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To: Honorable Mayor and Village Council

Date: August 30, 2013

From: Eve A. Boutsis, Village Attorney

Re: Council Meeting Procedures  
Ordinance for Second Reading

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**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC COMMENTS DURING MEETINGS OF THE VILLAGE COUNCIL; REVISING SECTION 2.47 ENTITLED "ORDER OF BUSINESS" AND SECTION 2.50 ENTITLED "COUNCIL MEETING AGENDA ITEMS" TO ENSURE COMPLIANCE WITH SECTION 286.0114, FLORIDA STATUTES, WHICH PROVISION BECOMES EFFECTIVE LAW ON OCTOBER 1, 2013; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

During the Florida Legislature's 2013 regular session, the legislature enacted Senate Bill 50, effective October 1, 2013, which bill created Section 286.0114, Florida Statutes. The Legislature found that a proper and legitimate state purpose is served when members of the public have been given a reasonable opportunity to be heard on a proposition before a board or commission of a state agency or authority, or of an agency or authority of a county, municipal corporation, or political subdivision. Therefore, the Legislature determined that the statute fulfilled an important state interest. Although the Village, through the Citizen's Bill of Rights and its own procedures, currently ensures public comments at every council meeting, the location of public comments on the agenda, is after consent and fails to provide public comment prior to public comments. As such, the "public comment" section of the agenda should be moved to prior to "Consent." The new statute does not require public comment after each item. Rather, public comment can be done separately, or in advance of an item being heard, as long as there is an opportunity, prior to final action by the Council, to allow the public comments. Please note, the statute delineates certain exemptions - as provided under state law from the public comment process.

The modifications to Section 2-47 and 2-50 allows for the change in the order of Council meeting agenda items to be heard so as to allow public comments prior to any non-ministerial action of the Village Council. Compliance with Section 286.0114, Florida Statutes, would ensure that the Council is not subject to an injunctive relief law suit or subject to a request for attorney's fees for bringing such an action.

For ease of reference, the new statute is delineated below:

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(1) For purposes of this section, "board or commission" means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

- (a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
- (b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- (c) A meeting that is exempt from s.286.011; or
- (d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

- (a) Provide guidelines regarding the amount of time an individual has to address the board or commission;
- (b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
- (c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
- (d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7) (a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

No modification was made during first reading of the ordinance on July 11, 2013.

**FISCAL/BUDGETARY IMPACT:**

None at this time.

**RECOMMENDATION:**

Approval.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC COMMENTS DURING MEETINGS OF THE VILLAGE COUNCIL; REVISING SECTION 2.47 ENTITLED "ORDER OF BUSINESS" AND SECTION 2.50 ENTITLED "COUNCIL MEETING AGENDA ITEMS" TO ENSURE COMPLIANCE WITH SECTION 286.0114, FLORIDA STATUTES, WHICH PROVISION BECOMES EFFECTIVE ON OCTOBER 1, 2013; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, article IV, section 4.1(B) of the Village Charter of the Village of Palmetto Bay provides that the Council shall determine its rules of procedure and order of business; and,

WHEREAS, a newly created Florida Statute, Section 286.0114, becomes effective October 1, 2013, and mandates public comment be heard prior to an official action of a governing body; and

WHEREAS, to be consistent with the requirements of 286.0114, Florida Statutes, the Village Council's order of business for meetings, as well, as the scope of public comments be modified to be consistent with the enactment of the statute; and,

WHEREAS, the Mayor and Council desire to enact an ordinance to implement the newly-created Statute.

BE IT ENACTED BY THE MAYOR AND COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. Section 2.47 and 2.50, of the Village's Code, are amended to read as follows:

\* \* \*

2.47 Agenda Procedures.

(a) Order of business. There shall be an official agenda for every regular and special meeting of the Council that shall determine the order of business to be conducted at the meeting. The order of business of the Council at the regular meetings shall be as follows:

1. Call to Order, Roll Call, Pledge of Allegiance
2. Decorum Statement
3. Proclamations, Awards, Presentations
4. Approval of Minutes
5. ~~Consent Agenda~~
6. ~~Request, Petitions, and Public Comments~~
5. Requests, Petitions, and Public Comments
6. Consent Agenda
7. Village Manager's Report

8. Village Attorney's Report
9. Board and Committee Reports
10. Resolutions
11. Resolutions requiring public hearing
12. Ordinances for first reading and emergency ordinances
13. Ordinances for second reading and public hearing
14. Other Business
15. Council Comments
16. Next meeting and adjournment

\* \* \*

**Sec. 2-50. Council meeting agenda items.**

The order of business shall be conducted as follows.

- (1) Call to order, roll call, pledge of allegiance.

- a. *Call to order.* The Mayor shall take the chair and call the Council to order promptly at the hour set for each meeting.

1. *Quorum.* A majority of the Council shall constitute a quorum. Except as provided for action on items in which Council Members abstain due to a legal conflict of interest, no ordinance, resolution or motion shall be adopted by the Council without the affirmative vote of the majority of the Council.

2. *Failure to attain a quorum.* Should the Council fail to achieve a quorum within 20 minutes after the time scheduled for the meeting, the members in attendance may adjourn the meeting until another date or time. The names of the members present and their action at the meeting shall be recorded in the minutes by the Village Clerk.

- b. *Roll call.* The Village Clerk shall determine whether a quorum is present to continue with the meeting. The Village Clerk shall call the roll of the members of the Council, and the names of those present shall be entered into the minutes. The absence of a member shall be noted in the minutes. Any Council member who intends to be absent from any Council meeting shall notify the Village Clerk of the intended absence as soon as convenient.

- c. *Pledge of allegiance.* All Council Members, staff and persons present during the meeting shall stand, salute the flag, and recite the pledge of allegiance.

~~(2) Proclamations, awards, presentations. This section of the agenda is reserved for presentations, proclamations or special recognition made by the Mayor.~~

(2) Decorum Statement. The Clerk shall issue the following decorum statement during the meeting.

"Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting."

(3) Proclamations, awards, presentations. This section of the agenda is reserved for presentations, proclamations or special recognition made by the Mayor.

(34) *Approval of the minutes.* Unless a reading of the minutes of a meeting is requested by a majority of the Council, the minutes, when approved by the Council and signed by the Mayor and Village Clerk, shall be considered approved without reading; provided, however, the Village Clerk shall place a copy of the minutes of each meeting, as soon as they have been completed, at a designated place in the Village Clerk's office where they may be examined by the Council members prior to formal approval. A copy of the minutes shall, upon completion by the Village Clerk, be delivered to the Village Manager and Village Attorney. The minutes of prior meetings may only be approved by a majority of the Council present at the meeting of the Council and, upon approval, shall become the official minutes.

~~(4) Consent agenda.~~ There shall be a consent agenda only during regular Council meetings. The consent agenda shall contain resolutions that, in the opinion of the Village Manager, may be handled and implemented without the necessity for discussion. Unless a Council member specifically requests that an item be removed from the consent agenda, the items shall be approved without discussion and adopted by a single motion and vote. All items on the consent agenda shall be voted upon in one vote.

~~(5) Requests, petitions and public comments.~~ Pursuant to the Citizen's Bill of Rights of the Village of Palmetto Bay Municipal Charter, every person shall have the right to be heard on matters within the jurisdiction of the Village. Individuals wishing to speak on matters on the agenda and on items pertinent to the Village may do so by speaking during this section of agenda. The Mayor will recognize those persons who wish to speak. Each speaker must sign in prior to speaking on the designated public commentary sign-in sheet. Items for public hearing provided for within the agenda shall not be a topic of discussion during this section of agenda.

(5) *Requests, petitions and public comments.* Pursuant Section 286.0114, Florida Statutes, and the Citizen's Bill of Rights of the Village of Palmetto Bay Municipal Charter, every person shall have the right to be heard on matters within the jurisdiction of the Village. Individuals wishing to speak on matters on the agenda and on items pertinent to the Village may do so by speaking during this section of agenda. The Mayor will recognize those persons who wish to speak. Each speaker must sign in prior to speaking on the designated public commentary sign-in sheet. Items for public hearing provided for within the agenda shall not be a topic of discussion during this section of agenda. The requirements of 286.0114, Florida Statutes and the Citizens Bill of Rights does not apply to an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the Council to act; if the item is a ministerial action of the Council including minutes and ceremonial proclamations; an exempt meeting under 286.011, Florida Statutes; or a quasi-judicial proceeding.

(6) *Consent agenda.* There shall be a consent agenda only during regular Council meetings. The consent agenda shall contain resolutions that, in the opinion of the Village Manager, may be handled and implemented without the necessity for discussion. Unless a Council Member specifically requests that an item be removed from the consent agenda, the items shall be approved without discussion and adopted by a single motion and vote. All items on the consent agenda shall be voted upon in one vote.

(67) *Village Manager's report.* This section of the agenda shall be utilized by the Village Manager to provide information reports. The topics of the reports should be provided to the Village Clerk prior to the close of the agenda so the public may have notice of the items to be addressed. No final action may be taken during this portion of the agenda unless determined to be an emergency by a super majority vote of the Council.

(78) *Village Attorney's report.* This section of the agenda shall be utilized by the Village Attorney to provide information reports. The topics of the reports should be provided to the Village Clerk prior to the close of the agenda so the public may have notice of the items to be addressed. No final action may be taken during this portion of the agenda unless determined to be an emergency by a super majority vote of the Council.

(89) *Board and committee reports.* This section of the agenda shall be utilized for the Mayor, Council members and committees to provide information reports. The topics of the report should be provided to the Village Clerk prior to the close of the agenda so the public may have notice of the items to be addressed. No final action may be taken during this portion of the agenda unless determined to be an emergency by a super majority vote of the Council.

(910) *Resolutions.* Resolutions not included on the consent agenda shall be placed on this portion of the agenda. After the resolution title is read the matter shall be placed on the floor for consideration upon a motion and a second to the motion. The staff shall provide a report on the item, which shall be followed by discussion and action by the Council.

(4011) *Resolutions requiring public hearing.* Items requiring a public hearing shall be placed on this portion of the agenda. After the matter is placed on the floor for consideration, and after the staff report, the Mayor shall open the hearing to the public. At that time all interested persons shall have the opportunity to be heard. Once all interested persons have been heard the Mayor shall close the public hearing. The proposed resolution shall be considered by the Council and a vote shall be taken. Zoning resolutions and other quasi-judicial matters, as defined in Chapter 5 of the Village's Code of Ordinances, shall be considered at a time determined by the Village Council and in accordance with quasi-judicial hearing procedures enacted by the Council.

(4412) *Ordinances for first reading.* Ordinances may be introduced and listed by title and shall be read by title only before consideration by the Council on first reading. On first reading of ordinances, there shall be no discussion by either the Council, Village staff or members of the public unless discussion is requested by a Council member. Any such request by a Council member shall open the item to the floor for public comment. On first reading only, the Council may either vote for all ordinances in one vote or may vote separately on each ordinance.

(4213) *Ordinances for second reading.* After an ordinance on second reading is placed on the floor for consideration, and after the staff report, the Mayor shall open the hearing to the public. At that time all interested persons shall have the opportunity to be heard. Once all interested persons have been heard the Mayor shall close the public hearing. The proposed ordinance shall be considered by the Council and a vote shall be taken. An ordinance for second reading must be read individually and voted upon separately. Once action is taken on a proposed ordinance, neither the same matter nor its repeal or rescission may be brought before the Council again for a period of six months following the action unless a majority of the Council agrees to waive the rule.

(4314) *Other business.* A Council member may make a request for the preparation of policy, legislation or action by the Village Manager or Village Attorney under this section of the agenda. A signed written memorandum or form provided for this purposes shall state the purpose of the item or action, the major points to be covered, the reasons why action is necessary, and the action desired by the Council member. The document shall be provided to the Village Manager and, or Village Attorney prior to the deadline for closing the agenda. The request shall not be acted upon until it is approved by a vote of a majority of the Council.

(4415) *Council comments.* Council members may speak on any matter of public or general interest.

(4516) *Next meeting and adjournment.* The Mayor shall announce the time and place of the next meeting, and adjourn the meeting.

\* \* \*

**Section 2.** Codification. This ordinance shall be codified and included in the code of ordinances.

**Section 3.** Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

**Section 4.** Effective Date. This ordinance shall take effect immediately upon enactment.

First reading: July 11, 2013

Second Reading: September 9, 2013

PASSED AND ENACTED this \_\_\_\_\_ day of September, 2013.

Attest: \_\_\_\_\_  
Meighan Alexander  
Village Clerk

\_\_\_\_\_  
Shelley Stanczyk  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Eve A. Boutsis  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore \_\_\_\_\_

Council Member Tim Schaffer \_\_\_\_\_

Council Member Joan Lindsay \_\_\_\_\_

Vice-Mayor John DuBois \_\_\_\_\_

Mayor Shelley Stanczyk \_\_\_\_\_



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To: Honorable Mayor and Village Council

Date: August 30, 2013

From: Eve A. Boutsis, Village Attorney

Re: Board and Committee Procedures  
Ordinance for Second Reading

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**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PUBLIC COMMENTS; AMENDING ARTICLE VIII OF CHAPTER 2, ENTITLED "BOARDS AND COMMITTEES, GENERALLY"; REQUIRING ALL SCHEDULED BOARD AND COMMITTEE MEETING TO PROVIDE FOR PUBLIC COMMENT PERIOD AT THE BEGINNING OF EVERY MEETING CONSISTENT WITH SECTION 286.0114, FLORIDA STATUTES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

During the Florida Legislature's 2013 regular session, the legislature enacted Senate Bill 50, effective October 1, 2013, which bill created Section 286.0114, Florida Statutes. The Legislature found that a proper and legitimate state purpose is served when members of the public have been given a reasonable opportunity to be heard on a proposition before a board or commission of a state agency or authority, or of an agency or authority of a county, municipal corporation, or political subdivision. Therefore, the Legislature determined that the statute fulfilled an important state interest. Although the Village currently provides public comments at all board and committee meetings, the proposed modification to the ordinance on boards and committees is to require public comments at the beginning of each meeting, prior to action by the board or committee.

Compliance with Section 286.0114, Florida Statutes, would ensure that the Council is not subject to injunctive relief lawsuit or attorney's fees for bringing the action forward.

For ease of reference, the new statute is delineated below:

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(1) For purposes of this section, "board or commission" means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity

occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

- (3) The requirements in subsection (2) do not apply to:
- (a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
  - (b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
  - (c) A meeting that is exempt from s.286.011; or
  - (d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

- (a) Provide guidelines regarding the amount of time an individual has to address the board or commission;
- (b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
- (c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
- (d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7) (a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

No modification to the ordinance was made during first reading on July 11, 2013.

**FISCAL/BUDGETARY IMPACT:**

None at this time.

**RECOMMENDATION:**

Approval.



1 All Board and Committee meetings, whether ah hoc, or standing boards or committees shall provide  
2 for public commentary at the beginning of each scheduled meeting prior to taking action on any  
3 substantive agenda items. Public Comments shall be maintained at no more than three (3) minutes  
4 per person, unless the Board or Committee authorizes a different amount of time.

5 \* \* \*

6  
7 **Section 2.** All ordinances or parts of ordinances in conflict with the provisions of this  
8 ordinance are repealed.

9  
10 **Section 3.** This ordinance shall be codified and included in the Code of Ordinances.

11  
12 **Section 4.** If any section, clause, sentence, or phrase of this ordinance is for any reason  
13 held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the  
14 validity of the remaining portions of this ordinance.

15  
16 **Section 5.** This ordinance shall take effect immediately upon enactment.

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18 First Reading: July 11, 2013

19 Second Reading: September 9, 2013

20  
21 PASSED AND ENACTED this [ ] day of [ ], 2013.

22  
23 Attest: \_\_\_\_\_

24 Meighan Alexander  
25 Village Clerk

\_\_\_\_\_  
26 Shelley Stanczyk  
27 Mayor

28 APPROVED AS TO FORM:

29 \_\_\_\_\_  
30 Eve A. Boutsis,  
31 Village Attorney

32 FINAL VOTE AT ADOPTION:

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34 Council Member Patrick Fiore \_\_\_\_\_

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36 Council Member Tim Schaffer \_\_\_\_\_

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38 Council Member Joan Lindsay \_\_\_\_\_

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40 Vice-Mayor John DuBois \_\_\_\_\_

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42 Mayor Shelley Stanczyk \_\_\_\_\_



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To: Honorable Mayor and Village Council

Date: August 30, 2013

From: Eve A. Boutsis, Village Attorney

Re: Peddler Ordinance  
Ordinance for Second Reading

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**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO REPEAL THE LANGUAGE OF SECTION 27-89 OF THE VILLAGE'S CODE ENTITLED "PEDDLING PROHIBITED"; AND REPLACING IT WITH "NOTICE ON PREMISES THAT UNINVITED VENDORS, SOLICITORS, PEDDLERS, ETC. ARE NOT WANTED; AND PROVIDING PENALTIES; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

In 2010, as part of the Village's revisions to its property maintenance standards, the Mayor and Village Council of the Village of Palmetto Bay adopted section 27-89 entitled "Peddling Prohibited". The provision was modeled after a then enacted Miami-Dade County Code provision, which was subsequently repealed. As of this date, the Village has yet to issue a violation notice relating to enforcement of this provision through the Code Compliance Division. Recently, on April 29, 2013, a vendor in the community, Vivint, Inc., issued a letter to the Village Attorney advising that the provision may violate the First Amendment of the Constitution. The Village Attorney reviewed the citations to authority provided by Vivint, Inc.'s counsel and confirmed that the ordinance should be modified.

The proposed replacement provision is consistent with the law in the State of Florida and has been reviewed by the Miami-Dade County Policing Unit's legal department for enforcement and legal sufficiency purposes. The County's police legal unit has signed off on the draft ordinance.

The proposed ordinance provides the resident with the ability to place a "no solicitation" sign on the property. Should someone solicit despite the notice, the Village's Code Compliance and Policing units, upon being notified, may issue a notice of violation to the person soliciting. A first offense would allow for a \$250.00 fine and \$500.00 for repeat offense(s). No changes were made during first reading.

**FISCAL/BUDGETARY IMPACT:** None at this time.

**RECOMMENDATION:** Approval.





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Section 5. This ordinance shall take effect immediately upon enactment.

First Reading: July 11, 2013

Second Reading: September 9, 2013

PASSED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

Attest: \_\_\_\_\_  
Meighan Alexander  
Village Clerk

\_\_\_\_\_  
Shelley Stanczyk  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Eve Boutsis  
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore \_\_\_\_\_  
Council Member Tim Schaffer \_\_\_\_\_  
Council Member Joan Lindsay \_\_\_\_\_  
Vice-Mayor John DuBois \_\_\_\_\_  
Mayor Shelley Stanczyk \_\_\_\_\_