



Lake Park Town Commission, Florida

Regular Commission Meeting

Wednesday, September 20, 2023

Immediately Following the Final Public Budget Hearing

Commission Chamber, Town Hall, 535 Park Avenue, Lake Park, FL 33403

Roger Michaud	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
John Linden	—	Commissioner
Mary Beth Taylor	—	Commissioner
Judith Thomas	—	Commissioner
John D'Agostino	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, MMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION/REPORT:

- [1.](#) Proclamation for Janet R. Miller, Employee of the Year for 2022

PUBLIC COMMENT:

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

CONSENT AGENDA:

All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda. Any person wishing to speak on an agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

- [2.](#) September 5, 2023 First Public Budget Hearing Meeting Minutes.
- [3.](#) September 6, 2023 Regular Commission Meeting Minutes
- [4.](#) Resolution 61-09-23 Approving the Submission and Authorizing the Mayor to Sign The Library's Annual State Aid to Libraries Grant Agreement.
- [5.](#) Resolution 70-09-23 A Resolution of the Town Commission of the Town of Lake Park, Florida approving the plat of Bayberry Townhouse; and providing for an effective date.
- [6.](#) Resolution 74-09-23 - A Resolution of the Town Commission of the Town of Lake Park, Florida authorizing and directing the Town Manager to spend budgeted funds from the IT budget and execute a purchase order with KDT to replace the public computer system at the Lake Park Public Library.
- [7.](#) Resolution 73-09-23 A Resolution of the Town Commission of the Town of Lake Park, Florida authorizing and directing the Town Manager to spend budgeted funds from the IT budget and execute a purchase order with Dove Technologies to perform Network Security and Vulnerability testing.

BOARD MEMBER NOMINATION: NONE

QUASI-JUDICIAL PUBLIC HEARING (RESOLUTION): NONE

PUBLIC HEARING(S) - ORDINANCE ON FIRST READING: NONE

PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:

8. Ordinance 07-2023 Purchasing Policy

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING IN ITS ENTIRETY CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED “PURCHASING”, AND REPLACING AND READOPTING IT AS REVISED DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

OLD BUSINESS: NONE

NEW BUSINESS:

9. Resolution 72-09-23 A Resolution of the Town Commission of the Town of Lake Park, Florida authorizing and directing the Town Manager to renew for fiscal year 2023/ 2024 the Town's Property and Casualty Insurance through the Florida Municipal Insurance Trust; and providing an effective date.

10. Renaming Lake Shore Park Discussion

11. Discussion on the Live Local Act and the possible implementation of a “Zoning in Progress”.

REQUEST FOR FUTURE AGENDA ITEMS:

ADJOURNMENT:

FUTURE MEETING DATE: Next Scheduled Regular Commission Meeting will be held on October 4, 2023

PROCLAMATION
RECOGNIZING JANET R. MILLER
AS THE 2022 EMPLOYEE OF THE YEAR

WHEREAS; *Janet R. Miller* commenced her employment with the Town of Lake Park on May 13, 2009 as a part-time Administrative Secretary and in the Human Resources Department; and

WHEREAS; on October 1, 2012, *Janet R. Miller* was reclassified to full-time Administrative Secretary where she was able to become knowledgeable in all aspects of human resource management, and where she also provided significant assistance to the Town of Lake Park Recreation Department; and

WHEREAS; since then, *Janet R. Miller* has exercised a considerable degree of initiative and has directly assisted in several high level major undertakings such as the planning and execution of Town Manager searches on three separate occasions; and

WHEREAS; *Janet R. Miller* also served as the Chair of the Employee Complaint Review Committee where she worked directly with the Town Attorney and exercised leadership in guiding committee members during their consideration of employee appeals; and

WHEREAS; in March of 2014, *Janet R. Miller* completed the Florida Employment Law Seminar which covered employment laws and regulations such as Federal and State Equal Employment Laws; Federal and State Wage and Hour Laws; Wrongful Discharge; Sexual Harassment; Conducting Effective Reference Checks; and, How to Discipline and Discharge Employees Legally; and

WHEREAS; as a result of such training *Janet R. Miller* was able to significantly enhance her job knowledge and become highly effective in her role in the Human Resources Department and in October of 2014 Ms. Miller was promoted to the position of Administrative Assistant which was later reclassified to Executive Assistant to the Human Resources Director; and

WHEREAS; *Janet R. Miller* has also gained a significant degree of expertise in risk management and insurance issues and has routinely orchestrated the Town's annual open enrollment sessions and assisted Town employees in understanding and navigating their individual insurance issues, and in doing so has always exercised an eagerness to be of assistance and a sense of sound judgment; and

WHEREAS; the Town of Lake Park, Florida, wishes to publicly recognize *Janet R. Miller* for her service and accomplishments.

NOW, THEREFORE, on behalf of the Commission of the Town of Lake Park, I, Roger Michaud, Mayor of the Town of Lake Park, do hereby publicly recognize and commend *Janet R. Miller* for her dedication to service and recognize her as the 2022 Employee of the Year.

IN WITNESS WHEREOF, I have hereto set my hand and caused the official Seal of the Town of Lake Park, Florida to be affixed this 20th day of September, 2023.

By: _____
 Mayor Roger Michaud

ATTEST:

 Vivian Mendez, Town Clerk



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 20, 2023

Agenda Item No.

Agenda Title: Proclamation in Honor of Janet R. Miller Employee of the Year for 2022

- | | |
|---|--|
| <input type="checkbox"/> SPECIAL PRESENTATION/REPORTS
<input type="checkbox"/> BOARD APPOINTMENT
<input type="checkbox"/> PUBLIC HEARING ORDINANCE ON FIRST READING
<input type="checkbox"/> NEW BUSINESS
<input checked="" type="checkbox"/> OTHER: Proclamation | <input type="checkbox"/> CONSENT AGENDA
<input type="checkbox"/> OLD BUSINESS |
|---|--|

Approved by Town Manager *ACT 11/22* *Janet Miller* Date: *9/13/2023*

Name/Title

Originating Department: <div style="text-align: center;">Human Resources</div>	Costs: \$1,000.00 Funding Source: Acct. # 001-51-512-105-15000 (FY 2023) <div style="text-align: right;"> <small>Digitally signed by Jeffrey P. Duvall DN: cn=Jeffrey P. Duvall, o=The County of Lake Park, Florida, c=US Date: 2023.09.13 14:44:31 -0400</small> </div> <input type="checkbox"/> Finance <u>Duvall</u>	Attachments: <div style="text-align: center;">Copy of Proclamation</div>
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone <u>BMT</u> or Not applicable in this case ____ Please initial one.

Summary Explanation/Background:

Recommended Motion:



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 20, 2023

Agenda Item No.

Agenda Title: September 20, 2023 First Public Budget Hearing Meeting Minutes.

☐ SPECIAL PRESENTATION/REPORTS ☒ **CONSENT AGENDA**
☐ BOARD APPOINTMENT ☐ OLD BUSINESS
☐ PUBLIC HEARING ORDINANCE ON _____ READING
☐ NEW BUSINESS
☐ OTHER: _____

Approved by Town Manager **John D'Agostino** Digitally signed by John D'Agostino
DN: cn=John D'Agostino, o=Town of
Lake Park, ou=Town Manager,
email=jdagostino@lakeparkflorida.g
ov, c=US
Date: 2023.09.13 13:55:54 -04'00' Date: _____

Vivian Mendez, Town Clerk, MMC

Name/Title

Originating Department: Town Clerk	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Minutes Exhibits A-B
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _____. Please initial one.

Recommended Motion: I move to approve the September 5, 2023 First Public Budget Hearing Meeting Minutes.



Lake Park Town Commission, Florida

Regular Commission Meeting

Tuesday, September 05, 2023 at 6:30 PM

Commission Chamber, Town Hall, 535 Park Avenue, Lake Park, FL 33403

Roger Michaud	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
John Linden	—	Commissioner
Mary Beth Taylor	—	Commissioner
Judith Thomas	—	Commissioner
John D'Agostino	—	Town Manager
Lainey Francisco	—	Town Attorney
Vivian Mendez, MMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.

CALL TO ORDER/ROLL CALL

6:35 P.M.

PRESENT

Mayor Roger Michaud

Vice-Mayor Kimberly Glas-Castro

Commissioner John Linden

Commissioner Mary-Beth Taylor

Commissioner Judith Thomas arrived at 6:49 P.M.

PLEDGE OF ALLEGIANCE

Grant Writer/ Chief Public Information Officer Merrell Angstreich.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

The Town Commission commented throughout the meeting.

NEW BUSINESS:

Mayor Michaud opened the public hearing and asked Town Manager D'Agostino to explain the budget. Town Manager D'Agostino explained the proposed budget. A copy of the General Fund Budget highlights are included as Exhibit "A".

Vice-Mayor Glas-Castro asked how much the Lake Park Marina owes the Town. Town Manager D'Agostino explained that the General Fund has been covering \$350,000 a year to the Marina Fund. Finance Director Jeff Duvall explained that the Marina owes about \$3.5 Million to the General Fund. He explained that \$2.4 Million of the total was for payment back to Palm Beach County, which allowed for the acceleration of the P3 project.

Vice-Mayor Glas-Castro asked what the Community Greening Program was. Town Manager D'Agostino explained that it was a tree planting program where residents participate and have trees planted on their property. Commissioner Thomas explained the Community Green Program was a Non-Profit organization who partner with municipalities to offer tree planting services to the Town and residents at a discounted rate.

Commissioner Taylor proposed changes to the Special Events budget as it pertained to Sponsored Events. Her comments are included as Exhibit "B". Vice-Mayor Glas-Castro asked where the funding of a multicultural event would come from. Commissioner Taylor proposed taking the \$10,000 budgeted for the Haitian Flag Day event and Battle of the Badges towards the event. Town Manager D'Agostino explained that the budget was presented as balanced and it was up to the Commission to allocate funds for the event.

The Commission and Town Manager had a lengthy discussion pertaining to options to fund and put on these events. The decision was made to allocate \$5,000 towards the Haitian Flag Day event, \$10,000 for a multicultural event, and \$17,500 for all other events.

Public Comment:

Dianne Sophinos asked questions regarding street lighting; road improvements; elevators; uniforms; insurances; shot spotter; hepatitis vaccinations; historic property registers; and cost of the evergreen study. Town Manager D'Agostino and staff responded to questions in which the information was readily available to them.

Evelyn Harris Clark asked if the Town offered home improvement grants to residents and questioned the need for several consultants in the Community Redevelopment Agency. She agreed with a multicultural event.

1. Resolution 65-09-23 Adopting the Proposed Millage Rate for Fiscal Year 2023-2024.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ADOPTING A PROPOSED MILLAGE RATE FOR THE TOWN OF LAKE PARK FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; STATING THE ROLLED-BACK RATE FOR THE TOWN OF LAKE PARK; STATING THE PERCENT BY WHICH THE TOWN MILLAGE RATE EXCEEDS, IF ANY, THE ROLLED-BACK MILLAGE RATE; AND LEVYING FOR AD VALOREM TAXES ON ALL TAXABLE REAL AND TANGIBLE PERSONAL PROPERTY IN THE TOWN OF LAKE PARK FOR FISCAL YEAR 2023/2024; PROVIDING FOR AN EFFECTIVE DATE.

Motion made to approve Resolution 65-09-23 adopting a millage rate of 5.187 mils by Commissioner Thomas, Seconded by Vice-Mayor Glas-Castro.

Vice-Mayor Glas-Castro commented that the reduction in the millage rate was 3%. New notices would be mailed to home owners explaining the new rate.

Commissioner Linden asked if the budget was balanced with the new millage rate. Town Manager D'Agostino stated yes.

Voting Yea: Mayor Michaud, Commissioner Linden, Commissioner Taylor

2. RESOLUTION 67-09-23 Adopting a Tentative Budget for Fiscal Year 2023-2024.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, MAKING SEPARATE AND SEVERAL APPROPRIATIONS FOR ITS NECESSARY OPERATING EXPENSES, THE EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE TOWN FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

Motion made to approve Resolution 67-09-23 as presented by Vice-Mayor Glas-Castro, Seconded by Commissioner Linden.

Commissioner Taylor asked if she could discuss the proposed salaries. She expressed concerns that the lower end employees were not receiving a realistic increase. She felt that it was a very large span between the higher paid employees and the lower paid employees. Vice-Mayor Glas-Castro explained that when the last salary survey was conducted, adjustments were made to Public Works employees and those lower level employees, and they did not make adjustments to the top tier employees. Those adjustments were all deferred. She explained that this was to catch up because those salaries were not adjusted accordingly. Commissioner Taylor explained that in

some instances the adjustments were \$20,000 to \$25,000 and the lower end employees would only receive an increase between \$3,000 or \$4,000 and they are already lower paid salaries. She felt it was not fair.

Voting Yea: Mayor Michaud, Commissioner Thomas

Voting Nay: Commissioner Linden, Commissioner Taylor

The public hearing was closed.

REQUEST FOR FUTURE AGENDA ITEMS:

ADJOURNMENT:

9:00 P.M.

Motion made to adjourn by Vice-Mayor Glas-Castro, Seconded by Commissioner Thomas.

Voting Yea: Mayor Michaud, Commissioner Linden, Commissioner Taylor

FUTURE MEETING DATE: Next Final Public Budget Hearing will be held on September 20, 2023.

Mayor Roger Michaud

Town Seal

Town Clerk, Vivian Mendez, MMC

Approved on this _____ of _____, 2023

GF Budget Reductions

\$13,274

1. Assessor's office Ad Valorem adjustments.

\$7,500

2. Moved 5k Historical Race from Special Events (Sponsored Event Expense 001-57-572-600-57235) to Town Commission (Town of Lake Park Grants 001-51-511-100-48001) reducing the Grants expense line by \$7,500. Town approved this grant request at a previous Commission meeting.

\$68,957

3. Remove the position of Records Technician from the Town Clerk budget. This was a new added position to the budget and will be deferred to a future budget.

\$25,000

4. Remove Body Cameras for the code officers. This item will be presented for a future fiscal budget.

\$75,000

5. Remove electronic marketing signs. The general fund budget included 3 new electronic marketing signs to be placed in currently unspecified locations throughout the Town. The budget still includes 3 electronic marketing signs that will be placed in the CRA.

\$25,500

6. Remove Sunset Celebration from the normal schedule of events. The southern outfall project will begin this fall. Once construction has begun, several areas leading up to and associated with the space currently being used to host the Sunset Celebration events will be unaccusable due to the ongoing construction. Staff reviewed other possible hosting sites but has determined that currently there is not a suitable site available.

\$20,500

7. Increased use of ARPA funds to buy new \$20,500 Scag mower.

\$25,000

8. Removed the replacement of irrigation well – Date Palm Drive. This was deferred from last year but had to be replaced in FY2023. This expense amount is no longer needed.

\$15,000

9. Remove historical properties master site file update

\$7,100

10. Move electronic access to P&Z agenda packets to ARPA funding

(\$20,000)

11. Increase contractual services – cost recovery to match the budgeted revenue amount

\$80,310

12. Changes in indirect allocation as a result of changes in the budget.

\$56,604

13. Reduction in overall medical/dental/vision/life expenses. Annual premiums increased 14.2% but the Town is moving away from a high deductible program which allowed it to discontinue the gap and HRA programs generating a 1.5% reduction in total health insurance related costs.

(\$15,393)

14. Reduced Marina due from amount to \$960,272

\$384,352 Total change in Proposed General Fund Budget 8-16-23 contribution to fund balance.

Budget Highlights

- Reduced new General Fund revenue by \$132,180 through a 3% reduction in the millage rate
- \$1.2 million revenue as required by the P3 Agreement
- Proposed salary study changes included at an estimated cost of \$509,000 encompassing burden costs
- \$137,295 for 3 new positions
 - IT Help desk Technician (6 Months) \$35,985
 - Receptionist/Cashier \$50,642
 - Public Works Administrative Assistant \$50,668
- \$24,960 for a new paid internship program (1040 hours @ \$12.00/hr.)
- \$187,311 increase in quoted property, casualty, general liability, workers Compensation, and automobile insurance at a cumulative 106% increase.
- Estimated cost of \$6,000 annually to enhance banking security including positive pay and ach account lockdown. Prevents outside sources from imitating ACH and other security movement without internal Town approval and prevents fraud such as check washing and other processing fraud.
- A 3% increase for annual Palm Beach County Sheriff's contract
- \$600,000 of ARPA funds for a complete Town code review and rewrite
- \$93,500 of the original \$200,000 ARPA funds for the final Centennial Celebration events to be used in FY 2024
- \$49,500 for sponsored event funding:
 - Santa's Magical Ride \$2,000
 - Haitian Flag Day \$10,000
 - Annual soccer program \$15,000
 - Historical Society 5k run \$7,500
 - Community Greening \$15,000
- \$266,000 for a complete library roof replacement
- \$100,000 for new security fencing and gating for PBSO parking lot
- \$34,000 for a new awing for PBSO
- \$48,000 for funds for Ilex park and playground refurbishment
- \$26,000 for Public Works parking lot repaving
- \$275,000 for Repair/Replace sidewalk
- \$500,000 for new Flock license plate reader cameras in the non-CRA areas
- \$80,000 for new security cameras for Town Hall and other Town properties
- New Commission approved fees for the Marina, Sanitation, and Stormwater enterprise funds
- \$265,096 for first year of a three year debt service lease payment to replace 2 sanitation vehicles(1 frontend loader & 1 side loader)
- \$719,778 contribution to the General Fund Balance
- \$273,428 contribution to the Sanitation Fund Balance

*The Town currently has approximately \$26,000 in a Health Reimbursement Account funds with Benefits Workshop, a benefits solutions vendor. Once the September reconciliation is completed, the Town will receive the remaining funds and put them in reserves for employee hospital deductible mitigation.

CRA Budget Highlights

- Reduced new CRA Fund revenue by \$24,840 through a 3% reduction in the millage rate
- \$120,000 in funding for a Holiday light display on Park Avenue
- \$200,000 in matching funding for the sewer to septic initiative
- \$200,000 in funding to complete landscaping upgrades
- \$75,000 for 3 smart city communication signage platform
- Includes \$1,555,578 available funds from previous years that will include Board approved projects like :
 - Pocket Park adjacent to new overflow parking \$193,410
 - Facade replacements
 - Oceana Coffee 5 year grant \$200,000
- \$14,000 in funding for a new EV charging station
- \$90,000 in funds for CRA profession consultants/management company
- \$54,000 in funds for CRA professional marketing company
- \$32,000 for new Flock license plate reader cameras in the CRA areas
- \$222,871 for un assigned Board approved grants

FIRST PUBLIC BUDGET MEETING COMMENTS
September 6, 2023 **COMMISSIONER Taylor**

I am proposing the following changes to the draft budget: Add funding for an *all inclusive*, Multicultural Fair in the spring or summer of 2024.

1. Delete and Divert the \$10,000 from the Haitian Flag Day ceremony to the new multicultural celebration
2. Delete and Add the funding for the annual Battle of the Badges to the new multicultural celebration
3. Include both mentioned events in the inclusive new **Multicultural Event**
Making a super, large, inclusive, historical, educational, uplifting shard event!

AND the Multicultural Celebration will not require a large amount of additional monies, UNLESS, residents want FIREWORKS. Jupiter held a similar celebration recently which we could inquire about.

I believe this celebration will greatly benefit all residents and enhance The Town Lake Park in the year 2024.

Suggestions for Multicultural Fair, *I will be the first to volunteer.*

- start early
- build interest by talking about our diversity with neighbors and businesses
- ask for input regarding fair activities, tents and booths
- research and include historical data about each holiday, sheets or a booklet
- invite young and old to share stories about cultural celebrations and favorite foods
- invite and recruit volunteers, within the town and surrounding areas
- feature a variety of music, art and food
- include VFW participation
- partner with diversity committee, artists, musicians etc.

ETC. ETC. ETC.

FLAGS FOOD FUN FIREWORKS



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

Item 2.

MEETING DATE: 9/5/23

Cards must be submitted before the item is discussed!!

*****Three (3) minute limitation on all comments**

Name: Dianne Sophinos

Address: 338 BAYBERRY DRIVE

If you are interested in receiving Town information through Email, please
provide your E-mail address: dl.sophinos@gmail.com

I would like to make comments on the following Agenda Item:

Town proposed Budget

I would like to make comments on the following Non-Agenda Item(s):

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

Item 2.

MEETING DATE: 9/5/2023

Cards must be submitted before the item is discussed!!

*****Three (3) minute limitation on all comments**

Name: Eugene Ham Clark

Address: Greenwood

If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:

Interim Report

I would like to make comments on the following Non-Agenda Item(s):

Instructions: *Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.*



TOWN OF LAKE PARK
PUBLIC COMMENT CARD

Item 2.

MEETING DATE: 9/5/2023

Cards must be submitted before the item is discussed!!

*****Three (3) minute limitation on all comments**

Name: Evelyn Harvins Clark

Address: 254 Green Bay Dr

If you are interested in receiving Town information through Email, please provide your E-mail address: _____

I would like to make comments on the following Agenda Item:

I would like to make comments on the following Non-Agenda Item(s):

public comments

Instructions: Please complete this card, including your name and address; once the card has been completed, give it to the Town Clerk. The Mayor will call your name when it is time for you to speak. Comments are limited to three (3) minutes per individual.



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: **September 20, 2023**

Agenda Item No.

Agenda Title: September 6, 2023 Regular Commission Meeting Minutes.

☐ SPECIAL PRESENTATION/REPORTS ☒ **CONSENT AGENDA**
☐ BOARD APPOINTMENT ☐ OLD BUSINESS
☐ PUBLIC HEARING ORDINANCE ON _____ READING
☐ NEW BUSINESS
☐ OTHER: _____

Approved by Town Manager John D'Agostino **Date:** _____
Digitally signed by John D'Agostino
 DN: cn=John D'Agostino, o=Town of
 Lake Park, ou=Town Manager,
 email=jdagostino@lakeparkflorida.g
 ov, c=US
 Date: 2023.09.13 14:02:48 -04'00'

Laura Weidgans, Deputy Town Clerk
Name/Title

Originating Department: <p style="text-align: center;">Town Clerk</p>	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: <p style="text-align: center;">Minutes Exhibits A-B</p>
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case LW. Please initial one.

Recommended Motion: I move to approve the September 6, 2023 Regular Commission Meeting Minutes.



Lake Park Town Commission, Florida

Regular Commission Meeting

Wednesday, September 06, 2023 at 6:30 PM

Commission Chamber, Town Hall, 535 Park Avenue, Lake Park, FL 33403

Roger Michaud	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
John Linden	—	Commissioner
Mary Beth Taylor	—	Commissioner
Judith Thomas	—	Commissioner
John D’Agostino	—	Town Manager
Lainey Francisco	—	Town Attorney
Vivian Mendez, MMC	—	Town Clerk

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CALL TO ORDER/ROLL CALL

7:10 P.M.

PRESENT

Mayor Roger Michaud

Vice-Mayor Kimberly Glas-Castro

Commissioner John Linden

Commissioner Mary-Beth Taylor

Commissioner Judith Thomas

PLEDGE OF ALLEGIANCE

State Representative Jervonte Edmonds and Senator Bobby Powell.

SPECIAL PRESENTATION/REPORT:

1. Check Presentation for \$750,000 in Support of the Town's Septic to Sewer Project by State Representative Jervonte Edmonds and Senator Bobby Powell.

State Representative Jervonte Edmonds and Senator Bobby Powell presented the Town with a check for \$750,000 in support of the Town's septic to sewer project. They thanked the Commission for attending the last legislative session.

2. Presentation by Palm Beach County Fire Rescue on the Addition of Whole Blood to the Medical Services Provided to the Town of Lake Park

A representative of the Palm Beach County Fire Rescue presented to the Commission (see Exhibit "A"). Commissioner Linden asked how the Town could assist with this effort. A blood drive would be coordinated in the upcoming months. Commissioner Thomas asked how long was the shelf life of each draw. The shelf life is 17-19 days and 70% of the collection is being used. There are several hospitals and Fire Rescue stations that have been using the Whole Blood program allowing for more emergency patients to be treated quickly. The next steps would be for stations and hospitals to work together to swap out the collections that are due to expire with new collections.

PUBLIC COMMENT:

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NONE

CONSENT AGENDA:

All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda. Any person wishing to speak on an agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

Motion made to approve the consent agenda by Commissioner Thomas, Seconded by Commissioner Linden.

Voting Yea: Mayor Michaud, Vice-Mayor Glas-Castro, and Commissioner Taylor.

3. Regular Commission Meeting Minutes
4. Resolution 66-09-23 Authorizing and Directing the Mayor to Execute an Agreement with Florida Technical Consultants to Provide the Town with Geographic Information System (GIS) Services.
5. Resolution 63-09-23 Authorizing and Directing the Town Manager to Spend Budgeted Funds from the Stormwater Fund Budget and Execute a Work Order with Water Resource Management Associates, Inc., to Update the Town's Coastal Vulnerability, Risk and Adaptation Report.
6. Request for Authorization for the Town Manager to Execute a Work Authorization for Shenandoah General Construction, LLC, to Provide Stormwater Infrastructure Repair Services at Multiple Locations Throughout the Town, per the Pricing, Terms, and Conditions of the Broward College/Shenandoah Contract No. RFP-2018-1687-EH (Cooperative Purchase).
7. Request for Authorization for the Town Manager to Spend Budgeted Funds from the Stormwater Fund Budget and Execute a Work Order for the Purchase and Installation of Safety and Maintenance Equipment for the Town's Stormwater Division 2023 Ford Transit-350 Cargo Van.
8. Approval for Sunday work (September 17 and 24, 2023) – Nautilus 220
9. Continuation of Resolution 38-05-23 to the September 20, 2023 Meeting

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PROVIDING FOR A FINDING OF NECESSITY AND DETERMINING THE EXISTENCE OF TWO OR MORE CONDITIONS IN A CERTAIN AREA OF THE TOWN OF LAKE PARK THAT MEET THE CRITERIA DESCRIBED IN SECTION 163.340 (8), FLORIDA STATUTES; PROVIDING FOR THE ACCEPTANCE, APPROVAL AND ADOPTION OF THE TOWN OF LAKE PARK COMMUNITY REDEVELOPMENT AGENCY'S FINDING OF NECESSITY STUDY; FINDING THE NEED FOR A COMMUNITY REDEVELOPMENT AREA UNDER THE PROVISIONS OF CHAPTER 163, PART 111, OF THE FLORIDA STATUTES.

10. Resolution 64-09-23 Superseding Resolution 74-10-22 Thereby Authorizing and Directing the Mayor to Execute A Revised Lift Station Easement Agreement and a New Water Sewer Easement with the Seacoast Utility Authority, Granting an Exclusion Easement for a Lift Station and a Non-Exclusive Easement for Water and Sewer for use by Seacoast, Nautilus and Adjourning Development.

PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:

11. Ordinance 07-2023 Purchasing Policy

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING IN ITS ENTIRETY CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING", AND REPLACING AND READOPTING IT AS REVISED DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Manager/Human Resources Director Bambi Turner explained the item.

Motion made to approve Ordinance 07-2023 by Commissioner Thomas, Seconded by Vice-Mayor Glas-Castro.

Voting Yea: Mayor Michaud, Commissioner Linden, and Commissioner Taylor.

TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:

Town Attorney Francisco had no comments.

Town Manager D'Agostino provided his comments as Exhibit "B". The Commission discussed the need for an Accessory Dwelling Units discussion in November or December. The Commission came to consensus to discuss the item in November or December. The Commission also came to consensus to discuss a proposed Ordinance allowing Golf Carts at a future meeting. The Commission approved to move forward with the proposed proclamations in the month of October.

Commissioner Thomas requested that a tree dedication take place in honor of her neighbor. The Commission gave consensus to plant a tree in Blakely Park in honor of her neighbor.

Commissioner Taylor apologized to the Commission for any stress she may have caused the Commission or the Town Manager last evening.

Vice-Mayor Glas-Castro asked if there was a schedule for the Centennial Arts & Music Festival. Special Events Director Riunite Franks stated that a program would be sent to the Commission.

Commissioner Linden explained that Lake Park Elementary would hold an event on September 27, 2023 from 10:00 a.m. to noon to explain the history of the Town. He invited everyone to attend the event.

He expressed concern with the filing of a Form 6 and asked if the Town would cover the cost of a CPA or attorney to assist in filling out the form. Mayor Michaud explained that each elected official was responsible for filling out the form and any cost associated with hiring help to fill it out. Vice-Mayor Glas-Castro explained that a CPA was not required and if someone wanted to seek legal advice they would be responsible for paying for those services. Commissioner Taylor asked if there was an error in filling out the form, would they be penalized. Vice-Mayor Glas-Castro explained that the person would be given an opportunity to correct the error. The forms would be available on the State website. Attorney Francisco explained that over the next few weeks a memo would be released explaining the difference between Form 1 and Form 6, guidelines, and answer some questions pertaining to the Form. She would be available to answer questions after the memo was released pertaining to the Form 6. Mayor Michaud stated that everyone has time to get information and clarity regarding the Form well in advance of the effective date. Commissioner Thomas had no further comments.

PUBLIC HEARING(S) - ORDINANCE ON SECOND READING:

NONE

NEW BUSINESS:

12. Resolution 62-09-23 Authorizing and Directing the Town Manager to Obtain for Fiscal Year 2024 the Employee Medical Insurance through Florida BlueCare HMO; to Renew Employee Dental Insurance through CIGNA; to Renew Employee Vision Insurance through Humana; and, to Renew Basic Life and Accidental Death and Dismemberment, Supplemental Life, Short Term Disability and Long-Term Disability Insurance through The Hartford

Assistant Town Manager/Human Resources Director Turner explained the item.

Motion made to approve Resolution 62-09-23 by Commissioner Linden, Seconded by Commissioner Taylor.

Vice-Mayor Glas-Castro commented that Gehring Group brings value to the Town by negotiating lower rates for benefits.

Voting Yea: Mayor Michaud, Vice-Mayor Glas-Castro, Commissioner Thomas

13. Request to Expend Public Funds to Trim Park Avenue Trees in the Swale Area

Town Manager D'Agostino explained the request made by Commissioner Taylor for trimming trees along Park Avenue. Vice-Mayor Glas-Castro asked what was the timing of the Park Avenue streetscape project. Town Manager D'Agostino explained that the Town does not have funding for that project and anticipates that the project would receive funding in 2025. Vice-Mayor Glas-Castro asked if the Town was starting a program in which residents can request to have trees in their swales to be trimmed. Town Manager D'Agostino explained a recent occurrence in which a tree in a swale fell and caused damage. The insurance company did not cover the cost of the damage. Commissioner Taylor explained that it would be a one-time thing, since it has been so many years since the trees were trimmed. Commissioner Linden recognized the pro and cons for this project. He felt that as the entrance to the Town it would look good if it were done. Mayor Michaud expressed concern with completing this project and then others wanting the same done for the trees in their swales. He felt that the Town Code explains what should be done and they should stick to what the Code says.

Motion made to expend public funds to trim trees along Park Avenue by Commissioner Linden, Seconded by Commissioner Taylor.

Voting Yea: Commissioner Linden, Commissioner Taylor.

Voting Nay: Mayor Michaud, Vice-Mayor Glas-Castro, And Commissioner Thomas.

REQUEST FOR FUTURE AGENDA ITEMS:

ADJOURNMENT:

8:19 P.M.

Motion made to adjourn by Commissioner Thomas, Seconded by Vice-Mayor Glas-Castro.

Voting Yea: Mayor Michaud, Commissioner Linden, and Commissioner Taylor.

FUTURE MEETING DATE: Next Scheduled Regular Commission Meeting will be held on September 20, 2023.

Mayor Roger D. Michaud

Town Seal

Vivian Mendez, Town Clerk

Laura Weidgans, Deputy Town Clerk

Approved on this _____ of _____, 2023

Whole Blood Program

Established at PBCFR: 7/5/22

EXCELLENCE TODAY



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The Why?

Contents lists available at ScienceDirect

The American Journal of Surgery 2016

Journal homepage: www.ajconline.org



Southwestern Surgical Congress

Time is the enemy: Mortality in trauma patients with hemorrhage from torso injury occurs long before the "golden hour"

A.O. Alarhayem^a, J.G. Myers^a, D. Dent^a, L. Liao^a, M. Muir^a, D. Mueller^a, S. Nicholson^a, R. Cestero^a, M.C. Johnson^a, R. Stewart^a, Grant O'Keefe^b, B.J. Estridge^a,

^a The University of Texas Health Science Center at San Antonio, Department of Surgery, Division of Trauma, Critical Care, and Acute Care Surgery, United States
^b University of Washington, Department of Surgery, Division of Trauma and Acute Care Surgery, United States

- 2.5 million patients' retrospective study (2012-14)
- ALS 4 chest and abdominal, significant TBI excluded
- Prehospital time and mortality

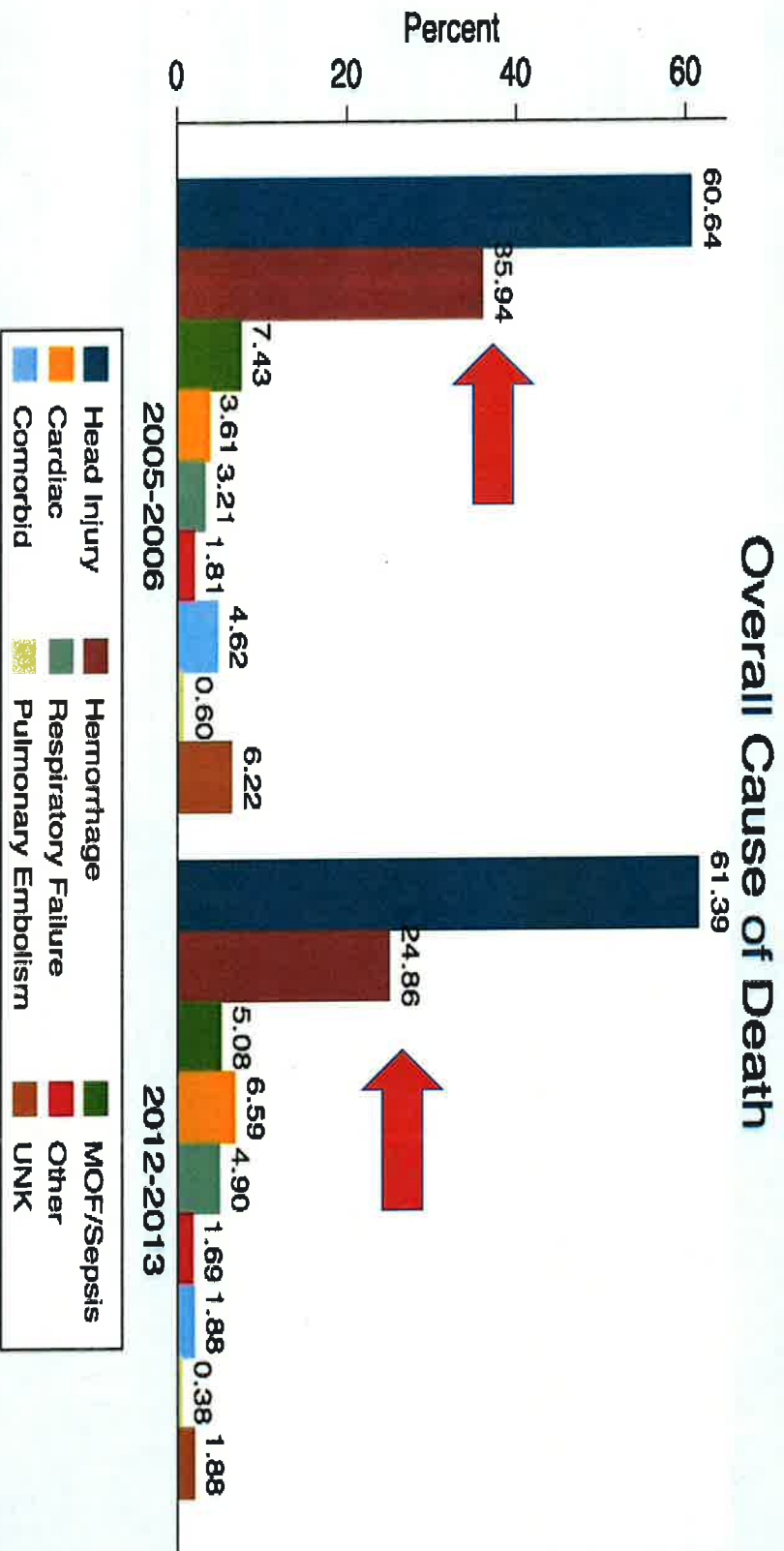
EXCELLENCE TODAY



IMPROVING TOMORROW

Bleeding Control Bundle of Care

Oyeniyi B et al. Injury 2017



ASA PAPER

Use of Cold-Stored Whole Blood is Associated With Improved Mortality in Hemostatic Resuscitation of Major Bleeding

A Multicenter Study

Joshua P. Hazelton, DO,*[‡] Anna E. Ssentongo, DrPH, MPH,^{¶¶¶} John S. Oh, MD,*
 Paddy Ssentongo, MD, PhD,* Mark J. Seamon, MD,§ James P. Byrne, MD, PhD,§
 Isabella G. Armenta, BS|| Donald H. Jenkins, MD,¶ Maxwell A. Braverman, DO,¶
 Caleb Mentzer, DO,# Guy C. Leonard, BS# Lindsey L. Perea, DO,**
 Courtney K. Docherty, DO†† Julie A. Dunn, MD,†† Brittany Smoot, BS,††
 Matthew J. Martin, MD,† Jayran Badier, MPH,† Alejandro J. Luis, MD,§§
 Julie L. Murray, BSN, RN,|||| Matthew R. Noorbakish, MD,¶¶
 James E. Babonice, DO,¶¶ Charles Meines, MD,## Robert M. Madayag, MD,##
 Haytham M.A. Kasfarami, MD, MPH,*** Ava K. Mokhtari, MD,***
 Sarah A. Moore, MD,††† Kathleen Madden, MD,††† Allen Tanner, II, MD,†††
 Diane Redmond, MSN,††† David J. Milita, MD,§§§ Amber Brandolino, MS,§§§
 Uyen Nguyen, BS,||||| Vernon Chinchilli, PhD,¶¶¶ Scott B. Arnen, MD,###
 and John M. Porter, MD****

Resuscitation

Results: A total of 1623 [WB: 1180 (74%), BCT: 443(27%)] patients who sustained penetrating (53%) or blunt (47%) injury were included. Patients who received WB had a higher shock index (0.98 vs 0.83), more comorbidities, and more blunt MOI (all $P < 0.05$). After controlling for center, age, sex, MOI, and injury severity score, we found no differences in the rates of acute kidney injury, deep vein thrombosis/pulmonary embolism or pulmonary complications. WB patients were 9% less likely to experience bleeding complications and were 48% less likely to die than BCT patients ($P < 0.0001$).

Conclusions: Compared with BCT, the use of WB was associated with a 48% reduction in mortality in trauma patients. Our study supports the use of WB in the resuscitation of trauma patients.

COLLOIDS

AND WB?

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2019 EAST PODIUM PAPER

Safety profile and impact of low-titer group O whole blood for emergency use in trauma

James Williams, BS, Nicholas Merutka, BS, David Meyer, MD, MS, Yu Bai, MD, PhD, Samuel Prater, MD,
Rodolfo Cabrera, BSN, EMT-P, John B. Holcomb, MD, Charles E. Wade, PhD,
Joseph D. Love, DO, and Bryan A. Cotton, MD, MPH, *Houston, Texas*

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Why Whole Blood?

- Red cell replacement in acute blood loss with hypovolemia
- Transports oxygen to the main organs of the body
- Increases the body's clotting factors to internally control the hemorrhage



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**"Insanity is doing the same
thing over & over again &
expecting different results."**

Albert Einstein

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STRAC

Need an account? [Rumsheds](#) | [Wave](#) | [WaveOC](#)



- Home
- About
- Trauma
- Acute Care
- Bids & RFPs
- Calendar
- Careers
- Conference
- ED Operations
- Education
- EMS (Prehospital Care)
- EMTF 8
- Healthcare Coalition
- Infection Control



Regional Whole Blood Program Low Titer O Positive Whole Blood (LTOWB)

STRAC is the recipient of a \$150,000 grant from the San Antonio Medical Foundation. This inter-institutional collaboration with the South Texas Blood and Tissue Center, UT Health San Antonio, University Health Systems (UHS), and the US Army Institute of Surgical Research / San Antonio Military Medical Center was formed to study and address the optimizing care of seriously injured or ill patients in STRAC region. This care need is met through the development of a cold stored whole blood product and implement transfusion of cold stored whole blood in the prehospital setting for helicopters emergency medical services. Funding from the Remote Trauma Outcomes Research Network (through the Department of Defense) allowed for an expansion to ground emergency medical services.

What is Whole Blood?



Whole Blood: What is it and when should it be used?
- Dr. Dorinda Jenkins MD FACS



Quick Reference

- Committee Information
- Participating Organizations
- Air Medical Bases Carrying LTOWB

Resources

- EMERGENCY RELEASE LOW TITER GROUP O WHOLE BLOOD IS NOW PERMITTED BY THE AABB STANDARDS
- STRAC Regional Whole Blood Program Rotation Process
- Dr. Jenkins LTOWB Presentation
- STRAC Blood Product Transfusion Record

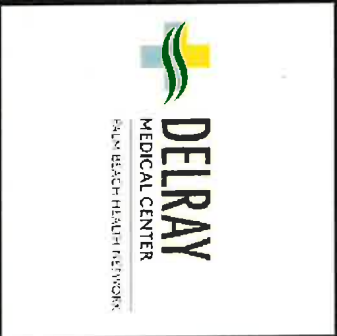


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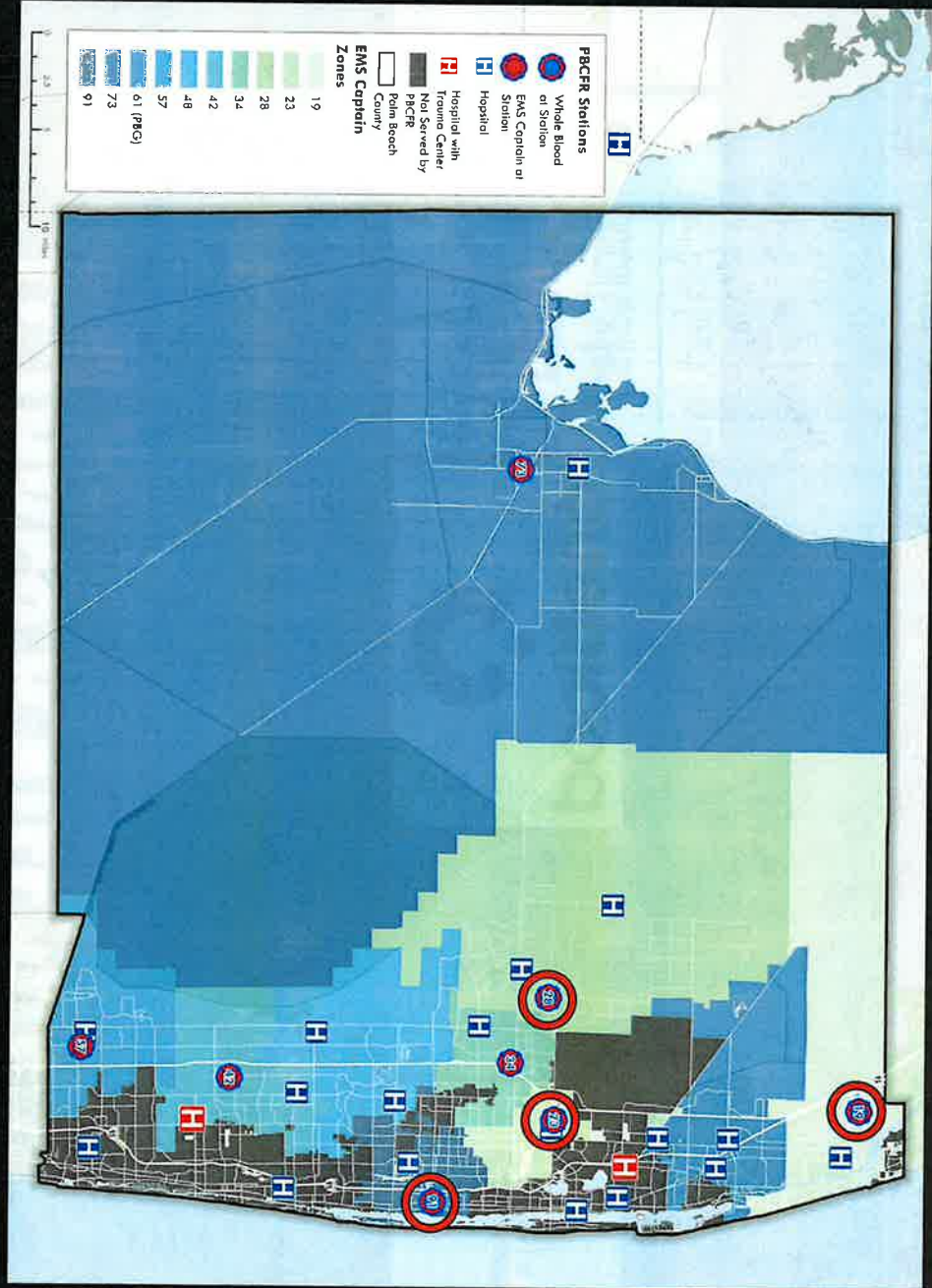
IT TAKES A VILLAGE



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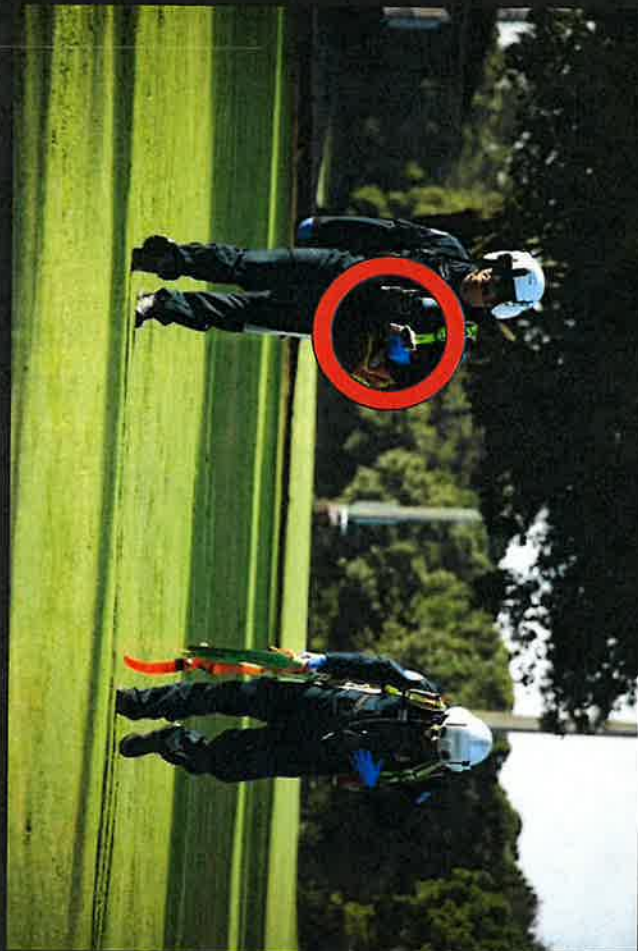
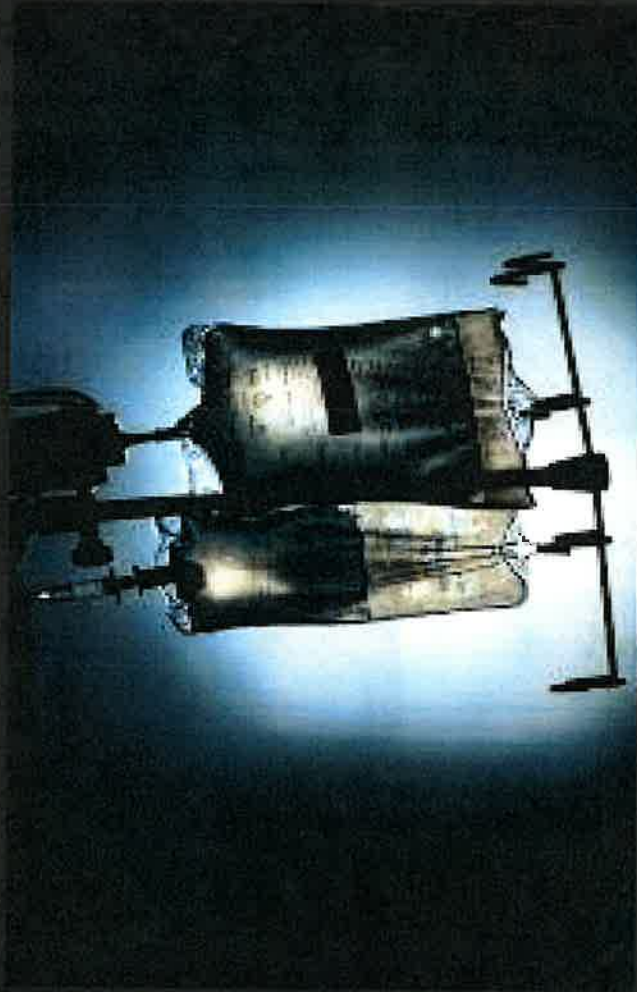


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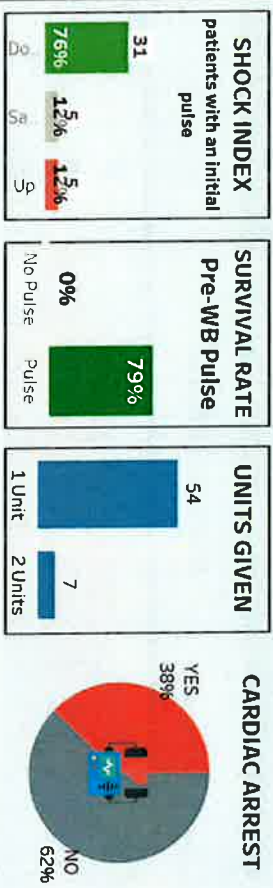
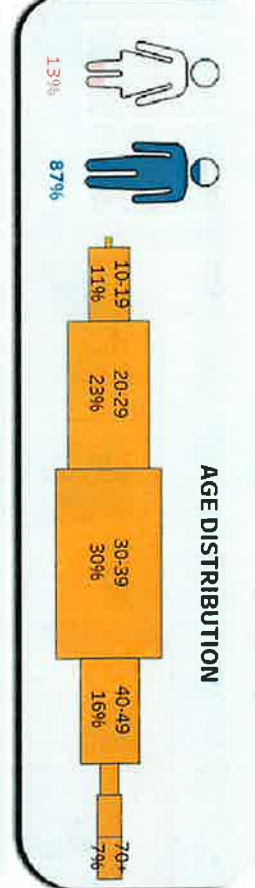
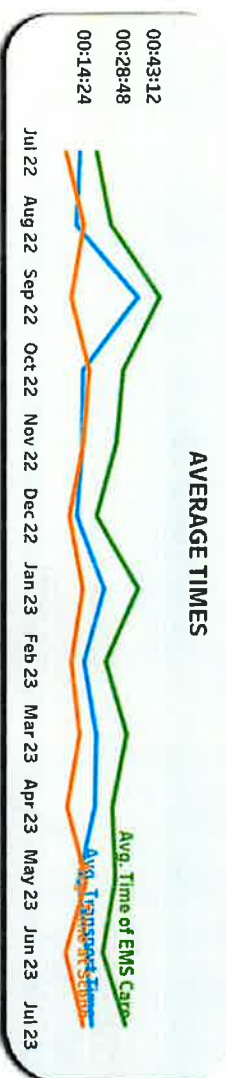
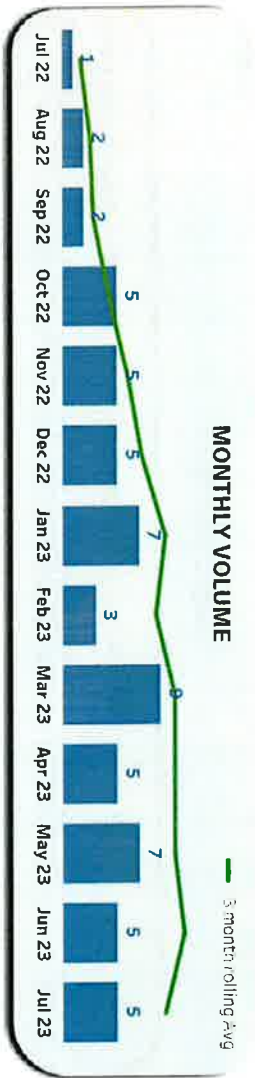
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PBCFR Whole Blood Outcomes

61 Patients

7/30/2022 - 7/25/2023

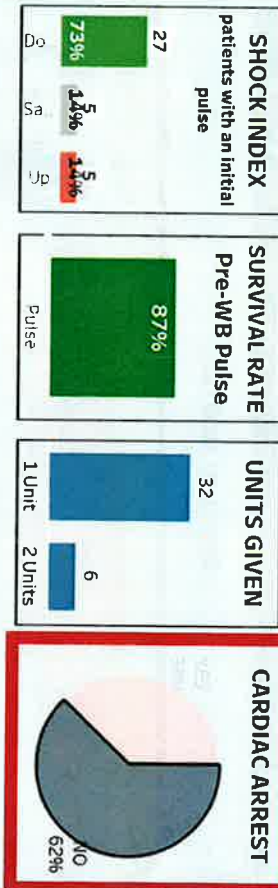
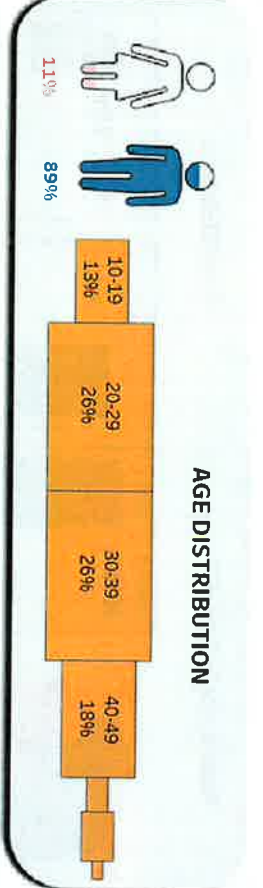
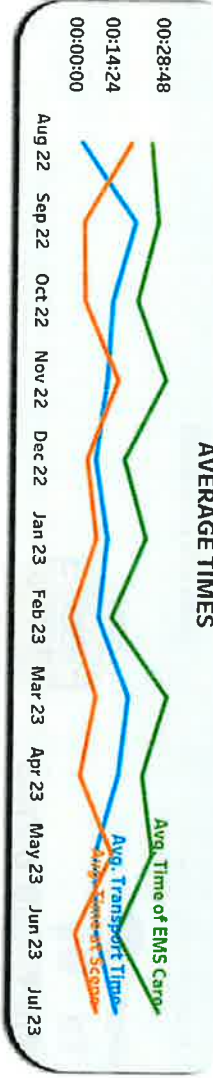
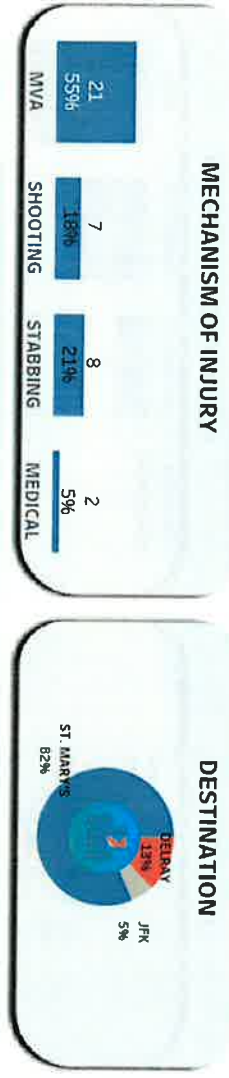
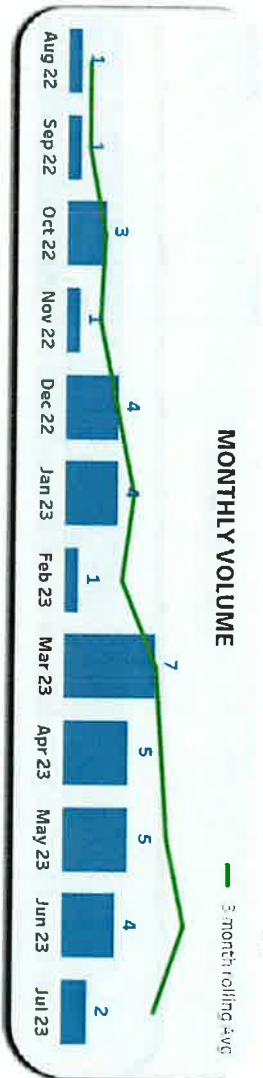




PBCFR Whole Blood Outcomes

38 Patients

7/30/2022 - 7/25/2023



RESEARCH REPORT

The Implementation of a Prehospital Whole Blood Transfusion Program and Early Results

Charles Coffe, EMT-¹; Tony Zick, MD²; Paul E. Pope, MD, MPH³; Madonna Stoenburg, RN³; Kenneth A. Schepke, MD¹; Peter Anney, MD¹; Richard Groux, DO¹; David A. Faray, MD³

1. Palm Beach County Fire Rescue, West Palm Beach, Florida, USA
2. Department of Emergency Medicine, Sinai Medical Center, Miami Beach, Florida, USA
3. Department of Trauma Services and Emergency Management, St. Mary's Medical Center, West Palm Beach, Florida, USA

Correspondence:
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Sinai Shalom Medical Center
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Miami Beach, Florida 33140 USA
E-mail: tzick@palm.com

Conflict of interest/funding: CC, TZ, PEP, MS, KAS, PV, and DAF declare no competing interest. No funding was received for this manuscript.

Keywords: Emergency Medical Services (EMS); prehospital; transfusion; trauma; whole blood

Abbreviations:
EMS: Emergency Medical Services

JHE: heart rate
SBP: systolic blood pressure
WBT: whole blood transfusion

Received: April 10, 2023
Revised: May 15, 2023
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doi:10.2196/premed.13303973

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Abstract
In far-forward combat situations, the military challenged delays by using whole blood transfusions (WBTs) rather than component-based therapy. More recently, some trauma centers have initiated WBT programs with reported success. There are a few Emergency Medical Services (EMS) systems that are using WBTs, but the vast majority are not. Given the increasing data supporting the use of WBTs in the prehospital setting, more EMS systems are likely to consider or begin WBT programs in the future. Our prehospital WBT program was recently implemented at Palm Beach County, Florida (USA). This report will discuss how the program was implemented, the statistics faced, and the initial results.

Methods: This report describes the process by which a prehospital WBT program was implemented by Palm Beach County Fire Rescue and the outcomes of the initial case series of patients who received WBTs in this system. Efforts to initiate the prehospital WBT program for this system began in 2018. The program had several obstacles to overcome, with the most significant being the need to educate the community and the medical community with a new prehospital blood transfusion program. The obstacle was overcome through education of local elected officials regarding the latest scientific evidence in favor of prehospital WBTs with potential life-saving benefits to the community. After moving past this hurdle, the program went live on July 6, 2022. The initial indications for transfusion of cold-stored, low-titer, leukoreduced O+ whole blood in the prehospital setting included traumatic injuries with systolic blood pressure (SBP) < 70 mmHg or SBP < 90 mmHg plus tachycardia (HR > 100 bpm).

Findings: From the date of onset through December 31, 2022, Palm Beach County Fire Rescue transported a total of 881 trauma activation patients, with 20 (2.3%) receiving WBT. Overall, nine (45%) of the patients who had received WBTs so far remain alive. No adverse events related to transfusion were identified following WBT administration. A total of 18 units of whole blood reached expiration of the unit's shelf-life prior to transfusion.

Conclusions: Despite a number of logistical and legal obstacles, Palm Beach County Fire Rescue successfully implemented a prehospital WBT program. This system is now considering a prehospital WBT program should receive the intended protocol and the barriers to implementation that were faced.

Conflicts of interest/funding: CC, TZ, PEP, MS, KAS, PV, Anney P, Groux R, Faray DA. The implementation of a prehospital whole blood transfusion program and early results. *Prehosp Disaster Med* 2023;00(00):1-5.

Introduction

Although component-based blood transfusions currently remain the most widely used strategy for blood transfusions, military data have shown improved outcomes with whole blood transfusions (WBTs).¹ Moreover, there has been renewed interest regarding the use of WBTs in civilian trauma centers.² In addition, there has been renewed interest in the use of WBTs in the prehospital setting.³ Recent publications suggest that WBT may be of similar efficacy⁴⁻⁶ or even superior to component-based transfusion.^{4,6}

In the prehospital setting, with only one blood product to store and administer, WBT is simpler than component therapy, which may not be feasible for some Emergency Medical Service (EMS) systems. Indeed, some other countries, including Norway,^{4,6} Israel,⁷ and some other locations within the United States, including San Antonio, Texas⁸ and Pittsburgh, Pennsylvania,⁹ have been using WBTs for years. Data from these systems

June 2023

Prehospital and Disaster Medicine

Cambridge University Press

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QUESTIONS

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TOWN MANAGER COMMENTS

Exhibit B

Item 3.

TOWN COMMISSION MEETING **Wednesday, September 6, 2023**

COMMUNITY DEVELOPMENT

- Oceana Coffee at 1301 10th Street is receiving their master permit this week. Site work/construction is estimated to commence next week. They are on schedule and have complied with the dates prescribed in their CRA grant agreement up until this point.
- All of the office warehouse buildings west of the railroad tracks have either received a final certificate of completion or a temporary certificate of completion. Some interior units have also commenced or completed buildout for end users.
- Staff would like to know if the Commission is interested in Staff bringing back a discussion on Accessory Dwelling Units. If so, a discussion item can be placed on a future agenda sometime in November or December.
- Staff would like to know if the Commission is interested in Staff bringing forward a proposed ORD that regulates Golf Carts in the Town.

HUMAN RESOURCES

Job Openings:

The Town is currently advertising to fill the following positions:

- Library Assistant – Children's. Hourly rate \$12.98 to \$20.12. Deadline for receipt of applications is 5:00 p.m. on **September 8, 2023**.
- Irrigation Technician. Hourly rate \$17.01 to \$26.37. Deadline for receipt of application is 5:00 p.m. on **September 15, 2023**.
- Stormwater Technician II – Hourly rate \$18.21 to \$28.22. Deadline for receipt of applications is 5:00 p.m. on **September 19, 2023**.

To view the complete job posting for the above position or to download an employment application, please visit the Town's official website at www.lakeparkflorida.gov . For additional information please contact the Town's Human Resources Department at 561-881-3300 and choose Option 8.

PUBLIC WORKS

The Public Works Department is excited to announce that fabrication of the much-anticipated **Town Hall Monument Sign** is underway. On site construction activities and sign installation are expected to begin during the week of **September 18, 2023**.

Additionally, we are happy to report that the new playground equipment for **Ilex Park** was recently delivered and is currently being installed. The department expects to complete all work for the Phase I improvements by **October 7, 2023**, after which, the park will reopen for public use.

PROPOSED PROCLAMATIONS

Seeking Town Commission consensus to place the items below as Proclamations on a future Town Commission Meeting Agenda.

- Banned Books Week is October 1 through October 7. Given that book challenges have risen sharply and more challenges have been recorded in 2022 than in any other year since the American Library Association started keeping track of challenges more than twenty years ago, this is a good time to remind our residents that “Free people read freely”, that the freedom to read is essential to our democracy, and that reading is among our greatest freedoms.
- National Friends of the Library Week is October 15 through October 21 this year. The proclamation request is to honor those Friends who have helped at the library through the years and to raise awareness of the Friends and promote membership.
- Florida Climate Week is October 2-8, 2023 a representative of VoLo Foundation, a private Florida-based family organization, has brought the request for a Proclamation to the attention of Mayor Michaud. The purpose is to unite industry leaders, front-line advocates, businesses, and individuals alike to address the urgency of the climate crises and its impact on our state. The focus of Florida Climate Week is on solutions to reduce carbon emissions and create more resilient communities. This organization would like to recognize the first Monday of the month, October 2, 2023 as Florida Climate Week for the Town of Lake Park.

SPECIAL EVENTS

Centennial Art & Music Festival

The Town will host the Centennial Art & Music Festival on **Saturday, September 23** from 11:00 a.m. – 5:00 p.m. on Park Avenue. There will be art, craft, food and beverage vendors. As well as live entertainment, games, activities, face painting and more. Admission and parking are free. For more information, contact the Special Events Department at 561-840-0160.

Sunset Celebration

The Sunset Celebration will be held on **Friday, September 29** from 6:00 p.m. – 9:00 p.m. at the Lake Park Harbor Marina. This month's event will feature live entertainment from The Samantha Russell Band! There will be a full bar, happy hour prices, and a variety of food and craft vendors. For more information, contact the Special Events Department at 561-840-0160.

Banned Books Week

WHEREAS, the freedom to read is essential to our democracy, and reading is among our greatest freedoms; and

WHEREAS, privacy is essential to the exercise of that freedom, and the right to privacy is the right to open inquiry without having the subject of one's interest examined or scrutinized by others; and

WHEREAS, the freedom to read is protected by our Constitution; and

WHEREAS some individuals, groups, and public authorities work to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries of materials reflecting the diversity of society; and

WHEREAS, both governmental intimidation and the fear of censorship cause authors who seek to avoid controversy to practice self-censorship, thus limiting our access to new ideas; and

WHEREAS, every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of American society and leaves it less able to deal with controversy and difference; and

WHEREAS, Americans still favor free enterprise in ideas and expression, and can be trusted to exercise critical judgment, to recognize propaganda and misinformation, and to make their own decisions about what they read and believe, and to exercise the responsibilities that accompany this freedom; and

WHEREAS, intellectual freedom is essential to the preservation of a free society and a creative culture; and

WHEREAS, conformity limits the range and variety of inquiry and expression on which our democracy and our culture depend; and

WHEREAS, the American Library Association's Banned Books Week: Celebrating the Freedom to Read is observed during the last week of September each year as a reminder to Americans not to take their precious freedom for granted; and

WHEREAS, Banned Books Week celebrates the freedom to choose or the freedom to express one's opinion even if that opinion might be considered unorthodox or unpopular and stresses the importance of ensuring the availability of those unorthodox or unpopular viewpoints to all who wish to read them; now, therefore, be it

RESOLVED, that the _____ Library celebrates the American Library Association's Banned Books Week, (Insert Dates Here), and be it further

RESOLVED, that the _____ Library encourages all libraries and bookstores to acquire and make available materials representative of all the people in our society; and be it further

RESOLVED, that the _____ Library encourages free people to read freely, now and forever.

Adopted by the _____ Library

Date

City, State

National Friends of Libraries Week
Friends of the Lake Park Public Library

Whereas, Friends of the **Lake Park Public** Library raise money that enables our library to move from good to great -- providing the resources for additional programming, much needed equipment, support for children's summer reading, and special events throughout the year;

Whereas, the work of the Friends highlights, on an on-going basis, the fact that our library is the cornerstone of the community, providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to present;

Whereas, the Friends understand the critical importance of well-funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers' advisory, and children's services;

Whereas, the Friends' gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community;

Now, therefore, be it resolved that Roger Michaud, Mayor of Lake Park, Florida proclaims October 15-21, 2023, as Friends of Libraries week in **Lake Park, Florida** and urges everyone to join the Friends of the Library and thank them for all they do to make our library and community so much better.



Item 3.

CENTENNIAL ART & MUSIC FESTIVAL

**SATURDAY, SEPTEMBER 23, 2023
11:00 AM - 5:00 PM
LAKE PARK ARTS DISTRICT
DOWNTOWN PARK AVENUE
LAKE PARK, FL 33403**

**ART, CRAFT, FOOD & BEVERAGE VENDORS
LIVE MUSICAL PERFORMANCES
GAMES * ACTIVITIES * CHILDREN'S AREA
FREE ADMISSION & PARKING**

**THIS EVENT IS IN CONJUNCTION WITH THE MONTHLY
RUST MARKET. FOR MORE INFORMATION AND TO
BECOME A VENDOR OR VOLUNTEER CONTACT
THE SPECIAL EVENTS DEPARTMENT AT 561-840-0160
OR EMAIL SPECIALEVENTS@LAKEPARKFLORIDA.GOV**





VENDORS WANTED

CENTENNIAL ART & MUSIC FESTIVAL

The Town of Lake Park is looking for art, craft, food and beverage vendors to participate in the Centennial Art & Music Festival on Saturday, September 23 from 11:00 AM to 5:00 PM in downtown Lake Park.

Art vendors and craft vendors include any persons who sell original, hand-made or embellished items including, but not limited to, ceramics, graphics, drawings, paintings, jewelry, handbags, clothing, accessories, photographs, and sculptures.

Food vendors and beverage vendors include any persons who sell, food and beverage items, including, but not limited to, appetizers, side dishes, soups, salads, main dishes, snacks, desserts, non-alcoholic beverages, liquor, beer and/or wine.

Vendors must submit a vendor application and pay all fees by September 13, 2023. Vendor spots are limited and will be selected on a first come, first served basis. Vendors will be responsible for providing their own tents, tables, chairs, signs and other materials needed. Power/electricity will not be provided. All vendors must provide the necessary permits, licenses and certificates of insurance, as outlined on the vendor application.

For more information and to obtain a vendor application please contact the Special Events Department at 561-840-0160, email specialevents@lakeparkflorida.gov, or visit us online at www.lakeparkflorida.gov.

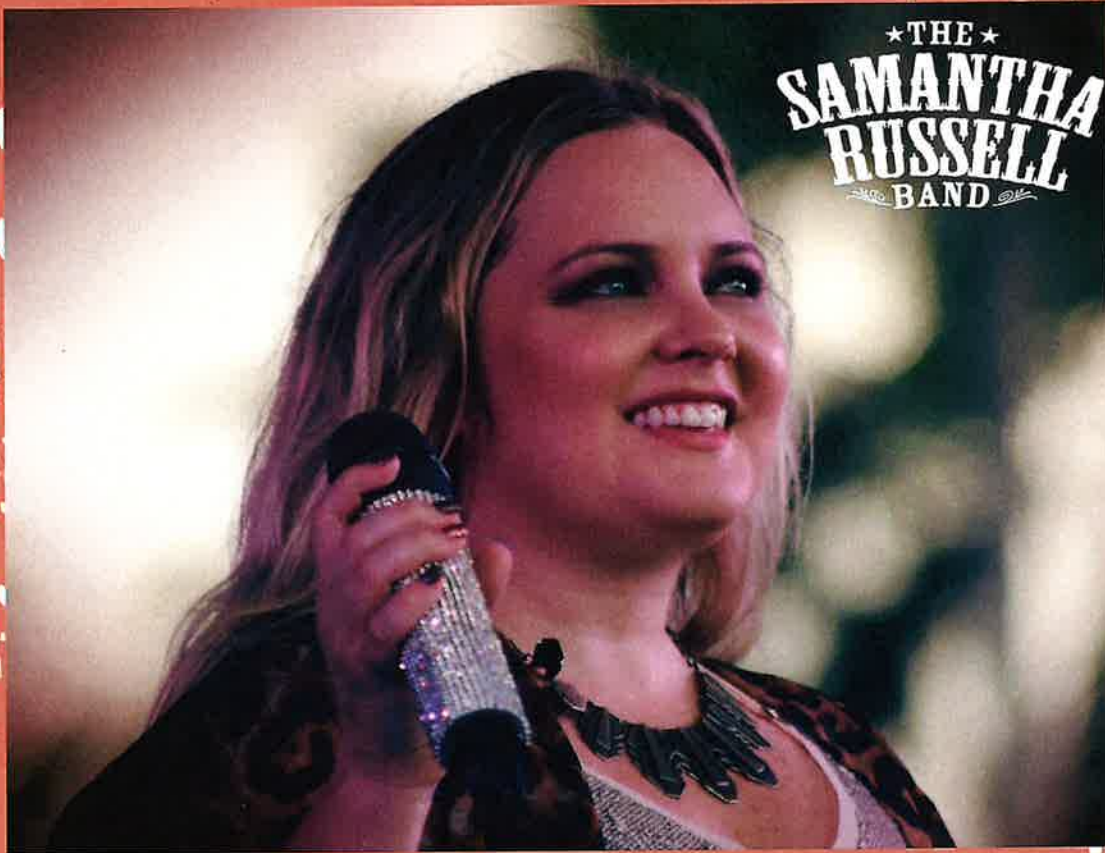


SUNSET CELEBRATION

Item 3.

FREE MUSIC CONCERT

FEATURING



LIVE MUSIC * HAPPY HOUR * FOOD VENDORS
FREE ADMISSION & PARKING

FRIDAY, SEPTEMBER 29

6:00 PM - 9:00 PM

LAKE PARK HARBOR MARINA

105 LAKE SHORE DRIVE

LAKE PARK, FL 33403

NO OUTSIDE FOOD OR DRINKS

FOR MORE INFORMATION

CALL 561-840-0160 OR EMAIL

SPEIALEVENTS@LAKEPARKFLORIDA.GOV





Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 20, 2023
Originating Department: Library
Agenda Title: Resolution Approving the Submission and Authorizing the Mayor to Sign The Library's Annual State Aid to Libraries Grant Agreement.
Approved by Town Manager: John D'Agostino Digitally signed by John D'Agostino
DN: cn=John D'Agostino, o=Town of Lake Park,
ou=Town Manager,
email=jdagostino@lakeparkflorida.gov, c=US
Date: 2023.08.25 16:36:00 -04'00' **Date:** _____

Cost of Item: \$0.00 **Funding Source:** _____
Account Number: _____ **Finance Signature:** _____

Advertised: _____
Date: _____ **Newspaper:** _____

Attachments: Resolution No.
Exhibit "A": State Aid To Libraries Grant Agreement

Please initial one:
JKC Yes I have notified everyone
 _____ Not applicable in this case

Summary Explanation/Background: Each year, the Florida Department of State, Division of Library Services provides financial support for public libraries throughout Florida to help them operate for the citizens of Florida. This agenda item seeks the approval of a resolution authorizing the Mayor and Town Clerk to execute the Annual State Aid to Libraries Grant Agreement.

Recommended Motion:

I move to approve Resolution No.

RESOLUTION NO. ~~61~~09-23

**A RESOLUTION OF THE TOWN COMMISSION OF THE
TOWN OF LAKE PARK, FLORIDA APPROVING THE
SUBMISSION AND AUTHORIZING THE MAYOR TO SIGN
THE LIBRARY'S ANNUAL STATE AID TO LIBRARIES
GRANT AGREEMENT.**

WHEREAS, effective July 1, 2003, the Florida Legislature amended Chapter 257 Florida Statutes to allow municipalities to submit applications to the State of Florida, Department of State (the Department) for State Aid to Libraries Grant Funding by municipalities; and

WHEREAS the Town Manager recommends that the commission authorize the submission of an application to the Department seeking funding for the Town of Lake Park; and

WHEREAS, in order to meet the requirements for an application to the Department for State Aid to Libraries Grant Funding, the Town Commission must approve the submission of the application and make certain certifications provided for herein;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE
TOWN OF LAKE PARK, FLORIDA THAT;**

- Section 1. The Town of Lake Park, Florida (the Town) is an eligible municipal corporation.

- Section 2. The Town is a single library administrative unit.

- Section 3. The Town Commission is the designated governing body to provide library services in the Town.

- Section 4. The Town's Library Director shall be the single administrative head employed by the Town with the authority to manage and coordinate operations of the Town's public library and has an approved job description.

- Section 5. The Library Director has an American Library Association accredited professional degree, and at least two (2) years of full-time paid professional experience. The Town's Library Director has completed a library education program, in a public library that is open to the public for a minimum of forty (40) hours per week.

- Section 6. All funds will be centrally expended by the Library Director as part of the Library's budget.

- Section 7. The Town's library shall extend borrowing privileges without charge to residents of all library service areas in the county that receives State Aid to Libraries Grants.
- Section 8. The Town shall provide free library services.
- Section 9. The Town agrees to make its library available for participation with all public libraries in Palm Beach County that receive State Aid to Libraries Grants and to participate in joint planning and coordination of library services to residents.
- Section 10. The Town shall operate its public library for a minimum of forty (40) hours per week.
- Section 11. Exhibit "A", State Aid to Libraries Grant Agreement between the State of Florida, Department of State, and Town for and on behalf of the Town's Public Library, which is attached hereto and incorporated herein is hereby approved by the Town Commission.
- Section 13. The Town Commission hereby authorizes and directs that the Mayor and Town Clerk execute the application for the State Aid to Libraries Grant funding.
- Section 14. This Resolution shall become effective immediately upon adoption.

EXHIBIT "A"

24-ST-58
Lake Park Public Library

**STATE AID TO LIBRARIES GRANT
AGREEMENT BETWEEN
THE STATE OF FLORIDA, DEPARTMENT OF STATE
AND
Town of Lake Park for and on behalf of Lake Park Public Library**

This Agreement is by and between the State of Florida, Department of State, Division of Library and Information Services, hereinafter referred to as the "Division," and the Town of Lake Park for and on behalf of Lake Park Public Library, hereinafter referred to as the "Grantee."

The Grantee has submitted an application and has met all eligibility requirements and has been awarded a State Aid to Libraries Grant (CSFA 45.030) by the Division in the amount specified on the "Fiscal Year 2023-24 State Aid to Libraries Final Grants" document (which is incorporated as part of this Agreement and entitled Attachment B). The Division has the authority to administer this grant in accordance with Section 257, *Florida Statutes*. By reference, the application and any approved revisions are hereby made a part of this agreement.

In consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1. Grant Purpose. This grant shall be used exclusively for the "State Aid to Libraries Grant," the public purpose for which these funds were appropriated.

a) The Grantee shall perform the following **Scope of Work**:

In accordance with Sections 257.17-257.18, Florida Statutes, the Grantee shall receive a grant amount that is calculated and based upon local funds expended during the second preceding fiscal year for the operation and maintenance of the library. For this grant, the local expenditures shall have been made during the period October 1, 2021 - September 30, 2022.

In order to be eligible to receive the grant funding, the Grantee shall manage or coordinate free library service to the residents of its legal service area for the period October 1, 2021 through June 30, 2024. The Grantee shall:

- o Have a single administrative head employed full time by the library's governing body;
- o Provide free library service, including loaning materials available for circulation free of charge and providing reference and information services free of charge;
- o Provide access to materials, information and services for all residents of the area served; and
- o Have at least one library, branch library or member library open 40 hours or more each week (excluding holidays or emergencies; between Sunday through Saturday, on a schedule determined by the library system) during the length of the agreement.

b) The Grantee agrees to provide the following **Deliverables** related to the Scope of Work for payments to be awarded.

Payment 1, Deliverable/Task :

Payment will be a fixed price in the amount of 100% of the grant award for the period October 1, 2021 through June 30, 2024.
The Grantee will:

- Have expended funds to provide free library service during the period October 1, 2021 - September 30, 2022;
- Provide an Expenditure Report and certification of Local Operating Expenditures for the period October 1, 2021 - September 30, 2022 only;
- Provide documentation showing that at least one library, branch library or member library is open 40 hours or more each week (excluding holidays or emergencies; between Sunday through Saturday, on a schedule determined by the library system) during the length of the agreement;
- Provide the Certification of Credentials for the Single Administrative Head; and
- Provide a Certification of Hours, Free Library Service and Access to Materials.

c) Grant funds shall be used for the operation and maintenance of the library. The allowable budget categories are: Personnel Services (salaries, wages, and related employee benefits provided for all persons employed by the reporting entity whether on full-time, part-time, temporary, or seasonal basis); Operating Expenses (expenditures for goods and services which primarily benefit the current period and are not defined as personal services or capital outlays); Non-Fixed Capital Outlay (outlays for the acquisition of or addition to fixed assets); and Other (other operating expenditure categories in the library budget).

2. **Length of Agreement.** This Agreement covers the period of October 1, 2021 to June 30, 2024, unless terminated in accordance with the provisions of Section 28 of this Agreement. This period begins with the start of the Grantee's second preceding fiscal year (October 1, 2021) and concludes with the end of the State of Florida's current fiscal year (June 30, 2024).
3. **Expenditure of Grant Funds.** Grant funds will be used to reimburse a portion of local funds expended by the Grantee during their second preceding fiscal year (October 1, 2021 – September 30, 2022) for the operation and maintenance of a library and shall not exceed the amount specified in Attachment B.
4. **Contract Administration.** The parties are legally bound by the requirements of this agreement. Each party's contract manager, named below, will be responsible for monitoring its performance under this Agreement and will be the official contact for each party. Any notice(s) or other communications regarding this agreement shall be directed to or delivered to the other party's contract manager by utilizing the information below. Any change in the contact information below should be submitted in writing to the contract manager within 10 days of the change.

For the Division of Library and Information Services:

Tom Peña, Grant Programs Supervisor
 Florida Department of State
 R.A. Gray Building
 Mail Station # 9D
 500 South Bronough Street
 Tallahassee, FL 32399-0250
 Phone: 850.245.6620
 Email: thomas.pena@dos.myflorida.com

For the Grantee:

Merrell Angstreich
 Lake Park Public Library
 529 Park Avenue Lake Park Florida 33403

Phone: 561.882.1819

Email: mangstreich@lakeparkflorida.gov

5. **Grant Payments.** The total grant award shall not exceed the amount specified on the “Fiscal Year 2023-24 State Aid to Libraries Final Grants” document (Attachment B), which shall be paid by the Division in consideration for the Grantee’s minimum performance as set forth by the terms and conditions of this Agreement. Payment will be a fixed price in the amount of 100% of the grant award as specified in Attachment B. Payment will be made in accordance with the completion of the Deliverables.

6. **Electronic Payments.** The Grantee can choose to use electronic funds transfer (EFT) to receive grant payments. All grantees wishing to receive their award through EFT must submit a Vendor Direct Deposit Authorization Form (form number DFS-AI-26E, rev 3/2022), incorporated by reference, to the Florida Department of Financial Services. If EFT has already been set up for your organization, you do not need to submit another authorization form unless you have changed bank accounts. To download this form visit myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/vendors/vendor-relations/dfs-ai-26e-direct-deposit-vendors.pdf?sfvrsn=eff728cf_16. The form also includes tools and information that allow you to check on payments.

7. **Florida Substitute Form W-9.** A completed Substitute Form W-9 is required from any entity that receives a payment from the State of Florida that may be subject to 1099 reporting. The Department of Financial Services (DFS) must have the correct Taxpayer Identification Number (TIN) and other related information in order to report accurate tax information to the Internal Revenue Service (IRS). To register or access a Florida Substitute Form W-9 visit fvendor.myfloridacfo.com. **A copy of the Grantee’s Florida Substitute Form W-9 must be submitted by the Grantee to the Division before or with the executed Agreement.**

8. **Financial Consequences.** The Department shall apply the following financial consequences for failure to perform the minimum level of services required by this Agreement in accordance with Sections 215.971 and 287.058, *Florida Statutes*:

The Department shall require the return of the award in a prorated amount based upon the percentage of time that the library failed to perform the minimum level of services. The prorated reduction will be in the same percentage as the percentage of time that the library was not providing minimum level of services.

9. **Credit Line(s) to Acknowledge Grant Funding.** The Division requires public acknowledgement of State Aid to Libraries Grant funding for activities and publications supported by grant funds. Any announcements, information, press releases, publications, brochures, videos, webpages, programs, etc., created as part of a State Aid to Libraries Grant project must include an acknowledgment that State Aid to Libraries Grant funds were used to create them.

Use the following text:

“This project has been funded under the provisions of the State Aid to Libraries Grant program, administered by the Florida Department of State’s Division of Library and Information Services.”

10. **Grant Expenditures.** The Grantee agrees to expend all grant funds received under this agreement solely for the purposes for which they were authorized and appropriated. Expenditures shall be in compliance with the state guidelines for allowable project costs as outlined in the Department of Financial Services’ Reference Guide for State Expenditures (as of October 2022), incorporated by reference, which are available online at myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/reference-guide-for-state-expenditures.pdf?sfvrsn=b4cc3337_2.

Grant funds may not be used for the purchase or construction of a library building or library quarters.

11. **Travel Expenses.** The Grantee must pay any travel expenses, from grant or local matching funds, in accordance to the provisions of Section 112.061, *Florida Statutes*.
12. **Unobligated and Unearned Funds and Allowable Costs.** In accordance with Section 215.971, *Florida Statutes*, the Grantee shall refund to the State of Florida any balance of unobligated funds which has been advanced or paid to the Grantee. In addition, funds paid in excess of the amount to which the recipient is entitled under the terms and conditions of the agreement must be refunded to the state agency. Further, the recipient may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period. Expenditures of state financial assistance must be in compliance with the laws, rules and regulations applicable to expenditures of State funds as outlined in the Department of Financial Service's Reference Guide for State Expenditures (as of October 2022) myfloridacfo.com/docs-sf/accounting-and-auditing-libraries/state-agencies/reference-guide-for-state-expenditures.pdf?sfvrsn=b4cc3337_2, incorporated by reference.
13. **Repayment.** All refunds or repayments to be made to the Department under this agreement are to be made payable to the order of "Department of State" and mailed directly to the following address: Florida Department of State, Attention: Thomas Peña, Division of Library and Information Services, 500 South Bronough Street, Mail Station #9D, Tallahassee, FL 32399. In accordance with Section 215.34(2), *Florida Statutes*, if a check or other draft is returned to the Department for collection, Recipient shall pay to the Department a service fee of \$15.00 or five percent (5%) of the face amount of the returned check or draft, whichever is greater.
14. **Single Audit Act.** Each Grantee, other than a Grantee that is a State agency, shall submit to an audit pursuant to Section 215.97, *Florida Statutes*. See Attachment A for additional information regarding this requirement. If a Grantee is not required by law to conduct an audit in accordance with the Florida Single Audit Act because it did not expend at least \$750,000 in state financial assistance, it must submit a Financial Report on its operations pursuant to Section 218.39, *Florida Statutes* within nine months of the close of its fiscal year. Audits must be submitted on the DOS Grants System at dosgrants.com.
15. **Retention of Accounting Records.** Financial records, supporting documents, statistical records and all other records, including electronic storage media pertinent to the Project, shall be retained for a period of five (5) fiscal years after the closeout of the grant and release of the audit. If any litigation or audit is initiated or claim made before the expiration of the five-year period, the records shall be retained for five fiscal years after the litigation, audit or claim has been resolved.
16. **Obligation to Provide State Access to Grant Records.** The Grantee must make all grant records of expenditures, copies of reports, books, and related documentation available to the Division or a duly authorized representative of the State of Florida for inspection at reasonable times for the purpose of making audits, examinations, excerpts and transcripts.
17. **Obligation to Provide Public Access to Grant Records.** The Division reserves the right to unilaterally cancel this Agreement in the event that the Grantee refuses public access to all documents or other materials made or received by the Grantee that are subject to the provisions of Chapter 119, *Florida Statutes*, known as the *Florida Public Records Act*. The Grantee must immediately contact the Division's Contract Manager for assistance if it receives a public records request related to this Agreement.
18. **Noncompliance.** Any Grantee that is not following Florida Statutes or rules, the terms of the grant agreement, Florida Department of State (DOS) policies and guidance, local policies, or other applicable law or that has not submitted required reports or satisfied other administrative requirements for other Division of Library and Information Services grants or grants from any other DOS Division will be in noncompliance status and subject to the DOS Grants Compliance Procedure. DOS Divisions include the Division of Arts and Culture, the

Division of Elections, the Division of Historical Resources and the Division of Library and Information Services. Grant compliance issues must be resolved before a grant award agreement may be executed and before grant payments for any DOS grant may be released.

- 19. Accounting Requirements.** The Grantee must maintain an accounting system that provides a complete record of the use of all grant funds as follows:
- a) The accounting system must be able to specifically identify and provide audit trails that trace the receipt, maintenance and expenditure of state funds;
 - b) Accounting records must adequately identify the sources and application of funds for all grant activities and must classify and identify grant funds by using the same budget categories that were approved in the grant application. If Grantee's accounting system accumulates data in a different format than the one in the grant application, subsidiary records must document and reconcile the amounts shown in the Grantee's accounting records to those amounts reported to the Division;
 - c) An interest-bearing checking account or accounts in a state or federally chartered institution may be used for revenues and expenses described in the Scope of Work and detailed in the Estimated Project Budget;
 - d) The name of the account(s) must include the grant award number;
 - e) The Grantee's accounting records must have effective control over and accountability for all funds, property and other assets; and
 - f) Accounting records must be supported by source documentation and be in sufficient detail to allow for a proper pre-audit and post-audit (such as invoices, bills and canceled checks).
- 20. Availability of State Funds.** The State of Florida's performance and obligation to pay under this Agreement are contingent upon an annual appropriation by the Florida Legislature. In the event that the state funds upon which this Agreement is dependent are withdrawn, this Agreement will be automatically terminated and the Division shall have no further liability to the Grantee beyond those amounts already expended prior to the termination date. Such termination will not affect the responsibility of the Grantee under this Agreement as to those funds previously distributed. In the event of a state revenue shortfall, the total grant may be reduced accordingly.
- 21. Lobbying.** The Grantee will not use any grant funds for lobbying the state legislature, the state judicial branch or any state agency.
- 22. Independent Contractor Status of Grantee.** The Grantee, if not a state agency, agrees that its officers, agents and employees, in performance of this Agreement, shall act in the capacity of independent contractors and not as officers, agents or employees of the state. The Grantee is not entitled to accrue any benefits of state employment, including retirement benefits and any other rights or privileges connected with employment by the State of Florida.
- 23. Grantee's Subcontractors.** The Grantee shall be responsible for all work performed and all expenses incurred in connection with this Agreement. The Grantee may subcontract, as necessary, to perform the services and to provide commodities required by this Agreement. The Division shall not be liable to any subcontractor(s) for any expenses or liabilities incurred under the Grantee's subcontract(s), and the Grantee shall be solely liable to its subcontractor(s) for all expenses and liabilities incurred under its subcontract(s). The Grantee must take the necessary steps to ensure that each of its subcontractors will be deemed to be independent contractors and will not be considered or permitted to be agents, servants, joint venturers or partners of the Division.
- 24. Liability.** The Division will not assume any liability for the acts, omissions to act or negligence of the Grantee, its agents, servants or employees; nor may the Grantee exclude liability for its own acts, omissions to act or negligence to the Division.

- a) The Grantee shall be responsible for claims of any nature, including but not limited to injury, death and property damage arising out of activities related to this Agreement by the Grantee, its agents, servants, employees and subcontractors. The Grantee shall indemnify and hold the Division harmless from any and all claims of any nature and shall investigate all such claims at its own expense. If the Grantee is governed by Section 768.28, *Florida Statutes*, it shall only be obligated in accordance with this Section.
- b) Neither the state nor any agency or subdivision of the state waives any defense of sovereign immunity or increases the limits of its liability by entering into this Agreement.
- c) The Division shall not be liable for attorney fees, interest, late charges or service fees, or cost of collection related to this Agreement.
- d) The Grantee shall be responsible for all work performed and all expenses incurred in connection with the project. The Grantee may subcontract as necessary to perform the services set forth in this Agreement, including entering into subcontracts with vendors for services and commodities, provided that such subcontract has been approved in writing by the Department prior to its execution and provided that it is understood by the Grantee that the Department shall not be liable to the subcontractor for any expenses or liabilities incurred under the subcontract and that the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.

- 25. Strict Compliance with Laws.** The Grantee shall perform all acts required by this Agreement in strict conformity with all applicable laws and regulations of the local, state and federal law. For consequences of noncompliance, see Section 18, Noncompliance.
- 26. No Discrimination.** The Grantee may not discriminate against any employee employed under this Agreement or against any applicant for employment because of race, color, religion, gender, national origin, age, handicap, pregnancy or marital status. The Grantee shall insert a similar provision in all of its subcontracts for services under this Agreement.
- 27. Breach of Agreement.** The Division will demand the return of grant funds already received, will withhold subsequent payments and/or will terminate this agreement if the Grantee improperly expends and manages grant funds; fails to prepare, preserve or surrender records required by this Agreement; or otherwise violates this Agreement.
- 28. Termination of Agreement.** The Division will terminate or end this Agreement if the Grantee fails to fulfill its obligations herein. In such event, the Division will provide the Grantee a notice of its violation by letter and shall give the Grantee fifteen (15) calendar days from the date of receipt to cure its violation. If the violation is not cured within the stated period, the Division will terminate this Agreement. The notice of violation letter shall be delivered to the Grantee's Contract Manager, personally, or mailed to his/her specified address by a method that provides proof of receipt. In the event that the Division terminates this Agreement, the Grantee shall be compensated for any work completed in accordance with this Agreement prior to the notification of termination if the Division deems this reasonable under the circumstances. Grant funds previously advanced and not expended on work completed in accordance with this Agreement shall be returned to the Division, with interest, within thirty (30) days after termination of this Agreement. The Division does not waive any of its rights to additional damages if grant funds are returned under this Section.
- 29. Preservation of Remedies.** No delay or omission to exercise any right, power or remedy accruing to either party upon breach or violation by either party under this Agreement shall impair any such right, power or remedy of either party; nor shall such delay or omission be construed as a waiver of any such breach or default or any similar breach or default.
- 30. Non-Assignment of Agreement.** The Grantee may not assign, sublicense or otherwise transfer its rights, duties or obligations under this

Agreement without the prior written consent of the Division, which shall not unreasonably be withheld. The agreement transferee must demonstrate compliance with the requirements of the project. If the Division approves a transfer of the Grantee's obligations, the Grantee shall remain liable for all work performed and all expenses incurred in connection with this Agreement. In the event the Legislature transfers the rights, duties and obligations of the Division to another governmental entity, pursuant to Section 20.06, *Florida Statutes* or otherwise, the rights, duties and obligations under this Agreement shall be transferred to the succeeding governmental agency as if it was the original party to this Agreement.

- 31. Required Procurement Procedures for Obtaining Goods and Services.** The Grantee shall provide maximum open competition when procuring goods and services related to the grant-assisted project in accordance with Section 287.057, *Florida Statutes*.
- a) Procurement of Goods and Services Not Exceeding \$35,000. The Grantee must use the applicable procurement method described below:
 - 1. Purchases Up to \$2,500: Procurement of goods and services where individual purchases do not exceed \$2,500 do not require competition and may be conducted at the Grantee's discretion.
 - 2. Purchases or Contract Amounts Between \$2,500 and \$35,000: Goods and services costing between \$2,500 and \$35,000 require informal competition and may be procured by purchase order, acceptance of vendor proposals or other appropriate procurement document.
 - b) Procurement of Goods and Services Exceeding \$35,000. Goods and services costing over \$35,000 may be procured by either Formal Invitation to Bid, Request for Proposals or Invitation to Negotiate and may be procured by purchase order, acceptance of vendor proposals or other appropriate procurement document.
- 32. Conflicts of Interest.** The Grantee hereby certifies that it is cognizant of the prohibition of conflicts of interest described in Sections 112.311 through 112.326, *Florida Statutes* and affirms that it will not enter into or maintain a business or other relationship with any employee of the Department of State that would violate those provisions. The Grantee further agrees to seek authorization from the General Counsel for the Department of State prior to entering into any business or other relationship with a Department of State Employee to avoid a potential violation of those statutes.
- 33. Binding of Successors.** This Agreement shall bind the successors, assigns and legal representatives of the Grantee and of any legal entity that succeeds to the obligations of the Division of Library and Information Services.
- 34. Employment of Unauthorized Aliens.** The employment of unauthorized aliens by the Grantee is considered a violation of Section 274A (a) of the Immigration and Nationality Act (8 USC 1324(a) (as of April 2019)), incorporated by reference. If the Grantee knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement.
- 35. Severability.** If any term or provision of the Agreement is found to be illegal and unenforceable, the remainder will remain in full force and effect, and such term or provision shall be deemed stricken.
- 36. Americans with Disabilities Act.** All programs and facilities related to this Agreement must meet the standards of Sections 553.501-553.513, *Florida Statutes* and the Americans with Disabilities Act of 1990 (ada.gov (as of January 2020)), incorporated by reference).
- 37. Governing Law.** This Agreement shall be construed, performed and enforced in all respects in accordance with the laws and rules of Florida. Venue or location for any legal action arising under this Agreement will be in Leon County, Florida.

38. Entire Agreement. The entire Agreement of the parties consists of the following documents:

- a) This Agreement
- b) Florida Single Audit Act Requirements (Attachment A)
- c) Fiscal Year 2023-24 State Aid to Libraries Final Grants (Attachment B)

The Grantee hereby certifies that they have read this entire Agreement and will comply with all of its requirements.

Grantee:

Department of State

By: _____

By: _____

Chair of Governing Body or Chief Executive Officer

Amy L. Johnson, Director
Division of Library and Information Services
Department of State, State of Florida

Typed name and title

Date

Date

Clerk or Chief Financial Officer

Witness

Date

Date

ATTACHMENT A

FLORIDA SINGLE AUDIT ACT REQUIREMENTS

AUDIT REQUIREMENTS

The administration of resources awarded by the Department of State to the Grantee may be subject to audits and/or monitoring by the Department of State as described in this Addendum to the Grant Award Agreement.

Monitoring

In addition to reviews of audits conducted in accordance with 2 *CFR* 200, Subpart F - Audit Requirements, and section 215.97, *Florida Statutes (F.S.)*, as revised (see Audits below), monitoring procedures may include, but not be limited to, on-site visits by Department of State staff, limited scope audits as defined by 2 *CFR* 200.425, or other procedures. By entering into this agreement, the recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department of State. In the event the Department of State determines that a limited scope audit of the recipient is appropriate, the recipient agrees to comply with any additional instructions provided by the Department of State staff to the recipient regarding such audit. The recipient further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

Audits

Part I: Federally Funded

This part is applicable if the recipient is a state or local government or a nonprofit organization as defined in 2 *CFR* §200.90, §200.64, and §200.70.

1. A recipient that expends \$750,000 or more in federal awards in its fiscal year must have a single or program-specific audit conducted in accordance with the provisions of 2 *CFR* 200, Subpart F - Audit Requirements. Exhibit 1 to this agreement lists the federal resources awarded through the Department of State by this agreement. In determining the federal awards expended in its fiscal year, the recipient shall consider all sources of federal awards, including federal resources received from the Department of State. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 *CFR* 200.502-503. An audit of the recipient conducted by the Auditor General in accordance with the provisions of 2 *CFR* 200.514, will meet the requirement of this Part.
2. For the audit requirements addressed in Part I, paragraph 1, the recipient shall fulfill the requirements relative to auditee responsibilities as provided in 2 *CFR* 200.508-512.
3. A recipient that expends less than \$750,000 in federal awards in its fiscal year is not required to have an audit conducted in accordance with the provisions of 2 *CFR* 200, subpart F - Audit Requirements. If the recipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 *CFR* 200, subpart F - Audit Requirements, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from recipient resources obtained from other than federal entities).

Part II: State Funded

This part is applicable if the recipient is a nonstate entity as defined by section 215.97(2) *F.S.*

1. In the event that the recipient expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year of such recipient (for fiscal years ending June 30, 2017 and thereafter), the recipient must have a state single or project-specific audit for such fiscal year in accordance with Section 215.97, *F.S.*; Rule Chapter 69I-5 *F.A.C.*, State Financial Assistance; and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this agreement indicates state financial assistance awarded through the Department of State by this agreement. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from the Department of State, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for federal program matching requirements.
2. For the audit requirements addressed in Part II, paragraph 1, the recipient shall ensure that the audit complies with the requirements of Section 215.97(8), *F.S.* This includes submission of a financial reporting package as defined by Section 215.97(2) *F.S.*, and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the recipient expends less than \$750,000 in state financial assistance in its fiscal year (for fiscal years ending June 30, 2017 and thereafter), an audit conducted in accordance with the provisions of Section 215.97, *F.S.*, is not required. In the event that the recipient expends less than \$750,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, *F.S.*, the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the recipient's resources obtained from other than State entities).

The Internet web addresses listed below will assist recipients in locating documents referenced in the text of this agreement and the interpretation of compliance issues.

State of Florida Department Financial Services (Chief Financial Officer)

<http://www.myfloridacfo.com/>

State of Florida Legislature (Statutes, Legislation relating to the Florida Single Audit Act)

<http://www.leg.state.fl.us/>

Part III: Report Submission

1. Copies of reporting packages for audits conducted in accordance with 2 *CFR* 200, Subpart F - Audit Requirements, and required by PART I of this agreement shall be submitted, when required by 2 *CFR* 200.512, by or on behalf of the recipient directly to each of the following:

A. The Department of State via the DOS Grants System at <https://dosgrants.com>.

B. The Federal Audit Clearinghouse (FAC) as provided in 2 *CFR* 200.6 and section 200.512

The FAC's website prides a data entry system and required forms for submitting the single audit reporting package. Updates to the location of the FAC and data entry system may be found at the OMB website.

2. Copies of financial reporting packages required by PART II of this agreement shall be submitted by or on behalf of the recipient directly to each of the following:

A. The Department of State via the DOS Grants System at <https://dosgrants.com>.

B. The Auditor General's Office at the following address:

Auditor General
Local Government Audits/342
Claude Pepper Building, Room 401
111 West Madison Street
Tallahassee, Florida 32399-1450

3. Any reports, management letter, or other information required to be submitted to the Department of State pursuant to this agreement shall be submitted timely in accordance with 2 *CFR* 200.512, section 215.97 *F.S.* and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
4. Recipients, when submitting financial reporting packages to the Department of State for audits done in accordance with 2 *CFR* 200, Subpart F - Audit Requirements or Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the recipient in correspondence accompanying the reporting package.

Part IV: Record Retention

1. The recipient shall retain sufficient records demonstrating its compliance with the terms of the award(s) and this agreement for a period of five years from the date the audit report is issued, and shall allow the Department of State, or its designee, the CFO, or Auditor General access to such records upon request. The recipient shall ensure that audit working papers are made available to the Department of State, or its designee, the CFO, or Auditor General upon request for a period of at least three years from the date the audit report is issued, unless extended in writing by the Department of State.

EXHIBIT – 1**FEDERAL RESOURCES AWARDED TO THE RECIPIENT
PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:**

Not applicable.

**COMPLIANCE REQUIREMENTS APPLICABLE TO THE FEDERAL RESOURCES AWARDED
PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:**

Not applicable.

**STATE RESOURCES AWARDED TO THE RECIPIENT
PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:****MATCHING RESOURCES FOR FEDERAL PROGRAMS:**

Not applicable.

SUBJECT TO SECTION 215.97, *FLORIDA STATUTES*:

Florida Department of State, State Aid to Libraries;

CSFA Number. 45.030

Award Amount: See Attachment B.

**COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED
PURSUANT TO THIS AGREEMENT ARE AS FOLLOWS:**

The compliance requirements of this state project may be found in Part Four (State Project Compliance Requirements) of the State Projects Compliance Supplement located at <https://apps.fldfs.com/fsaa/>.

ATTACHMENT B
Fiscal Year 2023-24 State Aid to Libraries Final Grants



Town of Lake Park Town Commission

Item 5.

Agenda Request Form

Meeting Date: September 20, 2023

Agenda Item No. _____

Agenda Title

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE PLAT OF BAYBERRY TOWNHOUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

[] SPECIAL PRESENTATION/REPORTS [X] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[] PUBLIC HEARING
[] NEW BUSINESS
[] OTHER: _____

Approved by Town Manager John D'Agostino Digitally signed by John D'Agostino
DN: cn=John D'Agostino, o=Town of Lake Park, ou=Town Manager, email=jdagostino@lakeparkflorida.gov, c=US
Date: 2023.09.13 13:52:33 -04'00' Date: _____

Anders Viane, Planner Name/Title

Originating Department: Community Development	Costs: Attorney Review Funding Source: Acct. # Project Escrow 5601 [] Finance _____	Attachments: <ul style="list-style-type: none">• Staff Report• Plat Resolution• Land Title Survey• Bayberry Townhouse Plat
Advertised: Date: _____ Paper: _____ [X] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or Not applicable in this case _ AV Please initial one.

Summary of Request:

This is a procedural formality item. Armeria Investment Corp. (“Property Owner”) is requesting plat approval from the Town of Lake Park. This request will allow the subdivision of lots to facilitate the creation of a townhouse project in accordance with the requirements of the Town Code and in accordance with building permit approval 20-667, which was previously issued to approve the construction of the townhouse structures.

This plat will subdivide parcel 36434220010540280 into three lots, as depicted on the Bayberry Townhouse Plat document.

Recommended Motion:

Finding all engineering, legal, and statutory conditions satisfied, staff recommends **APPROVAL** of the Plat Application.

RESOLUTION NO. 70-09-23**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA APPROVING THE PLAT OF BAYBERRY TOWNHOUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Lake Park (“Town”) is a municipal corporation of the State of Florida having such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Armeria Investment Corp. is the fee simple owner (the “Owner”) of 0.3157 acres of undeveloped real property, the legal description of which is attached hereto, and incorporated herein as **Exhibit “A”** (the “subject property”); and

WHEREAS, the subject property is generally located at the corner of Bayberry Road and 7th Court in the Town; and

WHEREAS, the subject property is within the Town’s R-2 Zoning District; and

WHEREAS, Armeria Investment Corp. has submitted an application to the Town requesting approval of the Plat of Bayberry Townhouse (the Plat); and

WHEREAS, Town’s Community Development Department staff, and its consulting engineer, have reviewed the Plat and presented their recommendations to the Town Commission; and

WHEREAS, the Town Commission has determined that the Plat is consistent with the Town’s Comprehensive Plan; and

WHEREAS, the Town Commission also considered the evidence presented by Town’s Community Development Department staff, it’s consulting engineer, the Owner, and other interested parties and members of the public, as to whether the Plat meets the platting regulations of the Town Code and state statutes; and

WHEREAS, the Town Commission has determined that the Plat complies with the regulations of the state statutes and Town Code.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The whereas clauses are incorporated herein as the findings of fact and conclusions of law of the Town Commission.

Section 2. The Commission hereby approves the Plat of Bayberry Townhouse.

Section 3. This Resolution shall take effect upon its execution.

P:\DOCS\26508\00002\DOC\28L0672.DOCX

EXHIBIT "A"**Legal Description**

LOTS 28 THROUGH 31, BLOCK 54, OF LAKE PARK (FORMERLY KNOWN AS KELSEY CITY) ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 27, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.



TOWN LAKE OF PARK
Town Commission
MEETING DATE: September 6, 2023

APPLICATION: Bayberry Townhouse

SUMMARY OF APPLICANT'S REQUEST:

This is a procedural formality item. Armeria Investment Corp. ("Property Owner") is requesting plat approval from the Town of Lake Park. This request will allow the subdivision of lots to facilitate the creation of a townhouse project in accordance with the requirements of the Town Code and in accordance with building permit approval 20-667, which was previously issued to approve the construction of the townhouse structures.

This plat will subdivide parcel 36434220010540280 into three lots, as depicted on the Bayberry Townhouse Plat document.

STAFF REPORT

BACKGROUND:

Owner & Applicant(s): Armeria Investment Corp

Location: 36434220010540280

Net Acreage: 0.3157 acres

Legal Description: LOTS 28 THROUGH 31, BLOCK 54, OF LAKE PARK
(FORMERLY KNOWN AS KELSEY CITY) ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 27,
OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,
FLORIDA.

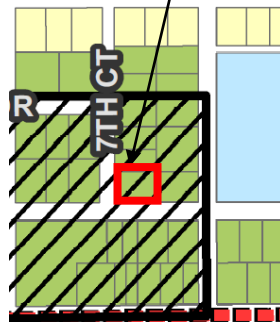
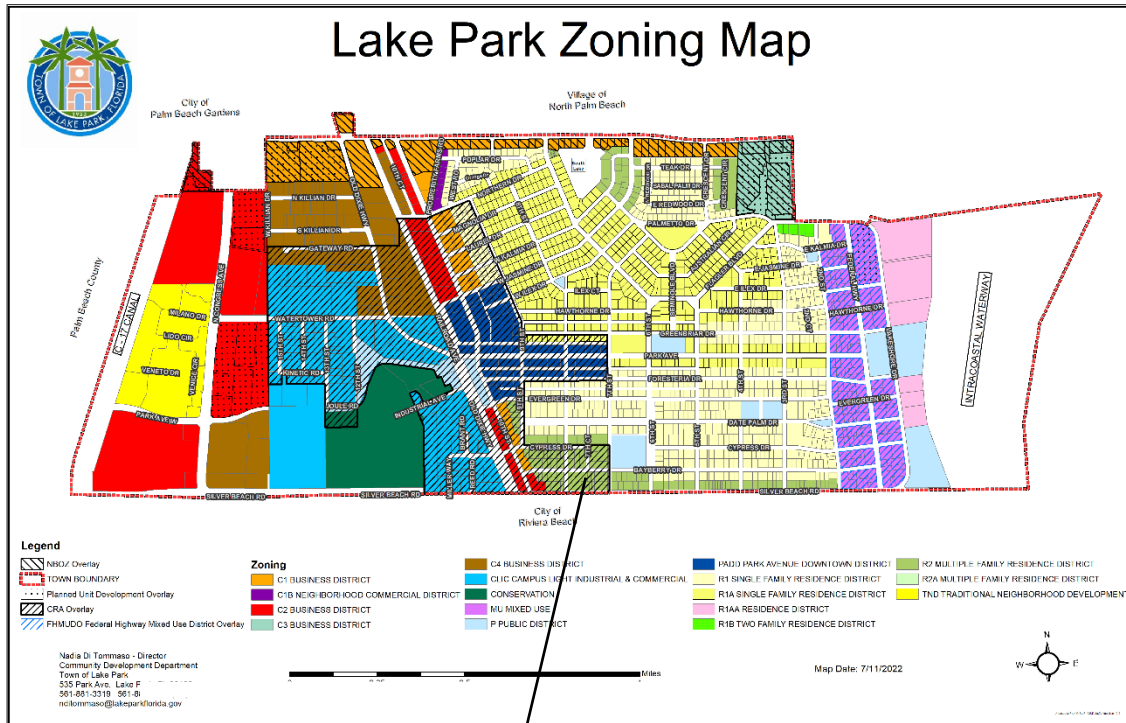
Existing Zoning: R-2

Future Land Use: Residential Medium Density



Figure 1 - Aerial View

LAKE PARK ZONING MAP

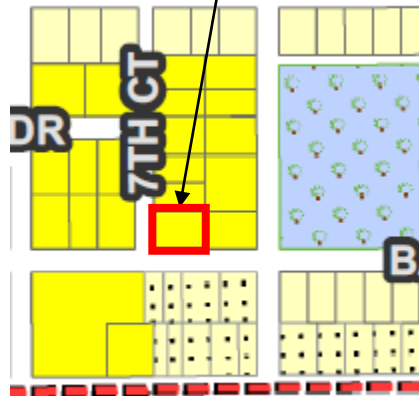
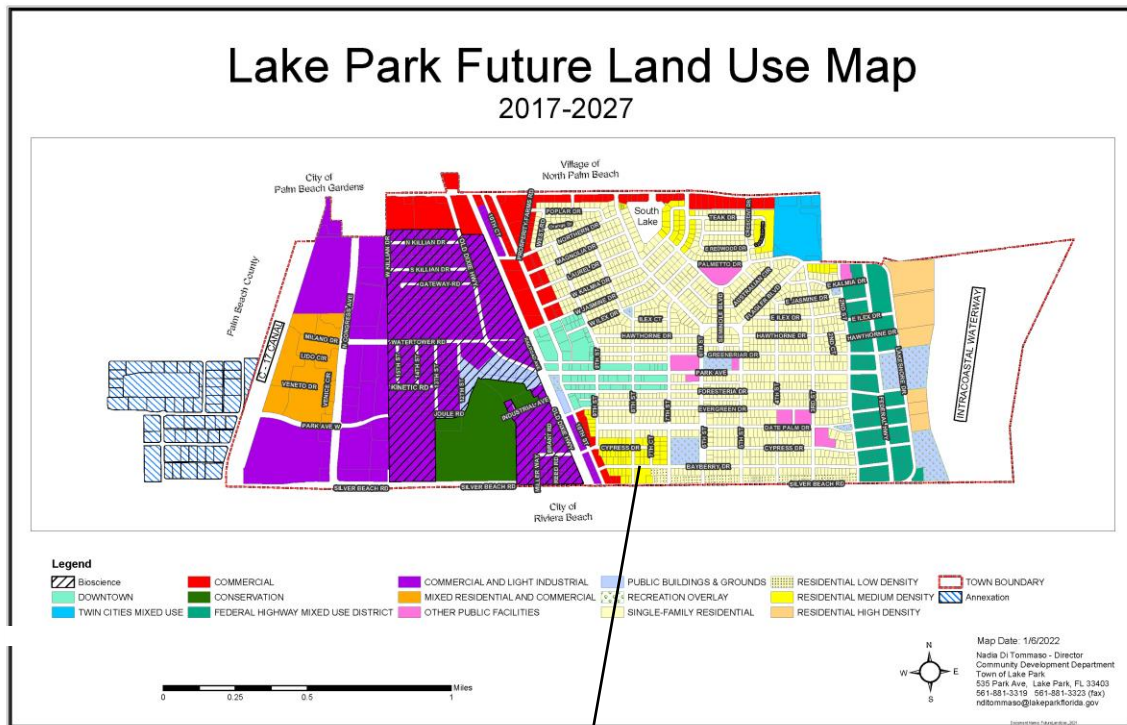


Subject Site

Adjacent Zoning:

North: R-2
South: R-2
East: R-2
West: R-2

LAKE PARK FUTURE LAND USE MAP



Subject
Site

Adjacent Existing Land Use

North: Residential Medium Density
South: Residential Medium Density
East: Residential Medium Density
West: Residential Medium Density

PART I: PLAT APPLICATION

The plat application for Bayberry Townhouse has been reviewed by the Town's consulting Engineers, Town Attorney, and the Lake Park Community Development Department. Based upon the review procedures of the Town Code Section 67-33, 67-34, and 67-35, Town Staff finds this plat application to meet the Land Development Regulations of the Town Code.

PLAT PROPOSAL DETAILS

In accordance with their approved building permit 20-667, the Applicant is proposing to subdivide their townhouse site via platting. The final proposed configuration of the site will create three new lots, each associated with an individual townhouse structure, which will share a common wall. The proposed plat condition is identified below:

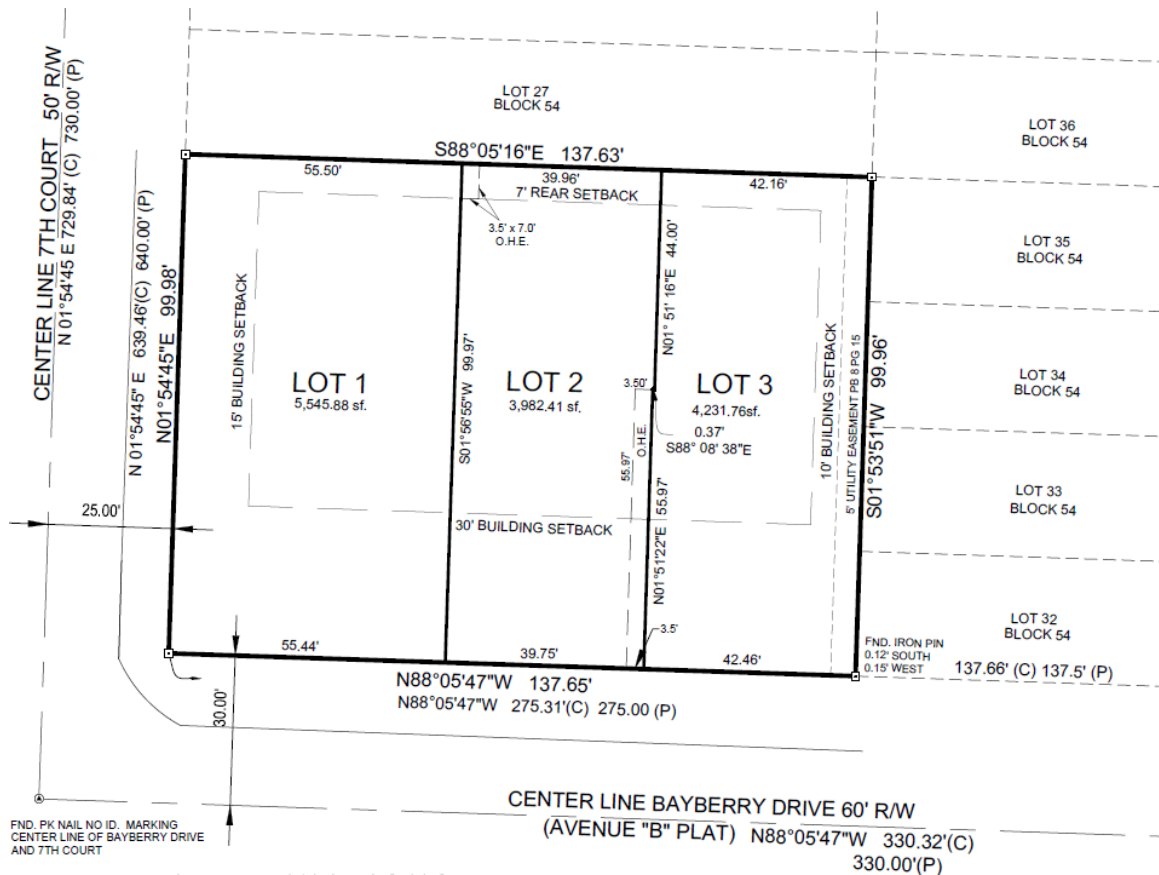


Figure 2 - Tract Map

The Town's engineering consultant, Engenuity, approved this plat as proposed on 8/14/23 for compliance with Florida State Statutes and the Town's code of ordinances. Per code requirement, this application has also been forwarded to the Town Manager's and Town Attorney's office for comment and received none.

PART II: STAFF RECOMMENDATION

Finding all engineering, legal, and statutory conditions satisfied, staff recommends **APPROVAL** of the Plat Application.

DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT ARMERIA INVESTMENT CORP. A FLORIDA CORPORATION, OWNER OF THE LAND SHOWN HEREON AS BAYBERRY TOWNHOUSE, BEING A RE-PLAT OF LOTS 28 THROUGH 31, BLOCK 54 OF THE PLAT OF LAKE PARK (FORMERLY KNOWN AS KELSEY CITY) AS RECORDED IN PLAT BOOK 8, PAGE 27, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

DESCRIPTION:
CORRECTIVE WARRANTY DEED:
ORB 32256 PG. 1598

LOTS 28 THROUGH 31, BLOCK 54, OF LAKE PARK (FORMERLY KNOWN AS KELSEY CITY), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 27, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DO HEREBY DEDICATE AS FOLLOWS:

UTILITY EASEMENTS:
THE 5.0-FOOT-WIDE UTILITY EASEMENT SHOWN HEREON IS HEREBY DEDICATED TO THE TOWN OF LAKE PARK FOR PUBLIC UTILITY PURPOSES.

MAINTENANCE AND OVERHANG EASEMENTS:
MAINTENANCE AND OVERHANG EASEMENTS (O.H.E) ARE HEREBY RESERVED IN PERPETUITY TO THE OWNER OF THE LOT ABUTTING THE EASEMENT FOR THE PURPOSE OF ACCESS TO AND MAINTENANCE OF IMPROVEMENTS, THE ROOF OVERHANG, EAVE, GUTTERS, DRAINAGE AND UTILITY SERVICES, DECORATIVE ARCHITECTURAL TREATMENT, AND IMPACT SHUTTERS WITHIN AND ADJACENT TO EASEMENT WITHOUT RECOURSE TO TOWN OF LAKE PARK.

IN WITNESS WHEREOF, ARMERIA INVESTMENT CORP. A FLORIDA CORPORATION, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS PRESIDENT, AND ITS CORPORATE SEAL TO BE AFFIXED HERETO BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS, THIS ____ DAY OF ____, 2023.

BY: ARMERIA INVESTMENT CORP.,
A FLORIDA CORPORATION,

WITNESS: _____

BY: _____

(PRINT NAME)

GERARD ARSENAULT
PRESIDENT

WITNESS: _____

(PRINT NAME)

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [] PHYSICAL PRESENCE OR [] ONLINE NOTARIZATION, THIS ____ DAY OF ____, 2023, BY GERARD ARSENAULT AS PRESIDENT FOR ARMERIA INVESTMENT CORP., A FLORIDA CORPORATION, ON BEHALF OF SAID CORPORATION. [] WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED (TYPE OF IDENTIFICATION) AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

PRINT NAME: _____

COMMISSION NUMBER: _____

NOTARY SEAL

MORTGAGEE'S JOINDER AND CONSENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS A HOLDER OF A MORTGAGE, UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNER THEREOF AND AGREES THAT ITS MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORD BOOK 32356, PAGE 1155, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY GERARD ARSENAULT ITS DPST AND ITS CORPORATE SEAL TO BE AFFIXED HEREON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS ____ DAY OF ____, 2023.

BY: ARS REALTY AND INVESTMENT, INC.
A FLORIDA CORPORATION.

WITNESS: _____

PRINT NAME: _____

WITNESS: _____

BY: _____

GERARD ARSENAULT
DPST

PRINT NAME: _____

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [] PHYSICAL PRESENCE OR [] ONLINE NOTARIZATION, THIS ____ DAY OF ____, 2023, BY GERARD ARSENAULT AS DPST FOR ARS REALTY AND INVESTMENT, INC., A FLORIDA CORPORATION, ON BEHALF OF SAID CORPORATION. [] WHO PERSONALLY KNOWN TO ME OR HAS PRODUCED (TYPE OF IDENTIFICATION) AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

PRINT NAME: _____

COMMISSION NUMBER: _____

NOTARY SEAL

TITLE CERTIFICATION

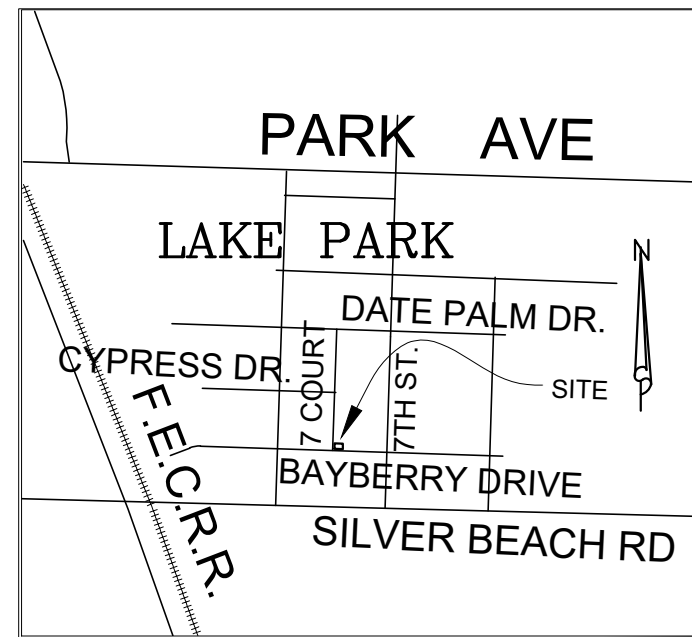
I, G. STEVEN BRANNOCK, ESQUIRE, A DULY LICENSED ATTORNEY IN THE STATE OF FLORIDA DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED IN ARMERIA INVESTMENT CORP., A FLORIDA CORPORATION; THAT THE CURRENT TAXES HAVE BEEN PAID; THAT ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD NOR OTHERWISE TERMINATED BY LAW ARE SHOWN HEREON; AND THAT THERE ARE ENCUMBRANCES OF RECORD BUT THOSE ENCUMBRANCES DO NOT PROHIBIT THE CREATION OF THE SUBDIVISION DEPICTED BY THIS PLAT.

DATE: _____ BY: _____

NAME: G. STEVEN BRANNOCK, ESQ.
FLORIDA BAR NO. 0349917

BAYBERRY TOWNHOUSE

BEING A REPLAT OF LOTS 28 THROUGH 31, BLOCK 54 PLAT OF LAKE PARK (FORMERLY KNOWN AS KELSEY CITY) AS RECORDED IN PLAT BOOK 8, PAGE 27, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SITUATED IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 42 SOUTH, RANGE 43 EAST TOWN OF LAKE PARK, PALM BEACH COUNTY, FLORIDA



LOCATION SKETCH NOT TO SCALE

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

THIS PLAT WAS FILED FOR RECORD

AT _____, M. THIS

DAY OF _____,

2023, AND DULY RECORDED IN PLAT

BOOK _____, ON

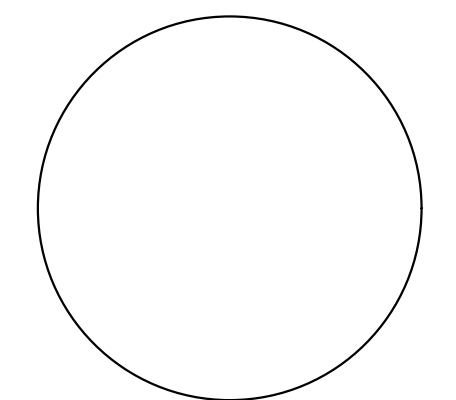
PAGE(S) _____

JOSEPH ABRUZZO

CLERK AND COMPTROLLER

BY: _____ D.C.

SHEET 1 OF 1



CLERK OF THE CIRCUIT COURT
AND COMPTROLLER

TOWN OF LAKE PARK APPROVAL:

STATE OF FLORIDA
COUNTY OF PALM BEACH

THIS PLAT IS HEREBY APPROVED FOR RECORD PURSUANT TO THE ORDINANCES OF THE TOWN OF LAKE PARK, AND IN ACCORDANCE WITH SECTION 177.071, FLORIDA STATUTES, AND HAS BEEN REVIEWED BY A PROFESSIONAL SURVEYOR AND MAPPER UNDER CONTRACT WITH THE TOWN OF LAKE PARK, IN ACCORDANCE WITH SECTION 177.081 (1), FLORIDA STATUTES.

BY: _____
ROGER MICHAUD, MAYOR

BY: _____
VIVIAN MENDEZ, MMC, TOWN CLERK

DATE _____

DATE _____

BY: _____
ADAM C. SWANEY, P.E.
FLORIDA LICENSE NO. 72265
TOWN CONSULTING ENGINEER

BY: _____
THOMAS J. BAIRD, ESQ.
FLORIDA BAR NO. 175114
TOWN ATTORNEY

DATE _____

DATE _____

SURVEYOR AND MAPPER'S NOTES:

- BEARINGS SHOWN HEREON ARE STATE PLANE GRID BEARINGS AND ARE BASED ON THE NATIONAL GEODETIC SURVEY, NORTH AMERICAN DATUM OF 1983, 1990 ADJUSTMENT (NAD83/90); THE CENTERLINE OF BAYBERRY DRIVE BEARS N88°05'47"W AND ALL OTHER BEARINGS SHOWN HEREON ARE RELATIVE THERETO.
- TOTAL AREA =13,760.05 SQUARE FEET MORE OR LESS.
- NO BUILDINGS OR ANY KIND OF CONSTRUCTION OF TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE COUNTY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS.
- NOTICE: THIS RE-PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE RE-PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS RE-PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SURVEYOR'S & MAPPER'S CERTIFICATION

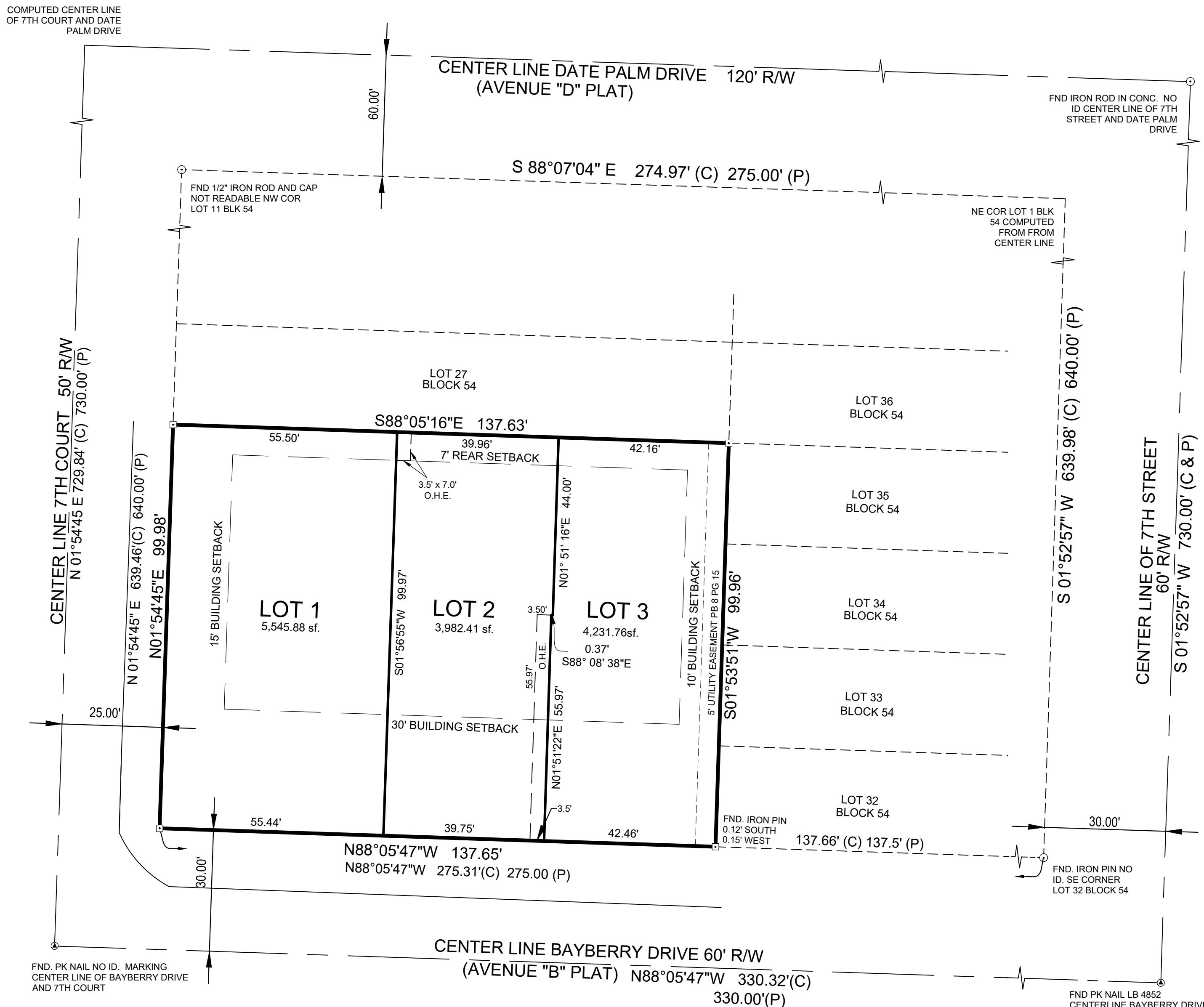
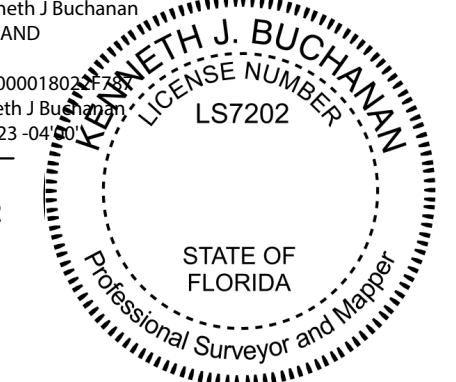
THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT PERMANENT REFERENCE MONUMENTS ("P.R.M.'s") HAVE BEEN PLACED AS REQUIRED BY LAW, AND, FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND THE ORDINANCES OF THE TOWN OF LAKE PARK, FLORIDA.

Kenneth J
Buchanan

BY: KENNETH J. BUCHANAN
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA NO. 7202

DATE: _____

BY: _____



ABBREVIATIONS:

FND. = FOUND
MON. = MONUMENT
O.R.B. = OFFICIAL RECORD BOOK
P.B. = PLAT BOOK
P.B.Co. = PALM BEACH COUNTY
PG. = PAGE
PGB. = PAGES
POB. = POINT OF BEGINNING
POC. = POINT OF COMMENCEMENT
R/W. = RIGHT OF WAY
W/ = WITH
P.R.M. = PERMANENT REFERENCE MONUMENT
O.H.E. = MAINTENANCE AND OVERHANG EASEMENT

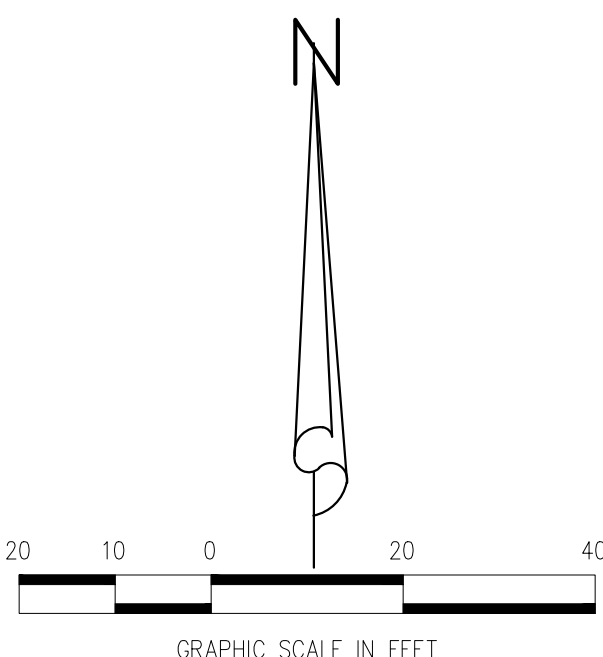
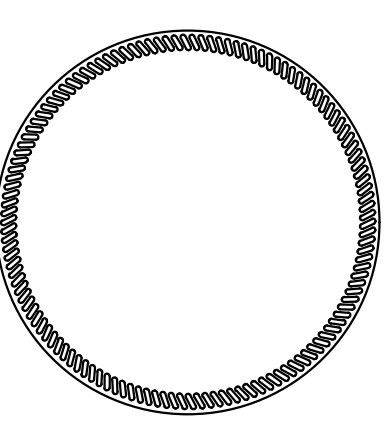
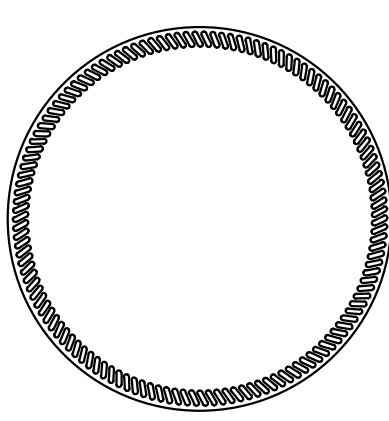
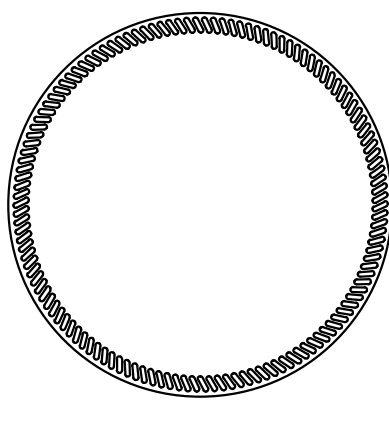
LEGEND:

- ⊙ = DENOTES FOUND PK NAIL
- ⊙ = DENOTES FOUND IRON PIN
- = DENOTES SET IRON PIN STAMPED "LB 4431"
- ⊠ = DENOTES P.R.M.

ARMERIA INVESTMENT CORP.,
A FLORIDA CORPORATION

TOWN OF LAKE PARK

LENDER



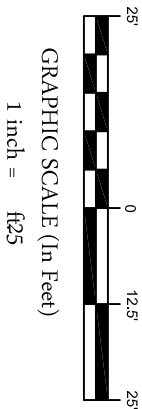
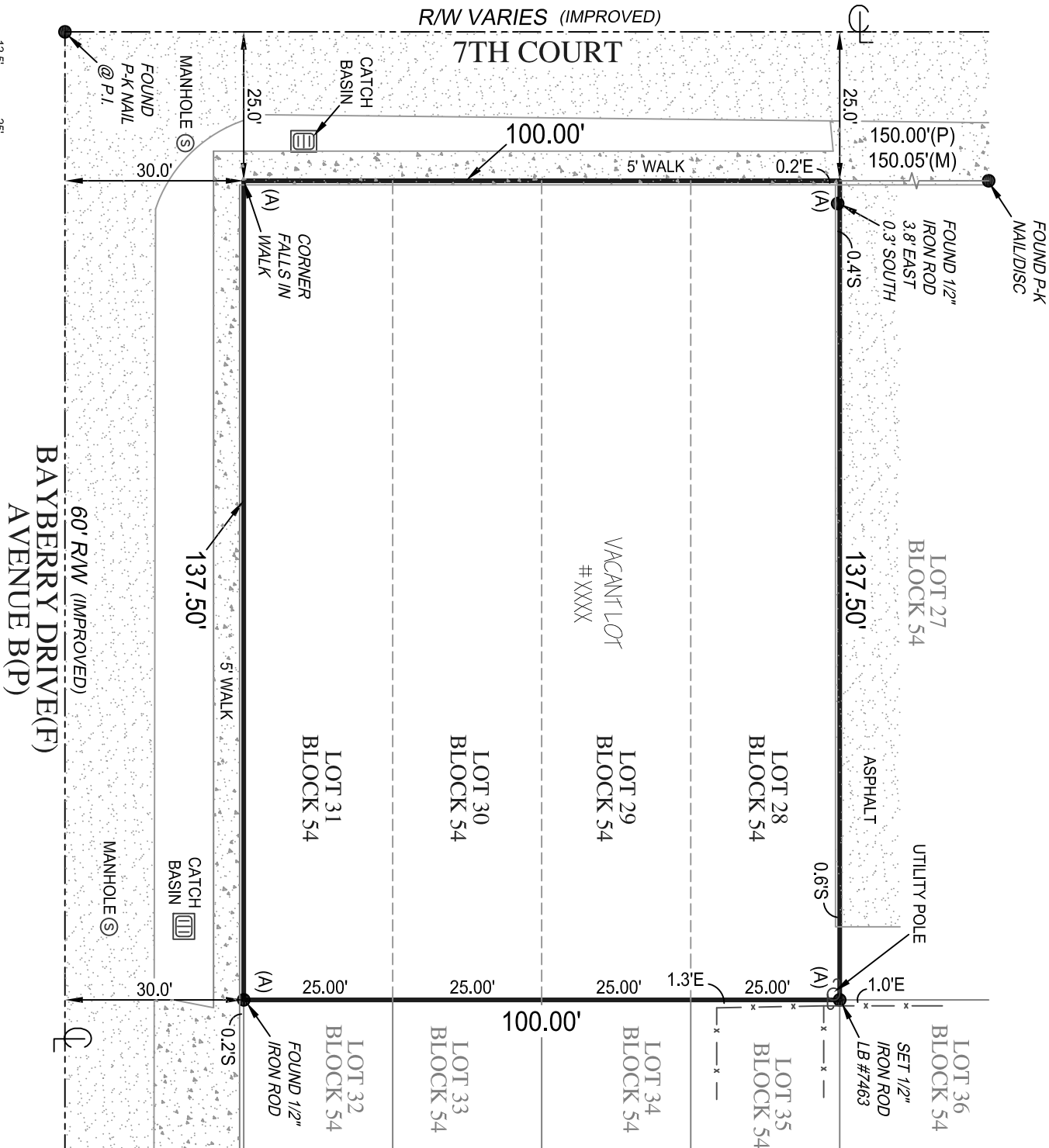
LIDBERG LAND
SURVEYING, INC.

LB4431

675 West Indiantown Road, Suite 200,
Jupiter, Florida 33455 TEL: 561-746-8454

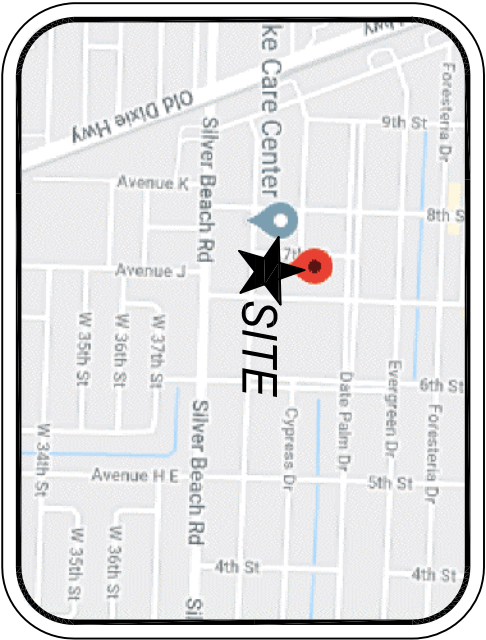
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REF:	
FLD:	K.F.
FB:	PG.
OFF:	K.J.B., M.R.
CKD:	K.J.B.
JOB:	21-034-100 21-034-306
DATE:	1/05/2022
SHEET:	1 OF 1
DWG:	D21-034P

LEGAL DESCRIPTION:
LOTS 28 THROUGH 31, BLOCK 54, LAKE PARK(FORMERLY KNOWN AS KELSEY CITY), ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 27, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.



NOTES:

- LEGAL DESCRIPTION PROVIDED BY CLIENT
- NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
- NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

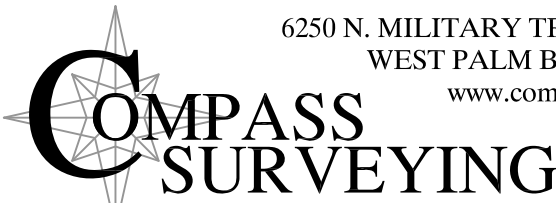


FLOOD ZONE: X
COMMUNITY NUMBER: 120212
PANEL: 12099C0387
SUFFIX: F
BASE FLOOD ELEVATION: NAVD88
FIRM DATE: 10/5/2017

ABBREVIATION DESCRIPTION:

A/C	AIR CONDITIONER
C/L	CENTERLINE
I.D.	IDENTIFICATION
LB	LICENSED BUSINESS
P-K	PARKER KYLON NAIL
P	PLAT
M	MEASURED
P.I.	POINT OF INTERSECTION
R/W	RIGHT OF WAY

Kenneth J. Osborne PSM #6415
THIS SURVEY IS NOT VALID WITHOUT
THE SIGNATURE AND THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER



6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
www.compasssurveying.net

LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576

BOUNDARY SURVEY OF
XXXX 7TH COURT
LAKE PARK, FL, 33403
PREPARED FOR
CHRISTOPHER O'BRIEN

Project C-18787	Sheet 1 OF 1
Date 02-25-2020	
Scale 1" = 25'	



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 20, 2023

Agenda Item No.

Agenda Title: Replace the public computer systems at the library.

☐ SPECIAL PRESENTATION/REPORTS ☒ CONSENT AGENDA
☐ BOARD APPOINTMENT ☐ OLD BUSINESS
☐ PUBLIC HEARING ORDINANCE ON _____ READING
☐ NEW BUSINESS
☐ OTHER: _____

Approved by Town Manager Bambi McKibbon-Turner **Date:** _____

Digitally signed by Bambi McKibbon-Turner
 DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant Town
 Manager, email=btturner@lakeparkflorida.gov, c=US
 Date: 2023.09.14 13:23:27 -04'00'

Paul McGuinness, I.T. Director

Name/Title

Originating Department: <p style="text-align: center;">I.T.</p>	Costs: \$ 12,079.96 Funding Source: Acct. # 001-51-512-110-52000 <input type="checkbox"/> Finance <u>Jeffrey P. Duval</u>	Attachments: <p style="text-align: center;">Library Project Proposal</p>
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone ____PM____ OR Not applicable in this case ____ Please initial one.

Summary Explanation/Background: The library currently has a computer room that the public can use to access online resources and other technical services. The current devices no longer meet the technical needs of the library patrons due to the age of the equipment. We are proposing to replace all of the equipment in the room, including the server and eight thin client computers. This project is budgeted in our current fiscal year's budget.

Recommended Motion: I move to adopt Resolution _____.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER TO ACCEPT THE PROPOSAL FROM KDT TO REPLACE THE PUBLIC COMPUTER SYSTEM AT THE LAKE PARK PUBLIC LIBRARY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons; and

WHEREAS, the Town Manager has presented to the Town Commission the proposal ("Proposal") between KDT and the Town of Lake Park, a copy of which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Town Commission has reviewed the provisions of the proposal and has determined that it is in the best interest of the Town to accept the proposal; and

WHEREAS, Town Manager is recommending such approval.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS

Section 1. The whereas clauses are hereby incorporated herein.

Section 2. The Town Commission hereby approves the proposal between KDT and the Town of Lake Park as set forth in Exhibit A and authorizes and directs the Town Manager to execute such proposal and issue a purchase order in the amount of the proposal.

Section 3. This Resolution shall take effect immediately upon its adoption.



Monday, September 11, 2023

Quote # 17992

Town of Lake Park
535 Park Avenue
Lake Park FL, 33403

Paul,

Here is the quote you requested to replace the thin client solution in the library. The solution includes 8 OptiPlex 3000 thin client computers and a Dell PowerEdge R6515 Server. The PowerEdge R6515 represents an excellent value in price, performance, and scalability; it includes a multicore AMD Epyc Processor, 64Gigs of RAM, and SSD hard drives with 1.8TB of storage. The AMD processor is specifically designed for VDI and remote computing. In addition to the server, I've included requisite server, client and RDS licenses for 8 users.

With respect to the project scope, we'll set up a new domain controller and RDS server running Windows Server 2022. We'll export the group policies from the existing library domain controller to preserve the group policy settings – system lockdown. We'll physically install the equipment and retire the old hardware.

With respect to labor, I estimate 10 hours to complete the project. If you have any questions, please call me at your convenience.

Sincerely,
Greg

ID 26086287

Server Specifications:

Chassis with up to 8x2.5" Drives

Trusted Platform Module 2.0 V3

2.5" Chassis with up to 8 Hot Plug Hard Drives

AMD EPYC 7313P 3.0GHz, 16C/32T, 128M Cache (155W) DDR4-3200

(4) 16GB RDIMM, 3200MT/s, Dual Rank

C4, RAID 5 for 3 or more HDDs or SSDs (Matching Type/Speed/Capacity)

PERC H730P Mini

(3) 960GB SSD SATA Mix Use 6Gbps 512 2.5in Hot-plug AG Drive, 3 DWPD

Performance BIOS Setting

UEFI BIOS Boot Mode with GPT Partition

Standard Fan

Dual, Hot Plug, Redundant Power Supply (1+1), 550W

(2) NEMA 5-15P to C13 Wall Plug, 125 Volt, 15 AMP, 10 Feet (3m), Power Cord, North America

Riser Config 2, 2x16 LP PCIe slot

PowerEdge R6515 Motherboard, with 2 x 1Gb Onboard LOM (BCM5720)MLK

iDRAC9, Enterprise 15G

LCD Bezel for x4 and x8 chassis

Windows Server 2022 Standard,16CORE,FI,No Med,No CAL, Multi Language

Windows Server 2022 Standard,16CORE,DF Recovery Image, Multi Lang, (Downgrade not included)

Windows Server 2022 Standard,No Media, WS2019 Std Downgrade w/DVD Media,Multi Lang

5-pack of Windows Server 2022 Remote Desktop Services, User

(8) 1-pack of Windows Server 2022/2019 User CALs (Standard or Datacenter)

(3) 1-pack of Windows Server 2022 Remote Desktop Services, User

ReadyRails A11 drop-in/stab-in Combo Rails Without Cable Management Arm

DVD +/-RW, SATA, Internal

ProSupport and Next Business Day Onsite Service, 61 Month(s)

OptiPlex 3000 TC BTX

Intel® Celeron® N5105 (4 MB cache, 4 cores, 4 threads)

Dell ThinOS

4 GB, 1 x 4 GB, DDR4

32 GB eMMC, on-board

Intel® Graphics

65 Watt A/C Adapter

US Power Cord

OptiPlex Micro and Thin Client Vertical Stand

English US non-backlit Dell keyboard KB216

Dell Optical Mouse - MS116 (Black)

ENERGY STAR LABEL physical Label for Thin OS and Ubuntu + DHC

English and Spanish, Shipping Docs

Trusted Platform Module (Discrete TPM Enabled)

Internal Speaker

Basic Onsite Service with Hardware Support, 36 Month(s)

Labor:	Hourly Billing Rate	Qty. 10	120.00	1,200.00
Server:	Dell PowerEdge R6515 Server			6,605.00
Workstation:	Dell OptiPlex 3000 Thin Client	Qty. 8	534.37	4,274.96
Subtotal:				12,079.96
Tax:				0.00
Total:				12,079.96



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 20, 2023

Agenda Item No.

Agenda Title: Network Security and Vulnerability Testing.

☐ SPECIAL PRESENTATION/REPORTS ☒ **CONSENT AGENDA**
☐ BOARD APPOINTMENT ☐ **OLD BUSINESS**
☐ PUBLIC HEARING ORDINANCE ON _____ READING
☐ NEW BUSINESS
☐ OTHER: _____

Approved by Town Manager Bambi McKibbon-Turner

Digitally signed by Bambi McKibbon-Turner
 DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park,
 email=btturner@lakeparkflorida.gov, c=US
 Date: 2023.09.14 13:25:17 -04'00'

Paul McGuinness, I.T. Director

Name/Title

Originating Department: I.T.	Costs: \$ 17,000.00 Funding Source: Acct. # 001-51-512-110-31000 <input type="checkbox"/> Finance <small>Jeffrey P. Duval</small>	Attachments: Pen Testing Proposal
Advertised: Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone ____PM____ OR Not applicable in this case ____ Please initial one.

Summary Explanation/Background: This is a budgeted item. We will perform network penetration and vulnerability testing to identify weaknesses in our systems. Once identified, we can correct those vulnerabilities to better protect our data and systems from external threats.

Recommended Motion: I move to adopt Resolution _____.

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER TO ACCEPT THE PROPOSAL FROM DOVE TECHNOLOGIES TO PERFORM NETWORK SECURITY AND VULNERABILITY TESTING ; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons; and

WHEREAS, the Town Manager has presented to the Town Commission the proposal ("Proposal") between Dove Technologies and the Town of Lake Park, a copy of which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Town Commission has reviewed the provisions of the proposal and has determined that it is in the best interest of the Town to accept the proposal; and

WHEREAS, Town Manager is recommending such approval.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS

Section 1. The whereas clauses are hereby incorporated herein.

Section 2. The Town Commission hereby approves the proposal between KDT and the Town of Lake Park as set forth in Exhibit A and authorizes and directs the Town Manager to execute such proposal and issue a purchase order in the amount of the proposal.

Section 3. This Resolution shall take effect immediately upon its adoption.



Town of Lake Park
 Paul McGuinness
 Town of Lake Park
 535 Park Avenue
 Lake Park FL 33403

SALES QUOTATION

ORIGINAL

Sales Quotation No.	Date	Page
809466	08/30/23	1/1
Customer No.	Customer Contact & Reference	
L012954	Paul McGuinness, M.S., ITM	

Payment Terms

2%10 Net30

Shipping Type

UPS Ground

Delivery Address

**Paul McGuinness
 Town of Lake Park
 535 Park Avenue
 Lake Park FL 33403**

Item Code	Description	Quantity	UoM	Price	Total
DOV22046MN	Pillr Pen Testing (50-99 users)	1		17,000.00	17,000.00

Sales Quotation Subtotal: **\$ 17,000.00**

Freight: \$ 0.00

Tax: \$ 0.00

Total Sales Quotation: \$ 17,000.00



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 20, 2023

Agenda Item No.

Agenda Title: Ordinance 07-2023 - AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING IN ITS ENTIRETY CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING", AND REPLACING AND READOPTING IT AS REVISED DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

- | | |
|--|--|
| <input type="checkbox"/> SPECIAL PRESENTATION/REPORTS
<input type="checkbox"/> BOARD APPOINTMENT
<input checked="" type="checkbox"/> PUBLIC HEARING ORDINANCE ON SECOND READING
<input type="checkbox"/> NEW BUSINESS
<input type="checkbox"/> OTHER: _____ | <input type="checkbox"/> CONSENT AGENDA
<input type="checkbox"/> OLD BUSINESS |
|--|--|

Approved by Town Manager

Date: 9-12-23

Name/Title: Bambi McKibbin-Turner, Assistant Town Manager/Human Resources Director

Originating Department: Human Resources, Finance and Town Manager	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	Attachments: Proposed new Ordinance No. 7-2023; and, Current Ordinance No. 09-2019
Advertised: Date: <u>9/20/2023</u> Paper: <u>Palm Beach Post</u> <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>BMT</u> Please initial one.

Summary Explanation/Background:

At its September 6, 2023 meeting, the Town Commission approved Ordinance 7-2023 on first reading for the purpose of approving the proposed new purchasing Ordinance which updates the current Ordinance 9-2019.

Inasmuch as Ordinance 7-2023 was approved without changes, the purpose of this agenda item is to adopt such Ordinance on second reading.

Again for ease of reference, attached are a copy of the proposed new purchasing Ordinance in redline format and in clean copy format, and a copy of the current Ordinance 9-2019.

Recommended Motion: I move to adopt Ordinance 7-2023 on second reading.

PROPOSED NEW PURCHASING ORDINANCE

REDLINE FORMAT

Ord. # 09-2019
Page 1 of 17

ORDINANCE NO. *****

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING IN ITS ENTIRETY CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING", AND REPLACING AND READOPTING IT AS REVISED DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Manager has determined that it is necessary and appropriate for the Town to update and establish procedures and methods for procurement to be followed by the Town regarding its purchase goods and services; and

WHEREAS, the use of competitive procurement methods generally obtains the best price and maximize the value of public funds in procurements; and

WHEREAS, the procurement methods and procedures applied herein-would provide a fair and equitable process for the treatment of persons and entities who seek to provide goods and/or services to the Town, and also would maintain quality and integrity in the administration of the procurement of goods and services; and

WHEREAS, the Town Manager has recommended to the Town Commission that it update Chapter 2, Article V, Division 2 pertaining to the procurement of goods and services.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, THAT:

Section 1. The whereas clauses are incorporated herein as true and correct, and are the legislative findings of the Town Commission.

Ord. # 09-2019
Page 2 of 17

Section 2. Chapter 2, Article V, Division 2, is hereby amended ~~repealed in its entirety~~
and is replaced with a new Division 2, as follows:

DIVISION 2. PURCHASING

Sec. 2-241. General purpose.

The purpose of this division is to promote efficient procedures for the purchase of goods and services; to provide for a fair and equitable process for businesses and persons who seek to provide goods or services to the Town; and to maximize the value of public funds. The procurement of goods and services shall be conducted by adhering to the highest standards of ethics, professionalism and impartiality.

Sec. 2-242. Definitions.

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

Amendment: A modification, deletion or addition to an executed contract by means of a formally executed document signed by both parties.

Bid: A formal written price offer by an Offeror to the town to furnish specific goods and/or services in response to an invitation to bid.

Bid award: A contract and/or purchase order to the selected Offeror to provide specific commodities and/or services to the town for which funds have been appropriated by the Commission.

~~*Bid criteria:* The basis upon which the town will rely to determine acceptability of a bid, as stated in the bid, including, but not limited to, inspection, testing, quality, workmanship, delivery, price, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total cost or life cycle costs.~~

Certificate of contract completion: A form which indicates that a project has been satisfactorily completed and the Offeror has paid all labor, materials and other charges against the project in accordance with the terms of the contract.

Certificate of insurance: A document which shows proof of insurance, coverage, types and amounts.

Change order: A written instrument issued on or after the effective date of the formal written contract or purchase order which, when duly executed by the town and Offeror, amends the contract documents to provide for a change in the work or in the provisions of the contract documents, or changes in contract price or contract time, or any combination thereof.

Commodities: As defined in § 287.012(5), F.S.

Ord. # 09-2019
Page 3 of 17

Consultants Competitive Negotiation Act: As defined in § 287.055, F.S. and which is only applicable to the acquisition of architectural, engineering, landscape architectural or surveying and mapping services. Note: as defined therein this statute applies where the estimated cost of the professional services associated with planning or study activity exceeds \$35,000.00, or where the estimated project construction cost exceeds \$325,000.00.

Continuing contract: A “continuing contract” is as defined in F.S. Section 287.055(g).

Cooperative purchasing: A form of intergovernmental cooperative purchasing in which an entity will extend the price and terms of a contract entered into by a larger entity. Generally, a larger entity will competitively award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that normally they would not receive if they competed on their own.

Debarment: The exclusion, for cause, of an Offeror from bidding and/or receiving a contract to do business with the town.

Design-build contract: The solicitation for design services and construction pursuant to which a single contract is entered into for a capital improvement construction project.

Designee: A duly authorized representative of a person, business organization, or governmental agency.

Estimate: A stated expectation of price based upon time, quantity or other qualifiers.

Evaluation committee: A committee comprised of town employees established for the purpose of evaluating ~~bids and~~ proposals submitted in response to requests for proposals for purchases with an estimated cost exceeding \$35,000.00.

Invitation to bid: The- process to- be- used -when -the -scope -of -work- for- a contractual service can -be -clearly -defined -or -when -specifications -for -the -required goods can be precisely defined.

Minority business enterprise (certified): A business as defined by § 288.703 (1), F.S.

Minority person: A person as defined by § 288.703, F.S.

Notice to proceed: -A written notification from the town to an Offeror to establish and authorize an Offeror to commence work under the provisions of the contract.

Offeror: - A business or individual responding to an Invitation to Bid, Request for Qualifications, or Request for Proposals. (The Town's competitive solicitations may also refer to an Offeror for the purposes of a town competitive solicitation. the term Offeror is synonymous with the terms as a bidder, proposer or respondent.)

Originating department: The town department issuing an invitation to bid, request for proposals, statement or qualifications.

Ord. # 09-2019
Page 4 of 17

Palm Beach County Merchant: -A merchant whose primary place of business is located within the boundaries of Palm Beach County, Florida, and who has had a valid Palm Beach County Local Business Tax Receipt and has been operating its business for

Person: -Any business, individual, union, committee, club, or organization, or group of individuals.

Procurement: -Buying, purchasing, renting, leasing or otherwise acquiring any commodities and/or services for public purposes in accordance with state or town law. -It includes, but is not limited to, all functions which pertain to the obtaining of any supplies, materials, equipment and/or services including construction projects and capital improvement projects, as defined herein, required by the town.

Professional medical services: -The procurement of any medical functions not covered by insurance, including but not limited to pre-employment physicals, random drug screening, medical consultations, and the contractual employment of the medical director for the county fire department.

Project manager: -A person designated by the Purchasing Agent to manage and to ensure compliance with contracts which he/she originates.

Proposal: -An executed formal document submitted by an Offeror to the town stating the goods and/or service offered to satisfy the need as described in a request for proposals (RFP), request for statement of qualifications (RFQ) or a request for information (RFI).

Public entity crime: -A violation as defined in § 287.133(1)(g), F.S..

Public notice: -The required notification or advertisement of an invitation to bid, request for proposal, or other competitive solicitation provided for in this division, to be given to prospective Offerors which may, at a minimum, include:

- (i) Posting public notice on the town's website; and
- (ii) Notice in a newspaper of general circulation.

Purchasing agent: The town manager, or his designee.

Request for a Quote: -An oral or written request for written pricing or services, or commodities.

Request for letters of interest: -A formal process whereby the town solicits written proposals from a pool of Offerors to provide services who will be listed as qualified and eligible to submit responses to a request for proposals or an invitation to bid.

Request for proposal: -A written or electronically posted solicitation for competitive sealed proposals.

Request for information: -A written or electronically posted request made by an agency to Offerors for information concerning commodities or contractual services. Also referred to as a Request for Qualifications (RFQ).

Ord. # 09-2019
Page 5 of 17

Responsible Offeror: –An Offeror who is determined to have the qualifications, integrity, reliability and capability in all respects to fully perform in accordance with the requirements of an invitation to bid, request for proposals, qualifications, or statements.

Responsive bid, proposal, or reply. A bid, or proposal, or reply submitted by an ~~offeror~~ Offeror which conforms in all material respects to the solicitation.

Sole Source: –The only existing source of the item or service which meets the needs of the originating department as determined by a reasonably thorough analysis of the marketplace.

Specification: A concise statement of terms, conditions and a set of requirements to be satisfied by a product, material, service, or process used in an invitation for bids, request for proposals, and request for qualifications. It may include a description of any requirement for inspecting, testing, or preparing a commodity, service, or construction item for delivery.

Surety: –A form of bid security in the form of ~~cash~~ certificate of deposit, cashier's check, or irrevocable letter of credit.

Suspension: The temporary debarment of an Offeror for up to three years.

Veteran business enterprise: Any business which meets the definition of § 295.187 (3), F.S. and which has been certified by the Florida Department of Management Services.

Sec. 2-243. Local Preference.

The town may shall give preference to proposals for goods and services received from Offerors whose business is located within the corporate limits of the town where price, quality and other relative factors offered by other Offerors are comparable.

Sec. 2-244. Exemptions.

This division shall not apply to:

1. The procurement of dues and memberships in trade or professional organizations; registration fees for trade and career fairs, subscriptions for periodicals and newspapers; advertisements; insurance brokerage; postage; legal and mediation services; professional medical services; services associated with the purchase or sale of real property; abstracts of title for real property; title searches and certificates; title insurance for real property; real estate appraisal services; water, sewer, telecommunications and electric utility services; copyrighted materials or patented materials including, but not limited to, technical pamphlets, published books, maps, testing or instructional materials; fees and costs of job-related seminars and training; admission fees for parks and entertainment activities included in Town recreational programs;
2. Agreements between the town and other government or nonprofit organizations that provide for the transfer, sale, or exchange of goods and services.
3. Goods purchased with petty cash or town procurement cards in accordance with the town's petty cash and procurement card procedures;

Ord. # 09-2019
Page 6 of 17

4. Items purchased for resale to the general public; for example supplies for a Town-owned concession area.
5. Purchase of food items;
6. Artistic services or works of art;
7. Travel expenses, hotel accommodations and hotel services;
8. Entertainment or entertainment-related services for town sponsored events;
9. Purchase of motor vehicle license plates from a governmental agency;
10. Persons or entities retained as "expert witnesses" pertaining to anticipated, threatened or actual litigation;
11. Educational or academic programs;
12. Recreational instructors and sports officials;
13. Banking and investment services including retirement investment services;
14. Proprietary software applications; and
15. Full or part-time contractual employees. ~~or independent contractors;~~

Provided, however, that ~~this~~ these exemptions shall not preclude the town from procuring such goods and/or services using the procedures listed in this article.

Sec. 2-245. Organization.

Except as otherwise provided herein, the Purchasing Agent or his designee as the town's Purchasing Agent shall be ultimately responsible for the procurement of all goods and services.

The Purchasing Agent shall:

1. Administer the purchasing functions of the town.
2. Implement the policies and procedures for the procurement of goods and services established in this division and applicable state law.
3. Purchase or contract for goods and services in accordance with provisions of this division.
4. Ensure that funds have been budgeted and appropriated prior to the execution of contracts or issuance of purchase orders for the procurement of goods and services.

Ord. # 09-2019
Page 7 of 17

Sec. 2-246. Thresholds for the procurement of goods and services.

The town commission hereby establishes \$35,000 as the threshold at which a formal competitive solicitation process shall be used, unless as otherwise provided for herein. A formal competitive solicitation process shall be employed for all invitations to bid, request for proposals, request for qualifications, or request for information. When employing these formal competitive solicitations, the invitation or request shall be published such that it is available simultaneously to all Offerors and shall include the time and date for the town's receipt of bids, proposals, and replies. All formal competitive solicitations shall include provisions relating to compliance with the regulations of the Palm Beach County Office of Inspector General.

1. For goods and services with a value greater than \$10,000, but less than \$35,000, the town manager or designee shall electronically post on the town's website a description of the goods and services being sought for at least seven (7) consecutive business days. The posted information shall include the scope of work, specifications for goods and the response forms to be used by Offerors in response to the request for quotation (RFQ).
2. For goods and services with a value between \$5,000 and \$9,999 at least three (3) written quotes shall be solicited.
3. For goods and services with a value between \$2,501 and \$4,999, the town shall solicit at least three (3) verbal quotes.
4. For the purchase of goods and services of less than \$2,500, the originating department may use a field purchase order (FPO) or Request for Disbursement. It is the responsibility of the originating department to ensure that items are obtained at a competitive price, and that the department has not exceeded the line-item budgetary appropriation for the items purchased. The originating department shall not use field purchase orders to make more than one purchase of the same item within five business days if the total cost is more than \$2,500.00.
5. Purchase orders or contracts for goods or services with a value less than \$5,000 ~~must~~ may be approved by a department director. Purchase orders or contracts for goods or services that are between \$5,000 and \$9,999 must be approved by a department director and the Purchasing Agent. Purchase orders or contracts for goods or services that are greater than \$10,000 must be approved by the Town Commission. The originating department shall not make more than one purchase of the same item within five business days without proper approvals at each established approval threshold.
6. In lieu of using blanket written purchase orders for small dollar value purchases of less than \$1,000.00, departments are authorized to use electronic purchasing media, including bank issued purchasing cards (credit cards). The Purchasing

Agent or designee shall establish policies and procedures to ensure adequate internal controls for the use of the cards.

Sec. 2-247. Competitive sealed solicitation process.

- a. Unless otherwise provided herein, goods and services with a value of less than the threshold established in section 2-246 shall be procured through an informal competitive solicitation process to the extent practicable by soliciting quotes, or by using the alternative source selection methods specified in section 2-249.
1. Invitation to Bid: The bid process shall be used when the scope of work for a contractual service can be clearly defined or when specifications for the required goods can be precisely defined.
 2. Request for Proposals (RFP): An RFP shall be used when the purposes and uses for which the goods, group of goods, or contractual services can be defined and various combinations or versions of the goods and contractual services may be proposed by an Offeror to meet the specifications of the solicitation document.
 3. An RFP shall include terms and conditions, the scope of work, evaluation criteria and relative importance of price and other evaluation criteria, and whether an awarded contract is eligible to be renewed.
 4. A contract may be awarded to the responsible and responsive proposer whose proposal is determined to be the most advantageous to the town, taking into consideration the price and other evaluation criteria set forth in a RFP.

b. Tie bids: If two or more Offerors are tied, the tie may be broken and the successful Offeror selected by the following criteria presented in order of importance and consideration:

1. Quality of the items or services bid if such quality is ascertainable.
2. Delivery time if provided in the bids by the Offerors.
3. If it is impossible with any reasonableness to determine if any of the above criteria have been met, or if application of the above criteria do not resolve the issue, the award will be given to that Offeror whose bid was received earliest in time by the Town as indicated by the time clock stamp impressed upon the bid envelope of each offeror.

b.c. (b) — Services Governed by the Consultants' Competitive Negotiation Act

The procurement of professional architectural, engineering, landscape architectural, or surveying and mapping services shall be conducted in accordance with the requirements of

[illegible]

Ord. # 09-2019
Page 9 of 17

§287.055, F.S., entitled the "Consultants' Competitive Negotiation Act."

e.d. Other Professional Services

The procurement of professional services not governed by the Consultants Competitive Negotiations Act shall be solicited in accordance with the Invitation to Bid, RFP or RFQ.

e. (d) The competitive sealed proposal solicitation process shall provide for:

1. 1. Public notice. -Public notice of an invitation to bid, RFP or RFQ shall be given in the same manner as provided for competitive sealed bidding except all Invitations to Bid, RFPs or RFQs. -The public notice shall allow at least 30 days for the submission of proposals unless the Purchasing Agent or designee determines that a notice of less than 30 days is in the best interests of the town. The public notice shall state the place, date and time where proposals are required to be submitted, and of the opening of proposals.
2. 2. Submission. -Proposals shall be submitted to the town no later than the specified time and date and at the location specified in the Invitation to Bid, RFP or RFQ. No proposal shall be accepted after such time, or at any other location than specified; any proposal received after the specified time and date, or to any location other than the location specified in the notice shall be returned unopened.
3. 3. Proposal cancellation or postponement. -The Purchasing Agent or designee may, prior to the due date of the RFP or RFQ, elect to extend, cancel or postpone the date and/or time for the submission of a RFP or RFQ. In such situations an addendum, or a notice of cancellation shall be issued.

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f. (e) Cone of Silence.

An ~~offeror~~Offeror shall not communicate with any elected or appointed town official or employee other than a person listed in the document soliciting bids or proposals prior to the time an award has been made by the town commission. Any communication between the ~~offeror~~Offeror and the town shall be submitted to the office of the town clerk, or of the official referenced in an Invitation to Bid, RFP or RFQ. Any violation of the Cone of Silence imposed herein shall be grounds for the disqualification of an ~~offeror~~Offeror.

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g. (f) Proposal evaluation.

Proposals ~~and bids~~ may be evaluated by an evaluation committee, which shall have not less than three voting members and shall be composed as follows: the originating department director who in conjunction with the Purchasing Agent appoints the chair and other members of the committee. ~~Members of the evaluation committee shall not discuss the proposal or bid that they will be evaluating outside of the evaluation committee meeting.~~

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~~The Palm Beach County Inspector General shall be notified in writing prior to any duly noticed public meeting of the evaluation committee where any matter relating to the~~

Ord. # 09-2019
Page 10 of 17

procurement of goods or services by the town is to be discussed. Such notice shall be given to the Palm Beach County Inspector General as soon as possible after a meeting has been scheduled. Such notice shall also be given prior to any protest committee meetings.

An award shall be made to the most responsive, responsible ~~offeror~~Offeror whose proposal ~~or bid~~ is determined to be the most advantageous to the town in accordance with the evaluation criteria contained in the Invitation to Bid, RFP, RFI or RFQ. The evaluation of proposals shall be in accordance with the procedure established in an Invitation to Bid, RFP, ~~RFI~~ or RFQ.

h. (g) Award. Notice of the intent to award, along with a tabulation of the results of an evaluation, shall be posted by the town clerk on the town's website at least five business days prior to the commission's consideration of an award. The town clerk shall also provide all ~~offerors~~Offerors affected by the proposed award written notice of the intent to award by email at the same time as the notice of intent to award is posted on the town's website.

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i. (h) Continuing services contracts:

1. If there are two or more consultants which have been retained pursuant to a continuing services contract, the Purchasing Agent and department director of the originating department shall determine which firm is the most qualified to provide the required services.
2. The town may select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the town shall consider such factors as the ability of professional personnel; past performance; willingness to meet time and budget requirements; location; and, recent, current, and projected workloads of the firms.

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Sec. 2-248. Responses to competitive solicitations.

a. General solicitations:

1. 1. A response to a competitive solicitation shall be submitted to the town clerk in a sealed envelope no later than the time and date at the location specified in the solicitation. Any response received after the deadline established in the solicitation, or which is submitted at a location other than at the location specified in the solicitation shall be deemed unresponsive and shall be returned unopened to the ~~offeror~~Offeror. It shall be the ~~offeror~~Offeror's sole responsibility to ensure that its response reaches the specified place for receipt of responses to solicitations and by the time specified in the solicitation document. The town shall bear no responsibility for any failure of the U.S. Postal Service, other courier service or a town employee to successfully deliver a response, or for a mistake in the delivery of a response to a location other than the location designated in the solicitation.

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2. 2. Responses to the solicitations shall be accepted from all qualified

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Ord. # 09-2019
Page 11 of 17

~~offerors~~Offerors except as otherwise provided herein and shall be evaluated based on the requirements set forth in the solicitation.

3. 3. The town may, at any time and in its sole discretion, reject all responses to solicitations and may or may not choose to seek solicitations in the future.

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4. 4. Responses to solicitations shall be opened publicly in the presence of one or more witnesses at the time and place specified in the solicitation. The town clerk or the clerk's designee shall officiate at the opening of competitive solicitations, and shall announce and record the name of each ~~offeror~~Offeror, if appropriate, recite the amount of each ~~offeror~~Offeror's response and such other information related to the solicitations as is appropriate.

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5. 5. All responses to solicitations shall become public records and shall be subject to public disclosure once opened.

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6. 6. An ~~offeror~~Offeror may withdraw a response to a solicitation prior to date and time designated in the solicitation for their opening. If an ~~offeror~~Offeror withdraws its response after the deadline established of a competitive solicitation, the purchasing agent may suspend an ~~offeror~~Offeror from participating in any future town solicitations for up to three years.

b. 7. Construction project solicitations:

The procurement of contractors for the town's construction projects shall follow the competitive sealed bid process outlined in § 2-247.

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1. 1. Bid security shall be required for all competitive sealed bidding for town construction projects where the cost of construction is estimated to exceed \$ \$100,000.00 in the form of a bid bond executed by a surety company authorized to do business in the State of Florida. Alternatively, cash in the form of a certificate of deposit, cashier's check, or irrevocable letter of credit, may be tendered in lieu of the bid bond. The Purchasing Agent may require bid security for construction contracts of less than \$100,000.00 as determined in the discretion of the Purchasing Agent. The amount of the bid security shall be in an amount deemed sufficient by the Purchasing Agent to ensure bid compliance but in no event shall the bid security be less than five percent of the bid amount.

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2. 2. Any person, firm or entity that enters into a written construction contract exceeding \$100,000.00 shall execute and deliver to the town, prior to, or concurrent with, the execution of the contract, a performance bond, in an amount equal to or greater than 100 percent of the contract price. The bonds shall be issued by a surety insurer authorized to do business in the State of Florida as a surety. At the discretion of the Purchasing Agent, any person or entity entering into a construction contract which is for \$100,000.00 or less may be exempted from executing the payment and performance bond.

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3. 3. The surety must state on its front page: the name, principal business address, and phone number of the Offeror, the surety, the owner of the property being improved, and, if different from the owner, the contracting public entity; the contract number assigned by the contracting public entity, and a description of the project sufficient to identify it, such as a legal description or the street address of the property being improved, and a general description of the improvement. Such surety shall be conditioned upon the Offeror's performance of the construction work in the time and manner prescribed in the contract and promptly making payments to all persons defined in F.S. § 713.01, as amended, who furnish labor, services, or materials for the prosecution of the work provided for in the contract.

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4. 4. If at any time after the execution of the contract and the surety, the town deems the surety or sureties upon such surety to be unsatisfactory or, if for any reason such surety cease to be adequate to cover the requirements of the contract, the town may require the Offeror, at its sole expense and within five days after the receipt of notice from the town, to furnish an additional surety in such form and amount and with such surety as shall be satisfactory to the town. In such event, no further payment to the Offeror shall be deemed to be due under the contract until such new or additional security shall be furnished in manner and form satisfactory to the town as to protect the interests of the town and ensure the payment of persons supplying labor and materials under the contract.

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5. 5. Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from the top ranked ~~offeror~~ Offeror after recommendation to award bid to that ~~offeror~~ Offeror, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specifications or conditions contained in the ~~offeror~~ Offeror's response to the solicitation.

Sec. 2-249. Alternative Source Selection:

1. 1. Cooperative purchases: Purchases utilizing contracts of other ~~Florida~~ entities: Notwithstanding any requirements of this division, the purchase of goods and services under a contract with a ~~Florida municipal governmental agency, federal, state or municipal government or any other governmental agency, political subdivision, or government-related association for the same scope of services~~ may be made providing that the originating entity utilized a competitive process substantially similar to that used by the Town.

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2. 2. Emergency Purchase: The Purchasing Agent may authorize an emergency purchase when a declaration of emergency has been issued or there is a threat of other substantial or potential loss to the Town that requires urgent action.

3. 3. Sole and Single Source Purchases: The Purchasing Agent may make or authorize the purchase of goods and services without competitive solicitation when the director of the department requesting the purchase has

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documented in writing and provided information supporting the fact that the goods or service requested is the only item that meets the specified requirements and the goods or service is only available through one (1) source.

Sec. 2-250. Contract document.

a. Contracts:

~~a. Contracts:~~

1. ~~1.~~—The procurement of goods or services shall be evidenced by a written contract or purchase order.
2. ~~2.~~—Contracts may be renewed or extended for a period not exceeding three (3) years, during the term, or upon the expiration of the term of the original contract.
3. ~~3.~~—Contract administration shall be the responsibility of the originating department with oversight by the Purchasing Agent.
4. ~~4.~~—Contract change orders shall be authorized in writing subject to Chapter 2, —Article III, Section 2-82 setting forth the purchasing authority of the —Purchasing Agent provided that the change does not materially alter the —character of the work contemplated by the contract and sufficient budgeted —funds are available.

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Sec. 2-251. Protested solicitations and awards.

- a. ~~1.~~—*Right to protest.* Any actual or prospective ~~offeror~~Offeror that is aggrieved in connection with a pending award of a contract may protest to the town's Purchasing Agent in accordance with the following procedures.

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1. ~~1.~~—The formal written protest must then be filed at the office of the Purchasing Agent no later than 5:00 p.m. Eastern Standard Time, within five business days after the date of ~~Posting of~~posting of the Notice of Intent to Award. The formal written protest shall contain at a minimum the following information:

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- i. ~~i.~~—Identification of the name, address and contact information of the ~~protestant~~protestor and the solicitation involved;

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- ii. ~~ii.~~—A brief, statement of the facts and the legal basis for the protest;

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- iii. ~~iii.~~—Identification of any applicable statutes, or ordinance(s), or other legal ~~authority(ies)~~ which the ~~protestant~~protestor deems applicable;

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Ord. # 09-2019

Page 14 of 17

iv. ~~iv.~~—A written statement indicating the specific nature of the relief requested by ~~protestant-protestor~~; and

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v. ~~v.~~—Any written or physical materials, or objects which the ~~protestant-protestor~~ deems relevant to the protest.

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2. e.—The formal written protest is considered timely filed upon its receipt by the Purchasing Agent within the time frame set forth herein. Failure to timely file a protest within the time specified herein shall result in relinquishment of all rights to protest an anticipated award.

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3. d.—Offerors shall not attempt to influence, persuade or promote communicating with any town elected or appointed official, or employee regarding the merits of their protest other than as set forth herein. Any attempt to do so shall be cause for suspension of the right to respond to the town's solicitation of goods or services in accordance with subsection 2-252(a).

b. 3.—*Authority to resolve.* The Purchasing Agent shall convene the protest committee, which shall consist of the Purchasing Agent, and two department directors from a department other than of the originating department. The Director of the originating department shall present such information as is necessary regarding the selection which led to the protest, and the originating department's position with respect to the protest. ~~and a third department director the Town Attorney which shall render its decision. The protestant may appeal this decision by sending a written notice to the Purchasing Agent within five business days of the protest committee's written decision.~~

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c. 4.—*Proceedings.* The protest committee shall meet in a public meeting. The town clerk shall give reasonable notice to all substantially affected ~~O~~fferors prior to the date scheduled to consider the appeal of the protest. Although it is a public meeting, the only individuals permitted to address the protest committee are those representatives of the substantially affected offerors~~Offerors, the protestor, and the originating department of the town~~offerors-individuals who constitute the Protestant-protestor.

1. a.—At least five business days prior to the protest committee's proceeding, the ~~protestant~~protestor may present the testimony or argument of its authorized representatives. ~~submit any written or physical materials, objects, statements, or affidavits, and submit any physical evidence arguments which the protestant~~protestor deems relevant to the protest. ~~In the proceeding, the protestant~~protestor or its representatives-individuals constituting the protestor may make an oral presentation pertaining to the protest. The members of the protest committee may make whatever inquiries of those testifying or presenting evidence which they deemof the deemed pertinent to the resolution of the protest assist them in their final determination of the appeal outcome of the protest, of the finance director's decision. The protest committee shall then provide to the protestor its written decision whether to affirm or reject the bid protest, which written decision shall be final. of the protest committee shall be final.

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Ord. # 09-2019
Page 15 of 17

- d. 5. *Stay of procurement during protests.* In the event of a timely protest, an award shall be postponed until the protest committee has rendered its written decision of the appeal.

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Sec. 2-252. Suspension and debarment.

- a. 1. *Suspension.* An ~~offeror~~ Offeror may be suspended from submitting Invitations to Bid, RFPs or RFQs for five years from the date of the issuance of the procurement document and after all appeals have been exhausted for the following reasons:

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1. a. Offeror fails to fully comply with the conditions, specifications, or terms of a contract which has been awarded to the Offeror by the town;
2. b. Offeror commits any fraud or provides false information in connection with a bid, quotation, proposal or contract with the town;
3. c. Offeror is charged with the following crimes: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty. If charges are dismissed or the ~~offeror~~ Offeror is found not guilty, the suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the ~~offeror~~ Offeror to town;
4. d. Offeror becomes insolvent, as evidenced by proceedings in bankruptcy;
5. e. Offeror violates the ethical standards set forth in local, state, or federal law;

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- b. 2. *Debarment.* An ~~offeror~~ Offeror may be permanently debarred for the following reasons:

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1. a. Default or failure to fully comply with the conditions, specifications, drawings, or terms of a bid, proposal or contract with the town twice in any three-year period.
2. b. Placement of the ~~Offeror~~ Offeror on the convicted vendor list maintained by the Florida Department of Management Services within 36 months from the date of submittal of the bid or proposal.
3. c. *Decision.* After the Purchasing Agent has determined there is cause to suspend or debar an ~~Offeror~~ Offeror, the ~~Offeror~~ Offeror shall be given written notice of the debarment and the reasons for the action taken.

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Sec. 2-253. Inspections and tests.

1. 1. The director of the originating department may inspect, or arrange for the inspection of all deliveries of supplies, materials, equipment or contractual services to confirm that they meet the specifications set forth in the bid documents and contract.

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2. ~~2.~~—Any originating department may inspect deliveries made to it.

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3. ~~3.~~—The director of the originating department may require chemical and/or physical tests or samples submitted with bids and samples of deliveries which are deemed necessary to determine their quality and conformance with the specifications. For such tests, the Purchasing Agent shall have the authority to make use of any facilities of the town where such tests may be competently performed or an outside laboratory may be utilized. Should the product fail such testing, the town may require the offeror~~Offeror~~ to pay the town for any expense incurred in testing.

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Sec. 2-254. Equal opportunity/minority and women business enterprise.

1. ~~1.~~—The town shall use its best efforts to ensure that minority, women and veteran-owned businesses shall have an equitable opportunity to participate in the town's procurement process and that no business shall be excluded from participation in, denied benefits of, or be otherwise discriminated against in connection with the award and performance of any contracts with the town because of race, color, religion, national origin, age, sexual orientation, gender, marital status, handicap or physical impairment.

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Sec. 2-255. Bid preferences.

a. Except with regards to contracts to be reimbursed by the Federal Emergency Management Agency, the town shall provide in its Invitations to Bid, RFP, or RFQ, a five percent bid preference for:

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1. ~~1.~~—Local merchants whose principal office is within the town's boundaries, and who have maintained a valid town business tax receipt for the previous two entire calendar years; or

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2. ~~2.~~—Certified minority or Florida veteran owned business enterprises pursuant to the Florida Office of Supplier Diversity and to certified minority owned business as defined by § 288.703, F.S.

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Sec. 2-256. Integrity in Public Contracting.

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Recognizing that the preservation of the integrity of the public contracting and purchasing process is vital and is a matter of interest to all the people of the state, the Town has declared that the procedures for determining with whom it will transact business exists to secure for the public the benefits of free, fair and open compensation. The opportunity to bid on public entity contracts or to supply goods and services to public entities or to otherwise transact business with public entities is a privilege not a right. In order to preserve the integrity of the public contracting and purchasing process, the privilege of responding to a public solicitation by the Town shall be denied to those individuals or entities who have been directly or indirectly involved in the development of that RFP, ITB or other public solicitation.

Ord. # 09-2019
Page 17 of 17

Secs. 2-257. Town Logo Infringement.

Any facsimile or reproduction of the Town of Lake Park municipal logo as adopted by ordinance 11-2010 shall be manufactured, used, displayed or otherwise employed by anyone only for official Town business or upon the written approval of the Town Commission.

The manufacture, use, display, or other employment of any facsimile or reproduction of the Town of Lake Park official logo without written approval of the Town Commission is a second degree misdemeanor, punishable as provided in S. 775.082 or S. 775.083. The use of the Town of Lake Park logo on any response to a solicitation shall make such response subject to rejection.

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Secs. 2-258~~67~~–2-2810. Reserved.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

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ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING IN ITS ENTIRETY CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING", AND REPLACING AND READOPTING IT AS REVISED DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Manager has determined that it is necessary and appropriate for the Town to update and establish procedures and methods for procurement to be followed by the Town regarding its purchase goods and services; and

WHEREAS, the use of competitive procurement methods generally obtains the best price and maximize the value of public funds in procurements; and

WHEREAS, the procurement methods and procedures applied herein would provide a fair and equitable process for the treatment of persons and entities who seek to provide goods and/or services to the Town, and also would maintain quality and integrity in the administration of the procurement of goods and services; and

WHEREAS, the Town Manager has recommended to the Town Commission that it update Chapter 2, Article V, Division 2 pertaining to the procurement of goods and services.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, THAT:

Section 1. The whereas clauses are incorporated herein as true and correct, and are the legislative findings of the Town Commission.

Section 2. Chapter 2, Article V, Division 2, is hereby amended as follows:

DIVISION 2. PURCHASING

Sec. 2-241. General purpose.

The purpose of this division is to promote efficient procedures for the purchase of goods and services; to provide for a fair and equitable process for businesses and persons who seek to provide goods or services to the Town; and to maximize the value of public funds. The procurement of goods and services shall be conducted by adhering to the highest standards of ethics, professionalism and impartiality.

Sec. 2-242. Definitions.

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

Amendment: A modification, deletion or addition to an executed contract by means of a formally executed document signed by both parties.

Bid: A formal written price offer by an Offeror to the town to furnish specific goods and/or services in response to an invitation to bid.

Bid award: A contract and/or purchase order to the selected Offeror to provide specific commodities and/or services to the town for which funds have been appropriated by the Commission.

Certificate of contract completion: A form which indicates that a project has been satisfactorily completed and the Offeror has paid all labor, materials and other charges against the project in accordance with the terms of the contract.

Certificate of insurance: A document which shows proof of insurance, coverage, types and amounts.

Change order: A written instrument issued on or after the effective date of the formal written contract or purchase order which, when duly executed by the town and Offeror, amends the contract documents to provide for a change in the work or in the provisions of the contract documents, or changes in contract price or contract time, or any combination thereof.

Commodities: As defined in § 287.012(5), F.S.

Consultants Competitive Negotiation Act: As defined in § 287.055, F.S. and which is only applicable to the acquisition of architectural, engineering, landscape architectural or surveying and mapping services. Note: as defined therein this statute applies where the estimated cost of the professional services associated with planning or study activity exceeds \$35,000.00, or where the estimated project construction cost exceeds \$325,000.00.

Continuing contract: A “continuing contract” is as defined in F.S. Section 287.055(g).

Cooperative purchasing: A form of intergovernmental cooperative purchasing in which an entity will extend the price and terms of a contract entered into by a larger entity. Generally, a

larger entity will competitively award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that normally they would not receive if they competed on their own.

Debarment: The exclusion, for cause, of an Offeror from bidding and/or receiving a contract to do business with the town.

Design-build contract: The solicitation for design services and construction pursuant to which a single contract is entered into for a capital improvement construction project.

Designee: A duly authorized representative of a person, business organization, or governmental agency.

Estimate: A stated expectation of price based upon time, quantity or other qualifiers.

Evaluation committee: A committee comprised of town employees established for the purpose of evaluating proposals submitted in response to requests for proposals for purchases with an estimated cost exceeding \$35,000.00.

Invitation to bid: The process to be used when the scope of work for a contractual service can be clearly defined or when specifications for the required goods can be precisely defined.

Minority business enterprise (certified): A business as defined by § 288.703 (1), F.S.

Minority person: A person as defined by § 288.703, F.S.

Notice to proceed: A written notification from the town to an Offeror to establish and authorize an Offeror to commence work under the provisions of the contract.

Offeror: A business or individual responding to an Invitation to Bid, Request for Qualifications, or Request for Proposals. (For the purposes of a town competitive solicitation, the term Offeror is synonymous with the terms bidder, proposer or respondent.)

Originating department: The town department issuing an invitation to bid, request for proposals, statement or qualifications.

Palm Beach County Merchant: A merchant whose primary place of business is located within the boundaries of Palm Beach County, Florida, and who has had a valid Palm Beach County Local Business Tax Receipt and has been operating its business for

Person: Any business, individual, union, committee, club, or organization, or group of individuals.

Procurement: Buying, purchasing, renting, leasing or otherwise acquiring any commodities and/or services for public purposes in accordance with state or town law. It includes, but is not limited to, all functions which pertain to the obtaining of any supplies, materials, equipment and/or services including construction projects and capital improvement projects, as defined herein, required by the town.

Professional medical services: The procurement of any medical functions not covered by insurance, including but not limited to pre-employment physicals, random drug screening,

medical consultations, and the contractual employment of the medical director for the county fire department.

Project manager: A person designated by the Purchasing Agent to manage and to ensure compliance with contracts which he/she originates.

Proposal: An executed formal document submitted by an Offeror to the town stating the goods and/or service offered to satisfy the need as described in a request for proposals (RFP), request for statement of qualifications (RFQ) or a request for information (RFI).

Public entity crime: A violation as defined in § 287.133(1)(g), F.S.

Public notice: The required notification or advertisement of an invitation to bid, request for proposal, or other competitive solicitation provided for in this division, to be given to prospective Offerors which may, at a minimum, include:

(i) Posting public notice on the town's website; and

(ii) Notice in a newspaper of general circulation.

Purchasing agent: The town manager, or his designee.

Request for a Quote: An oral or written request for written pricing or services, or commodities.

Request for letters of interest: A formal process whereby the town solicits written proposals from a pool of Offerors to provide services who will be listed as qualified and eligible to submit responses to a request for proposals or an invitation to bid.

Request for proposal: A written or electronically posted solicitation for competitive sealed proposals.

Request for information: A written or electronically posted request made by an agency to Offerors for information concerning commodities or contractual services. Also referred to as a Request for Qualifications (RFQ).

Responsible Offeror: An Offeror who is determined to have the qualifications, integrity, reliability and capability in all respects to fully perform in accordance with the requirements of an invitation to bid, request for proposals, qualifications, or statements.

Responsive bid, proposal, or reply. A bid, or proposal, or reply submitted by an Offeror which conforms in all material respects to the solicitation.

Sole Source: The only existing source of the item or service which meets the needs of the originating department as determined by a reasonably thorough analysis of the marketplace.

Specification: A concise statement of terms, conditions and a set of requirements to be satisfied by a product, material, service, or process used in an invitation for bids, request for proposals, and request for qualifications. It may include a description of any requirement for inspecting, testing, or preparing a commodity, service, or construction item for delivery.

Surety: A form of bid security in the form of certificate of deposit, cashier's check, or irrevocable letter of credit.

Suspension: The temporary debarment of an Offeror for up to three years.

Veteran business enterprise: Any business which meets the definition of § 295.187 (3), F.S. and which has been certified by the Florida Department of Management Services.

Sec. 2-243. Local Preference.

The town shall give preference to proposals for goods and services received from Offerors whose business is located within the corporate limits of the town where price, quality and other relative factors offered by other Offerors are comparable.

Sec. 2-244. Exemptions.

This division shall not apply to:

1. The procurement of dues and memberships in trade or professional organizations; registration fees for trade and career fairs, subscriptions for periodicals and newspapers; advertisements; insurance brokerage; postage; legal and mediation services; professional medical services; services associated with the purchase or sale of real property; abstracts of title for real property; title searches and certificates; title insurance for real property; real estate appraisal services; water, sewer, telecommunications and electric utility services; copyrighted materials or patented materials including, but not limited to, technical pamphlets, published books, maps, testing or instructional materials; fees and costs of job-related seminars and training; admission fees for parks and entertainment activities included in Town recreational programs;
2. Agreements between the town and other government or nonprofit organizations that provide for the transfer, sale, or exchange of goods and services.
3. Goods purchased with petty cash or town procurement cards in accordance with the town's petty cash and procurement card procedures;
4. Items purchased for resale to the general public; for example supplies for a Town-owned concession area.
5. Purchase of food items;
6. Artistic services or works of art;
7. Travel expenses. hotel accommodations and hotel services;
8. Entertainment or entertainment-related services for town sponsored events;
9. Purchase of motor vehicle license plates from a governmental agency;

10. Persons or entities retained as "expert witnesses" pertaining to anticipated, threatened or actual litigation;
11. Educational or academic programs;
12. Recreational instructors and sports officials;
13. Banking and investment services including retirement investment services;
14. Proprietary software applications; and
15. Full or part-time contractual employees.

Provided, however, that these exemptions shall not preclude the town from procuring such goods and/or services using the procedures listed in this article.

Sec. 2-245. Organization.

Except as otherwise provided herein, the Purchasing Agent or his designee as the town's Purchasing Agent shall be ultimately responsible for the procurement of all goods and services.

The Purchasing Agent shall:

1. Administer the purchasing functions of the town.
2. Implement the policies and procedures for the procurement of goods and services established in this division and applicable state law.
3. Purchase or contract for goods and services in accordance with provisions of this division.
4. Ensure that funds have been budgeted and appropriated prior to the execution of contracts or issuance of purchase orders for the procurement of goods and services.

Sec. 2-246. Thresholds for the procurement of goods and services.

The town commission hereby establishes \$35,000 as the threshold at which a formal competitive solicitation process shall be used, unless as otherwise provided for herein. A formal competitive solicitation process shall be employed for all invitations to bid, request for proposals, request for qualifications, or request for information. When employing these formal competitive solicitations, the invitation or request shall be published such that it is available simultaneously to all Offerors and shall include the time and date for the town's receipt of bids, proposals, and replies. All formal competitive solicitations shall include provisions relating to compliance with the regulations of the Palm Beach County Office of Inspector General.

1. For goods and services with a value greater than \$10,000, but less than \$35,000,

the town manager or designee shall electronically post on the town's website a description of the goods and services being sought for at least seven (7) consecutive business days. The posted information shall include the scope of work, specifications for goods and the response forms to be used by Offerors in response to the request for quotation (RFQ).

2. For goods and services with a value between \$5,000 and \$9,999 at least three (3) written quotes shall be solicited.
3. For goods and services with a value between \$2,501 and \$4,999, the town shall solicit at least three (3) verbal quotes.
4. For the purchase of goods and services of less than \$2,500, the originating department may use a field purchase order (FPO) or Request for Disbursement. It is the responsibility of the originating department to ensure that items are obtained at a competitive price, and that the department has not exceeded the line-item budgetary appropriation for the items purchased. The originating department shall not use field purchase orders to make more than one purchase of the same item within five business days if the total cost is more than \$2,500.00.
5. Purchase orders or contracts for goods or services with a value less than \$5,000 may be approved by a department director. Purchase orders or contracts for goods or services that are between \$5,000 and \$9,999 must be approved by a department director and the Purchasing Agent. Purchase orders or contracts for goods or services that are greater than \$10,000 must be approved by the Town Commission. The originating department shall not make more than one purchase of the same item within five business days without proper approvals at each established approval threshold.
6. In lieu of using blanket written purchase orders for small dollar value purchases of less than \$1,000.00, departments are authorized to use electronic purchasing media, including bank issued purchasing cards (credit cards). The Purchasing Agent or designee shall establish policies and procedures to ensure adequate internal controls for the use of the cards

Sec. 2-247. Competitive sealed solicitation process.

- a. Unless otherwise provided herein, goods and services with a value of less than the threshold established in section 2-246 shall be procured through an informal competitive solicitation process to the extent practicable by soliciting quotes, or by using the alternative source selection methods specified in section 2-249.
 1. Invitation to Bid: The bid process shall be used when the scope of work for a contractual service can be clearly defined or when specifications for the required goods can be precisely defined.
 2. Request for Proposals (RFP): An RFP shall be used when the purposes and uses for which the goods, group of goods, or contractual services can be defined and

various combinations or versions of the goods and contractual services may be proposed by an Offeror to meet the specifications of the solicitation document.

3. An RFP shall include terms and conditions, the scope of work, evaluation criteria and relative importance of price and other evaluation criteria, and whether an awarded contract is eligible to be renewed.
 4. A contract may be awarded to the responsible and responsive proposer whose proposal is determined to be the most advantageous to the town, taking into consideration the price and other evaluation criteria set forth in a RFP.
- b. Tie bids: If two or more Offerors are tied, the tie may be broken and the successful Offeror selected by the following criteria presented in order of importance and consideration:
1. Quality of the items or services bid if such quality is ascertainable.
 2. Delivery time if provided in the bids by the Offerors.
 3. If it is impossible with any reasonableness to determine if any of the above criteria have been met, or if application of the above criteria do not resolve the issue, the award will be given to that Offeror whose bid was received earliest in time by the Town as indicated by the time clock stamp impressed upon the bid envelope of each Offeror.

c. Services Governed by the Consultants' Competitive Negotiation Act

The procurement of professional architectural, engineering, landscape architectural, or surveying and mapping services shall be conducted in accordance with the requirements of §287.055, F.S., entitled the "Consultants' Competitive Negotiation Act."

d. Other Professional Services

The procurement of professional services not governed by the Consultants Competitive Negotiations Act shall be solicited in accordance with the Invitation to Bid, RFP or RFQ.

e. The competitive sealed proposal solicitation process shall provide for:

1. Public notice. Public notice of an invitation to bid, RFP or RFQ shall be given in the same manner as provided for competitive sealed bidding except all Invitations to Bid, RFPs or RFQs. The public notice shall allow at least 30 days for the submission of proposals unless the Purchasing Agent or designee determines that a notice of less than 30 days is in the best interests of the town. The public notice shall state the place, date and time where proposals are required to be submitted, and of the opening of proposals.
2. Submission. Proposals shall be submitted to the town no later than the specified time and date and at the location specified in the Invitation to Bid, RFP or RFQ. No proposal shall be accepted after such time, or at any other location than specified; any proposal received after the specified time and date, or to any

location other than the location specified in the notice shall be returned unopened.

3. Proposal cancellation or postponement. The Purchasing Agent or designee may, prior to the due date of the RFP or RFQ, elect to extend, cancel or postpone the date and/or time for the submission of a RFP or RFQ. In such situations an addendum, or a notice of cancellation shall be issued.

f. Cone of Silence.

An Offeror shall not communicate with any elected or appointed town official or employee other than a person listed in the document soliciting bids or proposals prior to the time an award has been made by the town commission. Any communication between the Offeror and the town shall be submitted to the office of the town clerk, or of the official referenced in an Invitation to Bid, RFP or RFQ. Any violation of the Cone of Silence imposed herein shall be grounds for the disqualification of an Offeror.

g. Proposal evaluation.

Proposals may be evaluated by an evaluation committee, which shall have not less than three voting members and shall be composed as follows: the originating department director who in conjunction with the Purchasing Agent appoints the chair and other members of the committee. Members of the evaluation committee shall not discuss the proposal that they will be evaluating outside of the evaluation committee meeting.

The Palm Beach County Inspector General shall be notified in writing prior to any duly noticed public meeting of the evaluation committee where any matter relating to the procurement of goods or services by the town is to be discussed. Such notice shall be given to the Palm Beach County Inspector General as soon as possible after a meeting has been scheduled. Such notice shall also be given prior to any protest committee meetings.

An award shall be made to the most responsive, responsible Offeror whose proposal or bid is determined to be the most advantageous to the town in accordance with the evaluation criteria contained in the Invitation to Bid, RFP, RFI or RFQ. The evaluation of proposals shall be in accordance with the procedure established in an Invitation to Bid, RFP, RFI or RFQ.

- h. Award. Notice of the intent to award, along with a tabulation of the results of an evaluation, shall be posted by the town clerk on the town's website at least five business days prior to the commission's consideration of an award. The town clerk shall also provide all Offerors affected by the proposed award written notice of the intent to award by email at the same time as the notice of intent to award is posted on the town's website.

i. Continuing services contracts:

1. If there are two or more consultants which have been retained pursuant to a continuing services contract, the Purchasing Agent and department director of the originating department shall determine which firm is the most qualified to provide the required services.

2. The town may select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the town shall consider such factors as the ability of professional personnel; past performance; willingness to meet time and budget requirements; location; and, recent, current, and projected workloads of the firms.

Sec. 2-248. Responses to competitive solicitations.

a. General solicitations:

1. A response to a competitive solicitation shall be submitted to the town clerk in a sealed envelope no later than the time and date at the location specified in the solicitation. Any response received after the deadline established in the solicitation, or which is submitted at a location other than at the location specified in the solicitation shall be deemed unresponsive and shall be returned unopened to the Offeror. It shall be the Offeror's sole responsibility to ensure that its response reaches the specified place for receipt of responses to solicitations and by the time specified in the solicitation document. The town shall bear no responsibility for any failure of the U.S. Postal Service, other courier service or a town employee to successfully deliver a response, or for a mistake in the delivery of a response to a location other than the location designated in the solicitation.
2. Responses to the solicitations shall be accepted from all qualified Offerors except as otherwise provided herein and shall be evaluated based on the requirements set forth in the solicitation.
3. The town may, at any time and in its sole discretion, reject all responses to solicitations and may or may not choose to seek solicitations in the future.
4. Responses to solicitations shall be opened publicly in the presence of one or more witnesses at the time and place specified in the solicitation. The town clerk or the clerk's designee shall officiate at the opening of competitive solicitations, and shall announce and record the name of each Offeror, if appropriate, recite the amount of each Offeror's response and such other information related to the solicitations as is appropriate.
5. All responses to solicitations shall become public records and shall be subject to public disclosure once opened.
6. An Offeror may withdraw a response to a solicitation prior to date and time designated in the solicitation for their opening. If an Offeror withdraws its response after the deadline established of a competitive solicitation, the purchasing agent may suspend an Offeror from participating in any future town solicitations for up to three years.

b. *Construction project solicitations:*

The procurement of contractors for the town's construction projects shall follow the competitive sealed bid process outlined in § 2-247.

1. Bid security shall be required for all competitive sealed bidding for town construction projects where the cost of construction is estimated to exceed \$ \$100,000.00 in the form of a bid bond executed by a surety company authorized to do business in the State of Florida. Alternatively, cash in the form of a certificate of deposit, cashier's check, or irrevocable letter of credit, may be tendered in lieu of the bid bond. The Purchasing Agent may require bid security for construction contracts of less than \$100,000.00 as determined in the discretion of the Purchasing Agent. The amount of the bid security shall be in an amount deemed sufficient by the Purchasing Agent to ensure bid compliance but in no event shall the bid security be less than five percent of the bid amount.
2. Any person, firm or entity that enters into a written construction contract exceeding \$100,000.00 shall execute and deliver to the town, prior to, or concurrent with, the execution of the contract, a performance bond, in an amount equal to or greater than 100 percent of the contract price. The bonds shall be issued by a surety insurer authorized to do business in the State of Florida as a surety. At the discretion of the Purchasing Agent, any person or entity entering into a construction contract which is for \$100,000.00 or less may be exempted from executing the payment and performance bond.
3. The surety must state on its front page: the name, principal business address, and phone number of the Offeror, the surety, the owner of the property being improved, and, if different from the owner, the contracting public entity; the contract number assigned by the contracting public entity, and a description of the project sufficient to identify it, such as a legal description or the street address of the property being improved, and a general description of the improvement. Such surety shall be conditioned upon the Offeror's performance of the construction work in the time and manner prescribed in the contract and promptly making payments to all persons defined in F.S. § 713.01, as amended, who furnish labor, services, or materials for the prosecution of the work provided for in the contract.
4. If at any time after the execution of the contract and the surety, the town deems the surety or sureties upon such surety to be unsatisfactory or, if for any reason such surety cease to be adequate to cover the requirements of the contract, the town may require the Offeror, at its sole expense and within five days after the receipt of notice from the town, to furnish an additional surety in such form and amount and with such surety as shall be satisfactory to the town. In such event, no further payment to the Offeror shall be deemed to be due under the contract until such new or additional security shall be furnished in manner and form satisfactory

to the town as to protect the interests of the town and ensure the payment of persons supplying labor and materials under the contract.

5. Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from the top ranked Offeror after recommendation to award bid to that Offeror, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specifications or conditions contained in the Offeror's response to the solicitation.

Sec. 2-249. Alternative Source Selection:

1. Cooperative purchases: Purchases utilizing contracts of other Florida entities: Notwithstanding any requirements of this division, the purchase of goods and services under a contract with a Florida municipal governmental agency, political subdivision, or government-related association for the same scope of services may be made providing that the originating entity utilized a competitive process substantially similar to that used by the Town.
2. Emergency Purchase: The Purchasing Agent may authorize an emergency purchase when a declaration of emergency has been issued or there is a threat of other substantial or potential loss to the Town that requires urgent action.
3. Sole and Single Source Purchases: The Purchasing Agent may make or authorize the purchase of goods and services without competitive solicitation when the director of the department requesting the purchase has documented in writing and provided information supporting the fact that the goods or service requested is the only item that meets the specified requirements and the goods or service is only available through one (1) source.

Sec. 2-250. Contract document.

a. Contracts:

1. The procurement of goods or services shall be evidenced by a written contract or purchase order.
2. Contracts may be renewed or extended for a period not exceeding three (3) years, during the term, or upon the expiration of the term of the original contract.
3. Contract administration shall be the responsibility of the originating department with oversight by the Purchasing Agent.
4. Contract change orders shall be authorized in writing subject to Chapter 2, Article III, Section 2-82 setting forth the purchasing authority of the Purchasing Agent provided that the change does not materially alter the

character of the work contemplated by the contract and sufficient budgeted funds are available.

Sec. 2-251. Protested solicitations and awards.

- a. *Right to protest.* Any actual or prospective Offeror that is aggrieved in connection with a pending award of a contract may protest to the town's Purchasing Agent in accordance with the following procedures.
 1. The formal written protest must then be filed at the office of the Purchasing Agent no later than 5:00 p.m. Eastern Standard Time, within five business days after the date of posting of the Notice of Intent to Award. The formal written protest shall contain at a minimum the following information:
 - i. Identification of the name, address and contact information of the protestor and the solicitation involved;
 - ii. A brief, statement of the facts and the legal basis for the protest;
 - iii. Identification of any applicable statutes, or ordinance(s), or other legal authority(ies) which the protestor deems applicable;
 - iv. A written statement indicating the specific nature of the relief requested by protestor; and
 - v. Any written or physical materials, or objects which the protestor deems relevant to the protest.
 2. The formal written protest is considered timely filed upon its receipt by the Purchasing Agent within the time frame set forth herein. Failure to timely file a protest within the time specified herein shall result in relinquishment of all rights to protest an anticipated award.
 3. Offerors shall not attempt to influence, persuade or promote communicating with any town elected or appointed official, or employee regarding the merits of their protest other than as set forth herein. Any attempt to do so shall be cause for suspension of the right to respond to the town's solicitation of goods or services in accordance with subsection 2-252(a).
- b. *Authority to resolve.* The Purchasing Agent shall convene the protest committee, which shall consist of the Purchasing Agent, and two department directors from a department other than the originating department. The Director of the originating department shall present such information as is necessary regarding the selection which led to the protest, and the originating department's position with respect to the protest.

- c. *Proceedings.* The protest committee shall meet in a public meeting. The town clerk shall give reasonable notice to all substantially affected Offerors prior to the date scheduled to consider the appeal of the protest. Although it is a public meeting, the only individuals permitted to address the protest committee are those representatives of the substantially affected Offerors, the protestor, and the originating department of the town.
1. At least five business days prior to the protest committee's proceeding, the protestor may present the testimony or argument of its authorized representatives, submit any written statements or affidavits, and submit any physical evidence which the protestor deems relevant to the protest. The members of the protest committee may make whatever inquiries of those testifying or presenting evidence which they deem pertinent to the resolution of the protest. The protest committee shall then provide to the protestor its written decision whether to affirm or reject the bid protest, which written decision shall be final.
- d. *Stay of procurement during protests.* In the event of a timely protest, an award shall be postponed until the protest committee has rendered its written decision of the appeal.

Sec. 2-252. Suspension and debarment.

- a. *Suspension.* An Offeror may be suspended from submitting Invitations to Bid, RFPs or RFQs for five years from the date of the issuance of the procurement document and after all appeals have been exhausted for the following reasons:
1. Offeror fails to fully comply with the conditions, specifications, or terms of a contract which has been awarded to the Offeror by the town;
 2. Offeror commits any fraud or provides false information in connection with a bid, quotation, proposal or contract with the town;
 3. Offeror is charged with the following crimes: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty. If charges are dismissed or the Offeror is found not guilty, the suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the Offeror to town;
 4. Offeror becomes insolvent, as evidenced by proceedings in bankruptcy;
 5. Offeror violates the ethical standards set forth in local, state, or federal law;
- b. *Debarment.* An Offeror may be permanently debarred for the following reasons:
1. Default or failure to fully comply with the conditions, specifications, drawings, or terms of a bid, proposal or contract with the town twice in any three-year period.

2. Placement of the Offeror on the convicted vendor list maintained by the Florida Department of Management Services within 36 months from the date of submittal of the bid or proposal.
3. *Decision.* After the Purchasing Agent has determined there is cause to suspend or debar an Offeror, the Offeror shall be given written notice of the debarment and the reasons for the action taken.

Sec. 2-253. Inspections and tests.

1. The director of the originating department may inspect, or arrange for the inspection of all deliveries of supplies, materials, equipment or contractual services to confirm that they meet the specifications set forth in the bid documents and contract.
2. Any originating department may inspect deliveries made to it.
3. The director of the originating department may require chemical and/or physical tests or samples submitted with bids and samples of deliveries which are deemed necessary to determine their quality and conformance with the specifications. For such tests, the Purchasing Agent shall have the authority to make use of any facilities of the town where such tests may be competently performed or an outside laboratory may be utilized. Should the product fail such testing, the town may require the Offeror to pay the town for any expense incurred in testing.

Sec. 2-254. Equal opportunity/minority and women business enterprise.

1. The town shall use its best efforts to ensure that minority, women and veteran owned businesses shall have an equitable opportunity to participate in the town's procurement process and that no business shall be excluded from participation in, denied benefits of, or be otherwise discriminated against in connection with the award and performance of any contracts with the town because of race, color, religion, national origin, age, sexual orientation, gender, marital status, handicap or physical impairment.

Sec. 2-255. Bid preferences.

- a. Except with regards to contracts to be reimbursed by the Federal Emergency Management Agency, the town shall provide in its Invitations to Bid, RFP, or RFQ, a five percent bid preference for:
 1. Local merchants whose principal office is within the town's boundaries, and who have maintained a valid town business tax receipt for the previous two entire calendar years; or
 2. Certified minority or Florida veteran owned business enterprises pursuant to the Florida Office of Supplier Diversity and to certified minority owned business as defined by § 288.703, F.S.

Sec. 2-256. Integrity in Public Contracting.

Recognizing that the preservation of the integrity of the public contracting and purchasing process is vital and is a matter of interest to all the people of the state, the Town has declared that the procedures for determining with whom it will transact business exists to secure for the public the benefits of free, fair and open compensation. The opportunity to bid on public entity contracts or to supply goods and services to public entities or to otherwise transact business with public entities is a privilege not a right. In order to preserve the integrity of the public contracting and purchasing process, the privilege of responding to a public solicitation by the Town shall be denied to those individuals or entities who have been directly or indirectly involved in the development of that RFP, ITB or other public solicitation.

Secs. 2-257. Town Logo Infringement.

Any facsimile or reproduction of the Town of Lake Park municipal logo as adopted by ordinance 11-2010 shall be manufactured, used, displayed or otherwise employed by anyone only for official Town business or upon the written approval of the Town Commission.

The manufacture, use, display, or other employment of any facsimile or reproduction of the Town of Lake Park official logo without written approval of the Town Commission is a second degree misdemeanor, punishable as provided in S. 775.082 or S. 775.083. The use of the Town of Lake Park logo on any response to a solicitation shall make such response subject to rejection.

Secs. 2-258--2-281. Reserved.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

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CURRENT PURCHASING ORDINANCE

Ord. # 09-2019
Page 1 of 15

ORDINANCE NO. 09-2019

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, REPEALING IN ITS ENTIRETY CHAPTER 2, ARTICLE V, DIVISION 2, ENTITLED "PURCHASING", AND REPLACING AND READOPTING IT AS REVISED DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Park, Florida ("Town") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, it is necessary and appropriate for the Town to update and establish procedures and methods for procurement to be followed by the Town regarding its purchase goods and services; and

WHEREAS, the use of competitive procurement methods generally obtains the best price and maximize the value of public funds in procurements; and

WHEREAS, the procurement methods and procedures applied herein would provide a fair and equitable process for the treatment of persons and entities who seek to provide goods and/or services to the Town, and also would maintain quality and integrity in the administration of the procurement of goods and services; and

WHEREAS, the Town Manager has recommended to the Town Commission that it update Chapter 2, Article V, Division 2 pertaining to the procurement of goods and services.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, THAT:

Section 1. The whereas clauses are incorporated herein as true and correct, and are the legislative findings of the Town Commission.

Ord. # 09-2019
Page 2 of 15

Section 2. Chapter 2, Article V, Division 2, is hereby repealed in its entirety and is replaced with a new Division 2, as follows:

DIVISION 2. PURCHASING

Sec. 2-241. General purpose.

The purpose of this division is to promote efficient procedures for the purchase of goods and services; to provide for a fair and equitable process for businesses and persons who seek to provide goods or services to the Town; and to maximize the value of public funds. The procurement of goods and services shall be conducted by adhering to the highest standards of ethics, professionalism and impartiality.

Sec. 2-242. Definitions.

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

Amendment: A modification, deletion or addition to an executed contract by means of a formally executed document signed by both parties.

Bid: A formal written price offer by a Offeror to the town to furnish specific goods and/or services in response to an invitation to bid.

Bid award: A contract and/or purchase order to the selected Offeror to provide specific commodities and/or services to the town for which funds have been appropriated by the Commission.

Bid criteria: The basis upon which the town will rely to determine acceptability of a bid, as stated in the bid, including, but not limited to, inspection, testing, quality, workmanship, delivery, price, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total cost or life cycle costs.

Certificate of contract completion: A form which indicates that a project has been satisfactorily completed and the Offeror has paid all labor, materials and other charges against the project in accordance with the terms of the contract.

Certificate of insurance: A document which shows proof of insurance, coverage, types and amounts.

Change order: A written instrument issued on or after the effective date of the formal written contract or purchase order which, when duly executed by the town and Offeror, amends the contract documents to provide for a change in the work or in the provisions of the contract documents, or changes in contract price or contract time, or any combination thereof.

Commodities: As defined in § 287.012(5), F.S.

Ord. # 09-2019
Page 3 of 15

Consultants Competitive Negotiation Act: As defined in § 287.055, F.S. and which is only applicable to the acquisition of architectural, engineering, landscape architectural or surveying and mapping services. Note: as defined therein this statute applies where the estimated cost of the professional services associated with planning or study activity exceeds \$35,000.00, or where the estimated project construction cost exceeds \$325,000.00.

Continuing contract: A "continuing contract" is as defined in F.S. Section 287.055(g).

Cooperative purchasing: A form of intergovernmental cooperative purchasing in which an entity will extend the price and terms of a contract entered into by a larger entity. Generally, a larger entity will competitively award a contract that will include language allowing for other entities to utilize the contract which may be to their advantage in terms of pricing, thereby gaining economies of scale that normally they would not receive if they competed on their own.

Debarment: The exclusion, for cause, of an Offeror from bidding and/or receiving a contract to do business with the town.

Design-build contract: The solicitation for design services and construction pursuant to which a single contract is entered into for a capital improvement construction project.

Designee: A duly authorized representative of a person, business organization, or governmental agency.

Estimate: A stated expectation of price based upon time, quantity or other qualifiers.

Evaluation committee: A committee comprised of town employees established for the purpose of evaluating bids and proposals submitted in response to requests for proposals for purchases with an estimated cost exceeding \$35,000.00.

Invitation to bid: The process to be used when the scope of work for a contractual service can be clearly defined or when specifications for the required goods can be precisely defined.

Minority business enterprise (certified): A business as defined by § 288.703 (1), F.S.

Minority person: A person as defined by § 288.703, F.S.

Notice to proceed: A written notification from the town to an Offeror to establish and authorize an Offeror to commence work under the provisions of the contract.

Offeror: A business or individual responding to an Invitation to Bid, Request for Qualifications, or Request for Proposals.

Originating department: The town department issuing an invitation to bid, request for proposals, statement or qualifications.

Palm Beach County Merchant: A merchant whose primary place of business is located within the boundaries of Palm Beach County, Florida, and who has had a valid Palm Beach County Local Business Tax Receipt and has been operating its business for at least one (1) year prior to the issuance of the invitation for bids or request for proposals.

Ord. # 09-2019
Page 4 of 15

Person: Any business, individual, union, committee, club, or organization, or group of individuals.

Procurement: Buying, purchasing, renting, leasing or otherwise acquiring any commodities and/or services for public purposes in accordance with state or town law. It includes, but is not limited to, all functions which pertain to the obtaining of any supplies, materials, equipment and/or services including construction projects and capital improvement projects, as defined herein, required by the town.

Professional medical services: The procurement of any medical functions not covered by insurance, including but not limited to pre-employment physicals, random drug screening, medical consultations, and the contractual employment of the medical director for the county fire department.

Project manager: A person designated by the Purchasing Agent to manage and to ensure compliance with contracts which he/she originates.

Proposal: An executed formal document submitted by an offeror to the town stating the goods and/or service offered to satisfy the need as described in a request for proposals (RFP), request for statement of qualifications (RFQ) or a request for information (RFI).

Public entity crime: A violation as defined in § 287.133(1)(g), F.S..

Public notice: The required notification or advertisement of an invitation to bid, request for proposal, or other competitive solicitation provided for in this division, to be given to prospective Offerors which may, at a minimum, include:

- (i) Posting public notice on the town's website; and
- (ii) Notice in a newspaper of general circulation.

Purchasing agent: The town manager, or his designee.

Request for a Quote: An oral or written request for written pricing or services, or commodities.

Request for letters of interest: A formal process whereby the town solicits written proposals from a pool of Offerors to provide services who will be listed as qualified and eligible to submit responses to a request for proposals or an invitation to bid.

Request for proposal: A written or electronically posted solicitation for competitive sealed proposals.

Request for information: A written or electronically posted request made by an agency to Offerors for information concerning commodities or contractual services.

Responsible Offeror. An Offeror who is determined to have the qualifications, integrity, reliability and capability in all respects to fully perform in accordance with the requirements of an invitation to bid, request for proposals, qualifications, or statements.

Ord. # 09-2019

Page 5 of 15

Responsive bid, proposal, or reply. A bid, or proposal, or reply submitted by an offeror which conforms in all material respects to the solicitation.

Specification: A concise statement of terms, conditions and a set of requirements to be satisfied by a product, material, service, or process used in an invitation for bids, request for proposals, and request for qualifications. It may include a description of any requirement for inspecting, testing, or preparing a commodity, service, or construction item for delivery.

Surety: A form of bid security in the form of cash, certificate of deposit, cashier's check, or irrevocable letter of credit.

Suspension: The temporary debarment of an Offeror for up to three years.

Veteran business enterprise: Any business which meets the definition of § 295.187 (3), F.S. and which has been certified by the Florida Department of Management Services.

Sec. 2-243. Local Preference.

The town may give preference to proposals for goods and services received from Offerors whose business is located within the corporate limits of the town where price, quality and other relative factors offered by other Offerors are comparable.

Sec. 2-244. Exemptions.

This division shall not apply to:

1. The procurement of dues and memberships in trade or professional organizations; registration fees for trade and career fairs, subscriptions for periodicals and newspapers; advertisements; postage; legal and mediation services; professional medical services; services associated with the purchase or sale of real property; abstracts of title for real property; title searches and certificates; title insurance for real property; real estate appraisal services; water, sewer, telecommunications and electric utility services; copyrighted materials or patented materials including, but not limited to, technical pamphlets, published books, maps, testing or instructional materials; fees and costs of job-related seminars and training; admission fees for parks and entertainment activities included in Town recreational programs;
2. Agreements between the town and other government or nonprofit organizations that provide for the transfer, sale, or exchange of goods and services.
3. Goods purchased with petty cash or town procurement cards in accordance with the town's petty cash and procurement card procedures;
4. Items purchased for resale to the general public; for example supplies for a Town-owned concession area.
5. Purchase of food items;
6. Artistic services or works of art;

7. Travel expenses, hotel accommodations and hotel services;
8. Entertainment or entertainment-related services for town sponsored events;
9. Purchase of motor vehicle license plates from a governmental agency;
10. Persons or entities retained as "expert witnesses" pertaining to anticipated, threatened or actual litigation;
11. Educational or academic programs;
12. Recreational instructors and sports officials;
13. Proprietary software applications; and
14. Full or part-time contractual employees or independent contractors; and
15. Any services identified in §287.05, F.S. as may be amended from time to time as being exempt from competitive bid/request for proposal requirements;

Provided, however, that these exemptions shall not preclude the town from procuring such goods and/or services using the procedures listed in this article.

Sec. 2-245. Organization.

Except as otherwise provided herein, the Purchasing Agent or his designee as the town's Purchasing Agent shall be ultimately responsible for the procurement of all goods and services.

The Purchasing Agent shall:

1. Administer the purchasing functions of the town.
2. Implement the policies and procedures for the procurement of goods and services established in this division and applicable state law.
3. Purchase or contract for goods and services in accordance with provisions of this division.
4. Ensure that funds have been budgeted and appropriated prior to the execution of contracts or issuance of purchase orders for the procurement of goods and services.

Sec. 2-246. Thresholds for the procurement of goods and services.

The town commission hereby establishes \$35,000 as the threshold at which a formal competitive solicitation process shall be used, unless as otherwise provided for herein. A formal

Ord. # 09-2019
Page 7 of 15

competitive solicitation process shall be employed for all invitations to bid, request for proposals, request for qualifications, or request for information. When employing these formal competitive solicitations, the invitation or request shall be published such that it is available simultaneously to all Offerors and shall include the time and date for the town's receipt of bids, proposals, and replies. All formal competitive solicitations shall include provisions relating to compliance with the regulations of the Palm Beach County Office of Inspector General.

1. For goods and services with a value greater than \$10,000, but less than \$35,000, the town manager or designee shall electronically post on the town's website a description of the goods and services being sought for at least seven (7) consecutive business days. The posted information shall include the scope of work, specifications for goods and the response forms to be used by Offerors in response to the request for quotation (RFQ).
2. For goods and services with a value between \$1,501 and \$4,999, the town shall solicit at least three (3) verbal quotes.
3. For goods and services with a value between \$5,000 and \$9,999 at least three (3) written quotes shall be solicited.
4. For the purchase of goods and services of less than \$2,500, the originating department may use a field purchase order (FPO). It is the responsibility of the originating department to ensure that items are obtained at a competitive price, and that the department has not exceeded the line-item budgetary appropriation for the items purchased. The originating department shall not use field purchase orders to make more than one purchase of the same item within five business days if the total cost is more than \$2,500.00.
5. Purchase orders or contracts for goods or services with a value less than \$7,500 must be approved by a department director and the Purchasing Agent.
6. In lieu of using blanket written purchase orders for small dollar value purchases of less than \$1,000.00, departments are authorized to use electronic purchasing media, including bank issued purchasing cards (credit cards). The Purchasing Agent or designee shall establish policies and procedures to ensure adequate internal controls for the use of the cards.

Sec. 2-247. Competitive sealed solicitation process.

(a) Unless otherwise provided herein, goods and services with a value of less than the threshold established in section 2-246 shall be procured through an informal competitive solicitation process to the extent practicable by soliciting quotes, or by using the alternative source selection methods specified in section 2-249.

1. Invitation to Bid: The bid process shall be used when the scope of

work for a contractual service can be clearly defined or when specifications for the required goods can be precisely defined.

2. Request for Proposals (RFP): A RFP shall be used when the purposes and uses for which the goods, group of goods, or contractual services can be defined and various combinations or versions of the goods and contractual services may be proposed by an Offeror to meet the specifications of the solicitation document.
3. A RFP shall include terms and conditions, the scope of work, evaluation criteria and relative importance of price and other evaluation criteria, and whether an awarded contract is eligible to be renewed.
4. A contract may be awarded to the responsible and responsive proposer whose proposal is determined to be the most advantageous to the town, taking into consideration the price and other evaluation criteria set forth in a RFP.

(b) Services Governed by the Consultants' Competitive Negotiation Act

The procurement of professional architectural, engineering, landscape architectural, or surveying and mapping services shall be conducted in accordance with the requirements of §287.055, F.S., entitled the "Consultants' Competitive Negotiation Act."

(c) Other Professional Services

The procurement of professional services not governed by the Consultants Competitive Negotiations Act shall be solicited in accordance with the Invitation to Bid, RFP or RFQ.

(d) The competitive sealed proposal solicitation process shall provide for:

1. Public notice. Public notice of an invitation to bid, RFP or RFQ shall be given in the same manner as provided for competitive sealed bidding except all Invitations to Bid, RFPs or RFQs. The public notice shall allow at least 30 days for the submission of proposals unless the Purchasing Agent or designee determines that a notice of less than 30 days is in the best interests of the town. The public notice shall state the place, date and time where proposals are required to be submitted, and of the opening of proposals.
2. Submission. Proposals shall be submitted to the town no later than the specified time and date and at the location specified in the Invitation to Bid, RFP or RFQ. No proposal shall be accepted after such time, or at any other location than specified; any proposal received after the specified time and date, or to any location other than the location specified in the notice shall be returned unopened.
3. Proposal cancellation or postponement. The Purchasing Agent or designee may, prior to the due date of the RFP or RFQ, elect to extend, cancel or postpone the date and/or time for the submission of a RFP or RFQ. In such situations an addendum, or a notice of cancellation shall be issued.

(e) Cone of Silence.

An offeror shall not communicate with any elected or appointed town official or employee other than a person listed in the document soliciting bids or proposals prior to the time an award has been made by the town commission. Any communication between the offeror and the town shall be submitted to the office of the town clerk, or of the official referenced in an Invitation to Bid, RFP or RFQ. Any violation of the Cone of Silence imposed herein shall be grounds for the disqualification of an offeror.

(f) Proposal evaluation.

Proposals may be evaluated by an evaluation committee, which shall have not less than three voting members and shall be composed as follows: the originating department director who in conjunction with the Purchasing Agent appoints the chair and other members of the committee.

An award shall be made to the most responsive, responsible offeror whose proposal is determined to be the most advantageous to the town in accordance with the evaluation criteria contained in the Invitation to Bid, RFP, or RFQ. The evaluation of proposals shall be in accordance with the procedure established in an Invitation to Bid, RFP or RFQ.

(g) Award. Notice of the intent to award, along with a tabulation of the results of an evaluation, shall be posted by the town clerk on the town's website at least five business days prior to the commission's consideration of an award. The town clerk shall also provide all offerors affected by the proposed award written notice of the intent to award by email at the same time as the notice of intent to award is posted on the town's website.

(h) Continuing services contracts:

1. If there are two or more consultants which have been retained pursuant to a continuing services contract, the Purchasing Agent and department director of the originating department shall determine which firm is the most qualified to provide the required services.
2. The town may select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the town shall consider such factors as the ability of professional personnel; past performance; willingness to meet time and budget requirements; location; and, recent, current, and projected workloads of the firms.

Sec. 2-248. Responses to competitive solicitations.**General solicitations:**

1. A response to a competitive solicitation shall be submitted to the town clerk in a sealed envelope no later than the time and date at the location specified in the solicitation. Any response received after the deadline established in the solicitation, or which is submitted at a location other than at the location specified

in the solicitation shall be deemed unresponsive and shall be returned unopened to the offeror. It shall be the offeror's sole responsibility to ensure that its response reaches the specified place for receipt of responses to solicitations and by the time specified in the solicitation document. The town shall bear no responsibility for any failure of the U.S. Postal Service, other courier service or a town employee to successfully deliver a response, or for a mistake in the delivery of a response to a location other than the location designated in the solicitation.

2. Responses to the solicitations shall be accepted from all qualified offerors except as otherwise provided herein and shall be evaluated based on the requirements set forth in the solicitation.
3. The town may, at any time and in its sole discretion, reject all responses to solicitations and may or may not choose to seek solicitations in the future.
4. Responses to solicitations shall be opened publicly in the presence of one or more witnesses at the time and place specified in the solicitation. The town clerk or the clerk's designee shall officiate at the opening of competitive solicitations, and shall announce and record the name of each offeror, if appropriate, recite the amount of each offeror's response and such other information related to the solicitations as is appropriate.
5. All responses to solicitations shall become public records and shall be subject to public disclosure once opened.
6. An offeror may withdraw a response to a solicitation prior to date and time designated in the solicitation for their opening. If an offeror withdraws its response after the deadline established of a competitive solicitation, the purchasing agent may suspend an offeror from participating in any future town solicitations for up to three years.

7. Construction project solicitations:

The procurement of contractors for the town's construction projects shall follow the competitive sealed bid process outlined in § 2-247.

1. Bid security shall be required for all competitive sealed bidding for town construction projects where the cost of construction is estimated to exceed \$ \$100,000.00 in the form of a bid bond executed by a surety company authorized to do business in the State of Florida. Alternatively, cash in the form of a certificate of deposit, cashier's check, or irrevocable letter of credit, may be tendered in lieu of the bid bond. The Purchasing Agent may require bid security for construction contracts of less than \$100,000.00 as determined in the discretion of the Purchasing Agent. The amount of the bid security shall be in an amount deemed sufficient by the Purchasing Agent to ensure bid compliance but in no event shall the bid security be less than five percent of the bid amount.

2. Any person, firm or entity that enters into a written construction contract exceeding \$100,000.00 shall execute and deliver to the town, prior to, or concurrent with, the execution of the contract, a performance bond, in an amount equal to or greater than 100 percent of the contract price, . The bonds shall be issued by a surety insurer authorized to do business in the State of Florida as a surety. At the discretion of the Purchasing Agent, any person or entity entering into a construction contract which is for \$100,000.00 or less may be exempted from executing the payment and performance bond.
3. The surety must state on its front page: the name, principal business address, and phone number of the Offeror, the surety, the owner of the property being improved, and, if different from the owner, the contracting public entity; the contract number assigned by the contracting public entity, and a description of the project sufficient to identify it, such as a legal description or the street address of the property being improved, and a general description of the improvement. Such surety shall be conditioned upon the Offeror's performance of the construction work in the time and manner prescribed in the contract and promptly making payments to all persons defined in F.S. § 713.01, as amended, who furnish labor, services, or materials for the prosecution of the work provided for in the contract.
4. If at any time after the execution of the contract and the surety, the town deems the surety or sureties upon such surety to be unsatisfactory or, if for any reason such surety cease to be adequate to cover the requirements of the contract, the town may require the Offeror, at its sole expense and within five days after the receipt of notice from the town, to furnish an additional surety in such form and amount and with such surety as shall be satisfactory to the town. In such event, no further payment to the Offeror shall be deemed to be due under the contract until such new or additional security shall be furnished in manner and form satisfactory to the town as to protect the interests of the town and ensure the payment of persons supplying labor and materials under the contract.
5. Nothing herein is intended to prohibit the acceptance of a voluntary reduction in price from the top ranked offeror after recommendation to award bid to that offeror, provided such reduction is not conditioned on, or does not result in, the modification or deletion of any specifications or conditions contained in the offeror's response to the solicitation.

Sec. 2-249. Alternative Source Selection:

1. Cooperative purchases: Purchases utilizing contracts of other entities: Notwithstanding any requirements of this division, the purchase of goods and services under a contract with a federal, state or municipal government or any other governmental agency, political subdivision, or government-related association for the same scope of services may be made providing that the originating entity utilized a competitive process substantially similar to that used by the Town.

2. Emergency Purchase: The Purchasing Agent may authorize an emergency purchase when a declaration of emergency has been issued or there is a threat of other substantial or potential loss to the Town that requires urgent action.
3. Sole and Single Source Purchases: The Purchasing Agent may make or authorize the purchase of goods and services without competitive solicitation when the director of the department requesting the purchase has documented in writing and provided information supporting the fact that the goods or service requested is the only item that meets the specified requirements and the goods or service is only available through one (1) source.

Sec. 2-250. Contract document.

a. Contracts:

1. The procurement of goods or services shall be evidenced by a written contract or purchase order.
2. Contracts may be renewed or extended for a period not exceeding three (3) years, during the term, or upon the expiration of the term of the original contract.
3. Contract administration shall be the responsibility of the originating department with oversight by the Purchasing Agent.
4. Contract change orders shall be authorized in writing subject to Chapter 2, Article III, Section 2-82 setting forth the purchasing authority of the Purchasing Agent provided that the change does not materially alter the character of the work contemplated by the contract and sufficient budgeted funds are available.

Sec. 2-251. Protested solicitations and awards.

1. Right to protest. Any actual or prospective offeror that is aggrieved in connection with a pending award of a contract may protest to the town's Purchasing Agent in accordance with the following procedures.

The formal written protest must then be filed at the office of the Purchasing Agent no later than 5:00 p.m. Eastern Standard Time, within five business days after the date of Posting of the Notice of Intent to Award. The formal written protest shall contain at a minimum the following information:

- i. Identification of the name, address and contact information of the protestant and the solicitation involved;

- ii. A brief, statement of the facts and the legal basis for the protest;
 - iii. Identification of any applicable statutes, or ordinance(s), or other legal authority(ies) which the protestant deems applicable;
 - iv. A written statement indicating the specific nature of the relief requested by protestant; and
 - v. Any written or physical materials, or objects which the protestant deems relevant to the protest.
- c. The formal written protest is considered timely filed upon its receipt by the Purchasing Agent within the time frame set forth herein. Failure to timely file a protest within the time specified herein shall result in relinquishment of all rights to protest an anticipated award.
 - d. Offerors shall not attempt to influence, persuade or promote communicating with any town elected or appointed official, or employee regarding the merits of their protest other than as set forth herein. Any attempt to do so shall be cause for suspension of the right to respond to the town's solicitation of goods or services in accordance with subsection 2-252(a).
3. Authority to resolve. The Purchasing Agent shall convene the protest committee, which shall consist of the Purchasing Agent, department director of the originating department, and a third department director which shall render its decision. The protestant may appeal this decision by sending a written notice to the Purchasing Agent within five business days of the protest committee's written decision.
4. Proceedings. The protest committee shall meet in a public meeting. The town clerk shall give reasonable notice to all substantially affected offerors prior to the date scheduled to consider the appeal of the protest. Although it is a public meeting, the only individuals permitted to address the protest committee are those offerors who constitute the Protestant.
- a. At least five business days prior to the protest committee's proceeding, the protestant may submit any written or physical materials, objects, statements, affidavits, and arguments which the protestant deems relevant to the protest. In the proceeding, the protestant or its representatives may make an oral presentation pertaining to the protest. The members of the protest committee may make whatever inquiries of the deemed pertinent to assist them in their determination of the appeal of the finance director's decision.
5. Stay of procurement during protests. In the event of a timely protest, an award shall be postponed until the protest committee has rendered its written decision of the appeal.

Sec. 2-252. Suspension and debarment.

1. *Suspension.* An offeror may be suspended from submitting Invitations to Bid, RFPs or RFQs for five years from the date of the issuance of the procurement document and after all appeals have been exhausted for the following reasons:

- a. Offeror fails to fully comply with the conditions, specifications, or terms of a contract which has been awarded to the Offeror by the town;
- b. Offeror commits any fraud or provides false information in connection with a bid, quotation, proposal or contract with the town;
- c. Offeror is charged with the following crimes: embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty. If charges are dismissed or the offeror is found not guilty, the suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the offeror to town;
- e. Offeror becomes insolvent, as evidenced by proceedings in bankruptcy;
- f. Offeror violates the ethical standards set forth in local, state, or federal law;

2. *Debarment.* An offeror may be permanently debarred for the following reasons:

- a. Default or failure to fully comply with the conditions, specifications, drawings, or terms of a bid, proposal or contract with the town twice in any three-year period.
- b. Placement of the offeror on the convicted vendor list maintained by the Florida Department of Management Services within 36 months from the date of submittal of the bid or proposal.
- c. *Decision.* After the Purchasing Agent has determined there is cause to suspend or debar an offeror, the offeror shall be given written notice of the debarment and the reasons for the action taken.

Sec. 2-253. Inspections and tests.

- 1. The director of the originating department may inspect, or arrange for the inspection of all deliveries of supplies, materials, equipment or contractual services to confirm that they meet the specifications set forth in the bid documents and contract.
- 2. Any originating department may inspect deliveries made to it.
- 3. The director of the originating department may require chemical and/or physical tests or samples submitted with bids and samples of deliveries which are deemed

Ord. # 09-2019
Page 15 of 15

necessary to determine their quality and conformance with the specifications. For such tests, the Purchasing Agent shall have the authority to make use of any facilities of the town where such tests may be competently performed or an outside laboratory may be utilized. Should the product fail such testing, the town may require the offeror to pay the town for any expense incurred in testing.

Sec. 2-254. Equal opportunity/minority and women business enterprise.

1. The town shall use its best efforts to ensure that minority, women and veteran owned businesses shall have an equitable opportunity to participate in the town's procurement process and that no business shall be excluded from participation in, denied benefits of, or be otherwise discriminated against in connection with the award and performance of any contracts with the town because of race, color, religion, national origin, age, sexual orientation, gender, marital status, handicap or physical impairment.

Sec. 2-255. Bid preferences.

Except with regards to contracts to be reimbursed by the Federal Emergency Management Agency, the town shall provide in its Invitations to Bid, RFP, or RFQ, a five percent bid preference for:

1. Local merchants whose principal office is within the town's boundaries, and who have maintained a valid town business tax receipt for the previous two entire calendar years; or
2. Certified minority or Florida veteran owned business enterprises pursuant to the Florida Office of Supplier Diversity and to certified minority owned business as defined by § 288.703, F.S..

Secs. 2-256--2-280. Reserved.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Codification. The Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section", "article", or any other appropriate word.

Section 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

Upon First Reading this 30 day of October, 2019, the foregoing Ordinance was offered by Commissioner Flaherty, who moved its approval. The motion was seconded by Commissioner Michaud and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	<u> </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	<u> </u>
COMMISSIONER ERIN FLAHERTY	<u>/</u>	<u> </u>
COMMISSIONER JOHN LINDEN	<u> </u>	<u>/</u>
COMMISSIONER ROGER MICHAUD	<u>/</u>	<u> </u>

PUBLISHED IN THE PALM BEACH POST THIS 3 DAY OF November, 2019

Upon Second Reading this 20 day of November, 2019, the foregoing Ordinance, was offered by Commissioner Flaherty, who moved its adoption. The motion was seconded by Vice-Mayor Glas-Castro and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>/</u>	<u> </u>
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>/</u>	<u> </u>
COMMISSIONER ERIN FLAHERTY	<u>/</u>	<u> </u>
COMMISSIONER JOHN LINDEN	<u> </u>	<u> </u>
COMMISSIONER ROGER MICHAUD	<u>/</u>	<u> </u>

The Mayor thereupon declared **Ordinance No.** 09-2019 duly passed and adopted this 20 day of November, 2019.


TOWN OF LAKE PARK, FLORIDA

BY: 
Mayor, Michael O'Rourke

ATTEST:

Approved as to form and legal sufficiency:


Town Clerk, Vivian Mendez


Town Attorney, Thomas J. Baird

(Town Seal)
**TOWN OF LAKE PARK
SEAL
FLORIDA**



Town of Lake Park Town Commission

Agenda Request Form

Meeting Date: September 20, 2023

Agenda Item No.

Agenda Title: Resolution Authorizing and Directing the Town Manager to Renew Property and Casualty Insurance Coverage through the Florida Municipal Insurance Trust for Fiscal Year 2024

- [] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
 [] BOARD APPOINTMENT [] OLD BUSINESS
 [] PUBLIC HEARING ORDINANCE ON ____ READING
 [x] **NEW BUSINESS**
 [] OTHER: _____

Approved by Town Manager **Bambi McKibbon-Turner**
 Digitally signed by Bambi McKibbon-Turner
 DN: cn=Bambi McKibbon-Turner, o=Town of Lake
 Park, ou=Assistant Town Manager/Human
 Resources Director,
 email=btturner@lakeparkflorida.gov, c=US
 Date: 2023.09.14 13:26:40 -04'00'

Name/Title

Originating Department: Human Resources	Costs: \$470,905 Funding Source: Acct. # Various as funded in the FY 2024 budget [] Finance <small>Jeffrey P. Duvall</small>	Attachments: Resolution; Gehring Group Property, Casualty and Workers Compensation Insurance 2023-2024 Renewal Evaluation (Exhibit A)
Advertised: Date: _____ Paper: _____ [x] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone: <u>BMT</u> OR Not applicable in this case _____ Please initial one.

Summary Explanation/Background:

The incumbent carrier of the Town's property and casualty insurance coverage (which includes Flood, Inland Marine, Crime Coverage, General Liability, Network Security and Privacy Liability, Public Official Liability and Employment Practices Liability, Automobile Liability, and Workers' Compensation Insurance) is the Florida Municipal Insurance Trust (FMIT). Such coverage expires on September 30, 2023.

At the request of staff, Gehring Group released a request for proposals (RFP) to the insurance market for renewal of such coverages for Fiscal Year 2024. As a result, FMIT submitted several renewal alternatives which are set forth in the Gehring Group Property, Casualty and Workers' Compensation Insurance 2023-2024 Renewal Evaluation which is attached as Exhibit A. Staff has reviewed such renewal alternatives and has determined that it is in the Town's best interest to recommend Renewal Alternative #6 which provides for a renewal rate representing an 84.47 percent, or \$215,624, increase over the expiring coverage, which can be sustained budgetarily. Renewal Alternative #6 is set forth on page 4 of the attached Exhibit A. The other renewal alternatives are provided as information.

Preferred Governmental Claims Solutions (PGIT) responded to the RFP by declining to quote due to capacity restraints in Palm Beach County, Florida.

Based upon its review of the attached renewal evaluation provided by Gehring Group, staff recommends that the Town Manager renew property and casualty insurance coverage for Fiscal Year 2024 through the Florida Municipal Insurance Trust based upon Renewal Alternative #6 as set forth in Exhibit A.

Recommended Motion: I move to adopt Resolution _____

RESOLUTION NO. 72-09-23

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE TOWN MANAGER TO RENEW FOR FISCAL YEAR 2023/2024 THE TOWN'S PROPERTY AND CASUALTY INSURANCE THROUGH THE FLORIDA MUNICIPAL INSURANCE TRUST; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Commission has determined that it is in the best interest of the Town of Lake Park to provide for property and casualty insurance for Fiscal Year 2023/2024; and

WHEREAS, the Town Commission has reviewed the Gehring Group 2023/2024 Property, Casualty and Workers Compensation Renewal Evaluation, a copy of which is attached hereto and incorporated herein as **Exhibit "A"**, for the provision of property, casualty and workers compensation insurance; and

WHEREAS, the Town Commission has determined that it is in the best interest of the Town to renew property and casualty insurance coverage through the Florida Municipal Insurance Trust for Fiscal Year 2023/2024; and

WHEREAS, the Town Commission of the Town of Lake Park has directed that adequate funds be allocated for such coverage in Fiscal Year 2023/2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AS FOLLOWS:

Section 1. The whereas clauses are incorporated herein as true and correct and are hereby made a specific part of this Resolution.

Section 2. The Town Commission hereby authorizes and directs the Town Manager to renew for Fiscal Year 2023/2024 property and casualty insurance through the Florida Municipal Insurance Trust as outlined in the attached **Exhibit A**.

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

EXHIBIT A

Town of Lake Park
Property, Casualty & Workers Compensation Insurance
2023-2024 Renewal Evaluation



Coverage Type	CURRENT			RENEWAL			RENEWAL ALT #1		
	2022-2023			2023-2024			2023-2024		
	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium
Property	\$5,000 AOP; 5% NS	\$ 21,492,957	\$ 113,495	\$5,000 AOP; 5% NS	\$ 22,432,580	\$ 346,694	\$25,000 AOP; 5% NS	\$ 22,432,580	\$ 330,045
Inland Marine	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr
Flood	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr
Business Interruption	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr
Equipment Breakdown	\$ 5,000	\$ 21,492,957	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr
Crime			Included in Pr			Included in Pr			Included in Pr
Employee Theft	\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000	
Computer Funds Transfer	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Forgery & Alteration	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Scheduled Position - Finance Dir	\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000	
General Liability	\$ 25,000	\$ 2,000,000	\$ 45,348	\$ 25,000	\$ 2,000,000	\$ 47,048	\$ 25,000	\$ 2,000,000	\$ 47,048
Employment Practices & Public Officials Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Law Enforcement Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Cyber Liability	\$ 25,000	\$ 1,000,000	\$ 2,038	\$ 25,000	\$ 1,000,000	\$ 2,354	\$ 25,000	\$ 1,000,000	\$ 2,354
Auto Physical Damage	\$ 25,000	Per Schedule	\$ 9,630	\$ 25,000	Per Schedule	\$ 10,729	\$ 25,000	Per Schedule	\$ 10,729
Auto Liability	\$ 25,000	\$ 2,000,000	\$ 26,177	\$ 25,000	\$ 2,000,000	\$ 35,767	\$ 25,000	\$ 2,000,000	\$ 35,767
Personal Injury Protection	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL
Medical Payments	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL
Workers' Compensation	\$ -	Statutory	\$ 46,394	\$ -	Statutory	\$ 66,967	\$ -	Statutory	\$ 66,967
Estimated Payroll	\$ -	\$ 3,902,608		\$ -	\$ 4,120,824		\$ -	\$ 4,120,824	
Experience Modification Factor	\$ -	0.93		\$ -	1.28		\$ -	1.28	
Marina Operator's Liability*	\$ 2,500	\$ 1,000,000	\$ 9,760	\$ 2,500	\$ 1,000,000	\$ 10,736	\$ 2,500	\$ 1,000,000	\$ 10,736
Storage Tank Liability	\$ 5,000	\$ 1,000,000.00	\$ 2,439	\$ 5,000	\$ 1,000,000	\$ 2,614	\$ 5,000	\$ 1,000,000	\$ 2,614
Total Annual Premium			\$ 255,281			\$ 522,909			\$ 506,260
\$ Increase or Decrease			N/A			\$ 267,628			\$ 250,979
% Increase or Decrease			N/A			104.84%			98.31%

*Estimated renewal premium

Town of Lake Park
Property, Casualty & Workers Compensation Insurance
2023-2024 Renewal Evaluation



	CURRENT			RENEWAL ALT #2			RENEWAL ALT #3		
	2022-2023			2023-2024			2023-2024		
Coverage Type	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium
Property	\$5,000 AOP; 5% NS	\$ 21,492,957	\$ 113,495	\$5,000 AOP; 7.5% NS	\$ 22,432,580	\$ 318,958	\$50,000 AOP; 5% NS	\$ 22,432,580	\$ 317,541
Inland Marine	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr
Flood	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr
Business Interruption	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr
Equipment Breakdown	\$ 5,000	\$ 21,492,957	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr
Crime			Included in Pr			Included in Pr			Included in Pr
Employee Theft	\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000	
Computer Funds Transfer	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Forgery & Alteration	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Scheduled Position - Finance Dir	\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000	
General Liability	\$ 25,000	\$ 2,000,000	\$ 45,348	\$ 25,000	\$ 2,000,000	\$ 47,048	\$ 25,000	\$ 2,000,000	\$ 47,048
Employment Practices & Public Officials Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Law Enforcement Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Cyber Liability	\$ 25,000	\$ 1,000,000	\$ 2,038	\$ 25,000	\$ 1,000,000	\$ 2,354	\$ 25,000	\$ 1,000,000	\$ 2,354
Auto Physical Damage	\$ 25,000	Per Schedule	\$ 9,630	\$ 25,000	Per Schedule	\$ 10,729	\$ 25,000	Per Schedule	\$ 10,729
Auto Liability	\$ 25,000	\$ 2,000,000	\$ 26,177	\$ 25,000	\$ 2,000,000	\$ 35,767	\$ 25,000	\$ 2,000,000	\$ 35,767
Personal Injury Protection	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL
Medical Payments	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL
Workers' Compensation	\$ -	Statutory	\$ 46,394	\$ -	Statutory	\$ 66,967	\$ -	Statutory	\$ 66,967
Estimated Payroll	\$ -	\$ 3,902,608		\$ -	\$ 4,120,824		\$ -	\$ 4,120,824	
Experience Modification Factor	\$ -	0.93		\$ -	1.28		\$ -	1.28	
Marina Operator's Liability*	\$ 2,500	\$ 1,000,000	\$ 9,760	\$ 2,500	\$ 1,000,000	\$ 10,736	\$ 2,500	\$ 1,000,000	\$ 10,736
Storage Tank Liability	\$ 5,000	\$ 1,000,000.00	\$ 2,439	\$ 5,000	\$ 1,000,000	\$ 2,614	\$ 5,000	\$ 1,000,000	\$ 2,614
Total Annual Premium			\$ 255,281			\$ 495,173			\$ 493,756
\$ Increase or Decrease			N/A			\$ 239,892			\$ 238,475
% Increase or Decrease			N/A			93.97%			93.42%

*Estimated renewal premium

Town of Lake Park
Property, Casualty & Workers Compensation Insurance
2023-2024 Renewal Evaluation



Coverage Type	CURRENT			RENEWAL ALT #4			RENEWAL ALT #5		
	2022-2023			2023-2024			2023-2024		
	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium
Property	\$5,000 AOP; 5% NS	\$ 21,492,957	\$ 113,495	\$25,000 AOP; 7.5% NS	\$ 22,432,580	\$ 303,642	\$100,000 AOP; 5% NS	\$ 22,432,580	\$ 299,786
Inland Marine	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr
Flood	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr
Business Interruption	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr
Equipment Breakdown	\$ 5,000	\$ 21,492,957	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr
Crime			Included in Pr			Included in Pr			Included in Pr
Employee Theft	\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000	
Computer Funds Transfer	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Forgery & Alteration	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Scheduled Position - Finance Dir	\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000	
General Liability	\$ 25,000	\$ 2,000,000	\$ 45,348	\$ 25,000	\$ 2,000,000	\$ 47,048	\$ 25,000	\$ 2,000,000	\$ 47,048
Employment Practices & Public Officials Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Law Enforcement Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Cyber Liability	\$ 25,000	\$ 1,000,000	\$ 2,038	\$ 25,000	\$ 1,000,000	\$ 2,354	\$ 25,000	\$ 1,000,000	\$ 2,354
Auto Physical Damage	\$ 25,000	Per Schedule	\$ 9,630	\$ 25,000	Per Schedule	\$ 10,729	\$ 25,000	Per Schedule	\$ 10,729
Auto Liability	\$ 25,000	\$ 2,000,000	\$ 26,177	\$ 25,000	\$ 2,000,000	\$ 35,767	\$ 25,000	\$ 2,000,000	\$ 35,767
Personal Injury Protection	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL
Medical Payments	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL
Workers' Compensation	\$ -	Statutory	\$ 46,394	\$ -	Statutory	\$ 66,967	\$ -	Statutory	\$ 66,967
Estimated Payroll	\$ -	\$ 3,902,608		\$ -	\$ 4,120,824		\$ -	\$ 4,120,824	
Experience Modification Factor	\$ -	0.93		\$ -	1.28		\$ -	1.28	
Marina Operator's Liability*	\$ 2,500	\$ 1,000,000	\$ 9,760	\$ 2,500	\$ 1,000,000	\$ 10,736	\$ 2,500	\$ 1,000,000	\$ 10,736
Storage Tank Liability	\$ 5,000	\$ 1,000,000.00	\$ 2,439	\$ 5,000	\$ 1,000,000	\$ 2,614	\$ 5,000	\$ 1,000,000	\$ 2,614
Total Annual Premium			\$ 255,281			\$ 479,857			\$ 476,001
\$ Increase or Decrease			N/A			\$ 224,576			\$ 220,720
% Increase or Decrease			N/A			87.97%			86.46%

*Estimated renewal premium

Town of Lake Park
Property, Casualty & Workers Compensation Insurance
2023-2024 Renewal Evaluation



Coverage Type	CURRENT 2022-2023			RENEWAL ALT #6 2023-2024			RENEWAL ALT #7 2023-2024		
	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium
Property	\$5,000 AOP; 5% NS	\$ 21,492,957	\$ 113,495	\$5,000 AOP; 10% NS	\$ 22,432,580	\$ 294,690	\$50,000 AOP; 7.5% NS	\$ 22,432,580	\$ 292,138
Inland Marine	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr
Flood	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr
Business Interruption	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr
Equipment Breakdown	\$ 5,000	\$ 21,492,957	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr
Crime			Included in Pr			Included in Pr			Included in Pr
Employee Theft	\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000	
Computer Funds Transfer	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Forgery & Alteration	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Scheduled Position - Finance Dir	\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000	
General Liability	\$ 25,000	\$ 2,000,000	\$ 45,348	\$ 25,000	\$ 2,000,000	\$ 47,048	\$ 25,000	\$ 2,000,000	\$ 47,048
Employment Practices & Public Officials Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Law Enforcement Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Cyber Liability	\$ 25,000	\$ 1,000,000	\$ 2,038	\$ 25,000	\$ 1,000,000	\$ 2,354	\$ 25,000	\$ 1,000,000	\$ 2,354
Auto Physical Damage	\$ 25,000	Per Schedule	\$ 9,630	\$ 25,000	Per Schedule	\$ 10,729	\$ 25,000	Per Schedule	\$ 10,729
Auto Liability	\$ 25,000	\$ 2,000,000	\$ 26,177	\$ 25,000	\$ 2,000,000	\$ 35,767	\$ 25,000	\$ 2,000,000	\$ 35,767
Personal Injury Protection	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL
Medical Payments	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL
Workers' Compensation	\$ -	Statutory	\$ 46,394	\$ -	Statutory	\$ 66,967	\$ -	Statutory	\$ 66,967
Estimated Payroll	\$ -	\$ 3,902,608		\$ -	\$ 4,120,824		\$ -	\$ 4,120,824	
Experience Modification Factor	\$ -	0.93		\$ -	1.28		\$ -	1.28	
Marina Operator's Liability*	\$ 2,500	\$ 1,000,000	\$ 9,760	\$ 2,500	\$ 1,000,000	\$ 10,736	\$ 2,500	\$ 1,000,000	\$ 10,736
Storage Tank Liability	\$ 5,000	\$ 1,000,000.00	\$ 2,439	\$ 5,000	\$ 1,000,000	\$ 2,614	\$ 5,000	\$ 1,000,000	\$ 2,614
Total Annual Premium		\$ 255,281	\$ 470,905		\$ 470,905	\$ 468,353			\$ 468,353
\$ Increase or Decrease		N/A	\$ 215,624		\$ 215,624	\$ 213,072			\$ 213,072
% Increase or Decrease		N/A	84.47%		84.47%	83.47%			83.47%

*Estimated renewal premium

Town of Lake Park
Property, Casualty & Workers Compensation Insurance
2023-2024 Renewal Evaluation



Coverage Type	CURRENT 2022-2023			RENEWAL ALT #8 2023-2024			RENEWAL ALT #9 2023-2024		
	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium
Property	\$5,000 AOP; 5% NS	\$ 21,492,957	\$ 113,495	\$25,000 AOP; 10% NS	\$ 22,432,580	\$ 280,539	\$100,000 AOP; 7.5% NS	\$ 22,432,580	\$ 275,803
Inland Marine	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr
Flood	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr
Business Interruption	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr
Equipment Breakdown	\$ 5,000	\$ 21,492,957	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr
Crime			Included in Pr			Included in Pr			Included in Pr
Employee Theft	\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000	
Computer Funds Transfer	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Forgery & Alteration	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Scheduled Position - Finance Dir	\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000	
General Liability	\$ 25,000	\$ 2,000,000	\$ 45,348	\$ 25,000	\$ 2,000,000	\$ 47,048	\$ 25,000	\$ 2,000,000	\$ 47,048
Employment Practices & Public Officials Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Law Enforcement Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Cyber Liability	\$ 25,000	\$ 1,000,000	\$ 2,038	\$ 25,000	\$ 1,000,000	\$ 2,354	\$ 25,000	\$ 1,000,000	\$ 2,354
Auto Physical Damage	\$ 25,000	Per Schedule	\$ 9,630	\$ 25,000	Per Schedule	\$ 10,729	\$ 25,000	Per Schedule	\$ 10,729
Auto Liability	\$ 25,000	\$ 2,000,000	\$ 26,177	\$ 25,000	\$ 2,000,000	\$ 35,767	\$ 25,000	\$ 2,000,000	\$ 35,767
Personal Injury Protection	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL
Medical Payments	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL
Workers' Compensation	\$ -	Statutory	\$ 46,394	\$ -	Statutory	\$ 66,967	\$ -	Statutory	\$ 66,967
Estimated Payroll	\$ -	\$ 3,902,608		\$ -	\$ 4,120,824		\$ -	\$ 4,120,824	
Experience Modification Factor	\$ -	0.93		\$ -	1.28		\$ -	1.28	
Marina Operator's Liability*	\$ 2,500	\$ 1,000,000	\$ 9,760	\$ 2,500	\$ 1,000,000	\$ 10,736	\$ 2,500	\$ 1,000,000	\$ 10,736
Storage Tank Liability	\$ 5,000	\$ 1,000,000.00	\$ 2,439	\$ 5,000	\$ 1,000,000	\$ 2,614	\$ 5,000	\$ 1,000,000	\$ 2,614
Total Annual Premium			\$ 255,281			\$ 456,753			\$ 452,018
\$ Increase or Decrease			N/A			\$ 201,473			\$ 196,737
% Increase or Decrease			N/A			78.92%			77.07%

*Estimated renewal premium

Town of Lake Park
Property, Casualty & Workers Compensation Insurance
2023-2024 Renewal Evaluation



	CURRENT			RENEWAL ALT #10			RENEWAL ALT #11		
	2022-2023			2023-2024			2023-2024		
Coverage Type	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium
Property	\$5,000 AOP; 5% NS	\$ 21,492,957	\$ 113,495	\$50,000 AOP; 10% NS	\$ 22,432,580	\$ 269,910	\$100,000 AOP; 10% NS	\$ 22,432,580	\$ 254,818
Inland Marine	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr	\$500/\$1,000	\$ 1,188,900	Included in Pr
Flood	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr	Zones B,C,X: \$5,000; Zones A&V: NFIP Limit	\$ 5,000,000	Included in Pr
Business Interruption	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr	\$ -	\$ 250,000	Included in Pr
Equipment Breakdown	\$ 5,000	\$ 21,492,957	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr	\$ 5,000	\$ 22,432,580	Included in Pr
Crime			Included in Pr			Included in Pr			Included in Pr
Employee Theft	\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000		\$ 1,000	\$ 100,000	
Computer Funds Transfer	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Forgery & Alteration	\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000		\$ 1,000	\$ 50,000	
Scheduled Position - Finance Dir	\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000		\$ 1,000	\$ 250,000	
General Liability	\$ 25,000	\$ 2,000,000	\$ 45,348	\$ 25,000	\$ 2,000,000	\$ 47,048	\$ 25,000	\$ 2,000,000	\$ 47,048
Employment Practices & Public Officials Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Law Enforcement Liability	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL	\$ 25,000	\$ 2,000,000	Included in GL
Cyber Liability	\$ 25,000	\$ 1,000,000	\$ 2,038	\$ 25,000	\$ 1,000,000	\$ 2,354	\$ 25,000	\$ 1,000,000	\$ 2,354
Auto Physical Damage	\$ 25,000	Per Schedule	\$ 9,630	\$ 25,000	Per Schedule	\$ 10,729	\$ 25,000	Per Schedule	\$ 10,729
Auto Liability	\$ 25,000	\$ 2,000,000	\$ 26,177	\$ 25,000	\$ 2,000,000	\$ 35,767	\$ 25,000	\$ 2,000,000	\$ 35,767
Personal Injury Protection	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL	\$ -	\$ 10,000	Included in AL
Medical Payments	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL	\$ -	\$ 5,000	Included in AL
Workers' Compensation	\$ -	Statutory	\$ 46,394	\$ -	Statutory	\$ 66,967	\$ -	Statutory	\$ 66,967
Estimated Payroll	\$ -	\$ 3,902,608		\$ -	\$ 4,120,824		\$ -	\$ 4,120,824	
Experience Modification Factor	\$ -	0.93		\$ -	1.28		\$ -	1.28	
Marina Operator's Liability*	\$ 2,500	\$ 1,000,000	\$ 9,760	\$ 2,500	\$ 1,000,000	\$ 10,736	\$ 2,500	\$ 1,000,000	\$ 10,736
Storage Tank Liability	\$ 5,000	\$ 1,000,000.00	\$ 2,439	\$ 5,000	\$ 1,000,000	\$ 2,614	\$ 5,000	\$ 1,000,000	\$ 2,614
Total Annual Premium			\$ 255,281			\$ 446,125			\$ 431,033
\$ Increase or Decrease			N/A			\$ 190,844			\$ 175,752
% Increase or Decrease			N/A			74.76%			68.85%

*Estimated renewal premium



Town of Lake Park Town Commission

Item 10.

Agenda Request Form

Meeting Date: September 20, 2023
Originating Department: Special Events
Agenda Title: Renaming Lake Shore Park Discussion

Approved by Town Manager: Bambi McKibbon-Turner
Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park, ou=Assistant
Town Manager, Human Resources Director,
email=bturmer@lakeparkflorida.gov, c=US
Date: 2023.09.14 12:10:40 -0400

Cost of Item: _____ **Funding Source:** _____
Account Number: _____ **Finance Signature:** _____

Advertised: _____
Date: _____ **Newspaper:** _____

Attachments: Town of Lake Park Resolution No. 22-1972

Please initial one:

X Yes I have notified everyone
Not applicable in this case

Summary Explanation/Background:

During a previous Commission Meeting it was brought to our attention that most residents did not know that Kelsey Park and Lake Shore Park are two different parks. In 2022, the Town Commission had a brief discussion about the possibility of renaming Lake Shore Park to coincide with the Town's 100th year anniversary. On April 19, 1972 the Town Commission passed Resolution No. 22-1972 naming the park property living east of Lake Shore Drive opposite of Kelsey City Park as Lake Shore Park. At this time, Town staff would like the Commission to discuss if it is their desire to rename Lake Shore Park. And if so, what name will it be given. If the Commission decides to follow through with the renaming, a new Resolution will be brought forth prior to the Centennial Celebration Festival in November.

Recommended Motion: At the Commission's discretion based on the information provided.

RESOLUTION NO. 22-1972

A RESOLUTION OF THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, PROCLAIMING A NAME FOR THE PARK PROPERTY LYING EAST OF LAKE SHORE DRIVE OPPOSITE KELSEY CITY PARK.

BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF LAKE PARK:

SECTION I

The park area owned by the Town of Lake Park lying east of Lake Shore Drive opposite Kelsey City Park is hereby named

LAKE SHORE PARK

SECTION II


The Town Manager is hereby directed to take whatever administrative steps are necessary to show the name of this park on all proper Town documents.

PASSED AND ADOPTED THIS 19 DAY OF April, 1972.

(Town Seal)


MAYOR

ATTEST:


Town Clerk



Town of Lake Park Town Commission

Item 11.

Agenda Request Form

Meeting Date: September 20, 2023

Agenda Item No.

Agenda Title: Discussion on the Live Local Act and the possible implementation of a “Zoning in Progress”.

- [] SPECIAL PRESENTATION/REPORTS [] CONSENT AGENDA
[] BOARD APPOINTMENT [] OLD BUSINESS
[] ORDINANCE
[X] **NEW BUSINESS – DISCUSSION ITEM**
[] OTHER

Approved by Town Manager Bambi McKibbon-Turner

Digitally signed by Bambi McKibbon-Turner
DN: cn=Bambi McKibbon-Turner, o=Town of Lake Park,
ou=Assistant Town Manager/Human Resources Director,
email=bturner@lakeparkflorida.gov, c=US
Date: 2023.09.14 16:15:20 -0400

Anders Viane – Planner

Name/Title

Originating Department: Town Manager/Town Attorney/Community Development	Costs: N/A at this time other than internal meetings with the Town Attorney for which a legal budget is available. Funding Source: Acct. [] Finance _____	Attachments: -Senate Bill 102
Advertised: Date: N/A Paper: [] Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone or Not applicable in this case ND Please initial one.

Summary Explanation/Background:

In July 2023 Senate Bill 102 (SB 102) was signed into law. It is known as the “Live Local Act”. This new law allocates \$711 million dollars toward affordable housing initiatives statewide. However, SB 102 is far more than an appropriations bill. It aims to incentivize the development of affordable housing and provide new procedures to the development of housing. The new law has implications for both developers and local governments.

SB 102 makes a number of changes to Florida law impacting how local governments can treat certain proposed affordable housing developments. It also changes what policies local governments may enact to address housing. These changes are intended to align with the Florida Legislature’s rewrite of section 420.0003, Florida Statutes, that deals with affordable housing. That section requires local governments provide incentives, such as density bonus incentives, to encourage the private sector to be the primary driver for developing affordable housing.

Rent Control

SB 102 amends sections 125.0103 and 166.043, Florida Statutes, to remove local government authority to enact rent control. Previously, local governments could enact rent control measures via a referendum for a period not exceeding one year in certain instances.

Development Incentives

SB 102 makes a number of changes to sections 125.01055 and 166.04151, Florida Statutes, which preempts local governments from enacting policies that would hinder the development of certain affordable housing projects. These changes sunset October 1, 2033.

SB 102 requires local governments to make multifamily and mixed-use residential allowable uses in areas zoned commercial, industrial, or mixed use if at least 40% of the proposed development's multifamily residential rental units are affordable as defined under state law (for at least 30 years as Affordable Multifamily Housing). SB 102 preempts local governments from taking a number of actions that might hinder the development of Affordable Multifamily Housing.

The amendments to these sections also remove the prohibition on developers of affordable housing from receiving funds from the State Apartment Incentive Loan (SAIL) Program provided that 10% of the units are dedicated for affordable housing.

Local Government Administration and Affordable Housing

SB 102 amends sections 125.379 and 166.0451, Florida Statutes, and requires local governments list real property owned in fee simple by any dependent special district within that local government's jurisdiction that is appropriate for affordable housing, as well as requiring the inventory list of properties be publicly available on the local governments' websites.

SB 102 amends section 553.792, Florida Statutes, to require local governments maintain a policy containing the procedures and expectations for expedited processing of building permits and development orders that are required to be expedited on the local governments' websites.

Taxes

SB 102 aims to encourage the development of affordable housing by lessening the associated tax burden.

- **Ad Valorem Property Tax Exemptions:** SB 102 enacts two separate ad valorem tax exemptions available to owners of property used for Affordable Multifamily Housing developments under sections 196.1978(3) and section 196.1979, Florida Statutes. A taxpayer may only receive one of these exemptions.
 1. **Sections 196.1978(3):** Section 196.1978(3), Florida Statutes, makes portions of property in a multifamily project eligible for a tax exemption by deeming such property to be used for a charitable purpose, pursuant to certain eligibility criteria. This section requires that qualified property which is available to house those whose annual household income is above 80% and below 120% of the median annual adjusted gross income for households within the metropolitan statistical area (MSA), or for households in a county that is not within an MSA, receive an ad valorem property tax exemption of 75% of the property's assessed value. However, if the property is used to house those with income that does not exceed 80% of the median annual adjusted gross income for households within the MSA or county, then the property is 100% exempt from ad valorem property taxes.
 2. **Section 196.1979:** Permits local governments to adopt an ordinance exempting portions of property used to provide affordable housing by deeming the property as

being used for a charitable purpose, pursuant to certain eligibility criteria. If all the residential units in a multifamily development are not affordable housing, then the property's exemption may be up to 75% of the assessed value of each residential unit providing affordable housing. If all the residential units are affordable, then the exemption may be up to 100% of the assessed value on the multifamily residential units providing affordable housing.

SB 102 enacts several more tax exemption and credit programs, along with State housing programs, pursuant to certain eligibility criteria.

SB 102 has a number of provisions that direct local governments to take action. For example, section 420.0003, Florida Statutes, encourages local governments to adopt ordinances to promote innovative housing solutions, such as utilizing publicly held land to develop affordable housing. That section also encourages local governments to engage in community led planning focusing on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property, resiliency, and furthering development with preexisting public services. It encourages the development of policies that maximize high-density, high-rise, and mixed-use, as well as mixed-income projects. It even encourages the development of policies to modernize housing specifically naming things such as tiny homes, 3D-printed homes, and accessory dwelling units.

Additionally, SB 102's amendments to sections 125.379 and 166.0451, Florida Statutes, encourage local governments to enact ordinances adopting best practices for surplus land programs. These best practices include establishing eligibility criteria for the receipt or purchase of surplus land by developers, making the process for requesting surplus lands publicly available, and ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring the reversion of property not used for affordable housing within a certain timeframe. Local governments that wish to enact an ordinance providing for an ad valorem tax exemption under section 196.1979, Florida Statutes, will have to do so in accordance with the provisions and restrictions set out in that section.

SB 102 also directs certain State agencies such as the Florida Housing Finance Corporation to adopt rules relating to the ad valorem exemption available under section 196.1978(3), Florida Statutes. It directs the Florida Department of Revenue to adopt rules governing the administration of the tax exemptions under sections 212.08 and 220.1878, Florida Statutes.

With all of the above being said, it may be prudent to adopt a Zoning in Progress Resolution in order to provide the necessary time for Staff to adequately interpret and work through the requirements of the new law. This would ensure our programs and regulations adhere to the requirements, so that we can properly review and process applications under the Live Local Act. This would also ensure that we properly administer and apply the new provisions for affordable housing, tax exemptions and other provisions in a way that safeguards the public's health, safety and welfare.

Recommended Motion: For discussion and possible direction on a "Zoning in Progress" Resolution to be presented at the October 4, 2023 Commission meeting.

CHAPTER 2023-17

Committee Substitute for Senate Bill No. 102

An act relating to housing; providing a short title; amending s. 125.0103, F.S.; deleting the authority of local governments to adopt or maintain laws, ordinances, rules, or other measures that would have the effect of imposing controls on rents; amending s. 125.01055, F.S.; revising applicability for areas of critical state concern; specifying requirements for, and restrictions on, counties in approving certain housing developments; providing for future expiration; amending s. 125.379, F.S.; revising the date by which counties must prepare inventory lists of real property; requiring counties to make the inventory lists publicly available on their websites; authorizing counties to use certain properties for affordable housing through a long-term land lease; revising requirements for counties relating to inventory lists of certain property for affordable housing; providing that counties are encouraged to adopt best practices for surplus land programs; amending s. 166.04151, F.S.; revising applicability for areas of critical state concern; specifying requirements for, and restrictions on, municipalities in approving applications for certain housing developments; providing for future expiration; amending s. 166.043, F.S.; deleting the authority of local governments to adopt or maintain laws, ordinances, rules, or other measures that would have the effect of imposing controls on rents; amending s. 166.0451, F.S.; revising the date by which municipalities must prepare inventory lists of real property; requiring municipalities to make the inventory lists publicly available on their websites; authorizing municipalities to use certain properties for affordable housing through a long-term land lease; revising requirements for municipalities relating to inventory lists of certain property for affordable housing; providing that municipalities are encouraged to adopt best practices for surplus land programs; amending s. 196.1978, F.S.; providing an exemption from ad valorem taxation for land that meets certain criteria; providing applicability; providing for future repeal; defining terms; providing an ad valorem tax exemption for portions of property in a multifamily project if certain conditions are met; providing that vacant units may be eligible for the exemption under certain circumstances; specifying percentages of the exemption for qualified properties; specifying requirements for applying for the exemption with the property appraiser; specifying requirements for requesting certification from the Florida Housing Finance Corporation; specifying requirements for the corporation in reviewing requests, certifying property, and posting deadlines for applications; specifying requirements for property appraisers in reviewing and granting exemptions and for improperly granted exemptions; providing a penalty; providing limitations on eligibility; specifying requirements for a rental market study; authorizing the corporation to adopt rules; providing applicability; providing for future repeal; creating s. 196.1979, F.S.; authorizing local governments to adopt ordinances to provide an ad valorem tax exemption for portions of property

used to provide affordable housing meeting certain requirements; specifying requirements and limitations for the exemption; providing that vacant units may be eligible for the exemption under certain circumstances; specifying requirements for ordinances granting an exemption; specifying requirements for a rental market study; providing that ordinances must expire within a certain timeframe; requiring the property appraiser to take certain action in response to an improperly granted exemption; providing a penalty; providing applicability; amending s. 201.15, F.S.; suspending, for a specified period, the General Revenue Fund service charge on documentary stamp tax collections; providing for specified amounts of such collections to be credited to the State Housing Trust Fund for certain purposes; providing for certain amounts to be credited to the General Revenue Fund under certain circumstances; prohibiting the transfer of such funds to the General Revenue Fund in the General Appropriations Act; providing for the future expiration and reversion of specified statutory text; amending s. 212.08, F.S.; revising the total amount of community contribution tax credits which may be granted for certain projects; defining terms; providing a sales tax exemption for building materials used in the construction of affordable housing units; defining terms; specifying eligibility requirements; specifying requirements for applying for a sales tax refund with the Department of Revenue; specifying requirements for and limitations on refunds; providing requirements for the department in issuing refunds; authorizing the department to adopt rules; providing applicability; amending s. 213.053, F.S.; authorizing the department to make certain information available to the corporation to administer the Live Local Program; creating s. 215.212, F.S.; prohibiting the deduction of the General Revenue Fund service charge on documentary stamp tax proceeds; providing for future repeal; amending s. 215.22, F.S.; conforming a provision to changes made by the act; providing for the future expiration and reversion of specified statutory text; amending s. 220.02, F.S.; specifying the order of application of Live Local Program tax credits against the state corporate income tax; amending s. 220.13, F.S.; specifying requirements for the addition to adjusted federal income of amounts taken as a credit under the Live Local Program; amending s. 220.183, F.S.; conforming a provision to changes made by the act; amending s. 220.186, F.S.; providing applicability of Live Local Program tax credits to the Florida alternative minimum tax credit; creating s. 220.1878, F.S.; providing a credit against the state corporate income tax under the Live Local Program; specifying requirements and procedures for making eligible contributions and claiming the credit; amending s. 220.222, F.S.; requiring returns filed in connection with the Live Local Program tax credits to include the amount of certain credits; amending s. 253.034, F.S.; modifying requirements for the analysis included in land use plans; making technical changes; amending s. 253.0341, F.S.; requiring that local government requests for the state to surplus conservation or nonconservation lands for any means of transfer be expedited throughout the surplus process; amending s. 288.101, F.S.; authorizing the Governor, under the Florida Job Growth Grant Fund, to approve state or local public infrastructure projects to facilitate

the development or construction of affordable housing; providing for future repeal; amending s. 420.0003, F.S.; revising legislative intent for, and policies of, the state housing strategy; revising requirements for the implementation of the strategy; revising duties of the Shimberg Center for Housing Studies at the University of Florida; requiring the Office of Program Policy Analysis and Government Accountability to evaluate specified strategies, policies, and programs at specified intervals; specifying requirements for the office's analyses; authorizing rule amendments; amending s. 420.503, F.S.; revising the definition of the term "qualified contract" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.504, F.S.; revising the composition of the corporation's board of directors; providing specifications for filling vacancies on the board of directors; amending s. 420.507, F.S.; specifying a requirement for the corporation's annual budget request to the Secretary of Economic Opportunity; providing for the future expiration and reversion of specified statutory text; amending s. 420.5087, F.S.; revising prioritization of funds for the State Apartment Incentive Loan Program; creating s. 420.50871, F.S.; specifying requirements for, and authorized actions by, the corporation in allocating certain increased revenues during specified fiscal years to finance certain housing projects; providing construction; providing for future repeal; providing a directive to the Division of Law Revision; creating s. 420.50872, F.S.; defining terms; creating the Live Local Program; specifying responsibilities of the corporation; specifying the annual tax credit cap; specifying requirements for applying for tax credits with the department; providing requirements for the carryforward of credits; specifying restrictions on, and requirements for, the conveyance, transfer, or assignment of credits; providing requirements and procedures for the rescindment of credits; specifying procedures for calculating underpayments and penalties; providing construction; authorizing the department and the corporation to develop a cooperative agreement; authorizing the department to adopt rules; requiring the department to annually notify certain taxpayers of certain information; creating s. 420.5096, F.S.; providing legislative findings; creating the Florida Hometown Hero Program for a specified purpose; authorizing the corporation to underwrite and make certain mortgage loans; specifying terms for such loans and requirements for borrowers; authorizing loans made under the program to be used for the purchase of certain manufactured homes; providing construction; amending s. 420.531, F.S.; authorizing the Florida Housing Corporation to contract with certain entities to provide technical assistance to local governments in establishing selection criteria for proposals to use certain property for affordable housing purposes; amending s. 420.6075, F.S.; making technical changes; amending s. 553.792, F.S.; requiring local governments to maintain on their websites a policy relating to the expedited processing of certain building permits and development orders; amending s. 624.509, F.S.; specifying the order of application of Live Local Program tax credits against the insurance premium tax; amending s. 624.5105, F.S.; conforming a provision to changes made by the act; creating s. 624.51058, F.S.; providing a credit against the insurance premium tax under the Live Local

Program; providing a requirement for making eligible contributions; providing construction; providing applicability; exempting a certain initiative from certain evacuation time constraints; specifying that certain comprehensive plan amendments are valid; authorizing certain local governments to adopt local ordinances or regulations for certain purposes; authorizing the department to adopt emergency rules; providing for future expiration of such rulemaking authority; providing appropriations; providing a declaration of important state interest; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the “Live Local Act.”

Section 2. Section 125.0103, Florida Statutes, is amended to read:

125.0103 Ordinances and rules imposing price controls; ~~findings required; procedures.—~~

(1)(a) Except as hereinafter provided, ~~a no~~ county, municipality, or other entity of local government may not ~~shall~~ adopt or maintain in effect an ordinance or a rule ~~that which~~ has the effect of imposing price controls upon a lawful business activity ~~that which~~ is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

(b) This section does not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county’s ordinance does ~~shall~~ not apply within such municipality.

(2) ~~No law, ordinance, rule, or other measure which would have the effect of imposing controls on rents shall be adopted or maintained in effect except as provided herein and unless it is found and determined, as hereinafter provided, that such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.~~

(3) ~~Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.~~

(4) ~~Notwithstanding any other provisions of this section, no controls shall be imposed on rents for any accommodation used or offered for residential purposes as a seasonal or tourist unit, as a second housing unit, or on rents for dwelling units located in luxury apartment buildings. For the purposes of this section, a luxury apartment building is one wherein on January 1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds \$250.~~

(5) A ~~No~~ municipality, county, or other entity of local government may not ~~shall~~ adopt or maintain in effect any law, ordinance, rule, or other measure that ~~which~~ would have the effect of imposing controls on rents unless:

(a) ~~Such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States Constitutions, the charter or charters governing such entity of local government, this section, and any other applicable laws.~~

(b) ~~Such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.~~

(c) ~~Such measure is approved by the voters in such municipality, county, or other entity of local government.~~

(6) ~~In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this section, the evidentiary effect of any findings or recitations required by subsection (5) shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of nonpersuasion) shall rest upon any party seeking to have the measure upheld.~~

~~(3)~~(7) Notwithstanding any other provisions of this section, municipalities, counties, or other entities of local government may adopt and maintain

in effect any law, ordinance, rule, or other measure which is adopted for the purposes of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

Section 3. Subsections (5) and (6) of section 125.01055, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

125.01055 Affordable housing.—

(5) Subsection ~~(4)~~ (2) does not apply in an area of critical state concern, as designated in s. 380.0552.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for residential, commercial, or industrial use. If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or receive funding under s. 420.5087. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any unincorporated land in the county where residential development is allowed.

(c) A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the board of county commissioners is required if the development satisfies the county's land

development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the county's land development code, and the major transit stop is accessible from the development.

(f) For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(h) This subsection does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(i) This subsection expires October 1, 2033.

Section 4. Section 125.379, Florida Statutes, is amended to read:

125.379 Disposition of county property for affordable housing.—

(1) By October 1, 2023 ~~July 1, 2007~~, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county or any dependent special district within its boundaries holds fee simple title which ~~that~~ is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing. Each county shall make the inventory list publicly available on its website to encourage potential development.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be used for affordable housing through a long-term land lease requiring the development and

maintenance of affordable housing, offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, ~~or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing.~~ Alternatively, the county or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term “affordable” has the same meaning as in s. 420.0004(3).

(3) Counties are encouraged to adopt best practices for surplus land programs, including, but not limited to:

(a) Establishing eligibility criteria for the receipt or purchase of surplus land by developers;

(b) Making the process for requesting surplus lands publicly available; and

(c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Section 5. Subsections (5) and (6) of section 166.04151, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

166.04151 Affordable housing.—

(5) Subsection (4) ~~(2)~~ does not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, including, but not limited to, a mixed-use residential development, on any parcel zoned for residential, commercial, or industrial use. ~~If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or receive funding under s. 420.5087.~~ The provisions of this subsection are self-executing and do not require the governing body to adopt an ordinance or a regulation before using the approval process in this subsection.

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years,

affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest allowed density on any land in the municipality where residential development is allowed.

(c) A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements.

(e) A municipality must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transit stop, as defined in the municipality's land development code, and the major transit stop is accessible from the development.

(f) A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(g) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(h) This subsection does not apply to property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(i) This subsection expires October 1, 2033.

Section 6. Section 166.043, Florida Statutes, is amended to read:

166.043 Ordinances and rules imposing price controls; findings required; procedures.—

(1)(a) Except as hereinafter provided, ~~a no~~ county, municipality, or other entity of local government may not ~~shall~~ adopt or maintain in effect an ordinance or a rule that ~~which~~ has the effect of imposing price controls upon a lawful business activity that ~~which~~ is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.

(b) This section does not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance established under s. 125.0103 does ~~shall~~ not apply within such municipality.

~~(2) No law, ordinance, rule, or other measure which would have the effect of imposing controls on rents shall be adopted or maintained in effect except as provided herein and unless it is found and determined, as hereinafter provided, that such controls are necessary and proper to eliminate an existing housing emergency which is so grave as to constitute a serious menace to the general public.~~

~~(3) Any law, ordinance, rule, or other measure which has the effect of imposing controls on rents shall terminate and expire within 1 year and shall not be extended or renewed except by the adoption of a new measure meeting all the requirements of this section.~~

~~(4) Notwithstanding any other provisions of this section, no controls shall be imposed on rents for any accommodation used or offered for residential purposes as a seasonal or tourist unit, as a second housing unit, or on rents for dwelling units located in luxury apartment buildings. For the purposes of this section, a luxury apartment building is one wherein on~~

~~January 1, 1977, the aggregate rent due on a monthly basis from all dwelling units as stated in leases or rent lists existing on that date divided by the number of dwelling units exceeds \$250.~~

(5) A ~~No~~ municipality, county, or other entity of local government may not ~~shall~~ adopt or maintain in effect any law, ordinance, rule, or other measure that ~~which~~ would have the effect of imposing controls on rents unless:

(a) ~~Such measure is duly adopted by the governing body of such entity of local government, after notice and public hearing, in accordance with all applicable provisions of the Florida and United States Constitutions, the charter or charters governing such entity of local government, this section, and any other applicable laws.~~

(b) ~~Such governing body makes and recites in such measure its findings establishing the existence in fact of a housing emergency so grave as to constitute a serious menace to the general public and that such controls are necessary and proper to eliminate such grave housing emergency.~~

(c) ~~Such measure is approved by the voters in such municipality, county, or other entity of local government.~~

(6) ~~In any court action brought to challenge the validity of rent control imposed pursuant to the provisions of this section, the evidentiary effect of any findings or recitations required by subsection (5) shall be limited to imposing upon any party challenging the validity of such measure the burden of going forward with the evidence, and the burden of proof (that is, the risk of nonpersuasion) shall rest upon any party seeking to have the measure upheld.~~

(3)(7) Notwithstanding any other provisions of this section, municipalities, counties, or other entity of local government may adopt and maintain in effect any law, ordinance, rule, or other measure which is adopted for the purposes of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

Section 7. Section 166.0451, Florida Statutes, is amended to read:

166.0451 Disposition of municipal property for affordable housing.—

(1) By October 1, 2023 ~~July 1, 2007~~, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality or any dependent special district within its boundaries holds fee simple title which ~~that~~ is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such

property. Each municipality shall make the inventory list publicly available on its website to encourage potential development.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be used for affordable housing through a long-term land lease requiring the development and maintenance of affordable housing, offered for sale and the proceeds ~~may be~~ used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, ~~or may be~~ sold with a restriction that requires the development of the property as permanent affordable housing, ~~or may be~~ donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality or special district may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term “affordable” has the same meaning as in s. 420.0004(3).

(3) Municipalities are encouraged to adopt best practices for surplus land programs, including, but not limited to:

(a) Establishing eligibility criteria for the receipt or purchase of surplus land by developers;

(b) Making the process for requesting surplus lands publicly available; and

(c) Ensuring long-term affordability through ground leases by retaining the right of first refusal to purchase property that would be sold or offered at market rate and by requiring reversion of property not used for affordable housing within a certain timeframe.

Section 8. Effective January 1, 2024, subsection (1) of section 196.1978, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

196.1978 Affordable housing property exemption.—

(1)(a) Property used to provide affordable housing to eligible persons as defined by s. 159.603 and natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, which is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, is considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property that provide housing to natural persons or families classified as extremely low income, very low income, low income, or moderate income under s. 420.0004 are exempt from ad valorem taxation to the extent authorized under s. 196.196. All property identified in this subsection must comply with the criteria provided under s. 196.195 for determining exempt status and

applied by property appraisers on an annual basis. The Legislature intends that any property owned by a limited liability company which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) be treated as owned by its sole member. If the sole member of the limited liability company that owns the property is also a limited liability company that is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii), the Legislature intends that the property be treated as owned by the sole member of the limited liability company that owns the limited liability company that owns the property. Units that are vacant and units that are occupied by natural persons or families whose income no longer meets the income limits of this subsection, but whose income met those income limits at the time they became tenants, shall be treated as portions of the affordable housing property exempt under this subsection if a recorded land use restriction agreement in favor of the Florida Housing Finance Corporation or any other governmental or quasi-governmental jurisdiction requires that all residential units within the property be used in a manner that qualifies for the exemption under this subsection and if the units are being offered for rent.

(b) Land that is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, and is leased for a minimum of 99 years for the purpose of, and is predominantly used for, providing housing to natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004 is exempt from ad valorem taxation. For purposes of this paragraph, land is predominantly used for qualifying purposes if the square footage of the improvements on the land used to provide qualifying housing is greater than 50 percent of the square footage of all improvements on the land. This paragraph first applies to the 2024 tax roll and is repealed December 31, 2059.

(3)(a) As used in this subsection, the term:

1. “Corporation” means the Florida Housing Finance Corporation.

2. “Newly constructed” means an improvement to real property which was substantially completed within 5 years before the date of an applicant’s first submission of a request for certification or an application for an exemption pursuant to this section, whichever is earlier.

3. “Substantially completed” has the same meaning as in s. 192.042(1).

(b) Notwithstanding ss. 196.195 and 196.196, portions of property in a multifamily project are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption if such portions:

1. Provide affordable housing to natural persons or families meeting the income limitations provided in paragraph (d);

2. Are within a newly constructed multifamily project that contains more than 70 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d); and

3. Are rented for an amount that does not exceed the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of paragraph (m), whichever is less.

(c) If a unit that in the previous year qualified for the exemption under this subsection and was occupied by a tenant is vacant on January 1, the vacant unit is eligible for the exemption if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this subsection and a reasonable effort is made to lease the unit to eligible persons or families.

(d)1. Qualified property used to house natural persons or families whose annual household income is greater than 80 percent but not more than 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, must receive an ad valorem property tax exemption of 75 percent of the assessed value.

2. Qualified property used to house natural persons or families whose annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, is exempt from ad valorem property taxes.

(e) To receive an exemption under this subsection, a property owner must submit an application on a form prescribed by the department by March 1 for the exemption, accompanied by a certification notice from the corporation to the property appraiser.

(f) To receive a certification notice, a property owner must submit a request to the corporation for certification on a form provided by the corporation which includes all of the following:

1. The most recently completed rental market study meeting the requirements of paragraph (m).

2. A list of the units for which the property owner seeks an exemption.

3. The rent amount received by the property owner for each unit for which the property owner seeks an exemption. If a unit is vacant and qualifies for an exemption under paragraph (c), the property owner must provide evidence of the published rent amount for each vacant unit.

4. A sworn statement, under penalty of perjury, from the applicant restricting the property for a period of not less than 3 years to housing persons or families who meet the income limitations under this subsection.

(g) The corporation shall review the request for certification and certify property that meets the eligibility criteria of this subsection. A determination by the corporation regarding a request for certification does not constitute final agency action pursuant to chapter 120.

1. If the corporation determines that the property meets the eligibility criteria for an exemption under this subsection, the corporation must send a certification notice to the property owner and the property appraiser.

2. If the corporation determines that the property does not meet the eligibility criteria, the corporation must notify the property owner and include the reasons for such determination.

(h) The corporation shall post on its website the deadline to submit a request for certification. The deadline must allow adequate time for a property owner to submit a timely application for exemption to the property appraiser.

(i) The property appraiser shall review the application and determine if the applicant is entitled to an exemption. A property appraiser may grant an exemption only for a property for which the corporation has issued a certification notice.

(j) If the property appraiser determines that for any year during the immediately previous 10 years a person who was not entitled to an exemption under this subsection was granted such an exemption, the property appraiser must serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property owned by the taxpayer and situated in this state is subject to the taxes exempted by the improper exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the property owner improperly receiving the exemption may not be assessed a penalty or interest.

(k) Units subject to an agreement with the corporation pursuant to chapter 420 recorded in the official records of the county in which the property is located to provide housing to natural persons or families meeting

the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004 are not eligible for this exemption.

(l) Property receiving an exemption pursuant to s. 196.1979 is not eligible for this exemption.

(m) A rental market study submitted as required by paragraph (f) must identify the fair market value rent of each unit for which a property owner seeks an exemption. Only a certified general appraiser as defined in s. 475.611 may issue a rental market study. The certified general appraiser must be independent of the property owner who requests the rental market study. In preparing the rental market study, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable property within the same geographic area and of the same type as the property for which the exemption is sought. A rental market study must have been completed within 3 years before submission of the application.

(n) The corporation may adopt rules to implement this section.

(o) This subsection first applies to the 2024 tax roll and is repealed December 31, 2059.

Section 9. Section 196.1979, Florida Statutes, is created to read:

196.1979 County and municipal affordable housing property exemption.

(1)(a) Notwithstanding ss. 196.195 and 196.196, the board of county commissioners of a county or the governing body of a municipality may adopt an ordinance to exempt those portions of property used to provide affordable housing meeting the requirements of this section. Such property is considered property used for a charitable purpose. To be eligible for the exemption, the portions of property:

1. Must be used to house natural persons or families whose annual household income:

a. Is greater than 30 percent but not more than 60 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides; or

b. Does not exceed 30 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides;

2. Must be within a multifamily project containing 50 or more residential units, at least 20 percent of which are used to provide affordable housing that meets the requirements of this section;

3. Must be rented for an amount no greater than the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of subsection (4), whichever is less;

4. May not have been cited for code violations on three or more occasions in the 24 months before the submission of a tax exemption application;

5. May not have any cited code violations that have not been properly remedied by the property owner before the submission of a tax exemption application; and

6. May not have any unpaid fines or charges relating to the cited code violations. Payment of unpaid fines or charges before a final determination on a property's qualification for an exemption under this section will not exclude such property from eligibility if the property otherwise complies with all other requirements for the exemption.

(b) Qualified property may receive an ad valorem property tax exemption of:

1. Up to 75 percent of the assessed value of each residential unit used to provide affordable housing if fewer than 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

2. Up to 100 percent of the assessed value if 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

(c) The board of county commissioners of the county or the governing body of the municipality, as applicable, may choose to adopt an ordinance that exempts property used to provide affordable housing for natural persons or families meeting the income limits of sub-subparagraph (a)1.a., natural persons or families meeting the income limits of sub-subparagraph (a)1.b., or both.

(2) If a residential unit that in the previous year qualified for the exemption under this section and was occupied by a tenant is vacant on January 1, the vacant unit may qualify for the exemption under this section if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this section and a reasonable effort is made to lease the unit to eligible persons or families.

(3) An ordinance granting the exemption authorized by this section must:

(a) Be adopted under the procedures for adoption of a nonemergency ordinance by a board of county commissioners specified in chapter 125 or by a municipal governing body specified in chapter 166.

(b) Designate the local entity under the supervision of the board of county commissioners or governing body of a municipality which must develop, receive, and review applications for certification and develop notices of determination of eligibility.

(c) Require the property owner to apply for certification by the local entity in order to receive the exemption. The application for certification must be on a form provided by the local entity designated pursuant to paragraph (b) and include all of the following:

1. The most recently completed rental market study meeting the requirements of subsection (4).

2. A list of the units for which the property owner seeks an exemption.

3. The rent amount received by the property owner for each unit for which the property owner seeks an exemption. If a unit is vacant and qualifies for an exemption under subsection (2), the property owner must provide evidence of the published rent amount for the vacant unit.

(d) Require the local entity to verify and certify property that meets the requirements of the ordinance as qualified property and forward the certification to the property owner and the property appraiser. If the local entity denies the exemption, it must notify the applicant and include reasons for the denial.

(e) Require the eligible unit to meet the eligibility criteria of paragraph (1)(a).

(f) Require the property owner to submit an application for exemption, on a form prescribed by the department, accompanied by the certification of qualified property, to the property appraiser no later than March 1.

(g) Specify that the exemption applies only to the taxes levied by the unit of government granting the exemption.

(h) Specify that the property may not receive an exemption authorized by this section after expiration or repeal of the ordinance.

(i) Identify the percentage of the assessed value which is exempted, subject to the percentage limitations in paragraph (1)(b).

(j) Identify whether the exemption applies to natural persons or families meeting the income limits of sub-subparagraph (1)(a)1.a., natural persons or families meeting the income limits of sub-subparagraph (1)(a)1.b., or both.

(k) Require that the deadline to submit an application for certification be published on the county's or municipality's website. The deadline must allow adequate time for a property owner to make a timely application for exemption to the property appraiser.

(l) Require the county or municipality to post on its website a list of certified properties for the purpose of facilitating access to affordable housing.

(4) A rental market study submitted as required by paragraph (3)(c) must identify the fair market value rent of each unit for which a property owner seeks an exemption. Only a certified general appraiser, as defined in s. 475.611, may issue a rental market study. The certified general appraiser must be independent of the property owner who requests a rental market study. In preparing the rental market study, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable property within the same geographic area and of the same type as the property for which the exemption is sought. A rental market study must have been completed within 3 years before submission of the application.

(5) An ordinance adopted under this section must expire before the fourth January 1 after adoption; however, the board of county commissioners or the governing body of the municipality may adopt a new ordinance to renew the exemption. The board of county commissioners or the governing body of the municipality shall deliver a copy of an ordinance adopted under this section to the department and the property appraiser within 10 days after its adoption. If the ordinance expires or is repealed, the board of county commissioners or the governing body of the municipality must notify the department and the property appraiser within 10 days after its expiration or repeal.

(6) If the property appraiser determines that for any year during the immediately previous 10 years a person who was not entitled to an exemption under this section was granted such an exemption, the property appraiser must serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property owned by the taxpayer and situated in this state is subject to the taxes exempted by the improper exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the property owner improperly receiving the exemption may not be assessed a penalty or interest.

(7) This section first applies to the 2024 tax roll.

Section 10. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service charges or costs of collection and enforcement under this section. ~~All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1).~~ Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs ~~and service charge~~ may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs ~~and service charge~~ are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter ~~and the service charge~~ shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(1) Amounts necessary to make payments on bonds issued pursuant to s. 215.618 or s. 215.619, as provided under paragraphs (3)(a) and (b), or on any other bonds authorized to be issued on a parity basis with such bonds shall be deposited into the Land Acquisition Trust Fund.

(2) If the amounts deposited pursuant to subsection (1) are less than 33 percent of all taxes collected after first deducting the costs of collection, an amount equal to 33 percent of all taxes collected after first deducting the costs of collection, minus the amounts deposited pursuant to subsection (1), shall be deposited into the Land Acquisition Trust Fund.

(3) Amounts on deposit in the Land Acquisition Trust Fund shall be used in the following order:

(a) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued pursuant to s. 215.618. The amount used for such purposes may not exceed \$300 million in each fiscal year. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act or other law with respect to bonds issued for the purposes of s. 373.4598.

(b) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts due with respect to Everglades

restoration bonds issued pursuant to s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

Bonds issued pursuant to s. 215.618 or s. 215.619 are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund.

(4) After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), the lesser of 8 percent of the remainder or \$150 million in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund and shall be expended pursuant to s. 420.50871. If 8 percent of the remainder is greater than \$150 million in any fiscal year, the difference between 8 percent of the remainder and \$150 million shall be paid into the State Treasury to the credit of the General Revenue Fund, and deduction of the service charge imposed pursuant to s. 215.20(1). The remainder shall be distributed as follows:

(a) The lesser of 20.5453 percent of the remainder or \$466.75 million in each fiscal year shall be paid into the State Treasury to the credit of the State Transportation Trust Fund. Notwithstanding any other law, the amount credited to the State Transportation Trust Fund shall be used for:

1. Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, in the amount of 10 percent of the funds;

2. The Small County Outreach Program specified in s. 339.2818, in the amount of 10 percent of the funds;

3. The Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2.; and

4. The Transportation Regional Incentive Program specified in s. 339.2819, in the amount of 25 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2. The first \$60 million of the funds allocated pursuant to this subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

(b) The lesser of 0.1456 percent of the remainder or \$3.25 million in each fiscal year shall be paid into the State Treasury to the credit of the Grants and Donations Trust Fund in the Department of Economic Opportunity to fund technical assistance to local governments.

Moneys distributed pursuant to paragraphs (a) and (b) may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(c) An amount equaling 4.5 percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. The funds shall be used as follows:

1. Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(d) An amount equaling 5.20254 percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Of such funds:

1. Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and expended by the Department of Economic Opportunity and the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.

2. Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(e) The lesser of 0.017 percent of the remainder or \$300,000 in each fiscal year shall be paid into the State Treasury to the credit of the General Inspection Trust Fund to be used to fund oyster management and restoration programs as provided in s. 379.362(3).

(f) A total of \$75 million shall be paid into the State Treasury to the credit of the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity.

(g) An amount equaling 5.4175 percent of the remainder shall be paid into the Resilient Florida Trust Fund to be used for the purposes for which the Resilient Florida Trust Fund was created and exists by law. Funds may be used for planning and project grants.

(h) An amount equaling 5.4175 percent of the remainder shall be paid into the Water Protection and Sustainability Program Trust Fund to be used to fund wastewater grants as specified in s. 403.0673.

(5) Notwithstanding s. 215.32(2)(b)4.a., funds distributed to the State Housing Trust Fund and expended pursuant to s. 420.50871 and funds distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund pursuant to paragraphs (4)(c) and (d) paragraph (4)(e) may not be transferred to the General Revenue Fund in the General Appropriations Act.

(6) After the distributions provided in the preceding subsections, any remaining taxes shall be paid into the State Treasury to the credit of the General Revenue Fund.

Section 11. The amendments made by this act to s. 201.15, Florida Statutes, expire on July 1, 2033, and the text of that section shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act must be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 12. Paragraph (p) of subsection (5) of section 212.08, Florida Statutes, is amended, and paragraph (v) is added to that subsection, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(p) *Community contribution tax credit for donations.*—

1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution.

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the Department of Economic Opportunity.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph and ss. 220.183 and 624.5105 is \$25 ~~\$14.5~~

million in the 2023-2024 ~~2022-2023~~ fiscal year and in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households and \$4.5 million in the ~~2022-2023~~ fiscal year and in each fiscal year thereafter for all other projects. As used in this paragraph, the term “person with special needs” has the same meaning as in s. 420.0004 and the terms “low-income person,” “low-income household,” “very-low-income person,” and “very-low-income household” have the same meanings as in s. 420.9071.

f. A person who is eligible to receive the credit provided in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under one section of the person’s choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property, including 100 percent ownership of a real property holding company;

(III) Goods or inventory; or

(IV) Other physical resources identified by the Department of Economic Opportunity.

For purposes of this sub-subparagraph, the term “real property holding company” means a Florida entity, such as a Florida limited liability company, that is wholly owned by the person; is the sole owner of real property, as defined in s. 192.001(12), located in this ~~the~~ state; is disregarded as an entity for federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-3(b)(1)(ii); and at the time of contribution to an eligible sponsor, has no material assets other than the real property and any other property that qualifies as a community contribution.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term “project” means activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income households or very-low-income households; designed to provide housing opportunities for persons with special needs; designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to a project approved

between January 1, 1996, and December 31, 1999, and located in an area which was in an enterprise zone designated pursuant to s. 290.0065 as of May 1, 2015. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income households or very-low-income households on scattered sites or housing opportunities for persons with special needs. With respect to housing, contributions may be used to pay the following eligible special needs, low-income, and very-low-income housing-related activities:

(I) Project development impact and management fees for special needs, low-income, or very-low-income housing projects;

(II) Down payment and closing costs for persons with special needs, low-income persons, and very-low-income persons;

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to special needs, low-income, or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments if satisfaction of the lien is a necessary precedent to the transfer of the property to a low-income person or very-low-income person for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an “eligible sponsor,” which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for persons with special needs, low-income households, or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) A historic preservation district agency or organization;

(VII) A local workforce development board;

(VIII) A direct-support organization as provided in s. 1009.983;

(IX) An enterprise zone development agency created under s. 290.0056;

(X) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s.

501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XI) Units of local government;

(XII) Units of state government; or

(XIII) Any other agency that the Department of Economic Opportunity designates by rule.

A contributing person may not have a financial interest in the eligible sponsor.

d. The project must be located in an area which was in an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, or a Front Porch Florida Community, unless the project increases access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income households or very-low-income households or housing opportunities for persons with special needs is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-subparagraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing

opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—

a. An eligible sponsor seeking to participate in this program must submit a proposal to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. A person seeking to participate in this program must submit an application for tax credit to the Department of Economic Opportunity which sets forth the name of the sponsor; a description of the project; and the type, value, and purpose of the contribution. The sponsor shall verify, in writing, the terms of the application and indicate its receipt of the contribution, and such verification must accompany the application for tax credit. The person must submit a separate tax credit application to the Department of Economic Opportunity for each individual contribution that it makes to each individual project.

c. A person who has received notification from the Department of Economic Opportunity that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within a 12-month period.

4. Administration.—

a. The Department of Economic Opportunity may adopt rules necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Department of Economic Opportunity must be in writing, and, if approved, the notification shall state the maximum credit

allowable to the person. Upon approval, the Department of Economic Opportunity shall transmit a copy of the decision to the department.

c. The Department of Economic Opportunity shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Department of Economic Opportunity shall, in consultation with the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

(v) *Building materials used in construction of affordable housing units.*

1. As used in this paragraph, the term:

a. “Affordable housing development” means property that has units subject to an agreement with the Florida Housing Finance Corporation pursuant to chapter 420 recorded in the official records of the county in which the property is located to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

b. “Building materials” means tangible personal property that becomes a component part of eligible residential units in an affordable housing development. The term includes appliances and does not include plants, landscaping, fencing, and hardscaping.

c. “Eligible residential units” means newly constructed units within an affordable housing development which are restricted under the land use restriction agreement.

d. “Newly constructed” means improvements to real property which did not previously exist or the construction of a new improvement where an old improvement was removed. The term does not include the renovation, restoration, rehabilitation, modification, alteration, or expansion of buildings already located on the parcel on which the eligible residential unit is built.

e. “Real property” has the same meaning as provided in s. 192.001(12).

f. “Substantially completed” has the same meaning as in s. 192.042(1).

2. Building materials used in eligible residential units are exempt from the tax imposed by this chapter if an owner demonstrates to the satisfaction of the department that the requirements of this paragraph have been met. Except as provided in subparagraph 3., this exemption inures to the owner at the time an eligible residential unit is substantially completed, but only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner of the eligible residential units must file an

application with the department. The application must include all of the following:

- a. The name and address of the person claiming the refund.
- b. An address and assessment roll parcel number of the real property that was improved for which a refund of previously paid taxes is being sought.
- c. A description of the eligible residential units for which a refund of previously paid taxes is being sought, including the number of such units.
- d. A copy of a valid building permit issued by the county or municipal building department for the eligible residential units.
- e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the owner contracted to build the eligible residential units which specifies the building materials, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials, and which states that the improvement to the real property was newly constructed. If a general contractor was not used, the owner must make the sworn statement required by this sub-subparagraph. Copies of the invoices evidencing the actual cost of the building materials and the amount of sales tax paid on such building materials must be attached to the sworn statement provided by the general contractor or by the owner. If copies of such invoices are not attached, the cost of the building materials is deemed to be an amount equal to 40 percent of the increase in the final assessed value of the eligible residential units for ad valorem tax purposes less the most recent assessed value of land for the units.
- f. A certification by the local building code inspector that the eligible residential unit is substantially completed.
- g. A copy of the land use restriction agreement with the Florida Housing Finance Corporation for the eligible residential units.

3. The exemption under this paragraph inures to a municipality, county, other governmental unit or agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials are paid for from the funds of a community development block grant, the State Housing Initiatives Partnership Program, or a similar grant or loan program. To receive a refund, a municipality, county, other governmental unit or agency, or nonprofit community-based organization must submit an application that includes the same information required under subparagraph 2. In addition, the applicant must include a sworn statement signed by the chief executive officer of the municipality, county, other governmental unit or agency, or nonprofit community-based organization seeking a refund which states that the building materials for which a refund is sought were

funded by a community development block grant, the State Housing Initiatives Partnership Program, or a similar grant or loan program.

4. The person seeking a refund must submit an application for refund to the department within 6 months after the eligible residential unit is deemed to be substantially completed by the local building code inspector or by November 1 after the improved property is first subject to assessment.

5. Only one exemption through a refund of previously paid taxes may be claimed for any eligible residential unit. A refund may not be granted unless the amount to be refunded exceeds \$500. A refund may not exceed the lesser of \$5,000 or 97.5 percent of the Florida sales or use tax paid on the cost of building materials as determined pursuant to sub-subparagraph 2.e. The department shall issue a refund within 30 days after it formally approves a refund application.

6. The department may adopt rules governing the manner and format of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

7. This exemption under this paragraph applies to sales of building materials that occur on or after July 1, 2023.

Section 13. Subsection (24) is added to section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(24) The department may make available to the Florida Housing Finance Corporation, exclusively for official purposes, information for the purpose of administering the Live Local Program pursuant to s. 420.50872.

Section 14. Section 215.212, Florida Statutes, is created to read:

215.212 Service charge elimination.—

(1) Notwithstanding s. 215.20(1), the service charge provided in s. 215.20(1) may not be deducted from the proceeds of the taxes distributed under s. 201.15.

(2) This section is repealed July 1, 2033.

Section 15. Paragraph (i) of subsection (1) of section 215.22, Florida Statutes, is amended to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the appropriation required by s. 215.20(1):

(i) Bond proceeds or revenues dedicated for bond repayment, ~~except for the Documentary Stamp Clearing Trust Fund administered by the Department of Revenue.~~

Section 16. The amendment made by this act to s. 215.22, Florida Statutes, expires on July 1, 2033, and the text of that section shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act must be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of the text which expire pursuant to this section.

Section 17. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.1876, those enumerated in s. 220.1877, those enumerated in s. 220.1878, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, those enumerated in s. 220.194, those enumerated in s. 220.196, those enumerated in s. 220.198, and those enumerated in s. 220.1915.

Section 18. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 “Adjusted federal income” defined.—

(1) The term “adjusted federal income” means an amount equal to the taxpayer’s taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) *Additions.*—There shall be added to such taxable income:

1.a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875, s. 220.1876, ~~or s. 220.1877~~, or s. 220.1878 is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of

the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875, s. 220.1876, ~~or~~ s. 220.1877, or s. 220.1878 is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, ~~or~~ s. 220.1877, or s. 220.1878. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against

the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.193.

13. Any portion of a qualified investment, as defined in s. 288.9913, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.9916.

14. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.

15. The amount taken as a credit for the taxable year pursuant to s. 220.194.

16. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

17. The amount taken as a credit for the taxable year pursuant to s. 220.198.

18. The amount taken as a credit for the taxable year pursuant to s. 220.1915.

Section 19. Paragraph (c) of subsection (1) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 624.5105 is ~~\$25~~ \$14.5 million in the 2023-2024 ~~2022-2023~~ fiscal year and in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 and homeownership opportunities for low-income households or very-low-income households as defined in s. 420.9071 and \$4.5 million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects.

Section 20. Subsection (2) of section 220.186, Florida Statutes, is amended to read:

220.186 Credit for Florida alternative minimum tax.—

(2) The credit pursuant to this section shall be the amount of the excess, if any, of the tax paid based upon taxable income determined pursuant to s. 220.13(2)(k) over the amount of tax which would have been due based upon taxable income without application of s. 220.13(2)(k), before application of this credit without application of any credit under s. 220.1875, s. 220.1876, or s. 220.1877, or s. 220.1878.

Section 21. Section 220.1878, Florida Statutes, is created to read:

220.1878 Credit for contributions to the Live Local Program.—

(1) For taxable years beginning on or after January 1, 2023, there is allowed a credit of 100 percent of an eligible contribution made to the Live Local Program under s. 420.50872 against any tax due for a taxable year under this chapter after the application of any other allowable credits by the taxpayer. An eligible contribution must be made to the Live Local Program on or before the date the taxpayer is required to file a return pursuant to s. 220.222. The credit granted by this section must be reduced by the difference between the amount of federal corporate income tax, taking into account the credit granted by this section, and the amount of federal corporate income tax without application of the credit granted by this section.

(2) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under subsection (1).

(3) Section 420.50872 applies to the credit authorized by this section.

(4) If a taxpayer applies and is approved for a credit under s. 420.50872 after timely requesting an extension to file under s. 220.222(2):

(a) The credit does not reduce the amount of tax due for purposes of the department's determination as to whether the taxpayer was in compliance with the requirement to pay tentative taxes under ss. 220.222 and 220.32.

(b) The taxpayer's noncompliance with the requirement to pay tentative taxes shall result in the revocation and rescindment of any such credit.

(c) The taxpayer shall be assessed for any taxes, penalties, or interest due from the taxpayer's noncompliance with the requirement to pay tentative taxes.

Section 22. Paragraph (c) of subsection (2) of section 220.222, Florida Statutes, is amended to read:

220.222 Returns; time and place for filing.—

(2)

(c)1. For purposes of this subsection, a taxpayer is not in compliance with s. 220.32 if the taxpayer underpays the required payment by more than the greater of \$2,000 or 30 percent of the tax shown on the return when filed.

2. For the purpose of determining compliance with s. 220.32 as referenced in subparagraph 1., the tax shown on the return when filed must include the amount of the allowable credits taken on the return pursuant to s. 220.1878.

Section 23. Subsection (5) of section 253.034, Florida Statutes, is amended to read:

253.034 State-owned lands; uses.—

(5) Each manager of conservation lands shall submit to the Division of State Lands a land management plan at least every 10 years in a form and manner adopted by rule of the board of trustees and in accordance with s. 259.032. Each manager of conservation lands shall also update a land management plan whenever the manager proposes to add new facilities or make substantive land use or management changes that were not addressed in the approved plan, or within 1 year after the addition of significant new lands. Each manager of nonconservation lands shall submit to the Division of State Lands a land use plan at least every 10 years in a form and manner adopted by rule of the board of trustees. The division shall review each plan for compliance with the requirements of this subsection and the requirements of the rules adopted by the board of trustees pursuant to this section. All nonconservation land use plans, whether for single-use or multiple-use properties, shall be managed to provide the greatest benefit to the state. Plans for managed areas larger than 1,000 acres shall contain an analysis of the multiple-use potential of the property which includes the potential of the property to generate revenues to enhance the management of the property. In addition, the plan shall contain an analysis of the potential use of private land managers to facilitate the restoration or management of these lands and whether nonconservation lands would be more appropriately transferred to the county or municipality in which the land is located for the purpose of providing affordable multifamily rental housing that meets the criteria of s. 420.0004(3). If a newly acquired property has a valid conservation plan that was developed by a soil and conservation district, such plan shall be used to guide management of the property until a formal land use plan is completed.

(a) State conservation lands shall be managed to ensure the conservation of this the state's plant and animal species and to ensure the accessibility of state lands for the benefit and enjoyment of all people of this the state, both present and future. Each land management plan for state conservation lands shall provide a desired outcome, describe both short-term and long-term management goals, and include measurable objectives to achieve those goals. Short-term goals shall be achievable within a 2-year planning period, and long-term goals shall be achievable within a 10-year

planning period. These short-term and long-term management goals shall be the basis for all subsequent land management activities.

(b) Short-term and long-term management goals for state conservation lands shall include measurable objectives for the following, as appropriate:

1. Habitat restoration and improvement.
2. Public access and recreational opportunities.
3. Hydrological preservation and restoration.
4. Sustainable forest management.
5. Exotic and invasive species maintenance and control.
6. Capital facilities and infrastructure.
7. Cultural and historical resources.
8. Imperiled species habitat maintenance, enhancement, restoration, or population restoration.

(c) The land management plan shall, at a minimum, contain the following elements:

1. A physical description of the land.
2. A quantitative data description of the land which includes an inventory of forest and other natural resources; exotic and invasive plants; hydrological features; infrastructure, including recreational facilities; and other significant land, cultural, or historical features. The inventory shall reflect the number of acres for each resource and feature, when appropriate. The inventory shall be of such detail that objective measures and benchmarks can be established for each tract of land and monitored during the lifetime of the plan. All quantitative data collected shall be aggregated, standardized, collected, and presented in an electronic format to allow for uniform management reporting and analysis. The information collected by the Department of Environmental Protection pursuant to s. 253.0325(2) shall be available to the land manager and his or her assignee.
3. A detailed description of each short-term and long-term land management goal, the associated measurable objectives, and the related activities that are to be performed to meet the land management objectives. Each land management objective must be addressed by the land management plan, and if practicable, a land management objective may not be performed to the detriment of the other land management objectives.
4. A schedule of land management activities which contains short-term and long-term land management goals and the related measurable objective and activities. The schedule shall include for each activity a timeline for completion, quantitative measures, and detailed expense and manpower

budgets. The schedule shall provide a management tool that facilitates development of performance measures.

5. A summary budget for the scheduled land management activities of the land management plan. For state lands containing or anticipated to contain imperiled species habitat, the summary budget shall include any fees anticipated from public or private entities for projects to offset adverse impacts to imperiled species or such habitat, which fees shall be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat. The summary budget shall be prepared in such manner that it facilitates computing an aggregate of land management costs for all state-managed lands using the categories described in s. 259.037(3).

(d) Upon completion, the land management plan must be transmitted to the Acquisition and Restoration Council for review. The council shall have 90 days after receipt of the plan to review the plan and submit its recommendations to the board of trustees. During the review period, the land management plan may be revised if agreed to by the primary land manager and the council taking into consideration public input. The land management plan becomes effective upon approval by the board of trustees.

(e) Land management plans are to be updated every 10 years on a rotating basis. Each updated land management plan must identify any conservation lands under the plan, in part or in whole, that are no longer needed for conservation purposes and could be disposed of in fee simple or with the state retaining a permanent conservation easement.

(f) In developing land management plans, at least one public hearing shall be held in any one affected county.

(g) The Division of State Lands shall make available to the public an electronic copy of each land management plan for parcels that exceed 160 acres in size. The division shall review each plan for compliance with the requirements of this subsection, the requirements of chapter 259, and the requirements of the rules adopted by the board of trustees pursuant to this section. The Acquisition and Restoration Council shall also consider the propriety of the recommendations of the managing entity with regard to the future use of the property, the protection of fragile or nonrenewable resources, the potential for alternative or multiple uses not recognized by the managing entity, and the possibility of disposal of the property by the board of trustees. After its review, the council shall submit the plan, along with its recommendations and comments, to the board of trustees. The council shall specifically recommend to the board of trustees whether to approve the plan as submitted, approve the plan with modifications, or reject the plan. If the council fails to make a recommendation for a land management plan, the Secretary of Environmental Protection, Commissioner of Agriculture, or executive director of the Fish and Wildlife Conservation Commission or their designees shall submit the land management plan to the board of trustees.

(h) The board of trustees shall consider the land management plan submitted by each entity and the recommendations of the Acquisition and Restoration Council and the Division of State Lands and shall approve the plan with or without modification or reject such plan. The use or possession of any such lands that is not in accordance with an approved land management plan is subject to termination by the board of trustees.

(i)1. State nonconservation lands shall be managed to provide the greatest benefit to the state. State nonconservation lands may be grouped by similar land use types under one land use plan. Each land use plan shall, at a minimum, contain the following elements:

a. A physical description of the land to include any significant natural or cultural resources as well as management strategies developed by the land manager to protect such resources.

b. A desired development outcome.

c. A schedule for achieving the desired development outcome.

d. A description of both short-term and long-term development goals.

e. A management and control plan for invasive nonnative plants.

f. A management and control plan for soil erosion and soil and water contamination.

g. Measureable objectives to achieve the goals identified in the land use plan.

2. Short-term goals shall be achievable within a 5-year planning period and long-term goals shall be achievable within a 10-year planning period.

3. The use or possession of any such lands that is not in accordance with an approved land use plan is subject to termination by the board of trustees.

4. Land use plans submitted by a manager shall include reference to appropriate statutory authority for such use or uses and shall conform to the appropriate policies and guidelines of the state land management plan.

Section 24. Subsection (1) of section 253.0341, Florida Statutes, is amended to read:

253.0341 Surplus of state-owned lands.—

(1) The board of trustees shall determine which lands, the title to which is vested in the board, may be surplus. For all conservation lands, the Acquisition and Restoration Council shall make a recommendation to the board of trustees, and the board of trustees shall determine whether the lands are no longer needed for conservation purposes. If the board of trustees determines the lands are no longer needed for conservation purposes, it may dispose of such lands by an affirmative vote of at least three members. In the

case of a land exchange involving the disposition of conservation lands, the board of trustees must determine by an affirmative vote of at least three members that the exchange will result in a net positive conservation benefit. For all nonconservation lands, the board of trustees shall determine whether the lands are no longer needed. If the board of trustees determines the lands are no longer needed, it may dispose of such lands by an affirmative vote of at least three members. Local government requests for the state to surplus conservation or nonconservation lands, whether for purchase, ~~or exchange,~~ or any other means of transfer, ~~must shall~~ be expedited throughout the surplus process. Property jointly acquired by the state and other entities may not be surplus without the consent of all joint owners.

Section 25. Subsection (2) of section 288.101, Florida Statutes, is amended to read:

288.101 Florida Job Growth Grant Fund.—

(2) The department and Enterprise Florida, Inc., may identify projects, solicit proposals, and make funding recommendations to the Governor, who is authorized to approve:

(a) State or local public infrastructure projects to promote:

1. Economic recovery in specific regions of this the state;;
2. Economic diversification;; or
3. Economic enhancement in a targeted industry.

(b) State or local public infrastructure projects to facilitate the development or construction of affordable housing. This paragraph is repealed July 1, 2033.

(c) Infrastructure funding to accelerate the rehabilitation of the Herbert Hoover Dike. The department or the South Florida Water Management District may enter into agreements, as necessary, with the United States Army Corps of Engineers to implement this paragraph.

(d)(e) Workforce training grants to support programs at state colleges and state technical centers that provide participants with transferable, sustainable workforce skills applicable to more than a single employer, and for equipment associated with these programs. The department shall work with CareerSource Florida, Inc., to ensure programs are offered to the public based on criteria established by the state college or state technical center and do not exclude applicants who are unemployed or underemployed.

Section 26. Section 420.0003, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 420.0003, F.S., for present text.)

420.0003 State housing strategy.—

(1) LEGISLATIVE INTENT.—It is the intent of this act to articulate a state housing strategy that will carry the state toward the goal of ensuring that each Floridian has safe, decent, and affordable housing. This strategy must involve state and local governments working in partnership with communities and the private sector and must involve financial, as well as regulatory, commitment to accomplish this goal.

(2) POLICIES.—

(a) Housing production and rehabilitation programs.—Programs to encourage housing production or rehabilitation must be guided by the following general policies, as appropriate for the purpose of the specific program:

1. State and local governments shall provide incentives to encourage the private sector to be the primary delivery vehicle for the development of affordable housing. When possible, state funds should be heavily leveraged to achieve the maximum federal, local, and private commitment of funds and be used to ensure long-term affordability. To the maximum extent possible, state funds should be expended to create new housing stock and be used for repayable loans rather than grants. Local incentives to stimulate private sector development of affordable housing may include establishment of density bonus incentives.

2. State and local governments should consider and implement innovative solutions to housing issues where appropriate. Innovative solutions include, but are not limited to:

a. Utilizing publicly held land to develop affordable housing through state or local land purchases, long-term land leasing, and school district affordable housing programs. To the maximum extent possible, state-owned lands that are appropriate for the development of affordable housing must be made available for that purpose.

b. Community-led planning that focuses on urban infill, flexible zoning, redevelopment of commercial property into mixed-use property, resiliency, and furthering development in areas with preexisting public services, such as wastewater, transit, and schools.

c. Project features that maximize efficiency in land and resource use, such as high density, high rise, and mixed use.

d. Mixed-income projects that facilitate more diverse and successful communities.

e. Modern housing concepts such as manufactured homes, tiny homes, 3D-printed homes, and accessory dwelling units.

3. State funds should be available only to local governments that provide incentives or financial assistance for housing. State funding for housing should not be made available to local governments whose comprehensive plans have been found not in compliance with chapter 163 and who have not entered into a stipulated settlement agreement with the department to bring the plans into compliance. State funds should be made available only for projects consistent with the local government's comprehensive plan.

4. Local governments are encouraged to enter into interlocal agreements, as appropriate, to coordinate strategies and maximize the use of state and local funds.

5. State-funded development should emphasize use of developed land, urban infill, and the transformation of existing infrastructure in order to minimize sprawl, separation of housing from employment, and effects of increased housing on ecological preservation areas. Housing available to the state's workforce should prioritize proximity to employment and services.

(b) *Public-private partnerships.*—Cost-effective public-private partnerships must emphasize production and preservation of affordable housing.

1. Data must be developed and maintained on the affordable housing activities of local governments, community-based organizations, and private developers.

2. The state shall assist local governments and community-based organizations by providing training and technical assistance.

3. In coordination with local activities and with federal initiatives, the state shall provide incentives for public sector and private sector development of affordable housing.

(c) *Preservation of housing stock.*—The existing stock of affordable housing must be preserved and improved through rehabilitation programs and expanded neighborhood revitalization efforts to promote suitable living environments for individuals and families.

(d) *Unique housing needs.*—The wide range of need for safe, decent, and affordable housing must be addressed, with an emphasis on assisting the neediest persons.

1. State housing programs must promote the self-sufficiency and economic dignity of the people of this state, including elderly persons and persons with disabilities.

2. The housing requirements of special needs populations must be addressed through programs that promote a range of housing options bolstering integration with the community.

3. All housing initiatives and programs must be nondiscriminatory.

4. The geographic distribution of resources must provide for the development of housing in rural and urban areas.

5. The important contribution of public housing to the well-being of citizens in need shall be acknowledged through efforts to continue and bolster existing programs. State and local government funds allocated to enhance public housing must be used to supplement, not supplant, federal support.

(3) IMPLEMENTATION.—The state, in carrying out the strategy articulated in this section, shall have the following duties:

(a) State fiscal resources must be directed to achieve the following programmatic objectives:

1. Effective technical assistance and capacity-building programs must be established at the state and local levels.

2. The Shimberg Center for Housing Studies at the University of Florida shall develop and maintain statewide data on housing needs and production, provide technical assistance relating to real estate development and finance, operate an information clearinghouse on housing programs, and coordinate state housing initiatives with local government and federal programs.

3. The corporation shall maintain a consumer-focused website for connecting tenants with affordable housing.

(b) The long-range program plan of the department must include specific goals, objectives, and strategies that implement the housing policies in this section.

(c) The Shimberg Center for Housing Studies at the University of Florida, in consultation with the department and the corporation, shall perform functions related to the research and planning for affordable housing. Functions must include quantifying affordable housing needs, documenting results of programs administered, and inventorying the supply of affordable housing units made available in this state. The recommendations required in this section and a report of any programmatic modifications made as a result of these policies must be included in the housing report required by s. 420.6075. The report must identify the needs of specific populations, including, but not limited to, elderly persons, persons with disabilities, and persons with special needs, and may recommend statutory modifications when appropriate.

(d) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall evaluate affordable housing issues pursuant to the schedule set forth in this paragraph. OPPAGA may coordinate with and rely upon the expertise and research activities of the Shimberg Center for Housing Studies in conducting the evaluations. The analysis may include relevant reports prepared by the Shimberg Center for Housing Studies, the department, the corporation, and the provider of the Affordable Housing

Catalyst Program; interviews with the agencies, providers, offices, developers, and other organizations related to the development and provision of affordable housing at the state and local levels; and any other relevant data. When appropriate, each report must recommend policy and statutory modifications for consideration by the Legislature. Each report must be submitted to the President of the Senate and the Speaker of the House of Representatives pursuant to the schedule. OPPAGA shall review and evaluate:

1. By December 15, 2023, and every 5 years thereafter, innovative affordable housing strategies implemented by other states, their effectiveness, and their potential for implementation in this state.

2. By December 15, 2024, and every 5 years thereafter, affordable housing policies enacted by local governments, their effectiveness, and which policies constitute best practices for replication across this state. The report must include a review and evaluation of the extent to which interlocal cooperation is used, effective, or hampered.

3. By December 15, 2025, and every 5 years thereafter, existing state-level housing rehabilitation, production, preservation, and finance programs to determine their consistency with relevant policies in this section and effectiveness in providing affordable housing. The report must also include an evaluation of the degree of coordination between housing programs of this state, and between state, federal, and local housing activities, and shall recommend improved program linkages when appropriate.

(e) The department and the corporation should conform the administrative rules for each housing program to the policies stated in this section, provided that such changes in the rules are consistent with the statutory intent or requirements for the program. This authority applies only to programs offering loans, grants, or tax credits and only to the extent that state policies are consistent with applicable federal requirements.

Section 27. Subsection (36) of section 420.503, Florida Statutes, is amended to read:

420.503 Definitions.—As used in this part, the term:

(36) “Qualified contract” has the same meaning as in 26 U.S.C. s. 42(h)(6)(F) in effect on the date of the preliminary determination certificate for the low-income housing tax credits for the development that is the subject of the qualified contract request, unless the Internal Revenue Code requires a different statute or regulation to apply to the development. The corporation shall deem a bona fide contract to be a qualified contract at the time the bona fide contract is presented to the owner and the initial second-earnest money deposit is deposited in escrow in accordance with the terms of the bona fide contract, and, in such event, the corporation is deemed to have fulfilled its responsibility to present the owner with a qualified contract.

Section 28. Subsection (3) and paragraph (a) of subsection (4) of section 420.504, Florida Statutes, are amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(3) The corporation is a separate budget entity and is not subject to control, supervision, or direction by the department of ~~Economic Opportunity~~ in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. The corporation shall consist of a board of directors composed of the Secretary of Economic Opportunity as an ex officio and voting member, or a senior-level agency employee designated by the secretary, one member appointed by the President of the Senate, one member appointed by the Speaker of the House of Representatives, and eight members appointed by the Governor subject to confirmation by the Senate from the following:

(a) One citizen actively engaged in the residential home building industry.

(b) One citizen actively engaged in the banking or mortgage banking industry.

(c) One citizen who is a representative of those areas of labor engaged in home building.

(d) One citizen with experience in housing development who is an advocate for low-income persons.

(e) One citizen actively engaged in the commercial building industry.

(f) One citizen who is a former local government elected official.

(g) Two citizens of the state who are not principally employed as members or representatives of any of the groups specified in paragraphs (a)-(f).

(4)(a) Members of the corporation shall be appointed for terms of 4 years, except that any vacancy shall be filled for the unexpired term. Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

Section 29. Subsection (30) of section 420.507, Florida Statutes, is amended to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(30) To prepare and submit to the Secretary of Economic Opportunity a budget request for purposes of the corporation, which request must shall, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, contain a request for operational expenditures and separate requests for other authorized corporation programs. The request must include, for informational purposes, the amount of state funds necessary to use all federal housing funds anticipated to be received by, or allocated to, the state in the fiscal year in order to maximize the production of new, affordable multifamily housing units in this state. The request need not contain information on the number of employees, salaries, or any classification thereof, and the approved operating budget therefor need not comply with s. 216.181(8)-(10). The secretary may include within the department's budget request the corporation's budget request in the form as authorized by this section.

Section 30. The amendment made by this act to s. 420.507(30), Florida Statutes, expires July 1, 2033, and the text of that subsection shall revert to that in existence on June 30, 2023, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 31. Subsection (10) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(10) The corporation may prioritize a portion of the program funds set aside under paragraph (3)(d) for persons with special needs as defined in s. 420.0004(13) to provide funding for the development of newly constructed permanent rental housing ~~on a campus~~ that provides housing for persons in foster care or persons aging out of foster care pursuant to s. 409.1451. Such housing shall promote and facilitate access to community-based supportive, educational, and employment services and resources that assist persons aging out of foster care to successfully transition to independent living and adulthood. The corporation must consult with the Department of Children and Families to create minimum criteria for such housing.

Section 32. Section 420.50871, Florida Statutes, is created to read:

420.50871 Allocation of increased revenues derived from amendments to s. 201.15 made by this act.—Funds that result from increased revenues to the State Housing Trust Fund derived from amendments made to s. 201.15 made by this act must be used annually for projects under the State Apartment Incentive Loan Program under s. 420.5087 as set forth in this section, notwithstanding ss. 420.507(48) and (50) and 420.5087(1) and (3).

The Legislature intends for these funds to provide for innovative projects that provide affordable and attainable housing for persons and families working, going to school, or living in this state. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2). Beginning in the 2023-2024 fiscal year and annually for 10 years thereafter:

(1) The corporation shall allocate 70 percent of the funds provided by this section to issue competitive requests for application for the affordable housing project purposes specified in this subsection. The corporation shall finance projects that:

(a) Both redevelop an existing affordable housing development and provide for the construction of a new development within close proximity to the existing development to be rehabilitated. Each project must provide for building the new affordable housing development first, relocating the tenants of the existing development to the new development, and then demolishing the existing development for reconstruction of an affordable housing development with more overall and affordable units.

(b) Address urban infill, including conversions of vacant, dilapidated, or functionally obsolete buildings or the use of underused commercial property.

(c) Provide for mixed use of the location, incorporating nonresidential uses, such as retail, office, institutional, or other appropriate commercial or nonresidential uses.

(d) Provide housing near military installations in this state, with preference given to projects that incorporate critical services for service-members, their families, and veterans, such as mental health treatment services, employment services, and assistance with transition from active-duty service to civilian life.

(2) From the remaining funds, the corporation shall allocate the funds to issue competitive requests for application for any of the following affordable housing purposes specified in this subsection. The corporation shall finance projects that:

(a) Propose using or leasing public lands. Projects that propose to use or lease public lands must include a resolution or other agreement with the unit of government owning the land to use the land for affordable housing purposes.

(b) Address the needs of young adults who age out of the foster care system.

(c) Meet the needs of elderly persons.

(d) Provide housing to meet the needs in areas of rural opportunity, designated pursuant to s. 288.0656.

(3) Under any request for application under this section, the corporation shall coordinate with the appropriate state department or agency and prioritize projects that provide for mixed-income developments.

(4) This section does not prohibit the corporation from allocating additional funds to the purposes described in this section. In any fiscal year, if the funds allocated by the corporation to any request for application under subsections (1) and (2) are not fully used after the application and award processes are complete, the corporation may use those funds to supplement any future request for application under this section.

(5) This section is repealed June 30, 2033.

Section 33. The Division of Law Revision is directed to replace the phrase “this act” wherever it occurs in s. 420.50871, Florida Statutes, as created by this act, with the assigned chapter number of this act.

Section 34. Section 420.50872, Florida Statutes, is created to read:

420.50872 Live Local Program.—

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

(a) “Annual tax credit amount” means, for any state fiscal year, the sum of the amount of tax credits approved under paragraph (3)(a), including tax credits to be taken under s. 220.1878 or s. 624.51058, which are approved for taxpayers whose taxable years begin on or after January 1 of the calendar year preceding the start of the applicable state fiscal year.

(b) “Eligible contribution” means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to the corporation for use in the State Apartment Incentive Loan Program under s. 420.5087. The taxpayer making the contribution may not designate a specific project, property, or geographic area of this state as the beneficiary of the eligible contribution.

(c) “Live Local Program” means the program described in this section whereby eligible contributions are made to the corporation.

(d) “Tax credit cap amount” means the maximum annual tax credit amount that the Department of Revenue may approve for a state fiscal year.

(2) RESPONSIBILITIES OF THE CORPORATION.—The corporation shall:

(a) Expend 100 percent of eligible contributions received under this section for the State Apartment Incentive Loan Program under s. 420.5087. However, the corporation may use up to \$25 million of eligible contributions to provide loans for the construction of large-scale projects of significant regional impact. Such projects must include a substantial civic, educational, or health care use and may include a commercial use, any of which must be

incorporated within or contiguous to the project property. Such a loan must be made, except as otherwise provided in this subsection, in accordance with the practices and policies of the State Apartment Incentive Loan Program. Such a loan is subject to the competitive application process and may not exceed 25 percent of the total project cost. The corporation must find that the loan provides a unique opportunity for investment alongside local government participation that would enable creation of a significant amount of affordable housing. Projects approved under this section are intended to provide housing that is affordable as defined in s. 420.0004, notwithstanding the income limitations in s. 420.5087(2).

(b) Upon receipt of an eligible contribution, provide the taxpayer that made the contribution with a certificate of contribution. A certificate of contribution must include the taxpayer's name; its federal employer identification number, if available; the amount contributed; and the date of contribution.

(c) Within 10 days after issuing a certificate of contribution, provide a copy to the Department of Revenue.

(3) LIVE LOCAL TAX CREDITS; APPLICATIONS, TRANSFERS, AND LIMITATIONS.—

(a) Beginning in the 2023-2024 fiscal year, the tax credit cap amount is \$100 million in each state fiscal year.

(b) Beginning October 1, 2023, a taxpayer may submit an application to the Department of Revenue for an allocation of the tax credit cap for tax credits to be taken under either or both of s. 220.1878 or s. 624.51058.

1. The taxpayer shall specify in the application each tax for which the taxpayer requests a credit and the applicable taxable year. For purposes of s. 220.1878, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that year pursuant to s. 220.222. For purposes of s. 624.51058, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that prior taxable year pursuant to ss. 624.509 and 624.5092. The Department of Revenue shall approve tax credits on a first-come, first-served basis.

2. Within 10 days after approving or denying an application, the Department of Revenue shall provide a copy of its approval or denial letter to the corporation.

(c) If a tax credit approved under paragraph (b) is not fully used for the specified taxable year for credits under s. 220.1878 or s. 624.51058 because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 10 taxable years. For purposes of s. 220.1878, a credit carried forward may be used in a subsequent year

after applying the other credits and unused carryovers in the order provided in s. 220.02(8).

(d) A taxpayer may not convey, transfer, or assign an approved tax credit or a carryforward tax credit to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction. However, a tax credit under s. 220.1878 or s. 624.51058 may be conveyed, transferred, or assigned between members of an affiliated group of corporations if the type of tax credit under s. 220.1878 or s. 624.51058 remains the same. A taxpayer shall notify the Department of Revenue of its intent to convey, transfer, or assign a tax credit to another member within an affiliated group of corporations. The amount conveyed, transferred, or assigned is available to another member of the affiliated group of corporations upon approval by the Department of Revenue.

(e) Within any state fiscal year, a taxpayer may rescind all or part of a tax credit allocation approved under paragraph (b). The amount rescinded must become available for that state fiscal year to another eligible taxpayer as approved by the Department of Revenue if the taxpayer receives notice from the Department of Revenue that the rescindment has been accepted by the Department of Revenue. Any amount rescinded under this paragraph must become available to an eligible taxpayer on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the Department of Revenue.

(f) Within 10 days after approving or denying the conveyance, transfer, or assignment of a tax credit under paragraph (d), or the rescindment of a tax credit under paragraph (e), the Department of Revenue shall provide a copy of its approval or denial letter to the corporation.

(g) For purposes of calculating the underpayment of estimated corporate income taxes under s. 220.34 and tax installment payments for taxes on insurance premiums or assessments under s. 624.5092, the final amount due is the amount after credits earned under s. 220.1878 or s. 624.51058 for contributions to eligible charitable organizations are deducted.

1. For purposes of determining if a penalty or interest under s. 220.34(2)(d)1. will be imposed for underpayment of estimated corporate income tax, a taxpayer may, after earning a credit under s. 220.1878, reduce any estimated payment in that taxable year by the amount of the credit.

2. For purposes of determining if a penalty under s. 624.5092 will be imposed, an insurer, after earning a credit under s. 624.51058 for a taxable year, may reduce any installment payment for such taxable year of 27 percent of the amount of the net tax due as reported on the return for the preceding year under s. 624.5092(2)(b) by the amount of the credit.

(4) PRESERVATION OF CREDIT.—If any provision or portion of this section, s. 220.1878, or s. 624.51058 or the application thereof to any person or circumstance is held unconstitutional by any court or is otherwise

declared invalid, the unconstitutionality or invalidity does not affect any credit earned under s. 220.1878 or s. 624.51058 by any taxpayer with respect to any contribution paid to the Live Local Program before the date of a determination of unconstitutionality or invalidity. The credit must be allowed at such time and in such a manner as if a determination of unconstitutionality or invalidity had not been made, provided that nothing in this subsection by itself or in combination with any other provision of law may result in the allowance of any credit to any taxpayer in excess of \$1 of credit for each dollar paid to an eligible charitable organization.

(5) ADMINISTRATION; RULES.—

(a) The Department of Revenue and the corporation may develop a cooperative agreement to assist in the administration of this section, as needed.

(b) The Department of Revenue may adopt rules necessary to administer this section, s. 220.1878, and s. 624.51058, including rules establishing application forms, procedures governing the approval of tax credits and carryforward tax credits under subsection (3), and procedures to be followed by taxpayers when claiming approved tax credits on their returns.

(c) By August 15, 2023, and by each August 15 thereafter, the Department of Revenue shall determine the 500 taxpayers with the greatest total corporate income or franchise tax due as reported on the taxpayer's return filed pursuant to s. 220.22 during the previous calendar year and notify those taxpayers of the existence of the Live Local Program and the process for obtaining an allocation of the tax credit cap. The Department of Revenue shall confer with the corporation in the drafting of the notification. The Department of Revenue may provide this notification by electronic means.

Section 35. Section 420.5096, Florida Statutes, is created to read:

420.5096 Florida Hometown Hero Program.—

(1) The Legislature finds that individual homeownership is vital to building long-term housing and financial security. With rising home prices, down payment and closing costs are often significant barriers to homeownership for working Floridians. Each person in Florida's hometown workforce is essential to creating thriving communities, and the Legislature finds that the ability of Floridians to reside within the communities in which they work is of great importance. Therefore, the Legislature finds that providing assistance to homebuyers in this state by reducing the amount of down payment and closing costs is a necessary step toward expanding access to homeownership and achieving safe, decent, and affordable housing for all Floridians.

(2) The Florida Hometown Hero Program is created to assist Florida's hometown workforce in attaining homeownership by providing financial

assistance to residents to purchase a home as their primary residence. Under the program, a borrower may apply to the corporation for a loan to reduce the amount of the down payment and closing costs paid by the borrower by a minimum of \$10,000 and up to 5 percent of the first mortgage loan, not exceeding \$35,000. Loans must be made available at a zero percent interest rate and must be made available for the term of the first mortgage. The balance of any loan is due at closing if the property is sold, refinanced, rented, or transferred, unless otherwise approved by the corporation.

(3) For loans made available pursuant to s. 420.507(23)(a)1. or 2., the corporation may underwrite and make those mortgage loans through the program to persons or families who have household incomes that do not exceed 150 percent of the state median income or local median income, whichever is greater. A borrower must be seeking to purchase a home as a primary residence; a first-time homebuyer and a Florida resident; and employed full-time by a Florida-based employer. The borrower must provide documentation of full-time employment, or full-time status for self-employed individuals, of 35 hours or more per week. The requirement to be a first-time homebuyer does not apply to a borrower who is an active duty service-member of a branch of the armed forces or the Florida National Guard, as defined in s. 250.01, or a veteran.

(4) Loans made under the Florida Hometown Hero Program may be used for the purchase of manufactured homes, as defined in s. 320.01(2)(b), which were constructed after July 13, 1994; which are permanently affixed to real property in this state, whether owned or leased by the borrower; and which are titled and financed as tangible personal property or as real property.

(5) This program is intended to be evergreen, and repayments for loans made under this program shall be retained within the program to make additional loans.

Section 36. Subsection (3) is added to section 420.531, Florida Statutes, to read:

420.531 Affordable Housing Catalyst Program.—

(3) The corporation may contract with the entity providing statewide training and technical assistance to provide technical assistance to local governments to establish selection criteria and related provisions for requests for proposals or other competitive solicitations for use or lease of government-owned real property for affordable housing purposes. The entity providing statewide training and technical assistance may develop best practices or other key elements for successful use of public property for affordable housing, in conjunction with technical support provided under subsection (1).

Section 37. Section 420.6075, Florida Statutes, is amended to read:

420.6075 Research and planning for affordable housing; annual housing report.—

(1) The research and planning functions of the department shall include the collection of data on the need for affordable housing in this state and the extent to which that need is being met through federal, state, and local programs, in order to facilitate planning to meet the housing needs in this state and to enable the development of sound strategies and programs for affordable housing. To fulfill this function, the Shimberg Center for Housing Studies ~~Affordable Housing~~ at the University of Florida shall perform the following functions:

(a) Quantify affordable housing needs in ~~this the~~ state by analyzing available data, including information provided through the housing elements of local comprehensive plans, and identify revisions in the housing element data requirements that would result in more uniform, meaningful information being obtained.

(b) Document the results since 1980 of all programs administered by the department which provide for or act as incentives for housing production or improvement. Data on program results must include the number of units produced and the unit cost under each program.

(c) Inventory the supply of affordable housing units made available through federal, state, and local programs. Data on the geographic distribution of affordable units must show the availability of units in each county and municipality.

(2) By December 31 of each year, the Shimberg Center for Housing Studies ~~Affordable Housing~~ shall submit to the Legislature an updated housing report describing the supply of and need for affordable housing. This annual housing report shall include:

(a) A synopsis of training and technical assistance activities and community-based organization housing activities for the year.

(b) A status report on the degree of progress toward meeting the housing objectives of the department's agency functional plan.

(c) Recommended housing initiatives for the next fiscal year and recommended priorities for assistance to the various target populations within the spectrum of housing need.

(3) The Shimberg Center for Housing Studies ~~Affordable Housing~~ shall:

(a) Conduct research on program options to address the need for affordable housing.

(b) Conduct research on training models to be replicated or adapted to meet the needs of community-based organizations and state and local government staff involved in housing development.

Section 38. Paragraph (a) of subsection (1) of section 553.792, Florida Statutes, is amended to read:

553.792 Building permit application to local government.—

(1)(a) Within 10 days of an applicant submitting an application to the local government, the local government shall advise the applicant what information, if any, is needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide written notice that the applicant has not submitted the properly completed application, the application shall be automatically deemed properly completed and accepted. Within 45 days after receiving a completed application, a local government must notify an applicant if additional information is required for the local government to determine the sufficiency of the application, and shall specify the additional information that is required. The applicant must submit the additional information to the local government or request that the local government act without the additional information. While the applicant responds to the request for additional information, the 120-day period described in this subsection is tolled. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. The local government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application. A local government shall maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

Section 39. Subsection (7) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(7) Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220 and the credit allowed under subsection (5), as these credits are limited by subsection (6); the credit allowed under s. 624.51057; the credit allowed under s. 624.51058; all other available credits and deductions.

Section 40. Paragraph (c) of subsection (1) of section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 220.183 is ~~\$25~~ \$14.5 million in the 2023-2024 ~~2022-2023~~ fiscal year and in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071 and \$4.5 million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects.

Section 41. Section 624.51058, Florida Statutes, is created to read:

624.51058 Credit for contributions to the Live Local Program.—

(1) For taxable years beginning on or after January 1, 2023, there is allowed a credit of 100 percent of an eligible contribution made to the Live Local Program under s. 420.50872 against any tax due for a taxable year under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). An eligible contribution must be made to the Live Local Program on or before the date the taxpayer is required to file a return pursuant to ss. 624.509 and 624.5092. An insurer claiming a credit against premium tax liability under this section is not required to pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

(2) Section 420.50872 applies to the credit authorized by this section.

Section 42. The Department of Economic Opportunity's Keys Workforce Housing Initiative, approved by the Administration Commission on June 13, 2018, is considered an exception to the evacuation time constraints of s. 380.0552(9)(a)2., Florida Statutes, by requiring deed-restricted affordable workforce housing properties receiving permit allocations to agree to evacuate at least 48 hours in advance of hurricane landfall. A comprehensive plan amendment approved by the Department of Economic Opportunity to implement the initiative is hereby valid and the respective local governments may adopt local ordinances or regulations to implement such plan amendment.

Section 43. (1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under s. 120.54(4), Florida Statutes, for the purpose of implementing provisions related to the Live Local Program created by this act. Notwithstanding any other law, emergency rules adopted under this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(2) This section expires July 1, 2026.

Section 44. For the 2023-2024 fiscal year, the sum of \$100 million in nonrecurring funds from the General Revenue Fund is appropriated to the Florida Housing Finance Corporation to implement the Florida Hometown Hero Housing Program established in s. 420.5096, Florida Statutes, as created by this act.

Section 45. For the 2023-2024 fiscal year, the sum of \$252 million in nonrecurring funds from the Local Government Housing Trust Fund is appropriated in the Grants and Aids - Housing Finance Corporation (HFC) - State Housing Initiatives Partnership (SHIP) Program appropriation category to the Florida Housing Finance Corporation.

Section 46. For the 2023-2024 fiscal year, the sum of \$150 million in recurring funds and \$109 million in nonrecurring funds from the State Housing Trust Fund is appropriated in the Grants and Aids - Housing Finance Corporation (HFC) - Affordable Housing Programs appropriation category to the Florida Housing Finance Corporation. The recurring funds are appropriated to implement s. 420.50871, Florida Statutes, as created by this act.

Section 47. For the 2022-2023 fiscal year, the sum of \$100 million in nonrecurring funds from the General Revenue Fund is appropriated to the Florida Housing Finance Corporation to implement a competitive assistance loan program for new construction projects in the development pipeline that have not commenced construction and are experiencing verifiable cost increases due to market inflation. These funds are intended to support the corporation's efforts to maintain the viability of projects in the development pipeline as the unprecedented economic factors coupled with the housing crisis makes it of upmost importance to deliver much-needed affordable housing units in communities in a timely manner. Eligible projects are those that accepted an invitation to enter credit underwriting by the corporation for funding during the period of time of July 1, 2020, through June 30, 2022. The corporation may establish such criteria and application processes as necessary to implement this section. The unexpended balance of funds appropriated to the corporation as of June 30, 2023, shall revert and is appropriated to the corporation for the same purpose for the 2023-2024 fiscal year. Any funds not awarded by December 1, 2023, must be used for the State Apartment Incentive Loan Program under s. 420.5087, Florida Statutes. This section is effective upon becoming a law.

Section 48. The Legislature finds and declares that this act fulfills an important state interest.

Section 49. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2023.

Approved by the Governor March 29, 2023.

Filed in Office Secretary of State March 29, 2023.