



CULTURAL SERVICES, HISTORIC PRESERVATION, & TREE ADVISORY BOARD AGENDA

MONDAY

JANUARY 5, 2026 – 10:00 AM

COUNCIL CHAMBERS

4300 S. ATLANTIC AVENUE, PONCE INLET, FL

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE.

2. ROLL CALL & DETERMINATION OF QUORUM.

- A. Oaths of Office
- B. Election of Chair
- C. Election of Vice-Chair

3. ADOPTION OF AGENDA.

4. APPROVAL OF THE MINUTES:

- A. June 2, 2025

5. REPORT OF STAFF:

- A. Cultural Services update – *Jackie Alex, Cultural Services Manager*
- B. Public Works update – *Steven Wargo, Public Works Director*

6. OLD BUSINESS: *None.*

7. NEW BUSINESS:

- A. Review of Ponce Inlet Veterans Memorial development plan.
- B. Preliminary budget item proposals for FY 26/27.
- C. 2026 Meeting Dates.
- D. Annual Board Member Training and Form 8-B review.

8. PUBLIC PARTICIPATION.

9. BOARD/STAFF DISCUSSION.

10. ADJOURNMENT.

Next Meeting: Monday, February 2, 2026

If a person decides to appeal any decision made by the Cultural Services Board with respect to any matter considered at a meeting, they will need a record of the proceedings and to ensure that a verbatim record of the proceedings is made at their own expense. Persons who require accommodation to attend this hearing should contact the Ponce Inlet Town Hall at 236-2150 at least 48 hours prior to the meeting date to request such assistance.



Meeting Date: January 5, 2026

Agenda Item: 2-A

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: Oaths of Office

Summary: Ms. Keese, Regular Seat #2
Ms. Finch, Regular Seat #4
Ms. Vanderbeek, Alternate Seat #1
Mr. Miller, Alternate Seat #2

Requested by: Ms. Cherbano, Town Clerk
Ms. Gjessing, Deputy Town Clerk

Approved by: Mr. Disher, Town Manager



Meeting Date: January 5, 2026

Agenda Item: 2-B & C

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: B. Election of Chair
 C. Election of Vice-Chair

Summary: The Chair and Vice-Chair positions are one-year terms and must be elected annually at the Board's first meeting of the new year. These positions may be filled using one motion or separate motions, at the mover's discretion.

Suggested Motion (either separately or jointly):

I move to nominate _____ to serve as Chair of the Board; requires a second and nominee to accept; then a vote.

I move to nominate _____ to serve as Vice-Chair of the Board; requires a second and nominee to accept; then a vote.

Requested by: Ms. Cherbano, Town Clerk
 Ms. Gjessing, Deputy Town Clerk

Approved by: Mr. Disher, Town Manager



Meeting Date: January 5, 2026

Agenda Item: 4

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: Approval of Meeting Minutes

Summary:

Staff has prepared the attached set of meeting minutes for the Board's review and approval.

Suggested motion:

Approval of the June 2, 2025 meeting minutes.

Requested by:

Ms. Gjessing, Deputy Town Clerk

Reviewed & Authorized by:

Ms. Alex, Cultural Services Manager

Approved by:

Mr. Disher, Town Manager



Town of Ponce Inlet
**CULTURAL SERVICES, HISTORIC PRESERVATION,
 AND TREE ADVISORY BOARD**
 REGULAR MEETING MINUTES
June 2, 2025

1 **1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:** Pursuant to proper notice, Chair Finch
 2 called the meeting to Order at 5:30 PM in the Council Chambers, located at 4300 S. Atlantic Avenue,
 3 Ponce Inlet, Florida and led the attendees in the Pledge of Allegiance.

4 **2. ROLL CALL & DETERMINATION OF QUORUM:** A quorum was established with four
 5 regular members and one alternate present; Mr. Shaffer was absent.

6 **Board members present:**

7 Ms. LaBarre, Seat 1
 8 Ms. Keese, Seat 2; Vice-Chair
 9 Mr. Shaffer, Seat 3 – Absent
 10 Ms. Finch, Seat 4; Chair
 11 Ms. Bell, Seat 5
 12 Ms. Canny, Alternate Seat 1

13 **Staff members present:**

14 Ms. Alex, Cultural Services Manager
 15 Ms. Gjessing, Deputy Town Clerk
 16 Mr. Wargo, Public Works Director

17 **3. ADOPTION OF AGENDA:** Chair Finch asked if there were any changes to the agenda; there
 18 were none.

19 *Vice-Chair Keese moved to approve the agenda as presented; seconded by Ms. LaBarre. The motion
 20 PASSED by consensus, 5-0.*

21 **4. APPROVAL OF MINUTES:**

22 **A. April 7, 2025** – Chair Finch asked if there were any changes; there were none.

23 *Ms. LaBarre moved to approve the April 7, 2025 meeting minutes as presented; seconded by Ms. Bell.
 24 The motion PASSED by consensus, 5-0.*

25 **5. REPORT OF STAFF:**

26 **A. Cultural Services Update** – Ms. Alex informed the Board that the Town Council
 27 approved staff to prepare changes to the Board's by-laws regarding the meeting time change from 5:30
 28 PM to 10:00 AM; staff will present these changes at the next regularly scheduled Town Council for
 29 final approval. She stated the Town is currently working on a tree replenishment plan with Young Bear
 30 Environmental and highlighted the success of the recent Easter event.

41 **B. Public Works Update** – Mr. Wargo stated Timucuan Oaks Garden is the last park to
42 be re-mulched as part of this current effort. Due to budget constraints, the bid for repairs to the Town
43 boat ramp pilings will be considered in the future, but the work for the pilings along the Timucuan
44 Oaks boardwalk will be considered this fiscal year; he detailed the work to be completed. Mr. Wargo
45 provided information on the repairs and improvements recently completed at the Ponce Inlet Historical
46 Museum. He also mentioned that the generator has been replaced at the Ponce Inlet Community Center
47 and described features of the replacement.

48

49 **6. OLD BUSINESS:**

50

51 **A. Continued Discussion – Potential Future Improvements of Town Athletic Courts.**
52 Ms. Alex explained that at its April 17, 2025 meeting, the Town Council approved an amended and
53 restated lease agreement with New Cingular Wireless PCS, LLC for the cell tower site at Pollard Park.
54 The agreement provides a \$180,000 “signing bonus” from New Cingular Wireless to the Town, based
55 on the estimated cost to install a protective structure over the existing pickleball courts. The Town
56 Council requested to hear the Board’s recommendation on alternative uses of the funding. Ms. Alex
57 provided a history on the initial proposal for protective structures, stating the courts were often closed
58 due to cell-tower maintenance. As part of the amended and restated lease agreement, the Town will be
59 notified in advance of any maintenance to be completed to ensure staff has adequate time to alert the
60 public of closures. She provided alternative improvement options, including the development of new
61 pickleball courts, converting and repurposing existing courts, making no changes, or other options that
62 may be proposed by the Board. Ms. Alex provided a PowerPoint presentation outlining usage data from
63 the existing courts and the annual trends that can be deduced from this collected information. Vice-
64 Chair Kees asked when the cameras were installed; Ms. Alex stated they were installed in May 2025.
65 Chair Finch opened public participation – Mary Lou Fillingame, 33 Ocean Way Drive, inquired about
66 a proposed location for a new court and suggested installing a gate between the North and South
67 pickleball courts. Dennis and Pam Walker, 31 Mar Azul N, provided comments via email which Ms.
68 Alex read to the Board. The comments included concerns about overall athletic court usage, a request
69 to resurface the tennis courts and a call to ensure all user groups are accommodated in the same manner
70 as the pickleball players. Ms. Alex clarified the resurfacing of the tennis courts is being considered in
71 the upcoming budget. Ms. Fillingame questioned why the playground at Timothy Pollard Memorial
72 Park is closed; Ms. Alex explained there were concerns of disrepair and safety that required the
73 playground to be closed, and staff is currently awaiting delivery of playground replacement parts from
74 the manufacturers. Public participation was closed. Vice Chair Kees asked if the funding could be
75 utilized for the tennis court resurfacing; Ms. Alex explained the resurfacing is already proposed within
76 the coming fiscal year’s budget consideration. However, if this funding is repurposed then staff will
77 research whether a portion of the \$180,000 could be utilized for the resurfacing. The Board continued
78 discussion on the preferred use of the funding, using staff suggestions and considering the data on
79 athletic court usage.

80

81 *The Board recommended making no changes to the Town’s athletic courts, reserving the \$180,000 in*
82 *funding for future Town recreational projects, and installing a gate between the North and South*
83 *pickleball courts; 5-0, consensus.*

84

85 **7. NEW BUSINESS: None.**

86

87 **8. PUBLIC PARTICIPATION:** There was no public participation.

89 **9. BOARD/STAFF DISCUSSION:** Vice-Chair Keese inquired on the Town's regulations
90 surrounding clearing vacant lots and the appropriate procedure to notify staff when a resident observes
91 work being performed. Ms. LaBarre stated she has witnessed similar events and has concerns that
92 people may be clearing native plants. Ms. Alex explained that if a resident sees work being performed,
93 they should notify the Code Enforcement department to verify whether they are approved for said work;
94 she stated there is a member of the department that works on Saturday, so staff is available to handle
95 inquiries over the weekend. Ms. LaBarre suggested including information regarding the Code
96 Enforcement department's weekend availability in the next *Citizen's for Ponce Inlet* newsletter.
97

98 **10. ADJOURNMENT:** The meeting was adjourned at 6:16 p.m.
99

100 Prepared and submitted by:
101

102 Draft

103 Stephanie Gjessing, Deputy Town Clerk

104 Attachment(s): Email from Dennis and Pam Walker

DRAFT

Attachment

From: [Stephanie Gjessing](#)
To: [Stephanie Gjessing](#)
Subject: FW: tennis courts
Date: Wednesday, June 18, 2025 12:16:07 PM

From: Dennis Walker <denwalker@yahoo.com>
Sent: Friday, May 30, 2025 3:41 PM
To: Jackie Alex <jalex@ponce-inlet.org>
Subject: tennis courts

[EXTERNAL: This email was sent from outside of ponce-inlet.org, confirm this is a trusted sender before opening any links or attachments]

Jackie,
Thank you for sending the requested info packet. Would you please present the following letter to the board.

Dear Members of the Board,

Thank you for your work to make and maintain Ponce Inlet the wonderful town that it is. We love living here and think of it as paradise with one exception. We play tennis daily on the town's sole tennis court: it is cracked and so uneven that on days following rain, it takes 30-40 minutes of squeegeeing, sweeping and both of us using leaf blowers to dry the multiple "mini ponds" on both sides of the court. At our age, doesn't leave much energy left to play once the court is finally dry!

Please resurface the court. Tennis players would like to be accommodated as well as pickleball players, the young kids with multiple playgrounds, walkers and hikers with the many nature trails. Please don't be misled by number of reservations. Most tennis players don't reserve, they just show up. We learned that if you want to play, you better dang reserve the court or plan on being a spectator. Also, surprising how often basketball court is used. Someone is down there shooting almost every time we're down there and we're there almost every day.

We understand pickleball is the fastest growing sport and needs to be addressed. However, please don't do it at the cost of those of us who haven't yet jumped on the pickleball train.

Thank you for your consideration,

Pam and Dennis Walker
31 Mar Azul N



Meeting Date: January 5, 2026

Agenda Item: 5

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: Report of Staff

- A. Jackie Alex, Cultural Services Manager
- B. Steven Wargo, Public Works Director

Summary: Staff will provide reports and updates to programs, projects, and events.

Requested by: Ms. Alex, Cultural Services Manager
Mr. Wargo, Public Works Director

Approved by: Mr. Disher, Town Manager



Meeting Date: January 5, 2026

Agenda Item: 7-A

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: Ponce Inlet Veterans Memorial Development Plan.

Summary: The Ponce Inlet Veterans Memorial Association is in the process of expanding the Veterans Memorial structure and is requesting feedback from the Board prior to making further improvements. Mr. Mark Oebbecke, President of the Association, will provide an informational presentation to update the Board and public on the current development expansion plan.

Suggested motion: Staff requests the Board provide its recommendation to Town Council regarding the overall development plan, with specific focus on the “Major Components”, as outlined in the report.

Requested by: Ms. Alex, Cultural Services Manager

Approved by: Mr. Disher, Town Manager



MEMORANDUM

TOWN OF PONCE INLET, CULTURAL SERVICES DEPARTMENT

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet residents obtain the greatest value for their tax dollar.

To: Cultural Services, Historic Preservation, and Tree Advisory Board
From: Jackie Alex, Cultural Services Manager
Date: December 22, 2025
Subject: Ponce Inlet Veterans Memorial Development Plan

MEETING DATE: January 5, 2026

Mark Oebbecke, President of the Ponce Inlet Veterans Memorial Association, will provide an informational presentation to update the Cultural Services Advisory Board on the organization's current development plan for the Veterans Memorial expansion. The Association has been authorized to construct and maintain the memorial through a non-exclusive License, Maintenance, and Easement Agreement with the Town since 2011. The Association is in the process of expanding the memorial structure and is requesting feedback from the Board and public before undertaking further improvements.

The Board is asked to provide feedback and make a recommendation to the Town Council regarding the overall development plan, with specific focus on the "Major Components" outlined in **Attachment 1**. The materials presented are conceptual in nature and do not constitute official plans, permits, or formal documentation.

Attachments:

1. Ponce Inlet Veterans Memorial Development Plan; as submitted by the Ponce Inlet Veterans Memorial Association

Exhibit "A"

Ponce Inlet Veterans Memorial Development Plan

This document is in response to a request made of the Ponce Inlet Veterans Memorial Association's (PIVMA) to provide a Development Plan for the Veterans Memorial area. On November 11, 2011, the current Memorial was dedicated. That included the Monument, flag poles, pavers leading from the walkway to and around the Memorial and landscaping around the Memorial area. In 2024 we exhausted the supply of pavers available for veteran recognition. This plan addresses the expansion of the Memorial to include two Walls of Remembrance and enhancing the surrounding area.

Plan Objective: To create a special place to honor those that have served in the Armed Forces which complements the existing Memorial; resulting in the opportunity to honor about 1,500 more veterans. This plan considers the need minimize any disruption of the area while creating a substantially 'cleaner' and welcoming entrance to the park while allowing an immediate view of the Memorial area.

Major Components:

- Walls of Remembrance: These two granite-covered walls will accommodate about 600 stainless steel plaques – each measuring 6" x 9".
- Lighting: Three up-lights will be installed in front of each face of the walls. This will provide a soft lighting effect to continue a respectful ambiance. Additionally, the lights in front of the existing Memorial will be replaced to mirror the lighting effect on the walls.
- Paver Area: The ground area surrounding the walls will be covered with 8" x 8" pavers which will provide a soft tone to the area. The paver area roughly 400 square feet will be bordered by similarly colored bricks which are consistent with the current bricks along the walkway border of the existing Memorial. This area will accommodate approximately 900 pavers.
- Landscaping: Surrounding the Memorial area, new planting will be installed to create year-round color and require minimal maintenance.
- Grass Areas: The grass area between the sidewalk and the Memorial will be sodded and irrigated to create an area more suited to a park environment and conducive to the creating of seating areas for ceremonies.
- Removal of Obstructions and Other Items:
 - The existing coquina acknowledging Ms. Davies' contribution will be moved closer to the parking lot entrance as a welcoming to the park.
 - Trash receptacles and dog waste dispenser will be replaced and moved to a spot to the west of the walkway.
- Movement of Electrical Pole: It's requested that the Town make a request to FPCL to relocate the utility pole located at the southern end of the Walls of Remembrance area.

HATCH DENOTES
LANDSCAPE AREAS
WITH MULCH

CONCRETE BENCH (TYP)

HATCH DENOTES
INSCRIBED CONC.
COMMEMORATIVE
PAVER SLABS
BORDERED WITH
CLASSIC BRICK
PAVERS TO THE
EXTENT OF THE
LANDSCAPING

EDGE OF EXISTING
LANDSCAPE AREA

EOR'S CERTIFICATION -

STRUCTURAL DESIGN COMPLIES
WITH THE FOLLOWING-
FBC- 2023 (ED. #8), SPECIFICALLY
1609.4.3. EXPOSED, FOR A
WIND LOAD THAT MAY BE
PRODUCED BY A HORIZONTAL
SUSTAINED WIND VELOCITY OF
175 MPH NORMAL TO THE BROAD
FACET OF EACH WALL AS
DEPICTED ON SHEETS 1-3 OF
THESE PLANS AND SPECIFICATIONS

REFERENCE - EXCERPT FROM
MEAD AND HUNT FILE -

1000720-182237.01_PI Davies Park Lighting & Sidewalk Impr

EDGES OF EACH END OF
PROPOSED CURVED
PAVER ARRAYS AT 6 FEET
(CLEAR) FROM END OF
EACH WALL AT
WALL CENTER LINE (TYP)

EDGES OF PROPOSED
PAVER ARRAY AT 5 FEET
6 INCHES (CLEAR) FROM
THE SOUTH BROAD CMU
FACETS OF EACH 12-INCH
CMU PLAQUE DISPLAY
WALL (TYP)

PONCE INLET VETERANS
MEMORIAL ASSOCIATION
COMMEMORATIVE PLAQUE
DISPLAY WALL PROJECT

SITE PLAN

OPTIONAL CLADDING NOTE -

THE OWNER MAY CLAD ANY OR ALL OF THE WALL
FACETS WITH SOLID GRANITE OR OTHER NATURAL
STONE MATERIAL; MEANS OF ATTACHMENT TO
SUBSTRATE MASONRY ARE AT OWNER'S OPTION.

CIVIL & STRUCTURAL DESIGN BY:
ROBERT R. BULLARD, P.E. - 18544
a division of Ahmose Tech (CA-7865)
PO BOX 291261
PORT ORANGE, FLORIDA 32129
CELL (386) 290-1520

ABSOLUTE ENGINEERING GROUP

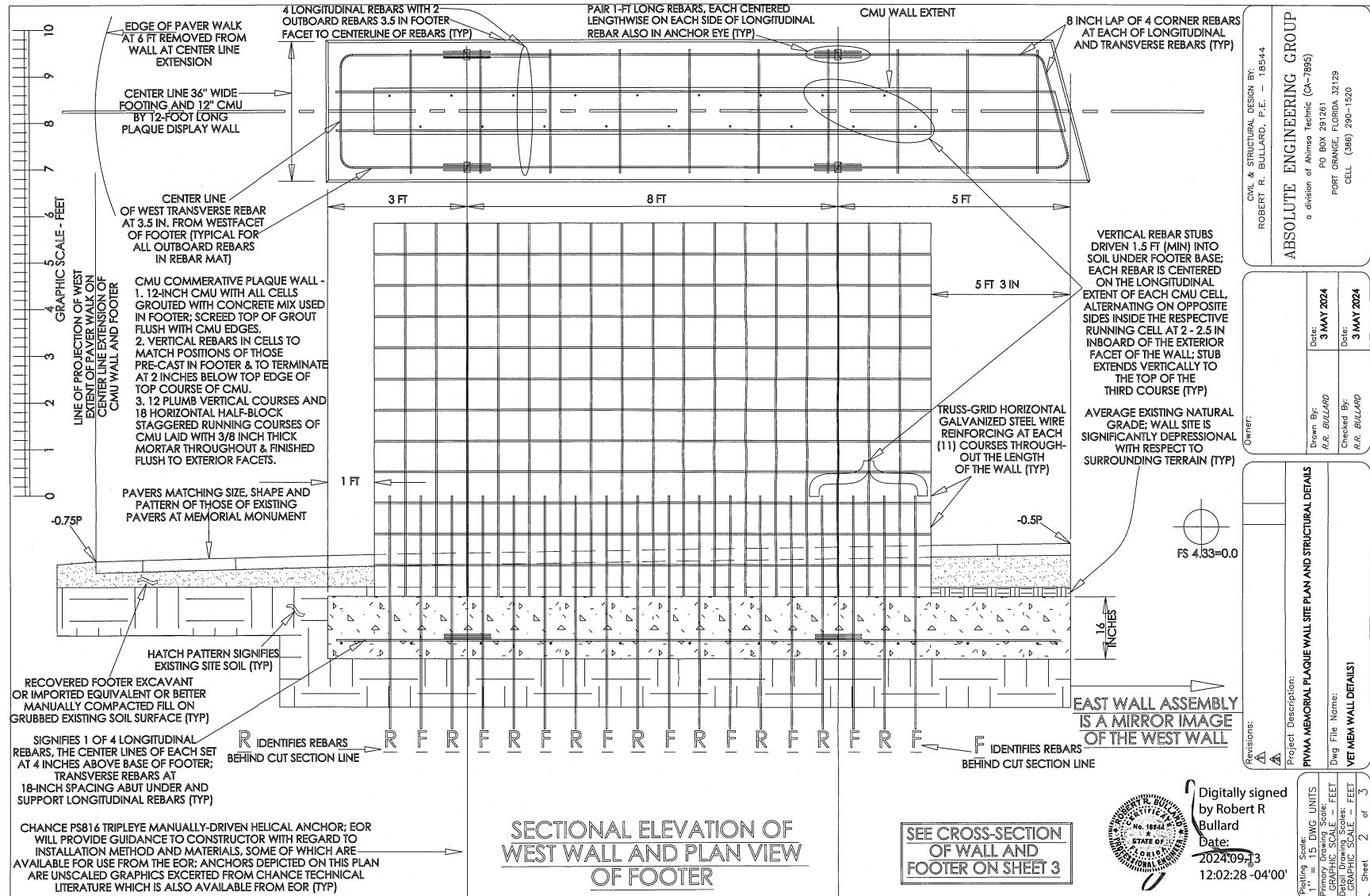
Owner:	Drawn By: R.R. BULLARD	Date: 3 MAY 2024
	Checked By: R.R. BULLARD	Date: 3 MAY 2024
	Revisions:	
Project Description: PVNA MEMORIAL PLAQUE WALL SITE PLAN AND STRUCTURAL DETAILS		
Dwg File Name: VET MEM WALL DETAILS		

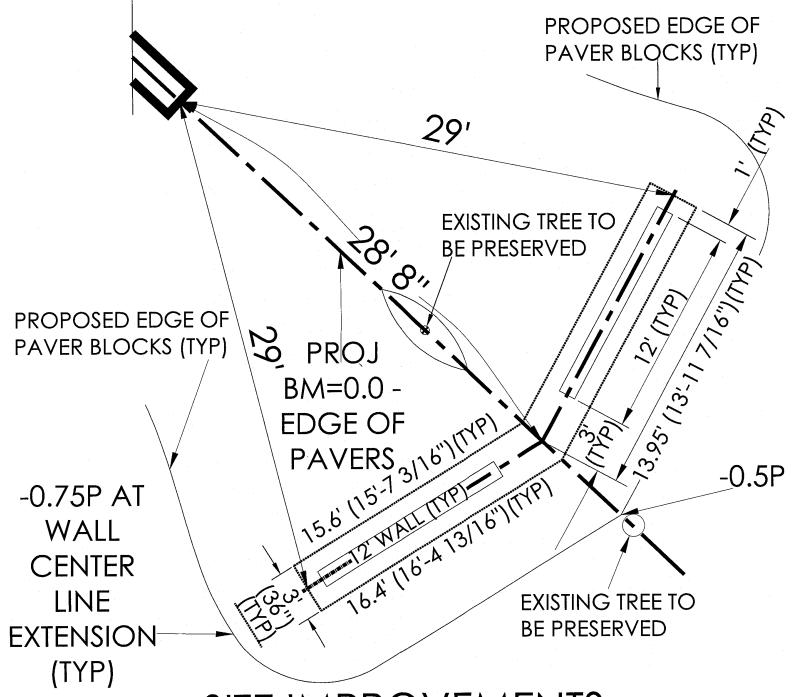


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Plotting Scale:
1" = 15 DWG UNITS
Primary Drawing Scale:
GRAPHIC SCALE = FEET
Detail Drawing Scale:
GRAPHIC SCALE = FEET
Sheet: 1 of 3





SITE IMPROVEMENTS DIMENSIONED LAYOUT PLAN

REGULATORY COMPLIANCE & ENGINEER OF RECORD (EOR) SPECIFICATIONS -
1. FULL-FRONTAL WIND LOADING UPON WALL IS BASED ON A 3-MINUTE
SUSTAINED WIND SPEED OF APPROXIMATELY 170 MPH, OR THAT TYPICAL OF THE
RANGE OF AN EF-3 TO EF-4 TORNADO.

3. MATERIALS -

3.1. REINFORCING STEEL - CHROMAX 100, #3.

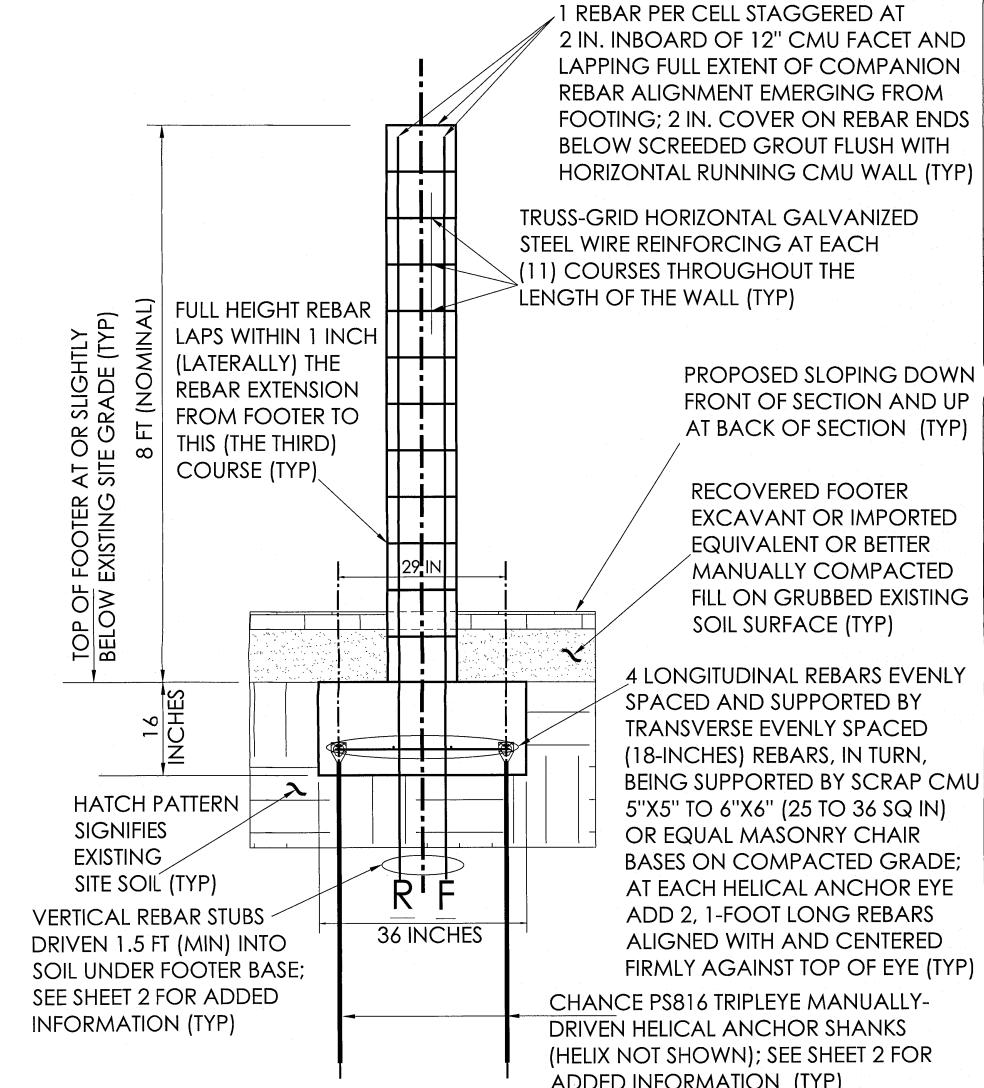
3.2. READY-MIX CONCRETE -

3.2.1. SELF-CONSOLIDATING PUMP MIX; 4000 PSI 6-INCH CYLINDER
COMPRESSIVE STRENGTH AT 28 DAYS; MAX LABEL DOSAGE OF HRWRA; MAX
LABEL DOSAGE OF MICRO POLYETHYLENE OR EQUIVALENT STRENGTH AND
ALKALI-RESISTANT FIBERS; 4-HOUR SET RETARDER DOSED FOR SEASONAL
CONDITIONS; LESS THAN 4% ENTRAINED AIR.

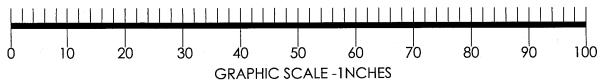
3.2.2. FIBERS MAY BE EXCLUDED FROM CMU CELL GROUT.

3.2.3. MIX DESIGN SHALL BE SUBMITTED TO EOR FOR APPROVAL AT LEAST TEN
DAYS IN ADVANCE OF SCHEDULED DELIVERY. A LEGIBLE DELIVERY TICKET FOR
EACH LOAD SHALL BE PRESENTED TO EOR VIA EMAIL ATTACHMENT WITHIN
THREE DAYS AFTER MIX DELIVERY. THE TICKET SHALL BEAR THE LEGIBLE NAME,
TITLE AND SIGNATURE OF CONSTRUCTOR ACCEPTING DELIVERY.

3.3. THE SPECIFIED HELICAL ANCHORS SHALL BE INSTALLED UPON THE LAYOUT
OF THE GEOMETRY OF THE WALL SYSTEM. THE PROCESS WILL BE DIRECTED IN ITS
INITIAL STAGES BY THE EOR, INCLUDING THE SPECIFICATION IN COLLABORATION
WITH THE CONSTRUCTOR OF CERTAIN HARDWARE THAT MUST BE EMPLOYED
FOR THE INSTALLATION PROCESS.



WALL AND FOOTER CROSS-SECTION AT MID-LENGTH OF WEST WALL LOOKING EAST



CIVIL & STRUCTURAL DESIGN BY:
a division of Ahimsa Technic (CA-75944)
PO BOX 291261
PORT ORANGE, FLORIDA 32129
CELL (386) 290-1520

ROBERT R. BULLARD, P.E. - 1854-4

ABSOLUTE ENGINEERING GROUP

Owner:

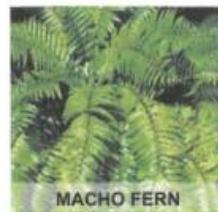
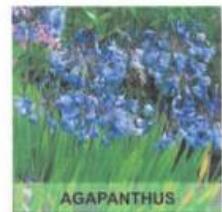
Drawn By:	Date:
R.R. BULLARD	3 MAY 2024
Checked By:	Date:
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Revisions:	▲
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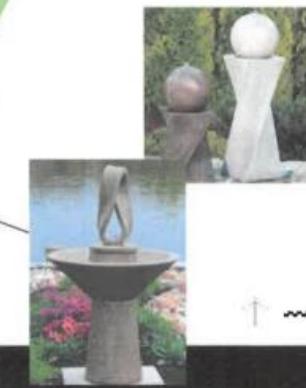
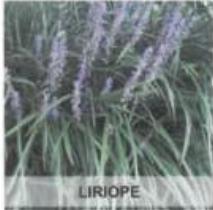
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Primary Drawing Scale:	GRAPHIC SCALE = FEET
Data Drawing Scale:	GRAPHIC SCALE = FEET
Sheet:	3 of 3

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Date: 2024.09.13
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Key	Qty	Botanical Name	Common Name	Size	Remarks
Evergreens					
Sat	56	<i>Schefflera arboricola 'Trinette'</i>	Dwarf Arboricola Trinette	3G	4"OC
Sr	24	<i>Strelitzia reginae</i>	Orange Bird of Paradise	3G	4"OC
Px	44	<i>Thaumatophyllum xanadu</i>	Xanadu	3G	4"OC
Trees					
Lag	3	<i>Lagerstroemia x 'Natchez'</i>	Natchez Crape Myrtle	None	
Perennials					
Ag	130	<i>Agapanthus africanus</i>	Lily of the Nile	1G	24"OC
Np	54	<i>Nephrolepis biserrata 'Macho'</i>	Macho Fern	3G	3"OC





Meeting Date: January 5, 2026

Agenda Item: 7-B

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: Preliminary budget item proposals for FY 26/27.

Summary: Staff is seeking input from the Board on preliminary budget proposals from the Cultural Services Department. Staff will research recommended items further and will return with cost estimates and implementation suggestions at a future meeting of the Board.

Suggested motion: No motion(s) required.

Requested by: Ms. Alex, Cultural Services Manager

Approved by: Mr. Disher, Town Manager



MEMORANDUM

TOWN OF PONCE INLET, CULTURAL SERVICES DEPARTMENT

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet residents obtain the greatest value for their tax dollar.

To: Cultural Services, Historic Preservation, and Tree Advisory Board

From: Jackie Alex, Cultural Services Manager

Date: December 19, 2025

Subject: Preliminary budget item proposals for FY 26/27

MEETING DATE: January 5, 2026

As the time to propose budgetary items for the upcoming fiscal year approaches, staff would like to open discussion and seek input from the Board on preliminary budget proposals from the Cultural Services Department, as described below.

The purpose of this discussion is to provide feedback on whether to propose these items for next fiscal year - not to review specific design proposals or cost estimates. Staff will research recommended items further and will return with cost estimates and implementation suggestions.

Item #1: Temporary Staffing for Town Event and Program Coverage

- There has been a consistent decline in Town volunteer participation over the past few years, impacting both large-scale events (e.g., Halloween and Town Tree Lighting) and smaller programs that still require adequate staffing. To maintain event quality, volunteer spots have been filled by paid Staff members. Together, the Halloween and Tree Lighting events required 53 hours of staff overtime totaling \$1,650, whereas coverage under normal circumstances with adequate volunteer support would have cost approximately \$900; this overtime was anticipated and budgeted due to the ongoing trend.
- As a result, Staff has already reduced volunteer needs by scaling back certain event elements, which has affected program quality. Temporary staff support would help maintain expected service levels and grant obligations without further reductions.
- Similar challenges are being reported by local clubs and neighboring cities, suggesting a broader trend beyond staff control. While the cause may vary, staff is responsible for identifying a practical mitigation strategy.
- Staff is requesting feedback on whether to pursue budget options for temporary staffing.

Item #2: Reimagining Halloween Events- Children's Halloween Party and Ghosts of Ponce Past

- The Haunted Hayride at the Halloween Party requires approximately 20 volunteers, but for several months preceding the event, staff had only two confirmed volunteers, creating operational challenges. Despite strong attendance and positive feedback, the event's sustainability is increasingly uncertain.

- Staff has been considering a potential hybrid Halloween event, such as a trunk-or-treat model with games and a shorter duration, if volunteer thresholds cannot be met.
- Additionally, “Ghosts of Ponce Past” remains well attended but relies on five to six performers, with increasing difficulty recruiting even half that number. Staff has explored the possibility of partnering with a theater company to professionally perform the production.
- Staff is requesting feedback on whether to further develop alternative Halloween formats and explore a theater partnership for Ghosts of Ponce Past.

Item #3: Expansion of Town Holiday Decorations

- For the 2025 Tree Lighting, Council and this Board supported funding a professional holiday decorator, which focused solely on Pollard Park due to the \$10,000 budget limitation. Staff received very positive feedback on the quality and presentation.
- Staff has received inquiries about exploring decorations beyond the park, including Town Hall, the Fire Station, or other visible areas.
- Utilizing a professional decorator rather than Town staff saved approximately 100 man-hours of seasonal decorating work, allowing earlier completion of other Public Works projects. Additionally, prior cost comparisons showed an estimated \$3,500 savings by using an outside vendor for park decorations. If an outside vendor is not selected for expansion, staff estimates at least \$3,000 would still be needed to minimally maintain existing in-house decorations townwide.
- Staff is requesting feedback on whether to research expanded decoration options, prioritized locations for potential expansion, and associated costs for additional town facilities.

Item #4: Bleacher bench between Pickleball and Basketball Courts

- Recently, league play and spectator attendance have increased along the four pickleball courts. Spectators are currently sitting along sidewalks, creating safety and accessibility concerns. An extended bleacher-style bench along the grass buffer between the basketball and pickleball courts would provide dedicated seating and a resting area.
- This proposed location avoids removing mature trees, stays clear of the cell tower utility easement, and maximizes limited available space while serving both basketball and pickleball court users. It also provides viewing access to more than one court area.
- Staff is requesting feedback on whether to pursue design concepts and cost estimates for this bleacher bench option.

Item #5: Potential ideas for additional research

This item is to discuss new potential ideas from Board members. This is an opportunity to propose key projects and prioritize those that align with town goals.

If requested by the Board to research any items, staff would provide this information for the Board’s final recommendation by no later than the March 2, 2026, meeting.

Staff requests the Board provide its input on these proposed ideas and on which budget items to include for fiscal year 2026/2027.



Meeting Date: January 5, 2026

Agenda Item: 7-C

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: 2026 Meeting Dates

Summary: Staff has provided the dates of the Board meetings for the year, noting a proposed change due to a meeting date conflict with a holiday.

Suggested motion: Acceptance of the proposed list of meeting dates.

Requested by: Ms. Gjessing, Deputy Town Clerk

Reviewed by: Ms. Cherbano, Town Clerk

Approved by: Mr. Disher, Town Manager



MEMORANDUM

Town of Ponce Inlet - Office of the Town Clerk

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Cultural Services Board Members
From: Stephanie Gjessing, Deputy Town Clerk
Through: Kim Cherbano, CMC, Town Clerk
Date: December 22, 2025
Subject: 2026 Meeting Dates

MEETING DATE: January 5, 2026

The 2026 Cultural Services, Historic Preservation, and Tree Advisory Board meeting dates are as follows:

- February 2nd
- March 2nd
- April 6th
- May 4th
- June 1st
- July 6th
- August 3rd
- **September 14th**
- October 5th
- November 2nd
- December 7th
- January 4th, 2027

Due to Town Hall offices being closed in observance of the Labor Day holiday on Monday, September 7th, the regularly scheduled Board meeting will be held on **Monday, September 14th**.

Prompt rescheduling of meetings allows for sufficient time for the Boardmembers, Council, staff, town attorney's office, and residents to plan accordingly. Thank you for your consideration.



Meeting Date: January 5, 2026

Agenda Item: 7-D

Report to the Cultural Services, Historic Preservation, and Tree Advisory Board

Topic: Annual Board Member Training and Form 8-B review.

Summary: The Town Attorney will provide an overview of the Sunshine Law, Ethics, Public Records/Public Business, and Form 8-B filing.

Suggested motion: No motion(s) required.

Requested by: Ms. Cherbano, Town Clerk
Ms. Gjessing, Deputy Town Clerk

Approved by: Mr. Disher, Town Manager



Town
of
Ponce Inlet

Boardmember
Annual
Training
Packet
2026

Cultural Services Advisory Board



TABLE OF CONTENTS

Section	Document Name
I	Florida's Sunshine Law & Public Records
II	Formal Quasi-Judicial Hearings & Proceedings
III	Conducting a Meeting "Cheat Sheet" and Open Meetings
IV	Robert's Rules of Order & Parliamentary Procedure
V	Town Policy for Use of Social Media by Board Members
VI	Standard of Conduct / Ethics - F.S. Chapter 112
VII	Public Business - F.S. Chapter 286 (abridged)
Addendum	FS Chapter 162 - Code Enforcement
Addendum	FS Chapter 163 - Local Planning Agency
Addendum	LUDC, Article 6.2.2 - Planning Board
Addendum	LUDC, Article 6.2.3 - Cultural Services, Historic Preservation, and Tree Advisory Board
Addendum	Code of Ordinances Chapter 2, Article IV, Division 3 Essential Services Advisory Board

Disclaimer:

The information contained herein is provided as a **Guide**; it is not intended to be all-inclusive. Always refer to the appropriate State Statute, Town staff member or the Town Attorney.



Section I

Florida's Sunshine Law

&

Public Records Law

FLORIDA SUNSHINE, PUBLIC RECORDS, AND CODE OF ETHICS LAWS

This presentation is intended to provide a general overview of Florida Sunshine and Public Records law and the Florida Code of Ethics. For specific guidance or a legal opinion, please contact the Attorney's office.

All boards or commissions of any state, county, municipal corporation or political subdivision have a legal obligation to comply with:

- The Sunshine Law, and
- The Public Records Law, and
- The Florida Code of Ethics.

THE LAWS

■ SUNSHINE LAW [FS §286.011 ("Sunshine Law") and FL Constitution Art. I, Sec. 24]

Protects the public from "closed door" decision making and provides a right of access to governmental meetings.

■ PUBLIC RECORDS LAW [FS Chap. 119]

Creates a right of access to records made or received in connection with official business of a public body.

■ CODE OF ETHICS [FS 112, Part III, Code of Ethics for Public Officers and Employees and the FL Constitution Art. II, §8]

Protects against conflict of interest and establishes standards for the conduct of elected official and government employees in situations where conflicts may exist.

Committee type determines the applicability of these laws. There are two types of committees:

1. Decision Making Committees
2. Fact Finding/Focus Group Committees

1. Decision Making Committees - become part of the governing body's decision making process and:

- Choose alternatives and direction; narrow or eliminate options for the governing body's consideration.
- Make decision by voting.
- Make recommendations to the governing body directly or through staff.
- Create by-laws.

2. Fact Finding/Focus Groups - provide a source of community input and factual resources and:

- Have no characteristics of a Decision Making Committee.
- Do not need by-laws.
- Provide individual input, data and factual findings to staff, as part of staff's development in its advisement to the governing body.
- Do not take votes.
- Maintain a brainstorming focus.

THE SUNSHINE LAW - gives the public access to meetings of "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision" ("Governing Body") **AND**

- Allows the public to observe each preliminary step leading to the final decision.
- Prevents the governing body from creating closed committees that narrow the governing body's decisions.
- Applies to appointed committees.
- An AG opinion advises it also applies to an individual Board member, appointed to negotiate, narrow decisions, or make decisions for the full board.

MEETINGS SUBJECT TO THE SUNSHINE LAW - include formal or casual discussions about a matter on which the governing body may foreseeably take action, between:

- Two or more members of the governing body, or
- Two or more members of a Decision Making Committee.

Discussions may occur through telephone or e-mail communications, or exchanges during workshops, social events, football games and neighborhood barbeques.

■ **THE SUNSHINE LAW IMPOSES THREE OBLIGATIONS OF OPENNESS**

1. Reasonable notice of meetings subject to the Sunshine Law must be given; requires giving the public reasonable and timely notice so they can decide whether to attend.

What is "reasonable" or "timely" depends on the circumstances. Does not necessarily require a newspaper advertisement (contact the Attorney's office for guidance).

2. Public must be allowed to attend meetings; however there is no obligation to allow the public to participate.
 - Meetings cannot be held at exclusive or inaccessible facilities.
 - No evasive actions are allowed, such as:
 - a. Circulating written reports to elicit responses or positions on issues.
 - b. Using staff, lobbyists, or other means to seek other members' positions about issues.
3. Minutes of the meetings are required. Written minutes must be taken and made available promptly.
 - Sound recordings may also be used, in addition to written minutes.
 - Minutes may be a brief summary of meeting's events.
 - Minutes are public records.
 - Minutes must record the votes.

■ **THE SUNSHINE LAW APPLIES WHEN:**

- Two or more members of a governing body discuss a matter that may foreseeably come before the governing body.
- A governing body moves any part of its decision making process to a committee or group, thereby appointing an "alter ego."

According to an AG opinion, this may also include an individual Board or Committee member appointed formally or informally to negotiate, narrow or eliminate options or decisions for the full Board or Committee.

- **THE SUNSHINE LAW DOES NOT APPLY TO:**
 1. Committees or groups appointed to engage only in fact-finding activities.
 2. Created focus groups or other such committees that:
 - a. Only provide individual input, data and facts as part of staff's development in its advisement to the governing body.
 - b. Do not narrow options.

The Sunshine Law is *broadly* construed. ~ Exemptions are *narrowly* construed.

- **SUNSHINE LAW:**

Penalties for Noncompliance (also applies to Decision Making Committees)
A violation of the Sunshine Law by the governing body or a Decision Making Committee, can nullify governing body's decisions.
- Criminal Penalties:
 1. It is a second degree misdemeanor to knowingly violate the Sunshine Law.
 2. Is Punishable with a fine of up to \$500 and/or up to 60 days imprisonment.
- Other Penalties Include:
 1. Removal from position.
 2. Payment of attorney's fees incurred by the challenging party, as well as declaratory and injunctive relief.

SENTENCED TO JAIL FOR SUNSHINE LAW VIOLATIONS:

Suspended Escambia County Commissioner, W.D. Childers, was sentenced to 60 days in jail for discussing redistricting in a telephone conversation while fellow commissioner listened on a speaker phone, and pleaded no contest for talking with two fellow commissioners about county building projects in front of a staffer.

■ **PUBLIC RECORDS LAW:**

Public Records Include: All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form or means of transmission made or received pursuant to law in connection with transaction of official business by the agency. (Fl. Stat. Chapter 119)

THE PUBLIC RECORDS LAW APPLIES TO:

- Records developed by the governing body, Board Appointed Committees, and employees;
- All types of records including written communications, letters, notes and e-mails. Numerous exemptions are identified in FS 119.07 and other statutes.

Public Records Requests can be made:

- Verbally or in writing,
- By any person.

THE GOVERNING BODY OR APPOINTED COMMITTEE:

- Has a "reasonable" time to respond.
- Can charge for the cost of retrieving records if the amount requested is voluminous.
- Can charge 15 cents/page.

THE PUBLIC RECORDS LAW DOES NOT REQUIRE:

- The retention of records (this is covered under the State's records retention policy).
- The creation of records or the provision of records in the format requested.
- An explanation of the records.

FLORIDA CODE OF ETHICS:

- ADDRESSES:
 - a. Standards of conduct
 - b. Voting Conflicts
 - c. Financial Disclosure
 - d. Prohibits certain action or conduct.
 - e. Requires certain disclosures be made to the public.

Standards of Conduct Prohibit Public Officials from:

- **Soliciting and Accepting Gifts** - May not solicit or accept anything of value that is based on an understanding that their vote, official action, or judgment would be influenced by such a gift.
- **Accepting Unauthorized Compensation** - May not accept any compensation, payment, or thing of value that is given to influence a vote or other official action.
- **Misusing his/her Public Position** - May not corruptly use their official position to obtain a special privilege for themselves or others.
- **Disclosing or Using Certain Information** - May not disclose or use information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.
- **Doing business with their agency** - A public official's agency may not do business with a business entity in which the public official, or their spouse or child own more than 5% interest.
- **Engaging in Conflicting Employment or Contractual Relationships** - A public official may not be employed or contract with any business entity regulated by or doing business with his or her public agency.

THE GOVERNING BODY MAY WAIVE THE LAST TWO PROHIBITIONS, AS THEY RELATE TO APPOINTED COMMITTEES.

Voting Conflicts of Interest

- Requires no County, municipal, or other Local Public officer (including members of the appointed committees) shall vote in an official capacity upon any measure which would inure to the special private gain or loss of themselves, any principal or entity by whom they are retained, other than an agency as defined in the Fl. Stat. 112.312(2), or to any relative or business associate.
- Requires that public officers, including members of decision making committees:
 1. Must announce the nature of the conflict before the vote; abstain from voting; and file a memorandum of voting conflict
 2. May not participate in the discussion without first disclosing the nature of their interest in the matter (either in writing prior to the meeting, or orally as soon as they become aware that a conflict exists.

BECOMES AN ISSUE WHEN STAKEHOLDERS ARE APPOINTED TO DECISION-MAKING COMMITTEES

- **FINANCIAL DISCLOSURES**

Appointed committee members with land-planning, zoning or natural resources responsibilities must file an annual financial statement.

Which Laws Apply to Which Committees?

	Focus Group	Decision-making Committee
Florida Laws		
Sunshine law		X
Public Records Law	X	X
Code of Ethics		
Standards of Conduct	X	X
Voting Conflict		X
Financial Disclosure		X

*Includes discussions about a matter which may foreseeably come before the Committee;; between one or more Committee member(s), or involving subcommittees or an individual Committee member who has been formally or informally authorized to exercise any decision-making authority or to reduce options for the Committee's consideration.

**Committees with land-planning, zoning, or natural resources responsibilities.

OPEN GOVERNMENT OVERVIEW:

- Sunshine Law and Public Records Law



Patricia R. Gleason
Special Counsel for Open Government
Attorney General Pam Bondi

SUNSHINE LAW

- Florida's Government in the Sunshine Law provides a right of access to governmental proceedings at both the state and local levels. In the absence of statutory exemption, it applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

Scope of the Sunshine Law

- Board members may not engage in private discussions with each other about board business, either in person or by telephoning, emailing, texting or any other type of electronic communication (i.e Facebook, blogs).

Scope of the Sunshine Law

- While an individual board member is not prohibited from discussing board business with staff or a nonboard member, these individuals may not be used as a liaison to communicate information between board members. For example, a board member cannot ask staff to poll the other board members to determine their views on a board issue.

SCOPE OF THE SUNSHINE LAW

There are three basic requirements:

- 1) Meetings of public boards or commissions must be open to the public
- 2) Reasonable notice of such meetings must be provided; and
- 3) Minutes of the meetings must be prepared promptly and open to public inspection.

SCOPE OF THE SUNSHINE LAW

- The Sunshine Law applies to advisory boards created pursuant to law or ordinance or otherwise established by public agencies or officials.

Scope of the Sunshine Law

- Staff meetings are not normally subject to the Sunshine Law.
- However, staff committees may be subject to the Sunshine Law if they are deemed to be part of the “decision making process” as opposed to traditional staff functions like factfinding or information gathering.

Scope of the Sunshine Law

- Only the Legislature may create an exemption from the Sunshine Law (by a two-thirds vote).
- An exemption from the Public Records Law does not allow a board to close a meeting. Instead, a specific exemption from the Sunshine Law is required.

Board meetings

- While boards may adopt reasonable rules and policies to ensure orderly conduct of meetings, the Sunshine law does not allow boards to ban nondisruptive videotaping, tape recording, or photography at public meetings.

Board meetings

- Section 286.0114, F.S., provides, subject to listed exceptions, that boards must allow an opportunity for the public to be heard before the board takes official action on a proposition. The statute does not prohibit boards from “maintaining orderly conduct or proper decorum in a public meeting.”

Penalties

- Civil action
 - Action taken in violation of the Sunshine Law may be invalidated.
- Criminal penalties
- Suspension or removal from office

PUBLIC RECORDS LAW

- Florida's Public Records Act, Chapter 119, Florida Statutes, provides a right of access to records of state and local governments as well as to private entities acting on their behalf.
- If material falls within the definition of "public record" it must be disclosed to the public unless there is a statutory exemption.

The term “public records” means:

- a) 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” (**includes electronic communications like text messages, emails**).
- b) Made or received pursuant to law or ordinance or in connection with the transaction of official business
- c) By any agency [including a private entity acting ‘on behalf of’ a public agency]
- d) Which are used to perpetuate, communicate, or formalize knowledge

PROVIDING PUBLIC RECORDS

- a) Public records cannot be withheld at the request of the sender
- b) A requestor is not required to show a “legitimate” or “noncommercial interest” as a condition of access
- c) A request cannot be denied because it is “overbroad”
- d) Unless authorized by another statute, an agency may not require that public records requests be in writing or require the requestor to identify himself or herself

PROVIDING PUBLIC RECORDS

- The Public Records Act does not contain a specific time limit (such as 24 hours or 10 days).
- The Florida Supreme Court has stated that the only delay in producing records permitted under the statute is the reasonable time allowed the custodian to retrieve the record and redact those portions of the record the custodian asserts are exempt.

PROVIDING PUBLIC RECORDS

- An agency is not required to comply with a “standing” request for records that may be created in the future.
- An agency is not required to answer questions about the public records (other than information on how to obtain them, like the cost)
- An agency is not required to create a new record

PROVIDING PUBLIC RECORDS

- Chapter 119 authorizes the custodian to charge a fee of up to 15 cents per one-sided copy for copies that are 14 inches by 8 1/2 inches or less. An additional 5 cents may be charged for two-sided copies. For other copies, the charge is the actual cost of duplication of the record. Actual cost of duplication means the cost of the material and supplies used to duplicate the record but does not include labor or overhead cost.

Fees

- In addition to the actual cost of duplication, an agency may impose a reasonable service charge for the actual cost of extensive labor and information technology required due to the large volume of a request.

Retention

All public records must be retained in accordance with retention schedules approved by the Department of State

Even exempt records must be retained.

Penalties for noncompliance

- a) Criminal penalties
- b) Civil action
- c) Attorney's fees

In the Sunshine

Florida Sunshine Law
Public Records Ch.119 F.S.

Presented by Clifford B. Shepard

Materials by John G. Hubbard & Clifford B. Shepard



1

In the Sunshine

Public Records Law

Perpetuate

Communicate

Formalize



2

Florida Constitution Article I, section 24

(a) **Every person** has the right to **inspect or copy** any public record made or received in connection with the **official business** of any public body, officer, or employee of the state, **or persons acting on their behalf**, except with respect to records **exempted** pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

“or persons acting on their behalf”



3

119.01 General State Policy on Public Records

(1) It is the policy of this state that all state, county, and **municipal** records are open for **personal inspection and copying by any person**. Providing **access** to public records is a **duty** of each agency.

THE DUTY IS ALSO YOURS, IF YOU HAVE CUSTODY



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119.07 General State Policy on Public Records

(1)(a) Every **person** who has **custody** of a public record shall permit the record to be **inspected and copied** by any person desiring to do so, at any **reasonable time**, under **reasonable conditions**, and **under supervision by the custodian** of the public records.

DO YOU HAVE CUSTODY?
TRANSFER CUSTODY TO CITY CLERK



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119.07 General State Policy on Public Records

(c) A **custodian** of public records and his or her designee must **acknowledge** requests to inspect or copy records **promptly** and **respond to such requests in good faith**. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed.

DUTY: ACKNOWLEDGE PROMPTLY



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119.07 General State Policy on Public Records

(d) A person who has **custody** of a public record who **asserts that an exemption applies** to a part of such record shall **redact** that portion of the record to which an exemption has been asserted and validly applies, and such person **shall produce the remainder** of such record for inspection and copying.

**DUTY: IF PORTIONS ARE EXEMPT, REDACT AND PRODUCE
ISSUES: IS THE RECORD EXEMPT, CONFIDENTIAL
OR BOTH?**



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119.07 General State Policy on Public Records

(e) If the person who has **custody** of a public record **contends** that all or part of the record is **exempt** from inspection and copying, he or she shall **state the basis** of the exemption that he or she contends is applicable to the record, including the statutory citation to an exemption created or afforded by statute.

(f) **If requested** by the **person seeking** to inspect or copy the record, the **custodian** of public records shall **state in writing** and with particularity the **reasons** for the conclusion that the record is exempt or confidential.

**DUTY: STATE STATUTORY BASIS FOR
EXEMPTION – IN WRITING**



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119.07 General State Policy on Public Records

(4) **The custodian of public records shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law.** If a fee is not prescribed by law, the following fees are authorized:

DUTY: FURNISH COPY

ADVICE: COLLECT IN ADVANCE FOR COPY FEES



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119.07 General State Policy on Public Records

(d) If the **nature or volume** of public records requested to be inspected or copied pursuant to this subsection is such as to require **extensive use of information technology** resources or **extensive clerical or supervisory assistance** by personnel of the agency involved, or both, **the agency may charge**, in addition to the actual cost of duplication, **a special service charge**, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both.

DUTY: GATHER DOCUMENTS FOR INSPECTION

ADVICE: COLLECT SPECIAL SERVICE FEE IN ADVANCE



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Definition of Public Records

Statutory

Public records means **all** documents, papers, letters, mps, 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.



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Definition of Public Records

Case Law

Any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.

Perpetuate

Communicate

Formalize



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Clearwater Case

STATUTORY TEST: TRANSACTION OF OFFICIAL BUSINESS



13

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Life Lesson

***Merlot and email do
not mix***



14

Meeting Notes Draft documents

Perpetuate
Communicate
Formalize



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Retention of Records

The custodian has an obligation to retain public records (this might be you.)

Department of State, Division of Library Services

Deposit with City Clerk



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Schwab Case

Totality of factors case
“persons acting on their behalf”



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119.10 Violation of chapter; penalties.

- (1) Any public officer who:
 - (a) Violates any provision of this chapter commits a noncriminal infraction, punishable by fine not exceeding \$500.
 - (b) **Knowingly** violates the provisions of s. [119.07](#)(1) is subject to suspension and removal or impeachment and, in addition, commits a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).
 - (2) Any person who **willfully and knowingly** violates:
 - (a) Any of the provisions of this chapter commits a **misdemeanor** of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).
 - (b) Section [119.105](#) F.S. commits a **felony** of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).



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Yes, you can go to jail for this too.

Martin County's Sarah Heard Indicted and Booked for Public Records Violations

By BARBARA CLOWDUS (SOURCE:BARBARA CLOWDUS)

January 5, 2018 • 8:15am



The story of Florida public records law violations in Martin County moved further into the public light Thursday for County Commissioner Sarah Heard and former commissioner Anne Scott.

Heard was indicted and booked on two criminal counts of violating public records laws, according to the Martin County Sheriff's Office. She was released on her own recognition after her fingerprints and mug shot were taken.

Her charges are criminal misdemeanors that could lead to a fine and/or jail time if she's found guilty. She also could be removed from office by the governor.

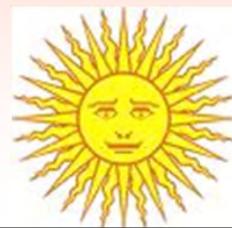
Thursday's charges were in addition to a previous non-criminal infraction filed by the prosecutor Nov. 27 for not responding to a public records request in January 2013, to which she pleaded not guilty.

A hearing date was set for Feb. 19. The state prosecutor informed Heard's attorney, Barbara Kibbey Wagner, during a December court hearing that five days needed to be set aside for the hearing due to the case's complexity.

Officials close to the case, however, anticipate the additional misdemeanor charges will result in a request for a hearing continuance. Heard also may now ask for a jury trial, if she pleads not guilty.

Heard is up for re-election in August for the District 4 County Commission seat; however, she has not yet filed, according to Martin County Elections Office records.

Former commissioner Scott, of Jupiter Island, also was charged Thursday with two additional criminal misdemeanor counts of violating public records laws. She, too, was booked and released on her own recognition, according to the Martin County Sheriff's Office.



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Lawsuits are no bargain.

Lawsuit alleges Sarasota city manager broke public records law

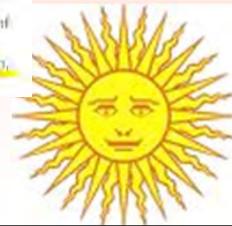
Source: Herald Tribune

By: Nicole Rodriguez – Staff Writer

The suit asks a judge to grant an accelerated hearing in the case, and declare that Barwin and the city violated state record retention rules and the Sunshine Law.

SARASOTA — A lawsuit filed Thursday against Sarasota City Manager Tom Barwin and the city alleges that the top administrator's frequent failure to produce city-related discussions from his private Gmail account as part of numerous public records requests broke state open records law and eroded public trust in local government.

The suit, filed by Michael Barfield, a paralegal consultant and president of the Florida American Civil Liberties Union, asks a judge to grant an accelerated hearing in the case, and declare that Barwin and the city violated state record retention rules and the Sunshine Law, which is intended to guarantee that citizens have access to public records and the decision-making of governmental officials. The 23-page suit requests a judge to order Barwin and the city to follow the law, make records on Barwin's personal electronic devices available for inspection, pay Barfield's legal fees and award any other relief the court deems appropriate.



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Perpetuate Communicate Formalize



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Thank You!

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Materials by John G. Hubbard & Clifford B. Shepard



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Section II

This section does not apply to this Board; it is intentionally left blank.

~~Formal~~ ~~Quasi-Judicial~~ ~~Hearings &~~ ~~Proceedings~~



Section III

Conducting a Meeting

“Cheat Sheet”



BOARD MEETING “CHEAT SHEET” - A GUIDE

Note: you must be recognized by the Chair prior to speaking, by stating “Chairman, I have a question” or “Chairman, may I make a comment”. This procedure prevents members from speaking over each other and avoids confusion when preparing minutes.

Meeting Procedures: Meetings generally run in the following order (according to an approved agenda format):

1. Call to Order and Pledge of Allegiance
2. Roll Call / Determination of Quorum
3. Adoption of Agenda
4. Approval of Minutes (of prior meetings)
5. Report of Staff
6. Correspondence and Disclosure of Ex-partie Communication
7. Hearing of Cases
8. Business Items
9. Public Comment
10. Board Discussion
11. Adjournment

1. **Call to Order and Pledge of Allegiance** – the Chair will call the meeting to Order, noting the date, Board name, and time. The Chair leads attendees in the Pledge of Allegiance.
2. **Roll Call and Determination of Quorum** - the Board Secretary will perform the roll call to determine a quorum and document member's attendance/absence.
3. **Adoption of the Agenda** – the Chair will ask if there are any changes to the Agenda; a motion and second to “adopt agenda as presented” - or - “adopt the agenda as amended” is required. A vote by consensus is acceptable (all in favor/opposed).
4. **Approval of the Minutes** – the Chair will ask if there are any changes to the Minutes; a motion and second to “approve the minutes as presented -or - as amended” is required. A vote by consensus is acceptable (all in favor/opposed).
5. **Report of Staff** - Staff will provide an update to projects currently under review.
6. **Correspondence and Disclosure of Ex-partie Communication** - the Chair will ask if any correspondence has been received regarding any of the items on the agenda; the Chair asks members to disclose ex-partie communication.
7. **Hearing of Cases (Quasi-Judicial)** – the Chair should refer to the procedure designated in the “Formal Quasi-Judicial Hearings” guide or consult the Board Attorney. All matters decided during hearings must be by **roll-call vote**, indicating which members voted for or against the issue as a matter of clarity for the record.

8. Business Items (Non-Quasi-Judicial) – staff introduces the item, providing relevant information and making a recommendation. Once finished, the Chair will ask for public comments. After the public has had the opportunity to comment, the Chair will bring the item back to the Board for discussion and deliberation. Board members discuss their viewpoints on the item. If action is required, the Chair will ask for a motion and second. A **roll-call vote** is taken indicating which members voted for and against the issue as a matter of clarity for the record.

9. Public Comment – the Chair asks if any members of the public wish to speak about an item not listed on the agenda.

10. Board Discussion – the Chair asks if any member of the Board wishes to discuss a topic not listed on the agenda. *Note: it is common to add discussion items in advance during Adoption of the Agenda section.*

11. Adjournment – the Chair may ask for a Motion to Adjourn, followed by a second, and vote to adjourn by consensus; or the Chair may simply adjourn the meeting and state the time.

Motions and Voting:

The Town follows a simplified version of Robert's Rules of Order. Nearly everything can be accomplished in a meeting by a **Main Motion** and/or by **Amending a Main Motion**.

How a Main Motion is brought: used when a member wants to propose action by the Board.

- A member states: "I move that" (or 'to') ...
- Another member seconds the motion
- The Chair requests public comment
- The Chair requests Board comment
- The Chair requests a vote
- If a majority votes in favor of the motion, then the motion **PASSES**. If a majority votes in opposition to the motion, or if the vote is a tie, then the motion **FAILS**. The Board Secretary will state the results.

Amending a Main Motion: A member may make a motion to amend a main motion. The Chair will then ask for a member to second the amended motion. If seconded, then the Chair may deem the motion amended; if not seconded, the amendment dies and the original motion stands.

Other motions: A *Motion to Rescind* or *Motion to Consider* may also be made, but these types of motions are rarely utilized and can be explained by the Attorney if needed.

Voting: All members present must vote on the agenda item unless a conflict is declared. In those instances, a Form 8B will be provided to the member, who must complete and return the form to the Board Secretary for filing with the meeting minutes.



Section IV

Robert's Rules of Order

&

Parliamentary Procedure

Robert's Rules of Order & Parliamentary Procedure

I. What is Parliamentary Procedure?

It is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.

II. Why is Parliamentary Procedure important?

Because it is a time-tested method used for conducting business at meetings and it can be adapted to fit the needs of any organization. Robert's Rules of Order is the basic handbook of operation for most organizations – so it is important to know the basic rules.

III. Organizations using Parliamentary Procedure usually follow a fixed order of business called an Agenda.

IV. The method used by members to express themselves is in the form of “motions”. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to Order
2. Second motions
3. Debate motions
4. Vote on motions

V. How are Motions presented?

1. Obtaining the floor:

- a. Wait until the last speaker has finished
- b. Raise your hand and address the Chairman by saying, “Mr./Madam Chairman”
- c. Wait until the Chairman recognizes you before speaking

2. Make your motion:

- a. Speak in a clear and concise manner
- b. Always state a motion in the positive (for example, say, “I move that we ...” rather than, “I move that we do not ...”)
- c. Avoid personality conflicts and stay on topic

3. Wait for someone to second your motion: another member will state second, or the Chairman will call for a second. If there is no second to the motion, the motion dies.

4. The Chairman re-states the motion:

- a. The Chairman states, “it has been moved and seconded that we ...”. Thus placing your motion before the members for consideration and action.
- b. The membership then either debates your motion or may move directly to a vote.
- c. Once your motion is presented to the membership by the Chairman, it cannot be changed by you without the consent of the members.

6. Expanding on Your Motion:

- a. Now is the time for you to speak in favor of your motion – not when you first make the motion.
- b. The **mover** is always allowed to speak first.
- c. All comments and debate must be directed to the Chairman.
- d. The mover may speak again **only** after all other speakers are finished (unless called upon by the Chairman).

7. Putting the Question (Motion) to the Membership:

- a. The Chairman asks, “Are you ready to vote on the motion?”
- b. If there is no more discussion, a vote is taken.
- c. The Board Secretary will state the results for the record.

VI. Voting on a Motion: The method of vote on any motion depends on the situation and the By-laws of the Board. These are typical methods:

1. By **Voice** – the Chairman asks those in favor to say, “aye”, those opposed to say “no”. Any member may move for an exact count.
2. By **Roll Call** – the member answers “yes” or “no” as his/her name is called. This method is used when a record of each person’s vote is required or desired.
3. By **General Consent** – when a motion is not likely to be opposed, the Chairman says, “if there is no objection ... “ The membership shows agreement by their silence, however if one member says, “I object,” the item must be put to a vote.
4. By **Ballot** – members write their vote on a slip of paper; the Clerk calculates and announces the results to the Chairman.

These are two other motions that are commonly used:

1. **Motion to Table** – this motion is often used to provide an extended, indefinite period of time to resolve concerns before a final vote is taken. Tabled items are removed from subsequent meeting agendas until brought back by a vote of the Board. The option is always present, to “take off the table” for reconsideration by the membership.
2. **Motion to Continue to a Date Certain** – this motion is used to allow a limited period of time to obtain additional information, resolve outstanding issues, or reschedule an item that has been previously advertised and noticed. No further public notice is required as long as the date and time of the future meeting are announced. The discussion on that particular item “continues” to the future date.

Robert’s Rules of Order and Parliamentary Procedure provides a standard of orderly framework for getting work done. Your meetings will be successful and productive by following these tips:

1. Allow motions that are in order;
2. Have members obtain the floor properly;
3. Speak clearly and concisely;
4. Obey the rules of debate; and most importantly ...
5. Be courteous.



Section V

Town's Policy

for Use of

Social Media by

Board Members

Per Resolution 2020-17

Town of Ponce Inlet Policy for Use of Social Media by Board Members

3.0 Informational Policy

3.1 Policy

The Town understands that social media can be a beneficial and rewarding way for individuals to share information about themselves and interact with others and the public at large. However, when it comes to members of the Town Council, as well as other Town boards and committees, use of social media can violate Sunshine and Public Records laws when discussing public business, resulting in potential litigation and even criminal charges. In addition, using a Social Media Channel for official statements can transform the Channel into a “public forum” subject to First Amendment considerations. The following is a policy for use of social media to be used as guidance to avoid creating actual or perceived violations of the First Amendment, as well as Sunshine and Public Records laws.

3.2 Definitions

For purposes of this Policy:

Board Member means a member of the Town Council, or any Town Board or Committee which is subject to Section 286.011, *Florida Statutes*.

Social media content or content means and includes any materials, documents, photographs, graphics, or other information that is created, posted, distributed, or transmitted on a Social Media Channel.

Posts or Postings mean information, articles, pictures, videos of any other form of communication posted on a Social Media Channel.

Social Media Account means the legal arrangement with a social media provider to authorize use of a social media tool. For example, a Facebook account authorizes use of Facebook.

Social Media Tool means an online utility that provides for mass communication, such as message boards, web sites, and blogs. Specific examples include Facebook, Twitter, LinkedIn, YouTube, Pinterest, and Instagram. Social media tools may provide for one-way or two-way communication.

Social Media Channel means a specific social media platform available through a Social Media Account. For example, each Facebook Page opened through the establishment of a Facebook account is a Social Media Channel.

Personal Social Media Channel means a specific social media platform available through a Social Media Account managed by an Employee which is not associated with the Town, such as an Employee’s personal Facebook page.

3.3 Guidance

- A. Any Board Member who uses a Social Media Channel to make statements relating to public business should not prevent any other user from interacting with any post on that Social Media Channel. Board Members may not take any action to make any individual's comments or replies to posts on the Social Media Channel less visible to others. If available, Board Members may instead choose to turn off replies and comments entirely on any given post.
- B. Board Members should not interact with other members of their same board through Social Media Tools on any matter which could be perceived as relating to public business. "Interacting" includes both substantive and non-substantive interactions, such as commenting on one another's posts, tagging one another on statements, liking one another's posts, or making any statement explicitly or implicitly referring to a member of the same board.
- C. Board Members should not use a Social Media Channel to state an opinion on a matter which may come before their board in a quasi-judicial capacity. Board Members should avoid engaging in *ex parte* communications regarding quasi-judicial matters through Social Media Tools. If a Board Member does communicate regarding a quasi-judicial matter using a Social Media Tool, the Board Member shall disclose such *ex parte* communications at the relevant hearing on the matter.
- D. Board Members should avoid making any statements regarding public business through posts which are not publicly available. For the purposes of this policy, "publicly available" shall mean accessible by hyperlink without any required sign-in or other credential. If a Social Media Tool does not provide for the creation of publicly available posts, Board Members should refrain from utilizing that Social Media Tool.
- E. Whenever a Board Member makes any statement regarding public business using a Social Media Tool, including a reply to another user's post, the Board Member should immediately create a copy of the statement and provide the copy to the Town Clerk. The copy may either be physical form or a computer file, such as a PDF. Board Members who desire technical guidance in creating a copies of social media posts should contact the Town Clerk.
- F. Board Members may not delete any posts which relate to public business.
- G. The Town reserves the right to change, modify, or amend all or part of this policy at any time.



Section VI

Code of Ethics

FL Statute Chapter 112

Select Year: 2025

The 2025 Florida Statutes

[Title X](#)[Chapter 112](#)[View Entire](#)

PUBLIC OFFICERS, EMPLOYEES, AND PUBLIC OFFICERS AND EMPLOYEES: GENERAL
RECORDS

PROVISIONS

[Chapter](#)

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(1) **DEFINITION.**—As used in this section, unless the context otherwise requires, the term “public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) **SOLICITATION OR ACCEPTANCE OF GIFTS.**—No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

(3) **DOING BUSINESS WITH ONE'S AGENCY.**—No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

(5) **SALARY AND EXPENSES.**—No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law. No local government attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

(6) **MISUSE OF PUBLIC POSITION.**—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or

her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

(7) CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency is not prohibited by this subsection or deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section, including conduct that violates subsections (6) and (8), is deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) DISCLOSURE OR USE OF CERTAIN INFORMATION.—A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.

—

(a)1. It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2. As used in this paragraph:

a. “Employee” means:

(I) Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II) The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III) The executive director and deputy executive director of the Commission on Ethics.

(IV) An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or

attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V) The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.

(VI) Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3.a. No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this sub-subparagraph have the same meanings as provided in s. 112.3215.

4. An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5. Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

- a. A person employed by the Legislature or other agency prior to July 1, 1989;
- b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;
- c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;
- d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or
- e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(10) EMPLOYEES HOLDING OFFICE.—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.—No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) EXEMPTION.—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

(f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.

(g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.

(h) The transaction is made pursuant to s. 1004.22 or s. 1004.23 and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

(i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:

1. The price and terms of the transaction are available to similarly situated members of the general public; and
2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS

REGULATING FORMER OFFICERS OR EMPLOYEES.—The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office or appointed superintendent of a school district may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The “government body or agency” of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The “government body or agency” of any other county elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The “government body or agency” of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d) The “government body or agency” of an elected special district officer is the special district.

(e) The “government body or agency” of an elected school district officer is the school district.

(15) ADDITIONAL EXEMPTION.—No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer’s agency and:

(a) The officer’s employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b) The officer has in no way participated in the agency’s decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c) The officer abstains from voting on any matter which may come before the agency involving the officer’s employer, publicly states to the assembly the nature of the officer’s interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.

(16) LOCAL GOVERNMENT ATTORNEYS.—

(a) For the purposes of this section, “local government attorney” means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, “unit of local government” includes, but is not limited to, municipalities, counties, and special districts.

(b) It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of

conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c) No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

(17) BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.—No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

History.—s. 3, ch. 67-469; s. 2, ch. 69-335; ss. 10, 35, ch. 69-106; s. 3, ch. 74-177; ss. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349; s. 4, ch. 82-98; s. 2, ch. 83-26; s. 6, ch. 83-282; s. 14, ch. 85-80; s. 12, ch. 86-145; s. 1, ch. 88-358; s. 1, ch. 88-408; s. 3, ch. 90-502; s. 3, ch. 91-85; s. 4, ch. 91-292; s. 1, ch. 92-35; s. 1, ch. 94-277; s. 1406, ch. 95-147; s. 3, ch. 96-311; s. 34, ch. 96-318; s. 41, ch. 99-2; s. 29, ch. 2001-266; s. 20, ch. 2002-1; s. 894, ch. 2002-387; s. 2, ch. 2005-285; s. 2, ch. 2006-275; s. 10, ch. 2007-217; s. 16, ch. 2011-34; s. 3, ch. 2013-36; s. 2, ch. 2018-5; s. 1, ch. 2023-121; s. 7, ch. 2024-2.



Section VII

Public Business

FL Statute Chapter 286
(*Abridged*)

2018 Florida Statutes

Title XIX PUBLIC BUSINESS (Abridged)

Chapter 286

PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

286.0105	Notices of meetings and hearings must advise that a record is required to appeal.
286.011	Public meetings and records; public inspection; criminal and civil penalties.
286.0113	General exemptions from public meetings.
286.0114	Public meetings; reasonable opportunity to be heard; attorney fees.
286.0115	Access to local public officials; quasi-judicial proceedings on local government land use matters.
286.012	Voting requirement at meetings of governmental bodies.
286.26	Accessibility of public meetings to the physically handicapped.

286.0105 Notices of meetings and hearings must advise that a record is required to appeal. — Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The requirements of this section do not apply to the notice provided in s. 200.065(3).

History.—s. 1, ch. 80-150; s. 14, ch. 88-216; s. 209, ch. 95-148.

286.011 Public meetings and records; public inspection; criminal and civil penalties. —

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this

state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding \$500.

(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney's fee against such agency, and may assess a reasonable attorney's fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duly authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney's fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against the individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a

violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney's fees.

(8) Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, provided that the following conditions are met:

(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.

(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

(c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

(d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.

(e) The transcript shall be made part of the public record upon conclusion of the litigation.

History.—s. 1, ch. 67-356; s. 159, ch. 71-136; s. 1, ch. 78-365; s. 6, ch. 85-301; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 95-353; s. 2, ch. 2012-25.

286.0113 General exemptions from public meetings. —

(1) That portion of a meeting that would reveal a security or fire safety system plan or portion thereof made confidential and exempt by s. 119.071(3)(a) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

(2)(a) For purposes of this subsection:

1. "Competitive solicitation" means the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.

2. “Team” means a group of members established by an agency for the purpose of conducting negotiations as part of a competitive solicitation.

(b) 1. Any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, or at which a vendor answers questions as part of a competitive solicitation is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

2. Any portion of a team meeting at which negotiation strategies are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(c) 1. A complete recording shall be made of any portion of an exempt meeting. No portion of the exempt meeting may be held off the record.

2. The recording of, and any records presented at, the exempt meeting are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs earlier.

3. If the agency rejects all bids, proposals, or replies and concurrently provides notice of its intent to reissue a competitive solicitation, the recording and any records presented at the exempt meeting remain exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A recording and any records presented at an exempt meeting are not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

History.—s. 2, ch. 2001-361; s. 44, ch. 2005-251; s. 2, ch. 2006-158; s. 2, ch. 2006-284; s. 13, ch. 2010-151; s. 2, ch. 2011-140; s. 2, ch. 2016-49; s. 3, ch. 2018-146.

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

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

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

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

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. 286.011; or

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

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

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

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

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

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

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

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

History.—s. 1, ch. 2013-227.

286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters. —

(1) (a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2) (a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decision-making body who is not a party or party-intervenor shall be allowed to testify before the decision-making body, subject to control by the decision-making body, and may be requested to respond to questions from the decision-making body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decision-making body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decision-making body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decision-making body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decision-making body. All decisions of the decision-making body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

History.—s. 1, ch. 95-352; s. 31, ch. 96-324.

286.012 Voting requirement at meetings of governmental bodies.—A member of a state, county, or municipal governmental board, commission, or agency who is present at a meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may not abstain from voting in regard to any such decision, ruling, or act; and a vote shall be recorded or counted for each such member present, unless, with respect to any such member, there is, or appears to be, a possible conflict of interest under s. 112.311, s. 112.313, s. 112.3143, or additional or more stringent standards of conduct, if any, adopted pursuant to s. 112.326. If there is, or appears to be, a possible conflict under s. 112.311, s. 112.313, or s. 112.3143, the member shall comply with the disclosure requirements of s. 112.3143. If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s. 112.326, the member shall comply with any disclosure requirements adopted pursuant to s.

112.326. If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

History.—s. 1, ch. 72-311; s. 9, ch. 75-208; s. 2, ch. 84-357; s. 13, ch. 94-277; s. 19, ch. 2013-36; s. 7, ch. 2014-183.

286.26 Accessibility of public meetings to the physically handicapped. —

(1) Whenever any board or commission of any state agency or authority, or of any agency or authority of any county, municipal corporation, or other political subdivision, which has scheduled a meeting at which official acts are to be taken receives, at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority, such chairperson or director shall provide a manner by which such person may attend the meeting at its scheduled site or reschedule the meeting to a site which would be accessible to such person.

(2) If an affected handicapped person objects in the written request, nothing contained in the provisions of this section shall be construed or interpreted to permit the use of human physical assistance to the physically handicapped in lieu of the construction or use of ramps or other mechanical devices in order to comply with the provisions of this section.

History.—s. 1, ch. 77-277; s. 1, ch. 79-170; s. 116, ch. 79-400; s. 1, ch. 81-268.

“LET THE SUNSHINE IN”

Public Meetings Law

Chapter 286 F.S.

Clifford B. Shepard

Materials by John G.
Hubbard, Esq. & Clifford
B. Shepard



1

Florida Constitution Article I, section 24 (b)

(b) All **meetings** of any **collegial public body** of the executive branch of state government or of any collegial public body of a county, **municipality**, school district, or special district, at which **official acts are to be taken** or at which **public business** of such body is to be **transacted or discussed**, shall be **open and noticed** to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

2

2

Florida Statute 286.011

(1) All **meetings** of any board or commission of any state agency or authority or of any **agency or authority** of any county, **municipal** corporation, or political subdivision, except as otherwise provided in the Constitution, at which **official acts are to be taken** are declared to be public meetings **open to the public at all times**, and **no resolution, rule, or formal action** shall be considered **binding** except as taken or made at such meeting. The board or commission must provide **reasonable notice** of all such meetings.

3

3

Florida Statute 286.011

2) The **minutes** of a meeting of any such board or commission of any such state agency or authority shall be **promptly recorded**, and such records shall be **open to public inspection**. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

4

4

Notice

Reasonable

Location

Restaurant
 Private club
 Identification required
 In city limits
 No “CHILLING” effect



5

Minutes

Summary v. verbatim
 Draft is a public record
 Must be approved timely

5

Florida Statute 286.011 = MEETING LOCATION

(6) All **persons** subject to subsection (1) are **prohibited from holding** meetings at any facility or **location** which **discriminates on the basis of sex, age, race, creed, color, origin, or economic status** or which **operates** in such a manner as to **unreasonably restrict public access** to such a facility.

- Public meetings must be accessible to the physically handicapped Chapter 286.26 FS

6

6

Florida Statute 286.011

- Knowingly attending a meeting in violation of the statute is a misdemeanor of the second degree
- Conduct outside the State is a misdemeanor of the second degree
- A court may assess an attorney's fee against you for enforcement of this statute unless you have sought and followed the advice of the city's attorney

7

7

What is a public meeting?

Florida Constitution

Meeting of a collegial public body at which official acts taken or business discussed

Florida Statutes

Meeting at which official acts taken

Case Law

All meetings where there are discussions of matters which may foreseeably come before a board or commission

“All meetings” include staff, committees, temporary groups or even a single person.

8

Yes, Prosecutions Still Happen

**Grand Jury To Review Century Town Operations;
Council Members Charged With Sunshine Law
Violations**

January 4, 2019



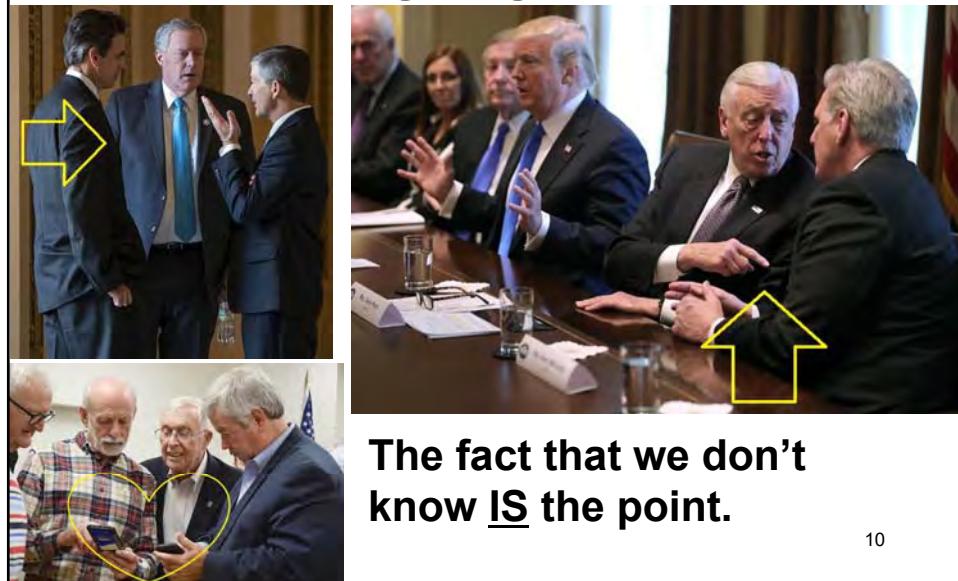
A grand jury will investigate operations of the Town of Century, and three council members have been charged with violating the Sunshine Law.

"A number of issues have been brought to the attention of the State Attorney's Office regarding the manner in which the town has operated, and these are the issues that may be brought before the grand jury," Assistant State

9

9

What's going on here?



10

10

W.D. Childers goes to jail

Ex-Senate president goes to jail

■ W.D. Childers starts a 60-day sentence for Sunshine Law violations — even as his lawyer asks a judge to set him free.



W.D. Childers comments briefly as he enters jail Tuesday in Pensacola. He said he had no reason to be scared.

11

11

Florida Statute 286.011

- The statute is “broadly construed to effect its remedial and protective purposes.”
- Applicable to elected and appointed bodies
- Substantial delegation affecting a decision...single individual
- Recommendations limit choices; part of decision process
- Fact finding only IS AN EXCEPTION: **EXCEPT FOR ELECTED BODIES!**

12

12

Major Exceptions – ALL STATUTORY

- Pending litigation...settlement negotiations or strategy sessions related to litigations expenditures...limited attendees
- Labor negotiations-bargaining team – exemption as to public meetings and public records Chap 447 F.S.
- Risk management committee
- Security system meeting
- Negotiation with a vendor

13

13

Exchange of written memorandums

- First bite at the apple
- No response

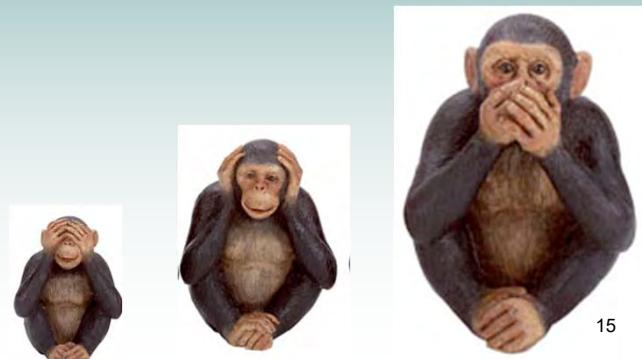


14

14

Outside Contact

- You can socialize with other board members
- You can attend the same meeting....**BUT...**



15

15

You Can Cure a Violation

- No rubber stamp meeting
- Ultimate decision safeguarded
- Multiple cases describing proper procedure

Cure...
Don't Ignore



16

16

Notice

Location

Minutes

17

17

New Challenges

E-mail...twitter...texting...Facebook...websites

Times editorials

Digital age Sunshine

Florida has a proud history of strong open-government laws. But they haven't always kept pace with progress. Consider, for example, the city council members who text or e-mail each other during meetings to skirt open communication. That's not in the public interest.

Now a 178-page report produced by a special governor's commission provides the road map for Gov. Charlie Crist and the Legislature to bring Florida's strong reputation for Sunshine

into the 21st century.

Open government is at the core of a representative democracy. Florida's Sunshine laws are the means to ensure

reform, after holding four public hearings across the state, unanimously approved its final report for the governor. Among its recommendations:

• Make all government contracts above a certain dollar amount accessible through the Internet, giving Floridians the tools needed to be public watchdogs.

of these public records.

• Ban government officials from using electronic communications during public meetings.

• Prohibit state agencies from charging a special fee for redacting the contents of a public record that is exempt from public view (such as the Social Security numbers of employees or a law enforcement officer's home address).

The commission was composed of a cross-section of public officials and open government advocates, including the past president of the Florida Society of Newspaper Editors, Jeanne Grinstead, a *St. Petersburg Times* editor. The commission

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Thank You

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Materials by John G. Hubbard, Esq.

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19



**Town of Ponce Inlet
Board Member
Annual Training Packet**

Addendum

LUDC, Article 6

§6.2.3

Cultural Services, Historic Preservation, and Tree Advisory Board

Cultural Services, Historic Preservation, & Tree Advisory Board Members:

Section 6.2.3 - *Review Authorities and Powers & Duties* of the Cultural Services, Historic Preservation, and Tree Advisory Board are located in the Town of Ponce Inlet **Land Use and Development Code**. These documents are “living documents” as they periodically updated.

The following documents are available on-line at “Municode”, through the link on the Town’s website: www.ponce-inlet.org – click *On Line Services* then select *Municipal Code*:

- Part I - Town Charter
- Part II - Code of Ordinances
- Part III - Land Use and Development Code
- Part IV - Comprehensive Plan
- Appendix A - Fees, Rates, and Charges
- Appendix B - Town Code Fine and Cost Schedule

To view current versions, pending updates, and to verify accuracy, please visit:

https://library.municode.com/fl/ponce_inlet/codes/code_of_ordinances

Or use the following link:

https://library.municode.com/fl/ponce_inlet/codes/code_of_ordinances

How to navigate the Municode home page:

- The list on the **LEFT** contains links to the Charter, Code of Ordinances, LUDC, Comprehensive Plan, and the Appendices;
- The list on the **RIGHT** contains all Ordinances that have been adopted and are awaiting codification.

If you have any questions, please contact:

Jackie Alex, Cultural Services Manager 386-322-6703

or

Stephanie Gjessing, Deputy Town Clerk 386-236-2177

Town of Ponce Inlet, FL | Land Use & Development Code

6.2.3 - Cultural Services, Historic Preservation, and Tree Advisory Board

- A. *Established.* A cultural services, historic preservation, and tree advisory board is created that has the powers, duties, and review and decision-making responsibilities set forth in this article, to be carried out in accordance with this code. Per this provision any reference within the Town's Code of Ordinances and/or the Land Use and Development Code to the term(s) "historic and archaeological preservation board" and/or "parks, recreation, and tree advisory board," (including any shortened version of either board's title) shall be replaced and substituted in practice with the term "cultural services, historic preservation, and tree advisory board."
- B. *Membership and terms of office.* The cultural services, historic preservation, and tree advisory board shall consist of five regular members and two alternates appointed by the town council. Each regular member shall be appointed for a three-year term, in staggered sequence, with an exception for the initial terms of members on this five-member board: terms for seats one and three shall expire in December 2020, terms for seats two and four shall expire in December 2019, and the term for seat five shall expire in December 2021. Alternate members shall be appointed to an annual term ending in December of each year.
- C. *Rules of procedure.*
 - 1. The cultural services, historic preservation, and tree advisory board shall normally meet monthly, at a minimum of once every three months. All meetings of the board shall be duly advertised. If there is no business for the board to conduct, the meeting may be canceled.
 - 2. The cultural services, historic preservation, and tree advisory board shall receive assistance and relevant expertise from the cultural services department, the public works department, and the planning and development department in the performance of its responsibilities.
- D. *Powers and duties.*
 - 1. The cultural services, historic preservation, and tree advisory board is established to take action necessary and appropriate to accomplish the purposes of [section 4.13](#) (Historic and cultural resources protection) along with the following duties, which include, but are not limited to:
 - a. Surveying and inventorying historic buildings, areas, and archaeological sites and planning for their preservation;
 - b. Reviewing and making recommendations regarding the designation of historic districts or areas and individual landmarks and landmark sites for placement on the local register;

- c. Reviewing and making recommendations regarding all local property nominations to the National Register of Historic Places, following the regulations of the state historic preservation office;
- d. Holding hearings and making decisions on applications for certificates of appropriateness regarding alterations, demolitions, relocations, and new construction to designated property as set forth in [section 6.6](#);
- e. Recommending incentives to encourage the preservation of historic properties;
- f. Advising and assisting property owners and other persons and groups, including neighborhood organizations interested in historic preservation;
- g. Initiating plans for the preservation and rehabilitation of historic properties;
- h. Recommending historic marker placement;
- i. Investigating, reviewing, and making recommendations regarding current and potential future parks and recreational areas and facilities;
- j. Making written recommendations to the town council with respect to parks and recreational facilities within the town, and consulting with other officials of the town with respect to such matters;
- k. Carrying out the duties of the board, as set out in [section 4.10](#) of this code with respect to review of certain applications for specimen tree removal and landscape plans associated with development permits or development orders; and
- l. Performing any other duties as may be assigned to it by the town council.
 - 1. The cultural services, historic preservation, and tree advisory board shall assist the town manager and his or her staff in preparing applications for grant awards for historic preservation, historic survey activities, tree preservation, and parks and recreation.
 - 2. The geographic area of responsibility for the cultural services, historic preservation, and tree advisory board shall be the boundaries of the town.

E. *Qualifications.* The cultural services, historic preservation, and tree advisory board members shall be composed of qualified electors of the town. Preference shall be given to full-time residents who possess knowledge, skills, and experience from the disciplines of historic preservation, parks and recreation, environmental science, knowledge or interest in trees common to Ponce Inlet and the importance of preservation of such trees where possible, and/or related disciplines.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE		
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:		
CITY	COUNTY	<input type="checkbox"/> CITY	<input type="checkbox"/> COUNTY
		<input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS:	
		<input type="checkbox"/> ELECTIVE	<input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20____:

(a) A measure came or will come before my agency which (check one or more)

inured to my special private gain or loss;
 inured to the special gain or loss of my business associate, _____;
 inured to the special gain or loss of my relative, _____;
 inured to the special gain or loss of _____, by whom I am retained; or
 inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed _____

Signature _____

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.