



**AGENDA
HARBOR AND WATERWAYS BOARD MEETING
MONDAY, JANUARY 23, 2023
5:30 PM
DESTIN CITY HALL ANNEX CHAMBERS**

- 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**
- 2. NOMINATION OF CHAIR & VICE CHAIR**
- 3. APPROVAL OF MINUTES**
 - A) November 28, 2023 Minutes**
 - B) December 19, 2023 Minutes**
- 4. NEW BUSINESS**
 - A) Commercial Marine Construction Proposed at 530 Harbor Blvd.**
- 5. OLD BUSINESS**
- 6. SUNSHINE LAW PRESENTATION - Kyle Bauman**
 - A) Sunshine Law Presentation**
- 7. COMMITTEE MEMBER REPORTS**
 - A) Richard Hoey**
 - B) Jim Green**
 - C) Guy Tadlock**
 - D) William McKissick**
 - E) Casey Jones**
 - F) John Stephens**
 - G) Jerod Hayden**
- 8. PUBLIC COMMENTS**
- 9. NEXT MEETING DATE: February 27, 2023**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose 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 to be based. (Sec. 286.0105, Florida Statutes)

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, NOVEMBER 28, 2022 - 5:00 P.M.**

1. CALL TO ORDER:

Chairman Hoey called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, November 28, 2022, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

Richard Hoey
Jim Green
Bill McKissick
Guy Tadlock
John Stephens

Members Absent

Harvey Hurst
Casey Jones

Staff:

Kim Montgomery Deputy City Clerk
Steve O'Connor Principal Planner
Daniel Butler Senior Planner
Christopher Willis Planner
Kyle Bauman City Attorney

3. MINUTES: September 26, 2022

Motion by Board member Stephens to approve the minutes of the September 26, 2022, meeting passed with Board member McKissick providing the second. The motion passed with a 4-0 vote, Board member Green not being present at the time of the vote.

4. PUBLIC COMMENTS:

None

5. NEW BUSINESS:

A) 4049 Indian Bayou North - Proposed Single-Family Residential Marine Construction Project

Chairman Hoey mentioned that in light of not having the applicant present to answer their questions and the scope of the request, he feels that this project should be heard at the next scheduled meeting.

Motion by Board member Tadlock to table hearing the requested project to the next scheduled meeting.

Mr. O'Connor spoke up and reminded the members that they cannot hold up the approval process because the FDEP and ACOE permits have not been obtained, which is only allowed, per State Statutes, at the Marine Construction Permit level, which is after City Council's approval.

Board member Tadlock withdrew his motion to table the project.

Mr. Christopher Willis presented the request to the member providing the details and location of the project request.

Mr. Butler added that the applicant is looking to remove the 4-foot section that makes it a shared dock making it two separate parcel docks.

Motion by Board member Stephens that the Harbor & Waterways Board recommend City Council approval of the single-family marine construction project located at 4049 Indian Bayou North, subject to the applicant meeting all applicable City, State and Federal permit requirements, Board member Tadlock provided the second.

The Chairman asked staff if the letters of notification were sent out to the adjacent property owners as well as the owners on the other side of the body of water. According to Mr. Butler, per code, staff is only required to send the letters to the adjacent property owners, which they did.

The contractor and agent for the applicant, Branson Wright entered the meeting. He then proceeded to ask if the property owner could request to have two jet ski lifts installed at this level or at the State level.

According to Board member McKissick, he recommended they should request for the separate lifts at the State level.

There was additional discussion about what happens if the applicant changes the design of the request. According to Mr. O'Connor if the applicant reduces the request then it would not come back before this Board, but if he increases it, it would trigger a new request.

Board member Tadlock pointed out to staff that the request with the covered boat house is 27-feet and asked isn't that going out too far, according to the 20% rule in the Code. Staff reviewed the plans and determined that Mr. Tadlock's calculations is correct.

Mr. Wright asked since there is protected species presence are they not allowed to go out further.

The City Attorney stated that since the request is now questionable, he recommends that the board withdraw the motion to recommend the project and table it until staff can work with the applicant to determine what steps need to be taken.

Board member Stephens withdrew his original motion and made the motion to continue the project to the next scheduled meeting of the Harbor & Waterways Board, with Board member Tadlock providing the second. The motion passed 5-0.

B. 119 Calhoun- Proposed Commercial Marine Construction Project

The City Attorney swore in members of staff and Stephen Tatum, representative for the applicant for any testimony they may provide.

Mr. Butler provided the board with the details of the project request spoke of how it originally came before the Board in April however, the request was tabled due to questions regarding the slip density and the drawings. Then there was a quorum problem with the next scheduled meeting and so, the applicant is not back before them for the recommendation to City Council for approval. Mr. Butler added that the drawings now are all up-to-date with the request and their State and Federal permit requests and staff recommends approval of the request with the three conditions outlined in the packet which does not include the forth since that has been provided after the agenda packet was provided to the Board.

The City Attorney moved the application and staff report into the record with no objection from the applicant, Mr. Steven Tatum.

Mr. Tatum addressed the Board noting that everything is now consistent with the code and if they had any questions, he would be glad to provide any additional information.

Board member Stephens asked if gas cans were to be used for fueling the vessels. According to Mr. Tatum, that is correct, unless they are taken to the marina to be filled.

Board member McKissick asked if the definition of one slip is one boat? According to Mr. Butler, that is correct.

Board member Tadlock asked if there are any plans to have any additional boats moored. According to Mr. Tatum, there is not, and they have removed the two parasail boats that were originally proposed.

Board member McKissick asked why the requested size of the slips are 18-feet wide if only 8-foot wide pontoon boats are going in the slips, noting that is big enough for two pontoon boats in one slip.

Board member Green spoke up and explained the livery vessel requirement policy that was created through the Harbor CRA-AC and all the requirements that livery vessel companies must meet in order to get their approval to run their businesses in the city.

Mr. Tatum added that the Development Order for the project approved that many slips adding the parking is based on the number of boats requested and nothing more.

Board member McKissick stipulated that he contacted the city prior to this meeting and was informed that the applicant has more permits than what is being portrayed in the request.

The City Attorney spoke up and informed the Board that this is a Quasi-Judicial hearing, and any outside information is grounds for reversal therefore all questions need to be asked to staff to answer and not for the applicant to explain.

Mr. O'Connor stated for the record that currently staff has no knowledge of the number of livery vessels permitted for this site.

Motion by Board member Green recommend City Council approval of a commercial watersports docking facility at 119 Calhoun Avenue, which consists of a 144-ft by 6-ft access pier and a 50-ft by 6-ft terminal platform, containing a total of twelve (12) slips and comprising approximately 1,134 square feet, subject to the applicant meeting all applicable City, State, and Federal permitting requirements, with the following conditions:

- 1. The proposed dock does not propose a sewage pump-out; therefore, no vessels utilized by Wet N' Wild Watersports shall have on-board toilets, per LDC 11.05.01.I.**
- 2. The proposed dock shall install a white navigation/security night-light installed at the furthest point seaward on said dock and such light is to be illuminated continuously from dusk to dawn every night of the year, per LDC 11.05.01.U. Such light shall be installed prior to the issuance of the Certificate of Occupancy.**
- 3. The applicant provides the City with approval from FDEP and USACE regarding the revised set of plans at the time of building permit application. The revised plans that are to be sent to FDEP and USACE are not to exceed twelve (12) slips, the maximum slip density allowed per LDC 11.05.01.N and shall be consistent with what is being reviewed by the City of Destin.**

Board member Stephens provided the second. A roll call vote of 3-2 was taken and the motion was denied, with Board members Hoey, Tadlock and McKissick dissenting.

The City Attorney noted that even though this is a recommending board, generally a reason for denial should be voiced.

Chairman Hoey spoke up and stipulated that he voted incorrectly and would like to change his vote.

The City Attorney advised the correct procedure is to make a motion to reopen the voting.

Motion by Board member Stephens to reopen the voting with Chairman Hoey providing the second. A roll call vote of 3-2 was taken and the motion passed, with Board members McKissick and Tadlock dissenting.

Motion by Board member Green recommend City Council approval of a commercial watersports docking facility at 119 Calhoun Avenue, which consists of a 144-ft by 6-ft access pier and a 50-ft by 6-ft terminal platform, containing a total of twelve (12) slips and comprising approximately 1,134 square feet, subject to the applicant meeting all applicable City, State, and Federal permitting requirements, with the following conditions:

1. The proposed dock does not propose a sewage pump-out; therefore, no vessels utilized by Wet N' Wild Watersports shall have on-board toilets, per LDC 11.05.01.I.

2. The proposed dock shall install a white navigation/security night-light installed at the furthest point seaward on said dock and such light is to be illuminated continuously from dusk to dawn every night of the year, per LDC 11.05.01.U. Such light shall be installed prior to the issuance of the Certificate of Occupancy.

3. The applicant provides the City with approval from FDEP and USACE regarding the revised set of plans at the time of building permit application. The revised plans that are to be sent to FDEP and USACE are not to exceed twelve (12) slips, the maximum slip density allowed per LDC 11.05.01.N and shall be consistent with what is being reviewed by the City of Destin.

Board member Stephens provided the second. A roll call vote of 3-2 was taken and the motion was passed, with Board members Hoey and McKissick dissenting.

**C) 600 Harbor Boulevard - Proposed Commercial Marine Construction Project
Mr. John Green agent for the applicant.**

The City Attorney swore in staff members and Mr. John Green for any testimony that may be provided.

Mr. Willis, Planner provided the details of the request to the board.

The City Attorney asked if staff wanted to add the staff report and all the exhibits into the record. With Staff verifying that they do, the Chairman accepted them into the record. Mr. Green stipulated that he has no objections to the action.

Motion by Board member Green, seconded by Board member McKissick, that the Harbor & Waterways Board recommend City Council approval of the commercial marine construction project located at 600 Harbor Blvd, subject to the applicant meeting all applicable City, State and Federal permit requirements and with the following conditions:

- 1. The Marine Construction Permit pertaining to this proposed marine facility cannot be issued until the Development Order Deviation is approved.**
- 2. A new FDEP submittal shall be made to accurately reflect the proposed improvements /conditions and approved, and then that approval shall be provided to Staff prior to the issuance of any Building Permit.**
- 3. If the FDEP approves the fuel storage facilities on-site, an Oil Abatement Plan per 11.05.01.E. shall be submitted for review before issuance of any Marine Construction permit.**
- 4. The cost estimate provided does not reflect the current scope of work being proposed. Prior to issuance of any Building Permit, the applicant shall provide the City with a revised cost estimate that reflects the current scope of work. This cost estimate shall be used to determine the Net Positive Environmental Benefit (NPEB) payment that is to be made to the city, per Land Development Code (LDC) 11.05.02.N.**

Mr. O'Connor explained that #4 condition was removed because the cost estimate has been provided to staff after the publication of this staff report.

Board member Stephens asked if the Oil Abatement Plan would have to come back before this board after City Council's review. According to Mr. O'Connor, it would not, however they do have it in their power to make that a condition to have it come back before this board for their review and consideration.

Board member Green amended his motion by removing Condition #4 cost estimate.

Board member Stephens stated that he would prefer that the oil abatement plan come back before this board for their review. **Board member Green agreed and amended the original motion to make the Oil Abatement Plan as Condition #4 to be reviewed by the board, once obtained. Board member Stephens provided the second to the amended motion.**

Board member Tadlock asked where the property lines are on the plans. Mr. John Green explained the location of the property lines to the members are on page four of four. Board member Tadlock then asked if there is a plan for any retail sales of the gas to the public. According to Mr. Butler, in the Development Order review, there is no request for retail sales of gas.

The hearing was opened to the public for comment. Ms. Sam Perman of 4652 Destiny Way stated that she understands the purview of the board and mentioned that she too sees things that were approved by the Board but are not being adhered to on the harbor and knows that Code Compliance is understaffed and understands why those things happen.

With no one else coming forward to speak, Chairman Hoey closed the public and called for the vote.

A roll call vote of 5-0 was taken the motion passed.

C. COMMITTEE MEMBER REPORTS:

Tadlock – Spoke of how he feels that certified letters should be sent out to the adjacent property owners instead of just regular mailed letters so that staff has proof that the adjacent property owners have seen the letters and are properly informed of the proposed project.

Mr. O'Connor informed the Board that now is the time to get everything to staff that they would like to recommend to Council they feel needs to be added to Chapter 11, Marina Siting section of the Land Development Code.

Motion by Board member Tadlock, seconded by Board member Green, write into the procedures for marine application permits in Chapter 11 of the Marina Siting to require certified letters to adjacent property owners or applicable waterbody, whatever the application may be, that the adjacent property owners are to receive a certified letter and in the letter, the project request be described with the statement of notifying staff with any comments or concerns prior to the hearing. The motion passed unanimously 5-0.

Board member Tadlock spoke of how to him he feels that there should be some verbiage in the code regarding property line and riparian lines setbacks to keep the city from any possible litigation. Mr. O'Connor suggested that they include the word, “implied” and how it describes as the furthest distance allowed that goes out for any docks.

Motion by Board member Green to recommend that the setback for dock and marina facilities are setback to whatever distance identified per an implied riparian line at the same ray and/or degree of the property line for the furthest distance for a dock allowed. With Committee member Stephens providing the second.

There was a brief discussion regarding any future City Council meetings being rescheduled that happen to fall on this board's same meeting day to reschedule Harbor & Waterways Board meeting be rescheduled to meet on another day.

Mr. O'Connor explained that the draft for the Harbor Capacity Study is wrapping up and should be ready sometime in January. There will be some workshops scheduled and surveys should be sent out specifically to property owners, Livery Vessel, and Charter Boat Associations. There will also be people on the ground surveying as well.

D. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 7:05 p.m.

Adopted and approved this _____ day of _____ 2022.

Richard Hoey, Chairman

Kim Montgomery, Deputy City Clerk

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, DECEMBER 19, 2022 - 5:00 P.M.**

1. CALL TO ORDER:

Chairman Hoey called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, December 19, 2022, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

<u>Member Present:</u>	<u>Members Absent</u>	<u>Staff:</u>
Richard Hoey	Casey Jones	Kim Montgomery Deputy City Clerk
Guy Tadlock	Jim Green	Steve O'Connor Principal Planner
Bill McKissick		Christopher Willis Planner
John Stephens		Kyle Bauman City Attorney

3. PUBLIC COMMENTS:

None

4. NEW BUSINESS:

A) Proposed Single-Family Residential Marine Construction Project - 10 Moreno Point Road

City Planner Christopher Willis explained the details of the request to the board members.

Motion by Board member Tadlock, seconded by Board member McKissick that the Harbor & Waterways Board recommend City Council approval of the single-family marine construction project located at 10 Moreno Point Rd, subject to the applicant meeting all applicable City, State and Federal permit requirements.

In discussion, Board member Tadlock spoke of being familiar with the project and the previous project at the address as well.

Chairman Hoey questioned if the certified letters they spoke of at their last meeting had been implemented yet.

Mr. O'Connor explained that their recommendations for any changes first has to be approved through Council prior to being implemented.

Board member Tadlock spoke of how this home is one of the oldest built on Holiday Isle and he feels sure that if any one of the neighbors had any issues with the request, they would have voiced their concerns.

Chairman Hoey opened the hearing to the public for comment. With no one coming forward to speak he closed the public and called for the vote. **The motion passed with a unanimous vote of 4-0.**

B. BOARD MEMBER REPORTS:

➤ **Board member McKissick** spoke of how he feels that in the adjacent property owner letter they spoke of last month that they recommended to be sent certified, should also have a timeframe for to contact the city before the project is heard to express concerns to staff.

➤ **Board member Tadlock** spoke of ongoing construction work being done without the city knowing or permitting the work and asked staff what is being done about it.

According to Mr. O'Connor, when staff is made aware of the work, Code Compliance is sent out to issue a stop work on the construction site and a determination is made by staff to either have it permitted after-the-fact or if the structure should be removed. Additionally, the contractor is reported to the Department of Business Regulations. Mr. O'Connor also informed the board members that per State Statutes, anytime someone calls the city about these type of issues, the complainant has to provide their name and number to staff. If the complainant decides they don't want to, then there is nothing that can be done.

Board member Tadlock also spoke of canvas covers over boat lifts and questioned how those are handled. According to Mr. O'Connor, currently there is not language in the State or city level so those are not regulated.

➤ **Board member Stephens** - Spoke of Oil Abatement Plan and recommends that the city mirror the state's regulations in the code. The members discussed at length the categories of projects that come for recommendations, their size, and if they're residential or commercial and the requirements for oil abatement plans.

Board member Tadlock spoke of his concern for fuel dispensing in residential areas and spoke of an incident where an oil spill took place at a residential address and how there was no plan in place and by the time the correct governmental entity was contacted the spill had gotten out of control. He mentioned how he does not want this to ever take place again and how a plan needs to be put in place to prevent such an incident ever happening again.

Motion by Board member Stephens to recommend City Council approve an Oil Abatement plan required for any Category 3 proposed Marine Construction Project and it would need to follow FDEP guidelines.

Mr. O'Connor explained that staff is still working on obtaining necessary information and as soon as they can gather the information they can bring it forward to this Board for further discussion and a possible recommendation to Council.

Board member Stephens withdrew his motion.

➤ **Chairman Hoey** mentioned how the results of the Harbor Capacity Study information is available. There was a brief discussion regarding the study and the timeline of the information being compiled and the processes that follows with the committee meeting and making recommendations to Council.

Mr. O'Connor explained that he will make sure that the information is provided to this Board either through an email or at one of their upcoming meetings.

C. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 6:20 p.m.

Adopted and approved this _____ day of _____ 2022.

Richard Hoey, Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 23, 2023

BOARD/COMMITTEE: Harbor & Waterways Board

TYPE OF AGENDA ITEM: Action Item

OUTLINE NUMBER: 4.A.

TO: Harbor & Waterways Board

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM:

DATE: January 11, 2023

SUBJECT: Commercial Marine Construction Proposed at 530 Harbor Blvd.

I. BACKGROUND: MRD Associates, Inc., on behalf of Mike Abadie of ABC Amusement Co, has submitted an application for Harbor and Waterways Board review for the construction of a ±4,353 square foot, 17-slip wooden dock to the east of the existing 20-slip Gilligan's docking facility at 530 Harbor Boulevard. Approximately 36 timber mooring piles shall be installed within the slips.

II. DISCUSSION: The applicant requests Harbor and Waterways Board approval for commercial marine construction located at 530 Harbor Blvd., located within the Destin Harbor, a Class II Florida Waterbody.

The proposed marine construction project meets the following requirements of ***Section 11.05.00, City of Destin Land Development Code (LDC)***, in addition to providing the 25-foot riparian setback,

- ***11.05.01.A – Construction of new dock***
- ***11.05.01.C, 11.05.01.D, 11.05.01.Y – Waste Disposal into the Harbor and Waterways of Destin***
- ***11.05.01.F, 11.05.01.G, and 11.05.01.M – Length of the pier***
- ***11.05.01.N – Slip density***
- ***11.05.01.V – Commercial dock access to firefighting facilities***

The Florida Department of Environmental Protection (FDEP) Receipt of Submittal states that the project reviewed was for ±4,189 SF of new dock construction; however, the plans submitted state that the proposed dock is ±4,353 SF. At time of building permit submittal,

the proposed SF shall match the amount approved by FDEP and USACE.

Additionally, while the required Water Taxi Stop is not illustrated per ***LDC Section 8.09.03.A.9.d***, the applicant shall incorporate such stop (and sign) on the westernmost finger pier, or another location that is sufficient for the applicant and is compliant with ***LDC Section 8.09.03.A.9.d***.

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with **Coastal Management Element Policy 6-1.1.6: Reduce Commercial Land Use Impacts to Choctawhatchee Bay.**

- A. **Link to Strategic Goals / Objectives:** Economic development & revitalization
- B. **Effect on Budget (EOB):** There is no anticipated effect on the budget.
- C. **Level of Service (LOS):** There is a minimal impact anticipated on the LOS from this dock construction; however, a Traffic Impact Analysis will be provided and reviewed during the Development Order Deviation process.
- D. **Legislative Sponsor:**

III. CONCLUSION: The applicant provided a receipt of submittal from **Florida Department of Environmental Protection (FDEP), Application No. 0295725-005-EI/46.** Additionally, the applicant has provided a receipt of submittal from the **United States Army Corps of Engineers (USACE), with an assigned project number of SAJ-2009-01597.**

City Staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with ***LDC Section 11.05.01.M, Marina Siting***, and the Coastal Management Element of the City's Comprehensive Plan (***Coastal Management Element Policy 6-1.1.6***).

STAFF RECOMMENDATION: Staff recommends approval of the Commercial Marine Construction Project proposed at 530 Harbor Blvd., consisting of the construction of a ±4,353 square foot, 17-slip wooden dock to the east of the existing 20-slip Gilligan's docking facility at 530 Harbor Boulevard, with the condition of the addition of a Water Taxi Stop in accordance with ***LDC Section 8.09.03.A.9.d***.

IV. RECOMMENDED MOTION: I move that the Harbor & Waterways Board recommend City Council approval of the Commercial Marine Construction project located at 530 Harbor Blvd. with the condition provided, subject to the applicant meeting all applicable Federal, State, and City permitting requirements

Attachments:

1. A. Proposed Dock Drawings
2. B. Existing Conditions Plan
3. C. Future Proposed Parking and Site Plan
4. D. Proof of FDEP and USACE Application

5. E. Agent Affidavit
6. F. Adjacent Property Notification

Permit Sketches and General Notes *Gilligan's Marina Expansion*



APPLICANT NAME AND ADDRESS

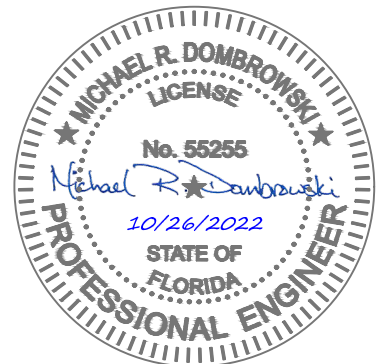
A B C Amusement Company
c/o Mike Abadie
P.O. Box 5436
Destin, Florida, 32540

LOCATION

Section 00, Township 02 S, Range 22 W
Okaloosa County, Florida
30°23'31.96" N, 86°29'52.65" W
530 Harbor Boulevard
Destin, Florida 32541

INDEX OF SHEETS

<u>SHEET NO.</u>	<u>DESCRIPTION</u>	<u>SHEET NO.</u>	<u>DESCRIPTION</u>
1	Cover Sheet and Index of Sheets	9	Cross Sections E-E' and F-F'
2	Project Location	10	Typical Fixed Pier
3	Existing Conditions	11	Typical Finger Pier
4	Proposed Marina	12	Utility Plan
5	Dimensioned Site Plan	13	Typical Fire Protection Details
6	Cross Section A-A'	14	Typical Power Pedestal Detail
7	Cross Section B-B'	15	Typical Ladder Detail
8	Cross Sections C-C' and D-D'	16	Existing and Preempted Areas
		17	General Notes



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

COVER SHEET AND INDEX OF SHEETS *Gilligan's Marina Expansion*

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

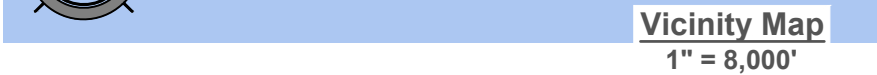
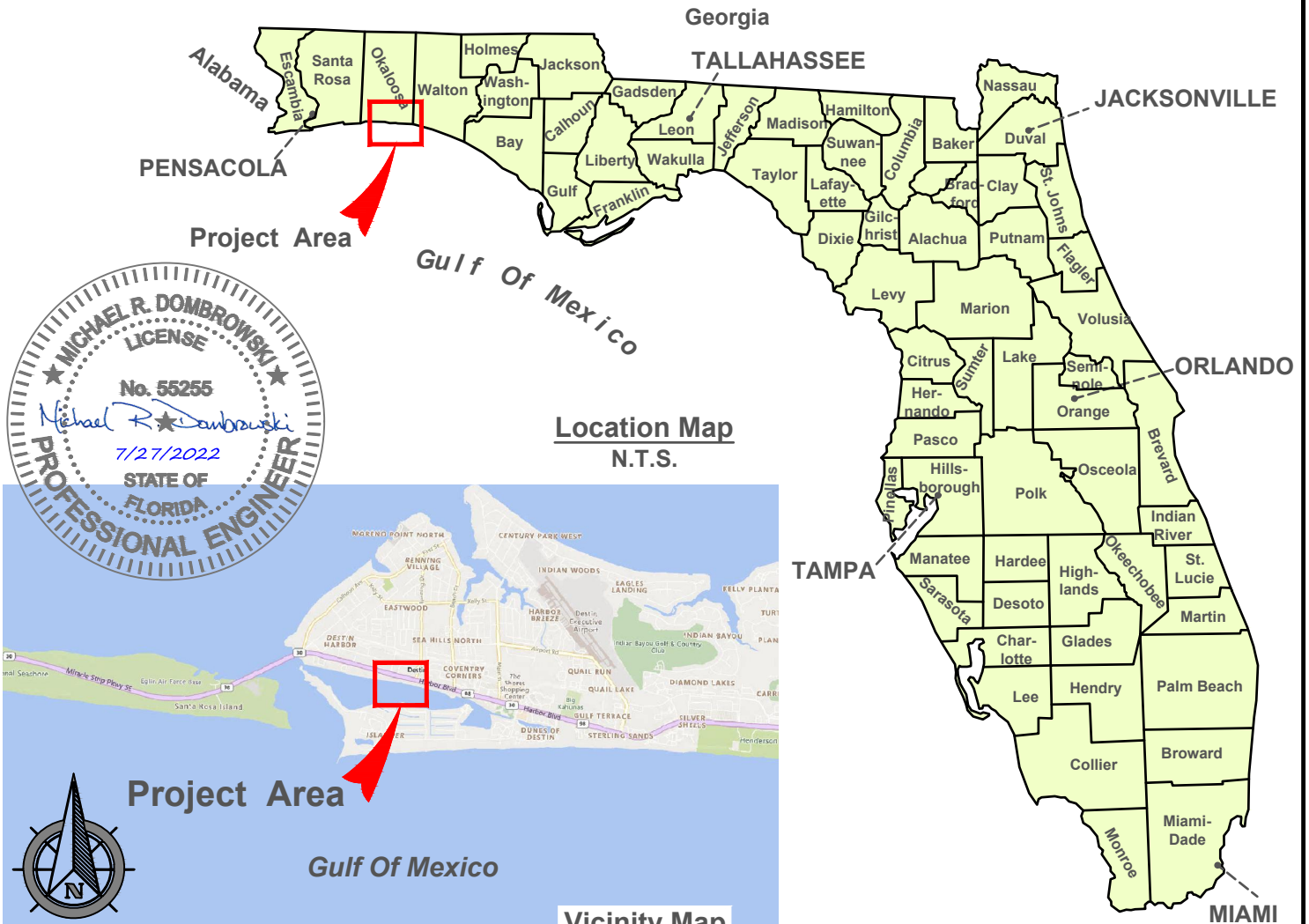
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

Sheet Rev Date:

PROJECT NUMBER
22-261

SHEET NUMBER
1



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

PROJECT LOCATION
Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

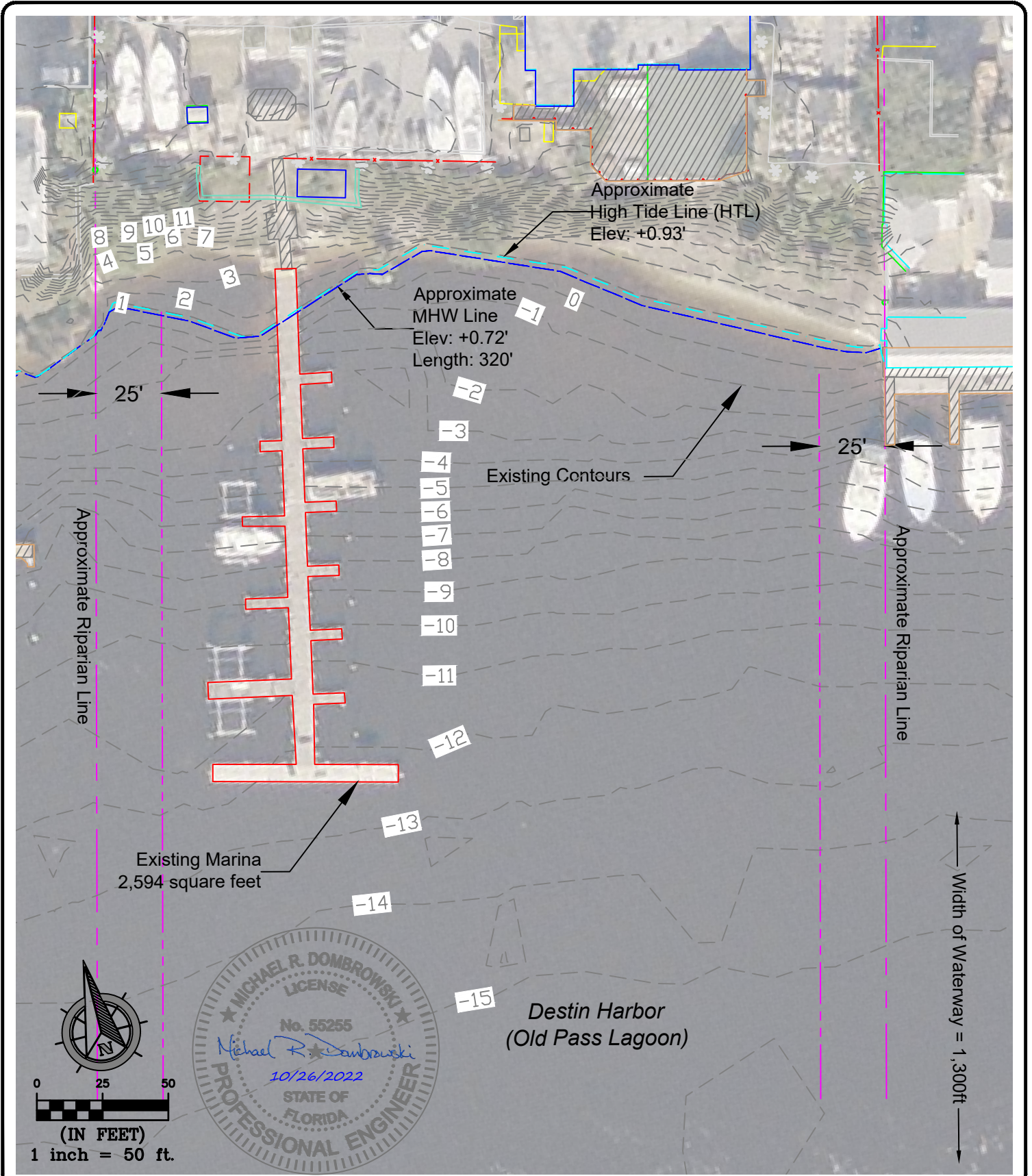
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

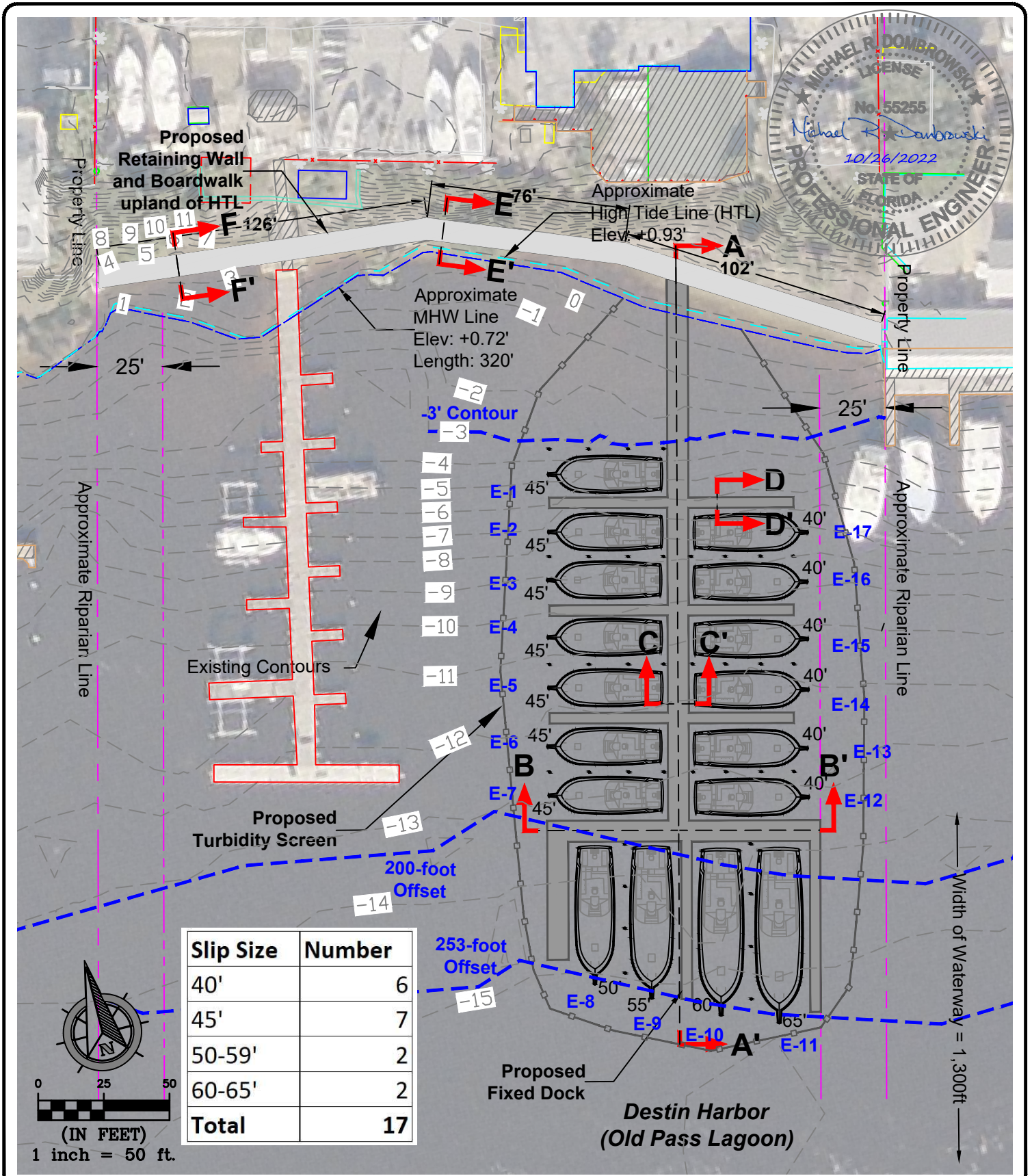
Date: July 27, 2022

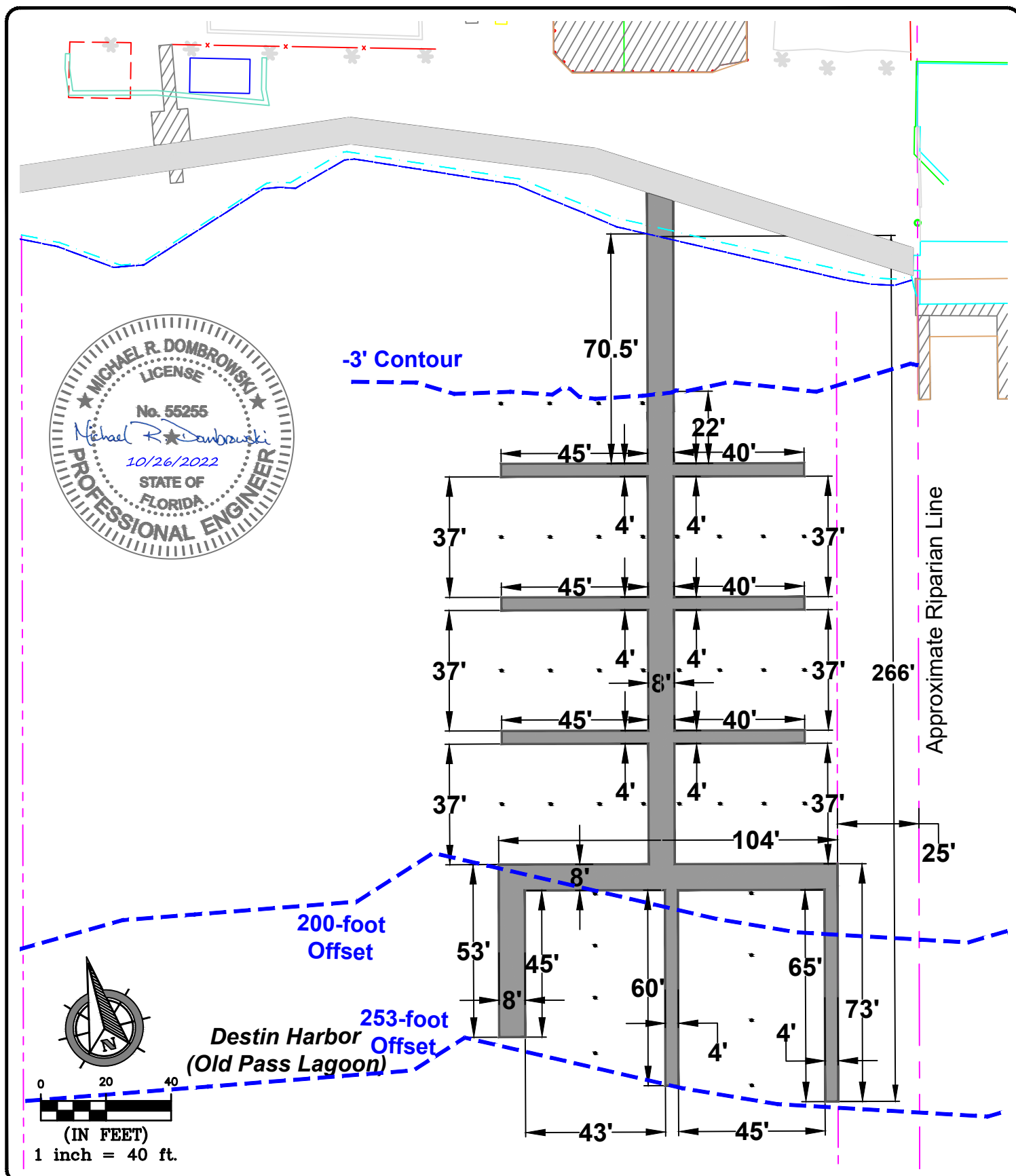
Sheet Rev Date:

PROJECT NUMBER
22-261

SHEET NUMBER
2







**543 Harbor Boulevard, Suite 204
Destin, Florida 32541**

Certification of Authorization Number 9482

850.654.1555 (voice) ● 850.654.0550 (fax)

www.mrd-associates.com

DIMENSIONED SITE PLAN

Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O Box 5436, Destin, Florida, 32540

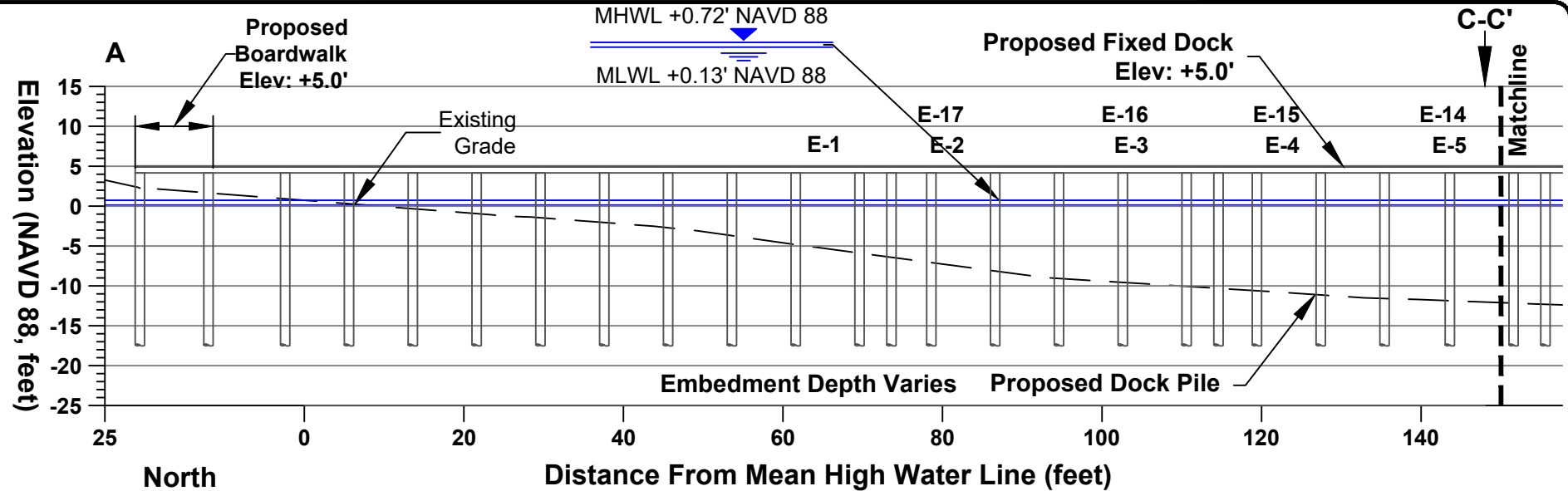
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

Sheet Rev Date: October 26, 2022

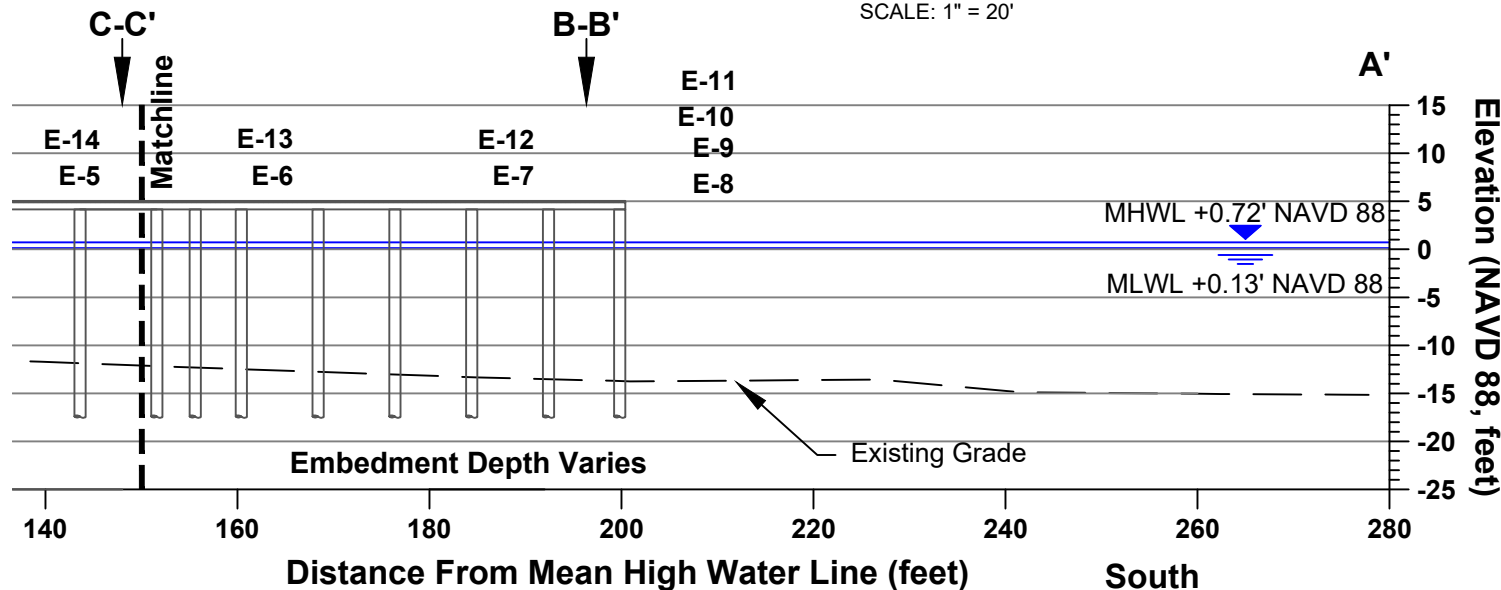
PROJECT NUMBER
22-261

SHEET NUMBER
5



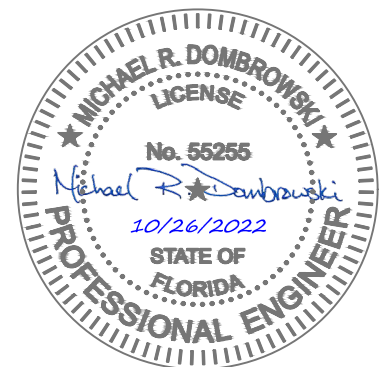
SECTION A-A'

SCALE: 1" = 20'



SECTION A-A' (continued)

SCALE: 1" = 20'



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

CROSS SECTION A-A' Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

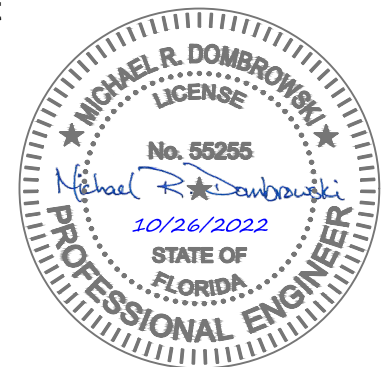
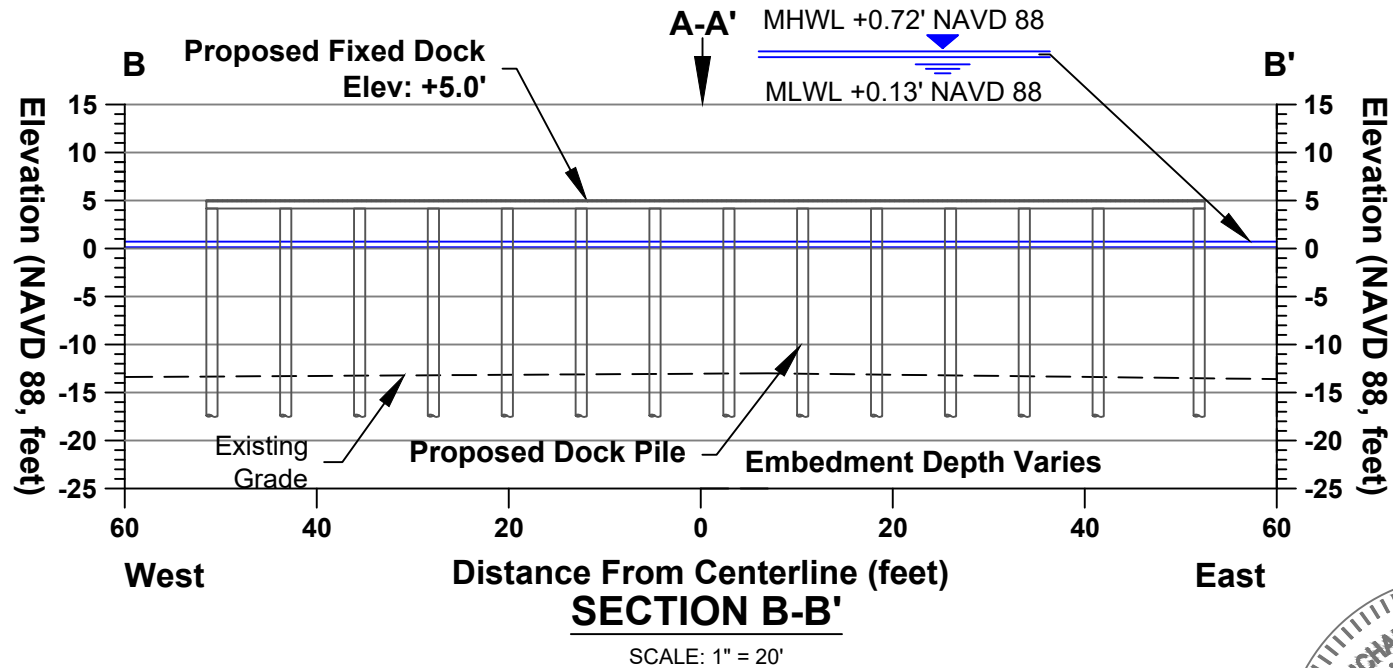
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

Sheet Rev Date: October 26, 2022

PROJECT NUMBER
22-261

SHEET NUMBER
6



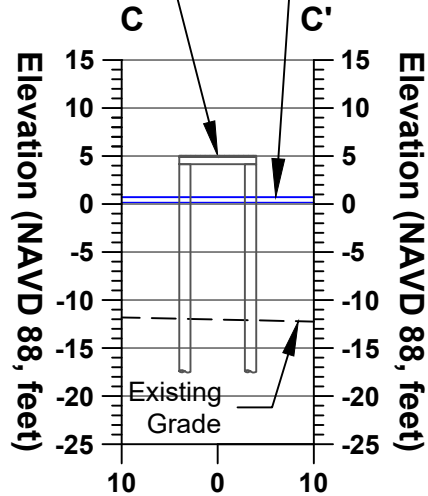
543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

CROSS SECTION B-B'
Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

Michael R. Dombrowski, P.E. Florida P.E. Number 55255	
Date: July 27, 2022	
Sheet Rev Date: October 26, 2022	
PROJECT NUMBER 22-261	SHEET NUMBER 7

Proposed Fixed Dock
Elev: +5.0'



Distance From Centerline (feet)

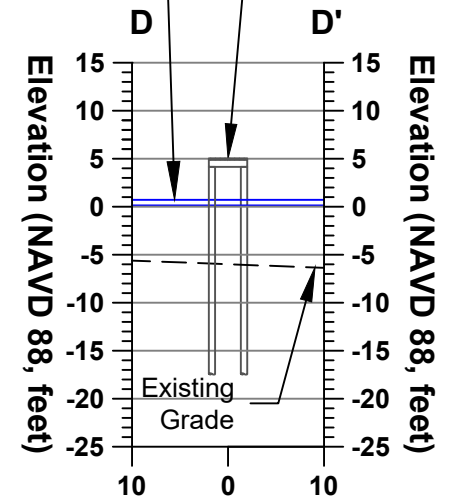
SECTION C-C'

SCALE: 1" = 20'

MHW +0.72', NAVD 1988

MLW +0.13', NAVD 1988

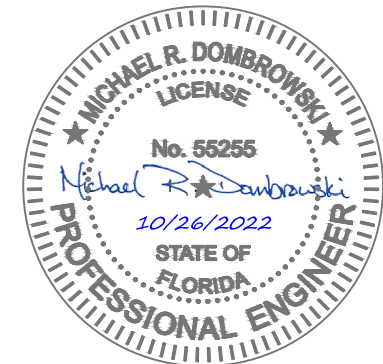
Proposed Fixed
Finger Pier
Elev: +5.0'



Distance From Centerline (feet)

SECTION D-D'

SCALE: 1" = 20'



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

CROSS SECTIONS C-C' AND D-D'
Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

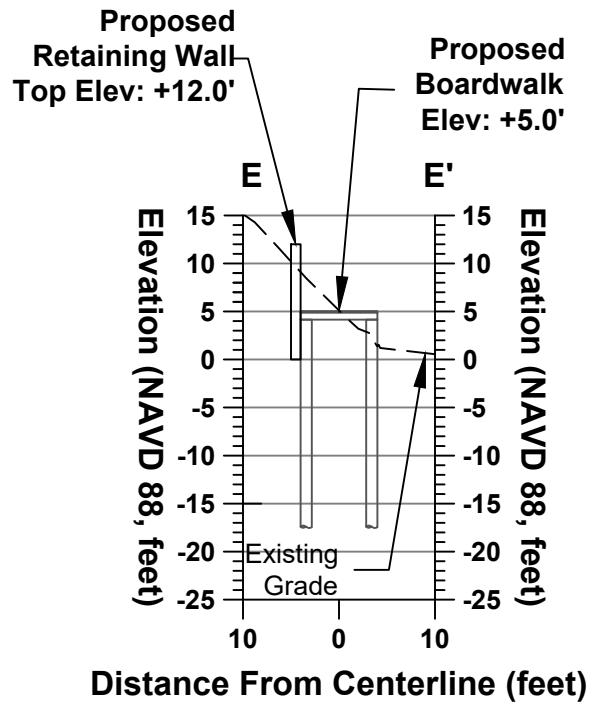
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

Sheet Rev Date: October 26, 2022

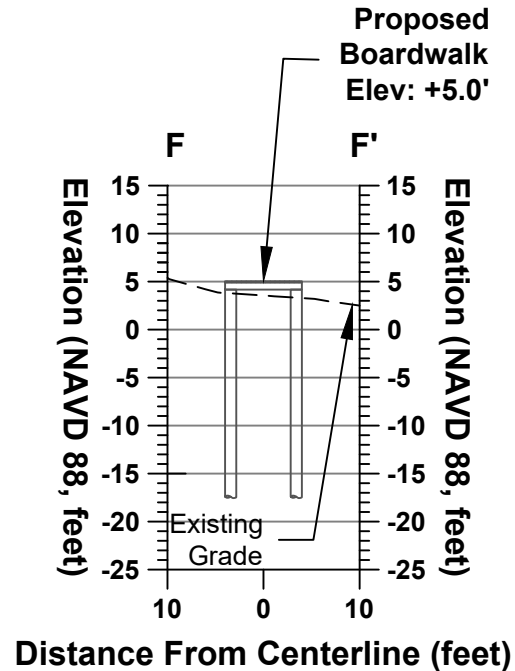
PROJECT NUMBER
22-261

SHEET NUMBER
8



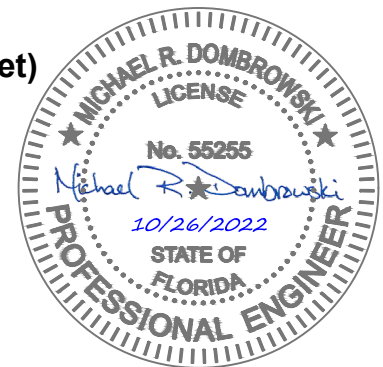
SECTION E-E'

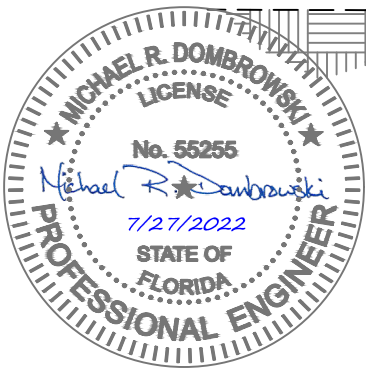
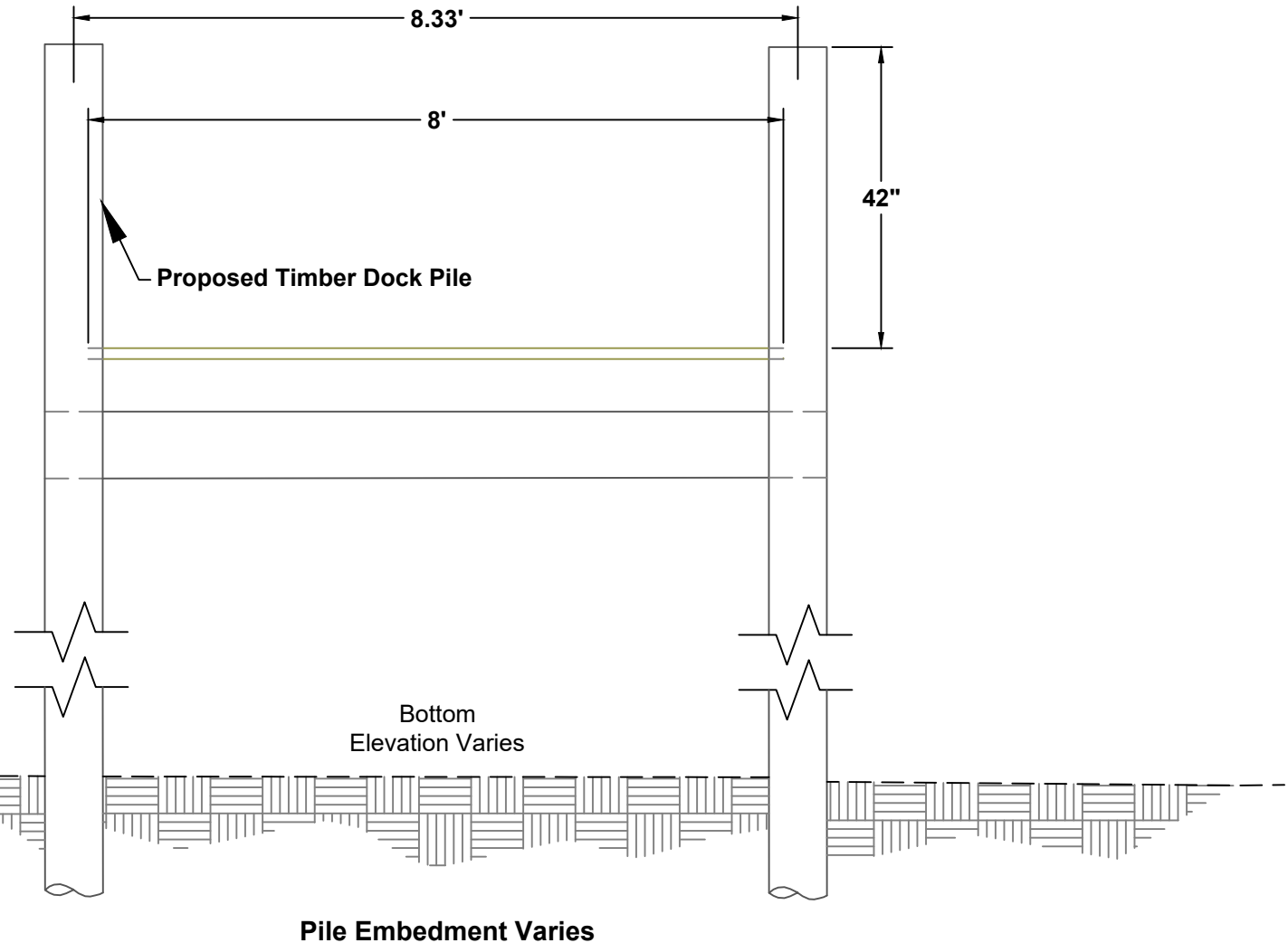
SCALE: 1" = 20'



SECTION F-F'

SCALE: 1" = 20'





543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

TYPICAL FIXED PIER SECTION
Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

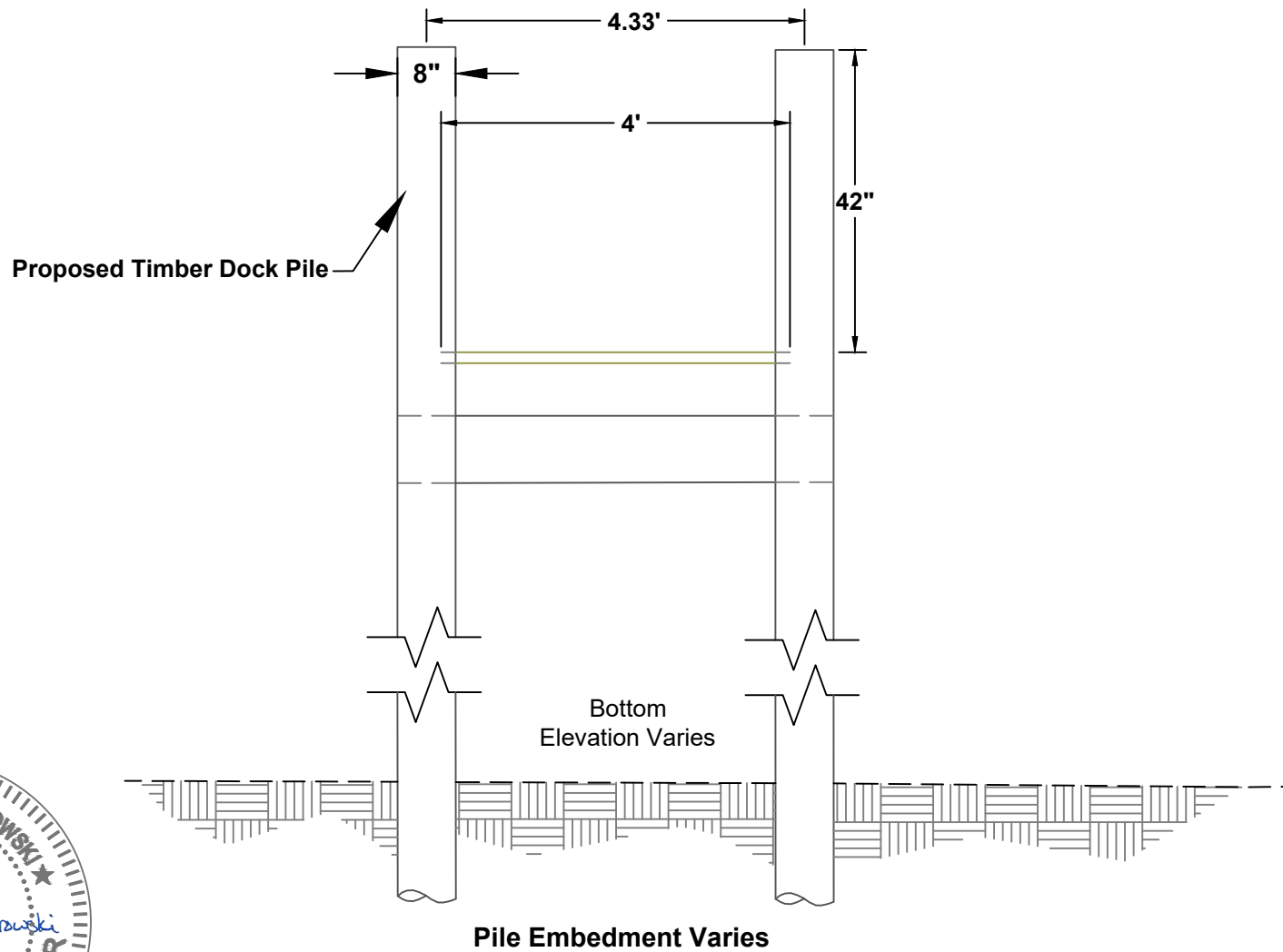
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

Sheet Rev Date:

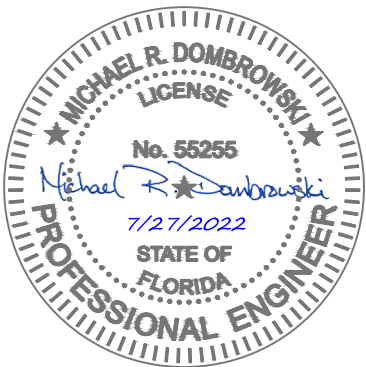
PROJECT NUMBER
22-261

SHEET NUMBER
10



TYPICAL 4 FOOT FIXED PIER SECTION

SCALE: 1" = 2'



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

TYPICAL FIXED FINGER PIER SECTION *Gilligan's Marina Expansion*

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

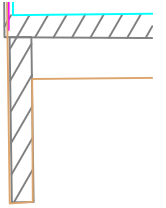
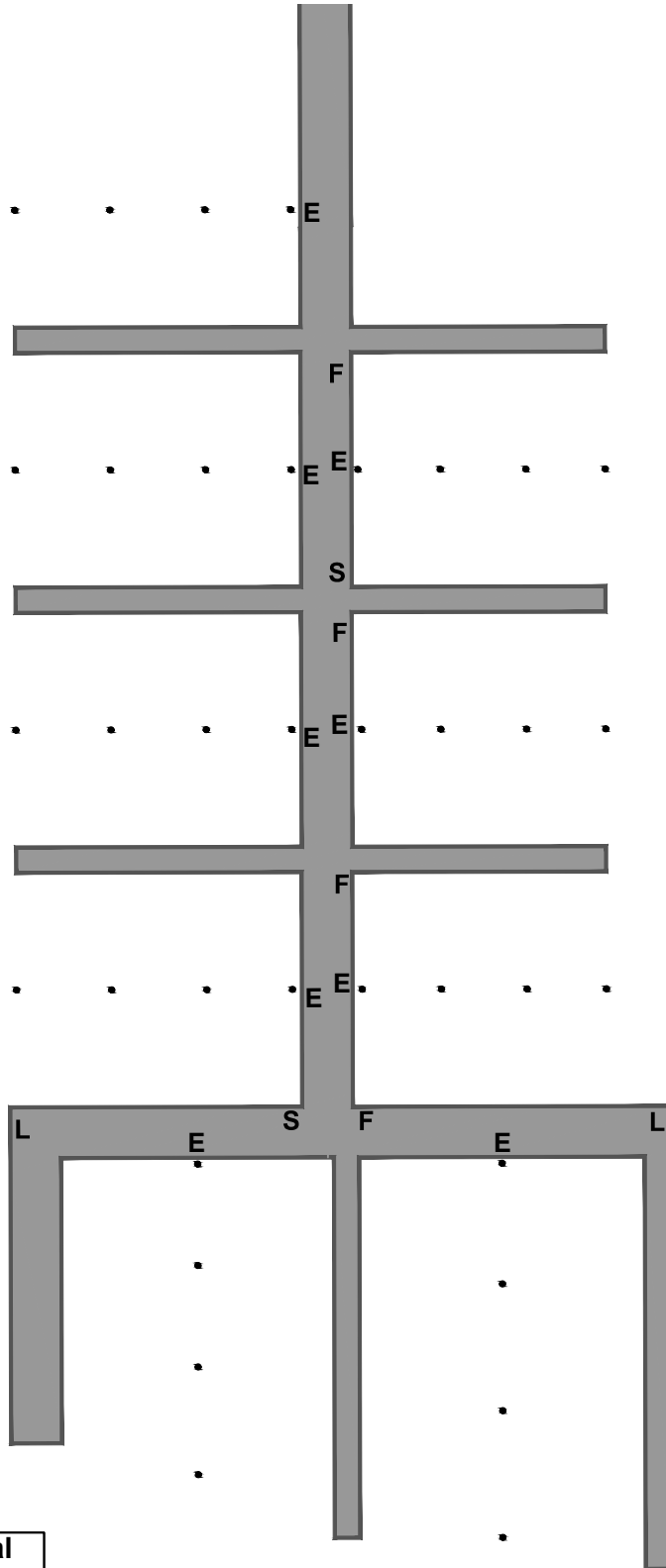
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

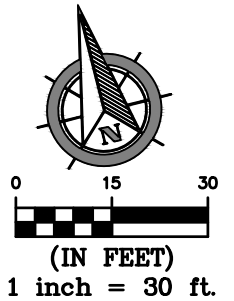
Sheet Rev Date:

PROJECT NUMBER
22-261

SHEET NUMBER
11



E	Proposed Power Pedestal
F	Proposed Fire Extinguisher
S	Proposed Standpipe
L	Proposed Safety Ladder



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

UTILITY PLAN
Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

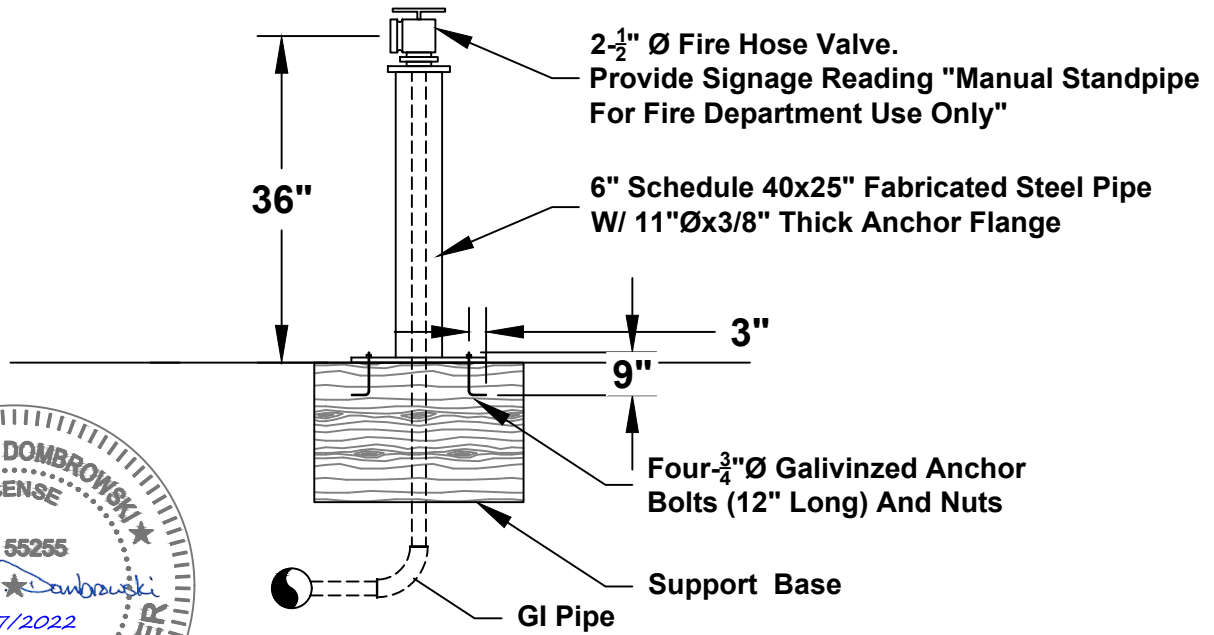
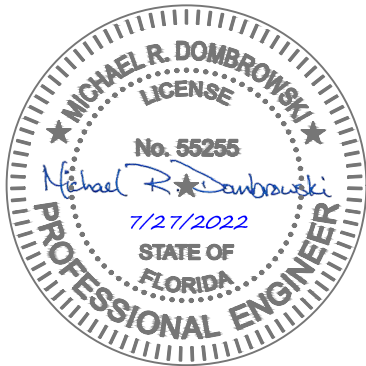
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

Sheet Rev Date: October 26, 2022

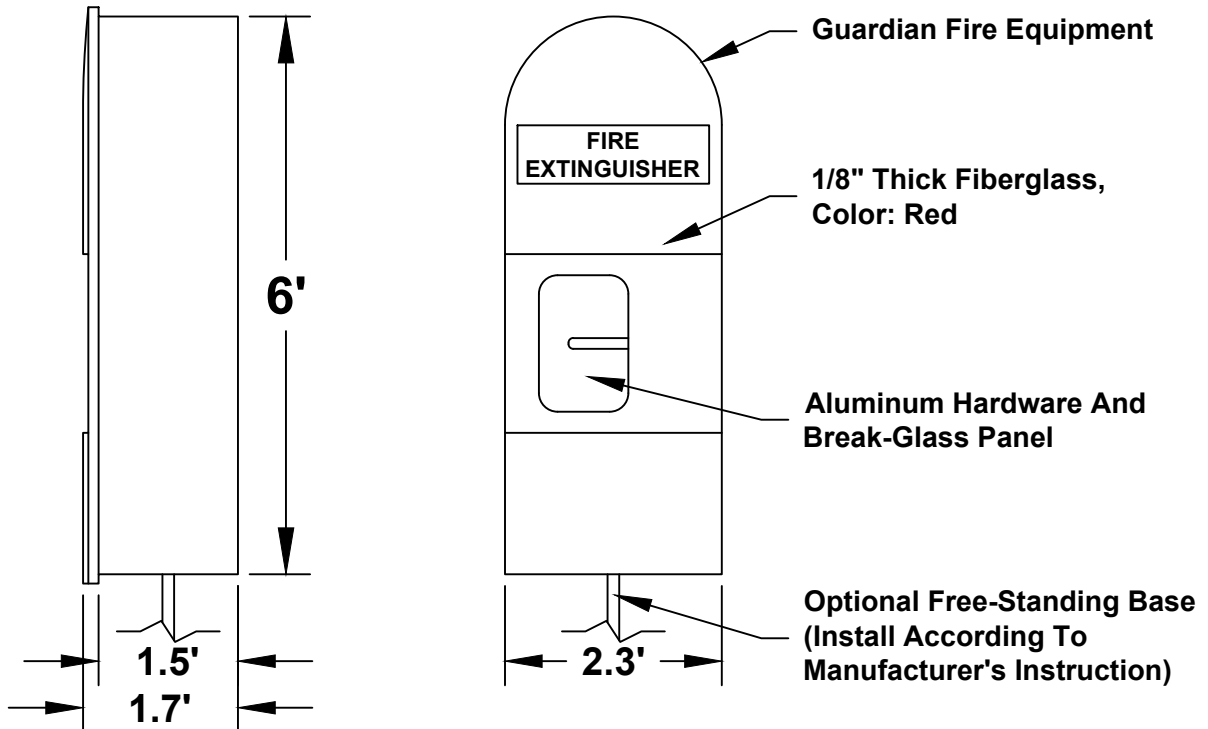
PROJECT NUMBER
22-261

SHEET NUMBER
12



STANDPIPE DETAIL

SCALE: N.T.S.



FIRE HYDRANT CABINET DETAIL

SCALE: N.T.S.



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

TYPICAL FIRE PROTECTION DETAILS *Gilligan's Marina Expansion*

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

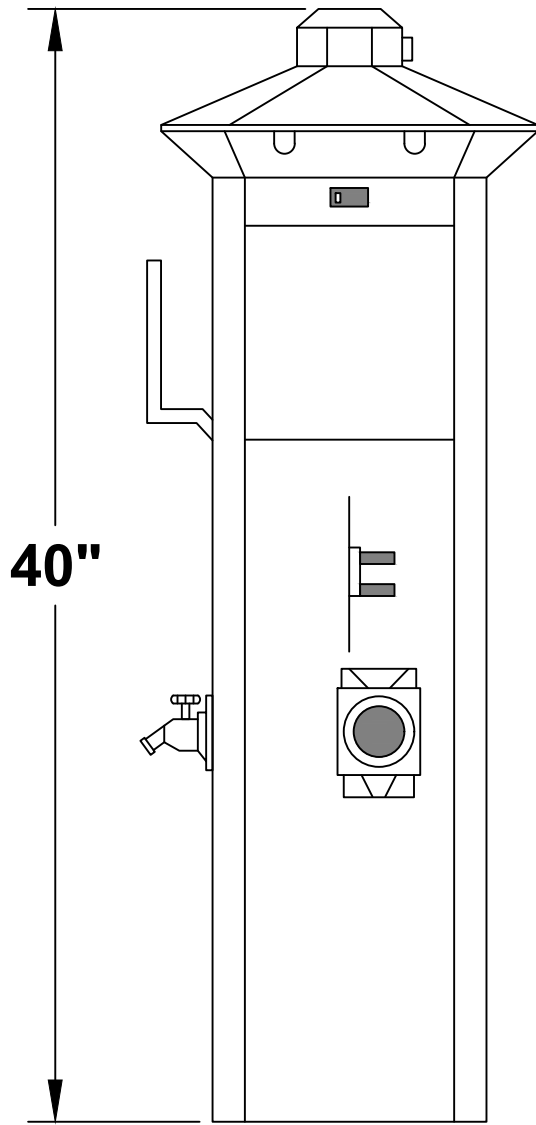
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

Sheet Rev Date:

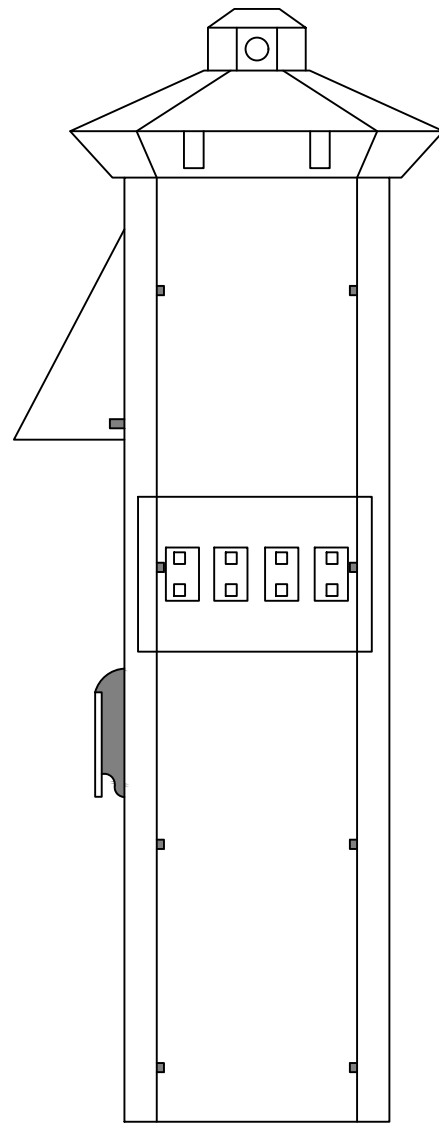
PROJECT NUMBER
22-261

SHEET NUMBER
13



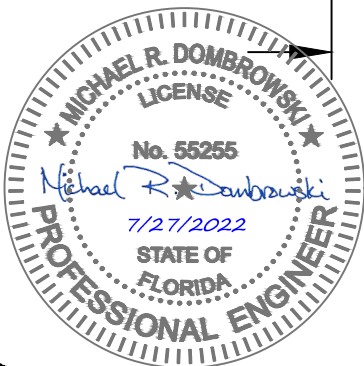
40"

9.875"



9.563"

N.T.S.



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

TYPICAL POWER PEDESTAL DETAIL
Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

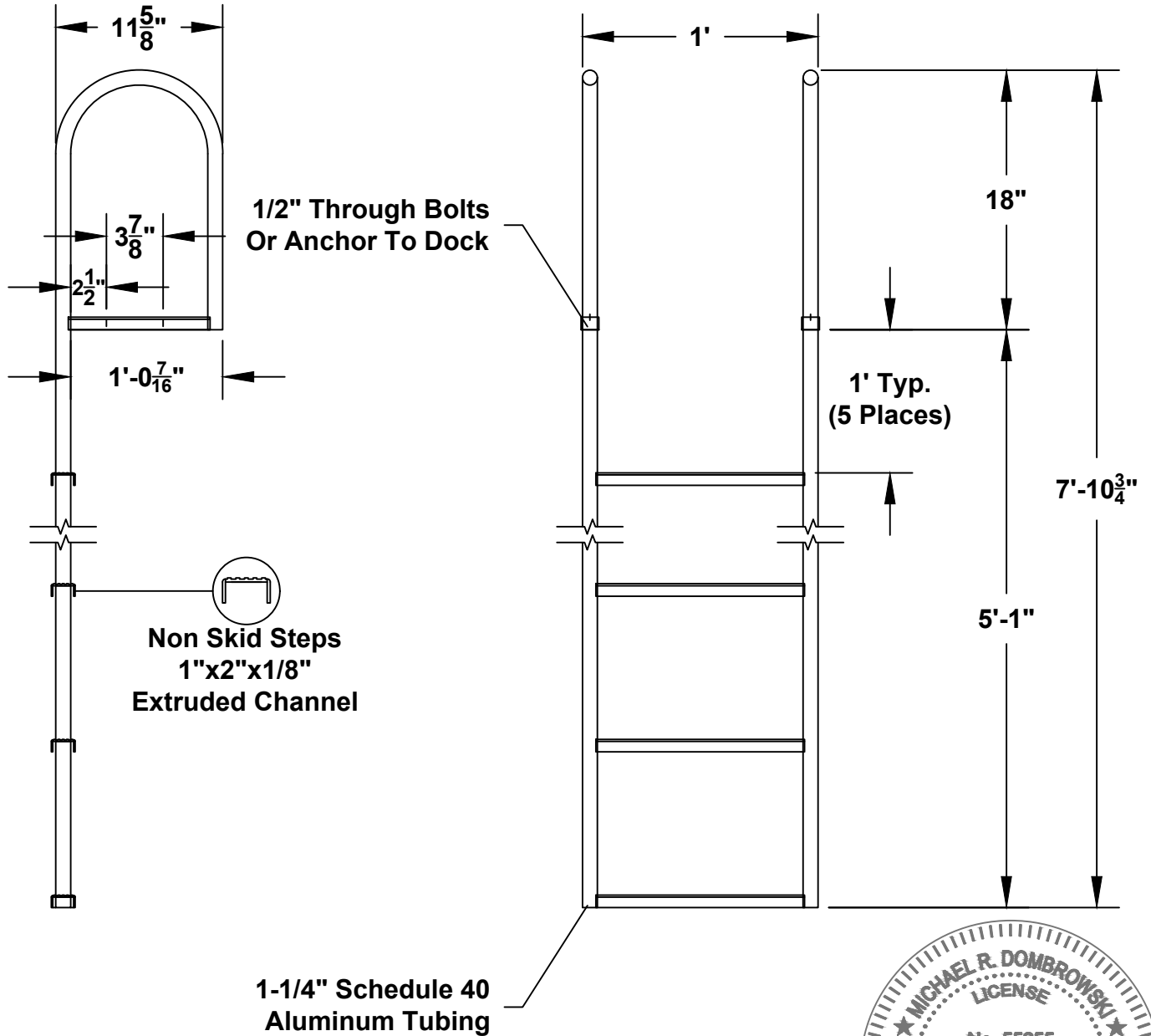
Sheet Rev Date:

PROJECT NUMBER
22-261

SHEET NUMBER
14

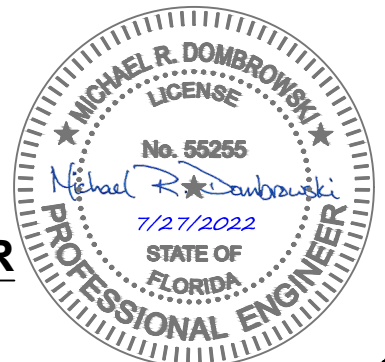
NOTE:

Safety ladders, approved by Engineer, to be placed at locations shown on plan.



TYPICAL SAFETY LADDER

SCALE: N.T.S.



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

TYPICAL LADDER DETAIL
Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

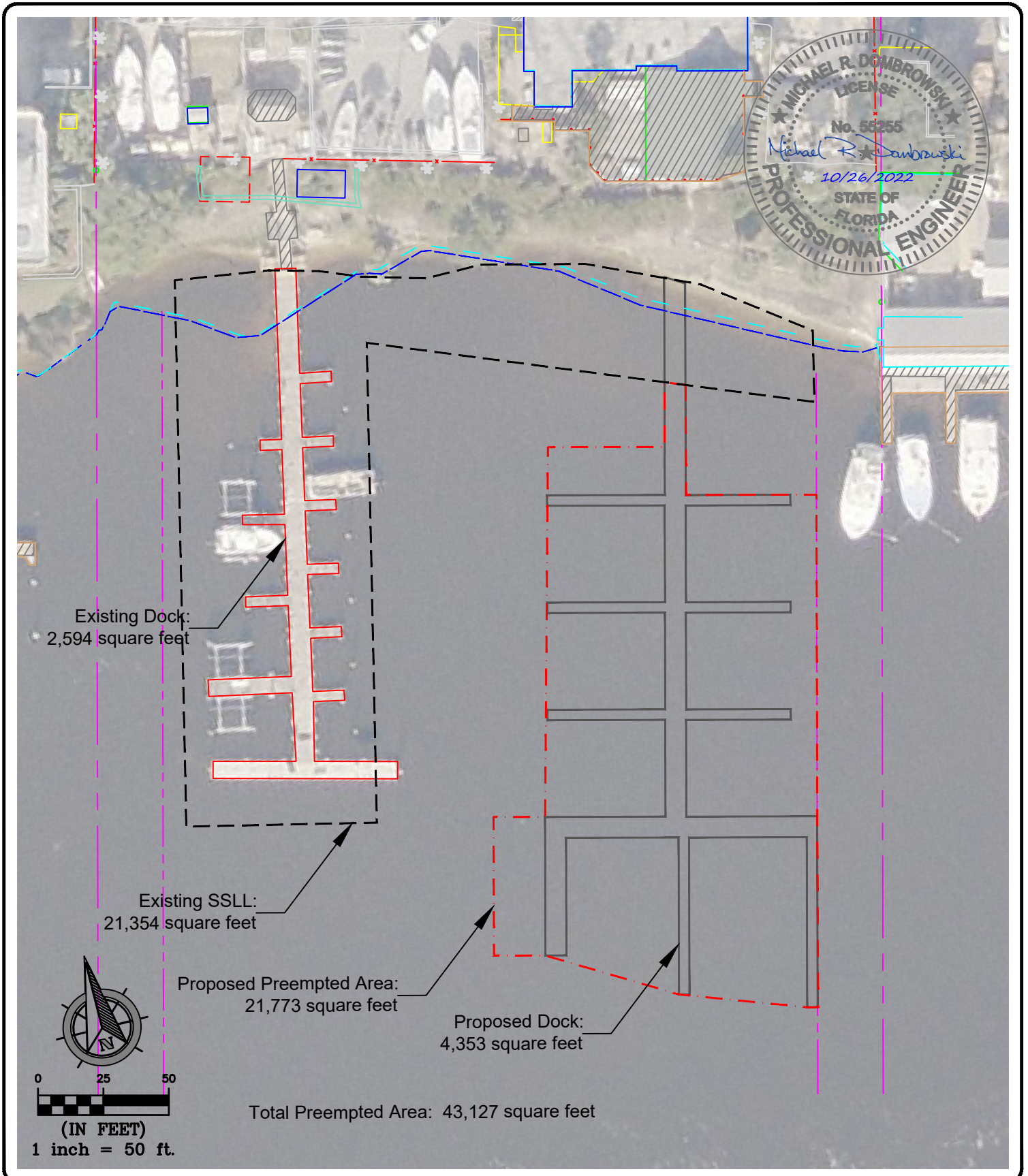
Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

Sheet Rev Date:

PROJECT NUMBER
22-261

SHEET NUMBER
15



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

EXISTING AND PREEMPTED AREAS
Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: July 27, 2022

Sheet Rev Date: October 26, 2022

PROJECT NUMBER
22-261

SHEET NUMBER
16

NOTES:

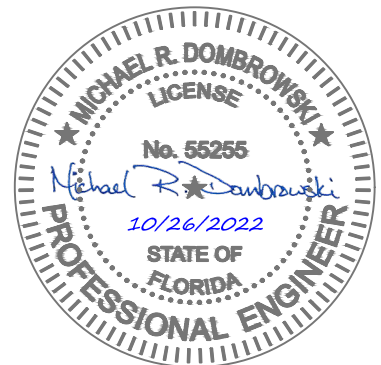
- Drawing referenced to Florida State Plane North, North American Datum of 1983 (NAD 83).
- Elevations shown hereon are based on North American Vertical Datum of 1988 (NAVD 88).
- Boundary, topographic and Bathymetric survey performed by performed by Gustin, Cothorn & Tucker, Inc. dated July 26, 2022
- Construction shall not violate State of Florida water quality standards.
- Materials are subject to change. Pile dimensions will be determined during final design.
- Aerial photography obtained from LABINS.org and flown 2016. The location of all objects in the photograph are approximate and may not represent currently existing conditions.
- The location of turbidity curtains shown on these drawings is for illustrative purposes only. Turbidity curtains will be located to best assure water quality standards and relocated as construction activities warrant to ensure water quality standards are maintained throughout construction.
- Proposed boardwalk and retaining wall to be constructed landward of mean high water line (MHWL)

DOCK SCHEDULE:

- Fixed timber pier:
 - 17 slips
 - 4,189 ft² of deck area
 - Wood pilings with wood pile caps and wood decking. Final material selection will be determined during final design
- Mooring Piles:
 - 36 timber mooring piles
 - Timber mooring piles shall be southern pine, pressure treated with chromated-copper-arsenate (CCA), water bourne preservative, 2.5 pounds dry chemical retention per cubic foot in accordance with AWWPA standards C3 and C18.

UTILITIES:

- No liveboards are proposed at this facility.
- NFPA Fire Stations.
- Power Station to be Lighthouse Power Pedestal, as manufactured by Marina Power & Lighting, Inc. or approved equal.



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

GENERAL NOTES
Gilligan's Marina Expansion

A B C Amusement Company, c/o Mike Abadie
P.O. Box 5436, Destin, Florida, 32540

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

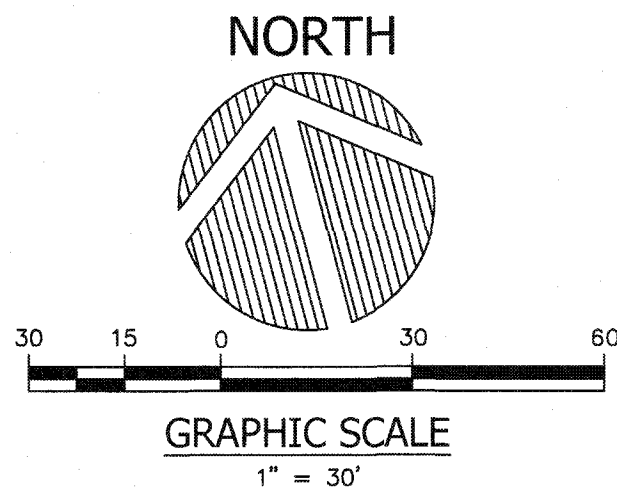
Date: July 27, 2022

Sheet Rev Date: October 26, 2022

PROJECT NUMBER
22-261

SHEET NUMBER
17

ABC AMUSEMENT PARCEL
BOUNDARY, TOPOGRAPHIC & AS-BUILT SURVEY
530 HARBOR BOULEVARD



LEGAL DESCRIPTION

ABC AMUSEMENT PARCEL (O.R. BOOK 1620, PAGE 1645)

THE WEST 300 FEET OF THE EAST 500 FEET OF LOT 3-A, MORENO POINT MILITARY RESERVATION LYING SOUTH OF STATE ROAD NO. 30, DESTIN, OKALOOSA ISLAND, FLORIDA.

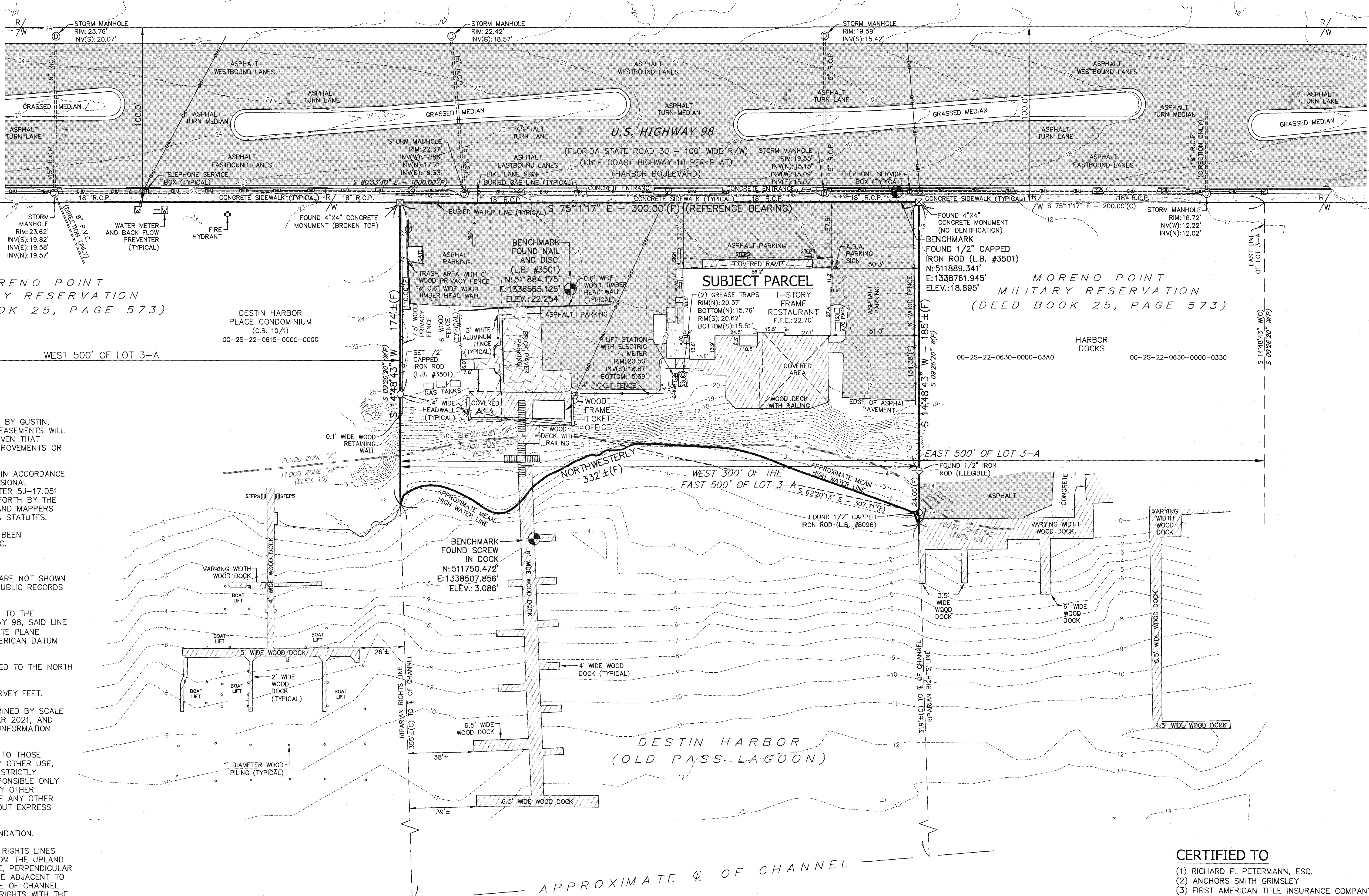
[SAID MORENO POINT MILITARY RESERVATION BEING RECORDED IN THE PUBLIC RECORDS OF OKALOOSA COUNTY AT DEED BOOK 25, PAGE 573.]

SITE DATA TABLE

SITE: ABC AMUSEMENT PARCEL (GILLIGAN'S RESTAURANT)
ADDRESS: 530 HARBOR BLVD, DESTIN, FL, 32541-2328
AREA: 1.08± ACRES
PARCEL ID(S): 00-25-22-0630-0000-03A1
00-25-22-0630-0000-03A2
00-25-22-0630-0000-03A3

MORENO POINT
MILITARY RESERVATION
(DEED BOOK 25, PAGE 573)

- LEGEND
- No. OR # = NUMBER
— = DISTANCE NOT TO SCALE
L.B. = LICENSED BUSINESS
L.S. = LICENSED SURVEYOR
P.S.M. = PROFESSIONAL SURVEYOR
AND MAPPER
± = MORE OR LESS
R/W = RIGHT-OF-WAY
C = CENTERLINE
NAD = NORTH AMERICAN DATUM
NAVD = NORTH AMERICAN VERTICAL DATUM
D.B. = DEED BOOK / PAGE
C.B. = CONDOMINIUM PLAT BOOK / PAGE
(F) = FIELD MEASURED DATA
(C) = CALCULATED DATA
(P) = RECORD PLAT DATA
ELEV. = ELEVATION
F.F.E. = FINISHED FLOOR ELEVATION
N = NORTHING
S = SOUTHING
INV = INVERT
R.C.P. = REINFORCED CONCRETE PIPE
A/C = AIR CONDITIONER
P.O. = POWER POLE AND GUY ANCHOR
O.H.U. = OVERHEAD UTILITIES
E-WL = BURIED WATER LINE
E-GAS = GAS MAIN
A.P.O. = A PORTION OF
A.D.A. = AMERICANS WITH DISABILITIES ACT OF 1990



SURVEY REPORT

- NO SEARCH OF THE PUBLIC RECORDS WAS DONE BY GUSTIN, COTHERN & TUCKER, INC. VISIBLE EVIDENCE OF EASEMENTS WILL BE SHOWN HEREON, BUT NO CERTIFICATION IS GIVEN THAT EASEMENTS, DEED OVERLAPS, UNDERGROUND IMPROVEMENTS OR APPARENT USES DO NOT EXIST.
- THIS SURVEY DEPICTED HEREON WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS DEFINED IN CHAPTER 5J-17.051 OF THE FLORIDA ADMINISTRATIVE CODE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.
- NO ENVIRONMENTAL JURISDICTIONAL LINES HAVE BEEN DETERMINED BY GUSTIN, COTHERN & TUCKER, INC.
- APPARENT USES ARE AS SHOWN.
- THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
- THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98, SAID LINE BEARING S 75°11'17" E, AS ESTABLISHED BY STATE PLANE COORDINATES, FLORIDA NORTH ZONE, NORTH AMERICAN DATUM OF 1983.
- THE ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.
- THE DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.
- THIS PARCEL LIES IN FLOOD ZONE X, AS DETERMINED BY SCALE FROM FEMA PANEL #12091C0469 J, DATED 9 MAR 2021, AND FURNISHED BY OKALOOSA COUNTY GEOGRAPHIC INFORMATION SERVICE.
- NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.
- THE BUILDING TIES SHOWN HEREON ARE TO FOUNDATION.
- THE METHOD USED TO ESTABLISH THE RIPARIAN RIGHTS LINES SHOWN HEREON INVOLVED PROJECTING LINES FROM THE UPLAND PROPERTY LINES AT THE MEAN HIGH WATER LINE, PERPENDICULAR TO THE MEAN ALE OF THE 4 FOOT DEPTH LINE ADJACENT TO THE UPLAND PROPERTY, OUT TO THE CENTERLINE OF CHANNEL WHILE MAINTAINING EQUITABLE DISTRIBUTION OF RIGHTS WITH THE ADJACENT PROPERTY IMPROVEMENTS AS SHOWN HEREON.

CERTIFIED TO

- RICHARD P. PETERMANN, ESQ.
- ANCHORS SMITH GRIMSLEY
- FIRST AMERICAN TITLE INSURANCE COMPANY
- HANCOCK WHITNEY BANK
- ABC AMUSEMENT COMPANY

Conventional Surveying • Aerial & Bathymetric • Laser Scanning & LIDAR

Gustin, Cothern & Tucker, Inc.
G.C. LAND SURVEYING & MAPPING

www.gustinsurveying.com
Niceville, FL 32578 (850) 678-5141
121 Hart Street
L.B. No. 3501
Fax: (850) 729-2460

NOT VALID WITHOUT
STATE OF FLORIDA
Professional Seal

ALLEN E. TUCKER, P.S.M. No. 6584
JOSHUA P. WOOD, P.S.M. No. 6960
DATE 15 AUG 2022
© G.C.T. INC. 2022

BOUNDARY, TOPOGRAPHIC &
AS-BUILT SURVEY

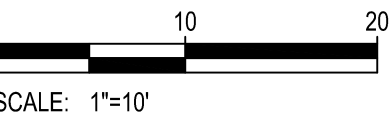
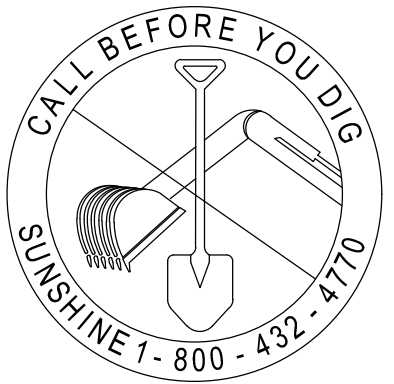
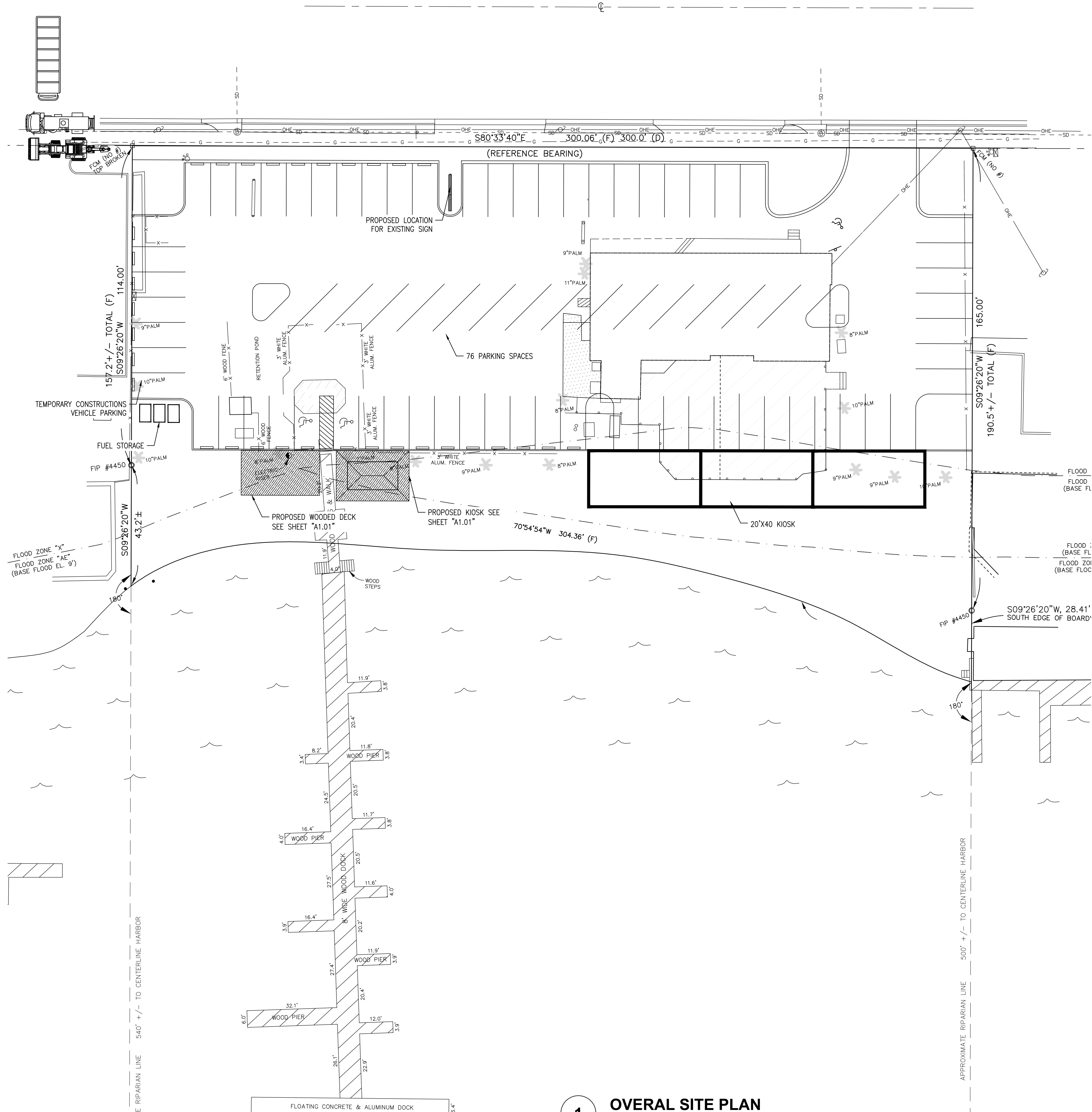
ABC AMUSEMENT PARCEL

A.P.O. LOT 3-A, MORENO POINT MILITARY RESERVATION (O.R. BOOK 25, PAGE 573) IN SECTION 25, TOWNSHIP 2 SOUTH, RANGE 22 WEST, CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA

PARCEL ID: 00-25-22-0630-0000-03A1

REV	DESCRIPTION	DRAFTED BY	DATE
A	INITIAL RELEASE	J. FOWLER	15 AUG 2022
SURVEY TYPE: BOUNDARY, TOPOGRAPHIC & AS-BUILT			
FIELD DATE: 26 JUL 2022			
FIELD BOOK: 22-07, P. 49 (D.B.)			
DATUM: (HORIZONTAL/VERTICAL) NAD 83 NAVD 88			
CLIENT: CORE ENGINEERING & CONSULTING			
SHEET 1 OF 1		PROJECT 220501	
		ORDER# 220501.03	
MAP# 220501.01			

Z:\Civil\0620 - Mike Abadie\0620.19.001 - Gilligans4-0 Production\Drawing CAD\C-revised site.dwg

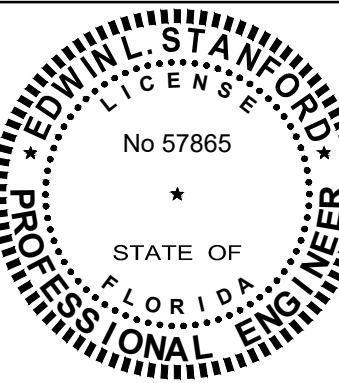
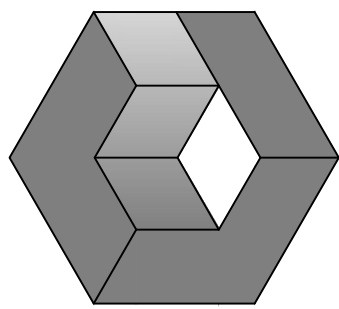


EXISTING LIGHTING TO REMAIN. NO LIGHTING PROPOSED FOR THIS PROJECT.

SITE DATA TABLE		
PARCEL ID	00-28-22-0630-0000-03A2/03A3/A1	
FLOOD ZONE	FLOOD ZONE X/AE 9	
ZONING	GULF RESORT MIXED USE (GRMU)	
FUTURE LAND USE	SOUTH HARBOR MIXED USE (SHMU)	
EXISTING LAND USE	WATERSPORTS RENTALS/RESTAURANT	
PROPOSED USE	WATERSPORTS RENTALS/RESTAURANT	
	EXISTING	PROPOSED
TOTAL SITE AREA	45,749.9 S.F. (1.05 AC)	45,749.9 S.F. (1.05 AC)
TOTAL IMPERVIOUS AREA	26,222 S.F. (57.2%)	25,687 S.F. (56.1%)
TOTAL PERVIOUS AREA	19,527.9 S.F. (42.7%)	20,062.9 S.F. (43.8%)
PROJECT AREA	19,689 S.F. (0.452 AC)	19,689 S.F. (0.452 AC)
IMPERVIOUS AREA	14,755.1 S.F.	14,221 S.F.
PERVIOUS AREA	4,933.9 S.F.	5,468 S.F.
LANDSCAPED AREA	730 S.F.	2,624 S.F.
STORMWATER RETENTION	432 S.F./324 C.F.	770 S.F./451 C.F.
	REQUIRED	PROPOSED
BUILDING HEIGHT/ STORIES (MAX)	35 FT/ 3 STORIES	<20 FT
MAX DENSITY (UNITS PER ACRE)	NA	NA
FLOOR AREA RATIO (MAX)	0.60	0.14
OPEN SPACE (MIN)	25%	43.8%
BUILDING SETBACKS (MIN)		
FRONT	<10 FT	< 45 FT
REAR	15 FT	15.30 Ft
SIDE	0 Ft	0 Ft
PARKING SPACES	EXISTING	PROPOSED
TOTAL	57	65
HANDICAP	2	3
COMPACT	0	1

1 OVERALL SITE PLAN
1" = 20'

CORE ENGINEERING & CONSULTING, INC.
CIVIL & ENVIRONMENTAL ENGINEERING
3997 COMMONS DRIVE W., SUITE F
DESTIN, FLORIDA 32541
PH. 850.650.2646
FAX. 850.837.1576
CORECONSULTING.COM



REVISIONS:			
REV	DATE	DESCRIPTION	

GILLIGAN'S WATERSPORTS
KIOSK AND SITE REVISIONS
530 HARBOR BOULEVARD
CITY OF DESTIN, FLORIDA 32541
SITE PLAN
Not valid unless bearing Engineer's seal & original signature

Job:	0620.09.001
Date:	10/09/19
Designed:	ELS
Drawn By:	ZDB
Checked:	ELS
DRAWING NUMBER	C1.01
SHEET NUMBER	3 OF 11

THIS DRAWING IS THE PROPERTY OF CORE ENGINEERING & CONSULTING, INC. & IS NOT TO BE REPRODUCED WITHOUT EXPRESSED WRITTEN CONSENT.



**FLORIDA DEPARTMENT OF
Environmental Protection**

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

**Electronic Submission
Application for an Individual or Conceptual Permit**

You have successfully submitted an Application for an Individual or Conceptual Permit in accordance with Part IV of Chapter 62-330 F.A.C.. Your request was received on August 10, 2022.

You have indicated that your project does not include any dredge or fill activities in wetlands or surface waters assumed by the State of Florida under Section 404 of the Clean Water Act.

You HAVE waived, in accordance with subsection 62-330.090(8), F.A.C., the agency action deadlines in section 5.5.3 of Volume I in the event your project also requires a State 404 Program authorization (other than an exemption) under Chapter 62-331, F.A.C., and request that the agency actions for the ERP and State 404 Program authorizations be issued at the same time.

Below is a copy of the details of your request for your records.

Facility Information

Site Name: ABC AMUSEMENT COMPANY (DBA GILLIGAN'S MARINA)
Address Line 1: 530 Harbor Blvd
Address Line 2:
City/State/Zip Code: Destin, FL 32541 2328

Mailing Address

Address Line 1: 530 Harbor Blvd
Address Line 2:
City/State/Zip Code: Destin, FL 32541 2328

Applicant

Company Name: ABC AMUSEMENTS COMPANY
Title:
Name: MIKE ABADIE
Address Line 1: PO Box 5436
Address Line 2:
City/State/Zip Code: Destin, FL 32540 5436

Phone Number: (850) 650-4400
Extension:
Cell Number:
Fax Number:
E-mail Address: mikeabadie@earthlink.net

Agent

Company Name: MRD ASSOCIATES
Title:
Name: MICHAEL DOMBROWSKI
Address Line 1: 543 Harbor Blvd
Address Line 2: Ste 204
City/State/Zip Code: Destin, FL 32541 7359
Phone Number: (850) 654-1555
Extension:
Cell Number:
Fax Number:
E-mail Address: md@mrd-associates.com

Property Owner

Company Name: ABC AMUSEMENTS COMPANY
Title:
Name: MIKE ABADIE
Address Line 1: PO Box 5436
Address Line 2:
City/State/Zip Code: Destin, FL 32540 5436
Phone Number: (850) 650-4400
Extension:
Cell Number:
Fax Number:
E-mail Address: mikeabadie@earthlink.net

Project Information

Tax Parcel Identification Number(s): 00-2S-22-0630-0000-03A1 00-2S-22-0630-0000-03A3
Anticipated Commencement Date:
Anticipated Completion Date:
Project Name (including Phase): Gilligan's Marina Expansion
This project **IS NOT** part of a larger plan of development or sale.

Project or project phase area (in acres): 0.1

Impervious or semi-impervious area (excluding wetlands and other surface waters): 0

In: SQ FT

Volume of water the system is capable of impounding (in acre-feet): 0

The total number of proposed new (not existing) in-water boat slips (including mooring areas and boat lifts): 17

Total area of work (dredging, filling, construction, alteration, or removal) in, on, or over wetlands or other surface waters: 4189

In: SQ FT

Total volume of material to be dredged (in cubic yards): 0

Total volume of material to be filled (in cubic yards): 0

Pre-Application Meetings:

None.

Project Description:

The proposed project is located within Destin Harbor. The project consists of the construction of a 17-slip pile supported marina with 4,189 ft² of wood deck. 36 additional timber piles shall be installed as mooring piles. At least 90 percent of the slips will be maintained for rent to the public on a first-come, first-served basis.

Waterbodies Information:

Destin Harbor

DEP Permits:

Project Name	Permit/Application Number	Expiration Date
GILLIGANS MARINA	0295725-002-DF	04/16/2015
ABC AMUSEMENT-530 HARBOR BLVD	0295725-004-DF	04/16/2015

Other Permits:

Attachments:

File Description: SWERP Supporting Document - Permit Sketches

File Name: 2022-08-01 Gilligans Permit Drawings.pdf

File Hash: c97bae22ea9382b570020c47af78367cc1e713727b13cbee5bf9f2eb278e54db

File Description: SWERP Supporting Document - Signatures

File Name: 2022-08-10 signatures.pdf

File Hash: a3c9bef10512f55baa7b1252375e17863d0a53817e6892ca7250fbb9cb003604

File Description: SWERP Supporting Document - Upland Interests

File Name: Real Property Interest.pdf
File Hash: 74a70c4a5c9d9c95a618538d207fb158e55878153ceb461aa83b401f3708ac7f

File Description: SWERP Supporting Document - Landuse and Landcove
File Name: 2022-07-29 Gilligan's Marina Landuse and Landcover.pdf
File Hash: b6117d4cc0915b3114a9dcac2df2e84c2522077b65f1f59da354fe04f84d762c

File Description: SWERP Supporting Document - Hydrographic Report
File Name: Gilligan's Hydro Report.pdf
File Hash: 7ce959d64dedef1a54c0a261f2e7083da7cce2825455e85ce4cd15a5a45d1629

File Description: Section D - Within Surface Waters
File Name: 2022-07-29 Gilligan's Marina Expansion Section D.docx
File Hash: d94e524bbf7c2a0f3838852454b1de5266bf617ff1ba2da3fee2d895421c0447

File Description: Section C - In On or Over Wetlands Other Surface Waters
File Name: 2022-07-29 Gilligan's Marina Expansion Section C.docx
File Hash: 019969e4b5cd95437f1c2da2be43bad5565ef87e15e5cbda6095f4f7b4b152a9

File Description: Section D - Within Surface Waters
File Name: 2022-07-29 Gilligan's Marina Expansion Section D.docx
File Hash: d94e524bbf7c2a0f3838852454b1de5266bf617ff1ba2da3fee2d895421c0447

File Description: SWERP Supporting Document - 500 ft radius
File Name: 500 ft radius.pdf
File Hash: a7f94ce95f9e1b02f7b4a76cd9d482f2798e6ce9d06d7c2fd82c7636f11b9243

File Description: SWERP Supporting Document - Landuse and Landcove
File Name: 2022-07-29 Gilligan's Marina Landuse and Landcover.pdf
File Hash: b6117d4cc0915b3114a9dcac2df2e84c2522077b65f1f59da354fe04f84d762c

File Description: SWERP Supporting Document - NRCS Soil Report
File Name: 2022-07-29 NRCS Soil Report.pdf
File Hash: d45aecf755864239d075111535a08e2d3ab8da93b526d5642a90e4b214f481f6

File Description: SWERP Supporting Document - Hydrographic Report
File Name: Gilligan's Hydro Report.pdf
File Hash: 7ce959d64dedef1a54c0a261f2e7083da7cce2825455e85ce4cd15a5a45d1629

File Description: Section D - Within Surface Waters

File Name: 2022-07-29 Gilligan's Marina Expansion Section D.docx

File Hash: 8c3eb8fef50f802dbeb5dcfedbf47ebca84e70442901e5e7608200badff16909

File Description: Section C - In On or Over Wetlands Other Surface Waters

File Name: 2022-07-29 Gilligan's Marina Expansion Section C.docx

File Hash: 8934e051e1de491e1dbe2ece4dd0dfe1e3649092968e10984971a343e34ec53f

Notification Submitted By

Name: Thomas Hurlimann
Phone Number: (512) 659-3715
E-mail Address: th@mrd-associates.com

All information submitted was certified true, accurate, and correct to the best of the knowledge of the person whose name appears above.

If you have any questions or concerns about the information contained in this report, please contact the Division of Water Resource Management at (850) 245-8336 or by e-mail at ERP_eApps@dep.state.fl.us.



FLORIDA DEPARTMENT OF
Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Electronic Submission
Application for an Individual or Conceptual Permit
Section D - Supplemental Information for Works or Activities within Surface Waters

Proposed Activities:

X	Pier, dock, wharf, mooring field, marina, (including dry storage associated with a boat launch), boat ramp, ski course or other boating-related activity.
	Breakwater, groin, jetty, shoreline stabilization structures, artificial reefs, intake or discharge structures, subaqueous utility lines or other submerged structures.
	Bridge, causeway, culverted crossing, other traversing work or Structure.
	Dredging (for navigation channels, boat basins or other purposes) or filling in surface waters.
	Any other structures, works or other in-water activities.

Boating Related:

This project **DOES NOT** construction of any boat ramp or launch area.

	Existing	Proposed
Square Ft Over the Water	0	4189
# of Wet Slips (Permanent)	0	17
# of Wet Slips (Temporary)	0	0
# of Dry Slips	0	0
Live-Aboard Slips	0	0
Fueling Facilities	0	0
Sewage Pump-outs	0	0
Other boating-related supplies or services (e.g. boat maintenance or washdown areas, fish cleaning stations, etc.)	0	0



FLORIDA DEPARTMENT OF
Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Electronic Submission
Application for an Individual or Conceptual Permit
Section F - Application for Authorization to Use State-Owned Submerged Lands

Type of Authorization Requested:

Exceptions:

	Construction or maintenance of a county water or sewer system under Section 153.04 F.S.
	Removal of material from the area adjacent to an intake or discharge structure under 403.813(1)(f), F.S.
	Removal of organic detrital material under Section 403.813(1)(r) or (u), F.S.
	Construction of floating vessel platforms under Section 403.813(1)(s), F.S.
	Trimming or alteration of mangroves under Sections 403.9321 through 403.9334, F.S.

Consent by Rule:

	Section 403.813(1), F.S., paragraphs (a); (b), provided that the structure is the only dock or pier on a parcel and it is not a private residential multi-family dock with three or more slips.
	Section 403.813(1), F.S., paragraphs (c); (d); (e); (f), provided that no severance fee is required under Rule 18-21.011, F.A.C., and the existing activity has a valid Board of Trustees authorization.
	Section 403.813(1), F.S., paragraphs (g); (h); (i), provided that no private residential multi-family dock or pier is constructed.
	Section 403.813(1), F.S., paragraph (k), provided that any channel markers delineate existing and authorized or permitted navigation channels.

Letter of Consent:

	One minimum-size private residential single-family dock (see definition in Rule 18-21.003, F.A.C.).
	Private residential single-family or multi-family docks, piers, boat ramps, and similar existing and proposed activities that cumulatively preempt no more than

	10 square feet of sovereignty submerged land for each linear foot of the applicant's riparian shoreline, along sovereignty submerged land on the affected waterbody within a single plan of development (see "preempted area" definition in Rule 18-21.003, F.A.C.).
	Private channels that provide access to an upland single-family or multi-family residential parcel and that measures no more than 10 square feet of sovereignty submerged land for each linear foot of the applicant's riparian shoreline along sovereignty submerged land on the affected waterbody within a single plan of development.
	Seawalls, bulkheads, or other shoreline stabilization structures no more than three feet waterward of mean or ordinary high water.
	Placement, replacement, or repair of riprap, groins, breakwaters, or intake and discharge structures no more than ten feet waterward of the line of mean or ordinary high water.
	Restoration and nourishment of naturally occurring sandy beaches, including borrow areas to be used for five years or less.
	Artificial reefs or fish attractors that are constructed for public use.
	Public docks or piers that are exempt from permit requirements under Section 403.813(1), F.S., or that qualify as minimum-size docks or piers or are less than or equal to the 10:1 preempted area to shoreline ratio; public boat ramps; public channels; or public swimming areas, provided that all such structures or activities are owned and operated by governmental entities and any revenues collected are used solely for operation and maintenance of the structure or adjacent public recreational facilities.
	Ski course buoys and ski jumps not associated with revenue-generating water skiing activities.
	Removal of wrecked, abandoned or derelict vessels or structures.
	Habitat restoration.

Lease:

X	Private residential single-family or multi-family docks or piers, other docks or piers, boat ramps, or other similar activities that do not qualify for a letter of consent.
	Private residential multi-family docks designed or used to moor three or more vessels within aquatic preserves.
	Docks designed or used to moor ten or more vessels in Monroe County.
	Commercial/industrial docks, as defined in Rule 18-18.004, F.A.C., in Biscayne Bay Aquatic Preserve, as required by paragraph 18-18.006(3)(c), F.A.C.
X	All revenue-generating activities.
	Oil and gas exploration and development.
	Open-water mooring fields.
	Mining.

Easement:

	Utility crossings and rights of way.
	Road and bridge crossings and rights of way, including such structures built prior to the need to obtain an easement when proposed for modification or repair.
	Groins, breakwaters, and shoreline protection structures, except when constructed as part of a docking facility that requires a lease.
	Public navigation projects other than public channels.
	Private residential channels that do not qualify for a letter of consent, and channels that provide access to revenue-generating facilities in uplands.
	Oil, gas and other pipelines.
	Intake and discharge structures more than 10 feet waterward of the mean or ordinary high water line.
	Spoil disposal sites.
	Borrow areas that will be used for longer than five years for beach nourishment.
	Public water management projects other than public channels.
	Treasure salvage (Cultural Resource Recovery).

Thomas Hurlimann

From: Michael Dombrowski
Sent: Monday, August 22, 2022 10:47 AM
To: Thomas Hurlimann
Subject: FW: SAJ-2009-01597-TSH (ABC AMUSEMENT COMPANY)

Should you have any questions please feel free to contact me. Thank you. Michael

-----Original Message-----

From: Maxwell, Susanna R CIV USARMY CESAJ (USA) <Susanna.R.Maxwell@usace.army.mil>
Sent: Monday, August 22, 2022 9:06 AM
To: Michael Dombrowski <md@mrd-associates.com>
Cc: Millsap, Holly M CIV USARMY CESAJ (USA) <Holly.M.Millsap@usace.army.mil>; Maxwell, Susanna R CIV USARMY CESAJ (USA) <Susanna.R.Maxwell@usace.army.mil>
Subject: SAJ-2009-01597-TSH (ABC AMUSEMENT COMPANY)

Your application for a Department of the Army permit has been assigned number SAJ-2009-01597. The proposed work is also identified as " (ABC AMUSEMENT COMPANY)". Your file has been assigned to Holly Millsap (project manager) for processing.

If you have any questions please contact Holly Millsap at telephone number 850-410-9823-or by email at holly.m.millsap@usace.army.mil.

Thanks, Sue

Sue Maxwell

Jacksonville District FDOT / NP / NL RPA US Army Corps of Engineers Panama City Field Office Panama City Beach, Florida 32407 850-763-0717, X5 susanna.r.maxwell@usace.army.mil

.
My office hours are 7:00 am to 3:30 pm Monday through Friday. I telework on Tuesday and Friday, so the best way to reach me is by email or (850)287-0189.

Let us know how we're doing! Complete this brief survey:
blockedhttp://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Michael Abadie am
presently the owner and/or leaseholder at ABC AMUSEMENT COMPANY, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
make, constitute and appoint Michael Dombrowski
whose address is 543 Harbor Boulevard # 204, County of Okaloosa, State of Florida,
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as
my agent in any and all matters pertaining to: Gilligan's Marina Expansion.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of
the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing
lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal
representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall
be transacted in my name, and that all endorsements and instruments executed by the said attorney for the
purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney
and the designation "Attorney-in-Fact."

OWNER

Mike Abadie
Signature

Mike Abadie
Printed Name

STATE OF Florida
COUNTY OF Okaloosa

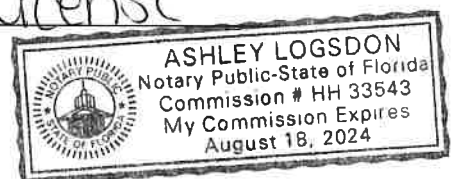
The foregoing instrument was acknowledged before me by means of physical presence ☒ or
online notarization ☐ this 31 day of October, 2022.

By: Michael Abadie
(Print name)

Personally known OR Produced Identification Divers License

[Signature]
Notary Signature

Seal:





Community Development Planning Division

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

January 10, 2023

**Subject: Notification of Harbor & Waterways Board (HWB) Application Submittal
Commercial Marine Construction – 530 Harbor Blvd.**

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for the construction of a commercial dock. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, January 23, 2023.** As an owner of property located adjacent of this project, *Section 2.17.00 & 11.05.01.S of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

This notice is for informational purposes only. However, citizens are encouraged to provide a written response to email address provided below.

1. Name of Owner: ABC Amusement Co.
2. Name of Agent: Thomas Hurlimann of MRD Associates, Inc.
3. Address of Project: 530 Harbor Boulevard
4. Parcel ID Number: 00-2S-22-0630-0000-03A1, 00-2S-22-0630-0000-03A3, 00-2S-22-0630-0000-03A2
5. Project Description: The project proposes to construct a 4,353 square foot, 17-slip wooden dock to the east of the existing 20-slip Gilligan's docking facility. Approximately 36 timber mooring piles shall be installed within the slips.
6. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

Daniel Butler
Senior Planner

CC: Louis Zunguze, MURP, Community Development Director
Planning Division
Community Development Department Project File



STANDARDS OF CONDUCT FOR PUBLIC OFFICERS

Anchors Smith Grimsley, PLC
Kyle S. Bauman, Esq.
City of Destin City Attorney

Office #: (850) 863-4064
Cell #: (850) 585-4775
email: kbauman@asglegal.com

Last Updated: November 2020

***** This Handout is intended to be used as a basic overview of the Standards of Conduct for Public Officials and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. *****

Laws can be found at:
<http://leg.state.fl.us/>

WHAT ARE THE STANDARDS OF CONDUCT FOR PUBLIC OFFICERS?

“A public office is a public trust.”
– Article II, Section 8, Florida Constitution

- **Chapter 112.313, Florida Statutes**, describes a series of “standards of conduct” public officers must adhere to. Essentially, the standards of conduct are the basic statutory principles of ethics public officials are legally obligated to adhere to.

GIFTS

- **Solicitation or Acceptance of Gifts (Bribery):** You are not allowed to solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that your vote, official action, or judgment would be influenced by the gift or promise. § 112.313(2), *Fla. Stat.*
- **Unauthorized Compensation:** You cannot accept anything of value when you know or should know that the item is being given to influence your vote or other action. § 112.313(4), *Fla. Stat.*
 - Also applies to your spouse and minor children.
- You are always prohibited from soliciting any gift and from accepting any gift when the gift is intended to influence your actions as an elected official.

BUSINESS PROHIBITIONS

- **Doing Business with the City:** You are not allowed to purchase, rent, or lease any realty, goods, or services for the City from any business entity of which you are an officer, partner, director, or proprietor or in which the officer has a material interest. § 112.313(3), *Fla. Stat.*
 - Also applies to your spouse and children.
- **Conflicting Employment or Contractual Relationships:** You cannot hold any employment or contractual relationship with any entity which is subject to the regulation of or is doing business with the City. § 112.313(7), *Fla. Stat.*
 - Legal tests to determine whether there is a conflict:
 - Is the conflict frequently recurring?
 - Does the conflict impede the full and faithful discharge of public duties?

GENERAL PROHIBITIONS

- **Misuse of Public Position:** You cannot corruptly use or attempt to use your position or any property or resource within your trust to secure special privilege, benefit, or exemption for yourself. § 112.313(6), *Fla. Stat.*
- **Disclosure or Use of Certain Information:** You cannot disclose or use information not available to members of the general public and gained by reason of your official position for your personal gain or benefit or the personal gain or benefit of any other person or business entity. § 112.313(8), *Fla. Stat.*

REQUIRED ETHICS TRAINING & FINANCIAL DISCLOSURE

- All elected municipal officials must complete at least 4 hours of ethics training each year. § 112.3142, *Fla. Stat.*
- All elected municipal officials must file a financial disclosure with the Florida Commission on Ethics no later than July 1 each year. § 112.3144, *Fla. Stat.*

CONSEQUENCES

- Generally, this statute is policed by the Florida Commission on Ethics and violation of the statute can lead to punishments including impeachment, removal from office, suspension from office, public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received because of the violation committed. § 112.317, *Fla. Stat.*
- Can also carry criminal penalties in some instances.

Sunshine Law Handout

Anchors Smith Grimsley, PLC
Kyle S. Bauman, Esq.
City of Destin City Attorney

Office #: (850) 863-4064
Cell #: (850) 585-4775
email: kbauman@asglegal.com

Last Updated: November 2020

****** This Handout is intended to be used as a basic overview of the Sunshine Law and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Sunshine Law. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. ******

The 2020 Government in the Sunshine Manual can be found at:

[http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/\\$file/SunshineManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/$file/SunshineManual.pdf)

Laws can be found at:

<http://leg.state.fl.us/>

WHAT IS THE SUNSHINE LAW?

- Two interrelated but separate laws are colloquially referred to as the “Sunshine Law”:
 - **(1) Public Records Act** – Chapter 119, Fla. Stat. (2018)
 - Primary Purpose: Provide the public “a right to access to the records of the state and local governments as well as to private entities acting on their behalf.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2018&Title=%2D%3E2018%2D%3EChapter%20119
 - **(2) Government in the Sunshine Law** – § 286.011, Fla. Stat. (2018); Art. I, § 24, Fla. Const.
 - Primary Purpose: Provide the “public a right of access to governmental proceedings of public boards or commissions at both the state and local levels.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0286/Sections/0286.011.html
- Florida has arguably the broadest, most “public-friendly,” laws in the entire country and you immediately became subject to these laws the second you were appointed to this Board.

THE PUBLIC RECORDS ACT

- Lengthy statute, but application to advisory boards is relatively simple.
- General Rule: Any record you generate or receive in connection with your role on a City board is a public record and any member of the public has the right to request to view these records at any time. See Inf. Op. to Nicoletti, November 18, 1987.
- What is a “public record”?
 - “All materials used or received in connection with official business *used to perpetuate, communicate, or formalize knowledge.*”
 - “Public Records” are very broad, essentially including *any* written document and most non-written material. For example:
 - Physical documents such as: “papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software.” § 119.011(12), Fla. Stat. (2018).
 - Electronic documents such as: emails, documents generated in word processing software (including this Handout!), text messages, etc.
- Are there any exemptions?
 - Yes, there are lengthy exemptions listed in the statute, however, most of these will **not** apply to advisory boards. These exemptions are sometimes complex and heavily litigated.
 - Therefore, if the City receives a public records request and City staff asks you to turn over public records related to the particular subject contained in that request, do **not** try to determine by yourself whether the document is (a) a public record; and (b) whether an exemption is applicable. Instead, contact my office and City staff and allow us the opportunity to review the record.
 - **If the “public record” is located on my personal device is it exempted?**
 - **NO! This is a common misconception. Just because something is located only on your personal device does not mean that it is exempt.** The inquiry is whether the item is “used to perpetuate, communicate, or formalize knowledge” relating to City business, and where this information is located is irrelevant.
- What happens if I violate the Public Records Act?
 - **Knowing Violations** are a first degree misdemeanor, punishable by removal from office, up to one year in prison, and/or a \$1000 fine.
 - “Non-knowing Violations” are non-criminal but still subject to a \$500 fine.
- Rules of Thumb: When you generate or receive any document relating to your position, always presume that the document is a “public record” that will eventually be subject to the public’s view. Also, if you generate receive a “public record,” retain it and **do not** destroy it to ensure compliance with the Public Records Act.

GOVERNMENT IN THE SUNSHINE LAW

- Shorter statute, but it has generate tons of litigation and its application to advisory boards is more impactful than the Public Records Law.
- Basic Sunshine Law Requirements:
 - (1) “Meetings” of public boards or commissions must be open to the public;
 - (2) Reasonable notice of these meetings must be given to the public; and
 - (3) Minutes of the meetings must be taken, promptly recorded, and open to public inspection.
 - Most of these you do not need to worry about because City staff ensures compliance. Your primary concern is making sure that “meetings” do not take place outside publicly noticed meetings.
- What is a “meeting”?
 - The Sunshine Law defines “meeting” very broadly to include:
 - (a) informal meetings of two or more members; and
 - (b) electronic communications between two or more members regarding any foreseeable matter which could come before the board.
- Examples of specific scenarios:
 - One member sends a text message to another board member saying he is “against agenda item 2(b).”
 - This is an obvious but important example of strictly forbidden actions.
 - One board member sends an email to another board member’s husband stating that he is “against agenda item 2(b).”
 - Also likely a violation. You cannot use an intermediary to do indirectly what you cannot do directly.
 - One board member sends an email to City staff explaining why they are “against agenda item 2(b).”
 - Because staff are not elected or appointed officials, this communication is likely ok. If, however, you have reason to believe staff might disclose this information to other board members, then it is a violation.
 - One board members emails strictly factual information regarding item 2(b) to other board members.
 - Likely, it is technically ok to share strictly factual information directly with each other, however, because of how the information could be interpreted it is strongly discouraged. The better practice is to ask staff to include the information in the Agenda material.
 - Two board members carpool to a meeting.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board.
 - However, because of the possible appearance of impropriety, these types of actions are discouraged.
 - Two board members are at the same charity event.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board with the other board member.
 - The board took official action on agenda item 2(b) at a publicly noticed meeting. After the meeting, two board members discuss agenda item 2(b).

- Because boards have the inherent authority to change their positions on items at any time it is “reasonably foreseeable” that the item might come before the board again and, therefore, this type of action is strongly discouraged.
- What happens if I violate the Government in the Sunshine Law?
 - **Knowing Violations** can result in 2nd degree misdemeanor charges, with penalties up to 60 days in jail and up to a \$500 fine.
 - **“Not-knowing” Violations** are non-criminal but still subject to a fine of up to \$500.
 - Also, failure to comply could **void the board’s actions** relating to the subject matter of the violation.
- **Rules of Thumb:** Always err on the side of caution and, outside of publicly noticed meetings, do not engage in any discussions or communications with other elected or appointed officials regarding pending matters before your board or any reasonably foreseeable matter that might come before your board. Also, generally it is ok for you to privately communicate with City staff and City attorneys regarding such matters provided there are no other elected or appointed city officials present or copied on the communication.

VOTING CONFLICTS

***Anchors Smith Grimsley, PLC
Kyle S. Bauman, Esq.
City of Destin City Attorney***

Office #: (850) 863-4064
Cell #: (850) 585-4775
email: kbauman@asglegal.com

Last Updated: November 2020

****** This Handout is intended to be used as a basic overview of the Voting Conflicts and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before the meeting at which the conflict will arise and we will respond to you as quickly as possible. ******

Laws can be found at:

<http://leg.state.fl.us/>

WHAT IS A VOTING CONFLICT?

§ 112.3143, Florida Statutes

- A voting conflict arises when you are prohibited from voting on a specific matter coming before your board. In instances in which you do not have a conflict, you must vote. § 286.012, Fla. Stat.
- Designed to avoid situation where a public officer is tempted to exercise the powers of his or her office to promote the interest of someone other than the public because of that someone's relationship to the officer.

Statutory Language:

- You cannot vote on any measure which would
 - inure to your "special private gain or loss,"
 - which you know would inure to the special private gain or loss of any "principal by whom you are retained" or to the parent organization or subsidiary of a corporate principal by which you are retained, or
 - which you know would inure to the special private gain or loss of your "relative" or business associate.

Definitions:

- **"Principal by whom retained"** – means an individual or entity that has permitted or directed another to act on behalf of the principal for compensation, salary, pay, or consideration. E.g., your client or employer. Also, the parent, subsidiary, or sibling organization of your client or employer.
- **"Relative"** – means your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

- **“Business associate”** – means any person or entity engaged in or carrying out a business enterprise with a public officer, public employee, or candidate as a partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property. § 112.312(4), Fla. Stat.
- **“Special private gain or loss”** – means an economic benefit or harm that would inure to you, your relative, your business associate, or principal.

WHO IS PROHIBITED FROM BENEFITTING?

- Four classes of people are prohibited from benefiting from the public officer’s vote:
 - (1) The public officer;
 - (2) A relative;
 - (3) A business associate;
 - (4) A principal, subsidiary, or parent corporation of a principal.

WHAT KIND OF BENEFITS ARE PROHIBITED?

“Special Private Gain or Loss”

- This is the test by which voting conflicts are determined. There are four factors to look for:
 - (1) The size of the class affected by the vote;
 - (2) The nature of the interests involved;
 - (3) The degree to which the interests of all members of the class are affected by the vote;
 - (4) The degree to which the officer, relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.
- Standards – Depending on the type of special gain or loss, three different “standards” are considered:
 - *Special private gain or loss* – the gain or loss must be *special* and *private* to the officer, relative, business associate, or principal. Cannot be general.
 - *Size of the class test* – typically, the Commission on Ethics applies the “1% Rule” which means that if the special gain or loss of people prohibited from benefitting is less than 1% of the total class affected, then there is no voting conflict.
 - *Remote and speculative test* – generally, the special private gain or loss must be somewhat concrete and certain in order to rise to the level of a voting conflict.

WHAT TO DO WHEN YOU HAVE A CONFLICT

- Four steps are required:
 - (1) *Announce* the conflict at the meeting;
 - (2) *Abstain* from voting on the matter;
 - (3) *Disclose* the conflict on the Conflict Form provided to you by the City Clerk;
 - (4) *File* the completed version of the Conflict Form with the City Clerk, who will properly file it and include it in the minutes of the meeting.
- You are also prohibited from participating in discussion on the matter.