

**CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE**

AGENDA

June 1, 2009

7:00 P.M.

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. REQUESTS FOR WAIVERS

1. Friends of the Children - BBQ Competition - Tom Varn Park Fee

Consideration of waiving fees in the amount of \$475 for the Fourth Annual Brooksville Blazin' Butts-n-Brisket BBQ Competition to be held October 17, 2009.

Presentation:	Board Chair
Attachment:	Memo from Director of Parks & Recreation dated 05/15/09; Facility Use Agreement; Report of Waivers; Certificate of Exemption

2. JBCC Waiver of Fees for Hernando County Intergroup (Gratitude Dinner) - Alcoholics Anonymous

Consideration of waiver of fees in the amount of \$495 associated with their annual dinner on November 7, 2009, from 5:30 until 10:30 p.m. at the JBCC.

Presentation:	Alcoholics Anonymous Chairwoman
Action:	Approval or Direction to Staff
Attachments:	Memo from Director of Parks & Recreation dated 05/18/09; Facility Use Agreement, Letter from Hernando County Intergroup dated 05/08/09

D. CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

1. Proclamation – BDSdra Awareness Days

Presentation of a proclamation declaring June 6 & 7, 2009 as the 2nd Annual Batten Disease Awareness Days.

Presentation:	Mayor
Attachments:	Proclamation

2. 2009 Hurricane Season Update

Presentation:	Cecilia Patella, Interim Director of Emergency Management
Attachments:	Verbal Presentation

REGULAR COUNCIL MEETING AGENDA – JUNE 1, 2009

E. CITIZEN INPUT

F. CONSENT AGENDA

1. **Minutes**
February 2, 2009 Regular Meeting
2. **Sanitation & Solid Waste Vehicle**
Consideration of authorization to pay for the 2009 Peterbilt Sanitation Truck out of Cash Reserves in Solid Waste Fund 409 for the not-to-exceed amount of \$195,616 as opposed to finalizing/proceeding with financing.
3. **Commercial Improvement Grant Program**
Ratification of acceptance of Community Redevelopment Area Commercial Property Improvement Matching Grant Program as adopted by the CRA Governing Board (Item B-2).
4. **2009 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program Funds under the American Recovery and Reinvestment Act of 2009**
Consideration of allocation of local Federal Edward Byrne Memorial JAG funding as approved by the Hernando County Substance Abuse Policy Advisory Board and authorize the Mayor to sign the attached letters for submittal to the Florida Department of Law Enforcement.
5. **Award of Good Neighbor Trail & Alternate Items Bid No.: PR2009-06**
Consideration to award bid per staff recommendation.
6. **Hartford Settlement Agreement**
Consideration of final payment of additional \$10,398.75 and authorization for City Manager to sign the proposed agreement, with appropriate budget amendment.

CONSENT AGENDA APPROVAL (✓)

Recommendation:	Approval of Consent Agenda
Action:	Motion to Approve
Attachments:	1) Minutes; 2) Memo from Finance Director and Director of Public Works dated 05/20/09; 3) See Item B-2 from CRA Meeting; 4) Memo from Chief of Police dated 06/01/09, Memo from Substance Abuse Policy Advisory Board Chair dated 05/26/09, Required Letter of Decision; 5) Memo from Director of Public Works dated 05/22/09, Minutes of Bid Opening Meeting; 6) Memo from City Attorney dated 05/26/09, Letter from Attorney Johnston dated 04/08/09, Proposed Settlement Agreement

REGULAR COUNCIL MEETING AGENDA – JUNE 1, 2009

G. PUBLIC HEARINGS

- Entry of Proof of Publication into the Record

1. **Ordinance No. 775 – Public School Facilities Element and Capital Improvements Element-Comprehensive Plan Amendment (CPA)**

Consideration for approval of the second and final reading of Ordinance No. 775 to approve the PSFE and CIE amendments and authorization of its transmittal to the Department of Community Affairs (DCA) for compliance review.

[This is the second of two required readings, with the first reading held on 05/18/09.]

Presentation: Community Development Planner
Recommendation: Approval of the second reading of Ordinance No. 775 as recommended by Staff Commission upon roll call vote and transmittal of CPA to DCA
Attachments: Memo from Community Development Planner Development dated 06/01/09; Proposed Ordinance; CPA

H. REGULAR AGENDA (*Board Sitting in its Quasi-Judicial Capacity*)

- Entry of Proof of Publication into the Record
- Poll Council Members for Ex-Parte Communications
- Administering of Oath to All Persons Intending to Speak [Expert Witness Credentials]
- Adoption of the Agenda Back-up Materials into Evidence

1. **Ordinance No. 773 - Chamizo Rezoning Request**

Consideration of request for rezoning from R-1A Single Family Residential with a Special Exception use for an educational facility to C-1 Commercial District .

[This item was tabled at the 04/20/09 regular session of City Council.]

Presentation: Director of Community Development
Recommendation: Approval of Ordinance upon roll call vote and schedule Public Hearing for second reading on 06/15/09
Attachments: Memo from Director of Community Development dated 05/15/09; Letter from Petitioner dated 03/17/09; Proposed Ordinance; Site Location Map

REGULAR COUNCIL MEETING AGENDA – JUNE 1, 2009

I. REGULAR AGENDA (*Board Sitting in its Legislative Capacity*)

1. Ordinance No. 774 – Impoundment

Consideration of ordinance addressing junked and abandoned vehicles and setting forth procedural requirements for impoundment of vehicles used in conjunction with certain crimes in violation of certain parking statutes and code violation.

[This item was tabled at the 05/18/09 regular session of City Council.]

Presentation:	Chief of Police
Recommendation:	Approval of Ordinance upon roll call vote upon second reading
Attachments:	Memo from Chief of Police dated 06/01/09; Proposed Ordinance

2. Personnel Policy Amendments

Consideration of updates to the Personnel Policy.

- a) Section 7.03 Travel Allowances
- b) Section 1.07 Conduct Standards
- c) Section 1.08 Conflict of Interest
- d) Section 1.15 Dress and Appearance
- e) Section 6.07 Administrative or Investigatory Leave

Presentation:	City Attorney
Recommendation:	Approval
Attachments:	Memo from City Attorney dated 05/22/09; Proposed Policies a-e

I. CITIZEN INPUT

J. ITEMS BY COUNCIL

K. ADJOURNMENT

CORRESPONDENCE TO NOTE

Meeting agendas and supporting documentation are available from the City Clerk's office, and on line at www.cityofbrooksville.us. Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk's office 48 hours in advance of the meeting at (352) 540-3810.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.

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**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER
FROM: MIKE WALKER, PARKS, FACILITIES & RECREATION DIRECTOR
SUBJECT: Fee Waiver Request - Brooksville "Blazin' Butts-N-Brisket" BBQ Competition at Tom Varn Park
DATE: May 15, 2009

GENERAL SUMMARY/BACKGROUND:

The Friends of the Children, Inc. (FOC), which provides supplemental funding for programs for children in the City of Brooksville Recreation Department, is planning to host the Third Annual Brooksville "Blazin' Butts-N-Brisket" BBQ competition at Tom Varn Park on October 17, 2009. The organization is requesting for the facility rental fee to be waived in the amount of \$475.00.

This year, the Brooksville Parks and Recreation Advisory Board is helping with the organizing/fundraising efforts of the event. All proceeds from the BBQ will go towards the purchasing of recreational supplies and equipment for the Brooksville Recreation Department, along with the sponsoring of children in city programs.

The security deposit and a certificate of insurance listing the city as an additional insured will still be required for the event.

BUDGET IMPACT:

The budget impact will be a loss of park rental income in the amount of \$475.00; this will impact the FY 09-10 Budget which has not been determined at this time. There will be personnel expenses for electrical and water line set-up, the estimated amount is no more than \$200. To date, Parks/JBCC fees in the amount of \$2500.00 have been waived.

Monies have been budgeted within Council's FY08-09 Budget in the amount of \$7000 for such special events. To date \$7294.84 has been expended, leaving a negative balance of \$294.84 for this fiscal year.

LEGAL REVIEW:

The City Council has the authority to waive the fees that are being requested, if deemed appropriate.

STAFF RECOMMENDATION:

Staff will move forward with the direction given by Council.

CITY OF BROOKSVILLE

PARKS & RECREATION DEPARTMENT

FACILITY USE AGREEMENT



Jerome Brown Community Center
 Hall
 Conference Room
 Kitchen
 Other Facility PART OF TOM VARN PARK

Name of applicant (User): BROOKSVILLE BLAZIN' BUTTS & BRISKEE (FRIENDS OF CHILDREN)

If an organization, name of representative: Joe Johnston III
 (STATUS APPLIED FOR)

Not-for-Profit (attach copy of certificate)
 Government Agency
 City Co-Sponsored

Address: 201 N. Howell Ave City: BROOKSVILLE State: FL Zip: 34601

Contact person: Joe Johnston III Day Telephone 796-5123 Evening 796-5669

Alternate contact person: Mike Walker Day Telephone 650-9644 Evening _____

Description of event: BARBECUE CONTEST IN CONJUNCTION WITH [REDACTED]

Other recreational events, i.e. softball tournament Anticipated attendance: 5000

Attendees will be: Adult Teen Elem. Preschool If youth event, number of supervising adults: _____

Day(s) of event: M - T - W - Th Sa - Su Start date of event: 10/17/09 Ending date: 10/18/09

Time event begins: ALL DAY AM / PM Time event ends: 6:00 AM PM

Set-up: Date 10/16/09 From 4 AM PM To 8 AM PM

Will event be open to the general public? Yes No Admission/donation/fee**: No Yes \$ _____

Food/merchandise sales*: No Yes Describe: COOK TEAM VENDING; OTHER

Refreshments served: No Yes Describe: _____

Number of paid security officers (if applicable): N/A Scheduled from _____ AM / PM To _____ AM / PM

* If not-for-profit, attach copy of Certificate.

RATES & FEES

User Fees: The base user fee for the requested facility is \$475.00 (plus Florida sales tax, if applicable) for the period set forth in this application. If applicable, each additional hour or part thereof, and the cost of additional equipment, supplies and services, will require an additional fee.

Deposit: An initial deposit equal to the Security Deposit is due when the Facility Use Agreement is signed. If the projected rental and fees exceed the basic Security Deposit, such additional amounts are to be paid not less than ten (10) days prior to the event. The User is responsible for leaving the facility in a clean and satisfactory condition upon the conclusion of the activity. The deposit will be refunded less any amount due for additional rental charges, damages or other additional services. If actual costs exceed the amount of the Deposit, such additional amounts will be due from User upon notice.

Refunds: (A) 75% of the deposit will be refunded if cancellation by applicant is received thirty (30) or more calendar days before the event date, or (B) 50% if canceled less than thirty (30) calendar days and the facility is subsequently leased for the same day/time period to another user, 25% if not re-leased.

USE AGREEMENT TERMS

1. Use rates include utilities and waste removal. Damages are the responsibility of User, reasonable wear and tear accepted, as well as the cost of any additional rental periods or services.
2. Alcoholic beverages are prohibited in City Parks except within the Jeromé Brown Community Center if/when an Alcoholic Beverage Distribution/Consumption Permit has been issued by the Parks and Recreation Director or authorized agent. Smoking is prohibited inside facilities. No illegal drugs, gambling or games of chance are allowed anywhere in City Parks. Any violation of the terms of this Agreement could at the City's option result in forfeiture of the deposit, and/or arrest and prosecution.
3. No activities are permitted to extend beyond 12:00 a.m. (midnight), unless approved in advance of the activity by the City's Parks and Recreation Director or authorized agent.
4. If required by the City, the User shall hire at his/her own expense, law enforcement officers for crowd control at events. Brooksville Police Officers will be utilized when available.
5. No admission charges or sale of items will be allowed without prior written permission from the Director of Recreation. If approved, User will be responsible for collection and payment of applicable sales and any other taxes.
6. User will be responsible for obtaining all necessary licenses and permits, including Alcoholic Beverage License, Health Department permits for provision of food, and, if applicable, authorization to use copyrighted materials.
7. Applications are to be submitted a minimum of ten (10) days prior to the requested lease dates, unless this requirement is modified by the Parks and Recreation Director or authorized agent. Fees are tentative and this application is subject to review and approval by the Parks and Recreation Department Director. The City reserves the right to cancel, postpone, or reschedule this event due to facility maintenance, inclement weather, public safety requirements or if facility is needed for emergency or other use by the City. The City's liability in such instances will be limited to the amount paid by applicant to use the facility, and upon refund to applicant, will serve as a general release of liability. The City's only obligation to the User will be refunding User's full deposit.
8. User assumes responsibility for any damages to the facility and injury to participants which are the result of the conduct or negligence of User and/or User's agents and guests. Liability and Property Damage Insurance is required for the use of the Jeromé Brown Community Center and other designated facilities. A Certificate of Insurance with minimum limits of \$100,000/300,000/100,000; or \$300,000 Combined Single Limit, with the City as an Additional Named Insured and Certificate Holder, is to be provided to the City not less than seven (7) calendar days before the event. The City reserves the right to request higher limits to a maximum of \$100,000/300,000/500,000 or \$500,000 CSL depending on the proposed usage.
9. The City shall not be responsible for any damage or injury that may happen to the User, its agents, assistants, employees, patrons, guests, invitees, servants, or property from any cause whatever (unless occasioned by the sole negligence of the City) during the period covered by the Agreement. The User for itself, its agents, assistants, and employees expressly releases the City and agrees to hold the City harmless and to indemnify the City against any claim for loss, damage, injury or other liability arising out of the actions, fault, or negligence of the User, its agents, assistants, or employees, during the term of this Agreement.
10. The parties hereto understand that this Agreement will be interpreted pursuant to the laws of the State of Florida and the parties further agree that the venue of any legal action concerning the Agreement will be Hernando County.
11. This application, when executed by both parties, becomes a legally enforceable contract and User agrees to comply with all the terms and conditions set forth herein, and to all City Rules and Regulations. The undersigned warrants that if the applicant is not an individual, he/she has the authority to bind applicant.

To the best of my knowledge, all information on this application is correct. I have received, read, understand, and will comply with the provisions of this Facility Lease Agreement, and that this Agreement is not approved until execution by the City.

Name: _____ Signature: _____ Date: _____
 Applicant/User

Insurance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes; Certificate naming City as "Additional Insured" attached <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Alcoholic Beverage Distribution/Consumption Permit <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Attach copy of signed permit)	
Base Rent \$ <u>475.00</u>	Other \$ <u>0</u>
Total Estimated Cost \$ <u>475.00</u>	Insurance \$ <u>0</u>
Initial Deposit (minimum 50% of estimated total) \$ _____	Received by _____ Date _____
Balance Due (10 days prior to event) \$ _____	Deposit \$ <u>0</u>
Application Approved By: _____	Date: _____
Not valid unless signed by Director of Parks and Recreation or Authorized Agent.	

SPECIAL EVENTS WAIVED BY CITY COUNCIL FOR FY YEAR ENDING 9 30 09

Council Meeting approved	Organization/Event	Police	Fire	Streets	Tent fee	JBCC Rental Income	Tournament Fees	Total
10/20/2008	Kiwanis Christmas Parade	2,508.00	716.39	598.45				3,822.84
11/3/2008	HHS-Homecoming Events (don't know breakdown)							872.00
Approved previous FY	Hernando County Intergroup AA/Gratitude Dinner 11/14 & 11/15					415.00		415.00
11/17/2008	Kiwanis Club/Dr. Paul Farmer				100.00			100.00
12/15/2008	Week of the Young Child					495.00		495.00
Approved previous FY	Tangerine Time 12/31/09)							
						325.00		325.00
1/5/2008	St. Anthony's Knights of Columbus Basketball Free throw					180.00		180.00
2/2/2009	Hernando County Arts Festival					125.00		125.00
4/20/2009	Capt. Bierwiler Softbase Tourn.					860.00	100.00	960.00
Grand Total								7,294.84

PARKS-JBCC - To Date 4-21-09 \$2,500
 City Events - To Date 4-21-09 \$4,794.84
 YDT \$7,294.84

JBCC - Facility Lease Agreements 2008-2009

ORGANIZATION	PROGRAM	ROOM	DATE	FEE	PAID
H. County Intergroup of AA	AA's Gratitude Dinner	Hall, Kitchen	11/07/09	\$415.00	Open
People-4-Paws Fl. Inc.	Paws on Parade/Family Event	TVP	10/31/09	\$275.00	Open
Heather Mock	Wedding	Hall, Kitchen	07/19/09	\$558.80	Open
H.C. Fine Art Council	Art & Craft Festival	TVP	05/2,3/2009	\$500.00	Open
Jason Jernigan/FOP #164	Bierwiler Softball Tourna Kitchen/A1,A2 fields		04/25,26/09	\$960.00	Fees Waived
Children Development Service	Week of the Young Child	Conf, Hall, Kitchen	04/17,18/2009	\$495.00	Fees Waived
Humane Society	Nature Coast Pet Expo	Hall, Kitchen	03/21,22/2009	\$475.00	\$475.00
H.C.Fine Arts	Meetings/Art Festival	Conf Room	02/10,3/10, 31,4/14,21,28	\$125.00	Fees Waived
Pierre Paige	Red Carpet Event	Hall, Kitchen	02/28/09	\$378.07	\$378.07
St. Anthony Knights Columbus	Basketball Free Throw	Hall	01/17/2009	\$180.00	Fees Waived
Wayne Vutech	Tangerine Time 07-08	Hall, Kitchen	12/31/2008	\$325.00	Fees Waived
Michael Bennett	HYL Basketball	Hall	12/27/08-1/31/09	\$210.87	\$210.87
Douglas Maura	40 th Wedding Anniversary	Hall, Kitchen	12/06/2008	\$310.00	\$310.00
GWRRA-Chapter FL1-L2	Rally-Food-Games	Hall, Kitchen	11/14,15/2008	\$365.00	\$365.00
Hernando County Intergroup	AA/Gratitude Dinner	Hall, Kitchen	11/08/2008	\$415.00	Fees Waived
Worthy of Love Ministries	Harlem Wizards/Basketball	Hall, Kitchen	11/02/2008	\$138.45	Canceled
Jacobos Engineering Group Inc	Community Workshop	Hall, Kitchen	10/29/2008	\$140.00	\$140.00
B'ville Regional Hospital	Family Fun Day-Picnic	TVP	10/25/2008	\$292.86	\$292.86
Friends of the Children	Blazing Butts-N-Brisket	TVP	10/17,18/2008	\$475.00	Canceled
New Journey Church	Worship Service	Conf Room, Hall	10/5,12/2008	\$420.00	\$420.00
TOTAL				\$7,454.05	\$2,591.80
DIFFERENCE					\$4,862.25
Fees Waived					\$2,500.00



Consumer's Certificate of Exemption

Issued Pursuant to Chapter 212, Florida Statutes

DR-14
R. 04/05
09/08/07

85-8013897756C-7	08/10/2007	08/31/2012	501(C)(3) ORGANIZATION
Certificate Number	Effective Date	Expiration Date	Exemption Category

This certifies that

FRIENDS OF THE CHILDREN INC
201 HOWELL AVE
BROOKSVILLE FL 34601-2042

is exempt from the payment of Florida sales and use tax on real property rented, transient rental property rented, tangible personal property purchased or rented, or services purchased.



Important Information for Exempt Organizations

DR-14
R. 04/05

1. You must provide all vendors and suppliers with an exemption certificate before making tax-exempt purchases. See Rule 12A-1.038, Florida Administrative Code (FAC).
2. Your *Consumer's Certificate of Exemption* is to be used solely by your organization for your organization's customary nonprofit activities.
3. Purchases made by an individual on behalf of the organization are taxable, even if the individual will be reimbursed by the organization.
4. This exemption applies only to purchases your organization makes. The sale or lease to others by your organization of tangible personal property, sleeping accommodations or other real property is taxable. Your organization must register, and collect and remit sales and use tax on such taxable transactions. Note: Churches are exempt from this requirement except when they are the lessor of real property (Rule 12A-1.070, FAC).
5. It is a criminal offense to fraudulently present this certificate to evade the payment of sales tax. Under no circumstances should this certificate be used for the personal benefit of any individual. Violators will be liable for payment of the sales tax plus a penalty of 200% of the tax, and may be subject to conviction of a third degree felony. Any violation will necessitate the revocation of this certificate.
6. If you have questions regarding your exemption certificate, please contact the Exemption Unit of Central Registration at 850-487-4130. The mailing address is PO BOX 6480, Tallahassee, FL 32314-6480.



**AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER *[Signature]*
FROM: MIKE WALKER, PARKS, FACILITIES & RECREATION DIRECTOR *[Signature]*
SUBJECT: JBCC Fee Waiver Request – Hernando County Intergroup of Alcoholics Anonymous
DATE: May 18, 2009

GENERAL SUMMARY/BACKGROUND:

The Hernando County Intergroup of Alcoholics Anonymous is requesting to have the rental fees in the amount of \$495.00 waived for their annual Alcoholics Anonymous “Gratitude Dinner”; the free event is for the members and others to celebrate their success of sobriety. They have had the event held at JBCC for the last four years; this year’s event is to be held on Saturday, November 7, 2009 from 5:30PM-10:30PM.

The security deposit in the amount of \$200.00 and a certificate of insurance listing the city as an additional insured will still be required for the event.

BUDGET IMPACT:

The budget impact will be a loss of JBCC rental income in the amount of \$495.00; this will impact the FY 09-10 Budget which has not been determined at this time. To date, Parks/JBCC fees in the amount of \$2500.00 have been waived.

Monies have been budgeted within Council’s FY08-09 Budget in the amount of \$7000 for such special events. To date \$7294.84 has been expended, leaving a negative balance of \$294.84 for this fiscal year.

LEGAL REVIEW:

The City Council has the authority to waive the fees that are being requested, if deemed appropriate.

STAFF RECOMMENDATION:

Staff will move forward with the direction given by Council.

2009

CITY OF BROOKSVILLE PARKS & RECREATION DEPARTMENT FACILITY USE AGREEMENT



Jerome Brown Community Center Hall Conference Room Kitchen
 Other Facility _____

Name of applicant (User): Hernando County Inter Group of AA

If an organization, name of representative: Sydney Anne Gula

Not-for-Profit (attach copy of certificate) Government Agency City or County Sponsored

Address: 4169 Lamson Ave #109 City: S. Ft. State: _____ Zip: 34608

Contact person: Syd Gula Day Telephone 684-9232 Evening cell 239-691-2868

Alternate contact person: _____ Day Telephone _____ Evening _____

Description of event: AA's Gratitude Dinner

Anticipated attendance: 300

Attendees will be: Adult Teen Elem. Preschool If youth event, number of supervising adults: _____

Day(s) of event: M - T - W - Th - F - Sa - Su Start date of event: Nov. 7, 2009 Ending date: Nov. 7, 2009

Time event begins: 5:30 AM PM Time event ends: 10:30 AM PM

Set-up: Date Nov. 7, 2009 From 10 AM AM To 5:00 AM PM

Will event be open to the general public? Yes No Admission/donation/fee**: No Yes \$ _____

Food/merchandise sales*: No Yes Describe: we will supply dinner

Refreshments served: No Yes Describe: soda's & coffee only

Number of paid security officers (if applicable): _____ Scheduled from _____ AM To _____ AM / PM

RATES & FEES

User Fees: The base user fee for the requested facility is \$ 495.00 (plus Florida sales tax, if applicable) for the period set forth in this application. If applicable, each additional hour or part thereof and the cost of additional equipment, supplies and services, will require an additional fee.

Deposit: An initial deposit equal to the Security Deposit is due when the Facility Use Agreement is signed. If the projected rental and fees exceed the basic Security Deposit, such additional amounts are to be paid not less than ten (10) days prior to the event. The User is responsible for leaving the facility in a clean and satisfactory condition upon the conclusion of the activity. The deposit will be refunded less any amount due for additional rental charges, damages or other additional services. If actual costs exceed the amount of the Deposit, such additional amounts will be due from the User upon notice.

Refunds: (A) 75% of the deposit will be refunded if cancellation by applicant is received thirty (30) or more calendar days before the event date, or (B) 50% if canceled less than thirty (30) calendar days before the event date, or (C) 25% if not re-leased for the same day/time period to another user.

cc: JB - 12/31/09



USE AGREEMENT TERMS

1. Use rates include utilities and waste removal. Damages are the responsibility of User, reasonable wear and tear accepted, as well as the cost of any additional rental periods or services.
2. Alcoholic beverages are prohibited in City Parks except within the Jerome Brown Community Center if/when an Alcoholic Beverage Distribution/Consumption Permit has been issued by the Parks and Recreation Director or authorized agent. Smoking is prohibited inside facilities. No illegal drugs, gambling or games of chance are allowed anywhere in City Parks. Any violation of the terms of this Agreement could at the City's option result in forfeiture of the deposit, and/or arrest and prosecution.
3. No activities are permitted to extend beyond 12:00 a.m. (midnight), unless approved in advance of the activity by the City's Parks and Recreation Director or authorized agent.
4. If required by the City, the User shall hire at his/her own expense, law enforcement officers for crowd control at events. Brooksville Police Officers will be utilized when available.
5. No admission charges or sale of items will be allowed without prior written permission from the Director of Recreation. If approved, User will be responsible for collection and payment of applicable sales and any other taxes.
6. User will be responsible for obtaining all necessary licenses and permits, including Alcoholic Beverage License, and any required Health Department permits, for provision of food.
7. Applications are to be submitted a minimum of ten (10) days prior to the requested lease dates, unless this requirement is modified by the Parks and Recreation Director or authorized agent. Fees are tentative and this application is subject to review and approval by the Parks and Recreation Department Director. The City reserves the right to cancel, postpone, or reschedule this event due to facility maintenance, inclement weather, public safety requirements or if facility is needed for emergency or other use by the City. The City's liability in such instances will be limited to the amount paid by applicant to use the facility, and upon refund to applicant, will serve as a general release of liability. The City's only obligation to the User will be refunding User's full deposit.
8. User assumes responsibility for any damages to the facility and injury to participants which are the result of the conduct or negligence of User and/or User's agents and guests. Liability and Property Damage Insurance is required for the use of the Jerome Brown Community Center and other designated facilities. A Certificate of Insurance with minimum limits of \$100,000/300,000/100,000; or \$300,000 Combined Single Limit, with the City as an Additional Named Insured and Certificate Holder, is to be provided to the City not less than seven (7) calendar days before the event. The City reserves the right to request higher limits to a maximum of \$100,000/300,000/500,000 or \$500,000 CSL depending on the proposed usage.
9. The City shall not be responsible for any damage or injury that may happen to the User, agents, assistants, employees, patrons, guests, invitees, servants, or property from any cause whatever (unless occasioned by the negligence of the City) during the period covered by the Agreement. The User for itself, its agents, assistants, and employees expressly releases the City and agrees to hold the City harmless and to indemnify the City against any claim for loss, damage, injury or other liability arising out of the actions, fault, or negligence of the User, its agents, assistants, or employees, during the term of this Agreement.
10. The parties hereto understand that this Agreement will be interpreted pursuant to the laws of the State of Florida and the parties further agree that the venue of any legal action concerning the Agreement will be Hernando County.
11. This application, when executed by both parties, becomes a legally enforceable contract. The User agrees to comply with all the terms and conditions set forth herein, and to all City Rules and Regulations. The undersigned warrants that if the applicant is not an individual, he/she has the authority to bind applicant.

To the best of my knowledge, all information on this application is correct. I have received, understand, and will comply with the provisions of this Facility Lease Agreement, and that this Agreement is not approved until executed by the City.

Name: Sydney Gula Applicant/User Signature: Sydney Gula Date: 12/30/08

Insurance Required: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes; Certificate naming City as "Additional Insured" attached <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Yes (Attach copy of signed permit)
Base Rent \$ <u>495.00</u> Other \$ <u>200.00</u> Total Estimated Cost \$ <u>695.00</u>	Estimated Deposit \$ <u>200.00</u>
Initial Deposit (minimum 50% of estimated total) \$ _____ Received by _____ Date _____	Balance Due (10 days prior to event) \$ _____
Application Approved By: _____ Date: _____	City Agent: _____
Not valid unless signed by Director of Parks and Recreation or Authorized Agent.	

Alcoholics Anonymous

Hernando County Intergroup
4169 Lamson Ave.
Spring Hill, Florida 34608

May 8th, 2009

To Whom It May Concern:

The Hernando County Intergroup Of Alcoholics Anonymous respectfully request the use of the Jerome Brown Center on Saturday, November 7th, 2009 free of charges. We are a not-for-profit organization that has served thousands of recovering alcoholics in Hernando County for over 50 years.

We have meetings everyday throughout the county. There are over 25 meetings a week in Brooksville alone. AA also has regular meetings in the jails, as well as the county prison. In addition, we work with county courts in providing information and education to convicted drunk drivers,

This year will be our 27th Gratitude Dinner where we have an opportunity to come together and express our gratitude that we have found a way to sobriety and become responsible and proud members of our community.

If you have any questions or need of additional information, please contact me at 239-691-2868.

Respectfully,



Sydney Gula
Chairwomen
2009 Gratitude Dinner

Proclamation

WHEREAS, Batten Disease or Neuronal Ceroid Lipofuscinosis (NCL) was named for British pediatrician who first described the disease in 1903 as a rare inherited disease/disorder of the nervous system;

WHEREAS, Batten Disease/NCL is relatively rare, occurring in an estimated 2 to 4 of every 100,000 births in the United States. The disease has been identified worldwide. Although NCLs are classified as rare diseases, they often strike more than one person in a family that carries the defective gene.

WHEREAS, Batten Disease is a destructive illness that can rob children of years of life;

WHEREAS, Batten Disease inflicts children with severe mental impairment, loss of vision progressing to blindness, seizures, a decline in cognitive function, behavioral/personality changes, a loss of communication skills and a decline of motor skills;

WHEREAS, there currently is no cure for Batten Disease – But there is hope.... Hope through research and awareness;

WHEREAS, the Batten Disease Support and Research Association (BDSRA), an international support and research networking organization for families of children and young adults with an inherited neurological degenerative disorder known as Batten Disease, has set aside June 5th, 6th and 7th as “International Batten Awareness Days” in 2009. They have asked that families and communities around the country and the world spread awareness about this devastating disease and promote the need for research for treatment and ultimately a cure.

WHEREAS, the City of Brooksville recognizes the need for us as a City, a Nation and a world to seek knowledge of and become aware of diseases such as Batten Disease that are debilitating and taking the lives of our children; we can all contribute to research efforts, join support groups, become knowledgeable and informative in order to teach others, and if we all do one small, simple thing, perhaps one day we will be able to save lives.

NOW, THEREFORE, on behalf of the City Council for the City of Brooksville, Florida, I, Joe Bernardini, Mayor, do hereby proclaim June 5th, 6th and 7th, 2009, as

“Batten Disease Awareness Days”

IN WITNESS WHEREOF, we have hereunto set our hand and caused the seal of the City of Brooksville, Florida, to be affixed this 1st day of June, 2009.

CITY OF BROOKSVILLE

Joe Bernardini, Mayor

Lara Bradburn, Vice Mayor

Joseph E. Johnston, III, Council Member

Richard E. Lewis, Council Member

David Pugh, Jr., Council Member

ATTEST: _____
Janice L. Peters, City Clerk, CMC

CITY OF BROOKSVILLE
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS
201 HOWELL AVENUE

MINUTES

February 2, 2009

7:00 P.M.

Brooksville City Council met in regular session with Mayor Joe Bernardini, Vice Mayor Lara Bradburn and Council Members Joseph E. Johnston, III, Richard E. Lewis and David Pugh present. Also present were Thomas S. Hogan, Jr., City Attorney; T. Jennene Norman-Vacha, City Manager; Janice L. Peters, City Clerk; Steve Baumgartner, Finance Director; Mike Walker, Parks and Recreation Director; Bill Geiger, Community Development Director; Emory Pierce, Director of Public Works; George Turner, Police Chief and Tim Mossgrove, Fire Chief. A member of the St. Pete Times was also present.

The meeting was called to order by Mayor Bernardini, followed by an invocation and Pledge of Allegiance.

REQUESTS FOR WAIVERS

25th Annual Hernando County Arts, Crafts and Music Festival

Consideration of \$125 waiver for meetings at Jerome Brown Community Center for the Hernando County Fine Arts Council's 25th Annual "Art in the Park" Festival.

Mary Jane Russell, Executive Director of the Fine Arts Council, indicated this is the 25th Annual Arts in the Park on May 2-3, 2009. Vice Mayor Bradburn asked that we promote the event on the website. Mary Jane will supply the information.

Motion:

Motion was made by Council Member Johnston and seconded by Council Member Lewis for approval of the waiver. Motion carried 5-0.

CERTIFICATES, PROCLAMATIONS AND PRESENTATIONS

Mural Society Presentation

Presentation of a picture of the latest mural on Liberty Street by Ellen Snyder entitled "The Livery Stable".

Valdora Ward, member of the Mural Society, reviewed the society's functions. The sixth mural rendition was shown to Council and presented to Rhonda Hancock, Art Gallery Director.

Vice Mayor Bradburn thanked those members of the mural society who finished the project from the original artist.

Margaret R. Ghiotto Beautification Award - Residential Award

Recognition of improvements to the property of Machella Boyle and Douglas Helton located at 219 S. Broad Street.

Sally Sperling, Beautification Board Chair reviewed the award. The recipients were not present so the award will be delivered to them.

REGULAR COUNCIL MEETING MINUTES – FEBRUARY 2, 2009

Margaret R. Ghiotto Beautification Award - Commercial Award

Recognition of improvements to the property owned by David and Cynthia Shrader located at 277 W. Jefferson Street, occupied by David and Lisa Peeler, dba/Allen's Divine Designs.

The award was reviewed by Board Chair Sperling and presented to the Peeler's by Mayor Bernardini.

Award to the Men's Softball 2008 Winter Tournament Champions

Mayor Bernardini reviewed the presentation and presented the trophy to the team, sponsored by Coney Island and Pickett's Western Auto True Value.

Chris Parish advised he has been playing for twenty-five (25) years and hopes that as the community grows, involvement will grow as well. He indicated more coverage is needed from the City and thanked Council for the recognition.

Blair Hensley, sponsor and owner of Coney Island, commented on the event as well.

Presentation of Proclamation to the City of Brooksville

Marilyn Adams & Gary Schraut of the Hernando County Realtors asked that Chief Turner come forward. They presented him with a proclamation on behalf of the efforts by the Police Department with expedient justice for member Realtor Stephen Floyd Van Slyke. Ms. Adams read the proclamation in its entirety and Chief Turner accepted on behalf of the department.

Vice Mayor Bradburn thanked the Realty Association for their recognition and commended the Police Department.

Mayor Bernardini thanked Chief Turner for the department's efforts.

CITIZEN INPUT

Margaret Lagone

Weekly Farmers Market Road Closure

She presented Council with a petition concerning the closing of Main Street in front of the Court House on Saturdays. She read the petition requesting the reopening of Main Street on Saturdays. She spoke on behalf of the business owners on Howell Avenue and Main Street. Mayor Bernardini directed staff to look into it and report back.

City Manager Norman-Vacha indicated she has met with the organizers of the event and will work on a better solution.

CONSENT AGENDA

Firefighters Pension Trust Fund (FFPTF) Board of Trustee Members

Ratification of appointments of Tim Mossgrrove and Gerald Ward to the FFPTF for two-year terms of office through January 31, 2011, as recommended by the Pension Board at its meeting on December 23, 2008.

Beautification Board Appointment

Consideration of appointment of Tracy Frazier to a vacant 3-year term of office through December 31, 2011.

REGULAR COUNCIL MEETING MINUTES – FEBRUARY 2, 2009

Surplus Fire Truck

Consideration to declare Ford F350, ID #255-1986 pickup truck surplus.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Johnston for approval of the consent agenda. Motion carried 5-0.

PUBLIC HEARING

Alcoholic Beverage License

Consideration of Alcoholic Beverage License for property located at 7318 Broad Street.

Director Geiger reviewed the application for the property located at 7318 South Broad Street and the proposed business similar to a sports bar. It meets all zoning requirements for permitting and recommended approval.

Jack Solomon & Chris McConnell briefly reviewed their proposed business.

Vice Mayor Bradburn asked the petitioner to elaborate more on the type of business. Chris McConnell indicated that the evenings will be geared more toward the adult crowd with Karaoke, pool and other events, but it will not be a restaurant at this time.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn for approval. Council clarified the License was for only that section of plaza. Motion carried 5-0.

REGULAR AGENDA

University of Florida Interlocal Agreement for Services

Consideration of Interlocal Agreement for Services between the University of Florida and the City of Brooksville.

Gene Boles and Gail Easley addressed Council concerning the agreement for assessment of the City's Comprehensive Plan and gave an overview. He indicated there are a lot of positive things going on in Brooksville and for the future. They will be the project managers with four (4) graduate students helping with the background information.

The tasks they intend to undertake will be to talk to people involved in the development and growth of Brooksville as well as assessment tools, which the students will help with. The final document will answer the questions of where they are leading Brooksville and to provide a set of recommendations of what needs to happen and suggested modifications to the plans.

Mayor Bernardini mentioned that Ron Pianta, Hernando County Planning Director is present and they fully support the effort and will do everything they can to assist in the City's efforts. Director Pianta spoke on behalf of County Administrator David Hamilton who offered his staff's assistance.

Mr. Boles felt the job could be finished within 6-months and they do not submit change orders.

REGULAR COUNCIL MEETING MINUTES – FEBRUARY 2, 2009

Council Member Lewis commented that over the years there has never been a "putting it all together" plan and he looks forward to seeing their recommendations.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of the agreement with funds to come from the Contingency Fund. Motion carried 5-0.

CITIZEN INPUT

Pierre Desjardins

He asked if the City is paying for the study, City Manager Norman-Vacha indicated yes. He felt if the City follows the revitalization plan the community will change and he did not feel the need to spend money on another study.

City Manager Norman-Vacha indicated the study will include review of the Revitalization Plan, Zoning Codes, Enterprise Zone, Comprehensive Plan and other documents and we will be able to solidify some of the plans being made with the County and State.

Pierre asked if the County would be willing to contribute to the cost. City Manager Norman-Vacha indicated the County has offered to contribute staff time and resources.

Council Member Pugh indicated it is important in alleviating the tension between the City and County, who will be on the same page for annexations and development.

Pierre indicated he is excited for the project but he just does not want to see the money spent without positive results.

Richard Howell

He wanted to know if the community will be involved in the process. City Manager Norman-Vacha indicated citizens as well as businesses will be involved.

City Manager Norman-Vacha explained that this deals with the City's planning documents, which will include the enterprise zone and sees this as a first step to revitalization.

Resolution No. 2009-03 – Identity Theft & Prevention

Consideration of resolution adopting a written statement on identity theft prevention; authorizing the City Manager to promulgate operating procedures and establish practices to implement the prevention program.

Steve Baumgartner, Director of Finance reviewed the resolution which deals with the prevention of identity fraud.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval of Resolution No. 2009-03.

Mayor Bernardini asked for public input; there was none.

City Clerk Peters read Resolution No. 2009-03 by title, as follows:

REGULAR COUNCIL MEETING MINUTES – FEBRUARY 2, 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, ADOPTING A WRITTEN STATEMENT ON IDENTITY THEFT PREVENTION; AUTHORIZING THE CITY MANAGER TO PROMULGATE OPERATING PROCEDURES AND ESTABLISH PRACTICES TO IMPLEMENT THE PREVENTION PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

Council Member Johnston asked if the customers would be notified in their utility bills. City Attorney Rey replied consumers will receive notice with details which the City will do but it is still to be worked out.

Motion carried 5-0 upon roll call vote as follows:

Council Member Johnston	Aye
Council Member Pugh	Aye
Council Member Lewis	Aye
Vice Mayor Bradburn	Aye
Mayor Bernardini	Aye

Public Schools Facilities Element Interlocal Agreement

Consideration of approval of the revised Public School Facility Planning and School Concurrency Interlocal Agreement between Hernando County Board of County Commissioners, the City of Brooksville City Council and the School Board of Hernando County.

Bill Geiger, Director of Community Development reviewed the amendments to the agreement entered into in 2003 and updated in 2006, with current changes in underline/strikethrough format. A remedial amendment and compliance agreement, to update the Comprehensive Plan, will also be brought to Council. He introduced Amber Wheeler, the new School Planner. Discussion followed.

City Manager Norman-Vacha thanked staff of the Community Development Department along with the County Planning Department and the School Board for their work.

Motion:

Motion was made by Council Member Lewis and seconded by Vice Mayor Bradburn for approval. Motion carried 5-0.

Personnel Policy Amendments

Consideration of updates and adoption of the following Personnel Policies:

a) Drug Free Workplace Policy

City Attorney Rey reviewed the proposed amendments.

Page 15, Section N

Council Member Lewis recommended the removal of "or may not" in the first sentence to be fair and impartial. After brief discussion Council concurred.

Page 3, Item C

Mayor Bernardini asked about prescription drugs, related to having to carry the original prescription container. City Attorney Rey recommended the verbiage because if you are observed taking medications during the work day you should be able to produce the prescription.

REGULAR COUNCIL MEETING MINUTES – FEBRUARY 2, 2009

Discussion followed as to possible alternative language.

City Manager Norman-Vacha suggested the following language at the second sentence of section C "Prescription drugs must be kept in original container or employee must produce documentation of legal prescription if such medication is taken during working hours or on city property within a reasonable period of time". Council concurred.

Motion:

Motion was made by Council Member Lewis and seconded by Council Member Pugh for approval as amended. Motion carried 5-0.

b) Bereavement Leave

Vice Mayor Bradburn asked about leave for part-time employees and suggested one (1) day of pay based on their average number of hours worked daily. City Manager Norman-Vacha advised part-time employees receive no benefits. Discussion continued. City Attorney Rey clarified this is paid time to supplement regular earnings in lieu of tapping into leave. A part-time person would put in a request and may be granted leave whether paid or not paid. City Manager Norman-Vacha suggested instead of using "average" it would be more appropriate to use "usual regular working hours ratio". Council concurred.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval as amended to include one (1) day of pay for part-time employees based on their usual regular working hours ratio. Motion carried 3-2 with Council Members Pugh and Johnston voting in opposition.

c) Civil Leave & Jury Duty

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval. Motion carried 5-0.

d) Family & Medical Leave

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval. Motion carried 5-0.

e) Military Leave

On Page 4, Item E, Council Member Johnston asked why the serve times are different for reemployment. City Attorney Rey clarified that this deals with active reserve and National Guard which is based on length of service.

Motion:

Motion was made by Vice Mayor Bradburn and seconded by Council Member Lewis for approval. Motion carried 5-0.

ITEMS BY COUNCIL

David Pugh, Jr., Council Member

He wanted to send his prayers and condolences to the family of Mr. Osborne, a long time local surveyor who passed away last Friday.

REGULAR COUNCIL MEETING MINUTES – FEBRUARY 2, 2009

He is sitting on the building committee for the Hope Center and he wanted to be clear as to what he can and cannot discuss should any item be coming to Council. City Manager Norman-Vacha will meet with the City Attorney tomorrow to discuss items that would come before Council such as use and operation and partnership of the building once it is built.

Lara Bradburn, Vice Mayor

Fire flow water pressure lines

Work will be beginning on installing the fire flow water pressure lines loop around Howell Avenue and Bell and while it will be an inconvenience, it will be a great asset very soon.

Groundhog Day

Today being Groundhog Day, she wanted everyone to know that Punxsutawney Phil was named by a Brooksvillian.

Richard E. Lewis, Council Member

Preservation of bricks

He wanted to be sure Director Pierce has spoken with contractors regarding the preservation of bricks that are replaced on the brick streets that they are not thrown away, damaged or lost.

Joe Bernardini, Mayor

Ambassador of Commerce and Employment

He introduced Dr. Dennis Wilfong who was appointed on the 21st of January as Ambassador of Commerce and Employment and who is volunteering his time. Dr. Wilfong appreciates the opportunity and has had an overwhelming number of help and suggestions from people to make the City better. He met with realtors and several business people who gave ideas of what they like and want to see changed. Two (2) businesses from out-of-state are looking to locate to Brooksville and he has provided them with information.

As-builts on Quarry Golf Course

He inspected the golf course with Emory Pierce and Alan Garman and identified several areas to be corrected with about twenty (20) working days for Public Works to complete the project.

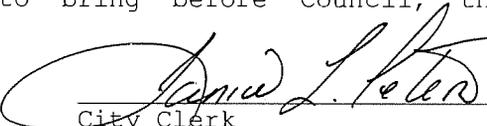
CITIZEN INPUT

Kojack Burnett

He wanted to announce that February is Black History Month.

ADJOURNMENT

There being no further business to bring before Council, the meeting adjourned at 9:00 p.m.



City Clerk

Attest: _____
Mayor

CITY OF BROOKSVILLE MEMORANDUM

Date: May 20, 2009
To: Honorable Mayor and City Council Members
VIA: T. Jennene Norman-Vacha, City Manager
From: Emory Pierce, Director of Public Works and Stephen J Baumgartner, Finance Director
RE: Request to not borrow funds for purchase of 2009 Peterbilt 320 Cab & Chassis Sanitation Truck

SUMMARY

On 6/16/08 City Council approved the purchase of a new Sanitation Truck for the Solid Waste Fund. The truck was delivered and paid for in January 2009 at a cost of \$195,616. The 08 09 Budget contains the capital expenditure and loan proceeds (presentation only) to finance the truck. Staff requests approval to use the Cash Reserves in the Solid Waste Fund No. 403 which are considered by staff adequate in lieu of financing the truck.

GENERAL INFORMATION

As reported in the March 31, 09 financial reports to City Council, the Solid Waste Fund has a net income (before depreciation expense) of \$196,719. The annual depreciation expense ending 9 30 08 was \$65,509. The Cash Reserves in Fund No. 403 (less liabilities) at March 31, 2009 were approximately \$560,000 with an additional \$56,000 in the Solid Waste R&R Fund #402. Also, the Solid Waste Fund has invested in the City's Vehicle Replacement Fund (VRF) No 502. As of March 31, 2009, the Solid Waste Fund has a stake of \$190,672 for the future purchase of trucks (3 trucks) in the VRF. The last financing of a Sanitation Truck was in September 07 and the legal fees were approximately \$1,000 for the capital lease.

BUDGET IMPACT

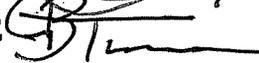
The 08 09 Budget reflects a loan of \$195,532, however in an Enterprise Fund (GASB accounting rules) there are no revenue or expense accounts affected by this action.

STAFF RECOMMENDATION

Staff recommends the 09 Peterbilt Truck be paid out of Cash Reserves in Solid Waste Fund 403 and not financing the purchase. The Solid Waste Fund does not have to pay the loan/lease interest and saves the upfront loan fees. Lastly, our Cash Reserves are adequate for operations.



AGENDA ITEM
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
VIA: T. JENNENE NORMAN-VACHA, CITY MANAGER 
FROM: GEORGE TURNER, CHIEF OF POLICE 
SUBJECT: Edward Byrne Memorial Justice Assistance Grant (JAG)
Program – American Recovery and Reinvestment Act of 2009 –
State Solicitation.
DATE: JUNE 1, 2009

GENERAL SUMMARY: The 2009 Edward Byrne Memorial Justice Assistance Grant award amount for Hernando County is \$ 468,463.00. These funds can be used by local units of governments to support approved programs to prevent and control crime and to improve the criminal justice system.

As a condition of participation in this program, the units of government in each county must reach a consensus concerning the expenditure of these funds. This consensus must include the projects to be implemented as well as the agency responsible for such implementation. On May 12, 2009 the Hernando County Board of Commissioners assumed responsibility as the coordinating unit of government and appointed Karen Nicolai, Chairman of the Substance Abuse Policy Advisory Board as the county coordinator for this program. The Certificate of Participation was filed by the Board of County Commissioners and a confirmation letter was received on May 15, 2009.

The Substance Abuse Policy Advisory Board met on Friday May 22, 2009 and submitted the following:

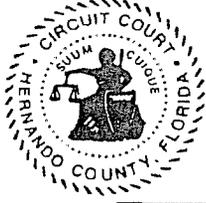
Hernando County Sheriff's Office : Patrol Car Replacement Program: \$ 245,053.
City of Brooksville Police Dept. : Marked Patrol Vehicle Purchase Program: \$150,956.
Hernando County Schools: Hernando Co Prevention/Intervention Program: \$ 72,454.

The Board of County Commissioners approved this recommendation May 26, 2009. The Brooksville City Council is asked to vote on the recommendations on June 01, 2009. Final grant applications are due in the offices of F.D.L.E. June 12, 2009.

BUDGET IMPACT: There are no matching funds required. Grant will be utilized to purchase patrol vehicles for the 2009/2010 budget cycle.

LEGAL REVIEW: Legal will review agreements.

STAFF RECOMMENDATION: Staff recommends the Brooksville City Council approve the above the Edward Byrne Memorial Justice Assistance Grant Program – American Recovery and Reinvestment Act of 2009 consensus of agreement for allocations and forwarding the required letter of decision (provided as Attachment 1).



KAREN NICOLAI

CLERK OF CIRCUIT COURT - HERNANDO COUNTY, FLORIDA

20 N. MAIN STREET
BROOKSVILLE, FLORIDA 34601-2800

TO: BROOKSVILLE CITY COUNCIL

FROM: KAREN NICOLAI, CHAIRMAN *KN*
SUBSTANCE ABUSE POLICY ADVISORY BOARD

SUBJECT: 2009 FEDERAL EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE
GRANT (JAG) PROGRAM – AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009 FUNDS

DATE: MAY 26, 2009

The Substance Abuse Policy Advisory Board (SAPAB), has approved the allocation of \$468,463 in Federal Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – American Recovery and Reinvestment Act of 2009 funds.

Attached for your review and signature is a letter (six originals) to the Florida Department of Law Enforcement in which the City Council agrees to the allocation of 2009 Federal Fiscal Year Edward Byrne Memorial JAG Program – American Recovery and Reinvestment Act of 2009 funds as follows: City of Brooksville Marked Patrol Vehicle Purchase Program in the amount of \$150,956; Sheriff's Office Fleet Replacement Program in the amount of \$245,053; and the Hernando County Schools Prevention and Intervention Project in the amount of \$72,454. The total amount of grant funding available is \$468,463.

The letter is required as part of the grant applications.

RECOMMENDATION: The Substance Abuse Policy Advisory Board recommends that the City of Brooksville City Council agree to the allocation of Federal Fiscal Year 2009 Edward Byrne Memorial JAG Program – American Recovery and Reinvestment Act of 2009 funds and authorize the Mayor to sign the attached letters for submittal to the Florida Department of Law Enforcement.

KN:JSK:s

Attachments

Attachment 1

City of Brooksville



(352) 544-5400 (Phone)
(352) 544-5424 (Fax)
(352) 544-5420 (TDD)

June 1, 2009

Mr. Clayton H. Wilder, Administrator
Office of Criminal Justice Grants
Department of Law Enforcement
2331 Phillips Road
Tallahassee, Florida 32308

Dear Mr. Wilder:

In compliance with State of Florida *Rule 11D-9*, F.A.C., the City of Brooksville approves the distribution of \$ 468,463 of Federal Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – American Recovery and Reinvestment Act of 2009 funds for the following projects within Hernando County:

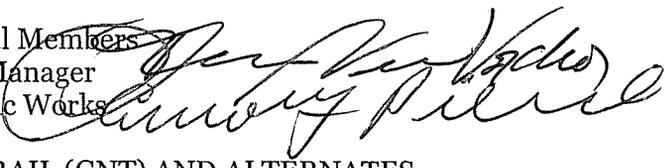
<u>Subgrantee</u>	<u>Title of Project</u>	<u>Dollar Amount</u>
<u>(City or County)</u> City of Brooksville	Marked Patrol Vehicle Purchase Program	<u>(Federal Funds)</u> \$150,956
Hernando County	Sheriff's Fleet Replacement Program	\$245,053
Hernando County Schools	The Hernando County Prevention and Intervention Project	\$72,454

Sincerely,

Joe Bernardini
Mayor, City of Brooksville

**CITY OF BROOKSVILLE
MEMORANDUM**

To: Honorable Mayor and City Council Members
Via: T. Jennene Norman-Vacha, City Manager
From: Emory H. Pierce, Director of Public Works
Date: 05/22/2009
Re: AWARD of GOOD NEIGHBOR TRAIL (GNT) AND ALTERNATES
Project Bid No. UD2009-06



A bid opening was held at 3:00 p.m. on Friday, May 22, 2009, in the City Hall Council Chambers for the subject project. As a result, sets of bids were received. The three lowest are as follows:

CONTRACTOR GNT BASE BID	BRW Contracting, Inc.	Pave-Rite, Inc.	Goodwin Construction, Inc.
	\$194,776.25	\$199,410.00	\$199,661.00
CONTRACTOR ALTERNATE #3 (GAZEBO)	Pillar Construction Group	Chyenne Asphalt	BRW Contracting, Inc.
	\$14,040.88	\$16,745.00	\$18,000.00
CONTRACTOR ALTERNATE #1 (JEROME BROWN CENTER TRAIL)	Pave-Rite, Inc.	Goodwin Construction, Inc.	W. Clyde Daniel, Inc.
	\$20,585.00	\$22,900.00	\$24,590.00

BRW Contracting, Inc. is the low bidder for the **GNT BASE BID** and Pillar Construction, Group is the low bidder for **ALTERNATE #3 (GAZEBO)** and Pave-Rite, Inc. is the low bidder for **ALTERNATE #1 (JEROME BROWN CENTER)**. All submitted a complete bid package. We have either worked with them before on other projects and/or their references are good.

Financial Impact/Budget Amendment for Good Neighbor Trail

Good Neighbor Trail Fund No. 120 has \$204,500 available; this includes a \$130,000 FRDAP grant and \$74,500 previously recovered from illegal timber harvesting and carried forward from previous years with interest earnings included (pg 83 fyo8/09 budget). The BRW Contracting and the Pillar Construction Group Bids total \$208,817.13 leaving a small deficit of \$4,318. in the Good Neighbor Trail Fund. Staff is recommending that City Council authorizes a Budget amendment to transfer out \$4,318 from General Fund Reserves (001-009-581-56120) and transfer in to the Good Neighbor Trail Fund from General Fund \$4,318 (120 000 381 49001). The General Fund Reserves for Contingencies will be used to make up this deficiency.

McKethan Capital Projects Fund 302 has \$25,000 budgeted for repaving the JBCC trail (pg 92 fyo8/09 budget). McKethan Capital Projects Funds has \$78,500 in the Fund.

Only after all additional documents are received, reviewed, and approved by Legal Counsel will the City sign an Agreement for Contractor Services for the subject work.

Legal Impact

Only after all additional documents are received, reviewed, and approved by Legal Counsel will the City sign an Agreement for Contractor Services for the subject work.

Staff Recommendation

Based on the above, staff recommends that Council approve awarding the BASE BID for the GNT to BRW Contracting, Inc. for the not to exceed amount of \$194,776.25 and ALTERNATE #3 (GAZEBO) to Pillar Construction Group for the not to exceed amount of \$14,040.88 and ALTERNATE #1 JBCC Trail to Pave-Rite, Inc. for the not to exceed amount of \$20,585.00 and authorize the Mayor to sign Agreements for Contractor Services when all documents have been reviewed by the City Attorney and appropriate Budget amendment as outlined in the Financial Impact note.

We recommend not awarding ALTERNATE BID #2 (TOM VARN PARK TRAIL) at this time because the grant applied for has not been awarded/received.

BID OPENING MINUTES
GOOD NEIGHBOR TRAIL & ALTERNATE ITEMS
BID NO. PR2009-06

May 22, 2009

3:00 p.m.

A Bid Opening was held at approximately 3:00 p.m. on Friday, May 22, 2009, in the City Hall Council Chambers for the **GOOD NEIGHBOR TRAIL (GNT) & ALTERNATE ITEMS BID NO. PR2009.06**. Janice L. Peters, City Clerk, Emory Pierce, Director of Public Works, Pat Jobe, Planning and Zoning Coordinator and Kim Harsin, Deputy City Clerk/Recording Secretary were in attendance.

City Clerk Peters advised that an Invitation to Bid was published in the May 8, 2009, edition of the Hernando Today with a closing date and time set for 3:00 p.m. on Friday, May 22, 2009 and a pre-bid meeting was held on Monday, May 18, 2009. Additionally, Addendum #1 was issued on May 19, 2009 and Addendum #2 was issued on May 20, 2009.

As a result, 9 sets of bids were received, all properly sealed and notated. The bids were to include a Bid Certification Form, State of Florida Contractor License, Public Entity Crime Statement, Drug-Free Workplace Certification, 5% Bid Bond or Certified Check, List of Subcontractors, three (3) references for same work with contact information and 1 Notarized original with 2 full copies.

The following companies submitted bids, which were opened and the results read as follows:

- | | | |
|----|---|------------------------|
| 1. | <u>W. Clyde Daniel Construction, Inc., Brooksville, FL</u> | <u>\$226,645.00</u> |
| | All required documentation included; Drug Program Implemented | |
| | Alternate #1 | \$24,590.00 |
| | Alternate #2 | \$54,375.00 |
| | Alternate #3 | \$29,321.25 |
| | Days for completion after Notice to Proceed | 75 Days |
| 2. | <u>Pospiech Contracting Inc., Inverness, FL</u> | <u>\$250,258.00</u> |
| | All required documentation included; Drug Program Implemented | |
| | Alternate #1 | \$36,075.00 |
| | Alternate #2 | \$43,125.00 |
| | Alternate #3 | \$18,500.00 |
| | Days for completion after Notice to Proceed | 75 Days |
| 3. | <u>Pave-Rite, Inc., Lecanto, FL</u> | <u>\$199,410.90</u> |
| | All required documentation included; Drug Program Implemented | |
| | Alternate #1 | \$20,585.00 |
| | Alternate #2 | \$43,500.00 |
| | Alternate #3 | \$19,210.00 |
| | Days for completion after Notice to Proceed | ___ Days not indicated |
| 4. | <u>Integrity Pave Markings & Repair, Inc., FL</u> | NON CONFORMING BID |
| 5. | <u>Pillar Construction Group, FL</u> | <u>\$229,000.00</u> |
| | All required documentation included; Drug Program Implemented | |
| | Alternate #1 | \$37,269.10 |
| | Alternate #2 | \$51,006.00 |
| | Alternate #3 | \$14,040.88 |
| | Days for completion after Notice to Proceed | 75 Days |

6. UST Environmental, FL \$297,044.79
 All required documentation included; Drug Program Implemented
 Alternate #1 \$50,810.88
 Alternate #2 \$60,281.44
 Alternate #3 \$25,095.77
- Days for completion after Notice to Proceed 75 Days
7. Goodwin Brothers Const., Inc., Brooksville, FL \$199,661.00
 All required documentation included; Drug Program Implemented
 Alternate #1 \$22,900.00
 Alternate #2 \$39,075.00
 Alternate #3 \$.00
- Days for completion after Notice to Proceed __ Days not indicated
8. Cheyenne Asphalt, Inc \$222,147.41
 All required documentation included; Drug Program Implemented
 Alternate #1 \$32,715.00
 Alternate #2 \$44,925.00
 Alternate #3 \$16,745.00
- Days for completion after Notice to Proceed 60 Days
9. B.R.W. Contracting Inc., LAND O' LAKES, FL \$194,776.25
 All required documentation included; Drug Program Implemented
 Alternate #1 \$37,500.00
 Alternate #2 \$48,000.00
 Alternate #3 \$18,000.00
- Days for completion after Notice to Proceed 75 Days

City Clerk Peters informed bidders that the packets would be reviewed by staff and submitted to Council at their Monday, June 1, 2009 Council meeting.

Director Pierce advised that Alternate #2 would not be awarded at this time for lack of funds.

The bid opening meeting closed at 3:16 p.m.

 Kim Harsin
 Deputy City Clerk

6/1/09

**CONSENT
AGENDA ITEM
MEMORANDUM**

TO: HONORABLE MAYOR AND CITY COUNCIL

VIA: T. JENNENE NORMAN-VACHA
CITY MANAGER





FROM: JENNIFER C. REY, ESQ.
THE HOGAN LAW FIRM, LLC
AS CITY ATTORNEY

SUBJECT: HARFORD SETTLEMENT AGREEMENT

DATE: MAY 26, 2009

GENERAL SUMMARY: On November 30, 2006, the City of Brooksville filed an eminent domain action against Terry Jo Miller Harford to acquire land for the installment of future water, sewer, and reuse lines along Mobley Road with the sewer and reuse lines installed as of this date. Based on a summary appraisal report filed with the court, on January 11, 2007 an order was entered by the Court directing the City to deposit into the Court's registry an amount of \$135,000. On March 22, 2007 the Defendant withdrew the payment from the Court's registry; however, there were remaining issues to be resolved. In order to expedite resolution of outstanding issues in this matter without pursuing further litigation, the City negotiated a final settlement agreement with Ms. Harford. The Agreement provides for a final payment of an additional \$10,398.75 beyond the \$135,000 to include compensation for expert and attorney's fees as well as an additional nominal amount for land value. The proposed and recommended Agreement is attached for Council's review and approval.

BUDGET IMPACT/BUDGET AMENDMENT: City is requesting a Budget amendment to increase Water and Sewer CIP (409-000-169-19049) by \$147,431.25 and an offset by an increase of \$147,432.25 to Revenue Account Other Grants and Donations (409-000-389-49740). The \$147,431.25 is made up of \$135,000 (original estimate of Value paid 1/26/07); \$2,032.50 (Clerk's fee paid 1/26/07); and \$10,398.75 (final payment as explained above). LandMar Group, LLC has reimbursed the City the \$137,032.50 (\$135,000 + \$2,032.50) on 3/07/07. LandMar Group, LLC will be requested to reimburse the City for the outstanding \$10,398.75 per the Development Agreement.

LEGAL REVIEW: The City Attorney has negotiated the final agreement with Ms. Harford and has reviewed the attached agreement for appropriate legal form.

STAFF RECOMMENDATION: Staff recommends that Council authorize the City Manager to sign the Agreement as proposed and attached and approve the appropriate Budget Amendment as outlined in the Budget Impact/Budget Amendment note above.

ATTACHMENTS: Proposed Settlement Agreement

JOHNSTON & SASSER, P.A.

ATTORNEYS AND COUNSELORS AT LAW

DAVID C. SASSER
DARRYL W. JOHNSTON

MAILING ADDRESS:
POST OFFICE BOX 997
BROOKSVILLE, FLORIDA 34605-0997
TELEPHONE: (352) 796-5123
FAX: (352) 799-3187

29 SOUTH BROOKSVILLE AVENUE
BROOKSVILLE, FLORIDA 34601

April 8, 2009

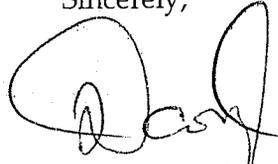
George Angeliadis, Esq.
P.O. Box 485
Brooksville, FL 34605

Re: City of Brooksville vs. Terry Jo Miller Harford
Case No. H-27-CA-2006-1438

Dear George:

Enclosed is the original Settlement Agreement which has been executed by Ms. Harford. Please return a fully executed copy to us for our records together with the City's payment for the balance owed to Ms. Harford, to us for attorney's fees and to the appraiser.

Sincerely,



Darryl W. Johnston

DWJ/sc

cc: Terry Jo Harford



IN THE CIRCUIT COURT OF THE FIFTH
JUDICIAL CIRCUIT IN AND FOR
HERNANDO COUNTY, FLORIDA

CASE NO. H 27 CA 2006 1438

CITY OF BROOKSVILLE, FLORIDA,

Plaintiff,

vs.

TERRY JO MILLER HARFORD f/k/a
TERRY JO MILLER,

Defendant.

_____ /

SETTLEMENT AGREEMENT

The Plaintiff, CITY OF BROOKSVILLE, and the Defendant, TERRY JO MILLER HARFORD f/k/a TERRY JO MILLER, agree to the settlement of the above-styled cause upon the following terms:

1. Plaintiff shall pay the total sum of \$145,398.75 to Defendant for the subject property, and easement, of which sum Defendant has been paid the \$135,000.00 deposit, which has been withdrawn by Defendant from the Court Registry. Plaintiff shall pay the balance of \$10,398.75 within fifteen (15) days from the date of this Agreement.
2. The sum in paragraph 1 includes \$1,980.00 for Defendant's attorney's fees and Defendant's expert appraiser fees in the sum of \$4,418.75.
3. Upon payment of the sums set forth in paragraphs 1 and 2, the parties shall file a joint stipulation to dismiss the case with prejudice.
4. The Court shall reserve jurisdiction to enforce the terms of this Agreement.
5. This Agreement is also contingent upon the approval of the Brooksville City Council.

Dated this 31st day of March 2009.

City of Brooksville

By _____

George Angeliadis, Esq.
Attorney for City of Brooksville

Terry Jo Miller Harford
TERRY JO MILLER HARFORD f/k/a
TERRY JO MILLER

Darryl W. Johnston
Darryl W. Johnston, Esq.
Attorney for TERRY JO MILLER
HARFORD f/k/a TERRY JO MILLER

MEMORANDUM

To:	Honorable Mayor and City Council
Via:	T. Jennene Norman-Vacha, City Manager
Via:	Bill Geiger, Community Development Director
From:	Steven E. Gouldman, AICP, Planner
Subject:	CPA 2009-L1, Remedial Public School Facilities Element and Capital Improvements Element Comprehensive Plan Amendment
Date:	June 1, 2009

GENERAL INFORMATION

The purpose of this memorandum is to allow for review, comment and adoption of amendments to the City of Brooksville's Comprehensive Plan Public School Facilities Element (PSFE) and Capital Improvements Element (CIE).

On February 4, 2008, the City Council adopted Comprehensive Plan Amendment CPA 2007-L1 (Ordinance No. 752) establishing a Public School Facilities Element in the Plan. The PSFE was subsequently transmitted to the Department of Community Affairs (DCA) for review and a determination of compliance. Following their review, DCA informed the City that the Department found the element not in compliance. Since the Department's determination was issued, the City has worked with the School District and the County to respond to issues that the DCA had with the new Public School Facilities Element. A description of DCA's objections and the City's proposed remedial actions is attached.

As a result of the School District's cooperation, as well as that of Hernando County and the Department of Community Affairs, the City Council has adopted a Stipulated Settlement Agreement and a restated and amended Interlocal Agreement designed to obtain a finding of compliance by DCA. The attached Comprehensive Plan Amendments are required by the Stipulated Settlement Agreement and the Interlocal Agreement and have been previously adopted by the City Council as part of the EAR-based Comprehensive Plan amendment. Minor modifications have been incorporated into the PSFE and CIE to reflect compliance with the adopted Stipulated Settlement Agreement.

BUDGET IMPACT

City staff prepared the responses to the Department of Community Affairs' objections.

LEGAL STATEMENT

The Public School Facilities Element and related text within the Capital Improvements Element are State-mandated components of the Comprehensive Plan that the City is legally obligated to adopt.

PLANNING & ZONING COMMISSION RECOMMENDATION

At their meeting on September 12, 2007, the Planning & Zoning Commission reviewed and considered the proposed draft Comprehensive Plan Amendment CPA 2007-L1, Public School Facilities Element (and additional text amendments), accepted public comment, and concurred with the staff to recommend to the Local Planning Agency (LPA) and the City Council that the proposed amendments to the City's adopted Comprehensive Plan be transmitted to the Florida Department of Community Affairs and the associated review agencies with review requested.

CITY COUNCIL ACTION

On May 18, 2009, the City Council approved the first reading of Ordinance No. 775 to amend the City of Brooksville Comprehensive Plan's Public School Facilities and Capital Improvement Elements and authorized the public hearing for the second and final reading of Ordinance No. 775 to be advertised for June 1, 2009 at 7:00 p.m. It is recommended that City Council approve Ordinance No. 775 and authorize transmittal of the Comprehensive Plan amendments to the Department of Community Affairs.

Enclosures:

Ordinance No. 775
DCA Transmittal Letter
DCA Findings
Remedial Actions Narrative
Exhibit 1: School District Five-Year Work Plan
Exhibit 2: General Population Estimates
Exhibit 3: Student Population by CSA
Capital Improvements Element
Public School Facilities Element
Concurrency Service Area Maps

ORDINANCE NO. 775

AN ORDINANCE OF THE CITY OF BROOKSVILLE, FLORIDA, MODIFYING CHAPTER 11, PUBLIC SCHOOL FACILITIES ELEMENT, OF THE CITY'S COMPREHENSIVE PLAN, AND MODIFYING THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN; SAID AMENDMENTS BEING ADOPTED PURSUANT TO PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Brooksville, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend city ordinances; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, The Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan by ordinance; and

WHEREAS, During the 2005 Legislative Session, the Florida Legislature adopted SB 360, which in part, requires all local governments in Florida to create and implement a school concurrency system when residential developments are considered;

WHEREAS, the City of Brooksville is required by legislation to adopt a Public School Facilities Element by January 1, 2008; and

WHEREAS, following adoption of a Public School Facilities Element via Ordinance Number 752, the Florida Department of Community Affairs issued a finding of noncompliance with Chapter 163 of the Florida Statutes; and

WHEREAS, the City entered into a Stipulated Settlement Agreement with the Department of Community Affairs which requires the amendments to the Comprehensive Plan as described herein; and

WHEREAS, application CPA 2009-L1, to amend the Capital Improvements and Public School Facilities Elements of the City's Comprehensive Plan, have been filed with the City; and

WHEREAS, the City Council of the City of Brooksville, Florida, has been designated as the Local Planning Agency of the City of Brooksville, Florida, hereinafter referred to as the Local Planning Agency; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the City Council, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for amendments, as described herein, to the text of the City's Comprehensive Plan, and at said public hearing, the City Council, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said applications for amendments, as described herein, to the text of

the City's Comprehensive Plan, and endorsed the approval of said application for amendments, as described below, to the City's Comprehensive Plan; and

WHEREAS, the City Council did on May 16, 2009, hold the required public hearing, with public notice having been provided, under the provisions of the large scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for amendments, as described herein, to the text of the City's Comprehensive Plan, and at said public hearing, the City Council (serving as the Local Planning Agency) reviewed and considered all comments received during the public hearing, including recommendations of the City's Planning and Zoning Commission, and the Comprehensive Plan Amendments Reports concerning said application for amendments, as described herein, to the text of the City's Comprehensive Plan; and

WHEREAS, the City Council determined and found said application for amendments, as described herein, to the text of the City's Comprehensive Plan to be consistent with other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council determined and found that approval of said application for amendments, as described below, to the text of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, appearance, prosperity, or general welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1: The following amendments to the City of Brooksville Comprehensive Plan are hereby approved:

- a. Chapter Eight, Capital Improvements Element, is hereby approved as written (with changes noted using strikethrough/underline format) and attached to this Ordinance as Exhibit "A."
- b. Chapter Eleven, Public School Facilities Element, is hereby approved as written (with changes noted using strikethrough/underline format) and attached to this Ordinance as Exhibit "B."

Section 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of and to exercise the authority set out in the Local Government Comprehensive Planning and Land Development Regulations Act, Sections 163.3161 through 163.3215, Florida Statutes and Chapter 97-351 Laws of Florida, as amended.

Section 3. Adoption of Amendments to Comprehensive Plan. Proposed amendments to select portions of the City of Brooksville's Comprehensive Plan (Capital Improvements and Public School Facilities Elements), as referenced in their respective attached Exhibits "A" and "B," are hereby adopted by the City of Brooksville.

Section 4. Severability. If any provision, word, sentence, or paragraph of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions, words, sentences, paragraphs and portions of this Ordinance shall remain in full force and effect.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Florida Department of Community Affairs finding this plan amendment to be in compliance in accordance with Section 163.3184, Florida Statutes; or the date a final order is issued by the Florida Administration Commission finding the amendment in compliance in accordance with Chapter 163.3184, Florida Statutes. Further, the Department's notice of intent to find a plan amendment in compliance shall be deemed to be a final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within twenty-one (21) days after the publication of the notice pursuant to Chapter 163.3184(9), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Bureau of Local Planning, Plan Processing Team, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

CITY OF BROOKSVILLE

Attest: _____
Janice L. Peters
City Clerk, CMC

By: _____
Joe Bernardini, Mayor

PASSED on First Reading _____
NOTICE Published on _____
PASSED on Second & Final Reading _____

Approved as to form and content
for the reliance of the City of
Brooksville only:

VOTE OF COUNCIL:
Bernardini _____
Bradburn _____
Johnston _____
Lewis _____
Pugh _____

Thomas S. Hogan, Jr., City Attorney

Exhibit "A"

**Chapter Eight
Capital Improvements Element
Proposed Goals, Objectives and Policies**

CITY OF BROOKSVILLE
COMPREHENSIVE PLAN

CHAPTER 8
CAPITAL IMPROVEMENTS

Goal: The City shall provide public facilities at an adopted level of service that shall be met for all existing and future development, through the financial commitment of a Capital Improvements Element, a Capital Improvements Program and a development process that permits development in consistent with the city's ability to finance and complete needed public facilities. [9J-5.016(3)(a)]

Timing, Concurrency Priority

Objective 1: Land use decisions (including Future Land Use Map amendments and all development orders) shall be coordinated with the city's financial commitment to expand facilities as stated in the Five-Year Schedule of Capital Improvements and Five-Year Capital Improvements Program, for the purposes of providing facilities that serve existing and future development at the adopted level of service standards. [9J-5.016(3)(b)3], [9J-5.016(4)(b)]

Policy 1-1: Land use development orders shall be granted only when facilities functioning at the adopted level of service exist, or will be available, concurrent with occupancy or use of such developed land with respect to sewer, water and drainage, and within three years for recreation and transportation. [9J-5.016(3)(b)1]

Policy 1-2: The City shall adopt an adequate facilities ordinance to ensure that, at the time a development permit is issued, adequate facility capacity is available or will be available when needed to serve the development. [9J-5.016(3)(b)1] [9J-5.016(3)(c)6]

Policy 1-3: The City shall require all public and private capital facilities to operate and provide service at the level of service adopted in this Comprehensive Plan for existing, previously issued development orders and future permitted development. [9J-5.016(3)(c)5] [9J-5.016(3)(c)6]

Policy 1-4: The level of service standards will be used to determine whether sufficient school capacity exists to accommodate future development projects, and evaluate the sufficiency of the Five-Year Schedule of Capital Improvements. The Five-Year Schedule of Capital Improvements shall be reviewed, updated and adopted annually, thus ensuring the inclusion of those projects necessary to address existing deficiencies, and to meet future needs based upon the adopted level of service standards. The annual update to the Five-Year Schedule of Capital Improvements shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.

Policy 1-5: The following levels of service are hereby adopted and shall be maintained for existing and previously permitted development and for new development and redevelopment in the City and the city's utility service areas: [9J-5.016(3)(c)4]

<u>FACILITY</u>	<u>STANDARD</u>
<u>Traffic Circulation</u>	
Principal Arterials (state)	LOS C at peak hour, or as otherwise noted in this document
Principal Arterials (other)	LOS D at peak hour
Minor Arterials	LOS D at peak hour
Local Collectors	LOS D at peak hour
<u>Recreation and Open Space</u>	
Picnic Table	20 per 6,000 persons
Swimming Pool	1 per 10,000 persons
Baseball Field (regulation)	1 per 6,000 persons
Tennis Court	1 per 2,000 persons
Basketball Court	1 per 5,000 persons
Volleyball Court	1 per 5,000 persons
Recreational Building	1 per 15,000 persons
Outdoor Theater	1 per 20,000 persons
Shooting Range	1 per 50,000 persons
Golf Course	1 per 25,000 persons
Equipped Play Area	1 per 3,000 persons
Multi-Use Court	1 per 10,000 persons
Shuffleboard	1 per 6,000 persons
Handball Court	1 per 10,000 persons
Horseshoe Court	1 per 5,000 persons
Multi-Sport Play Field	1 per 5,000 persons
<u>Sanitary Sewer</u>	
Cobb Road Service Area	100 gallons per capita per day
<u>Solid Waste</u>	
Citywide	6.2 pounds per capita per day
<u>Drainage</u>	
Citywide	Equivalent to and no less than SWFWMD's regulations for closed basins, as provided in 40D-4 and 40D-40, F.A.C.
<u>Potable Water</u>	
Citywide	110 gallons per capita per day
<u>Public Schools</u>	
Elementary	100% of permanent Florida Inventory of School Houses (FISH) Capacity for Permanent Student

<u>FACILITY</u>	<u>STANDARD</u>
	<u>Stations and 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).</u>
<u>Middle</u>	<u>100% of permanent FISH Capacity for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).</u>
<u>High</u>	<u>100% of permanent FISH Capacity for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities (whichever is the greater number will be used for calculating student capacities for LOS).</u>
<u>Magnet</u>	<u>Magnet schools will maintain the level of service standard for the type of school for which it is constructed, whether an elementary, middle or high school.</u>

<u>FACILITY</u>	<u>STANDARD</u>
<u>Traffic Circulation:</u>	
<u>i. Principal Arterials (State)</u>	<u>FDOT to set standard Level of Service C at peak hour; or as otherwise noted in this document</u>
<u>ii. Principal Arterials (other)</u>	<u>Level of Service D at peak hour</u>
<u>iii. Minor Arterials</u>	<u>Level of Service D at peak hour</u>
<u>iv. Local Collectors</u>	<u>Level of Service D at peak hour</u>
<u>b.) Recreation and Open Space:</u>	
<u>i. Picnic Table</u>	<u>20 per 6,000 persons</u>
<u>ii. Swimming Pool</u>	<u>1 per 10,000 persons</u>
<u>iii. Baseball Field (Regulation)</u>	<u>1 per 6,000 persons</u>
<u>iv. Tennis Court</u>	<u>1 per 2,000 persons</u>
<u>v. Basketball Court</u>	<u>1 per 5,000 persons</u>
<u>vi. Volleyball Court</u>	<u>1 per 5,000 persons</u>
<u>vii. Recreational Building</u>	<u>1 per 15,000 persons</u>
<u>viii. Outdoor Theater</u>	<u>1 per 20,000 persons</u>
<u>ix. Shooting Range</u>	<u>1 per 50,000 persons</u>
<u>x. Golf Course</u>	<u>1 per 25,000 persons</u>

City of Brooksville

Goals, Objectives and Policies

- ~~xi. Equipped Play Area~~ _____ 1 per 3,000 persons
- ~~xii. Multi-use Court~~ _____ 1 per 10,000 persons
- ~~xiii. Shuffleboard~~ _____ 1 per 6,000 persons
- ~~xiv. Handball Court~~ _____ 1 per 10,000 persons
- ~~xv. Horseshoe Court~~ _____ 1 per 5,000 persons
- ~~xvi. Multi sport Play field~~ _____ 1 per 5,000 persons

~~c.) Sanitary Sewer:~~
~~Cobb Road Service Area~~ _____ 100 gallons per capita per day

~~d.) Solid Waste:~~
~~City wide~~ _____ 6.2 pounds per capita per day

~~e.) Drainage:~~
~~City wide~~ _____ Equivalent to and no less than the regulations of the Southwest Florida Water Management District for closed basins, as provided for in the Florida Administrative Codes 40D-4 and 40D-40 as effective on March 1, 1988.

FACILITY

STANDARD

~~f.) Potable Water:~~
~~City wide~~ _____ 110 gallons per capita per day

~~g.) Public Schools: The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses ("FISH") as follows:~~

- ~~i. Elementary: 100% of permanent FISH Capacity for permanent student stations or permanent FISH Capacity for based on the ²Core Facilities of the particular elementary school. Whichever is the greater number will be used for calculating student capacities for Level of Service determinations.~~
- ~~ii. Middle: 100% of permanent FISH Capacity for permanent student stations or permanent FISH Capacity for based on the ²Core Facilities of the particular middle school. Whichever is the greater number will be used for calculating student capacities for Level of Service determinations.~~
- ~~iii. High: 100% of permanent FISH Capacity for permanent student stations or permanent FISH Capacity for based on the ²Core Facilities of the particular high school. Whichever is the greater number will be used for calculating student capacities for Level of Service determinations.~~
- ~~iv. K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [Note: The Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH]~~

~~² For the purpose of determining Level of Service, CORE FACILITIES are identified as Cafeteria Permanent Capacity for 100% of the FISH Capacity for the Core Facilities, based on a particular school type.~~

[9J-5.016(3)(c)(4)]

Policy 1-56: Proposed capital improvement projects shall be evaluated and ranked in order of priority according to the following guidelines: [9J-5.016(3)(c)1]

- a. Whether the project is needed to protect the public health and safety, to fulfill the city's legal commitment to provide facilities and services or to preserve or achieve full use of existing facilities [9J-5.016(3)(c)1.a]
- b. Whether the project increases efficiency of use of existing facilities, prevents or reduces future improvement cost, provides service to developed areas lacking full service, or promotes infill development; ~~and,~~ [9J-5.016(3)(c)1.b]
- c. Whether the project represents a logical extension of facilities and service from the City to the urban fringe, or is compatible with the plans of the state agencies or the Southwest Florida Water Management District—[9J-5.016(3)(c)1.g]
- d. The City shall work to avoid capacity deficits while minimizing adverse impact to the local budget when implementing a financially feasible plan of capital improvements. [9J-5.016(3)(c)1.c] [9J-5.016(3)(c)1.f]
- e. Determination of future capital improvement needs shall be based on anticipated future growth or redevelopment patterns and whether a particular improvement advances the goals, policies and objectives of the Comprehensive Plan. [9J-5.016(3)(c)1.b] [9J-5.016(3)(c)1.d] [9J-5.016(3)(c)1.e] [9J-5.016(3)(c)9]
- f. Formulation of the city's Five-Year Schedule of Capital Improvements shall account for where other local governments, state agencies, and water management district improvement plans may fund an improvement that impacts municipal LOS.

Policy 1-67: The City shall include in its land development regulations a program for land dedication, or payment-in-lieu-of dedication or some other form of exaction, as a requirement of land subdivision or land development for the purpose of retaining easements for utility and traffic circulation systems and for meeting all adopted levels of service. [9J-5.016(3)(c)1.b], [9J-5.016(3)(b)5]

Policy 1-78: As needed, the City will pursue specific financing strategies such as special assessments to ensure that developments approved by previously issued development orders bear a proportionate cost of public services and improvements from which they derive benefit, so that facility and infrastructure needs do not exceed the ability of the City to fund needed capital improvements and to ensure private funding of improvements that deliver private benefits. [9J-5.016(3)(b)5]

Policy 1-89: The City shall implement a method to monitor and track de minimis impacts on all roadways within the City. All de minimis impacts (an impact that would not affect more than one percent of the maximum volume at the adopted level of service for the given transportation facility) shall be compiled into an annual report and submitted to the state land planning agency with the annual update of the Capital Improvements Element.

Policy 1-910: ~~The City shall adopt by reference all external agency plans that have a significant impact on quality of life or otherwise possess a nexus to adopted LOS standards.~~

Objective 2: Decisions regarding the issuance of development orders and permits will be based upon coordination of the development requirements included in this plan, the city's land development regulations, and the availability of necessary public facilities needed to support proposed development.

Policy 2-1: It shall be the responsibility of the city's development review ~~Committee~~ process to certify that all development orders are consistent with the Land Development Regulations, Comprehensive Plan, and Five-Year Schedule of Capital Improvements.

Policy 2-2: Future development will bear a proportionate cost of all capital improvements necessary to maintain LOS standards adequately. [9J-5.016(3)(b)4] [9J-5.016(3)(c)8]

Policy 2-3: The City shall continue to make public services and facilities available concurrent with the impacts of development. In cases of phased development, the City shall determine when public facilities and services are necessary to maintain concurrency. [9J-5.016(3)(b)4]

Budgetary Procedure

Objective 3-0:—The Capital Improvements Element and the Five-Year Schedule of Capital Improvements shall be updated annually to reflect existing and projected capital needs in accordance with the adopted level of service standards, for the purpose of assessing the costs of those needs against projected revenues and expenditures. [9J-5.016(5)]

Policy 3-0-1: Review and update the Capital Improvements Element annually to ensure close coordination of the annual budget and comprehensive plan update requirements, scheduling capital improvements to meet existing deficiencies, accommodate future growth, and replace obsolete or worn-out facilities. [9J-5.016(3)(b)1]

Objective 3-1: The City shall continue to collect and receive ~~a proportion of impact fees under the auspices of Hernando County~~ for the purpose of subsidizing the costs of public facility improvements.

Policy 3-1: Debt service shall not exceed 20% of annually budgeted gross revenues. [9J-5.016(3)(c)2.b]

- Policy 3-2:** The City shall reserve Enterprise Fund surpluses, unless indicated otherwise, for major capital expenditures. [9J-5.016(3)(c)2]
- Policy 3-3:** Efforts shall be made to secure grants or private funds whenever available to finance the provision of capital improvements. [9J-5.016(3)(c)2]
- Policy 3-4:** All new development that has a direct or indirect impact on roads, schools, parks, potable water, sewer, sanitation, drainage, fire, police, or emergency medical services shall continue to be subject to impact fees as collected and administered by the City and/or Hernando County. Monies collected as impact fees shall be utilized according to guidelines established for the specific impact fee program.
- Policy 3-5:** Limitation on the use of revenue bonds as a percentage of total public debt shall remain consistent with applicable Florida statutes and acceptable financial practices. [9J5.016(3)(c)2.a]
- Policy 3-6:** The maximum ratio of outstanding capital indebtedness to the property tax base shall remain consistent with applicable Florida statutes and acceptable financial practices. [9J5.016(3)(c)2.c]
- Policy 3-7:** The City shall comply with all State of Florida law regarding management of the public debt. [9J5.016(3)(c)2.c] [9J5.016(3)(c)1.c]
- Policy 3-8:** Funds that are not under the control of the City during the annual update of the Capital Improvements Element shall be considered planned funds and may not be utilized in years 1-3 of the Five-Year Schedule of Capital Improvements.
- Policy 3-9:** Prior to initiation of the annual budgeting process, the City shall review all potential sources of revenue not previously utilized as revenue and shall obtain and evaluate potential benefits from new revenue sources.
- Policy 3-10:** The City shall rely on private contributions to fund capital improvements listed on the five-year schedule only when a private, external entity's obligation to pay is addressed in an enforceable development agreement or development order. When the five-year schedule lists the cost of a capital improvement as funded by private contribution, it shall not be the responsibility of the City to fund the improvement. Should any private party or developer fail to successfully complete the construction of a given capital improvement listed in the five-year schedule, then a Comprehensive Plan amendment is required to delete said improvement from the five-year schedule.
- Objective 4:** A Five-Year Capital Improvements Plan shall be incorporated into the Annual Budget in order to reserve funds for needed future capital facilities. [9J-5.016(3)(c)7]
- Policy 4-1:** The city's Finance Director shall prepare the Five-Year Capital Improvement Plan on an annual basis as part of the city's Annual Budget; it shall address all capital needs of the City. [9J-5.016(3)(c)3]

Policy 4-2: As a part of the annual update process for the Capital Improvements Element, municipal department heads should provide input to the City Manager and Finance Director regarding capital improvement needs and the adequacy of existing and planned funding sources.

Policy 4-3: As a part of the annual update process for the Capital Improvements Element the City should focus on a multi-year funding strategy to identify new funding resources.

Five-Year Schedule of Capital Improvements

Objective 5: Capital improvements will be provided to correct existing deficiencies, to accommodate desired future growth, and to replace worn-out or obsolete facilities, as indicated in the Five-Year Schedule of Capital Improvements of this element. ~~(Exhibit 8-1)~~ [9J-5.016(4)(a)1]

Policy 5-1: A Capital Improvements Coordinating Committee composed of the Director of Public Works, Director of Utilities, Director of ~~Planning and Community Development~~, Finance Director, and City Manager shall meet for the purpose of evaluating and ranking in order of priority, projects proposed for inclusion in the Five-Year Schedule of Capital Improvements. The City Manager will make the specific appointments to the Capital Improvements Coordinating Committee as necessary.

Policy 5-2: The Five-Year Schedule of Capital Improvements shall describe, locate and identify funding sources, and demonstrate consistency with all relevant Comprehensive Plan content. [9J-5.016(4)(a)1.a] [9J-5.016(4)(a)1.b] [9J-5.016(4)(a)2]

Policy 5-3: ~~The Hernando County School District Five Year District Facilities Work Program, as adopted by Hernando County School Board on February 19, 2008, is considered a part of the Capital Improvements Element of the City of Brooksville's Comprehensive Plan. This includes the annual update of the School Board Five Year Work Plan to add a new fifth year to the document. The City of Brooksville hereby adopts by reference the Hernando County School Board Five Year Work Program for FY 2008-2009 to FY 2012-2013, which was adopted on March 12, 2009. The City of Brooksville will adopt by reference each subsequently adopted work program by the Hernando County School Board into the Capital Improvements Element. NOTE: Any project listed as unfunded in the Five Year Work Program will not be considered for determining whether the adopted Level of Service is met in the five years of the work program.~~

Policy 5-4: The Five-Year Schedule of Capital Improvements shall demonstrate financial feasibility. [9J-5.016(3)(a)] [9J-5.016(3)(c)1.f]

Implementation of Five-Year Schedule of Capital Improvements

The Five-Year Schedule of Capital Improvements is the mechanism by which the City can effectively stage the timing, location, projected cost, and revenue sources for the capital improvements derived from

the other comprehensive plan elements, in support of the Future Land Use Element. The Five-Year Schedule of Capital Improvements has been used to document the economic feasibility of the Comprehensive Plan based upon the preceding data and analysis.

**TABLE 8-2
FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS WITH FINANCIAL FEASIBILITY BALANCE STATEMENT**

CAPITAL PROJECTS	FUNDING SOURCE	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
		TOTAL CITY REVENUE BY FISCAL YEAR					
		\$34,754,113	\$36,150,719	\$37,564,709	\$38,978,699	\$40,392,689	\$41,906,747
			\$35,796,535	\$37,235,032	38,731,335	\$40,287,768	
1. Governor Blvd	Development Agreement, Impact Fees	300,000					\$300,000
2. Good Neighbor Trail	General Fund	\$271,000	\$511,824		\$120,000		
3. Sanitation Truck	General Fund	\$180,000	\$395,532	\$200,000	\$200,000	\$200,000	\$200,000
4. McKethan Park Improvements	General Fund	\$35,000					
5. Utility Relocation for FDOT CR 485 Widening Project	Reserves				\$200,000		
WATER SYSTEM IMPROVEMENTS							
5. New Well Field NW	Reserves, Impact Fees		\$80,000	\$80,000	\$80,000	\$80,000	
6. Hope Hill Well Replacement & Tank Modification	Reserve, Grant, Impact Fees		\$175,000	\$165,000	\$1,000,000		
7. Downtown Fire Flow	Legislative Appropriation, Grant	\$477,000	\$195,000	\$276,000	\$377,000		
8. Water Valves Replacement Program	Water Utility Reserves	\$50,000	\$250,000	\$250,000	\$250,000	\$250,000	
9. Lamar Avenue Water Plant Rehab	Water Utility Reserves	\$60,000	\$440,000	\$60,000	\$60,000	\$60,000	\$60,000
10. Emergency Generator Installation (Hope Hill Wellfield and Lamar Avenue Water Plant)	Reserves	\$80,000		\$80,000			
11. Southern Hills Water Improvements (Line oversizing on Governor & Cotillion Blvds.)	Water Impact Fees	\$327,000	\$25,000	\$259,000			
12. SR 50 Water Line Loop (Hospital line extension along Wiscon Rd. to Walmart)	Debt Service/ Water Impact Fees			\$700,000			
13. US 41 Water Line Ext. (SHP Blvd. to Powell Rd.)	Debt Service/ Water Impact Fees		\$500,000	\$325,000			
14. Radio Read Meters	Debt Service/USDA Grant	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000	\$190,000
15. Hillside Water Plant Electrical Equipment	Reserves		\$12,000				
16. Liberty St. Water Tower Painting	Reserves		\$150,000				
SEWER SYSTEM IMPROVEMENTS							

Exhibit "B"

**Chapter Eleven
Public School Facilities Element
Goals, Objectives and Policies**

CITY OF BROOKSVILLE
COMPREHENSIVE PLAN

CHAPTER 11

PUBLIC SCHOOL FACILITIES

Goal A: To provide for future availability of public school facilities in a manner consistent with the adopted level of service standard.

Level of Service Standards for Public School Capacity

Objective 1: Establish level of service guidelines for public school capacity.

Policy 1-1: The Level of Service (LOS) standard set forth herein shall be applied consistently by the City and the School Board district-wide to all schools of the same type. The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses (“FISH”) as follows:

- a. Elementary: 100% of permanent Florida Inventory of School Houses (FISH) Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- b. Middle: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- c. High: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- d. K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [note: the Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH]. Magnet schools will maintain the level of service standard for the type of school for which it is constructed, whether an elementary, middle or high school.
- e. For purposes of this section, “Core Facilities” shall mean ‘Permanent Cafeteria Capacity’ based on FISH standards.

Policy 1-2: For the purposes of the level of service standard for public school capacity, FISH capacity shall refer to the Florida Inventory of School Houses (FISH) report of

permanent capacity of existing public school facilities. The FISH Capacity is the number of students that may be housed in a facility (school) at any given time based upon a percentage by school type (i.e., elementary, middle, high and K-8) of the total number of existing student stations and a designated size for each program. In the City of Brooksville, permanent capacity does not include temporary classrooms unless they meet the standards for long-term use pursuant to s. 1013.20. *Florida Statutes*.

- Policy 1-3:** The adopted level of service standard shall become applicable to development orders with the adoption of the Public Schools Facility Element and the land development regulations shall be amended to include the level of service standards.
- Policy 1-4:** The issuance of development orders for new residential units shall be predicated on the availability of school capacity.
- Policy 1-5:** Where capacity will not be available to serve students from the property seeking a land use or zoning change or other development approval, then the City may use the lack of school capacity as a basis for denying a development order.
- Policy 1-6:** The level of service standards will be used to determine whether sufficient school capacity exists to accommodate future development projects, and evaluate the sufficiency of the Five-Year Schedule of Capital Improvements. The Five-Year Schedule of Capital Improvements shall be reviewed, updated and adopted annually, thus ensuring those projects necessary to address existing deficiencies are adequately planned, and to meet future needs based upon the adopted level of service standards. The annual update to the Five-Year Schedule of Capital Improvements shall ensure the capital improvements program continues to be financially feasible and the level of service standards will continue to be achieved and maintained.
- Policy 1-7** The level of service standard is also measured to account for programmatic changes which have consistent and measurable capacity impacts including but not limited to double sessions, floating teachers, year-round operations and special education programs. To determine available capacity as a result of programmatic changes, there must be student stations at each grade level for the particular schools in the Concurrency Service Areas (CSA) affected.
- Policy 1-8** In order to determine if the available adjacent capacity can be utilized, the following additional criteria shall apply:
- a. Travel time and distance: School bus route from the school to the site of the proposed development should not exceed 50 minutes;
 - b. Areas established for the purpose of establishing student diversity at

schoolsshall not be used to determine capacity;

- c. If the boundary is adjacent based on its connection by the Withlacoochee State Forest, it should not be deemed adjacent;
- d. Where capacity is reserved for a specific academic program, it cannot be claimed in an adjacent concurrency service area.

Concurrency Service Areas

Objective 2: Establish school concurrency service areas to be used to determine the availability of public school capacity to serve new residential development.

Policy 2-1: Concurrency Service Areas (CSAs) shall be established to determine whether there is adequate school capacity available based on the adopted level of service standards, and a proper analysis can be conducted to examine the availability of capacity in adjacent CSAs if capacity is not available in the primary CSA.

Policy 2-2: CSAs will be generally based upon the school attendance zones for elementary, middle, high and K-8 schools and the best available data and methodology so that there is school capacity available in each CSA to meet the adopted LOS standard within the five-year period contained in the Florida Statutes.

Policy 2-3: CSAs shall be established and subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards, and taking into account policies to:

- a. minimize transportation costs;
- b. limit maximum student travel times;
- c. effect desegregation plans;
- d. achieve socio-economic, racial and cultural diversity objectives;
- e. recognize capacity commitments resulting from the development approvals for the CSA; and,
- f. recognize capacity commitments resulting from development approvals for contiguous CSAs.

Policy 2-4: All CSAs will be described geographically and appropriately mapped.

Policy 2-5: Future amendments to the CSAs may be made by the School Board in accordance with the criteria in Goal A, Policy 2-3, and only after review and comment by the County and the City, respectively.

Policy 2-6: Upon adoption of CSAs by the School Board, said CSAs and supporting maps will be incorporated as amendments to the adopted comprehensive plans of the County and the City, respectively, in accordance with the Growth Management Act (*see* Section 163.3180(13)(g)(5), *Florida Statutes*; Rule 9J-5.003, *Florida Administrative Code*).

Land Use and Facility Coordination

Objective 3: Ensure that Comprehensive Plan Amendments and other land use decisions are simultaneously evaluated with school capacity availability within the primary CSA and those CSAs which are contiguous.

Policy 3-1: The City shall consider Hernando County School Board comments on the availability of adequate school capacity when considering the decision to approve Comprehensive Plan Amendments and other land use decisions as provided for in Section 163.3177(6)(a)F.S.

Policy 3-2: The City shall identify methods to direct development to areas with adequate school capacity or to where school sites adequate to serve potential growth have been acquired by the School Board, provided such location of the development is consistent with the City's Comprehensive Plan.

Policy 3-3: In any instance where capacity will not be available to serve students to be generated by a development seeking approval, and subsequent to the contiguous CSA analysis that demonstrates there is no available capacity, and proportionate share mitigation is not an option, the school capacity deficiency shall be a basis for denial of the proposal.

Policy 3-4: The School Board shall review potential new subdivision conditional plats and residential site plans for student generation impacts and available school capacity. Where capacity will not be available to serve students from the property seeking to increase residential density, and subsequent to the contiguous CSA analysis that demonstrates there is no available capacity, and proportionate share mitigation is not an option, the School Board shall not issue a favorable concurrency determination. The City shall use lack of school capacity demonstrated by an unfavorable concurrency determination as a reason for denial of a development order.

Policy 3-5: During the process of land use decision making, the City will ensure the compatibility of proposed land uses in the vicinity of either existing or planned public schools, and protect existing and planned schools from incompatible uses.

School Facility Siting

Objective 4: Ensure that the planning and construction of educational facilities are coordinated with regard to timing, location, compatibility, and the availability of required infrastructure.

Policy 4-1: The following issues will be considered by the School Board when evaluating potential new school sites or significant renovations of existing schools:

- a. Site acquisition and development cost.
- b. Compatibility of the school site with present and projected uses of adjacent properties.
- c. Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impacts of the school.
- d. Safe access to and from the school site by pedestrians and vehicles.
- e. The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
- f. The proposed site is well drained and soils are suitable for development, or are adaptable for development for educational purposes with identified drainage improvements.
- g. The proposed location is not immediately adjacent to water treatment plants or wastewater treatment plants.
- h. There are no significant environmental constraints that would preclude development of a public school on the site.
- i. The proposed location lies outside the area regulated by s. 333.03, *Florida Statutes*, regarding the construction of public educational facilities in the vicinity or flight path of an airport.
- j. There will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
- k. The proposed site can accommodate the required parking, circulation, and adequate queuing of vehicles onsite.

- l. Whenever possible and where appropriate, existing schools will be expanded, renovated, or revitalized to support community redevelopment, in-fill development, and revitalization.
- m. The location of schools, where possible, should be proximate to and within walking distance of the residential neighborhoods served.

Policy 4-2: The School Board Staff will meet with and review potential school sites with planning staff of the City. The recommendations and comments from these meetings will be submitted to the School Board as needed. The School Board will take the respective recommendations into consideration.

Policy 4-3: The City shall advise the School Board as to the consistency of the proposed new site with their adopted comprehensive plan, including the appropriate processes under which the School Board may request an amendment to the comprehensive plan for school siting. The consistency determination with the comprehensive plan is made through the development review process.

Policy 4-4: Within the City, schools are permitted in all land use categories except Conservation. Schools may be allowed in any zoning district as a special exception use.

Policy 4-5: The decision of the City of Brooksville City Council shall be the final local government action of any comprehensive plan amendment or rezoning decision.

Policy 4-6: Where an identified school site requires a rezoning or special exception use approval to accommodate a proposed school, the School Board shall provide all property owners of record within a 250' radius of the site written notification of the proposed school siting request.

Policy 4-7: The submittal, processing and review of any proposed school site design or development plan shall be filed with the Community Development Department of the City and shall include at a minimum, the following:

- a. Location, size, height, and use of all proposed structures;
- b. Proposed or existing location of fire hydrants and distance to structures;
- c. Location and method of buffering from adjacent residential zoning districts;
- d. Location and method of storm water retention;
- e. Location, size and total amount of recreation areas;

- f. Location and dimensions of proposed parking and service areas; and,
- g. Proposed means of vehicular and pedestrian access from the site to adjacent streets and/or alleys.

Policy 4-8: The review and processing of any site design or development plan submitted by the School Board shall be in accordance with the adopted comprehensive plan of the City and all applicable land development regulations (noting that the School Board is exempt from certain regulations).

Policy 4-9: The School Board and City shall cooperate in determining the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation or expansion of an exiting school.

Policy 4-10: In conjunction with the School Board's approval of a new school site, the School Board and City will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school.

Collocation of Facilities

Objective 5: Coordinate location of public school facilities relative to the location of other public facilities such as parks, libraries and community centers to the extent possible.

Policy 5-1: The City will look for opportunities to collocate and share use of their facilities with the School Board when preparing the annual update to the adopted comprehensive plan's schedule of capital improvements and when planning new or renovating existing community facilities.

Policy 5-2: A separate agreement may be developed for each instance of collocation or shared use which addresses operating and maintenance costs, scheduling use of the facilities, facility supervision, legal liability, or any other issues that may arise from collocation or shared use.

Goal B: To establish a process for the implementation of school concurrency through capacity determination standards, concurrency determination process, and proportionate share mitigation.

Capacity Determination Standards

Objective 1: The City shall cooperate with the School Board in the implementation of capacity determination standards.

Policy 1-1: The School Board will determine whether adequate school capacity exists for a proposed development, based on the Level of Service (LOS) standards, CSAs, and other standards as follows:

- a. Calculate total school facilities by adding the capacity provided by existing school facilities except magnet/lottery schools to the capacity of any planned school facilities.
- b. Calculate available school capacity by subtracting from the total school facilities the sum of:
 - i. used capacity;
 - ii. the portion of reserved capacity projected to be developed within three (3) years;
 - iii. the portion of previously approved development projected to be developed within three (3) years; and,
 - iv. the demand on schools created by the proposed development.

Policy 1-2:

In determining whether there is sufficient school capacity to accommodate a proposed development in a specific CSA, the School Board will:

- a. Subject CSA. Consider whether the CSA in which the proposed development is situated has available school capacity, based on the formula in Goal B, Policy 1-1.
- b. Contiguous CSA. If the projected student growth from a residential development causes the adopted LOS to be exceeded in the subject CSA, a contiguous CSA will be reviewed for available capacity. In conducting the contiguity review, the School Board shall first use the contiguous CSA with the most available capacity to evaluate projected enrollment and, if necessary, shall continue to the CSA with the next most available capacity until all contiguous CSAs have been evaluated or the available capacity has been identified to allow a determination letter approving school concurrency to be issued. If a contiguous CSA is identified as having available capacity, then the actual development impacts shall be shifted to that CSA having available capacity (this shift shall be accomplished in accordance with School Board Policy which may include, without limitation, appropriate boundary changes or shifting future student assignments).
- c. Available capacity is based on no students being bussed to any contiguous CSA farther than the average bussing travel distance throughout the District.

Policy 1-3:

Except as provided in Goal B, Policy 1-4, school concurrency shall apply to all

new residential development and uses that generate demands for public school facilities and are proposed or established after the effective date of the school concurrency ordinance (as adopted by the City). School concurrency shall not apply to non-residential uses such as professional, commercial or industrial.

Policy 1-4: The following residential uses shall be considered exempt from the requirements of school concurrency:

- a. Single family lots of record having received final plat approval (or otherwise deemed grandfathered as a valid residential lot under the land development regulations of the City) prior to the effective date of the school concurrency ordinance.
- b. Multi-family residential development having received final site plan approval prior to the effective date of the applicable school concurrency ordinance.
- c. Amendments to residential development approvals issued prior to the effective date of the adopted school concurrency ordinance, which do not increase the number of residential units or change the kind of residential units proposed to a type that would produce a larger number of school age children (i.e., changing unit types from resort residential to Single Family Residential).

Concurrency Determination Process

Objective 2: The City shall cooperate with the School Board in the implementation of the concurrency determination process.

Policy 2-1: The school concurrency ordinance to be adopted by the City will include, among other things, application procedures and processes for evaluating school capacity and making concurrency determinations.

Following the adoption of the school concurrency ordinance, the City will:

- a. accept and process final plat and residential site plans, only after the applicant has complied with the terms of its school concurrency ordinance. The City may approve a school concurrency application earlier in the approval process, upon request by the applicant, if the School Board reviews and approves the determination, allocations of capacity, and proportionate share mitigation commitments, as provided in this Element and the Growth Management Act.
- b. upon receipt of a complete school concurrency application, timely transmit the application to the School Board for a determination of

whether there is adequate school capacity, for each level of school, to accommodate the proposed development based on the LOS standards, CSAs, and other standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time.

Policy 2-2:

Within thirty (30) days of receipt of the initial transmittal from the City, the School Board will review the school concurrency application and, based on the standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and will report in writing to the City:

- a. that adequate school capacity exists for each level of school, based on the standards set forth in this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and report in writing to the City; or
- b. if adequate capacity does not exist, whether appropriate mitigation can be accepted, and if so, acceptable options for mitigation, consistent with this Element and the Interlocal Agreement between Hernando County, the City of Brooksville and the Hernando County School Board, dated August 7, 2006, as may be amended from time to time, and report such determination in writing to the City.

Policy 2-3:

The School Board shall conduct a concurrency review that includes findings and recommendations of whether there is adequate school capacity to accommodate students generated by the proposed development for each type of school within the affected CSA consistent with the adopted LOS standard and will take into consideration that:

- a. Adequate school facilities will be in place or under actual construction within three (3) years after the issuance of the subdivision plat or site plan (or functional equivalent); or,
- b. Adequate school facilities are available in an adjacent CSA and the impacts of development can be shifted to that area; or,
- c. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan (or functional equivalent) pursuant to this Element, the Interlocal Agreement and the adopted School Concurrency Ordinance.

- Policy 2-4:** If the impact of the proposed development will not occur until years 2 or 3 of the School Board's financially feasible work plan, then any relevant programmed improvements in those years shall be considered available capacity for the project and factored into the level of service analysis. If the impact of the project will not be felt until years 4 or 5 of the work plan, then any relevant programmed improvements shall not be considered available capacity for the project unless funding of the improvements is assured through School Board funding to accelerate the project, through proportionate share mitigation, or some other means.
- Policy 2-5:** If the School Board determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described in Goal B, Objective 3 and associated policies.
- Policy 2-6:** The City will issue a School Concurrency Determination only upon:
- a. the School Board's written determination that adequate school capacity will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval for each level of school without mitigation; or,
 - b. the execution of a legally binding mitigation agreement between the applicant, the School Board and the City pursuant to this Element, applicable Interlocal Agreement and adopted School Concurrency Ordinance.

Proportionate Share Mitigation

Objective 3: The City shall coordinate with the School Board to establish proportionate share mitigation alternatives which are financially feasible and will achieve and maintain the adopted level of service standards consistent with the adopted capital improvements plan.

- Policy 3-1:** In the event that the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, where the LOS standards set forth in this Element, applicable Interlocal Agreement and adopted School Concurrency Ordinance otherwise would be exceeded, the following procedure shall be used:
- a. The applicant shall initiate in writing a mitigation negotiation period with the School Board in order to establish an acceptable form of mitigation, pursuant to s. 163.3180(c), *Florida Statutes*, the adopted School Concurrency Ordinance, and this Element.

- b. Acceptable forms of mitigation may include:
 - i. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development.
 - ii. The creation of mitigation banking based on the developer's construction and/or financing of a public school facility in exchange for the right to sell excess capacity credits (the selling of excess credits shall be limited to that area within the subject CSA or any abutting CSA) and as may be further limited by the school concurrency ordinance.

- c. The following standards apply to any mitigation accepted by the School Board:
 - i. Relocatable classrooms will not be accepted as mitigation.
 - ii. Mitigation shall be directed to projects on the School Board's financially feasible 5-year work plan that the School Board agrees will satisfy the demand created by that development approval, and shall be assured by a legally binding development agreement between the School Board, the City, and the applicant. The development agreement shall be executed prior to the issuance of the applicable subdivision plat, site plan or functional equivalent in the development review process.
 - iii. The Student Generation Formula used for calculating mitigation shall be as follows:

Number of Student Stations (by school type) =
 Number of Dwelling units (by housing type) x
 Student Generation Multiplier (by housing type
 and school type)*

[* Student Generation Multipliers shall be based upon the best available data and professionally accepted methodology]
 - iv. Cost per Student Station estimates shall include, at a minimum, all costs of providing instructional and core capacity including land, site improvements, design, buildings, equipment, furniture, and costs of financing (if applicable). The capital costs associated with transportation of students shall not be included in the Cost per Student Station estimate used for mitigation.

- v. The proportional mitigation share amount shall be calculated as follows:
- $$\text{Proportionate Share Amount} = \text{Number of Student Stations (by school type)} \times \text{Cost per Student Station (by school type)}^{**}$$
- [** The above formula shall be calculated for each housing type within the proposed development and for each school type (elementary, middle, high) for which a capacity deficiency has been identified. The sum of these calculations shall be the proportionate share amount for the development under review.]
- vi. Finally, if the School Board agrees to the mitigation, the School Board must commit to adding the improvement required for mitigation to its work plan. Further, the development agreement shall include the landowner's commitment to continuing renewal of the development agreement upon its expiration.
- d. In accordance with this Element, s. 163.3180(13)(e), *Florida Statutes*, and Rule 9J-5.025, Florida Administrative Code, the applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level:
- i. Multiply the number of new student stations required to serve the new development by the average cost per student station.
 - ii. The average cost per student station shall include school facility development costs and land costs.
 - iii. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need (*see* s. 163.3180(13)(e)(2). *Florida Statutes*).
- e. If within 90 days of the date the applicant initiates the mitigation negotiation period, the applicant and the School Board are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed by the applicant, the School Board and the City which sets forth the terms of the mitigation, including such issues as the amount, nature, and timing of donations, construction, or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Element. The mitigation

agreement shall specify the amount and timing of any impact fee credits or reimbursements, if any, that the developer expects to receive in connection with its mitigation payment/ donation under said agreement.

- f. If, after 90 days, the applicant and the School Board are unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the City in writing and the City will not issue a School Concurrency Determination for the proposed development.
- g. The School Board may grant up to two (2) 90-day extensions to the mitigation negotiation period.
- h. To the extent required under Florida law, mitigation must be proportionate to the demand for public school facilities to be created by the actual development of the property.

City of Brooksville



(352) 544-5400 (Phone)
(352) 544-5424 (Fax)
(352) 544-5420 (TDD)

June 2, 2009

Mr. D. Ray Eubanks, Planning Manager
Florida Department of Community Affairs
Bureau of Local Planning
Plan Processing Team
Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

MAILED VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: City of Brooksville's Adopted Capital Improvements and Public School Facilities Elements (CPA 2009-L1)

Dear Mr. Eubanks:

Please find enclosed, in accordance with Sections 163.3161 through 163.3215, Florida Statutes and Chapters 9J-5 and 9J-11.006, Florida Administrative Code, one hard-copy and two electronic copies of the above-referenced adopted amendments to the Comprehensive Plan.

The City Council serving also as the Local Planning Agency held the first public hearing concerning the amendments to the Comprehensive Plan on May 16, 2009 and authorized their transmittal to DCA for review. At the second public hearing on June 1, 2009, the City Council adopted the amendments by Ordinance No. 775. There are no findings by the local governing body which were not included in the adoption Ordinance No. 775.

The amendments are adopted as noted below and in the enclosed response to the Department's Objections Recommendations and Comments (ORC) Report, which was received by the City on March 24, 2008. DCA raised objections to the absence of language clearly adopting the Hernando County School District's current five-year work plan and five-year schedule of Capital Improvements, as well as the absence of data and analysis projecting the City's population and school impacts for the Concurrency Service Areas (CSA) demonstrating the adopted level of service will be met and maintained. DCA also indicated the Concurrency Service Areas required revision. In response to the ORC Report, the text in the Capital Improvements Element has been modified to clarify adoption of adopting the Hernando County School District's current five-year work plan and five-year schedule of Capital Improvements. Additionally, text within the Public School Facilities Element has been modified to reflect responses addressing the issues identified by the Department. There are no other changes to the amendments not previously reviewed. The amendments have been prepared in underline / ~~strike through~~ format to facilitate the Department's review. The City's enclosed response includes additional information, data and analysis as requested by the Department. Copies of the notices for the public hearings are also enclosed. No one signed the Courtesy Information List.

In accordance with Chapter 9J-11.011(5), Florida Administrative Code, the City hereby certifies that the adopted Comprehensive Plan amendments and support documents, which include data and analysis, have been transmitted in electronic form to the Withlacoochee Regional Planning Council, Southwest Florida Water Management District, Florida Department of Transportation District Seven, Florida Department of Environmental Protection, Florida Department of State, Florida Department of Education, Hernando

D. Ray Eubanks, Planning Manager

Page 2

June 2, 2009

County Local Planning Agency, the Hernando County School Board and to all other review agencies listed in Chapter 9J-11.009(8)(a) through (h), Florida Administrative Code via cover of this letter, dated June 2, 2009.

CPA 2009-L1 is an application by the City Council of the City of Brooksville to amend the Capital Improvements Element and the Public School Facilities Element of the Comprehensive Plan, based upon the requirements of the Stipulated Settlement Agreement entered into between the Department of Community Affairs and the City of Brooksville. The amendments were not adopted under a joint planning agreement pursuant to Section 163.3171, Florida Statutes.

Bill Geiger, Community Development Director, is the person who is familiar with the proposed amendment and can be contacted in writing at 201 Howell Avenue, Brooksville, Florida 34601 or by telephoning (352) 544-5430 (fax number 352-544-5429.) Copies of the Plan amendments are available for public inspection during regular business hours at the Brooksville Community Development Department located at 201 Howell Avenue, Brooksville, Florida.

Sincerely,

Joe Bernardini
Mayor

Enclosures

xc: Florida Department of Education and SMART Schools Clearinghouse
Florida Department of Environmental Protection
Florida Department of State, Division of Historic Resources
Florida Department of Transportation, District 7
Southwest Florida Water Management District
Withlacoochee Regional Planning Council
Hernando County Local Planning Agency
Hernando County School Board



MAR 24 2008

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

March 20, 2008

The Honorable David Pugh, Mayor
City of Brooksville
201 Howell Avenue
Brooksville, Florida 34601

Dear Mayor Pugh:

The Department of Community Affairs (Department) has completed its review of the comprehensive plan amendment for the City of Brooksville (Department No. 08-1) as adopted on February 4, 2008, by Ordinance Nos. 752 and 753, and has determined that the amendment adopted by Ordinance 753 and a portion of the amendment adopted by Ordinance 752 (amendment to Transportation Element Policy 7-7) meet the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance while the remainder of Ordinance 752, including those amendments related to the Public Schools Facilities Element and related elements, do not meet the requirements of Chapter 163, Part II, F.S. for compliance. The Department is issuing a Notice of Intent to find the Comprehensive Plan amendments adopted by Ordinance 752, including those amendments related to the Public Schools Facilities Element and related elements "Not In Compliance" and those amendments adopted by Ordinance 753 and Ordinance 752 (amendment to Transportation Element Policy 7-7) "In Compliance." The Notice of Intent has been sent to *Hernando Today* for publication on March 24, 2007. The Department is also issuing a Statement of Intent regarding the Public Schools Facilities Element and related elements amendments adopted by Ordinance 752 found not in compliance.

Please note that a copy of the adopted City of Brooksville Comprehensive Plan amendment, the Department's Objections, Recommendations, and Comments Report dated December 11, 2007, and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Brooksville, Department of Community Development, 201 Howell Avenue, Brooksville, Florida. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an internet site to post a copy of the Department's Notice of Intent on the site within 5 days after receipt of the mailed copy of the agency's notice of intent.

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100
Phone: 850-488-8466/SUNCOM 278-8466 Fax: 850-921-0781/SUNCOM 291-0781
Website: www.dca.state.fl.us

COMMUNITY PLANNING
Phone: 850-488-2356/SUNCOM 278-2356
Fax: 850-488-3309/SUNCOM 278-3309

AREAS OF CRITICAL STATE CONCERN FIELD OFFICE
Phone: 305-289-2402
Fax: 305-289-2442

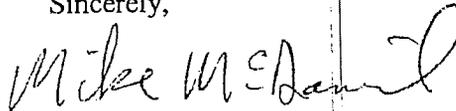
HOUSING AND COMMUNITY DEVELOPMENT
Phone: 850-488-7556/SUNCOM 278-7556
Fax: 850-922-5623/SUNCOM 292-5623

The Honorable David Pugh
March 20, 2008
Page Two

In addition, the Statement of Intent and Notice of Intent will be forwarded along with a petition to the Division of Administrative Hearings for the Scheduling of an administrative hearing pursuant to Section 120.57, F.S. We are interested in meeting with you and your staff at your convenience for the purpose of developing an acceptable solution to this not in compliance finding.

If you have any questions regarding this matter, please contact Brenda Winningham, Regional Planning Administrator, at (850) 922-1800.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, stylized "M" and "D".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/rh

Enclosures: Notice of Intent
Statement of Intent

cc: Mr. Michael Moehlman, Executive Director, Withlacoochee RPC
Mr. Bill Geiger, Community Development Director, City of Brooksville

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE CITY OF BROOKSVILLE
COMPREHENSIVE PLAN AMENDMENT ADOPTED BY
ORDINANCE NO. 752 (AMENDMENT CPA 2007-L1) NOT IN COMPLIANCE
AND THE REMAINING COMPREHENSIVE PLAN AMENDMENTS ADOPTED BY
ORDINANCE NOS 752 AND 753 IN COMPLIANCE.
DOCKET NO. 08-1-NOI-2702-(A)-(N)

The Department gives notice of its intent to find a portion of the Amendment(s) to the Comprehensive Plan for City of Brooksville, adopted by Ordinance No. 752 (Amendment CPA 2007-L1) on February 4, 2008, NOT IN COMPLIANCE, and the remaining amendments adopted by Ordinance No(s). 752 and 753 on February 4, 2008 IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

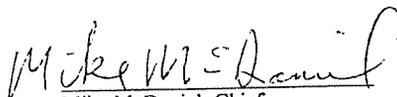
The adopted City of Brooksville Comprehensive Plan Amendment(s), the Department's Objections, Recommendations, and Comments Report (if any), and the Department's Statement of Intent to find the Comprehensive Plan Amendment(s) Not In Compliance will be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Brooksville, City Hall, 201 Howell Avenue, Brooksville, Florida 34601.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment(s) to the City of Brooksville Comprehensive Plan are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, a copy must be mailed or delivered to the local government and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

This Notice of Intent and the Statement of Intent for those amendment(s) found Not In Compliance will be forwarded by petition to the Division of Administrative Hearings (DOAH) of the Department of Management Services for the scheduling of an Administrative Hearing pursuant to Sections 120.569 and 120.57, F.S. The purpose of the administrative hearing will be to present evidence and testimony on the noncompliance issues alleged by the Department in its Objections, Recommendations, and Comments Report and Statement of Intent in order to secure a recommended order for forwarding to the Administration Commission.

Affected persons may petition to intervene in either proceeding referenced above. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. Pursuant to Section 163.3184(10), F.S., no new issues may be alleged as a reason to find a plan amendment not in compliance in a petition to intervene filed more than twenty one (21) days after publication of this notice unless the petitioner establishes good cause for not alleging such new issues within the twenty one (21) day time period. The petition for intervention shall be filed at DOAH, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and a copy mailed or delivered to the local government and the Department. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing pursuant to Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

Administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Mike McDaniel, Chief
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: CITY OF BROOKSVILLE
COMPREHENSIVE PLAN AMENDMENT
08-1; AMENDING THE PUBLIC SCHOOL
FACILITIES ELEMENT, FUTURE LAND
USE ELEMENT AND CAPITAL
IMPROVEMENTS ELEMENT

Docket No. 08-1-NOI-2702-(A)-(N)

STATEMENT OF INTENT TO FIND A PORTION OF
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE

The Florida Department of Community Affairs, pursuant to Section 163.3184(10), Florida Statutes, and Rule 9J-11.012(6), Florida Administrative Code (F.A.C.), hereby issues this Statement of Intent to find the portion of the Comprehensive Plan Amendment 08-1 (“Amendment”) adopted by the City of Brooksville by Ordinance No. 752 on February 4, 2008, Not In Compliance based upon the Objections, Recommendations, and Comments Report (ORC Report) issued by the Department on December 11, 2007, which is hereby incorporated by reference, and based upon the changes the City made to the amendment as adopted. The Department finds that a portion of the Amendment is not “in compliance”, as that term is defined in Section 163.3184(1)(b), Florida Statutes (F.S.), for the following reasons:

I. Public Schools Facilities Element

A. Inconsistent provisions. The inconsistent provisions of the Amendment under this subject heading are as follows:

1. The amendment did not clearly adopt by reference the School District’s current Five-year Work Plan and did not adopt a Five-year Schedule of Capital Improvements for

school-related projects needed to achieve and maintain the adopted level of service standards for schools. The District Facilities Plan and Tentative Five-year Schedule of School Improvements included in the data and analysis do not include a full five-year schedule through Fiscal Year 2011-2012, and the Tentative Five-year Schedule of School Improvements is not financially feasible since it includes an unfunded elementary school for construction in year two of the schedule.

2. The amendment is not supported by relevant and appropriate data and analysis regarding the existing and projected school deficiencies for the short and long-term planning timeframes based on the adopted School Concurrency Service Areas and the adopted level of service standards which are 100 percent of permanent Fish Capacity based on the Core Facilities. The data and analysis did not identify all of the school-related public facilities (level of service related to public facilities) that are necessary to meet the existing public facility deficiencies, the facilities that are necessary to meet future growth for the five-year and long-term planning timeframes, and the facilities that are necessary to replace obsolete or worn-out facilities. The data and analysis did not demonstrate in an updated (2007-2008 to 2011-2012) Five-year Schedule of Capital Improvements which capital projects are needed to replace existing facilities, and which capital projects are needed to meet future demand.

3. The City has not demonstrated that the adopted level of service standard can be achieved within the Five-year Schedule of Improvements for the Concurrency Service Areas. Part of the inability to demonstrate this is related to the 28 Concurrency Service Areas established by the City. A number of these Concurrency Service Areas do not have any schools in them and are not adjacent to Concurrency Service Areas that have schools or have schools only of a specific type (e.g. elementary). For these Areas there is no existing or planned school

capacity and no ability to utilize capacity in adjacent Areas. Therefore, the Plan is not financially feasible since it does not provide for the maintenance and achievement of the adopted level of service standards in these Concurrency Service Areas.

Therefore, the amendments are not consistent with the following requirements:

Rules 9J-5.005(2) and (5), 9J-5.006(2)(c)(c), 9J-5.015(1)(a) and (2), 9J-5.016(4), and 9J-5.025(2) and (3), F.A.C., and Sections 163.3177(2), (3), and (8), 163.3177(12)(c) and (f), and 163.3180 (a) – (e), F.S.

B. Recommended Remedial Actions.

These inconsistencies may be remedied by:

1. Revising Capital Improvements Element Policy 9.01A(9) to clearly incorporate by reference the District Five-year Facilities Plan, including its date of adoption. The Policy should adopt the most up-to-date schedule, which covers the period of Fiscal Years 2007-2008 through 2011-2012. The City should include in the adopted Five-year Schedule of Capital Improvements the improvements that are needed to achieve and maintain the adopted level of service standards for schools in the five-year planning period. The schedule must be supported by relevant and appropriate data and analysis to demonstrate that the schedule is financially feasible. The funding sources for projects in the first three years of the schedule must be committed. The funding sources for projects in years four and five may be planned or committed, but projects with planned funding sources should also identify an alternative funding source.
2. Providing data and analysis which projects the City's population and school impacts for the five-year period based on the Concurrency Service Areas and which demonstrates that the adopted level of services standards will be achieved and maintained in the

Five-year planning timeframe. The data and analysis should address population growth projections for each of the concurrency service areas and identify existing and projected school deficiencies based on the adopted School Concurrency Service Areas and the adopted level of service standard which is 100 percent of permanent FISH Capacity based on Core Facilities. Thus the data should consider the available capacity for all core facilities, such as dining facilities, at the each school. The data and analysis must demonstrate that the City can achieve its adopted level of service standards for schools in the five-year planning timeframe, or alternatively, a ten year planning timeframe if the City adopts a long-term concurrency management system for schools, including a long-term (ten-year) Schedule of Capital Improvements for Schools, into the Comprehensive Plan.

3. Revising the Concurrency Service Areas to provide for a financially feasible plan that demonstrates that the level of service standards can be achieved and maintained in the five-year planning period for each Concurrency Service Area.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent provisions. The Amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Section 187.201, Florida Statutes, including the following provisions:

1. Land Use. The Amendment is inconsistent with the Goal set forth in Section 187.201(15), F.S., and the Policies set forth in Section 187.201(15)(b)1, F.S.

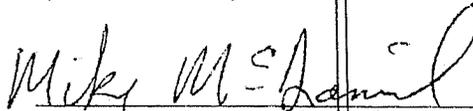
2. Public Facilities. The Amendment is inconsistent with the Goal set forth in Section 187.201(17), F.S., and the Policies set forth in Section 187.201(17)(b)1, 2, 3, 6, 7, and 9, F.S.

B. Recommended remedial action. These inconsistencies may be remedied by revising the Amendment as described above in Section I.

CONCLUSIONS

1. The Amendments identified above are not consistent with the State Comprehensive Plan;
2. The Amendments identified above are not consistent with Chapter 9J-5, F.A.C.;
3. The Amendments identified above are not consistent with the requirements of Chapter 163, Part II, F.S.;
4. The Amendments identified above are not "in compliance," as defined in Section 163.3184(1)(b) F.S.; and,
5. In order to bring the Amendment into compliance, the City may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 20th day of March 2008, at Tallahassee, Florida.



Mike McDaniel, Chief
Office of Comprehensive Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

REMEDIAL ACTIONS
CPA 08-1
STIPULATED SETTLEMENT AGREEMENT
May 16, 2009

Detailed below are the issues identified by the Florida Department of Community Affairs relative to the "Not in Compliance" finding for the City of Brooksville's Comprehensive Plan Amendment, adopted on February 4, 2008, and the City's proposed remedial actions. The format of this document includes a restatement of each of the issues present in the Statement of Intent, followed by proposed remedial actions. The proposed remedial actions are in the form of a readopted comprehensive plan amendment and data and analysis provided in conjunction with the readopted comprehensive plan amendment.

I. Public Schools Facilities Element

A. Inconsistent provisions. The inconsistent provisions of the Amendment under this subject heading are as follows:

- 1. The amendment did not clearly adopt by reference the School District's current Five-year Work Plan and did not adopt a Five-year Schedule of Capital Improvements for school-related projects needed to achieve and maintain the adopted level of service standards for schools. The District Facilities Plan and Tentative Five-year Schedule of School Improvements included in the data and analysis do not include full five-year schedule through Fiscal Year 2012-2013, and the Tentative Five-year Schedule of School Improvements is not financially feasible since it includes an unfunded elementary school for construction in year two of the schedule.*

B. Recommended Remedial Actions.

- 1. Revising Capital Improvements Policy 5.3 to clearly incorporate by reference the District Five-year Facilities Plan, including its date of adoption. The Policy should adopt the most up-to-date schedule, which covers the period of Fiscal Years 2008-2009 through 2012-2013. The City should include in the adopted Five-year Schedule of Capital Improvements the improvements that are needed to achieve and maintain the adopted level of service standards for schools in the five-year planning period. The schedule must be supported by relevant and appropriate data and analysis to demonstrate that the schedule is financially feasible. The funding sources for projects in the first three years of the schedule must be committed. The funding sources for projects in years four and five may be planned or committed, but projects with planned funding sources should also identify an alternative funding source.*

Remedial Action Description:

The City of Brooksville will adopt by reference the School Board's most recent Five-year Work Program for the years 2008-2009 to 2012-2013. The Work Program was adopted by the

Hernando County School Board on March 12, 2009. A copy of the Work Program is attached (Exhibit 1).

The language in Policy 5-3 of the Capital Improvements Element is amended to reflect adoption of the Work Program and is as follows:

Policy 5-3: ~~The current Hernando County School Board Five-Year Work Plan is adopted by reference and is considered a part of the Capital Improvements Element of the City of Brooksville's Comprehensive Plan. This includes the annual update of the School Board Five-Year Work Plan to add a new fifth year to the document.~~ The City of Brooksville hereby adopts by reference the Hernando County School Board Five-year Work Program for FY 2008-2009 to FY 2012-2013, which was adopted on March 12, 2009. The City of Brooksville will adopt by reference each subsequently adopted work program by the Hernando County School Board into the Capital Improvements Element. NOTE: Any project listed as unfunded in the Five Year Work Program will not be considered for determining whether the adopted Level of Service is met in the five years of the work

I. Public Schools Facilities Element

A. Inconsistent provisions. The inconsistent provisions of the Amendment under this subject heading are as follows:

- 2. The amendment is not supported by relevant and appropriate data and analysis regarding the existing and projected school deficiencies for the short and long-term planning time frames based on the adopted School Concurrency Service Area and the adopted level of service standards which are 100 percent of permanent Fish Capacity based on the Core Facilities. The data and analysis did not identify all of the school-related public facilities (level of service related to public facilities) that are necessary to meet the existing public facility deficiencies, the facilities that are necessary to meet future growth for the five-year and long-term planning time frames, and the facilities that are necessary to replace obsolete or worn-out facilities. The data and analysis did not demonstrate in an updated (2008-2009 to 2012-2013) Five-year Schedule of Capital Improvements which capital projects are needed to meet future demand.*

B. Recommended Remedial Actions.

- 2. Providing data and analysis which projects the City's population and school impacts for the five-year period based on the Concurrency Service Areas and which demonstrates that the adopted level of service standards will be achieved and maintained in the Five-year planning time frame. The data and analysis should address population growth projections for each of the concurrency service areas and identify existing and projected school deficiencies based on the School Concurrency Service Areas and the adopted level of service standard which is 100 percent of permanent FISH Capacity based on Core Facilities. Thus the data should consider the available*

capacity for all core facilities, such as dining facilities, at each school. The data and analysis must demonstrate that the City can achieve its adopted level of service standards for schools in the five-year planning time frame, or alternatively, a ten year planning time frame if the City adopts a long-term concurrency management system for schools, including a long-term (ten-year) Schedule of Capital Improvements for Schools, into the Comprehensive Plan.

Remedial Action Description:

Data and analysis is provided in attachments demonstrating that the level of service standard will be achieved in all concurrency service areas by the end of the five-year planning period. Exhibit 2, General Population Estimates, April 1, 2008 through April 1, 2013, provides population projections by CSA for the five year period corresponding to the Hernando County School Board’s Five Year Work Program (Exhibit 1). Exhibit 3 details student population estimates by CSA for each of the academic years from 2008-2009 to 2012-2013. The exhibit addresses, by CSA, permanent student stations, added capacity, dining capacity, school dining capacity for LOS, total permanent capacity, projected enrollment and the percent of utilization of permanent capacity. Exhibit 3 also provides data for 2017-2018 and demonstrates that the level of service will be met in the 10 year time frame.

As indicated in Exhibit 3, redistricting and additional capacity at Explorer K-8 (middle) results in all but one of the elementary schools meeting the LOS standard in the 2008-2009 school year. All middle and high schools will meet the LOS standard, while one of the three magnet schools continues to exceed the standard. With additional capacity at Deltona and Suncoast Elementary Schools in school year 2009-2010, it is projected that none of the elementary schools exceed the LOS standard. All middle schools and all high schools meet the standard. The level of service standard continues to be exceeded by one of the three magnet schools. In school year 2010-2011, the addition of a K-8 facility results in no elementary school exceeding the LOS standard. All middle, high and magnet schools will meet the LOS in 2010-2011. In school years 2011-2012 and 2012-2013, all elementary, middle schools, high schools and magnet schools will meet the level of service standard.

The following table represents what the School District staff currently uses to determine the number of school age children generated by single family, multi-family, and mobile home units for each of the school types. This table represents the best available data for student generation rates.

	STUDENT GENERATION RATES		
	Single Family	Multi-family	Mobile Home
Elementary School	0.16	0.065	0.123
Middle School	0.105	0.02	0.062
High School	0.11	0.05	0.082
Total	0.375	0.135	0.267

Source: Henderson, Young & Company, Hernando County Educational System Impact Fee Study, 2007

I. Public Schools Facilities Element

A. Inconsistent provisions. The inconsistent provisions of the Amendment under this subject heading are as follows:

- 3. The City has not demonstrated that the adopted level or service standard can be achieved within the Five-year Schedule of Improvements for the Concurrency Service Areas. Part of the inability to demonstrate this is related to the 28 Concurrency Service Areas established by the City. A number of these Concurrency Service Areas do not have any schools in them and are not adjacent to Concurrency Service Areas that have schools or have schools only of a specific type (e.g. elementary). For these Areas there is no existing or planned school capacity and no ability to utilize capacity in adjacent Areas. Therefore, the Plan is not financially feasible since it does not provide for the maintenance and achievement of the adopted level of service standards in these Concurrency Service Areas.*

Remedial Action Description:

In conjunction with the Hernando County School Board, a series of maps providing service areas by school attendance zones has been created. The series includes four separate maps to correspond to the High School, Middle School, Elementary School and Magnet School attendance zones. The High School map contains 4 zones, while the Middle School map contains 6 zones, 11 zones are shown on the Elementary School map and one county-wide zone has been created for Magnet Schools. The High School, Middle School and Elementary School maps anticipate a zone for a new school facility in each. In the Element's section regarding Capacity Determination Standards, a new subparagraph is also added to address the bussing of students to contiguous CSAs for capacity purposes. The language limits the distance a student may travel on a bus.

Each CSA zone will contain a school and will provide capacity for each school type for any area within the County, thus allowing the adopted level of service standard to be achieved within the five year period required by Statute.

The following revised Public School Facilities Element policy addresses how the Concurrency Service Area maps will help ensure that the adopted school level of service standard will be achieved in the five year period:

Policy 2-2: CSAs will be based upon the school attendance zones for elementary, middle, high and K-8 schools and the best available data and methodology so that there is school capacity available in each CSA to meet the adopted LOS standard within the five-year period contained in the Florida Statutes.

Revisions to the level of service standard contained in Policy 1-1 of the Public School Facilities Element to clarify the interrelationship between the capacity of an individual school based on the FISH Capacity of Permanent Student Stations and the FISH Capacity for Core Facilities are proposed. The policy defines Core Facilities as permanent cafeteria capacity. An additional

policy is included to address the potential effect of program changes on school capacity (Policy 1-7). Proposed Policy 1-8 provides criteria to determine if available capacity in adjacent CSAs can be utilized. The amended language is as follows:

Policy 1-1: The Level of Service (LOS) standard set forth herein shall be applied consistently by the City and the School Board district-wide to all schools of the same type. The LOS standards to implement school concurrency shall be calculated as a percentage of Florida Inventory of School Houses (“FISH”) as follows:

- (a) Elementary: 100% of permanent Florida Inventory of School Houses (FISH) Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular elementary school (whichever is the greater number will be used for calculating student capacities for LOS).
- (b) Middle: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular middle school (whichever is the greater number will be used for calculating student capacities for LOS).
- (c) High: 100% of permanent FISH Capacity based on the for Permanent Student Stations and 100% of Permanent FISH Capacity for Core Facilities of the particular high school (whichever is the greater number will be used for calculating student capacities for LOS).
- (d) K-8: 100% of permanent FISH Capacity based on the Core Facilities of the particular middle (K-8) school [note: the Florida Department of Education presently treats a K-8 school as a middle school for purposes of FISH]. Magnet schools will maintain the level of service standard for the type of school for which it is constructed, whether an elementary, middle or high school.
- (e) For purposes of this section, Core Facilities shall mean Permanent Cafeteria Capacity based on FISH standards.

Policy 1-7 The level of service standard is also measured to account for programmatic changes which have consistent and measurable capacity impacts including but not limited to double sessions, floating teachers, year-round operations and special education programs. To determine available capacity as a result of programmatic changes, there must be student stations at each grade level for the particular schools in the Concurrency Service Areas (CSA) affected.

Policy 1-8

In order to determine if the available adjacent capacity can be utilized, the following additional criteria shall apply:

- (a) Travel time and distance: School bus route from the school to the site of the proposed development should not exceed 50 minutes;
- (b) Areas established for the purpose of establishing student diversity at schools shall not be used to determine capacity;
- (c) If the boundary is adjacent based on its connection by the Withlacoochee State Forest, it should not be deemed adjacent;
- (d) Where capacity is reserved for a specific academic program, it cannot be claimed in an adjacent concurrency service area.

EXHIBIT 1

INTRODUCTION

The 5-Year District Facilities Work Program is a very important document. The Department of Education, Legislature, Governor's Office, Division of Community Planning (growth management), local governments, and others use the work program information for various needs including funding, planning, and as the authoritative source for school facilities related information.

The district's facilities work program must be a complete, balanced capital outlay plan that is financially feasible. The first year of the work program is the districts capital outlay budget. To determine if the work program is balanced and financially feasible, the "Net Available Revenue" minus the "Funded Projects Costs" should sum to zero for "Remaining Funds".

If the "Remaining Funds" balance is zero, then the plan is both balanced and financially feasible.
 If the "Remaining Funds" balance is negative, then the plan is neither balanced nor feasible.
 If the "Remaining Funds" balance is greater than zero, the plan may be feasible, but it is not balanced.

Summary of revenue/expenditures available for new construction and remodeling projects only.

	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	Five Year Total
Total Revenues	\$169,849,268	\$4,097,499	\$5,691,616	\$7,843,481	\$6,288,471	\$193,770,335
Total Project Costs	\$161,357,557	\$4,097,499	\$5,691,616	\$7,843,481	\$6,288,471	\$185,278,624
Difference (Remaining Funds)	\$8,491,711	\$0	\$0	\$0	\$0	\$8,491,711

District HERNANDO COUNTY SCHOOL DISTRICT

Fiscal Year Range

CERTIFICATION

By submitting this electronic document, we certify that all information provided in this 5-year district facilities work program is accurate, all capital outlay resources are fully reported, and the expenditures planned represent a complete and balanced capital outlay plan for the district. The district Superintendent and Chief Financial Officer have approved the information contained in this 5-year district facilities work program, and they have approved this submission and certify to the Department of Education, Office of Educational Facilities, that the information contained herein is correct and accurate. We understand that any information contained in this 5-year district facilities work program is subject to audit by the Auditor General of the State of Florida.

DISTRICT SUPERINTENDENT Wayne S. Alexander, Ed.D.
CHIEF FINANCIAL OFFICER Desiree Henegar
DISTRICT POINT-OF-CONTACT PERSON Desiree Henegar and Roland Bavota
JOB TITLE CFO and Director of Facilities
PHONE NUMBER 352 797-7004
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Expenditures

Expenditure for Maintenance, Repair and Renovation from 2-Mills and PECO

Annually, prior to the adoption of the district school budget, each school board must prepare a tentative district facilities work program that includes a schedule of major repair and renovation projects necessary to maintain the educational and ancillary facilities of the district.

Item	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
HVAC	\$739,707	\$140,000	\$140,000	\$100,000	\$100,000	\$1,219,707
Locations:	DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, FRANK W SPRINGSTEAD SENIOR HIGH, NATURE COAST TECHNICAL HIGH, PINE GROVE ELEMENTARY, POWELL MIDDLE, WEST HERNANDO MIDDLE					
Flooring	\$278,047	\$200,000	\$200,000	\$100,000	\$100,000	\$878,047
Locations:	BROOKSVILLE ELEMENTARY, CENTRAL SENIOR HIGH, CHOCACHATTI ELEMENTARY, DELORES S PARROTT MIDDLE, DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, FOX CHAPEL MIDDLE, HERNANDO SENIOR HIGH, NATURE COAST TECHNICAL HIGH, PINE GROVE ELEMENTARY, POWELL MIDDLE, SUNCOAST ELEMENTARY, WEST HERNANDO MIDDLE					
Roofing	\$1,341,915	\$0	\$500,000	\$500,000	\$500,000	\$2,841,915
Locations:	CENTRAL SENIOR HIGH, DELTONA ELEMENTARY, DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, HERNANDO SENIOR HIGH, POWELL MIDDLE, TRANSPORTATION 2, WEST HERNANDO MIDDLE, WESTSIDE ELEMENTARY					
Safety to Life	\$440,285	\$113,341	\$100,000	\$100,000	\$100,000	\$853,626
Locations:	CENTRAL SENIOR HIGH, CHOCACHATTI ELEMENTARY, DELORES S PARROTT MIDDLE, DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, FOX CHAPEL MIDDLE, FRANK W SPRINGSTEAD SENIOR HIGH, HERNANDO SENIOR HIGH, NATURE COAST TECHNICAL HIGH, PINE GROVE ELEMENTARY, POWELL MIDDLE, SUNCOAST ELEMENTARY, WEST HERNANDO MIDDLE					
Fencing	\$47,449	\$1,000	\$50,000	\$50,000	\$50,000	\$198,449
Locations:	DISTRICT MAINTENANCE/PLANT OPERATIONS, HERNANDO SENIOR HIGH, PINE GROVE ELEMENTARY					
Parking	\$18,449	\$50,000	\$50,000	\$50,000	\$50,000	\$218,449
Locations:	DELTONA ELEMENTARY, DISTRICT MAINTENANCE/PLANT OPERATIONS					
Electrical	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Fire Alarm	\$68,135	\$50,000	\$50,000	\$27,562	\$30,000	\$225,697
Locations:	DISTRICT MAINTENANCE/PLANT OPERATIONS, FRANK W SPRINGSTEAD SENIOR HIGH, POWELL MIDDLE, SUNCOAST ELEMENTARY, WEST HERNANDO MIDDLE					
Telephone/Intercom System	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Closed Circuit Television	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Paint	\$19,551	\$21,540	\$20,000	\$20,000	\$33,033	\$114,124
Locations:	DISTRICT MAINTENANCE/PLANT OPERATIONS					
Maintenance/Repair	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Sub Total:	\$2,953,538	\$575,881	\$1,110,000	\$947,562	\$963,033	\$6,550,014

PECO Maintenance Expenditures	\$853,454	\$1,024,932	\$1,371,724	\$1,297,562	\$1,293,033	\$5,840,705
Two Mill Sub Total:	\$3,878,659	\$0	\$0	\$0	\$0	\$3,878,659

Other Items	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
Ctywide Asbestos	\$92,165	\$100,000	\$90,000	\$50,000	\$30,000	\$362,165
Locations	DISTRICT MAINTENANCE/PLANT OPERATIONS, FRANK W SPRINGSTEAD SENIOR HIGH					
Indoor Air Quality	\$762,220	\$0	\$100,000	\$200,000	\$100,000	\$1,162,220
Locations	DISTRICT MAINTENANCE/PLANT OPERATIONS, HERNANDO SENIOR HIGH, JOHN D FLOYD ELEMENTARY, MOTON ELEMENTARY, PINE GROVE ELEMENTARY					
Ctywide Building Maintenance	\$866,308	\$349,051	\$71,724	\$100,000	\$100,000	\$1,487,083
Locations	BROOKSVILLE ELEMENTARY, CENTRAL SENIOR HIGH, CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS, CHOCACHATTI ELEMENTARY, DELORES S PARROTT MIDDLE, DELTONA ELEMENTARY, DISTRICT MAINTENANCE/PLANT OPERATIONS, EASTSIDE ELEMENTARY, FOX CHAPEL MIDDLE, FRANK W SPRINGSTEAD SENIOR HIGH, HERNANDO SENIOR HIGH, JOHN D FLOYD ELEMENTARY, MOTON ELEMENTARY, PINE GROVE ELEMENTARY, POWELL MIDDLE, SPRING HILL ELEMENTARY, STAR EDUCATION CENTER, SUNCOAST ELEMENTARY, TRANSPORTATION 2, WESTSIDE ELEMENTARY					
Ctywide Restrooms	\$144	\$0	\$0	\$0	\$50,000	\$50,144
Locations	MOTON ELEMENTARY					
Ctywide Theaters	\$25,500	\$0	\$0	\$0	\$50,000	\$75,500
Locations	FRANK W SPRINGSTEAD SENIOR HIGH					
Technology Wiring	\$32,238	\$0	\$0	\$0	\$0	\$32,238
Locations	HERNANDO ADMINISTRATIVE SUPPORT					
Total:	\$4,732,113	\$1,024,932	\$1,371,724	\$1,297,562	\$1,293,033	\$9,719,364

Local Two Mill Expenditure For Maintenance, Repair and Renovation

Anticipated expenditures expected from local funding sources over the years covered by the current work plan.

Item	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
Remaining Maint and Repair from 1.75 Mills	\$3,878,659	\$0	\$0	\$0	\$0	\$3,878,659
Maintenance/Repair Salaries	\$1,547,501	\$3,250,000	\$3,250,000	\$3,250,000	\$3,250,000	\$14,547,501
School Bus Purchases	\$211,700	\$1,500,000	\$1,522,834	\$1,546,910	\$1,583,996	\$6,365,440
Other Vehicle Purchases	\$0	\$0	\$0	\$0	\$0	\$0
Capital Outlay Equipment	\$1,991,132	\$3,000,000	\$3,045,668	\$2,319,661	\$3,167,993	\$13,524,454
Rent/Lease Payments	\$1,820,392	\$2,024,865	\$2,024,865	\$2,024,865	\$2,024,865	\$9,919,852
COP Debt Service	\$7,831,636	\$7,889,640	\$8,648,333	\$8,358,240	\$8,358,240	\$41,086,089
Rent/Lease Relocatables	\$0	\$0	\$0	\$0	\$0	\$0
Environmental Problems	\$0	\$0	\$0	\$0	\$0	\$0
s.1011.14 Debt Service	\$0	\$0	\$0	\$0	\$0	\$0
Special Facilities Account	\$0	\$0	\$0	\$0	\$0	\$0
Ctywide Safety	\$258,860	\$258,860	\$158,860	\$258,860	\$258,860	\$1,194,300

Ctywide Maintenance	\$400,000	\$0	\$0	\$0	\$0	\$400,000
Roofing	\$449,938	\$400,000	\$450,000	\$505,000	\$400,000	\$2,204,938
HVAC	\$0	\$454,692	\$100,000	\$800,000	\$215,217	\$1,569,909
Flooring	\$40,000	\$0	\$24,774	\$0	\$0	\$64,774
Ctywide ADA/Indoor Air	\$0	\$300,000	\$44,503	\$400,000	\$400,000	\$1,144,503
Land	\$136,683	\$0	\$0	\$0	\$0	\$136,683
Ctywide Fencing	\$29,000	\$0	\$0	\$0	\$0	\$29,000
Telecom	\$392,674	\$100,000	\$100,000	\$100,000	\$100,000	\$792,674
Local Expenditure Totals:	\$18,988,175	\$19,178,057	\$19,369,837	\$19,563,536	\$19,759,171	\$96,858,776

Revenue

2 Mill Revenue Source

Schedule of Estimated Capital Outlay Revenue from each currently approved source which is estimated to be available for expenditures on the projects included in the tentative district facilities work program. All amounts are NET after considering carryover balances, interest earned, new COP's, 1011.14 and 1011.15 loans, etc. Districts cannot use 2-Mill funds for salaries except for those explicitly associated with maintenance/repair projects. (1011.71 (5), F.S.)

Item	Fund	2008 - 2009 Actual Value	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
(1) Non-exempt property assessed valuation		\$11,421,458,627	\$11,535,673,213	\$11,651,029,945	\$11,767,540,245	\$11,885,215,647	\$58,260,917,677
(2) The Millege projected for discretionary capital outlay per s. 1011.71		1.75	1.75	1.75	1.75	1.75	
(3) Full value of the 2-Mill discretionary capital outlay per s. 1011.71		\$18,988,175	\$19,178,057	\$19,369,837	\$19,563,536	\$19,759,171	\$96,858,776
(4) Value of the portion of the 2-Mills ACTUALLY levied	370	\$18,988,175	\$19,178,057	\$19,369,837	\$19,563,536	\$19,759,171	\$96,858,776
(5) Difference of lines (3) and (4)		\$0	\$0	\$0	\$0	\$0	\$0

PECO Revenue Source

The figure in the row designated "PECO Maintenance" will be subtracted from funds available for new construction because PECO maintenance dollars cannot be used for new construction.

Item	Fund	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
PECO New Construction	340	\$3,684,106	\$0	\$830,149	\$2,537,901	\$1,014,495	\$8,066,651
PECO Maintenance Expenditures		\$853,454	\$1,024,932	\$1,371,724	\$1,297,562	\$1,293,033	\$5,840,705
		\$4,537,560	\$1,024,932	\$2,201,873	\$3,835,463	\$2,307,528	\$13,907,356

CO & DS Revenue Source

Revenue from Capital Outlay and Debt Service funds.

Item	Fund	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
CO & DS Cash Flow-through Distributed	360	\$201,499	\$201,499	\$201,499	\$201,499	\$201,499	\$1,007,495
CO & DS Interest on Undistributed CO	360	\$20,557	\$20,557	\$20,557	\$20,557	\$20,557	\$102,785
		\$222,056	\$222,056	\$222,056	\$222,056	\$222,056	\$1,110,280

Fair Share Revenue Source

All legally binding commitments for proportionate fair-share mitigation for impacts on public school facilities must be included in the 5-year district work program.

Nothing reported for this section.

Sales Surtax Referendum

Specific information about any referendum for a 1-cent or ½-cent surtax referendum during the previous year.

Did the school district hold a surtax referendum during the past fiscal year 2007 - 2008? No

Additional Revenue Source

Any additional revenue sources

Item	2008 - 2009 Actual Value	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total
Proceeds from a s. 1011.14/15 F.S. Loans	\$0	\$0	\$0	\$0	\$0	\$0
District Bonds - Voted local bond referendum proceeds per s.9, Art VII State Constitution	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Special Act Bonds	\$0	\$0	\$0	\$0	\$0	\$0
Estimated Revenue from CO & DS Bond Sale	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Voted Capital Improvements millage	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue for Other Capital Projects	\$488,029	\$147,445	\$147,445	\$147,445	\$147,445	\$1,077,809
Proceeds from 1/2 cent sales surtax authorized by school board	\$16,720,656	\$9,726,838	\$10,485,531	\$10,915,438	\$10,915,438	\$58,763,901
Proceeds from local governmental infrastructure sales surtax	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Certificates of Participation (COP's) Sale	\$46,179,461	\$0	\$0	\$0	\$0	\$46,179,461
Classrooms First Bond proceeds amount authorized in FY 1997-98	\$0	\$0	\$0	\$0	\$0	\$0
Classrooms for Kids	\$30,671,335	\$0	\$0	\$0	\$0	\$30,671,335
District Equity Recognition	\$0	\$0	\$0	\$0	\$0	\$0

Federal Grants	\$0	\$0	\$0	\$0	\$0	\$0
Proportionate share mitigation (actual cash revenue only, not in kind donations)	\$0	\$0	\$0	\$0	\$0	\$0
Impact fees received	\$7,039,515	\$109,755	\$109,755	\$109,755	\$109,755	\$7,478,535
Private donations	\$0	\$0	\$0	\$0	\$0	\$0
Grants from local governments or not-for-profit organizations	\$0	\$0	\$0	\$0	\$0	\$0
Interest, Including Profit On Investment	\$2,456,482	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$6,456,482
Revenue from Bonds pledging proceeds from 1 cent or 1/2 cent Sales Surtax	\$47,511,807	\$0	\$0	\$0	\$0	\$47,511,807
Fund Balance Carried Forward	\$33,192,968	\$0	\$0	\$0	\$0	\$33,192,968
Obligated Fund Balance Carried Forward	(\$10,062,698)	\$0	\$0	\$0	\$0	(\$10,062,698)
Special Facilities Account	\$0	-\$0	\$0	\$0	\$0	\$0
One Cent - 1/2 Cent Sales Surtax Debt Service	(\$8,254,449)	(\$7,108,595)	(\$7,103,320)	(\$7,089,114)	(\$7,120,718)	(\$36,676,196)
Subtotal	\$165,943,106	\$3,875,443	\$4,639,411	\$5,083,524	\$5,051,920	\$184,593,404

Total Revenue Summary

Item Name	2008 - 2009 Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Five Year Total
Local 1.75 Mill Discretionary Capital Outlay Revenue	\$18,988,175	\$19,178,057	\$19,369,837	\$19,563,536	\$19,759,171	\$96,858,776
PECO and 1.75 Mill Maint and Other 1.75 Mill Expenditures	(\$18,988,175)	(\$19,178,057)	(\$19,369,837)	(\$19,563,536)	(\$19,759,171)	(\$96,858,776)
PECO Maintenance Revenue	\$853,454	\$1,024,932	\$1,371,724	\$1,297,562	\$1,293,033	\$5,840,705
<i>Available 2 Mill for New Construction</i>	\$0	\$0	\$0	\$0	\$0	\$0

Item Name	2008 - 2009 Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Five Year Total
CO & DS Revenue	\$222,056	\$222,056	\$222,056	\$222,056	\$222,056	\$1,110,280
PECO New Construction Revenue	\$3,684,106	\$0	\$830,149	\$2,537,901	\$1,014,495	\$8,066,651
Other/Additional Revenue	\$165,943,106	\$3,875,443	\$4,639,411	\$5,083,524	\$5,051,920	\$184,593,404
Total Additional Revenue	\$169,849,268	\$4,097,499	\$5,691,616	\$7,843,481	\$6,288,471	\$193,770,335
Total Available Revenue	\$169,849,268	\$4,097,499	\$5,691,616	\$7,843,481	\$6,288,471	\$193,770,335

Project Schedules

Capacity Project Schedules

A schedule of capital outlay projects necessary to ensure the availability of satisfactory classrooms for the projected student enrollment in K-12 programs.

Project Description	Location		2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	Total	Funded
roll forward prior yr (formerly Elementary "J") opened 8/08	EXPLORER K-8	Planned Cost:	\$5,498,762	\$0	\$0	\$0	\$0	\$5,498,762	Yes
		Student Stations:	2,103	0	0	0	0	2,103	
		Total Classrooms:	97	0	0	0	0	97	
		Gross Sq Ft:	273,355	0	0	0	0	273,355	
roll forward project prior year Classroom Additions/Cafeteria	HERNANDO SENIOR HIGH	Planned Cost:	\$3,905,415	\$0	\$0	\$0	\$0	\$3,905,415	Yes
		Student Stations:	200	0	0	0	0	200	
		Total Classrooms:	8	0	0	0	0	8	
		Gross Sq Ft:	17,791	0	0	0	0	17,791	
roll forward prj p/y Classroom Addition and other improvements	FRANK W SPRINGSTEAD SENIOR HIGH	Planned Cost:	\$2,458,008	\$0	\$0	\$0	\$0	\$2,458,008	Yes
		Student Stations:	400	0	0	0	0	400	
		Total Classrooms:	16	0	0	0	0	16	
		Gross Sq Ft:	1	0	0	0	0	1	
roll forward project prior yr - Add 9th Grade Center	CENTRAL SENIOR HIGH	Planned Cost:	\$710,666	\$0	\$0	\$0	\$0	\$710,666	Yes
		Student Stations:	700	0	0	0	0	700	
		Total Classrooms:	27	0	0	0	0	27	
		Gross Sq Ft:	44,914	0	0	0	0	44,914	
Phase I Master Plan	PINE GROVE ELEMENTARY	Planned Cost:	\$9,030,184	\$0	\$0	\$0	\$0	\$9,030,184	Yes
		Student Stations:	432	0	0	0	0	432	
		Total Classrooms:	23	0	0	0	0	23	
		Gross Sq Ft:	23,520	0	0	0	0	23,520	
Phase I Master Plan	JOHN D FLOYD ELEMENTARY	Planned Cost:	\$9,027,556	\$0	\$0	\$0	\$0	\$9,027,556	Yes
		Student Stations:	507	0	0	0	0	507	
		Total Classrooms:	23	0	0	0	0	23	

	Gross Sq Ft:		30,347	0	0	0	0	30,347	
roll forward project prior yr - Classrooms/Cafeteria	SPRING HILL ELEMENTARY	Planned Cost:	\$158,240	\$0	\$0	\$0	\$0	\$158,240	Yes
	Student Stations:		216	0	0	0	0	216	
	Total Classrooms:		12	0	0	0	0	12	
	Gross Sq Ft:		26,829	0	0	0	0	26,829	
roll forward project prior yrs - Classroom Addition	POWELL MIDDLE	Planned Cost:	\$22,429	\$0	\$0	\$0	\$0	\$22,429	Yes
	Student Stations:		220	0	0	0	0	220	
	Total Classrooms:		10	0	0	0	0	10	
	Gross Sq Ft:		15,210	0	0	0	0	15,210	
New High School "EEE"	Location not specified	Planned Cost:	\$57,504,257	\$0	\$0	\$0	\$0	\$57,504,257	Yes
	Student Stations:		0	0	1,609	0	0	1,609	
	Total Classrooms:		0	0	62	0	0	62	
	Gross Sq Ft:		0	0	204,196	0	0	204,196	
New Elementary/High School I-75 PDD	Location not specified	Planned Cost:	\$1,449,942	\$0	\$1,490,665	\$3,523,681	\$2,011,026	\$8,475,314	Yes
	Student Stations:		0	0	0	0	1,558	1,558	
	Total Classrooms:		0	0	0	0	90	90	
	Gross Sq Ft:		0	0	0	0	260,803	260,803	
K-8 Elementary K---- at US 19 on same site as High School EEE	Location not specified	Planned Cost:	\$34,905,510	\$0	\$0	\$0	\$0	\$34,905,510	Yes
	Student Stations:		0	0	0	1,412	0	1,412	
	Total Classrooms:		0	0	0	64	0	64	
	Gross Sq Ft:		0	0	0	142,866	0	142,866	
Purchase Portables/Upgrade and prin/int exist portables	Location not specified	Planned Cost:	\$1,606,932	\$1,000,000	\$1,018,506	\$1,037,355	\$1,056,553	\$5,719,346	Yes
	Student Stations:		1	1	1	1	1	5	
	Total Classrooms:		0	0	0	0	0	0	
	Gross Sq Ft:		1	1	1	1	1	5	

roll forward project prior year - Building Addition	NATURE COAST TECHNICAL HIGH	Planned Cost:	\$54,823	\$0	\$0	\$0	\$0	\$54,823	Yes
		Student Stations:	226	0	0	0	0	226	
		Total Classrooms:	9	0	0	0	0	9	
		Gross Sq Ft:	15,924	0	0	0	0	15,924	
Master Plan	DELTONA ELEMENTARY	Planned Cost:	\$8,608,822	\$0	\$0	\$0	\$0	\$8,608,822	Yes
		Student Stations:	0	0	500	0	0	500	
		Total Classrooms:	0	0	27	0	0	27	
		Gross Sq Ft:	0	0	25,500	0	0	25,500	
Master Plan	WESTSIDE ELEMENTARY	Planned Cost:	\$9,039,068	\$0	\$0	\$0	\$0	\$9,039,068	Yes
		Student Stations:	0	0	0	0	500	500	
		Total Classrooms:	0	0	0	0	27	27	
		Gross Sq Ft:	0	0	0	0	25,500	25,500	
Master Plan	SUNCOAST ELEMENTARY	Planned Cost:	\$9,186,049	\$0	\$0	\$0	\$0	\$9,186,049	Yes
		Student Stations:	0	0	500	0	0	500	
		Total Classrooms:	0	0	27	0	0	27	
		Gross Sq Ft:	0	0	25,500	0	0	25,500	

Planned Cost:	\$153,166,663	\$1,000,000	\$2,509,171	\$4,561,036	\$3,067,579	\$164,304,449
Student Stations:	5,005	1	2,610	1,413	2,059	11,088
Total Classrooms:	225	0	116	64	117	522
Gross Sq Ft:	447,892	1	255,197	142,867	286,304	1,132,261

Other Project Schedules

Major renovations, remodeling, and additions of capital outlay projects that do not add capacity to schools.

Project Description	Location	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total	Funded
Land	Location not specified	\$3,224,535	\$3,015,054	\$3,100,000	\$3,200,000	\$3,138,447	\$15,678,036	Yes
Gulf Coast Academy Charter School - Capital Outlay	Location not specified	\$82,445	\$82,445	\$82,445	\$82,445	\$82,445	\$412,225	Yes
Curb stops	CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS	\$6,810	\$0	\$0	\$0	\$0	\$6,810	Yes

Restrooms/Consession	FRANK W SPRINGSTEAD SENIOR HIGH	\$298,508	\$0	\$0	\$0	\$0	\$298,508	Yes
Bus Access	JOHN D FLOYD ELEMENTARY	\$4,498	\$0	\$0	\$0	\$0	\$4,498	Yes
Walkway covers Various Schools	Location not specified	\$387,366	\$0	\$0	\$0	\$0	\$387,366	Yes
Auxillary Fuel Tank	TRANSPORTATION 2	\$27,137	\$0	\$0	\$0	\$0	\$27,137	Yes
County Office Renovations	HERNANDO ADMINISTRATIVE SUPPORT	\$42,500	\$0	\$0	\$0	\$0	\$42,500	Yes
Additional Parking	SPRING HILL ELEMENTARY	\$30,000	\$0	\$0	\$0	\$0	\$30,000	Yes
Parent Pickup	DELTONA ELEMENTARY	\$77,436	\$0	\$0	\$0	\$0	\$77,436	Yes
Countwide Paving	HERNANDO SENIOR HIGH	\$50,000	\$0	\$0	\$0	\$0	\$50,000	Yes
Countywide Paving	DISTRICT MAINTENANCE/PLANT OPERATIONS	\$81,000	\$0	\$0	\$0	\$0	\$81,000	Yes
Capital Outlay Equipment	Location not specified	\$3,878,659	\$0	\$0	\$0	\$0	\$3,878,659	Yes
		\$8,190,894	\$3,097,499	\$3,182,445	\$3,282,445	\$3,220,892	\$20,974,175	

Additional Project Schedules

Any projects that are not identified in the last approved educational plant survey.

Project Description	Location	Num Classrooms	2008 - 2009 Actual Budget	2009 - 2010 Projected	2010 - 2011 Projected	2011 - 2012 Projected	2012 - 2013 Projected	Total	Funded
Phase II Master Plan	JOHN D FLOYD ELEMENTARY	0	\$1	\$0	\$0	\$0	\$0	\$1	No
Phase II Master Plan	PINE GROVE ELEMENTARY	0	\$1	\$0	\$0	\$0	\$0	\$1	No
Phase II Master Plan	WESTSIDE ELEMENTARY	0	\$1	\$0	\$0	\$0	\$0	\$1	No
Phase II Master Plan	SUNCOAST ELEMENTARY	0	\$1	\$0	\$0	\$0	\$0	\$1	No
Classroom Expansion	HERNANDO SENIOR HIGH	0	\$1	\$0	\$0	\$0	\$0	\$1	No
		0	\$5	\$0	\$0	\$0	\$0	\$5	

Non Funded Growth Management Project Schedules

Schedule indicating which projects, due to planned development, that CANNOT be funded from current revenues projected over the next five years.

Nothing reported for this section.

Tracking

Capacity Tracking

Location	2008 - 2009 Satis. Stu. Sta.	Actual 2008 - 2009 FISH Capacity	Actual 2007 - 2008 COFTE	# Class Rooms	Actual Average 2008 - 2009 Class Size	Actual 2008 - 2009 Utilization	New Stu. Capacity	New Rooms to be Added/Removed	Projected 2012 - 2013 COFTE	Projected 2012 - 2013 Utilization	Projected 2012 - 2013 Class Size
HERNANDO SENIOR HIGH	1,878	1,784	1,424	78	18	80.00 %	190	8	1,487	75.00 %	17
BROOKSVILLE ELEMENTARY	941	941	774	50	15	82.00 %	0	0	840	89.00 %	17
STAR EDUCATION CENTER	141	141	78	13	6	55.00 %	0	0	79	56.00 %	6
WESTSIDE ELEMENTARY	1,032	1,032	954	56	17	92.00 %	0	0	797	77.00 %	14
EASTSIDE ELEMENTARY	754	754	659	41	16	87.00 %	0	0	659	87.00 %	16
FRANK W SPRINGSTEAD SENIOR HIGH	2,527	2,401	2,015	98	21	84.00 %	380	16	2,079	75.00 %	18
FOX CHAPEL MIDDLE	1,298	1,168	956	56	17	82.00 %	0	0	1,038	89.00 %	19
SPRING HILL ELEMENTARY	1,345	1,345	1,013	70	14	75.00 %	216	12	696	45.00 %	8
POWELL MIDDLE	1,199	1,079	1,238	51	24	115.00 %	198	10	1,096	86.00 %	18
JOHN D FLOYD ELEMENTARY	1,508	1,357	1,612	74	22	119.00 %	456	23	1,750	97.00 %	18
DELORES S PARROTT MIDDLE	1,187	1,068	823	53	16	77.00 %	0	0	893	84.00 %	17
CENTRAL SENIOR HIGH	2,434	2,312	1,988	102	19	86.00 %	665	27	2,052	69.00 %	16
PINE GROVE ELEMENTARY	1,252	1,252	1,355	65	21	108.00 %	432	23	1,216	72.00 %	14
WEST HERNANDO MIDDLE	1,494	1,345	1,112	66	17	83.00 %	0	0	1,122	83.00 %	17
DELTONA ELEMENTARY	1,156	1,156	973	61	16	84.00 %	500	27	1,056	64.00 %	12
MOTON ELEMENTARY	808	808	764	47	16	95.00 %	0	0	829	103.00 %	18
SUNCOAST ELEMENTARY	1,006	1,006	934	53	18	93.00 %	500	27	972	65.00 %	12
CHOCACHATTI ELEMENTARY	963	963	924	49	19	96.00 %	0	0	924	96.00 %	19
NATURE COAST TECHNICAL HIGH	1,368	1,231	1,418	58	24	115.00 %	203	9	1,418	99.00 %	21
CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS	1,732	1,559	1,469	79	19	94.00 %	0	0	1,469	94.00 %	19
DAWN CENTER	0	0	0	0	0	0.00 %	0	0	0	0.00 %	0

EXPLORER K-8	2,103	0	0	97	0	0.00 %	0	0	2,000	0.00 %	21
	28,126	24,702	22,482	1,317	17	91.01 %	3,740	182	24,472	86.04 %	16

The COFTE Projected Total (24,472) for 2012 - 2013 must match the Official Forecasted COFTE Total (24,472) for 2012 - 2013 before this section can be completed. In the event that the COFTE Projected Total does not match the Official forecasted COFTE, then the Balanced Projected COFTE Table should be used to balance COFTE.

Projected COFTE for 2012 - 2013	
Elementary (PK-3)	7,915
Middle (4-8)	9,442
High (9-12)	7,115
	24,472

Grade Level Type	Balanced Projected COFTE for 2012 - 2013
Elementary (PK-3)	0
Middle (4-8)	0
High (9-12)	0
	24,472

Relocatable Replacement

Number of relocatable classrooms clearly identified and scheduled for replacement in the school board adopted financially feasible 5-year district work program.

Location	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	Year 5 Total
Total Relocatable Replacements:	0	0	0	0	0	0

Charter Schools Tracking

Information regarding the use of charter schools.

Location-Type	# Relocatable units or permanent classrooms	Owner	Year Started or Scheduled	Student Stations	Students Enrolled	Years in Contract	Total Charter Students projected for 2012 - 2013
Gulf Coast Academy	5	LEASE RENT	2003	120	108	15	120
	5			120	108		120

Special Purpose Classrooms Tracking

The number of classrooms that will be used for certain special purposes in the current year, by facility and type of classroom, that the district will, 1), not use for educational purposes, and 2), the co-teaching classrooms that are not open plan classrooms and will be used for educational purposes.

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
Total Educational Classrooms:		0	0	0	0	0	0

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
Total Co-Teaching Classrooms:		0	0	0	0	0	0

Infrastructure Tracking

Necessary offsite infrastructure requirements resulting from expansions or new schools. This section should include infrastructure information related to capacity project schedules and other project schedules (Section 4).

Not Specified

Proposed location of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. Provisions of 1013.33(12), (13) and (14) and 1013.36 must be addressed for new facilities planned within the 1st three years of the plan (Section 5).

Not Specified

Consistent with Comp Plan? No

Net New Classrooms

The number of classrooms, by grade level and type of construction, that were added during the last fiscal year.

List the net new classrooms added in the 2007 - 2008 fiscal year.					List the net new classrooms to be added in the 2008 - 2009 fiscal year.			
"Classrooms" is defined as capacity carrying classrooms that are added to increase capacity to enable the district to meet the Class Size Amendment.					Totals for fiscal year 2008 - 2009 should match totals in Section 15A.			
Location	2007 - 2008 # Permanent	2007 - 2008 # Modular	2007 - 2008 # Relocatable	2007 - 2008 Total	2008 - 2009 # Permanent	2008 - 2009 # Modular	2008 - 2009 # Relocatable	2008 - 2009 Total
Elementary (PK-3)	0	0	0	0	107	0	0	107
Middle (4-8)	0	0	0	0	58	0	0	58
High (9-12)	0	0	0	0	60	0	0	60
	0	0	0	0	225	0	0	225

Relocatable Student Stations

Number of students that will be educated in relocatable units, by school, in the current year, and the projected number of students for each of the years in the workplan.

Site	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	5 Year Average
BROOKSVILLE ELEMENTARY	190	0	0	0	0	38
STAR EDUCATION CENTER	45	0	0	0	0	9
WESTSIDE ELEMENTARY	458	0	0	0	0	92
EASTSIDE ELEMENTARY	18	0	0	0	0	4
HERNANDO SENIOR HIGH	230	0	0	0	0	46
SUNCOAST ELEMENTARY	262	0	0	0	0	52
CHOCACHATTI ELEMENTARY	226	0	0	0	0	45
NATURE COAST TECHNICAL HIGH	0	0	0	0	0	0

DELTONA ELEMENTARY	413	0	0	0	0	83
MOTON ELEMENTARY	118	0	0	0	0	24
POWELL MIDDLE	0	0	0	0	0	0
JOHN D FLOYD ELEMENTARY	794	0	0	0	0	159
DELORES S PARROTT MIDDLE	57	0	0	0	0	11
CENTRAL SENIOR HIGH	150	0	0	0	0	30
PINE GROVE ELEMENTARY	564	0	0	0	0	113
WEST HERNANDO MIDDLE	220	0	0	0	0	44
EXPLORER K-8	0	0	0	0	0	0
CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS	0	0	0	0	0	0
FRANK W SPRINGSTEAD SENIOR HIGH	820	0	0	0	0	164
FOX CHAPEL MIDDLE	220	0	0	0	0	44
SPRING HILL ELEMENTARY	541	0	0	0	0	108
DAWN CENTER	0	0	0	0	0	0

Totals for HERNANDO COUNTY SCHOOL DISTRICT						
Total students in relocatables by year.	5,326	0	0	0	0	1,065
Total number of COFTE students projected by year.	22,831	23,174	23,527	23,899	24,472	23,581
Percent in relocatables by year.	23 %	0 %	0 %	0 %	0 %	5 %

Leased Facilities Tracking

Existing leased facilities and plans for the acquisition of leased facilities, including the number of classrooms and student stations, as reported in the educational plant survey, that are planned in that location at the end of the five year workplan.

Location	# of Leased Classrooms 2008 - 2009	FISH Student Stations	Owner	# of Leased Classrooms 2012 - 2013	FISH Student Stations
BROOKSVILLE ELEMENTARY	0	0		0	0
STAR EDUCATION CENTER	2	20		0	0
WESTSIDE ELEMENTARY	2	40		0	0
EASTSIDE ELEMENTARY	0	0		0	0
HERNANDO SENIOR HIGH	4	80		0	0
JOHN D FLOYD ELEMENTARY	0	0		0	0
DELORES S PARROTT MIDDLE	3	57		0	0
CENTRAL SENIOR HIGH	0	0		0	0
WEST HERNANDO MIDDLE	1	22		0	0
FRANK W SPRINGSTEAD SENIOR HIGH	10	350		0	0
FOX CHAPEL MIDDLE	0	0		0	0

SPRING HILL ELEMENTARY	0	0		0	0
POWELL MIDDLE	0	0		0	0
PINE GROVE ELEMENTARY	0	0		0	0
DELTONA ELEMENTARY	0	0		0	0
MOTON ELEMENTARY	0	0		0	0
SUNCOAST ELEMENTARY	0	0		0	0
CHOCACHATTI ELEMENTARY	0	0		0	0
NATURE COAST TECHNICAL HIGH	0	0		0	0
CHALLENGER K-8 SCHOOL OF SCIENCE AND MATHEMATICS	0	0		0	0
DAWN CENTER	0	0		0	0
EXPLORER K-8	0	0		0	0
	22	569		0	0

Failed Standard Relocatable Tracking

Relocatable units currently reported by school, from FISH, and the number of relocatable units identified as 'Failed Standards'.

Nothing reported for this section.

Planning

Class Size Reduction Planning

Plans approved by the school board that reduce the need for permanent student stations such as acceptable school capacity levels, redistricting, busing, year-round schools, charter schools, magnet schools, public-private partnerships, multitrack scheduling, grade level organization, block scheduling, or other alternatives.

Established CSA's and Level Of Service that meets the Public School Facilities Element which provides 100% permanent FISH capacity as approved by the DCA.

School Closure Planning

Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

None

Long Range Planning

Ten-Year Maintenance

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 6-10 beyond the projects plans detailed in the five years covered by the work plan.

Nothing reported for this section.

Ten-Year Capacity

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs for the future 5 years beyond the 5-year district facilities work program.

Project	Location, Community, Quadrant or other general location	2012 - 2013 / 2017 - 2018 Projected Cost
New PK-8 School L	Eastside of County	\$1,000,000
New PK-8 School M	Westside of County	\$1,000,000
		\$2,000,000

Ten-Year Planned Utilization

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

Grade Level Projections	FISH Student Stations	Actual 2007 - 2008 FISH Capacity	Actual 2007 - 2008 COFTE	Actual 2007 - 2008 Utilization	Actual 2008 - 2009 / 2017 - 2018 new Student Capacity to be added/removed	Projected 2017 - 2018 COFTE	Projected 2017 - 2018 Utilization
Elementary - District Totals	9,337	9,337	8,349.26	89.42 %	2,108	14,078	123.01 %
Middle - District Totals	5,254	4,728	4,128.97	87.33 %	1,936	6,263	93.98 %
High - District Totals	13,013	12,200	9,925.90	81.36 %	2,095	7,425	51.94 %
Other - ESE, etc	2,244	141	77.75	55.32 %	0	0	0.00 %
	29,848	26,406	22,481.88	85.14 %	6,139	27,766	85.32 %

Ten-Year Infrastructure Planning

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in 06 thru 10 out years (Section 28).

Nothing reported for this section.

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 06 thru 10 out years (Section 29).

Nothing reported for this section.

Twenty-Year Maintenance

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 11-20 beyond the projects plans detailed in the five years covered by the work plan.

Nothing reported for this section.

Twenty-Year Capacity

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs for the future 11-20 years beyond the 5-year district facilities work program.

Project	Location, Community, Quadrant or other general location	2017 - 2018 / 2027 - 2028 Projected Cost
New High School	McKeithen Road	\$1,000,000
New K-8	McKeithen Road	\$1,000,000
		\$2,000,000

Twenty-Year Planned Utilization

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

Grade Level Projections	FISH Student Stations	Actual 2007 - 2008 FISH Capacity	Actual 2007 - 2008 COFTE	Actual 2007 - 2008 Utilization	Actual 2008 - 2009 / 2027 - 2028 new Student Capacity to be added/removed	Projected 2027 - 2028 COFTE	Projected 2027 - 2028 Utilization
Elementary - District Totals	9,337	9,337	8,349.26	89.42 %	12,880	20,571	92.59 %
Middle - District Totals	5,254	4,728	4,128.97	87.33 %	8,099	9,168	71.47 %
High - District Totals	13,013	12,200	9,925.90	81.36 %	13,200	10,496	41.32 %
Other - ESE, etc	2,244	141	77.75	55.32 %	0	110	78.01 %
	29,848	26,406	22,481.88	85.14 %	34,179	40,345	66.59 %

Twenty-Year Infrastructure Planning

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in 11 thru 20 out years (Section 28).

New transportation and fuel depot for East side of County at I 75&50 corridor.

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 11 thru 20 out years (Section 29).

No plans for closure of any schools in the district in years 11-20

EXHIBIT 2

ELEMENTARY SCHOOL	2008-09							% UTILIZATION PERMANENT CAPACITY
	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT		
CSA								
BROOKSVILLE	751	0	751	560	751	725	97%	
DELTONA	743	0	743	520	743	740	100%	
EASTSIDE	736	0	736	680	736	735	100%	
EXPLORER K-8 (Elementary)	947	947	947	445	947	900	95%	
FLOYD	626	456	1082	910	1082	1008	93%	
MOTON	672	0	672	1160	1160	1100	95%	
PINE GROVE	688	432	1120	890	1120	1105	99%	
SPRINGHILL	588	216	804	700	804	754	94%	
SUNCOAST	744	0	744	760	760	740	97%	
WESTSIDE	574	0	574	580	580	570	98%	
	7069	2051	8173	7205	8683	8377		
MIDDLE SCHOOL								
	2008-09							
CSA								
FOX CHAPEL	970	0	970	1000	1000	900	90%	
PARROTT	1017	0	1017	1700	1700	944	56%	
POWELL	881	198	1079	1150	1150	1092	95%	
WEST HERNANDO	1146	0	1146	1790	1790	1044	58%	
EXPLORER K-8 (Middle)	946	946	946	445	946	900	95%	
	4960	1144	5158	6085	6586	4880		

HIGH SCHOOL	2008-09	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY	
CSA									
HERNANDO	1570	190	1760	1990	1990	1990	1417	71%	
SPRINGSTEAD	1290	380	1670	1960	1960	1960	2107	108%	
CENTRAL	1504	665	2169	1720	2169	2169	2027	93%	
	4364	1235	5599	5670	6119	6119	5551		
MAGNET SCHOOLS	2008-09								
CSA									
CHALLENGER K-8 (Elementary)	779	0	779	770	779	779	775	99%	
CHALLENGER K-8 (Middle)	779	0	779	770	779	779	775	99%	
CHOCACHATTI	737	0	737	800	800	800	900	113%	
NATURE COAST	1028	203	1231	1520	1520	1520	1360	89%	
	3323		3526	3860	3878	3878	3810		
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS									
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM									
TOTAL ENROLLMENTS									
							8377		
							4880		
							5551		
							3810		
							22652		
							22618		
									-34

ELEMENTARY SCHOOL		2009-10											
		PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED PERMANENT ENROLLMENT			% UTILIZATION PERMANENT CAPACITY			
CSA													
	BROOKSVILLE	751	0	751	560	751	732			97%			
	DELTONA	743	0	743	520	743	1000			135%			
	EASTSIDE	736	0	736	680	736	648			88%			
	EXPLORER K-8 (Elementary)	947	0	947	445	947	950			100%			
	FLOYD	1082	0	1082	910	1082	1080			100%			
	MOTON	672	0	672	1160	1160	1075			93%			
	PINE GROVE	1120	0	1120	890	1120	1120			100%			
	SPRINGHILL	804	0	804	700	804	800			100%			
	SUNCOAST	744	0	744	760	760	1000			132%			
	WESTSIDE	574	0	574	580	580	650			112%			
		8173	0	8173	7205	8683	9055						
MIDDLE SCHOOL		2009-10											
		PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED PERMANENT ENROLLMENT			% UTILIZATION PERMANENT CAPACITY			
CSA													
	FOX CHAPEL	970	0	970	1000	1000	920			92%			
	PARROTT	1017	0	1017	1700	1700	992			58%			
	POWELL	1079	0	1079	1150	1150	1035			90%			
	WEST HERNANDO	1146	0	1146	1790	1790	1083			61%			
	EXPLORER K-8 (Middle)	946	0	946	445	946	900			95%			
		5158	0	5158	6085	6586	4930						

HIGH SCHOOL	2009-10	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CSA								
HERNANDO	1760	0	1760	1990	1990	1990	1431	72%
SPRINGSTEAD	1670	0	1670	1960	1960	1960	2115	108%
CENTRAL	2169	0	2169	1720	1720	2169	2047	94%
	5599	0	5599	5670	5670	6119	5593	
MAGNET SCHOOLS	2009-10							
CSA								
CHALLENGER K-8 (Elementary)	779	0	779	770	770	779	731	94%
CHALLENGER K-8 (Middle)	779	0	779	770	770	779	731	94%
CHOCACHATTI K-5	737	0	737	800	800	800	890	111%
NATURE COAST TECH HIGH	1231	0	1231	1520	1520	1520	1370	90%
	3526		3526	3860	3860	3878	3722	
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS								
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM								
							9055	
							4930	
							5593	
						COFTE 2009/10	3722	
						22983	23300	317

ELEMENTARY SCHOOL	2010-11				PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY	ADDED CAPACITY					
CSA									
BROOKSVILLE	751	0	751	560	751	751	740	99%	
DELTONA	743	500	1243	520	1243	1243	1243	100%	
EASTSIDE	736	0	736	680	736	736	736	100%	
EXPLORER K-8 (Elementary)	947	0	947	445	947	947	944	100%	
FLOYD	1082	0	1082	910	1082	1082	1082	100%	
MOTON	672	0	672	1160	1160	1160	1160	100%	
PINE GROVE	1120	0	1120	890	1120	1120	1120	100%	
SPRINGHILL	804	0	804	700	804	804	804	100%	
SUNCOAST	744	500	1244	760	1244	1244	1135	91%	
WESTSIDE	574	0	574	580	580	580	580	100%	
	8173	1000	9173	7205	9667	9667	9544		
MIDDLE SCHOOL	2010-11								
CSA									
FOX CHAPEL	970	0	970	1000	1000	1000	970	97%	
PARROTT	1017	0	1017	1700	1700	1700	1017	60%	
POWELL	1079	0	1079	1150	1150	1150	900	78%	
WEST HERNANDO	1146	0	1146	1790	1790	1790	1187	66%	
EXPLORER K-8 (Middle)	946	0	946	445	946	946	946	100%	
	5158	0	5158	6085	6586	6586	5020		

HIGH SCHOOL	2011-2012					PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA					
CSA										
HERNANDO	1760	0	1760	1990	1990	1459	73%			
HIGH SCHOOL EEE	1529	0	1529	1250	1304	85%				
SPRINGSTEAD	1670	0	1670	1960	1748	89%				
CENTRAL	2169	0	2169	1720	1798	83%				
	7128	0	7128	6920	6309					
MAGNET SCHOOLS	2011-2012									
CSA										
	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY			
CHALLENGER K-8 (Elementary)	779	0	779	770	779	731	94%			
CHALLENGER K-8 (Middle)	779	0	779	770	779	731	94%			
COCACHATTI K-5	737	0	737	800	800	700	88%			
NATURE COAST TECH HIGH	1231	0	1231	1520	1520	1275	84%			
	3526	0	3526	3860	3878	3437				
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS										
						9516				
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM						5108				
						6309				
					COFTE 2011/12	3437				
					23697	24370	673			

ELEMENTARY SCHOOL	2012-2013	PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILLA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CSA								
BROOKSVILLE	751	0	751	560	751	747	99%	
DELTONA	1243	0	1243	520	1243	1031	83%	
EASTSIDE	736	0	736	680	736	661	90%	
EXPLORER K-8 (Elementary)	947	0	947	445	947	875	92%	
FLOYD	1802	0	1802	910	1802	1300	72%	
MOTON	672	0	672	1160	1160	1135	98%	
NEW K-8 (Elementary) "K"	636	0	636	770	770	500	65%	
PINE GROVE	1120	0	1120	890	1120	1120	100%	
SPRINGHILL	804	0	804	700	804	770	96%	
SUNCOAST	1244	0	1244	760	1244	800	64%	
WESTSIDE	574	500	1074	580	1074	630	59%	
	10529	500	11029	7975	11651	9569		
MIDDLE SCHOOL	2012-2013							
CSA								
FOX CHAPEL	970	0	970	1000	1000	840	84%	
PARROTT	1017	0	1017	1700	1700	983	58%	
POWELL	1079	0	1079	1150	1150	1035	90%	
WEST HERNANDO	1146	0	1146	1790	1790	1032	58%	
EXPLORER K-8 (Middle)	946	0	946	445	946	875	92%	
NEW K-8 (Middle)	635	0	635	770	770	500	65%	
	5793	0	5793	6855	7356	5265		

HIGH SCHOOL	2012-2013	PERMANENT CAPACITY	ADD CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CSA								
HERNANDO	1760	0	1760	1990	1990	1990	1459	73%
HIGH SCHOOL EEE	1529	0	1529	1250	1250	1529	1303	85%
SPRINGSTEAD	1670	0	1670	1960	1960	1960	1848	94%
CENTRAL	2169	0	2169	1720	1720	2169	2049	94%
	7128	0	7128	6920	6920	7648	6659	
MAGNET SCHOOLS	2012-2013							
CSA								
		PERMANENT CAPACITY	ADD CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
CHALLENGER K-8 (Elementary)	779	0	779	770	770	779	731	94%
CHALLENGER K-8 (Middle)	779	0	779	770	770	779	731	94%
COCACHATTI K-5	737	0	737	800	800	800	700	88%
NATURE COAST TECH HIGH	1231	0	1231	1520	1520	1520	1275	84%
	3526	0	3526	3860	3860	3878	3437	
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS								
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM								
							9569	
							5265	
							6659	
						COFTE 2012/13	3437	
						24258	24930	672

ELEMENTARY SCHOOL		2017-2018											
CSA		PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY					
	BROOKSVILLE	751	0	751	560	751	700	93%					
	DELTONA	1243	0	1243	520	1243	1150	93%					
	EASTSIDE	736	0	736	680	736	700	95%					
	EXPLORER K-8 (Elementary)	947	0	947	445	947	875	92%					
	FLOYD	1802	0	1802	910	1802	1550	86%					
	MOTON	672	0	672	1160	1160	957	83%					
	NEW K-8 (Elementary)	636	0	636	770	770	695	90%					
	NEW K-12 "PDD" (Elementary)	494	0	494	396	494	430	87%					
	PINE GROVE	1120	0	1120	890	1120	1120	100%					
	SPRINGHILL	804	0	804	700	804	740	92%					
	SUNCOAST	1244	0	1244	760	1244	1100	88%					
	WESTSIDE	574	0	574	580	580	520	90%					
		11023	0	11023	8371	11051	10537						
MIDDLE SCHOOL		2017-2018											
CSA		PERMANENT CAPACITY	ADDED CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY					
	FOX CHAPEL	970	0	970	1000	1000	970	97%					
	PARROTT	1017	0	1017	1700	1700	1133	67%					
	POWELL	1079	0	1079	1150	1150	950	83%					
	WEST HERNANDO	1146	0	1146	1790	1790	1367	76%					
	EXPLORER K-8 (Middle)	946	0	946	445	946	850	90%					
	NEW K-8 (Middle)	635	0	635	770	770	700	91%					
	NEW K-12 "PDD" (Middle)	493	0	493	396	493	300	61%					
		6286	0	6286	7251	7849	6270						

HIGH SCHOOL	2017-2018		PERMANENT CAPACITY	ADD CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY
	PERMANENT CAPACITY	ADD CAPACITY							
CSA									
HERNANDO	1760	0	1760		1990	1990	1924	97%	
HIGH SCHOOL EEE	1529	0	1529		1250	1529	1448	95%	
SPRINGSTEAD	1670	0	1670		1960	1960	1960	100%	
CENTRAL	2169	0	2169		1720	2169	1718	79%	
NEW K-12 "PDD" (High)	493	0	493		396	493	450	91%	
	7621	0	7621		7316	8141	7500		
MAGNET SCHOOLS									
	2017-2018								
CSA									
	PERMANENT CAPACITY	ADD CAPACITY	PERMANENT CAPACITY W/ADDITIONS	DINING CAPACITY	PROJECTED PERMANENT CAPACITY PER ILA	PROJECTED ENROLLMENT	% UTILIZATION PERMANENT CAPACITY		
CHALLENGER K-8 (Elementary)	779	0	779	770	779	731	94%		
CHALLENGER K-8 (Middle)	779	0	779	770	779	731	94%		
COCACHATTI K-5	737	0	737	800	800	700	88%		
NATURE COAST TECH HIGH	1231	0	1231	1520	1520	1350	89%		
	3526	0	3526	3860	3878	3512			
MAGNET SCHOOL ENROLLMENTS ARE REDUCED BY APPLICATION PROCESS									
FLOYD ELEMENTARY CURRENTLY HOLDS A MIDDLE SCHOOL ENVIRONMENTAL PROGRAM									
						10537			
						6270			
						7500			
					COFTE 2017/18	3512			
					27536	27819		283	

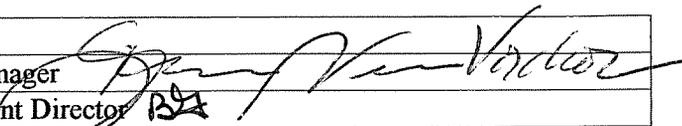
EXHIBIT 3

Hernando County Schools: Concurrency Service Areas (CSA)									
General Population Estimates: April 1, 2008 through April 1, 2013									
Estimated Growth Rates: 1% per year									
CSA	4/1/08	4/1/09	4/1/10	4/1/11	4/1/12	4/1/13	Notes		
Central High School	35,013	35,363	35,717	36,074	36,435	36,799	Plus Wiscon etc.		
Hernando High School	32,744	33,072	33,402	33,736	34,074	34,414	Minus Wiscon		
New EEE High School	22,335	22,558	22,784	23,011	23,241	23,474	Plus Sorrel, Crowell etc.		
Springstead High School	74,816	75,564	76,320	77,083	77,854	78,633	Minus Sorrel, Crowell etc.		
Totals: (4)	164,908	166,557	168,223	169,905	171,604	173,320			
Explorer 6-8	15,227	15,379	15,533	15,688	15,845	16,004	Minus Bromley etc.		
Fox Chapel Middle School	41,840	42,258	42,680	43,107	43,538	43,974	Plus WW Hills etc.		
Future 6-8	3,424	3,459	3,493	3,528	3,563	3,599	Minus WW Hills		
Parrott Middle School	40,219	40,621	41,027	41,437	41,852	42,270	Plus Landfill etc.		
Powell Middle School	34,874	35,223	35,575	35,931	36,290	36,653	Plus Bromley etc.		
West Hernando Middle School	29,325	29,618	29,914	30,213	30,515	30,820	Minus Landfill etc.		
Totals: (6)	164,908	166,557	168,223	169,905	171,604	173,320			
Brooksville Elementary School	14,340	14,483	14,628	14,775	14,922	15,072	Plus Landfill One etc.		
Deltona Elementary School	22,129	22,350	22,574	22,800	23,028	23,258	Minus Abeline One etc.		
Eastside Elementary School	13,698	13,835	13,973	14,113	14,254	14,396	Plus Croom etc.		
Explorer K-5	16,014	16,174	16,336	16,500	16,665	16,831	Plus Abeline One etc.		
Floyd Elementary School	11,565	11,681	11,797	11,915	12,035	12,155	Minus South Sterling etc.		
Future K-5	3,424	3,459	3,493	3,528	3,563	3,599	Minus WW Hills		
Moton Elementary School	18,849	19,037	19,228	19,420	19,614	19,810	Plus Avalon etc.		
Pine Grove Elementary School	18,684	18,871	19,060	19,251	19,443	19,637	Minus Landfill One		
Spring Hill Elementary School	13,982	14,122	14,263	14,406	14,550	14,695	Plus South Sterling etc.		
Suncoast Elementary School	16,140	16,301	16,464	16,629	16,795	16,963	Minus Avalon etc.		
Westside Elementary School	16,082	16,243	16,406	16,570	16,735	16,903	Plus WW Hills etc.		
Totals: (11)	164,908	166,557	168,223	169,905	171,604	173,320			

Source: Hernando County Property Appraiser; Census 2000 Ratios;
Map Series: see f:\arcgis\ddm\2008\schools\csa1elem.pdf
f:\arcgis\ddm\2010\census\2010cbg.shp
f:\arcgis\ddm\2008\schools\csa2013.xls

6/1/09

MEMORANDUM

To:	Honorable Mayor & City Council
Via:	T. Jennene Norman-Vacha, City Manager 
From:	Bill Geiger, Community Development Director 
Subject:	RZ2009-01; Petition Request for a Rezoning from R-1A Single-Family Residential District with a Special Exception Use for a Educational Facility (Child's Day Care Center) to C-1 (Pedestrian Commercial District)
Petitioner:	Roberto & Rosa Chamizo
Location:	801 W. Dr. M. L. King, Jr., Boulevard - Located on South side of Dr. M. L. King, Jr. Boulevard between U.S. Hwy 41 South (South Broad Street) and Buena Vista Avenue (The legal description for the subject site is given in full in the petition packet). Ref. Hernando County Property Appraiser Key Numbers 358669.
Date:	May 15, 2009

Introduction & Background Information:

The subject property related to this petition is .86 acres \pm , and is located on the south side of W. Dr. M. L. King, Jr., Blvd., approximately 555' east of U. S. Hwy 41 South (S. Broad St), and 251' west of Buena Vista Avenue.

The petitioner is requesting that the City re-zone this property from the existing R-1A (Single Family Residential designation with a special exception use for an educational facility) to C-1 (Pedestrian Commercial). The petitioners have expressed their desire in potentially converting this building into a bicycle shop at some time in the future.

The subject property is directly adjacent to residentially zoned and occupied parcels on the south, west and northeast. Professionally zoned properties are located to the east and commercially zoned properties are located to the north and northwest of the subject site. A zoning map is attached that provides an overview of the zoning in the area. The City's current "Future Land Use Map" (FLUM) designation for the subject parcel is "Commercial." Parcels northwest, west, south and east of the subject site have a FLUM designation of "Commercial." Properties located northeast of the subject site have a FLUM designation of "Single-Family Residential."

DATA & ANALYSIS

Natural Resources and Features:

The subject site is an existing, developed parcel of land. The property was initially a single-family residence that was built in 1951. The house and property were upgraded in 1991 and approved for use as a day care center. Vegetative buffering is located around the south, west and eastern perimeters of the property. The site is not located within a well head protection area.

Compatibility with Surrounding Area:

The owner has indicated that the day care center will continue to operate as long as it is financially stable. If in the future the day care center is not profitable, then the owners want to convert the use on the property into a bicycle shop. Given the location and proximity of this property to commercial, professional office and residential uses on W. Dr. M. L. King., Jr. Boulevard, it would appear that the proposed pedestrian commercial zoning district would be compatible between the different types of existing uses. Appropriate buffers will be required between any future intensified use of the subject property and existing residential properties, and the subject property would be required to meet all applicable performance conditions as required for the zoning district.

Public Facilities and Level of Service:

This property is currently being served by City water and sewer services.

Access to the site is via W. Dr. M. L. King Jr. Blvd. This is a two-lane collector road running between SR 50-A and US 41. It may be noted that Day Care Centers typically have their highest daily vehicle trip counts during peak hour periods, while specialty retail and service uses are blended more throughout the day.

Police, fire and sanitation collection services are also provided by the City.

At the time when a change of use is proposed for this property, the plans will be subject to concurrency, impact fee assessment (if it is an increase over existing vested use) and applicable performance standards of the zoning district.

Drainage:

The subject site is located within Flood Zone C, which is defined as an area exhibiting minimal flood potential. No wetlands are located on the site. At this time there are no proposed changes regarding the layout of the present site.

NOTE: The zoning amendment petition process is a land use determination which does not constitute a permit for either new construction or a new use of the property. Nor are these actions considered a Certificate of Concurrency. Prior to a new use or new construction on the property, the petitioner must receive construction plan approval from the appropriate City and/or other governmental agencies that have regulatory authority over any future proposed development.

The granting of this land use determination does not protect the owner from civil liability for recorded deed restrictions which may exceed any City land use ordinances. Homeowner associations or architectural review committees may require submission of plans for their review and approval. The applicant for this land use request should contact the local association (if there is one) and review the Public Records for all restrictions that may be applicable to this property.

This report does not include the perspective of adjacent landowners, who may be present at the public meeting to address and present questions and comment.

Planning & Zoning Commission & Staff Recommendation:

At their meeting on April 8, 2009, the Planning & Zoning Commission concurred with Staff to recommend that City Council approve the rezoning of this property from R-1A (Single Family Residential) to C-1 (Pedestrian Commercial), subject to the following note of record:

Future re-development/construction plans or change of use for this property will be analyzed for any additional impact to roads, utilities, drainage, public services, the environment and all other applicable land use criteria, and will be subject to meeting all federal, state and local agency permitting requirements. At the time when a change of use is proposed for this property, the plans will be subject to concurrency, impact fee assessment (if it is an increase over existing vested use) and applicable performance standards of the zoning district.

City Council Action:

At the April 20, 2009 regular meeting, the City Council postponed taking action on the first reading of Ordinance No. 773 related to this petition request. The reasons stated during the discussion of the petition for postponing a decision on this item were as follows:

- City Council expressed a concern with the compatibility of all of the potential permitted uses within the C1 (Pedestrian Commercial District) in conjunction with residential uses in the vicinity. A copy of "Schedule E" specifying permitted and special exception uses for non-residential districts is attached for Council's consideration in this matter.
- City Council questioned about a code enforcement issue concerning the property as it related to the recent parking of a commercial vehicle (semi-truck & trailer) at the property. Semi-trucks may not be parked in either R1A or C1 zoning districts.
- City Council wanted to give the petitioner the opportunity to withdraw the petition request as opposed to the possibility of denying it outright (to allow for the petitioner to come back with an alternative petition within the next twelve months – It is noted that current Code allows the petitioner to submit a different petition at any time after action is taken on the current petition). Due to illness in the family, the petitioner was not present and did not have a representative at this meeting.

City staff met with the petitioner on April 22, 2009 (in follow-up to the April 20, 2009 City Council meeting). The petitioner was advised of the City Council's discussion and concerns. The petitioner indicated that they have taken care of the commercial vehicle parking code enforcement issue (which has since been verified by the City's Code Enforcement Officer). The petitioner was also made aware that commercial vehicles (semi-truck and trailer) would not be permitted within a C1 district either. As to the zoning intensity concern, it was recommended that the petitioner consider withdrawing the petition to rezone the property to C1, and submit a revised petition to request zoning the property as a Planned Development Project (PDP) with a Special Exception Use (SEU) for a Neighborhood Commercial Planned Development Project, specifying a daycare facility and a bicycle retail/repair shop as the only permitted uses associated with the SEU approval. It was noted that some minor variances to the PDP SEU standards would also need to be considered and approved in conjunction with such a request, and that the petitioner would need to provide a site plan indicating existing and proposed conditions associated with the additional use of the site as a bicycle shop.

Initially, the petitioner indicated that they would submit a letter withdrawing this petition and subsequently submit a revised petition request for the PDP/SEU designation at a later date. On May 15, 2009, the petitioner called and advised that they wanted the City Council to hear and take action on their original petition to zone the property as C1 (Pedestrian Commercial). The petitioner indicated that they felt that their request to zone the property to C1 was reasonable (given the intensity of other commercial activity in the immediate area of their property), and that they wanted City Council to take formal action on their petition request.

At this time, it is recommended that City Council take action to either approve or deny the petitioner's request to rezone this property from R-1A (Single Family Residential) to C-1 (Pedestrian Commercial).

- Attachments:
- 1) Rezoning Petition
 - 2) Letter from Roberto & Rosa Chamizo dated March 17, 2009
 - 3) Draft Re-zoning Ordinance
 - 4) Site Location Map
 - 5) Schedule "E" (Section 137-87, Brooksville Code)

CITY OF BROOKSVILLE ZONING AMENDMENT PETITION

Date: 10-8-07

Print or Type All Information.

Applicant: ABC Child Development Center, LLC by Rosa Chamizo
Mailing Address: 801 W. Dr. M. L. King Jr Blvd
Brooksville, Florida 34601
Daytime Telephone: (352) 585-2283 (Mobile)

Representative: N/A
Mailing Address: _____
Daytime Telephone: _____

Legal Description: Section: 27 Township: 22 Range: 19

Size of Area Covered by Application: 37,500.00 Square feet

Highway & Street Boundaries: ^{W.}Dr. M. L. King Jr Blvd & Roberta Avenue

Future Land Use Designation: Day Care Center (COMMERCIAL)

Current Land Use Designation: Day Care Center

Current Zoning Classification: (R-1A) Residential with Special exception (Edu. Facility)

Zoning Classification Desired: Commercial (~~E-2~~) C-1

Has a public hearing been held on this property within the last twelve months?
no

OWNER OR AGENT AFFIDAVIT

CITY OF BROOKSVILLE
COUNTY OF HERNANDO
STATE OF FLORIDA

I, Rosa I. Chamizo, being duly sworn, hereby depose and say
Rosa I. Chamizo is the owner of the herein described property to-wit:

(Insert Legal Description Below)

That Part of W 1/2 of NW 1/4 N of Brooksville
Andote Rd and S of Hospital Rd.
Orb 35 PG 266 ORB 328 PG 661

March 17, 2009

City of Brooksville
201 Howell Avenue
Brooksville, Fl 34601

To: City Council
Brooksville, Florida

City Council Members,

The undersigned, Roberto Chamizo and Rosa Chamizo, owners of the property located at 801 W. Dr. M.L. King Jr. Blvd Brooksville, Florida 34601 request your consideration to change from present R-1A zoning to C-1 zoning. The building presently houses ABC Child Development Center. ABC is a childcare center. Given the present uncertain economy, as property and business owners, we would like to have flexibility in the future with regard to start a different kind of business if the need arises. Roberto Chamizo is a USA Cycling licensed member. A bicycle shop will be the business to be considered.

Respectfully submitted,


Rosa Chamizo


Roberto Chamizo

ORDINANCE NO. 773

AN ORDINANCE REZONING CERTAIN PROPERTY FROM R-1A (SINGLE FAMILY RESIDENTIAL) TO C-1 (PEDESTRIAN HIGHWAY COMMERCIAL) FOR THAT CERTAIN REAL PROPERTY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

Section 1. -

That the property in the City of Brooksville, Florida as shown on Attachment "A", described as:

Parcel Key No. 00358669

Beginning at an iron pipe located at the Intersection of the Northerly margin of Brooksville-Anclote Road and the East boundary of a parcel described in O.R. 322, Page 122, of the Public Records of Hernando County, Florida; thence go N 00°27'30" West along the East boundary of said O. R. book 322, Page 122 a distance of 197.70 feet to a concrete monument located 352.73 feet east and 54.87 feet South of the Northwest corner of the Southwest 1/4 of the Northwest 1/4 of Section 27, Township 22 South, Range 19 East; thence go S 87°13'55" East along the Southerly right of way of Summit Road (Old Hospital Road) a distance of 272.38 feet to a iron pipe; thence go S 55°41'44" West along the Northerly margin of said Brooksville-Anclote Road s distance of 327.44 feet to the Point of beginning; LESS and EXCEPT the Easterly 30 feet for road right of way;

LESS and EXCEPT the following described property: Commence at the West 1/4 corner of Section 27, Township 22 South, Range 19 East, thence run north along the West line of said Section 27, a distance of 909.00 feet, thence continue S 86°59'35" East along the North boundary of Town and Country Subdivision, Unit #1, as recorded in Plat Book 7, Page 44 of the Public Records of Hernando County, Florida, a distance of 815.15 feet, thence N 03°10'01" East, 398.35 feet, thence N 87°32'44" West 139.24 feet to the Point of Beginning; thence continue S 63°40'48" West, 92.1`3 feet to a concrete marker, thence due North to the South boundary of State Road 581-A, thence run Southeast along said road right of way to the Point of Beginning.

AND

That portion of the North 1/2 of the vacated Brooksville/Anclote Road abutting the above described property.

Location: 801 W. Dr. M. L. King, Jr. Blvd.

Petitioner: Roberto & Rosa Chamizo

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROOKSVILLE, FLORIDA, AS FOLLOWS:

The property described herein is hereby rezoned from R-1A (Single Family Residential) to C-1 (Pedestrian Highway Commercial), and the zoning map of the City of Brooksville shall be amended accordingly.

Section 2. - This Ordinance and zoning classification for the property described is consistent with the City of Brooksville Future Land Use Element of its Comprehensive Plan and shall take effect immediately upon its adoption.

Section 3. - All Ordinances in conflict herewith are expressly repealed.

CITY OF BROOKSVILLE

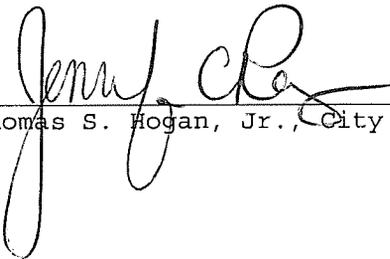
By: _____
Joe Bernardini, Mayor

Attest: _____
Janice L. Peters, City Clerk

PASSED on First Reading _____
NOTICE Published on _____
PASSED on Second & Final Reading _____

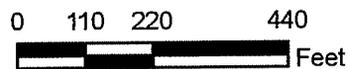
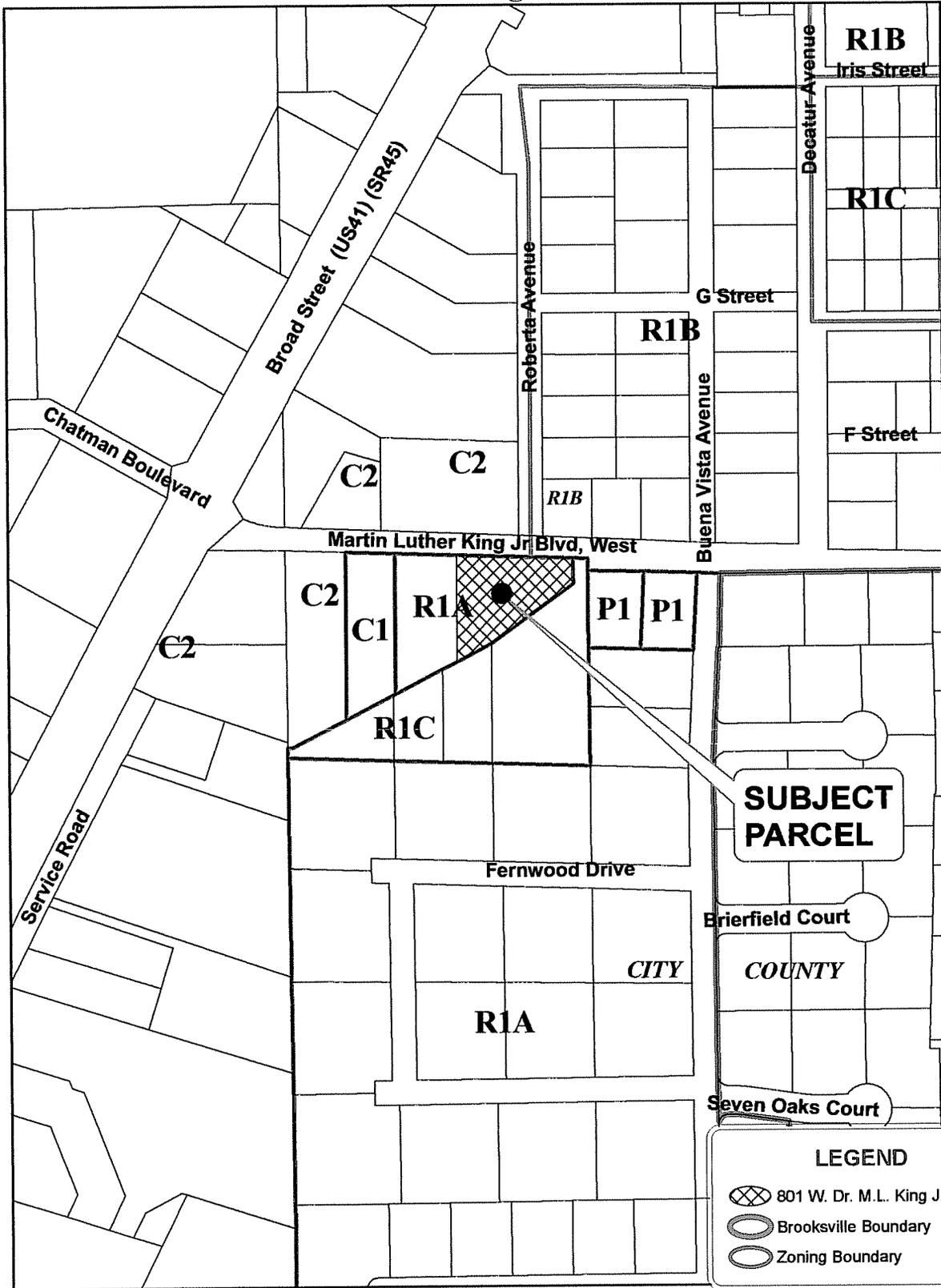
Approved as to form and content
for the reliance of the City of
Brooksville only:

VOTE OF COUNCIL:
Bernardini _____
Bradburn _____
Johnston _____
Lewis _____
Pugh _____



Thomas S. Hogan, Jr., City Attorney

Attachment "A" to Ord. No. 773
 RZ2009-01 Chamizo Rezoning Application
 801 W. Dr. M. L. King Jr. Boulevard



LEGEND

- 801 W. Dr. M.L. King Jr. Blvd.
- Brooksville Boundary
- Zoning Boundary

*Base map information provided by the Hernando County Property Appraiser's office.
 Map created by the Brooksville Community Development Department
 Disclaimer: This map is intended for planning purposes only, and should not be used to determine the precise location of any feature shown thereon.
 F:\Esri\ArcMap Projects\chamizo zoning 03272009.mxd

Sec. 137-87. Permitted uses and special exception uses for nonresidential districts.

The following schedule E contains the permitted uses and special exception uses for nonresidential districts:

**SCHEDULE E
PERMITTED USES AND SPECIAL EXCEPTION USES FOR NONRESIDENTIAL DISTRICTS**

Uses	Commercial Districts						Professional Office District		Commercial Industrial Storage Districts		Industrial Districts		Planned Development Project District		Agricultural District	
	C-1		C-2 and C-3		C-4		P-1 and P-2		CIS-1 and CIS-2		I-1 and I-2		PDP		A	
	P	SE	P	SE	P	SE	P	SE	P	SE	P	SE	P	SE	P	SE
Comparison good stores	X		X													
Convenience goods stores	X		X		X*											
Antique stores	X		X													
Secondhand stores		X		X												
Personal service establishments	X		X		X			X								
Domestic and business service establishments	X		X													
Publishing and printing service establishments	X		X													
Domestic and business repair establishments	X		X													
Domestic rental establishments	X		X													
Business, professional and nonprofit organization offices	X		X		X		X									
Public offices	X		X		X		X									
Business training schools	X		X				X									
Research, development and testing laboratories	XL		XL				XL				XL	XH				
Restaurants	X		X			X		X								
Drive-in restaurants		X	X													
Commercial amusement establishments	XI	XO	XI	XO												XO
Motion picture theaters	XI		XI	XO												
Motel		X	X													
Hotel		X	X													
Lodginghouses			X													
Boardinghouses		X	X													
Bed and breakfast establishments	X		X		X		X									
Dormitories		X	X													
Automotive dealer establishments		X	X						X			X				
Tire and automotive accessory establishments		X	X													
Automotive specialty establishments		X	X													
Automobile and truck rental establishments		X	X													
Automotive equipment rental establishments				X					X			X				
Automobile service establishments		X	X													
Gasoline service stations		X	X			X										
Automobile and truck repair establishments		X		X					X			X				

Uses	Commercial Districts												Professional Office District	Commercial Industrial Storage Districts	Industrial Districts	Planned Development Project District	Agricultural District							
	C-1			C-2 and C-3			C-4			P-1 and P-2		CIS-1 and CIS-2						I-1 and I-2		PDP		A		
	P	SE		P	SE		P	SE		P	SE	P						SE	P	SE	P	SE	P	SE
Automobile parking establishments	X			X						X														
Public transportation terminals		X			X							X		X										
Motor freight transportation establishments					XL							XL	XH	XL	XH									
Aircraft establishments													X		X									
Marine establishments		X		X								X			X									
Heating fuel and ice establishments					X							X			X									
Farm equipment and supply establishments		XL		XL	XH							X			X									
Building material establishments		XL		XL	XH							X			X									
Construction service establishments		XL		XL	XH							X			X									
Landscaping service establishments		XL		XL	XH							X			X					X				
Outdoor advertising service establishments					XH							X		XL	XH									
Laundry and dry cleaning plants		X			X							X		X										
Veterinarian and animal hospital service establishments		X			X							X												
Mortuaries, funeral homes and crematories	X			X																				
Manufacturing					XL							X	X	XL	XH									
Wholesale and storage establishments		XL		XL	XH							X		XL	XH									
Mining																					X			
Farming																				XL ⁽¹⁾	X			
Forestry																					X			
Fisheries																					X			
Horticultural specialty farms																				X				
Animal specialty farms																					X			
Hunting, trapping and game propagation																					X			
Farming service establishments																					X			
Forestry service establishments																					X			
Educational facilities		X			X																X			
Cultural facilities		X			X																X			
Noncommercial amusement facilities		X			X																X			
Religious establishments	X			X																	X			
Cemeteries																					X			
Hospitals		X			X																X			
Nursing care homes		X			X																X			
Residential planned-development projects		X			X											X					X			
Mobile home park planned development projects																X					X			
Neighborhood commercial planned development projects		X			X		X									X					X			
General commercial planned development projects		X			X											X					X			
Professional office planned development projects		X			X				X							X					X			

Uses	Commercial Districts						Profes- sional Office District	Commer- cial In- dustrial Storage Districts	Indus- trial Dis- tricts	Planned Develop- ment Project District	Agricul- tural District			
	C-1		C-2 and C-3		C-4		P-1 and P-2	CIS-1 and CIS-2	I-1 and I-2	PDP		A		
	P	SE	P	SE	P	SE	P	SE	P	SE	P	SE	P	SE
Medical planned development projects		X		X								X		X
Industrial planned development projects		X		X				X		X		X		X
Combined planned-development projects		X		X				X		X		X		X
Dwelling unit for caretaker or watch- man employed on the premises		X		X		X		X		X				
Dwelling unit within principal building		X		X		X		X		X				
Commercial billboard advertising signs														X ⁽²⁾
Vehicle/equipment storage and salvage yard								X						

Legend:

- P — Permitted Uses
- SE — Special Exception Uses
- L — Light
- H — Heavy
- I — Indoor
- O — Outdoor
- * — Provided that no more than two checkout lanes are provided.
- X — Indicates that the corresponding use is specifically designated as a permitted use or as a special exception use.

⁽¹⁾ Includes only those establishments having as the principal purpose of business, the production of field crops, fruit, tree nuts or vegetables.

⁽²⁾ Provided that such signs shall be located at least 660 feet from all street right-of-way lines and at least 1,000 feet from any other commercial billboard advertising sign or residential structure.

(Ord. No. 645, § 3(B), 10-21-2002)

**AGENDA ITEM
MEMORANDUM**



TO: HONORABLE MAYOR AND CITY COUNCIL

**VIA: T. JENNENE NORMAN-YACHA
CITY MANAGER**

FROM: GEORGE TURNER, CHIEF OF POLICE

SUBJECT: ORDINANCE NO. 774 - IMPOUNDMENT

DATE: JUNE 1, 2009

GENERAL SUMMARY: As part of the City's effort to update and modernize its Code of Ordinances, Ordinance No. 774, regarding Impoundment is being proposed for City Council's consideration. In supplement to the Ordinance No. 765 addressing junked and abandoned vehicles, Ordinance No. 774 is being proposed to set forth the procedural requirements for impoundment of vehicles used in conjunction with certain crimes and in violation of certain parking statutes and code violations.

BUDGET IMPACT: With the approval of this Ordinance, the City could generate positive revenues with violations/issued citations.

LEGAL REVIEW: Pursuant to home rule authority provided for by Article VII, Section 2 of the Constitution of the State of Florida, Chapter 166, Florida Statutes, and Section 1.03 and Section 2.13 of the Charter of the City of Brooksville, the City Council has the power to conduct municipal functions and to adopt ordinances.

STAFF RECOMMENDATION: Staff recommends approval and adoption of Ordinance No. 774.

ATTACHMENTS: Ordinance No. 774 Impoundment

ORDINANCE NO. 774

AN ORDINANCE PROVIDING FOR THE IMPOUNDMENT OF VEHICLES USED IN CERTAIN CRIMES, NON-CRIMINAL VIOLATIONS, AND CODE VIOLATIONS; PROVIDING FOR PRELIMINARY AND FINAL HEARINGS ON SEIZURES AND IMPOUNDMENTS; ESTABLISHING PENALTIES AND FINES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Brooksville is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances;

WHEREAS, pursuant to Section 1.03 and Section 2.13 of the Charter of the City of Brooksville, the City has the power to enable it to conduct municipal functions and to adopt ordinances; and,

WHEREAS, Chapters 901 and 943, Florida Statutes, define and provide for municipal law enforcement; and,

WHEREAS, use of vehicles in the commission of crimes is detrimental to the safety, health and welfare of the City's residents; and,

WHEREAS, use of vehicles in the commission of non-criminal infractions and code violations is detrimental to the safety, health and welfare of the City's residents; and,

WHEREAS, pursuant to §316.1955, Florida Statutes, law enforcement officers are authorized to remove vehicles parked in a designated parking spot for use by physically disabled persons in violation of §316; and,

WHEREAS, pursuant to Fla. Stat. Ch. §705 and §715, law enforcement officers are authorized to remove vehicles which are abandoned or unclaimed; and,

WHEREAS, pursuant to Section 38-54 of the City's Code of Ordinances, law enforcement officers are authorized to take and remove vehicles from property when such vehicle constitutes a traffic or other public hazard.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brooksville, Florida as follows:

SECTION 1. DEFINITIONS. The following definitions shall apply for the purposes of this ordinance:

- (a) *Business Days* means any day, Monday through Friday, which is not designated as an official City holiday.

- (b.) *Owner* means the person(s) or entity to whom a particular motor vehicle is registered or titled; such term shall also mean all other persons whom can be reasonably identified as having a legal interest in the vehicle including lessors, renters or lien holders.
- (c.) *Vehicle* means any device capable of being moved upon a public highway or public waterway and in, upon or by which any person or property may be transported or drawn upon a public highway or public waterway.
- (d.) *Special Master* means the code enforcement special master(s) or hearing officer(s) appointed by the City Council pursuant to Sections 2-191 to 2-200 of the City Code of Ordinances.
- (e.) *Stolen* means the trespassory taking and carrying away of the tangible personal property of another with the intent to permanently deprive.
- (f.) *Police Officer* means any person who is elected, appointed, or employed by the City; who is vested with authority to bear arms, and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal criminal, traffic or highway laws of the state, county or city. This definition includes all certified supervisory and command personnel of the police department, but does not include support personnel employed by the City Police Department.

SECTION 2. SEIZURE AND IMPOUNDMENT OF VEHICLES USED IN CRIMES. A vehicle shall be subject to seizure and impoundment whenever a police officer has probable cause to believe that the vehicle:

- (a.) Was used to facilitate the commission or attempted commission of an act of prostitution, assignation or lewdness as defined in Fla. Stat. §796.07, as amended; or
- (b.) Contains any controlled substance as defined in Fla. Stat. §893.02, as amended; or
- (c.) Was used, intended or attempted to be used, to facilitate the commission of any violation of Fla. Stat. §316.061 (leaving the scene of an accident), as amended; or
- (d.) Was used, intended or attempted to be used, to facilitate the commission of any violation of Fla. Stat. §322.34(2), as amended, driving while license suspended, revoked, canceled, disqualified (with knowledge); or
- (e.) Was used, intended or attempted to be used, to facilitate the commission of any violation of Fla. Stat. Chapter 893 (drug abuse, prevention and control), as amended.

This section shall not apply and no vehicle shall be seized or impounded pursuant to this section if a law enforcement agency seizes the vehicle pursuant to the Florida Contraband Forfeiture Act.

SECTION 3. SEIZURE AND IMPOUNDMENT OF VEHICLES USED IN NON-CRIMINAL AND CODE VIOLATIONS. A vehicle shall be subject to seizure and impoundment whenever a police officer has probable cause to believe that the vehicle:

- (a.) Was parked in a designated parking space for physically disabled persons in violation of Fla. Stat. §316.1955, as amended; or
- (b.) Was used to facilitate the commission of any violation of Fla. Stat. §316.3045, as amended, (operation of radios or other sound making devices in vehicles); or
- (c.) Was used in violation of Section 58-8 of the Code of Ordinances; or
- (d.) Was used in violation of Section 82-51 of the Code of Ordinances; or
- (e.) Was used in violation of Section 82-33 or Section 82-34 of the Code of Ordinances on three or more occasions within a six-month period.

This section shall not apply and no vehicle shall be seized or impounded pursuant to this section if a law enforcement agency seizes the vehicle pursuant to the Florida Contraband Forfeiture Act.

SECTION 4. PROCEDURES UPON SEIZURE OR IMPOUNDMENT. Upon seizing a vehicle, the police officer or other officer or agent of the city police department shall:

- (a.) Arrange for the towing or removal of the vehicle; and,
- (b.) Provide written notice to any present owner, or person in control of the vehicle, of the fact of the seizure, the right to request a preliminary hearing pursuant to Section 5 and the right to request a final hearing pursuant to Section 6; and,
- (c.) Provide notice of seizure by hand delivery or send notice by certified mail to all other owner(s) of the vehicle at address(es) set forth in the vehicle registration, if any, within three (3) business days of the date of seizure; and,
- (d.) Notices as required by paragraph (b) and (c) of this Section 4 shall include the fact of the seizure, the right to request a preliminary hearing pursuant to Section 5 and the right to request a final hearing pursuant to Section 6.

SECTION 5. PRELIMINARY HEARING. Any owner of a seized or impounded vehicle may request a preliminary hearing in accordance with the following requirements:

- (a.) Within five (5) calendar days of receipt of the notice of seizure any owner may request a preliminary hearing, by delivering to the city, at the address set forth in the notice, a written request for a preliminary hearing. The written request must be received by the city within the allotted time or the right to a preliminary hearing shall be waived. The request must include a telephone number(s) where the owner or the owner's designated agent can be telephonically notified of the date, time and location of the preliminary hearing, and the hours indicating when the owner or designated agent will be available for such telephonic notification.
- (b.) Upon timely receipt of an owner's written request for a preliminary hearing, the city shall schedule a hearing to be held within five (5) calendar days following the date of receipt of the request, or as soon as practicable thereafter. Notice of the preliminary hearing shall be provided in accordance with notice requirements set forth in Section 2-196 of the Code of Ordinances and shall include the date, time and location of the

preliminary hearing. If the requesting owner fails to attend the preliminary hearing, and the special master finds that the city has complied with the notice procedures, as set forth herein, then such failure shall constitute a waiver of the owner's right to a preliminary hearing. Any failure of the requesting owner to receive actual notice of the preliminary hearing shall not otherwise invalidate the administrative penalty proceedings as set forth herein.

- (c.) The preliminary hearing shall be held before a special master. The sole issue to be considered by the special master is whether the seizing police officer had probable cause under this section to seize and impound the vehicle. The formal rules of evidence shall not apply and hearsay evidence, including any relevant police report, is admissible. The burden of demonstrating probable cause is on the city.
- (d.) If a preliminary hearing is not requested, or if it was waived, or if the special master finds that there was probable cause to seize and impound the vehicle, then the vehicle shall continue to be impounded pending final hearing or the payment of the appropriate administrative civil penalty or fine, as designated in subsection 10, together with all towing costs and storage and outstanding penalties or fines for citations previously issued for violations of statutory or code provisions identified in Sections 2 and 3 above. Alternatively, the owner may secure release of the vehicle by posting a cash bond, either by money order or certified check, in the amount of the administrative penalty together with all towing and storage costs and outstanding penalties or fines for citations previously issued for violations of statutory or code provisions identified in Sections 2 and 3 above, plus final hearing costs of fifty dollars (\$50.00). If no probable cause is found at the preliminary hearing, the vehicle shall be released to the owner as soon as practical without the imposition of an administrative fine, towing and storage costs or hearing costs.

SECTION 6. FINAL HEARING. A final hearing may be requested by any owner in accordance with the following provisions:

- (a.) The vehicle owner may request a final hearing by delivering to the city, within fifteen (15) calendar days of receipt of the notice of seizure, a request for a final hearing. The request must be delivered to the address provided in the notice of seizure and must include an address where the owner or the owner's designated agent can be notified of the date, time, and place of the final hearing.
- (b.) Upon timely receipt of a request for final hearing, the city shall schedule a hearing to be held within thirty (30) calendar days of the receipt of the request, or as soon as practicable thereafter. The city shall provide written notice, in accordance with notice requirements set forth in Section 2-196 of the Code of Ordinances, to the requesting owner at the address on the request for final hearing. The notice shall state the date, time and location of the final hearing to be conducted by the special master pursuant to this section.
- (c.) If an owner fails to timely request a final hearing, or if the owner fails to attend the final hearing, and the special master finds, that the city has complied with the notice procedures, as set forth herein, then such failure shall constitute a waiver of the owner's right to a final hearing and it shall be deemed admitted that the seized vehicle was used in violation of Section 2 or 3.

- (d.) If not waived, the final hearing shall be held before the special master. The formal rules of evidence will not apply at the final hearing and hearsay evidence shall be admissible. The city shall have the burden to prove by clear and convincing evidence that the vehicle was used as set forth in Section 2 or 3. It shall be a defense that the vehicle was stolen at the time that it was seized and impounded; or that the owner was without knowledge as to the use of the vehicle in violation of section 2 or 3. The owner of the vehicle shall have the burden to prove said defense by a preponderance of the evidence.
- (e.) If the final hearing has been waived, or if, after the hearing, the special master finds by clear and convincing evidence that the vehicle was used as set forth in Section 2 or 3, the special master shall enter an order authorizing the continued impoundment of the vehicle pending payment of the appropriate administrative civil penalty prescribed in Section 10, towing and storage costs, outstanding penalties or fines for citations previously issued for violations of statutory or code provisions identified in Sections 2 and 3 above and hearing costs of fifty dollars (\$50.00) or until otherwise released by the city. Any bond posted shall be applied against the imposed penalty and costs. If the special master finds that the city did not meet its burden of proof, or that the vehicle owner has proven by a preponderance of the evidence a valid defense as set forth in paragraph (d) above, the vehicle shall be released to the vehicle owner as soon as practicable without the imposition of an administrative penalty, storage or hearing costs, and any cash bond posted shall be returned.

SECTION 7. ENFORCEMENT; LIEN. A certified copy of an order of the special master imposing an administrative civil penalty and assessing towing, storage and hearing costs may be recorded in the public records of any county. Upon recording, the order shall constitute a lien against any real or personal property owned by the vehicle owner. Such lien shall be superior to all other liens, except a lien for taxes, and shall bear interest at the maximum rate allowed by law, as set forth in Fla.Stat. §687.03, as amended from time to time, from the date of its filing. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the real or personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. The city attorney or his designee is authorized to foreclose any lien established hereby in the same manner as is provided by law for the foreclosure of other municipal liens or alternatively, as provided by law for the foreclosure of mortgages. No lien created pursuant to this chapter may be foreclosed on real property which is homestead under §4, Art. X of the State Constitution. In an action to enforce an order or to foreclose on a lien as provided in this section, the city shall be entitled to recover all costs, including a reasonable attorney's fee, which it incurs thereby.

SECTION 8. EXCEPTIONS.

- (a.) The Police Chief, or his designee, is hereby authorized to enter into settlement agreements as may be appropriate to accomplish the objectives of this section.
- (b.) Nothing herein shall prohibit the city from releasing a vehicle seized under the provisions of this section, if such release is determined to be in the best interests of the city.
- (c.) Nothing herein shall be construed to prohibit the city from enforcing the provisions of this section against a vehicle initially seized pursuant to the Florida Contraband Forfeiture Act (but not both) if in the best interest of the city.

SECTION 9. APPEALS. The owner of the vehicle which was seized and impounded may appeal a ruling or order of the special master by proceedings in the circuit court for the county in accordance with Rule 9.190, the Florida Rules of Appellate Procedure. An appeal shall be filed within thirty (30) calendar days of the execution of the order to be appealed. The nature of the appeal shall be from a final administrative order.

SECTION 10. ADMINISTRATIVE CIVIL PENALTIES AND FINES. The following administrative civil penalties and fines apply for vehicles impounded pursuant to this Ordinance:

- (a.) *Criminal Offenses:* In addition, to the fine, fee or penalty assessed for the underlying statutory or code violation, the following penalties and fines apply for Criminal Offenses:
 - 1. A first violation shall be subject to an administrative civil penalty of two hundred dollars (\$200.00) plus all towing and storage fees.
 - 2. A second violation shall be subject to an administrative civil penalty of two hundred fifty dollars (\$250.00) plus all towing and storage fees.
 - 3. A third violation shall be subject to an administrative civil penalty of five hundred dollars (\$500.00) plus all towing and storage fees.

- (b.) *Non-Criminal Offenses and Code Violations:* In addition, to the fine, fee or penalty assessed for the underlying statutory or code violation, the following penalties and fines apply for Non-Criminal Offenses and Code Violations.
 - 1. No impoundment or additional penalty shall be imposed for a first violation of this ordinance. Upon a first violation of this ordinance, the owner shall receive a warning notice that subsequent violations may result in seizure and impoundment of the vehicle and will be subject to payment of an administrative penalty or fine, towing and storage costs, outstanding fines or penalties for previously issued citations, and applicable hearing costs.
 - 2. A second violation shall be subject to an administrative civil penalty of two hundred and fifty dollars (\$250.00), plus all towing and storage fees as well as any applicable hearing costs; and any other applicable penalties or fines provided for in the City's Code of Ordinances.
 - 3. A third or subsequent violation shall be subject to an administrative penalty of five hundred dollars (\$500.00) in addition to any towing and storage costs, plus any hearing costs; and any other applicable penalties or fines provided for in the City's Code of Ordinances.

SECTION 11. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 12. CONFLICTS AND REPEALER. This Ordinance shall be cumulative of all provisions of the ordinances of the City of Brooksville, Florida, except where provisions of this Ordinance are in direct conflict with the provisions of such ordinance, which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 13. AMENDMENT TO CODE. This Ordinance shall be and become a part of the Code of the City of Brooksville, Florida, to amend and supplement Chapter 82 Traffic and Vehicles.

SECTION 14. CODIFICATION. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the City of Brooksville, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 11, 12, 13 and 14 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 15. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption.

CITY OF BROOKSVILLE

By: _____
Joe Bernardini, Mayor

Attest: _____
Janice L. Peters, City Clerk, CMC

PASSED on First Reading _____

NOTICE Published on _____

PASSED on Second & Final Reading _____

Approved as to form and content
for the reliance of the City of
Brooksville only:

VOTE OF COUNCIL:

Bernardini _____

Bradburn _____

Johnston _____

Lewis _____

Pugh _____

Thomas S. Hogan, Jr., City Attorney



AGENDA ITEM
MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL

VIA: T. JENNENE NORMAN-VACHA
CITY MANAGER

[Handwritten signature of T. Jennene Norman-Vacha]
[Handwritten initials JCR]

FROM: JENNIFER C. REY, ESQ.
THE HOGAN LAW FIRM, LLC
AS CITY ATTORNEY

SUBJECT: PERSONNEL POLICIES AND PROCEDURES: TRAVEL ALLOWANCES; CONDUCT STANDARDS; CONFLICT OF INTEREST; DRESS AND APPEARANCE; AND ADMINISTRATIVE OR INVESTIGATORY LEAVE.

DATE: MAY 22, 2009

GENERAL SUMMARY: Staff has initiated a comprehensive review of the City's existing personnel policy manual. As a result, a variety of personnel policies will be researched, revised and updated over the course of the coming year. These proposed polices, if approved, shall apply to all employees except those employees in collective bargaining units unless the union waives its right to bargain on these policies, the union has approved these policies, or as provided in a collective bargaining agreement. The following policies are proposed for Council's approval:

- ***Section 7.03 Travel Allowances.*** This proposed policy replaces Section 7.02 Seminars, Conventions, and Conferences and Section 12.07 Travel and Other Expenditures of the current policy manual. This policy sets forth the statutory requirements for travel and the City's policy on mileage, hotel, meals, and other incidental travel expense reimbursement. At its May 18, 2009 meeting, Council discussed various issues with respect to travel allowances and per diem allocations. Staff has attached a copy Fla. Stat. 112.061 which sets forth the requirements for expenditure of public funds for travel of public employees.
- ***Section 1.07 Conduct Standards.*** This proposed policy replaces Section 1.07 Personal Conduct, Section 1.11 Political Activity and Section 1.12 Activity Interference of the current policy manual. This policy sets forth the various conduct standards for employees through a policy statement and a non-exhaustive itemized list of unacceptable conduct.
- ***Section 1.08 Conflict of Interest.*** This proposed policy replaces Section 1.08 Receiving Gifts and Section 1.13 Selling to and Purchasing From or Through the City of the current policy manual. This policy sets forth the statutory requirements for Conflict of Interest pursuant to Fla. Stat. Ch. 112 setting restrictions on the acceptance of gifts, honorariums, and conflicts of interest (or perceptions thereof) and providing for conflict of interest declaration requirements.

- **Section 1.15 Dress and Appearance.** This is a newly proposed policy and establishes a standard for dress and appearance for both uniform and non-uniform employees.
- **Section 6.07 Administrative or Investigatory Leave.** This is a newly proposed policy and establishes the standard for authorizing administrative or investigatory leave for the purposes of completing internal inquiries into critical incidents or other conduct and discipline matters.

BUDGET IMPACT: There is no budget impact as result of the adoption of the proposed policies.

LEGAL REVIEW: Council has the legal authority to set policy for operations and management of its employees. In addition, the travel allowance policy and the conflict of interest policy are derived from statutory requirements on the use of public funds or for public officials. With respect to collective bargaining units, in the absence of a negotiated collective bargaining agreement, the proposed policies will not apply to members of the collective bargaining units until such time as the policies are approved by the union, the union waives its right to bargain on the policy, or until a collective bargaining agreement is in place.

STAFF RECOMMENDATION: Staff recommends approval and adoption of the personnel policies Section 7.03 Travel Allowances, Section 1.07 Conduct Standards, Section 1.08 Conflict of Interest, Section 1.15 Dress and Appearance and Section 6.07 Administrative or Investigatory Leave as proposed. Said policies shall be effective upon adoption, except with respect to collective bargaining units.

ATTACHMENTS: Section 7.03 Travel Allowances
Fla. Stat. Chapter 112.061
Section 1.07 Conduct Standards
Section 1.08 Conflict of Interest
Fla. Stat. 112.311, et seq.
Section 1.15 Dress and Appearance
Section 6.07 Administrative or Investigatory Leave

Chapter VII Employee Relations
Section 7.03 Travel Allowances

(Replaces Chapter VII, Section 7.02 Seminars, Conventions and Conferences and Chapter XII, Section 12.07 Travel and Other Expenditures)

I. POLICY

The City may pay or reimburse Employees for official business travel which has been authorized by the City, subject to the requirements or restrictions of Fla. Sta. 112.061. Travel may be authorized for official business purposes only. All travel subject to reimbursement must be approved in advance in writing by the City Manager or designee.

II. DEFINITIONS

A. Class A Travel means continuous travel of twenty-four hours or more away from official headquarters. The travel day for Class A Travel shall be a calendar day. Class A Travel shall include any assignments on official business outside of the regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved as provided within this policy.

B. Class B Travel means continuous travel of less than twenty-four hours which involves overnight absences from headquarters. The travel day for Class B Travel shall begin at the same time as the travel period. Class B Travel shall include any assignments on official business outside of the regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved as provided within this policy.

C. Class C Travel means travel for short or day trips where the Employee traveling is not away from the official headquarters overnight. Class C Travel is eligible for reimbursement of certain travel expenses.

D. Official Headquarters shall mean within the corporate limits of the City.

III. PROCEDURE

A. Travel Authorization.

1. Travel may be authorized for official City business purposes only. All travel subject to reimbursement must be approved by the Department Director, or designee, of the Department to which the travel will be charged. Class A and Class B Travel must also be approved by the City Manager.

2. Class A and B Travel will generally not be authorized for destinations less than 60 miles from the City and, to the extent possible, overnight travel expenses will be paid directly to the vendor.

B. Reimbursement of Travel Expenses.

1. Reimbursement of eligible expenses will be made in accordance with the City's accounts payable procedures.
2. Travel expenses of Employees traveling under this policy will be limited to those expenses necessarily incurred by them, while traveling, in the performance of a public purpose.
3. Seminars and Conferences. Travel for seminars/conferences will only be authorized if the Seminar/Conference is directly related to the training/development of an Employee's current position. Attendance at seminars and conferences is subject to the recommendation and approval of the Department Director, or designee, of the Employee requesting to attend. Seminar and conference registration fees and expenses may be paid in advance directly to the vendor where possible, but only after authorization from the Department Director, or designee has been obtained. Where advanced payment is not possible, Employees who have obtained prior approval to incur the expense may request reimbursement of expenses incurred.
4. Air/Car/Accommodations will be authorized for actual expenses substantiated by paid receipts. However, when a variety of hotels, motels, air/cars can be used, Employees will be reimbursed for the most economical accommodations. Any deviation will require prior approval by the City Manager, or designee, with reasonable explanation. The difference in the rate for more elaborate accommodations/ lodging/air/car can be paid by the Employee.
5. Meals. The City provides a per diem payment for meals taken during periods of City travel. No one will be reimbursed for any meal that is included/provided in the per diem payment or included in a conference or seminar registration fee. No allowance for meals is provided where travel is confined to the city of the official headquarters or within the immediate vicinity of the City (typically within 60 miles of the City).
6. Mileage. When travel is authorized for a privately owned vehicle, the Employee (driver of the private vehicle) will be entitled to a mileage allowance at a fixed rate established by the City. Other

expenses of a privately owned vehicle, e.g., operations, maintenance, ownership, will not be reimbursed. Mileage will be reimbursable from the point of origin to the point of destination based on a highway mileage map using a usually travelled route. Certain Employees may be granted use of a City vehicle or a monthly allowance in a fixed amount for the use of privately owned vehicles on official business in lieu of the mileage rate. Such allowances shall be in the sole discretion of the City and subject to the provisions of the City Vehicle and Take Home Policy. When two or more Employees are traveling to the same destination, when feasible, car pooling should be utilized to minimize the total cost of travel.

7. Incidental Travel Expenses.

a. Incidental travel expenses may be reimbursed, with proper receipts and documentation, including:

- i. Taxi fare.
- ii. Ferry fares; bridge, road, and tunnel tolls.
- iii. Storage or parking fees.
- iv. Official City business communication, e.g., telephone or fax expenses.

b. Expenses that are not reimbursable include, but are not limited to:

- i. Tips, Bell Boy assistance.
- ii. Movie rentals in hotel/motel rooms.
- iii. Hotel/motel safes.
- iv. Parking tickets or traffic fines.
- v. Communication/telephone charges that are not official business

8. Rights to Refuse Reimbursement. The City reserves the right to refuse to pay for reimbursement of travel expenses until all required receipts and proof of payment are provided by the Employee.

Select Year: 2008

Go

The 2008 Florida Statutes

Title X	Chapter 112	View Entire Chapter
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS	PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS	

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.-

(1) LEGISLATIVE INTENT.--To prevent inequities, conflicts, inconsistencies, and lapses in the numerous laws regulating or attempting to regulate travel expenses of public officers, employees, and authorized persons in the state, it is the intent of the Legislature:

(a) To establish standard travel reimbursement rates, procedures, and limitations, with certain justifiable exceptions and exemptions, applicable to all public officers, employees, and authorized persons whose travel is authorized and paid by a public agency.

(b) To preserve the standardization established by this law:

1. The provisions of this section shall prevail over any conflicting provisions in a general law, present or future, to the extent of the conflict; but if any such general law contains a specific exemption from this section, including a specific reference to this section, such general law shall prevail, but only to the extent of the exemption.

2. The provisions of any special or local law, present or future, shall prevail over any conflicting provisions in this section, but only to the extent of the conflict.

(2) DEFINITIONS.--For the purposes of this section, the following words shall have the meanings indicated:

(a) Agency or public agency--Any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or any other separate unit of government created pursuant to law.

(b) Agency head or head of the agency--The highest policymaking authority of a public agency, as herein defined.

(c) Officer or public officer--An individual who in the performance of his or her official duties is vested by law with sovereign powers of government and who is either elected by the people, or commissioned by the Governor and has jurisdiction extending throughout the state, or any person lawfully serving instead of either of the foregoing two classes of individuals as initial designee or successor.

(d) Employee or public employee--An individual, whether commissioned or not, other than an officer or authorized person as defined herein, who is filling a regular or full-time authorized position and is responsible to an agency head.

(e) Authorized person--

1. A person other than a public officer or employee as defined herein, whether elected or commissioned or not, who is authorized by an agency head to incur travel expenses in the performance of official duties.

2. A person who is called upon by an agency to contribute time and services as consultant or adviser.
 3. A person who is a candidate for an executive or professional position.
- (f) Traveler--A public officer, public employee, or authorized person, when performing authorized travel.
- (g) Travel expense, traveling expenses, necessary expenses while traveling, actual expenses while traveling, or words of similar nature--The usual ordinary and incidental expenditures necessarily incurred by a traveler.
- (h) Common carrier--Train, bus, commercial airline operating scheduled flights, or rental cars of an established rental car firm.
- (i) Travel day--A period of 24 hours consisting of four quarters of 6 hours each.
- (j) Travel period--A period of time between the time of departure and time of return.
- (k) Class A travel--Continuous travel of 24 hours or more away from official headquarters.
- (l) Class B travel--Continuous travel of less than 24 hours which involves overnight absence from official headquarters.
- (m) Class C travel--Travel for short or day trips where the traveler is not away from his or her official headquarters overnight.
- (n) Foreign travel--Travel outside the United States.
- (3) AUTHORITY TO INCUR TRAVEL EXPENSES.--
- (a) All travel must be authorized and approved by the head of the agency, or his or her designated representative, from whose funds the traveler is paid. The head of the agency shall not authorize or approve such a request unless it is accompanied by a signed statement by the traveler's supervisor stating that such travel is on the official business of the state and also stating the purpose of such travel.
- (b) Travel expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed by this section.
- (c) Travel by public officers or employees serving temporarily in behalf of another agency or partly in behalf of more than one agency at the same time, or authorized persons who are called upon to contribute time and services as consultants or advisers, may be authorized by the agency head. Complete explanation and justification must be shown on the travel expense voucher or attached thereto.
- (d) Travel expenses of public employees for the sole purpose of taking merit system or other job placement examinations, written or oral, shall not be allowed under any circumstances, except that upon prior written approval of the agency head or his or her designee, candidates for executive or professional positions may be allowed travel expenses pursuant to this section.
- (e) Travel expenses of public officers or employees for the purpose of implementing, organizing, directing, coordinating, or administering, or supporting the implementation, organization, direction, coordination, or administration of, activities related to or involving travel to a terrorist

state shall not be allowed under any circumstances. For purposes of this section, "terrorist state" is defined as any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

(f) The agency head, or a designated representative, may pay by advancement or reimbursement, or a combination thereof, the costs of per diem of travelers for foreign travel at the current rates as specified in the federal publication "Standardized Regulations (Government Civilians, Foreign Areas)" and incidental expenses as provided in this section.

(g) A traveler who becomes sick or injured while away from his or her official headquarters and is therefore unable to perform the official business of the agency may continue to receive subsistence as provided in subsection (6) during this period of illness or injury until such time as he or she is able to perform the official business of the agency or returns to his or her official headquarters, whichever is earlier. Such subsistence may be paid when approved by the agency head or his or her designee.

(h) The State Surgeon General or a designee may authorize travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health. The Department of Health may establish rates lower than the rate provided in this section for these travel expenses.

(4) OFFICIAL HEADQUARTERS.--The official headquarters of an officer or employee assigned to an office shall be the city or town in which the office is located except that:

(a) The official headquarters of a person located in the field shall be the city or town nearest to the area where the majority of the person's work is performed, or such other city, town, or area as may be designated by the agency head provided that in all cases such designation must be in the best interests of the agency and not for the convenience of the person.

(b) When any state employee is stationed in any city or town for a period of over 30 continuous workdays, such city or town shall be deemed to be the employee's official headquarters, and he or she shall not be allowed per diem or subsistence, as provided in this section, after the said period of 30 continuous workdays has elapsed, unless this period of time is extended by the express approval of the agency head or his or her designee.

(c) A traveler may leave his or her assigned post to return home overnight, over a weekend, or during a holiday, but any time lost from regular duties shall be taken as annual leave and authorized in the usual manner. The traveler shall not be reimbursed for travel expenses in excess of the established rate for per diem allowable had he or she remained at his or her assigned post. However, when a traveler has been temporarily assigned away from his or her official headquarters for an approved period extending beyond 30 days, he or she shall be entitled to reimbursement for travel expenses at the established rate of one round trip for each 30-day period actually taken to his or her home in addition to pay and allowances otherwise provided.

(5) COMPUTATION OF TRAVEL TIME FOR REIMBURSEMENT.--For purposes of reimbursement and methods of calculating fractional days of travel, the following principles are prescribed:

(a) The travel day for Class A travel shall be a calendar day (midnight to midnight). The travel day for Class B travel shall begin at the same time as the travel period. For Class A and Class B travel, the traveler shall be reimbursed one-fourth of the authorized rate of per diem for each quarter, or fraction thereof, of the travel day included within the travel period. Class A and Class B travel shall include any assignment on official business outside of regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved.

(b) A traveler shall not be reimbursed on a per diem basis for Class C travel, but shall receive

subsistence as provided in this section, which allowance for meals shall be based on the following schedule:

1. Breakfast--When travel begins before 6 a.m. and extends beyond 8 a.m.
2. Lunch--When travel begins before 12 noon and extends beyond 2 p.m.
3. Dinner--When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

No allowance shall be made for meals when travel is confined to the city or town of the official headquarters or immediate vicinity; except assignments of official business outside the traveler's regular place of employment if travel expenses are approved. The Chief Financial Officer shall establish a schedule for processing Class C travel subsistence payments at least on a monthly basis.

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.--For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are provided as follows:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Eighty dollars per diem; or
2. If actual expenses exceed \$80, the amounts permitted in paragraph (b) for subsistence, plus actual expenses for lodging at a single-occupancy rate to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

1. Breakfast \$6
2. Lunch \$11
3. Dinner \$19

(c) No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(7) TRANSPORTATION.--

(a) All travel must be by a usually traveled route. In case a person travels by an indirect route for his or her own convenience, any extra costs shall be borne by the traveler; and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. The agency head or his or her designee shall designate the most economical method of travel for each trip, keeping in mind the following conditions:

1. The nature of the business.

2. The most efficient and economical means of travel (considering time of the traveler, impact on the productivity of the traveler, cost of transportation, and per diem or subsistence required). When it is more efficient and economical to either the traveler or the agency head, jet service offered by any airline, whether on state contract or not, may be used when the cost is within an approved threshold determined by the agency head or his or her designee.

3. The number of persons making the trip and the amount of equipment or material to be transported.

(b) The Department of Financial Services may provide any form it deems necessary to cover travel requests for traveling on official business and when paid by the state.

(c) Transportation by common carrier when traveling on official business and paid for personally by the traveler, shall be substantiated by a receipt therefor. Federal tax shall not be reimbursable to the traveler unless the state and other public agencies are also required by federal law to pay such tax. In the event transportation other than the most economical class as approved by the agency head is provided by a common carrier on a flight check or credit card, the charges in excess of the most economical class shall be refunded by the traveler to the agency charged with the transportation provided in this manner.

(d)1. The use of privately owned vehicles for official travel in lieu of publicly owned vehicles or common carriers may be authorized by the agency head or his or her designee. Whenever travel is by privately owned vehicle:

a. A traveler shall be entitled to a mileage allowance at a rate of 44.5 cents per mile; or

b. A traveler shall be entitled to the common carrier fare for such travel if determined by the agency head to be more economical.

2. Reimbursement for expenditures related to the operation, maintenance, and ownership of a vehicle shall not be allowed when privately owned vehicles are used on public business and reimbursement is made pursuant to this paragraph, except as provided in subsection (8).

3. All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed on the basis of the current map of the Department of Transportation. Vicinity mileage necessary for the conduct of official business is allowable but must be shown as a separate item on the expense voucher.

(e) Transportation by chartered vehicles when traveling on official business may be authorized by the agency head when necessary or where it is to the advantage of the agency, provided the cost of such transportation does not exceed the cost of transportation by privately owned vehicle pursuant to paragraph (d).

(f) The agency head or his or her designee may grant monthly allowances in fixed amounts for use of privately owned automobiles on official business in lieu of the mileage rate provided in paragraph (d). Allowances granted pursuant to this paragraph shall be reasonable, taking into account the customary use of the automobile, the roads customarily traveled, and whether any of the expenses incident to the operation, maintenance, and ownership of the automobile are paid from funds of the agency or other public funds. Such allowance may be changed at any time, and shall be made on the basis of a signed statement of the traveler, filed before the allowance is granted or changed, and at least annually thereafter. The statement shall show the places and distances for an average typical month's travel on official business, and the amount that would be allowed under the approved rate per mile for the travel shown in the statement, if payment had been made pursuant to paragraph (d).

(g) No contract may be entered into between a public officer or employee, or any other person,

and a public agency, in which a depreciation allowance is used in computing the amount due by the agency to the individual for the use of a privately owned vehicle on official business; provided, any such existing contract shall not be impaired.

(h) No traveler shall be allowed either mileage or transportation expense when gratuitously transported by another person or when transported by another traveler who is entitled to mileage or transportation expense. However, a traveler on a private aircraft shall be reimbursed the actual amount charged and paid for the fare for such transportation up to the cost of a commercial airline ticket for the same flight, even though the owner or pilot of such aircraft is also entitled to transportation expense for the same flight under this subsection.

(8) OTHER EXPENSES.--

(a) The following incidental travel expenses of the traveler may be reimbursed:

1. Taxi fare.
2. Ferry fares; and bridge, road, and tunnel tolls.
3. Storage or parking fees.
4. Communication expense.
5. Convention registration fee while attending a convention or conference which will serve a direct public purpose with relation to the public agency served by the person attending such meetings. A traveler may be reimbursed the actual and necessary fees for attending events which are not included in a basic registration fee that directly enhance the public purpose of the participation of the agency in the conference. Such expenses may include, but not be limited to, banquets and other meal functions. It shall be the responsibility of the traveler to substantiate that the charges were proper and necessary. However, any meals or lodging included in the registration fee will be deducted in accordance with the allowances provided in subsection (6).

(b) Other expenses which are not specifically authorized by this section may be approved by the Department of Financial Services pursuant to rules adopted by it. Expenses approved pursuant to this paragraph shall be reported by the Department of Financial Services to the Auditor General annually.

(9) RULES.--

(a) The Department of Financial Services shall adopt such rules, including, but not limited to, the general criteria to be used by a state agency to predetermine justification for attendance by state officers and employees and authorized persons at conventions and conferences, and prescribe such forms as are necessary to effectuate the purposes of this section. The department may also adopt rules prescribing the proper disposition and use of promotional items and rebates offered by common carriers and other entities in connection with travel at public expense; however, before adopting such rules, the department shall consult with the appropriation committees of the Legislature.

(b) Each state agency shall adopt such additional specific rules and specific criteria to be used by it to predetermine justification for attendance by state officers and employees and authorized persons at conventions and conferences, not in conflict with the rules of the Department of Financial Services or with the general criteria to be used by a state agency to predetermine justification for attendance by state officers and employees and authorized persons at conventions, as may be necessary to effectuate the purposes of this section.

(10) FRAUDULENT CLAIMS.--Claims submitted pursuant to this section shall not be required to be sworn to before a notary public or other officer authorized to administer oaths, but any claim authorized or required to be made under any provision of this section shall contain a statement that the expenses were actually incurred by the traveler as necessary travel expenses in the performance of official duties and shall be verified by a written declaration that it is true and correct as to every material matter; and any person who willfully makes and subscribes any such claim which he or she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under the provisions of this section of a claim which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such claim, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Whoever shall receive an allowance or reimbursement by means of a false claim shall be civilly liable in the amount of the overpayment for the reimbursement of the public fund from which the claim was paid.

(11) TRAVEL AUTHORIZATION AND VOUCHER FORMS.--

(a) *Authorization forms.*--The Department of Financial Services shall furnish a uniform travel authorization request form which shall be used by all state officers, employees, and authorized persons when requesting approval for the performance of travel to a convention or conference. The form shall include, but not be limited to, provision for the name of each traveler, purpose of travel, period of travel, estimated cost to the state, and a statement of benefits accruing to the state by virtue of such travel. A copy of the program or agenda of the convention or conference, itemizing registration fees and any meals or lodging included in the registration fee, shall be attached to, and filed with, the copy of the travel authorization request form on file with the agency. The form shall be signed by the traveler and by the traveler's supervisor stating that the travel is to be incurred in connection with official business of the state. The head of the agency or his or her designated representative shall not authorize or approve such request in the absence of the appropriate signatures. A copy of the travel authorization form shall be attached to, and become a part of, the support of the agency's copy of the travel voucher.

(b) *Voucher forms.*--

1. The Department of Financial Services shall furnish a uniform travel voucher form which shall be used by all state officers, employees, and authorized persons when submitting travel expense statements for approval and payment. No travel expense statement shall be approved for payment by the Chief Financial Officer unless made on the form prescribed and furnished by the department. The travel voucher form shall provide for, among other things, the purpose of the official travel and a certification or affirmation, to be signed by the traveler, indicating the truth and correctness of the claim in every material matter, that the travel expenses were actually incurred by the traveler as necessary in the performance of official duties, that per diem claimed has been appropriately reduced for any meals or lodging included in the convention or conference registration fees claimed by the traveler, and that the voucher conforms in every respect with the requirements of this section. The original copy of the executed uniform travel authorization request form shall be attached to the uniform travel voucher on file with the respective agency.

2. Statements for travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health shall be on forms approved by the Department of Financial Services.

(12) ADVANCEMENTS.--Notwithstanding any of the foregoing restrictions and limitations, an agency head or his or her designee may make, or authorize the making of, advances to cover anticipated costs of travel to travelers. Such advancements may include the costs of subsistence and travel of any person transported in the care or custody of the traveler in the performance of his or her duties.

(13) DIRECT PAYMENT OF EXPENSES BY AGENCY.--Whenever an agency requires an employee to

incur either Class A or Class B travel on emergency notice to the traveler, such traveler may request the agency to pay his or her expenses for meals and lodging directly to the vendor, and the agency may pay the vendor the actual expenses for meals and lodging during the travel period, limited to an amount not to exceed that authorized pursuant to this section. In emergency situations, the agency head or his or her designee may authorize an increase in the amount paid for a specific meal, provided that the total daily cost of meals does not exceed the total amount authorized for meals each day. The agency head or his or her designee may also grant prior approval for a state agency to make direct payments of travel expenses in other situations that result in cost savings to the state, and such cost savings shall be documented in the voucher submitted to the Chief Financial Officer for the direct payment of travel expenses. The provisions of this subsection shall not be deemed to apply to any legislator or to any employee of the Legislature.

(14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING ORGANIZATIONS.--

(a) The following entities may establish rates that vary from the per diem rate provided in paragraph (6)(a), the subsistence rates provided in paragraph (6)(b), or the mileage rate provided in paragraph (7)(d) if those rates are not less than the statutorily established rates that are in effect for the 2005-2006 fiscal year:

1. The governing body of a county by the enactment of an ordinance or resolution;
2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;
3. The governing body of a district school board by the adoption of rules;
4. The governing body of a special district, as defined in s. 189.403(1), except those special districts that are subject to s. 166.021(10), by the enactment of a resolution; or
5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.

(b) Rates established pursuant to paragraph (a) must apply uniformly to all travel by the county, county constitutional officer and entity governed by that officer, district school board, special district, or metropolitan planning organization.

(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, special districts, and metropolitan planning organizations, other than those subject to s. 166.021(10), remain subject to the requirements of this section.

(15) CLASS C TRAVEL.--Moneys appropriated from the State Treasury may not be used to pay per diem or subsistence related to Class C travel.

¹(16) SUPREME COURT JUSTICES.--Notwithstanding any provision of this section to the contrary, the Chief Justice of the Supreme Court is authorized to reimburse justices of the Supreme Court for travel expenses, including travel, per diem, and subsistence allowances, associated with travel to Tallahassee on official business for the state from the county in which the justice resides for no more than 36 trips per justice, provided that reimbursement may not be made for travel to Tallahassee if the justice resides within 50 miles of the headquarters of the Supreme Court. This subsection expires July 1, 2009.

History.--ss. 1, 3, ch. 22830, 1945; ss. 1, 2, 3, ch. 23892, 1947; ss. 1, 3, ch. 25040, 1949; ss. 1, 3,

ch. 26910, 1951; s. 1, ch. 28303, 1953; s. 1, ch. 29628, 1955; s. 1, ch. 57-230; s. 1, ch. 61-183; s. 1, ch. 61-43; s. 1, ch. 63-5; s. 1, ch. 63-192; s. 1, ch. 63-122; s. 1, ch. 63-400; ss. 2, 3, ch. 67-371; ss. 1, 2, ch. 67-2206; s. 1, ch. 69-193; s. 1, ch. 69-381; ss. 12, 23, 31, 35, ch. 69-106; s. 65, ch. 71-136; s. 1, ch. 72-213; s. 1, ch. 72-217; s. 1, ch. 72-324; s. 26, ch. 72-404; s. 1, ch. 73-169; s. 1, ch. 74-15; s. 1, ch. 74-246; s. 1, ch. 74-365; ss. 1, 2, ch. 75-33; s. 1, ch. 76-166; s. 2, ch. 76-208; ss. 1, 2, ch. 76-250; s. 1, ch. 77-174; s. 1, ch. 77-231; ss. 1, 2, ch. 77-437; s. 2, ch. 78-95; s. 51, ch. 79-190; s. 1, ch. 79-205; s. 1, ch. 79-303; s. 1, ch. 79-412; ss. 1, 2, ch. 81-207; ss. 1, 2, ch. 83-307; s. 1, ch. 85-140; s. 1, ch. 87-407; s. 4, ch. 88-235; s. 12, ch. 89-291; s. 18, ch. 91-45; s. 1, ch. 94-139; s. 1403, ch. 95-147; s. 26, ch. 95-312; s. 5, ch. 96-310; s. 43, ch. 96-399; s. 23, ch. 98-136; s. 9, ch. 99-8; s. 7, ch. 99-155; s. 16, ch. 99-399; ss. 48, 53, ch. 2001-254; ss. 46, 79, ch. 2002-402; s. 2, ch. 2003-125; s. 123, ch. 2003-261; s. 49, ch. 2003-399; s. 5, ch. 2004-5; s. 32, ch. 2004-269; s. 23, ch. 2005-71; s. 12, ch. 2006-1; s. 6, ch. 2006-18; ss. 14, 53, ch. 2006-26; s. 1, ch. 2006-41; s. 3, ch. 2006-54; s. 2, ch. 2007-196; s. 6, ch. 2008-6; s. 13, ch. 2008-153.

¹Note.--Section 13, ch. 2008-153, added subsection (16) "[i]n order to implement Specific Appropriation 3205 of the 2008-2009 General Appropriations Act."

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Chapter I General Provisions

SECTION 1.07 STANDARDS OF CONDUCT

(Replaces Section 1.07 Personal Conduct, Section 1.11 Political Activity and Section 1.12 Activity Interference of the current policy manual)

I. POLICY

It is the policy of the City that Employees maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees and is free from forms of harassment and violence. Employees are expected to conduct themselves in appropriate manner reflective of their obligations to the public.

II. PROCEDURE

- A. It shall be the duty of all Employees to maintain a high standard of public service, and Employees shall maintain the highest level of cooperation, morale, efficiency, achievement and harmony between themselves, other departments, and the public.
- B. The City encourages a congenial work environment of respect and professionalism; therefore, the City prohibits conduct which may adversely affect other Employees or distract other Employees from effective performance of their job duties, including intentionally harming or threatening other Employees, the public, vendors, visitors, or property belonging to any of these parties.
- C. Employees shall not act in a manner that may discredit the City, management, fellow Employees, or themselves
- D. Where this, or any other City policy, requires that the Employee notify the City of conduct or activities which may affect the Employee's Employment, said notice is provided to the Department Director, or designee, unless otherwise specifically stated or required.
- E. Unacceptable Conduct. The following is not an exhaustive list but a guide to unacceptable conduct.
 - 1. Employees will not engage in acts of dishonesty, fraud, theft or sabotage.
 - 2. Employees will not engage in falsifying any document used by the City including employment applications, time sheets, personnel records, or other writing.
 - 3. Employees will not misappropriate City funds.

4. Employees will not make any false statement or, in any manner, commit or attempt to commit any fraud preventing the impartial execution of the provisions of these policies with regard to employment, promotion or any other terms or conditions of employment.
5. Employees will not accept a fee, gift or other valuable item which might be construed as a means of receiving a favor to influence the employee in the performance of his/her duties for the City. In particular, no employee shall receive a fee, gift, meal or other valuable item in excess of \$25.00 regardless of its purpose or influence.
6. Employees will not conduct themselves in a manner that creates a Conflict of Interest with their employment with City. (See the policy section of Conflict of Interest.)
7. Employees will not, either directly or indirectly, use their official position with the City or information obtained in connection with their employment for private gain or personal benefit.
8. Employees will not promote or conduct personal or private business for gain or personal benefit within any facility or on property of City or on City time.
9. Employees will not engage in the unauthorized possession of City or another Employee's personal property.
10. Employees will not engage in unauthorized use of City materials, time, equipment, technology (hardware and software), telephones, or property.
11. Employees will not engage in damaging, destroying or illegally disposing of City property through careless or willful acts.
12. Employees will not use any City vehicle or personal vehicle on City business without appropriate licenses issued by the State of Florida. Employees must notify their Department Director, or designee, immediately when driving privileges are revoked.
13. Employees will not fail to provide City with current information relating to required licenses or certifications.
14. Employees will not engage in gambling, carrying unauthorized weapons or explosives, or violating criminal laws, on City premises.

15. Employees will not engage in fighting, throwing things, horseplay, practical jokes, or other disorderly conduct, which may endanger the well-being of any Employee or the public.
16. Employees will not violate the requirements of the Drug Free Workplace Policy, in particular, Employees will not use any Illegal Drugs or alcohol while on City premises or conducting City business and Employees will not be under the influence of any Illegal or Legal Drugs which affect the performance of his/her duties or affect the safety of the Employee or others.
17. Employees will not refuse to submit to or will not alter a drug or an alcohol test required by City pursuant to the Drug-free Workplace Policy and as otherwise required or permitted by law.
18. Employees will not engage in violent, harassing, antagonistic, disruptive, offensive, threatening, intimidating, or coercive behavior, or using abusive or vulgar language, which interferes with the performance of other Employees.
19. Employees will not perform any act which is illegal, whether felony or misdemeanor, or any act involving moral turpitude or which negatively impacts the City.
20. Employees will not fail to notify the City when the Employee has been arrested for criminal offense.
21. Employees will not engage in conduct which the City determines reflects adversely on the City.
22. Employees will not make or participate in verbal, physical or visual conduct of a racial or ethnic nature. (See the policy section on Harassment.)
23. Employees will not make or participate in unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. (See the policy section on Harassment.)
24. Employees will not use tobacco products anywhere on City premises except in specifically designated areas.
25. Employees will not negligently or intentionally fail to observe all fire prevention and safety rules.
26. Employees will not fail to adhere to time and attendance standards established for their position or Department.

27. Employees will not misuse or abuse paid leave inclusive of holidays, vacation or sick leave, jury duty, bereavement, etc.
28. Employees will not fail to report a workplace injury or accident or unsafe working condition.
29. Employees will not engage in insubordination or refusal to comply with instructions or failure to perform reasonable duties which are assigned.
30. Employees will not engage in conduct and speech which may undermine the efficiency and/or reputation of fellow Employees, program areas, offices/facilities, policies, and actions of the City; or that interferes with the reasonable supervision or proper discipline of the City and its operations.
31. Employees will not release any Confidential Information, information in violation of HIPPA, Social Security Numbers or any other information that is obtained in the course of the official duties of an Employee unless the Employee is charged with the responsibility as a part of his or her official duties.
32. Employees will not exhibit a disregard for their personal appearance. Employees must maintain a personal appearance that is clean and appropriate for their position which is determined by Department Director, or designee. Whatever the attire required for the position, the Employee will conduct themselves accordingly while performing duties as assigned by City.
33. Employees will not wear the City uniform in the performance of non-City activities.
34. Employees will not fail to devote his or her working hours to the pursuit of his or her assigned duties in a competent and efficient manner.
35. Employees will not participate in any political campaign for an elective office while on duty, including wearing political attire.
36. Employees will not sleep or give the appearance of sleeping while on City time, unless employed in the Fire Department where departmental operating procedure shall apply.
37. Employees will not have unauthorized personal visitors while on City time.

38. Employees will not perform in a manner which, in the City's opinion, does not meet the requirements of the position.
 39. Employees will not engage in practices as the City determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the City, its Employees or residents.
 40. Employees will not perform any other act in a manner that may warrant corrective action.
 41. Employees will not perform any other act in a manner that violates the policies contained in this Manual, promulgated City policies, and Department/Division procedures.
 42. Employees will not fail to adhere to safety rules and regulations for the position in which they are employed and will not fail to wear safety equipment or protection as prescribed.
 43. Employees shall not misuse or abuse the City's information technology including equipment, hardware or software.
- F. Employees engaging in conduct in violation of this, or any other policy of the City, may be subject to disciplinary action up to and including termination of employment.

Chapter I General Provisions
SECTION 1.08 CONFLICT OF INTEREST

(Replaces Section 1.08 Receiving Gifts &
Section 1.13 Selling to and Purchasing From or Through the City)

I. POLICY

No Employee shall solicit or accept or have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.

II. DEFINITIONS

- A. Conflict of Interest means a situation in which regard for a private interest tends to lead to disregard of a public duty or the City's interest or responsibilities. This policy is inclusive of all outside personal or business relationships that afford present or future financial benefit to an Employee, an Employee's Family Member, or to individuals to which the Employee has financial/business ties which may be determined by the City Manager, or designee, as a Conflict of Interest.
- B. Gift means that which is accepted by an Employee or by another person on the Employee's behalf, or that which is paid or given to another for or on behalf of an Employee, directly or indirectly, or in trust for the Employee's benefit, for which something of equal or greater value or consideration.
- C. Honorarium means a payment of money or anything of value, directly or indirectly, to an Employee, or to any other person on behalf of the Employee, as consideration for a speech, address, oration or other oral presentation or a writing intended to be published (other than a book).
- D. Family Member means an individual who is related to an Employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the Employee or who otherwise holds himself or herself out as or is generally known as the person whom the Employee intends to marry or with whom the Employee intends to form a household, or any other natural person having the same legal residence as the Employee.

III. PROCEDURE

- A. No Employee of the City shall solicit or accept anything of value to the Employee, including a Gift, Honorarium, loan, reward, promise of future employment, favor, or service, based upon any understanding that the official action or judgment of the employee would be influenced thereby.
- B. No Employee will have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with proper discharge of his or her duties for City.
- C. Employees must refrain from engaging in personal or business relationships that may create Conflicts of Interests or the perception of a Conflict of Interest inclusive of relationships that affords present or future financial benefits to an Employee, an Employee's Family Member or to individuals that the Employee has financial/business ties which may be determined to be a Conflict of Interest.
- D. Employees who may be in a position to influence City decisions must refrain from relationships that may adversely affect their judgment in dealing with the City's vendors, suppliers and other business relationships.
- E. Conflict of Interest Disclosure and Declaration.
 - 1. Upon employment, Employees are required to complete and sign a Conflict of Interest Declaration Form to identify situations that are or could be perceived as a Conflict of Interest.
 - 2. Each time an Employee changes jobs with the City, either through promotion, transfer or demotion, Employees shall submit a new Conflict of Interest Declaration Form.
 - 3. At any time during employment when Employees become aware of a Conflict of Interest or a situation that may be perceived as a Conflict of Interest, Employees must disclose and inform his or her Department Director, or designee, of any possible Conflict of Interest.
 - 4. Employees must complete a Conflict of Interest Form as soon as they have knowledge that a Conflict of Interest exists.
- F. Outside Employment.
 - 1. Employees must refrain from performing services for another person or entity that is doing or seeking to do business with the City, except

with the approval and written consent of the City Manager, or designee.

2. The City expects all Employees to devote their efforts to fulfilling the duties of their assigned positions. Employees are expected not to engage in activities outside of work which will prevent them from doing their best when they are working for the City.
3. Employees, whether full-time or part-time, who are employed for wages outside of the City, are required to submit a written request to the City Manager, or designee, for approval. The outside employment agency name, address, telephone number, type of employment and hours of employment must be provided on the written request in case of an emergency situation. The approved request will then be placed in the personnel file of the Employee.

period during which, the financial disclosure statement required by this part is required to be filed.

(11) "Facts materially related to the complaint at issue" means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.

(12)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of an indebtedness.
7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
8. Food or beverage.
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

(c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(d) For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

(13) "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(14) "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

(15) "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

(16) "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, a source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

(17) "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

(18) "Parties materially related to the complaint at issue" means any other public officer or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a conspirator or as an aider and abettor.

(19) "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.

(20) "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.

(21) "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

(22) "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

(23) "Source" means the name, address, and description of the principal business activity of a person or business entity.

(24) "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

History.--s. 2, ch. 67-469; ss. 11, 12, ch. 68-35; s. 8, ch. 69-353; s. 2, ch. 74-177; s. 1, ch. 75-196; s. 1, ch. 75-199; s. 3, ch. 75-208; s. 4, ch. 76-18; s. 1, ch. 77-174; s. 2, ch. 82-98; s. 1, ch. 83-282; s. 2, ch. 90-502; s. 2, ch. 91-85; s. 3, ch. 91-292; s. 699, ch. 95-147; s. 1, ch. 96-328; s. 1, ch. 2000-243.

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Select Year:

The 2008 Florida Statutes

Title X	Chapter 112	View Entire
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS	PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS	Chapter

112.312 Definitions.--As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(1) "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

(2) "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

(3) "Breach of the public trust" means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.

(4) "Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or coowner of property.

(5) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(6) "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.

(7) "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.

(8) "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

(9) "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

(10) "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the

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Title X	Chapter 112	View Entire Chapter
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS	PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS	

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.--

(1) DEFINITION.--As used in this section, unless the context otherwise requires, the term "public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) SOLICITATION OR ACCEPTANCE OF GIFTS.--No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

(3) DOING BUSINESS WITH ONE'S AGENCY.--No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(4) UNAUTHORIZED COMPENSATION.--No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

(5) SALARY AND EXPENSES.--No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law. No local government attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

(6) MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.--

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.--A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.--

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. "Employee" means:

(l) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the

Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

a. A person employed by the Legislature or other agency prior to July 1, 1989;

b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not

the person was a defined employee on July 1, 1989;

c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;

d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or

e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(10) EMPLOYEES HOLDING OFFICE.--

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.--No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) EXEMPTION.--The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

(f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.

(g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.

(h) The transaction is made pursuant to s. 1004.22 or s. 1004.23 and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:

1. The price and terms of the transaction are available to similarly situated members of the general public; and

2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.--The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.--A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The "government body or agency" of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The "government body or agency" of any other county elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The "government body or agency" of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d) The "government body or agency" of an elected special district officer is the special district.

(e) The "government body or agency" of an elected school district officer is the school district.

(15) ADDITIONAL EXEMPTION.--No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer's agency and:

(a) The officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer's employer, publicly states to the assembly the nature of the officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.

(16) LOCAL GOVERNMENT ATTORNEYS.--

(a) For the purposes of this section, "local government attorney" means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, "unit of local government" includes, but is not limited to, municipalities, counties, and special districts.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

(17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.--No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

History.--s. 3, ch. 67-469; s. 2, ch. 69-335; ss. 10, 35, ch. 69-106; s. 3, ch. 74-177; ss. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349; s. 4, ch. 82-98; s. 2, ch. 83-26; s. 6, ch. 83-282; s. 14, ch. 85-80; s. 12, ch. 86-145; s. 1, ch. 88-358; s. 1, ch. 88-408; s. 3, ch. 90-502; s. 3, ch. 91-85; s. 4, ch. 91-292; s. 1, ch. 92-35; s. 1, ch. 94-277; s. 1406, ch. 95-147; s. 3, ch. 96-311; s. 34, ch. 96-318; s. 41, ch. 99-2; s. 29, ch. 2001-266; s. 20, ch. 2002-1; s. 894, ch. 2002-387; s. 2, ch. 2005-285; s. 2, ch. 2006-275; s. 10, ch. 2007-217.

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112.3143 Voting conflicts.--

(1) As used in this section:

(a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2) No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b) However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the

other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

History.--s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2.

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112.3144 Full and public disclosure of financial interests.--

¹(1) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics.

(2) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year shall not be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part, except that a candidate for office shall file a copy of his or her disclosure with the officer before whom he or she qualifies.

(3) For purposes of full and public disclosure under s. 8(a), Art. II of the State Constitution, the following items, if not held for investment purposes and if valued at over \$1,000 in the aggregate, may be reported in a lump sum and identified as "household goods and personal effects":

- (a) Jewelry;
- (b) Collections of stamps, guns, and numismatic properties;
- (c) Art objects;
- (d) Household equipment and furnishings;
- (e) Clothing;
- (f) Other household items; and
- (g) Vehicles for personal use.

(4)(a) With respect to reporting, on forms prescribed under this section, assets valued in excess of \$1,000 which the reporting individual holds jointly with another person, the amount reported shall be based on the reporting individual's legal percentage of ownership in the property. However, assets that are held jointly, with right of survivorship, must be reported at 100 percent of the value of the asset. For purposes of this subsection, a reporting individual is deemed to own a percentage of a partnership which is equal to the reporting individual's interest in the capital or equity of the partnership.

(b)1. With respect to reporting liabilities valued in excess of \$1,000 on forms prescribed under this section for which the reporting individual is jointly and severally liable, the amount reported shall be based on the reporting individual's percentage of liability rather than the total amount of the liability. However, liability for a debt that is secured by property owned by the reporting individual but that is held jointly, with right of survivorship, must be reported at 100 percent of the total amount owed.

2. A separate section of the form shall be created to provide for the reporting of the amounts of joint and several liability of the reporting individual not otherwise reported in subparagraph 1.

(5) Forms for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution shall be created by the Commission on Ethics. The commission shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a) Not later than May 1 of each year, the commission shall prepare a current list of the names and addresses of and the offices held by every person required to file full and public disclosure annually by s. 8, Art. II of the State Constitution, or other state law. In compiling the list, the commission shall be assisted by each unit of government in providing at the request of the commission the name, address, and name of the office held by each public official within the respective unit of government.

(b) Not later than 30 days before July 1 of each year, the commission shall mail a copy of the form prescribed for compliance with full and public disclosure and a notice of the filing deadline to each person on the mailing list.

(c) Not later than 30 days after July 1 of each year, the commission shall determine which persons on the mailing list have failed to file full and public disclosure and shall send delinquency notices by certified mail to such persons. Each notice shall state that a grace period is in effect until September 1 of the current year.

(d) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

(e) Any person who is required to file full and public disclosure of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of \$25 per day for each day late up to a maximum of \$1,500; however this \$1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and the procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:

- a. When a statement is actually received by the office.
- b. When the statement is postmarked.
- c. When the certificate of mailing is dated.
- d. When the receipt from an established courier company is dated.

2. Upon receipt of the disclosure statement or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. Such fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys shall be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

(f) Any person subject to the annual filing of full and public disclosure under s. 8, Art. II of the State Constitution, or other state law, whose name is not on the commission's mailing list of persons required to file full and public disclosure is not subject to the fines or penalties provided in this part for failure to file full and public disclosure in any year in which the omission occurred, but nevertheless is required to file the disclosure statement.

(g) The notification requirements and fines of this subsection do not apply to candidates or to the first filing required of any person appointed to elective constitutional office or other position required to file full and public disclosure, unless the person's name is on the commission's notification list and the person received notification from the commission. The appointing official shall notify such newly appointed person of the obligation to file full and public disclosure by July 1. The notification requirements and fines of this subsection do not apply to the final filing provided for in subsection (6).

(h) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such fine to a collection agent as provided in s. 17.20.

(6) Each person required to file full and public disclosure of financial interests shall file a final disclosure statement within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8, Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period. The head of the agency of each person required to file full and public disclosure for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this subsection.

(7) The commission shall adopt rules and forms specifying how a person who is required to file full and public disclosure of financial interests may amend his or her disclosure statement to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

History.--s. 1, ch. 82-98; s. 3, ch. 88-358; s. 19, ch. 91-45; s. 4, ch. 94-277; s. 1409, ch. 95-147; s. 2, ch. 2000-243; s. 30, ch. 2000-258; s. 127, ch. 2003-261; s. 3, ch. 2006-275.

¹**Note.**--As created by s. 30, ch. 2000-258. Subsection (1), as created by s. 2, ch. 2000-243, reads:

(1) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests for any calendar or fiscal year shall file the disclosure with the Florida Commission on Ethics.

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112.3149 Solicitation and disclosure of honoraria.--

(1) As used in this section:

(a) "Honorarium" means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his or her behalf, as consideration for:

1. A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media.
2. A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

The term "honorarium" does not include the payment for services related to employment held outside the reporting individual's or procurement employee's public position which resulted in the person becoming a reporting individual or procurement employee, any ordinary payment or salary received in consideration for services related to the reporting individual's or procurement employee's public duties, a campaign contribution reported pursuant to chapter 106, or the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee, for a reporting individual or procurement employee and spouse.

(b) "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(c) "Reporting individual" means any individual who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. [112.3145](#), to file a full or limited public disclosure of his or her financial interests.

(d)1. "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered as a lobbyist in accordance with such rule, ordinance, or law. At a minimum, such a registration system must require the registration of, or must designate, persons as "lobbyists" who engage in the same activities as require registration to lobby the Legislature pursuant to s. [11.045](#).

(e) "Procurement employee" means any employee of an officer, department, board, commission,

or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(2) A reporting individual or procurement employee is prohibited from soliciting an honorarium which is related to the reporting individual's or procurement employee's public office or duties.

(3) A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a political committee or committee of continuous existence, as defined in s. 106.011, from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or from the employer, principal, partner, or firm of such a lobbyist.

(4) A political committee or committee of continuous existence, as defined in s. 106.011, a lobbyist who lobbies a reporting individual's or procurement employee's agency, or the employer, principal, partner, or firm of such a lobbyist is prohibited from giving an honorarium to a reporting individual or procurement employee.

(5) A person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee, but who provides a reporting individual or procurement employee, or a reporting individual or procurement employee and his or her spouse, with expenses related to an honorarium event, shall provide to the reporting individual or procurement employee, no later than 60 days after the honorarium event, a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the honorarium event.

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for those expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (5) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. The attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement employee shall be filed with the Commission on Ethics. The statement filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the statement shall be filed by July 1 of the year after leaving office or employment at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics.

(7) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (4) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to whom the honorarium was paid in violation of subsection (4), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(8) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he or she is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

History.--s. 9, ch. 90-502; s. 7, ch. 94-277; s. 1412, ch. 95-147; s. 5, ch. 2000-243; s. 33, ch. 2000-258; s. 7, ch. 2006-275.

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112.317 Penalties.--

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, or violation of any provision of s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, shall, under applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue Fund.

8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of this part or s. 8(a) and (i), Art. II of the State Constitution:

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$10,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred before the officer's or employee's leaving public office or employment:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000.
3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and the proper disciplinary official or body under s. 112.324 imposes a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. The Attorney General shall collect any costs, attorney's fees, expert witness fees, or other costs of collection incurred in bringing the action.

(3) The penalties prescribed in this part shall not be construed to limit or to conflict with:

(a) The power of either house of the Legislature to discipline its own members or impeach a public officer.

(b) The power of agencies to discipline officers or employees.

(4) Any violation of this part or of s. 8, Art. II of the State Constitution by a public officer shall constitute malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates any provision of this part or of s. 8, Art. II of the State Constitution may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its President or by a majority of its membership.

(6) In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the

commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(7) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

History.--s. 7, ch. 67-469; s. 1, ch. 70-144; s. 2, ch. 74-176; s. 8, ch. 74-177; s. 2, ch. 75-199; s. 7, ch. 75-208; s. 5, ch. 82-98; s. 10, ch. 90-502; s. 10, ch. 91-85; s. 8, ch. 94-277; s. 1413, ch. 95-147; s. 1, ch. 95-354; s. 13, ch. 2000-151; s. 8, ch. 2006-275.

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Chapter I General Provisions
SECTION 1.15 DRESS AND APPEARANCE
(New Policy)

I. POLICY

It is the policy of the City that Employees are well groomed, neat and dress appropriately for their job functions. Job functions and performance requirements vary depending on area of responsibility and contact with the public; therefore, specific dress and personal appearance standards may be established for various jobs/departments. The City Manager, in his or her sole discretion, is authorized to establish dress and appearance standards as necessary to maintain an effective and appropriate public image.

II. DEFINITIONS

- A. Uniformed Employee shall mean an Employee required to wear a specific colored or styled uniform which may or may not be furnished by the City.

III. PROCEDURE

- A. Employees are expected to maintain appropriate dress and appearance for the job/position in which the Employee is employed such that they project a positive, effective and responsible image to the public.
- B. The following dress/appearance standards shall apply to Employees while on duty:
1. Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest or buttocks areas.
 2. Clothing, to include jewelry and hair, should not be loose or dangle in such a way that it creates a safety hazard. Hair must be worn in a neat and trimmed manner.
 3. Clothing shall not be distracting, offensive or revealing.
 4. Clothing should be free of sexually related references, foul language/profanity, nude or semi-nude pictures, sexually suggestive slogans, cartoons or drawings, or political campaign messages.
 5. Clothing should not suggest or promote the use of drugs or other intoxicants.

6. Tattoos or other body art must be appropriate in content and in keeping with a professional image; tattoos or other body art which are in conflict with this policy shall be covered by the Employee while on duty.
 7. Body piercing jewelry will only be worn on the ear. No other areas of the body should be visible with body piercing jewelry.
 8. Employees shall observe strict personal hygiene practices to include the use of deodorants, clean hair, skin, clothing.
 9. All cuts or wounds must be covered.
 10. The following are unacceptable attire: halter tops, beachwear, spandex or other form fitting pants, work-out attire, flip-flops or slippers, bare feet; pants, shorts, or skirts worn below the waistline such that the abdomen or back is exposed; sexually provocative clothing; clothing of any kind promoting unlawful or obscene products; hats in the office environment; the observable lack of undergarments and exposed undergarments; or sundresses, dresses or tops with low-cut front or back.
 11. The above is not an exhaustive list but a guide to good dress and appearance.
- C. Employees shall wear all safety equipment or protective devices issued by the City at all times as required.
- D. Uniformed Employees must wear their uniform as required while on duty.
1. Uniforms shall be neat, cleaned and pressed.
 2. Uniforms shall be worn in accordance with appropriate policies and procedures as established by the Department and/or City.
 3. Alcoholic beverages shall not be purchased or consumed while in City uniform, even off-duty. Uniforms shall not be worn in the performance of non-City related work activities where a citizen could perceive that the Employee is working on behalf of the City.
- E. Department Directors, or designee, are responsible for interpreting and enforcing dress, appearance and grooming standards in their areas of responsibility. Any Employee whose appearance does not meet these standards may be counseled by his/her Department Director, or designee.

- F. If the Employee's appearance is deemed in violation of this policy, is unduly distracting, or the clothing is unsafe, the Employee may be relieved of duty or sent home to bring their appearance into compliance. Employees relieved of duty or sent home under this provision shall not be compensated for the time necessary to remedy the dress and appearance violation.
- G. Reasonable accommodation will be made for Employees' religious beliefs and disabilities whenever possible consistent with the business necessity to present a professional appearance to the public and maintain a safe work environment.
- H. Violations of this policy may result in disciplinary action up to and including termination of employment.

Chapter VI Leave Of Absence
SECTION 6.07 ADMINISTRATIVE OR INVESTIGATORY LEAVE
(New Policy)

I. POLICY

An Employee may be placed on paid Administrative or Investigatory Leave, with or without notice, to permit the City to review or investigate actions in violation of City policies, procedures, rules or regulations which warrants removing the Employee from the work site.

II. DEFINITIONS

None.

III. PROCEDURES

- A. A Department Director may place an Employee on paid Administrative or Investigatory Leave without prior notice for periods not to exceed 15 calendar days in order to review or investigate circumstances surrounding violations of City policies, procedures, rules or regulations. Exceptions to the 15-calendar-day limit must be approved by the City Manager or designee.
- B. The Department Director is to:
 - 1. Inform the Employee that he or she is being placed on Administrative or Investigatory Leave and that an investigation will occur;
 - 2. Inform the Employee of the reasons for the leave;
 - 3. Request the return of company property (keys, electronic equipment, files, records, etc.); and
 - 4. Escort the employee from the work site.
- C. The Administrative or Investigatory Leave is confirmed in writing to the Employee no later than five (5) working days after the leave commences.
- D. The Department Director, in consultation with City Manager or designee, will conduct or will appoint a person to conduct a thorough investigation of the allegations or charges in accordance with all other policies established for investigations, grievances, and disciplinary actions.
- E. Upon completion of the investigation or inquiry, the Department Director, with approval of the City Manager, may return the Employee to regular duty or take disciplinary action as required.

CORRESPONDENCE-TO-NOTE

REGULAR COUNCIL MEETING – June 1, 2009

1. TYPE: Report
DATE: April 2009
RECEIVED FROM: Brooksville Housing Authority
ADDRESSED TO: City of Brooksville, City Council
SUBJECT: U.S. Department of HUD Annual Statement/Performance and Evaluation Report
2. TYPE: Report
DATE: April 2009
RECEIVED FROM: Brooksville Housing Authority
ADDRESSED TO: City of Brooksville, City Council
SUBJECT: U.S. Department of HUD PHA Annual Plan for FY2009
3. TYPE: Letter
DATE: April 9, 2009
RECEIVED FROM: Office of Municipal Police Officers' and Firefighters' Retirement Trust Funds, Division of Retirement
ADDRESSED TO: Jason Brough, Chairman, Brooksville Police Officers' Pension Fund
SUBJECT: Notification of receipt and approval of the 2008 Annual Report for the Brooksville Police Officers' Pension Fund
4. TYPE: Letter
DATE: May 4, 2009
RECEIVED FROM: Creative Environmental Solutions, Inc.
ADDRESSED TO: Emory Pierce, Department of Public Works
SUBJECT: Update regarding status of petroleum assessment and clean-up activities at the City of Brooksville Maintenance Facility, CES Project #00027-71
5. TYPE: Letter
DATE: May 4, 2009
RECEIVED FROM: Creative Environmental Solutions, Inc.
ADDRESSED TO: Emory Pierce, Department of Public Works
SUBJECT: Update regarding status of petroleum assessment and clean-up activities at Broad Street and S. Main, CES Project #00027-69

NOTE: COPIES OF ALL CORRESPONDENCE ON FILE IN THE OFFICE OF THE CITY CLERK

Annual Statement/Performance and Evaluation Report
Capital Fund Program, Capital Fund Program Replacement Housing Factor and
Capital Fund Financing Program

Part I: Summary		Grant Type and Number		FFY of Grant: 2009	
PHA Name: BROOKSVILLE HOUSING AUTHORITY		Capital Fund Program Grant No: FL029P074 Replacement Housing Factor Grant No: Date of CFFP:		FFY of Grant Approval:	
Type of Grant	Original Annual Statement <input checked="" type="checkbox"/> Original Annual Statement and Evaluation Report for Period Ending: <input type="checkbox"/> Performance and Evaluation Report for Development Account	Reserve for Disasters/Emergencies <input type="checkbox"/>	Revised Annual Statement (revision no:)		Total Actual Cost ¹ Expended
			Total Estimated Cost	Obligated	
Line	Summary by Development Account	Original	Revised ²	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21) ³				
3	1408 Management Improvements				
4	1410 Administration (may not exceed 10% of line 21)	24,700.00	0		
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs		24,000.00		
8	1440 Site Acquisition				
9	1450 Site Improvement				
10	1460 Dwelling Structures	182,390.00	130,000.00		
11	1465.1 Dwelling Equipment—Nonexpendable	40,000.00	0		
12	1470 Non-dwelling Structures		93,090.00		
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities ⁴				

¹ To be completed for the Performance and Evaluation Report.
² To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
³ PHAs with under 250 units in management may use 100% of CFP Grants for operations.
⁴ RHF funds shall be included here.

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

PHA Plans

Annual Plan for Fiscal Year 2009

**NOTE: THIS PHA PLANS TEMPLATE (HUD 50075) IS TO BE COMPLETED IN
ACCORDANCE WITH INSTRUCTIONS LOCATED IN APPLICABLE PIH NOTICES**



Division of Retirement
Municipal Police Officers' & Firefighters'
Retirement Trust Funds' Office
PO Box 3010
Tallahassee, Florida 32315-3010
Toll Free: 877.738.6737
Tel: 850.922.0667
Fax: 850.921.2161
www.dms.MyFlorida.com

Governor Charlie Crist

Secretary Linda H. South

APPROVED

MEMORANDUM

April 9, 2009

To: Mr. Jason J. Brough, Chairman
Brooksville Police Officers' Pension Fund

From: Office of Municipal Police Officers' and Firefighters'
Retirement Trust Funds, Division of Retirement

Subject: 2008 ANNUAL REPORTS

This is to advise that we have reviewed and approved the 2008 Annual Report (s) for the Brooksville Police Officers' Pension Fund.

If you have any questions, please contact our office at (850) 922-0667.

mm

cc: ✓ Steve J. Baumgartner, Finance Director
Patrick T. Donlan, Plan Actuary
Mary Beth Gary, CPA
Bonni S. Jensen, Plan Attorney

APPROVED

Jensen
mm

CTN 6-01-09
M. Van



Geologists ▶ Engineers ▶ Environmental Scientists ▼

700 DeSoto Avenue • Brooksville, FL • 34601

May 4, 2009

Mr. Emory Pierce
City of Brooksville DPW
201 Howell Avenue
Brooksville, Florida 34601

RE: Site Assessment Status
City of Brooksville Maintenance Facility (D.P.W.)
600 Brooksville Avenue
Brooksville, Florida
CES Project #00027-71

Dear Mr. Pierce,

The purpose of this letter is to provide you with an update regarding the status of petroleum assessment and clean-up activities at the above referenced site. This status update is being provided to you as a courtesy for your information and use as a planning tool.

CES has recently submitted a proposal to conduct additional soil borings and monitoring well installations. Once the FDEP approves the proposal and issues a work order, we will contact you to begin scheduling work.

CES appreciates this opportunity to be of service to you. If you should have any questions regarding your site or the work being performed, please contact the undersigned at (352) 796-3374.

Best regards,

CREATIVE ENVIRONMENTAL SOLUTIONS, INC.

A handwritten signature in black ink, appearing to read 'George K. Foster'.

George K. Foster, P.G. #403
President

A handwritten signature in black ink, appearing to read 'Edward Watson'.

Edward Watson
Project Geologist

CVT
06-01-09



Geologists ▶ Engineers ▶ Environmental Scientists ▼

700 DeSoto Avenue • Brooksville, FL • 34601
Tel: 352.796.3374 • Fax: 352.796.2449

May 4, 2009

Mr. Emory Pierce
City of Brooksville
600 S. Brooksville Avenue
Brooksville, Florida 34601

RE: Status Update
City of Brooksville LUST Site
→ Broad Street and S. Main ←
Brooksville, Florida
CES Project #00027-69

Dear Mr. Pierce,

The purpose of this letter is to provide you with an update regarding the status of petroleum assessment and clean-up activities at the above referenced site. This status update is being provided to you as a courtesy for your information and use as a planning tool.

CES has recently performed field work to install seven (7) shallow monitoring wells and three (3) intermediate depth monitoring wells at the above mentioned site. This work has been completed and groundwater sampling is scheduled to occur by mid-May. Upon completion of a Template Site Assessment Report (TSAR), the State and CES will confer to discuss what additional action may be required for this site.

CES appreciates the opportunity to be of service to you. If you should have any questions regarding your site or the work being performed, please contact the undersigned at (352) 796-3374.

Best regards,

CREATIVE ENVIRONMENTAL SOLUTIONS, INC.

A handwritten signature in black ink, appearing to read "George K. Foster".

George K. Foster, P.G.
President/Principal Geologist

A handwritten signature in black ink, appearing to read "Edward Watson".

Edward Watson
Project Geologist

CTN
06.01.09