



## VILLAGE OF PALMETTO BAY

Mayor Karyn Cunningham  
Vice Mayor John DuBois  
Council Member Patrick Fiore (Seat 1)  
Council Member David Singer (Seat 2)  
Council Member Marsha Matson (Seat 3)

Interim Village Manager Gregory Truitt  
Village Attorney John C. Dellagloria  
Village Clerk Missy Arocha

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

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### **AGENDA-AMENDED<sup>1</sup>**

## **VIRTUAL SPECIAL VILLAGE COUNCIL MEETING**

### **MONDAY, JULY 27, 2020 – 6:00 PM**

(305) 259-1234

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1. **CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER:** 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.
2. **REQUESTS, PETITIONS AND PUBLIC COMMENTS SUBMITTED**
3. **RESOLUTIONS WITH PUBLIC COMMENTS SUBMITTED**
  - A. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ADOPTING AN AMENDED PUBLIC RECORD REQUEST POLICY; RESCINDING RESOLUTION 2017-20; AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by*

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<sup>1</sup> The Agenda was revised on 7/24/20 to include item 3C which was inadvertently not included on the prior version of the agenda. Item 3C was on the Regular Council Meeting Agenda of 7/13/20 and deferred to this meeting.

*Village Attorney John C. Dellagloria, Esq., and Co-Sponsored by Administration)*

B. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, ESTABLISHING AN AUDITOR SELECTION COMMITTEE PER SECTION 218.391 FLORIDA STATUTES, FOR THE PURPOSE OF ASSISTING THE VILLAGE COUNCIL IN SELECTING AN AUDITOR TO CONDUCT THE ANNUAL FINANCIAL AUDIT REQUIRED IN SECTION 218.39, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Administration)*

C. A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE YOUTH COMMUNITY INVOLVEMENT TASK FORCE; APPOINTING MEMBERS TO THE YOUTH COMMUNITY INVOLVEMENT TASK FORCE; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Karyn Cunningham)*

**4. ORDINANCE FOR SECOND READING AND PUBLIC HEARING (PUBLIC COMMENTS SUBMITTED)**

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO AMENDING ORDINANCE NUMBER 2019-21; WHICH ADOPTED THE VILLAGE'S BUDGET FOR THE 2019-2020 FISCAL YEAR; AUTHORIZING THE VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Administration)*

**5. ORDINANCES FOR FIRST READING WITH PUBLIC COMMENTS SUBMITTED**

A. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO VACATION RENTALS; PROVIDING FOR DEFINITIONS; CERTIFICATE OF USE; RENTAL STANDARDS; DUTIES OF RESPONSIBLE PARTIES; ADVERTISING; PARKING; INSPECTIONS; SAFETY REQUIREMENTS AND ENFORCEMENT; REPEALING ORDINANCE 2019-05 AND ORDINANCE 2019-11; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Vice Mayor John DuBois and Councilmember Marsha Matson)*

B. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE VILLAGE OF PALMETTO BAY'S CODE OF ORDINANCES

ENTITLED "ENVIRONMENT", BY AMENDING SECTION 15-2 STYLED "BIRD REFUGE"; PROVIDING FOR ADDITIONAL PROTECTIONS UNDER THE FEDERAL MIGRATORY BIRD TREATY ACT; PROVIDING FOR ADDITIONAL INFORMATION AND REQUIREMENTS REGARDING MUSCOVY DUCKS, AND PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer and Co-Sponsored by Councilmember Marsha Matson)*

C. AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, ENTITLED "ENVIRONMENT"; AT ARTICLE IV STYLED "WATER CONSERVATION AND EMERGENCY WATER RESTRICTION ENFORCEMENT"; PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); PROVIDING DEFINITIONS; PROVIDING FOR A LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR A REQUIREMENT TO OPERATE TECHNOLOGY THAT INHIBITS OR INTERRUPTS AN IRRIGATION SYSTEM DURING PERIODS OF SUFFICIENT MOISTURE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Administration)*

D. AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE FLORIDA POWER AND LIGHT (FP&L) FRANCHISE FEE AGREEMENT; AMENDING ORDINANCE NO. 2019-22; REDUCING THE CURRENT FPL FRANCHISE AGREEMENT FROM 3.5% TO 2.75%; DIRECTING THE INTERIM VILLAGE MANAGER TO PROVIDE THE AMOUNT REVENUE THIS CHANGE WILL STILL PROVIDE TO THE VILLAGE; AND PROVIDING AN EFFECTIVE DATE. *(Sponsored by Councilmember David Singer)*

## **6. COUNCIL COMMENTS**

## **7. NEXT MEETING AND ADJOURNMENT**

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WE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, HEREBY COMMIT OURSELVES TO MAINTAINING CIVILITY IN OUR PUBLIC AND POLITICAL DISCOURSE AND PLEDGE TO THE FOLLOWING PRINCIPLES:

- We will respect the right of all citizens in our community to hold different opinions;

- We will avoid rhetoric intended to humiliate or question the wisdom of those whose opinions are different from ours;
- We will strive to understand differing perspectives;
- We will choose our words carefully;
- We will speak truthfully without accusation and we will avoid distortion;
- We will speak out against violence, prejudice, and incivility in all of their forms, whenever and wherever they occur.

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PURSUANT TO FLORIDA STATUTES 286.0105, THE VILLAGE HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

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**RESOLUTION NO. 2020-\_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, ADOPTING AN AMENDED PUBLIC RECORD REQUEST POLICY; RESCINDING RESOLUTION 2017-20; AND PROVIDING AN EFFECTIVE DATE.**  
*(Sponsored by Village Attorney John C. Dellagloria, Esq., and Co-Sponsored by Administration)*

**WHEREAS**, the Village adopted Resolution 2017-20 which initially established a Public Records Policy to comply with all requirements of Chapter 119, Florida Statutes; and

**WHEREAS**, to update the present procedures, the Council wishes to adopt the Public Records Policy attached as Exhibit "A"

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:**

**Section 1.** The Mayor and Village Council hereby adopt the Public Record Request Policy attached as Exhibit "A" to this Resolution.

**Section 2.** Resolution 2017-20 is repealed in its entirety.

**Section 3.** This Resolution shall take effect immediately upon its adoption.

**PASSED and ADOPTED** this 13th day of July 2020.

Attest:

\_\_\_\_\_  
**Missy Arocha**  
**Village Clerk**

\_\_\_\_\_  
**Karyn Cunningham**  
**Mayor**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:**

\_\_\_\_\_  
**John C. Dellagloria, Esq.**  
**Village Attorney**

1 **FINAL VOTE AT ADOPTION:**

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

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5 Council Member David Singer \_\_\_\_\_

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7 Council Member Marsha Matson \_\_\_\_\_

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

10

11 Mayor Karyn Cunningham \_\_\_\_\_



## **VILLAGE OF PALMETTO BAY PUBLIC RECORD REQUEST POLICY**

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- II. REGULATORY MANDATES
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## I. INTRODUCTION

Our Village Charter's Citizen's Bill of Rights provides that, "All audits, reports, minutes, documents and other public records of the Village and its boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public." The Florida Constitution, Article I, also provides a right for the public to inspect non-exempt public records and Chapter 119 of the Florida Statutes defines how government entities handle public records. This policy defines the responsibilities of Village officials, employees, volunteers, and board members as related to public records.

## II. REGULATORY MANDATES

1. Chapter 257, Florida Statutes, vests in the Division of Library and Information Services the authority to oversee the records management functions of state and local government agencies. Specifically, Section 257.36(5) requires the Village to:
  - a. Cooperate with the division in complying with the provisions of the chapter, designate the Records Management Liaison Officer (RMLO) for the Village, and the Village is required to submit the approved form or a letter to the Division of Library and Information Services notifying the division as to the Village's RMLO.
  - b. Establish and maintain an active and continuing program for the economical and efficient management of records.
2. Chapter 119, the Public Records Law: Chapter 119 has specific provisions related to public records law, including the definition of public record, access, and exemptions. This law applies to all municipal officers of the Village of Palmetto Bay, both elected and appointed, all Village departments, citizen advisory boards, committees, and other units of the Village government.
  - a. A public record as defined in Section 119.011(12), F.S., are all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
  - b. The Florida Supreme Court further defined public records in, among many other cases, *Shevin v. Byron, Harless, Schaffer, Reid, and Associates*, 379 So. 2d 633 (Fla. 1980), where the Court ruled that a public record is any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type. Therefore, any document meeting the above criteria set forth by the Court is a public record regardless of whether it is in final form or is designated by the agency as a "draft," "working copy," or "preliminary version." If an agency has circulated a "draft" for review, comment, or informational purposes, that draft is a public record.

As clarification, the Court further ruled that "[t]o be contrasted with 'public records' are materials prepared as drafts or notes, which constitute mere precursors of governmental 'records' and are not, in themselves, intended as final evidence of the knowledge to be recorded. Matters which obviously would not be public records are rough drafts, notes to be used in preparing some other documentary material, and tapes or notes taken by a secretary as dictation. Inter-office memoranda and intra-office memoranda communicating information from one public employee to another or merely pre-

pared for filing, even though not a part of an agency's later, formal public product, would nonetheless constitute public records inasmuch as they supply the final evidence of knowledge obtained in connection with the transaction of official business".

3. If an employee has a question as to whether a public record is exempt from production, the Village Attorney shall advise the employee as to whether the record should be produced.

### III. DEFINITIONS

1. Actual cost of duplication: the cost of the material and supplies that are used to duplicate the record; not inclusive of any lawfully permitted labor or overhead costs associated with such duplication.
2. Attorney: refers to the Village Attorney.
3. Clerk: refers to the Village Clerk.
4. Confidential: public records that have been identified in the Florida Statutes as confidential and which therefore contain information that is not subject to inspection by the public and may only be released to the persons and entities designated in the statute.
5. Exempt: public records that have been identified in Chapter 119 or other applicable Florida Statutes as exempt from public inspection and disclosure.
6. Extensive: shall mean two (2) hours or more as related to the use of information technology resources or requiring clerical and/or supervisory assistance associated with a public records request.
7. Manager: refers to the Village Manager.
8. Public Records: as defined in Section 119.011(1) : "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."
9. Reasonable Time: with reference to public records is during normal working hours – Monday through Friday, 8:30 am to 5 pm (excluding holidays.)
10. Records Custodian: refers to the Village Clerk.
11. Records Management Liaison Officer (RMLO): refers to the Village's Records Management Liaison Officer designated in writing to the Florida Department of State to coordinate the Village's Records Program. The Village's RMLO is the Village Clerk.

### IV. PURPOSE & APPLICABILITY

1. The purpose of this policy is to:

- a. provide information to the general public concerning the application of Florida Public Records Law and Village policies related to the access of public records; and,
  - b. provide Village of Palmetto Bay employees, officials, volunteers and board members with the information and procedures necessary to understand and carry out their responsibilities under the Florida Public Records Law and the Village of Palmetto Bay rules concerning the manner in which public records requests are to be processed to ensure that responses to the requests are timely, organized, inclusive, and compliant with applicable statutes, rules and regulations.
2. The policy applies to members of the Village Council, Charter Officers and all employees of the Village of Palmetto Bay. Application of the policy also extends to independent contractors, Village consultants and advisory boards that have been delegated the authority to perform some governmental function subject to the requirements of Chapter 119. This policy also applies to all existing records, regardless of physical form, characteristics, or means of transmission, created or received by the Village in connection with the transaction of official business.

## V. POLICY

1. It is the policy of the Village to ensure that public records in its custody are maintained and managed as required by the Florida Public Records Law, which provides that all materials made or received by Florida's state and local government agencies in connection with their official business are public records, and furthermore, as required by Chapter 257.36(5), Florida Statutes, which directs each public agency to establish an active and continuing records management program.
2. It is also the policy of the Village to ensure that all public records in its custody that are not exempt or confidential are open for inspection and copying by any person, for any reason, at any reasonable time, under reasonable conditions, absent any statutory exemption to the contrary.
3. Requested public records may not be withheld for any reason, except if the record or portion thereof is legally designated as confidential or exempt from public disclosure.
4. At all times the Clerk shall provide safeguards to protect the contents of Public Records from alteration and to prevent disclosure or modification of those portions of Public Records that are exempt or confidential.
5. The Clerk shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law.
6. Public records shall only be inspected in person under the supervision of the Clerk.
7. In accordance with the Public Records Law, this policy only applies to existing documents; a record is not to be created. Additionally, Florida Law does **not** require agencies to "explain" records or answer questions based upon the records' content, other than providing information on how to obtain the record or about record production costs, as applicable.

8. Unless otherwise required by law, the Village may charge a fee for remote electronic access, granted under a contractual arrangement with a user, which fee may include the direct and indirect costs of providing such access, in accordance with the following provisions of the Public Records Law:
  - a. Any person shall have the right of access to public records for the purpose of making photographs of the record while such record is in the possession, custody, and control of the Village.
  - b. This subsection applies to the making of photographs in the conventional sense by use of a camera device to capture images of public records but excludes the duplication of microfilm in the possession of the Village where a copy of the microfilm may be made available by the Clerk.
  - c. Photographing public records shall be done under the supervision of the Clerk, who may adopt and enforce reasonable rules governing the photographing of such records.
  - d. Photographing of public records shall be done in the room where the public records are kept. If, in the judgment of the Clerk, this is impossible or impracticable, photographing shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, to be determined by the Clerk as the custodian of public records. Where provision of another room or place for photographing is required, the expense of providing the same shall be paid by the person desiring to photograph the public record.
9. When the nature or volume of public records requested to be inspected, examined, or copied is such as to require *extensive* use of information technology resources or *extensive* clerical or supervisory assistance by personnel of the Village involved, or both, the Village may charge, in addition to the cost of duplication, a special service charge, which shall be based on the cost incurred for such extensive effort. To comply with this provision, the Clerk shall collect fifty percent (50%) of the estimated service charge in advance. The service charge shall be calculated using the hourly wage of the employee(s) performing the service. Following performing the service, if a refund is due to the requestor, the Clerk will coordinate the refund through the Cashier's office. The Clerk or record coordinator shall collect the remaining balance due prior to delivery of the Public Record. If an individual has not paid the fee associated with a public records request, subsequent requests shall not be provided until such time as the amounts due have been paid.
10. Pursuant to Florida law, requestors are not required to put their requests in writing or to explain the reason for the request. However, requestors are encouraged to complete a Public Records Request form to assist staff in clarifying the exact scope of the request. Should an individual not wish to put their request in writing, staff shall ask for clarification and complete the Public Records Request Form on their behalf. Requestors should specify whether they wish to inspect the record(s), obtain hardcopies, receive the documents via email, or request electronic documents on CD/DVD. When so requested, electronic records will be provided to the extent that they exist in electronic format.
11. The Village contracts out its policing services through the Miami-Dade County Police Department and therefore all law enforcement records are maintained by county police. All requests for law enforcement records, including personnel records, shall be made to the Miami-Dade Police Department Central Records Bureau. The Central Records Bureau is located within the Fred Taylor Building at the Miami-Dade Police Department Headquarters complex, located at 9105 NW 25<sup>th</sup> Street, Doral, Florida (Telephone: 305-471-3220).

## VII. Procedure

The following procedure is based entirely on the provisions contained in Resolution No. 2020-\_\_:

### 1. Responsibilities of Village Officials:

- (i) The Village Clerk is designated as the public records officer and custodian of records of the Village. The Clerk shall maintain a log or register of all public record requests, whether written or oral, including the date and time the request is received. The Clerk shall copy the Village Attorney and Village Manager on all public records requests received.
- (ii) The Village Attorney is responsible for providing a response to the Clerk, so that the Clerk may provide a response to the requester.
- (iii) If the public records are kept in more than one form, the requester shall advise as to the form that is preferred.
- (iv) Except as provided herein, all public records requests shall receive an appropriate response within five (5) business days of the request, excluding federal or state government holidays. If the request cannot, in good faith, be completed within five (5) business days, the requestor shall be notified in writing and be advised as to the amount of time still needed to fulfill the request.

## VII. PUBLIC RECORD FEE SCHEDULE

### 1. In accordance with the Florida Statutes, the following fees are authorized:

- a) Up to 15 cents per one-sided copy of not more than 14 inches by 8 ½ inches;
- b) No more than an additional 5 cents for each two-sided copy;
- c) For all other copies, the actual cost of duplication of the public record;
- d) The charge for copies of county maps or aerial photographs supplied by the county may also include a reasonable charge for the labor and overhead associated with their duplication, but only if the County charged the Village for these records.
- e) \$1 per copy for a certified copy of a public record.

### 2. Additionally, the Village charges the following:

- a) \$3.00 for each CD/DVD requested.
- b) Extensive Records Request charged at hourly wage of the employee performing the service for any request requiring more than two (2) hours of research.
- c) Electronic copy sent by e-mail: free of charge.
- d) Large scale building department plans fees are calculated by dividing the size of the plans by the number of sheets included and charging \$.15 per each sheet.
- e) Photographs: Where the provision of another room or place is necessary to photograph public records, the Clerk shall charge the requester making the photographs for the supervision services at the hourly rate of the employee supervising the photographing of the record. In accordance with the Public Records Law, such rate is to be agreed upon by the person desiring to make the photographs and the Clerk. If they fail to agree to the cost, the fee shall be determined by the Clerk.



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To: Honorable Mayor and Village Council

Date: July 13, 2020

From: Gregory H. Truitt, Interim Village Manager

Re: Auditor Committee

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**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, ESTABLISHING AN AUDITOR SELECTION COMMITTEE PER SECTION 218.391 FLORIDA STATUTES, FOR THE PURPOSE OF ASSISTING THE VILLAGE COUNCIL IN SELECTING AN AUDITOR TO CONDUCT THE ANNUAL FINANCIAL AUDIT REQUIRED IN SECTION 218.39, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.**  
*(Sponsored by Administration)*

**BACKGROUND AND ANALYSIS:**

Section 218.39, Florida Statutes requires an annual financial audit of Village accounts and records by an independent certified public accountant retained by the Village Council. To retain an independent certified public accountant Section 218.391, Florida Statutes requires the Auditor Selection Committee to consist of at least three members, and furthermore requires one member of the Auditor Selection Committee be a member of the Village Council and serve as the chair of the Committee. Section 218.391, Florida Statutes prohibits Village employees, the Village Manager or the Chief Financial Officer from serving on the Auditor Selection Committee but allows them to serve in an advisory capacity.

A Chair needs to be selected from among the Village Council. In addition, four individuals with financial backgrounds have graciously agreed to be on the Village's selection committee.

There are two more individuals than required by Section 218.391, Florida Statutes to ensure the Village meets the requirements should an individual have to drop out. The four individuals are:

RE: Auditor Committee  
July 13, 2020  
Page 2 of 2

Chad Berkhalter – Finance Director City of Florida City  
Brian Raducci – Assistant City Manager City of Aventura  
Matilde Menendez – Finance Director City of Doral  
Marie Arteaga-Narino – Finance Director Village of Pinecrest

**FISCAL IMPACT:**

There is no fiscal impact.

**RECOMMENDATION:**

The Administration is recommending selecting the four individuals to the Auditor Selection committee and naming of a Chair. Approval is recommended.

**ATTACHMENTS:**

**Attachment A:** Resumes

**Attachment B:** Section 218.391, Florida Statutes

## RESOLUTION NO. 2020-\_\_\_\_

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2  
3 **A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE**  
4 **VILLAGE OF PALMETTO BAY, ESTABLISHING AN AUDITOR**  
5 **SELECTION COMMITTEE PER SECTION 218.391 FLORIDA**  
6 **STATUTES, FOR THE PURPOSE OF ASSISTING THE VILLAGE**  
7 **COUNCIL IN SELECTING AN AUDITOR TO CONDUCT THE**  
8 **ANNUAL FINANCIAL AUDIT REQUIRED IN SECTION 218.39,**  
9 **FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE**  
10 **DATE. (Sponsored by Administration)**

11  
12 **WHEREAS,** Section 218.39, Florida Statutes requires an  
13 annual financial audit of Village accounts and records by an  
14 independent certified public accountant retained by the Village  
15 Council; and

16  
17 **WHEREAS,** Section 218.391, Florida Statutes requires the use  
18 of an Auditor Selection Committee when selecting an auditor to  
19 conduct the financial audit required in Section 218.39, Florida  
20 Statutes; and

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22 **WHEREAS,** Section 218.391, Florida Statutes requires the  
23 Auditor Selection Committee to consist of at least three members,  
24 and furthermore requires one member of the Auditor Selection  
25 Committee be a member of the Village Council and serve as the chair  
26 of the Committee; and

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28 **WHEREAS,** Section 218.391, Florida Statutes prohibits  
29 Village employees, the Village Manager or the Chief Financial Officer  
30 from serving on the Auditor Selection Committee, but allows them to  
31 serve in an advisory capacity; and

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33 **WHEREAS,** the Village Council desires to establish an Auditor  
34 Selection Committee to evaluate and recommend to the Village  
35 Council an auditor to conduct the annual financial audit required in  
36 Section 218.39, Florida Statutes, and such Committee shall  
37 terminate upon execution of an agreement between the Village and  
38 the auditor.

1 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND  
2 VILLAGE COUNCIL OF THE VILLAGE OF PLAMETTO BAY,  
3 FLORIDA, AS FOLLOWS:  
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5 **Section 1.** Each of the above stated recitals is hereby adopted  
6 and confirmed.  
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8 **Section 2.** An Auditor Selection Committee comprised of the  
9 following is hereby established:

10 \_\_\_\_\_(Chair),  
11 Chad Berkhalter, Finance Director – City of Florida City,  
12 Brian Raducci, Assistant City Manager – City of Aventura,  
13 Matilde Menendez, Finance Director – City of Doral, and  
14 Marie Arteaga-Narino, Finance Director – Village of Pinecrest.  
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16 **Section 3.** The purpose of the Auditor Selection Committee is  
17 to establish factors to use for the evaluation of audit services to be  
18 provided by a certified public accounting firm, publicly announce  
19 requests for proposals, evaluate the proposals, and rank and  
20 recommend firms in order of preference to the Village Council for  
21 an auditor to conduct the annual financial audit in accordance with  
22 Section 218.39, Florida Statutes.  
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24 **Section 4.** The Auditor Selection Committee shall terminate  
25 upon execution of an agreement between the Village and the  
26 auditor.  
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28 **Section 5. Effective Date.** This Resolution shall  
29 become effective immediately upon adoption hereof.  
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31 **PASSED AND ADOPTED** this 13<sup>th</sup> day of July 2020.  
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33 Attest:  
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39 **Missy Arocha**  
40 **Village Clerk**

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39 **Karyn Cunningham**  
40 **Mayor**

1 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**  
2 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:**

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7 **John C. Dellagloria, Esq.**  
8 **Village Attorney**

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12 **FINAL VOTE AT ADOPTION:**

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Council Member Patrick Fiore \_\_\_\_\_  
Council Member David Singer \_\_\_\_\_  
Council Member Marsha Matson \_\_\_\_\_  
Vice-Mayor John DuBois \_\_\_\_\_  
Mayor Karyn Cunningham \_\_\_\_\_

**EXHIBIT A**

**RESUMES  
OF  
AUDITOR SELECTION COMMITTEE**

# **CHAD L. BURKHALTER, CPA**

burkhalter\_chad@hotmail.com

12734 Southwest 204 Street \* Miami, Florida 33177 \* 786-250-5292

## **SUMMARY**

An accountant with over ten years of experience in the governmental field, including but not limited to: grant management, financial statement analysis and audit preparation. Responsible for the training and development of staff, focusing on efficiency and interchangeability in the workplace, as well as self-development.

## **WORK EXPERIENCE**

**City of Florida City** \* Florida City, Florida \* 2005-Present

*Finance Director*

Plan, evaluate and direct departmental policies, programs and operations related to financial and budgetary activities. Direct the financial operations by an established central accounting system within commonly accepted accounting principles. Interview and train employees, manage staff, serve as a financial adviser. Responsible for the investment of funds and overall financial direction of the City.

**Benihana, Inc.** \* Miami, Florida \* 2005

*Staff Accountant*

Prepare periodic company reports. Converse with bankers and vendors regarding financial transactions. Monitor and record company expenses

**Mooring Tax Asset Group** \* Vienna, Virginia \* 2004

*Summer Internship*

Traveled to various locations. Bid on items based on property analysis. Responsible for acquiring a specific percentage of the auction and keeping track of the total amount purchased.

## **EDUCATION**

**Florida International University**

Miami, Florida

Major: Accounting, MA

Graduated: Fall 2006

**Florida Agricultural and Mechanical University**

Tallahassee, Florida

Major: Accounting, BS

Graduated: Fall 2004

## **TECHNICAL SKILLS**

Skilled in various computer applications, including but not limited to: Microsoft Word, PowerPoint, Excel, Quickbooks, Pentamotion/Sunguard, New World. Familiar with Microsoft Access.

## Desmond Chin

---

**From:** Brian Raducci <raduccib@cityofaventura.com>  
**Sent:** Tuesday, June 30, 2020 9:40 PM  
**To:** Desmond Chin  
**Cc:** Brian Raducci  
**Subject:** RE: Audit Committee

**CAUTION: EXTERNAL SENDER -- Please avoid opening any unexpected attachments or clicking any strange links.**

Desmond:

As previously discussed, I would be honored to serve on your Auditor Selection Committee if selected as our City has just gone through a very similar process.

As requested, below please find my biography.

**Brian K. Raducci, CPA**  
**Assistant City Manager – Finance and Administration**  
**City of Aventura**

Mr. Raducci was hired as the City of Aventura's Finance Director in August 2007 and was promoted to Assistant City Manager – Finance and Administration in April 2020. Prior to that he served as the Finance Director for the City of North Lauderdale from December 2001 to August 2007 and City Controller and Financial Analyst for the City of Coral Springs from June 1998 – November 2001 and October 1996 – June 1998, respectively. He began his professional career in New York State where he worked in public accounting from July 1992 – October 1996.

Mr. Raducci graduated Cum Laude from Siena College in Loudonville, New York with a Bachelor of Business Administration in Accounting. He is a licensed Certified Public Accountant in Florida and New York State and is a member of the Florida City and County Management Association, Florida Government Finance Officers Association, Government Finance Officers Association, Florida Institute of Certified Public Accountants and the American Institute of Certified Public Accountants.

Thanks and please let me know if you require any additional information.

***Brian K. Raducci, CPA***  
***Assistant City Manager –***  
***Finance and Administration***

City of Aventura  
19200 W. Country Club Drive  
Aventura, FL 33180  
[braducci@cityofaventura.com](mailto:braducci@cityofaventura.com)  
Phone: (305) 466-8922  
Mobile: (786) 417-4672  
Fax: (305) 466-8939

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**From:** Desmond Chin <dchin@palmettobay-fl.gov>  
**Sent:** Tuesday, June 30, 2020 8:40 AM

## Finance Director's Bio

### City of Doral

Matilde Gil Menendez is the Finance Director for the City of Doral. She is a graduate of Florida International University with a bachelor's degree in Business Administration. Ms. Menendez holds a CPA license and the designation of Chartered Global Management Accountant. She has public, private and governmental accounting experience, and has been employed with the City of Doral since 2010.

# MARIE ARTEAGA-NARIÑO

Miami, FL 33176 • 786.351.5151 • mcarteaga@bellsouth.net

LinkedIn: <https://www.linkedin.com/in/maria-arteaga-narino-537293b5>

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## FINANCIAL MANAGEMENT

### *Director of Finance / Financial Controller*

Analytical, bottom-line-driven professional with broad experience in overseeing and directing day-to-day financial operations, handling financial reporting requirements, and maintaining responsibility for budgeting, forecasting, and compliance. Hands-on leader with ability to accurately review tasks and determine workflow, generate assignments, and supervise staff activity. Excellent organizational, motivational, and analytical skills complemented by careful attention to detail.

Possess in-depth knowledge of accounting functions, principles, and procedures. Proficient in preparing periodic reports and departmental budgets, internal/external auditing, and maintaining a high level of discretion. Track record of ensuring compliance with all governing regulations and policies, actively enforcing adherence to requirements by all employees, and rendering recommendations to management on needed action.

#### *Core competencies include:*

- Financial & Accounting Leadership
- Financial Analysis & Reporting
- Strong Technology Orientation
- Regulatory Compliance
- Strategic Financial Planning & Execution
- Accounting & Business Improvements
- Forecasting & Budget Administration
- Financial Controls & Practices

...continued...

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**PROFESSIONAL EXPERIENCE**

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**VILLAGE OF PINECREST, Pincrest, FL**

*A municipality located in Miami-Dade County. The Village has a population of 18,510 residents and has an annual budget of over \$40,000,000. The Village is recognized for its strong financial strength and has a triple A bond rating, while maintaining a relatively low millage rate.*

**FINANCE DIRECTOR (10/2016 to Present)**

Direct and coordinate activities concerning the areas of accounting, budgeting, treasury, debt administration, cash management, purchasing, and payroll and administering the Village's insurance program. Ensure compliance to all government regulations and guidelines. Issue the Village's Consolidated Annual Financial Report and comply with all regulatory audits. Manage two employees in the Finance Department.

***Selected accomplishments:***

- Obtained the GFOA Certificate of Achievement for Excellence in Financial Reporting for all years served at the Village of Pincrest.
- Streamlined the Stormwater collection method and decreased the past due balance by 87%.
- Streamlined the annual budget process for improved accuracy and timeliness.
- Updated policy and procedures to ensure sound financial management and protection of assets.

**INNOVAGEL (formerly Aenova and Swiss Caps USA), Miami, FL**

*A subsidiary of Marine Ingredients, a leading omega-3 softgel and liquid formulations for brands serving health food stores, practitioners, direct response, the non-prescription medical market, direct selling, and the mass market. Formerly Aenova, a global leader in the Pharmaceutical and Health Care industry with over 1 billion in sales.*

**DIRECTOR OF FINANCE (1/2008 to 10/2016)**

Direct overall financial operations, including managing and coordinating staff responsible for general accounting and finances consisting of accounts payable, receivables, general ledger, credit, collections, fixed assets and payroll in compliance with GAAP and areas of specialty. Ensure execution of all government-required reporting; oversee monthly reporting to CEO and monthly board meetings with investors. Compile and analyze financial statements for utilization in decision-making. Advise management on a variety of issues associated with insurance and investment matters. Ensure customer accounts are within terms and credit limits prior to authorizing product shipments. Manage collection of past-due accounts. Prepare monthly trend analysis and highlight plans for improvement. Lead on annual financial audits and support periodic FDA, OSHA and customer audits. Prepare annual budget and rolling forecasts. Also, highly involved in costing of products and standard cost analysis and quoting process for customers.

***Selected accomplishments:***

- Served as lead on due diligence project, culminating in the successful integration of a subsidiary packaging line in North Carolina; led the Financial, IT, and Human Resources integration into the company's practices well in advance of deadline. Ensured seamless absorption of the Finance and HR function by the Miami site.
- Revamped collection process, reducing Days to Collect by 15.
- Partnered with Sales and Purchasing to improve inventory turnover.
- Entrusted with managing Human Resources and Payroll and overseeing IT function while maintaining responsibilities of Director of Finance.
- Audited a joint venture that revealed unreported earnings in excess of \$200K.

- Supported two successful software upgrades while solely responsible for the maintenance of said software until full-time IT was hired in 2013.

**EXCALIBUR ELECTRONICS, INC., Miami, FL**

*An outsourcer of electronic consumer gadgets from China that sold to major retailers such as JC Penny's, Macy's, and Bed Bath and Beyond, with approximately \$70M in annual sales.*

**CORPORATE CONTROLLER (3/2006 to 12/2007)**

Supervised all accounting and financial functions across organization. Managed one staff accountant, two accounts payable clerks, and one accounts receivable associate. Directed monthly close process; oversaw monthly, quarterly, and annual billings to clients as well as billing reimbursements from clients and collection of accounts receivable. Supervised accounts payable, payroll, monthly reporting for the owner, monthly preparation of a forecast, and annual preparation of a budget. Assisted in the preparation of quarterly tax projections, annual tax returns, and all treasury administration. Performed daily cash management activities such as letters of credit and line of credit activities.

***Selected accomplishments:***

- Devised procedures to make the close and reporting processes more efficient and accurate.
- Participated in creating and implementing policies and procedures to identify, resolve, and document accounting issues.
- Developed budget, set up internal review process, and restructured chart of accounts to better meet reporting needs.
- Led implementation of forecasting and trend analysis reviews.
- Steered conversion of general ledger manual system to Great Plains automated application.
- Acted as point of contact on both bank reviews and audits.
- Wrote procedure manual that provided a standard method for performing accounting and financial tasks and enhanced efficiency in executing overall financial operations.

**IMAGINE SCHOOLS, INC., Miami, FL**

*A management company representing 51 not-for-profit public charter and independent schools in 11 states with annual budgets of up to \$10M each, including state funding and federal/private grants.*

**CONTROLLER - WEST SCHOOLS (10/2002 to 3/2006)**

Led a team of two staff accountants and two accounts payable associates in preparing financial statements for 13 schools. Developed and monitored budgets for each school; made adjustments, as needed, to meet budgetary constraints. Teamed with schools and Purchasing Department to negotiate contracts. Kept forecast updated and investigated trends and concerns. Took part in monthly financial reviews and planning sessions. Compiled and submitted reports for tax and government authorities.

***Selected accomplishments:***

- Participated in and provided information during school board meetings; liaised between board members, schools, and management company.
- Collaborated with auditor for each school, making certain all state funds were appropriately reported and spent as designated.
- Engaged in grant writing activities and monitored/reported on grant expenditures.
- Designed chart of accounts in compliance with each state's requirements and governmental reporting guidelines for accounting.
- Helped migrate QuickBooks to MAS 200; trained office administration and school personnel on software and company procedures.

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Earlier roles as **Controller** at *ePagos, Inc., Miami, FL*; **Director of Finance** at *Osage Systems Group, Inc., Ft. Lauderdale, FL*; **Manager of Financial Reporting, Financial Analyst, and Staff Accountant** at *Aircraft Services International Group, Inc., Miami, FL*; and **Billing Manager** at *St. John's Home Health Agency, Inc., Miami, FL*

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**EDUCATIONAL BACKGROUND**

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UNIVERSITY OF PHOENIX, Phoenix, AZ; **MBA in Accounting**

FLORIDA ATLANTIC UNIVERSITY, Ft. Lauderdale, FL; **BBA in Accounting**

**CPA Candidate** - All requirements met; exam pending

Select Year:  

## The 2019 Florida Statutes

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[Title XIV](#)  
TAXATION AND  
FINANCE

[Chapter 218](#)  
FINANCIAL MATTERS PERTAINING TO POLITICAL  
SUBDIVISIONS

[View Entire  
Chapter](#)

### **218.391 Auditor selection procedures. –**

(1) Each local governmental entity, district school board, charter school, or charter technical career center, prior to entering into a written contract pursuant to subsection (7), except as provided in subsection (8), shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit required in s. [218.39](#).

(2) The governing body of a county, municipality, special district, district school board, charter school, or charter technical career center shall establish an auditor selection committee.

(a) The auditor selection committee for a county must, at a minimum, consist of each of the county officers elected pursuant to the county charter or s. 1(d), Art. VIII of the State Constitution or their respective designees and one member of the board of county commissioners or its designee.

(b) The auditor selection committee for a municipality, special district, district school board, charter school, or charter technical career center must consist of at least three members. One member of the auditor selection committee must be a member of the governing body of an entity specified in this paragraph, who shall serve as the chair of the committee.

(c) An employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not serve as a member of an auditor selection committee established under this subsection; however, an employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may serve in an advisory capacity.

(d) The primary purpose of the auditor selection committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. [218.39](#); however, the committee may serve other audit oversight purposes as determined by the entity's governing body. The public may not be excluded from the proceedings under this section.

(3) The auditor selection committee shall:

(a) Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under chapter 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to furnish the required services, and such other factors as may be determined by the committee to be applicable to its particular requirements.

(b) Publicly announce requests for proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.

(c) Provide interested firms with a request for proposal. The request for proposal shall include information on how proposals are to be evaluated and such other information the committee determines is necessary for the firm to prepare a proposal.

(d) Evaluate proposals provided by qualified firms. If compensation is one of the factors established pursuant to paragraph (a), it shall not be the sole or predominant factor used to evaluate proposals.

(e) Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to paragraph (a). If

fewer than three firms respond to the request for proposal, the committee shall recommend such firms as it deems to be the most highly qualified.

(4) The governing body shall inquire of qualified firms as to the basis of compensation, select one of the firms recommended by the auditor selection committee, and negotiate a contract, using one of the following methods:

(a) If compensation is not one of the factors established pursuant to paragraph (3)(a) and not used to evaluate firms pursuant to paragraph (3)(e), the governing body shall negotiate a contract with the firm ranked first. If the governing body is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the governing body shall then undertake negotiations with the second-ranked firm.

Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The governing body, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time.

(b) If compensation is one of the factors established pursuant to paragraph (3)(a) and used in the evaluation of proposals pursuant to paragraph (3)(d), the governing body shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.

(c) The governing body may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor used to select the firm.

(d) In negotiations with firms under this section, the governing body may allow a designee to conduct negotiations on its behalf.

(5) The method used by the governing body to select a firm recommended by the audit committee and negotiate a contract with such firm must ensure that the agreed-upon compensation is reasonable to satisfy the requirements of s. 218.39 and the needs of the governing body.

(6) If the governing body is unable to negotiate a satisfactory contract with any of the recommended firms, the committee shall recommend additional firms, and negotiations shall continue in accordance with this section until an agreement is reached.

(7) Every procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. For purposes of this section, an engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

(a) A provision specifying the services to be provided and fees or other compensation for such services.

(b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.

(c) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(8) Written contracts entered into pursuant to subsection (7) may be renewed. Such renewals may be done without the use of the auditor selection procedures provided in this section. Renewal of a contract shall be in writing.

(9) If the entity fails to select the auditor in accordance with the requirements of subsections (3)-(6), the entity must again perform the auditor selection process in accordance with this section to select an auditor to conduct audits for subsequent fiscal years.

**History.**—s. 65, ch. 2001-266; s. 1, ch. 2005-32; s. 15, ch. 2019-15.

## RESOLUTION NO. 2020-\_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE YOUTH COMMUNITY INVOLVEMENT TASK FORCE; APPOINTING MEMBERS TO THE YOUTH COMMUNITY INVOLVEMENT TASK FORCE; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Karyn Cunningham)**

**WHEREAS**, the Village Council of the Village of Palmetto Bay previously amended the membership appointments of the Youth Community Involvement Task Force via Resolution No. 2017-05 (copy attached as Exhibit "A"); and

**WHEREAS**, Resolution No. 2017-05 directs each Councilmember to appoint three students and each Charter Officer to appoint two students to serve on the Youth Community Involvement Board;

**WHEREAS**, the Youth Community Involvement Board shall consist of school students who reside within, are home schooled, or who attend public or private schools within the municipal limits of the Village of Palmetto Bay; and

**WHEREAS**, Charter Officers, known as Gregory Truitt, Village Manager and John C. Dellagloria, Esq, Village Attorney are desirous of appointing new members to the Youth Community Involvement Task Force;

**WHEREAS**, these students reside in the Village of Palmetto Bay and have expressed a huge interest in fostering a greater involvement of youth and teens in municipal government and community service.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE OF PALMETTO BAY, FLORIDA, THAT:**

**Section 1.** Interim Village Manager, Gregory Truitt appoints Minnie Ruzycki and Village Attorney, John C. Dellagloria appoints Natalie Knecht to the Palmetto Bay Youth Community Involvement Board in order to comply with the membership appointment

1 requirements.

2

3 **Section 2.** This Resolution shall take effect immediately upon  
4 approval.

5

6 **PASSED** and **ADOPTED** this 13<sup>th</sup> day of July 2020.

7

8

9

10 Attest: \_\_\_\_\_

11 **Missy Arocha**  
12 **Village Clerk**

**Karyn Cunningham**  
**Mayor**

13

14

15

16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
17 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,  
18 FLORIDA ONLY:

19

20

21

22

23 **John C. Dellagloria, Esq.**  
24 **Village Attorney**

25

26

27 **FINAL VOTE AT ADOPTION:**

28

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

30

31 Council Member David Singer \_\_\_\_\_

32

33 Council Member Marsha Matson \_\_\_\_\_

34

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

36

37 Mayor Karyn Cunningham \_\_\_\_\_



---

To: Honorable Mayor and Village Council

Date: July 13, 2020

From: Gregory H. Truitt, Interim Village Manager

Re: Budget Amendment Ordinance  
2<sup>nd</sup> Reading

---

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO BUDGET; AMENDING ORDINANCE NUMBER 2019-21; WHICH ADOPTED THE VILLAGE'S BUDGET FOR FISCAL YEAR 2019-2020; AUTHORIZING THE INTERIM VILLAGE MANAGER TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THIS ORDINANCE; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. *(Sponsored by Administration)***

**BACKGROUND AND ANALYSIS:**

Council approved Resolution 2019-165 to approve an Interim Village Manager while a search is being conducted for a permanent Manager. Administration is also recommending some personnel changes that would keep the Reservation Specialist, Procurement Specialist and increase the Park Service Aide hours to prior year levels and switching two (2) Full timers to four (4) Part timers Grounds Maintenance Workers. A new contract for landscaping has increased costs and unplanned consulting services have been added. To help with funding some of these expenditures Planning and Zoning is expecting an increase in Plan Review revenues, five (5) new positions added in Facilities that are vacant will be eliminated.

**FISCAL IMPACT:**

The total estimated Revenues available is \$563,442 and Expenditure increase is \$601,111, requiring the use of Unreserved Fund Balance in the amount of \$37,670. This is mainly due to the Manager's transition which is estimated at \$175,000.

**ATTACHMENTS:**

- Attachment A Summary of Budget changes
- Attachment B Proposed Amended 2019-2020 General Fund Budget Summary
- Attachment C Revised Staffing Schedules



1 and approves the amendment of Ordinance Number 2019-21, which  
2 adopted the budget for Fiscal Year 2019-2020. The budget is hereby  
3 amended to authorize the appropriation of funds to increase General  
4 Fund expenditures from \$15,070,361 to \$15,671,472, to fund changes  
5 as further detailed on attachment B.

6  
7 Section 3. *Staffing Summary Amendment.* The Village Council  
8 authorizes and approves the amendment to the Staffing Summary and  
9 Staffing Detail for FY 2019-2020, attachment C.

10  
11 Section 4. *Authorization of Interim Village Manager.* The Interim  
12 Village Manager is hereby authorized to take all actions necessary to  
13 implement the terms and conditions of this Ordinance.

14  
15 Section 5. *Severability.* If any section, clause, sentence, or  
16 phrase of this Ordinance is for any reason held invalid or  
17 unconstitutional by a court of competent jurisdiction, the holding shall  
18 not affect the validity of the remaining portions of this Ordinance.

19  
20 Section 6. *Effective Date.* This ordinance shall take effect  
21 immediately upon adoption on second reading.

22  
23  
24 **PASSED AND ENACTED** this \_\_\_ day of \_\_\_\_\_, 2020.

25  
26 First Reading: \_\_\_\_\_  
27 Second Reading: \_\_\_\_\_

28  
29  
30 Attest:

31  
32  
33 \_\_\_\_\_  
34 Melissa Dodge  
35 Acting Village Clerk

36  
37 \_\_\_\_\_  
38 Karyn Cunningham  
39 Mayor

38 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE**  
39 **USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,**

1 **FLORIDA ONLY:**

2

3

4

5 \_\_\_\_\_  
John Dellagloria

6 Village Attorney

7

8

9 **FINAL VOTE AT ADOPTION:**

10

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

12

13 Council Member David Singer \_\_\_\_\_

14

15 Council Member Marsha Matson \_\_\_\_\_

16

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

18

19 Mayor Karyn Cunningham \_\_\_\_\_

ATTACHMENT A

FY 2020 AMENDED BUDGET FACT SHEET

	WITHOUT BOND PAYMENT REFINANCED
<b>REVENUES</b>	
Surplus from original Budget	\$188,733
New Zoning Application Fees	<u>\$235,000</u>
Additional fees from recent plans submitted	
<b>TOTAL REVENUE CHANGES</b>	<u>\$423,733</u>
<b>EXPENDITURES</b>	
Move P&Z (see attachment for detail)	\$455,739
Reorganization of P&Z department	
Manager Transition	<b>\$175,000</b>
Interim Manager salary \$90,000, Payout \$65,000, Mercer \$20,000	
Staffing Changes	\$260,000
Keep Procurement, Reservation specialist and restore PT Serv Aide hours	
Consulting	<b>\$10,000</b>
TE Pier 10000,	
Special Events	(\$40,000)
Eliminate 4 July	
Eliminate Facilities Vacancies	<u>(\$400,000)</u>
Eliminate 5 Maintenance Workers that were to assist PT Park Serv Aide	
<b>TOTAL EXPENDITURE CHANGES</b>	<u>\$460,739</u>
<b>BALANCE NEEDED FROM FUND BALANCE</b>	(\$37,006)
<b>Highlighted items are unplanned onetime items</b>	<b>\$185,000</b>

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget	
<b>REVENUES</b>				
0001-31100100 CURRENT AD VALOREM	6,382,132.00	6,382,132.00	0	
0001-31100200 DELINQUENT AD VALOREM	100,000.00	100,000.00	0	
0001-31100300 INTEREST AD VALOREM	1,000.00	1,000.00	0	
0001-31410000 ELECTRICITY UTILTIY TAX	2,000,000.00	2,370,000.00	370,000	Adjust estimate
0001-31430000 WATER UTILITY TAX	260,000.00	260,000.00	0	
0001-31440000 GAS UTILITY TAX	60,000.00	60,000.00	0	
0001-31500000 COMMUNICATION SERVICES TAXES	1,000,000.00	850,000.00	(150,000)	Adjust estimate
0001-31600100 COUNTY LOCAL BUSINESS TAX	30,000.00	30,000.00	0	
0001-31600200 VILLAGE LOCAL BUSINESS TAX	60,000.00	60,000.00	0	
0001-32300100 ELECTRICITY FRANCHISE FEE	835,732.00	835,732.00	0	
0001-32900101 ZONING APPLICATION	215,000.00	400,000.00	185,000	PZ Review of unexpected new plannings
0001-32900102 ADMINISTRATIVE VARIANCES	0.00	8,000.00	8,000	
0001-32900103 SIDEWALK CAFÉ PERMIT	3,000.00	3,000.00	0	
0001-32900105 SITE PLAN REVIEWS	0.00	52,000.00	52,000	PZ Review of unexpected new plannings
0001-32900107 CERTIFICATE OF USE	20,000.00	12,000.00	(8,000)	
0001-32900500 GOLF CART REGISTRATION	2,000.00	2,000.00	0	
0001-33512100 STATE REVENUE SHARING	460,000.00	460,000.00	0	
0001-33515000 ALCOHOLIC BEVERAGE LICENSE TAX	4,000.00	4,000.00	0	
0001-33518000 HALF-CENT SALES TAX	1,950,000.00	1,950,000.00	0	
0001-34120100 DEPARTMENT SERVICE CHARGES	75,000.00	75,000.00	0	
0001-34190200 LOBBYIST REGISTRATION	5,000.00	5,000.00	0	
0001-34190401 PASSPORT PROCESSING FEE	40,000.00	45,000.00	5,000	
0001-34190403 PASSPORT PHOTO FEE	10,000.00	5,000.00	(5,000)	
0001-34190404 PASSPORT NOTARY FEE	0.00	10.00	10	
0001-34190405 PASSPORT COPYING FEE	0.00	150.00	150	
0001-34210100 POLICE SERVICES	8,000.00	10,000.00	2,000	
0001-34720101 CRP-SUMMERCAMP REGISTRATION	150,000.00	50,000.00	(100,000)	
0001-34720102 CRP-LEAGUE FEES	6,000.00	7,500.00	1,500	
0001-34720104 CRP-FILM LOCATION FEE	800.00	1,960.00	1,160	
0001-34720105 CRP-TENNIS CAMP	25,000.00	9,821.60	(15,178)	
0001-34720106 CRP-AFTERSCHOOL CARE	6,000.00	5,400.00	(600)	
0001-34720201 PBP-CONCESSION SALES	0.00	92.00	92	
0001-34720203 PBP-LEAGUE FEES	4,000.00	40,144.52	36,145	
0001-34720401 TE-FILM LOCATION FEE	3,500.00	3,840.00	340	
0001-34720502 LP-LEAGUE FEE	500.00	2,000.00	1,500	
0001-34720601 PCH-PROGRAM/ACTIVITIES REGISTRATION	0.00	605.60	606	
0001-34750101 CRP-REC ROOM RENTALS	0.00	202.52	203	
0001-34750102 CRP-OAK HAMMOCK 1 RENTAL	7,000.00	5,980.00	(1,020)	
0001-34750103 CRP-OAK HAMMOCK 2 RENTAL	4,000.00	2,520.00	(1,480)	

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	<b>Adopted Budget</b>	<b>Amended Budget</b>	<b>Change In Budget</b>
0001-34750104 CRP-OAK HAMMOCK 3 RENTAL	2,250.00	3,990.00	1,740
0001-34750105 CRP-GAZEBO RENTAL	7,000.00	8,880.00	1,880
0001-34750106 CRP-BALLFIELD RENTAL	1,000.00	880.00	(120)
0001-34750109 CRP-MEDITATION GARDEN RENTAL	200.00	740.00	540
0001-34750110 CRP-TENNIS COURT RENTAL	40,000.00	51,271.00	11,271
0001-34750111 CRP-RACQUETBALL COURT RENTAL	1,000.00	618.64	(381)
0001-34750113 CRP-TENNIS GROUP LESSONS	80,000.00	66,439.60	(13,560)
0001-34750114 CRP-TENNIS PRIVATE LESSONS	90,000.00	76,858.16	(13,142)
0001-34750115 CRP-MISCELLANEOUS RENTAL	2,000.00	13,668.00	11,668
0001-34750116 CRP-TENNIS SOCIAL	1,500.00	0.00	(1,500)
0001-34750117 CRP-OAK HAMMOCK 4 RENTAL	700.00	2,100.00	1,400
0001-34750201 PBP-REC ROOM RENTALS	7,000.00	5,850.00	(1,150)
0001-34750203 PBP-TOURNAMENT/FIELD RENTALS	9,000.00	0.00	(9,000)
0001-34750204 PBP-PAVILLION NORTH RENTAL	3,000.00	2,220.00	(780)
0001-34750205 PBP-PAVILLION SOUTH RENTAL	1,500.00	1,480.00	(20)
0001-34750206 PBP- BALLFIELD RENTAL	500.00	400.00	(100)
0001-34750208 PBP-MISCELLANEOUS RENTAL	1,500.00	17,497.20	15,997
0001-34750209 PBP-PAVILLION PLAYGROUND	6,000.00	5,920.00	(80)
0001-34750401 TE-COVERED TERRACE RENTAL	0.00	(1,000.00)	(1,000)
0001-34750402 TE-OUTDOOR TERRACE RENTAL	20,000.00	43,300.00	23,300
0001-34750403 TE-WATERSIDE CEREMONY RENTAL	0.00	5,400.00	5,400
0001-34750405 TE-PACKAGE RENTAL	275,000.00	200,000.00	(75,000)
0001-34750406 TE-CATERING PERMIT	18,000.00	12,690.00	(5,310)
0001-34750407 TE-SECURITY SERVICE CHARGES	28,000.00	28,710.96	711
0001-34750408 TE-VALET SERVICE CHARGES	45,000.00	45,814.00	814
0001-34750409 TE-MISCELLANEOUS RENTAL	50,000.00	34,904.00	(15,096)
0001-34750410 TE-EDUCATION ROOM	1,000.00	0.00	(1,000)
0001-34750411 TE-PARKING SERVICE CHARGE	23,000.00	28,800.00	5,800
0001-34750501 LP-COMMUNITY ROOM/PARK RENTAL	3,500.00	7,900.00	4,400
0001-34750502 LP-AMPHITHEATER RENTAL	0.00	450.00	450
0001-34750503 LP-OPEN GRASS RENTAL	600.00	0.00	(600)
0001-34750504 LP-PAVILLION RENTAL	200.00	0.00	(200)
0001-34750506 LP-MISCELLANEOUS RENTAL	500.00	0.00	(500)
0001-34750507 LP-SECURITY SERVICE CHARGES	0.00	76.00	76
0001-34750601 PCH-MISCELLANEOUS RENTAL	0.00	3,720.00	3,720
0001-34750602 PCH-COMMUNITY ROOM RENTAL	0.00	3,200.00	3,200
0001-35150100 TRAFFIC FINES	90,000.00	90,000.00	0
0001-35150300 SCHOOL GROSSING GUARDS	27,500.00	27,500.00	0
0001-35400100 CODE VIOLATIONS	100,000.00	127,889.28	27,889
0001-36110000 INTEREST	60,000.00	44,723.64	(15,276)
0001-36200300 LIBRARY RENT	108,980.00	108,980.00	0

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	<b>Adopted Budget</b>	<b>Amended Budget</b>	<b>Change In Budget</b>
0001-36200501 CONCESSION RENT - PBP	0.00	1,124.04	1,124
0001-36602001 SPONSORER-GENERAL EVENTS	25,000.00	25,000.00	0
0001-36900100 GENERAL GOVERNMENT MISCELLANEOUS INCOME	376,000.00	376,000.00	0
0001-36900101 CONVENIENCE FEES	25,000.00	25,000.00	0
0001-36900400 VENDOR FEES	0.00	3,541.28	3,541
0001-36900503 UTILITY REIMBURSEMENT - LIBRARY	0.00	21,176.68	21,177
<b>TOTAL REVENUES</b>	<u>15,259,094.00</u>	<u>15,633,803</u>	<u>374,709</u>

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget
<b>COUNCIL</b>			
0001-511-02-10-11002000 SALARIES AND WAGES EXECUTIVE	81,900.00	81,900	0
0001-511-02-10-21001000 PAYROLL TAXES	7,651.00	7,775	124
0001-511-02-10-22001000 RETIREMENT CONTRIBUTION	8,148.00	8,000	(148)
0001-511-02-10-23001000 HEALTH AND LIFE	25,500.00	26,000	500
0001-511-02-10-23002000 HEALTH ALLOWANCE	36,000.00	36,500	500
<b>TOTAL PERSONNEL</b>	<u>159,199.00</u>	<u>160,175.00</u>	<u>976.00</u>
0001-511-02-30-40001000 TRAVEL AND PER DIEM	7,500.00	7,500	0
0001-511-02-30-52001000 GENERAL OPERATING SUPPLIES	2,500.00	2,500	0
0001-511-02-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSH	1,000.00	1,000	0
0001-511-02-30-55001000 PROFESSIONAL DEVELOPMENT	2,500.00	2,500	0
<b>TOTAL OPERATING</b>	<u>13,500.00</u>	<u>13,500.00</u>	<u>0.00</u>
<b>TOTAL COUNCIL</b>	<u>172,699</u>	<u>173,675</u>	<u>976</u>

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget	
<b>VILLAGE MANAGER</b>				
0001-512-03-10-12001000 SALARIES AND WAGES REGULAR	247,589.00	397,103	149,514	Interim Manager and Procurement
0001-512-03-10-13001000 OTHER WAGES	4,000.00	65,000	61,000	PTO payout
0001-512-03-10-21001000 FICA TAXES	19,327.00	27,515	8,188	
0001-512-03-10-22001000 RETIREMENT CONTRIBUTION	37,000.00	42,220	5,220	
0001-512-03-10-23001000 HEALTH AND LIFE	42,000.00	42,000	0	
<b>TOTAL PERSONNEL</b>	349,916.00	573,838.00	223,922.00	
0001-512-03-30-34002001 ADMINISTRATIVE TEMP	0.00	8,176	8,176	
0001-512-03-30-40001000 TRAVEL AND PER DIEM	10,000.00	5,000	(5,000)	
0001-512-03-30-40002000 EXPENSE REIMBURSEMENT ALLOWANCE	1,000.00	1,000	0	
0001-512-03-30-52001000 GENERAL OPERATING SUPPLIES	1,500.00	1,500	0	
0001-512-03-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSHP	1,500.00	1,500	0	
0001-512-03-30-55001000 PROFESSIONAL DEVELOPMENT	3,500.00	3,500	0	
<b>TOTAL OPERATING</b>	17,500.00	20,676.00	3,176.00	
<b>TOTAL VILLAGE MANAGER</b>	367,416	594,514	227,098	

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	<b>Adopted Budget</b>	<b>Amended Budget</b>	<b>Change In Budget</b>
<b>VILLAGE CLERK</b>			
0001-512-04-10-12001000 SALARIES AND WAGES REGULAR	161,695.00	161,695	0
0001-512-04-10-13001000 OTHER WAGES	4,000.00	1,255	(2,745)
0001-512-04-10-21001000 FICA TAXES	11,247.00	11,247	0
0001-512-04-10-22001000 RETIREMENT CONTRIBUTION	22,029.00	22,029	0
0001-512-04-10-23001000 HEALTH AND LIFE	38,870.00	28,650	(10,220)
<b>TOTAL PERSONNEL</b>	<u>237,841.00</u>	<u>224,876.00</u>	<u>(12,965.00)</u>
0001-512-04-30-40001000 TRAVEL AND PER DIEM	3,000.00	3,000	0
0001-512-04-30-42001000 POSTAGE	0.00	2,500	2,500
0001-512-04-30-47002000 ORDINANCE CODIFICATION	5,000.00	5,000	0
0001-512-04-30-48001000 LEGAL ADVERTISING	25,000.00	25,000	0
0001-512-04-30-52001000 GENERAL OPERATING SUPPLIES	1,000.00	1,000	0
0001-512-04-30-52001001 PASSPORT SUPPLIES	3,500.00	3,500	0
0001-512-04-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSHP	500.00	500	0
0001-512-04-30-55001000 PROFESSIONAL DEVELOPMENT	1,000.00	1,000	0
<b>TOTAL OPERATING</b>	<u>39,000.00</u>	<u>41,500.00</u>	<u>2,500.00</u>
<b>TOTAL VILLAGE CLERK</b>	<u>276,841</u>	<u>266,376</u>	<u>(10,465)</u>

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget
<b>FINANCE</b>			
0001-513-06-10-12001000 SALARIES AND WAGES REGULAR	247,043.00	247,043	0
0001-513-06-10-12002000 PART TIME SALARIES AND WAGES	0.00	329	329
0001-513-06-10-13001000 OTHER WAGES	4,000.00	4,590	590
0001-513-06-10-14001000 REGULAR OVERTIME	0.00	20	20
0001-513-06-10-21001000 FICA TAXES	18,898.00	18,898	0
0001-513-06-10-22001000 RETIREMENT CONTRIBUTION	29,645.00	29,645	0
0001-513-06-10-23001000 HEALTH AND LIFE	50,325.00	39,480	(10,845)
<b>TOTAL PERSONNEL</b>	<u>349,911.00</u>	<u>340,005.00</u>	<u>(9,906.00)</u>
0001-513-06-30-32002000 AUDITING SERVCIES	50,000.00	88,400	38,400
0001-513-06-30-40001000 TRAVEL AND PER DIEM	4,000.00	4,000	0
0001-513-06-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSHP	750.00	750	0
0001-513-06-30-55001000 PROFESSIONAL DEVELOPMENT	2,000.00	2,000	0
<b>TOTAL OPERATING</b>	<u>56,750.00</u>	<u>95,150.00</u>	<u>38,400.00</u>
<b>TOTAL FINANCE</b>	<u>406,661</u>	<u>435,155</u>	<u>28,494</u>

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	<b>Adopted Budget</b>	<b>Amended Budget</b>	<b>Change In Budget</b>
<b>HUMAN RESOURCES</b>			
0001-513-43-10-12001000 SALARIES AND WAGES REGULAR	158,991.00	134,991	(24,000)
0001-513-43-10-21001000 FICA TAXES	12,156.00	12,156	0
0001-513-43-10-22001000 RETIREMENT CONTRIBUTION	19,079.00	19,079	0
0001-513-43-10-23001000 HEALTH AND LIFE	42,974.00	30,650	(12,324)
<b>TOTAL PERSONNEL</b>	<u>233,200.00</u>	<u>196,876.00</u>	<u>(36,324.00)</u>
0001-513-43-30-31002001 GENERAL SERVICES	5,000.00	5,000	0
0001-513-43-30-34002001 ADMINISTRATIVE TEMP	0.00	24,000	24,000
0001-513-43-30-40001000 TRAVEL AND PER DIEM	2,000.00	2,000	0
0001-513-43-30-48002000 RECRUITMENT	2,000.00	2,000	0
0001-513-43-30-48006000 VILLAGE BROADCASTING	45,000.00	50,000	5,000
0001-513-43-30-52001000 GENERAL OPERATING SUPPLIES	2,000.00	2,000	0
0001-513-43-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSHP	1,000.00	1,000	0
0001-513-43-30-55001000 PROFESSIONAL DEVELOPMENT	1,000.00	1,000	0
0001-513-43-30-55002000 PERSONNEL TRAINING	7,500.00	7,500	0
<b>TOTAL OPERATING</b>	<u>65,500.00</u>	<u>94,500.00</u>	<u>29,000.00</u>
<b>TOTAL HUMAN RESOURCES</b>	<u>298,700</u>	<u>291,376</u>	<u>(7,324)</u>

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	<b>Adopted Budget</b>	<b>Amended Budget</b>	<b>Change In Budget</b>
<b>VILLAGE ATTORNEY</b>			
0001-514-05-10-12001000 SALARIES AND WAGES REGULAR	0.00	100,000	100,000
0001-514-05-10-21001000 FICA TAXES	0.00	7,650	7,650
0001-514-05-10-22001000 RETIREMENT CONTRIBUTION	0.00	7,800	7,800
<b>TOTAL PERSONNEL</b>	<u>0.00</u>	<u>115,450.00</u>	<u>115,450.00</u>
0001-514-05-30-31001001 GENERAL LEGAL	130,000.00	40,000	(90,000)
0001-514-05-30-31001002 ZONING APPLICATIONS	0.00	2,002	2,002
0001-514-05-30-31001005 LITIGATION RESERVE	30,000.00	10,000	(20,000)
<b>TOTAL OPERATING</b>	<u>160,000.00</u>	<u>52,002.00</u>	<u>(107,998.00)</u>
<b>TOTAL VILLAGE ATTORNEY</b>	<u>160,000</u>	<u>167,452</u>	<u>7,452</u>

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget	
<b>PLANNING AND ZONING</b>				
0001-515-07-10-12001000 SALARIES AND WAGES REGULAR	282,726.00	66,363	(216,363)	
0001-515-07-10-21001000 FICA TAXES	21,628.00	5,077	(16,551)	
0001-515-07-10-22001000 RETIREMENT CONTRIBUTION	33,927.00	7,864	(26,063)	
0001-515-07-10-23001000 HEALTH AND LIFE	44,850.00	7,475	(37,375)	
<b>TOTAL PERSONNEL</b>	<u>383,131.00</u>	<u>86,779.00</u>	<u>(296,352)</u>	
0001-515-07-30-31001001 GENERAL LEGAL	15,000.00	15,000	0	
0001-515-07-30-31001002 ZONING APPLICATIONS	25,000.00	25,000	0	
0001-515-07-30-31002001 GENERAL SERVICES	200,000.00	300,000	100,000	
0001-515-07-30-34002001 ADMINISTRATIVE TEMP	0.00	12,000	12,000	
0001-515-07-30-40001000 TRAVEL AND PER DIEM	2,000.00	2,000	0	
0001-519-01-30-42001000 POSTAGE	3,000.00	3,000	0	
0001-515-07-30-48001000 LEGAL ADVERTISING	2,500.00	2,500	0	
0001-515-07-30-51001000 OFFICE SUPPLIES-GENERAL	4,000.00	4,000	0	
0001-515-07-30-52001000 GENERAL OPERATING SUPPLIES	2,000.00	2,000	0	
0001-515-07-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSHP	960.00	960	0	
0001-515-07-30-55001000 PROFESSIONAL DEVELOPMENT	2,500.00	2,500	0	
<b>TOTAL OPERATING</b>	<u>256,960.00</u>	<u>368,960.00</u>	<u>112,000</u>	
<b>TOTAL PLANNING AND ZONING</b>	<u>0.00</u>	<u>455,739.00</u>	<u>(184,352.00)</u>	Move Planning and Zoning Department from Building and Permitting

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget	
<b>GENERAL GOVERNMENT</b>				
0001-519-01-30-24001000 WORKERS' COMPENSATION	30,500.00	33,180	2,680	
0001-519-01-30-25001000 FLORIDA UNEMPLOYMENT COMPENSATION	1,000.00	1,000	0	
0001-519-01-30-31002001 GENERAL SERVICES	30,000.00	75,000	45,000	Mercer 17500, Pension 4400, TE Pier 10000, Ins RFP 7500, Software Training 5500
0001-519-01-30-31003001 IT CONSULTANT	8,500.00	8,500	0	
0001-519-01-30-31003002 WEB SERVICES	39,000.00	39,000	0	
0001-519-01-30-31004001 STATE LOBBYIST	10,000.00	10,000	0	
0001-519-01-30-34002001 ADMINISTRATIVE TEMP	0.00	1,000	1,000	
0001-519-01-30-40003000 LEGISLATIVE TRAVEL	12,000.00	12,000	0	
0001-519-01-30-41001000 TELEPHONE SERVICE	28,000.00	28,000	0	
0001-519-01-30-41002000 INTERNET SERVICE	18,000.00	18,000	0	
0001-519-01-30-42001000 POSTAGE	2,000.00	2,000	0	
0001-519-01-30-42002000 DELIVERY	1,000.00	1,000	0	
0001-519-01-30-43001000 ELECTRIC	30,000.00	32,000	2,000	
0001-519-01-30-43002000 WATER	4,500.00	4,500	0	
0001-519-01-30-44003001 PHOTOCOPIER RENTAL	18,000.00	20,000	2,000	
0001-519-01-30-44005000 VEHICLE LEASE	81,000.00	81,000	0	
0001-519-01-30-45001000 GENREAL LIABILITY	68,000.00	80,000	12,000	
0001-519-01-30-45002000 AUTOMOBILE	2,500.00	2,500	0	
0001-519-01-30-45003000 PROPERTY	165,000.00	165,000	0	
0001-519-01-30-47001000 PRINTING AND BINDING	4,000.00	4,000	0	
0001-519-01-30-48003000 VILLAGE PROMOTION	0.00	5,000	5,000	Orchids
0001-519-01-30-48007000 SPONSORSHIPS/DONATIONS	0.00	5,000	5,000	
0001-519-01-30-49003000 FINANCIAL FEES/BANK CHARGES	30,000.00	35,000	5,000	
0001-519-01-30-49006001 PROPERTY DAMAGE	0.00	860	860	
0001-519-01-30-51001000 OFFICE SUPPLIES-GENERAL	20,000.00	20,000	0	
0001-519-01-30-52001000 GENERAL OPERATING SUPPLIES	75,000.00	75,000	0	
0001-519-01-30-52004000 FURNITURE AND EQUIPMENT	20,000.00	20,000	0	
0001-519-01-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSHP	8,000.00	8,500	500	
0001-519-01-30-54002000 SOFTWARE LICENSING AND MAINTENANCE	112,000.00	120,000	8,000	
0001-519-01-30-99001000 CONTINGENCIES	0.00	0	0	
0001-519-01-70-71001000 FLC-LIBRARY BOND	77,508.00	77,508	0	
0001-519-01-70-71005000 FLC-VILLAGE HALL BUILDOUT	370,000.00	370,000	0	
0001-519-01-70-71006000 QNIP	9,634.00	9,634	0	
0001-519-01-70-72001000 FLC-LIBRARY BOND	22,664.00	22,664	0	
0001-519-01-70-72005000 FLC-VILLAGE HALL BUILDOUT	532,840.00	532,840	0	
0001-519-01-70-72006000 QNIP	1,943.00	1,943	0	
<b>TOTAL GENERAL GOVERNMENT</b>	1,832,589	1,921,629	89,040	

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
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**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget
<b>FACILITIES AND MAINTENANCE</b>			
<b>CORAL REEF PARK</b>			
0001-519-13-30-34003002 WASTE HAULERS	20,000.00	24,000	4,000
0001-519-13-30-46001001 LANDSCAPE MAINTENANCE	25,000.00	43,000	18,000
0001-519-13-30-46002001 FACILITIES MAINTENANCE - GENERAL	35,000.00	50,000	15,000
0001-519-13-30-46002003 FACILITIES MAINTENANCE - PEST CONTROL	550.00	550	0
0001-519-13-30-46004000 EQUIPMENT MAINTENANCE	10,000.00	10,000	0
<b>TOTAL OPERATING</b>	90,550.00	127,550.00	37,000.00
<b>PALMETTO BAY PARK</b>			
0001-519-14-30-34003002 WASTE HAULERS	21,000.00	21,000	0
0001-519-14-30-46001001 LANDSCAPE MAINTENANCE	17,000.00	24,500	7,500
0001-519-14-30-46002001 FACILITIES MAINTENANCE - GENERAL	43,000.00	49,000	6,000
0001-519-14-30-46002003 FACILITIES MAINTENANCE - PEST CONTROL	400.00	400	0
0001-519-14-30-46004000 EQUIPMENT MAINTENANCE	5,000.00	5,000	0
<b>TOTAL OPERATING</b>	86,400.00	99,900.00	13,500.00
<b>PERRINE WAYSIDE DOG PARK</b>			
0001-519-15-30-34003002 WASTE HAULERS	7,500.00	8,000	500
0001-519-15-30-46001001 LANDSCAPE MAINTENANCE	4,000.00	3,000	(1,000)
0001-519-15-30-46002001 FACILITIES MAINTENANCE - GENERAL	8,000.00	5,000	(3,000)
<b>TOTAL OPERATING</b>	19,500.00	16,000.00	(3,500.00)
<b>THALATTA ESTATES</b>			
0001-519-16-30-34003002 WASTE HAULERS	8,000.00	13,000	5,000
0001-519-16-30-46001001 LANDSCAPE MAINTENANCE	7,500.00	12,000	4,500
0001-519-16-30-46002001 FACILITIES MAINTENANCE - GENERAL	15,000.00	15,000	0
0001-519-16-30-46002003 FACILITIES MAINTENANCE - PEST CONTROL	500.00	500	0
0001-519-16-30-46004000 EQUIPMENT MAINTENANCE	2,500.00	2,500	0
<b>TOTAL OPERATING</b>	33,500.00	43,000.00	9,500.00
<b>LUDOVICI PARK</b>			
0001-519-17-30-46001001 LANDSCAPE MAINTENANCE	2,000.00	3,000	1,000
0001-519-17-30-46002001 FACILITIES MAINTENANCE - GENERAL	13,000.00	13,000	0
0001-519-17-30-46002003 FACILITIES MAINTENANCE - PEST CONTROL	100.00	100	0
<b>TOTAL OPERATING</b>	15,100.00	16,100.00	1,000.00
<b>PERRINE COMMUNITY HOUSE</b>			
0001-519-30-30-34003001 JANITORIAL	0.00	2,500	2,500
0001-519-30-30-34003002 WASTE HAULERS	500.00	500	0
0001-519-30-30-46001001 LANDSCAPE MAINTENANCE	5,000.00	5,000	0
0001-519-30-30-46002001 FACILITIES MAINTENANCE - GENERAL	5,000.00	5,000	0
0001-519-30-30-46002003 FACILITIES MAINTENANCE - PEST CONTROL	500.00	500	0
<b>TOTAL OPERATING</b>	11,000.00	13,500.00	2,500.00
<b>FACILITIES AND MAINTENANCE</b>			
0001-519-49-10-12001000 SALARIES AND WAGES REGULAR	677,827.00	420,660	(257,167)

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget	
0001-519-49-10-12002000 PART TIME SALARIES AND WAGES	0.00	67,167	67,167	
0001-519-49-10-13001000 OTHER WAGES	3,000.00	2,000	(1,000)	
0001-519-49-10-14001000 REGULAR OVERTIME	10,000.00	5,000	(5,000)	
0001-519-49-10-21001000 FICA TAXES	51,854.00	37,318	(14,536)	
0001-519-49-10-22001000 RETIREMENT CONTRIBUTION	81,339.00	50,500	(30,839)	
0001-519-49-10-23001000 HEALTH AND LIFE	239,200.00	134,550	(104,650)	Eliminate 5 vacancies to fund Parks
<b>TOTAL PERSONNEL</b>	<u>1,063,220.00</u>	<u>717,195.00</u>	<u>(346,025.00)</u>	
0001-519-49-30-34003001 JANITORIAL	45,000.00	45,000	0	
0001-519-49-30-34003002 WASTE HAULERS	6,000.00	6,000	0	
0001-519-49-30-34008000 ALARM MONITORING	750.00	5,500	4,750	
0001-519-49-30-40001000 TRAVEL AND PER DIEM	750.00	750	0	
0001-519-49-30-46001001 LANDSCAPE MAINTENANCE	32,500.00	32,500	0	
0001-519-49-30-46002001 FACILITIES MAINTENANCE - GENERAL	60,000.00	60,000	0	
0001-519-49-30-46002002 FACILITIES MAINTENANCE - REPAIRS	15,000.00	15,000	0	
0001-519-49-30-46002003 FACILITIES MAINTENANCE - PEST CONTROL	500.00	500	0	
0001-519-49-30-46003000 VEHICLE MAINTENANCE	6,500.00	6,500	0	
0001-519-49-30-46004000 EQUIPMENT MAINTENANCE	5,000.00	5,000	0	
0001-519-49-30-51001000 OFFICE SUPPLIES-GENERAL	500.00	500	0	
0001-519-49-30-52001000 GENERAL OPERATING SUPPLIES	9,000.00	9,000	0	
0001-519-49-30-52002000 UNIFORMS AND BADGES	1,000.00	1,000	0	
0001-519-49-30-52003003 FLEET OPERATIONS	20,000.00	20,000	0	
0001-519-49-30-52004000 FURNITURE AND EQUIPMENT	2,000.00	2,000	0	
0001-519-49-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSHP	500.00	500	0	
0001-519-49-30-55001000 PROFESSIONAL DEVELOPMENT	1,000.00	1,000	0	
<b>TOTAL OPERATING</b>	<u>206,000.00</u>	<u>210,750.00</u>	<u>4,750.00</u>	
<b>TOTAL FACILITES AND MAINTENANCE</b>	<u>1,525,270</u>	<u>1,243,995</u>	<u>(281,275)</u>	

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget
<b>POLICE</b>			
0001-521-09-30-34004001 PATROL OFFICERS	8,185,000.00	8,185,000.00	0
0001-521-09-30-34004003 SCHOOL CROSSING GUARDS	95,000.00	45,000.00	(50,000)
0001-521-09-30-40001000 TRAVEL AND PER DIEM	2,000.00	2,000.00	0
0001-521-09-30-44003001 PHOTOCOPIER RENTAL	3,200.00	3,200.00	0
0001-521-09-30-46004000 EQUIPMENT MAINTENANCE	2,500.00	2,500.00	0
0001-521-09-30-47001000 PRINTING AND BINDING	200.00	200.00	0
0001-521-09-30-48004000 OFFICER FRIENDLY	5,000.00	5,000.00	0
0001-521-09-30-51001000 OFFICE SUPPLIES-GENERAL	4,000.00	4,000.00	0
0001-521-09-30-52001000 GENERAL OPERATING SUPPLIES	5,000.00	5,000.00	0
0001-521-09-30-52002000 UNIFORMS AND BADGES	1,000.00	1,000.00	0
0001-521-09-30-52004000 FURNITURE AND EQUIPMENT	750.00	750.00	0
0001-521-09-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSHP	750.00	750.00	0
0001-521-09-30-55001000 PROFESSIONAL DEVELOPMENT	1,500.00	1,500.00	0
0001-521-09-30-99001000 CONTINGENCIES	3,100.00	3,100.00	0
<b>TOTAL POLICE</b>	8,309,000	8,259,000	(50,000)

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget	
<b>PARK AND RECREATION ADMINISTRATION</b>				
0001-572-12-10-12001000 SALARIES AND WAGES REGULAR	190,486.00	115,486	(75,000)	Reallocate Parks Manager
0001-572-12-10-13001000 OTHER WAGES	1,000.00	1,937	937	
0001-572-12-10-14001000 REGULAR OVERTIME	0.00	1,000	1,000	
0001-572-12-10-21001000 FICA TAXES	8,835.00	8,835	0	
0001-572-12-10-22001000 RETIREMENT CONTRIBUTION	13,858.00	13,858	0	
0001-572-12-10-23001000 HEALTH AND LIFE	26,910.00	26,910	0	
<b>TOTAL PERSONNEL</b>	241,089.00	168,026.00	(73,063.00)	
0001-572-12-30-31002001 GENERAL SERVICES	500.00	500	0	
0001-572-12-30-34002001 ADMINISTRATIVE TEMP	1,500.00	1,500	0	
0001-572-12-30-40001000 TRAVEL AND PER DIEM	1,000.00	1,000	0	
0001-572-12-30-47001000 PRINTING AND BINDING	20,000.00	20,000	0	
0001-572-12-30-48005000 SPECIAL EVENTS	135,000.00	90,000	(45,000)	
0001-572-12-30-52001000 GENERAL OPERATING SUPPLIES	1,000.00	1,000.00	0	
0001-572-12-30-52002000 UNIFORMS AND BADGES	4,000.00	4,000.00	0	
0001-572-12-30-54001000 PUBLICATIONS SUBSCRIPT MEMBRSH P	1,000.00	1,000.00	0	
0001-572-12-30-55001000 PROFESSIONAL DEVELOPMENT	1,000.00	1,000.00	0	
<b>TOTAL OPERATING</b>	165,000.00	120,000.00	(45,000.00)	
<b>TOTAL PARK ADMINISTRATION</b>	406,089.00	288,026.00	(118,063.00)	
<b>CORAL REEF PARK</b>				
0001-572-13-10-12001000 SALARIES AND WAGES REGULAR	96,536.00	96,536	0	
0001-572-13-10-12002000 PART TIME SALARIES AND WAGES	97,287.00	140,549	43,262	Restore Part Time hours
0001-572-13-10-12003000 TEMPORARY SALARIES AND WAGES	72,000.00	0	(72,000)	
0001-572-13-10-13001000 OTHER WAGES	2,000.00	3,024	1,024	
0001-572-13-10-14001000 REGULAR OVERTIME	0.00	1,000	1,000	
0001-572-13-10-21001000 FICA TAXES	20,216.00	19,936	(280)	
0001-572-13-10-22001000 RETIREMENT CONTRIBUTION	15,309.00	11,584	(3,725)	
0001-572-13-10-23001000 HEALTH AND LIFE	23,173.00	15,180	(7,993)	
<b>TOTAL PERSONNEL</b>	326,521.00	287,809.00	(38,712.00)	
0001-572-13-30-34002003 SECURITY SERVICES	10,000.00	20,000	10,000	Keeping security service
0001-572-13-30-34008000 ALARM MONITORING	2,000.00	2,000	0	
0001-572-13-30-41001000 TELEPHONE SERVICE	4,000.00	4,750	750	
0001-572-13-30-43001000 ELECTRIC	20,000.00	20,000	0	
0001-572-13-30-43002000 WATER	3,500.00	3,500	0	
0001-572-13-30-44003000 EVENT RENTAL/SUPPLIES	27,365.00	27,365	0	
0001-572-13-30-52001000 GENERAL OPERATING SUPPLIES	28,000.00	28,000	0	
0001-572-13-30-52004000 FURNITURE AND EQUIPMENT	5,000.00	5,000	0	
0001-572-13-30-52005001 SUMMER CAMP SUPPLIES	35,000.00	0	(35,000)	
<b>TOTAL OPERATING</b>	134,865.00	110,615.00	(24,250.00)	

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	<u>Adopted Budget</u>	<u>Amended Budget</u>	<u>Change In Budget</u>	
<b>TOTAL CORAL REEF PARK</b>	461,386.00	398,424.00	(62,962.00)	
<b>PALMETTO BAY PARK</b>				
0001-572-14-10-12001000 SALARIES AND WAGES REGULAR	56,792.00	86,182	29,390	Reallocate Parks Manager
0001-572-14-10-12002000 PART TIME SALARIES AND WAGES	72,319.00	151,072	78,753	Restore Part Time hours
0001-572-14-10-13001000 OTHER WAGES	0.00	1,000	1,000	
0001-572-14-10-14001000 REGULAR OVERTIME	0.00	1,000	1,000	
0001-572-14-10-21001000 FICA TAXES	14,325.00	18,150	3,825	
0001-572-14-10-22001000 RETIREMENT CONTRIBUTION	9,765.00	10,341	576	
0001-572-14-10-23001000 HEALTH AND LIFE	14,750.00	14,750	0	
<b>TOTAL PERSONNEL</b>	167,951.00	282,495.00	114,544.00	
0001-572-14-30-34002003 SECURITY SERVICES	10,000.00	16,000	6,000	Keeping security service
0001-572-14-30-34008000 ALARM MONITORING	2,100.00	2,100.00	0	
0001-572-14-30-41001000 TELEPHONE SERVICE	2,000.00	2,000.00	0	
0001-572-14-30-41002000 INTERNET SERVICE	2,000.00	2,000.00	0	
0001-572-14-30-43001000 ELECTRIC	31,000.00	31,000.00	0	
0001-572-14-30-43002000 WATER	3,000.00	3,000.00	0	
0001-572-14-30-52001000 GENERAL OPERATING SUPPLIES	20,000.00	20,000.00	0	
0001-572-14-30-52004000 FURNITURE AND EQUIPMENT	500.00	500.00	0	
0001-572-14-30-52005002 CONCESSION SUPPLIES	1,000.00	1,000.00	0	
0001-572-14-30-52005003 TOURNAMENT/LEAGUE EXPENDITURES	1,000.00	25,000.00	24,000	
<b>TOTAL OPERATING</b>	72,600.00	102,600.00	30,000.00	
<b>TOTAL PALMETTO BAY PARK</b>	240,551.00	385,095.00	144,544.00	
<b>PERRINE WAYSIDE DOG PARK</b>				
0001-572-15-30-41002000 INTERNET SERVICE	1,650.00	1,650.00	0	
0001-572-15-30-43001000 ELECTRIC	3,000.00	3,000.00	0	
0001-572-15-30-43002000 WATER	500.00	500.00	0	
0001-572-15-30-52001000 GENERAL OPERATING SUPPLIES	7,500.00	7,500.00	0	
<b>TOTAL WAYSIDE DOG PARK</b>	12,650.00	12,650.00	0.00	
<b>THALATTA ESTATES</b>				
0001-572-16-10-12001000 SALARIES AND WAGES REGULAR	56,447.00	125,768	69,321	Restore Reservation Specialist and reallocate Parks Manager
0001-572-16-10-12002000 PART TIME SALARIES AND WAGES	28,464.00	48,964	20,500	Restore Part Time hours
0001-572-16-10-13001000 OTHER WAGES	0.00	2,003	2,003	
0001-572-16-10-14001000 REGULAR OVERTIME	0.00	1,532	1,532	
0001-572-16-10-21001000 FICA TAXES	6,325.00	13,367	7,042	
0001-572-16-10-22001000 RETIREMENT CONTRIBUTION	6,500.00	15,092	8,592	
0001-572-16-10-23001000 HEALTH AND LIFE	16,435.00	38,869	22,434	
<b>TOTAL PERSONNEL</b>	114,171.00	245,595.00	131,424.00	

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget	
0001-572-16-30-34002002 VALET SERVICES	35,500.00	20,000.00	(15,500)	
0001-572-16-30-34002003 SECURITY SERVICES	22,000.00	11,000.00	(11,000)	
0001-572-16-30-34008000 ALARM MONITORING	2,200.00	2,200.00	0	
0001-572-16-30-41001000 TELEPHONE SERVICE	3,000.00	6,000.00	3,000	
0001-572-16-30-41002000 INTERNET SERVICE	3,200.00	5,250.00	2,050	
0001-572-16-30-43001000 ELECTRIC	11,000.00	11,000.00	0	
0001-572-16-30-43002000 WATER	1,200.00	1,200.00	0	
0001-572-16-30-44003002 EVENT EQUIPMENT/SUPPLY RENTAL	3,500.00	3,500.00	0	
0001-572-16-30-44003003 EVENT PARKING RENTAL	24,000.00	24,000.00	0	
0001-572-16-30-48003000 VILLAGE PROMOTION	0.00	200.00	200	
0001-572-16-30-48005001 COMMUNITY EDUCATIONAL CLASSES/LECTURES	4,000.00	4,000.00	0	
0001-572-16-30-52001000 GENERAL OPERATING SUPPLIES	10,000.00	15,000.00	5,000	
0001-572-16-30-52004000 FURNITURE AND EQUIPMENT	5,000.00	5,000.00	0	
<b>TOTAL OPERATING</b>	<u>124,600.00</u>	<u>108,350.00</u>	<u>(16,250.00)</u>	
<b>TOTAL THALATTA ESTATES</b>	<u>238,771.00</u>	<u>353,945.00</u>	<u>115,174.00</u>	
<b>LUDOVICI PARK</b>				
0001-572-17-10-12001000 SALARIES AND WAGES REGULAR	50,629.00	59,345	8,716	Restore Reservation Specialist and Parks Manager
0001-572-17-10-12002000 PART TIME SALARIES AND WAGES	22,725.00	30,603	7,878	Restore Part Time hours
0001-572-17-10-13001000 OTHER WAGES	0.00	1,257	1,257	
0001-572-17-10-14001000 REGULAR OVERTIME	0.00	1,275	1,275	
0001-572-17-10-21001000 FICA TAXES	6,400.00	6,881	481	
0001-572-17-10-22001000 RETIREMENT CONTRIBUTION	5,800.00	7,121	1,321	
0001-572-17-10-23001000 HEALTH AND LIFE	13,500.00	16,445	2,945	
<b>TOTAL PERSONNEL</b>	<u>99,054.00</u>	<u>122,927.00</u>	<u>23,873.00</u>	
0001-572-17-30-34008000 ALARM MONITORING	1,800.00	1,800.00	0	
0001-572-17-30-41001000 TELEPHONE SERVICE	1,800.00	1,800.00	0	
0001-572-17-30-41002000 INTERNET SERVICE	2,000.00	2,000.00	0	
0001-572-17-30-43001000 ELECTRIC	18,000.00	18,000.00	0	
0001-572-17-30-43002000 WATER	4,000.00	4,000.00	0	
0001-572-17-30-52001000 GENERAL OPERATING SUPPLIES	800.00	800.00	0	
0001-572-17-30-52004000 FURNITURE AND EQUIPMENT	1,000.00	1,000.00	0	
<b>TOTAL OPERATING</b>	<u>29,400.00</u>	<u>29,400.00</u>	<u>0.00</u>	
<b>TOTAL LUDOVICI PARK</b>	<u>128,454.00</u>	<u>152,327.00</u>	<u>23,873.00</u>	
<b>TENNIS CENTER</b>				
0001-572-18-10-12001000 SALARIES AND WAGES REGULAR	0.00	10.00	10	
0001-572-18-10-12002000 PART TIME SALARIES AND WAGES	58,409.00	58,409.00	0	
0001-572-18-10-12003000 TEMPORARY SALARIES AND WAGES	3,000.00	30,500.00	27,500	Summer Camp
0001-572-18-10-14001000 REGULAR OVERTIME	0.00	0.00	0	

**ATTACHMENT B**  
**VILLAGE OF PALMETTO BAY**  
**FISCAL YEAR 2019-2020**  
**BUDGET AMENDMENT**

	Adopted Budget	Amended Budget	Change In Budget	
0001-572-18-10-21001000 FICA TAXES	4,100.00	4,100.00	0	
<b>TOTAL PERSONNEL</b>	<u>65,509.00</u>	<u>93,019.00</u>	<u>27,510.00</u>	
0001-572-18-30-34009001 COACHES-TENNIS	120,000.00	120,000.00	0	
0001-572-18-30-34009003 COACHES-AFTER SCHOOL	7,500.00	7,500.00	0	
0001-572-18-30-34009004 COACHES-TENNIS CAMP	5,000.00	20,000.00	15,000	Summer Camp
0001-572-18-30-41002000 INTERNET SERVICE	3,000.00	3,000.00	0	
0001-572-18-30-43001000 ELECTRIC	10,000.00	10,000.00	0	
0001-572-18-30-52001000 GENERAL OPERATING SUPPLIES	1,000.00	1,000.00	0	
0001-572-18-30-52005004 TENNIS SUMMER CAMP SUPPLIES	500.00	500.00	0	
<b>TOTAL OPERATING</b>	<u>147,000.00</u>	<u>162,000.00</u>	<u>15,000.00</u>	
<b>TOTAL TENNIS CENTER</b>	<u>212,509.00</u>	<u>255,019.00</u>	<u>42,510.00</u>	
<b>PERRINE COMMUNITY HOUSE</b>				
0001-572-30-30-34002003 SECURITY SERVICES	5,000.00	1,300.00	(3,700)	
0001-572-30-30-34008000 ALARM MONITORING	750.00	750.00	0	
0001-572-30-30-43001000 ELECTRIC	3,025.00	3,025.00	0	
0001-572-30-30-43002000 WATER	1,400.00	1,400.00	0	
0001-572-30-30-44002000 RENTAL MUNICIPAL FACILITIES	6,100.00	6,100.00	0	
0001-572-30-30-52001000 GENERAL OPERATING SUPPLIES	4,000.00	4,000.00	0	
0001-572-30-30-52004000 FURNITURE AND EQUIPMENT	500.00	500.00	0	
<b>TOTAL COMMUNITY HOUSE</b>	<u>20,775.00</u>	<u>17,075.00</u>	<u>(3,700.00)</u>	
<b>TOTAL PARKS AND RECREATION</b>	<u>1,721,185.00</u>	<u>1,862,561.00</u>	<u>141,376.00</u>	
<b>TOTAL REVENUES</b>	15,259,094.00	15,633,802.72		
<b>TOTAL EXPENDITURES</b>	15,070,361.00	15,671,472.00		
<b>GRAND EXCESS OF REVENUES OVER EXPENDITURES</b>	188,733.00	(37,669.28)		

**ATTACHMENT C**

VILLAGE POSITION DETAIL	FY 16-17 Final		FY 17-18 Final		FY 18-19 Final		FY 19-20 Adopted		FY 19-20 Amended	
	PT	FT	PT	FT	PT	FT	PT	FT	PT	FT
<b>Office of the Village Manager</b>										
Village Manager	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
Deputy Manager	0.0	0.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
Assistant to the Manager	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Executive Assistant	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
Admin. Aide/Receptionist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
Procurement Specialist	0.0	1.0	0.0	1.0	0.0	1.0	0.0	0.0	0.0	1.0
Architectural & Graphic Designer	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0	0.0	1.0
<b>Total Positions</b>	<b>0.0</b>	<b>6.0</b>	<b>0.0</b>	<b>6.0</b>	<b>0.0</b>	<b>6.0</b>	<b>0.0</b>	<b>5.0</b>	<b>0.0</b>	<b>6.0</b>

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**ORDINANCE NO. 2020\_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA RELATING TO VACATION RENTALS; PROVIDING FOR DEFINITIONS; CERTIFICATE OF USE; RENTAL STANDARDS; DUTIES OF RESPONSIBLE PARTIES; ADVERTISING; PARKING; INSPECTIONS; SAFETY REQUIREMENTS AND ENFORCEMENT; REPEALING ORDINANCE 2018-16, ORDINANCE 2019-05 AND ORDINANCE 2019-11; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE** *(Sponsored by Vice Mayor John Dubois and Councilmember Marsha Matson)*

**WHEREAS**, vacation rentals through on-line hosting platforms are an emerging sector providing hosts and guests a medium for home-sharing; and

**WHEREAS**, vacation rentals must be registered and licensed with the State of Florida department of Business Regulation in order to operate in the State and in the Village; and

**WHEREAS**, if unregistered and unregulated, this can cause a negative impact on residential neighborhoods including excessive noise, parking that overwhelms the use by residents and the accumulation of trash; and

**WHEREAS**, in order to implement all the necessary rules and regulations to both protect the public and comply with the State regulation of vacation rentals, the Council wishes to adopt the following.

**NOW THEREFORE, THE FOLLOWING ORDINANCE IS HEREBY ENACTED BY THE VILLAGE OF PALMETTO BAY, FLORIDA:**

**Section 1.** The above recitals are incorporated as if set forth in full.

**Section 2.** Ordinances 2018-16, 2019-05 and 2019-11 are repealed in their entirety.

1                    **Section 3. A new Section 30-60-20 is hereby**  
2                    **adopted as follows:**

3  
4                    **Section 30-60-20: Short Term/Vacation/Transient**  
5                    **Rentals:**

6                    Applicability and purpose. The purpose of this sec-  
7                    tion is to provide regulations pertaining to short term/va-  
8                    cation/transient rentals (Collectively “Vacation Rentals”)  
9                    to preserve the quiet nature and atmosphere of residen-  
10                    tial areas and to ensure to Village residents the tranquility  
11                    and peaceful enjoyment of their neighborhoods. These  
12                    regulations shall be in addition to, and shall not supplant,  
13                    other provisions in this code that may apply to such rent-  
14                    als; in the event of a conflict, the more restrictive provision  
15                    shall control.

16  
17                    (A) Definitions. For purposes of this section, the fol-  
18                    lowing definitions shall apply:

19                    (1) Peer-to-peer or platform entity shall mean any  
20                    person, service, business, company, market-  
21                    place, or other entity that, for a fee or other  
22                    consideration, provides property owners and  
23                    responsible parties a platform or means to of-  
24                    fer vacation rentals to transient occupants,  
25                    whether through the internet or other means.

26                    (2) Property owner shall mean the person who, or  
27                    entity that, owns the property being used or oc-  
28                    cupied as a vacation rental.

29                    (3) Responsible party shall mean the person or  
30                    entity authorized by the property owner to ob-  
31                    tain a Certificate of Use for a vacation rental,  
32                    and who will be:

33  
34                    (a) Responsible for ensuring compliance with  
35                    all regulations related to vacation rentals;  
36                    and

37                    (b) Available to respond 24 hours per day, 7  
38                    days per week to any issue that arises re-  
39                    lating to the vacation rental. The property  
40                    owner may serve as responsible party.

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(4) Transient occupant shall mean any person who rents or occupies any dwelling unit or residence or part thereof for less than thirty (30) days, or one (1) calendar month, whichever is less, and any guest or invitee of such person.

(5) Vacation Rental shall mean any dwelling unit or residence, including, but not limited to, any unit or group of units in a townhouse, condominium, cooperative, or apartment building, that is rented in whole or in part to a transient occupant for a period of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place that may be rented to a transient occupant, but shall not include a hotel, motel, or bed and breakfast.

(B) Certificate of Use Required. No property owner or responsible party shall offer as a vacation rental, or allow any person to rent or occupy as a vacation rental, any property in whole or in part within the Village unless a Certificate of Use has first been obtained in accordance with the provisions of this section. A property may be offered as a vacation rental immediately upon approval of an application for Certificate of Use, unless and until such time as the application is thereafter revoked for failure to pass inspection. A peer -to-peer or platform entity shall be subject to the duties and requirements set forth in below.

(1) Application. A complete Certificate of Use application shall be submitted online or in hard copy. A peer-to-peer or platform entity may enter into an agreement with the Village whereby the peer-to-peer or platform entity agrees to submit applications on behalf of responsible parties. The application must be signed under

1 oath or affirmation,28 and shall include the fol-  
2 lowing:

- 3
- 4 (a) The address and legal description of the  
5 vacation rental property;
- 6 (b) Name, address, and phone number of the  
7 property owner;
- 8 (c) Name, address, and phone number of the  
9 responsible party;
- 10 (d) Name and contact information for the peer-  
11 to-peer or platform entity or entities on  
12 which the vacation rental is, or will be,  
13 listed for rent;
- 14 (e) A statement that the responsible party has  
15 the permission of the property owner and  
16 authority to offer the property as a vacation  
17 rental and act as the responsible party;
- 18 (f) A statement as to whether the entire prop-  
19 erty, or just a part thereof (i.e., a room or  
20 rooms), will be used as a vacation rental;
- 21 (g) A statement that insurance coverage will  
22 be in effect at all times while the property is  
23 being used as a vacation rental to cover li-  
24 ability for injury or harm to transient occu-  
25 pants or other invitees, and acknowledging  
26 that a standard homeowner's or renter's in-  
27 surance policy may not necessarily provide  
28 such liability coverage while the property is  
29 used as a vacation rental;
- 30 (h) A statement acknowledging that the re-  
31 sponsible party has received information  
32 explaining that using the property as a va-  
33 cation rental could result in loss of the  
34 Homestead Exemption, and has provided  
35 such information to the property owner;
- 36 (i) A statement indicating how many times,  
37 and for how many days in all, the property  
38 was used as a vacation rental within the  
39 previous calendar year;

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- (j) A statement acknowledging that the vacation rental must be registered with the Florida Department of Revenue, for purposes of collecting and remitting applicable state taxes and all such state taxes have been, or will be, paid;
- (k) A statement acknowledging that a vacation rental license, issued by the Florida Department of Business and Professional Regulation, or successor agency, must be obtained;
- (l) A statement acknowledging that the property is, and will be at all times during which it is used as a vacation rental, maintained in compliance with the vacation rental standards set forth;
- (m) An Interior Floor Plan showing layout of rental property including sleeping areas, bathrooms and kitchen, etc.;
- (n) An Exterior Site Plan showing structures, driveway, pool, hot tub, etc.
- (o) Supporting documentation. The responsible party shall maintain all required licenses, records, and other documentation sufficient to demonstrate that the statements and information required above are true and accurate. All such licenses, records, and other documentation shall be provided upon request, and failure to do so may result in the denial, suspension, or revocation of the Certificate of Use.
- (p) Providing false or misleading information in an application for a Certificate of Use is grounds to deny or revoke the Certificate of Use
- (q) The fee for a Certificate of Use shall be Two Hundred Sixty-Two (\$282) Dollars annually. A Certificate of Use may not be renewed if there are any outstanding fines or liens for violations of this code.

1 (1) Inspection. Prior to the issuance or renewal of  
2 a Certificate of Use, the vacation rental prop-  
3 erty shall be subject to inspection by both the  
4 Building and Zonings Departments and any ap-  
5 licable governmental agencies and to ensure  
6 compliance with all applicable code require-  
7 ments. At the time of such inspection, the re-  
8 sponsible party shall provide all licenses, rec-  
9 ords, and other documentation sufficient to  
10 demonstrate compliance with all requirements  
11 of this section.

12 (2) Enforcement history.

13 (a) When reviewing an application to obtain or  
14 renew a Certificate of Use, the Village shall  
15 consider the violation history of the prop-  
16 erty identified in the application. If the vio-  
17 lation history shows three or more viola-  
18 tions of this section within the preceding 12  
19 months, the Village shall not issue or re-  
20 new the Certificate of Use unless:

21 (i) All outstanding violations or liens are  
22 first satisfied and corrected; and

23 (ii) A bond in the amount of \$10,000.00 is  
24 provided to the Village, in the form ap-  
25 proved by the Village Attorney. The  
26 bond shall be subject to forfeiture for fu-  
27 ture violations, as set forth in this sec-  
28 tion.

29 (b) When the violation history shows three or  
30 more violations of this section within the  
31 preceding 12 months, the Village shall no-  
32 tify the peer-to-peer or platform entity, if  
33 known, of the property at which the viola-  
34 tions have occurred, and the dates of the  
35 violations.

36 (c) When calculating whether a vacation  
37 rental property has three or more violations  
38 within the preceding 12 months, if one or  
39 more unresolved citations that will affect

1                    the decision to issue or renew the Certifi-  
2                    cate of Use are pending, the Village may is-  
3                    sue or renew a Certificate of Use on a pro-  
4                    visional basis and for a limited time, which  
5                    may be extended for good cause shown.

6                    (C)Vacation Rental Standards. The following vacation  
7                    rental standards shall govern:

8                    (1)Duties of peer-to-peer or platform entity. For  
9                    each vacation rental listed or offered, a peer-  
10                    to-peer or platform entity shall:

11                    (a) Provide notice of the requirements of this  
12                    section to any person or entity listing or of-  
13                    fering a vacation rental on its service or  
14                    platform by including a summary these re-  
15                    quirements on its service or platform and  
16                    in a form acceptable to the Village

17                    (b) Only provide payment processing ser-  
18                    vices, or otherwise facilitate payment for a  
19                    vacation rental that has a valid Certificate  
20                    of Use in accordance with this section. A  
21                    peer-to-peer or platform entity shall not be  
22                    held liable pursuant to this subsection  
23                    where it:

24                    (i) Informs the responsible party that a  
25                    Certificate of Use must be obtained be-  
26                    fore offering a vacation rental in the Vil-  
27                    lage; includes a link to the Village  
28                    webpage where a Certificate of Use  
29                    may be applied for and obtained; re-  
30                    quires the responsible party to confirm  
31                    that such party has been advised of the  
32                    Villages' regulations including the Cer-  
33                    tificate of Use requirement; provides a  
34                    dedicated field to enable the responsi-  
35                    ble party to input the Certificate of Use  
36                    number before such party completes  
37                    registration and lists a vacation rental  
38                    on the service or platform; and provides  
39                    to the responsible party a copy of this  
40                    Ordinance.

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- (ii) (A) Provides to the Village on a monthly basis a report disclosing for each vacation rental listing the information entered by the responsible party in the Certificate of Use dedicated field, or whether the responsible party left that field blank; the total number of vacation rental listings on the service or platform during the prior month, and the total number of nights that vacation rentals listed on the service or platform were rented during the prior month;(B) enters into an agreement with the Village that provides a means for addressing listings for properties with three or more fully adjudicated violations committed within a consecutive 12-month period to ensure that any such listings do not operate as vacation rentals unless and until the requirements of this Ordinance have been complied with and facilitating responsible party compliance with the Certificate of Use requirements above.
- (iii) Include language in rental documents such as are a part of generally applicable terms of service that are affirmatively agreed to by the responsible party to discourage the secondary subletting of vacation rentals.
- (iv) (A) Comply with administrative subpoenas or other appropriate legal process seeking information relating to persons or entities listing or offering vacation rentals on its service or platform.(b) Maintain records demonstrating that the requirements of this subsection have been satisfied, and such records shall be subject to inspection upon request pursuant to the issuance of an

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administrative subpoena or other appropriate legal process; provided, however, that certain confidential information, such as social security numbers, credit card information, and names of minors, shall not be subject to inspection.

(c) Make available for inspection upon request pursuant to the issuance of an administrative subpoena or other appropriate legal process all records relating to any suspected violations of state or local law associated with any vacation rental property, provided, however, that certain confidential information, such as social security numbers, credit card information, and names of minors, shall not be subject to inspection.

(2) Duties of responsible party. For each vacation rental, the responsible party shall:

(a) Provide written notice to vacation occupants, prior to occupancy of the vacation rental, of the vacation rental standards set forth herein and other applicable laws, ordinances, or regulations concerning noise, public nuisance, vehicle parking, solid waste collection, and common area usage. This information shall also be made available to each vacation occupant inside the subject property;

(b) Provide notice to prospective vacation occupants at the time the subject property is listed as a vacation rental of any limitations on the property pertaining to access for the disabled;

(c) Provide notice to the homeowner's association or condominium/cooperative association or board, if any, that the subject property will be used as a vacation rental and

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adhere to all policies, rules, and regulations of such association or board pertaining to vacation rentals;

- (d) Ensure compliance with all provisions of this section, including the vacation rental standards set forth herein, and promptly address and report any violations of this section or of such other law or regulation of which the responsible party knows or should know to the Village or law enforcement, as appropriate, as well as to the peer-to-peer or platform entity;
- (e) Ensure that any violations regarding the rental of the property are able to be promptly addressed and resolved 24 hours a day/7 days per week; and
- (f) Maintain a register with names and dates of stay of all guests, which shall be open to inspection.

(3) Maximum occupancy. Maximum overnight occupancy for vacation rentals shall be up to a maximum of two persons per bedroom, plus two additional persons per property, up to a maximum of 12 persons, excluding children under three years of age. For purposes of this Subsection, "overnight" shall mean from 10:00 p.m. until 7:00 a.m. the following day. Notwithstanding the foregoing, at no time may the occupancy of a vacation rental exceed the maximum occupant load for the property under the Florida Building Code.

(4) Responsible party residency. The property on which a vacation rental is operated shall be a residence in which the responsible party resides for more than six months per calendar year. Nothing in this subsection shall preclude the rental of the property at the same time that the responsible party is residing there.

(5) Solid waste handling and containment. Solid

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waste containers sufficient to handle the maximum occupancy permitted shall be maintained in accordance with Village ordinances. All regulations regarding screening and storage of solid waste containers shall apply to vacation rentals. For purposes of this section all solid waste containers shall be placed at curbside or other designated collection area only on scheduled collection days, no later than 7:00 a.m., and shall be removed therefrom that same day once collection has occurred.

(6) *Advertising and signs.* Signs shall only be allowed to the extent permitted by the regulations in the code applicable to the relevant zoning district. Any advertisements or signs pertaining to vacation rentals that are inconsistent with the requirements, restrictions, and regulations of the Certificate of Use or these vacation rental standards shall be deemed prima facie evidence in any enforcement action that a vacation rental is being operated in violation of this section.

(7) *Sexual offenders and sexual predators.*  
(a) If the vacation rental property is within one thousand feet (1,000 feet) of a school, it shall be a violation to allow any person to occupy the property with knowledge that such person is a registered sexual offender or registered sexual predator in any jurisdiction. The responsible party shall be required to obtain confirmation of a nationwide search from the Miami-Dade County Police Department or other law enforcement agency that the prospective transient occupant or occupants is not a registered sexual offender or sexual predator as a result of a conviction of a sexual offense. The responsible party may call the Miami-Dade County Answer Center (311) to obtain assistance or referrals to determine whether

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a prospective transient occupant is a sexual offender or predator and to determine whether a residence is 1,000 feet from a particular school.

(b) If the vacation rental property is within 1000 feet of a school, it shall be a violation of this section for a sexual offender or sexual predator to occupy the property.

(8) Posting of Certificate of Use. and Other Documents: Whenever a property is being used as a vacation rental, the Certificate of Use required by this section shall be available in a conspicuous location that is clearly visible to guests within the vacation rental and shall include, at a minimum, the name, address, and phone number of the responsible party and the maximum occupancy of the vacation rental. Additionally, there shall be a posting of the times of garbage pickup, the location of the nearest hospital, a property evacuation map, and the non-emergency Police phone number.

(9) Parking and vehicles. All parking must comply with the requirements of the district in which it is located, and all other applicable sections of this code. In addition, all vehicles associated with the vacation rental, whether in the possession or control of the property owner, responsible party, or transient occupant, shall only be parked within a driveway or in a designated parking area on the subject property; or, where there is no such driveway or designated parking area, vehicles shall only be parked on the street or swale directly in front of the subject property. Transient occupants shall not be permitted to park more than two vehicles at any one time on the subject property or on the street or swale during the rental period. An exterior plan showing parking areas must be provided.

(10) Noise. All transient occupants shall abide by

1                   this code, which prohibits unreasonably loud,  
2                   excessive, unnecessary, or unusual noise. In  
3                   addition, outdoor amplified sound at a vacation  
4                   rental shall be permitted pursuant to code.

5                   (11) Public nuisance. The responsible party and all  
6                   transient occupants shall abide by all applica-  
7                   ble state and local public nuisance laws and or-  
8                   dinances, including, but not limited to, sections  
9                   823.05 and 823.10 of the Florida Statutes,  
10                   which prohibits any place or premises from be-  
11                   ing used as the site for the unlawful sale or de-  
12                   livery of controlled substances, prostitution,  
13                   youth and street gang activity, gambling, illegal  
14                   sale or consumption of alcoholic beverages, or  
15                   lewd or lascivious behavior that adversely af-  
16                   fects the public health, safety, morals, and wel-  
17                   fare.

18                   (12) Pets. If the responsible party permits vacation  
19                   occupants to have pets at the vacation rental,  
20                   such pets shall be at all times secured within  
21                   the property lines or on a leash but shall not be  
22                   tethered. Continual nuisance barking by pets is  
23                   prohibited. The keeping of pets shall be subject  
24                   to the regulations of this code regarding ani-  
25                   imals.

26                   (13) Swimming pool safety features. If there is a  
27                   swimming pool onsite, the responsible party  
28                   shall ensure that the swimming pool has in  
29                   place at least one of the pool safety features  
30                   listed in Section 515.29, Florida Statutes, (i.e.,  
31                   pool safety barrier, pool safety cover, pool  
32                   alarm, or door latch/alarm) prior to use of the  
33                   property as a vacation rental by any person un-  
34                   der the age of six. The responsible party shall  
35                   be deemed to have complied with this provision  
36                   if the pool safety feature is put in place at the  
37                   time that the property is turned over to any va-  
38                   cation occupant occupying the vacation rental.  
39                   This provision shall not apply to a vacation  
40                   rental with a community swimming pool onsite,

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such as in a condominium, as determined by the Village. There shall be an annual inspection by a licensed technician and a log kept and available to the Village of these inspections

(14) Compliance with applicable laws. In addition to the foregoing, the responsible party and all transient occupants shall comply with all other applicable local, state, and federal laws, regulations, rules, and standards, including, but not limited to, the Florida Building Code, the Florida Fire Code, the Florida Life Safety Code, and those pertaining to anti-discrimination, disability, and fair housing to the extent applicable.

(D)Enforcement. The requirements of this section may be enforced in accordance with the following:

(1) Penalties. Schedule "A" attached.

(2) Forfeiture of bond.

(a) Where a bond is required to obtain or renew a Certificate of Use, if the vacation rental property is cited for a violation of this section within 12 months of providing the bond, and that citation is later resolved adversely to the owner or responsible party, then the bond shall be deemed forfeited, and the Certificate of Use for that vacation rental shall be revoked and may not be re-issued for 12 months.

(b) If there are no violations for 12 months after providing the security, the Village shall release the bond upon written request from the responsible party. Until the responsible party obtains release, the bond shall continue to be subject to forfeiture for future violations.

(3) Joint and several liability. The property owner of the vacation rental property shall be liable for any violations of this section, any rule or regulation promulgated under this section, or any order of the Village made under this section. In

1 addition, whenever two or more persons com-  
2 mit such a violation, each violator shall be  
3 jointly and severally liable for any fines or other  
4 damages assessed. This applies to situations  
5 where a property owner, responsible party,  
6 peer-to-peer or platform entity, or vacation oc-  
7 cupant, or any combination thereof, are to-  
8 gether responsible for a violation of this sec-  
9 tion. It is provided, however, that where a peer-  
10 to-peer or platform entity does not itself commit  
11 a violation of this section, it shall not be held  
12 jointly and severally liable, nor shall it be held  
13 vicariously liable for any violations committed  
14 solely by the responsible party or vacation oc-  
15 cupants. In addition, where a peer-to-peer or  
16 platform entity complies with all provisions  
17 above, it shall not be held jointly and severally  
18 liable for providing a listing for or collecting a  
19 fee for listing any vacation rental.

20  
21 **Section 4. Severability.** The provisions of this  
22 Ordinance are declared to be severable, and if any  
23 sentence, section, clause or phrase of this Ordinance  
24 shall, for any reason, be held to be invalid or  
25 unconstitutional, such decision shall not affect the validity  
26 of the remaining sentences, sections, clauses or phrases  
27 of the Ordinance, but they shall remain in effect it being  
28 the legislative intent that this Ordinance shall stand  
29 notwithstanding the invalidity of any part.

30  
31 **Section 5. Codification.** It is the intention of the  
32 Village Council and it is hereby ordained the provisions of  
33 this Ordinance shall become and be made part of the  
34 Code of Ordinances of the Village of Palmetto Bay, Flor-  
35 ida, that sections of this Ordinance may be renumbered  
36 or re-lettered to accomplish such intentions, and that the  
37 word “Ordinance” shall be changed to “Section” or other  
38 appropriate word.

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**Section 6. Effective Date.** This Ordinance shall take effect immediately upon enactment of Second Reading.

**VOTE UPON FIRST READING**

Mayor Karyn Cunningham \_\_\_\_\_

Vice Mayor John Dubois \_\_\_\_\_

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

Council Member David Singer \_\_\_\_\_

Council Member Marsha Matson \_\_\_\_\_

**PASSED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_

Attest:

\_\_\_\_\_  
**Missy Arocha**  
**Village Clerk**

\_\_\_\_\_  
**Karyn Cunningham**  
**Mayor**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:**

\_\_\_\_\_  
**John C. Dellagloria, Esq.**  
**Village Attorney**

**FINAL VOTE AT ADOPTION ON SECOND READING:**

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

Council Member David Singer \_\_\_\_\_

Council Member Marsha Matson \_\_\_\_\_

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

Mayor Karyn Cunningham \_\_\_\_\_

## ORDINANCE NO. 2020-\_\_\_\_

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2  
3 **AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF**  
4 **THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAP-**  
5 **TER 15 OF THE VILLAGE OF PALMETTO BAY’S CODE OF ORDI-**  
6 **NANCES ENTITLED “ENVIRONMENT”, BY AMENDING SECTION**  
7 **15-2 STYLED “BIRD REFUGE”; PROVIDING FOR ADDITIONAL**  
8 **PROTECTIONS UNDER THE FEDERAL MIGRATORY BIRD**  
9 **TREATY ACT; PROVIDING FOR ADDITIONAL INFORMATION**  
10 **AND REQUIREMENTS REGARDING MUSCOVY DUCKS, AND**  
11 **PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EF-**  
12 **FECTIVE DATE.** *(Sponsored by Councilmember David Singer and*  
13 *Co-Sponsored by Councilmember Marsha Matson)*

14  
15 **WHEREAS**, on February 3, 2020, the Mayor and Council  
16 adopted Ordinance No. 2020-02, which established the Village as a bird  
17 sanctuary; and

18  
19 **WHEREAS**, the Village Council wanted to provide additional pro-  
20 tections to those provided by Section 20-59 of the Code of Ordinances;  
21 and

22  
23 **WHEREAS**, after a second reported incident in the Village regard-  
24 ing Muscovy Ducks, the Council desires to amend the “Bird Refuge”  
25 Ordinance.

26  
27 **NOW, THEREFORE, BE IT ENACTED BY THE MAYOR AND**  
28 **VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY,**  
29 **FLORIDA, AS FOLLOWS:**

30  
31 **Section 1.** That Section 15 of the Village of Palmetto Bay’s Code  
32 of Ordinances entitled “Environment” is amended as follows:

33 Section 15-2 - Bird Refuge

34 (i) The Village of Palmetto Bay shall be known as a bird refuge for  
35 the protection and conservation of all species of birds.

36 (ii) The entire area within the boundaries known as the corporate  
37 limits of the Village of Palmetto Bay is hereby designated as a “Bird  
38 Refuge”.

39 (iii) “Bird” shall be defined as “a warm-blooded, egg laying verte-  
40 brate of the class Aves, distinguished by the possession of feathers,

1 wings, a beak and, typically, being able to fly.

2 (iv) These species include not only chickens, ducks and all spe-  
3 cies of birds, even if a specie does not have a natural\_habitat within the  
4 borders of the Village.

5 (v) No person shall molest, harm, frighten, kill, net, trap, snare,  
6 chase, shoot, throw or propel by any means missiles at any bird roam-  
7 ing free in the Village nor shall any person remove or molest the nest or  
8 eggs of a bird.

9 This provision is not intended to affect:

10 (a) Birds raised in captivity for human consumption.

11 ~~(b) Individuals or entities duly licensed by the State of Florida to~~  
12 ~~that humanly capture and transport Muscovy Ducks.~~

13 (c) The removal and live transport by Miami-Dade Animal Control  
14 of ducks, chickens, or other fowl from any Village park upon numerous  
15 complaints made to the Parks Director that nuisance or aggressive be-  
16 havior is being exhibited.

17 (d) the rules and regulations of the Florida Wildlife Commission.

18 ~~(vi) The Village shall require all individuals who possess a valid,~~  
19 ~~government issued permit or license permitting the capturing, caging or~~  
20 ~~transport of any bird species to register with the Village Clerk and pro-~~  
21 ~~vide copies of all permits to be kept on file with the Village.~~

22 (vi) The Village shall be advised as to the location where a Mus-  
23 covey Duck is being transported, and for the trapper to advise as to the  
24 company for which they work.

25 (vii) Before a trapper captures and transports a Muscovy Duck  
26 within the Village limits, a registration form must be filed with the Village  
27 Clerk, which shall include an indemnification provision in favor of the  
28 Village.

29 (viii) Landowners must give written permission for any trapper to  
30 enter upon private property. Trappers must carry insurance and show  
31 proof of insurance to the landowner prior to entry on private property.

32 (viii) In addition to the above, protection shall also be afforded to  
33 migratory birds, which are native to the United States and its territories.

34 (ix) As provided in 16 USC 703-712, the Migratory Bird Treaty Act,  
35 it shall be unlawful at any time, by any means or in any manner, to pur-  
36 sue, hunt, take, capture, kill, attempt to take, capture, or kill, possess,  
37 offer for sale, sell, offer to barter, barter, offer to purchase, purchase,  
38 deliver for shipment, ship, export, import, cause to be shipped, ex-  
39 ported, or imported, deliver for transportation, transport or cause to be

1 transported, carry or cause to be carried, or receive for shipment, trans-  
2 portation, carriage, or export, any migratory bird, any part, nest, or eggs  
3 of any such bird, or any product, whether or not manufactured, which  
4 consists, or is composed in whole or part, of any such bird or any part,  
5 nest, or egg thereof, included in the terms of the conventions between  
6 the United States and Great Britain for the protection of migratory birds  
7 concluded August 16, 1916 (39 Stat. 1702); the United States and the  
8 United Mexican States for the protection of migratory birds and game  
9 mammals concluded February 7, 1936; the United States and the Gov-  
10 ernment of Japan for the protection of migratory birds and birds in dan-  
11 ger of extinction and their environments concluded March 4, 1972 and  
12 the convention between the United States and the Union of Soviet So-  
13 cialist Republics for the conservation of migratory birds and their envi-  
14 ronments concluded November 19, 1976.

15

16 (x) Any person, firm or entity knowingly violating any provision of  
17 this Ordinance shall be subject to a fine not exceeding One Thousand  
18 Dollars (\$1,000) for each and every offense.

19

20 **Section 2.** The provisions of this Ordinance are independent from  
21 and in addition to Section 828.12 of the Florida Statutes entitled “Cruelty  
22 to Animals”and to the penalties as provided by 16 USC 703-712.

23

24 **Section 3.** This Ordinance shall become effective upon second  
25 reading.

26

27 **PASSED on FIRST READING** this 13<sup>th</sup> day of July 2020.

28

29

30 **Attest:** \_\_\_\_\_

31

32

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**Missy Arocha**  
**Village Clerk**

**Karyn Cunningham**  
**Mayor**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,  
FLORIDA ONLY:**

\_\_\_\_\_  
**John C. Dellagloria, Esq.**  
**Village Attorney**

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**VOTE AT FIRST READING:**

Council Member David Singer \_\_\_\_\_  
Council Member Marsha Matson \_\_\_\_\_  
Council Member Patrick Fiore \_\_\_\_\_  
Vice-Mayor John DuBois \_\_\_\_\_  
Mayor Karyn Cunningham \_\_\_\_\_

**PASSED** and **ADOPTED** on **SECOND READING** this  
\_\_\_\_\_ day of \_\_\_\_\_ 2020.

**Attest:** \_\_\_\_\_  
**Missy Arocha** **Karyn Cunningham**  
**Village Clerk** **Mayor**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY,  
FLORIDA ONLY:**

\_\_\_\_\_  
**John C. Dellagloria, Esq.**  
**Village Attorney**

**FINAL VOTE AT SECOND READING:**

Council Member David Singer \_\_\_\_\_  
Council Member Marsha Matson \_\_\_\_\_  
Council Member Patrick Fiore \_\_\_\_\_  
Vice-Mayor John DuBois \_\_\_\_\_  
Mayor Karyn Cunningham \_\_\_\_\_



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To: Honorable Mayor and Village Council

Date: July 13, 2020

From: Gregory H. Truitt, Interim Village Manager

Re: Water Conservation & Emergency  
Water Restriction Enforcement – 1<sup>st</sup> Reading

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**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, ENTITLED "ENVIRONMENT"; AT ARTICLE IV STYLED "WATER CONSERVATION AND EMERGENCY WATER RESTRICTION ENFORCEMENT"; PROVIDING FOR LOCAL IMPLEMENTATION OF THE MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES RULE OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (40E-24, F.A.C.); PROVIDING DEFINITIONS; PROVIDING FOR A LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR A REQUIREMENT TO OPERATE TECHNOLOGY THAT INHIBITS OR INTERRUPTS AN IRRIGATION SYSTEM DURING PERIODS OF SUFFICIENT MOISTURE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (*Sponsored by Administration*)**

**BACKGROUND AND ANALYSIS:**

The Village of Palmetto Bay has always instilled environmental awareness and protection guidelines, such as strict water restrictions during periods of drought. Specifically, rainfall has been approximately 6.5 inches below average from November of 2019 to March of this year, groundwater levels are decreasing Districtwide and the U.S. Drought Monitor lists all of South Florida as experiencing at least "Moderate Drought" conditions with portions of Palm Beach, Broward, Miami-Dade counties and the Lower East Coast being classified as "abnormally dry". Because South Florida is prone to droughts during the dry and hot climate, the South Florida Water Management District is encouraging communities to adopt their new water restriction guidelines in order to protect the resource that is extremely valuable. This measure has existed since March 2010 and limits landscape watering to two days a week throughout the South Florida Water Management District. Although Palmetto Bay currently has water restrictions, this Ordinance specifically restrict landscape irrigation between the hours of the day in which communities might experiences the highest temperatures of the

day. This mandatory year-round rule is a component of the South Florida Water Management Districts Comprehensive Water Conservation Program and encourages more responsible use of water resources.

Changes: The following changes will occur if this Ordinance is passed:

- Repeals Chapter 15 Environment Article IV Water Conservation and Emergency Water Restriction Enforcement
- Creates a two day-a-week watering
- Adds new landscape irrigation measures

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

**Attachment A:** Proposed Palmetto Bay South Florida Water Management District Ordinance

**Attachment B:** South Florida Water Management District Letter to Interim Manager



1           **WHEREAS**, the District promulgated and amended Chapter 40E-  
2 24, F.A.C., requiring year-round irrigation conservation measures; and  
3

4           **WHEREAS**, the South Florida Water Management District Order  
5 states that plants may be watered using low volume irrigation, micro-  
6 irrigation, low volume hand watering methods, and rain barrels, cisterns,  
7 or other similar rain harvesting devices without regard to the watering  
8 days or times; and  
9

10           **WHEREAS**, Chapter 40E-24, F.A.C., applies to all landscape  
11 irrigation regardless of whether the water comes from ground or surface  
12 water, from a private well or pump, or from a public or private utility; and  
13

14           **WHEREAS**, Rule 40E-24.301, F.A.C., provides that local  
15 governments may adopt a landscape irrigation ordinance that achieves  
16 water conservation consistent with Rule 40E-24.201, F.A.C., including  
17 variance and enforcement procedures; and  
18

19           **WHEREAS**, the Village Council of Palmetto Bay, Florida desires to  
20 adopt the encouraged ordinance, including variance and enforcement  
21 procedures; and  
22

23           **WHEREAS**, the Village Council of Palmetto Bay, Florida finds and  
24 declares that the adoption of this Ordinance is appropriate, and in the  
25 public interest of this community.  
26

27           **NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE**  
28 **COUNCIL OF PALMETTO BAY, FLORIDA OF MIAMI-DADE COUNTY**  
29 **FLORIDA: SECTION 15 ENVIRONMENT ARTICLE IV: WATER**  
30 **CONSERVATION AND EMERGENCY RESTRICTION**  
31 **ENFORCEMENT CODE OF ORDINANCES, ARE CREATED TO**  
32 **READ:**  
33

34                           **WATER CONSERVATION ORDINANCE FOR**  
35                           **LANDSCAPE IRRIGATION**  
36

37           **Section 1. INTENT AND PURPOSE**  
38

1 It is the intent and purpose of this Ordinance to implement procedures  
2 that promote water conservation through the efficient use of landscape  
3 irrigation.

4  
5 **Section 2. DEFINITIONS**

6  
7 For the purpose of this Ordinance, the following terms, phrases, words,  
8 and their derivatives shall have the meaning listed below. When not  
9 inconsistent with the context, words used in the present tense include the  
10 future, words in the plural include the singular, and words in the singular  
11 include the plural.

- 12  
13 (1) "Address" means the "house number" (a numeric or  
14 alphanumeric designation) that, together with the street  
15 name, describes the physical location of a specific property.  
16 This includes "rural route" numbers, but excludes post office  
17 box numbers. If a lot number in a mobile home park or similar  
18 community is used by the U.S. Postal Service to determine a  
19 delivery location, the lot number shall be the property's  
20 address. If a lot number in a mobile home park or similar  
21 residential community is not used by the U.S. Postal Service  
22 (e.g., the park manager sorts incoming mail delivered to the  
23 community's address), then the community's main address  
24 shall be the property's address. If a property has no address,  
25 it shall be considered "even-numbered."  
26
- 27 (2) "Athletic Play Area" means all golf course fairways, tees,  
28 roughs, greens, and other athletic play surfaces; including,  
29 football, baseball, soccer, polo, tennis, and lawn bowling  
30 fields, and rodeo, equestrian, and livestock arenas.  
31
- 32 (3) "Consumptive Use Permit" (CUP) means a permit issued  
33 pursuant to Chapter 40E-2, F.A.C., authorizing the  
34 consumptive use of water.  
35
- 36 (4) "District" means the South Florida Water Management  
37 District, a government entity created under Chapter 373, F.S.  
38

- 1 (5) "Even Numbered Address" means an address ending in the  
2 numbers 0, 2, 4, 6, 8, or rights-of-way or other locations with  
3 no address, or the letters A-M.  
4
- 5 (6) "Existing landscaping" means any landscaping which has  
6 been planted and in the ground for more than ninety (90)  
7 days.  
8
- 9 (7) "Landscaping" means shrubbery, trees, lawns, sod, grass,  
10 ground covers, plants, vines, ornamental gardens, and such  
11 other flora not intended for resale, which are situated in such  
12 diverse locations as residential landscapes, recreation areas,  
13 cemeteries, public, commercial, and industrial  
14 establishments, public medians, and rights-of-way, except  
15 athletic play areas, as defined in Section 2(2).  
16
- 17 (8) "Landscape Irrigation" means the outside watering of  
18 shrubbery, trees, lawns, sod, grass, ground covers, plants,  
19 vines, ornamental gardens, and such other flora not intended  
20 for resale, which are planted and situated in such diverse  
21 locations as residential landscapes, recreation areas,  
22 cemeteries, public, commercial, and industrial  
23 establishments, public medians, and rights-of-way, except  
24 athletic play areas.  
25
- 26 (9) "Law Enforcement Officials" *Palmetto Bay should include the*  
27 *definition of a law enforcement, code enforcement, or any*  
28 *local government employee who may be responsible for*  
29 *enforcing this Ordinance.*  
30
- 31 (10) "Low Volume Hand Watering" means the watering of  
32 landscape by one (1) person, with one (1) hose, fitted with a  
33 self-canceling or automatic shutoff nozzle.  
34
- 35 (11) "Low Volume Irrigation" means the use of equipment and  
36 devices specifically designed to allow the volume of water  
37 delivered to be limited to a level consistent with the water  
38 requirement of the plant being irrigated, and to allow that

1 water to be placed with a high degree of efficiency in the root  
2 zone of the plant. The term also includes water used in mist  
3 houses and similar establishments for plant propagation.  
4 Overhead irrigation and flood irrigation are not included.

5  
6 (12) "Micro-irrigation" means the application of small quantities of  
7 water on or below the soil surface as drops or tiny streams of  
8 spray through emitter or applicators placed along a water  
9 delivery line. Micro-irrigation includes a number of methods  
10 or concepts, such as bubbler, drip, trickle, mist or microspray,  
11 and subsurface irrigation.

12  
13 (13) "New landscaping" means any landscaping which has been  
14 planted in the ground for ninety (90) days or less.

15  
16 (14) "Odd Numbered Address" means an address ending in the  
17 numbers 1, 3, 5, 7, 9, or the letters N-Z.

18  
19 (15) "Reclaimed Water" means wastewater that has received at  
20 least secondary treatment and basic disinfection, and is  
21 reused after flowing out of a wastewater treatment facility as  
22 defined by Rule 62-40.210, F.A.C.

23  
24 (16) "User" means any person, individual, firm, association,  
25 organization, partnership, business trust, corporation,  
26 company, agent, employee, or other legal entity whether  
27 natural or artificial, the United States of America, and the  
28 State and all political subdivisions, regions, districts,  
29 municipalities, and public agencies thereof, which directly or  
30 indirectly takes water from the water resource, including uses  
31 from private or public utility systems, uses under water use  
32 permits issued pursuant to Chapter 40E-2, F.A.C., or uses  
33 from individual wells or pumps.

34  
35 (17) "Wasteful and Unnecessary" means allowing water to be  
36 dispersed without any practical purpose to the water use; for  
37 example, excessive landscape irrigation, leaving an  
38 unattended hose on a driveway with water flowing, allowing

1 water to be dispersed in a grossly inefficient manner  
2 regardless of the type of water use; for example, allowing  
3 landscape irrigation water to unnecessarily fall onto  
4 pavement, sidewalks, and other impervious surfaces; or  
5 allowing water flow through a broken or malfunctioning water  
6 delivery or landscape irrigation system.

7  
8 (18) "Water Resource" means any and all water on or beneath the  
9 surface of the ground, including natural or artificial  
10 watercourses, lakes, ponds, or diffused surface water, and  
11 water percolating, standing, or flowing beneath the surface of  
12 the ground.

13  
14 (19) "Water Shortage" means when the District determines there  
15 is the possibility that insufficient water will be available to  
16 meet the present and anticipated needs of the users, or when  
17 conditions are such as to require a temporary reduction in  
18 total use within a particular area to protect water resources  
19 from serious harm. A water shortage usually occurs due to  
20 drought.

21  
22 (20) "Water Shortage Emergency" means when the District  
23 determines the provisions listed in Part II of Chapter 40E-21,  
24 F.A.C., are not sufficient to protect the public health, safety,  
25 or welfare, the health of animals, fish, or aquatic life, a public  
26 water supply, or commercial, industrial, agricultural,  
27 recreational, or other reasonable-beneficial uses.

28  
29 **Section 3. APPLICABILITY**

30  
31 The provisions of this Ordinance shall apply to each user, as defined in  
32 Section 2(16), providing landscape irrigation from all water resources  
33 within the boundaries of the Village of Palmetto Bay] with the following  
34 exceptions:

- 35 (a) The use of reclaimed water, which may or may not be  
36 supplemented from another source; and  
37 (b) Irrigation at agricultural and nursery operations; and  
38 (c) Irrigation of athletic play areas.

1  
2 **Section 4. YEAR-ROUND LANDSCAPE IRRIGATION**  
3 **CONSERVATION MEASURES**  
4

5 The Village adopts the rules of the South Florida Water Management  
6 District, listed  
7 in Subsection 40E-24.201 (1)-(6), F.A.C., including subsequent additions  
8 or corrections which are set out as follows:

- 9 (1) The year-round landscape irrigation conservation measures  
10 contained in this Ordinance are applicable to all users  
11 including permitted and exempt users under Chapter 40E-2,  
12 F.A.C., unless otherwise indicated. These conservation  
13 measures apply to all water resources, unless otherwise  
14 indicated. In addition to the requirements of this Section, all  
15 permitted users under Chapter 40E-2, F.A.C., are required to  
16 maintain compliance with all CUP conditions and terms,  
17 including requirements to implement water conservation  
18 practices.
- 19 (2) It shall be the duty of each user to keep informed as to the  
20 landscape irrigation conservation measures within this  
21 Ordinance which affect each particular water use.
- 22 (3) In addition to the specific conservation measures, all wasteful  
23 and unnecessary water use, as defined in Section 2(17), is  
24 prohibited.
- 25 (4) The following requirements shall apply to all users, unless  
26 specified in Section 3 or Section 5.
- 27 (a) Landscape irrigation shall be prohibited between the  
28 hours of 10:00 a.m. and 4:00 p.m., except as otherwise  
29 provided.
- 30 (b) Irrigation of existing landscaping shall comply with the  
31 following provisions:
- 32 i. Even addresses, as defined in Section 2(5),  
33 installations with irrigation systems that irrigate both  
34 even and odd addresses within the same zones,  
35 such as multi-family units and homeowners'  
36 associations, and rights-of-way or other locations  
37 with no address shall have the opportunity to

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- accomplish necessary landscape irrigation two (2) days a week, only on Thursday and/or Sunday.
  - ii. Odd addresses, as defined in Section 2(13), shall have the opportunity to accomplish necessary landscape irrigation two (2) days a week, only on Wednesday and/or Saturday.
- (c) Irrigation of new landscaping shall comply with the following provisions:
- i. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the normal watering days and times.
  - ii. A ninety (90) day establishment period begins on the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.
  - iii. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.
  - iv. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.
  - v. Irrigation of new landscaping is limited to areas only containing the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this Subsection if the zone contains at least 50% new landscaping. If a zone contains less than 50% new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering, as

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defined in Section 2(10), or any appropriate method which isolates and waters only the new landscaping.

- (5) Any water shortage, as defined in Section 2(19), restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related District Governing Board or Executive Director orders which are more restrictive than a measure contained within this Ordinance, shall supersede this Ordinance for the duration of the applicable water shortage declaration.

**Section 5. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES**

Landscape irrigation scheduling shall be subject to the following exceptions:

- (1) Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one (1) test should not exceed ten (10) minutes per zone.
- (2) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, or by federal, state or local law, or best management practices, shall be allowed under the following conditions:
  - (a) Such watering-in shall be limited to one (1) application, unless the need for more than one (1) application is stated in the directions for application specified by the manufacturer; and
  - (b) Such watering-in shall be accomplished during normally allowable watering days and times set forth in Subsection 4(4)(a) and (b), unless a professional licensed applicator has posted a temporary sign

1 containing the date of application and the date(s) of  
2 needed watering-in activity.

3 (3) Any plant material may be watered using low volume  
4 irrigation, as defined in Section 2(11), micro-irrigation, as  
5 defined in Section 2(12), low volume hand watering method,  
6 rain barrels, cisterns, or other similar rain-harvesting devices  
7 without regard to the watering days or times allowed pursuant  
8 to this Section.

9  
10 **Section 6. ADDITIONAL REQUIREMENTS**

11  
12 Any user who purchases and installs an automatic landscape irrigation  
13 system shall properly install, maintain, and operate technology that  
14 inhibits or interrupts operation of the system during periods of sufficient  
15 moisture in accordance with Section 373.62, F.S.

16  
17 **Section 7. VARIANCES**

18  
19 (1) A variance from the specific day or days identified in  
20 Subsection 4(4)(b) may be granted by the Village if strict  
21 application of the restrictions would lead to unreasonable or  
22 unfair result; provided the applicant demonstrates with  
23 particularity that compliance with the schedule will result in  
24 substantial economic, health, or other hardship on the  
25 applicant or those served by the applicant. If granted, the  
26 applicant shall be required to post a notice at each parcel to  
27 which the variance pertains. Relief may be granted only upon  
28 a demonstration that such hardship exists, is peculiar to the  
29 person or the affected property, is not self-imposed, and  
30 further demonstrates that granting the variance would be  
31 consistent with the general intent and purpose of this division.

32 (2) The Village recognizes all irrigation variances or waivers  
33 issued by the District under Rule 40E-24.501, F.A.C.

34  
35 **Section 8. DECLARATION OF WATER SHORTAGE OR WATER**  
36 **SHORTAGE EMERGENCY**

37  
38 Declaration of a water shortage condition and/or water shortage

1 emergency, as defined in Section 2(20), within all or parts of the Village  
2 by the District's Governing Board or Executive Director shall supersede  
3 this Ordinance for the duration of the applicable water shortage  
4 declaration in accordance with Ordinance No. 07-13, § 1(15-5), 5-7-  
5 2007). A water shortage usually occurs due to drought.

6  
7 **Section 9. ENFORCEMENT**

8  
9 (1) In the absence of a declaration of water shortage or water  
10 shortage emergency within all or any part of the Village by  
11 the District's Governing Board or Executive Director, the  
12 listed landscape irrigation restrictions shall be subject to  
13 enforcement action. Any violation of the provisions of Section  
14 4 and 5 shall be a violation of this Section.

15  
16 (2) The Village authorizes law enforcement officials, as defined  
17 in Chapter 2 Administration Article VII Code Compliance  
18 Procedures Section 2-205 having jurisdiction in the area  
19 governed by this Ordinance, to enforce the provisions of this  
20 Ordinance. In addition, the Village Manager may delegate  
21 this Ordinance's enforcement responsibility to agencies and  
22 departments within the Village government.

23  
24 **Section 10. PENALTIES**

25  
26 Violations of any provision of this Ordinance may be punished pursuant  
27 to Section 162.21, F.S., as amended, as a civil infraction as set forth in  
28 the code enforcement citation ordinance of Village Ordinance No 07-13,  
29 § 1(15-7), 5-7-2007; Ord. No. 09-22, § 1, 10-5-2009 as may be  
30 amended from time to time.

31  
32 **Section 11. CODIFICATION**

33  
34 Codification of this Ordinance is directed and authorized.

35  
36 **Section 12. ORDINANCES REPEALED.**

37

1 Article IV Sections 15-151 through 15-156, Code of Ordinances, are  
2 hereby repealed:

3  
4 ~~ARTICLE IV. - WATER CONSERVATION AND EMERGENCY WATER~~  
5 ~~RESTRICTION ENFORCEMENT~~

6  
7 ~~Sec. 15-151. - Intent and purpose.~~

8 ~~It is the intent and purpose of this article to protect the water resources~~  
9 ~~of the village from the harmful effects of over-utilization during periods of~~  
10 ~~water shortage and allocate available water supplies by assisting the~~  
11 ~~South Florida Water Management District in the implementation of its~~  
12 ~~water shortage plan. (Ord. No. 07-13, § 1(15-1), 5-7-2007)~~

13  
14 ~~Sec. 15-152. - Definitions.~~

15 ~~The following words, terms and phrases, when used in this article, shall~~  
16 ~~have the meanings ascribed to them in this section, except where the~~  
17 ~~context clearly indicates a different meaning:~~

- 18  
19 1) ~~District means the South Florida Water Management District~~  
20 ~~(SFWMD).~~  
21 2) ~~Water resource means any and all water on or beneath the surface~~  
22 ~~of the ground, including natural or artificial watercourses, lakes,~~  
23 ~~ponds, or diffused surface water, and water percolating, standing,~~  
24 ~~or flowing beneath the surface of the ground.~~  
25 3) ~~Water shortage condition is when sufficient water is not available~~  
26 ~~to meet present or anticipated needs of persons using the water~~  
27 ~~resource, or when conditions are such as to require temporary~~  
28 ~~reduction in total water usage within a particular area to protect the~~  
29 ~~water resource from serious harm. A water shortage usually occurs~~  
30 ~~due to drought.~~  
31 4) ~~Water shortage emergency means that situation when the powers~~  
32 ~~which can be exercised under Florida Administrative Code, part II,~~  
33 ~~of chapter 40E-21, are not sufficient to protect the public health,~~  
34 ~~safety or welfare or the health of animals, fish or aquatic life, or a~~  
35 ~~public water supply, or commercial, industrial, agricultural,~~  
36 ~~recreational or other reasonable uses.~~  
37 ~~(Ord. No. 07-13, § 1(15-2), 5-7-2007)~~

38

1 ~~Sec. 15-153. - Application of this chapter.~~

2 ~~The provisions of this chapter shall apply to all persons using the water~~  
3 ~~resource within the geographical areas subject to the water shortage or~~  
4 ~~water shortage emergency as determined by the district, whether from~~  
5 ~~public or privately owned water utility systems, private wells, or private~~  
6 ~~connections with surface water bodies. This chapter shall not apply to~~  
7 ~~persons using treated effluent or salt water.~~

8 ~~(Ord. No. 07-13, § 1(15-3), 5-7-2007)~~

9  
10 ~~Sec. 15-154. - Amendments to water shortage plan.~~

11 ~~The Florida Administrative Code, chapter 40E-21 is incorporated herein~~  
12 ~~by reference as a part of this Code.~~

13 ~~(Ord. No. 07-13, § 1(15-4), 5-7-2007)~~

14  
15 ~~Sec. 15-155. - Declaration of water shortage; water shortage emergency.~~

16 ~~The declaration of a water shortage or water shortage emergency within~~  
17 ~~all or any part of the village by the governing board or the executive~~  
18 ~~director of the district shall invoke the provisions of this chapter. Upon~~  
19 ~~such declaration, all water use restrictions or other measures adopted by~~  
20 ~~the district applicable to the village, or any portion thereof, shall be~~  
21 ~~subject to enforcement action pursuant to this article. Any violation of the~~  
22 ~~provisions of the Florida Administrative Code, chapter 40E-21, or any~~  
23 ~~order issued pursuant thereto, shall be a violation of this chapter.~~

24 ~~(Ord. No. 07-13, § 1(15-5), 5-7-2007)~~

25  
26 ~~Sec. 15-156. - Enforcement.~~

27 ~~Every police officer having jurisdiction in the area governed by this article~~  
28 ~~shall, in connection with all other duties imposed by law, diligently enforce~~  
29 ~~the provisions of this article. The village's department of code compliance~~  
30 ~~shall also enforce the provisions of this Code. In addition, the village~~  
31 ~~manager may also delegate enforcement responsibility for this article to~~  
32 ~~agencies and departments of the village government, or cities in the~~  
33 ~~service areas governed by this chapter in accordance with state and local~~  
34 ~~law.~~

35 ~~(Ord. No. 07-13, § 1(15-6), 5-7-2007)~~

36  
37 **Section 13. SEVERABILITY**

1 If any Section, Subsection, sentence, clause, or phrase of this Ordinance  
2 is held to be invalid or unconstitutional by any court of competent  
3 jurisdiction, then said holding shall in no way affect the validity of the  
4 remaining portions of this Ordinance.

5  
6 **Section 14. EFFECTIVE DATE**

7  
8 This Ordinance shall take effect immediately upon adoption.

9  
10 **PASSED on FIRST READING** this 13<sup>th</sup> day of July 2020.

11  
12  
13 **Attest:** \_\_\_\_\_  
14 **Missy Arocha** **Karyn Cunningham**  
15 **Village Clerk** **Mayor**

16  
17  
18 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE**  
19 **AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA**  
20 **ONLY:**

21  
22  
23 \_\_\_\_\_  
24 **John C. Dellagloria, Esq.**  
25 **Village Attorney**

26  
27  
28 **VOTE AT FIRST READING:**

29  
30 Council Member David Singer \_\_\_\_\_  
31  
32 Council Member Marsha Matson \_\_\_\_\_  
33  
34 Council Member Patrick Fiore \_\_\_\_\_  
35  
36 Vice-Mayor John DuBois \_\_\_\_\_  
37  
38 Mayor Karyn Cunningham \_\_\_\_\_





# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

April 8, 2020

Greg Truitt  
Village Manager  
Village of Palmetto Bay  
9705 E Hibiscus St  
Palmetto Bay, FL 33157-5606

**Subject: Protecting South Florida's Water Resources - Water Conserving Landscape Irrigation Ordinances**

Dear Mr. Truitt:

With South Florida's growing demands for water, it's especially important that we work closely together to properly manage and conserve our precious water resources. Implementing water conservation measures promotes efficient water use and decreases water waste.

Lawn irrigation can account for more than half of residential water use. Most South Florida lawns only need to be watered a few days a week (or less) to remain healthy. To encourage more responsible use of water resources throughout South Florida, the South Florida Water Management District Governing Board adopted the Mandatory Year-Round Landscape Irrigation Conservation Measures (Year-Round Irrigation Rule), Chapter 40E-24, Florida Administrative Code (FAC), in 2010. The rule restricts the times and number of days landscape irrigation is allowed within the District's jurisdiction and follows scientifically-sound recommendations for lawn irrigation. Many local governments have since enacted/updated their irrigation ordinances to promote water conservation in their respective counties and municipalities and follow the District's Year-Round Irrigation Rule.

The District is now reviewing local irrigation ordinances by all of the counties and municipalities within the District's 16-county region and is reaching out to every local government that appears to either lack an applicable ordinance or has an ordinance that does not incorporate all of the District rule elements. We would like to offer our assistance to you and your staff to ensure your local government's irrigation ordinance properly incorporates the District's Year-Round Irrigation Rule. Please note that local ordinances can be *more* restrictive than the Year-Round Irrigation Rule but cannot be less restrictive. We look forward to working with you and your staff to help put consistent rules and ordinances in place across South Florida so that residents understand and comply with all irrigation requirements.

Our partnership supports a safe and reliable water supply for South Florida's future, and we kindly request, **within four weeks from the date of this letter**, a response regarding your local government's intention to update its ordinance. The District's water conservation team, including myself, are always available to provide any assistance. The District also has templates and other information available that can be used to guide this update.

If you have any questions or would like to discuss how we can assist, please contact me at [melsner@sfwmd.gov](mailto:melsner@sfwmd.gov) or (561) 682-6156; or Jim Harmon, the District Water Conservation Supervisor, at [jharmon@sfwmd.gov](mailto:jharmon@sfwmd.gov) or (561) 682-6777.

Sincerely,

A handwritten signature in blue ink that reads "Mark E. Elsner". The signature is written in a cursive style.

Mark E. Elsner, P.E.  
Water Supply Bureau Chief

ME/ldc

Encl: Mandatory Year-Round Landscape Irrigation Conservation Measures Rule Fact Sheet

C: Missy Arocha, Village Clerk

# Year Round Landscaping Irrigation Conservation Measures

# FYI

*Some city and county governments have adopted more stringent local landscape irrigation ordinances that differ from the District rule based on local water demands, system limitations or resource availability. Several counties and cities have exercised this option so residents should always check for local ordinances. To determine watering days and times in your area, contact your local government or visit [www.sfwmd.gov/mywateringdays](http://www.sfwmd.gov/mywateringdays) and click on the county links.*



*In effect since March 2010, the Year-Round Landscape Irrigation Conservation Measures Rule (Chapter 40E-24, Florida Administrative Code) limits landscape watering to two days a week throughout the South Florida Water Management District, with a three-day-a-week provision for some counties. It applies in all cases when the source of water for irrigation is a utility, lake, pond, canal or well. (See limited exclusions on next page.) The mandatory year-round rule is a component of the SFWMD's Comprehensive Water Conservation Program, which encourages more responsible use of water resources.*

## District Rules

### 2 Day-A-Week Watering

- No watering between 10 a.m. and 4 p.m.
- Residents and businesses with an **odd-numbered** street address may water lawns and landscapes on **Wednesdays and/or Saturdays**.
- Residents and businesses with an **even-numbered** street address, **no street address** or those that **irrigate both even and odd addresses** within the same zones, which may include multi-family units and homeowners associations, may water lawns and landscapes on **Thursdays and/or Sundays**.

### 3 Day-A-Week Watering

- No watering between 10 a.m. and 4 p.m.
- Residents and businesses with an **odd-numbered** street address may water lawns and landscapes on **Mondays, Wednesdays and/or Saturdays**.



South Florida Water Management District  
3301 Gun Club Road • West Palm Beach, Florida 33406  
561-686-8800 • [www.sfwmd.gov](http://www.sfwmd.gov)

[sfwmd.gov](http://sfwmd.gov)

- Residents and businesses with an **even-numbered** street address, **no street address** or those that **irrigate both even and odd addresses** within the same zones, which may include multi-family units and homeowners associations, may water lawns and landscapes on **Tuesdays, Thursdays and/or Sundays**.

### New Landscape Irrigation

The SFWMD Year-Round Landscape Irrigation Rule allows additional watering for up to 90 days following the installation of new lawns and landscaping.

- On the day new landscaping is installed, new plantings and the soil may be irrigated once without regard to the normally allowable watering days and times. Soil irrigation is also allowed immediately prior to planting.
- New plantings that have been in place for **30 days or less** may be watered on **Mondays, Tuesdays, Wednesdays, Thursdays, Saturdays and/or Sundays**.
- New plantings that have been in place **from 31 to 90 days** may be watered on **Mondays, Wednesdays, Thursdays and/or Saturdays**.
- Irrigation is limited to the areas containing new landscaping only. An entire irrigation zone may be watered only if new landscaping is planted on at least 50 percent of that zone. If new landscaping is planted on less than 50 percent of an irrigation zone, only the new plantings may be watered.

### Exclusions to the SFWMD Year-Round Rule

- The use of low-volume irrigation methods – including micro-irrigation, container watering and hand-watering with a hose (with an automatic shut-off nozzle) – is allowed anytime.
- The use of reclaimed water and harvested rainwater for irrigation purposes is allowed anytime.
- The rule applies only to water used for landscape irrigation. There are no restrictions on other outdoor uses such as pressure cleaning or vehicle/boat washing, although voluntary, water-conserving practices are highly recommended.

### Alternative Irrigation Schedule

If unique circumstances prohibit adherence to the mandatory SFWMD landscape irrigation conservation measures, individuals and businesses/organizations may seek an alternative schedule that still meets the intent of the rule. Guidance is available [online](#) or by contacting Jim Harmon at (561) 682-6777 to learn more about the alternative irrigation schedule request and approval process.

### Questions?

For more information on the rule, including watering days and times by county:

- Visit [www.sfwmd.gov/mywateringdays](http://www.sfwmd.gov/mywateringdays)
- Call the South Florida Water Management District “Water Conservation Hotline” at 1-800-662-8876
- Email a water conservation expert at [conservation@sfwmd.gov](mailto:conservation@sfwmd.gov)



## ORDINANCE NO. 2020-\_\_\_\_\_

1  
2  
3 **AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE**  
4 **VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO THE FLOR-**  
5 **IDA POWER AND LIGHT (FP&L) FRANCHISE FEE AGREEMENT;**  
6 **AMENDING ORDINANCE NO. 2019-22; REDUCING THE CURRENT**  
7 **FPL FRANCHISE AGREEMENT FROM 3.5% TO 2.75%; DIRECTING**  
8 **THE INTERIM VILLAGE MANAGER TO PROVIDE THE AMOUNT**  
9 **REVENUE THIS CHANGE WILL STILL PROVIDE TO THE VILLAGE;**  
10 **AND PROVIDING AN EFFECTIVE DATE.** (*Sponsored by Councilmem-*  
11 *ber David Singer*)

12  
13 **WHEREAS**, pursuant to Ordinance No. 2019-22 (“Exhibit A”), the  
14 Village adopted a franchise fee of \_\_\_\_\_, though the current  
15 fee is only 3.5%; and

16  
17 **WHEREAS**, the Mayor and Council wish to lower the fee by  
18 Twenty-Two (22%) percent to help our residents through the economic  
19 downturn we all face due to the COVID-19 pandemic; and

20  
21 **WHEREAS**, even with this reduction, the Village can continue to  
22 effectively run our government and while also providing relief to our res-  
23 idents for a period of one year.

24  
25 **NOW, THEREFORE, BE IT ENACTED BY THE MAYOR**  
26 **AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO**  
27 **BAY, FLORIDA AS FOLLOWS:**

28  
29 **Section 1.** The Village Council directs the Interim Village Manager  
30 and Village Attorney to advise FPL of the Village’s intent to lower the  
31 Franchise Fee from 3.5% to 2.75% for a period of one year and to  
32 amend the current Franchise Fee agreement accordingly.

33  
34 **Section 2.** The Interim Village Manager is hereby directed to bring  
35 back to the Council the net positive amount still being collected as op-  
36 posed to previous 4 years.

37  
38 **Section 3.** This Ordinance shall become effective upon final ap-  
39 proval upon second reading.

1 **PASSED on FIRST READING** this 13<sup>th</sup> day of July 2020.  
2  
3  
4

5 **Attest:** \_\_\_\_\_  
6 **Missy Arocha** **Karyn Cunningham**  
7 **Village Clerk** **Mayor**  
8

9  
10 **APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE**  
11 **AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA**  
12 **ONLY:**  
13  
14  
15

16 \_\_\_\_\_  
17 **John C. Dellagloria, Esq.**  
18 **Village Attorney**  
19

20  
21 **VOTE AT FIRST READING:**

22  
23 Council Member David Singer \_\_\_\_\_  
24  
25 Council Member Marsha Matson \_\_\_\_\_  
26  
27 Council Member Patrick Fiore \_\_\_\_\_  
28  
29 Vice-Mayor John DuBois \_\_\_\_\_  
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31 Mayor Karyn Cunningham \_\_\_\_\_  
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**PASSED** and **ADOPTED** on **SECOND READING** this  
\_\_\_\_\_ day of \_\_\_\_\_ 2020.

**Attest:** \_\_\_\_\_  
**Missy Arocha** **Karyn Cunningham**  
**Village Clerk** **Mayor**

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE VILLAGE OF PALMETTO BAY, FLORIDA  
ONLY:**

\_\_\_\_\_  
**John C. Dellagloria, Esq.**  
**Village Attorney**

**FINAL VOTE AT SECOND READING:**

Council Member David Singer \_\_\_\_\_  
Council Member Marsha Matson \_\_\_\_\_  
Council Member Patrick Fiore \_\_\_\_\_  
Vice-Mayor John DuBois \_\_\_\_\_  
Mayor Karyn Cunningham \_\_\_\_\_