



# **BOARD OF COMMISSIONERS WORKSHOP MEETING AGENDA**

**Wednesday, March 22, 2023 at 6:00 PM  
Commission Chambers**

---

The Board of Commissioners of the City of Madeira Beach, Florida will meet in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida to discuss the agenda items of City Business listed at the time indicated below. Meetings will be televised on Spectrum Channel 640 and YouTube Streamed on the City's Website.

---

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PUBLIC COMMENT**

*Public participation is encouraged. If you are addressing the Commission, step to the podium and state your name and address for the record. Please limit your comments to three (3) minutes and do not include any topic that is on the agenda. Public comment on agenda items will be allowed when they come up.*

**4. PRESENTATIONS**

**A.** Fire Department Presentation

**B.** Firefighter of the Year - Michael Wasilewski, Firefighter/Paramedic

**C.** Recognition of Five Years of Service - Lieutenant Tom McClave

**5. DISCUSSION ITEMS**

**A.** City Manager's Monthly Report - February 2023

**B.** 2023 FL Legislative Session Bills Impacting Cities

**C.** Area 6A Engineering Scope Approval

**D.** Area 5- Engineering Scope Approval

**E.** Pocket Park Design Proposal

**F.** Gulf Lane Amenities - Bathroom>Showers

G. Parking Presentation

H. Replacement of Alternate Board of Trustee on the Gulf Beaches Public Library Board

I. Discussion - Ordinance 2023-15 Comprehensive Plan Activity Center Definition

J. Director of Finance and City Treasurer Position

**6. ADJOURNMENT**

**One or more Elected or Appointed Officials may be in attendance.**

*Any person who decides to appeal any decision of the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the minutes to be transcribed verbatim; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation to participate in this meeting should call the City Clerk at 727-391-9951, ext. 231 or 223 or fax a written request to 727-399-1131.*



## MEMORANDUM

TO: Hon. Mayor and Board of Commissioners

THROUGH: Robin Gomez, City Manager

FROM: Clint Belk, Fire Chief

DATE: 3/22/2023

**RE: Firefighter of the Year, Firefighter/Paramedic Michael Wasilewski**

---

### Background

Firefighter/Paramedic Michael Wasilewski started his career with Madeira Beach Fire Department in early 2021. During the past 22 months, FF Wasilewski demonstrated an outstanding work ethic and a positive attitude toward both fellow firefighters and citizens in the community. The members of Madeira Beach Fire Department have nominated Firefighter Michael Wasilewski as Firefighter of the Year for 2023.

FF Wasilewski is highly praised by his peers for his drive, competence, and positive attitude. Mike possesses a cooperative attitude and steps up when necessary to assist members of the Department. In recent months, he has taken the lead role in assisting the probationary firefighter on his shift with becoming a successful MBFD firefighter. FF Wasilewski eagerly volunteered, and is near completion of his Acting Driver Engineer program, which will fill a need for coverage on his shift and for the Department. He also took the initiative to become a marine operator. In addition, he is 4 classes away from receiving his Bachelor of Science Degree in Public Safety Administration.

Firefighter/Paramedic Wasilewski is a good clinician with remarkable bedside manner. He demonstrates evident knowledge on emergency scenes and works diligently on his assigned responsibilities. Mike leads by example for physical health; he makes sure to incorporate physical fitness training into his regular routine to assure he's ready for emergency situations and encourages others to do the same. FF Wasilewski is professional and has a strong work ethic; always remembering to represent the department in a positive light in public.

Before becoming a professional firefighter, Mike served in the US Marine Corps from 2011 to 2015. In 2012, he was deployed during Operation Enduring Freedom to Helmand Province in Afghanistan. His service does not end there, in addition to being a veteran and a firefighter, he is also a substitute teacher and a lifeguard.



FF Mike Wasilewski is a well-rounded firefighter, paramedic and is an exceptional representation of a Madeira Beach Firefighter. In recognition of his dedication to the public service it gives me great pleasure to announce Mike Wasilewski as Firefighter of the Year for 2023.

**Fiscal Impact**

**Recommendation**

**Attachment(s):**







## MEMORANDUM

TO: Hon. Mayor and Board of Commissioners

THROUGH: Robin Gomez, City Manager

FROM: Clint Belk, Fire Chief

DATE: 03/22/2023

**RE: Recognition of Years of Service**

---

### **Background**

Madeira Beach Fire Department would like to recognize the following personnel for their years of service and dedication to the City of Madeira Beach.

Lieutenant Tom McClave      5 years

### **Fiscal Impact**

N/A

### **Recommendation**

### **Attachment(s):**



## CITY MANAGER'S REPORT- FEBRUARY 2023

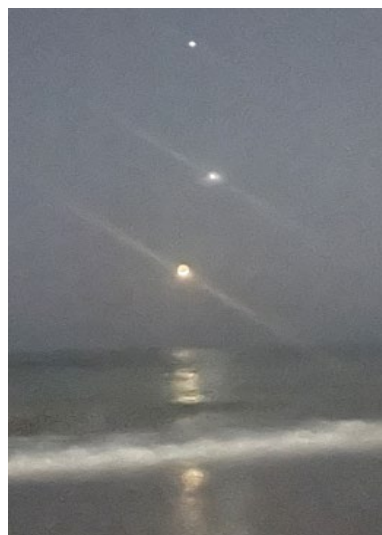
### **CITY MANAGER**

First and foremost, I would like to extend a huge thank you and congratulations to John B. Hendricks who will be retiring as Mayor after three year term. Mayor Hendricks has certainly made an impact on the Madeira Beach community by pushing for beautification within the streets, parks, and of course our beaches working with the Trash Pirates, Trash Turtles, and Keep Pinellas Beautiful. One of the most notable efforts was after Hurricane Ian. Mayor Hendricks organized a food and supply drive for a couple months post hurricane. Not only did he collect items, but he personally drove them down. Thank you Mayor Hendricks for leaving your mark on the City of Madeira Beach, we truly appreciate your service!

I hope you have been enjoying the recent very nice weather by visiting one of our parks or the beach or partaking in some type of outdoor recreational activity whether walking, jogging, bicycling, or perhaps boating, kayaking, or paddleboarding. Certainly, the typical very nice late winter and early spring weather reminds us of our slice of paradise that so many visit and/or call home. The city is extremely thankful for all who reside here who continue to ensure that we provide the highest quality city services making Madeira Beach a truly wonderful place to live, learn, work, and play. We are also thankful for the thousands that visit our city enjoying our vast amenities that also contribute to the eclectic nature of our City. While we continue experiencing more traffic and wait times at our stores and restaurants, I am reminded we can still enjoy our slice of paradise every day walking on our pristine sand, viewing spectacular sunsets and celestial views, or simply enjoying a peaceful fishing or other water excursion. Whatever your hobby or enjoyment, please take some time to enjoy our wonderful city and the many outdoor amenities.



***Gulf Sunset view from Snack Shack deck***



***Moon, Venus, and Jupiter***

I hope many of you enjoyed our various meetings, activities, and events throughout February including various youth softball tournaments, the return of the annual College Softball Spring Games, Final Friday at the John's Pass bell tower area, City Store Grand Opening/Happy Hour with the City Manager, a beach clean-up, and our Commission meetings. Please continue reading to

## CITY MANAGER'S REPORT- FEBRUARY 2023

learn of March meetings, activities, and events, all listed on the City's website: [www.madeirabeachfl.gov](http://www.madeirabeachfl.gov).

Please visit our parks to see various improvements including repairs to the ROC Park reflection pond and the installation of new swim markers on the Gulf waters just off John's Pass and Archibald Parks:










Just as we enjoy our 2 Miles Long City, beach/sand, and a Smile Wide of paradise, occasionally, we must endure another natural negative impact (other than tropical storms):



**During this health alert:**



-  Do not swim near dead fish at this location.
-  If you have chronic respiratory problems, stay away from this location—red tide can affect your breathing.
-  If you are having respiratory problems, leave this location—go into an air-conditioned space for relief.
-  Do not harvest or eat molluscan shellfish from this location.
-  Do not harvest or eat distressed or dead fish from this location.
-  Rinse fillets from healthy fish with tap or bottled water. Throw out guts.
-  Keep pets and livestock away from water, sea foam and dead sea life.

Unfortunately, the end of February also brought us the dreaded *Karenia brevis* algal blooms, the microscopic, single-celled, photosynthetic organism, a marine dinoflagellate, responsible for our 'red tides' common in our Gulf coast. As many are aware, the negative effects include mainly dead fish washing on our shores as well as occasionally other marine life and birds. For us it causes respiratory issues including coughing, wet/runny eyes, sneezing, and a distinct yucky odor (from the dead fish/marine life). On a few days, our Public Works staff recovered a few hundred dead fish/marine life. We will continue to monitor and take all the necessary actions to continue to keep our



## CITY MANAGER'S REPORT- FEBRUARY 2023

sand/beach and waters as clean as possible. Let's hope the Gulf waters move away or better yet, eliminate, the *Karenia brevis* algal blooms very soon.

### CITY STORE

On February 23, numerous residents, businesses, and City staff celebrated the grand opening of our City Store, located on the 2<sup>nd</sup> floor of our City Hall lobby.



Please stop by Mondays through Fridays from 8 am to 4:30 pm, to view and possibly purchase one of the new City of Madeira Beach shirts, hats, photo prints, stickers, and other items. Please help us showcase our unique Madeira Beach identity by wearing or displaying one of the new items.

## CONTINUED REMINDER - MARCH 14, 2023 MUNICIPAL ELECTION

### SEATS UP FOR ELECTION – TERM – SALARY

- Mayor – Three-Year Term - \$10,000 Annual Salary (*Mayor contest to appear on the Election Ballot*)
- Commissioner District 3 - Two-Year Term - \$7,500 Annual Salary (*No opposition - Eddie McGeehen to serve as the newly elected Commissioner for District 3*)
- Commissioner District 4 - Two-Year Term - \$7,500 Annual Salary (*No opposition - Anne-Marie Brooks to serve as the newly elected Commissioner for District 4*)

## CITY MANAGER'S REPORT- FEBRUARY 2023

During the Candidate Qualifying Period held for the March 14, 2023, Municipal Election, four candidates qualified to have their name placed on the Election Ballot. Two candidates qualified for Mayor, one candidate qualified for Commissioner District 3 and one candidate qualified for Commissioner District 4.

- The Mayor contest will appear on the Election Ballot.
- The Commissioner District 3 and Commissioner District 4 contests will not appear on the Election Ballot. Eddie McGeehen will serve as the newly elected Commissioner for District 3, and Anne-Marie Brooks will serve as the newly elected Commissioner for District 4.

The terms of all newly elected members of the Commission, including the Mayor, will begin upon induction into office at a Board of Commissioners first meeting following the election. The date and time of that meeting has yet to be scheduled.

### **MAYOR - 3 Year Term – Mayor Contest to Appear on March 14, 2023, Municipal Ballot:**

**Doug Andrews**

**Jim Rostek**

### **Commissioner District 3 - Two-year Term:**

Congratulations to Eddie McGeehen! Eddie did not have opposition, therefore, his name will not appear on the March 14, 2023, Municipal Ballot. On Election Day, March 14, 2023, Eddie will be the newly elected Commissioner for District 3 for a two-year term. The term to begin upon induction into office at the first meeting following the Election.

### **Commissioner District 4 - Two-year Term:**

Congratulations to Anne-Marie Brooks! Anne-Marie did not have opposition, therefore, her name will not appear on the March 14, 2023, Municipal Ballot. On Election Day, March 14, 2023, Anne-Marie will be the newly elected Commissioner for District 4 for a two-year term. The term to begin upon induction into office at the first meeting following the Election.

### **POLLING LOCATIONS FOR THE MARCH 14, 2023 MUNICIPAL ELECTION**

- **Precinct 415** - Madeira Beach Municipal Building, City Centre Room, 300 Municipal Drive, Madeira Beach, Florida 33708 will be open March 14, 2023, from 7:00 a.m. to 7:00 p.m.
  - **Precinct 301** - Calvary Church Seminole (Combined), 6155 113 Street, Seminole Florida 33772 will be open March 14, 2023, from 7:00 a.m. to 7:00 p.m.
-

## CITY MANAGER'S REPORT- FEBRUARY 2023

### CITY CLEAN-UPS & BEAUTIFICATION

Thank you very much to our wonderful Madeira Beach organizations that once again held a clean-up in January as well as the organization *Keep Pinellas Beautiful* for their continued support of our two clean-up organizations and over-all countywide beautification.



#### Trash Pirates of Mad Beach



#### Trash Turtles



- Trash Pirates monthly clean-up held on Sat, Feb 4
- Trash Turtles clean-up TBD, more info at: <https://trashturtles.org>

Thank you to all the wonderful volunteers, family, and friends that continue to make our community a better place to live, learn, work, and play. The pounds of trash removed at the clean-ups truly make our slice of paradise shine. The City very much appreciates all your efforts. Please continue to look forward to future monthly clean-ups.

Additionally, our City Public Works and Recreation crews continued daily maintaining our beach/sand, parks, and public rights-of-way clean and beautiful. From the daily sand raking to trash abatement to tree/greenery maintenance City staff diligently ensure residents and visitors enjoy a pristine City. Thank you to all our City staff for their continued commitment.

### ENVIRONMENTAL STEWARDSHIP

As we continue with beautification work including the monthly city-wide clean-ups and enhanced recycling services, we will also continue reminding our residents, businesses, and visitors to ensure all trash/waste ends up in the proper containers particularly when visiting our sand. Also please remember: No dogs on the Sand. A friendly reminder of our Beach Ordinances:



## **Beach Ordinances**

### **Sec. 42-37 - Leave no trace**

- Any unattended tent or property left on the Public Beach at night shall be deemed discarded by the owners and become the property of the City of Madeira Beach and may be removed and disposed of by the appropriate authority.
- All holes on the beach are to be filled in the same day they are created.
- Camping, bonfire, grilling and glass are prohibited.

### **Sec. 42-38 - Enforcement**

- Violation of any provision of this article shall be subject to the following penalties:
  - ⇒ First violation: \$100.00 fine.
  - ⇒ Second violation: \$200.00 fine.
  - ⇒ Third violation: Fine not to exceed \$500.00 pursuant to F.S. § 162.22.

### **Sec. 10-5 – Animals banned from Public Beaches**

- It shall be unlawful for any dog, cat, other animal, whether running at large, on a leash, or being carried, to be on any public beach within the city.

**For more information or questions please call**

**Code Enforcement at 727-391-9951 X 295**

***Help us leave no Trace !***

### **Sanitation-Trash Collection**



City Public Works staff will begin on March 2, 2023, delivering the new 64-gallon trash containers (toter) to all residential properties. The new containers with a lid and wheels will need to be stored somewhere other than curbside, and wheeled out to the curb for collection no earlier than 5:30 pm the day prior to collection, and removed away from the curb by sunset the day of collection. The new containers will be maintained and repaired by the City of Madeira Beach Public Works/Sanitation department. An information sheet will be included at the time of the container's delivery. The City of Madeira Beach greatly appreciates everyone's patience and understanding with the trash collection change that will help to keep our City even cleaner.



## CITY MANAGER'S REPORT- FEBRUARY 2023

To verify your trash collection days, please view the trash collection map on the City's website:  
<https://madeirabeachfl.gov/sanitation/>

### MADEIRA BEACH MARKET



Please remember to visit our weekly Market on Madeira Way showcasing over 30 local vendors selling a variety of crafts, arts, clothing, yummy food selections, fresh produce, and much more. Join us on Madeira Way every Wednesday from 10 am to 2 pm, until May 2023 to shop local including many gift options. Residents and visitors alike will be impressed with the variety of items available for purchase.

### CITY ACTIVITY

As in prior months thousands continued to visit and along with residents enjoyed our January events including the monthly City/beach clean-ups, the City store grand opening/Happy Hour with the city manager; City meetings including Regular Commission meeting, Civil Service Commission, Commission Workshop, the Final Friday on Feb 24 at the John's Pass Bell Tower area, and the annual College Softball Spring Games held from Fri, Feb 24 to Sun, Feb 26.

Please read below for upcoming March 2023 events including the monthly Trash Pirates clean-up on Sat, Mar 4; College Softball Spring Games from Fri, Mar 3 to Wed, Mar 15; City-wide Garage Sale on Sat and Sun, Mar 11 and 12; a Nautical Garage Sale at our City Marina on Sat, Mar 11; Kite Day on Mon, Mar 13; Gulf Beaches Spring Break Waterfront Festival Carnival on Thu, Mar 16 to Sun, Mar 19; Trash Turtles clean-up on Sat, Mar 18; Great American Grunt Hunt on Thu, Mar 23 & Sat, Mar 25; and Final Friday on Fri, March 31.

City staff continued our daily provision of various services including the daily cleaning and maintenance of our sand and our parks, processing building permits, providing recreation classes such as yoga and cardio drumming, special events, and providing daily parking, marina, public works, and other support services city-wide. Work on various projects listed below continued as we



## CITY MANAGER'S REPORT- FEBRUARY 2023

continued with the preparation of some sizeable projects including repairing/replacing beach groins and dredging a part of John's Pass.

Various events throughout February recognized various City employees and businesses, including:

1. Keep Pinellas Beautiful – Former PW Supervisor, **Deb Laramie, Grover Griffin Award of Lifetime Achievement and Jenna Byrne, Byrne Ocean Conservation/Water Warrior Alliance, Adoption Volunteer of the Year,**
2. Tampa Bay Beaches Chamber of Commerce – **Small Business of the Year, Sunshine Scenic Tours** (pirate ship/shark boat), Boardwalk PI at John's Pass Boardwalk,
3. John Morroni Law Enforcement/1<sup>st</sup> Responders Annual dinner – **Firefighter Team of the Year, Lt/Paramedic Tom McLave, FF/Paramedic Dominic Bueller, FF/Paramedic Mike Wasilewski,**
4. TI/MB Chamber of Commerce annual awards lunch – **Mayor Hendricks, lifetime achievement award** and Robin Gomez, **public service official of the year**
5. TI/MB Chamber of Commerce annual awards lunch – **Small Community partner of the year, Church by the Sea**

### CURRENT & UPCOMING CITY PROJECTS – more details in the Public Works section

- (1) Beach Groins Renourishment – surveying work completed-restoration to begin late Apr/May 2023.
- (2) East and West Parsley (area 3) and Parts of 129<sup>th</sup> and 131<sup>st</sup> Avenues (area 5) - milling and resurfacing streets & stormwater system improvements.
- (3) Gulf PI and adjacent City parking lots/beach access, from 135<sup>th</sup> to 130<sup>th</sup> Ave – milling and resurfacing, to begin in early summer 2023
- (4) City Military Honor Court, at Patriot Park – design in Jan to Feb 2023, construction Mar-Apr 2023.

### UPCOMING SPECIAL EVENTS/ACTIVITIES/MEETINGS

### UPCOMING SPECIAL EVENTS/ACTIVITIES/MEETINGS

- (1) **Trash Pirates monthly clean up** at John's Pass Bell Tower area and Archibald Park, Sat, Mar 4, 8 am.



## CITY MANAGER'S REPORT- FEBRUARY 2023

- (2) BOARD OF COMMISSIONERS REGULAR MEETING**, Wed, Mar 8, 6 pm, CITY HALL – Commission Chambers
- (3) City-Wide Annual Garage Sale**, Sat, Mar 11 and Sun, Mar 12
- (4) Kite Day**, Mon, Mar 13, 11 am, ROC Park
- (5) Gulf Beaches Rotary Waterfront Carnival, ROC Park, Thu, Mar 16 to Sun, Mar 19**
- (6) BOARD OF COMMISSIONERS WORKSHOP** CITY HALL, Wed, Feb 22, 6 pm – Commission Chambers
- (7) 12<sup>th</sup> Annual Great American Grunt Hunt** Thu, Mar 23, 5 pm, and Sat, Mar 25, 4 pm weigh-in, City Marina
- (8) Big-C Monthly Meeting**, Wednesday, Mar 29, 9 am, Commission Chambers
- (9) Final Friday, Friday, Mar 31, 6 pm, John's Pass Bell Tower area**

**CONTACTING CITY OF MADEIRA BEACH:** a reminder of the various means and methods to contact/reach out to us, report an issue/concern, visit, etc.,

- City internet/web site: [www.madeirabeachfl.gov](http://www.madeirabeachfl.gov)
- Via email (listed on our website): [rgomez@madeirabeachfl.gov](mailto:rgomez@madeirabeachfl.gov)  
-all city employee emails are the first letter of the first name followed by last name
- On the phone (main line): **727-391-9951**  
-additional phone #'s listed on website
- In person at City Hall, 300 Municipal Dr, open M-F 8 am to 4:30 pm: to obtain a resident permit parking pass/sticker, purchase our 75<sup>th</sup> anniversary items (shirts, hats, etc), to ask a question(s), or to just say hello
- In person at City Hall Commission Chambers, for our monthly Board of Commission meetings:  
Regular Meeting on the 2<sup>nd</sup> Tuesday of each month  
Workshop Meeting on the 4<sup>th</sup> Tuesday of each month  
-both typically begin at 6pm
- Via our App: **CITY OF MADEIRA BEACH MOBILE APP**

### **CITY OF MADEIRA BEACH MOBILE APP**

## CITY MANAGER'S REPORT- FEBRUARY 2023



Launched in early November 2021, remember to download the free City of Madeira Beach mobile app, **My Madeira Beach**, from the Apple App or Google Play stores. Residents, businesses, visitors can utilize the app to communicate service requests and/or report concerns/issues such as potholes, trash, graffiti, or any other area needing City attention. The app is also a great resource with links to the City website, news, and ongoing/upcoming events.

### **Building Official(s) – Development Report (February - 2023)**

City Building Official, Frank DeSantis reports that our redevelopment/economic development continues at a steady pace including several large condominium projects on-going and/or under current plan review.

- The **Schooner Resort** is under review
- The **Tiki Docks Bar & Grill** permit has been issued. (Interior Restaurant only)
  - ✓ Underground plumbing rough-in completed
  - ✓ Underground electrical rough-in completed
  - ✓ Concrete pouring 95% completed
  - ✓ Stamped concrete completed/staining and polishing process has started
- **15405 Gulf Blvd. Azul Townhomes**
  - ✓ Phase-1 2nd floor trusses are set and decked. Waiting on threshold inspection.
  - ✓ First lift of stairs are in progress.
  - ✓ Phase-2 stem walls have been poured.
  - ✓ Bldg. "B" plumbing rough will be finished for the S.O.G. Friday.
  - ✓ Bldg "B" S.O.G. is scheduled to pour
- **200 150th Ave. Harbor at Town Center**
  - ✓ 5th floor and vertical to roof is 100%
  - ✓ Roof level pour #1 is scheduled for pour
  - ✓ S.O.G. perimeter beams have been poured and C.M.U. is being installed in prep for S.O.G. pour
  - ✓ Post tension cables have been cut at level 2 and shoring has been removed
  - ✓ Block for level 2 will starting
- The **Holiday Isles projects** *(The Development Order expires April 23rd, 2024) No Change*
  - ✓ **555 150<sup>th</sup> Ave.** (Hampton Inn Hotel) – *(The permit #4082 expires January 2, 2024)*  
Site clearing and grading work continues – expected to be complete in two to three weeks.
  - ✓ **565 150<sup>th</sup> Ave.** (31-unit building) – *(The permit #20210386 expires July 30, 2025)*  
New silt fencing installed, no scheduled date to start.

### **PERMIT TYPES ISSUED (02/01/2023 through 02/28/2023):**

- **SFH projects – (3)**  
*Single Family Homes*
- **Commercial projects – (2)**  
*Remodel*
- **Residential projects – (8)**  
*Remodel*

## CITY MANAGER'S REPORT- FEBRUARY 2023

- |  |   |   |
|--|---|---|
| • <b>Docks &amp; Lift projects – (6)</b><br><i>Replacement &amp; Repairs</i> | • <b>Roof &amp; Awning projects – (8)</b><br><i>New &amp; Re-roof</i> | • <b>Fence – (1)</b><br><i>New &amp; Replacement</i>            |
| • <b>Generator projects – (0)</b><br><i>New Generator</i>                    | • <b>Swimming Pool – (2)</b><br><i>New</i>                            | • <b>Seawall projects – (9)</b><br><i>New Seawall &amp; Cap</i> |
| • <b>Demo Permits – (2)</b><br><i>Demolition</i>                             | • <b>Driveway/Pavers – (2)</b><br><i>New</i>                          | • <b>Deck – (3)</b><br><i>New &amp; Replacement</i>             |
| • <b>Windows/Doors – (12)</b><br><i>Replacement</i>                          | • <b>Mechanical E/C/O's – (18)</b><br><i>New AC units</i>             | • <b>Sign projects – (0)</b><br><i>New Sign Permits</i>         |
| • <b>Electrical Permits – (1)</b><br><i>Meter, Panel C/O's</i>               | • <b>Plumbing HW C/O's – (5)</b><br><i>Hot Water Heaters</i>          | • <b>Solar Permits – (0)</b><br><i>New Solar Permits</i>        |

### Monthly Totals (02/01/2023 through 02/28/2023):

- **Building Department:**
  1. 96 different types of permits were processed & issued.
  2. \$143,610.94 Permit fees collected.
  3. \$6,883,176 Permit estimated value or cost.
  4. 228 completed inspections (average 14 +/- per day)
  
- **Building Code Compliance & Residential Rental Inspections:**
  1. 2 new code compliance case was created.
  2. 4 code compliance cases being resolved.
  3. 28 open/outstanding code compliance concerns with the help of the Special Magistrate.
  4. 0 residential rental inspections for the month of February.
  - 5.

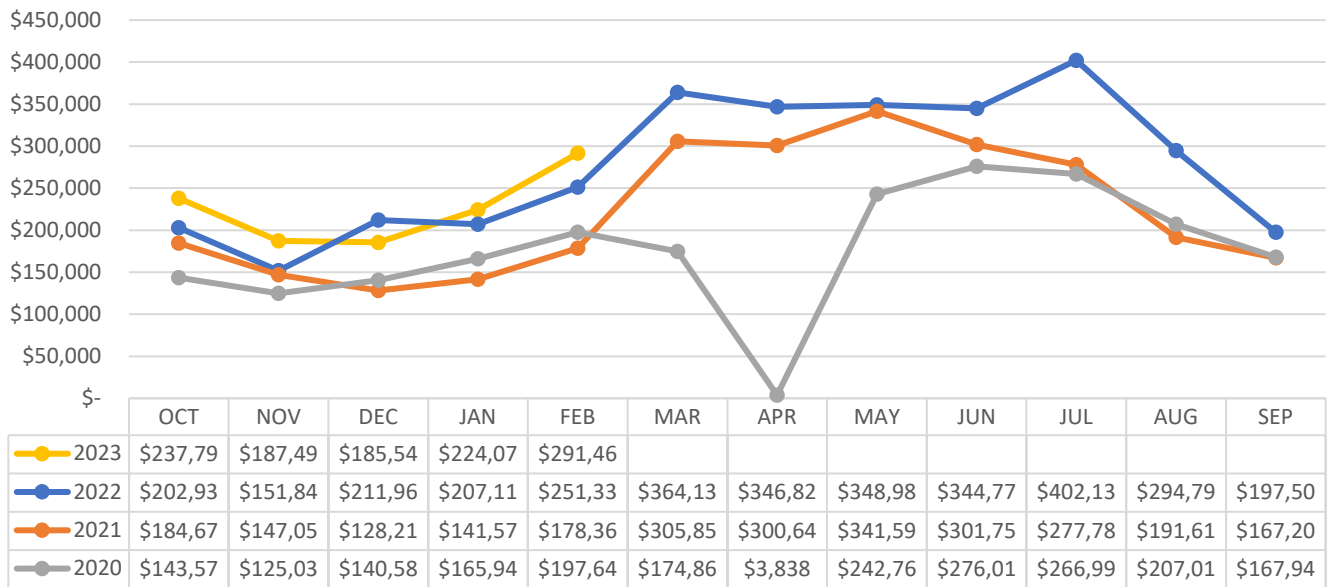
### PARKING

February Parking Revenue: \$ 326,887.60

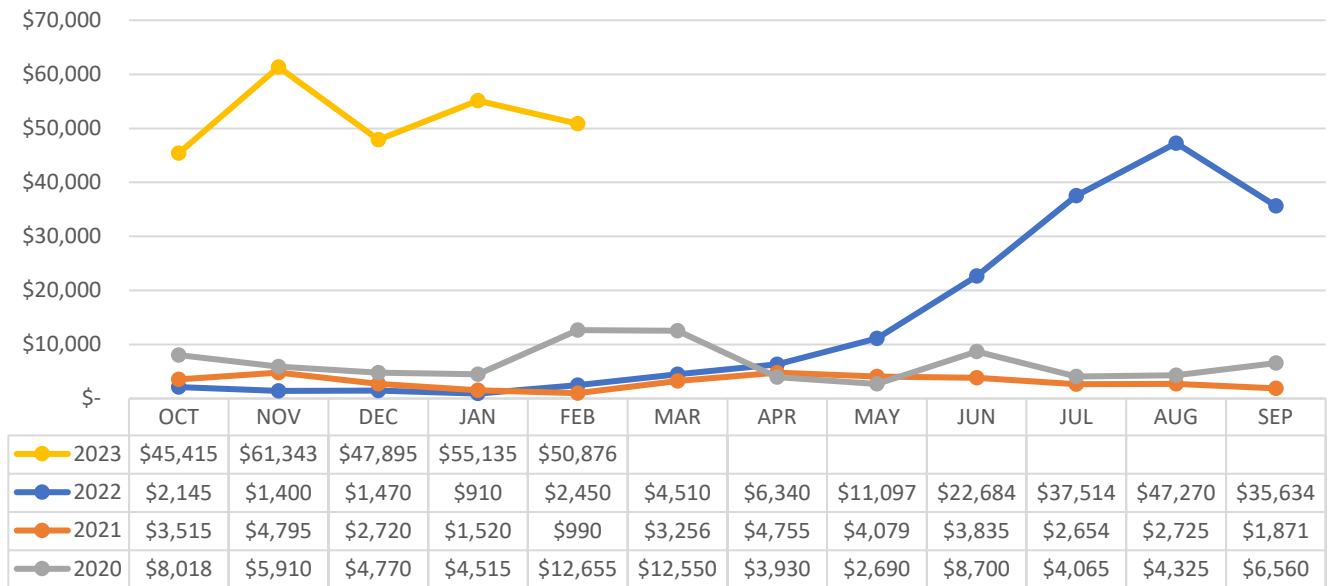
- Parking Meters: \$ 210,733.60
- Parking Fines: \$ 50,875.50
- Parking Garage Fund: \$ 559,708.00
  - \$.50 from every hour of parking fees are placed in a fund to build a parking garage. This fund was started December 2021.

## CITY MANAGER'S REPORT- FEBRUARY 2023

### Parking Meters



### Parking Fines



## CITY MANAGER'S REPORT- FEBRUARY 2023

### **CITY OF MADEIRA BEACH MARINA**

We have had quite a mild February and have already seen a big increase in boating activity. The Marina continues to see a lot of traveling boaters escaping the bitter weather in the northern states. Everyone who I speak with from out of town gives our city and the beaches a ton of praise for being so friendly and clean. We receive a healthy amount of revenue from these boaters and travelers so it is good to know that we will have repeat customers next winter.

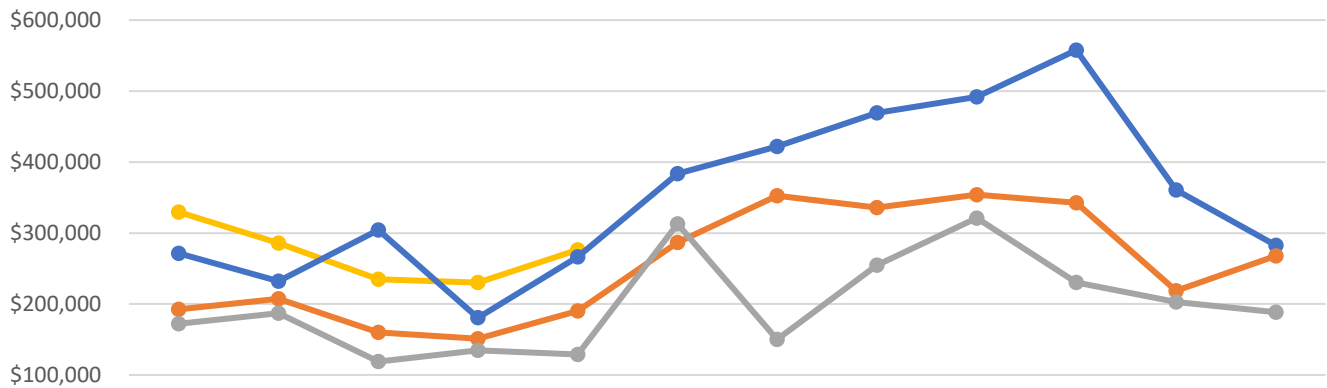
The Marina staff has completed a lengthy painting project for the ship store building. Painting all the outside walls, patios, staircases, railings, and wood columns. We have received a lot of complements on the clean fresh look of the building and will continue to improve on some landscaping this spring.

The 12<sup>th</sup> annual Great American Grunt Hunt will be held March 23<sup>rd</sup> and 25<sup>th</sup> at the Marina. Anyone can fish this event from your 8-year-old Grandson to your 80-year-old Grandfather. We have received some good sponsorship support from some local businesses this year who I can't thank enough. The Captains Party will be held on Thursday the 23<sup>rd</sup> starting at 7pm. There will be registration, cocktails, food, raffle, 50-50 and a Q&A; along with an easy-going atmosphere to catch up on fish stories with your friends and family. Saturday the 25<sup>th</sup> will be the weigh-in and our famous fresh caught fish fry. You don't have to fish to enjoy the festivities centered around the weigh-in and awards ceremony. Competition will be fierce as winners can be decided by less than a once! You can sign up online at

[Madeirabeachmarina.com](http://Madeirabeachmarina.com) or inside the ship store to get a discount for early registration. We look forward to seeing everyone out for this truly unique event.

# CITY MANAGER'S REPORT- FEBRUARY 2023

## Marina Revenue



\$-	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
2023	\$329,54	\$285,83	\$234,73	\$230,18	\$276,42							
2022	\$271,39	\$232,08	\$304,21	\$180,59	\$266,29	\$383,87	\$422,06	\$469,09	\$491,79	\$557,70	\$360,60	\$282,70
2021	\$192,41	\$207,58	\$160,07	\$151,17	\$190,31	\$286,88	\$352,39	\$335,82	\$354,06	\$342,62	\$218,69	\$267,85
2020	\$172,15	\$187,22	\$118,94	\$134,87	\$128,82	\$312,75	\$149,93	\$254,54	\$321,18	\$230,60	\$202,75	\$188,26

Account #	Description	Feb'23	Totals YTD
405.9300.347500	ATM Service Charge	187.00	\$ 187.00
405.9300.347901	Unleaded Fuel Sales	172,776.72	\$ 816,897.14
405.9300.347902	Diesel Sales	5,598.17	\$ 43,251.58
405.9300.347903	Diesel - Commerical	33,047.39	\$ 180,910.81
405.9300.347905	Propane Sales	160.93	\$ 988.57
405.9300.347906	Propane - Exempt	45.98	\$ 220.93
405.9300.347908	Misc Store Income-Taxable	220.00	\$ 74,661.69
405.9300.347909	Misc Store Income-Non Taxable	19,645.72	\$ 20,269.58
405.9300.347911	Dry Storage Fees	11,148.00	\$ 56,364.98
405.9300.347912	Transient Rentals	6,558.54	\$ 34,376.63
405.9300.347913	Marina Slip Rent	22,947.26	\$ 114,918.28
405.9300.347914	Annual Fishing Tournament	3,500.00	\$ 5,500.00
405.9300.347915	Land & Sea Sales	-	\$ -
405.9300.347916	Late Fees	-	\$ -
405.9300.347917	Boat Ramp Parking	494.39	\$ 2,167.35
405.9300.361100	Interest Earnings	-	\$ 5,370.85
405.9300.369900	Other Miscellaneous Revenues	-	\$ -
405.9300.369903	Refund Prior Year Expenses	-	\$ -
405.9300.369904	Sales Tax Collection Allowance	30.00	\$ 150.00
405.9300.369912	Boat Ramp Fees	-	\$ 60.00
405.9300.369913	Commission - Laundry Equipment	68.00	\$ 435.00
405.9300.389201	Federal Grant - Clean Vessel	-	\$ -

276,428.10 \$ 1,356,730.39



## CITY MANAGER'S REPORT- FEBRUARY 2023

### PUBLIC WORKS

New trash cans are being delivered starting March 2<sup>nd</sup> and completed by March 8<sup>th</sup>.

- Once residents receive their new 64-gallon cart they can start using immediately, please follow guidelines on the top of the lid.
- Old cans can be used for yard waste
  - If you would like the can thrown away you can write trash on it and our crew will pick it up.
- Residents may only use the 64-gallon provided.
- Carts must be at the curb for pickup no later than 7 AM on the day of pickup.
- If you need assistance, please call Public Works at 727-543-8154
- Need an additional 64-gallon container? Please call Public Works 727-543-8154 and one will be delivered for an additional monthly fee.



### Madeira Beach Recycling Guide



YES, PLEASE These items can be recycled		NO, THANKS These items can NOT be recycled	
 <p><b>Aluminum, tin, and steel cans</b> *Don't forget to rinse out before placing in your cart</p>	 <p><b>Paper and cardboard</b></p>	 <p><b>No plastic bags, food, packaging or film</b> *Plastic bags can be dropped off at Publix / Winn-Dixie</p>	 <p><b>No styrofoam, foam containers or packaging</b></p>
 <p><b>All colored glass bottles and jars</b> *Don't forget to rinse out before placing in your cart</p>	 <p><b>Plastic bottles and containers</b> *Don't forget to rinse out before placing in your cart</p>	 <p><b>No cords, appliances or lights</b></p>	 <p><b>No scrap metal, construction and yard debris</b></p>

**Wish-Cycling is NOT recycling. When in doubt...THROW it out!**





# Sanitation Reminders & Recycling Reminders

## Garbage & Recycling Carts



- Place at curb by 7 AM on Pickup day
- Place 3 Feet away from mailboxes, trees, and other structures
- Carts are for household garbage and recycling only. No bulk items are to be placed inside the carts
- Report any damaged cart to Public Works

## Contractor Debris



- All contractors are required to haul away any and all debris they generate within Madeira Beach

## Items Not Accepted



- Concrete, tile, or pavers
- Interior or Exterior Demolition Material
- Paint or Chemicals

## Bulk Items



- Additional fee will be charged, call to schedule pickup



## Branches & Palm Fronds

- Must be placed at the curb by 7 AM Wednesday
- Branches must be cut to 4 feet or less in length and 4 inches in diameter
- Piles larger than 4' in height and 8' in length will be charged an additional fee
- Do not place any debris on the street, curb, or on top of stormdrains
- Leaves, Grass Clippings, and Small plants should be placed in a bag or garbage can no more than 50 pounds.

## Commercial Dumpsters



- Do not block dumpsters
- Keep lids closed to keep out rain and critters
- Keep dumpster on solid ground ex concrete, pavers, or asphalt
- Properties with garbage on the ground or overflowing will be charged additional fees

**Please call Public Works @ 727-543-8154 with any questions.**

## **CITY MANAGER'S REPORT- FEBRUARY 2023**

### **Project Updates**

#### **Beach Groin Renourishment Project**

- Design is finalized and submitted for Permitting
- Staff is working with FDEP and FWC for the construction schedule and will be placing the project out to bid as soon as finalized.

#### **Area 3 – E Parsley, W Parsley, Marguerite, A Street, B Street, and Lynn Way. Roadway and Drainage improvement Project.**

- Submitted to FDOT for review. Will be placing out to bid once finalized with FDOT

#### **Area 5- 131<sup>st</sup> Ave E and 129<sup>th</sup> Ave Roadway and Drainage improvement Project**

- Engineering Scope to be placed on February 2023 Commission Agenda for approval to start design.

#### **Area 6a- Municipal Dr., Harbor Dr., 1<sup>st</sup> St. E., 2<sup>nd</sup> St. E., 153<sup>rd</sup> Ave., 154<sup>th</sup> Ave., & 155<sup>th</sup> Ave. Roadway and Drainage Improvements**

- Engineering Scope to be placed on February 2023 Commission Agenda for approval to start design.

#### **Gulf Lane and Beach Access roadway and drainage improvements**

- The project will consist of Milling and resurfacing Gulf Lane along with 135<sup>th</sup> to 130<sup>th</sup> Beach access parking lots and improving the stormwater drainage.
- Plans are complete and staff is working with Underground Consultant and Duke Energy to place the conduit in the ground for future underground of all utilities.

#### **Gulf Blvd Utility Undergrounding**

- Waiting for the Binding Cost Estimate (BCE) from Duke Energy, quantities of materials needed for the project
- Task 2 – Construction management and Construction approved by the BOC September 14<sup>th</sup>.
- Anticipated date for completion August 2023

#### **FDOT Bridge Repair Project**

Updates can be found at: [439565-1-52-01 SR 699/Gulf Blvd Bridge Maintenance over John's Pass \(fdottampabay.com\)](https://www.fdot.com/439565-1-52-01-SR-699-Gulf-Blvd-Bridge-Maintenance-over-Johns-Pass)

- This project will provide routine maintenance to the lighting and moveable parts of the John's Pass bridges.
- Construction is anticipated to begin in the spring of 2022 and be complete in the fall of 2023.
  - Construction Manager – Matt Kappler 727-575-8300  
[matthew.kappler@dot.state.fl.us](mailto:matthew.kappler@dot.state.fl.us)

#### **FDOT Gulf Blvd Water leak near 148<sup>th</sup>**

- FDOT has design plans to create an underdrain and connect it to their existing storm that runs down Gulf Blvd.
- FDOT has no estimated start date as of January 24, 2023



## CITY MANAGER'S REPORT- FEBRUARY 2023

### **CITY CLERK**

#### **CITY CLERK**

As of February 28, 2023, the Board of Commissioners held 5 (five) meetings in 2023.

#### **5-Year History – As of February 28, 2023 - Board of Commissioners Meetings**

2018 – 9 meetings  
2019 – 9 meetings  
2020 – 8 meetings  
2021 – 9 meetings  
2022 – 4 meetings

All meetings are open to the public. [Public comments are made in person with a three-minute time limit.](#) The public can view meetings by webcast or on Spectrum Ch. 640. Regularly scheduled meetings are held:

Board of Commissioners Meetings – Commission Chambers, 300 Municipal Drive, Madeira Beach, FL 33708

Regular Meeting	2 <sup>nd</sup> Wednesday @ 6 p.m.
Regular Workshop Meeting	4 <sup>th</sup> Wednesday @ 6 p.m.

Meeting dates and times are subject to change due to holidays, etc.

### **BOARD MEMBER VACANCY ANNOUNCEMENT**

#### **Civil Service Commission**

The City of Madeira Beach is seeking applications to fill one vacancy on the Civil Service Commission for the remainder of a three-year term expiring on 09/30/2025.

Boards, Commissions, and Committees are a valuable part of the local government process. The members are volunteers and provide a great service to the City and the community. Duties and responsibilities include reviewing the City's policies and procedures, Code of Ordinances, and the City Charter, and making recommendations to the Board of Commissioners.

- Civil Service Commission – 5-member board – regular meetings held quarterly. Additional meetings are held for special projects and employee grievance hearings. Dates and times vary.
- Members must be a City of Madeira Beach citizen and eligible to vote in the City elections.
- Appointments are made on experience and qualifications in Human Resources when possible.

#### **Planning Commission**

The City of Madeira Beach is seeking applications to fill one vacancy on the Planning Commission for the remainder of a three-year term expiring on 09/30/2025.

## CITY MANAGER'S REPORT- FEBRUARY 2023

- Planning Commission – 7-member board – regular meetings held monthly, 1<sup>st</sup> Monday at 6:00 p.m. - members must be citizens and eligible to vote in the City.
- Appointments will be made, consistent with the Charter, Sec. 12.2 and based on demonstrated experience and qualifications in the subject matter from one or more of the following areas, whenever possible (City Code Sec. 2-77):
  1. Architecture or landscape architecture
  2. Civil engineering
  3. Real estate sales or land development
  4. Professional experience in natural or environmental sciences
  5. Urban planning

Interested persons must submit an application to the City Clerk no later than Monday, April 3, 2023, to be considered for appointment at the 6:00 p.m., April 12, 2023, Board of Commissioners Regular Meeting located in the Commission Chambers, 300 Municipal Drive, Madeira Beach, FL 33708. All applicants are encouraged to attend the meeting.

An application is attached to this advertisement. Applications may also be obtained from the City Clerk at City Hall or downloaded on the City's website at <https://madeirabeachfl.gov/advisory-boards/>.

Submit completed and signed applications to:

City Clerk  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708  
[cvanblargan@madeirabeachfl.gov](mailto:cvanblargan@madeirabeachfl.gov)  
727-391-9951, ext. 231

### **RECREATION**

February at the Recreation Center was busy prepping for the upcoming College Softball Spring Games. Starting the last weekend in February through the 2<sup>nd</sup> week of March The Spring Games plays over 2500 games across Central Florida and ROC Park happens to be one of the venues. Come out to see some ball, the weather has been great!

Don't forget to start your spring cleaning, the City Wide Garage sale will be March 11<sup>th</sup> & 12<sup>th</sup>. The Marina will be hosting their annual nautical garage sale if your in the market for any spare parts!

The Rec Center continues to load up the classrooms with fit focused activities with the help of our great fitness partners. Madeira Beach Yoga is offering classes every day of the week with options in studio and on the beach. More info at [MadeiraBeachYoga.com](http://MadeiraBeachYoga.com). Seriously Fun Fitness is a great way to get involved in a full body workout class with instructor Tom. His positive attitude and

## CITY MANAGER'S REPORT- FEBRUARY 2023

motivation will help you kick it into high gear each Mon, Wed, and Fri. Zumba has some great class offerings for those looking to find their groove while staying active. Our newest class offering is boxing on the beach each Wednesday morning with Weapon Brand Trainings. They have more information available at [weaponbrand.com](http://weaponbrand.com). Lastly, the folks with our cardio drumming program bring the excitement and the noise multiple days a week at the City Centre. They get you up and moving while jamming out to some great music in a fun and supportive atmosphere. All in all, there are some great options to get active in Madeira Beach and more information can be found at [MadeiraBeachFL.gov/Fitness](http://MadeiraBeachFL.gov/Fitness).

For more information visit [MadeiraBeachFL.gov/Events](http://MadeiraBeachFL.gov/Events).

### Upcoming Events

- 3/4 – 3/5- The Spring Games
  - ROC Park
- 3/5 – Trash Pirates Monthly Beach Clean Up
  - Archibald & John's Pass Village
  - 8:00am – 10:00am
- 3/11-12- City Wide Garage Sale
  - Sunrise to Sunset
- 3/13- Kids Kite Day
  - ROC Park
  - 10:00am
- 3/16 -3/19- Gulf Beaches Rotary Spring Break Carnival
  - ROC Park
  - More information here:  
<https://www.eventeny.com/events/2023gulfbeachesrotaryspringbreakwaterfrontfestival-4987/>
- 3/18- Great American Clean up
  - Hosted by Trash Turtles, Keep Pinellas Beautiful, and Trash Pirates
  - 7:30am – 10:30am
- 3/23 & 25- Great American Grunt Hunt
  - Marina
  - Captain's Party 3/23 Weigh in & Fish Fry 3/25



## MEMORANDUM

**Date:** Mar 22, 2023  
**To:** Board of Commissioners  
**From:** Robin I. Gomez, City Manager  
**Subject:** Discuss/Review 2023 FL Legislature Bills Impacting Cities

### **Background**

The enclosed bills currently under review/discussion at the 2023 Florida Legislature, if adopted, may negatively impact our City. The 2023 Regular Legislative session convened on March 7, 2023, with bills required to be filed by noon on March 7. The final day for regularly scheduled committee meetings will be April 25, 2023, with the session adjourning on May 5, 2023.

### **Discussion:**

The following bills if adopted may negatively affect our City:

- Preemption/Home Rule SB 714, SB 170, HB 317/SB 388
- Building Codes/Construction HB 89, HB 327/SB 408
- Environment HB 77/SB 186, HB 111
- Ethics & Elections HB 405, HB 199, HB 241, HB 37
- Finance & Taxation SB 698/HB 731, SJR 126/HJR 159,  
SB 124/HB 161, SJR122/HJR 469,  
SB 120/HB 471, HB 127, SB 288/HB 499,  
HB 101/SB 184, SB 474, HB 229/SB 220
- Housing SB 102
- Land Use & Comprehensive Planning HB 41, HB 439, HB 359, HB 235/SB 350,  
HB 349
- Personnel HB 563, HB 169/SB 314, HB 107,  
HB 337/SB 352, HB 181, HB 95, HB 23/SB  
162

- Public Procurement SB 284
- Public Records & Public Meetings HB 397, SB 216/HB 525
- Public Safety HB 364/HB 535, HB 341,  
HB 215/HB 456
- Utilities HB 361
- Other HB 401, SB 696/HB 729,  
SB 92/HB 105

**Fiscal Impact**

Potential Unfunded Mandates





THOMAS J. TRASK, B.C.S.\*  
 JAY DAIGNEAULT, B.C.S.\*  
 ERICA F. AUGELLO, B.C.S.\*  
 RANDY D. MORA, B.C.S.\*  
 ROBERT M. ESCHENFELDER, B.C.S.\*  
 NANCY MEYER, B.C.S.\*  
 JEREMY SIMON  
 MEGAN R. HAMISEVICZ


*\* Board Certified by the Florida Bar in  
 City, County and Local Government Law*

## MEMORANDUM

DATE: March 7, 2023

TO: Mayor John B. Hendricks  
 Vice Mayor Douglas F. Andrews  
 Commissioner David Tagliarini  
 Commissioner Ray Kerr  
 Commissioner David Dean Hutson  
 Robin Gomez, City Manager

CC: Clara VanBlargan, City Clerk

FROM: Thomas J. Trask, City Attorney 

RE: 2023 Florida Legislative Session – Session Update

The Legislature's Regular Session convenes today. Several of the bills of interest noted in the last memo are already moving through committee. Additionally, many new bills of interest or concern have been filed since the last memo. Those are covered below. The last day for regularly scheduled committee meetings will be April 25, 2023, and the session will adjourn on May 5, 2023.

We will continue to monitor the committee process and the general session and provide periodic updates on these and any new bills of unique interest to local government as the session progresses, and updates on the committee movement of bills. As always, if there are questions as to any of the bills reviewed below, I will be happy to provide additional information or analysis.

### PREEMPTION/HOME RULE

**SB 714** (DiCeglie) (similar to **HB 105**): This bill by Pinellas Senator is virtually identical to one which was filed but did not make it through the adoption process in the last legislative session. As relates to municipalities, the bill amends Florida Statutes § 509.032(7) (preempting local prohibition of vacation rentals and prohibiting local regulation as to the frequency or duration of vacation renting) by:



- Allowing vacation rental ordinances in place prior to June 1, 2011 to be amended, but only if the amendments are less restrictive than the prior ordinance
- “Allows” local governments to create a vacation rental registration program and impose a fine if a rental owner fails to register
- Limiting registration renewal to no shorter than annually and limiting registration fee to \$50
- Allow local governments to require vacation rental owners to designate a responsible party capable of responding to complaints (see also **SB 92/HB 105** which allows this too, but does not contain all of the other provisions of SB 714)
- Allowing local governments to require payment of all recorded code fines as a condition of registration
- Mandating local governments approve registration applications within 15 days
- Limiting a local government’s ability to deny registration only to instances where the owner fails to register or violates an ordinance “that does not apply solely to vacation rentals”
- Preempting local ordinances from regulating vacation rental advertising platforms in any way, as that would now be preempted to the state.

While the bill purports to give local governments authority they did not already have, since the current preemption statute only prohibits the total ban of vacation rentals, and regulations on frequency and duration of renting, cities and counties already have the home rule authority to adopt registration programs and other vacation rental regulations which do not regulate frequency or duration. See, *Management Properties, LLC v. Town of Redington Shores*, 29 Fla. L. Weekly Supp. 793b (6<sup>th</sup> Judicial Circuit, January 28, 2022), aff’d., 352 So.3d 909 (Fla. 2d DCA 2022) (judgment on the pleadings for the Town was proper as to the vacation rental operator’s claim that the Town’s vacation rental code, including a registration and certificate of use program, was preempted by the statute).

The actual effect of this bill would be to remove home rule authority already possessed (and in many cases in Florida already exercised) by local governments. Many local governments have, for instance, already adopted registration programs, fees and fines higher than are set out in the bill, and require hosting platforms to produce certain reports or other similar actions. Were this bill to pass, attorneys for vacation rental owners would argue that since the legislature called out things local governments could do, by implication anything else is preempted. Thus, the current “frequency and duration” limited preemption would effectively become an almost total preemption since all local governments could do would be to require registration (which presumably is mostly useful to ensure taxes are being paid).

Referred to Regulated Industries; Appropriations Committee on Agriculture, Environment, and General Government; Fiscal Policy. On Committee agenda-- Regulated Industries, 03/07/23.

**SB 170/HB 515:** This is a lengthy bill which is thought to be a priority of the Senate President. The bill creates a substantial change in the manner local governments adopt ordinances and exposes local governments to suit and attorney fees related to challenges to ordinances. Currently, ordinances have a presumption of validity and, with some exceptions, challenges to ordinances are subject to the “rational basis test”, which is deferential to the policy judgments of elected local officials and which is not difficult to establish in litigation challenging ordinances. And, at least for challenges brought in state court, attorney fees are not usually available.

Unfortunately, this bill departs from that philosophy in numerous respects. First, the bill provides that if a plaintiff challenges an ordinance “on the grounds that the ordinance is arbitrary or unreasonable or is prohibited by law other than via express preemption, the court may assess and award reasonable attorney fees and costs and damages to the complainant if successful.”

The bill requires a municipality to prepare a business impact estimate before adopting an ordinance and specifies the minimum content that must be included in the statement. The bill exempts various ordinances from this requirement. The business impact estimate must be posted on the municipality’s website no later than the date of publication of notice of the proposed ordinance. Second, the bill requires a municipality to suspend enforcement of an ordinance that is the subject of a civil action challenging the ordinance’s validity on the grounds that it is arbitrary or unreasonable or expressly preempted by state law. This requirement applies only if: the action was filed within 90 days of the ordinance’s effective date; suspension of the ordinance was requested in the complaint; and the municipality was served with a copy of the complaint. If the municipality prevails in the civil action, the municipality may enforce the ordinance unless the plaintiff appeals the decision and obtains a stay of enforcement from the court. Third, the bill authorizes the award of attorney fees, costs and damages to a prevailing plaintiff in a civil action commenced after October 1, 2023, in which an ordinance is alleged to be arbitrary or unreasonable. Attorney fees, costs and damages are capped at \$50,000. The bill authorizes a court to impose sanctions upon a party for filing a paper, pleading or motion for an improper purpose (such as to harass or delay). The bill requires courts to prioritize and expedite the disposition of cases in which enforcement of an ordinance is suspended.

The bill has already passed one committee and is now in its final stop in the Senate Rules committee. That is an indicator that it is on a fast track for adoption. There is currently no House companion bill but that could change once Senate and House leadership begin negotiating on competing priorities closer to session end.

PLANNING NOTE: Since some version of this legislation is likely to pass, our office recommends that the Code of Ordinances be thoroughly reviewed and ordinance updating be accomplished before the October 1, 2023 effective date in the bill.

This bill is on a fast track. It was only referred to Community Affairs and Rules, and it has been voted out of both. It has been placed on the Senate’s Special Order Calendar for March 8, 2023.

As of this memo, the House version (filed on March 6<sup>th</sup>) has not been assigned to committees. We expect the House bill to be a point of negotiation with the Senate leadership near session end and so lack of movement in the House should not be seen as hope of non-passage.

**HB 317/SB 388:** As relates to municipalities, these companion bills would preempt the regulation of sales or resale of tickets to the state.

**SB 530/HB 519:** This bill would repeal the preemption on the local regulation of tobacco and nicotine products.

**SB 694/HB 617:** This bill would remove the preemption in current law that prohibits local governments from regulating private parking lots. The bill would also require that owners and

operators of private property used for motor vehicle parking have a physical location in Florida, establish parking fees that are equal to that of the local governments, and have posted signage that is clearly visible to those parking.

**SB 886:** This bill repeals a state law preemption of local government regulation of tree pruning, trimming or removal on residential property.

**SB 498:** This bill removes the state preemption of local government laws relating to auxiliary containers, wrappings or disposable plastic bags and removes the state preemption of local government laws relating to the use or sale of polystyrene products.

## **BUILDING CODES/CONSTRUCTION**

**SB 512/HB 89:** This bill would prohibit a local government from making substantive changes to building plans after a permit has been issued. If substantive changes are made after a permit is issued, the local government must identify the specific plan features that do not comply with the Florida Fire Prevention Code or Life Safety or local amendments, identify the specific code chapters and sections upon which the finding is based and provide this information to the permit holder. A local fire inspector who fails to comply is subject to disciplinary action.

**HB 765:** This bill deals with building permit applications. The bill would require municipalities to notify the owner of a property and the contractor listed on the permit within 60 days before the permit is set to expire. The bill increases the permit reduction fee by 25% for each business day a local government fails to meet the established timeframes. The bill also requires a municipality to accept applications electronically and post the status update of each building permit application on their website. The bill prohibits a municipality from using a permit application unless it includes an attachment with a specified “notice” statement that is referenced in the bill.

**HB 327/SB 408:** These companion bills define a fire sprinkler system project as an alteration of a total of 20 or fewer fire sprinklers or the installation or replacement of an equivalent fire sprinkler system component in an existing building. A local government may require a contractor as a condition of obtaining a permit for a fire sprinkler system project but may not require a contractor to submit plans or specifications as a condition of obtaining the permit. All documents for a fire sprinkler system project must be available to the inspector at each inspection.

**SB 682 (DiCeglie)/HB 671:** This bill substantially impacts a municipality’s construction permitting process and related permit revenue. Among the most concerning parts of the bill are that it would:

- Require the local jurisdiction to reduce the permit fee by 75% if an owner retains a private provider of inspection services.
- Reduce the time frame of when municipalities must provide written notice of receipt and any other additional information that is required for a properly completed application to an applicant.
- Reduce the amount of times a municipality can ask an applicant for additional information.

- Allow an application to be “deemed” approved if municipalities fail to meet any of the timeframes.

Neither bill has been heard in a committee. The first committee stop for HB 671 is the House Regulatory Reform & Economic Development Subcommittee. The first committee stop for SB 682 is in Senate Community Affairs.

**HB 611:** Allows a local government to exempt construction contractors from executing payment & performance bonds in public construction contracts when the contractor documents ten consecutive years of active business operations in the State, has a minimum of ten years of business experience in the industry, employs a sufficient number of staff who have skill and knowledge to perform the work, is licensed and insured, and is a small local business as certified by any governmental entity.

### **ECONOMIC DEVELOPMENT**

**HB 413:** This bill prohibits agency agreements from requiring local governments within a rural area of opportunity to expend funds in order to be reimbursed. Agency funding may be advanced to cities and counties based on an analysis of estimated costs, pay service providers or vendors directly or undertake other options to meet the requirements of the agreement.

**SB 778/HB 727:** This bill would authorize local governments to enact land development regulations to allow for small-footprint grocery stores within food insecure areas. Food insecure areas are areas where people have limited access to affordable, healthful and nutritious foods. The bills define a small-footprint grocery store as a store that has less than \$1 million in gross sales, and 20% of its gross receipts are from the retail sale of nutrient-dense foods. The bills also give local governments the authority to require mandatory reporting of certain information from the small-footprint grocery store.

### **EMERGENCY MANAGEMENT**

N/A

### **ENVIRONMENT**

**HB 77/SB 186:** These companion bills provide that beginning July 2023, the ground vibration limit for construction materials mining activities within one mile of residentially zoned areas may not exceed .15 inches per second. The bills authorize the Chief Financial Officer to direct the State Fire Marshal to modify the standards for the use of explosives in connection with construction materials mining activities within one mile of residentially zoned areas.

**HB 111:** This bill revises current law provisions that require certain public-financed projects and infrastructure undergo a Sea Level Impact Projection Study prior to construction. The bill expands the types of projects and infrastructure subject to the requirement by including “potentially at-risk” projects within an area that is “at-risk due to sea-level rise.” The bill defines “at-risk due to sea-level rise” and “potentially at-risk structure or infrastructure.” The bill also adds a requirement that a public-financed constructor provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structure or infrastructure and identify the flood mitigation

strategies that have been implemented or are being considered as part of the structure or infrastructure design.

## **ETHICS & ELECTIONS**

**HB 405:** This bill's aim is to convert local elections from nonpartisan to partisan. It proposes an amendment to the Florida Constitution that would prohibit nonpartisan municipal elections. The proposal also provides that only qualified electors in a municipal election with the same party affiliation as a candidate for office may vote in the primary election for such office (even if a candidate has no opponent with a different party affiliation). The same prohibitions and limitations are imposed on all other state, county and local primary elections, including school boards. In addition, the proposal specifies that a candidate for office may not be prohibited from disclosing his or her party affiliation to the electors and may not be prohibited from campaigning or qualifying for office based on party affiliation.

**HB 199, HB 241:** These are both House bills on the same topic but with some differentiation. Both bills would remove a current law exemption in the Code of Ethics for Public Officers and Employees for officers of certain special taxing districts created by general or special law relating to conflicting employment and contractual relationships. The effect of the revision would make such officers subject to the prohibition against holding conflicting employment or contractual relationships. In addition, HB 241 would require ethics training for elected local officers of independent special districts.

**HB 37:** This bill requires all municipal mayors, city commissioners, elected members of a municipal governing body, and all municipal and county managers to file an annual Full Disclosure of Financial Interests (Form 6) with the Florida Commission on Ethics. These individuals are currently required to file only a Limited Disclosure of Financial Interests (Form 1).

## **FINANCE & TAXATION**

**SB 698/HB 731:** These companion bills require counties to place tax-renewal referendums on the General Election ballot that precedes the tax's expiration date. The stated policy aim of the bills is to prohibit counties from using an off-cycle election where turnout may not be as significant as a means of gaining passage of renewals of tourist taxes, local discretionary sales tax or special taxing districts. While not directly aimed at municipalities, obviously to the extent municipalities receive proceeds from renewed local option taxes, there could be a derivative fiscal impact.

**SJR 126/HJR 159:** These Joint Resolutions propose an amendment to the Florida Constitution to increase the just value of a home that may be eligible to receive an additional homestead exemption for homes owned by seniors 65 years or older from \$250,000 to \$300,000. Under current law, a county or city may authorize an additional homestead exemption for seniors over the age of 65 if the value of the home is \$250,000 or less, has been a permanent residence for at least 25 years, and certain income limitations are met. The legislation would increase the just value limit of real estate eligible for the homestead tax exemption from \$250,000 to \$300,000.

**SB 124/HB 161:** These companion "implementing" bills relate to SJR 126 and HJR 159 reviewed above, and would increase the just value limit of real estate eligible for the homestead tax exemption that may be adopted by counties or municipalities for certain persons age 65 and older

if SJR 126, HJR 159 or a similar constitutional amendment is approved by the voters at the next general election.

**SJR 122/HJR 469:** These Joint Resolutions would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2%. In 1994, the State of Florida established a 3% Save Our Homes (SOH) Cap assessment limit on all residential properties that receive a homestead exemption. The 3% SOH Cap limits any increase to the assessed value of a homestead exempt property for tax purposes to a maximum of 3% each year. SB 120 would reduce the assessment limit to a maximum of 2% each year. SJR 122 and HJR 469 are constitutional amendments and would require the approval of the Florida Legislature and the voters of Florida.

**SB 120/HB 471:** These companion “implementing” bills relate to SJR 122/HJR 469 reviewed above. They would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2% if SJR 122 or a similar constitutional amendment is approved by the voters at the next general election.

SB 120 and SJR 122 have passed out of its first committee of reference and has two more committee stops in the Senate: Finance and Tax Committee and Appropriations Committee. The House bills have not yet been considered by a committee and have three committee references: Ways & Means Committee, Local Administration, Federal Affairs & Special Districts Subcommittee, and the State Affairs Committee.

**HB 127:** This bill expands the current ad valorem tax exemption for not-for-profit homes for the aged to also allow a home for the aged owned by a separate entity that is owned by a not-for-profit corporation to also receive the exemption.

**SB 288/HB 499:** These companion bills create the Main Street Historic Tourism and Revitalization Act, which provides a tax credit against corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of a certified historic structure. The tax credit may not exceed 20% of qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit or 30% of the total qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit that is located within a local program area of an Accredited Main Street Program.

**HB 101/SB 184:** These companion bills expand the current homestead exemption for the surviving spouse of a first responder who dies in the line of duty to include first responders who die in the line of duty while employed by the United States Government.

**SB 704/HB 783:** This bill creates the Statewide Council on Opioid Abatement for the purpose of coordinating state and local efforts. Members of the council must review how settlement monies recovered from the opioid litigation brought by the state and political subdivisions have been spent and the results that have been achieved from such expenditures. The Florida League of Cities would have two appointments to the council.

**SB 474:** This bill revises the timeframe under which certain appeals of value adjustment board decisions must be filed by a property appraiser under certain circumstances. It specifies when

erroneous assessment of homestead property must be corrected as in the year the error is discovered and removes duplicative language from the sections pertaining to correcting the error when present in subsequent years. The bill authorizes a taxpayer to appeal the amount of a homestead assessment limitation difference with the value adjustment board. It also includes adding appeals for which a value adjustment board must meet to hear taxpayer claims for adjustments.

**HB 229/SB 220:** These companion bills authorize local governments to adopt ordinances to grant partial ad valorem tax exemptions to property owners whose properties are used to provide affordable housing.

## **HOUSING**

**SB 102:** This bill is a comprehensive housing bill that sunsets after 10 years. Of interest to municipalities:

### Funding and Tax Credits

- The bill proposes over \$700 million for affordable housing programs including \$252 million for SHIP, \$259 million for SAIL and \$100 million dollars for the Florida Hometown Hero Housing Program.
- The bill creates a new Live Local Corporate Tax Donation program for taxpayers to donate funds directly to the Florida Housing Finance Corporation (FHFC) for the SAIL program in return for tax credits against corporate and insurance liability tax.

### Affordable housing tax exemptions

- The bill authorizes municipalities to provide property tax incentives for developments that serve households at 50% AMI or below.

### Zoning and Land Use

- The bill preempts municipalities' regulation on zoning, density and height for certain multi-family affordable housing developments in commercial areas as well as prohibits any local government from enacting rent control.
- The bill also requires municipalities to post an inventory of lands appropriate for affordable housing on its website.

## **IMMIGRATION**

N/A

## **LAND USE & COMPREHENSIVE PLANNING**

**HB 41:** This bill would prohibit an initiative or referendum process for any amendment to local land development regulations. Under current law, the initiative or referendum process is prohibited

for any development order and, under certain circumstances, local comprehensive plan or map amendments. The bill would now also prohibit the use of initiatives or referendums for any amendment to land development regulations. The bill is drafted to be remedial in nature and would render null and void any referenda or initiative actions pertaining to land development regulations commenced after June 11, 2011. Some municipal charters contain provisions requiring referenda regarding zoning changes, and some votes have occurred between June of 2011 and 2023. If adopted as written, this bill could throw into question referendum votes which occurred during this period.

**HB 439:** This bill revises and amends a variety of elements impacting local government comprehensive planning as well as methodologies in data usage and planning period timeframes. The bill specifies that local governments must comply with Special Magistrate decisions where land use decisions were challenged by petitioners who were previously denied. Several key terms are redefined, such as density, intensity, urban service area and urban sprawl. It includes a mandate to use the state Office of Economics and Demographic Research as the sole source of data for comprehensive planning. Removes the consideration of Levels of Service as a basis for denying a petition. Planned Unit Developments are removed from this section of Florida Statutes. The bill also prohibits the formation of new Design Review Boards unless established before January 1, 2020. The bill has a retroactive application to January 1, 2022.

**SB 540 (DeCeglie)/HB 359:** This bill will allow for the Capital Improvement Element of Local Comprehensive Plans to have the option to be modified administratively if all the projects have been adopted by the project's appropriate board. The bill would also allow prevailing parties to recover attorney fees in challenges to comprehensive plans and plan amendments. Many citizen and public interest groups are concerned that this change in law would effectively eliminate planning challenges by citizens and public interest groups because, if they lose, they could be required to pay enormous challenge-related legal costs incurred by well-funded developers and local governments.

**HB 235/SB 350:** These companion bills provide clarity to local government adoption of a mobility plan and a mobility fee system. A mobility plan identifies various multimodal projects necessary to permit redevelopment, infill projects, and development. A mobility fee is a one-time fee paid by a developer to a local government to cover the costs of the improvements necessary to fully mitigate the development's impact on the transportation system. The bill would prohibit a transportation impact fee or fee that is not a mobility-based fee from being imposed within the area that is within a mobility plan. The bills would require mobility fees to be updated every five years once adopted or updated. The bills outline the comprehensive requirements a local government must follow in implementing the mobility plan and mobility fee system. In addition, the bills make a revision to the impact fee statute that was substantially amended during the 2021 Legislative Session. Current law now limits the amount impact fees can be increased by, and it requires a phase-in period depending on the amount an impact fee is increased by. However, current law also provides an exception to the impact fee increase process by allowing for increases to be greater than the requirements if the governmental entity establishes the need for the increased fee pursuant to the rational nexus test, uses a study (completed within the 12 months preceding the increase) showing that extraordinary circumstances require the additional increase, holds at least two publicly noticed workshops, and adopts the increase by a 2/3 vote. The bills will eliminate this exception to impact fee increases. Therefore, all impact fee increases will have to comply with the increase limits and phase-in requirements provided for in the current law, with no exception.



Neither bill has been heard in a committee. The first committee stop for HB 235 is the House Local Administration, Federal Affairs & Special Districts Subcommittee. The first committee stop for SB 350 is the Senate Community Affairs Committee.

**HB 349:** This bill promotes the development of a network of vertiports that will provide residents in Florida with equitable access to advanced air mobility operations for passenger and cargo services. For vertiports to operate in the state, the owner must comply with the Federal Aviation Administration's regulations and guidance relating to vertiport design and performance standards as well as submit a layout plan to the administrator of the Federal Aviation Administration. The bill specifies that a local government may not exercise its zoning and land use authority to give an exclusive right to one or more vertiport owners or operators.

**SB 816/HB 843:** These bills require a prevailing party to show that the challenge to a development order was frivolous before the prevailing party is entitled to recover reasonable attorney fees and costs; prohibiting a prevailing party in a challenge to a comprehensive plan from an award of reasonable attorney fees and costs; providing that intervenors are not entitled to recover reasonable attorney fees and costs and may not recover certain attorney fees and costs. The sponsors are in the minority party and passage is not likely.

## **PARKS & RECREATION**

N/A

## **PERSONNEL**

**HB 563:** This bill would prohibit the use of TikTok, or other applications developed or provided by ByteDance Limited, on a government-issued device.

**HB 169/SB 314:** These companion bills require employers of first responders to pay for up to 12 hours of licensed counseling following a work-related traumatic event. This benefit would be in addition to any potential workers' compensation claim or counseling services covered by health insurance. Covered first responders include firefighters, paramedics, emergency medical technicians and law enforcement officers, including those working on a volunteer basis. The bills also hold the employing agency responsible for paying for up to an additional 24 hours of treatment if a mental health specialist finds that the first responder requires more hours of counseling.

**HB 107:** This bill would create the summer youth learning program within the Department of Economic Opportunity. This program would match students from low-moderate income families who have outstanding academic records or trade skills with appropriate summer employment opportunities with state agencies, school districts, local governments and participating private businesses in order to prepare such students to enter the workforce as adults. Participation in the program would be optional for local governments and funded by the Department of Economic Opportunity.

**HB 337/SB 352:** These companion bills provide that 911 public safety telecommunicators and crime scene investigators are eligible for workers' compensation benefits for post-traumatic stress disorder, which is currently provided to first responders. The bills specify that the time for notice

of an injury or death in a compensable post-traumatic stress disorder claim must be properly noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later.

**HB 181:** This bill specifies the minimum factor used to calculate the cost-of-living adjustment for certain retirees and beneficiaries of the Florida Retirement System.

**SB 618/HB 95:** This bill amends the “law enforcement officer bill of rights” to prohibit a law enforcement officer or correctional officer from being discharged, suspended, demoted or otherwise disciplined solely as a result of that officer being included on the Brady Giglio list. The Brady Giglio list is a database that contains information about police misconduct, public complaints, use-of-force reports, etc.

**HB 23/SB 162:** These companion bills state that water and wastewater facility operators are essential first responders. The bills require the Department of Environmental Protection to issue a license by reciprocity to any applicant who: (1) is a water treatment plant operator, water distribution system operator or domestic wastewater treatment plant operator and who holds an active and valid license from another state, the federal government or tribal government, for which the licensure requirements are comparable to or exceed Florida’s licensure requirements; (2) has passed a licensure examination comparable to the Department’s licensure examination, subject to approval of the Department; (3) is not the subject of a disciplinary or enforcement action outside of Florida at the time of application; (4) submits a completed application for reciprocal licensure; and (5) remits the application fee. The bills further direct the Department to issue a license by reciprocity to any applicant who: (1) has performed comparable duties while serving in the U.S. armed forces, for which the requirements for performing the duties are comparable to or exceed the Department’s licensure requirements; (2) has passed a skills assessment or competency examination comparable to the Department’s licensure exam, subject to approval by the Department; (3) is not the subject of any disciplinary or enforcement action at the time of application; (4) submits a completed application to the Department; and (5) remits the application fee. Lastly, the bills authorize the Department, during a declared state of emergency, to issue a temporary operator license by reciprocity under specified conditions and to waive the application fee for such temporary operator license.

**SB 364/HB 535:** This bill will allow a law enforcement agency to grant administrative leave, up to eight hours, to a law enforcement officer in order to attend a funeral of an officer killed in the line of duty. The bills specify that expenses incurred with bereavement travel are to be reimbursed by the agency. The bills also increase the amount to be paid toward the funeral and burial expenses of an officer from \$1,000 to \$10,000.

**SB 224/HB 239:** This bill revises the definition of “normal retirement date” and decreases the age and years of service needed to reach the normal retirement date for elected class, senior management class, and special risk class FRS members.

**SB 632/HB 687:** These bills require the state and its political subdivisions to give preference in promotion in positions of employment to certain veterans or their relatives; requiring the Department of Veterans’ Affairs to adopt certain rules to ensure veterans are given special consideration in the promotion process; requiring a numerically based selection process to be used to determine qualifications for promotion; providing for an investigation and administrative

hearing of a complaint regarding not being awarded a promotion according to veterans' promotion preference

**SB 972 (similar to HB 1065):** This bill prohibits a public employer from taking adverse personnel action against an employee or a job applicant who is a qualified patient for his or her use of medical marijuana. The bill provides exceptions and creates a cause of action and damages.

## **PUBLIC PROCUREMENT**

**SB 346 (DiCeglie)/CS/HB 383:** This bill would require a contract for construction services between a local government entity and a contractor to include the estimated cost of each item necessary to complete the work. The bills restrict the ability of local governments to withhold certain amounts under the contract only to those subject to good faith disputes or claims against public surety bonds. The bills also preempt the ability of a municipality to enact a local preference ordinance when awarding a public works project.

**SB 830:** This bill clarifies that a public works project for the purposes of repair or maintenance also includes projects that utilize a consortium or cooperative purchasing agreement.

**SB 918 (DiCeglie):** This bill is also a preemption as relates to public procurement. The bill directs the Office of Supplier Diversity of the Department of Management Services to establish a Small Business Certification Program. Thereafter, a local government will be required to accept this small business certification regardless of any additional small business certification process the local government may have in its procurement rules.

**SB 284:** This bill revises the vehicle procurement requirements for the state purchasing plan. Specifically, the bills require vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs rather than the greatest fuel efficiency. Before July 1, 2024, the Department of Management Services (DMS) shall make recommendations regarding the procurement of electric vehicles and best practices for integrating such vehicles into existing fleets. The bill directs DMS to rank vehicles based on the lowest cost of ownership over five years. Any vehicle purchased under the state's purchasing plan must be ranked in the top five of the Department's rankings. Law enforcement vehicles are exempt from this requirement.

**SB 304 (similar to HB 1239):** This bill requires governmental entities to include a requirement in certain contracts that certain iron or steel products be produced in the United States. The bill authorizes the use of foreign steel and iron materials in certain circumstances and requires the Department of Management Services and the Department of Transportation to adopt related rules.

## **PUBLIC RECORDS & PUBLIC MEETINGS**

**HB 397:** This bill would allow local governments to meet in private with legal counsel, during the 90-day notice period, to discuss claims concerning the Bert Harris Act and private property rights. Transcripts of these private meetings will be made a part of the public record upon settlement of a claim or when the statute of limitation has expired if there is no litigation or settlement.

**SB 216/HB 525:** These companion bills create a public records exemption for the personal identifying and location information of current and former county and city attorneys and

assistant/deputy county and city attorneys, as well as information regarding the spouses and children of those attorneys.

**SB 842:** This bill will provide a public records exemption for the personal identifying information of a person reporting a potential code violation.

## **PUBLIC SAFETY**

**HB 341:** This bill revises the time period that a 911 public safety telecommunicator certificate may remain inactive or be reactivated from 180 days to 6 years.

**HB 215/HB 456:** These companion bills prohibit the possession or use of a firearm in “sensitive locations.” The bills define a sensitive location as numerous public facilities including but not limited to buildings or facilities owned, leased or operated by government entities, including public transportation.

**SB 438:** This bill clarifies current law to ensure that law enforcement agencies may tow a motor vehicle from the scene of the tow to their storage facility in lieu of the wrecker operator’s storage facility. Current law prohibits a law enforcement agency from placing a hold on a motor vehicle within a wrecker operator’s storage facility for more than five business days. If a law enforcement agency does tow a vehicle to their own facility, the agency may not release the vehicle to the owner or lienholder until proof of payment of the towing and storage charges incurred by the wrecker operator are presented to the agency. If the agency releases the vehicle without proof of payment, they are liable for the charges. The bill also preempts to the state the regulation of claiming a lien for the recovery, removal, towing or storage of a vehicle or vessel, including the notification of fees.

**HB 269 (similar to SB 994):** This bill revises the State’s public nuisance law by prohibiting distribution of certain materials that lead to littering, prohibiting stalking of certain individuals, and prohibiting willful & malicious defacement, injury, or damage to certain property. The bill also removes the minimum damage requirement for a violation, prohibits projection of certain images onto buildings or other property without permission, prohibits interference with certain assemblies, provides enhanced criminal penalties for persons who commit violations while evidencing religious or ethnic animus, and requires certain violations be reported as hate crimes.

## **TRANSPORTATION**

N/A

## **UTILITIES**

**SB 798/HB 975:** This bill provides that a city or county may not prohibit or “unreasonably restrain” a private entity from providing recycling or solid waste services to commercial, industrial or multifamily residential properties. In addition, the bill authorizes a local government to require such private entities to obtain a permit, license or non-exclusive franchise but specify the local government’s fee may not exceed the local government’s administrative cost and that the fee must be commensurate with fees for other industries. The bill prohibits the use of exclusive franchise agreements and restricts a local government from providing its own solid waste or recycling

services. Current contracts and franchises in place as of January 2023 would be permitted to continue to their date of expiration, but the bill specifies that a local government may not recognize an “evergreen” contract or additional renewal or extension of a contract or agreement.

As of this report, neither bill has been heard in a committee. HB 975 has three committee stops. The first stop is the House Local Administration, Federal Affairs & Special Districts Subcommittee. SB 798 also has three committee stops. The first committee stop is the Senate Environment and Natural Resources Committee.

**HB 361:** This bill requires a municipality that operates a water or sewer utility providing services to customers in another recipient municipality using a facility or plant located in the recipient municipality to charge customers in the recipient municipality the same rates, fees, and charges it imposes on customers within its own municipal boundaries.

**HB 661:** This bill authorizes counties and municipalities to access sanitary sewer laterals within their jurisdiction to investigate, repair or replace the lateral. A sanitary sewer lateral is a privately owned pipeline connecting a property to the main sewer line. The bill requires municipalities and counties to notify private property owners within a specified timeframe if the government intends to access the owner's sanitary sewer lateral and an anticipated timeframe for the work. It specifies that local governments who establish sanitary sewer lateral programs are legally and financially responsible for all work that is performed and authorizes such programs to use specified state or local funds to evaluate and rehabilitate impaired laterals.

## **OTHER**

**HB 401/SB 604:** This bill (which is similar to a bill filed last year) removes the statutory limits on liability for tort claims against the state and its agencies and subdivisions (which include cities). The current statutory limits for claims are \$200,000 per person and \$300,000 per incident. The bill replaces these caps with caps of \$2.5 million per person/\$5 million incident, subjecting government entities to exponentially greater liability (and likely insurance premiums and deductibles) as a result of claims. And, obviously, with higher caps, plaintiff lawyers will be more incentivized to sue local governments.

Neither bills will be considered this week in a committee. The next committee stop for HB 401 is the House Appropriations Committee. This is the second of three committee stops in the House. The next and first stop for SB 604 is the Senate Judiciary Committee.

**SB 718/HB 653:** This bill specifies that before starting annexation procedures, a local government shall prepare a feasibility study for the proposed area. The bill also addresses contraction (also called “de-annexation”) to provide clarification on the process by requiring a city to get permission from at least 50% of owners in an area proposed to be de-annexed when more than 70% of the land is owned by individuals, corporations or legal entities. Currently corporations have no voice in the contraction process because they are not registered to vote from the land in question. The bill sponsors’ stated goal is to prevent situations where a small group of property owners has requested a contraction of a large area of land and most of the land in question is owned by a corporation opposed to the contraction.

**SB 696/HB 729:** these companion bills address employment contracts for local agency CEOs and attorneys. As relates to municipalities, the bills provide that the employment contract of the chief executive officer or municipal attorney of a municipality shall not be renewed, extended, or renegotiated within 12 months before an August primary election for the municipal mayor or for members of the governing body of the municipality.

The stated policy goal is to avoid having outgoing members of a governing body give a long-term employment contract to a top official, only to have a different newly-elected majority of a governing body vote to terminate the contract, thus costing the taxpayers the contract payout.

**SB 92/HB 105:** These companion bills codify the ability of local governments to require vacation rental owners or operators to designate and maintain at all times the name and contact information of a responsible party who is able to respond to complaints and other immediate problems related to the property. As noted earlier, this “grant of authority” is not necessary since local governments already have this police power authority.

**HB 645:** This bill removes the requirement on local governments to apply to the Federal Aviation Administration in order to restrict or limit the operations of drones in close proximity to infrastructure or facilities owned or operated by the local government.

**SB 668:** This bill prohibits governmental agencies from displaying to the public any flag that does not follow the protocol adopted by the Governor. The current protocol is based on the United States Flag Code and the Florida Flag Code and directs the public and governmental agencies on how to display the United States Flag, the State Flag, the POW/MIA flag, the Firefighter Memorial Flag and the Honor and Remember Flag.

**SB 800/HB 849:** This bill would prohibit for-profit businesses from selling domestic cats and dogs. The bill does not prohibit a city or county from adopting an ordinance on the sale of animals that is more stringent than the bill.

**SB 740:** This bill creates the Statewide Blue Ribbon Task Force on County Realignment within the Department of Economic Opportunity. The task force will study and evaluate the effectiveness, efficiency and value of realigning county boundaries in the state. This task force will be comprised of key stakeholders, including one representative from the Florida League of Cities.



## **PREEMPTION / HOME RULE**

**SB 714:** This bill by Pinellas Senator DiCeglie is virtually identical to one which was filed but did not make it through the adoption process in the last legislative session. As relates to municipalities, the bill amends Florida Statutes § 509.032(7) (preempting local prohibition of vacation rentals and prohibiting local regulation as to the frequency or duration of vacation renting) by:

- Allowing vacation rental ordinances in place prior to June 1, 2011 to be amended, but only if the amendments are less restrictive than the prior ordinance
- "Allows" local governments to create a vacation rental registration program and impose a fine if a rental owner fails to register.
- Limiting registration renewal to no shorter than annually and limiting registration fee to \$50.
- Allow local governments to require vacation rental owners to designate a responsible party capable of responding to complaints (see also SB 92/HB 105 which allows this too, but does not contain all of the other provisions of SB 714)
- Allowing local governments to require payment of all recorded code fines as a condition of registration
- Mandating local governments approve registration applications within 15 days
- Limiting a local government's ability to deny registration only to instances where the owner fails to register or violates an ordinance "that does not apply solely to vacation rentals"
- Preempting local ordinances from regulating vacation rental advertising platforms in any way, as that would now be preempted to the state.

While the bill purports to give local governments authority they did not already have, since the current preemption statute only prohibits the total ban of vacation rentals, and regulations on frequency and duration of renting, cities and counties already have the home rule authority to adopt registration programs and other vacation rental regulations which do not regulate frequency or duration. See, *Management Properties, LLC v. Town of Redington Shores*, 29 Fla. L. Weekly Supp. 793b (6th Judicial Circuit, January 28th 2022), *aff'd.*, 352 So.3d 909 (Fla. 2d DCA 2022) (judgment on the pleadings for the Town was proper as to the vacation rental operator's claim that the Town's vacation rental code, including a registration and certificate of use program, was preempted by the statute).

The actual effect of this bill would be to remove home rule authority already possessed (and in many cases in Florida already exercised) by local governments. Many local governments have, for instance, already adopted registration programs, fees and fines higher than are set out in the bill, and require hosting platforms to produce certain reports or other similar actions. Were this bill to pass, attorneys for vacation rental owners would argue that since the legislature called out things local governments could do, by implication anything else is preempted. Thus, the current "frequency and duration" limited preemption would effectively become an almost total preemption since all local governments could do would be to require registration (which presumably is mostly useful to ensure taxes are being paid).

**SB 170:** This is a lengthy bill which is thought to be a priority of the Senate President. The bill creates a substantial change in the manner local governments adopt ordinances, and exposes local governments to suit and attorney fees related to challenges to ordinances. Currently, ordinances have a presumption of validity and, with some exceptions, challenges to ordinances are subject to the "rational basis test", which is deferential to the policy judgments of elected local officials and which is not difficult to establish in litigation challenging ordinances. And, at least for challenges brought in state court, attorney fees are not usually available.

Unfortunately, this bill departs from that philosophy in numerous respects. First, the bill provides that if a plaintiff challenges an ordinance "on the grounds that the ordinance is arbitrary or unreasonable, or is prohibited by law other than via express preemption, the court may assess and award reasonable attorney fees and costs and damages to the complainant if successful."

The bill requires a municipality to prepare a business impact estimate before adopting an ordinance and specifies the minimum content that must be included in the statement. The bill exempts various ordinances from this requirement. The business impact estimate must be posted on the municipality's website no later than the date of publication of notice of the proposed ordinance. Second, the bill requires a municipality to suspend enforcement of an ordinance that is the subject of a civil action challenging the ordinance's validity on the grounds that it is arbitrary or unreasonable or expressly preempted by state law. This requirement applies only if: the action was filed within 90 days of the ordinance's effective date; suspension of the ordinance was requested in the complaint; and the municipality was served with a copy of the complaint. If the municipality prevails in the civil action, the municipality may enforce the ordinance unless the plaintiff appeals the decision and obtains a stay of enforcement from the court. Third, the bill authorizes the award of attorney fees, costs and damages to a prevailing plaintiff in a civil action commenced after October 1, 2023, in which an ordinance is alleged to be arbitrary or unreasonable. Attorney fees, costs and damages are capped at \$50,000. The bill authorizes a court to impose sanctions upon a party for filing a paper, pleading or motion for an improper purpose (such as to harass or delay). The bill requires courts to prioritize and expedite the disposition of cases in which enforcement of an ordinance is suspended.

The bill has already passed one committee and is now in its final stop in the Senate Rules committee. That is an indicator that it is on a fast track for adoption. There is currently no House companion bill but that could change once Senate and House leadership begin negotiating on competing priorities closer to session end.

**\*PLANNING NOTE:** Since some version of this legislation is likely to pass, our office recommends that the Code of Ordinances be thoroughly reviewed and ordinance updating be accomplished before the October 1st 2023 effective date in the bill.

**HB 317/SB 388:** As relates to municipalities, these companion bills would preempt the regulation of sales or resale of tickets to the state.

### **BUILDING CODES/CONSTRUCTION**

**HB 89:** This bill would prohibit a local government from making substantive changes to building plans after a permit has been issued. If substantive changes are made after a permit is issued, the local government must identify the specific plan features that do not comply with the Florida Fire Prevention Code or Life Safety or local amendments, identify the specific code chapters and sections upon which the finding is based and provide this information to the permitholder. A local fire inspector who fails to comply is subject to disciplinary action.

**HB 327/SB 408:** These companion bills define a fire sprinkler system project as an alteration of a total of 20 or fewer fire sprinklers or the installation or replacement of an equivalent fire sprinkler system component in an existing building. A local government may require a contractor as a condition of obtaining a permit for a fire sprinkler system project, but may not require a contractor



to submit plans or specifications as a condition of obtaining the permit. All documents for a fire sprinkler system project must be available to the inspector at each inspection.

### **ECONOMIC DEVELOPMENT**

**HB 413:** This bill prohibits agency agreements from requiring local governments within a rural area of opportunity to expend funds in order to be reimbursed. Agency funding may be advanced to cities and counties based on an analysis of estimated costs, pay service providers or vendors directly or undertake other options to meet the requirements of the agreement.

### **EMERGENCY MANAGEMENT**

N/A

### **ENVIRONMENT**

**HB 77/SB 186:** These companion bills provide that beginning July 2023, the ground vibration limit for construction materials mining activities within one mile of residentially zoned areas may not exceed .15 inches per second. The bills authorize the Chief Financial Officer to direct the State Fire Marshal to modify the standards for the use of explosives in connection with construction materials mining activities within one mile of residentially zoned areas.

**HB 111:** This bill revises current law provisions that require certain public-financed projects and infrastructure undergo a Sea Level Impact Projection Study prior to construction. The bill expands the types of projects and infrastructure subject to the requirement by including "potentially at-risk" projects within an area that is "at-risk due to sea-level rise." The bill defines "at-risk due to sea-level rise" and "potentially at-risk structure or infrastructure." The bill also adds a requirement that a public-financed constructor provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structure or infrastructure and identify the flood mitigation strategies that have been implemented or are being considered as part of the structure or infrastructure design.

### **ETHICS & ELECTIONS**

**HB 405:** This bill's aim is to convert local elections from nonpartisan to partisan. It proposes an amendment to the Florida Constitution that would prohibit nonpartisan municipal elections. The proposal also provides that only qualified electors in a municipal election with the same party affiliation as a candidate for office may vote in the primary election for such office (even if a candidate has no opponent with a different party affiliation). The same prohibitions and limitations are imposed on all other state, county and local primary elections, including school boards. In addition, the proposal specifies that a candidate for office may not be prohibited from disclosing his or her party affiliation to the electors and may not be prohibited from campaigning or qualifying for office based on party affiliation.

**HB 199, HB 241:** These are both House bills on the same topic but with some differentiation. Both bills would remove a current law exemption in the Code of Ethics for Public Officers and Employees for officers of certain special taxing districts created by general or special law relating to conflicting employment and contractual relationships. The effect of the revision would make

such officers subject to the prohibition against holding conflicting employment or contractual relationships. In addition, HB 241 would require ethics training for elected local officers of independent special districts.

**HB 37:** This bill requires all municipal mayors, city commissioners, elected members of a municipal governing body, and all municipal and county managers to file an annual Full Disclosure of Financial Interests (Form 6) with the Florida Commission on Ethics. These individuals are currently required to file only a Limited Disclosure of Financial Interests (Form 1).

## **FINANCE & TAXATION**

**SB 698/HB 731:** These companion bills require counties to place tax-renewal referendums on the General Election ballot that precedes the tax's expiration date. The stated policy aim of the bills is to prohibit counties from using an off-cycle election where turnout may not be as significant as a means of gaining passage of renewals of tourist taxes, local discretionary sales tax or special taxing districts. While not directly aimed at municipalities, obviously to the extent municipalities receive proceeds from renewed local option taxes, there could be a derivative fiscal impact.

**SJR 126/HJR 159:** These Joint Resolutions propose an amendment to the Florida Constitution to increase the just value of a home that may be eligible to receive an additional homestead exemption for homes owned by seniors 65 years or older from \$250,000 to \$300,000. Under current law, a county or city may authorize an additional homestead exemption for seniors over the age of 65 if the value of the home is \$250,000 or less, has been a permanent residence for at least 25 years, and certain income limitations are met. The legislation would increase the just value limit of real estate eligible for the homestead tax exemption from \$250,000 to \$300,000.

**SB 124/HB 161:** These companion "implementing" bills relate to SJR 126 and HJR 159 reviewed above, and would increase the just value limit of real estate eligible for the homestead tax exemption that may be adopted by counties or municipalities for certain persons age 65 and older if SJR 126, HJR 159 or a similar constitutional amendment is approved by the voters at the next general election.

**SJR 122/HJR 469:** These Joint Resolutions would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2%. In 1994, the State of Florida established a 3% Save Our Homes (SOH) Cap assessment limit on all residential properties that receive a homestead exemption. The 3% SOH Cap limits any increase to the assessed value of a homestead exempt property for tax purposes to a maximum of 3% each year. SB 120 would reduce the assessment limit to a maximum of 2% each year. SJR 122 and HJR 469 are constitutional amendments and would require the approval of the Florida Legislature and the voters of Florida.

**SB 120/HB 471:** These companion "implementing" bills relate to SJR 122/HJR 469 reviewed above. They would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2% if SJR 122 or a similar constitutional amendment is approved by the voters at the next general election.

**HB 127:** This bill expands the current ad valorem tax exemption for not-for-profit homes for the aged to also allow a home for the aged owned by a separate entity that is owned by a not-for-profit corporation to also receive the exemption.

**SB 288/HB 499:** These companion bills create the Main Street Historic Tourism and Revitalization Act, which provides a tax credit against corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of a certified historic structure. The tax credit may not exceed 20% of qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit or 30% of the total qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit that is located within a local program area of an Accredited Main Street Program.

**HB 101/SB 184:** These companion bills expand the current homestead exemption for the surviving spouse of a first responder who dies in the line of duty to include first responders who die in the line of duty while employed by the United States Government.

**SB 474:** This bill revises the timeframe under which certain appeals of value adjustment board decisions must be filed by a property appraiser under certain circumstances. It specifies when erroneous assessment of homestead property must be corrected as in the year the error is discovered and removes duplicative language from the sections pertaining to correcting the error when present in subsequent years. The bill authorizes a taxpayer to appeal the amount of a homestead assessment limitation difference with the value adjustment board. It also includes adding appeals for which a value adjustment board must meet to hear taxpayer claims for adjustments.

**HB 229/SB 220:** These companion bills authorize local governments to adopt ordinances to grant partial ad valorem tax exemptions to property owners whose properties are used to provide affordable housing.

## **HOUSING**

**SB 102:** This bill is a comprehensive housing bill that sunsets after 10 years. Of interest to municipalities:

### **Funding and Tax Credits**

The bill proposes over \$700 million for affordable housing programs including \$252 million for SHIP, \$259 million for SAIL and \$100 million dollars for the Florida Hometown Hero Housing Program.

The bill creates a new Live Local Corporate Tax Donation program for taxpayers to donate funds directly to the Florida Housing Finance Corporation (FHFC) for the SAIL program in return for tax credits against corporate and insurance liability tax.

### **Affordable housing tax exemptions**

The bill authorizes municipalities to provide property tax incentives for developments that serve households at 50% AMI or below.



## Zoning and Land Use

The bill preempts municipalities' regulation on zoning, density and height for certain multi-family affordable housing developments in commercial areas as well as prohibits any local government from enacting rent control.

The bill also requires municipalities to post an inventory of lands appropriate for affordable housing on its website.

## **IMMIGRATION**

N/A

## **LAND USE & COMPREHENSIVE PLANNING**

**HB 41:** This bill would prohibit an initiative or referendum process for any amendment to local land development regulations. Under current law, the initiative or referendum process is prohibited for any development order and, under certain circumstances, local comprehensive plan or map amendments. The bill would now also prohibit the use of initiatives or referendums for any amendment to land development regulations. The bill is drafted to be remedial in nature and would render null and void any referenda or initiative actions pertaining to land development regulations commenced after June 11, 2011. Some municipal charters contain provisions requiring referenda regarding zoning changes, and some votes have occurred between June of 2011 and 2023. If adopted as written, this bill could throw into question referendum votes which occurred during this period.

**HB 439:** This bill revises and amends a variety of elements impacting local government comprehensive planning as well as methodologies in data usage and planning period timeframes. The bill specifies that local governments must comply with Special Magistrate decisions where land use decisions were challenged by petitioners who were previously denied. Several key terms are redefined, such as density, intensity, urban service area and urban sprawl. It includes a mandate to use the state Office of Economics and Demographic Research as the sole source of data for comprehensive planning. Removes the consideration of Levels of Service as a basis for denying a petition. Planned Unit Developments are removed from this section of Florida Statutes. The bill also prohibits the formation of new Design Review Boards unless established before January 1, 2020. The bill has a retroactive application to January 1, 2022.

**HB 359:** Local Comprehensive Plans allows prevailing parties to recover attorney fees in challenges to comprehensive plans and plan amendments. Many citizen and public interest groups are concerned that this change in law would effectively eliminate planning challenges by citizens and public interest groups because, if they lose, they could be required to pay enormous challenge-related legal costs incurred by well-funded developers and local governments.

**HB 235/SB 350:** These companion bills provide clarity to local government adoption of a mobility plan and a mobility fee system. A mobility plan identifies various multimodal projects necessary to permit redevelopment, infill projects, and development. A mobility fee is a one-time fee paid by a developer to a local government to cover the costs of the improvements necessary to fully mitigate the development's impact on the transportation system. The bill would prohibit a



transportation impact fee or fee that is not a mobility-based fee from being imposed within the area that is within a mobility plan. The bills would require mobility fees to be updated every five years once adopted or updated. The bills outline the comprehensive requirements a local government must follow in implementing the mobility plan and mobility fee system. In addition, the bills make a revision to the impact fee statute that was substantially amended during the 2021 Legislative Session. Current law now limits the amount impact fees can be increased by, and it requires a phase-in period depending on the amount an impact fee is increased by. However, current law also provides an exception to the impact fee increase process by allowing for increases to be greater than the requirements if the governmental entity establishes the need for the increased fee pursuant to the rational nexus test, uses a study (completed within the 12 months preceding the increase) showing that extraordinary circumstances require the additional increase, holds at least two publicly noticed workshops, and adopts the increase by a 2/3 vote. The bills will eliminate this exception to impact fee increases. Therefore, all impact fee increases will have to comply with the increase limits and phase-in requirements provided for in the current law, with no exception.

**HB 349:** This bill promotes the development of a network of vertiports that will provide residents in Florida with equitable access to advanced air mobility operations for passenger and cargo services. For vertiports to operate in the state, the owner must comply with the Federal Aviation Administration's regulations and guidance relating to vertiport design and performance standards as well as submit a layout plan to the administrator of the Federal Aviation Administration. The bill specifies that a local government may not exercise its zoning and land use authority to give an exclusive right to one or more vertiport owners or operators.

## **PARKS & RECREATION**

N/A

## **PERSONNEL**

**HB 563:** This bill would prohibit the use of TikTok, or other applications developed or provided by ByteDance Limited, on a government-issued device.

**HB 169/SB 314:** These companion bills require employers of first responders to pay for up to 12 hours of licensed counseling following a work-related traumatic event. This benefit would be in addition to any potential workers' compensation claim or counseling services covered by health insurance. Covered first responders include firefighters, paramedics, emergency medical technicians and law enforcement officers, including those working on a volunteer basis. The bills also hold the employing agency responsible for paying for up to an additional 24 hours of treatment if a mental health specialist finds that the first responder requires more hours of counseling.

**HB 107:** This bill would create the summer youth learning program within the Department of Economic Opportunity. This program would match students from low-moderate income families who have outstanding academic records or trade skills with appropriate summer employment opportunities with state agencies, school districts, local governments and participating private businesses in order to prepare such students to enter the workforce as adults. Participation in the program would be optional for local governments and funded by the Department of Economic Opportunity.

**HB 337/SB 352:** These companion bills provide that 911 public safety telecommunicators and crime scene investigators are eligible for workers' compensation benefits for post-traumatic stress disorder, which is currently provided to first responders. The bills specify that the time for notice of an injury or death in a compensable post-traumatic stress disorder claim must be properly noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later.

**HB 181:** This bill specifies the minimum factor used to calculate the cost-of-living adjustment for certain retirees and beneficiaries of the Florida Retirement System.

**HB 95:** This bill amends the "law enforcement officer bill of rights" to prohibit a law enforcement officer or correctional officer from being discharged, suspended, demoted or otherwise disciplined solely as a result of that officer being included on the Brady Giglio list. The Brady Giglio list is a database that contains information about police misconduct, public complaints, use-of-force reports, etc.

**HB 23/SB 162:** These companion bills state that water and wastewater facility operators are essential first responders. The bills require the Department of Environmental Protection to issue a license by reciprocity to any applicant who: (1) is a water treatment plant operator, water distribution system operator or domestic wastewater treatment plant operator and who holds an active and valid license from another state, the federal government or tribal government, for which the licensure requirements are comparable to or exceed Florida's licensure requirements; (2) has passed a licensure examination comparable to the Department's licensure examination, subject to approval of the Department; (3) is not the subject of a disciplinary or enforcement action outside of Florida at the time of application; (4) submits a completed application for reciprocal licensure; and (5) remits the application fee. The bills further direct the Department to issue a license by reciprocity to any applicant who: (1) has performed comparable duties while serving in the U.S. armed forces, for which the requirements for performing the duties are comparable to or exceed the Department's licensure requirements; (2) has passed a skills assessment or competency examination comparable to the Department's licensure exam, subject to approval by the Department; (3) is not the subject of any disciplinary or enforcement action at the time of application; (4) submits a completed application to the Department; and (5) remits the application fee. Lastly, the bills authorize the Department, during a declared state of emergency, to issue a temporary operator license by reciprocity under specified conditions and to waive the application fee for such temporary operator license.

## **PUBLIC PROCUREMENT**

**SB 284:** This bill revises the vehicle procurement requirements for the state purchasing plan. Specifically, the bills require vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs rather than the greatest fuel efficiency. Before July 1, 2024, the Department of Management Services (DMS) shall make recommendations regarding the procurement of electric vehicles and best practices for integrating such vehicles into existing fleets. The bill directs DMS to rank vehicles based on the lowest cost of ownership over five years. Any vehicle purchased under the state's purchasing plan must be ranked in the top five of the Department's rankings. Law enforcement vehicles are exempt from this requirement.



## **PUBLIC RECORDS & PUBLIC MEETINGS**

**HB 397:** This bill would allow local governments to meet in private with legal counsel, during the 90-day notice period, to discuss claims concerning the Bert Harris Act and private property rights. Transcripts of these private meetings will be made a part of the public record upon settlement of a claim or when the statute of limitation has expired if there is no litigation or settlement.

**SB 216/HB 525:** These companion bills create a public records exemption for the personal identifying and location information of current and former county and city attorneys and assistant/deputy county and city attorneys, as well as information regarding the spouses and children of those attorneys.

## **PUBLIC SAFETY**

**HB 364/HB 535:** These companion bills allow a law enforcement agency to grant administrative leave, up to eight hours, to a law enforcement officer in order to attend a funeral of an officer killed in the line of duty. The bills specify that expenses incurred with bereavement travel are to be reimbursed by the agency. The bills also increase the amount to be paid toward funeral and burial expenses of an officer from \$1,000 to \$10,000.

**HB 341:** This bill revises the time period that a 911 public safety telecommunicator certificate may remain inactive or be reactivated from 180 days to 6 years.

**HB 215/HB 456:** These companion bills prohibit the possession or use of a firearm in "sensitive locations." The bills define a sensitive location as numerous public facilities including but not limited to buildings or facilities owned, leased or operated by government entities, including public transportation.

## **TRANSPORTATION**

N/A

## **UTILITIES**

**HB 361:** This bill requires a municipality that operates a water or sewer utility providing services to customers in another recipient municipality using a facility or plant located in the recipient municipality to charge customers in the recipient municipality the same rates, fees, and charges it imposes on customers within its own municipal boundaries.

## **OTHER**

**HB 401:** This bill (which is similar to a bill filed last year) removes the statutory limits on liability for tort claims against the state and its agencies and subdivisions (which include cities). The current statutory limits for claims are \$200,000 per person and \$300,000 per incident. The bill eliminates these statutory limits subjecting government entities to unlimited liability arising from potential claims.

**SB 696/HB 729:** these companion bills address employment contracts for local agency CEOs and attorneys. As relates to municipalities, the bills provide that the employment contract of the chief

executive officer or municipal attorney of a municipality shall not be renewed, extended, or renegotiated within 12 months before an August primary election for the municipal mayor or for members of the governing body of the municipality.

The stated policy goal is to avoid having outgoing members of a governing body give a long-term employment contract to a top official, only to have a different newly-elected majority of a governing body vote to terminate the contract, thus costing the taxpayers the contract payout.

**SB 92/HB 105:** These companion bills codify the ability of local governments to require vacation rental owners or operators to designate and maintain at all times the name and contact information of a responsible party who is able to respond to complaints and other immediate problems related to the property. As noted earlier, this "grant of authority" is not necessary since local governments already have this police power authority.



# Memorandum

**Meeting Details:** March 22, 2023

**Prepared For:** Mayor & Board of Commissioners

**From:** Megan Wepfer, Public Works Director

**Subject:** Area 6A Engineering Scope Approval

---

## **Background**

The City of Madeira Beach requested State of Florida Appropriations for Roadway and Stormwater Improvements in area 6A. Area 6A includes 155th Ave., 154th Ave., 153rd Ave., 1st St., 2nd St., Harbor Dr., and Municipal Dr. Area 6 is our next area for road improvements as per our Capital Improvements Project and will consist of storm drain improvements, curb replacement, sidewalk replacement, utility upgrades, and milling and resurfacing of the roadway. The City of Madeira Beach will enter into a Joint Participation Agreement with Pinellas County to cover the cost of replacing aging potable water, reclaimed water, and sewer lines. Area 6 has five (5) stormwater outfalls that will be replaced or lined, all shown on the attached stormwater layout and circled in red. Our city has five (5) major outfalls and two (2) are in area 6a, labeled on the attached stormwater layout. This project area will improve the safety of our roadways that are cracking and sinking, improve mobility for those with physical impairments by replacing the sidewalk, and improve the commuter experience by having safer roadways available. Staff received \$1M in funding for this project area that will help with construction engineering inspections and construction.

Staff is asking for approval to start surveying, construction plan preparation, geotechnical & ground penetrating radar (GPR) investigation, permitting, meetings and coordination, and assistance with the request for proposal processes for a cost of \$141,500.00.

## **Fiscal Impact**

The fiscal impact to start the engineering services is \$141,500.00 and staff has budgeted \$200,000.00 in fiscal year 2023 budget for engineering services.

**Recommendation(s)**

Staff recommends approval of the scope of work for Area 6 in the amount of \$141,500.00 with Transystems.

**Attachments**

- = Scope
- = Area Map
- = Stormwater drainage layout
- = Schedule for State funds agreement.





March 1, 2023

Megan Wepfer  
Public Works Director  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

RE: Proposal for Professional Surveying, Engineering, Permitting & Bidding Services  
AREA 6 – Municipal Drive, 155<sup>th</sup> Avenue, 154<sup>th</sup> Avenue, 153<sup>rd</sup> Avenue, 1<sup>st</sup> Street East,  
2<sup>nd</sup> Street East

Dear Megan:

Thank you for the opportunity to present our proposal to perform Professional Engineering & Surveying Services for the Stormwater, Utility and Roadway Improvements Project of Area 6. The proposed scope of work is to coordinate with Pinellas County Utilities for the reconstruction and replacement of the potable water distribution system and sanitary sewer collection system, replacement of the City's stormwater collection system, replace the curbs and mill and resurface the roadway and coordination of undergrounding the utilities within the project limits. Deuel & Associates proposes to prepare the construction plans and specifications, apply for all needed permitting through the local regulatory agencies, assist the City with advertising the Request for Proposals and conduct the public bid opening.

**OUR SERVICES WILL INCLUDE:**

**I. RIGHT OF WAY & TOPOGRAPHIC SURVEY:**

1. Conduct an apparent right-of way survey with topography of Area 6 and provide topography over the stormwater outfall pipes.
2. Locate all above ground utilities and paint marking of buried utilities.

**II. CONSTRUCTION PLAN PREPARATION AND SPECIFICATIONS:**

Deuel will prepare site construction plans for submittal to the permitting agencies to include:

1. Demolition Plan: The demolition plan will show the extent of structures, pipes, pavement, trees, etc. to be removed.
2. Site Geometry Plan: The geometry plan will show the horizontal dimensions of the proposed roadway alignment and site improvements.
3. Paving, Grading and Drainage Plan: The paving, grading and drainage plan will provide grading for the proposed roadway

alignment and right of way improvements and depict improvements for stormwater drainage.

4. Utility Plan: The utility plan will show the location of any utilities that are required to be relocated or replaced.
5. Maintenance of Traffic Plan Specifications.
6. Site Details: The site details will show specifications of all structures, pavement, walks, curbs. Signs, cross sections, etc. shall be provided to cover all aspects of design and ensure proper construction as intended.
7. Construction Notes and Specifications: The site notes and specifications will cover all aspects of construction, limitations, tolerances, agencies requirements, material criteria, etc.
8. Final Bid Tabulation and Technical Specifications for Bidding Purposes.

### III. GEOTECHNICAL INVESTIGATION:

1. Conduct 12 subsurface borings to determine the existing roadway composition.
2. Conduct Ground Penetrating Radar services to determine the location and depth of existing utilities.
3. Perform 15 soft digs to confirm the location, type and material of the utility.

### IV. PERMITTING:

Engineer will submit plans to various agencies for concurrent permit review. All or some of the following agencies may be reviewing this Project for permitting:

- Southwest Florida Water Management District (SWFWMD)
- Pinellas County Utilities
- Florida Department of Environmental Protection – Potable Water
- City of Madeira Beach

### V. AGENCY MEETINGS AND PROJECT COORDINATION:

1. Coordinate with Pinellas County Utilities for the replacement of the potable water distribution and sanitary sewer collection systems prior to the mill & resurfacing of the roadways. Determine if the current potable water system meets the current National Fire Prevention Association's standards.
2. Coordinate and attend meetings with public Utility owners. Copies of the plans will be provided to the private utility companies for their use.
3. Conduct meetings/coordination with SWFWMD, Pinellas County and the City of Madeira Beach as needed.
4. Coordinate and attend a meeting with the public to discuss the project and obtain resident information regarding ongoing issues.

### VI. ASSIST THE CITY WITH ADVERTISING & BID OPENING SERVICES:

1. Assist the City with advertising the project and conduct the public bid opening.

2. Conduct a Pre-Construction Conference with the construction company.
3. Review and respond to Requests for Additional Information during the Bid Process.
4. Assist with coordination with the Bid Committee
5. Assist with the preparation of the Commission Agenda Memo.

#### VII. REIMBURSABLE EXPENSES:

All express delivery charges, long distance telephone and fax transmissions, all plans requested by Client, Contractor and/or Architect including all submittal sets and all reproducible required by permitting agencies (printing charges) and Aerial photographs obtained from outside sources. These items will be billed to the owner monthly as they are incurred. Any additional expense in this category will need prior written authorization from the Client.

We will provide the above Services for a Total Lump Sum Fee As Described for Each Task:

- I. SURVEY: Fifteen Thousand Five Hundred Dollars (\$15,500.00)
- II. CONSTRUCTION PLAN PREPARATION: Sixty Five Thousand Dollars (\$65,000.00)
- III. GEOTECHNICAL & GPR INVESTIGATION: Twenty Five Thousand Dollars (\$25,000.00)
- IV. PERMITTING: Seventeen Thousand Five Hundred Dollars (\$17,500.00)
- V. AGENCY MEETINGS AND COORDINATION: Ten Thousand Dollars (\$10,000.00)
- ▶
- VI. ASSIST THE CITY WITH ADVERTISING & BID OPENING SERVICES: Eight Thousand Five Hundred Dollars (\$8,500.00)

Total Lump Sum Contract: One Hundred Forty One Thousand Five Hundred Dollars (\$141,500.00)

Our services include design of civil plans; permit application submittals, and response to review comments with re-submittals. Any services not specifically mentioned above are not included in this proposal. Any additional survey work requested by the contractor during construction will also be billed at our hourly rates.

#### HOURLY ITEMS:

- Any item not specifically stated in items I - V will be billed at our previously provided fee schedule.

#### TO BE PROVIDED BY CLIENT:

- All applicable permit fees, impact fees, and letter of ownership (from title

company or attorney).

- Documentation of ownership and/or authorization for permitting.

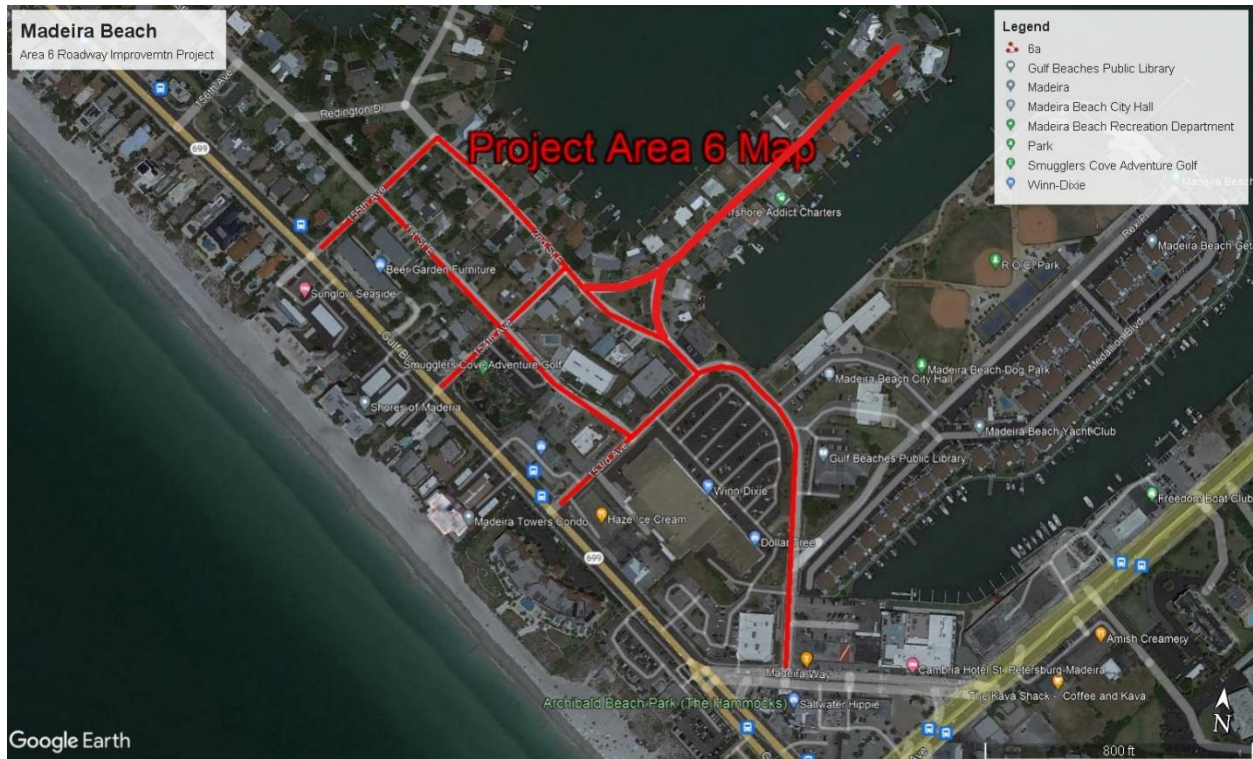
If this proposal is acceptable, please provide a purchase order as authorization to proceed.  
Should you have any questions do not hesitate to call me at (727) 822-4151.



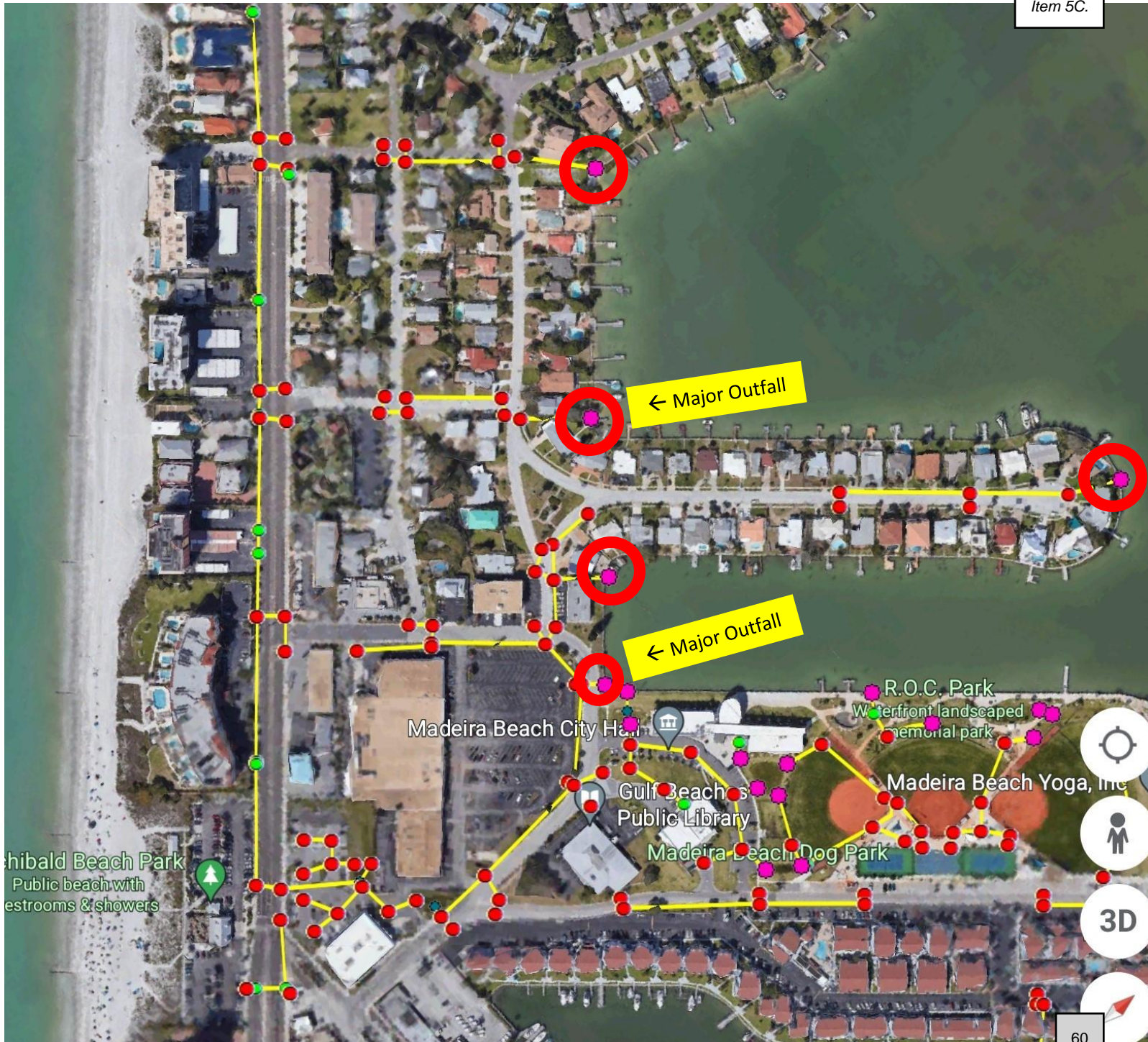
Albert Carrier, P.E., PSM  
Vice President | Project Management

## Madeira Beach Area 6 Roadway Improvements

- Detailed scope of service
  - Improvements to include upgraded stormwater collection system, potable water services, new FHA to meet current NFPA regulations, new curb and new roadway asphalt.
- Project Schedule including major milestones
  - January 2023- Begin Design / permitting/ Coordinate with Pinellas County
  - July 2023- 100% design plans ready
  - August 2023- Advertise (8 Weeks)
  - October 2023 – Award bid and have preconstruction meeting with contractor
  - January 2024- Start construction
  - July 2024 – Construction completes
- Cost estimate - *\*Note: Estimate project costs above the Appropriation amount will be programmed as local funds.*
  - Construction 1.75M
  - Engineering/ CEI \$250,000
- Vendor number
  - F596000366 006









FDOT, District 7, Transportation Development Division					Run Date/Time: 15-Nov-22 / 17:19			
Activity ID	Activity Name	Original Duration	Start	Finish	Predecessors	Successors	Expected Finish	Total Float
<b>449181</b>		502	03-Jul-23	03-Jun-25				0
<b>SEGMENT #2</b>		502	03-Jul-23	03-Jun-25				0
<b>MADEIRA BEACH ROADWAY IMPROVEMENTS- AREA 6</b>		502	03-Jul-23	03-Jun-25				0
QQ23501	Submit 100% Plans and clears to DOT	1	03-Jul-23*	03-Jul-23*		QQ96801		0
QQ96801	DOT Review 100% Plans	30	04-Jul-23	14-Aug-23	QQ23501	QQ23502		0
QQ23502	Submit Final Plans/Draft Bid Doc to DOT	1	07-Nov-23	07-Nov-23	QQ96801	QQ30201		0
QQ30201	DOT Review Final Plans/Draft Bid Doc	45	08-Nov-23	09-Jan-24	QQ23502	QQ96802		0
QQ96802	DOT Approve Final Plans/Clears/Draft Bid Doc	1	10-Jan-24	10-Jan-24	QQ30201	QQ20001, QQ80001		0
QQ80001	State Agreement Execution and NTP - Construction	1	01-Feb-24	01-Feb-24	QQ96802	QQ20001		0
QQ20001	Advertisement Duration	31	01-Feb-24	03-Mar-24	QQ96802, QQ80001	QQ28001		0
QQ28001	Letting Date/Local Agency Bid opening	1	03-Mar-24	04-Mar-24	QQ20001	QQ22301		0
QQ22301	Bid Tabs/Analysis/Vendor Eligibility to DOT	10	25-Mar-24	05-Apr-24	QQ28001	QQ22302		0
QQ22302	FDOT Concurrence to Award	1	06-May-24	06-May-24	QQ22301	QQ46501		0
QQ46501	Award Date	0	07-May-24		QQ22302	QQ46502		0
QQ46502	NTP to Contractor	1	08-May-24	08-May-24	QQ46501	QQ46601		0
QQ46601	Construction Duration	270	08-May-24	02-Feb-25	QQ46502	QQ46701		0
QQ46701	Final Inspection	1	03-Feb-25	03-Feb-25	QQ46601	QQ46901		0
QQ46901	Final Invoice/Closeout Docs to DOT/Agreement Expiration Date	120	03-Feb-25	03-Jun-25	QQ46701			0
			<b>Progress Schedule Review Report</b>		Layout: ****LAP LAYOUT FOR LAP GROUP ****			
			Data Date: 15-Nov-22		TASK filter: All Activities			
			Page 1 of 1		(c) Primavera Systems, Inc.			



# Memorandum

**Meeting Details:** March 22, 2023

**Prepared For:** Mayor & Board of Commissioners

**From:** Megan Wepfer, Public Works Director

**Subject:** Area 5- Engineering Scope Approval

---

## **Background**

The City of Madeira Beach in accordance with the Capital Improvement Plan is providing the commission with a proposal for area 5 which includes 131<sup>st</sup> Ave E and 129<sup>th</sup> Ave budgeted in fiscal year 2023 and 2024 for roadway and drainage improvements. The attached proposal will cover performance of Professional Engineering services, permitting, surveying, meetings, bid services, and meetings. This area will include a joint participation agreement with Pinellas County to replace their aging infrastructure. Pinellas County will replace water and sewer lines in area 5

## **Fiscal Impact**

Staff has budgeted \$1,000,000 in each FY 23 and FY 24 for engineering and construction.

## **Recommendation(s)**

Staff recommends approval for Transystems to proceed with the Engineering services as quotes for area 5 for \$52,000.00.

## **Attachments**

- Transystem quote

March 1, 2023

Megan Wepfer  
Public Works Director  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, FL 33708

RE: Proposal for Professional Surveying, Engineering, Permitting & Bidding Services  
AREA 5 – 131<sup>st</sup> Avenue E & 129<sup>th</sup> Avenue E

Dear Megan:

Thank you for the opportunity to present our proposal to perform Professional Engineering & Surveying Services for the Stormwater, Utility and Roadway Improvements Project of Area 5. The proposed scope of work is to coordinate with Pinellas County Utilities for the reconstruction and replacement of the potable water distribution system and sanitary sewer collection system, replacement of the City's stormwater collection system, replace the curbs and mill and resurface the roadway within the project limits. Deuel & Associates proposes to prepare the construction plans and specifications, apply for all needed permitting through the local regulatory agencies, assist the City with advertising the Request for Proposals and conduct the public bid opening.

The project limits for AREA 5 include:

- 131<sup>st</sup> Avenue from Gulf Blvd to the cul de sac to the north
- 129<sup>th</sup> Avenue from East End Lane to the cul de sac

#### OUR SERVICES WILL INCLUDE:

##### I. RIGHT OF WAY & TOPOGRAPHIC SURVEY:

1. Conduct an apparent right-of way survey with topography of Area 5 and provide topography over the stormwater outfall pipes.
2. Locate all above ground utilities and paint marking of buried utilities.

##### II. CONSTRUCTION PLAN PREPARATION AND SPECIFICATIONS:

Deuel will prepare site construction plans for submittal to the permitting agencies to include:

1. Demolition Plan: The demolition plan will show the extent of structures, pipes, pavement, trees, etc. to be removed.
2. Site Geometry Plan: The geometry plan will show the horizontal dimensions of the proposed roadway alignment and site improvements.

3. Paving, Grading and Drainage Plan: The paving, grading and drainage plan will provide grading for the proposed roadway alignment and right of way improvements and depict improvements for stormwater drainage.
4. Utility Plan: The utility plan will show the location of any utilities that are required to be relocated or replaced.
5. Maintenance of Traffic Plan Specifications.
6. Site Details: The site details will show specifications of all structures, pavement, walks, curbs. Signs, cross sections, etc. shall be provided to cover all aspects of design and ensure proper construction as intended.
7. Construction Notes and Specifications: The site notes and specifications will cover all aspects of construction, limitations, tolerances, agencies requirements, material criteria, etc.
8. Final Bid Tabulation and Technical Specifications for Bidding Purposes.

### III. GEOTECHNICAL INVESTIGATION:

1. Conduct Ground Penetrating Radar services to determine the location and depth of existing utilities.
2. Perform 8 soft digs to confirm the location, type and material of utility.

### IV. PERMITTING:

Engineer will submit plans to various agencies for concurrent permit review. All or some of the following agencies may be reviewing this Project for permitting:

- Southwest Florida Water Management District (SWFWMD)
- Pinellas County Utilities
- Florida Department of Environmental Protection – Potable Water
- City of Madeira Beach

### V. AGENCY MEETINGS AND PROJECT COORDINATION:

1. Coordinate with Pinellas County Utilities for the replacement of the potable water distribution and sanitary sewer collection systems prior to the mill & resurfacing of the roadways. Determine if the current potable water system meets the current National Fire Prevention Association's standards.
2. Coordinate and attend meetings with public Utility owners. Copies of the plans will be provided to the private utility companies for their use.
3. Conduct meetings/coordination with SWFWMD, Pinellas County and the City of Madeira Beach as needed.
4. Coordinate and attend a meeting with the public to discuss the project and obtain resident information regarding ongoing issues.

### VI. ASSIST THE CITY WITH ADVERTISING & BID OPENING SERVICES:

1. Assist the City with advertising the project and conduct the public bid opening.
2. Conduct a Pre-Construction Conference with the construction company.
3. Review and respond to Requests for Additional Information during the Bid

Process.

4. Assist with coordination with the Bid Committee
5. Assist with the preparation of the Commission Agenda Memo.

#### VII. REIMBURSABLE EXPENSES:

All express delivery charges, long distance telephone and fax transmissions, all plans requested by Client, Contractor and/or Architect including all submittal sets and all reproduces required by permitting agencies (printing charges) and Aerial photographs obtained from outside sources. These items will be billed to the owner monthly as they are incurred. Any additional expense in this category will need prior written authorization from the Client.

We will provide the above Services for a Total Lump Sum Fee As Described for Each Task:

- I. SURVEY: Six Thousand Dollars (\$6,000.00)
- II. CONSTRUCTION PLAN PREPARATION: Eighteen Thousand Dollars (\$18,000.00)
- III. GEOTECHNICAL & GPR INVESTIGATION: Ten Thousand Dollars (\$10,000.00)
- IV. PERMITTING: Nine Thousand Five Hundred Dollars (\$9,500.00)
- V. AGENCY MEETINGS AND COORDINATION: Five Thousand Dollars (\$5,000.00)
- ▶ VI. ASSIST THE CITY WITH ADVERTISING & BID OPENING SERVICES: Three Thousand Five Hundred Dollars (\$3,500.00)

Total Lump Sum Contract: Fifty Two Thousand Dollars (\$52,000.00)

Our services include design of civil plans; permit application submittals, and response to review comments with re-submittals. Any services not specifically mentioned above are not included in this proposal. Any additional survey work requested by the contractor during construction will also be billed at our hourly rates.

#### HOURLY ITEMS:

- Any item not specifically stated in items I - V will be billed at our previously provided fee schedule.

#### TO BE PROVIDED BY CLIENT:

- All applicable permit fees, impact fees, and letter of ownership (from title company or attorney).
- Documentation of ownership and/or authorization for permitting.

If this proposal is acceptable, please provide a purchase order as authorization to proceed.  
Should you have any questions do not hesitate to call me at (727) 822-4151.



Albert Carrier, P.E., PSM  
Vice President | Project Management





# Memorandum

**Meeting Details:** March 22, 2023

**Prepared For:** Mayor & Board of Commissioners

**From:** Megan Wepfer, Public Works Director

**Subject:** Pocket Park Design Proposal

---

## **Background**

Staff has requested a proposal for engineering services for the design of 5 pocket parks located in the Boca Ciega Neighborhood. Staff requested quotes to mirror the 133<sup>rd</sup> Pocket Park and all both came back over \$30,000.00 which led to requesting services from Half for a design and engineering proposal. The original request included installing two kayak launches for the residents but after research staff found that the launches are only allowed to extend half the width of the park equaling 20 feet making it not ADA compliant.

## **Fiscal Impact**

The total fiscal impact with the permitting for the kayak launches included are \$54,135.00, if the permitting is removed fiscal cost is \$21,135.00. Staff has \$150,000.00 budgeted in FY 2023.

## **Recommendation(s)**

Staff recommends approval of the scope of work provided by Half without the Kayak permitting included for \$21,135.00.

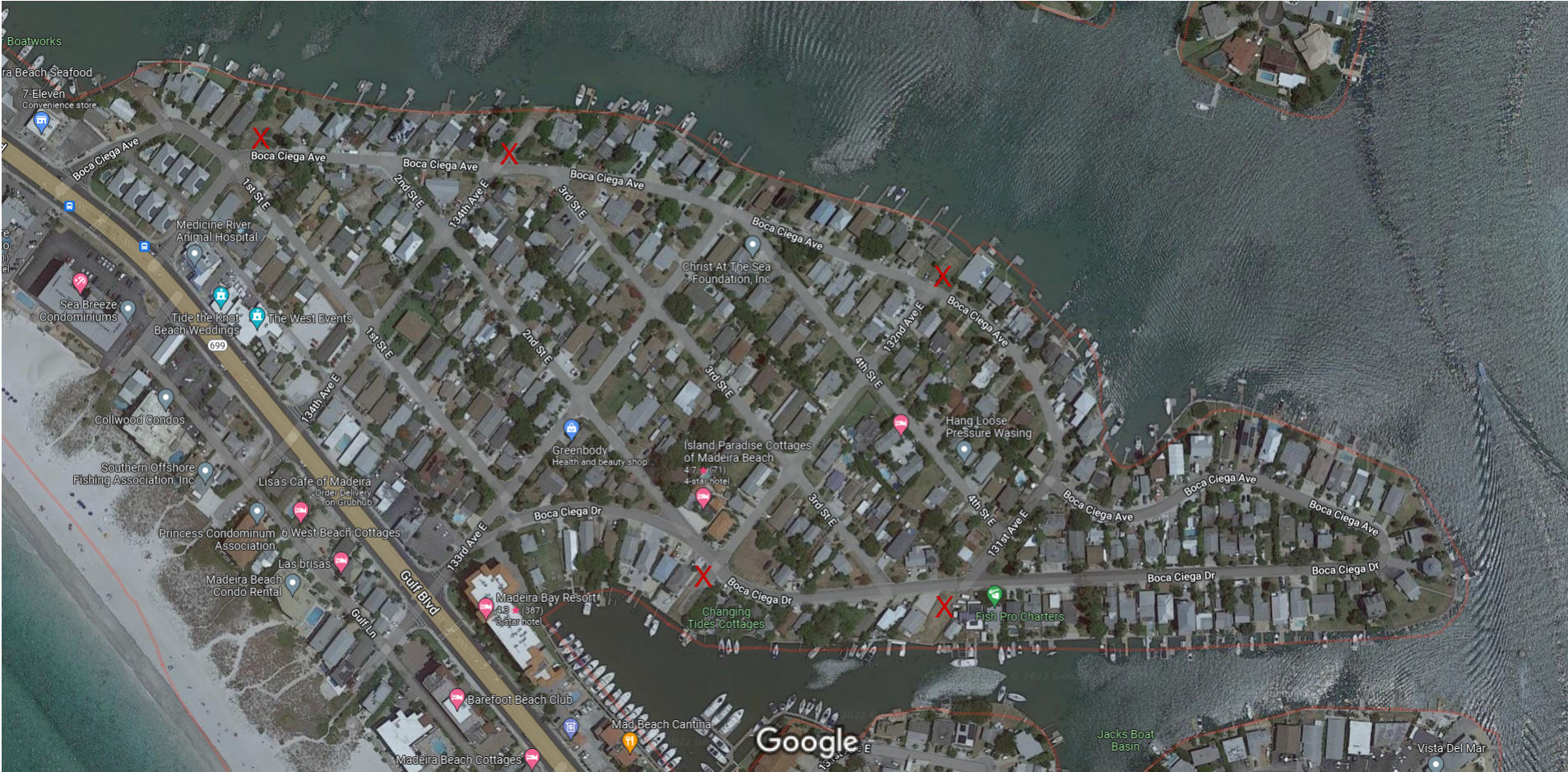
## **Attachments**

- Pocket Park location Map
- 133<sup>rd</sup> Model Pocket Park
- Proposal from Half
- Proposals from
  - Paver Solutions

- Unique Brick Pavers

Google Maps

Madeira Beach



Imagery ©2022 Maxar Technologies, U.S. Geological Survey, Map data ©2022 200 ft



Google Maps 13298 4th St E

Madeira Beach, Florida

Google

Street View - Jan 2019



Image capture: Jan 2019 © 2022 Google



**Halff Associates, Inc.**  
**Agreement for Continuing Contract for Professional Design Services**  
**Task Order #1**

Ms. Megan Wepfer, Public Works Director  
 Public Works Department  
 City of Madeira Beach  
 300 Municipal Drive  
 Madeira Beach, Florida 33708  
[mwepfer@madeirabeachfl.gov](mailto:mwepfer@madeirabeachfl.gov)

February 10, 2023  
 038545.001

**RE: Landscape Architecture Services for  
 Boca Ciega Ave Pocket Parks.**

Site Location

County:	Pinellas County	State:	Florida
Latitude:	27°47'30.19"N	Longitude:	82°47'11.04"W

Dear Ms. Wepfer:

Absent a fully executed form of contract to contrary, once signed by you or your authorized representative, this Task Order ("the Agreement") shall, for all purposes, constitute a binding contract upon City of Madeira Beach. (CITY) and CONSULTANT. This agreement will comply with terms and conditions of the general services agreement executed between City of Madeira Beach and Halff dated June 24, 2020. In addition, once signed by you or your authorized representative, this Agreement shall serve as the Notice to Proceed with the work identified herein.

**ABBREVIATED PROJECT DESCRIPTION**

The CITY has requested Halff to prepare plans in sufficient detail for construction for the enhancement of five (5) pocket parks along Boca Ciega Ave at the following intersections: 135<sup>th</sup> Ave E, 134 Ave E, 132<sup>nd</sup> E (north), 131<sup>st</sup> Ave E, and 132<sup>nd</sup> Ave E (south). It is Halff's understanding that the CITY does not desire all five (5) parks to be designed exactly the same; however, the designs should demonstrate a cohesive theme. The design for each of the five (5) parks will include sod, raised planter area, pavers, irrigation (if water source is available, reclaimed source is assumed), and restricted access into parks (using bollards, picket fencing, etc.), as well as site furnishings (i.e. bench, waste receptacle, and dog station kiosk) as an alternative bid. Additionally Halff will evaluate the feasibility of possible kayak launches to be designed and permitted at two locations chosen by the City.

Project locations are shown on Attachment A.

## SCOPE/INTENT AND EXTENT OF SERVICES

### 1. Survey

- A. Boundary/Topographic Survey of (5) pocket parks designated as 135<sup>th</sup> Avenue E, 134<sup>th</sup> Avenue E, 132<sup>nd</sup> Avenue E (north), 131<sup>st</sup> Avenue E, and 132<sup>nd</sup> Ave E (south) as shown on Attachment A.
- B. Includes topographic locations to the center of the existing road, 5' overlap onto adjacent parcels, trees 2" diameter and larger, visible above ground utilities, and accessible inverts. Each 5 sites will have individual surveys.
- C. Elevations to determined from published government benchmarks through differential GPS methods. Expected accuracy within 0.05'.
- D. Deliverables to include CAD file in 2023 format. Plot any easements supplied by the CLIENT and five (5) certified copies of the map of survey and signed certification.

### 2. Inventory and Analysis

- A. Prior to commencing design, Halff will conduct a thorough site inspection to evaluate and observe the existing conditions of the site. Conditions will be analyzed for incorporation into project objectives, budgets, etc. The plans will include plant and hardscape demolition/preservation plans.

### 3. Conceptual Landscape/Hardscape Plans

- A. Halff will develop (1) conceptual plan view design solutions for each of the five (5) pocket parks with supplementary graphics as needed, at a reasonable scale, and in sufficient detail to convey design intent, including but not limited to:
  - i. Site furnishings such as benches, waste receptacles, and dog station kiosk.
  - ii. Parking where applicable through client coordination.
  - iii. Landscape conceptual design including suggested species and general arrangement.
  - iv. Prepare one (1) planting palette imagery board to convey theme and intent.
  - v. Specialty paving, raised planter areas, kayak launch (if feasible), and limiting park access to pedestrians through the use of bollards and/or fencing where necessary.
  - vi. Prepare a Preliminary Opinion of Probable Construction Costs (POPCC) for each pocket park. These POPCC's are for discussion purposes only.



- B. As part of these design efforts, Halff does not intend to reconfigure existing utilities or roadway. Design will be limited to within the existing permeable areas only.
- C. Based on CITY coordination, Halff will refine the concepts once and will be used as a basis for final construction plans. Any additional refinement of the concept plans will be billed hourly as Client Coordination, Task 10.

#### **4. Kayak Launch Feasibility Study**

- A. It is Halff's understanding that the CLIENT would like to provide floating kayak launch area within (2) parks located at 135<sup>th</sup> Ave E and 132<sup>nd</sup> Ave E (south). The kayak launch shall consist of floating components such as aluminium gangway, interlinked dock floating sections which will not require any dredging or piling within the water.
- B. Preliminary Aquatic Resource Survey
- C. Halff will set up a meeting, if necessary, with Pinellas County Water Navigation Authority, Army Corps of Engineering and/or SWFWMD prior to permitting for kayak launch.

#### **5. Kayak Launch Permitting (as needed)**

##### **A. ENVIRONMENTAL SITE EVALUATION**

Halff biologists will conduct a field review of the project site for the purpose of evaluating and mapping the onsite habitat conditions and the potential occurrence of any species considered Endangered, Threatened, or of Special Concern by the Florida Fish and Wildlife Conservation Commission (FWC) under Chapter 58A-27.003-005 F.A.C. or the US Fish and Wildlife Service (USFWS) under C.F.R. 17.11-12. Specific tasks included with this effort are as follows:

1. Review the project area to map and assess the extent and condition of the onsite habitats. Each habitat type will be mapped using the Florida Land Use, Cover, and Forms Classification System (FLUCFCS: Florida Department of Transportation, 1999).
2. Conduct a field survey to qualitatively document the presence / absence, relative cover and abundance of submerged aquatic resources including benthic habitat considered essential fish habitat (EFH), seagrass, macroalgae, and fish. Transects will be stationed from the shoreline out to varying distances waterward of the proposed structure. The field survey will record resource locations and abundance to document habitat types and where possible, the general condition or apparent health of the organisms will be noted. The field survey will include the following:
  - i. Seagrasses and other submerged aquatic vegetation.
  - ii. Emergent vegetation (mangroves)

- iii. Native shoreline (riparian) vegetation
  - iv. Oyster beds
  - v. Man-made materials serving as aquatic habitat (e.g., rip-rap, concrete pilings, etc.)
  - vi. Listed wildlife, including manatees, dolphins, and selected shorebirds
  - vii. Non-listed fish and wildlife which appear to be common or abundant in the project area.
- 3. Conduct meandering pedestrian transect surveys for listed species on the project site. All habitats within the project boundary will be surveyed in general accordance with the Florida Wildlife Conservation Guide (2011) as developed by the USFWS, FWC, and FNAI.
  - 4. Upon completion of field data collection effort, a brief report that summarizes the findings of the site evaluation will be prepared for use in support of the permitting effort. The report will include one or more maps of the project area indicating the location and extent of identified resources. The report will discuss the types of resources located and, their general ecological condition and include representative photos of each habitat type encountered. The report will also note any observations of protected or common wildlife at the site.

**B. SWFWMD ENVIRONMENTAL RESOURCE PERMIT (ERP)**

- 1. Prepare wetland assessments utilizing the Uniform Mitigation Assessment Methodology (UMAM) and an environmental narrative to support the ERP application submittal. The narrative will include a detailed discussion of the project site plan, assessments of the upland and wetland habitats and any needed wetland impact areas, and efforts to demonstrate elimination and reduction of wetland impacts. The narrative will also include maps depicting the project environmental conditions and the project wetland impacts based on site plan information.
- 2. Assist in the preparation and submittal of an ERP application which will include wetland assessments and supporting environmental narrative.
- 3. If required, schedule and attend a maximum of one (1) field meeting with representatives of SWFWMD to review the condition of wetlands proposed to be impacted and the associated UMAM assessment to negotiate the appropriate wetland compensation, if required.
- 4. Respond to two (2) requests for additional information from SWFWMD regarding the ERP application prepared and submitted pursuant to this Task.

5. As a part of the application review, the SWFWMD will solicit comments from FWC. Halff will respond to one (1) sufficiency response from this agency in support of the application. Note that this task assumes that no additional research, field data collection/surveys, or project meetings will be required to address any received comments.

C. PINELLAS COUNTY WATER AND NAVIGATION AUTHORITY PERMITTING ASSISTANCE

1. Prepare a Dredge and Fill Permit Application package for submission to the PCWNA. This package will contain permit drawings and components of the SWFWMD environmental narrative report, but will be sufficiently customized to provide the justification for wetland impacts and demonstration of avoidance/minimization of natural resources.
2. Schedule and attend a maximum of one (1) field meeting with representatives of PCWNA to review the condition of project site.
3. Respond to a maximum of two (2) requests for additional information from the PCWNA regarding the application.

D. US ARMY CORPS OF ENGINEERS (ACOE) NATIONWIDE PERMIT (if required)

This task assumes any impacts to Waters of the United States (WOTUS) will be less than 0.5-acre and will qualify for a 404 General Permit. If impacts to WOTUS are greater than 0.5-acre, then an Individual Permit will be required which would be addressed as an amendment to the contract.

1. Complete a wetland functional assessment on each wetland proposed to be impacted by utilizing baseline data and UMAM to estimate the importance of affected wetlands to the surrounding ecological community and the potential effects of the project on wetland functions to determine the significance of impact on each wetland so that mitigation amounts, if required, may be evaluated. Note this task assumes the submitted construction plans will be sufficient for the application review and impact-specific exhibits will not be required. Any additional 404 wetland impact exhibits will be addressed as a contract amendment.
2. Assist and coordinate in the preparation and submittal of an NWP application which will include wetland assessments and supporting environmental narrative. The narrative will include a detailed discussion of the project site plan, assessments of the upland and wetland habitats and wetland impact areas, and efforts to demonstrate avoidance and minimization of wetland impacts. This narrative will also include a discussion of the proposed wetland compensation and the results of the UMAM to demonstrate adequate compensatory mitigation if required.
3. Schedule and attend a maximum of one (1) field meeting with representatives of the ACOE to review the condition of wetlands proposed to be impacted.

4. Respond to two (2) sufficiency responses from the ACOE regarding the application.

## 6. Final Landscape/Hardscape/Irrigation Plans

- A. Halff will prepare final plans and construction details in compliance with the City Land Development Code. These documents will also depict schedules, notes, and details sufficient for the construction of the enhancements depicted in the refined concepts. Any subconsultant professional fees, not expressly identified within this agreement, are not included in this contract and shall be billed directly to the City.
- B. Coordinate, as required, with local agency staff during the review/approval process and address comments for clarification and/or provide additional information. Resubmit for approval based on the comments and additional information requests from the staff.
- C. It is Halff's understanding that there reclaim available at each park, irrigation shall be limited to bubblers for proposed trees and drip or spray irrigation for proposed shrubs and groundcover. Halff will design an automatic time-activated irrigation system with distribution piping, all lateral piping, control valves and sprinklers for 100% coverage of proposed landscape improvements. Meters, permits, and applications required for irrigation system shall be the responsibility of the contractor.

## 7. Bid Services

- A. Halff will provide limited bid phase services related to the Final Construction Documents as prepared in this scope. It is understood that all five (5) parks will be bid for construction simultaneously and will include an alternative bid for site furnishings.
- B. Halff will communicate with the interested bidders/parties during the time period between contract advertisement and bid submission.
- C. Halff will assist the CLIENT in preparing the required advertisement for bids, attending the bid opening, reviewing bids, preparing ad bid tabulation, and making recommendations regarding the award of the construction contract.

## 8. Construction Observation

- A. Halff will provide limited construction observation for the construction of improvements. Construction phase services will be billed hourly with an anticipated fee shown in the schedule below.



- B. Halff will attend a pre-construction meeting, review shop drawings, and material submittals including irrigation design. Halff will visit the site once, if requested by the CLIENT, to confirm work is constructed in accordance with the construction plans. Once construction is substantially complete, Halff will create a final punch list of items for the contractor to complete prior to close out.

## 9. Subconsultant Coordination

- A. Halff will coordinate the use of subconsultants based on project design and need. This coordination shall be billed hourly. This phase shall include coordination with Bullseye (survey), and any additional subcontractors that may be required.

## 10. Client Coordination

- A. Halff will coordinate with City Staff as directed by the CLIENT on project design and need. This coordination shall be billed hourly.

### Deliverables:

One (1) PDF electronic copy will be provided at each submittal. The final submittal documents will be signed and sealed. An OPCC will be provided along with the Final Plan Submittal. The CADD file of the plans will also be provided with the Final Plan Submittal.

### Schedule:

Upon receipt of a fully executed copy of this Agreement, Halff shall perform its services and discharge the obligations imposed upon us in a prompt and timely manner and as expeditiously as is consistent with professional skill and care and the orderly progress of the work. We also acknowledge that the CLIENT is to be regularly and routinely consulted in connection with the performance hereunder



## Fee

The fee breakdown for developing the project is as follows:

Task	Description	Cost
1	Survey (By Subconsultant)	\$7,400.00
2	Inventory and Analysis	\$735.00
3	Conceptual Landscape/Hardscape Plans	\$3,000.00
4	Kayak Launch Feasibility	\$1,850.00
5	Kayak Launch Permitting (If needed)	\$33,000.00
6	Final Landscape/Hardscape/Irrigation Plans	\$4,600.00
7	Bid Services	\$750.00
8	Construction Observation (Hourly, Anticipated Fee Shown)	\$1,000.00
9	Subconsultant Coordination (Hourly, Anticipated Fee Shown)	\$500.00
10	Client Coordination (Hourly, Anticipated Fee Shown)	\$800.00
	<b>Subtotal</b>	<b>\$53,635.00</b>
	<b>Reimbursable Fees</b>	<b>\$500.00</b>
	<b>Total</b>	<b>\$54,135.00</b>

### Notes:

1. The proposed fees are only valid if this Agreement is signed by both parties within 30 days from the date of transmittal and all work is authorized within 90 days.
2. Fees depicted as "Hourly" with a listed value indicate tasks with undeterminable scopes. The values indicated are budgetary estimates only and are subject to change. These tasks will be billed on a time and materials basis in accordance with the attached Standard Rate Schedule.
3. Items indicated as "If Necessary" are phases that may be omitted based upon the CLIENT and/or agency.



**Approved:**

\_\_\_\_\_  
Laura Duplain, PLA                      Date  
Senior Project Manager  
Halff Associates, Inc.

\_\_\_\_\_  
Martin Steffen, PLA                      Date  
P|LA Team Leader  
Halff Associates, Inc.

**Approved:**

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

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

Title: \_\_\_\_\_

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

**Client:** CITY OF MADEIRA BEACH



# ATTACHMENT A

Item 5E.



Printing Date: 1/3/2023 3:49:01 PM  
File: A:\385000\3854500\GIS\MXD\20230103-LocationMap-8x11.mxd

The information contained in this map is offered as is with no claim or warranty as to its accuracy or completeness. The maps are for reference only and should not be considered to be of survey precision.



1000 N. Ashley Drive,  
Suite 900  
Tampa, FL 33602  
813.620.4500



Location Map

0 50 100 200 FEET  
1 IN. = 200 FT.

38545.001  
Pocket Park





7900 46th Avenue North • St. Petersburg, FL 33709 • Phone: (727) 322-8080

Megan Wepfer  
Phone: 7275438154

300 Municipal Dr.  
Madeira Beach, 33708

Job Address:  
300 Municipal Dr.  
Madeira Beach, FL 33708

**Print Date:** 1-9-2023

## Megan Wepfer- Scope of Work- Parks

Walkways	
Description	
Machine excavate area approximately 3390 square feet as necessary to remove existing grass/dirt for 6 feet walkways and planter at (5) city parks.	
Install crushed concrete paver base material and compact.	
Install approximately 3,390 square feet of 60mm standard pavers. (City will have to come to our office (7900 46th Ave. N) to choose their pavers).	
Wet sweep sand into joints and compact.	
All un-restrained edges will have our standard concrete edge restraint.	
Clean up and recycle as much as possible	
<b>Category Total:</b>	<b>\$34,171.79</b>

Planters	
Description	

Build (5) planters out of munich block 5 layers high at 28 linear feet.

**Category Total:**

**\$6,712.88**

### **Cleaning & Sealing**

Applies to only pavers installed with this proposal.

#### **Description**

Pressure wash pavers to remove existing dirt and debris.

Apply sand to pavers joints as needed.

Apply penetrating, water-based paver sealer.

**Category Total:**

**\$3,898.50**

**Total Price: \$44,783.17**

**Concrete demolition is based on 4" max. thickness, additional thickness may result in an additional charge.**

**Any work adjacent to a swimming pool may result in dirt and debris in the pool that will need to be cleaned out by others.**

**We are not responsible for buried sprinkler lines, utilities, fixtures, etc. that may be damaged as a result of our work.**

Permit fees are not included in this proposal and will be added to final bill. Any de-rooting required if not listed above is not included in this proposal. Sprinkler repairs, damaged by us, up to 3 fittings and 5' of 3/4" pipe or a maximum of \$25.00 is included in this proposal. Any removal of customer's existing pavers installed over sand bed are included, however removal of pavers installed with adhesive or thinset are not included unless explicitly stated above. This proposal may be withdrawn if not accepted within 30 days.

**Note: 50% Deposit and signed paperwork are required before materials can be ordered and work can be scheduled. The balance of the paver installation is due upon completion of the work. The balance of the cleaning & sealing price is paid upon completion of sealer work, which will not be scheduled until paver installation price has been paid in full.**

**Payments are due upon substantial completion of the work, and regardless of warranty or punch list items that may remain after installation.**

Any unpaid balance over 15 days will be assessed a fee of 1-1/2% per month, figured daily, from the date of completion.

#### **Additional Information:**

By signing below you are accepting this proposal as a contract for services and acknowledging that you have read and understand the terms and conditions.

**Signature:**

\_\_\_\_\_

**Date:**

\_\_\_\_\_



Print Name:

Item 5E.

UNIQUE Brick Pavers Inc  
10440 66th St N Unit 8  
Pinellas Park, FL 33782  
(813) 408-8540  
contact@uniquebrickpavers.com

## Estimate

Item 5E.



### ADDRESS

City of Madeira Beach  
City of Madeira Beach  
15100 Gulf Blvd  
Madeira Beach, FL 33708

### SHIP TO

City of Madeira Beach  
City of Madeira Beach  
15100 Gulf Blvd  
Madeira Beach, FL 33708

ESTIMATE #	DATE	EXPIRATION DATE
4309	12/16/2022	01/13/2023

### JOB NAME / #

5 areas

ACTIVITY	QTY	RATE	AMOUNT
1st St E and Boca Ciega			
<b>Interlocking Concrete Pavers</b> Provide and Install Interlocking Concrete Pavers with setting materials - Appian Stone Harvest Blend	980	6.95	6,811.00
<b>Excavation</b> Excavation per SF - sod and dirt	980	1.30	1,274.00
<b>Retaining Wall</b> Provide and install - per LF - 3 courses high retaining wall bench	60	22.00	1,320.00
<b>Cleaning</b> Clean up fee - final clean up Boca Ciega and 134th Ave E	1	300.00	300.00
<b>Interlocking Concrete Pavers</b> Provide and Install Interlocking Concrete Pavers with setting materials - Appian Stone Harvest Blend	840	6.95	5,838.00
<b>Excavation</b> Excavation per SF - sod and dirt	840	1.30	1,092.00
<b>Retaining Wall</b> Provide and install - per LF - 3 courses high retaining wall bench	60	22.00	1,320.00
<b>Cleaning</b> Clean up fee - final clean up Boca Ciega and 132nd (#1)	1	300.00	300.00
<b>Interlocking Concrete Pavers</b>	840	6.95	5,838.00

ACTIVITY	QTY	RATE	A <span style="border: 1px solid black; padding: 2px;">Item 5E.</span>
Provide and Install Interlocking Concrete Pavers with setting materials - Appian Stone Harvest Blend			
<b>Excavation</b> Excavation per SF - sod and dirt	840	1.30	1,092.00
<b>Retaining Wall</b> Provide and install - per LF - 3 courses high retaining wall bench	60	22.00	1,320.00
<b>Cleaning</b> Clean up fee - final clean up Boca Ciega and 132nd (#2)	1	300.00	300.00
<b>Interlocking Concrete Pavers</b> Provide and Install Interlocking Concrete Pavers with setting materials - Appian Stone Harvest Blend	840	6.95	5,838.00
<b>Excavation</b> Excavation per SF - sod and dirt	840	1.30	1,092.00
<b>Retaining Wall</b> Provide and install - per LF - 3 courses high retaining wall bench	60	22.00	1,320.00
<b>Cleaning</b> Clean up fee - final clean up Boca Ciega and 131st	1	300.00	300.00
<b>Interlocking Concrete Pavers</b> Provide and Install Interlocking Concrete Pavers with setting materials - Appian Stone Harvest Blend	870	6.95	6,046.50
<b>Excavation</b> Excavation per SF - sod and dirt	870	1.30	1,131.00
<b>Retaining Wall</b> Provide and install - per LF - 3 courses high retaining wall bench	60	22.00	1,320.00
<b>Cleaning</b> Clean up fee - final clean up Corner Public Library	1	300.00	300.00
<b>Excavation</b> Excavation per SF - shell and dirt	1,378	1.30	1,791.40
<b>Interlocking Concrete Pavers</b> Provide and Install Interlocking Concrete Pavers with setting materials - Appian Stone Harvest Blend	1,378	6.95	9,577.10
<b>Cleaning</b> Clean up fee - final clean up	1	300.00	300.00

Terms:

50% down payment and 50% upon completion

Credit Card:

3.0% convenience fee will be added for credit card processing.

Permit fee, not included, if needed.

TOTAL

\$55,821.00

Item 5E.

Accepted By

Accepted Date



**Halff Associates, Inc.**  
**Agreement for Continuing Contract for Professional Design Services**  
**Task Order #1**

Ms. Megan Wepfer, Public Works Director  
Public Works Department  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, Florida 33708  
[mwepfer@madeirabeachfl.gov](mailto:mwepfer@madeirabeachfl.gov)

March 16, 2023  
038545.001

**RE: Landscape Architecture Services for Boca Ciega Ave Pocket Parks**

Site Location

County: Pinellas County      State: Florida  
Latitude: 27°47'30.19"N      Longitude: 82°47'11.04"W

Dear Ms. Wepfer:

Absent a fully executed form of contract to contrary, once signed by you or your authorized representative, this Task Order ("the Agreement") shall, for all purposes, constitute a binding contract upon City of Madeira Beach (CITY) and CONSULTANT. This agreement will comply with terms and conditions of the general services agreement executed between City of Madeira Beach and Halff dated June 24, 2020. In addition, once signed by you or your authorized representative, this Agreement shall serve as the Notice to Proceed with the work identified herein.

**ABBREVIATED PROJECT DESCRIPTION**

The CITY has requested Halff to prepare plans in sufficient detail for construction for the enhancement of five (5) pocket parks along Boca Ciega Ave at the following intersections: 135<sup>th</sup> Ave E, 134 Ave E, 132<sup>nd</sup> E (north), 131<sup>st</sup> Ave E, and 132<sup>nd</sup> Ave E (south). It is Halff's understanding that the CITY does not desire all five (5) parks to be designed exactly the same; however, the designs should demonstrate a cohesive theme. The design for each of the five (5) parks will include sod, raised planter area, pavers, irrigation (if water source is available, reclaimed source is assumed), and restricted access into parks (using bollards, picket fencing, etc.), as well as site furnishings (i.e. bench, waste receptacle, and dog station kiosk) as an alternative bid.

Project locations are shown on Attachment A.



## SCOPE/INTENT AND EXTENT OF SERVICES

### 1. Survey

- A. Boundary/Topographic Survey of (5) pocket parks designated as 135<sup>th</sup> Avenue E, 134<sup>th</sup> Avenue E, 132<sup>nd</sup> Avenue E (north), 131<sup>st</sup> Avenue E, and 132<sup>nd</sup> Ave E (south) as shown on Attachment A.
- B. Includes topographic locations to the center of the existing road, 5' overlap onto adjacent parcels, trees 2" diameter and larger, visible above ground utilities, and accessible inverts. Each 5 sites will have individual surveys.
- C. Elevations to determined from published government benchmarks through differential GPS methods. Expected accuracy within 0.05'.
- D. Deliverables to include CAD file in 2023 format. Plot any easements supplied by the CLIENT and five (5) certified copies of the map of survey and signed certification.

### 2. Inventory and Analysis

- A. Prior to commencing design, Halff will conduct a thorough site inspection to evaluate and observe the existing conditions of the site. Conditions will be analyzed for incorporation into project objectives, budgets, etc. The plans will include plant and hardscape demolition/preservation plans.

### 3. Conceptual Landscape/Hardscape Plans

- A. Halff will develop (1) conceptual plan view design solutions for each of the five (5) pocket parks with supplementary graphics as needed, at a reasonable scale, and in sufficient detail to convey design intent, including but not limited to:
  - i. Site furnishings such as benches, waste receptacles, and dog station kiosk.
  - ii. Parking where applicable through client coordination.
  - iii. Landscape conceptual design including suggested species and general arrangement.
  - iv. Prepare one (1) planting palette imagery board to convey theme and intent.
  - v. Specialty paving, raised planter areas, kayak launch (if feasible), and limiting park access to pedestrians through the use of bollards and/or fencing where necessary.
  - vi. Prepare a Preliminary Opinion of Probable Construction Costs (POPCC) for each pocket park. These POPCC's are for discussion purposes only.
- B. As part of these design efforts, Halff does not intend to reconfigure existing utilities or roadway. Design will be limited to within the existing permeable areas only.

- C. Based on CITY coordination, Halff will refine the concepts once and will be used as a basis for final construction plans. Any additional refinement of the concept plans will be billed hourly as Client Coordination, Task 10.

#### **4. Final Landscape/Hardscape/Irrigation Plans**

- A. Halff will prepare final plans and construction details in compliance with the City Land Development Code. These documents will also depict schedules, notes, and details sufficient for the construction of the enhancements depicted in the refined concepts. Any subconsultant professional fees, not expressly identified within this agreement, are not included in this contract and shall be billed directly to the City.
- B. Coordinate, as required, with local agency staff during the review/approval process and address comments for clarification and/or provide additional information. Resubmit for approval based on the comments and additional information requests from the staff.
- C. It is Halff's understanding that there reclaim available at each park, irrigation shall be limited to bubblers for proposed trees and drip or spray irrigation for proposed shrubs and groundcover. Halff will design an automatic time-activated irrigation system with distribution piping, all lateral piping, control valves and sprinklers for 100% coverage of proposed landscape improvements. Meters, permits, and applications required for irrigation system shall be the responsibility of the contractor.

#### **5. Bid Services**

- A. Halff will provide limited bid phase services related to the Final Construction Documents as prepared in this scope. It is understood that all five (5) parks will be bid for construction simultaneously and will include an alternative bid for site furnishings.
- B. Halff will communicate with the interested bidders/parties during the time period between contract advertisement and bid submission.
- C. Halff will assist the CLIENT in preparing the required advertisement for bids, attending the bid opening, reviewing bids, preparing ad bid tabulation, and making recommendations regarding the award of the construction contract.

#### **6. Construction Observation**

- A. Halff will provide limited construction observation for the construction of improvements. Construction phase services will be billed hourly with an anticipated fee shown in the schedule below.

- B. Halff will attend a pre-construction meeting, review shop drawings, and material submittals including irrigation design. Halff will visit the site once, if requested by the CLIENT, to confirm work is constructed in accordance with the construction plans. Once construction is substantially complete, Halff will create a final punch list of items for the contractor to complete prior to close out.

## **7. Subconsultant Coordination**

- A. Halff will coordinate the use of subconsultants based on project design and need. This coordination shall be billed hourly. This phase shall include coordination with Bullseye (survey), and any additional subcontractors that may be required.

## **8. Client Coordination**

- A. Halff will coordinate with City Staff as directed by the CLIENT on project design and need. This coordination shall be billed hourly.

### **Deliverables:**

One (1) PDF electronic copy will be provided at each submittal. The final submittal documents will be signed and sealed. An OPCC will be provided along with the Final Plan Submittal. The CADD file of the plans will also be provided with the Final Plan Submittal.

### **Schedule:**

Upon receipt of a fully executed copy of this Agreement, Halff shall perform its services and discharge the obligations imposed upon us in a prompt and timely manner and as expeditiously as is consistent with professional skill and care and the orderly progress of the work. We also acknowledge that the CLIENT is to be regularly and routinely consulted in connection with the performance hereunder

## Fee

The fee breakdown for developing the project is as follows:

Task	Description	Cost
1	Survey (By Subconsultant)	\$7,400.00
2	Inventory and Analysis	\$735.00
3	Conceptual Landscape/Hardscape Plans	\$3,000.00
4	Final Landscape/Hardscape/Irrigation Plans	\$4,600.00
5	Bid Services	\$750.00
6	Construction Observation (Hourly, Anticipated Fee Shown)	\$1,000.00
7	Subconsultant Coordination (Hourly, Anticipated Fee Shown)	\$500.00
8	Client Coordination (Hourly, Anticipated Fee Shown)	\$800.00
	<b>Subtotal</b>	<b>\$18,785.00</b>
	<b>Reimbursable Fees</b>	<b>\$500.00</b>
	<b>Total</b>	<b>\$19,285.00</b>

## Notes:

1. The proposed fees are only valid if this Agreement is signed by both parties within 30 days from the date of transmittal and all work is authorized within 90 days.
2. Fees depicted as "Hourly" with a listed value indicate tasks with undeterminable scopes. The values indicated are budgetary estimates only and are subject to change. These tasks will be billed on a time and materials basis in accordance with the attached Standard Rate Schedule.
3. Items indicated as "If Necessary" are phases that may be omitted based upon the CLIENT and/or agency.

## Approved:

\_\_\_\_\_  
Laura Duplain, PLA                      Date  
Senior Project Manager  
Halff Associates, Inc.

\_\_\_\_\_  
Martin Steffen, PLA                      Date  
P|LA Team Leader  
Halff Associates, Inc.

## Approved:

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

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

Title: \_\_\_\_\_

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


Client: **CITY OF MADEIRA BEACH**




Printing Date: 1/3/2023 3:49:01 PM  
File: A:\385000\3854500\1\GIS\MXD\20230103-LocationMap-8x11.mxd



**Legend**

 Pocket Park Location

 Parcel Boundary



The information contained in this map is offered as is with no claim or warranty as to its accuracy or completeness. The maps are for reference only and should not be considered to be of survey precision.



# Parking Current & Future Projects



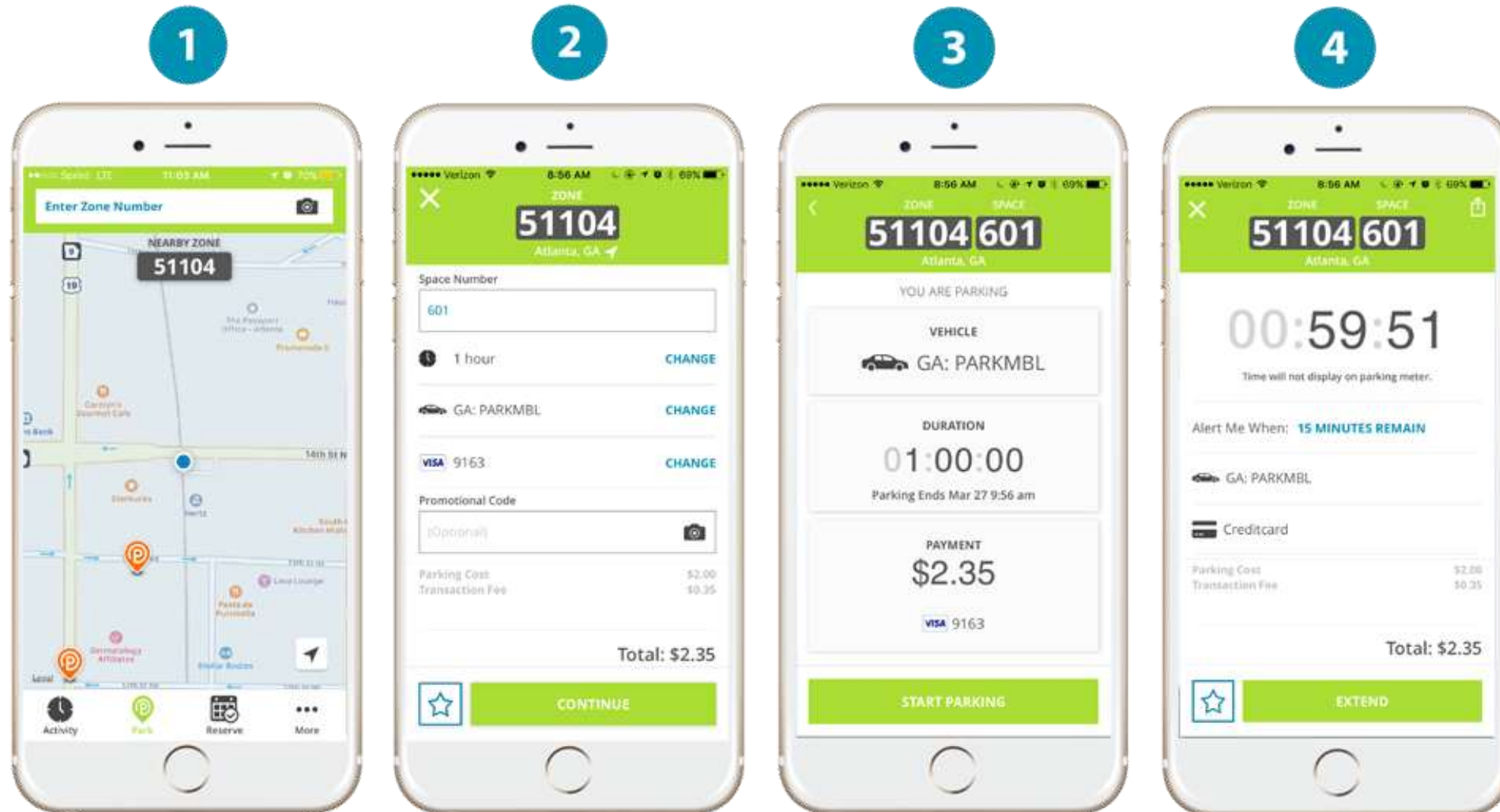




# How To Pay with Parkmobile

## It All Starts with ParkMobile

Item 5G.



Once registered, enter in Zone# located on stickers & signs on the meters or choose from nearby zones shown

Choose your parking duration (varies by location)

Confirm your information, including Location, License Plate, time, & cost

A ticker will show up counting down your time remaining, & in some locations, you may extend your session remotely

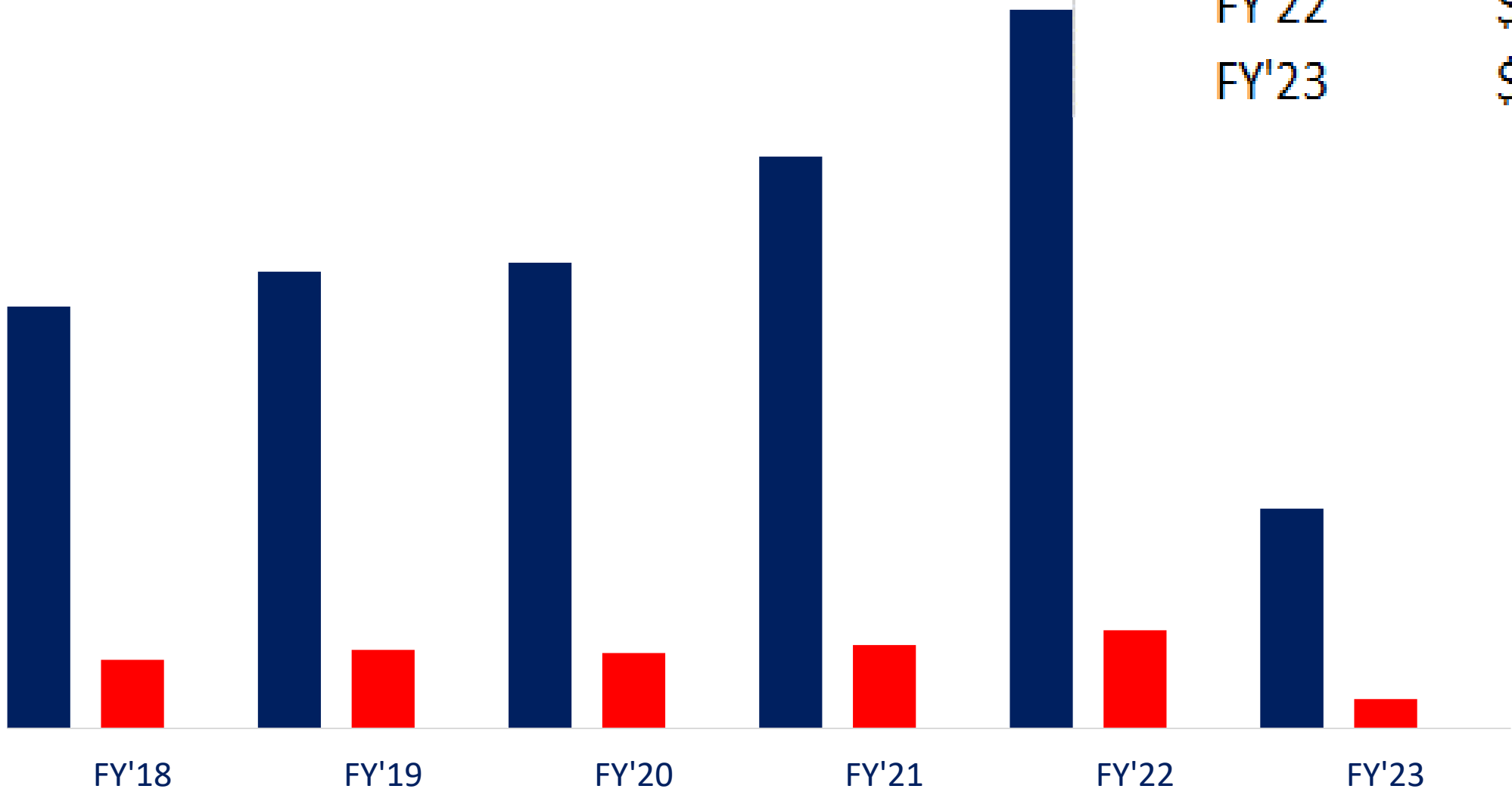
### Notes on Park Mobile:

- Started-2019
- ParkMobile's website, their app is available in over 450 cities across the United States, including major metropolitan areas such as New York City, Los Angeles, Chicago, and Atlanta.
- Japa can be fully integrated in ParkMobile



# REVENUE & EXPENSE

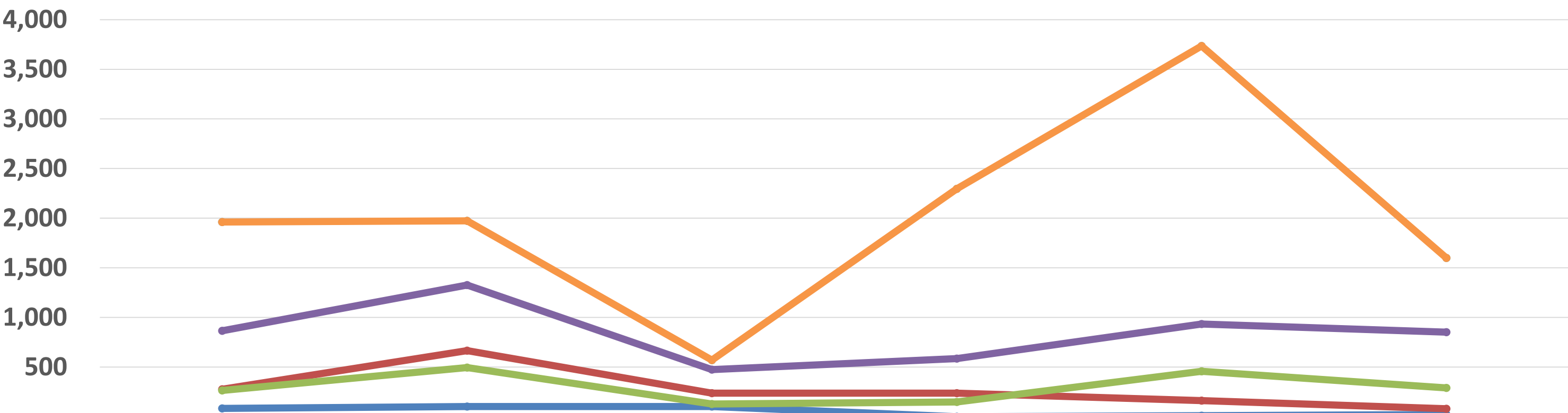
Year	Revenues		Expenses		Cost of Revenue
FY'18	\$	2,073,573	\$	337,615	16.28%
FY'19	\$	2,244,975	\$	385,397	17.17%
FY'20	\$	2,288,946	\$	370,391	16.18%
FY'21	\$	2,811,724	\$	409,434	14.56%
FY'22	\$	3,533,082	\$	481,838	13.64%
FY'23	\$	1,080,786	\$	144,596	13.38%





# ParkMobile Transactions

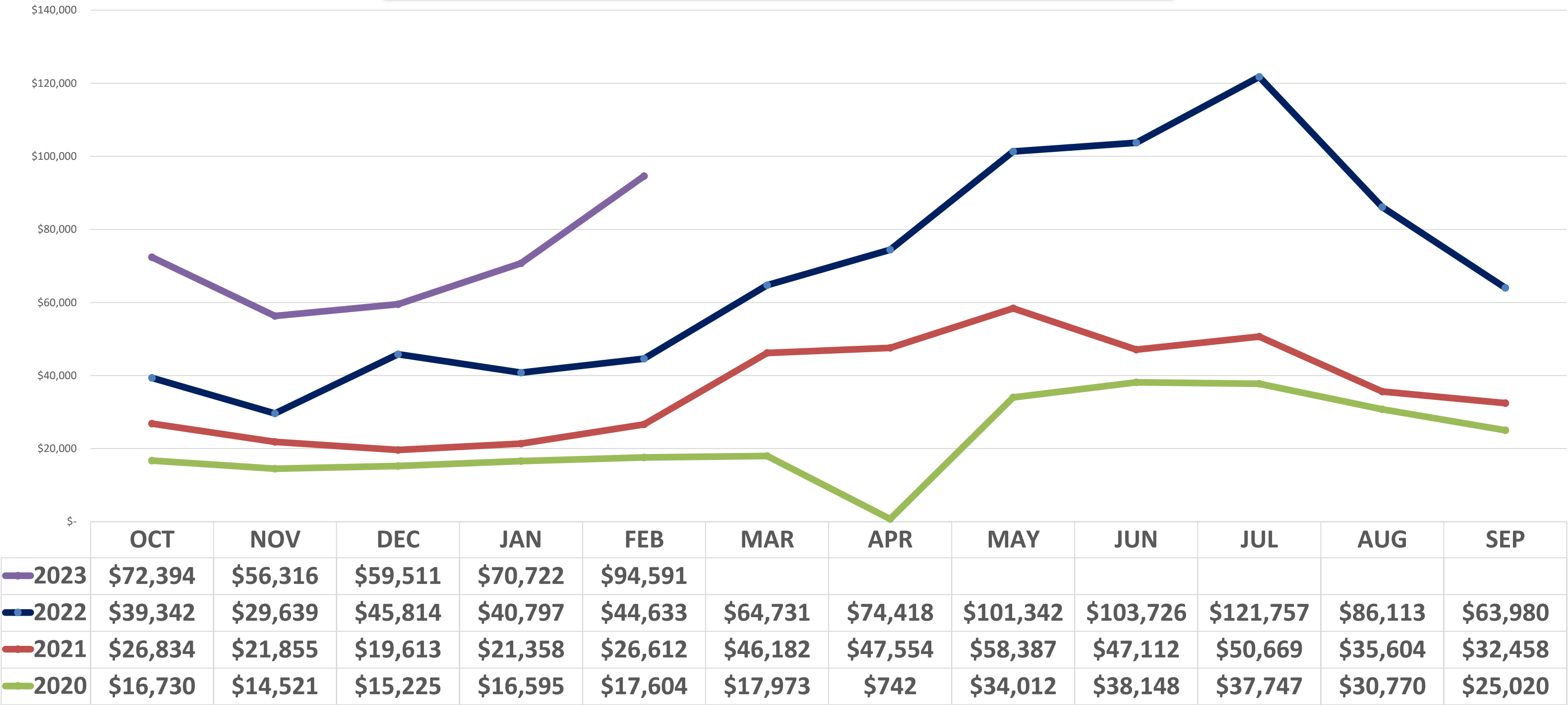
ParkMobile Transactions



	2023	2022	2021	2020	2019	2018
Archibald	865	1,326	474	585	933	851
Kitty Stuart	84	102	102	-	10	22
136th - 131st	276	665	236	237	162	80
130th	264	495	128	148	457	290
John's Pass Park	1,961	1,973	570	2,296	3,735	1,600
John's Pass Village	1,961	1,973	570	2,296	3,735	1,600



# Park Mobile App Parking Meter Revenue



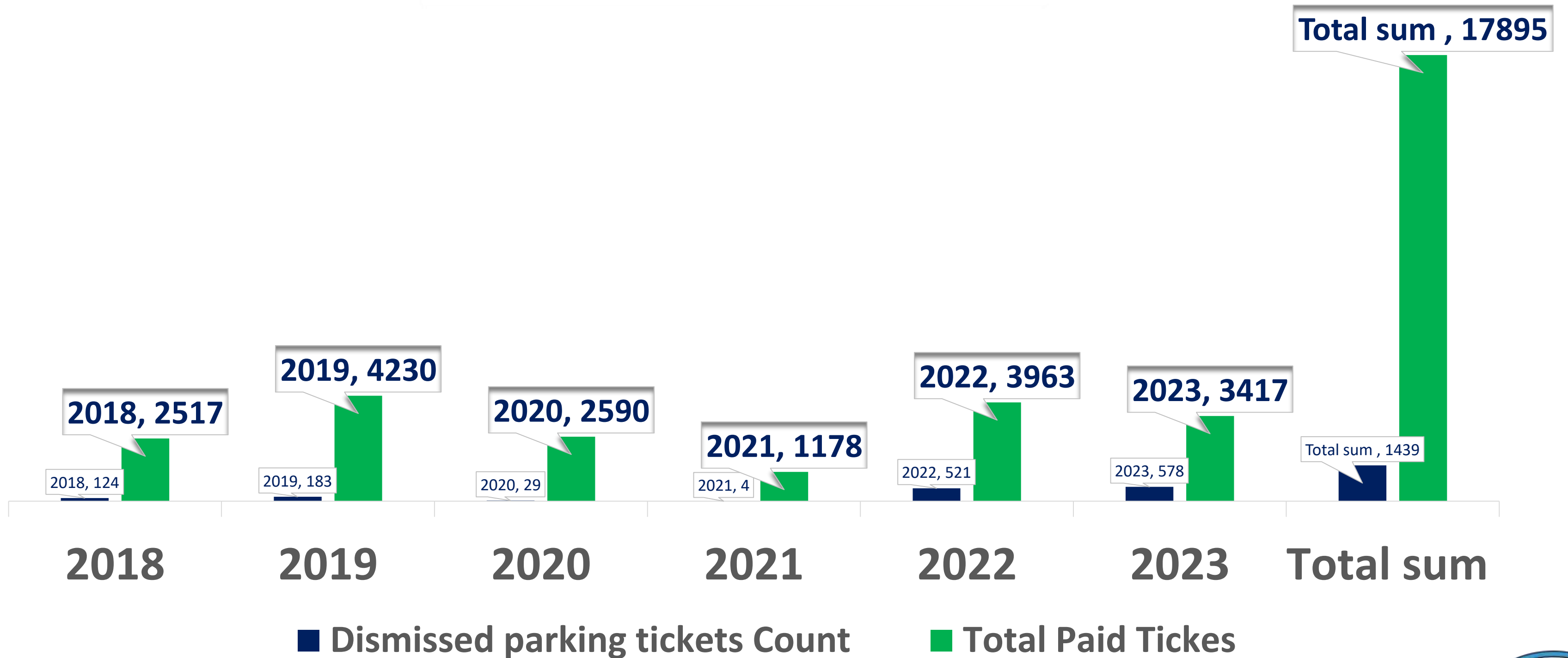


# Citations Revenue

Month	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	Fiscal Year 2022	Five Year Monthly Totals	Fiscal Year 2023
October	\$ 12,585.00	\$ 2,120.00	\$ 8,018.00	\$ 3,515.00	\$ 2,145.00	\$ 28,383.00	\$ 45,415.00
November	\$ 11,543.50	\$ 1,485.00	\$ 5,910.00	\$ 4,795.00	\$ 1,400.00	\$ 25,133.50	\$ 61,253.40
December	\$ 7,225.00	\$ 5,175.00	\$ 4,770.00	\$ 2,720.00	\$ 1,470.00	\$ 21,360.00	\$ 47,895.00
January	\$ 4,580.00	\$ 10,930.00	\$ 4,515.00	\$ 1,520.00	\$ 910.00	\$ 22,455.00	\$ 55,195.00
February	\$ 2,615.00	\$ 12,445.00	\$ 12,655.00	\$ 990.00	\$ 2,450.00	\$ 31,155.00	\$ 50,875.50
March	\$ 4,220.00	\$ 14,360.00	\$ 12,550.00	\$ 3,256.00	\$ 4,510.00	\$ 38,896.00	
April	\$ 6,000.00	\$ 14,210.00	\$ 3,930.00	\$ 4,755.00	\$ 6,340.00	\$ 35,235.00	
May	\$ 6,270.00	\$ 11,816.50	\$ 2,690.00	\$ 4,078.50	\$ 11,097.00	\$ 35,952.00	
June	\$ 5,840.00	\$ 11,215.00	\$ 8,700.00	\$ 3,835.00	\$ 22,684.00	\$ 52,274.00	
July	\$ 9,424.00	\$ 12,440.00	\$ 4,065.00	\$ 2,654.00	\$ 37,514.00	\$ 66,097.00	
August	\$ 7,230.00	\$ 11,463.50	\$ 4,325.00	\$ 2,725.00	\$ 47,270.00	\$ 73,013.50	
September	\$ 5,475.00	\$ 9,060.00	\$ 6,560.00	\$ 1,895.50	\$ 35,634.00	\$ 58,624.50	
Annual Totals	\$ 83,007.50	\$ 116,720.00	\$ 78,688.00	\$ 36,739.00	\$ 173,424.00	\$ 488,578.50	\$ 260,633.90



# Citations Dismissed VS Paid



# CITATION FEES

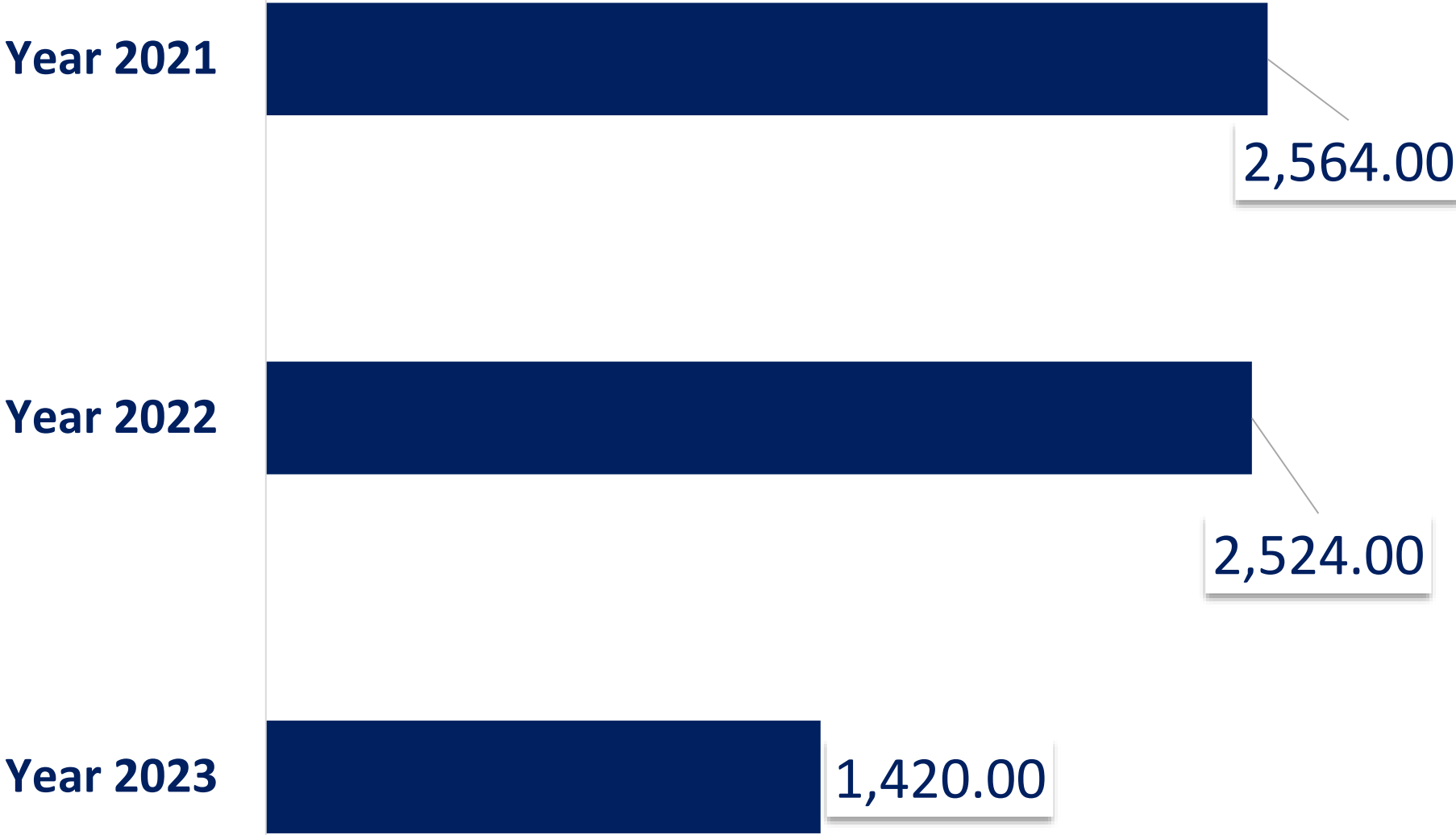
Hourly Rate	\$3.75 per hour	\$2.75 per hour	\$3.00 per hour
Infraction	St. Pete Beach	Treasure Island	Madeira Beach
Overtime Parking	\$40.00	\$60.00	\$60.00
Double Parking	\$80.00	\$80.00	\$80.00
Parking in a regulated.... permit parking area without a permit	\$90.00	\$90.00	\$90.00
Improper Parking	\$30.00	\$80.00	\$90.00





# RESIDENT PARKING & REVENUE

## RESIDENT ISSUED PARKING PASSES





# BUSINESS PARKING

Cost- \$ 40.00

Location-132<sup>ND</sup>-129<sup>TH</sup>

The monthly business parking pass greatly benefits workers at Madeira Beach by making it much easier for them to park and go to work. With this pass, employees no longer must worry about finding parking spots each day, which saves them time and reduces stress.





# LOOKING INTO THE FUTURE...



## FEATURES

- 2 to 6 Passengers
- 6 Models
- Rated Capacity 800-1,100 lbs
- Dual High/Low Head and Tail Lights
- Pristine White Body Color
- Seat belts

## POPULAR OPTIONS

- Street Legal
- Drop Side Cargo Box
- Rear Facing seat





# JOURNEYMAN

- Compact
- Engineered to easily adapt from job to job, the Journeyman series is ideal for maintenance, higher education, hospitality, construction, or any other space where safe, efficient transportation is both vital and a moving target. The Journeyman's street-legal LSV option makes it the perfect choice for operating on both private areas and public roadways.







## JAPA- Parking Sensor System

- -Wireless detection of parking spot occupancy- Integrated with website and Park Mobile-Two-way installation (surface & Semiunderground)-St. Pete Beach has the infrastructure, possibly to piggyback or go out for RFP
- Almost zero maintenance
- Removable battery- great for hurricane preparedness and replacement.
- Two-way installation (surface & Semiunderground)





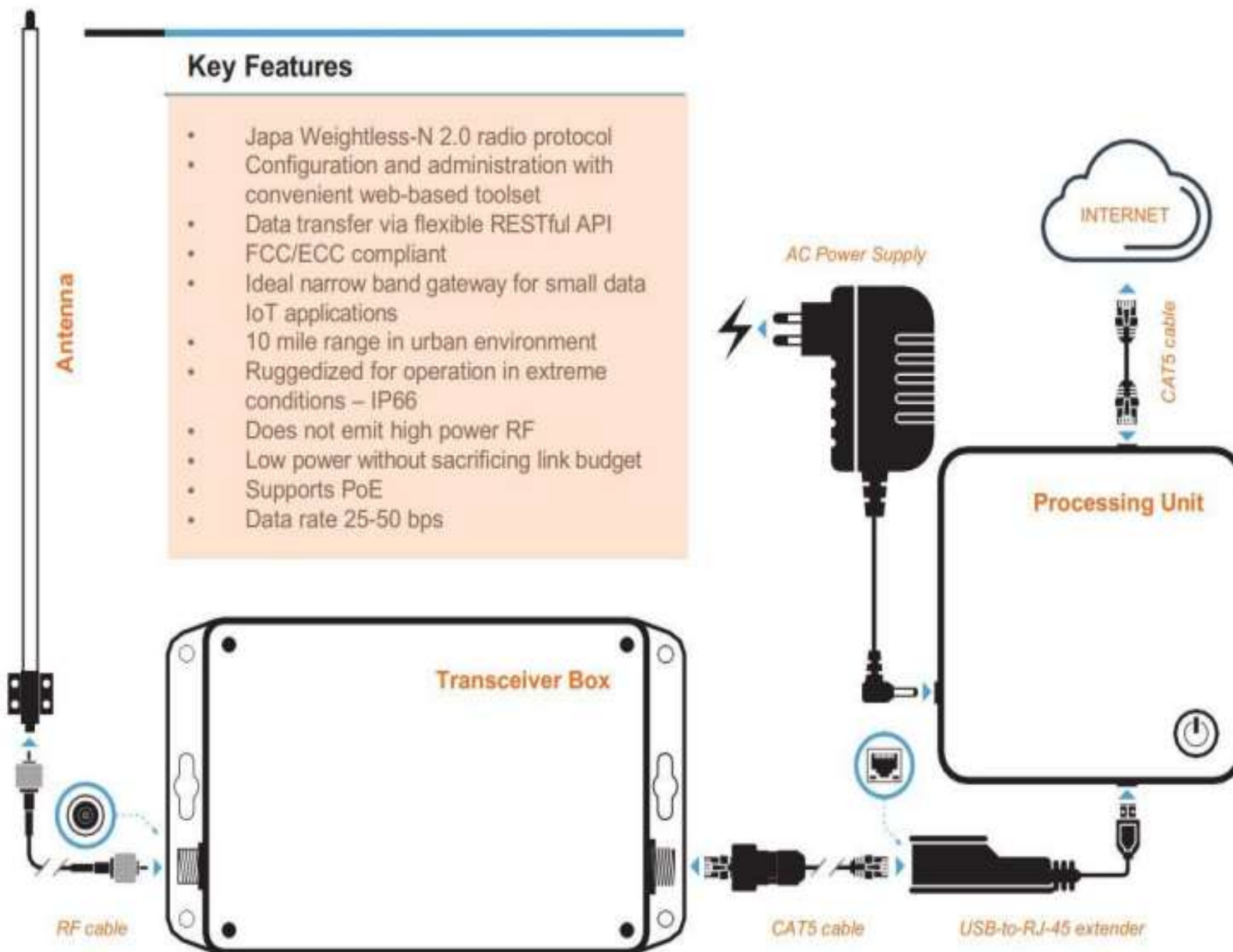
# Base Station - EXAMPLE

Item 5G.



## Key Features

- Japa Weightless-N 2.0 radio protocol
- Configuration and administration with convenient web-based toolset
- Data transfer via flexible RESTful API
- FCC/ECC compliant
- Ideal narrow band gateway for small data IoT applications
- 10 mile range in urban environment
- Ruggedized for operation in extreme conditions – IP66
- Does not emit high power RF
- Low power without sacrificing link budget
- Supports PoE
- Data rate 25-50 bps





# PARKING GARAGE PROJECT

\$.50 of every hour  
purchased goes  
toward the  
Parking Garage

MONTH	2022	2023	2024	TOTALS
Oct	-	33,085.26	-	33,085.26
Nov	-	26,826.15	-	26,826.15
Dec	24,476.64	27,153.76	-	51,630.40
Jan	30,337.91	32,123.83	-	62,461.74
Feb	35,171.98	-	-	35,171.98
Mar	50,111.85	-	-	50,111.85
April	47,236.29	-	-	47,236.29
May	46,699.86	-	-	46,699.86
June	46,141.33	-	-	46,141.33
July	53,959.46	-	-	53,959.46
Aug	39,613.94	-	-	39,613.94
Sep	27,021.32	-	-	27,021.32
Annual Totals	\$ 400,770.58	\$ 119,189.00	\$ -	\$ 519,959.58



Johns' Pass Village Seafood Festival: \$25.00 All Day Parking

2022 Johns' Pass Village Seafood Festival: \$25.00 All Day Parking													
Meter		Spaces		130A		130B		SB1		SB2		SB3	
Revenue	Sold	Date	Revenue	Spaces	Revenue	Spaces	Revenue	Spaces	Revenue	Spaces	Revenue	Spaces	
\$ 3,850.00	154	1/20/2022	\$ 975.00	39	\$ 475.00	19	\$ 750.00	30	\$ 1,000.00	40	\$ 650.00	26	
\$ 6,675.00	267	1/21/2022	\$ 1,775.00	71	\$ 1,300.00	52	\$ 650.00	26	\$ 1,775.00	71	\$ 1,175.00	47	
\$ 6,375.00	255	1/22/2022	\$ 1,775.00	71	\$ 1,075.00	43	\$ 650.00	26	\$ 1,550.00	62	\$ 1,325.00	53	
\$ 4,975.00	199	1/23/2022	\$ 1,500.00	60	\$ 875.00	35	\$ 800.00	32	\$ 1,050.00	42	\$ 750.00	30	
\$ 21,875.00	875		\$ 6,025.00	241	\$ 3,725.00	149	\$ 2,850.00	114	\$ 5,375.00	215	\$ 3,900.00	156	
\$ 5,468.75	218.75		27.54%		17.03%		13.03%		24.57%		17.83%		

2023 Johns' Pass Village Seafood Festival: \$25.00 All Day Parking												
Meter		Spaces	130A		130B		SB1		SB2		SB3	
Revenue	Sold	Date	Revenue	Spaces	Revenue	Spaces	Revenue	Spaces	Revenue	Spaces	Revenue	Spaces
\$ 1,925.00	77	1/13/2023	\$ 1,250.00	50	\$ 675.00	27	\$ -	-	\$ -	-	\$ -	-
\$ 2,375.00	95	1/14/2023	\$ 1,225.00	49	\$ 1,150.00	46	\$ -	-	\$ -	-	\$ -	-
\$ 2,175.00	87	1/15/2023	\$ 1,250.00	50	\$ 925.00	37	\$ -	-	\$ -	-	\$ -	-
\$ 6,475.00	259		\$ 3,725.00	149	\$ 2,750.00	110						
\$ 2,158.33	86.33		57.53%		42.47%							

- \*\*Notes:**
1.

From 2022 to 2023, there was a 70.40% decline in revenues \$15,400 and parking spaces sold 616.
2.

In 2022, 55.43% of the meter revenue came from the South Beach parking lots. Those lots were not available in 2023.



**GULF BEACHES PUBLIC LIBRARY, INC.**  
**(a non-profit corporation)**

**BYLAWS**

**ARTICLE I: OFFICES**

The principal office of the corporation shall be located at 200 Municipal Drive, Madeira Beach, County of Pinellas, Florida.

The corporation shall have and continuously maintain in the State of Florida a registered office and agent whose office is identical with such registered office. The registered office may, but need not be, identical with the principal office in the State of Florida, and the address of the registered office may be changed from time to time by the Board of Trustees.

The general purpose and intent of this Corporation is to:

- Establish and operate the Library in order to improve library services to residents of the five municipalities and beyond
- Do all things toward enhancing the quality and performance of the Library
- Make the library services envisioned available to the public in the most fair and administratively successful means possible
- Undertake, assist, create and provide direction in the acquisition of funds that are available

In addition to the foregoing and not intended to be limited thereby to do any and all things provided for and consistent with Chapter 617 of the Florida Statutes relating to not-for-profit corporations and Chapter 257 relating to public libraries and state archives.

**ARTICLE II: TRUSTEES**

**SECTION 1: CLASSES OF TRUSTEES:** The Corporation shall have two (2) classes of Trustees. The designation of each such class and the qualifications and rights of the Trustees of each class shall be as follows:

- A. Voting Trustees shall be one (1) Trustee from each of the municipalities of Redington Shores, North Redington Beach, Redington Beach, Madeira Beach and Treasure Island. Each municipality shall appoint an Alternate Trustee, who can vote only if the Voting Trustee is absent.
- B. The Library Director shall be a non-voting, ex-officio member of the Board of Trustees.

**SECTION 2: VOTING RIGHTS:** Each Trustee shall have one (1) vote on each matter submitted to a vote of the Trustees. Ex-officio Trustee shall not be entitled to vote, however, shall have a voice in matters pertaining to the operation of the Library.



**SECTION 3: APPOINTMENT OF TRUSTEES:** The contributing municipalities will determine how any of its Trustees shall be appointed, and shall appoint the Voting Trustees and Alternate Trustees.

**SECTION 4: TERMINATION OF MEMBERSHIP:** The Board of Trustees, by an affirmative vote of two-thirds of all of the members of the Board, may suspend or expel a member For Cause after an appropriate hearing, after ten (10) day's notice to the sponsoring municipality.

**Commented [HAP1]:** Shall we attempt to define For Cause? Ex: "For Cause shall include any act of fraud, dishonesty or conviction of any criminal act (except for minor traffic infractions).

**SECTION 5: RESIGNATION:** Any Voting or Alternate Trustee may resign by filing: (a) a written resignation with the Mayor of the municipality represented; and (b) a letter to the Chairperson of the Board of Trustees. If a Voting Trustee resigns, the Alternate Trustee will then fill the vacancy. Municipalities have the opportunity and obligation to fill any Board vacancies.

**SECTION 6: TRANSFER OF MEMBERSHIP:** Membership in this corporation is not transferable or assignable.

### ARTICLE III: BOARD OF TRUSTEES

**SECTION 1: GENERAL POWERS:** The affairs of the corporation shall be managed by its Board of Trustees. Trustees must be residents of the municipalities that appointed them.

#### SECTION 2: DUTIES:

- A. The Board of Trustees, at a duly organized meeting, shall establish such policies for the corporation as necessary to make its purpose, approve and review the annual budget of the corporation and any other business necessary to the corporation. The duties shall include, but not be limited to: establishing administrative policy, adopting the Bylaws, overseeing the affairs of the Library, investing Library funds, employing and directing a Director, conducting public meetings and establishing the operating budget and overseeing its execution, including approving expenditures for Library operations.
- B. A Trustee has a fiduciary responsibility to the stakeholders (residents of the communities of Redington Shores, North Redington Beach, Redington Beach, Madeira Beach and Treasure Island) to:
  - Make decisions for the corporation (duty of care)
  - Act in the best interest of the corporation (duty of loyalty)
  - Act in accordance with the corporation's mission statement (duty of obedience)
  - Stand aside when there is a conflict of interest (recusal)

**SECTION 3: NUMBER, TENURE AND QUALIFICATIONS:** The number of Trustees shall consist of the five (5) voting Trustees, appointed by the contributing municipality. The term of each Trustee is to be determined by each contributing municipality.

**Commented [HAP2]:** This is where we left off at last meeting.

### ARTICLE IV: MEETINGS OF THE BOARD OF TRUSTEES

**SECTION 1: ANNUAL MEETING:** An annual meeting of the Board of Trustees shall be held at the offices of the corporation in October of each year, for the transaction of all such business as may come before the meeting.

**SECTION 2: REGULAR MEETINGS:** A regular meeting of the Board of Trustees shall be held at a time and place to be determined by the Trustees. The Board of Trustees may provide by resolution the time and place.

**SECTION 3: SPECIAL MEETINGS:** Special meetings of the Trustees may be called by the Chairperson of the Board, or in his/her absence, by the Vice Chairperson, or by not less than a quorum of the voting Trustees. Such notice shall be given at least two (2) days in advance by telephone, mail or email. The attendance of a Trustee at any meeting shall constitute a waiver of notice of such meeting except where a Trustee attends a meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called or convened. The purpose for which the meeting was called shall be stated in the notice.

**SECTION 4: NOTICE OF MEETINGS:** Written or printed notice stating the place, agenda topics, date and hour of all Board of Trustee meetings shall be mailed or emailed to each Trustee not less than three (3) days before the date of each meeting. Public notices of all meetings shall be posted on the Library website and bulletin board.

**SECTION 5: QUORUM:** A majority of the voting Trustees shall constitute a quorum at any meeting of the Trustees for the transaction of business of any meeting of the Board; but if less than a majority of the Trustees are present at the said meeting, the Trustees must adjourn the meeting without further notice.

**SECTION 6: VOTING:** The voting Trustees may vote only in person and no voting Trustee shall be entitled to vote by proxy, mail, or teleconference.

**SECTION 7: PARLIAMENTARY PROCEDURE:** On questions of parliamentary procedure not covered by these Bylaws, "Roberts Rules of Order" shall prevail.

**SECTION 8: CHAIRPERSON:** The chief presiding officer of the Board of Trustees shall be a Chairperson who shall be elected by the Board of Trustees from its own number by a majority vote for a term of one (1) year beginning with the first annual meeting of the corporation. The Chairperson shall preside at meetings of the Board of Trustees and shall be a voting member of all committees.

**SECTION 9: COMPENSATION:** Trustees shall not receive any compensation or salaries for their services.

## ARTICLE V: OFFICERS

**SECTION 1: OFFICERS:** The officers of the corporation shall be a Chairperson, Vice Chairperson, Secretary and Treasurer.

**Commented [HAP3]:** Richard suggested we add another title: Director of Library Upgrades.

**SECTION 2: ELECTION AND TERM OF OFFICE:** The officers of the corporation shall be elected annually by the Board of Trustees at the regular September meeting of the Board and assume office the first day of October. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as convenient. New offices may be created and filled by the Board of Trustees. Each officer shall hold office until his successor shall have been duly elected and shall have qualified.

**SECTION 3: REMOVAL:** The Board may remove any officer elected or appointed by the Board of Trustees whenever in its judgment the best interests of the corporation would be served.

**SECTION 4: VACANCIES:** A vacancy in any office because of death, resignation, removal or otherwise, may be filled by the Board of Trustees for the remainder of the term.

**SECTION 5: CHAIRPERSON:** The Chairperson shall be the principal executive officer of the corporation and shall supervise and control all of the business affairs of the corporation. He/she shall also act as chief presiding officer of the Board of Trustees and shall be elected by them as provided in Article IV, Section 8 and serve for a period of one (1) year. He/she shall preside at all meetings of the Board of Trustees. He/she shall sign, together with the Secretary or any other member of the Executive Committee, any deeds, mortgages, bonds, contracts or other instruments which the Board of Trustees have authorized to be executed, and in general, shall perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the Board of Trustees.

**SECTION 6: VICE CHAIRPERSON:** The Vice Chairperson shall perform all the functions and duties of the Chairperson in his/her absence.

**SECTION 7: TREASURER:** The Treasurer shall be responsible for reviewing the financial health of the corporation with the authority to investigate any area he/she deems necessary and report any findings to the Board of Trustees. The Treasurer will monitor and safeguard the financial condition of the Library and its investment accounts. He/she shall also perform such other duties as may be assigned by the Chairperson.

**SECTION 8: SECRETARY:** The Secretary shall keep the minutes of all meetings of the Board of Trustees and shall see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law. He/she shall see that the Seal of the corporation is affixed to all documents as necessary. He/she shall also keep a register of the address of each member and in general, perform any other duties that may be assigned by the Chairperson or the Board. Each of the officers shall be a voting member of the corporation, elected by the Trustees.

**SECTION 9: LIBRARY DIRECTOR:** The Library Director and/or his/her designee shall be responsible for making purchases for the Library in accordance with State law and under the direction of the Board of Trustees, and for the daily business management of the corporation. He/she shall also receive and give receipts for monies due and payable to the corporation from any source whatsoever, make deposits and keep all records and accountings of Library receipts and expenditures, in conjunction with the Library's accountant and which shall be available for inspection by the Board of Trustees and the contributing municipalities. Other duties shall be as outlined in the Library Director's Job Description.

**Commented [HAP4]:** Insert duties of fifth position. Richard suggests: "Director of Library Upgrades: This Board member will coordinate Library remodeling and upgrades."

**SECTION 10: SPECIAL PERSONS:** The Board of Trustees shall have the authority to hire any person for specific needs, such as accountant, attorney and others as deemed necessary.



## ARTICLE VI: COMMITTEES

Commented [HAP5]: Do we need this Article? We did not adhere to Section 2 this year.

**SECTION 1: COMMITTEES OF TRUSTEES:** The Board of Trustees may designate one or more committees, each of which shall consist of two or more Trustees, to serve under the Board of Trustees for whatever purpose necessary. No committee shall have other than advisory powers.

**SECTION 2: NOMINATING COMMITTEE:** A nominating committee shall be appointed by the Board of Trustees consisting of three of its own members, and on or before thirty days prior to the September meeting of the Board of Trustees, shall nominate a voting member of the corporation for each of the elective offices to be filled.

**SECTION 3: AD HOC COMMITTEES:** For the study of special circumstances or issues, an ad hoc committee shall be appointed by the Chairperson with the approval of the Board until a final report is done.

## ARTICLE VII: CONTRACTS, FUNDS

**SECTION 1: CONTRACTS:** The Board of Trustees may authorize any officer of the corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation, such authority may be general or confined to specific instances.

**SECTION 2: FUNDING OF THE LIBRARY:** The funding of the corporation shall be primarily as follows:

- A. Contributions from the municipalities, the county and the state
- B. Memberships
- C. Conference room rentals
- D. Fund raising drives
- E. Donations from private sources
- F. Revenue from public copy machine/printer

Contributions for the maintenance and support of the corporation shall be fairly and equitably determined and shall be set forth in written agreement between the contributing municipalities.

## ARTICLE VIII: FISCAL YEAR

The fiscal year of the corporation shall begin on the first day of October and end on the last day of September of each year.

## ARTICLE IX: SEAL

The Board of Trustees shall provide a corporate seal, which shall be in the form of a circle and shall have inscribed thereon the name of the corporation and the words "Gulf Beaches Public Library Corporate Seal 1969 Florida."



#### **ARTICLE X: WAIVER OF NOTICE**

Whenever any notice is required to be given under the provisions of the Non-Profit Corporation Act of the State of Florida or under the provisions of the Articles of Incorporation or the Bylaws of the corporation, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

#### **ARTICLE XI: AMENDMENTS TO BYLAWS**

The Board of Trustees shall review these Bylaw every five (5) years. These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by a majority of the Trustees present at any regular meeting or at any special meeting, if at least fifteen (15) days 'written notice is given of intention to alter, amend, repeal or adopt new Bylaws at such meeting.

**REVISED JANUARY 24, 2022**

**INTERLOCAL AGREEMENT FOR THE CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

**THIS INTERLOCAL AGREEMENT** is made and entered into this 1st day of October, 2021, by and between the Town of Redington Shores, the Town of North Redington Beach, the Town of Redington Beach, the City of Treasure Island and the City of Madeira Beach, all municipal corporations of the State of Florida (hereinafter referred to as the "Municipalities") for the continued funding of the Gulf Beaches Public Library, being operated by Gulf Beaches Public Library, Inc. (hereinafter referred to as the "Library").

**RECITALS**

**WHEREAS**, the Municipalities organized and created a non-profit corporation known as the Library under the laws of the State of Florida on September 11, 1969; and

**WHEREAS**, the Library's articles of incorporation provide that Library administer and conduct a public library for the promotion of education and entertainment for the citizens of the Municipalities and others desiring to use the Library; and

**WHEREAS**, the business affairs of the Library shall be managed by a Board of Trustees (the "Board"), who are appointed by the Municipalities; and

**WHEREAS**, the Municipalities desire that the Board amend the Library's articles of incorporation and bylaws to address several concerns of the Municipalities; and

**WHEREAS**, the Library's articles of incorporation provide that the articles of incorporation may be amended at any regular or special meeting called for such purpose by a majority vote of the members of the Board and ratified by each of the contributing Municipalities. Written notice of such meetings held for such purpose shall be given to each of the contributing Municipalities; and

**WHEREAS**, the Municipalities wish to urge the Library's Board to call for a regular or special meeting for the purpose of amending the Library's articles of incorporation as described in this Interlocal Agreement; and

**WHEREAS**, the Library's articles of incorporation provide that contributions for maintenance and support shall be fairly and equitably determined and shall be set forth in written agreement between the contributing Municipalities; and

**WHEREAS**, Section 163.01, Florida Statutes, known as the Florida Interlocal Cooperation Act of 1969, provides for the creation of agreements between governmental organizations; and

**WHEREAS**, on June 21, 2012, the Municipalities entered into an Interlocal Agreement for the Continued Funding of the Gulf Beaches Public Library ("2012 Interlocal"); and

**WHEREAS**, the Municipalities desire to amend and supersede the 2012 Interlocal with this Interlocal Agreement as of the effective date; and

**WHEREAS**, the Library is an important cultural institution, the maintenance and continued funding of which benefits the tourists, residents of the Municipalities and the public at large.

**NOW, THEREFORE**, in fidelity to agreements each municipality entered into in creating the Library, in consideration of the mutual covenants herein contained and the benefits to be derived by the parties to this Interlocal Agreement and other good and valuable consideration hereby acknowledged, the Municipalities do agree as follows:

**SECTION 1 – PURPOSE.** This Interlocal Agreement establishes the manner for fairly and equitably determining the funding and financial support each municipality shall provide to the Library.

**SECTION 2 – TERM.** This Interlocal Agreement shall be for a term of five (5) years beginning October 1, 2021 and ending September 30, 2026, unless terminated as set forth in Section 4 below.

**SECTION 3 – RECOMMENDATIONS.** The Municipalities agree that they jointly desire and direct the Board to make the necessary changes to its articles of incorporation and bylaws to effectuate the following:

**Section 3.1.** The Municipalities agree that they will direct their Library Board appointees to have the Library’s Board to create an annual proposed budget for its operation and sustainment by April 1st, for the next following fiscal year, which begins October 1 and ends September 30. The Library shall then determine the amount proposed to be due (hereinafter referred to as “proposed proportional share”) from each municipality apportioned as to their populations using the most recent population data from the Bureau of Economic and Business Research of the University of Florida, or its successors. The annual proposed budget and the proposed proportional share shall be provided to the Municipalities no later than April 15<sup>th</sup>, for the upcoming fiscal year 2022-2023, for each municipality to consider and act upon by no later than July 31st. For each fiscal year thereafter, the annual proposed budget and proposed proportional share shall be provided to the Municipalities no later than April 15<sup>th</sup>, for the upcoming fiscal year, for each municipality to consider and act upon by no later than June 30th.

**Section 3.2.** Once the Municipalities accept their proposed proportional shares the Library will prepare an annual service agreement for each municipality which shall specify each municipality’s proportional share for the upcoming fiscal year and deliver it to each municipality before August 31st.

**Section 3.3.** The Municipalities shall then consider the service agreements and accept or reject them prior to October 1st. If accepted, the service agreement becomes an annual financial obligation of the municipality with payments due to the Library quarterly during the fiscal year. The quarterly payments shall be made no later than October 1, January 1, April 1 and July 1.

#### **SECTION 4 – TERMINATION.**

**Section 4.1.** If any municipality rejects the service agreement or otherwise fails to fund or insufficiently funds the Library, then that municipality shall immediately notify the other Municipalities and the Library of that occurrence and this Interlocal Agreement shall terminate as it relates to said municipality at the end of the current fiscal year. Termination shall be without

penalty or expense to any other municipality for any time up until the date of termination of the terminating municipality. The terminating municipality shall remain liable for annual payments due pursuant to this Interlocal Agreement and its current service agreement.

**Section 4.2.** A municipality may, for any reason, terminate its inclusion in this Interlocal Agreement and therefore its membership in the Library, effective at the end of the current fiscal year, currently September 30, by providing advance written notice given by certified mail to the other Municipalities by June 30<sup>th</sup> of the current fiscal year. By terminating, the terminating municipality agrees that the municipality no longer will be a Trustee on the Board. Within 90 days from the date of the notice of termination, the Board shall meet to determine whether to dissolve the Library or appoint another board member and amend the Library's articles of incorporation and bylaws to reflect the change in the membership and voting trustees of the Board.

**Section 4.3.** If any municipality terminates its inclusion in this Interlocal Agreement and therefore its membership in the Library, then the residents of that municipality shall be considered non-resident and may lose library privileges which may include any interlibrary lending agreements the Library may be a party to. All items out on loan to the residents shall be immediately returned, a list of which will be given to the municipality. The municipality shall make every effort to cause the return of loaned items to the Library. The terminating municipality shall be responsible for working with Pinellas Public Library Cooperative directly to determine how library service will be provided to its residents.

**Section 4.4.** A terminating municipality may reinstate its participation in the Library upon approval of the Board and any necessary revisions to its article of incorporation and bylaws and the execution of a new interlocal agreement and service agreement identifying its annual financial responsibility, provided the remaining Municipalities agree.

**Section 4.5.** To the extent there is any inconsistency between this section 4 Termination provision and the Library's articles of incorporation and bylaws, the Municipalities agree and jointly direct the Board to make the necessary changes to its articles of incorporation and bylaws to be consistent with this Interlocal Agreement.

**SECTION 5 – REORGANIZATION OF GULF BEACHES PUBLIC LIBRARY, INC.** The Municipalities agree that it is necessary to demand changes to the corporate structure of Gulf Beaches Public Library, Inc. before any contributions are made beginning October 1, 2022. Those changes are:

That the Library shall revise the make-up of its Board as follows:

- a) The Board shall be reduced to five (5) voting members. These members shall consist of one (1) member from each of the Municipalities. It is the preference of the Municipalities that the member be an elected official of the municipality.
- b) That the Board have an alternate member from each municipality that would vote only when the municipality's member was absent.
- c) That the Board shall have one (1) non-voting ex-officio members consisting of the library director.



**Section 5.1. OTHER LIBRARY BOARD ACTIONS.** The Municipalities agree that the Library's Board should take the following actions:

- a) The Library maintain its current building footprint and not budget or expend Library monies toward expansion of the Library's building.
- b) The Library budget in the fiscal year 2021-2022 budget to use the Certificates of Deposit (approximately \$430,000), Chase Building Fund (approximately \$118,000), the Chase Money Market Account (approximately \$91,000) and the Chase Operating Account (approximately \$350,000) to immediately upgrade the Library's technology and to modernize the interior of the Library building.
- c) The Library adopt a policy directing undesignated fund balance reserves shall not exceed ten (10) percent of its total undesignated fund balance.

**SECTION 6 – DISSOLUTION.** In the event of the dissolution of Gulf Beaches Public Library, Inc., the Municipalities agree that the value of the remaining intangible assets of the Library, not otherwise governed by private agreement of a donor to the Library, should be returned to the Municipalities and the Pinellas Public Library Cooperative in proportion to the proportional share contributed in the fiscal year when the dissolution occurs. The building and land that the Library leased from the City of Madeira Beach shall remain the property of the City of Madeira Beach and shall not be distributed as an asset in dissolution. The Municipalities agree that the remaining tangible assets shall be offered for donation to the Pinellas Public Library Cooperative. If the Pinellas Public Library Cooperative opts not to accept any of the tangible assets, then the rejected tangible assets shall be sold, and the funds received distributed to the Municipalities and the Pinellas Public Library Cooperative in proportion to the proportional share contributed in the fiscal year when the dissolution occurs.

**SECTION 7 – AMENDMENTS.** Amendments to this Interlocal Agreement may be proposed by any municipality that is a party to this Interlocal Agreement but must be accepted by all of the Municipalities that are parties to this Interlocal Agreement before the beginning of a new fiscal year for such proposed amendments to take effect.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

**INTERLOCAL AGREEMENT FOR THE CONTINUED FUNDING OF  
THE GULF BEACHES PUBLIC LIBRARY, INC.**

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

**For the TOWN OF REDINGTON SHORES:**

\_\_\_\_\_  
MaryBeth Henderson, Mayor

\_\_\_\_\_  
Mary Palmer, Clerk

\_\_\_\_\_  
James Denhardt, Attorney

**For the TOWN OF NORTH REDINGTON BEACH:**

\_\_\_\_\_  
William Queen, Mayor

\_\_\_\_\_  
Mari Campbell, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney


**For the TOWN OF REDINGTON BEACH:**


\_\_\_\_\_  
David Will, Mayor

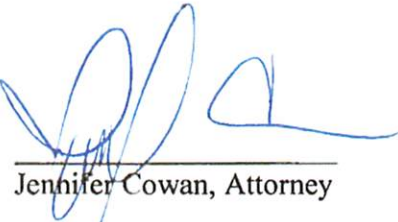
\_\_\_\_\_  
Melissa Clark, Clerk

\_\_\_\_\_  
Jay Daigneault, Attorney

**For the CITY OF TREASURE ISLAND:**

  
Tyler Payne, Mayor

  
Ruth Nickerson, Clerk

  
Jennifer Cowan, Attorney

**For the CITY OF MADEIRA BEACH:**

  
John Hendricks, Mayor

  
Clara VanBlargan, Clerk

  
Thomas J. Trask, Attorney

**For the Gulf Beaches Public Library:**

\_\_\_\_\_, Board of Trustees Chairman \_\_\_\_\_ Library Director \_\_\_\_\_, Attorney



# Memorandum

**Meeting Details:** March 22, 2023 - BOC Workshop Meeting  
**Prepared For:** Hon. Mayor and Board of Commissioners  
**Staff Contact:** Jenny Rowan, Community Development Director  
**Subject:** Ordinance 2023-15 Comprehensive Plan Activity Center Definition

---

## **Background**

Ordinance 2023-15 creates the Activity Center future land use category in the Madeira Beach Comprehensive Plan, consistent with the Countywide Rules. No specific property or location is associated with this text change. The amendment adds a category of use the community can choose when updating its plan and map in the future. Adopting the Activity Center designation for a specific property or area requires a separate land use map amendment and the adoption of regulating policies for an Activity Center.

## **Discussion**

In 2022, the city proposed an amendment (Ordinance 2022-03) to the Madeira Beach Comprehensive Plan to add the category of Activity Center. Forward Pinellas reviewed the amendment and provided minor changes to the new land use category which are reflected in Ordinance 2023-15. Second reading occurred before receiving feedback from the Department of Economic Opportunity (DEO). DEO responded to the amendment stating that the city had to rescind the adoption, adopt the Property Rights Element into the Comprehensive Plan prior to any new changes, and to resubmit the amendment after the adoption of the Property Rights Element. After the Property Rights Element was adopted, DEO “identified no adverse impacts” and provided technical assistance as a suggestion. Staff discussed the suggestions with DEO to add more substantive standards (including intensities and densities) once any land was designated Activity Center on the future land use map.

Ordinance 2023-15 is a rewrite of Ordinance 2022-03 with minor changes. The city thought it was best to repeal Ordinance 2022-03 and rewrite the Ordinance with a new number.

## **Fiscal Impact**

The fiscal impact upon the city is anticipated in the adopted budget under personnel, advertising and consulting expenses associated with the requirements of the amendment process.

## **Recommendation(s):**

Staff recommends approval of Ordinance 2023-15.

## **Attachments/Corresponding Documents**

- Ordinance 2023-15 Comprehensive Plan Activity Center Definition
- 11\_09\_22 DEO Response to Ord 2022-03
- DEO Activity Center Package 101222



## ORDINANCE 2023-15

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO ESTABLISH A LAND USE CATEGORY FOR ACTIVITY CENTER; REPEALING ORDINANCE 2022-03; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, City staff has reviewed the future land use element of the City's Comprehensive Plan; and

**WHEREAS**, City staff has recommended that the future land use element be amended to establish a land use category of Activity Center for the potential use of new Activity Centers within the city limits; and

**WHEREAS**, an ordinance establishing the land use category of Activity Center within the city limits (Ordinance 2022-03) was adopted prior to it being reviewed by the Department of Economic Opportunity as required by law; and

**WHEREAS**, the purpose of this ordinance is to repeal Ordinance 2022-03 and provide the Department of Economic Opportunity with the required opportunity to review the amendment to the future land use element that establishes a land use category for Activity Center within the city limits; and

**WHEREAS**, the Department of Economic Opportunity, in its function as the State Land Planning Agency, has reviewed and provided comments on the amendment to the Comprehensive Plan in accordance with Florida Statute 163.3184.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That Section 4.0, Future Land Use Element, Policy 1.1.2 of the City of Madeira Beach Comprehensive Plan, Policy is hereby amended to add the following paragraph at the end of said policy:

Activity Center – AC, each Activity Center is regulated by a Special Area Plan.

The uses, development standards, density/intensity standards, and locational characteristics associated with this category must be set forth in a Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved Special Area Plan) are subject to review by and approval of the Countywide Planning Authority upon recommendation of Forward Pinellas pursuant to The Countywide Rules. Each Special Area Plan establishes the density, intensity, and mix of

permitted uses, and must include, at a minimum, information addressing the requirements for Special Area Plans or their equivalent as set forth in The Countywide Rules.

**SECTION 2:** That Ordinance 2022-03 is hereby repealed.

**SECTION 3:** That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

**SECTION 4:** That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

**SECTION 5:** That the effective date of this Plan Amendment shall be thirty-one (31) days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5), Florida Statutes. If challenged, the effective date of this amendment shall be the date a Final Order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If a Final Order of Noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status. A copy of the Resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH,

THIS \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JIM ROSTEK, Mayor

ATTEST:

\_\_\_\_\_  
CLARA VANBLARGAN, MMC, MSM, City Clerk

PASSED ON FIRST  
READING: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

PASSED ON SECOND  
READING: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS J. TRASK, City Attorney

**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
SECRETARY

November 9, 2022

The Honorable John Hendricks  
Mayor, City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, Florida 33708

Dear Mayor Hendricks:

The Department of Economic Opportunity ("Department") has reviewed the City of Madeira Beach proposed comprehensive plan amendment (Amendment No. 22-02ESR), received on October 12, 2022, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered either as a suggestion which can strengthen the City's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment is:

Technical Assistance Comment (Activity Center Land Use): The City should consider revising the amendment to establish meaningful and predictable guidelines and standards to require that any subsequent amendment to designate the "Activity Center" future land use category on the City's Future Land Use Map shall also establish the related land uses, mix of uses and density and intensity of use standards for the property pursuant to the comprehensive plan amendment process of Section 163.3184, F.S., and the requirements of Sections 163.3177(1), 163.3177(6)(a)1., and 163.3177(6)(1)3.h, F.S.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
(850) 245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org) | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.Facebook.com/FLDEO](https://www.Facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.



November 9, 2022

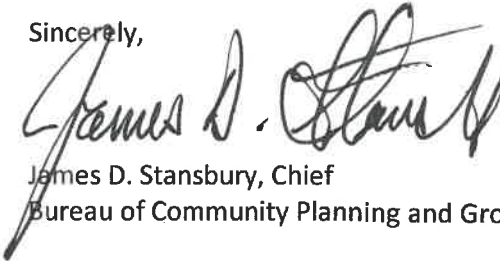
Page 2 of 2

notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.

- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Adrian Young, Planning Analyst, by telephone at (850) 717-8515 or by email at [Adrian.Young@DEO.MyFlorida.com](mailto:Adrian.Young@DEO.MyFlorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS/ay

Enclosure(s): Procedures for Adoption

cc: Jennifer Rowan, Senior Planner, City of Madeira Beach  
Sean Sullivan, Executive Director, Tampa Bay Regional Planning Council



**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS**  
**FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://fldeo.my.salesforce-sites.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ State Land Planning Agency identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

\_\_\_\_\_ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.





300 Municipal Drive  
Madeira Beach, Florida 33708  
(727) 391-9951  
Fax (727) 399-1131  
[www.madeirabeachfl.gov](http://www.madeirabeachfl.gov)

October 12, 2022

D. Ray Eubanks  
Plan Processing Administrator  
Florida Department of Economic Opportunity  
Caldwell Building  
107 East Madison Street  
Tallahassee, Florida 32399

Dear Mr. Eubanks:

The City of Madeira Beach Comprehensive Plan Amendment, Ordinance 2022-03, is hereby transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirement of Section 163.3184(3)(b), Florida Statutes. The amendment, first heard on January 12, 2022, establishes a Land Use Category for Activity Center in the City's Comprehensive Plan. Included in the packet is the letter from the DEO dated March 28, 2022, indicating that Ordinance 2022-03 should be resubmitted after the Property Rights element has been adopted.

If there are additional requirements or if more information is needed, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Rowan".

Jennifer Rowan  
Senior Planner

Encl.: Ordinance 2022-03 and Previous DEO Response Letter

## ORDINANCE 2022-03

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA,  
AMENDING THE FUTURE LAND USE ELEMENT OF THE  
COMPREHENSIVE PLAN OF THE CITY OF MADEIRA BEACH TO  
ESTABLISH A LAND USE CATEGORY FOR ACTIVITY CENTER;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS;  
AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

**WHEREAS**, City staff has reviewed the future land use element of the City's Comprehensive Plan; and

**WHEREAS**, City staff has recommended that the future land use element be updated to establish a land use category of Activity Center for the potential use of new Activity Centers within the city limits; and

**WHEREAS**, the Department of Economic Opportunity, in its function as the State Land Planning Agency, has reviewed and provided comment on the amendment to the Comprehensive Plan in accordance with Florida Statute 163.3184.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF  
COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1:** That Section 4.0, Future Land Use Element, Policy 1.1.2 of the City of Madeira Beach Comprehensive Plan, Policy is hereby amended to read as follows:

**Policy 1.1.2:**

The City of Madeira Beach hereby adopts those land use categories identified and defined in this policy as those which shall govern mixed-use development within the community pursuant to Rule 9J-5.006(3)(c)7, Florida Administrative Code. These land use categories shall be consistent with primary and secondary uses and maximum density and intensity standards listed in the Pinellas Planning Council Countywide Plan Rules, except as specifically modified herein.

**MIXED USE:**

Resort Facilities Medium (RFM), with a residential density of 0 to 18 units per acre and temporary lodging with maximum density and intensity standards as shown in the table below with an approximate percentage distribution of 70 to 100 percent residential, 0 to 20 percent nonresidential, and 0 to 10 percent "other". RFM shall not include residential equivalent uses.

Temporary Lodging Density and Intensity Standards for the RFM land use plan category are as follows, subject to the specific standards to be set forth in a Development Agreement as provided for in the City's land development regulations.

Land Area	Units per Acre	FAR	ISR
Less than 1 acre	45	1.0	0.85

Between one acre and three acres	60	1.5	0.85
Greater than three acres	75	2.0	0.85

Resort Facilities high (RFH), with a residential density of 0 to 15 dwelling units per acre and temporary lodging with maximum density and intensity standards as shown in the table below, with an approximate percentage distribution of 70 to 100 percent temporary lodging use, 0 to 20 percent tourist-related commercial, and 0 to 10 percent residential. RFH shall not include residential equivalent uses.

All applications for the Resort Facilities high plan category shall require corresponding rezoning to the PD, Planned Development zoning district pursuant to the procedures and requirements of the PD district set forth in the City's land development regulations.

Temporary Lodging Density and intensity Standards for the RFH land use plan category are as follows, subject to the specific standards to be set forth in a Development Agreement as provided for in the City's land development regulations.

Land Area	Units per Acre	FAR	ISR
Less than 1 acre	75	2.0	0.95
Between one acre and three acres	100	3.0	0.95
Greater than three acres	125	4.0	0.95

Residential/Office/Retail (R/O/R), with a residential density of 0 to 18 units per acre and a temporary lodging density of up to 45 units per acre with a maximum FAR of

1.0 and an ISR of 0.85 and a percentage distribution of 30 to 50 percent residential, 30 to 60 percent nonresidential, and 0 to 20 percent "other". R/O/R shall not include residential equivalent, research/development, and light manufacturing/assembly uses.

Planned Redevelopment – Mixed Use (PR-MU), -The purpose of this category is to depict those areas that are developed with a collection of temporary lodging residential, office, and commercial uses, along corridors, adjacent to neighborhoods or within distinct areas that are interrelated and complimentary. This category should facilitate infill and redevelopment of these areas to create a desirable mix of non-residential and residential uses by promoting aesthetically pleasing, safe environments, and buildings that are compatible with the area's character, uses, and transportation facilities.

The uses, development standards, density/intensity standards, and locational characteristics associated with this category must be set forth in, -

Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved special area plan) shall be subject to review by and approval of the Countywide

Ordinance 2022-03

Page 2

Planning Authority upon recommendation of the Pinellas Planning Council pursuant to the applicable Countywide Plan Rules Each Special Area Plan shall establish the density, intensity, and mix of permitted uses, and shall include, at a minimum, information addressing the requirements for special area plans or their equivalent as set forth in the Countywide Plan Rules.

Activity Center – AC, each activity center is regulated by a Special Area Plan.

The uses, development standards, density/intensity standards, and locational characteristics associated with this category must be set forth in a Special Area Plan approved by the Board of Commissioners. The Special Area Plan (and any substantive changes to an approved special area plan) shall be subject to review by and approval of the Countywide Planning Authority upon recommendation of the Pinellas Planning Council pursuant to the applicable Countywide Plan Rules. Each Special Area Plan shall establish the density, intensity, and mix of permitted uses, and shall include, at a minimum, information addressing the requirements for special area plans or their equivalent as set forth in the Countywide Plan Rules.

**SECTION 2:** That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

**SECTION 3:** That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

**SECTION 4:** That the effective date of this Plan Amendment shall be thirty-one (31) days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5), Florida Statutes. If challenged, the effective date of this amendment shall be the date a Final Order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, Florida Statutes. No development orders, development permits or land uses dependent on this amendment may be issued or commenced before it has become effective. If a Final Order of Noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status. A copy of the Resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.



INTRODUCED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY  
OF MADEIRA BEACH,

THIS \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
JOHN B. HENDRICKS, Mayor

ATTEST:

\_\_\_\_\_  
CLARA VANBLARGAN, MMC, MSM, City Clerk

PASSED ON FIRST  
READING:

PUBLISHED:  
PASSED ON SECOND  
READING:

APPROVED AS TO FORM:

\_\_\_\_\_  
THOMAS J. TRASK, City Attorney

**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
SECRETARY

March 28, 2022

Ms. Linda Portal  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, Florida 33708

RE: 2<sup>nd</sup> Reading of Ordinance 2022-03

Dear Ms. Portal:

The Department has received a large-scale amendment adopted by Ordinance No. 2022-03 on February 9, 2022. The amendment package is being returned to the City for the following reasons:

- The Department did not receive the proposed amendment for initial review and therefore, the City did not have the authority to adopt Ordinance No. 2022-03 on February 9, 2022.
- Section 163.3177(6)(i), F.S., precludes local governments from amending their comprehensive plan until the property rights element has been adopted.

The Department is returning the adopted amendment. The City should:

- rescind the ordinance adopting the plan amendment and transmit the proposed amendment following the procedures outlined in Sections 163.3174(4)(a), 163.3184(11), and 163.3184(3), Florida Statutes;
- transmit the proposed property rights element amendment under the expedited state review process under Section 163.3184, Florida Statutes. The City may resubmit the proposed amendment to the Department as part of the proposed property rights element amendment package or after the property rights element has been adopted.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Ms. Linda Portal  
March 28, 2022  
Page Two

If you have any questions concerning this request, please contact Ray Eubanks by email at [ray.eubank@deo.myflorida.com](mailto:ray.eubank@deo.myflorida.com) or by phone at (850) 717-8483.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Ray Eubanks".

D. Ray Eubanks  
Plan Processing Administrator

DRE/dh

**City of Madeira Beach  
No. 2 Charter Amendment**

**Appointment of Director of Finance and City Treasurer and Delegation of Duties and Responsibilities**

This charter amendment would amend Section 5.5 of the Charter to provide the Board of Commissioners with the option to delegate to a contractor or firm to perform the services of Director of Finance and City Treasurer. Should the Charter be amended?

**Ciudad de Madeira Beach  
N.º 2 Enmienda a los Estatutos**

**Nombramiento y Delegación de los Deberes y las Responsabilidades del Director de Finanzas y Tesorero de la Ciudad**

Esta enmienda al Estatuto sirve para modificar la Sección 5.5 del Estatuto, con el fin de proporcionar a la Junta de Comisionados la opción de delegar un contratista o empresa privada para que desempeñe los servicios del Director de Finanzas y Tesorero de la Ciudad. ¿Se debe modificar el Estatuto?

Yes / Sí

No / No



# 2023 Municipal Elections

## March 14, 2023

RESULTS

MY FAVORITE RACES ★ (0)

### Unofficial Results

**Includes partial Mail Ballots**

**Does not include Provisional Ballots**

**Municipalities opted out of Early Voting**



## CITY OF MADEIRA BEACH NO. 2 CHARTER AMENDMENT

(VOTE FOR: 1)

Last updated

★ (0)

📅 Tuesday, March 14, 2023, 7:55:42 PM (15 hours ago)

[Results](#)

Party / Candidate

Votes

☐ Yes

427

44.29%

☐ No

537

55.71%

Vote Cast

964

Previous Contest:



City of Madeira Beach No. 1 Charter Amendment

Next Contest:



City of Tarpon Springs No. 1 Referendum Question

### PRECINCTS REPORTING

Donut

Pie

Bar



PRECINCTS REPORTING 32/32

VOTER TURNOUT

TOTAL	25.72%
Ballots Cast	14,894
Registered Voters	57,912

© 2023 Copyright: [scyt.us](#)