

TOWN OF LOXAHATCHEE GROVES

TOWN HALL COUNCIL CHAMBERS

TOWN COUNCIL REGULAR MEETING

AGENDA

DECEMBER 05, 2023 – 6:00 PM



Community Open Discussion Meeting Precedes Meeting from 6:00-6:30 PM (on Non-Agenda Items)

Robert Shorr, Mayor (Seat 4)

Phillis Maniglia, Councilmember (Seat 1)

Laura Danowski, Vice Mayor (Seat 2)

Marianne Miles, Councilmember (Seat 3)

Marge Herzog, Councilmember (Seat 5)

Administration

Town Manager, Francine L. Ramaglia

Town Attorney, Elizabeth Lenihan, Esq.

Town Clerk, Lakisha Q. Burch

Public Works Director, Larry A. Peters, P.E.

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That is why we say "Character Counts" in Town of Loxahatchee. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

Quasi-Judicial Hearings: Some of the matters on the agenda may be "quasi-judicial" in nature. Town Council Members are required to disclose all ex-parte communications regarding these items and are subject to voir dire (a preliminary examination of a witness or a juror by a judge or council) by any affected party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment, without being sworn. Unsworn comment will be given its appropriate weight by the Town Council.

Appeal of Decision: If a person decides to appeal any decision made by the Town Council with respect to any matter considered at this meeting, he or she will need a record of the proceeding, and for that purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes any testimony and evidence upon which the appeal will be based.

Consent Calendar: Those matters included under the Consent Calendar are typically self-explanatory, non controversial, and are not expected to require review or discussion. All items will be enacted by a single motion. If discussion on an item is desired, any Town Council Member, without a motion, may "pull" or remove the item to be considered separately. If any item is quasi-judicial, it may be removed from the Consent Calendar to be heard separately, by a Town Council Member, or by any member of the public desiring it to be heard, without a motion.

TOWN COUNCIL AGENDA ITEMS

CALL TO ORDER

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL

ADDITIONS, DELETIONS AND MODIFICATIONS

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Public Comments for all meetings may be received by email, or in writing to the Town Clerk's Office until 6:00 PM day of the meeting. Comments will be "received and filed" to be acknowledged as part of the official public record of the meeting. Town Council meetings are livestreamed and close-captioned for the general public via our website, instructions are posted there.

PRESENTATIONS

1. Presentation from the Gehring Group updating of the Town's insurance for employees.
2. Presentation of the FY22 Audit from Caballero, Fierman, Llerena, & Garcia, LLP.

CONSENT AGENDA

3. Consideration of approval of Meeting Minutes.
 - a. August 1, 2023 Community Open Discussion Meeting Minutes
 - b. August 1, 2023 Town Council Regular Meeting Minutes
 - c. August 23, 2023 FY 24 Budget Workshop Meeting Minutes
 - d. November 7, 2023 Community Open Discussion Meeting Minutes
 - e. November 7, 2023 Town Council Meeting Minutes
4. Consideration of **Resolution No. 2023-82** amending Resolution No. 2022-48 regarding employment terms including accrual and carryover of paid time off.
5. Consideration of **Resolution No. 2023-83** authorizing Town employee's health and insurance benefits for 2024.
6. Consideration of **Resolution No. 2023-85** approving ingress/egress easement to facilitate construction of culvert bridge at A Road and 161st.

REGULAR AGENDA

- [7.](#) Consideration of **Resolution No. 2023-80** approving Removal of Specimen Trees at 3556 B Road.
- [8.](#) Consideration of **Resolution No. 2023-81** approving Removal of Specimen Trees at 14120 6th Court.

DISCUSSION

- [9.](#) Consideration of **Ordinance No. 2023-08** on first reading revising the Building Code.
- [10.](#) Consideration of **Ordinance No. 2023-13** on second reading amending election for date and vacancies.
- [11.](#) Consideration of **Ordinance No. 2023-15** on second reading on Agricultural and Agritourism.

DISCUSSION

- [12.](#) Discussion of Comprehensive Plan (EAR).
- [13.](#) Discussion regarding Roadway and Drainage update.

TOWN STAFF COMMENTS

Town Manager

Town Attorney

Public Works Director

Town Clerk

TOWN COUNCILMEMBER COMMENTS

Marge Herzog (Seat 5)

Phillis Maniglia (Seat 1)

Marianne Miles (Seat 3)

Mayor Robert Shorr (Seat 4)

Laura Danowski (Seat 2)

ADJOURNMENT

Comment Cards:

Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting 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 included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 1

TO: Town Council of Town of Loxahatchee Groves

FROM: Lakisha Burch, Town Clerk

VIA: Francine Ramaglia, Town Manager

DATE: December 5, 2023

SUBJECT: Presentation of Health Insurance Benefits by the Gehring Group

Background:

The Gehring Group, the Town’s health, and insurance benefits manager agency, will present an update on health insurance and related products, including what may be expected regarding cost updates for the renewal enrollment period for Town employees, which begins effective January 1st, 2024. They will present the Town’s current Florida Blue (Blue Cross Blue Shield) basic health plan, along with related offerings covered by or provided through the Town for the employees as prescribed in current Town Human Resources policies.

Town of Loxahatchee Groves offers the following insurance benefits:

Vendor	Purpose
Florida Blue (Blue Cross Blue Shield) Medical Insurance	Medical insurance coverage for employees. Coverage Date is January 1, 2024, to December 31, 2024
Guardian Life (Life Insurance, Short- and Long-Term Disability)	Life, Short-and Long-Term and Disability coverage for employees.
*Humana (Dental and Vision)	Dental and Vision insurance coverage for employees (this is an employee ONLY contribution-Town is used as a pass through)
*AFLAC (supplemental insurance)	Supplemental insurance coverage for employees (this is an employee ONLY contribution – Town is used as a pass through)
*Benefit Workshop (flex spending)	Flex spending insurance coverage for employees (this is an employee ONLY contribution – Town is used as a pass through)

A presentation will be provided at the meeting by the Gehring Group representatives.

Town of Loxahatchee Groves
Renewal Evaluation - Medical
Effective Date: January 1, 2024

			RENEWAL - Florida Blue Age Banded Rates	
Schedule of Benefits			BlueCare 14304	
			<i>In Network Only</i>	
Deductible (Calendar Year - CYD)				
Single			\$1,500	
Family			\$3,000	
Coinsurance			\$0	
Maximum Out of Pocket (MOOP)				
Single			\$4,800	
Family			\$9,600	
Non-Hospital Services				
Virtual Visit (PCP/Spec) / Telemedicine			\$0 / \$40 / \$0	
Physician Office Visit			VCP: \$0 / \$10	
Specialist Visit			VCP: \$20 / \$40	
Independent Lab / X-Ray			ICL: No Charge / IDTC: \$50	
Advanced Imaging (MRI, PET, CT scans)			\$300	
Urgent Care Center			VCP: \$0 Visits 1-2; \$55/ \$55	
Hospital Services				
Inpatient			20% after CYD	
Outpatient Surgery			ASC: 20% / Hosp: 20% after CYD	
Emergency Room Visit			\$200	
Mental Health / Substance Abuse Services				
Inpatient			No Charge	
Outpatient			No Charge	
Prescription Drug Benefits				
Tier 1 - Generic			\$0 / \$4 / \$10	
Tier 2 - Preferred Brand			\$15 / \$30	
Tier 3 - Non-Preferred Brand			\$50	
Tier 4 - Specialty			\$150	
Mail Order (90 day supply)			2x Retail	
Age-Banded Rates	Tier	Employees	Town Cost	Florida Blue Gross Premium
Employee 1	EE	1	\$591.05	\$591.05
Employee 2	EE	1	\$684.98	\$684.98
Employee 3	EE	1	\$497.13	\$497.13
Employee 4	EE	1	\$925.95	\$925.95
Employee 5	EC	1	\$967.69	\$1,442.05
Employee 6	EE	1	\$485.74	\$485.74
Employee 7	EE	1	\$967.69	\$967.69
Employee 8	EE	1	\$1,423.08	\$1,423.08
Employee 9	EE	1	\$1,106.68	\$1,106.68
Employee 10	EC	1	\$591.05	\$953.94
Employee 11	Fam	1	\$606.23	\$1,911.68
Employee 12	EE	1	\$1,106.68	\$1,106.68
Employee 13	EE	1	\$711.54	\$711.54
Employee 14	ES	1	\$1,362.84	\$2,763.15
Employee 15	EE	1	\$925.95	\$925.95
Employee 16	EE	1	\$1,423.08	\$1,423.08
Monthly Premium		16	\$14,377	\$17,920
Annual Premium			\$172,528	\$215,044



**Town of Loxahatchee Groves
Renewal Recommendations
Effective Date: January 1, 2024**

Line of Coverage	Recommendation
Medical	Renew with Florida Blue BlueCare plan 14304 for Town premium of approximately \$172,528 for 16 employees. The Town pays 100% of EE only.
	After conducting a benefits benchmarking review and speaking with staff, for retention of employees and competition in the marketplace, a future strategy for the town could be to add a Health (eligible expenses are medical, Rx, dental and vision) Expense/Reimbursement Account (HRA) funded by the Town for each person enrolled in medical. Additional admin fees by Benefit Workshop will be \$5 pepm (currently min is \$60/month). This would align the Town's benefits with similar public entities in the area - for example Town of Gulf Stream.
Dental	Renew with Humana dental plan for 3% increase to rates or \$150 paid by employees.
Vision	Renew with Humana vision plan for no increase paid by employees.
Basic Life and AD&D	Renew with Hartford. Plan is under a rate guarantee until 12/31/2024. Town paid benefit.
Short Term Disability	Renew with Hartford. Plan is under a rate guarantee until 12/31/2024. Town paid benefit.
Long Term Disability	Renew with Hartford. Plan is under a rate guarantee until 12/31/2024. Town paid benefit.



LOXAHATCHEE — GROVES — F L O R I D A

Town of Loxahatchee Groves 2024 Renewal Evaluation Plan Year Effective Date: January 1, 2024

November 10, 2023



Town of Loxahatchee Groves
Renewal Evaluation - Dental PPO
Effective Date: January 1, 2024

SCHEDULE OF BENEFITS	CURRENT		RENEWAL	
	Humana		Humana	
	<i>In Network</i>	<i>Out of Network</i>	<i>In Network</i>	<i>Out of Network</i>
Annual Benefit Maximum	Unlimited	Unlimited	Unlimited	Unlimited
Do Class 1 services apply toward Annual Max?	Yes		Yes	
Deductible	<i>Calendar Year</i>		<i>Calendar Year</i>	
Single/Family	\$50 / \$150		\$50 / \$150	
Is deductible waived for Class 1 services?	Yes		Yes	
Class 1 Services: Preventive and Diagnostic				
Office Visit	100%	100%	100%	100%
Routine Oral Exam (3 per year)	100%	100%	100%	100%
Routine Cleaning (3 per year)	100%	100%	100%	100%
Bitewing X-rays	100%	100%	100%	100%
Class 2 Services: Basic Restorative	<i>Deductible Applies</i>		<i>Deductible Applies</i>	
Fillings	80%	80%	80%	80%
Simple Extractions (Oral Surgery)	80%	80%	80%	80%
Periodontics (Major and Minor Surgery)	80%	80%	80%	80%
Endodontics (Root Canal Therapy)	80%	80%	80%	80%
Class 3 Services: Major Restorative	<i>Deductible Applies - 12 Month WP</i>		<i>Deductible Applies - 12 Month WP</i>	
Bridges	50%	50%	50%	50%
Crowns	50%	50%	50%	50%
Dentures	50%	50%	50%	50%
Class 4 Services: Orthodontia				
Orthodontia Services	N/A		N/A	
Dental Plan Reimbursement Level				
Benefits Reimbursement Level	Contracted Fees	Fee Schedule	Contracted Fees	Fee Schedule
Minimum Participation	<i>Current</i>		<i>Current</i>	
Rate Guarantee	<i>Expires 12/31/2023</i>		<i>Expires 12/31/2024</i>	
Rates	<i>Lives¹</i>			
Employee	6	\$39.30	\$40.48	
Employee + Spouse	1	\$78.59	\$80.96	
Employee + Child(ren)	1	\$100.21	\$103.22	
Employee + Family	0	\$139.51	\$143.70	
Monthly Premium	8	\$415	\$427	
Annual Premium		\$4,975	\$5,125	
Annual \$ Increase/Decrease		N/A	\$150	
Annual % Increase/Decrease		N/A	3.0%	

¹ October Invoice

Town of Loxahatchee Groves
Renewal Evaluation - Vision
Effective Date: January 1, 2024

SCHEDULE OF BENEFITS	CURRENT		RENEWAL		
	Humana		Humana		
Examination	In-Network	Out-of-Network	In-Network	Out-of-Network	
Eye Exam Copay	No Charge	Up to \$30	No Charge	Up to \$30	
Materials Copay	No Charge	Varies	No Charge	Varies	
Retinal Imaging	Up to \$39	Not Covered	Up to \$39	Not Covered	
Frequency					
Examination	Every 12 months		Every 12 months		
Lenses or Contact Lenses	Every 12 months		Every 12 months		
Frames	Every 24 months		Every 24 months		
Lenses					
Single	No Charge	Up to \$25	No Charge	Up to \$25	
Bifocal	No Charge	Up to \$40	No Charge	Up to \$40	
Trifocal	No Charge	Up to \$60	No Charge	Up to \$60	
Lenticular	No Charge	Up to \$100	No Charge	Up to \$100	
Standard Progressive	No Charge	Up to \$40	No Charge	Up to \$40	
Frames					
Retail Allowance	Up to \$200 + 20% off retail	Up to \$100	Up to \$200 + 20% off retail	Up to \$100	
Contacts Lenses					
Elective	Up to \$200 + 15% off retail	Up to \$160	Up to \$200 + 15% off retail	Up to \$160	
Non-Elective (Medically Necessary)	No Charge	Up to \$210	No Charge	Up to \$210	
Fitting and Evaluation - Standard	No Charge	Up to \$30	No Charge	Up to \$30	
Minimum Participation	Current		Current		
Rate Guarantee	Expires 12/31/2023		Expires 12/31/2024		
Monthly Rates	Lives ¹				
Employee	7	\$10.32	\$10.32	\$10.32	
Employee + Spouse	1	\$20.65	\$20.65	\$20.65	
Employee + Child(ren)	0	\$19.61	\$19.61	\$19.61	
Employee + Family	0	\$30.82	\$30.82	\$30.82	
Monthly Premium	8	\$93	\$93	\$93	
Annual Premium		\$1,115	\$1,115	\$1,115	
\$ Increase /(Decrease)		N/A	\$0	\$0	
% Increase /(Decrease)		N/A	0.0%	0.0%	

¹ October Invoice

Town of Loxahatchee Groves
 Renewal Evaluation - Basic Life and AD&D
 Effective Date: January 1, 2024

	CURRENT		Renewal	
	The Hartford		The Hartford	
Life and AD&D Benefit				
Eligibility		All active full-time employees working at least 30 hours per week.		All active full-time employees working at least 30 hours per week.
Basic Term Life		1x Annual Salary to a maximum of \$150,000		1x Annual Salary to a maximum of \$150,000
Guarantee Issue Amount		Equal to Benefit Amount		Equal to Benefit Amount
Basic AD&D		Equal to Life Benefit		Equal to Life Benefit
Features				
Portability/Conversion Privilege		Yes/Yes		Yes/Yes
Waiver of Premium		Included		Included
Age Reduction (Reduces by)		35% at age 65, 50% at age 70		35% at age 65, 50% at age 70
Accelerated Death Benefit		Included		Included
Rate Guarantee		Expires 12/31/2024		Expires 12/31/2024
Rates	Lives*			
Volume	15	\$907,500		\$907,500
Basic Term Life Rate / \$1,000		\$0.442		\$0.442
AD&D Rate / \$1,000		\$0.030		\$0.030
Total Life AD&D Rate / \$1,000		\$0.472		\$0.472
Monthly Premium		\$428		\$428
Annual Premium		\$5,140		\$5,140
\$ Increase /(Decrease)		N/A		\$0
% Increase /(Decrease)		N/A		0.0%

*Lives and volume from October Invoice

Town of Loxahatchee Groves
 Renewal Evaluation - Short Term Disability
 Effective Date: January 1, 2024



	CURRENT	Renewal
Short Term Disability	The Hartford	The Hartford
Eligibility	All active full-time employees working at least 30 hours per week.	All active full-time employees working at least 30 hours per week.
Weekly Benefit	60% of Weekly Earnings	60% of Weekly Earnings
Maximum Weekly Benefit	\$1,500	\$1,500
Elimination Period for Accident/Sickness	0/7 Days	0/7 Days
Benefit Duration	13 Weeks	13 Weeks
Portability/Conversion	Not Included	Not Included
Rate Guarantee	Expires 12/31/2024	Expires 12/31/2024
Rates	Lives*	
Volume	14	
Rate / \$10 of Weekly Covered Payroll		
	\$10,463	\$10,463
	\$0.165	\$0.165
Monthly Premium	\$173	\$173
Annual Premium	\$2,072	\$2,072
\$ Increase /(Decrease)	N/A	\$0
% Increase /(Decrease)	N/A	0.0%

*Lives and volume from November Invoice

Town of Loxahatchee Groves
Renewal Evaluation - Long Term Disability
Effective Date: January 1, 2024

	CURRENT	Renewal
Long-Term Disability	The Hartford	The Hartford
Eligibility	All active full-time employees working at least 30 hours per week.	All active full-time employees working at least 30 hours per week.
Benefit	60% of Monthly Earnings	60% of Monthly Earnings
Maximum Monthly Benefit	\$7,500	\$7,500
Own Occupation Period	24 months	24 months
Elimination Period	90 days	90 days
Duration of Benefit	SSNRA	SSNRA
Pre-existing Condition	3/12	3/12
Survivor Benefit	Included	Included
Rate Guarantee	Expires 12/31/2024	Expires 12/31/2024
Rates		
	<i>Lives*</i>	
Volume	14	14
Rate / \$100 of Monthly Covered Payroll	\$75,857	\$75,857
	\$0.385	\$0.385
Monthly Premium	\$292	\$292
Annual Premium	\$3,505	\$3,505
\$ Increase /(Decrease)	N/A	\$0
% Increase /(Decrease)	N/A	0.0%

*Lives and volume from November Invoice

Town of Loxahatchee Groves

Renewal Evaluation - Health Reimbursement Account Admin

Effective Date: January 1, 2024

Proposed

Health Reimbursement Account	Benefits Workshop
Account Setup Fee	\$0
Annual Renewal Fee	\$0
Reporting	Yes
Online Employee Enrollment	Yes
Website for Employers	Yes
Website for Participants	Yes
Rate Guarantee	Expires 12/31/2024
HRA Participant/Month Rate	\$5.00
Monthly Fee	\$60.00
Monthly Premium	\$60
Annual Premium	\$720
\$ Increase	N/A
% Increase	N/A

Town of Loxahatchee Groves
CAVU Benchmarking - HRA Comparison

Effective Date: January 1, 2024

	Town of Loxahatchee Groves	Town of Gulf Stream	City of Fellsmere	City of Sebastian	Village of Wellington	City of Deerfield Beach	City of Delray Beach
Approximate Number of Employees	16	33	33	134	304	490	816
Base Plan Type	PPO	HMO and PPO	PPO HDHP	PPO HDHP	PPO HDHP	PPO HDHP	PPO HDHP
Single Deductible	\$1,500	Base/Mid/High \$9,100/\$1,000/\$250	\$3,250	\$1,500	\$1,500	\$2,500	\$1,500
Family Deductible	\$3,000	Base/Mid/High \$18,200/\$3,000/\$500	\$6,500	\$3,000	\$3,000	\$5,000	\$3,000
Single Maximum Out of Pocket	\$4,800	Base/Mid/High \$9,100/\$4,900/\$2,450	\$6,550	\$4,500	\$2,500	\$2,500	\$3,000
Family Maximum Out of Pocket	\$9,600	Base/Mid/High \$18,200/\$9,800/\$4,900	\$13,100	\$9,000	\$5,000	\$5,000	\$6,000
HRA Annual Contribution	N/A	\$3,000	EE - \$3,000 EE + Deps - \$6,000	EE - \$2,500 EE + Deps - \$5,000	EE - \$1,350 EE + Deps - \$2,850	EE - \$1,000 ES/EC - \$1,500 Family - \$2,000	EE - \$500 EE + Deps - \$1,000
HRA Qualified Expenses	N/A	Medical, Rx, Dental, Vision	Medical, Rx, Dental, Vision	Medical, Rx	Medical, Rx	Medical, Rx	Medical, Rx



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 2

TO: Town Council of Town of Loxahatchee Groves
FROM: Francine Ramaglia, Town Manager
DATE : December 5, 2023
SUBJECT: Presentation of the FY 22 Audit

Background:

Attached is the nearly completed Annual Comprehensive Financial Report for Fiscal Year 2022 and draft communications letter. The draft audit is going through quality control review and Andrew Fierman, the partner in charge of the audit process has indicated that he does not anticipate further significant changes.

Mr. Fierman, from Caballero Fierman Llerena & Garcia, LLP, the Town's auditors, will present the audit to the Council.

Recommendation:

Receive and File.



November XX, 2023

To Honorable Mayor, Town Council and Town Manager
Town of Loxahatchee Groves, Florida
155 F Road
Loxahatchee Groves, Florida 33470

We have audited the financial statements of the governmental activities, the business-type activities, and each major fund of the Town of Loxahatchee Groves, Florida (the Town) for the fiscal year ended September 30, 2022. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated September 14, 2022. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town are described in Note 1 to the financial statements. As described in Note 1 to the financial statements, the Town changed accounting policies related to Leases by adopting Statement of Governmental Accounting Standards (GASB Statement) No. 87, *Leases*, in fiscal year 2022. We noted no transactions entered into by the Town during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. There were no sensitive estimates affecting the Town's financial statements.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

- The disclosure of deposits and investments in Note 3 to the financial statements.
- The disclosure of Florida Retirement System in Note 7 to the financial statements.
- The disclosure of leases in Note 9 to the financial statements.
- The disclosure of risk management in Note 10 to the financial statements.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit, other than delays in getting started with the audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of

audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated **November XX, 2023**.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Town's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Town's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to Management's Discussion and Analysis and the budgetary comparison information, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were not engaged to report on the introductory and statistical sections, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

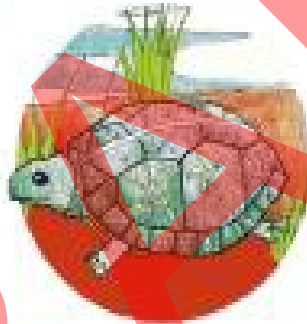
This information is intended solely for the information and use of the Town Council and management of the Town of Loxahatchee Groves, Florida and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Caballero Fierman Llerena & Garcia, LLP

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

Florida's Last Frontier



Town of
LOXAHATCHEE GROVES

ANNUAL COMPREHENSIVE FINANCIAL REPORT

FOR THE FISCAL YEAR ENDED

SEPTEMBER 30, 2022

**TOWN OF LOXAHATCHEE GROVES, FLORIDA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2022**

DRAFT

**Prepared by:
THE TOWN OF LOXAHATCHEE GROVES**

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TOWN OF LOXAHATCHEE GROVES, FLORIDA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
TABLE OF CONTENTS
SEPTEMBER 30, 2022

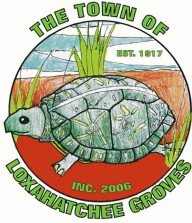
	<u>PAGES</u>
I. INTRODUCTORY SECTION (Unaudited)	
Letter of Transmittal	i-iv
List of Town Officials	v
Organizational Chart	vi
II. FINANCIAL SECTION	
Independent Auditors' Report	1-2
Management's Discussion and Analysis (Unaudited)	3-13
Basic Financial Statements:	
Government-Wide Financial Statements:	
Statement of Net Position	14
Statement of Activities	15
Fund Financial Statements:	
Balance Sheet – Governmental Funds	16
Reconciliation of the Balance Sheet – Governmental Funds to the Statement of Net Position	17
Statement of Revenues, Expenditures and Changes in Fund Balances - Governmental Funds	18
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances of the Governmental Funds to the Statement of Activities	19
Statement of Net Position – Proprietary Fund	20
Statement of Revenues, Expenses and Changes in Net Position – Proprietary Fund	21
Statement of Cash Flows – Proprietary Fund	22
Notes to Basic Financial Statements	23-42
III. REQUIRED SUPPLEMENTARY INFORMATION (UNAUDITED)	
Budgetary Comparison Schedules	
General Fund	43
Special Revenue Fund – Roads and Drainage Fund	44
Special Revenue Fund – Transportation Fund	45
Special Revenue Fund – Local Option Sales Tax Fund	46
Notes to the Required Supplementary Information	47
Schedule of Employer Contributions – Florida	
Retirement System Pension Plan	48
Schedule of Proportionate Share of Net Pension Liability – Florida	
Retirement System Pension Plan	49
Schedule of Employer Contributions – Florida Retirement System	
Retiree Health Insurance Subsidy Program	50
Schedule of Proportionate Share of Net Pension Liability – Florida	
Retirement System Health Insurance Subsidy Program	51

TOWN OF LOXAHATCHEE GROVES, FLORIDA
ANNUAL COMPREHENSIVE FINANCIAL REPORT
TABLE OF CONTENTS
SEPTEMBER 30, 2022

	<u>PAGES</u>
IV. STATISTICAL SECTION (UNAUDITED)	
Government – Wide Information:	
Schedule 1: Net Position by Component	52
Schedule 2: Changes in Net Position	53-54
Fund Information	
Schedule 3: Fund Balances of Governmental Funds	55
Schedule 4: Changes in Fund Balances, Governmental Funds	56
Schedule 5: General Governmental Tax Revenues by Source	57
Schedule 6: Net Assessed Value and Estimated Actual Value of Taxable Property	58
Schedule 7: Property Tax Rates – Direct and Overlapping Governments	59
Schedule 8: Principal Property Taxpayers	60
Schedule 9: Property Tax Levies and Collections	61
Schedule 13: Direct and Overlapping Governmental Activities Debt	62
Schedule 14: Demographic and Economic Statistics	63
Schedule 15: Principal Employers – Palm Beach County	64
Schedule 16: Full-Time Equivalent Municipality Government Employees by Function	65
Schedule 17: Operating Indicators by Function	66
V. OTHER INFORMATION SECTION	
Information Required by Section 218.39(3)(c), Florida Statutes	67
VI. COMPLIANCE SECTION	
Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with <i>Government Auditing Standards</i>	68-69
Summary Schedule of Prior Audit Findings	70
Schedule of Findings and Responses	71
Management Letter in accordance with the Rules of the Auditor General of the State of Florida	72-73
Independent Accountants' Report on Compliance Pursuant to Section 218.415 Florida Statutes	74

INTRODUCTORY SECTION

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Town of Loxahatchee Groves

155 F Road, Loxahatchee Groves, FL • 33470 (561) • 793-2418 Fax (561) 793-2420
www.loxahatcheegrovesfl.gov

November XX, 2023

To: Honorable Mayor and Members of the Town Council
 155 F Road
 Loxahatchee Groves, Florida 33470

It is our pleasure to submit the Comprehensive Annual Financial Report (CAFR) for the Town of Loxahatchee Groves, Florida, for the fiscal year ended September 30, 2022, pursuant to Section 218.39 of the Florida Statutes, Chapter 10.550 of the Rules of the Auditor General of the State of Florida, and the Town Charter. The financial statements included in this report conform to generally accepted accounting principles in the United States of America (“GAAP”) as prescribed by the Governmental Accounting Standards Board (“GASB”). The responsibility for both the accuracy of the presented data and the completeness and fairness of the presentation, including all disclosures, rests with the Town. The financial statements have been audited by Caballero, Fierman, Llerena Garcia., Certified Public Accountants. The independent auditor issued an unmodified opinion that this report fairly represents the financial position of the Town in conformity with GAAP. Management’s Discussion & Analysis (MD&A) immediately follows the independent auditor’s report and provides narrative introduction, overview and analysis of the basic financial statements. MD&A complements this letter of transmittal, it should be read in conjunction with it.

PROFILE OF THE GOVERNMENT

The Town of Loxahatchee Groves (the “Town”) is a political subdivision of the State of Florida located in Palm Beach County (the “County”), initially incorporated in November 2006. The Town has a population estimated at 3,375 for the year 2022 from the University of Florida, Bureau of Economic and Business Research (“BEBR”) residents living within 12.5 square miles. The Town is a rural-residential-agricultural community with a very limited commercial district primarily along SR-80 (Southern Boulevard).

The Town operates under a Council-Manager form of government in which the Town elects five council members, one of whom is appointed Mayor. Council members are elected for staggered three-year terms. The Town Council determines policies that guide Town operations, hiring a Town Manager and Attorney to administer these policies on a full-time basis. From incorporation through May 2019, the Town functioned under a “Contract Form of Government” with a private management company supplying employees, services and Town administration management under the legislative direction and policies of the Town Council. The Town Attorney also serves the Town pursuant to contract rather than as an employee.

On June 26, 2018, the Loxahatchee Groves Water Control District became a dependent special district of the Town with \$1,269,175 of fund balance transferred to the Roads and Drainage special revenue fund as of that date. The transition to a traditional full service, albeit small, local government model

is a multi-year all-encompassing endeavor including but not limited to a shift in service delivery models, revisiting Town standards, evaluating all contract services, establishing and updating policies & procedures, implementing new processes, and so on in an effort to better serve the community. The Town's continued focus is addressing deferred maintenance and infrastructure needs; developing and implementing a comprehensive Capital Improvements Program (CIP) and related funding mechanisms; automating and streamlining administrative functions; increasing transparency and accountability; and achieving financial sustainability.

The annual budget serves as the foundation for the Town's financial planning and control. All departments of the Town are required to submit proposed budgets to the Town Manager, who then makes any necessary revisions. The Town Manager then presents to the Town Council for their review, a budget estimate of the expenditures and revenues of all the Town's departments. Two public hearings are then conducted to inform taxpayers of the proposed and final budget, to receive their comments, and respond to their questions on the budget. A majority affirmative vote of the quorum is needed to adopt the budget, which is legally enacted prior to October 1st by the passage of a Resolution. The Town's budget is approved at the department function object.

Balancing competing needs drives the budget process which is a continuous cycle of predicting both long and short-term needs. Budgetary needs are constantly prioritized with choices made within the framework of established policies and resources. Necessities like delivery of basic operational and maintenance services, personnel costs, insurance coverage, and debt service usually take initial priority whether provided in-house, inter-governmentally, and/or contractually. The Town strives to constantly address issues critical to serving our residents, maintaining or improving quality of life and preserving richness of community character.

The Town Council must approve all budget amendments as well as any supplemental appropriations. At the close of each fiscal year, the unencumbered balance of each appropriation reverts to the fund from which it was appropriated and is subject to future appropriations. Warrants (transfers) of funds assessed between the Town and its dependent district are approved by Council.

ECONOMIC CONDITION AND OUTLOOK

The growth and development of the Town of Loxahatchee Groves is dependent upon the economic environment of South Florida and particularly that of Palm Beach County and in the surrounding western communities. The major economic influences in this area are the housing market, the regional job market, new construction, weather events, any future tax reform and/or other legislative mandates.

Positive signs about the national and local economies are evidenced by the continuing annual increases in average residential market values and influx of new residents the Town has experienced for the last number of years along with relatively stable employment in the area which remains higher than national averages. Also, the equestrian community and industry play a major role in the economy of the western communities as approximately two-thirds of Palm Beach County's equestrian industry is located in the region including horse farms, stables and a variety of equestrian venues.

For the fiscal year ending September 30, 2022, the Town Council adopted a rate of 3.0000 mills, the same rate as in prior fiscal years, resulting in total tax levy of \$1,166,479 which is an increase of \$80,376, or 6.45%, from FY2021. The benefit of the continued increase is to begin "rebuilding" the Town and its critical infrastructure and to properly position the Town for the future by building reserves. This is critical as the Town's tax base is primarily residential, with considerable agricultural exemptions

and little commercial property, and future property tax growth limited to the annual growth rate of per capita personal income, which is currently minimal, plus the value of new construction.

LONG TERM FINANCIAL PLAN

The Town adopted a Comprehensive Plan. Within this plan, the Town will examine the growth opportunities for the Town over the next 10 years. Management will continue to review revenues received from other sources to verify that, as a new government, the Town is receiving those revenues to which it is entitled. The Town will also continue to pursue new revenue streams which will have as little impact on the residents as possible. In addition, the Town will continue to contract certain municipal services to maintain low operational costs and the best opportunity to keep taxes as low as possible. Maintaining appropriate reserves will enable the Town to absorb the increased costs of contracted services.

FINANCIAL INFORMATION

Town Management is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the Town are protected from loss, theft or misuse and to ensure that adequate accounting data is compiled to allow for the preparation of financial statements in conformity with generally accepted accounting principles in the United States of America. The internal control structure is designed to provide reasonable, but not absolute, assurance that these objectives are met. The concept of reasonable assurance recognizes that: (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

As a recipient of federal, state and local financial assistance, the government is also responsible for ensuring that an adequate internal control structure is in place to ensure and document compliance with applicable laws and regulations related to these programs. This internal control structure is subject to periodic evaluation by management. In addition, the Town maintains budgetary controls. The objective of these controls is to ensure compliance with legal provisions embodied in the annual appropriated budget approved by the Town Council. The level of budgetary control (i.e., the level at which expenditures cannot legally exceed the appropriated amount) is the department function object level.

The Town's *accounting system* is organized on a fund basis. A fund is defined as an independent fiscal and accounting entity with a self-balancing set of accounts. The type of funds used are generally determined by the Town Council upon the recommendations of the Town Manager which is based upon established and accepted accounting policies and procedures as well as the number of funds required.

INDEPENDENT AUDIT

In accordance with Florida Statutes Section 218.39, the Town has engaged the firm of Nowlen, Holt & Miner, P.A., to perform the independent audit of the Town's financial statements for the year ended September 30, 2020. The Independent Certified Public Auditor's report is presented in the financial section of this Comprehensive Annual Financial Report.

ACKNOWLEDGEMENTS

The preparation of this report could not have been accomplished without the efficient and dedicated services of the entire staff of the Town and its auditing firm, Caballero, Fierman, Llerena Garcia, as well as key independent financial professional contractors. We wish to express our appreciation to the staff for their interest and support in planning and conducting the financial operations of the Town in a responsible and progressive manner.

In closing, it is an honor to serve the Town, its residents and landowners. The leadership and support of the Mayor and Town Council have made the accomplishments and anticipated successes noted in this report possible and provide a strong foundation for the Town's future.

Respectfully submitted,

Francine Ramaglia
Town Manager

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TOWN OF LOXAHATCHEE GROVES

List of Elected Town Officials

September 30, 2022

Council – Manager Form of Government

TOWN COUNCIL

Robert Shorr, Mayor

Laura Danowski, Vice Mayor

Phillis Maniglia, Councilmember

Marianne Miles, Councilmember

Margaret Herzog, Councilmember

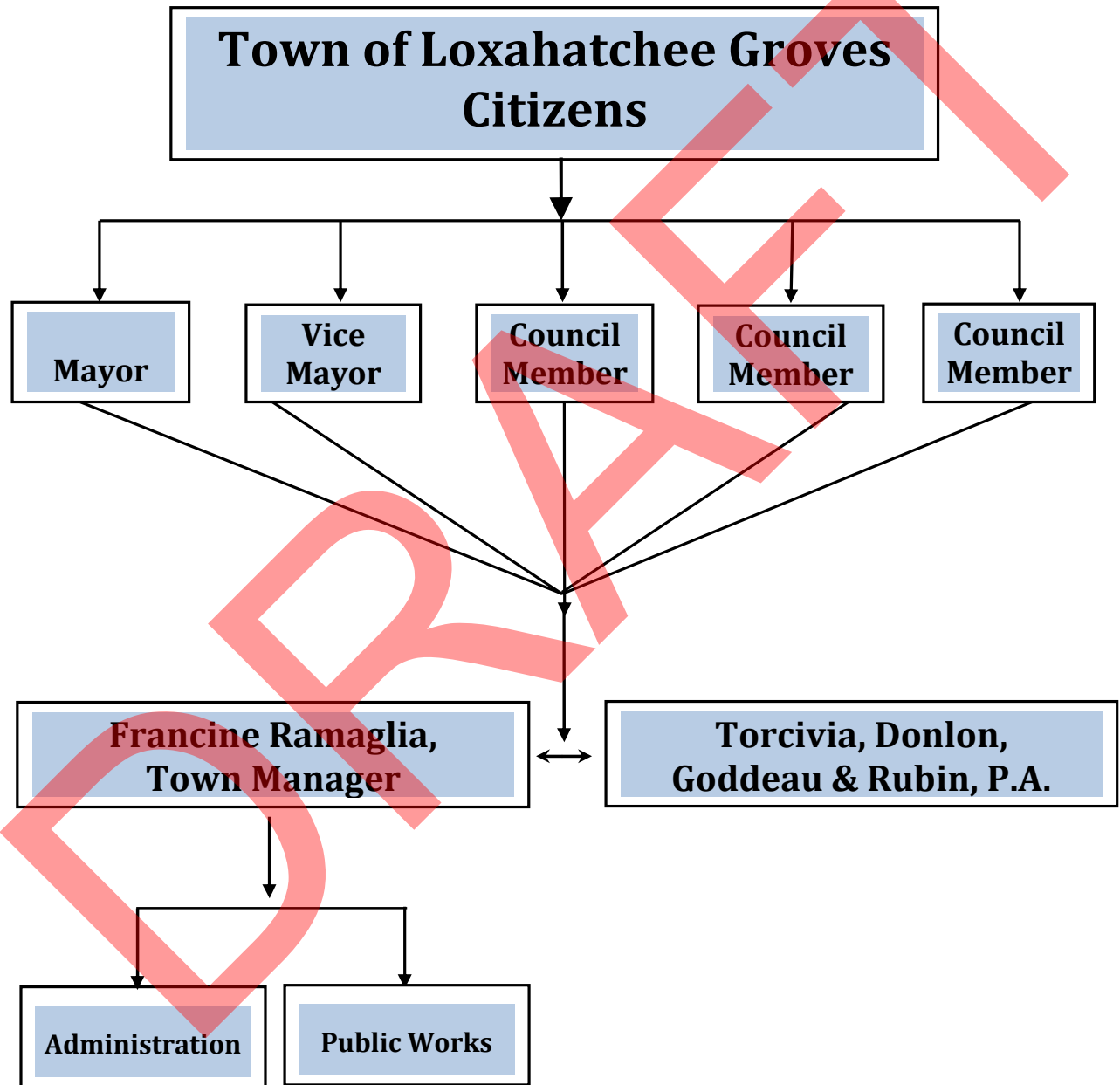
ADMINISTRATION

Francine L. Ramaglia, CPA, Town Manager

Elizabeth Lenihan of Torcivia, Donlon, Goddeau & Rubin, P.A., Town Attorney

Lakisha Q. Burch, Town Clerk

Town of Loxahatchee Groves Organizational Chart



FINANCIAL SECTION

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INDEPENDENT AUDITORS' REPORT

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INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and Town Council
Town of Loxahatchee Groves, Florida

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of the Town of Loxahatchee Groves, Florida (the Town), as of and for the fiscal year ended September 30, 2022, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the Town, as of September 30, 2022, and the respective changes in financial position, and, where applicable, cash flows thereof for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Town and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Town's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, and pension schedules on pages 4–15, 59–63, and 64–67 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Management is responsible for the other information included in the annual report. The other information comprises the introductory and statistical sections but does not include the basic financial statements and our auditors' report thereon. Our opinions on the basic financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November XX, 2023, on our consideration of the Town's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Town's internal control over financial reporting and compliance.

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Caballero Fierman Llerena & Garcia, LLP
Boca Raton, Florida

November XX, 2023

MANAGEMENT'S DISCUSSION AND ANALYSIS
(Required Supplementary Information)

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TOWN OF LOXAHATCHEE GROVES, FLORIDA
Management's Discussion and Analysis
September 30, 2022

As management of the Town of Loxahatchee Groves, we offer readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town of Loxahatchee Groves (the Town) for the fiscal year ended September 30, 2022. Readers are encouraged to consider the information presented here in conjunction with the auditors' reports, the basic financial statements, the notes to the financial statements, and the supplementary information.

FINANCIAL HIGHLIGHTS

- At September 30, 2022, the assets plus deferred outflows of the Town of Loxahatchee Groves exceeded its liabilities plus deferred inflows by \$12,040,373 of which \$7,991,594 was the amount invested in capital assets, net of accumulated depreciation and \$2,015,919 was restricted by law or agreements and an additional \$292,359 was assigned for capital projects. The Town had \$1,740,501 (*unrestricted net position*) which may be used to meet the Town's ongoing obligations to citizens and creditors.
- During the fiscal year 2022, net position increased by \$2,312,927 from the prior year.
- At September 30, 2022, the Town of Loxahatchee Groves' General Fund reported an ending fund balance of \$2,202,374, an increase of \$714,755 as compared with the prior year. Of the total fund balance, 100% is available for spending at the government's discretion (*unassigned fund balance*). The unassigned fund balance represents about 61.6%, or slightly more than 7 months, of total General Fund operating expenditures and transfers.

OVERVIEW OF THE FINANCIAL STATEMENTS

This annual report consists of three parts—*management's discussion and analysis* (this section), the *basic financial statements* and *required supplementary information*. The basic financial statements include two kinds of statements that present different views of the Town.

- The first two statements are *government-wide financial statements* that provide both long-term and short-term information about the Town's overall financial status.
- The remaining statements are *fund financial statements* that focus on individual parts of the Town government, reporting the Town's operations in more detail than the government-wide statements.
- The *governmental funds* statements show how general government services such as public safety were financed in the short term as well as what remains for future spending.

The financial statements also include *notes* that explain some of the information in the financial statements and provide more detailed data. The statements are followed by a section of *required supplementary information*, which further explains and supports the information in the financial statements. Figure A-1 shows how the required parts of this annual report are arranged and are related to one another.

Government-wide financial statements. The *government-wide financial statements* are designed to provide readers with a broad overview of the Town's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of the Town's assets deferred outflows/inflows, and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating.

The *statement of activities* presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes).

Both of the government-wide financial statements distinguish functions of the Town that are principally supported by taxes and intergovernmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The government activities of the Town include public works, police, and general administration services. The Town has one business-type activity for the provision of garbage and trash collection services.

The government-wide financial statements can be found on pages 14 and 15 of this report.

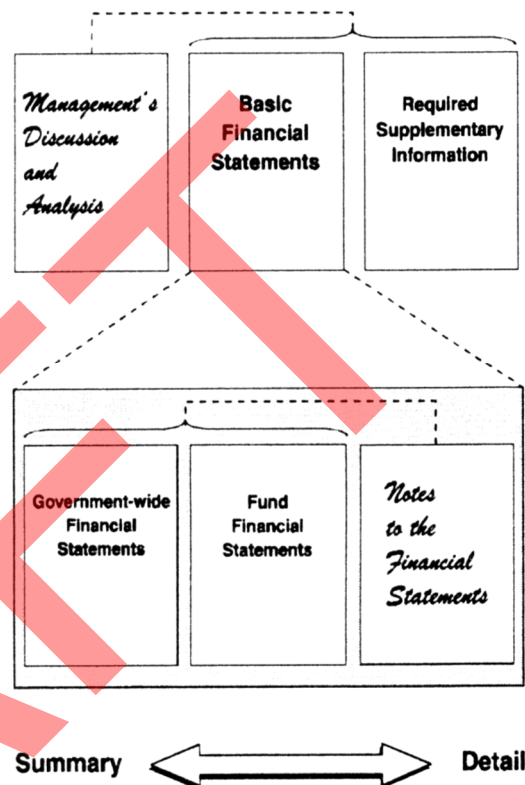
Fund financial statements. A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. Most of the Town's basic services are reported in governmental funds. Governmental funds focus on how resources flow in and out, with the balances remaining at year-end that are available for spending. These funds are reported using an accounting method called the modified accrual accounting method, which measures cash and all other financial assets that can readily be converted to cash. The governmental fund statements provide a detailed short-term view of the Town's general government operations and the basic services it provides. Governmental fund information shows whether there are more or fewer financial resources that can be spent in the near future to finance the Town's programs.

The Town maintains five governmental funds; the General Fund, the Roads and Drainage Fund, the Transportation Fund, the Local Option Sales Tax Fund, and the Capital Improvement Fund.

The Town adopts an annual budget for each of its funds. A budgetary comparison statement has been provided for the General Fund, the Roads and Drainage Fund, the Transportation Fund, and the Local Option Sales Tax Fund to demonstrate compliance with the budget.

Figure A-1
Required Components of
City's Annual Financial Report



The governmental fund financial statements can be found on pages 16-19 of this report.

Enterprise funds. The Town has one enterprise fund, the Sanitation Fund, which charges customers for the services provided. These services are generally reported in proprietary funds. Proprietary funds are reported in the same way that all activities are reported in the Statement of Net Position and the Statement of Activities. The basic proprietary fund financial statements can be found on pages 20-22 of this report.

Notes to the basic financial statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 23-42 of this report.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

Summary of net position. As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the Town, governmental activity assets plus deferred outflows exceeded liabilities plus deferred inflows by \$11,793,823. Business-type activity assets plus deferred outflows exceeded liabilities plus deferred inflows by \$246,550. The Town-wide total net position was \$12,040,373 at the close of the fiscal year ended September 30, 2022. The Statement of Net Position is on page 14 of this report.

The Town's investment in capital assets (e.g., land, buildings, equipment and vehicles, less accumulated depreciation and any related debt that is still outstanding that was used to acquire those assets) was \$7,991,594 or about 66% of total net position at September 30, 2022. The Town uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending.

An additional \$2,015,919 portion of the net position, or about 17%, represents resources that are subject to external restrictions on how they may be used. The Town has assigned \$292,359 for the purpose of the subsequent year's capital improvement plan. The unrestricted net position of \$1,740,501, or about 14%, may be used to meet the government's ongoing obligations to citizens and creditors. The following table reflects the condensed Statement of Net Position for the current year as compared to the prior year.

Table 1
Town of Loxahatchee Groves
Summary of Net Position

	Governmental Activities		Business Activities		Total	
	2022	2021	2022	2021	2022	2021
Assets:						
Current and other assets	\$ 5,253,224	\$ 4,705,186	\$ 298,474	\$ 270,404	\$ 5,551,698	\$ 4,975,590
Capital assets	7,991,594	6,675,748	-	-	7,991,594	6,675,748
Total assets	13,244,818	11,380,934	298,474	270,404	13,543,292	11,651,338
Deferred outflows of resources	676,662	613,152	-	-	676,662	613,152
Liabilities:						
Long-term liabilities	1,134,659	383,945	-	-	-	383,945
Other liabilities	772,587	1,302,314	51,924	58,521	824,511	1,360,835
Total liabilities	1,907,246	1,686,259	51,924	58,521	1,959,170	1,744,780
Deferred inflows of resources	220,411	792,264	-	-	220,411	792,264
Net position:						
Net investment in capital assets	7,991,594	6,675,748	-	-	7,991,594	6,675,748
Restricted and Assigned	2,308,278	1,995,173	-	-	2,308,278	1,995,173
Unrestricted	1,493,951	844,642	246,550	211,883	1,740,501	1,056,525
Total net position	\$ 11,793,823	\$ 9,515,563	\$ 246,550	\$ 211,883	\$ 12,040,373	\$ 9,727,446

Governmental Activities.

- During the fiscal year 2022, net position improved over the prior year, increasing by \$2,278,260, largely a result of investments in capital assets. The primary contributor to this investment was the use of Federal American Recovery Plan Act grant revenues.

Business Activities.

- The funding for the Town's solid waste operation is derived from a special assessment placed upon residential properties within the Town's jurisdiction.
- The Town assesses approximately 1,500 residential units \$400 per year for both the collection and disposal of solid waste.
- Palm Beach County Property Appraiser notifies all affected property owners of the amount, public hearing date, and location of the meeting when the Town will adopt the Tentative Assessment.
- Palm Beach County Tax Collector receives all Town ad valorem tax and assessment payments and remits the funds to the Town.

The following is a summary of the changes in net position for the years ended September 30, 2022, and 2021. Key indicators, including revenues and expenditures by category are presented herein for review:

Table 2
Town of Loxahatchee Groves
Changes in Net Position

	Governmental Activities		Business Activities		Total	
	2022	2021	2022	2021	2022	2021
Revenues:						
Program revenues:						
Charges for services	\$ 2,345,058	\$ 1,858,323	\$ 660,895	\$ 653,665	\$ 3,005,953	\$ 2,511,988
Grants and contributions	1,439,774	132,547	(675)	50,272	1,439,099	182,819
General revenues:						
Property taxes	1,119,902	1,042,008	-	-	1,119,902	1,042,008
Local option sales tax	315,075	272,580	-	-	315,075	272,580
Franchise fees	524,169	372,660	-	-	524,169	372,660
Utility taxes	469,441	442,871	-	-	469,441	442,871
Intergovernmental	848,230	834,038	-	-	848,230	834,038
Investment/other income	32,332	35,356	-	-	32,332	35,356
Total revenues	7,093,981	4,990,383	660,220	703,937	7,754,201	5,694,320
Expenses:						
General Government	1,352,540	1,129,525	-	-	1,352,540	1,129,525
Public safety	1,346,755	1,119,128	-	-	1,346,755	1,119,128
Physical environment	2,068,776	1,227,929	-	-	2,068,776	1,227,929
Sanitation	-	-	673,203	699,311	673,203	699,311
Interest	-	2,709	-	-	-	2,709
Total expenses	4,768,071	3,479,291	673,203	699,311	5,441,274	4,178,602
Increase (decrease) in net position before transfers	2,325,910	1,511,092	(12,983)	4,626	2,312,927	1,515,718
Transfers:	(47,650)	(77,950)	47,650	77,950	-	-
Increase (decrease) in net position	2,278,260	1,433,142	34,667	82,576	2,312,927	1,515,718
Net position, beginning	9,515,563	8,082,421	211,883	129,307	9,727,446	8,211,728
Net position, ending	\$ 11,793,823	\$ 9,515,563	\$ 246,550	\$ 211,883	\$ 12,040,373	\$ 9,727,446

Governmental Activities.

- For fiscal year 2022, total revenues improved noticeably from the prior year, increasing by \$2,103,598, largely due to the use of one-time federal grants and increased charges for services.
- Total expenses increased by \$1,288,780 or 37%, largely reflecting a notable increase in the investment in the capital assets.

Business Activities.

- Revenue earned by business-type activities is generated by charges for services through special assessments for the Town’s solid waste collection and recycling services totaled \$660,895. Operating revenues decreased slightly by (\$43,717) from FY2021. The rates charged to residents decreased by \$50 to \$400 per residential unit.
- Expenses of business-type activities arise from the Town’s solid waste collection and recycling services contract which totaled \$673,203 in fiscal year 2022. The decrease of (\$26,108) in total expense was the result of scheduled contractual rate changes.

Figure A-2
Town of Loxahatchee Groves
Revenues by Source – Governmental Activities
For the Fiscal Year Ended September 30, 2022

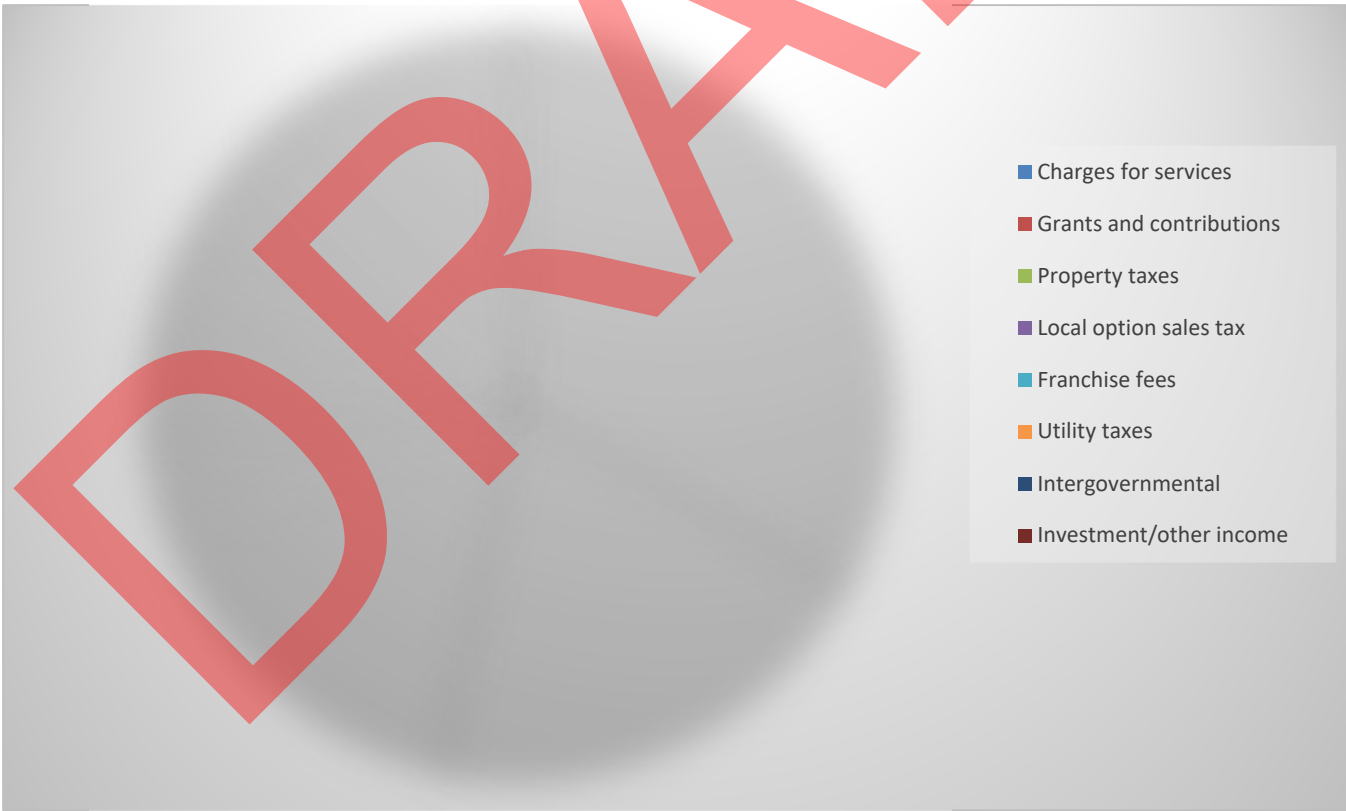
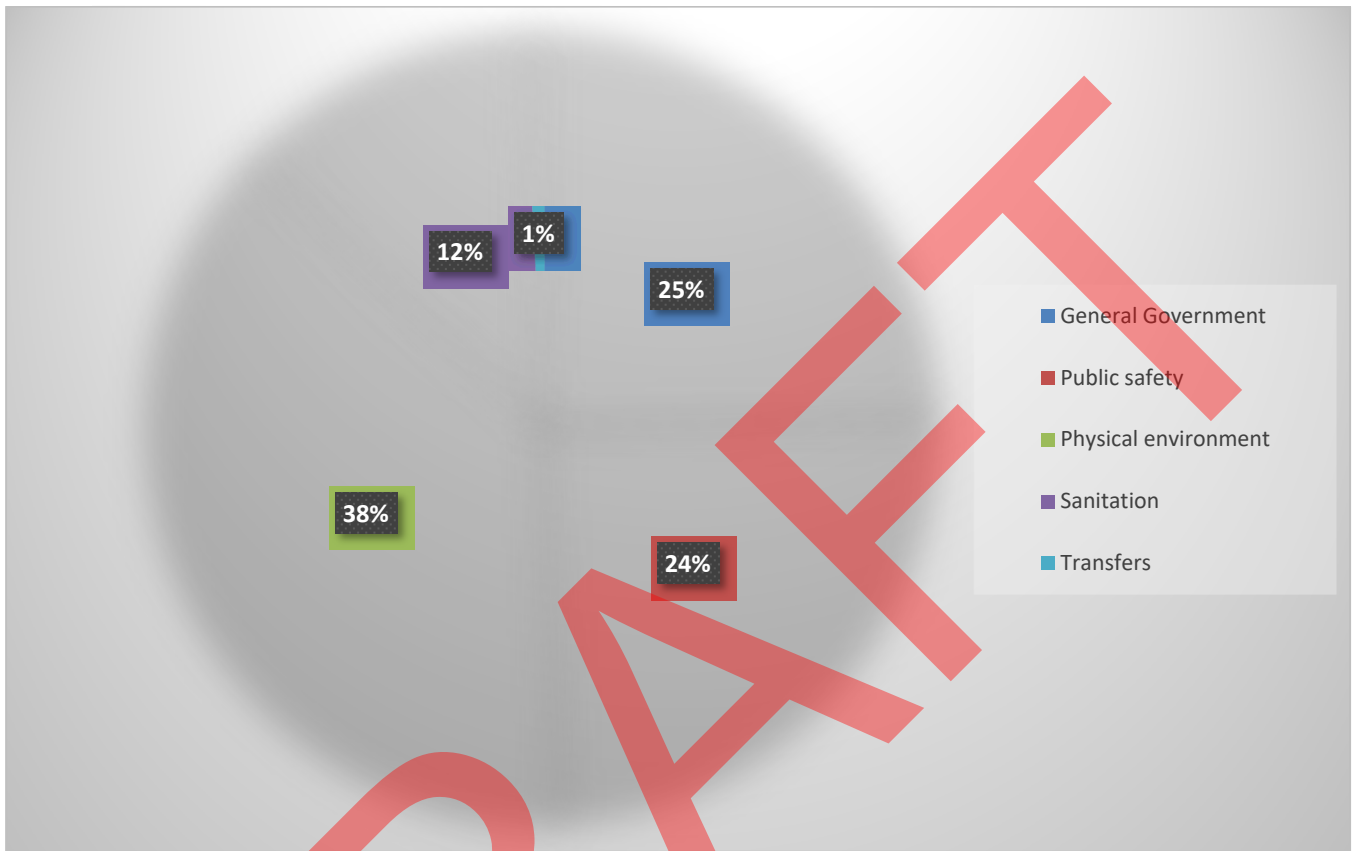


Figure A-3
Town of Loxahatchee Groves
Expenses – Governmental Activities
For the Fiscal Year Ended September 30, 2022



FINANCIAL ANALYSIS OF THE GOVERNMENT’S FUNDS

The Town maintains five governmental funds; the General Fund, the Roads and Drainage Fund, the Transportation Fund, the Local Option Sales Tax Fund and the Capital Improvement Fund.

The Town adopts an annual appropriated budget for the General Fund, the Roads and Drainage Fund, the Transportation Fund, and the Local Option Sales Tax Fund. The General Fund provides revenues and resources for basic governmental services. The Roads and Drainage Fund is funded thru special assessments and accounts for the operations of the Town’s dependent special district. The Transportation Fund is funded through a dedicated local option gas tax and can only be used for allowable transportation related expenses such as road, street maintenance, and construction. Likewise, the Local Option Sales Tax Fund is funded through an additional local option sales tax dedicated for infrastructure projects to occur over the next decade.

As noted earlier, the Town of Loxahatchee Groves uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The focus of the Town’s *governmental funds* is to provide information on near-term inflows, outflows and balances of *spendable* resources. Such information is useful in assessing the Town’s financing requirements. In particular, the *unassigned fund balance* may serve as a useful measure of the government’s net resources available for spending at the end of a fiscal year.

General Fund. The General Fund is the primary operating fund of the Town. At the end of the fiscal year, the Town's General Fund reported an unassigned fund balance of \$2,202,374, an increase of \$966,763 in comparison with the prior fiscal year.

A summary of the General Fund's condensed balance sheet and statement of revenues, expenditures, and changes in fund balance for September 30, 2022, and 2021 is shown below:

Table 3
Town of Loxahatchee Groves
Summary of General Fund Balance Sheet

	2022	2021	Change	% Change
Assets	\$ 2,845,444	\$ 2,772,731	\$ 72,713	3%
Liabilities	\$ 614,489	\$ 1,232,230	\$ (617,741)	-50%
Deferred inflows	28,581	52,882	(24,301)	-46%
Fund balance				
Nonspendable fund balance	-	1,623	(1,623)	-100%
Restricted fund balance	-	233,635	(233,635)	0%
Assigned fund balance	-	16,750	(16,750)	0%
Unassigned fund balance	2,202,374	1,235,611	966,763	78%
Total fund balance	2,202,374	1,487,619	714,755	48%
Total liabilities, deferred inflows, and fund balance	\$ 2,845,444	\$ 2,772,731	\$ 72,713	3%

During the fiscal year 2022, the General Fund assets increased by \$72,713 or 3%. The increase is mainly due to increases in cash because of the current year's operations generating a positive budget variance. Liabilities decreased by (\$617,741) or 50%, mainly due to the use of unearned federal grant revenues. Total fund balance increased by \$714,755 or 48% due to revenues exceeding expenditures and transfers. Most of this increase came from the use of federal grant revenues that will not recur.

(continued on next page)

**Table 4
Town of Loxahatchee Groves
Summary of General Fund Statement of Revenues,
Expenditures, and Changes in Fund Balance**

	2022	2021	Change	% Change
Revenues	\$ 4,839,586	\$ 2,924,015	\$ 1,915,571	66%
Expenditures	2,696,822	2,417,872	278,950	12%
Other Financings Sources and Uses	(1,428,009)	(77,950)	(1,350,059)	1732%
Net change in fund balance	714,755	428,193	286,562	67%
Fund balance, beginning	1,487,619	1,059,426	428,193	40%
Fund balance, ending	\$ 2,202,374	\$ 1,487,619	\$ 714,755	48%

The Town of Loxahatchee Groves General Fund revenues increased over the prior year by \$1,915,571 or 66%, mostly the result of the use of previously unearned federal grant revenues and greater tax receipts. Total expenditures increased over the prior year by \$278,950 or 12%, largely related to an increase in building department services and legal services. The Town’s transfers to other funds, almost entirely the Capital Improvements Fund, increased substantially because of the use of federal grant revenues received but not earned in prior years.

General Fund

The Town adopts annual budgets by fund, department function and object in compliance with Florida State Statute Section 200.065 (commonly referred to as the Truth-in Millage Legislation). The law requires municipal organizations to prepare and adopt annual operating budgets for the General, Special Revenue and Debt Service Funds following uniform time frames related to property tax levies. The balanced budgets may be revised throughout the year. The Town’s code allows for intra-department level budget transfers between expenditure categories without Council approval; however, inter-department and fund total changes require Council-approved budget amendments adopted by resolution.

The Town’s policy is to adopt the budget following the second public hearing of each fiscal year, held in September for an October 1st year. Budget amendments may be presented to Council at any time during the fiscal year.

Over the course of the year, the Town did amend the General Fund budget. The fiscal year final 2022 budget was \$4.4 million as opposed to the \$2.7 million originally adopted budget. The actual revenues were greater than the final amended budgeted revenues by \$404,659 while spending was \$14,927 more than the final amended budget and, accordingly, reserves increased.

The budget versus actual schedule is presented on page 43 for the General Fund.

Roads and Drainage Special Revenue Fund

The Loxahatchee Groves Water Control District became a dependent special district on June 26, 2018, and the operations have since been reported as the Roads and Drainage Special Revenue Fund. The actual revenues were equal to the final budgeted revenues. The Town amended the original Roads and Drainage Fund expenditure budget. The final amended expenditures were \$242 less than the final budget.

The budget versus actual schedules is presented on page 44 for the Roads and Drainage Special Revenue Fund.

Transportation Special Revenue Fund

The fund balance of the Transportation Special Revenue Fund decreased by (\$47,630), owing to transfers to other funds for maintenance or capital asset improvements in those funds. The final budget was increased to account for the increased gas tax receipts.

Local Option Sales Tax Special Revenue Fund

In 2016, a one-cent infrastructure surtax or Local Option Sales Tax was approved by the voters in Palm Beach County for no more than ten years. The distribution is 50% for the School Board, 30% for the County, and 20% to be distributed to the Municipalities. Accordingly, the Town established the Local Option Sales Tax Fund to account for these funds which will enable the Town to initiate at least a portion of long-overdue roadway improvement projects. In FY2022, the total revenue received was \$309,176, all of which was retained for use in a subsequent fiscal period.

Capital Improvement Fund

The Capital Improvement Fund showed \$1,646,817 in investments to the community's infrastructure, which was funded with transfers from other funds, carryover from prior years, and temporary advances from other funds.

Capital Assets

As of September 30, 2022, the Town's capital assets amounted to \$7,991,594 (net of accumulated depreciation). More details relating to capital assets can be found in Note 4 of the Notes to the Financial Statements.

Long-Term Liabilities

As of the end of the fiscal year the only long-term liabilities of the Town were for accumulated compensated absences owed to employees upon separation from service, leases for equipment, and net pension liabilities owed to retirees, present and future. The total amount of these liabilities amounted to \$1,193,255, of which \$58,596 was estimated to be due during FY2023.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

The State of Florida, by constitution, does not have a state personal income tax and therefore, the State operates primarily using sales, gasoline and corporate income taxes. Local governments (cities, counties and school boards) primarily rely upon property taxes and a limited array of permitted other taxes (sales, telecommunication, gasoline, utilities services, etc.) and fees (franchise, building permits, occupational license, etc.) for funding of their governmental activities. In addition, there are a limited number of state-shared revenues and recurring and non-recurring (one-time) grants from both the state and federal governments.

During 2007 the Florida Legislature passed property tax reform legislation limiting the property tax levies of local governments. The maximum tax levy allowed by a majority vote of the governing body is based on a percentage reduction applied to the prior year property tax revenue. The percentage reduction is calculated based on the compound annual growth rate in the per capita property taxes levied. The law allows local governments to adopt a higher millage rate based on the following approval of the governing body: 1) a majority vote to adopt a rate equal to the prior year rolled-back millage rate, plus an adjustment for growth in per capita

personal income; 2) a two-thirds vote to adopt a rate equal to the prior year adjusted millage rate plus 10%; or 3) any millage rate approved by unanimous vote or referendum. Future property tax growth is limited to the annual growth rate of per capita personal income, which is currently 3% to 4%, plus the value of new construction.

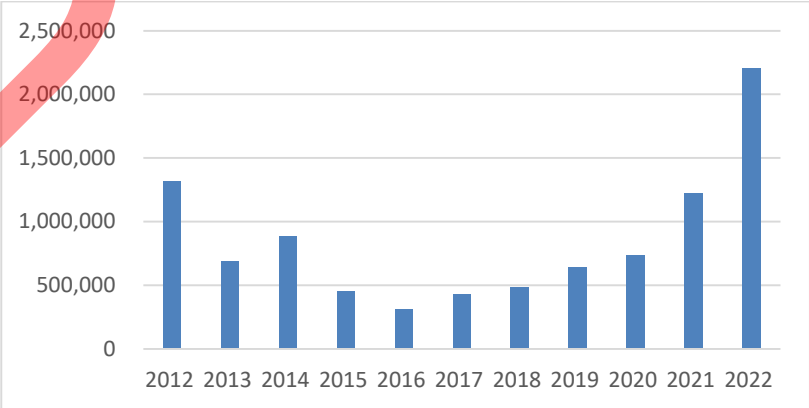
On January 29, 2008 the Florida electorate approved an amendment to the Florida Constitution relative to property taxation. This amendment (referred to as Amendment 1) was placed on the ballot by the Florida Legislature at a special session held in October 2007. With respect to homestead property, Amendment 1 increases the current \$25,000 homestead exemption by another \$25,000 (for property values between \$50,000 - \$75,000), except for school district taxes. Since the new \$25,000 homestead exemption does not apply to school district taxes, this effectively amounts to a \$15,000 increase to the existing homestead exemption. Amendment 1 also allows property owners to transfer (make portable) up to \$500,000 of their Save Our Homes benefits to their next homestead when they move. Save Our Homes became effective in 1995 and limits (caps) the annual increase in assessed value for homestead property to three percent (3%) or the percentage change in the Consumer Price Index, whichever is less.

With respect to non-homestead property, Amendment 1 limits (caps) the annual increase in assessed value for non-homestead property (businesses, industrial property, rental property, second homes, etc.) to ten percent (10%), except for school district taxes. The Amendment also provides a \$25,000 exemption for tangible personal property. Amendment 1 became effective on October 1, 2008, with the exception of the ten percent (10%) assessment cap on non-homestead property which became effective on January 1, 2009.

Additional tax relief bills were introduced at the 2018 legislative session which could further limit the extent to which municipalities can levy taxes. Along with all Florida municipalities, the Town faces the unknown negative financial impact of a proposed constitutional amendment on the November 8, 2018 ballot which was approved, which created an additional \$25,000 exemption for homestead properties for the purposes of non-school (city, county and special district) property taxes. It has been estimated that the new homestead exemption will have a collective negative fiscal impact on all Florida cities, counties and special districts of roughly \$750 million in the first year growing to nearly \$820 million by the fifth year.

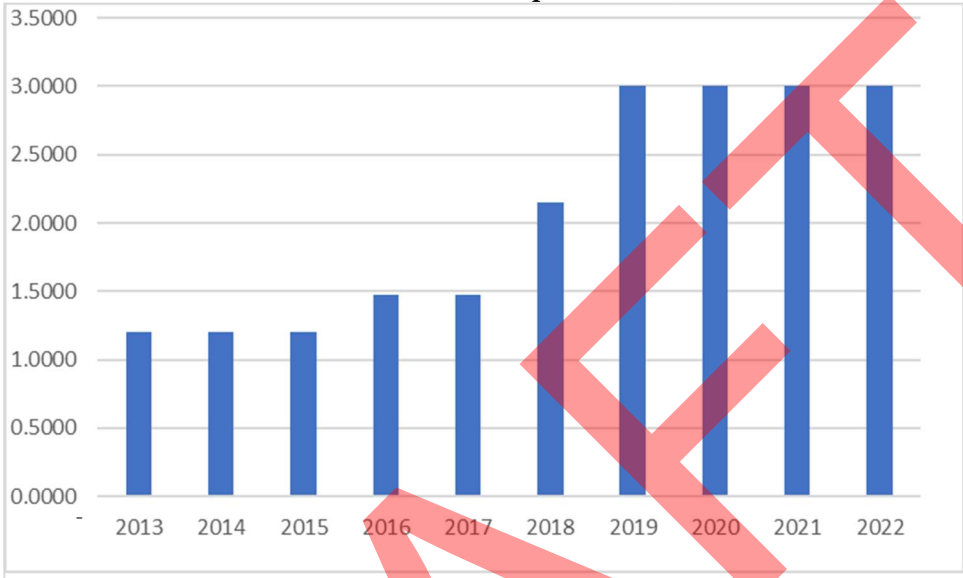
- In setting its fiscal 2021-2022 and 2022-2023 budgets, the Town adopted a millage rate of 3.0000.
- The Town of Loxahatchee Groves enjoyed increases in total assessed property value of over 8.4% for fiscal year 2022.

**General Fund Unassigned Surplus
For the Fiscal Years ended September 30, 2012-2022**



In 1995, the state of Florida limited all local governments’ ability to increase property assessments of homestead property in any given year to 3 percent or cost of living, whichever is lower. The graph below shows the millage rates since 2012. The Town, just like many cities across the country, faces the challenge of keeping taxes and service charges as low as possible while providing residents with the level of service they have come to expect.

**Town of Loxahatchee Groves Millage
For the Fiscal Years ended September 30, 2012-2022**



The operating millage rate for tax year 2021, which is collected in fiscal year 2022, is 3.0000 or \$3.00 per thousand dollars of taxable value. The operating millage rate remained the same as the prior fiscal year and resulted property tax revenue of \$1,119,902, an increase of \$77,894, or 7.0% over the prior year due to increased property values. Historically, the rollback rate has always been lower than the existing rate.

The Roads & Drainage Assessment remained unchanged at \$200 per unit, while the Solid Waste Assessment rate decreased by \$50 per unit to \$400 per unit.

While property taxes are important, they represent only 20% of total governmental funds revenue, excluding other financing sources and uses. Another 38% comes from local option taxes, utility service taxes, communication services taxes, franchise fees and state revenue sharing. Local business tax receipts, permits and fees, charges for services, fines and forfeitures, investment income and miscellaneous income total 39%, and grants total another 2%. To meet the demand of its residents, as well as to comply with regulatory requirements, the Town leverages all its resources and determines the need for operational changes and/or fee increases accordingly.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the Town of Loxahatchee Groves’ finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Town Manager, 155 F Road, Loxahatchee Groves, Florida 33470.

FINANCIAL STATEMENTS

DRAFT

TOWN OF LOXAHATCHEE GROVES, FLORIDA

STATEMENT OF NET POSITION

SEPTEMBER 30, 2022

	<u>Governmental</u> <u>Activities</u>	<u>Business-</u> <u>Type</u> <u>Activities</u>	<u>Total</u>
<u>ASSETS</u>			
Cash and cash equivalents	\$ 3,606,158	\$ 298,474	\$ 3,904,632
Investments	961,852	-	961,852
Receivables:			
Planning and zoning	268,761	-	268,761
Franchise and utility taxes	265,551	-	265,551
Due from other governments	150,902	-	150,902
Capital assets:			
Nondepreciable capital assets	573,337	-	573,337
Depreciable capital assets, net	<u>7,418,257</u>	<u>-</u>	<u>7,418,257</u>
Total assets	<u>13,244,818</u>	<u>298,474</u>	<u>13,543,292</u>
<u>DEFERRED OUTFLOWS OF RESOURCES</u>			
Pension related items	<u>676,662</u>	<u>-</u>	<u>676,662</u>
<u>LIABILITIES</u>			
Accounts payable and accrued liabilities	191,266	51,924	243,190
Due to other governments	43,029	-	43,029
Deferred revenue	359,793	-	359,793
Deposits for planning and zoning	119,903	-	119,903
Noncurrent liabilities:			
Due within one year	58,596	-	58,596
Due in more than one year	<u>1,134,659</u>	<u>-</u>	<u>1,134,659</u>
Total liabilities	<u>1,907,246</u>	<u>51,924</u>	<u>1,959,170</u>
<u>DEFERRED INFLOWS OF RESOURCES</u>			
Pension related items	191,830	-	191,830
Unearned revenues	<u>28,581</u>	<u>-</u>	<u>28,581</u>
Total deferred inflows of resources	<u>220,411</u>	<u>-</u>	<u>220,411</u>
<u>NET POSITION</u>			
Investment in capital assets	7,991,594	-	7,991,594
Restricted for:			
Roads and drainage	1,370,076	-	1,370,076
Transportation	336,667	-	336,667
Infrastructure	309,176	-	309,176
Assigned for:			
Capital projects	292,359	-	292,359
Subsequent year's budget	-	-	-
Unrestricted	<u>1,493,951</u>	<u>246,550</u>	<u>1,740,501</u>
Total net position	<u>\$ 11,793,823</u>	<u>\$ 246,550</u>	<u>\$ 12,040,373</u>

See notes to basic financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

Functions/programs	Program Revenues				Net (Expense) Revenue and Changes in Net Position		
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government		
					Governmental Activities	Business-Type Activities	Total
Governmental activities:							
General government	\$ 1,352,540	\$ 798,632	\$ 1,439,774	\$ -	\$ 885,866	\$ -	\$ 885,866
Public safety	1,346,755	-	-	-	(1,346,755)	-	(1,346,755)
Physical environment	2,068,776	1,546,426	-	-	(522,350)	-	(522,350)
Total governmental activities	<u>4,768,071</u>	<u>2,345,058</u>	<u>1,439,774</u>	<u>-</u>	<u>(983,239)</u>	<u>-</u>	<u>(983,239)</u>
Business-type activities:							
Water and Sewer	673,203	660,895	(675)	-	-	(12,983)	(12,983)
Total business-type activities	<u>673,203</u>	<u>660,895</u>	<u>(675)</u>	<u>-</u>	<u>-</u>	<u>(12,983)</u>	<u>(12,983)</u>
Total	<u>\$ 5,441,274</u>	<u>\$ 3,005,953</u>	<u>\$ 1,439,099</u>	<u>\$ -</u>	<u>(983,239)</u>	<u>(12,983)</u>	<u>(996,222)</u>
General revenues:							
Property taxes					1,119,902	-	1,119,902
Local option sales tax					315,075	-	315,075
Franchise fee					524,169	-	524,169
Utility taxes					469,441	-	469,441
Intergovernmental (unrestricted)					848,230	-	848,230
Miscellaneous revenue					33,695	-	33,695
Interest					(1,363)	-	(1,363)
Total general revenues					<u>3,309,149</u>	<u>-</u>	<u>3,309,149</u>
Transfers					(47,650)	47,650	-
Change in net position					2,278,260	34,667	2,312,927
Net position beginning of year					9,515,563	211,883	9,727,446
Net position end of year					<u>\$ 11,793,823</u>	<u>\$ 246,550</u>	<u>\$ 12,040,373</u>

See notes to basic financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA

BALANCE SHEET
GOVERNMENTAL FUNDS
SEPTEMBER 30, 2022

	Major Funds					Total Governmental Funds
	General Fund	Roads and Drainage	Transportation	Local Option Sales Tax	Capital Improvements	
ASSETS						
Cash and cash equivalents	\$ 1,702,727	\$ 1,457,139	\$ 64,183	\$ -	\$ 382,109	\$ 3,606,158
Investments	139,423	-	-	822,429	-	961,852
Receivables						
Planning and zoning	268,761	-	-	-	-	268,761
Franchise and utility taxes	103,219	162,332	-	-	-	265,551
Due from other governments	97,489	-	32,841	20,572	-	150,902
Due from other funds	533,825	-	-	-	-	533,825
Total assets	<u>2,845,444</u>	<u>1,619,471</u>	<u>97,024</u>	<u>843,001</u>	<u>382,109</u>	<u>5,787,049</u>
LIABILITIES						
Accounts payable and other liabilities	55,245	9,752	-	-	89,750	154,747
Accrued expenses	36,519	-	-	-	-	36,519
Due to other funds	-	-	-	533,825	-	533,825
Due to other governments	43,029	-	-	-	-	43,029
Deferred revenue	359,793	-	-	-	-	359,793
Deposits for planning and zoning	119,903	-	-	-	-	119,903
Total liabilities	<u>614,489</u>	<u>9,752</u>	<u>-</u>	<u>533,825</u>	<u>89,750</u>	<u>1,247,816</u>
DEFERRED INFLOWS OF RESOURCES						
Unearned revenue	28,581	-	-	-	-	28,581
Total deferred inflows of resources	<u>28,581</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>28,581</u>
FUND BALANCES						
Restricted for:						
Roads and drainage	-	1,370,076	-	-	-	1,370,076
Transportation	-	239,643	97,024	-	-	336,667
Infrastructure	-	-	-	309,176	-	309,176
Assigned for:						
Capital projects	-	-	-	-	292,359	292,359
Subsequent year's budget	-	-	-	-	-	-
Unassigned	2,202,374	-	-	-	-	2,202,374
Total fund balances	<u>2,202,374</u>	<u>1,609,719</u>	<u>97,024</u>	<u>309,176</u>	<u>292,359</u>	<u>4,510,652</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 2,845,444</u>	<u>\$ 1,619,471</u>	<u>\$ 97,024</u>	<u>\$ 843,001</u>	<u>\$ 382,109</u>	<u>\$ 5,787,049</u>

See notes to basic financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUNDS
 TO THE STATEMENT OF NET POSITION
 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

Total fund balances - governmental funds (Page 13) \$ 4,510,652

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and, therefore, are not reported as assets in the governmental funds. The statement of net position includes those capital assets, net of accumulated depreciation, in the net position of the government as a whole.

Cost of capital assets	\$ 13,005,263	
Accumulated depreciation	<u>(5,013,669)</u>	7,991,594

Liabilities not due and payable from current available resources are not reported as liabilities in the governmental fund statements. All liabilities, both current and long-term, are reported in the government-wide financial statements.

Net pension liability	\$ (1,059,348)	
Leases payable	(112,780)	
Compensated absences	<u>(21,127)</u>	(1,193,255)

Deferred outflows and inflows of resources related to pensions are applicable to future periods and, therefore, are not reported in the governmental funds

Pension related deferred outflows	\$ 676,662	
Pension related deferred inflows	<u>(191,830)</u>	<u>484,832</u>

Net position of governmental activities (Page 11)		<u>\$ 11,793,823</u>
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TOWN OF LOXAHATCHEE GROVES, FLORIDA
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

	Major Funds					Total Governmental Funds
	General Fund	Roads and Drainage	Transportation	Local Option Sales Tax	Capital Improvements	
Revenues:						
Property taxes	\$ 1,119,902	\$ -	\$ -	\$ -	\$ -	\$ 1,119,902
Local option sales tax	-	-	-	315,075	-	315,075
Permits and franchise fees	814,888	-	-	-	-	814,888
Utility service taxes	469,441	-	-	-	-	469,441
Intergovernmental revenues	1,964,155	-	396,107	-	-	2,360,262
Charges for services	418,655	-	-	-	-	418,655
Fines and forfeitures	17,000	-	-	-	-	17,000
Maintenance assessments	-	1,511,193	-	-	-	1,511,193
Miscellaneous revenues	33,695	35,233	-	-	-	68,928
Interest	1,850	2,686	-	(5,899)	-	(1,363)
Total revenues	<u>4,839,586</u>	<u>1,549,112</u>	<u>396,107</u>	<u>309,176</u>	<u>-</u>	<u>7,093,981</u>
Expenditures:						
Current:						
General government	1,338,357	-	-	-	-	1,338,357
Public safety	1,332,244	-	-	-	-	1,332,244
Physical environment	-	1,239,168	-	-	-	1,239,168
Debt service:						
Principal	4,223	52,574	-	-	-	56,797
Interest	157	5,852	-	-	-	6,009
Capital outlay	21,841	315,198	-	-	1,646,817	1,983,856
Total expenditures	<u>2,696,822</u>	<u>1,612,792</u>	<u>-</u>	<u>-</u>	<u>1,646,817</u>	<u>5,956,431</u>
Excess (deficiency) of revenues over (under) expenditures	<u>2,142,764</u>	<u>(63,680)</u>	<u>396,107</u>	<u>309,176</u>	<u>(1,646,817)</u>	<u>1,137,550</u>
Other financing sources:						
Issuance of debt - leases	11,765	-	-	-	-	11,765
Transfers in	-	272,037	-	-	1,563,824	1,835,861
Transfers out	(1,439,774)	-	(443,737)	-	-	(1,883,511)
Total other financing sources	<u>(1,428,009)</u>	<u>272,037</u>	<u>(443,737)</u>	<u>-</u>	<u>1,563,824</u>	<u>(35,885)</u>
Net change in fund balances	714,755	208,357	(47,630)	309,176	(82,993)	1,101,665
Fund balance - beginning of year	1,487,619	1,401,362	144,654	-	375,352	3,408,987
Fund balance - ending	<u>\$ 2,202,374</u>	<u>\$ 1,609,719</u>	<u>\$ 97,024</u>	<u>\$ 309,176</u>	<u>\$ 292,359</u>	<u>\$ 4,510,652</u>

See notes to basic financial statements

Item 2.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 RECONCILIATION OF THE GOVERNMENTAL FUND STATEMENT OF
 REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE TO THE
 STATEMENT OF ACTIVITIES
 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

Net change in fund balances - total governmental funds (Page 15)	\$	1,101,665
<p>Amounts reported for governmental activities in the statement of activities are different as a result of:</p> <p>Governmental funds report capital outlay as an expenditure. However, the cost of those capital assets is eliminated in the statement of activities and capitalized in the statement of net position.</p>		
Expenditures for capital assets	1,983,856	
Less current year depreciation	(818,510)	
Amounts reported as capital outlay not included in capital assets (not capitalized)	<u>(7,312)</u>	
		<u>1,158,034</u>
<p>Some expenses reported in the statement of activities do not require the use of financial resources and therefore are not reported as expenditures in the governmental funds. The details of the differences are as follows:</p>		
Change in net pension liability and related deferred amounts	(73,286)	
Change in lease liability	45,032	
Current change in compensated absences	46,815	
		<u>18,561</u>
Change in net position of governmental activities (Page 12)	\$	<u><u>2,278,260</u></u>

See notes to basic financial statements

19

53

TOWN OF LOXAHATCHEE GROVES, FLORIDA

STATEMENT OF NET POSITION

PROPRIETARY FUND

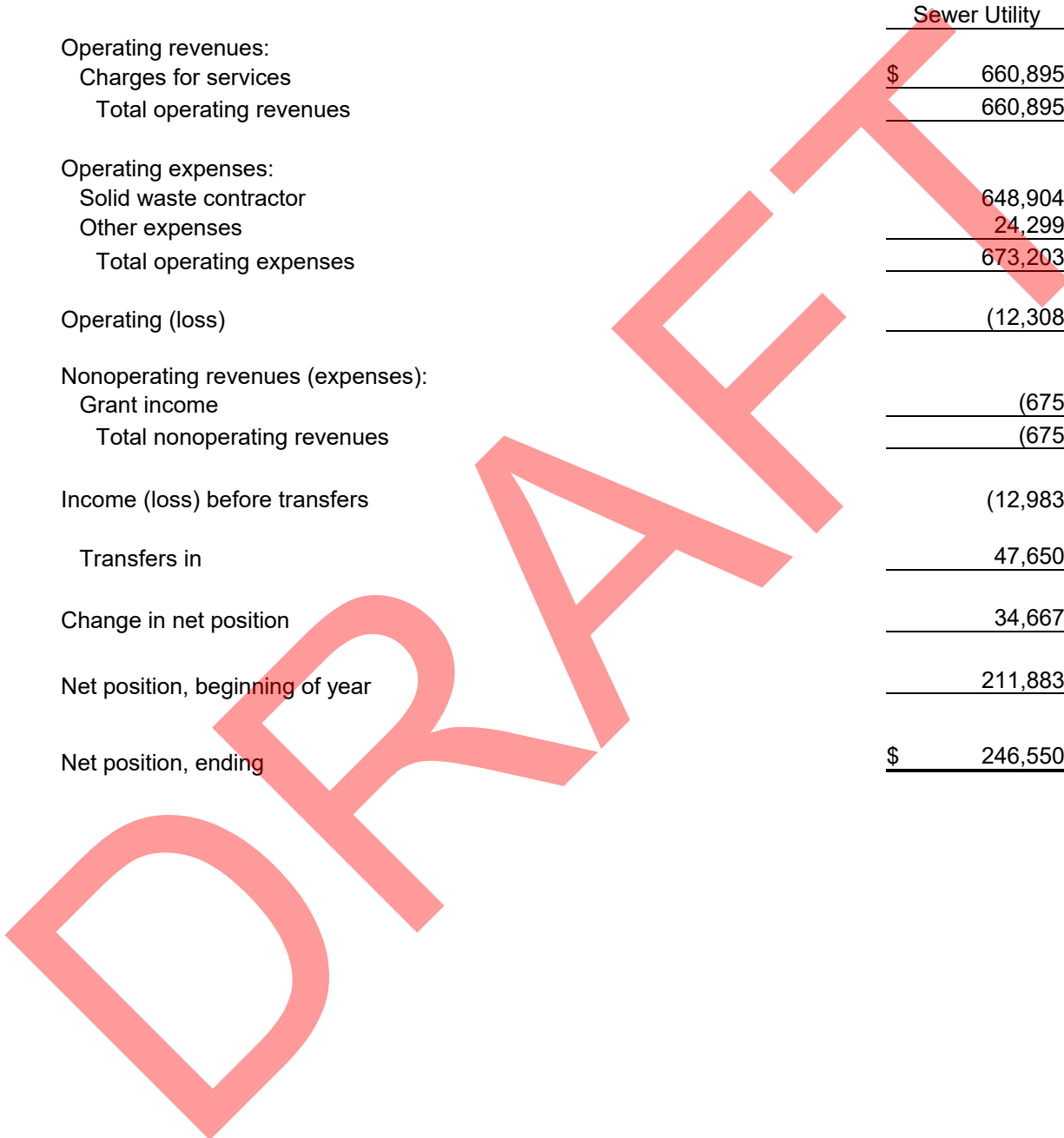
SEPTEMBER 30, 2022

		<u>Enterprise Fund</u> <u>Water and</u> <u>Sewer Utility</u>
	<u>ASSETS</u>	
Current assets:		
Cash and cash equivalents		\$ 298,474
Total assets		<u>298,474</u>
	<u>LIABILITIES</u>	
Current liabilities:		
Accounts payable		<u>51,924</u>
Total current liabilities		<u>51,924</u>
	<u>NET POSITION</u>	
Unrestricted		<u>246,550</u>
Total net position		<u>\$ 246,550</u>

DRAFT

TOWN OF LOXAHATCHEE GROVES, FLORIDA
STATEMENT OF REVENUES, EXPENSES
AND CHANGE IN NET POSITION
PROPRIETARY FUND
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

	Enterprise Fund
	Water and Sewer Utility
Operating revenues:	
Charges for services	\$ 660,895
Total operating revenues	660,895
Operating expenses:	
Solid waste contractor	648,904
Other expenses	24,299
Total operating expenses	673,203
Operating (loss)	(12,308)
Nonoperating revenues (expenses):	
Grant income	(675)
Total nonoperating revenues	(675)
Income (loss) before transfers	(12,983)
Transfers in	47,650
Change in net position	34,667
Net position, beginning of year	211,883
Net position, ending	\$ 246,550



TOWN OF LOXAHATCHEE GROVES, FLORIDA
 STATEMENT OF CASH FLOWS
 PROPRIETARY FUND
 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

Cash flows from operating activities:	
Receipts from customers and users	\$ 660,895
Payments to suppliers	(679,125)
Operating grants	<u>49,597</u>
Net cash provided by operating activities	<u>31,367</u>
Cash flows (used) by noncapital financing activities:	
Transfers from other funds	<u>47,650</u>
Net cash provided by noncapital financing activities	<u>47,650</u>
Cash flows provided by investing activities:	
Investment expense	<u>(675)</u>
Net cash (used) in investing activities	<u>(675)</u>
Net increase in cash and cash equivalents	78,342
Cash and cash equivalents, October 1	<u>220,132</u>
Cash and cash equivalents, September 30	<u>\$ 298,474</u>
Reconciliation of operating income to cash and cash equivalents used in operating activities:	
Operating income	\$ <u>(12,308)</u>
Adjustments to reconcile operating income to net cash used in operating activities:	
Changes in assets and liabilities:	
(Increase) decrease in:	
Due from other governments	50,272
Increase (decrease) in:	
Accounts payable	<u>(6,597)</u>
Total adjustments	<u>43,675</u>
Net cash provided by operating activities	<u>\$ 31,367</u>

NOTES TO THE FINANCIAL STATEMENTS

DRAFT

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Town of Loxahatchee Groves, Florida (the “Town”) have been prepared in conformity with generally accepted accounting principles (GAAP) as applied to government units. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The Town’s significant accounting policies are described below.

Reporting Entity

The Town was incorporated on November 1, 2006, as a municipal corporation, in accordance with Chapter 2006-328 under the Laws of the State of Florida, and was established to conduct a government, perform municipal functions, and provide services to its citizens, as provided by the Constitution of the State of Florida. The Town operates under a Council-Manager form of government. The Town Council is responsible for legislative and fiscal control of the Town. A Town Manager is appointed by the Town Council and is responsible for the administration of all Town affairs placed in the manager’s charge by charter or action of the Town Council.

As required by generally accepted accounting principles, these financial statements include the Town (the primary government) and its component units. Component units are legally separate entities for which the Town is financially accountable. The Town is financially accountable if:

1. it appoints a voting majority of the organization’s governing board and (1) it is able to impose its will on the organization, or (2) there is a potential for the organization to provide specific financial benefits to or impose specific financial burdens on the Town,

or

2. the organization is fiscally dependent on the Town and (1) there is a potential for the organization to provide specific financial benefits to the Town or (2) impose specific financial burdens on the Town.

Organizations for which the Town is not financially accountable are also included when doing so is necessary in order to prevent the Town’s financial statements from being misleading.

Based upon application of the above criteria, the Town of Loxahatchee Groves has determined that the Loxahatchee Groves Water Control District of Palm Beach County, Florida (District) is the only legally separate entities to consider as a potential component unit.

Although the District is legally separate from the Town, effective June 26, 2018, the District became a dependent district of the Town of Loxahatchee Groves, Florida with the Town Council acting as the Board of Supervisors, therefore the District meets the first test of financial accountability. The District does not issue separate financial statements and is reported as a blended component unit as the Roads and Drainage Fund, a special revenue fund type.

Government-wide and Fund Financial Statements

The basic financial statements include both government-wide and fund financial statements. The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the primary government. For the most part, the effect of inter-fund activity has been removed from these statements, except for inter-fund services provided and used. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function. Program revenues include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function. Taxes and other items not included among program revenues are reported instead as general revenues.

When both restricted and unrestricted resources are available for use, it is the Town’s policy to use restricted resources first, then unrestricted resources.

Separate financial statements are provided for governmental funds and proprietary funds. Major individual governmental funds and the major individual enterprise fund are reported as separate columns in the fund financial statements.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses recorded when a liability is incurred, regardless of the timing of related cash flows. The Town does not accrue property tax revenues since the collection of these taxes coincides with the fiscal year in which levied, and since the Town consistently has no material uncollected property taxes at year end. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental Funds

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough afterwards to pay liabilities of the current period.

The Town considers revenues collected within 60 days of the year end to be available to pay liabilities of the current period.

Expenditures are generally recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures relating to compensated absences and claims and judgments are recorded only when payment is due. Property taxes, franchise taxes, licenses, interest revenue, intergovernmental revenues, and charges for services associated with the current fiscal period are all considered to be susceptible to accrual and have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the Town.

The Town reports the following major governmental funds:

The General Fund is the general operating fund of the Town. It is used to account for all financial resources except those required to be accounted for in another fund.

The Town reports the following special revenue funds. The Transportation Fund accounts for revenues that are restricted for transportation related expenditures. The Local Option Sales Tax Fund accounts for local option sales taxes that are restricted for infrastructure related expenditures. The Roads and Drainage Fund accounts for the operations of the Town's dependent special district.

The Capital Improvement Fund is a capital projects fund to account for long-term capital projects of the Town.

Proprietary Fund

The Town reports one major proprietary fund, the Sanitation Fund, to account for the Town's garbage and trash collection services, which are financed primarily by user charges.

Proprietary funds distinguish operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Town's Sanitation Fund are charges to customers for sales and services. Operating expenses for the Enterprise Fund include the cost of sales and services, administrative expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as non-operating revenues and expenses.

Cash and Cash Equivalents

Cash and cash equivalents include amounts on deposit in demand accounts, money market accounts and certificate of deposits.

Statement of Cash Flows

For purposes of the statement of cash flows, the Town considers all short-term investments that are highly liquid to be cash equivalents. Cash equivalents are readily convertible to a known amount of cash, and at the day of purchase, have a maturity date no longer than three months.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Prepaid Items

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both the government-wide and fund financial statements. Prepaid items in governmental funds are accounted for using the consumption method.

Interfund Transactions

Activity between funds that is representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due to" or "due from other funds". Any residual balance outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as internal balances.

Transfers and interfund balances totally within governmental activities and those that are totally within business-type activities are eliminated and not presented in the government-wide financial statements. Transfers and balances between governmental and business-type activities are presented in the government-wide financial statements.

Capital Assets

Capital assets are reported in the government-wide financial statements. Capital assets, excluding infrastructure assets, are defined by the Town as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Capital assets are recorded at historical cost if purchased or constructed. Donated capital assets, donated works of art and similar items, and capital assets received in a service concession arrangement are recorded at acquisition value.

Depreciation has been provided over the useful lives using the straight line method. The estimated useful lives are as follows:

Equipment	4 to 10 years
Buildings	15 to 40 years
Infrastructure	5 to 50 years

Compensated Absences

It is the Town's policy to permit employees to accumulate, within certain limits, earned but unused paid time off benefits, which will be paid to employees upon separation from the Towns' service. The Town uses the vesting method to accrue paid time off for employees who are eligible to receive payments upon separation, as well as those expected to become eligible in the future. A liability for accrued compensated absences of the governmental activities is not reported in the balance sheet of the governmental funds and, accordingly, represents a reconciling item between the fund and government-wide presentations.

Compensated absences are accrued when incurred in the government-wide financial statements. A liability for these amounts is reported in the governmental fund only if they have matured.

Deferred Outflows of Resources

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position or fund balance that applies to a future period(s) and thus, will not be recognized as an outflow of resources (expense/expenditure) until then. The Town reports deferred outflows for pension items in connection with its participation in the Florida Retirement System in the government-wide statement of net position. These deferred pension charges are either (a) recognized in the subsequent period as a reduction of the net pension liability (which includes pension contributions made after the measurement date) or (b) amortized in a systematic and rational method as pension expense in future periods.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Deferred Inflows of Resources

In addition to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position or fund balance that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. There are three types of items that qualify for reporting in this category:

1. Pension items in connection with the Town's participation in the Florida Retirement System are reported in the government-wide statement of net position. These deferred pension charges are amortized in a systematic and rational method as pension expense in future periods.
2. Business tax receipts that are received by the Town prior to the period for which the taxes are levied are reported as deferred inflows on both the government-wide statement of net position and on the governmental funds balance sheet.
3. Special assessments that are not received within 60 days of the end of the fiscal year do not meet the availability criterion of the modified accrual basis of accounting, and therefore are reported as deferred inflows only on the governmental funds balance sheet.

Assessments

Maintenance assessments are non-ad valorem assessments on all platted lots within the District. Assessments are levied each November 1 on property as of the previous January 1 to pay for the operations and maintenance of the District. The fiscal year for which annual assessments are levied begins on October 1 with discounts available for payments through February 28 and become delinquent on April 1. Assessments and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period.

Debt assessments are non-ad valorem assessments on certain benefited property within the District. Debt assessments were levied over ten years to pay for the debt service related to the Series 2011 Note which was issued to pay for four roadway pavement projects and a roadway bridge culvert crossing. Debt assessments receivable recorded in the Roads and Drainage Fund represent the balance of outstanding assessments levied by the Town to repay the outstanding debt. Debt assessments receivable are collected in annual installments in amounts sufficient to meet the annual debt service requirements in the same manner as maintenance assessments. Only the portion of assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States requires management to make estimates and assumptions that affect the amounts of assets, deferred outflows and inflows, liabilities, disclosure of contingent liabilities, revenues, and expenditures/expenses reported in the financial statements and accompanying notes. These estimates include assessing the collectability of receivables and the useful lives of capital assets. Although those estimates are based on management's knowledge of current events and actions it may undertake in the future, they may ultimately differ from actual results.

Net Position

Net position is the residual of all other elements presented in a statement of financial position. Net position is displayed in three categories: 1) net investment in capital assets, 2) restricted, 3) unrestricted. Net position invested in capital assets consists of capital assets reduced by accumulated depreciation. Net position is reported as restricted when there are legal limitations imposed on their use by Town legislation or external restrictions by other governments, creditors, or grantors. Unrestricted net position consists of all net position that does not meet the definition of either of the other two components.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Fund Equity

There are five possible classifications of fund balance:

- Nonspendable fund balance represents amounts that are not in spendable form or are legally or contractually required to be maintained intact.
- Restricted fund balance represents amounts that can be spent only for specific purposes stipulated by external providers (e.g. creditors, grantors, contributor, or laws or regulations of other governments) or imposed by law through constitutional provisions or enabling legislation.
- Committed fund balance represents amounts that can be used only for the specific purposes pursuant to constraints imposed by Town Council by the adoption of an ordinance, the Town's highest level of decision making authority. Those committed amounts cannot be used for any other purpose unless the Town removes or changes the specified use by the adoption of an ordinance.
- Assigned fund balance includes spendable fund balance amounts that are intended to be used for specific purposes that are considered neither restricted nor committed. In accordance with the Town's fund balance policy, the Town Council or Town Manager may make assignments.
- Unassigned fund balance is the residual fund balance classification for the general fund. It is also used to report negative fund balances in other governmental funds.

When both restricted and unrestricted resources are available for use, it is the Town's policy to use restricted resources first, then unrestricted resources as they are needed. The Town will first use committed fund balance, then assigned fund balance, and then unassigned fund balance when expenditures are incurred for purposes for which any of the unrestricted fund balance classifications could be used.

Unassigned Fund Balance/Unrestricted Net Position

Maintaining an adequate fund balance or net position is essential to the Town's financial health. The unassigned fund balance and unrestricted net position will be considered adequate between a minimum of 25% and a maximum of 30% of the current year's operating appropriations, including transfers, for the General Fund; and minimum of 0% and a maximum of 25% of the current year's operating appropriations, including transfers, will be considered adequate unrestricted net position for the Enterprise Funds.

In the event that sufficient unassigned fund balance/unrestricted net position targets are not met, a proposed revenue enhancement and/or service level reduction plan to achieve the target will be submitted to the Council for the subsequent year budget consideration. The replenishment to the expected minimum level shall be completed within five years.

Leases

For 2022, the Town implemented Governmental Accounting Standards Board (GASB) Statement No. 87, Leases. GASB Statement No. 87 enhances the relevance and consistency of information in the government's leasing activities. It establishes requirements for lease accounting based on the principle that leases are financings of the right to use an underlying asset. A lessee is required to recognize a lease liability and an intangible right to use lease asset, and a lessor is required to recognize a lease receivable and a deferred outflow of resources. These changes were incorporated in the Town's 2022 financial statements and had no effect on the beginning net position.

NOTE 2 – STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY

Budgetary Data

The Town follows these procedures in establishing the budgetary data reflected in the financial statements.

1. Prior to September 1, the Town Manager submits to the Town Council a proposed operating budget for the fiscal year commencing the following October 1. The operating budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain taxpayer comments.
3. Prior to October 1, the budget is legally enacted through passage of two resolutions – one establishing a milage rate and another adopting the final budget.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 2 – STEWARDSHIP, COMPLIANCE AND ACCOUNTABILITY (CONTINUED)

Budgetary Data (Continued)

4. The Town prepares and adopts budgets for the General Fund, Roads and Drainage Fund, Local Option Sales Tax Fund, and Transportation Fund. No differences exist between the budgetary and GAAP basis of accounting. Budgeted amounts are as originally adopted, or as amended by the Town Council. If, at any time during the fiscal year, it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, the Town Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps that should be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit and, for that purpose, the council may by resolution reduce one or more appropriations accordingly. The legal level of control (level of which expenditures may not exceed the budget) is at the fund level for the General Fund, Roads and Drainage Fund, Local Option Sales Tax Fund, and Transportation Fund.
5. Appropriations along with encumbrances lapse on September 30.
6. During the fiscal year ended September 30, 2022, there was one supplemental appropriation.

At September 30, 2022, there were \$20,000 of encumbrances in the Roads and Drainage Fund and \$120,749 in the Capital Improvements Fund.

Property Taxes

Under Florida law, the assessment of all properties and the collection of all county, municipal, and school board property taxes are consolidated in the offices of the County Property Appraiser and County Tax Collector. The laws of the State regulating tax assessment are also designed to assure a consistent property valuation method statewide.

The tax levy of the Town is established by the Town Council prior to October 1 of each year, and the Palm Beach County Property Appraiser incorporates the Town's millages into the total tax levy, which includes Palm Beach County and Palm Beach County School Board tax requirements. State statutes permit municipalities to levy property taxes at a rate of up to 10 mills (\$10 per \$1,000 of assessed taxable valuation). The tax rate for the Palm Beach County Fire/Rescue Municipal Service Taxing Unit (MSTU) is included in the 10 mills. On September 30, 2022, the MSTU millage rate was 3.4581 mills and the millage rate assessed by the Town was 3.0 for a total of 6.4581 mills (\$6.4581 per \$1,000 of taxable assessed valuation).

All property is reassessed according to its fair market value January 1 of each year, which is also the lien date. In November 1992, a Florida constitutional amendment was approved by the voters which provides for limiting the increases in homestead property valuations for Ad Valorem tax purposes to a maximum of 3% annually and also provides for reassessment of market values upon changes in ownership. Each assessment roll is submitted to the Executive Director of the State Department of Revenue for review to determine if the rolls meet all the appropriate requirements of state statutes.

All taxes are due and payable on November 1 of each year or as soon thereafter as the assessment roll is certified and delivered to the Tax Collector. Taxes may be paid less a discount beginning November 1. Discounts are allowed for early payment at the rate of 4% in the month of November, 3% in the month of December, 2% in the month of January and 1% in the month of February.

The taxes paid in March are without discount. All unpaid taxes become delinquent on April 1, following the year in which they are assessed. On or prior, to June 1 following the tax year, certificates are sold for all delinquent taxes on real property. After the sale, tax certificates bear interest of 18% per year or any lower rate bid by the buyer. Application for a tax deed on any unredeemed tax certificates may be made by the certificate holder after a period of two years. Delinquent taxes on personal property bear interest of 18% per year until the tax is satisfied either by seizure and sale of the property or by the five year statute of limitations.

NOTE 3 – DEPOSITS AND INVESTMENTS

Deposits

As of September 30, 2022, the carrying amounts of the Town's deposits and bank balances were \$3,923,300. All cash deposits are covered by FDIC insurance or the multiple financial institution collateral pool administered by the State of Florida. The collateral pool was created pursuant to the Florida Security for Deposits Act, Chapter 280, Florida Statutes. The Town also had \$300 of petty cash.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 3 – DEPOSITS AND INVESTMENTS (CONTINUED)

Deposits (Continued)

The collateral pool consists of assets pledged to the State Treasurer by financial institutions that comply with the requirements of Florida Statutes and have been thereby designated as "qualified public depositories". Therefore, the Town's entire bank balance \$3,923,300 is insured either by Federal depository insurance or is collateralized with securities pursuant to the Florida Security for Public Deposits Act. The Town's deposits at year end are considered insured for custodial credit risk purposes.

Investments

The Town adopted an investment policy on August 5, 2008, which is consistent with the requirements of State Statute 218.415. In accordance with Section 218.415 of the Florida Statutes, the Town is authorized to invest in obligations of the U.S. Treasury, its agencies and instrumentalities and in the Local Government Surplus Trust Funds administered by the State Board of Administration (SBA). The policy was subsequently amended to include the Florida Municipal Investment Trust administered by the Florida League of Cities.

The Florida Municipal Investment Trust (FMIvT) was created under the laws of the State of Florida to provide eligible units of local government with an investment vehicle to pool their surplus funds and to reinvest such funds in one or more investment portfolios under the direction and daily supervision of an investment advisor. The Florida League of Cities serves as the administrator, investment manager and secretary-treasurer of the Trust.

The FMIvT is a Local Government Investment Pool and is considered an external investment pool for GASB reporting purposes. The Town reports its investment in the FMIvT at fair value in accordance with the GASB 72 fair value hierarchy.

GASB 72 requires governments to disclose the fair value hierarchy for each type of asset or liability measured at fair value in the notes to the financial statements. The standard also requires governments to disclose a description of the valuation techniques used in the fair value measurement and any significant changes in valuation techniques. GASB 72 establishes a three tier fair value hierarchy. The hierarchy is based on valuation inputs used to measure the fair value as follows:

- Level 1: Inputs are directly observable, quoted prices in active markets for identical assets or liabilities.
- Level 2: Inputs are other than quoted prices included within Level 1 that are for the asset or liability, either directly or indirectly. These inputs are derived from or corroborated by observable market data through correlation or by other means.
- Level 3: Inputs are unobservable inputs used only when relevant Level 1 and Level 2 inputs are unavailable.

The level in which an asset is assigned is not indicative of its quality but an indication of the source of valuation inputs.

As of September 30, 2022, the Town had \$961,852 invested in the FMIvT 0-2 Year High Quality Bond Fund, which was categorized as Level 2 and was valued using a matrix pricing technique. Matrix pricing values securities based on the securities relationship to benchmark quoted prices. The weighted average maturity was 0.8 years and the fund was rated AAAf/S1 by Fitch.

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The Town's investment policy states that interest rate risk will be minimized by:

1. Structuring the investment portfolio so that the securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
2. Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 4 – CAPITAL ASSETS

Capital asset activity for the year ended September 30, 2022, was as follows:

	Beginning Balance	Increases	Decreases	Ending Balance
Governmental activities:				
Capital assets, not being depreciated:				
Land	\$ 564,282	\$ 9,055	\$ -	\$ 573,337
Construction in progress	-	-	-	-
Total capital assets, not being depreciated	564,282	9,055	-	573,337
Capital assets, being depreciated:				
Building	563,256	-	-	563,256
Equipment	1,179,100	308,885	-	1,487,985
Equipment - leases	157,812	11,765	-	169,577
Infrastructure	8,564,269	1,646,839	-	10,211,108
Total capital assets, being depreciated	10,464,437	1,967,489	-	12,431,926
Less: accumulated depreciation for:				
Building	(146,204)	(14,581)	-	(160,785)
Equipment	(883,677)	(94,705)	-	(978,382)
Equipment - leases	-	(56,882)	-	(56,882)
Infrastructure	(3,165,278)	(652,342)	-	(3,817,620)
Total accumulated depreciation	(4,195,159)	(818,510)	-	(5,013,669)
Total capital assets, being depreciated, net	6,269,278	1,148,979	-	7,418,257
Governmental activities capital assets, net	\$ 6,833,560	\$ 1,158,034	\$ -	\$ 7,991,594

Depreciation expense of \$16,156 was charged to the general government function and \$745,472 was charged to the physical environment functions of the Town.

NOTE 5 – LONG-TERM LIABILITIES

Changes in Long-Term Liabilities

The following is a summary of changes in the long-term liabilities during the fiscal year.

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental activities:					
Compensated absences	\$ 67,942	\$ 62,597	\$ (109,412)	\$ 21,127	\$ 2,610
Net pension liability	375,000	684,348	-	1,059,348	-
Lease liability	157,812	11,765	(56,797)	112,780	55,986
	\$ 600,754	\$ 758,710	\$ (166,209)	\$ 1,193,255	\$ 58,596

Compensated absences and net pension liabilities are expected to be paid out of the General and Roads and Drainage funds.

NOTE 6 – OTHER POST EMPLOYMENT BENEFITS (OPEB)

At September 30, 2022, the amount of OPEB liabilities of the Town were not significant, therefore no liability or expense was recorded.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM

General Information

All full-time employees participate in the Florida Retirement System (FRS). The FRS was created in Chapter 121, Florida Statutes, to provide a defined benefit pension plan for participating public employees.

The FRS was amended in 1998 to add the Deferred Retirement Option Program (DROP) under the defined benefit plan and amended in 2000 to provide a defined contribution plan alternative to the defined benefit plan for FRS members effective July 1, 2002. This integrated defined contribution pension plan is the Florida Retirement System Investment Plan. Chapter 112, Florida Statutes, established the Retiree Health Insurance Subsidy (HIS) Program, a cost sharing multiple employer defined benefit pension plan, to assist retired members of any state administered retirement system in paying the costs of health insurance.

Provisions relating to the FRS are established by Chapters 121 and 122, Florida Statutes; Chapter 112, Part IV, Florida Statutes; Chapter 238, Florida Statutes; and FRS Rules, Chapter 60S, Florida Administrative Code; wherein eligibility, contributions, and benefits are defined and described in detail. Such provisions may be amended at any time by further action from the Florida Legislature. The FRS is single retirement system administered by the Florida Department of Management Services, Division of Retirement, and consists of the two cost-sharing, multiple-employer defined benefit plans and other nonintegrated programs.

The State of Florida annually issues a publicly available financial report that includes financial statements and required supplementary information for the FRS. The latest available report may be obtained by writing to the State of Florida Division of Retirement, Department of Management Services, P.O. Box 9000, Tallahassee, Florida 32315-9000 or calling toll free at 877-377-1737. The report is also available at the Florida Department of Management Services web site www.dms.myflorida.com.

Significant Accounting Policies

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Florida Retirement System Pension Plan (FRSP) and the Florida Retirement System Health Insurance Subsidy Program and additions to/deduction from the FRSP and HIS fiduciary net position have been determined on the same basis as they are reported by FRSP and HIS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Pension Plan

Plan Description

The FRS Pension Plan is a cost-sharing multiple-employer defined benefit pension plan, with a Deferred Retirement Option Program (DROP) for eligible employees. The general classes of membership are as follows:

- Regular Class
- Senior Management Service Class

Employees enrolled in the Plan prior to July 1, 2011, vest at six years of creditable service and employees enrolled in the Plan on or after July 1, 2011, vest at eight years of creditable service. All vested members, enrolled prior to July 1, 2011, are eligible for normal retirement benefits at age 62 or at any age after 30 years of service.

Section 121.091, Florida Statutes, permits employees eligible for normal retirement under the Plan to defer receipt of monthly benefit payments while continuing employment with an FRS employer. An employee may participate in DROP for a period not to exceed 60 months after electing to participate, except that certain instructional personnel may participate for up to 96 months. During the period of DROP participation, deferred monthly benefits are held in the FRS Trust Fund and accrue interest. The net pension liability does not include amounts for DROP participants, as these members are considered retired and are not accruing additional pension benefits.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM (CONTINUED)

Pension Plan (Continued)

Benefits Provided

Benefits under the Plan are computed on the basis of age and/or years of service, average final compensation, and service credit. Credit for each year of service is expressed as a percentage of the average final compensation. For members initially enrolled before July 1, 2011, the average final compensation is the average of the five highest fiscal years' earnings; for members initially enrolled on or after July 1, 2011, the average final compensation is the average of the eight highest fiscal years' earnings. The total percentage value of the benefit received is determined by calculating the total value of all service, which is based on the retirement class to which the member belonged when the service credit was earned. Members are eligible for in-line-of-duty or regular disability and survivors' benefits.

The following table shows the percentage value for each year of service credit earned:

<u>Class, Initial Enrollment, and Retirement Age / Years of Service</u>	<u>% Value</u>
Regular Class members initially enrolled before July 1, 2011	
Retirement up to age 62 or up to 30 years of service	1.60
Retirement up to age 63 or with 31 years of service	1.63
Retirement up to age 64 or with 32 years of service	1.65
Retirement up to age 65 or with 33 or more years of service	1.68
Regular Class members initially enrolled on or after July 1, 2011	
Retirement up to age 65 or up to 33 years of service	1.60
Retirement up to age 66 or with 34 years of service	1.63
Retirement up to age 67 or with 35 years of service	1.65
Retirement up to age 68 or with 36 or more years of service	1.68
Special Risk Class	
Service from December 1, 1970 through September 30, 1974	2.00
Service on or after October 1, 1974	3.00
Elected Officers	
Service as Supreme Court Justice, district court of appeal judge, circuit court judge, or county court judge	3.33
Service as Governor, Lt. Governor, Cabinet Officer, Legislator, state attorney, public defender, elected county official, or elected official of a city or special district that chose EOC membership for its elected officials	3.00
Senior Management Service Class	2.00

As provided in Section 121.101, Florida Statutes, if the member is initially enrolled in the FRS before July 1, 2011, and all service credit was accrued before July 1, 2011, the annual cost-of living adjustment is 3 percent per year. If the member is initially enrolled before July 1, 2011, and has service credit on or after July 1, 2011, there is an individually calculated cost-of-living adjustment. The annual cost-of-living adjustment is a proportion of 3 percent determined by dividing the sum of the pre-July 2011 service credit by the total service credit at retirement multiplied by 3 percent. Plan members initially enrolled on or after July 1, 2011 will not have a cost-of-living adjustment after retirement.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM (CONTINUED)

Pension Plan (Continued)

Contributions

Effective July 1, 2011, all enrolled members of the FRS, other than DROP participants, are required to contribute three percent of their salary to the FRS. In addition to member contributions, governmental employers are required to make contributions to the FRS based on state-wide contribution rates established by the Florida Legislature. These rates are updated as of July 1 of each year.

The employer contribution rates by job class For the fiscal year ended September 30, 2022 were as follows:

Class	10/1/21 through 06/30/21	07/01/22 through 09/30/22
Regular Class	10.82%	11.91%
Senior Management Service Class	29.01%	31.57%
Special Risk Class	25.89%	27.83%
DROP	18.34%	18.60%

Except for the DROP, the employer contribution rates include a 1.66% HIS Plan subsidy. The rates also include 0.06% for administrative costs of the Public Employee Optional Retirement Program.

For the fiscal year ended September 30, 2022, the Town made contributions of \$139,470 to the Pension Plan and the Town's employees made contributions of \$25,174, for total contributions of \$164,644.

Pension Liabilities and Pension Expense

At September 30, 2022, the Town reported a liability of \$827,034 for its proportionate share of the Pension Plan's net pension liability. The net pension liability was measured as of June 30, 2022, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2022. The Town's proportionate share of the net pension liability was based on the Town's 2021-2022 plan year contributions relative to the 2021-2022 plan year contributions of all participating members. At June 30, 2022, the Town's proportionate share was 0.002222730 percent, which was an increase of 0.000279157 percent from its proportionate share measured as of June 30, 2021.

For the fiscal year ended September 30, 2022, the Town recognized pension expense of \$207,400 related to the Plan.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM (CONTINUED)

Pension Plan (Continued)

Deferred Outflows and Inflows of Resources Related to Pensions

The Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

Description	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 39,279	\$ -
Change of assumptions	101,853	-
Net difference between projected and actual earnings on FRS pension plan investments	54,609	-
Changes in proportion and differences between Authority FRS contributions and proportionate share of contributions	278,839	-
Authority FRS contributions subsequent to measurement date	35,644	-
Total	\$ 510,224	\$ -

The deferred outflows of resources totaling \$35,644 resulting from Town contributions to the Plan subsequent to the measurement date, will be recognized as a reduction of the net pension liability in the fiscal year ended September 30, 2022. Other amounts reported as deferred outflows of resources and deferred inflows of resources will be recognized in pension expense as follows:

Fiscal Year Ending September 30	Deferred outflows/(inflows), net
2023	\$ 138,600
2024	109,125
2025	58,404
2026	154,049
2027	14,402
Thereafter	-
	\$ 474,580

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM (CONTINUED)

Actuarial Assumptions

The total pension liability in the June 30, 2022 actuarial valuation was determined using the following actuarial assumptions:

	Pension Plan
Valuation date	July 1, 2022
Measurement date	June 30, 2022
Inflation	2.40%
Salary Increases	3.25%, average, including inflation
Investment rate of return	6.70%, net of pension plan investment expense, including inflation
Mortality	PUB-2010 base table varies by member category and sex; projected generationally with Scale MP-2018
Actuarial cost method	Individual Entry Age

The actuarial assumptions used in the July 1, 2022, valuation were based on the certain results of an actuarial experience study of the FRS for the period July 1, 2014 through June 30, 2019.

The long-term expected rate of return assumption of 6.70% consists of two building block components: 1) a real return of 4.20%, consistent with the 4.38 percent real rate of return from the capital market outlook model developed by the FRS consulting actuary, Milliman; and 2) a long-term average annual inflation assumption of 2.40% as adopted in October 2022 by the FRS Actuarial Assumption Conference.

The target allocation and best estimates of arithmetic and geometric real rates of return for each major asset class are summarized in the following table:

Asset Class	(1) Target Allocation	Annual Arithmetic Return	Compound Annual (Geometric) Return	Standard Deviation
Cash	1.0%	2.6%	2.6%	1.1%
Fixed income	19.8%	4.4%	4.4%	3.2%
Global equity	54.0%	8.8%	7.3%	17.8%
Real estate	10.3%	7.4%	6.3%	15.7%
Private equity	11.1%	12.0%	8.9%	26.3%
Strategic investments	3.8%	6.2%	5.9%	7.8%
	100%			
Assumed inflation-Mean			2.4%	1.3%

Note: (1) As outlined in the Plan's investment policy

Discount Rate

The discount rate used to measure the total pension liability was 6.70%. The Pension Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculation the total pension liability is equal to the long-term expected rate of return.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM (CONTINUED)

Sensitivity of the Town’s Proportionate Share of the Net Position Liability to Changes in the Discount Rate

The following represents the Town’s proportionate share of the net pension liability calculated using the discount rate of 6.70%, as well as what the Town’s proportionate share of the net pension liability would be if it were calculated using a discount rate that is one percentage point lower (5.70%) or one percentage point higher (7.70%) than the current rate:

	1% Decrease 5.70%	Current Discount Rate 6.70%	1% Increase 7.70%
Town’s proportionate share of the net pension liability - FRS	\$ 1,430,299	\$ 827,034	\$ 322,633

Pension Plan Fiduciary Net Position

Detailed information regarding the Pension Plan’s fiduciary net position is available in the separately issued FRS Pension Plan and Other State-Administered Systems Comprehensive Annual Financial Report.

Payables to the Pension Plan

At September 30, 2022, the Town did not have a payable for outstanding contributions to the Pension Plan for the fiscal year ended September 30, 2022.

Retiree Health Insurance Subsidy (HIS) Program

Plan Description

The HIS Plan is a cost-sharing multiple-employer defined benefit pension plan established under Section 112.363, Florida Statutes, and may be amended by the Florida legislature at any time. The benefit is a monthly payment to assist retirees of State-administered retirement systems in paying their health insurance costs and is administered by the Florida Department of Management Services, Division of Retirement.

Benefits Provided

For the fiscal year ended September 30, 2022, eligible retirees and beneficiaries received a monthly HIS payment of \$5 for each year of creditable service completed at the time of retirement, with a minimum HIS payment of \$30 and a maximum HIS payment of \$150 per month. To be eligible to receive these benefits, a retiree under a State-administered retirement system must provide proof of health insurance coverage, which may include Medicare.

Contributions

The HIS Plan is funded by required contributions from FRS participating employers as set by the Florida Legislature. Employer contributions are a percentage of gross compensation for all active FRS members. For the fiscal year ended September 30, 2022, the HIS contribution was 1.66%. The Town contributed 100% of its statutorily required contributions for the current and preceding three years. HIS Plan contributions are deposited in a separate trust fund from which payments are authorized. HIS Plan benefits are not guaranteed and are subject to annual legislative appropriation. In the event legislative appropriation or available funds fail to provide full subsidy benefits to all participants, benefits may be reduced or cancelled.

The Town’s contributions to the HIS Plan totaled \$13,929 for the fiscal year ended September 30, 2022.

Pension Liabilities and Pension Expense

At September 30, 2022, the Town reported a liability of \$232,314 for its proportionate share of the HIS Plan’s net pension liability. The net pension liability was measured as of June 30, 2022, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2022.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM (CONTINUED)

Retiree Health Insurance Subsidy (HIS) Program (Continued)

Pension Liabilities and Pension Expense (Continued)

The Town's proportionate share of the net pension liability was based on the Town's 2021-2022 plan year contributions relative to the 2021-2022 plan year contributions of all participating members. At June 30, 2022, the Town's proportionate share was 0.002193380 percent, which was an increase of 0.0000111954 percent from its proportionate share measured as of June 30, 2022.

For the fiscal year ended September 30, 2022, the Town recognized pension expense of \$44,868.

Deferred Outflows and Inflows of Resources Related to Pensions

In addition, the Town reported deferred outflows of resources and deferred in flows of resources related to pensions from the following sources:

Description	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 7,051	\$ 1,022
Change of assumptions	13,316	35,939
Net difference between projected and actual earnings on HIS pension plan investments	336	-
Changes in proportion and differences between Authority HIS contributions and proportionate share of HIS contributions	141,506	9,267
Authority HIS contributions subsequent to measurement date	4,106	-
Total	\$ 166,315	\$ 46,228

The deferred outflows of resources totaling \$4,106 resulting from Town contributions to the Plan subsequent to the measurement date, will be recognized as a reduction of the net pension liability in the fiscal year ended September 30, 2022.

Other amounts reported as deferred outflows of resources and deferred inflows of resources will be recognized in pension expense as follows:

Fiscal Year Ending September 30,	Deferred outflows/(inflows), net
2023	\$ 28,957
2024	30,751
2025	31,890
2026	20,787
2027	3,475
Thereafter	121
	\$ 115,981

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM (CONTINUED)

Retiree Health Insurance Subsidy (HIS) Program (Continued)

Actuarial Assumptions

The total pension liability in the July 1, 2022, actuarial valuation was determined using the following actuarial assumptions:

	HIS Plan
Valuation date	July 1, 2022
Measurement date	June 30, 2022
Inflation	2.40%
Salary Increases	3.25%, average, including inflation
Municipal bond rate	3.54%
Investment rate of return	N/A
Mortality	Generational PUB-2010 base table varies by member category and sex; projected generationally with Scale MP-2018
Actuarial cost method	Individual Entry Age

For the July 1, 2022 valuation date the municipal bond rate changed from 2.16% to 3.54%.

The actuarial assumptions used in the July 1, 2022, valuation were based on the results of an actuarial experience study for the period July 1, 2014 through June 30, 2019.

Discount Rate

The discount rate used to measure the total pension liability was 3.54%, which increased from the discount rate of 2.16% as of June 30, 2020. In general, the discount rate for calculating the total pension liability is equal to the single rate equivalent to discounting at the long-term expected rate of return for benefit payments prior to the projected depletion date.

Because the HIS benefit is essentially funded on a pay-as-you-go basis, the depletion date is considered to be immediate, and the single equivalent discount rate is equal to the municipal bond rate selected by the HIS Plan sponsor. The Bond Buyer General Obligation 20-Bond Municipal Bond Index was adopted as the applicable municipal bond index.

Sensitivity of the Town's Proportionate Share of the Net Position Liability to Changes in the Discount Rate

The following represents the Town's proportionate share of the net pension liability calculated using the discount rate of 3.54%, as well as what the Town's proportionate share of the net pension liability would be if it were calculated using a discount rate that is one percentage point lower (2.54%) or one percentage point higher (4.54%) than the current rate:

	1% Decrease 2.54%	Current Discount Rate 3.54%	1% Increase 4.54%
Town's proportionate share of the net pension liability - HIS	\$ 265,786	\$ 232,314	\$ 204,616

Pension Plan Fiduciary Net Position

Detailed information regarding the HIS Plan's fiduciary net position is available in the separately issued FRS Pension Plan and Other State-Administered Systems Comprehensive Annual Financial Report.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM (CONTINUED)

Retiree Health Insurance Subsidy (HIS) Program (Continued)

Payables to the Pension Plan

At September 30, 2022, the Town did not have a payable for outstanding contributions to the HIS Plan for the fiscal year ended September 30, 2022.

Summary Data

The following table provides a summary of significant information related to the Florida Retirement System defined benefit plans for the year ended September 30, 2022.

Description	Pension Plan	HIS Plan	Total
Proportionate share of total pension liability	\$ 4,832,981	\$ 244,057	\$ 5,077,038
Proportionate share of plan fiduciary net position	4,005,947	11,743	4,017,689
Proportionate share of net pension liability	827,034	232,314	1,059,348
Proportionate share of deferred outflows of resources	510,224	166,315	676,539
Proportionate share of deferred inflows of resources	-	46,228	46,228
Pension expense	207,400	44,868	252,268

Investment Plan

Plan Description

The Florida Retirement System Investment Plan is a defined contribution retirement plan qualified under Section 401(a) of the Internal Revenue Code. The Florida Legislature enacted the Plan during the 2000 legislative session, and amendments to the Plan can only be made by an act of the Florida Legislature. The Plan is administered by the State Board of Administration of Florida. The Investment Plan is reported in the SBA's annual financial statements and in the State of Florida Comprehensive Annual Financial Report.

As provided in Section 121.4501, Florida Statutes, eligible FRS members may elect to participate in the Investment Plan in lieu of the FRS defined benefit plan. Town employees participating in DROP are not eligible to participate in the Investment Plan. Employer and employee contributions, including amounts contributed to individual member's accounts, are defined by law, but the ultimate benefit depends in part on the performance of investment funds. Benefit terms, including contribution requirements, for the Investment Plan are established and may be amended by the Florida Legislature.

Funding Policy

The Investment Plan is funded with the same employer and employee contribution rates that are based on salary and membership class (Regular Class, Elected Officers, etc.), as the defined benefit Pension Plan. Contributions are directed to individual member accounts, and the individual members allocate contributions and account balances among various approved investment choices. Costs of administering the Investment Plan, including the FRS Financial Guidance Program, are funded through an employer contribution of 0.06 percent of payroll and by forfeited benefits of plan members.

Participating employers are required to make contributions based upon statewide contributions rates. The contribution rates by job class for the Town's employees for the fiscal year ended September 30, 2022, are as follows:

Class	10/1/21 through 06/30/21	07/01/22 through 09/30/22
Regular Class	10.82%	11.91%
Senior Management Service Class	29.01%	31.57%

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 7 – FLORIDA RETIREMENT SYSTEM (CONTINUED)

Investment Plan (Continued)

For all membership classes, employees are immediately vested in their own contributions and are vested after one year of service for employer contributions and investment earnings. If an accumulated benefit obligation for service credit originally earned under the Pension Plan is transferred to the Investment Plan, the member must have the years of service required for Pension Plan vesting (including the service credit represented by the transferred funds) to be vested for these funds and the earnings on the funds. Nonvested employer contributions are placed in a suspense account for up to five years. If the employee returns to FRS-covered employment within the five-year period, the employee will regain control over their account. If the employee does not return within the five-year period, the employee will forfeit the accumulated account balance. For the fiscal year ended September 30, 2022, the information for the amount of forfeitures was unavailable from the SBA; however, management believes that these amounts, if any, would be immaterial to the Town.

After termination and applying to receive benefits, the member may rollover vested funds to another qualified plan, structure a periodic payment under the Investment Plan, receive a lump sum distribution, leave the funds invested for future distribution, or any combination of these options.

Disability coverage is provided; the member may either transfer the account balance to the Pension Plan when approved for disability retirement to receive guaranteed lifetime monthly benefits under the Pension Plan or remain in the Investment Plan and rely upon that account balance for retirement income.

The Town's Investment Plan pension expense totaled \$61,124 for the fiscal year ended September 30, 2022.

NOTE 8 – INTERFUND ACTIVITY

Transfers

Interfund transfers during the year ended September 30, 2022, are as follows:

The \$47,650 from the General Fund to the Sanitation fund was for cash flow purposes. The \$272,037 from the Transportation Fund to the Roads and Drainage Fund, the \$171,700 from the Transportation Fund to the Capital Improvement Fund, and the \$1,392,124 from the General Fund to the Capital Improvement Fund were all to fund projects.

NOTE 9 – LEASES

During the fiscal year ended September 30, 2022, the Town entered into two (2) leases. Total lease and related assets are valued at \$169,577 at various interest rates and require monthly payments of \$365 for one lease and annual payments of approximately \$55,000 for the other lease. The latest maturity of the leases is June 2024.

Year Ending September 30,	Principal	Interest	Total Debt Service
2023	\$ 55,986	\$ 59,806	\$ 115,792
2024	56,794	58,711	115,505
	\$ 112,780	\$ 118,517	\$ 231,297

NOTE 10 – RISK MANAGEMENT

The Town is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters. The Town has joined with other municipalities in the State participating in the Florida League of Cities Municipal Self Insurance Program, (the Program) a public entity risk pool currently operating as a common risk management and insurance program. The inter-local agreement with the Florida League of Cities Municipal Self Insurance Program provides that the Program will be self-sustaining through member premiums and will reinsure through commercial companies.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 10 – RISK MANAGEMENT (CONTINUED)

Florida Statutes limit the Town's maximum loss for most liability claims to \$200,000 per person and \$300,000 per occurrence under the Doctrine of Sovereign Immunity. However, under certain circumstances, a plaintiff can seek to recover damages in excess of statutory limits by introducing a claims bill to the Florida Legislature. The limits addressed in Florida Statutes do not apply to claims filed in Federal courts. There have been no significant reductions in insurance coverage in the prior year. No settlements exceeded insurance coverage for the past three years.

The Town is a defendant in various lawsuits arising in the ordinary course of normal operations. Although the ultimate outcome of these lawsuits cannot be determined at the present time, it is the opinion of legal counsel that the likelihood of unfavorable outcome and the amounts of potential losses cannot be reasonably determined for all claims at this time.

NOTE 11 – COMMITMENTS AND CONTINGENCIES

Agreement with Palm Beach County for Law Enforcement Services

On June 6, 2017, the Town executed a new agreement with Palm Beach County for law enforcement services, for an annual amount of \$610,000 for the fiscal year ending September 30, 2018. Absent a notice of termination, the agreement renews annually subject to the costing proposal by the Sheriff. Effective October 1, 2018, the first amendment to the contract was for an annual amount of \$622,200 for the fiscal year ending September 30, 2020. The second amendment was approved September 27, 2019 for an additional twelve months at the same amount. The third amendment was approved September 8, 2020 for an additional twelve months at the same amount. The fourth amendment was approved August 8, 2021 for an additional twelve months at the same amount.

Fire Protection and Emergency Medical Services

The Town has opted into the County's Fire-Rescue Municipal Services Taxing Unit ("MSTU") for the provision of fire rescue, fire protection, and related services from the County. The tax for the MSTU is included in the maximum 10 mills the Town is legally allowed to assess. On September 30, 2022, the MSTU millage rate was 3.4581 mills.

Solid Waste and Recycling Collection Franchise Agreement

In September 2019, the contract for waste and recycling collection services was awarded to Coastal Waste & Recycling of Palm Beach County, LLC effective October 1, 2019 through December 31, 2026. There are two renewal options in this agreement each for an additional two-year period. The contract also grants the contractor the exclusive right to provide service directly to commercial operations. The contract provides for the ability to adjust rates; accordingly, commercial rates were increased to market values based on local rates for commercial solid waste services in neighboring municipalities effective October 1, 2021 resulting in a corresponding decrease in residential rates to \$425 per unit effective January 1, 2022.

Lines of Credit

On December 10, 2020, the Town entered into a \$500,000 Emergency Revolving Line of Credit with Bank United, at a variable interest rate equal to Prime Rate, but not less than 3.25% adjusted on the 1st day of each month. The Emergency Revolving Line of Credit is to provide emergency funds until such time as FEMA or State proceeds are received or is to be repaid by budgeted non-ad valorem revenues. The Emergency Revolving Line of Credit is valid for twelve months unless renewed. There have been no draws on the line of credit.

On June 7, 2022, the line was renewed for an additional thirty-six months at an interest rate of the Bank United Prime Rate.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO BASIC FINANCIAL STATEMENTS
SEPTEMBER 30, 2022

NOTE 11– COMMITMENTS AND CONTINGENCIES (CONTINUED)

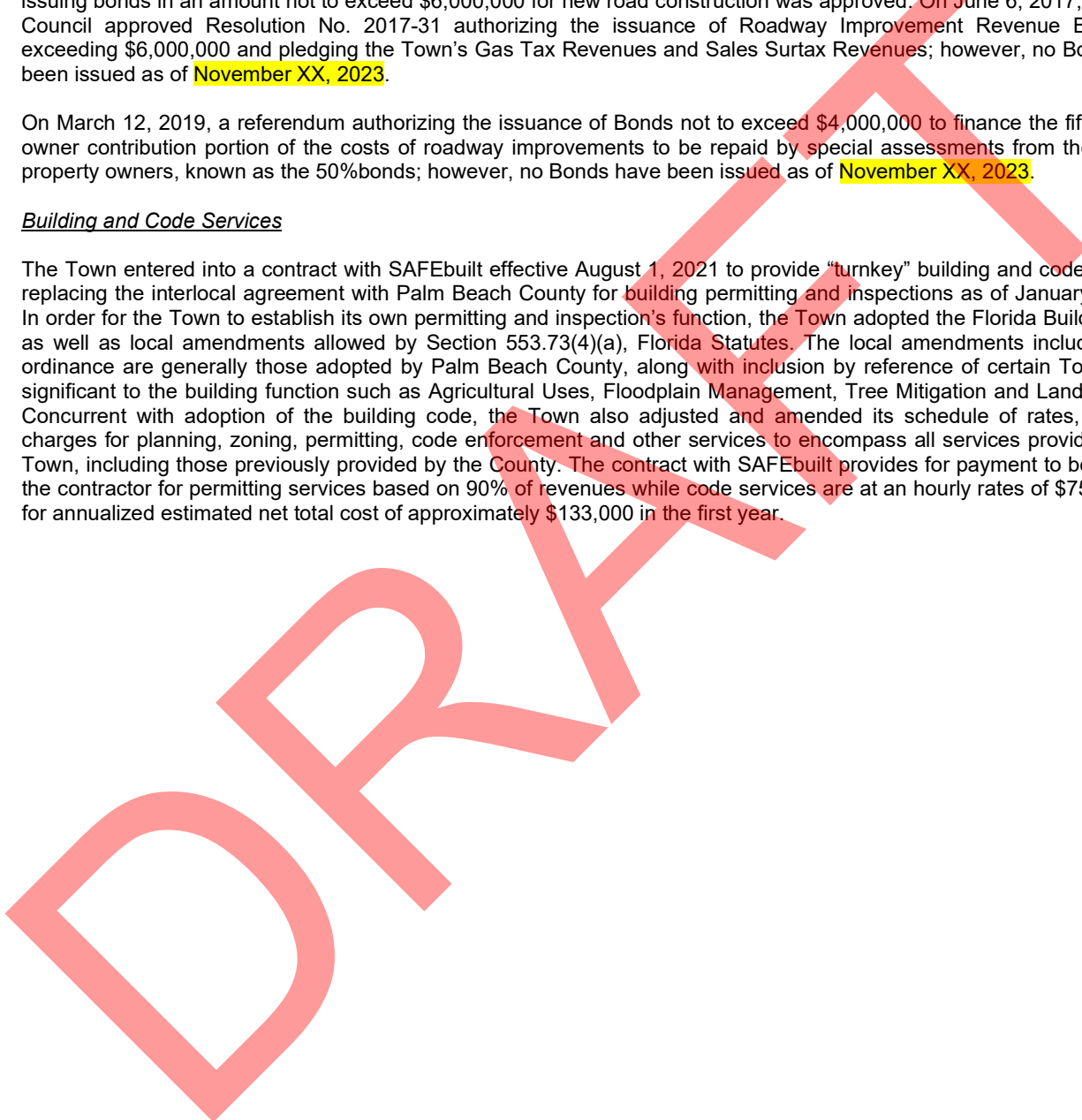
Approved Bonds

On March 15, 2017, a referendum to use gas tax funds and if necessary, infrastructure sales tax funds, in support of issuing bonds in an amount not to exceed \$6,000,000 for new road construction was approved. On June 6, 2017, the Town Council approved Resolution No. 2017-31 authorizing the issuance of Roadway Improvement Revenue Bonds not exceeding \$6,000,000 and pledging the Town’s Gas Tax Revenues and Sales Surtax Revenues; however, no Bonds have been issued as of November XX, 2023.

On March 12, 2019, a referendum authorizing the issuance of Bonds not to exceed \$4,000,000 to finance the fifty percent owner contribution portion of the costs of roadway improvements to be repaid by special assessments from the affected property owners, known as the 50% bonds; however, no Bonds have been issued as of November XX, 2023.

Building and Code Services

The Town entered into a contract with SAFEbuilt effective August 1, 2021 to provide “turnkey” building and code services, replacing the interlocal agreement with Palm Beach County for building permitting and inspections as of January 3, 2022. In order for the Town to establish its own permitting and inspection’s function, the Town adopted the Florida Building Code as well as local amendments allowed by Section 553.73(4)(a), Florida Statutes. The local amendments included in the ordinance are generally those adopted by Palm Beach County, along with inclusion by reference of certain Town codes significant to the building function such as Agricultural Uses, Floodplain Management, Tree Mitigation and Land Clearing. Concurrent with adoption of the building code, the Town also adjusted and amended its schedule of rates, fees and charges for planning, zoning, permitting, code enforcement and other services to encompass all services provided by the Town, including those previously provided by the County. The contract with SAFEbuilt provides for payment to be made to the contractor for permitting services based on 90% of revenues while code services are at an hourly rates of \$75 per hour for annualized estimated net total cost of approximately \$133,000 in the first year.



REQUIRED SUPPLEMENTARY INFORMATION

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TOWN OF LOXAHATCHEE GROVES, FLORIDA
 REQUIRED SUPPLEMENTARY INFORMATION
 SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN
 FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND
 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

	<u>Budgeted Amounts</u>			Variance with Final Budget Positive/(Negative)
	<u>Original</u>	<u>Final</u>	<u>Actual</u>	
Revenues:				
Property taxes	\$ 1,108,155	\$ 1,119,902	\$ 1,119,902	\$ -
Permits and franchise fees	464,500	901,439	814,888	(86,551)
Utility service taxes	425,000	469,441	469,441	-
Intergovernmental revenues	408,000	1,508,676	1,964,155	455,479
Charges for services	307,500	400,930	418,655	17,725
Fines and forfeitures	20,000	17,000	17,000	-
Miscellaneous revenues	5,000	15,689	33,695	18,006
Interest	1,000	1,850	1,850	-
Total revenues	<u>2,739,155</u>	<u>4,434,927</u>	<u>4,839,586</u>	<u>404,659</u>
Expenditures:				
General government				
Town council	126,000	107,947	158,200	(50,253)
Town manager	760,791	787,719	739,852	47,867
Financial services	94,000	68,615	73,089	(4,474)
Legal services	160,000	306,070	304,704	1,366
Communications and technology	32,000	68,473	40,856	27,617
Other general government	178,500	137,235	176,617	(39,382)
Total general government	<u>1,351,291</u>	<u>1,476,059</u>	<u>1,493,318</u>	<u>(17,259)</u>
Public safety				
Police	622,200	622,200	622,200	-
Planning and zoning	201,800	442,294	440,305	1,989
Code enforcement	140,000	141,342	140,999	343
Total public safety	<u>964,000</u>	<u>1,205,836</u>	<u>1,203,504</u>	<u>2,332</u>
Total expenditures	<u>2,315,291</u>	<u>2,681,895</u>	<u>2,696,822</u>	<u>(14,927)</u>
Excess (deficiency) of revenues over (under) expenditures before other financing uses	<u>423,864</u>	<u>1,753,032</u>	<u>2,142,764</u>	<u>389,732</u>
Other financing sources:				
Issuance of debt - leases	-	-	11,765	(11,765)
Transfers out	(383,222)	(1,392,124)	(1,439,774)	47,650
Total other financing sources	<u>(383,222)</u>	<u>(1,392,124)</u>	<u>(1,428,009)</u>	<u>35,885</u>
Net change in fund balance	<u>\$ 40,642</u>	<u>\$ 360,908</u>	<u>714,755</u>	<u>\$ (353,847)</u>
Fund balance - beginning of year			<u>1,487,619</u>	
Fund balances - ending			<u>\$ 2,202,374</u>	

See notes to basic financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 REQUIRED SUPPLEMENTARY INFORMATION
 SCHEUDLE OF REVENUES, EXPENDITURES AND CHANGES IN
 FUND BALANCE - BUDGET AND ACTUAL - SPECIAL REVENUE FUND - ROADS AND DRAINAGE FUND
 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

	<u>Budgeted Amounts</u>			Variance with Final Budget Positive/(Negative)
	<u>Original</u>	<u>Final</u>	<u>Actual</u>	
Revenues:				
Maintenance assessments	\$ 1,481,620	\$ 1,502,414	\$ 1,511,193	\$ 8,779
Miscellaneous revenue	-	35,233	35,233	-
Charges for services	-	8,779	-	(8,779)
Interest	-	2,686	2,686	-
Total revenues	<u>1,481,620</u>	<u>1,549,112</u>	<u>1,549,112</u>	<u>-</u>
Expenditures:				
Physical environment	1,685,931	1,294,836	1,239,168	55,668
Debt service	6,750	3,000	58,426	(55,426)
Capital outlay	125,000	315,198	315,198	-
Total expenditures	<u>1,817,681</u>	<u>1,613,034</u>	<u>1,612,792</u>	<u>242</u>
Excess (deficiency) of revenues over (under) expenditures before other financing uses	<u>\$ (336,061)</u>	<u>\$ (63,922)</u>	<u>(63,680)</u>	<u>242</u>
Other financing sources:				
Transfers in	272,037	231,164	272,037	(40,873)
Total other financing sources	<u>272,037</u>	<u>231,164</u>	<u>272,037</u>	<u>(40,873)</u>
Net change in fund balance	<u>\$ (64,024)</u>	<u>\$ 167,242</u>	<u>208,357</u>	<u>\$ (41,115)</u>
Fund balance - beginning of year			<u>1,401,362</u>	
Fund balances - ending			<u>\$ 1,609,719</u>	

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 REQUIRED SUPPLEMENTARY INFORMATION
 SCHEUDLE OF REVENUES, EXPENDITURES AND CHANGES IN
 FUND BALANCE - BUDGET AND ACTUAL - SPECIAL REVENUE FUND - TRANSPORTATION FUND
 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

	<u>Budgeted Amounts</u>			Variance with Final Budget Positive/(Negative)
	<u>Original</u>	<u>Final</u>	<u>Actual</u>	
Revenues:				
Intergovernmental revenues	\$ 383,000	\$ 396,107	\$ 396,107	\$ -
Total revenues	<u>383,000</u>	<u>396,107</u>	<u>396,107</u>	<u>-</u>
Expenditures:				
Physical environment	-	-	-	-
Total expenditures	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Excess (deficiency) of revenues over (under) expenditures before other financing uses	<u>383,000</u>	<u>396,107</u>	<u>396,107</u>	<u>-</u>
Other financing sources:				
Transfers out	(443,737)	(396,107)	(443,737)	47,630
Total other financing sources	<u>(443,737)</u>	<u>(396,107)</u>	<u>(443,737)</u>	<u>47,630</u>
Net change in fund balance	<u>\$ (60,737)</u>	<u>\$ -</u>	<u>\$ (47,630)</u>	<u>\$ 47,630</u>
Fund balance - beginning of year			<u>144,654</u>	
Fund balances - ending			<u>\$ 97,024</u>	

See notes to basic financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 REQUIRED SUPPLEMENTARY INFORMATION
 SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN
 FUND BALANCE - BUDGET AND ACTUAL - SPECIAL REVENUE FUND - LOCAL OPTION SALES TAX
 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

	<u>Budgeted Amounts</u>			Variance with Final Budget Positive/(Negative)
	<u>Original</u>	<u>Final</u>	<u>Actual</u>	
Revenues:				
Local option sales tax	\$ 251,000	\$ 315,075	\$ 315,075	\$ -
Interest and other	-	(5,899)	(5,899)	-
Total revenues	<u>251,000</u>	<u>309,176</u>	<u>309,176</u>	<u>-</u>
Expenditures:				
Physical environment	-	-	-	-
Total expenditures	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Excess (deficiency) of revenues over (under) expenditures before other financing uses	<u>251,000</u>	<u>309,176</u>	<u>309,176</u>	<u>-</u>
Net change in fund balance	<u>\$ 251,000</u>	<u>\$ 309,176</u>	<u>309,176</u>	<u>\$ -</u>
Fund balance - beginning of year			-	
Fund balances - ending			<u>\$ 309,176</u>	

See notes to basic financial statements

TOWN OF LOXAHATCHEE GROVES, FLORIDA
NOTES TO THE REQUIRED SUPPLEMENTARY INFORMATION (RSI)
SEPTEMBER 30, 2022

Note 1 - Basis of Accounting

Budgetary comparison schedules are presented for the General, Roads and Drainage, Local Option Sales Tax, and Transportation Funds, as required by generally accepted accounting principles. The budgetary process is described in Note 2 to the financial statements. Budgets are adopted on a basis consistent with generally accepted accounting principles.

Note 2 - Stewardship, Compliance, and Accountability

Appropriations are legally controlled at the fund level for all funds. Expenditures may not legally exceed budgeted appropriations at that level. For the year ended September 30, 2022, there were no expenditures in excess of the budget.

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TOWN OF LOXAHATCHEE GROVES, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF EMPLOYER CONTRIBUTIONS
FLORIDA RETIREMENT SYSTEM PENSION PLAN (FRS)

Last Ten Fiscal Years

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Contractually required FRS contribution	\$ 32,722	\$ 34,576	\$ 10,252	\$ 7,440	\$ 18,804	\$ 31,920	\$ 39,460	\$ 78,346
FRS contributions in relation to the contractually required contribution	<u>(32,722)</u>	<u>(34,576)</u>	<u>(10,252)</u>	<u>(7,440)</u>	<u>(18,804)</u>	<u>(31,920)</u>	<u>(39,460)</u>	<u>(78,346)</u>
FRS contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Town's covered payroll	251,455	226,503	172,507	101,638	194,113	208,324	259,237	486,879
FRS contribution as a percentage of covered payroll	13.01%	15.27%	5.94%	7.32%	9.69%	15.32%	15.22%	16.09%

Note: This schedule is intended to show information for the last ten (10) fiscal years. For years prior to 2015, data is unavailable. Additional years will be presented as they become available. The Loxahatchee Water Control District became a dependent special district of the Town effective June 26, 2018, fiscal year 2018 and earlier are for the District as the Town did not have any employees.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF PROPORTIONATE SHARE
OF NET PENSION LIABILITY
FLORIDA RETIREMENT SYSTEM PENSION PLAN (FRS)

Last Ten Fiscal Years

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Town's proportion of the FRS net pension liability	0.135400%	0.001291%	0.001154%	0.000988%	0.000639%	0.001917%	0.001944%	0.002223%
Town's proportionate share of the FRS net pension liability	\$ 174,891	\$ 326,010	\$ 341,211	\$ 297,710	\$ 220,163	\$ 830,747	\$ 146,815	\$ 827,034
Town's covered payroll	248,765	246,765	172,507	137,170	126,272	164,358	186,642	486,879
Town's proportionate share of the FRS net pension liability as a percentage of covered payroll	70.30%	132.11%	197.80%	217.04%	174.36%	505.45%	78.66%	169.86%
FRS Plan fiduciary net position as a percentage of the total pension liability	92.00%	84.88%	83.89%	84.26%	82.61%	78.85%	96.40%	92.00%
Assumption changes discount rate	7.65%	7.60%	7.10%	7.00%	6.90%	6.80%	6.80%	6.70%

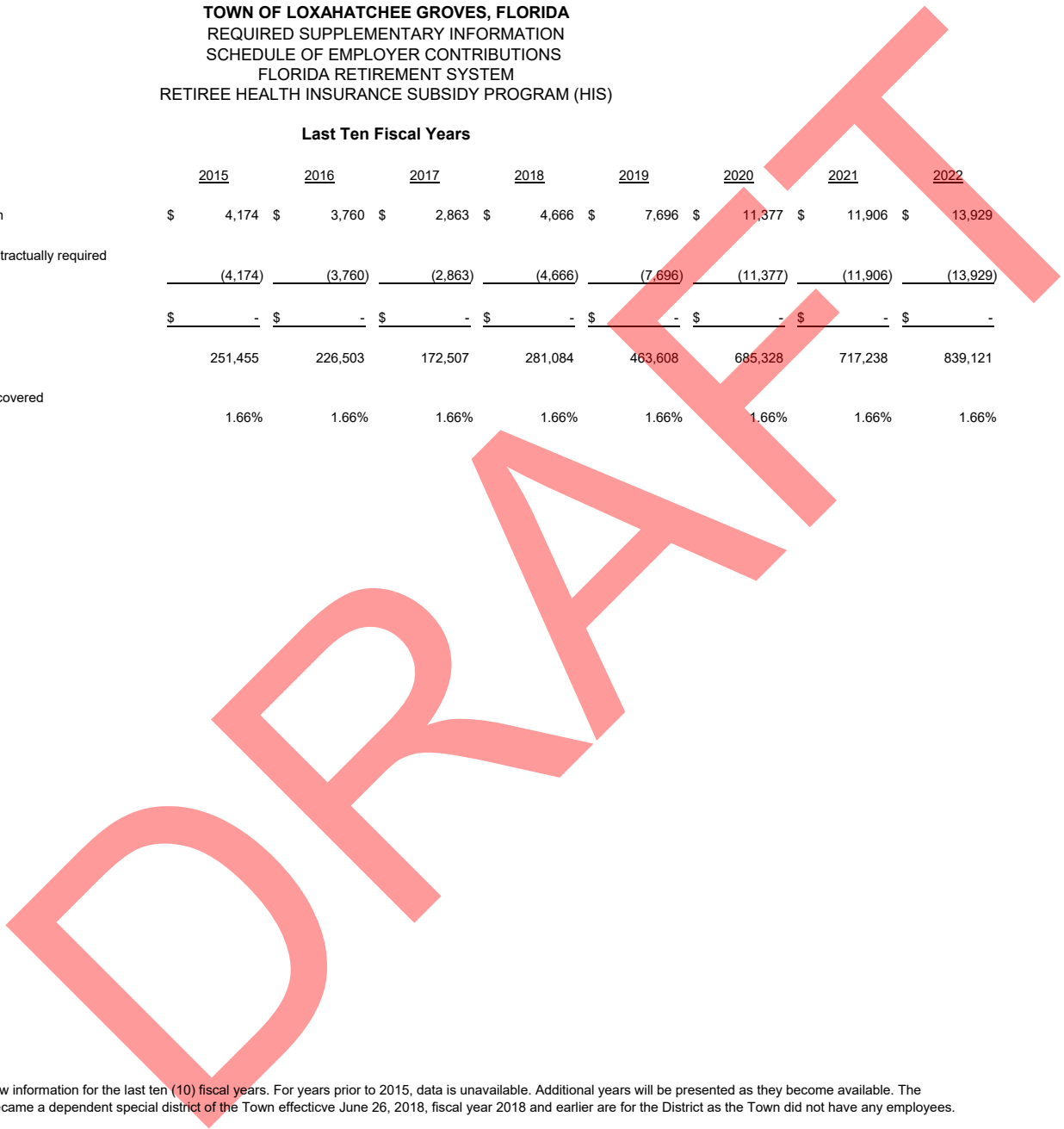
Note: The above amounts are as of the plan fiscal year, which ends on June 30.

This schedule is intended to show information for the last ten (10) fiscal years. For years prior to 2015, data is unavailable. Additional years will be displayed as they become available. The Loxahatchee Water Control District became a dependent special district of the Town effective June 26, 2018, fiscal year 2018 and earlier are for the District as the Town did not have any employees. The amounts presented for each fiscal year were determined as of the June 30 measurement date. The Plan's fiduciary net position as a percentage of the total pension liability is published in the Plan's Annual Comprehensive Financial Report.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF EMPLOYER CONTRIBUTIONS
FLORIDA RETIREMENT SYSTEM
RETIREE HEALTH INSURANCE SUBSIDY PROGRAM (HIS)

Last Ten Fiscal Years

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Contractually required HIS contribution	\$ 4,174	\$ 3,760	\$ 2,863	\$ 4,666	\$ 7,696	\$ 11,377	\$ 11,906	\$ 13,929
HIS contributions in relation to the contractually required contribution	<u>(4,174)</u>	<u>(3,760)</u>	<u>(2,863)</u>	<u>(4,666)</u>	<u>(7,696)</u>	<u>(11,377)</u>	<u>(11,906)</u>	<u>(13,929)</u>
HIS contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Town's covered payroll	251,455	226,503	172,507	281,084	463,608	685,328	717,238	839,121
HIS contributions as a percentage of covered payroll	1.66%	1.66%	1.66%	1.66%	1.66%	1.66%	1.66%	1.66%



Note: The schedule is intended to show information for the last ten (10) fiscal years. For years prior to 2015, data is unavailable. Additional years will be presented as they become available. The Loxahatchee Water Control District became a dependent special district of the Town effective June 26, 2018, fiscal year 2018 and earlier are for the District as the Town did not have any employees.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
REQUIRED SUPPLEMENTARY INFORMATION
SCHEDULE OF PROPORTIONATE SHARE
OF NET PENSION LIABILITY
FLORIDA RETIREMENT SYSTEM
RETIREE HEALTH INSURANCE SUBSIDY PROGRAM (HIS)

Last Ten Fiscal Years

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Town's proportion of the HIS net pension liability	0.001407%	0.001433%	0.001379%	0.001063%	0.000925%	0.001982%	0.001860%	0.001433%
Town's proportionate share of the HIS net pension liability	\$ 143,455	\$ 167,037	\$ 147,409	\$ 112,557	\$ 103,460	\$ 241,949	\$ 228,185	\$ 232,314
Town's covered payroll	248,765	246,765	172,507	347,343	305,943	530,083	503,314	839,121
Town's proportionate share of the HIS net pension liability as a percentage of covered payroll	57.67%	67.69%	85.45%	32.41%	33.82%	45.64%	45.34%	27.69%
HIS Plan fiduciary net position as a percentage of the total pension liability	0.50%	0.97%	1.64%	2.15%	2.63%	3.00%	3.56%	4.81%
Assumption changes discount rate	3.80%	2.85%	3.58%	3.87%	3.50%	2.21%	2.16%	3.54%

Note: The above amounts are as of the plan fiscal year, which ends on June 30.

This schedule is intended to show information for the last ten (10) fiscal years. For years prior to 2015, data is unavailable. Additional years will be displayed as they become available. The Loxahatchee Water Control District became a dependent special district of the Town effective June 26, 2018, fiscal year 2018 and earlier are for the District as the Town did not have any employees. The amounts presented for each fiscal year were determined as of the June 30 measurement date. The Plan's fiduciary net position as a percentage of the total pension liability is published in the Plan's Annual Comprehensive Financial Report.

STATISTICAL SECTION

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STATISTICAL SECTION

This part of the Town of Loxahatchee Groves' comprehensive annual financial report presents detailed unaudited information as a context for understanding what the information in the financial statement, note disclosures, and required supplementary information says about the Town's overall financial health.

<u>Contents</u>	<u>Page</u>
Financial Trends	
<i>These schedules contain trend information to help the reader understand how the Town's financial performance and well-being have changed over time. These schedules include:</i>	
Net Position by Component	52
Changes in Net Position	53-54
Fund Balances of Governmental Funds	55
Changes in Fund Balances of Governmental Funds	56
General Governmental Revenues by Source	57
Revenue Capacity	
<i>These schedules contain information to help the reader assess the Town's most significant local revenue source, the property tax.</i>	
Assessed Value and Estimated Actual Value of Taxable Property	58
Property Tax Rates Direct and Overlapping Governments	59
Principal Property Tax Payers	60
Property Tax Levies and Collections	61
Debt Capacity	
<i>These schedules present information to help the reader assess the affordability of the Town's current levels of outstanding debt and the Town's ability to issue additional debt in the future.</i>	
Direct and Overlapping Governmental Activities Debt	62
Demographic and Economic Information	
<i>These schedules offer demographic and economic indicators to help the reader understand the environment within which the Town's financial activities take place.</i>	
Demographic and Economic Statistics	63
Principal Employers-Palm Beach County	64
Operating Information	
<i>These schedules contain service and infrastructure data to help understand how the information in the Town's financial report relates to the services the Town provides and the activities it performs.</i>	
Full-Time Equivalent Town Government Employees by Function	65
Operating Indicators by Function	66
<i>Sources: Unless otherwise noted, the information in these schedules is derived from the comprehensive annual financial reports for the relevant year.</i>	

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Net Position By Component
 Last Ten Fiscal Years
 (accrual basis of accounting)

	2013	2014	2015	2016	2017
Governmental activities:					
Net investment in capital assets	\$ 1,538,853	\$ 1,492,795	\$ 1,856,215	\$ 3,165,292	\$ 3,962,198
Restricted and Assigned	896,886	1,076,147	1,266,673	1,035,067	1,163,010
Unrestricted	2,132,881	2,150,361	1,633,875	2,101,301	1,302,320
Total governmental activities net position	<u>\$ 4,568,620</u>	<u>\$ 4,719,303</u>	<u>\$ 4,756,763</u>	<u>\$ 6,301,660</u>	<u>\$ 6,427,528</u>
Business-type activities					
Unrestricted	<u>\$ 37,058</u>	<u>\$ 38,959</u>	<u>\$ 29,594</u>	<u>\$ 28,097</u>	<u>\$ (20,435)</u>
Primary government:					
Net investment in capital assets	\$ 1,538,853	\$ 1,492,795	\$ 1,856,215	\$ 3,165,292	\$ 3,962,198
Restricted and Assigned	896,886	1,076,147	1,266,673	1,035,067	1,163,010
Unrestricted	2,169,939	2,189,320	1,663,469	2,129,398	1,281,885
Total primary government net position	<u>\$ 4,605,678</u>	<u>\$ 4,758,262</u>	<u>\$ 4,786,357</u>	<u>\$ 6,329,757</u>	<u>\$ 6,407,093</u>
	2018	2019	2020	2021	2022
Governmental activities:					
Net investment in capital assets	\$ 4,652,258	\$ 4,989,272	\$ 4,793,434	6,675,768	7,991,594
Restricted and Assigned	1,973,806	2,481,866	2,675,011	2,412,085	2,308,278
Unrestricted	331,416	560,522	575,736	427,730	1,493,951
Total governmental activities net position	<u>\$ 6,957,480</u>	<u>\$ 8,031,660</u>	<u>\$ 8,044,181</u>	<u>\$ 9,515,583</u>	<u>\$ 11,793,823</u>
Business-type activities					
Unrestricted	<u>\$ (8,655)</u>	<u>\$ 83,372</u>	<u>\$ 129,307</u>	<u>\$ 211,883</u>	<u>\$ 246,550</u>
Primary government:					
Net investment in capital assets	\$ 4,652,258	\$ 4,989,272	\$ 4,793,434	6,675,768	7,991,594
Restricted and Assigned	1,973,806	2,481,866	2,675,011	2,412,085	2,308,278
Unrestricted	322,761	643,894	705,043	639,613	1,740,501
Total primary government net position	<u>\$ 6,948,825</u>	<u>\$ 8,115,032</u>	<u>\$ 8,173,488</u>	<u>\$ 9,727,466</u>	<u>\$ 12,040,373</u>

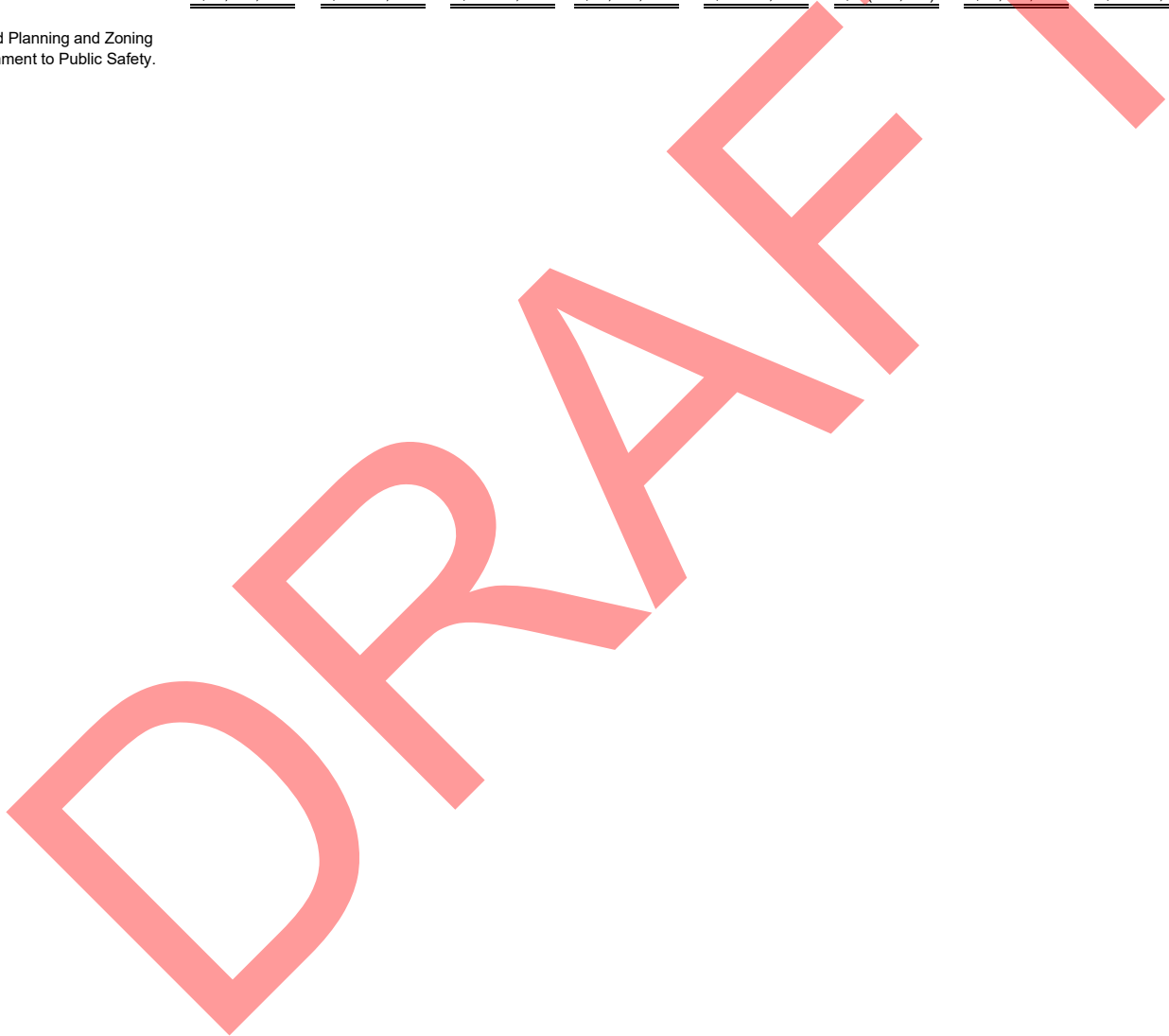
The Loxahatchee Groves Water Control District became a dependent special district on June 26, 2018, transferring in \$1,269,175 of net position as of that date.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Changes in Net Position
 Last Ten Fiscal Years
 (accrual basis of accounting)

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
EXPENSES										
Governmental activities:										
General government	\$ 744,933	\$ 675,546	\$ 916,445	\$ 914,583	\$ 963,530	\$ 1,042,085	\$ 1,452,992	\$ 1,111,638	\$ 1,129,525	\$ 1,352,540
Public safety (1)	275,243	280,515	285,459	290,048	294,621	610,000	622,412	1,002,044	1,119,128	1,346,755
Physical environment	366,296	454,398	402,114	1,061,666	805,928	1,030,000	1,417,732	2,449,872	1,227,929	2,068,776
Interest expense	-	-	-	-	9,272	-	33,024	26,973	2,709	-
Total governmental activities	<u>1,386,472</u>	<u>1,410,459</u>	<u>1,604,018</u>	<u>2,266,297</u>	<u>2,064,079</u>	<u>2,691,357</u>	<u>3,526,160</u>	<u>4,590,527</u>	<u>3,479,291</u>	<u>4,768,071</u>
Business-type activities:										
Sanitation	479,497	419,256	440,786	435,614	553,265	814,671	550,288	703,481	699,311	673,203
Total primary government expenses	<u>1,865,969</u>	<u>1,829,715</u>	<u>2,044,804</u>	<u>2,701,911</u>	<u>2,617,344</u>	<u>3,506,028</u>	<u>4,076,448</u>	<u>5,294,008</u>	<u>4,178,602</u>	<u>5,441,274</u>
PROGRAM REVENUES										
Governmental activities:										
Charges for services:										
General government	56,392	56,635	132,333	204,519	110,820	104,397	160,658	181,640	337,781	798,632
Public safety	-	-	-	-	-	-	-	-	-	-
Physical environment	-	-	-	-	-	-	1,543,093	1,554,737	1,520,542	1,546,426
Operating grants and contributions	-	-	-	-	-	45,178	-	70,741	40,141	1,439,774
Capital grants and contributions	1,600,044	40,000	-	1,997,697	260,404	-	92,897	20,000	92,406	-
Total governmental activities program revenues	<u>1,656,436</u>	<u>96,635</u>	<u>132,333</u>	<u>2,202,216</u>	<u>371,224</u>	<u>149,575</u>	<u>1,796,648</u>	<u>1,827,118</u>	<u>1,990,870</u>	<u>3,784,832</u>
Business-type activities:										
Charges for services-Sanitation	347,557	421,157	431,421	339,620	357,835	364,869	642,315	645,523	653,665	660,895
Operating grants and contributions	-	-	-	-	54,351	51,582	-	103,893	50,272	(675)
Total business-type program revenues	<u>347,557</u>	<u>421,157</u>	<u>431,421</u>	<u>339,620</u>	<u>412,186</u>	<u>416,451</u>	<u>642,315</u>	<u>749,416</u>	<u>703,937</u>	<u>660,220</u>
Total primary government program revenues	<u>2,003,993</u>	<u>517,792</u>	<u>563,754</u>	<u>2,541,836</u>	<u>783,410</u>	<u>566,026</u>	<u>2,438,963</u>	<u>2,576,534</u>	<u>2,694,807</u>	<u>4,445,052</u>
Net (expense) revenue										
Governmental activities	269,964	(1,313,824)	(1,471,685)	(64,081)	(1,692,855)	(2,541,782)	(1,729,512)	(2,763,409)	(1,488,421)	(983,239)
Business-type activities	(131,940)	1,901	(9,365)	(95,994)	(141,079)	(398,220)	92,027	45,935	4,626	(12,983)
Total primary government net (expenses) revenue	<u>138,024</u>	<u>(1,311,923)</u>	<u>(1,481,050)</u>	<u>(160,075)</u>	<u>(1,833,934)</u>	<u>(2,940,002)</u>	<u>(1,637,485)</u>	<u>(2,717,474)</u>	<u>(1,483,795)</u>	<u>(996,222)</u>
General revenues and Other Changes in Net Position:										
Governmental activities:										
Property taxes	210,005	208,173	229,355	315,454	361,816	612,844	913,924	972,399	1,042,008	1,119,902
Local option sales tax	-	-	-	-	160,446	219,920	244,142	233,775	272,580	315,075
Utility taxes	342,478	355,879	349,103	353,221	372,182	388,641	474,036	442,683	442,871	469,441
Franchise fees based on gross receipts	192,552	220,245	221,246	312,064	262,181	214,497	321,215	321,674	372,660	524,169
Unrestricted intergovernmental revenue	655,888	677,061	709,241	722,300	741,009	748,944	755,583	754,758	834,038	848,230
Interest and other	2,421	3,149	200	436	13,636	27,713	94,792	50,641	35,356	32,332
Transfers	(137,309)	-	-	(94,497)	(92,547)	(410,000)	-	-	(77,950)	(47,650)
Total governmental activities	<u>1,266,035</u>	<u>1,464,507</u>	<u>1,509,145</u>	<u>1,608,978</u>	<u>1,818,723</u>	<u>1,802,559</u>	<u>2,803,692</u>	<u>2,775,930</u>	<u>2,921,563</u>	<u>3,261,499</u>
Business-type activities:										
Interest and other	-	-	-	-	-	-	-	-	-	-

Transfers	137,309	-	-	94,497	92,547	410,000	-	-	77,950	47,650
Total business-type activities	137,309	-	-	94,497	92,547	410,000	-	-	77,950	47,650
Total primary government	<u>1,403,344</u>	<u>1,464,507</u>	<u>1,509,145</u>	<u>1,703,475</u>	<u>1,911,270</u>	<u>2,212,559</u>	<u>2,803,692</u>	<u>2,775,930</u>	<u>2,999,513</u>	<u>3,309,149</u>
Change in Net Position										
Governmental activities	1,535,999	150,683	37,460	1,544,897	125,868	(739,223)	1,074,180	12,521	1,433,142	2,278,260
Business-type activities	5,369	1,901	(9,365)	(1,497)	(48,532)	11,780	92,027	45,935	82,576	34,667
Total primary government	<u>\$ 1,541,368</u>	<u>\$ 152,584</u>	<u>\$ 28,095</u>	<u>\$ 1,543,400</u>	<u>\$ 77,336</u>	<u>\$ (727,443)</u>	<u>\$ 1,166,207</u>	<u>\$ 58,456</u>	<u>\$ 1,515,718</u>	<u>\$ 2,312,927</u>

(1) In 2020 Code Enforcement and Planning and Zoning were moved from General Government to Public Safety.



TOWN OF LOXAHATCHEE GROVES, FLORIDA
Fund Balances of Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

	2013	2014	2015	2016	2017
General Fund					
Nonspendable-prepays	\$ 42,604	\$ 47,425	\$ 26,562	\$ 28,293	\$ 3,750
Restricted for tree mitigation					
Restricted for transportation					
Assigned for capital projects					
Assigned for subsequent year's budget					
Unassigned	690,277	882,923	454,232	307,413	425,225
Total general fund	<u>\$ 732,881</u>	<u>\$ 930,348</u>	<u>\$ 480,794</u>	<u>\$ 335,706</u>	<u>\$ 428,975</u>
All other governmental funds					
Nonspendable-prepays	\$ -	\$ -	\$ -	\$ -	\$ -
Restricted for infrastructure	-	-	-	-	160,446
Restricted for transportation	896,886	1,076,147	1,266,673	1,035,067	1,002,564
Restricted for roads and drainage					
Restricted for debt service					
Assigned for capital projects	1,400,000	1,220,013	1,153,081	1,119,740	862,642
Total all other governmental funds	<u>\$ 2,296,886</u>	<u>\$ 2,296,160</u>	<u>\$ 2,419,754</u>	<u>\$ 2,154,807</u>	<u>\$ 2,025,652</u>
	2018	2019	2020	2021	2022
General Fund					
Nonspendable-prepays	\$ -	\$ 82,256	\$ 62,342	\$ 1,623	\$ -
Restricted for tree mitigation		75,635	153,635	153,635	0
Restricted for transportation			60,000	60,000	0
Assigned for capital projects					
Assigned for subsequent year's budget			53,803	53,803	0
Unassigned	485,224	638,242	729,646	1,218,558	2,202,374
Total general fund	<u>\$ 485,224</u>	<u>\$ 796,133</u>	<u>\$ 1,059,426</u>	<u>\$ 1,487,619</u>	<u>\$ 2,202,374</u>
All other governmental funds					
Nonspendable-prepays	\$ -	\$ 50,000	\$ 100,298	\$ -	\$ -
Restricted for infrastructure	380,366	624,508	861,528	197,196	309,176
Restricted for transportation	886,474	1,007,764	1,244,226	914,479	336,667
Restricted for roads and drainage	608,773	670,368	242,271	1,058,331	1,370,076
Restricted for road resurfacing				28,444	-
Restricted for debt service	103,927	107,943	114,587	114,587	-
Assigned for capital projects	162,667	162,668	214,452	(391,669)	292,359
Total all other governmental funds	<u>\$ 2,142,207</u>	<u>\$ 2,623,251</u>	<u>\$ 2,777,362</u>	<u>\$ 1,921,368</u>	<u>\$ 2,308,278</u>

The Loxahatchee Groves Water Control District became a dependent special district on June 26, 2018, transferring in \$1,185,017 of restricted fund balance as of that date.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Changes in Fund Balances of Governmental Funds
Last Ten Fiscal Years
(modified accrual basis of accounting)

	2013	2014	2015	2016	2017
REVENUES					
Property taxes	\$ 210,005	\$ 208,173	\$ 229,355	\$ 315,454	\$ 361,816
Local option sales tax	-	-	-	-	160,446
Utility taxes	342,478	355,879	349,103	353,221	372,182
Franchise fees	192,552	220,245	221,246	312,064	262,181
Intergovernmental revenue	655,888	677,061	709,241	722,300	741,009
Charge for services	45,117	15,322	105,179	158,546	64,727
Licenses and permits	9,564	31,666	20,140	34,622	23,524
Fines and forfeitures	1,711	9,647	7,014	11,351	22,569
Contributions from private sources	-	40,000	-	926,942	260,404
Interest and other	2,421	3,149	200	436	4,686
Total revenues	1,459,736	1,561,142	1,641,478	2,834,936	2,273,544
EXPENDITURES					
Current:					
General government	744,225	675,104	909,330	900,292	948,468
Public safety	275,243	280,515	285,459	290,048	294,621
Physical environment	250,338	213,725	150,995	768,167	454,017
Capital outlay	0	195,057.00	621,654	1,191,967	519,777
Total expenditures	1,269,806	1,364,401	1,967,438	3,150,474	2,216,883
OTHER FINANCING SOURCES (USES)					
Transfers in	541,844	55,070	40,000	378,638	0
Transfers out	(679,153)	(55,070)	(40,000)	(473,135)	(92,547)
	(137,309)	-	-	(94,497)	(92,547)
Net change in fund balances	\$ 52,621	\$ 196,741	\$ (325,960)	\$ (410,035)	\$ (35,886)
Debt service as a percentage of noncapital expenditures	0.0%	0.0%	0.0%	0.0%	0.0%

	2018	2019	2020	2021	2022
REVENUES					
Property taxes	\$ 612,844	\$ 913,924	\$ 972,399	1,042,008	1,119,902
Local option sales tax	219,920	244,142	233,775	272,580	315,075
Utility taxes	388,641	474,036	442,683	442,871	469,441
Franchise fees	214,497	321,214	321,674	337,993	524,169
Intergovernmental revenue	748,944	790,155	805,363	904,920	2,360,262
Charge for services	43,258	240,539	322,544	479,185	418,655
Licenses and permits	51,897	39,209	28,596	63,263	290,719
Special assessments	-	1,814,093	1,825,737	1,762,917	1,511,193
Fines and forfeitures	9,242	36,911	500	-	17,000
Contributions	-	-	47,908	88,178	-
Interest and other	27,713	187,689	22,733	4,336	67,565
Total revenues	2,316,956	5,061,912	5,023,912	5,398,251	7,093,981
EXPENDITURES					
Current:					
General government	1,027,261	1,576,510	1,208,515	1,289,923	1,338,357
Public safety	610,000	622,412	1,002,044	1,119,128	1,332,244
Physical environment	672,401	1,440,482	1,472,757	1,071,158	1,239,168
Capital outlay	322,842	313,525	280,303	2,059,813	1,983,856
Debt service:					
Principal	263,000	271,000	611,000	242,375	56,797
Interest	21,227	34,406	30,089	3,945	6,009
Other debt service costs	2,438	11,625	1,800	-	-
Total expenditures	2,919,169	4,269,960	4,606,508	5,786,342	5,956,431
OTHER FINANCING SOURCES (USES)					
Issuance of debt- leases	-	-	-	-	11,765
Transfers in	1,086,898	-	490,683	1,644,500	1,835,861
Transfers out	(1,496,898)	-	(490,683)	(1,722,450)	(1,883,511)
	(410,000)	-	-	(77,950)	(35,885)
Net change in fund balances	\$ (1,012,213)	\$ 791,952	\$ 417,404	\$ (466,041)	\$ 1,101,665
Debt service as a percentage of noncapital expenditures	12.4%	8.7%	17.5%	7.1%	1.6%

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 General Governmental Revenues by Source
 Last Ten Fiscal Years
 (modified accrual basis of accounting)

Fiscal Year	Ad-Valorem Taxes General Purpose	Local Option Sales Tax (1)	Utility Tax	Intergovernmental	Franchise Tax	Charges for Service	License and Permits	Special Assessments	Fines and Forfeitures	Contributions	Interest/ Other	Total
2013	210,005	-	342,478	655,888	192,552	45,117	9,564	-	1,711	-	2,421	1,459,736
2014	208,173	-	355,879	677,061	220,245	31,666	15,322	-	9,647	40,000	3,149	1,561,142
2015	229,355	-	349,103	709,241	221,246	105,179	20,140	-	7,014	-	200	1,641,478
2016	315,454	-	353,221	722,300	312,064	158,546	34,622	-	11,351	926,942	436	2,834,936
2017	361,816	160,446	372,182	741,009	262,181	64,727	23,524	-	22,569	260,404	4,686	2,273,544
2018	612,844	219,920	388,641	748,944	214,497	43,258	51,897	-	9,242	-	27,713	2,316,956
2019	913,924	244,142	474,036	790,155	321,214	240,539	39,209	1,814,093	36,911	-	187,689	5,061,912
2020	972,399	233,775	442,683	805,363	321,674	322,544	28,596	1,825,737	500	47,908	22,733	5,023,912
2021	1,042,008	272,580	442,871	904,920	337,993	479,185	63,263	1,762,917	0	13,686	78,828	5,398,251
2022	1,119,902	315,075	469,441	2,360,262	524,169	418,655	290,719	1,511,193	17,000	-	67,565	7,093,981

(1) The tax was started in 2017 and it will last ten years with the proceeds restricted for Infrastructure expenditures

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Assessed Value and Estimated Actual Value of Taxable Property
 Last Ten Fiscal Years

Fiscal Year	Real Property				Personal Property	Net Assessed Value	Total Direct Tax Rate	Estimated Actual Value	Net Assessed Value as a Percentage of Estimated Actual Value
	Residential Property	Commercial Property	Agricultural Property	Gov't/Institutional Property					
2013	135,879,337	19,406,534	63,669,330	-	12,887,438	231,842,639	1.2000	308,896,937	75.06%
2014	115,303,596	15,012,230	57,596,934	1,343,527	8,583,515	197,839,802	1.2000	374,606,234	52.81%
2015	118,838,958	15,012,230	55,282,018	1,339,377	13,930,600	204,403,183	1.2000	361,603,906	56.53%
2016	161,229,749	21,299,409	63,489,636	1,308,383	15,502,799	262,829,976	1.4718	320,014,496	82.13%
2017	161,247,624	38,232,930	78,706,972	1,528,433	13,364,823	293,080,782	1.4718	356,117,093	82.30%
2018	160,049,414	37,400,435	78,664,760	2,360,928	13,380,833	291,856,370	2.1500	373,032,241	78.24%
2019	182,223,067	40,739,695	92,887,986	1,676,098	15,010,899	332,537,745	3.0000	425,594,621	78.13%
2020	188,930,066	53,869,260	97,564,863	1,787,150	16,638,356	358,789,695	3.0000	455,495,454	78.77%
2021	(1)	(1)	(1)	(1)	(1)	362,034,457	3.0000	458,271,465	79.00%
2022	(1)	(1)	(1)	(1)	20,265,577		3.0000		

Note: Property in the Town is reassessed each year. State law requires the Property Appraiser to appraise property at 100% of market value. The Florida Constitution was amended, effective January 1, 1995, to limit annual increases in assessed value of property with homestead exemption to 3% per year or the amount of the Consumer Price Index, whichever is less. The increase is not automatic since no assessed value shall exceed market value. Tax rates are per \$1,000 of

(1) Information unavailable at time of publication

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Property Tax Rates
 Direct and Overlapping Governments
 Last Ten Fiscal Years

OVERLAPPING RATES						OVERLAPPING RATES				
Fiscal Year	Town Operating Millage	Palm Beach County School District	Palm Beach County General Government	Palm Beach County Fire Rescue	County Health Care District	Palm Beach County Library System	South Florida Water Management District	South Florida Children's Services Council	Florida Inland Navigation District	Total Direct and Overlapping Rates
2013	1.2000	7.5860	4.7815	3.4581	1.1250	0.6065	0.4289	0.7300	0.0345	19.9505
2014	1.2000	7.5940	4.9729	3.4581	1.0800	0.6024	0.4110	0.7025	0.0345	20.0554
2015	1.2000	7.5120	4.9729	3.4581	1.0800	0.5985	0.3842	0.6745	0.0345	19.9147
2016	1.4718	7.0700	4.9277	3.4581	1.0426	0.5933	0.3551	0.6677	0.0320	19.6183
2017	1.4718	6.7690	4.9142	3.4581	0.7808	0.5891	0.3307	0.6833	0.0320	19.0290
2018	2.1500	6.5720	4.9023	3.4581	0.7261	0.5901	0.3100	0.6590	0.0320	19.3996
2019	3.0000	7.1640	4.8980	3.4581	0.7261	0.5870	0.2936	0.6403	0.0320	20.7991
2020	3.0000	7.0100	4.8580	3.4581	0.7261	0.5833	0.2795	0.6497	0.0320	20.5967
2021	3.0000	7.0100	4.8124	3.4581	0.7261	0.5824	0.2675	0.6497	0.0320	20.5382
2022	3.0000	6.8750	4.8149	3.4581	0.7261	0.5833	0.2572	0.6233	0.0320	20.3699

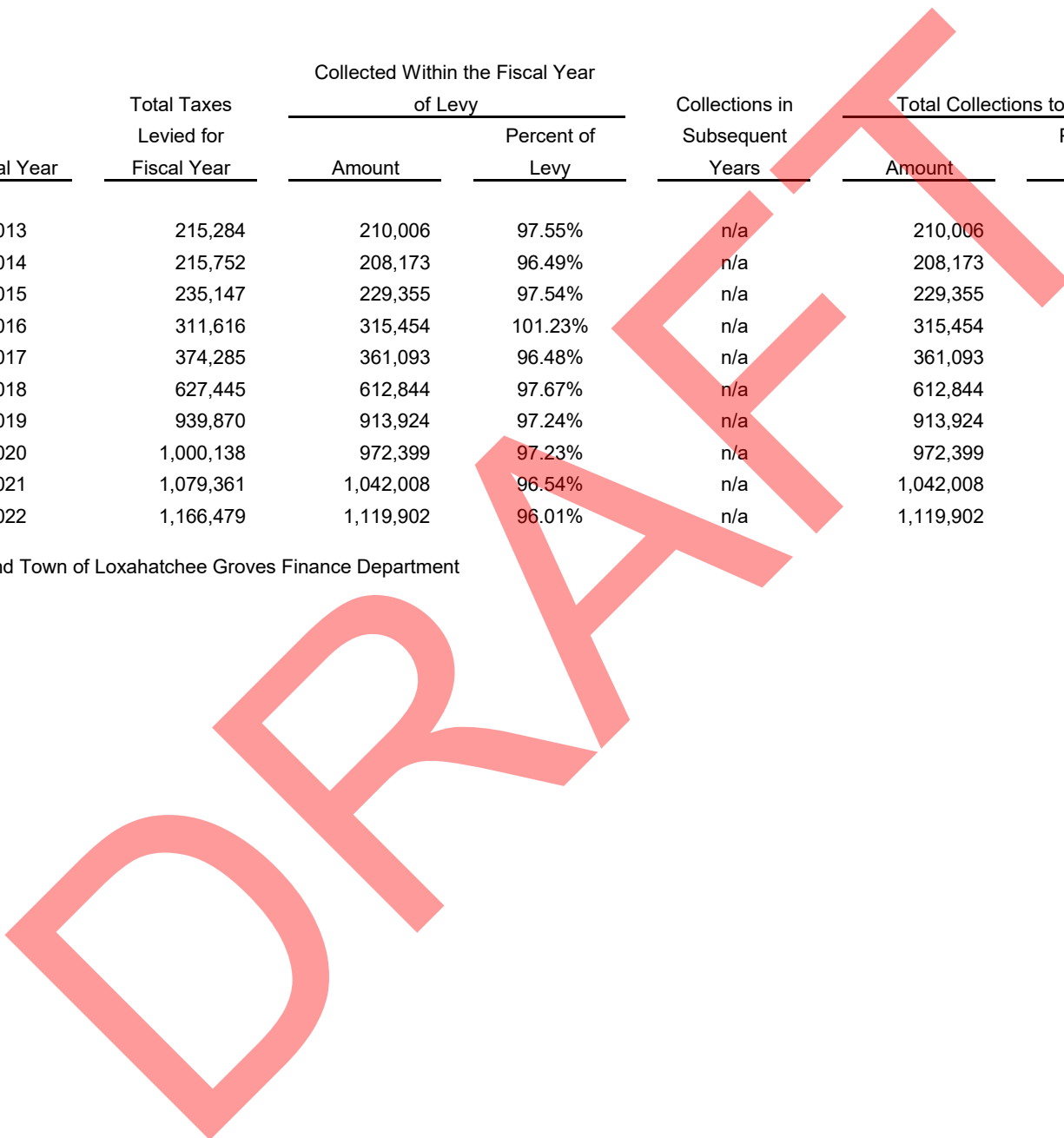
Note: All millage rates are based are per \$1,000 of assessed value.

Source: Town of Loxahatchee Groves Finance Department and Palm Beach Property Appraiser's Office.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Property Tax Levies and Collections
 Last Ten Fiscal Years

Fiscal Year	Total Taxes Levied for Fiscal Year	Collected Within the Fiscal Year of Levy		Collections in Subsequent Years	Total Collections to Date	
		Amount	Percent of Levy		Amount	Percent of Levy
2013	215,284	210,006	97.55%	n/a	210,006	97.55%
2014	215,752	208,173	96.49%	n/a	208,173	96.49%
2015	235,147	229,355	97.54%	n/a	229,355	97.54%
2016	311,616	315,454	101.23%	n/a	315,454	101.23%
2017	374,285	361,093	96.48%	n/a	361,093	96.48%
2018	627,445	612,844	97.67%	n/a	612,844	97.67%
2019	939,870	913,924	97.24%	n/a	913,924	97.24%
2020	1,000,138	972,399	97.23%	n/a	972,399	97.23%
2021	1,079,361	1,042,008	96.54%	n/a	1,042,008	96.54%
2022	1,166,479	1,119,902	96.01%	n/a	1,119,902	96.01%

Prepared by: Finance Department, Town of Loxahatchee Groves



TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Demographic and Economic Statistics
 Last Ten Fiscal Years

<u>Fiscal Year</u>	<u>Population (1)</u>	<u>Median Household Income (2)</u>	<u>Per Capita Personal Income (2)</u>	<u>Unemployment Rate (3)</u>
2013	3,262	82,772	28,856	4.9%
2014	3,183	91,254	33,986	6.8%
2015	3,180	90,428	32,209	7.2%
2016	3,271	93,063	31,639	10.0%
2017	3,342	97,669	31,369	11.1%
2018	3,384	99,332	33,041	not available
2019	3,593	105,473	34,251	not available
2020	3,661	114,497	41,645	8.63%
2021	3,426	124,771	43,184	7.23%
2022	3,375	104,792	47,093	5.10%

(1) Population estimate as published by the University of Florida, Bureau of Economic and Business Research.

(2) American Community Surveys, U.S. Census Bureau

(3) American Community Survey, DP03

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Direct and Overlapping Governmental Activities Debt
 Fiscal year ended September 30, 2022

<u>Government Unit</u>	<u>Net Debt Outstanding</u>	<u>Estimated Percentage Applicable(1)</u>	<u>Amount Applicable to Town of Loxahatchee Groves</u>
Debt repaid with property taxes:			
Palm Beach County School Board	\$ 12,534,000	0.17%	\$ 21,308
Palm Beach County	\$ 26,250,000	0.17%	\$ 44,625
Subtotal, overlapping debt	<u>\$ 38,784,000</u>		<u>\$ 65,933</u>
Other debt:			
Town of Loxahatchee Groves direct debt	\$ -	100.00%	\$ -
Total direct and overlapping debt	<u>\$ 38,784,000</u>		<u>\$ 65,933</u>

Sources: FY2022 Annual Comprehensive Financial Reports

Note: Overlapping governments are those that coincide, at least in part, with the geographic boundaries of the Town. This schedule estimates the portion of the outstanding debt of those overlapping governments that is borne by the residents and businesses of the Town of Loxahatchee Groves. This process recognizes that, when considering the Town's ability to issue and repay long-term debt, the entire debt burden borne by the residents and businesses should be taken into account. However, this does not imply that every taxpayer is a resident, and therefore responsible for repaying the debt.

(1) For debt repaid with property taxes, the percentage of overlapping debt applicable is estimated using taxable assessed property values by taking the value that is within the Town's boundaries and dividing it by the County's and School Boards total taxable assessed value. This approach was also used for the other debt.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Principal Employers - Palm Beach County
 Last year and ten years ago
 September 30, 2022

Employer	2022			2013		
	EMPLOYEES	RANK	Percentage of Total County Employment	EMPLOYEES	RANK	Percentage of Total County Employment
Palm Beach County School District	22,426	1	3.27%	21,449	1	3.31%
Tenet Healthcare Corp.	5,734	2	0.84%	6,100	2	0.94%
Palm Beach County Government	5,753	3	0.84%	5,330	3	0.82%
NextEra Energy (Florida Power & Light)	5,119	4	0.75%	3,804	4	0.59%
Wackenhut				3,000	5	0.46%
Florida Atlantic University	5,059	5	0.74%	2,980	6	0.46%
Boca Raton Regional Hospital	3,135	6	0.46%	2,250	10	0.35%
Veterans Health Administration	2,600	7	0.38%	2,700	8	0.42%
Hospital Corporation of America (HCA)	2,419	8	0.35%	2,714	7	0.42%
The Breakers	2,300	9	0.34%			
Baptist Health/Bethesda Memorial	2,282	10	0.33%	2,643	9	0.41%
	<u>56,827</u>		<u>8.30%</u>	<u>52,970</u>		<u>8.18%</u>

Source: Business Development Board of Palm Beach County

Note: The Town is not a significant area for employment but rather a residential community. Therefore, Palm Beach County statistics were used.

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Full-Time Equivalent Town Government Employees by Function
 Last Ten Fiscal Years

<u>Function</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Legislative	(1)	(1)	(1)	(1)	(1)
Clerk	(1)	(1)	(1)	(1)	(1)
General government	(1)	(1)	(1)	(1)	(1)
Community Development	(1)	(1)	(1)	(1)	(1)
Public Works	(1)	(1)	(1)	(1)	(1)
Parks	(1)	(1)	(1)	(1)	(1)
Public Safety: Police	(2)	(2)	(2)	(2)	(2)

<u>Function</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Legislative	(1)	-	-	-	-
Clerk	(1)	1	1	1	1
General government	(1)	4	4	4	4
Community Development	(1)	2	2	2	2
Public Works	4, (1)	5	7	7	10
Parks	(1)	-	-	-	-
Public Safety: Police	(2)	(2)	(2)	(2)	(2)

(1) - Town Manager and Town Clerk as well as other managerial services are provided by a private management company.

(2) - Police services contracted through Palm Beach County.

Source: Town of Loxahatchee Groves Finance Department

TOWN OF LOXAHATCHEE GROVES, FLORIDA
 Operating Indicators by Function
 Last Ten Fiscal Years (1)

Function/Program	2013	2014	2015	2016	2017
Public Safety					
Police:					
Number of emergency calls for service	(1)	(1)	(1)	(1)	(1)
Number of non-emergency calls for service	(1)	(1)	(1)	(1)	(1)
Number of arrests	(1)	(1)	(1)	(1)	(1)
Number of uniformed officers	(1)	(1)	(1)	(1)	(1)
Building and Zoning:					
Number of building permits issued	(1)	(1)	(1)	(1)	(1)
Number of certificates of use issued	(1)	(1)	(1)	(1)	(1)
Number of occupational licenses issued	(1)	(1)	(1)	(1)	(1)
Culture and Recreation					
Number of parks	(2)	(2)	(2)	(2)	(2)

Function/Program	2018	2019	2020	2021	2022
Public Safety					
Police:					
Number of emergency calls for service	(1)	(1)	(1)	(1)	(1)
Number of non-emergency calls for service	(1)	(1)	(1)	(1)	(1)
Number of arrests	(1)	(1)	(1)	(1)	(1)
Number of uniformed officers	(1)	(1)	(1)	(1)	(1)
Building and Zoning:					
Number of building permits issued	(1)	(1)	(1)	(1)	(1)
Number of certificates of use issued	(1)	(1)	(1)	(1)	(1)
Number of occupational licenses issued	(1)	(1)	(1)	(1)	(1)
Culture and Recreation					
Number of parks	(2)	(2)	(2)	(2)	(2)

(1) - The Town contracts with the County for these services.

(2) - The Town does not own any parks at this time.

Source: Town Clerk

OTHER INFORMATION SECTION

DRAFT

TOWN OF LOXAHATCHEE GROVES, FLORIDA
Information Required by Section 218.39(3)(c), Florida Statutes
For the Fiscal Year Ended December 31, 2022
Unaudited

As required by Section 218.39(3)(c), Florida Statutes, the Loxahatchee Groves Water Control District of Palm Beach Counth, Florida reported

Required Information		Reported
The total number of district employees compensated in the last pay period of the District's fiscal year 2022.:		7
The total number of independent contractors to whom nonemployee compensation was paid in the last month of the District's fiscal year 2022.:		1
All compensation earned by or awarded to employees, whether paid or accrued, regardless of contingency for fiscal year 2022.:		440,554.00
All compensation earned by or awarded to nonemployee independent contractors, whether paid or accrued, regardless of contingency for fiscal year 2021.:		15,200.00
Each construction project with a total cost of at least \$65,000 approved by the District that was scheduled to begin on or after October 1 of the fiscal year 2022, together with the total expenditures for such project:		
Project	Budget	
none		
A budget variance based on the budget adopted under Section 189.016(4), Florida Statutes, before the beginning of the fiscal year 2022 being reported if the District amends a final adopted budget under Section 189.016(6), Florida Statutes:		See Page 44
The millage rate of ad valorem taxes imposed by the District for fiscal year 2022.:		Not Applicable
The rate of non-ad valorem special assessments imposed by the District for fiscal year 2022.:		200.00 to 827.16
The total amount of special assessments collected by or on behalf of the District for fiscal year 2022.:		1,502,414.00
The total amount of outstanding bonds issued by the district and the terms of such bonds:		-

COMPLIANCE SECTION

DRAFT



INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Honorable Mayor and Town Council
Town of Loxahatchee Groves, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities and each major fund of Town of Loxahatchee Groves, Florida, (the Town), as of and for the fiscal year ended September 30, 2022, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements and have issued our report thereon dated **November XX, 2023**.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Town's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Town's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We identified one deficiency in internal control, described in the accompanying schedule of findings and questioned costs as item 2016-1, that we consider to be material weaknesses.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Town's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Town's Response to Findings

Government Auditing Standards requires the auditor to perform limited procedures on the Town's response to the findings identified in our audit and described in the accompanying schedule of findings and questioned costs. The Town's response was not subjected to the other auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the response.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

DRAFT

Caballero Fierman Llerena & Garcia, LLP
Boca Raton, Florida

November XX, 2023

DRAFT

TOWN OF LOXAHATCHEE GROVES, FLORIDA
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

PRIOR YEAR COMMENTS AND STATUS

- **FINANCIAL STATEMENTS**

The following addresses the status of financial statement findings reported in the fiscal year ended September 30, 2021 Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*:

Matters that are repeated in the accompanying schedule of findings and responses:

- 2016-1 Updated Policies and Procedures Manual
- 2016-3 Annual Financial Report

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TOWN OF LOXAHATCHEE GROVES, FLORIDA
SCHEDULE OF FINDINGS AND RESPONSES
FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2022

I. Current Year Financial Statement Findings

Significant Deficiencies

Finding 2016-1 Updated Policies and Procedures Manual

Condition

On September 23, 2016, the Palm Beach County Office of Inspector General issued their report 2016-A-004 *Town of Loxahatchee Groves Audit of Contracts, Vendors and Fixed Assets*. This report contained ten findings and twenty-two recommendations. Based on our audit procedures performed and reviewing the report's findings and recommendations, the Town needs to revise its Policies and Procedures Manual. In the prior fiscal year, the updated Policies and Procedures Manual was completed, approved by the Town Council and implemented. These revised procedures were not consistently applied during the fiscal year and there are additional areas where segregation of duties could be improved.

Criteria

Written procedures, instructions, and assignments of duties will prevent or reduce misunderstandings, errors, inefficiencies, duplicated or omitted procedures, and other situations that can result in inaccurate or untimely accounting records. A well devised accounting manual can also help to ensure that all similar transactions are treated consistently, that accounting principles used are proper, and that records are produced in the form desired by management.

Effect

In the current fiscal year, we noted the following:

- Bank reconciliations were not always being timely prepared and reviewed.
- Year-end reconciliations and adjusting/closing entries were not timely made.
- Journal entries were not always being prepared and reviewed by separate individuals.

Recommendation

We recommend the Town follow the revised Policies and Procedures Manual and periodically update and monitor them to ensure the policies and procedures are still appropriate and are being followed.

Management's Response

The Town has now outsourced much of its financial operations. Bank reconciliations have been timely completed, generally by the second week of the month, since September 2022. All of fiscal year 2023's reconciliations were timely completed. Year-end reconciliations and adjustments were not completed in a timely manner owing to the delay with the completion of the 2021 audit. The accounting system had three open years while the FY2021 audit was being completed. We opted to soft close two of those years (FY2021 and FY2022) so that FY2022 end of year budget revisions and transfers could be undertaken. Journal entries are now being approved in hard copy form and it is management's intention to workflow this through the accounting system's software. We expect these findings to go away with or after the FY2023 reporting period.

Compliance and Other Matters

Finding: 2016-3 Annual Financial Report

Condition

We noted that the audit report and the Annual Financial Report filed with the Florida Department of Financial Services for the fiscal year ended September 30, 2022 was not filed timely.

Recommendation

We recommend that the Town review the financial reporting process and make any changes required to facilitate the timely preparation of financial reports.

Management's Response

With the issuance of this financial statement, the Town will be able to complete the FY2023 report in a timely fashion and do not expect this finding to be repeated.



MANAGEMENT LETTER IN ACCORDANCE WITH THE RULES OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA

Honorable Mayor and Town Council
Town of Loxahatchee Groves, Florida

Report on the Financial Statements

We have audited the financial statements of the Town of Loxahatchee Groves, Florida (the Town) as of and for the fiscal year ended September 30, 2022, and have issued our report thereon dated **November XX, 2023**.

Auditors' Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and Chapter 10.550, Rules of the Auditor General.

Other Reporting Requirements

We have issued our Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards* and Independent Accountant's Report on an examination conducted in accordance with AICPA Professional Standards, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports, which are dated **November XX, 2023**, should be considered in conjunction with this management letter.

Prior Audit Findings

Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. Corrective actions have not been taken to address findings and recommendations made in the preceding annual financial audit report as reported in the accompanying schedule of findings and responses.

Official Title and Legal Authority

Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in this management letter, unless disclosed in the notes to the financial statements. This information is disclosed in Note 1 to the financial statements.

Financial Condition and Management

Section 10.554(1)(i)5.a. and 10.556 (7), Rules of the Auditor General, require us to apply appropriate procedures and communicate the results of our determination as to whether or not the Town has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that the Town did not meet any of the conditions described in Section 218.503(1), Florida Statutes.

Financial Condition and Management (Continued)

Pursuant to Sections 10.554(1)(i)5.b. and 10.556(8), Rules of the Auditor General, we applied financial condition assessment procedures for the Town. It is management’s responsibility to monitor the Town’s financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same. This assessment was performed as of the fiscal year end.

Section 10.554(1)(i)2., Rules of the Auditor General, requires that we communicate any recommendations to improve financial management. In connection with our audit, we did not have any such recommendations.

Additional Matters

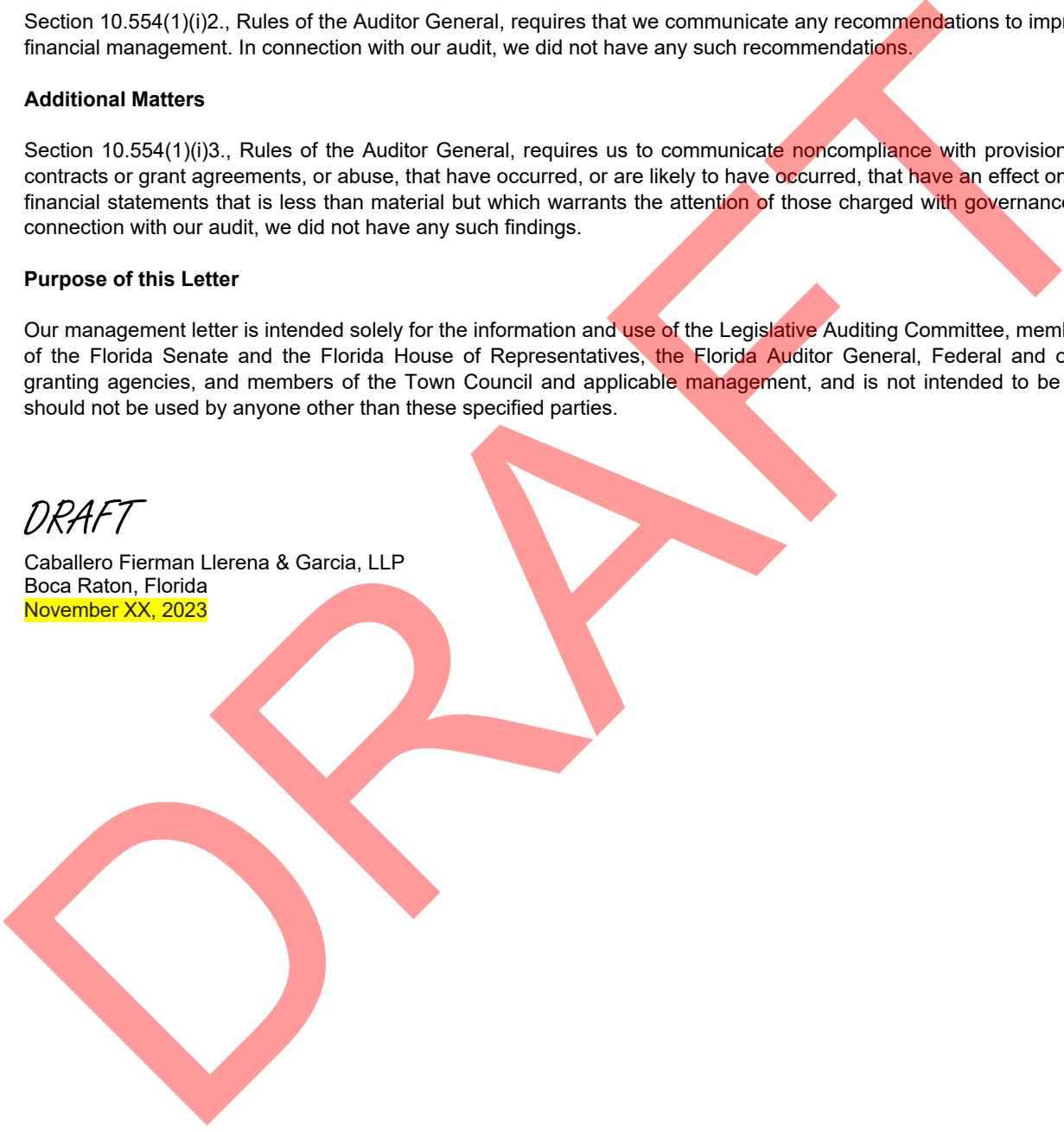
Section 10.554(1)(i)3., Rules of the Auditor General, requires us to communicate noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance. In connection with our audit, we did not have any such findings.

Purpose of this Letter

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, and members of the Town Council and applicable management, and is not intended to be and should not be used by anyone other than these specified parties.

DRAFT

Caballero Fierman Llerena & Garcia, LLP
Boca Raton, Florida
November XX, 2023





INDEPENDENT ACCOUNTANTS' REPORT ON COMPLIANCE WITH THE REQUIREMENTS OF SECTION 218.415 FLORIDA STATUTES

To the Honorable Mayor and Town Council
Town of Loxahatchee Groves, Florida

We have examined the Town of Loxahatchee Groves, Florida, (the Town), compliance with the requirements of Section 218.415 Florida Statutes during the period of October 1, 2021, to September 30, 2022. Management of the Town is responsible for the Town's compliance with the specified requirements. Our responsibility is to express an opinion on the Town's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the Town complied, in all material respects, with the specified requirements referenced above. An examination involves performing procedures to obtain evidence about whether the Town complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion.

Our examination does not provide a legal determination on the Town's compliance with specified requirements. In our opinion, the Town complied, in all material respects, with the requirements of Section 218.415 Florida Statutes during the period of October 1, 2021, to September 30, 2022.

This report is intended solely for the information and use of management, the Mayor, the Town Council, others within the Town and the Auditor General of the State of Florida and is not intended to be and should not be used by anyone other than these specified parties.

DRAFT

Caballero Fierman Llerena & Garcia, LLP
Boca Raton, Florida
November XX, 2023

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155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 3

TO: Town Council of Town of Loxahatchee Groves

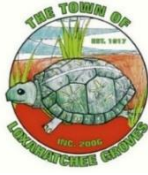
FROM: Lakisha Burch, Town Clerk

VIA: Francine Ramaglia, Town Manager

DATE: December 5, 2023

SUBJECT: Meeting Minutes

Staff recommends approval of the attached meeting minutes.



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL COMMUNITY OPEN DISCUSSION WORKSHOP
AUGUST 1, 2023**

Meeting audio available in the Town Clerk's Office due to technical difficulties recording started at 6:09 p.m.

Meetings are also available on YouTube.

CALL TO ORDER

Mayor Danowski called the meeting to order at 6:02 p.m.

PRESENT

Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Town Manager Ramaglia, Town Attorney Torcivia, Public Works Director Peters, and Town Clerk Burch.

COMMENTS FROM THE PUBLIC

There were public comments made by the following: David Browning, Diane Laudodo, Dr. William Louda, Dr. Deborah Marshall, Brian McNeil, Virginia Standish, Cassie Suchy, and Lissette Vazquez. Town Clerk Burch read the public comments from the following into the read: Katie Lakeman and Cheryl Marlowe.

David Browning- spoke about the following: misuse of property, Okeechobee Blvd.-Legacy, and raising speed limit on Okeechobee Blvd.

Katie Lakeman – thanked everyone for removing trucks parking lot on “C” and Okeechobee Blvd.

Diane Laudado – no manure dump station on Okeechobee and F Road.

Dr. William Louda- spoke about the following: Commercial on Okeechobee Blvd (no commercial on Okeechobee Blvd.), home based business, and protect tree canopy.

Dr. Deborah Marshall spoke about the following: Ms. Suchy speaks for her as well as many residents of the Town, and she spoke about roads.

Cheryl Marlowe-no manure dump station on Okeechobee and F Road.

Brian McNeil spoke about the following: Public Works issues, encroachment 3508 B Road private property, sodding without notification, and lack of maintenance.

Virginia Standish spoke about the following: thanked Coastal, complimented the Town regarding 140th, and illegal housing.

Cassie Suchy spoke about the Oath of Office, and what it means to the Town Council and Town Staff. Lissette Vazquez spoke about her neighbor, and health issues. Town Manager Ramaglia responded to the Town Council, and Ms. Vazquez’s concerns and questions.

There was consensus by the Town Council to extend the Community Resident Workshop to 6:45 p.m.

ADJOURNMENT

The workshop was adjourned at 6:52 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

Council Member Marge Herzog

Council Member Phillis Maniglia

Council Member Marianne Miles



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL REGULAR MEETING MINUTES**

AUGUST 1, 2023

*Meeting audio available in Town Clerk's Office
Meetings are also available on YouTube.*

CALL TO ORDER

Mayor Danowski called the meeting to order at 6:52 p.m.

PLEDGE OF ALLEGIANCE

Mayor Danowski led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Danowski led a prayer.

ROLL CALL

Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Town Manager Ramaglia, Town Attorney Elizabeth Lenihan, Public Director Larry Peters, and Town Clerk Lakisha Burch.

ADDITIONS, DELETIONS AND MODIFICATIONS

It was asked that **item 10** Consideration of **Resolution No. 2023-53** approving Termination of Declaration Groves Town Center be heard as **item 1**, and **item 1** Presentation from Indian Trail Improvement District. (District Board Chair Michael Johnson and Executive Director Burgess Hanson) be removed from the agenda and Town Attorney Lenihan asked that on item the word piggyback should be stated as best interest.

Motion was made by Vice Mayor seconded by Councilmember Maniglia to approve the agenda and the modification to the agenda; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There were public comments made by Paul Coleman and Cassie Suchy.

PRESENTATIONS

1. Presentation from Indian Trail Improvement District. (District Board Chair Michael Johnson and Executive Director Burgess Hanson) **REMOVED FROM THE AGENDA**
2. Presentation from Pitman Law Group and Ronald L. Book, P.A. the Town's Lobbyist. (Rana Brown)

Rana Brown from Ronald L. Book, P.A. with Pitman Law Group and via Zoom addressing the Town Council by giving them an update regarding the 750,000 dollars grant received for storm water rehabilitation, House Bill 102, special assessment. Mr. Pittman also addressed the Town Council by giving an update and stated it was a pleasure to speak with the people in Tallahassee and thanked the Town Council for the opportunity. Ms. Brown gave an update stating DEO designation of Loxahatchee Groves as a Rural Community. Town Manager Ramaglia also expounded on the topic of Rural Community. Vice Mayor Shorr also commented on this topic.

Mr. Book spoke about the upcoming legislative session. Ms. Brown spoke about the reliance grant, and committee week.

Mayor Danowski thanked Ms. Brown, Mr. Book, and Mr. Pittman. She asked what the steps are and how long does it take for rural designation. Ms. Brown responded. Town Manager Ramaglia also responded to Mayor Danowski's question. She also asked regarding annexation will it hurt/hinder the Town with regards to the Resilient Grant.

There was a public comment from Virginia Standish.

3. Presentation from Ashbritt, Inc. (Possible Debris Sites/SWA designated Facilities)

Town Manager Ramaglia introduced the item to the Town Council. Mr. Thomason from Ashbritt, Inc. and Mr. Archambo presented the item to the Town Council speaking about Debris Management, Mr. Thomason gave a brief overview of the company. He also gave a list of properties that have been looked at as a potential site.

Councilmember Maniglia stated that she is a realtor in this Town and that she has a sign on one of the properties and was wondering if she would be in conflict. Town Attorney Torcivia responded to her question.

Vice Mayor Shorr asked where the nearest debris site is. Response Pike and Turnpike. Vice mayor Shorr asked what the process or a debris site is. Mr. Thomason responded. Town Manager Ramaglia also commented on Vice Mayor Shorr question.

Councilmember Miles commented on this item. Mr. Thomason responded to Councilmember Miles' concerns.

Councilmember Herzog asked about household and vegetation will it be separated. Mr. Thomason responded and mixed loads are separated and then go out. There continued to be discussion among Mr. Thomason and Councilmember Herzog. She asked about compensation to the landowner and Mr. Thomason responded. She also asked about tree mitigation. Mr. Thomason and Ms. Ramaglia responded. She asked about noise abatement and Mr. Thomason responded.

There was consensus that we are willing to have a debris management site for the Town of Loxahatchee Groves for Loxahatchee Groves.

CONSENT AGENDA

- 4. Consideration of approval of Meeting Minutes.
 - a. April 20, 2021, Town Council Workshop/Special Meeting Minutes
 - b. May 4, 2021, Town Council Regular Meeting Minutes
 - c. July 6, 2021, Community Workshop Meeting Minutes

- d. July 20, 2021, Community Workshop Meeting Minutes
 - e. August 17, 2021, Town Council Regular Meeting Minutes
 - f. September 8, 2021, Community Workshop Meeting Minutes
 - g. September 8, 2021, First Budget Hearing and Regular Meeting Minutes
 - h. September 21, 2021, Community Workshop Meeting Minutes
 - i. September 21, 2021, Final Budget Hearing and Regular Meeting Minutes
 - j. October 19, 2021, Community Workshop Meeting Minutes
 - k. October 19, 2021, Town Council Regular Meeting Minutes
 - l. November 2, 2021, Community Workshop Meeting Minutes
 - m. November 2, 2021, Town Council Regular Meeting Minutes
 - n. November 16, 2021, Town Council Regular Meeting Minutes
 - o. December 7, 2021, Community Workshop Meeting Minutes
 - p. December 7, 2021, Town Council Regular Meeting Minutes
 - q. September 8, 2022, Town Council 1st Budget Hearing and Regular Meeting Minutes
 - r. June 6, 2023, Community Workshop Meeting Minutes
5. Consideration of **Resolution No. 2023-48** approving Palm Beach Aggregates piggyback increase in pricing.
6. Consideration of **Resolution No. 2023-49** approving the towing contract with Priority Towing, Inc.

Vice Mayor Shorr asked why this best interest is instead of piggyback.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve the Consent Agenda; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

7. Consideration of **Resolution No. 2023-50** authorizing task orders with Keshavarz and Engenuity pursuant to Resilient Florida Grant. **PULLED FROM CONSENT AGENDA**

This item was pulled from the Consent Agenda by Vice Mayor Shorr giving his reason regarding this item. Town Manager Ramaglia responded to Vice Mayor Shorr comment.

Mr. Werthapny from Keshavarz addressed the Town Council.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Resolution No. 2023-50 authorizing task orders with Keshavarz and Engenuity pursuant to Resilient Florida Grant; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

REGULAR AGENDA

8. Consideration of **Resolution No. 2023-51** approving sixth addendum to the Law Enforcement Service Agreement (LESA).

Town Manager Ramaglia presented the item to the Town Council. Councilmembers Maniglia and Miles expressed their concerns.

Motion was made by Councilmember Miles seconded by Vice Mayor Shorr to approve Resolution No. 2023-51 approving the sixth addendum to the Law Enforcement Service Agreement (LESA); it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

9. Consideration of **Resolution No. 2023-52** authorizing an amendment to agreement with Torcivia, Donlon, Goddeau, and Rubin.

Town Attorney Torcivia presented the item to the Town Council. Councilmember Maniglia expressed her concerns regarding this item.

Mayor Danowski expressed her concerns regarding this item. There was discussion among the Town Council and Town Staff.

Motion was made by Vice Mayor Shorr seconded by Councilmember Herzog to approve Resolution No. 2023-52 authorizing an amendment to agreement with Torcivia, Donlon, Goddeau, and Rubin; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

10. Consideration of **Resolution No. 2023-53** approving Termination of Declaration Groves Town Center. **THIS ITEM WAS MOVED TO BE HEARD AS ITEM 1**

Town Manager Ramaglia and Mr. Tilbrook, the attorney with Akerman, LLP, presented the item.

Councilmember Maniglia asked if the 3 acres being lost. Mr. Tilbrook responded. There was discussion among the Town Council, Town Manager Ramaglia, and Mr. Tilbrook.

Councilmember Miles asked about cash payment of 3.1 acres and what is the value. Mr. Tilbrook responded.

Councilmember Herzog asked what protection is there for the 20.9 use for instead of trails. Mr. Tilbrook responded.

There was a consensus for Mr. Tilbrook to step out and try to receive additional information from his office for the Town Council to continue with this item.

There was public records comment from Cassie Suchy, Paul Coleman, Brian McNeil, and Virginia Standish.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Shorr to continue item 10 of Consideration of Resolution No. 2023-53 approving the Termination and Release of Declaration of Restrictive Covenant related to Groves Town Center to the August 15, 2023, Town Council Workshop/Special Meeting; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

DISCUSSION

11. Discussion and updates on Storm Season Priorities:

- Gate repairs
- Emergency generator

Public Works Director Peters gave a PowerPoint presentation to the Town Council.

Motion was made by Councilmember Maniglia seconded by Vice Mayor Shorr to extend the meeting to 11:00 p.m.; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

To have numbers for the gates by next meeting. Vice Mayor Shorr expressed his concern regarding the gates and pump house.

Councilmember Miles asked about circuit boards.

Mr. Peters spoke about the generator at Town Hall due to it being the Emergency Operation Center (EOC). Mayor doesn't support buying a generator. Councilmember Herzog asked what the history of generators at Public Works is.

Motion was made by Councilmember Herzog seconded by Vice Mayor Shorr to extend the meeting to 11:30 p.m. it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

There was consensus to pursue quotes for purchasing or renting a generator.

12. Discussion and update on Paving Project.

Public Works Director Peters presented the item to the Town Council. Councilmember Maniglia asked why the maps were not on the agenda. Mr. Peters responded. Mayor Danowski asked for the E road properties, asking how much road we have, Mr. Peters stated 19ft. Mayor Danowski asked if there was enough to pave north E, Mr. Peters responded. She also asked about the remobilization fee, there continued to be discussion among the Mayor and Mr. Peters.

Vice Mayor Shorr stated that he supports in the next Gruber and Casey due to having 60 ft. doesn't see an issue to rush a change.

Motion was made by Councilmember Herzog seconded by Vice Mayor Shorr to the meeting to extend to midnight; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Motion was made by Councilmember Herzog seconded by Mayor Danowski to hold off on any and all roads that were scheduled to be paved until next fiscal year; it was voted as follows: Ayes: Mayor Danowski and Councilmember Herzog. Nays: Vice Mayor Shorr, Councilmembers Maniglia, and Miles. Motion failed 2-3.

There was a public comment by Cassie Suchy.

13. Discussion on canal bank restoration (in partnership with the Sod Farm).

Public Works Director Peters presented a PowerPoint presentation the item to the Town Council. Councilmember Maniglia asked if the sod is going to stay low, Mr. Peters responded. Town Manager Ramaglia stated that any donation over 25, 000 dollars will have to be accepted. There was discussion among the Town Council.

14. Discussion of scheduling meeting dates for property owner workshops, RV public input workshops and budget workshops and Council Priorities.

Town Manager Ramaglia presented the item to the Town Council by giving updates of upcoming meetings.

Motion was made by Vice Mayor Shorr seconded by Councilmember Maniglia to extend the meeting to 12:30 a.m.; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Vice Mayor Shorr asked for clarification regarding upcoming meetings. Town Manager Ramaglia responded to his question.

Councilmember Maniglia asked about members not being able to attend meetings. Town Clerk Burch responded to her concern.

TOWN STAFF COMMENTS

Town Manager

- Gave the dates for upcoming meetings regarding the Town Council and Advisory Boards.

Town Attorney

Thanks to the Town Council.

Public Works Director

Town Clerk

Announced the upcoming Book Bag Give Away that will be Saturday, August 5, 2023, from 9:00-11:00 a.m. and upcoming meetings.

TOWN COUNCILMEMBER COMMENTS

Councilmember Phillis Maniglia (Seat 1)

- FPL back to explain, underground project.
- See a weight limit on the roads with a permit decal. Town Manager Ramaglia responded.
- Glad Sod Farm is working with us.
- Assessments are entailed to passable; repair reschedule for roads that are in disrepair, grading schedule for people who live on dirt roads.
- Light at B Road- can it be put back in. Mr. Peters responded.
- Have the right to speak our minds.

Councilmember Marianne Miles (Seat 3)

- Agenda Review Meetings- doesn't think it is being helpful.

There was consensus to not have any Agenda Review for August or September.

Councilmember Margaret Herzog (Seat 5)

- Thanked the public works for filling in the 10 water walls.
- What is the run down on the tractor trailers on the roads.

Vice Mayor Robert Shorr (Seat 4)

- A new smaller tractor- south of the canal banks- bush hogs.
- Trimming of trees on the west side of canals.
- Org chart/ HR manual-
- Go to the FLC meeting next week.

Mayor Laura Danowski (Seat 2)

- Thanked everyone for coming, read an article from the Town Crier, annexation.

ADJOURNMENT

There being no further business the meeting was adjourned at 12:23 a.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

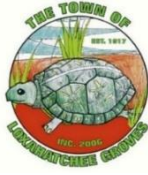
Mayor Robert Shorr

Vice Mayor Laura Danowski

Councilmember Margaret Herzog

Councilmember Phillis Maniglia

Councilmember Marianne Miles



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL FY 24 BUDGET WORKSHOP
AUGUST 23, 2023**

*Meeting audio available in Town Clerk's Office
Meetings are also available on YouTube.*

CALL TO ORDER

Mayor Danowski called the meeting to order at 4:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Danowski led the Pledge of Allegiance.

PRESENT

Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Town Manager Ramaglia, Chris Wallace of Munilytics, Project Coordinator Jeff Kurtz, and Town Clerk Burch.

COMMENTS FROM THE PUBLIC

There were public comments made by the following:

Todd McLendon commented about the assessment for trash pickup, stating that franchise take care of roads, vacant property has residential cans, etc. He also spoke about the Law Enforcement contract.

Virginia Standish asked a few questions such as which project is a rollover, new copy of gas map (gas tax), how this town compares to other towns-what account for salary, capital improvement to put in brand new gates, pumps systems, and weirs. Town Manager Ramaglia responded to the questions that Ms. Standish presented to the Town Council regarding the gates, pumps, and weirs having an opportunity to apply for another grant from the State. She continued to address the Town Council.

Town Manager Ramaglia responded to the questions that Ms. Standish presented to the Town Council regarding the gates, pumps, weirs stating that we have an opportunity to apply for another grant from the State, she also stated that we are trying to receive a Rural Designation. Councilmember Maniglia asked the Town Manager to explain the reimbursement. Town Manager Ramaglia responded. Councilmember Maniglia asked for clarifications on Rural designation. Town Manager Ramaglia responded to her question. There continued to be discussion among the Town Council and Town Manager Ramaglia.

Ms. Kane, Finance Audit and Advisory Committee (FAAC) Chair addressed the Town Council stating that FAAC was asked to make recommendation on four (4) areas -she stated she compared to two (2) neighboring districts- the recommendations are as follows: to leave the millage at 3.00 mills, Cost of Living (COLA) at 5% for staff salary (because the cost of living in Palm Beach County has increased), Solid Waste assessment should stay at 400.00, and the acreage assessment should also remain at 200.00 per acre.

Mayor Danowski asked who is considered in the COLA and about the Town’s reserves. Chair Kane responded to Mayor Danowski’s questions.

Councilmember Maniglia asked about staff’s COLA, garbage (Town is sub-dividing the garbage) Chair Kane responded to Councilmember Maniglia’s questions.

Councilmember Herzog also asked about COLA for all members of staff. Town Manager Ramaglia responded.

Councilmember Miles commented about COLA being at 3% as it was last year.

Vice Mayor Shorr passed out a summary regarding the District (2017) which included salaries. There was discussion among the Town Council and Town Staff regarding the information. He stated the following: leave more money in reserves, keep biting elephant but get some results, and prepare for next year.

Motion was made by Mayor Danowski seconded by Councilmember Miles to receive and file; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

Chris Wallace from Munitytics addressed the Town Council regarding the FY 24 budget. There was a discussion among the Town Council, Mr. Wallace, and Town Staff regarding the FY 24 budget and changes.

ADJOURNMENT

The workshop was adjourned at 6:00 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

Council Member Marge Herzog

Council Member Phillis Maniglia

Council Member Phillis Maniglia



TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL COMMUNITY OPEN DISCUSSION WORKSHOP MEETING
MINUTES

NOVEMBER 7, 2023

Meeting audio available in Town Clerk's Office
Meetings are also available on YouTube.

CALL TO ORDER

Mayor Danowski called the meeting to order at 6:00 p.m.

PRESENT

Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia (arrived at 6:13 p.m.), and Miles. Town Manager Ramaglia, Town Attorney Torcivia, Assistant Public Works Director Matos, and Town Clerk Burch.

COMMENTS FROM THE PUBLIC

There were public comments from the following:

Diane Laudodo- spoke about the sewer leak on the North side of the canal between 145th and Sunspot. Westlake/Indian Trail Improvement lawsuit does it have anything to do with us. Building of new schools. Mayor Danowski responded to Ms. Laudodo's questions. Vice Mayor Shorr asked if the Town Manager could find out what the issue is and put information on the website.

Cassie Suchy- asked about updates for traffic enforcement on Okeechobee Blvd. (overtime), FDA flood plan-restrictive. Mayor Danowski responded to Ms. Suchy's concern regarding the FDA. Vice Mayor Shorr also responded to Ms. Suchy's question regarding the FDA flood plan. Town Manager Ramaglia responded by saying the Town adopted the FEMA FDA flood plan not adding any language. Ms. Ramaglia also stated that she reviewed the photo metric for Culvers. There was continued conversation between the Town Council and Town Manager Ramaglia regarding lights at Culvers. She also asked about Photo metric lights measurements-do we have a hood design on the lights at the car wash. Vice Mayor Shorr responded to Ms. Suchy's concern.

Tom Luce- asked about a rumor regarding asphalt being placed at 147 Avenue/North Road.

Mayor Danowski asked about the HR Manual. Town Staff responded to the mayor's question.

Councilmember Maniglia asked about repairing roads that will not be discussed on the agenda such as North Road. Mr. Peters responded. Councilmember Maniglia stated that it is frustrating

being on the dais regarding simple maintenance getting done in a timely manner. Vice Mayor Shorr also spoke about mowing on the canal banks. Town Manager Ramaglia responded that she would follow up on this issue.

Councilmember Miles asked does we have the same rule regarding the maintenance of easements regarding tree trimming. Town Attorney Lenihan responded to Councilmember Miles' question.

ADJOURNMENT

The workshop was adjourned at 6:33 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

Council Member Marge Herzog

Council Member Phillis Maniglia

Council Member Marianne Miles



**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL REGULAR MEETING MINUTES**

NOVEMBER 7, 2023

*Meeting audio available in Town Clerk's Office
Meetings are also available on YouTube.*

CALL TO ORDER

Mayor Danowski called the meeting to order at 6:33 p.m.

PLEDGE OF ALLEGIANCE

Mayor Danowski led the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Danowski led a prayer.

ROLL CALL

Mayor Laura Danowski, Vice Mayor Robert Shorr, Councilmembers Margaret Herzog, Phillis Maniglia, and Marianne Miles, Town Manager Francine L. Ramaglia, Town Attorney Elizabeth Lenihan, Public Works Director Larry Peters, and Town Clerk Lakisha Burch.

ADDITIONS, DELETIONS AND MODIFICATIONS

Councilmember Maniglia asked if items 7 & 8 could be heard before the Consent Agenda.

Motion was made by Maniglia seconded by Herzog to move items 7 & 8 to be heard before the Consent Agenda; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

There was a public comment made by Cassie Suchy.

PRESENTATION

1. Presentation update from Florida Power & Light.

Ilan Kaufer, External Affairs Manager and Danial Turbet, Customer Service Accounts Manager addressed the Town Council by giving an update on the underground projects. He also informed the Town Council that he is always available to answer questions.

Councilmember Maniglia commented on the statement that was made by Mr. Kaufer and the road project (easements). Mr. Kaufer responded to her statement. There was a discussion between Mr. Kaufer, Councilmember Maniglia, and Town Manager Ramaglia.

Vice Mayor Shorr asked what the deadline for the 2025 year is, Mr. Kaufer responded. Vice Mayor Shorr also asked since the legal issues have been resolved how long before they can start moving on B Road. Mr. Kaufer responded to Vice Mayor Shorr.

Councilmember Herzog asked if FPL is on the same calendar. Mr. Kaufer responded that they're in a calendar year not fiscal year as government. She also asked how easy it is to restart the project since all easements were not had, Mr. Kaufer responded. There was continued discussion among the FPL representatives and Councilmember Herzog.

Councilmember Miles asked for clarification regarding telephones poles lines and maintenance easements. Mr. Kaufer responded to her question. There was dialogue between Mr. Kaufer and Councilmember Miles.

Mayor Danowski thanked them for coming and then asked about the easements. Mr. Turbet responded to her question. There was discussion among the Town Council and FPL representatives regarding other utilities companies being on the poles.

There were public comments made by Katie Lakeman and Cassie Suchy.

Mr. Kaufer also spoke about the damaged culvers by giving an update. There was discussion among the Town Council, FPL representatives, and Town Staff which included vegetation removal.

PUBLIC HEARING

7. Consideration of *Ordinance No. 2023-13* on first reading Amending election for date and vacancies. **MOVED TO BE HEARD BEFORE CONSENT AGENDA**

Town Attorney Lenihan read the ordinance into the record and presented the item to the Town Council.

Motion was made by Councilmember Maniglia seconded by Councilmember Herzog to approve Ordinance No. 2023-13 on first reading amending the 2024 Town of Loxahatchee Groves Municipal Election Dates; confirming the Council Member Candidate Qualification Period for expired terms; and adding a second Council Member Candidate Qualifying Period for the Filling of Vacancies in the 2024 Municipal Election; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

8. Consideration of *Ordinance No. 2023-15* on first reading on Agricultural and Agritourism. **MOVED TO BE HEARD BEFORE CONSENT AGENDA**

Town Attorney Lenihan read the ordinance into the record and presented the item to the Town Council.

There was a public comment made by Cassie Suchy.

Councilmember Maniglia asked how many votes would be needed to approve this ordinance. Town Attorney Lenihan responded 4. She then continued to express her concerns regarding the amending of this ordinance. Town Attorney Lenihan responded to Councilmember Maniglia's concern.

Councilmember Herzog asked about things being changed and how much control will be over agritourism, Town Attorney Lenihan responded. Councilmember Herzog stated that her one concern is the impact this will have on the community and the location of where agritourism is being conducted. Town Attorney Lenihan responded.

Vice Mayor Shorr asked about Section 65-10 "Determination of Valid Use – is that something that could be changed. Town Attorney Lenihan responded. He stated why didn't we use the same wording as the Florida State statute. Town Attorney Lenihan stated that that change will be made. He asked more questions to which Town Attorney Lenihan responded. There continued to be discussion between Vice Mayor Shorr and Town Attorney Lenihan.

Councilmember Miles asked Town Manager Ramaglia how many agritourism businesses were in the Town at the moment. Town Manager Ramaglia responded. She also asked were they required to have a Business Tax Receipt (BTR). Town Manager Ramaglia responded. She then asked is there a time limit on obtaining a BTR. Town Attorney Lenihan and Town Manager Ramaglia responded to her question. She also spoke about noise verbiage. Town Attorney Lenihan addressed all her concerns regarding this matter. There continued to be discussion between Councilmember Miles and Town Attorney Lenihan.

Mayor Danowski stated that someone mentioned to her that in this verbiage says that the Town is allowed to control and monitor the number of events that an agritourism facility has. She keeps looking but doesn't see it. Town Attorney Lenihan responded. There continued to be discussion regarding this matter.

Councilmember Maniglia asked could this be brought to the next meeting without having to have a first meeting because she would like to do some research. Town Attorney Lenihan responded to her question. Town Manager Ramaglia also responded to her question and concern.

There continued to be a discussion regarding agritourism between the Town Council and Town Staff.

Motion was made by Vice Mayor Shorr seconded by Councilmember Miles to approve Ordinance No. 2023-15 on first reading amending Section 20-015 "Permitted Uses" of Article 20 "Residential Zoning Districts" within Part II "Zoning Districts" and Article 65 "Agricultural Uses" within Part III "Supplemental Regulations" all within the Unified Land Development Code with the one change and typo correction; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

CONSENT AGENDA

Councilmember Maniglia asked that item 6 be pulled for the Consent Agenda because she needs to recuse herself from item number 6 due to selling the property. Councilmember Miles recused

herself from item number 5 due to living off of B Road. Vice Mayor Shorr asked that item number 4, 5 and 6 be removed from the Consent Agenda.

2. Consideration of approval of Meeting Minutes.
 - a. October 3, 2023 Town Council Community Open Discussion Meeting Minutes
 - b. October 3, 2023 Town Council Regular Meeting Minutes
 - c. October 17, 2023 Town Council Community Open Discussion Meeting Minutes
3. Consideration of **Resolution No. 2023-78** approving Town Events for the FY 24 year.

Motion was made by Vice Mayor Shorr seconded by Mayor Danowski to approve items 2a, b, c, and item 3 of the Consent Agenda; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmember Herzog, Maniglia, and Miles. Motion passed unanimously.

4. Consideration of **Resolution No. 2023-79** approving Removal of Specimen Tree at 14964 Snail Trail **PULLED FROM CONSENT AGENDA**

Vice Mayor Shorr stated why he pulled this item from the Consent Agenda, doesn't feel that the site plan gives enough information to remove these trees. Town Manager Ramaglia and Councilmember Miles responded to his concern. There continued to be a discussion among Vice Mayor Shorr and Councilmember Miles.

Mayor Danowski asked does someone from the Town goes out with a tape measure for these trees. Town Manager Ramaglia responded to her question. She also asked what happens if this fails. Town Manager Ramaglia and Town Attorney Lenihan responded.

Councilmember Maniglia asked about setbacks on non-confirming lots. Mr. Fleischmann, Town Planning Consultant and Town Manager Ramaglia responded.

Councilmember Herzog expressed her concern regarding this oak tree. Town Manager Ramaglia responded to her concerns.

Councilmember Maniglia asked Mr. Fleischmann how he is measuring the distance of the trees. Mr. Fleischmann responded. Mayor Danowski asked what if the tree was dead. Mr. Fleischmann responded.

Motion was made by Councilmember Miles seconded by Mayor Danowski to approve Resolution No. 2023-79 approving the Removal of Specimen Tree at 14964 Snail Trail; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, Maniglia, and Miles. Motion passed unanimously.

5. Consideration of **Resolution No. 2023-80** approving Removal of Specimen Trees at 3556 B Road **PULLED FROM CONSENT AGENDA**

Councilmember Miles recused herself stating that due to living on B Road, live off an access road off B Road. She continued to state that she has filed this form to air on the side of caution, no loss or gain will be incurred. Please see attached Form 8B.

Town Manager Ramaglia presented the item to the Town Council.

Vice Mayor Shorr stated why he pulled the item from the Consent Agenda. Town Manager Ramaglia responded.

Councilmember Herzog stated her concern about the trees coming down and that the pond was rather large.

Councilmember Maniglia asked was this an approved site plan. Mr. Fleischmann responded to her question stating that there are no site plans for residential property. Anita Brody spoke as the owner of the property she also responded to Councilmember Maniglia's question. There continued to be discussion among the Town Council, Ms. Brody, and Town Staff.

Mayor Danowski asked about the trees and if there was a bond for the trees. Mr. Fleischmann responded to her question. There continued to be a discussion between Mayor Danowski and Mr. Fleischmann.

Councilmember Maniglia asked about the Loral trees, Ms. Brody responded.

There was a public comment made by Cassie Suchy.

Motion was made by Vice Mayor Shorr seconded by Councilmember Maniglia to delay Resolution No. 2023-80 approving removal of Specimen Trees at 3556 B Road until the next regular meeting which will be held on December 5, 2023, with more detail on where trees are on the property; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog and Maniglia. Motion passed 4-0. Councilmember Miles recused herself.

6. Consideration of **Resolution No. 2023-81** approving Removal of Specimen Trees at 14120 6th Court **PULLED FROM CONSENT AGENDA**

Councilmember Maniglia recused herself stating that she was the listing agent for this property and sold property in 2023. Please see attached Form 8B.

Mr. Fleischmann presented the item to the Town Council. There was discussion among the Town Council and Town Staff.

Motion was made by Vice Shorr seconded by Mayor Danowski to delay Resolution No. 2023-81 approving of removal of Specimen Trees at 14120 6th Court until the next regular meeting which will be held on December 5, 2023, with more details on what trees will be removed, the turning radius and other conditions that were discussed; it was voted as follows: Ayes: Mayor Danowski, Vice Mayor Shorr, Councilmembers Herzog, and Miles. Motion passed 4-0. Councilmember Maniglia recused herself.

DISCUSSION

9. Discussion and direction regarding Prescriptive Easement.

The Town Attorney presented the item to the Town Council regarding Prescriptive Easement and what it is.

Councilmember Maniglia asked what the limitation is on claiming Prescriptive Easement. Town Attorney Lenihan responded. Mayor Danowski asked questions regarding the Prescriptive Easement as the owner such as what the liability and changing of lot size of having a Prescriptive Easement. Town Attorney Lenihan responded to her questions. There continued to be discussion among the Town Council and Town Staff.

There was a public comment made by Cassie Suchy.

10. Discussion regarding Roadway and Drainage update.

Jeff Kurtz presented an update regarding Roadway and Drainage. He stated that on Friday got information/easements on E speaking with Cheatum to when they can come back and finish the job. He spoke about Collecting Canal trying to finalize within the next few days. He also spoke about the paving for 2024 document that was passed on to the Town Council and stated that at this point have not gone out to contract the paving project. The primary issue at the moment is getting the work plan in place and how to do that in cost. Mr. Peters, Public Works Director, also addressed the Town Council stating that there is a lot of work to be done regarding removal of trees, drainage, culvert installations and removal of berms. He continued to address the Town Council. There was discussion among the Town Council and Town Staff.

There was a public comment made by Cassie Suchy.

Councilmember Miles spoke about roots being in the roads, more people at Public Works but Folsom is not on the list and that was a road that should be on the list. Mr. Kurtz responded. There continued to be discussion between Councilmember Miles and Mr. Kurtz. Councilmember Miles expressed her disappointment.

Vice Mayor Shorr also commented on the topic and expressed his concerns. He asked what is had as a contract mechanism, what could be done as council to move this forward. Town Manager Ramaglia responded to his questions and concerns. There was discussion among the Town Council and Town Staff. Councilmember Herzog commented on the topic.

Mayor Danowski commented that roads that was discuss in the Capital Plan is not on this list and she is irritated that we are trying to use our Public Workers folks to do this job, she also asked was the trees that were identified are trees in the easement or problem trees. Mr. Kurtz responded. Mayor Danowski stated that whatever we decide to do she doesn't want the Public Worker employees doing the work.

TOWN STAFF COMMENTS

Town Manager

- EAR in deep review (will be meeting on Friday, November 10, 2023) will not be ready on November 21, 2023, will be ready on December 5, 2023. Requesting that there be no meeting on November 21, 2023.
- Purchased a table for the upcoming Farm Lunch have 10 seats available, if you can't attend- how to utilize the vacant seats.

Town Attorney

No comment.

Public Works Director

No comment.

Town Clerk

- Spoke about the upcoming Veteran’s Day parade and ceremony.
- Stated that donations are being accepted for the Holiday Gratitude Basket and names are also being accepted.
- Qualifying for the 2024 Municipal Election will be next Tuesday, November 14th at noon until November 21st at noon.

TOWN COUNCILMEMBER COMMENTS

Phillis Maniglia (Seat 1)

- Joseph and Tonia-Gratitude Gardens (sell mushrooms and turmeric)

Marianne Miles (Seat 3)

- Asked for clarification that there will be no meeting on November 21, 2023.

Marge Herzog (Seat 5)

- Loxahatchee Groves Landowners Association will be having representatives come in from the rare fruit council and they will be presenting a program that should be interesting to many members, the meeting will be held November 16, 2023.
- Tribute banners for residents who served have arrived and looking for volunteers who have experience in pruning, just give her a call.

Vice Mayor Robert Shorr (Seat 4)

- Veteran’s Day Parade and Ceremony-gave outline of the parade route.

Mayor Laura Danowski (Seat 2)

- Need explanation of why FPL representative made the statement of widening Folsom Road. Mr. Peters stated he thinks he was speaking of 25th due to the poles being relocated to widen it.
- Asked about feedback from Rona regarding Special Session. Town Manager Ramaglia responded that she is sending a note for an update.

ADJOURNMENT

The workshop was adjourned at 10:25 p.m.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

Council Member Marge Herzog

Council Member Phillis Maniglia

Council Member Marianne Miles



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 4

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: December 5, 2023

SUBJECT: Consideration of *Resolution No. 2023-82* amending *Resolution No. 2022-48* regarding employment terms including accrual and carryover of paid time off.

Background:

On August 16, 2022, Town Council adopted Resolution No. 2022-48, reconciling a discrepancy between the accrual and carryover of paid time off (PTO) for employees who were hired prior to January 7, 2020, when the current Human Resources Policy Manual was adopted. The Resolution also directed that those employees be subject to the Town’s Human Resources Policy Manual, including the accrual and carryover rates for PTO, as amended from time to time, and consistent with all other employees beginning October 1, 2022. To date, this adjustment in accrual and carryover rates has not been made. As such, the following employees are accruing PTO at the listed rates with a balance as of November 28, 2023:

Name	Bi-Weekly Accrual Rate	Annual Accrual Rate	Total Hours Available
Lakisha Burch	5.539	144	30.19
Larry Peters	5.539	144	19.18
Linda Waddell	5.539	144	44.75

Recommendations:

Move that the Town Council adopt *Resolution 2023-82*, amending *Resolution No. 2022-48* regarding PTO accrual and carryover rates for certain employees.

RESOLUTION NO. 2023-82**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING RESOLUTION NO. 2022-48 REGARDING EMPLOYMENT TERMS INCLUDING ACCRUAL AND CARRYOVER OF PAID TIME OFF; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Council adopted revisions to the Human Resources Policy Manual in January of 2020, which set the accrual amount of Paid Time Off (PTO) and the amount of PTO that may be rolled over from year to year; and

WHEREAS, the revisions to the Human Resources Policy Manual adopted in January of 2020, did not address PTO accrued prior to the revisions; and

WHEREAS, there were, Town staff who were hired prior to January 2020 and accrue PTO in excess of the amounts in the adopted Human Resources Policy Manual; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves, by Resolution 2022-48, reconciled accrual and carryover of PTO for such staff through September 30, 2022 and declared such employees be subject to the Town's Human Resources Policy Manual, including the accrual and carryover rates for PTO, as amended from time to time, and consistent with all other employees beginning October 1, 2022; and

WHEREAS, there are employees who continue to accrue PTO in excess of the amounts authorized in the Human Resources Policy Manual; and

WHEREAS, the Town Council has determined that amending Resolution No. 2022-48 regarding the timeframe for changing the accrual and carryover of PTO serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution; and

Section 2. The Town Council of the Town of Loxahatchee Groves hereby amends Section 5 of Resolution 2022-48 to read as follows:

Section 5. The Town Council of the Town of Loxahatchee Groves hereby declares that the above-listed employees in Section 2 shall be subject to the Town’s Human Resources Policy Manual, including the accrual and carryover rates for PTO, as amended from time to time, and consistent with all other employees upon adoption of a revised Human Resources Policy Manual, but no later than June 30, 2024.

Specifically, however, the Interim Town Manager or Town Manager, as the case may be, previously provided to the one employee currently subject to an “Employment Letter” a notice of status change indicating that the employee shall be governed in full by the Town’s Human Resources Policy Manual with respect to PTO and all other benefits and terms and conditions of employment, including insurance coverages, and the provisions of the Employment Letter shall be no longer in effect. With respect to PTO only, this employee shall also be subject to the Town’s Human Resources Policy Manual, including the accrual and carryover rates for PTO, as amended from time to time, and consistent with all other employees upon adoption of a revised Human Resources Policy Manual, but no later than June 30, 2024.

Section 3. This Resolution shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing Resolution. Councilmember seconded the Motion, and upon being put to a vote, the vote was as follows:

Aye Nay Absent

LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS __ DAY OF _____ 2023.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Phillis Maniglia



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 5

TO: Town Council of Town of Loxahatchee Groves

FROM: Lakisha Burch, Town Clerk

VIA: Francine Ramaglia, Town Manager

DATE: December 5, 2023

SUBJECT: Consideration of *Resolution No. 2023-83* authorizing Town employee's health and insurance benefits for 2024.

Background:

Pursuant to Section 2-133(b)(8) of the Town of Loxahatchee Groves Code of Ordinances, employee benefits and health related services are not subject to competitive procurement methods and may be procured and renewed through an expert in the field. The Gehring Group is a health and insurance benefits manager agency and has negotiated with various vendors on behalf of the Town to update the Town's employee benefits and health related services.

Recommendation:

Move to approve *Resolution No. 2023-83* authorizing Town employee's health and insurance benefits for 2024.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-83

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AUTHORIZING TOWN EMPLOYEE HEALTH AND INSURANCE BENEFITS FOR 2024; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 2-133(b)(8) of the Town of Loxahatchee Groves Code of Ordinances, employee benefits and health related services are not subject to competitive procurement methods and may be procured and renewed through an expert in the field; and

WHEREAS, The Gehring Group (“Contractor”) is a health and insurance benefits manager agency and has negotiated with various vendors on behalf of the Town to update the Town’s employee benefits and health related services; and

WHEREAS, the Town has determined the Town’s employee health and insurance benefits serve a public purpose.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are hereby adopted as if fully set forth herein.

Section 2. The Town Council of the Town of Loxahatchee Groves, Florida hereby approves the employee insurance benefits effective January 1, 2024, through December 31, 2024, with pricing as provided in Exhibit “A”, attached hereto, and incorporated herein.

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

Councilmember _____ offered the foregoing resolution. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES,
FLORIDA, THIS ___ DAY OF _____, 2023.**

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Laura Danowski

Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Phillis Maniglia

EXHIBIT "A"

**Town of Loxahatchee Groves
Renewal Evaluation - Medical
Effective Date: January 1, 2024**

			RENEWAL - Florida Blue Age Banded Rates	
Schedule of Benefits			BlueCare 14304	
			In Network Only	
Deductible (Calendar Year - CYD)				
Single			\$1,500	
Family			\$3,000	
Coinsurance			\$0	
Maximum Out of Pocket (MOOP)				
Single			\$4,800	
Family			\$9,600	
Non-Hospital Services				
Virtual Visit (PCP/Spec) / Telemedicine			\$0 / \$40 / \$0	
Physician Office Visit			VCP: \$0 / \$10	
Specialist Visit			VCP: \$20 / \$40	
Independent Lab / X-Ray			ICL: No Charge / IDTC: \$50	
Advanced Imaging (MRI, PET, CT scans)			\$300	
Urgent Care Center			VCP: \$0 Visits 1-2; \$55/ \$55	
Hospital Services				
Inpatient			20% after CYD	
Outpatient Surgery			ASC: 20% / Hosp: 20% after CYD	
Emergency Room Visit			\$200	
Mental Health / Substance Abuse Services				
Inpatient			No Charge	
Outpatient			No Charge	
Prescription Drug Benefits				
Tier 1 - Generic			\$0 / \$4 / \$10	
Tier 2 - Preferred Brand			\$15 / \$30	
Tier 3 - Non-Preferred Brand			\$50	
Tier 4 - Specialty			\$150	
Mail Order (90 day supply)			2x Retail	
Age-Banded Rates	Tier	Employees	Town Cost	Florida Blue Gross Premium
Employee 1	EE	1	\$591.05	\$591.05
Employee 2	EE	1	\$684.98	\$684.98
Employee 3	EE	1	\$497.13	\$497.13
Employee 4	EE	1	\$925.95	\$925.95
Employee 5	EC	1	\$967.69	\$1,442.05
Employee 6	EE	1	\$485.74	\$485.74
Employee 7	EE	1	\$967.69	\$967.69
Employee 8	EE	1	\$1,423.08	\$1,423.08
Employee 9	EE	1	\$1,106.68	\$1,106.68
Employee 10	EC	1	\$591.05	\$953.94
Employee 11	Fam	1	\$606.23	\$1,911.68
Employee 12	EE	1	\$1,106.68	\$1,106.68
Employee 13	EE	1	\$711.54	\$711.54
Employee 14	ES	1	\$1,362.84	\$2,763.15
Employee 15	EE	1	\$925.95	\$925.95
Employee 16	EE	1	\$1,423.08	\$1,423.08
Monthly Premium		16	\$14,377	\$17,920
Annual Premium			\$172,528	\$215,044





155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 6

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE : December 5, 2023

SUBJECT: Consideration of *Resolution No. 2023- 85* approving ingress/egress easement to facilitate the reconstruction of the culvert bridge at A Road and 161st Terrace North

Background:

Johnson-Davis is ready to begin reconstruction on the culvert bridge at A Road and Lakeside Drive. As a result of the construction alternate access is needed to get to the properties on 161st Terrace North. The property owners of 3974 161st Terrace North have an existing culvert bridge across the canal, and they have agreed to allow traffic across the southern portion of their property to accommodate their neighbors and the Town.

A temporary ingress/egress easement has been prepared for their review and approval. The easement will remain open for a maximum time period of 15 days as the reconstruction of the culvert bridge is anticipated to take 6 days to complete. Once the culvert bridge is completed access through 3974 161st Terrace North for the public will cease. The Town and its contractor will be responsible for repairing any damage resulting from the use of the easement to the easement property.

Recommendation:

Staff recommends the Town Council approve Resolution No. 2023-85.

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-85

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ACCEPTING AN INGRESS/EGRESS EASEMENT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has a funded and contracted project to reconstruct the culvert bridge between A Road and Lakeside Drive (“Project”); and

WHEREAS, during the Project alternate access across the canal is needed for travel to and from A Road to get to and from 161st Terrace North and Lakeside Drive (“Alternate Access”); and

WHEREAS, there is an existing culvert bridge over the canal adjacent to 3974 161st Terrace North; and

WHEREAS, the owners of 3974 161st Terrace North have agreed to grant a temporary ingress/egress easement across a portion of their property to serve as the Alternate Access during the Project (“Easement”); and

WHEREAS, pursuant to Section 05-085 of the Town’s Unified Land Development Code and Town Council adopted procedures, all Easements must be accepted by the Town Council prior to recording; and

WHEREAS, the Town Council has determined that accepting the Easement serves a public purpose.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Town Council hereby accepts the Easement identified herein, substantially in the form attached hereto as Exhibit “A”, and authorizes the Town Manager and Town Attorney to make any reasonable, non-monetary, modifications to the form of the Easement which are necessary to accomplish the intent of this resolution. Monetary changes to the form of the Easement require authorization from Town Council. Upon approval by the Town Attorney, the Mayor is authorized to execute the Easement on behalf of the Town and Town staff is directed to have said Easement recorded in the public records.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective upon adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Laura Danowski, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Robert Shorr, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Phillis Maniglia, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Margaret Herzog, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marianne Miles, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS ___ DAY OF _____, 2023.

**TOWN OF LOXAHATCHEE GROVES
FLORIDA**

ATTEST:

Mayor Laura Danowski

Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Councilmember Phillis Maniglia

Office of the Town Attorney

Councilmember Marianne Miles

This Instrument Prepared by
and Return to:
Jeffrey S. Kurtz, Esq.
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

TEMPORARY INGRESS/EGRESS EASEMENT DURING CONSTRUCTION

This TEMPORARY INGRESS/EGRESS EASEMENT DURING CONSTRUCTION (hereafter, "Easement") shall be effective as of the _____ day of _____ 2023 (the "Effective Date"), and is being made and granted by Andrew Hunter Krips and Margaret Katherine Krips, husband and wife, whose address is 3974 161st Terrace North, Loxahatchee Groves, Florida 33470 (hereafter referred to as the "Grantor") to the TOWN OF LOXAHATHEE GROVES, a municipal corporation of the State of Florida, whose address is 155 "F" Road, Loxahatchee, Florida 33470 (hereafter referred to as the "Grantee").

In consideration of the mutual promises and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the undersigned parties hereby covenant and agree as follows:

SECTION 1. GRANT OF TEMPORARY INGRESS/EGRESS EASEMENT DURING CONSTRUCTION. Grantor hereby grants to Grantee, for its use and the use of its authorized employees, contractors, subcontractors, materialmen, consultants, licensees, and agents, and the general public, a temporary and non-exclusive ingress/egress easement, including the following rights and authorizations, in, over, under, through, across, and upon that certain real property described on attached Exhibit "A" (the "Property"), namely: the right of reasonable ingress and egress of personnel, motor vehicles, construction equipment, and construction materials, as are reasonably required to allow traffic to traverse from and to 160th Avenue North and 161st Terrace North providing access to the properties located on 161st Terrace North and Lakeside Drive during the course of Grantee's mobilization and construction of the works, facilities, and improvements associated with Grantee's improvements described on attached Exhibit "B" (the "Improvements").

Prior to the initiation of construction and use of the easement by the general public, Grantee shall construct a temporary fence separating the easement area from the remainder of Grantor's property.

SECTION 2. TERM. The term of this Easement shall commence upon the Grantee giving the Grantor FORTY-EIGHT (48) HOURS notice of the initiation of construction, and shall continue until either: (a) the certification of completion of the Improvements has been issued by Grantee, or (b) FIFTEEN (15) CALENDAR DAYS have elapsed after the date of the initiation of construction, whichever occurs first.

SECTION 3. PAYMENTS. Grantor shall not charge, and Grantee shall not be obligated to pay, any usage, service, or other fee or charge to or for the benefit of Grantor for use of the Property as herein authorized.

SECTION 4. LIABILITY. Subject to and without waiver of the sovereign immunity protections and limitations contained in Section 768.28, Florida Statutes, and under the Constitution and laws of the State of Florida, Grantee hereby agrees to be responsible for the negligent acts and omissions of Grantee, and Grantee's agents and employees while acting within the scope of their office or employment, in Grantee's use of the rights conferred hereunder or Grantee's presence on the Property. Grantor shall be responsible for any and all actions, claims, losses, liabilities, or damages that arise out of or derive from acts or omissions of the Grantor, or its employees, contractors, consultants, agents, or invitees.

SECTION 5. INSURANCE. Prior to the exercise of the rights granted under this Easement, Grantee's contractor shall provide Grantor with a Certificate of Insurance, reflecting the same insurance coverage as provided for the benefit of Grantee pursuant to its contract with Grantee, and naming Grantor as an additional insured thereunder, which insurance coverage must be maintained at all times during which Grantee's contractor is involved in construction activity on behalf of Grantee involving the Property.

SECTION 6. REPAIR AND RESTORATION. If any existing physical improvements located in, over, under or upon the Property are damaged as a result of Grantee's or the public's exercise of the rights granted to it herein, then in that event Grantee shall be obligated to timely repair and restore the damaged physical improvements in a proper and competent manner to a condition substantially similar or better to that which existed prior to any such damage. At the end of the Term of this Easement, as provided in Section 2, Grantor and Grantee shall complete a walk-through inspection of the Property and identify any damage that needs to be repaired and restored. Grantee shall have thirty (30) calendar days within which to repair the damage identified during the inspection or provide written notice to Grantor of its denial of responsibility therefor.

SECTION 7. PERMITS AND REGULATORY COMPLIANCE. Grantee hereby acknowledges and agrees that it shall comply with all laws, ordinances, rules, regulations, orders, and requirements of all governmental authorities having jurisdiction as to Grantee's herein authorized uses of the Property.

SECTION 8. MISCELLANEOUS PROVISIONS.

(A) Notices. All notices, requests, consents and other communications required or permitted hereunder shall be in writing (including email, telex, facsimile or telegraphic communication) and shall be (as elected by the person giving such notice) hand delivered, emailed, telecommunicated, or mailed to the addresses reflected

above. If either party changes its mailing address or designated recipient for notices, such change shall be communicated in writing (via email, facsimile or U.S. mail) to the other party within thirty (3) days of such change.

(B) Entire Agreement. This instrument represents the entire understanding and agreement between the parties with respect to the subject matter hereof.

(C) Binding Effect. This instrument is intended to be recorded in the public records and all of the terms and provisions hereof, whether so expressed or not, shall be binding upon, inure to the benefit of, and be enforceable by the parties hereto and their respective legal representatives, successors, and permitted assigns.

(D) Assignment. This instrument may not be assigned without the prior written consent of all parties hereto.

(E) Severability. If any part of this instrument is contrary to, prohibited by or deemed invalid under applicable law or regulation, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect so far as possible.

(F) Governing Law and Venue. This instrument and all transactions contemplated hereunder shall be governed by, and construed and enforced in accordance with the laws of the State of Florida without regard to any contrary conflicts of laws principles. Venue of all proceedings in connection herewith shall be exclusively in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, and each party hereby waives their respective rights in regard to the selection of venue.

(G) Headings. The headings contained in this instrument are for convenience of reference only, and shall not limit or otherwise affect in any way the meaning or interpretation of any of the terms or provisions hereof.

(H) Attorney Fees. In the event any lawsuit in any judicial system, including federal or state, is brought to enforce compliance with this Easement or to interpret same, or if any administrative proceeding is brought for the same purposes, each party to said action shall be responsible for its own fees and costs, including legal, ex parte, and/or appellate fees and costs.

(I) Waiver. The waiver by either party hereto of any right granted herein shall not be deemed to be a waiver of any other right granted herein, and the same shall not be deemed a waiver of a subsequent right obtained by reason of the continuation of any matter previously waived.

(J) Construction. The parties acknowledge that each has shared equally in the drafting and construction of this instrument and accordingly, no court construing this instrument shall construe it more strictly against one party than the other, and every covenant, term and provision hereunder shall be construed simply according to its fair meaning.

(K) Counterparts. This instrument may be executed in one or more counterparts and via facsimile, any of which shall be deemed an original hereof, but all of which together shall constitute one and the same instrument.

(L) Amendments. This Easement may be amended or modified at any time and in all respects by an instrument in writing executed by all of the parties hereto.

(M) Effective Date. This Easement shall be effective upon the date set forth above.

IN WITNESS WHEREOF, the undersigned parties have signed and sealed this instrument as of the day and year hereinafter set forth.

WITNESSES:

Witness name: _____

By: _____

Witness name: _____

GRANTOR:

By _____

Andrew Hunter Krips

Margaret Katherine Krips

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

Sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this _____ day of November, 2023, by Andrew Hunter Krips and Margaret Katherine Krips, who are [] personally known to me or [] produced _____ as identification

(Signature of Notary Public-State of Florida)

(Print, type, or stamp commissioned name of Notary public)

**GRANTEE ACCEPTANCE:
TOWN OF LOXAHATCHEE GROVES**

ATTEST:

By: _____

Laura Danowski, Mayor

Town Clerk

Approved as to form
and legal sufficiency

By: _____

Date: _____

EXHIBIT "A"DESCRIPTION OF THE EASEMENT

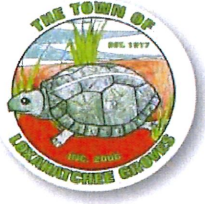
The South 25 feet of the following described property being the South 20 feet of the East half of the East quarter of the South half of Section 12, Township 43 South, Range 40 East, and the North 309 feet of the East half of the East quarter of the East quarter of the North half of Section 13, Township 43 South, Range 40 East, Palm Beach County, Florida.

A portion of Parcel Control Number: 41-40-43-12-00-000-5160 also known as Lot 41, Loxahatchee West, unrecorded.

EXHIBIT "B"

THE IMPROVEMENTS

The reconstruction of a bridge culvert between "A" Road and Lakeside Drive through the canal.
The work has been contracted to Johnson-Davis, Inc.



Town of Loxahatchee Groves

155 "F" Road • Loxahatchee Groves, Florida 33470 • Telephone (561) 793-2418 • Fax (561) 793-2420

Agenda Item # 7

TO: Francine Ramaglia, Town Manager
Town of Loxahatchee Groves

FROM: Jim Fleischmann
Town Planning Consultant

RE: 3556 B Road Specimen Tree Report

DATE: November 7, 2023; Revised November 21, 2023 **(December 5, 2023)**

The owner of the property located at 3556 B Road, Anita Brady, has received administrative a Residential Vegetative Clearing Exemption Acknowledgement and a Residential Vegetation Clearing Waiver to remove non-native and specified native trees on the property. In addition, Ms. Brady has filed a Vegetation Removal Permit Application (Application) to remove additional native trees on the property in order to accommodate a stormwater retention pond required by the Floodplain Development Application (FDA) associated with the construction of her future residence. The Application includes the proposed removal of native specimen trees.

Ms. Brady has worked diligently with staff to plan the proposed single-family residential development in a manner to preserve native trees to the maximum extent while implementing the required stormwater management pond.

Per ULDC Section 87-035(C) (2) (i), specimen trees are not subject to cutting, relocation, or mitigation without Town Council approval. An initial request to satisfy this requirement was presented to the Town Council at its November 7, 2023 meeting. The following is a summary of that request:

A. Inventory of Native Trees on the Property within the Stormwater Retention Pond:

Total of 55 with a DBH of 2 inches or more.

B. Native Trees Subject to the Vegetation Removal Permit:

Total of 55, according to the following distribution by species: Cabbage Palms – 15; Laurel Oak – 9; and Slash Pine – 31

C. Native Specimen Trees Subject to the Vegetation Removal Permit:

Total of 12, all of which are Slash Pine

D. Native Specimen Trees to be Removed:

Total of 12, all of which are Slash Pine

A site plan (Attachment 1) indicating the location of the stormwater retention pond is attached. All 12 of the previously proposed Specimen Tree removals are located in this area.

Based upon direction of the Council, owner has prepared a revised site plan (Attachment 2) indicating a revised retention pond and a reduction to 8 Specimen Trees to be removed. A comparison of the initial requested removal (12 Specimen Trees) to the revised request (8 Specimen Trees) is presented in Table 1.

TABLE 1
Revised 3556 B Road Pond Area Specimen Tree List

Specimen Tree Number (Previous Removal)	Tree Diameter (DBH) in Inches	Specimen Tree Number (Current Removal) (1)
24	14	RETAIN
40	14	Remove
43	18	Remove
46	15	Remove
50	20	Remove
58	15	Remove
59	16	Remove
216	16	RETAIN
378	14	RETAIN
381	14	RETAIN
384	15	Remove
389	16	Remove

(1) Highlighted trees are to be **RETAINED** as a result of the pond redesign.

Tree Removal Mitigation Tables, a Mitigation Cost Estimate, and a Mitigation Plan will be incorporated within the associated Vegetation Removal Permit.

Mitigation is required to compensate for the removal of Specimen Trees should a replanting mitigation option be selected. A final Mitigation Plan will be incorporated within the Vegetation Removal Permit.

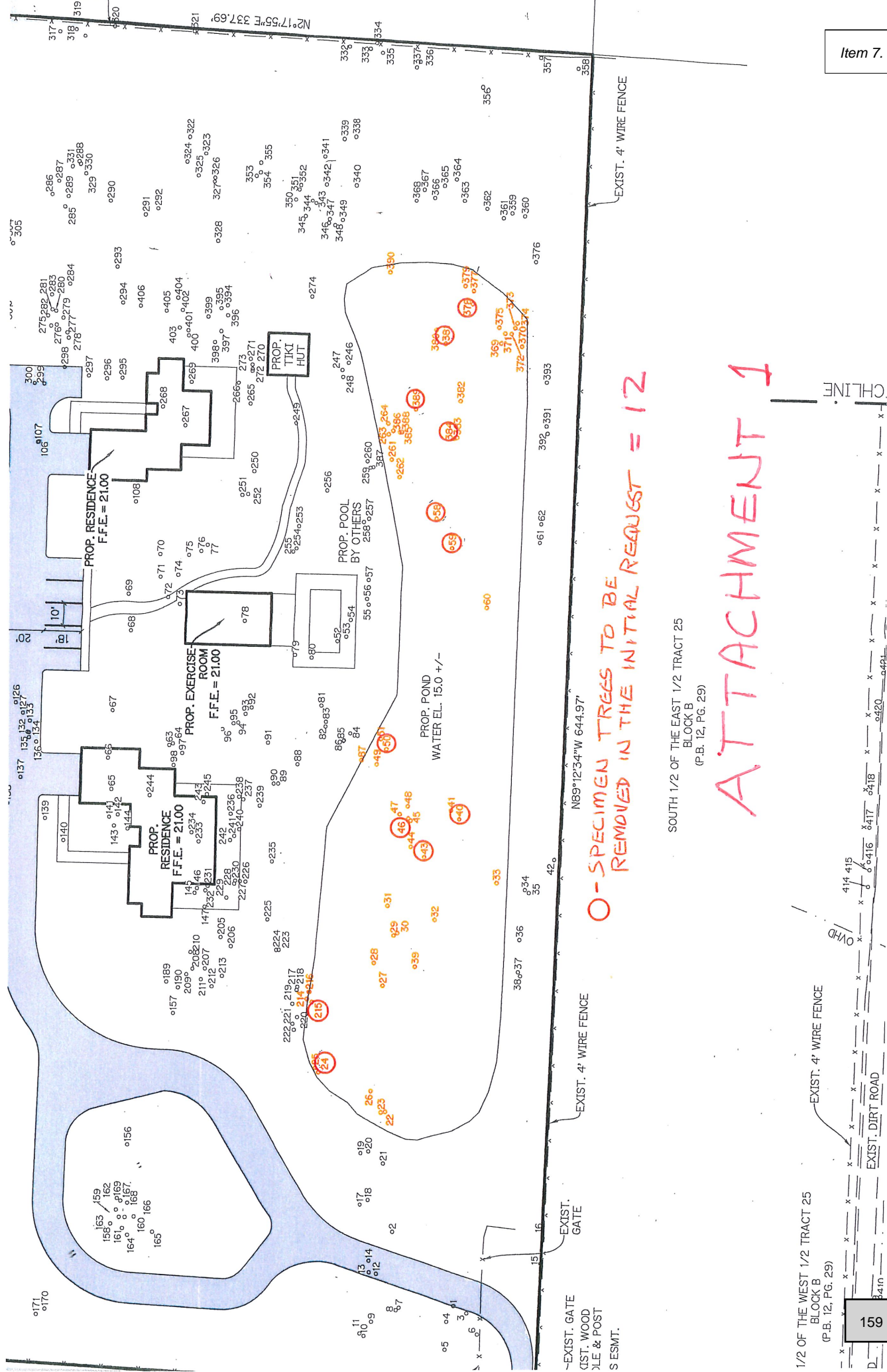
Respectfully submitted,



Jim Fleischmann
Town Planning Consultant

Attachments:

1. Initial Site Plan identifying the location of Specimen Trees to be removed.
2. Revised Site Plan identifying the location of Specimen Trees to be removed
3. Current Aerial Photograph of 3556 B Road



O - SPECIMEN TREES TO BE REMOVED IN THE INITIAL REQUEST = 12

ATTACHMENT 1

SOUTH 1/2 OF THE EAST 1/2 TRACT 25
BLOCK B
(P.B. 12, PG. 29)

1/2 OF THE WEST 1/2 TRACT 25
BLOCK B
(P.B. 12, PG. 29)

CHLINE

EXIST. GATE
EXIST. WOOD
PILE & POST
S ESMT.

EXIST. 4' WIRE FENCE

EXIST. 4' WIRE FENCE

EXIST. DIRT ROAD

N89°12'34"W 644.97'

PROP. POOL
BY OTHERS

PROP. POND
WATER EL. 15.0 +/-

PROP. RESIDENCE
F.F.E. = 21.00

PROP. EXERCISE
ROOM
F.F.E. = 21.00

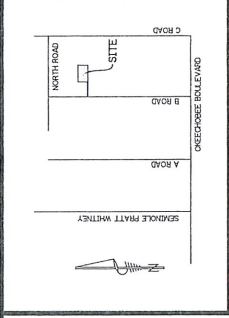
PROP. TIKI
HUT

VEGETATION REMOVAL PERMIT PLAN
FOR
B ROAD
LOXAHATCHEE, FL

NO.	DATE	BY	CHK	REVISIONS

Last Development, Inc.
1860 Old Okechobee Road, Suite 504
West Palm Beach, FL 33409
Phone (561)915-6567 Fax (561)915-3986

SCALE: 1"=40'
DATE: JUNE 2023
DESIGNED BY: SAS
CHECKED BY: RWL
DRAWING FILE:
22-077 LA-P



LEGEND

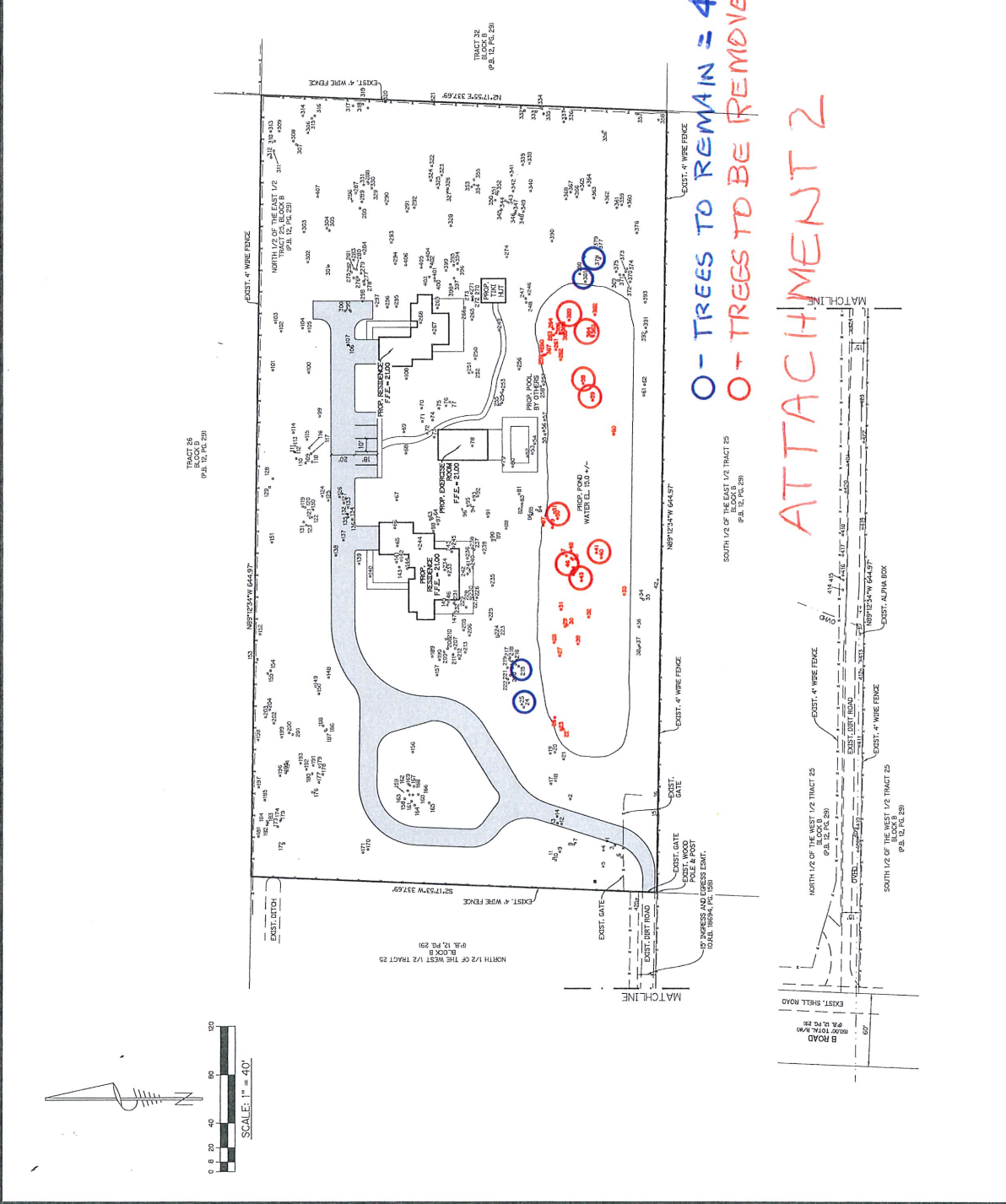
FINISH FLOOR ELEVATION F.F.E. 4200

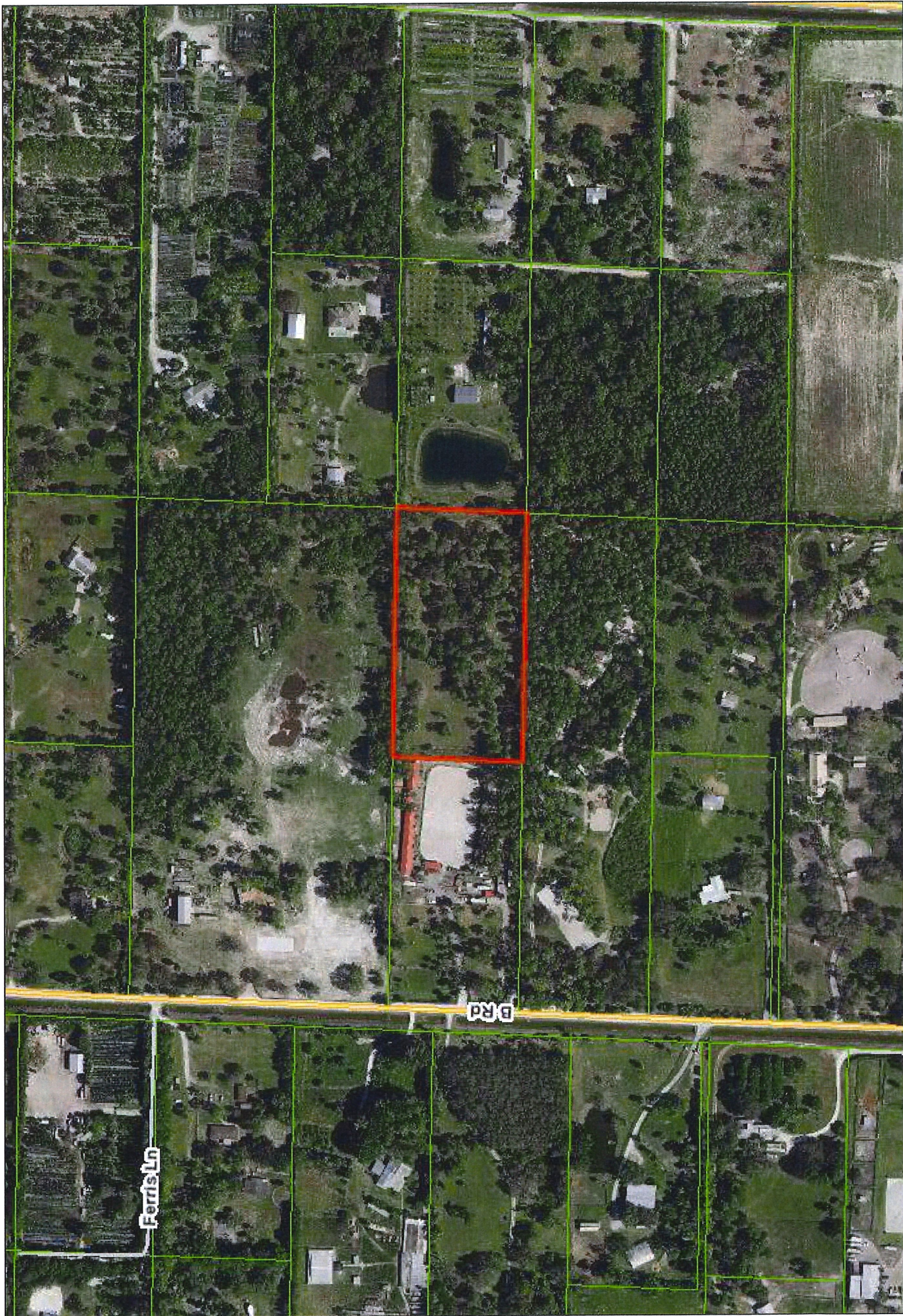
TREES TO REMAIN 4204

TREES TO BE REMOVED 4204

NOTES:

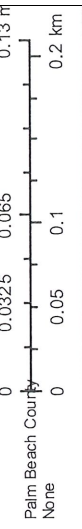
1. THIS PLAN AND TOPOGRAPHIC INFORMATION NOT DERIVED FROM SURVEY PREPARED BY THOMAS M. SMITH LAND SURVEYORS, INC., PROJECT NUMBER 22-077 LA-P, IS BASED ON THE DATA PROVIDED BY THE CLIENT.
2. SEE BOUNDARY & TOPOGRAPHIC SURVEY FOR ADDITIONAL TOPOGRAPHIC INFORMATION. SEE FIELD NOTES FOR CLARITY PURPOSES.





Item 7.

1:4,514



3556 B Road



ed by: Palm Beach County October 23, 2023

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-80

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA APPROVING REMOVAL OF SPECIMEN TREES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves desires to protect the tree canopy throughout the Town; and

WHEREAS, Anita Brady (Owner) own property within the Town located at 3556 B Road (Property); and

WHEREAS, the Owner desires to remove eight (8) native pine specimen trees from the Property in accordance with the Vegetation Clearing Waiver Application, attached hereto; and

WHEREAS, the removal of the eight (8) native pine specimen trees from the Property is in accordance with Site Development Permit SD-23-0055; and

WHEREAS, pursuant to Section 87-035 of the Town’s Unified Land Development Code, cutting, relocation and mitigation of specimen trees must be approved by the Town Council.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Town Council hereby approves removal of eight (8) native pine specimen trees on the Property identified for removal in the Vegetation Removal Permit Application as presented.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective upon its adoption.

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Councilmember _____ offered the foregoing resolution. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 5th DAY OF DECEMBER 2023.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

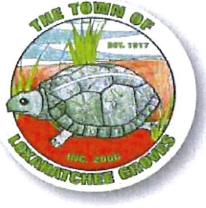
APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Margaret Herzog



Town of Loxahatchee Groves

155 "F" Road • Loxahatchee Groves, Florida 33470 • Telephone (561) 793-2418 • Fax (561) 793-2420

Agenda Item # 8

TO: Francine Ramaglia, Town Manager
Town of Loxahatchee Groves

FROM: Jim Fleischmann
Town Planning Consultant

RE: 14120 6th Court North Specimen Tree Report

DATE: October 31, 2023 **(December 5, 2023)**

The owner of the property located at 14120 6th Court North, SC Stables LLC, has applied for Council approval to remove specified native trees in preparation for the assignment of an Equestrian bona fide agriculture Use Code by the Palm Beach County Property Appraiser.

Mr. Senan Hayes, on behalf of the owner, has worked diligently with staff to design the proposed facility in a manner to preserve native trees to the maximum extent while implementing the proposed equestrian complex.

Per ULDC Section 87-035(C) (2) (i), specimen trees are not subject to cutting, relocation, or mitigation without Town Council approval. To satisfy this requirement, the following data is extracted from the tree survey prepared by Stormwater J Engineering:

- A. Inventory of Specimen Trees on the Property:
Total of 8.
- B. Native Specimen Trees Subject to the Vegetation Removal Permit:
Total of 8, according to the following distribution by species: Laurel Oak – 4; and Slash Pine 4.
- C. Native Specimen Trees to be Removed:
Total of 2; one Slash Pine and one Laurel Oak
- D. Native Specimen Trees to be Retained:
Total of 6: Laurel Oak -3; and Slash Pine -3.

A proposed site plan indicating the location of the proposed bona fide agriculture equestrian facility is attached. The Specimen Trees to be removed (#4 and #52) are identified on the attached site plan.

A Tree Removal Permit shall be approved by the Town requiring the owner to mitigate in accordance with the Tree Replacement Tables in Attachment C of the Vegetation Removal Permit.

Respectfully submitted,



Jim Fleischmann
Town Planning Consultant

Attachments:

1. Site Plan identifying the location of the Specimen Trees to be removed.



Digitally
Signed
Dennis A. Garbelle
Date
19/05/2023
0408

05/09/2023
DENNIS A. GARBELLE
Professional Surveyor No. 19456
MCA 15170
State of Florida

PROJECT ADDRESS:
14120 6th COURT NORTH
PALM BEACH COUNTY, FLORIDA 33470
PROJECT NO. 23-0518
DRAWN BY: DJG
CHECKED BY: DJG
SCALE: 1" = 30'



DJG Surveying and Mapping, Inc.
18889 W Edinburg Dr - Lantana, FL 33470
PHONE: 561-875-7242 - EMAIL: info@djgsurvey.com
www.djgsurvey.com

14120 6th COURT NORTH
BOUNDARY SURVEY
LOXAHATCHEE, FLORIDA 33470

No.	DESCRIPTION	BY	DATE
1	ADD TREES	MRK	7/23
REVISIONS			



- LEGEND:**
- ANCHOR
 - * FIRE TREE
 - BACK (SEE RECORD)
 - HIL DOL
 - EXISTING ELEVATIONS
 - WOOD POND/PILE
 - HARD WOOD TREES
 - PALM TREE
 - CENTERLINE
 - P.E.C.C. PALM BEACH COUNTY RECORDS
 - O.E.B. OPTICAL RECORDS BOOK
 - P.B. PLAT BOOK

SURVEYOR'S NOTES:
The bearings shown herein are referred to the North line of Lot 3, LOWMYER PALM BEACH, according to the plat thereof, as recorded in Public Book 33, Page 195, of the Public Records of Palm Beach County, Florida. Said line bears South 89° 12' 37" East.

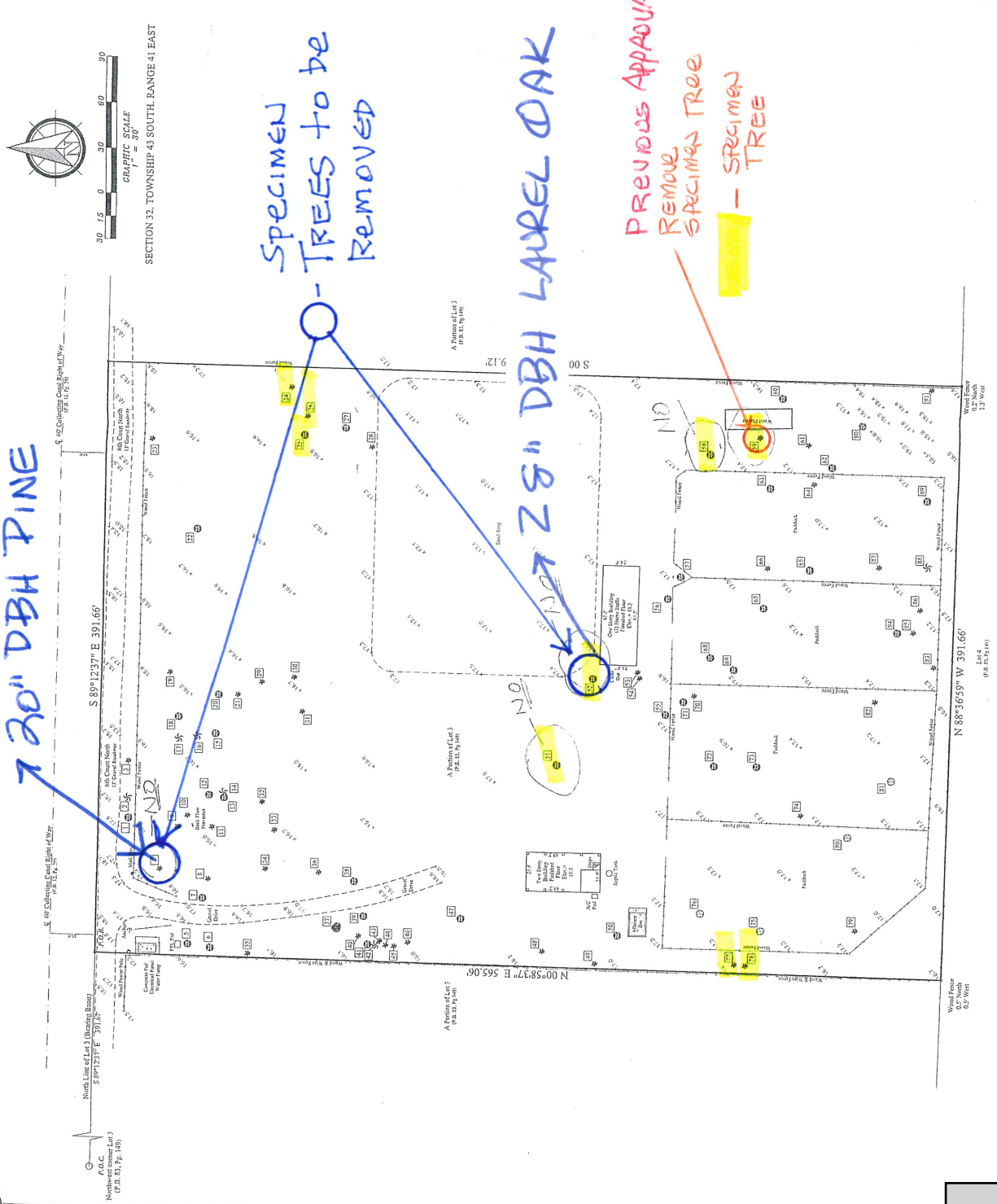
Elevations shown herein are based on GPS observation as collected through the Florida Permanent Reference Network and are referred to the North American Vertical Datum of 1988.

There may be additional locations of trees that are not shown herein which can be found in the Public Records of Palm Beach County, Florida.

All records shown herein are referred to the Public Records of Palm Beach County, Florida.

LEGAL DESCRIPTION:
A portion of Lot 3, LOWMYER PALM BEACH, according to the plat thereof, as recorded in Public Book 33, Page 195, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:
Commencing at the Northwest corner of said Lot 3;
Thence, South 89° 12' 37" East, along the North line of said Lot 3, a distance of 391.66 feet to the Point of Beginning;
Thence, continue South 89° 12' 37" East, a distance of 569.11 feet to a point on the South line of said Lot 3;
Thence, South 00° 58' 42" West, a distance of 569.11 feet to the Point of Beginning of said Lot 3;
Thence, North 89° 18' 59" West, along said South line, a distance of 391.66 feet to the Point of Beginning of said Lot 3;
Thence, North 00° 58' 42" East, a distance of 569.08 feet to the Point of Beginning.

Said lands being and being in the Town of Loxahatchee, Palm Beach County, Florida, and containing 221,003.11 square feet (5,099 acres), more or less.



PREVIOUS APPROVAL REMOVE SPECIMEN TREE - SPECIMEN TREE

720" DBH PINE

28" DBH LAUREL OAK

SPECIMEN TREES to be REMOVED

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2023-81

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA APPROVING REMOVAL OF SPECIMEN TREES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Loxahatchee Groves desires to protect the tree canopy throughout the Town; and

WHEREAS, SC Stables, LLC (Owner) owns property within the Town located at 14120 6th Court North (Property); and

WHEREAS, the Owner desires to remove two (2) native specimen trees; one (1) slash pine tree and one (1) laurel oak tree from the Property in accordance with a submitted Vegetation Removal Permit Application; and

WHEREAS, pursuant to Section 87-035 of the Town’s Unified Land Development Code, cutting, relocation and mitigation of specimen trees must be approved by the Town Council.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Town Council hereto approves removal of the two (2) native specimen trees; one (1) slash pine tree and one (1) laurel oak tree on the Property identified for removal in the Vegetation Removal Permit Application as submitted.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 5. This Resolution shall become effective upon its adoption.

THE REMAINDER OF THIS PAGE IS LEFT BLANK

Councilmember _____ offered the foregoing resolution. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 7th DAY OF NOVEMBER 2023.

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Phillis Maniglia

Office of the Town Attorney

Councilmember Marianne Miles

Councilmember Margaret Herzog



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 9

TO: Town Council of Town of Loxahatchee Groves

FROM: Francine Ramaglia, Town Manager

DATE: December 5, 2023

SUBJECT: Consideration of *Ordinance No. 2023-08* regarding adoption of Florida Building Code and Fire Prevention Code on First Reading

Background:

Every three years in accordance with state statutes the Florida Building Commission reviews and adopts revisions to the Florida Building Code. The Florida Building Code 8th Edition (2023) is effective December 31, 2023. The Town has an opportunity to adopt local amendments to the administrative chapter of the Building Code.

The proposed ordinance adopts the Florida Building Code 8th Edition, the 2020 National Electric Code and the Florida Fire Prevention Code. In addition, it incorporates a local administrative code for the Building Code which incorporates references to Town's ULDC Article 65- Agricultural and Agritourism Uses, Article 87 – Native Tree Preservation and Invasive Exotic Removal and Article 175 – Floodplain Management. The ordinance also includes local amendments recommended by chief building officials throughout Palm Beach County including the Town's new building official.

As referenced in a whereas clause to the ordinance, it is important to remember, that the building code is designed for the entire State of Florida and has references to buildings and structures which may not necessarily be permitted or exist in a given municipality. The reference to such a building or structure does not mean such building or structure is permitted or contemplated within the Town, as all development must comply with the Town's land use and zoning regulations.

Recommendation:

Move that Town Council approve *Ordinance No. 2023-08* regarding the adoption of the Florida Building Code and Fire Prevention Code on first reading.

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING ITS CODE OF ORDINANCES BY REPEALING ARTICLE I “GENERAL” OF CHAPTER 10 “BUILDINGS AND BUILDING REGULATIONS” IN ITS ENTIRETY; ENACTING A NEW ARTICLE I “GENERAL” OF CHAPTER 10 “BUILDINGS AND BUILDING REGULATIONS” REGARDING ADOPTION OF THE FLORIDA BUILDING CODE AND LOCAL AMENDMENTS, THE 2020 NATIONAL ELECTRICAL CODE AND THE FLORIDA FIRE PREVENTION CODE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

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

WHEREAS, Chapter 553 Florida Statutes was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation, and enforcement of a single, unified state building code, to be called the Florida Building Code; and

WHEREAS, the Florida Building Code Commission has produced an updated version of a single set of documents that apply to the design, construction, erection, alteration, modification, repair or demolition of public buildings, structures, or facilities in this state and to the enforcement of such requirements and which will allow effective and reasonable protection for public safety, health and general welfare for all the people of Florida at the most reasonable cost to the consumer; and

WHEREAS, the Florida Legislature has adopted legislation implementing the Florida Building Code 8th Edition (2023) effective December 31st, 2023; and

WHEREAS, the Town desires to formally adopt the Florida Building Code, as the regulatory code for building within the Town; and

WHEREAS, the Town desires to amend and supplement the Florida Building Code through the adoption of local amendments thereto as authorized by Section 553.73(4)(a), Florida Statutes; and

WHEREAS, the Town desires to adopt the 2020 National Electric Code and the Florida Fire Prevention Code; and

WHEREAS, the reference to a particular building type or size of building in the Florida Building Code does not mean that such building type or size is allowed within the Town as all

buildings other than non residential farm buildings are subject to the Town’s land use and zoning regulations; and

WHEREAS, the Town Council has determined that the enactment of this ordinance is for a proper municipal purpose and in the best interests of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby repeals Article I “General” of Chapter 10 “Buildings and Building Regulations” of the Code of Ordinances of the Town of Loxahatchee Groves in its entirety and enacts a new Article I “General” of Chapter 10 “Buildings and Building Regulations” of the Code of Ordinances of the Town of Loxahatchee Groves to read as follows:

ARTICLE I – GENERAL

Sec. 10-1. –Loxahatchee Groves Codes.

- (a) Authority. This article is promulgated pursuant to Chapter 553, Florida Statutes.
- (b) Codes adopted by reference. The following, codes are adopted and shall be enforced by reference and as may be amended by this article.
 - (1) The group of codes known as the Florida Building Code 8th Edition (2023).
 - a. Building.
 - b. Accessibility.
 - c. Residential.
 - d. Existing buildings.
 - e. Plumbing.
 - f. Fuel Gas.
 - g. Mechanical.
 - h. Energy Conservation
 - (2) 2020 National Electrical Code.
 - (3) Florida Fire Prevention Code.

Sec. 10-2. – Loxahatchee Groves Building Code Administrative Code.

The purpose of the Loxahatchee Groves Building Code Administrative Code is to provide for a means of properly enforcing the codes adopted by reference in section 10-1. Loxahatchee Groves Building Code Administrative Code is based on Chapter 1 “Administrative” of the Florida Building code and includes local amendments to said Part 1 and Part 2 of the Chapter and therefore should be read in lieu of Chapter 1 “Scope and Administration” of the Florida Building Code.

CHAPTER 1 SCOPE AND ADMINISTRATION
PART 1—SCOPE AND APPLICATION

SECTION 101

SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the Florida Building Code hereinafter referred to as "this code".

101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures as herein amended by the Town of Loxahatchee Groves.

Exceptions:

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

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

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

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

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

101.3.2 Warranty and Liability. The permitting plan review or inspection of any building, system, or plan by the Town of Loxahatchee Groves, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system, or plan, or their adequacy. The Town of Loxahatchee Groves shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no building department employee shall be liable in tort for damage from such conditions, in accordance with Section 768.28, Florida Statutes, as may be amended or replaced.

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

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

101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system, or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no Building Division employee shall be liable in tort for damage from such conditions, in accordance with Section 768.28 Florida Statutes, as may be amended or replaced.

101.4 Referenced codes. The codes listed in Sections 101.4.1 through 101.4.12 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. The provisions of this code shall apply to all property within the Town of Loxahatchee Groves, including but not limited to filling, grading, site improvements, utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities, including those that are otherwise exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

101.4.1 Gas. The provisions of the Florida Building Code, Fuel Gas Volume shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems

extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the Florida Building Code, Mechanical Volume shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air- conditioning and refrigeration systems, incinerators and other energy-related systems.

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

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

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

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

101.4.7 Manufactured buildings. For additional administrative and special code requirements, see section 458, Florida Building Code, Building, and Rule 61-41 Florida Administrative Code.

101.4.8 Electrical. The provisions of Chapter 27 of the Florida Building Code, Building Volume and Part VIII - Electrical, of the Florida Building Code Residential Volume, 8th Edition (2023) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

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

101.4.10 Article 65 – Agricultural and Agritourism Uses. The Town of Loxahatchee Groves Unified Land Development Code (ULDC) shall be considered part of the requirements of this code relative to agricultural and agritourism uses. Conflicting requirements between the Florida Building Code and Article 65 of the ULDC shall be resolved in favor of the stricter provision. The provisions of this section shall apply to all property within the Town of Loxahatchee Groves. No person may be provided regulatory relief for agricultural or agritourism uses unless the applicable provisions of Article 65 have been addressed.

101.4.11 Article 87 - Native Tree Preservation And Invasive Exotic Removal. The ULDC shall be considered part of the requirements of this code relative to native tree preservation, invasive exotic removal, and land clearing. Conflicting requirements between the Florida Building Code and Article 87 of the ULDC shall be resolved in favor of the requirement that offers the greatest degree of native tree preservation and stabilization of exposed soil surface areas. The provisions of this section shall apply to all property within the Town of Loxahatchee Groves. No person may conduct a tree removal operation or grubbing or speculative clearing of lots without a permit.

101.4.12 Article 175 – Floodplain Management. The ULDC shall be considered part of the requirements of this code relative to flood control. Conflicting requirements between the Florida Building Code and Article 175 of the ULDC shall be resolved in favor of the requirement that offers the greatest degree of flood damage prevention or alternatives that would provide an equivalent degree of flood damage prevention and an equivalent method of construction. The provisions of this section shall apply to all property within the Town of Loxahatchee Groves. No person may proceed with permitting of any kind unless the provisions of Article 175 have been addressed.

SECTION 102 APPLICABILITY

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

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

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

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

2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
3. Is not connected to an off-site electric power or water supply.
 - (l) Service providers of water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure. Additional telecommunication exemptions may be found in Section 489.503(14), Florida Statutes.
 - (m) A drone port as defined in s. 330.41(2).

However, these structures may be subject to local zoning and/or land development regulations.

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

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

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

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

the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

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

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

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:

- (a) Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m²) or the square footage of the primary structure, whichever is less.
- (b) Addition, alteration, or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
- (c) Building and inspection fees.

2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.

3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.

4. Each enforcement district or local enforcement agency may establish an alternative permitting program for replacing nonstructural components of building systems in a residential dwelling unit. A licensed contractor performing such work for the resident shall also be exempt from individual permits and inspections if either the owner or the licensed contractor obtains a valid Annual Permit per Section 105.1.1 of this code and all such work is reported as required in Section 105.1.2 of this code for compliance evaluation. No added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision.

102.2.6 This section does not apply to traditional swings and other standard

playground equipment accessory to a one or two-family dwelling, as determined by the building official. Exempt structures covered under this section may still be subject to zoning permits.

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code or Part VIII, Electrical, of the Florida Building Code Residential Volume, 8th Edition (2023), as applicable.

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

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

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

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

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

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this section, or the Florida Fire Prevention Code, or 2021 Property Maintenance Code as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

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

102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change except as otherwise specifically provided in this code, the Florida Building Code, Existing Building Volume; Florida Fire Prevention Code; the adopted International Property Maintenance Code; the codes referenced in Section 101.4 of this code; or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

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

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

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103 BUILDING DIVISION

103.1 Creation of enforcement agency. The Building Division is hereby created and the official in charge thereof shall be known as the building official. All code officials employed by the division shall be certified in accordance with Chapter 468, Florida Statutes.

103.2 Appointment. The building official shall be appointed by the Town Manager.

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

103.4 Restrictions on employees. An employee connected with the department, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he/she is the owner of such. This employee shall not engage in any other work which is inconsistent with his/her duties or conflict with the interests of the department, or which violates Section 112.313, Florida Statutes, or the Palm Beach County Code of Ethics.

SECTION 104 DUTIES AND POWERS OF THE BUILDING OFFICIAL

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

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

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or R322 of this code, and Article 175 - Floodplain Management of the ULDC.

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

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

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

104.6 Right of entry.

104.6.1 Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or

premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.6.2 When the building official obtains a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of the structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official for the purpose of inspection and examination pursuant to this code.

104.7 Department records. The building official shall keep official records of applications received, permits, and certificates issued, fees collected, reports of inspections, and notices issued. Such records shall be retained in the official records for the period required for retention of public records per Chapter 119, Florida Statutes.

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

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

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

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

104.10 Modifications to find. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict

letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department.

104.10.1 Flood hazard areas. Modifications in flood hazard areas may only be granted in accordance with Article 175, - Floodplain Management of the ULDC.

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

1. The alternative material, design or method of construction is satisfactory and complies with the intent of the provisions of this code.
2. The material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code as it pertains to the following:

- 2.1 Quality
- 2.2 Strength
- 2.3 Effectiveness
- 2.4 Fire Resistance
- 2.5 Durability
- 2.6 Level of Sanitation
- 2.7 Safety

The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

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

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

period required for retention of public records.

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

SECTION 105 PERMITS

105.1 Required. Any contractor, owner, or agent authorized in accordance with Chapter 489, Florida Statutes, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building tenancy or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical, fire protection or plumbing system, or accessible or flood resistant site element, the installation of which is regulated by this code, or Article 175, - Floodplain Management of the ULDC to cause any such work to be done, shall first make application to the building official and obtain the required permit.

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

105.1.2 Annual facility permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated. The building official is authorized to revoke such permit and deny future permits, if code violations are found to exist.

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

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

Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code and requirements of Article 175, - Floodplain Management of the ULDC. As determined by the building official, permits shall not be required for the following:

Building:

1. Cabinets and countertops with no reconfiguration for 1&2 Family Dwellings, papering, tiling, carpeting, and similar finish work, with no electrical or plumbing work.
2. Temporary motion picture, television, and theater sets and scenery.
3. Traditional swings and other standard playground equipment accessory to detached one- and two-family dwellings, as determined by the building official, but they may be subject to Zoning permits.
4. Retractable awnings supported by an exterior wall and do not require additional support or electric in Groups R-3 and U occupancies, but they may be subject to Zoning permits.
5. Non fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

Gas:

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

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Portable self-contained refrigeration system containing 10 pounds (4.54 kg) or

less of refrigerant and actuated by motors of one horsepower (746 W) or less.

8. The installation, replacement, removal or metering of any electrical load management control device where installed by a utility service provider.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. The replacement of common household plumbing fixtures to existing supply lines and sanitary connections in 1&2 Family Dwellings. This does not include water heaters bathtubs, and showers.

Electrical:

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of *approved* portable electrical equipment to *approved* permanently installed receptacles, or repair and replacement of like for like common household electrical fixtures, switches, and outlets on the load side of the electrical source.
2. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and installations of towers and antennas, except as exempted by Section 489.503(14), Florida Statutes.
3. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official. Prior notification shall be given to the building official including the work address, nature of emergency and scope of work immediately in person or via email or voice mail.

105.2.2 Minor repairs. Ordinary minor repairs may be made with the prior approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or

load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

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

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

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

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

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

105.3.1 Action on application. Except for applications filed without the prerequisite fees, the building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. No review will be performed prior to receipt of required submittal fees. If submittal fees are not paid within ten (10) days of receipt of an application, the application shall become null and void. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with a

school board, in acting on applications for permits, the building official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

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

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

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

an installing air- conditioning contractor certified under Chapter 489, Florida Statutes, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

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

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

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

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

Exception:

Simplified permitting process for fire alarm projects.

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

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

- b) "Contractor" means a person who:

1. Is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under Part II of Chapter 489, Florida Statutes; or
2. Is qualified to engage in the business of fire protection system contracting pursuant to a license or certificate issued by the State Fire Marshal.

- c) "Fire alarm system projects" means a fire alarm system alteration

of a total of 20 or fewer initiating devices and notification devices, or the installation or replacement of a fire communicator connected to an existing fire alarm control panel in an existing commercial, residential, apartment, cooperative, or condominium building.

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

- 2) **a)** A local enforcement agency may require a contractor, as a condition of obtaining a permit for a fire alarm system project, or fire sprinkler system project, to submit a completed application and payment.
b) A local enforcement agency may not require a contractor to submit plans or specifications as a condition of obtaining a permit for a fire alarm system project or fire sprinkler system project.
- 3) A local enforcement agency must issue a permit for a fire alarm system project or fire sprinkler system project in person or electronically.
- 4) A local enforcement agency must require at least one inspection of a fire alarm system project or fire sprinkler system project to ensure compliance with applicable codes and standards. If a fire alarm system project or fire sprinkler system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
- 5) **a)** For a fire sprinkler alarm system project, a contractor must keep a copy of the plans and specifications at a fire alarm system project worksite and make such plans and specifications available to the inspector at each inspection.
b) For a fire sprinkler system project to alter an existing fire protection system, a contractor must keep a copy of the plans and specifications at the fire sprinkler system project worksite and make such plans and specifications available to the inspector at each inspection.
c) For a fire sprinkler system project to install or replace a component, a contractor must keep a copy of the manufacturer's installation instructions and any pertinent testing instructions needed to certify or accept the component at the fire sprinkler system project worksite and make such documents available to the inspector at each inspection.

5. Electrical documents. See Section 471.003(2)(h), Florida Statutes. Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. Any system which:
1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value greater than \$125,000; and
 - 2.a. Requires an aggregate service capacity of greater than 600 amperes (240 volts) on a residential electrical system or greater than 800 amperes (240 volts) on a commercial or industrial electrical system;
 - b. Requires a plumbing system with more than 250 fixture units; or
 - c. Requires a heating, ventilation, and air-conditioning system which exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate more than 100 persons.

Documents requiring an engineer seal by this part shall not be valid unless professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, Florida Statutes

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

105.3.1.3 Reviewing application for building permit.

1. When reviewing an application for a building permit, a local government may not request additional information from the applicant more than three times, unless the applicant waives such limitation in writing.
2. If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 15 days after receiving such information:
 - a. Determine if the application is properly completed
 - b. Approve the application
 - c. Approve the application with conditions
 - d. Deny the application; or
 - e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.
3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the

request, the local government must, within 10 days after receiving such information:

- a. Determine if the application is properly completed
 - b. Approve the application
 - c. Approve the application with conditions
 - d. Deny the application or
 - e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application
4. Before a third request for additional information may be made, the applicant must be offered an opportunity to meet with the local government to attempt to resolve outstanding issues. If a local government makes a third request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information unless the applicant waived the local government's limitation in writing, determine that the application is complete and:
- a. Approve the application
 - b. Approve the application with conditions or
 - c. Deny the application
5. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, must process the application and either approve the application, approve the application with conditions, or deny the application.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned and becoming null and void after 180 days of no activity, abandonment or failure to respond to requested corrections occurs during the application process after the date of filing unless such application has been pursued in good faith or permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing prior to the abandonment date, with justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law. The fee for extension of a permit application shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit application extensions.

105.3.3 An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition unless the permit

either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county such as the requirement for Home or Property Owners Association approval and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies."

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

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

105.3.6 Asbestos removal contractor exemption. Refer to Section 105.9 for additional requirements. A licensed asbestos removal contractor is not required when moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph and Chapter 489.103(7), Florida Statutes. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

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

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

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

105.3.9 Public right-of-way. A permit shall not be issued by the building official for the construction, alteration, or relocation of any building, structure, or system impacting any street, alley or public lane, unless the applicant has received a right-of-way permit from the authority having jurisdiction over the right of way.

105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other federal, state and local laws ordinance, codes and regulations. Permits presuming to give authority to violate or cancel the provisions of this code or of any other federal, state and local laws ordinances codes and regulations shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data, requiring corrections to work already performed, and/or revocation of the permit. No deviations from the permit may be made without prior written authorization. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other federal, state and local laws, ordinances, codes and regulations.

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

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

105.4.1.2 If a new permit, or revalidation (renewal) of the original permit, is not obtained within six months from the date the initial permit became null and void, the

building official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternatively, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within six months. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process, or due to action by an environmental or archeological agency having jurisdiction. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than three (3) months each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

105.4.1.4 The fee for renewal, reissuance and extension of a permit shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit extensions and renewals.

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

105.5 Expiration. Every *permit* issued shall become inactive or expired pursuant to Section 105.4.1 of this code, and shall be renewed pursuant to Section 105.4.1.1 of this code before the work may resume. Permits that remain inactive or expired for more than six months shall lose all rights vested in the permit pursuant to Section 105.4.1.2 of this code. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than six months each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the building official.

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

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary

inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.

2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.
3. If a building permit is inactive or expired and its requirements have been substantially completed and no life safety issues exist, as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term "close" means that the requirements of the permit have been satisfied.

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

105.5.3 For the purposes of this subsection, an open permit shall mean a permit that has not satisfied all requirements for completion as defined in 105.5.2.

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

105.6.1 Arms Length Purchaser - Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize sanction or assess fees against an arm's-length purchaser of a property for value solely because a building permit applied for by a

previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

105.6.2 Discipline - Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed. However, the local enforcement agency shall maintain all other rights and remedies against the contractor listed on the permit(s), including, but not limited to, potential referral to the appropriate licensing authority for potential discipline.

105.6.3 Misrepresentation of application. The building official may revoke a permit or approval, issued under the provisions of this code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

105.6.4 Violation of code provisions. The building official may require correction or revoke a permit upon determination by the building official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

105.7 Placement of permit. The building permit and approved construction documents shall be kept on the site of the work in a conspicuous place. The permit shall be protected from the weather and located in such position as to permit the building official or representative to conveniently make the required entries thereon. The permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the building official.

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

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

Refer to Section 105.3.6 "Asbestos Removal Contractor Exemption" of this code for additional requirements.

105.10 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, supplying one copy for the person the permit is issued to and another copy for the treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval. For a bait system, see Section 1816.1.7 of the Florida Building Code for contract document requirements.

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

105.12 Work starting before permit issuance. Upon written request and written approval of the building official, the scope of work delineated in the building permit application and plan may be started prior to the final approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection. This provision only applies to Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

105.13 Phased permit approval. After submittal of the appropriate construction documents, the building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's and owner's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes. This provision only applies to the Florida Building Code, all other agency approvals necessary for construction must be secured prior to this provision being applied.

105.14 Permit issued on basis of an affidavit. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the building official, are hazardous or complex, the building official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and

upon completion make and file with the building official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the building official. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part **XII** of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the building official (See also Section 107.6).

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

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

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

105.16 Inspection of existing residential building not impacted by construction.

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

administrator, inspector, or other official or entity, from:

1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20 through 933.30, Florida Statutes.

105.17 Streamlined low-voltage alarm system installation permitting.

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

(a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under Part II of Chapter 489, Florida Statutes.

(b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in Section 489.505, Florida Statutes, including video cameras and closed-circuit television systems used to signal or detect a burglary, fire, robbery, or medical emergency, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, current edition, or a new or existing low-voltage electric fence. The term also includes ancillary components or equipment attached to a low-voltage alarm system, or low-voltage electric fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.

(c) "Low-voltage electric fence" means an alarm system, as defined in Section 489.505, Florida Statutes, that consists of a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.

(d) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired

(2) Notwithstanding any provision of this Code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.

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- (3) A low-voltage electric fence must meet all of the following requirements to be permitted as a low-voltage alarm system project and no further *permit* shall be required for the low-voltage alarm system project other than as provided in this section:
- a. The electric charge produced by the fence upon contact must not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission Standard No. 60335-2-76, Current Edition.
 - b. A nonelectric fence or wall must completely enclose the low-voltage electric fence. The low-voltage electric fence may be up to 2 feet higher than the perimeter nonelectric fence or wall.
 - c. The low-voltage electric fence must be identified using warning signs attached to the fence at intervals of not more than 60 feet.
 - d. The low-voltage electric fence shall not be installed in an area zoned exclusively for single-family or multi-family residential use.
 - e. The low-voltage electric fence shall not enclose the portions of a property which are used for residential purposes.
- (4) This section does not apply to the installation or replacement of a fire alarm if a plan review is required.
- (5) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in Section 553.793, Florida Statutes. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.
- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
 - (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (6) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
- (7) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
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- (8) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of Section 553.793(7), Florida Statutes.
- (9) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system project may be inspected by the local enforcement agency to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
- (10) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
- (11) A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.

The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of Chapter 489, Florida Statutes.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices. For residential construction where roof trusses have been designed for 30 psf for light attic storage, a permanent sign shall be posted in the attic area at final building inspection.

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

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

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in approved format with each permit application in accordance with Section 553.79, Florida Statutes. The construction documents shall be prepared by a registered design professional where required by the Chapter

471, Florida Statutes or Chapter 481, Florida Statutes & 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. Electronic media documents shall be submitted when required by the building official, in a format acceptable to the building official, and may require only one set of submittals.

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

If the design professional is an architect, interior designer, or engineer legally registered under the laws of this state regulating the practice of architecture or interior design as provided for in Chapter 481, Florida Statutes, Part I, or landscape architecture as provided for in Chapter 481, Florida Statutes, Part II, or engineering as provided for in Chapter 471, Florida Statutes, then he or she shall affix his or her official seal to said drawings, specifications and accompanying data, as required by Florida Statutes.

107.2 Construction documents. Construction documents shall be in accordance with Sections 107.2.1 through 107.2.6.

107.2.1 Information on construction documents. Construction documents shall be dimensioned and prepared as electronic media documents and submitted in the format approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design. (see also Section 107.1).

107.2.1.1 For roof assemblies required by the code, the construction documents shall illustrate, describe and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer certifying suitability for the specific site must be submitted with the construction documents.

107.2.1.2 Additional data. The building official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the building official to be prepared by an architect or engineer shall be

affixed with their official seal, signature and date as state law requires.

107.2.1.3 Quality of building plans. Building plans shall be drawn to a minimum 1/8-inch scale. The building official may establish through departmental policy, standards for plans and specifications, including electronic format in order to provide conformity to its electronic permit review and record retention program. This policy may include such things as minimum and maximum sizes, shape, contrast, clarity, electronic format, or other items related to records management. Electronic media must be compatible with the archive requirements of Florida Statutes.

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

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

107.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

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

107.2.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines and between buildings, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in

accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The site plan shall include accessible parking and accessible routes as required by the FBC Accessibility when applicable. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

107.2.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1. *Design flood* elevations shall be uniformly specified utilizing the currently effective NAVD 88.

107.2.6.2 For the purpose of inspection and record retention, site plans for a building shall be maintained at the worksite in a form acceptable to the building official. These plans must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code.

107.2.7 Structural information. The construction documents shall provide the information specified in Section 1603 of this code and include shoring details, where applicable, for new construction and alterations. Where construction includes excavation, shoring details shall demonstrate protection of the angle of repose for foundation systems of existing adjacent structures.

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

Exceptions:

1. Building plans approved pursuant to Section 553.77(5), Florida Statutes, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly (including utility crossover connections) and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to 9B-1.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the building official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

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

107.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 6 months after the effective date of this code and has not been abandoned.

107.3.3 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. This provision only applies to the Florida Building Code; all other agency approvals necessary for construction must be secured prior to this provision being applied.

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

The registered design professional in charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Those products

which are regulated by 61G20, Florida Administrative Cod shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

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

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

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

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

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

Commercial Buildings:

107.3.5.1.1 Building:

1. Site requirements:
Parking

Fire access Vehicle loading
 Driving/turning radius
 Fire hydrant water supply/post indicator valve (PIV)
 Set back/separation (assumed property lines)
 Location of specific tanks, water lines and sewer lines
 Flood hazard areas, flood zones, and design flood elevations

2. Occupancy group and special occupancy requirements shall be determined (cross check with the energy code submittal).
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fire blocking and draftstopping and calculated fire resistance
5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Pre-engineered systems
 - Riser diagram
6. Life safety systems shall be determined and shall include the following requirements:
 - Occupant load and egress capacities
 - Early warning
 - Smoke control
 - Stair pressurization
 - Systems schematic
 - Safeguards during construction, as applicable
7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs

Specific occupancy requirements
Construction requirements
Horizontal exits/exit passageways

8. Structural requirements shall include:
- Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope (including Section 107.2.4)
 - Impact resistant coverings or systems
 - Structural calculations (if required)
 - Foundation
 - Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials
 - Wall systems
 - Floor systems
 - Roof systems
 - Threshold inspection plan
 - Stair systems
9. Materials shall be reviewed and shall at a minimum include the following:
- Wood
 - Steel
 - Aluminum
 - Concrete
 - Plastic
 - Glass
 - Masonry
 - Gypsum board and plaster
 - Insulating (mechanical)
 - Roofing
 - Deck coatings
 - Insulation
 - Building envelope portions of the Energy Code (including calculation and mandatory requirements)
10. Accessibility requirements shall include the following:
- Site requirements
 - Accessible route
 - Vertical accessibility
 - Toilet and bathing facilities
 - Drinking fountains

Equipment
Special occupancy requirements
Fair housing requirements

11. Interior requirements shall include the following:
Interior finishes (flame spread/smoke development)
Light and ventilation (including corresponding portion of the energy code)
Sanitation
12. Special systems:
Elevators
Escalators
Lifts
13. Commercial Energy Code submittal
14. Swimming pools:
Barrier requirements
Spas
Wading pools
15. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

107.3.5.1.2 Electrical:

1. Electrical:
Wiring
Services
Feeders and branch circuits
Overcurrent protection
Grounding
Wiring methods and materials
GFCIs
Electrical portions of the Energy Code (including calculation and mandatory requirements)
2. Equipment
3. Special occupancies
4. Emergency systems
5. Communication systems

6. Low voltage
7. Load calculations
8. Design flood elevation

107.3.5.1.3 Plumbing

1. Minimum plumbing facilities
 2. Fixture requirements
 3. Water supply piping
 4. Sanitary drainage
 5. Water heaters
 6. Vents
 7. Roof drainage
 8. Back flow prevention
 9. Irrigation
 10. Location of water supply line
 11. Grease traps
 12. Environmental requirements
 13. Plumbing riser
 14. Design flood elevation
 15. Water/plumbing requirements of the Energy Code (including calculation and mandatory requirements)

107.3.5.1.4 Mechanical

1. Mechanical portions of the Energy Calculations
2. Exhaust systems:
 - Clothes dryer exhaust
 - Kitchen equipment exhaust
 - Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation

-
9. Combustion air
 10. Chimneys, fireplaces and vents
 11. Appliances
 12. Boilers
 13. Refrigeration
 14. Bathroom ventilation
 15. Laboratory
 16. Design flood elevation
 17. Smoke and/or Fire Dampers

107.3.5.1.5 Gas

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

107.3.5.2 Demolition

1. Asbestos removal

107.3.5.3 Residential (One and Two-Family)

1. Site requirements
Drainage Plan (professionally prepared as determined by the building official)
Set back/separation (assumed property lines)
Location of septic tanks
2. Fire-resistant construction and fire protection systems (if required)
3. Smoke and/or carbon monoxide alarm detector locations

-
4. Egress
Egress window size and location stairs construction requirements
 5. Structural requirements shall include:
Wall section from foundation through roof, including assembly and materials connector tables wind requirements, and structural calculations (if required)
Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
Termite protection
Design loads
Wind requirements
Building envelope
Structural calculations (if required)
Foundation
Wall systems
Floor systems
Roof systems
 6. Accessibility requirements: show/identify accessible bath
 7. Impact resistant coverings or systems
 8. Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
 9. Electrical:
Electric service riser with wire sizes, conduit detail and grounding detail.
Complete load calculations, Panel schedules
 10. Mechanical:
Equipment and location, Duct systems
 11. Plumbing: Plumbing riser
 12. Gas:
Gas piping
Venting
Combustion air
Chimneys and vents
Appliances
Type of gas
Fireplaces
LP tank location
Riser diagram/shutoffs
 13. Residential Energy Code submittal (including calculations and mandatory requirements)
-

14. Swimming Pools:

Barrier requirements

Spas

Wading pools

Manufactured buildings/housing -

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

107.3.5.4 Exemptions:

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

1. Replacing existing equipment such as mechanical units, water heaters, etc. (as determined by the building official)
2. Minor electrical, plumbing, and mechanical repairs
3. Annual maintenance permits
4. Prototype plans: except for local site adaption, siding, foundations and/or modifications. Except for structures that require waiver.
5. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed below in manufactured buildings/housing.

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

107.5 Retention of construction documents. One set of approved construction documents shall be retained by the building official as required by state or local laws.

107.6 Affidavits. The building official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The building official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the building official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the building official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The building official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the building official (See also Section 105.14). On applications in which private provider services are utilized, all time frames shall adhere to time frames as indicated in Section 553.791 7(a), Florida Statutes.

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

107.6.2 Affidavits provided pursuant to Section 553.791, Florida Statutes. For a building or structure in a flood hazard area, the building official shall review any affidavit certifying compliance with the flood load and flood-resistant construction requirements of the Florida Building Code.

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

information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

SECTION 108 TEMPORARY STRUCTURES AND USES

108.1 General. The building official is authorized to require a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than six months. The building official is authorized to grant extensions for demonstrated cause.

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

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

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

SECTION 109 FEES

109.1 Payment of Fees. An application shall not be valid and shall not be reviewed until the applicable fees prescribed by law have been paid. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. A fee for each required permit shall be paid as required, in accordance with the schedule adopted by Resolution of the Town Council.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. For permitting purposes, permit valuations shall include total replacement value of work, including materials and labor, for which the permit is being issued, such as structural, electrical, gas, mechanical, plumbing equipment, interior finish, related site work, architectural and design fees, marketing costs, overhead, and profit, excluding only land value. Valuation references may include the latest published data of national construction cost analysis services, such as Marshall-Swift, Means, etc., or as published by the International Code Council. If, in the opinion of the building official, the

valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed quantity estimates, or bona fide signed contracts, acceptable to the building official. Final building permit valuation shall be set by the building official.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the building official as permitted in Section 105.2.2 or 105.12 shall be subject to a penalty fee in addition to the required permit fees, as set in the approved schedule of fees. Violations of this article are subject to enforcement pursuant to Section 553.79, Florida Statutes, Chapter 14 of the Loxahatchee Groves Code, and Chapter 1 of the Florida Building Code, as adopted and amended herein. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases, the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge a penalty fee. The payment of a penalty fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The building official may grant extensions of time or adjust penalties when justifiable cause has been demonstrated in writing.

109.6 Refunds. Permit fees are non-refundable, except pursuant to Section 145-025 of the Loxahatchee Groves Code and Section 553.792, Florida Statutes.

SECTION 110 INSPECTIONS

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

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

110.1.2 Other inspections services. The building official may make, or cause to be made the inspections required by Section 1109 of this code. He/she may accept reports of department inspectors, independent inspectors or recognized inspection services, provided that after investigation he/she is satisfied as to their qualifications and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are certified by the building code inspector or the architect or engineer performing

building code inspections in a manner specified by the building official. The building official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

The building official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I construction
2. For all major structural alterations
3. Where the concrete design is based on compressive strength in excess of 3000 pounds per square inch
4. For pile driving
5. For buildings with area greater than 20,000 square feet
6. For buildings more than two (2) stories in height; or
7. For buildings and structures of unusual design or methods of construction

Such inspectors shall be present when work is underway on the structural elements of the building to adequately attest to its compliance. Such inspectors shall be a registered, architect, or engineer. An employee of the architect or engineer licensed under Chapter 468, Part XII, Florida Statutes, may perform the inspections, under the direction of and with final certification from the architect or engineer. Such inspectors shall submit weekly progress reports including the daily inspections to the building official, and including a code compliance opinion of the Resident Inspector.

At the completion of the construction work or project, the architect or engineer shall submit a certificate of compliance to the building official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the building official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

110.1.3 Affidavit for inspection. With specific prior approval of, and in a format acceptable to the building official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector prior to or at the next scheduled inspection. If the photographs are found to be insufficient

by the building official to demonstrate compliance with this code and/or the permitted document, or clearly display location identifiers, or are missing, the contractor may be required to obtain the services of a Registered Florida Design Professional to inspect and certify the installation and/or construction. Inspection by Registered Florida Design Professional shall be in person and certification by Registered Florida Design Professional shall be accompanied by new extensive photographic evidence of sufficient detail to demonstrate code compliance.

110.1.3.1 **Exception:** Affidavits may not be accepted for inspection of elements of construction which require inspection by the local jurisdiction under the requirements of Title 44, Code of Federal Regulations, Parts 59 and 60, and Article 175 of the ULDC

110.2 Preliminary inspection. Subject to the limitations of Chapter 553.79(20), Florida Statutes, before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.2.1 Existing building inspections. Before issuing a permit, the building official may examine or cause to be examined any building, electrical, gas, mechanical, or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. The building official may inspect the buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, before, during and upon completion of the work for which a permit was issued. The building official shall make a record of every such examination and inspection and of all observed violations of the technical codes. Additional regulations in Florida Building Code, Existing Building Volume, may apply.

110.3 Required inspections. The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and such other inspections as deemed necessary, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. A complete survey, or special purpose survey may be required before an inspection is approved.

A. Building:

1. Foundation inspection. To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:

- Stem-wall
- Monolithic slab-on-grade
- Piling/pile caps
- Footers/grade beams

1.1. Slab/Floor Inspection: Concrete slab and under-floor inspections shall be

made after in-slab or under-floor reinforcing steel or framing members installed and all building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

- 1.2. A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.
- 1.3. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 of the Florida Building Code, Building and Section R322 of the Florida Building Code, Residential, shall be submitted to the building official.

2. Shell Inspections:

- 2.1. **Lintel/tie beams/columns/masonry units.** To be made after masonry units, forms, reinforcing steel, shoring, conduit, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed.
- 2.2. **Sheathing inspection.** To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - Roof sheathing
 - Wall sheathing
 - Floor sheathing
 - Continuous air barrier
 - Sheathing fasteners
 - Roof/wall dry-in
 - Gypsum board, as required
 - Sheathing/cladding inspection

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

Exception: ring-shank nails shall be bent over and new fastener installed.

- 2.3. **Roofing inspection.** Shall at a minimum include the following building components:
 - Dry-in
 - Insulation (according to submitted energy calculations)

- Roof coverings (including in-progress)
- Flashing

Re-Roof Sheathing Inspection is required prior to application of the roof covering.

2.4. Framing inspection. To be made after the roof deck or sheathing, all framing, fireblocking and bracing is in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are *approved*, and shall at a minimum include the following building components:

- Window/door framing and installation. Verify rough opening dimensions are within tolerances, buck and attachments
- Window U-factor/SHGC as indicated on approved energy calculations
- Window/door buck attachment
- Vertical cells/columns complete, if applicable
- Lintel/tie beams complete, if applicable
- Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
- Draft stopping/fire blocking
- Curtain wall framing
- Fire resistant assemblies, joints and penetrations, as required
- Lath, as required
- Accessibility

2.5. Insulation inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal. Includes wall and ceiling insulation, thermal and ignition barriers.

2.6. Lath/Drywall, as required Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly in a single-family dwelling, unless otherwise determined by the building official.

2.7. Exterior wall coverings. Shall at a minimum include the following building components in progress inspections:

- Exterior wall coverings and veneers
- Soffit coverings

3. Final inspection. To be made after the building is completed, all sub-trade inspections have passed and the structure is ready for occupancy.

3.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation or the elevation to which a building is dry floodproofed, as applicable, shall be submitted to the authority having jurisdiction.

4. Swimming pool inspection.

4.1. First inspection to be made after excavation and installation of reinforcing steel, bonding and main drain and prior to placing of concrete shell.

4.2. Underground electric inspection

4.3. Perimeter piping inspection/pressure test to be made prior to backfill and preparation of the pool deck (if any).

4.4. Light niche/wet niche inspection. To inspect the bonding of underwater light fixtures prior to filling the pool with water.

4.5. Pool deck inspection to be made prior to placing concrete in the pool deck with all required bonding connections completed.

4.6. Final electric inspection to be made prior to filling the swimming pool with water.

4.7. Final permanent barrier inspection to be made prior to filling the swimming pool with water

4.8. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 424.2.17 and R4501.17 of this code.

5. Demolition inspections.

First inspection (pre-demolition) to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations.

Final inspection to be made after all demolition work is completed.

6. Manufactured building inspections.

The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the Florida Building Code. (See also Section 107.3.5 Manufactured/Modular Buildings) Additional inspections may be required for public educational facilities (see Section 423.27.20).

7. Impact-resistant coverings.

Where impact resistant coverings or impact resistant systems are installed the building official shall perform inspections at the request of the applicant, on all impact-resistant coverings or impact resistant systems to determine the following:

The system indicated on the plans was installed.

The system is installed in accordance with the manufacturer's installation instructions and the product approval.

B. Electrical:

- 1.** Underground inspection. To be made after trenches or ditches are excavated, conduit or cable is installed, and before any backfill is put in place.
- 2.** Rough-in inspection. To be made after the building is dried-in, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.
- 3.** Low Voltage. To be made for security, alarm, elevator, and special uses prior to being covered from view.
- 4.** Power release inspection. To be made after building electrical system is substantially complete, or completed in phases, with all circuitry installed and electrical fixtures and devices in place, or properly tagged and safed-off.
- 5.** Final inspection. To be made after the building electrical system is complete, all required electrical fixtures are in place and properly connected, tested and the structure is ready for occupancy
- 6.** Existing Swimming Pools. To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

C. Plumbing:

- 1.** Underground inspection. To be made after trenches or ditches are excavated, piping is installed, and before any backfill is put in place.
- 2.** Rough-in inspection. To be made after the roof, framing, fire blocking and

bracing is in place and all soil, waste, vent, water, and other piping is complete, and prior to this installation of wall or ceiling membranes. Includes plumbing provisions of the energy code and approved energy calculations provisions.

3. Final inspection. To be made after the building plumbing system is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

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

D. Mechanical:

1. Underground inspection. To be made after trenches or ditches are excavated, underground duct and fuel piping is installed, and before any backfill is put in place.

2. Rough-in inspection. To be made after the building is dried-in, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes. Includes mechanical provisions of the energy code and approved energy calculations provisions.

3. Final inspection. To be made after the building mechanical system is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

E. Gas:

1. Underground piping and tanks. To be made after trenches or ditches are excavated, underground gas piping is installed, and before backfill is put in place.

2. Rough piping inspection. To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected. Includes gas provisions of the energy code and approved energy calculations provisions.

3. Final piping inspection. To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

4. Final inspection. To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

F. Site Debris

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times. (See also Section 110.10).
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job. (See also Section 110.3 Building)

110.3.2 Concrete slab and under-floor inspection. Reserved. (See Section 110.3 Building 1.1).

110.3.3 Lowest Floor elevation (Reserved). (See Section 110.3 Building 1.2).

110.3.4 Frame Inspection (Reserved). (See Section 110.3 Shell 2.4).

110.3.5 Lath and Gypsum Board Inspection (Reserved). (See Section 110.3 Shell 2.6).

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

110.3.7 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire- resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved by the building official.

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

110.3.9 Other Inspections. In addition to the inspections specified in Sections 110.3

through 110.3.7, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Building Division.

110.3.10 Special Inspections (Reserved).

110.3.11 Final Inspections prior to issuance of Certificate of Occupancy or Completion. The building official shall inspect or cause to be inspected, at various intervals, all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Certificate of Completion. In performing inspections, the building official shall give first priority to inspections of the construction, addition, or renovation to, any facilities owned or controlled by a state university, state community college or public school district.

110.3.11.1 Flood hazard documentation For properties located in a flood hazard area, all required documentation shall be submitted to the building official at the time of the final inspection.

110.3.11.2 Commercial Energy Code documentation. As required by Section C408.2.4.1 of the Energy Conservation Volume, confirmation that the preliminary commissioning report has been received by building owner shall be provided at the time of final mechanical inspection.

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

110.3.12 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7 of this code, Section 2304.13 of this code or Section 2304.11.6 of this code, specifically required to be inspected for termites in accordance with Section 2114 of this code, or required to have chemical soil treatment in accordance with Section 1816 of this code shall not be covered or concealed until the release from the building official has been received. (Also refer to Sections 105.10 and 105.11 of this code)

110.3.13 Impact Resistant coverings or systems. Where impact resistant coverings or systems are installed to meet requirements of this code, the building official shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

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

110.3.14 Reinforcing steel and structural frames. Reinforcing steel or structural frame

work of any part of any building or structure shall not be covered or concealed without first obtaining a release from the building official. Certification that field welding and structural bolted connections meet design requirements shall be submitted to the building official, upon request.

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

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

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

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

110.7.1 - Other shoring. The Building Official may require engineered shoring drawings and procedures for reshoring for temporary support of vertical and horizontal loads and stabilization of foundation soils when applicable. Inspections are required to ensure the shoring is installed in accordance with the approved engineered shoring drawings. The Building Official may require the inspections to be made by qualified third parties when deemed necessary. (See also Section 110.1.2 Inspection Services).

110.8 Threshold building.

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

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

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

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

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

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

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

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

110.8.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), Florida Statutes, or to a licensed building contractor, as defined in Section 489.105(3)(b), Florida Statutes, within the scope of her or his license. The named

contractor to whom the building permit is issued shall have the responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

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

110.9 Mandatory structural inspections for condominium and cooperative buildings.

110.9.1 General. The Legislature finds that maintaining the structural integrity of a building throughout its service life is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

110.9.2 As used in this section, the terms:

- (a) “Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing elements and the primary structural members and primary structural systems as those terms are defined in Section 627.706, Florida Statutes, by an architect licensed under chapter 481 or engineer licensed under chapter 471 authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code. The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.
- (b) “Substantial structural deterioration” means substantial structural distress or substantial structural weakness that negatively affects a building’s general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

110.9.3 (a) An owner or owners of a building that is three stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium association under Chapter 718, Florida Statutes, or a cooperative association under Chapter 719, Florida Statutes, must have a milestone inspection performed for each building that is three stories or more in height by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(b) The local enforcement agency may determine that local circumstances, including environmental conditions such as proximity to salt water as defined in s. 379.101, require that a milestone inspection must be performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter.

(c) The local enforcement agency may extend the date by which a building's initial milestone inspection must be completed upon a showing of good cause by the owner or owners of the building that the inspection cannot be timely completed if the owner or owners have entered into a contract with an architect or engineer to perform the milestone inspection and the inspection cannot reasonably be completed before the deadline or other circumstance to justify an extension.

(d) The local enforcement agency may accept an inspection report prepared by a licensed engineer or architect for a structural integrity and condition inspection of a building performed before July 1, 2022, if the inspection and report substantially comply with the requirements of this section. Notwithstanding when such inspection was completed, the condominium or cooperative association must comply with the unit owner notice requirements in Section 110.9.9. The inspection for which an inspection report is accepted by the local enforcement agency under this paragraph is deemed a milestone inspection for the applicable requirements in Chapters 718 and 719, Florida Statutes. If a previous inspection and report is accepted by the local enforcement agency under this paragraph, the deadline for the building's subsequent 10-year milestone inspection is based on the date of the accepted previous inspection.

110.9.4 The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or

cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.

110.9.5 Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, as applicable, by certified mail, return receipt requested. The condominium or cooperative association must notify the unit owners of the required milestone inspection within 14 days after receipt of the written notice from the local enforcement agency and provide the date that the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website.

110.9.6 Phase one of the milestone inspection must be completed within 180 days the owner or owners of the building receive the written notice under Section 110.9.5. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

110.9.7 A milestone inspection consists of two phases:

110.9.7.1 For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in Section 110.9.7.2, is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.7.2 A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. If a phase

two inspection is required, within 180 days after submitting a phase one inspection report the architect or engineer performing the phase two inspection must submit a phase two progress report to the local enforcement agency with a timeline for completion of the phase two inspection. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to Section 110.9.8.

110.9.8 Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, to any other owner of any portion of the building which is not subject to the condominium or cooperative form of ownership, and to the building official of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

- (a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.
- (b) Indicate the manner and type of inspection forming the basis for the inspection report.
- (c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.
- (d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.
- (e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.
- (f) Identify and describe any items requiring further inspection.

110.9.9 Within 45 days after receiving the applicable inspection report, the condominium or cooperative association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under Chapter 718 or Chapter 719, Florida Statutes, as applicable, and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to received notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector- prepared summary on the association's website, if the association is required to have a website.

110.9.10 A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

110.9.11 A board of county commissioners or municipal governing body may adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an owner of the building fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

110.10 Impact of construction. All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of subject property and/or adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise, water or drainage runoffs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan (as determined by the building official) clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed professional, as appropriate under Florida law, shall be submitted to the inspector in order to receive approval of the final inspection.

SECTION 111 CERTIFICATES OF OCCUPANCY AND COMPLETION

111.1 Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of this code or other federal, state and local laws and ordinances of the jurisdiction. Said certificate shall not be issued until all required electrical, gas, mechanical, plumbing, and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the building official.

Exception: Certificates of occupancy are not required for work exempt from permits under Section 105.2.

111.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, or other agency whose approval is inherent in the building permitting process, the building official shall issue a Certificate of Occupancy that contains the following:

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

111.3 Temporary/partial occupancy. A temporary/partial Certificate of Occupancy or Certificate of Completion may be issued for a portion or portions of a building that may safely be occupied prior to final completion of the building. The building official may require, once all life safety issues have been complied with, an applicant to provide adequate cash surety for unfinished work or revision of plans until a permanent Certificate of Occupancy or Certificate of Completion is granted. The purpose of the cash surety is to insure completion of work under this permit. Such cash surety shall be equal to 110 percent of the estimated value of the remaining work, including labor and material, as determined by the design professional. The design professional shall submit a signed and sealed document attesting to the amount required to cover the cash surety. If work has not been completed and all finals requested within 90 days of issuance of the initial Temporary/Partial Certificate of Occupancy or Certificate of Completion, the jurisdiction retains the right to have the applicant surrender the cash surety. The jurisdiction then may use the surety to finish the remaining work. The surety shall be in the form of cash money, certified check, or cashier's check. Surety shall be returned upon approval of all final inspections and upon written request that has been approved by the building official. This provision is only for the Florida Building Code, all other Agency approvals necessary for construction must be secured prior to this provision being applied.

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

111.5 Certificate of Completion. Upon satisfactory completion of a building, structure, electrical, gas, mechanical or plumbing system, a Certificate of Completion may be issued. This certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

111.6 Fixturing and Stocking. The Building Official is authorized to issue approval for fixturing, stocking, training, or decorating, when appropriate, to allow the builder to prepare the structure for permanent occupancy. The building may not open to the general public or be used for the transaction of any commerce. Such approval must be conditioned upon the approval of the Fire Marshal, when applicable.

111.7 Digital Submittal Requirements for New Construction.

111.7.1 Building Footprints. The building official is authorized to require the submittal of digital shape (CAD) files, in a specific format, depicting a geo-referenced footprint with elevation for all new structures as a condition of the issuance of a Certificate of Occupancy.

111.7.2 Subdivision Topography. The building official is authorized to require the developer to submit of electronic topographical data and re-delineated 100-year floodplain boundaries to the Federal Emergency Management Agency (FEMA) for all new subdivisions or lots of record for the purposes of updating and maintaining the community's flood maps through the Letter of Map Revision process.

SECTION 112 SERVICE UTILITIES

112.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official and a Certificate of Occupancy or Completion is issued. The servicing utility company shall not connect the power supply until notified by the building official.

112.2 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a Temporary Certificate of Occupancy.

112.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the, this

code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life, property, or unsafe condition, or when such utility connection has been made without the approval required by Section 112.1 or 112.2 The building official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113 - APPEALS OF DECISIONS OF THE BUILDING OFFICIAL

113.1 Appeals. The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official whenever any one of the following conditions are claimed to exist:

113.1.1 The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

113.1.2 The provisions of this code do not apply to this specific case.

113.1.3 That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.

113.1.4 The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

113.2 Procedures.

113.2.1 Enforcement Appeals. Appeals to the building official's enforcement of Florida Statutes, the Florida Building Code, or the Town of Loxahatchee Groves' local amendments may be made to the special magistrate authorized to hear code enforcement cases for the town. A written notice of appeal shall be submitted to the town manager within thirty (30) calendar days after a written decision is rendered by the building official. Appeals shall be on a form provided by the town upon request. Upon receiving a notice of appeal, the town manager shall schedule a hearing of the special magistrate within thirty (30) calendar days which shall be noticed and held in accordance with Chapter 14, Loxahatchee Groves Code.

113.2.2 Interpretation Appeals. Appeals related to the building official's interpretation of Florida Statutes or the Florida Building Code may be made to the Florida Building Commission. Appeals related to the building official's interpretation of Florida Statutes, the Florida Building Code, or the Town of Loxahatchee Groves' local amendments may be appealed to the Palm Beach County Construction Board of Adjustment and Appeals, so long as an Interlocal Agreement exists between the Town and the County for such purpose. A written notice of appeal shall be submitted to the Palm Beach County Construction Board

of Adjustment and Appeals or the Florida Building Commission within thirty (30) calendar days after a written decision is rendered by the building official. Appeals shall be in the format required by the respective agency and per Section 553.75, Florida Statutes. A copy of the appeal and the case number provided by the respective agency shall be provided to the Town of Loxahatchee Groves by the appellant.

113.3. Unsafe or dangerous buildings, structures, equipment or service systems. In the case of a building, structure, equipment or service system, which in the opinion of the building official, is unsafe, unsanitary or dangerous, the building official may, in the order, limit the time for such appeals to a shorter period.

SECTION 114 VIOLATIONS

Any person, including an individual, firm, partnership, corporation, or any of their agents who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical, or plumbing system, without full compliance with applicable codes, laws, ordinances, rules, and regulations, shall be guilty of a misdemeanor. Each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules, and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state law. Nothing in this section shall prevent the Town from imposing fines, liens, or seeking injunction relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of Part I, Chapter 162, Florida Statutes, shall be authorized if building work begins without payment of all required fees, and for the purposes of enforcing this code, code officials licensed under Part XII, Chapter 468, Florida Statutes, are deemed "Code Inspectors," as defined in Section 162.04, Florida Statutes.

SECTION 115 STOP WORK ORDER

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

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.

115.3 Unlawful continuance. Any person who shall continue any work after having been served

with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

116.1 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical, and plumbing systems that are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with this code. The extent of repairs shall be determined by the building official.

When the building official determines that an unsafe building, structure, or service system cannot be reasonably repaired in accordance with this or the technical codes, it shall be demolished in accordance with this section.

116.1.1 When the building official determines a building, structure, electrical, gas, mechanical, or plumbing system, or any portion thereof, is unsafe, as set forth in this code, he/she shall, in accordance with established procedure for legal notices, give the owner, agent or person in control of such building, structure, electrical, gas, mechanical, or plumbing system written notice stating the defects thereof. The notice shall require the owner within a stated time to either complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical, or plumbing system, or portion thereof.

116.1.2 If necessary to protect the life, health and safety of occupants, such notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems, or portion thereof, to be vacated forthwith and not to be reoccupied until the specified repairs and improvements are completed, inspected, and approved by the building official. The building official shall cause to be posted at each entrance to such building a notice stating: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm, partnership, corporation or any of its officers, agents, or other servants, to remove such notice without written permission from the building official, or for any person to enter the building, or use such systems, except for the purpose of making the required repairs or of demolishing same.

116.1.3 Owner, agent or person in control shall have the right to appeal from the decision of the building official, as provided hereinafter, and to appear before the Construction Board of Adjustments and Appeals at a specified time and place to show cause why he should not comply with said notice.

116.1.4 In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said

building, structure, electrical, gas, mechanical, or plumbing system, or portion thereof, the building official, after having ascertained the cost, shall cause such building, structure, electrical, gas, mechanical, or plumbing system, or portion thereof, to be demolished, secured, or required to remain vacant or unused.

116.1.5 **The decision of the building official shall be final in cases of emergency,** which, in the opinion of the building official, involve imminent danger to human life, health, safety, or the property of others. The building official shall promptly cause such building, structure, electrical, gas, mechanical, or plumbing system, or portion thereof, to be made safe or cause its removal. For this purpose, the building official may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. The building official may order the vacating of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

116.1.6 **Costs incurred under 116.1.4 and 116.1.5** shall be charged to the owner of the premises involved. Notice of such charges shall be provided to the owner by certified mail. If the charges are not paid within ten days following notification, the owner of the premises will be charged in the following manner:

1. The building official shall assess the entire cost of such vacation, demolition, or removal against the real property upon which such cost was incurred, which assessment shall include but not be limited to all administrative costs, postal expenses, newspaper publication, and shall constitute a lien upon such property superior to all others except taxes.
2. The Clerk shall record such lien in the County's Official Record Book showing the nature of such lien, the amount thereof and an accurate legal description of the property, including the street address, which lien shall be effective from the date of recording and shall recite the names of all persons notified and interested persons. After three months from the recording of any such lien, which remains unpaid, the governing body may authorize foreclosure of the lien in the same manner as mortgage liens are foreclosed. Such lien shall bear interest from date such costs were incurred at the rate of ten percent per annum and shall be enforceable if unsatisfied as other liens may be enforced by the governing agency.

SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

117.1 117.1 Flood hazard areas. Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the Article 175 - Floodplain Management of the ULDC shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building Volume or, as applicable, the provisions of R322 of the Florida Building Code, Residential Volume. This section shall not apply to Section 3109 of the Florida Building Code, Building Volume.

SECTION 118 CONFLICTS AND SEVERABILITY

118.1 Conflicts. Unless otherwise set forth in this article, where there is a conflict between the provisions of the Florida Building Code and this article, the provisions that are most stringent shall prevail.

118.2 Severability. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining provisions of this code.

Section 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __ DAY OF _____, 2023.

Councilmember _____ offered the foregoing ordinance. Councilmember seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>		
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>		
MARGARET HERZOG, COUNCILMEMBER		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>		
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>		

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2024.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Councilmember Margaret Herzog

Councilmember Phillis Maniglia

Councilmember Marianne Miles



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 10

TO: Town Council of Town of Loxahatchee Groves

FROM: Elizabeth Lenihan, Town Attorney

VIA: Francine L. Ramaglia, Town Manager

DATE: December 5, 2023

SUBJECT: Consideration of *Ordinance No. 2023-13* regarding 2024 Municipal Election Dates and Qualifying Periods on Second Reading

Background:

As a result of the alignment of the Municipal Elections and the Presidential Primary Election by the Palm Beach County Supervisor of Elections and the potential resignations statewide as a result of the Legislature’s action regarding enhanced financial reporting requirements for municipal elected officials, the proposed Ordinance addresses the 2024 Municipal Election Dates and Qualifying Periods for the Town of Loxahatchee Groves. Specifically, the proposed Ordinance includes the following:

1. Sets the Municipal Election Date as March 19, 2024.
2. Sets the Runoff Election Date, if needed, as April 2, 2024.
3. Establishes a second Qualifying Period, if needed, to fill vacancies in Town Council Seats 2, 4, and 5, in an abundance of caution in case there are any resignations in these Seats.

Recommendation:

Move that Town Council approve *Ordinance No. 2023-13* regarding the 2024 Municipal Election Dates and Qualifying Periods on second reading.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2023-13

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING THE 2024 TOWN OF LOXAHATCHEE GROVES MUNICIPAL ELECTION DATES; CONFIRMING THE COUNCIL MEMBER CANDIDATE QUALIFICATION PERIOD FOR EXPIRED TERMS; AND ADDING A SECOND COUNCIL MEMBER CANDIDATE QUALIFYING PERIOD FOR THE FILLING OF VACANCIES IN THE 2024 MUNICIPAL ELECTION; AND PROVIDING REPEAL OF LAWS IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, effective January 1, 2024, the State of Florida has imposed enhanced financial reporting requirements (i.e., Form 6) on municipal elected officials; and

WHEREAS, as a result of this new legislation, many jurisdictions are experiencing or expecting resignations of municipal elected officials prior to January 1, 2024; and

WHEREAS, the Town of Loxahatchee Groves' Charter provides that vacancies in the Town Council are to be filled at the next regularly scheduled Town election if the remainder of the unexpired term is equal to or exceeds one (1) year and eighty-one (81) days; and

WHEREAS, the Town of Loxahatchee Groves' Charter provides that regular Town elections are to be held on the second Tuesday in March of each election year and any required runoff elections will be held on the fourth Tuesday in March; and

WHEREAS, Section 2-20 of the Town of Loxahatchee Groves' Code of Ordinances provides for the qualifying period for the March elections shall be from noon on the second Tuesday in November to noon on the third Tuesday in November immediately preceding the election; and

WHEREAS, the Palm Beach County Supervisor of Elections has scheduled the 2024 municipal elections for March 19, 2024, to coincide with the Presidential primary election; and

WHEREAS, the Palm Beach County Supervisor of Elections has notified the Town of the deadline for ballot modifications for the March 2024 municipal elections for the filling of vacancies in Town Council Seats with unexpired terms created before January 1, 2024; and

WHEREAS, Section 101.75 Florida Statutes, provides that the governing body of a municipality may, by ordinance, move the date of a municipal election to a date concurrent with any statewide or countywide election; and

WHEREAS, Section, 101.75 Florida Statutes, further provides that the dates for qualifying for the election moved by passage of such ordinance shall be specifically provided for in the ordinance; and

WHEREAS, Section 100.3605, Florida Statutes, provides that the governing body of a municipality may, by ordinance, change the dates for qualifying; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has determined, out of an abundance of caution, it is in the best interest of the Town of Loxahatchee Groves to move the Town's municipal election date for 2024 to a date concurrent with the presidential primary election date and to establish a second qualifying period for the March 2024 municipal election to allow for the filling of vacancies that may be created due to late resignations because of Form 6.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA:

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

Section 2. The Town of Loxahatchee Groves hereby modifies its 2024 Municipal Election schedule as follows:

- a. The Town of Loxahatchee Groves' Municipal Election will be held on Tuesday, March 19, 2024.
- b. Runoff elections, if required, will be held on Tuesday, April 2, 2024;
- c. The qualifying period for candidates set forth in Section 2-20 of the Town's Code of Ordinances will not change for Seats 1 and 3, which will be elected to start a new Term; and
- d. The qualifying period for candidates to fill any vacancies in Town Council for Seats 2, 4, and 5, which will be elected to complete an unexpired Term, will be from noon on Tuesday, January 2, 2024, to noon on Tuesday, January 9, 2024. Notice of such vacancies and the second qualifying period shall be posted at Town Hall and on the Town's, website as soon as is possible after receipt of any applicable resignations. The names of all candidates shall be received by the supervisor of elections of the county no later than 3:00 p.m. on January 12, 2024.

Section 3. **Charter.** Nothing contained herein is intended to create a permanent change to the Town's Charter. Following the March 19, 2024, election, and any subsequent runoff, Loxahatchee Groves' municipal elections shall thereafter comply with its Charter.

Section 4. **Repeal of Laws in Conflict.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Loxahatchee Groves' Ordinance, Resolution, or Municipal Code provision; then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

Section 5. **Severability.** Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part so declared to be invalid.

Section 6. **Codification.** This Ordinance shall NOT be codified.

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

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON FIRST READING, THIS ____ DAY OF _____, 2023.

Councilmember _____ offered the foregoing ordinance. Councilmember seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2023.

Councilmember _____ offered the foregoing ordinance. Councilmember seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Lakisha Q. Burch, Town Clerk

Mayor Laura Danowski

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Councilmember Margaret Herzog

Councilmember Phillis Maniglia

Councilmember Marianne Miles



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 11

TO: Town Council of Town of Loxahatchee Groves

FROM: Elizabeth Lenihan, Town Attorney

VIA: Francine L. Ramaglia, Town Manager

DATE: December 5, 2023

SUBJECT: Consideration of *Ordinance No. 2023-15* regarding Regulation of Agricultural and Agritourism Uses on Second Reading

Background:

At its regular meeting on November 7, 2023, the Town Council approved, on first reading, *Ordinance No. 2023-15* regarding agricultural and agritourism uses. As discussed, and approved at first reading, two typos have been corrected and in Section 65-035 “related to” has been changed to “consistent with”. No other changes have been made since first reading.

The purpose of the proposed changes to the Town’s ULDC is to clarify the application of the Town’s regulations to the development of land for statutorily protected agritourism uses. Pursuant to Section 05-070 of the Town’s ULDC, amendments to the ULDC require a super majority vote of four or more Council members.

Recommendation:

Move that Town Council approve and adopt *Ordinance No. 2023-15* regarding agricultural and agritourism uses on second reading.

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING SECTION 20-015 “PERMITTED USES” OF ARTICLE 20 “RESIDENTIAL ZONING DISTRICTS” WITHIN PART II “ZONING DISTRICTS” AND ARTICLE 65 “AGRICULTURAL USES” WITHIN PART III “SUPPLEMENTAL REGULATIONS” ALL WITHIN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to adopt land development regulations within the Town; and

WHEREAS, the legislature has adopted Sections 570.85 and 823.14, F.S., providing certain protections and restrictions as to agricultural and agritourism uses within the State of Florida; and

WHEREAS, pursuant to the statutory intent, the Town is limited in its ability to regulate agricultural and agritourism uses within the Town; and

WHEREAS, the Town desires to amend and clarify its regulations relating to agricultural uses and adopt regulations relating to agritourism uses within its adopted Unified Land Development Code (“ULDC”); and

WHEREAS, the Town Council has determined that the provisions in this ordinance are a clarification of the application of the Town’s regulations to the development of land for these statutorily protected uses and is not more restrictive or burdensome than existing regulations; and

WHEREAS, the notice and hearing requirements for adoption of ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a public hearing for the proposed amendments; and

WHEREAS, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance amending the ULDC is consistent with the Town’s Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners and residents.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THAT:

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby amends Section 20-015 “Permitted Uses” of Article 20 “Residential Zoning Districts” within Part II, “Zoning Districts” of its Unified Land Development Code to read as follows:

Section 20-015. Permitted uses.

Plots located in the Agricultural Residential (AR) zoning districts may be used for the following specified uses.

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
Modular Home or Factory-Built Home	Permitted subject to Section 80-65
Essential Services	Permitted w/Special Exception
Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception Category A
Accessory Uses	Agricultural Residential (AR)
Accessory Dwelling	Permitted
Groom’s Quarter	Permitted
Caretaker’s Quarter	Permitted
Home Offices	Permitted subject to Article 80
Residential Enterprise	Permitted subject to Article 80
Wholesale Nursery	Permitted

Underline language is added and ~~strikethrough~~ language is deleted.

Retail Nursery	Permitted w/Special Exception Category B
U-Pick Farms	Permitted w/Special Exception Category B
Private Kennels	Permitted
Private Stables	Permitted
Yard Sales	Permitted subject to Article 80
Veterinary Services	Permitted
Dog Boarding	Permitted
Temporary Events	Permitted w/Special Exception Category C
<u>Agritourism</u>	<u>Permitted subject to Article 65</u>

Section 3. The Town of Loxahatchee Groves hereby amends Article 65 “Agricultural Uses” within Part III “Supplemental Regulations” of its Unified Land Development Code to read as follows:

Article 65 AGRICULTURAL AND AGRITOURISM USES

Division I. Agricultural Uses

Section 65-005. Purpose and intent.

The purpose and intent of this ~~article~~ division is to protect, and provide regulatory relief for, reasonable agricultural activities conducted on farm land in the Town as consistent with the Florida Right to Farm Act (823.14, F.S.).

Section 65-010. Determination of valid agricultural use.

Any property owner who seeks the regulatory relief provided for an agricultural use as defined herein, must ~~either~~ provide documentation to the Town from the Palm Beach County Property Appraiser's Office demonstrating that the property is currently classified as agriculture pursuant to F.S. § 193.461, as may be amended from time to time, or as an alternative, demonstrate to the Town Council that the use is agricultural, as defined herein. Once documentation is provided, the Town shall maintain an on-going record of such use and assume that each property continues to maintain its agricultural status unless a claim is made otherwise. If a claim is made otherwise, the property owner shall demonstrate the use is agricultural as provided for in this section.

Underline language is added and ~~strikethrough~~ language is deleted.

Section 65-015. Nonagricultural uses and structures on properties with a bona fide agricultural use.

Nonagricultural uses and structures on properties with a valid agricultural use shall not qualify for modifications or exceptions to the Code based on agricultural status unless specifically stated otherwise.

Division II. Agritourism Uses

Section 65-030. Purpose and intent.

The purpose and intent of this division is to protect, and provide regulation and regulatory relief for, reasonable agritourism activities conducted on bona fide agricultural land in the Town as consistent with section 570.85, F.S.

Section 65-035. Determination of valid agritourism use.

Any property owner who seeks the regulatory relief provided for an agritourism use as defined herein, must provide documentation to the Town from the Palm Beach County Property Appraiser's Office demonstrating that the property, or portion thereof, is currently classified as agriculture pursuant to section 193.461, F.S., that the purported agritourism use is consistent with the agricultural use on the same property and otherwise meets the requirements of section 570.86, F.S., and that the property owner is in compliance with 570.89, F.S.

Section 65.040. Substantial offsite impacts of agritourism activities.

- (A) Subject to the limitations of section 823.14, F.S., substantial offsite impacts caused by agritourism uses are prohibited.
- (B) Substantial offsite impacts that may be caused by agritourism activities include, but are not limited to, the following:
- (1) Traffic and Parking. Ingress to and egress from the property causing substantial interference with traffic on abutting streets or resulting in the generation or creation of traffic inconsistent with the health, safety and welfare of the community. Vehicles entering or exiting the right-of-way to or from the property that utilize turning movements that are hazardous or a nuisance due to the design or function of the ingress and egress connection to the property. Parking on local roadways and Town maintenance easements.
 - (2) Noise. Excessive noise as set forth in section 50-010, ULDC.
 - (3) Lighting. The overspill of light originating from the subject property onto any other plot or street that exceeds one-tenth horizontal foot-candle measured at grade level at the property line and any outdoor lighting, other than motion-detected security lighting, that is not extinguished between 11:00 p.m. and dawn.
 - (4) Odors. Objectionable odors as set forth in section 50-025, ULDC.
 - (5) Vibrations. Vibration noticeable by a person of reasonable sensitivity at the property line, including bass emanating from audio speakers, which is prohibited by section 50-020, ULDC.

- (6) Dust. Unconfined dust that emanates across property lines.
- (C) If an agritourism use is anticipated to or is determined, in the sole discretion of the Town, to cause substantial offsite impacts, the property owner shall prevent, correct or mitigate for such impacts as follows:
- (1) Traffic and Parking. The property owner shall provide a traffic study and site plan to show sufficient circulation and parking on-site for all agritourism activities on the property to alleviate traffic stacking and parking in the right-of-way. Alternatively, the property owner may provide for off-site parking through agreement for same with another property owner and provision of shuttle service from the parking area to the agritourism activity and shall provide a traffic study and site plan for the alternative parking site as well as the parking agreement. Any proposed off-site parking shall be on property that is properly zoned for and can accommodate the parking for the agritourism activities and designed to alleviate traffic stacking and parking in the right-of-way. The property owner shall provide Maintenance of Traffic for agritourism events, including pre and post event, to prevent or reduce traffic stacking.
 - (2) Noise. The property owner shall provide a noise study and maintain noise levels for all agritourism activities below the thresholds for excessive noise. The property owner may obtain a special event permit up to three (3) times per year for agritourism activities that would allow excessive noise, pursuant to section 80-025, ULDC.
 - (3) Lighting. The property owner shall install timers, cutoff fixtures, shields and baffles and adjust pole height and fixture mounting height, lighting intensity, placement and angle for all lighting creating substantial offsite impacts and provide a photometric plan.
 - (4) Odors. The property owner shall eliminate and prohibit objectionable odors that emanate off-site as part of any agritourism activities.
 - (5) Vibrations. The property owner shall eliminate and prohibit vibrations that emanate off-site as part of any agritourism activities.
 - (6) Dust. The property owner shall eliminate and prohibit the off-site emanation of dust from any agritourism activities, including application of dust suppressants to areas in which the agritourism activities generate dust.
 - (7) The property owner may provide additional means to prevent, correct, or mitigate substantial off-site impacts, including, but not limited to, limiting hours of operation of the agritourism activities.
- (D) The property owner shall submit documentation to the Town to establish compliance with the requirements for prevention, correction or mitigation of substantial off-site impacts. Such documentation shall be provided to the Town no later than thirty (30) days prior to an agritourism activity that it anticipated to cause substantial offsite impacts and within thirty (30) days following the date of any written notice of substantial offsite impacts issued to the property owner by the Town.

(E) Preventions, correction and mitigation of the substantial off-site impacts of agritourism uses shall be processed and reviewed as a Category B special exception, though such review will be limited to the standards set forth in this section.

(F) Violations of this section may be enforced by the Town in accordance with Chapter 14 of the Code or any other applicable legal remedy.

Section 65.045. Construction related to agritourism activities.

Construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public on properties with a valid agritourism use are not subject to regulatory relief and shall not qualify for modifications or exceptions to the Code based on agritourism status unless specifically stated otherwise.

Section 4. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 5. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. Codification. It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Unified Land Development Code of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __ DAY OF _____, 20__.

Councilmember _____ offered the foregoing ordinance. Councilmember seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 20__.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Q. Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Marianne Miles

TO: Mayor and Councilmembers

FROM: Jim Fleischmann, Town Planning Consultant

DATE: December 5, 2023

SUBJECT: Evaluation and Appraisal Report (EAR) Comprehensive Plan Amendments

Background:

Town Council convened on 9 occasions during the past 12 months to review, amend and update the Town’s Comprehensive Plan, as required by state law. In addition, the Local Planning Agency has met 3 times for the same purpose. The update, through the Evaluation and Appraisal Review (EAR) process, is anticipated to be completed over the next 3 – 4 months. Remaining steps in the update process include adoption of the Comprehensive Plan by ordinance and two review periods to allow state, regional and local agencies, and members of the public an opportunity to comment or object.

Goals, Objectives & Policies for each element of the proposed updated Comprehensive Plan are included in the Council Agenda. Updates and amendments are highlighted by underline (additions) and ~~striketrough~~ (deletions) text.

Recommendation:

Staff seeks input and direction with respect to proceeding to the next step in the amendment process; consideration by Town Council of approval of first reading of the adoption ordinance and authorization of staff to transmit the proposed Comprehensive Plan to the Florida Department of Economic Opportunity (FDEO) and other required review agencies.

INTRODUCTION

(underline areas are additions to the current Comprehensive Plan)

Included within the Evaluation and Appraisal Report update of the Loxahatchee Groves Comprehensive Plan, the Town has opted to adopt a separate Goals, Objectives and Policies document entitled: "Comprehensive Plan Evaluation and Appraisal Amendments 2023 Town of Loxahatchee Groves Comprehensive Plan".

The following 2023 Goals, Objectives and Policies (GOPs) document consists of goals, objectives and policies for each of the Comprehensive Plan Elements extracted from the 2009 Town of Loxahatchee Groves Comprehensive Plan, as amended (2009 Plan), and updated, where necessary, from the results of the 2023 Town of Loxahatchee Groves Evaluation and Appraisal Update. GOP updates to the 2009 Plan included herein, are presented in underline and strikethrough format so that the revisions can be easily tracked. The GOPs are adopted by Ordinance, per Florida Statutes requirements.

GENERAL REQUIREMENTS

Chapter 163.3161-163.3197, Florida Statutes (Community Planning Act) establishes requirements for the format and content of the Comprehensive Plan.

Chapter 163.3164(4), Florida Statutes defines comprehensive plan as ". . . a plan that meets the requirements of Sections 163.3177 and 163.3178". Section 163.3177 lists required conditions, studies, surveys and elements of the Comprehensive Plan. Further, the following two provisions of Chapter 163, Florida Statutes are emphasized by the State:

1. Loxahatchee Groves is charged with setting levels of service for public facilities in the Comprehensive Plan in accordance with which development must occur and permits will be issued; and
2. Public facilities and services needed to support development in Loxahatchee Groves shall be available concurrent with the impacts of such development.

DATA AND ANALYSIS REQUIREMENTS

All goals, objectives, policies, standards, findings and conclusions within the Town's Comprehensive Plan shall be based upon relevant and appropriate data. The Town is not required to collect original data; however, it is encouraged to utilize any original data necessary to update or refine the Comprehensive Plan data base, as long as methodologies are professionally accepted.

Data used shall be the best available, unless the Town desires original data or special studies. Where data augmentation, updates, special studies or surveys are deemed necessary, appropriate methodologies shall be clearly described or referenced and shall meet professionally accepted standards for such methodologies.

The Comprehensive Plan shall be based on population estimates and projections. Population estimates and projections shall be either those provided by the U.S. Bureau of the Census, the University of Florida Bureau of Economic and Business Research, or those generated by the Palm Beach County Planning Division (Population Model projections), or the Town

PROCEDURAL REQUIREMENTS

The Town’s comprehensive plan shall be adopted and amended pursuant to the procedural requirements of Sections 163.3184 and 163.3187, Florida Statutes.

GOALS OBJECTIVES AND POLICIES

The following sections of this document shall comprise the goals, objectives and policies component of the Loxahatchee Groves Comprehensive Plan:

Element	Chapter
Future Land Use	1
Transportation	2
Infrastructure	3
Conservation	4
Recreation/Open Space	5
Housing	6
Intergovernmental Coordination	7
Capital Improvements	8
Property Rights	9

When the Town begins the adoption or amendment process, it is required by State law that appropriate public hearings be held. Procedures presented in Chapter 163, Part II, Florida Statutes are closely followed and adhered to at that time. As particular issues or matters of an expressed community concern arise, the Local Planning Agency (LPA) may hold additional public meetings or hearings, to address such concerns. Copies of public meeting legal notices are published pursuant to Chapter 166.04 (3) (a), Florida Statutes.

The Town shall review, and revise, as required, the Five-Year Schedule of Capital Improvements, pursuant to Objective 8.6 of the Capital Improvements Element each year.

MAPS SHOWING FUTURE CONDITIONS

Maps showing future conditions and/or illustrating Comprehensive Plan directives, as necessary, are included within each Element.

ADOPTION ORDINANCE

The 2023 Town of Loxahatchee Groves Comprehensive Plan Goals, Objectives and Policies document adoption ordinance is included herein by reference. Copies of ordinances and legal notices, published pursuant to Chapter 163, Florida Statutes are on file with the Town Clerk.

SUPPORT DOCUMENTATION

Support documentation that forms the basis for the Comprehensive Plan, as well as future amendments and updates shall be included within each successive amendment and/or EAR-based comprehensive plan update.

PLANNING PERIOD

The Town's comprehensive plan must include a planning period for at least a ten-year period. On this basis, the 2023 – 2035 period is utilized in the 2023 Loxahatchee Groves Comprehensive Plan Goals, Objectives and Policies document.

POPULATION PROJECTIONS

The 2020 Census population of Loxahatchee Groves was established at 3,355 residents. Future Town population generated by the Palm Beach County Planning Division Population Model is projected at 4,322 residents by 2035 and 4,908 residents by 2045.

MONITORING AND EVALUAION

The role of monitoring and evaluation is vital to the effectiveness of any planning program and particularly for the Capital Improvements Element. This is largely because the Town's revenue and expenditure streams are subject to fluctuations every year. In order to maintain the effectiveness and relevance of the Capital Improvements Schedule, the Capital Improvements Element requires a continuous program for monitoring and evaluation.

The annual review will be the responsibility of the Town Council. The Town Manager will serve as principal advisor at all formal deliberations related to capital improvement monitoring and evaluation. The Town Council will direct the Town Manager to take appropriate action based upon its findings.

COMMUNITY CHARACTER GOAL

The community character goal is a vision statement toward which all Comprehensive Plan goals, objectives and policies are directed. Ultimately, the development of plans, enforcement of regulations, and operations of the Town are directed toward this end. The vision for the future of the community is as follows:

Loxahatchee Groves will protect its natural environment and rural character in the midst of an urbanizing region. The Town will continue to be a rural residential and agricultural community that has great respect for lifestyle choices balanced with historical community needs. This is reflected in a cost effective, minimal government structure that strives to protect the environment and our quality of traditional lifestyles.

PREVIOUS COMPREHENSIVE PLAN AMENDMENT ORDIANCES

- 2012-04**
- 2012-05**
- 2013-08**
- 2014-06**
- 2016-03**
- 2016-08**
- 2016-09**
- 2017-01**
- 2017-02**
- 2018-01**
- 2018-10**

FUTURE LAND USE
GOALS, OBJECTIVES AND POLICIES (Rev: Ord. 2012-04; 2012-05; 2014-06; 2016-03;
2016-08; 2016-09; 2017-01; 2017-02; 2018-01)

GOAL I: FUTURE LAND USE

Loxahatchee Groves will continue to protect its natural environment and rural character in the midst of an urbanizing region. The Town will continue to be a rural residential and agricultural community that has a great respect for lifestyle choices balanced with historical changing community needs.

~~1.1A Objective~~

~~The Town shall protect its rural character by maintaining Okeechobee Boulevard as a two-lane section.~~

~~1.1A.1 Policy:~~

~~In order to maintain the two-lane section, the Town shall support implementation of the following Okeechobee Boulevard improvements:~~

~~a) Coordinate with Palm Beach County to designate the section of Okeechobee Boulevard within Loxahatchee Groves a Rural Parkway; specifically, expansion to a two-lane divided median enhanced rural parkway with properly-spaced left-turn lanes.~~

~~b) Traffic calming features, to include but not limited to roundabouts at Folsom Road and the Letter Road intersections with Okeechobee Boulevard.~~

~~c) Implementation and enforcement of reduced speed limits.~~

~~1.1A.2. Policy:~~

~~On an annual basis, work with Palm Beach County to incorporate future roadway improvements that implement the Town's Okeechobee Boulevard planning policy within the Five-Year Transportation Improvement Program (TIP). In this regard, the Town Council shall be represented at Metropolitan Planning Organization (MPO) meetings in preparation of the TIP.~~

~~1.1A.3. Policy: (Incorporate within Objective 2~~

~~To provide a center of accessible shopping, recreation, and employment opportunities for Loxahatchee Groves' residents, the Town shall create a rural-style commercial center along the Southern Boulevard corridor~~

1.1B Objective:

The Town shall designate future land uses with appropriate uses, densities and intensities that will protect residential and agricultural land uses and encourage limited economic development.

1.1.B.1 Policy:

Land use shall be determined by a the Future Land Use Map FLUM-1.

- 1.1B.2 Policy:
The Town shall regulate density and intensity of land uses as noted in Table-4-8-FLU-1.
- 1.1B.3 Policy:
The Town shall ensure that future land use designations are compatible with adjacent land uses within and outside of the Town boundary.
- 1.1B.4 Policy:
The Town shall encourage the use of Residential Enterprise and Home Office, as provided in Florida Statutes Section 559.955, approvals as a tool to promote limited economic development while preserving its rural character.
- 1.1B.5 Policy:
Land development regulations will, at a minimum:
- A. Regulate the subdivision of land;
 - B. Regulate the use of land and water consistent with this Comprehensive Plan and ensure the compatibility of adjacent land uses and provide for open space;
 - C. Regulate areas subject to seasonal and periodic flooding and provide for drainage and storm water management;
 - D. Protect potable water wellfields and aquifer recharge areas;
 - E. Regulate the placement, size and design of signs in the ~~zoning code~~ ULDC in order to enhance local businesses and prevent sign pollution;
 - F. Ensure safe and convenient on-site traffic flow and vehicle parking needs;
 - G. Provide that development orders and permits shall not be issued which result in a reduction of the level of services for the affected public facilities below the level of service standards adopted in this Comprehensive Plan;
 - H. Create codes allowing diverse low impact home-based businesses;
 - I. Establish codes to regulate uses that create large scale places of assembly;
 - J. Buffer residential uses from non-residential ~~uses~~ uses and associated impacts using mechanisms to promote and enhance the rural natural environment; **and**.
 - K. Direct future commercial low and commercial low office development to the Southern Boulevard corridor.
- 1.1B.6 Policy:
In reviewing applications for development permits, the Town shall consider all relevant factors, including but not limited to, consistency and compatibility with the Future Land Use Element of the Comprehensive Plan, together with all other Comprehensive Plan elements. The Town shall also consider

compatibility with adjacent zoning, approved plats and existing land uses, including occupied residential areas.

1.1B.7 Policy:

The Town shall encourage the use of innovative land development regulations that enhance the rural atmosphere, reduce energy usage and reduce greenhouse gas emissions.

1.1B.8 Policy:

The Town will discourage and assess potential for urban sprawl in formal review of development proposals utilizing criteria in ~~Rule 9J-5.006(5)(g) F.A.C.~~ Florida Statutes Section 163.3177(6) (a) 2 h.

1.1B.9 Policy:

The Town shall continue to maintain the rural zoning regulations for areas designated Rural Residential in order to protect and preserve the rural communities of present and future residents of these areas. The regulations shall, at a minimum:

A1. Retain an agricultural/residential zoning category and the agricultural uses, including agritourism uses, permitted by the Town's land development code and Florida Statutes Sections 193.461, 570.85 and 570.87;

B2. Provide for zoning districts, which appropriately accommodate residential ~~and/or agricultural~~ and/or agricultural uses, which are consistent with the Rural Residential Future Land Use designation;

C3. Provide assurances that allowed agricultural uses shall be compatible with a rural residential neighborhood in the land development code;

D4. Guarantee the keeping of livestock;

E5. Maintain specific regulations to restrict the types of non-residential and nonagricultural uses allowed and promote the rural character through design,

~~6. Allow home occupation uses that will not degrade the rural character of the area;~~

F7. Include provisions for legal non-conforming agricultural uses consistent with this Plan, while not violating the Right-to-Farm Act; and,

G8. Include provisions that: encourage maximizing the preservation of open space and protection of native vegetation and tree canopy in front, rear, and side yards; preserve environmental systems; protect wildlife; and retain the rural character.

1.1B.10 Policy:

Define accessory uses while recognizing the protections provided in the Right to Farm Act and minimize adverse impacts on neighboring properties including the use of Best Management Practices where available.

1.1B.11 Policy:

The Town shall ~~investigate~~ coordinate with the Palm Beach County Property Appraiser ~~a special~~ an appropriate tax valuation for properties that have a Conservation land use or easement and when the land is dedicated to natural resource protection, ~~by December 2010.~~

1.1B.12 Policy:

The Town shall regulate in the ~~land development code~~ ULDC accessory dwelling units, which may include and shall not be limited to caretaker quarters, and groom's quarters.

- ~~A. The Town shall allow accessory dwelling units limited to one bedroom and one bathroom.~~
- ~~b. Caretaker quarters shall be allowed on parcels with bona fide agricultural uses.~~
- ~~c. Groom's quarters shall be allowed on parcels where there are equestrian uses.~~

1.1B.13 Policy:

The Town shall base all future land use decisions upon ~~and consistent~~ consistency with the adopted Comprehensive Plan.

1.1B.14 Policy:

Town will continue to adopt and enforce ~~a set of~~ land development regulations that are consistent with and implement the Town's Comprehensive Plan, ~~within one year of adoption of the Comprehensive Plan and submit them to DCA for review.~~

1.1B.15 Policy:

The Multiple Land Use (MLU) land use designation may be assigned to parcels which are planned to incorporate more than one land use category within a unified plan of development in order to implement Comprehensive Plan directives, including: promotion of sustainable living concepts, preservation of the natural environment, joint traffic impacts assessment; encouragement of alternative transportation modes and economic growth, and mitigation of potential adverse impacts to surrounding areas. In order to be approved by the Town for an MLU designation, a parcel of land shall meet the following criteria:

- A. Minimum Parcel Size: 50 acres;
- B. Road Frontage and Primary Access: A minimum of 1,000 linear feet on an arterial roadway, as defined in Table TRN 1 Local Roads Functional Classification System and illustrated on Map TRN 1 Local Roads Classification Map ~~on Map TRN 2.3~~ of the Comprehensive Plan;
- C. Maximum Parcel Depth from Road Frontage: 2,000 linear feet;

- D. Mix of Land Uses: Each parcel assigned an MLU land use designation shall contain a combination of three (3) or more land uses from those listed in Table 4-8 FLU-1;
- E. Development Intensity: The maximum aggregate development potential for an MLU-designated parcel shall be determined by multiplying the acreage of each included land use category by its intensity, as defined in Table 4-8, FLU-1 and summing the result. However, based upon the infrastructure impact assessments performed during the approval process, or voluntarily by an applicant, development potential may be limited by the Town Council;
- F. Conditions of Approval: Any conditions of approval limiting development intensity of an MLU, or other conditions deemed necessary to implement Comprehensive Plan directives shall be stated in the form of Special Policies under Objective 1.15 of the Future Land Use Element of the Comprehensive Plan; and,
- G. Future Land Use Map: Each parcel of land with an approved MLU land use designation shall be so indicated on the Future Land Use Map, along with notes referring to conditions of approval enacted by special policy under Objective 1.15 of the Future Land Use Element.

1.2 *Objective:*

Development of a rural style commercial center consisting of accessible shopping, recreation, and employment opportunities for Town residents, shall be limited to the Southern Boulevard Corridor.

1.2.1 Policy:

The Town shall limit new commercial development to areas south of East Citrus Road border to border.

1.2.2 Policy: Reserved

~~The Town shall examine a special taxing district for non-residential uses south East Citrus Road East border to border by December 2010.~~

1.2.3 Policy:

The Town shall endorse a substantial equestrian facility along the Southern Boulevard Corridor.

Table FLU _1-4 Future Land Uses

<i>Land Use Category</i>	<i>Zoning District(s)</i>	<i>Density</i>	<i>Intensity (Maximum Floor Area Ratio)</i>	<i>Uses</i>
RESIDENTIAL				
Rural Residential 5 (RR-5)	<u>Agricultural Residential</u>	1 du/5 acres	0.15 (non-residential uses only)	Single-family dwelling units and agricultural uses. Agricultural uses shall be compatible with a rural residential neighborhood. <u>Congregate living facilities subject to F.S., with 6 beds or fewer.</u>
COMMERCIAL				
Commercial Low Uses (CL)	<u>Commercial Low (CL)</u>		0.15 Exception: Refer to Policy 1.2.6	A limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas. Limited institutional and public facilities allowed <u>including limited access self-storage facilities, and childcare facilities.</u>
Commercial Office Uses - Commercial Low (CL-O)	<u>Commercial Low (CL-O)</u>		0.20	Offices for administrative, professional and business purposes; <u>medical and accessory offices; childcare facilities;</u> banking and financial institutions; membership organizations; and, uses that are accessory to the office use including restaurants. Limited institutional and public facilities allowed.
INSTITUTIONAL				
Institutional and Public Facilities (INST)	<u>Institutional and Public Facilities (INST)</u>		0.10	Uses permitted in the Institutional and Public Facilities future land use designation include a full range of regional and community uses such as educational <u>facilities;</u> childcare facilities and adult day

Land Use Category	<u>Zoning District(s)</u>	Density	Intensity (Maximum Floor Area Ratio)	Uses
				care facilities; congregate living facilities; medical and accessory offices; hospitals, public health clinics, emergency shelters; governmental, religious, cemetery, civic, cultural, judicial, and caretakers' quarters.
<u>PARKS AND RECREATION</u>				
Parks and Recreation (PARK)	<u>Parks and Recreation (PARK)</u>		0.10	Developed or planned sites owned by a governmental entity that provide the public an opportunity to partake in a variety of recreational activities that may be active, passive, or special in nature in a safe and convenient manner that is compatible with its environs.

<u>CONSERVATION</u>				
Conservation (CON)	<u>Conservation Sanctuary</u>		0.05	Natural areas for the purpose of conserving or protecting natural resources or environmental quality. These areas may be used for wildlife management, passive recreation, and environmental restoration/ preservation. The Town shall designate lands which contain natural resources that are to be protected, restored, enhanced, and managed, as appropriate, to sustain viable ecosystems and wildlife habitat and natural resources. These natural areas may include site improvements to support uses which are deemed appropriate and consistent with the function of the designated area.

<i>MULTIPLE LAND USE</i>			
Multiple Land Use (MLU)	Ref: Policy 1.1B.14	Ref: Policy 1.1.B.14	Parcels planned to incorporate multiple Town land use categories, as defined herein, within a unified development concept. Uses may vary from parcel to parcel, depending upon the approved mix of Town land use categories incorporated therein, consistent with Policy 1.1.14 and site specific policies, per Objective 1.15.

Notes: 1. The density calculation for a property is based on the property’s gross acreage. 2. That portion of a property dedicated for right-of-way in exchange for compensation may not subsequently be included with the parent property or another property for the purpose of a density or intensity calculation.

1.2.4 Policy:
The Town shall consider extension of Tangerine Drive from B Road the equivalent of 161st Terrace to E Road.

1.2.5 Policy:
The maximum Floor-Area-Ratio of a self-storage facility may be increased above 0.15 provided that parking, loading, landscape, building height, setback and buffer requirements are satisfied.

1.3 *Objective:*
The Town shall strive to encourage a rural community design and look.

1.3.1 Policy:
The Town shall adopt ~~an ordinance~~ architectural guidelines for non-residential development that reflects and updates the Rural Vista Guidelines, ~~by January 2010.~~

1.4 *Objective:*
The Town shall effectively manage and monitor development and redevelopment to assure that facilities and services meet adopted levels of service.

1.4.1 Policy:
Development orders and permits will be conditioned on the availability of the facilities and services necessary to serve the proposed development.

1.4.2 Policy:
Land use regulations shall require that facilities and services meet the established level of service standards and are available concurrent with the impacts of development.

1.4.3 Policy:
Providers of public facilities must be able to authorize service to the various land uses at the same time as the land uses are permitted.

1.4.4 Policy:
Ensure that new development bears a proportionate fair share of the cost for public facility improvements needed to accommodate the impacts of new development by utilizing a variety of mechanisms to access and collect impact fees, dedications and/or contributions from private development.

1.4.5 Policy:
Ensure the availability of suitable land for utility facilities necessary to support proposed developments.

1.5 *Objective:*
The Town shall specify the land use categories in which public schools are an allowable use.

1.5.1 Policy:
~~The Town shall allow~~ Future public schools may be allowed as a permitted use subject to special exception approval by the Town Council in the Institutional and

Public Facilities (INST) future land use category with a preference for upper grade level schools to be located on Southern Boulevard. In any event, Special Policy 4.15.4 of the Future Land Use Element shall be interpreted as the Palm Beach State College property remaining a lawful use and not transformed to a nonconforming use by virtue of any amendment to the permitted uses in the Rural Residential 5 (RR 5) Land Use Category or the Town's Unified Land Development Code (ULDC).

- 1.5.2 Policy:
To the extent possible, the Town shall support the collocation of school sites with public facilities such as parks, libraries, and community centers.

- 1.6 *Objective:*
The Town shall maintain an emergency management plan to reduce or eliminate the exposure of human life and public and private property to natural hazards.

- 1.6.1 Policy:
The Town shall ~~prepare~~ maintain a Comprehensive Emergency Management Plan to ensure that actions needed to protect the public health and safety shall receive first priority in emergency permitting decisions. ~~by March 2009.~~

- 1.6.2 Policy:
The Town shall coordinate ~~their~~ its Comprehensive Emergency Management Plan with the County Emergency Management Office for compliance with the County Emergency Management Plan.

- 1.6.3 Policy:
The Town shall ensure level of service standards for public facilities are returned to pre-storm levels as soon as possible after a storm event.

- 1.6.4 Policy:
The Town shall ~~prepare~~ maintain a post-disaster redevelopment plan. ~~by December 2010.~~

- 1.7 *Objective:*
Provide identification, protection and awareness of historic resources in order to preserve the Town's unique history.

- 1.7.1 Policy:
The Town of ~~Loxahatchee Groves~~ shall identify opportunities to exhibit Town history in future Town facilities, greenways and ~~equestrian~~ multi-use trails, and within parks located within the Town.

- 1.7.2 Policy:
The Town shall coordinate historic resource protection activities, procedures and programs with applicable state and federal laws, policies and guidelines.

- 1.7.3 Policy:
~~The Town shall undertake a survey of historic properties by 2011. At the time of each required Evaluation and Appraisal Report, evaluate the need to designate any housing structures as locally historically significant and in need of special consideration under the provisions and criteria cited in the Standard Housing code.~~
- 1.8 Objective:
The Town shall monitor and protect natural resources in accord with the goals, objectives and policies in the Conservation Element.
- 1.8.1 Policy:
 The Town shall require approval from all applicable external agencies regarding the protection of environmentally sensitive habitats.
- 1.9 Objective:
Protect the quality and quantity of the Town's potable water supply by limiting activities and land uses within the wellfield areas.
- 1.9.1 Policy:
 New septic tank systems shall meet applicable state standards for permitting.
- 1.10 Objective:
Minimize flooding problems by coordinating future land uses with topographic, drainage and stormwater management systems and appropriate development codes and regulations.
- 1.10.1 Policy:
 Town development codes shall contain floodplain protection provisions consistent with the criteria and mapping of the Federal Emergency Management Administration.
- 1.10.2 Policy:
 Through the land development code, public roads and parking lots shall be designed consistent with the criteria of the Loxahatchee Groves Water Control District and the South Florida Water Management District.
- 1.10.3 Policy:
 New development shall coordinate with the South Florida Water Management District, the Loxahatchee Groves Water Control District and appropriate agencies in Palm Beach County ("PBC") to provide consistency with water management regulations.
- 1.11 Objective:
The Town shall work towards the elimination of existing land uses which are inconsistent with the Town's development pattern and not compatible with the proposed future land uses.

1.11.1 Policy:

Inconsistent uses are hereby defined as any uses which are located on a site where they would not be permitted by this comprehensive plan.

1.11.2 Policy:

The Town shall adopt and maintain land development regulations which protect the rights of property owners to continue non-conforming uses, but which, at a minimum, provide for the termination of such rights upon the abandonment of a non-conforming use for an extended period of time.

1.11.3 Policy:

Uses that are non-conforming due to density. Existing legally permitted and constructed structures as of the date of adoption of the comprehensive plan may remain. If the legally permitted structure is damaged, destroyed or redeveloped so as to require substantial improvement, it may be repaired, replaced or restored to the same density, provided that the development is brought into compliance with all other applicable codes and regulations.

1.11.4 Policy:

Owners of non-conforming lots of record that were legally established prior to the date of incorporation may construct one single family home on their lot.

1.11.5 Policy:

The existing naturist recreational vehicle park which includes private club and accessory recreational facilities legally established prior to the date of incorporation may remain.

1.12 *Objective:*

The Town shall consider changes to the future land use plan based upon energy-efficient land use patterns and discouragement of sprawl accounting for existing and future energy electric power generation and transmission systems.

1.12.1 Policy:

The Town shall ensure the Town's comprehensive plan and land development code does not prevent the construction of electric substations within the Town.

1.12.2 Policy:

The land development code shall allow for use of alternate, renewable sources of energy including the use of solar panels.

1.12.3. Policy: Reserved

1.12.4 Policy:

The Town shall continue to allow home based businesses to the extent that impacts are compatible with an agricultural/residential community.

1.12.5 Policy:

The Town will strive to reduce greenhouse gas emissions by reducing traffic congestion and air pollution. The Town will promote alternative forms of transportation by solidifying a greenways/equestrian multi-use trail plan and

cooperating with PBC for new and improved transit. The Town will also plan internal roadways and cross access between parcels that will allow for more efficient travel.

1.12.6 Policy:

The Town shall ensure development and redevelopment is transit-ready along major transportation corridors.

1.13 *Objective:*

The Town shall implement greenhouse gas reduction strategies.

1.13.1 Policy:

The Town shall educate residents on home energy reduction strategies.

1.13.2 Policy:

The Town shall educate residents, business owners and farmworkers on the cost and environmental effects of automobile idling.

1.13.3 Policy:

The Town shall encourage and educate the public in the planting and maintenance of trees and provide public education on the placement of canopy trees and other landscape materials to strategically provide shade and reduce energy consumption.

1.13.4 Policy:

The Town shall continue to reduce the heat island effect by supporting sustainable agricultural uses and practices with in the Town such as Department of Agriculture Best Management Practices.

1.13.5 Policy:

The Town shall continue to require open space and pervious surface areas in development and redevelopment.

1.13.6 Policy:

The Town shall ~~amend~~ maintain the land development regulations to that include ~~adopt~~ specific standards and strategies that to address greenhouse gas emissions, energy efficient housing, and overall energy conservation. ~~within one year of adoption of the Comprehensive Plan.~~

1.14 *Objective:*

The Town shall encourage the redevelopment and renewal of blighted areas in order to ensure stability of the community as needed.

1.14.1 Policy:

Establish administrative procedures to require rehabilitation and/or demolition of housing, if necessary, following a natural disaster or if a dwelling unit is damaged by fire beyond repair.

1.14.2 Policy: Reserved

~~At the time of each required Evaluation and Appraisal Report, evaluate the need to designate any housing structures as locally historically significant and in need~~

~~of special consideration under the provisions and criteria cited in the Standard Housing Code.~~

1.15 *Objective:*

Special land use policies may be adopted by ~~Loxahatchee Groves~~ the Town when necessary to address site-specific issues related to implementing the ~~Loxahatchee Groves Comprehensive Plan~~ and its special planning studies.

1.15.1: Special Policy: Reserved

1.15.2 Special Policy: Groves Town Center

~~A.(1)~~ Land use and density/intensity of development on the property delineated as “Special Policy 1.15.2” on the Future Land Use Map, Map # FLU -1.10, shall be regulated by the application of the Multiple Land Use (MLU) land use category, and the following criteria: Commercial Low (CL) – Maximum of 34.34 acres/ 103,000 sq. ft. of retail commercial space; Commercial Low Office - Maximum of 16.0 acres/44,000 sq. ft. of professional and medical office commercial space; and Institutional – Minimum of 40.0 acres/Maximum of 128 congregate living beds.

~~B.(2)~~ A 300-foot wide buffer shall be incorporated in the master plan along that portion of the MLU adjacent to the Collecting Canal.

1.15.3 Special Policy: The Day Property

Land use and intensity of development on the property delineated “Special Policy 1.15.3” on the Future Land Use Map, Map #FLU -1.10, shall be regulated by the application of the following: (a) The applicant shall record a Deed Restriction which shall provide that the Intensity of development shall not exceed a floor-area- ratio (F.A.R.) of 0.074 in order to accommodate a maximum of 30,000 sq. ft. of commercial low intensity uses; and (b) this restriction shall automatically increase to whatever F.A.R. may be subsequently granted by the Town Council to any other Commercial Low designated property fronting on Okeechobee Boulevard and lying within the Town limits.

~~A.(1)~~. A Conceptual Site Plan reflecting the 0.074 F.A.R. shall be approved as part of the initial rezoning approval. Subject to potential future F.A.R. increases permitted by Special Policy 1.15.3(b), development uses, access and intensity shall be consistent with the Conceptual Site Plan.

~~B.(2)~~. Any increase in development intensity above a 0.074 F.A.R., as permitted in Special Policy 1.15.3(b), shall be processed through the Town’s site plan or site plan amendment approval process, as appropriate.

1.15.4 Special Policy: Palm Beach State College

Development on the Palm Beach State College Property delineated as “Special Policy 1.15.4” on the Future Land Use Map, Map # FLU-1.10, shall be regulated by the following criteria:

~~A.(1) Policy 1.15.4 a:~~ Development of the property shall be governed only by the following regulations:

- ia. SREF- State Requirements for Educational Facilities as adopted in Rule 6A-2.0010;
- ii. Florida Building Code;
- iii. Florida Fire Prevention Code;
- iv. South Florida Water Management District; and,
- v. Loxahatchee Groves Water Control District.

B.(2) Policy 1.15.4-b: A “Master Site Development Plan” providing the following information for the overall site shall be submitted to the Town for approval prior to issuance of the first building permit:

- ia. Site Acreage;
- ii. Site boundaries clearly identified, and ties to section corners;
- iii. Existing and proposed land uses and existing uses on adjacent land;
- iv. Generalized location of development areas and uses;
- v. Indication of vehicular connections to public rights-of-way;
- vi. A valid Conceptual Driveway Permit approval from the Florida Department of Transportation issued pursuant to the “State Highway System Access Management Classification System and Standards”, as amended;
- vii. Design Guidelines to be consistent with the intentions of the Town’s Rural Vista Guidelines as can be applied to a college campus;
- viii. All adjacent public and private rights-of-way and easements, indication of ultimate right-of-way line, centerline, width, pavement width, existing and proposed median cuts and intersections, street light poles and other utility facilities and easements;
- ix. Indication of existing native vegetation that will be preserved;
- x. A detail of the proposed buffer for screening along the northern boundary, including addressing removal of invasive vegetation and replanting; and,
- xik. Site Data, including the maximum intensity permitted on site.

C.(3) Policy 1.15.4-c: A copy of the “Campus Master Plan” prepared pursuant to State Requirements for Educational Facilities as adopted in Rule 6A- 2.0010 and all future 5-year updates shall be submitted to the Town of Loxahatchee Groves for informational purposes. The 5 - year updates to the “Campus Master Plan” shall be submitted to the Town of Loxahatchee Groves for informational purposes prior to submission of the Plan to the Department of Education. During the development of the Educational Plant Survey and the Campus Master Plan, the Town shall be given the opportunity to raise any issues or concerns with the Plan for consideration by the College.

1.15.5 Special Policy: Reserved

1.15.6 Special Policy: Anser Animal Hospital

The existing veterinary clinic use for the treatment of small and large animals on the property delineated as “Special Policy 1.15.6” on the Future Land Use Map, Map #FLU-1.10, is determined to be legal and conforming to the Loxahatchee Groves Unified Land Development Code (ULDC) and may expand subject to the land development regulations therein, provided that the on-site care and

treatment of Class I and Class II wildlife, as defined in Florida Administrative Code Section 68A-6.002(1), is prohibited.

1.15.7 Special Policy: Brier and Red Clover

Properties within the area defined by the following features, where a planned mixture of non-residential land use designations currently predominates, may apply for a change in land use to a MLU, CL, CLO, INST or CON Future Land Use designation: Collecting Canal (north), Southern Boulevard (south), "C" Road (east), and "B" Road (west). The intent of this policy is to exempt the subject properties from policies 1.1.5.k, 1.1.15.a, and 1.1.15.b.

MAP FLU-1-2035 Future Land Use MAP
(to be inserted)

TRANSPORTATION ELEMENT

GOALS, OBJECTIVES AND POLICIES (~~Rev. Ord. 2013-08; Ord. 2017-01; Ord. 2018-10~~)

GOAL 2: TRANSPORTATION

The Town of ~~Loxahatchee Groves~~ shall provide, maintain and improve a safe, convenient and energy efficient multi-modal transportation system that is consistent with the Town's growth management principles, specifically the maintenance of its character, and is coordinated with a regional network which balances the needs of all current and future users in a manner to ensure the economic vitality of the Town as a rural residential **and agricultural** community and the enhancement of the Town's quality of life.

Concurrency Management

2.1 *Objective:*

The Town shall ensure that adequate public facilities are available concurrent with the impacts of development, and shall monitor impacts resulting from new development.

2.1.1 Policy:

The Town's Major Roads Functional Classification System is illustrated on Map TRN-1. The Town of ~~Loxahatchee Groves~~ shall ~~adopt~~ support the generalized two-way peak hour volumes for Florida's Urbanized Areas for all County urban collector roadways such as Okeechobee Boulevard at the Level of Service (LOS) "D" standard. However, in order to maintain Okeechobee Boulevard as a two-lane section, the Town may pursue a CRALLS (Constrained Roadway Operating At A Lower Level Of Service) designation or alternative roadway classification.

2.1.2 Policy:

The Town of ~~Loxahatchee Groves~~ shall adopt the generalized two-way peak hour volumes at the Level of Service standards established by the Florida Department of Transportation for all roadways on the State Highway System, Florida Intrastate Highway System (FIHS), and/or Strategic Intermodal System (SIS).

2.1.3 Policy:

The transportation network should be kept at the adopted Levels of Service by means of implementation of improvements to correct projected deficiencies. Projects should be listed in the Five-Year Schedule of Capital Improvements.

2.1.4 Policy:

The Town shall coordinate with Palm Beach County (“PBC”) and the Florida Department of Transportation to address the deficiencies of roadways, as identified in the existing and future level of service analysis.

2.1.5 Policy:

Prior to the granting of a building permit, an applicant shall obtain transportation concurrency approval from ~~Palm Beach County~~ PBC and the Town. No building permit will be issued unless documentation of the corresponding transportation concurrency approval certificate has been presented.

2.1.6 Policy:

Transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the Town approves a building permit that results in traffic generation.

Intergovernmental Coordination

2.2 Objective:

The Town of ~~Loxahatchee Groves~~ shall participate in cooperative intergovernmental plans and programs to improve the safety, efficiency of the transportation system, while protecting the interests of the Town.

2.2.1 Policy:

The Town of ~~Loxahatchee Groves~~ shall coordinate with Palm Tran and the Palm Beach County ~~MPO~~ Transportation Planning Agency to identify programs and policies that will assist in the provision of a convenient, public transit network that will provide both local and regional connections and that will accommodate the physically disabled.

2.2.2 Policy:

The Town of ~~Loxahatchee Groves~~ shall participate in cooperative intergovernmental plans and programs that will improve safety for users of all modes of transportation including pedestrian, bicycle, equestrian, motor vehicle and transit.

2.2.3 Policy: Reserved.

2.2.4 Policy:

The Town of ~~Loxahatchee Groves~~ will coordinate with all affected local governments, special districts, the Florida Department of Transportation, ~~Palm Beach County~~ PBC, Palm Beach County ~~MPO~~ Transportation Planning Agency and other public agencies to provide input and advocate for implementation of the

Town's policies regarding future roadway plans for Okeechobee Boulevard, SR-80 and other roadways as necessary. The Town shall accordingly protect rights-of-way for future roadway projects and shall include right-of-way requirements in the Land Development Regulations.

2.2.5 Policy:

The following shall be Town policies: (1) permanent removal of the "E" Road, 140th Avenue extension; (2) annual exclusion of that portion of Okeechobee Boulevard from Folsom Road to west of "A" Road from consideration of expansion to four lanes from the County's 5-Year Road Program; (3) support for the extension of Seminole Pratt-Whitney Road north to State Road 710, the Beeline Highway; (4) opposition to the extension of Okeechobee Boulevard to State Road 80 (Southern Boulevard); and (5) support of the extension of State Road 7 from Okeechobee Boulevard to Northlake Boulevard.

2.2.6 Policy:

In order to maintain the two-lane section on Okeechobee Boulevard and protect its rural character, the Town shall support implementation of the following:

A. Designation of the section of Okeechobee Boulevard within Loxahatchee Groves a Rural Minor Collector on the County's Roadway Classification Map and designed as a Rural Parkway;

B. Traffic calming features to include, but not limited to, roundabouts, traffic signals, and/or stop signs at the Letter Road intersections; and

C. Implementation and enforcement of reduced speed limits.

D. Increase landscaping along and within the right-of-way to enhance rural feel.

2.2.7 Policy:

The Town shall review roadways and intersections with frequent speeding occurrences, operational deficiencies, and/or high crash frequencies. Specifically, the Town shall investigate strategies to coordinate with the Florida Department of Transportation and ~~Palm Beach County~~ PBC to:

A4. Address traffic operational deficiencies at Southern Boulevard intersections; and,

B2. Reduce speeding on Okeechobee Boulevard.

2.2.8 Policy:

On an annual basis, work with PBC to incorporate future roadway improvements that implement the Town's Okeechobee Boulevard planning ~~policy~~ Policies 2.2.5 and 2.2.6 within the Five-Year Transportation Improvement Program (TIP). In this regard, the Town Council shall be represented at Transportation Planning Agency meetings in preparation of the TIP.

Greenways and Equestrian Multi-Use Trails

2.3 Objective:

~~The Town of Loxahatchee Groves shall develop a greenway and equestrian multi-use system to meet the needs and interests of the residents of Loxahatchee Groves. To assist in this effort, the Town may maintain the Roadway Equestrian Trails and Greenways (TAG) (RETAG) Advisory Committee, created by Town Resolution 2011-05.~~

2.3.1 Policy:

The Town shall create a map of existing equestrian riding and multi-use trails.

2.3.2 Policy:

The Town shall work toward establishing equestrian multi-use trails and greenways within the existing canal maintenance easements on all Letter Roads. In addition, the Town shall identify new connections to existing trails, which if acquired would greatly enhance pedestrian, bicycle, or equestrian circulation throughout the Town.

2.3.3 Policy:

A plan for a cohesive internal trail system with connections to neighboring communities may be completed, ~~under the direction of the Roadway, Equestrian Trails and Greenways (RETAG) (TAG) Committee.~~

~~2.3.4: Policy: Reserved~~

~~Annually, the RETAG MU TAG Committee shall assess whether the greenway and equestrian trail system is sufficient for the needs of the residents. As part of its annual assessment, RETAG MU TAG shall recommend projects to be included in the Five-Year Schedule of Improvements.~~

2.3.5 Policy:

The greenway and equestrian multi-use trails system, wherever feasible, shall provide connectivity among ~~connections between~~ residential properties ~~homes~~, parks, recreational facilities, open spaces, and commercial facilities throughout the Town.

2.3.6 Policy:
All vehicular parking for land uses which are adjacent to the greenway and ~~equestrian~~ multi-use trail system should provide the parking on a side away from the trail.

2.3.7 Policy:
~~The Town, in cooperation with LGWCD and the RETAG, shall develop minimum design standards for greenway and equestrian multi-use trails for inclusion in its Land Development Regulations. The Town shall coordinate the application of its minimum design standards with the LGWCD whenever a proposed greenway or equestrian trail falls within an LGWCD right-of-way. Further, the RETAG shall work cooperatively with the Loxahatchee Groves Water Control District to develop trail design documents.~~

2.3.8 Policy: Reserve
~~The greenway and equestrian multi-use trail system shall be maintained and improved to be consistent with the Town's minimum design standards.~~

2.3.9 Policy:
The Town shall may use landscaping and signs to visually identify crossings and trail access points. ~~Safe and controlled crossings shall be provided.~~

2.3.10 Policy:
The Town may encourage and accept additional ~~shall ensure sufficient~~ right-of-way and easements is preserved to construct and maintain the multi-use trails.

2.3.11 Policy:
The Town shall coordinate the provision of greenway and ~~equestrian~~ multi-use trail connections among adjoining or abutting properties during the site plan review process.

2.4 *Objective:*
The Town of Loxahatchee Groves' greenway and equestrian multi-use trail system shall be financially feasible.

2.4.1 Policy: Reserved
~~The Town shall determine which trails should be considered for public ownership.~~

2.4.2 Policy:
The Town shall explore the possibility of obtaining grants, gifts, contributions, funding assistance, and other financial resources for the development of ~~equestrian riding~~ multi-use trails.

2.4.3 Policy:

The Town should pursue joint efforts with all affected local governments, special districts, and other public agencies with respect to the acquisition, development and maintenance of multi-use trails as a means for reducing costs and pooling resources.

2.4.4 Policy:

The following ~~equestrian~~ multi-use trails and greenways projects shall be pursued by the Town until such time that a plan pursuant to Policy 2-3.3 is completed:

- A. North-South Town-wide trail connectivity along all Letter Roads by pursuing trail crossings of Okeechobee Boulevard and Collecting Canal at these intersections;
- B. East-West Town-wide trail connectivity ~~along easements along the south side of~~ Collecting Canal and 6th Court North, North Road, and Okeechobee Boulevard;
- C. Multi-use ~~Equestrian~~ trail/greenway easements within future non-residential developments along Southern Boulevard ~~Equestrian Trail easements~~ to provide connectivity between Loxahatchee Groves Park and the existing trail on F Road; and,
- D. Additional projects as deemed appropriate by the Town Council, as the opportunity arises.

Land Use/Transportation Coordination

2.5 Objective:

The Town shall coordinate the transportation system with the future land use map and ensure land uses are consistent with transportation modes and services proposed to serve those areas.

2.5.1 Policy:

The Town shall encourage connectivity ~~among~~ within all new development and redevelopment projects so as to minimize impacts on the roadway network.

2.5.2 Policy: Reserved

~~The Town shall collocate where possible primary civic facilities, thereby reducing the number of vehicle trips.~~

2.5.3 Policy:

The Town shall coordinate the transportation system with land uses through implementation of, but not limited to, the following programs, activities or actions:

- A4. Transportation facilities and services shall be planned and located in a manner which minimizes the potential impacts on adjacent land uses with consideration given specially to existing residential areas;
2. ~~Intermodal facilities shall be located so as to maximize the efficiency of the transportation system; and,~~
3. ~~All opportunities to provide adequate bus shelters will be explored~~

Right-of-Way Protection

2.6 *Objective:*

The Town of Loxahatchee Groves shall ensure that future development does not encroach upon existing rights of-way.

2.6.1 Policy:

The Town shall ensure that future development does not encroach upon existing rights-of-way.

2.6.2 Policy:

Future right-of-way requirements for State and County roads, illustrated on Map TRN 1 Major Roads Functional Classification Map, shall be established in conformance with ~~Palm Beach County PBC~~ Standards to meet future needs, while maintaining the rural character of the Town.

2.6.3 Policy:

The Town shall continue to obtain additional survey data on the Town roads as the basis for implementing future road improvements.

Safety, Maintenance and Improvement of Local Roadways

2.7 *Objective:*

The Town shall maintain a safe local roadway network.

2.7.1 Policy:

For the purpose of allocating public maintenance and capital improvements projects funds, the Town's local roads shall be classified ~~as follows:~~ in Table TRN 1 Local Roads Functional Classification System and illustrated on Map TRN 2 Local Roads Classification Map.

1. ~~Category 1 — Surfaced local public roads under the jurisdiction of the Town.~~

- ~~1. A.— Paved local public roads;~~
- ~~1. B.— OGEM surfaced local public roads;~~
- ~~2— Category 2— Unsurfaced local public roads;~~
 - ~~2. A— Loxahatchee Groves Water Control District roads;~~
 - ~~2. B— Town of Loxahatchee Groves roads;~~
- ~~3.— Category 3— Private local roads (public access); and~~
- ~~4— Category 4— Private local roads (no public access).~~

2.7.2 Policy:

The Town shall continue to encourage joint use of driveways and cross access agreements among adjoining property owners to allow circulation between sites and reduce the number of vehicular trips along roadways.

2.7.3 Policy:

The Town shall ensure that proper traffic signage is provided on local roads including speed limit, warning, guide, and street name signs.

2.7.4 Policy:

The Town shall investigate and implement strategies with all affected governments, special districts, and other public agencies, including the LGWCD, to discourage cut-through traffic on local roads throughout the Town.

Table TRN 1
Local Roads Functional Classification System

<u>Road Classification</u>	<u>Function</u>	<u>Design Objective</u>
<u>Service Level 1</u>	<u>Principal public access from Town properties to both Okeechobee Boulevard and Southern Boulevard</u>	<u>Improved or unimproved, as determined by the Town</u>
<u>Service Level 2</u>	<u>Public access from Town properties to Okeechobee Boulevard or Southern Blvd.</u>	<u>Improved or unimproved, as determined by the Town</u>
<u>Service Level 3</u>	<u>Connector public access between two or more Service Level 1 Roads</u>	<u>Improved or unimproved determined by Town and abutting owners</u>
<u>Service Level 4</u>	<u>Non-through public direct access to Town properties</u>	<u>Improvement can be requested by abutting owners and approved by Town.</u>
<u>Service Level 5</u>	<u>Non-through private direct access to Town properties</u>	<u>Improvements may be made by abutting owners</u>

Source: ~~Town of Loxahatchee Groves Roadway Equestrian Trail and Greenways Advisory Committee; 2019.~~

2.7.5 Policy: Reserved

2.7.6 Policy: Reserved

~~Implement Town Okeechobee Boulevard policies stated in Objective 1.1A of the Future Land Use Element.~~

2.7.7 Policy:

The Town shall coordinate with law enforcement agencies to reduce crashes and enforce traffic codes and regulations.

2.7.8 Policy:

The Town shall utilize and update the current Road, Greenway, and Roadways Equestrian multi-use Trails and Greenways Plan to guide future ~~roadway and equestrian multi-use trails~~ maintenance and safety improvements.

2.7.9 Policy:

The Town will strive to reduce greenhouse gas emissions by reducing traffic congestion and air pollution. ~~The Town will promote~~ by promoting alternative forms of transportation by ~~solidifying a greenways/equestrian trail plan~~ and cooperating with ~~Palm Beach County PBC~~ PBC for new and improved transit. ~~The Town will also plan internal roadways and cross access between parcels that will allow for more efficient travel.~~

2.7.10 Policy: Reserved

~~The Town shall continue to coordinate with LGWCD for proper maintenance of the roadways.~~

2.7.11 Policy:

The following general roadway programs, determined to be necessary for attaining or maintaining desired service levels, shall be pursued by the Town. Specific projects shall be included as part of the annual review and update of the Five-Year Schedule of Capital Improvements:

A4. Intersection control improvements at Okeechobee Boulevard and the Southern Boulevard intersections with "B", "D" and "F" Roads;

B2. Installation of ~~OGEM~~ surface treatment and/or pavement at appropriate locations on the Town roads;

C3. Installation of ~~OGEM~~ surface treatment on non Town roads provided that public right-of-way dedications from all affected property owners are procured; and,

- D4. Construction of new Town local roads, reconstruction or resurfacing of existing paved Town local roads, or paving or surfacing of existing graded Town local roads.

Transit

2.8 *Objective:*
The Town of ~~Loxahatchee Groves~~ shall support and coordinate with Palm Beach County PBC to provide safe, efficient, and convenient accessibility and availability to transit for all users.

2.8.1 Policy:
 The Town shall coordinate with Palm Tran and the ~~MPO~~ Transportation Planning Agency to provide convenient service and access to intermodal terminals and facilities, including Palm Beach International Airport and other generators and attractors.

2.8.2 Policy:
 The Town of ~~Loxahatchee Groves~~ shall coordinate with Palm Tran, and the ~~MPO~~ Transportation Planning Agency to identify programs and policies that will assist in the provision of a convenient, public transit network that will provide both local and regional connections and that will accommodate the physically disabled.

2.8.3 Policy:
 Require all applicants for site plan approval of all non-residential development on a property fronting Southern Boulevard to ~~conform~~ comply with the need for a Bus Stop Boarding and Alighting Area (BSBAA), as determined by Palm Tran.

Greenhouse Gas Reduction

2.9 *Objective:*
The Town of ~~Loxahatchee Groves~~ shall support and coordinate with Palm Beach County to reduce greenhouse gas emission by promoting alternative modes of transportation.

2.9.1 Policy:
 The Town will strive to reduce greenhouse gas emissions by reducing traffic congestion and air pollution. The Town will promote alternative forms of transportation by solidifying a ~~greenways/equestrian~~ multi-use trails and greenways plan and cooperating with ~~Palm Beach County~~ PBC for new and

~~improved transit. The Town will also plan internal roadways and cross access between parcels that will allow for more efficient travel.~~

2.9.2 Policy:
The Town shall ensure redevelopment is transit-ready along major transportation corridors.

MAP TRN-1-Major Roads Functional Classification System

MAP TRN-2-Local Roads Classification System

INFRASTRUCTURE
GOALS, OBJECTIVES AND POLICIES (Rev: Ord. 2013-08)

GOAL 3: INFRASTRUCTURE

Ensure the provision of high quality, healthful, effective, reliable, efficient, environmentally sound and necessary services for coordinated sanitary sewer, solid waste, drainage, potable water and natural ground water aquifer recharge to town residents and visitors.

DRAINAGE GOAL 3A: DRAINAGE

Provide high quality, healthful, effective, reliable, efficient, environmentally sound and necessary services for coordinated drainage.

3A.1 *Objective:*

To optimize the utilization of water resources through provision of stormwater management in ~~urban areas~~ for the Town which reduces damage and inconvenience from flooding, promotes aquifer recharge, minimizes degradation of water quality in surface and groundwater and protects the functions of wetlands in ~~urban areas~~.

3A.1.1 Policy:

Storm water management facilities shall be designed in accordance with South Florida Water Management District (SFWMD) criteria, ~~and, when applicable, with Loxahatchee Groves Water Control District (LGWCD) criteria.~~

3A.1.2 Policy:

The Town of ~~Loxahatchee Groves~~ shall ~~implement~~ maintain land development regulations which implement the minimum design criteria for stormwater management, ~~as shown below, as the level of service standard to be used as the basis to assess adequacy of service. and concurrency during the development review process.;~~

- ~~a. Minimum roadway and parking lot elevations; shall be at least at the highest elevation that may occur at the peak of the 10-year one-day storm event;~~
- ~~b. Minimum site perimeter elevations shall be at least the 25-year-3-day stage. Site runoff up to such stage level may not overflow into any adjacent property, unless a permanent drainage easement is obtained;~~
- ~~c. Dry or wet retention/detention, stage versus storage, stage versus discharge and flood routing calculations for the 10-year, one day, 25-year, 3-day and 100-year, 3-day storm events for the site shall be submitted with the site development plans;~~
- ~~d. Building floor elevations shall be at or above the 100-year flood elevation, as determined from the Federal Flood Insurance Rate Maps or calculations following the latest SFWMD methodology, whichever is~~

greater;

~~e. Off-site discharge shall be limited to pre-development runoff based on the 25-year-3-day storm event calculated by SFWMD methods;~~

~~f. All roof runoff shall be detained on site;~~

~~g. Storm sewers shall be designed to convey the 5 year, 1 day storm event;~~

~~h. Prior to discharge to surface or groundwater, BMP's of SFWMD shall be used to reduce pollutant loading from storm water runoff from non-agricultural uses; and,~~

~~i. Prior to discharge to surface or groundwater, BMPs of the DEP and USDA shall be used to reduce pollutant loading from storm water runoff from agricultural uses.~~

3A.1.3 Policy:

The Town shall ~~support the LGWCD in considering~~ consider the impact of the construction and operation of stormwater management facilities and support services on adjacent natural resources in accordance with SFWMD regulations during the installation of new stormwater management facilities and the expansion of, or increase in capacity of stormwater management facilities.

3A.1.4 Policy:

Coordinate with the SFWMD ~~and the LGWCD~~ to implement applicable portions of the SFWMD regional water resource projects, which intend to reduce losses of excess stormwater to tide, recharge the Surficial aquifer and Water Preserve Areas or provide additional storage surface waters.

3A.1.5 Policy:

The Town shall ~~support the LGWCD in addressing~~ address stormwater management issues on a watershed (basin) basis in accordance with SFWMD permits as a means of providing cost effective water quality and water quantity solutions to specific watershed problems.

3A.1.6 Policy:

The Town shall ~~support the LGWCD in managing~~ manage the construction and operation of its facilities which dam, divert or otherwise alter the flow of surface waters to minimize damage from flooding, soil erosion or excessive drainage.

3A.1.7 Policy:

The Town shall support the SFWMD in maintaining and protect ground water recharge of the Surficial Aquifer system so as to maintain all of the functions of the Aquifer, including the reduction of saltwater intrusion. ~~LGWCD capital~~ Capital projects shall be incorporated within the Town's Five-Year Schedule of Capital Improvements on an annual basis.

3A.1.8 Policy:

The Town shall support the LGWCD in ~~requiring~~ require that new drainage facilities shall be designed to provide pollution control sufficient to meet criteria of all local, state and federal regulatory requirements, including but not limited to the following when applicable:

- a. Retention of stormwater;
- b. Flow of stormwater over grassed and vegetated areas;
- c. Sumps;
- d. Grease separation baffles;
- e. Mosquito control; and,
- f. Infiltration and percolation prior to overflow or outfall discharge.

3A.1.9 Policy:

Use Best Management Practices (BMPs) in accordance with its regulations and those of the ~~South Florida Water Management District~~ SFWMD and the Florida Department of Environmental Protection.

3A.1.10 Policy:

The Town shall support the Lower East Coast Regional Water Supply Plan and operating procedures to increase recharge water to the Surficial Aquifer.

3A.1.11 Policy:

Utilize, preserve, restore and enhance natural water bodies and functions by encouraging non-structural and structural erosion control devices and discourage the canalization, installation of seawalls or other alteration of natural rivers, streams and lakes.

3A.1.12 Policy:

Protect the water storage and water quality enhancement functions of wetlands, floodplains and aquifer recharge areas through acquisition, enforcement of rules and the application of land and water management practices which provide for compatible uses.

3A.1.13 Policy:

Coordinate with ~~the LGWCD~~, Palm Beach County ("PBC") and SFWMD to protect aquifers from depletion through water conservation and preservation of the functions of high recharge areas including but not limited to the water conservation areas and water preserve areas.

3A.1.14 Policy:

The Town of ~~Loxahatchee Groves~~ shall investigate the need to acquire a National Pollution Discharge Elimination System - Municipal Separate Storm Sewer System (NPDES-MS4) and the implementation of the permit conditions including monitoring of outfalls and improving stormwater management practices, ~~by December 2009.~~

~~3A.1.15 Policy:~~

~~The Town of Loxahatchee Groves shall investigate the creation of grading and drainage standards for residential properties.~~

~~NATURAL GROUNDWATER AQUIFER RECHARGE~~

GOAL 3B: NATURAL GROUNDWATER AQUIFER RECHARGE

Provide natural ground water aquifer recharge meeting all applicable federal, state and local water quality standards and does not compromise the sustainability of the town's water resources to supply water in the future.

3B.1 *Objective:*

Conserve and protect potable water resources with primary focus on the Surficial Aquifer by optimizing the utilization of water resources through effective water management practices.

3B.1.1 Policy:

The Town shall enforce the landscape regulations which shall address the SFWMD's xeriscape guidelines.

3B.1.2 Policy:

The Town shall protect groundwater quality by continuing to ~~implement~~ support the County's Wellfield Protection Ordinance, which regulates the storage, handling, usage, disposal or production of hazardous materials and solid waste within designated zones of influence as identified in the Code

3B.1.3 Policy:

The Town shall support ~~Palm Beach County~~ PBC to implement a year-round public information and education program promoting water conservation.

3B.1.4 Policy:

The Town shall support ~~PBCWUD~~ PBC to continue to implement a leak detection program to reduce the amount of unaccounted-for water loss within its utility systems.

3B.1.5 Policy:

The Town shall coordinate with the ~~LGWCD~~ SFWMD in the maintenance of sufficient water levels in the canals system for fire protection purposes, ~~by exploring partnering with Palm Beach County in its investigation of storm water reservoirs.~~

3B.1.6 Policy:

The Town shall ~~support the LGWCD in its efforts to~~ maintain sufficient water levels in the canals in its interaction with SFWMD.

3B.2 *Objective:*

Potable water facilities shall be designed, constructed, maintained and operated in such a manner as to protect the functions of natural groundwater recharge areas and natural

drainage features and not exacerbate saltwater intrusion.

3B2.1 Policy:

The design for the construction, operation and maintenance of new or expanded potable water facilities shall consider the short-term and long-term impacts to natural groundwater recharge areas, wetlands, surface and groundwater levels, ~~and exacerbation of saltwater intrusion~~. The design shall also consider whether or not the construction, operation and maintenance will significantly harm the aquifer system. Adverse impacts of construction, operation, and maintenance shall be avoided or at least minimized.

3B2.2 Policy:

In order to protect and conserve the Surficial Aquifer, ~~Palm Beach County PBC Water Utilities~~ and the Town shall investigate utilization of alternate potable water sources to supplement and broaden its future water supply sources. These potential sources could include the Floridan Aquifer, desalinization, capture and storage of excess storm water currently lost to tide and other technologies which may be addressed in the SFWMD's Lower East Coast Regional Water Supply Plan.

POTABLE WATER GOAL 3C: POTABLE WATER

Provide commercial and residential potable water supply system which provides an adequate supply of water meeting all applicable federal, state and local water quality standards.

3C.1 *Objective:*

The Town shall support ~~PBC Water Utilities (PBCWUD)~~ to identify and, where feasible, correct existing potable water facilities' deficiencies as necessary.

3C.1.1 Policy:

The Town shall assist the County with capacity surpluses and deficiencies for the long-term planning horizon and any other relevant issues.

3C.2 *Objective:*

Potable water facilities, currently depicted on MAP INF-1, shall be provided to meet the Town's short-term and long-term future needs.

3C.2.1 Policy:

The level of service (LOS) standard for potable water facilities shall be the Florida Department of Environmental Protection Permitted Capacity of the facility. The LOS standard for water treatment plants shall be measured by maximum daily flow. The level of service (LOS) standard for potable water facilities provided by ~~PBCWUD~~ is 126 GPD per capita.

3C.2.2 Policy:

The Town of ~~Loxahatchee Groves~~ shall require in the land development

regulations that applicants for development permits utilize existing potable water facilities if lines are available as defined by Chapters 62-550, 62-555, and 62-560, Florida Administrative Code (FAC).

3C.2.3 Policy:

The Town shall support the planning for additional capacity and/or a reduction in per capita demand shall be include in the 10-Year Water Supply Facilities Work-plan as required in Chapter 163 of Florida Statutes to increase the coordination of local land use and future water supply planning.

3C.2.4 Policy:

An assessment of the impacts of the construction and operation of new or expansion of existing water treatment plants and support services on adjacent natural resources shall be prepared ~~during site review by PBC during preparation of its 10-Year Water Supply Facilities Work Plan, when considering the siting of new water treatment plants and the expansion of, or increase in capacity of, water treatment plants.~~

3C.2.5 Policy:

The Town shall assist the County with the Retail Service Water and Wastewater Master Plan Update, and support the County to re-examine the feasibility of amending the potable water facilities LOS standard. The LOS standards that may be considered include treatment plant peak daily demand capacity, water storage capacity, and water pressure for distribution facilities.

3C.2.6 Policy:

In order to protect and conserve the Surficial Aquifer, the Town shall cooperate with ~~Palm Beach County~~ PBC to continue to investigate utilization of alternate water sources to supplement and broaden the county's future water supply sources as described in the 10-Year Water Supply Facilities Work Plan. These potential sources could include the increased use of reclaimed wastewater, improved methods of conservation, Aquifer Storage and Recovery (ASR), improved operations to increase stormwater reuse and aquifer recharge by improvements to the secondary canal infrastructure, and other technologies which may be addressed in the Lower East Coast Regional Water Supply Plan of the South Florida Water Management District (SFWMD).

3C.2.7 Policy:

The Town shall support ~~and encourage~~ maximizing the use of existing potable water facilities and reducing redundant facilities.

3C.2.8 Policy:

The Town shall support and promote the implementation of an integrated

geographic information system in order to make available standardized land use and potable water supply facilities information for local and regional planning.

3C.3 *Objective:*

Maximize the use of existing potable water facilities and encourage responsible growth patterns.

3C.3.1 Policy:

The Town of ~~Loxahatchee Groves~~ shall require in the land development regulations that applicants for commercial development permits adjacent to existing facilities enter into an agreement to tie-in to existing facilities or construct improvements to the utility provider's potable water system necessitated by the proposed development when adequate facilities, based on the adopted level of service standard, are not available and no fiscally feasible plan to construct or expand said facilities is proposed.

3C.3.2 Policy:

The Town shall recommend the denial of future land use map amendments where densities or intensities are increased if:

- A1. Potable water facilities are not available and a consumptive use permit for the Florida Department of Environmental Protection Permitted capacity from the South Florida Water Management District (SFWMD) has not been issued; and,
- B2. Plans to extend potable water facilities so that they become available are not included within a financially feasible capital improvements program and/or there is not a reasonable expectation that the consumptive use permit will be issued.

3C.3.3 Policy:

As an alternative to new potable water facility construction, The Town shall cooperate with ~~Palm Beach County~~ PBC to identify opportunities to increase the efficiency and optimize the use of existing facilities.

3C.3.4 Policy:

The Town shall support ~~Palm Beach County~~ PBC's effort to encourage the use of coordinated regulatory and programmatic approaches and financial incentives to promote responsible growth patterns.

3C.3.5 Policy:

The Town shall ensure adequate water supplies are available to serve the new development no later than the anticipated date of issuance of a certificate of occupancy or its functional equivalent.

3C.3.6 Policy:

The Town shall coordinate with the South Florida Water Management District to continue to protect ground and surface waters through its permitting of water withdrawals for irrigation and human consumption.

SANITARY SEWER GOAL 3D: SANITARY SEWER

Provide residents with a cost effective, equitable and adequate sanitary sewer facilities meeting applicable federal, state, and local design standards and effluent water quality standards.

3D.1 Objective:

The Town shall cooperate with PBCWUD to identify and, where feasible, correct existing PBCWUD sanitary sewer facility deficiencies in the Town.

3D.1.1 Policy:

In the absence of legal constraints on the use of revenues, the Town shall cooperate with PBCWUD to maintain system improvements identified in the Capital Improvements Element to alleviate public sanitary sewer systems deficiencies within the Town.

3D.1.2 Policy:

The Town shall assist PBCWUD to develop and maintain an inventory of all its sanitary sewer facilities serving residents, customers, and large users in the Town.

3D.2 Objective:

Sanitary Sewer facilities, currently depicted on MAP INF-2, shall be provided to meet the short-term and long-term future needs.

3D.2.1 Policy:

The level of service (LOS) standard for sanitary sewer facilities shall be the Florida Department of Environmental Protection Permitted Capacity of the facility. The LOS standard for wastewater treatment plants shall be measured by average daily flow.

3D.2.2 Policy:

The Town and PBCWUD shall use PBCWUD standards for sewage generation rates to assess the adequacy of service and concurrency for potential retail customers. The LOS for PBCWUD is 100 GPD per capita.

3D.2.3 Policy:

The Town shall require in the land development regulations that applicants for development permits utilize existing sanitary sewer facilities if lines are available as defined by Chapter 10D-6, Standards for Onsite Sewage Treatment and Disposal Systems, Florida Administrative Code (FAC), pursuant to Section 381.0065, Onsite sewage disposal systems; installation; conditions, Florida Statutes.

3D.2.4 Policy:

Local government entities shall require customers with private septic tanks to connect to public gravity sanitary sewer collection systems within 365 days of written notice that the service is available, as required by F.S. 381.00655.

3D.2.5 Policy:

The Town shall encourage maximizing the use of existing sanitary sewer activities and reducing redundant facilities.

3D.2.6 Policy:

The Town of ~~Loxahatchee Groves~~ shall support the implementation of an integrated geographic information system in order to make available standardized land use and sanitary sewer facilities information for local and regional planning.

3D.2.7 Policy:

The Town of ~~Loxahatchee Groves~~ shall support and provide information as necessary to Palm Beach County Water Utilities for the update of their required planning processes.

3D.3 Objective:

Maximize the use of existing sanitary sewer facilities.

3D.3.1 Policy:

The Town shall require in the land development regulations that applicants for development permits within the County's utility districts enter into an agreement to tie-in to existing facilities or construct improvements to the County's sanitary sewer system necessitated by the proposed development when adequate facilities, based on adopted level of service standard, are not available and no fiscally feasible plan to construct or expand said facilities is proposed.

3D.3.2 Policy:

The Town shall continue to investigate the provision of sanitary sewer services through agreements with ~~a franchisee~~. PBC.

3D.3.3 Policy:

The Town shall recommend the denial of future land use map amendments where densities or intensities are increased if:

- A1. Sanitary sewer and permitted effluent disposal facilities are not available; and
- B2. Where plans to extend such facilities so that they become available are

not included within a financially feasible capital improvements program.

3D.3.4 Policy:

As an alternative to new sanitary sewer facility construction, the Town shall identify opportunities to increase efficiency and optimize the use of existing sanitary sewer facilities.

3D.3.5 Policy

The Town shall encourage the use of coordinated regulatory and programmatic approaches and financial incentives to promote efficient growth patterns.

3D.4 Objective:

Sanitary sewer facilities shall be designed, constructed, maintained, and operated in a manner that conserves and protects potable water resources by optimizing the use of reclaimed wastewater, where feasible, thus offsetting demands on the Surficial Aquifer.

3D.4.1 Policy:

The Town shall encourage the use of reclaimed water as an integral part of its wastewater management program, where economically, environmentally, and technically feasible.

3D.4.2 Policy:

The Town shall encourage increased wastewater reuse from the East Central Regional Water Reclamation Facility (ECRWF), where feasible.

3D.4.3 Policy:

The Town shall continue public education efforts on the reuse of reclaimed water, encouraging the reuse of water of an appropriate quality level for the purpose intended.

3D.5 Objective:

Sanitary sewer facilities shall be designed, constructed, maintained and operated in a manner that protects the functions and quality of ground and surface waters, natural groundwater recharge areas and natural drainage features.

3D.5.1 Policy:

The Town shall support the effort of the Palm Beach County Health Department, Florida Department of Health to reduce potential groundwater pollution sources.

3D.5.2 Policy:

The Town shall support the effort of ~~Palm Beach County~~ PBC to prohibit direct wastewater effluent discharges to surface and ground waters within Zone 1 and Zone 2 of wellfield zones of influence as designated on the Wellfield Protection Maps

3D.5.3 Policy:

The Town shall coordinate with the Palm Beach County Health Department to continue to protect ground and surface waters from pollution through permitting of septic tanks, collection and transmission systems.

SANITARY SEWER GOAL 3E: SOLID WASTE

Provide a cost effective and equitable solid waste disposal system which emphasizes resource recovery and meets all federal, state, and local environmental quality standards.

3E.1 Objective:

Solid waste management facilities shall be provided to meet the Town's short-term and long-term future needs.

3E.1.1 Policy:

The Town of ~~Loxahatchee Groves~~ shall require in the land development regulations that applicants for development permits demonstrate adequacy of solid waste disposal sites or facilities prior to occupancy.

3E.1.2 Policy:

The Town shall support and provide information as necessary to SWA to design for additional capacity.

3E.1.3 Policy:

The Town shall provide data to SWA to determine the impact of solid waste management facilities and support services on adjacent natural resources.

3E.1.4 Policy:

~~Palm Beach County~~ PBC shall provide for the periodic update of the Integrated Solid Waste Management Plan in order to assure that solid waste management facilities are available to meet future needs.

3E.2 Objective:

The Town shall support ~~Palm Beach County~~ PBC conserving its existing solid waste Disposal facilities.

3E.2.1 Policy:

Reduce the solid waste stream 30 percent as required by state law, so as to conserve existing solid waste facilities by encouraging recycling.

3E.2.2 Policy:

The Town shall cooperate with ~~Palm Beach County~~ PBC to further preserve landfill space, examine the need for a comprehensive countywide yard waste program and establish clear policies regarding the construction and debris waste stream.

3E.2.3 Policy:

The Town shall cooperate with ~~Palm Beach County~~ PBC to strive toward a reduction in the amount of paper through greater reliance upon the electronic media.

~~3E.4~~ 3E.3 Objective:

Protect the functions of the groundwater aquifer recharge areas and other natural resources from improper disposal of solid waste.

~~3E.4.1~~ 3E.3.1 Policy:

The Town shall cooperate with the SWA to monitor groundwater at SWA-managed landfills.

~~3E.4.2~~ 3E.3.2 Policy:

Solid waste management facilities shall be designed, constructed, operated and maintained so as not to exceed established water quality standards.

3E.3.3 Policy: (moved from Conservation Policy 4.3.3)

The Town shall cooperate with appropriate public agencies to assure that solid and hazardous wastes generated within the Town are properly managed to protect the environment. The Town shall report any solid or hazardous waste violation they may become aware of to the appropriate jurisdictional agency.

MAP INF-1-WATER MAINS

(to be inserted)

MAP INF-2-SEWER MAINS

(to be inserted)

**CONSERVATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

GOAL 4: CONSERVATION

To conserve, manage, appropriately use and protect the natural resources of the Town ensuring continued resource availability and environmental quality.

- 4.1 *Objective:*
Maintain the best possible air quality, meeting or exceeding state and federal air quality standards.
- 4.1.1 Policy:
The Town shall support the enforcement of applicable standards for air quality to control significant emissions of air pollutants in order to maintain and improve the existing air quality.
- 4.1.2 Policy:
Through the site plan approval process, the Town shall ensure appropriate measures are taken to contain and stabilize exposed or destabilized soil surfaces at construction sites to prevent erosion and the degradation of ambient air quality through the generation of dust particles.
- 4.1.3 Policy:
The Town shall continue to coordinate, as appropriate, with Palm Beach County ("PBC") and the Division of Forestry (Open Burning Controls) to maintain and improve air quality.
- 4.1.4 Policy:
The Town shall promote the development of multi-use trails and increasing the efficiency of the roadways through the Town to promote energy conservation and the reduction in greenhouse gas emissions.
- 4.1.5 Policy:
Educate the public through a public awareness campaign to limit idling of automobiles and trucks.
- 4.2 *Objective:*
Conserve, appropriately use and protect the quality and quantity of current and projected water sources and appropriately regulate the Town's stormwater run-off and other water sources and waters that flow into estuarine waters or oceanic waters.

- 4.2.1 Policy:
The Town shall cooperate with local, regional, state and federal agencies for the management of fresh water resources to maintain adequate fresh water supplies.
- 4.2.2 Policy:
The Town shall cooperate with ~~Palm Beach County~~ PBC and the South Florida Water Management District for the implementation of water demand management policies and programs.
- 4.2.3 Policy:
The Town shall ensure that existing and new development shall be serviced with an adequate supply of potable water at the adopted levels of service, and that, at a minimum, meet the state water quality standards.
- 4.2.4 Policy:
The Town shall cooperate with the South Florida Water Management District and ~~Palm Beach County~~ PBC to conserve water resources in emergencies and during declared water shortages.
- 4.2.5 Policy:
Activities and land uses known to adversely affect the quality and quantity of identified water sources and within natural groundwater recharge areas shall be regulated to protect the quality and quantity of this water source.
- 4.2.6 Policy: Reserved
~~The Town shall participate in the development of the Regional Water Supply Plan in conjunction with the South Florida Water Management District.~~
- 4.2.7 Policy:
For site plan approval, the Town shall require that surface water management systems be designed and operated consistent with the Town's adopted drainage level of service.
- 4.2.8 Policy:
The Town shall provide for open space as a part of the requirements for all development and redevelopment to promote shallow water aquifer recharge and stormwater filtration.
- 4.2.9 Policy:
The Town shall work towards the further education of the public regarding various methods of water conservation at the household and small business level. In this regard, the Town shall procure publications from the South Florida Water Management District for distribution to residents and posting on the Town's website.

4.2.10 Policy:

The Town shall encourage the utilization of the Best Management Practices developed by the Florida Department of Agriculture to promote the protection of water, quality. The Town shall provide, as available, education material on the Best Management Practices.

4.2.11 Policy:

The Town shall coordinate and cooperate with the South Florida Water Management District and the U.S. Army corps of Engineers on the development and implementation of the Comprehensive Everglades Restoration Program, and similar projects designed to protect the natural ecosystems of ~~Palm Beach County~~ PBC and south Florida, including Lake Okeechobee.

4.2.12 Policy:

The Town ~~shall coordinate with~~ operating as the Loxahatchee Groves Water Control District shall maintain canals in the Town and relating to the maintenance and insure water quality therein ~~of the canals in the Town.~~

4.3 Objective:

Assure that generation, storage, transport and disposal of wastes in the Town is managed with the best existing available technology to protect environmental quality.

4.3.1 Policy:

The Town shall provide environmental pollution prevention and education materials obtained from state agencies on the Town's website and shall assist property owners in the identification of available clean-up programs and agencies.

4.3.2 Policy:

New septic tank systems shall meet applicable state standards for permitting.

4.3.3 Policy: Reserved (~~Moved to Infrastructure Policy E.4.3~~)

~~The Town shall cooperate with appropriate public agencies to assure that solid and hazardous wastes generated within the Town are properly managed to protect the environment. The Town shall report any solid or hazardous waste violation they may become aware of to the appropriate jurisdictional agency.~~

4.3.4 Policy:

The Town shall coordinate with ~~Palm Beach County~~ PBC and the state to encourage the development of effective strategies to improve the area-wide Solid Waste Management Program to include more innovative solid and hazardous waste management technologies to save energy, produce renewable energy and effectively manage solid and hazardous waste.

4.3.5 Policy:
The Town shall work closely with the Palm Beach County Solid Waste Authority to ensure ~~small quantity~~ hazardous waste generators dispose of wastes properly as required by the County Solid Waste Authority.

4.3.6 Policy:
The Town shall assist the Palm Beach County Solid Waste Authority in implementing programs for the proper storage, collection, recycling and disposal of hazardous waste.

4.3.7 Policy:
The Town shall adopt land development regulations to require producers of hazardous waste to coordinate with the Palm Beach County Public Health Unit and/or the Solid Waste Authority at the time of ~~occupational license~~ Business Tax Receipt (BTR) issuance and renewal.

4.3.8 Policy:
The Town shall encourage the diversion from landfills of all materials that are recyclable when issuing construction demolition permits.

4.4 *Objective:*
Conserve, appropriately use and protect natural resource systems, including floodplains, in recognition of their inherent values.

4.4.1 Policy:
The Town shall require approval from all applicable jurisdictional agencies regarding the protection of environmentally sensitive habitat, and shall require consistency with the policies in the Comprehensive Plan that govern:

- A4. Management of surface water;
- ~~B~~2. Preservation of open space; and
- ~~C~~3. Preservation of native vegetation.
- D. Preservation of indigenous wildlife; and
- E. Preservation of wetlands.

4.4.2 Policy:
Compliance with approved permits from state, federal and other local governments, when applicable, for conservation of natural resources shall be incorporated into the Town planning process.

4.4.3 Policy:
New development encroaching into the 100 year floodplain shall incorporate elevation and flood protection measures sufficient to protect against the 100 year flood. The Town shall maintain consistency with program policies of the National Flood Insurance Program and shall monitor new cost effective programs for minimizing flood damage. Such programs may include

modifications to construction setback requirements or other site design techniques, as well as upgraded building and construction techniques.

4.4.4 Policy:

The Town shall cooperate with adjacent local governments to conserve, or appropriately use, unique vegetative communities located within one or more local jurisdictions.

4.4.5 Policy:

The Town shall adopt standards to identify and designate local environmentally sensitive lands for protection. The Town shall adopt protection standards for these identified environmentally sensitive lands.

4.4.6 Policy:

The Town shall provide technical support to private sector efforts towards the creation of a conservation land trust and conservation easements that benefits the public.

4.4.7 Policy:

The Town shall adopt standards that will allow for protection and enhancement of the existing tree canopy.

4.5 *Objective:*

Conserve, appropriately use and protect natural functions of fisheries, wildlife, wildlife habitat and marine habitat.

4.5.1 Policy:

The Town shall protect and conserve the natural functions of existing soils, fisheries, lakes and floodplains through the support of local, state and federal regulations designed to protect and conserve these functions.

4.5.2 Policy:

The Town shall support the state and federal laws for the protection of endangered and threatened species and significant plant and animal habitat.

4.5.3 Policy:

Protective landscape buffering shall be required between designated conservation areas and between lands recognized by the county, state or federal government as environmentally sensitive and any land uses that may negatively impact these conservation and sensitive ecosystems.

4.5.4 Policy:

The Town shall adopt open space standards as a part of the requirements for all development and redevelopment. Open space areas shall be designated and treated in such a manner as to maintain the integrity, whether the primary purpose is to serve as natural vegetative or wildlife habitat, or as cultivated

landscaped space. No land shall be developed, used or occupied such that the amount of open space on the parcel proposed for development is less than the open space established by Town ordinance.

4.6 *Objective:*

Assure the maintenance and conservation of trees Within the Town, through the continued maintenance of trees within Town properties and through the site plan review process for new development.

4.6.1 Policy:

~~Within one year of adoption of the Comprehensive Plan, the~~ The Town shall adopt landscaping and tree protection standards. These standards shall address the preservation of existing natural growth, the regulation of invasive and exotic plant species, the promotion of native plant materials usage and minimal landscape buffer criteria. These standards shall also contain restoration and mitigation measures to compensate for the loss of native vegetation and shall define stabilization measures for areas impacted by development.

4.6.2 Policy:

The Town shall provide native landscaping in public open spaces and facilities within the Town through grant applications or other funding sources as available

4.6.3 Policy:

The Town shall encourage and educate the public in the planting and maintenance of trees and provide public education on the placement of canopy trees and other landscape materials to strategically provide shade and reduce energy consumption.

4.6.4 Policy:

The Town shall encourage buffering mechanisms to promote and enhance the rural, natural environment.

4.6.5 Policy:

The Town shall examine the feasibility of additional landscaping programs along canals, ~~in accordance with the Transportation Master Plan to be developed.~~

4.6.6 Policy:

With all new development, the Town shall regulate Category I invasive exotic vegetation as defined on the ~~most current list established by the Florida Exotic Pest Plant Council.~~ maintained by the Town.

4.6.7 Policy:

The Town shall examine the feasibility of tree planting and restoration programs through grant applications or other funding sources as available

4.7 *Objective:*

Wetlands and natural functions of wetlands shall be protected. Future land uses that are incompatible with the protection or conservation of wetlands and wetland functions shall be directed away from wetlands. Where incompatible land uses are allowed to occur, mitigation shall be considered as one means to compensate for loss of wetland functions.

4.7.1 Policy:

Buffering shall be required between wetlands and land uses that may negatively impact the wetland ecosystem.

4.7.2 Policy:

As a condition of development approval when applicable, the Town shall require approval from all applicable external agencies regarding the protection of wetland habitat.

4.7.3 Policy:

The Town shall coordinate and cooperate with the wetland jurisdictional agencies to encourage directing environmental mitigation to benefit the Town when the impacts occur within the Town.

4.8 *Objective:*

Conserve, appropriately use and protect the natural minerals and soils, in recognition of the inherent values of these areas.

4.8.1 Policy:

The Town shall adopt standards to prohibit commercial mineral extraction within the Town.

4.8.2 Policy:

The Town shall require all development projects to adhere to the erosion control requirements as specified in the Floodplain Development Application (FDA) and development permit application.

**RECREATION AND OPEN SPACE ELEMENT
GOALS, OBJECTIVES AND POLICIES (~~Re. Ord. 2013-08~~)**

GOAL 5A: RECREATION AND OPEN SPACE

To provide safe and adequate connected open space and recreation facilities accessible to all Loxahatchee Groves residents.

5A.1 *Objective:*

Provide a sufficient supply of park, recreation, and open space facilities to satisfy established level of service (LOS) standards.

5A.1.1 Policy:

The Town shall ~~make available~~ work property owners to ensure public access facilities are available at a level of service of six (6) acres of park, recreation, and open space per one thousand (1,000) population.

5A.1.2 Policy:

The Town shall encourage development of a public equestrian facility at Loxahatchee Groves Park.

5A.1.3 Policy:

The Town shall continue to lobby the County to develop the Loxahatchee Groves County Park according to the intent of the original Master Plan and the Plan as amended in ~~January 1994~~ May 2011.

5A.1.4 Policy:

The Town shall explore the possibility of obtaining grants, gifts, contributions, funding assistance, and other financial resources for the purchase of land contiguous to the Park, so that the acreage of the park may be increased to its original size.

5A.2 *Objective:*

Maximize the utility and function of recreation facilities and open space resources. Establish strategies to effectively coordinate the retention of recreation and open space opportunities, as well as the development of future opportunities to meet public demands.

5A.2.1 Policy: Reserved.

5A.2.2 Policy:

All existing and future parks and recreation facilities shall comply with provisions of the Americans with Disabilities Act.

5A.3 *Objective:*

Establish effective methods of coordinating public and private resources to meet public demands.

5A.3.1 Policy:

Maintain cooperative relationships with agencies, groups, individuals and organizations currently providing leisure programs to the residents.

~~5A.3.2 Policy:~~

~~Pursue appropriate joint public and private ventures to obtain lands and/or financing necessary to provide recreation areas, including equestrian trails and greenways, facilities and programs.~~

5A.4 Objective:

Require the provision of open space in redevelopment and new development.

5A.4.1 Policy:

The provision of open space such as natural areas, vistas, land buffers, or multi-use trails, shall be required in residential and non-residential development as per the Unified Land Development Code (ULDC).

5A.4.2 Policy:

The Town emphasizes that open space is needed in order to create vista, to provide shade, and to create and enhance the rural image and flavor of the Town.

5A.4.3 Policy:

Parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the Town prior to issuance of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.

GOAL 5B: GREENWAYS AND MULTI-USE EQUESTRIAN TRAILS

The Town of ~~Loxahatchee Groves~~ will strive to provide a town-wide greenway and equestrian multi-use trail system designed to accommodate the movement of pedestrians, cyclists and equestrians which preserves the town's rural lifestyle.

5B.1 Objective:

The Town of ~~Loxahatchee Groves~~ shall develop a greenway and ~~equestrian~~ multi-use trail system to meet the needs and interests of the residents of Loxahatchee Groves.

5B.1.1 Policy:

The Town shall create a map of existing greenway and ~~equestrian riding~~ multi-use trails.

5B.1.2 Policy:

The Town, in addition to recommendations of the ~~Roadways, Equestrian~~ Multi-Use Trails and Greenways (~~RETAG~~) (TAG) Advisory Committee, shall identify new connections to existing trails, which if acquired would greatly enhance pedestrian, bicycle, and equestrian circulation throughout the Town.

5B.1.3 Policy:

The existing Roadways, ~~Equestrian~~ Multi-Use Trails and Greenways Plan shall be updated every five (5) years to insure consistency with current Town policy.

5B.1.4 Policy:

Annually, the ~~RETAG~~ (TAG) Advisory Committee shall assess and recommend to the Town Council whether the greenway and ~~equestrian~~ multi-use trail system is sufficient to meet the needs of the residents, and recommend needed improvements.

5B.1.5 Policy:

The greenway and ~~equestrian~~ multi-use trails system, wherever feasible, shall provide linkages between residential homes, parks, recreational facilities, open spaces, and commercial facilities throughout the Town.

5B.1.6 Policy:

All vehicular parking for land uses which are adjacent to the greenway and ~~equestrian~~ multi-use trail system should provide the parking on a side away from the trail.

5B.1.7 Policy:

The greenway and ~~equestrian~~ multi-use trail system shall be consistent with design documents adopted by the Town and based upon ~~RETAG (TAG) Advisory Committee~~ recommendations, ~~in coordination with Loxahatchee Groves Water Control District.~~

5B.1.8 Policy:

The Town shall use landscaping and signs to visually identify street crossings and multi-use trail access points. Safe and controlled greenway and ~~equestrian~~ multi-use trail crossings shall be constructed.

~~5B.1.9 Policy:~~

~~The Town shall coordinate the construction of proposed multi-use trails with the LGWCD whenever they fall within the LGWCD Town rights-of-way. Doing so shall ensure that sufficient right-of-way is preserved to construct and maintain the Town's multi-use trails.~~

5B.1.10 Policy:

The Town shall coordinate the provision of greenway and ~~equestrian~~ multi-use trail connections among adjoining or abutting properties during the site plan review process.

5B.1.11 Policy:

Pursue appropriate joint public and private ventures to obtain lands and/or financing necessary to provide recreation areas, including multi-use trails facilities and programs.

5B.2 *Objective:*

The Town of ~~Loxahatchee Groves~~' greenway and ~~equestrian~~ multi-use trail system shall be financially feasible.

5B.2.1 Policy:

The Town shall determine which trails should be considered for public ownership.

5B.2.2 Policy:

The Town shall explore the possibility of obtaining grants, gifts, contributions, funding assistance, and other financial resources for the development of greenways and ~~equestrian riding~~ multi-use trails.

5B.2.3 Policy:

The Town should pursue joint efforts with all affected local jurisdictions, including local governments, special districts, and other public agencies in the acquisition, development and maintenance of greenways and ~~equestrian~~ multi-use trails as a means for reducing costs and pooling resources.

5B.3 *Objective:*

The Town of Loxahatchee Groves' equestrian trail system shall support provide access to abutting county parks, open space, and neighboring municipalities.

5B.3.1 Policy:

The Town shall ~~pursue~~ support direct connections and access between the Town's ~~equestrian~~ multi-use trails and the Loxahatchee Groves County Park and the Royal Palm Beach Pines Nature Area.

5B.3.2 Policy:

The Town shall ~~pursue~~ support direct connections and access between the Town's ~~equestrian~~ multi-use trails and the Village of Wellington's equestrian preserves and public trails.

~~5B.3.3. Policy:~~

~~The Town shall coordinate with Loxahatchee Groves Water Control District for development of greenways and equestrian trails..~~

HOUSING ELEMENT
GOALS, OBJECTIVES AND POLICIES

GOAL 6: HOUSING

To provide safe, decent and sanitary housing and living conditions in designated residential neighborhoods consistent with: (1) density levels indicated on in the Future Land Use Map Element; and (2) the current rural residential character of the Town. Further, ensure that the character of new housing development is consistent with that currently in evidence while accommodating the needs of projected population growth.

6.1.1 Objective:

Conserve existing residential neighborhoods and housing stock by adopting minimum housing standards.

6.1.1 Policy:

~~Within one year of the adoption of the Comprehensive Plan, adopt~~ Continue to follow the Florida Building Code and local amendments, as each are amended from time to time, and other appropriate land development regulations that support the current rural residential character of the Town. ~~minimum housing regulations that shall contain the following minimum provisions:~~

- ~~1. A requirement that all new development or redevelopment be served by an adequate individual or central water and wastewater systems and contain heating and cooking facilities.~~
- ~~2. Minimum requirements for light and ventilation, in accord with Florida building codes.~~
- ~~3. Minimum requirements for electrical and plumbing systems.~~
- ~~4. General requirements for the maintenance of the exterior and interior of residential structures.~~
- ~~5. Minimum dwelling space and sanitary requirements.~~
- ~~6. Procedures governing rehabilitation and demolition actions.~~

6.1.2 Policy:

~~Within one year of the adoption of the Comprehensive Plan, adopt~~ Continue administrative and enforcement procedures necessary to implement minimum housing regulations and which, at a minimum

B. ~~Establish administrative procedures to require~~ Require rehabilitation and/or demolition of housing, if necessary, following a natural disaster or if a dwelling unit is damaged by fire beyond repair.

6.1.3 Policy:

~~During the initial preparation and adoption of land development regulations supporting this Comprehensive Plan, and~~ At the time of each successive required Evaluation and Appraisal Report, evaluate the need to designate any housing structures as locally historically significant and in need of special consideration under the provisions and criteria cited in the Standard Housing Code.

6.2 *Objective:*

Adequate and affordable housing, consistent with the current rural character of the Town, shall be provided for existing residents and anticipated population growth, including housing to accommodate any defined specialized needs of very-low, low and moderate income households. ~~elderly households, EH-handicapped or displaced residents, and farmworkers;~~ Also, provisions shall be made for displaced residents, Community Residential Housing foster care housing, as well as ~~and~~ manufactured or and modular mobile homes.

6.2.1 Policy:

Require housing construction that is compatible with natural resource and service capabilities as defined in the Future Land Use, Transportation, Infrastructure and Conservation elements.

6.2.2 Policy:

Require developers to coordinate with the Town from initial design through completion of construction to assure that the Town's rural character is maintained.

6.2.3 Policy:

Provide for innovative housing alternatives (e.g., ~~single room occupancy, accessory dwelling units residential structures, caretaker quarters, groom's quarters, manufactured and mobile~~ modular homes and Community Residential housing ~~congregate living~~ alternatives) oriented to facilitating reduced housing costs for very low, low and moderate income households and special needs populations.

6.2.4 Policy:

Require Ensure that standard housing, at affordable cost, is available to persons displaced through any public action prior to their displacement, ~~by including such a requirement within the Town's land development regulations.~~

6.2.5 Policy:

Allow the placement of manufactured homes ~~and individual mobile homes~~ within single-family residential districts provided that: (1) such homes must comply with all Town building, construction, design and housing codes that apply to all housing types and U.S. Department of Housing and Urban Development manufactured home construction and safety standards; and (2) they shall be subject to any reviews as provided in the Town code of ordinances.

6.2.6 Policy:

Encourage development of affordable and workforce housing, including accessory dwellings, in residential developments ~~south of Collecting Canal Road areas~~, in proximity to employment opportunities and major transportation facilities.

6.2.7 Policy: Reserved

~~Encourage congregate living facilities as a permitted use south of Collecting Canal Road in proximity to Palms West Hospital.~~

6.2.8 Policy:

Encourage job creation at locations ~~identified on the Future Land Use Map~~ and permitted by the Town's land development regulations as a means of assisting very-low, low and moderate income residents in finding employment proximate to their homes.

6.2.9 Policy:

The Town shall support regional efforts to address low income and workforce housing by working with the Palm Beach Intergovernmental Plan Amendment Review Committee_ (IPARC) ~~to develop an interlocal Agreement whereby municipalities could jointly pursue a comprehensive approach and solution to this county wide issue.~~

6.3 Objective:

Provision shall be made for the location of Community Residential Housing daycare, foster care and group home facilities regulated by the Town's ULDC and licensed by the state of Florida, ~~in a manner consistent with state law and the character of existing residential neighborhoods~~

6.3.1 Policy:

The Town shall ~~permit~~ support the location of Community Residential Homes of 6 or fewer residents licensed by the state of Florida. ~~different classes of group home facilities~~ in appropriate residential neighborhoods that foster non-discrimination and encourage ~~the development of community~~ alternatives to institutionalization. ~~Further, no appropriate residential neighborhoods shall be closed to such facilities.~~

6.3.2 Policy:
The Town shall monitor the development and distribution of ~~daycare foster care and group homes~~ Community Residential Homes to ensure that adequate sites and infrastructures are provided, while over-concentration (~~i.e., to be defined by implementing Policy 6.3.1~~) in any residential appropriately zoned area is avoided.

6.3.3 Policy:
~~"Foster Care Facility" and "Group Home Facility"~~ Community Residential Home shall be defined as a residential unit, otherwise meeting the requirements of the Chapter 419, Florida Statutes and the Town Zoning Code, where a family living environment is provided for individuals not related by blood or legally to the householder.

6.3.4 Policy:
The total number of residents within a Community Residential Home ~~foster care or group home facility~~, including permanent residents and foster care or group home residents shall not exceed 1.01 persons per room, excluding bathrooms, kitchens utility rooms, and garages.

6.3.5 Policy:
The Town shall permit Daycare facilities, for up to five persons, within a single-family residence, as ~~required~~ regulated by, Chapter 402, Florida Statutes.

6.4 *Objective:*
The private sector delivery process shall continue to be relied upon as the means for providing 100% of the housing necessary to accommodate Town residents. The need to formulate alternative housing implementation programs shall be reassessed at the time of each required Evaluation and Appraisal Report (EAR).

6.4.1 Policy:
Due to high land values and low permitted densities, very-low, low and moderate income housing efforts shall be oriented primarily toward: (1) maintaining the existing housing stock in standard condition; (2) continuing to permit individual ~~manufactured housing and mobile homes~~ modular or factory built homes and manufactured homes; and (3) investigating innovative housing alternatives such as ~~single room occupancy, accessory dwelling units, and congregate living~~

6.4.2 Policy:
Provide information and technical assistance to the private sector to maintain a housing production capacity sufficient to meet projected needs. Further, expedite development reviews for those applications that include very-low, low or moderate income housing.

6.4.3 Policy:

A determination shall be made by the Town at the time of each required EAR-based Comprehensive Plan update as to whether or not the private sector delivery process is adequately functioning, in terms of implementing Objective 6.4. If it is determined that the private sector is not properly functioning, in terms of this criterion, alternative mechanisms, including government and non-profit sector participation shall be considered, including the use of available Federal, State and local assistance programs.

6.4.4 Policy: Reserved

~~Within 12 months of the availability of data from 2010 Census and the Florida Housing Data Clearinghouse, prepare an Affordable Housing Assessment to determine whether or not the Town needs to implement additional housing programs to meet projected housing needs.~~

~~At the time of the initial EAR, prepare an Affordable Housing Assessment using the most recent data provided by the Florida Housing Data Clearinghouse to determine, whether or not the Town needs to implement additional housing programs to meet projected housing needs.~~

6.4.5 Policy:

Provide information and technical assistance to the private sector for the implementation of green building standards in new construction and home renovations.

6.5 *Objective:*

The Town shall support energy efficiency and the use of renewable energy resources in existing housing and in the design and construction of new housing.

6.5.1 Policy:

The Town shall encourage support for residential construction that meets the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) rating system, the Green Building Initiative's Green Globes rating system, the Florida Green Building Coalition standards, or another nationally recognized, high-performance green building rating system as recognized by the Florida Department of Management Services.

6.5.2 Policy:

The Town shall educate residents on home energy reduction strategies.

6.5.3 Policy:

The Town shall not prohibit the appropriate placement of photovoltaic panels.

6.5.4 Policy:

The Town shall provide educational materials on the strategic placement of landscape materials to reduce energy consumption.

**INTERGOVERNMENTAL COORDINATION ELEMENT
GOALS, OBJECTIVES AND POLICIES**

GOAL 7: INTERGOVERNMENTAL COORDINATION

To provide accessible, effective, and frequent intergovernmental coordination opportunities to achieve consistency among all government agencies that implement plans and programs which affect the Town of Loxahatchee Groves through development activities; preservation of the quality of life and efficient use of resources.

7.1 *Objective:*

~~Continue and improve initiated semi-annual contact through~~ Attend formal and informal meetings with Palm Beach County ("PBC") officials, School Board of Palm Beach County, adjacent municipalities, and other regional and local agencies providing services or regulatory control over the use of land within Loxahatchee Groves.

7.1.1 Policy:

~~Loxahatchee Groves~~ The Town shall maintain an active program of monitoring and communication with operating under the provisions of the Local Government Comprehensive Planning and Land Development Act, Chapter 163 F.S., and distribute amendments to its Comprehensive Plan adopted by the entities described in Objective 7.1.

7.1.2 Policy: Reserved

~~The Town shall continue informal methods to increase the effectiveness of the existing coordination mechanisms of intergovernmental coordination which shall include but not be limited to the official identification of primary responsibility for coordination.~~

7.1.3 Policy:

The Town shall initiate periodic meetings between its Town Manager and Council and their counterparts in surrounding communities to discuss each municipality's plans for growth management and upcoming developments which could affect any of those municipalities.

7.1.4 Policy:

~~The Town's Comprehensive Plan~~ Town will consider ~~be consistent, where feasible and practical, with~~ the Treasure Coast Regional Policy Planning Council Regional Policy Plan, Palm Beach County Comprehensive Plan, the Comprehensive Plans of adjacent local governments, and applicable regional water supply plans when amending the Comprehensive Plan.

7.1.5 Policy:

The Town will consult with their water supplier prior to issuing building permits for new development and redevelopment to ensure adequate water supplies to serve new development is available by the date of issuance of a certificate of occupancy.

7.1.6 Policy:

The Town shall participate in the Treasure Coast Regional Planning Council's informal mediation process as mechanisms to provide an open forum for communication and coordination of programs involving the Comprehensive Plan, and to resolve conflicts with other local governments.

7.1.7 Policy:

Cooperatively pursue the resolution of development and growth management issues having impacts that transcend the Town's current political jurisdiction ~~including issues of federal, regional, and state significance with the appropriate agencies.~~ Issues to be addressed include, but are not limited to, the following:

- A. Accessibility to parks in neighboring municipalities;
- B. Roadway improvements and formulation of master plans with other entities and agencies that would offer regarding traffic control, on Okeechobee Boulevard;
- C. Stronger enforcement of speed limits and traffic safety measures and/or lowering speed limits on alphabet roads;
- D. Stormwater runoff and water quality;
- E. Alternate water supply plans;
- F. Hazardous waste exposure; and,
- G. Siting of facilities with County-wide significance.

7.1.8 Policy:

The Town shall, in conjunction with other affected parties, evaluate the Capital Improvements Element when it is undergoing annual review to determine if current funding is proportional to services rendered.

7.2 *Objective:*

Ensure that the impacts of development proposed in the Town's Comprehensive Plan upon development in adjacent municipalities, the County, adjacent counties, the region and the State are addressed through coordination mechanisms.

7.2.1 Policy:

The review of development proposals shall include findings that indicate relationships of such proposed developments to the comprehensive plans of adjacent local governments.

7.2.2 Policy:

The Town shall utilize the following ~~process procedures, as appropriate,~~ when considering the location and extension of public facilities, ~~that are subject to concurrency and when siting facilities with countywide significance, including locally unwanted land uses that are established within a formal agreement~~

~~between local, county and state governments and agencies:~~

- ~~A1.~~ ~~The site plan procedure, Site Plan approval which considers the future impact of a proposed site plan development on the facilities and services provided by The Town Loxahatchee Groves and those of adjacent local governments, if any or other governmental entity.~~
- ~~B2.~~ The goals, objectives and policies contained within the comprehensive plans of adjacent local governments, when reviewing proposed site-specific map amendments to the Future Land Use map. and,
- ~~C3.~~ Establishment of joint planning processes or joint planning areas with local governments, the School District of Palm Beach County, other governmental units providing services but not having regulatory authority over the use of land, the region, and the state.

7.2.3 Policy:

The Town shall utilize the following procedures to identify and implement joint planning areas (JPAs) for the purpose of addressing issues related to annexation and mutual infrastructure service areas:

- A. Coordinate planning activities mandated by the various elements of the ~~Loxahatchee Groves~~ Comprehensive Plan with local governments, the School District of Palm Beach County, other governmental units providing services but not having regulatory authority over the use of land, the region, and the state;
- B. Use of the Treasure Coast Regional Planning Council's informal mediation process to resolve conflicts with the other local governments, when agreed to by all affected parties;
- C. Work cooperatively with ~~Palm Beach County~~ PBC to facilitate any annexation areas with consistent joint meetings or work groups, and other mechanisms; and
- D. Demographic and social-economic information and services shall be readily available for county, school board, and municipal planning activities.

7.2.4 Policy:

The Town shall participate in the Intergovernmental Plan Amendment Review Committee (IPARC) in order to ensure communication and coordination with other municipalities on comprehensive planning issues.

7.3 Objective: Reserved

~~Ensure coordination with the School Board of Palm Beach County to establish concurrency requirements for public school facilities.~~

7.3.1 Policy: Reserved

~~The Town of Loxahatchee Groves, in cooperation with appropriate local, county, and state governments and agencies, shall continue to utilize the following collaborative planning process to reach decisions on population projections and public school siting:~~

- ~~a) Employ compatibility and public school impact procedures, which consider land use compatibility and public school impacts through use of flexibility provisions included in the Loxahatchee Groves Comprehensive Plan;~~
- ~~b) Provide the School Board of Palm Beach County with population projections and other demographic and socio-economic data to assist the School Board with appropriate student generation rates and public school siting;~~
- ~~c) If requested, provide professional support to the School Board Superintendent's site review committee;~~
- ~~d) Involve the School Board of Palm Beach County during the review process for residential Land Use Plan Amendments, Plats, and Developments of Regional Impact; and,;~~
- ~~e) Procedures shall be coordinated in a manner that conforms to the interlocal agreement between the Town and the School Board.~~

7.4 Objective:

Special emphasis shall be placed on maintaining effective lines of communication with county, regional, and state agencies when setting levels-of-service and/or permitting requirements, and initiating maintenance and capital improvement projects located within the Town of Loxahatchee Groves.

7.4.1 Policy: Reserved

~~The Town Manager or an appointed designee shall prepare and review the annual level-of-service monitoring report contained within the adopted concurrency management system. The purpose of this report is to provide affected entities with timely and accurate information in order to evaluation and coordinate levels-of-service.~~

7.4.2 Policy: Reserved

~~In situations where other public or private entities are providing a public facility or service such as roads, sewer, drainage, parks, or solid waste within the Town, the Town shall coordinate its adopted level of service standard with the applicable entity and within the financial parameters allowed by the Capital Improvement Element of this Plan.~~

~~7.4.3 Policy:~~

~~Coordination with Federal, State, and County authorities shall continually be practiced and refined to ensure that the Town receives a proportionate share of revenue allocations, facilities and service improvements.~~

**CAPITAL IMPROVEMENTS ELEMENT
GOALS, OBJECTIVES AND POLICIES (Rev: ~~Ord. 2013-08~~)**

GOAL 8: CAPITAL IMPROVEMENTS

The Town shall ensure adequate and timely public facilities and infrastructure capacity to accommodate existing and future residents and businesses maximizing the use and value of existing facilities, and effectively managing future growth consistent with the level-of-service standards established in the Comprehensive Plan.

8.1 *Objective:*

Maximize fiscal resources available to the Town for public facility improvements necessary to accommodate existing development, redevelopment, and planned future growth, and to replace obsolete or deteriorated facilities.

8.1.1 *Policy:*

Ensure capital revenues and/or secured developer commitments are in place to maintain all public facilities at acceptable level of service standards prior to the issuance of new development orders.

~~The Town shall follow the following timing requirements to ensure that adequate public facilities are available to meet level of service standards with the impact of development.~~

- ~~(a) Sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the Town shall determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the Town of a certificate of occupancy or its functional equivalent.~~
- ~~(b) Parks and recreation facilities to serve new development shall be in place or under actual construction no later than 1 year after issuance by the local government of a certificate of occupancy or its functional equivalent. However, the acreage for such facilities shall be dedicated or be acquired by the Town prior to issuance of a certificate of occupancy or its functional equivalent, or funds in the amount of the developer's fair share shall be committed no later than the local government's approval to commence construction.~~
- ~~(c) Transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the Town approves a building permit that results in traffic generation.~~

8.1.2 Policy:
Utilize a variety of funding sources to implement capital improvements, within the limitation of existing law. These methods may include ad valorem taxes, general revenues, enterprise revenues, assessments, tax increment, grants, and private contributions, including dedications and/or funds.

8.1.3 Policy:
Ensure that new development bears a proportionate cost for public facility improvements by utilizing a variety of mechanisms to assess and collect ~~impact~~ appropriate fees, dedications and/or contributions from private development.

8.1.4 Policy:
~~Aggressively seek~~ Seek all realistic grant opportunities to fund projects in the Five-Year Schedule of Capital Improvements.

8.1.5 Policy:
Land development regulations established by the Town shall provide for the timely completion and maintenance of the capital improvements required by the Comprehensive Plan.

8.1.6 Policy:
Each review of the Capital Improvements Element shall include a review of the assumptions, projections, needs, and consideration for appropriate and timely renewal of existing facilities according to the following criteria:

- ~~A.4)~~ Emergency and post-disaster mitigation;
- ~~2)~~ ~~Deficiency determination by a Concurrency Management System;~~
- ~~B.3-2)~~ Public involvement in Capital Improvement Program and Budget;
- ~~C.4-3)~~ Existing land development and Town plans;
- ~~D.5-4)~~ Plans of local, county, state agencies including the Loxahatchee Groves Water Control District;
- ~~E.6-5)~~ Accommodation of new development and redevelopment; and,
- ~~E.7-6)~~ Financial feasibility

8.2 *Objective:*
Provide the necessary capital improvements to replace worn-out or obsolete public facilities, correct service deficiencies and accommodate planned future growth, ~~consistent with the adopted level of service standards.~~

8.2.1 Policy:
Prepare and adopt a Five-Year Capital Improvement Program (CIP) as part of the Town's annual budgeting process. Amend the Five-Year Schedule of Capital Improvements on an annual basis ~~CIP updates~~.

8.2.2 Policy:
The annual update of the Five-Year Schedule of Capital Improvements shall reflect proportionate fair-share and other developer contributions.

- 8.2.3 Policy:
The Five-Year Schedule of Capital Improvements shall be financially feasible.
- 8.2.4 Policy:
The Five-Year Schedule of Capital Improvements shall be consistent with objectives and policies of Comprehensive Plan elements.
- 8.2.5 Policy:
Coordinate proportionate fair share mitigation procedures and payments with ~~Palm Beach County~~ (“PBC”), the Florida Department of Transportation, and the Palm Beach County School District.
- 8.2.6 Policy:
Coordinate planning for the Town improvements with the plans of state agencies, the South Florida Water Management District (SFWMD), ~~Palm Beach County~~ PBC, the Loxahatchee Groves Water Control District and adjacent municipalities when applicable.
- 8.2.7 Policy:
All capital improvements in the Five-Year Schedule of Capital Improvements for which the Town is responsible will be included in the Town’s Annual Budget and Capital Improvement Fund.
- 8.2.8 Policy: Reserved
- 8.2.9 Policy:
Use the Town’s Unified Land Development Code (ULDC) to ensure that all decisions regarding land use planning and the issuance of development orders and permits consider the availability of public facilities and services necessary to support such development at the adopted LOS standards concurrent with the associated impacts
- 8.2.10 Policy:
Coordinate with road, utility and infrastructure service providers within the Town to ensure that necessary capital improvements are implemented to support new construction and redevelopment.
- 8.2.11 Policy:
Repair, rehabilitate, and replace the Town’s capital facilities according to generally accepted engineering principles and guidelines and ensure that facilities and services provided by other agencies are held to the same standard.
- 8.2.12 Policy:
Assess new development a proportionate fair-share of the public facility costs necessary to accommodate the impacts of new development at the adopted levels-of-service through the enforcement of existing public facility funding mechanisms, conditions of development approval, and impact fees. Public facilities include potable water, sanitary sewer, solid waste, drainage, parks, including ~~equestrian~~ multi-use trails and greenways, schools and roadways.

8.2.13 Policy:
Capital improvements associated with the construction of educational facilities are not addressed in the Town's CIP or Five-Year Schedule of Capital Improvements, but rather are the responsibility of the Palm Beach County School District.

8.2.14 Policy:
The Town, in conjunction with the Palm Beach County School District, has the responsibility for implementing the public school concurrency program within Loxahatchee Groves.

8.2.15 Policy:
For public school facilities, a proportionate share mitigation agreement is subject to approval by Palm Beach County School District and the Town.

~~8.2.16 Policy:
Reserved~~

~~8.2.17 Policy:
Reserved~~

~~8.2.18 Policy:
The public school LOS standard is the school's utilization, expressed as a percentage, which is the result of comparing the number of students with the satisfactory Florida Inventory of School Houses (FISH) capacity at a given location, e.g., an elementary facility with 1,000 students and a FISH capacity of 970, has an LOS of 103%. Also referred to as the utilization of a facility.~~

8.3 *Objective:*
Develop and implement a debt management program to assist the Town in providing adequate and timely revenues for scheduled capital improvements.

8.3.1 Policy:
Provided the Town Charter allows such an activity, ~~Loxahatchee Groves~~ the Town may incur debt within generally accepted municipal finance principles and guidelines, and only in relation to the Town's ability to pay for a new capital asset or to significantly extend the life expectancy of a capital asset.

8.3.2 Policy:
Ensure that any increase in operating costs for a new or additional facility is also considered when evaluating the debt to be incurred for a facility.

8.3.3 Policy:
The Town will not provide a public facility, nor accept the provision of a public facility by others, if it is unable to pay for the subsequent annual operation and maintenance costs of the facility.

8.3.4 Policy:
The Town shall adopt standards for debt management prior to incurring any public debt.

8.3.5 Policy:
Debt payment shall not exceed the anticipated useful life of a capital improvement and, in no case, shall exceed thirty years.

8.4 *Objective:*
Land use decisions shall be made based upon available or projected fiscal resources in coordination with the Five-Year Schedule of Capital Improvements which maintains adopted level of service standards and meets existing and future facility needs.

8.4.1 Policy:
The Town shall determine whether projects in the Five-Year Schedule of Capital Improvements will allow level of service standard to be maintained with a proposed land use change.

8.4.2 Policy:
The Town shall provide for the availability of public facilities and services needed to support development concurrent with the impacts of such development.

8.4.3 Policy:
In order to coordinate land uses with available and projected fiscal resources, the Town shall include in its annual update of the Five-Year Schedule of Capital Improvements, any appropriate projects listed in the first five (5) years of the PBC ten (10) year Water Supply Facility Work Plan (WSFWP).

8.5 *Objective:*
The Town shall include all projects identified in the policies of the various elements of this Comprehensive Plan that are the responsibility of ~~Loxahatchee Groves~~ the Town and determined to be of relatively large scale and high cost as capital improvements projects for inclusion within the Five-Year Schedule of Capital Improvements.

8.5.1 Policy:
Capital improvements shall be provided to: (1) correct existing deficiencies and extend the life expectancy; (2) manage growth, as defined in the Future Land Use Element and the Town's Charter; and/or (3) replace worn-out or obsolete facilities, as indicated in the Five-Year Schedule of Capital Improvements, ~~of this element.~~

8.5.2 Policy:
The Town defines a capital improvements project or program as a major, not often-recurring, expenditure that costs or commits at least \$25,000, which has an expected life of at least five (5) years, and which falls into one of the following categories:

- A. Acquisition or lease of land or interests in land for public purposes.
- B. Accommodation of Town growth and improvement of infrastructure services delivery by means of the purchase, lease, construction, rehabilitation, or replacement of:

- 1. A public building or physical facility;

- ii)2. Public infrastructure such as roads, drainage canals, parks, trails, or similar projects; and,
 - iii)3. Equipment supporting the maintenance of infrastructure.
- C. Projects designed to bring the community into immediate compliance with state or federal law or court order. Such projects are not subject to the above cost or life expectancy limits.

A capital improvements project or program is further defined to include any planning, engineering, feasibility or appraisal studies related thereto if the total cost is at least \$10,000. This shall include any studies oriented to defining the initial need for land and/or facilities.

- 8.5.3 Policy:
Normal maintenance activities are not included in the Five-Year Schedule of Capital Improvements.
- 8.5.4 Policy:
The Town shall, as a matter of priority, schedule for funding any capital improvement projects in the Five-Year Schedule of Capital Improvements which are designed to correct existing public facility deficiencies.
- 8.5.5 Policy:
Proposed capital improvements projects shall be evaluated and ranked in order of priority according to the following guidelines:

Whether the proposed project is financially feasible, in terms of its impact upon Town budget potential;

- A. Whether the project is needed to protect public health and safety, to fulfill the Town's legal commitment to provide facilities and services, or to preserve, achieve full use of, or increase the efficiency of existing facilities;
- B. Whether the project prevents or reduces future improvement costs or provides service to areas currently lacking such service;
- C. Whether the project represents a logical extension of facilities and services within the Town; and
- D. Whether or not the proposed project is consistent with plans of State agencies, ~~Palm Beach County~~ PBC agencies and the Loxahatchee Groves Water Control District.

- 8.6 *Objective:*
The Five-Year Schedule of Capital Improvements shall be reviewed by the FAAC on an annual basis as part of the Town budget process. Any revisions and/or amendments to the Five-Year Schedule of Capital Improvements shall be made by the Town Council at that time. Annual updates to ~~Tables 9-1 to 9-3~~ the Five Year Schedule of Capital

Improvements shall be made by Town Council Ordinance and not subject to the comprehensive plan amendment process.

8.6.1 Policy:

The annual update process shall include a review to determine that proposed Five-Year Schedule of Capital Improvements revisions are internally consistent with the Goals, Objectives and Policies of the Comprehensive Plan.

8.6.2 Policy:

All items to address an imminent danger or threat to the public health or safety shall be submitted to the Town Council for decision and appropriate action through the Town Manager. If the obligation duration exceeds one budget year, the item shall be included in the Five-Year Schedule of Capital Improvements.

8.7 Objective

~~The Five-Year Schedule of Capital Improvements consists of Tables 8-1 to 8-3.~~

Table 8-1 – Summary of FY 2014 – 2018 Capital Improvements Projects

~~A. Necessary to Maintain LOS Standards: Loxahatchee Groves~~

Comprehensive Plan Element	Project No. and Description	Comprehensive Plan Consistency (Objective/Policy Citation)
Transportation	TRAN 1: Non-District Town Road Survey (1)	Objective 2.6 and Policies 2.2.4, 2.7.1 and 2.7.9 Transportation Element
Transportation	TRAN 2: Collecting Canal Road OGEM surface Improvements (1,2)	Policy 2.1.3 Transportation Element
Transportation	TRAN 3: Okeechobee Traffic Signal @ "D" Rd. (1)	Policies 2.1.4 and 2.2.2, Transportation Element
Transportation	TRAN 4: Town Road OGEM Projects – Specific Future Projects To Be Identified (1,2)	Policy 2.1.3 Transportation Element
Transportation	TRAN 5: Pave/OGEM Surface "D" Road from Southern Blvd. to Collecting Canal	Policy 2.1.3 Transportation Element
Transportation	TRAN 6: LGWCD to Town road transfer costs – Specific Future Projects To Be Identified	Policy 2.1.3 Transportation Element
Drainage Sub-Element	DR 1: Drainage Canal Refurbishment Program (sub to LGWCD)	Policies 3A.1.5 and 3A.1.6 Drainage Sub-Element

Key: TRAN – Transportation; DR – Drainage; LGWCD – Loxahatchee Groves Water Control District.

(1) – Existing Deficiency; (2) – Replacement Project; (3) – To Meet Future Need

**B. ~~FY 2014 to 2018 Improvements Necessary to Maintain LOS Standards:~~
~~— Outside Agencies~~**

Agency	Project No. and Description	Comprehensive Plan Consistency (Objective/Policy Citation)
Lox Groves Water Control Dist	DR-2: 40-foot Long Front Backhoe lease purchase (1,3)	Objective 3.A.1 Drainage Sub-Element
Lox Groves Water Control Dist	DR-3: Long Reach Mower lease purchase (1,3)	Objective 3.A.1 Drainage Sub-Element
Palm Beach County School District	PSF 1 Palm Beach County School District 5 Year Capital Budget (FY 2013 — 2017) By Reference (3)	Policy 8A.3 A Public School Facilities Element
Florida Department of Transportation	FDOT 1: #4282391 Bridge #930402 repair and rehab. West of "D" Road (1)*	Policy 2.2.4 Transportation Element; Policy 9.2.10 Capital Improvements Element
Florida Department of Transportation	FDOT 2: #4193452 Add lanes and reconstruct Southern Boulevard (3)*	Policies 2.2.4 and 2.6.2 Transportation Element; Policy 9.2.10 Capital Improvements Element

* Project included in the FY 2011 — 2015 Transportation Improvement Program (TIP) of the MPO.
Key: DR — Drainage; PSF — Public School Facility; FDOT — Florida Department of Transportation
(1) — Existing Deficiency; (2) — Replacement Project; (3) — To Meet Future Need

**C. ~~FY 2014 to 2018 Non-LOS Comprehensive Plan Directed Improvements:~~
~~Loxahatchee Groves~~**

Comprehensive Plan Element	Project No. and Description	Comprehensive Plan Consistency (Objective/Policy Citation)
Recreation and Open Space	ROS-1: Equestrian Trails — Linear Park from "A" Road to Folsom Road (1,3)	Objective 2.3 Transportation Element
Recreation and Open Space	ROS-2: Equestrian Trails — Future Projects To Be Identified (1,3)	Objective 2.3 Transportation Element

Key: ROS — Recreation and Open Space
(1) — Existing Deficiency; (2) — Replacement Project; (3) — To Meet Future Need

D. ~~FY 2014 to 2018 Other Infrastructure Improvements: Outside Agencies/Private Parties~~

Project No. and Description	Public Agency/Private Party	Comprehensive Plan Consistency (Objective/Policy Citation)
TRAN-7 "F" Road Pavement and OGEM Improvements: Southern Blvd. to Collecting Canal(1,3)	Grove Medical Plaza Site Plan Approval Condition	Policy 2.1.4 Transportation Element

Key: TRAN — Transportation.
(1) — Existing Deficiency ;(2) — Replacement Project; (3) — To Meet Future Need

Table 8-2 FY 2014 – 2018
Schedule and Cost of Capital Improvements Projects
A. Necessary to Maintain LOS Standards

Project Number*	Fiscal Year Cost (\$ 000's)					Total Cost (Dollars)
	2013/14	2014/15	2015/16	2016/17	2017/18	
TRAN-1	100	100	0	0	0	200,000
TRAN-2	944	0	0	0	0	944,000
TRAN-3	250	0	0	0	0	250,000
TRAN-4	100	0	0	0	0	100,000
TRAN-5	300	0	0	0	0	300,000
TRAN-6	29	29	29	29	29	145,000
TRAN-7	106	0	0	0	0	106,000
DR-1	150	150	150	150	150	750,000
DR-2	62	62	62	62	62	310,000
DR-3	34	34	34	34	34	170,000
FDOT #4282391	119	0	0	0	0	119,000
FDOT##4193452**	5,200	0	0	0	34,500	39,700,000
Totals	7,394	375	275	275	34,775	43,094,000

**Cost includes entire project length (Lion Country Safari to west of Crestwood Blvd).

* - Refer to Table 9-1A, 9-1B and 9-1D.

B. Non-LOS Comprehensive Plan-Directed Improvements

Project Number*	Fiscal Year Cost (\$ 000's)					Total Cost (Dollars)
	2013/14	2014/15	2015/16	2016/17	2017/18	
ROS-1	80	0	0	0	0	80,000
ROS-2	0	100	100	0	0	200,000
Totals	80	100	100	0	0	280,000
PBC School Dist	5-Year Capital Budget (FY 2013 – 2017) Incorporated By Reference					

* - Refer to Table 9-1C.

Table 8-3 Revenue Sources for Town Directed Capital Improvements Projects

Project Number*	Revenue Source	Fiscal Year Budget (\$000)					Total Cost (Dollars)
		2013/14	2014/15	2015/16	2016/17	2017/18	
TRAN-1	GF/GT	100,000	100,000	0	0	0	200,000
TRAN-2	GF/GT	944,000	0	0	0	0	944,000
TRAN-3	GF/GT	250,000	0	0	0	0	250,000
TRAN-4	GF	100,000	0	0	0	0	100,000
TRAN-5	GF	300,000	0	0	0	0	300,000
TRAN-6	GT	29,000	29,000	29,000	29,000	29,000	145,000
TRAN-7	P	106,000	0	0	0	0	106,000
DR-1	GT	150,000	150,000	150,000	150,000	150,000	750,000
ROS-1	GF	80,000	0	0	0	0	80,000
ROS-2	GF	0	100,000	100,000	0	0	200,000
Town Totals	GF/GT/P	2,059,000	379,000	279,000	179,000	179,000	3,075,000

* Refer to Tables 9-1A, 9-1C and 9-1D.

Revenue Sources: GF- General Fund; GT- Gas Tax; G- Grant; P- Private Source



155 F Road Loxahatchee Groves, FL 33470

Agenda Item # 13

TO: Town Council of Town of Loxahatchee
FROM: Groves Francine L. Ramaglia, Town Manager
DATE: December 5, 2023
SUBJECT: Discussion regarding Roadway and Drainage update.

Background:

Staff will present updates regarding Roadway and Drainage to Town Council.