

PANAMA CITY BEACH CITY COUNCIL

AGENDA

NOTE: AT EACH OF ITS REGULAR OR SPECIAL MEETINGS, THE CITY COUNCIL ALSO SITS, EX-OFFICIO, AS THE CITY OF PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY AND MAY CONSIDER ITEMS AND TAKE ACTION IN THAT LATTER CAPACITY.

MEETING DATE: MAY 23, 2019
MEETING TIME: 9:00 a.m.

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION – POLICE CHAPLAIN JOHN WOODROW, GULFVIEW UNITED METHODIST CHURCH
- III. PLEDGE OF ALLEGIANCE – COUNCILMAN CASTO
- IV. COMMUNITY ANNOUNCEMENTS
- V. APPROVAL OF THE MINUTES
REGULAR MEETING – MAY 9, 2019
- VI. APPROVAL OF AGENDA, AND ADDITIONS OR DELETIONS
- VII. PRESENTATIONS- COUNCILMAN CASTO
1 STREET/STORMWATER DEPARTMENT UPDATE
- VIII. PUBLIC COMMENTS-REGULAR (NON-PUBLIC HEARINGS) & CONSENT ITEMS ONLY (LIMITED TO THREE MINUTES)
- IX. CONSENT AGENDA
1 *RESOLUTION 19-89, TASK ORDER #1, WEST END WATER IMPROVEMENTS – MOTT MACDONALD. "A Resolution of the City of Panama City Beach, Florida approving Task Order #1 to the Master Services Agreement with Mott MacDonald Florida, LLC related to Professional Utility Engineering Services for the West End Water System Improvements in the amount of \$96,092."*
- X. REGULAR AGENDA - DISCUSSION/ACTION
OFFICIAL ITEM
1 MG ORDINANCE 1490, TELECOMMUNICATION FACILITIES IN THE RIGHT-OF-WAY, 1ST READING.
2 ML ORDINANCE 1491, AMENDING LDC RELATING TO HOSPITALS, 2ND READING, PUBLIC HEARING, AND ADOPTION.
3 HW RESOLUTION 19-90, SICK LEAVE POOL PAYOUT – BUDGET AMENDMENT #36.
4 HW RESOLUTION 19-91, BEACH AND SURF VEHICLES FUNDS REALLOCATED TO FIRE DEPARTMENT – BUDGET AMENDMENT #35.
5 AM LEGISLATIVE UPDATE.
- XI. DELEGATE AND STAFF REPORTS
1 **DELEGATIONS.** In accordance with the City Council's rules and procedures, residents or tax-collectors of the City (upon any subject of general or public interest), City employees (regarding his/her employment), and water and sewer customers (on matters related to the City's water and/or sewer system), may address the City Council under Delegations on items not on the printed agenda by filling out a speaker card. Speaker cards are located inside the Council meeting room and should be provided to the

City Clerk. Please observe the time limit of three (3) minutes while speaking under Delegations. Delegations shall be limited to thirty (30) minutes unless extended by the Chair.

- 2 ATTORNEY REPORT.
- 3 CITY MANAGER REPORT.
- 4 COUNCIL COMMENTS.
- 5 ADJOURN.

*Action items noted with an asterisk are taken both by the City Council and the Panama City Beach Redevelopment Agency jointly and concurrently.

PAUL CASTO	<u> X </u>	PAUL CASTO	<u> X </u>
PHIL CHESTER	<u> X </u>	PHIL CHESTER	<u> X </u>
GEOFF MCCONNELL	<u> X </u>	GEOFF MCCONNELL	<u> X </u>
HECTOR SOLIS	<u> X </u>	HECTOR SOLIS	<u> X </u>
MIKE THOMAS	<u> X </u>	MIKE THOMAS	<u> X </u>

I certify that the Council Members listed above have been contacted and given the opportunity to include items on this agenda.

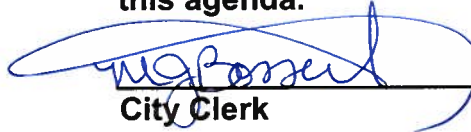
I certify that the Council Members listed above have been contacted and made aware of the items on this agenda.



City Clerk

5.20.19

Date



City Clerk

5.20.19

Date

IN AN EFFORT TO CONDUCT YOUR COUNCIL MEETINGS IN AN ORDERLY AND EXPEDIENT MANNER, WE RESPECTFULLY REQUEST THAT YOU WAIT UNTIL THE CHAIR RECOGNIZES YOU TO SPEAK, THEN COME TO THE PODIUM AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

E-mailed to interested parties and posted on the website on: 05/20/19 2 p.m.

NOTE; COPIES OF THE AGENDA ITEMS ARE POSTED ON THE CITY'S WEBSITE WWW.PCBGOV.COM.

THIS MEETING WILL BE LIVE-STREAMED ON THE CITY WEBSITE AND CITY FACEBOOK PAGE "CITY OF PANAMA CITY BEACH-GOVERNMENT".

NOTE: ONE OF MORE MEMBERS OF OTHER CITY BOARDS MAY APPEAR AND SPEAK AT THIS MEETING.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at the meeting, if an appeal is available, such person will need a record of the proceeding, and such person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based. Sec. 286.0105, FS (1995)

DRAFT MINUTES

The Regular Meeting of the City Council of the City of Panama City Beach, Florida, and when permitted or required by the subject matter, the Panama City Beach Community Redevelopment Agency, held on May 9, 2019.

ROLL

MAYOR MIKE THOMAS

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

HECTOR SOLIS

CITY MANAGER:

MARIO GISBERT

CITY CLERK:

MARY JAN BOSSERT

CITY ATTORNEY:

AMY MYERS

Mayor Thomas called the Regular Meeting to order at 6 p.m. with all Councilmen, the City Manager, City Clerk, and City Attorney present.

Police Chaplain John Woodrow of Gulfview United Methodist Church gave the invocation and Councilman Solis led the Pledge of Allegiance.

Mayor Thomas announced the upcoming Community Events.

The Minutes of the Regular Meeting of April 25, 2019, were read. **Councilman McConnell made the motion to approve the Minutes as written. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:**

Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Mayor Thomas	Aye

Mayor Thomas asked if there were any additions or deletions to the Agenda. Mr. Gisbert requested to add a Title VI Nondiscrimination Policy and Plan in order to receive federal funding from FDOT for future projects; and a discussion on an Examining Board Vacancy to the agenda. There were no objections.

PRESENTATIONS

1 BOYS & GIRLS CLUB CIVIC ACHIEVEMENT AWARD. Councilman Solis introduced Melanie Scott and presented her with the Civic Achievement Award for exemplary service to the Boys and Girls Club. Ms. Latina Reed, Club Representative, spoke of Melanie Scott's contributions to the Club. The audience responded with applause.

2 "NATIONAL POLICE WEEK" & "PEACE OFFICERS MEMORIAL DAY" PROCLAMATION & PRESENTATION. Councilman Solis presented Chief Whitman with the Proclamation designating May 15th as "Peace Officers Memorial Day" and May 11 –

Regular Meeting
May 9, 2019

16, 2019 as “National Police Week”. Chief Whitman thanked the Council. The audience responded with applause.

3 “NATIONAL PUBLIC WORKS WEEK” PROCLAMATION & PRESENTATION. Councilman Solis presented David Campbell, Al Shortt, and Mark Shaeffer with the Proclamation designating May 19 – 25, 2019 as “National Public Works Week”. The audience responded with applause.

4 “NATIONAL TOURIST WEEK” PROCLAMATION & PRESENTATION. Councilman Solis presented Kristopher McLane with the Panama City Beach Chamber of Commerce the Proclamation designating the week of May 5 – 11, 2019 as “National Tourism Week”. Mr. McLane thanked the Council. The audience responded with applause.

5 “NATIONAL SAFE BOATING WEEK” PROCLAMATION & PRESENTATION. Councilman Solis presented Mr. Sweezey, with U.S. Coast Guard Auxiliary, the Proclamation designating the week of May 18 – 24, 2019 as “National Safe Boating Week”. Mr. Sweezey spoke of Boating Safety and provided statistics on boating accidents in Florida and throughout the nation. The audience responded with applause.

6 CHECK PRESENTATION BY IRONMAN TO POLICE DEPARTMENT FOR COPS N’ KIDS. Ben Rausa, Florida Ironman Race Director, thanked the Council for allowing them to continue the event in this community. The event is 37 years old and will host nearly 2,000 athletes. He presented two checks to Chief Whitman totaling \$8,000 for Cops ‘n Kids. Chief Whitman thanked Mr. Rausa. The audience responded with applause.

7 PICKLEBALL PRESENTATION – CARL GENDECE. Mr. Gendece acknowledged those present supporting pickleball and submitted emails that were in support for the record. He explained the growth in the sport and how important it is for seniors. He requested consideration for extra pickleball courts and lighting at existing courts for playing at night. Councilman Casto spoke in favor of additional pickleball funding other accommodations to encourage pickleball. Councilman McConnell favored exploring evening staffing of the Frank Brown courts for accessibility. Mr. Gendece thanked the Council.

PUBLIC COMMENTS (REGULAR NON-PUBLIC HEARINGS AND CONSENT ITEMS)

Mayor Thomas opened the Public Comments section of the meeting at 6:40 p.m. and invited comments. There were none. He explained there were interruptions during the Council Comments portion of the agenda at the last meeting and if further interruptions persist, he would ask those individuals to observe the meeting from the lobby area where it is televised. He closed the Public Comments at 6:42 p.m.

CONSENT AGENDA

Ms. Bossert read the Consent Agenda Item by title.

1 RESOLUTION 19-88, TYLER TECHNOLOGIES EXECUTIME MOBILE ACCESS. *“A Resolution of the City of Panama City Beach, Florida, approving an agreement with Tyler Technologies, Inc. for cloud-based service for Executime in the amount of \$68,868; and providing an immediately effective date.”*

Councilman Casto made the motion to approve the Consent Agenda. Second was by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Mayor Thomas	Aye

REGULAR AGENDA

ITEM 1 RESOLUTION 19-87, BID AWARD – FRANK BROWN PARK SOCCER FIELD LIGHTING PROJECT. Ms. Myers read Resolution 19-87 by title. Councilman McConnell expressed concerns that the sole bid was \$100,000 over the project budget. Mr. Ponek explained the design and manufacture specifications were requested to minimize light pollution to the nearby residential areas as certified by the International Dark Sky Association. Councilman McConnell explained the total cost of the certification would be \$8,000 and questioned how frequently the fuses blew. Councilman Chester believed that lightning was the main cause of fuse failure. Councilman Solis approved of the requisite 25-year warranty and approved limiting lighting impacts for neighboring communities.

Mr. Ponek explained the International Dark Sky Association applies stringent standards for light pollution and the trends in conversion to LED lights. Councilman Casto questioned the timing to re-bid this project. Mr. Ponek explained that if re-bid, the project would could not take place until 2020.

Councilman McConnell made the motion to reject Resolution 19-87 and review the spec sheets to make sure the City is not over-stringent. Second was made by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Mayor Thomas	Aye

ITEM 2 ORDINANCE 1490, AMENDING LDC REGARDING TELECOMMUNICATION FACILITIES IN THE RIGHT-OF-WAY. Ms. Myers explained Ordinance 1490 was advertised as required by law. Since the Ordinance was placed on the agenda, the State Legislature passed legislation that significantly limits municipal regulation in this area. She proposed to bring an updated Ordinance before the Council at the next meeting. Ms. Myers and Mr. Gisbert explained the desire to protect the undergrounding requirements and CRA design standards wherever possible.

Councilman McConnell made the motion to continue Ordinance 1490. Second was made by Councilman Solis and the motion passed by unanimous roll call vote recorded as follows:

Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Mayor Thomas	Aye

ITEM 3 ORDINANCE 1491, AMENDING LDC RELATING TO HOSPITALS, 1ST READING, PUBLIC HEARING. Ms. Myers read Ordinance 1491 by title. Mayor Thomas asked if there were any questions or comments by the Council members. Councilman McConnell commented a thirty-acre requirement seemed excessive, he suggested striking the size from the Ordinance. All Council members were in favor. The Mayor opened the Public Hearing at 7:07 p.m. for comments from the audience. There were none. He closed the Public Hearing at 7:08 p.m.

Councilman McConnell made the motion to approve Ordinance 1491 with the size limitation stricken. Second was made by Councilman Chester and the motion passed by unanimous roll call vote recorded as follows:

Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Mayor Thomas	Aye

ITEM 4 CIVIL SERVICE BOARD VACANCY – COUNCIL APPOINTEE –

Mr. Gisbert explained a Civil Service volunteer vacated the position and requested the Council to consider the appointment of another City elector to the seat. This seat is appointed by the Council. Councilman McConnell commented he had a candidate for consideration. Councilmen Chester and Casto explained they would like to advertise, as done in the past. The Council agreed to advertise for the vacancy.

ITEM 5 EXAMINING BOARD VACANCY – COUNCIL APPOINTEE –

Mr. Gisbert explained there is a vacancy for the Examining Board. This seat is appointed by the Council. Ms. Myers explained unlike the other seats on the Examining Board, the Consumer Representative must be a City resident that is not and has never been a member or practitioner of a profession regulated by the Board or a Member of any closely related profession. The Council agreed to advertise for the vacancy.

ITEM 6 RESOLUTION 19-83, TITLE VI STATEMENT OF NONDISCRIMINATION

POLICY. Ms. Myers explained the City is attempting to get Local Agency Program (LAP) certified in order to receive federal funding from the Florida Department of Transportation (FDOT) for future projects. As part of that process, it is required to give assurance to FDOT that the City has nondiscrimination policies in place that is specific to Title VI. Ms. Myers read Resolution 19-83 by title. This Resolution will take effect on June 1st.

Councilman McConnell made the motion to approve Resolution 19-83. Second was by Councilman Casto and the motion passed by unanimous roll call vote recorded as follows:

Councilman Solis	Aye
Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Mayor Thomas	Aye

DELEGATIONS

Mayor Thomas explained the Delegations period and opened this portion of the meeting at 7:12 p.m.

1 Bill Caravello, 407 Dolphin Street. Mr. Caravello stated he is in support of pickleball. He requested the City provide lighting to play at night, and for the courts at Frank Brown Park to be open at night a few days a week. He also asked for five additional courts at the Lyndell Center. He noted other cities with more courts than Panama City Beach.

2 Cherie Crim, 17680 Front Beach Road. Ms. Crim explained a comment made at the Trump Rally by an audience member to shoot immigrants is putting a negative light on Panama City Beach. She stated we should not condone violence against people.

3 Burnie Thompson, 17292 Front Beach Road. Mr. Thompson thanked Councilman McConnell for beginning the conversation about the expenditure for soccer lights. He commented the soccer lights are needed and will benefit the community. He stated he was concerned about a single bidder for that project. The idea of being frugal with that money will go a long way. He commended those supporting pickleball for bringing their requests directly to Council. In his opinion, the Trump rally went very well and thanked Mr. Ponak and Mr. Gisbert for a job well done.

4 Genese Hatcher, 203 S. Wells Street. Ms. Hatcher commented she will always speak out against corruption.

5 Gary Beck. Mr. Beck approached the podium was asked to sit down and make his comments in writing. Mr. Beck refused and Mayor Thomas called for a recess at 7:25 p.m.

With no further comments, the Mayor closed the Delegations period at 7:27 p.m.

ATTORNEY REPORT

Ms. Myers had no report.

CITY MANAGER REPORT

Mr. Gisbert explained there is an opportunity to have another sick leave payout. Ms. Myers explained last time it was limited to a 150-hour cap. Mr. Gisbert explained it will be brought before the Council at the next meeting. He read the open bids and available jobs.

COUNCIL COMMENTS

Councilman Casto asked about putting restrictions on the parcel of land for sale next to Ripley's. Ms. Myers explained the statute that is controlling the consideration of this offer, or any additional offers that may come in, the standard we are forced to consider is the sale of this property and proposed development in the best interest of, consistent with, and will it further the purposes of the CRA. The property can be deed restricted. Mr. Gisbert explained it was advertised for hotel and condominium associated type uses. The offer made to the City was for that use. Mr. Gisbert explained the money from the sale will be put back in the CRA fund.

Councilman Chester thanked the police department, fire department and Mr. Ponak for assisting with the rally. Everyone did a great job!

Councilman Solis clarified how surplus money is spent. He commented he would hope CRA projects would move quickly after the closing of the CRA parcel, possible doing two segments at one time. He explained he does not condone any violence in the city or any statement on violence. He received a call from a tourist that was upset about the statement made at the rally, and that one person's comment doesn't speak for the community. Councilman Chester commented they can't legislate integrity.

Councilman McConnell thanked Mr. Campbell with the CRA, saying paving is almost complete. He thanked the Public Works department and Mr. Campbell for closing the turning lane across from Auto Zone. He explained he is very proud of the Police department, in recognizing National Police Week, he was there with the Police department through the hurricane and watched officers go door to door and check on the residents without knowing about their own home and family's condition. He thanked the department for everything they do on a daily basis.

Mayor Thomas explained there was a drowning last week. We need to make sure equipment is on first responder's vehicles. He explained he did not hear any bad comments at the rally. He said it goes without saying that we do not condone violence. Regarding the vacant lot on Escanaba, Mayor Thomas stated that the City Manger had made all diligent efforts to acquire the property. He disagreed that the Council has neglected their job because there are not enough pickleball courts. The issue has gained the attention of the Council and it will be addressed. Mayor Thomas mentioned the need for another retirement option.

Mayor Thomas commented for all mothers to have a Happy Mother's Day.

With nothing further, the meeting was adjourned at 7:41 p.m.

READ AND APPROVED this 23rd of May, 2019.

IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.

ATTEST:

Mayor

City Clerk

CONSENT ITEM

1



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Utilities Department - Al Shortt, Utilities Director

2. MEETING DATE:

May 23, 2019

3. REQUESTED MOTION/ACTION:

Approve a Task Order with Mott MacDonald Florida, LLC for water system engineering services related to improving potable water service and fire protection in a portion of the City's western service area.

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? Yes No
BUDGET AMENDMENT OR N/A

N/A

DETAILED BUDGET AMENDMENT ATTACHED Yes No

N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

The Utilities Department budgeted funds this year to improve potable water system infrastructure in the western service area, more particularly Rose Lane and the area of Avenues B & C including the connecting roads of Verona St., Spires St. and Herlong St. These areas have undersized water mains and a lack of adequate fire hydrants.

Staff requested a proposal from Mott MacDonald Florida, LLC to provide the necessary survey, engineering, permitting and limited construction inspection effort for the project. Attached for your review is their proposal as Attachment A under the current Master Services Agreement. Staff has reviewed the proposal and finds that the requested fee of \$96,092 is in line with the work effort. Also attached for your review is a draft Exhibit B, Combined Task Order and Notice To Proceed, that would be executed upon City Council approval. Staff recommends approval of the Task Order and the project is budgeted for completion over the next two fiscal years. The estimated construction cost of the utility improvements is currently \$886,500.

WHY - To allow the City Manager to execute the Task Order between the City and Mott MacDonald for professional surveying and engineering services related to improving the City's potable water system.

WHAT - Completion of the necessary surveying, engineering, permitting and inspection scope to support the improvement of City utility infrastructure and provide for growth in water service and improved fire protection capacity.

CONSENT

AGENDA ITEM #

1

RESOLUTION 19-89

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING TASK ORDER #1 TO THE MASTER SERVICES AGREEMENT WITH MOTT MACDONALD FLORIDA, LLC RELATED TO PROFESSIONAL UTILITY ENGINEERING SERVICES FOR THE WEST END WATER SYSTEM IMPROVEMENTS IN THE AMOUNT OF \$96,092.

BE IT RESOLVED by the City of Panama City Beach, Florida that the appropriate officers of the City are authorized to deliver and execute on behalf of the City that certain Task Order #1 to the Master Services Agreement for Professional Utility Engineering Services (General Water and Sewer and Reclaimed Utility) between the City and Mott MacDonald Florida, LLC, relating to West End System Improvements, in the basic amount of Ninety-Six Thousand, Ninety-Two Dollars (\$96,092.00), in substantially the form of the Task Order attached hereto as Exhibit A and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval.

This Resolution shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 23rd day of May, 2019.

CITY OF PANAMA CITY BEACH

By: _____
Mike Thomas, Mayor

ATTEST:

Mary Jan Bossert, City Clerk

CONSENT
AGENDA ITEM # 1

Resolution 19-89

EXHIBIT A
COMBINED TASK ORDER AND
NOTICE TO PROCEED

TASK ORDER NO. 1

DATE: May 23, 2019

Reference is made to that certain MASTER SERVICES AGREEMENT BETWEEN CITY OF PANAMA CITY BEACH AND MOTT MACDONALD FLORIDA, LLC RELATING TO PROFESSIONAL UTILITY ENGINEERING SERVICES dated August 23, 2018, (the Agreement), the terms, conditions and definitions of which are incorporated herein as if set forth in full. Neither party is in breach of the Agreement.

Pursuant to the Agreement, Engineer agrees to perform the specific tasks set forth upon incorporated Attachment A, Scope of Services, relating to **West End Water System Improvements**.

Engineer's total compensation shall be (check one):

a stipulated sum of **\$96,092**; or
 a stipulated sum of \$ _____ plus one or more specified allowances listed below which may be authorized in writing by the City Manager or his designee,
Allowance of \$ _____ for _____, and
Allowance of \$ _____ for _____; or
 a fee determined on a time-involved basis with a maximum cost of \$ _____ ;

Work shall begin on May 28, 2019, and shall be completed within one calendar year. The date of completion of all work is therefore May 27, 2020. Liquidated delay damages, if any, are set at the rate of \$0 per day. There are no additional rights and obligations related to this Task Order other than as specified in the Agreement.

Upon execution of this task order by both Engineer and City, Engineer is directed to proceed.

IN WITNESS WHEREOF the parties have caused these presents to be executed in their names on the date shown.

Witness:

MOTT MACDONALD FLORIDA, LLC.

By: _____ Date: _____
Its:

CITY OF PANAMA CITY BEACH, FL.

ATTEST:

City Clerk

By: _____ Date: _____
City Manager

ATTACHMENT A

Task T

West End Water System Improvements Scope of Services (Subject to City Approval)

Understanding of Project

Mott MacDonald (MM) understands that the City of Panama City Beach is looking to replace the existing potable water lines in residential areas bordering US HWY 98 on the west end to improve the fire prevention capabilities of the existing system.

The planning and evaluation of the water system will include consideration for replacement of the existing 2" water main with 6" and 4" water mains and associated water services. Additionally, fire hydrants and gate valves will be added to the design to implement fire protection and provide added operational and maintenance control of the system. The project is separated into two areas with the "A" area encompassing Avenue B, Avenue C, Verona St., Spires St., and Herlong St. Area "B" is the length of Rose Lane from US Highway 98 to Front Beach Road.

Project Initiation and Kickoff

A strong project start is of utmost importance. During this phase of the project, establishing clear lines of communication and responsibilities between all parties involved is critical. Our proposed project kickoff meeting will review the work plan, expectations for the project, lines of communication, and project design standards. We will work in close collaboration with the City to establish a good working relationship and to structure the project to meet your expectations.

Field Reconnaissance, Data Collection, and Utility Search

Obtaining all available data is critical in the planning/design development stage of utility projects. Typical engineering challenges in projects involve designing improvements around existing structures and utilities, existing terrain, protected trees, and other such obstacles, with minimum interference and disturbance.

At a minimum the following data will be obtained for the project:

- ♦ Site survey which will include horizontal and vertical control, right-of-way limits, topographic features, existing utility locations (with sewer manhole depths) and down-gradient stormwater facilities.
- ♦ Review of existing reports, as-built and record drawings.
- ♦ Right-of-way and easement maps.

Preliminary Design

The purpose of the preliminary design (typical up to 30 percent) is to establish the design basis or criteria, identify pipeline routes, perform preliminary modeling or hydraulic calculations. Major challenges associated with the project will be identified and addressed. During this phase of the project, alternatives and/or evaluations will be conducted to determine the most cost effective or preferred method for project implementation including cost estimates. As a Quality Assurance Measure, the preliminary design documents will be reviewed by MM's technical review committee.

Surveying Services

A complete topographic survey of the sites and routes for the water system improvements will be completed. This information will be used in preparing the construction plans and for designing the systems. Boundary surveys are not included in this scope of work but can be added as additional services if the need of such is identified.

Final Design

Upon concurrence of the preliminary phase of work, MM will proceed into final design. As the plans are completed, review sets will be submitted to the City at various completion levels (typically at 60 and 90 percent) or as requested with the final deliverable to provide a bid set of plans and specifications (contract documents). The plans will be assembled so that a contractor will know all components of the proposed work, as well as the obstacles within the construction limits. It will also be necessary to work with the owners of any existing utilities during the final design to determine if relocation and/ or temporary support of their utilities will be required. At the 90 percent phase, as a quality assurance measure, MM will conduct two specialist reviews, 1) constructability review; such a review helps mitigate constructability issues, change orders and unforeseen costs during the construction phase and 2) operations review; such a review helps develop and review maintaining system operations and provide input on construction sequence to minimize disruption to existing operations during construction activities.

Regulatory Permitting

MM believes in a proactive approach to permitting which includes pre-application meetings between MM, the City, and regulatory agencies to define elements of the project and foster continuous interaction. Based on the project's complexity, one to two meetings will occur during the preliminary phase. MM realizes these agencies are part of the project team, and open and positive communication is important in obtaining permits without delays or redesigns. MM will assist in preparing and submitting the permit applications when the plans are near completion and have been approved by the City. Permit applications will be prepared for FDOT Utility in Right of Way and FDEP. It is noted that permit application fees are not included in the scope of services. At this point MM is not aware of any impacts to wetlands, and therefore has not included services to obtain an Environmental Resource Permit (ERP).

Bidding

MM will assist during the bidding stage to answer questions for addendums, review contractors' bids, and make a recommendation for award of the construction contract. MM will provide a certified bid tab for the City's use if so desired.

Services During Construction

During the construction phase, MM will review shop drawings and contractor's pay requests, provide technical assistance, attend or conduct construction progress meetings, and assist during project closeout and start-up, including final inspections and assuring compliance with punch lists. Biweekly onsite inspections will be conducted to determine contract compliance.

Project Completion and Certification

MM understands the importance of items such as record drawings and warranties. Record drawing and as-built information is critical and are necessary to operate the facilities and to understand where infrastructure is located. MM will ensure that the contractor meets the completion requirements of the project.

Fee

MM proposes the following fee for the project. The proposed fee includes the cost of the survey to be provided by Dewberry which was project specific. Additionally, bidding assistance of both areas is included.

Engineering Fee

Engineering Area A	\$ 35,154
Engineering Area B	\$ 27,398
Surveying Area A	\$ 11,220
Surveying Area B	\$ 6,820

Permitting

FDOT	\$ INC
FDEP Water	\$ INC
ERP (wetlands)	Not Anticipated

Geotechnical Services Not Anticipated

Project Bidding \$ INC

Services During Construction

Pre-Construction Meeting	\$ 1,500
Shop Drawing Review	\$ 1,500
Pay Application Rev & Process	\$ 1,000
Asbuilt Rev and Certification	\$ 1,500
Site Inspection Biweekly (Breakdown below)	
(Up to 6 months)	\$ 10,000

weeks	16	trips per week	2
hours per trip	3		
Description	rate	QTY	Subtotal
Inspector IV	\$ 85 / hr	96	\$ 8,160.00
Engineer IV	\$ 175 / hr	6	\$ 1,050.00
mileage	0.58	1408	\$ 816.64
TOTAL			\$ 10,026.64

Total Project Cost

~~\$902,012~~
982,604

Should this proposal meet with your approval, MM will complete the Task Order Form in accordance with the General Engineering Agreement.



Panama City Beach Water Main Improvements Estimates

April 30, 2019

City of Panama City Beach

1 Estimate for Ave B & C from Hwy. 98 to Herlong St.

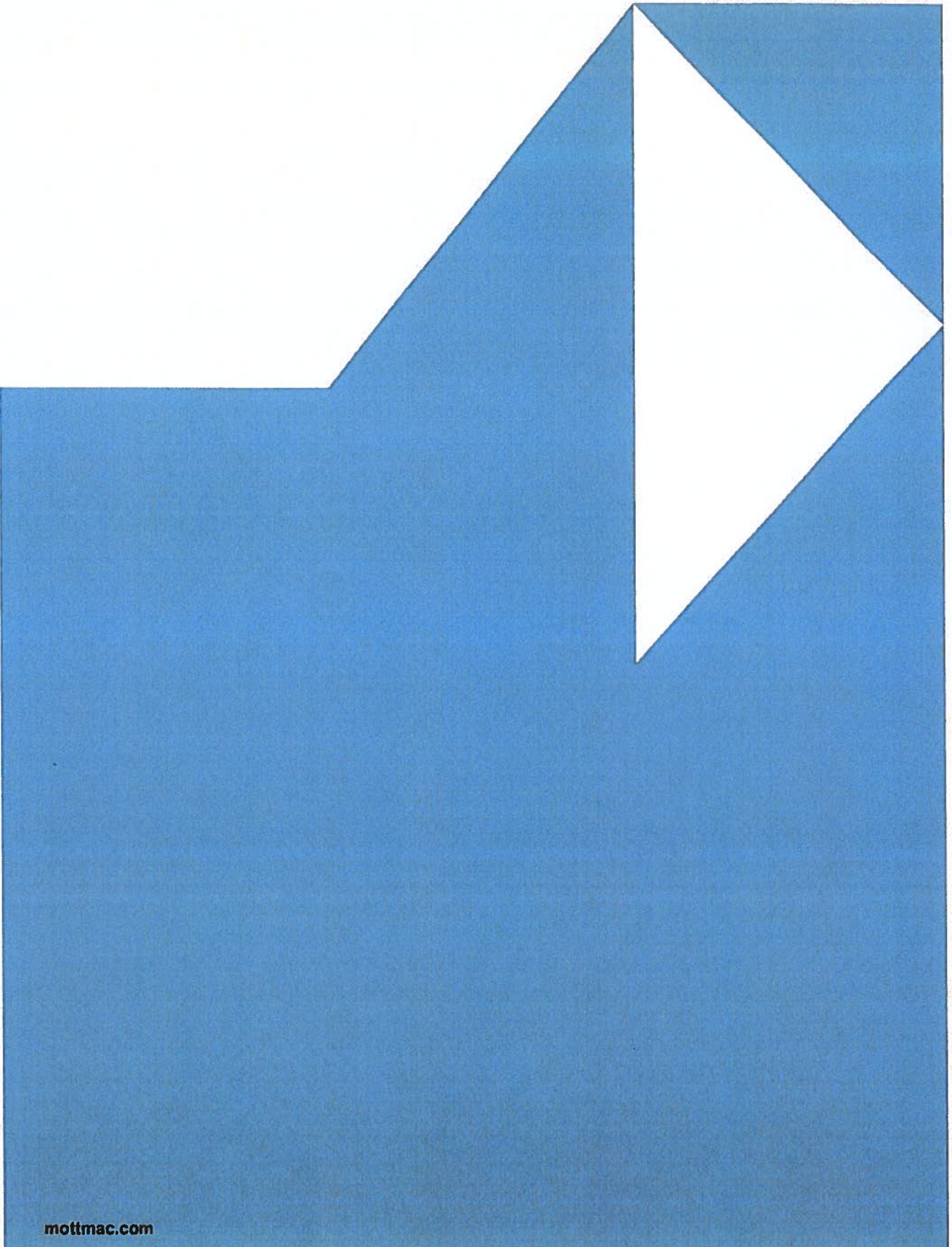
Water Main Replacement Estimate

Description	Qty.	Unit	Unit Cost	Total Cost
Mobilization	1	LS	\$15,000.00	\$15,000.00
Maintenance of Traffic	1	LS	\$10,000.00	\$10,000.00
Cut and Cap Existing Pipe	10	EA	\$100.00	\$1,000.00
4" Water Pipe	1340	LF	\$30.00	\$40,200.00
6" Water Pipe	3300	LF	\$35.00	\$115,500.00
6" Gate Valves	4	EA	\$1,100.00	\$4,400.00
4" Gate Valves	4	EA	\$900.00	\$3,600.00
Fire Hydrant Assembly	9	EA	\$4,500.00	\$40,500.00
6" HDD	210	LF	\$100.00	\$21,000.00
4" HDD	90	LF	\$80.00	\$7,200.00
Water Service, Long (HDD)	29	EA	\$1,100.00	\$31,900.00
Water Service, Short	27	EA	\$600.00	\$16,200.00
D.I. Fittings	1050	LB	\$7.00	\$7,350.00
16" x 6" Tapping Sleeve and Valve	2	EA	\$3,000.00	\$6,000.00
Remove and Replace Driveway (Asphalt)	50	SY	\$100.00	\$5,000.00
Remove and Replace Driveway (Concrete)	100	SY	\$100.00	\$10,000.00
Misc. Concrete	25	CY	\$500.00	\$12,500.00
Remove and Reinstall Storm Pipe	80	LF	\$100.00	\$8,000.00
Solid Sod	800	SY	\$7.00	\$5,600.00
Seed and Mulch	1200	SY	\$5.00	\$6,000.00
Landscaping	1	LS	\$2,000.00	\$2,000.00
Record Drawings	1	LS	\$7,500.00	\$7,500.00
Erosion Control / NPDES	1	LS	\$10,000.00	\$10,000.00
Construction Subtotal				\$386,450.00
Contingency	20%			\$77,290.00
Construction Cost				\$463,740.00
Engineering				\$35,154.00
Surveying				\$11,220.00
Construction Inspection				\$TBD
Total Price				\$510,114.00

2 Estimate for Rose Ln.

Water Main Replacement Estimate

Description	Qty.	Unit	Unit Cost	Total Cost
Mobilization	1	LS	\$11,000.00	\$11,000.00
Maintenance of Traffic	1	LS	\$7,500.00	\$7,500.00
Cut and Cap Existing Pipe	5	EA	\$100.00	\$500.00
6" Water Pipe	2250	LF	\$35.00	\$78,750.00
6" Gate Valves	8	EA	\$1,100.00	\$8,800.00
Fire Hydrant Assembly	4	EA	\$4,500.00	\$18,000.00
6" HDD	140	LF	\$100.00	\$14,000.00
Water Service, Long (HDD)	29	EA	\$1,100.00	\$31,900.00
Water Service, Short	23	EA	\$600.00	\$13,800.00
D.I. Fittings	600	LB	\$7.00	\$4,200.00
16" x 6" Tapping Sleeve and Valve	1	EA	\$3,000.00	\$3,000.00
8" x 6" Tapping Sleeve and Valve	1	EA	\$1,200.00	\$1,200.00
Remove and Replace Driveway (Asphalt)	300	SY	\$100.00	\$30,000.00
Remove and Replace Driveway (Concrete)	320	SY	\$100.00	\$32,000.00
Misc. Concrete	10	CY	\$500.00	\$5,000.00
Remove and Replace Pavers	20	SY	\$100.00	\$2,000.00
Solid Sod	1000	SY	\$7.00	\$7,000.00
Seed and Mulch	200	SY	\$5.00	\$1,000.00
Landscaping	1	LS	\$2,000.00	\$2,000.00
Record Drawings	1	LS	\$6,000.00	\$6,000.00
Erosion Control / NPDES	1	LS	\$7,500.00	\$7,500.00
Construction Subtotal				\$285,150.00
Contingency	20%			\$57,030.00
Construction Cost				\$342,180.00
Engineering				\$27,398.00
Survey				\$6,820.00
Construction Inspection				\$TBD
Total Price				\$376,398.00





M M
MOTT
MACDONALD

MOTT MACDONALD FLORIDA LLC
Subsidiary of MOTT MACDONALD USA
Engineers (E)-0009195
Surveyors (S)-00050793

1877 West 2nd Street
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City of Panama City Beach

Rev	Date	Drawn	Checked	By	Scale

Project Number

TBD

Sheet No.

1

Total

1

Drawing Number

1

Design			
Drawn	WM		
Checked			

West-End
Water System
Improvements

CONSENT
AGENDA ITEM #

1

REGULAR ITEM

1



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:
CITY MANAGER/MARIO GISBERT

2. MEETING DATE:
MAY 23, 2019

3. REQUESTED MOTION/ACTION:
CONSIDER FIRST READING OF ORDINANCE PROPOSING WAIVER OF SPACING REQUIREMENTS FOR SMALL CELL POLES THAT RESEMBLE CRA LIGHT POLES

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

The placement of utility poles and other Facilities that conflict with the CRA project goals and the current and future underground requirements would significantly undercut the project outcomes and make much of the City's efforts and expenditures go to waste. Utility companies have successfully begun designing and disguising their equipment and poles to mimic structures and objects that are generally considered normal and desirable along streets, such as the CRA light poles. If a utility pole is difficult to distinguish from those light poles and does not have overhead wires and readily visible equipment, then allowing this style of utility pole or Facility does not detract from the goals of the City's underground utilities efforts. As such, the ordinance proposes to waive otherwise applicable placement and design requirements for utility companies who propose to install a utility pole that closely resembles a CRA-style light pole and replaces an existing CRA-style light pole or is placed where a CRA-style light would be placed in the future. The ordinance also provides that when an applicant can meet the regular rules for placement of a Small Wireless Pole or other utility pole in a particular location, that applicant has no obligation to utilize the CRA-style light pole design.

The ordinance strikes pole to pole spacing requirements to ensure consistency with the Legislature's 2019 amendments to The Advanced Wireless Infrastructure Deployment Act.

Notice of the City's consideration of this matter was published by the State on April 29, 2019, discussed at your meeting of May 9, 2019. If the Council approves first reading, staff will prepare notices for a second reading and public hearing on June 13, 2019.

ORDINANCE NO. 1490

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 19 OF THE CITY CODE RELATING TO RIGHT-OF-WAY USE TO ELIMINATE THE 75 FOOT SPACING REQUIREMENT BETWEEN UTILITY POLES AND OTHER FACILITIES TO ENSURE CONSISTENCY WITH STATE LAW; TO PROVIDE AN EXCEPTION TO THE PROHIBITION AGAINST UTILITY POLES ON THE SOUTH SIDE OF GULF FRONT ROADS FOR POLES DESIGNED AND SPACED LIKE CRA-STYLE LIGHT POLES WITH CERTAIN CONDITIONS; ALLOWING SUCH UTILITY POLES DESPITE APPLICABLE UNDERGROUND UTILITY RULES; AMENDING THE LAND DEVELOPMENT CODE TO ELIMINATE THE SPACING REQUIREMENT BETWEEN SMALL WIRELESS POLES TO ENSURE CONSISTENCY WITH STATE LAW; WAIVING LAND DEVELOPMENT CODE LOCATION REQUIREMENTS FOR SMALL WIRELESS POLES THAT ARE DESIGNED AND SPACED LIKE CRA-STYLE LIGHT POLES WITH CERTAIN CONDITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach (the "City") regulates the use of Rights-of-way through its City Code and Land Development Regulations and requires any person who will place or maintain a utility pole or other Facility in a Right-of-way to obtain a permit or development order from the City; and

WHEREAS, Florida Statute 337.401 provides that the City retains the authority to regulate and manage Rights-of-way in exercising its police power, but that all rules which govern providers of communications services must be reasonable and nondiscriminatory; and

WHEREAS, this ordinance applies equally not only to all communications service providers, but to all persons who request to install Facilities in a Right-of-way; and

WHEREAS, the City has various requirements on the placement and design of Small Wireless Poles and other utility poles to improve aesthetics, safety, and efficient use of right-of-way, and to otherwise improve the character of the community and advance health, safety, and welfare; and

WHEREAS, within the boundaries of the Front Beach Road Community Redevelopment Area (including the north-south connector streets and sometimes collectively referred to as the "CRA"), there is a partially constructed plan for underground utilities and uniform placement of identical, high quality light poles on both sides of the streets; and

WHEREAS, strict underground utility requirements exist for the areas where the CRA

project has been constructed and these strict rules go into effect in the rest of the CRA as the time for construction approaches for a given area; and

WHEREAS, even before a CRA project has been constructed, limited underground utility requirements apply to all Scenic Corridors and utility poles and any other Facilities are prohibited within a Right-of-way south of the centerline of Front Beach Road, South Thomas Drive, or the portion of Thomas Drive east of South Thomas Drive if such Facility would be three (3) or more feet above grade; and

WHEREAS, the City and Community Development Agency are devoting massive effort and expenditures toward this CRA project and it is one of the City's highest priorities; and

WHEREAS, the placement of utility poles and other Facilities that conflict with the CRA project goals and the current and future underground requirements would significantly undercut the project and make much of the City's efforts and expenditures go to waste; and

WHEREAS, utility companies have successfully begun designing and disguising their equipment and poles to mimic structures and objects that are generally considered normal and desirable along streets, such as the CRA light poles; and

WHEREAS, if the community considers CRA light poles to be desirable and if a utility pole is difficult to distinguish from those light poles and does not have overhead wires and readily visible equipment, then allowing this style of utility pole or Facility does not detract from the goals of the City's underground utilities efforts; and

WHEREAS, locations in the City with strict underground utility requirements have high population density and providing additional options to wireless companies and other utilities to expand their service in these areas is beneficial to the community and will increase convenience and safety; and

WHEREAS, if a utility pole closely resembles a CRA-style light pole and replaces an existing CRA-style light pole or is placed where a CRA-style light pole would be placed in the future, the City's otherwise applicable placement and design requirements provide minimal benefit and sometimes will result in reduced service and unintended negative consequences, and therefore, are appropriate for waiver pursuant to this ordinance; and

WHEREAS, the City recognizes that matching the design of CRA-style light poles creates increased cost and effort for utility companies, but also that the City's waiver of various location requirements provides value to the utility companies which may exceed this increased cost and effort; and

WHEREAS, the Florida Legislature's 2019 amendments to the Florida Statute 337.401 Advanced Wireless Infrastructure Deployment Act do not allow the City to limit the placement,

by minimum separation distances, of small wireless facilities, associated poles, and other at-grade communications facilities; and

WHEREAS, this ordinance eliminates the City minimum separation distance rules that are likely to be inconsistent with the amended legislation in many instances; and

WHEREAS, the amended legislation recognizes the City's right to adopt and enforce underground utility requirements and to require that a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color; and

WHEREAS, this ordinance is consistent with that amended legislation and goes further by providing locations and an efficient process to place utility poles with a specified design in areas where they would otherwise be prohibited by the City's underground utility requirements; and

WHEREAS, this ordinance similarly allows utility poles with a specified design to be installed in areas where they would otherwise be prohibited by other Land Development Code requirements; and

WHEREAS, when an applicant can meet the regular rules for placement of a Small Wireless Pole or other utility pole in a particular location, that applicant has no obligation to utilize the CRA-style light pole design.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance Chapter 12 of the Code of Ordinances of the City of Panama City Beach, related to Right of way use and permitting is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 19-154. - Permittee obligations.

- A. Telecommunications Towers, Small Wireless Poles, Collocations, and other wireless communications Facilities are governed additionally by the more specific requirements of the Panama City Beach Land Development Code.
- B. ~~No new Facility that is over fifteen (15) feet in height from grade may be constructed within seventy-five (75) feet of any other Facility that is over fifteen (15) feet in height from grade, unless granted a variance due to unique circumstances. This restriction shall not prohibit the City from installing new Facilities for public safety and welfare reasons, including light poles.~~
- C. No person shall be granted a permit or otherwise be allowed to install any utility pole or any other Facility if such Facility would be three (3) or more feet above grade within a Right-of-way south of the centerline of Front Beach Road, South Thomas Drive, or the portion of Thomas Drive east of South Thomas Drive. This

prohibition shall not apply to light poles owned by the City. This prohibition does not apply to a utility pole or other Facility, regardless of ownership, if it complies with the Community Redevelopment Area-style light pole design and specifications and it either replaces an existing Community Redevelopment Area-style light pole or is installed in the location of a planned future Community Redevelopment Area-style light pole according to the best available Community Redevelopment Agency plans and Planning Department staff approval. Unless the Front Beach Road Community Redevelopment Agency adopts new light pole design and specifications for a portion of the City, complying with Community Redevelopment Area-style light pole design and specifications means following standards provided by the Front Beach Road Segment 2 Ornamental Aluminum Roadway Lighting and Banner Standard and the construction documents for Front Beach Road Segment 2 for the pole and light fixture, which are on file City Hall. Compliance with these requirements also means all wiring and equipment must be contained underground or inside the pole so that it is not visible or distinguishes the pole and equipment from the Community Redevelopment Area-style light poles. Each such pole may have one box on the ground in the immediate vicinity of the pole for electrical or other equipment so long as it is not taller than three-feet from grade and matches the color and style of other utility boxes located in the Community Redevelopment Area right of way. Planning staff may approve minor deviations in design, brands, and materials that do not result in easily noticeable differences between the pole, fixture, and any visible equipment relative to the actual Community Redevelopment Area-style light poles. Applicants for the waiver under this paragraph must apply to the Planning Department using the procedures applicable to Small Wireless Poles provided by the Panama City Beach Land Development Code. Applicable underground utility requirements of the City Code and Land Development Code are waived for utility poles and other Facilities that strictly comply with this section and which are approved by the City Planning Department, in recognition that such poles do not provide greater negative impacts to the community than the City's own light poles. Any existing utility poles or Facilities that would not be permissible under this rule shall not be permitted to be replaced, but may be maintained used and repaired, provided repairs do not exceed 50% of the value of the utility pole or Facility.

SECTION 2. From and after the effective date of this ordinance Section 5.05.07 of the Panama City Beach Land Development Code, related to Small Wireless Poles is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

5.05.07 Allowable Locations for Small Wireless Poles and associated Ground-Mounted Equipment Located in Public Right-of-Way

- A. Applications to place **Small Wireless Facilities** and **Small Wireless Poles** in a public right-of-way may not be denied solely based on the Comprehensive Plan future land use categories and zoning categories of adjacent parcels.
- B. **Small Wireless Poles** in public right-of-way (as opposed to a **Collocation** on a preexisting structure) are not permissible within 250 feet of the footprint of any **Dwelling**, including attached garages, porches, and balconies, except **Dwellings** that front on the Front Beach Road or South Thomas Drive rights-of-way, in which case the minimum distance shall be 100 feet. In addition, **Small Wireless Poles** in public right-of-way (as opposed to a collocation on a preexisting structure) shall not be permissible within 50 feet of the primary public pedestrian entrance to any business.
- C. ~~A new **Small Wireless Pole** is not permitted within 200 feet of an existing **Small Wireless Pole**.~~
- D. It is preferable for all equipment to be integrated into or mounted on the **Wireless Support Structure** or utility pole. Ground-mounted equipment that is in addition to a **Wireless Support Structure** or utility pole or associated with a **Collocation** shall not be permissible within 500 feet of the footprint of any **Dwelling**, including attached garages, porches, and balconies, except **Dwellings** that front on the Front Beach Road or South Thomas Drive rights-of-way, in which case the minimum distance shall be 150 feet. This restriction does not apply to equipment installed entirely underground consistent with existing grade. In addition, ground mounted equipment associated with or installed because of a **Small Wireless Pole** or a **Small Wireless Facility**, including the **Collocation** of a **Small Wireless Facility**, may not be placed on a sidewalk, bike path, or multi-use trail. Ground-mounted equipment includes, but is not limited to, any of the following associated with a **Small Wireless Facility** or installed due to a **Small Wireless Facility**: electric generators or meters, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and guy wires or other secondary supports.
- E. **Small Wireless Facilities**, **Small Wireless Poles**, and associated equipment are not exempt from the City's applicable undergrounding requirements that prohibit above-ground structures in certain public right-of-way, except that **Collocations** on existing above-ground structures are not subject to undergrounding requirements that are applicable to a location. At such time an existing above-ground structure is transitioned to underground, any right to **Collocate** above ground on it is lost.
- F. Applications for **Small Wireless Poles** or **Collocations** of **Small Wireless Facilities** in locations subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association are governed by the more stringent rules provided

for **Telecommunications Towers** and **Antennas** unless the **Homeowner Association** is a co-applicant, in which case the more lenient rules for **Small Wireless Facilities** and **Small Wireless Poles** will apply. This paragraph does not apply to the installation, placement, maintenance, or replacement of micro wireless facilities on any existing and duly authorized aerial communications facilities as provided by Florida law.

- G. The requirements of B. through E. of this Section are waived for Small Wireless Poles located within the boundaries of the Front Beach Road Community Redevelopment Area and that meet the standards for the exception available under Panama City Beach Code Sec. 19-154 B for complying with Community Redevelopment Agency-style light pole placement, design, and specifications. This waiver is available for Small Wireless Poles proposed on either side of any street within the Front Beach Road Community Redevelopment Area. Applicants agree that in return for the waiver of these requirements and any applicable undergrounding requirement, they will comply with Planning Staff conditions on shielding, stealthing, and limiting the visibility of antennas on the pole to minimize visual differences between the Small Wireless Pole and an actual Community Redevelopment Agency light pole.

When a Community Redevelopment Agency-style light pole is replaced under this paragraph, the applicant must bear the full cost of the replacement and installation and shall perform the work. Pole replacement under this Section may qualify as a collocation pursuant to Section 5.05.08(g) except that the design requirements of this section must be followed, including that the height of the new Small Wireless Pole must comply with the Community Redevelopment Agency-style light pole design and specifications. The new pole shall be owned and maintained by the applicant, unless otherwise agreed by City and applicant in writing.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code and Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the
City Council of the City of Panama City Beach, Florida, this ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2019.

MAYOR

Published in the _____ on the ____ day of _____, 2019.

Posted on pcbgov.com on the ____ day of _____, 2019.

Notice provided to the Secretary of State on the 29th day of April, 2019, which is at least 10 days prior to consideration on first reading.

REGULAR ITEM

2



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:
PLANNING

2. MEETING DATE:
MAY 23, 2019

3. REQUESTED MOTION/ACTION:
HOLD PUBLIC HEARING AND CONSIDER SECOND READING OF ORDINANCE REGULATING THE DEVELOPMENT OF HOSPITALS IN THE CITY

4. AGENDA

PRESENTATION	<input type="checkbox"/>
PUBLIC HEARING	<input checked="" type="checkbox"/>
CONSENT	<input type="checkbox"/>
REGULAR	<input checked="" type="checkbox"/>

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? Yes No N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED Yes No N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)
ON NOVEMBER 8TH, 2018, THE CITY COUNCIL INDICATED ITS SUPPORT FOR THE ESTABLISHMENT OF A HOSPITAL ON THE ISLAND. SUBSEQUENTLY, THE PLANNING BOARD CONSIDERED THE LAND DEVELOPMENT REGULATIONS CONTROLLING THE DEVELOPMENT OF SUCH A USE. THE PROPOSED ORDINANCE ADDS HOSPITALS TO THE LIST OF USES IN THE LAND DEVELOPMENT CODE, AND REVISES THE SUPPLEMENTAL STANDARDS SPECIFIC TO HOSPITALS TO CONFIRM ITS COMPATIBILITY WITH SURROUNDING LAND USES.

THE CITY APPROVED WITH CHANGES FIRST READING OF THE ORDINANCE ON MAY 9, 2019. STAFF HAS PROPERLY ADVERTISED A PUBLIC HEARING FOR SECOND READING AND ADOPTION OF THIS ORDINANCE ON MAY 23, 2019. IF ADOPTED, THE ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

ORDINANCE NO. 1491

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATING TO HOSPITALS; REORGANIZING EXISTING REGULATIONS CONCERNING HOSPITALS; REVISING THE SUPPLEMENTAL STANDARDS SPECIFIC TO HOSPITALS TO SET FORTH MINIMUM SPACING, BUFFERING AND SCREENING REQUIREMENTS, AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; INCREASING THE PARKING REQUIREMENTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on November 8, 2018, the City Council has publicly declared its support for the future siting of a hospital within the City; and

WHEREAS, the Planning Board has considered the land use regulations controlling the development of hospitals in the City, and on April 10, 2019, recommended amendments to the land development code to confirm a hospital's compatibility with surrounding land uses; and

WHEREAS, the City Council has considered the amendments and finds that they are in the best interests of the health, safety and welfare of the City's residents and visitors.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Section 1.07.00 of the Land Development Code of the City of Panama City Beach related to Definitions, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Ordinance 1491
Page 1 of 6

Licensed Facility – A location providing day or **Residential** care or treatment for elderly persons or disabled adults. The term “facility” may include, but is not limited to, any ~~hospital~~, training center, state institution, nursing home, assisted living facility, adult family-care home, adult day care center, **Group Home**, mental health treatment center, or continuing care community.

SECTION 2. From and after the effective date of this ordinance, Table 2.03.02 of the Land Development Code of the City of Panama City Beach related to Land Uses, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
<u>Hospital</u>												\$ <u>5.04.</u> 15	\$ <u>5.04</u> .15			\$ <u>5.04.</u> 15

SECTION 3. From and after the effective date of this ordinance, Table 4.05.02A of the Land Development Code of the City of Panama City Beach related to Parking Space Requirements, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Table 4.05.02.A: Parking Space Requirements

Type of Use or activity	Minimum Number of Spaces
Hospitals and other medical facilities providing overnight accommodations	<u>2+</u> per patient bed.

SECTION 4. From and after the effective date of this ordinance, Section 5.04.15 of the Land Development Code of the City of Panama City Beach related to Supplemental Standards for Hospitals, is created to read as follows:

5.04.15 Hospitals

- A. Hospitals are allowable in the CH, M-1, and PF zoning districts, subject to the standards of these zoning districts and the standards of this section
- B. Hospitals are prohibited in the Coastal High Hazard Overlay District.
- C. The property shall be separated from properties zoned or used for residential purposes by a vegetative fence, a Solid Faced masonry or wooden wall or fence, not less than six (6) feet and not more than (8) feet in height. The decorative side of the fence shall face outward.
- D. The buffer that is otherwise required shall be increased by thirty (30) percent.
- E. The number of Shrubs, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.
- F. The primary access to the hospital shall be from an Arterial or Collector Street. No access shall be permitted from local streets providing access to property zoned or used for residential purposes.
- G. Emergency room access and receiving areas shall be located on the side of the structure not adjacent to property zoned or used for residential purposes.
- H. Helicopter pads shall be located a minimum of 500' from a property zoned or used for residential purposes.
- I. The minimum setback from any property zoned or used for residential purposes is 100 feet.

SECTION 5. From and after the effective date of this ordinance, Section 5.04.05 of the Land Development Code of the City of Panama City Beach related to

Supplemental Standards for Licensed Facilities, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

5.04.05 Community Residential Homes and Licensed Facilities

- A. *Community Residential Homes*** with six (6) or fewer residents are allowable all districts except the C and R districts, subject to the standards of this zoning district, a minimum separation of one thousand (1,000) feet between each facility and the standards of this section, excluding paragraphs E and F.
- B. *Licensed Facilities*** with seven (7) to fourteen (14) residents are allowable in the R-2, R-3, CL, CM and CH zoning districts, subject to the standards of the R-3, CL, CM and CH zoning districts and the standards of this section.
- C. *Licensed Facilities*** with fifteen (15) or more residents are allowable in the R-3, CL, CM and CH zoning districts, subject to the standards of these zoning districts and the standards of this section.
- D. *Community Residential Homes*** and other ***Licensed Facilities*** which house persons of limited mobility are prohibited within the Coastal High Hazard Overlay District.
- E.** When located next to a property that is ***Used*** or zoned for ***Single Family Residential*** purposes, the side and rear yards shall be enclosed with a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.
- F.** The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.
- G. *Community Residential Homes*** and other applicable ***Licensed Facilities*** shall meet all requirements of section 419.001, F.S.
- H.** ~~Hospitals may be permitted as a supplemental use in the PF zoning district subject to the standards of this section. Hospitals are allowable in the CH, M-1 and PF zoning districts, subject to the standards of those zoning districts and the standards of this section~~
 - ~~1. Hospitals are prohibited in the Coastal High Hazard Overlay District.~~

2. ~~The buffer that is otherwise required for the hospital shall be increased by thirty (30) percent.~~

I. **Nursing Homes** are allowable in the R-3, CL, CM and CH zoning districts, subject to the standards of those zoning districts and the standards of this section.

1. **Nursing Homes** are prohibited in the Coastal High Hazard Overlay District.

2. **Nursing Homes** in the R-3 zoning district shall in all respects be consistent with the **Residential** structures in the neighborhood and be consistent with the **Residential** character of the neighborhood. Determination of consistency shall be based on the design of the structure; the amount and location of off-**Street** parking; the location, size and design of the **Driveway; Building** orientation; landscaping; number, size and location of **Accessory Structures**; and the size and location of swimming pools or other outdoor **Recreation** facilities and equipment.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 7. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 8. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the

Ordinance 1491
Page 5 of 6

City Council of the City of Panama City Beach, Florida, this ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2019.

MAYOR

Published in the News Herald on the 25th day of April, 2019.

Published in the News Herald on the 16th day of May, 2019.

Posted on pcbgov.com on the ____ day of _____, 2019.

REGULAR ITEM

3



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

2. MEETING DATE:

Administration / Holly White

May 23, 2019

3. REQUESTED MOTION/ACTION:

Request Council to approve budget amendment #36 to appropriate funds for the early payment of a portion of vested sick leave as approved by the Council on May 9, 2019.

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? Yes No N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED Yes No N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

At the Council meeting held May 9, 2019, City Manager, Mario Gisbert presented Round 2 of a plan which would allow employees with vested sick leave to voluntarily opt to be paid currently for a portion of their leave as opposed to being paid at separation of service. Council approved the early payment of up to 150 hours of vested sick leave. Subsequent to the May 9, 2019 meeting, all eligible employees (those with greater than 10 years of service as of the pay period beginning May 2, 2019) were provided with a memo detailing the voluntary program and a form to complete to elect the amount of hours they wanted to be paid for "now versus later" up to a maximum of the lesser of 150 hours or their vested hours as of the pay period beginning May 2nd.

108 City employees were eligible to participate in this program. 54 employees have elected to cash out sick leave hours currently and 54 have elected to leave their vested sick leave intact at this time.

The attached budget amendment #36 reflects the cost of paying out the 54 employees electing to cash out early - salary and benefits of approximately \$258,550. Adequate reserves for accrued compensated absences are available to fund the payout. STAFF recommends approval.

RESOLUTION 19-90

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AUTHORIZING A BUDGET AMENDMENT TO IMPLEMENT A VOLUNTARY EARLY PAYOUT OF ACCRUED SICK LEAVE HOURS TO ELIGIBLE EMPLOYEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 25, 2019, the City Council directed Staff to begin the process to provide for an early payout of accrued sick leave hours to eligible employees, setting the payout cap at 150 hours.

THEREFORE, BE IT RESOLVED by the City of Panama City Beach, Florida, that the following budget amendment (BA#36) is adopted for the City of Panama City Beach, Florida, for the fiscal year beginning October 1, 2018, and ending September 30, 2019, to implement the pay plan recommendation as shown in and in accordance with the attached and incorporated Exhibit A.

This Resolution shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this _____ day of _____, 2019.

CITY OF PANAMA CITY BEACH

By _____
MIKE THOMAS, MAYOR

ATTEST:

MARY JAN BOSSERT, CITY CLERK

**CITY OF PANAMA CITY BEACH
BUDGET TRANSFER FORM BF-10**

No. BA # 36

FUND	GENERAL	ACCOUNT DESCRIPTION	APPROVED BUDGET	BUDGET ADJUSTMENT	NEW BUDGET BALANCE
TO	001-1300-513.12-10	Salaries Regular	654,500.00	11,000.00	665,500.00
TO	001-1300-513.21-10	FICA	54,364.00	850.00	55,214.00
TO	001-1300-513.22-10	Retirement	64,842.00	1,250.00	66,092.00
TO	001-1500-515.12-10	Salaries Regular	183,800.00	4,000.00	187,800.00
TO	001-1500-515.21-10	FICA	14,623.00	350.00	14,973.00
TO	001-1500-515.22-10	Retirement	21,652.00	450.00	22,102.00
TO	001-2101-521.12-10	Salaries Regular	4,795,100.00	82,700.00	4,877,800.00
TO	001-2101-521.21-10	FICA	429,012.00	6,350.00	435,362.00
TO	001-2101-521.22-10	Retirement	95,000.00	350.00	95,350.00
TO	001-2101-521.22-20	Retirement Sworn	836,033.00	6,000.00	842,033.00
TO	001-2200-522.12-10	Salaries Regular	2,445,000.00	36,050.00	2,481,050.00
TO	001-2200-522.21-10	FICA	244,097.00	2,800.00	246,897.00
TO	001-2200-522.22-10	Retirement	364,637.00	2,600.00	367,237.00
TO	001-2400-524.12-10	Salaries Regular	558,500.00	7,050.00	565,550.00
TO	001-2400-524.21-10	FICA	46,719.00	550.00	47,269.00
TO	001-2400-524.22-10	Retirement	40,530.00	450.00	40,980.00
TO	001-4100-541.12-10	Salaries Regular	625,000.00	12,800.00	637,800.00
TO	001-4100-541.21-10	FICA	55,489.00	1,000.00	56,489.00
TO	001-4100-541.22-10	Retirement	61,883.00	450.00	62,333.00
TO	001-7201-572.12-10	Salaries Regular	915,000.00	1,850.00	916,850.00
TO	001-7201-572.21-10	FICA	88,121.00	150.00	88,271.00
TO	001-7201-572.22-10	Retirement	106,641.00	200.00	106,841.00
FROM	001-8100-999-92-00	Reserves Compensated Absences	523,600.00	(179,250.00)	344,350.00
	CRA				
TO	160-2400-524.12-10	Salaries Regular	61,000.00	4,050.00	65,050.00
TO	160-2400-524.21-10	FICA	5,079.00	350.00	5,429.00

EXHIBIT A

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TO	160-2400-524.22-10	Retirement	7,312.00	450.00	7,762.00
FROM	160-5901-559.95-00	Reserves Restricted	16,943,311.00	(4,850.00)	16,938,461.00
	UTILITY				
TO	401-3300-533.12-10	Salaries Regular	1,972,000.00	28,850.00	2,000,850.00
TO	401-3300-533.21-10	FICA	162,552.00	2,250.00	164,802.00
TO	401-3300-533.22-10	Retirement	189,149.00	1,200.00	190,349.00
TO	401-3500-535.12-10	Salaries Regular	2,407,000.00	33,850.00	2,440,850.00
TO	401-3500-535.21-10	FICA	199,872.00	2,600.00	202,472.00
TO	401-3500-535.22-10	Retirement	256,018.00	3,000.00	259,018.00
FROM	401-8100-999.92-00	Reserves Compensated Absences	450,000.00	(71,750.00)	378,250.00
	PIER				
TO	402-7500-575.12-10	Salaries Regular	333,000.00	2,250.00	335,250.00
TO	402-7500-575.21-10	FICA	39,083.00	200.00	39,283.00
TO	402-7500-575.22-10	Retirement	39,105.00	250.00	39,355.00
FROM	402-7500-575.96-00	Reserves Available for Expenditures	106,577.00	(2,700.00)	103,877.00
		Check Adjustment Totals:	36,395,201.00	0.00	36,395,201.00

BRIEF JUSTIFICATION FOR BUDGET ADJUSTMENT:

To amend the budget for various funds and departments to reflect the cost associated with the voluntary program to cash out up to a maximum of 150 hours of sick leave

ROUTING FOR APPROVAL

_____ DEPARTMENT HEAD _____ DATE _____ CITY MANAGER _____ DATE

_____ FINANCE DIRECTOR _____ DATE

BF-10 5/17/2019 8:22 AM

REGULAR ITEM

4



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

2. MEETING DATE:

Administration / Mario Gisbert

May 23, 2019

3. REQUESTED MOTION/ACTION:

Request Council to approve budget amendment #35 to shift the cost of (2) Beach and Surf Trucks and (1) Beach and Surf ATV from the police department to the fire department.

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO

N/A

BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO

N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

The FY 2019 police department includes (2) Beach and Surf trucks and (1) Beach and Surf ATV. Staff recommends a budget amendment to shift the purchase of these assets from the police department to the fire department. Effective October 1, 2019, it is anticipated that the Beach and Surf division will be transferred to the fire department. Allowing the Fire Chief to purchase the above referenced equipment now will enable him to change the look of the vehicles to correspond to fire department appearance.

STAFF recommends approval.

RESOLUTION 19-91

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AUTHORIZING A BUDGET AMENDMENT TO REALLOCATE EXPENDITURES FOR BEACH AND SURF VEHICLES BUDGETED IN FY 2019 FROM THE POLICE DEPARTMENT TO THE FIRE DEPARTMENT; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, 2 Beach and Surf trucks and 1 Beach and Surf ATV were budgeted in FY 2019 in the Police Department budget; and

WHEREAS, the Beach and Surf Division is to be transferred from the Police Department to the Fire Department effective October 1, 2019; and

WHEREAS, a budget amendment is necessary to reallocate the funds budgeted in FY2019 from the Police Department to the Fire Department to enable the Fire Department to proceed with the purchase of the vehicles with the Fire Department appearance.

BE IT RESOLVED that the budget amendment (#35) attached, incorporated and marked as Exhibit A is adopted for the City of Panama City Beach, Florida, for the fiscal year beginning October 1, 2018, and ending September 30, 2019 as shown in and in accordance with the attached and incorporated Exhibit A, for the purposes stated herein.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ____ day of _____, 2019.

CITY OF PANAMA CITY BEACH

By: _____
Mike Thomas, Mayor

ATTEST:

Mary Jan Bossert, City Clerk

Resolution 19-91

AGENDA ITEM # 4

**CITY OF PANAMA CITY BEACH
BUDGET TRANSFER FORM BF-10**

No. BA # 35

FUND	GENERAL	ACCOUNT DESCRIPTION	APPROVED BUDGET	BUDGET ADJUSTMENT	NEW BUDGET BALANCE
TO	001-2200-522.64-20	Machinery and Equipment	810,500.00	67,000.00	877,500.00
FROM	001-2101-521.64-20	Machinery and Equipment	782,650.00	(67,000.00)	715,650.00
			0.00	0.00	0.00
			0.00	0.00	0.00
		Check Adjustment Totals:	1,593,150.00	0.00	1,593,150.00

BRIEF JUSTIFICATION FOR BUDGET ADJUSTMENT:

To reallocate (2) Beach & Surf trucks and (1) Beach & Surf ATV
 budgeted in FY 2019 in the police department to the fire department
 in anticipation of shift of Beach & Surf personnel to the fire department
 effective October 1, 2019

ROUTING FOR APPROVAL

_____ DEPARTMENT HEAD _____ DATE _____ CITY MANAGER _____ DATE
 _____ FINANCE DIRECTOR _____ DATE

EXHIBIT A

REGULAR ITEM

5

2019 Legislative Update

Amy Myers and Cole Davis
with assistance from the Florida League of Cities

The following includes a summary of bills passed by the Legislature in the 2019 session which impact or are of interest to the City. Specific recommendations are made for action or consideration by City staff or the Council. Bill summaries which have no recommendation are included for information purposes.

Coastal Management CS/HB 325 (LaMarca)

Local sponsors submit annual funding requests to the Department of Environmental Protection (DEP) for beach management and inlet management projects. The bill revises the criteria used by DEP to rank projects for funding consideration and requires DEP to implement a scoring system for annual project funding priorities. In addition, the bill revises requirements for the state's comprehensive long-term management plan and requires it to include a strategic beach management plan, a critically eroded beaches report and a statewide long-range budget plan. In addition, the bill requires DEP to submit a three-year work plan and related forecast for the availability of funding to the Legislature.

Effective date: July 1, 2019.

Environmental Regulation

Private Property Rights CS/HB 1159 (La Rosa)

The bill imposes restrictions on the enforcement of local government tree ordinances and imposes notice requirements on county property appraisers.

HB 1159 provides that a local government may not enforce its tree requirements against a residential property owner for the trimming or removal of a tree if the owner obtains documentation from a certified arborist or a licensed landscape architect that the tree presents a danger to persons or property. The bill specifically prohibits a local government from requiring the property owner to replant a tree that was removed under such circumstances.

Recommendations: *The provisions of this bill will need to be incorporated into the City's current tree regulations in section 4.06 of the LDC.*

Effective date: July 1, 2019.

Wetland Mitigation CS/HB 521 (McClure)

The bill amends current law relating to wetland mitigation banking and offsite regional wetland mitigation. The bill provides legislative findings that recognize state and federal mitigation bank credits may not be available in certain instances to offset adverse impacts of a project and that in such instances a local government is authorized to permit mitigation on local government lands owned for conservation purposes.

Effective date: July 1, 2019.

Ethics & Elections

Financial Disclosure

HB 7021 (Public Integrity & Ethics Committee)

The bill provides for the mandatory electronic filing of Form 1 (Limited) and Form 6 (Full) financial disclosures by specified state officers and employees. The bill requires the Florida Commission on Ethics to procure and test an electronic disclosure filing system by January 2022. The bill requires disclosures to be completed and submitted online and to be accessible and searchable online by the public. Form 6 filers are required to file their forms electronically beginning January 1, 2022. Form 1 filers are required to file their forms electronically beginning January 1, 2023. The electronic filing requirement is not applicable to candidates running for an office subject to the Form 6 or Form 1 filing requirement (Form 1 individuals will continue to file with their qualifying officer until January 1, 2023). The bill prohibits filers from submitting a copy of their most recent income tax return along with their disclosure and prohibits filers from providing specified information such as a social security number, bank account numbers, credit card numbers, personal identification numbers, or taxpayer identification numbers. If a filer includes such information, the information may be made available for public inspection unless the filer requests redaction. The bill provides the Commission is not liable for the release of such information if the filer has not requested redaction. The bill increases the purchasing power threshold that would subject a state or local government employee that is a business manager or purchasing agent to the Form 1 filing requirement. This threshold is increased to \$35,000 (Category Two) from \$20,000 (Category One). Beginning January 1, 2023, the bill eliminates the ability of a Form 1 filer to report using a comparative threshold based on a percentage value. The bill requires the Commission on Ethics to collect filer e-mail addresses and requires each unit of government with officers subject to the filing requirement to assist the Commission in these efforts by providing e-mail addresses to the Commission by February 1 of each year.

Effect: Mandatory filers will need to ensure compliance with the disclosure requirements and electronically file when mandatory. No new positions or offices with the City are required to file financial disclosure as a result of this bill.

Recommendation: *Mandatory filers are encouraged to review their filing practices and contact the City Attorney with questions.*

Effective date: Upon becoming law unless otherwise specified.

Election Administration
SB 7066 (Ethics and Elections Committee)

The bill makes extensive changes to the Florida Election Code relating to voting systems, ballot sorting and counting, vote-by-mail requirements, provisional ballots, voter signature updates, polling location requirements, precinct reporting, ballot design and security, county canvassing boards, supervisors of elections, and election contests.

Applicable to the City, the bill prohibits an operator of a polling place from prohibiting voter solicitation outside of the no-solicitation zone during polling hours. The City has no such policy.

Effective date: July 1, 2019, unless otherwise specified.

Finance & Taxation

Government Accountability
SB 7014 (Governmental Oversight and Accountability Committee)

The bill requires local governments to establish and maintain internal controls designed to prevent and detect waste, fraud, and abuse, and provides a definition for “waste,” “fraud,” and “abuse” for purposes of auditing those internal controls. The bill adds tourist development councils and county tourism promotion agencies to the definition of “local government entity” to clarify that the Auditor General has authority to audit those entities. Audit committees must publicly announce requests for proposals for the audit services, and the bill specifies the factors that must be considered in selecting the auditor and the procedures for negotiating for compensation.

Additionally, municipal auditor selection committees must contain at least one member of the governing entity and may not contain any employee except in an advisory capacity.

Recommendation: *The City currently has internal controls designed to prevent and detect the same issues mandated by the bill. A thorough review of these controls and incorporation of these new mandates is recommended to ensure compliance with the new law. Reappointment of the auditor review committee to remove any current employees of the City.*

Effective date: July 1, 2019.
Approved by Governor, Ch. 2019-15, Laws of Florida.

Discretionary Sales Surtaxes
CS/CS/HB 5 (DiCeglie)

Relevant to the City, the bill requires local government sales surtax referenda to be held only at a general election. It also modifies requirements for a program performance audit by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA), requiring a local government to provide the ordinance or resolution at least 180 days before the referendum. OPPAGA is then directed, within 30 days of receiving the ordinance or resolution, to procure a certified public accountant to conduct a performance audit.

The bill also makes substantial amendments to the citizen initiative process to amend the Florida Constitution.

Recommendation: *None at this time. The City Attorney will ensure that any proposed future surtax referenda which the City supports meets the requirements of the new law.*

Effective date: Section 1, including provisions related to local government surtax election dates and performance audits and charter county transportation surtax by citizen initiative become effective January 1, 2020.

**Local Government Financial Reporting
HB 861 (Fernandez-Barquin; Roach)**

The bill requires city and county budget officers to report certain information regarding the local government's final budget and economic status to the Office of Economic and Demographic Research annually in a format specified by the Office:

1. Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.
2. Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.
3. Median income within the county or city.
4. The average county employee salary.
5. Percent of budget spent on salaries and benefits for county or city employees.
6. Number of special taxing districts, wholly or partially, within the county.

The bill also requires city and county budgets to remain on the website for at least 45 days and for the final budget to remain on the website for at least 2 years.

Recommendation: *The new reporting requirements take effect on October 15, 2019. Forms are to be prepared and provided by the State by July 15, 2019. City staff will prepare to meet these new requirement. Staff and the Council will need to consider the additional time and expense necessary to meet this new obligation.*

Effective date: Upon becoming law.

**Taxation
CS/HB 7123 (Ways & Means Committee; Avila)**

The bill, the 2019 tax package, includes two sales tax holidays: a three-day back-to-school sales tax holiday (August 2-4); and a seven-day disaster preparedness sales tax holiday (May 31-June 6). The bill also includes a reduction of the tax on commercial leases from 5.7% to 5.35% and changes the timing of payments to local governments in fiscally constrained counties and Monroe County to offset property tax refunds granted to homeowners due to hurricanes in 2016 and 2017.

The bill specifies that a communications services provider that collects and remits the communications services tax is not required to pay right-of-way fees. A pass-through provider is defined as a person with communications services equipment in the right-of-way but who does not collect the municipality or county's communications services taxes. A pass-through provider is subject to right-of-way fees. The bill excludes from the definition of a pass-through provider a person who does not collect the communications services tax for the county or municipality, but who sells communications services to a person who does collect the tax.

Effective date: July 1, 2019.

General Government

Attorney Fees and Costs CS/CS/CS/HB 829 (Sabatini)

The bill creates a new section of law providing for a mandatory award of attorney fees, costs and damages to the prevailing party in a civil action where the adoption or enforcement of a local government ordinance is alleged to have been expressly preempted by the state Constitution or by state law. Fees may not be awarded if written notice is provided to the local government that a proposed or adopted ordinance may be expressly preempted and the local government withdraws a proposed ordinance within 30 days of receipt of the notice or, in the case of an adopted ordinance, notices the ordinance for repeal within 30 days of receipt of the notice and repeals the ordinance within 30 days thereafter. The bill is prospective in nature. In addition, it exempts ordinances adopted pursuant to part II of chapter 163, s. 553.73, or s. 633.202. Finally, the bill provides that a county or municipality may continue to enforce a regulation, moratorium or policy adopted before February 1, 2019, relating to the land application of Class B biosolids until it is repealed or until the effective date of rules adopted by the Florida Department of Environmental Protection, whichever occurs first.

Recommendation: *No action at this time. This bill has no effect on any pending litigation involving the City.*

Effective date: July 1, 2019.

Communications Services CS/CS/CS/SB 1000 (Hutson)

The bill makes extensive changes to section 337.401, Florida Statutes, which governs the use of public rights-of-way by providers of communications services, including provisions on small wireless infrastructure. Current law contains a statement of legislative intent that local governments treat providers of communications services in a nondiscriminatory and competitively neutral manner. In direct contrast to this "nondiscrimination language," the bill requires local governments to consider factors, such as distinct engineering, or construction and operation considerations, when imposing rules or regulations on the placement or maintenance of communications facilities. In addition, the bill eliminates many provisions of the Advanced

Wireless Deployment Act of 2017 and modifies several definitions, including the definitions of “application,” “collocate”, “wireless infrastructure provider,” and “wireless support structure.”

The definition of “application” now includes both a permit to collocate small wireless facilities and a request to place a new utility pole. The definition of “applicable codes” removes reference to “objective design standards.” The bill creates a new subsection 377.401(7), which provides that local governments may require providers comply with objective design standards established by ordinance and modifies the standards to address both small wireless facilities and new utility poles. The definition of “applicable codes” also includes reference to the National Electrical Safety Code and the 2017 edition of the FDOT-UAM.

Under the 2017 law, the installation of a new utility pole in the rights-of-way to support a small wireless facility was subject to certain spacing, height and permit application review timeframes, but a local government was authorized to otherwise apply its “rules and regulations governing the placement of utility poles in the rights of way.” The bill deletes this language. In addition, the bill requires a local government to treat a permit application to locate new utility pole in the right-of-way the same as a permit application to collocate a small wireless facility onto an existing utility pole (this includes the “shot clock” timeframe for permit approvals and other prohibitions and limits applicable to review of collocation of small wireless facilities). The bill prohibits a local government from instituting a moratorium, either expressly or de facto, that would delay the filing or processing of registrations, or issuance of permits or other approvals for the collocation of small wireless facilities or installation of utility poles.

Current law prohibits a local government from requiring the placement of small wireless facilities on any specific pole. The bill adds to this prohibition, and specifies a local government may not:

- Require a demonstration that collocation on an existing structure is not legally or technically possible as a condition for granting a permit;
- Require, in a right-of-way controlled by DOT, compliance with local government rules and regulations absent a delegation from DOT;
- Require a meeting before filing an application;
- Require direct or indirect public notification or a public meeting before placement of the facilities in the right-of-way;
- Limit the size or configuration of a small wireless facility;
- Prohibit installation of a new pole to support collocation if the installation otherwise meets the requirements of the law; or
- Require that any component of a small wireless facility be placed underground, except as provided in the law.

The bill eliminates the ability of local governments to require performance bonds or security funds from providers. It allows local governments to require a construction bond limited to no more than 18 months after the construction is completed. Also, the bill prohibits a local government from requiring a provider to indemnify it for liabilities not caused by the provider.

Current law requires that a provider comply with a local government’s nondiscriminatory undergrounding requirements that prohibit above-ground structures in the right-of-way. The bill specifies conditions under which a local government may prohibit the placement of new poles used

to support small wireless facilities in areas where the local government has required undergrounding. A local government may prohibit the placement of new poles if: the undergrounding requirements were in place at least 90 days prior to the permit application; structures that are allowed to remain above ground are reasonably available to providers for the collocation of small wireless facilities; and the provider is allowed to install a new pole in a designated area of the right-of-way that complies with these requirements, provided it is not reasonably able to provide the service by collocating on any remaining utility pole or other structure in the right-of-way. If small wireless facilities were installed prior to the local government's adoption of undergrounding requirements, the local government must allow the facilities to remain in place or allow the provider to replace the associated pole within 50 feet of the prior location.

In addition, the bill prohibits a local government from requiring wireless providers to submit certain information, such as an inventory of communications facilities, maps, locations of such facilities or other information, as a condition of registration, renewal or for any other purpose. It authorizes a local government to require, as part of a permit application, that the applicant identify ground-level communications facilities within 50 feet of the proposed installation location for the placement of at-grade communications facilities. The bill also prohibits requiring a wireless provider to pay any fee, cost or other charge for registration or renewal; adoption or enforcement of any ordinances, regulations or requirements as to the placement or operation of communications facilities in a right-of-way by a communications services provider; or imposition or collection of any tax or charge for providing communications services over the communications services provider's communications facilities in a right-of-way.

The bill creates a cause of action for any person aggrieved by a violation of the right-of-way statute. A party may bring a civil action in a U.S. district court or any other court of competent jurisdiction, and the court may grant temporary or permanent injunctions to prevent or restrain violations and direct the recovery of full costs, including the award of reasonable attorney fees.

Recommendation: *Ordinance 1490 updates the City's codes to comply with the new law.*

Effective date: July 1, 2019.

Building Permit Fees CS/HB 127 (Williamson)

The bill requires the governing bodies of counties and municipalities to post permit and inspection fee schedules and building permit and section utilization reports on their websites by December 31, 2020. The information in the report must be derived from relevant information available in the most recently completed financial audit. After December 31, 2020, a local government that provides a schedule of fees must update its building permit and inspection utilization report before adjusting the fee schedule. The report must include the following information:

- Direct and indirect costs incurred by the local government to enforce the Florida Building Code, including costs related to personnel services costs (including salary and related employee benefit costs), and operating expenditures and expenses;
- Permit and inspection utilization information, including:

- Number of building permit applications submitted.
- Number of building permit permits issued or approved.
- Number of building inspections and reinspections requested.
- Number of building inspections and reinspections conducted.
- Number of building inspections conducted by a private provider.
- Number of building audits provided by the local government of the building inspections conducted by a private provider.
- Number of positions dedicated by the local government to enforce the Florida Building Code, issue building permits, and conduct inspections.
- Certain other permissible activities for enforcing the Florida Building Code.
- Revenue information, including revenue derived from certain fees, fines, investment earnings from investment of revenue derived from fees and fines, balances carried forward and balances refunded by the local government, and revenue derived from other sources, including general revenue.

Recommendation: *Staff is advised to carefully review its current fee and rate schedule related to building permit fees and advise the Council for any necessary updates to this schedule prior to December 31, 2020.*

Effective date: July 1, 2019.

**Building Permits
CS/CS/HB 447 (Diamond)**

The bill addresses a variety of issues relating to the Florida Building Code and building permits. It allows the Florida Building Commission to approve updates to the Florida Building Code every three years. The bill creates a process, at the discretion of a local government, for it to send notice to the owner or contractor listed on a building permit that a permit is about to expire. It expands current exemptions from the requirement to use a licensed contractor where the contractor listed on the permit substantially completed the project as determined by the local permitting agency for a one-family or two-family residence, townhome, or individual residential condominium or cooperative unit, under specified conditions. The bill specifies processes by which a property owner may close a building permit and clarifies that a building department may close a permit six years after the permit is issued instead of six years after the permit expires. It prohibits a local government from denying a contractor a permit solely because the contractor has expired building permits. The bill provides that a local government may charge a person only one search fee, commensurate with the research and time costs incurred by the local government, for identifying a building permit for each unit or subunit assigned by the local government to a parcel. The bill also prohibits a local government from carrying forward an amount exceeding the average of its operating budget for enforcing the Code for the preceding four fiscal years (excluding reserves). The local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce building permit fees.

Recommendation: *Staff is advised to audit and carefully review its current fee and rate schedule related to building permit fees. Staff and the Council may want to consider contracting with an*

outside firm to complete this study as effectively and efficiently as possible to amend any rates to ensure that building permit fees are compliant with the new law.

Effective date: October 1, 2019.

**Firefighters
CS/CS 426 (Flores)**

The bill entitles firefighters who receive a diagnosis of certain cancers to a package of mandated benefits. These benefits include coverage under a group health or self-insurance policy and a lump sum cash payout of \$25,000. The bills require the employer to reimburse the firefighter for any out-of-pocket deductibles, co-payments or coinsurance relating to cancer treatment. For the firefighter to get the lump sum payout and reimbursements of out-of-pocket costs for 10 years post-employment, the firefighter must elect to continue coverage in an employer-sponsored health plan or group health insurance trust. If the firefighter participates in an employer-sponsored retirement plan, the plan must qualify the firefighter as totally and permanently disabled if he or she is prevented from rendering useful and effective service as a firefighter and is likely to remain disabled continuously and permanently due to the diagnosis or treatment of cancer. The retirement plan must qualify the firefighter as “died in the line-of-duty” if he or she dies from the cancer or treatment of cancer.

If the firefighter did not participate in an employer-sponsored retirement plan, the employer must provide a disability retirement plan that provides at least 42 percent of annual salary until the firefighter’s death. The employer must provide a death benefit to the firefighter’s beneficiary for at least 10 years totaling at least 42 percent of the firefighter’s most recent annual salary. Additionally, firefighters who die from cancer or cancer treatment are considered to have died in the manner described in statutes, for purposes of statutorily required death benefits. The cost to provide the reimbursements, lump sum payments, disability retirement benefits and line-of-duty death benefits if the firefighter does not participate in an employer-sponsored retirement plan must be borne solely by the employer. For employer-sponsored retirement plans, the contributions necessary to fund the increased actuarial cost associated with the benefits mandated in this bill must be borne solely by the employer. To qualify for these benefits, the firefighter must be employed by the employer for at least five continuous years, may not have used tobacco products in the preceding five years and may not have been employed in any other position that is proven to create a higher risk for any cancer in the preceding years. The bill requires a firefighter’s cancer diagnosis be considered an “injury or illness incurred in the line-of-duty” for determining employer policies and the provision of benefits. The bill specifies that a firefighter’s cancer diagnosis must be considered an “injury or illness incurred in the line-of-duty” for the purposes of determining leave time and employment retention policies. The bill also requires the Division of State Fire Marshal within the Florida Department of Financial Services to adopt rules to establish employer best practices for preventing or reducing the incidence of cancer among firefighters.

Recommendation: *City Staff is advised to contact its insurance and retirement providers to acquire any additional coverages necessary and review employment and pension policies to comply with the new law. The Council will need to consider the financial impacts of providing these additional benefits in its next budget.*

Effective date: July 1, 2019.
Approved by Governor, Ch. 2019-21, Laws of Florida.

Death Benefits
CS/SB 7098 (Governmental Oversight and Accountability Committee)

The bill implements a constitutional amendment approved by the voters in November 2018. The bill requires the payment of death benefits to the survivors of certain first responders, Florida National Guard (FLNG) members and members of the U.S. Armed Forces. The bill increases the death benefit, from \$50,000 to \$75,000, for those who are accidentally killed or receive accidental bodily injury that results in the loss of the individual's life or meet additional requirements, such as the accidental death that occurs from the response to an emergency. If the first responder, FLNG member or service member is unlawfully and intentionally killed or dies from such unlawful and intentional act while engaged in the performance of official duties, the death benefit is increased from \$150,000 to \$225,000. The bill also provides these benefits to paramedics and emergency medical technicians and removes the annual Consumer Price Index adjustment of the benefit amounts. The bill expands death benefits for certain educational expenses of surviving spouses and children of firefighters, law enforcement officers, correctional officers, correctional probation officers, paramedics, emergency medical technicians and FLNG members who are accidentally killed or receive accidental bodily injury resulting in loss of life.

Recommendation: *City Staff is advised to contact its insurance and retirement providers to acquire any additional coverages necessary and review employment and pension policies to comply with the new law. The Council will need to consider the financial impacts of providing these additional benefits in its next budget.*

Effective date: July 1, 2019.

Engineering
CS/CS/HB 827 (Toledo)

The bill authorizes the Florida Board of Professional Engineers to establish minimum standards of practice and rules for the profession of engineering. Florida law authorizes the use of "private providers" for some building plan review and inspection services. The bill reduces the number of days a local building official must review a private provider's building permit application from 30 business days to 20 business days. The bill also changes the number of days an owner that decides to use a private inspector is required to notify a local building official from seven business days before the first scheduled inspection to two business days. Finally, the bill specifies that projects wholly or partially funded by the Department of Transportation and administered by a local governmental entity may not allow the same entity to perform both design services and construction engineering and inspection services.

Recommendation: *City staff is currently implementing a system for working with and complying with laws related to private building inspection and plans review services. Staff will be advised by the City Attorney of additional requirements of the City in compliance with the new.*

Effective date: October 1, 2019.

Public Utility Storm Protection Plans
CS/CS/CS/SB 796 (Gruters)

The bill creates a recovery clause for storm protection costs instead of recovering these costs through a utility's base rates and provides for recovery of a return on capital costs (profit) through the clause. The bill is intended to promote storm protection activities that will reduce restoration costs and outage times. It requires an investor-owned public utility to submit to the Public Service Commission, as part of its "storm hardening plan," a "transmission and distribution storm protection plan" that covers the utility's immediate 10-year planning period. The bill requires the plan to be updated every three years and submitted to the Commission for approval. The bill prohibits such plans from including the undergrounding of more than 4 percent of the utility's lateral distribution lines per year. The bill specifies the required contents of the plan, including information to demonstrate the plan costs are not included in the utility's base rates. It requires the Commission to conduct an annual proceeding to allow a public utility to recover prudently incurred transmission and distribution storm protection plan costs through the storm protection cost recovery clause. Once the Commission determines the costs were prudently incurred, the costs are not subject to further review, except for situations involving fraud or intentional withholding of information by the utility.

Effective date: Upon becoming law.

Land Use & Growth Management

Property Development
CS/CS 7103 (Commerce Committee)

The bill addresses land use and property development relating to inclusionary housing ordinances, the timing of development approvals, impact fees, and private providers of building inspection services. Its primary provisions:

- **Affordable Housing:** Requires a local government which adopts an inclusionary housing ordinance to provide incentives to fully offset the costs to the developer of its affordable housing contribution. Incentives may include, but are not limited to, density or intensity bonuses or reduced/waived fees.
- **Development Orders:** Requires a local government, upon receiving an application for approval of a development order or permit, to review the application for completeness within 30 days. An applicant will have an additional 30 days to address deficiencies in the application, if identified by the local government. A local government then has 120 days to approve, approve with conditions, or deny the application. For applications requiring final action through a quasi-judicial or public hearing, a local government would have 180 days to approve, approve with conditions, or deny the application. The parties may agree to extend these time frames. The bill authorizes parties to a development order challenge to use summary proceedings under section 51.011, F.S., and provides that a prevailing party in a challenge to a development order is entitled to recover attorney fees and costs.

- **School Concurrency:** The bill specifies that school proportionate-share mitigation credit shall be based on the total impact fee assessed and not on the impact fee for any type of school.
- **Impact Fees:** It codifies the dual-rational nexus test for determining the legal validity of impact fees and provides the impact fee may not be collected earlier than the date of issuance of the building permit. It specifies the local government must credit against the collection of the impact fee any contribution related to school facilities on a dollar-for-dollar basis. It further specifies that if a local government increases its impact fee rates, the holder of any impact fee credits that were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. It authorizes a local government to waive impact fees for the development of affordable housing and specifies that a local government is not required to use any revenues to offset the impact.
- **State of Emergency Extensions:** The bill revises current law regarding the tolling and extension of permits and other authorizations to provide that time is extended only during declared states of emergency for natural (i.e. weather-related) emergencies.
- **Private Providers:** The bill expands the scope of work for private providers who review site plans and inspect buildings. It prohibits local governments from charging fees for inspections if a private provider is used but authorizes a local government to charge a reasonable administrative fee when a private provider is used. It reduces the time from 30 business days to 20 business days for building departments to review permit applications when a private provider approves the plans. It limits a local government's authority to audit a private provider to four times annually and prohibits a building official from replicating the plan reviews of inspections done by a private provider.
- **Fire Sprinkler Retrofit:** The bill extends the date for condominium associations (not timeshare condo associations) that are part of a high-rise residential building to retrofit either a fire sprinkler system or an engineered life safety system from January 2020 to January 2024.

Recommendation: *City Staff is currently working on a fee schedule and process for handling private providers. Counsel will advise and review processes with the Building and Planning Staff to ensure that administrative policies are updated in compliance with the new law.*

Effective date: July 1, 2019.

**Community Development Districts
CS/CS/HB 437 (Buchanan)**

The bill allows a petitioner that is establishing a new community development district (CDD) of less than 2,500 acres to include a list of adjacent parcels that the petitioner expects to annex into the district boundaries within the next 10 years. A parcel may only be included with the consent of the landowner. The bill provides a process for expanding the boundaries of the CDD to include parcels identified for annexation, even if the resulting CDD is greater than 2,500 acres. Finally, the bill provides that a CDD may merge with a special district created by a special act pursuant to the terms of that special act and makes provision for the assets and liabilities of the CDD.

Effective date: Upon becoming law.

**Community Redevelopment Agencies
CS/HB 9 (LaMarca)**

The bill regulates CRAs in the following ways:

- Increases audit, ethics, reporting and accountability measures for community redevelopment agencies (CRAs). The bill requires CRAs to annually submit additional reporting information to the state, including performance data for each CRA plan, number of projects started, total number of projects completed, commercial property vacancy rates, and amount expended on affordable housing.
- Requires CRA procurement to comport with city and county procurement procedures. The bill provides that a CRA that has no financial activity for six consecutive years may be declared inactive by the Department of Economic Opportunity.
- Terminates a CRA in existence on October 1, 2019, on the expiration date provided in its charter or on September 30, 2039, whichever is earlier, unless the governing body that created the CRA approves its continued existence by a majority vote.
- It requires monies in a CRA trust fund be expended only pursuant to an annual budget adopted by the CRA board and requires the budget for a CRA created by a municipality to be submitted annually to the county commission within 10 days of adoption of the budget.
- Beginning October 1, 2019, CRA monies may be expended only for undertakings of the CRA as described in the community redevelopment plan pursuant to an adopted annual budget and for the purposes specifically authorized in current law.
- The bill authorizes the governing body that created the CRA to determine the amount of tax increment financing available to the CRA and set the level of funding at any amount between 50 percent and 95 percent of the increment (only Miami-Dade County has this authority under current law).

Recommendation: *Staff should reexamine its annual reporting content and procedures to comply with the new law.*

Effective Date: October 1, 2019.

**Small-scale Plan Amendments
HB 6017 (Duggan)**

The bill repeals the 120-acre cumulative annual limit on small-scale development amendments that may be approved by a local government. A comprehensive plan amendment may be classified as small-scale amendment if the amendment involves less than 10 acres of land, does not impact land located in an area of critical state concern, preserves the internal consistency of the overall local comprehensive plan, does not require substantive changes to the text of the plan, and the local government considering the amendment has not adopted a cumulative total of 120 acres of small-scale comprehensive plan amendments in the current calendar year.

Effective date: July 1, 2019.

Right of Entry
CS/CS/HB 767 (Robinson)

The bill addresses reservations of interest in mineral rights in the contracts for sale of public lands. Current law provides that a local government, a water management district or an agency of the state may sell or release reserved interest in any parcel of land except that such sale or release shall be made upon petition of the purchaser that includes a statement of reasons justifying the sale or release. The bill releases the right of entry to any interest in phosphate, minerals, metals or petroleum reserved in favor of a local government, water management district or any agency of the state for any parcel of property that is a contiguous tract of less than 20 acres in the aggregate under the same ownership.

Effective date: July 1, 2019.

Vegetable Gardens
CS/SB 82 (Bradley)

The bill preempts any local ordinance or regulation of vegetable gardens on residential property. While local governments would be preempted from prohibiting vegetable gardens, the bill allows for local ordinances to regulate the use of water during droughts, fertilizer use, or invasive species control. The bill does not apply to homeowner's association regulations or deed-restricted communities.

Recommendation: *The City currently has no regulation violative of this new law.*

Effective date: July 1, 2019.

Public Records & Public Meetings:

Recommendation for all new Public Records laws: *Legal staff will provide guidance to the City Clerk and Police Department Staff regarding these new laws.*

Public Records/Civilian Personnel Employed by Law Enforcement Agency
SB 248 (Hooper)

The bill expands exemptions from public records requirements for agency personnel information by defining the term "home addresses" for purposes of public records exemptions for personal identifying and location information of certain agency personnel and their family members. The term is defined to include the physical address, the mailing address, the street address, the parcel identification number, the plot identification number, the legal description of the property, GPS coordinates, and other descriptive property information that may reveal the location of the residence. The bill creates a new public records exemption for personal identifying and location

information of active or former civilian personnel employed by a law enforcement agency, and of spouses and children of such personnel.

Effective date: July 1, 2019.

Approved by Governor, Ch. 2019-12, Laws of Florida.

**Public Meetings/Local Government Utilities
HB 327 (Davis)**

The bill exempts from public meetings requirements portions of meetings that would reveal certain exempt information concerning information technology systems held by local government utilities and requires exempt portions of such meetings to be recorded and transcribed. It exempts from public records requirements the recordings and transcripts of such meetings except to the extent that any portion of the recording or transcript is determined by a court, after an in-camera review, to reveal nonexempt data.

Effective date: July 1, 2019.

**Public Records/Victim of Mass Violence
SB 186 (Lee, Book)**

The bill amends s. 406.136 and transfers this section to s. 119.071, Florida Statutes. It expands an existing exemption from the public records law to make confidential and exempt from disclosure any photographs, video and audio recordings that depict or record the killing of a victim of mass violence. Current law exempted only the photographs, audio and video that depict or record the killing of a law enforcement officer acting in accordance with her or her official duties. The bill defines the term “killing of a victim of mass violence” and specifies who may obtain such videos and recordings and the process for doing so. The bill provides that it is a third-degree felony for any custodian to willfully and knowingly violate the exemption. The exemption is retroactive.

Effective upon becoming law.

**Public Records/Child Abuse, Abandonment, or Neglect
SB 318 (Montford)**

The bill prohibits the release of any identifying information with respect to any person reporting child abuse, abandonment, or neglect, except under specified circumstances.

Effective date: July 1, 2019.

**Public Records/Public Utility Held Customer Information and Data
CS/HB 591 (Davis, Yarborough)**

The bill exempts from public records requirements customer meter-derived data and billing information in increments of less than one billing cycle that is held by local government utilities.

Effective date: July 1, 2019.

**Human Trafficking
CS/CS/CS 851 (Fitzenhagen)**

The bill permits a direct-support organization created by the bill to contract with the Florida Forensic Institute for Research, Security, and Tactics. The bill requires the OPPAGA to complete a study by January 1, 2023, on the effectiveness of the Soliciting for Prostitution Database and provide a recommendation as to whether it should remain in operation or be repealed and provides that the database will be repealed January 1, 2024, unless reviewed and saved from repeal by the Legislature.

The bill creates a human trafficking task force for each judicial circuit which is tasked with working with local government agencies in developing training on detecting, reporting, and intervention and treatment of human trafficking.

Effective date: July 1, 2019.

**Federal Immigration Enforcement
CS/CS/CS/SB 168 (Gruters)**

The bill relates to state and local government enforcement of federal immigration laws. It provides several definitions, including “sanctuary policy,” which means a law, policy, practice, procedure or custom adopted or permitted by a state entity, law enforcement agency or local governmental entity that contravenes the federal immigration laws or that knowingly prohibits or impedes a law enforcement agency from communicating or cooperating with a federal immigration agency with respect to federal immigration enforcement. The bill also defines “sanctuary policymaker” to mean a state or local elected official, or an appointed official of a local governmental, who has voted for, allowed to be implemented or voted against the repeal of prohibition of a sanctuary policy. The bill prohibits the adoption or enforcement of a sanctuary policy and requires cooperation with federal immigration authorities. If a local government entity, state entity or law enforcement agency fails to comply with the bill's provisions, the court may enjoin any unlawful sanctuary policy. The bill also allows a court to have continuing jurisdiction over the parties and subject matter and to enforce its orders with the initiation of contempt proceedings as provided by law. The attorney general may bring a civil action against governmental entities that fail to comply with the provisions of the bill and allows the state to seek injunctive relief to compel compliance with the requirements. This provision does not specify a dollar amount for restitution.

Recommendation: *The City currently has no policy, written or unwritten, in violation of this new bill.*

Effective date: July 1, 2019.

**Medical Use of Marijuana
CS/CS/CS/SB 182 (Brandes)**

The bill redefines the term “medical use” to include the possession, use or administration of marijuana in a form for smoking and deletes a provision prohibiting medical marijuana treatment centers (MMTC) from dispensing or selling specified products.

Effective date: March 18, 2019.

Approved by Governor, Ch. 2019-001, Laws of Florida.

**Implementation of Recommendations of Marjory Stoneman Douglas Commission
CS/CS/SB 7030 (Education Committee)**

Based on recommendations from the MSD Commission regarding the guardian program, the bill amends s. 30.15, F.S., to require a sheriff to establish a guardian program if the local school board votes by majority to implement the program, or to contract with another sheriff’s office that has established a program, to provide training to school district or charter school employees. A sheriff who has established a guardian program may contract to provide training to a school district or charter school employee employed in a county whose sheriff has not established a guardian program. The sheriff conducting the training will be reimbursed for screening-related and training-related costs and for providing a one-time stipend of \$500 to each school guardian who participates in the school guardian program. The bill also removes the prohibition on an individual who exclusively performs classroom duties as a classroom teacher from participating in the guardian program.

Effective date: Upon becoming law, except as otherwise provided.

**E911 Systems
CS/CS/441 (DuBose)**

The bill requires each county to develop a plan to implement countywide text-to-911 service and, by January 1, 2022, to enact a system that allows for text-to-911 service. The Marjory Stoneman Douglas High School Public Safety Commission reviewed the 911 and first responder dispatch communications related to the shootings that occurred at the school on February 14, 2018. Among other things, the Commission recommended that counties be required to develop and implement communications systems that allow direct radio communication between public-safety access points (PSAP) and first responders outside the PSAP’s normal service area to provide for more efficient dispatch of first responders.

Currently, 35 counties in Florida provide fully active and operational text-to-911 service. By the end of this calendar year, an additional 27 counties are expected to implement text-to-911 service. The remaining 5 counties have indicated an estimated completion date for text-to-911 service by the end of 2021.

Effective date: July 1, 2019.

**Police, Fire, and Search and Rescue Dogs and Police Horses
SB 96 (Bean)**

The bill increases penalties for certain offenses committed on police, fire or search and rescue canines.

Effective date: October 1, 2019.

Approved by Governor, Ch. 2019-9, Laws of Florida.

Vaping

SB 7012 (Innovation, Industry, and Technology)

The bill implements Amendment 9 to the Florida Constitution, which was approved by voters in November 2018, and which bans the use of vaping devices such as electronic cigarettes in enclosed indoor workplaces. The bill authorizes the use of vaping devices in retail vape shops and other locations currently authorized to permit tobacco smoking. The bill amends the current preemption in section 386.209, Florida Statutes, to implement the grant of authority to local governments in Amendment 9, which authorizes local governments to adopt more restrictive local ordinances on the use of vaping devices.

Recommendation: *City Staff and the Council will need to consider adoption of policies regarding smoking and vaping prohibitions in the bill and develop signage for City property wherein vaping or smoking is prohibited. The Council will need to consider if it wants to adopt more stringent vaping regulations than provided in the new law.*

Effective date: July 1, 2019.

Approved by Governor, Ch. 2019-14, Laws of Florida.

Public Safety

CS/HB 7125 (Judiciary Committee; Daniels; Renner)

The bill is a criminal justice reform package that encompasses a plethora of changes including raising Florida's theft "threshold" from \$300 to \$750. This will bring Florida's amount close to the national average and adjusts for inflation, as the \$300 amount was set in 1986. The bill repeals and reduces driver license suspensions and revocations for non-driving related reasons and revises specified offenses for driving while a license is suspended or revoked. It repeals mandatory direct file for juvenile offenders and revises youthful offender sentencing eligibility, increases penalties for introducing a cell phone and other contraband into a state correctional institution, and revises offenses related to persons detained in county detention facilities.

Effective date: October 1, 2019.

Transportation

Autonomous Vehicles

CS/HB 311 (Fischer)

Current law authorizes the operation of autonomous vehicles in the state by any person holding a valid driver license. The physical presence of an operator in the vehicle is not required under specified conditions. The bill changes the term “autonomous vehicle” to “automated driving system” and defines the term “On-demand Autonomous Vehicle Network” to mean a passenger network that uses digital means to connect passengers to fully autonomous vehicles for-hire. The bill specifies that a licensed human operator is not required to operate a fully autonomous vehicle and removes the requirement that an operator possess a valid driver license. It specifies the automated driving system, rather than a person, is deemed the operator of an autonomous vehicle when the automated driving system is engaged. The bill authorizes an on-demand autonomous vehicle network to operate pursuant to state laws with the same insurance requirements applicable to transportation network companies. It prohibits local governments from imposing a fee, tax, or other requirement on automated driving systems or autonomous vehicles. Finally, the bill authorizes the Florida Turnpike Enterprise to construct and operate facilities for the advancement of autonomous and connected transportation technologies.

Effective date: July 1, 2019

Micromobility Devices
CS/CS/HB 453 (Toledo)

The bill establishes a regulatory framework for authorizing the operation of micromobility devices and motorized scooters. It defines “micromobility device” and revises the definition of “motorized scooter.” It grants certain rights and requires certain duties to the operator of a micromobility device or motorized scooter that are the same as those as a bicycle rider. The bill specifies that a local government is not prohibited from regulating the operation of micromobility devices or motorized scooters on streets, highways, or sidewalks within their jurisdictions. It allows the operation of such devices without a driver license. The bill excludes such devices from compliance with vehicle registration, licensing, and insurance requirements; equipment requirements for slow-moving vehicles; and motor vehicle provisions relating to licensing and license-plate display. Finally, the bill requires a person who offers such devices for hire to secure all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued.

Recommendation: *The City's current prohibition on the rental of motor scooters encompasses vehicles defined in this new bill as micromobility devices and motor scooters. The Council will need to consider adoption of regulations applicable to the operation of these devices consistent with the new law.*

Effective date: Upon becoming law.

Wireless Communications While Driving
CS/HB 107 (Toledo)

Current law prohibits a person from texting, emailing, and instant messaging while driving, and provides certain exceptions, including use of a navigation device or system or use of hands-free technology. The bill changes current enforcement of this prohibition from a secondary offense to a primary offense. In addition, the bill prohibits the use of a wireless communications device in

a handheld manner (including listening or talking on) while driving in a school zone or construction work zone where workers are present. The prohibitions do not apply to a stationary vehicle. The bill requires a law enforcement officer who stops a motor vehicle for violating either prohibition to inform the driver that he or she has a right to decline a search of the wireless communications device. It prohibits a law enforcement officer from accessing a device without a warrant, confiscating a device while waiting for a warrant, or coercing the driver to provide access to a device without a warrant. The bill requires a law enforcement officer to record the race and ethnicity of a person issued a citation for violating either prohibition and requires the Department of Highway Safety and Motor Vehicles to provide an annual report of this information to the Governor and Legislature. The bill provides for a statewide awareness campaign, with enforcement only by warning from October 1, 2019, through December 31, 2019, after which a person may be issued a citation. Violation of this law is a noncriminal infraction, punishable as a moving violation, and three points will be assessed against a person's license. Persons cited for a first offense may avoid punishment and assessment of points by completing a wireless communications device driving safety program.

Effective date: July 1, 2019

Transportation
CS/CS/CS/HB 385 (Avila)

Among other things, this bill provides the Florida Department of Transportation (DOT) must approve the design plans of all transportation projects on, under, over, or abutting a DOT-owned right-of-way, regardless of funding source, for compliance with DOT design standards.

Effective date: July 1, 2019.

Department of Transportation
CS/CS/CS/HB 905 (Andrade)

The bill is the comprehensive Department of Transportation (DOT) package. Of specific interest to local governments, the bill prohibits a local government from adopting standards or specifications that are contrary to the DOT's standards or specifications for permissible use of aggregates or reclaimed asphalt that have been certified for use. The bill specifies that certain projects wholly or partially funded by DOT and administered by a local governmental entity may not allow the same entity to perform both design services and construction engineering and inspection services. The prohibition does not apply to seaports. The bill extends the length of time for DOT to provide funding for a fire station on Alligator Alley and requires the local governmental entity operating the fire station to contribute ten percent of the direct operating costs. The bill revises the definition of "small county" under the Small County Outreach Program to mean any county that has a population of 200,000 or less.

Effective date: July 1, 2019.

Motor Vehicles
CS/HB 1057 (McClure)

The bill is the comprehensive Department of Highway Safety and Motor Vehicles package. Of specific interest to local governments, the bill authorizes a motor vehicle to be equipped with one or more lamps or devices underneath the motor vehicle if such lamps or devices do not emit light in violation of statutes regarding lights on law enforcement vehicles. Additionally, the bill authorizes a privately-owned vehicle belonging to an active firefighter member of a volunteer firefighting company or medical staff physician or technician of a licensed medical facility, while responding to an emergency, to display or use red warning signals visible from the front and from the rear of such vehicle.

Recommendation: *Staff may want to consider a policy in response to the bill's allowance of City firefighters to equip emergency lights to their private vehicles.*

Effective date: October 1, 2019.

Transportation
CS/SB 7068 (Infrastructure Committee)

The bill creates the Multi-use Corridors of Regional Economic Significance Program within the Florida Department of Transportation (DOT). The program is designed to advance construction of three regional corridors that will accommodate multiple modes of transportation and infrastructure. The bill identifies three regional corridors: Southwest-Central Florida Connector (extending from Collier County to Polk County); Suncoast Connector (extending from Citrus County to Jefferson County); and Northern Turnpike Connector (extending from northern terminus of Florida Turnpike northwest to the Suncoast Parkway). It establishes a task force for each corridor comprised of representatives from state agencies and other stakeholders to evaluate and coordinate corridor analysis, environmental and land use impacts, and other impacts. Each task force must issue a written report by October 1, 2020. The bill directs DOT to provide affected local governments with a copy of the applicable task force report. Not later than December 2023, a local government that has an interchange within its jurisdiction shall consider whether its comprehensive plan should be amended to provide appropriate land uses and protections around the interchange. To the extent feasible, construction of the projects must begin no later than December 31, 2022 and be open to traffic no later than December 31, 2030. The bill authorizes funding for the projects in the corridors, which includes increased revenues derived from the State Transportation Trust Fund and portions of motor vehicle license taxes. Projects undertaken in the corridors must be tolled facilities. The bill authorizes additional funding for the Small County Road Assistance Program, the Small County Outreach Program, and the Transportation Disadvantaged Trust Fund. In addition, it creates and provides funding for a construction workforce development program within DOT.

Effective date: July 1, 2019.