	\$0	\$0	\$0
Community's In School (Tutoring Program)	\$0	\$0	\$0	\$0	\$0
Episcopal Children's Services	\$0	\$0	\$0	\$0	\$0
FL-955 AFJROTC GROUP (West Nassau High School)	\$250	\$0	\$0	\$0	\$0
Nassau Chamber (Teacher Appreciation Breakfast)	\$0	\$0	\$0	\$0	\$0
Hilliard Elementary School	\$0	\$0	\$0	\$0	\$0
Hilliard High School	\$0	\$0	\$0	\$0	\$0
Hilliard Quarterback Club (Pride of Hilliard Program)	\$250	\$0	\$0	\$0	\$0
Keep Nassau Beautiful (Town Clean Up)	\$1,500	\$0	\$2,000	\$2,000	\$2,000
Lyons Club Golf Tournament (Fundraiser)	\$0	\$0	\$0	\$0	\$0
Micah's Place (Domestic Violence Woman's Shelter)	\$0	\$0	\$0	\$0	\$0
Nassau County Economic Development Board	\$1,250	\$0	\$0	\$0	\$0
Neil Hampton Golf Tournament (Scholarship)	\$0	\$0	\$0	\$0	\$0
Relay for Life (Corporate Sponsor & Team Sponsor)	\$250	\$250	\$250	\$0	\$0
Second 2 None Riders Lakeland, GA (Biker's Fest for Kids)	\$250	\$0	\$0	\$0	\$0
Take Stock in Children (Scholarship Program)	\$0	\$0	\$0	\$0	\$0
Westside Optimist Club	\$0	\$0	\$0	\$0	\$0
Vocational Scholarship Foundation	\$0	\$0	\$0	\$0	\$0
Hilliard School 100th Celebration	\$0	\$0	\$0	\$0	\$0
Nassau Ferst Foundation	\$360	\$360	\$360	\$360	\$360
American Legion Post 401	\$0	\$0	\$0	\$0	\$0
Misc Funds	\$890	\$0	\$2,390	\$750	\$2,640
<b>001-01-56482 TOTAL</b>	<b>\$5,000</b>	<b>\$610</b>	<b>\$5,000</b>	<b>\$3,110</b>	<b>\$5,000</b>
<b>CULTURE &amp; RECREATION</b>					
Friends of the Library (Hilliard Branch Library)	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000
<b>001-04-56482 TOTAL</b>	<b>\$8,000</b>	<b>\$8,000</b>	<b>\$8,000</b>	<b>\$8,000</b>	<b>\$8,000</b>
<b>FUND TOTAL</b>	<b>\$13,000</b>	<b>\$8,610</b>	<b>\$13,000</b>	<b>\$11,110</b>	<b>\$13,000</b>
<b>PHYSICAL ENVIRONMENT</b>					
Nassau County Council on Aging (Water & Sewer Bill Assistance)	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
<b>401-06-56482 FUND TOTAL</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$10,000</b>	<b>\$10,000</b>





## AGENDA ITEM REPORT

### TOWN OF HILLIARD, FLORIDA

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TO: Town Council Regular Meeting Meeting Date: March 7, 2024

FROM: **Joel Hall P.E. – Public Works Director**

SUBJECT: Town Council approval of position process for Phillip Bouchillon's transition from introductory/probationary status to regular full-time.

---

#### **BACKGROUND:**

Phillip Bouchillon was hired on December 7, 2023, in an introductory/probationary status. His probationary period ends March 7, 2024.

#### **FINANCIAL IMPACT:**

This is a current budget position. The financial impact is that the position will now be eligible for health insurance benefits.

#### **RECOMMENDATION:**

Town Council approval of position process for Phillip Bouchillon's transition from introductory/probationary status to regular full-time.

**TOWN OF HILLIARD  
PUBLIC WORKS DEPARTMENT  
Position Process**

Regular Meeting: December 7, 2023

Applicant: Phillip Dean Bouchillon  
37293 West Fifth Street  
Hilliard, Florida 32046

Position: Public Works Technician

Pay Rate: \$16.23 per hour.

Position Starts: December 11, 2023 – Introductory/Probationary Period  
Position Status: March 7, 2024 – Non-Exempt – Regular Full Time Position

**Position Requirements:**

A current Driver's License and High School Diploma are required. Certification in Water or Wastewater Plant Operation preferred or two years' experience in Water or Wastewater. Experience in landscaping, water, and sewer utility work is a plus.

**Position Information:**

- Maintain accurate records of all duties performed.
- Assist in the maintenance and installation of driveway culverts and drainage, using and operating equipment as needed,
- Perform the installation of street signs throughout the Town.
- Maintain inventory of the Town's Street signs.
- Assist in maintaining the Town right of way and parks.
- Assist in trimming trees on Town right of way.
- Assist in the maintenance of water meters in Town, i.e., trouble shoot and change out as needed.
- Assist in reading water meters on an as needed basis for billing purposes.
- Performs water service cutoffs for non-payment as directed.
- Assists in maintenance of water main valve as scheduled.
- Perform water and sewer taps.
- Perform scheduled and emergency water and sewer repairs.
- Help to maintain inventory of water and wastewater supplies and stock.
- Locate and mark Town utilities as required for construction purposes.
- Check and maintain lift stations as needed.
- Assist in preventative and emergency maintenance of all equipment and property of the Town.
- Assist with special projects as directed by the Public Works Director, i.e., Holiday Decorations, July 4<sup>th</sup> celebration, Town Cleanup, etc.
- Monitors and stays current with technology as it pertains to the operations of this department.



- Take on additional duties as required by the Public Works Director and/or the Assistant Public Works Director.
- Assist with after-hours emergencies.
- Check generator equipment weekly.

These examples are intended only as illustrations of various types of work performed and are not necessarily all inclusive. The job description is subject to change as the needs of the employer and the requirements of the job change.

**Conditions of Employment:**

Offer of employment is contingent upon the following: An interview of references and previous employers. Satisfactory results of a background investigation and/or medical examination or inquiry, including a drug screen test.

The Town of Hilliard is an Equal Opportunity Employer and a Drug Free Workplace.

**Employee Information:**

Phillip D. Bouchillon has the following work experience:

2023- Present: People Ready – Waste management

2021 – 2023: FedEx – Delivery Driver

2020 – 2021: Circle K Store – 3<sup>rd</sup> Shift Lead

2018 – 2020: City of Angleton, Texas – Public Works Technician



## AGENDA ITEM REPORT

### TOWN OF HILLIARD, FLORIDA

TO: Town Council Regular Meeting

Meeting Date: March 7, 2024

FROM: **Joel Hall, P.E. – Public Works Director**

SUBJECT: Town Council approval of the Capital Expenditure for the purchase of road millings for the Northwest Quadrant Streets.

#### BACKGROUND:

The Public Works Department (Streets) uses asphalt road millings for repair and maintenance of streets within the town limits. Most streets in the NW quadrant (north of Hilliard Elementary School) are unpaved and require extensive periodic maintenance including replacement of millings. This capital project request is to allocate \$30,000 in the approved FY2024 budget to purchase road millings for use on the NW quadrant streets.

Quotes were obtained from three vendors and are summarized below:

Vendor	Unit Cost (\$/ton)	Delivery Fees	Total Cost per Load	Comment
Master's Road Clean Concrete Recycling LLC	\$35.00	\$155.00	\$855.00	avg load size ~20 tons/fixed rate for delivery
Duval Asphalt	\$30.00	\$360.00	\$960.00	question about quality of mtl/delivery charge is hourly rate of \$120/hr
Marty's Tractor Service			\$900.00	flat rate per load including delivery/avg load is 15 tons so getting less mtl per load at a higher price/limited delivery times

#### FINANCIAL IMPACT:

This project is intended to utilize an existing \$30,000 capital line item for "Infrastructure - Milling" in the approved 2023/2024 capital Budget.

#### RECOMMENDATION:

It is recommended to utilize Master's Road Clean Concrete Recycling LLC at a unit price of \$35.00/ton plus flat rate of \$155 per load for delivery. Based on the budgeted amount of \$30,000, it is expected that this will cover approximately 35 loads (depending on the actual tons delivered).





## AGENDA ITEM REPORT

### TOWN OF HILLIARD, FLORIDA

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TO: Town Council Regular Meeting Meeting Date: March 7, 2024

FROM: ***Christian Waugh – Town Attorney***

SUBJECT: Town Council to be made aware regarding Form 6 Compliance and Litigation seeking a declaration that the provisions of Section 112.144(1)(d), Florida Statutes, that require elected officials to file Form 6 Financial Disclosure Forms is unconstitutional and invalid.

---

#### **BACKGROUND:**

See attached.

#### **FINANCIAL IMPACT:**

TBD

#### **RECOMMENDATION:**

Town Council to be made aware regarding Form 6 Compliance and Litigation seeking a declaration that the provisions of Section 112.144(1)(d), Florida Statutes, that require elected officials to file Form 6 Financial Disclosure Forms is unconstitutional and invalid.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

CASE NO.

TOWN OF BRINY BREEZES, FLORIDA, a  
Florida municipal corporation;

CITY OF MIAMI SPRINGS, FLORIDA, a  
Florida municipal corporation;

CITY OF LIGHTHOUSE POINT, FLORIDA, a  
Florida municipal corporation;

TOWN OF PALM BEACH, FLORIDA, a  
Florida municipal corporation;

NORTH BAY VILLAGE, FLORIDA, a Florida  
municipal corporation;

TOWN OF GOLDEN BEACH, FLORIDA, a  
Florida municipal corporation;

VILLAGE OF INDIAN CREEK, FLORIDA, a  
Florida municipal corporation;

VILLAGE OF BAL HARBOUR, FLORIDA, a  
Florida municipal corporation;

CITY OF WESTON, FLORIDA, a Florida  
municipal corporation;

CITY OF DELRAY BEACH, FLORIDA, a  
Florida municipal corporation;

CITY OF SAFETY HARBOR, FLORIDA, a  
Florida municipal corporation;

COOPER CITY, FLORIDA, a Florida municipal  
corporation;

CITY OF CORAL SPRINGS, FLORIDA, a  
Florida municipal corporation;

CITY OF ST. AUGUSTINE, FLORIDA, a  
Florida municipal corporation;



CITY OF MARCO ISLAND, FLORIDA, a Florida municipal corporation;

VILLAGE OF KEY BISCAYNE, FLORIDA, a Florida municipal corporation;

CITY OF WILTON MANORS, FLORIDA, a Florida municipal corporation;

CITY OF MARGATE, FLORIDA, a Florida municipal corporation;

CITY OF DESTIN, FLORIDA, a Florida municipal corporation;

CITY OF LAUDERHILL, FLORIDA, a Florida municipal corporation;

CITY OF DEERFIELD BEACH, FLORIDA, a Florida municipal corporation;

CITY OF AVENTURA, FLORIDA, a Florida municipal corporation;

VILLAGE OF WELLINGTON, FLORIDA, a Florida municipal corporation;

VILLAGE OF PINECREST, FLORIDA, a Florida municipal corporation;

CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida municipal corporation;

CITY OF SEBASTIAN, FLORIDA, a Florida municipal corporation;

PRESIDENT OF TOWN COUNCIL ELIZABETH A. LOPER, ALDERMAN KEITH J. BLACK, ALDERMAN KATHLEEN M. GROSS and ALDERMAN WILLIAM BIRCH, elected officials of the Town of Briny Breezes;

COUNCILMEMBERS WALTER FAJET and JACKY BRAVO, elected officials of Miami Springs, Florida;

COMMISSIONER PATRICIA PETRONE, an elected official of Lighthouse Point, Florida;

MAYOR DANIELLE H. MOORE, PRESIDENT OF TOWN COUNCIL MARGARET A. ZEIDMAN, COUNCIL MEMBER EDWARD A. COONEY, COUNCIL MEMBER LEWIS CRAMPTON, COUNCIL MEMBER JULIE ARASKOG and COUNCIL MEMBER BOBBIE LINDSAY, elected officials of the Town of Palm Beach, Florida;

MAYOR BRENT LATHAM, VICE MAYOR RICHARD CHERVONY, and COMMISSIONER ANDY ROTONDARO, elected officials of North Bay Village, Florida;

MAYOR GLENN SINGER, an elected official of the Town of Golden Beach, Florida;

MAYOR BERNARD KLEPACH, an elected official of Indian Creek, Florida;

MAYOR JEFFREY P. FREIMARK, VICE-MAYOR SETH E. SALVER, COUNCILMAN DAVID ALBAUM, and COUNCILMAN DAVID WOLF, elected officials of the Village of Bal Harbour, Florida;

MAYOR MARGARET BROWN, COMMISSIONER MARY MOLINA-MACFIE, COMMISSIONER CHRIS EDDY, COMMISSIONER HENRY MEAD, and COMMISSIONER BYRON L. JAFFE, elected officials of the City of Weston, Florida;

MAYOR SHELLEY PETROLIA, VICE-MAYOR RYAN BOYLSTON, DEPUTY VICE-MAYOR ROB LONG, COMMISSIONER ADAM FRANKEL, and COMMISSIONER ANGELA BURNS, elected officials of the City of Delray Beach, Florida;

MAYOR JOSEPH AYOUB, COMMISSIONER ANDY STEINGOLD, COMMISSIONER



CARLOS DIAZ, COMMISSIONER NANCY J. BESORE, and COMMISSIONER CLIFF MERZ, elected officials of the City of Safety Harbor, Florida;

COMMISSIONER JEREMY KATZMAN, an elected official of Cooper City, Florida;

MAYOR SCOTT J. BROOK, VICE-MAYOR SHAWN CERRA, COMMISSIONER JOSHUA SIMMONS, COMMISSIONER JOY CARTER, and COMMISSIONER NANCY METAYER BOWEN, elected officials of the City of Coral Springs, Florida;

VICE-CHAIR ERIK BRECHNITZ, an elected official of the City of Marco Island, Florida;

VICE MAYOR ARLENE SCHWARTZ, COMMISSIONER ANTONIO V. ARSERIO, COMMISSIONER JOANNE SIMONE, and COMMISSIONER ANTHONY N. CAGGIANO, elected officials of the City of Margate, Florida;

MAYOR ROBERT T. WAGNER, COUNCIL MEMBER JOHN STEPHENS III, COUNCIL MEMBER TORY CJ GEILE, COUNCIL MEMBER JAMES B. BAGBY, and COUNCIL MEMBER TERESA R. HEBERT, elected officials of the City of Destin, Florida;

MAYOR KENNETH R. THURSTON, COMMISSIONER MELISSA P. DUNN, and COMMISSIONER SARAI “RAY” MARTIN, elected officials of the City of Lauderhill, Florida,

MAYOR BILL GANZ, VICE-MAYOR BERNIE PARNES, COMMISSIONER BEN PRESTON, and COMMISSIONER MICHAEL HUDAK, elected officials of the City of Deerfield Beach, Florida;

VICE-MAYOR PAUL A. KRUSS and  
COMMISSIONER RACHEL FRIEDLAND,  
elected officials of the City of Aventura, Florida;

VICE-MAYOR MICHAEL NAPOLEONE,  
COUNCILWOMAN TANYA SISKIND,  
COUNCILMAN JOHN T. MCGOVERN, and  
COUNCILMAN MICHAEL DRAHOS, elected  
officials of the Village of Wellington;

MAYOR FRED CLEVELAND, elected official  
of the City of New Smyrna Beach, Florida;

COUNCILMEMBER JENNIFER ANDREU,  
elected official of the City of Plantation, Florida;

COUNCILMEMBER KEM E. MASON, elected  
official of the Town of Lantana, Florida, and

MAYOR CHARLES EDWARD DODD, VICE  
MAYOR KELLY DIXON, COUNCIL  
MEMBER FREDERICK B. JONES, COUNCIL  
MEMBER BOB MCPARTLAN, AND  
COUNCIL MEMBER CHRISTOPHER NUNN,  
elected officials of the City of Sebastian, Florida,

Plaintiffs,  
vs.

ASHLEY LUKIS, in her official capacity as  
Chair of the Florida Commission on Ethics;  
MICHELLE ANCHORS, in her official capacity  
as Vice Chair of the Florida Commission on  
Ethics; WILLIAM P. CERVONE, in his official  
capacity as a Member of the Florida Commission  
on Ethics; TINA DESCOVICH, in her official  
capacity as Member of the Florida Commission  
on Ethics; FREDDIE FIGGERS, in his official  
capacity as a Member of the Florida Commission  
on Ethics; LUIS M. FUSTE, in his official  
capacity as a Member of the Florida Commission  
on Ethics; and WENGAY M. NEWTON, SR., in  
his official capacity as a Member of the Florida  
Commission on Ethics,



Defendants.

## **COMPLAINT**

Plaintiffs bring this action against Defendants for declaratory and injunctive relief, and state as follows:

### **OVERVIEW**

1. This is an action by a large number of Florida municipalities and elected municipal officials challenging a recently enacted law (“SB 774”) that requires municipal elected officials in office as of January 1, 2024, to disclose quintessentially private, highly personal financial information, including, among other things, the exact amount of their net worth and income, the total dollar value of their household goods, and the precise value of every asset and amount of every liability in excess of \$1,000, on or before July 1, 2024, or otherwise face significant fines, civil penalties, and even potential removal from office.

2. SB 774 amended, among other statutes, sections 112.3144, and 99.061, Florida Statutes, and renders elected municipal officials and candidates subject to the financial disclosure requirements of article II, section 8(j) of the Florida Constitution.

3. Prior to the enactment of SB 774, elected municipal officials and candidates were required to provide financial disclosures via a document called “Form 1,” pursuant to section 112.3145, Florida Statutes, but were not subject to the requirements of article II, section 8(j). However, sections 112.3144 and 99.061, as amended by SB 774 in 2023, make all elected municipal officers and candidates subject to the filing requirements of “Form 6,” which demands much more intrusive financial disclosures as outlined in the Florida Constitution and section 112.3144. A copy of Form 1 is attached as Exhibit A, and a copy of Form 6 is attached as Exhibit B.

4. Forcing municipal elected officials and candidates to publicly disclose such private information impairs their right to privacy under the Florida Constitution. Because the right to privacy is enumerated as a fundamental right, any such impairment is impermissible unless it is the least restrictive means of achieving a compelling state interest.

5. Rather than being the *least restrictive* means of accomplishing a compelling state interest, the new financial disclosure requirements imposed on municipal officials and candidates through SB 774 are the *most restrictive* means available—stricter and more onerous than those required of federal elected officials (including the President of the United States) and of elected officials in other states throughout the country.

6. The additional financial information required to be disclosed by Form 6 (*e.g.*, the exact net worth, exact income, and precise values of household goods and other assets and liabilities), as compared to Form 1, has little bearing, if any, on an elected official's municipal service, does not prevent conflicts of interest or public corruption, and does not increase public confidence in government.

7. Form 1 is a less restrictive alternative means of accomplishing the same governmental interests, as would be the less onerous disclosure forms used by the federal government or any of the other states in the United States.

8. Indeed, municipal elected officials and candidates operated under the requirements of Form 1 for decades, and nothing in the Legislature's enactment of the new Form 6 requirement reflected that Form 1 was insufficient and necessitated a change.

9. As such, this action seeks an order (i) declaring the 2023 amendments to sections 112.3144 and 99.061, Florida Statutes, related to elected municipal officials and candidates and any penalties arising therefrom, including those in section 112.317, Florida Statutes, violate Article



1, Section 23 of the Florida Constitution, and (ii) enjoining Defendants from enforcing the disclosure requirements.

### **JURISDICTION AND VENUE**

10. This is an action for declaratory relief, pursuant to Chapter 86, Florida Statutes, seeking to declare that the 2023 amendments to sections 112.3144 and 99.061, Florida Statutes, and any penalties arising therefrom, including those in section 112.317, Florida Statutes, are unconstitutional and invalid. The Court has jurisdiction to grant declaratory relief. *See* §§ 86.011, 86.021, 86.101, Fla. Stat. The Court further has jurisdiction to grant supplemental relief, including injunctive relief. § 86.061, Fla. Stat.

11. Venue is proper in Leon County because Defendants are all members of the Commission on Ethics, which is located and conducts business in Leon County, Florida. In addition, any enforcement of the Form 6 requirement would take place in Leon County, Florida.

12. All conditions precedent to the institution of this lawsuit have been, or will be, satisfied or waived.

### **THE PARTIES**

13. The Plaintiffs in this action consist of Florida municipalities and current elected officials of Florida municipalities.

#### **A. The Municipal Plaintiffs**

14. The Florida municipal plaintiffs, each of which is an incorporated municipality existing under the laws of the State of Florida (collectively, “Municipal Plaintiffs”), consist of:

- a. Town of Briny Breezes, located in Palm Beach County, Florida;
- b. City of Miami Springs, located in Miami-Dade County, Florida;
- c. City of Lighthouse Point, located in Broward County, Florida;

- d. Town of Palm Beach, located in Palm Beach County, Florida;
- e. North Bay Village, located in Miami-Dade County, Florida;
- f. Town of Golden Beach, located in Miami-Dade County, Florida;
- g. Village of Indian Creek, located in Miami-Dade County, Florida;
- h. Village of Bal Harbour, located in Miami-Dade County, Florida;
- i. City of Weston, located in Broward County, Florida;
- j. City of Delray Beach, located in Palm Beach County, Florida;
- k. City of Safety Harbor, located in Pinellas County, Florida;
- l. Cooper City, located in Broward County, Florida;
- m. City of Coral Springs, located in Broward County, Florida;
- n. City of St. Augustine, located in St. Johns County, Florida;
- o. City of Marco Island, located in Collier County, Florida;
- p. Village of Key Biscayne, located in Miami-Dade County, Florida;
- q. City of Wilton Manors, located in Broward County, Florida;
- r. City of Margate, located in Broward County, Florida;
- s. City of Destin, located in Okaloosa County, Florida;
- t. City of Lauderhill, located in Broward County, Florida;
- u. City of Deerfield Beach, located in Broward County, Florida;
- v. City of Aventura, located in Miami-Dade County, Florida;
- w. Village of Wellington, located in Palm Beach County, Florida;
- x. Village of Pinecrest, located in Miami-Dade County, Florida;
- y. City of New Smyrna Beach, located in Volusia County, Florida, and
- z. City of Sebastian, located in Indian River County, Florida.



15. As a result of SB 774, as of January 1, 2024, each elected member of, and candidate for, the governing body of every Municipal Plaintiff herein is required to file a Form 6.

16. The Municipal Plaintiffs each have a strong interest in having qualified people run for, and continue to serve in, municipal elected office. The Form 6 requirement will deter qualified people from running for and serving in elected office in the Municipal Plaintiffs. In fact, the Florida League of Cities has advised that, throughout Florida, over 100 municipal elected officials have already resigned rather than be subjected to the filing of a Form 6 financial disclosure, significantly disrupting the operations of those municipalities.

17. For example, in plaintiff Briny Breezes, former Mayor Gene Adams, former Council President Christina Adams, and former Alderman and Council President Sue Thaler all resigned in December 2023 because of the Form 6 requirement. As a result of resignations, municipalities, including Municipal Plaintiffs, have been (and/or will be) forced to expend significant public funds for filling vacancies, including temporary appointments and special elections. In addition, the vacancies have disrupted municipal operations.

18. In addition, pursuant to section 112.3144(9), a municipal elected official can be subject to “an order recommending that the officer or employee be removed from his or her public office” for refusing to file the Form 6, potentially creating even more vacancies, disrupting Municipal Plaintiffs’ operations, and causing the additional expenditure of public funds to fill those vacancies.

19. The Florida Legislature has expressly recognized the strong interest of the Municipal Plaintiffs to attract qualified candidates to run for and hold office, and the importance of ensuring that ethics laws not deter people from seeking municipal elected office:

It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede

unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.

§ 112.311, Fla. Stat. The application of the Form 6 disclosure requirement does precisely what the law says it is not to do, to the detriment of the Municipal Plaintiffs: it “impede[s] unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve.” Indeed, its impact is particularly felt at the municipal level where local legislators volunteer to serve their fellow residents, often with little or no compensation.

20. The Municipal Plaintiffs thus have a statutorily recognized interest in ensuring that qualified candidates run for office and remain in office and thus have a substantial interest in this action.

#### **B. The Elected Official Plaintiffs**

21. The “Elected Official Plaintiffs” consist of the following, each of whom is currently serving as a municipal elected official:

- a. Town of Briny Breezes President of Town Council Elizabeth A. Loper;
- b. Town of Briny Breezes Alderman Keith J. Black;
- c. Town of Briny Breezes Alderman Kathleen M. Gross;
- d. Town of Briny Breezes Alderman William Birch;
- e. City of Miami Springs Councilmember Walter Fajet;
- f. City of Miami Springs Councilmember Jacky Bravo;
- g. City of Lighthouse Point Commissioner Patricia Petrone;
- h. Town of Palm Beach Mayor Danielle H. Moore;
- i. Town of Palm Beach President of Town Council Margaret A. Zeidman;

- j. Town of Palm Beach Council Member Edward A. Cooney;
- k. Town of Palm Beach Council Member Lewis Crampton;
- l. Town of Palm Beach Council Member Julie Araskog;
- m. Town of Palm Beach Council Member Bobbie Lindsay;
- n. North Bay Village Mayor Brent Latham;
- o. North Bay Village Vice Mayor Richard Chervony;
- p. North Bay Village Commissioner Andy Rotondaro;
- q. Golden Beach Mayor Glenn Singer;
- r. Indian Creek Mayor Bernard Klepach;
- s. Village of Bal Harbour Mayor Jeffrey P. Freimark ;
- t. Village of Bal Harbour Vice-Mayor Seth E. Salver;
- u. Village of Bal Harbour Councilman David Albaum;
- v. Village of Bal Harbour Councilman David Wolf;
- w. City of Weston Mayor Margaret Brown;
- x. City of Weston Commissioner Mary Molina-Macfie;
- y. City of Weston Commissioner Chris Eddy;
- z. City of Weston Commissioner Henry Mead;
- aa. City of Weston Commissioner Byron L. Jaffe;
- bb. City of Delray Beach Mayor Shelly Petrolia;
- cc. City of Delray Beach Vice Mayor Ryan Boylston;
- dd. City of Delray Beach Deputy Vice-Mayor Rob Long;
- ee. City of Delray Beach Commissioner Adam Frankel;
- ff. City of Delray Beach Commissioner Angela Burns;



gg. City of Safety Harbor Mayor Joseph Ayoub;

hh. City of Safety Harbor Commissioner Andy Steingold;

ii. City of Safety Harbor Commissioner Carlos Diaz;

jj. City of Safety Harbor Commissioner Nancy J. Besore;

kk. City of Safety Harbor Commissioner Cliff Merz;

ll. Cooper City Commissioner Jeremy Katzman;

mm. City of Coral Springs Mayor Scott J. Brook;

nn. City of Coral Springs Vice Mayor Shawn Cerra;

oo. City of Coral Springs Commissioner Joshua Simmons;

pp. City of Coral Springs Commissioner Joy Carter;

qq. City of Coral Springs Commissioner Nancy Metayer Bowen;

rr. City of Marco Island Vice-Chair Erik Brechnitz;

ss. City of Margate Vice-Mayor Arlene Schwartz;

tt. City of Margate Commissioner Antonio V. Arserio;

uu. City of Margate Commissioner Joanne Simone;

vv. City of Margate Commissioner Anthony N. Caggiano;

ww. City of Destin Mayor Robert T. Wagner;

xx. City of Destin Council Member John Stephens III;

yy. City of Destin Council Member Torey CJ Geile;

zz. City of Destin Council Member James B. Bagby;

aaa. City of Destin Council Member Teresa R. Hebert;

bbb. City of Lauderhill Mayor Kenneth R. Thurston;

ccc. City of Lauderhill Commissioner Melissa P. Dunn;

ddd. City of Lauderdale Commissioner Sarai “Ray” Martin;  
 eee. City of Deerfield Beach Mayor Bill Ganz;  
 fff. City of Deerfield Beach Vice-Mayor Bernie Parness;  
 ggg. City of Deerfield Beach Commissioner Ben Preston;  
 hhh. City of Deerfield Beach Commissioner Michael Hudak;  
 iii. City of Aventura Vice-Mayor Paul A. Kruss;  
 jjj. City of Aventura Commissioner Rachel Friedland;  
 kkk. Village of Wellington Vice-Mayor Michael Napoleone;  
 ll. Village of Wellington Councilwoman Tanya Siskind;  
 mmm. Village of Wellington Councilwoman John T. McGovern;  
 nnn. Village of Wellington Councilwoman Michael Drahos;  
 ooo. City of New Smyrna Beach Mayor Fred Cleveland;  
 ppp. City of Plantation Councilmember Jennifer Andreu;  
 qqq. Town of Lantana Councilmember Kem E. Mason;  
 rrr. City of Sebastian Mayor Charles Edward Dodd;  
 sss. City of Sebastian Vice Mayor Kelly Dixon;  
 tt. City of Sebastian Council Member Frederick B. Jones;  
 uuu. City of Sebastian Council Member Bob McPartlan; and  
 vvv. City of Sebastian Council Member Christopher Nunn.

22. The Elected Official Plaintiffs are each elected Mayors or members of the governing bodies of incorporated municipalities existing under the laws of the State of Florida, who are currently in office.

23. As a result of the passage of SB 774, as of January 1, 2024, each Elected Official Plaintiff is subject to the Form 6 financial disclosure requirements of section 8, article II of the Florida Constitution, and section 112.3144, Florida Statutes, and are further subject to the fines, penalties and other enforcement mechanisms outlined therein and in sections 112.317 and 112.324, Florida Statutes, if they do not timely file Form 6 financial disclosures.

24. Each Elected Official Plaintiff is therefore required to file the requisite Form 6 (rather than the prior Form 1) on or before July 1, 2024.

25. The failure of any municipal elected official to file a Form 6, including each Elected Official Plaintiff, subjects him or her to a daily fine of \$25 per day up to a maximum of \$1,500 and, following an investigation and public hearing, a potential civil penalty of up to \$20,000 and, among other things, a potential recommendation of removal from office. *See* §§ 112.3144(8)(f), 112.324(4), 112.317, Fla. Stat.

26. The Elected Official Plaintiffs now face the Hobson's choice of either sacrificing their constitutionally protected right to privacy by filing a Form 6 on or before the imminent deadline of July 1, 2024, as now required by section 112.3144, or face fines, penalties, and other enforcement, including the possible removal from office. Throughout Florida, more than 100 municipal elected officials have resigned rather than agree to surrender their constitutionally protected privacy. The Elected Official Plaintiffs strongly desire to continue to serve the public and have therefore not yet resigned, but instead have chosen to challenge the new requirement.

27. Accordingly, the Elected Official Plaintiffs each has a significant interest in this action.

### **C. The Defendants**



28. Defendant, Ashley Lukis (“Lukis”) is the Chair and a Member of the Florida Commission on Ethics (“Commission”), a commission existing pursuant to article II, section 8(h)(1) of the Florida Constitution and section 112.320, Florida Statutes. Lukis is sued in her official capacity as Chair of the Commission.

29. Defendant, Michelle Anchors (“Anchors”) is the Vice Chair and a Member of the Commission. Anchors is sued in her official capacity as Vice Chair of the Commission.

30. Defendant, William P. Cervone (“Cervone”) is a Member of the Commission. Cervone is sued in his official capacity as Member of the Commission.

31. Defendant Tina Descovich (“Descovich”) is a Member of the Commission. Descovich is sued in her official capacity as Member of the Commission.

32. Defendant, Freddie Figgers (“Figgers”) is a Member of the Commission. Figgers is sued in his official capacity as Member of the Commission.

33. Defendant, Luis Fuste (“Fuste”) is a Member of the Commission. Fuste is sued in his official capacity as Member of the Commission.

34. Defendant, Wengay M. Newton, Sr. (“Newton”) is a Member of the Commission. Newton is sued in his official capacity as Member of the Commission.

35. Lukis, Anchors, Cervone, Descovich, Figgers, Fuste, and Newton, collectively, comprise the Commission.

36. “The Agency Head is the entire Commission, which is responsible for final agency action.” *See* Statement of Organization and Operation of the Commission on Ethics, <https://www.ethics.state.fl.us/Documents/Ethics/statement%20of%20org.pdf?cp=2024127>, last accessed February 12, 2024.

37. The Commission, through each Defendant, is charged with implementing and enforcing the State's financial disclosure laws, including, among many other things, the receipt of the Form 6 disclosure forms, training regarding Form 6, investigating alleged violations regarding Form 6 filings, imposing fines for failure to file Form 6, holding enforcement hearings regarding failure to file Form 6, making recommendations of removal from office for failure to file Form 6, and rendering legally binding advisory opinions regarding Form 6. *See* Art II, § 8(g), Fla. Const.; §§ 112.3144, 112.317, 112.320, Fla. Stat.

38. The Commission is also required to identify every person required to file Form 6, provide notice of said requirements to each person subject to these disclosures, and ensure compliance with the disclosure requirements by each person subject thereto. *See* Art II, § 8(g), Fla. Const.; §§ 112.3144, 112.317, 112.320, Fla. Stat.

39. In addition, the Commission's 2022 Annual Report (as well as previous annual reports) expressly requested that the Legislature enact legislation to require municipal elected officials to complete Form 6, rather than Form 1, leading to the enactment of SB 774. *See* Annual Report to the Florida Legislature for Calendar Year 2022, p. 23, <https://ethics.state.fl.us/Documents/Publications/2022%20Annual%20Report.pdf?cp=202425> (last accessed February 12, 2024). The only justification given by the Commission for its recommendation was:

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population or revenue of the municipality.

40. Nowhere in its report did the Commission conclude that there has been an increase in the need to oppose corruption or conflicts of interest at the municipal level or that Form 1 in any

way was insufficient to the task of guarding against those governmental ills. In short, the Commission justified its recommendation merely by noting that municipal officials should have to disclose the same information others already disclose, without regard to the municipality's population, revenue, annual budget, or any elected municipal compensation amount, if any.

41. Plaintiffs bring this action against the state officers (namely, the members of the Commission) who have the responsibility to enforce the Form 6 requirement against municipal elected officials (including the Elected Official Plaintiffs) and seek only declaratory and injunctive relief to end the continuing violations of Article 1, Section 23 of the Florida Constitution. Plaintiffs do not seek damages in this action.

## **BACKGROUND**

### **A. History of Ethical Standards in Florida**

42. Beginning in the late 1960s, the Florida Legislature has enacted numerous laws regulating ethical conduct for Florida's elected officials, including laws related to the solicitation or acceptance of gifts, unauthorized compensation, misuse or abuse of public position, disclosure of certain information, doing business with one's agency, conflicting employment, lobbying restrictions, dual public employment, anti-nepotism, conflicts of interest, and financial disclosure. *See generally* Chapter 112, Fla. Stat.

43. The interests that the financial disclosures are intended to serve are stated by the Commission: "Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government." *See* Florida Commission on Ethics, Financial Disclosure Information, [www.ethics.state.fl.us/FinancialDisclosure/Index.aspx](http://www.ethics.state.fl.us/FinancialDisclosure/Index.aspx), last accessed February 12, 2024.



44. In 1976, the Florida Constitution was amended to require that all elected state constitutional officers annually file a full and public disclosure of their financial interests, which is done through the state-adopted Form 6, which requires the disclosure of highly personal financial information. *See* Art. II, § 8, Fla Const.; § 112.3144, Fla. Stat. *See also* Exh. B.

45. The Form 6 requirement did not apply to elected municipal officials or candidates for elected municipal office prior to 2024.

### **B. The Change from Form 1 to Form 6 For Elected Municipal Officials**

46. Instead, until 2024, elected municipal officials have been required to make a more limited financial disclosure that nevertheless provides sufficient information to satisfy the interest of preventing conflicts of interest and public corruption and increasing public confidence in government. *See* § 112.3145, Fla. Stat. The elected municipal officials' financial disclosure has for years been accomplished through the use of Form 1. *See* Exh. A.

47. In the 2023 legislative session, the Florida Legislature duly enacted (and the Governor signed) SB 774, which was codified at Laws of Florida 2023-09, and which amended (in relevant part) sections 99.061, 112.3144 and 112.317, Florida Statutes to change the financial disclosure requirements to now require that all elected municipal mayors and elected members of the governing board (and candidates for such offices) file a Form 6 financial disclosure, rather than the previously required Form 1. *See* S.B. 774; § 112.3144, Fla. Stat. (2023).

### **C. Comparison of Form 6 to Form 1**

48. Form 6 represents a highly intrusive and extreme level of required financial disclosure, mandating the disclosure of private financial information unrelated to any official duties and unnecessary to satisfy the interest of preventing conflicts of interest and public corruption or increasing public confidence in government.

49. Specifically, Form 6 requires that the official disclose:

(a) the official's exact net worth, to the penny, (b) the exact aggregate value of all household goods and personal effects, (c) the precise value of every other asset individually valued at over \$1,000 (including a description of the asset), (d) the exact outstanding amount of all liabilities in excess of \$1,000, including the name and address of the creditor, (e) every primary source of income that exceeded \$1,000 during the year, including the name and address of the source of income and the precise amount of income, (f) every secondary source of income in excess of \$1,000 from any business of which the official owns more than 5%, including the name of the business entity, the major sources of business income (namely, any that account for 10% or more of the business's revenue), and the address and principal business activity or source, and (g) any interest in certain specified types of businesses.

*See Exh. A.*

50. In contrast, Form 1 requires that the official disclose:

(a) the name, address and principal business active for every primary sources of income in excess of \$2,500 (but not the amount), (b) every secondary source of income in excess of \$5,000 from any business of which the official owns more than 5%, including the name of the business entity, the major source of business income (any that account for 10% or more of the business's revenue), and the address and principal business activity or source, (c) a description of all real property (but not the value) of which the official had more than a 5% ownership interest, (d) a description (but not the value) of intangible property owned by the official and valued at more than \$10,000, (e) the name and address of each creditor to whom the official owed more than \$10,000 (but not the amount owed), and (f) any interest in certain specified types of businesses.

*See Exh. B.*

51. The information in Form 1 and Form 6 of each filer is made publicly available through the Commission's website.

#### **D. The Applicable Constitutional Protection**

52. In 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the "Right to Privacy," which states that "[e]very natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise

provided herein.” The *only* limitation on this right codified in the Florida Constitution is that the right “shall not be construed to limit the public’s right of access to public records and meetings as provided by law.” Art. I, § 23, Fla. Const.

53. Because the right to privacy is a fundamental right within Florida’s constitution, the Florida Supreme Court has required that any law intruding on that right is presumptively unconstitutional and must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means.” *See, e.g., Winfield v. Div. of Pari-Mutuel Wagering*, 477 So. 2d 544 (Fla. 1985).

#### **E. The Impact of the Change from Form 1 to Form 6 for Municipal Elected Officials**

54. The imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy of municipal elected officials, most of whom receive little or no compensation for their service; (b) unnecessarily risks the safety of such officials (making them targets of, among other things, robbery, identity theft, and extortion); and (c) will deter many otherwise qualified and interested citizens from running for local office.

55. The Florida League of Cities has indicated that over 100 elected municipal officials resigned on or before December 31, 2023, stating that they did not want to be subject to the Form 6 filing requirement (which applies to municipal elected officials in office beginning on January 1, 2024).

56. Requiring that uncompensated (or minimally compensated) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest. Form 1 disclosures have for years provided sufficient transparency to inform the public of potential conflicts, prevent corruption, and create public confidence in government.



**COUNT I****VIOLATION OF RIGHT TO PRIVACY UNDER FLORIDA CONSTITUTION**

57. The Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 56, inclusive, as if fully set forth herein.

58. This count is an action for declaratory judgment, pursuant to sections 86.011, *et. seq.*, Florida Statutes, seeking a declaration from the Court that the requirement in section 112.3144, Florida Statutes, that municipal elected officials file Form 6 financial disclosures violates article I, section 23 of the Florida Constitution, and is therefore unconstitutional and invalid, and to enjoin the enforcement thereof.

59. Any law that intrudes on Florida's Constitutional right to privacy under article 1, section 23 is presumptively unconstitutional and must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means."

60. Form 6 requires the disclosure of highly private and confidential financial information that the Elected Official Plaintiffs have kept private and desire to continue to keep private.

61. Once disclosure occurs through the filing of Form 6 with the Commission, the highly private financial information will be readily available on the Internet by anyone for many years to come and will be readily associated with the individual filer.

62. Although Plaintiffs recognize the government's interest in preventing conflicts of interest and deterring corruption, SB 774's expansion of section 112.3144 and the requirements of Form 6 to municipal elected officials and candidates is not narrowly tailored to achieve this interest.

63. The highly intrusive disclosures required by Form 6 (as opposed to Form 1 or the forms used by the federal government and every other state in the United States) are not the least restrictive means to accomplish any compelling government purpose.

64. An actual controversy exists between Plaintiffs and Defendants, who have adverse legal interests of sufficient immediacy to warrant the issuance of a declaratory judgment and injunctive relief.

65. All elements necessary to support a cause of action for declaratory relief are present:

- a. There is a bona fide, actual, present need for a declaration that the requirement in section 112.3144, Florida Statutes, that municipal elected officials file Form 6 financial disclosures violates article I, section 23 of the Florida Constitution.
- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Plaintiffs' constitutionally protected rights and privileges are dependent upon the law applicable to the facts.
- d. The Plaintiffs and the Defendants have an actual, present, adverse, and antagonistic interest in the subject matter of this Complaint.
- e. The antagonistic and adverse interests are all before this Court.
- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

### **Prayer for Relief**

WHEREFORE, the Plaintiffs respectfully request that judgment be entered in their favor:

- A. Declaring that the requirement in section 112.3144, Florida Statutes, that municipal elected officials (including the Elected Official Plaintiffs) and candidates file Form 6 financial disclosures violates Article I, Section 23 of the Florida Constitution.
- B. Pursuant to the Court's power to grant supplemental relief under section 86.061, Florida Statutes, temporarily and permanently enjoining the Defendants from enforcing section 112.3144 (including the imposition of any fines, penalties, or other enforcement) arising from the failure of any of the Elected Official Plaintiffs or candidates or elected official of any of the Municipal Plaintiffs, for the failure to file a Form 6.
- C. Awarding Plaintiffs their costs incurred in bringing this action, and
- D. Granting such other relief as this Court deems just and proper.

Dated this 15th day of February, 2024.

WEISS SEROTA HELFMAN  
 COLE & BIERMAN, P.L.  
 200 East Broward Blvd., Ste. 1900  
 Fort Lauderdale, FL 33301  
 Telephone: (954) 763-4242

By: s/ Jamie A. Cole  
 JAMIE A. COLE  
 Florida Bar No. 767573  
[jcole@wsh-law.com](mailto:jcole@wsh-law.com)  
[msaraff@wsh-law.com](mailto:msaraff@wsh-law.com)  
 EDWARD G. GUEDES  
 Florida Bar No. 768103  
[eguedes@wsh-law.com](mailto:eguedes@wsh-law.com)  
[szavala@wsh-law.com](mailto:szavala@wsh-law.com)  
*Counsel for Plaintiffs*



Kimberly Romano Kopp, Esq.  
Florida Bar No. 0684511  
Romano Kopp Law, P.A.  
P.O. Box 5524  
Destin, Florida 32541  
Phone: (407) 430-7070  
Email: [kkopp@romanokopplaw.com](mailto:kkopp@romanokopplaw.com)  
Email: [tsander@romanokopplaw.com](mailto:tsander@romanokopplaw.com)

*Co-Counsel for City of Destin, Florida*

# Exhibit A

## 2023 Form 1 - Statement of Financial Interests

**General Information**

Name: DISCLOSURE FILER

Address: SAMPLE ADDRESS

County: SAMPLE COUNTY

PID SAMPLE

**AGENCY INFORMATION**

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

**Disclosure Period**

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2023 .

**Primary Sources of Income**

PRIMARY SOURCE OF INCOME (Over \$2,500) (Major sources of income to the reporting person)  
 (If you have nothing to report, write "none" or "n/a")

Name of Source of Income	Source's Address	Description of the Source's Principal Business Activity



## 2023 Form 1 - Statement of Financial Interests

**Secondary Sources of Income**

SECONDARY SOURCES OF INCOME (Major customers, clients, and other sources of income to businesses owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source

**Real Property**

REAL PROPERTY (Land, buildings owned by the reporting person)  
(If you have nothing to report, write "none" or "n/a")

Location/Description

**Intangible Personal Property**

INTANGIBLE PERSONAL PROPERTY (Stocks, bonds, certificates of deposit, etc. over \$10,000)  
(If you have nothing to report, write "none" or "n/a")

Type of Intangible	Business Entity to Which the Property Relates

## 2023 Form 1 - Statement of Financial Interests

**Liabilities**

LIABILITIES (Major debts valued over \$10,000):  
(If you have nothing to report, write "none" or "n/a")

Name of Creditor	Address of Creditor

**Interests in Specified Businesses**

INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses)  
(If you have nothing to report, write "none" or "n/a")

Business Entity # 1

**Training**

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

## 2023 Form 1 - Statement of Financial Interests

**Signature of Filer**

Digitally signed:

**Filed with COE:**

E-FILING SAMPLE



# Exhibit B

## 2023 Form 6 - Full and Public Disclosure of Financial Interests

## General Information

Name: DISCLOSURE FILER

Address: SAMPLE ADDRESS

County: SAMPLE COUNTY

PID SAMPLE

## AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

## Net Worth

My Net Worth as of December 31, 2023 was \$ [AMOUNT].

## Assets

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effect is N/A.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

Description of Asset	Value of Asset

## 2023 Form 6 - Full and Public Disclosure of Financial Interests

**Liabilities**

LIABILITIES IN EXCESS OF \$1,000:

Name of Creditor	Address of Creditor	Amount of Liability

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

Name of Creditor	Address of Creditor	Amount of Liability

**Income**

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2022 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

☐ I elect to file a copy of my 2023 federal income tax return and all W2s, schedules, and attachments.

PRIMARY SOURCES OF INCOME:

Name of Source of Income Exceeding \$1,000	Address of Source of Income	Amount

SECONDARY SOURCES OF INCOME (Major customers, clients, etc. of businesses owned by reporting person):

Name of Business Entity	Name of Major Sources of Business Income	Address of Source	Principal Business Activity of Source



## 2023 Form 6 - Full and Public Disclosure of Financial Interests

**Interests in Specified Businesses****Business Entity # 1****Training**

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

**Signature of Reporting Official or Candidate**

Under the penalties of perjury, I declare that I have read the foregoing Form 6 and that the facts stated in it are true.

Digitally signed:

Filed with COE:

UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Case No.

PRESIDENT OF TOWN COUNCIL  
ELIZABETH A. LOPER, ALDERMAN KEITH  
J. BLACK, ALDERMAN KATHLEEN M.  
GROSS and ALDERMAN WILLIAM BIRCH,  
elected officials of the Town of Briny Breezes;

COUNCILMEMBERS WALTER FAJET and  
JACKY BRAVO, elected officials of Miami  
Springs, Florida;

COMMISSIONER PATRICIA PETRONE, an  
elected official of Lighthouse Point, Florida;

MAYOR DANIELLE H. MOORE,  
PRESIDENT OF TOWN COUNCIL  
MARGARET A. ZEIDMAN, COUNCIL  
MEMBER EDWARD A. COONEY, COUNCIL  
MEMBER LEWIS CRAMPTON, COUNCIL  
MEMBER JULIE ARASKOG and COUNCIL  
MEMBER BOBBIE LINDSAY, elected  
officials of the Town of Palm Beach, Florida;

MAYOR BRENT LATHAM, VICE MAYOR  
RICHARD CHERVONY, and  
COMMISSIONER ANDY ROTONDARO,  
elected officials of North Bay Village, Florida;

MAYOR GLENN SINGER, an elected official  
of the Town of Golden Beach, Florida;

MAYOR BERNARD KLEPACH, an elected  
official of Indian Creek, Florida;

MAYOR JEFFREY P. FREIMARK, VICE-  
MAYOR SETH E. SALVER, COUNCILMAN  
DAVID ALBAUM, and COUNCILMAN  
DAVID WOLF, elected officials of the Village  
of Bal Harbour, Florida;

MAYOR MARGARET BROWN,  
COMMISSIONER MARY MOLINA-MACFIE,  
COMMISSIONER CHRIS EDDY,

COMMISSIONER HENRY MEAD, and  
COMMISSIONER BYRON L. JAFFE, elected  
officials of the City of Weston, Florida;

MAYOR SHELLY PETROLIA, VICE-  
MAYOR RYAN BOYLSTON, DEPUTY  
VICE-MAYOR ROB LONG,  
COMMISSIONER ADAM FRANKEL, and  
COMMISSIONER ANGELA BURNS, elected  
officials of the City of Delray Beach, Florida;

MAYOR JOSEPH AYOUB, COMMISSIONER  
ANDY STEINGOLD, COMMISSIONER  
CARLOS DIAZ, COMMISSIONER NANCY J.  
BESORE, and COMMISSIONER CLIFF  
MERZ, elected officials of the City of Safety  
Harbor, Florida;

COMMISSIONER JEREMY KATZMAN, an  
elected official of Cooper City, Florida;

MAYOR SCOTT J. BROOK, VICE-MAYOR  
SHAWN CERRA, COMMISSIONER JOSHUA  
SIMMONS, COMMISSIONER JOY CARTER,  
and COMMISSIONER NANCY METAYER  
BOWEN, elected officials of the City of Coral  
Springs, Florida;

VICE-CHAIR ERIK BRECHNITZ, an elected  
official of the City of Marco Island, Florida;

VICE MAYOR ARLENE SCHWARTZ,  
COMMISSIONER ANTONIO V. ARSERIO,  
COMMISSIONER JOANNE SIMONE, and  
COMMISSIONER ANTHONY N.  
CAGGIANO, elected officials of the City of  
Margate, Florida;

MAYOR ROBERT T. WAGNER, COUNCIL  
MEMBER JOHN STEPHENS III, COUNCIL  
MEMBER TORY CJ GEILE, COUNCIL  
MEMBER JAMES B. BAGBY, and COUNCIL  
MEMBER TERESA R. HEBERT, elected  
officials of the City of Destin, Florida;



MAYOR KENNETH R. THURSTON, COMMISSIONER MELISSA P. DUNN, and COMMISSIONER SARAI "RAY" MARTIN, elected officials of the City of Lauderhill, Florida,

MAYOR BILL GANZ, VICE-MAYOR BERNIE PARNES, COMMISSIONER BEN PRESTON, and COMMISSIONER MICHAEL HUDAK, elected officials of the City of Deerfield Beach, Florida;

VICE-MAYOR PAUL A. KRUS and COMMISSIONER RACHEL FRIEDLAND, elected officials of the City of Aventura, Florida;

VICE-MAYOR MICHAEL NAPOLEONE, COUNCILWOMAN TANYA SISKIND, COUNCILMAN JOHN T. MCGOVERN, and COUNCILMAN MICHAEL DRAHOS, elected officials of the Village of Wellington;

MAYOR FRED CLEVELAND, elected official of the City of New Smyrna Beach, Florida;

COUNCILMEMBER JENNIFER ANDREU, elected official of the City of Plantation, Florida,

COUNCILMEMBER KEM E. MASON, elected official of the Town of Lantana, Florida; and

MAYOR CHARLES EDWARD DODD, VICE MAYOR KELLY DIXON, COUNCIL MEMBER FREDERICK B. JONES, COUNCIL MEMBER BOB MCPARTLAN, AND COUNCIL MEMBER CHRISTOPHER NUNN, elected officials of the City of Sebastian, Florida,

Plaintiffs,  
vs.

ASHLEY LUKIS, in her official capacity as Chair of the Florida Commission on Ethics; MICHELLE ANCHORS, in her official capacity as Vice Chair of the Florida Commission on Ethics; WILLIAM P. CERVONE, in his official

capacity as a Member of the Florida Commission on Ethics; TINA DESCOVICH, in her official capacity as Member of the Florida Commission on Ethics; FREDDIE FIGGERS, in his official capacity as a Member of the Florida Commission on Ethics; LUIS M. FUSTE, in his official capacity as a Member of the Florida Commission on Ethics; and WENGAY M. NEWTON, SR., in his official capacity as a Member of the Florida Commission on Ethics,

Defendants.

### **COMPLAINT**

Plaintiffs bring this action against Defendants for declaratory and injunctive relief, and state as follows:

### **OVERVIEW**

1. This is an action by a large number of Florida elected municipal officials challenging a recently enacted law (“SB 774”) that on or before July 1, 2024 compels elected municipal officials in office as of January 1, 2024 to utter very specific statements, in writing and available to the public at large through the Internet, regarding the elected officials’ personal finances, including, among other things, stating the exact amount of their net worth and income, the total dollar value of their household goods, and the precise value of every asset and amount of every liability in excess of \$1,000. An elected municipal official’s failure to make these public statements will result in significant fines, civil penalties, and even potential removal from office.

2. SB 774 amended, among other statutes, Fla. Stat. § 112.3144, and renders elected municipal officials in office as of January 1, 2024, and municipal candidates subject to the financial disclosure requirements of Fla. Const., art. II, § 8(j).

3. Prior to the enactment of SB 774, elected municipal officials and municipal candidates were required to provide financial disclosures via a document called “Form 1” pursuant

to Fla. Stat. § 112.3145, but were not subject to the requirements of Fla. Const., art. II, § 8(j). However, Florida Statute sections 112.3144 and 99.061, as amended by SB 774 in 2023, respectively make *all* elected municipal officers and municipal candidates subject to the filing requirements of “Form 6,” which demands much more intrusive financial disclosures as outlined in the Florida Constitution and section 112.3144. A copy of Form 1 is attached as Exhibit A, and a copy of Form 6 is attached as Exhibit B.

4. Forcing municipal elected officials and municipal candidates to publicly make such statements impairs their right to be free of government-compelled, content-based, non-commercial speech, in violation of the First Amendment to the United States Constitution.

5. Rather than being the least restrictive, narrowly tailored means of accomplishing a compelling state interest, these new, financial disclosure requirements imposed on elected municipal officials and municipal candidates through SB 744 are the most restrictive means available – stricter and more onerous than required of federal elected officials (including the President of the United States) and of elected officials in other states throughout the country.

6. The additional, financial information statements required to be made by Form 6 (*e.g.*, the disclosure of exact net worth, exact income and precise values of household goods and other assets and liabilities), as compared to Form 1, have little, if any, bearing on an elected official’s municipal service, does not prevent or even ameliorate conflicts of interest or public corruption, and does not increase public confidence in government.

7. Form 1 is a less restrictive, alternative means of accomplishing the same governmental interests, as would be the less onerous disclosure forms used by the federal government or any of the other states in the United States.



8. Indeed, municipal elected officials and candidates operated under the requirements of Form 1 for decades, and nothing in the Legislature's enactment of the new Form 6 requirement reflected that Form 1 was insufficient and necessitated a change.

9. As such, this action seeks an order (i) declaring the 2023 amendments to Fla. Stat. § 112.3144 related to elected municipal officials and any penalties arising therefrom, including those in Fla. Stat. § 112.317, are unconstitutional under the First Amendment of the United States Constitution, and (ii) enjoining Defendants from enforcing the disclosure requirements.

### **JURISDICTION AND VENUE**

10. The Court has subject matter jurisdiction over this case pursuant to this Court's federal question jurisdiction, 28 U.S.C. § 1331, as this case arises under the First Amendment to the United States Constitution, as made applicable to the States by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

11. This case seeks declaratory and injunctive relief, pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, Federal Rule of Civil Procedure 57, and 42 U.S.C. § 1983.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), as two of the Defendants (Freddie Figgers and Luis M. Fuste) reside in this District (and all are residents of this State), the majority of the plaintiffs reside and serve as elected officials in the District, and a substantial part of the events giving rise to the claim herein occurred in this District.

### **THE PARTIES**

#### **A. Plaintiffs**

13. Plaintiffs in this action consist of the following current, elected officials of Florida municipalities:

- a. Town of Briny Breezes President of Town Council Elizabeth A. Loper;
- b. Town of Briny Breezes Alderman Keith J. Black;
- c. Town of Briny Breezes Alderman Kathleen M. Gross;
- d. Town of Briny Breezes Alderman William Birch;
- e. City of Miami Springs Councilmember Walter Fajet;
- f. City of Miami Springs Councilmember Jacky Bravo;
- g. City of Lighthouse Point Commissioner Patricia Petrone;
- h. Town of Palm Beach Mayor Danielle H. Moore;
- i. Town of Palm Beach President of Town Council Margaret A. Zeidman;
- j. Town of Palm Beach Council Member Edward A. Cooney;
- k. Town of Palm Beach Council Member Lewis Crampton;
- l. Town of Palm Beach Council Member Julie Araskog;
- m. Town of Palm Beach Council Member Bobbie Lindsay;
- n. North Bay Village Mayor Brent Latham;
- o. North Bay Village Vice Mayor Richard Chervony;
- p. North Bay Village Commissioner Andy Rotondaro;
- q. Golden Beach Mayor Glenn Singer;
- r. Indian Creek Mayor Bernard Klepach;
- s. Village of Bal Harbour Mayor Jeffrey P. Freimark ;
- t. Village of Bal Harbour Vice-Mayor Seth E. Salver;
- u. Village of Bal Harbour Councilman David Albaum;
- v. Village of Bal Harbour Councilman David Wolf;
- w. City of Weston Mayor Margaret Brown;
- x. City of Weston Commissioner Mary Molina-Macfie;

- y. City of Weston Commissioner Chris Eddy;
- z. City of Weston Commissioner Henry Mead;
- aa. City of Weston Commissioner Byron L. Jaffe;
- bb. City of Delray Beach Mayor Shelly Petrolia;
- cc. City of Delray Beach Vice Mayor Ryan Boylston;
- dd. City of Delray Beach Deputy Vice-Mayor Rob Long;
- ee. City of Delray Beach Commissioner Adam Frankel;
- ff. City of Delray Beach Commissioner Angela Burns;
- gg. City of Safety Harbor Mayor Joseph Ayoub;
- hh. City of Safety Harbor Commissioner Andy Steingold;
- ii. City of Safety Harbor Commissioner Carlos Diaz;
- jj. City of Safety Harbor Commissioner Nancy J. Besore;
- kk. City of Safety Harbor Commissioner Cliff Merz;
- ll. Cooper City Commissioner Jeremy Katzman;
- mm. City of Coral Springs Mayor Scott J. Brook;
- nn. City of Coral Springs Vice Mayor Shawn Cerra;
- oo. City of Coral Springs Commissioner Joshua Simmons;
- pp. City of Coral Springs Commissioner Joy Carter;
- qq. City of Coral Springs Commissioner Nancy Metayer Bowen;
- rr. City of Marco Island Vice-Chair Erik Brechnitz;
- ss. City of Margate Vice-Mayor Arlene Schwartz;
- tt. City of Margate Commissioner Antonio V. Arserio;
- uu. City of Margate Commissioner Joanne Simone;
- vv. City of Margate Commissioner Anthony N. Caggiano;

- ww. City of Destin Mayor Robert T. Wagner;
- xx. City of Destin Council Member John Stephens III;
- yy. City of Destin Council Member Torey CJ Geile;
- zz. City of Destin Council Member James B. Bagby;
- aaa. City of Destin Council Member Teresa R. Hebert;
- bbb. City of Lauderhill Mayor Kenneth R. Thurston;
- ccc. City of Lauderhill Commissioner Melissa P. Dunn;
- ddd. City of Lauderhill Commissioner Sarai “Ray” Martin;
- eee. City of Deerfield Beach Mayor Bill Ganz;
- fff. City of Deerfield Beach Vice-Mayor Bernie Parness;
- ggg. City of Deerfield Beach Commissioner Ben Preston;
- hhh. City of Deerfield Beach Commissioner Michael Hudak;
- iii. City of Aventura Vice-Mayor Paul A. Kruss;
- jjj. City of Aventura Commissioner Rachel Friedland;
- kkk. Village of Wellington Vice-Mayor Michael Napoleone;
- lll. Village of Wellington Councilwoman Tanya Siskind;
- mmm. Village of Wellington Councilwoman John T. McGovern;
- nnn. Village of Wellington Councilwoman Michael Drahos;
- ooo. City of New Smyrna Beach Mayor Fred Cleveland;
- ppp. City of Plantation Councilmember Jennifer Andreu;
- qqq. Town of Lantana Councilmember Kem E. Mason;
- rrr. City of Sebastian Mayor Charles Edward Dodd;
- sss. City of Sebastian Vice Mayor Kelly Dixon;
- ttt. City of Sebastian Council Member Frederick B. Jones;



uuu. City of Sebastian Council Member Bob McPartlan; and

vvv. City of Sebastian Council Member Christopher Nunn.

14. Plaintiffs are each duly elected or appointed officials of incorporated municipalities existing under the laws of the State of Florida and are currently in office.

15. As a result of the passage of SB 774, as of January 1, 2024, each, individual Plaintiff is subject to the financial disclosure requirements of Fla. Const., art. II, § 8(j) and Fla. Stat. § 112.3144, and are further subject to the fines, penalties and other enforcement mechanisms outlined in Fla. Stat. §§ 112.317 and 112.324.

16. Each Plaintiff is, therefore, required to file the requisite Form 6 (rather than the prior Form 1) on or before July 1, 2024.

17. The failure of any municipal elected official, including each Plaintiff, to make the compelled statements subjects him or her to a daily fine of \$25 per day up to a maximum of \$1,500 and, following an investigation and public hearing, a potential civil penalty of up to \$20,000 and, among other things, a potential recommendation of removal from office. *See* Fla. Stat. §§ 112.3144(8)(f), 112.324(4), and 112.317.

18. Plaintiffs now face prior to the imminent deadline of July 1, 2024, the obligation to engage in non-commercial, content-based speech requirement to publicly disclose, against their will, the financial information required in Form 6, or face fines or other penalties.

19. Throughout Florida, more than 100 municipal elected officials resigned rather than agree to engage in such unwanted speech.

20. Plaintiffs strongly desire to continue to serve the public and have therefore not yet resigned, but instead have chosen to challenge the new compelled speech requirement.

21. Accordingly, Plaintiffs have each suffered a concrete and particularized injury-in-fact that is actual or imminent.

**B. Defendants**

22. Defendant, Ashley Lukis (“Lukis”) is the Chair and a member of the Florida Commission on Ethics (“Commission”), a commission existing pursuant to Fla. Const., Art. II, § 8(h)(1) and Fla. Stat. § 112.320. Lukis is sued in her official capacity as Chair of the Commission.

23. Defendant, Michelle Anchors (“Anchors”) is the Vice Chair and a member of the Commission. Anchors is sued in her official capacity as Vice Chair of the Commission.

24. Defendant, William P. Cervone (“Cervone”) is a member of the Commission. Cervone is sued in his official capacity as member of the Commission.

25. Defendant Tina Descovich (“Descovich”) is a member of the Commission. Descovich is sued in her official capacity as member of the Commission.

26. Defendant, Freddie Figgers (“Figgers”) is a member of the Commission. Figgers is sued in his official capacity as member of the Commission and is a resident of this District.

27. Defendant, Luis Fuste (“Fuste”) is a member of the Commission. Fuste is sued in his official capacity as member of the Commission and is a resident of this District.

28. Defendant, Wengay M. Newton, Sr. (“Newton”) is a member of the Commission. Newton is sued in his official capacity as member of the Commission.

29. Lukis, Anchors, Cervone, Descovich, Figgers, Fuste, and Newton, collectively, comprise the Commission.

30. “The Agency Head is the entire Commission, which is responsible for final agency action.” *See* Statement of Organization and Operation of the Commission on Ethics, <https://www.ethics.state.fl.us/Documents/Ethics/statement%20of%20org.pdf?cp=2024127> (last accessed February 12, 2024).

31. The Commission, through each Defendant, is charged with implementing and enforcing the State’s financial disclosure laws, including, among many other things, the receipt of

Form 6 disclosures, training regarding Form 6, investigating alleged violations regarding Form 6 filings, imposing fines for failure to file Form 6, holding enforcement hearings regarding failure to file Form 6, making recommendations of removal from office for failure to file Form 6, and rendering legally binding advisory opinions regarding Form 6. *See* Fla. Const., Art. II, § 8(g); Fla. Stat. §§ 112.3144, 112.317, 112.320.

32. The Commission is also required to identify every person required to file Form 6, provide notification of said requirement to each person subject to these disclosures, and ensure compliance with the disclosure requirements by each person subject thereto. *See* Fla. Const., Art. II, § 8(g); Fla. Stat. §§ 112.3144, 112.317, 112.320.

33. In addition, the Commission's 2022 Annual Report (as well as previous annual reports) expressly requested that the Legislature enact legislation to require that elected municipal officials complete Form 6, rather than Form 1, leading to the enactment of SB 774. *See* Annual Report to the Florida Legislature for Calendar Year 2022, pg. 23, <https://ethics.state.fl.us/Documents/Publications/2022%20Annual%20Report.pdf?cp=202425> (last accessed February 12, 2024).

34. The only justification given by the Commission for its recommendation was:

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population or revenue of the municipality.

35. Nowhere in its report did the Commission conclude that there has been an increase in the need to oppose corruption or conflicts of interest at the municipal level or that Form 1 in any way was insufficient to the task of guarding against those governmental ills. In short, the Commission justified its recommendation merely by noting that municipal officials should have

to disclose the same information others already disclose, without regard to the municipality's population, revenue, annual budget, or any elected municipal compensation amount, if any.

36. All acts alleged herein by Defendants and their agents, servants, employees, or persons acting on their behalf were done and are continuing to be done under color of state law.

37. Plaintiffs bring this action against the state officers (namely, the members of the Commission) who have the responsibility to enforce the Form 6 requirement against municipal elected officials (including Plaintiffs) and seek only prospective equitable relief to end the continuing violations of the First Amendment to the United States Constitution.

## **BACKGROUND**

### **A. History of Ethical Standards in Florida**

38. Beginning in the late 1960s, the Florida Legislature has enacted numerous laws regulating ethical conduct for Florida's elected officials, including laws related to the solicitation or acceptance of gifts, unauthorized compensation, misuse or abuse of public position, disclosure of certain information, doing business with one's agency, conflicting employment, lobbying restrictions, dual public employment, anti-nepotism, conflicts of interest, and financial disclosure. *See generally* Fla. Stat., Chapter 112.

39. The interests that the financial disclosures are intended to serve are stated by the Commission: "Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government." *See* Florida Commission on Ethics, Financial Disclosure Information, [www.ethics.state.fl.us/FinancialDisclosure/Index.aspx](http://www.ethics.state.fl.us/FinancialDisclosure/Index.aspx), last accessed February 12, 2024.

40. In 1976, the Florida Constitution was amended to require that all elected, state constitutional officers annually file a full and public disclosure of their financial interests, which



is done through the state-adopted Form 6, requiring the disclosure of highly personal financial information. *See* Fla. Const. Art. II, § 8; Fla. Stat. § 112.3144; Exh. B.

41. The Form 6 requirement did not apply to elected municipal officials or candidates for municipal office prior to January 1, 2024.

### **B. The Change from Form 1 to Form 6 for Elected Municipal Officials**

42. Instead, prior to January 1, 2024, elected municipal officials were required to make a more limited financial disclosure that nevertheless provides sufficient information to satisfy the interests of preventing conflicts of interest and public corruption and increasing public confidence in government. *See* Fla. Stat. § 112.3145. The elected municipal officials' financial disclosure was done through the state-adopted Form 1. Exh. A.

43. In the 2023 legislative session, the Florida Legislature duly enacted (and the Governor signed) SB 774, which was codified at Laws of Florida 2023-09, and which amended (in relevant part) Fla. Stat. § 112.3144, to change the financial disclosure requirements to require, as of January 1, 2024, that all elected municipal mayors and elected members of municipal governing boards (and candidates for such offices) file a Form 6 financial disclosure, rather than the previously required Form 1. *See* Fla. S.B. 774; Fla. Stat. §§ 99.061, 112.3144 (2023).

### **C. Comparison of Form 6 to Form 1**

44. Form 6 is a highly intrusive and extreme level of required, public financial disclosure, mandating the disclosure of private financial information unrelated to any official duties and unnecessary to satisfy the interest of preventing conflicts of interest and public corruption or increasing public confidence in government. *See* Exh. B.

45. Specifically, Form 6 requires that the official disclose:

(a) the official's exact net worth, to the penny, (b) the exact aggregate value of all household goods and personal effects, (c) the precise value of every other asset individually valued at over \$1,000 (including a description of

the asset), (d) the exact outstanding amount of all liabilities in excess of \$1,000, including the name and address of the creditor, (e) every primary source of income that exceeded \$1,000 during the year, including the name and address of the source of income and the precise amount of income, (f) every secondary source of income in excess of \$1,000 from any business of which the official owns more than 5%, including the name of the business entity, the major sources of business income (namely, any that account for 10% or more of the business's revenue), and the address and principal business activity or source, and (g) any interest in certain specified types of businesses.

*See Exh. B.*

46. In contrast, Form 1 requires that the official disclose:

(a) the name, address and principal business active for every primary sources of income in excess of \$2,500 (but not the amount), (b) every secondary source of income in excess of \$5,000 from any business of which the official owns more than 5%, including the name of the business entity, the major source of business income (any that account for 10% or more of the business's revenue), and the address and principal business activity or source, (c) a description of all real property (but not the value) of which the official had more than a 5% ownership interest, (d) a description (but not the value) of intangible property owned by the official and valued at more than \$10,000, (e) the name and address of each creditor to whom the official owed more than \$10,000 (but not the amount owed), and (f) any interest in certain specified types of businesses.

*See Exh. A.*

47. The information in Form 1 and Form 6 of each filer is made publicly available through the Commission's website.

## COUNT I

### **COMPELLED, CONTENT-BASED SPEECH IN VIOLATION OF THE FIRST AMENDMENT OF THE U.S. CONSTITUTION, PURSUANT TO 42 U.S.C. § 1983**

48. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 47, as if fully set forth herein.

49. The First Amendment to the United States Constitution, as applied to the States by the Fourteenth Amendment, prohibits the government, including Defendants, from abridging Plaintiffs' freedom of speech though government-compelled speech.

50. The First Amendment's speech rights include the right to speak freely, the right to refrain from speaking at all, and the right not to speak certain words or messages.

51. The statements required by Fla. Stat. § 112.3144, through Form 6, constitute non-commercial, compelled speech from Plaintiffs in violation of the First Amendment.

52. Specifically, Fla. Stat. § 112.3144 unconstitutionally compels Plaintiffs to make invasive, public disclosures about their personal finances through Form 6.

53. The required disclosures of Fla. Stat. § 112.3144, through Form 6, are content-based speech because they compel individuals to speak a particular message. Compelled speech is no less compelled and no less speech because it is required to be in writing.

54. For example, among many other things, on July 1, 2024, each Plaintiff will be forced to say the words: "My Net Worth as of December 31, 2023 was \$\_\_\_\_\_." *See* Exh. B at 1.

55. Plaintiffs would not otherwise engage in such non-commercial, content-based speech (namely, publicly disclosing to the public their exact net worth, income, asset values and other personal financial information required in Form 6) but for the requirements of Fla. Stat. § 112.3144 and the threat of fines, penalties and other enforcement mechanisms set forth in Fla. Stat. § 112.317.

56. The compelled speech in Form 6, as required by Fla. Stat. § 112.3144, is readily reviewable (now and for many years to come) by the public on the Internet, and the information in each filed Form 6 is clearly and readily associated with the individual filer (i.e., via the name of each individual Plaintiff).

57. Because the compelled speech is effectuated through state statute, the constitutional deprivation at issue here is caused by official policy of the state and under color of state law.

58. Although Plaintiffs recognize the government's interest in preventing conflicts of interest, deterring corruption, and increasing public confidence in government, Fla. Stat. § 112.3144, as amended by SB 744, and the application of Form 6 to elected municipal officials are not narrowly tailored to achieve these interests.

59. Requiring Plaintiffs to make the additional, compelled speech required by Form 6 (as opposed to the statements previously required through Form 1) are not the least restrictive means to accomplish any compelling government purpose.

60. Accordingly, an actual controversy exists between Plaintiffs and Defendants, each of whom have adverse legal interests of sufficient immediacy to warrant the issuance of a declaratory judgment and injunctive relief.

WHEREFORE, Plaintiffs respectfully request that judgment be entered in their favor:

A. Declaring, pursuant to 28 U.S.C. § 2201, 42 U.S.C. § 1983, and Rule 57, Fed. R. Civ P., that Fla. Stat. § 112.3144 (2023) compels Plaintiffs to engage in content-based, non-commercial speech in violation of the First Amendment of the United States Constitution and is, therefore, unconstitutional;

B. Enjoining, pursuant to 28 U.S.C. § 2202, Defendants from enforcing Fla. Stat. § 112.3144 (including the imposition of any fines, penalties or other enforcement) against Plaintiffs, arising from the failure of any Plaintiffs to file a Form 6 while subject to such requirements;

C. Awarding Plaintiffs their costs and expenses (including attorneys' fees) incurred in bringing in this action, pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1920, and other applicable law; and



D. Granting such other relief as this Court deems just and proper.

Dated this 15th day of February, 2024.

WEISS SEROTA HELFMAN  
COLE + BIERMAN P.L.  
200 East Broward Blvd., Ste. 1900  
Fort Lauderdale, FL 33301  
Telephone: (954) 763-4242  
Facsimile: (954) 764-7770

By: /s/ Jamie A. Cole  
JAMIE A. COLE  
Florida Bar No. 767573  
[jcole@wsh-law.com](mailto:jcole@wsh-law.com)  
[msaraff@wsh-law.com](mailto:msaraff@wsh-law.com)  
EDWARD G. GUEDES  
Florida Bar No. 768201  
[eguedes@wsh-law.com](mailto:eguedes@wsh-law.com)  
[szavala@wsh-law.com](mailto:szavala@wsh-law.com)

*Counsel for Plaintiffs*

# Exhibit A

**2023 Form 1 - Statement of Financial Interests****General Information**

Name: DISCLOSURE FILER

Address: SAMPLE ADDRESS

County: SAMPLE COUNTY

PID SAMPLE

**AGENCY INFORMATION**

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

**Disclosure Period**

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2023 .

**Primary Sources of Income**

PRIMARY SOURCE OF INCOME (Over \$2,500) (Major sources of income to the reporting person)  
(If you have nothing to report, write "none" or "n/a")

Name of Source of Income	Source's Address	Description of the Source's Principal Business Activity

**2023 Form 1 - Statement of Financial Interests****Secondary Sources of Income**

SECONDARY SOURCES OF INCOME (Major customers, clients, and other sources of income to businesses owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source

**Real Property**

REAL PROPERTY (Land, buildings owned by the reporting person)  
(If you have nothing to report, write "none" or "n/a")

Location/Description

**Intangible Personal Property**

INTANGIBLE PERSONAL PROPERTY (Stocks, bonds, certificates of deposit, etc. over \$10,000)  
(If you have nothing to report, write "none" or "n/a")

Type of Intangible	Business Entity to Which the Property Relates



**2023 Form 1 - Statement of Financial Interests****Liabilities**

LIABILITIES (Major debts valued over \$10,000):  
(If you have nothing to report, write "none" or "n/a")

Name of Creditor	Address of Creditor

**Interests in Specified Businesses**

INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses)  
(If you have nothing to report, write "none" or "n/a")

Business Entity # 1

**Training**

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

2023 Form 1 - Statement of Financial Interests

---

**Signature of Filer**

Digitally signed:

**Filed with COE:**

E-FILING SAMPLE

# Exhibit B

## 2023 Form 6 - Full and Public Disclosure of Financial Interests

## General Information

Name: DISCLOSURE FILER

Address: SAMPLE ADDRESS

County: SAMPLE COUNTY

PID SAMPLE

## AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

## Net Worth

My Net Worth as of December 31, 2023 was \$ [AMOUNT].

## Assets

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effect is N/A.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

Description of Asset	Value of Asset



## 2023 Form 6 - Full and Public Disclosure of Financial Interests

**Liabilities**

LIABILITIES IN EXCESS OF \$1,000:

Name of Creditor	Address of Creditor	Amount of Liability

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

Name of Creditor	Address of Creditor	Amount of Liability

**Income**

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2022 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

☐ I elect to file a copy of my 2023 federal income tax return and all W2s, schedules, and attachments.

PRIMARY SOURCES OF INCOME:

Name of Source of Income Exceeding \$1,000	Address of Source of Income	Amount

SECONDARY SOURCES OF INCOME (Major customers, clients, etc. of businesses owned by reporting person):

Name of Business Entity	Name of Major Sources of Business Income	Address of Source	Principal Business Activity of Source

## 2023 Form 6 - Full and Public Disclosure of Financial Interests

### Interests in Specified Businesses

Business Entity # 1

### Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

### Signature of Reporting Official or Candidate

Under the penalties of perjury, I declare that I have read the foregoing Form 6 and that the facts stated in it are true.

Digitally signed:

Filed with COE:

## Request and Agreement to Serve As Named Plaintiff

On \_\_\_\_\_, 2024, the [City/Town/Village] of \_\_\_\_\_ approved Resolution No. \_\_\_\_\_ (the "Resolution"), authorizing the participation of the [City/Town/Village] of \_\_\_\_\_, and any of its elected officials who choose to participate, in two lawsuits seeking declarations that the provisions of Section 112.144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 Financial Disclosure Forms is unconstitutional and invalid (the "Lawsuits"). I hereby request and agree to serve as a named plaintiff in the Lawsuits, pursuant to the terms of the Resolution, including the section related to conflicts of interest, and for the law firm of Weiss Serota Helfman Cole + Bierman PL to represent me in the Lawsuits.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Municipality: \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF \_\_\_\_\_, FLORIDA

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY \_\_\_\_\_ OF THE CITY OF \_\_\_\_\_, FLORIDA, AUTHORIZING PARTICIPATION IN LITIGATION SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form ("Form 6") that requires, among other things, the disclosure of the specific amounts of an official's net worth, income and asset values; and

**WHEREAS**, historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form ("Form 1") that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official's net worth, income and asset values; and

**WHEREAS**, the Mayor and all current elected members of the City of \_\_\_\_\_ (the "City Elected Officials") were elected by the voters of the City subject to and in reliance upon Florida law that required them to annually file Form 1 (not Form 6) financial disclosures forms; and



**WHEREAS**, although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations; and

**WHEREAS**, in 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the “Right to Privacy,” which states that “[e]very natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein”; and

**WHEREAS**, because the right of privacy is a fundamental right within Florida’s constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

**WHEREAS**, the First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means;” and

**WHEREAS**, during the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1; and

**WHEREAS**, the imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected

officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office; and

**WHEREAS**, in fact, over 100 municipal elected officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum; and

**WHEREAS**, the imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures); and

**WHEREAS**, requiring that unpaid (or low paid) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts; and

**WHEREAS**, the imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights; and

**WHEREAS**, a group of municipalities and municipal elected officials filed two lawsuits, one in State Court and one in Federal Court, on February 15, 2024, seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require

municipal elected officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined (the “Lawsuits”); and

**WHEREAS**, the City of \_\_\_\_\_ believes it is in the best interest of the citizens and residents of the City to participate in the Lawsuits and urges other municipalities and their elected officials to also participate as plaintiffs.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF \_\_\_\_\_, FLORIDA AS FOLLOWS:**

**Section 1:** That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

**Section 2:** The City \_\_\_\_\_ hereby authorizes the participation of the City, and any of individual Members of the \_\_\_\_\_ who choose to participate as plaintiffs, in the Lawsuits.

**Section 3:** Weiss Serota Helfman Cole + Bierman, PL (the “Firm”) is hereby retained to represent the City in the Lawsuits. The Firm will charge the City a flat fee, inclusive of attorneys’ fees and costs, of \$10,000 to represent the City and the individual elected officials who choose to participate as plaintiffs, for the Lawsuits in the trial court. The City and elected officials recognize that such flat fee may be less than the actual attorneys’ fees and costs incurred, and that if the City and elected officials prevail in the Lawsuits, the Firm may apply with the Court for its actual reasonable attorneys’ and costs from the defendants. The filing of any appeals will be authorized by separate resolution under the terms thereof. The City and its elected officials also acknowledges that the Firm will be representing other local governments and officials in this lawsuit and waives any conflicts related to such representation. [ONLY FOR CITIES WHERE WSH DOES

NOT SERVE AS CITY ATTORNEY: The City further acknowledges that, from time to time, the Firm may be called upon by client to represent them as to requests for various approvals and as to other matters with respect to or involving the City. The City hereby waives any potential conflict of interest in the Firm's representation of those clients arising from its representation of the City in the Lawsuit.]

**Section 4:** The City of \_\_\_\_\_ invites and urges other local governments and elected officials to join the City as plaintiffs in the Lawsuit and to coordinate their efforts with the City.

**Section 5:** The City Clerk is directed to distribute this Resolution to all local governments in \_\_\_\_\_ County.

**Section 6:** That the appropriate City Officials are hereby authorized to do all things necessary and expedient to carry out the aims of this Resolution.

**Section 7:** That this Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney



# HILLIARD TOWN COUNCIL MEETING

Hilliard Town Hall / Council Chambers  
15859 West County Road 108  
Post Office Box 249  
Hilliard, FL 32046

## TOWN COUNCIL MEMBERS

John P. Beasley, Mayor  
Kenny Sims, Council President  
Lee Pickett, Council Pro Tem  
Joe Michaels, Councilman  
Jared Wollitz, Councilman  
Dallis Hunter, Councilman

## ADMINISTRATIVE STAFF

Lisa Purvis, Town Clerk  
Joel Hall P.E., Public Works Director  
Gabe Whittenburg, Parks & Rec Director

## TOWN ATTORNEY

Christian Waugh

## MINUTES

**MONDAY, JANUARY 29, 2024, 6:00 PM**

### CALL TO ORDER

### PRAYER & PLEDGE OF ALLEGIANCE

### ROLL CALL

### PRESENT

Mayor John Beasley  
Council President Kenny Sims  
Council Pro Tem Lee Pickett  
Councilman Jared Wollitz  
Councilman Dallis Hunter  
Councilman Joe Michaels  
Public Works Director, Joel Hall

### ABSENT

Town Clerk, Lisa Purvis

### WORKSHOP

ITEM-1 Hilliard Town Council and Nassau County School Board to discuss and receive updates concerning the Town of Hilliard and the Nassau County School District.  
**Mayor John P. Beasley**

\* Partnering with Town of Hilliard for CDL's

Councilman Wollitz, asks for assistance with the contract for the training the Public Works employees for their CDL's.  
Superintendent, Dr. Kathy Burns, states that she will follow up tomorrow regarding the training and will reach back out once she has more information.

\* State of the Local School District

Superintendent, Dr. Kathy Burns gives presentation to Town Council showing the size of the district and its' scoring.  
All Hilliard schools have received an "A" rating.  
Ask Town Council to sign up for the Nassau Notebook Newsletter.

**\* Interlocal Agreement - Brett Steger**

School Board Attorney, Brett Steger, states that he has a meeting with the Land Growth Committee in mid-February, to which he will then present said information given in that meeting to the Town Council.

He provides Town Council with the working copy of the Interlocal Agreement Councilman Wollitz, asks to increase the amount of time in the Facility Use Agreements. Superintendent, Dr. Burns, states that she agrees for the extended time in said agreements.

Town Council and Nassau County School Board discuss the new Hurricane Shelter/Community Center Project that the Town was awarded this past year.

**\* Concurrency Application Process**

Nassau County School Board advises that the Concurrency Application Process will be changing with the new Interlocal Agreement.

**ADDITIONAL COMMENTS**

Marella Hunter, 361770 Pine Street, Hilliard, speaks regarding her love for working for the Nassau County School Board, and her support for the Town of Hilliard and Hilliard Schools.

Superintendent, Dr. Burns, states that she has requested a survey of the forty acres the Town of Hilliard owns and that the Nassau County School Board will be in touch with that.

Mayor Beasley, asks what the capacity is for Hilliard Elementary School and Hilliard Middle Senior High School, and Superintendent, Dr. Burns, states that she will be in touch to answer said questions.

**ADJOURNMENT**

Motion to adjourn at 6:40 p.m.

Motion made by Councilman Wollitz, Seconded by Councilman Hunter.

Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Hilliard Town Council, Hilliard, Florida.

\_\_\_\_\_  
Kenneth A. Sims, Sr.  
Council President

ATTEST:

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Lisa Purvis  
Town Clerk

APPROVED:

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John P. Beasley  
Mayor

# HILLIARD TOWN COUNCIL MEETING

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15859 West County Road 108  
Post Office Box 249  
Hilliard, FL 32046

## TOWN COUNCIL MEMBERS

John P. Beasley, Mayor  
Kenny Sims, Council President  
Lee Pickett, Council Pro Tem  
Joe Michaels, Councilman  
Jared Wollitz, Councilman  
Dallis Hunter, Councilman

## ADMINISTRATIVE STAFF

Lisa Purvis, Town Clerk  
Joel Hall P.E., Public Works Director  
Gabe Whittenburg, Parks & Rec Director

## TOWN ATTORNEY

Christian Waugh

# HILLIARD PLANNING AND ZONING BOARD MEETING

## BOARD MEMBERS

Wendy Prather, Chair  
Charles A. Reed, Vice Chair  
Harold "Skip" Frey, Board Member  
Josetta Lawson, Board Member  
Kevin Webb, Board Member

## ADMINISTRATIVE STAFF

Lee Anne Wollitz  
Land Use Administrator

## PLANNING AND ZONING ATTORNEY

Christian Waugh

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## MINUTES

**MONDAY, JANUARY 29, 2024, 7:00 PM**

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## CALL TO ORDER

## PRAYER & PLEDGE OF ALLEGIANCE

## ROLL CALL

## PRESENT

Mayor John Beasley  
Council President Kenny Sims  
Council Pro Tem Lee Pickett  
Councilman Jared Wollitz  
Councilman Dallis Hunter  
Councilman Joe Michaels  
Town and Planning & Zoning Attorney, Christian Waugh  
Public Works Director, Joel Hall  
Planning & Zoning Chair Wendy Prather  
Planning & Zoning Vice Chair Charles A. Reed  
Planning & Zoning Board Member Harold "Skip" Frey  
Planning & Zoning Board Member Josetta Lawson  
Planning & Zoning Board Member Kevin Webb  
Land Use Administrator Lee Anne Wollitz

## ABSENT

Town Clerk Lisa Purvis



## WORKSHOP

ITEM-1 Town Council and the Planning & Zoning Board to discuss Lofty Annexation and Companion Applications.

***Lee Anne Wollitz - Land Use Administrator***

Chief Executive Officer & Founder of Lofty Asset Management, Lisa Massis, gives Presentation to Town Council and Planning & Zoning Board. She states that the development will be completed in two phases, and that she is looking for the one-bedroom apartments to be 470 square feet and for the two-bedroom apartments to be 950 square feet.

Town and Planning & Zoning Attorney, Christian Waugh, speaks regarding the annexation process about the volunteer petition process.

Discussion regarding adding written language to allow on-site consumption of alcohol in the PUD Zoning Category.

Public Works Director, Joel Hall, speaks on Mittauer & Associates, Inc.'s review recommendation and states the concerns for the sewer regarding the North US1 Lift Station. He continues stating the Town needs a new waterline looped language in the PUD Zoning Category for water gallons per minute. He states that a flow test is needed at Eastwood Road and that we need to find the file regarding this.

## ADDITIONAL COMMENTS

Tiffany Bowden states that her property abuts this property and that she has concerns regarding the water draining on to her property. Emily Pierce, Attorney for Lofty Property, addresses the concerns. Having a designated drop-off and pick-up location for school buses.

## ADJOURNMENT

Motion to adjourn at 8:00 p.m.

Motion made by Council President Sims, Seconded by Councilman Michaels.

Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Hilliard Town Council, Hilliard, Florida.

\_\_\_\_\_  
Kenneth A. Sims, Sr.  
Council President

ATTEST:

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Lisa Purvis  
Town Clerk

APPROVED:

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John P. Beasley  
Mayor

# HILLIARD TOWN COUNCIL MEETING

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15859 West County Road 108  
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Hilliard, FL 32046

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Joe Michaels, Councilman  
Jared Wollitz, Councilman  
Dallis Hunter, Councilman

## ADMINISTRATIVE STAFF

Lisa Purvis, Town Clerk  
Joel Hall P.E., Public Works Director  
Gabe Whittenburg, Parks & Rec Director

## TOWN ATTORNEY

Christian Waugh

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## MINUTES

THURSDAY, FEBRUARY 08, 2024, 6:00 PM

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### CALL TO ORDER

### PRAYER & PLEDGE OF ALLEGIANCE

### ROLL CALL

#### PRESENT

Mayor John Beasley  
Council President Kenny Sims  
Council Pro Tem Lee Pickett  
Councilman Jared Wollitz  
Councilman Dallis Hunter  
Councilman Joe Michaels  
Town Clerk Lisa Purvis  
Public Works Director Joel Hall  
Parks & Recreation Director Gabe Whittenburg  
Land Use Administrator Lee Anne Wollitz  
Town IT Guy Riner

#### ABSENT

Town Attorney Christian Waugh

### WORKSHOP

ITEM-1 Town Council to Review & Discuss the five-year IT Refresh Project and Expansion of Technology to the Hilliard Town Hall Park.  
***Guy Riner – Town IT***

Guy Riner, Town IT, states the IT Refresh Project reviews the one-time purchases with the Council.

The Town Council inquires as to what the difference would be between leasing or outright purchasing a copier for the Parks & Recreation Department.

Guy Riner, Town IT, will obtain quotes for the difference in leasing a copier and buying a printer as opposed to purchasing a copier outright for the meeting agenda on February 15, 2024.

- ITEM-2 Town Council to Review & Discuss the upcoming CDBG Water Main Extension Project Grant Administration and Engineering Services Proposals.

***Lisa Purvis, MMC – Town Clerk***

Town Clerk Lisa Purvis, advises that the Town received one RFP for Grant Administration Services from Fred Fox Enterprises, Inc. and one RFP for Engineering Services from Mittauer & Associates, Inc. Fred Fox Enterprises, Inc and Mittauer & Associates, Inc. are to be getting contracts to the Town for Town Council approval. Once these are received, they will be put on the next meeting agenda. Once approved, they will be sent to the Florida Department of Commerce, formerly the Department of Economic Opportunity.

- ITEM-3 Town Council to Review & Discuss Available Property Across from Town Hall Park. ***Lisa Purvis, MMC – Town Clerk***

Town Council advises they reached the consensus to offer the landowner \$25,000 if interested.

- ITEM-4 Town Council to Review & Discuss Town Hall Business Office Staffing Presented by Town Clerk.

***Lisa Purvis, MMC – Town Clerk***

Town Council advises that someone may be hired in Myra Cockerham's position 90 days out from her potential retirement date, but to also ask if any other staff employees would like to apply for said job.

Town Council also advises that they support a part-time position being employed.

- ITEM-5 Town Council to Review & Discuss Parks & Recreation Department Office Staffing Presented by Parks & Recreation Director.

***Gabe Whittenburg – Parks & Recreation Director***

Town Council asks Parks & Recreation Director, Gabe Whittenburg, to research whether salary or hourly for the hiring of an additional full-time 40-hour position would be better suited. Gabe Whittenburg states that the employee would work out better to assist him and would cross train when necessary.

## **ADDITIONAL COMMENTS**

Public Works Director Joel Hall, states that he wants to build a hydraulic system water model during his work time and that he would like to purchase the software and license needed to do so. Town Council agrees that this is a good idea.

Town Clerk Lisa Purvis, that the Commission on Ethics has now advanced electronically. It will now be Form 6 for elected officials and Form 1 for the others and they will need to be submitted electronically no later than July 1<sup>st</sup> to the Commission on Ethics verses mailed to Supervisor of



Elections. She continues stating that emails regarding this will be sent out the first of April 2024.

Council President Sims states that the Nassau County Economic Development Board may be able to assist with the funding for Town employees to obtain their CDL's.

Town Clerk Lisa Purvis, advises that all of the Town's Directors and Land Use Administrator will be meeting with Robert Companion, Nassau County Engineer to discuss Mobility Fees and Pavement Management.

## **ADJOURNMENT**

Motion to adjourn at 7:24 p.m.

Motion made by Councilman Hunter, Seconded by Council President Sims.

Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Hilliard Town Council, Hilliard, Florida.

\_\_\_\_\_  
Kenneth A. Sims, Sr.  
Council President

ATTEST:

\_\_\_\_\_  
Lisa Purvis  
Town Clerk

APPROVED:

\_\_\_\_\_  
John P. Beasley  
Mayor

# HILLIARD TOWN COUNCIL MEETING

Hilliard Town Hall / Council Chambers  
15859 West County Road 108  
Post Office Box 249  
Hilliard, FL 32046

## TOWN COUNCIL MEMBERS

John P. Beasley, Mayor  
Kenny Sims, Council President  
Lee Pickett, Council Pro Tem  
Joe Michaels, Councilman  
Jared Wollitz, Councilman  
Dallis Hunter, Councilman

## ADMINISTRATIVE STAFF

Lisa Purvis, Town Clerk  
Joel Hall P.E., Public Works Director  
Gabe Whittenburg, Parks & Rec Director

## TOWN ATTORNEY

Christian Waugh

## MINUTES

THURSDAY, FEBRUARY 15, 2024, 7:00 PM

### NOTICE TO PUBLIC

*Anyone wishing to address the Town Council regarding any item on this agenda is requested to complete an agenda item sheet in advance and give it to the Town Clerk. The sheets are located next to the printed agendas in the back of the Council Chambers. Speakers are respectfully requested to limit their comments to three (3) minutes. A speaker's time may not be allocated to others.*

### PLEDGE OF CIVILITY

WE WILL BE RESPECTFUL OF ONE ANOTHER  
EVEN WHEN WE DISAGREE.

WE WILL DIRECT ALL COMMENTS TO THE ISSUES.

WE WILL AVOID PERSONAL ATTACKS.

***"Politeness costs so little." – ABRAHAM LINCOLN***

## CALL TO ORDER

## PRAYER & PLEDGE OF ALLEGIANCE

## ROLL CALL

## PRESENT

Mayor John Beasley  
Council President Kenny Sims  
Council Pro Tem Lee Pickett  
Councilman Jared Wollitz  
Councilman Dallis Hunter  
Councilman Joe Michaels

**Mayor Beasley**, states that he would like to recognize Rodney Mills, whom is a legend in the music industry, as he was a mastering engineer. He continues by stating we are honored to have him here and that Mr. and Mrs. Mills are now permanent Nassau County residents, but they have owned property within the county for over 40 years, although Mr. Mills is originally from Douglas, Georgia. At the upcoming 4<sup>th</sup> of July celebration, the bands playing will be honoring Mr. Mills.

**Paul Schwend, Nassau County Economic Development Board's Chairperson**, speaks on Rodney Mills, and thanks the Town Council for honoring Mr. Mills.

**Rodney Mills**, thanks Town Council.

## PRESENTATIONS

- ITEM-1 Presentation to the Town Council of the Annual Report and Funding Request from the Nassau County Economic Development Board's Executive Director, Sherri Mitchell.

***Sherri Mitchell, Executive Director – Nassau County Economic Development Board***

**Executive Director of NCEDB, Sherri Mitchell**, presents the Annual Report & Funding Request to the Town Council. She provides the NCEDB's mission statement and vision, as well as a county overview that includes demographics and workforce statistics. She states their 5-year strategic plan has four major goals: business retention & expansion, business recruitment & marketing, public relations & communication, and sustainable revenue source.

**Town Council** thanks Sherri Mitchell for her presentation.

**Mayor Beasley**, asks what amount of contribution is being requested from the Town for the NCEDB, to which she responds that each municipality contributes different amounts and she is requesting consideration from the Town a contribution of \$2,000.00.

## REGULAR MEETING

- ITEM-2 Additions/Deletions to Agenda

ITEM-16 Hilliard Airpark Land Acquisition

Motion made by Council Pro Tem Pickett, Seconded by Councilman Wollitz.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

- ITEM-3 Town Council approval to award DEP Agreement No. LPA0302 Hilliard - Oxford Street Force Main Routing Project contingent upon approval by the Department of Environmental Protection and the Town Attorney, as well as the receipt of proper bonds and insurance certificates, to the low bidder, T B Landmark Construction, Inc. total award amount \$562,270.00.

***Tim Norman, Mittauer & Associates, Inc. – Town Engineer***

Motion made by Council Pro Tem Pickett, Seconded by Councilman Wollitz.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

- ITEM-4 Town Council approval of the Engineering Services Agreement from Mittauer & Associates, Inc. in the amount of \$100,300.00, to prepare construction drawings and specifications, for the Water Main Replacements Project identified in the Town's CDBG Contract with the Department of Commerce.

***Lisa Purvis, MMC – Town Clerk***

Motion made by Council President Sims, Seconded by Councilman Wollitz.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

- ITEM-5      Town Council approval of the Administration Services Agreement from Fred Fox Enterprises, Inc. in the amount of \$52,000.00, to provide the general administration aspects of the Water Main Replacements Project identified in the Town's CDBG Contract with the Department of Commerce.  
***Lisa Purvis, MMC – Town Clerk***
- Motion made by Councilman Hunter, Seconded by Council Pro Tem Pickett.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels
- ITEM-6      Town Council approval of the capital purchases for the five-year IT Refresh Project in the amount of \$42,095.78.  
***Guy Riner – Town IT***
- Motion is made to approve IT Refresh Project with purchasing a copier at a capital cost of \$5,447.84 versus the annual leasing of a copier at the cost of \$2,171.04, for a period of three years.
- Motion made by Councilman Wollitz, Seconded by Council Pro Tem Pickett.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels
- ITEM-7      Town Council approval of the Expansion of Technology to the Hilliard Town Hall Park in the amount of \$25,512.00 to be paid by the Municipal Grant received from Nassau County.  
***Guy Riner – Town IT***
- Motion made by Council President Sims, Seconded by Councilman Hunter.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels
- ITEM-8      Town Council approval of the capital purchase of the Ingham Road area drainage improvements with an estimated cost of \$39,940.  
***Joel Hall P.E. – Public Works Director***
- Motion made by Council President Sims, Seconded by Councilman Hunter.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels
- ITEM-9      Town Council approval of the capital expenditure for Well #5 Pump Repair from Complete Services, a sole source vendor, not to exceed the estimated amount of \$46,540.00.  
***Joel Hall P.E. – Public Works Director***
- Motion made by Council Pro Tem Pickett, Seconded by Councilman Wollitz.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels
- ITEM-10     Town Council discussion and advisement on the research conducted in response to Jon Hart's petition to open right of way originally heard on 10.05.2023. Parcel ID 08-3N-24-0000-0004-0010.



**Lee Anne Wollitz – Land Use Administrator**

Land Use Administrator, Lee Anne Wollitz, explains the zoning maps containing Mr. Hart's property.

Jon Hart, also explains the maps and states that he wants to vacate the easement with no money exchanged.

Town Attorney, Christian Waugh, states that the Town recently adopted an Ordinance vacating right of ways, and that the Town should not pick and choose when to follow the processes set forth by the Town.

Land Use Administrator, Lee Anne Wollitz, recommends that Mr. Hart pursue a court order or vacate the right of way.

Town Attorney, Christian Waugh, states that there are three options in the situation; where Mr. Hart obtain a quiet title, a summary judgement, or vacates the right of way.

- ITEM-11 Town Council approval of position process for Joel Hall's transition from introductory/probationary status to regular full-time.

**Lisa Purvis, MMC – Town Clerk**

Motion made by Council President Sims, Seconded by Councilman Michaels.

Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

Motion and second withdrawn.

Motion made to approve Joel Hall's transition to full-time with 1 step increase.

Motion made by Councilman Wollitz, Seconded by Council President Sims.

Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

- ITEM-12 Town Council approval of the 2024 Hilliard Action Committee (HAC) events schedule.

**John P. Beasley, Hilliard Action Committee Chair – Mayor**

Motion to approve 2024 HAC event schedule with possible date changes.

Motion made by Councilman Wollitz, Seconded by Councilman Michaels.

Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

- ITEM-13 Town Council approval of the February 1, 2024, Regular Meeting Minutes.

**Lisa Purvis, MMC – Town Clerk**

Motion made by Councilman Wollitz, Seconded by Councilman Hunter.

Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

- ITEM-14 Town Council approval of Fluidyne Corporation, Payable through January 29, 2024, Project Name: WWTP Panel, in the amount of \$6,767.72

**CAPITAL FUNDED PROJECT LUMP SUM CONTRACT \$6,767.72**

Motion made by Councilman Wollitz, Seconded by Councilman Michaels.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

- ITEM-15 Town Council approval of Lampe, Roy & Associates, Inc., Payable through January 31, 2024, Project Name: Florida Department of Transportation Land North in the amount of \$1,100.00  
**FDOT PTGA 100% GRANT FUNDED PROJECT LUMP SUM GRANT**  
**\$464,000.00**

Motion made by Council President Sims, Seconded by Councilman Wollitz.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

### ADDED ITEMS

- ITEM-16 Town Council approval of Hilliard Airpark Land Acquisition Contract closing date change.

***Lisa Purvis, MMC – Town Clerk***

Town Clerk, Lisa Purvis explains to the Council that John and Mary Vanzant have requested to change the closing date from the previously approved date of May 29, 2024, to March 4, 2024.

Motion made by Council Pro Tem Pickett, Seconded by Councilman Hunter.  
Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

### ADDITIONAL COMMENTS

#### PUBLIC

No public comment.

#### MAYOR & TOWN COUNCIL

**Town Council**, thanks Alicia Head, Administrative Assistant & Events Coordinator, Okefenokee Rural Electric Membership Cooperation, and all who participated in the Procession of fallen soldier, Sergeant Kennedy Sanders of Waycross, Georgia.

**Councilman Michaels**, states that Parks & Recreation Director, Gabe Whittenburg, is doing a great job.

**Council President Sims**, thanks Mr. Bobby Franklin for the flag donated to Town Hall and for the \$1,000.00 donation he and his brother Mr. Carrol Franklin made to the Vietnam Veteran's Memorial Wall.

**Mayor Beasley**, states that the fireworks meeting went well, as they accomplished a lot. He continues by stating the outpouring of generosity that has been shown regarding the Vietnam Veteran's Memorial Wall has been unbelievable. Local schools are even planning on bringing their students.

He also states that the Blessing in a Backpack was given out today at the Hilliard Elementary School, and the outpour of gratitude was amazing.

On March 14, 2024, he asks those present for the meeting to stay afterwards for the HAC Meeting.

He concludes by stating how much the basketball kids love the Parks & Recreation Director, Gabe Whittenburg, and his outstanding job he's doing.

### **ADMINISTRATIVE STAFF**

#### **PRESENT:**

Town Clerk Lisa Purvis  
Public Works Director Joel Hall

#### **ABSENT:**

Parks & Recreation Director Gabe Whittenburg

**Public Works Director Joel Hall**, thanks Town Council for their support.

He states that he met with CareerSource regarding the Public Works department obtaining their CDL's to which they are offering reimbursement on a portion of the class cost as well as paying 40 hours of employee salary.

**Town Clerk Lisa Purvis**, states that Mrs. Kristin Hobbs received \$1,000 for her classroom today from Blessings from Backpack.

**Councilman Michaels**, states that Parks & Recreation Director Gabe Whittenburg is not present tonight because he is busy with basketball.

### **TOWN ATTORNEY**

**Town Attorney Christian Waugh**, states regarding the Hilliard Airpark Contracts that two out of the three have been signed and have begun working through the terms of said contracts. FDOT and FAA have approved the contracts as well. Hopefully, the third contract will hopefully be signed soon.

### **ADJOURNMENT**

Motion to adjourn 8:24 p.m.

Motion made by Council Pro Tem Pickett, Seconded by Council President Sims.

Voting Yea: Council President Sims, Council Pro Tem Pickett, Councilman Wollitz, Councilman Hunter, Councilman Michaels

Approved this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by the Hilliard Town Council, Hilliard, Florida.

\_\_\_\_\_  
Kenneth A. Sims, Sr.  
Council President

ATTEST:

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Lisa Purvis  
Town Clerk

APPROVED:

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John P. Beasley  
Mayor

# Azelis A&ES

Invoice	13	ITEM-9
Date	2/15/2024	
Page:	1	

I-SalesRep email

**Remit To:**  
ADAPCO  
PO Box 736662  
Dallas, TX 75373-6662

**Headquarters:**  
100 Colonial Center Pkwy, Ste 170  
Lake Mary, FL 32746  
FEI: 59-2574523

**Orders:**  
(800) 367-0659  
www.AzelisAES-US.com

## Bill To:

## Ship To:

TOWN OF HILLIARD ACCOUNTS PAYABLE PO BOX 249 HILLIARD FL 32046				TOWN OF HILLIARD - TOWN HALL 15859 W COUNTY RD 108 HILLIARD FL 32046		
(904) 845-3555 Ext. 0000      rowe@townofhilliard.com; kdcarroll@townofhil				(904) 845-3555 Ext. 0000      RICHIE ROWE		
Cust#	Payment Terms	Purchase Order No.		Shipping Method	Territory	Salesperson
2200	NET 30 DAYS	VERBAL CHARLES		COM CARRIER	EAST	TOE-FL
Ordered	Shipped	B/O	Item Number	Description	Unit Price	Ext. Price
1.00	1.00	0.00	95G4-FF	GUA GUARDIAN 95G4 FIXED FLOW SPRAYHMC S#/Lot# G4-1851      QTY 1.00	\$12,470.00	\$12,470.00
<div>RECEIVED FEB 20 2024 TOWN OF HILLIARD</div> <div>Thank you!</div>						

**Contact:** DAWN CARROLL

**Tax Info:**

**License:**

**Exp Date:**

**Restricted Product Users:** It is the purchasers responsibility to notify us of License changes/updates.

Subtotal	\$12,470.00
Discount	\$0.00
Shipping	\$0.00
Handling	\$0.00
Tax	\$0.00
Less Payments	\$0.00
Total Due	\$12,470.00

001-03-54164 150



# INVOICE

ITEM-10

**Battle Armor Designs, LLC**  
1415 N Saint Louis  
Batesville, AR 72501

valarie.martin@pulleymanagements  
ervices.com  
+1 (877) 769-1907

Town Of Hilliard

**Bill to**

Town Of Hilliard  
PO Box 249  
Hilliard, Florida 32046  
United States

**Ship to**

Town Of Hilliard  
37261 Ruby Drive  
Hilliard, Florida 32046  
United States

**Shipping info**

Ship date: 02/08/2024  
150-3100618-0

**Invoice details**

Invoice no.: 16922  
Terms: Net 30  
Invoice date: 02/08/2024  
Due date: 03/09/2024

P.O. Number: 020224JH

#	Date	Product or service	SKU	Qty	Rate	Amount
1.		200-1770-01	200-1770-01	1	\$4,695.00	\$4,695.00
2.		350-5000-00		2	\$500.00	\$1,000.00

**Total \$5,695.00**

Capital Purchase  
Council Approval 2/1/2024  
Joel G Hall

RECEIVED  
FEB 12 2024  
TOWN OF HILLIARD



## BILL OF LADING

Date: _____		<b>CENTRAL TRANSPORT BILL OF LADING</b>		Page _____		
<b>SHIP FROM</b> CUSTOMER DROP OFF: <input type="checkbox"/>			<b>Bill of Lading Number:</b> _____			
Name: Battle Armor Designs LLC Address: 79 Newport Road City/State/Zip: Batesville/AR/72501 SID#: _____ FOB: <input type="checkbox"/>			<div style="text-align: center;">   <b>150-3100618-0</b> BL Pg 1  <small>Subject to: NMFC 100, CT 100/CT 101 Rules Tariffs: 49 USC 14706 and 49 CFR 370            Driver's Signature Only Acknowledges Receipt of Freight</small> </div>			
<b>SHIP TO</b> DOCK / TERMINAL PICKUP: <input type="checkbox"/>						
Name: Town of Hilliard Location #: _____ Address: 37261 Ruby Drive City/State/Zip: Hilliard/FL/32046 CID#: _____ FOB: _____						
<b>THIRD PARTY FREIGHT CHARGES BILL TO:</b>						
Name: _____ Address: _____ City/State/Zip: _____			<b>CARRIER NAME:</b> _____ Trailer number: _____ Seal number(s): _____			
SPECIAL INSTRUCTIONS: Dimensions: 96x40x16 Dawn Carroll: (904)675-9813			<b>SCAC:</b> _____ <b>Freight Charge Terms:</b> Prepaid <input checked="" type="checkbox"/> Collect _____ 3 <sup>rd</sup> Party _____ <input type="checkbox"/> Master Bill of Lading: with attached underlying Bills of Lading			
<b>CUSTOMER ORDER INFORMATION</b>						
<b>CUSTOMER ORDER NUMBER</b>		<b># PKGS</b>	<b>WEIGHT</b>	<b>PALLET/SLIP (CIRCLE ONE)</b>	<b>ADDITIONAL SHIPPER INFO</b>	
020224JH		1	750	<input checked="" type="radio"/> N	3FT Culvert Cleaner Package (2)Ext's	
				Y N		
				Y N		
				Y N		
				Y N		
<b>GRAND TOTAL</b>						
<b>CARRIER INFORMATION</b>						
<b>HANDLING UNIT (CTN, DRUM, PALE, ETC)</b>		<b>PACKAGE (SKID, TOTE, CRT, ETC)</b>		<b>WEIGHT</b>	<b>H.M. (X)</b>	
<b>QTY</b>	<b>TYPE</b>	<b>QTY</b>	<b>TYPE</b>			
		1	Pallet	750		
<b>DESCRIPTION OF ARTICLES, SPECIAL MARKS AND EXCEPTIONS</b> <small>(If Hazardous Materials - Proper Shipping Name)</small> 3FT Culvert Cleaner Package (2)Ext's					<b>LTL ONLY</b>	
					<b>NMFC #</b>	<b>CLASS</b>
						70
<b>GRAND TOTAL</b>						
Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property as follows: *The agreed or declared value of the property is specifically stated by the shipper to be not exceeding _____ per _____					<b>COD Amount:</b> \$ _____ <b>Fee Terms:</b> Collect: <input type="checkbox"/> Prepaid: <input type="checkbox"/> Customer check acceptable: <input type="checkbox"/>	
<b>NOTE Liability Limitation for loss or damage in this shipment may be applicable. See 49 U.S.C. § 14706(c)(1)(A) and (B).</b> RECEIVED, subject to individually determined rates or contracts that have been agreed upon in writing between the carrier and shipper, if applicable, otherwise to the rates, classifications and rules that have been established by the carrier and are available to the shipper, on request, and to all applicable state and federal regulations.						
<b>SHIPPER SIGNATURE / DATE</b> <small>This is to certify that the above named materials are properly classified, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the DOT.</small> <i>[Signature]</i> 2/2/24			<b>Trailer Loaded:</b> <input checked="" type="checkbox"/> By Shipper <input type="checkbox"/> By Driver		<b>Freight Counted:</b> <input checked="" type="checkbox"/> By Shipper <input type="checkbox"/> By Driver/pallets said to contain <input type="checkbox"/> By Driver/Pieces	
			<b>CARRIER SIGNATURE / PICKUP DATE</b> <small>Carrier acknowledges receipt of packages and required placards. Carrier certifies emergency response information was made available and/or carrier has the DOT emergency response guidebook or equivalent documentation in the vehicle.</small> <i>[Signature]</i> 2/6/24 Property described above is received in good order, except as noted.			

**MITTAUER &  
ASSOCIATES, INC.**  
580 Wells Rd  
Orange Park, FL 32073  
904-278-0030



**Invoice 24106**

**BILL TO**

Town of Hilliard  
15859 West County Road  
108  
Hilliard, FL 32046

DATE  
02/19/2024

PLEASE PAY  
**\$57,400.00**

DUE DATE  
03/10/2024

**M&A PROJECT NO.**

9610-55-1

DESCRIPTION	AMOUNT
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OXFORD STREET FORCE MAIN REROUTING  
TOWN OF HILLIARD, FLORIDA

Engineering services concerning the Oxford Street Force Main Rerouting project for the Town of Hilliard including completion of engineering design, topographic survey, permit applications, and construction bidding services during the period February 25, 2023 through January 26, 2024.

**LUMP SUM CONTRACT AMOUNT: \$101,900.00**

- Item A. Preliminary Engineering, \$3,000 (100% complete)
- Item B. Engineering Design, \$41,400 (100% complete)
- Item C. Topographic Survey, \$10,000 (100% complete)
- Item D. Permit Applications, \$12,000 (100% complete)
- Item E. Construction Bidding Services, \$3,000 (100% complete)
- Item F. Construction Administration, \$13,800 (0% complete)
- Item G. Resident Project Representative Services, \$16,000 (0% complete)
- Item H. Start-up Services, \$1,500 (0% complete)
- Item I. O&M Manual, \$1,200 (0% complete)

AMOUNT PREVIOUSLY INVOICED: \$12,000.00

<b>Amount Earned This Period</b>	57,400.00
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Thank you for your business.

<b>TOTAL DUE</b>	<b>\$57,400.00</b>
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THANK YOU.