REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 3, 2019
ANNEX COUNCIL CHAMBERS
6:00 PM

*****Core Value of the Month - Integrity*****

CALL TO ORDER

INVOCATION (Pastor Steve Farris - First Baptist Church)

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL *(Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter)*

1. **APPROVAL OF MINUTES**
   A. Approval of minutes of April 15, 2019 Regular City Council Meeting

2. **PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS** (No public comments)
   A. Proclamation - Code Enforcement Officers' Appreciation Week
   B. Proposed change of City of Destin election date from March to November - Okaloosa County Supervisor of Elections Paul Lux

3. **PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA** (All agenda items other than those under Number 5)

   (Note: Individual speakers will be limited to 3 minutes. At the discretion of the Mayor, this 3 minute allowance may be adjusted depending on the level of business coming before the City Council)

4. **CITY MANAGER REPORTS**
   A. Update on Triumph Pre-application and Haas Center study for public beach initiative
   B. Announcements

5. **PUBLIC HEARINGS**
   A. First reading of Ordinance 19-09-LC - Amends the official zoning map as referenced in the Land Development Code, Section 7.12.01(A)2 zoning maps to include a change in the zoning designations of 468 parcels to match the assigned land use designation of the Future Land Use Map of the Comprehensive Plan

6. ***CONSENT AGENDA** (No public comments)
   A. Destin Library Computer Filtering Policy

B. Resolution 19-08 - Dissemination of Information to the City Council

7. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY (No public comments)

A. Councilmember Braden

B. Councilmember Ramswell

1. Traffic Signal Coordination - Discussion

C. Councilmember Menchel

1. Discussion/Vote to place a public comments section back on the agenda as the last item

D. Councilmember Overdier

E. Councilmember Marler

F. Councilmember Destin

G. Councilmember Morgan

H. Mayor Gary Jarvis

I. Land Use Attorney

Discussion regarding HB 7103 (2019).

J. City Attorney

8. ADJOURN

All items listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and may be considered separately.

**To be placed on the Agenda under scheduled presentations, citizens must contact the City Manager or City Clerk's office one (1) week prior to the scheduled City Council Meeting by completing a Speakers Request Form and providing any accompanying documentation as requested in the form's instructions.

****** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.***

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she may need a record of the proceedings, and for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. FS 286.0105.

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.
Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

***Note:** Persons who wish to provide public comments on agenda items are requested to fill out a blue speaker card and submit it to the City Clerk at the start of the meeting.*

Persons who wish to provide public comments on any other matters not on the agenda are requested to fill out a yellow speaker card and submit it to the City Clerk at the start of the meeting.

All regularly scheduled city council meetings will be streamed live via the city's YouTube channel, www.youtube.com/CityofDestin. Past council meetings can also be viewed here.

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MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 15, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

The Council of the City of Destin met in regular session with the following members and staff present:

Destin City Council

Mayor Gary Jarvis
Councilmember Steven Menchel
Councilmember Cyron Marler
Councilmember Parker Destin
Councilmember Prebble Ramswell
Councilmember Chatham Morgan
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson
Public Service Director Michael Burgess
Code Compliance Manager Joey Forgione
Public Information Manager Catherine Card
Community Development Director Louis Zunguze
City Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
Deputy City Manager Webb Warren
Finance Director Bragg Farmer
Parks & Rec. Director Lisa Firth
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Eric Partin of Shoreline Church gave the invocation, which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve the agenda passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

1. APPROVAL OF MINUTES

A. Approval of minutes of February 19, 2019 Regular City Council Meeting

Councilmember Destin moved to approve minutes of February 19, 2019 Regular City Council Meeting, as amended, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

2. PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS/ ANNOUNCEMENTS

A. Proclamation Arbor Day Celebration

The Mayor read the proclamation designating April 26, 2019 as *Arbor Day* in the City of Destin, and then presented it to the members of the City's Parks and Recreation Committee.

B. Destin Harbor Clean-up Initial Planning and Proposal – Capt. Andrew Nelson, Special Tactics Training Squadron

Capt. Andrew Nelson of Special Tactics Training Squadron provided the following presentation:

- Combat Controllers (CCT) is completing advanced dive training at the Special Tactics Training Squadron, Hurlburt Field
- Highly trained airmen that provide expert air-to-ground integration and air traffic control capabilities to Special operations Command (SOCOM)
  - Trained in static line parachute and military free fall
  - Open and closed-circuit diving
- Supported Thai Cave Rescue in July 2018 and Black Hawk crash recovery in March 2015; provides 1,500 dives annually
- 20-man team; 15 master divers; all Air Force Combat Dive School graduates
  - Lived in Destin/FWB area for 18 months and will move in October
  - Want to give back to the community in a meaningful way
  - Utilize unique skillset and capability to support local community
- WHAT: Underwater clean-up of Destin Harbor and/or nearby areas in need
- WHEN: Wednesday, May 8, 2019
- HOW: With support from City of Destin, Emerald Coast Scuba, local authorities (Sheriff's Office/US Coast Guard)
- Full face mask diving with integrated underwater communication (2-5x teams)
- Parallel sweep, windshield wiper, pendulum search methods
- Command and control boat with medical support (dr./paramedic) and standby safety divers
- Law enforcement provides cordon from boater traffic
- Safety
  - C2 Boat equipped with communication between surface/sub-surface
  - Medical personnel with AED and 02
  - Police cordon prevents recreational and commercial boats from interfering with divers
- Supplies: SCUBA gear, debris collection bags, debris catalog and disposal, air tank refill/exchange
- Logistics
  - Location of cleanup/grid search area defined
  - Staging area at Emerald Coast Scuba
  - 0730 – volunteer brief
  - 0900 – splash
  - 1400 – dives complete
  - 1600 – mission complete

Councilmember Menchel suggests they provide this initiative as much publicity as possible.

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA

Mr. Mike Buckingham, a Destin resident and Chairman of the Harbor CRA Advisory Committee, suggests doing a traffic capacity study for the entire Destin community, like the harbor capacity study to be conducted at the Destin Harbor.

Ms. Teresa Hebert, a Destin resident and Chair of the Parks and Recreation Committee, reported that during the joint meeting of the Harbor CRA Advisory Committee and the Parks and Recreation Committee, they approved and forwarded to the Council the two parks that are ready for the grant process. She also reported that by making some changes to the initial layout for the Calhoun Park upgrade, and adding the fire station section, they have gone from #3 down to #25 in the grant approval standings; adding it would take at least another two years before they get the grant money. She continued this is the exact opposite from the information they received from the Grants and RESTORE Manager for Okaloosa County who told the Council during a previous meeting that the change would not affect the grant approval process.

Councilmember Ramswell asked the City Manager to contact the County and determine if there are other reasons that affected their standings other than making specific changes to the application; and possibly filing an appeal or a complaint.

Mr. Buckingham stated it was his understanding the plans are still at the County level and not at the State level; and that they were going to stay at the level and not go down to the bottom of the County's file. He suggests they contact their County Commissioners and ask for project status.

4. CITY MANAGER REPORTS

A. Immanuel Anglican Church and the Week of Blessings Committee request to waive parking fees at Marler Parking Lot for 2019 Blessing of the Fleet.

The City Manager informed the Council the Week of Blessings committee has requested that the City waives the parking fees at the Marler Parking Lot for the 2019 Blessing of the Fleet on May 30th. He recommends Council's approval to waive the parking fees beginning at 3:00 PM so that the lot does not fill up earlier in the day preventing the participants from participating in the event.

Councilmember Ramswell moved to waive the parking fees at the Marler Parking Lot for the 2019 Blessing of the Fleet, effective at 3:00 PM on May 30th; seconded by Councilmember Morgan. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Results of the Harbor CRA Advisory Committee and Parks and Recreation Committee Joint Meeting – Discussion

The City Manager noted that the Harbor CRA Advisory Committee and the Parks and Recreation recently held a joint meeting primarily to review the current plans for Capt. Royal Melvin Heritage Park. Both committees agreed that the plans represent the Council's desires and approved a motion to move the process forward.

Councilmember Menchel moved to direct the City Manager to send a letter to the County Commissioners requesting the re-establishment of the City's standings in the grant

approval process for funding for the Capt. Royal Melvin Heritage Park and Clement Taylor Park; seconded by Councilmember Ramswell.

Councilmember Ramswell requested that preliminary phone calls be made to the County to let them know the letter is forthcoming.

Motion passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Announcements

The City Manager made the following announcements:

- Town Hall meeting on Thursday, April 18th, from 9-10 a.m., at the Destin Library
- Destin Annual Easter Egg Hunt on Saturday, April 20th, at 9 a.m. at the Morgan Sports Center
- Retirement Party for Mr. Will Rogers on Thursday, April 25th, at 6 p.m.
- Destin Arbor Day Celebration to be held on Friday, April 26th , at the Nancy Weidenhamer Dog Park (small dogs section)
- Norriego Point clean up to be held on Saturday, April 27th, 8 a.m. at Norriego Point Park
- Council Visioning Session scheduled for Wednesday, May 1st, starting at 8 a.m., at the Destin Library
- National Fish and Wildlife Foundation approved two storm water projects, for approximately $600,000, on Cross Street and on Calhoun Avenue areas
- Founder's Day on May 4th at the Destin Community Center
- The City's contracted paving company will be paving areas on Scenic Hwy 98 and Gulf Shore Drive between Easter and Memorial Day

The Code Compliance Manager Joey Forgione announced that Mr. David Bazylak has been hired as the Harbor and Waterways Code Compliance Officer and Mr. Murray Casey has been hired as the Beach/Harbor Code Compliance Officer.

The Mayor asked if the harbor pump is operational and how often it is being ran.

According to the Public Services Director Michael Burgess, the harbor pump has been on line for a few weeks and it runs from 11:00 PM to 7:00 AM daily.

Councilmember Destin asked staff to make sure the harbor pump is running for a few days before the underwater clean-up of the Destin Harbor resumes to make sure clear and clean water is running through the harbor.

5. PUBLIC HEARINGS

A. Continuance to 6pm at May 6, 2019 Regular City Council Meeting for Caretta Dunes Application for Determination of Vested Rights

The Land Use Attorney announced that both the applicant and the City have agreed to a continuance of this item to the regular City Council meeting on May 6, 2019. She asked for a

formal motion of continuance from the City Council so that the City does not have to re-advertise the item.

Councilmember Menchel moved to continue the applicant's application for a vested rights determination to the regular city council meeting of May 6, 2019 at 6:00 p.m.; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Second reading of Ordinance 19-05-LC – Amending Article 7 of the Land Development Code to create a Harbor District overlay

The City Attorney read Ordinance 19-05-LC by title; and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC DESTIN HARBOR AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO CREATE A HARBOR DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING PRINCIPLE, CONDITIONAL, AND ACCESSORY USES IN THE HARBOR DISTRICT OVERLAY; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Attorney Mike Chesser, representing the Destin Fishing Fleet, contends this overlay ordinance only affects two properties on Harbor Blvd and not the entire harbor district; and that it establishes a very special category for those two properties that will not apply to anyone else on the harbor.

Councilmember Ramswell stated that she has read through the entire ordinance and all related information and found it to contain very generalized information and that it does not pertain only to two properties.

Mr. Chesser maintains that the ordinance lists a criteria that fits only two specific properties in the harbor.

Councilmember Braden pointed out there are old homes and buildings around Mr. Claude Perry's property to which this ordinance would apply.

Mr. Chesser contends there are old buildings around that property that have already been permitted and in use. He added there is only one concrete block two-story building that could be

converted to meet the proposed ordinance if they believe it is an architectural facility that is worth saving.

Mr. Claude Perry, a Destin resident and business owner, spoke of his opposition to the proposed ordinance stating he is very much against overlay districts. He stated that there is no need for it as it is nothing more than an architectural review. He also noted that he owned the concrete block building which Mr. Chesser alluded to earlier which was built in 1955 and qualifies for certificate of appropriateness; adding that building as well as all his other buildings are already permitted. He also stated that he and his entire family has future plans and should not be burdened with an overlay district that will be in place forever; and that it would limit what they could do with their property.

Councilmember Ramswell stated it was her understanding the proposed ordinance would provide people more options on what they could do with their property.

The Land Use Attorney noted that the proposed ordinance does not do anything with any property in the South or North Harbor unless the property owner applies voluntarily; and that it gives added rights to property owners.

Mr. Shane Moody of the Destin Chamber of Commerce stated that the Chamber is not completely opposed to an overlay district. They just feel this is the wrong time to create one because the comprehensive plan and the land development code are currently being aligned; and that they would suggest waiting until the alignment is complete before implementing an overlay district. He added there has been a parking issue in the harbor district for the past several years, and they would add to that problem if creating an overlay district would provide property owners with waivers for parking or other requirements in the land development code.

Ms. Maryann Windes of the Destin Fishing Fleet Marina read the following statement for the record:

> *"Unless this reading has changed significantly from the first reading, this Harbor Overlay district says specifically that it is created to help historical homes become restaurants or taverns - so interesting, and yet so specifically suspicious. Speaking for the North Harbor shore (SHMU), there are zero historical homes that are not already currently being run as commercial operations which would negate the need for this overlay district. However, if you've done your homework, which I know some of you have and therein lies the problem, there are exactly two historical homes that are currently being run as restaurants/taverns that are absolutely NOT in compliance with the LDC, the Comp Plan, Life Safety Codes, and/or other state statutes that this Harbor overlay could be used to remedy. The settlement agreement made in Executive Session back in September 2018 in response to a lawsuit on an alleged public easement that this council, less Mr. Menchel, granted exclusively to those two properties exempting them from any bothersome regulations that MUST have been meant for everyone else has been before two judges and has not yet been signed after seven months. Does that not tell you something! Clearly, the court understands the settlement agreement far better than the city council's understanding of what they were being asked to do. Now that this settlement and the other components are being set for a full all-day trial which does not bode well for those two properties, it appears the city council is now being asked to legislate these changes by changing the law even though it goes against the Comp Plan in order to benefit a single property owner. My attorneys who reviewed it say that this is spot zoning.*
>
> *Without public input, without explanations of how this benefits anyone but one man, and without knowing exactly how this came to be, I strongly urge the city council to ask staff specifically what properties are impacted."*

Referring to a portion of the above statement read by Ms. Windes, "*Harbor Overlay district says specifically that it is created to help historical homes become restaurants";* Councilmember Ramswell pointed out that according to the purpose and intent of the Harbor District Overlay as outlined in the ordinance, it allows historic residential structures to be used for commercial purposes such as restaurants, bars, bed and breakfast and other uses that encourage tourist commercial development; and not specifically for restaurants.

Ms. Windes stated that the version of the ordinance presented for second reading seems to have a lot more pages than the one presented at first reading; adding she has read the initial version but not the current version of the ordinance that seems to have changed.

Having no further comments from the public, the Mayor closed the public hearing portion and turned the matter over to the City Council for discussion and consideration.

Councilmember Overdier moved that they schedule a public workshop to discuss this subject and to obtain more information and more public input before they come up with a final decision; seconded by Councilmember Marler.

Councilmember Destin offered a substitute motion to approve Ordinance 19-05-LC on second reading; seconded by Councilmember Ramswell.

The Mayor read the following statement for the record:

> *"The original intent of Ordinance 17-05-LC was to address the directions from the city council to staff to cleanup non-conforming use issues between the comp plan and land development code, city wide. In other words, to put all the pieces in the right places so future developments will take place in their proper form, fashion and in a timely established manner. Overlay districts in addition to the LDC can be used for community planning especially in areas of historical significant, either due to architectural structures from a historical era or because of historical importance of people or places in a community. I want to make it abundantly clear that I am OK with the use of overlay districts as a planning tool when used and developed in the right manner. But one of the greatest warnings by planning experts throughout the US, to councils or commissions is, when developing an overlay district that it's key to have widespread involvement with not only property owners but all members of the community. Another warning by planning experts was the fact that if an overlay district ordinance is not well thought out and developed with that type of stakeholder visioning and community buy in, that it can lead to councils or commissions to politically micro-manage development outside the confines of the new comp plan and LDC and that my create a distrust of the public in our city and create more problems than they solve. To set things straight, the city and this council has operated within Florida statutes by giving the proper public notices in the paper on this ordinance; it followed Florida Statutes and city protocols by sending this ordinance to the LPA who passed it moving forward. But in my opinion, we have not heeded good planning recommendations and we have fallen far short of widespread stakeholders input, in developing an ordinance that my affect this community for decades to come. One of the main reasons the new comp plan was passed was to change how we did business in community development. The old multi-tiered system which gave wide latitude to the city managers and community development led to some decisions in the past, that this council wanted to make sure would not happen in the future. Subsequently, this council felt that we needed to no longer give any appearance of acquiescing to special interest groups or developer influence peddling and passed a new comprehensive plan that changed the future development of our city. In the last 11 months, this council and all our new department heads including our City Manager, have really made strides to produce results and build confidence that we are on the right track to a transparent and productive city. In my mind there's usually a right way to govern which in most cases is harder to do, but in the end is more complete and comprehensive. But there is also a less effective way, which in the interest of expediency, or to diminish an*

inconvenience, creates governance that ends up with a wide variety of unintended consequences most of which are very undesirable. We have a year's worth of work just to get the comp plan and the LDC in compliance with each other and complete the future land use map/zoning map fix. When this large task is complete and at that time we recognize a need to create an overlay district (which by the way we haven't ever had since this City inception. That we began with a true visionary process with multiple stakeholders and community involvement. All I'm asking is for a time certain delay before we establish an overlay district on the harbor. That will give us some time to establish public process that gives private property owners and our citizens who live, work and play on Destin Harbor, an opportunity to weigh in on what we want an overlay district to look like, and to achieve."

Councilmember Menchel noted they unanimously passed this ordinance on first reading with only one public comment. It was properly advertised and had gone before the Local Planning Agency. He wonders what had transpired in two weeks that changed everything.

Councilmember Menchel then asked staff to respond to comments that have been made that this ordinance only impacts two properties.

The Land Use Attorney noted it is not a true statement. The ordinance applies throughout the north and south harbor, and it would only be specifically applicable to a property owner who choose to apply under it. She continued that the application would be reviewed by staff. Any waivers requested that would seriously impact the public health and safety would be denied; otherwise, staff would make recommendations to the City Council regarding the application at a public hearing.

Councilmember Ramswell pointed out that this is the third public hearing on this subject including the Local Planning Agency meeting; and they and the members of the public had many opportunities to speak on this matter. She continued that it was troublesome for her to hear the Mayor's comments that they did not heed good planning or stakeholder input, and they are giving the appearance of acquiescing to special interest groups.

The Mayor explained that the comment previously made by Mr. Claude Perry during first reading of this ordinance asking where this ordinance came from prompted him to write the statement and read it for the record. He stated that he began to research and to learn more about the intents and purposes of an overlay district. He also read a few reports including the Piedmont Report and several articles by the National Planning Organization; and that most of his comments were based on their recommendations. He stated that overlay districts are a good tool especially in historic areas where architecture is an important part; however, in this case, architecture is not the reason for an overlay district consideration. It is more about specific buildings that have historical significance to the people that were born and raised in Destin; and if they are going to establish an overlay district on one of the most important portions of the community, a different process other than the normal 10-day notification in the newspapers should have been applied. He does not believe they have done everything to make sure they get community buy-in, not only by the property owners but by many members of the public; a lot of which are not present at this meeting tonight.

Councilmember Ramswell stated that she looked at this issue from a different perspective. She continued that even before she was elected in this Council in 2014, the Harbor CRA Advisory Committee had already developed the idea of creating the festive marketplace and they had laid the groundwork as to what they wanted to see down at the harbor. She views the idea of a harbor district overlay as an extension of what the committee had already started,

and to further put the land development code and comprehensive plan in compliance with some of the issues that would be remedied by it. She added it would also give harbor property owners some options on what they could do with their property.

Having no further comments, the Mayor called for a vote on the substitute motion to approve Ordinance 19-05-LC on second reading, which passes 5-2 (Council members Morgan, Destin, Menchel, Ramswell and Braden voted "yes"; Council members Overdier and Marler voted "no").

C. Second reading of Ordinance 19-06-LC – Establishing the Calhoun Center Mixed Use Village (CMUV) zoning district

The City Attorney read Ordinance 19-06-LC by title; and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING THE CALHOUN CENTER MIXED USE VILLAGE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Mr. Curtis Gwin, a Destin resident, stated that the ordinance, as it was advertised, had an incorrect purpose and intent. Upon noticing it, he contacted the City staff informing them that Mr. Mike Shoults, who owned properties on Calhoun Avenue, Sibert Avenue, had been doing a totally legal wedding venue on the bay in the Calhoun Center Mixed Use (CMU) district for many years. He has remodeled all his old homes and turned them into short-term rentals that are registered with the City. He continued that the previous purpose and intent had the CMU, the current purpose of intent has the CMU-V. They dropped out the seasonal single-family detached dwelling as being an allowable use. He asked the Council to make a change in the Table of Allowable Uses making the property designation as a conditional use so that Mr. Shoults property would be acceptable instead of being a non-conforming property.

Councilmember Destin stated he is in favor of approving the requested change.

Having no further comments from the public, the Mayor closed the public hearing portion and turned the matter over to the City Council for discussion and consideration.

Councilmember Ramswell asked that if they approved a conditional use for rental property and then another property owner wanted a conditional use for a different purpose approved by the Council, if the property owner could then change the purpose as long as it falls within the guidelines for conditional use.

According to the Land Use Attorney, if something is a conditional use, the Council would consider each application and each property individually. They could put conditions on the use, and it would not be a precedence setting for the next application. She also stated that if somebody violates one of the conditions, it would then go to Code Compliance Department for action.

Councilmember Menchel asked what the difference would be between designating the particular property as a conditional use versus grandfathering it.

The Land Use Attorney explained that the property would not be grandfathered; instead, it would be considered a legal non-conforming use. She continued that future expansion on the property would not be allowed, and they would not be able to rebuild the property if it was damaged in the storm to a certain degree.

Councilmember Destin moved to approve Ordinance 19-06-LC on second reading and instruct the Land Use Attorney to make the appropriate amendment to the Table of Allowable Uses to change the single-family short-term residential use to conditional use. Councilmember Morgan provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

D. Second reading of Ordinance 19-07-LC – Amending the Town Center Mixed Use (TCMU) zoning district

The City Attorney read Ordinance 19-07-LC by title; and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE TOWN CENTER MIXED USE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-07-LC on second reading; seconded by Councilmember Marler.

The Mayor asked if the reduction in density and units per acre at a level that could mitigate Bert Harris claims or the level of risks; to which the Land Use Attorney replied affirmatively.

Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

E. Second reading of Ordinance 19-08-CN – Livery Vessel Moratorium

The City Attorney read proposed Ordinance 19-08-CN by title, and then presented it to the City Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion and turned the matter over to the City Council for discussion and consideration.

Mr. Travis Glaze, a Destin resident, stated that he has been in watersports business since 2009, and that he recently purchased a piece of property and moved this business at that location. He then reapplied for a business license this year but was denied because of this impending moratorium. He stated that he was authorized 10 pontoon boats, 10 JetSkis and two parasail boats. He maintained his parasailing business at a different location with the expectation of opening the rental portion of his business at the new piece of property he just purchased.

The City Attorney stated that Mr. Glaze's business should potentially fit under the exception in Section 4(b)(1) if he could demonstrate potential hardship by making a capital investment of $10,000 or more. He continued that the purchase of the property should qualify as capital investment, allowing Mr. Glaze to get additional pontoon boats under that exception. He also recommends removing the word "existing" from Section 4(b)(2) to allow more flexibility to address Mr. Glaze's situation and perhaps prevent some potential Bert Harris claims.

Councilmember Destin moved to approve Ordinance 19-08-CN on second reading and instruct the City's attorneys to make the appropriate amendment to Section 4(b)(2) by eliminating the word "existing"; seconded by Councilmember Overdier.

Councilmember Menchel noted that the staff report included a memo from the Community Development Director talking about the agreement they worked out with the Army Corps of Engineers (ACOE) with regards to the harbor capacity study. He stated that the ACOE will enter into an agreement with the City which would bring a lot of credibility to the study; and that the ACOE is also agreeing to pay for half the cost of the study.

Councilmember Menchel also mentioned that this issue was discussed during the joint meeting of the Harbor CRA Advisory Committee and Parks & Recreation Committee. They uncovered some troubling information when one of the committee's member inquired as to the formula used for livery vessel parking. They discovered some disparity; for instance, one company with three pontoon boats was only required to have one parking space. He added this is one of those bad situations which the current staff has inherited. They are trying to fix the problems, but it would probably take some time and so everyone just need to be patient.

Councilmember Braden asked which pontoon boat rental company is operating behind the Inn of Destin, located just west Marina Café, and if they are correctly permitted to operate.

The Code Compliance Manager Joey Forgione replied that the name of the company is not listed, but the address of the company is 402 Harbor Blvd. He also stated there is no registration information for that property.

Mr. Glaze noted there were pontoon boats on that site; but the City ordered the owner to move them last year; and so there should not be any more boats on that particular property since September of last year.

Mr. Forgione would investigate and provide some information to the Council as soon as possible.

The Mayor asked for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

F. First Reading of Ordinance 18-15-LC – Wheeled Vehicles on the Beach

The City Attorney read proposed Ordinance 18-15-LC by title, and then presented it to the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE USE OF WHEELED VEHICLES ON PUBLIC AND PRIVATE AREAS OF THE BEACH; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 11.08.02, AND CREATING SUBSECTIONS C(i) THROUGH C(v); PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Ms. Marcie Bell, a Destin resident, expressed her support for the proposed ordinance. She asked if the ordinance only allows one vehicle per vendor; and if so, could it be changed to allow more vehicles at the beginning and end of season for those who have multiple sites on the beach.

Councilmember Morgan recommends one vehicle per location, with a maximum of three vehicles per company.

Mr. Stephen Tatum, from Matthews and Jones law firm, agrees with allowing more vehicles per vendor minus the caveat that it is only during the beginning and end of season. He continued that each vendor should be allowed at least one vehicle for each section of the beach in which they operate at any time.

Having no other comments from the public, the Mayor closed the public hearing portion and turned the matter over to the City Council for discussion and consideration.

Councilmember Ramswell moved to approve Ordinance 18-15-LC on first reading with a condition that each vendor shall be allowed additional vehicles, one per location with a maximum of three vehicles, at any time; seconded by Councilmember Morgan.

Councilmember Marler wants to know how they plan to address individual private property that owns a pontoon boat.

According to the Code Compliance Manager, all vehicles need to be registered and would be required to have a sticker; and so his office and the Sheriff's Department would be able to enforce the ordinance on each individual owner. He added that for non-vending purposes, they would need to have a reason why they need to be on the beach and would be subject to restrictions.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

G. First reading of Ordinance 18-30-LC – Creates definitions for commercial uses, commercial specia 72, Table of Allowable Uses in zoning districts to prohibit commercial special event venues in all residential districts.

The City Attorney read proposed Ordinance 18-30-LC by title, and then presented it to the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion and turned the matter over to the City Council for discussion and consideration.

Councilmember Overdier moved to approve Ordinance 18-30-LC on first reading; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

H. First Reading of Ordinance No. 19-02-LC – Zoning Map Amendment

The City Attorney announced this is a quasi-judicial hearing and people providing testimony would have to be sworn in. Also, they would need to combine this item with the following item (Ordinance 19-03-PC), and conduct one single hearing, with approval from the applicant.

The City Attorney sworn in the following individuals for testimonies:

Mr. Curtis Gwin, applicant
Ms. Lauren Witt, City Planner
Ms. Noell Bell, City Building Official

The City Attorney read proposed Ordinance 19-02-LC and proposed Ordinance 19-03-PC by title, and then presented both ordinance to the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF 75.08 ACRES OF THE SOUTHWEST PORTION OF PARCEL NUMBER 00-2S-22-0000-0046-0000, DESTIN, FLORIDA FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL-VILLAGE (LDR-V); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Lauren Witt noted that the proposed rezoning and future land use amendments are to change the land use designation on 75 acres of Indian Bayou Golf Course, a 9-hole golf course located directly east of the Destin Airport, from Recreation (REC) to Low-Density Residential – Village (LDR-V), and the future land use changed from REC to Low Density Residential (LDR). Staff has found the proposed designations as generally compatible and would match the zoning just north of the golf course and in support of both ordinances. There are several items that would need to be addressed in the course of the development review when additional required applications are submitted; such as how the proposed development would interact with the airport as well as its environmental impacts.

Mr. Curtis Gwin, the applicant, presented the project. He explained that the property was purchased in the late 70's and developed into its current state. He explained that the additional 9-hole golf course was installed in 1991, with the intention to eventually developing that area as well. He spoke of their desire to develop that area and the need to have the acreage rezoned from Recreation to Low Density Residential. He also noted that the property was originally zoned Medium Density Residential, and that it was unknown to the property owners how the property was rezoned to Recreation.

Mr. Gwin presented some documents to support his argument; nothing that these items were previously presented to the Local Planning Agency.

The Land Use Attorney has no objection to the documents being entered into the record.

The Mayor accepted the documents into the record.

Councilmember Ramswell requested that moving forward, when issues such as this is brought before the Local Planning Agency (LPA), that all the information presented to the LPA should also be provided to the Council.

The Mayor asked the City Manager to make this a standard operating procedure for all items brought before the City Council.

Mr. Gwin explained the contents of the documents.

Councilmember Braden asked why they did not close the 18-hole golf course and develop it.

Mr. Gwin replied there are existing homes around the 18-hole golf course that would be impacted.

Councilmember Braden inquired about the stormwater plan.

Mr. Gwin explained that stormwater currently filters through the wetlands and into the lake systems in Indian Bayou. If filters into four different lakes before it goes into the bay. He also stated there is a plan to utilize one of the lakes outlined in yellow in one of the documents provided to the Council, as a stormwater pond if it is permitted.

Councilmember Braden asked if there was a plan to make sure they avoid a similar problem in the past from people purchasing their homes located around the airport and then complaining about airport noise.

Mr. Gwin stated they cannot stop anybody from complaining but they ought to make everyone sign an avigation easement acknowledging the fact they are purchasing a property located next to the airport. They are also working with the airport and trying to do everything possible to avoid a similar problem. For instance, houses located near the airport fence will contain extra sound attenuation insulation materials.

Councilmember Braden asked if the City has anything in place that when someone obtains a permit that they are advised they are building something next to the airport or perhaps a night club.

The City's Building Official Noell Bell explained that there are certain standards for sound transmission and certain decibel levels that would have to be met during construction. The applicants would have to provide documents that would show how they plan to meet the sound transmission criteria.

Councilmember Ramswell noted that other people have expressed concern about the jet fumes, and she asked that it be taken into consideration as well. She also stated that she lives in one of the first houses on Country Club Road and that her backyard has become the low point of the entire subdivision. They have had to dig trenches along the side of the house after heavy rain so that the water gets to the road and not flood the house and then water spreads to all the neighboring houses. The water then heads into the golf course and down into the road. She wants to make sure they would not be tapping into existing lines and outfalls.

Mr. Gwin guarantees that this development would not affect that area in any way as they plan to take care of their own storm water. They would not be tapping into existing lines and outfalls. It would all be a standalone development.

Councilmember Ramswell stated that she appreciates the fact this area was originally zoned MDR and they are going a step lower to LDR. She also mentioned that at least two other properties in the same time period were rezoned and nobody knew anything about it.

Mr. Gwin stated that he looked at every comprehensive plan amendment and every ordinance adopted by the City of Destin and could find anything that rezoned their property.

Councilmember Menchel noted that the traffic study talks about the number of holes or trips generated to the golf course, but not trips generated to the houses.

Mr. Gwin explained that it takes into account the trips that were already generated to the golf holes and takes them off of the net positive effect they are going to get with the 80 or 90 homes.

The City Attorney stated it has come to his attention that the Council received an email from the Okaloosa County Airports Director Tracy Stage regarding this subject. He asked that this email including any attachments be entered into the record.

Councilmember Morgan asked if they have had some discussions with the people in the Anglican Church about this development and if they had any objections.

Mr. Gwin stated that he has spoken with Mr. Tommy Taylor from the Anglican Church about the development and he told him they have no objections.

Ms. Marcie Bell, a Destin resident, noted she was present at the LPA meeting when one member of the LPA discouraged the representatives from the airport from giving their testimony stating that the LPA's responsibility is to only make a recommendation to the Council for the adoption of the zoning change, and that the airport personnel should be presenting their arguments to the City Council. She suggests that the applicant invites the representatives from the airport for the second reading of this ordinance.

Councilmember Morgan moved to approve Ordinance 19-02-LC on first reading and direct staff to advertise for second reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

I. First Reading of Ordinance 19-03-PC – Land Use Map Amendment

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR THE ADOPTION OF A LARGE SCALE AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO INCLUDE A CHANGE IN FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by Councilmember Morgan, seconded by Councilmember Menchel, to approve Ordinance 19-03-PC on first reading and direct staff to advertise for second

reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Ramswell stated that people have approached her about potential public benefit. She asked if these people could reach out to Mr. Gwin to present their ideas as they move forward with the development.

Mr. Gwin stated they would be putting about 80 single-family residential lots in the market in Destin where there are none at this time. They are also converting a $4700 a year tax base into somewhere around $40 million; adding this should serve as a public benefit.

J. First reading of Ordinance 19-04-LC – Prohibiting Pay-to-Park Facilities from Collecting fees at Entrance to Facility

The City Attorney read proposed Ordinance 19-04-LC by title, and then presented it to the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROHIBITING PAY-TO-PARK FACILITIES FROM COLLECTING FEES AT ENTRANCE TO FACILITY; PROHIBITING BACKUP OF VEHICLES ONTO CITY, STATE AND FEDERAL HIGHWAYS, ROADS AND STREETS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CREATION OF LAND DEVELOPMENT CODE SECTION 8.10.00; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE ATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Mr. Stephen Tatum, speaking on behalf of Harborwalk Holdings, announced that FDOT has approved a dual turn lane; a west bound right turn lane into Stahlman Avenue and a dedicated east bound right turn lane, with stacking, into Stahlman Avenue, in the plans to be implemented in this construction phase. He stated they are willing to comply with this ordinance even though they do not believe it will fix the problem. They feel it would be more beneficial to talk to the Sheriff's Department and come up with some ways to direct traffic at that intersection.

Councilmember Ramswell noted that according to past amendments in the development, it looks like once Phase 1 is complete, another traffic study is supposed to be done to determine the impact at that time. She asked it this was ever completed.

According to Mr. Tatum, he has never seen a document stating it.

Having no further comments from the public, the Mayor closed the public hearing portion and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-04-LC on first reading, seconded by Councilmember Braden.

Councilmember Marler asked if they would be willing to waive any required permit fees for the properties that are currently collecting parking fees since they are already 5 weeks before

the Memorial Day weekend and they are expecting these properties to comply with this ordinance if approved; and that some of these properties may also have reconfigure their parking lot layout to comply with this ordinance.

According to the Land Use Attorney, there are currently no provisions for waivers; however, the Council can provide direction to put that into the ordinance if they so desire. She added it is at the property owners' expense to comply with this ordinance.

Councilmember Morgan asked if they would be assessing fines to those who are doing the right things and following the ordinance, but the traffic is still backing up.

The Land Use Attorney stated that the intent is not to assess fines if the rules are being followed and traffic is still backing up; but they need to give a clear direction in the ordinance.

Councilmember Menchel amended his motion to approve Ordinance 19-04-LC on first reading, adding the language that fines not be assessed if cars are backing up in the roadway as along as fees are being collected at the exit point in the facility; seconded by Councilmember Braden. Motion passed 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no").

6. CONSENT AGENDA

A. Request for a single-family residential marine construction project at 415 Gulf Shore Drive, Unit 1.

B. Request for a single-family residential marine construction project at 504 Vera Cruz Drive

Motion by Councilmember Destin, seconded by Councilmember Marler, to approve Consent Agenda items 6A and 6B, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

7. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY

A. Councilmember Braden

Councilmember Braden asked staff to provide information to Council relating to the money transferred in and out of the unassigned fund balance from 2012 to present.

Councilmember Braden asked how many livery vessels businesses are still non-compliant.

Mr. Forgione noted there are a few businesses that are still under review. Once they close the moratorium, they would start moving forward with the businesses that are operating but have not registered.

B. Councilmember Ramswell

Councilmember Ramswell announced she presented a proclamation to the Boys and Girls Club in Destin last week and declared that it was the National Boys and Girls Club Week; adding it was an honor for her to be a part of the activities.

C. Councilmember Menchel

Asked staff to look into potential grants they could apply for a traffic capacity study for Destin.

D. Councilmember Overdier
E. Councilmember Marler

Councilmember Marler announced that Saturday, May 4th is Founders' Day in Destin.

F. Councilmember Destin

Councilmember Destin requested that "Traffic Capacity Study" and "Cemetery Parking" be placed under his name on the next meeting agenda for discussion.

G. Councilmember Morgan
H. Mayor Gary Jarvis
I. Land Use Attorney
J. City Attorney

Having no further business at this time, the meeting was adjourned at 9:15 PM.

_____

Gary Jarvis, Mayor

ATTEST:

_____

Rey Bailey, City Clerk

City of Destin

Proclamation

CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK

***WHEREAS*,** Code Enforcement Officers provide for the safety, health and welfare of the citizens in this community through the enforcement of building, zoning, housing, animal control, fire safety, environmental and other codes and ordinances; and

***WHEREAS*,** Code Enforcement Officers are often not credited for the jobs that they do in saving lives and improving neighborhoods; and

***WHEREAS*,** every day, assisted by support and program staff, they attempt to provide quality customer service to the public for the betterment of the community; and

***WHEREAS*,** too many times their efforts go unnoticed, even after code compliance has been accomplished due to their efforts and expertise; and

***WHEREAS*,** Code Enforcement Officers are dedicated, well trained, and highly responsible individuals who take their jobs seriously and are proud of their department and the local government within which they serve; and

WHEREAS, the Florida Association of Code Enforcement (F.A.C.E.) has declared the first week of June be set aside by local government to honor and recognize their Code Enforcement Officers;

NOW, THEREFORE*,* I, Mayor Gary Jarvis, on behalf of the Destin City Council, do hereby proclaim the week of June 3 – 7, 2019 as

CODE ENFORCEMENT OFFICERS' APRECIATION WEEK

in the City of Destin, Florida, in accordance with the statewide observance of the same and encourage the citizens of Destin to join this Council in expressing appreciation for the dedication and outstanding service provided by the individuals who serve as our Code Enforcement Officers.

SO DONE THIS 3RD DAY OF JUNE 2019
BY:

_____

Gary Jarvis, Mayor

ITEM # 2019-1308

CITY OF DESTIN

AGENDA ITEM

COUNCIL MEETING DATE: June 3, 2019
TYPE OF AGENDA ITEM: Presentation

TO: City Council

THRU: Kyle Bauman, City Attorney
Kimberly Kopp, Land Use Attorney

FROM: Lance Johnson, City Manager

DATE: May 30, 2019

SUBJECT: Proposed change of City of Destin election date from March to November - Okaloosa County Supervisor of Elections Paul Lux

I. BACKGROUND:

At the April 1, 2019, City Council Meeting, the City Council directed City Attorney Kyle Bauman and City Land Use Attorney Kimberly Kopp to conduct legal research and analyze certain issues relating to the timing of the City's municipal elections. In response to this direction, the City Attorney and City Land Use Attorney drafted and submitted a joint memorandum and presented their analysis and conclusions at the May 20, 2019, City Council Meeting. At this Meeting, the City Council directed the attorneys to draft an ordinance amending the City's code and aligning it with the City Charter, which dictates that the City's municipal elections are to be held on a date in November of even number years commensurate with the State General Election. The City Council further directed staff to contact the Supervisor of Elections, Mr. Paul Lux, and discuss the practicalities of moving the City's election day. City staff contacted Mr. Lux and Mr. Lux requested that he be afforded the opportunity to speak with the City Council and Mayor at its next Meeting.

II. DISCUSSION:

As discussed at length in the attorneys' memorandum, the City's broad home rule powers include the ability to align the City's election day with the State General Election in November. To accomplish this, the City Council must pass an ordinance amending the City's Code. While the legislature passed a special law in 1992, which aligns all the Okaloosa County municipalities' election days to a day in March, the state general law specifically provides that the City's home rule powers supersede that of any special law relating to municipal election day. The law further provides that any incidental extension of elected officials terms as a result of changing the election

day is acceptable.

The City Council has previously expressed its desire to move the election day because of the substantial increase in voter turnout at November elections. According to the Okaloosa County Supervisor of Election's website, the following are the reported voter turnouts for Okaloosa County amongst registered voters in the last 5 years when municipal elections are voted on:

Year	***March***	***November***
2019	7.82%	N/A
2018	29.6%	62.5%
2017	10.91%	N/A
2016	29.13%	75.7%
2015	14.4%	N/A
5 Year Average	**20.37%**	**69.10%**

There are 11,117 registered voter in the City of Destin. 20.37 percent of 11,117 is 2,265. 69.10 percent of 11,117 is 7,682. The difference between 7,682 and 2,265 is 5,417.

A. **Link to Strategic Goals / Objectives:**
B. **Effect on Budget (EOB):**
C. **Level of Service (LOS):**

III. CONCLUSION: The City Council has the power to change the election day and the available data suggests that voter turnout among registered voters is much higher in November than in March. If Council still desires to align the City's municipal election day with the State General Election day in November of even numbered years, then the attorneys will present an ordinance to that effect at the June 17, 2019, Council Meeting for first reading.

IV. RECOMMENDED MOTION: I move to direct the attorneys to prepare an ordinance aligning the City's municipal election day with the State General Election day in November of even numbered years, and direct the City Clerk to advertise the Ordinance for first reading at the June 17, 2019, Council Meeting.

OR No motion (take no action).

Attachments:

1. Memo Re Time for Holding Municipal Elections

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MATTHEW J. AUSLEY
JAY PATEL

* ALSO ADMITTED IN ALABAMA
+ ALSO ADMITTED IN WYOMING

May 15, 2019

City of Destin, Florida, City Council and Mayor
4200 Indian Bayou Trail
Destin, Florida 32541

RE: Time for Holding the City of Destin's Municipal Elections

Dear City Council and Mayor,

At the April 1, 2019, City Council Meeting, the City Council directed City Attorney Kyle Bauman and City Land Use Attorney Kimberly Kopp to conduct legal research and analyze certain issues relating to the timing of the Destin's municipal elections. This memorandum is jointly drafted by Kyle Bauman of the law firm Anchors Smith Grimsley, P.L.C. and Kimberly Kopp of the law firm Romano Kopp Law, P.A., in response to the City Council's direction.

To more clearly elucidate this complex matter, this memorandum is broken into four sections. Section I identifies the issues and scope of this memorandum. Section II identifies and discusses applicable legal authority as identified by the attorneys. Further, Section II is broken down into several subsections categorizing the various legal authorities. Section III applies the legal authority to the specific facts presented. Section IV presents the conclusion in summary format.

I. The Issues and Scope of this Memorandum

The City Council essentially directed the attorneys to look at several separate but related matters. First, the attorneys must determine whether the City Council has the power to change its municipal election day from the second Tuesday in March of even years, to the first Tuesday after the first Monday in November of even years. Second, if the City Council has this power to change the municipal election day, what is the procedure that must be employed for the City Council to exercise this power? Third, if the City Council has this power to change the municipal election day, may it also extend the terms of the sitting municipal officers incidentally resulting from said date change?

Accordingly, the attorneys conducted legal research relating solely to these topics and any analysis and conclusions of the attorneys relate only to these specifically identified issues. Any questions outside the scope of these questions as presented above are also beyond the scope of this memorandum and require further research and analysis. Additionally, courts and the law are often unpredictable and the attorneys cannot guarantee any specific result.

II. The Applicable Legal Authority

Several sources of law govern the timing of municipal elections. This section identifies and discusses that legal authority. True and correct copies of all legal authorities are enclosed with this memorandum.

A. Florida Laws

Three statutes and one special act[1] are pertinent to this analysis. First, the special act is Chapter 92-270, Laws of Florida, which originated as House Bill 2141. It provides for uniform

[1] Special acts are also commonly called "local bills." Special acts effect only a portion of the state.

filing and election dates for the seven municipalities located in Okaloosa County, Florida. In particular, Chapter 92-270, sets "[a]ny election relating to a municipal officer" for the "second Tuesday in March."

Section 100.3605, Florida Statutes (2018), governs the "conduct of municipal elections." In its pertinent part, § 100.3605, Fla Stat. provides:

> (1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision....
> (2) The governing body of the municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such change.

Section, 101.75, Florida Statutes (2018), relates to "[m]unicpal elections; change of dates for cause." In its pertinent part, § 101.75, Fla. Stat., provides:

> ...
> (2) The date of the municipal election shall be set by the municipality by ordinance.
> (3) Nothwithstanding any provision of local law or municipal charter, the governing body of a municipality may, by ordinance, move the date of any municipal election to a date concurrent with any statewide or countywide election.

Finally, § 166.021, Florida Statutes (2018), relates to the "powers" of municipalities and is part of the Municipal Home Rule Powers Act. In pertinent part, § 166.021(4), Fla. Stat., provides:

> nothing in this act shall be construed to permit...any changes in a special law or municipal charter which affect...the terms of elected officers and the manner of their election *except for the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates*...without approval by referendum of the electors as provided in s. 166.031.

(Emphasis added). The legal authority cited above forms the general framework for municipal elections in Okaloosa County. This framework is somewhat flexible and influenced by legislative actions taken by each individual municipality. Therefore, this memorandum next focuses on the City's own Charter and applicable ordinances.

B. City Charter and City Ordinances

Any analysis of the City's laws must begin with the City's Charter, which serves as the ultimate governing authority of the City. *Jackson v. Leon County Elections Canvassing Bd.*, 204 So. 3d 571, 574-75 (Fla. 1st DCA 2016). Section 3.03, Destin City Charter is entitled "[e]lection and terms." It provides that "[t]he regular election of the mayor and city council members shall be held *on the day of the State General Election* in even-numbered years in the manner provided in Article V of this charter." (emphasis added). We have not located any authority directly amending Section 3.03.

The ordinance most recently enacted by the City effecting the timing of municipal elections is Ordinance Number 06-03-CC. Pursuant to Ordinance Number 06-03-CC, the City's designated "election day" for members of the city council and the office of mayor is the "second Tuesday in March" in each even-numbered year. Ordinance Number 06-03-CC, accomplishes this election day designation by amending Section 9-4 of the City's Code of Ordinances (the "Code"). Prior to Ordinance Number 06-03-CC's enactment, the Code designated "election day" as the "first Tuesday following the first Monday in November." The first Tuesday following the first Monday is the same date as the State General Election.[2]

C. Attorney General Opinions

Florida Attorney General Opinions ("AGOs") are considered non-binding legal authority on Florida courts. Nevertheless, AGOs carry some weight as "persuasive" legal authority, and

[2] The City has also enacted a series of Ordinances aligning the City's municipal election day with the State of Florida's Presidential Primary election day, when the two elections occur in the same year and would otherwise fall on separate days. These Ordinances are Ordinance numbers 07-48-CN, 11-22-CN, and 15-13-CN. Each of these ordinances specifically supersedes any "Special Act of the Florida Legislature applicable to the incorporated areas of the City of Destin[.]"

often contain well-reasoned analysis, logical conclusions, and an idea of how the judiciary may react if a legal challenge is raised. Three AGOs are particularly important to this analysis: AGOs 2007-34, 2009-47, and 2013-05.

In AGO 2007-34, the Naples City Attorney presented the following question:

> (1) May the Naples City Council, by ordinance, amend the Naples City Charter to change the date of the regular municipal election date from the first Tuesday in February of each even numbered year to a date that corresponds with the State of Florida Presidential Primary every four (4) years?

In its analysis, the attorney general focused on the three statutes identified in Section II(A) of this memorandum. First, the attorney general considered the plain text of § 101.75, Fla. Stat., which was slightly different in 2007 than it is today. The attorney general ultimately concluded that the language of § 101.75, Fla. Stat., in 2007 was inapplicable to its analysis.

Next, the attorney general considered the plain text of §§ 100.3605(2) & 166.021(4), Fla. Stat., as the statutes are quoted above in Section II(A). The above-quoted provisions were added by Chapter 95-178, Laws of Florida. Prior to the statutes' amendments in 1995, the attorney general had considered a similar question and determined that "a municipality was not authorized to amend its charter to provide for a change in the date of which municipal elections would be held without approval by the electorate."

To determine how Chapter 95-178, Laws of Florida, affected its previous interpretation, the attorney general investigated the legislature's intent. In particular, the attorney general considered the title of the law, which "reflects an intent of the Legislature to permit municipalities to amend their charter to change the election dates and qualifying periods for candidates, including any changes in terms of office necessitated thereby, without referendum." Ultimately, this legislative intent, coupled with the statutes' plain language, led the attorney general to conclude that

> sections 100.3605(2) and 166.021(4), Florida Statutes, provide sufficient authority to permit the city council, by ordinance, to amend the charter to change the date for the regular municipal election date from the first Tuesday in February of each even numbered year to a date that corresponds with the State of Florida Presidential Primary every four years.

Similarly, in AGO 2009-47, the City of Springfield presented the attorney general with the following question:

> In proposing to amend its charter by referendum from an annual municipal general election requirement with staggered two-year terms to a new election cycle with elections to occur every other year with staggered four-year terms, may the City of Springfield, by that same referendum, extend the terms of the currently elected mayor and two of the commissioners by one additional year?

The attorney general noted that the general rule of city charter amendment, which allows amendment only by following the specific procedures set forth in § 166.031, Fla. Stat. This includes a referendum. However, the legislature has carved out certain exceptions to this requirement which are specifically identified in §§ 166.021(4) & 100.3605(2), Fla. Stat. The plain language of these statutory exceptions coupled with the legislative history, "reflects an intent that municipalities would be authorized to amend their charters to change the election dates and qualifying periods for candidates, including any changes in terms of office *necessitated by the amendment*, without a referendum." (emphasis in original).

Finally, in AGO 2013-05, the question presented was whether the Arcadia City Council could amend their charter by ordinance from a date in September of each odd year to a date in November in each even year to coincide with federal, state, and county elections, and to extend the terms of the sitting municipal officers resulting from said date change. Arcadia was considering such a change "to avoid the expense of a special election and to take advantage of increased voter turnout for those elections."

AGO 2013-05, traces the history of this issue in detail, focusing both on its own prior AGOs and the legislature's various laws relating to amending municipal election timing. Ultimately, AGO 2013-05, is consistent with the prior AGOs in its conclusion that, pursuant to §§ 166.021(4) & 100.3605(2), Fla. Stat., the Arcadia City Council may amend its charter by ordinance to move its city election day and extend the terms of its sitting municipal officers as a result of this change.

Again, while not binding, the AGOs cited above reflect clear and consistent results and Florida courts consider such authority persuasive in their own analyses. With the applicable laws set forth, it is now time to shift attention to application of that law to the material facts presented.

III. Application of the Legal Authority to the Material Facts Presented and Discussion of the Questions Presented

Since the City's incorporation in 1984, the City held the election[3] of its governing board on dates in November for the years 1986, 1988, 1990, and 1992. In 1994 and all subsequent years, the City has held the election of its governing board on a date in March. This change occurred as a result of Chapter 92-270, Laws of Florida, which designated the City's municipal election day as occurring on the "second Tuesday in March" in each even-numbered year.

Despite this change in practices, the City's Code was not amended to align with Chapter 92-270, Laws of Florida, until 2006 by the enactment of Ordinance Number 06-03-CC. Also, attorneys for the City have found no document that changed the municipal election date set by Article III, § 3.03, of the City's Charter. This memorandum assumes that the City has carried out its previous elections in accordance with the applicable laws.

[3] This excludes special elections of City Council members and Mayors, which have occurred on occasion when vacancies exist, but are inapplicable to this analysis.

The first question presented is whether the City Council has the power to change its municipal election day from the second Tuesday in March of even years, to the first Tuesday after the first Monday of November of each even year, which aligns with the State's general election. In short, yes, the City Council does possess the power to change its municipal election day to the November date. The reasoning compelling this answer is largely the same as the reasoning presented in the AGOs discussed in Section II(C).

Specifically, the legislature, through the implementation of various statutes, grants the City absolute home rule power on matters relating to the date of its municipal election. § 100.3605(2), Fla. Stat. (2018) ("The governing board of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing board of the municipality and provide for the orderly transition of office resulting from such date changes."); § 101.75(3), Fla. Stat. (2018) ("Notwithstanding any provision of local law or municipal charter, the governing board of a municipality may, by ordinance, move the date of any municipal election to a date concurrent with any statewide or countywide election."); § 166.021(4), Fla. Stat. (2018) ("[N]othing in this act shall be construed to permit...any changes in special law or municipal charter which affect...the terms of elected officers and the manner of their election *except for the selection of election dates and qualifying periods for candidates and for changes in terms of office necessitated by such changes in election dates....*") (emphasis added); House of Representative Committee on Ethics and Elections Final Bill Analysis & Economic Impact State on HB 2209 (May 10, 1995) ("HB 2209 authorizes amendment of a municipal charter or special act without referendum for the purpose of changing municipal election dates and qualifying period for candidates and for the adjustment of terms of office necessitated by such date changes."); *see also* AGO 2007-34; AGO 2009-45; and AGO 2013-05.

Therefore, the existence of Chapter 92-270, Laws of Florida, which is a *special* act as opposed to a *general* act, provides no impediment to the City's home rule powers relating to the setting of its own municipal election dates. *See* § 100.3605(1), Fla. Stat. (2018). In other words, the passage of Chapter 92-270, Laws of Florida, does not operate to prospectively limit the City's home rule powers on matters relating to the setting of the City's own municipal election day. Indeed, such a prospective limitation by the legislature would potentially run contrary to the very broad home rule authority extended to municipalities by Article VIII, Section 2(b), of the Florida Constitution, and Chapter 166, Florida Statutes.

The second question presented relates to the procedure the City must utilize in order to exercise its broad home rule powers relating to the date of its municipal election. This, too, is specifically set forth by the legislature in sections 100.3605(2) and 101.75(2) & (3), Florida Statutes. If the Council wishes to change its municipal election day and align it with the State general election in November, then the Council must pass an ordinance. The ordinance should amend the City's Code and align it with the City Charter. While typically charter amendments must comply with the strictures of § 166.031, Fla. Stat., the legislature specifically exempts charter amendments relating to the date of the municipal election from the more onerous provisions of § 166.031, Fla. Stat. *See* § 166.021(4), Fla. Stat. (2018); § 100.3605(2), Fla. Stat. (2018). Therefore, the Council may amend and move the date of the City's municipal election from a date in March to the date in November that aligns with the State's general election, by the adoption of an ordinance without the need for a referendum as contemplated by § 166.031, Fla. Stat.

The third question presented seeks guidance on whether the Council may, by ordinance and without referendum, also extend the terms of the sitting Council members as an incidental result of the change in the municipal election date. The answer to this is found primarily in §

166.021(4), Fla. Stat., which states that a municipality's home rule power extends to both the ability to change its municipal election date *"and for changes in terms of office necessitated by such changes in election dates."* (emphasis added).

AGO 2013-05 also proves instructive. AGO 2013-05 addresses a near identical question presented by the City of Arcadia. AGO 2013-05 reasons that such an extension of sitting Council members is necessarily incidental to the exercise of the City's home rule powers relating to setting of the municipal election date. Because the legislature contemplates obvious incidental results from the passage of its legislation, specifically contemplated the "orderly transition of office," in § 100.3605(2), Fla. Stat., and failed to include any language limiting the incidental extension of Council members' terms, the legislature clearly intended to allow such incidental extension. *See also,* AGO 2007-34 ("[T]he legislative history of the 1995 legislation indicated an intent that municipalities would be authorized to amend their charters to change the election dates and qualifying periods for candidates, *including any changes in terms of office necessitated by such amendment, without referendum.*" (emphasis added).

IV. Conclusion

In sum, the City Council's broad home rule powers are contemplated by the statutory scheme described above. This home rule power includes the ability to enact an ordinance, without referendum, changing the municipal election day from its current date in March to the first Tuesday following the first Monday in November on even years, which aligns with the state's general election. Chapter 92-270, Laws of Florida, is a special act of little consequence to this analysis, and the City Council is not constrained by that special act. Moreover, the legislature recognizes that certain Council members' terms may be extended by the changing of the election day and, if the City Council chooses, it may also extend the terms of those Council members so affected.

As always, it was a pleasure performing this research and drafting this memorandum for the City Council and Mayor. Please do not hesitate to contact us if we can be of any further assistance on this matter.

Sincerely,

Kyle S. Bauman, Esq.
City Attorney

&

Kimberly Romano Kopp, Esq.
City Land Use Attorney

Enclosures: as stated

Cc: Lance Johnson
Webb Warren
Rey Bailey

ITEM # 2019-1316

CITY OF DESTIN

AGENDA ITEM

COUNCIL MEETING DATE: June 3, 2019
TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Webb Warren, Deputy City Manager

DATE: 5/29/2019

SUBJECT: Update on Triumph Pre-application and Haas Center study for public beach initiative

I. BACKGROUND: At the May 20th City Council Meeting, staff promised to bring back an update concerning the status of the City's Triumph pre-application. Staff would also provide information on the Haas Center proposal for a study to provide economic data as it relates to the availability of public beach in Destin.

Triumph Pre-Application Status
In April of 2019, the City of Destin submitted to the Triumph committee a required "pre-application". This required "pre-application" provided a summary of how and why the city would request 12 million dollars from Triumph for the City's public beach initiative. One key element of that pre-application was demonstrating other funding sources for the project.

On May 28th, Triumph announced they will provide feedback on the City's pre-application at Triumph's June 20th meeting in Wakulla, Florida.

Haas Center Study
The City has been researching previously submitted Triumph pre-applications and applications. One key element of the Triumph application process is having detailed data outlining the economic impact of the project, specifically data tied to job creation. For these reasons, the city has been researching ways to obtain key economic data to substantiate the City's Public Beach Initiative.

II. DISCUSSION:
Economic data and metrics is a significant component of the Triumph application process. At this time, the city does not have access to the type of data necessary

to substantiate job creation or potential job retention value of our public beach initiative project. The Haas center provided a proposal to the city outlining how they can assist the City by providing economic data and analysis from existing data, future surveys and various other data collection methods.

The Haas Center report would provide, at a minimum, the City the following key data points:
• An assessment of the economic impact of Destin's tourism industry reported by multiple measures including Gross Regional Product, Total Employment and Value Added.
• A discussion of the (Public Beach Initiative) project's impact on employment, including a breakdown of jobs by type, wages, and local effects.
• A presentation of economic impacts of staying "as is," i.e. Destin's potential loss of repeat visitors or residential spending due to public beach access
• A discussion and presentation of the tourism industry in the region, as well as information that places the value of those jobs in context compared to the regional economy as a whole

A. Link to Strategic Goals / Objectives: Preservation of Heritage and Environment and Enhanced Quality of Life

B. Effect on Budget (EOB): Potential $12,000,000 Grant

Depending on which option(s) are selected, the Haas Center study could cost between $29,000-$59,000 and could take between 5-14 months.

C. Level of Service (LOS): Enhanced Level of Service

III. CONCLUSION: At this time, staff is recommending that we analyze the pre-application feedback the City will receive on June 20th from Triumph. That feedback can provide the City guidance on how to proceed with the Triumph application process and what specific data may be needed to substantiate any future application. Based on the feedback, if the City chooses to move forward with the Triumph process and submit a full application, then a decision can be made how we might proceed forward with the Haas Center proposal.

IV. RECOMMENDED MOTION:

Attachments:

1. Destin Proposal

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Haas Center
220 W. Garden Street
Suite 304
Pensacola, FL 32502

Lance Johnson
City Manager
City of Destin
4200 Indian Bayou Trail
Destin, FL 32541

May 29, 2019

Dear Mr. Johnson,

The Haas Center at the University of West Florida is pleased to submit the following proposal for an Economic Impact Analysis of Destin's Tourism Industry. We will conduct two surveys and/or secondary research to provide informative and useful research with the goal of informing policy initiatives. The City of Destin seeks to understand the need and support a public beach initiative, as well as its impact on visitors and residents.

The scope of work includes two different options to accomplish this work, depending on the City of Destin's timeline and budget. However, either option's research approach may be adjusted based on the needs of the client, though those scope changes may impact pricing. The timeline is contingent on the client's timely notice to proceed, as well as delivery of important documents and plans that inform the research process. In all instances, the project manager and point of contact must be able to communicate and share information efficiently in order to meet quick turnaround times.

Information regarding the scope of work, the project team, and the Haas Center's 25 years of experience follows this letter. We look forward to discussing our proposal with you in the near future and are available to answer any additional questions you may have.

Sincerely,

Amy Newburn

Amy Newburn, Associate Director
anewburn@uwf.edu
850 439 5414

Corporate Background and Experience

With offices is downtown Pensacola, the Haas Center for Business Research and Economic Development (Haas Center) is a research and consulting arm of the University of West Florida's Division of Research and Strategic Innovation (DRSI). The Haas Center works closely with staff from DRSI's other departments, the Office of Economic Development and Engagement (OEDE), Florida Small Business Development Center Network (FSBDC) and Research and Sponsored Programs (RSP) to engage in applied research and strategy development in economics and across the social sciences.

Since its inception over two decades ago, the Haas Center has played a prominent role in economic development efforts across the Northwest Florida region and around the state. Our Center is home to one of Florida's pre-eminent data warehouses with over 10,000 routinely updated data series that are unique to Florida – tracking historical economic trends across Florida's diverse micro economies. In addition, we house cutting edge economic impact simulation software including REMI for each of Florida's counties and IMPLAN for each of Florida's zip codes as well as the state as a whole.

In addition, the Haas Center has designed, conducted and analyzed surveys utilizing our state of the art 10-seat call center equipped with the latest integrated platform survey technology. We work with our clients to identify the best survey methodology to meet their desired goals whether it is done by phone, Internet, paper, intercept or a combination.

We consider ourselves to be a research shop with a solutions-oriented approach. Our staff come from diverse backgrounds that bring unique work experience to the table. We are comprised of economists, political scientists, multi-media specialists as well as database and IT experts. The Haas Center staff's extensive knowledge of regional and state economic and workforce issues allows us to engage in a wide variety of research projects which include survey marketing research, economic and demographic profiles, economic and tax impact studies, workforce development studies, industry cluster analyses, market and feasibility analyses, strategic planning, and custom database and analytics work. Haas Center staff also work closely with regional economic development entities to provide data to cities, counties and states in efforts designed to attract business and industries to the region.

Our team members have not only executed analyses, but perhaps more importantly, have led organizations that have executed the recommendations that have flowed from such analyses. We understand not only data and economics, but our hands-on experiences allow us to understand which approaches are practical, workable and most likely to succeed for our clients. We specialize in studies tailored to meet our client's specific needs in a timely and cost effective manner while adhering to the highest standards of excellence.

Our diverse clientele include city, county and state government agencies, the military, economic development agencies and chambers of commerce, visitor and tourism organizations, school districts, private businesses, libraries, and school districts.

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Evidence of prior experience/firm stability

The Haas Center staff has extensive experience in research at the state, regional and local levels including government and public sector marketing research; conducting economic and fiscal impact studies; developing marketing surveys; conducting and analyzing marketing research for recreation and tourism entities; and conducting and analyzing visitor satisfaction surveys.

The *City of Pensacola Resident Satisfaction Survey* was conducted for the fourth time in 2017 (previously administered in 2014 - 2016) as part of an on-going relationship between the City of Pensacola and the Haas Center. The Center developed the survey instrument and utilized a mixed methods survey comprised of a live telephone survey and in-person intercept surveys to reach a sample size of 532 Pensacola residents. The survey measured the attitudes and opinions of Pensacola residents regarding their satisfaction with city services, as well as the relative importance of those services to taxpayers such as: public safety, city appearance, parks and recreation, sanitation services, municipal infrastructure, and communication. The Haas Center is currently in negotiations with the City of Pensacola to conduct the study for 2018.

The *2016 Voter Satisfaction Survey* study was commissioned by Escambia County Supervisor of Elections (SOE) to conduct a mixed-methods survey of registered voters in order to measure multiple items, including voter satisfaction with the polling locations and staff; use and familiarity of SOE services; knowledge about election rules; and voting method choice. The survey was administered in two waves over four months in 2016, concentrating around the August 30th Primary and the November 8th General Election. It provided voters a key opportunity to give feedback about their experiences. In turn, the SOE will use the results to evaluate their own performance, training programs and choice of polling locations. This data could help identify opportunities for improvement or inform new educational programs in response to identified knowledge gaps. Moreover, analysis by voting method choice allows the Supervisor's Office to understand the motivations behind choosing voting methods.

The Santa Rosa County Military Spouse Technical Skills Inventory was commissioned by the Santa Rosa County Economic Development Office (EDO) with the goal of studying the skill sets of military spouses residing in Santa Rosa County. Intercept studies were conducted at Naval Air Station Whiting Field in Milton, Florida. The study documents the technical skills that military spouses have, as well as demographics of this population, their projected length of residency, employment status and availability of employment. The data provides a list of occupations in which the target population have experience, as well as transferable skills that could be marketable to many industries. The demographics and family status of the total U.S. military force as well as active duty population are provided for comparison in the report.

The Haas Center has an ongoing relationship with many regional municipalities and counties. A recent example is the "*2014 Six Pillars Economic and Community Development Strategic Plan for the Town of Century, Florida (Century Strategic Plan).*" The Town of Century commissioned the Haas Center to create an economic development strategic plan as part of the Comprehensive Planning Technical Assistance Grant Program, administered by the Florida Department of Economic Opportunity. The Century Strategic Plan was conducted over the course of a year and utilized a multi-stage process including the development of socio-economic demographic profiles, analyses of both the local and regional markets, the collection of input from four stakeholder focus groups, and an analysis of the community's strengths, weaknesses, opportunities, and threats (SWOT analysis) to form the economic and community development strategic plan that is now in its third year of implementation. Multiple examples of these reports are found at haas.uwf.edu under the "Resources" tab.

Qualifications of Proposed Personnel

The Haas Center staff has extensive experience in research at the state, regional and local levels including for counties, cities, Tourism Development Organizations (TDO/TDC), and area Chambers of Commerce. Each member of the team has a unique set of skills and professional backgrounds. As a result we are able to meet almost any client need at the highest quality. Our proposed research team will be comprised the following individuals:

Amy Newburn, MA, Associate Director, Haas Center. Mrs. Newburn received her Master's in Political Science from the University of West Florida and her Bachelor's degree from the University of Florida. Her recent work includes the *City of Pensacola Resident Satisfaction Survey*, the *Tourism Market Economic Impact* study for Santa Rosa County, the *2016 Supervisor of Elections Study,* and both of the airport studies mentioned within this document. Mrs. Newburn specializes in survey research, economic impact studies, strategic plans, and community development. Mrs. Newburn has extensive knowledge of the Center's integrated data collection platforms and manages the Center's 10-seat call center.

Phyllis K. Pooley, JD, MBA, Director, Office of Economic Development and Engagement. Ms. Pooley received her law degree from Washington and Lee University School of Law in 1985. She also has a Master's in Business Administration from the University of West Florida. She has legal expertise in worker's compensation law for both the federal government and the state of Maine. Prior to being named Director of OEDE, Ms. Pooley served as Co-Director and Senior Analyst of the Haas Center. She brings over a decade of experience in data collection and analysis, particularly in demographic analysis using ring studies and driving distances for businesses, economic development entities and local governments. She is a contributing author to the Pensacola Business Journal and WUWF. In her tenure she has authored over twenty studies for state, regional, and local organizations and municipalities as well as private sector clients. These projects include a feasibility study on the development of a wildlife park in Holmes County, Florida, the feasibility of operating a peanut processing plant in Santa Rosa County, Florida and the feasibility of manufacturing biodiesel in Santa Rosa County, Florida.

Anna-Maria Colombaro, M.A., Research Coordinator. She received her Master's in Industrial Organizational Psychology at the University of West Florida. Ms. Colombaro has collaborated with clients and the Haas Center to create survey instruments and research reports. She has collected data via in-person surveys and computer-assisted telephone interviews on behalf of the University of West Florida, government, and the private sector. Most recently, she has assisted in conducting focus groups, data analysis, and drafting survey results for Haas Center clients. As a RIVA trained moderator, Ms. Colombaro both develops protocol and conducts focus groups for a multitude of research topics.

David Franklin, Digital Marketing Coordinator. Mr. Franklin joined the Haas Center in 2015 and concentrates his efforts on the Haas Center's social media marketing and content creation. He creates marketing materials and designs outreach campaigns for Haas Center clients. He is currently pursuing his MBA at UWF and received a Bachelor's in Political Science from the same school in 2017. He has conducted cyber-security and congressional research on behalf of the Department of Government at UWF and has collected data via in-person surveys and computer-assisted telephone interviews for the Haas Center.

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Similar Tourism-Related Projects

The Haas Center has two decades of experience in tourism-related research, especially along the Northwest Florida panhandle. The following section details our experience in tourism with various partners.

The Economic Impact of Tourism in Destin, Florida study was commissioned to examine the economic impact of shoulder season tourism in Destin, Florida; providing the Okaloosa County Tourism Development Council with baseline data to guide future marketing endeavors and report feedback regarding Okaloosa County business leader perceptions on past TDC marketing and communication practices. The study included a survey of 326 tourists that revealed average spending, average group sizes, location of origin, age, lodging preferences, and the likelihood of returning. Data was then entered into economic modeling software to analyze the economic impact of tourism. In addition, local businesses were surveyed by phone to generate feedback of perceptions regarding the TPC. Questions were crafted to understand leaders' understanding of TDC functions, communication practices, and marketing initiative outcomes.

The *Tourism Market Economic Impact Study* is the conclusion of a yearlong effort to survey Santa Rosa County's tourists and quantify their impact on the community. The annual and quarterly report provided in-depth details about demographic and economic trends of Santa Rosa County tourism from March 2017 to February 2018. This study utilized intercept survey techniques to obtain tourist demographics, lodging and transportation habits, spending patterns, and overall satisfaction. In order to ultimately calculate the economic impact, the survey focused on in-area spending patterns. Secondary data sources like bed tax collections, occupancy and Average Daily Room rates contributed to the analysis. Ultimately, the county was provided 4 quarterly reports, 1 annual report, 4 data dashboards and 2 presentations.

The *Emerald Coast Tourism Study* was commissioned by Peter Mayer Advertising on behalf of the Emerald Coast Convention and Visitors Bureau with the goal of providing in depth details about demographic and economic trends of the Emerald Coast's tourism. Haas Center's survey professionals administered intercept surveys with visitors throughout the defined region over a 12 month period between March 2014 and February 2015. The survey data was used in conjunction with bed tax collections and county and state data regarding condo and hotel unit availability to estimate the total number of visitors who arrived in the region on a quarterly basis.

The Panama City Beach Chamber of Commerce and Visitors Center hired the Haas Center to conduct the *Economic Impact Analysis of Tourism in Panama City Beach*. The goal of the study was to estimate the economic impact of tourism for the region. Data was provided by the partners of the Panama City Beach Convention and Visitors Bureau, though we also used bed tax collections, retails sales and other secondary data. The Haas Center calculated a spending value for traditional spring break visitors to the area. This value was then removed from an economic model of the Bay County economy, in order to determine the total economic impact, including direct, indirect and induced, of visitor spending in Panama City. In particular, the report highlighted the important contribution that "shoulder season" and spring break tourists contributed to the overall impact.

The Haas Center performed a study of businesses and business travelers for the Pensacola International Airport in 2017. The Haas Center collected data for 12 weeks in a multi-modal outreach of online and intercept surveys. In total, more than 14,000 people were contacted online while more than 2,700 were approached in person. Data was provided in user-friendly database that was searchable by various factors so that the Airport could analyze their business case for potential markets and airlines. The Haas Center is currently conducting an update to this study in 2019.

Statewide, the Haas Center has conducted studies like an *Analysis of the Florida Film and Entertainment Industry*. The methodological approach includes in-depth interviews, economic impact analysis and a SWOT analysis. The study looked at the film and entertainment's impact on the economy, both statewide and by region. The study included jobs and establishment estimates, the state's tax payments received by these types of establishments, and a digital media analysis. In addition, impacts were looked at by productions that classified as independent, minority-owned or Hispanic, as well as independent and faith-based productions. The SWOT analysis gave specific assessments about the state of Florida's competitive place in the film industry nationwide.

The *Recreation, Sports and the Florida Economy* study was commissioned by Florida Sports (a segment of Enterprise Florida) with the goal of studying the economic impacts of multiple facets of the state's sports and recreation cluster. The study is broken into the 10 major components of sporting and recreational activities in Florida, including Amateur Sports, Professional Sports, College Sports, Fishing, Hunting & Wildlife, Golf, Sporting Apparel Sales, Parks & Recreation, Pari-Mutuel Wagering, Recreational Horse Ownership and NASCAR racing events. In this instance, an impact was calculated for each of the separate Sports and Recreation components. The study modeled both the exogenous changes to the economy, as when visitor spending related to a sporting event occurs, as well as economic activity of residents which retains dollars in the local economy. Visitors were responsible for approximately 40% of the total statewide economic impact activity related to Florida's sports.

Our tourism work extends even beyond the seven projects provided above. The Haas Center recently finished a survey and study on the Foo Foo Festival in Pensacola, FL for Arts, Culture and Entertainment, Inc. Researchers spent approximately 50 hours collecting intercept surveys at three festival events. The Foo Foo Festival, now in its fourth year, attracted more than 9,000 unique visitors to its 12 days of events. The Center was also commissioned by the Santa Rosa Island Authority to conduct *the Impact of Pensacola Beach on the Regional Economy* study (2012). Results from the economic impact analysis show trends in tourist spending across major business sectors in Pensacola Beach and provide insight into where policymakers may focus marketing and branding efforts in order to maximize economic growth in Escambia County. Additional tourism work includes *A Comprehensive Economic Impact Assessment of the Blue Angels Airshow*; *A Comprehensive Assessment of the 57th Annual Billy Bowlegs Festival*; and *Cultural Tourism and the Escambia Economy*.

Scope of Work

The Haas Center presents two options for the client to choose the most appropriate scope of work. In both instances, the client will be able to understand both the impact of the tourism industry as a whole on the City of Destin, as well as the perceptions and potential value of public beaches as a tourist attraction and residential amenity.

Option #1: Key Insights

Visitor survey.

The Haas Center will use bed tax collections data as the primary data in order to understand the economic impact of the tourism industry. The secondary data will be supplemented by intercept surveys that will allow us to understand both spending patterns and the prevalence of visitors staying overnight in non-bed tax collecting lodging. In this instance, we'll rely on partners to help us secure TDT reports at the Destin level since those are not currently available on the Department of Revenue's data site.

Survey outreach will be completed for one quarter with intercept surveys, accompanied by an email campaign to partner databases of previous visitors.

Resident survey

Outreach will be conducted to gather feedback from the residents of the City of Destin on access to public beaches. A similar multi-modal methodology will be implemented here, with additional efforts to enhance community engagement:

- A public link may be made available to share in newsletters, on social media, or websites
- Direct emails will be administered to targeted lists of residents
- A social media ad will be targeted to this demographic to promote engagement

In addition, we will restrict survey duplication by limiting responses by email and IP address.

Deliverables

The report provided will include the following key elements:

• An assessment of the economic impact of Destin's tourism industry reported by multiple measures including Gross Regional Product, Total Employment and Value Added.

• A discussion of the project's impact on employment, including a breakdown of jobs by type, wages, and local effects.

• A presentation of economic impacts of staying "as is," i.e. Destin's potential loss of repeat visitors or residential spending due to public beach access

• A discussion and presentation of the tourism industry in the region, as well as information that places the value of those jobs in context compared to the regional economy as a whole

The supporting data as well as the economic impact estimates will be assembled into a print-ready digital document for distribution by the client upon acceptance of the final economic impact estimates. The report will be prepared as a defensible foundation for communication with the public, media, elected officials, granting agencies and other stakeholders. If desired, an infographic can be developed by Haas Center staff to share online in social media, blogs, etc., to communicate the client's economic impact to the community. The Haas Center will be available to present the materials in this report to an audience of the client's choosing on two different occasions without additional costs. The client is responsible for giving appropriate notice to the Haas Center so that plans can be made.

In order to conduct this analysis, the community of Destin will need to share detailed information with the Haas Center (namely bed tax collections not publicly reported).

Timeline, Pricing, and Deliverables

Deliverable	**Timeline**	**Amount**
Contract Execution		$14,500
Survey instrument draft, approval and IRB approval	3 weeks	
Data collection	3 months	
Draft report and analysis	1 month	
Draft report feedback	2 weeks	
Final report		$14,500

Entire project:	*5 months*	*$29,000*

Option #2: Comprehensive Year-long Assessment

Visitor survey.

The Haas Center will place personnel on the ground at pre-determined events and, more generally, the Destin region in order to conduct visitor intercept surveys. Survey-interview professionals will spend 20 hours per month on the collection of survey data on the ground in year one. The Haas Center will identify ideal locations with the assistance and feedback of City staff and other stakeholders. The full support of the TDC, city, business leaders, and other officials will be required in order to visit a range of establishments, like local shopping centers, stores and other tourist locations. In addition, it will be the City of Destin's responsibility to secure permission for us to conduct intercept surveys at any pre-determined events or festivals that are ticketed.

The surveys will measure and track the following key economic and demographic elements for Destin's visitor market:

- Geographic origins
- Transportation modes
- Purpose of trip (i.e., business, meeting, or leisure visit)
- Activities
- Perception of beach access
- Party size and length of stay
- Incidence of first-time visits
- Satisfaction and likelihood of repeat visitation
- Travel budgets and spending on accommodations, food, entertainment, retail, transportation and miscellaneous items
- Visitor demographics including age, income, marital status, etc.

Resident survey and focus groups.

The outlined survey approach will be deployed in this scope of work. In addition, we'll utilize those key findings to dig deeper into focus groups with community residents that allow for a more meaningful understanding of the public beach access issues that are of concern to City residents. Three focus groups will be completed once the resident survey portion is complete.

Timeline, Pricing, and Deliverables

Deliverable	**Timeline**	**Amount**
Contract Execution		$29,500
Survey instrument draft, approval and IRB approval	3 weeks	
Data collection	12 months	
Draft report and analysis	1 month	
Draft report feedback	2 weeks	
Final report		$29,500
Entire project:	*14 months*	*$59,000*

ITEM # 2019-1287

CITY OF DESTIN

AGENDA ITEM

COUNCIL MEETING DATE: June 3, 2019
TYPE OF AGENDA ITEM: Public Hearing

TO: City Council

THRU: Lance Johnson, City Manager

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

DATE: May 30, 2019

SUBJECT: First reading of Ordinance 19-09-LC - Amends the official zoning map as referenced in the Land Development Code, Section 7.12.01(A)2 zoning maps to include a change in the zoning designations of 468 parcels to match the assigned land use designation of the Future Land Use Map of the Comprehensive Plan

I. BACKGROUND:

The City Council directed Community Development Staff to address the existing discrepancies between the Zoning Map and the Future Land Use Map for the City of Destin, as outlined in Comprehensive Plan Objective 1-2.1. These discrepancies are grouped into 16 primary areas, covering ±484 parcels of land.

Future Land Use Element Objective 1-3.6. of the City's Comprehensive Plan requires that the City ensure consistency between the City's Zoning Map, and the City's Future Land Use Map. More specifically, Future Land Use Element Policy 1-3.6.4 requires the City continually review land uses within the City and to ensure appropriate Future Land Use and Zoning Map categories that are consistent and that reflect the City's vision.

II. DISCUSSION:

The City approved changes to the Future Land Use Map of the City's Comprehensive Plan as recently as March 2016. However, the Zoning Map of the City's Land Development Code was not updated to reflect these changes. Additionally, there are two properties in the City which received development orders, while having an inconsistent zoning district (Surf Style, DO-17-03, at 1079 U.S. Highway 98 East; and Rezmer Office Building, DO-19-06, at 1224 Airport Road).
The City Council directed staff to address the inconsistencies between the Future Land Use

Map of the City's Comprehensive Plan and the Zoning Map, which is implemented through the Land Development Code. Staff identified a total of 16 areas requiring Zoning Map amendments for review by the Local Planning Agency (LPA). The LPA reviewed 14 of these 16 amendments. However, the remaining two will be brought for review after receiving direction from the City Council.

NOTE: There are only three nonconformities that will be created as a result of this Zoning Map Amendment which include:

1. 1220 Airport Road; Destin Water Users Utility
2. 1230 Airport Road; Self Storage Facility
3. 1007 U.S. Highway 98 E; Big Kahuna's Water & Adventure Park.

These three nonconforming uses will be corrected during the Land Development Code Update, and discussed at that time.

To ensure consistency with the Future Land Use Map, the LPA reviewed the following administrative Zoning Map amendments; noted in proposed ordinance No. 19-09-LC:

Map Location	Future Land Use Designation	Current Zoning Category	Proposed Zoning Designation	Nature of Conflict
1. Captain Leonard Destin Park	Recreation (REC)	Calhoun Mixed Use (CMU)	Recreation (REC)	DO 17-06 was issued 08/25/17 for Park – Zoning Designation was not changed
2. Old Destin area Between Calhoun Ave. and Sibert Ave.	Calhoun Mixed Use – Village (CMU-V)	Residential Office, & Institutional-General Development (ROI-GD)	Calhoun Mixed Use –Village (CMU-V)	FLUM change adopted with Comp. Plan 2020
3. 303 & 305 Harbor Blvd.	North Harbor Mixed Use (NHMU)	Institutional (INST)	North Harbor Mixed Use (NHMU)	FLUM change adopted with Comp. Plan 2020
4. Parcels south of Azalea Dr., east of Melvin St.*	Residential, Office, & Institutional (ROI)	Medium Density Residential-Village (MDR-V)	Residential, Office, & Institutional	FLUM change adopted with Comp. Plan 2020
5. Parcels between	Residential,	Medium	Residential,	FLUM change

Azalea and Sea Hills Dr., west of Benning Dr.*	Office, & Institutional (ROI)	Density Residential-Village (MDR-V)	Office, & Institutional	adopted with Comp. Plan 2020
6. DWU Property at Azalea Dr. and Benning Dr.*	Residential, Office, & Institutional (ROI)	Institutional (INST)	Residential, Office, & Institutional	FLUM change adopted with Comp. Plan 2020
8. Destin Post Office	Town Center Mixed Use (TCMU)	Institutional (INST)	Town Center Mixed Use (TCMU)	FLUM change adopted with Comp. Plan 2020
9. Parcel south of Industrial Park Rd.	Industrial (IN)	Town Center Mixed Use (TCMU)	Industrial (IN)	FLUM change adopted with Comp. Plan 2020
10. Parcels south of 98 Palms Blvd. and north of Hwy 98 E	Town Center Mixed Use (TCMU)	Commercial General (CG)	Town Center Mixed Use (TCMU)	FLUM change adopted with Comp. Plan 2020
11. Gulf Terrace Condominiums	Town Center Mixed Use (TCMU)	Residential Office, & Institutional-General Development (ROI-GD)	Town Center Mixed Use (TCMU)	FLUM change adopted with Comp. Plan 2020
12. Rezmer Office Building	Town Center Mixed Use (TCMU)	Commercial General (CG)	Town Center Mixed Use (TCMU)	FLUM change adopted with Comp. Plan 2020
13. Destin Water Users	Town Center Mixed Use (TCMU)	Institutional (INST)	Town Center Mixed Use (TCMU)	FLUM change adopted with Comp. Plan 2020
14. Parcel located south of the Intersection of Scenic Hwy 98 and Hutchinson St.	Crystal Beach Resort (CBR)	Crystal Beach Neighborhood (CBN)	Crystal Beach Resort (CBR)	FLUM change adopted with Comp. Plan 2020
Zoning Correction: Sibert Avenue Public Parking Lot**	Residential, Office, Institutional (ROI)	Residential Office, & Institutional-General Development (ROI-GD); North Harbor Mixed Use (NHMU)	Institutional (INST)	DO 18-15 was issued for parking lot, zoning designation was not changed

NOTE: *The specific Residential, Office, and Institutional classification still needs to be assigned by City Council at a later date (due to differences in uses).

**The Future Land Use Designation of these parcels will be amended with upcoming Comprehensive Plan updates (to establish consistent classifications).

PUBLIC INPUT: Staff received several inquiries relating to the Administrative Zoning Amendment. The majority of the received calls were general inquiries relating to the areas being rezoned, the reasoning, and effects to their properties. One resident adamantly opposed rezoning areas #4 and #5 to ROI, as there are sand dunes located on area #4 that should be preserved, and existing single-family dwellings on area #5. At the May 16, 2019 meeting, the Local Planning Agency (LPA) received similar public input.

A. Link to Strategic Goals / Objectives: Enhance Quality of Life.

COMPREHENSIVE PLAN CONSISTENCY: Proposed Ordinance No. 19-09-LC is aimed at attaining consistency between the Future Land Use Map and Zoning Map, as required by the following Comprehensive Plan Objective and Policies:

Future Land Use Element Objective 1-3.6: Prevent Inconsistent Land Use.;**Future Land Use Element Policy 1-3.6.1: Managing Future Land Use.;** and **Future Land Use Element Policy 1-3.6.4: Identification of Land Use and Zoning Inconsistencies**

B. Effect on Budget (EOB): There is not any anticipated effect on the budget.

C. Level of Service (LOS):

III. CONCLUSION: The proposed Ordinance 19-09-LC reconciles the City's Zoning Map and the Future Land Use Map of the City's Comprehensive Plan. Ordinance 19-09-LC is also consistent with the City's Comprehensive Plan, the map amendments comply with Land Development Code, and staff recommends approval.

IV. RECOMMENDED MOTION: I move to approve Ordinance 19-09-LC on first reading, and direct staff to advertise the ordinance for second reading.

Attachments:

1. Ordinance 19-09-LC LPA Advertisement
2. Ordinance No. 19-09-LC Advertisement 0522_05292019
3. Ordinance 19 09 LC _ Needs Exhibit A attached
4. ZoningInconsistancies - Ord19-09-LC Portion of Exhibit A

5. EXHIBIT A TO ORDINANCE

the DESTIN Log www.thedestinlog.com

Published Bi-Weekly
Fort Walton Beach, Florida
Distributed in Okaloosa & Walton Counties
STATE OF FLORIDA
COUNTY OF OKALOOSA

Before the undersigned authorized personally appeared Ashley Abraham, who on oath says that she is an employee of Gatehouse Media Group, owner of the Destin Log, a bi-weekly newspaper published at Fort Walton Beach, in Okaloosa County, Florida; that the attached copy of advertisement, being a

NOTICE

the matter of

ORDINANCE 19-09-LC

in the Okaloosa County Court, was published in said newspaper in the issues of

5/4 & 5/11/2019

Affiant further says that the said Destin Log is a newspaper published at Fort Walton Beach, in said Okaloosa County, Florida, and that the said newspaper has heretofore been continuously published in said Okaloosa County, Florida, each day, and has been entered as periodicals matter at the post office in Fort Walton Beach, in said Okaloosa County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Applicant)

Sworn to and subscribed before me this 13th day of MAY, 2019, by Ashley Abraham, X who is personally known to me or who has produced _____ as identification.

Carolyn V. Barnes
(Signature of Notary Public-State of Florida)

CAROLYN V. BARNES
MY COMMISSION # GG 259443
EXPIRES: November 12, 2022
Bonded Thru Notary Public Underwriters

Notary Public

NF-6527485

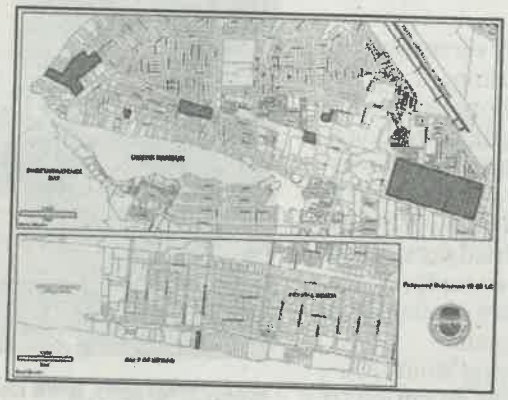
NOTICE

NOTICE IS HEREBY GIVEN that the City of Destin Local Planning Agency will hold a public hearing on Thursday, May 16, 2019 at 5:30 P.M., at Destin City Hall, 4200 Indian Bayou Trail, Destin, Florida, to consider a recommendation on the following:

A. A public hearing regarding Ordinance No. 19-09-LC relating to changes to the Zoning Map, which changes the zoning district of four hundred and sixty eight parcels (468) to match the land use designations assigned in the Future Land Use Map of the Comprehensive Plan. The proposed Ordinance title is as follows:

ORDINANCE NO. 19-09-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF 468 PARCELS GENERALLY DEPICTED IN THE LOCATION MAP ATTACHED, DESTIN, FLORIDA TO MATCH THE ASSIGNED LAND USE DESIGNATION OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Copies of the above-mentioned subject may be reviewed at the Destin City Hall Annex, Planning Division. The public is encouraged to provide written and/or verbal comments on the above referenced matters.

All persons are advised that, if any person decides to appeal any decision made at any of these meetings, he/she will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (*Florida Statutes* 286.0105).

Persons with disabilities who require assistance to participate in this meeting are requested to notify the City Clerk's office at (850) 837-4242 at least 48 hours in advance.

Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

Lauren Witt
Planner
City of Destin

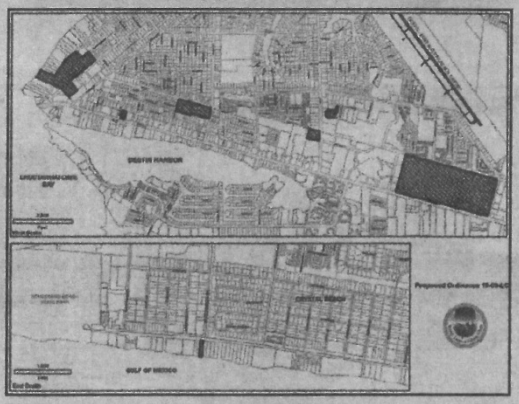
Ad Dates: 05/04/19 & 05/11/19

NOTICE

NOTICE IS HEREBY GIVEN that the City of Destin City Council will hold a public hearing on Monday, June 3, 2019 at 6:00 P.M., at Destin City Hall Annex, 4100 Indian Bayou Trail, Destin, Florida, to consider a recommendation on the following:

ORDINANCE NO. 19-09-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF 468 PARCELS GENERALLY DEPICTED IN THE LOCATION MAP ATTACHED, DESTIN, FLORIDA TO MATCH THE ASSIGNED LAND USE DESIGNATION OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



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Rey Bailey
City Clerk

5/22 & 5/29/2019

NF-6527502

ORDINANCE NO. 19-09-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF 468 PARCELS GENERALLY DEPICTED IN THE LOCATION MAP ATTACHED, DESTIN, FLORIDA TO MATCH THE ASSIGNED LAND USE DESIGNATION OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, Future Land Use Element Objective 1-3.6. of the City's Comprehensive Plan requires that the City ensure consistency between the City's Zoning Map, and the City's Future Land Use Map; and

WHEREAS, Future Land Use Element Policy 1-3.6.4 requires the City continually review land uses within the City and to ensure appropriate Future Land Use and Zoning Map categories that are consistent and that reflect the City's vision; and

WHEREAS, the City Council has determined that various parcels of property within the City of Destin are not currently within zoning categories that are consistent with the current Future Land Use designations in place for such properties; and

WHEREAS, the City Council desires to administratively rezone the properties listed and depicted in Exhibit A to zoning categories that are consistent with the current Future Land Use designations for such properties; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens;

WHEREAS, after due public notice, a public hearing has been conducted by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, after due public notice, a public hearing has been conducted by the City Council.

SECTION 3. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Destin, Florida, as referenced in the Land Development Code, section 7.12.01(A)2 zoning maps, is hereby amended to include a change of zoning map designation as shown in Exhibit A, for the parcels of land which are depicted in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ___ DAY OF _____ 2019.

BY: _____
Gary Jarvis, Mayor

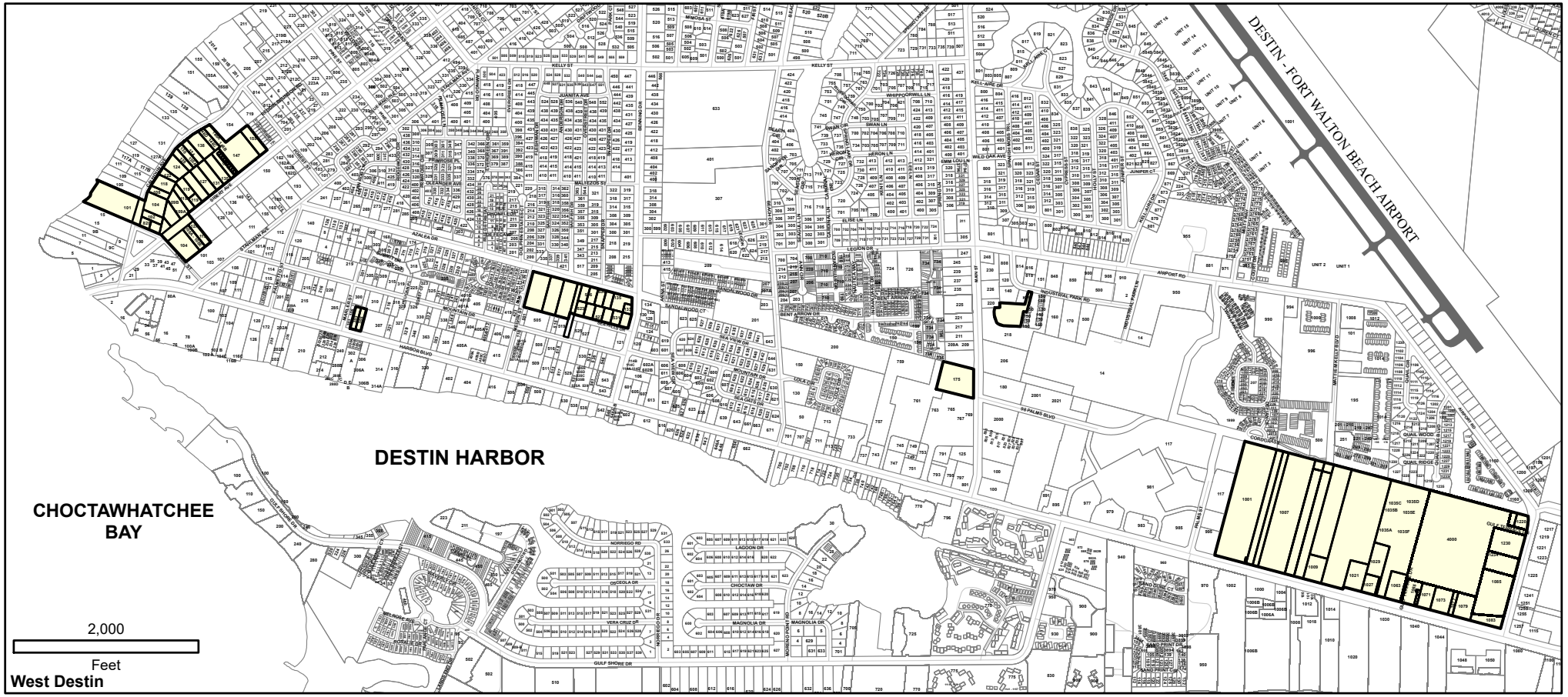
ATTEST:

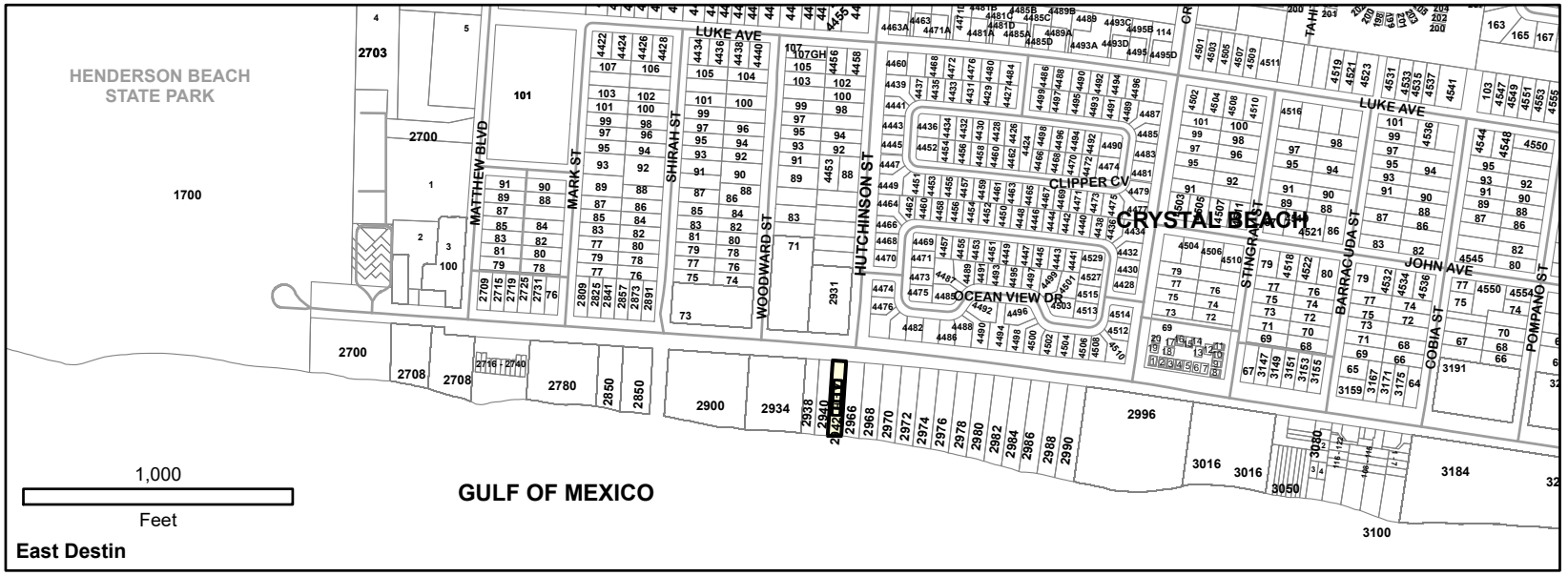
The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney.

_____
Rey Bailey, City Clerk

_____
Kimberly Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____





Proposed Ordinance 19-09-LC

PIN	OWNER_NAME	HOUSE_NO	STREET
00-2S-22-0000-0024-0030	1079 HWY 98 LLC	1077	HWY 98
00-2S-22-0000-0024-0000	1079 HWY 98 LLC	1079	HWY 98
00-2S-22-1095-0229-0000	4000 GULF TERRACE LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0293	A & B BEACH FRONT PROPERTIES	4000	GULF TERRACE
00-2S-22-1095-0129-0000	A & B BEACH FRONT PROPERTIES	4000	GULF TERRACE
00-2S-22-1095-0235-0000	A & B BEACH FRONT PROPERTIES	4000	GULF TERRACE
00-2S-22-1095-0000-0266	ABEE DONALD & BETTY B	4000	GULF TERRACE
00-2S-22-1095-0218-0000	ADAMS MICHAEL Q	4000	GULF TERRACE
00-2S-22-0000-0024-0020	ALVINS STORES INC	1073	HWY 98
00-2S-22-1095-0111-0000	ANDERSON ANITA	4000	GULF TERRACE
00-2S-22-1095-0233-0000	ANDREWS GEORGE	4000	GULF TERRACE
00-2S-22-0000-0017-0010	APEX PARKS GROUP LLC		MATTIE M KELLY
00-2S-22-0000-0018-0010	APEX PARKS GROUP LLC		MATIE M KELLY
00-2S-22-1095-0000-0288	ARREDONDO YOANNA B	4000	GULF TERRACE
00-2S-22-1095-0000-0287	AULT WILLIAM & CARRIE	4000	GULF TERRACE
00-2S-22-0135-0000-0010	AZALEA SQUARE LLC	135	BENNING
00-2S-22-1095-0215-0000	BAILEY DAVID & LINDA	4000	GULF TERRACE
00-2S-22-1095-0000-0276	BARBOSA CORREA EDGAR & MELINA	4000	GULF TERRACE
00-2S-22-1095-0125-0000	BARTLETT MERLYN C & JANET S	4000	GULF TERRACE
00-2S-22-1095-0000-0259	BEASLEY JESSIE P JR & KIMBERLY	4000	GULF TERRACE
00-2S-22-0310-000D-0120	BELCHER JASON & CHRISTINA	147	SIBERT
00-2S-22-0000-0024-003C	BELL LLOYD F JR TRUST		GULF TERRACE
00-2S-22-0310-000E-E16C	BELL MIKE & SHELIA & PAK MARK		SEA HILLS
00-2S-22-1095-0114-0000	BENNETT BRANDON L	4000	GULF TERRACE
00-2S-22-1095-0000-0153	BENNETT SANDRA	4000	GULF TERRACE
00-2S-22-1095-0000-0169	BERG ETHEL	4000	GULF TERRACE
00-2S-22-1095-0000-0258	BERGMAN DENNIS W	4000	GULF TERRACE
00-2S-22-0000-0024-001A	B-HANDS LLC	1029	HWY 98
00-2S-22-0000-0016-0000	BIG BOSS I LLC	1009	HWY 98
00-2S-22-0000-0013-0160	BIG KAHUNA INC		US HWY 98
00-2S-22-0000-0013-0100	BIG KAHUNA INC	1007	HWY 98
00-2S-22-0000-0017-0000	BIG KAHUNA INC	1007	HWY 98
00-2S-22-0000-0018-0000	BIG KAHUNA INC	1007	HWY 98
00-2S-22-0000-0013-0120	BIG KAHUNA INC		US HWY 98
00-2S-22-0000-0013-0140	BIG KAHUNA INC		US HWY 98
00-2S-22-0000-0013-0170	BIG KAHUNA INC		US HWY 98
00-2S-22-0000-0013-014A	BK OF DESTIN INC	1001	HWY 98
00-2S-22-109C-0000-1000	BLACK ROBERT E & SUSAN	1234	AIRPORT
00-2S-22-109C-0000-1020	BLACK ROBERT E & SUSAN	1234	AIRPORT
00-2S-22-109C-0000-1010	BLACK ROBERT E & SUSAN W	1234	AIRPORT
00-2S-22-1095-0000-0190	BODENSTINE MEGAN D	4000	GULF TERRACE
00-2S-22-1095-0122-0000	BOWERS DEBRA J	4000	GULF TERRACE
00-2S-22-1095-0000-0184	BRIDEVAUX ELEANOE & ETAL	4000	GULF TERRACE
00-2S-22-1095-0000-0249	BROOKS DONNA L TRUST	4000	GULF TERRACE
00-2S-22-1095-0104-0000	BROUSSARD DON W JR	4000	GULF TERRACE
00-2S-22-1095-0205-0000	BURCH BONNIE H TRUST	4000	GULF TERRACE
00-2S-22-1095-0000-0154	BURCH FAMILY TRUST JOHN & MARY	4000	GULF TERRACE
00-2S-22-1095-0115-0000	BURNS JEFFERY L & MARY M	4000	GULF TERRACE
00-2S-22-1095-0220-0000	BURROWS PHILLIP H & MONICA	4000	GULF TERRACE
00-2S-22-1095-0000-0172	CARTER CAROLE & MAHER MICHELLE	4000	GULF TERRACE
00-2S-22-0000-0024-003A	CHERNICKY WAYNE K & DEE D	1065	HWY 98
00-2S-22-0000-0024-0010	CHICK-FIL-A INC	1063	HWY 98

00-2S-22-1095-0147-0000	CHINN CARLYE M & LINDA P	4000	GULF TERRACE
00-2S-22-1095-0000-2003	CISNEROS JOYCE C	4000	GULF TERRACE
00-2S-22-0310-000D-3780	CITY OF DESTIN	108	SIBERT
00-2S-22-0310-000D-3760	CITY OF DESTIN	104	SIBERT
00-2S-22-0310-000D-3790	CITY OF DESTIN	112	SIBERT
00-2S-22-0310-000E-0RW0	CITY OF DESTIN		CRAIN
00-2S-22-1095-0242-0000	CLARKE STACEY ANN	4000	GULF TERRACE
00-2S-22-1095-0243-0000	CLARKE STACEY ANN	4000	GULF TERRACE
00-2S-22-1095-0000-0277	CLARKE STACEYANN S	4000	GULF TERRACE
00-2S-22-3075-0000-0000	CLUB DESTIN RESORT		AIRPORT
00-2S-22-3075-0000-1110	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1130	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1170	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1190	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1210	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1220	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1230	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1240	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1380	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1390	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1410	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1420	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1430	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1450	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1470	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1480	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1490	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1520	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1530	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1540	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1550	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1570	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1580	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1590	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1600	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1610	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1620	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1630	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1640	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1650	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1670	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2010	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2020	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2030	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2040	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2050	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2060	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2070	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2080	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2110	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2130	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2170	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2190	CLUB DESTIN RESORT	1085	HWY 98

00-2S-22-3075-0000-2210	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2220	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2230	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2240	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2350	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2360	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2370	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2380	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1010	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1020	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1040	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1050	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1060	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1070	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-1080	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2450	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2470	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2480	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2490	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2500	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2520	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2530	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2540	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2550	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2570	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2580	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2590	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2600	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2610	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2620	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2630	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2640	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2650	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2670	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3190	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4190	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-9999	CLUB DESTIN RESORT		AIRPORT
00-2S-22-3075-0000-3010	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3020	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3030	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3040	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3050	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3060	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3070	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3080	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3090	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3100	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3110	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3120	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3130	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3140	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3150	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-3160	CLUB DESTIN RESORT	1085	HWY 98

00-2S-22-3075-0000-3170	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4010	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4020	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4030	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4040	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4050	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4060	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4070	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4080	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4090	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4100	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4110	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4120	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4130	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4140	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4150	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4160	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-4170	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2410	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2420	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-3075-0000-2430	CLUB DESTIN RESORT	1085	HWY 98
00-2S-22-109C-0000-1180	COASTAL ACCOUNTING OF NW FL PA	1234	AIRPORT
00-2S-22-109C-0000-1190	COASTAL ACCOUNTING OF NW FL PA	1234	AIRPORT
00-2S-22-1095-0000-0281	COHEN ALDAI & SHALOM	4000	GULF TERRACE
00-2S-22-1095-0000-0275	COLE EDWARD F JR & CANDY F	4000	GULF TERRACE
00-2S-22-1095-0207-0000	COLEY DEBRA & COLEY-BAKER R	4000	GULF TERRACE
00-2S-22-1095-0225-0000	COLLIER TERRY A& MYRA B	4000	GULF TERRACE
00-2S-22-1095-0247-0000	COLLINS ANASTASIA J & ROBERT	4000	GULF TERRACE
00-2S-22-0630-0000-07B1	COLT ONE LLC	303	HARBOR
00-2S-22-1095-0000-0263	COOK CHRIS N & TERESA P	4000	GULF TERRACE
00-2S-22-1095-0000-0185	COOK RICHARD A & LORI L	4000	GULF TERRACE
00-2S-22-1095-0000-0192	COSTON RANDOLPH & DENISE	4000	GULF TERRACE
00-2S-22-1095-0246-0000	COX BOBBY G & LOUISE M	4000	GULF TERRACE
00-2S-22-1095-0210-0000	COX RODGERS L & COOK ASHLEY C	4000	GULF TERRACE
00-2S-22-1095-0146-0000	CRAY JOHN & KATHLEEN TRUST	4000	GULF TERRACE
00-2S-22-1095-0000-1006	CRITCH DENA & VANDERMOLEN P	4000	GULF TERRACE
00-2S-22-1095-0208-0000	CROSS JEFF & GLADYS	4000	GULF TERRACE
00-2S-22-1095-0000-0168	CROSS JEFFREY L & GLADYS V	4000	GULF TERRACE
00-2S-22-1095-0000-0268	CROSS JEFFREY L & GLADYS V	4000	GULF TERRACE
00-2S-22-1095-0222-0000	CROSSLEY SARA A	4000	GULF TERRACE
00-2S-22-1095-0120-0000	CUERVO ANA LUCIA	4000	GULF TERRACE
00-2S-22-1095-0245-0000	DABNEY ARTHUR L JR	4000	GULF TERRACE
00-2S-22-1095-0135-0000	DAY MICHAEL J	4000	GULF TERRACE
00-2S-22-0310-000E-E16D	DEARMON ALICE F (LIFE ESTATE)	523	SEA HILLS
00-2S-22-0310-000E-E16M	DEARMON ALICE F TRUST		AZALEA
00-2S-22-0310-000E-E16B	DEARMON ALICE F TRUST		SEA HILLS
00-2S-22-0310-000E-E16E	DEARMON ALICE F TRUST	527	SEA HILLS
00-2S-22-0310-000E-E16F	DEARMON ALICE F TRUST		SEA HILLS
00-2S-22-1095-0131-0000	DEATH BRIAN & LAUBACH MICHAEL	4000	GULF TERRACE
00-2S-22-1095-0000-0188	DEEP SOUTH COMPANIES INC	4000	GULF TERRACE
00-2S-22-1095-0123-0000	DEESE MICKEY J & DEBORAH A	4000	GULF TERRACE
00-2S-22-1095-0000-0182	DELMAIN FAMILY TRUST	4000	GULF TERRACE
00-2S-22-1095-0000-0282	DELMAIN FAMILY TRUST	4000	GULF TERRACE

00-2S-22-1095-0136-0000	DENEAU OLESYA	4000	GULF TERRACE
00-2S-22-1095-0000-0174	DERRY ROBERT L	4000	GULF TERRACE
00-2S-22-0310-000D-072I	DESTIN BAY HOUSE COTTAGES LLC	118	CALHOUN
00-2S-22-0310-000D-0030	DESTIN BAY HOUSE COTTAGES LLC	109	SIBERT
00-2S-22-0310-000D-0040	DESTIN BAY HOUSE COTTAGES LLC	115	SIBERT
00-2S-22-0000-0013-0020	DESTIN WATER USERS INC	1220	AIRPORT
00-2S-22-0135-0000-0020	DESTIN WATER USERS INC	133	BENNING
00-2S-22-1095-0212-0000	DIXON NANCY A & TAYLOR LESLIE	4000	GULF TERRACE
00-2S-22-1095-0112-0000	DODS WILLIAM L & MARGARET G	4000	GULF TERRACE
00-2S-22-1095-0000-0183	DRB REALTY COMPANY LLC	4000	GULF TERRACE
00-2S-22-1095-0118-0000	DUFAULT DANIEL & DENISE	4000	GULF TERRACE
00-2S-22-1095-0217-0000	DUFAULT DANIEL & DENISE	4000	GULF TERRACE
00-2S-22-1095-0000-0151	DUFAULT DANIEL & RACHAEL	4000	GULF TERRACE
00-2S-22-1095-0204-0000	DUFAULT DANIEL JR	4000	GULF TERRACE
00-2S-22-1095-0000-0159	EDWARD CHARLES R	4000	GULF TERRACE
00-2S-22-1095-0216-0000	ELLING CONNIE L	4000	GULF TERRACE
00-2S-22-0590-0000-00D0	EMERALD LTA-2	2942	OLD HWY 98
00-2S-22-0590-0000-00A0	EMERALD LTA-2 INC	2942	OLD HWY 98
00-2S-22-0590-0000-00B0	EMERALD LTA-2 INC	2942	OLD HWY 98
00-2S-22-0590-0000-00C0	EMERALD LTA-2 INC	2942	OLD HWY 98
00-2S-22-0590-0000-00E0	EMERALD LTA-2 INC	2942	OLD HWY 98
00-2S-22-0590-0000-00CA	EMERALD LTA-2 INC	2942	OLD HWY 98
00-2S-22-1095-0000-0251	EPLEY KEVIN & CAROL D	4000	GULF TERRACE
00-2S-22-1095-0000-0265	EVANS MATTHEW	4000	GULF TERRACE
00-2S-22-1095-0000-0198	FERNANDEZ DIANA	4000	GULF TERRACE
00-2S-22-1095-0000-0160	FERRELL VIRGINIA D	4000	GULF TERRACE
00-2S-22-1095-0202-0000	FERRELL VIRGINIA D	4000	GULF TERRACE
00-2S-22-0000-0018-000X	FESTIVAL FUN PARKS, LLC #701	1007	HWY 98
00-2S-22-109C-0000-1150	FINN YU SUK & TIMOTHY M	1234	AIRPORT
00-2S-22-0310-000D-0080	FLORIDA LAND INVEST PROP LLC	131	SIBERT
00-2S-22-0310-000D-005A	FLORIDA LAND INVESTMENT PROP	119	SIBERT
00-2S-22-0310-000D-0070	FLORIDA LAND INVESTMENT PROP	127	SIBERT
00-2S-22-0310-000D-0060	FLORIDA LAND INVESTMENT PROP		SIBERT
00-2S-22-0310-000D-0050	FLORIDA LAND INVESTMENT PROP	119	SIBERT
00-2S-22-0310-000D-0090	FLORIDA LAND INVESTMENT PROP	135	SIBERT
00-2S-22-0310-000D-072E	FLORIDA LAND INVT PROPERTY	124	CALHOUN
00-2S-22-0310-000D-072G	FLORIDA LAND INVT PROPERTY	122	CALHOUN
00-2S-22-1095-0145-0000	FORET FELIX & JEANNE	4000	GULF TERRACE
00-2S-22-1095-0232-0000	FOWLER JOHN M JR	4000	GULF TERRACE
00-2S-22-1095-0234-0000	GANGADHARAN VIJAYALAKSHMI &	4000	GULF TERRACE
00-2S-22-1095-0103-0000	GARRIOTT CAROLYN M	4000	GULF TERRACE
00-2S-22-109C-0000-1120	GAUVIN LLOYD D	1234	AIRPORT
00-2S-22-1095-0000-1001	GEORGE ROBERT & NESLIHAN C	4000	GULF TERRACE
00-2S-22-1095-0000-0271	GHULINYAN ANNA	4000	GULF TERRACE
00-2S-22-1095-0000-0254	GLOVER CHARLES T & JUANEESE F	4000	GULF TERRACE
00-2S-22-109C-0000-1040	GORLIN STEVE	1234	AIRPORT
00-2S-22-109C-0000-1050	GORLIN STEVE	1234	AIRPORT
00-2S-22-109C-0000-1060	GORLIN STEVE	1234	AIRPORT
00-2S-22-1095-0128-0000	GRANGER DEREK	4000	GULF TERRACE
00-2S-22-1095-0139-0000	GROTEN WILLIAM PETER & VICKIE	4000	GULF TERRACE
00-2S-22-109C-0000-0000	GULF PLACE OFFICE PARK		AIRPORT
00-2S-22-1095-0000-0158	GULF TERRACE CONDO ASSOCIATION	4000	GULF TERRACE
00-2S-22-1095-0000-0000	GULF TERRACE TWO		GULF TERRACE

00-2S-22-1095-0000-0199	GULLEDGE JAMES & SLATON PIERCE	4000	GULF TERRACE
00-2S-22-1095-0000-0267	GUNTER JANET C & KYSER GRACE S	4000	GULF TERRACE
00-2S-22-1095-0000-2005	HALE RICHARD & TONI	4000	GULF TERRACE
00-2S-22-1095-0000-2004	HALE RICHARD & TONI E	4000	GULF TERRACE
00-2S-22-1095-0000-0175	HALE RICHARD E & TONI E	4000	GULF TERRACE
00-2S-22-1095-0206-0000	HAMMONS BARBARA FARRIS	4000	GULF TERRACE
00-2S-22-1095-0000-0285	HARPER HAMILTON & DORIS	4000	GULF TERRACE
00-2S-22-1095-0000-0150	HARRELL PERRY J JR & CRAIG M &	4000	GULF TERRACE
00-2S-22-1095-0226-0000	HARTMANN KENNETH A & ALLEN D	4000	GULF TERRACE
00-2S-22-1095-0000-0255	HAYES PAMELA KAY	4000	GULF TERRACE
00-2S-22-1095-0141-0000	HELMS MARY J	4000	GULF TERRACE
00-2S-22-0310-000E-E16H	HENDERSON MICHAEL L	530	AZALEA
00-2S-22-1095-0000-0162	HIBBARD JAMES JR	4000	GULF TERRACE
00-2S-22-109C-0000-1030	HOLIDAY INVESTMENT PROPERTIES	1234	AIRPORT
00-2S-22-1095-0000-1008	HOWELL SHARON M	4000	GULF TERRACE
00-2S-22-1095-0000-1003	HUFF HARRY	4000	GULF TERRACE
00-2S-22-1095-0000-0176	IGLEHEART MICHAEL & TATUM ALAN	4000	GULF TERRACE
00-2S-22-1095-0000-0274	IRELAN ROBERT M	4000	GULF TERRACE
00-2S-22-1095-0000-0155	IRELAN ROBERT MICHAEL	4000	GULF TERRACE
00-2S-22-1095-0000-0250	ISENHOUR CHEYENNE	4000	GULF TERRACE
00-2S-22-1095-0109-0000	ISENHOUR CHEYENNE	4000	GULF TERRACE
00-2S-22-1095-0000-0272	ISOM WALTER JR & MARIA B	4000	GULF TERRACE
00-2S-22-0000-0013-0040	J P D INVESTMENTS INC	1021	HWY 98
00-2S-22-1095-0000-0177	JAMES DON & BECKY	4000	GULF TERRACE
00-2S-22-0310-000D-072H	JEFFERSON LAND TRUST NO 14	128	CALHOUN
00-2S-22-109C-0000-1250	JENKINS ENGINEERING INC	1234	AIRPORT
00-2S-22-109C-0000-1260	JENKINS ENGINEERING INC	1234	AIRPORT
00-2S-22-109C-0000-1270	JENKINS ENGINEERING INC	1234	AIRPORT
00-2S-22-109C-0000-1280	JENKINS ENGINEERING INC	1234	AIRPORT
00-2S-22-1095-0126-0000	JONES DAVID A	4000	GULF TERRACE
00-2S-22-109C-0000-1070	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-1080	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-1090	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-1100	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-1110	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-1160	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-1170	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-1220	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-1230	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-1240	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-2260	JPD INV INC	1234	AIRPORT
00-2S-22-109C-0000-2240	JPD INVESTMENTS INC	1234	AIRPORT
00-2S-22-109C-0000-2250	JPD INVESTMENTS INC	1234	AIRPORT
00-2S-22-0000-0013-0190	KAHUNA PROPERTY LLC		US HWY 98
00-2S-22-1095-0102-0000	KIM AMANDA	4000	GULF TERRACE
00-2S-22-1095-0127-0000	KING RONALD J & DONNA M	4000	GULF TERRACE
00-2S-22-1095-0124-0000	KIRK JEFFREY H	4000	GULF TERRACE
00-2S-22-1500-0000-0010	KMC GROUP LLC	139	SIBERT
00-2S-22-1500-0000-0020	KMC GROUP LLC	139	SIBERT
00-2S-22-1500-0000-0030	KMC GROUP LLC	139	SIBERT
00-2S-22-1500-0000-0040	KMC GROUP LLC	139	SIBERT
00-2S-22-1500-0000-0050	KMC GROUP LLC	139	SIBERT
00-2S-22-1500-0000-0060	KMC GROUP LLC	139	SIBERT

00-2S-22-1500-0000-0070	KMC GROUP LLC	139	SIBERT
00-2S-22-1500-0000-0080	KMC GROUP LLC	139	SIBERT
00-2S-22-1500-0000-0090	KMC GROUP LLC	139	SIBERT
00-2S-22-1500-0000-0CA0	KMC GROUP LLC		SIBERT
00-2S-22-1095-0000-0264	LAFEVER KELLY & CHLOE	4000	GULF TERRACE
00-2S-22-1095-0000-0252	LARKIN GEORGE & DEBORAH ET AL	4000	GULF TERRACE
00-2S-22-1095-0000-2000	LEFEVER KELLY	4000	GULF TERRACE
00-2S-22-1095-0000-0191	LEGENDRE FREDERICK J JR ETAL	4000	GULF TERRACE
00-2S-22-1095-0000-2002	LEWIS WILLIAM & BRENDA	4000	GULF TERRACE
00-2S-22-1095-0000-0279	LIGHTSEY SCOTT & BODENSTINE D	4000	GULF TERRACE
00-2S-22-1095-0144-0000	LONG TERESA M & MICHEL S	4000	GULF TERRACE
00-2S-22-1095-0000-0292	LOVE SANDRA E	4000	GULF TERRACE
00-2S-22-1095-0000-0295	LOYD MARSHALL J & SIMPSON DON	4000	GULF TERRACE
00-2S-22-1095-0000-1002	MARTIN CAROLYN	4000	GULF TERRACE
00-2S-22-1095-0000-0179	MARTIN CAROLYN H	4000	GULF TERRACE
00-2S-22-1095-0000-0291	MAYER BRYAN	4000	GULF TERRACE
00-2S-22-1095-0148-0000	MCCLELLAND REBECCA G & ET AL	4000	GULF TERRACE
00-2S-22-1095-0117-0000	MCNABB LARRY & MELBA	4000	GULF TERRACE
00-2S-22-1095-0000-0262	MERCHAN MARIA C & MARK A	4000	GULF TERRACE
00-2S-22-1095-0000-2008	MEYER WAYNE R & LISA M	4000	GULF TERRACE
00-2S-22-1095-0000-2001	MILES MARCELLA M	4000	GULF TERRACE
00-2S-22-1095-0000-0280	MISHAEL HANI	4000	GULF TERRACE
00-2S-22-1095-0000-0299	MISHAEL HANI	4000	GULF TERRACE
00-2S-22-1095-0000-1007	MISHAEL HANI	4000	GULF TERRACE
00-2S-22-1095-0000-2006	MORELOCK FAMILY TRUST	4000	GULF TERRACE
00-2S-22-0000-0024-001B	MVP INVESTMENTS LLC	1027	HWY 98
00-2S-22-0310-000D-072D	NAJARIAN BRIAN K	130	CALHOUN
00-2S-22-1095-0133-0000	NEW DIRECTION IRA INC FBO	4000	GULF TERRACE
00-2S-22-1095-0143-0000	NICHOLSON WM F UNIFIED CREDIT	4000	GULF TERRACE
00-2S-22-0000-0013-003D	NORTHLINE INVESTMENTS LLC	1083	HWY 98
00-2S-22-1095-0000-0296	O'BRIANT MARSHA & JEFF	4000	GULF TERRACE
00-2S-22-1095-0228-0000	OGUZ CETIN & CARMEN C	4000	GULF TERRACE
00-2S-22-0778-0000-0010	OKALOOSA GAS DISTRICT		ZERBE
00-2S-22-0310-000D-072B	OLD TOWN COTTAGES DEVELOP LLC	138	CALHOUN
00-2S-22-0310-000D-0720	OLD TOWN COTTAGES DEVELOPMENT	146	CALHOUN
00-2S-22-0310-000E-E16G	O'REILLY IRENE LYN & SHANE M	531	SEA HILLS
00-2S-22-0778-0000-0020	PALMER RUTH M	820	ZERBE
00-2S-22-1095-0000-0270	PARNELL TONI S	4000	GULF TERRACE
00-2S-22-1095-0000-0278	PEARLMAN DEBORAH J	4000	GULF TERRACE
00-2S-22-0630-0000-07B0	PLANTZ JAMISON L & LEECA	305	HARBOR
00-2S-22-1095-0000-0164	POPEE THOMAS H & CRIM STEPHEN	4000	GULF TERRACE
00-2S-22-1095-0000-0196	PRATER MILFORD G & KATHY K	4000	GULF TERRACE
00-2S-22-1095-0000-2007	PRESNALL LARRY W	4000	GULF TERRACE
00-2S-22-1095-0241-0000	PRICE VICTOR J	4000	GULF TERRACE
00-2S-22-1095-0000-0156	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0163	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0166	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0167	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0170	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0171	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0173	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0194	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0195	RAJU INVESTMENTS LLC	4000	GULF TERRACE

00-2S-22-1095-0000-0253	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0257	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0269	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0273	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0283	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0284	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0286	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0297	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0000-1000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0107-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0108-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0110-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0113-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0119-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0121-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0132-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0134-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0209-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0211-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0219-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0223-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0224-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0230-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0231-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0236-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0238-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0239-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-1095-0240-0000	RAJU INVESTMENTS LLC	4000	GULF TERRACE
00-2S-22-0000-0024-001C	RAMANANDA LLC	1035	HWY 98
00-2S-22-1095-0000-0187	RAY KEVIN P & TINSLEY B	4000	GULF TERRACE
00-2S-22-0000-0013-003A	REGIONAL SELF STORAGE	1230	AIRPORT
00-2S-22-109C-0000-2040	RENTALS AND REALESTATE LLC	1234	AIRPORT
00-2S-22-109C-0000-2050	RENTALS AND REALESTATE LLC	1234	AIRPORT
00-2S-22-109C-0000-2060	RENTALS AND REALESTATE LLC	1234	AIRPORT
00-2S-22-0000-0013-0260	REZMER CHRISTOPHER MICHAEL		AIRPORT
00-2S-22-1095-0214-0000	RILEY LARRY A & SUN T	4000	GULF TERRACE
00-2S-22-1095-0000-0180	RODGERS FRANCES E	4000	GULF TERRACE
00-2S-22-1095-0227-0000	RUEGG CARL	4000	GULF TERRACE
00-2S-22-109C-0000-2140	RUTT & STRUTT LLC	1234	AIRPORT
00-2S-22-109C-0000-2150	RUTT & STRUTT LLC	1234	AIRPORT
00-2S-22-109C-0000-2160	RUTT & STRUTT LLC	1234	AIRPORT
00-2S-22-1095-0000-1005	SANCHEZ MARY D	4000	GULF TERRACE
00-2S-22-1095-0000-0181	SANDY BEACHES LLC	4000	GULF TERRACE
00-2S-22-1095-0116-0000	SANTIAGO MONA R & ISIDRO	4000	GULF TERRACE
00-2S-22-0000-0058-0000	SHACKELFORD CHARLES M		INDIAN TRAIL PARK
00-2S-22-1095-0000-0261	SHARP ROBERT M & CAROL G	4000	GULF TERRACE
00-2S-22-1095-0244-0000	SIMS DYLAN T	4000	GULF TERRACE
00-2S-22-1095-0105-0000	SKROBACK KENNETH J & FLORA E	4000	GULF TERRACE
00-2S-22-1095-0000-0294	SMITH JULIE K & HARTMANN KEN A	4000	GULF TERRACE
00-2S-22-1095-0000-0186	SMITH MICHELE D	4000	GULF TERRACE
00-2S-22-1095-0137-0000	SMITH ROY & WHYTE MAUREEN	4000	GULF TERRACE
00-2S-22-1095-0201-0000	SMITHERMAN KENNETH W & MARY W	4000	GULF TERRACE
00-2S-22-0310-000D-0140	SPERIER ALBERT J & PATRICIA A	155	SIBERT

00-2S-22-0310-000D-072C	SPRING TED D & ANDREA S	134	CALHOUN
00-2S-22-1095-0142-0000	STEWART JUDY A	4000	GULF TERRACE
00-2S-22-1095-0138-0000	STIGLET LOUIS ALLEN JR	4000	GULF TERRACE
00-2S-22-1095-0248-0000	STOCKWELL AMANDA C	4000	GULF TERRACE
00-2S-22-1095-0000-0157	STOKES SCOTT & SOUTHERN JERRY	4000	GULF TERRACE
00-2S-22-1095-0130-0000	STOUGH ROBERT & YU	4000	GULF TERRACE
00-2S-22-109C-0000-1130	STRAUTMAN YAMILE	1234	AIRPORT
00-2S-22-109C-0000-1140	STRAUTMAN YAMILE	1234	AIRPORT
00-2S-22-1095-0000-0193	STRUNC IRIS & WILLIAM F	4000	GULF TERRACE
00-2S-22-1095-0000-0149	TASSIN BERNARD J	4000	GULF TERRACE
00-2S-22-1095-0000-0256	TAYLOR KENT D & ET AL	4000	GULF TERRACE
00-2S-22-1095-0140-0000	THE 40:31 GROUP LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0289	THOMPSON MELISSA	4000	GULF TERRACE
00-2S-22-1095-0000-0161	TOWNSEND PATRICIA E	4000	GULF TERRACE
00-2S-22-1095-0000-0165	TOWNSEND PATRICIA E	4000	GULF TERRACE
00-2S-22-1095-0000-0178	TOWNSEND PATRICIA E & ANTHONY	4000	GULF TERRACE
00-2S-22-1095-0000-0290	TRAVIS JOAN M (HEIRS OF)	4000	GULF TERRACE
00-2S-22-0630-0000-11A3	TRUST FOR PUBLIC LAND	101	CALHOUN
00-2S-22-0000-0011-006A	U S POSTAL SERVICE	175	MAIN
00-2S-22-1095-0000-0189	UNIT 298 LLC	4000	GULF TERRACE
00-2S-22-1095-0000-0298	UNIT 298 LLC	4000	GULF TERRACE
00-2S-22-0000-0024-0040	VAL-LU DEVELOPMENT LLC	1071	HWY 98
00-2S-22-1095-0000-0260	VIRDEN ROBERT	4000	GULF TERRACE
00-2S-22-0000-0024-003B	WAFFLE HOUSE INC	1067	HWY 98
00-2S-22-1095-0000-1004	WARD JOHN M & DELAINE R	4000	GULF TERRACE
00-2S-22-1095-0000-0152	WATZKE LEON JR & BARBARA	4000	GULF TERRACE
00-2S-22-1095-0221-0000	WEDA HOLDINGS LLC	4000	GULF TERRACE
00-2S-22-1095-0237-0000	WEST PAMELA H	4000	GULF TERRACE
00-2S-22-1095-0203-0000	WEST PAMELA HAYES	4000	GULF TERRACE
00-2S-22-0310-000D-002A	WHITE CHRISTOPHER		SIBERT
00-2S-22-0630-0000-1230	WHITE FAMILY TRUST	102	CALHOUN
00-2S-22-0630-0000-1240	WHITE FAMILY TRUST	104	CALHOUN
00-2S-22-0310-000D-0020	WHITE FAMILY TRUST		SIBERT
00-2S-22-0310-000D-072J	WHITE KATSUE (LIFE ESTATE)	108	CALHOUN
00-2S-22-109C-0000-1200	WHITE SANDS RESORT OFFICE LLC	1234	AIRPORT
00-2S-22-109C-0000-1210	WHITE SANDS RESORT OFFICE LLC	1234	AIRPORT
00-2S-22-1095-0213-0000	WHITFIELD WILLIAM SR	4000	GULF TERRACE
00-2S-22-0310-000E-E170	WILDCAT MNT LLC		AZALEA
00-2S-22-0310-000E-E17B	WILDCAT MNT LLC		AZALEA
00-2S-22-0310-000E-E17A	WILDCAT MNT LLC		AZALEA
00-2S-22-1095-0000-0197	WOLFENDEN DAVID L & DEBRA S	4000	GULF TERRACE
00-2S-22-031C-0000-0010	WORKMAN GRETCHEN A	526	AZALEA
00-2S-22-031C-0000-0020	WORKMAN GRETCHEN A		AZALEA
00-2S-22-1095-0106-0000	WYLIE CLYDE JR	4000	GULF TERRACE
00-2S-22-1095-0101-0000	ZINKHAN KRISTINE & ROBERT	4000	GULF TERRACE

Current Zoning	Proposed Zoning
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ROI-GD	TCMU
ROI-GD	TCMU
ROI-GD	CMU-V
ROI-GD	TCMU
MDR-V	ROI
ROI-GD	TCMU
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ROI-GD	TCMU
ROI-GD	TCMU
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NHMU	INST
ROI-GD	INST
MDR-V	ROI
ROI-GD	TCMU
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ITEM # 2019-1286

CITY OF DESTIN

AGENDA ITEM

COUNCIL MEETING DATE: June 3, 2019
TYPE OF AGENDA ITEM: Consent Agenda

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Wen Livingston, Library Director

DATE: May 27, 2019

SUBJECT: Destin Library Computer Filtering Policy

I. BACKGROUND:

The reasons for adopting this policy are:

1. It puts the Destin Library in compliance with the Children's Internet Protection Act (CIPA) so that we can apply for federal monies from places like the Institute of Museum and Library Services.
2. It will allow students under the age of 18 to access our internet computers. Right now we have to have a signed permission slip on file for any minor who needs to use the computers since our computers are not filters; otherwise they cannot use the internet computers

II. DISCUSSION: As of April 24, 2019, 88.7% or 125 of 141 public libraries use filtering software.

- **A. Link to Strategic Goals / Objectives:**
- **B. Effect on Budget (EOB):**
- **C. Level of Service (LOS):**

III. CONCLUSION: It is to the City's advantage to adopt the Destin Library Internet Use Policy

IV. RECOMMENDED MOTION: I move to adopt the Destin Library Public Access Computer and Internet Use Policy and authorize the Mayor to sign the document.

Attachments:

1. Destin Library Public Access Computer and Internet Use Policy
2. Children's Internet Protection Act
3. Internet Policies & Filtering in Florida's Public Libraries

City of Destin Library Public Access Computer and Internet Use Policy

Internet Access and Filtering

The Internet, a worldwide network, is an essential medium for obtaining and transmitting information. However, it is unregulated and also provides access to information that is inaccurate, illegal or that some may find offensive or disturbing. To provide a safe internet environment for all ages, filtering software is installed on the Library's public access computers and Wi-Fi network.

Acceptable Use Rules

1. *Access:* Patrons may access Library computers or Wi-Fi with their Library card or with a guest pass from the circulation desk. Free Wi-Fi access is also available. Ask a Library staff member for the password.

2. *Time Limits:* Patrons may use public access computers for a maximum of 2 hours per day. If no one is waiting to use a computer, the time limit can be extended. Computers are automatically turned off 15 minutes before the library closes.

3. *Misuse:* Patrons will not use Library computers or Wi-Fi to access, view, or send, obscene, offensive, sexually suggestive, pornographic, and or illegal materials. Patrons will not tamper with, modify, disable, or conduct any illegal activity with Library computer equipment, software and or Wi-Fi network.

4. *Consideration of other users*: Patrons will not attempt to modify or access passwords or data of other Library patrons nor engage in activity that is disruptive or offensive. All Library computer users will abide by the Library's Standards of Acceptable Library Behavior Policy.

Minors Accessing the Internet

To allow students usage of internet resources and Wi-Fi, (filtered) Internet access computers are available to minor children ages 11 to 17. These computers will not require a parental permission slip. Children under the age of 11 require supervision of a parent or guardian to use internet access computers, and or Wi-Fi and will be held to the same rules as outlined in this policy.

Parent/Legal Guardian Responsibility

Supervision of minors using the Internet rests solely with the parent(s) or guardian(s). The Library does not act in loco parentis (in place of parents), and Library staff is not responsible for what a minor may read or view on the Library's public access computers.

Library Responsibility:

1. *Confidentiality/Privacy:* The Library protects your information as required by state and federal laws.

2. *Internet Filter:* In accordance with the Children's Internet Protection Act (CIPA), the Library's public computers and Wi-Fi are equipped with software that is designed to block access to sites containing visual depictions and/or information which may be construed to be obscene, child pornography, or "harmful to minors" as currently defined by Federal and State laws. Contact library staff for any conflicts with filtering restrictions.

Enforcement of Policy:

Library staff is authorized to take prompt action to address instances of inappropriate use of library computers. Failure to comply with this policy and its procedures can result in the loss of Library privileges, civil, and or criminal charges.

Disclaimers

Internet filtering software is not perfect and may fail to block access to some illegal or objectionable material. Likewise, it may falsely block material that is appropriate for the public library.

The Library is not liable for direct, indirect or consequential damages related to the use of information accessed through the Library's internet computers.

The Library is not responsible for any damage incurred to users' electronic devices while using the library's Wi-Fi network. Patrons are advised to use anti-virus software while using any public access internet network and encouraged to use internet safety practices to protect their information.

ADOPTED THIS 3rd DAY OF JUNE 2019

By: _____

Gary Jarvis, Mayor

ATTEST

_____

Rey Bailey, City Clerk

TITLE XVII--CHILDREN'S INTERNET PROTECTION

SEC. 1701. SHORT TITLE.

This title may be cited as the ``Children's Internet Protection Act".

SEC. 1702. DISCLAIMERS.

(a) **DISCLAIMER REGARDING CONTENT.--**Nothing in this title or the amendments made by this title shall be construed to prohibit a local educational agency, elementary or secondary school, or library from blocking access on the Internet on computers owned or operated by that agency, school, or library to any content other than content covered by this title or the amendments made by this title.

(b) **DISCLAIMER REGARDING PRIVACY.--**Nothing in this title or the amendments made by this title shall be construed to require the tracking of Internet use by any identifiable minor or adult user.

SEC. 1703. STUDY OF TECHNOLOGY PROTECTION MEASURES.

(a) **IN GENERAL.--**Not later than 18 months after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of--

(1) evaluating whether or not currently available technology protection measures, including commercial Internet blocking and filtering software, adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of measures that meet such needs; and

(3) evaluating the development and effectiveness of local Internet safety policies that are currently in operation after community input.

(b) **DEFINITIONS.--**In this section:

(1) **TECHNOLOGY PROTECTION MEASURE.--**The term ``technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are--

(A) obscene, as that term is defined in section 1460 of title 18, United States Code;

(B) child pornography, as that term is defined in section 2256 of title 18, United States Code; or

(C) harmful to minors.

(2) **HARMFUL TO MINORS.--**The term ``harmful to minors'' means any picture, image, graphic image file, or other visual depiction that--

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(3) **SEXUAL ACT; SEXUAL CONTACT.--**The terms ``sexual act'' and ``sexual contact'' have the meanings given such terms in section 2246 of title 18, United States Code.

Subtitle A--Federal Funding for Educational Institution Computers

SEC. 1711. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

``PART F--LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS

``SEC. 3601. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

``(a) **INTERNET SAFETY**.--

``(1) **IN GENERAL**.--No funds made available under this title to a local educational agency for an elementary or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934, as added by section 1721 of Children's Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both--

``(A)(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

``(I) obscene;

``(II) child pornography; or

``(III) harmful to minors; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

``(B)(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

``(I) obscene; or

``(II) child pornography; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers.

``(2) **TIMING AND APPLICABILITY OF IMPLEMENTATION**.--

``(A) **IN GENERAL**.--The local educational agency with responsibility for a school covered by paragraph (1) shall certify the compliance of such school with the requirements of paragraph (1) as part of the application process for the next program funding year under this Act following the effective date of this section, and for each subsequent program funding year thereafter.

``(B) **PROCESS**.--

``(i) **SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE**.--A local educational agency with responsibility for a school covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

``(ii) **SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE**.--A local educational agency with responsibility for a school covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)--

``(I) for the first program year after the effective date of this section in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

``(II) for the second program year after the effective date of this section in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

Any school covered by paragraph (1) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this title for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

``(iii) **WAIVERS**.--Any school subject to a certification under clause (ii)(II) for which the local educational agency concerned cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The local educational agency concerned shall notify the Secretary of the applicability of that clause to the school. Such notice shall certify that the school will be brought into compliance with the requirements in paragraph (1) before the start of the third program year after the effective date of this section in which the school is applying for funds under this title.

``(3) **DISABLING DURING CERTAIN USE**.--An administrator, supervisor, or person authorized by the responsible authority under paragraph (1) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

``(4) **NONCOMPLIANCE**.--

``(A) **USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES**.--Whenever the Secretary has reason to believe that any recipient of funds under this title is failing to comply substantially with the requirements of this subsection, the Secretary may--

``(i) withhold further payments to the recipient under this title,

``(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

``(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,

in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act (20 U.S.C. 1234d).

``(B) **RECOVERY OF FUNDS PROHIBITED**.--The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this subsection, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

``(C) **RECOMMENCEMENT OF PAYMENTS**.--Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that subparagraph.

``(5) **DEFINITIONS**.--In this section:

``(A) **COMPUTER**.--The term `computer' includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

``(B) **ACCESS TO INTERNET**.--A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet.

``(C) **ACQUISITION OR OPERATION**.--A elementary or secondary school shall be considered to have received funds under this title for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly--

``(i) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

``(ii) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

``(D) **MINOR**.--The term `minor' means an individual who has not attained the age of 17.

``(E) **CHILD PORNOGRAPHY**.--The term `child pornography' has the meaning given such term in section 2256 of title 18, United States Code.

``(F) **HARMFUL TO MINORS**.--The term `harmful to minors' means any picture, image, graphic image file, or other visual depiction that--

``(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

``(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

``(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

``(G) **OBSCENE**.--The term `obscene' has the meaning given such term in section 1460 of title 18, United States Code.

``(H) **SEXUAL ACT; SEXUAL CONTACT**.--The terms `sexual act' and `sexual contact' have the meanings given such terms in section 2246 of title 18, United States Code.

``(b) **EFFECTIVE DATE**.--This section shall take effect 120 days after the date of the enactment of the Children's Internet Protection Act.

``(c) **SEPARABILITY**.--If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.".

SEC. 1712. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR LIBRARIES.

(a) **AMENDMENT**.--Section 224 of the Museum and Library Services Act (20 U.S.C. 9134(b)) is amended--

(1) in subsection (b)--

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

``(6) provide assurances that the State will comply with subsection (f); and"; and

(2) by adding at the end the following new subsection:

``(f) **INTERNET SAFETY**.--

``(1) **IN GENERAL**.--No funds made available under this Act for a library described in section 213(2)(A) or (B) that does not receive services at discount rates under section 254(h)(6) of the Communications Act of 1934, as added by section 1721 of this Children's Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless--

``(A) such library--

``(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

``(I) obscene;

``(II) child pornography; or

``(III) harmful to minors; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

``(B) such library--

``(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

``(I) obscene; or

``(II) child pornography; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers.

``(2) **ACCESS TO OTHER MATERIALS**.--Nothing in this subsection shall be construed to prohibit a library from limiting Internet access to or otherwise protecting against materials other than those referred to in subclauses (I), (II), and (III) of paragraph (1)(A)(i).

``(3) **DISABLING DURING CERTAIN USE**.--An administrator, supervisor, or other authority may disable a technology protection measure under paragraph (1) to enable access for bona fide research or other lawful purposes.

``(4) **TIMING AND APPLICABILITY OF IMPLEMENTATION**.--

``(A) **IN GENERAL**.--A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of the application process for the next program funding year under this Act following the effective date of this subsection, and for each subsequent program funding year thereafter.

``(B) **PROCESS**.--

``(i) **LIBRARIES WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE**.--A library covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

``(ii) **LIBRARIES WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE**.--A library covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)--

``(I) for the first program year after the effective date of this subsection in which the library applies for funds under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

``(II) for the second program year after the effective date of this subsection in which the library applies for funds under this Act, shall certify that such library is in compliance with such requirements.

Any library covered by paragraph (1) that is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this Act for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

``(iii) **WAIVERS**.--Any library subject to a certification under clause (ii)(II) that cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The library shall notify the Director of the Institute of Museum and Library Services of the applicability of that clause to the library. Such notice shall certify that the library will comply with the requirements in paragraph (1) before the start of the third program year after the effective date of this subsection for which the library is applying for funds under this Act.

``(5) **NONCOMPLIANCE**.--

``(A) **USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES**.--Whenever the Director of the Institute of Museum and Library Services has reason to believe that any recipient of funds this Act is failing to comply substantially with the requirements of this subsection, the Director may--

``(i) withhold further payments to the recipient under this Act,

``(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

``(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements.

``(B) **RECOVERY OF FUNDS PROHIBITED**.--The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a library to comply substantially with a provision of this subsection, and the Director shall not seek a recovery of funds from the recipient for such failure.

``(C) **RECOMMENCEMENT OF PAYMENTS**.--Whenever the Director determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Director shall cease the withholding of payments to the recipient under that subparagraph.

``(6) **SEPARABILITY**.--If any provision of this subsection is held invalid, the remainder of this subsection shall not be affected thereby.

``(7) **DEFINITIONS**.--In this section:

``(A) **CHILD PORNOGRAPHY**.--The term `child pornography' has the meaning given such term in section 2256 of title 18, United States Code.

``(B) **HARMFUL TO MINORS**.--The term `harmful to minors' means any picture, image, graphic image file, or other visual depiction that--

``(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

``(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

``(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

``(C) **MINOR**.--The term `minor' means an individual who has not attained the age of 17.

``(D) **OBSCENE**.--The term `obscene' has the meaning given such term in section 1460 of title 18, United States Code.

``(E) **SEXUAL ACT; SEXUAL CONTACT**.--The terms `sexual act' and `sexual contact' have the meanings given such terms in section 2246 of title 18, United States Code.".

(b) **EFFECTIVE DATE**.--The amendment made by this section shall take effect 120 days after the date of the enactment of this Act.

Subtitle B--Universal Service Discounts

SEC. 1721. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO ENFORCE INTERNET SAFETY POLICIES WITH TECHNOLOGY PROTECTION MEASURES FOR COMPUTERS WITH INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

(a) **SCHOOLS**.--Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended--

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraph (5):

``(5) **REQUIREMENTS FOR CERTAIN SCHOOLS WITH COMPUTERS HAVING INTERNET ACCESS**.--

``(A) **INTERNET SAFETY**.--

``(i) **IN GENERAL**.--Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the school, school board, local educational agency, or other authority with responsibility for administration of the school--

``(I) submits to the Commission the certifications described in subparagraphs (B) and (C);

``(II) submits to the Commission a certification that an Internet safety policy has been adopted and implemented for the school under subsection (l); and

``(III) ensures the use of such computers in accordance with the certifications.

``(ii) **APPLICABILITY**.--The prohibition in clause (i) shall not apply with respect to a school that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

``(iii) **PUBLIC NOTICE; HEARING**.--An elementary or secondary school described in clause (i), or the school board, local educational agency, or other authority with responsibility for administration of the school, shall provide reasonable public notice and

hold at least 1 public hearing or meeting to address the proposed Internet safety policy. In the case of an elementary or secondary school other than an elementary or secondary school as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), the notice and hearing required by this clause may be limited to those members of the public with a relationship to the school.

``(B) **CERTIFICATION WITH RESPECT TO MINORS**.--A certification under this subparagraph is a certification that the school, school board, local educational agency, or other authority with responsibility for administration of the school--

``(i) is enforcing a policy of Internet safety for minors that includes monitoring the online activities of minors and the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

``(I) obscene;

``(II) child pornography; or

``(III) harmful to minors; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors.

``(C) **CERTIFICATION WITH RESPECT TO ADULTS**.--A certification under this paragraph is a certification that the school, school board, local educational agency, or other authority with responsibility for administration of the school--

``(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

``(I) obscene; or

``(II) child pornography; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers.

``(D) **DISABLING DURING ADULT USE**.--An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(i) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

``(E) **TIMING OF IMPLEMENTATION**.--

``(i) **IN GENERAL**.--Subject to clause (ii) in the case of any school covered by this paragraph as of the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made--

``(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

``(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

``(ii) **PROCESS**.--

``(I) **SCHOOLS WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE**.--A school covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

``(II) **SCHOOLS WITHOUT INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE**.--A school covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C)--

``(aa) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

``(bb) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any school that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such school comes into compliance with this paragraph.

``(III) **WAIVERS**.--Any school subject to subclause (II) that cannot come into compliance with subparagraphs (B) and (C) in such second year program may seek a waiver of subclause (II)(bb) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A school, school board, local educational agency, or other authority with responsibility for administration of the school shall notify the Commission of the applicability of such subclause to the school. Such notice shall certify that the school in question will be brought into compliance before the start of the third program year after the effective date of this subsection in which the school is applying for funds under this subsection.

``(F) **NONCOMPLIANCE**.--

``(i) **FAILURE TO SUBMIT CERTIFICATION**.--Any school that knowingly failsto comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

``(ii) **FAILURE TO COMPLY WITH CERTIFICATION**.--Any school that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraphs (B) and (C) shall reimburse any funds and discounts received under this subsection for the period covered by such certification.

``(iii) **REMEDY OF NONCOMPLIANCE**.--

``(I) **FAILURE TO SUBMIT**.--A school that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the school shall be eligible for services at discount rates under this subsection.

``(II) **FAILURE TO COMPLY**.--A school that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring the use of its computers in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the school shall be eligible for services at discount rates under this subsection.".

(b) **LIBRARIES**.--Such section 254(h) is further amended by inserting after paragraph (5), as amended by subsection (a) of this section, the following new paragraph:

``(6) **REQUIREMENTS FOR CERTAIN LIBRARIES WITH COMPUTERS HAVING INTERNET ACCESS**.--

``(A) **INTERNET SAFETY**.--

``(i) **IN GENERAL**.--Except as provided in clause (ii), a library having one or more computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the library--

``(I) submits to the Commission the certifications described in subparagraphs (B) and (C); and

``(II) submits to the Commission a certification that an Internet safety policy has been adopted and implemented for the library under subsection (l); and

``(III) ensures the use of such computers in accordance with the certifications.

``(ii) **APPLICABILITY**.--The prohibition in clause (i) shall not apply with respect to a library that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

``(iii) **PUBLIC NOTICE; HEARING**.--A library described in clause (i) shall provide reasonable public notice and hold at least 1 public hearing or meeting to address the proposed Internet safety policy.

``(B) **CERTIFICATION WITH RESPECT TO MINORS**.--A certification under this subparagraph is a certification that the library--

``(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

``(I) obscene;

``(II) child pornography; or

``(III) harmful to minors; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors.

``(C) **CERTIFICATION WITH RESPECT TO ADULTS**.--A certification under this paragraph is a certification that the library--

``(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are--

``(I) obscene; or

``(II) child pornography; and

``(ii) is enforcing the operation of such technology protection measure during any use of such computers.

``(D) **DISABLING DURING ADULT USE**.--An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(i) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

``(E) **TIMING OF IMPLEMENTATION**.--

``(i) **IN GENERAL**.--Subject to clause (ii) in the case of any library covered by this paragraph as of the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made--

``(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

``(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

``(ii) **PROCESS**.--

``(I) **LIBRARIES WITH INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE**.--A library covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

``(II) **LIBRARIES WITHOUT INTERNET SAFETY POLICY AND TECHNOLOGY PROTECTION MEASURES IN PLACE**.--A library covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C)--

``(aa) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

``(bb) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any library that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such library comes into compliance with this paragraph.

``(III) **WAIVERS**.--Any library subject to subclause (II) that cannot come into compliance with subparagraphs (B) and (C) in such second year may seek a waiver of subclause (II)(bb) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A library, library board, or other authority with responsibility for administration of the library shall notify the Commission of the applicability of such subclause to the library. Such notice shall certify that the library in question will be brought into compliance before the start of the third program year after the effective date of this subsection in which the library is applying for funds under this subsection.

``(F) **NONCOMPLIANCE**.--

``(i) **FAILURE TO SUBMIT CERTIFICATION**.--Any library that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

``(ii) **FAILURE TO COMPLY WITH CERTIFICATION**.--Any library that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraphs (B) and (C) shall reimburse all funds and discounts received under this subsection for the period covered by such certification.

``(iii) **REMEDY OF NONCOMPLIANCE**.--

``(I) **FAILURE TO SUBMIT**.--A library that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the library shall be eligible for services at discount rates under this subsection.

``(II) **FAILURE TO COMPLY**.--A library that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring the use of its computers in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the library shall be eligible for services at discount rates under this subsection.".

(c) **DEFINITIONS**.--Paragraph (7) of such section, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following:

``(D) **MINOR**.--The term `minor' means any individual who has not attained the age of 17 years.

``(E) **OBSCENE**.--The term `obscene' has the meaning given such term in section 1460 of title 18, United States Code.

``(F) **CHILD PORNOGRAPHY**.--The term `child pornography' has the meaning given such term in section 2256 of title 18, United States Code.

``(G) **HARMFUL TO MINORS**.--The term `harmful to minors' means any picture, image, graphic image file, or other visual depiction that--

``(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

``(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

``(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

``(H) **SEXUAL ACT; SEXUAL CONTACT**.--The terms `sexual act' and `sexual contact' have the meanings given such terms in section 2246 of title 18, United States Code.

``(I) **TECHNOLOGY PROTECTION MEASURE**.--The term `technology protection measure' means a specific technology that blocks or filters Internet access to the material covered by a certification under paragraph (5) or (6) to which such certification relates.".

(d) **CONFORMING AMENDMENT**.--Paragraph (4) of such section is amended by striking ``paragraph (5)(A)" and inserting ``paragraph (7)(A)".

(e) **SEPARABILITY**.--If any provision of paragraph (5) or (6) of section 254(h) of the Communications Act of 1934, as amended by this section, or the application thereof to any person or circumstance is held invalid, the remainder of such paragraph and the application of such paragraph to other persons or circumstances shall not be affected thereby.

(f) **REGULATIONS**.--

(1) **REQUIREMENT**.--The Federal Communications Commission shall prescribe regulations for purposes of administering the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) **DEADLINE**.--Notwithstanding any other provision of law, the Commission shall prescribe regulations under paragraph (1) so as to ensure that such regulations take effect 120 days after the date of the enactment of this Act.

(g) **AVAILABILITY OF CERTAIN FUNDS FOR ACQUISITION OF TECHNOLOGY PROTECTION MEASURES.**

(1) **IN GENERAL**.--Notwithstanding any other provision of law, funds available under section 3134 or part A of title VI of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title. No other sources of funds for the purchase or acquisition of such measures are authorized by this title, or the amendments made by this title.

(2) **TECHNOLOGY PROTECTION MEASURE DEFINED**.--In this section, the term ``technology protection measure'' has the meaning given that term in section 1703.

(h) **EFFECTIVE DATE**.--The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

Subtitle C--Neighborhood Children's Internet Protection

SEC. 1731. SHORT TITLE.

This subtitle may be cited as the ``Neighborhood Children's Internet Protection Act''.

SEC. 1732. INTERNET SAFETY POLICY REQUIRED.

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

``(l) **INTERNET SAFETY POLICY REQUIREMENT FOR SCHOOLS AND LIBRARIES**.--

``(1) **IN GENERAL**.--In carrying out its responsibilities under subsection (h), each school or library to which subsection (h) applies shall--

``(A) adopt and implement an Internet safety policy that addresses--

``(i) access by minors to inappropriate matter on the Internet and World Wide Web;

``(ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

``(iii) unauthorized access, including so-called `hacking', and other unlawful activities by minors online;

``(iv) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

``(v) measures designed to restrict minors' access to materials harmful to minors; and

``(B) provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy.

``(2) **LOCAL DETERMINATION OF CONTENT**.--A determination regarding what matter is inappropriate for minors shall be made by the school board, local educational agency, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may--

``(A) establish criteria for making such determination;

``(B) review the determination made by the certifying school, school board, local educational agency, library, or other authority; or

``(C) consider the criteria employed by the certifying school, school board, local educational agency, library, or other authority in the administration of subsection (h)(1)(B).

``(3) **AVAILABILITY FOR REVIEW**.--Each Internet safety policy adopted under this subsection shall be made available to the Commission, upon request of the Commission, by the school, school board, local educational agency, library, or other authority responsible for adopting such Internet safety policy for purposes of the review of such Internet safety policy by the Commission.

``(4) **EFFECTIVE DATE**.--This subsection shall apply with respect to schools and libraries on or after the date that is 120 days after the date of the enactment of the Children's Internet Protection Act.".

SEC. 1733. IMPLEMENTING REGULATIONS.

Not later than 120 days after the date of enactment of this Act, the Federal Communications Commission shall prescribe regulations for purposes of section 254(l) of the Communications Act of 1934, as added by section 1732 of this Act.

Subtitle D--Expedited Review

SEC. 1741. EXPEDITED REVIEW.

(a) **THREE-JUDGE DISTRICT COURT HEARING**.--Notwithstanding any other provision of law, any civil action challenging the constitutionality, on its face, of this title or any amendment made by this title, or any provision thereof, shall be heard by a district court of 3 judges convened pursuant to the provisions of section 2284 of title 28, United States Code.

(b) **APPELLATE REVIEW**.--Notwithstanding any other provision of law, an interlocutory or final judgment, decree, or order of the court of 3 judges in an action under subsection (a) holding this title or an amendment made by this title, or any provision thereof, unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court. Any such appeal shall be filed not more than 20 days after entry of such judgment, decree, or order.

INTERNET POLICIES & FILTERING IN FLORIDA'S PUBLIC LIBRARIES

Division of Library and Information Services

April 24, 2019

In March 2019, the Florida Department of State's Division of Library and Information Services surveyed Florida's public libraries to identify Internet usage policies and filtering practices. There are 141 county and municipal public library administrative units and member libraries in Florida's 67 counties. A per-county overview of these practices follows.

Key findings

Internet policies	Number of libraries	Percent of libraries
Internet policies adopted by the local governing body	138	97.9%
Policies prohibit display of obscene images or images offensive to others	140	99.3%

Use of filtering software or technology

Currently filter all or some computers	125	88.7%
Do not currently filter computers	16	11.3%
Total	141	100.0%

Internet safety program

Implemented or plan to implement	69	48.9%

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Alachua	Alachua County Library District (PAL Public Library Cooperative)	Yes iPrism	Yes	Yes	Yes	Yes NetSmartz
Baker	Emily Taber Public Library (New River Public Library Cooperative)	Yes iBoss	Yes	Yes	Yes	No
Bay	Bay County Public Library (Northwest Regional Library System)	No	Yes	Yes	N/A	No
Bay	Lynn Haven Public Library	Yes Firebox	Yes	Yes	Yes	No
Bradford	Bradford County Public Library (New River Public Library Cooperative)	Yes County IT	Yes	Yes	Yes	Yes NetSmartz
Brevard	Brevard County Library System	Yes Websense	Yes	Yes	Yes	No
Broward	Broward County Division of Libraries	Yes E86	Yes	Yes	Yes	Yes Internet Safety
Broward	Doreen Gauthier Lighthouse Point Library	Yes SonicWall	Yes	Yes	Yes	Yes NetSmartz
Broward	Helen B. Hoffman Plantation Library	Yes Websense	Yes	Yes	N/A	No
Broward	Oakland Park Library	Yes City-created firewall	Yes	Yes	N/A	No

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Broward	Parkland Public Library	Yes Iron Port	Yes	Yes	Yes	Yes
Broward	Richard C. Sullivan Public Library of Wilton Manors	Yes Userful	Yes	Yes	N/A	No
Calhoun	Calhoun County Public Library (Panhandle Public Library Cooperative System)	Yes WebBlocker	Yes	Yes	Yes	No
Charlotte	Charlotte County Library System	Yes Websense	Yes	Yes	Yes	Yes NetSmartz
Citrus	Citrus County Library System	Yes WebBlocker	Yes	Yes	Yes	No
Citrus	Citrus Springs Memorial Library	NR	NR	NR	NR	NR
Clay	Clay County Public Library System	Yes Websense	Yes	Yes	Yes	No
Collier	Collier County Public Library	Yes Zscalei	Yes	Yes	Yes	Yes NetSmartz
Columbia	Columbia County Public Library	Yes Barracuda	Yes	Yes	Yes	No
DeSoto	DeSoto County Library (Heartland Library Cooperative	Yes State	Yes	Yes	Yes	No
Dixie	Dixie County Public Library (Three Rivers Regional Library System)	Yes iBoss	Yes	Yes	Yes	No

N/A = Not applicable
NR = Not reported

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Duval	Jacksonville Public Library	Yes McAfee Web Gateway	Yes	Yes	Yes	Yes Internet Safety and Security, Internet Searching and Evaluating Websites, Safe Online Shopping
Escambia	West Florida Public Libraries	Yes Fortigate	Yes	Yes	Yes	Yes A Parent's Guide to Internet safety (FBI)
Flagler	Flagler Beach Library	No	Yes	Yes	Yes	No
Flagler	Flagler County Public Library	Yes SonicWall	Yes	Yes	Yes	No
Franklin	Apalachicola Municipal Library	No	Yes	Yes	N/A	No
Franklin	Franklin County Public Library (Wilderness Coast Public Libraries)	Yes iBoss	Yes	Yes	Yes	Yes Net Cetera
Gadsden	Gadsden County Public Library	Yes iBoss	Yes	Yes	Yes	Yes
Gilchrist	Gilchrist County Public Library (Three Rivers Regional Library System)	Yes iBoss	Yes	Yes	Yes	No
Glades	Glades County Public Library (Heartland Library Cooperative)	Yes OpenDNS	Yes	Yes	Yes	No

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Gulf	Port Saint Joe Library (Northwest Regional Library System)	No	Yes	Yes	N/A	No
Hamilton	Virginia B. Chandler Public Library (Suwannee River Regional Library System)	Yes iWayPatrol	Yes	Yes	Yes	Yes SafetyNet
Hardee	Hardee County Public Library (Heartland Library Cooperative)	Yes OpenDNS	Yes	Yes	Yes	No
Hendry	Hendry County Library System	Yes Open Source Filter	Yes	Yes	Yes	No
Hernando	Hernando County Public Library System	No	Yes	Yes	No	No
Highlands	Highlands County Library System (Heartland Library Cooperative)	Yes Check Point	Yes	Yes	Yes	No
Hillsborough	Bruton Memorial Library (Hillsborough County Public Library Cooperative)	Yes Check Point	Yes	Yes	Yes	Yes NetSmartz

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Hillsborough	Tampa-Hillsborough County Public Library System (Hillsborough County Public Library Cooperative)	Yes Check Point	Yes	Yes	Yes	Yes NetSmartz
Hillsborough	Temple Terrace Public Library (Hillsborough County Public Library Cooperative)	Yes Check Point	Yes	Yes	Yes	Yes NetSmartz
Holmes	Holmes County Public Library (Panhandle Public Library Cooperative System)	Yes iBoss	Yes	Yes	Yes	No
Indian River	Indian River County Library	Yes WebBlocker	Yes	Yes	Yes	No
Jackson	Jackson County Public Library (Panhandle Public Library Cooperative System)	Yes iBoss	Yes	Yes	Yes	No
Jefferson	Jefferson County Public Library System (Wilderness Coast Public Libraries)	Yes iBoss	Yes	Yes	Yes	Yes Net Cetera
Lafayette	Lafayette County Public Library (Three Rivers Regional Library System)	Yes iBoss	Yes	Yes	Yes	No

N/A = Not applicable
NR = Not reported

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Lake	Eustis Memorial Library	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lake	Fruitland Park Library (Lake County Library System)	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lake	Helen Lehmann Memorial Library (Lake County Library System)	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lake	Lady Lake Public Library (Lake County Library System)	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lake	Lake County Library System	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lake	Leesburg Public Library (Lake County Library System)	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lake	Marianne Beck Memorial Library (Lake County Library System)	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lake	Minneola Schoolhouse Library (Lake County Library System)	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lake	Tavares Public Library (Lake County Library System)	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Lake	Umatilla Public Library (Lake County Library System)	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lake	W.T. Bland Public Library (Lake County Library System)	Yes Fortinet	Yes	Yes	Yes	Yes NetSmartz
Lee	Fort Myers Beach Public Library	Yes Sentian	Yes	Yes	Yes	Yes Internet Safety Program
Lee	Lee County Library System	Yes Open DNS, SquidGuard	Yes	Yes	No	No
Lee	Sanibel Public Library	Yes OpenDNS	Yes	Yes	N/A	Yes General training & guidelines
Leon	Leon County Public Library System	Yes iBoss	Yes	Yes	Yes	No
Levy	Levy County Public Library System (PAL Public Library Cooperative)	Yes Cybrarian, DNS	Yes	Yes	Yes	No
Liberty	Liberty County Library (Northwest Regional Library System)	No	Yes	Yes	No	No
Madison	Madison Public Library (Suwannee River Regional Library System)	Yes iWayPatrol	Yes	Yes	Yes	Yes SafetyNet
Manatee	Manatee County Public Library System	Yes Palo Alto Network PANDB URL	Yes	Yes	Yes	No

N/A = Not applicable
NR = Not reported

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Marion	Marion County Public Library System	Yes SonicWall	Yes	Yes	Yes	No
Martin	Martin County Library System	Yes Smoothwall/ Guardian	Yes	Yes	No	Yes Internet Safety
Miami-Dade	Brockway Memorial Library	Yes WatchGuard Firewall	Yes	Yes	Yes	No
Miami-Dade	Hialeah Public Libraries	Yes CheckPoint software technologies	Yes	Yes	Yes	Yes NetSmartz; Internet Safety
Miami-Dade	Miami-Dade Public Library System	Yes PaloAlto	Yes	Yes	Yes	Yes Online internet safety education
Miami-Dade	North Miami Beach Public Library	Yes WebBlocker	Yes	Yes	Yes	Yes Internal Program
Miami-Dade	North Miami Public Library	Yes Barracuda	Yes	Yes	Yes	Yes Internet Safety Program
Monroe	Monroe County Public Library System	Yes Connected with Useful	Yes	Yes	Yes	No
Nassau	Nassau County Public Library System	Yes Barracuda	Yes	Yes	Yes	No
Okaloosa	Destin Library (Okaloosa County Public Library Cooperative)	Yes Barracuda	Yes	Yes	N/A	No
Okaloosa	Fort Walton Beach Library (Okaloosa County Public Library Cooperative)	No	Yes	Yes	N/A	No

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Okaloosa	Mary Esther Public Library (Okaloosa County Public Library Cooperative)	No	No	Yes	No	No
Okaloosa	Niceville Library (Okaloosa County Public Library Cooperative)	No	Yes	Yes	No	No
Okaloosa	Robert L.F. Sikes Public Library (Okaloosa County Public Library Cooperative)	No	No	Yes	No	No
Okaloosa	Valparaiso Community Library (Okaloosa County Public Library Cooperative)	No	Yes	Yes	N/A	No
Okeechobee	Okeechobee County Public Library (Heartland Library Cooperative)	Yes OpenDNS	Yes	Yes	Yes	No
Orange	Maitland Public Library	Yes NetSmartz	Yes	Yes	Yes	Yes NetSmartz
Orange	Orange County Library System	Yes Websense	Yes	Yes	Yes	Yes Internet Safety Program
Orange	Winter Park Public Library	Yes Websense	Yes	Yes	Yes	No
Osceola	Osceola County Library System	Yes Websense	Yes	Yes	Yes	No

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NR = Not reported

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Palm Beach	Boca Raton Public Library	Yes Cisco Sourcefire	Yes	Yes	No	No
Palm Beach	Boynton Beach City Library	Yes WatchGuard	Yes	Yes	Yes	Yes Internet Safety
Palm Beach	Delray Beach Public Library	Yes Blue Coat	Yes	Yes	Yes	No
Palm Beach	Highland Beach Library	No	Yes	No	N/A	No
Palm Beach	Lake Park Public Library	Yes Cobian	Yes	Yes	Yes	Yes
Palm Beach	Lake Worth Public Library	Yes SonicWall	Yes	Yes	Yes	Yes NetSmartz
Palm Beach	Lantana Public Library	Yes Websense	Yes	Yes	Yes	No
Palm Beach	Mandel Public Library of West Palm Beach	Yes Websense	Yes	Yes	Yes	Yes Internet Safety Program
Palm Beach	North Palm Beach Public Library	Yes OpenDNS	Yes	Yes	Yes	No
Palm Beach	Palm Beach County Library System	Yes McAfee Web Gateway	Yes	Yes	Yes	Yes
Palm Beach	Palm Springs Public Library	Yes Sonic Wall	Yes	Yes	Yes	Yes Internet Safety
Palm Beach	Riviera Beach Public Library	Yes SmoothWall	Yes	Yes	Yes	No
Pasco	New Port Richey Public Library	Yes Comprise SAM	Yes	Yes	Yes	Yes Library safety internet training

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Pasco	Pasco County Library System (Pasco County Public Library Cooperative)	Yes SonicWall	Yes	Yes	Yes	No
Pasco	Zephyrhills Public Library (Pasco County Public Library Cooperative)	Yes SonicWall	Yes	Yes	Yes	No
Pinellas	Barbara S. Ponce Public Library/ Pinellas Park Public Library (Pinellas Public Library Cooperative)	Yes Barracuda	Yes	Yes	Yes	Yes Garfield Cyber Security
Pinellas	Clearwater Public Library System (Pinellas Public Library Cooperative)	No	Yes	Yes	No	Yes Garfield Cyber Security
Pinellas	Dunedin Public Library (Pinellas Public Library Cooperative)	Yes Barracuda	Yes	Yes	Yes	Yes Garfield Cyber Security
Pinellas	East Lake Public Library (Pinellas Public Library Cooperative)	Yes Net Nanny	Yes	Yes	N/A	Yes Garfield Cyber Security
Pinellas	Gulf Beaches Public Library (Pinellas Public Library Cooperative)	Yes Sonic Wall	Yes	Yes	N/A	Yes Garfield Cyber Security
Pinellas	Gulfport Public Library (Pinellas Public Library Cooperative)	Yes Barracuda	Yes	Yes	Yes	Yes Garfield Cyber Security

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Pinellas	Indian Rocks Beach Library	No	Yes	Yes	N/A	No
Pinellas	Largo Public Library (Pinellas Public Library Cooperative)	Yes EnvisionWare	Yes	Yes	Yes	Yes Garfield Cyber Security
Pinellas	Oldsmar Public Library (Pinellas Public Library Cooperative)	Yes SonicWall	Yes	Yes	Yes	Yes Center for Cyber Security & Education
Pinellas	Palm Harbor Public Library (Pinellas Public Library Cooperative)	No	Yes	Yes	N/A	Yes NetSmartz
Pinellas	Safety Harbor Public Library (Pinellas Public Library Cooperative)	Yes SonicWall	Yes	Yes	Yes	Yes Center for Cyber Security & Education
Pinellas	Seminole Community Library (Pinellas Public Library Cooperative)	Yes NetNanny	Yes	Yes	N/A	Yes NetSmartz
Pinellas	St. Pete Beach Public Library (Pinellas Public Library Cooperative)	Yes SonicWall	Yes	Yes	Yes	Yes Garfield Cyber Security
Pinellas	St. Petersburg Public Library System (Pinellas Public Library Cooperative)	Yes Websense	Yes	Yes	Yes	Yes NetSmartz

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Pinellas	Tarpon Springs Library (Pinellas Public Library Cooperative)	Yes WebBlocker	Yes	Yes	Yes	Yes Garfield Cyber Security
Polk	Auburndale Public Library (Polk County Library Cooperative)	Yes Secure Content Manager	Yes	Yes	Yes	No
Polk	Bartow Public Library (Polk County Library Cooperative)	Yes Cisco/DNS	Yes	Yes	Yes	Yes Introduction to Internet Safety
Polk	Dundee Public Library (Polk County Library Cooperative)	Yes Secure Content Manager	Yes	Yes	Yes	No
Polk	Eagle Lake Public Library (Polk County Library Cooperative)	Yes Secure Content Manager	Yes	Yes	Yes	No
Polk	Fort Meade Public Library (Polk County Library Cooperative)	Yes OpenDNS	Yes	Yes	Yes	No
Polk	Haines City Public Library (Polk County Library Cooperative)	Yes Secure Content Manager	Yes	Yes	Yes	No
Polk	Lake Alfred Public Library (Polk County Library Cooperative)	Yes Secure Content Manager	Yes	Yes	Yes	No
Polk	Lake Wales Public Library (Polk County Library Cooperative)	Yes OpenDNS, Sophos	Yes	Yes	Yes	No

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Polk	Lakeland Public Library (Polk County Library Cooperative)	Yes Spectrum Enterprise, Open DNS	Yes	Yes	Yes	No
Polk	Latt Maxcy Memorial Library (Polk County Library Cooperative)	Yes Secure Content Manager	Yes	Yes	Yes	No
Polk	Mulberry Public Library (Polk County Library Cooperative)	Yes Secure Content Manager	Yes	Yes	Yes	No
Polk	Polk City Municipal Library (Polk County Library Cooperative)	Yes Secure Content Manager	Yes	Yes	Yes	No
Polk	Winter Haven Public Library (Polk County Library Cooperative)	Yes OpenDNS	Yes	Yes	Yes	No
Putnam	Putnam County Library System (PAL Public Library Cooperative)	Yes NetSpective	Yes	Yes	Yes	No
Santa Rosa	Santa Rosa County Library System	Yes Websense	Yes	Yes	Yes	Yes
Sarasota	Sarasota County Libraries Department	Yes BlueCoat	Yes	Yes	Yes	No
Seminole	Altamonte Springs City Library	Yes Websense	Yes	Yes	Yes	No

N/A = Not applicable
NR = Not reported

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Seminole	Seminole County Public Library System	Yes Websense	Yes	Yes	Yes	Yes NetSmartz
St. Johns	St. Johns County Public Library	Yes iBoss	Yes	Yes	Yes	Yes NetSmartz
St. Lucie	St. Lucie County Library System	Yes ZScaler	Yes	Yes	Yes	Yes Internet Safety for Kids & Parents
Sumter	Sumter County Public Library System	Yes WebBlocker	Yes	Yes	Yes	No
Suwannee	Live Oak Public Library (Suwannee River Regional Library System)	Yes iWayPatrol	Yes	Yes	Yes	Yes SafetyNet
Taylor	Taylor County Public Library (Three Rivers Regional Library System)	Yes SonicWall	Yes	Yes	Yes	No
Union	Union County Public Library (New River Public Library Cooperative)	Yes iBoss	Yes	Yes	Yes	Yes Internet Safety
Volusia	Volusia County Public Library	Yes Websense	Yes	Yes	Yes	No
Wakulla	Wakulla County Public Library (Wilderness Coast Public Libraries)	Yes iBoss	Yes	Yes	Yes	Yes Net Cetera
Walton	Walton County Public Library System	Yes Palo Alto	Yes	Yes	Yes	Yes NetSmartz

N/A = Not applicable
NR = Not reported

Status of Internet Policies & Filtering in Florida's Public Libraries

Organized by County

Division of Library and Information Services

April 24, 2019

County	Library	Filters? Product name	Policy?	Prohibits display of obscene content?	CIPA compliant?	Internet safety program?
Washington	Washington County Library	Yes Cisco Umbrella Insights	Yes	Yes	Yes	No

N/A = Not applicable
NR = Not reported

ITEM # 2019-1309

CITY OF DESTIN

AGENDA ITEM

COUNCIL MEETING DATE: June 3, 2019
TYPE OF AGENDA ITEM: Consent Agenda

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Rey Bailey, City Clerk

DATE: May 27, 2019

SUBJECT: Resolution 19-08 - Dissemination of Information to the City Council

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I. BACKGROUND: At the May 20, 2019 Council meeting, the Council unanimously approved a motion to "formalize a policy that anytime a member of the Council, or the Mayor, requests information from staff, that information will be provided to the entire Council and Mayor."

II. DISCUSSION: The Destin City Council desires to establish a formal written policy to set forth the procedures by which information requested by a member of the Council or the Mayor will promptly be made available to the entire Council and Mayor. This will ensure everyone gets the same information especially if that information is discussed publicly during a Council meeting. It will also prevent a member of the Council from duplicating the request already made by another member of the Council.

- **A. Link to Strategic Goals / Objectives:**
- **B. Effect on Budget (EOB):**
- **C. Level of Service (LOS):**

III. CONCLUSION: Attached resolution establishes a policy and procedure for disseminating information accumulated as a result of public records request initiated by a member of the City Council or the Mayor.

IV. RECOMMENDED MOTION: I move to approve Resolution 19-08

Attachments:

1. 08 - Dissemination of Information to Council

RESOLUTION 19-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN ESTABLISHING A POLICY AND PROCEDURE FOR DISSEMINATING INFORMATION ACCUMULATED AS A RESULT OF PUBLIC RECORDS REQUEST INITIATED BY A MEMBER OF THE CITY COUNCIL OR THE MAYOR

WHEREAS, the law provides that the City Clerk is the custodian of all city records; and

WHEREAS**,** once received, the City Clerk shall maintain, retain, and disclose such records upon a records request; and

WHEREAS**,** from time to time, a public records request is facilitated by a member of the City Council or the Mayor; and

WHEREAS**,** sharing the information gathered as a result of this inquiry with the entire Council and Mayor will help promote a more effective and efficient government; and

WHEREAS**,** the City Clerk is responsible for providing this information to the entire Council and Mayor

NOW, THEREFORE, BE IT RESOLVED that the Destin City Council hereby sets forth the procedures by which information requested by a member of the Council or the Mayor will promptly be made available to the entire Council and Mayor.

ADOPTED THIS 3RD DAY OF JUNE 2019
By:

_____

Gary Jarvis, Mayor

ATTEST:

_____

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Attorney

_____

Kyle Bauman, City Attorney

Traffic Signal Coordination

Information to support the implementation of a
Traffic Management System/
Adaptive Signal Control Technology
in Destin

Problem:

Highly congested main thoroughfare (98) leads to crawling and often standstill traffic through Destin

One Potential Solution:

Traffic Signal Coordination/Timing

What is Traffic Signal Coordination/Timing?

- Traffic signal coordination is the timing of traffic signals so traffic can travel along a street without stopping at every light.
- The strategy involves adjusting the starting points of green lights so that when a group of vehicles arrives, it can traverse through the signals without stopping.
- Timing can vary through the day or week depending on traffic patterns or remain fixed on one schedule
- Advances in technology allow for some systems (such as ACST) to automatically detect changes in flow and adjust as necessary

Source: Texas A&M Transportation Institute: https://static.tti.tamu.edu/tti.tamu.edu/documents/PRC-2016-7.pdf

How Can Traffic Signal Timing Help?

- Synchronized traffic lights are one of the most effective ways to deal with traffic in cities especially as streets in the urban core handle more traffic and widening them isn't a feasible option.
- Coordinated signal timing is applied on corridors with closely spaced intersections (1/4 mile or less), and where there is evidence of a desire for "platooning"—the seamless flow of a given street user or set progression speed.
- Signals are timed to move many cars as efficiently as possible
- A designer may coordinate signals to reward slower driving speeds of 15–20 mph through the downtown area.
- Synchronized lights can mean a time savings of about 20 percent compared to a poorly timed series of lights
- Signal timing that is outdated or does not take advantage of modern signal controller functions can lead to congestion as the signals may not be effectively addressing traffic demand.

Source: Traffic light timing keeps congestion in sync
https://www.houstonchronicle.com/news/houston-texas/houston/article/Traffic-light-timing-keeps-congestion-in-sync-4551668.php

- ***Green time* is the key:** "The whole game is to allocate green time."
- Signal coordination provides for the smooth flow of traffic along streets and highways at defined speeds, thereby reducing congestion
- Coordination of traffic signals can reduce the number of stops along a corridor and provide for a continuous flow of traffic at the target speed.
- They encourage drivers to "travel through and out of downtown quickly."
- In many places, a driver going the speed limit can sail through without the stop-and-go that seizes up traffic on city streets
- The overall objective is to provide for the safe and efficient traffic flow at intersections, along routes, and in street networks.

Data from the Experts

- New and expanded ITS systems have led to 50% to 60% reductions in accident-related traffic delays nationwide.
- In systems with extremely outdated signal timing the improvement can be 50% or more.
- Outdated traffic signal timing incurs substantial costs to businesses and consumers. They account for more than 10% of all traffic delays/congestion on major routes alone.
- In a US DOT study of ITS deployment in three regions, analysis showed positive impacts on all performance measures studied, including:
  - Decreased travel times;
  - Increased vehicle speeds;
  - Decreased delay;
  - Decreased number and severity of crashes; and
  - Decreased environmental impacts (reduced emissions and fuel use).

Source: FDOT, FHA, and USDOT

The National Traffic Signal Report Card 2012 reported that:

- Absence of, or poorly timed, coordinated lights cause significant travel delays and an estimated 295 million vehicle-hours of delay on major roadways alone
- Very small signal systems (less than 50 signals) scored markedly lower (an overall score of 59 out of 100) than all other systems (ranging from 69 to 73)
- The low scores demonstrate the continued need for attention and additional resources for traffic signal management and operations.

Source: The National Transportation Operations Coalition
https://transops.s3.amazonaws.com/uploaded_files/NTOC-2012-Traffic-Signal-Report-Card-Executive-Summary.pdf

Proven Benefits

Traffic Signal Coordination has been shown to:

- Provide for the orderly movement of traffic;
- Reduce the frequency of certain types of crashes (i.e., right-angle and pedestrian);
- Increase the traffic handling capacity of the intersection;
- Provide a means of interrupting heavy traffic to allow other traffic, both vehicular and pedestrian, to enter or cross;
- Provide for nearly continuous movement of traffic at a desired speed along a given route by coordination;
- Afford considerable economy over manual control at intersections where alternate assignment of right-of-way is required; and,
- Promote driver confidence by assigning right-of-way.
- Studies show some drivers can realize a 10 percent fuel savings if synchronized lights reduce the time their cars have to idle waiting for a light to change.

Source: Houston Chronicle and the Minnesota Department of Transportation

Demonstrated Results

- Successful ASCT deployments can improve a traffic signal system in the form of improved measures of effectiveness (MOE), cost savings, and other intangibles.
- The 2011 Urban Mobility Report notes that in its reporting areas, 61 percent of the street miles in the cities had some level of traffic signal coordination that reduced delay by 21.7 million person hours
- The U.S. Department of Transportation Intelligent Transportation Systems Joint Program Office maintains a database that demonstrates benefit-cost ratios exceeding 40:1.3
- In 2013, Los Angeles became the first major city in the world to synchronize all of its traffic signals. Travel times in the city dropped by 12 percent

Source: http://www.ce.memphis.edu/4162/FC_signal_timing_final_report_final.pdf

Demonstrated Results – Fort Collins

In the Fort Collins signal timing project:

- Vehicle travel time was reduced by 2,591 hours each weekday and 2,223 each weekend day for a total annual travel time reduction of 776,200 hours
- Weekend vehicle stops were reduced by 19.5%; weekday reductions were between 11-18%
- The annual project benefit of the signal re-timing effort is $17.98 million when considering fuel savings and travel delay savings for motorists.
- The resulting benefit-cost ratio for the project is 60:1.

Source: http://www.ce.memphis.edu/4162/FC_signal_timing_final_report_final.pdf

Table ES-3: System-Wide Benefits

	Vehicle Travel Time Reduction (Hours)	Fuel Consumption Reduction (Gallons)	Total Emissions Reduction (lbs)	Time and Fuel Cost Savings
Weekday Daily Benefit	2,591	3,596	4,276	$60,624
Weekend Benefit	2,223	1,655	1,969	$48,521
Annual Benefit*	776,200	1,003,000	1,193,000	$17,982,000

*Includes 255 weekdays and 52 Saturdays

City of Fort Collins

MULLER

Table ES-4: Change in Traffic Flow Performance Measures

Performance Measure	AM Peak Period	Midday Peak Period	PM Peak Period	Off-Peak Period	Weekend Period
Reduced Vehicle Stops	12.1%	15.5%	18.2%	10.5%	19.5%
Reduced Motorist Delay	17.9%	12.8%	16.8%	18.8%	29.8%
Reduced Travel Time	5.3%	3.6%	6.7%	5.2%	8.5%
Reduced Fuel Consumption and Emissions	4.8%	4.2%	5.8%	4.6%	4.3%

Fort Collins Traffic Signal Coordination Project Results: Final Report

http://www.ce.memphis.edu/4162/FC_signal_timing_final_report_final.pdf

What does a timing plan look like when implemented?

UNITED
Rx
DRUGS

ONE WAY
NO TURNS
ONE WAY
P

SIGNALS
SET FOR
25
MPH

SIGNALS
SET FOR
20
MPH
NO
TURN
ON RED

Hillsborough County

FDOT syncing traffic lights in downtown Tampa, reinforcing speed limit

GREEN WAVE
SIGNALS
SET FOR
12
MPH

GREEN WAVE
SIGNALS
SET FOR
13
MPH
MON-FRI
5AM-10AM

Is FDOT on board? Overwhelmingly- YES!

- They created the Transportation Systems Management and Operations Program (TSM&O) as a way to embrace collaborative strategies for a smart corridor system
- TSM&O provides a higher level of operational integration among the freeway, arterial, and transit systems aligned with performance measures to improve the efficiency of our multimodal transportation network in real time
- They are implementing Adaptive Signal Control Technology (ASCT) which optimizes the available signal timing and makes adjustments based on current traffic demand.
- They utilize Traffic Management Systems (TMS) and Intelligent Transportation Systems (ITS) to facilitate and improve mobility

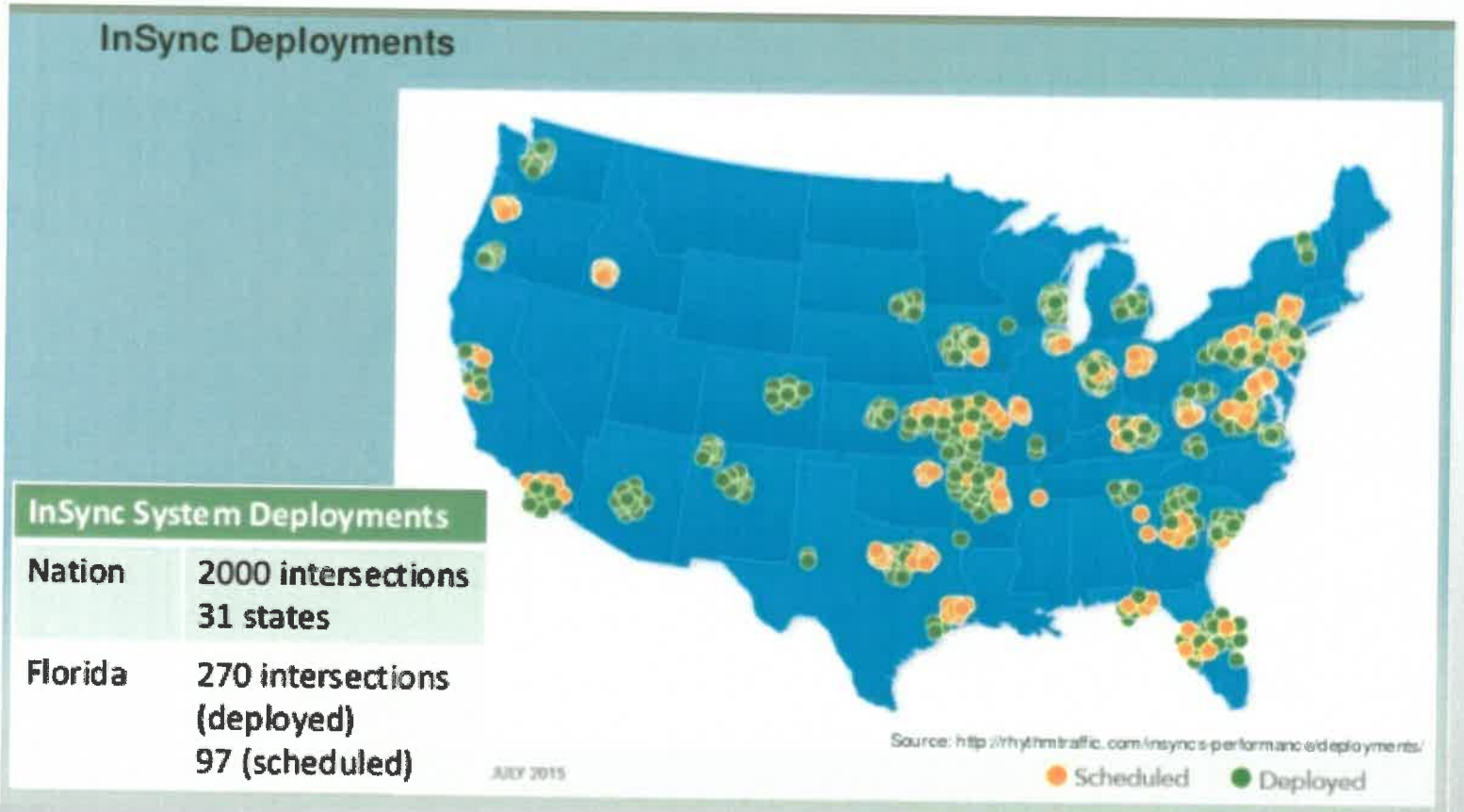
Source: http://www.swflroads.com/leeits/more.php

FDOT acknowledges that:

- A well-timed, coordinated system permits continuous movement throughout a network of major streets with minimal stops and delays.
- When a good balance is not in place, problems at a single intersection can easily be transferred to other locations, resulting in overall diminished system performance.
- Signal timing helps traffic flow through a series of signals and avoid stops.
- Good progression can be achieved when signals are evenly spaced.
- Good progression becomes more difficult to achieve with irregularly spaced intersections.
- Creating smooth traffic flow becomes even more complex when cross streets must be also coordinated.
- Signals are timed to work best when traffic follows the speed limit.

Source: http://www.swflroads.com/leeits/more.php

ASCT in the US



FDOT Project: Miami Traffic Signal System

- New traffic signal system along SW 8 Street in Miami. The adaptive signal control technology (ASCT) system is an advanced strategy for controlling traffic signals.
- ASCT adjusts the timing of red, yellow and green lights to accommodate changing traffic patterns and ease traffic congestion.
- The main benefits of adaptive signal control technology over conventional signal systems are that it can:
  - Continuously distribute green light time equitably for all traffic movements
  - Improve travel time reliability by progressively moving vehicles through green lights
  - Reduce congestion by creating smoother flow
  - Prolong the effectiveness of traffic signal timing

Source: https://sunguide.info/reports/annual-reports/District-Six-ITS-Annual-Report/2017-District-Six-ITS-Annual-Report.pdf and https://www.fhwa.dot.gov/innovation/everydaycounts/edc-1/asct.cfm

SR 90 / US 41/SW 8 STREET ADAPTIVE SIGNAL CONTROL TECHNOLOGY (ASCT) PILOT PROJECT

CTAC MEETING: JULY 22, 2015

Evelin Legcevic
Florida Department of Transportation (FDOT) District 6

SW 8 STREET ASCT PILOT PROJECT

Goal

Improve the efficiency of SW 8 Street, between SW 142 Avenue and SW 67 Avenue, using sustainable signal technology to minimize congestion and increase throughput where possible, without compromising safety for all users.

FDOT Project:
District 4 Martin and Palm Beach County Timing

- Conducted traffic signal retiming studies and developed optimized traffic signal progression timing plans for selected corridors in Martin County and Palm Beach County, Florida
- Increases travel speeds and reduces fuel consumption and vehicle emissions.
- Reduces vehicle delays and fuel consumption; when converted into monetary savings, the project's benefit results in approximately $17.5 million over three years, representing a 50 to 1 benefit-to-cost ratio

Source: https://www.dksassociates.com/portfolio/fdot-district-4-traffic-signal-timing-fl/

FDOT Project: Lee County Intelligent Transportation System

- FDOT constructed the Lee County Traffic Management System (TMS) which installed new traffic control devices at 61 intersections.
- This equipment allows Lee County traffic operations center staff to better coordinate signals, promoting smoother flow of traffic along some of Lee County's busiest roadways.
- Properly timed signals maximize roadway capacity, permitting conflicting streams of traffic to share the same intersection efficiently.
- CCTV, traffic sensors and traffic count data collectors analyze traffic conditions in real-time.
- Information gathered at each intersection is relayed to Lee County's traffic operations center where the staff monitors traffic conditions and makes adjustments to keep traffic moving
- New and expanded ITS systems have led to 50% to 60% reductions in accident-related traffic delays nationwide.
- Fewer delays caused by traffic incidents and improved traffic signal systems mean fewer delays, which reduce fuel consumption, idling time, and emissions.
  - Source: http://www.swflroads.com/leeits/

FDOT Project:
District 7- Hillsborough County ASCT System

- District Seven has recently completed installation of an adaptive traffic control system (ASCT) on SR 582, Fowler Avenue.
- The In|Sync ASCT System, the first in Hillsborough County, includes all (13) signalized intersections on Fowler Avenue, connecting I-275 to I-75, a six-mile, six-lane divided arterial carrying 65,000 (+/-) AADT during peak periods.
- Designed to decrease the overall delay motorists experience at these intersections.
- In keeping with TSM&O initiatives, the decrease in congestion and delays should reduce crashes, reduce driver frustration, and reduce travel time.

Source: https://fdotwww.blob.core.windows.net/sitefinity/docs/default
rce/content/traffic/newsletters/2018/disseminator-may-june-2018-draft-7122018.pdf?sfvrsn=8b7a4cc4_0#page=3

Interesting Facts

- St. Petersburg recently hired a dedicated Traffic Signal Coordinator for "professional traffic engineering work in the analysis of technical traffic flow data and the effective programming of a computerized traffic signal system to facilitate efficient traffic movement and improve accident prevention within the City." http://workzone.apwa.net/career/38548/Traffic-Signal-Coordinator-Florida-Fl-St-Petersburg
- Audi now has a Traffic Light Information system in its Connect Prime technology suite to include a Green Light Optimization Speed Advisory. The tech communicates with the infrastructure in certain cities to let drivers know exactly when the light is about to change and tells drivers what speed they should go to hit a green light. https://www.motor1.com/news/305970/audi-green-light-technology/

References

- Federal Highway Administration. Signal Timing Manual: http://www.trb.org/OperationsTrafficManagement/Blurbs/173121.aspx
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- Florida Department of Transportation. https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/traffic/newsletters/2018/disseminator-may-june-2018-draft-7122018.pdf?sfvrsn=8b7a4cc4_0#page=3
- Florida Department of Transportation. http://www.swflroads.com/leeits/more.php
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- Minnesota Department of Transportation. Minnesota Traffic Signal Coordination Manual 2017: http://www.dot.state.mn.us/trafficeng/publ/signaloperations/2017signaloptandtimingmanual.pdf
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- The National Transportation Operations Coalition. National Traffic Signal Report Card 2012: https://transops.s3.amazonaws.com/uploaded_files/NTOC-2012-Traffic-Signal-Report-Card-Executive-Summary.pdf
- Peninsula Daily News. http://www.peninsuladailynews.com/news/port-angeles-council-member-suggests-making-vehicles-stop-at-each-light-on-first-front-downtown/
- United States Department of Transportation. https://ops.fhwa.dot.gov/congestion_report_04/chapter4.htm

ITEM # 2019-1317

CITY OF DESTIN

AGENDA ITEM

COUNCIL MEETING DATE: June 3, 2019
TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU: Kimberly Kopp, Land Use Attorney

FROM: Lance Johnson, City Manager

DATE: May 30, 2019

SUBJECT: Discussion regarding HB 7103 (2019).

I. BACKGROUND: HB 7103 passed in both the House and Senate on May 3, 2019, the last day of the Legislature's regular session. The bill has not yet been signed by the governor. Please see attached bill text, House of Representatives Staff Final Bill Analysis, and an example of a letter of objection sent to Governor DeSantis regarding the bill.

The Florida League of Cities opposes this bill.

II. DISCUSSION:

- **A. Link to Strategic Goals / Objectives:**
- **B. Effect on Budget (EOB):**
- **C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. HB 7103 Bill Text
2. House Final Bill Analysis
3. Sample Objection Letter to Governor DeSantis

An act relating to community development and housing; amending s. 125.01055, F.S.; authorizing an inclusionary housing ordinance to require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives; requiring a county to provide certain incentives to fully offset all costs to the developer of its affordable housing contribution; providing applicability; amending s. 125.022, F.S.; requiring that a county review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; providing applicability of certain timeframes; conforming provisions to changes made by the act; defining the term "development order"; amending s. 163.3167, F.S.; providing requirements for a comprehensive plan adopted after a specified date and all land development regulations adopted to implement the comprehensive plan; amending s. 163.3180, F.S.; revising compliance requirements for a

mobility fee-based funding system; requiring a local government to credit certain contributions, constructions, expansions, or payments toward any other impact fee or exaction imposed by local ordinance for public educational facilities; providing requirements for the basis of the credit; amending s. 163.31801, F.S.; adding minimum conditions that certain impact fees must satisfy; requiring a local government to credit against the collection of an impact fee any contribution related to public education facilities, subject to certain requirements; requiring the holder of certain impact fee credits to be entitled to a certain benefit if a local government increases its impact fee rates; providing applicability; providing that the government, in certain actions, has the burden of proving by a preponderance of the evidence that the imposition or amount of certain required dollar-for-dollar credits for the payment of impact fees meets certain requirements; prohibiting the court from using a deferential standard for the benefit of the government; authorizing a county, municipality, or special district to provide an exception or waiver for an impact fee for the development or construction of housing that is affordable; providing that if a

county, municipality, or special district provides such exception or waiver, it is not required to use any revenues to offset the impact; providing applicability; amending s. 163.3202, F.S.; requiring local land development regulations to incorporate certain preexisting development orders; amending s. 163.3215, F.S.; providing that either party is entitled to a certain summary procedure in certain proceedings; requiring the court to advance such cause on the calendar, subject to certain requirements; providing that the prevailing party in a certain challenge to a development order is entitled to certain attorney fees and costs; amending s. 166.033, F.S.; requiring that a municipality review the application for completeness and issue a certain letter within a specified period after receiving an application for approval of a development permit or development order; providing procedures for addressing deficiencies in, and for approving or denying, the application; providing applicability of certain timeframes; conforming provisions to changes made by the act; defining the term "development order"; amending s. 166.04151, F.S.; authorizing an inclusionary housing ordinance to require a developer to provide a specified number or percentage of

affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives; requiring a municipality to provide certain incentives to fully offset all costs to the developer of its affordable housing contribution; providing applicability; amending s. 420.502, F.S.; revising legislative findings for a certain state housing finance strategy; amending s. 420.503, F.S.; conforming cross-references; defining the term "essential services personnel"; amending s. 420.5095, F.S.; deleting the definition of the term "essential services personnel"; amending s. 252.363, F.S.; providing that the declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration; amending s. 553.791, F.S.; providing and revising definitions; revising legislative intent; prohibiting a local jurisdiction from charging fees for building inspections if the fee owner or contractor hires a private provider; authorizing the local jurisdiction to charge a reasonable administrative fee; revising the timeframe within which an owner or contractor must notify the building

official that he or she is using a certain private provider; revising the type of affidavit form to be used by certain private providers under certain circumstances; revising the timeframe within which a building official must approve or deny a permit application; specifying the timeframe within which the local building official must issue a certain permit or notice of noncompliance if the permit applicant submits revisions; limiting a building official's review of a resubmitted permit application to previously identified deficiencies; limiting the number of times a building official may audit a private provider, with exceptions; amending s. 718.112, F.S.; requiring condominium associations to ensure compliance with the Florida Fire Prevention Code; requiring associations to retrofit certain high-rise buildings with either a fire sprinkler system or an engineered life safety system as specified in the code; deleting a requirement for association bylaws to include a provision relating to certain certificates of compliance; extending and specifying the date before which local authorities having jurisdiction may not require completion of retrofitting a fire sprinkler system or a engineered life safety system, respectively; deleting an obsolete provision;

providing applicability; amending s. 718.1085, F.S.; revising the definition of the term "common areas" to exclude individual balconies; extending the year before which the local authority having jurisdiction may not require retrofitting of common areas with handrails and guardrails; requiring the State Fire Marshal, by a certain date, to issue a data call to all local fire officials to collect data on certain high-rise condominiums; specifying data that local fire officials must submit; requiring that all data be received and compiled into a certain report by a certain date; requiring that the report be sent to the Governor and the Legislature by a certain date; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units. However, in exchange, a county must provide incentives to fully offset all costs to the developer of its affordable housing contribution. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

(3) Subsection (2) does not apply in an area of critical state concern, as designated in s. 380.0552.

Section 2. Section 125.022, Florida Statutes, is amended to read:

125.022 Development permits and orders.—

(1) Within 30 days after receiving an application for approval of a development permit or development order, a county must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If

the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. Within 120 days after the county has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552.

(2) ~~(1)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a county may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. Except as provided in subsection (5) ~~(4)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal

authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(3) ~~(2)~~ When a county denies an application for a development permit or development order, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(4) ~~(3)~~ As used in this section, the terms ~~term~~ "development permit" and "development order" have ~~has~~ the same meaning as in s. 163.3164, but do ~~does~~ not include building permits.

(5) ~~(4)~~ For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(6) ~~(5)~~ Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by

a state or federal agency or undertakes actions that result in a violation of state or federal law. A county shall attach such a disclaimer to the issuance of a development permit and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(7) ~~(6)~~ This section does not prohibit a county from providing information to an applicant regarding what other state or federal permits may apply.

Section 3. Subsection (3) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(3) A municipality established after the effective date of this act shall, within 1 year after incorporation, establish a local planning agency, pursuant to s. 163.3174, and prepare and adopt a comprehensive plan of the type and in the manner set out in this act within 3 years after the date of such incorporation. A county comprehensive plan is ~~shall be deemed~~ controlling until the municipality adopts a comprehensive plan in accordance ~~accord~~ with this act. A comprehensive plan adopted after January 1, 2019, and all land development regulations adopted to implement the comprehensive plan must incorporate each development order existing before the comprehensive plan's effective date, may not impair the completion of a development in accordance with such existing development order, and must

vest the density and intensity approved by such development order existing on the effective date of the comprehensive plan without limitation or modification.

Section 4. Paragraph (i) of subsection (5) and paragraph (h) of subsection (6) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(5)

(i) If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with s. 163.31801 governing ~~the dual rational nexus test applicable to~~ impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new

development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).

(6)

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with development of a specific parcel of land notwithstanding a failure of the development to satisfy school concurrency, if all the following factors are shown to exist:

a. The proposed development would be consistent with the future land use designation for the specific property and with pertinent portions of the adopted local plan, as determined by the local government.

b. The local government's capital improvements element and the school board's educational facilities plan provide for school facilities adequate to serve the proposed development, and the local government or school board has not implemented that element or the project includes a plan that demonstrates that the capital facilities needed as a result of the project can be reasonably provided.

c. The local government and school board have provided a means by which the landowner will be assessed a proportionate share of the cost of providing the school facilities necessary to serve the proposed development.

2. If a local government applies school concurrency, it may not deny an application for site plan, final subdivision

approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency is satisfied if the developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in sub-subparagraph a. Options for proportionate-share mitigation of impacts on public school facilities must be established in the comprehensive plan and the interlocal agreement pursuant to s. 163.31777.

a. Appropriate mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; the construction of a charter school that complies with the requirements of s. 1002.33(18); or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a development agreement that constitutes a legally binding

commitment to pay proportionate-share mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased the overall residential density. The district school board must be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

b. If the interlocal agreement and the local government comprehensive plan authorize a contribution of land; the construction, expansion, or payment for land acquisition; the construction or expansion of a public school facility, or a portion thereof; or the construction of a charter school that complies with the requirements of s. 1002.33(18), as proportionate-share mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for public educational facilities ~~the same need~~, on a dollar-for-dollar basis at fair market value. The credit must be based on the total impact fee assessed and not on the impact fee for any particular type of school.

c. Any proportionate-share mitigation must be directed by the school board toward a school capacity improvement identified

in the 5-year school board educational facilities plan that satisfies the demands created by the development in accordance with a binding developer's agreement.

3. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

Section 5. Section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges ~~definitions; ordinances levying impact fees~~.—

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) At a minimum, an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must satisfy all of the following conditions~~, at minimum~~:

(a) ~~Require that~~ The calculation of the impact fee must be based on the most recent and localized data.

(b) The local government must provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity must ~~shall~~ account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) ~~Limit~~ Administrative charges for the collection of impact fees must be limited to actual costs.

(d) The local government must provide ~~Require that~~ notice not ~~be provided no~~ less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee.

(e) Collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(h) The local government must specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Revenues generated by the impact fee may not be used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

(4) The local government must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public education facilities, including land dedication, site planning and design, or construction. Any contribution must be applied to reduce any education-based impact fees on a dollar-for-dollar basis at fair market value.

(5) If a local government increases its impact fee rates, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which 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. This subsection shall operate prospectively and not retrospectively.

(6) ~~(4)~~ Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

(7) ~~(5)~~ In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and ~~or~~ this section. The court may not use a deferential standard for the benefit of the government.

(8) A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(9) This section does not apply to water and sewer

connection fees.

Section 6. Paragraph (j) is added to subsection (2) of section 163.3202, Florida Statutes, to read:

163.3202 Land development regulations.—

(2) Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall at a minimum:

(j) Incorporate preexisting development orders identified pursuant to s. 163.3167(3).

Section 7. Subsection (8) of section 163.3215, Florida Statutes, is amended to read:

163.3215 Standing to enforce local comprehensive plans through development orders.—

(8)(a) In any proceeding under subsection (3), either party is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar, subject to paragraph (b) ~~or subsection (4), the Department of Legal Affairs may intervene to represent the interests of the state~~.

(b) Upon a showing by either party by clear and convincing evidence that summary procedure is inappropriate, the court may determine that summary procedure does not apply.

(c) The prevailing party in a challenge to a development order filed under subsection (3) is entitled to recover reasonable attorney fees and costs incurred in challenging or

defending the order, including reasonable appellate attorney fees and costs.

Section 8. Section 166.033, Florida Statutes, is amended to read:

166.033 Development permits and orders.—

(1) Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. Within 120 days after the municipality has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s.

380.0552 or chapter 28-36, Florida Administrative Code.

(2) ~~(1)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing. Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. Except as provided in subsection (5) ~~(4)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(3) ~~(2)~~ When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(4) ~~(3)~~ As used in this section, the terms ~~term~~ "development permit" and "development order" have ~~has~~ the same meaning as in s. 163.3164, but do ~~does~~ not include building permits.

(5) ~~(4)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not

require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(6) ~~(5)~~ Issuance of a development permit or development order by a municipality does not ~~in any way~~ create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

(7) ~~(6)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 9. Section 166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(1) Notwithstanding any other provision of law, a

municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units. However, in exchange, a municipality must provide incentives to fully offset all costs to the developer of its affordable housing contribution. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

(3) Subsection (2) does not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

Section 10. Subsection (8) of section 420.502, Florida Statutes, is amended to read:

420.502 Legislative findings.—It is hereby found and

declared as follows:

(8)(a) It is necessary to create new programs to stimulate the construction and substantial rehabilitation of rental housing for eligible persons and families.

(b) It is necessary to create a state housing finance strategy to provide affordable workforce housing opportunities to essential services personnel in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years before removal of the designation. The lack of affordable workforce housing has been exacerbated by the dwindling availability of developable land, environmental constraints, rising construction and insurance costs, and the shortage of lower-cost housing units. As this state's population continues to grow, essential services personnel vital to the economies of areas of critical state concern are unable to live in the communities where they work, creating transportation congestion and hindering their quality of life and community engagement.

Section 11. Present subsections (18) through (42) of section 420.503, Florida Statutes, are redesignated as subsections (19) through (43), respectively, a new subsection (18) is added to that section, and subsection (15) of that section is amended, to read:

420.503 Definitions.—As used in this part, the term:

(15) "Elderly" means persons 62 years of age or older; however, this definition does not prohibit housing from being deemed housing for the elderly as defined in subsection (20) ~~(19)~~ if such housing otherwise meets the requirements of subsection (20) ~~(19)~~.

(18) "Essential services personnel" means natural persons or families whose total annual household income is at or below 120 percent of the area median income, adjusted for household size, and at least one of whom is employed as police or fire personnel, a child care worker, a teacher or other education personnel, health care personnel, a public employee, or a service worker.

Section 12. Subsection (3) of section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Innovation Pilot Program.—

(3) For purposes of this section, the term:

(a) "Workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of the area median income, adjusted for household size, or 150 percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas

that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

(b) ~~"Essential services personnel" means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to s. 420.9075(3)(a).~~

~~(c)~~ "Public-private partnership" means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

Section 13. Paragraph (a) of subsection (1) of section 252.363, Florida Statutes, is amended to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise

the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.

2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).

Section 14. Subsection (1), paragraph (b) of subsection (2), and subsections (4) through (7) and (18) of section 553.791, Florida Statutes, are amended to read:

553.791 Alternative plans review and inspection.—

(1) As used in this section, the term:

(a) "Applicable codes" means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) "Audit" means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and affixed to the

permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The ~~term does not mean that the~~ local building official may not ~~is required to~~ replicate the plan review or inspection being performed by the private provider, unless expressly authorized by this section.

(c) "Building" means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) "Building code inspection services" means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) "Duly authorized representative" means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard certificate under part XII of chapter 468.

(f) "Immediate threat to public safety and welfare" means

a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.

(g) "Local building official" means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.

(h) "Permit application" means a properly completed and submitted application for the requested building or construction permit, including:

1. The plans reviewed by the private provider.

2. The affidavit from the private provider required under subsection (6).

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(i) "Plans" means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

(j)~~(i)~~ "Private provider" means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term "private provider" also includes a person who holds a standard certificate under part XII of chapter 468.

(k)~~(j)~~ "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (11).

3. Any applicable fees.

4. Any documents required by the local building official

to determine that the fee owner has secured all other government approvals required by law.

(l) "Site work" means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.

(m) ~~(k)~~ "Stop-work order" means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.

(2)

(b) It is the intent of the Legislature that owners and contractors pay reduced fees ~~not be required to pay extra costs~~ related to building permitting requirements when hiring a private provider for plans review and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency, based on a fee owner or contractor hiring a private provider to perform plans reviews and building inspections in lieu of the local building official, and reduce the permit fees accordingly. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider; however, the local jurisdiction may charge a reasonable administrative fee.

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services

shall notify the local building official at the time of permit application, or by 2 p.m. local time, 2 ~~no less than 7~~ business days before ~~prior to~~ the first scheduled inspection by the local building official or building code enforcement agency for a private provider performing required inspections of construction under this section, on a form to be adopted by the commission. This notice shall include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider's firm, the private provider, and any duly authorized representative in the amounts required by this section.

(c) An acknowledgment from the fee owner in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I

understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided

by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change. In addition, the fee owner or the fee owner's contractor shall post at the project site, before ~~prior to~~ the commencement of construction and updated within 1 business day after any change, on a form to be adopted by the commission, the name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform building code inspection services, the type of service being performed, and similar information for the primary contact of the private provider on the project.

(5) After construction has commenced and if the local building official is unable to provide inspection services in a timely manner, the fee owner or the fee owner's contractor may elect to use a private provider to provide inspection services by notifying the local building official of the owner's or contractor's intention to do so by 2 p.m. local time, 2 ~~no less than 7~~ business days before ~~prior to~~ the next scheduled inspection using the notice provided for in paragraphs (4)(a)-(c).

(6) A private provider performing plans review under this

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

section shall review the ~~construction~~ plans to determine compliance with the applicable codes. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits on a form reasonably acceptable to ~~adopted by~~ the commission certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

(7)(a) No more than 20 ~~30~~ business days after receipt of a permit application and the affidavit from the private provider required pursuant to subsection (6), the local building official shall issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections. If the local building official does not provide a written notice of the plan deficiencies within the prescribed 20-day ~~30-day~~ period, the permit application shall be deemed approved as a matter of law, and the permit shall be issued by the local building official on the next business day.

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day ~~30-day~~ period, the 20-day ~~30-day~~ period shall

be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (13) or to submit revisions to correct the deficiencies.

(c) If the permit applicant submits revisions, the local building official has the remainder of the tolled 20-day ~~30-day~~ period plus 5 business days from the date of resubmittal to issue the requested permit or to provide a second written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections. Any subsequent review by the local building official is limited to the deficiencies cited in the written notice. If the local building official does not provide the second written notice within the prescribed time period, the permit shall be deemed approved as a matter of law, and ~~issued by~~ the local building official must issue the permit on the next business day.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (13) or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days from the

date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(18) Each local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction. However, the same private provider may not be audited more than four times in a calendar year unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare. Work on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice of the inspection pursuant to subsection (9) and, subsequent to such inspection and approval, the work shall not be delayed for completion of an inspection audit by the local building code enforcement agency.

Section 15. Paragraph (l) of subsection (2) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(l) *Firesafety.*—An association must ensure compliance with the Florida Fire Prevention Code. As to a residential

condominium building that is a high-rise building as defined under the Florida Fire Prevention Code, the association must retrofit either a fire sprinkler system or an engineered life safety system as specified in the Florida Fire Prevention Code ~~*Certificate of compliance.*—A provision that a certificate of compliance from a licensed electrical contractor or electrician may be accepted by the association's board as evidence of compliance of the condominium units with the applicable fire and life safety code must be included~~. Notwithstanding chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association, residential condominium, or unit owner is not obligated to retrofit the common elements, association property, or units of a residential condominium with a fire sprinkler system in a building that has been certified for occupancy by the applicable governmental entity if the unit owners have voted to forego such retrofitting by the affirmative vote of a majority of all voting interests in the affected condominium. The local authority having jurisdiction may not require completion of retrofitting with a fire sprinkler system or an engineered life safety system before January 1, 2024 ~~2020~~. ~~By December 31, 2016, a residential condominium association that is not in compliance with the requirements for a fire sprinkler system and has not voted to forego retrofitting of such a system must initiate an application for a building permit for the~~

~~required installation with the local government having jurisdiction demonstrating that the association will become compliant by December 31, 2019.~~

1. A vote to forego retrofitting may be obtained by limited proxy or by a ballot personally cast at a duly called membership meeting, or by execution of a written consent by the member, and is effective upon recording a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall mail or hand deliver to each unit owner written notice at least 14 days before the membership meeting in which the vote to forego retrofitting of the required fire sprinkler system is to take place. Within 30 days after the association's opt-out vote, notice of the results of the opt-out vote must be mailed or hand delivered to all unit owners. Evidence of compliance with this notice requirement must be made by affidavit executed by the person providing the notice and filed among the official records of the association. After notice is provided to each owner, a copy must be provided by the current owner to a new owner before closing and by a unit owner to a renter before signing a lease.

2. If there has been a previous vote to forego retrofitting, a vote to require retrofitting may be obtained at a special meeting of the unit owners called by a petition of at least 10 percent of the voting interests. Such a vote may only be called once every 3 years. Notice shall be provided as

required for any regularly called meeting of the unit owners, and must state the purpose of the meeting. Electronic transmission may not be used to provide notice of a meeting called in whole or in part for this purpose.

3. As part of the information collected annually from condominiums, the division shall require condominium associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per-unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of condominiums that have elected to forego retrofitting.

4. Notwithstanding s. 553.509, a residential association may not be obligated to, and may forego the retrofitting of, any improvements required by s. 553.509(2) upon an affirmative vote of a majority of the voting interests in the affected condominium.

5. This paragraph does not apply to timeshare condominium associations, which shall be governed by s. 721.24.

Section 16. Section 718.1085, Florida Statutes, is amended to read:

718.1085 Certain regulations not to be retroactively applied.—Notwithstanding the provisions of chapter 633 or of any other code, statute, ordinance, administrative rule, or regulation, or any interpretation thereof, an association,

condominium, or unit owner is not obligated to retrofit the common elements or units of a residential condominium that meets the definition of "housing for older persons" in s. 760.29(4)(b)3. to comply with requirements relating to handrails and guardrails if the unit owners have voted to forego such retrofitting by the affirmative vote of two-thirds of all voting interests in the affected condominium. However, a condominium association may not vote to forego the retrofitting in common areas in a high-rise building. For the purposes of this section, the term "high-rise building" means a building that is greater than 75 feet in height where the building height is measured from the lowest level of fire department access to the floor of the highest occupiable level. For the purposes of this section, the term "common areas" means stairwells and exposed, outdoor walkways and corridors, but does not include individual balconies. In no event shall the local authority having jurisdiction require retrofitting of common areas with handrails and guardrails before the end of 2024 ~~2014~~.

(1) A vote to forego retrofitting may not be obtained by general proxy or limited proxy, but shall be obtained by a vote personally cast at a duly called membership meeting, or by execution of a written consent by the member, and shall be effective upon the recording of a certificate attesting to such vote in the public records of the county where the condominium is located. The association shall provide each unit owner

written notice of the vote to forego retrofitting of the required handrails or guardrails, or both, in at least 16-point bold type, by certified mail, within 20 days after the association's vote. After such notice is provided to each owner, a copy of such notice shall be provided by the current owner to a new owner prior to closing and shall be provided by a unit owner to a renter prior to signing a lease.

(2) As part of the information collected annually from condominiums, the division shall require condominium associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per-unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of condominiums that have elected to forego retrofitting.

Section 17. By July 1, 2019, the State Fire Marshal shall issue a data call to all local fire officials to collect data regarding high-rise condominiums greater than 75 feet in height which have not retrofitted with a fire sprinkler system or an engineered life safety system in accordance with ss. 633.208(5) and 718.112(2)(l), Florida Statutes. Local fire officials shall submit such data to the State Fire Marshal and shall include, for each individual building, the address, the number of units, and the number of stories. By July 1, 2020, all data must be received and compiled into a report by city and county. By

September 1, 2020, the report must be sent to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 18. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS
FINAL BILL ANALYSIS

BILL #: CS/CS/HB 7103 PCB COM 19-01 Community Development and Housing
SPONSOR(S): State Affairs Committee and Judiciary Committee and Commerce Committee, Fischer and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Commerce Committee	21 Y, 2 N	Smith	Hamon
1) Judiciary Committee	11 Y, 7 N	Jones	Poche
2) State Affairs Committee	14 Y, 8 N	Miller	Williamson

FINAL HOUSE FLOOR ACTION: **GOVERNOR'S ACTION:** Pending
66 **Y's** 42 **N's**

SUMMARY ANALYSIS

CS/CS/HB 7103 passed the House on April 25, 2019. The bill was amended in the Senate on May 3, 2019, and returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on May 3, 2019.

The bill makes the following changes to community development and housing regulations:
- Requires county or municipal inclusionary housing ordinances, if adopted, to include incentives that fully offset costs to the developer of its affordable housing contribution;
- Imposes time limits for a county or municipality to review applications for development orders or permits and provides procedures for addressing deficiencies;
- Requires comprehensive plans adopted after January 1, 2019, and their corresponding land use regulations, to incorporate existing development orders;
- Requires credits for certain contributions for public educational facilities to be allocated to reduce applicable impact fees on a dollar-for-dollar basis at fair market value for the entire impact fee imposed, rather than just those exactions imposed for any particular type of school;
- Prohibits requiring payment of impact fees prior to the issuance of a building permit;
- Provides minimum conditions that must be satisfied before imposing an impact fee, such as a proportional and reasonable connection for additional capital facilities or expenditure of funds;
- Modifies how impact fees may be used, imposed, or credited against;
- Allows either party in a development order challenge to utilize summary procedure and entitles the prevailing party to reasonable attorney fees and costs;
- Provides legislative findings about the need to develop affordable workforce housing and creates a new definition for "essential services personnel";
- Expands the scope of private providers, limits how much may be charged for building inspections when a private provider is used, reduces timeframes for reviewing permit applications submitted by a private provider, and limits a local government's authority to audit a private provider; and
- Allows condominium associations to continue to vote to waive fire sprinkler system retrofitting requirements and extends to January 1, 2024, the date local authorities may require a condominium association to retrofit fire sprinkler systems or an engineered life safety system.

The bill may have an indeterminate negative fiscal impact on local government revenues.

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

THE COMMUNITY PLANNING ACT

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,[1] also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act.[2] The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The intent of the Act is that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.[3] A housing element is required as part of every comprehensive plan in the state. Among other things, the housing element must address "the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction."[4]

Municipalities established after the effective date of the Community Planning Act must adopt a comprehensive plan within three years after the date of incorporation.[5] The county comprehensive plan controls until a municipal comprehensive plan is adopted.[6]

Land Development Regulations

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, that are consistent with and implement their adopted comprehensive plan.[7] Local governments are encouraged to use innovative land development regulations[8] and may adopt measures for the purpose of increasing affordable housing using land-use mechanisms.[9]

All local government land development regulations must be consistent with the local comprehensive plan.[10] Additionally, all public and private development, including special district projects, must be consistent with the local comprehensive plan.[11] However, plans cannot require any special district to undertake a public facility project that would impair the district's bond covenants or agreements.[12]

Some affordable housing ordinances or zoning places restrictions on developments such as rent limitations or requiring a given share of the new development to be "affordable housing." These programs can be mandatory or voluntary and vary in their structure with different set-aside requirements, affordability levels, and control periods. Most programs offer developers incentives, such as density bonuses, expedited approval, and fee waivers.

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[1] *See* ch. 85-55, s. 1, Laws of Fla.
[2] *See* ch. 2011-139, s. 17, Laws of Fla.
[3] S. 163.3161(4), F.S.
[4] S. 163.3177(6)(f)1.g., F.S.
[5] S. 163.3167(3), F.S.
[6] *Id*.
[7] S. 163.3202, F.S.
[8] S. 163.3202(3), F.S.
[9] Ss. 125.01055 and 166.04151, F.S.
[10] S. 163.3194(1)(b), F.S.
[11] *See* ss. 163.3161(6) and 163.3194(1)(a), F.S.
[12] S. 189.081(1), F.S.

Effect of Proposed Changes (Sections 1 & 9)

The bill authorizes counties and municipalities to continue using inclusionary housing ordinances that require a developer to provide a specified number or percentage of affordable housing units within a development or, in lieu of, allow a developer to contribute to a housing fund or other alternative. In exchange, however, a county or municipality must provide incentives to fully offset all costs to the developer for its affordable housing contribution. Incentives may include:

- Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designations; or
- Reducing or waiving fees, such as impact fees or water and sewer charges.

These inclusionary housing ordinance requirements do not apply in the Florida Keys Area or the City of Key West, which are designated areas of critical state concern.

Issuing Development Orders and Permits

Under the Community Planning Act, a development permit includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.[13] A development order is issued by the local government and grants, denies, or grants with conditions an application for a development permit.[14]

When reviewing an application for a development permit, a county or municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.[15] Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues.[16] If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant can request the county or municipality proceed to process the application for approval or denial.[17] If denied, the county or municipality is required to give written notice to the applicant and must provide reference to the applicable legal authority for the denial of the permit.[18]

There is no specified timeframe provided in current statute for reviewing a development permit application.

Effect of Proposed Changes (Sections 2 & 8)

The bill imposes requirements and time limits for a county or municipality to review a development order or permit application and provides procedures for addressing deficiencies. Specifically, the bill requires the local government to review and issue a letter to the applicant indicating that either the application is complete or specifying deficiencies within 30 days after receiving an application. If deficiencies are identified, the applicant has 30 days to submit the required additional information. Within 120 days after the application is deemed complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the local government must approve, approve with conditions, or deny the application.

All decisions must include written findings supporting either the approval, approval with conditions, or denial of the development permit or order. Currently, only application denials are required to include a written notice citing applicable authority for the denial decision.

[13] S. 163.3164(16), F.S.
[14] *See* ss. 125.022, 163.3164(15), and 166.033, F.S.
[15] Ss. 125.022(1) and 166.033(1), F.S.
[16] *Id.*
[17] *Id.*
[18] Ss. 125.022(2) and 166.033(2), F.S.

If both parties agree, the bill allows for the time limits to be reasonably extended, particularly in the event of a force majeure[19] or other extraordinary circumstance.

These timeframes and requirements do not apply in the Florida Keys Area or the City of Key West, which are designated areas of critical state concern.

The term "development order" is added to the title and throughout the section along with conforming changes.

Existing Land Development Orders

A county or municipality is required to adopt or amend land development regulations within one year after submitting its comprehensive or revised comprehensive plan for review.[20] Section 163.3202(2), F.S., outlines the minimum provisions that counties and municipalities should include in their local government land development regulations. These provisions include:

- Regulating the subdivision of land;
- Regulating the use of land and water;
- Providing for protection of potable water wellfields;
- Regulating areas subject to seasonal and periodic flooding and provide for drainage and stormwater management;
- Ensuring the protection of environmentally sensitive lands designated in the comprehensive plan;
- Regulating signage;
- Addressing concurrency;
- Ensuring safe and convenient onsite traffic flow; and
- Maintaining the existing density of residential properties or recreational vehicle parks.

Effect of Proposed Changes (Sections 3 & 6)

The bill provides that a municipal comprehensive plan effective after January 1, 2019, and all land development regulations adopted to implement the plan, must incorporate a development order existing before the comprehensive plan's effective date. The new municipal comprehensive plan may not impair a party's ability to complete development in accordance with the development order and must vest the density[21] and intensity[22] approved by the development order without any limitations or modifications. The bill requires land development regulations to incorporate preexisting development orders.

Challenging a Development Order

Section 163.3215, F.S., provides the exclusive methods for an aggrieved or adversely affected party to appeal and challenge the consistency of a development order with an adopted comprehensive plan. One method allows a local government to adopt an ordinance establishing minimum requirements and procedures for the local hearing process, providing an aggrieved or adversely affected party the opportunity to challenge the proposed decision of a local government granting or denying an application for

[19] The Merriam-Webster Dictionary defines "force majeure" as an event or effect that cannot be reasonably anticipated or controlled.
[20] S. 163.3202(1), F.S.
[21] S. 163.3164(12), F.S., defines "density" as an objective measure of the number of people or residential units allowed per unit of land, such as residents or employees per acre.
[22] S. 163.3164(22), F.S., defines "intensity" as an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below the ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

a development order. Review of the local government's final decision is by petition for writ of certiorari in the circuit court.[23]

If a local government has not adopted an established procedures ordinance, any aggrieved or adversely affected party may maintain a de novo action for declaratory, injunctive, or other relief against any local government to challenge any decision granting or denying an application for, or to prevent any action on a development order which materially alters the use or density or intensity of use on a particular piece of property which is inconsistent with the comprehensive plan. The de novo action must be filed in circuit court[24] no later than 30 days following rendition of a development order, or when all local administrative appeals are exhausted, whichever occurs later.[25]

Under s. 163.3215, F.S., an aggrieved or adversely affected party is any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The term includes the owner, developer, or applicant for a development order.[26]

Effect of Proposed Changes (Section 7)

The bill entitles either party to a development order challenge to invoke summary proceedings under s. 51.011, F.S. However, if either party shows, by clear and convincing evidence, that summary procedure is inappropriate, the court may decline to apply summary procedure. The bill also entitles the prevailing party to recover reasonable attorney fees and costs.

Summary procedure[27] applies to actions specified by statute or rule. Expediting timeframes under summary procedure allows a case to proceed quickly and efficiently. When summary procedure governs, the following procedures apply:

- **Pleadings.** Pleadings are limited to plaintiff's initial pleading, defendant's answer and counterclaim, if necessary, and plaintiff's response to defendant's counterclaim, if necessary.
    - Plaintiff's initial pleading must contain all elements required by the applicable statute or rule, or otherwise state a cause of action.
    - Defendant's answer must be filed within 5 days after defendant is served with plaintiff's initial pleading, and the answer must contain all defenses of law or fact.
    - If the answer contains a counterclaim, plaintiff must respond within 5 days after defendant serves the counterclaim.
    - The court must hear all defensive motions before trial.
- **Discovery.** The parties can take depositions at any time. No other discovery or admissions may be conducted except by court order. Discovery does not postpone the time for trial unless a party shows good cause.
- **Jury.** Either party may demand jury trial, if authorized by law, within 5 days after the action comes to issue. The action can be tried immediately if the jury is in attendance at the close of pleading.
- **New Trial.** Either party can move for new trial within 5 days of the verdict.
- **Appeal.** Either party can appeal within 30 days of rendition of the judgment.

In an action governed by summary procedure, the Florida Rules of Civil Procedure apply, except where the statute or rule provides otherwise. Some especially complicated cases may be inappropriate for summary

[23] S. 163.3215(4), F.S.
[24] *See* s. 26.012, F.S.
[25] S. 163.3215(3), F.S.
[26] S. 163.3215(2), F.S.
[27] S. 51.011, F.S. Summary procedure may apply to actions in circuit court and is not analogous to the procedure for small claims in county court to which the Florida Small Claims Rules apply. *See* R. 7.010, Fla. Sm. Cl.

procedure. If a party shows by clear and convincing evidence that summary procedure is inappropriate, the court may decline to apply summary procedure.

The Florida Supreme Court has held that the summary procedure statute, even though it sets judicial procedures, is a valid exercise of legislative authority.[28]

IMPACT FEES AND CONCURRENCY

Impact fees are amounts imposed by local governments[29] to fund local infrastructure required to provide for increased local services needs caused by new growth.[30] Impact fees must meet the following minimum criteria when adopted by ordinance of a county, municipality, or special district:

- The fee must be calculated using the most recent and localized data.
- The local government adopting the impact fee must account for and report fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund.
- Charges imposed for the collection of impact fees must be limited to the actual costs.
- All local governments must give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect. Counties and municipalities need not wait 90 days before decreasing, suspending, or eliminating an impact fee.[31]

The types of impact fees, amounts, and timing of collection are within the discretion of the local government authorities choosing to impose the fees.[32] The courts have found the imposition of impact fees appropriate where the local government meets two fundamental requirements known as the dual rational nexus test, which requires impact fees to have a reasonable connection, or nexus, between the:

- Need for additional capital facilities and the population growth generated by the project.
- Expenditures of the funds collected from the impact fees and the benefits accruing to the subdivision or project.[33] Meeting this criterion requires the local government ordinance imposing the impact fee to earmark the funds collected to acquire the new capital facilities necessary to benefit the new residents.

Some local governments impose impact fees specifically for local school facilities.[34] School districts have authority to impose ad valorem taxes within the district for school purposes[35] but are not general purpose governments with home rule power[36] and are not expressly authorized to impose impact fees.[37] Local governments imposing specific impact fees for education capital improvements typically collect the fees for

[28] *See, e.g., Crocker v. Diland Corp.*, 593 So. 2d 1096 (Fla. 5th DCA 1992); *Pro-Art Dental Lab, Inc. v. V-Strategic Group, LLC*, 986 So. 2d 1244 (Fla. 2008) (approving *Crocker*, 593 So. 2d 1096, and addressing the interplay between the Florida Rules of Civil Procedure and s. 51.011, F.S.).
[29] S. 163.31801, the impact fee statute, uses "local government" inclusively to refer to counties, municipalities, and special districts. The statute distinguishes school districts from other local governments. *See* s. 163.31801(4), F.S.
[30] S. 163.31801(2), F.S.
[31] S. 163.31801(3), F.S.
[32] Currently, in Florida there are 67 counties, 413 municipalities, 1,091 independent special districts, and 637 dependent special districts. *See* ch. 7, F.S.; *The Local Government Formation Manual 2018-2020*, Appx. B, http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3025&Session=2019&DocumentType=General Publications&FileName=2018-2020 Local Government Formation Manual Final.pdf (last visited Apr. 3, 2019); Lists of Independent and Dependent Districts available through Dept. of Economic Opportunity, Special District Accountability Program, http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx (last visited Apr. 3, 2019).
[33] *St. Johns County v. Northeast Florida Builders Association, Inc.*, 583 So. 2d 635, 637 (Fla. 1991) (citing *Hollywood, Inc. v. Broward County*, 431 So. 2d 606, 611-612 (Fla. 4th DCA (1983), *rev. den.* 440 So. 2d 352 (Fla. 1983)).
[34] *See, e.g.,* Miami-Dade County Code of Ordinances ch. 33K, "Educational Facilities Impact Fee Ordinance"; Orange County Code of Ordinances ch. 23, art. V, "School Impact Fees."
[35] Art. VII, s. 9(a), art. IX, s. 4(b), Fla. Const.; s. 1011.71, F.S. *See also St. Johns County, supra* at 583 So. 2d 642.
[36] *See* art. VIII, ss. 1(f)-(g), (2), Fla. Const.
[37] S. 163.31801(2), F.S.

deposit directly into an account segregated for funding those improvements.[38] The ordinances creating the impact fee also require the funds be used only for education capital improvement projects.[39]

Some local governments require payment of impact fees prior to the issuance of a development or building permit.[40] In general, a building permit must be obtained before the construction, erection, modification, repair, or demolition of any building.[41] A development permit pertains to any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.[42]

Local comprehensive plans must contain a capital improvements element designed to provide for the construction, extension, or increase in capacity of public facilities necessary to implement the plan. The purpose is to ensure the availability and adequacy of public facilities to meet established acceptable levels of service.[43] The capital improvements element must estimate the costs for such public facilities and when they will be needed.[44] The only public facilities subject to the concurrency requirement statewide are sanitary sewer, solid waste, drainage, and potable water.[45] Local governments are authorized to extend the concurrency requirement to additional types of public facilities.

A local government applying the concurrency requirement to transportation facilities must comply with the statutory requirements in order to achieve and maintain the level of service standard adopted in the comprehensive plan.[46] A local government that later repeals transportation concurrency is encouraged to apply statutory criteria to an alternative mobility funding system. A mobility fee-based funding system adopted by a local government must comply with the dual rational nexus test applicable to impact fees.[47]

Local governments may also apply concurrency to public education facilities.[48] With certain exceptions, when establishing such concurrency requirements the local government must enter into an interlocal agreement with the school district.[49] The interlocal agreement may authorize a contribution of land, construction, expansion, or payment for land acquisition, construction or expansion of a public school, or construction of a charter school, as proportionate-share mitigation. If so, the local government must credit such contribution towards any other impact fee or exaction on a dollar-for-dollar basis at fair market value.[50]

Effect of Proposed Changes (Sections 4 & 5)

With respect to school concurrency and proportionate share mitigation, the bill specifies that all provisions governing impact fees, in s. 163.31801, F.S., also apply to mobility fees. Additionally, the bill requires credit

[38] In Miami-Dade County, the education facility impact fee is paid to the County Planning & Zoning Director, who must then deposit that amount into a specific trust fund maintained by the county. Miami-Dade County Code of Ordinances, ss. 33K-7(a), 33K-10(1). In Orange County, the school impact fee is paid to the county or municipality (if the land being developed is within a municipality), which then transfers the funds collected at least quarterly to the Orange County School District. The District is responsible for maintaining the trust into which the impact fee revenues must be deposited. Orange County Code of Ordinances, ss. 23-142.
[39] *See* Miami-Dade County Code of Ordinances, s. 33K-11(a); Orange County Code of Ordinances, s. 23-143(b).
[40] *See*, e.g., Roads Impact Fee, ch. 2, art. VI, div. 2, s. 2-267(a), Land Development Code Lee County, Florida, https://library.municode.com/fl/lee_county/codes/land_development_code?nodeId=LADECO_CH2AD_ARTVIIMFE (last visited Apr. 3, 2019); Transportation Impact Fee, Ch. 56, Part I, s. 56-15.C.1, City of Orlando Code of Ordinances, https://library.municode.com/fl/orlando/codes/code_of_ordinances?nodeId=TITIICICO_CH56IMFE (last visited Apr. 3, 2019); Road Impact Fees, Miami-Dade County Code of Ordinances, s. 33E-6.1(c), https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOOR_CH33EROIMFEOR_S33E-6.1PAROIMFE (last visited Apr. 3, 2019).
[41] S. 553.79, F.S.
[42] S. 163.3164(16), F.S.
[43] S. 163.3177(3), F.S.
[44] S. 163.3177(3)(a)2., F.S.
[45] S. 163.3180(1), F.S.
[46] S. 163.3180(5), F.S.
[47] S. 163.3180(5)(i), F.S.
[48] S. 163.3180(6)(a), F.S.
[49] Ss. 163.31777(1) and 163.3180(6)(i), F.S.
[50] S. 163.3180(6)(h)2.b., F.S.

for impact fees imposed for public educational facilities to be based on the total impact fee assessed and not limited to the impact fee imposed for a particular type of school.

The bill prohibits a local government from requiring payment of impact fees prior to the issuance of a building permit. The bill codifies the dual rational nexus test by requiring an impact fee to be proportional and have a rational nexus both to the need for additional capital facilities and to the expenditure of funds collected and the benefits accruing to the new construction. Local governments must designate the funds collected by the impact fees for acquiring, constructing, or improving capital facilities to benefit new users. Impact fees collected by a local government may not be used to pay existing debt or pay for prior approved projects unless such expenditure has a rational nexus to the impact generated by the new construction.

The bill also requires the local government to credit against the collection of the impact fee any contributions related to public educational facilities, whether provided in a proportionate share agreement or any other form of exaction. Any such contributions must be applied to reduce impact fees on a dollar-for-dollar basis at fair market value.

If the local government increases an impact fee, the bill requires outstanding and unused credits be adjusted accordingly. The holder of impact or mobility fee credits in existence before an impact fee or mobility fee rate increase is entitled to a proportionate increase in his or her credit balance. This credit balance adjustment only applies prospectively.

The bill authorizes counties, municipalities, and special districts to provide exceptions or waivers of impact fees to encourage the development or construction of affordable housing. Providing such an exception or waiver does not require the local government to use other revenues to offset the impact.

In any action challenging the government's failure to provide the required dollar-for-dollar credits for the payment of impact fees for school concurrency, the government has the burden of proving by a preponderance of the evidence that the amount of the credit meets the requirements of state legal precedent and the provisions of this section of law. The bill prohibits the court from using a deferential standard for the benefit of the government.

The bill also clarifies that water and sewer connection fees are not treated as impact fees.

TOLLING AND EXTENSION OF PERMITS

When the Governor issues a declaration of emergency, the period to exercise rights under a permit or other authorization is tolled (expiration date extended) for the duration of the emergency. The period remaining to exercise such rights is extended for six months in addition to the tolled period. The tolling and extension applies to the:

- Expiration of a development order issued by a local government;
- Expiration of a building permit;
- Expiration of a permit issued by the Department of Environmental Protection or a water management district under ch. 373, part IV, F.S.; or
- Buildout date for a development of regional impact or any extension of such date under s. 380.06(7)(c), F.S.[51]

The statute recognizes two types of emergencies. A "manmade emergency" is caused by actions against persons or society, including without limitation enemy attack, sabotage, terrorism, civil unrest, or other

[51] S. 252.363(1)(a), F.S.

action impairing the orderly administration of government.[52] A "natural emergency" is caused by natural events, including without limitation hurricane, storm, flood, severe wave action, drought, or earthquake.[53]

Effect of Proposed Changes (Section 13)

The bill limits the extended period remaining to exercise rights under a permit or other authorization to during declarations of a state of emergency for a "natural emergency." Extensions will no longer be applicable during a general state of emergency.

AFFORDABLE WORKFORCE HOUSING POLICY

The Florida Housing Finance Corporation (FHFC) administers the financing of affordable housing in the state.[54] FHFC is authorized to participate in various federal housing grant programs, including drawing and administering certain funds and other resources made available to Florida.[55]

Effect of Proposed Changes (Sections 10, 11, & 12)

The bill creates a statement of intent to create a state housing finance strategy to provide affordable workplace housing in specific areas of critical state concern. The statement includes findings on the reason for the continuing lack of affordable workforce housing and the detrimental impacts of such lack on essential services personnel. The bill replaces an old definition of "essential services personnel" with one more broadly applicable to all FHFC programs. The new definition applies to police or fire personnel, child care workers, teachers or other education personnel, health care personnel, public employees, and service workers.

THE FLORIDA BUILDING CODE

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.[56] Every local government must enforce the Florida Building Code and issue building permits.[57] It is unlawful for an entity to construct, alter, repair, or demolish any building without first obtaining a permit from the local enforcing agency.[58]

Any construction work that requires a building permit also requires plans and inspections by the local building official to ensure the work complies with the building code. The building code requires certain building, electrical, plumbing, mechanical, and gas inspections. In addition to required inspections, a local building official may require other inspections of any work to ensure it complies with the building code.[59]

Private Providers

In 2002, the Legislature created s. 553.791, F.S., allowing contractors and property owners to hire licensed building code administrators, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

[52] S. 252.34(7), F.S.
[53] S. 252.34(8), F.S.
[54] S. 420.504(1), F.S.
[55] S. 420.507, F.S.
[56] S. 553.72, F.S.
[57] Ss. 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.
[58] *See* ss. 125.56(4)(a) and 553.79(1), F.S.
[59] Ss. 107, 110.1, and 110.3, Sixth edition of the Florida Building Code.

Private providers are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's license. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.

A building official is entitled to audit a private provider to ensure the private provider has reviewed the building plans and is performing the required inspections. Auditing a private provider does not require a building official to replicate a private provider's plan review or inspection, but it does not prohibit it. A building official may deny a building permit or a request for a certificate of completion if the building construction or plans do not comply with the building code. A building official may also issue a stop work order at any time if he or she determines any condition of the construction poses an immediate threat to public safety and welfare.[60]

When a property owner or a contractor elects to use a private provider, he or she must notify the building official at the time of the permit application or no less than seven business days before the next scheduled inspection.[61]

A private provider who approves building plans must sign by sworn affidavit, on a form adopted by the commission, that the plans comply with the Building Code and the private provider is authorized to review the plans.[62]

Upon receipt of a building permit application from a private provider, a building official has 30 business days to grant or deny the permit. Denying a permit automatically tolls the remaining 30 business days. If an applicant resubmits, the building official has the remainder of the tolled 30 business days plus five additional business days to grant or deny the permit. If the building official denies the permit a second time, the building official has five additional business days to review the resubmittal by the applicant.[63]

Before a private provider performs building inspections, he or she must notify the building official of each inspection the business day before the inspection. A local building official may visit a building site as often as necessary to ensure the private provider is performing the required inspections. Construction work on a building may continue as long as the private provider passes each inspection and the private provider gives proper notice of each inspection to the building official.[64]

Upon completion of all required inspections, a private provider must give the building official a record of all the inspections, a request for a certificate of completion, and a sworn statement stating the building complies with the building code. Upon receipt, the building official has two business days to issue the certificate of completion, deny the request for a certificate of completion, or issue a stop work order.[65]

Effect of Proposed Changes (Section 14)

The bill expands the scope of services of private providers by allowing them to approve plans and perform inspections for portions of a project that are not part of the building structure, such as services involving the review of site plans and site work engineering plans. As part of this expansion, the bill includes two new definitions, as follows:

- "Site-work" means the portion of a construction project that is not part of the building structure, including but not limited to, grading, excavation, landscape irrigation and the installation of driveways.

[60] S. 553.791(1), (13), and (18), F.S.
[61] S. 553.791(4)-(5), F.S.
[62] S. 553.791(6), F.S.
[63] S. 553.791(7), F.S.
[64] S. 553.791(8) and (18), F.S.
[65] S. 553.791(11)-(12), F.S.

- "Plans" means building plans, site engineering plans, site plans, or their functional equivalent submitted by a fee owner or fee owner's contractor to a private provider or duly authorized representative for review.

This expansion allows private providers to review applications and inspect work related to all aspects of development from site plan approval through vertical building construction.

The bill provides that a building official may not audit a private provider more than four times in a calendar year unless the building official determines the condition of a building constitutes an immediate threat to public safety and welfare. The bill prohibits a building official from replicating the plan review or inspection performed by the private provider, unless expressly authorized.

The bill prohibits a local jurisdiction from charging fees for building inspections if a private provider is used; however, the local jurisdiction may charge a reasonable administrative fee.

The bill reduces the required minimum notification time to a local building official regarding the use of a private provider from seven business days to by 2 p.m. local time, two business days prior to first or next scheduled inspection.

Timing of the permit application process is reduced to 20 business days, rather than 30 business days, for building officials to review an application from a private provider and either:

- Issue a permit;
- Provide the applicant written notice of deficiencies; or
- Allow the application to be deemed approved as a matter of law, if a deficiency notice was not provided.

If the applicant submits revisions, the bill clarifies that the building official has the remainder of the tolled 20-day period plus 5 business days, from the date of resubmittal, to either issue the requested permit or provide a second written notice stating the remaining deficiencies. Additionally, the bill provides that a building official's review of a resubmitted permit application from a private provider is limited to the deficiencies cited in the written notice.

Currently, private providers performing plan reviews must certify that the plans comply with the Building Code on a form adopted by the commission. The bill changes the form requirement to one "reasonably acceptable" to the commission.

FLORIDA FIRE PREVENTION CODE

Florida's fire prevention and control law, ch. 633, F.S., designates the state's Chief Financial Officer as the State Fire Marshal, and requires the State Fire Marshal to adopt the Florida Fire Prevention Code (Fire Code) by rule every three years. The Fire Code sets forth fire safety standards (including certain national codes) for property, and is enforced by local fire officials within each county, municipality, and special fire districts in the state.

The Fire Code requires existing multi-family buildings 75 feet or taller to be retrofitted with a fire sprinkler system or an engineered life safety system (ELSS). However, local governments may not require a residential condominium association to retrofit a building before January 1, 2020.

Currently, residential condominium associations may vote to waive the requirement to retrofit a building with a fire sprinkler system by a majority vote of the total voting interests.

For condominium associations that complete retrofitting, a certificate of compliance from a licensed electrical contractor or electrician may be accepted as evidence of compliance with the Fire Code.[66]

Effect of Proposed Changes (Sections 15, 16, and 17)

The bill allows condominium associations to continue to vote to waive fire sprinkler system retrofitting requirements and extends to January 1, 2024, the date local authorities may require a condominium association to complete retrofitting of a fire sprinkler system or an engineered life safety system. These provisions do not apply to timeshare condominium associations. The bill deletes the requirement that condominium associations accept a certificate of compliance as evidence that a unit has been retrofitted in accordance with the Fire Code.

The bill delays the date that a local authority may require a condominium to retrofit the common areas of a high-rise building with handrails and guardrails, which comply with the Fire Code, to the end of 2024. The bill also clarifies that individual balconies are not considered "common areas."

Further, the bill directs the State Fire Marshal to issue a data call to local fire officials to collect data regarding high-rise condominiums greater than 75 feet in height, not retrofitted with a fire sprinkler system or an engineered life safety system. The submitted data is to include for each individual building, the address, the number of units, and the number of stories. A compiled report, by city and county, must be sent by September 1, 2020, to the Governor, President of the Senate, and the Speaker of the House of Representatives.

EFFECTIVE DATE

The bill has an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
   None.

2. Expenditures:
   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
   The bill may delay when impact fees are collected, but it does not change the amount of such fees; thus, it does not restrict the amount of revenue local governments may raise nor require they expend additional amounts. Reflecting the possibility that payments may be delayed into later fiscal years than under current law, the Revenue Estimating Conference estimates the bill will have a negative indeterminate impact on local government revenues.

   The bill limits how much a local jurisdiction may charge for building inspections performed by a private provider to a reasonable administrative fee. This may have a negative indeterminate impact on local government revenues to the extent local jurisdictions were charging full or reduced fees to private providers.

[66] Ss. 718.112(2)(1), and 719.1055(5), F.S.

2. Expenditures:
   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:
   The bill may have a positive indeterminate impact on property development by establishing a timeframe for the issuance of development permits and orders and reducing the timeframes of plans inspections and reviews by private providers. The bill may impact the private sector by affecting private financing of the change in timing of collecting the impact fees. The bill also may have a positive indeterminate impact on property development by requiring a mobility fee-based funding system to be governed by the same statute governing impact fees and by requiring credits given for contributions to public educational facilities under the concurrency statue be based on the total impact fee assessed.

   The bill extends the deadline for condominium associations to become compliant with fire sprinkler system and ELSS retrofitting requirements to 2024 and allows condominium associations to continue to vote to waive fire sprinkler retrofitting requirements. This may have an initial positive economic impact on some condominium owners. Those associations that vote to waive fire sprinkler system installation requirements will still be required to comply with, the likely less expensive, ELSS requirements. The cost of installation of such systems may be offset by a reduction in property insurance rates based on an insurer's consideration of the installation of a life safety system in setting rates. However, any positive economic impact based on waiving fire sprinkler requirements or delaying the installation of a life safety system could be offset by the negative economic impact and loss of life that could occur if a fire breaks out and a life safety system is not in place.

D. FISCAL COMMENTS:
   None.

TREASURE COAST REGIONAL PLANNING COUNCIL
INDIAN RIVER – ST. LUCIE – MARTIN – PALM BEACH

May 17, 2019

Governor Ron DeSantis
State of Florida
The Capitol
400 S. Monroe Street
Tallahassee, FL 32399

Re: House Bill 7103

Dear Governor DeSantis:

At their meeting on May 17, 2019, the Treasure Coast Regional Planning Council discussed recently adopted House Bill 7103 which has not yet been signed into law. The Council directed that this letter be sent to you asking that the bill be vetoed. A key component in implementing local comprehensive plans is the requirement that all development orders are consistent with the plan, and challenging the consistency of approvals in court is a mechanism to ensure the comprehensive plan is effective. Council was concerned with the negative impacts on the Region that could result from the new barrier to consistency challenges created in the Bill: mandating that the losing party pay the prevailing party's legal fees.

The hazard of having to pay the other side's legal fees in addition to their own will deter affected citizens, small jurisdictions, and applicants who are not well-funded from challenging local decisions on development projects, even if they believe they can demonstrate the decision was improper.

The far-reaching implications of this change did not have an opportunity for vetting or public input since the amendment that introduced these provisions into House Bill 7103 did not go through committee review and was put forth only a few days before the end of the session.

In conclusion, the Council respectfully requests that you veto House Bill 7103.

Sincerely yours,

Thomas J. Lanahan
Executive Director

cc: TCRPC Council members

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