



**AGENDA
PARKS AND RECREATION ADVISORY COMMITTEE
REGULAR MEETING
NOVEMBER 14, 2023
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - 4.1 October 2023 Regular Meeting Minutes
- 5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA**
- 6. PRESENTATION**
 - 6.1 City Manager Introduction
 - 6.2 Sunshine Laws, Board Roles And Duties (City Attorney Tammi Bach To Present)
 - 6.3 Waterfront Concept Presentation By CRAAB (Community Redevelopment Agency Advisory Board)
- 7. DISCUSSION ITEMS**
- 8. STAFF REPORT**
- 9. BOARD MEMBER COMMENTS**
- 10. ADJOURNMENT**

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at 904-310-3115 or TTY/TDD 711 (for the hearing or speech impaired).

The Parks and Recreation Advisory Committee met for a regular meeting on Tuesday October 10, 2023 at 5pm located in Commission Chambers at City Hall 204 Ash Street. Present were Vice-Chair Cocchi, Chair Camera, Member Mountjoy, Member Norris, Member Borrero, Member Pearlstein, Member Goldman.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4.1 August 2023 Regular Meeting Minutes

Vice-chair Cocchi made a motion to approve the August 2023 regular meeting minutes, second by Member Mountjoy; All Aye.

5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA

No public comments.

6. DISCUSSION ITEM

6.1 Peck Field usage

Catherine Vorrasi, Parks and Recreation Director, discussed the lack of field space for baseball, football, lacrosse, soccer and softball practices and potential solutions, one being usage of the field at Peck. Ms. Vorrasi mentioned better utilizing the field by installing a fence. She said if a field is being used for multiple sports a fence should be considered to keep balls within the field and prevent children from running into the street.

Catherine mentioned this park usage is just a suggestion and that Parks and Recreation wants to do what the community wants. If after hearing from everyone, the committee and the community don't feel this option will work, they can look to other solutions.

PUBLIC COMMENT

1. Robert Blue
2. Rev. Thompson
3. Patricia Thompson
4. Cheryl Albert
5. Herman Raysor
6. Janice Mote
7. Spencer Albert

The committee came to a consensus that there will be no further discussion of a fence at Peck Field.

6.2 Meeting Frequency

Catherine Vorassi presented Committee meeting frequency. The discussion was for the Committee to continue meeting once a month or possibly move to quarterly meetings.

Public Comment

1. Marian Philips
2. Michael Meadows

The motion to continue meeting once per month was 5-1.

7. STAFF COMMENTS

Ms. Vorrasi shared project updates such as the damaged fencing at the skatepark being replaced, she reported that the sport court is done, the ball field's fencing at Central Park is completed, they are currently putting up the fence at the Bosque Bello Cemetery, and the fence at Sunrise Park was replaced.

There are plans for updates to the MLK softball fields and discussion around putting up new fencing or putting in new ball fields first. Beach Access 24 and 29 had new handrails installed and they will be moving forward with beach access 40. There is a partnership with the county to have a new boardwalk installed at Seaside. Ms. Vorrasi mentioned the commission approving the fees. There were no real changes to the fees, just the structure. There is now a month to month, cancel anytime fitness and pool memberships that has gotten great feedback.

The commission did approve the budget and there was approval for 3 new positions for trade workers to help parks. Ms. Vorrasi sees these individuals with craftsman skills helping repair boardwalks that might not need to go out to bid or individuals that are more mechanically inclined. A digital communications specialist position was mentioned as well. They are working on job descriptions now.

Ms. Vorrasi mentioned creating a quarterly program guide that can be mailed out and included on the Parks and Recreation website that lists completed and upcoming projects and city information and important numbers to be used as a city guide.

8. BOARD MEMBER COMMENTS

Chair Camera thanked everyone for attending the meeting and acknowledged the Parks and Recreation maintenance staff for all their efforts on storm cleanup.

9. ADJOURNMENT

Meeting adjourned at 6:10pm

Sunshine Law & Ethics



Overview of Topics

Sunshine Law

- Open Meetings
- Public Records

Ethics Law

- Voting Conflicts
- Gifts/Honoraria
- Misuse of Public Position

Is this
required?

- According to Section 112.3142, Florida Statutes, all elected municipal officers, constitutional officers, and CRA commissioners must complete 4 hours of ethics training each calendar year, to address, at a minimum:
 - Article II, Section 8 of the Florida Constitution
 - The Code of Ethics for Public Officers and Employees
 - Public records and public meetings laws of the state

The Sunshine Law

- Access to public records and meetings is guaranteed in Article I, Section 24 of the Florida Constitution:
- 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.
- 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.

Public Meetings

- Chapter 286.011, Florida Statutes
- All meeting of any boards or committees of any state agency or authority, or of any county, municipality, or political subdivision, are to be open to the public at all times.
- Reasonable notice must be given to the public of all meetings.
- Meeting minutes must be taken and be open to the public.
- This applies to elected or appointed officials who have not yet taken office as well.

What does this mean in practice?



If the meeting is not open to the public, reasonable notice given, and minutes taken, two or more members of a given board or committee may not discuss any matter on which foreseeable action will be taken by that board, council, or commission.



The City must inform the public of all upcoming meetings of the Commission as well as all boards, committees and councils appointed by the Commission that are decision-making or advisory in nature.



Minutes are kept of all meetings and available to the public.

How does the City meet these requirements?

- All meetings of Boards and Committees are publicly noticed on the City's calendar.
- All Board and Committee agendas are published a week in advance on the City's website and posted in various public locations in City facilities. This includes scheduled meetings that are cancelled.
- Meetings are usually held at Commission Chambers to accommodate the public and for consistency. Other City facilities occasionally host meetings as well.
- Meetings are generally audio and video recorded (not a statutory requirement) and livestreamed on the website and via Comcast channel 264
- Meeting minutes are taken and are sent out weekly with the City Manager's report. They are available upon request to the Clerk's office.
- Notices of gathering are published for public events where multiple Commissioners may attend.

Where can I
find this
information?

The City's calendar is at: <http://www.fbfl.us/calendar.aspx>



Calendar

View all calendars is the default. Choose Select a Calendar to view a specific calendar.

Select the arrows on either side of the current month to change the month.

ListWeekMonth

Find a FacilityNotify MePrintSubscribe to iCalendar

Search calendar by:
Start dateEnd dateSearchShow Past EventsSelect a Calendar

March2022

Su	M	Tu	W	Th	F	Sa
27	28	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

Jump To:

Meetings Calendar (14)

Meetings Calendar

Arts & Culture Nassau Regular Meeting
March 7, 2022, 12:00 PM - 1:00 PM
[More Details](#)

Parks and Recreation Advisory Committee Regular Meeting
March 8, 2022, 5:00 PM - 6:00 PM
[More Details](#)

Golf Course Advisory Board
March 9, 2022, 9:00 AM - 10:00 AM
[More Details](#)

Golf Course Advisory Board Regular Meeting
March 9, 2022, 9:00 AM - 10:00 AM
[More Details](#)

Planning Advisory Board Regular Meeting
March 9, 2022, 5:00 PM - 6:00 PM
[More Details](#)

Technical Review Committee Regular Meeting
March 10, 2022, 10:00 AM - 11:00 AM
[More Details](#)

City Boards and Committees

- City Commission
- Community Redevelopment Agency Board
- Airport Advisory Commission
- Arts & Culture Nassau
- Board of Adjustment
- Board of Trustees General Employees Pension Plan
- Board of Trustees Police and Fire Pension Plan
- Charter Review Committee
- Code Enforcement and Appeals Board
- CRA Advisory Board
- Golf Course Advisory Board
- Historic District Council
- Housing Authority
- Marina Advisory Board
- Parks and Recreation Advisory Committee
- Public Educational and Governmental Channel
- Planning Advisory Board
- Technical Review Committee
- Youth Advisory Council
- Various ad hoc committees as appointed by Commission

Frequently Asked Questions

- Can two members of the same public board socialize?
- What does “reasonable notice” mean?
- What are the penalties for violating this statute?

Public Records

- Section 119.01 (1), Florida Statutes: 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.

What constitutes a public record?

- The Florida Supreme Court has determined that public records are all materials made or received by an agency in connection with official business which are used to perpetuate, communicate, or formalize knowledge. This includes:
 - Emails
 - Memos
 - Tapes
 - Films
 - Sound recordings
 - Contracts
 - Reports
 - Meeting minutes
 - Notes
 - Text messages
 - Phone messages
 - Social media posts and messages

Emails

- Emails are public record if it is prepared or received in connection with official City business and if there is no exemption (more on this later).
- Emails from private accounts are subject to public records laws if they have to do with City business.
- Private emails on public computers are not automatically public record, but there is no expectation of privacy for any communication using public computers and email.

Text messages and phone calls

- Voicemail messages (both office and cell phone) and texts are public records if they are made in the course of conducting City business.
- Official City business should not be communicated via text, per City policy.

How does the City keep records?

- The IT department preserves all email messages dating from 2014.
- The Clerk's Office uses several programs to maintain official records and capture social media posts.
- Departments are responsible for maintaining their own records.
- And... yes, there are storage units full of old City records.

Responding to Public Records Requests

- Florida Statute 119.07 states that
 - “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.**”
 - “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.”

JustFOIA

“FOIA” stands for “Freedom of Information Act”, and JustFOIA is the name of the program the City uses to gather requests and release them to requestors.

Last year, the City recorded 1,194 public records requests. As of March 15, 2022, the City received and processed 375 requests.

Requestors can go to the Clerk’s page and submit an electronic request:
<http://www.fbfl.us/70/City-Clerk>

* denotes a required field



City of Fernandina Beach

Public Records Request

204 Ash Street - Fernandina Beach, Florida 32034

Phone: (904) 310-3115 Fax: (904) 310-3454

Pursuant to [Chapter 119 Florida Statutes](#), I hereby request the following currently existing records of the City of Fernandina Beach, Florida.

Requests are not required to be in writing, nor is the requester required to provide their name or an explanation as to why the request is being made. For those who wish to make a written request, you may complete and submit this form or otherwise please contact the City Clerk's Office (904) 310-3119.

The request must be clear enough to enable the City to conduct a meaningful search. The City may ask questions about the request in order to fully respond in a timely manner.

FEES:

Paper Copies

Letter/Legal: Single-sided \$.15 - Double-sided \$.20

11X17 \$.25 - Oversized Copies : Subject to outside services

Certified Copies \$1.00 per copy

Recording Copies

Cassette Tape \$1.00 - CD \$.50 - DVD - \$2.00

Name of Requester

Phone

Email

Optional

###-###-####

john.doe@example.com

Address

City

State

Zip

123 Example Drive

Fernandina Beach

Florida

32034

Description of Request (Be as specific as possible, including name, dates, case numbers, etc, if known.)*

Enter Text

Frequently Asked Questions



What is a “reasonable” time frame?



Can I tell the requestor to file their request with the Clerk’s office?



Can the requestor remain anonymous?



The requestor asked for a list of items – we don’t have one like that, do I make one for them?



This request is really broad. Can I ask to narrow it down?



This will take forever. Can we charge a fee for this?

What is my responsibility as a Board member or City employee?

- You are responsible for maintaining your records while doing City business.
- Board Members: keep your emails, and a folder with your papers relating to City business. If you use social media as part of doing City business, let the Clerk's office know so they can capture that data for the record.
- Employees: keep your files organized and available in case of inspections. Work with the Clerk's office as requests are routed to you.

Open Meetings/ Public Records Questions?

When in doubt, contact the
City Clerk's Office or the City
Attorney's Officer with any
questions.

Quasi-Judicial Review Process

- Zoning, variances, and other land use approvals follow a quasi-judicial procedure instead of a legislative one.
- This applies to the City Commission, Code Enforcement & Appeals Board, Special Magistrate Hearings, Historic District Council, and the Board of Adjustment.
- Quasi-Judicial hearings are used for the City Commission during agenda items dealing with preliminary and final plats, first readings of annexation and zoning ordinances, and variances. Other Board cases include variances, certificates of appropriateness, and alleged violations of City Code.

What's the difference?

Legislative Actions

- Set general policy
- Allows for broad discretion in decision-making
- Appeals result in new hearing where parties present evidence and testimony, decision made using “fairly debatable” standard

Quasi-Judicial Actions

- Implement or apply an adopted policy
- Narrow discretion in decision-making – must be based in competent substantial evidence
- Appeals are based entirely on the record of the quasi-judicial proceeding and whether procedural due process was followed and whether the decision was made on competent, substantial evidence

What is my responsibility as a Board member during quasi-judicial procedures?

- In a quasi-judicial hearing, you are acting in a role similar to a judge in a courtroom.
- Go into the hearing with an open mind.
- You must apply the applicable law to the facts and evidence presented in the hearing.
- The decision you reach should be supported by competent substantial evidence.
- Due process must be followed.
- Ex-parte communications should be avoided.

Competent Substantial Evidence is relevant, material, and reasonable.

Competent Substantial Evidence

- Professional planning staff and Planning Board comments where there are facts in the record to support those opinions.
- Professional expert opinion supported by facts the expert knows or has reviewed.
- Non-professional layperson opinion that is fact-based on issues that are not highly technical or scientific.

NOT Competent Substantial Evidence

- Statements of opinion of public support or opposition.
- Attorney argument unless the attorney establishes on the record additional educational background or employment experience in the field at issue.
- “Expert” testimony from non-staff professionals who do not state their credentials on the record.
- Letters, documented phone calls, emails, or petitions where there can be no cross-examination by the parties.

Due Process

- Due process means following the established rules set up for the enforcement and protection of private rights.
- Quasi-judicial hearings meet basic due process requirements if the parties are:
 - Provided notice
 - Provided an opportunity to be heard
 - Allowed to present evidence and cross-examine witnesses
- Those who testify are required to swear in.

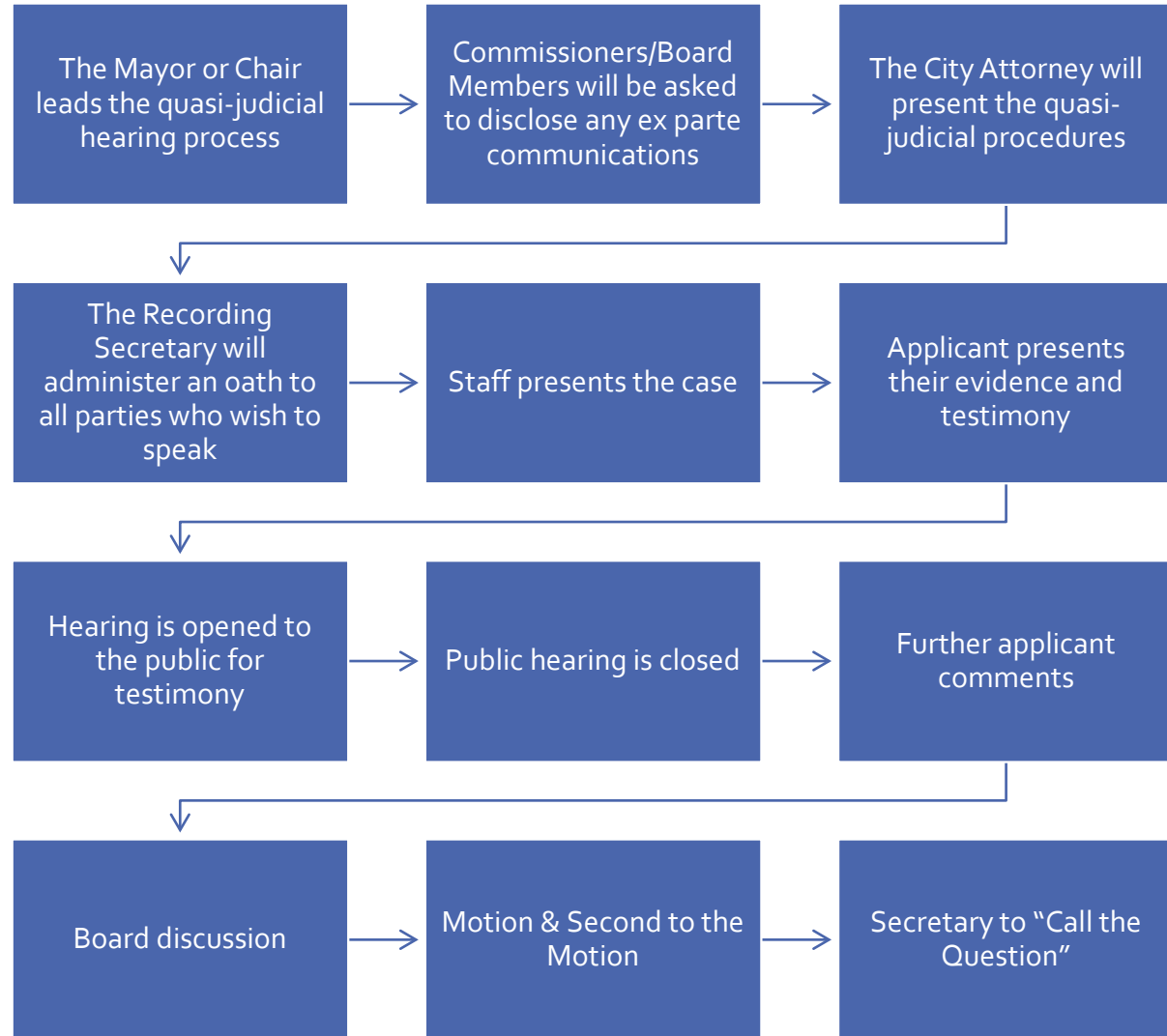
Ex-Parte Communications

- Ex parte communication occurs when a party to a case, or someone involved with a party, talks or writes to or otherwise communicates directly with the judge about issues in the case without the other parties' knowledge.
- When a Board hears a quasi-judicial case, they are acting as the "judge".
- Ex parte communications are outside of the hearing and so, off the record. They include all forms of communications, investigations, site visits, and expert opinions.

Disclosure of Ex-Parte Communications

- Ex-parte communications must be disclosed by the Commission or Board member at the beginning of the hearing. That way, adverse parties are provided the opportunity to respond to any such disclosure to prevent the appearance of impropriety.
- See 286.0115, Florida Statutes

Hearing Process: Establishing the Record



Findings of Fact

- Findings of fact are not legally required to be in writing by the state; however, they are an important part of the hearing record and in some cases, City Code requires them to be in writing.
- During the discussion and deliberation portion of the quasi-judicial hearing, the Board is strongly encouraged to discuss the evidence and testimony presented as it relates to the facts and to the Code of Ordinances and Land Development Code, and base a decision upon those specific, stated, actual findings.
- Findings of fact should be recited in the motion for inclusion in the order.



Questions on Quasi-Judicial Hearings

Ethics

A public office is a public trust.

(Article II, Section 8, Florida Constitution)

Florida Ethics Laws

- In 1968, a revision to the Florida Constitution required a Code of Ethics for all state employees and non-judicial officers.
- In 1976, the Sunshine Amendment provided additional constitutional guarantees and created the Commission on Ethics to investigate complaints.
- The Code of Ethics for Public Officers and Employees is found in Chapter 112 of the Florida Statutes.

Florida Commission on Ethics

- Investigate complaints
- Renders advisory opinions to public officials
- Prescribes forms for disclosure
- Administers the executive branch lobbyist registration and reporting law
- Maintains financial disclosure filings of constitutional officers, state officers, and employees
- May file suit to void contracts
- Makes recommendations to disciplinary officials when appropriate

Ethics Laws Provisions

- There are generally two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public
- These laws apply generally to all public officers and employees, state and local, including members of the advisory bodies. Judges are exempt, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Solicitation and Acceptance of Gifts / Unauthorized Compensation

OVERVIEW OF LAWS RELATING TO "THINGS OF VALUE," GIFTS, AND EXPENDITURES (Sections 112.313(2) and (4), 112.3148, 112.31485, and 112.3215, Florida Statutes)

- Sections 112.313(2) and 112.313(4), Florida Statutes, prohibit solicitation and acceptance of gifts in certain situations and apply to ***all*** public officers and employees. Section 112.313(2) prohibits officials from soliciting or accepting *anything* of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the official's action would be influenced. Section 112.313(4) prohibits the official *or his or her spouse or minor child* from accepting anything of value when the official knows, or with the exercise of reasonable care should know, that it was given to influence the official.

Solicitation and Acceptance of Gifts / Unauthorized Compensation

- **EXPENDITURE BAN**
- Section 112.3215, Florida Statutes, prohibits officials, members, or employees of the State Executive Branch who are required by law to file full or limited public disclosure of financial interests from accepting *any* expenditure* from a lobbyist or a lobbyist's principal. Lobbyists and their principals are prohibited from making such expenditures. Legislative members and employees should refer to Section 11.045, Florida Statutes, which contains a similar restriction.
- If the gift or thing of value is not prohibited by any of the above laws, then the following laws apply:

Solicitation and Acceptance of Gifts / Unauthorized Compensation

- **PROHIBITIONS ON GIFTS FROM POLITICAL COMMITTEES**

- Pursuant to Section 112.31485, Florida Statutes, reporting individuals and procurement employees and their parents, spouses, children, and siblings are prohibited from soliciting or knowingly accepting, directly or indirectly, any gift from a political committee, and a political committee is prohibited from giving, directly or indirectly, any gift to a reporting individual or procurement employee or his or her parent, spouse, child, or sibling. "Gift" is defined—*for purposes of this law only*—as "any purchase, payment, distribution, loan, advance, transfer of funds, or disbursement of money or anything of value that is not primarily related to contributions, expenditures, or other political activities authorized pursuant to chapter 106."

Solicitation and Acceptance of Gifts / Unauthorized Compensation

- **GIFT SOLICITATION PROHIBITIONS**

- Persons required to file financial disclosure Form 1 or Form 6, including candidates, and State procurement employees are prohibited from soliciting any gift from a political committee, lobbyist** of their agency, or from a partner, firm, employer, or principal of such a lobbyist*, or from a vendor of their agency.

- **GIFT ACCEPTANCE PROHIBITIONS**

- Individuals, including candidates, required to file disclosure Form 1 or Form 6 and State procurement employees are prohibited from directly or indirectly accepting a gift worth more than \$100 from a lobbyist*, from a partner, firm, employer, or principal of the lobbyist*, or from a political committee or vendor. However, a gift may be accepted by a person on behalf of a governmental entity or charitable organization, provided the gift is promptly transferred to the intended entity or organization.

Solicitation and Acceptance of Gifts / Unauthorized Compensation

GIFT GIVING PROHIBITIONS

- Lobbyists, and their firms, partners, employers and principals, and political committees and vendors are prohibited from giving gifts valued at over \$100 to any person required to file Form 1 or Form 6 financial disclosure and to any State procurement employee or to others on behalf of the above.

GIFTS OVER \$25 AND NOT EXCEEDING \$100

- Persons required to file financial disclosure Form 1 or Form 6, including candidates for office and State procurement employees may accept a gift valued at more than \$25 but not exceeding \$100 from a lobbyist*, the firm, partner, employer or principal of a lobbyist, or a political committee or vendor. However, any of these persons or entities who gives a gift valued at over \$25 but not exceeding \$100 to a covered reporting individual or State procurement employee must report the gift on Commission on Ethics Form 30 by the last day of the calendar quarter for gifts given in the preceding quarter. Additionally, the donor must notify the recipient at the time a reportable gift is made that the gift will be disclosed as required above.

Solicitation and Acceptance of Gifts / Unauthorized Compensation

GIFTS FROM GOVERNMENT AGENCIES and DIRECT-SUPPORT ORGANIZATIONS

- State government entities, water management districts created pursuant to Section 373.069, Florida Statutes, the South Florida Regional Transportation Authority, the Technological Research and Development Authority, counties, municipalities, school boards, and airport authorities which lobby governmental entities may give a gift worth more than \$100 to a person required to file financial disclosure and to a State procurement employee if a public purpose can be shown for the gift.
- Also, a direct-support organization for a governmental entity may give such a gift to a person who is an officer or employee of that entity. The governmental entity or direct-support organization giving such gift must provide the recipient with a statement describing the gift, the date it was given, and its value no later than March 1 of the following year. The reporting individual/recipient then must disclose this information on Commission on Ethics Form 10, which is to be filed by July 1 with his or her annual financial disclosure.

Solicitation and Acceptance of Gifts / Unauthorized Compensation

DEFINITION OF "GIFT"

- "Gift" means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit, and for which equal or greater consideration is not given within 90 days of the receipt of the gift.
- "Gift" includes real property or the use thereof; tangible or intangible personal property or the use thereof; a preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation (unless provided by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; dues, fees, and tickets; plants and flowers; personal services for which a fee is normally charged by the provider; and any other thing or service having an attributable value.
- "Gift" does not include salary, benefits, services, fees, gifts, commissions, or expenses associated primarily with one's employment, business, or service as an officer or director of a corporation or organization; campaign contributions or expenditures pursuant to the election laws; an honorarium or honorarium expense; an award, plaque, certificate, etc., given in recognition of public, civic, charitable, or professional service; honorary membership in a service or fraternal organization; the use of a public facility or public property made available by a governmental agency for a public purpose; and transportation provided by an agency in relation to officially approved governmental business.
- Also exempted are some gifts from organizations which promote the exchange of ideas between, or the professional development of, governmental officials and employees and whose membership is primarily composed of elected or appointed public officials or staff, if the gift is to a member of the organization.

Solicitation and Acceptance of Gifts / Unauthorized Compensation

QUARTERLY GIFT DISCLOSURE BY REPORTING INDIVIDUALS

- All persons required to file financial disclosure and State procurement employees and who receive a gift which is not prohibited and which is worth more than \$100 must file a Form 9, Quarterly Gift Disclosure, with the Commission on Ethics no later than the last day of a calendar quarter following the quarter in which the gift

Misuse and Abuse of Public Position

- Public officers and employees and local government attorneys are prohibited from corruptly using or attempting to use their official positions or resources thereof to obtain a special privilege or benefit for themselves or others.
- Public officers and employees are prohibited from abusing their public positions in order to obtain a disproportionate benefit for themselves or certain others.

Disclosure or Use of Certain Information

- Public officers and employees are prohibited from abusing their public positions in order to obtain a disproportionate benefit for themselves or certain others.

Solicitation or Acceptance of Honoraria

- Persons required to file financial disclosure Forms 1 or 6 are prohibited from soliciting honoraria related to their public offices or duties.
- Persons required to file Forms 1 or 6 are prohibited from knowingly accepting honorarium from a political committee or lobbyist. However, they may accept the payment of expenses related to an honorarium event, provided that the expenses are disclosed.

Doing Business with One's Agency

- A public employee acting as a purchasing agent or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for their agency from a business entity in which the officer, their spouse, or child owns more than a 5% interest.
- A public officer or employee, acting in a private capacity, is also prohibited from renting, leasing, or selling any realty, goods, or services to their own agency or political subdivision.

Conflicting Employment or Contractual Relationship

- A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with their public agency.
- A public officer or employee is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or which will impede the full and faithful discharge of the official's public duties.

Exemptions to conflicting employment/ business dealings

- When a business is rotated among all qualified suppliers in a city or county
- When the business is awarded by sealed, competitive bidding and the official has not attempted to persuade the agency to enter into the contract (note: appropriate disclosure must be filed at the time of bid submission)
- When the purchase is for legal advertising, utilities service, or passage on a common carrier
- Emergency purchases
- Sole source with appropriate disclosure
- When the aggregate of the transactions does not exceed \$500 in a calendar year
- For Advisory Board members only – when the prohibitions are waived by a 2/3 vote of the appointing body (and disclosure)
- When employed by a tax-exempt agency so long as the officer is not directly or indirectly compensated and the officer is not involved in the decision to enter into the contract and abstains from voting on any matter involving the employee (and disclosure)

Lobbying, Dual Office- Holding, Prohibited Employment

- A member of the legislature is prohibited from representing another person or entity for compensation during their term before any state agency.
- A public employee is prohibited from being a member of the governing body which serves as their employer.
- Officers of a state, county, or regional professional or occupational organization or association, while holding that position, may not serve as a member of a state examining or licensing board for the profession or occupation.
- Local government attorneys and their law firms are prohibited from representing private individuals and entities before the unit of local government which they serve
- Candidates and elected officers are prohibited from accepting public employment if they know it is being offered for the purpose of influence, if the position was not previously in existence. Promotions for those holding public employment may not be given.

Voting Conflicts

- No county, municipal, or other local public officer may vote in an official capacity upon any measure which would inure to their special private gain or loss, or that of a relative or business associate.
- The officer must publicly announce the nature of their interest before the vote and file a memorandum of voting conflict.

Restrictions on Appointing, Employing, and Contracting with Relatives

- A public official is prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the agency they are serving.
- This prohibition does not apply to school districts, community colleges and state universities, and small municipalities (less than 35,000 residents).

Financial Disclosures: Form 1

- You must fill out a Form 1 if you are a:
 - State officer, local officer, or candidate for local office
 - Specified state employee
 - Code enforcement board member
 - Member of a planning or zoning board or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision
 - On pension or retirement boards
 - City manager, finance director, chief building inspector, chief of police, fire chief, municipal clerk, purchasing agent

Form 1: Disclosure & Filing

- What must be disclosed:
 - Sources and types of financial interests
 - Names of employers
 - Property holdings
 - Ownership interests in certain businesses like utilities and banks
 - No dollar values are required to be listed
- Candidates must file at the time they file their qualifying papers; all others must file by July 1 of each year.
- The form is filed with the Supervisor of Elections

Financial Disclosure: Form 6

- You must fill out a Form 6 if you are:
 - An elected constitutional officer or candidate for such office
 - Mayor or City Council member in Jacksonville
 - Duval County Superintendent of Schools
 - Transportation authority member
- Form 6 is a detailed disclosure of assets and liabilities and their values, including total net worth. You can opt to file your most recent tax return in lieu of sources of income.
- Form 6 is filed electronically through the Commission on Ethics

Penalties for Violations of the Code of Ethics

- Impeachment, removal from office or employment, suspension
- Public censure, reprimand, demotion, reduction or forfeiture of salary level
- Civil penalty up to \$10,000
- Restitution of any pecuniary benefits received, and triple the value of a gift from a political committee
- Candidates may be disqualified from ballot

Other Penalties

- If you fail to file a Form 1 or Form 6, a \$25 per day penalty is assessed (up to \$1,500)
- Public officers and employees are subject to forfeiture of all rights and benefits of pension if convicted of embezzlement, theft of public funds, bribery, impeachable offenses, and felonies committed with intent to defraud the public.

Filing Complaints

- The Commission on Ethics can only conduct investigations of alleged violations of a person files a sworn complaint. They may not take action through newspaper reports, telephone calls, or letters. They do accept referrals from the Governor, FDLE, or a State or U.S. Attorney.
- The complaint, proceedings and records, are confidential until the accused requests the records become public or the matter reaches a stage in the Commission's proceedings where it becomes public.
- Once a complaint is filed, it goes through three procedural stages: determination of legal sufficiency, preliminary investigation and decision on probable cause to believe there is a violation; and a hearing and decision on whether there was a violation and what penalty to assess.

Complaints

- The Commission can dismiss a complaint at any point in the proceedings; records generally become public upon dismissal.
- All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation or other breach of the public trust. Time is measured from one day after the alleged violation.

Ethics Commission Advisory Opinions

- The Commission on Ethics offers advisory assistance to help avoid conflicts of interest
- Any public officer, candidate, or public employee in Florida may seek an advisory opinion about the applicability of the standards of conduct or disclosure rules to themselves or their employee.
- Opinions are requested by letter presenting a real situation, including a detailed description.
- Opinions issued by the Commission are binding on the conduct of the person who is the subject.
- All opinions are available for viewing online, though some may have names redacted due to confidentiality procedures.

Questions on Ethics



What do you think?

- QUESTION 1: Would a county commissioner have a prohibited conflict of interest under the Code of Ethics were he to accept employment with the county as county surveyor for no compensation?
- QUESTION 2: Would a county commissioner have a prohibited conflict of interest under the Code of Ethics were he to perform the duties of county surveyor as an outside contractor for no compensation?
- QUESTION 3: Would a county commissioner be presented with a voting conflict under Section 112.3143(3)(a), Florida Statutes, were he to vote on a proposition to create the County Surveyor position, whether the position is created as an employee or an outside contractor?

Commission's Advisory Opinion 21-4

- Yes. A prohibited conflict of interest would be created under Section 112.313(7)(a), Florida Statutes, were a county commissioner to serve simultaneously as the county's surveyor, regardless of whether he is hired as a county employee or as an independent contractor, and regardless of whether he accepts compensation for his services. Were the county commission to vote on creating the position, the county commissioner would not have a voting conflict under Section 112.3143, Florida Statutes, considering that he would be prohibited from serving in the position while still a commissioner. However, if he intends to apply for the position in the future, after his tenure on the commission ends, it is recommended that he abstain from the vote pursuant to Section 286.012, Florida Statutes, to avoid any appearance of impropriety.

What do you
think?

- Is a prohibited conflict of interest created where a member of the City Council enters into a contract with the City for usage of the City recreation center to host karate classes?

Commission's Advisory Opinion 21-6

- **No.** Under the particular facts presented, Section 112.316, Florida Statutes, will negate a conflict of interest under Section 112.313(7)(a), Florida Statutes, were a member of a City Council to enter into a contract with the City for usage of the City recreation center to host karate classes. No conflict is found under Section 112.313(3), Florida Statutes. Based on the facts presented, **it does not appear you are acting in an official capacity to purchase karate instruction for the City and you are not acting in a private capacity to sell karate instruction to the City.** Therefore, Section 112.313(3) does not apply to pose any prohibited conflict of interest.

What do you think?

- Would a prohibited conflict of interest be created were you, a county commissioner, to own a hardware store which sells goods to the county?

Commission's Advisory Opinion 20-6

- **Yes.** A prohibited conflict of interest would be created under Sections 112.313(3) and 112.313(7)(a), Florida Statutes, were a hardware store owned by a county commissioner to sell goods to the county. **However, if the county purchases goods from the commissioner's hardware store on a rotating basis from all qualified suppliers in the county, the exemption provided in Section 112.313(12)(a), Florida Statutes, would apply** and the transaction(s) would not be prohibited.

What do you think?

- **QUESTION 1:** Would tickets to events held by non-profit or for-profit entities, paid for by the City via a sponsorship contribution, and given by the City to public officers and employees who file financial disclosure be considered gifts?
- **QUESTION 2:** Would tickets or admissions to VIP events or to early performances not otherwise available to the public and given to public officers and employees who file financial disclosure be considered gifts?
- **QUESTION 3:** Would tickets to fundraising events hosted and sponsored by non-profits that receive funding from the City and given to public officers and employees who file financial disclosure be considered gifts?
- **QUESTION 4:** How would tickets or admissions to an event hosted by a non-profit entity be valued, where the City has purchased a sponsorship for the event, a portion of which was identified as tax deductible, and thereafter received a sponsorship benefits package including radio and print advertising recognizing the City as a sponsor of the event, as well as several tickets or, alternatively, access to a table at the event?

Commission's Advisory Opinion 19-17

- For purposes of Section 112.3148, Florida Statutes, **a city official or employee who files financial disclosure (a reporting individual) has received a "gift" from the city when they accept complimentary tickets to events sponsored in part by the city and hosted by for-profit or non-profit entities.** As the gift involves a ticket(s), its valuation is controlled by Section 112.3148(7), Florida Statutes, and Rule 34-13.500, Florida Administrative Code. As there is no indication that the tickets are an indirect gift from a lobbyist or from a partner, firm, employer, or principal of a lobbyist who lobbies the city or a vendor of the city for purposes of Section 112.3148(4), Florida Statutes, **the city officials and city employees may accept the ticket(s), but where the combined face value of the tickets accepted by a reporting individual exceeds \$100, the reporting individual must disclose them** pursuant to Section 112.3148(8), Florida Statutes. Further, **tickets or admissions to VIP events or to early performances not otherwise available to the public and given to public officers and employees who file financial disclosure would be considered gifts.** Also, where a reporting individual receives complimentary tickets to fundraising events held by non-profit entities that receive funding from the city, the ticket(s) would constitute an indirect gift from the non-profit, which could be accepted provided that the non-profit is not a lobbyist or the partner, firm, employer, or principal of a lobbyist who lobbies the city or a vendor of the city, but the tickets must be disclosed quarterly on a CE Form 9. Further, pursuant to Section 112.3148(7)(h), Florida Statutes, and Rule 34-13.500(5)(d), Florida Administrative Code, **the value of a ticket to a charitable fundraising event is the face value of the ticket or if no face value was provided the published cost of admission to persons with similar tickets.**

What do you
think?

- Would a city councilmember be in violation of Section 112.3135, Florida Statutes, were the city council to approve an appropriation to the city manager's budget and direct the city manager to use the appropriation to increase the salary of the city clerk, who is the councilmember's wife?

Commission Advisory Opinion 19-24

- **No.** A city councilmember will not transgress Section 112.3135(2)(a), Florida Statutes, the State's anti-nepotism law, were the city council to approve a budgetary appropriation and direct it be used to increase the salary of the city clerk, a position held by his wife, **so long as the pay increase will not exceed the salary range authorized for that position.**

What do you think?

- **QUESTION 1:** Do donations given to a nonprofit organization where a municipal police chief serves as an uncompensated director—including donations from police department lobbyists, the partners, firms, employers, or principals of such lobbyists, and police department vendors—constitute "indirect gifts" to the police chief under Section 112.3148(4), Florida Statutes, when they are used to make charitable contributions to local families, individuals, and community organizations?
- **QUESTION 2:** Do donations given to a nonprofit organization where a municipal police chief serves as an uncompensated director—including donations from prohibited sources—constitute "indirect gifts" to the police chief under Section 112.3148(4) when they are used to purchase equipment and gear for the police department?
- **QUESTION 3:** Would the police chief misuse his public position contrary to Section 112.313(6), Florida Statutes, were he to wear his police uniform or identify his title with the police department while fundraising for the nonprofit?
- **QUESTION 4:** Would the police chief have a prohibited conflict of interest under Section 112.313(7)(a), Florida Statutes, if the nonprofit donates equipment and gear to the city's police department?

Commission Advisory Opinion 19-13

- Under the circumstances presented, where a municipal police chief serves as an uncompensated director and engages in fundraising activities for a nonprofit organization, and where the nonprofit uses donations to make charitable contributions to local families, individuals, and community organizations, **the donations will not constitute "indirect gifts" to the police chief** under Section 112.3148, Florida Statutes. However, if the nonprofit uses **the donations to purchase equipment or gear for the police department, and were the police chief to use that equipment or gear, the donations would be considered "indirect gifts" to him.** If the police chief engages in fundraising on the nonprofit's behalf, no provision in the Code of Ethics prohibits him from wearing his uniform or identifying his public position, so long as he obtains permission and remains in compliance with local ordinances governing such conduct. And since the police chief does not intend to have employment or a contractual relationship with the nonprofit, his affiliation with the nonprofit will not trigger the prohibitions found in Section 112.313(7)(a), Florida Statutes.

What do you
think?

- Would a member of a city council be presented with a voting conflict under Section 112.3143(3)(a), Florida Statutes, regarding measures concerning changes to the city's land development regulations relating to the city center zoning district wherein she and her spouse own property?

Commission Advisory Opinion 18-14

- No. A member of a city council is not presented with a voting conflict requiring her abstention and compliance with Section 112.3143(3)(a), Florida Statutes, regarding measures concerning changes to the city's land development regulations relating to the city center zoning district wherein herself and her spouse own property. **Under these circumstances, the size of the class of affected properties is sufficiently large such that any gain or loss to the council member and/or her spouse is not "special."**

Case Study: Commission on Ethics Opinion 23-2

- Statute at issue: **SECTION 112.313(7)(A) FLORIDA STATUTES**

“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 . . . ; 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.”

Case Study: Commission on Ethics Opinion 23-2

- **QUESTION #1 - PROHIBITED CONFLICT OF INTEREST**

Will a member of the West Villages Improvement District Board of Supervisors have a prohibited conflict of interest if he maintains a membership in the nonprofit corporation functioning as the homeowners' association for a community within the District, serves as an officer on that nonprofit corporation, and serves as the designated corporate representative of the nonprofit corporation in a lawsuit against the District?

Case Study: Commission on Ethics Opinion 23-2

- **QUESTION #1 - ANALYSIS**

- There are two prohibitions in Section 112.313(7)(a).
 - The first prohibition of this statute proscribes a public officer from having any contractual relationship with a business entity or an agency that is regulated by or is doing business with his or her agency.
 - The second prohibition of this statute proscribes a public officer from having a contractual relationship that would create a continuing or frequently recurring conflict of interest or would create an impediment to the full and faithful discharge of his or her public duties. This requires an examination of the public officer's duties and a review of his or her private employment or contractual relationship "to determine whether the two are compatible, separate and distinct or whether they coincide to create a situation which tempts dishonor." Zerweck v. State Commission on Ethics, 409 So. 2d 57, 61 (Fla. 4th DCA 1982)

Case Study: Commission on Ethics Opinion 23-2

QUESTION #1 – ANSWER – PROHIBITED CONFLICT OF INTEREST

- “Rank and file” membership in a nonprofit corporation (here an HOA) is a contractual relationship between the public officer and corporation
- A corporation is doing business with a public agency where the corporation and agency have a lease or contract (here HOA has a contract with public agency for irrigation water)
- Having a lawsuit between a corporation and public agency does not in itself constitute “doing business” with a public agency (HOA is suing public agency related to the irrigation contract with public agency)
- **YES, THE MEMBER OF DISTRICT BOARD HAS A CONFLICT OF INTEREST BECAUSE OF THE IRRIGATION WATER CONTRACT**
- **BUT, WAIT; SECTION 112.313(12)(C) PROVIDES AN EXCEPTION FOR UTILITIES SERVICE TO NEGATE THIS TYPE OF CONFLICT OF INTEREST**
- **BUT, WAIT AGAIN; SECTION 112.316 PROVIDES A LESS PERMANENT EXCEPTION THAT “GRANDFATHERS” A CONTRACT EXISTING PRIOR TO THE PUBLIC OFFICER’S ELECTION OR APPOINTMENT TO PUBLIC AGENCY BOARD, IF THE CONTRACT IS AMENDED AFTER THE PUBLIC OFFICER TAKES OFFICE, THE EXCEPTION**
- Whether a public officers’ private contractual relationships coincides with public duties to create a situation(s) that tempts dishonor is a fact-specific analysis. In prior opinions from the Florida Commission on Ethics, they have found that membership in a corporation does create a contractual relationship with the corporation for the public officer, just membership is not enough to create a frequent occurring or continuing conflict under the second part of Sec. 112.313(7)(a); however, when the membership in the corporation is coupled with additional incentive to compromise one’s public duties, serving as an officer, director or corporate representative in litigation, **it is a prohibited conflict of interest and violation of Sec. 112. 313(7)(a) and the public officer should resign from being an officer of the corporation (can still be a member), and the public officer should not be the corporate representative for the corporation in the lawsuit against the public agency.**

Case Study: Commission on Ethics Opinion 23-2

- Statute at issue: **SECTION 112.3143(3)(A) FLORIDA STATUTES**

“No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporation parent by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would insure to the special private gain or loss of a relative or business associate of the public officer.

Case Study: Commission on Ethics Opinion 23-2

QUESTION #2 – VOTING CONFLICT

- Can the appointed member of the District Board vote on a matter concerning the litigation between the District and the HOA?

Case Study: Commission on Ethics Opinion 23-2

QUESTION #2 – ANALYSIS & ANSWER

- The statute prohibits the District Board member from voting on any measure that will inure to his special private gain or loss, or special private gain or loss of a principal by whom he is retained, a relative or business associate
- Nothing here suggests the HOA is a principal (boss) of the public officer because the public officer is not compensated by the HOA, and not business associate or relative is included in these facts, so the analysis is just whether the public officer's vote would create a special private gain or loss for the public officer himself
- The Commission on Ethics further analyzes the size of the class of people affected by a vote, and if sufficiently large (determined by prior Commission on Ethics opinions), a public officer's proportional interest in the class is sufficiently small, a public officer's gain or loss is not "special" in violation of the statute
- **A vote by the public officer on a matter related to the litigation may create a gain or loss by the public officer, but he is just one member of the HOA which has 1,935 residential units and members that would be affected by the outcome of the litigation, so a voting conflict is not created because the gain or loss to the public officer is not "special" due to the size of the class affected**

PARKING Plan - Lots C&D

DRAFT

Revised:

9/16/23

9/25/23

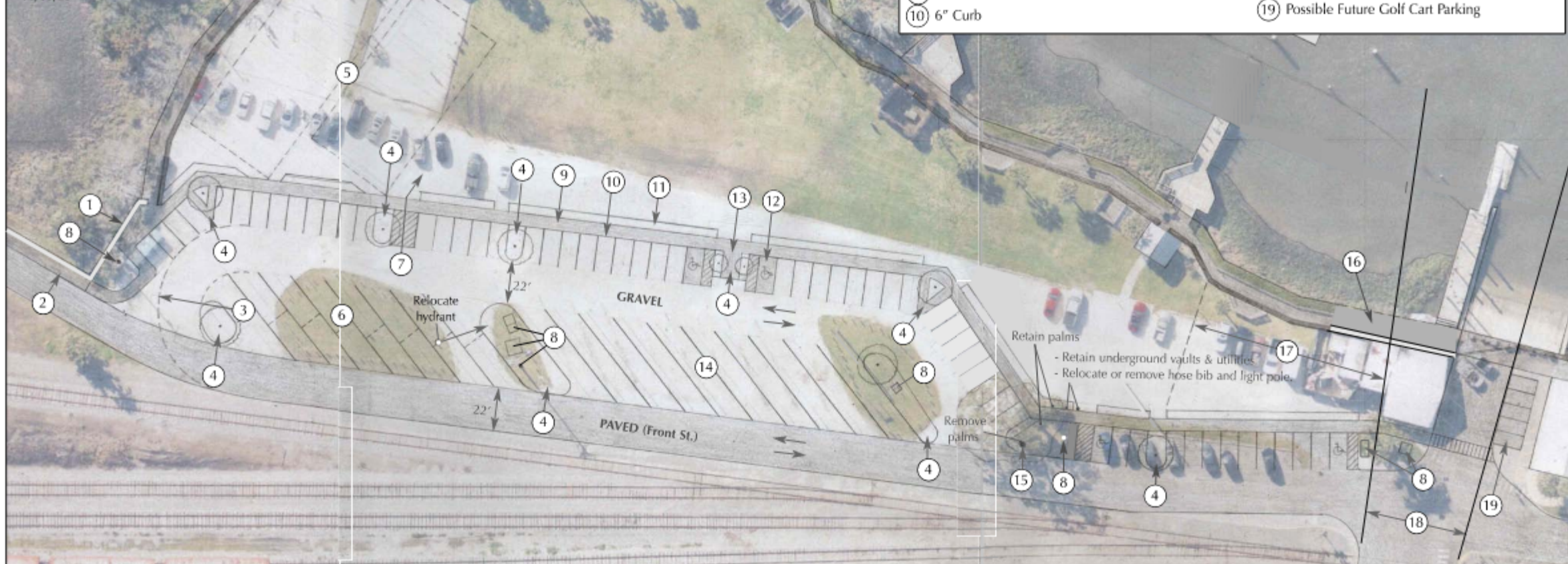
10/13/23

Notes:

- Parking space size: 9' x 18'
- ADA spaces conform to U.S. Dept. of Justice standards.
- Parking spaces delineated with painted curb striping.
- Bike rack locations to be determined

- 1 New Floodwall section connects to wall to Rayonier
- 2 Future Sidewalk?
- 3 Turnaround radius: 42'
- 4 Curbed and Landscaped Parking Lot Islands
- 5 Petanque Courts
- 6 Flex Parking (autos, buses, boat trailers)
- 7 Vehicle Access (park maintenance, event setup, etc.)
- 8 Existing Utilities
- 9 6' 0" Sidewalk
- 10 6" Curb

- 11 4' 0" Median on west side of sidewalk for Trees, Utilities, Street Lights
- 12 ADA Parking Spaces: 4 req'd., 5 provided
- 13 Landscaped Main Park Entrance
- 14 Dedicated Boat Trailer Parking
- 15 Existing Live Oak Tree
- 16 Completed Floodwall and Riverwalk
- 17 Park Amenities OR Future Commercial
- 18 Ash St. View Corridor
- 19 Possible Future Golf Cart Parking



NUMBER of Parking Spaces:

Auto: 74 code compliant spaces (same as previous maximum in 2019)
Boat Trailer: 10 (same as existing) + potentially 8 additional in flex parking area
Golf Cart: 5

FEATURES:

- No loss of designated parking spaces from previous maximum.
- Expands useable public green space by **27%**
- Allows for 74 temporary Petanque tournament courts.

Amelia River



Lot C & D Waterfront Open Space Elements

Recommended by the CRA Advisory Board on November 1, 2023

- Bandshell/Multi-Use Pavilion with Stage
- Sidewalks for Connectivity
- Restrooms
- Simple, Non-Traditional Playground Area
- Shade

PARK Plan - Lots C&D

DRAFT

- | | |
|--|--|
| 1 Petanque Courts w/ high canopy Palms for shade | 8 Public Art |
| 2 Overlook | 9 Children's Play Area |
| 3 Tree Shaded Loop Walkway | 10 Restroom |
| 4 Lawn | 11 Pollinator Garden |
| 5 Multi-purpose Pavilion w/ Performance Stage | 12 Pine Tree Grove w/ Group Picnic Table |
| 6 Tree Shaded Seating Area | 13 Retired Shrimp Boat and Dock |
| 7 Picnic & Wedding Pavilion | 14 Historic Timeline Plaques (floodwall mounted) |

