



Resolution 2020-39 Notice: Rules of Decorum

The speaker may present their viewpoint in this limited public forum without using terminology or gestures that cause a disruptive environment for public officials in the discharge of their duties or cause a disruptive environment hostile to the participation of other members of the public. Any person violating the rules of decorum as described in this section or otherwise displaying disruptive behavior, such as but not limited to, shouting, noisemaking, issuing threats, harassing or intimidating members of the public, interfering with the duties of elected or appointed officials and City staff during a public meeting, or otherwise interrupting or disrupting the proceedings may be removed from the public assembly pursuant to law.

Each speaker must comply with the following rules of decorum when addressing the commission, board or committee:

- The speaker may not address the commission, board or committee from the audience.
- The speaker may only approach the podium to speak when recognized by the chairperson.
- The speaker may not approach the dais without the chairperson's permission.
- The speaker must direct questions and comments at the commission, board or committee, through the chairperson.
- The speaker must observe the time limits set for public comment.
- The speaker at a public hearing must limit his or her comments to the subject of the hearing.
- The speaker must avoid making irrelevant, repetitive, personal, impertinent or slanderous comments.

A speaker violating these rules of decorum or otherwise disrupting a meeting may be gaveled out of order by the chairperson, and if the speaker willfully refuses to abide by the lawful order of the chairperson to cede the floor and cease and desist all disruptive behavior, the speaker may be removed for disrupting a public assembly pursuant to Chapter 871.01, Florida Statutes.

All members of the public, City Commission, staff, appointed board or committee members are required to wear a face covering over the nose and mouth at all times while in the meeting room in accordance with Administrative Order 20-17.



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, MARCH 22, 2021 - 5:00 PM
Alcazar Room**

1. CALL TO ORDER

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ◆ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

- 3.A.**
 - **Proclamation 2021-03**: Proclaims March 2021 as Archaeology Month. (*T. Upchurch, Mayor*)
 - **Proclamation 2021-04**: Proclaims April 2021 as Water Conservation Month. (*R. Horvath, Commissioner*)

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

- ◆ 3 minutes per individual

5. CONSENT AGENDA - READ BY CITY MANAGER

6. APPEALS

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF **10** MINUTES PER PRESENTATION)). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

- 7.A. General Public Presentations**
- 7.B. Items of Great Public Importance**
- 7.C. Other Items Requiring Public Hearing**

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

- 8.A. Ordinances - Second Reading**
- 8.B. Ordinances - First Reading (only if required by law)**
- 8.C. Resolutions - Public Hearing (only if required by law)**

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

- 9.A. Ordinances - First Reading**
- 9.B. Resolutions**

- 9.B.1. Resolution 2021-12:** Establishes a cart fee for new residential customers and a cart swap fee for customers requesting new carts. *(T. Grant, Director Utilities)*
- 9.B.2. Resolution 2021-13:** Supports HB 3409 regarding appropriation for the Lincolnville Museum. *(I. Lopez, City Attorney)*
- 9.B.3. Resolution 2021-14:** Supports HB 3901 regarding appropriation for the West Augustine Care Center. *(I. Lopez, City Attorney)*
- 9.B.4. Resolution 2021-15:** Supports HB 1481 and SB 1988 regarding regulations for vacation rentals. *(I. Lopez, City Attorney)*
- 9.B.5. Resolution 2021-16:** Supports SB 1954, HB 7019 and HB 7021 regarding the Resilient Florida Grant Program and Trust Fund. *(I. Lopez, City Attorney)*
- 9.B.6. Resolution 2021-17:** Supports SB 1186, HB 1379, HJR 1377, and SJR 1182 regarding ad valorem tax breaks. *(I. Lopez, City Attorney)*

10. STAFF REPORTS AND PRESENTATIONS

- 10.A.** Presentation regarding the City's Tree Canopy Enhancement Program. *(T. Grant, Director Utilities and Glabra Skipp, Environmental Program Coordinator)*

11. ITEMS BY CITY ATTORNEY

- 11.A.** Legislative tracking. (No presentation)

12. ITEMS BY CITY CLERK

13. ITEMS BY CITY MANAGER

- 13.A.** Discussion regarding SB 1944/HB 1567 providing a statutory mechanism for the removal of pole attachments and speed the removal of double poles. *(J. Regan, City Manager)*

14. ITEMS BY MAYOR AND COMMISSIONERS

- 14.A.** 5th Cent Tourism Bed Tax Option. *(N. Sikes-Kline, Commissioner)*

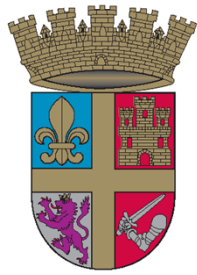
15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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." ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CONSENT AGENDA - MARCH 22, 2021

- CA.1.** Preview of upcoming Commission meetings.
- CA.2.** **THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON APRIL 12, 2021: NONE**
- CA.3.** **Reminder of Upcoming Meetings:**
- April 12, 2021 - 5pm - Regular City Commission Meeting
 - April 26, 2021 - 5pm - Regular City Commission Meeting
 - May 10, 2021 - 5pm - Regular City Commission Meeting
- CA.4.** **APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:**
- January 25, 2021, Regular Commission Meeting
 - February 8, 2021, Regular Commission Meeting
 - February 22, 2021, Regular Commission Meeting
- CA.5.** **RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):**
107 Plantation Point Drive - Patricia Dunn
- CA.6.** **NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:**
Proclamation 2021-05: Proclaiming March 24, 2021 as Education and Sharing Day. *(N. Sikes-Kline, Commissioner)*
- CA.7.** **PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.**
- CA.8.** Subrecipient subaward funding agreement between St. Johns County and the City. *(M. Breidenstein, Assistant City Manager)*
- CA.9.** February financial report. *(M. Simpson, Director Finance)*
- CA.10.** Final subdivision plat - Inlet View (replat). *(D. Birchim, Director, Planning and Building)*
- CA.11.** Appointment to the City of St. Augustine Audit Review Committee. *(D. Galambos, City Clerk)*
- CA.12.** Invoices to Cavendish Partners, P.A. regarding Masci General Contractor, Inc. v COSA in the amount of \$1,534.00 and regarding Marlowe v COSA in the amount of \$3,770.00. *(I. Lopez, City Attorney)*

End Consent Agenda



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, the month of March has been designated Florida Archaeology Month by the State of Florida in recognition of archaeology's importance in understanding and preserving the State's cultural resources, as well as promoting public awareness of those resources; and

WHEREAS, the City of St. Augustine has recognized the significance of its archaeological heritage and has endeavored to document the remains of both the prehistoric and historical past by establishing an archaeological ordinance and program; thereby, underscoring the national and international significance of that heritage; and

WHEREAS, the City of St. Augustine has endeavored to illuminate the results of archaeological findings to the public (both residents and visitors) through media sources and other venues of communication so as to spark interest in St. Augustine's unique cultural heritage; and

WHEREAS, community organizations and public involvement, together, play a critical role in protecting and documenting the City's fragile and irreplaceable archaeological record;

*NOW, THEREFORE, the City Commission of the City of St. Augustine does hereby proclaim the month of March 2021, as **ARCHAEOLOGY MONTH** in St. Augustine; and encourages citizens to support archaeological efforts to preserve St. Augustine's cultural heritage.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 22nd day of March in the year of our Lord two thousand and twenty-one and the four hundred and fifty-fifth year of the founding of St. Augustine, the Nation's Oldest City.

Tracy Upchurch, Mayor

2021-03

"Most Loyal and Valorous"

Title conferred on the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

WHEREAS, Florida's natural beauty, crystal blue waters and white sand beaches attract residents and visitors from around the world; and

WHEREAS, clean and sustainable water resources are vital to Florida's environment, economy and quality of life; and

WHEREAS, more than 90 percent of Florida's drinking water is supplied by underlying aquifers, and our quality of life and the economy depend upon a clean and healthy environment; and

WHEREAS, Floridians consume more than 7.9 billion gallons per day of fresh water, and the future of Florida depends greatly upon the availability of water; and

WHEREAS, The State of Florida, Water Management Districts and the City of St. Augustine are working together to increase awareness about the importance of water conservation; and

WHEREAS, the City of St. Augustine and the State of Florida has designated April, typically a dry month when water demands are most acute, as Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

WHEREAS, the City of St. Augustine has always encouraged and supported water conservation, through various educational programs and special events.

NOW, THEREFORE, BE IT PROCLAIMED the City Commission of the City of St. Augustine, does hereby proclaim April 2021 as **"Water Conservation Month"** and calls upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 22nd day of March in the year of our Lord two thousand and twenty-one and the four hundred and fifty-fifth year of the founding of St. Augustine, the Nation's Oldest City.

Tracy Upchurch, Mayor

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: March 9, 2021

RE: Agenda Item for March 22, 2021 City Commission Meeting;
Resolution 2021-12- Cart Fees

Resolution 2021-12 establishes a cart fee for new residential customers. The solid waste division historically spends \$10,000 to \$20,000 annually on new trash and recycle carts. Every newly constructed residential property is supplied with 2 carts. The carts are delivered by staff to the resident. The cost to purchase and supply these carts is not captured in the monthly residential fee of \$17.44. Within the next 2 years, there will be an additional 200+ new residences receiving solid waste services. The proposed \$100 fee will cover the cost to purchase and deliver the carts.

Also proposed is a cart swap fee of \$30. On occasion, a new homeowner of an existing residence will request new carts. This fee will cover the cost to deliver new carts and pressure wash the existing carts prior to retuning them into service.

If you should have any questions, please contact me.

Sincerely,



Todd Grant, P.G.
Utilities Director

Attachment

cc:

Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Mark Simpson, Finance Director

RESOLUTION 2021-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA MADE PURSUANT TO THE AUTHORITY OF SECTION 30-10 OF THE CODE OF THE CITY OF ST. AUGUSTINE AMENDING THE ADOPTED SCHEDULE OF SOLID WASTE RATES AND MISCELLANEOUS FEES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Augustine provides solid waste services for residential and commercial properties, including recycling, bulk collections, and yard waste; and

WHEREAS, the City of St. Augustine operates the solid waste fund as an enterprise fund; and

WHEREAS, the City Commission of the City of St. Augustine by ordinance previously has established the rates, fees and charges pertaining to the Utility; and

WHEREAS, pursuant to the provisions of applicable law, the City Commission sets rates, fees and charges for services furnished by the Solid Waste Division; and

WHEREAS, the City of St. Augustine desires to add a Cart Initiation Fee and a Cart Swap Fee to the current schedule of solid waste rates and fees; and

WHEREAS, all current rates and fees will remain unchanged; and

WHEREAS, the City Commission has enacted Ordinance 2017-31 which provides that the City Commission, from time to time, may establish by resolution such rates and fees as shall be necessary to meet the City's obligations relating to the Solid Waste operation and to meet all other obligations of the City related to Solid Waste; and

WHEREAS, the City Commission desires to continue to maintain fair, just, equitable and appropriate rates, fees, and charges.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein by reference and made a part of this Resolution.

Section 2. The fees described in **Exhibit “A”**, Amendment to the Schedule of Solid Waste Rates and Fees, attached hereto and incorporated herein, are hereby adopted by the City of St. Augustine.

Section 3. All other provisions of the Schedule of Solid Waste Rates and Fees not in conflict herein are hereby affirmed and restated.

Section 4. The fees shall become effective immediately upon passage.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this ____ day of _____, 2021.

Tracy Upchurch, Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

(SEAL)

Exhibit "A"

**AMENDMENT TO THE CITY OF ST. AUGUSTINE SOLID WASTE RATES
2021**

Cart Fees

New Customer Cart Service: \$100 per New Residential Service Established**

Cart Swap Fee: \$ 30 per Customer requested change-out

***Fee includes one (1) 65-gallon household trash can and one (1) 65-gallon recycling can.*

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: March 10, 2021

RE: **RESOLUTION 2021-13: SUPPORTING HOUSE BILL 3409**

Please find enclosed Resolution 2021-13 supporting House Bill 3409 that would provide an appropriation for the Lincolnville Museum's preservation and operation.

Please place Resolution 2021-13 on the regular City Commission agenda for adoption on March 22, 2021.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Resolution 2021-13: Supporting HB 3409 regarding appropriation for the Lincolnville Museum.

RESOLUTION 2021-13

**A RESOLUTION OF THE CITY COMMISSION OF ST.
AUGUSTINE, FLORIDA SUPPORTING HOUSE BILL 3409
PROVIDING AN APPROPRIATION FOR THE LINCOLNVILLE
MUSEUM'S PRESERVATION AND OPERATIONS.**

WHEREAS, the Lincolnville Museum is a comprehensive museum of African American history and culture that preserves, promotes and perpetuates more than 450 years of Black heritage through exhibits, educational programs, oral histories, archives management, the arts and live performances; and

WHEREAS, the Lincoln Museum is seeking an appropriation of funds in order to complete renovations to the Excelsior Building including with audio visual equipment, and a secure digital network to enhance the storage and retrieval of digital archives within the museum and offer public access; and

WHEREAS, it is important to preserve and enhance this African American heritage resource in the City of St. Augustine that utilizes educational programs and exhibits to depict the multi-ethnic diversity throughout history.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of the City of St. Augustine, Florida hereby urges the Florida Legislature and Cabinet to support House Bill 3409.

Section 2: The City Commission of the City of St. Augustine, Florida hereby authorizes the City Clerk to transmit this Resolution to the Florida Legislature and Cabinet.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of March 2021.

CITY OF ST. AUGUSTINE, FLORIDA

ATTEST:

Darlene Galambos, City Clerk
(Corporate Seal)

Tracy Upchurch, Mayor-Commissioner

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: March 10, 2021

RE: **RESOLUTION 2021-14: SUPPORTING HOUSE BILL 3901**

Please find enclosed Resolution 2021-14 supporting House Bill 3901 that would provide an appropriation for the West Augustine Care Center.

Please place Resolution 2021-14 on the regular City Commission agenda for adoption on March 22, 2021.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Resolution 2021-14: Supporting HB 3901 regarding appropriation for the West Augustine Care Center.

RESOLUTION 2021-14

A RESOLUTION OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA SUPPORTING HOUSE BILL 3901 PROVIDING AN APPROPRIATION FOR THE WEST AUGUSTINE CARE CENTER.

WHEREAS, the West Augustine Historical Community Development Corporation is seeking an appropriation of funds to construct the West Augustine Care Center; and

WHEREAS, the West Augustine Care Center will be a health center that was envisioned based, in part, on the 2018-2020 Community Health Improvement Plan; and

WHEREAS, the principle beneficiaries of the Care Center will be lower income residents from the West Augustine area, a “medical desert” area that currently provides inadequate access to one or more kinds of medical services, however, the center will be made available for all St. Johns County residents; and

WHEREAS, the West Augustine Care Center will focus largely on redirecting ill residents of West Augustine to the Center as an alternative to emergency room visits for nonemergency health issues or concerns and will focus on illness prevention strategies by influencing behavioral changes that will result in awareness of proper diet, increased health check-ups, and exercise.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of the City of St. Augustine, Florida hereby urges the Florida Legislature and Cabinet to support House Bill 3901.

Section 2: The City Commission of the City of St. Augustine, Florida hereby authorizes the City Clerk to transmit this Resolution to the Florida Legislature and Cabinet.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of March 2021.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA

Darlene Galambos, City Clerk
(Corporate Seal)

Tracy Upchurch, Mayor-Commissioner

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: March 10, 2021

RE: **RESOLUTION 2021-15: SUPPORTING HOUSE BILL 1481 AND SENATE BILL 1988**

Please find enclosed Resolution 2021-15 supporting House Bill 1481 and Senate Bill 1988 that would authorize local governments to adopt and apply regulations to vacation rentals.

Please place Resolution 2021-15 on the regular City Commission agenda for adoption on March 22, 2021.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Resolution 2021-15: Supporting HB 1481 and SB 1988 regarding regulations for vacation rentals.

RESOLUTION 2021-15

A RESOLUTION OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA SUPPORTING HOUSE BILL 1481 AND SENATE BILL 1988 AUTHORIZING LOCAL GOVERNMENTS TO ADOPT AND APPLY CERTAIN REGULATIONS AND ORDINANCES TO VACATION RENTALS UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, vacation rentals are causing problems in many cities around the state including noise, inadequate parking, infrastructure intended for residential use being used on a commercial scale, and decreased property values in neighborhoods taken over by vacation rentals; and

WHEREAS, Section 509.032(7)(b), Florida Statutes, preempts local government from prohibiting vacation rentals and from regulating the duration or frequency of the rentals; and

WHEREAS, House Bill 1481 and Senate Bill 1988 would amend Section 509.032(7)(b) to authorize a county or municipality to adopt and apply zoning regulations, land development regulations, or other ordinances to vacations rentals, so long as such requirements do not have the effect of prohibiting the siting of vacation rentals within the county or municipality; and

WHEREAS, House Bill 1481 and Senate Bill 1988 would also amend Section 509.241(2), Florida Statutes, to require an applicant for a license for a vacation rental to provide to the Division of Hotels and Restaurants of the Department of Business and Professional Regulation with proof of inspection and compliance with county, municipal, building, zoning, and fire safety codes, proof that the homeowner's insurance allows use as a transient public lodging establishment, and a signed affidavit from the chief executive of the municipality or the county if the property is in an unincorporated area confirming that operating a vacation rental at that location is allowed; and

WHEREAS, current statutory preemption of local zoning regulations on vacation rentals directly and adversely affect the quality of life of residents.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of the City of St. Augustine, Florida hereby urges the Florida Legislature and Cabinet to support House Bill 1481 and Senate Bill 1988.

Section 2: The City Commission of the City of St. Augustine, Florida hereby authorizes the City Clerk to transmit this Resolution to the Florida Legislature and Cabinet.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of March 2021.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA

Darlene Galambos, City Clerk
(Corporate Seal)

Tracy Upchurch, Mayor-Commissioner

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: March 10, 2021

RE: **RESOLUTION 2021-16: SUPPORTING SENATE BILL 1954 AND HOUSE BILLS 7019 & 7021**

Please find enclosed Resolution 2021-16 supporting Senate Bill 1954 and House Bills 7019 and 7021 that would establish the Resilient Florida Grant Program and the Resilient Florida Trust Fund.

Please place Resolution 2021-16 on the regular City Commission agenda for adoption on March 22, 2021.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Resolution 2021-16: Supporting SB 1954, HB 7019, and HB 7021 regarding the Resilient Florida Grant Program and Trust Fund.

RESOLUTION 2021-16

A RESOLUTION OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA SUPPORTING SENATE BILL 1954 AND HOUSE BILL 7019 ESTABLISHING THE RESILIENT FLORIDA GRANT PROGRAM WITHIN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND HOUSE BILL 7021 CREATING THE RESILIENT FLORIDA TRUST FUND.

WHEREAS, Florida faces significant risks from flooding and sea level rise that threatens millions of homes throughout the state; and

WHEREAS, Senate Bill 1954 and House Bill 7019 would establish the Resilient Florida Grant Program within the Department of Environmental Protection to authorize the department to provide grants to local governments to fund the costs of community resilience planning and would require the department to develop a Statewide Flooding and Sea Level Rise Resilience Plan; and

WHEREAS, House Bill 7021 would create the Resilient Florida Trust Fund within the Department of Environmental Protection to be available as a funding source for the Resilient Florida Grant Program; and

WHEREAS, cities and counties in Florida have already invested over \$4 billion in sea level rise solutions, therefore coordinating a statewide response is key to creating a more resilient Florida.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of the City of St. Augustine, Florida hereby urges the Florida Legislature and Cabinet to support Senate Bill 1954 and House Bills 7019 and 7021.

Section 2: The City Commission of the City of St. Augustine, Florida hereby authorizes the City Clerk to transmit this Resolution to the Florida Legislature and Cabinet.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of March 2021.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA

Darlene Galambos, City Clerk
(Corporate Seal)

Tracy Upchurch, Mayor-Commissioner

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: March 10, 2021

RE: **RESOLUTION 2021-17: SUPPORTING SENATE BILL 1186, HOUSE BILL 1379, HOUSE JOINT RESOLUTION 1377, AND SENATE JOINT RESOLUTION 1182**

Please find enclosed Resolution 2021-17 supporting Senate Bill 1186, House Bill 1379, House Joint Resolution 1377, and Senate Joint Resolution 1182 that would prohibit an increase in the assessed value of residential real property as a result of any change or improvement made to improve the property's resistance to flood damage.

Please place Resolution 2021-17 on the regular City Commission agenda for adoption on March 22, 2021.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Darlene Galambos, City Clerk *(with original)*

Agenda Title:

Resolution 2021-17: Supporting SB 1186, HB 1379, HJR 1377, and SJR 1182 regarding ad valorem tax breaks.

RESOLUTION 2021-17

A RESOLUTION OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA SUPPORTING SENATE BILL 1186, HOUSE BILL 1379, HOUSE JOINT RESOLUTION 1377, AND SENATE JOINT RESOLUTION 1182 TO PROVIDE THAT CHANGES TO ELEVATE CERTAIN HOMESTEAD AND NONHOMESTEAD RESIDENTIAL PROPERTY DO NOT INCREASE THE ASSESSED VALUE OF THE PROPERTY FOR AD VALOREM TAXATION PURPOSES.

WHEREAS, Senate Bill 1186 and House Bill 1379 would amend Sections 193.155 and 193.1554, Florida Statutes to specify that the voluntary elevation of residential property to bring the property into compliance with National Flood Insurance Program requirements and Florida Building Code elevation requirements shall not increase the property's assessed value under certain circumstances; and

WHEREAS, House Joint Resolution 1377, and Senate Joint Resolution 1182 would amend the Florida Constitution to authorize the Legislature to prohibit an increase in the assessed value of residential real property as a result of any change or improvement made to improve the property's resistance to flood damage; and

WHEREAS, if the proposed amendment is approved, homeowners will be able to voluntarily elevate their residential property without raising the property's assessed value which will result in a positive fiscal impact as homeowners will be able to take advantage of ad valorem tax savings.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of the City of St. Augustine, Florida hereby urges the Florida Legislature and Cabinet to support Senate Bill 1186, House Bill 1379, House Joint Resolution 1377, and Senate Joint Resolution 1182.

Section 2: The City Commission of the City of St. Augustine, Florida hereby authorizes the City Clerk to transmit this Resolution to the Florida Legislature and Cabinet.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this ____ day of March 2021.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA

Darlene Galambos, City Clerk
(Corporate Seal)

Tracy Upchurch, Mayor-Commissioner



Tree Canopy Enhancement Program

Todd Grant
Utilities Director

Glabra Skipp
Environmental Program Coordinator

March 22, 2021



Sustainability Workshop



CITY OF ST. AUGUSTINE CITY COMMISSION SPECIAL MEETING

WEDNESDAY, FEBRUARY 19, 2020

2:00-4:00 P.M.
ALCAZAR ROOM

AGENDA

1. Roll call
2. General Public Comments
3. Sustainability Discussion
 - Internal Sustainability Plan
 - Organic Waste Initiative
 - **Tree Canopy Enhancement**
 - Business Recognition Program
 - Big Belly Solar Trash Cans
 - FPL LED Street Light Program & Utility Undergrounding
4. Items by Commissioners
5. Adjourn



CITY OF
ST. AUGUSTINE
EST. 1565

Tree Canopy Enhancement Program

➤ Tree Program

- Researched various tree programs throughout the state
- Unique factors to COSA
 - Limited ROW options
- City of Orlando model program
 - 250 - 300 free trees planted/year
 - Plant in ROW and on private property



Tree Canopy Enhancement Program

➤ Program Overview

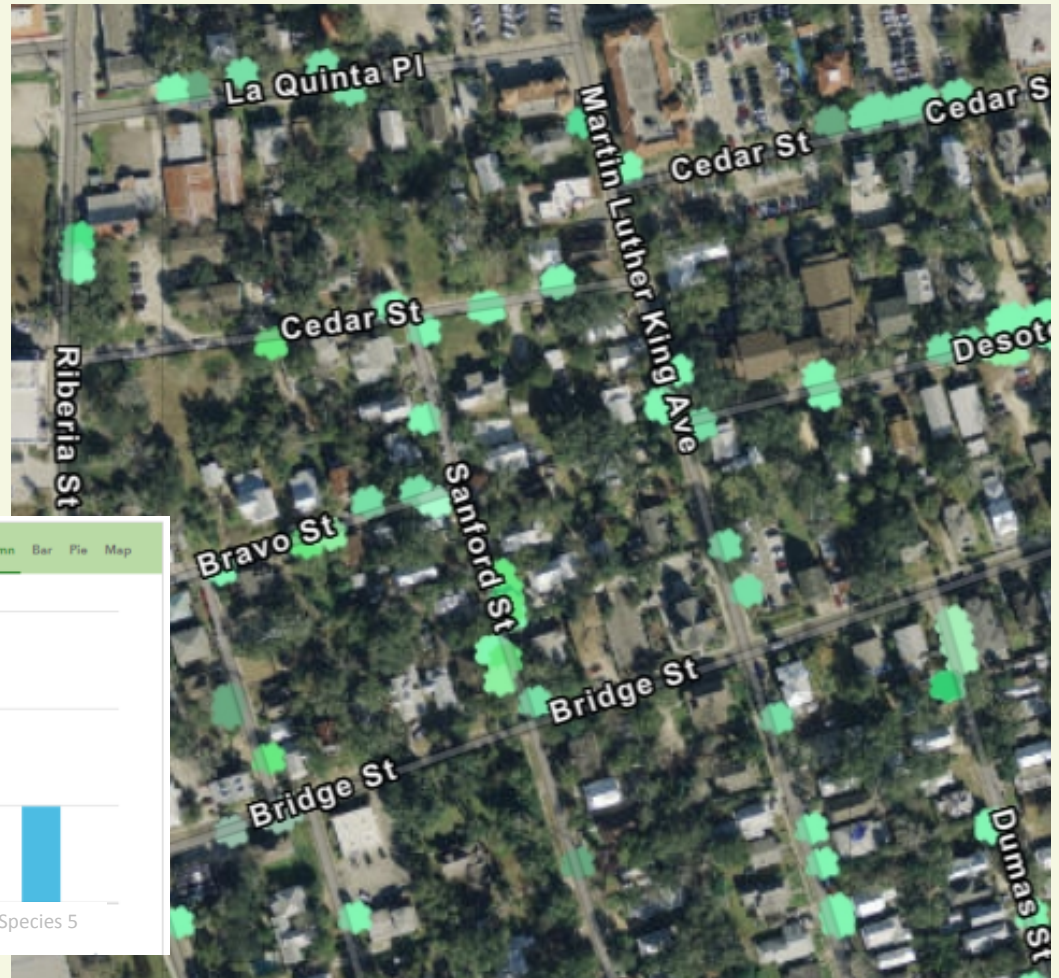
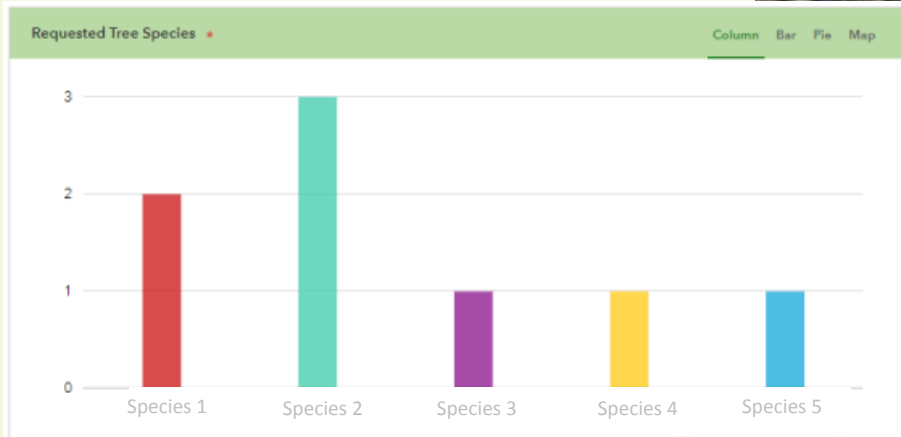
- Free tree planted in resident's yard
- Application window: June – August
- Limited number of applications/trees based on budget
- Access/Hold Harmless Agreement
- Site inspection – Right Tree Right Place
- Tree installation: November – February
- Resident responsible for watering and maintenance



Tree Canopy Enhancement Program

➤ Data Collection & Tracking

- Utilize GIS & Cityworks
- Plot trees planted
- Track program costs





➤ Next Steps

➤ Questions?



CITY OF
ST AUGUSTINE
EST. 1565

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CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

DATE: March 11, 2021

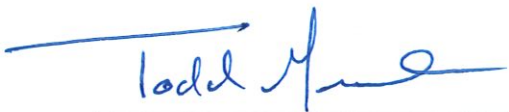
RE: Agenda Item for March 22, 2021 City Commission Meeting
Staff Presentation – Tree Canopy Enhancement Program

City staff presented various initiatives and programs to the City Commission during a February 19, 2020 workshop. One item discussed was enhancing the city's tree replacement program.

Under the leadership of the Environmental Programs Coordinator, Glabra Skipp, city staff have formalized a program that will allow residents to request a tree within the right-of-way in front of their property or on private property. We will present the research conducted and how this new program can be implemented.

Please contact me if you have additional questions or need more supporting information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Grant", with a horizontal line extending to the left.

Todd Grant, P.G.
Utilities Director

Attachment: Staff Presentation

cc: Meredith Breidenstein, Assistant City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Reuben Franklin, P.E., Public Works Director

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor, and City Commissioners

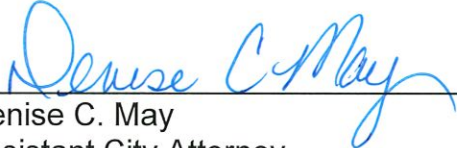
DATE: March 12, 2021

RE: **2021 LEGISLATIVE SESSION UPDATE**

Please find enclosed updated versions of "City Commission Priorities Spreadsheet" and the "City Attorney Legislative Bill Tracking" spreadsheet for review.

Please place these spreadsheets on the agenda for the March 22, 2021 City Commission meeting under item 11.A.

Thank you,



Denise C. May
Assistant City Attorney

xc: John Regan, City Manager
Isabelle Lopez, City Attorney

CITY COMMISSION PRIORITIES SPREADSHEET

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
BILLS TO SUPPORT					
SB 596	Preemption of Tree Pruning, Trimming, and Removal	Stewart	Repealing a provision relating to tree pruning, trimming, or removal on residential property, etc.	1/13/2021 Filed. Referred to Community Affairs, Judiciary, Rules.	No Committee Hearings scheduled to date.
HB 6023	Preemption of Tree Pruning, Trimming, and Removal	Eskamani	Repeals provisions relating to tree pruning, trimming, & removal on residential property.	1/12/2021 Filed. Referred to Local Administration and Veterans Affairs Subcommittee; Commerce Committee, State Affairs Committee.	No Committee Hearings scheduled to date.
SB 594	Preemption of Recyclable and Polystyrene Materials	Stewart/Polisky	Deleting preemptions of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; repealing the preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services, etc.	1/12/2021 Filed. Referred to Environment and Natural Resources, Community Affairs, Rules.	No Committee Hearings scheduled to date
HB 6027	Preemption of Recyclable and Polystyrene Materials	Grieco	Removes prohibition of local laws relating to regulation of auxiliary containers, wrappings, & disposable plastic bags; repeals preemption of local laws relating to use or sale of polystyrene products to DACS.	1/12/2021 Filed. Referred to Regulatory Reform Subcommittee, Local Administration and Veterans Affairs Subcommittee; Commerce Committee.	No Committee Hearings scheduled to date
SB 514	Resiliency	Rodrigues	Establishing the Statewide Office of Resiliency within the Executive Office of the Governor, creating the Statewide Sea-Level Rise Task Force adjunct to the office; authorizing the Department of Environmental Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force's recommendations, etc.	1/8/2021 Filed. Referred to Environment and Natural Resources, Appropriations Subcommittee on Agriculture, Environment, and General Government, Appropriations.	Favorable by Environment & Natural Resources, YEAS 6, NAYS 0 Now in Appropriations Subcommittee on Agriculture, Environment, & General Govt.
HB 315	Resiliency	LaMarca	Establishes Statewide Office of Resiliency within EOG; provides for appointment of Chief Resilience Officer by Governor; creates Statewide Sea-Level Rise Task Force adjunct to office; authorizes DEP to contract for specified services upon request of task force; authorizes task force to designate technical advisory groups; requires Environmental Regulation Commission to take certain action on task force recommendations; provides appropriation.	1/19/2021 Filed. Referred to Environment, Agriculture & Flooding Subcommittee; Appropriations Committee; State Affairs Committee.	Now in Environment, Agriculture & Flooding Subcommittee.
HB 1481	Vacation Rentals	Goff-Marcili; Daley	Authorizes local governmental entities to adopt & apply certain regulations & ordinances to vacation rentals under certain circumstances; provides exceptions; requires applicant for vacation rental license to provide Division of Hotels & Restaurants of DBPR with certain information.	2/26/2021 Filed. Referred to Regulatory Reform Subcommittee; Ways & Means Committee; Commerce Committee.	Now in Regulatory Reform Subcommittee.
SB 1988	Vacation Rentals	Pizzo	Authorizing local governmental entities to adopt and apply certain regulations and ordinances to vacation rentals under certain circumstances; requiring an applicant for a vacation rental license to provide the Division of Hotels and Restaurants of the Department of Business and Professional Regulation with certain information, etc.	3/1/2021 Filed. Referred to Regulated Industries; Community Affairs, Rules	No Committee Hearings scheduled to date

CITY COMMISSION PRIORITIES SPREADSHEET

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
BILLS TO SUPPORT					
HB 1379	Property Assessments for Elevated Properties	Chaney; Aloupis	Specifies changes to homestead & nonhomestead residential property do not increase assessed value of property; requires property owners to provide certification for such property; prohibits certain areas from being included in square footage calculation. NOTE: Effective Date: on the effective date of the amendment to the State Constitution proposed by HJR 1377 or a similar joint resolution having substantially the same specific intent and purpose	2/26/2021 Filed. Referred to: Environment, Agriculture & Flooding Subcommittee; Ways & Means Committee; State Affairs Committee.	Now in Environment, Agriculture & Flooding Subcommittee.
SB 1186	Property Assessments for Elevated Properties	Brandes	Specifying that changes to elevate certain homestead and nonhomestead residential property, respectively, do not increase the assessed value of the property under certain circumstances; requiring property owners to provide certification for such property; prohibiting certain areas from being included in square footage calculation, etc. NOTE: On the effective date of the amendment to the State Constitution proposed by SJR 1182 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2022 or at an earlier special election specifically authorized by law for that purpose	2/9/2021 Filed. Referred to Community Affairs; Finance & Tax; Appropriations.	Favorable CS by Community Affairs; YEAS 9, NAYS 0. Next to Finance & Tax.
HJR 1377	Limitations on the Assessment of Real Property	Chaney	Proposes amendment to State Constitution to authorize Legislature to prohibit consideration of changes or improvements made to real property used for residential purposes to improve property's resistance to flood damage in determining assessed value of such property for ad valorem taxation purposes.	2/26/2021 Filed. Referred to Environment, Agriculture & Flooding Subcommittee; Ways & Means Committee; State Affairs Committee.	Now in Environment, Agriculture & Flooding Subcommittee.
SJR 1182	Limitations on the Assessment of Real Property	Brandes	Proposing amendments to the State Constitution, effective January 1, 2023, to authorize the Legislature, by general law, to prohibit the consideration of any change or improvement made to real property used for residential purposes to improve the property's resistance to flood damage in determining the assessed value of such property for ad valorem taxation	2/9/2021 Filed. Referred to Community Affairs; Finance & Tax; Appropriations.	Favorable by Community Affairs; YEAS 9, NAYS 0. Now in Finance & Tax.
SB 1954	Statewide Flooding & Sea-level Rise Resilience	Rodrigues	<u>Establishing the Resilient Florida Grant Program</u> within the Department of Environmental Protection; requiring the department to develop a <u>Statewide Flooding and Sea-Level Rise Resilience Plan</u> and annually submit the plan to the Governor and Legislature by a specified date; establishing the Florida Flood Hub for Applied Research and Innovation within the University of South Florida College of Marine Science for a specified purpose; <u>requiring the Office of Economic and Demographic Research to include specified information relating to inland and coastal flood control in certain assessments, etc.</u>	3/1/2021 Filed. Referred to Environment & Natural Resources; Appropriations.	On Committee Agenda: Environment & Natural Resources, 03/15/21.

CITY COMMISSION PRIORITIES SPREADSHEET

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
BILLS TO OPPOSE					
HB 219	Vacation Rentals	Fischer	Preempts regulation of vacation rentals to state; prohibits local law, ordinance, or regulation from allowing or requiring inspections or licensing of public lodging establishments, including vacation rentals, or public food service establishments; requires all residential properties be regulated the same regardless of its use as a vacation rental; requires licenses issued by Division of Hotels & Restaurants of DBPR to be displayed conspicuously to public inside licensed establishment.	1/12/2021 Filed. Referred to Regulatory Reform Subcommittee. Ways and Means Committee. Commerce Committee.	Favorable with CS by Regulatory Reform Subcommittee. Now in Ways & Means Committee.
SB 522	Vacation Rentals	Diaz	AS AMENDED 3/11/2021 this bill no longer preempts local licensing and inspection of vacation rentals to the state. Also removed is the requirement to regulate all residential properties regardless of its use as a vacation rental. Provides for preemption of advertising platforms to the state. Requires advertising platforms to require that persons placing advertisements for vacation rentals include certain information in the advertisements, collection of taxes, etc.	1/11/2021 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules. Removed from Commerce & Tourism Committee review. Added Appropriations	Favorable with CS by Regulated Industries; YEAS 6, NAYS 3. Favorable CS in Appropriations; YEAS 13 NAYS 5.
SB 62*	Regional Planning Councils	Bradley	Revising a requirement for the Executive Office of the Governor to review and consider certain reports, data, and analyses relating to the revision of the state comprehensive plan; eliminating the advisory role of regional planning councils in state comprehensive plan preparation and revision; repealing provisions relating to the Florida Regional Planning Council Act; authorizing local governments to recommend areas of critical state concern to the state land planning agency, etc.	01/05/2021 Filed. Referred to Community Affairs; Judiciary; Rules 01/11/2021.	CS by Community Affairs; YEAS 6 NAYS 3. Now in Judiciary.
SB 266	Home-based Businesses	Perry	Providing legislative findings and intent; specifying conditions under which a business is considered a home-based business; authorizing a home-based business to operate in a residential zone under certain circumstances; preempting to the state the ability to regulate or license home-based businesses; prohibiting a local government from certain actions relating to the licensure and regulation of home-based businesses, etc.	12/14/2020 Filed. Referred to Community Affairs; Commerce and Tourism; Rules.	CS by Community Affairs; YEAS 6, NAYS 3. Next to Commerce and Tourism.
HB 403	Home-based Businesses	Giallombardo	Specifies conditions under which business is considered home-based business; authorizes home-based business to operate in residential zone; prohibits local government from certain actions relating to licensure & regulation of home-based business; authorizes specified business owners to challenge certain local government actions; authorizes prevailing party to recover specified attorney fees & costs.	1/25/2021 Filed. Referred to Regulatory Reform Subcommittee. Commerce Committee.	Favorable by Regulatory Reform Subcommittee. Favorable with CS by Commerce Committee. Laid on House table for reading of CS.

CITY COMMISSION PRIORITIES SPREADSHEET

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
BILLS TO OPPOSE					
SB 496	Growth Management	Perry	Specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; requiring local governments to include a property rights element in their comprehensive plans; prohibiting a local government's property rights element from conflicting with the statement of rights contained in the act; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances, etc.	1/7/2021 Filed. Referred to Community Affairs, Judiciary, Rules.	CS by Community Affairs, YEAS 9, NAYS 0. On Committee Agenda. Judiciary, 03/15/21.
HB 59	Growth Management	McClain/Sabatini	Requires local governments to include property rights element in their comprehensive plans; provides statement of rights that local government may use; requires local government to adopt property rights element by specified date; prohibits local government's property rights element from conflicting with statutorily provided statement of rights; provides that certain property owners are not required to consent to development agreement changes; prohibits municipality from annexing specified areas; requires DOT to afford right of first refusal to certain individuals; provides requirements & procedures for right of first refusal; authorizes certain developments of regional impact agreements to be amended.	12/10/2020 Filed. Referred to Local Administration and Veterans Affairs Subcommittee; Civil Justice and Property Rights Subcommittee; State Affairs Committee.	CS by Local Administration & Veterans Affairs Subcommittee. Favorable with CS by Civil Justice & Property Rights Subcommittee. Favorable with CS by State Affairs Committee. Laid on House Table for review of CS.

CITY COMMISSION PRIORITIES SPREADSHEET

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
BILLS TO FOLLOW					
HB 6003*	Vaccinations During Public Health Emergencies	Sabatini & Smith	Removes authority of State Health Officer to order vaccinations upon declaration of public health emergency; revises requirement that DOH adopt certain rules.	11/30/20 Filed. Referred to Pandemics and Public Emergencies Committee; Professions and Public Health Subcommittee; Health and Human Services Committee.	No Committee Hearings scheduled to date.
HB 883	County and Municipal Code Enforcement	Overdorf	Prohibits certain code inspectors from initiating investigations & initiating enforcement proceedings of potential violations of codes & ordinances by way of anonymous complaints; requires specified information to be provided before investigation or proceeding occurs.	2/10/2021 Filed. Referred to Local Administration & Veterans Affairs Subcommittee; Public Integrity & Elections Committee; State Affairs Committee.	Favorable with CS by Local Administration & Veterans Affairs Subcommittee. Now in Public Integrity & Elections Committee.
SB 60	County and Municipal Code Enforcement	Bradley	Prohibiting code inspectors designated by boards of county commissioners from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; prohibiting code enforcement officers from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; prohibiting code inspectors designated by governing bodies of municipalities from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; requiring persons who report potential violations of codes and ordinances to provide specified information to the governing body before an investigation occurs, etc.	Filed 01/05/21; Referred to Community Affairs, Governmental Oversight and Accountability; Rules.	CS by Community Affairs; YEAS 6 NAYS 3; Favorable by Governmental Oversight & Accountability; YEAS 4, NAYS 1, Favorable by Rules; YEAS 11, NAYS 4. Placed on Calendar on 2d reading.
HB 1	Combating Public Disorder	Fernandez-Barquin	Authorizes residents of municipality to file an appeal to Administration Commission if municipality makes reduction to budget of municipal law enforcement agency; revises provisions prohibiting obstructing traffic; provides for cause of action against municipality for failing to provide law enforcement protection during riot; revises minimum term of imprisonment for battery on law enforcement officer in furtherance of riot; revises prohibition on damaging memorial; revises penalties for burglary or theft during riot & facilitated by riot; revises prohibition on fighting in public place; prohibits specified assemblies from engaging in disorderly & violent conduct; prohibits inciting or encouraging riot; creates affirmative defense to civil action where plaintiff participated in riot or unlawful assembly.	1/6/2021 Filed. Referred to Criminal Justice and Public Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee.	Favorable by Criminal Justice, YEAS 11 NAYS 6. Favorable by Justice Appropriations Subcommittee. Favorable with CS by Judiciary Committee. Laid on Table under Rule 7.18(a) review of CS.

CITY COMMISSION PRIORITIES SPREADSHEET

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
BILLS TO FOLLOW					
SB 484	Combating Public Disorder	Burgess	Authorizing a resident of a municipality to file an appeal to the Administration Commission if the governing body of the municipality makes a specified reduction to the operating budget of a municipal law enforcement agency; creating a cause of action against a municipality for obstructing or interfering with reasonable law enforcement protection during a riot or an unlawful assembly; increasing the offense severely ranking of an aggravated assault for the purposes of the Criminal Punishment Code if committed in furtherance of a riot or an aggravated riot; prohibiting defacing, injuring, or damaging a memorial; prohibiting cyberintimidation by publication, etc.	1/6/2021 Filed. Referred to Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations.	No Committee Hearings scheduled to date.
HB 215*	Prohibition of Public Funds for Lobbying by Local Governments	Sabatini	Prohibits local governments from using public funds to retain lobbyists; provides exceptions; provides sanctions for violations; authorizes people to file complaints with the Commission on Ethics; requires commission to provide a report to specified entities; specifies procedures for disciplining violators.	1/11/2021 Filed. Referred to Public Integrity and Elections Committee; Local Administration and Veterans Affairs Subcommittee; State Affairs Committee.	No Committee Hearings scheduled to date.
SB 64	Reclaimed Water	Albritton	Requiring certain domestic wastewater utilities to submit to the Department of Environmental Protection by a specified date a plan for eliminating nonbeneficial surface water discharge within a specified timeframe; requiring domestic wastewater utilities applying for permits for new or expanded surface water discharges to prepare a specified plan for eliminating nonbeneficial discharges as part of its permit application; providing that potable reuse is an alternative water supply and that projects relating to such reuse are eligible for alternative water supply funding; requiring counties, municipalities, and special districts to authorize graywater technologies under certain circumstances and to provide incentives for the implementation of such technologies, etc.	1/7/2021 Filed. Referred to Environment and Natural Resources; Community Affairs; Appropriations.	CS by Environment and Natural Resources; YEAS 4 NAYS 0. Favorable by Community Affairs; YEAS 9, NAYS 0. Favorable by Appropriations; YEAS 18, NAYS 0.
HB 263	Reclaimed Water	Maggard	Requires certain wastewater utilities to submit, implement, & update plans eliminating nonbeneficial surface water discharge; directs DEP to approve plans & make related determinations & submit reports to Legislature; provides administrative & civil penalties; authorizes DEP to convene technical advisory groups; provides that potable reuse is alternative water supply & eligible for expedited permitting & priority funding; directs DEP & water management districts to develop coordinated permit review; requires local governmental entities to authorize use of & provide incentives for graywater technologies; provides that residential graywater systems meet certain water conservation requirements.	1/14/2021 Filed; Referred to Environment, Agriculture & Flooding Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee.	Favorable with CS by Environment, Agriculture & Flooding Subcommittee. Now in Agriculture & Natural Resources Appropriations Subcommittee.

CITY COMMISSION PRIORITIES SPREADSHEET

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
BILLS TO FOLLOW					
SB 284	Building Design	Perry	Prohibiting certain regulations relating to building design elements from being applied to certain structures; providing exceptions; defining the term "building design elements", etc.	12/17/2020 Filed. Referred to Community Affairs; Regulated Industries; Rules.	On Committee Agenda: Community Affairs, 03/16/21.
HB 55	Building Design	Overdorf	Provides that regulations relating to building design elements may not be applied to certain structures.	12/10/2020 Filed. Referred to Regulatory Reform Subcommittee; Local Administration and Veterans Affairs Subcommittee; Commerce Committee.	Favorable with CS by Regulatory Reform Subcommittee. Favorable by Local Administration & Veterans Affairs Subcommittee. Favorable with CS by Commerce Committee. Laid on Table under Rule 7.18(e) for CS.
SB 142	Craft Distilleries	Brandes	Repealing provisions relating to limitations on the size of individual wine containers and the size of individual cider containers; revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from the restaurant for off-premises consumption; revising the requirements for the sale of branded products by a licensed distillery or craft distillery to consumers; revising requirements relating to the shipping of distilled spirits to consumers by a craft distillery, etc.	12/4/2020 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	No Committee Hearings scheduled to date.
HB 737	Craft Distilleries	DICeglie	Authorizes craft distilleries to be licensed as specified vendors under certain circumstances; requires certain alcoholic beverages to be obtained through licensed distributor; prohibits distillery from operating as craft distillery until certain requirements are met; authorizes persons to have common ownership in craft distilleries under certain circumstances; requires minimum percentage of craft distillery's total finished branded products to be distilled in this state & contain one or more Florida agricultural products.	2/3/2021 Filed. Referred to Regulatory Reform Subcommittee; State Administration & Technology Appropriations Subcommittee; Commerce Committee	Favorable by Regulatory Reform Subcommittee. Now in State Administration & Technology Appropriations Subcommittee.
SB 46	Craft Distilleries	Hutson	Authorizing craft distilleries to be licensed as specified vendors under certain circumstances; requiring certain alcoholic beverages to be obtained through a licensed distributor that meets specified criteria; prohibiting a distillery from operating as a craft distillery until certain requirements are met; authorizing persons to have common ownership in craft distilleries under certain circumstances; requiring a minimum percentage of a craft distillery's total finished branded products to be distilled in this state and contain one or more Florida agricultural products, etc.	12/18/2020 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	CS by Regulated Industries; YEAS 9 NAYS 0. CS/CS by Commerce & Tourism; YEAS 11 NAYS 0. Favorable by Rules; YEAS 16, NAYS 0. Placed on Calendar for 3d Reading

CITY COMMISSION PRIORITIES SPREADSHEET

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
APPROPRIATIONS REQUEST					
HB 3411	West Augustine Septic-to-Sewer	Hulston	The septic-to-sewer project improve groundwater and well quality, increase storm resiliency by constructing a sanitary sewer system and will raise socio-economic status of West Augustine. The project will connect existing homes and eliminate septic tanks that contribute to the deterioration of groundwater quality and "float" during storm events, causing significant environmental and health hazards in the surrounding area. The project will make new workforce housing viable on available parcels by providing sewer availability. Funding request of \$300,000 state funds.	Referred to Agriculture & Natural Resources Appropriations Subcommittee; Appropriations Committee.	Favorable by Agriculture & Natural Resources Appropriations Subcommittee.
HB 3409	Lincolnvillle Museum Preservation & Operations	Stevenson	Provides an appropriation for the Lincolnvillle Museum Preservation/Operations. APPROPRIATION: \$749,000	Referred to Infrastructure & Tourism Appropriations Subcommittee; Appropriations Committee.	Now in Infrastructure & Tourism Appropriations Subcommittee.
HB 3901	West Augustine Care Center	Stevenson	Provides an appropriation for the West Augustine Care Center. APPROPRIATION: \$4,000,000	Referred to Health Care Appropriations Subcommittee; Appropriations Committee.	Now in Health Care Appropriations Subcommittee.

CS = Committee Substitute Filed
* No companion bill filed

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 7	Civil Liability for Damages Relating to COVID-19	McClure	Provides requirements for civil action based on COVID-19-related claim ; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability.	Filed 01/06/21; Referred to Civil Justice and Property Rights Subcommittee, Pandemics and Public Emergencies Committee, Judiciary Committee, On Committee agenda-Civil Justice and Property Rights Subcommittee 01/13/21.	Major Revisions and CS; CS Passed on 3d reading; YEAS 83, NAYS 31.
SB 72	Civil Liability for Damages Relating to COVID-19	Brandes	Provides requirements for civil action based on COVID-19-related claim ; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability.	Filed 01/06/21; Referred to Judiciary; Commerce and Tourism; Rules.	Favorable by Judiciary and Commerce and Tourism. CS by Rules; YEAS 10, NAYS 5.
HB 15	Online Marketplace Sale Tax	Clemons & LaMarca	Revises conditions for certain dealers subject to sales tax; deletes exemption for certain dealers from collecting local option surtaxes; provides certain marketplace providers are subject to registration, collection, & remittance requirements for sales taxes ; requires marketplace providers to provide certification to marketplace sellers; specifies requirements for marketplace sellers; requires marketplace providers to allow DOR to audit books & records; provides that marketplace seller is liable for sales tax collection & remittance; authorizes marketplace providers & marketplace sellers to enter into agreements to recover certain taxes, interest, & penalties; grants DOR settlement & compromise authority for marketplace sales; removes authority of DOR to negotiate collection allowance with certain dealers.	Filed 11/30/20; Referred to Ways and Means Committee; Commerce Committee.	Favorable with CS by Ways & Means Committee.
SB 50	Online Marketplace Sale Tax	Gruters	Revises conditions for certain dealers subject to sales tax; deletes exemption for certain dealers from collecting local option surtaxes; provides certain marketplace providers are subject to registration, collection, & remittance requirements for sales taxes ; requires marketplace providers to provide certification to marketplace sellers; specifies requirements for marketplace sellers; requires marketplace providers to allow DOR to audit books & records; provides that marketplace seller is liable for sales tax collection & remittance; authorizes marketplace providers & marketplace sellers to enter into agreements to recover certain taxes, interest, & penalties; grants DOR settlement & compromise authority for marketplace sales; removes authority of DOR to negotiate collection allowance with certain dealers.	Referred to Commerce and Tourism, Finance and Tax, and Appropriations 12/21/20.	Favorable by Commerce and Tourism; YEAS 11 NAYS 0. CS by Finance and Tax, YEAS 8, NAYS 0. CS/CS by Appropriations; YEAS 18, NAYS 0. Retained on Special Order Calendar.
SB 44	Drones	Wright	Expanding the authorized uses of drones by law enforcement agencies, by a state agency or political subdivision, or by certified fire department personnel for specified purposes, etc.	Filed 12/28/20; Referred to Criminal Justice, Military and Veterans Affairs, Space, and Domestic Security; Rules	Favorable by all committees of record with CS. To be laid on Senate floor.

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 433	Drones	Andrade	Expands authorized uses of drones by government agencies & other specified entities for disaster damage assessment.	1/26/21 Filed. Referred to Pandemics & Public Emergencies Committee, Judiciary Committee.	Favorable by Pandemics & Public Emergencies Committee Agenda. Now in Judiciary Committee.
SB 154*	Local Government Fiscal Transparency	Diaz	Expanding the scope of a Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements; providing procedures for the Auditor General and local governments to comply with the local government fiscal transparency requirements; revising reporting requirements for certain local government economic development incentives; creating the "Local Government Fiscal Transparency Act"; requiring local governments to post certain voting record information on their websites, etc.	Filed 12/04/20; Referred to Community Affairs; Finance and Tax; Appropriations.	
SB 456*	Municipal Law Enforcement Agencies	Bracy	Specifying that discussions between the chief executive officer of a municipality or a representative thereof and the municipality's governing body regarding disciplinary measures for municipal law enforcement officers which are proposed for inclusion in a collective bargaining agreement are subject to public meetings requirements; requiring the governing body of a municipality to solicit comments and input from the general public and relevant advocacy or special interest groups in the review and development of officer disciplinary procedures in collective bargaining agreements, etc.	Filed 01/06/21. Referred to Judiciary; Criminal Justice; Rules.	
SB 304	Wage and Employment Benefits Requirements	Taddeo	Repealing provisions relating to restrictions on the establishment of minimum wage and employment benefits requirements by political subdivisions, etc.	12/18/2020 Filed. Referred to Commerce and Tourism; Community Affairs; Rules	
HB 6031	Wage and Employment Benefits Requirements	Smith, C.	Repeals provisions relating to prohibitions on the establishment of minimum wage and employment benefits requirements by political subdivisions.	1/13/2021 Filed. Referred to Regulatory Reform Subcommittee; Local Administration and Veterans Affairs Subcommittee; Commerce Committee.	
HB 1575	Well Stimulation ("Stop Fracking Act")	Jenne	Prohibits extreme well stimulation; prohibits DEP from issuing permits authorizing extreme well stimulation & authorizing certain permit holders to engage in extreme well stimulation; provides penalties.	3/1/2021 Filed.	
SB 546	Well Stimulation ("Stop Fracking Act")	Farmer	Creating the "Stop Fracking Act", prohibiting persons from engaging in extreme well stimulation; prohibiting the Department of Environmental Protection from issuing permits that authorize extreme well stimulation; prohibiting the department from authorizing certain permit holders to engage in extreme well stimulation on or after a specified date; imposing a specified fine for violations, etc.	1/12/2021 Filed. Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations.	

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
SB 672	Preemption of Firearms and Ammunition Regulation	Taddeo	Repealing a provision relating to the preemption of the field of regulation of firearms and ammunition to the Legislature, to the exclusion of local jurisdictions, etc.	1/14/2021 Filed. Referred to Judiciary; Community Affairs; Criminal Justice; Rules.	
HB 6033	Preemption of Firearms and Ammunition Regulation	Daley	Repeals provisions preempting the field of regulation of firearms & ammunition to Legislature, to exclusion of local jurisdictions.	1/14/2021 Filed. Referred to Criminal Justice & Public Safety Subcommittee; Local Administration & Veterans Affairs Subcommittee; Judiciary Committee	Now in Criminal Justice & Public Safety Subcommittee.
HB 329	Beverage Law	Tomkow	Authorizes food service establishments to sell or deliver alcoholic beverages for off-premises consumption if requirements are met; revises provisions that authorize restaurant to allow patrons to remove partially consumed bottles of wine from restaurant for off-premises consumption; revises requirements for sale of alcoholic beverages by certain vendors.	1/19/2021 Filed. Referred to Regulatory Reform Subcommittee; Commerce Committee.	Favorable by Regulatory Reform Subcommittee. Now in Commerce Committee.
SB 134	Beverage Law	Brandes	Authorizing certain food service establishments to sell or deliver alcoholic beverages for off-premises consumption if specified requirements are met; revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from a restaurant for off-premises consumption; revising requirements for the sale of alcoholic beverages by certain vendors, etc.	12/4/2020 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	No Committee Hearings scheduled to date.
SB 148	Beverage Law	Bradley	Authorizing certain food service establishments to sell or deliver alcoholic beverages for off-premises consumption if specified requirements are met, etc.	12/4/2020 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	CS by Regulated Industries, YEAS 9, NAYS 0. Favorable by Commerce & Tourism. Now in Rules.
SB 480	Statewide Police Misconduct Registry	Bracy	Requiring the Department of Law Enforcement to establish by a certain date and maintain a statewide police misconduct registry; specifying information that the registry must contain on all state and local law enforcement officers; requiring the head of each state and local law enforcement agency to periodically submit specified information to the department beginning on a specified date, etc.	1/6/2021 Filed. Referred to Judiciary; Criminal Justice; Appropriations.	No Committee Hearings scheduled to date.
HB 277	Statewide Police Misconduct Registry	Thompson	Requires FDLE to establish & maintain statewide police misconduct registry; specifies information that registry must contain; requires head of each state & local law enforcement agency to periodically submit specified information; requires FSLE to publish information on its website.	1/15/2021 Filed. Referred to Criminal Justice & Public Safety Subcommittee; Public Integrity & Elections Committee; Justice Appropriations Subcommittee; Judiciary Committee.	Now in Criminal Justice & Public Safety Subcommittee.
SB 692	Medical Marijuana Public Employee Protection	Polsky	Prohibiting an employer from taking adverse personnel action against an employee or a job applicant who is a qualified patient using medical marijuana; providing exceptions; requiring an employer to provide written notice of an employee or job applicant's right to explain a positive marijuana test result within a specified timeframe; providing procedures when an employee or job applicant tests positive for marijuana, etc.	1/21/2021 Filed. Referred to Governmental Oversight and Accountability; Health Policy; Rules.	No Committee Hearings scheduled to date.

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 335	Medical Marijuana Public Employee Protection	Duran	Prohibits employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana; requires employers to provide written notice of employee or applicant's right to explain positive test result for marijuana; provides procedures for if employee or applicant tests positive for marijuana; provides cause of action & damages.	1/19/2021 Filed. Referred to Government Operations Subcommittee; Professions & Public Health Subcommittee; Appropriations Committee; State Affairs Committee.	Now in Government Operations Subcommittee
HB 337	Impact Fees	Dicegile	Specifies instances when local government or special district may collect impact fee; requires local governments & special districts to credit against collection of impact fee any contribution related to public facilities; provides annual limitations on impact fee increases; requires school districts to report specified items regarding impact fees; requires specified entities to file affidavit attesting that impact fees were appropriately collected & expended.	1/19/2021 Filed. Referred to Local Administration & Veterans Affairs Subcommittee; Referred to Ways & Means Committee; Referred to State Affairs Committee.	Now in Local Administration & Veterans Affairs Subcommittee
SB 750	Impact Fees	Grueters	Specifying instances when a local government or special district may collect an impact fee; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities; providing annual limitations on impact fee rate increases; requiring school districts to report specified items regarding impact fees, etc.	1/25/2021 Filed. Referred to Community Affairs; Finance and Tax; Appropriations.	No Committee Hearings scheduled to date.
HB 735	Preemption of Local Occupational Licensing	Harding	Preempts licensing of occupations to state; prohibits local governments from imposing or modifying licensing requirements; specifies certain local licensing may not be enforced; specifies certain specialty contractors are not required to register with Construction Industry Licensing Board; prohibits local governments from requiring certain specialty contractors to obtain license; specifies job scopes for which local government may not require license; authorizes counties & municipalities to issue journeyman licenses.	2/3/2021 Filed. Referred to Regulatory Reform Subcommittee; Commerce Committee.	Favorable by Regulatory Reform Subcommittee. Now in Commerce Committee.
SB 268	Preemption of Local Occupational Licensing	Perry	Preempting licensing of occupations to the state; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; authorizing counties and municipalities to issue certain journeyman licenses, etc.	12/14/2020 Filed. Referred to Regulated Industries; Community Affairs; Rules.	On Committee Agenda: Regulated Industries, 03/16/21.
SB 400	Public Records	Rodrigues	Prohibiting an agency that receives a request to inspect or copy a record from responding to such request by filing an action for declaratory relief against the requester, etc.	12/20/2020 Filed. Referred to Governmental Oversight and Accountability; Judiciary; Rules.	Favorable by Governmental Oversight and Accountability; YEAS 6 NAYS 0. On Committee Agenda: Judiciary, 03/15/21
HB 913	Public Records	McClure	Prohibits agency that receives request to inspect or copy record from responding to such request by filing action for declaratory relief against requester.	2/10/2021 Filed. Referred to Government Operations Subcommittee; Civil Justice & Property Rights Subcommittee; State Affairs Committee.	Favorable with CS by Government Operations Subcommittee. Now in Civil Justice & Property Rights Subcommittee.

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 35	Legal Notices	Grieco	Provides for website publication of legal notices; provides criteria for such publication; authorizes fiscally constrained county to use publicly accessible website to publish legally required advertisements & public notices; requires government agency to provide specified notice to residents concerning alternative methods of receiving legal notices.	12/7/2020 Filed. Referred to Civil Justice and Property Rights Subcommittee; Judiciary Committee.	Favorable by Civil Justice and Property Rights Subcommittee. Favorable with CS by Judiciary Committee.
SB 402	Legal Notices	Rodriguez	Authorizing legal notifications in certain cases to be published on a website established by the Supreme Court, in lieu of newspaper publication; specifying that website publication constitutes proof of publication, unless otherwise determined by a court; authorizing a county to publish such legal notifications in a newspaper, subject to certain limitations, etc.	12/29/2020 Filed. Referred to Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations.	On Committee Agenda - Judiciary. 2/15/2021 - Temporarily postponed.
SB 334	Regulation of Smoking in Public Places	Grueters/Hutson/Perry	Revising a short title; authorizing counties and municipalities to further restrict smoking within the boundaries of public beaches and public parks under certain circumstances; prohibiting smoking within the boundaries of a state park, etc.	12/18/2020 Filed. Referred to Community Affairs; Environment and Natural Resources; Rules.	Favorable by Community Affairs; YEAS 8 MAYS 1. On Committee Agenda: Environment and Natural Resources, 03/15/21.
HB 239	Regulation of Smoking in Public Places	Altman	Authorizes counties & municipalities to further restrict smoking within boundaries of public beaches & public parks under certain circumstances.	1/13/2021 Filed. Referred to Professions and Public Health Subcommittee; Environment, Agriculture and Flooding Subcommittee; Health and Human Services Committee.	No Committee Hearings scheduled to date.
SB 810	Prohibited Governmental Transactions Involving Certain Companies and Products	Grueters	Prohibiting a state agency or a local governmental entity from purchasing any products that were produced, or that contain a specified percentage of parts that were produced, in China, providing that a contract for the purchase of products by a state agency or a local governmental entity must include a provision authorizing the termination of such contract in certain circumstances; prohibiting a state agency or a local governmental entity from purchasing any product made or sold or service provided by certain technology companies, etc.	1/26/2021 Filed. Referred to Commerce and Tourism; Governmental Oversight and Accountability; Community Affairs; Appropriations; Rules.	No Committee Hearings scheduled to date.
HB 439	Prohibited Governmental Transactions Involving Certain Companies and Products	Fine	Prohibits agency or local governmental entity from purchasing any good made, or that contains specified percentage of parts that were produced, in China, prohibits agency or local governmental entity from purchasing any good or service made, sold, or provided by certain technology companies; provides that contract for purchase or provision of goods or services by agency or local governmental entity must include provision authorizing termination of such contract in certain circumstances.	1/26/2021 Filed. Referred to Public Integrity & Elections Committee; Government Operations Subcommittee; State Administration & Technology Appropriations Subcommittee; State Affairs Committee.	Now in Public Integrity & Elections Committee

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
SB 856	State Preemption of Energy Infrastructure Regulations	Hutson	Defining the term "energy infrastructure"; preempting to the state the regulation of the construction of energy infrastructure, etc.	01/27/2021 Filed. Referred to Regulated Industries, Community Affairs, Rules.	CS by Regulated Industries. On Committee Agenda. Community Affairs, 03/16/21.
HB 839	State Preemption of Energy Infrastructure Regulations	Fabricio	Prohibits local government from regulating energy infrastructure; preempts such regulation to state.	2/9/2021 Filed. Referred to Tourism, Infrastructure & Energy Subcommittee; Local Administration & Veterans Affairs Subcommittee; Commerce Committee.	Favorable with CS by Tourism, Infrastructure & Energy Subcommittee.
SB 816	County Court Judges	Hutson	Increasing the number of county court judges authorized for St. Johns County, etc.	1/26/2021 Filed. Referred to Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations.	No Committee Hearings scheduled to date.
HB 417	County Court Judges	Stevenson	Increases the number of county court judges authorized for St. Johns County.	1/25/2021 Filed. Referred to Justice Appropriations Subcommittee; Civil Justice & Property Rights Subcommittee; Appropriations Committee.	Now in Justice Appropriations Subcommittee.
New Bills Added After February 8, 2021					
HB 593	Medical Marijuana Retail Facilities	Nixon	Authorizes licensed medical marijuana retail facilities to dispense marijuana, marijuana delivery devices, & edibles; specifies prohibitions relating to ownership & operation of such facilities; imposes criminal penalties for specified unlicensed activities; authorizes such facilities to access confidential & exempt information in medical marijuana use registry for certain verification purposes.	1/29/2021 Filed. Referred to Professions & Public Health Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee.	Now in Professions & Public Health Subcommittee.
SB 562	Medical Marijuana Retail Facilities	Thurston	Prohibiting qualified physicians and caregivers from being employed by or having an economic interest in a medical marijuana retail facility; authorizing, rather than requiring, medical marijuana treatment centers to cultivate, process, transport, and dispense marijuana for medical use; prohibiting an individual or entity from being awarded more than one facility license; providing requirements for the transfer of ownership of a medical marijuana retail facility; prohibiting a medical marijuana retail facility from engaging in internet sales; prohibiting medical marijuana retail facilities from being located within a specified distance from school properties, etc.	1/12/2021 Filed. Referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations.	No Committee Hearings scheduled to date.
SB 564	Medical Marijuana Retail Facilities/ Fees	Thurston	Requiring the Department of Health to impose initial application and biennial renewal fees for the licensing of medical marijuana retail facilities, etc.	1/12/2021 Filed. Referred to Health Policy; Appropriations Subcommittee on Health and Human Services; Appropriations.	Linked to SB 562

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 595	Medical Marijuana Retail Facilities/ Fees	Nixon	Requires DOH to impose initial application & biennial renewal fees for licensing of medical marijuana retail facilities.	1/29/2021 Filed. Referred to Professions & Public Health Subcommittee; Health Care Appropriations Subcommittee; Health & Human Services Committee	Now in Professions & Public Health Subcommittee. Linked to HB 593
SB 942	Law Enforcement Agency Standards	Gibson	Requires FDLE to adopt rules setting minimum requirements for policies of law enforcement agencies; specifying areas to be addressed by those policies; requiring FDLE to create model procedures documents for law enforcement agencies; specifying requirements of the documents.	1/29/2021 Filed. Referred to Governmental Oversight and Accountability; Criminal Justice; Appropriations.	No Committee Hearings scheduled to date.
HB 647	Law Enforcement Agency Standards	Davis	Requires FDLE to adopt rules setting minimum requirements for policies of law enforcement agencies; specifying areas to be addressed by those policies; requiring FDLE to create model procedures documents for law enforcement agencies; specifying requirements of the documents.	2/1/2021 Filed. Referred to Criminal Justice & Public Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee.	Now in Criminal Justice & Public Safety Subcommittee.
HB 569**	Law Enforcement Body and Dashboard Cameras	Chambliss	Mandates that law enforcement agencies require officers to wear & use body cameras in certain circumstances; provides an exception; mandates that law enforcement agencies require law enforcement vehicles to be equipped with & use dashboard cameras in certain circumstances.	1/28/2021 Filed. Referred to Criminal Justice & Public Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee.	Now in Criminal Justice & Public Safety Subcommittee.
SB 452**	Law Enforcement Body and Dashboard Cameras	Book	Requiring every law enforcement agency to mandate that its law enforcement officers wear body cameras and use vehicle dash cameras; requiring law enforcement agencies to establish specified policies and procedures, etc.	1/6/2021 Filed. Referred to Judiciary; Criminal Justice; Appropriations.	No Committee Hearings scheduled to date.
SB 740**	Law Enforcement Body and Dashboard Cameras	Bracy	Comprehensive bill requiring Citizen Review Boards for Counties and Requiring every law enforcement agency to mandate that its law enforcement officers wear body cameras and use vehicle dash cameras; requiring law enforcement agencies to establish specified policies and procedures, etc.	1/22/2021 Filed. Referred to Judiciary; Criminal Justice; Appropriations.	No Committee Hearings scheduled to date.
SB 674	Tax Exemption for Affordable Housing	Rodriguez	Authorizing counties and municipalities to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for the governmental or public purpose of providing affordable housing to certain persons or families; specifying procedures in the event property is transferred for other purposes; specifying procedures in the event an exemption is improperly granted as a result of certain acts by the property appraiser, etc.	1/15/2021 Filed. Referred to Community Affairs; Finance and Tax; Appropriations.	No Committee Hearings scheduled to date.
HB 563	Tax Exemption for Affordable Housing	Rodriguez	Authorizes counties & municipalities to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for affordable housing; provides parameters for exemption; specifies procedures in event property is transferred for other purposes or exemption is improperly granted as result of certain acts by property appraiser.	1/28/2021 Filed. Referred to Local Administration & Veterans Affairs Subcommittee; Ways & Means Committee; State Affairs Committee.	No Committee Hearings scheduled to date.

New Bills Added After February 22, 2021

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 639	Operation and Safety of Motor Vehicles and Vessels	Sirois	Revises & provides requirements relating to tests for alcohol, chemical substances, or controlled substances; vessel safety, operation, & navigation; temporary protection zones on certain water bodies for spaceflight launches & asset recovery; boating safety education courses; derelict, public nuisance, abandoned, or lost vessels; public mooring; no-discharge zones; marine sanitation; & civil & criminal penalties.	2/1/2021 Filed. Referred to Environment, Agriculture & Flooding Subcommittee; Criminal Justice & Public Safety Subcommittee; Agriculture & Natural Resources Appropriations Subcommittee; State Affairs Committee.	Favorable by Environment, Agriculture & Flooding Subcommittee. Now in Criminal Justice & Public Safety Subcommittee.
SB 1086	Operation and Safety of Motor Vehicles and Vessels	Hutson	Revising conditions under which a person's driving privilege is suspended and under which the person commits a misdemeanor relating to tests for alcohol, chemical substances, or controlled substances; providing circumstances under which a person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway; authorizing a county or municipality to establish a boating-restricted area within and around a public mooring field, etc.	2/5/2021 Filed. Referred to Environment & Natural Resources; Appropriations Subcommittee on Agriculture, Environment & General Government; Appropriations.	On Committee Agenda: Environment & Natural Resources, 03/15/21.
SB 84*	Retirement	Rodrigues	Providing for compulsory membership in the Florida Retirement System Investment Plan for employees initially enrolled on or after a specified date; modifying provisions governing participation in the investment plan for individuals who are eligible to participate in the State University System Optional Retirement Program to conform to changes made by the act; modifying provisions governing the administration of the investment plan to reflect compulsory membership for specified employees, etc.	1/21/2021 Filed. Referred to Governmental Oversight and Accountability, Appropriations.	Favorable by Governmental Oversight and Accountability; YEAS 4 NAYS 2. Now in Appropriations.
New Bills Added After March 8, 2021 Meeting					
HB 421	Government Actions Affecting Private Property Rights	Tuck	Revises notice of claim requirements for property owners; creates presumption that certain settlement offers protect public interest; specifies property owners retain option to have court determine awards of compensation; authorizes property owners to bring claims against governmental entities in certain circumstances; authorizes property owners to bring actions to declare prohibited exactions invalid; provides for resolution of disputes concerning comprehensive plan amendments under Florida Land Use & Environmental Dispute Resolution Act.	1/26/2021 Filed. Referred to Civil Justice & Property Rights Subcommittee; Local Administration & Veterans Affairs Subcommittee; Judiciary Committee.	Favorable by Civil Justice & Property Rights Subcommittee. Now in Local Administration & Veterans Affairs Subcommittee.
SB 1876	Government Actions Affecting Private Property Rights	Albritton	Revising notice of claim requirements for property owners; authorizing property owners to bring actions to declare prohibited exactions invalid; providing for resolution of disputes concerning comprehensive plan amendments under the Florida Land Use and Environmental Dispute Resolution Act; requiring the governmental entity's conduct in dispute resolution to be considered in determining whether regulatory efforts were unreasonable or unfairly burdened use of the property, etc.	2/26/2021 Filed. Referred to Judiciary; Community Affairs; Rules.	No Committee Hearings scheduled to date.
HB 945	Limitations on Emergency Powers of Political Subdivisions	Rommel; Andrade	Provides applicability for significant emergency orders; provides legislative intent; specifies requirements for purpose & scope of significant emergency orders; provides for automatic expiration of significant emergency orders; authorizes extension of significant emergency orders for specified duration; prohibits issuance of certain significant emergency orders.	2/11/2021 Filed. Referred to Pandemics & Public Emergencies Committee; Local Administration & Veterans Affairs Subcommittee; State Affairs Committee.	Favorable with CS by Pandemics & Public Emergencies Committee.

CITY ATTORNEY LEGISLATIVE BILL TRACKING

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
SB 1924	Limitations on Emergency Powers of Political Subdivisions	Diaz	Requiring that certain emergency measures issued by a political subdivision be narrowly tailored to a compelling public health or safety purpose; specifying additional requirements for local emergency measures, etc.	3/1/2024 Filed. Referred to Community Affairs; Military & Veterans Affairs, Space, and Domestic Security; Rules.	On Committee Agenda: Community Affairs, 03/16/2021.

CS = Committee Substitute filed.

* Bills with no counterpart in Senate or House have minimal chance of passage.

** Unfunded Mandate

Background on SB 1944/HB 1567

For nearly 15 years, Florida Power & Light Company (FPL) has been enhancing the energy grid to make it stronger and more storm-resilient. Our more than \$5 billion of investments have benefitted customers by speeding restoration after a tropical storm or hurricane and enhancing overall reliability.

Part of those investments include:

- » Replacing power poles with stronger ones that are able to withstand hurricane-force winds or adding poles in between existing ones, which strengthens or hardens the power line.
- » Inspecting all of our more than 1.2 million power poles on an ongoing eight-year cycle (approximately 150,000 poles inspected annually) and replacing those that don't meet our standards for strength.

It's important to note the following:

- » Utility poles are owned and maintained by a variety of companies, including FPL and AT&T.
- » While the use of poles is shared by many companies, only one company owns and maintains each utility pole in Florida.
- » Electric utilities like FPL are mandated by the Florida Public Service Commission (FPSC) under state law to ensure the strength and resiliency of the poles it owns and maintains; however, telephone providers, like AT&T, are not subject to FPSC oversight.

While FPL continues to make the energy grid stronger, customers may see old poles next to the new ones because many of our poles hold wires and other equipment for other utilities, including telephone, telecommunications and cable TV services. Before FPL can remove the old poles, we must wait for the other utilities to transfer their equipment to the new pole. This causes double pole situations, which, while unsightly, often do not affect the reliable service provided to FPL customers.



This photo shows an FPL concrete pole, an example of the company's efforts to make the energy grid stronger and more storm-resilient, flanked by two older wooden poles. FPL cannot remove the wooden poles until other utilities transfer their equipment to the cement pole.

While we have been working with other utilities regarding this issue, AT&T has failed to work with FPL on our program to strengthen the energy grid. AT&T has been extremely slow in transferring its equipment to FPL's new hardened poles, resulting in unsightly double poles for extended periods of time. Despite being provided detailed information on the location of these double poles, AT&T has allowed thousands to remain in backyards and along streets for months and even years.

Highlights of SB 1944/HB 1567

- » Requires FPSC, rather than the Federal Communications Commission (FCC), to regulate and enforce rates, charges, terms and conditions for pole attachments, and to resolve pole attachment disputes.
 - FPSC can streamline dispute process, which will provide for an accessible, lower cost and more even-handed process.
 - Requires the FPSC to regulate the safety, vegetation management, emergency response, and storm restoration requirements of poles owned by providers of communications services, and requires the FPSC to impose fines on such providers for non-compliance.
 - Florida would join 22 other states that have recently created this provision.
- » Provides a statutory mechanism for the prompt and sequential removal of pole attachments, which would speed the removal of double poles from rights of way and easements.
 - Requires removal of pole attachments within six months after written notice from the pole owner.
 - Provides that if the pole attachments are not removed in a timely manner, the pole owner may remove or transfer the equipment at the attaching entity's expense.
 - In lieu of removal or transfer by the pole owner, the pole owner may elect to transfer title to the poles or sell the poles to the attaching utility that continues to use the pole. All pole ownership liability and obligation would automatically transfer to the new owner, and the former owner would be relieved of all such liability and obligation.
 - Requires the FPSC to impose monetary fines against repeat violators of the statute. All assessed fines would be placed in a fund for the purpose of expanding broadband service to unserved and under-served areas of the state.

Example of failed AT&T poles

During 2019's Hurricane Dorian, an AT&T pole failed, causing a power outage for 16 FPL customers in Miami-Dade County for approximately nine hours. FPL's database indicates that this pole was owned by AT&T and installed around 1957. FPL replaced this AT&T pole to restore power to its customers.



Federal law broadly preempts the regulation of telecommunications services, including pole attachments. However, federal law allows states to exercise reverse preemption over the Federal Communications Commission's (FCC) jurisdiction over pole attachments.

The bill requires the Florida Public Service Commission (FPSC) to regulate pole attachments in Florida, taking over the role currently performed by the FCC.

Of import to FPL and potentially the City, the bill defines "redundant pole" and requires that attaching entities remove their pole attachments from a redundant pole within 90 days of a written request by the pole owner.

Customers may see old poles next to the new ones (redundant poles) because many of the poles hold wires and other equipment for other utilities, including telephone, telecommunications, and cable TV services. Before an old pole can be removed, the utility (FPL) must wait for the other utilities to transfer their equipment to the new pole. This causes double pole situations which are unsightly and potentially dangerous in storm situations.

Highlights of SB 1944/HB 1567

- Requires FPSC, rather than the Federal Communications Commission (FCC), to regulate and enforce rates, charges, terms, and conditions for pole attachments, and to resolve pole attachment disputes.
 - FPSC can streamline dispute process, which will provide for an accessible, lower cost and more even-handed process.
 - Requires the FPSC to regulate the safety, vegetation management, emergency response, and storm restoration requirements of poles owned by providers of communications services and requires the FPSC to impose fines on such providers for non-compliance.
 - **Florida would join 22 other states that have recently created this provision.**
- Provides a statutory mechanism for the prompt and sequential removal of pole attachments, which would speed the removal of double poles from rights of way and easements.
 - Requires removal of pole attachments within six months after written notice from the pole owner.
 - Provides that if the pole attachments are not removed in a timely manner, the pole owner may remove or transfer the equipment at the attaching entity's expense.
 - In lieu of removal or transfer by the pole owner, the pole owner may elect to transfer title to the poles or sell the poles to the attaching utility that continues to use the pole. All pole ownership liability and obligation would automatically transfer to the new owner, and the former owner would be relieved of all such liability and obligation.
 - Requires the FPSC to impose monetary fines against repeat violators of the statute. All assessed fines would be placed in a fund for the purpose of expanding broadband service to unserved and under-served areas of the state.

CITY OF ST. AUGUSTINE

MEMORANDUM

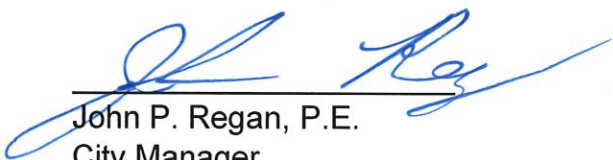
TO: Mayor and Commissioners
DATE: March 18, 2021
RE: 5th Cent Tourism Bed Tax Option

Based on our discussions at our March 8, 2021 City Commission meeting and the March 15, 2021 Tourist Development Council (TDC) meeting, Vice Mayor Sikes-Kline scheduled this item to brief the Mayor and Commission and develop a policy position of the City. Vice Mayor Sikes-Kline is our TDC representative.

The agenda of the March 15, 2021 TDC meeting was for the TDC to formulate a recommendation for the St. Johns County Commission. The TDC discussed the item and acknowledged that, intrinsic to a recommendation, would be a spending plan. The item was tabled so that all governing bodies could vet the topic with the public. I have attached

1. Resolution 2018-06 previously adopted regarding our position on transportation infrastructure
2. Florida Statute 125.0104 describing allowable uses of the taxation dollars.
3. A executive summary of allowable taxation uses of Florida Statute 125.0404.

Vice Mayor Sikes-Kline anticipates that there may be documents associated to the March 15 TDC meeting produced by the TDC staff prior to our March 22, 2021 City Commission meeting. If that happens, I will transmit to you any documents as they become available.



John P. Regan, P.E.
City Manager

RESOLUTION 2018-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY ST. AUGUSTINE, URGING THE LEGISLATURE TO SUPPORT SB 658, AUTHORIZING COUNTIES TO USE TOURISM DEVELOPMENT TAX REVENUES FOR COSTS RELATING TO PUBLIC FACILITIES, DEFINED AS MAJOR CAPITAL IMPROVEMENTS THAT HAVE A LIFE EXPECTANCY OF 5 OR MORE YEARS, INCLUDING TRANSPORTATION, SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER, AND PEDESTRIAN FACILITIES.

WHEREAS, counties within the state of Florida have long been authorized to enact a tourism development tax, the proceeds of which could only be used for a static list of identified tourism uses such as convention centers, aquariums, beach renourishment, stadiums, and the costs of advertising for tourism purposes; and

WHEREAS, the impacts on tourism for a historic city such as St. Augustine do not fit into the conventional model of constructing new sports facilities; and

WHEREAS, the City of St. Augustine, as the oldest continuously occupied city in the United States, hosts millions of tourists yearly who come to the City to enjoy its historic architecture and ambiance; and

WHEREAS, with a population of only 14,000 people, the City of St. Augustine faces unique infrastructure needs to accommodate a tourism draw far beyond what its residents can support; and

WHEREAS, the ability of the City, through cooperation with St. Johns County, to harness some of the Tourist Development Tax revenues to offset the costs associated with providing a living history experience for visitors, is an appropriate and necessary change in state law;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the
City of St. Augustine:

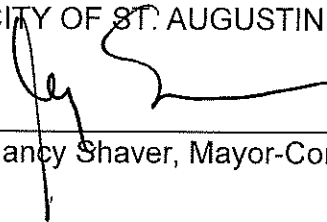
SECTION 1: The City Commission of the City of St. Augustine urges all members of the Florida Legislature to support the adoption of SB 658.

SECTION 2: The City Commission of the City of St. Augustine further directs the City Clerk to transmit a copy of this Resolution to the Florida Legislative Delegation, Cabinet, and any other interested parties.

SECTION 3: This Resolution shall become effective immediately upon its passage.

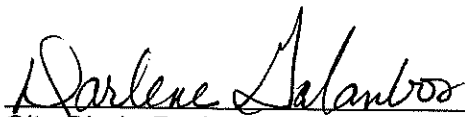
ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida, this 8th day of January, 2018.

CITY OF ST. AUGUSTINE, FLORIDA

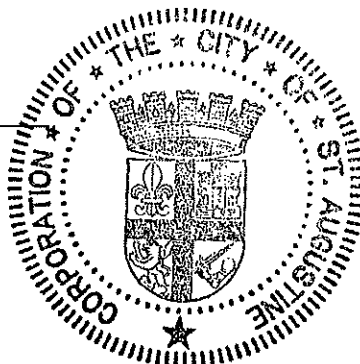


Nancy Shaver, Mayor-Commissioner

ATTEST:



City Clerk, Darlene Galambos
(Corporate Seal)



Select Year: 2020 ▼

The 2020 Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL
RELATIONS

Chapter 125
COUNTY
GOVERNMENT

[View Entire Chapter](#)

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

- (1) **SHORT TITLE.**—This section shall be known and may be cited as the “Local Option Tourist Development Act.”
- (2) **APPLICATION; DEFINITIONS.**—
- (a) *Application.*—The provisions contained in chapter 212 apply to the administration of any tax levied pursuant to this section.
- (b) *Definitions.*—For purposes of this section:
1. “Promotion” means marketing or advertising designed to increase tourist-related business activities.
 2. “Tourist” means a person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient accommodations as described in paragraph (3)(a).
 3. “Retained spring training franchise” means a spring training franchise that had a location in this state on or before December 31, 1998, and that has continuously remained at that location for at least the 10 years preceding that date.
- (3) **TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.**—
- (a)1. It is declared to be the intent of the Legislature that every person who rents, leases, or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, roominghouse, mobile home park, recreational vehicle park, condominium, or timeshare resort for a term of 6 months or less is exercising a privilege which is subject to taxation under this section, unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of chapter 212.
- 2.a. Tax shall be due on the consideration paid for occupancy in the county pursuant to a regulated short-term product, as defined in s. [721.05](#), or occupancy in the county pursuant to a product that would be deemed a regulated short-term product if the agreement to purchase the short-term right were executed in this state. Such tax shall be collected on the last day of occupancy within the county unless such consideration is applied to the purchase of a timeshare estate. The occupancy of an accommodation of a timeshare resort pursuant to a timeshare plan, a multisite timeshare plan, or an exchange transaction in an exchange program, as defined in s. [721.05](#), by the owner of a timeshare interest or such owner’s guest, which guest is not paying monetary consideration to the owner or to a third party for the benefit of the owner, is not a privilege subject to taxation under this section. A membership or transaction fee paid by a timeshare owner that does not provide the timeshare owner with the right to occupy any specific timeshare unit but merely provides the timeshare owner with the opportunity to exchange a timeshare interest through an exchange program is a service charge and not subject to taxation under this section.
- b. Consideration paid for the purchase of a timeshare license in a timeshare plan, as defined in s. [721.05](#), is rent subject to taxation under this section.
- (b) Subject to the provisions of this section, any county in this state may levy and impose a tourist development tax on the exercise within its boundaries of the taxable privilege described in paragraph (a), except that there shall be no additional levy under this section in any cities or towns presently imposing a municipal resort tax as authorized under chapter 67-930, Laws of Florida, and this section shall not in any way affect the powers

and existence of any tourist development authority created pursuant to chapter 67-930, Laws of Florida. No county authorized to levy a convention development tax pursuant to s. 212.0305, or to s. 8 of chapter 84-324, Laws of Florida, shall be allowed to levy more than the 2-percent tax authorized by this section. A county may elect to levy and impose the tourist development tax in a subcounty special district of the county. However, if a county so elects to levy and impose the tax on a subcounty special district basis, the district shall embrace all or a significant contiguous portion of the county, and the county shall assist the Department of Revenue in identifying the rental units subject to tax in the district.

(c) The tourist development tax shall be levied, imposed, and set by the governing board of the county at a rate of 1 percent or 2 percent of each dollar and major fraction of each dollar of the total consideration charged for such lease or rental. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary consideration.

(d) In addition to any 1-percent or 2-percent tax imposed under paragraph (c), the governing board of the county may levy, impose, and set an additional 1 percent of each dollar above the tax rate set under paragraph (c) by the extraordinary vote of the governing board for the purposes set forth in subsection (5) or by referendum approval by the registered electors within the county or subcounty special district. No county shall levy, impose, and set the tax authorized under this paragraph unless the county has imposed the 1-percent or 2-percent tax authorized under paragraph (c) for a minimum of 3 years prior to the effective date of the levy and imposition of the tax authorized by this paragraph. Revenues raised by the additional tax authorized under this paragraph shall not be used for debt service on or refinancing of existing facilities as specified in subparagraph (5)(a)1. unless approved by a resolution adopted by an extraordinary majority of the total membership of the governing board of the county. If the 1-percent or 2-percent tax authorized in paragraph (c) is levied within a subcounty special taxing district, the additional tax authorized in this paragraph shall only be levied therein. The provisions of paragraphs (4)(a)-(d) shall not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(e) The tourist development tax shall be in addition to any other tax imposed pursuant to chapter 212 and in addition to all other taxes and fees and the consideration for the rental or lease.

(f) The tourist development tax shall be charged by the person receiving the consideration for the lease or rental, and it shall be collected from the lessee, tenant, or customer at the time of payment of the consideration for such lease or rental.

(g) The person receiving the consideration for such rental or lease shall receive, account for, and remit the tax to the Department of Revenue at the time and in the manner provided for persons who collect and remit taxes under s. 212.03. The same duties and privileges imposed by chapter 212 upon dealers in tangible property, respecting the collection and remission of tax; the making of returns; the keeping of books, records, and accounts; and compliance with the rules of the Department of Revenue in the administration of that chapter shall apply to and be binding upon all persons who are subject to the provisions of this section. However, the Department of Revenue may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed \$25.

(h) The Department of Revenue shall keep records showing the amount of taxes collected, which records shall also include records disclosing the amount of taxes collected for and from each county in which the tax authorized by this section is applicable. These records shall be open for inspection during the regular office hours of the Department of Revenue, subject to the provisions of s. 213.053.

(i) Collections received by the Department of Revenue from the tax, less costs of administration of this section, shall be paid and returned monthly to the county which imposed the tax, for use by the county in accordance with the provisions of this section. They shall be placed in the county tourist development trust fund of the respective county, which shall be established by each county as a condition precedent to receipt of such funds.

(j) The Department of Revenue is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(k) The Department of Revenue shall promulgate such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section.

(l) In addition to any other tax which is imposed pursuant to this section, a county may impose up to an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by majority vote of the governing board of the county in order to:

1. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility, or the acquisition, construction, reconstruction, or renovation of a retained spring training franchise facility, either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds.

2. Pay the debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center, and to pay the planning and design costs incurred prior to the issuance of such bonds.

3. Pay the operation and maintenance costs of a convention center for a period of up to 10 years. Only counties that have elected to levy the tax for the purposes authorized in subparagraph 2. may use the tax for the purposes enumerated in this subparagraph. Any county that elects to levy the tax for the purposes authorized in subparagraph 2. after July 1, 2000, may use the proceeds of the tax to pay the operation and maintenance costs of a convention center for the life of the bonds.

4. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. [212.0305](#) from levying more than the 2-percent tax authorized by this section, and the provisions of paragraphs (4)(a)-(d), shall not apply to the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(m)1. In addition to any other tax which is imposed pursuant to this section, a high tourism impact county may impose an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by extraordinary vote of the governing board of the county. The tax revenues received pursuant to this paragraph shall be used for one or more of the authorized uses pursuant to subsection (5).

2. A county is considered to be a high tourism impact county after the Department of Revenue has certified to such county that the sales subject to the tax levied pursuant to this section exceeded \$600 million during the previous calendar year, or were at least 18 percent of the county's total taxable sales under chapter 212 where the sales subject to the tax levied pursuant to this section were a minimum of \$200 million, except that no county authorized to levy a convention development tax pursuant to s. [212.0305](#) shall be considered a high tourism impact county. Once a county qualifies as a high tourism impact county, it shall retain this designation for the period the tax is levied pursuant to this paragraph.

3. The provisions of paragraphs (4)(a)-(d) shall not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph shall be the first day of the second month following approval of the ordinance by the governing board or the first day of any subsequent month as may be specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance.

(n) In addition to any other tax that is imposed under this section, a county that has imposed the tax under paragraph (l) may impose an additional tax that is no greater than 1 percent on the exercise of the privilege

described in paragraph (a) by a majority plus one vote of the membership of the board of county commissioners in order to:

1. Pay the debt service on bonds issued to finance:

a. The construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a new professional sports franchise as defined in s. 288.1162.

b. The acquisition, construction, reconstruction, or renovation of a facility either publicly owned and operated, or publicly owned and operated by the owner of a professional sports franchise or other lessee with sufficient expertise or financial capability to operate such facility, and to pay the planning and design costs incurred prior to the issuance of such bonds for a retained spring training franchise.

2. Promote and advertise tourism in the State of Florida and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event shall have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists.

A county that imposes the tax authorized in this paragraph may not expend any ad valorem tax revenues for the acquisition, construction, reconstruction, or renovation of a facility for which tax revenues are used pursuant to subparagraph 1. The provision of paragraph (b) which prohibits any county authorized to levy a convention development tax pursuant to s. 212.0305 from levying more than the 2-percent tax authorized by this section shall not apply to the additional tax authorized by this paragraph in counties which levy convention development taxes pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to the adoption of the additional tax authorized in this paragraph. The effective date of the levy and imposition of the tax authorized under this paragraph is the first day of the second month following approval of the ordinance by the board of county commissioners or the first day of any subsequent month specified in the ordinance. A certified copy of such ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of the ordinance.

(4) ORDINANCE LEVY TAX; PROCEDURE.—

(a) The tourist development tax shall be levied and imposed pursuant to an ordinance containing the county tourist development plan prescribed under paragraph (c), enacted by the governing board of the county. The ordinance levying and imposing the tourist development tax shall not be effective unless the electors of the county or the electors in the subcounty special district in which the tax is to be levied approve the ordinance authorizing the levy and imposition of the tax, in accordance with subsection (6). The effective date of the levy and imposition of the tax shall be the first day of the second month following approval of the ordinance by referendum, as prescribed in subsection (6), or the first day of any subsequent month as may be specified in the ordinance. A certified copy of the ordinance shall be furnished by the county to the Department of Revenue within 10 days after approval of such ordinance. The governing authority of any county levying such tax shall notify the department, within 10 days after approval of the ordinance by referendum, of the time period during which the tax will be levied.

(b) At least 60 days prior to the enactment of the ordinance levying the tax, the governing board of the county shall adopt a resolution establishing and appointing the members of the county tourist development council, as prescribed in paragraph (e), and indicating the intention of the county to consider the enactment of an ordinance levying and imposing the tourist development tax.

(c) Prior to enactment of the ordinance levying and imposing the tax, the county tourist development council shall prepare and submit to the governing board of the county for its approval a plan for tourist development. The plan shall set forth the anticipated net tourist development tax revenue to be derived by the county for the 24 months following the levy of the tax; the tax district in which the tourist development tax is proposed; and a list, in the order of priority, of the proposed uses of the tax revenue by specific project or special use as the same are authorized under subsection (5). The plan shall include the approximate cost or expense allocation for each specific project or special use.

(d) The governing board of the county shall adopt the county plan for tourist development as part of the ordinance levying the tax. After enactment of the ordinance levying and imposing the tax, the plan of tourist development may not be substantially amended except by ordinance enacted by an affirmative vote of a majority plus one additional member of the governing board.

(e) The governing board of each county which levies and imposes a tourist development tax under this section shall appoint an advisory council to be known as the “ (name of county) Tourist Development Council.” The council shall be established by ordinance and composed of nine members who shall be appointed by the governing board. The chair of the governing board of the county or any other member of the governing board as designated by the chair shall serve on the council. Two members of the council shall be elected municipal officials, at least one of whom shall be from the most populous municipality in the county or subcounty special taxing district in which the tax is levied. Six members of the council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three nor more than four shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax. All members of the council shall be electors of the county. The governing board of the county shall have the option of designating the chair of the council or allowing the council to elect a chair. The chair shall be appointed or elected annually and may be reelected or reappointed. The members of the council shall serve for staggered terms of 4 years. The terms of office of the original members shall be prescribed in the resolution required under paragraph (b). The council shall meet at least once each quarter and, from time to time, shall make recommendations to the county governing board for the effective operation of the special projects or for uses of the tourist development tax revenue and perform such other duties as may be prescribed by county ordinance or resolution. The council shall continuously review expenditures of revenues from the tourist development trust fund and shall receive, at least quarterly, expenditure reports from the county governing board or its designee. Expenditures which the council believes to be unauthorized shall be reported to the county governing board and the Department of Revenue. The governing board and the department shall review the findings of the council and take appropriate administrative or judicial action to ensure compliance with this section. The changes in the composition of the membership of the tourist development council mandated by chapter 86-4, Laws of Florida, and this act shall not cause the interruption of the current term of any person who is a member of a council on October 1, 1996.

(5) AUTHORIZED USES OF REVENUE.—

(a) All tax revenues received pursuant to this section by a county imposing the tourist development tax shall be used by that county for the following purposes only:

1. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more:

a. Publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, or auditoriums within the boundaries of the county or subcounty special taxing district in which the tax is levied;

b. Auditoriums that are publicly owned but are operated by organizations that are exempt from federal taxation pursuant to 26 U.S.C. s. 501(c)(3) and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied; or

c. Aquariums or museums that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public, within the boundaries of the county or subcounty special taxing district in which the tax is levied;

2. To promote zoological parks that are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public;

3. To promote and advertise tourism in this state and nationally and internationally; however, if tax revenues are expended for an activity, service, venue, or event, the activity, service, venue, or event must have as one of its main purposes the attraction of tourists as evidenced by the promotion of the activity, service, venue, or event to tourists;

4. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county, which may include

any indirect administrative costs for services performed by the county on behalf of the promotion agency;

5. To finance beach park facilities, or beach, channel, estuary, or lagoon improvement, maintenance, renourishment, restoration, and erosion control, including construction of beach groins and shoreline protection, enhancement, cleanup, or restoration of inland lakes and rivers to which there is public access as those uses relate to the physical preservation of the beach, shoreline, channel, estuary, lagoon, or inland lake or river. However, any funds identified by a county as the local matching source for beach renourishment, restoration, or erosion control projects included in the long-range budget plan of the state's Beach Management Plan, pursuant to s. 161.091, or funds contractually obligated by a county in the financial plan for a federally authorized shore protection project may not be used or loaned for any other purpose. In counties of fewer than 100,000 population, up to 10 percent of the revenues from the tourist development tax may be used for beach park facilities; or

6. To acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or finance public facilities within the boundaries of the county or subcounty special taxing district in which the tax is levied, if the public facilities are needed to increase tourist-related business activities in the county or subcounty special district and are recommended by the county tourist development council created pursuant to paragraph (4)(e). Tax revenues may be used for any related land acquisition, land improvement, design and engineering costs, and all other professional and related costs required to bring the public facilities into service. As used in this subparagraph, the term "public facilities" means major capital improvements that have a life expectancy of 5 or more years, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, and pedestrian facilities. Tax revenues may be used for these purposes only if the following conditions are satisfied:

- a. In the county fiscal year immediately preceding the fiscal year in which the tax revenues were initially used for such purposes, at least \$10 million in tourist development tax revenue was received;
- b. The county governing board approves the use for the proposed public facilities by a vote of at least two-thirds of its membership;
- c. No more than 70 percent of the cost of the proposed public facilities will be paid for with tourist development tax revenues, and sources of funding for the remaining cost are identified and confirmed by the county governing board;
- d. At least 40 percent of all tourist development tax revenues collected in the county are spent to promote and advertise tourism as provided by this subsection; and
- e. An independent professional analysis, performed at the expense of the county tourist development council, demonstrates the positive impact of the infrastructure project on tourist-related businesses in the county.

Subparagraphs 1. and 2. may be implemented through service contracts and leases with lessees that have sufficient expertise or financial capability to operate such facilities.

(b) Tax revenues received pursuant to this section by a county of less than 950,000 population imposing a tourist development tax may only be used by that county for the following purposes in addition to those purposes allowed pursuant to paragraph (a): to acquire, construct, extend, enlarge, remodel, repair, improve, maintain, operate, or promote one or more zoological parks, fishing piers or nature centers which are publicly owned and operated or owned and operated by not-for-profit organizations and open to the public. All population figures relating to this subsection shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901. These population estimates shall be those in effect on July 1 of each year.

(c) A county located adjacent to the Gulf of Mexico or the Atlantic Ocean, except a county that receives revenue from taxes levied pursuant to s. 125.0108, which meets the following criteria may use up to 10 percent of the tax revenue received pursuant to this section to reimburse expenses incurred in providing public safety services, including emergency medical services as defined in s. 401.107(3), and law enforcement services, which are needed to address impacts related to increased tourism and visitors to an area. However, if taxes collected pursuant to this section are used to reimburse emergency medical services or public safety services for tourism or special events, the governing board of a county or municipality may not use such taxes to supplant the normal operating expenses of an emergency medical services department, a fire department, a sheriff's office, or a police department. To receive reimbursement, the county must:

1. Generate a minimum of \$10 million in annual proceeds from any tax, or any combination of taxes, authorized to be levied pursuant to this section;
2. Have at least three municipalities; and
3. Have an estimated population of less than 225,000, according to the most recent population estimate prepared pursuant to s. 186.901, excluding the inmate population.

The board of county commissioners must by majority vote approve reimbursement made pursuant to this paragraph upon receipt of a recommendation from the tourist development council.

(d) The revenues to be derived from the tourist development tax may be pledged to secure and liquidate revenue bonds issued by the county for the purposes set forth in subparagraphs (a)1., 2., and 5. or for the purpose of refunding bonds previously issued for such purposes, or both; however, no more than 50 percent of the revenues from the tourist development tax may be pledged to secure and liquidate revenue bonds or revenue refunding bonds issued for the purposes set forth in subparagraph (a)5. Such revenue bonds and revenue refunding bonds may be authorized and issued in such principal amounts, with such interest rates and maturity dates, and subject to such other terms, conditions, and covenants as the governing board of the county shall provide. The Legislature intends that this paragraph be full and complete authority for accomplishing such purposes, but such authority is supplemental and additional to, and not in derogation of, any powers now existing or later conferred under law.

(e) Any use of the local option tourist development tax revenues collected pursuant to this section for a purpose not expressly authorized by paragraph (3)(l) or paragraph (3)(n) or paragraphs (a)-(d) of this subsection is expressly prohibited.

(6) REFERENDUM.—

(a) No ordinance enacted by any county levying the tax authorized by paragraphs (3)(b) and (c) shall take effect until the ordinance levying and imposing the tax has been approved in a referendum election by a majority of the electors voting in such election in the county or by a majority of the electors voting in the subcounty special tax district affected by the tax.

(b) The governing board of the county levying the tax shall arrange to place a question on the ballot at the next regular or special election to be held within the county, substantially as follows:

FOR the Tourist Development Tax

AGAINST the Tourist Development Tax.

(c) If a majority of the electors voting on the question approve the levy, the ordinance shall be deemed to be in effect.

(d) In any case where a referendum levying and imposing the tax has been approved pursuant to this section and 15 percent of the electors in the county or 15 percent of the electors in the subcounty special district in which the tax is levied file a petition with the board of county commissioners for a referendum to repeal the tax, the board of county commissioners shall cause an election to be held for the repeal of the tax which election shall be subject only to the outstanding bonds for which the tax has been pledged. However, the repeal of the tax shall not be effective with respect to any portion of taxes initially levied in November 1989, which has been pledged or is being used to support bonds under paragraph (3)(d) or paragraph (3)(l) until the retirement of those bonds.

(7) AUTOMATIC EXPIRATION ON RETIREMENT OF BONDS.—Notwithstanding any other provision of this section, if the plan for tourist development approved by the governing board of the county, as amended pursuant to paragraph (4)(d), includes the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, or auditorium, or museum or aquarium that is publicly owned and operated or owned and operated by a not-for-profit organization, the county ordinance levying and imposing the tax automatically expires upon the later of:

(a) The retirement of all bonds issued by the county for financing the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, or auditorium, or museum or aquarium that is publicly owned and operated or owned and operated by a not-for-profit organization; or

(b) The expiration of any agreement by the county for the operation or maintenance, or both, of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, aquarium, or museum. However, this does not preclude that county from amending the ordinance extending the tax to the extent that the board of the county determines to be necessary to provide funds to operate, maintain, repair, or renew and replace a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, aquarium, or museum or from enacting an ordinance that takes effect without referendum approval, unless the original referendum required ordinance expiration, pursuant to the provisions of this section reimposing a tourist development tax, upon or following the expiration of the previous ordinance.

(8) PROHIBITED ACTS; ENFORCEMENT; PENALTIES.—

(a) Any person who is taxable hereunder who fails or refuses to charge and collect from the person paying any rental or lease the taxes herein provided, either by himself or herself or through agents or employees, is, in addition to being personally liable for the payment of the tax, guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) No person shall advertise or hold out to the public in any manner, directly or indirectly, that he or she will absorb all or any part of the tax, that he or she will relieve the person paying the rental of the payment of all or any part of the tax, or that the tax will not be added to the rental or lease consideration or, when added, that it or any part thereof will be refunded or refused, either directly or indirectly, by any method whatsoever. Any person who willfully violates any provision of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) The tax authorized to be levied by this section shall constitute a lien on the property of the lessee, customer, or tenant in the same manner as, and shall be collectible as are, liens authorized and imposed in ss. 713.67, 713.68, and 713.69.

(9) COUNTY TOURISM PROMOTION AGENCIES.—In addition to any other powers and duties provided for agencies created for the purpose of tourism promotion by a county levying the tourist development tax, such agencies are authorized and empowered to:

(a) Provide, arrange, and make expenditures for transportation, lodging, meals, and other reasonable and necessary items and services for such persons, as determined by the head of the agency, in connection with the performance of promotional and other duties of the agency. However, entertainment expenses shall be authorized only when meeting with travel writers, tour brokers, or other persons connected with the tourist industry. All travel and entertainment-related expenditures in excess of \$10 made pursuant to this subsection shall be substantiated by paid bills therefor. Complete and detailed justification for all travel and entertainment-related expenditures made pursuant to this subsection shall be shown on the travel expense voucher or attached thereto. Transportation and other incidental expenses, other than those provided in s. 112.061, shall only be authorized for officers and employees of the agency, other authorized persons, travel writers, tour brokers, or other persons connected with the tourist industry when traveling pursuant to paragraph (c). All other transportation and incidental expenses pursuant to this subsection shall be as provided in s. 112.061. Operational or promotional advancements, as defined in s. 288.35(4), obtained pursuant to this subsection, shall not be commingled with any other funds.

(b) Pay by advancement or reimbursement, or a combination thereof, the costs of per diem and incidental expenses of officers and employees of the agency and other authorized persons, for foreign travel at the current rates as specified in the federal publication "Standardized Regulations (Government Civilians, Foreign Areas)." The provisions of this paragraph shall apply for any officer or employee of the agency traveling in foreign countries for the purposes of promoting tourism and travel to the county, if such travel expenses are approved and certified by the agency head from whose funds the traveler is paid. As used in this paragraph, the term "authorized person" shall have the same meaning as provided in s. 112.061(2)(e). With the exception of provisions concerning rates of payment for per diem, the provisions of s. 112.061 are applicable to the travel described in this paragraph. As used in this paragraph, "foreign travel" means all travel outside the United States. Persons traveling in foreign countries pursuant to this subsection shall not be entitled to reimbursements or advancements pursuant to s. 112.061(6)(a)2.

(c) Pay by advancement or reimbursement, or by a combination thereof, the actual reasonable and necessary costs of travel, meals, lodging, and incidental expenses of officers and employees of the agency and other authorized persons when meeting with travel writers, tour brokers, or other persons connected with the tourist industry, and while attending or traveling in connection with travel or trade shows. With the exception of provisions concerning rates of payment, the provisions of s. 112.061 are applicable to the travel described in this paragraph.

(d) Undertake marketing research and advertising research studies and provide reservations services and convention and meetings booking services consistent with the authorized uses of revenue as set forth in subsection (5).

1. Information given to a county tourism promotion agency which, if released, would reveal the identity of persons or entities who provide data or other information as a response to a sales promotion effort, an advertisement, or a research project or whose names, addresses, meeting or convention plan information or accommodations or other visitation needs become booking or reservation list data, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2. The following information, when held by a county tourism promotion agency, is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

- a. Booking business records, as defined in s. 255.047.
- b. Trade secrets and commercial or financial information gathered from a person and privileged or confidential, as defined and interpreted under 5 U.S.C. s. 552(b)(4), or any amendments thereto.

3. A trade secret, as defined in s. 812.081, held by a county tourism promotion agency is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

(e) Represent themselves to the public as convention and visitors bureaus, visitors bureaus, tourist development councils, vacation bureaus, or county tourism promotion agencies operating under any other name or names specifically designated by ordinance.

(10) LOCAL ADMINISTRATION OF TAX.—

(a) A county levying a tax under this section or s. 125.0108 may be exempted from the requirements of the respective section that:

- 1. The tax collected be remitted to the Department of Revenue before being returned to the county; and
- 2. The tax be administered according to chapter 212,

if the county adopts an ordinance providing for the local collection and administration of the tax.

(b) The ordinance shall include provision for, but need not be limited to:

- 1. Initial collection of the tax to be made in the same manner as the tax imposed under chapter 212.
- 2. Designation of the local official to whom the tax shall be remitted, and that official's powers and duties with respect thereto. Tax revenues may be used only in accordance with the provisions of this section.
- 3. Requirements respecting the keeping of appropriate books, records, and accounts by those responsible for collecting and administering the tax.
- 4. Provision for payment of a dealer's credit as required under chapter 212.
- 5. A portion of the tax collected may be retained by the county for costs of administration, but such portion shall not exceed 3 percent of collections.

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it shall be bound by all rules promulgated by the Department of Revenue pursuant to paragraph (3)(k), as well as those rules pertaining to the sales and use tax on transient rentals imposed by s. 212.03. The county may use any power granted in this section to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to

enforce payment of such tax, penalties, and interest. The county may use a certified public accountant licensed in this state in the administration of its statutory duties and responsibilities. Such certified public accountants are bound by the same confidentiality requirements and subject to the same penalties as the county under s. 213.053. If the county delegates such authority to the department, the department shall distribute any collections so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing, assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to chapter 212.

(11) INTEREST PAID ON DISTRIBUTIONS.—

(a) Interest shall be paid on undistributed taxes collected and remitted to the Department of Revenue under this section. Such interest shall be included along with the tax proceeds distributed to the counties and shall be paid from moneys transferred from the General Revenue Fund. The department shall calculate the interest for net tax distributions using the average daily rate that was earned by the State Treasury for the preceding calendar quarter and paid to the General Revenue Fund. This rate shall be certified by the Chief Financial Officer to the department by the 20th day following the close of each quarter.

(b) The interest applicable to taxes collected under this section shall be calculated by multiplying the tax amounts to be distributed times the daily rate times the number of days after the third working day following the date the tax is due and payable pursuant to s. 212.11 until the date the department issues a voucher to request the Chief Financial Officer to issue the payment warrant. The warrant shall be issued within 7 days after the request.

(c) If an overdistribution of taxes is made by the department, interest shall be paid on the overpaid amount beginning on the date the warrant including the overpayment was issued until the third working day following the due date of the payment period from which the overpayment is being deducted. The interest on an overpayment shall be calculated using the average daily rate from the applicable calendar quarter and shall be deducted from moneys distributed to the county under this section.

History.—ss. 1, 2, 3, 4, 5, 6, 7, 8, ch. 77-209; s. 3, ch. 79-359; s. 72, ch. 79-400; s. 4, ch. 80-209; s. 2, ch. 80-222; s. 5, ch. 83-297; s. 1, ch. 83-321; s. 40, ch. 85-55; s. 1, ch. 86-4; s. 76, ch. 86-163; s. 61, ch. 87-6; s. 1, ch. 87-99; s. 35, ch. 87-101; s. 1, ch. 87-175; s. 5, ch. 87-280; s. 4, ch. 88-226; s. 6, ch. 88-243; s. 2, ch. 89-217; ss. 31, 66, ch. 89-356; s. 2, ch. 89-362; s. 1, ch. 90-107; s. 1, ch. 90-349; s. 81, ch. 91-45; s. 230, ch. 91-224; s. 3, ch. 92-175; s. 1, ch. 92-204; s. 32, ch. 92-320; s. 4, ch. 93-233; s. 1, ch. 94-275; s. 3, ch. 94-314; s. 37, ch. 94-338; s. 3, ch. 94-353; s. 1, ch. 95-133; s. 1434, ch. 95-147; s. 3, ch. 95-304; s. 1, ch. 95-360; s. 1, ch. 95-416; ss. 44, 46, ch. 96-397; s. 43, ch. 96-406; s. 15, ch. 97-99; s. 1, ch. 98-106; s. 58, ch. 99-2; s. 1, ch. 99-287; ss. 6, 11, 14, ch. 2000-312; s. 11, ch. 2000-351; s. 14, ch. 2001-252; s. 10, ch. 2002-265; s. 1, ch. 2003-34; s. 1, ch. 2003-37; s. 2, ch. 2003-78; s. 145, ch. 2003-261; s. 1, ch. 2005-96; s. 1, ch. 2009-133; s. 1, ch. 2012-180; s. 1, ch. 2013-168; s. 2, ch. 2016-6; s. 1, ch. 2016-220; s. 1, ch. 2017-36; s. 5, ch. 2018-118; s. 1, ch. 2020-10.

Revenue Source	Authority	Summary
Local Discretionary Sales Surtaxes * COUNTY TAXES UNLESS AGREEMENT TO SHARE *	Sections 212.054-.055, Florida Statutes	Nine separate local discretionary sales surtaxes, also known as local option sales taxes, are currently authorized in law and represent potential revenue sources for county governments generally. With particular surtax levies, municipal governments and school districts may receive all or some of the revenue proceeds. The local discretionary sales surtaxes apply to all transactions subject to the state tax imposed on sales, use, services, rentals, admissions, and other authorized transactions authorized pursuant to ch. 212, F.S., and communications services as defined for purposes of ch. 202, F.S. THE NINE AVAILABLE ARE: Charter County and Regional Transportation System County Public Hospital Emergency Fire Rescue Services and Facilities Indigent Care and Trauma Center Local Government Infrastructure Pension Liability School Capital Outlay Small County Voter-approved Indigent Care
Tourist Development Taxes	Section 125.0104, Florida Statutes	Section 125.0104, F.S., authorizes five separate tourist development taxes that county governments may levy. Depending on a county's eligibility to levy, the tax rate applied to transient rental transactions varies from a minimum of 3 percent to a maximum of 6 percent. The levies are by vote of the county's governing body or referendum approval. The tax proceeds are used generally for capital construction of tourist-related facilities, tourist promotion, and beach and shoreline maintenance; however, the authorized uses vary according to the particular levy. During the 2016-17 local fiscal year, the 62 counties levying a tourist development tax will realize an estimated \$859 million in revenue. The 43 counties not currently levying all possible tourist development taxes will allow an estimated \$70 million to go unrealized.

Distribution

Authorized Use

The total potential surtax rate varies from county to county depending on the particular surtaxes that can be levied in that jurisdiction. Discretionary sales surtax must be collected when the transaction occurs in, or delivery is into, a county that imposes the surtax, and the sale is subject to state's sales and use tax.

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, January 25, 2021

The City Commission met in formal session Monday, January 25, 2021 at 5:05 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Darlene Galambos, City Clerk
Isabelle Lopez, City Attorney
Meredith Breidenstein, Assistant City Manager
Mark Simpson, Director, Finance
David Birchim, Director, Planning and Building
Barry Fox, Police Chief
Laura Morse, Recording Secretary
Candace Seymour, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Eliut Alicea, Bridge of Life Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

MOTION

Commissioner Horvath **MOVED** to approve the Regular Agenda. The motion was **SECONDED** by Mayor Upchurch and **APPROVED BY UNANIMOUS VOICE VOTE.**

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

(None)

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

The Commission heard from the following members of the public:

- Doug Russo
- Shawn Morrison
- Chris Fulmer
- Gail Clara Wisler
- Bruce Maguire
- Melinda Rakoncay
- Ellaine Parham
- Jaime Parham
- Lauren Giber
- BJ Kalaidi

Public comment was closed.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA - JANUARY 25, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON FEBRUARY 8, 2021:

- Ordinance 2021-01
- Ordinance 2021-02
- Ordinance 2021-03

CA.3. Reminder of Upcoming Meetings:

- February 8, 2021, 5pm, regular City Commission meeting
- February 22, 2021, 5pm, regular City Commission meeting
- March 8, 2021, 5pm, regular City Commission meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- December 7, 2020, Special City Commission Meeting
- December 14, 2020, Regular City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- Aksana and James Priest - 2916 N. 2nd Street
- Ruth Miller and Samuel Lyons - 255 S. Woodlawn Street
- Lender Jones-McDowell and Walter McDowell - 1021 N. Orange Street

CA.6. Order releasing code enforcement lien at 92 Smith Street. (*D. May, Assistant City Attorney*)

CA.7. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.8. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.9. First Quarter Legal Report. (*J. Lopez, City Attorney*)

CA.10. First Quarter Utilities and Public Works report. (*T. Grant, Utilities Director and R. Franklin, Public Works Director*)

CA.11. Invoice in the amount of \$3,335.00 from Cavendish Partners, P.A. for legal services rendered in December 2020 regarding the Marlowe v COSA matter. (*J. Lopez, City Attorney*)

CA.12. Invoice in the amount of \$2,301.00 from Cavendish Partners, P.A. for legal services rendered in December 2020 regarding the MASCI v COSA matter. (*J. Lopez, City Attorney*)

End Consent Agenda

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

Commissioner Sikes-Kline cited her request that Merin Dunn, Audiovisual Specialist, create the Utilities report into a formatted video, such as the one completed for Arbor Day. She commended Ms. Dunn for her work and suggested everyone take time to watch the video once completed.

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

6. APPEALS

(None)

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

(None)

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

9.A.1. Ordinance 2021-01: Amends the General Employees' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors.

Isabelle Lopez, City Attorney, reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline **MOVED** to place Ordinance 2021-01 on second reading, read by title only and passed. The motion was **SECONDED** by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE IV, 1977 CITY EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 20-116 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT OF 2019; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Valdes, Blonder, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2021-02: Amends the St. Augustine Police Officers' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline **MOVED** to place Ordinance 2021-02 on second reading, read by title only and passed. The motion was **SECONDED** by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART I, ARTICLE IX, POLICE OFFICERS RETIREMENT SYSTEM OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTIONS 9.08 AND 9.11 PROVIDING FOR COMPLIANCE WITH THE SECURE ACT OF 2019; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Blonder, Horvath, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.3. Ordinance 2021-03: Amends Article X of the City Charter to correct scrivener's errors and provide gender neutral language.

Ms. Lopez reviewed the Ordinance.

MOTION

Commissioner Sikes-Kline MOVED to place Ordinance 2021-03 on second reading, read by title only and passed. The motion was SECONDED by Mayor Upchurch.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART I, ARTICLE X OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR GENDER NEUTRAL LANGUAGE THROUGHOUT; PROVIDING FOR

INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Blonder, Horvath, Valdes

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.4. Ordinance 2021-04: Amends the Sebastian Inland Harbor Planned Unit Development.

David Birchim, Director, Planning and Building (PZB), reviewed the Ordinance and variations from the original and proposed Planned Unit Development (PUD).¹ He included the following:

- Current PUD identified 10.88 acres of uplands, amended PUD identified 11.5 acres of uplands with marina basin as balance
- Applicant could address acreage questions
- Property contained San Sebastian Winery (Winery) and marina basin, remainder was vacant and under-developed
- Property formerly a brownfield containing coal gasification plant which produced City's power and was cleaned up many years ago
- One monitoring well on property and two on police station property remaining from contamination cleanup
- Lot coverage defined as everything under roof and did not include driveways, sidewalks or property's impervious surface as on plans
- Current PUD allowed 65' tall buildings, measured from 8' above mean sea level and proposed PUD allowed 58', measured at 10' above mean sea level
- Elevated buildings two additional feet for resiliency measures, or an overall 5' building height reduction

¹ Attached to original Commission packet

- Architecture Review Committee (ARC) governed current PUD building design, not the revised; however, conceptual building elevations and written description of allowed architectural styles were included

Mr. Birchim informed the Commission the Developer, their Attorney and team were present to answer questions.

Mr. Birchim noted the current PUD and 2016 amendment, which changed the phasing schedule, and the 2007 PUD document was provided to the Commission for their records.²

The Commissioners asked Mr. Birchim questions regarding the proposed PUD amendment.

Commissioner Sikes-Kline asked the following questions and received the responses as follows:

As per code, was neighborhood sent notification for opportunity to convene for a meeting with the Developers?

- Neighborhood notice was sent and received, based on email response from neighborhood council members; however, meeting was not accepted

How was open space defined and calculated within PUD, and why was it important?

- Open space was important and the reason maximum lot coverage ratios existed
- Tried to maintain balance between developed environment and open space which brought good design and prevented 'overdevelopment'; however, what one called overdevelopment another called good design

Did 'within the marina' stated in PUD mean marina's approximate 2.4 acres was

included in the 5.2 acre open space calculation and if so why, since no code stated what open space consisted of?

- It was included, and there was no code preventing Developer from asking for marina credit as part of open space calculation as done in PUD narrative

Commission and applicant would decide open space credits, was this how density was calculated in the Comprehensive Plan?

- Density was based on developable land and included open undeveloped land on same parcel, but not the marina since it was not developable acreage and not included in multifamily unit calculation

Marina was included in Developer's open space calculation, which did not affect the number of units per acre?

- No, and rough calculations showed 174 to 177 units, whereas Developer asked for 165

What were differences between setbacks and landscape buffers?

- Landscape buffer was perimeter of commercial property and a common commercial land development regulation with a landscape plan and identified buffers
- 10 feet was standard buffer yard width which could be reduced per code using a multiplier to add fences, screening or more landscaping if more narrow
- Building setbacks were how far closest building point could be to property line
- Landscape buffer could be inside building setback area; therefore, if buildings required setback 10 feet from property line, landscape buffer could be in between building and property line

Were sidewalks and bike paths allowed inside building setbacks and landscape buffer?

² Provided to Commission at meeting

- Building must comply with setback requirements
- Landscape buffer not required to be contiguous, and landscaping should be designed around 'obstacles', such as driveway openings and utility poles, for good design purposes and longevity
- Could incorporate walkways and bike paths within landscape buffer if providing minimum number of trees and shrubs required

Questioned incompatible use with multifamily, property north of Ice Plant and driveway, eight feet of buffer yard on south side and proposed five-foot minimum sidewalk around area path leaving only three feet for landscaping

- A PUD defined own standards; and landscape plan was included as PUD exhibit, and if approved, would be the design accompanying the development
- Landscape architect would address minimums for landscape conducive to the space or might say area required more room based on incompatibility

How did staff address the change for parking space dimensions since the Developer set the standards?

- Standards existed for traditional zoning
- Differences shown between Developers' required design for commercial parking lot with straight zoning, and what was proposed in PUD
- Straight zoning required a 9-1/2"x19' parking space with a two-way drive aisle behind measuring 24 foot wide
- PUD reduced parking spaces to 9'x18' as Developer wanted creation of parking garage spaces in line with parking garage designs, since City had no minimum size for parking garage spaces and held to old larger standards

Passive recreation was the walking trail sidewalk and the marina was active recreation. Was the marina public or private, and if public, why were marina parking spaces removed in proposed amendments?

- No public parking was associated with marina in updated PUD; therefore, it remained active recreation
- By definition marina would be commercial and open to the public; however, public's ability to park on site if visiting marina would be the parking garage

Commissioner Sikes-Kline stated that active recreation was considered public because there was a strong ethic and desire in the City to maintain public access to the water. She noted that in the existing PUD there was a water taxi station, which promoted the intent for public recreation, but it was not in the proposed PUD amendments.

New permitted uses specified indoor and outdoor restaurant uses including alcohol sales, and outdoor alcohol sales had been a City issue. If the Commission changed a code or requirements, such as outdoor alcohol sales, was it possible for PUD language to adapt to that new code?

- Language was in revised PUD discussing RGO permitted uses as periodically amended; therefore, language could be inserted that would automatically change uses or conditions should law change

Commissioner Horvath asked the following questions and received the responses as follows:

Had Developer addressed active and passive recreational space in PUD which stated for every hundred multifamily units, one of each was required; therefore, 167 units would need 1.67?

- Developer identified compliance through bikeways, walkways, and marina as recreation space

Commissioner Valdes asked the following questions and received the responses as follows:

Was there PUD language regarding open area equating to permeable or impermeable surfaces which allowed notion that a lot of available open area could be paved?

- PUD did not include this language

The 60% lot coverage suggested by Developer was under roof, was there a number referring to other impermeable surfaces?

- PUD did not include a number

Major concern was traffic and parking from Malaga Street to US1; therefore, was it equitable to provide applicant with their requested use of 35% of apartments as vacation rentals, thereby increasing traffic considerably, versus one-to-two person hotel rooms?

- This detail had not been addressed regarding which apartments would be reserved for short-term rentals (STRs)

Traffic load between US1 and Malaga Street estimated 18,000 trips per day and applicant proposed an additional 4,300 trips per day, was a traffic study completed to confirm this?

- Credentialed traffic engineer showed traffic load from existing to revised PUD would drop approximately 183 trips

City's parking code was inadequate with a successful restaurant, so when parking garage requirements were calculated, was maximum load reviewed?

- Best estimate was given at 100% requirement, then 12.5% subtracted to arrive at 650 spaces
- Floor plans not available for non-patron area of restaurants and banquet rooms; therefore, did not have definitive number of parking spaces

How could the Commission approve a PUD without parking information?

- Commission did not have to approve, but could state Developer must provide 100% code compliant parking
- Current PUD stated 363, and intention was to marginally reduce intensity and marginally increase number of spaces

Mayor Upchurch stated the Developer and their Attorney were present at the meeting and could address the question which was an unfair expectation to place on staff.

Commissioner Blonder asked the following questions and received the responses as follows:

Were employee and event parking adequately included in parking calculations?

- All parking included street parking partially on Developer property and in public right-of-way on San Sebastian
- Developer would provide code compliant parking with a table showing City code calculations, less the 12.5% internal capture rate for mixed use
- Ample parking was available to comply with City code, but whether code allowed sufficient parking for events was an open question, and answer was if business was successful, there would not be enough parking since code sought the average
- Rough estimate was around 650 parking spaces needed on site, and currently Developer had 636

Was parking partially on Developer property and partially on public right-of-way generally allowable, as there was concern about this?

- No; however, it could be considered through PUD mechanism proposing City metered parking as public parking, and in exchange credit given for the parking within their internal calculation

How many hotel rooms could City support both economically and with existing infrastructure with overutilization or underutilization?

- Five hotels currently under construction
- Hotel industry very interested in locating in St. Augustine
- STR industry monetized residential neighborhoods for tourism
- Perception of value existed with hotel development
- No study existed predicting a maximum number of hotel rooms feasible for City

Was there service and emergency vehicular access to the multifamily structure in new modification?

- Site development plan showed access on Sebastian Harbor Drive which was neighborhood interest at a PZB public hearing, and to eliminate Riberia Street access which was all part of current parking garage design until interior dimensions of drive aisles were seen
- Unable to speak for Fire Department, but all safety measures would require compliance prior to permitting

How was open space calculated in terms of public access?

- Open space was just a math formula and did not require public access
- PUD showed commitment to having public access, but reserved right to have security for hotel guests and apartment tenants; therefore, at some point in evening, people would be prohibited from walking the Riverwalk

There were no further questions from the Commission for Mr. Birchim.

Mayor Upchurch welcomed Ellen Avery-Smith, Esq., Counsel for Developer.

There was Commission consensus to hear a project summary prior to questions; therefore, Ms. Avery-Smith provided a project overview:

- City's Comprehensive Plan (Plan) set property's future land use designation as residential medium density mixed use

- Property owners had legal right to residential and commercial developments as set forth in Plan, and projects were encouraged to have a cohesive design to create an identity
- Land use designation issued over thirty years ago (estimated between 1988 and 1990) was accompanied by original zoning, since all property had land use designation as 'governing document'
- Original zoning category was residential general office and was companion zoning to residential medium density mixed use future land use designation, or if rezoned to PUD which was compatible with future land use designation
- City and developers devised original 2004 PUD when property was all upland and there was no marina; therefore, the marina was always part of developable land in PUD
- In 2007 another group of developers put forth another amended PUD that existed today with same acreage
- In 2016 both owners, SA Marina Holdings, LLC and Seavin, Inc. (Winery owners) came in for sole purpose of extending PUD dates with no substantive changes made at that time
- At end of 2019 an application was filed, went to PZB in February 2020, and applicants were given 12 written 'homework assignments' that were responded to and complied with
- Applicants provided a revised plan that went to PZB in December 2020 and unanimous recommendation of approval was received with concerns expressed
- RGO zoning allowed all uses sought in PUD and difference between RGO and PUD was RGO did not require design standards or public benefit provision; whereas PUD zoning required design standards and public benefit provision
- Project construction costs estimated between \$80 and \$100 million dollars with generation of approximately \$750,000 annually for City to use in downtown parking and transportation network improvements

- Funds would be paid into downtown Community Redevelopment Agency (CRA) for mobility improvements
- Project provided half on-site and half off-site parking along Sebastian Harbor Drive and City would meter those spaces for additional revenue
- Project contributed to beautification with re-construction and landscaping on Sebastian Harbor Drive
- Provided Riverwalk along San Sebastian River which would close at 10:00 or 11:00 P.M. for safety reasons and re-open after sunrise

Ms. Avery-Smith advised the Commission she was available to answer questions.

Mayor Upchurch expressed concern regarding any multifamily use as STR as it generated congestion and additional traffic; however, he noted the positive direction to increase multifamily units while reducing hotel rooms.

Mayor Upchurch asked the following questions and received the responses as follows:

Please explain how a Community Development District (CDD) fit into this project?

- CDD typically used by larger project developers to fund infrastructure over time both on and off site
- Consulted with both owners who did not believe a CDD necessary for this property and could remove from PUD

Commissioner Blonder concurred with Mayor Upchurch regarding STRs, noted the City's large hotel room inventory and the concern with burdening staff with 35% use of multifamily units as STRs.

Commissioner Blonder asked the following questions and received the responses as follows:

Stormwater management plan not seen in application and questioned what design

measures and models were used to ensure compliance?

- Same language was in St. Johns River Water Management District requirements; therefore, it was the law and required project compliance

Was a written evaluation of potable water and sanitary sewer capacity been completed and approved by the City?

- Provided a water and sewer availability letter from City, which was typical step this early in process
- Once re-zoning completed, Engineer would prepare horizontal construction plans as part of utility upgrades needed

A development of this magnitude presented a wonderful opportunity to implement key elements of sustainability plan, vision plan, comprehensive plan and strategic adaptation plan. What design elements or measures were being taken regarding Future Land Use Element (FLUE) Goal 5, to reduce greenhouse gas emissions?

- Question could not be answered

What design elements or measures were being taken regarding Goal 8 of FLUE, to reduce automobile trips and promote the mobility plan?

- PUD was approved, had vested rights under the law and for 'x' number of trips
- This plan reduced number of trips by 277 as shown in public facilities analysis in exhibit to PUD text
- Addressed traffic as presented in site circulation plan, part of PUD exhibits:
 - Reduce overall density, which reduced trip count
 - Intended to keep trolley stop in place, which picked up at Winery
 - Bicycle racks and lockers would be in areas for residents and visitors
 - Traffic heading eastbound from King Street would use parking garage and also portions of mixed-use project

Were there design elements or measures incorporating 'low impact development' or 'green infrastructure' with regards to conservation and coastal management element 2.16.6?

- This item would be reviewed

What design elements or measures were being taken regarding the transportation and mobility element, Goal 3, to encourage the 'park once' environment and keep people there to buy groceries?

- Property owner next to Winery, Mr. Cox, envisioned a European market similar to an indoor farmer's market, designed for residents and tourists

What design elements or measures were being taken to 'build in a manner that lessens risk to transportation public investments and private property' within transportation mobility element 1.7.1, interpreted as measure to reduce flooding impacts in flood prone areas?

- Part of PUD text allowed construction to raise starting elevation of buildings to 10 North American Vertical Datum (NAVD), versus 9 under City code

Commissioner Blonder noted this protected buildings in development, but did not address additional flooding that resulted from 60% lot coverage of roofed area or impermeable surface increase.

What measures were being incorporated to adapt entire area to impacts of open space reduction that allowed for stormwater retention and infiltration?

- One underground stormwater vault existed on site, and others would be constructed to handle site stormwater
- Stormwater vault would take drainage from Sebastian Harbor Drive through stormwater treatment systems then treated in accordance with law
- Stormwater vaults would be gravity fed

- Doug Skiles, Civil Engineer of project, could provide detail on this topic at second reading of Ordinance

Commissioner Blonder summated other project concerns:

- Water conservation design elements not seen in PUD as recommended in Plan section 2.1.4.1, and species shown in landscape plan overwhelmingly non-native and not water conservation friendly
- Encouraged inclusion of more sustainability elements such as low flow plumbing and appliances
- Streetscaping shown did not qualify with Transportation and Mobility Element (TME) as a complete street, sharrows were dangerous and disallowed safe family street use; therefore, encouraged complete streets with underground power
- TME 3.1.24 'encouraged affordable workforce housing, mixed use multi-modal supportive development' shown on page 5 of application it stated 'creating jobs within the same property where people live'; however, affordability was in question for service workers

Commissioner Blonder noted the great opportunity for staff to consider incorporation of a mobility fee for the project, over and above taxes generated, vehicle trips and parking.

Commissioner Blonder concluded the original PUD had elements of greater benefit to residents and this was potentially the last opportunity for large development that should be special and compelling.

Commissioner Horvath asked the following questions and received the responses as follows:

Things had changed significantly since the first PUD approval in 2004. She noted a 58 hotel room reduction did not wash with an 80 multifamily unit increase of

approximately 112,000 ft², or average of 1,400 ft², or a unit plus circulation. She stated 33,650 ft² could be credited, or reduction of hotel rooms and retail, but it still increased project by over 78,000 ft², and increase was intensity issue that translated to parking issue discussed by Commissioner Valdes. She questioned the traffic study.

- Parking was a mathematical calculation based on City code for each use, and final site plan with total units and square footage would use calculation for minimum required parking units
- Traffic counts based on number of hotel rooms and multifamily units, not square footage
- Unsure of final project square footage, but used maximum densities and intensities of use based on City code measures, which were apartment units, commercial square feet, and number of hotel rooms as required for compliance
- Developer requested 'mixed use parking bonus' for tenants to enjoy ability to park once, then shop or dine
- Institute of Traffic Engineers (ITE) was an internationally recognized organization by which trip generation for each land use was calculated

Concerned with project's uncertainty in appearance and design, and inability to provide accurate numbers.

- In an RGO project, zoning would allow maximum height of 50 feet across site with an architectural embellishment and five feet of mechanical equipment; therefore, entire site could be 55 feet, absent a design element, but allowed by land development code
- Since project was a PUD, Developer tried to set maximum standards and work within traditional zoning confines, such as maximum building height at 58 feet, the 75 and 90 foot towers in current PUD would be removed, and building height decreased seven feet from existing PUD

- Only project building with completed design was Mr. Cox's European market

Hotel and European market design were discernable, but entire project should be visible; therefore, if Developer requested the absence of an architectural review, the Commission should know what they were approving.

- A revised PUD text and exhibits based on Commissioners' comments and questions and version of multifamily units diligently worked on by designer would be provided timely for staff's review and report, then sent to the Commission for review prior to February 22, 2020 meeting

Was parking garage visibility heading east on King Street addressed with staff, as it required serious architectural treatment to avoid looking like a parking garage which would become a magnet for people to park and walk downtown, hence eliminating parking availability for the European market or the hotel?

- Page 11 of PUD text discussed architectural style and design of buildings, and stated "the west side of the non-residential parking garage facing San Sebastian River will include colonnades" which would hide parking garage and appear as a beautiful building from the river

Confusion regarding acreage with inconsistent numbers, and understood part was calculated prior to marina being constructed, but what was the 60% requested?

- Original 2004 PUD footprint included 13.5 acres and nearly 11 acres of upland
- Engineer was calculating acreage; therefore, any changes would be made to PUD text for consideration between now and second reading

- Marina was an upland since it was constructed after 2004 PUD and therefore, part of developable land
- In 2007, questions raised about Winery inclusion in original PUD, and after review of legal description, it was determined it was not included
- PUD package included 'Exhibit A' consisting of copied and pasted legal descriptions of every owner's deed in project to ensure inclusion of Winery, additional marketplace land and everything owned by SA Marina
- Acreage increased in PUD by approximately two-tenths of an acre and worked to true up numbers which would be provided to Commission in revised PUD text

If plan was 60% coverage, plus other impermeable parking and sidewalks, was this done on the 11 acres plus 2 acres of Winery?

- When PUD text was revised, a table would be provided with information with total acres and submerged land acres

Was Winery already calculated in the 60% requested part of coverage?

- Yes, numbers would be finalized

Improvements on Sebastian Harbor Drive were proposed at 75% completed by City and 25% by Developer, shouldn't Developer pay at least 50% since they had 50% street frontage?

- Unaware and would get clarification

Mayor Upchurch advised this was an issue to be worked through prior to approval.

Commissioner Valdes asked the following questions and received the responses as follows:

Was code that stated one parking space per two slips used for parking requirements for marina?

- Yes that was calculation used

Commissioner Valdes stated the project was a rare opportunity to excel since it was uniquely situated on large entry corridor in City, and his project vision was a world class development visible from the Bridge of Lions. He expressed full awareness of design thresholds and height limitations and noted since functionality requirement was tied to height, he was amiable to discuss height for 'architectural freedom' with Commission. He concluded in 2004 the project was needed, but today it created growth and development issues and requested Ms. Avery-Smith return to designers and come back with a design that made the 'pulse rush'.

Ms. Avery-Smith advised that design staff would be informed of provided suggestions.

Commissioner Sikes-Kline asked the following questions and received the responses as follows:

How was Zone C3 chosen for signage?

- Project was mixed use on several different public streets
- City signage code allowed freestanding signs, based on length of right-of-way or property line along public street
- Project difficulty was lengths and sizes along public streets, but nothing allowed placement of freestanding signs for each project major use, such as one sign for Winery, one for European market, and one for hotel, as requested in PUD text
- Code permitted signs on building sides; therefore, picked most compatible sign with buildings of size discussed

Commissioner Sikes-Kline advised Commercial Sign Zone C3 was for massive highways not small City streets and requested a unified and detailed sign plan and noted using Zone C1 or C3 was not required but could serve as a guidepost.

Commissioner Sikes-Kline summated other project concerns:

- Request for 12.5% parking reduction with idea of shared space, walking and biking provisions, but important items such as water taxi station not in PUD
- Creation of mobility and reduction of auto dependence important; therefore, surprised more comprehensive plan not provided
- Public parking spaces in original PUD not seen, although 30 metered spaces provided on street
- Wanted public parking at marina if required to meet active recreation space guidelines
- Questioned marina's intended use with fuel sales addition in permitted uses, and not amiable to adding fuel docks based on intensity of use, delivery trucks, location of docks, water taxi station, and public parking spaces for marina access
- Shared fellow Commissioner's opinions of STR provisions
- Not inclined to go from five to ten years on phasing plan which required tightening
- Disappointed underground utilities not in presented PUD, although they were in original PUD
- Wanted 'over the top fabulous' on circulation size, connectivity, multi-modal pads, all things expected when Plan focused on mobility and auto dependence reduction
- Architecture extremely important core City value requiring definition
- Requested streetscape analysis / connectivity plan as required in PUD Ordinance
- Requested comprehensive Circulation Plan separate from drawings, showing where 12.5% of people without cars moved around on site

Ms. Avery-Smith replied to Commissioner Sikes-Kline's concerns:

- Revenue from metered parking spaces would be given to City

- Clarified marina was not envisioned to compete with City marina; however, primary intention was for hotel guests, multifamily residents and boaters to dine
- Site Circulation Plan included as Exhibit D showing where pedestrians, bicycles, vehicles and trolley could go
- More detailed Circulation Plan would be provided, along with 11"x17" hard copies

Commissioner Sikes-Kline asked if Developer would consider the Bike Share program and wayfinding plan?

- Would discuss with the developer
- Clarified that wayfinding could be included in unified sign plan

There were no further Commission questions for Ms. Avery-Smith.

Ms. Lopez advised removing the STR component challenge was that State law pre-empted City's ability to pass an ordinance prohibiting STRs; therefore, this was enacted by ordinance. She stated the applicant and Commission could negotiate to substantially lower STR numbers from the current proposal; however, it would behoove Commission to not prohibit STRs via ordinance based on State statute.

MOTION

Commissioner Horvath MOVED to continue the first reading to the next meeting to provide Developer time to respond to Commission's requests on topics discussed, then move to second reading if Commission was content.

Ms. Avery-Smith requested a date certain to gather information and to move ordinance to second reading, allowing public comment for a better understanding of community and Commission's concerns.

The Commission discussed:

Commissioner Blonder noted uncertainties required attention prior to ordinance moving

to second reading and would only support continuance on first reading.

Mayor Upchurch indicated he was prepared to make a motion to approve on first reading, proceed to second reading in a month with understanding that the second hearing may continue for several meetings.

Commissioner Valdes stated the topic required and deserved more than one hearing to resolve and was amiable to move to second reading citing more would come.

Commissioner Horvath noted the difficulty for Developer to obtain requested information by second reading and stated more time was needed to resolve issues until Commission believed project was good, which allowed more detail for public response.

Commissioner Sikes-Kline concurred with Commissioner Horvath and preferred continuing the item.

Commissioner Horvath AMENDED THE MOTION to continue the first reading of Ordinance 2021-04 to February 22, 2021. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Valdes, Blonder, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch thanked Ms. Avery-Smith for the presentation and stated the Commission would continue working with the Developer and team to make this the best possible project.

9.B. Resolutions

9.B.1. Resolution 2021-02: Authorizes the City Manager to arrange for the City Commission or Boards and Committees to utilize hybrid meetings.

Ms. Lopez reviewed the Resolution and stated this required a physical quorum of three Commissioners present with 'up to 2' through virtual participation. She stated that although the technology was not yet available, this set up the legal framework to conduct hybrid meetings and clarified that Commissioners who joined virtually would fully participate and vote.

MOTION

Commissioner Blonder MOVED to pass Resolution 2021-02. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION

AYES: Blonder, Horvath, Valdes, Sikes-Kline, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2021-01: Approves the City's affiliate membership with the Bartram Trail Conference. (A presentation regarding the Bartram Trail Conference and the recognition of Bartram Trail National Heritage Corridor by Sam Carr, President Bartram Trail Society of Florida will be located on the City's social media please go to the City's website, citystaug.com for more information).

Ms. Lopez reviewed the Resolution.

Commissioner Sikes-Kline noted her appreciation for the support on the topic and advised a video was produced for the City's social media outlets and was located on the City website's home page.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-01. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Blonder,

Valdes, Horvath
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.B.3. Resolution 2021-03: Dredging of the Salt Run Channel and Interlocal Agreement.

Jim Piggott, Director, General Services, reviewed the Resolution, acknowledged the hard work of Corey Sakryd, Grants Administrator, and advised the City finished number one out of 65 plus grants submitted in 2020.

MOTION

Commissioner Horvath MOVED to pass Resolution 2021-03. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Valdes, Blonder, Upchurch
NAYES: None
MOTION APPROVED UNANIMOUSLY

MOTION

Commissioner Horvath MOVED to approve the Interlocal Agreement. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

10. STAFF REPORTS AND PRESENTATIONS

10.A. First quarter fiscal year 2021 financial update and proposed budget meeting schedule.

Mark Simpson, Director, Finance, reviewed the topic and stated the debit card approach was successfully used during revenue uncertainty and the first quarter financials looked good and were in accordance with Plan. He advised the City currently had placed \$7.3 million dollars of favorable

excess in a savings account for use throughout the year when ad valorem taxes were not strong.

Mr. Simpson summated performance of the Funds and noted challenges existed with the Solid Waste Fund which were being analyzed with Todd Grant, Director, Utilities, for fiscal year 2022 budget, and a study with options that would be brought to the Commission in the future. He noted the concern regarding the Visitor Information Center Fund due to lost parking revenues in 2020; however, he stated opening for Nights of Lights worked well with garage revenue and 32% of budgeted revenues had been received thus far.

Mr. Simpson noted the capital purchases were approved to move forward, as no reason existed that the budget could not be fulfilled as planned.

Mr. Simpson reviewed the budget preparation process:

- Publish schedule at regular Commission meeting
- May 10, 2021 Commission meeting would review the Strategic Plan and mid-year budget analysis completed, with anticipated discussion of capital improvement projects
- 2021 normal process with special meetings for discussion of budget assumptions and detailed revenue review since unable this past year due to COVID
- Regular workshops planned for August 2021
- Trim compliance for budget meetings in September 2021

Mayor Upchurch noted his appreciation for the work Mr. Simpson, staff and Ms. Breidenstein did to keep the City well financed and maintained which was taken for granted and expected. He stated City finance required a great deal of work and expertise and nothing was more important.

Mayor Upchurch requested that Mr. Regan revisit the great ideas and topics with the sustainability workshop prior to COVID when looking at a rate study.

11. ITEMS BY CITY ATTORNEY

11.A. Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

12. ITEMS BY CITY CLERK

12.A. Discussion and assignment of commissioners to intergovernmental boards.

Darlene Galambos, City Clerk, reviewed the topic and inquired whether the Commissioners chose to continue service on their current boards.

The Commissioners consented to continue serving on their existing boards.

Mayor Upchurch suggested Commissioner Blonder serve on the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR).

Commissioner Blonder consented to serving on the GTMNERR.

Mayor Upchurch advised he would serve on Sister Cities Association.

Commissioner Sikes-Kline volunteered to serve as representative for the Bartram Trail Conference.

The Commission MOVED to accept the selected appointments and APPROVED BY UNANIMOUS VOICE VOTE.

12.B. Request for appointment of two term vacancies for the Lincolnville Community Redevelopment Area Steering Committee.

Ms. Galambos reviewed the topic and distributed ballots for the Commission to vote for two of the following applicants:

- Julie Risenhoover
- Madeline Wise
- Dee Thomas

Ms. Galambos announced after tallying the votes, the Commission unanimously elected Madeline Wise and Dee Thomas to the Lincolnville Community Redevelopment Area Steering Committee.

12.C. Notification of two upcoming term expirations on the Historic Architectural Review Board.

Ms. Galambos reviewed the topic and advised that applications were due February 25th.

13. ITEMS BY CITY MANAGER

Mr. Regan announced that February 1, 2021, St. Johns County in partnership with Flagler Hospital would provide COVID testing for the uninsured and a major communications announcement was forthcoming. He commended Commissioner Sikes-Kline and Commissioner Horvath for their hard work behind the scenes with St. Johns County to facilitate this.

Commissioner Blonder commended Mr. Regan for his work to facilitate this action.

Commissioner Sikes-Kline shared the sentiments of Commissioner Blonder and also commended Commissioner Henry Dean for his significant work towards this effort.

14. ITEMS BY MAYOR AND COMMISSIONERS

Mayor Upchurch reminded the Commission Mr. Regan's evaluation was required and although some Commissioners had met with him and provided oral evaluation, written evaluations were necessary which

Ms. Lopez would then combine for recommendation.

Commissioner Sikes-Kline encouraged the Commission to reply to the North Florida Transportation Program email survey sent, which helped shape the City's direction and they reached out to elected officials first, then the public.

Commissioner Sikes-Kline discussed an earlier public comment that asked about the open construction period creating issues on a property located on Avenida Menendez. She stated it required resolve and if necessary a code change, as construction permit should not be open for years.

The Commission provided consensus to address this topic.

Mr. Regan advised that a status quo and recommendation would be provided at the February 8, 2021 Commission meeting.

Commissioner Horvath advised Senate Bill 62 would be discussed at an upcoming committee, which was an attempt to dismantle the 10 Regional Councils at a major loss for the State of Florida. She stated the councils were non-profit and worked from federal and state grants. She said invaluable resiliency, economic development, transportation, emergency preparedness and evacuation studies work was done by Regional Councils. She noted her current work on COVID economic resiliency and affordable housing and requested consensus in support to oppose the bill.

There was Commission consensus to begin work on a defensive strategy to defeat Senate Bill 62.

Commissioner Blonder applauded the appointment of Jessica Beach as Chief Resiliency Officer and noted appreciation of efforts to get her to that position.

Commissioner Blonder mentioned that Mayor Curry of the City of Jacksonville

extended requirement to wear masks indoors until February 25, 2021 and asked Ms. Lopez about this capability with the current climate.

Ms. Lopez advised the City of Jacksonville and Duval County merged into consolidated government decades ago and in the State granted charter, there were peculiar and individual rights to enact emergency orders, including every thirty days. She stated the mandate had no exclusive penalty but crossed referenced the code and charter.

Commissioner Valdes referenced climate change, ocean rise and traffic and at each election cycle the conversation regarding satellite parking garages and transportation in and out of the City was brought to the forefront. He requested that Mr. Regan advise the Commission regarding the City's progress with pursuit of these topics, as they were the only solutions to mitigate current impact.

Mr. Regan advised the topic would be addressed at another meeting.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:01 P.M.³

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

³ Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, February 8, 2021

The City Commission met in formal session Monday, February 8, 2021 at 5:15 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Vice Mayor Nancy Sikes-Kline, and the following were present:

1. Roll Call: Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

Absent: Tracy Upchurch, Mayor/City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Director, Public Works
David Birchim, Director, Planning and Building
Todd Grant, Director, Utilities
Stephen Lauber, Information Technology Manager
Barry Fox, Police Chief
Laura Morse, Recording Secretary
Candice Seymour, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Tim Fleming, Christ Church, delivered the invocation, and Vice Mayor Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

John Regan, City Manager, requested removal of Item 13.A. from the Agenda.

MOTION

Commissioner Horvath MOVED to approve the Regular Agenda as amended. The motion was SECONDED by Commissioner Blonder and

APPROVED BY UNANIMOUS VOICE VOTE.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

(None)

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

The Commission heard from the following members of the public:

- Shawn Morrison
- Michele Bova
- Charles Pappas
- Doug Russo
- Jaime Parham

- Michael Mann
- BJ Kalaidi

Public comment was closed.

5. CONSENT AGENDA

Mr. Regan read the Consent Agenda.

CONSENT AGENDA–FEBRUARY 8, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON FEBRUARY 22, 2021:

(None)

CA.3. Remainder of Upcoming Meetings:

- February 8, 2021, 5pm, regular City Commission Meeting
- February 22, 2021, 5pm, regular City Commission Meeting
- March 8, 2021, 5pm, regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

(None)

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- 149 Palmer Street-Andrew Deming

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

(None)

CA.8. Satisfaction of pre-application conditions in order for the City to apply to the Florida Department of Economic Opportunity (FDEO) for a Small Cities Community Development Block Grant-Coronavirus (CDBG-CV) program. (C. Sakryd, Grant Administration Coordinator)

End of Consent Agenda

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

6. APPEALS

(None)

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

7.A. General Public Presentations

7.A.1. Presentation by Eric Becher, PhD, representing the Epicentre Alliance regarding a concept plan for a Performing Arts Center.

Commissioner Blonder introduced Dr. Becher, founder of Vavarde Strategic Funding (Vavarde), which assisted nonprofit organizations reach sustainable futures in partnership with Epi Centre Alliance.

Dr. Becher delivered a presentation and discussed the following:

- Twelve nonprofit organizations represented in St. Augustine who performed in art, music, dance, and theatre
- Vavarde launched in 2016 from requests to assist local nonprofits with problem solving
- Nonprofits required a reliable facility to rehearse, prepare, perform, promote fundraising, and secure advanced schedule; therefore, construction of facility was planned
- In January 2020 Vavarde held two-day retreat to collect ideas, dreams, visions, needs, and group goals
- Project was met with great reception across City and County
- Ten sites researched but unable to purchase until next stages secured
- Sites not downtown based on County's Johnson study indicating parking issues and traffic congestion

Dr. Becher requested a signed letter from Mayor Upchurch, required for several grants, indicating the City's desired partnership with Vavarde and support for the project, thus allowing preliminary funding for planning and design. He stated several persons were interested and prepared to fund the facility; therefore, the City and County would have zero costs.

Commissioner Valdes noted his support for a letter and the wonderful direction of this project which was long past due.

Commissioner Horvath thanked Dr. Becher and remarked on the great project progress seen during her involvement.

Isabelle Lopez, City Attorney, clarified Dr. Becher's request was general conceptual support from the Mayor and if the Commission's consensus was a letter of support from the Mayor, it was not supporting a partnership or any other language implying an ongoing commitment, preliminary financial commitment, or City oversight. She stated full Commission consensus was required.

There was Commission consensus to proceed with a letter of support from Mayor Upchurch.

Mr. Regan echoed the observation of all four Commissioners' support of the Mayor's letter and noted that although the Mayor signed the letter, it represented a position of the entire Commission and City.

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading

8.A.1. Ordinance 2021-01: Amends the General Employees' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors.

Ms. Lopez reviewed the Ordinance.

Public hearing was opened, however there was no response.

Public hearing was closed.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2021-01 on second reading. The motion was SECONDED by Commissioner Blonder.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE IV, 1977 CITY

EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 20-116 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT OF 2019; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Horvath, Blonder, Valdes, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.2. Ordinance 2021-02: Amends the St. Augustine Police Officers' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors.

Ms. Lopez reviewed the Ordinance.

Public hearing was opened, however there was no response.

Public hearing was closed.

MOTION

Commissioner Horvath MOVED to pass Ordinance 2021-02 on second reading. The motion was SECONDED by Commissioner Valdes.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART I, ARTICLE IX, POLICE OFFICERS RETIREMENT SYSTEM OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTIONS 9.08 AND 9.11 PROVIDING FOR COMPLIANCE WITH THE SECURE ACT OF 2019;

CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Horvath, Valdes, Blonder, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

8.A.3. Ordinance 2021-03: Amends Article X of the City Charter to correct scrivener's errors and provide gender neutral language.

Ms. Lopez reviewed the Ordinance.

Public hearing was opened, however there was no response.

Public hearing was closed.

MOTION

Commissioner Blonder MOVED to pass Ordinance 2021-03 on second reading. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART I, ARTICLE X OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR GENDER NEUTRAL LANGUAGE THROUGHOUT; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Blonder, Horvath, Sikes-Kline Valdes

NAYES: None
MOTION APPROVED UNANIMOUSLY

8.A.4. Ordinance 2020-17: Renames Bravo Street between Riberia Street and Sanford Street as Carrie Johnson Way honoring Ms. Johnson, a native resident who was known as "The Voice of Lincolnvile".

Reuben Franklin, Director, Public Works, reviewed the Ordinance and stated upon passage an unveiling ceremony would occur in Lincolnvile on Saturday, February 20, 2021 which was Ms. Johnson's birthday.

Public hearing was opened, however there was no response.

Public hearing was closed.

MOTION

Commissioner Valdes MOVED to pass Ordinance 2020-17 on second reading. The motion was SECONDED by Commissioner Horvath.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-167 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO PROVIDE FOR THE RENAMING OF BRAVO STREET AS "CARRIE JOHNSON WAY;" PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Valdes, Horvath, Blonder, Sikes-Kline

NAYES: None
MOTION APPROVED UNANIMOUSLY

Vice Mayor Sikes-Kline cited the great appreciation for the street rename and stated Ms. Johnson was loved and dearly missed.

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

(None)

9.B. Resolutions

(None)

10. STAFF REPORTS AND PRESENTATIONS

10.A. Discussion regarding legislative tracking priorities authorizing the Mayor to sign letters in support of or in opposition to the Commission's priority list.

Ms. Lopez reviewed the topic and suggested that in place of Resolution format for item support or opposition, that legislative tracking be reviewed at every meeting so Commissioners could inform staff which bills were priorities, then the City Clerk and City Attorney draft a mayoral letter to send the following day. Ms. Lopez suggested the Commission provide the following information at each meeting:

- Bills they requested current information on for next meeting
- Bills they preferred the Mayor write a letter in support or opposition
- Bills the City Manager should focus on with legislative consultant

Mr. Regan stated the importance to make administrative staff aware of items Commissioners wanted to fight during legislative session. He noted prior to the meeting, an update was received regarding HB 219 / SB 522 (Vacation Rentals) set for February 10, 2021 in the House, and the week of February 16th in the Senate. He advised that typically he and Vice Mayor Sikes-Kline would clear their calendars to testify; however, Tallahassee rules were completely different this legislative session due to COVID, and providing oral argument was difficult, so the ability to quickly draft a letter relevant to a particular committee was more significant.

Mr. Regan notified the Commission the appropriation request of \$600,000 for the two-block construction project at West Third Street project was assigned HB 3411.

Mr. Regan mentioned bills with an assigned number under 100 directly reflected Tallahassee leadership's priority.

Vice Mayor Sikes-Kline restated the tasks suggested by Ms. Lopez, advised the Commission was in agreement to draft letter on discussed bills for the Mayor's signature and requested a motion and vote.

Commissioner Horvath MOVED that a letter be prepared with the Mayor's signature for the discussed bills. The motion was SECONDED by Commissioner Valdes and APPROVED BY UNANIMOUS VOICE VOTE.

There was Commission discussion and consensus that letters regarding the following bills be drafted and submitted with the Mayor's signature:

- SB 62 (Regional Planning Councils)
- SB 514 / HB 315 (Resiliency)
- SB 522 / HB 219 (Vacation Rentals)

Vice Mayor Sikes-Kline provided top bills requiring focus and noted the short-term rental topic would be a fight:

- SB 62 (Regional Planning Councils)
- SB 522 / HB 219 (Vacation Rentals)
- SB 268 / HB 115 (Local Licensing)

Commissioner Horvath suggested focus on the following bills:

- SB 514 / HB 315 (Resiliency)

Commissioner Blonder suggested focus on the following bills, in addition to those already highlighted on the tracking sheet:

- HB 6003 (Vaccinations During Public Health Emergencies)
- SB 60 (County and Municipal Code Enforcement)
- SB 484 / HB 1 (Combating Public Disorder)
- HB 215 (Prohibition of Public Funds for Lobbying by Local Governments)

Commissioner Blonder requested a Public Works report regarding reclaimed water and affects to City and infrastructure planning as they pertained to the following:

- SB 60 (County and Municipal Code Enforcement)
- HB 263 (Reclaimed Water)

Commissioner Blonder opposed passage of the following bills:

- SB 266 / HB 463 (Home Based Business)
- SB 496 / HB 59 (Growth Management)

Commissioner Blonder supported passage of the following bills and requested Commission consensus to submit letters in support to State legislation:

- SB 514 / HB 315 (Resiliency)
- SB 596 / HB 6023 (Repeal of Tree Pruning, Trimming and Removal)
- SB 594 / HB 6027 (Pre-emption of Recyclable and Polystyrene Materials)

There was Commission consensus to submit letters in support of the three bills suggested by Commissioner Blonder.

Ms. Lopez advised the Commission HB 115 (Local Licensing) had been withdrawn and was replaced with HB 735, which was a companion bill to SB 268 (Pre-emption of Local Occupational Licensing). She stated HB 115 had focused on construction trades and did not affect the City since local licensing was not required for those trades; however, the language in HB 735 was broadened from just construction trades to include nearly any method to earn a living, which made it possible to preempt City's ability to test and license tour guides.

Ms. Lopez stated this bill would be added to the legislative tracking list:

- SB 268 / HB 735 (Pre-emption of Local Occupational Licensing)

Vice Mayor Sikes-Kline stated she would contact those committee members for whom she had information through the Florida League of Cities prior to the Wednesday, February 10th meeting and reminded the Commission emails were very helpful as everyone prepared for a big battle on short-term rentals.

11. ITEMS BY CITY ATTORNEY

11.A. Sunshine, Public Records and Ethics Minute.

No presentation made, provided by the City Attorney's Office for information purposes.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

13.A. Review and discussion of the addendum to the City's agreement with Lightner Museum.

Item administratively removed.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Horvath requested support opposing the elimination of statutory authorization for Regional Planning Councils in Florida as proposed in Senate Bill 62.¹ She declared this a critical Commission issue, procedure should be followed, and Commission should ask the Mayor to draft letter in their support and send immediately. She stated she would meet with the City Clerk to review and 'specialize' a Resolution which would be brought to the next meeting with preparation to be passed.

Commissioner Blonder requested Mr. Regan's assistance for ways to comprehend, implement and address the following pertaining to the COVID vaccine:

- Connect community to needed information for registration, eligibility and decision making on vaccine
- Address potential transportation hurdles for those interested in getting vaccine

Commissioner Blonder told a personal story which indicated differences with local health administration of the first vaccine round and extreme wait times versus the second vaccine round provided at the Solomon Calhoun Community Center (Center). She praised the professionalism, organization and friendly manner of everyone at the Center, commended those who worked so hard and appreciated the time City staff and community dedicated to make this the best possible setup.

Mr. Regan notified the Commission a State auditor recently conducted a surprise Center visit and revealed the Center was the best ran and efficient operation seen with her audits. He noted more volunteers were needed to assist others with online appointments and help people get connected.

Commissioner Blonder stated she had a meeting with some potential volunteers and would pass Mr. Regan's information to them.

¹ Copy provided to Commission at meeting

Mr. Regan reviewed outreach efforts made to get vaccine information to the underserved community:

- Extensive effort made to reach those regarding a vaccine appointment
- Heavy outreach focused on people of color and the elderly
- Big push to assist people in Hastings, Flagler Estates, Armstrong, and West Augustine
- Five people at Flagler Hospital were instrumental in working one on one with appointment assistance which enabled nearly 400 people who were unable to use a computer to secure appointments
- Effort extended with plan to deal with elderly shut-in population by working with Council on Aging transportation network and Paratransit system use which set up routings for geographic appointments enabling transport of four to six people to the Center
- Medical presentation prepared by County and delivered by Chief Aviles was making way around the County
- Presentation brought to faith-based leadership and shown in underserved communities
- Program set up in West Augustine to get vaccines to homes, but more volunteer groups needed
- West Augustine's American Legion Post assisted people with a van

Mr. Regan advised more help was needed to connect people and questioned "What else could we do that we were not doing?" He stated the following answers:

- Putting together a fact sheet
- Critical links to phone calls
- Ways to obtain presentation
- Link to presentation
- Flyer in utility billing system would be a powerful tool for anyone not on social media or with subscription to the Record

Vice Mayor Sikes-Kline referenced a topic mentioned during public comment regarding cash for junk signs in medians or 'snipe signs' which were a Code Enforcement

issue. She noted an increased amount were seen in public rights-of-way, particularly on weekends when it was assumed Code Enforcement was not out, and she requested special attention to this.

Vice Mayor Sikes-Kline noted her conversation with Mr. Regan concerning the upcoming laying of the wreath ceremony celebrating Pedro Menendez' birthday, wherein she expressed concerns regarding actions that could be taken to fully recognize Pedro Menendez' impact on the area population. She asked for consideration of developing a Land Acknowledgement ceremony prior to laying the wreath for more balance and diversity and requested the Commission's support.

There was Commission consensus to support Vice Mayor Sikes-Kline's request.

Commissioner Valdes expressed his appreciation for the manner which the Solomon Calhoun Center was operated and noted his experience was wonderful. He requested that Mr. Regan pass thanks and congratulations to City and County staff involved at the Center.

Mr. Regan acknowledged the tremendous support from City employees of which six to nine volunteered daily at the Center and assisted with administrative entries or wherever needed.

15. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:25 P.M.²

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

² Transcribed by Laura Morse

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, February 22, 2021

The City Commission met in formal session Monday, February 22, 2021 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
David Birchim, Director, Planning and Building
Melissa Wissel, Communications Director
Corey Sakryd, Grants Administration Coordinator
Stephen Lauber, Information Technology Manager
Barry Fox, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Hunter Camp, Memorial Presbyterian Church, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

(None)

MOTION

Commissioner Sikes-Kline **MOVED** to approve the Regular Agenda. The motion was **SECONDED** by Commissioner Valdes and **APPROVED BY UNANIMOUS VOICE VOTE**.

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

(None)

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

The Commission heard from the following members of the public:

- Shawn Morrison
- Doug Russo
- Lynn Wettach
- Chris Fulmer
- Gail Wisler
- Lauren Giber
- BJ Kalaidi

Public comment was closed.

Mayor Upchurch stated the City would always have the public's best interest in mind and the circa 1880s Alcazar Room was not constructed for public meetings; therefore, staff had worked hard to make the room safe and conducive to the health of those attending. He reiterated the only requirement to publicly speak within the Alcazar Room was to wear a mask.

5. CONSENT AGENDA

John Regan, City Manager, read the Consent Agenda.

CONSENT AGENDA—FEBRUARY 22, 2021

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON MARCH 8, 2021:

(None)

CA.3. Reminder of Upcoming Meetings:

- March 8, 2021 - 5pm - Regular City Commission Meeting
- March 22, 2021 - 5pm - Regular City Commission Meeting
- April 12, 2021 - 5pm - Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

(None)

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- 1061 N. Orange Street - Kevin Spiling and Gina Baker
- 1302 Eisenhower Drive - Janet T. and Brian D. Martinez
- 925 Collier Boulevard - Robert M. Bush
- 3762 Old Lewis Speedway - Craig Rowe
- 6 Helen Street - Tara Ganson

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING).

(None)

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

- Proclamation 2021-02: Recognizing the 502nd birthday of Don Pedro Menendez de Aviles.

CA.8. January financial report. (*M. Simpson, Director Finance*)

CA.9. Approval of invoices to Cavendish Partners, P.A. for legal services regarding the MASCI General Contractor, Inc. v COSA matter in the amount of \$3,127.00 and for legal services regarding the Marlowe v COSA matter in the amount of \$928.00. (*J. Lopez, City Attorney*)

End of Consent Agenda

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda

MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Commissioner Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

6. APPEALS

(None)

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC

IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

7.A. General Public Presentations

7.A.1. Presentation by representatives of the Lightner Museum regarding the plans for the southerly garden landscape design and an addendum to the lease agreement between the City and the Board of Trustees of the Lightner Museum of Hobbies, Inc.

Meredith Breidenstein, Assistant City Manager, reviewed the topic and noted the design was approved by the Historical Architectural Review Board (HARB) and contingent upon the transfer of two parking spaces into the Lightner Museum's (Museum) controlled space. She introduced the following individuals:

- David Bagnall, Executive Director of the Lightner Museum
- Elijah George, Senior Associate with Marquis Latimer + Halback, Inc. who stepped in for Jeremy Marquis

Mr. George provided an illustrated project overview and design impact of the two-parking space inclusion and reviewed the unimproved condition and improved plans, which included an event lawn, expanded fountain plaza, updated sidewalks, garden and accent paving. He noted project goals were to honor architecture, heritage and history.

Mr. Bagnall stated the renovation would honor Henry Flagler and Arthur Lightner's legacies, who saw the Hotel Alcazar and Museum as a sight of engagement, enrichment and enjoyment for residents and visitors. He expressed the importance of parks to the community, discussed the Museum's financial commitment, and noted the project design's economic contribution and support for the City's cultural, architectural, and historical depth.

Teresa Radzinski, Chairperson for Board of Trustees of the Museum, expressed

appreciation for efforts made to complete the design, advised she gifted funds to begin the project, and noted her intent to fundraise. She commended Mr. Bagnall's knowledge and invited the Commission to visit the site to see the renovations made thus far.

Isabelle Lopez, City Attorney, corrected an error detected by Ms. B.J. Kalaidi in the first 'Whereas' clause of the Addendum to Lease Agreement, and stated the attribution of the sculpture to Faith Tiberio was incorrect and should have been stricken in the Commissioner's version.

Mr. Regan stated that Commissioner Horvath questioned whether the spaces could be decreased in size. He noted the spaces measured ten feet but could be restriped to nine-foot spaces to be equivalent with the rest of the lot which would gain one parking space.

Ms. Breidenstein noted the proposed Addendum to Lease Agreement for the two parking spaces was ready for Commission consideration; however, the photographs provided did not properly represent the parking spaces.

The Commission discussed:

- One parking space would be gained and one lost based on dimensions
- Approximately \$4,500 would be lost annually for one space
- Gate opening and closing was Museum's staff responsibility during their schedule, and the public could access during open hours
- Garden space operated similar to Alcazar building and courtyard schedule; open in morning and closed at day's end
- Museum's terrace entrance would be new entrance
- Planned to repair original walls that detached from building and would ensure resiliency
- Paving would be permeable and a mix of brick, concrete and grass

- Museum was amiable to adding 8:30 AM to 5:30 PM in Addendum
- Design was stronger if parking spaces given to the Lightner
- Other lots, Granada included, were reviewed for another parking space
- Option to reduce spaces to eight and one-half feet for compact vehicles
- Museum would return four parking passes for lot behind Lightner to secure space around sculpture

Commissioner Horvath affirmed the value of the parking spaces to citizens and the Museum and supported the Addendum.

Commissioner Sikes-Kline noted her appreciation of the Museum's work and plans, and the intended positive community influence; however, she expressed the following concerns:

- City's Parking and Traffic Committee master plan identified area south of Plaza as critical concern for parking
- Parking spaces drove economic success and revitalization
- International Parking and Mobility Institute estimated in 2012 that one on-street parking space generated \$20,000 annually to local businesses and government
- Value existed other than just land
- Concerned about impact to other businesses
- Lot used for tenants of Museum
- Museum was leased to lessen taxpayer burden
- Spillover parking occurred into neighborhoods
- How was loss of space mitigated for local small businesses
- Re-striping and re-metering would cost citizens and Museum should contribute

Mayor Upchurch clarified the area transferred to the Museum was already approved and the question before the Commission was the two parking spaces.

Mayor Upchurch quoted "All great cities have a great museum" and stated

discussions of community dynamics, vibrancy, cultural resources, historic preservation, open spaces and walkability were key elements. He noted the opportunity to historically preserve the rear of the Lightner building in an environmentally responsible and resilient way allowed enjoyment for Museum patrons and the community and would have a ripple effect to surrounding businesses. He was amiable to grant the spaces in recognition of the tremendous financial resources the Museum extended, their compelling offer and an effective public-private partnership.

Commissioner Sikes-Kline inquired about the Museum contributing to costs for re-striping the parking spaces and asked Mayor Upchurch to consider authorizing the City Manager to work out provisions for re-striping and re-metering one side to save a parking space.

Mayor Upchurch noted his unfamiliarity with re-striping costs, the sum was inconsequential since over one-half a million dollars was being spent, and it was inappropriate to request the Museum to contribute.

Mayor Upchurch stated his intended motion to approve the Agreement, and if seconded, these items would be considered as individual amendments on which to vote.

MOTION

Mayor Upchurch MOVED to approve the Addendum to the Agreement. The motion was SECONDED by Commissioner Horvath.

Commissioner Valdes concurred with the concerns of Commissioner Sikes-Kline, noted value was pursued with heritage and cultural tourism which was rapidly being lost and Museum was one of few remaining institutions in City that purveyed these qualities. He concluded the area behind Museum required attention and project costs far outweighed the loss of one parking

space; therefore, he supported the Addendum.

Commissioner Sikes-Kline restated her request for an amendment to state hours of 8:30 a.m. to 5:30 p.m. to accommodate the loss of public space and was advised by Ms. Lopez the last sentence of 2(a) in Addendum stated "Any doors or gates providing access to the Lightner Museum area will be managed by the Trustees and open to the public as determined by the Trustees."

Ms. Lopez noted this was left open-ended due to the long-term lease and uncertainty while drafting the document whether hours might change; therefore, this was not negotiated in detail.

MOTION

Commissioner Sikes-Kline MOVED to amend the Addendum to express 8:30 a.m. to 5:30 p.m. open hours during the daytime, except during special events as needed.

MOTION FAILED FOR LACK OF SECOND.

Mr. Bagnall noted there were mitigating circumstances for open hours.

MOTION

Mayor Upchurch MOVED to amend the Addendum by stating an assumption, presumption that the park would be available to the general public during normal operating hours; the Museum except during special events. The motion was SECONDED by Commissioner Blonder and APPROVED BY UNANIMOUS VOICE VOTE.

Mayor Upchurch reverted to his motion regarding the approval of the Addendum to the Agreement, including the correction to the attribution of the sculpture.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes, Blonder, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

7.C.1. Public hearing regarding the City's eligibility to apply for a Small Cities Community Development Block Grant - Coronavirus.

Corey Sakryd, Grants Administration Coordinator, reviewed the topic and noted the following:

- City was eligible to apply for the Florida Department of Economic Opportunity under special funding cycle for Small Cities Community Development Block Grant for Coronavirus
- Just under \$42 Million dollars was available through a competitive application process to prevent, prepare or respond to the Coronavirus pandemic
- Eligible applicants could apply for a minimum of \$200,000 and a maximum of \$5 Million dollars with no match requirement
- Pre-application cycle opened February 1st and extended through March 15th
- Selected pre-application projects would be invited to submit complete applications for final selections
- Grant funded activities must meet one of the national objectives:
 - Benefit low to moderate income persons and individuals or households
 - Include indirect benefit activities that at least 51% of the beneficiaries were low to moderate
 - Include direct benefit activities which 100% of beneficiaries must be low to moderate income

- Must address prevention or elimination of slum or blight
- Address an urgent need

Mr. Sakyrd noted that project activities must prepare for and respond to Coronavirus and demonstrate at minimum that costs were directly associated with prevention, preparation or response. He used example of rehabilitation as creation of additional quarantine or isolation rooms for pandemic, or an indirect effect through economic housing market disruptions such as small businesses and assistance programs.

Mr. Sakyrd stated this was a public hearing for public comment with opportunity to discuss the needs desired to be seen and establish potential relationships with community partners, as the Grant could have sub-applicants and sub-recipients to the City, including local charities. He noted the potential success of the project.

Public hearing was opened and the Commission heard from the following:

- Judith Dembowski, Executive Director, St. Augustine Society who operated St. Francis House and the the Port and the Storm, noted the CDBG CV Grant money would greatly benefit the following:
 - Rehabilitation of homeless shelters to better protect homeless citizens from contracting or spreading Coronavirus
 - Assistance needed with adding 39 beds to the St. Francis House
 - Over 200 people experienced unsheltered homelessness in community
- BJ Kalaidi noted the following:
 - Importance to rehabilitate homeless shelters with replacement of HVAC system and / or installing air purification system
 - Expressed concern on finishing building on Washington Street
 - Importance of expanding capacity of homeless shelters to accommodate social distancing and isolation

- Concerned about the use of monies for homeless and not just City buildings
- Steve Fricke, Board of Directors, St. Francis House, noted the importance of the St. Francis house and stated once the facility was renovated, it would house families and through a Flagler Hospital partnership, would have space for individuals released but required medical care

Public hearing was closed.

8. ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED

8.A. Ordinances – Second Reading (None)

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. ORDINANCES AND RESOLUTIONS - NO PUBLIC HEARING REQUIRED

9.A. Ordinances – First Reading

9.A.1. Ordinance 2021-04: (Request for Continuance) Amends the Sebastian Inland Harbor Planned Unit Development.

David Birchim, Director, Planning and Building, reviewed the Ordinance. He advised that the applicant had submitted a request to continue the item and the Commission could take the following actions:

- Grant continuance as requested
- Grant continuance to a time certain
- Approve first reading and move to second reading and a public hearing
- Deny first reading request

Mayor Upchurch analyzed the options.

Mr. Birchim noted the Commission's ability to waive the one-year delay for re-filing if they chose to deny the ordinance.

Ellen Avery-Smith, Esq., Counsel for Developer, advised that the Developer requested a continuance due to lack of time to properly assimilate all information and submit a revised package. She encouraged Commissioners to see the value in maintaining the pending application but requested a waiver of the one-year rule if the continuance was denied.

MOTION

Commissioner Sikes-Kline MOVED to grant the continuance to March 22, 2021.

MOTION FAILED FOR LACK OF SECOND.

Commissioner Sikes-Kline questioned the sufficiency of time for the Developer to finalize the package; therefore, she was amiable to granting more time if necessary.

The Commission discussed the allocated time for Ms. Avery-Smith to return with an update as they preferred a quality well designed project versus a rushed one.

Ms. Avery-Smith requested an allowance of time until the April 26, 2021 Commission meeting.

MOTION

Mayor Upchurch MOVED to continue the first hearing until April 26, 2021. The motion was SECONDED by Commissioner Horvath. The motion was APPROVED BY UNANIMOUS VOICE VOTE.

Mr. Birchim advised the option existed to continue to a future time certain, should the Developer require more time beyond April 26th.

9.B. Resolutions

9.B.1. Resolution 2021-04: Opposing SB 522 and HB 219 regarding short-term vacation rental preemption.

Ms. Lopez reviewed the Resolution and noted it was first in the Commission's legislative priorities for enacting resolutions in opposition or support for specific Senate and House bills.

Commissioner Blonder expressed her deep appreciation to the City Clerk and Legal department for preparing the voluminous committee materials. She stated at least five bills reflected re-instatement or removal of local control and questioned legislative efforts to remove home rule. She noted the City's inability to implement a widespread mask wearing ordinance to protect citizens, that Florida's diverse counties and municipalities were not 'one size fits all', and St. Augustine as 'The Nation's Oldest City' should maintain local control to the greatest extent possible.

In response to questions from Commissioner Sikes-Kline, Darlene Galambos, City Clerk, advised the Clerk's office worked closely with the legislative liaison and individually addressed letters were sent to each committee member hearing the discussed bills.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-04. The motion was SECONDED by Commissioner Valdes.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Horvath, Blonder, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2021-05: Supports SB 594 and HB 6027 regarding the removal

of the preemption on the regulation of plastic bags and polystyrene.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-05. The motion was **SECONDED** by Commissioner Blonder.

VOTE ON MOTION

AYES: Sikes-Kline, Blonder, Valdes, Horvath, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.3. Resolution 2021-06: Supports SB 514 and HB 315 supporting the establishment of a statewide office of resiliency.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-06. The motion was **SECONDED** by Commissioner Blonder.

VOTE ON MOTION

AYES: Sikes-Kline, Blonder, Horvath, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.4. Resolution 2021-07: Opposes SB 62 regarding the elimination of regional planning councils.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Horvath MOVED to pass Resolution 2021-07. The motion was **SECONDED** by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Horvath, Sikes-Kline, Blonder, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.5. Resolution 2021-08: Supports SB 596 and HB 6023 regarding the repeal of tree permit preemptions.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Blonder MOVED to pass Resolution 2021-08. The motion was **SECONDED** by Commissioner Sikes-Kline.

VOTE ON MOTION

AYES: Blonder, Sikes-Kline, Valdes, Horvath, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.6. Resolution 2021-09: Opposes SB 266 and HB 403 regarding the regulation of home-based businesses.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Sikes-Kline MOVED to pass Resolution 2021-09. The motion was **SECONDED** by Commissioner Valdes.

VOTE ON MOTION

AYES: Sikes-Kline, Valdes, Blonder, Horvath, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.7. Resolution 2021-10: Opposes SB 496 and HB 59 regarding growth management and property rights.

Ms. Lopez reviewed the Resolution.

MOTION

Commissioner Sikes-Kline **MOVED** to pass Resolution 2021-10. The motion was **SECONDED** by Commissioner Blonder.

VOTE ON MOTION

AYES: Sikes-Kline, Blonder, Valdes, Horvath, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. STAFF REPORTS AND PRESENTATIONS

(None)

11. ITEMS BY CITY ATTORNEY

11.A. Discussion regarding 2021 legislative session update regarding priorities stated by the Commission as well as other legislative bill tracking which may impact the city.

Ms. Lopez reviewed the topic and updated the Commission on the following:

- Committee substitute bill for SB 522 / HB 219 (Vacation Rentals):
 - Requirements added regarding advertising platforms to collect and remit taxes
 - No changes concerning pre-emption of all regulations post 2011
 - Attempted pre-emption for anything enacted since 2011
 - Allowed pre 2011 regulations to be grandfathered
 - Local government attempts to have regulations regarding items addressed in last year short-term rental bill must be applied similarly through all residentially zoned properties
 - Removed City's ability to conduct licensing or inspection
- Committee substitute for SB 496 / HB 59 (Growth Management):

- Amendment in committee substitute removed requirement for Comprehensive Plan language for property rights, but only for governments with population less than 10,000, so City not affected
- Legislative session began March 2nd; therefore, week would be quiet

Ms. Lopez advised Commissioner Blonder, per her request, that SB 62 (Regional Planning Council) was approved, and now in Judiciary Committee.

At the request of Commissioner Horvath, Ms. Galambos advised the Regional Planning Council letter was sent to two separate committees, and once passed, moved to the next step. She stated the priority bills would send individually addressed letters at each step to each committee.

Mr. Regan informed the Commission the City's legislative consultant was working with key legislators.

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

13.A. Discussion regarding the permitting of spring special events.

Mr. Regan discussed the topic, noted his Executive Order which cancelled permitting until recently, and requested Commission feedback on permitting those on the list of special events.¹ He mentioned the Seafood Festival did not intend to request a permit for 2021.

Mr. Regan provided a COVID status update for St. Johns County, along with safety plan ideas to assist the Commission with their decision. He suggested the use of the Center for Disease Control's (CDC's) new eight-page detailed guidance document titled 'Events and Gatherings Readiness

¹ Attached to original Commission packet

and Planning Tool', with checklist for each event if events permitting was approved.

Commissioner Blonder commented that Florida had highest level of Britain's most contagious variant. She noted with current vaccination levels, the CDC indicated if social distancing guidelines were maintained, herd immunity could be reached as early as July 2021 which could move the July 4th celebration forward. She stated with the CDC recognizing large events and gatherings, City events being outdoors, and full implementation of CDC safety guidelines, she would be supportive of permitting the spring events.

Commissioner Blonder inquired about festivals which served substantial quantities of food and convening with masks off. She was advised by Mr. Regan that events with concessions would be addressed through the CDC checklist, the City could revoke permits with flexible refund policies should changes occur with COVID, and the festivals were in a large space with ability to spread out to dine.

Commissioner Horvath stated that spring was too soon, she was hopeful for herd immunity, and was disappointed for the arts association who counted on the venue; however, St. Augustine was a unique tourist destination with people visiting from all over and spring events were not worth the risk.

Mayor Upchurch voiced his support to resume spring events and applauded the Commission and City staff. He added that the City was headed in the right direction with CDC guidance, and events were crucial to the not-for-profit economy which suffered the past year. He expressed willingness to resume the spring events with expectation that event applications would have a COVID plan vetted by City staff.

Commissioner Sikes-Kline was amiable to proceed with the spring events based on start dates one month away, City guidelines put into place, and events outdoors where safety implementations could be instituted.

Commissioner Valdes stated he supported outdoor events, but struggled with spring events proceeding and noted the occurrence of spontaneous super spreader events. He addressed the non-profits' struggle. He acknowledged that lack of commerce could be just as harmful as the virus; therefore, he guardedly supported allowing spring events.

MOTION

Mayor Upchurch MOVED to authorize the City Manager to begin issuing special events permits with the understanding that the applicants must submit a CDC compliant COVID plan. The motion was SECONDED by Commissioner Sikes-Kline.

Commissioner Sikes-Kline was assured by Mr. Regan that the events calendar presented was set and new events would not be allowed for 2021.

VOTE ON MOTION

AYES: Upchurch, Sikes-Kline, Blonder, Valdes, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch requested an update on the Kinsa thermometer program.

Mr. Regan stated that other than a few thermometers, the supply was depleted and approximately 900 were distributed which added to an existing network targeted towards underserved communities. He advised the actual quantity distributed throughout St. Johns County would be obtained.

13.B. Request for exception to the current special events policy allowing Rhythm and Ribs to move to October.

Ms. Breidenstein reviewed the topic and requested Commission approval for an exception from current policy, which prohibited consecutive weekend events, to

permanently approve moving the Rhythm and Ribs Festival to the third weekend in October.

MOTION

Commissioner Sikes-Kline MOVED to pass the exception to allow Rhythm and Ribs to move to October. The motion was SECONDED by Mayor Upchurch and APPROVED BY UNANIMOUS VOICE VOTE.

Mayor Upchurch requested a status update on the St. Augustine Yacht Club (SAYC) sailing center proposal.

Ms. Lopez gave a brief chronology of the project, noting that after the Commission's approval of their original proposal, Mr. Paris and the SAYC decided not to proceed and instead, SAYC presented an application to the Planning and Zoning Board for a Rezoning and Use by Exception to allow for a Neighborhood Recreational Facility that would house the youth sailing program; however, the board voted to deny the application as they felt the use did not meet the definition of a Neighborhood Recreational Facility.

Mayor Upchurch questioned the perception of SAYC's project interest and noted the Commission unanimously voted favorably to the original proposal with understanding to work through details.

Mr. Regan advised he had recently met with Dr. Paris and SAYC representative who chose to return to the original concept which was a sailing center or a passive park.

There was consensus from all five Commissioners to revisit the SAYC project as originally envisioned and return with final form and details.

14. ITEMS BY MAYOR AND COMMISSIONERS

Commissioner Sikes-Kline noted the Lincolnville Museum had HB 3409

requesting funds for preservation and operations and she requested Commission consensus to write a letter of support.

Mr. Regan advised this was the Museum's second or third attempt, it was approved last year but vetoed by Governor DeSantis, but they were successful at looking at a budgeted line item. He noted the City's budget line item for West Augustine was also in play.

Mayor Upchurch requested that City staff place the topic as an agenda item for the next Commission meeting.

Commissioner Blonder announced the Fish Island Preserve draft management plan meeting on Thursday, March 4th at 7:00 PM in the Alcazar Room to review and gather public comment and input, with ability to provide written comments through email or via the website.

Mayor Upchurch encouraged fellow Commissioners to consider briefly allowing unmasked speakers in the Alcazar Room to provide their public comment before being escorted back outside. He reasoned that this option would decrease the burden placed on law enforcement and mitigate negative perceptions regarding the current health and safety protocols.

Commissioner Horvath said procedures should be followed. She suggested placement of video and camera in the room and inquired about the possibility to speak through a laptop, such as done with Zoom.

Ms. Galambos conveyed the challenge to retrofit an exterior camera that integrated with the current audiovisual system. She noted equipment was ordered to provide a hybrid meeting level with planned installation on March 1st; however, capabilities of hybrid integration for outside the Room could not be answered until then, and she would update the Commission at the March 8, 2021 meeting.

Commissioner Blonder agreed with Commissioner Horvath's statements and stated City staff was most at risk. She added that her biggest concern was members of the public unable to have their voices heard and those that did not show up due to fear of sitting inside with those who willfully chose to not wear a mask.

Commissioner Valdes struggled with the topic and agreed with Commissioner Blonder's comments. He expressed personal concern for being around those that refused to wear a mask. He observed the differences between optional events and the meetings which City staff, the Commissioners and concerned citizens were required to attend. He concluded that a few individuals wanted to disrespect the lives and safety of meeting participants which convinced him not to approve the Mayor's requests.

Mayor Upchurch thanked his fellow Commissioners for voicing concerns and expressed appreciation for City law enforcement, adding that everyone would continue doing the best possible.

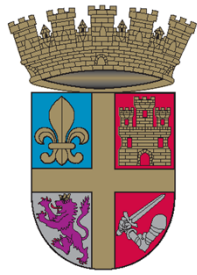
15. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:13 P.M.²

Tracy Upchurch, MAYOR

Darlene Galambos, CITY CLERK

² Transcribed by Laura Morse



Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

PROCLAMATION

***WHEREAS,** excellence in education is vital to the success of our city; and in St. Augustine, FL we seek to instill each child and adolescent with a good education; and*

***WHEREAS,** by preparing our students for the responsibilities and opportunities of the future, education develops the intellect through lessons on literacy, math, and science; and*

***WHEREAS,** the Rebbe, Rabbi Menachem Schneerson, of righteous memory, dedicated his life to the betterment of mankind and tirelessly advocated for a better education for all Americans; and*

***WHEREAS,** the Rebbe taught that education should not be limited to the acquisition of knowledge and preparation for a career, but also on character building, with emphasis on the universal moral and ethical values that are the basis of any peaceful civilized society; and*

***WHEREAS,** the United State Congress has established “Education & Sharing Day, USA” as an annual national day to commemorate the Rebbe’s achievement’s; and the lessons and the vision he set forth are relevant to us all today.*

***NOW, THEREFORE, BE IT PROCLAIMED** the City Commission of the City of St. Augustine, does hereby proclaim March 24, 2021, as **EDUCATION & SHARING DAY, ST. AUGUSTINE, FL** and call upon educators, volunteers and citizens, to reach out to young people and work to create a better, brighter, and more hopeful future for all.*

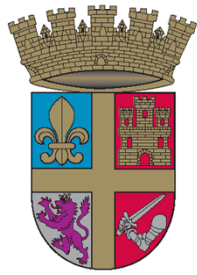
***IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of St. Augustine to be affixed this 24th day of March in the year of our Lord two thousand and twenty-one and the four hundred and fifty-fifth year of the founding of St. Augustine, the Nation’s Oldest City.*

Tracy Upchurch, Mayor

2021-05

“Most Loyal and Valorous”

Title conferred on the Presidio of St. Augustine by King Philip V of Spain, November 26, 1715



Est. 1565

City of St. Augustine

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CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: March 9, 2021

RE: Consent Agenda Item
Subrecipient Subaward Funding Agreement

Please place on the Consent Agenda for the March 22, 2021 Commission Meeting, the *Coronavirus Aid, Relief, and Economic Security Act And Local COVID-19 Response Municipal Subrecipient Subaward Funding Agreement By and Between St. Johns County and The City of St. Augustine*. This agreement will provide reimbursement for COVID-19 related activity spending that occurred between March 1, 2020 and December 30, 2020 with funds from the CARES Act Funding Agreement. The estimated items for reimbursement are included on "Attachment C" of this document and are not to exceed \$1,500,000. Once executed, staff will work with the County to request reimbursement and provide all needed documentation.

Feel free to contact me with any questions.

Sincerely,



Meredith Breidenstein, CPA
Assistant City Manager

Attachment

**CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT
AND
LOCAL COVID-19 RESPONSE
MUNICIPAL SUBRECIPIENT SUBAWARD FUNDING AGREEMENT
BY AND BETWEEN
ST. JOHNS COUNTY
AND
THE CITY OF ST. AUGUSTINE**

This Agreement is made and entered into by and between St. Johns County, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY", and the City of St. Augustine, a Florida Municipal entity, hereinafter referred to as "SUBRECIPIENT."

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), section 601(d) of the Social Security Act, signed into law on March 27, 2020, created the Coronavirus Relief Fund (CRF), which provides \$150 billion in direct assistance for domestic governments; and

WHEREAS, the CRF provided Florida with \$8,328,221,072, with 55% allocated to the State of Florida and 45% allocated to counties within the State of Florida; and

WHEREAS, the Florida Division of Emergency Management (Division) received the funds from the United States Department of Treasury (Department of Treasury) through the State of Florida, and is authorized to disburse the funds to the counties; and

WHEREAS, eligible expenditures of the funds may only be used to cover costs that: (1) are necessary expenditures incurred due to the COVID-19 public health emergency; (2) were not accounted for in the county's budget most recently approved as of March 27, 2020; and (3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020; and

WHEREAS, on June 30, 2020, the COUNTY executed a CARES Act Funding Agreement with the Division, providing for an initial disbursement of \$11,545,806, which represents 25% of the total amount of funding allocated to the COUNTY; and

WHEREAS, on October 27, 2020, the COUNTY executed Amendment No. 1 to the CARES Act Funding Agreement, providing the COUNTY a total allocation of funding up to an amount not to exceed \$46,183,223, and approving the COUNTY's CARES Act Funding Appropriation Plan (Plan); and

WHEREAS, the COUNTY's approved Plan included an allocation of CARES Act funding to SUBRECIPIENT for reimbursement of eligible expenditures associated with SUBRECIPIENT's response to the COVID-19 public health emergency; and

WHEREAS, the Department of Treasury subsequently issued further guidance regarding eligible expenditures, and based upon such guidance the COUNTY established the Local COVID-19 Response Program (Program); and

WHEREAS, the COUNTY amended the Plan to allow for the allocation of COUNTY Program funds to SUBRECIPIENT for reimbursement of eligible expenditures associated with SUBRECIPIENT's response to the COVID-19 public health emergency; and

WHEREAS, the COUNTY and SUBRECIPIENT seek to enter into this Agreement for the purposes detailing the parties' respective duties and obligations associated with subawarding to the SUBRECIPIENT a portion of the COUNTY'S CARES Act funding and awarding to the SUBRECIPIENT a portion of the COUNTY's Program funding, each to be used by the

SUBRECIPIENT as reimbursement for the SUBRECIPIENT's eligible expenditures incurred due to the COVID-19 public health emergency.

NOW, THEREFORE, in consideration of the mutual understanding and covenants set forth herein, the COUNTY and SUBRECIPIENT agree and stipulate as follows:

1. Duration of Agreement

This Agreement shall be effective beginning on March 1, 2020, and shall expire on December 30, 2021, unless (i) terminated earlier in accordance with Section 15 of this Agreement; (ii) extended by a mutually agreed-upon, written amendment to this Agreement; or (iii) otherwise extended through enactment of applicable state or federal legislation. As applicable, this Agreement shall survive and remain in effect after expiration or early termination for the herein referenced State and Federal audit requirements and the referenced required records retention periods.

2. Period of Performance

For purposes of this Agreement, "Period of Performance" means the timeframe during which the SUBRECIPIENT may seek reimbursement of eligible expenses incurred in carrying out the work authorized under this Agreement. In accordance with guidance issued by the U.S. Department of Treasury, in order for a cost to be properly incurred and allowable for funding under this Agreement, performance or delivery must occur during the Period of Performance. The Period of Performance for this Agreement commenced on March 1, 2020 and shall end on December 30, 2021, unless (i) terminated earlier in accordance with Section 15 of this Agreement; (ii) extended by a mutually agreed-upon, written amendment to this Agreement; or (iii) otherwise extended through enactment of applicable state or federal legislation. All reimbursement requests submitted in accordance with Section 5 of this Agreement must be submitted by SUBRECIPIENT to the COUNTY by no later than November 30, 2021. If corrective action is required on any reimbursement request pursuant to Section 5(d) of this Agreement, those corrections are required to be submitted by the SUBRECIPIENT to the COUNTY within ten (10) calendar days after notice is provided by the COUNTY to the SUBRECIPIENT of the necessary corrections. Reimbursement requests submitted after November 30, 2021 are subject to denial at the sole discretion of the COUNTY.

3. Scope of Work

The SUBRECIPIENT agrees to perform the projects listed in Attachment C - Scope of Work. The Scope of Work may be amended, upon mutual written agreement.

Projects included in the Scope of Work, including amendments, shall only include necessary expenditures incurred due to the public health emergency with respect to the COVID-19, not accounted for in the budget most recently approved as of March 27, 2020, up to the amount set forth in the Scope of Work (as amended).

The SUBRECIPIENT acknowledges and agrees that guidance and frequently asked questions (FAQs) documents have been provided by the United States Department of Treasury are not authoritative in regard to determining whether expenditures are eligible for use of the CRF Fund provided by the CARES Act and all such determinations are ultimately the responsibility of the SUBRECIPIENT.

Submission, review, approval and execution of amendments to the Scope of Work are hereby delegated by mutual agreement by the governing bodies of both the SUBRECIPIENT and COUNTY as follows:

- a. The SUBRECIPIENT hereby delegates authority to the following municipal employee(s) to submit amendments to the Scope of Work:

Mark Simpson
Financial Services Director
City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085

- b. The COUNTY hereby delegates authority to the following County employee(s) to review, approve and execute amendments to the Scope of Work:

Hunter S. Conrad, County Administrator
500 San Sebastian View
St. Augustine, FL 32084

4. Payments

- a. The COUNTY will make payments to the SUBRECIPIENT on a cost-reimbursement basis from either the COUNTY'S CARES Act funding or the COUNTY's Program funding.
- b. The funding source for each payment shall be acknowledged in writing by both the COUNTY and SUBRECIPIENT upon disbursement, and such written acknowledgement shall amend and be made part of this Agreement.
- c. SUBRECIPIENT shall not subgrant any funds provided under this Agreement to another entity, whether public or private.
- d. The initial payment disbursed under this Agreement shall be made from the COUNTY's Program funds in an amount not to exceed one million, five hundred thousand and 00/100 Dollars (\$1,500,000), for the purpose of reimbursing SUBRECIPIENT for expenditures incurred and paid on projects included in the Scope of Work.
- e. This is a cost-reimbursement Agreement, subject to the availability of funds. The amount of total available funding provided under this Agreement is limited to the amount authorized and appropriated by the St. Johns County Board of Commissioners. This Agreement is neither a general obligation of the COUNTY, nor is it backed by the full faith and credit of the COUNTY.
- f. The COUNTY will make payments on a cost reimbursement basis to SUBRECIPIENT for only those eligible expenditures specified in the approved Scope of Work (as amended).

- g. Failure to timely complete any project specified in the approved Scope of Work (as amended) shall constitute cause for the termination of funding for that project.
- h. **SUBRECIPIENT agrees to be responsible for the repayment of funds to the COUNTY for any disbursements that the COUNTY, the Division, the Inspector General of the United States Treasury, or other State and/or Federal government official determines are ineligible payments from the Plan or Program**

5. Invoicing and Progress Reporting

- a. The SUBRECIPIENT agrees to utilize Attachment A – Funding Justification Form and Attachment B – Certification Regarding Debarment Form.
- b. In order to obtain reimbursement for eligible expenditures, SUBRECIPIENT must file with the COUNTY its request for reimbursement and any other information required to justify and support the Reimbursement Request.
- c. Each Reimbursement Request made under this Agreement must include a certification, signed by an official delegated by the SUBRECIPIENT (as described below), which reads as follows: "By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Coronavirus Aid, Relief, And Economic Security Act and Local COVID-19 Response Municipal Subrecipient Subaward Funding Agreement or the Local COVID-19 Response Program. I further certify that the expenditures included on this report have not been reimbursed by other local, state, federal or insurance funds. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise."
- d. The governing body of the SUBRECIPIENT delegates authority to the following individual(s) to submit and execute any Reimbursement Requests, certifications, or other necessary documentation on behalf of the SUBRECIPIENT:

Mark Simpson
Financial Services Director
City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085

- e. The COUNTY will review all Reimbursement Requests by comparing required backup documentation provided by the SUBRECIPIENT against the approved Scope of Work (as amended).
- f. A Reimbursement Requests that includes only eligible expenditures shall be considered a proper invoice. Reimbursement Requests that include expenditures not approved in the Scope of Work, or expenditures determined to not meet applicable eligibility requirements shall be considered improper invoices.

Reimbursement Request that do not include required backup documentation shall be considered improper invoices. If the received request is not a proper invoice, it will be rejected and the SUBRECIPIENT will be notified that the request is improper and indicate what corrective action is needed for resubmission. If the received request is a proper invoice it will be processed and paid in accordance with the Florida Prompt Payment Act, as applicable.

- g. The COUNTY will not reimburse the SUBRECIPIENT for any payments determined to be an "improper payment". Any "improper payment" is considered to be an ineligible expenditure under this Agreement. The term "improper payment" means or includes:
 - i. Any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and,
 - ii. Any payment to an ineligible party, any payment for an ineligible good or service, any duplicate payment, any payment for a good or service not received (except for such payments where authorized by law), any payment that does not account for credit or applicable discounts, and any payment where insufficient or lack of documentation prevents the COUNTY from discerning whether a payment was proper.
- h. **As applicable, reimbursements will only be made for expenditures that the COUNTY provisionally determines are eligible payments from the CRF provided by the CARES Act. However, the COUNTY's provisional determination that an expenditure is eligible does not relieve the SUBRECIPIENT of its duty to repay the COUNTY for any expenditures that are later determined by the COUNTY, the Division, Inspector General of United States Treasury, or other Federal and/or State government official to be ineligible.**
- i. Reimbursement Requests shall be submitted to:
**Jesse Dunn, Director for the Office of Management & Budget,
St. Johns County Board of County Commissioners
500 San Sebastian View
St. Augustine, FL 32084**
- j. Upon request, the SUBRECIPIENT shall provide additional program updates or information that may be required by the COUNTY.

6. Duplication of Benefits

The SUBRECIPIENT certifies that it has not received, nor will it receive other local, state, federal or insurance funds that will be used for the expenses reimbursed in accordance with this Agreement, other than SUBRECIPIENT's own funds. SUBRECIPIENT acknowledges and expressly understands that it may not receive duplication of benefits to reimburse any of SUBRECIPIENT's COVID-19 public health emergency related expenses that are reimbursed by this Agreement.

7. Recoupment / Subsequent Determination of Ineligibility

- a. SUBRECIPIENT agrees that, **NOTWITHSTANDING ANY OPINION (INCLUDING DETERMINATIONS PROVIDED IN WRITING) OF ELIGIBILITY THAT MAY BE PROVIDED TO SUBRECIPIENT BY ANY COUNTY EMPLOYEE, CONTRACTOR, OR ELECTED OFFICIAL**, if any funds provided to SUBRECIPIENT in accordance with this Agreement are determined by the Inspector General of the United States Treasury, COUNTY, the Division or other authorized federal/state official or agency, to have been used by the SUBRECIPIENT in a manner inconsistent with this Agreement or any applicable rule, regulation or law, and are recouped by either the federal government or the State of Florida from the COUNTY, the SUBRECIPIENT will reimburse the COUNTY for all amounts recouped that were provided to the SUBRECIPIENT.
- b. All refunds, return of improper payments, or repayments due to the COUNTY under this Agreement are to be made payable to the order of "St. Johns County," and mailed directly to the following address:

**Lon Stafford, CPA, Chief Financial Clerk
St. Johns County Clerk of the Circuit Court and Comptroller
Richard O. Watson Judicial Center
4010 Lewis Speedway
St. Augustine, FL 32084
Attention: Coronavirus Relief Fund Refunds**
- c. Any recoupment reimbursement request made in accordance with the above shall be repaid by the SUBRECIPIENT to the COUNTY within thirty (30) days of the COUNTY making such request. If the SUBRECIPIENT does not repay the COUNTY within the thirty (30) days, the SUBRECIPIENT shall be subject to withholding of other funds due the SUBRECIPIENT from the COUNTY as described below.
- d. As a condition of funding under this Agreement, the SUBRECIPIENT agrees that the COUNTY may withhold funds otherwise payable to the SUBRECIPIENT from any disbursement to the COUNTY, by the federal or state government, upon a determination by the COUNTY, the State of Florida, or authorized representative of the federal government that funds exceeding the eligible costs have been disbursed to the SUBRECIPIENT pursuant to this Agreement. The SUBRECIPIENT also agrees that the COUNTY may withhold funds otherwise payable to the SUBRECIPIENT from any other funding administered by the COUNTY.

The SUBRECIPIENT understands and agrees that the COUNTY may offset any funds due and payable to the SUBRECIPIENT until the debt to the COUNTY is satisfied. In the event funds are withheld, the COUNTY will notify the SUBRECIPIENT of the reclassification of the funds originally provided under this Agreement (subsequently determined ineligible, but not repaid by the SUBRECIPIENT) that shall now be classified as funding provided under the program from which the funds were withheld, so that the proper accounting can be made by the SUBRECIPIENT.

8. Compliance with Laws, Rules and Regulations

The SUBRECIPIENT certifies compliance and agrees to comply with all applicable federal, state and local laws, rules, regulations and Executive Orders applicable to the funds granted in accordance herewith. Any express reference in this Agreement to a particular statute, rule, or regulation in no way implies that no other statute, rule, or regulation applies.

9. Contact

- a. The COUNTY'S designated contact(s) shall be responsible for enforcing performance of this Agreement's terms and conditions and shall serve as the COUNTY's liaison(s) with the SUBRECIPIENT. As part of his/her duties, the designated contact(s) for the COUNTY shall:

- i. Monitor and document SUBRECIPIENT performance; and,
 - ii. Review and document all deliverables for which the SUBRECIPIENT is responsible for providing to COUNTY.

- b. The COUNTY'S designated contact(s) for this Agreement is:

**Joseph Giammanco, Interim Director, Emergency Management
St. Johns County Board of County Commissioners
500 San Sebastian View
St. Augustine, FL 32084**

- c. The name and address of the representative of the SUBRECIPIENT responsible for the administration of this Agreement is:

Mark Simpson
Financial Services Director
City of St. Augustine
P.O. Box 210
St. Augustine, FL 32085
Telephone: (904) 825-1030
Email: MSimpon@citystaug.com

- d. In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, title and address of the new representative will be promptly provided to the other party in writing via letter or email.

10. Monitoring

- a. The SUBRECIPIENT shall monitor its performance under this Agreement, to ensure that time schedules are being met; program reporting and Scope of Work are being accomplished within the specified time periods; and, other performance goals are being achieved. A review shall be done for each function or activity in this Agreement, and reported in each Request for Funds.
- b. As applicable, SUBRECIPIENT shall provide the COUNTY and auditors, as well as any federal auditor or inspector general, right to access to the SUBRECIPIENT's records and financial statements as necessary for the COUNTY to meet the requirements of 2 C.F.R. Part 200. The right of access also includes

timely and reasonable access to the SUBRECIPIENT's personnel for the purpose of interview and discussion related to such documents. For the purposes of this section, the term "SUBRECIPIENT" includes employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement.

- c. The SUBRECIPIENT agrees to submit to monitoring of its activities by the COUNTY as necessary to ensure that payments are used for authorized purposes, in compliance with applicable local, state and federal regulations, and the terms and conditions of this Agreement.

11. Federal Award Identification pursuant to 2 C.F.R. Section 200.331(a)(1)

As applicable, SUBRECIPIENT acknowledges that federal funds provided under this Agreement are provided by the U.S. Department of Treasury, CRF established within section 601 of the Social Security Act, as added by section 5001 of the CARES Act.

The SUBRECIPIENT acknowledges that the amount described in Section 4 of this Agreement represents the total amount of federal funds obligated and committed by the COUNTY to the SUBRECIPIENT, that this award is not R&D pursuant to 2 C.F.R. 200.331(a)(1)(xii), and that further, no indirect costs may be billed under this Agreement.

12. Applicability of 2 C.F.R. Part 200 and SUBRECIPIENT Status

As a condition of receiving federal funds under this Agreement, SUBRECIPIENT agrees to comply with all applicable requirements set forth in 2 C.F.R. § 200.303 regarding internal controls and 2 C.F.R. § 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F related to audit requirements.

The SUBRECIPIENT understands that while current guidance from the Department of Treasury has indicated only the above sections of 2 C.F.R. Part 200 apply to the CRF, the United States Department of Treasury or the Inspector General of the United States Treasury may later interpret additional parts of 2 C.F.R. Part 200 to apply. In such event, it would be the responsibility of the SUBRECIPIENT to comply with these additional requirements. As such, while not required, the COUNTY recommends that SUBRECIPIENT follow all parts of 2 C.F.R. Part 200 related to the receipt and use of federal funds.

In receiving federal funds under this Agreement, SUBRECIPIENT understands the COUNTY considers SUBRECIPIENT to be a SUBRECIPIENT in accordance the determination prescribed in §200.330, SUBRECIPIENT and contractor determinations, and agrees to such determination.

13. Single Audit

- a. To the extent that any payments provided under this Agreement are acknowledged by the parties as federal financial assistance, then the SUBRECIPIENT shall comply with the audit requirements contained in 2 C.F.R. Part 200, Subpart F and Federal Single Audit Act (31 U.S.C. §§ 7501-7507).
- b. In accounting for the receipt and expenditure of federal funds under this Agreement, the SUBRECIPIENT shall follow Generally Accepted Accounting Principles ("GAAP"). As defined by 2 C.F.R. §200.49, GAAP "has the meaning specified in accounting standards issued by the Government Accounting Standards Board (GASB) and the Financial Accounting Standards Board (FASB)."

- c. As applicable, SUBRECIPIENT shall have all audits completed by an independent auditor, which is defined in section 215.97(2)(h), Florida Statutes, as "an independent certified public accountant licensed under chapter 473." The independent auditor shall state that the audit complied with the applicable provisions noted above. The audit must be received by the COUNTY no later than nine (9) months from the end of the SUBRECIPIENT's fiscal year.
- d. As applicable, SUBRECIPIENT shall send copies of reporting packages for audits conducted in accordance with 2 C.F.R. Part 200 and related management letters issued by the auditor, by or on behalf of the SUBRECIPIENT, to the COUNTY at the following address:

**Jesse Dunn, Director for the Office of Management & Budget
St. Johns County Board of County Commissioners
500 San Sebastian View
St. Augustine, FL 32084**

- e. As applicable, SUBRECIPIENT shall send the Single Audit reporting package and Form SF-SAC to the Federal Audit Clearinghouse by submission online at:
<http://harvester.census.gov/fac/collect/ddeindex.html>
- f. Treasury has stated that CFDA # 21.019 is pending registration for funds provided under this Agreement.

14. Maintenance and Availability of Records

- a. As a condition of receiving federal financial assistance under this Agreement, the SUBRECIPIENT agrees to maintain all accounting and client records and documents, papers, maps, photographs, other documentary materials, and any evidence pertaining to costs incurred.
- b. Copies of all records generated by the SUBRECIPIENT related to this Agreement shall be available for inspection by authorized representatives of the federal government, the Inspector General of the United States Treasury, and the COUNTY. The right of access described herein also includes timely and reasonable access to the SUBRECIPIENT's personnel for the purpose of interview and discussion related to such documents. For the purposes of this section, the term "SUBRECIPIENT" includes employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement.
- c. Such records shall be available at the SUBRECIPIENT's office at all reasonable times for the Duration of this Agreement Term and kept for a period of six (6) years after expiration of this Agreement. If a claim, investigation, or litigation is pending after what is assumed to be final payment, such pending action is deemed to have tolled the final payment date until completion of all such claims, investigations, or litigation proceedings, including all applicable appeal periods.
- d. This section 14 shall be in addition to, and not in lieu of, the Florida Public Records law requirements.

15. Suspension and Termination.

The COUNTY may terminate this Agreement and such additional supplemental agreements hereafter executed, in whole or in part, and may recover any funds provided herein, at its discretion, if the SUBRECIPIENT violates any provision of this Agreement; or

- a. Fails to complete performance in a timely manner; or
- b. Files for bankruptcy (voluntary or involuntary); becomes subject through appointment by any court to a receiver taking possession of substantially all of its assets or remaining in receivership in excess of 60 days; has substantially all of its assets attached, subject to execution or other judicial seizure; or does not perform as required under this Agreement.

16. Default.

If any of the following events occur ("Events of Default"), all obligations on the part of the COUNTY to make further payment of funds will, if the COUNTY elects, terminate and the COUNTY has the option to exercise any of its remedies set forth in section 17 of this Agreement. However, the COUNTY may make payments or partial payments after any Events of Default without waiving the right to exercise such remedies, and without becoming liable to make any further payment.

- a. If any warranty or representation made by the SUBRECIPIENT in this Agreement or any previous agreement with the COUNTY is or becomes false or misleading in any respect, or if the SUBRECIPIENT fails to keep or perform any of the obligations, terms or covenants in this Agreement or any previous agreement with the COUNTY and has not cured them in timely fashion, or is unable or unwilling to meet its obligations under this Agreement;
- b. If material adverse changes occur in the financial condition of the SUBRECIPIENT at any time during the period of agreement, and the SUBRECIPIENT fails to cure this adverse change within thirty (30) days from the date written notice is sent by the COUNTY;
- c. If any reports required by this Agreement have not been submitted to the COUNTY or have been submitted with incorrect, incomplete or insufficient information;
- d. If the SUBRECIPIENT has failed to perform and complete on time any of its obligations under this Agreement.

17. Remedies

If an Event of Default occurs, then the COUNTY may, after thirty (30) calendar days written notice to the SUBRECIPIENT and upon the SUBRECIPIENT's failure to cure within those thirty (30) days, exercise any one or more of the following remedies, either concurrently or consecutively:

- a. Terminate this Agreement, provided that the SUBRECIPIENT is given at least thirty (30) days prior written notice of the termination. The notice shall be effective when placed in the United States, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address in section 8 of this Agreement;

- b. Begin an appropriate legal or equitable action to enforce performance of this Agreement;
- c. Withhold or suspend payment of all or any part of a reimbursement request;
- d. Require that the SUBRECIPIENT refund to the COUNTY any monies used for ineligible purposes under the laws, rules and regulations governing the use of these funds;
- e. Exercise any corrective or remedial actions, to include but not be limited to:
 - i. request additional information from the SUBRECIPIENT to determine the reasons for or the extent of non-compliance or lack of performance,
 - ii. issue a written warning to advise that more serious measures may be taken if the situation is not corrected,
 - iii. advise the SUBRECIPIENT to suspend, discontinue or refrain from incurring costs for any activities in question,
 - iv. require the SUBRECIPIENT to reimburse the COUNTY for the amount of costs incurred for any items determined to be ineligible, or
 - v. withhold funds in accordance with Section 7d. herein.
- f. Exercise any other rights or remedies which may be available under law. Pursuing any of the above remedies will not stop the COUNTY from pursuing any other remedies in this Agreement or provided at law or in equity. If the COUNTY waives any right or remedy in this Agreement or fails to insist on strict performance by the SUBRECIPIENT, it will not affect, extend or waive any other right or remedy of the COUNTY, or affect the later exercise of the same right or remedy by the COUNTY for any other default by the SUBRECIPIENT.

18. Conflict of Interest.

- a. The SUBRECIPIENT certifies that it maintains a code or standards of conduct that govern the performance of its officers, employees or agents engaged in the awarding and administration of contracts using Federal funds.
- b. Except for the use of funds to pay for salaries and other related administrative or personnel costs set forth herein, the SUBRECIPIENT certifies that no employee, agent, or officer of the SUBRECIPIENT who exercises decision making responsibility with respect to these funds and activities, is allowed to obtain a financial interest in or benefit from these activities, or have a financial interest in any contract, subcontract or agreement regarding these activities or in the proceeds of the activities. Specifically:
 - i. This requirement applies to any person who is an employee, agent, consultant, officer, or elected or appointed official of the SUBRECIPIENT and to their immediate family members, and business partner(s).
 - ii. This requirement applies for such persons during their tenure and for a period of one year after leaving the SUBRECIPIENT.
 - iii. It is applicable to the procurement of supplies, equipment, construction, and services; acquisition and disposition of real property; provision of assistance to individuals, businesses and other private entities for all eligible activities; and provision of loans to individuals, businesses and other private entities.

19. Indemnification

The SUBRECIPIENT shall hold harmless, defend and indemnify the COUNTY, including its districts, authorities, separate units of government established by law, ordinance or resolution, elected and non-elected officials, employees, agents, volunteers, and any party with whom the COUNTY has agreed by contract to provide additional insured status, the U.S. Social Security Administration and Treasury Department, and any other governmental agencies or subdivisions, and their officers, agents and employees, from, or on any account of, any and all claims, actions, lawsuits, losses, expenses, injuries, damages, judgments or liabilities of any kind whatsoever that arise from the SUBRECIPIENT or its Agent's, employees', or officers' performance or non-performance of the terms of this Agreement, to the extent permitted by law. The parties understand that pursuant to Section 768.28(19), Florida Statutes, no party is entitled to be indemnified or held harmless by another party for its own negligent or wrongful acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by SUBRECIPIENT and SUBRECIPIENT claims all of the privileges and immunities and other benefits and protections afforded by Section 768.28, Florida Statutes.

20. Liability.

- a. Notwithstanding anything set forth in this Agreement to the contrary, nothing in this Agreement shall be deemed as a waiver of immunity or limits of liability of the COUNTY or SUBRECIPIENT beyond any statutory limited waiver of immunity or limits of liability (Section 768.28, Florida Statutes), which may have been or may be adopted by the Florida Legislature for liability in tort, and, unless otherwise further limited by state or federal law, the cap on the amount and liability of the COUNTY or SUBRECIPIENT for damages arising from any claims related to this Agreement, regardless of the number or nature of claims or whether such claim sounds in tort, equity, or contract, shall not exceed the dollar amount set by the Florida legislature for tort damages. Further, nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim against the COUNTY or SUBRECIPIENT, which claim would otherwise be barred under the doctrine of sovereign immunity or by operation of state or federal law, except as may be expressly provided herein.
- b. In no event shall the COUNTY be liable to the SUBRECIPIENT for any incidental, indirect, special, punitive or consequential damages even if the COUNTY knew or should have known about the possibility of such damages for any provision of this Agreement.

21. Venue / Jurisdiction / Attorney's Fees.

This Agreement shall be governed by the laws of the State of Florida. Venue for and jurisdiction over any civil lawsuit filed in connection with this Agreement shall, if in state court, be in St. Johns County, Florida, or, if in federal court, in the Middle District of Florida, Jacksonville Division. In any civil dispute arising from this Agreement, the parties agree to bear their own attorneys' fees and costs, unless otherwise expressly provided herein.

22. Public Records.

Pursuant to section 119.0701(2)(a), Florida Statutes, the COUNTY is required to provide the SUBRECIPIENT with this statement and establish the following requirements as contractual obligations pursuant to this Agreement:

IF THE SUBRECIPIENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE SUBRECIPIENT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT {INSERT CONTACT INFORMATION}

By entering into this Agreement, the SUBRECIPIENT acknowledges and agrees that any records maintained, generated, received, or kept in connection with or related to the performance of services provided under this Agreement are public records subject to the public records disclosure requirements of section 119.07(1), Florida Statutes, and Article I, section 24 of the Florida Constitution. Pursuant to section 119.0701, Florida Statutes, any entity entering into an Agreement for services with the COUNTY is required to:

- a. Keep and maintain public records required by the COUNTY to perform the services and work provided pursuant to this Agreement.
- b. Upon request from the COUNTY'S custodian of public records, provide the COUNTY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Period of Agreement and following completion or termination of the Agreement if the SUBRECIPIENT does not transfer the records to the COUNTY.
- d. Upon completion or termination of the Agreement, transfer, at no cost, to the COUNTY all public records in the possession of the SUBRECIPIENT or keep and maintain public records required by the COUNTY to perform the service. If the SUBRECIPIENT transfers all public records to the COUNTY upon completion or termination of the Agreement, the SUBRECIPIENT shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the SUBRECIPIENT keeps and maintains public records upon completion or termination of the Agreement, the SUBRECIPIENT shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the COUNTY, upon request from the COUNTY'S custodian of public records, in a format that is compatible with the information technology systems of the COUNTY.

Pursuant to current state law, requests to inspect or copy public records relating to the COUNTY'S Agreement for services must be made directly to the COUNTY. If the SUBRECIPIENT receives any such request, the SUBRECIPIENT shall instruct the requestor to contact the COUNTY. If the COUNTY does not possess the records requested, the COUNTY shall immediately notify the SUBRECIPIENT of such request,

and the SUBRECIPIENT must provide the records to the COUNTY or otherwise allow the records to be inspected or copied within a reasonable time.

The SUBRECIPIENT acknowledges that failure to provide the public records to the COUNTY within a reasonable time may be subject to penalties under section 119.10, Florida Statutes. The SUBRECIPIENT further agrees not to release any records that are statutorily confidential or otherwise exempt from disclosure without first receiving prior written authorization from the COUNTY. Unless caused by the negligence of the COUNTY, as determined by a court of competent jurisdiction, the SUBRECIPIENT shall indemnify, defend, and hold the COUNTY harmless for and against any and all claims, damage awards, and causes of action arising from the SUBRECIPIENT's failure to comply with the public records disclosure requirements of section 119.07(1), Florida Statutes, or by the SUBRECIPIENT's failure to maintain public records that are exempt or confidential and exempt from the public records disclosure requirements, including, but not limited to, any third party claims or awards for attorneys' fees and costs arising therefrom. The SUBRECIPIENT authorizes the COUNTY to seek declaratory, injunctive, or other appropriate relief against the SUBRECIPIENT from a court of competent jurisdiction on an expedited basis to enforce the requirements of this section. Nothing contained herein is intended to, nor shall be construed as, a waiver of any party's rights and immunities under common law or Section 768.28, Florida Statutes, as might be amended from time to time. Nothing contained herein shall be construed as consent to be sued by third parties in any matter arising out of this agreement.

The SUBRECIPIENT acknowledges the COUNTY's obligations under Article 1, Section 24, Florida Constitution and Chapter 286, Florida Statutes (commonly known as the Florida Government in the Sunshine Law (the "Sunshine Law")), the SUBRECIPIENT acknowledges that the COUNTY is required to comply with Article 1, Section 24, Florida Constitution and Chapter 286, Florida Statutes. The SUBRECIPIENT agrees to comply with these laws and any other laws related to complying with the Sunshine Law, to require any subcontractors to comply with all laws, as applicable, and to assist the COUNTY in complying with the same as it relates to all aspects of this Agreement.

The SUBRECIPIENT agrees to maintain such financial records and other records as may be prescribed by the COUNTY or by applicable federal and state laws, rules, and regulations. The COUNTY shall have the right to audit the books, records, and accounts of the SUBRECIPIENT that are directly related to this Agreement. The SUBRECIPIENT shall keep such books, records, and accounts as may be necessary in order to record complete and correct entries related to this Agreement. The SUBRECIPIENT shall preserve and make available, at reasonable times for examination and audit by the COUNTY, all financial records, supporting documents, statistical records, and any other documents pertinent to this Agreement for the required retention period of the Florida Public Records Act (Chapter 119, Florida Statutes), if applicable, or, if the Florida Public Records Act is not applicable, for a minimum period of six (6) years after termination of this Agreement. If any audit has been initiated and audit findings have not been resolved at the end of the retention period or six (6) years, whichever is longer, the books, records, and accounts shall be retained until resolution of the audit findings. If the Florida Public Records Act is determined by the COUNTY to be applicable to the SUBRECIPIENT's records, the SUBRECIPIENT shall comply with all requirements thereof; however, no

confidentiality or non-disclosure requirement of either federal or state law shall be violated by the SUBRECIPIENT. Any incomplete or incorrect entry in such books, records, and accounts shall be a basis for the COUNTY's disallowance and recovery of any payment upon such entry.

23. Procurement

- a. The SUBRECIPIENT shall ensure that any procurement involving funds authorized by this Agreement complies with all applicable federal and state laws and regulations.
- b. The SUBRECIPIENT shall maintain records sufficient to detail the history of procurement. These records include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- c. The SUBRECIPIENT shall maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- d. The SUBRECIPIENT agrees to include in the subcontract that the subcontractor is bound by all applicable state and federal laws and regulations.
- e. The SUBRECIPIENT shall maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.
- f. The SUBRECIPIENT shall conduct any procurement under this Agreement in a manner providing full and open competition. Accordingly, the SUBRECIPIENT shall not:
 - i. Place unreasonable requirements on firms in order for them to qualify to do business;
 - ii. Require unnecessary experience or excessive bonding;
 - iii. Use noncompetitive pricing practices between firms or between affiliated companies;
 - iv. Execute noncompetitive contracts to consultants that are on retainer contracts;
 - v. Authorize, condone, or ignore organizational conflicts of interest;
 - vi. Specify only a brand name product without allowing vendors to offer an equivalent;
 - vii. Specify a brand name product instead of describing the performance, specifications, or other relevant requirements that pertain to the commodity or service solicited by the procurement;
 - viii. Engage in any arbitrary actions during the procurement process; or,
 - ix. Allow a vendor to bid on a contract if that bidder was involved with developing or drafting the specifications, requirements, statement of work, invitation to bid, or request for proposals.
- g. Except in those cases where applicable federal statutes expressly mandate or encourage otherwise, the SUBRECIPIENT shall not use a geographic preference when procuring commodities or services under this Agreement.

- h. Those who have been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of \$25,000.00 for a period of thirty-six (36) months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

24. Interest of Certain Federal Officials.

No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.

25. Hatch Act.

As applicable, SUBRECIPIENT agrees to comply with all provisions of the Hatch Act and that no part of the program will involve political activities, nor shall personnel employed in the administration of the program be engaged in activities in contravention of Title V, Chapter 15, of the United States Code.

26. Suspension and Debarment.

As applicable, SUBRECIPIENT agrees to comply with the requirements of 24 C.F.R. parts 5 and 24, which prohibit a person who is debarred or suspended from receiving federal financial and non-financial assistance and benefits under any federal programs.

SUBRECIPIENT certifies, to the best of its knowledge and belief, that it and its principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;
- b. Have not, within a five-year period preceding this proposal been convicted of or had a civil judgment rendered against them for fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- c. Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph 25 b. of this certification; and,
- d. Have not within a five-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default.

SUBRECIPIENT acknowledges it is subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 C.F.R. part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

If the SUBRECIPIENT, with the federal funds authorized by this Agreement, enters into a contract, then any such contract must include the following provisions:

- a. This contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the contractor, its principals (defined at 2 C.F.R. §180.995), or its affiliates (defined at 2 C.F.R. §180.905) are excluded (defined at 2 C.F.R. §180.940) or disqualified (defined at 2 C.F.R. §180.935).
- b. The contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.
- c. This certification is a material representation of fact relied upon by the COUNTY. If it is later determined that the contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the COUNTY, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.
- d. The bidder or proposer agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

In addition, the SUBRECIPIENT shall send to the COUNTY (by email or by facsimile transmission) the completed "Certification Regarding Debarment, Suspension, Ineligibility And Voluntary Exclusion" (Attachment I) for the SUBRECIPIENT agency and each intended subcontractor which SUBRECIPIENT plans to fund under this Agreement. The form must be received by the COUNTY before the SUBRECIPIENT enters into a contract with any subcontractor.

27. Equal Opportunity Employment.

- a. In accordance with 41 C.F.R. §60-1.4(b), as applicable, the SUBRECIPIENT hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 C.F.R. Chapter 60, which is paid for in whole or in part with funds obtained from the federal government or borrowed on the credit of the federal government pursuant to a grant, contract, loan insurance, or guarantee, or undertaken pursuant to any federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agree as follows:

The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The

SUBRECIPIENT and its contactors will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following:

- i. Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- ii. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.
- iii. The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
- iv. The contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- v. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- vi. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- vii. In the event of the contractors' noncompliance with the nondiscrimination clauses of this Agreement or with any of the said rules, regulations, or

orders, this Agreement may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- viii. The contractor will include the portion of the sentence immediately preceding paragraph 26.a.i. and the provisions of paragraphs 26.a.i. through 26.a.viii. in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provision, including sanctions for noncompliance; provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency the contractor may request the United States to enter into such litigation to protect the interests of the United States.
- b. The SUBRECIPIENT further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work; provided, that if the applicant so participating is a state or local government, the above equal opportunity clause is not applicable to any agenda, instrumentality or subdivision of such government which does not participate in work on or under the contract.
- c. The SUBRECIPIENT agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.
- d. The SUBRECIPIENT further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of labor pursuant to Part II, Subpart D of the Executive Order. In addition, the SUBRECIPIENT agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the SUBRECIPIENT under the program with

respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such SUBRECIPIENT; and refer the case to the Department of Justice for appropriate legal proceedings.

- e. In the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

28. Copeland Anti-Kickback Act.

- a. As applicable, SUBRECIPIENT hereby agrees that, unless exempt under Federal law, it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, the following clause:
 - i. Contractor. The contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this contract.
 - ii. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause above, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all of these contract clauses.
 - iii. Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a contractor and subcontractor as provided in 29 C.F.R. § 5.12.

29. Contract Work Hours and Safety Standards.

If the SUBRECIPIENT, with federal funds authorized by this Agreement, enters into a contract that exceeds \$100,000 and involves the employment of mechanics or laborers, then any such contract must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of forty (40) hours. Work in excess of the standard work week is permissible provide that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of forty (40) hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation.

30. Clean Air Act and the Federal Water Pollution Control Act.

If the SUBRECIPIENT, with federal funds authorized by this Agreement, enters into a contract that exceeds \$150,000, then any such contract must include the following provision:

Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387), and will report

violations to FEMA and the Regional Office of the Environmental Protection Agency (EPA).

31. Anti-Lobbying.

The SUBRECIPIENT agrees, by executing this Agreement, that to the best of his or her knowledge and belief that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c. If the SUBRECIPIENT, with federal funds authorized by this Agreement, enters into a contract, then any such contract must including the following clause:

Byrd Anti-Lobbying Amendment, 31 U.S.C. §1352 (as amended). Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. §1352. Each tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the recipient.

32. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms.

- a. If the SUBRECIPIENT, with federal funds authorized by this Agreement, seeks to procure goods or services, then, the SUBRECIPIENT shall take the following affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used whenever possible:
 - i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

- iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - iv. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - v. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
 - vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs i. through v. of this subparagraph.
- b. The requirement outlined in subparagraph a. above, sometimes referred to as "socioeconomic contracting," does not impose an obligation to set aside either the solicitation or award of a contract to these types of firms. Rather, the requirement only imposes an obligation to carry out and document the six affirmative steps identified above.
- c. The "socioeconomic contracting" requirement outlines the affirmative steps that the SUBRECIPIENT must take; the requirements do not preclude the SUBRECIPIENT from undertaking additional steps to involve small and minority businesses and women's business enterprises.

33. Employee Protection from Reprisal.

- a. In accordance with 41 U.S.C. Sec. 4712, as applicable, an employee of SUBRECIPIENT may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph 32(b) below, information that the employee reasonably believes is evidence of:
- i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
- b. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
- i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal office or employee responsible for oversight of a grant program;
 - v. A court or grand jury;
 - vi. A management office of the COUNTY;
 - vii. A federal or State regulatory enforcement agency.
- c. Submission of Complaint – A person who believes that they have been subjected to a reprisal prohibited by this Section may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Treasury Department.

- d. Time Limitation for Submittal of a Complaint – A complaint may not be brought under this Section more than three years after the date on which the alleged reprisal took place.
- e. Required Actions of the Inspector General – Actions, limitations and exceptions of the Inspector General's office are established under Federal law.
- f. Assumption of Rights to Civil Remedy – Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under Federal law.

34. Americans with Disabilities Act

The SUBRECIPIENT agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.), which prohibits discrimination by public and private entities on the basis of disability in employment, public accommodations, transportation, State and local government services, and telecommunications.

35. Required Documentation and Attachments.

- a. In order to receive reimbursement, the following documentation is required as part of a comprehensive submission:
 - i. Personnel
 - 1. Reports from respective financial system, extracted to Excel, reflecting COVID-19 related personnel costs, per employee.
 - 2. Electronic copies of time logs per employee reflecting COVID-19 related activities.
 - 3. An electronic version of SUBRECIPIENT's Personnel Policy.
 - 4. Submission of Attachment A [Funding Justification Form] to provide description of COVID-19 related activities including pertinent supporting documentation (e.g., memorandums, emails).
 - ii. Non-Personnel
 - 1. Reports from respective financial system, extracted to Excel, reflecting payment of COVID-19 related expenditures to include payment transaction information.
 - 2. Copies of bank statement information reflecting the clearing of aforementioned payment transaction.
 - 3. Electronic copies of each invoice of COVID-19 related invoice paid.
 - 4. An electronic version of SUBRECIPIENT's Purchasing Policy.
 - 5. Submission of Attachment A [Funding Justification Form] to provide description of COVID-19 related activities including pertinent supporting documentation (e.g., memorandums, emails).

- b. All attachments to this Agreement are incorporated as if set out fully.
- c. In the event of any inconsistencies or conflict between the language of this Agreement and the attachments, the language of the attachments shall control, but only to the extent of the conflict or inconsistency.
- d. This Agreement has the following attachments:
 - i. Attachment A – Funding Justification Form
 - ii. Attachment B – Certification Regarding Debarment

36. Assurances.

The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the SUBRECIPIENT in this Agreement, in any later submission or response to a COUNTY request, or in any submission or response to fulfill the requirements of this Agreement. All of said information, representations, and materials is incorporated by reference. The inaccuracy of the submissions or any material changes will, at the option of the COUNTY and with thirty (30) days written notice to the SUBRECIPIENT, cause the termination of this Agreement and the release of the COUNTY from all its obligations to the SUBRECIPIENT.

The SUBRECIPIENT is subject to Florida's Government in the Sunshine Law (Section 286.011, Florida Statutes) with respect to the meetings of the SUBRECIPIENT's governing board or the meetings of any subcommittee making recommendations to the governing board. All of these meetings must be publicly noticed, open to the public, and the minutes of all the meetings will be public records, available to the public in accordance with Chapter 119, Florida Statutes.

The SUBRECIPIENT assures and certifies it will:

- a. Establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
- b. Comply with minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, and Florida Statutes.
- c. Comply with overtime provisions of the Federal Fair Labor Standards Act, requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rates for all hours worked in excess of the prescribed work-week.
- d. Comply with the provisions of the DRUG-FREE WORKPLACE as required by the Drug-Free Workplace Act of 1988.

37. Good Faith.

Each party will act in good faith in the performance of its respective responsibilities under this Agreement and will not unreasonably delay, condition or withhold the giving of any consent, decision or approval that is either requested or reasonably required by the other party in order to perform its responsibilities under this Agreement.

38. Non-assignability.

This Agreement shall not be assigned, transferred, or encumbered by the SUBRECIPIENT unless authorized by the COUNTY in writing as a modification to this Agreement.

39. Waiver of Jury Trial.

By entering into this Agreement, SUBRECIPIENT and COUNTY hereby expressly waive any rights either may have to a trial by jury of any civil litigation related to this Agreement for any litigation limited solely to the parties of this Agreement.

40. Conflict.

If any provision of this Agreement shall for any reason be held to be invalid, illegal, unenforceable, or in conflict with any law of a federal, state, or local government having jurisdiction over this Agreement, such provision shall be construed so as to make it enforceable to the greatest extent permitted, such provision shall remain in effect to the greatest extent permitted and the remaining provisions of this Agreement shall remain in full force and effect unless COUNTY and SUBRECIPIENT mutually elect to terminate this Agreement. An election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final. Prior to terminating this Agreement, the parties may agree to substitute an enforceable provision that, to the maximum extent possible under applicable law, preserves the original intentions and economic positions of the parties.

41. Legal Authorization.

SUBRECIPIENT certifies that it has the legal authority to receive the funds under this Agreement. SUBRECIPIENT also certifies that the undersigned person has the authority to legally execute and bind SUBRECIPIENT to the terms of this Agreement.

42. Complete Agreement.

This Agreement and attached exhibits and amendments thereto constitute the full and complete understanding between the parties.

43. Amendments.

Upon mutual consent of both parties, this Agreement may be amended in writing.

44. Execution in Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF, COUNTY and SUBRECIPIENT have executed this Agreement.

COUNTY

By:_____

Print Name
and Title:_____

Date:_____

MUNICIPALITY

By:_____

Print Name
and Title:_____

Date:_____

**Attest: St. Johns County Clerk of Court &
Comptroller**

By:_____
Deputy Clerk

Date:_____

Legal Review:

By:_____

Date

Legal Review:

By:_____

Date

Attachment A

Funding Justification Form

MUNICIPALITY: **City of St. Augustine**

ITEM DESCRIPTION(S): **See Attachment C (Scope of Work)**

1.) Describe why the item is a necessary expenditure incurred due to public health emergency:

Necessary to aide in the Municipality's effort to protect the health, safety and welfare of local residents in response to the COVID-19 public health emergency.

2.) Is the cost accounted for in the budget most recently approved as of March 27, 2020?

☐ Yes ☒ No

3.) Will the cost be incurred during the period March 1, 2020 through December 30, 2020?

☒ Yes ☐ No

Select Applicable Expenditures

- ☐ Medical Expenses
- ☐ Public Health Expenses
- ☐ Payroll Expenses for Employees whose services are substantially dedicated to mitigating or responding to COVID-19.
- ☐ Expenses of actions to facilitate compliance with COVID-19 related public health measures.
- ☐ Expenses associated with the provision of economic support to connection with the COVID-19 public health emergency
- ☐ Any other COVID-19 related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Department Director

Date

Eligibility Review:

Attachment A



St. Johns County Board of County Commissioners Project Eligibility Worksheet

Section to be completed by SUBRECIPIENT

Department Name:

Department Number:

Employee Name:

Employee Number:

Requested Project/Program:

Is the work substantially different than normal assignment of position? Yes ☒ No ☐

If yes, please provide list of project duties:

Section to be completed by CARES Act/COVID-19 Response Consultant

Are project and duties CARES eligible? ☐ No ☐

Confirm Project Code

Department

Forward to Office of Management and Budget

Budget Representative

Forward to Human Resources for discussion with employee, supervisor, and timekeeper.

HR Representative

Supervisor

Timekeeper

Explanation of how to code hours to project number identified and details for completing activity log.

STAFF: Log ONLY project hours both regular and overtime, if staff works non project hours those would not be included on log.

TIMEKEEPER: Charge hours to project and department from the log signed by project manager.

FINANCE: Audit Payroll against spreadsheet of approved staff and project, before payroll closes.

*OMB will pull out health insurance DR will pull timesheets for their process

ATTACHMENT B

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND
VOLUNTARY EXCLUSION – PRIMARY COVERED TRANSACTIONS**

The Sub-Recipient certifies that, the entity or any person associated therewith in the capacity of administrator, manager, director, officer, investigator, project director, auditor, and/or position involving the administration of federal funds:

1. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions, as defined in 49 CFR s29.110(a), by any federal department or agency;
2. have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against it for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or public contract; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property
3. are not presently indicted for or otherwise criminally or civilly charged by a federal, state, or local governmental entity with commission of any of the offenses enumerated in paragraph (b) of this certification; and
4. have not within a three-year period preceding this certification had one or more federal, state, or local government public transactions terminated for cause or default.

The Sub-Recipient certifies that it shall perform a debarment verification on any contractor, consultant, material supplier or vendor, that it proposes to contract with to perform any work under this Agreement, and shall not enter into any transaction with any contractor, consultant, material supplier, or vendor who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this project by any federal agency unless authorized by St. Johns County.

Handwritten Signature of Authorized Representative(s):

NAME (print): _____

SIGNATURE: _____

TITLE: _____

NAME OF ORGANIZATION: _____

DATE: _____

Attachment C-Scope of Work

Public Safety Salaries	Reimburse	1,184,742
8 PD Laptops for COVID Positive Officers on Light Duty	Reimburse	6,400
Commission Room Distancing and Sanitizing: Redesign room, add partitions and technology	Reimburse	18,250
Air Purifiers for all City properties where employees work	Reimburse	42,500
Fire Department Supplies	Reimburse	9,751
Hand Sanitizer Stations	Reimburse	10,460
Microphone system for customer service for distance	Reimburse	12,500
Supplies and Testing at the Waste water Plant	Reimburse	10,755
Supplies at the Police Department	Reimburse	10,075
Supplies at the Marina	Reimburse	1,488
Laptops for City staff who to work remotely (45)	Reimburse	36,000
Increase bandwidth of internet for remote meetings	Reimburse	6,000
Touchless Paper Towel Dispensers	Reimburse	17,169
Face Masks, Shields, Respirators	Reimburse	77,418
Thermometers	Reimburse	14,344
Air Purifiers & Office Sanitation	Reimburse	21,690
Sanitizer, Sanitizer Stations, Sanitizer bottles, Disinfectant	Reimburse	6,151
Waste Water COVID Testing	Reimburse	9,257
Employee COVID Testing	Reimburse	284
COVID Supplies	Reimburse	<u>4,767</u>
Total Estimated Expenditures		1,500,000
Total Maximum Subgrant Amount		1,500,000

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan
City Manager

DATE: March 11, 2021

RE: Monthly Financial Report – February 2021

Attached are unaudited financial summaries by fund for Commission review for the period ending February 28, 2021. The statements are in the form of an income statement and include current year budget and current year-to-date actuals, with previous year-to-date actuals for comparison purposes.

The summaries reflect activity through four months of the fiscal year which is 42%. Comparing this percentage with the actual percentage spent/earned is a useful way to gauge our performance although some of our activity is seasonal.

Next month we will hold the period-end March 31st open for two weeks in order to obtain a more accurate representation of the City's financial position half-way through the year. I anticipate a more thorough review of the budget for the commission at our meeting scheduled on May 10th.

If you have any questions about the attached statements or any other financial matter, please do not hesitate to contact me.



Mark E. Simpson, CPA
Director, Financial Services

cc: D. Galambos, City Clerk
M. Breidenstein, Assistant City Manager

General Fund

Current Year and Prior Year to Date for Period Ending February 28, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Ad Valorem Taxes	12,019,807	14,289,378	84%	10,225,762	12,552,832	81%
Local Option Gas Tax	205,757	422,380	49%	173,654	513,628	34%
Insurance Premiums	-	436,905	0%	3	423,187	0%
Utility Taxes	824,586	2,251,000	37%	806,216	2,410,001	33%
Grants	47,475	142,350	33%	49,250	135,500	36%
Intergovernmental	718,918	1,679,800	43%	685,396	2,026,642	34%
Franchise Fees	496,096	1,580,998	31%	809,161	1,784,728	45%
Licenses, Permits & Fees	2,832,523	5,030,253	56%	2,780,407	5,440,118	51%
Fines and Forfeitures	332,911	420,500	79%	122,244	343,000	36%
Administrative Overhead	1,655,478	3,973,148	42%	1,631,704	3,916,089	42%
Investment Income	23,280	120,750	19%	112,342	313,000	36%
Miscellaneous	835,614	1,876,344	45%	849,721	1,727,510	49%
Total Operating Revenue	19,992,445	32,223,806		18,245,858	31,586,235	
<u>Operating Expenses</u>						
General Government	2,913,903	7,965,907	37%	3,159,409	8,063,020	39%
Public Safety	4,393,412	12,581,606	35%	4,258,211	11,898,660	36%
Physical Environment	1,245,395	3,634,590	34%	1,247,796	3,727,756	33%
Transportation	1,329,813	4,377,380	30%	1,418,693	4,416,962	32%
Culture and Recreation	539,274	1,790,386	30%	594,444	1,771,958	34%
Capital Outlays						
Buildings	-	630,000	0%	-	350,000	0%
Infrastructure Improvements	(30,830)	539,066	-6%	101,484	1,693,002	6%
Machinery & Equipment	245,554	1,099,847	22%	1,161,976	1,675,172	69%
Total Operating Expenses	10,636,521	32,618,781		11,942,013	33,596,531	
<u>Transfers In/ (Out)</u>						
Transfers In	1,047,745	4,631,346	23%	1,299,398	5,289,156	25%
Transfers Out	(338,060)	(4,236,371)	8%	(737,933)	(3,827,835)	19%
Total Transfers In/ (Out)	709,685	394,975		561,465	1,461,321	
	\$ 10,065,609	\$ 0.00		\$ 6,865,310	\$ (548,975.00)	

Utility Fund

Current Year and Prior Year to Date for Period Ending February 28, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Water User Fees	3,730,461	9,000,000	41%	3,968,801	8,477,742	47%
Sewer User Fees	3,653,756	8,400,000	43%	3,647,177	7,963,000	46%
Construction & Connection Fees	588,479	1,960,000	30%	1,048,979	1,800,000	58%
Other	49,668	456,157	11%	322,303	522,200	62%
Total Operating Revenue	8,022,364	19,816,157		8,987,261	18,762,942	
<u>Operating Expenses</u>						
Personal Services	1,852,013	5,012,047	37%	1,850,383	4,794,154	39%
Operating Expenses	1,155,300	3,694,848	31%	1,013,952	3,876,220	26%
Administrative Overhead	1,068,919	2,565,406	42%	1,022,968	2,455,123	42%
Capital Outlays						
Infrastructure Improvements	344,812	849,707	41%	835,993	228,000	367%
Buildings	-	-	NA	-	-	NA
Machinery & Equipment	43,490	647,385	7%	259,351	546,473	47%
Total Operating Expenses	4,464,535	12,769,393		4,982,647	11,899,970	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	18,821	156,500	12%	105,829	255,000	42%
Fiscal Charges	(276,552)	(3,556,200)	8%	(274,502)	(3,326,145)	8%
Grants	-	75,000	NA	6,614	-	NA
Disposition of Assets	524	-	NA	-	-	NA
Non-Operating Revenue/(Expense)	(257,207)	(3,324,700)		(162,059)	(3,071,145)	
<u>Transfers In/ (Out)</u>						
Transfers In	202,968	1,354,626	15%	216,865	2,121,288	10%
Transfers Out	(2,115,288)	(5,076,690)	42%	(2,004,364)	(4,810,474)	42%
Total Transfers In/ (Out)	(1,912,320)	(3,722,064)		(1,787,499)	(2,689,186)	
	\$ 1,388,304	\$ -		\$ 2,055,056	\$ 1,102,641	

Stormwater Fund

Current Year and Prior Year to Date for Period Ending February 28, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
User Fees	452,850	1,097,586	41%	397,355	1,004,200	40%
Total Operating Revenue	452,850	1,097,586	41%	397,355	1,004,200	40%
<u>Operating Expenses</u>						
Personal Services	121,188	358,311	34%	148,009	345,649	43%
Operating Expenses	28,098	232,241	12%	83,738	168,053	50%
Administrative Overhead	157,440	377,856	42%	150,242	360,581	42%
Capital Outlays						
Machinery & Equipment	-	-	NA	-	376,000	0%
Infrastructure Improvements	44,329	572,588	8%	508,887	60,000	848%
Total Operating Expenses	351,056	1,540,996		890,876	1,310,283	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	289	1,200	24%	6,949	36,529	19%
Fiscal Charges	-	-	NA	-	-	NA
Total	289	1,200	24%	6,949	36,529	19%
<u>Transfers In/ (Out)</u>						
Transfers In	284,385	682,524	42%	588,210	1,411,705	42%
Transfers Out	(141,622)	(339,892)	42%	(372,738)	(894,571)	42%
Total Transfers In/ (Out)	142,763	342,632		215,472	517,133	
	\$ 244,847	\$ (99,578.00)		\$ (271,100)	\$ 247,579.28	

Solid Waste Fund

Current Year and Prior Year to Date for Period Ending February 28, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
User Fees	1,645,384	3,870,386	43%	1,643,461	3,846,000	43%
Franchise Fees	43,546	32,000	136%	14,028	48,000	29%
Other	-	3,000	0%	7,518	10,000	75%
Total Operating Revenue	1,688,930	3,905,386		1,665,007	3,904,000	
<u>Operating Expenses</u>						
Personal Services	508,960	1,364,507	37%	544,324	1,422,125	38%
Operating Expenses	728,208	1,990,340	37%	762,355	1,763,561	43%
Administrative Overhead	192,453	461,887	42%	226,527	543,664	42%
Capital Outlays						
Machinery & Equipment	-	-	NA	529,603	538,000	98%
Total Operating Expenses	1,429,622	3,816,734		2,062,809	4,267,350	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	721	6,000	12%	4,958	7,500	66%
Disposition of Assets	1,899	-	NA	1,560	-	NA
Non-Operating Revenue/(Expenses)	2,621	6,000		6,517	7,500	
<u>Transfers In/ (Out)</u>						
Transfers In	120,700	289,680	42%	358,452	860,285	42%
Transfers Out	(160,138)	(384,332)	42%	(210,181)	(504,435)	42%
Total Transfers In/ (Out)	(39,438)	(94,652)		148,271	355,850	
	\$ 222,491	\$ (0.00)		\$ (243,014)	\$ -	

Municipal Marina Fund

Current Year and Prior Year to Date for Period Ending February 28, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
User Fees	1,349,793	2,802,400	48%	1,384,598	3,314,200	42%
Rental Income	20,800	42,158	49%	17,746	41,880	42%
Other	13,842	33,000	42%	10,851	32,900	33%
Total Operating Revenue	1,384,436	2,877,558		1,413,195	3,388,980	
<u>Operating Expenses</u>						
Personal Services	285,343	792,012	36%	292,054	754,861	39%
Operating Expenses	616,289	1,270,883	48%	715,567	2,133,757	34%
Administrative Overhead	188,348	452,034	42%	182,637	438,329	42%
Capital Outlays						
Machinery & Equipment	42,485	50,000	85%	50,976	50,976	100%
Infrastructure Improvements	13	-	NA	-	-	NA
Total Operating Expenses	1,132,478	2,564,928		1,241,234	3,377,923	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	1,491	20,000	NA	17,202	-	NA
Grant Income	-	-	NA	-	7,000	0%
Fiscal Charges	-	-	NA	-	(242,614)	0%
Total	1,491	20,000		17,202	(235,614)	
<u>Transfers In/ (Out)</u>						
Transfers In	20,259	48,622	42%	165,716	397,718	42%
Transfers Out	(158,855)	(381,252)	42%	(72,150)	(173,161)	42%
Total Transfers In/ (Out)	(138,596)	(332,630)		93,565	224,557	
	\$ 114,852	\$ -		\$ 282,729	\$ (0.00)	

Visitor Information Center Fund

Current Year and Prior Year to Date for Period Ending February 28, 2021

	CY Actual	CY Budget	CY % Used	PY Actual	PY Budget	PY % Used
<u>Operating Revenue</u>						
Parking Revenue	1,779,384	3,328,350	53%	1,797,202	3,469,000	52%
Gift Shop Revenue	159,081	600,000	27%	246,511	600,000	41%
Other	8,781	70,000	13%	2,203	73,000	3%
Total Operating Revenue	1,947,246	3,998,350		2,045,916	4,142,000	
<u>Operating Expenses</u>						
Personal Services	359,129	1,103,908	33%	454,411	1,057,545	43%
Operating Expenses	506,935	1,379,734	37%	302,657	1,247,655	24%
Administrative Overhead	890,527	2,137,264	42%	883,473	2,120,336	42%
Capital Outlays						
Buildings	-	-	NA	-	-	NA
Machinery & Equipment	-	-	NA	95,661	-	NA
Total Operating Expenses	1,756,591	4,620,906		1,736,202	4,425,536	
<u>Non-Operating Revenue/ (Expenses)</u>						
Interest Income	1,998	26,250	8%	18,383	70,000	26%
Other Income	75,915	147,000	52%	99,022	190,000	52%
Fiscal Charges	-	(1,727,145)	0%	(770)	(1,726,626)	0%
Non-Operating Revenue/(Expenses)	77,913	(1,553,895)		116,635	(1,466,626)	
<u>Transfers In/ (Out)</u>						
Transfers In	708,322	1,699,972	42%	537,576	1,290,181	42%
Transfers Out	198,533	476,479	42%	191,659	459,981	42%
Total Transfers In/ (Out)	906,855	2,176,451		729,234	1,750,162	
	\$ 1,175,423	\$ -		\$ 1,155,583	\$ -	

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, PE
City Manager

DATE: March 15, 2021

RE: Request for **one (1)** appointment for the CITY OF ST. AUGUSTINE
AUDIT REVIEW COMMITTEE

An Advertisement was place in the St. Augustine Record and one letter of interest was received by Todd Neville, CPA and is attached. Mr. Neville is a current committee member and meets the criteria for re-appointment and should the Commission agree, staff requests approval of appointment. If you concur, please place this on the Consent Agenda for the March 22, 2021 regular City Commission Meeting.

Darlene Galambos
Darlene Galambos
City Clerk

Xc: City Clerk Files

Lucy Fountain

From: Darlene Galambos
Sent: Monday, March 15, 2021 12:05 PM
To: Lucy Fountain
Subject: FW: Audit Committee
Attachments: CC Memo Audit Committee Appointment request 5.22.2021.doc

-----Original Message-----

From: Todd Neville <tneville@nevillewainio.com>
Sent: Monday, March 15, 2021 11:50 AM
To: Darlene Galambos <dgalambos@citystaug.com>
Subject: Audit Committee

Dear Mayor and Commissioners:

I would like to continue to serve on the audit committee.

Todd Neville
Neville Wainio CPAs
Cell: 904-501-0900
Office: 904-586-0048

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: March 2, 2021

RE: **MARLOWE V. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES**

Enclosed please find Invoice No. 02-2021-13-1743 dated March 1, 2021 from Cavendish Partners, P.A. for legal services rendered in February 2021 regarding the Marlowe v. City of St. Augustine matter.

The amount currently due is **\$3,770.00**. We have reviewed the billing and submit same to you for placement on the consent agenda for the March 22, 2021 City Commission meeting.

*WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S
FEES AND COSTS ON THIS MATTER EQUALS \$69,267.40.*

Thank you.



Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
Denise C. May, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Simpson, Financial Services

CAVENDISH PARTNERS

P.A.

200 West Forsyth Street, Suite 1300
Jacksonville, FL 32202

INVOICE

Date: 03/01/2021
Invoice #: 02-2021-13-1743
Matter: Marlowe
File #: 1743

INVOICE TOTAL AND BALANCE DUE \$3,770.00

Bill To:

Isabelle Lopez, City Attorney
75 King Street
P.O. Box 210
St Augustine, FL 32085

Due Date: 03/31/2021

Please Remit Payment To:

Cavendish Partners, P.A.
200 West Forsyth Street
Suite 1300
Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 03/01/2021 ARE
NOT REFLECTED IN THIS BALANCE DUE INVOICE**

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: March 2, 2021

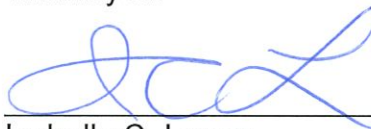
RE: MASCI v. CITY OF ST. AUGUSTINE – INVOICE FOR PROFESSIONAL SERVICES

Enclosed please find Invoice No. 02-2021-03-2026 dated March 1, 2021 from Cavendish Partners, P.A. for legal services rendered in February 2021 regarding the MASCI General Contractor, Inc. v. City of St. Augustine matter.

The amount currently due is \$1,534.00. We have reviewed the billing and submit same to you for placement on the consent agenda for the March 22, 2021 City Commission meeting.

{ WITH THIS INVOICE THE TOTAL EXPENDED TO DATE FOR ATTORNEY'S
FEES AND COSTS ON THIS MATTER EQUALS \$6,962.00. }

Thank you.



Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
Denise C. May, Assistant City Attorney
Darlene Galambos, City Clerk
Mark Simpson, Financial Services

CAVENDISH PARTNERS

P.A.

200 West Forsyth Street, Suite 1300
Jacksonville, FL 32202

INVOICE

Date: 03/01/2021
Invoice #: 02-2021-03-2026
Matter: Masci
File #: 2026

INVOICE TOTAL AND BALANCE DUE \$1,534.00

Bill To:

Isabelle Lopez, City Attorney
75 King Street
P.O. Box 210

St Augustine, FL 32085

Due Date: 03/31/2021

Please Remit Payment To:

Cavendish Partners, P.A.
200 West Forsyth Street
Suite 1300
Jacksonville, FL 32202

**PAYMENTS RECEIVED AFTER 03/01/2021 ARE
NOT REFLECTED IN THIS BALANCE DUE INVOICE**